



City of New Bedford
MASSACHUSETTS

OFFICE OF THE CITY CLERK
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DENNIS W. FARIAS
CITY CLERK

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ASSISTANT CITY CLERK

SUSAN M. HENRIQUES
ASSISTANT COUNCIL CLERK

January 7, 2021

Mr. Patrick Higgins
PO Box 24
Swansea, MA 02777

Dear Mr. Higgins:

I am in receipt of your complaint, dated November 18, 2020, in which you allege that the City Council's Committee on Finance violated Open Meeting Law during its meeting of November 18, 2020. I apologize for my delayed response to your complaint, which was a regrettable oversight on my part.

In your complaint, you have raised the following issues:

1. "Chairman Joseph P. Lopes did not make the required announcement of who the members of the public body were that were participating remotely as required by the Open Meeting Law Determinations 2020-138 and 2020-98." (For this item, you refer to video of said meeting at the following link: <https://www.facebook.com/nbcablenetwork/videos/821296035303199>.)
2. "Chairman Lopes did not use the required roll call votes on all votes taken by the public body as required when any member of a public body participates remotely."

In response to these alleged violations of Open Meeting Law, please allow me to offer the following statements:

1. Upon reviewing the video via the link above, it is my understanding that on November 18, 2020, Chairman Lopes did recognize each attending member of the Committee on Finance. However, I may be misunderstanding your concern. If you feel that I am incorrect, please feel free to contact me directly at 508-979-1449.
2. With regards to your complaint that Chairman Lopes did not take roll calls on all matters during said meeting, you are absolutely correct. Instead, voice votes were taken and recorded for most, if not all, of the votes during that meeting. This error was due to the Council being unaware that roll calls are required for each and every vote while members participate in remote meetings. As a result of this information coming to light through your complaint, this practice has been corrected and all votes of the Council and its Committees are now being taken by roll call; and this shall be the practice for all future meetings in which members participate remotely.

On behalf of the entire City Council, I thank you for your time and attention to this response and wish you continued success in this new year.

With kind regards,

Dennis W. Farias
City Clerk / Clerk of the City Council

cc: Erica (Rickie) Warren, Paralegal, Division of Open Government, Massachusetts Attorney General
Joseph P. Lopes, City Council President, 2020
David Gerwatowski, Legal Counsel
File



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: Patrick Last Name: Higgins

Address: P O Box 24

City: Swansea State: MA Zip Code: 02777

Phone Number: 5086743140 Ext. _____

Email: patrick@patrickhiggins.co

Organization or Media Affiliation (if any): Patrick Higgins and Associates

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): New Bedford Finance Committee of city council

Specific person(s), if any, you allege committed the violation: Joseph. P Lopes

Date of alleged violation: 11/18/2020