**COUNCIL OF THE DISTRICT OF COLUMBIA**

**COMMITTEE ON THE JUDCIARY**

**COUNCIL OF THE DISTRICT OF COLUMBIA**

**PUBLIC HEARINGS**

**AGENCY PERFORMANCE BUDGET HEARING**

**FISCAL YEAR 2016**

**Testimony of Traci L. Hughes, Esq.**

**Director, Office of Open Government**

**Board of Ethics and Government Accountability**

**Monday, April 30, 2015**

**10:00 A.M.**

**1350 Pennsylvania Avenue NW**

**Room 120**

**Washington, D.C. 20004**

Good morning, Chairman McDuffie and members of the Committee. My name is Traci Hughes, and I am the director of the Office of Open Government. I am pleased to be here today to testify about the budget requirements of the office.

The Office of Open Government has now been operational for two years under the auspices of BEGA. In that time, I have stood up the office, established its mission, and have firmly embedded the OOG in the transparency and open government policies implemented by this government.

I am proud to say that the OOG is routinely looked to by jurisdictions regionally and internationally as an example of the utility of an office that is solely focused on improving access to government. In fact, I was recently invited to the White House to offer recommendations for the third U.S. Open Government National Action Plan, and have been specifically sought out by officials from numerous countries – most recently, the U.K., Brazil and Thailand. All of whom wanted to learn about the OOG, its trajectory in the open government space, and the city’s transparency initiatives.

As director, I singularly conduct this public outreach all while fulfilling the statutory mandates of the office by ensuring that 176 boards and commissions are properly trained on complying with the Open Meetings Act (OMA). In this fiscal year alone, I have trained nearly 60 boards and commissions on the requirements of the OMA, and will conduct yearly training of all subordinate and independent agency FOIA Officers in May.

Unquestionably, boards and commissions now have a greater awareness of the OMA and its procedural requirements because of the training provided by the OOG; however, even a mere 35% training rate is difficult to sustain without additional support staff.

Providing training and ensuring that points of contact know how to publish meeting dates, agendas and minutes on the boards and commissions central calendar on the BEGA website is the extent of my ability to improve compliance rates. Absent staff, I am unable to effectively monitor, measure and enforce compliance as mandated by the OMA.

Currently, the BEGA website is the District’s only central repository of boards and commissions meeting dates and materials. In December 2014, the OOG hired, for the second time, an Information Technology Specialist to maintain the site for BEGA and to provide technical support to boards and commissions in uploading information. The position is funded with a base salary of $66,000. The OOG was able to offer an additional $8,000 to support the FTE because of the lapse created by the four-month delay in hiring a qualified candidate. Unfortunately, the FTE remained filled for only two months. The office lost the hire to a federal agency offering a more competitive, industry-consistent, salary. I am now in the midst of the interviewing process for what will be the third, and hopefully final, candidate to fulfill the FTE.

In addition to Open Meetings Act Compliance, I work with District agencies to comply with the Freedom of Information Act, and to assist members of the public in filing FOIA requests; mediate disputes between agencies and requestors prior to any formal appeal filed with the Mayor’s Office; and, as director, I am also tasked with conducting yearly agency FOIA trainings and educating the public about FOIA. I also serve as BEGA’s FOIA officer and processes all requests submitted to both OOG and OGE.

Now that there is greater awareness of my role and the existence of the OOG, I have received increased requests for advice on FOIA compliance from agency FOIA officers. Many of the requests require legal research and review of best practices. Additionally, I am processing an increasing number of FOIA requests submitted to BEGA, all while conducting agency FOIA trainings and participating in community forums to educate the public about FOIA and the Open Meetings Act. Accordingly, I requested a very conservative increase in funding of $74,000 in the FY 2016 budget to support an additional FTE of an attorney advisor to assist with training and OMA enforcement. Unfortunately, that supplemental funding was not included in the budget submitted to the Council.

In addition to Open Meetings Act and FOIA compliance, this committee is aware of the push by the Office of Open Government to improve ease of access to District Government agencies and public body meetings. The OOG solely supports and provides as a service to all of District Government and to the public, a central portal to view boards and commissions meeting dates, agenda, minutes and audio or video files. Although use of the central calendar is made available to all public bodies, and aids the Mayor’s Office of Talent and Appointments in ensuring boards and commissions are complying with the OMA, there is no additional funding allocated to OOG for maintenance and improvement. Estimated costs on the low-end for support of the portal alone are upwards of $15,000.

Much has been accomplished by the Office of Open Government in just two short years, but in order for the OOG to fulfill its intended purpose and statutory obligations, it is critical that the office receive its own budget, one that is independent of the Office of Government Ethics, to maintain the current salary level for the IT Specialist position; funding for an attorney advisor to assist with conducting District-wide trainings, monitoring compliance, providing advice and drafting opinions; and funding for the maintenance of the central calendar portal.

Thank you Chairman McDuffie for the opportunity to testify. I am happy to answer any questions from the Committee.