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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 2026”.

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.

33 (c) In April 2025, the Council passed the Open Meetings Clarification Emergency  
34 Amendment Act of 2025 (D.C. Act 26-41; 72 DCR 4070). The accompanying temporary act, the  
35 Open Meetings Clarification Temporary Amendment Act of 2025 (D.C. Law 26-24; 72 DCR  
36 9563) took effect in August 2025, and will expire on March 29, 2026.

37 (d) Since early 2025, the District government has had to deal with a variety of  
38 consequential, large-scale business and economic development propositions, most notably, the  
39 effort to retain Monumental Sports and Entertainment in the District and the negotiation of a deal  
40 with the NFL's Washington Commanders to build a new state-of-the-art stadium and mixed-use  
41 development on the RFK campus. These efforts involved significant negotiations between the  
42 parties, much of which had to be kept confidential until agreements in principle were reached.

43 (e) The District also continues to face unprecedented federal involvement and  
44 interference in local affairs, beginning last year with Congress' passage of a continuing  
45 resolution that required federal spending to be consistent with FY 2024 levels and Congress'  
46 choice to treat the District as a federal agency as opposed to allowing the District to spend local  
47 funds at approved levels as had been the case for many years prior, which created the prospect of  
48 having to cut approximately \$1.1 billion from the FY 2025 budget (in the middle of the fiscal  
49 year) and continuing with increased federal law enforcement presence leading to purported  
50 federal takeover of the Metropolitan Police Department in summer 2025. In 2026, the federal  
51 actions have continued with Congress passing (and the president signing) a joint resolution  
52 expressing disapproval with the District's plan to decouple from provisions of the One Big  
53 Beautiful Bill Act for Tax Year 2025.

54 (f) Each of the described circumstances called for a certain level of awareness and, in the  
55 case of the budget and tax issues, coordination among the District's elected officials – including

56 the members of the Council – to develop workable strategies to effectively respond to the  
57 situation. While such coordination is a relatively simple for the Executive and the Office of the  
58 Attorney General, since these entities are not “public bodies” under the Open Meetings Act,  
59 current law creates significant barriers for 13 members of the Council to prepare to function as a  
60 single unit in times of crisis.

61 (g) Beyond that, there is a legitimate expectation that circumstances like those described  
62 in subsections (d) and (e) of this section will continue to arise in the foreseeable future and will  
63 require a significant degree of organizational nimbleness on the part of the Council, as well as  
64 other public bodies within the District government, in order to respond in a timely and  
65 appropriate manner. For this reason, several U.S. states exempt completely, or make special  
66 exceptions for, their state legislatures with respect to open meetings laws.

67 (h) While the official action of a public body to make or adopt public policy is, and  
68 should be, required to be made public, the preparation put into moving toward official action,  
69 including background research and briefings, organizational discussions and information  
70 gathering (under certain circumstances) does not necessarily need to be. In fact, in certain  
71 circumstances, particularly circumstances related to threats to the health, safety and welfare of  
72 the public or members of the public body, provisional and pre-decisional information should not  
73 be disclosed prematurely.

74 (i) This emergency legislation remains particularly necessary in the current political  
75 climate to allow the Council to be briefed as a body in a timely manner and to develop  
76 appropriate responses to rapidly unfolding issues, and to ensure that other public bodies in the  
77 District are able to receive, discuss and analyze relevant information securely, while also

78 ensuring that the process for taking any official action with respect to that information is  
79 conducted publicly.

80           Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute  
81 emergency circumstances making it necessary that the Open Meetings Clarification Emergency  
82 Amendment Act of 2026 be adopted after a single reading.

83           Sec. 4. This resolution shall take effect immediately

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