



ETHICS WEEK 2026

TRANSITIONING

ETHICALLY

OCTOBER 13-16, 2026



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TITLE: DC PUBLIC BODY GUIDE TO THE OPEN MEETINGS ACT

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Advisor (OOG)



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**Office of Open
Government, Board of
Ethics & Government
Accountability**

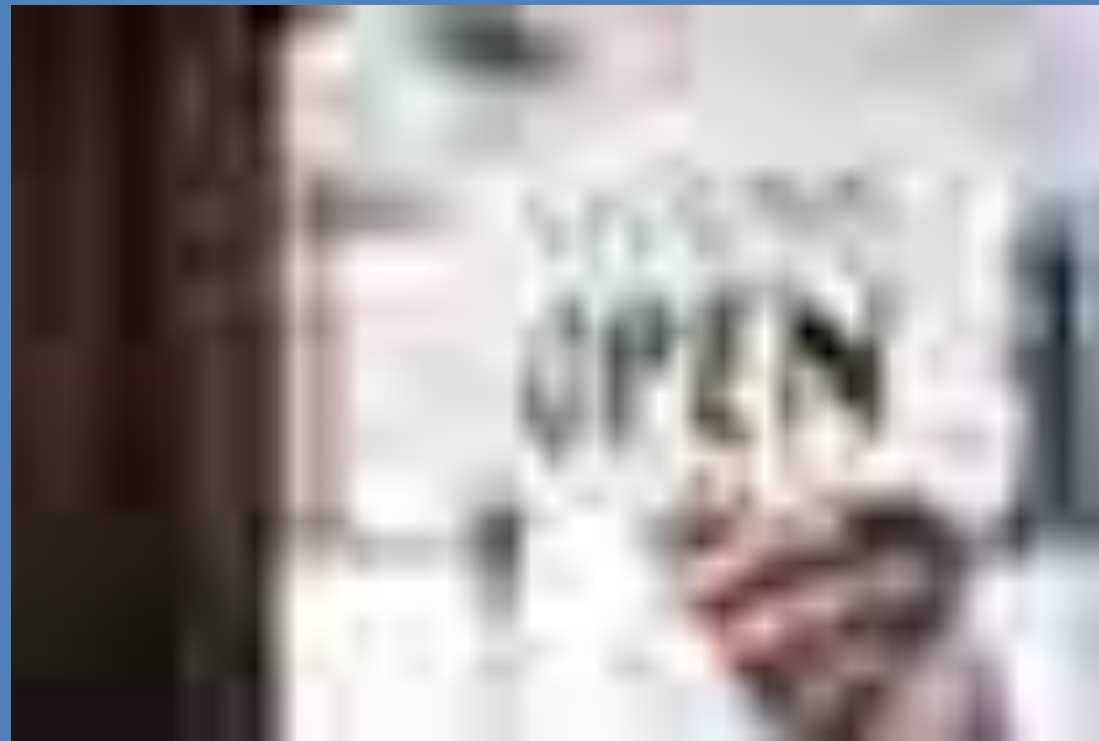
OPEN MEETINGS ACT

CONTENTS OF PRESENTATION

- (1) Introduction
- (2) Public Bodies
- (3) What Constitutes a Meeting
- (4) Notice of Meetings Requirements
- (5) Closed/Executive Session
- (6) Recording & Publication
- (7) Cancellation & Public Comment
- (8) Complaints & Enforcement
- (9) Parliamentary Procedure & OMA Resources
- (10) Question & Answer



INTRODUCTION



OPEN MEETINGS ACT (D.C. Official Code §§ 2-571 – 2-580)

- § 2-571 - ----- Short Title
- § 2-572 - ----- Statement of Policy
- § 2-573 - ----- Rules of Construction
- § 2-574 - ----- Definitions
- § 2-575 - ----- Open Meetings
- § 2-576 - ----- Notice of Meetings
- § 2-577 - ----- Meeting Procedures
- § 2-578 - ----- Record of Meetings
- § 2-579 - ----- Enforcement
- § 2-580 - ----- Training



OPENNESS AND TRANSPARENCY



The Open Meetings Act is designed to give the public confidence in the decision-making process of the members of a public body.



