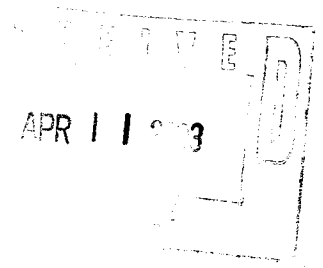


GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Office of the Corporation Counsel



Office of Government Operations  
Legal Counsel Division

**MEMORANDUM**

**TO: Deborah K. Nichols**  
**District of Columbia Auditor**

**Lynard Barnum**  
**Financial Advisor/ANC Program Manager**

**FROM: Darryl G. Gorman**  
**Senior Deputy Corporation Counsel**  
**For Government Operations**  
**Legal Counsel Division**

**DATE: April 3, 2003**

**RE: Expenditures by ANC 3F**  
**(AL-03-213)**

---

This memorandum responds to your memorandum dated March 26, 2003, wherein you ask whether two expenditures by Advisory Neighborhood Commission (“ANC”) 3F are permitted.

Specifically, you have inquired whether an ANC commissioner may be reimbursed from ANC funds for expenditures that relate solely to expenses incurred by holding meetings for one of ANC 3F’s single member districts. These expenses include the costs of flyers and room rentals.

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 July 27, 2000, D.C. Law 13-135, § 3(d), D.C. Official Code § 1-309.13 (2001), and provides as follows:

(l)(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....

(f) Any expenditure of funds by a Commission shall be recorded by the treasurer in the treasurer in the Commission's books of accounts. No expenditure of any amount shall be made without the specific authorization of the Commission.

D.C. Official Code §§ 1-309.13(l)(1) and (f) (2001).

The expenditures at issue here concern matters that arise within the Commission area, albeit one of its single member districts, and they are for public purposes. So long as ANC 3F approves the expenditures, the expenditures may be reimbursed even though they benefit only one single member district.

With regard to the second expenditure, you inquire whether an ANC can purchase the same word processing software for all of the commissioners of ANC 3F to install on their home computers. You note that Commissioner Kessler has stated, "Our Commissioners use e-mail quite extensively to send documents for review back and forth, a very efficient way to do what is a major part of each of our jobs. However, because all the Commissioner [sic] use different versions of different word processing software programs, there is significant problem reading and editing these documents."

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 July 27, 2000, D.C. Law 13-135, § 3(d), D.C. Official Code § 1-309.13 (2001), provides as follows:

(l)(1) A Commission shall expend funds ... for the public purposes within the Commission area or for the functioning of the Commission office....

Based upon the facts you have stated, it appears that the software programs would assist in the functioning of the Commission office. Since the Commission may expend funds for the functioning of the Commission office, expenditure of funds for the purchase of software programs for each commissioner's home computer comes within the statutory purpose of approved expenditures. However, the ownership of such software remains with the property of ANC 3F. Should any commissioner resign, be removed or not continue to be a commissioner in any other manner, he or she must return the software program back to ANC 3F. Such expenditures must also be approved by ANC 3F.

If you have any questions, please contact Nancy Alper, Assistant Corporation Counsel, at 724-5537 or me at 724-5493.

DGG/nla