

Government of the District of Columbia



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MEMORANDUM

TO: ANC 1B
FR: Denise Wiktor, General Counsel
DT: 06/05/2025
RE: Shakespeare in the Park direct expenditure

The OANC has received an inquiry about whether an ANC may make a direct expenditure to have a performance of Shakespeare in a national park. I have reviewed the application sent to the OANC and have found that the request is a **permissible** expenditure of the ANC in that it meets the public purpose requirements and its primary purpose is not entertainment but education and fostering stronger bonds within the community creating a more resilient community. Shakespeare plays are about 400 years old. Most of them give life lessons that are still applicable today. A play in a park will bring neighbors together and fosters community which meets the structure for a public purpose expenditure¹ much the same as a block party or a community festival. The ANC argues that this is primarily an educational and community building function and not entertainment.

Even if this were to be viewed as entertainment, the GAO Redbook or *Principles of Federal Appropriations Law Fourth Edition Chapter 3* (“Redbook”) states that where an agency is specifically authorized by law, that it may spend appropriations on entertainment for non-governmental persons.² ANCs are authorized by the D.C. Code to expend monies for public purposes as noted above.

Even if this were not explicitly authorized in the D.C. Code the Redbook allows that “[a]ppropriations may be available if the agency may establish that the entertainment is an essential constituent part of the effective accomplishment of a statutory responsibility”³. The statutory responsibility here is a public purpose in the community.

¹ D.C. Official Code § 1-309.13(l)(1)

² Principles of Federal Appropriations Law Fourth Edition, 2017 Revision Page 3-177 found at <https://www.gao.gov/assets/2019-11/687162.pdf>

³ Principles of Federal Appropriations Law Fourth Edition, 2017 Revision, page 3-179 found at <https://www.gao.gov/assets/2019-11/687162.pdf> and viewed on 5/5/2025

ANC direct expenditures must meet the same criteria as a grant expenditure for a public purpose. There are five prongs a grant must meet to be a permissible expense⁴ and a 6th requirement of the D.C. Official Code that limits the amount of a grant that can be spent on overhead⁵. They are:

1. **Public Purpose:** ANC grants must be for “public purposes within the Commission area.”⁶ 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.”⁷ A free public educational event within the ANC boundaries meets this prong.
2. **Local Benefit:** A grant must “benefit persons who work or reside in the Commission area.”⁸ This does not mean the grant may only benefit Commission residents; it simply means the grant’s benefits should be focused on those residents.⁹ The event will be held in ANC 1B and while ANC 1C residents may attend it will primarily benefit the residents of ANC 1B
3. **Proposed Project.** A grant must be for a proposed project.¹⁰ This is a discrete single event.
4. **Organization.** A grant must be to an “organization,” not an individual or a government entity,¹¹ although the organization need not be incorporated.¹² The contract for this event will be with an organization within the meaning of the D.C. Code.
5. **Non-Duplication.** A grant cannot duplicate any services offered by the D.C. government.¹³ The District of Columbia Government does not provide this service.

⁴ 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>

⁵ 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.”

⁶ D.C. Official Code § 1-309.13(l)(1).

⁷ *Id.*

⁸ D.C. Official Code § 1-309.13(m)(1).

⁹ 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](https://oag.dc.gov/sites/default/files/2022-03/ANC-7E-Letter-to-Commissioner-Fletcher-RePublic-Purposes-Within-the-Commission-Area-.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).

¹⁰D.C. Official Code § 1-309.13(m)(2)(A).

¹¹ 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>

¹² 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”).

¹³ D.C. Official Code § 1-309.13(m)(1).

6. **Overhead.** Overhead cannot exceed 15% of the grant amount.¹⁴ 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.

¹⁴ D.C. Official Code §1-309.13(m)(1)(2)(D).