OOG's STRUCTURE

The Office of Open Government (OOG) and the Office of Government Ethics (OGE) are within the Board of Ethics and Government Accountability (BEGA). OOG began operations in April 2013 and is led by Director Niquelle M. Allen, Esq.



OOG's OMA FUNCTIONS

- OOG enforces the Open Meetings Act (OMA) and provides OMA advice and training to DC public bodies.
- Interprets the Open Meetings Act and monitors compliance of DC public bodies with the statute.



OOG's OMA FUNCTIONS CONTINUE

- OOG provides guidance (incl. formal Advisory Opinions) on compliance with the OMA. <https://www.open-dc.gov/documents>
- OOG enforces the OMA on basis of complaints from the public or its own investigations, and, as a last resort, may sue public bodies in the Superior Court of DC for injunctive relief, declaratory relief, and/or civil fines.



SUMMARY OF OMA REQUIREMENTS

The OMA requires that public bodies provide proper notice of, access to, and detailed records of their meetings.



THE PREAMBLE

“The public policy of the District is that all persons are entitled to full and complete information regarding the affairs of government and the actions of those who represent them.”

D.C. Official Code § 2–572 -
Statement of policy.



THE RULES OF CONSTRUCTION

“[The Open Meetings Act] shall be construed broadly to maximize public access to meetings. Exceptions shall be construed narrowly and shall permit closure of meetings only as authorized by this act.”

D.C. Official Code
§ 2–573. Rules of construction.



PUBLIC BODIES



PUBLIC BODIES UNDER THE OMA

The following entities must adhere to the OMA →

Gov't Councils (incl. the Council of the District of Columbia)

Boards

Commission or Similar Entity



PUBLIC BODIES UNDER THE OMA

Advisory Boards That Take Official Action By The Vote of Its Members Convened for Such Purpose

Public Body - Advisory Committee to the Office of Administrative Hearings (OAH)

Public Body - Advisory Board on Veterans Affairs for the District of Columbia



PUBLIC BODIES UNDER THE OMA

Board of Directors of an Instrumentality

Board Which Supervises or Controls an Agency

NOT THE INSTRUMENTALITY & NOT THE AGENCY



PUBLIC BODIES UNDER THE OMA

Educational Bodies

Boards of Trustees for Public Charter Schools

Local School Advisory Teams (LSATs)



NOT PUBLIC BODIES

District Agency

Mayor's Cabinet

Advisory Neighborhood Commissions (ANCs)



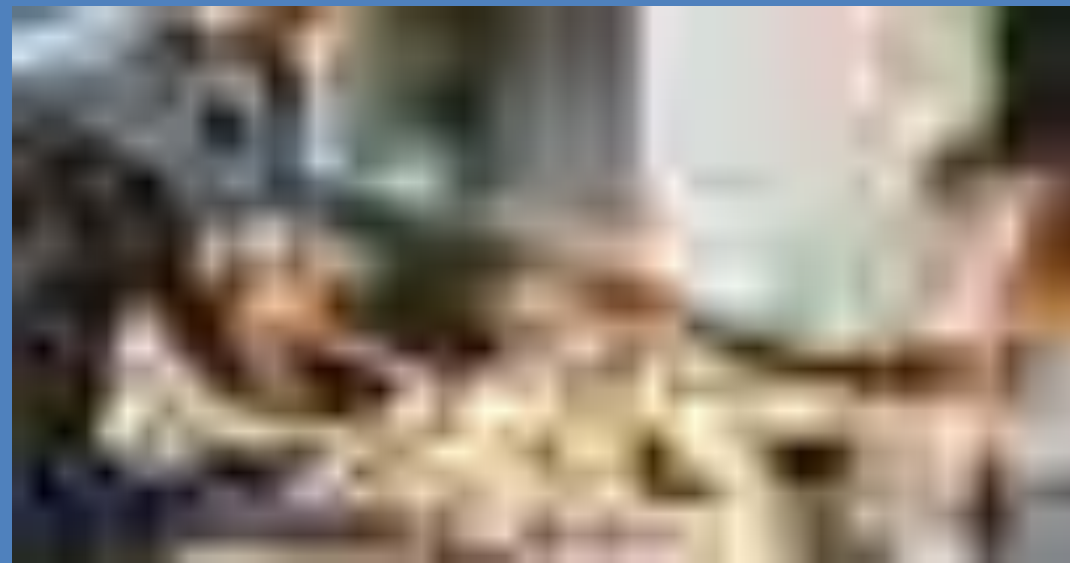
NOT PUBLIC BODIES

District of Columbia Courts

Professional Staff of Public Bodies (Outside Presence of a Quorum)



WHAT CONSTITUTES A MEETING UNDER THE OMA?



