

OFFERED BY COUNCILOR RUTHZEE LOUIJEUNE



CITY OF BOSTON

IN THE YEAR TWO THOUSAND TWENTY FIVE

**ORDER OF COUNCIL PRESIDENT RUTHZEE
LOUIJEUNE**

WHEREAS, On Monday, January 13, 2025, the City Council received a complaint alleging violations of the Open Meeting Law on two occasions; *and*

WHEREAS, Pursuant to the provisions of the Open Meeting Law and the Attorney General's regulations the City Council is required to review the Open Meeting Law complaint and respond to the complainant within 14 business days. See G.L. c. 30A, §23 (b) and 940 CMR 29.05 (5); *and*

WHEREAS, To comply with the Open Meeting Law and the Attorney General's regulations, attached to this order is the complaint referenced herein; ***NOW, THEREFORE BE IT***

ORDERED: That the Law Department for the City of Boston address the Open Meeting Law complaint and respond accordingly on behalf of the Boston City Council.

Filed on: January 15, 2025



Office of the City Clerk

ALEX GEOURNTAS
City Clerk

January 13, 2025

City Councilor Ruthzee Louijeune, President
Boston City Council
Boston City Hall – 5th Floor
One City Hall Square
Boston, MA 02201

RE: Open Meeting Law Complaints

Dear Council President Louijeune:

I am writing to inform you that two Open Meeting Law Complaints has been filed with the City Clerk's Office regarding violations that occurred at the City Council Meeting of December 11, 2024 and after that City Council Meeting. Also, the second complaint indicates a violation of posting the January 8, 2025 City Council Meeting Minutes.

This particular Open Meeting Law Complaint was date and time stamped by our office on January 13, 2025 at 9:14 AM.

I have attached for your review a copy of the complaint and please refer to **Section 23: Enforcement of Open Meeting Law; Complaints; Hearings; Civil Actions** information that is included as part of this letter to initiate a response to the Massachusetts Attorney General's Office.

Please do not hesitate to contact me if you have any questions at 617-635-4601.

Thank you!

Very truly yours,

Alex Geourntas
City Clerk

Section 23. Enforcement of Open Meeting Law; Complaints; Hearings; Civil Actions

(a) Subject to appropriation, the attorney general shall interpret and enforce the open meeting law.

(b) At least 30 days prior to the filing of a complaint with the attorney general, the complainant shall file a written complaint with the public body, setting forth the circumstances which constitute the alleged violation and giving the body an opportunity to remedy the alleged violation; provided, however, that such complaint shall be filed within 30 days of the date of the alleged violation. The public body shall, within 14 business days of receipt of a complaint, send a copy of the complaint to the attorney general and notify the attorney general of any remedial action taken. Any remedial action taken by the public body in response to a complaint under this subsection shall not be admissible as evidence against the public body that a violation occurred in any later administrative or judicial proceeding relating to such alleged violation. The attorney general may authorize an extension of time to the public body for the purpose of taking remedial action upon the written request of the public body and a showing of good cause to grant the extension.

(c) Upon the receipt of a complaint by any person, the attorney general shall determine, in a timely manner, whether there has been a violation of the open meeting law. The attorney general may, and before imposing any civil penalty on a public body shall, hold a hearing on any such complaint. Following a determination that a violation has occurred, the attorney general shall determine whether the public body, 1 or more of the members, or both, are responsible and whether the violation was intentional or unintentional. Upon the finding of a violation, the attorney general may issue an order to:

- (1) compel immediate and future compliance with the open meeting law;
- (2) compel attendance at a training session authorized by the attorney general;
- (3) nullify in whole or in part any action taken at the meeting;
- (4) impose a civil penalty upon the public body of not more than \$1,000 for each intentional violation;
- (5) reinstate an employee without loss of compensation, seniority, tenure or other benefits;
- (6) compel that minutes, records or other materials be made public; or
- (7) prescribe other appropriate action.

