

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Corporation Counsel



Office of Government Operations
Legal Counsel Division

January 24, 2003

Paul E. Montague
222 Aspen Street, N.W.
Washington, D.C. 20012

Re: Grant of \$3,000 Awarded to Takoma Theatre for the Arts

Dear Mr. Montague:

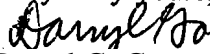
This letter is our third written response to your question regarding whether the grant to Takoma Theatre was lawful. As we stated in our previous letters, based upon the facts that you provided, we have concluded that there was a lawful convening of a public meeting of ANC 4B. We also have concluded, based upon the facts that you provided us, that there was a lawful vote taken on whether to award a grant to the Takoma Theatre since six out of the seven commissioners voted in favor of the grant.

In addition, the Office of the Auditor has written you a letter dated January 10, 2003, in which it determined that the award to the Takoma Theatre for the Arts serves "a legitimate public purpose ... in that the money would be used in a manner that directly or indirectly benefited residents of Ward 4, and specifically, the residents of ANC 4B." The Office of the Auditor also found that the individual grant budgets for SMD 4BO1, 4B02 and 4B03 were combined to cover the grant to the Takoma Theatre Arts Project. The Office of the Auditor determined that this is permissible under the ANe Law in that "there is no limit on the amount of a grant properly awarded by an ANC."

You have asked us to respond to two additional questions. Specifically, you asked Whether an individual commissioner may make a grant and whether a single member district may make a grant. While we do not believe that these questions are relevant to the issue of the grant to the Takoma Theatre for the Arts, we have stated to you that

neither an individual commissioner nor a single member district may make a grant.

Very truly yours,

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Darryl G. Gonnán
Senior Deputy Corporation Counsel
For Government Operations
Legal Counsel Division

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