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2 Councilmember Kenyan R. McDuffie



Chairman Phil Mendelson

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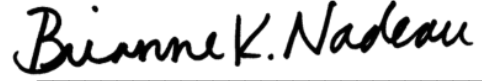
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6 Councilmember Anita Bonds



Councilmember Christina Henderson

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10 Councilmember Robert C. White, Jr.



Councilmember Brianne K. Nadeau

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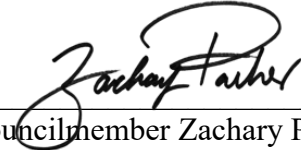
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14 Councilmember Brooke Pinto



Councilmember Matthew Frumin

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18 Councilmember Janeese Lewis George



Councilmember Zachary Parker

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22 Councilmember Charles Allen



Councilmember Wendell Felder

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25 A PROPOSED RESOLUTION

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28 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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31 To declare the existence of an emergency with respect to the need to amend the Open Meetings
32 Act of 2010 to clarify the definition of “meeting”; to provide for a public body’s ability to
33 be briefed about potential terrorist or public health threats so long as no official action is
34 taken; to exempt from the act meetings between the Council and the Mayor provided that
35 no official action is taken at such meetings; and to provide that a meeting shall be deemed
36 open to the public if the public body takes steps reasonably calculated to allow the public
37 to view or hear the meeting while the meeting is taking place, or, if doing so is not
38 technologically feasible, as soon thereafter as reasonably practicable.

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40 RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
41 resolution may be cited as the “Open Meetings Clarification Emergency Declaration Resolution
42 of 2025”.

43 Sec. 2. (a) D.C. Law 18-350, the Open Meetings Amendment Act of 2010 (the “Open
44 Meetings Act”), became effective on March 31, 2011.

45 (b) The Open Meetings Act requires that any gathering of a quorum of a public body
46 where members consider, conduct or advise on public business offer the opportunity for the
47 public to observe the meeting. The public must be given proper notice of these meetings and
48 afforded the opportunity to review recordings of these meetings upon request. The Open
49 Meetings Act also exempts several governmental entities from these requirements based on the
50 definition of the term “public body.” Exempted entities include the District of Columbia courts,
51 the Mayor’s cabinet, and Advisory Neighborhood Commissioners (ANC), but not the Council.

52 (c) In recent months, the District government has had to deal with a variety of
53 consequential, large-scale business and economic development propositions, most notably, the
54 effort to retain Monumental Sports and Entertainment in the District. This effort involved
55 significant negotiations between the parties, much of which had to be kept confidential until
56 agreements in principle were reached.

57 (d) The District is currently facing the prospect of having to cut approximately \$1.1
58 billion from its FY 2025 budget (in the middle of the fiscal year) based on Congress’ passage of
59 a continuing resolution that requires federal spending to be consistent with FY 2024 levels and
60 Congress’ choice to treat the District as a federal agency as opposed to allowing the District to
61 spend local funds at approved levels as had been the case for many years prior.

62 (e) Each of the described circumstances called for a certain level of awareness and, in the
63 case of the budget, coordination among the District’s elected officials – including the members
64 of the Council – to develop a workable strategy to effectively respond to the situation. While
65 such coordination is a relatively simple for the Executive and the Office of the Attorney General,

66 since these entities are not “public bodies” under the Open Meetings Act, current law creates
67 significant barriers for 13 members of the Council to prepare to function as a single unit in times
68 of crisis.

69 (e) Beyond that, there is a legitimate expectation that further circumstances like those
70 described in subsections (c) and (d) of this section are imminent and will require a significant
71 degree of organizational nimbleness on the part of the Council, as well as other public bodies
72 within the District government, in order to respond in a timely and appropriate manner. For this
73 reason, several U.S. states exempt completely, or make special exceptions for, their state
74 legislatures with respect to open meetings laws.

75 (f) While the official action of a public body to make or adopt public policy is, and
76 should be, required to be made public, the preparation put into moving toward official action,
77 including background research and briefings, organizational discussions and information
78 gathering (under certain circumstances) does not necessarily need to be. In fact, in certain
79 circumstances, particularly circumstances related to threats to the health, safety and welfare of
80 the public or members of the public body, provisional and pre-decisional information should not
81 be disclosed prematurely.

82 (e) This emergency legislation is particularly necessary in the current political climate to
83 allow the Council to be briefed as a body in a timely manner and to develop appropriate
84 responses to rapidly unfolding issues, and to ensure that other public bodies in the District are
85 able to receive, discuss and analyze relevant information securely, while also ensuring that the
86 process for taking any official action with respect to that information is conducted publicly.

87 Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute

88 emergency circumstances making it necessary that the Open Meetings Clarification Emergency
89 Amendment Act of 2025 be adopted after a single reading.

90 Sec. 4. This resolution shall take effect immediately