

Government of the District of Columbia



Office of Advisory Neighborhood Commissions  
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**MEMORANDUM**

TO: Jackie Blumenthal, Chair, ANC 3B  
Kevin Lavazzo, Treasurer, ANC 3B  
FR: Denise Wiktor, General Counsel  
DT: 07/10/2024  
RE: GPCA Trail Maintenance Grant Request

The OANC has received a copy of a grant request from the Glover Park Citizen Association in conjunction with the Potomac Appalachian Trail Club for trail maintenance in Rock Creek Park. I have reviewed the application and the addendum sent to the OANC and have found that the request is a permissible expenditure of ANC monies. On first blush it would appear to be an impermissible use but the area in question is totally within ANC 3B, and the OAG has previously ruled that such maintenance is an allowable grant expense by an ANC.<sup>1</sup>

There are five prongs a grant must meet to be a permissible expense<sup>2</sup> and a 6<sup>th</sup> requirement of the D.C. Official Code that limits the amount of a grant that can be spent on overhead<sup>3</sup>. They are:

1. **Public Purpose:** ANC grants must be for “public purposes within the Commission area.”<sup>4</sup> 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.”<sup>5</sup> This standard was changed with the Fiscal Year Budget Support Act and the accompanying emergency. The location of the trail maintenance is totally within the boundaries of the map for ANC 3B which includes a portion of Rock Creek Park. Any able person from the ANC will have access to this trail and be able to use it.
2. **Local Benefit:** A grant must “benefit persons who work or reside in the Commission area.”<sup>6</sup> This does not mean the grant may only benefit Commission residents; it simply

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<sup>1</sup> See *Letter to Commissioner Whatley*, March 8, 2022 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>

<sup>2</sup> 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>

<sup>3</sup> 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.”

<sup>4</sup> D.C. Official Code § 1-309.13(l)(1).

<sup>5</sup> *Id.*

<sup>6</sup> D.C. Official Code § 1-309.13(m)(1).

means the grant's benefits should be focused on those residents.<sup>7</sup> The trail in question is withing a "finger" of Rock Creek Park that extends into the boundaries of ANC 3B. There is no dedicated parking lot near it, and it is used primarily by ANC 1B residents who will be the beneficiaries of a safer, less eroding trail.

3. **Proposed Project.** A grant must be for a proposed project.<sup>8</sup> This is a discrete single project.
4. **Organization.** A grant must be to an "organization," not an individual or a government entity,<sup>9</sup> although the organization need not be incorporated.<sup>10</sup> The applicants are organizations within the meaning of the D.C. Code.
5. **Non-Duplication.** A grant cannot duplicate any services offered by the D.C. government.<sup>11</sup> The District of Columbia does not provide maintenance for this park.
6. **Overhead.** Overhead cannot exceed 15% of the grant amount.<sup>12</sup> None of the grant monies will be used for overhead as the Code defines it.

## Conclusion

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

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<sup>7</sup> 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).

<sup>8</sup>D.C. Official Code § 1-309.13(m)(2)(A).

<sup>9</sup> 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>

<sup>10</sup> 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").

<sup>11</sup> D.C. Official Code § 1-309.13(m)(1).

<sup>12</sup> D.C. Official Code §1-309.13(m)(1)(2)(D).