Open Government Advisory Group Recommendations related to the Office of Open Government

Mayor’s Order 2016-094 assigns the Open Government Advisory Group (OGAG) several responsibilities. Among them are to:

1.Evaluate the District government's progress on making the District government more open, transparent, participatory, and collaborative; [and]

2. Make specific recommendations for improving the openness and transparency of the District government's operations and the participatory and collaborative nature of its decision-making

In fulfillment of those responsibilities, the OGAG resolves to make the following recommendations regarding the Office of Open Government and its relationship to the Board of Ethics and Government Accountability (BEGA). It makes these recommendations in light of recent testimony given by BEGA's chair before the D.C. Council’s Committee on the Judiciary and Public Safety.

1. Earlier this year BEGA announced a personnel change for the director of the Office of Open Government and subsequently its intention to change the working relationship between BEGA and the Office of Open Government, reducing the independence of the office. The Open Government Advisory Group recommends to the Mayor, who appoints BEGA's members with approval from the Council, that the next appointment to BEGA be someone who supports vigorously enforcing the Open Meetings Act and Freedom of Information Act.
2. The Council's Committee on the Judiciary and Public Safety has proposed in its Fiscal Year 2019 Budget Report a change to BEGA's establishment statute that would require "the Mayor to appoint at least one member of the Board with experience in open government and transparency," but it does not describe what constitutes such experience. If this change is enacted, 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.
3. The Council's judiciary committee has also proposed to reduce the independence of the Office of Open Government by allowing its decisions to be appealed to BEGA, which would have the final word. Enforcement of the Open Meetings Act and the Freedom of Information Act is best performed by an independent office, as written in the current statute. We recommend to the Mayor that the independence of the Office of Open Government be not only retained but strengthened.