

Government of the District of Columbia
Office of the Chief Financial Officer



Natwar M. Gandhi
Chief Financial Officer

MEMORANDUM

TO: The Honorable Vincent C. Gray
Chairman, Council of the District of Columbia

FROM: Natwar M. Gandhi 
Chief Financial Officer

DATE: December 7, 2010

SUBJECT: Fiscal Impact Statement – “Open Meetings Amendment Act of 2010”

REFERENCE: Bill Number 18-716, Draft Shared with the OCFO
on December 1, 2010

Conclusion

Funds are sufficient in the FY 2011 through FY 2014 budget and financial plan to implement the provisions of the proposed legislation.

Background

The proposed legislation would amend the District of Columbia Administrative Procedure Act¹ to require meetings of public bodies be open to the public. Public bodies include any government council, board, or commission, board of directors of an instrumentality, a board that supervises an agency, or an advisory board that takes official action by vote of its members.²

All meetings convened by a public body must be open to the public with certain exceptions such as meetings about negotiations, consultation with an attorney, discussions of disciplinary matters, training, and meetings that are ordered to be closed by the courts. Before a meeting can be closed, the public body would be required to meet in a public session and vote to close the meeting.

The proposed legislation would require that all meetings of public bodies—both open and closed—be recorded by video or other electronic means. If a recording is not possible, then meetings must be recorded through detailed minutes.

¹ Approved October 21, 1968 (82 Stat. 1203; D.C. Official Code § 2-501.01 *et seq.*)

² Exceptions include the District of Columbia Courts, individual charter school governing bodies, the Mayor’s cabinet, and the staff of public bodies when they meet out of a presence of a quorum of those bodies.

Under the proposed legislation, the Office of Boards and Commissions would be responsible for developing a training manual for new members of the District boards and commissions and annually advise all members of District boards and commissions of their responsibilities under the proposed legislation.

Lastly, while the proposed legislation notes that the Council may adopt its own rules to ensure the District's open meetings policy is met, the enforcement authority for the proposed legislation would reside within the Open Government Office, which would be allowed to bring a lawsuit in the Superior Court for the District of Columbia for injunctive or declaratory relief for any violation of the open meeting policy, before or after the meeting in question takes place.

Financial Plan Impact

Funds are sufficient in the FY 2011 through FY 2014 budget and financial plan to implement the provisions of the proposed legislation. The requirement that all meetings of public bodies be held publicly would not impose any costs. The requirement that all meetings are recorded, either electronically, or through detailed minutes, could be met with minimal resources. Finally, the Office of Boards and Commissions can implement the training requirements at no additional cost.

The Open Government Office, which would be charged with enforcing the open meetings requirements, does not yet exist; its creation has been proposed by Bill 18-777, "Open Government Act of 2010." A draft of Bill 18-777 shared with the Office of the Chief Financial Officer on December 3, 2010, does not give the Office the authority to enforce the Open Meetings Act. Based on the conversations with the legislator, ORA understands that the Office would be given this authority through subsequent legislation.

Should Bill 18-777 be enacted and funded, and subsequent legislation effectuating the authority is enacted, the Office is expected to enforce the Open Meetings Act at no additional cost.