The
OPEN MEETINGS ACT (OMA)

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

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Office of Open Government (OOG)

KEY POINT:

- **OOG provides guidance (incl. formal Advisory Opinions) on compliance with the Open Meetings Act ("OMA").**
- **OOG conducts training and outreach.**
- **And OOG can also enforce the OMA on the basis of complaints from the public or its own investigations and, as a last resort, may sue public bodies in Superior Court for injunction, declaration, and/or civil fines.**

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.

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)
  - 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**

(*social gatherings <u>not</u> considered mtgs.*)

- and -

*** Quorum - the number of participants.**

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

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"**

A MEETING IS NOT:

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

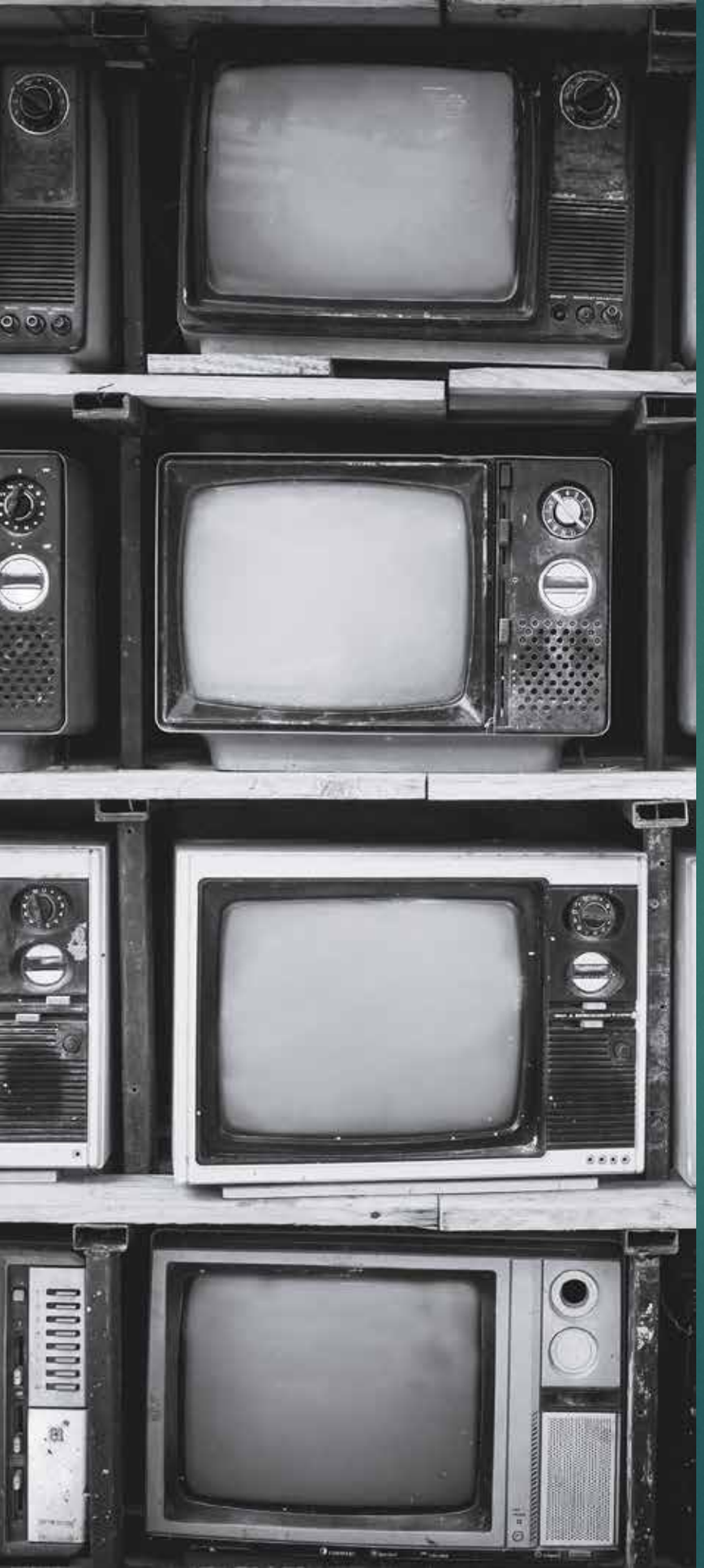
QUORUM

QUORUM is a simple majority/more than half, unless otherwise established by Enabling Legislation, Mayor's Order, or Regulations.

