

Government of the District of Columbia



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MEMORANDUM

TO: ANC 4B
FR: Denise Wiktor, General Counsel
DT: 3/20/2025
RE: Calvin Coolidge Alumni Association Grant

Dawn Dickerson asked me to review a grant request from the Calvin Coolidge Alumni Association for a health fair that she received as part of a QFR submission. I have reviewed the application sent to the OANC and have found that the request is at least a **partially permissible** expenditure of ANC monies. How much, if any, is **impermissible** will depend on the receipts which we do not yet have since the event has not taken place. Given that the event is happening shortly, the expenses are likely to have already been incurred. The OANC recognizes that this is another grant that the previous ANC voted for but did not send a copy to the OANC as required by statute¹ and that the current ANC could be penalized for. Though this ANC had no control over this, the OANC would recommend an ANC issue a check closer to the date of an event to avoid the check and receipts being in different QFRs. In this case the grant was approved in October of 2024 and the check was written at that time. The event will not happen until April 4, 2025. This may result in a delay in allotments based upon the Q1 QFR until the receipts are received.

There are five prongs a grant must meet to be a permissible expense² and a 6th requirement of the D.C. Official Code that limits the amount of a grant that can be spent on overhead³. They are:

1. **Public Purpose:** ANC grants must be for “public purposes within the Commission area.”⁴ A public purpose is one “that includes a significant benefit for the community and is not done for the primary purpose of benefitting a private entity.”⁵ This standard was changed with the Fiscal Year 2025 Budget Support Act and the accompanying Emergency Act. A health fair for local residents provides a significant benefit to the community as outlined in the grant request. However, based upon the limited information in the budget which had \$2,500 for “Swag (bags for participants of various age ranges, t-shirts, stress balls, etc.)” it appears that

¹ D.C. Official Code 1-309.13(m)(2) “An applicant for a grant shall submit an application in writing to the Commission and to the OANC.”

² 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>

³ D.C. Official Code 1-309.13(m)(2)(D) provides that “[n]o Commission shall provide a grant for which the grantee estimates that the overhead costs would exceed 15% of the entire grant amount.”

⁴ D.C. Official Code § 1-309.13(l)(1).

⁵ *Id.* This precludes payment to individuals whether it be for services or as a stipend or honorarium. It also precludes handouts to volunteers such as t-shirts and the purchase of items non-transient nature that will remain in the possession of an individual after an event such as tables and chairs or tents. Rental of such items is permissible. The ANC may purchase items that they retain and use or loan out to the community.

some of the expenses were for impermissible things such as t-shirts which inure private benefit. This was modified in a grant update in December 2024 which clarified “that this money will be for event resources, including items including but not limited to health and wellness guides, educational handouts, activity pages, stress-relief tools, and wellness kits.” The update listed mostly permissible expenses. Whether or not this \$2500 portion of the grant meets the public purpose test will depend greatly on the nature of the receipts.

2. **Local Benefit:** A grant must “benefit persons who work or reside in the Commission area.”⁶ This does not mean the grant may only benefit Commission residents; it simply means the grant’s benefits should be focused on those residents.⁷ The health fair is to be held at Calvin Coolidge High School which is within the boundaries of 4B. 4B also makes up about half of the school’s attendance boundaries. The Health Fair will be substantially made up of 4B residents.
3. **Proposed Project.** A grant must be for a proposed project.⁸ This means that it must be for a specific undertaking, not for general support of an organization. It also means that a grant cannot reimburse an organization for expenses connected to an existing or completed project. **This is a discrete single event.**
4. **Organization.** A grant must be to an “organization,” not an individual or a government entity,⁹ although the organization need not be incorporated.¹⁰ Calvin Coolidge Alumni Association is an organization as defined by the D.C. Code.
5. **Non-Duplication.** A grant cannot duplicate any services offered by the D.C. government.¹¹
6. **Overhead.** Overhead cannot exceed 15% of the grant amount.¹² None of the grant monies will be used for overhead as the Code defines it.

Conclusion

For the reasons stated above this grant is a **partially permissible** expenditure of ANC funds if used as outlined above.

⁶ D.C. Official Code § 1-309.13(m)(1)

⁷ 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](https://oag.dc.gov/sites/default/files/2022-03/ANC-7E-Letter-to-Commissioner-Fletcher-RePublic-Purposes-Within-the-Commission-Area-.pdf) (ANC 4C grant was permissible where the “[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).

⁸ D.C. Official Code § 1-309.13(m)(2)(A).

⁹ 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>

¹⁰ 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”).

¹¹ D.C. Official Code § 1-309.13(m)(1).

¹² D.C. Official Code § 1-309.13(m)(1)(2)(D).