

Global to Local: Lessons for Open Government & Civic Engagement for DC
Tuesday, October 15, 2024 5:00 PM - 6:30 PM ET

Meeting Overview

The event was held in Room 401-A at the Martin Luther King Jr. Memorial Public Library - 901 G St NW Washington, DC 20001.

Meeting Recording Link

Agenda

The agenda for the in-person event is as follows:

- 5:00 p.m.** Welcome, Kirsten Mitchell, President of the DC Open Government Coalition
- 5:05 p.m.** Overview of international/national open government efforts and how they relate to local communities such as DC, Daniel York, Director, U.S. Open Government Secretariat, U.S. General Services Administration
- 5:15 p.m.** Keynote Speaker, Kathleen Patterson, D.C. Auditor
- 5:30 p.m.** Panel on Establishing a Transparency Reform Commission in DC
Moderator: Tom Susman, Founder, DC Open Government Coalition, and five-term member of the federal FOIA Advisory Committee
Speakers:
 - Niquelle Allen, Esq, Director of the DC Office of Open Government
 - Ginger Quintero-McCall former Public Records Advocate, State of Oregon
 - Robert Becker, Coalition board member who has [drafted legislation](#) to create a transparency reform commission in DC
- 6:10 p.m.** Q & A / Feedback
- 6:25 p.m.** Closing remarks

Key Resources

- U.S Open Government Secretariat email box - opengovernmentsecretariat@gsa.gov
- Public Input for U.S. 6th Open Government National Action Plan (NAP 6), Deadline for Comments: November 12, 2024
 - a. [Federal Register Notice](#)
 - b. [Submit a Comment](#)
- DC Open Government Coalition - <https://dcogc.org>
- [DC Auditor](#)
- [DC Office of Open Government](#)
- [Draft Info Commission bill 230405](#)

Welcome

- Kirsten Mitchell, President of the DC Open Government Coalition, welcomed participants to the event
- This event was open to the public and was recorded. A copy of who attended the event, the agenda, notes taken from the event, and the recording of the event will all be posted publicly to the [U.S. Open Government website](#).

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- Previewed discussions on the open government movement in the District of Columbia.

Overview of International/National Open Government Efforts

Daniel York, Director, U.S. Open Government Secretariat, U.S. General Services Administration, provided an overview of international and national open government activities.

- The Open Government Partnership (OGP) was founded in 2011 to enhance inclusivity, participation, transparency, and accountability in global governance. The U.S. is a founding member and currently serves on the Steering Committee of OGP. OGP comprises 77 nations and 150 local governments globally, impacting roughly 2 billion people. Members must demonstrate a baseline of openness to join and commit to National Action Plans collaboratively developed with civil society.
- The U.S. Government has volunteered to take on a new OGP Challenge commitment in addition to our existing NAP 5 Commitments. This new Public Participation and Community Engagement (PPCE) Challenge Commitment came out of feedback from the public on the need for a national framework and executive branch guidance to help Federal agencies more broadly and meaningfully engage with you and your communities. We expect this new framework to be posted for public comment in the coming weeks to <https://www.performance.gov/participation>.
- Within the U.S. Government, there are roles for the White House Office of Science and Technology Policy (OSTP) who handles the policy level decisions, and helps to play referee across federal agencies; GSA who handles our domestic related obligations as members of the Open Government Partnership; and the Department of State and the U.S. Agency for International Development (USAID) who are responsible for all things international.
- Three primary roles of the U.S. Open Government Secretariat:
 1. NAP 5 Implementation
 2. NAP 6 Development
 3. Stakeholder Engagement - Events like this.
- The U.S. is working on its 6th NAP, which will have multiple opportunities for the [public to provide feedback](#). Focus areas include co-creating policies with civil society and using innovative approaches to transparency. Emphasized the importance of community engagement and feedback to shape future transparency initiatives.
- There will be a gap year between the conclusion of NAP 5 and the finalization of NAP 6. During this time, the U.S. government will gather input from the public and stakeholders on what should be included in NAP 6. There will be public comment opportunities, including a draft plan in the summer, and the recently created Open Government Federal Advisory Committee will provide recommendations. The goal is to ensure that NAP 6 reflects public concerns and helps make the government more transparent and participatory.
- Provided a brief overview of the [Open Government Federal Advisory Committee](#). It is challenging in the U.S. to co-create with the public, so the U.S. is using the federal advisory committee as a multi-stakeholder forum. The first Administrative meeting will

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be Friday, October 18, 2024, and its first public meeting will be on Wednesday October 23, 2024.