MEETING UNDER THE OMA

A meeting is a gathering of a quorum of the members of a public body to consider, conduct, or advise on public business.

D.C. Official Code § 2-574



What is Quorum?

A quorum means a simple majority of the members of the public body are present. That is half of the members plus one. Quorum can be otherwise determined by Enabling Legislation, Mayor's Order, Regulations, or the public body's by-laws.



What is Public Business?

Public Business Includes The Following:

- Gathering information;
- Taking Testimony;
- Discussing;
- Deliberating;
- Recommending; or
- Voting



What Constitutes an Open Meeting?

- A Public Body's meetings **must be open to the public**, unless the **OMA permits closure**.
- A meeting is open if the following occurs (D.C. Official Code § 2–575(a)):
 - ◆ The public is permitted to be physically present;
 - ◆ The news media is permitted to be physically present;
 - ◆ The meeting is televised;



FINAL OPEN MEETINGS LEGISLATIVE MEASURE

OR “the public body takes steps reasonably calculated to allow the public to view or hear the meeting while the meeting is taking place, or, if doing so is not technologically feasible, as soon thereafter as reasonably practicable” (D.C. Official Code § 2–575(a)(4)).

B-26-0633 – the Open Meetings Clarification Temporary Amendment Act of 2026 has amended the OMA to include the above as one of the occurrences for when a meeting is deemed open to the public.

* The Temporary Bill passed on May 5, 2026, and was enacted as Act 26-361, as of July 14, 2026. The 30-day Congressional review has ended, and the Act is now D.C. Law 26-167, effective August 20, 2026.



MEANS OF GATHERING UNDER THE OMA

■ Meeting may be held:

- ◆ in person;
- ◆ by telephone; or
- ◆ via video conference.



A MEETING IS NOT

A Chance or Social
Gathering Where No
Public Business Is
Discussed;

A Committee or
Subcommittee
Meeting of Less than
Quorum of Full Body;

A Press Conference;
or

An E-mail Exchange.



ELECTRONIC MEETINGS

- A Public Body Can Meet via Video Conference, Phone Conference, or Other Electronic Means IF:
 - ◆ Reasonable arrangements are made to accommodate the public's right to attend;
 - ◆ ALL meetings are recorded; and
 - ◆ ALL provisions of the OMA are adhered to.



NOTICE OF MEETINGS



NOTICE UNDER THE OMA



D.C. Official Code § 2-576



ADVANCED NOTICE

A public body must provide advanced public notice before an open or closed session meeting.



How Much Time is Required?



Notice must be given 48 Hours
or 2 Business Days before the
meeting (whichever is greater).



How Must Notice Be Provided?



Notice must be physically posted in the office, or a place readily accessible to the public.



Notice must be posted on the Public Body's website and/or the District of Columbia Government website (Central Meeting Calendar) at www.open-dc.gov, and in the D.C. Register.



Notice Requirement for Public Charter School Boards



Notice must be physically posted in the school, office, or a place readily accessible to the public.



Notice must be posted on the Public Charter School's website and the District of Columbia Government website (Central Meeting Calendar) at www.open-dc.gov. NOT in D.C. Register (at this time).



CONTENTS OF NOTICE



Notice must include, Time, Date, Location, and Planned Agenda.



If there is a Closed Session, notice must include OMA Citation justifying the Closure and Description of the Matters to be Discussed.



NOTICE REQUIREMENTS CONTINUE:



Public Bodies must timely post upcoming meetings and an annual schedule of meetings.



D.C. Official Code § 2-576



CONTENTS OF AGENDA

The following statement **MUST** be included at the end of all Draft and Final Agendas:

“This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this meeting to the Office of Open Government at open.govoffice@dc.gov.”

