



CITY OF SOMERVILLE, MASSACHUSETTS LAW DEPARTMENT

January 30, 2025

Carrie Benedon, Esq.
Director, Division of Open Government
Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Re: City of Somerville City Council – Open Meeting Law Complaint Dated January 11, 2025

Dear Ms. Benedon:

This letter is on behalf of the City of Somerville City Council (“City Council”) in response to the Open Meeting Law Complaint filed by Laura Ortiz (“Complaint”), which is attached. The City Council met in Executive Session at the City Council Meeting on January 23, 2025, to discuss the Complaint and voted to delegate the response to the City Solicitor’s Office. Upon review of the Complaint, the City Council’s position is there is no violation of the Open Meeting Law, for the reasons set forth herein.

Ms. Ortiz’s Complaint of January 11, 2025, alleges (without providing any evidence) that Somerville City Councilors (“Councilors”) deliberated outside of an Open Meeting in order to sign a “Shelter Advocacy Letter” to Governor Healey, an open letter released on or about December 13, 2024. This letter was coordinated by individuals who are not Somerville Councilors. These individuals sent emails to invite elected officials from municipalities across the Commonwealth to sign onto their August 8, 2025, letter to Governor Healey regarding her shelter policy. Councilors were originally contacted by email separately on or about August 8, 2024. As Governor Healy made changes to the shelter policy, the coordinators sent follow-up emails to Councilors—again, separately—about a revised letter, which was ultimately released on or about December 13, 2024.

The Somerville City Council has eleven members and a quorum consists of six members. Only nine Councilors signed the Shelter Advocacy Letter. Deliberation is defined, in part, as “an oral or written communication through any medium, including electronic mail, between or among a quorum of a public body on any public business within its jurisdiction.” G.L. c. 30A, § 18. See also OML 2014-135. The City Solicitor’s Office individually contacted Councilors to



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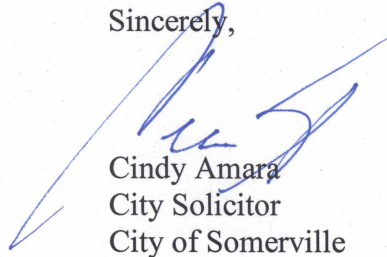


determine whether there was any communication among Counselors about the letter. This Office found that a quorum of Councilors did not deliberate about the letter or the Governor's policy. Of the nine Counselors who signed, most did so independently without any communication to or from other Councilors. This Office was informed that one Councilor forwarded an email to another Councilor to remind them of the upcoming deadline for signatures. However, there was no indication of communications, serial or otherwise, that would constitute deliberation of a quorum. Therefore, the Council has not violated the Open Meeting Law.

Furthermore, the Attorney General's Office has determined that there is no Open Meeting Law violation where members of a public body have signed a petition independently and without "unlawful communication 'between and among' the quorum." OML 2011-33. The fact that a quorum of members signed the petition was not in itself an act of unlawful deliberation. Id. As in that situation, there has been no unlawful deliberation among a quorum of Councilors.

In conclusion, the City Council denies that any alleged Open Meeting Law violation took place for the reasons stated above, and no remedial action is necessary. Please contact me if you have any additional questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Cindy Amara', is written over the typed name and title.

Cindy Amara
City Solicitor
City of Somerville

Enclosure

cc: City Council
Kim Wells, City Clerk
Laura Ortiz