

MAKING THE OMA* SIMPLE(R)

* D.C. Official Code § 2-571 *et seq.*
3 DCMR § 10400 *et seq.*

MAY 15, 2025

Anthony J Scerbo, Attorney Advisor
Office of Open Government (OOG)

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 OMA —

“[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.

Current Legislative Stance

Recently, the D.C. Council unanimously passed

- B26-0199 – the Open Meetings Clarification Emergency Amendment Act of 2025
- B26-0200 – the Open Meetings Clarification Temporary Amendment Act of 2025,

...that amended the OMA.

The “emergency” legislation is in effect until July 6, 2025.

PUBLIC BODIES

- “any government council, including the Council of the District of Columbia, board, commission, or similar entity, including . . . an advisory body that takes official action by the vote of its members convened for such purpose”
- . . . but not certain excluded groups, such as the local courts and ANCs.

PUBLIC BODIES

- ▶ The following entities must adhere to the OMA:
 - ▶ Local School Advisory Teams (LSATs)
 - ▶ Gov't. Councils (incl. The Council of the District of Columbia)*
 - * See A26-0041 (exp. 07/06/25)
- ▶ Boards
- ▶ Commissions
- ▶ Board of Directors
- ▶ Advisory Boards that take official action by the vote of its members convened for such purpose
- ▶ Public Charter Schools' Boards of Trustees

NOT PUBLIC BODIES

DISTRICT AGENCY

MAYOR'S CABINET

**ADVISORY
NEIGHBORHOOD
COMMISSIONS**

**DISTRICT OF
COLUMBIA COURTS**

**PROFESSIONAL
STAFF OF PUBLIC
BODIES (OUTSIDE
PRESENCE OF A
QUORUM)**

MEETING

A Meeting is usually defined by:

- * Purpose – to perform public business
- *and* -
- * Quorum - the number of participants.

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All such meetings, unless specifically and legally exempted, are presumed to be open to the public, and the public must receive advanced notice of the date, time, place, and draft agenda.

WHAT IS A “MEETING” AS DEFINED BY THE OMA?

- ▶ “A gathering of a quorum of . . . a public body, . . . whether formal or informal, regular, special, or emergency, at which the members consider, conduct, or advise on public business, including gathering information, taking testimony, discussing, deliberating, recommending, and* voting, regardless whether held in person, by telephone, electronically, or by other means of communication.”

D.C. Official Code § 2-574. Definitions.

* This is generally interpreted as “and / or”

AN OMA “MEETING”?

RELEVANT

Public Body?

Gathering of a Quorum ?

Members?(NOT Staff or Public)

Public Business?

Consider, Conduct, or Advise?

Gathering Information?

Taking Testimony?

Discussing?

Deliberating?

Recommending?

Voting?

NOT RELEVANT

Formal or Informal

So, either

Regular, Special, or Emergency

So, any type

In-person, by Phone,
Electronically, or Other Means

So, by any means

A MEETING IS NOT:

- * a Chance or Social Gathering - Where No Public Business Is Discussed;
- * a Committee or Subcommittee Mtg. of Less than a Quorum of the Full Body;
- * a Press Conference; or
- * an E-mail Exchange.

EMAIL EXCHANGES?

- *A Single, One-Way or Brief Exchange of Information is Not an OMA Meeting.
- *Extended communication—by a Quorum—on public business
 - Consider, Conduct, or Advise?
 - Gathering Information?
 - Taking Testimony?
 - Discussing?
 - Deliberating?
 - Recommending?
 - Voting?
- MAY be interpreted as an attempt to evade the OMA, and is NOT ALLOWED. (KEY ISSUE – “Simultaneity”)

QUORUM

- ▶ QUORUM is a simple majority/more than half (unless otherwise per Legislation, Mayor's Order, or Regulations).

- ▶ Normal Rule

DIVIDE Full Body by 2 and ADD 1

Electronic Meetings

A Public Body Can Meet via Video Conference, Phone Conference, or Other Electronic Means IF:

- Reasonable Arrangements Made to Accommodate Public's Right to Attend;
- ALL Meetings / Portions are Recorded;
- ALL Votes are **RECORDED**; and
- ALL Provisions of the OMA are Adhered To.

How Open Is “OPEN”?

“OPEN” Means:

Public
Physical
Presence

News Media
Physical
Presence

Internet / TV /
Radio / etc.

