

Government of the District of Columbia



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MEMORANDUM

TO: Dawn Dickerson
FR: Denise Wiktor, General Counsel
DT: 2/24/2024
RE: Peabody Montessori Grant

The OANC has received a copy of a grant request to ANC 6C for funding to the Peabody Montessori school for installation of metal signs and restoration of an outdoor habitat damaged by construction and a chemical spill.

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 benefits the community as a whole and is not done for the primary purpose of benefitting a private entity.”⁴ The OANC wrote to Commissioner Kelty for further clarification about the garden. The grant application notes that the garden is used by several other schools and is also open to the entire 6 C community for viewing, enjoyment and education. In addition, workshops and tours will be made available to the residents of 6C.
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 As noted in number

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).

⁴ *Id.*

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 “[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).

one the garden will benefit the school students but will also be open to the residents of 6C for their enjoyment. Workshops and tours will be made available to the residents of 6C.

3. **Proposed Project.** A grant must be for a proposed project.⁷ This is a single project occurring after the ANC vote on the grant and there by meets the requirement of the D.C. Official Code (the Code).
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 The school is an organization within the meaning of the Code.
5. **Non-Duplication.** A grant cannot duplicate any services offered by the D.C. government.¹⁰ 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 entire grant amount will be spent on the project. The grant funds will not be used on overhead expenses.

Conclusion

For the reasons stated above this grant is a permissible expenditure of ANC funds.

⁷D.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). The ANC Act does not apply this same restriction to non-grant expenditures. See *id.* § 1-309.13(l).