(d) A public body or any member of a body aggrieved by any order issued pursuant to this section may, notwithstanding any general or special law to the contrary, obtain judicial review of the order only through an action in superior court seeking relief in the nature of certiorari; provided, however, that notwithstanding section 4 of chapter 249, any such action shall be commenced in superior court within 21 days of receipt of the order. Any order issued under this section shall be stayed pending judicial review; provided, however, that if the order nullifies an action of the public body, the body shall not implement such action pending judicial review.

(e) If any public body or member thereof shall fail to comply with the requirements set forth in any order issued by the attorney general, or shall fail to pay any civil penalty imposed within 21 days of the date of issuance of such order or within 30 days following the decision of the superior court if judicial review of such order has been timely sought, the attorney general may file an action to compel compliance. Such action shall be filed in Suffolk superior court with respect to state public bodies and, with respect to all other public bodies, in the superior court in any county in which the public body acts or meets. If such

body or member has not timely sought judicial review of the order, such order shall not be open to review in an action to compel compliance.

(f) As an alternative to the procedure in subsection (b), the attorney general or 3 or more registered voters may initiate a civil action to enforce the open meeting law.

Any action under this subsection shall be filed in Suffolk superior court with respect to state public bodies and, with respect to all other public bodies, in the superior court in any county in which the public body acts or meets.

In any action filed pursuant to this subsection, in addition to all other remedies available to the superior court, in law or in equity, the court shall have all of the remedies set forth in subsection (c).

In any action filed under this subsection, the order of notice on the complaint shall be returnable not later than 10 days after the filing and the complaint shall be heard and determined on the return day or on such day as the court shall fix, having regard to the speediest possible determination of the cause consistent with the rights of the parties; provided, however, that orders may be issued at any time on or after the filing of the complaint without notice when such order is necessary to fulfill the purposes of the open meeting law. In the hearing of any action under this subsection, the burden shall be on the respondent to show by a preponderance of the evidence that the action complained of in such complaint was in accordance with and authorized by the open meeting law; provided, however, that no civil penalty may be imposed on an individual absent proof that the action complained of violated the open meeting law.

(g) It shall be a defense to the imposition of a penalty that the public body, after full disclosure, acted in good faith compliance with the advice of the public body's legal counsel.

(h) Payment of civil penalties under this section paid to or received by the attorney general shall be paid into the general fund of the commonwealth.



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

RECEIVED
CITY CLERKS OFFICE
2025 JAN 13 A 9:14

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Laura Last Name: Ortiz

Address: PO Box 103

City: Lowell State: MA Zip Code: 01853

Phone Number: 978-204-4123 Ext. _____

Email: ladeslortz@yahoo.com

Organization or Media Affiliation (if any): _____

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

☒ Individual

☐ Organization

☐ Media

Public Body that is the subject of this complaint:

☒ City/Town

☐ County

☐ Regional/District

☐ State

Name of Public Body (including city/town, county or region, if applicable): Boston City Council

Specific person(s), if any, you allege committed the violation: Boston City Council

Date of alleged violation: _____
12/12/24-12/13/24, 1/8/25 bhw/afier



Alex Geourntas <alex.geourntas@boston.gov>

[City Clerk email] 1/11/25 Open Meeting Law Complaints regarding Open Meeting Law Violations of Agenda and Meeting Notices and Meeting Minutes as well as Duty or Delegation Areas and Draft/Meeting Minutes during the Boston City Council Meetings; OML Complaint #1 and OML Complaint #2 attached

1 message

Laura Ortiz <ladeslortz@yahoo.com.ixflsxqdlunckrv.mesvr.com>

Sat, Jan 11, 2025 at 5:15 PM

Reply-To: Laura Ortiz <ladeslortz@yahoo.com>

To: "ruthzee.louijeune@boston.gov" <ruthzee.louijeune@boston.gov>, "law@boston.gov" <law@boston.gov>

Cc: "cityclerk@boston.gov" <cityclerk@boston.gov>, Laura Ortiz <ladeslortz@yahoo.com>

January 11, 2025

This Email Contains 2 Open Meeting Law Complaints.**OML Complaint #1 and OML Complaint #2**

