

Government of the District of Columbia



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MEMORANDUM

TO: Jackie Blumenthal, Chair ANC 3B
Kevin Lavezzo, Treasurer ANC 3B
FR: Denise Wiktor, General Counsel
DT: 9/27/2024
RE: Hary PTO GeoPlunge/HistoryPlunge Grant Application.

The OANC has received a copy of a grant request from Hardy Middle School PTO for the GeoPlunge and HistoryPlunge challenge for costs related to the hosting of the event. This is for supplies for the challenge and for the I have reviewed the application sent to the OANC and have found that the request is a **permissible** expenditure of ANC monies as outlined below. This application did not use the standard application form found at [Grant Application Form 100](#) however, it contained all the necessary information. I note that Hardy plans to make a similar request to another ANC and would request they use the form.

Since this will take place from January to May 2025, covering 2 quarters, I would recommend several things to the ANC for ease of accounting with the QFR reports. If possible, break the disbursements into two checks-- one for \$1210.00 for the student supplies which would be issued in January and one for \$1,000.00 for the event in May. That would allow you to have a check and receipts within each QFR. The alternative is to write one check in January and not have all the receipts needed for your 2nd QFR until May, which is permissible and anticipated under D.C. Code 1-309.13(m)(3). Please note that grant receipts are due with the QFR in which the check is written so I recommend not issuing any check until early January (or at least dating it January 1)

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

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) “No 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).

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 emergency. This precludes payment to individuals whether it be for services or as a stipend or honorarium. This grant would not have met the previous standard. Hardy Middle School draws a substantial number of students from ANC 3B and this grant supports over 70 students in the Plunges with supplies many of which are reusable and supports a one time event and as such provides a significant benefit to the ANC 3B community.

2. **Local Benefit:** A grant must “benefit persons who work or reside in the Commission area.”⁵ This does not mean the grant may only benefit Commission residents; it simply means the grant’s benefits should be focused on those residents.⁶ Hardy Middle School draw a substantial number of students from ANC 3B who will benefit from this grant.
3. **Proposed Project.** A grant must be for a proposed project.⁷ This is a discrete single project.
4. **Organization.** A grant must be to an “organization,” not an individual or a government entity,⁸ although the organization need not be incorporated.⁹
5. **Non-Duplication.** A grant cannot duplicate any services offered by the D.C. government.¹⁰ The District Government while supporting the participation does not provide the needed materials to any of its schools.
6. **Overhead.** Overhead cannot exceed 15% of the grant amount.¹¹ 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.

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.

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

⁶ 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).

⁷ D.C. Official Code § 1-309.13(m)(2)(A).

⁸ 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>

⁹ 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”).

¹⁰ D.C. Official Code § 1-309.13(m)(1).

¹¹ D.C. Official Code §1-309.13(m)(1)(2)(D).