



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

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December 19, 2017

OML 2017 – 196

David Gerwatowski
Legislative Counsel
Office of City Council
City of New Bedford
133 William Street
New Bedford, MA 02740

CITY CLERK
2017 DEC 26 A 11:42
CITY CLERK'S OFFICE
NEW BEDFORD, MA

RE: Open Meeting Law Complaint

Dear Attorney Gerwatowski:

This office received a complaint from Ronald Beaty on November 21, alleging that the New Bedford City Council (the "Council") violated the Open Meeting Law, G.L. c. 30A, §§ 18-25.¹ The complaint was originally filed with the Council on or about October 24, and you responded to the complaint, on behalf of the Council, by letter dated November 13.² In his complaint, Mr. Beaty alleges that the Council posted three separate notices of its October 12 meeting that were not drafted in an easily understandable format. Mr. Beaty further alleges that those notices failed to list the meeting time and location and failed to record the date and time that the notices were posted.

Following our review, we resolve this complaint by **informal action** in accordance with 940 CMR 29.07(2)(a), and find that the Board did not violate the Open Meeting Law.

The City website is the City's official notice posting location.³ Notices can be located on the main webpage on the "Public Meeting Notices" link. For its October 12 meeting, the Council posted separate links on the same webpage, titled Notice/Agenda and Consent/Agenda.⁴ Both the webpage and the notices indicated the date and time that they

¹ All dates refer to the year 2017, unless otherwise specified.

² We remind the Council that a copy of the response must also be sent to our office. See G.L. c. 30A, §23(b); 940 CMR 29.05(5).

³ Specifically, the City's official notice posting location is <http://www.newbedford-ma.gov/public-meeting-notices/>.

⁴ In its response, the Council concedes that its third agenda, the Late File Agenda, was not posted on this page. The Late File Agenda is for last minute topics that come up within the 48 hours before the meeting. Although it

were posted. The notices were typed in a legible, easily understandable format which listed the date, time and location of the meeting and a list of sufficiently-detailed topics. See G.L. c. 30A, §20(b); 940 CMR 29.03(1), (2). Accordingly, we find that the notices complied with the Open Meeting Law's notice posting requirements.

We note, however, that the Council's webpage also hosts a list of notices that are slightly different than the notices found on the City's official meeting notice webpage. The notices found on the Council's webpage do not indicate the date and time of the posting and include hyperlinks with additional information on each topic. It appears that the complainant filed his complaint on account of this discrepancy. We encourage the Council to ensure that its meeting notices are consistent both on its own page and on the City's page, which is the official notice posting location. See 2017-156; OML 2015-53.⁵

We now consider the complaint addressed by this determination to be resolved. This determination does not address any other complaints that may be pending with our office or the Council. Please feel free to contact our office at (617) 963-2540 if you have any questions regarding this letter.

Sincerely,



Hanne Rush
Assistant Attorney General
Division of Open Government

cc: Ronald Beaty
New Bedford City Council

This determination was issued pursuant to G.L. c. 30A, § 23(c). A public body or any member of a body aggrieved by a final order of the Attorney General may obtain judicial review through an action filed in Superior Court pursuant to G.L. c. 30A, § 23(d). The complaint must be filed in Superior Court within twenty-one days of receipt of a final order.

is a best practice to post a revised agenda with these additional topics, if possible, it is not required by the Open Meeting Law. See FAQ on Meeting Notices, available at <https://www.mass.gov/service-details/frequently-asked-questions-about-the-open-meeting-law-meetings-meeting-notices-and>.

⁵ Open Meeting Law determinations and declinations may be found at the Attorney General's website, www.mass.gov/ago/openmeeting.