

Draft Minutes of the Open Government Advisory Group meeting on June 7, 2018

Attending

Julie Kanzler, designee of Chief Technology Officer
Barney Krucoff, Chief Data Officer and Vice Chairperson
David Tseng, designee of Chief Financial Officer
Robert Becker, Public Member
Kathryn Pettit, Public Member
Joshua Tauberer, Public Member
Shannon Turner, Public Member
Clarence Wardell, Public Member
Jay Melder, designee of Deputy Mayor for Health and Human Services
Tiffany Crowe, Public Member and chair
Alan Karnofsky, designee of City Administrator
Elaine Block, designee of Attorney General
Rebecca Katz, designee of the Executive Office of the Mayor
Tom Moir, designee of Director of the Mayor's Office of Legal Counsel
Karuna Seshasai, designee of Mayor's General Counsel
Victoria Wassmer, designee of Deputy Mayor for Public Safety and Justice
Marie Whittaker, designee of Deputy Mayor for Planning and Economic Development
Brian Flowers, interim Director of the Office of Open Government
Zach Walter, new Council person
Rebecca Lee (for Jennifer Comey, designee of Deputy Mayor for Education)

Not attending

Faith Leach, designee of Deputy Mayor for Greater Economic Opportunity
Justin Grimes, Public Member
Sandra Moscoso, Public Member

Approval of meeting minutes for 4/5
Approved.

List circulated for working groups

Tiffany: Are we talking, amending, or voting today?

Stakeholder toolkit

Julie - From former workgroup - trying to make data understood. Members of the group did research and uncovered guides and documents (listed in documents). The purpose of the documents is to help agencies understand their stakeholders - to foster better connections with the community who could use their data. From the feedback on open data dc is that people want a name. Met with Marie at DMPED to identify groups [walked through examples]

Josh - where will we put this?

Julie - OGAG website, but not heavily trafficked. How to share it on opendata DC. OCTO team's data release materials. Want to identify it as a product of OGAG, not an OCTO document. Also put it out on OCTO blog, which they want to use more.

Tiffany - Adding it to OGAG website to drive traffic there would be great. How are people supposed to use it? Is this step 1 of more blog posts?

Bob - Should collaborate with Office of Open Govt for their to be one place to help people do open data. Here's where you go to find the information you look for. For people are trying to get information, it helps everyone understand - what is the structure, what are they used for?

Barney - We can cross-reference material - but opendata.dc.gov Working on data submission materials/guidelines. There Data Inventory - 190+ datasets are open, but not in portal.

Bob - OOG is charged with training agencies. Where is should be is an operational piece?

Barney - We would be good people to teach people about data - interagency data team, train people in GIS, Business Intelligence system.

Josh - notes we had brought an earlier draft, with comments in October

Barney - Motion to have OGAG group endorse material and adopts it.

Approved by voice vote.

KP note - we should add the OGAG link to it, or "if you want more information or have suggestions, contact... xxx"

Tiffany - starting discussion regarding BEGA. If it must be voted on in current state, several people will vote no, or abstain. If we are open to amendments

Josh - several people worked on this. We opened this up to discussion 2 months ago. People had a chance to comments in. We did not have consensus on the fine details.

Karuna -

Had alternate language suggestions. A few points in position as appointee of Off of general counsel and open govt officer.

- Statutorily the OOG is not charged with enforcing FOIA. So related to "vigorously ...:" stat the OOG not able to do that. Can we take out FOIA and leave open meetings.
- Add "Counsel and teach and educate" not just enforcement, not just about taking people to court. Finding practical challenges with compliance - put a counseling/education component with enforcement. If an agency is flouting the open meetings act, we can enforce.

- There's only been 1 action in court she knows about
- General sentiment that moving OOG to BEGA board. She would not categorize it as reducing the independence. Having a 2nd check on enforcement acts or advisory decisions is not reducing the independence since it is independent of executive office.

Under open meetings act, there is no appeal process - historical issue - rushed implementation

A bill by Grosso/Chen that would solve the problem, but judicial committee hasn't held a session on it in the past 2 council sessions.

Board would not have an authority over an appeal

Case that was appealed to court, but it . Ethics board doesn't have standing.

Barney - Specific proposed changes.

- The functions assigned by law are impt to the District. OoG should continue to train and advise, including taking public complaints and when appropriate, enforcing.
- IF we are worried about BEGA's independence, we have all of our elections to worry about. I trust BEGA

Bob - OOG has independent decisionmaking authority over FOIA/OMA that BEGA cannot override.

