

Government of the District of Columbia



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**MEMORANDUM**

TO: Karla Lewis, Chairperson ANC 5E  
Kirby Vining, Treasurer ANC 5E  
FR: Denise Wiktor, General Counsel  
DT: 3/7/2024  
RE: Bloomingdale Community Day grant request.

The OANC has received a copy of a grant request from the Crispus Attucks Development Corporation to funding the Bloomingdale Community Day. I have reviewed the application and found the to be a permissive use of ANC funding if a correction is made to what is believed to be an error in the application in the overhead section.

There are five prongs a grant must meet to be a permissible expense<sup>1</sup> and a 6<sup>th</sup> requirement of the code that limits the amount of a grant that can be spent on overhead<sup>2</sup>. They are:

1. **Public Purpose:** ANC grants must be for “public purposes within the Commission area.”<sup>3</sup> A public purpose is one “that benefits the community as a whole and is not done for the primary purpose of benefitting a private entity.”<sup>4</sup> The event is for a community day that is free and accessible to all members of the ANC. It will bring people together from across the ANC for music, activities, and information tables. Food will be available for purchase, though no grant funds will be used for food.
2. **Local Benefit:** A grant must “benefit persons who work or reside in the Commission area.”<sup>5</sup> This does not mean the grant may only benefit Commission residents; it simply means the grant’s benefits should be focused on those residents.<sup>6</sup>

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<sup>1</sup> See, *Letter to Schanette Grant on Seasoned Settlers and Grants Generally*, April 14, 2022, found at <https://oag.dc.gov/sites/default/files/2022-04/Letter-to-OANC-Re-Seasoned-Settlers-Grant-and-Grants-Generally-.pdf>

<sup>2</sup> D.C. Official Code 1-309.13(m)(2)(D) “No Commission shall provide a grant for which the grantee estimates that the overhead costs would exceed 15% of the entire grant amount.”

<sup>3</sup> D.C. Official Code § 1-309.13(l)(1).

<sup>4</sup> *Id.*

<sup>5</sup> D.C. Official Code § 1-309.13(m)(1)

<sup>6</sup> See *Letter to Deborah K. Nichols*, Nov. 9, 2006, at 2 n.2 found at [Letter-to-Deborah-Nichols-Re-Whether-an-ANC-may-approve-a-grant-to-commission-plans-and-drawings-.pdf](#) (ANC 4C grant was permissible where “[b]enefit to other ANCs would be incidental to the benefit conferred on ANC 4C residents,” because a grant’s benefits need not “be exclusive to the ANC that gives the grant funds”); see *Letter to Comm’r Fletcher*, Mar. 15, 2022, at 2, available at <https://oag.dc.gov/sites/default/files/2022-03/ANC-7E-Letter-to-Commissioner-Fletcher-RePublic-Purposes-Within-the-Commission-Area-.pdf> making the same point with respect to the public-purpose requirement).

Crispus Attucks Park, where the event will be located is in the middle of ANC 5E. While the event will be reasonable accessible to other ANCs the primary beneficiaries will be the residents and businesses of ANC 5E.

3. **Proposed Project.** A grant must be for a proposed project.<sup>7</sup> Bloomingdale Community Day is a discrete project that has not occurred nor is ongoing in nature.
4. **Organization.** A grant must be to an “organization,” not an individual or a government entity,<sup>8</sup> although the organization need not be incorporated.<sup>9</sup> The grantee is a 501(c)(3) organization.
5. **Non-Duplication.** A grant cannot duplicate any services offered by the D.C. government.<sup>10</sup> The D.C. government does not offer a service like this or similar to it.
6. **Overhead.** Overhead cannot exceed 15% of the grant amount. The current application shows the total expense of the event and the overhead to be the same. A common error by applicants to conflate the expenses of putting on the event with overhead. Overhead in the circumstance. As the application notes, overhead is the indirect costs of putting on the event, such as the cost of employee time for organizing the event or supplies that contribute to the operation of the organization. The OANC is reasonably certain that the overhead is overstated, however the application should be corrected before the ANC vote.

## Conclusion

For the reasons stated above this grant is a permissible expenditure of ANC funds, if the applicant can make the needed change to the application.

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<sup>7</sup>D.C. Official Code § 1-309.13(m)(2)(A)

<sup>8</sup> D.C. Official Code § 1-309.13(m)(1); see also *Letter to Deborah K. Nichols*, Jan. 14, 2010, at 4, available at <https://oag.dc.gov/sites/default/files/2018-02/ANC-January-14-2010-Guidelines-for-Use-of-ANC-Funds.pdf>

<sup>9</sup> See *Letter to Deborah K. Nichols*, Aug., 4, 2000 at 3, available at <https://oag.dc.gov/sites/default/files/201802/ANC-August-4-2000-Grants-by-ANCs-Public-Purpose-and-Corporate-Status-of-Recipients.pdf> (“The plain meaning of the term ‘organization’ includes unincorporated associations”).

<sup>10</sup> D.C. Official Code § 1-309.13(m)(1). The ANC Act does not apply this same restriction to non-grant expenditures. See *id.* § 1-309.13(l).