NOTICE OF MEETINGS



A public body shall attempt to provide notice as early as possible, but notice must be given 48 Hours or 2 Business Days before each meeting, whichever is greater;



Notice **MUST** be physically posted in the office, or a place readily accessible to the public; **AND**



Notice **MUST** be posted, along with the proposed agenda, on the public body's website **AND/OR** the District Government's website (Central Meeting Calendar at www.open-dc.gov); **AND**



A public body **MUST** notice meetings as timely as practicable in the DC Register (* **EXCEPT** mtgs. of boards of trustees for public charter schools)

WHAT DOES NOTICE INCLUDE?

Notice Must Include:

- Time
- Date
- Location (and/or hyperlink)
- Planned Agenda

If there will be a closed portion of a meeting, Notice must include the OMA citation(s) w/ reason(s) justifying the closure.

WHAT DOES NOTICE INCLUDE?

The following statement must be included below all Draft and Final Agendas:

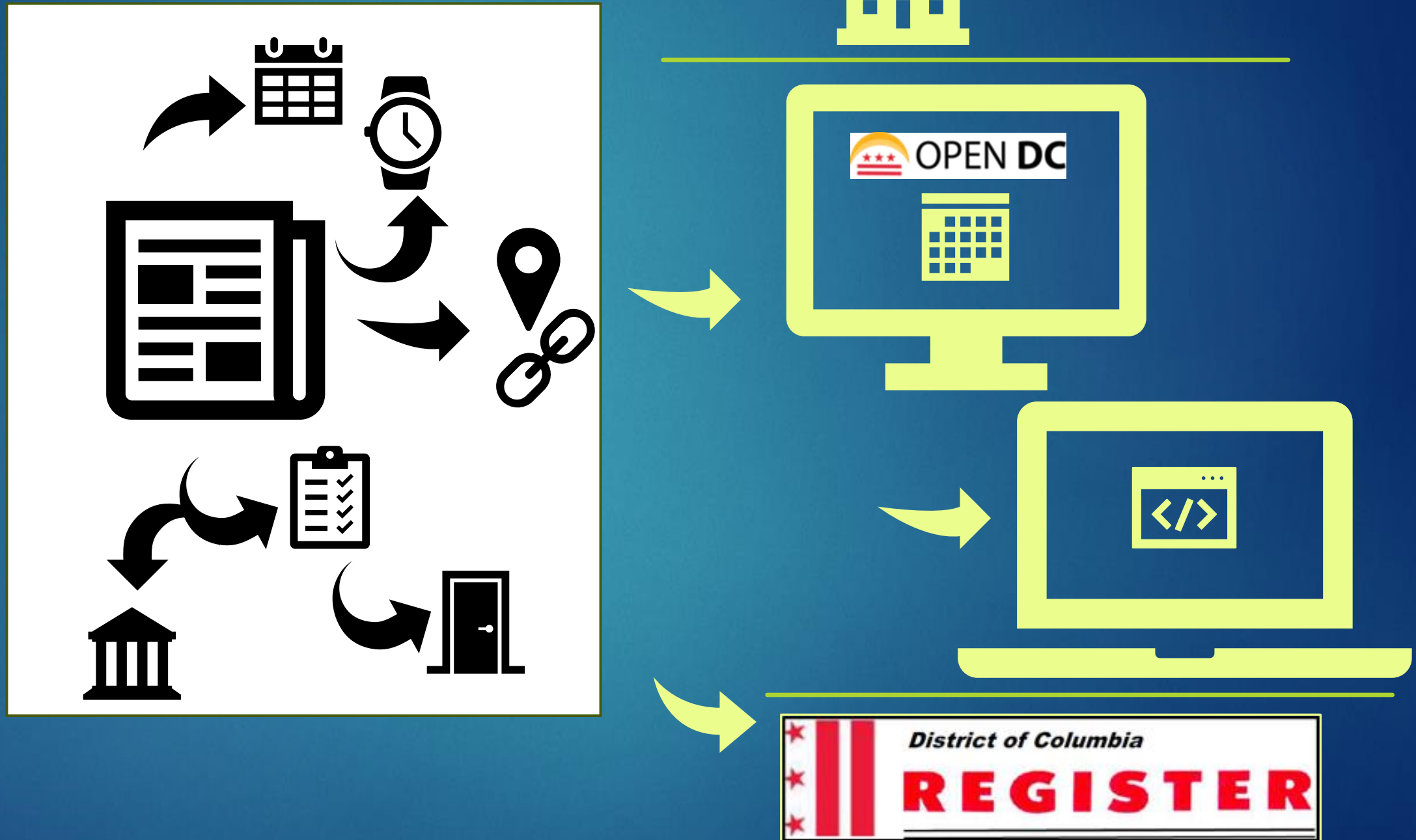
“This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this meeting to the Office of Open Government at open.govoffice@dc.gov.”