- To register to attend the first public meeting, please use the links below:
 - [In Person Registration](#)
 - [Virtual Registration](#)
- The U.S. Open Government Secretariat emphasizes partnerships with civil society to advance open government goals nationally and globally. Contact the U.S. Open Government Secretariat with ideas for future events or collaborations.

Keynote: Kathleen Patterson, [DC Auditor](#)

- Provided a historical overview of transparency efforts in DC, mentioning both achievements and setbacks.
- Noted a lack of understanding that “government is all of us.”
- DC has seen both advancements and setbacks in transparency. While there have been significant legislative reforms, such as bringing the DC Council under the Freedom of Information Act (FOIA) and requiring open meetings across the city’s government, there has also been a lack of consistent enforcement. Some transparency laws passed by the Council haven’t been implemented, and the fight for open meetings has faced resistance.
- She stressed the need for leadership in the DC Council to ensure transparency laws are followed. She also suggested there should be a cost to politicians for opposing open government and recommended a publicly available rating system from the DC Open Government Coalition to hold politicians accountable for transparency commitments.
- By law, public records requests should be treated equally, whether they come from an individual, the media, or any organization. The District’s FOIA requires that once information is requested, it should be made public for all. However, in practice, this doesn’t always happen. The problem is often in the implementation and enforcement of the law, and agencies sometimes prioritize requests from more prominent entities like the press.

Panel Discussion: Establishing an Information and Transparency Commission in DC
Kirsten Mitchell introduced the panelists.

Tom Susman, Founder, DC Open Government Coalition, and four-term member of the federal FOIA Advisory Committee served as the moderator. The panelists shared the following:

The Case for an Information and Transparency Commission (Robert Becker)

Robert Becker, a media lawyer and founding member of the DC Open Government Coalition has worked on bills to create the D.C. Office of Open Government and to strengthen the city’s FOIA and Open Meetings acts, opened the discussion by highlighting the need for modernizing the District’s information technology infrastructure to better support transparency.

- He pointed out that many of DC’s government IT systems are outdated and unable to efficiently handle public records and transparency initiatives. The fragmented nature of

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DC government's IT systems makes it difficult for agencies to comply with transparency laws, as systems are not designed with openness in mind.

- He proposed creating an Information and Transparency Commission that would focus on two fronts:
 - **Improving IT systems:** Ensuring new systems incorporate transparency by design, similar to policies in states like Connecticut, where transparency is considered when purchasing new technology.
 - **Streamlining transparency efforts:** Unifying various government agencies' approach to transparency, making it easier for the public to access records and data.(see [Addendum](#))
- Becker also noted the lack of enthusiasm for transparency from DC's current leadership and emphasized that reforms should focus on embedding transparency into the fabric of government operations.

Lessons from Oregon's Public Records Advocacy (Ginger Quintero-McCall)

Ginger Quintero-McCall, an attorney who has worked both inside and outside of government, shared her experience as the first Public Records Advocate for the state of Oregon. She emphasized the importance of maintaining independence in any transparency-related role.

- Quintero-McCall's role in Oregon was designed to mediate public records disputes and provide training to government agencies and the public.
- However, she faced significant political pressures from the Oregon Governor's office, which undermined her ability to act independently. She was told to prioritize the governor's interests over transparency reforms and was discouraged from advocating for ambitious changes, such as introducing mandatory reporting on public records performance.
- Quintero-McCall emphasized that for any transparency office or commission to be successful, it must have structural independence and be free from political influence. She also suggested that budgetary autonomy is critical to avoid conflicts of interest that could hinder transparency.
- Her takeaway for DC was that any commission or office created to enhance transparency must be independent such that it is insulated from political influence to truly serve the public's interest.