3 DCMR § 10409.2



EMERGENCY MEETINGS

“When an emergency meeting is convened, the presiding officer shall open the meeting with a statement explaining the subject of the meeting, the nature of the emergency, and how public notice was provided” (D.C. Official Code § 2-576(4)).



EMERGENCY MEETINGS CONTINUE



Emergency meetings are reserved for true emergency situations/urgent matters – Where meetings must occur and the required advanced notice is not possible.



Emergencies include instances that pose an immediate threat to health, safety, and welfare, or destruction of property.



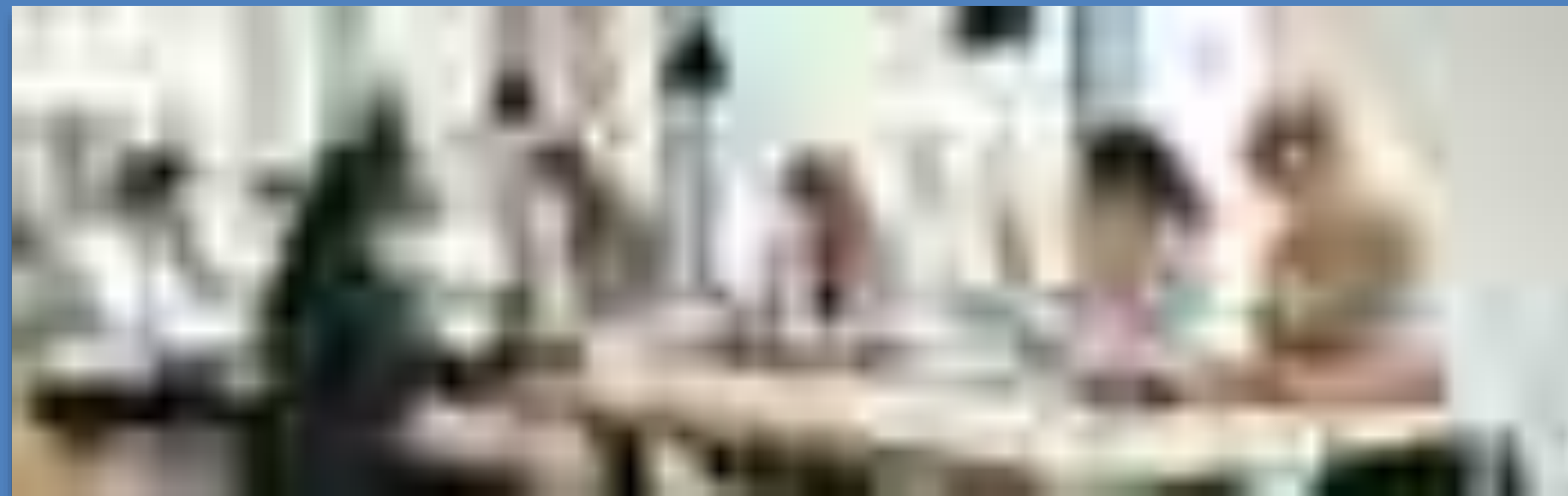
SPECIAL MEETINGS

Emergency Meetings are NOT Special Meetings

- *Special* meetings occur outside of the public body's regular meeting schedule.
- The notice for a *Special* meeting is the same as a Regular meeting – "... as much notice as possible" but NLT 48hrs/2 Business Days.



CLOSED/EXECUTIVE SESSION



CLOSED/EXECUTIVE SESSIONS

CLOSED PORTIONS (EXECUTIVE SESSIONS)
of a MEETING *MAY* OCCUR PURSUANT TO D.C.
OFFICIAL CODE § 2-575(b)



Executive Session/Closed Session Justification

- ◆ Court Order/Statute
- ◆ Specific Negotiations – Contract, including employment contract
- ◆ Attorney/Client Privilege, or to Approve Settlement Agreements

■ In **Rosenhoffer v. Batavia** (Case No. 2026-Ohio-3149) (Ohio Ct. App. Aug. 17, 2026), The Ohio Twelfth District Court of Appeals emphasized that the presence of an attorney does not automatically protect an entire executive session under the attorney-client privilege; the public body must establish that the particular communications satisfy the requirements of that privilege. This case is instructive for the District of Columbia.