Boston City Council

and

Chair and President Ruthzee Louijeune

and

Law Department, City of Boston

Email: ruthzee.louijeune@boston.gov ; cityclerk@boston.gov ; law@boston.gov

RE: 1/11/25 Open Meeting Law Complaints regarding Open Meeting Law Violations of Agenda and Meeting Notices and Meeting Minutes as well as Duty or Delegation Areas and Draft/Meeting Minutes during the Boston City Council Meetings; OML Complaint #1 and OML Complaint #2 attached

Dear Boston City Council and President Louijeune, Boston City Council Clerk Geourntas and If applicable your municipality law office,

Please find attached our 1/11/25 Open Meeting Law Complaints regarding Open Meeting Law Violations of Agenda and Meeting Notices and Meeting Minutes as well as Duty or Delegation Areas during the Boston City Council Meetings; OML Complaint #1 OML Complaint #2 attached

Open Meeting Law Complaint #1

1) On or before 12/12/24- 12/13/24 the Boston City Council deliberated outside of the Open Meeting Law Process and in a public body quorum it deliberated, signed and sent a "Shelter Advocacy Letter" with 39 other municipalities from across the state and more than 100 local public body member officials to Governor Healey asking for a change in Emergency Assistance (EA) shelter policies they all condemned including as a quorum of

the Boston City Council. Outside of the Open Meeting Law Processes whom deliberated, verified to be the following (9) public body members: *Chair and President Ruthzee Louijeune, City Councilor Benjamin Weber, City Councilor Brian Worrell, City Councilor Elizabeth Breadon, City Councilor Enrique Pepén, City Councilor Tania Fernandes Anderson, City Councilor Sharon Durkan, City Councilor Henry Santana and City Councilor Julia Meija* as the Boston City Council and acting as a quorum participated in a majority public body joint action and all signed this "Shelter Advocacy Letter" together outside of any Open Meeting as well as discussed it and sent it without noticing the general public and without giving any constituents of the city a chance to be weigh into this public body action in favor and/or dissent. In addition, the following (4) Boston City Council members: *Erin Murphy, Gabriela Coletta Zapata, Edward Flynn and John Fitzgerald* also participated by deliberating outside of the Open Meeting Law processes but declined to sign the "Shelter Advocacy Letter. City of Boston councilors did not post any meeting notice or call an Executive Session at all to participate in this "Shelter Advocacy Letter" task (regardless if they declined to sign the letter), they failed to notice to the general public they intended on December 12th-December 13th to meet and discuss and participate (or decline) in signing it and sending it on December 13th as a quorum of the Boston City Council alongside other quorums of municipality public bodies of city councils and/or school committees. These public body members signed the letter as a quorum (9 of the Boston City Councilors) and in their own words were "writing as elected officials representing 39 cities and towns" and not as any independent from government individuals (signing on in any personal capacity manner) they clearly signed as a government public body (regardless that 4 of the Boston City Councilors declined to sign). The public body members, especially by signing it as the City Councilor themselves, were clearly representing the municipality on official business as the Boston City Council and representing the City of Boston and as a ward representative of completely unaware constituents. Notice only came to the general public and constituents, after the Boston City Council had already met entirely outside of the Open Meeting Law process and it had already deliberated and signed December 12- December 13th the "Shelter Advocacy Letter" and had already sent it to Governor Healy on December 13th, as reported in the Boston.com news article 12/16/24 [here](#) and Patch.com news article 12/18/24 [here](#) and Greenfield Recorder news article 12/31/24 [here](#). The Boston City Council meeting outside of the Open Meeting Law processes and deliberating and signing and sending (or declining) this "Shelter Advocacy Letter" as a quorum of Boston City Council members violated the Open Meeting Laws as well as additional statutes.

Deliberations occurred outside of the Open Meeting and without adequate public notice despite the duty and responsibilities of the Boston City Council to align itself with the Open Meeting Law which was enacted "to eliminate much of the secrecy surrounding the deliberations and decisions on which public policy is based." see Ghiglione v. School Authority of Southbridge, 376 Mass. 70, 72 (1978) and the City Council failed to ensure that "meetings of a public body be properly noticed and open to members of the public, unless an executive session is convened." See G.L. c. 30A, §§ 20(a)-(b), 21.

