

Government of the District of Columbia



Office of Advisory Neighborhood Commissions  
1350 Pennsylvania Avenue, NW  
Suite 11  
Washington, DC 20004  
(202) 727-9945

**MEMORANDUM**

TO: Jackie Blumenthal, Chair ANC 3B  
Kevin Lavezzo, Treasurer ANC 3B  
FR: Denise Wiktor, General Counsel  
DT: 09/09/2024  
RE: Friends of Guy Mason Recreation Center Grant Application

The OANC has received a copy of a grant request and an attachment from the Friends of Guy Mason Recreation Center. I have reviewed the application sent to the OANC and have found that the request is a **permissible** expenditure of ANC monies as outlined below. D.C. Code requires

There are five prongs a grant must meet to be a permissible expense<sup>1</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>2</sup>. They are:

1. **Public Purpose:** ANC grants must be for “public purposes within the Commission area.”<sup>3</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>4</sup> This standard was changed with the Fiscal Year Budget Support Act and the accompanying emergency. This precludes payment to individuals whether it be for services or as a stipend or honorarium. It also precludes the purchase of non-transient nature that will remain in the possession of an individual after an event such as tables and chairs or tents. Rental of such items is permissible. The ANC may purchase items that they retain and use or loan out to the community. The recreation center is a community resource within the ANC. Enhancements to the center will provide a substantial benefit to the community. The scent garden is a resource that can be enjoyed by anyone.
- 2.

---

<sup>1</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>2</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>3</sup> D.C. Official Code § 1-309.13(l)(1).

<sup>4</sup> *Id.* This precludes payment to individuals whether it be for services or as a stipend or honorarium. It also precludes handouts to volunteers such as t-shirts and the purchase of items non-transient nature that will remain in the possession of an individual after an event such as tables and chairs or tents. Rental of such items is permissible. The ANC may purchase items that they retain and use or loan out to the community,

3. **Local Benefit:** A grant must “benefit persons who work or reside in the Commission area.”<sup>5</sup> This does not mean the grant may only benefit Commission residents; it simply means the grant’s benefits should be focused on those residents.<sup>6</sup> The scent garden will be a fixture in the ANC that will primarily benefit those who live and work near it.
4. **Proposed Project.** A grant must be for a proposed project.<sup>7</sup> This is a discrete single event.
5. **Organization.** A grant must be to an “organization,” not an individual or a government entity,<sup>8</sup> although the organization need not be incorporated.<sup>9</sup> The Friends of Guy Mason Recreation Center meet the definition of organization per the code.
6. **Non-Duplication.** A grant cannot duplicate any services offered by the D.C. government.<sup>10</sup> Currently no entity in the District Government provides this resource.
7. **Overhead.** Overhead cannot exceed 15% of the grant amount.<sup>11</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 a **permissible** expenditure of ANC funds.

---

<sup>5</sup> D.C. Official Code § 1-309.13(m)(1).

<sup>6</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>7</sup> D.C. Official Code § 1-309.13(m)(2)(A).

<sup>8</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>9</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>10</sup> D.C. Official Code § 1-309.13(m)(1).

<sup>11</sup> D.C. Official Code §1-309.13(m)(1)(2)(D).