Executive Session/Closed Session

Justification Continues –

- ◆ Trade Secrets
- ◆ Preparation, administration, or grading of scholastic, licensing, or qualifying examinations
- ◆ To discuss matters such as appointment, employment, and discipline of government appointees, employees, or officials, or of Public Charter School personnel, if the body is the Board of Trustees of a Public Charter School
- ◆ To discuss matters involving personal identifiable information (such as official school records with date of births and grades) of students



Executive Session/Closed Session

Justification Continues –

- ◆ Concerning Boards of Trustees of a Public Charter School, to meet with an eligible chartering authority to be evaluated – mere presence of the authority is insufficient
- ◆ Training members of a public body or staff
- ◆ Specific Collective Bargaining Negotiations
- ◆ Deliberation concerning an adjudication action
- ◆ Public Safety – To protect the public from potential terrorist activity or substantial danger to public health and safety
- ◆ To plan, discuss, or hear reports concerning ... investigations of alleged criminal or civil misconduct or violations of laws or regulations – If disclosure would harm the investigation



INTENT - CLOSED SESSIONS

Notice must include a statement of intent to close the meeting or any portion of the meeting, including citations to the reason for closure under § 2-575(b), and a description of the matters to be discussed.

D.C. Official Code § 2-576(5)



PROTOCOL CLOSED/EXECUTIVE SESSION

OPEN

- Establish Quorum & Open Public Meeting -
Conduct Business for Open Meeting

MOVE

- Move to Enter Exec. Session with a Motion that includes the OMA Citation and the Subject to Justify Closure

TAKE & RECORD

- Record Vote (by virtue of new legislative measure, each individual voting still self-identify), and—if Motion Passes—Enter Closed/Executive Session

• Video of How to Enter Executive Session - <https://youtu.be/VChmtbbDAgE>



Final Open Meetings Legislation

- The all votes are “recorded” (D.C. Official Code § 2–577(a)(3)) requirement does not mean the statute allows for votes at public body meetings to be stated in the meeting minutes or otherwise recorded as an aggregate. Each member must self-identify and state how he/she votes.

D.C. Law 26-167, effective August 20, 2026



PROTOCOL CLOSED/EXECUTIVE SESSION

On June 16, 2026, Director Allen adopted rules which amend Chapter 104 (Office of Open Government) to Title 3 (Elections and Ethics) of the District of Columbia Municipal Regulations (DCMR) by providing procedural requirements public bodies must follow to enter close sessions of meetings covered by the OMA. The rules became effective after publication of a Notice of Final Rulemaking in the D.C. Register on June 26, 2026.

The Notice of Final Rulemaking is accessible at the Office of Open Government's (OOG) website - <https://www.open-dc.gov/documents/notice-final-rulemaking-chapter-104-office-open-government-0>.

It is also accessible at <https://www.dcregs.dc.gov/Common/NoticeDetail.aspx?NoticeId=N145700>.



PROTOCOL CLOSED/EXECUTIVE SESSION

Chapter 4 Title 3 DCMR as amended includes § 10411.4(a), which requires that prior to entering closed session, the presiding Officer must “Publicly identify the specific statutory exemption [exception] authorizing closure; and Provide a general description of the specific subject matter to be discussed.”

“Merely reciting or tracking the statutory language of the exemption, without additional description of the specific matter to be discussed, shall not, by itself, satisfy the requirement to state the subjects to be discussed” 3 DCMR § 10411.4(c).



PROTOCOL CLOSED/EXECUTIVE SESSION

DISCUSS



Only Discuss Matters Listed Under D.C. Official Code § 2-575(b) for Which the Presiding Officer Gave the Public Notice Prior to Closure.

See Title 3 DCMR Subsection 10400.6 of Section 10400 as amended - includes § 10411.5.



PROTOCOL CLOSED/EXECUTIVE SESSION



RECORD

Record the Executive Session (separately from Open session)



RE-OPEN

Re-Open Public Session and, Where Appropriate, Report Publicly any Official Action Taken in Closure, and Adjourn



RECORDING AND PUBLICATION



RECORDING REQUIREMENTS



D.C. Official Code § 2–578

- ALL Meetings Shall Be Recorded!
- ◆ Open AND Closed Sessions
- ◆ ONLY Where a Recording is Not Feasible, Detailed Meeting Minutes Shall Be Taken



PUBLICATION REQUIREMENTS

How to Handle Your Meeting Records

D.C. Official Code § 2-578



OFFICE OF OPEN GOVERNMENT

CONTENTS OF MEETING MINUTES (DCMR § 10409.6)

“Detailed meeting minutes shall contain . . . :

- (a) The date, time, and place of the meeting or session;
- (b) The names of members of the Public Body recorded as either present or absent; and
- (c) Any motions, and amendments thereto, a record of all votes taken, and general description of all matters considered...”



