

Government of the District of Columbia



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MEMORANDUM

TO: Janelle Pagets, Chairperson, ANC 3C
Sauleh Siddiqui, Treasurer, ANC 3C
Gawain Kripke, 3C07
FR: Denise Wiktor, General Counsel
DT: 4/18/2024
RE: Grant Application by Woodland Normanstone Neighborhood Association

The OANC has received a copy of a grant application by Woodland Normanstone Neighborhood Association for invasive plant control. The organization works with both the D.C. Department of the Environment and the District Department of Transportation. I have reviewed the application, and it is a permissible use of ANC funds, should the ANC choose to support it.

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 grant applicant asserts that the area is heavily used by ANC 3C residents both for enjoyment while walking and running and that the road is also used by ANC 3C residents who will benefit from enhance visibility while driving and in improvement of the scenic area. In that the area is publicly open and available to the entire ANC community, it would benefit the community as a whole. The OANC will rely on the ANC to evaluate and consider this assertion and the community benefit.
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

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).

means the grant's benefits should be focused on those residents.⁶ Normanstone Valley, as it is called here, is entirely located within, and surrounded by ANC 3C.

3. **Proposed Project.** A grant must be for a proposed project.⁷ In this case the proposed grant would be for a defined ten-month project of invasive plant control.
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 grant monies will go to an organization as defined by the D.C. Code.
5. **Non-Duplication.** A grant cannot duplicate any services offered by the D.C. government.¹⁰ The D.C. government does not offer this service at this time. While the Department of Transportation is tasked with keeping overgrowth off sidewalks and roads, it does not have an invasive plant control program.
6. **Overhead.** Overhead cannot exceed 15% of the grant amount.¹¹ No percentage of the grant monies are going to overhead.

The grant monies are not going to be used for purposes otherwise prohibited by District of Columbia or Federal Law.

Conclusion

For the reasons stated above this grant is an appropriate expenditure of ANC funds.

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).

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