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 Taken by Roll Call; and**
- **ALL Provisions of the OMA are Adhered To.**



How Open Is "OPEN"?

Meetings (per the OMA) Must Be Open to the Public Unless the OMA Permits Closure

Open means:

Public	News media	Internet / TV
Phys. presence	Phys. presence	

NOTICE OF MEETINGS

As much notice 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:

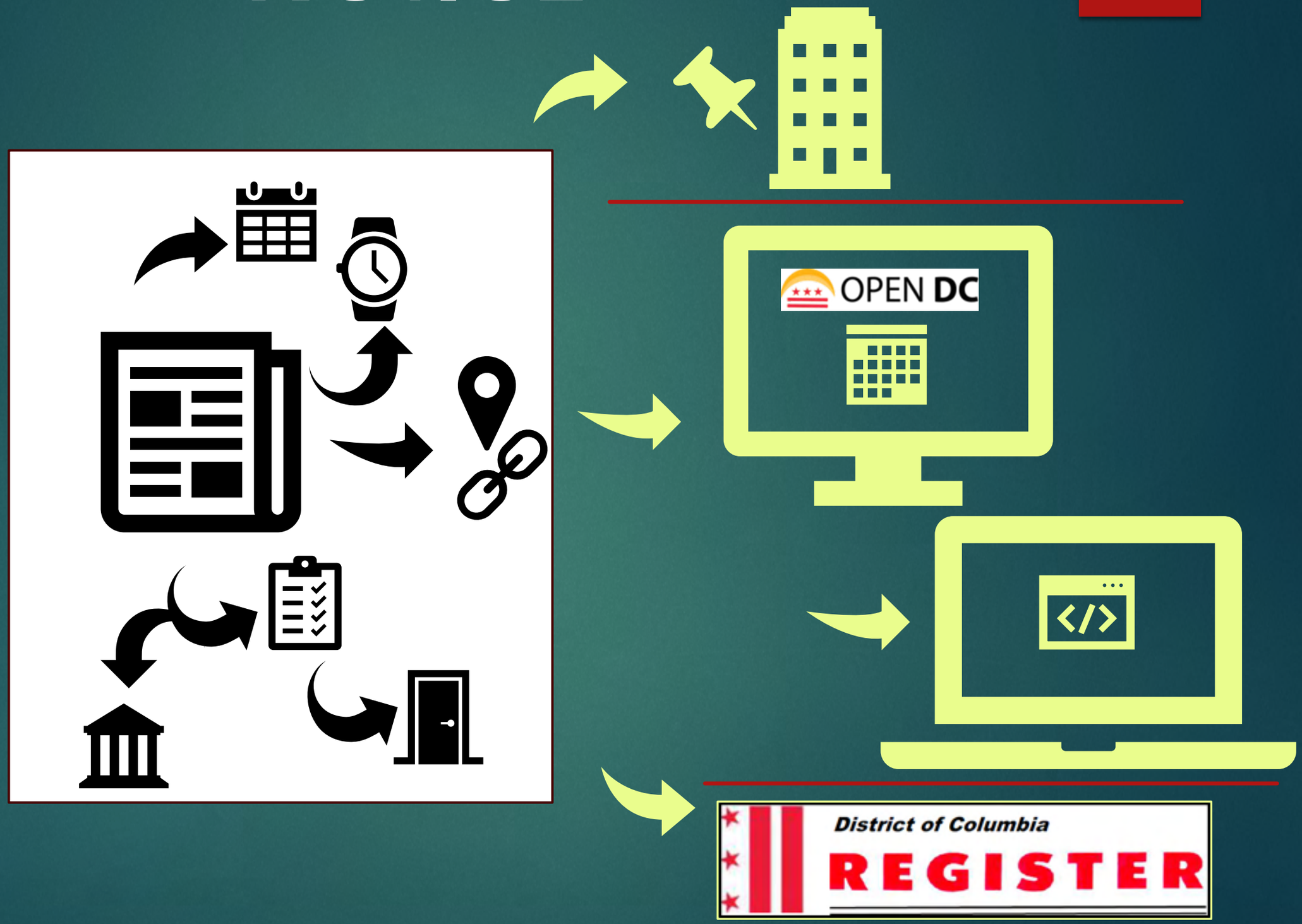
- **Time**
- **Date**
- **Location (and/or hyperlink)**
- **Planned Agenda**

