

Government of the District of Columbia



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MEMORANDUM

TO: Michael Shankle, Chair ANC 2C
Thomas Lee Treasurer ANC 2C
FR: Denise Wiktor, General Counsel
DT: 12/17/2024
RE: Thompson PTO Grant Request.

The OANC received a copy of a grant application from Thompson PTO on October 21. I must apologize to ANC 2C and the Applicant. When the request came into the OANC it was improperly tagged as needing more information and the review was put on hold. I have reviewed the application sent to the OANC and have found that the request is a **permissible** expenditure of ANC monies with the **exception** of \$200 budgeted for food and drinks. I would suggest that the PTO substitute that amount for something else if this grant has already been awarded.

The OANC notes that this grant is over a long period of time. If the ANC has not already dispensed a check, as a practical suggestion for ease of ANC record keeping the ANC may want to consider issuing several checks over so that expenses are incurred in the same quarter as the check. The Code does allow a grant recipient to issue a report at 60 days and every 90 days thereafter. However, the Auditor likes all checks and receipts to be in the same quarter. If that has or cannot happen, it will all reconcile once the final receipts are in.

There are five prongs a grant must meet to be a permissible expense¹ and a 6th requirement of the D.C. Official Code that limits the amount of a grant that can be spent on overhead². They are:

1. **Public Purpose:** ANC grants must be for “public purposes within the Commission area.”³ 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.”⁴ This standard was changed with the Fiscal Year Budget Support Act and the accompanying

¹ 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>

² 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.”

³ D.C. Official Code § 1-309.13(l)(1).

⁴ *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.

emergency.⁵ This grant will provide a significant benefit to the students at Thompson Elementary. The boundaries of ANC 2C and Thompson are largely contiguous. See attached map-red are ANC boundaries and black are the school boundaries. It is the only elementary school serving the ANC.

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 vast majority of the benefit will be to residents of ANC
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 Thompson PTO **is/is not** 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 The DC government does not offer this program.
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 **permissible** expenditure of ANC funds with the exception of the \$200 budgeted for food and drinks.

⁵ D.C. Official Code § 1-309.13(m)(1).

⁶ *Id.*

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](#) (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).