2) On or before 12/12/24-12/13/24, the Boston City Council failed to post any Agenda Meeting Notice for their Boston City Council Meeting, informing the general public and constituents that it intended to deliberate and

meet outside of the Open Meeting Law Process and in a public body quorum of Boston City Councilors December 12th-December 13th for the purpose to deliberate, sign and send on December 13th a "Shelter Advocacy Letter" with 39 other municipalities from across the state and more than 100 local public body member officials to Governor Healey for the purpose of asking for a change in Emergency Assistance (EA) shelter policies they all condemned including as a quorum of the Boston City Council. Given that (9) public body members, being *Chair and President Ruthzee Louijeune, City Councilor Benjamin Weber, City Councilor Brian Worrell, City Councilor Elizabeth Breadon, City Councilor Enrique Pepén, City Councilor Tania Fernandes Anderson, City Councilor Sharon Durkan, City Councilor Henry Santana and City Councilor Julia Meija* as the Boston City Council and all anticipated intending to meet and act as a quorum in a majority public body joint action and all intended to sign this "Shelter Advocacy Letter" together outside of any Open Meeting as well as intended to discuss it and send it, they had a duty and responsibility to notice the general public and give all constituents of the city a chance to weigh into this public body action in favor and/or dissent of sending the "Shelter Advocacy Letter" with 39 other municipalities from across the state and more than 100 local public body member officials to Governor Healey. Even though (4) Boston City Council members: *Erin Murphy, Gabriela Coletta Zapata, Edward Flynn and John Fitzgerald* intended to meet and participate and deliberate outside of the Open Meeting Law processes and anticipated declining to sign the "Shelter Advocacy Letter", they still had a duty and responsibility to notice the general public and all constituents same. Notice only came to the general public and constituents, after the Boston City Council had already met entirely outside of the Open Meeting Law process and it had already deliberated and signed December 12- December 13th the "Shelter Advocacy Letter" and had already sent it to Governor Healey on December 13th, as reported in the Boston.com news article 12/16/24 [here](#) and Patch.com news article 12/18/24 [here](#) and Greenfield Recorder news article 12/31/24 [here](#). The Boston City Council had anticipated meeting outside of the Open Meeting Law processes and for purpose of deliberating and signing and sending (or declining) this "Shelter Advocacy Letter" as a quorum of Boston City Council members violated the Open Meeting Laws as well as additional statutes., therefore it was capable of posting the notice within 48 hours prior to this "meeting" see G.L. c. 30A, § 20(b) as well as listing this "Shelter Advocacy Letter" as a meeting topic they as the Boston City Council anticipated discussing to sign or not and reasonably anticipated and knew 48 hours prior they would meet about see See G.L. c. 30A, § 20(b); OML 2022-206; OML 2020- 152, failing to post any agenda or this meeting topic in advance, denied the general public and constituents the ability to read about it this topic and understand the anticipated nature of the Boston City Council's public body's discussion it instead held secretly and in violation of Open Meeting Laws. See OML 2015-35.

The Boston City Council failed to post any Agenda Meeting Notice at all that contained enough detail and accuracy so that a member of the public would know to attend or who did not attend the meeting could read the minutes and have a clear understanding of what would or did occur, and failed to detail at all its intentions to meet and deliberate outside of the Open Meeting Law Process, Boston City Council instead, held Secret Deliberations outside of an Open Meeting and without adequate public notice despite the duty and responsibilities of the Boston City Council in that the Open Meeting Law was enacted "to eliminate much of the secrecy surrounding the deliberations and decisions on which public policy is based." see Ghiglione v. School

Authority of Southbridge, 376 Mass. 70, 72 (1978) and the City Council failed to ensure that "meetings of a public body be properly noticed and open to members of the public, unless an executive session is convened." See G.L. c. 30A, §§ 20(a)-(b), 21.

