

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Corporation Counsel

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Office of Government Operations
Legal Counsel Division

April 14, 2003

Mr. Nik Apostolides
1901 Wyoming Avenue N.W.
Apartment No. 10/13
Washington, D.C. 20009

RE: Legal Permissibility Concerning Grant By
Advisory Neighborhood Commission 1C

Dear Mr. Apostolides:

This is to respond to your e-mail dated April 10 which attached a letter that you sent to Interim Corporation Counsel Arabella Teal regarding grant funds for the Adams Elementary School.

According to your letter, a grant application was submitted by an unidentified section 501(c)(3) neighborhood civic association. According to the request, the association is seeking funding to obtain grant funds that "would be used for Adams Elementary School to purchase new microscopes and slides."

The law governing grants by ANCs is found in section 16 of the Advisory Neighborhood Commissions Act of 1975, effective October 10, 1975, D.C. Law 1-21, as amended by the Comprehensive Advisory Neighborhood Commissions Reform Amendment Act of 2000, effective July 27, 2000, D.C. Law 13-135, § 3(d), D.C. Official Code, 2001 Ed. § 1-309.13, and provides as follows:

(1)(1) [E]xpenditures may be in the form of grants by the Commission for public purposes within the Commission area pursuant to section (m) of this section.

* * * * *

(m)(I) A grant may not be awarded unless the grant is awarded pursuant to a vote of the Commission at a public

meeting following the public presentation of the grant request. A Commission may approve grants only to organizations that are public in nature and benefit persons who reside or work within the Commission area. The services provided by the grantee organization must not be duplicative of any that are already performed by the District government.

D.C. Official Code, § 1-309.13(m)(2) (2001)

As you are aware, the Advisory Neighborhood Commission ("ANC") may not provide a grant for services that are duplicative of any services that are already performed by the District of Columbia government. The purpose of this provision was to prevent the District government from usurping funds allocated to ANCs for ANC programs and allocating them to cover District government costs in order to protect the District's budget. The purchase of microscopes, as well as other school equipment such as musical instruments, art supplies, and athletic equipment, are all materials that DCPS and the Board of Education of the District of Columbia should provide to the schools. Accordingly, any monies provided for the purchase of these items by ANC 1C would be duplicative of District government services and would be prohibited by the statute.

If you have any further questions, please contact Nancy Alper, Assistant Corporation Counsel, at 724-5537 or me at 724-5493.

Sincerely,

ARABELLA W. TEAL
Interim Corporation Counsel


By: DARRYL G. GORMAN
Senior Deputy Corporation Counsel
for Government Operations
Legal Counsel Division

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(AL-03-238)