

BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
OFFICE OF OPEN GOVERNMENT



December 14, 2017

**VIA ELECTRONIC MAIL**

Ms. Valerie [REDACTED]

Washington, D.C. [REDACTED]

[\[REDACTED\]@earthlink.net](mailto:[REDACTED]@earthlink.net)

**VIA ELECTRONIC MAIL**

Ms. Jennifer Niles

Deputy Mayor for Education

Cross-Sector Collaboration Task Force

1350 Pennsylvania Avenue, NW, Suite 307

Washington, DC 20004

[jennifer.niles@dc.gov](mailto:jennifer.niles@dc.gov)

RE: Dismissal of #OOG-0012\_10.13.17\_ AO

Dear Ms. [REDACTED]:

The Office of Open Government (OOG) must dismiss the above referenced complaint since “[T]he action complained of does not violate the Open Meetings Act” (OMA) (3 DCMR § 10402.1(b)). The OOG’s review of documents requested from the Cross-Sector Collaboration Task Force (hereinafter, Task Force) reveal that its October 11, 2017, electronic meeting did not consist of a quorum of the members of that public body. Rather, it was an electronic meeting of a subcommittee consisting of 5 of the 26 Task Force members.

As you may know, the OMA applies to “any gathering of a quorum of the members of a public body at which the members consider conduct or advise on public business” (D.C. Official Code § 2-574(1)). The legislative history<sup>1</sup> of the OMA makes abundantly clear that the Council’s intent was to exclude meetings by a subcommittee of a public body from the definition of “public body” and “meeting.” However, the OMA would apply when a subcommittee meeting is no more than an attempt to evade the OMA’s “Open meeting” provisions. In this instance the OOG did not find this to be an issue.

Therefore, the OMA’s requirements that reasonable arrangements are made to accommodate the public’s right to attend electronic meetings, such as providing a dial in number for the public to attend a telephone conference and for the publishing of meeting minutes are not mandatory.

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<sup>1</sup> The OMA’s legislative history states, “[I]n addition, the Committee has intentionally removed language that would include sub-committees or special committees within the definition of public body or meeting. Only when a quorum of the full body meets would the meeting fall under requirements of the act”. Report on the Committee on Government Operations and the Environment on Bill 18-716, the Open Meetings Act of 2010, at p. 5 (Council of the District of Columbia December 2, 2010).

However, in the spirit of transparency, the Deputy Mayor for Education (DME) indicates to the OOG that the office intends to “publish call-in numbers for all future Task Force working group calls.” And although the OMA does not require the publication of subcommittee meeting minutes, the notes for the October 11, 2017, subcommittee meeting were posted on the Task Force’s webpage on October 12, 2017. A copy of this correspondence with redactions made to your personal information is being sent to the DME. Pursuant to 3 DCMR § 10402.2, the OOG is returning a copy of the complaint to you. Do not hesitate to contact OOG Attorney Advisor Johnnie Barton on (202) 741-5373 or by email at [johnnie.barton2@dc.gov](mailto:johnnie.barton2@dc.gov) if you have additional questions.

Sincerely,

A handwritten signature in blue ink, reading "Traci L. Hughes", is positioned above a horizontal line.

TRACI L. HUGHES, ESQ.  
Director, Office of Open Government  
Board of Ethics and Government Accountability

Attachment: [REDACTED] complaint