

THE OPEN MEETINGS ACT FOR PUBLIC BODY BOARDS AND STAFF

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

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Office of Open Government



OFFICE OF
OPEN
GOVERNMENT
(OOG)

The Office of Open Government (OOG), along with the Office of Government Ethics (OGE), are responsible for government transparency and ethics under the Board of Ethics and Government Accountability (BEGA).

OOG began operations in April of 2013.

Led by

Dir. of Open Government, Niquelle M. Allen, Esq.

OFFICE OF OPEN GOVERNMENT (OOG)

OOG:

- ▶ (1) interprets and monitors compliance with the Open Meetings Act (the OMA), which requires that public bodies provide proper notice of, access to, and detailed records of their meetings;
- (2) provides training and guidance on the Implementation of the D.C. Freedom of Information Act of 1976 (DC FOIA), which concerns the transparency and availability of public records.
- ▶ (3) The Office of Open Government Advocates for Government Openness and Transparency.

OFFICE OF OPEN GOVERNMENT (OOG)

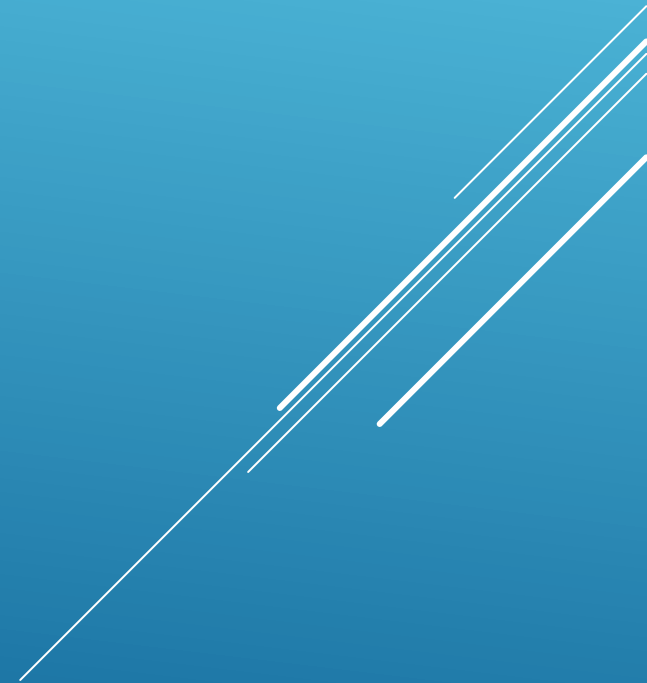
KEY POINT:

- ▶ OOG provides guidance (incl. formal Advisory Opinions) on compliance with the OMA.
- ▶ OOG conducts training and outreach.
- ▶ 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 injunctive or declaratory relief, 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.



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)**

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”

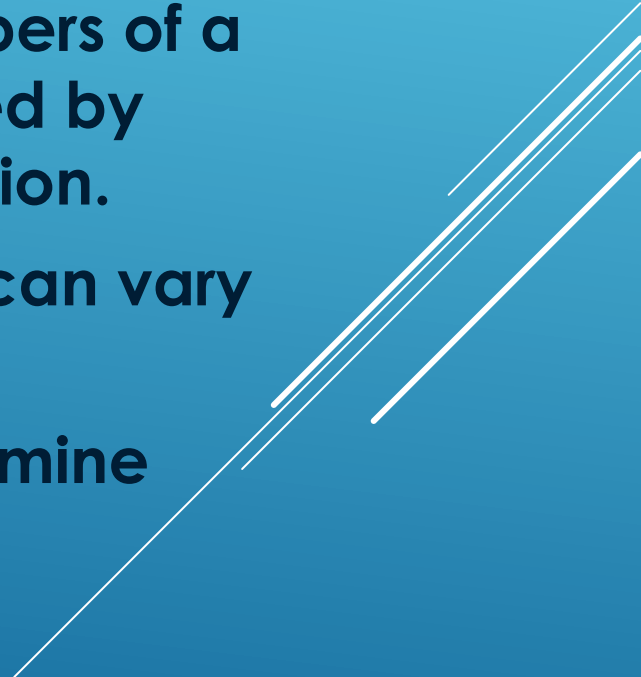
TEMPORARY OPEN MEETINGS LEGISLATIVE MEASURE

- B-26-0633 – the Open Meetings Clarification Temporary Amendment Act of 2026 has amended the OMA to include the following as one of the occurrences for when a meeting is open:
 - The public body takes steps reasonably calculated to allow the public to view or hear the meeting while the meeting is taking place, or, if doing so is not technologically feasible, as soon thereafter as reasonably practicable.

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

- ▶ The minimum number of members of a public body that can legally meet and conduct business.
 - ▶ How is a quorum determined?
 - ▶ A quorum is a simple majority (half of the members of a public body + one (1)) unless otherwise specified by law, executive order, or other authorizing provision.
 - ▶ The number of members needed for a quorum can vary by organization.
 - ▶ Organizations can set their own bylaws to determine the quorum percentage.
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ELECTRONIC MEETINGS

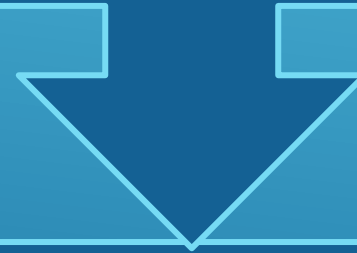
A Public Body Can Meet via Video Conference, Phone Conference, or Other Electronic Means IF:

- 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 (as defined by the OMA) Must Be Open to the Public Unless the OMA Permits Closure



Open means:

Public—physical presence OR have full electronic access

News media—physical presence

Television/
streaming

NOTICE OF MEETINGS

D.C. OFFICIAL CODE § 2-576



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.