3 DCMR § 10409.2

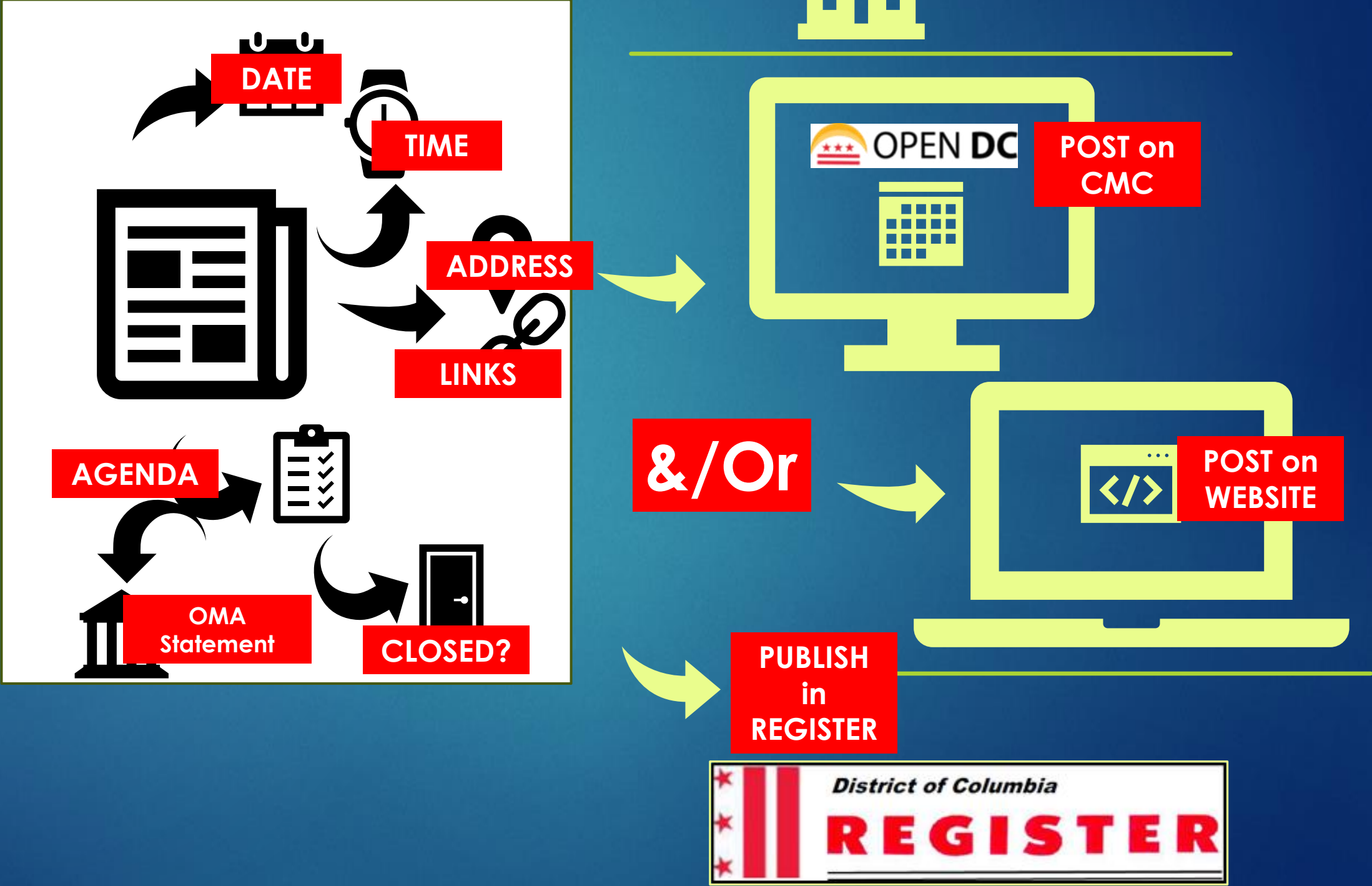
POSTING

- Notice must be posted IN ALL OF THE FOLLOWING:
 - “In the office of the public body or a location that is readily accessible to the public;”
 - “On the website of the public body or the District government,”
 - except that, for **emergency meetings**, public bodies may either:
 - elect the usual internet-posting method, or
 - post a *physical* (paper) notice in office of public body or location readily accessible to public.
 - **ALSO**, must publish in *D.C. Register* “as timely as practicable.” (* *EXCEPT* mtgs. of boards of trustees for public charter schools).

