

Government of the District of Columbia



Office of Advisory Neighborhood Commissions
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MEMORANDUM

TO: Denise Wiktor February 9, 2024
FROM: Kathy S. Williams
SUBJECT: ANC 4A Grant to National Links Trust (re: grazing goats)

You asked me to review the ANC 4A grant to National Links Trust (the Trust) for a free Community event for ANC residents and employees at Rock Creek Park Golf Course. It seeks to welcome ANC 4A residents and employees as well as the larger Washington, DC region to see “goats in action” hired by the Trust “to support ongoing efforts to mitigate the invasive vegetation that inhabits pockets of forested areas within the boundaries of Rock Creek Park Golf Course and restore those areas through the planting of native vegetation.” Continuing, the Trust’s “current mitigation activities are led by a partnership with the National Park Service Weed Warriors to utilize volunteers on a weekly basis to remove invasive species” and “these efforts are not sufficient enough to mitigate the current inventory[.]” As a result, the “project proposes the use of funds to supplement the hiring of a herd of goats to consume one acre of invasive vegetation in coordination with the planning and execution of the free community.”

As you know, Advisory Neighborhood Commission (ANC) 4A -- like all ANCs -- is narrowly restricted by DC Council mandated statutory provisions in its consideration and issuance of grants. See DC Official Code sections 1-207.38 and 1-309.13(m). Accordingly, six (6) conditions for ANC grants must be met.

DISCUSSION

First, the grant must be for "public purposes within the Commissioner area." The public purpose must be one “that benefits the community as a whole and is not done for the primary purpose of benefitting a private entity.” In other words, the District of Columbia “public” must be the grant’s primary beneficiary. For example, “an ANC could not grant money for a project that would involve conduct on federal lands not otherwise permitted by the relevant federal authority[.]” *Letter to Stephen A. Whatley*, October 12, 2012.” <https://oag.dc.gov/sites/default/files/2022-07/ANC-4A-Letter-to-Commissioner-Whatley-Re-Potential-ANC-4A-Grant-to-Potomac-Appalachian-Trail-Club-.pdf>

The project requires the use of the grant funds to assist, among other things, in an event that will occur on the Rock Creek Park Golf Course (the Golf Course), which is wholly within ANC 4A. Yet, the Golf Course is owned by the National Park Service (NPS).

Even so, the Trust, a certified non-profit organization, represents in its Application, noted above, that it has sustained a partnership with NPS to provide the mitigation services and, in accordance therewith, it is currently doing so. *Id.* To wit, the Trust is authorized to manage this project.

The Trust specifically requests the grant to provide “a free community event that welcomes all residents of ANC4A as well as the larger Washington, DC region to see the goats in action.” *Id.* As explained by the Trust in its application, “[g]oat grazing offers a visually appealing and interactive approach to vegetation management. It captures public attention and provides educational opportunities for communities and organizations. Witnessing the positive impact of goats on invasive plants raises awareness and ecological restoration and inspires environmental stewardship.”

According to the Application, “[t]he location of the proposed site where the goats would work is located adjacent to the 3rd hole of the 5-hole golf course loop, which would be closed for play during the event. Families will be will welcomed to picnic in the fairway and enjoy a summer day in the park. [W]e will hire an ice cream truck to provide attendees with a delicious way to cool down [and] snacks and drink [will be] available for purchase.” Furthermore, attendees will be treated to “a short, 3-hole disc golf loop to introduce people to the sport [and] organized bird and nature walks around the closed down 5-hole golf course loop so participants will have the chance the explore the course’s diverse avian population.”

From my perspective, the community engagement and education, as cited above, and the actual community event within the confines of the ANC essentially for the purpose of showcasing the goats and their work on the Golf Course, suffice for the required public purposes within the Commission area. Indeed, the granting of these funds to the Trust may be condemned as a donation of funds to a national organization for one of its singular purposes of “protecting and promoting accessible affordable and engaging municipal golf courses across the United States of America.” *Id.*

Still, the Trust goes above and beyond its stated purpose by stepping forward to host a community event to include “goats in action,” refreshments, and guided walks, simply to meet its purpose of maintaining municipal golf courses. In one of its letters, the Office of the Attorney General (OAG) stated that a grant may be extended to an organization which derives some indirect benefit therefrom so long as the public is the primary beneficiary of the grant. *See Letter to Shane Anthony, December 10, 2008, at p. 2* and at <https://oag.dc.gov/sites/default/files/2018-02/ANC-4-C-07-December-10-2008-Purchase-of-Electronic-Communication-Equipment.pdf> This is such an instance.

FYI, in 2017, the DC Council reaffirmed and targeted this inquiry in its Advisory Neighborhood Commissions Omnibus Amendment Act of 2016, section 2(h)(6)(A)(ii), effective April 7, 2017 [DC Law 21-269; DC Official Code section 1-309.13(l)(1)], when it stated, among other things, that “[a] public purpose shall be a purpose that benefits the community as a whole and is not done for the primary purpose of benefitting a private entity.”

Second, the grant must focus on a public purpose in ANC 4A. As noted above, this project of a community event, with free attendance, refreshments, and educational benefits associated with the

“goats in action” at the Golf Course situated wholly within ANC 4A, indicates that it focuses on a public purpose within ANC 4A.

The grant must be put to good use for the persons who work or reside in ANC 4A. In other words, the benefits of the grant must be fixated solely on those employees and residents of ANC 4A.

By proximity alone, the grant primarily benefits the residents and employees of ANC 4A. The offer of free attendance for the Community Event and educational benefits will undoubtedly fulfill the grantor’s hope to launch an event to tap into the attendance primarily by ANC 4A residents and employees. Grant monies – District government funds -- must provide an undeviating and express benefit to a significant part of ANC 4A. *See Letter to Zach Teutsch and Joseph Martin, June 30 2017* and at <https://oag.dc.gov/sites/default/files/2018-02/ANC-4-C-June-30-2017-Block-Grants-and-Public-Purpose-Requirement.pdf> This grant fulfills that purpose.

Third, the grant must be for a “proposed project” indicating a specific undertaking. On May 22, 2023, the Trust presented an application for this project indicating that that it would occur “in early 2024.” To wit, this prospective project was lawfully submitted on the required ANC Application for the specific undertaking of a community event for the purposes cited in ANC 4A.

Fourth, the grant must issue to an organization; it may not issue to an individual or a government entity. The Trust fully presented credentials representing itself as a “formally established 501()(3)” entity.

Fifth, a grant must be for services that are not “duplicative of any that are already performed by the District government.” As far as the OANC can ascertain, a community event in ANC 4A within the parameters of those covered in the grant is not duplicative of any services “that are already performed by the District government.”

Sixth, a grant cannot issue when estimated overhead costs would exceed 15% of the entire grant amount or when general ANC expenditure limits are ignored, e.g., a grant may not be used for fundraising, per DC Official Code section 1-309.10(I). The requested grant amount totals \$3,000. “Signage,” “Marketing/Advertising,” and “Ice Cream Truck Rental” are listed at “\$0.00”. There are not any other costs listed. Also, pursuant to the meticulous review of this Application, there is no indication that this grant may be used for fundraising.

DECISION

For the reasons cited, the OANC finds that the grant is a permissible use for of ANC funds.