

This simple Open Meeting Law Complaint alleges that Malden's Finance Committee violated Open Meeting Law with their 12/9/25 public body meeting Notice. The agenda is attached, along with this narrative, alleging the Finance Committee failed to list discussed topics with sufficient specificity on its meeting notice.

The December 9th meeting, for which video is available but not widely accessible to the public, listed one business item on the agenda: #363-25 related to a proposal for a proposition 2 ½ tax override of \$5.4M based on a September 25th proposal of the Mayor (see attached).

However, the 12/9/25 meeting quickly turned focus to a substantially new proposal from the Mayor dated December 9, 2025 (see attached) which appears to have been circulated to city officials mid-day on 12/9/25, the day of the meeting. This was not shared with the public in advance and was not "attached" to the Finance Committee meeting Notice. (You will see in the attached side-by-side graphic showing attachments, this document was later attached to the City Council agenda for another future meeting, dated December 16th.)

The Mayor's NEW proposal calls for a much higher tax override, and discloses a major financial revelation High-Stakes / Direction-Setting series of events involving accounting, budgeting and state funding concerns with taxpayer consequence. The Mayor described this way:

"We subsequently found out that the structural deficit was \$1.6 million greater than we anticipated as the after the fact calculation of our compliance with Net School Spending (NSS) requirements on public education showed that we came up short for FY26."

In the course of the 12/9/25 meeting, that deficit of \$1.6M quickly rose to \$2.8M (for reasons that are not clear to the Complainant given the limited amount of information in the public sphere.) The meeting also expanded the number and nature of ballot questions to be posed for the voters, introducing significantly new voting choices and challenges for Malden's voters in the future. None of this discussion, and consequential deliberation, had been noticed in advance.

It seems common sense and clear that notice of deliberations on matters of such magnitude and consequence should closely adhere to Open Meeting Law. Moreover, this topic has been under review by the City Council and its Finance subcommittee since at least September 30th, when file # 363-25 was discussed at the City Council to "assess an additional \$5,400,000 in real estate and personal property taxes for the purposes of stabilizing the City's budget and to support ongoing city services across all departments[]".

The City has had more than ample time to do this right.

Discussion in the 12/9/25 meeting expanded way beyond what the meeting notice advertised. An entirely new override proposal was formally introduced and ultimately recommended with favor by a formal vote of the Committee for the City Council to further deliberate at its next meeting. And, for the most part, the public was kept confused or in the dark about all of this.

An \$8.2M tax override recommendation certainly does not simply flow from the casual consideration of a \$5.4M noticed topic that had been the focus of override conversations for more than two months. It's noteworthy that the Mayor attended this meeting with at least FOUR senior city employees who constitute the City's Administrative FINANCIAL team and senior advisors to the Mayor.

At a minimum, the Finance Committee should have posted a separate docketed agenda item, to present and deliberate on the Mayor's new December 9th Memo regarding his new "Proposition 2 ½ Override Proposal". The NOTICE needed to identify this significantly new and separate discovery whereby the Administration "subsequently found out that the structural deficit was \$1.6 million greater than we anticipated". (As the Complaint points out, even the un-noticed override change rose beyond \$1.6M to \$2.8M during the meeting).

We've attached the Council agenda from 9/30/25 which shows the original posting of #363-25.

Complainant concludes the advance meeting notice for the 12/9/25 Finance Committee meeting failed to post an agenda with sufficient specificity to meet the elemental requirements of Open Meeting Law. [See OML 2019-141.] It should have been a simple thing to post an appropriate agenda item [e.g. Mayor's new Proposal for Increased Tax Override, Penalties and underfunding of School operations etc.] or schedule a different date and time when these crucial topics could be deliberated on in public.

We ask that this alleged violation be recognized as a violation since the posted meeting notice was not sufficiently specific to allow a reasonable member of the public to understand the anticipated nature of the public body's discussion.

The Finance Committee should disclose all related records, reports, communications (both internal and with any state officials) leading up to this meeting. It's critically important the public understand how the December 9th Proposition 2 ½ tax override proposal developed and how it led to a new ballot question of \$8.2M, well beyond the \$5.4M described on the 12/9/25 Finance Committee agenda and in place since the Mayor's prior memo created on or about 9/25/25.

Under Open Meeting Law, the meeting notice must include a listing of topics that the chair reasonably anticipates will be discussed at the meeting. This requirement applies to all anticipated discussions, including topics planned for an executive session. Crucially, these topics must be sufficiently specific to reasonably advise the public of the issues to be discussed at the meeting. In this case, the Finance Committee violated open meeting law. Although it may not have been the public body's intent to do this, they seem to have been swept up into a rush of administrative circumstances that led to this result.

The Open Meeting Law was enacted "to eliminate much of the secrecy surrounding deliberations and decisions on which public policy is based". [Ghiglione v. School Committee of Southbridge]. This determination emphasizes the importance of transparency in governmental action, and underscores why the alleged violation cuts at the cornerstones of OML.