



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

MAURA HEALEY
ATTORNEY GENERAL

TEL: (617) 727-2200
www.mass.gov/ago

September 1, 2016

OML 2016 – 120

Donna Lopez
Cambridge City Clerk
795 Massachusetts Avenue
Cambridge, MA 02139

RE: Open Meeting Law Complaint

Dear Ms. Lopez:

This office received a complaint from John Hawkinson on July 5, alleging that the Cambridge City Council's Government Operations, Rules, and Claims Committee (the "Committee") violated the Open Meeting Law, G.L. c. 30A, §§ 18-25.¹ The complaint was originally filed with the Committee on May 4, and you responded, on behalf of the Committee, by letter dated May 20. The complaint alleges that the Committee failed to include anticipated topics on its April 6 meeting notice.

Following our review, we find that the Committee did not violate the Open Meeting Law. In reaching this determination, we reviewed the original complaint filed with the Committee, the Committee's response, the complainant's request for further review by our office, and a letter, dated July 15, from the City Solicitor to our office. Additionally, we reviewed the original and revised notice and minutes of the Committee meeting held on April 6.

FACTS

We find the facts as follows. The Committee is a standing committee of the City Council which consists of five Councillors. On March 31, the City Clerk posted notice on the City website of a Committee meeting scheduled for April 6 at 10 A.M. to hold "a public hearing to continue to discuss the development of the process for the selection of a new City Manager." During the day on April 4, the Committee Chair drafted an agenda outlining the specific topics related to the selection process that he had planned to discuss during the

¹ All dates in this letter refer to the year 2016. The complaint also alleges that the Committee's notices generally lack sufficient detail. We will not conduct broad audits of a public body and thus decline to review generalized allegations about the notice posting practices of the Council and its committees. See OML 2016-57. Accordingly, we limit our review of the complaint to the Committee's April 6 meeting.

2016 SEP -6 AM 11:28
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

Attachment: Open Meeting Law Complaint (COF 2016 #35 : Open Meeting Law Complaint)



meeting. This agenda became a revision to the original notice, which was available on the City website that day, but less than 48 hours before the meeting. The revised notice listed the following topics:

PURPOSE: To approve the City Manager's Search Process.

DISCUSSION:

1. Approve Proposed Timeline
2. Approve Proposed RFP
3. Approve Approved Composition of the RFP [Request for Proposals] Evaluation Committee
4. Search Process Confidentiality
5. Next Steps.

During the meeting, the Committee generally followed this agenda and discussed each topic in turn.

DISCUSSION

A public body must post notice 48 hours in advance of a meeting that includes a "listing of topics that the chair reasonably anticipates will be discussed at the meeting." G.L. c. 30A, § 20(b). We generally consider a list of topics sufficiently specific when a reasonable member of the public could read the notice and understand the anticipated nature of the public body's discussion. See OML 2011-44.²

The complaint alleges that the original notice failed to include the specific topics that the Chair reasonably anticipated for discussion at the April 6 meeting. Namely, the complaint contends that the original notice, posted on March 31, should have included the topics that were added to the revised agenda less than 48 hours before the meeting. We find that, while these additional topics would have been useful, the topic listed on the original notice, "a public hearing to continue to discuss the development of the process for the selection of a new City Manager," sufficiently advised the public of the anticipated discussion. See OML 2016-78. The law does not require the meeting notice to list all tangential issues related to a particular topic. See OML 2015-73. That the Committee Chair decided to enumerate subtopics on a revised meeting notice does not render the topic listed on the original notice insufficient. Accordingly, we find that the Committee did not violate the Open Meeting Law in this regard. In the interests of full transparency, however, we encourage the Committee to list all anticipated subtopics on the original 48-hour meeting notice in the future.

CONCLUSION

For the reasons stated above, we find that the Committee did not violate the Open Meeting Law. We now consider the complaint addressed by this determination to be resolved. This determination does not address any other complaints that may be pending with

² Open Meeting Law determinations and declinations may be found at the Attorney General's website, www.mass.gov/ago/openmeeting.

our office or the Committee. Please feel free to contact the Division at (617) 963-2540 if you have any questions.

Sincerely,



Hanne Rush
Assistant Attorney General
Division of Open Government

cc: John Hawkinson
Nancy Glowa, City Solicitor

This determination was issued pursuant to G.L. c. 30A, § 23(c). A public body or any member of a body aggrieved by a final order of the Attorney General may obtain judicial review through an action filed in Superior Court pursuant to G.L. c. 30A, § 23(d). The complaint must be filed in Superior Court within twenty-one days of receipt of a final order.