Tiffany - do you think having an appeal process with BEGA erodes the independence

Bob - There should be an appeal process. FOIA goes to the superior court. There should be a parallel. For example, Caribbean commission might want to appeal what the ruling is and has not

Bob - OMA - it can be an order with injunctive relief. OOG has authority over Title 2 and can issue advisory opinions.

Tom - until OOG takes it to court, it

Bob - if you are ordered to do something and disregard the order, it is not a way to run anything. It is .

Barney - fine is \$250 for each violation, but it would be embarrassingly and would change.

Bob - FOIA/OMA are remedial to correct agency behavior (not to punish) but wo

Point of order - if there were language changes,
If there were amendments to the proposal, not accepted as friendly.

Josh - defer to Bob on FOIA characterize FOIA enforcement.

What version of the legislation is based on - an assumption that the BSA amendment will pass and it is problematic .

Amendment had a first reading and made the committee report.

There is no one document right now.

Bob has language of chairman's version. (not the judiciary report).

Zach - we want to make a recommendation based on the law.

Josh - #2 is contingent upon law.

Caveat - if this change is enacted...

Tiffany - we still want to work with #2.

Barney - suggestion to take away leading sentences.

Karuna - consensus that mayor should

Julie moved that we vote on #2.

Shannon seconded.

Bob and Tiffany abstained.

Does not want to wordsmith in the meeting. Can concur with the sentiment.

Karuna - as a govt member - See the sentiment as a whole to sign on.

How we say this? What does it mean to adopt a statement? Where does it go?

Barney - this has not been done before. We have a website to post it on.

Tiffany - if we vote, we'd figure out the next steps - twitter, get it to the mayor.

(next to Julie) When we say this - would be we advising BEGA on a position description?

Josh - MOTA maybe...

Bob- talking about someone appt to the board - (like expertise in ethics).

Advising MOTA on the qualifications.

ROLL CALL VOTE

OGAG resolves to begin prompt work with stakeholders of open government and transparency in the District to define what is "experience in open government and transparency" to inform the Mayor's future nominations of BEGA members.#

Barney Krucoff, Chief Data Officer and Vice Chairperson - YES

Tiffany Crowe, Public Member and chair - NO

Alan Karnofsky, designee of City Administrator - NO

David Tseng, designee of Chief Financial Officer - NO

Brian Flowers - NO

Karuna Seshasai, designee of Mayor's General Counsel - NO

Victoria Wassmer, designee of Deputy Mayor for Public Safety and Justice - NO

Julie Kanzler, designee of Chief Technology Officer - YAY

Robert Becker, Public Member - ABSTAIN

Kathryn Pettit, Public Member - YES

Joshua Tauberer, Public Member - YES

Shannon Turner, Public Member - YES

Clarence Wardell, Public Member - ABSTAIN

Jay Melder, designee of Deputy Mayor for Health and Human Services - NO

Elaine Block, designee of Attorney General - NO

Rebecca Katz, designee of the Executive Office of the Mayor - NO

Tom Moir, designee of Director of the Mayor's Office of Legal Counsel - NO

Marie Whittaker, designee of Deputy Mayor for Planning and Economic Development - NO

Zach Walter, new Council person - YAY

Rebecca Lee (for Jennifer Comey, designee of Deputy Mayor for Education)

Motion failed and we will take it up again.

Jay - Support continuing to work on full proposal between now and the next meeting. To make comments and see if there's language that is agreeable. And to understand what it means to make a statement

Julie - use drafts.cc.gov - edit in public

Brian - Anticipating that criteria that is developed that would come back to the body?

Josh - yes?

Tiffany - I'm not against the sentiments. Comments may be in development. Drafts.dc.gov may not be the right place. Encourage everyone to participate in the draft. Process parts of it.

Volunteer to figure out the questions and what we are required or allowed to do should be considered at the same time.

Tiffany - anything else

Bob - new business. He sent an email with a bill from McDuffie (bill 22-842) related to record management and archiving introduced 2 days ago. Came up in government operations because the secretary is under govt operations. We have a problem - we have 2 different committees dealing with an issue closely related to transparency. 11 member commission on records management and archiving without any mention of OOG or OCTO or the people who need to deal with records. Important implications for transparency

Zach offered to be a parliamentarian.

Meeting adjourn - 5:05pm

DRAFT