

Government of the District of Columbia

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WASHINGTON, D. C. 20004



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(92-203-L)

July 9, 1992

Grace Bateman
Chair
Advisory Neighborhood Commission 2E
1041 Wisconsin Avenue, N.W.
Washington, D.C. 20007

Dear Ms. Bateman:

This is in reply to your letter, dated May 7, 1992, concerning donations made by individual commissioners to Advisory Neighborhood Commission 2E to pay for goods and services used in connection with the ANC's activities, e.g., renting meeting halls and photocopying. Normally, funds would be provided by the District of Columbia Government for these purposes. However, because a majority of the six commissioners for ANC 2E have not approved the ANC's quarterly financial report, the District may not release any funds to the ANC. See section 3 of the Advisory Neighborhood Commission Amendment Act of 1990, effective March 6, 1991, D.C. Law 8-203, D.C. Code § 1-264(j) (1991 supp.). Our responses to your specific questions are set forth below.

1. Is it necessary for contributions to the Commission to be paid to the Commission, or can they be paid to a third party?

A contribution to the Commission could be money, or it could be goods and services. All funds received by the Commission must be deposited into the Commission's designated savings institution. D.C. Code § 1-264(b) (1991 supp.).¹ In order for such funds to be deposited, they must be paid to the ANC. However, this requirement only applies to funds, and not to in-kind dona-

¹ In section 738(e) and (f) of the Self-Government Act, Pub. L. 93-198, D.C. Code § 1-252(e) and (f) (1987), Congress granted authority to the Council of the District of Columbia to establish sources of funding and to regulate the handling of funds and accounts for ANCs. See H. Rep. No. 93-482, 93rd Cong., 1st Sess. 165 (1973), noting that the Council would be empowered to authorize a variety of methods of financing ANCs (statement of dissenting Committee members).

tions. Therefore, while funds donated for photocopying must be paid to the ANC, this requirement may be avoided if the donor instead purchases photocopies and then donates the copies to the ANC.

2. Is the Commission required to deposit contributions in the Commission bank account?

Yes. All contributions of money must be so deposited. As noted in response to question 1 above, each ANC is required to designate a federally insured savings institution as a depository of all funds received by the Commission." D.C. Code § 1-264(b) (1991 Supp.).

3. Is it necessary for the Treasurer to record the receipt of contributions to the Commission in the books of the Commission?

Yes. The Treasurer must record contributions. D.C. Code § 1-261(1) (1991 Supp.) requires each commission to include in its annual financial report a record of all contributions received during the previous fiscal year, and D.C. Code § 1-261(j) (1987) requires each ANC to provide a quarterly financial report on a form prepared by the D.C. Auditor, which includes a provision for reporting miscellaneous income, such as donated funds.

4. Is it permissible for an individual Commissioner to expend contributions for the Commission without authorization in writing by the Treasurer or the Chairman?

No. "Any expenditure of funds by a Commission shall be authorized in writing by the treasurer or Chairman and recorded by the treasurer in the Commission's books of accounts." D.C. Code § 1-264(f) (1991 Supp.).

5. Is the Commission required to record the expenditure of contributions in the books of the Commission?

Yes. As noted in response to question 4 above, any expenditure of funds by the Commission must be recorded in the Commission's books of accounts. D.C. Code § 1-264(f) (1991 supp.). No exception is made for donated funds.

Sincerely,



Vanessa Ruiz
Deputy Corporation Counsel
Legal Counsel Division