Open Meeting Law Complaint #2

3) On or before 1/8/25, the Boston City Council Agenda for the 1/8/25 City Council Meeting, show that the Boston City Council failed to post Meeting Minutes for "APPROVAL OF THE MINUTES" for its 12/11/24 City Council Meeting and with enough specificity for the meeting minutes themselves from December 11th Boston City Council meeting it intended to vote and did cast votes on at that open meeting. Further, **these meeting minutes lacked specific details on multiple open meeting topics discussed because:**

A) For the Roll Call it stated "President Louijeune in the Chair. All Councilors present." Named President Louijeune, but failed to specifically name the rest of the 12 Boston City Councilors present at the time of the Roll Call

B1) "1827 Message and order for your approval an Order ... The rules were suspended; the order was passed; yeas 13."-Meeting minutes repeatedly failed to specifically name all 13 Boston City Councilors and who had voted yeas

B2) "1828 Message and order for a supplemental appropriation Order ...The rules were suspended; the order was passed; yeas 13."-Meeting minutes repeatedly failed to specifically name all 13 Boston City Councilors and who had voted yeas

B3) "1829 Message and order for your approval ...The rules were suspended; the order was passed; yeas 13."-- Meeting minutes repeatedly failed to specifically name all 13 Boston City Councilors and who had voted yeas

B4) "1830 Message and order for a supplemental appropriation Order...The rules were suspended; the order was passed; yeas 13."-Meeting minutes repeatedly failed to specifically name all 13 Boston City Councilors and who had voted yeas

B5) "Councilor Coletta Zapata,...1347 On the message and ordinance, referred... the ordinance was passed in a new draft; yeas 13."-Meeting minutes repeatedly failed to specifically name all 13 Boston City Councilors and who had voted yeas

B6) "1715 Order relative to the adoption of Tax Classification... the order was passed; yeas 13." -Meeting minutes repeatedly failed to specifically name all 13 Boston City Councilors and who had voted yeas

C) For meeting topic "Councilor Santana,...1564 On the message and order,...The report was accepted; the order was passed; yeas 11, present 1 (FitzGerald), not present 1 Fernandes Anderson). Councilor Louijeune in the Chair"- Meeting minutes failed to name all 11 Boston City Councilors and whom had voted yeas but did name who was present and abstained and who was not present

D1) "Councilor Louijeune,...Docket #1507, requesting and recommending ...The report was accepted; the order was passed in a new draft."-Meeting minutes repeatedly stated something "passed" but failed to specifically name all 13 Boston City Councilors who voted or how many voted yeas or nays or abstained or weren't present by name and what the votes total count was

D2) "1508 On the message and order,... The report was accepted; the order was passed."-Meeting minutes repeatedly stated something "passed" but failed to specifically name all 13 Boston City Councilors who voted or how many voted yeas or nays or abstained or weren't present by name and what the votes total count was

D3) "Councilor Breadon,...1674 The Committee on Housing and Community Development...The report was accepted; the order was passed."-Meeting minutes repeatedly stated something "passed" but failed to specifically name all 13 Boston City Councilors who voted or how many voted yeas or nays or abstained or weren't present by name and what the votes total count was

D4) "0866 On the message and order...confirmation of the reappointment of Hansy Better Barraza, as a member of the Zoning Board of Appeal...The report was accepted; the reappointment was confirmed."-Meeting minutes repeatedly stated something "passed" but failed to specifically name all 13 Boston City Councilors who voted or how many voted yeas or nays or abstained or weren't present by name and what the votes total count was

D5) "1690 On the message and order, ...confirmation of the appointment of Ryan Woods, as a member of the Zoning Commission,...The report was accepted; the appointment was confirmed."-Meeting minutes repeatedly stated something "passed" but failed to specifically name all 13 Boston City Councilors who voted or how many voted yeas or nays or abstained or weren't present by name and what the votes total count was

D6) "1691 On the message and order,... reappointment of Michael Nichols, as a member of the Zoning Commission.. The report was accepted; the reappointment was confirmed."-Meeting minutes repeatedly stated something "passed" but failed to specifically name all 13 Boston City Councilors who voted or how many voted yeas or nays or abstained or weren't present by name and what the votes total count was

D7) "1692 On the message and order, referred on November 20, 2024, Docket #1692, for the confirmation of the appointment of Ameeth Deenanath as an Alternate Member of the Study Committee ...The report was accepted; the appointment was confirmed"-Meeting minutes repeatedly stated something "passed" but failed to specifically name all 13 Boston City Councilors who voted or how many voted yeas or nays or abstained or weren't present by name and what the votes total count was

