

Government of the District of Columbia

OFFICE OF THE CORPORATION COUNSEL

DISTRICT BUILDING

WASHINGTON, D. C. 20004



IN REPLY REFER TO:

LCD:L&O:IAP:TFB:gbt
(85-328)

January 10, 1986

Mr. Caesar L. Marshall
Office Manager, ANC 6B
921 Pennsylvania Avenue, S.E. Suite 108
Washington, D.C. 20003

Dear Mr. Marshall:

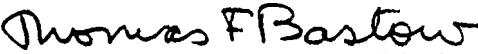
This is in reply to your request, dated October 31, 1985, for legal advice as to whether ANC 6B may grant funds to a Parent-Teacher Association or to a public school in order to support activities such as computer literacy programs, musical instruction or cultural field trips.

The activities mentioned in your letter appear to be activities which an ANC could fund by a grant to a PTA, if they do not duplicate existing public school programs. Parent-Teacher Associations are private nonprofit organizations. In general, a governmental entity may grant appropriated funds to a private organization if the funds are granted for a public purpose within the statutory authority of the granting entity. See 63 Am.Jur. 2d § 60 (1972). An ANC has statutory authority to expend public funds for public purposes within its neighborhood commission area. Sec. 738(c)(2) of the Self-Government Act, D.C. Code § 1-251(c)(2) (1981). Specifically, an ANC may operate neighborhood or community enhancement campaigns; an ANC may operate other programs only in conjunction with existing governmental activities and only to the extent that activities on behalf of the ANC do not duplicate already existing programs and services. Sec. 2 of D.C. Law 1-58, effective March 26, 1976, D.C. Code § 1-261(k) (1981).

But an ANC may not make a direct grant to a public school. Congress appropriates separate amounts for expenditure by ANCs and by the public schools. There are significant statutory restric-

tions on shifting appropriated funds. See, e,g, D.C. Law 3-100, effective September 16, 1980, D.C. Code §§ 47-361 through 47-364. ANCs are also prohibited from conducting programs on a contractual basis with existing governmental agencies, such as public schools. See D.C. Code § 1-261(k) supra.

Sincerely,


Thomas F. Bastow, Chief
Legislation and Opinions Section
Legal Counsel Division