BEGA Monthly Meeting

April 6, 2017

Office of Open Government Update

**Legislation**

On March 15, 2017, Councilmembers Grosso and Cheh introduced the *Strengthening Government Transparency Amendment Act of 2017*. The bill is nearly identical to the first similarly named bill introduced by the councilmembers during the last council session. If passed, the bill would usher in several changes for FOIA and the OMA, including giving the OOG the authority to issue binding advisory opinions on FOIAs and to review FOIA appeals. And it would require ANCs to abide by the requirements of the Open Meetings Act.

I committed during the last board meeting to have ready for each of you legislation that I believe will resolve not only the budget constraints for the OOG, but eliminate the inherent conflict of interest which exists between the OOG and the ethics side of the BEGA house. The draft legislation would create a single board to oversee the Office of Open Government, and allocate the OOG budget to that public body. The director would be required to be an attorney licensed to practice in the District, and report directly to the board. Two members would be appointed by the Mayor, and the remaining seat would be appointed by the Council.

At the request of Councilmember Allen’s office to include the legislation as part of the Budget Support Act, I submitted the draft legislation last week. The initial response from the Councilmember’s office is that there nothing in the draft legislation which appears problematic. It remains under review by the Councilmember and his staff. As written, the fiscal impact of the bill should be minimal. We are proposing a stipend for the board members, and request an allocation for office space. It will also necessitate the addition of an FTE for an admin position.

**Budget**

The Mayor has introduced her budget for Fiscal year 2018. The proposed budget for OOG is $413,000, representing a $7,000 decrease from FY 2017. The decrease is simply a reallocation of the fleet budget and OCTO surcharges that had been incorrectly placed under OOG, rather BEGA AGO. The EOM has, however, agreed to the request for $15,000 enhancement.

**OMA and FOIA Advice/Advisory Opinions**

Since the last board meeting the OOG has responded to 21 requests for OMA and FOIA advice. We have also issued two formal opinions: (1) Whether the Department of Behavioral Health Advisory Council is subject to the OMA; and (2) Many groups overseen by the Office of Victim Services Justice and Grants agency are public bodies that must comply with the Open Meetings Act (OMA) and the Freedom of Information Act (FOIA).

**Trainings**

The OOG partnered with the Mayor’s Office of Legal Counsel, and conducted an agency FOIA Officer and General Counsel FOIA training at the Reeves Center on March 15. We conducted an additional in-depth FOIA training for agencies on March 30th.