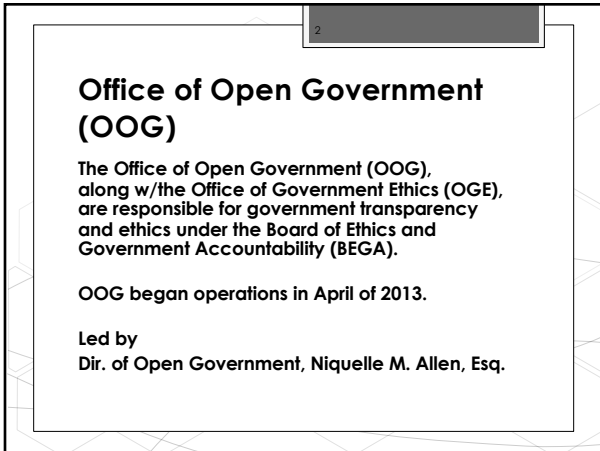
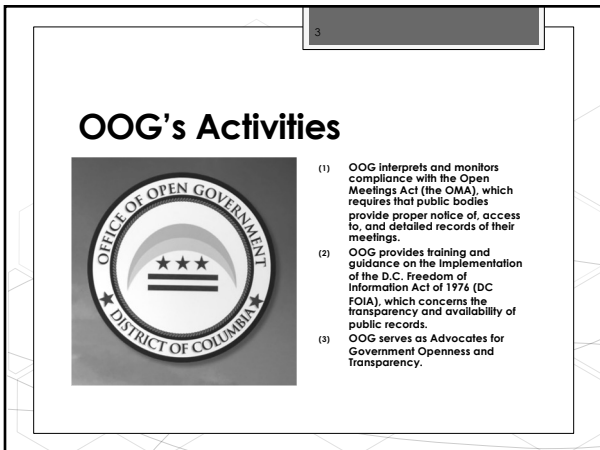




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OOG's Activities

- OOG provides guidance (incl. formal Advisory Opinions) on compliance with the OMA.
- OOG conducts training and outreach.
- And OOG can also enforce the OMA on basis of complaints from public or its own investigations, and, as a last resort, may sue public bodies in Superior Court for injunction, declaration, and/or civil fines.

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FIRST STEPS FOR A NEW BOARD/COMMISSION MEMBER

- Enabling Statute
- Open Meetings Act and Regulations
- Public Body's ByLaws
- Meeting Minutes
- Video/Audio of Past Meetings
- Parliamentary Procedure (e.g. "Robert's Rules of Order Newly Revised In Brief")

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OOG's Training Portal

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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.

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Rules of Construction

"[The Open Meetings Act] shall be construed broadly to maximize public access to meetings. Exceptions shall be construed narrowly and shall permit closure of meetings only as authorized by this act."

D.C. Official Code § 2-573. Rules of construction.


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The following entities must adhere to the OMA:

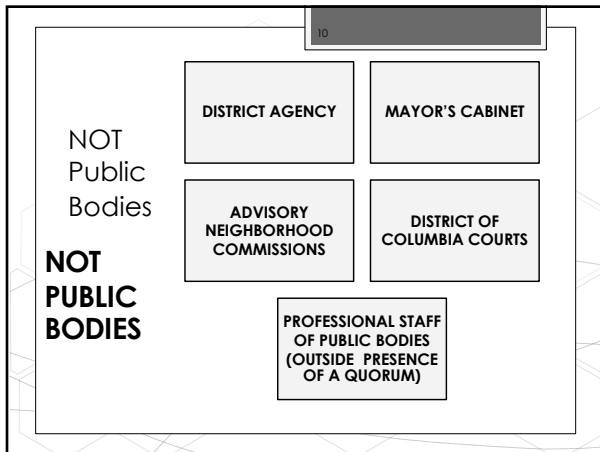
- Local School Advisory Teams (LSATs)
- Gov't. Councils (incl. the Council of the District of Columbia)
- Boards
- Commissions
- Board of Directors
- that take official action by the vote of its members convened for
- Public Charter Schools' Boards of Trustees

