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**Lopez, Donna**

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**From:** John Hawkinson [jhawk@MIT.EDU]  
**Sent:** Monday, May 05, 2014 7:38 PM  
**To:** Lopez, Donna  
**Cc:** City Council  
**Subject:** CMA#7, CMA#8

Remarks as delivered to the Council orally tonight, as requested by Mayor Maher. Please append as a late communication to the Council proceedings.

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John Hawkinson, 84 Massachusetts Avenue.

I'm here concerned about transparency.

With respect to CMA#8, electronic billboards, the Manager suggests that if you convene executive session "if you want to discuss this application." Respectfully, that is not the standard.

To the extent that the City's presentation before the Outside Advertising Board represents "pending litigation" (which I am quite skeptical of), it is a permitted exercise of executive session under the Open Meeting Law to discuss strategy that may, if aired in public, have a "detrimental effect" on the City's position.

But the Open Meeting Law was enacted "to eliminate much of the secrecy surrounding deliberations and decisions on which public policy is based." (Ghiglione v. School Committee of Southbridge, 376 Mass 70 and 72. (1978)).

Therefore, before you enter executive session, please state your opinions on the record on what the Manager should do. If you feel the Manager should oppose Clear Channel's electronic billboard, please say so on the record. If you feel the Manager should support the billboard, please let us know that too. If your view is more nuanced, we welcome that information as well.

Sharing your opinion will not not compromise the City's litigation position.

Only after you've expressed your opinion on this should you contemplate entering executive session -- where perhaps the Solicitor and Manager may further advise of the menu of options and their costs, and permit you to weigh those costs and benefits and -- perhaps -- then affect the city's "litigation" position.

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With respect to Ms. Soto's leafletting and the first amendment issues raised therein, CMA#7, I want to observe that on 16 April 2014, Counsel for the City represented to Federal Magistrate Judge Dein that there might be a discussion of substance at tonight's meeting, and therefore the judge requested the City report back on the status due on the 12th, and expressed interest in watching video of the proceedings.

I'm not sure that representation reflects what will actually occur tonight. In any event, I encourage the Council to schedule an Ordinance Committee meeting on the topic expeditiously.

I would suggest the Council ask the Solicitor for guidance on the legality of the current ordinance as-written and have that memo in hand well in advance of that meeting.

Thank you.