RECORD PRESERVATION

3 DCMR § 10409.8 requires compliance with District record preservation law and the District of Columbia General Records Schedules (DGRS) concerning the disposition of its electronic meeting recordings and written meeting minutes.

D.C. Official Code § 2-578(a) requires preservation of all meeting recordings for a minimum of 5 years.



CANCELLATION AND PUBLIC COMMENT



CANCELLATIONS

”

A meeting
cancellation
is a change
in schedule.



In most instances,
cancellation
requires as much
notice to the public
as possible, But Not
Less Than 48 Hours
or 2 Business Days,
whichever is
greater, before the
meeting occurs.



CANCELLATIONS



To establish a record, the meeting notice to the public, must state “Cancelled.”



PUBLIC COMMENT



No public comment period is required by the OMA or its regulations.



PUBLIC COMMENT CONTINUES:



Your enabling legislation may require you to provide a time for public comment.



Your bylaws may also allow public comment, or you may have a standing order permitting public comment.



COMPLAINTS AND ENFORCEMENT

COMPLAINTS - DCMR § 3-10400



COMPLAINTS - DCMR § 3-10400

- An aggrieved party, including anonymous parties, may complain to OOG for relief.
- May be prospective or may refer to past meetings.



CONTENTS AND MEANS OF SUBMISSION

- A complaint may refer to more than one open meeting.
- Submit in writing, in person, online, by mail, or via email.



PUBLIC BODY RESPONSE

Except for allegations of imminent prospective violations, a public body gets 30 days to respond (with possible extension of up to 5 business days).



RESOLUTION OF DISPUTE

The Director may seek to resolve dispute through conciliation; dismiss the complaint; release an Advisory Opinion; or take any other steps permitted by the OMA and its regulations.



ENFORCEMENT – D.C. OFFICIAL CODE § 2-579



ENFORCEMENT

The OOG may bring a lawsuit in the Superior Court of the District of Columbia for injunctive and/or declaratory relief for any violations of the OMA BEFORE or AFTER the meeting takes place (D.C. Official Code § 2-579).



ENFORCEMENT

The court may order an appropriate remedy, such as requiring additional forms of notice, postponing a meeting, or a fine of up to \$500 per violation.



PARLIAMENTARY PROCEDURE AND OMA RESOURCES

PARLIAMENTARY PROCEDURE

The Office of Open Government provides access to the Robert's Rules of Order training portal.

The link to the trainings presented by Susan Leahy, MA. CSP, Founder of Robert's Rules Made Simple is as follows:

<https://forms.gle/dbMmroGvfM8YiuJ38>.

There is a Google form to be filled out to gain access to the trainings.

You can also access the portal by using the following QR Code



PARLIAMENTARY PROCEDURE Continues – QR Code



OPEN MEETINGS ACT RESOURCES



ACCESS TO HELPFUL RESOURCES

- ❖ OOG's website – www.open-dc.gov
- ❖ OMA Compliance Checklist
<https://www.open-dc.gov/documents/oma-compliance-checklist>
- ❖ D.C. Official Code -
<https://code.dccouncil.gov/us/dc/council/code/titles/2/chapters/5/subchapters/IV>
- ❖ D.C. Municipal Regulations -
<https://dcregs.dc.gov/Common/DCMR/RuleList.aspx?ChapterNum=3-104>



QUESTION AND ANSWER

TEST YOUR OMA KNOWLEDGE



Question

How many members of a public body are required to form a quorum if the public body has five members?



Answer

Three members are required to form a quorum of a five-member public body, in the absence of Enabling Legislation, Mayor's Order, Regulations, or the Board's by-laws to the contrary.

Whenever, the number of members of a public body is an odd number, quorum can be determined by dividing the number of members (5) by two ($5/2 = 2.5$), and round the number to the next whole value (3).