Public Bodies are Subject to the OMA

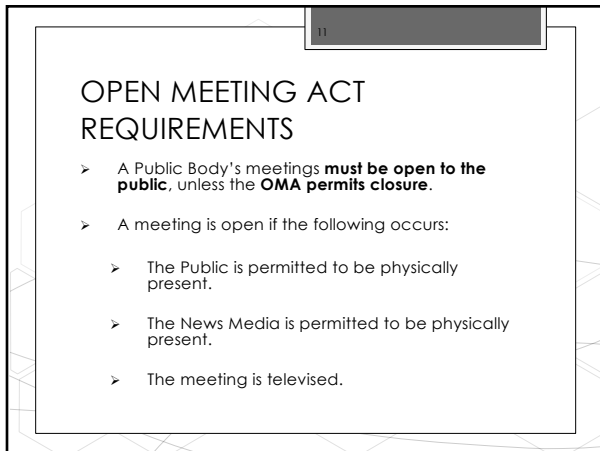


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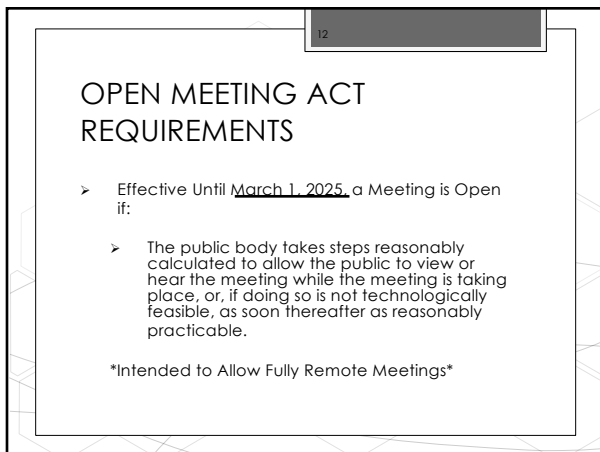
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OMA REQUIREMENTS:
What is a Meeting?

D.C. Official Code § 2-574. Definitions.

- A meeting is a gathering of a **quorum** of the members of the public body to **consider, conduct, or advise** on **public business**.
- A quorum means a majority of the members are present.

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OMA REQUIREMENTS:
What is a Meeting?

- The Public Body Undertakes the Following Activities at a Meeting:
 - Gathering information
 - Taking Testimony
 - Discussing
 - Deliberating
 - Recommending
 - Voting

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OMA REQUIREMENTS:
What is a Meeting?

- Where does the meeting take place?:
 - It can be held in person;
 - It can occur by telephone;
 - It can be conducted electronically; or
 - It can be conducted by other means of communication.

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A MEETING IS NOT:


- A Chance or Social Gathering Where No Business Is Discussed;
- A Committee or Subcommittee Meeting of Less than Quorum of Full Body;
- A Press Conference; or
- An E-mail Exchange.

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What is a "QUORUM"

QUORUM is a simple majority/more than half, unless otherwise established by Enabling Legislation, Mayor's Order, or Regulations.



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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.

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Notice of Meetings D.C. Official Code § 2-576



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OMA REQUIREMENTS: What Notice is Required?

- Notice must be given 48 Hours or 2 Business Days before the 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.
- Notice must include: Time, Date, Location, and Proposed Agenda.
- If there is a Closed Session, notice must include OMA Citation justifying the Closure.

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NOTICE MUST INCLUDE

- o Time
- o Date
- o Location (and/or hyperlink)
- o Planned Agenda
- o If there will be a closed portion of a meeting, notice must include the OMA citation(s) w/ reason(s) justifying the closure.

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Statement Regarding Questions and Complaints

The following statement must be included below 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."

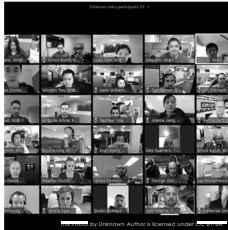
3 DCMR § 10409.2

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NOTICE OF MEETINGS

Effective August 3, 2023, all public bodies must resume ~~physically posting~~ public meeting notices (including date, time, location/webink, and planned agenda) of each meeting "[i]n the office of the public body or a location that is readily accessible to the public." D.C. Official Code § 2-576(2)(A)



As with internet notices, physical notices must be posted "as early as possible, but not less than 48 hours or 2 business days, whichever is greater, before a meeting." D.C. Official Code § 2-576(1)

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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).

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SPECIAL CIRCUMSTANCES



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SPECIAL CIRCUMSTANCES: CLOSED SESSIONS

**CLOSED PORTIONS (EXECUTIVE SESSIONS)
of a MEETING MAY OCCUR PURSANT TO D.C.
OFFICIAL CODE § 2-575(b)**

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Special Circumstances: Executive Session Justification

- Court Order/ Statute ➤ Training
- Contract Negotiations ➤ Deliberations
- Attorney/ Client Privilege ➤ Investigations
- Trade Secrets ➤ Personnel
- Testing/ Grading ➤ Public Health/Safety

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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.

