

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Memorandum 2011-01

January 3, 2011

TO: All Deputy Mayors, Department, Agency, Office Heads and FOIA Officers

ORIGINATOR: Office of the Mayor



SUBJECT: TRANSPARENCY AND OPEN GOVERNMENT POLICY

My Administration is committed to creating a transparent and open government that extends to all departments, agencies, boards, commissions and offices of the District government. The District government has made great strides in achieving this goal, but we can do more, and this Memorandum outlines the approach to achieving increased openness by requiring agency transparency plans, increasing public participation in the activities of government, and improving collaboration both within and outside of government. This approach is not only consistent with commitments made during my Mayoral campaign, but is similar to that taken by the federal government in its efforts to strengthen democratic principles and increase citizen participation in government.^[1]

Improving government transparency. Transparency encourages accountability, informs residents of the operations of government, and increases the confidence of the public in the integrity of their government. The District of Columbia Freedom of Information Act states that it is the public policy of the District of Columbia "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."^[2] To that end, the policy is that the law be construed with the view toward "expansion of public access and the minimization of costs and time delays to persons requesting information." My Administration will ensure that information is disclosed, consistent with law and policy, promptly and in a manner or medium that is useful to the public. Responsible officials must actively encourage that records exempt from mandatory disclosure be made available as a matter of discretion when disclosure is not prohibited by law or harmful to the public interest. Moreover, the government must continue to proactively provide information to citizens, thereby reducing the need for information requests, and continue its efforts to modernize and streamline document production processes through electronic means and in a manner designed to increase efficiency, accountability and reduce time and cost.

Increasing participation of the public in government decisions. Our government model is built upon public participation, including public hearings, public meetings, and public comments during the formulation of rules and legislation. Open government is based upon the theory that in a democracy, the more people that are involved the better the result. To implement this policy, department and

^[1]See, Memorandum for the Heads of Executive Departments and Agencies: Transparency and Open Government." January 21, 2009, available at <http://edocket.access.gpo.gov/2009/pdf/E9-1777.pdf>

^[2]D.C. Official Code § 2-531.

agency heads should solicit public input on how the participation and engagement of the public in government decisions can be increased. Methods of solicitation should include the use of appropriate technology designed to elicit responses. If the government is to be responsive and accountable to its citizens, it must be participatory and promote democracy in its governing processes.

Increasing collaboration to improve government decisions. Collaboration, like participation, increases the number of voices, experience and expertise at the table, and encourages cooperation among the coordinate branches of government, executive and independent government agencies, and with nonprofit organizations, businesses, and individuals in the private sector. Executive agencies should solicit input from the public on how to increase and improve opportunities for cooperation and collaboration in government.

I direct that the City Administrator, in coordination with the Chief Technology Officer coordinate the development of executive department and agency head recommendations on improving transparency, participation and collaboration in governmental actions. Within 120 days of the date of this Memorandum, the City Administrator shall issue a directive instructing executive departments and agencies on specific actions to be taken to implement the principles outlined in this Memorandum.

This Memorandum is not intended to, and does not create, any right or benefit, enforceable at law or in equity by a party against the District government, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

This Memorandum shall be published in the District of Columbia Register.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE ATTORNEY GENERAL



Legal Counsel Division

MEMORANDUM

TO: Rebecca Katz
Administrative Issuances Specialist
Office of Documents and Administrative Issuances

FROM: Wayne C. Witkowski
Deputy Attorney General
Legal Counsel Division *WCW*

DATE: January 3, 2011

SUBJECT: Legal Sufficiency Review of Mayor's Memorandum 2011-1 (Transparency and Open Government Policy)
(AM-11-001)

This responds to your urgent request that this Office provide a legal sufficiency review of the above-referenced Mayor's Memorandum (Memorandum).

The Memorandum sets forth the Mayor's policy approach to government transparency and increasing public participation in governmental decisions. The Memorandum directs the City Administrator, in coordination with the Chief Technology Officer, to oversee the development of executive department and agency head recommendations on improving transparency, participation and collaboration in governmental actions. Further, the City Administrator is directed, within 120 days of the effective date of the Memorandum, to issue a directive instructing executive departments and agencies on specific actions to be taken to implement the principles outlined in the Memorandum.

The Memorandum is legally sufficient. I note that Thorn Pozen, the Freedom of Information Officer for the District Government, has already commented on, and approved, the Memorandum. Please note that the Memorandum should be signed (across from the line labeled "Originator") by the issuing official.

Should you have questions regarding this memorandum, please contact either Pollie H. Goff, Senior Assistant Attorney General, Legal Counsel Division, at 724-5558, or me at 724-5524.

WCW/phg