

**Minutes of the Open Meeting Law Advisory Commission
Tuesday, March 3, 2020, 2:00PM**

Approved on April 4, 2022

Conference Room 2 on the 20th floor of the McCormack Building
at One Ashburton Place, Boston, MA 02108

Members Present: Robert Ambrogi (Chair), Massachusetts Newspaper Publishers Association Designee; Hanne Rush, Attorney General's designee; Jeffrey Hull, Massachusetts Municipal Association Designee; Representative (Rep.) Danielle Gregoire, Chair of the Joint Committee on State Administration and Regulatory Oversight

Attorney General's Staff Present: Anne Sterman, Deputy Bureau Chief of the Government Bureau; Carrie Benedon, Assistant Attorney General, Director, Division of Open Government; Sarah Chase, Assistant Attorney General, Division of Open Government; Elizabeth Carnes Flynn, Assistant Attorney General, Division of Open Government; Mira Netsky, Paralegal, Division of Open Government

Others Present and Identified: John Hawkinson, Cambridge Day; Christine McCue Potts, Resident of Medfield; Steven Ballard, Resident of Boxborough; Jennifer Mercadante, Office of Representative Danielle Gregoire; Scott Young, Office of Senator Marc Pacheco; David Rosenberg, Resident of Norfolk

Call to Order

Bob Ambrogi called the meeting to order at 2:01pm. All in attendance introduced themselves.

Review and approval of draft minutes for October 29, 2019 Commission meeting

Mr. Ambrogi said that the first order of business would be to approve the minutes of the October 29, 2019 Commission meeting. Mr. Ambrogi said that the minutes had been circulated and asked if anyone had comments or corrections. With no comments or corrections offered, Rep. Gregoire motioned to approve the minutes. Ms. Rush seconded the motion. **By unanimous vote (4-0), the minutes were approved.**

Report from the Attorney General's Division of Open Government

Mr. Ambrogi said that the next order of business would be the annual report from the Division of Open Government (DOG). DOG Director Carrie Benedon introduced herself and said that she would discuss the highlights of each section of the report. Ms. Benedon said that this report was limited to DOG's Open Meeting Law (OML) enforcement and educational responsibilities, although DOG also has additional responsibilities.

Ms. Benedon said that DOG received and resolved a record number of OML complaints in 2019. Ms. Benedon explained that during the past year and a half, the Division had a significant amount of staff turnover, and that by mid-2019, DOG had had accumulated a backlog of complaints, which the Division worked hard throughout 2019 to resolve. Ms. Benedon said that

as of the end of 2019, DOG had resolved a record number of complaints, reduced its backlog to half of the previous number, and resumed operating at levels typical for Division.

Ms. Benedon said that last year, DOG received 324 new complaints, an increase over the previous year, and resolved 351 complaints, a significantly higher number than in prior years. Ms. Benedon said that this was both because of hard work and because the Division combined multiple complaints, when possible, to provide for efficiencies in reviewing. Ms. Benedon said that now that the Division has existed for over 10 years and has generated a significant body of case law to draw from, it is feasible to issue more informal determinations to resolve complaints where the facts are not particularly complex and the law is well-settled by prior determinations. Ms. Benedon said that issuing more informal determinations has enabled the Division to resolve more complaints more efficiently. Ms. Benedon said that the Division had issued 170 determination letters and 21 declination letters. Ms. Benedon said that for the first time in 2019, the Division started tracking not only the number of complaints reviewed and how it ruled on each complaint, but also the number of individual allegations reviewed in a complaint. Ms. Benedon explained that sometimes, an individual files one complaint alleging a dozen separate allegations related to different meeting and issues, so the Division began tracking each separate allegation it reviewed. Ms. Benedon said that overall, 59% of determination letters issued in 2019 found violations of the OML, whereas 44% of allegations reviewed were found to be violations. Ms. Benedon read the list of most frequently occurring violations from the report, and said that most were similar to last year, but noted that a past common violation – deliberation outside of a posted meeting – was not one of the most frequently cited violations this year. Ms. Benedon said that this could be due to improvement in that area or due to fewer complaints about that issue coming through the AG's office.

