



OPEN
MEETINGS ACT
TRAINING

FOR PUBLIC BODIES

Office of Open Government (OOG)

The Office of Open Government (OOG), along w/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.

OOG's Activities

- (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.



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.

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")

OOG's Training Portal



**Welcome to the District of Columbia
Robert's Rules of Order Training Portal**

A message from Niquelle Allen, Esq.
 Director – DC Office of Open Government:



ROBERT'S RULES
MADE SIMPLE
AND EASY TO LEARN

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DISTRICT OF COLUMBIA BOARD MEMBERS

**Welcome to the District of Columbia
Robert's Rules of Order Training Portal**

MY COURSES:

Chair a Meeting With Confidence - Private enroll	DC - Open Meetings Act Training enroll
DC - Meeting Recordings	Robert's Rules Meet Simple - Private

WHAT YOU WILL LEARN:

- The basics of Robert's Rules of Order.
- The "7 Fundamental Motions".
- How to chair meetings.
- How to make your meetings more efficient.

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.



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.

Public Bodies are Subject to the OMA

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)**

OPEN MEETING ACT REQUIREMENTS

- ∅ A Public Body's meetings **must be open to the public**, unless the **OMA permits closure**.
- ∅ A meeting is open if the following occurs:
 - ∅ The Public is permitted to be physically present.
 - ∅ The News Media is permitted to be physically present.
 - ∅ The meeting is televised.

OPEN MEETING ACT REQUIREMENTS

- ∅ Effective Until March 1, 2025, a Meeting is Open if:
 - ∅ 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.

Intended to Allow Fully Remote Meetings

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.

OMA REQUIREMENTS: What is a Meeting?

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

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.

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.

What is a "QUORUM"

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



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.

Notice of Meetings

D.C. Official Code § 2-576



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.

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.

Statement Regarding Questions and Complaints

The following statement must be included
below all Draft and Final Agendas:

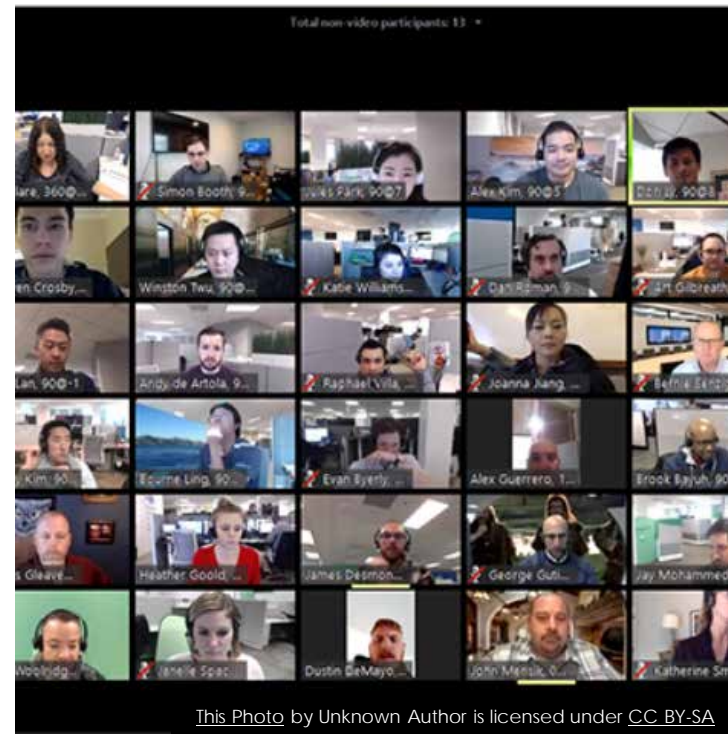
“This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this meeting to the Office of Open Government at open.govoffice@dc.gov.”

3 DCMR § 10409.2

NOTICE OF MEETINGS

Effective August 3, 2023, all public bodies must resume physically posting public meeting notices (including date, time, location/weblink, 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)*



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).

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)

Special Circumstances: Executive Session Justification

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

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.

PROTOCOL CLOSED/EXECUTIVE SESSION

OPEN

- Establish Quorum & Open Public Meeting
- Conduct Business for Open Meeting

MOVE

- Move to Enter into Exec. Session with a Motion that includes the OMA Citation to Justify Closure

TAKE

- Take Roll Call Vote, and—if Motion Passes—Enter into Closed/Executive Session

PROTOCOL CLOSED / EXECUTIVE SESSION

DISCUSS

- Only Discuss Matter(s) Referenced on the Agenda

RECORD

- Record the Executive Session (separately from Open session)

RE-OPEN

- Re-Open Public Session and, Where Appropriate, Report Publicly any Official Action taken in Closure, and Adjourn

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.



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.”

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

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

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

Publication Requirements

D.C. OFFICIAL CODE § 2-578

How to Handle Your Meeting Records



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

Publication of Meeting Records

Minutes and Recordings

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...”

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.

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.

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."

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.

PARLIAMENTARY PROCEDURE

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

3 DCMR §10408.2.

COMPLAINTS AND ENFORCEMENT



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.

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.

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

OOG, open.govoffice@dc.gov, (202) 481-3411

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