Building Trust and Authority in the DC Office of Open Government (Niquelle Allen)

Niquelle Allen, an attorney who directs the DC Office of Open Government, shared insights on how her office has navigated the challenges of enforcing transparency laws in a government office with limited enforcement mechanisms.

- When Allen took over, the office was small and lacked the resources needed to make a significant impact. However, she focused on building the office's credibility by expanding staff and resources, positioning it as a reliable partner for both government agencies and the public.

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- Allen highlighted that her office works closely with agencies to educate them on open meetings and records laws. She stressed that the office does not operate as a “Gotcha” agency, but instead aims to foster collaboration to ensure compliance.
- Despite limitations in its enforcement power (e.g., the inability to enforce compliance with Freedom of Information Act (FOIA)), the DC Office of Open Government has made strides in encouraging transparency by leveraging advisory opinions, education, and partnerships with civil society groups.
- Allen agreed that more statutory authority is needed for her office to fully enforce transparency laws, but noted that the office’s current focus is on gaining respect and building a foundation of trust with government officials to drive compliance.
- She emphasized the need for a well-resourced office or commission to succeed in fostering transparency reform and backed the idea of creating a dedicated commission to address both technology and transparency in the District.

Key Takeaways from the Panel:

- **Structural Independence:** As highlighted by Quintero-McCall, any transparency commission or office must be free of political and financial influence and be independent to avoid conflicts of interest and ensure that it serves the public's interest rather than political agendas.
- **IT Modernization:** Becker stressed that outdated technology is a major roadblock to transparency in DC. A commission focusing on both IT reform and transparency could streamline processes, improve public access to information, and reduce the burden on government agencies.
- **Collaboration and Education:** Allen shared that her office’s success has come from educating government officials and fostering collaborative relationships rather than relying solely on enforcement. However, additional enforcement powers would help ensure that transparency laws are consistently followed.
- **Need for Leadership:** The panel agreed that leadership is key to moving transparency reforms forward. Without champions for transparency at the top levels of government, progress will be slow.

Closing - Thank You’s

Kirsten Mitchell closed the event and thanked the presenters and attendees.

Full Attendee List:

First and Last Name	Organization Name
John Abbey	BlueStreams Group LLC
Niquelle Allen	Washington, DC Gov
Robert Becker	DC Open Government Coalition

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First and Last Name	Organization Name
Lewis Brandon	Washington, DC Gov
Robert Vinson Brannum	DC Open Government Coalition
Dorothy Brizill	DC Watch
John Chelen	National Data Reserve Corporation
Ingrid Drake	Washington, DC Gov
Kathryn Foxhall	D.C. Chapter, Society of Professional Journalists
Alexander Howard	N/A
Alexis Masterson	U.S. General Services Administration
Kirsten Mitchell	DC Open Government Coalition
Jeremiah Montague Jr	Woodridge Civic Association
Fritz Mulhauser	DC Open Government Coalition
Kathleen Patterson	Washington, DC Gov
Ginger Quintero-McCall	N/A
Tony Rodriguez	Open Gov Hub
Anthony Scerbo	Washington, DC Gov
Cynthia Smith	Delaware Coalition for Open Government
Miranda Spivack	DC Open Government Coalition
Tom Susman	American Bar Association
Laura Szakmary	U.S. General Services Administration
Daniel York	U.S. General Services Administration
Beth Cron	U.S. General Services Administration

Addendum - Draft Info Commission bill 230405

Councilmember

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To establish a D.C. Government Information and Transparency Commission (“Commission”) to examine the District government’s institutions, laws, practices, procedures, regulations and technology that provide for creation, storage, retrieval and public access to government records and data, and public engagement with the government; and to provide evidence-based recommendations for: (1) improving, reforming, and revising those institutions, laws, practices, procedures and regulations; and (2) a long-term capital improvement program to acquire and upgrade technology needed to implement those recommendations.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “D.C. Government Information and Transparency Commission Establishment Act of 2023”.

Sec. 2. D.C. Government Information and Transparency Commission; establishment.

