



February 23, 2026

Dear Members of the Boston City Council,

The Boston City Council (the “Council”) is in receipt of an Open Meeting Law Complaint, filed on February 1, 2026. See Open Meeting Law Complaint (the “Complaint”). The Council has authorized the City of Boston Law Department (the “Department”) to respond on its behalf.

Please see below for the Law Department’s response to the Complaint.

1. Background

The Council received the Complaint on February 1, 2026. On February 2, 2026, the Council reviewed the complaint and voted to refer to the Law Department an allegation that the Open Meeting Law was violated during the election of the new Council President. The Complaint alleged that “[m]embers of the Boston City Council engaged in off-meeting deliberations . . . concerning the election of the City Council President. . . .” See Open Meeting Law Complaint of Edward Flynn (hereafter, “Complaint”).<sup>1</sup>

2. Statement of the Law

The Open Meeting Law requires that meetings of a public body be properly noticed and open to members of the public, unless an executive session is called. G.L. c. 30A, §§ 20(a)-(b), 21. A “meeting” is defined, in part, as “a deliberation by a public body with respect to any matter within the body’s jurisdiction.” G.L. c. 30A, § 18. “Deliberation” is defined as an “oral or written communication through any medium . . . between or among a quorum of a public body on any public business within its jurisdiction; . . .” Id. A public body “may not deliberate in a serial fashion whereby a quorum communicates in a non-contemporaneous manner outside of a meeting on a matter within the public body’s jurisdiction.” See [OML 2023-227](#).

3. Review of the Facts Does Not Identify Any Violation of the Open Meeting Law

The Complaint alleged that a quorum of the Council deliberated outside of a properly noticed meeting in selecting a Council President. Although, as discussed below, the Complaint does not contain specific allegations or examples of a violation, the Law Department found that two councilors went to another councilor’s home the evening before the vote, and that during the months between the election of the City Council and the election of the City Council President, councilors met and spoke to one another regarding the candidacies for City Council President. The Law Department’s review did not find that at any point members communicated as a quorum or engaged in serial communications that would constitute prohibited deliberation under the Open Meeting Law.

In an attempt to support the allegations, the Complaint engages in speculation, unsupported by specific facts. It alleges, for example, that those who committed the violation include “city administration officials and others presently unknown,” yet neither “City administration officials” nor “others presently unknown” are members of the Council. As such, individual conversations, even if they

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<sup>1</sup> The Complaint further alleges “private, unposted meetings and serial communications - including late-night in-person meetings, sequential office-to-office contacts, and the use of intermediaries - intended to coordinate positions and outcomes related to the January 5, 2026 Council President vote (7-6).” See Complaint.

were actually identified with specificity, do not constitute deliberation for the purposes of the OML. See OML 2024-187.

The Complaint resorts to invocations of “public reporting and contemporaneous accounts,” but fails entirely to provide specifics or citations to those reports and accounts that would support the allegations or give rise to a violation. The Attorney General’s Office has repeatedly opined that “mere speculation or conjecture regarding deliberation outside of a posted meeting, without factual support, is insufficient to support a complainant’s allegations.” See, e.g., OML 2024-187; see also G.L. 30A, § 24(a). The substance of any individual conversations members may have had with non-members was not communicated to a quorum of the Council such that they would violate the Open Meeting Law. Therefore, there is no evidence of an Open Meeting Law violation.

4. There Was Independent Deliberative Action by the Council on the Topic of City Council President In a Properly Noticed Public Meeting

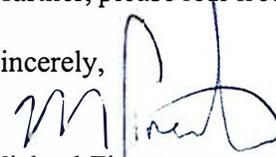
While it is the Law Department’s determination that no Open Meeting Law violation occurred, any conceivable violation was nonetheless cured by the Council’s subsequent actions. Open Meeting Law violations can be cured by “independent deliberative action” at a properly noticed public meeting on the same subject matter that was discussed at the meeting where there was a violation. See Pearson v. Board of Selectmen of Longmeadow, 49 Mass. App. Ct. 119, 125 (2000).

Here, there has been an independent deliberative action on the election of the Council President at a properly-noticed City Council meeting, as acknowledged in the Complaint.<sup>2</sup> The Boston City Council held a properly-noticed public meeting on January 5, 2026, at which the Council elected Councilor Breadon as Council President after extensive deliberation and debate.<sup>3</sup> See Pearson, 49 Mass. App. Ct. 119; Allen v. Board of Selectmen of Belmont, 58 Mass. App. Ct. 71 (2003). While a subsequent meeting that is “merely a ceremonial acceptance” or “perfunctory ratification of secret decisions,” does not operate as a cure, that was not the case here.

At the January 5th meeting, City Council members extensively discussed and debated the topic of Council President during a multi-hour meeting, the very deliberation called for under the statute. Id. Even if we assume arguendo and accept the complaint’s conclusory allegations that there was a violation of the Open Meeting Law, this “independent deliberative action” cured any alleged violations. See Pearson, 49 Mass. App. Ct. at 125.

Please accept this letter as the Law Department’s response pursuant to the Council’s February 2, 2026 Order. To the extent you have any questions or wish to discuss further, please feel free to contact me.

Sincerely,



Michael Firestone  
Corporation Counsel

Cc: Boston City Councilor Ed Flynn  
Alex Geourmtas, Boston City Clerk  
Division of Open Government, Office of the Massachusetts Attorney General

<sup>2</sup> The Complaint does not include dates of the alleged violations.

<sup>3</sup> <https://www.youtube.com/watch?v=pu4M-NLIoMU>



City of Boston  
Law

February 23, 2026

Edward Flynn  
254 Gold Street  
Boston, MA 02127

**Via mail and email**

Dear Councilor Flynn,

The Boston City Council (the "Council") is in receipt of an Open Meeting Law Complaint, filed on February 1, 2026. The Council has authorized the City of Boston Law Department to respond on its behalf. Please accept the attached as the Council's formal response to the Complaint, pursuant to [940 CMR 29.05](#).

Sincerely,

A handwritten signature in blue ink, appearing to read "M. Firestone".

Michael Firestone  
Corporation Counsel

Cc: Honorable Members of the Boston City Council  
Alex Geourmtas, Boston City Clerk  
Division of Open Government, Office of Massachusetts Attorney General