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

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,”**
  - **<u>except that</u>, *<u>for</u>* *<u>emergency meetings</u>*, 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.**
- **<u>ALSO</u>, must publish in *D.C. Register* “*as timely as practicable.” (* EXCEPT mtgs. of boards of trustees for public charter schools*).**

NOTICE



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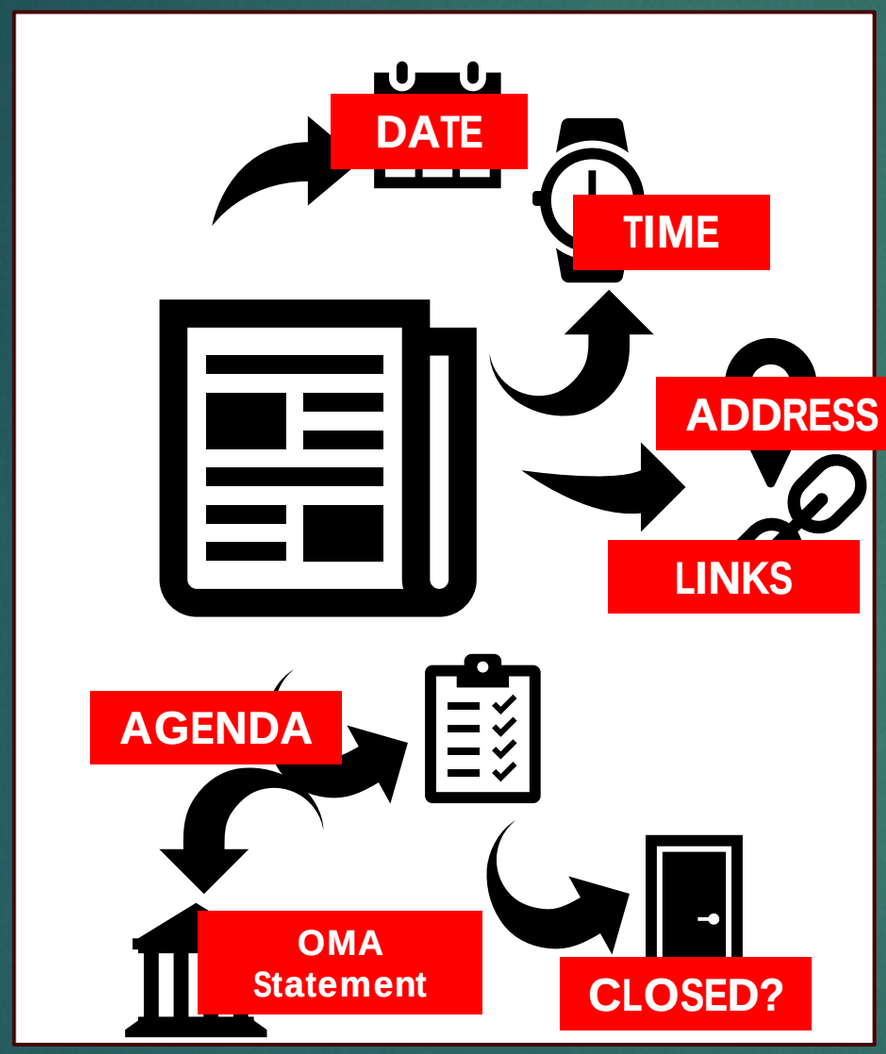

POST in OFFICE

POST on CMC

&/Or

PUBLISH in REGISTER

District of Columbia
REGISTER

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

NOTICE OF MEETINGS

Effective August 3, 2023, all public bodies must resume physically posting public meeting notices (including date, time, location/weblink, and planned agenda) of each meeting "[i]n the office of the public body or a location that is readily accessible to the public."

D.C. Official Code § 2-576(2)(A)

As with internet notices, physical notices must be posted "as early as possible, but not less than 48 hours or 2 business days, whichever is greater, before a meeting."

