

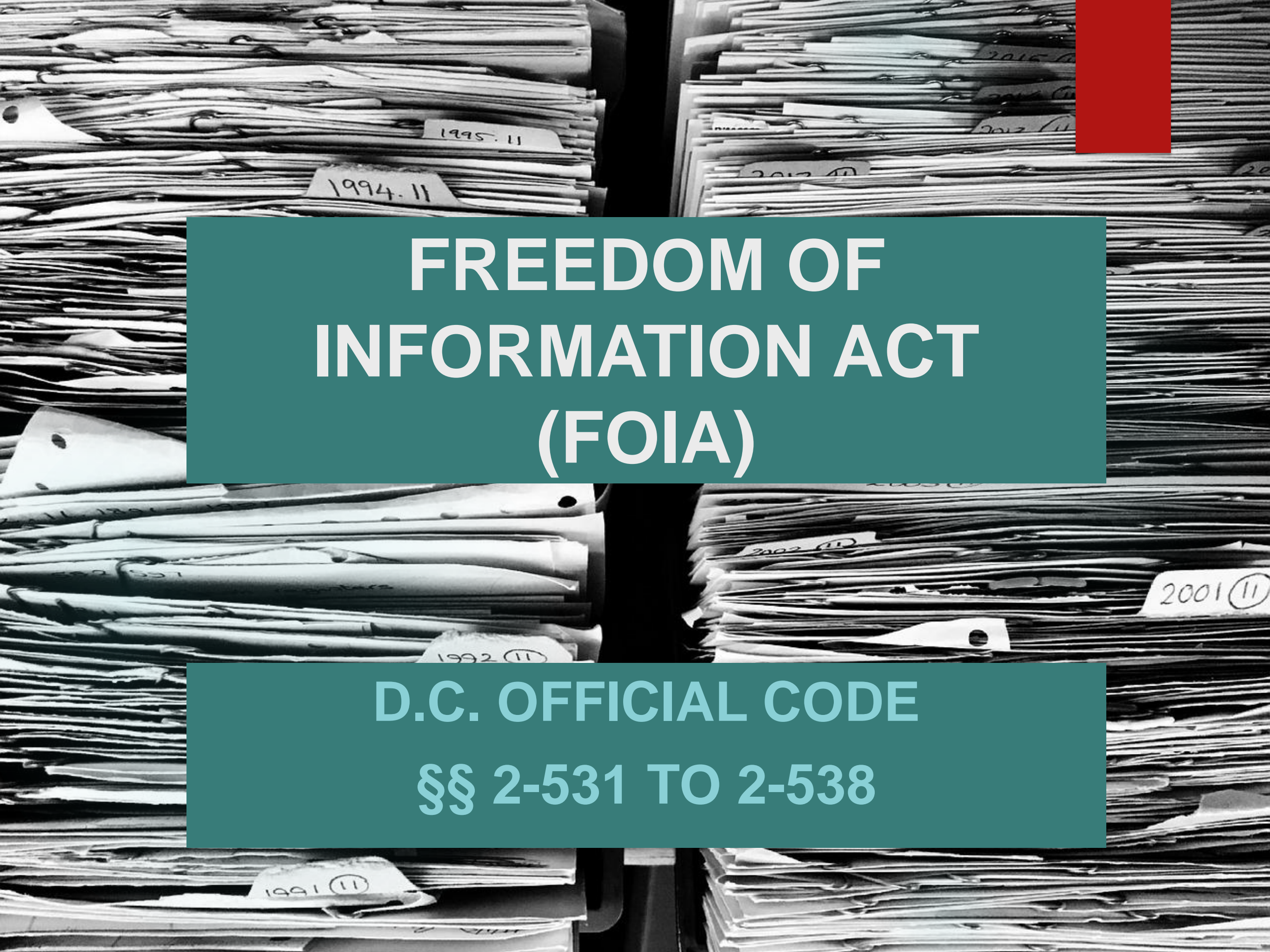


OPEN MEETINGS ACT TRAINING

FOR PUBLIC BODIES &
POINTS OF CONTACT



The OFFICE of OPEN GOVERNMENT STORY

A black and white photograph of a large stack of paper files. The files are organized into two main sections, with labels visible on the edges. Some labels include years and circled numbers, such as '1994. 11', '1995. 11', '2002 (11)', and '2001 (11)'. A solid red vertical bar is located in the top right corner of the image.