NOTICE



NOTICE



OMA Governing Statement

PLEASE REMEMBER

The following statement must be included below 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

CLOSED SESSIONS

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- ▶ Notice should include "if feasible, 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." (§ 2-576(5))
- ▶ Closure in a Meeting MUST include the OMA citation from D.C. Official Code § 2-575(b), the Justification for Closure, and a description of the matters to be discussed.

CLOSED SESSION JUSTIFICATIONS

Full list at:

[**code.dccouncil.gov/us/dc/council/code/sections/2-575#\(b\)**](http://code.dccouncil.gov/us/dc/council/code/sections/2-575#(b))

Some Justifications:

- Court-order/statute
- Contract negotiations (incl. prep / prelim)
- Trade secrets
- Attorney-client privilege (NOT JUST an Atty. present)
- Publ. health/safety if disclosure could endanger public
- Prevent premature disclosure of an . . . award
- Certain admin: exams, personnel, students' PII

PROTOCOL to go Into CLOSED/EXECUTIVE SESSION

OPEN

Establish Quorum & OPEN Public Meeting
Conduct Business for Open Session

MOVE

MOVE to Enter into Closed Session
- must incl. Ref. to OMA Citation to Justify Closure

TAKE

Take Roll Call VOTE and, if Motion Passes, Enter into Closed Session

PROTOCOL for CLOSED / EXECUTIVE SESSION

DISCUSS

- Only Discuss Matter(s) Referenced on the Agenda

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

Record of Meetings

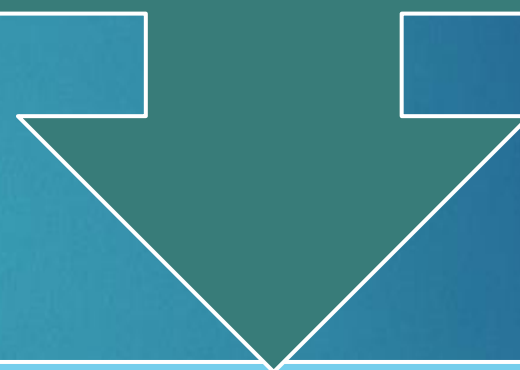
D.C. Official Code § 2–578

- ▶ ALL Meetings Shall Be Recorded
 - ▶ Open AND Closed Sessions
 - ▶ ONLY Where a Recording is Not Feasible, Detailed Meeting Minutes Shall Be Taken
- ▶ Copies of Records Shall be Made Available for Public Inspection:
 - ▶ MINUTES
 - ▶ As Soon As Practicable, But NLT 3 Business Days After Meeting (exc. Pub. Charter Schools NLT 30 Bus. Days)
 - ▶ FULL RECORD
 - ▶ As Soon As Practicable, But NLT 7 Business Days After Meeting

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DRAFT DETAILED MEETING MINUTES MUST BE PUBLICLY AVAILABLE NO LATER THAN THREE (3) BUSINESS DAYS AFTER MEETING;

A NOTATION MUST BE INCLUDED AT THE TOP OF THE DOCUMENT THAT DETAILED (“FINAL”) MEETING MINUTES WILL BE POSTED TO THE WEBSITE ON THE NEXT MEETING DATE



AUDIO RECORDINGS, VIDEO RECORDINGS, AND TRANSCRIPTS (COPY OF FULL RECORD) MUST BE AVAILABLE NLT SEVEN (7) BUSINESS DAYS AFTER MEETING

MEETING RECORDS

Additional specifics from OOG regulations

“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...”

3 DCMR § 10409.6

(66 DCR 006673, 006680 (May 31, 2019)).

“FULL RECORD” CONTENTS / AVAILABILITY REQUIREMENTS

IF RECORDING NOT
FEASIBLE, MINUTES (at least
DRAFT) MUST BE PUBLICLY
AVAIL. NO LATER THAN 3
BUSINESS DAYS AFTER MTG.;

A NOTATION MUST BE INCL.
AT TOP OF ANY *DRAFT*
MINUTES THAT *FINAL*
MINUTES WILL BE POSTED TO
WEBSITE ON NEXT MTG. DATE

A COPY OF FULL
RECORD, INCL. ANY
RECORDING OR
TRANSCRIPT, SHALL BE
MADE AVAILABLE FOR
PUBLIC INSPECTION AS
SOON AS PRACTICABLE,
BUT NO LATER THAN 7
BUSINESS DAYS AFTER
MTG.