Ms. Benedon said that in 2019, the Division issued one determination finding an intentional violation, a number that is lower than in previous years. Ms. Benedon noted that the Division has already found more intentional violations than that in the first two months of 2020. Ms. Benedon said that the one intentional violation last year related to a public body that posted a meeting notice to discuss collective bargaining in executive session without identifying the unit to be discussed on the meeting notice, and that the public body had previously been cited with an almost identical OML violation.

Ms. Benedon said that the most common reasons that the Division issued a declination were that a complaint was not timely filed with a public body and that a complainant did not allege violations of OML. Ms. Benedon explained that if someone files a complaint with no allegations relating to the OML, the Division issues a declination, whereas if someone files a complaint with five allegations unrelated to the OML and one allegation that is actually OML related, the Division will decline to review the four unrelated issues, but will still issue a determination addressing the one related issue. Ms. Benedon said that the Division sees many allegations unrelated to the OML and tries to educate people about which issues might be OML issues and what might be other types of issues with no recourse through the OML process.

Ms. Benedon said that in 2019, no lawsuits were filed in superior court seeking judicial review. Ms. Benedon said that this was likely a typical fluctuation. Ms. Benedon said that there were two

lawsuits pending from previous years, one by the Bay State Conference and one by the Board of Selectmen of the Town of Hull.

Ms. Benedon then said that she would report on mediation. Ms. Benedon said that the OML regulations were amended in 2017 to create an optional mediation process. Ms. Benedon said that pursuant to the regulations, if an individual has filed five or more complaints with the same public body, or with different public bodies in the same municipality within the prior 12 months, the public body or municipality can request mediation, and the AGO will appoint a mediator. Ms. Benedon said that when the regulations first took effect, the Division identified interested mediators, who participated in OML trainings. Ms. Benedon said that there had been three mediations so far: one with limited success, and two that did not resolve any complaints. Ms. Benedon stated that the regulations state that if a complainant declines to participate in mediation, the Division may decline to review the complaints. Ms. Benedon said that to the extent that mediation concludes unsuccessfully, or partially unsuccessfully, the complaints come to the Division for review. Ms. Benedon said that the Division does not conduct the mediations so that the complaints can be reviewed impartially.

Chair Ambrogi asked if Ms. Benedon had ideas about what caused the record number of complaints to be filed. Ms. Benedon said that there has been a trend of an uptick in complaints filed, and that this could reflect an increased awareness of the OML and of the availability of recourse through the complaint process. Ms. Benedon also noted that, as in previous years, a small number of individuals filed a large number of complaints against one public body or against a few public bodies, and that this could account for part of the fluctuation.

Mr. Ambrogi noted that Ms. Benedon had said about 59% of the Division's determinations found violations, and asked if the 40% of determinations that did not find violations were legitimate complaints that did not reveal violations of the law, or if there were also frivolous complaints among those. Ms. Benedon said that there was a mix. Ms. Benedon said that in some cases, DOG issues a determination finding no violation, and then the same complainant files another complaint alleging the same issue. Ms. Benedon said that in other cases, the person filing the complaint just does not know what the OML requires, so the complainant has real concerns that are not OML violations. Ms. Benedon said that she would not say a significant portion of determinations finding no violation are issued in response to frivolous complaints, or complaints filed with ill intent. Ms. Benedon said that she thought more commonly, people are aware of the OML process but less aware of what the OML requires. Ms. Benedon said that for example, a common concern raised in complaints is that a public body disallowed public comment during a meeting. Ms. Benedon said that she would not consider a complaint about this to be frivolous, but more likely to be a result of someone assuming that the OML must require the opportunity for public comment. Ms. Benedon said that a lot of the 40% of determinations finding no violation were in response to complaints like this.

The Commission indicated that there were no other questions, and Ms. Benedon said that the last portion of the report discussed the Division's training efforts. Ms. Benedon said that training was one of DOG's most important responsibilities, to ensure greater compliance and familiarity with the law. Ms. Benedon said that training leads to public body members who are more aware of their responsibilities, and to citizens who feel more confident to go to a meeting and raise

concerns when something does not seem right. Ms. Benedon said that the Division had continued to hold regional trainings hosted by municipalities across the commonwealth, and that the next regional training series would begin soon. Ms. Benedon said that the Division had also continued to do monthly, live webinar trainings, with opportunities for participants to ask questions, and that the Division had been invited to speak at a number of conferences and trainings. Lastly, Ms. Benedon said that DOG continued to staff an OML hotline, which received a record number of nearly 2000 inquiries in 2019.

Status of bills pertaining to the Open Meeting Law filed in the Legislature

Rep. Gregoire said that with a couple of exceptions, most of the bills identified on the meeting agenda had gone to study. Rep. Gregoire said that a couple of bills went out favorably, and that the legislature was working with the AGO on those. Rep. Gregoire said that a new bill, S2372, had been filed and was still with the Senate Rules Committee, and that if this was of interest, the Representative could reach out to the Sponsor. Mr. Hull asked about the nature of the bill, and Rep. Gregoire explained that the bill was filed late, and that she had not yet seen the bill.

Correspondence received

Mr. Ambrogi said that Fae Saulenas had sent an email following up on the conversation that took place at the previous OMLAC meeting, about the issue of mandatory web notice posting. Mr. Ambrogi explained that the AG's regulations do not currently mandate web posting, but that municipalities have the option to use web posting if they so choose. Mr. Ambrogi said that Ms. Saulenas's email further illustrated the issue, and asked if any of the Commissioners had further comment. No further comment was offered.

Mr. Ambrogi said that the Commission also received an email from Amy Kamosa, the City Clerk in Melrose, discussing the issue of a website outage. Mr. Ambrogi said that his understanding of the email was that the City experienced a website outage of 5 hours and 45 minutes, and that under the AG's regulations, if an outage lasts 6 hours or more, posted meetings must be rescheduled and re-noticed. Mr. Ambrogi said that in the case described in this email, the posting was not on the website that was down, but on an external site linked to the main site. The email asked the AG to clarify or revise the regulations in some way to allow municipalities to formally specify an alternative notice posting location in the event of an outage.

Discussion of notice posting during website outages

Mr. Hull suggested moving to the next item on the agenda. Mr. Hull explained that a number of communities, including Wilmington, hosted their municipal websites on a platform provided by the vendor "Civic Plus," which had recently gone down for a period of time. Mr. Hull said that in Wilmington, the server was down for over a day, and that due to a technical glitch in software, a number of communities across the Commonwealth were unable to comply with notice posting requirements and had to postpone meetings. Mr. Hull noted that in certain situations, if a Board is unable to meet and make a decision, their non-action could be deemed a constructive approval. Mr. Hull said that this could have happened during the week of February 24, and suggested that

there should be some sort of work-around in such rare, but possible, circumstances. Mr. Hull said that he wanted to bring the issue to the attention of the Committee.

Mr. Ambrogi asked Mr. Hull if he was aware of other towns using the type of external portal described by the Melrose City Clerk, and Mr. Hull said that he was not.

Ms. Rush asked if this was something that happened frequently or on rare occasions. Ms. Rush noted that while working at the AGO, she only occasionally received calls about website outages. Mr. Hull said he was less concerned about frequency and more concerned about a Board being up against a deadline and unable to meet.

Mr. Ambrogi noted that some municipalities might not want to spend money on the work-around suggested by Ms. Kamosa. Mr. Ambrogi said that the AG might want to look at this issue and asked Ms. Benedon if DOG had done so.

Ms. Benedon said that the possibility of allowing a municipality to identify two websites for notice posting had not yet been discussed. Ms. Benedon said that she knew that a large number of municipalities use the host identified by Ms. Kamosa, linked to a main webpage, for posting. Ms. Benedon noted that *that* server could be down.

Mr. Hull requested that to the extent that viable alternatives exist, the AG be asked to look at alternative mechanisms for providing public notice via electronic media or any other media that would avoid problems with the hosted site becoming inoperable. Ms. Rush seconded the motion. **By unanimous vote, the Commission requested that the AGO look at the issue.**

Public Comment

Mr. Ambrogi suggested that the Commission move to a public comment period, and noted that someone had specifically requested to make a comment regarding OML mediation suggestions.

Chris McCue Potts introduced herself as resident of Medfield, who was involved in the town and had been attending School Committee meetings for the past 5 years. Ms. Potts said that she had noticed that some aspects of Committee meetings did not seem right, so she worked to become more informed about the OML. Ms. Potts said that it took courage to file an OML complaint in a small town, as doing so could be seen as going against the community. Ms. Potts said that she had struggled with what to do, but that action taken by the Committee and Superintendent caused her to file an OML complaint in 2018, as she realized she could not keep quiet about what she was seeing. Ms. Potts said that 14 months later, she had filed 8 OML complaints. Ms. Potts said that she requested mediation, and that the Committee did not initially respond, but that after receiving a call from the AGO, she and the Committee both agreed to participate in mediation. Ms. Potts said that it was communicated to her that since she had requested the mediation, it was voluntary. Ms. Potts said that a mediation was initially scheduled for October 2018, and that a mediator was selected. Ms. Potts said that she was told that two attorneys would be present in mediation on the School Committee side, and Ms. Potts requested that if the Committee would have two attorneys present, she would like to have someone else there. Ms. Potts explained that the mediator said she would need the Committee's approval of this. Ms. Potts said that the

Committee posted notice that the vote to proceed with mediation would take place in executive session and put her name on the notice. Ms. Potts said the Committee cancelled the executive session, held the vote in open session, and added someone to the mediation team who had previously worked with the mediator. Ms. Potts said that she submitted a letter expressing her objection and the mediator withdrew, and that in the six months since then, the parties had gone through eight different suggested mediators. Ms. Potts said that she had been patient and forthright in expressing her concerns about the process, but felt that the Committee and Superintendent had all of the rights in the process, while she had none. Ms. Potts said that DOG attorneys had said that they were inclined to dispense with mediation. Ms. Potts said that she thought much of the difficulty originated with the Committee's attorneys.

Ms. Potts said that the violations were serious, having to do with votes to increase the Superintendent's salary that were never made public. Ms. Potts said that she wanted look at what could be done, going forward, to prevent the things that had happened to her during the mediation process. Ms. Potts said that she thought it was important that when complaints come in that transcend the OML and could be ethics violations or could go to the Inspector General, they be pulled out of the pack and reviewed separately and more expediently. Ms. Potts said that she also thought it would be helpful to develop a mediation framework to guide the process and create a model standard for mediators, laying out the rights for all participants. Ms. Potts said that she had not found a resource to explain the rights of the complainant in the OML mediation process and that it would be helpful to have a framework allowing participants to be educated about their own rights. Ms. Potts also suggested that the AGO should have a consistent set of mediator qualifications, including that mediators have gone through training and have knowledge of the OML. Ms. Potts said that mediation participants should be confirmed in writing so that any conflicts of interest could be confirmed early on. Ms. Potts said that she did not think it was acceptable to have someone added to mediation without her knowledge. Ms. Potts said that there should be clear guidelines regarding what public bodies need to do in order to prepare to participate in mediation. Ms. Potts also said that there should be stronger penalties for violations, that mediation should be viewed as a last resort, and that a complainant who requests mediation should be readily freed from participation without penalty. Ms. Potts said that if the spirit of mediation required going in with a good faith effort to reach a settlement and understanding, at this point, she had lost faith that her claims would be handled.

Rep. Gregoire asked if there was a procedure in place for someone to withdraw from mediation if it had been a good faith effort. Ms. Benedon said that in this situation, the Committee had said it wanted to be the requestor of mediation. Ms. Benedon said that DOG had not said that it would not review Ms. Potts's complaints.

Mr. Ambogi asked about the status of the mediation. Ms. Benedon said that the mediation was on hold, and that Ms. Potts was correct that her complaints would be among the oldest pending with DOG, as review of Ms. Potts's complaints had been on hold since mediation was initiated. Ms. Benedon said that if mediation did not continue, Ms. Potts's complaints would go to the top of the queue of complaints for review.

Ms. Potts said it was important for the statute to specify that if a public body did not request mediation according to statute, none of the other guidelines would apply. Ms. Potts said that the

Committee had not requested mediation according to the statute, although they now seemed to think they had done so.

Mr. Ambrogio asked Ms. Benedon how the AGO qualified mediators to serve. Ms. Benedon said that when the AG's regulations changed to allow for mediation, the previous Director of DOG held an OML training for interested mediators. Ms. Benedon said that DOG maintained a list of mediators who participated in that 2017 training, and that there had been some changes to the list since then. Ms. Benedon said that mediators on the list ranged from full-time, professional mediators with big mediation companies to others that worked part-time and charged less. Ms. Benedon said that when mediations have been requested, DOG has gone through the list to find available mediators located nearby, geographically, to the public body. Ms. Benedon said that the Medfield mediation was the first OML mediation where the first mediator selected was ultimately unable to conduct the mediation. Ms. Benedon said that DOG had first tried suggesting one mediator, and then tried providing three suggestions.

Rep. Gregoire asked if there was a point at which the AGO would determine that a party was not acting in good faith and move forward to resolve the complaints without mediation. Ms. Benedon said that the AGO could do that, but that in this case, the AGO was not in a position to say that they'd seen a lack of good faith on either party's part.

Rep. Gregoire said that it sounded like the law needed tweaking to allow for a complainant to request mediation. Ms. Benedon said that the regulations do allow for that.

Mr. Hull asked if the regulations allowed for either party to withdraw a request for mediation and still have DOG review the complaints. Ms. Benedon said that she did not believe anything in the mediation process was mandatory, aside from a narrow provision where a public body requests mediation within a certain timeframe and the complainant declines to participate, and then DOG may decline to review complaints.

Mr. Hull asked if the ongoing process described by Ms. Potts could be truncated if one party requested to withdraw. Ms. Benedon said that her understanding was that it was only in the last week or two that things had come to a place where either party no longer wanted to participate.

Ms. Rush asked if Ms. Potts, in her complaints, was seeking corrective remedial action, and if the Committee had taken such action. Ms. Potts said that since the departure of a Committee member that she believed had been at the root of a lot of what she perceived to be violations, she had seen some changes in the Committee's behavior, but that remediation had occurred only in the past short while. Ms. Potts said that the Committee was suggesting that she had incurred high legal fees for the town, when certain actions taken by the Town had contributed to the cost of legal fees, such as paying a high priced partner to conduct OML training rather than participating in a free training offered by the AGO, and not resolving her complaints before the AG's office and attorneys needed to get involved. Ms. Potts said that most of her first complaints just focused on completing OML training, and that the Committee only did that a year and a half later. Ms. Potts noted that before filing any complaints, she corresponded and met in person with Committee members to express her concerns. Ms. Potts also noted that one member had said

publicly that he had studied the OML and understood it very well, and said that she thought the question of what is deemed “intentional” should be looked at.

Mr. Ambrogi said that he happened to be a certified mediator, and that several suggestions presented by Ms. Potts rang true to him, and that two suggestions particularly stood out to him. Mr. Ambrogi said that he agreed there should be a formal framework, including a timeline and endpoint, so that if mediation doesn’t succeed by a certain point, mediation is concluded and the enforcement process proceeds. Mr. Ambrogi said that he also thought there should be a consistent set of mediator qualifications, such as state training. Mr. Ambrogi said that OML mediation was fairly new, but that there did seem to be a need to tighten up the process and develop a framework going forward. Ms. Rush said that while she no longer worked for the AGO, she knew that the AG’s regulations were intended to provide a framework, but that she heard and appreciated that there may be a need for more formal guidelines so that everyone understood expectations. Ms. Rush asked if the AG’s office would be open to that. Mr. Hull asked if adjustments could be done administratively, or if action by the legislature would be required. Ms. Benedon said this may require an amendment to the regulations. Mr. Ambrogi said that some things, such as mediator qualifications, could be addressed administratively. Ms. Benedon noted that the recent mediator had not gone through OML training, but that the individual had completed the state program. Ms. Potts said she thought it important that the mediator have some fundamental knowledge of the OML, and that the mediator know when a participant could withdraw from mediation. Mr. Ambrogi asked for questions and comments, and there being no additional questions or comments, thanked Ms. Potts for coming to speak. Ms. Potts concluded by providing an observation that perhaps the increase in complaints had to do with the decline of newspapers causing citizens to look for different ways to provide checks and balances.

John Hawkinson (Cambridge) drew the Commission’s attention to SD 2372, which would strike the provision excluding Saturdays, Sundays and legal holidays from 48 hours notice posting requirements, meaning that meeting notices for Monday and Tuesday meetings could be posted over the weekend. Rep. Gregoire noted that as of yet, this bill had not been sent to Committee, had a hearing, or gone through deliberation. Rep. Gregoire said that if this happened, she would seek comment from the OMLAC, the AGO, and the public, but that it did not seem timely to discuss the bill at this point, particularly because the impetus of the bill was still unknown, and it had not moved since April. Mr. Hull agreed that it would be premature to speak about it before more vetting, and Ms. Rush agreed. Mr. Ambrogi said that the OMLAC would consider the bill when and if it seemed more timely to do so, and added that any bill that would allow notice to be posted after Friday afternoon for a Monday morning meeting seemed contrary to the law’s intent of ensuring that the public would be informed and able to attend meetings.

Steven Ballard (Acton) introduced himself as an attorney and said that he was responsible for finding almost half of the Open Meeting Law violations in the state last year. Mr. Ballard said that he filed 47 complaints this year against 12 different Boards in Acton, which were resolved in just 3 letters. Mr. Ballard said that the Attorney General’s Division of Open Government bends over backwards to help public bodies and prevent them from being found in violation of the OML. Mr. Ballard said that back in 2010 and 2011, the AGO actually found violations and used the regulations correctly, not saying that intentionality would be found only if a particular Board

had done the exact same thing within the past five years. Mr. Ballard said that the AGO now ignores the part of the regulation about inferred intentionality.

Mr. Ballard said that when he saw the mediation regulations, he realized that they were unconstitutional and contrary to case law. Mr. Ballard said that he wrote a blog post to this effect, stating that the newly posted regulations for mediation contained some good, but that the key provision may be unconstitutional, as it may be interpreted as imposing mandatory mediation. Mr. Ballard said that he took issue with the provision allowing the AG not to consider complaints if a complainant refuses mediation, and with the fact that only the Board could force mediation. Mr. Ballard said that true mediation is always strictly voluntary, and that this voluntary participation is a core principle of mediation. Mr. Ballard said that the only good piece of legislation he had seen this year was about forcing towns to put things up on their websites. Mr. Ballard said that the Commission needed a member who files Open Meeting Law complaints, and who steps up to enforce the Open Meeting Law where the AGO is failing to do so.

Mr. Ambrogi noted that the composition of the commission is statutorily determined. Rep. Gregoire said that particularly as this was the first time she was hearing from Mr. Ballard, she took issue with his tone and finger pointing. Rep. Gregoire said that the Commission was there to listen and to make positive change, and asked that Mr. Ballard take a more open tone and approach the situation differently with the Commission members, some of whom were newly appointed, and all of whom were only interested in helping.

Mr. Ballard said that the problem is the system itself. Mr. Ballard asked why there hadn't been a complaint in Superior Court this year, and noted that only a public body could appeal to the Superior Court. Mr. Ballard added that the AG had done a good job to bend over backward and issue determinations in favor of public bodies and not to find violations intentional. Mr. Ballard said that complainants allege intentionality, and that this is ignored in decisions. Mr. Ballard said that he had spoken to a number of others like him around the state, who filed complaints and were surprised that even town counsel did not understand the law. Mr. Ballard said that he sent up complaints for review only when they were meritorious. Mr. Ballard said that he was told by the AG's office that he could pick 8 of the 45 complaints that he sent to the AG's office for review, and that he knew of another individual who was told to pick 15 of many complaints that he had filed. Mr. Ballard said that other person was not a lawyer, and he picked a few complaints, and the AG still found violations in 14 of the 15 complaints that he picked. Mr. Ballard said that he had refused to pick just a few complaints, as the OML says "shall review." Mr. Ballard said that all of his complaints were meritorious, and that he had to threaten to file a petition with the SJC before DOG said that they would review all of his complaints. Mr. Ballard said that DOG didn't even really review all of his complaints, as they provided him with fine print in a spreadsheet.

Mr. Ambrogi said that he was sensitive to some points that Mr. Ballard was making. Mr. Ambrogi said that the purpose of the Commission was to provide advice and recommendations to the AG. Mr. Ambrogi said that given certain experiences Mr. Ballard had had, it might be

most useful for Mr. Ballard to propose specific actions and changes that could address his concerns. Mr. Ambrogi said that he heard certain complaints that Mr. Ballard had, but that if Mr. Ballard could translate those into proactive suggestions, perhaps the OMLAC could consider those at a future meeting.

Mr. Ballard said that the mediation regulations assume that if a lot of complaints are filed, it is the fault of the complainant. Mr. Ambrogi said that the regulations were drawn up after public hearings, and that if he wished to do so, Mr. Ballard could make specific suggestions around mediations and intentional violations. Mr. Ballard said that while trainings help, towns do not do good trainings, as they consider the OML to be a joke, and think that nothing will happen if they violate the OML. Mr. Ambrogi asked Mr. Ballard to discontinue his comment at this point, but said that he was welcome to submit something in writing.

Mr. Rosenberg (Norfolk) said that there were a few unintended consequences of the OML that he thought should be addressed. Mr. Rosenberg said that he first described the issues in 2011, and was told that the law was new, and that we should wait to see how it worked out. Mr. Rosenberg expressed concerns about a particular way that the OML, although intended to increase transparency, sometimes inhibits the ability of public bodies to function efficiently, limits public access to proceedings, and inadvertently decreases transparency. Mr. Rosenberg said that H. 2775, which had been filed for the fifth consecutive session, would permit public bodies to participate in public internet discussion, provided that they 1) give notice in accordance with the OML, and 2) give full access to the public. Mr. Rosenberg said that he would like to appeal to members of the OMLAC to help improve the bill, as it had not succeeded in passing.

Mr. Ambrogi said that in the past, the Commission has reviewed the bill and refused to take a position. Mr. Ambrogi said that because the bill was no longer active, it would make sense to table and reconsider the bill when and if it comes up again. Mr. Rosenberg said that he would prefer that the OMLAC help him to perfect the language. Ms. Gregoire suggested that her staff would review the bill and then reach out to Mr. Rosenberg and Rep. Roy to work on the language. Mr. Rosenberg expressed his appreciation. Mr. Ambrogi noted that over the years, the OMLAC has not taken a position on legislation, although he had, at times, advocated for the Commission to do so.

Items not reasonably anticipated by the Chair 48 hours in advance of the meeting

Mr. Ambrogi asked if there were any other matters that had not been reasonably anticipated that Commissioners wished to raise. No Commissioners raised unanticipated issues.

Schedule next meeting

The Commission agreed that it should plan to meet next in September, 2020.

Adjourn

Rep. Gregoire moved to adjourn. Ms. Rush seconded the motion. **The meeting concluded at 3:40pm.**