FREEDOM OF INFORMATION ACT (FOIA)

D.C. OFFICIAL CODE
§§ 2-531 TO 2-538



OPEN MEETINGS ACT (OMA)

D.C. OFFICIAL CODE
§§ 2-571 TO 2-580

Best Practices Recommendations

- **Government
Transparency**
- **Access to
Records**
- **Access to Laws**
- **Access to Data**



A hand is holding a clear crystal ball. Inside the crystal ball, a city street scene is reflected, showing buildings, trees, and a street with lights. The background is a blurred blue and white. A red vertical bar is on the right side of the image.

OOG Mission

“To ensure that government operations at every level are transparent, open to the public, and promote civic engagement.”

OPEN MEETINGS

Meeting Requirements



OPEN MEETINGS

- **A Public Body's Meeting Must Be Open to the Public, *Unless* the OMA Permits Closure.**
- **A Meeting is Open if:**
 - **Public is Permitted to be Physically Present.**
 - **News Media is Permitted to be Physically Present.**
 - **Meeting is Televised.**

OPEN MEETINGS

➤ WHAT IS A MEETING?

- Gathering of a Quorum of the Members of a Public Body;
- The Members of the Public Body Consider, Conduct, or Advise on Public Business;
- Public Business includes: Gathering Information; Taking Testimony; Discussing; Deliberating; Recommending; and Voting;
- Gathering May Be Held: In Person; By Telephone; Electronically; or By Other Means of Communication.

OPEN MEETINGS

➤ A MEETING IS NOT:

- A Chance or Social Gathering Where No Business is Discussed; or
- A Press Conference.

NOTE: If There is NO QUORUM Then The Public Body Cannot Conduct a Meeting.

TYPES OF MEETINGS

- **REGULAR MEETINGS**
- **HEARINGS**
- **ROUNDTABLES**
- **SPECIAL MEETINGS**
- **EMERGENCY MEETINGS**
- **ELECTRONIC MEETINGS**

NOT MEETINGS

➤ E-MAIL MEETINGS

➤ SUBCOMMITTEE MEETINGS

DEFINITION OF PUBLIC BODIES SUBJECT TO THE OMA

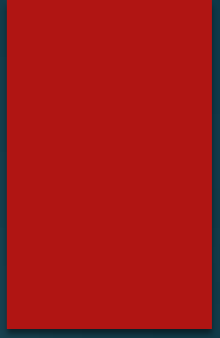
- ▶ **The following entities must adhere to the OMA:**
- **Government Council (including the DC Council)**
- **Board, Commission, or Similar Entity**
- **Board that Supervises, or Controls, an Agency**
- **Advisory Board that Takes Official Action by the Vote of its Members Convened for Such Purpose**

EXCLUDED FROM THE OMA

- **Courts**
- **Governing Bodies Of Public Charter Schools**
- **Mayor's Cabinet**
- **Professional or Administrative Staff of Public Bodies When Gathered Outside the Presence of a Quorum**
- **Advisory Neighborhood Commissions**

Notice, Protocol & Recordings





Notice

NOTICE REQUIREMENTS

- 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 at the meeting location, AND
- Notice must be posted on the Agency's website or Public Body's website.
- Annual Schedule of Meetings in the DC Register.

NOTICE REQUIREMENTS

- **Notice must include:**
 - **Time**
 - **Date**
 - **Location**
 - **and Proposed Agenda.**

- **If there will be a Closed Session, notice must include the OMA Citation justifying the Closure.**

NOTICE REQUIREMENTS

- The following statement **MUST** be included at the end of all Draft and Final Meeting 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 opengovoffice@dc.gov.

NOTICE REQUIREMENTS

OMA Justification for Closed Meeting

- Court Order / Statute
- Negotiations
- Attorney / Client Privilege
- Trade Secrets
- Training
- Deliberations
- Investigations
- Personnel

Protocol for Closed Sessions



PROTOCOL FOR CLOSED SESSION

- 1) **Open the Public Meeting and Establish a Quorum**
- 2) **Move to Enter into Executive Session / Second
(Motion Must incl. Reference to OMA Citation, to
Justify Executive Session)**
- 3) **Take Roll Call Vote – and if Motion Passes - Enter
into Executive Session**

(more...)