Question

Does the OMA permit a public body to conduct public business via email?



Answer

No, the OMA specifically prohibits a public body from conducting public business by email.

**D.C. Official Code § 2-577(c) states as follows:
“[e]-mail exchanges between members of a public body shall not constitute an electronic meeting.”**



Question

A public body has decided to reschedule its Board meeting. The first intended meeting was posted in the public body's office (or agency-affiliated office), on its designated website, and in the D.C. Register. Is it sufficient for the public body to post the notice of the rescheduled meeting on its designated website only?



Answer

No, notice of the rescheduled meeting must be provided in the same manner notice was given for the cancelled or initial meeting.

Notice of the rescheduled (and initial) meeting must be provided in the D.C. Register, in the public body's office, and on the public body's designated website or CMC (whichever the cancelled notice was posted on).



ANSWER - REMINDER

D.C. Official Code § 2–576(1) –
“Notice shall be provided when
meetings are scheduled and when
the schedule is changed.”



Question

A public body rescheduled its Board meeting.

Should the public body delete the previous meeting notices or print cancelled across all the notices?



Answer

The public body must print cancelled across all the meeting notices. The public body must not delete the meeting notices.



Question

A thirteen-member public body commenced its Board meeting with eight members. Thirty minutes into the meeting Ms. Black left the meeting. Mr. Green left fifteen minutes after Ms. Black and the meeting continued with six members.

Has the public body violated the OMA by continuing the meeting after Ms. Black and Mr. Green left the meeting?



Answer

The public body did not violate the OMA after Ms. Black left the meeting because the Board maintained quorum. Thirteen members – $(13/2)$ 6.5 rounded to the nearest whole number is 7 (quorum).

However, the public body violated the OMA after Mr. Green left and the Board continued the meeting with six members because it was below quorum of seven members.



CONTACT INFORMATION FOR THE OFFICE OF OPEN GOVERNMENT (OOG)

OOG provides advice to agencies, members of public bodies, and the public on the Open Meetings Act and Freedom of Information Act. For assistance, please contact us via telephone at 202-481-3411 or via email at opengovoffice@dc.gov

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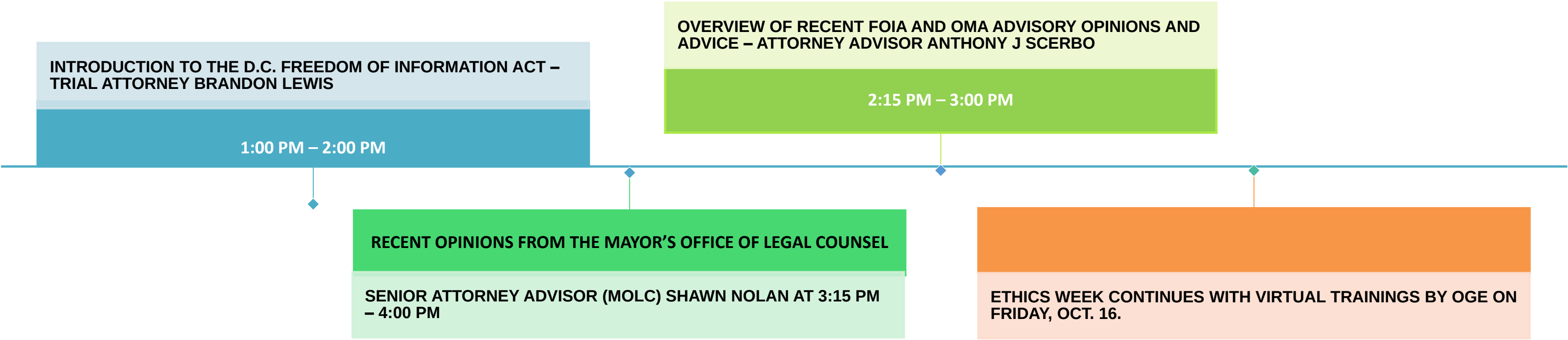
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OOG's UPCOMING ETHICS WEEK TRAININGS

INTRODUCTION TO THE D.C. FREEDOM OF INFORMATION ACT



THANK YOU!

QUESTIONS?

CONTACT BEGA

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bega.dc.gov