D8) "1693 On the message and order,... appointment of Senam Kumahia as a Member of the Study Committee... The report was accepted; the appointment was confirmed."-Meeting minutes repeatedly stated something "passed" but failed to specifically name all 13 Boston City Councilors who voted or how many voted yeas or nays or abstained or weren't present by name and what the votes total count was

D9) "1694 On the message and order,...appointment of Fadi Samaha as a Member of the Study Committee to prepare the report for the potential designation of a Monument Square Architectural Conservation District,...The report was accepted; the appointment was confirmed."-Meeting minutes repeatedly stated something "passed" but failed to specifically name all 13 Boston City Councilors who voted or how many voted yeas or nays or abstained or weren't present by name and what the votes total count was

D10) "1697 On the message and order,... appointment of Jeffrey Gonyeau as a Member of the Study Committee to prepare the report for the potential designation of a Monument Square Architectural Conservation District,...The report was accepted; the appointment was confirmed."-Meeting minutes repeatedly stated something "passed" but failed to specifically name all 13 Boston City Councilors who voted or how many voted yeas or nays or abstained or weren't present by name and what the votes total count was

D11) "1696 On the message and order,...appointment of Lindsey Mac-Jones as a Member of the Study Committee...The report was accepted; the appointment was confirmed."-Meeting minutes repeatedly stated something "passed" but failed to specifically name all 13 Boston City Councilors who voted or how many voted yeas or nays or abstained or weren't present by name and what the votes total count was

D12) "1698 On the message and order,...appointment of Linda Neshamkin as a Member of the Study Committee... The report was accepted; the appointment was confirmed."-Meeting minutes repeatedly stated something "passed" but failed to specifically name all 13 Boston City Councilors who voted or how many voted yeas or nays or abstained or weren't present by name and what the votes total count was as well as through appointments for meeting topics: "1699..."-"1704..." and "0292" and "0107"

D13) "1768 Councilor Weber ... WIOA Adult Activities Administration grant..On motion of Councilor Weber, the order was passed."-Meeting minutes repeatedly stated something "passed" but failed to specifically name all 13 Boston City Councilors who voted or how many voted yeas or nays or abstained or weren't present by name and what the votes total count was

D 14) "1677 Councilor Coletta Zapata... Cemetery Division of the Parks and Recreation Department and the Trust Office of the Treasury Department to be funded...On motion of Councilor Coletta Zapata, the order was passed."- Meeting minutes repeatedly stated something "passed" but failed to specifically name all 13 Boston City Councilors who voted or how many voted yeas or nays or abstained or weren't present by name and what the votes total count was

D15) "1853 Councilor Louijeune...appointment of temporary employees Cindy Dieujuste, Hodan Hashi, Emily Polston and Jesse Purvis... Passed under suspension of the rules."-Meeting minutes repeatedly stated something "passed" but failed to specifically name all 13 Boston City Councilors who voted or how many voted yeas or nays or abstained or weren't present by name and what the votes total count was

D16) "1854 Councilor Louijeune...appointment of temporary employees Karishma Chouhan and Shane Pac... Passed under suspension of the rules."-Meeting minutes repeatedly stated something "passed" but failed to specifically name all 13 Boston City Councilors who voted or how many voted yeas or nays or abstained or weren't present by name and what the votes total count was

D17) "1855 Councilor Louijeune appointment of temporary employee Michelle A.L. Goldberg...Passed under suspension of the rules."-Meeting minutes repeatedly stated something "passed" but failed to specifically name all 13 Boston City Councilors who voted or how many voted yeas or nays or abstained or weren't present by name and what the votes total count was

D18) "1856 Councilor Louijeune ...appointment of temporary employees in City Council,...Passed under suspension of the rules."-Meeting minutes repeatedly stated something "passed" but failed to specifically name

all 13 Boston City Councilors who voted or how many voted yeas or nays or abstained or weren't present by name and what the votes total count was

E1. "1548 On the message and order,...FY24 Port Security Grant Program...The report was accepted; the order was passed; yeas 12, present 1 (Mejia)."--Meeting minutes repeatedly failed to specifically name all 12 Boston City Councilors that voted yeas but did name who was present and abstained