PROTOCOL FOR CLOSED SESSION

- 4) Only Discuss the Matter(s) referenced in the Draft Agenda
- 5) Record what is discussed in Executive Session
- 6) Re-Open the Public Meeting, and Adjourn



RECORDING REQUIREMENTS

RECORDING REQUIREMENTS

- **AUDIO RECORDING**
- **VIDEO RECORDING**
- **TRANSCRIPT – confer with Vendor to ensure no copyright restrictions with posting minutes publicly**
- **DETAILED MEETING MINUTES**

PUBLICATION REQUIREMENTS

- DETAILED MEETING MINUTES MUST BE AVAILABLE NO LATER THAN THREE (3) BUSINESS DAYS AFTER THE MEETING.
- AUDIO RECORDINGS, VIDEO RECORDINGS, AND TRANSCRIPTS (COPY OF THE FULL RECORD) MUST BE AVAILABLE NO LATER THAN SEVEN (7) BUSINESS DAYS AFTER THE MEETING.



OTHER REQUIREMENTS

Does the Public Have a Right to Comment?

- Only if the public body's enabling legislation mandates a period for public comment.
- However, a public body may allow public comment absent a statutory requirement to do so.
- Agency / 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.

Parliamentary Procedure

- **A Public Body may conduct public meetings using the latest edition of Robert's Rules of Order**
- **The Director of OOG may provide advice and training on parliamentary procedure.**

Parliamentary Procedure

- A Public Body Must Include the Following Statement at the end of Both its DRAFT and FINAL Meeting 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 opengovoffice@dc.gov .”

How Do We Cancel ?

- **A Meeting Cancellation is a Change in Schedule.**
- **In Most Instances, Requires as Much Notice to the Public as Possible, But Not Less Than 48 Hours or 2 Business Days, *Whichever is Greater*, Before Meeting was to Occur.**
- **To Establish a Record the Electronic Notice to the Public of the Meeting, Must State “Cancelled.”**

Can We Hold an Electronic Meeting?

- ▶ **A Public Body Can Meet via Video, Electronic, Conference, or Other Electronic Means If:**
 - 1. Reasonable Arrangements Made to Accommodate Public's Right to Attend**
 - 2. Meeting Must Be Recorded**
 - 3. All Votes are Taken by Roll Call**
 - 4. All Provisions of the OMA are Adhered To**

Can We Hold an Emergency Meeting?

- ▶ **Yes, a Public Body may meet in case of an emergency. Presiding officer must:**
 - 1. Notice Must Be Given to the Public at the Same Time it is Given to the Members**
 - 2. Open the Meeting with a Statement Explaining the Subject of the Meeting**
 - 3. Explain the Nature of the Emergency**
 - 4. Explain How Public Notice was Provided**

Complaint box

2463799

Central Keesam - Thiruvananthapuram

COMPLAINT PROCESS

COMPLAINTS FOR IMPROPER MEETINGS

- ▶ An aggrieved party, including anonymous parties, may complain to the Office of Open Government for relief if a meeting may have been conducted in violation of the OMA.
- May refer to past meetings.
- Submitted in writing in person; online; mail; or email.
- 14 business days to resolve a complaint (additional info; dismissal; binding opinion; or conciliation).

APPEALS FOR OMA ADVICE OR OPINIONS

- ▶ An aggrieved party may appeal to the Board of Ethics and Government Accountability (BEGA) for reconsideration of an OMA opinion issued by the OOG Director:
- In response to a public official's or employee's request for advice; or
- That is '*sua sponte*' (without outside prompting).

CENTRAL MEETING CALENDAR

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Public Bodies

POINTS OF CONTACT FOR BOARDS, COMMISSIONS, COMMITTEES, TASK FORCES, ADVISORY COMMITTEES, AND COUNCILS

The Office of Open Government works with the Executive Office of the Mayor to ensure all public bodies, including boards and commissions, are complying with the requirements of the Open Meetings Act (OMA). The OMA sets out specific requirements of public bodies to properly notice and provide detailed records of all official actions taken by members of public bodies convened to consider, conduct and/or advise on District Government operations. District boards and commissions vary in size and complexity, and are established by stature of Mayor's Orders.

