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John A. Hawkinson, freelance news reporter  
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January 30, 2014

2014 JAN 30 PM 4 33  
OFFICE OF THE CITY CLERK  
CAMBRIDGE, MASSACHUSETTS  
The Honorable Cambridge City Council  
795 Massachusetts Avenue  
Cambridge, MA 02139  
**By HAND**

Dear Mayor Maher and City Councillors:

This is an Open Meeting Law complaint pursuant to 30A MGL §23, regarding meeting announcements not being posted on the City's web site. As this Council is new, I would like to hope that there is as much transparency as possible going forward, and therefore I reluctantly file this complaint.

I recognize that an attempt was made to conduct this ad hoc committee in the light of day, but that attempt has fallen short. I am keenly conscious that four members of the Council do not constitute a quorum, and therefore could meet without notice to the public. But if a notice is going to be posted, and a committee is to meet, in this day and age, failing to post notice of the meeting on the City's web site is not excusable.

#### **Description of alleged violation**

The Mayor created a "Special Ad-hoc Committee" for the purpose of "discussing quorums for council committees as well as the number and size of committees and how many will serve on said committees," and noticed two meetings of this committee by posting to the City Council bulletin board inside Cambridge City Hall, 795 Massachusetts Avenue, Cambridge, MA. The meetings were on Jan. 21 and Jan. 27, 2004, and were noticed on Jan. 14 and Jan. 23, respectively.

The creation and membership of this committee were not otherwise announced.

It is the practice of the City that notices of City Council committees meetings are also posted online, at <http://www2.cambridgema.gov/cityClerk/HearingSchedule.cfm?fullYear=Y&>. These two meetings were not noticed on-line.

Cambridge City Hall is not open "at all hours," so pursuant to 940 CMR §29.03(2)(b)(a) the City has elected to the option of "public bodies may post notice of meetings on the municipal website;" The City has filed its notice of alternative posting with the Commonwealth's Division of Open Government as of April 14, 2011, and has a posted paper notice stating that "Notices of all public meetings of all public bodies of the City of Cambridge and the Cambridge public schools are posted on the respective organization's specific website as follows: ... City of Cambridge: [www.cambridgema.gov](http://www.cambridgema.gov)."

These meetings should have been noticed on the City's web site, and they were not. Oral conversation with the City Clerk this morning confirms they were not noticed online, and the Clerk believes they are not required to be, referring me to the Law Department. To the extent that the City believes it can post notices on a bulletin board and not on the Internet, this is an intentional violation. It is also a very poor practice.

#### **Proposed remedy**

The City Council and Clerk's Office should amend their procedures to ensure that no notices are posted to the City Council Bulletin Board without also appearing online.

The Attorney General's office should fine the City \$1,000 each for these two violations, pursuant to 940 CMR §29.07(3)(d).

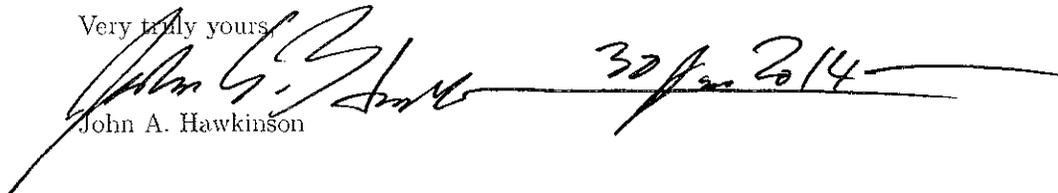
Because the Open Meeting Law and the Public Records Law are joined at the hip, and because it is

"longstanding City policy that the City does not waive Public Records response fees,"<sup>1</sup> despite the Secretary of the Commonwealth's recommendation otherwise, the AG should offer to waive the City's fines if the City's Law Department, which processes most substantial public records requests in the City, agrees to waive subsequent public records response fees up to the dollar value of the fine.

**Closing**

Thank you for your consideration.

Very truly yours,

 30 Jan 2014

John A. Hawkinson

Enclosure:

1. Jan. 14 and Jan. 23, 2004 meeting notices.
2. Mass AGO's OML Complaint form.

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<sup>1</sup>E-mail communication from Arthur Goldberg, Deputy City Solicitor, on June 4, 2012.



