

BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
OFFICE OF OPEN GOVERNMENT



MEMORANDUM

TO: Administrative Points of Contact

FROM: Niquelle Allen *NMA*
Director of Open Government

RE: New Open Meetings Regulations

DATE: June 21, 2019

The purpose of this memorandum is to inform you of recent changes to the regulations concerning open meetings. The Office of Open Government (OOG) amended its regulations concerning open meetings, at 3 DCMR § 104000, effective May 31, 2019. Public bodies are required to abide by these new regulations immediately. Attached to this memorandum is a full copy of the rulemaking. The summary of the rulemaking below lists the significant changes to the existing rules and recommends best practices. This information is also available on our website, www.open-dc.gov.

Also, if you have not completed Open Meetings Act (the “OMA”) training or would like refresher OMA training, OOG is offering training sessions on Thursday, July 25, 2019, from 10:00am-12:00pm, and on Thursday, August 8, 2019, from 10:00am-12:00pm. These sessions will include instruction regarding the OMA and the new regulations. Please contact the Office of Open Government at 202-481-3411 or opengovoffice@dc.gov to register.

SUMMARY OF THE RULEMAKING

Introduction:

The Open Meetings Act (OMA) requires that meetings of District of Columbia public bodies be open to the public, along with their decisions and related records. The work of the Office of Open Government (OOG) is to ensure the public right of access to the internal workings of the District of Columbia government. On May 16, 2019, the Director of Open Government took final rulemaking action to adopt new rules implementing the OMA, which became effective on May 31, 2019.

Significant Changes:

The new rules make the following modifications to the District of Columbia Open Meetings regulations:

- Set forth procedures for an aggrieved party to appeal to the Board of Ethics and Government Accountability (BEGA) for reconsideration of an OMA opinion issued by the Director of Open Government in response to a public officials' or employees' request for advice.
- Set forth procedures for an aggrieved party to appeal to BEGA for reconsideration of a *sua sponte* OMA opinion issued by the Director of Open Government.
- Establish that a public body may conduct public meetings using the latest edition of Robert's Rules of Order and that the Director of Open Government may provide advice and training on parliamentary procedure.
- Establish that a public body must include following statement at the end of its draft agenda and final meeting agenda: "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 opengovoffice@dc.gov."
- Establish that OOG may now accept anonymous OMA complaints.
- Set forth the process and procedures that a public body must follow when conducting an electronic public meeting.
- List the components that detailed meeting minutes must contain.
- Require the retention of electronic recordings of meetings and written minutes pursuant to District of Columbia law and General Records Schedules.

Best Practices for Public Bodies:

- Ensure that records for all meetings contain the following: (1) draft meeting agenda; (2) final meeting agenda; (3) draft meeting minutes; (4) final meeting minutes, and (5) full electronic recording of the meeting (including any closed/executive sessions of the meeting).
- Post meeting notices as early as possible, but not later than 48 hours or 2 business days before the meeting. Meeting notices must include draft meeting agendas.
- Final meeting agendas should reflect any changes that the public body adopted at the meeting.
- Ensure that draft and final meeting agendas conclude with the following statement: "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 opengovoffice@dc.gov.”

- Conduct the meeting using the latest edition of Robert’s Rules of Order, unless otherwise provided by law or by-laws.
- Post draft detailed meeting minutes within 3 business days of a meeting. All draft meeting minutes must provide a notation at the top that states, “full meeting minutes will be posted on the next meeting date.”
- Provide detailed meeting minutes that contain: (1) date, time and location of the meeting; (2) names of members present or absent; (3) motions and amendments; (4) votes taken; and (5) general description of all matters considered.
- Post electronic recordings of the open session of meetings within 7 business days after a meeting.

If you have any questions or concerns, please contact Open Government Director, Niquelle Allen at 202-481-3406 or niquelle.allen@dc.gov or OOG Attorney Johnnie Barton at 202-741-5373 or johnnie.barton2@dc.gov.

Enclosure