The Mayor's Office of Talent and Appointments (MOTA) administers the recruitment and vetting of all public body members. Please visit the Mayor's Office of Talent and Appointments' (MOTA) website for [additional information](#).

Public Body ▲	Enabling Statute / Mayoral Order
Adult Career Pathways Task Force	Mayor's Order 2014-232
Advisory Board on Veterans Affairs for the District of Columbia	Mayor's Order 2001-92 Amended 2002-142
Advisory Committee on Acupuncture	DC Code § 3-1202.03
Advisory Committee on Anesthesiologist Assistants	DC Code § 3-1202.03
Advisory Committee on Clinical Laboratory Practitioners	D.C. Code § 3-1202.08
Advisory Committee on Community Use of Public Space	Mayor's Order 2018-002

CENTRAL MEETING CALENDAR



https://www.open-dc.gov/public-bodies/meetings



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Upcoming Public Body Meetings

[Upcoming Meetings](#)[Past Meetings](#)

Search

Start date

July 2 2019

End date

-Month -Day -Year

Child Fatality Review Sub-Committee- Infant Mortality Review Team

Public Body: [Child Fatality Review Committee \(CFRC\)](#)

Dates: Tuesday, July 2, 2019 - 10:00 to 12:00

Location: Consolidated Forensics Lab- 401 E Street, SW- Bennett Conference Room

Zoning Commission Closed Meeting

Public Body: [Zoning Commission](#)

Dates: Monday, July 8, 2019 - 06:15 to 06:30

Location: Jerrily R. Kress Memorial Hearing Room, One Judiciary Square

Zoning Commission Public Meeting

CENTRAL MEETING CALENDAR

https://www.open-dc.gov/public-bodies/advisory-board-veterans-affairs-district-columbia



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Home / Advisory Board on Veterans Affairs for the District of Columbia

Advisory Board on Veterans Affairs for the District of Columbia

Enabling Statute / Mayoral Order: [Mayor's Order 2001-92 Amended 2002-142](#)

Governing Agency / Agency Acronym: Mayor's Office of Veterans Affairs (MOVA)

Point of contact: Stephen Robert Dalzell **Telephone:** [202-679-3184](tel:202-679-3184) **Email:** stephen.dalzell@dcbc.dc.gov

The Advisory Board serves as an advisory body to the Mayor, the Mayor's Office of Boards and Commissions, the Office of Veterans Affairs (OVA), the Department of Employment Services, the Department of Health, the Department of Human Services, and other District government departments, agencies, and offices on all matters pertaining to veterans in the District of Columbia. [Learn more about OVA.](#)

Members:

Meetings

« Prev

July 2019

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M	T	W	T	F	S	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14

Beta

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e.g. 30-605

By Chapter Number

e.g. 30-6

By Agency

By Titles

Browse through Title, Subtitle, Chapter, and Section List ...

Search the DC Register (DCR)

By Rule Number

e.g. 30-605

By Notice ID

e.g. 91488, 137854

By Agency or Council

By DCR Issues

Browse through DCR Issues ...

