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D.C. Councilmember Anita Bonds, chair of the Committee on Housing and Community Development, announced in a Sept. 29, 2016 committee hearing that Advisory Neighborhood Commissions will not get a blanket exemption from the D.C. Freedom of Information Act.

When introduced, in April, the Advisory Neighborhood Commission Omnibus Amendment Act of 2106 stated that ANCs would no longer be "public bodies" subject to the FOI Act. The bill's open meetings provisions, which are unenforceable and far less comprehensive than the D.C. Open Meetings Act, remain in Bill 21-697.

Robert Becker, the Coalition's government relations chair, testified that the Council should remove all open meetings provisions from the ANC enabling statute and the bill, and that the OMA should be amended to apply fully to ANC meetings. Several other witnesses, including ANC commissioners, supported the decision to remove the FOIA exemption from the bill and to apply the OMA to commission meetings.

Becker told the committee, "ANC commissioners, like D.C. Council members, are elected

officials who, by seeking office, accepted a duty of transparency to the voters who elected them. The Freedom of Information Act ensures the availability of information that D.C. residents, property owners and business owners need to exercise their rights as citizens and make informed choices in the voting booth.

The FOIA and OMA state that "all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees," Becker said. Because Council members subject themselves to D.C.'s transparency laws, it is extremely difficult to understand why elected ANC commissioners ... should be exempted from" either law, he added.

He called arguments against ANC transparency "meritless," noting that the burdens of complying with FOIA and the OMA are no more onerous for ANC commissioners than they are for unpaid, citizen members appointed by the mayor and Council to some 170 other District boards and commissions.

Pointing out that several ANCs fully comply with the FOI Act, and adhere to the OMA, despite the exemption, Becker said "If other commissioners need assistance to comply with transparency laws, the proper response is to provide that assistance, not to exempt them from the statutes. One approach would be to task the Office of Advisory Neighborhood Commissions with responsibility for FOIA/OMA compliance on behalf of commissioners."

It is unclear whether the bill will reach the Council floor before the end of this year. If not, it will have to be reintroduced when the new 2-year Council period begins in January.
