

COMMITTEE ON THE JUDICIARY AND PUBLIC SAFETY



COUNCIL OF THE DISTRICT OF COLUMBIA

**AGENCY BUDGET OVERSIGHT
FISCAL YEAR 2026 BUDGET**

**Testimony for the Record
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Board of Ethics and Government Accountability**

Chairwoman Pinto and members of the Committee on the Judiciary and Public Safety and staff, I am Niquelle Allen, Director of Open Government, with the Board of Ethics and Government Accountability (BEGA), and I appreciate the opportunity to submit testimony for the record regarding BEGA's proposed fiscal year 2026 budget. I am providing this testimony to provide strong support for increased funding for the agency – particularly for the Office of Open Government (OOG) – and to urge the Council to preserve BEGA's independent authority by retaining its non-lapsing Open Government Fund and protecting its ability to make internal operational decisions, including telework policies.

1. UNDERFUNDING OF OPEN MEETINGS ACT ENFORCEMENT

The proposed BEGA budget reflected a 31.4% decrease in BEGA's non-personnel services fund. The decrease was proposed by Mayor Bowser as an offset to projected adjustments in the agency's personnel services costs. BEGA requires that these funds be restored and the personnel services budget is funded outright without the cuts to our operating budget. BEGA's non-personnel services expenditures include funds to support open government compliance - including mission-critical information technology expenses for OOG's website and continued funding of its training portal. OOG also requires a trial attorney position for the enforcement of the Open Meetings Act in D.C. Superior Court.

BEGA submitted a budget enhancement request to the Office of the City Administrator to fund the trial attorney position for \$120,000 (recurring) that did not appear in the Mayor's proposed FY26 budget for BEGA. BEGA has sought funding for an additional OOG attorney for several fiscal years, as OOG's workload continues to grow from the addition of new public bodies and a consistent increase of FOIA requests to D.C. Government agencies. BEGA planned its physical office space to accommodate this additional full-time position for OOG.

Given the constraints of the District's revenue projections, as an alternative to an additional full-time position, OOG seeks to fill this mission critical position by realigning its current staff. In FY25, there are funds available for OOG to reassign one of its current attorney advisors to the trial attorney role. However, the FY26 budget proposal does not currently support that realignment. BEGA requires an additional \$10,000 be added to its FY26 personnel services budget to accomplish this realignment. This figure represents the salary (including fringe) variance between the currently budgeted attorney advisor position (Grade 12, Step 4 (\$100,819)), and the proposed trial attorney position (Grade 13, Step 1 (\$108,996), to which the current attorney advisor would be transferred to meet the position grade. This slight salary increase is offset by the fact that the position could generate revenue by facilitating BEGA's ability to collect fines for OMA violations. If the D.C. Council is not able to supplement BEGA's FY26 budget proposal with funding for the addition full-time position, we respectfully request funding to support the realignment.

2. RETENTION OF THE NON-LAPSING OPEN GOVERNMENT FUND

I urge the Council to preserve BEGA's control of the Open Government Fund. This fund was created to permit BEGA to respond nimbly to open government issues and to provide a financial source for litigation activity. As mentioned above, OOG is underfunded and eliminating this funding source – should it ever be plenished – is another blow to OOG's ability to carry out its

mission. BEGA also requires these funds to invest in technology, training, and provide sustained support for ongoing oversight activity without the limitation of annual appropriations cycles. It also introduces more fiscal uncertainty to OOG's operations. Further, the non-lapsing nature of this fund reflects the Council's intent to shield BEGA's core transparency functions from political and fiscal interference. This intent should remain intact, and the Council should preserve the non-lapsing nature of this fund.

Allowing BEGA to retain its dedicated funding is also a structural necessity. It ensures that BEGA can carry out its mission with integrity, efficiency, and free from fiscal manipulation. Redirecting BEGA's funds to the general fund would undermine the agency's ability to function independently. Respectfully, I request that you preserve BEGA's ability to access its funds without interference.

3. CONTROL OVER TELEWORK FOR INDEPENDENT AGENCIES IS AN UNNECESSARY ENCROACHMENT

Finally, I wish to register concern over efforts by the Mayor to assert control over independent agencies' internal telework policies. Independent agencies are charged with regulating and enforcing laws that apply to the executive and maintaining operational autonomy is essential for their effectiveness and transparency. BEGA, as an independent agency, must retain autonomy in setting its own administrative practices – particularly those related to its workforce – to ensure operational policies do not impair BEGA's service delivery or accountability.

The attempt to override BEGA's discretion in telework arrangements represents an unwarranted encroachment on its operational independence. Like other independent agencies – including the Office of the Inspector General and the Office of the Attorney General – BEGA primarily employs attorneys, legal professionals, and investigators that have unique operational demands. BEGA is best equipped to determine the work schedule that is required to effectively execute its mission. BEGA has demonstrated that its current hybrid work model maintains high productivity, ensures legal compliance, and continues to deliver quality service. The executive has presented no evidence that centralized telework control would improve service delivery, public trust, and responsiveness, if imposed upon independent agencies. On the contrary, it erodes the agency's independence and sets a troubling precedent for executive overreach.

4. CONCLUSION

BEGA's mission is foundational to public trust in the Government of the District of Columbia. Despite the budgetary challenges posed in the proposed FY2026 budget, this agency must be equipped and empowered to fulfill that mission – through adequate funding, fiscal flexibility, and operational autonomy. I respectfully urge the Council to:

- Increase BEGA's FY26 budget to preserve the non-personnel services fund, with specific support of the Office of Open Government's programs and provide additional funding for the OOG trial attorney position.
- Preserve the Open Government Fund and ensure that it remains with BEGA at the end of each fiscal year and does not revert to the General Fund.

- Protect BEGA's independence by rejecting the Mayor's Budget Support Act proposal and permitting BEGA and other independent agencies to have full personnel authority, which includes telework.

Thank you for your attention to these matters and for your continued commitment to an ethical, open, and accountable District of Columbia government.