Search the Mayor's Orders

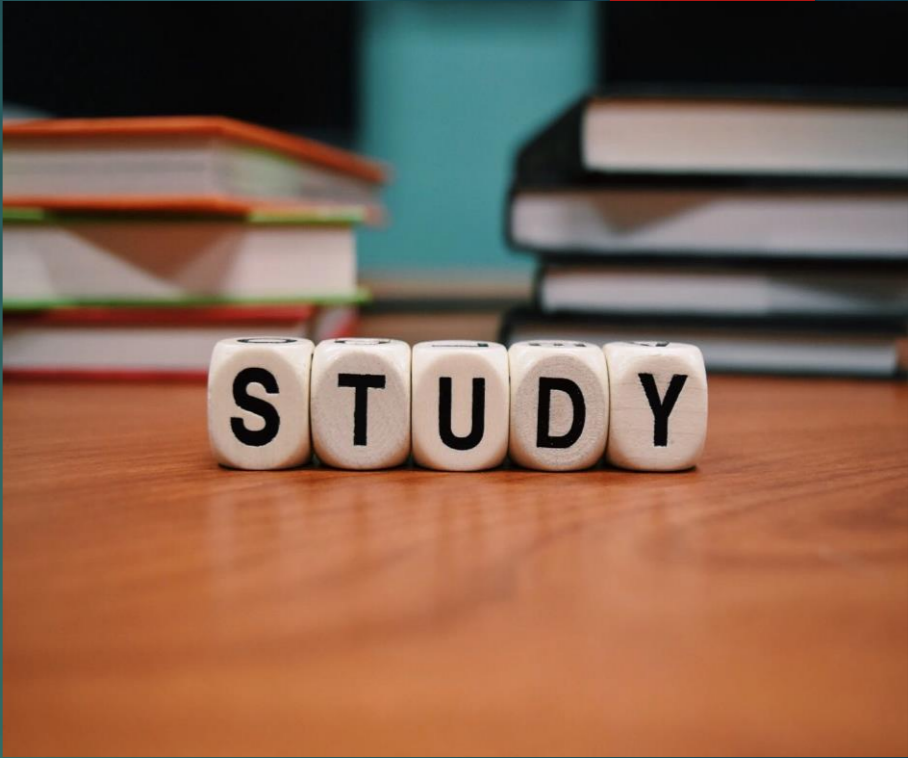
By Order Number

e.g. 2009-226

By Calendar

OFFICE OF DOCUMENTS & ADMINISTRATIVE ISSUANCES

➤ **Word 1993 or
Later**



OPEN MEETINGS ACT SUMMARY

OPEN MEETINGS ACT SUMMARY

Quorum trigger:

▶ No Quorum = NO FORMAL ACTION

▶ Notice Requirements:

▶ As early as possible, but Post Notice of the Meeting no later than 48 hours or 2 business days prior to the meeting, whichever is greater.

OPEN MEETINGS ACT SUMMARY

- ▶ **Physically post notice and put it on the Agency's Website and the DC Register (minimum yearly calendar dates).**
- ▶ **Notice must include:**
 - Time, date, & location of the meeting;
 - The draft agenda; and
 - The citation(s) to the OMA for a closed session

OPEN MEETINGS ACT SUMMARY

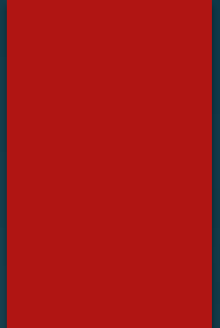
- **Must record open and closed sessions**
- **Audio files must be available upon request**
- ▶ **(FOIA request is not required).**
- **Post on the Agency Website detailed meeting minutes 3 DAYS after the meeting date.**
- **Full Record of the Meeting must be posted 7 DAYS after the meeting date (audio, video, transcript).**

OPEN MEETINGS ACT SUMMARY

▶ To Ensure Compliance with the OMA Notice Provisions:

1. Post Notices to the OOG Central Calendar by Contacting OOG.
- ▶ 2. Publish in the DC Register by Contacting the Office of the Secretary at dcdocuments@dc.gov.

Questions & Contact



▶ OMA Questions? Contact OOG:

<u>Director</u>	<u>Attorney Advisor</u>	<u>Computer Systems Analyst</u>
Niquelle Allen	Johnnie Barton	Tiffany Montgomery
<u>niquelle.allen@dc.gov</u>	<u>johnnie.barton2@dc.gov</u>	<u>tiffany.montgomery@dc.gov</u>
202-481-3406	202-741-5373	202-741-0627

THANK YOU!



Image Credits



- ▶ 1 Wilson Building – brodylevesque ♦ 2 Analyzing – pixabay ♦ 3 Files – myrfa/pixabay ♦ 4 Open Doors Exit – mcmurryjulie/pixabay ♦ 5 Ideas – pexels ♦ 6 Bubbles – pexels ♦ 7 Board – pexels ♦ 15, 16,20,23 Calendar/Gavel/Mic – pexels ♦ 26 Conference – pixabay ♦ 33 Complaint – theguardian ♦ 36, 37, 38 OOG website ♦ 39 ODAI website ♦ 40 Board/Study/Meeting – pexels ♦ 45 DC gov - glassdoor