RECORDS: Agendas, Minutes, etc.

PLEASE NOTE –

- ▶ OOG is NOT RESPONSIBLE for the records, documents, etc. (Agendas, Minutes, etc.) posted on the Central Meeting Calendar (CMC) at <https://www.open-dc.gov>
- ▶ The CMC is provided for convenience in complying with the requirements of the OMA; it is NOT a storage or records retention functionality.

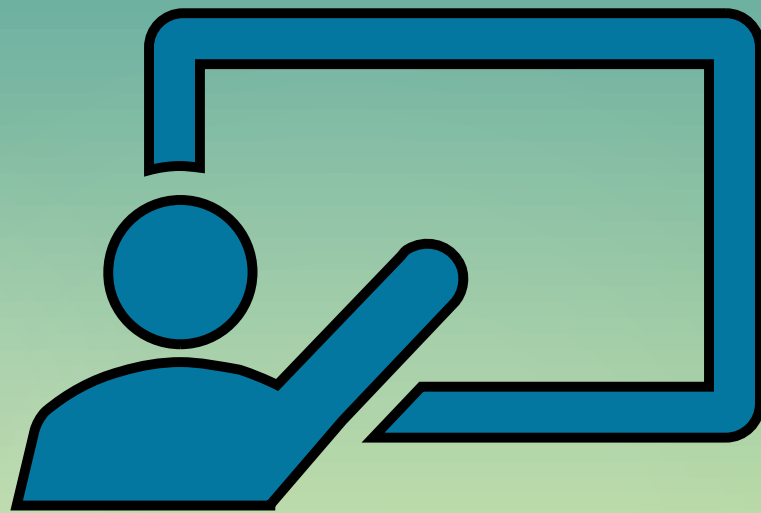
PUBLIC COMMENT

- No Public Comment Period Is Required By The OMA Or Its Regulations.
- You May Allow Public Comment, Subject To Internal Parliamentary Law / Rules;
- You May Have A Standing Order Permitting Public Comment, But Those Factors Are Beyond The Scope Of The OMA.

CANCELLATIONS

- ▶ 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 Meeting Occurs.
- ▶ To Establish a Record, the Meeting Notice to the Public, Must State “Cancelled.”

PARLIAMENTARY PROCEDURE



“The Director [of Open Government] may provide advice and training on parliamentary procedure upon request.”

3 DCMR §10408.2.

Robert's Rules Made Simple DC Portal



<https://robertsrulesmadesimple.com/dc>

PARLIAMENTARY PROCEDURE SCRIPTS

It's good practice for the Administrative Point of Contact (APC) to write a script for the Presiding Officer to use to move smoothly through Meetings and ensure compliance with the OMA.

ADMINISTRATIVE POINT OF CONTACT (APC)



APCs are the legally responsive personnel to whom we address OMA violations or other concerns.

Whenever APC duties change hands, please provide new APC's name and contact information to OOG.

CENTRAL MEETING CALENDAR

(THE CMC)

For access to the CMC, to post Notices and Minutes / Transcripts, APC contacts OOG to get log-in credentials for open-dc.gov.



The OMA permits use of a public body's own site for posting, however, OOG offers the CMC as an alternative, and SUPPLEMENT, and for District-wide convenience and uniformity.

SOURCES

OOG - open-dc.gov

OMA Compliance Checklist

open-dc.gov/documents/oma-compliance-checklist

D.C. Official Code

code.dccouncil.gov/us/dc/council/code/titles/2/chapters/5/subchapters/IV

D.C. Municipal Regulations

dcregs.dc.gov/Common/DCMR/RuleList.aspx?ChapterNum=3-104

CONTACT INFORMATION

OOG, open.govoffice@dc.gov, (202) 481-3411

- ▶ Niquelle M. Allen, Dir. of Open Govt., niquelle.allen@dc.gov
- ▶ Louis L. Neal, Jr., Chief Counsel, louis.neal@dc.gov
- ▶ Anthony J. Scerbo, Attorney Advisor, anthony.scerbo1@dc.gov
- ▶ Brandon W. Lewis, Attorney Advisor, brandon.lewis@dc.gov
- ▶ Joan lelma, Attorney Advisor, joan.lelma@dc.gov
- ▶ Kimberly Brown, Paralegal Specialist, kimberly.brown6@dc.gov
- ▶ Kevin Brown, IT Specialist, kevin.brown@dc.gov

The Office of Open
Government

THANKS YOU...

...For ALL

That YOU DO)

