

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency with respect to the need to amend the Open Meetings Act of 2010 to clarify the definition of “meeting”; to provide for a public body’s ability to be briefed about potential terrorist or public health threats so long as no official action is taken; to exempt from the act meetings between the Council and the Mayor provided that no official action is taken at such meetings; and to provide that a meeting shall be deemed open to the public 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.

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

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

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

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

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

44 (e) Each of the described circumstances called for a certain level of awareness and, in the  
45 case of the budget, coordination among the District's elected officials – including the members  
46 of the Council – to develop a workable strategy to effectively respond to the situation. While  
47 such coordination is a relatively simple for the Executive and the Office of the Attorney General,  
48 since these entities are not “public bodies” under the Open Meetings Act, current law creates  
49 significant barriers for 13 members of the Council to prepare to function as a single unit in times  
50 of crisis.

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

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

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

69 Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute  
70 emergency circumstances making it necessary that the Open Meetings Clarification Emergency  
71 Amendment Act of 2025 be adopted after a single reading.

72 Sec. 4. This resolution shall take effect immediately