



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Reece Last Name: Dahlberg

Address: 6 Fieldbrook Road

City: Marblehead State: MA Zip Code: 01945

Phone Number: [REDACTED] Ext. _____

Email: [REDACTED]

Organization or Media Affiliation (if any): _____

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual Organization Media

Public Body that is the subject of this complaint:

City/Town County Regional/District State

Name of Public Body (including city/town, county or region, if applicable): Marblehead School Committee

Specific person(s), if any, you allege committed the violation: Marblehead School Committee

Date of alleged violation: 7/21-8/2

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

The Marblehead School Committee violated the Commonwealth of Massachusetts' Open Meeting Law during the time period between July 21, 2023 and August 2, 2023 by negotiating and entering into an agreement with Superintendent John Buckley to end Dr. Buckley's employment without the Marblehead School Committee ever taking a vote in a public meeting.

On July 21, 2023, the Marblehead School Committee held a meeting to enter into Executive Session for purpose #2 -To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel. The July 21, 2023 agenda indicated that these negotiations were related to the superintendent.

Following the July 21 executive session, the Marblehead School Committee posted a public meeting for July 26, 2023. The July 26 agenda included item "III, a Superintendent contract- early termination clause - Vote." The July 26 meeting was called to order and adjourned after one minute. No Vote was taken and no other business was conducted.

On July 31, 2023, the Marblehead School Committee again met in Executive Session for purpose #2 -To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel.

On Wednesday August 2, 2023, the Chair of the Marblehead School Committee sent a statement along with a copy of a signed agreement between the School Committee and the Superintendent to various media outlets. No meetings of the Marblehead School Committee were held between July 31 and August 3 and no vote was ever taken in a public meeting regarding the terms of the agreement between the School Committee and Dr. Buckley.

The Open Meeting Law is clear that the School Committee "may agree on terms with individual non-union personnel in executive session"; however, the law requires that "the final vote to execute such agreements must be taken by the public body in open session." The Marblehead School Committee has violated the Open Meeting Law by failing to take a final vote in open session to execute the agreement. While the signed agreement published in the Boston Globe is styled as a "Settlement Agreement and Release", the purpose and effect of the agreement is to modify the terms of Dr. Buckley's employment contract.* As such, the School Committee had an obligation to hold a vote in open session prior to executing the agreement. By failing to do so, the Marblehead School Committee has violated the Open Meeting Law and failed to do the public's business in public.

* While the Open Meeting Law does permit public bodies to convene in executive session to discuss strategy with respect to pending or threatened litigation, that is not the purpose for which either the July 21 or July 26 executive session was convened. As the Marblehead School Committee has an obligation to state for which of the ten purposes it is entering executive session and never identified purpose 3 (pending or threatened litigation), it cannot now rely on the purpose to justify its disregard for its obligations under the Open Meeting Law.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

I believe an effective response to this violation would be the Marblehead School Committee releasing a public statement acknowledging and apologizing to the community for breaking Open Meeting Law. The statement must be submitted to local news outlets to which a joint press release was submitted, including but not limited to: The Marblehead Current, Marblehead Weekly, The Boston Globe and The Beacon.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: Reece Dahlberg

Date: 8-8-2023

For Use By Public Body
Date Received by Public Body:

For Use By AGO
Date Received by AGO: