

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE CORPORATION COUNSEL

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Office of Government Operations
Legal Counsel Division

October 30, 2000

Angela Christophe
ANC Commissioner
ANC4C
By fax: 726-5039

Re: Use of ANC funds to hire urban planner consultant

Dear Ms. Christophe:

This responds to your request dated October 25, 2000 for advice concerning the appropriateness of the use of Advisory Neighborhood Commission ("ANC") funds to acquire the consultant services of an urban planner. You advised in a subsequent telephone conversation with Annette Elseth, Assistant Corporation Counsel, Legal Counsel Division, that there are a number of economic development initiatives relating to neighborhoods within the ANC 4C area. The ANC's Committee on Economic Development has recommended that the ANC do a neighborhood plan for a specific area within the ANC. They recommended to the ANC that an urban planner be hired to provide advice to the ANC and to take the lead in the process of creating this neighborhood plan. The ANC has identified an urban planner willing to provide services to the ANC at the reduced rate of \$50 per hour, for an estimated 100 hours of service, at a total cost of \$5,000. Prior to making this expenditure you seek our advice as to whether such an expenditure is appropriate, and whether the expenditure would violate the duplication of services language of the ANC law.

Generally the expenditure of ANC funds is appropriate if the funds will be used for a public purpose within the ANC area. See section 16(1)(1) of the Advisory Neighborhood Commissions Act of 1975, effective October 10, 1975, D.C. Law 1-21, as added by the Duties and Responsibilities of Advisory Neighborhood Commission Act of 1975 (collectively "ANC Act"), effective March 26, 1976, D.C. Law 1-58, D.C. Code § 1-264, as amended. The development of a neighborhood plan would be considered a public purpose as long as the area encompassed by the plan constitutes a significant portion of the ANC area, or the development of the plan benefits the ANC community as a whole.

As to the duplication of services issue, generally the ANC and any grantee organization are prohibited from providing any service or operating any program that duplicates a service or program already performed by the District government. See 16(m) of the ANC Act, D.C. Code § 1-264(m). It is unclear whether the preparation of a neighborhood plan by the ANC would be


¹ Certain statutory restrictions on expenditures, such as use for partisan political purposes, food, legal fees, etc. are not applicable to the instant expense.

considered the provision of a "service" triggering the duplication of services analysis, since the neighborhood plan would be for the ANC's own use and not a service it is providing to residents. However, given the stated concern within the ANC that there may be a duplication of services issue, I urge the ANC to contact the Office of Planning to determine if the District has a program to provide neighborhood planning services that would duplicate the ANC's effort.

If you have any further questions with regard to this issue, please contact Annette Elseth, Assistant Corporation Counsel, Legal Counsel Division, at 724-5537, or me at 724-5493.

Sincerely,

ROBERT R. RIGSBY
Corporation Counsel


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

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