E2) "1622 On the message and order,...FY25 Municipal Road Safety grant...The report was accepted; the order was passed; yeas 12, present 1 (Mejia)."--Meeting minutes repeatedly failed to specifically name all 12 Boston City Councilors that voted yeas but did name who was present and abstained

E3) "1673 On the message and order,...FY2024 Urban Area Security Initiative...The report was accepted; the order was passed; yeas 12, present 1 (Mejia)."--Meeting minutes repeatedly failed to specifically name all 12 Boston City Councilors that voted yeas but did name who was present and abstained

E4) "1680 On the message and order,...FY25 DMH Co-Response Grant...The report was accepted; the order was passed; yeas 12, present 1 (Mejia)."--Meeting minutes repeatedly failed to specifically name all 12 Boston City Councilors that voted yeas but did name who was present and abstained

E5) "1681 On the message and order,...FY25 DMH Training Grant...The report was accepted; the order was passed; yeas 12, present 1 (Mejia)."--Meeting minutes repeatedly failed to specifically name all 12 Boston City Councilors that voted yeas but did name who was present and abstained

E6) "1770 On the message and order,...Federal Byrne Justice Assistance Grant,...The report was accepted; the order was passed; yeas 12, present 1 (Mejia)."--Meeting minutes repeatedly failed to specifically name all 12 Boston City Councilors that voted yeas but did name who was present and abstained

F1) "1675 On the message and order,... FY24 Regional Catastrophic Preparedness grant,...The report was accepted; the order was passed; yeas 11, present 2 (Fernandes Anderson, Mejia)."--Meeting minutes repeatedly failed to specifically name all 11 Boston City Councilors that voted yeas but did name who was present and abstained

F2) "1676 On the message and order,...Securing the Cities Continuation Grant...The report was accepted; the order was passed; yeas 11, present 2 (Fernandes Anderson, Mejia)."--Meeting minutes repeatedly failed to specifically name all 11 Boston City Councilors that voted yeas but did name who was present and abstained

F3) "1772 On the message and order,...Federal FY24 Emergency Management Performance Agency,...The report was accepted; the order was passed; yeas 11, present 2 (Fernandes Anderson, Mejia)."--Meeting minutes repeatedly failed to specifically name all 11 Boston City Councilors that voted yeas but did name who was present and abstained

These Meeting Minutes failed to contain enough detail and accuracy so that a member of the public who did not attend the meeting could read the minutes and have a clear understanding of what occurred and failed to detail who specifically named as a Boston City Councilor were present at roll calls, or whom by name as a Boston City Councilor had voted yeas on multiple different meeting topic agenda items, and failed to specifically name all of

the Boston City Councilors who voted or how many voted yeas or nays or abstained or weren't present on multiple other different meeting topic agenda items as well as were inconsistent and left the general public and constituents to guess. This occurred despite the Boston City Council having access to the specific details that were appropriate to release in its custody, possession and control and that existed at the time that it posted its Boston City Council Agendas and Meeting Minutes.

For Open Meeting Law Complaint #1 and Open Meeting Law Complaint #2,

It is the sole duty and responsibilities of all public body members of the Boston City Council to comply with Open Meeting Laws and it failed to do so here on or before 12/12/24-12/13/24, 1/8/25 and dates in between and after. It is the duty of the public body to ensure that the Boston City Council Meeting Agenda Notices and Meeting Minutes are in compliance prior to posting them or having the entire Boston City Council vote on them as well as to deliberate only where allowed under the Open Meeting Laws and not do so in secret and caused instead a closed not open government body and function. This led to confusion, a failure to allow the general public access to open government or transparency during the actual meeting or meetings to come, as well as no one reading the Boston City Council Meeting Agenda(s) would have known to attend, nor would they know by reading any Meeting Minutes after what occurred.

