



**Government of the District of Columbia
ADVISORY NEIGHBORHOOD COMMISSION 3/4G**

CHEVY CHASE, BARNABY WOODS, HAWTHORNE

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**ANC 3/4G Testimony Before the
Committee on Facilities and Procurement
Performance Oversight Hearing on the
Office of Advisory Neighborhood Commissions
February 20, 2019**

Chairperson White and members of the Committee on Facilities and Procurement,
I am Randy Speck, Chair of ANC 3/4G (Chevy Chase), and I am testifying on behalf of
our Commission, which authorized this testimony at its February 11, 2019 meeting by a
vote of 7 to 0 (a quorum being 4).

Our ANC appreciates the leadership that Director Gottlieb Simon provides for
Commissions around the District. He provides a wealth of knowledge and direction based
on his long experience with ANCs across all eight Wards. He identifies best practices and
suggests procedural improvements that help us to serve our constituents better and to stay
within the letter of the ANC statute.

In one area, however, we need further formal guidance. When its budget allows,
ANC 3/4G, as well as other ANCs, has been proud to award grants to deserving
community organizations. Over the years, we have given grants to Friendship Place to

assist the homeless, to Northwest Neighbors Village to help seniors age in place, to the Friends of Chevy Chase Circle, the Friends of Lafayette Park, and the Chevy Chase Citizens Association to plant flowers that beautify the community, to the Wilson High School Crew Club to promote student athletics, and to the MPD Citizens Advisory Council to honor officers' and civilian employees' outstanding performance. All of these grants are eminently worthwhile and have contributed to the betterment of our community. We hope to continue making grants when it is feasible.

Grants have become much more difficult, however, because there is little written guidance for what grants the Office of Advisory Neighborhood Commissions (OANC) will approve.¹ The ANC statute generally specifies that “a Commission may approve grants only to organizations that are public in nature and benefit persons who reside or work within the Commission area,” and further provides that the grant application shall contain “a statement of expected public benefits.” DC Code § 1-309.13(m). In response to our request for greater specificity, the OANC has referred us to Attorney General letters concluding that “the phrase ‘public purposes’ is ‘incapable of exact or perduring definition. In each instance where the test is to be applied the decision must be reached with reference to the object sought to be accomplished and to the degree and manner in

¹ The OANC assumed responsibility for approval of ANC expenditures as a result of D.C. Law 21-269, “Advisory Neighborhood Commissions Omnibus Amendment Act of 2016,” DC Code § 1-309.13(j)(2). The ANC Statute provides that a grant “application shall be in the form of a template designed by the OANC,” DC Code Section 1-309.13(m)(2), but the OANC has indicated that “as long as an ANC’s grant application form contains the statutorily required information, we have accepted a form as a template-equivalent.”

which the object affects the public welfare.” We have no further definition of what will constitute a valid public benefit.

Recent grant applications in our ANC have crystallized our concerns about how to define a “public benefit.” What are the characteristics that make an organization “public” for purposes of the grant application? Is there a sufficient public benefit within the Commission area if the applicant has 100 members, only one-third of whom live within our ANC’s boundaries? Do only direct members of the organization receive the benefit or do the indirect benefits that accrue to a broader community also contribute to the “public benefit”? Is there a minimum number of people who must benefit from the grant in order to satisfy the “public benefit” test? Who makes the final decision about whether the grant will produce a public benefit, and when will that decision be made — before or after the ANC awards the grant? Isn’t the ANC best equipped to make a decision about whether a grant will produce a “public benefit” within the Commission’s area without being second guessed later?

The uncertainty about the applicable grant criteria has directly impacted our Commission, which has had past grant awards disallowed after a payment was made. The Commission approved a grant to Friendship Place in January 2014, to purchase winter socks, handwarmers, and thermal underwear to help the homeless through the winter. In December 2014, after the grant was spent, the auditor notified the Commission that \$1,740 was disallowed because these items were deemed to be “personal subsistence expenses,” which were not permitted under the now-modified ANC statute. That \$1,740

was deducted from the ANC's quarterly allotment, and it took the ANC several years to recover from that disallowance. We cannot risk any future disallowance.

We only recently learned that other grants that our ANC made and were approved in the past — e.g., to purchase award plaques to recognize outstanding performance by MPD officers — are not and have never been permissible. There is so much confusion about what is or is not an acceptable grant, that we are reluctant to give any grants except for the most straightforward purposes — e.g., to plant bulbs in Chevy Chase Circle. We do not want to become so hesitant that we reject worthy applications for fear that they will not pass the nebulous “public benefit” test.

We urge the OANC — perhaps in consultation with the Office of the Attorney General — to issue written guidelines for grants, including specific examples, so that all ANCs can better understand the criteria that should be used to determine whether a grant will produce a public benefit within the Commission area.

Thank you.