D.C. Official Code § 2-576(1)

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,”**
  - **<u>except that</u>, *<u>for</u>* *<u>emergency meetings</u>*, 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.**
- **<u>ALSO</u>, must publish in *D.C. Register* “*as timely as practicable.” (* EXCEPT mtgs. of boards of trustees for public charter schools*).**

CLOSED SESSIONS

- ***<u>Notice</u> <u>should</u> 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))***

- ***<u>Closure</u> in a Meeting <u>MUST</u>* 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)

Some Justifications:

- **Court-order/statute**
- **Contract negotiations (incl. prep/prelim) or trade secrets**
- **Attorney-client privilege (NOT MERELY Attorney presence)**
- **Publ. health/safety where disclosure would endanger public**
- **“To prevent premature disclosure of an . . . award”**
- **Certain admin(****): exams, personnel, students’ PII**

PROTOCOL
CLOSED/EXECUTIVE SESSION

OPEN	**Establish Quorum & Open Public Meeting** **Conduct Business for Open Meeting**
MOVE	**Move to Enter into Exec. Session** **- must incl. Ref. to OMA Citation to Justify Closure**
TAKE	**Take Roll Call Vote, and—if Motion Passes—Enter into Closed/Executive Session**

PROTOCOL 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

REVISION to the DCMR (effective June 26, 2026)

Title 3 DCMR, ELECTIONS AND ETHICS, is amended as follows:

Chapter 104, OFFICE OF OPEN GOVERNMENT, is amended to read as follows:

- **10411 CLOSED MEETINGS**
- **10411.1 Public bodies, as defined in D.C. Official Code § 2-574(3), may close a meeting or portion of a meeting for the purposes described in section 405(b) of the Open Meetings Act.**
- **10411.2 Before a meeting or portion of a meeting may be closed, the public body shall meet in a public, open session at which a majority of the members of the public body present vote in favor of closure.**
- **10411.3 The public vote in favor of closure shall immediately precede the closed meeting or closed portion of a meeting.**
- **10411.4 (a) Prior to entering closed session pursuant to D.C. Official Code § 2-575(b), the presiding officer shall:**
  - **i. Publicly identify the specific statutory exemption authorizing closure; and**
  - **ii. Provide a general description of the specific subject matter to be discussed.**

(cont.)

REVISION to the DCMR (effective June 26, 2026) (cont.)

(cont.)

- (b) The description required under subsection (a)(ii) shall:
  - i. Be stated in general terms sufficient to inform the public of the nature of the matter under consideration;
  - ii. Avoid disclosure of confidential, privileged, or otherwise protected information; and
  - iii. Identify the particular issue, proceeding, or category of matter within the applicable exemption, where feasible.
- (c) 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.
- (d) Nothing in this section shall be construed to require disclosure of information that is privileged, confidential, or exempt from public disclosure under District or federal law.
- (e) A copy of the vote to enter into closed session and the statement shall be provided in writing and made available to the public.
- 10411.5 A public body that meets in closed session shall not discuss or consider matters other than those matters listed under D.C. Official Code § 2-575(b) for which the presiding officer gave the public notice of prior to closure.
- 10411.6 Upon conclusion of the closed session, the public body shall reconvene in open session to put on the record any official action taken during the closed session

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 (Pub. Charter Schools NLT 30 Bus. Days)**
  - **FULL RECORD**
    - **As Soon As Practicable, But NLT 7 Business Days After Meeting**

PUBLICATION

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 MEETING MINUTES WILL BE POSTED TO THE WEBSITE ON THE NEXT MEETING DATE

AUDIO RECORDINGS, VIDEO RECORDINGS, AND TRANSCRIPTS (COPY OF THE FULL RECORD) MUST BE AVAILABLE NO LATER THAN 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

A public body may have enabling legislation or bylaws that mandate a period for public comment.

A public body may allow public comment absent a statutory requirement to do so.

A public body has the right to regulate the time allotted and duration of public comments if they choose to allow them; unless the requirement is already spelled out in enabling legislation or by-laws.

PUBLIC COMMENT

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

- **You *may* allow public comment, subject to internal parliamentary law; you may have a standing order permitting public comment (and regulating its timing/germaneness/advance–sign-up, etc.),**
- ***but those factors are beyond the scope of the OMA and OOG.***

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 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

For common tasks, 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 the meeting and ensure compliance with the OMA and the body's internal practices.

DUTIES OF AN ADMINISTRATIVE POINT OF CONTACT (APC)

Similar to Freedom of Information Act Officer with respect to D.C. FOIA, the Office of Open Government regards APCs as the legally responsive personnel to whom we address OMA violations or other concerns.

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

DUTIES OF AN APC (cont'd)

For access to OOG's Central Meeting Calendar (CMC) to post notices and minutes/transcripts, the APC must contact OOG to obtain log-in credentials to access the user-side of open-dc.gov.

The OMA also permits the use of a public body's *own* site for posting these records. 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

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- **Kevin Brown, IT Specialist, kevin.brown@dc.gov**

The Office of Open Government

THANKS YOU !