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ADMINISTRATIVE ISSUANCE SYSTEM

Commissioner's Memorandum 75-6
1-6-75

TO: Heads of Departments and Agencies

ORIGINATOR: C. Francis Murphy, Corporation Counsel, D. C.

SUBJECT: Section 742, District of Columbia Self-Government and Governmental Reorganization Act: Requirements for Open Meetings.

Under Section 712 of the District of Columbia Self-Government and Governmental Reorganization Act, meetings of District Government departments, boards, agencies or commissions at which official action is taken, are required to be open to the public. Written transcripts or transcriptions of such meetings must be kept and made available to the public upon request. The statute, sometimes referred to as "the Sunshine Amendment," reads as follows:

"(a) All meetings (including hearings) of any department, agency, board, or commission of the District government, including meetings of the District Council, at which official action of any kind is taken shall be open to the public. No resolution, rule, act, regulation or other official action shall be effective unless taken, made, or enacted at such meeting.

"(b) A written transcript or a transcription shall be kept for all such meetings and shall be made available to the public during normal business hours of the District government. Copies of such written transcripts or copies of such transcriptions shall be available upon request to the public at reasonable cost."

Under the law whenever an official action of the District is required by law or regulation to be taken by a committee, board, panel, commission, or other similar entity, all meetings at which such official action is taken must be open to the public. Notice of such meetings must be given in compliance with any applicable statute or regulation. Any notice requirement specified by any law other than the Sunshine Amendment must be adhered to. In the absence of such requirement, a committee, board, panel, commission or other body, if it meets on a regularly scheduled basis, shall

publish in the D. C. Register such schedule. Committees, boards, panels, commissions or other bodies which meet on an irregular basis shall give a reasonable advance notice of the scheduling of all meetings at which official action will be taken. When possible, an agenda of the items to be discussed at the said meetings should be published with the advance notice; if advance publication of an agenda is not practicable, the public should be informed where and when a copy of the agenda can be obtained.

The statute pertains to all official actions of an executive or legislative nature, but does not apply to adjudicatory type hearings ("contested cases"). While such adjudicatory proceedings are normally open to the public, except where specific laws provide otherwise, the statute does not require the deliberative processes of the members to be open to the public. These matters are, and continue to be, controlled by the District of Columbia Administrative Procedure Act, which does not require deliberations to be held in public. Also excluded from the coverage of the statute are those incidental actions of the adjudicatory process, such as whether to file charges or take action against a licensee.

The statute furthermore does not apply to committees or other bodies which make recommendations on official actions to be taken by others..

A mechanical transcription or verbatim stenographic notes must be kept of all meetings subject to the statute. These records must be maintained and made available upon request to members of the public upon the payment of appropriate fees.


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It should be understood that this issuance cannot answer all questions that may arise under the statute. Specific questions should be addressed to the Office of the Corporation Counsel.