

Government of the District of Columbia

OFFICE OF THE CORPORATION COUNSEL

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WASHINGTON, D C 20001



October 20, 1994

IN REPLY REFER TO:

LCD:RAS:LNG:ae

RL-94-284

Misc. 94-50

Alice W. Gilmore
Treasurer
Advisory Neighborhood Commission 4-B
32 Sheridan Street, N.E.
Washington, D.C. 20011

Re: Request of Lamond-Riggs Athletic Association
for grant from ANC 4-B for athletic equipment
and uniforms, youth character seminars, and
concerts

Dear Commissioner Gilmore:

This is in reply to your October 6, 1994 letter in which you seek the advice of this Office regarding a request for a grant submitted to Advisory Neighborhood Commission (ANC) 4-B on or about May 30, 1994, by the Lamond-Riggs Athletic Association.

The Lamond-Riggs Athletic Association requested a \$1,000 grant from ANC 4-B. The proposed use of the grant funds was stated to be for the following: (1) purchase of footballs and basketballs; (2) purchase of T-shirts for six softball teams; (3) four youth character seminars to be held during the first eight weeks of the summer, at which refreshments (presumably purchased with some of the grant funds) would be served; and (4) "Jazz and Gospel concerts" every Saturday evening in JULY. The grant money allocated to the concert program would be used to rent stage equipment and purchase food that would be sold as "refreshments" to persons attending the concerts.

You state in your letter that this grant request is "pending" before ANC 4-B. Thus, I assume that ANC 4-B has not yet acted on the grant request. Since the summer is over, it appears that the only request that might remain relevant is the request for money to purchase footballs and basketballs. Nevertheless, I will discuss all four proposed programs in the event the Lamond-Riggs Athletic Association, or some other organization, requests a grant for such programs in the future.

As to sports equipment and uniforms, ANC 4-B may make a grant to a neighborhood association, such as the Lamond-Riggs Athletic Association, that sponsors athletic programs in the Commission's area, as long as the equipment and uniforms are not "given" by the association to the persons participating in the programs, but rather only lent to them for their use while they participate. In the Lamond-Riggs Athletic Association's May 30, 1994 grant request proposal, it is stated that the "benefit or service would occur more than 1 time." Thus, it appears that the intent of the association is to retain ownership of the footballs and basketballs and uniforms for future use by other young persons participating in future sports programs. This must be a condition of the grant.

In your letter you refer to the advice this Office rendered to ANC 2-E by letter dated May 26, 1994. There, we advised that ANC 2-E could not make a grant to the Burleith citizens Association to help that organization defray the costs of its annual neighborhood picnic and festival. The basis for that advice was the principle of Federal appropriations law that funds appropriated by Congress {which include money allocated to ANCs by the District government} may not be spent on food and entertainment unless there is specific legislative authorization for such expenditures.

Thus, as to program No. 3 listed above, namely the youth character seminars, a grant by ANC 4-B could be made to the Lamond-Riggs Athletic Association to conduct such seminars because such seminars would not be considered "entertainment." However, none of the grant money could be used to purchase food for persons attending the seminars. Program No. 4 listed above, namely the concerts and refreshments, would fall into the category of food and entertainment. Thus, ANC 4-B could not properly make a grant to the Lamond-Riggs Athletic Association to fund this program.

Sincerely,



Leo N. Gorman
Chief, Regulatory Affairs section
Legal Counsel Division

cc: The Honorable Harold Brazil
Chairman
Committee on Government Operations
Council of the District of Columbia

Adam Dennis, Director
Office of constituent services

Russell A. Smith
D.C. Auditor

Vannie Taylor
Chairman, ANC 4-B