

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

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MARTHA COAKLEY
ATTORNEY GENERAL

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December 9, 2013

OML 2013 – 183

Shanna R. Reed, Esq.
Assistant City Solicitor
City of Westfield
59 Court Street
Westfield, MA. 01085

RE: Open Meeting Law Complaint

Dear Attorney Reed:

This office received a complaint from Steve Dondley on July 18, 2013, alleging that the Westfield City Council (the “Council”) violated the Open Meeting Law, G.L. c. 30A, §§ 18-25. Specifically, the complaint alleges that a Councilor sent an email to a quorum of the Council expressing his opinion on the Mayor’s proposed budget and the Council’s proposed budget. The complaint was filed with the Council on or about June 18, 2013. The Board responded by letter dated July 15, 2012, following an extension of time granted by this office.

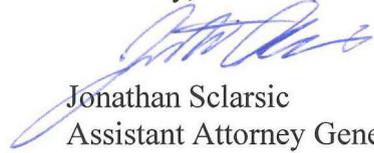
Following our review, we have decided to resolve this complaint by **informal action**, in accordance with 940 CMR 29.07(2)(a). We find that a member of the Council violated the Open Meeting Law by sending a June 17, 2013 email to a quorum of the Council regarding public business within the Council’s jurisdiction; however the Council took appropriate remedial action in response to this complaint. See G.L. c. 30A, § 18; OML 2013-29; OML 2012-67.¹ We understand that during the Council’s September 5, 2013 meeting, the Council voted to accept a recommendation from the Assistant City Solicitor acknowledging a violation of the Open Meeting Law and adopting procedures regarding email communications to ensure future compliance. We find this was appropriate remedial action. We additionally order the Council to publicly disclose the June 17, 2013 email, if it has not done so already.

¹ Open Meeting Law determinations may be found at the Attorney General’s website, www.mass.gov/ago/openmeeting.



We now consider this matter closed. If you have any questions regarding this determination, please do not hesitate to contact our office at (617) 963-2540.

Sincerely,



Jonathan Scarsic
Assistant Attorney General
Division of Open Government

cc: Westfield City Council
Steve Dondley

This determination was issued pursuant to G.L. c. 30A, § 23(c). A public body or any member of a body aggrieved by this order 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 this order.