**WHAT
DOES
NOTICE
INCLUDE?**

The following statement must be included at the end of 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

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

EMERGENCY MEETINGS

**A Public Body
May Meet in
Case of an
Emergency.**

**The Presiding
Officer MUST:**

**Clearly State
Nature of
Emergency**

**Open Meeting
w/ Statement
Explaining
Subj. of
Meeting;**

**Explain How
Public Notice
was Provided**

**Notice Must Be
Given to
Public at Same
Time Given to
Members**

EMERGENCY MEETINGS ARE NOT SPECIAL MEETINGS

- *Special* meetings occur outside of the public body's regular meeting schedule.
- The notice for a Special meeting is the same as a Regular meeting – "...as much notice as possible" but NLT 48hrs/2 Business Days.
- Emergency meetings are reserved for true emergency situations/urgent matters – WHERE Meetings must occur and advanced notice is not possible.
- Emergencies include instances that pose an immediate threat to health, safety, and welfare, or destruction of property.

CLOSED SESSIONS (AKA EXECUTIVE SESSIONS)

D.C. Official Code § 2-575(b)



CLOSED SESSIONS

- ▶ Notice should 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))
- ▶ Closure in a Meeting MUST 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.
- ▶ * See Notice of Proposed Rulemaking - <https://www.open-dc.gov/documents/notice-second-proposed-rulemaking-104-office-open-government>

CLOSED SESSION JUSTIFICATIONS

Full list at:

[code.dccouncil.gov/us/dc/council/code/sections/2-575#\(b\)](http://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 FOR CLOSED SESSION

--Start the meeting; conduct as much business as you can openly.

--Transition to closure:

The chair must recite “the reason[(s)] for closure,” citations for those reasons, “and the subjects to be discussed” while in closure.

Take a vote of the members to move to closed session accordingly.



PROTOCOL FOR CLOSED SESSION (CONT'D)

- 4) Only discuss matters noticed in the draft agenda and repeated in the Chair's reading of the draft agenda.
- 5) Electronic recording is still obligatory
- 6) When the closed agenda item(s) are exhausted, the closed body "rises," returning to the public portion of the meeting; when appropriate report out action taken in closure.



RECORDING AND POSTING REQUIREMENTS



AUDIO RECORDING

Always required,
unless not feasible,
unless substituted for
minutes



VIDEO RECORDING

Not required



TRANSCRIPT

Posted on web
no later than 3
business days
after the
meeting



DETAILED MINUTES

*as soon as
practicable,
but no later
than 3 business
days after the
meeting*

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**

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, YOUR MINUTES (at least the draft version) MUST BE PUBLICLY AVAILABLE NO LATER THAN 3 BUSINESS DAYS AFTER THE MEETING; A NOTATION MUST BE INCLUDED AT THE TOP OF ANY DRAFT MINUTES THAT FINAL MINUTES WILL BE POSTED TO THE WEBSITE ON THE NEXT MEETING DATE

“A copy of the full record, including any recording or transcript, shall be made available for public inspection as soon as practicable, but no later than 7 business days after the meeting.”

PUBLIC COMMENT

- No public comment period is required by the OMA or its regulations.
 - A public body may choose to allow public comment, or your governing law might require it. But public comment is beyond the scope of the OMA and of OOG.
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COMPLAINTS

An aggrieved party, including anonymous parties, may complain to OOG for relief.

- - May be prospective or may refer to past meetings
- - Except with allegations of imminent *prospective* violations, public body gets 30 days to respond (possible extension of up to 5 business days)
- - Director may seek to resolve dispute through conciliation; dismiss the complaint; release an advisory opinion; or take any other step permitted by the OMA and its regulations



DUTIES OF AN ADMINISTRATIVE POINT OF CONTACT (APC)



SIMILAR TO THE FREEDOM OF INFORMATION OFFICER WITH RESPECT TO D.C. FOIA, THE OFFICE OF OPEN GOVERNMENT REGARDS APCS AS THE LEGALLY RESPONSIVE PERSONNEL TO WHOM WE ADDRESS ALL OMA VIOLATIONS OR OTHER CONCERNS.[+]

WHENEVER YOUR APC DUTIES CHANGE HANDS, REPORT ANY 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 FOR DISTRICT-WIDE CONVENIENCE AND UNIFORMITY.)

ENFORCEMENT

- ▶ The OOG may bring a lawsuit in the Superior Court of the District of Columbia for injunctive and/or declaratory relief for any violations of the OMA BEFORE or AFTER the meeting takes place.
- The court may order an appropriate remedy, such as requiring additional forms of notice, postponing a meeting, or a fine of up to \$500 per violation.



PARLIAMENTARY PROCEDURE

**“THE DIRECTOR [OF
OPEN GOVERNMENT]
MAY PROVIDE ADVICE
AND TRAINING ON
PARLIAMENTARY
PROCEDURE UPON
REQUEST.”**



3 DCMR §10408.2.




PARLIAMENTARY PROCEDURE

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.



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

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**THE OFFICE OF
OPEN
GOVERNMENT
THANKS YOU !**