(a) There is established a D.C. Government Information and Transparency Commission (“Commission”) to examine the District government’s institutions, laws, practices, procedures, regulations and technology that provide for creation, storage, retrieval and public access to government records and data, and public engagement with the government; and to provide evidence-based recommendations for:

- (1) improving, reforming, and revising those institutions, laws, practices, procedures and regulations; and
- (2) a long-term capital improvement program to acquire and upgrade technology needed to implement those recommendations.

(b) The Commission, by a majority vote, shall select a Director who shall perform the duties required for the day-to-day functioning of the Commission as considered

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necessary by the members, including appointment of staff, selection of consultants, and the administration of meetings and report production.

Sec. 3. Composition

(a) The Commission shall be comprised of twenty one (21) members, at least a majority of whom shall be from outside the District government.

(b) Commission members shall be drawn from among the following entities/categories:

- (1) District government agencies, including OCTO;
- (2) The Council of the District of Columbia and its professional staff;
- (3) The Office of Open Government;
- (4) The Office of the Attorney General for the District of Columbia;
- (5) The Office of the Secretary;
- (6) The Department of General Services, Contracting & Procurement Division;
- (7) Consumers of government information, including media, researchers, community organizations and the business community;
- (8) Experts in design and implementation of public engagement technology;
- (9) Experts in design, implementation and security of records and data management systems;
- (10) Experts in records management; and
- (11) Experts in government transparency law and policy.

(c) The Chairman of the Council, no later than _____, shall:

- (1) Appoint the Commission members.
- (2) Designate a member who is not employed by the District government as the Commission's chairperson.

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- (3) Designate the Director of the Office of Open Government and the Chief Data Officer as the Commission’s vice-chairpersons.

Section 4. Funding.

The Council shall make appropriations sufficient to fund the Commission’s operations pursuant to Sec. 2(b) above.

Section 5. Report.

(a) The Commission shall submit its recommendations in a report to the Mayor and Council no later than _____.

(b) The report required by paragraph (1) of this subsection shall include but not be limited to analyses and recommendations on the following topics:

- (1) Specific proposals for government-wide procedures governing creation, acquisition, storage, retention, retrieval and disclosure of District government data and records

- (2) Design criteria and requirements that facilitate compliance with procedures described in subsection (b)(1) that all District public bodies, executive and legislative, must follow when developing or acquiring records management and public engagement platforms.

- (3) Specific proposals to upgrade existing records management and public engagement platforms, and acquire new technology to enhance internal use, public access and engagement in the twenty-first century.

- (4) The feasibility of implementing mechanisms to ensure compliance with records management and public access laws and regulations among executive branch subordinate and independent agencies, boards and commissions, the Council and Advisory Neighborhood Commissions (ANC), and to provide an administrative review process in instances of noncompliance.

- (5) Specific proposals to improve the D.C. Freedom of Information Act (“D.C. FOIA”) Portal and to promote open data and proactive disclosure of information.

- (6) Analysis of whether the D.C. FOIA and Open Meetings Act (“OMA”), as currently implemented, provide the public the robust access to the operations of the D.C. government guaranteed by D.C. Code §§ 2-531, *et seq.*, and 2-572, *et seq.*, and, if not, make specific proposals to update and/or reform those statutes.

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(7) Specific proposals to strengthen the Office of Open Government's role in promoting training, compliance, enforcement, administration, and government-wide oversight of the D.C. FOIA and OMA.

(8) Specific proposals for effecting proactive public disclosure of useful records and databases.

(9) Best practices for governmental offices, entities, and independent agencies for efficiently administering the D.C. FOIA.

(10) Specific proposals for greater uniformity among executive branch independent and subordinate agencies, boards and commissions, the Council, and ANCs in processing of D.C. FOIA requests and imposition of processing and duplication fees.

Section 6. Openness.

The Commission shall comply with the D.C. Freedom of Information Act and Open Meetings Act.

Section 7.

This Act shall sunset upon the Commission submitting its report or on _____, as provided for in section 5 of this Act, or _____, whichever is later.

Sec. 8. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section (a) of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a(a)).

Sec. 9. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.