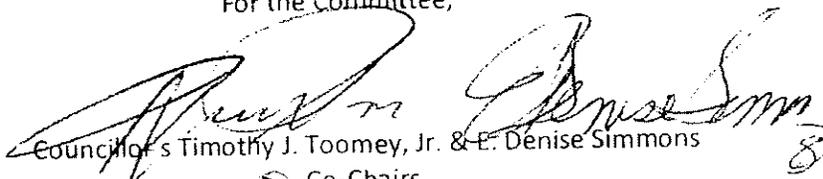
CITY OF CAMBRIDGE • OFFICE OF THE CITY COUNCIL

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January 14, 2014

The Mayor's Special Ad-hoc Committee to discuss quorums for council committees as well as the number of members who will serve on said committees will meet on Tuesday, January 21<sup>st</sup> at 12:00 noon in the Mayor's office.

For the Committee,

  
Councilors Timothy J. Toomey, Jr. & E. Denise Simmons  
Co-Chairs

2014 JAN 15 AM 8 15  
OFFICE OF THE CITY CLERK  
CAMBRIDGE, MASSACHUSETTS

# City of Cambridge

## CORRECTED NOTICE

January 23, 2014

The Mayor's Special Ad-hoc Committee to discuss quorums for council committees as well as the number and size of committees and how many will serve on said committees will meet on Monday, January 27, 2014 at 4:00 PM in the Mayor's Office.

For the committee,

Councillors Timothy, J. Toomey, Jr. and E. Denise Simmons  
Co-Chairs



# OPEN MEETING LAW COMPLAINT FORM

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

Please note that all fields are required unless otherwise noted.

## Your Contact Information:

First Name: John Last Name: Hawkinson

Address: Box 397103

City: Cambridge State: MA Zip Code: 02139

Phone Number: +1 (617) 797-0250 Ext. \_\_\_\_\_

Email: jhawk@MIT.EDU

Organization or Media Affiliation (if any): (freelance news reporter)

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): City Council, City of Cambridge

Specific person(s), if any, you allege committed the violation: \_\_\_\_\_

Date of alleged violation: Jan. 14-21, 23-27

**Description of alleged violation:**

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

Meeting announcements not posted on the Internet.

The Mayor created a "Special Ad-hoc Committee" for the purpose of "discussing quorums for council committees as well as the number and size of committees and how many will serve on said committees," and noticed two meetings of this committee by posting to the City Council bulletin board inside Cambridge City Hall, 795 Massachusetts Avenue, Cambridge, MA. The meetings were on Jan. 21 and Jan. 27, 2004, and were noticed on Jan. 14 and Jan. 23, respectively.

It is the practice of the City that notices of City Council committee meetings are also posted online, at <http://www2.cambridgema.gov/cityClerk/HearingSchedule.cfm?fullYear=Y&>. These two meetings were not noticed online.

These meetings should have been noticed on the City's web site, and they were not. Oral conversation with the City Clerk confirms they were not noticed online, and she does not believe they are required to be.

Cambridge City Hall is not open "at all hours," so pursuant to 940 CMR 29.03(2)(b)(a) the City has elected to the option of "public bodies may post notice of meetings on the municipal website;" The City has filed its notice of alternative posting with the Commonwealth's Division of Open Government as of April 14, 2011, and has a posted paper notice stating that "Notices of all public meetings of all public bodies of the City of Cambridge and the Cambridge public schools are posted on the respective organization's specific website as follows: ... City of Cambridge [www.cambridgema.gov](http://www.cambridgema.gov)."

*See letter for full text.*

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

The City Council and Clerk's Office should amend their procedures to ensure that no notices are posted to the City Council Bulletin Board without also appearing online.

The Attorney General's office should fine the City \$1,000 each for these two violations, pursuant to 940 CMR 29.07(3)(d).

*See letter for full text.*

**Review, sign, and submit your complaint**

**Read this important notice and sign your complaint.**

Under most circumstances your complaint will be considered a public record and be available to any member of the public upon request.

I understand that when I submit this complaint the Attorney General's Office cannot give me legal advice and cannot act as my personal lawyer.

I certify that the information contained on this form is true to the best of my knowledge.

Signed: *[Signature]*

Date: 30 Jun 2014

For Use By Public Body  
Date Received by Public Body:

For Use By AGO  
Date Received by AGO: