



To: School Committee
From: Tim Luff
Date: 4/22/19
Re: Open Meeting Law Complaint Decision Summary

Please note: All of the following information is included in your packets by way of letters from the Attorney General's Office

Statement from Attorney General's Office in response to complainant:

"We acknowledge that the Natick School Committee has already implemented various changes to its practices and procedures to ensure compliance with the Open Meeting Law; some of the violations we find in these determinations date back nearly a year, and do not reflect the current practices of the School Committee"

603 Open Meeting Law complaints were filed by the complainant with the Committee between March and October of 2018. 15 complaints, chosen by the complainant, were reviewed by the Attorney General's Office in which a total of 29 alleged OML violations were considered.

The Attorney General's Office found 14 violations as outlined below, however, ruled there were "No Intentional Violations." The Committee has not been asked to modify decisions nor have any fines been imposed as requested by the complainant. All complaints are now considered "Resolved."

1. Deliberation via email. Email provided by one member on January 10, 2018 gave "opinion" to quorum of the School Committee on a topic that was to be addressed at a future school committee meeting (1X)
 - Emails with an opinion to a quorum is considered deliberation even if there is no response from other members
 - Email from January 10, 2019 included for public dissemination tonight
 - Currently in compliance
2. Insufficient detail in notice when entering executive session to discuss non-union personnel- March 26, 2018 and April 9, 2018 (2X)
 - School Committee notices of executive sessions need to specifically name non-union personnel to be discussed
 - Currently in compliance

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3. Recording roll call vote in minutes on March 19, March 26, and April 9, 2018 when entering executive session (3X)
 - Roll call vote was taken in all instances, however;
 - Each individual School Committee's vote not entered into minutes when entering executive session
 - Instead the minutes stated, "by roll call vote, all members were in favor of entering executive session"
 - Currently in compliance
4. Someone other than the Chair stated purpose for executive session on March 19, 2018 (1X)
 - "Technically" Chair should always state purpose
 - AG's office said they were "constrained to find a violation of the Open meeting law" and "Encourage(d) the complainant to consider whether filing a complaint about such a violation is an appropriate use of the resources of the committee and our office"
 - Currently in compliance
5. Statement not made that having discussion in open session would be "detrimental" to bargaining position (1X)
 - When entering executive session for purposes of negotiations or litigation the Chair must state that having the discussion in Open Session may have a "detrimental effect"
 - Currently in compliance
6. Meeting appropriate response timelines in response to open and executive session minutes on Feb 15, March 12, May 21 and Sep 27, 2018 (6 Violations)
 - Minutes did not yet exist, therefore "review of minutes" not required
 - Credit given to the committee's account that the minutes did not exist at the time it had received the complainant's request, however;
 - Notification of this fact should have been provided to complainant within 10 days of request
 - Currently in Compliance