

**COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE ON THE JUDICIARY AND PUBLIC SAFETY**



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**COUNCIL OF THE DISTRICT OF COLUMBIA**

**PUBLIC HEARING**

**AGENCY BUDGET OVERSIGHT HEARING  
FISCAL YEAR 2020**

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**Testimony of Niquelle M. Allen, Esq.  
Director  
Board of Ethics and Government Accountability  
Office of Open Government**

**Wednesday, April 10, 2019  
9:30 A.M.  
1350 Pennsylvania Avenue, N.W.  
Room 120  
Washington, D.C. 20004**

Good morning, Chairperson Allen and members of the Committee. I am Niquelle Allen, Director of Open Government and I am the head of the Office of Open Government (the “OOG”), which is an office within the Board of Ethics and Government Accountability (BEGA). I am pleased to discuss the OOG’s budget needs for Fiscal Year (FY) 20.

The Mayor has proposed a 6.8% increase to our operating budget, which includes budget enhancements that benefit the OOG’s operations. I will first discuss the budget enhancement that benefitted the OOG. Then I will discuss the OOG’s budget enhancement request that was not granted and explain why it is greatly needed.

First, the OOG received a budget enhancement of \$30,000 to produce an online training video. This will enhance our reach and enable us to train a wider audience using an online platform. The OOG will use this budget enhancement to create an online training video on the Open Meetings Act (OMA) in FY20.

The OGE side of BEGA received a budget enhancement of \$50,000 to upgrade the BEGA hearing room audio visual equipment. This budget enhancement will benefit BEGA, as a whole. The OOG manages the current BEGA hearing room and video teleconferencing equipment and will manage the upgrade. Also note that with an enhanced video teleconferencing capability, public bodies, including BEGA, will be able to utilize a hearing room facility with reliable recording abilities and sound and that will greatly enhance the conduct of meetings in that space.

Second, I would like to discuss the enhancement request that was not granted. The OOG side of BEGA requested a budget enhancement to hire another full-time employee (FTE), an attorney-advisor. While the training video will enhance the OOG’s reach, it will take some time to produce, film, and launch a quality product. The addition of new legal talent to the OOG will have an immediate positive impact. Simply put, the OOG currently has a backlog of advisory opinions because our small staff of two cannot meet current the demand. At the time of the budget submission process, the OOG had not yet experienced the increased workload it is

currently experiencing due to increased exposure, training requirements and other factors.

In addition to training, as you know, the OOG is also tasked with investigating and resolving OMA complaints, as well as providing FOIA advice. Many of the OMA complaints are time-sensitive and to be relevant the OOG should turn over advisory opinions quickly. With limited staff we are currently unable to do so. The OOG is also called to observe and participate in public meetings as well as train public bodies and the public. The OOG has recently become tasked with training ANCs on their FOIA obligations. Further, while the OOG supports Bill 23-0199, the Public Charter School Transparency Amendment Act of 2019,” if passed, it will also increase our workload. While we welcome the opportunity to train DC Public Charter School administrators, directors, and staff, additional training requirements will stretch our already thin staff to meet this need. The OOG is in great need of additional legal talent to assist us in fulfilling our mission. We respectfully request that the Committee provide the OOG with the budgetary funds to hire an additional attorney.

Third, as you know, BEGA’s office workspace at One Judiciary Square, where BEGA does not pay rent, is insufficient for our operations. We respectfully request that you and the Committee strongly consider and provide BEGA with the funds in FY20 to relocate BEGA to leased office space. As Director Wolfenbarger mentioned in his statement, as combined office location for the OOG and the OGE would improve the public’s view of BEGA as a combined agency and better facilitate the Office’s ability to share resources.

The OOG understands that the budget process is challenging and the necessity and importance of maintaining a balanced budget. The OOG appreciates the Mayor’s efforts in presenting a balanced budget. However, while the OOG greatly appreciates the budget enhancement we received (the one-time enhancement to produce a training video), without another full-time attorney, our office will spend much of FY20 with the same limited capacity as FY19. The Mayor’s current proposed BEGA budget should be supplemented with additional funds for another FTE to facilitate the OOG’s effective execution of its mission. The OOG’s dedicated staff of three, including myself, has been functioning with limited

resources and has accomplished so much to date with those limited resources. But we can and should do better.

Thank you for the opportunity to testify today. I am happy to answer any questions you may have.