

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF THE CORPORATION COUNSEL**



**Office of Government Operations  
Legal Counsel Division**

February 20, 2004

Sinclair Skinner  
Vice Chair  
Advisory Neighborhood Commission 1B  
2626 Georgia Ave., N.W.  
Washington, D.C. 20001

Re: Use of ANC Funds to Sponsor Attendance at Black History Month Event

Dear Commissioner Skinner:

This responds to your inquiry (via e-mail) dated February 18, 2004, wherein you request advice regarding the legality of an Advisory Neighborhood Commission (ANC) 1B proposed expenditure of \$1210 to sponsor the attendance of individuals (mostly senior citizens) who live in the ANC area to attend a Black History Month event.

You state that the event is a lecture concerning the “history of slave reparations” and will be held at the D.C. Armory on February 29, 2004. You further state that you (and others) “publicly solicited” the residents of ANC 1B through door-to-door contact, handing out flyers, posting notices at senior citizen buildings, meeting with the staff of senior citizen centers and circulating information at schools. Your efforts resulted in 121 constituents signing-up to attend the event. Finally, you advise that ANC 1B approved the expenditure of funds for this event at its February 5, 2004 monthly meeting.

The law governing expenditures 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 June 27, 2000, D.C. Law 13-135, D.C. Official Code § 1-1309.13 (2003 Supp.), and provides as follows:

*(I)(1)* A Commission shall expend funds received through the annual allocation received pursuant to subsection (a) of this section, or other donated funds, **for public purposes within the Commission area** or for the functioning of the Commission office . . .

Thus, the test is whether the proposed expenditure meets the “public purpose” element of the statute. As we have previously opined, a public purpose is one which benefits or potentially benefits a significant number of persons who either reside or work within the commission area. Letter to Tom Coumaris, ANC 1B, March 12, 1997. This is always a difficult question because of the subjectivity involved in any such analysis. Although this Office has never established a firm number for what might constitute a significant number of persons, we have in the past determined that one or two individuals (concerning scholarship grants) would not constitute a significant number. Letter to Mary Treadwell *et al.*, ANC 1B, March 25, 1997. We have also concluded, however, that 134 children would constitute a significant number in the case of an expenditure for playground development at a private day care center, as long as the children resided in the ANC area. Letter to Deborah K. Nichols, D.C. Auditor, September 17, 1999.

Here, the event in question would involve only 121 individuals out of the thousands that live in the ANC area. Nonetheless, we are inclined, under these very narrow circumstances, to find the proposed expenditure to be permissible. Weighing in favor of our decision is that the ANC went to such great efforts to open the event to all of the ANC residents. It was not limited to the 121 individuals who eventually signed-up, but to all residents. Moreover, this is an educational, community event that would not otherwise be impermissible under any other expenditure restriction. Accordingly, we conclude that ANC 1B may properly expend funds as a public purpose to sponsor attendance of its ANC residents at a Black History Month history lecture.

Sincerely,

ROBERT J. SPAGNOLETTI  
Corporation Counsel

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/S/

DGG/dps

(AL-04-115)