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PROTOCOL CLOSED/EXECUTIVE SESSION

OPEN	<ul style="list-style-type: none"> • Establish Quorum & Open Public Meeting • Conduct Business for Open Meeting
MOVE	<ul style="list-style-type: none"> • Move to Enter into Exec. Session with a Motion that includes the OMA Citation to Justify Closure
TAKE	<ul style="list-style-type: none"> • Take Roll Call Vote, and—if Motion Passes—Enter into Closed/Executive Session

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PROTOCOL CLOSED / EXECUTIVE SESSION

DISCUSS	<ul style="list-style-type: none"> • Only Discuss Matter(s) Referenced on the Agenda
RECORD	<ul style="list-style-type: none"> • Record the Executive Session (separately from Open session)
RE-OPEN	<ul style="list-style-type: none"> • Re-Open Public Session and, Where Appropriate, Report Publicly any Official Action taken in Closure, and Adjourn

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PROTOCOL FOR CLOSED SESSION (cont'd)

Only discuss matters noticed up in the Draft / Final Agenda and repeated in the Chair's statement.

Electronic recording is still obligatory.

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.



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EMERGENCY MEETINGS

"When an emergency meeting is convened, the presiding officer shall open the meeting with a statement explaining the subject of the meeting, the nature of the emergency, and how public notice was provided."

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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


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R E C O R D I N G S

-  **AUDIO RECORDING**
-  **VIDEO RECORDING**
-  **TRANSCRIPT**
*ensure there are no copyright restrictions with posting minutes publicly
-  **DETAILED MEETING MINUTES**


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**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

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**Publication Requirements
D.C. OFFICIAL CODE § 2-578**

How to Handle Your Meeting Records

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DRAFT DETAILED MEETING MINUTES MUST BE PUBLICLY AVAILABLE NO LATER THAN THREE (3) BUSINESS DAYS AFTER MEETING.

A NOTATION MUST BE INCLUDED AT THE TOP OF THE DOCUMENT THAT DETAILED MEETING MINUTES WILL BE POSTED TO THE WEBSITE ON THE NEXT MEETING DATE

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

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Publication of Meeting Records

Minutes and Recordings

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MEETING RECORDS: Meeting Minutes
Additional specifics from OOG regulations
3 DCMR § 10409.6

"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..."

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Record Preservation

- 3 DCMR § 10409.8 requires compliance with District record preservation law and the District of Columbia General Records Schedules (DGRS) concerning the disposition of its electronic meeting recordings and written meeting minutes.
- D.C. OFFICIAL CODE § 2-578(a) Requires preservation of all meeting recordings for a minimum of 5 years.

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Record Preservation: "Full Record" Contents and Availability

- IF RECORDING THE MEETING IS NOT FEASIBLE, MINUTES (at least DRAFT) MUST BE PUBLICLY AVAIL. NO LATER THAN 3 BUSINESS DAYS AFTER THE MEETING.
- A NOTATION MUST BE INCLUDED AT TOP OF ANY DRAFT MINUTES THAT THE FINAL MEETING MINUTES WILL BE POSTED TO THE PUBLIC BODIES' WEBSITE ON 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.

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Special Circumstances: CANCELLATIONS

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

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Special Circumstances: PUBLIC COMMENT

- No public comment period is required by the OMA or its regulations.
- Your enabling legislation may require you to provide a time for public comments.
- Your bylaws may also allow public comment or you may have a standing order permitting public comment.
- Parliamentary Procedure Manuals, such as "Robert's Rules of Order" May Provide Guidance on Public Comment.

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PARLIAMENTARY PROCEDURE


"The Director [of Open Government] may provide advice and training on parliamentary procedure upon request."

3 DCMR §10408.2.

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COMPLAINTS AND ENFORCEMENT



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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 (w/ possible extension of up to 5 business days).
- The Director may seek to resolve dispute through conciliation; dismiss the complaint; release an Advisory Opinion; or take any other step permitted by OMA and its regulations.

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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. D.C. OFFICIAL CODE § 2-579.
- 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.

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HELPFUL RESOURCES

- OOG's website - 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

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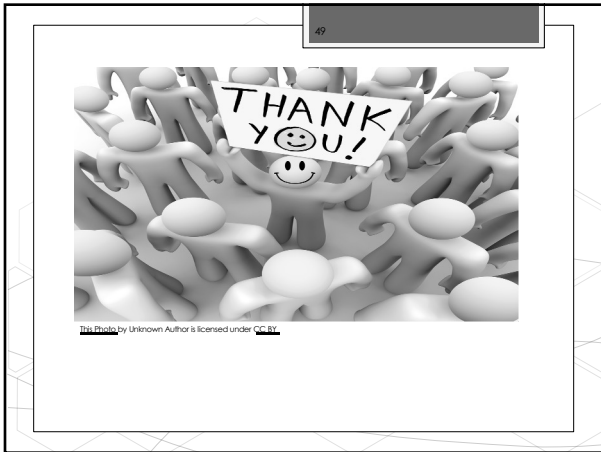
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Contact Information



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