The Meeting Minutes for Boston City Council Meetings failed to provide sufficient details or accuracy so that a member of the public who did not attend the meeting could read the minutes and have a clear understanding of what occurred. See OML 2024-171, OML 2024-189, OML 2024-193; OML 2014-10; OML 2013-16, OML 2016-110 and OML 2018-39 as well as all other applicable Open Meeting Law Statute areas. The Boston City Council should comply with *G.L. c. 30A, § 22(a), G.L. c. 30A, §§ 18, G.L. c. 30A, § 20(a)-(b), G.L. c. 30A, §§ 21, G.L. c. 30A, § 20(f) and 940 CMR 29.03(1)(b), as well as G.L. c. 30A, § 21(a)(3) and other Open Meeting Laws*. The Boston City Councils actions, should be determined by the Attorney General as deliberate and willful violations, the City Council should be FINED, as well as any votes or actions made null and void, given that the Boston City Council failed to follow the letter of the law, or be transparent when it deliberated outside of the Open Meeting Law processes or posted any of the Agenda Notices nor the Meeting minutes, prior to discussions and action decisions surrounding its agenda items and actions, which negatively impacted the general public.

What we feel would resolute our Open Meeting Law Complaints:

- 1) Boston City Council agrees to correct immediately all OML Violations regarding *G.L. c. 30A, § 22(a), G.L. c. 30A, §§ 18, G.L. c. 30A, § 20(a)-(b), G.L. c. 30A, §§ 21, G.L. c. 30A, § 20(f) and 940 CMR 29.03(1)(b) and also G.L. c. 30A, § 21(a)(3) and other Open Meeting Laws* and any other violations and comply with their duties, responsibilities and the actual laws as written and agrees to not violate them again. It also agrees to undergo immediate training by the Attorney Generals Office necessary to understand its duties and responsibilities under the Open Meeting Laws and provide proof of attendance and participation by all City Council members
- 2) Boston City Council agrees create and to provide all Meeting Minutes including draft forms in a timely manner and also within FULL compliance of Open Meeting Laws

3) Boston City Council agrees to ensure at the highest levels comply with all Open Meeting Laws, to place ALL INTENDED Topics of discussion on meeting agendas including Executive Sessions and discuss Open Meeting Topics in the appropriate sessions and not outside the Open Meeting Law Processes

4) Boston City Council agrees to rescind all votes related in any way to these Open Meeting Law Complaints #1 Part1-Part2 and Open Meeting Law Complaint#2 Part 3A-3F above and attached

Thank you for your attention, time and anticipated assistance to resolution to our Open Meeting Law

Complaint #1 Part1-Part2 and Open Meeting Law Complaint #2 Part 3A-3F above and attached on the AGO Required templates:

OML Complaint No 1 January 11 2025 Boston City Council OML Complaint Attorney General's Office Open Meeting Law Complaint Form.pdf

OML Complaint No 2 January 11 2025 Boston City Council OML Complaint Attorney General's Office Open Meeting Law Complaint Form.pdf

Have a lovely evening!

Kindest Regards,

Laura Ortiz

on behalf of Concerned Citizens and Constituents and Open Meeting Law Review Transparency

CC: Clerk Alex Geourntas -City of Boston Email: cityclerk@boston.gov - under **"For a local or municipal public body, you must submit a copy of the complaint to the chair of the public body AND to the municipal clerk."**

Links for Shelter Advocacy Letter and News Articles referenced:

https://docs.google.com/document/d/11Vr79Na_SWxcWMKjOUFMLTqMQFcqLdx2yXoLP3atRVM/edit?tab=t.0

<https://www.boston.com/news/local-news/2024/12/16/elected-officials-call-on-healey-to-rescind-recent-shelter-stay-policies/>

<https://patch.com/massachusetts/salem/120-local-leaders-sign-letter-condemning-state-shelter-policies>

<https://www.recorder.com/Greenfield-city-councilors-sign-letter-opposing-shelter-policy-changes-58640402>

"The way to right wrongs is to turn the light of truth upon them." - Ida B. Wells

2 attachments

 **OML Complaint No 1 January 11 2025 Boston City Council OML Complaint Attorney General's Office Open Meeting Law Complaint Form.pdf**
211K



OML Complaint No 2 January 11 2025 Boston City Council OML Complaint Attorney General's Office Open Meeting Law Complaint Form.pdf

216K