

Government of the District of Columbia



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MEMORANDUM

TO: ANC 3F
FR: Denise Wiktor, General Counsel
DT: 5/13/2025
RE: Edmund Burke Sustainability Club grant application.

The OANC has received a copy of a grant request from the Edmund Burke Sustainability Club for an invasive plant removal and native plantings project. I have reviewed the application and budget sent to the OANC and have found that the request is a **permissible** expenditure of ANC monies for the portions of the grant that will be in Rock Creek Park. The Edmund Burke School is a private non-profit organization who will be working with the Rock Creek Conservancy and the Potomac Conservancy.

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 ANC 3F borders Rock Creek Park and has a sizable portion of the park within its boundaries. Removal of invasive species from the park and public space is a public benefit that will provide a significant benefit to the residents of the ANC who gain much pleasure from the park. The grant stated it would be working in three areas: Connecticut Ave, Burke Sign and Dogwood Tree area all believed to be either park or Public Space.
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 People who live and

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 the “[b]enefit

work in ANC 3F benefit from Rock Creek park and this enjoyment will be directly enhanced by this project.

3. **Proposed Project.** A grant must be for a proposed project.⁷ This is a discrete single event.
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 Edmund Burke and the Sustainability Club **are** 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 District does not perform this work. To the extent any of these areas are Federal lands. The OAG has determined that grant monies used within Rock Creek Park are a permissible use of ANC monies.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 **permissible** expenditure of ANC funds.

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).

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).

¹¹ See *Letter to Commissioner Whatley*, March 8, 2012 found at: <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>

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