



City of Boston, Massachusetts
Office of the Mayor
Michelle Wu

April 24, 2023

TO THE CITY COUNCIL

Dear City Councilors:

In Response to a 17F request filed by your Honorable Body on April 5, 2023, Docket #0758.

Re: Relative to the City of Boston's Redistricting Court Case Legal Counsel and witness hired to testify. The witness fees will be paid through the outside counsel contracts.

Sincerely,

Michelle Wu
Mayor of Boston



City of Boston
Law Department

April 18, 2023

Councilor Frank Baker
Boston City Councilor, District 3
Boston City Council
1 City Hall Square, Suite 550
Boston, MA 02201

Re: Docket #0758: April 5, 2023 Section 17F Request for Records

Dear Councilor Baker,

On April 7, 2023, the Law Department received your 17F filed on April 5, stating the following:

Order of Councilor Frank Baker

ORDERED: That under the provisions of section 17F of Chapter 452 of the Acts of 1948, as amended, and any other applicable provision of law, the Mayor, be, and hereby is, requested to obtain and deliver to the City Council, within one week of the receipt hereof, the following information relative to new City of Boston employees:

- 1. Who has the City of Boston hired to defend the City of Boston in the redistricting court case?*
- 2. Outside of legal counsel, who else has been hired to testify for the City of Boston?*
- 3. How much has outside counsel and experts cost the City of Boston?*

Filed in Council: April 5, 2023

Section 17F of Chapter 452 of the Acts of 1948 is found in Chapter 190 of the Acts of 1982. Section 17F was introduced in Chapter 376 of the Acts of 1951 as an amendment to Chapter 452 of the Acts of 1948 and states:

Section 17F. The city council at any time may request from the mayor specific information on any municipal matter within its jurisdiction, and may request his presence to answer written questions relating thereto at a meeting to be held not earlier than one week from the date of the receipt of said questions, in which case the mayor shall personally, or through a head of a department or a member of a board, attend such meeting and publicly answer all such questions. The person so attending shall not be obliged to answer questions relating to any other matter. The mayor at any time may attend and address the city council in person or through the head of a department, or a member of a board, upon such subject as he may desire.

Section 17F was amended by Section 16 of Chapter 190 of the Acts of 1982. This section adds to Section 17F of the Acts of 1951 as follows:



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SECTION 16. Section 17F of chapter 452 of the acts of 1948, inserted by chapter 376 of the acts of 1951, is hereby amended by inserting after the second sentence the following sentence:- Specific information, as used in this section, shall include any and all records, other than those exempt from disclosure under clause Twenty-six of section seventy-seven [sic] of chapter four of the General Laws, within the control of any executive department or agency of the city, including the Boston water and sewer commission and the Boston Redevelopment Authority, whether the information is in printed or electronic form. For the purposes of enforcing this section, the city council shall have standing to request a justice of the superior court department of the trial court of the commonwealth to issue appropriate orders to compel compliance with this section.

As indicated in Section 16, “clause Twenty-six of section seventy-seven [sic] of chapter four of the General Laws.” This part of the General Laws is also known as the Massachusetts public records law. See G. L. c. 4, § 7 (26). It is presumed this reference is to section seven as there is no “section seventy-seven” of chapter four, nor has there ever been such a section. See <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleI/Chapter4>.

Massachusetts courts have consistently held that: “[w]here, as here, a statute contains an obvious clerical error, a court may depart from the statute's literal meaning in order to effectuate legislative intent.” Com. v. Maloney, 447 Mass. 577 (2006) *citing* Cohen v. Commissioner of Div. of Med. Assistance, 423 Mass. 399, 409 (1996). Further, “[i]n criminal cases no less than in civil, ‘where the draftsmanship of a statute is faulty or lacks precision, it is [the court's] duty to give the statute a reasonable construction.’” Com. v. Maloney, 447 Mass. 577 (2006) *citing* Com. v. Pagan, 445 Mass. 315, 319 (2005) *quoting* Capone v. Zoning Bd. of Appeals of Fitchburg, 389 Mass. 617 (1983).

As indicated in the Acts of 1982, any record provided under Section 17F is subject to the exemptions provided by the Massachusetts public records law. Government records custodians are permitted to redact or withhold portions of public records, so long as a specific exemption to the law is cited. Portions of records responsive to your request contain information that is exempt from disclosure.

Response to Requests for Records

1. Who has the City of Boston hired to defend the City of Boston in the redistricting court case?

Response to Request 1: Anderson & Kreiger LLP and Hemenway & Barnes LLP have been hired to defend the City of Boston in the redistricting court case, also known as Walters et al v the Boston City Council.

2. Outside of legal counsel, who else has been hired to testify for the City of Boston?

Response to Request 2: Dr. Moon Duchin was hired through outside counsel, Anderson & Kreiger LLP, as the Principal Investigator of the MGGG Redistricting Lab at Tufts University.



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Dr. Duchin's CV has been provided for reference under the file Duchin-CV-2023. This record contains no redactions.

3. How much has outside counsel and experts cost the City of Boston?

Response to Request 3: The responsive records are provided herein in a file entitled Outside Counsel Contracts. These records contain no redactions.

Sincerely,

Adam N. Cederbaum
Corporation Counsel