

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.

I submit this complaint under the Massachusetts Open Meeting Law concerning the City Council's consideration of Order 72-26 and its referral to the Public Safety Committee.

The agenda and order language, as posted, did not provide the public with sufficient notice of the substance or practical implications of the matter. The order used mandatory language with potentially significant operational effects, yet relied on broad, undefined terms that did not clearly describe what actions or policies were being considered.

During the meeting, the Police Chief expressed concern that the order was unclear in intent and application and warned that it could impair critical public safety functions by leaving officers uncertain about required or prohibited conduct. Council discussion that followed acknowledged these concerns and included clarification and reframing of the proposal's intent that was not apparent from the posted materials.

Councilors also noted that the order was intentionally broad and that amendments had been discussed prior to the meeting. While referral to committee was intended to allow further refinement, the public could not reasonably determine—based on the notice—what policy direction was being advanced or what the committee would be asked to preserve or modify.

The Open Meeting Law requires that meeting notices reasonably inform the public of matters to be discussed or acted upon. In this instance, key elements of the proposal's meaning and effect became apparent only through live discussion, limiting the public's ability to understand or engage with the issue in advance.

For reference, the language is as follows:

"72-26 Order: That, as a diverse and immigrant-rich community, the limited resources of the City of Malden shall be fully dedicated to address the local needs and priorities of Malden's residents, businesses and visitors. The goal of this order is to provide for a safe, livable and welcoming community for all. No city employees, departments, appointees, processes or representatives shall assist in fulfilling the unique and separate responsibilities of the Federal government, including immigration enforcement, or cooperate with any Federal agencies or policies contrary to the stated goal of this Order. This Order shall be followed to the maximum extent permitted by law, provided that it shall not require the City to break pre-existing contracts or agreements with Federal entities."

Video recording of the 1/27/26 meeting is posted below:
<https://youtu.be/FIewNfgfEHg?t=2904>

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.

The language of order 72-26 is not clear enough to constitute sufficient public notice, and it's not clear how it can be put on future agendas to amend that deficiency. Because of that, I request that Order 72-26 be abandoned and that its sponsors put forth a new proposal with language that will serve as appropriate public notice when posted.

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. However, the Attorney General's Office will not disclose your address, phone number or email address in response to a public records 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.

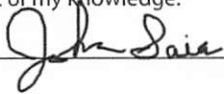
II. Consulting With a Private Attorney.

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: 

Date: 2/2/26

For Use By Public Body
Date Received by Public Body:

For Use By AGO
Date Received by AGO:

Carol Ann Desiderio

From: John Saia <j.saia.health@gmail.com>
Sent: Friday, January 30, 2026 11:13 AM
To: Amanda Linehan; Carol Ann Desiderio; Paul Condon
Subject: Open Meeting Law Complaint – Council Order 72-26

Dear Council President Linehan,

I am submitting this complaint pursuant to the Massachusetts Open Meeting Law regarding the City Council's consideration on Tuesday of Councilors McDonald and Winslow's Order 72-26 and its referral to the Public Safety Committee.

The agenda and order language, as posted, did not provide the public with meaningful notice of the substance, scope, or practical consequences of the matter on which the Council acted. Although the order employed mandatory, citywide language ("shall," "no city employees shall assist," "shall be followed"), it relied on broad and subjective terms that were not defined and carried significant operational implications. For example, the order states that "the goal of this order is to provide for a safe, livable and welcoming community for all," language that is inherently broad, nondescript, and could not reasonably inform the public of the actions or consequences contemplated.

During the meeting, the Police Chief stated that the order, as written, was unclear in its intent and application. He warned that it risked "intentionally impairing critical functions," placing the community "in the dark, out of touch, and in danger," because officers would be unable to determine what conduct would be required or prohibited. The Chief also observed that the order appeared to be drafted in response to more current events, further highlighting the disconnect between the posted language and the practical implications of its adoption. These statements indicate that the operative meaning and effect of the order could not be reasonably discerned from its text.

Video of the meeting suggests Councilor McDonald acknowledged that the intent of the proposal was not aligned with the negative outcomes described by the Police Chief. Additionally, it was noted that the order was deliberately broad, intended to encompass multiple issues of concern and to address separate of powers between the local and federal government. This breadth may have been strategic, but it further underscores the Open Meeting Law concern: the posted agenda and order language did not reasonably inform the public of the specific matters to be acted upon, leaving the scope and consequences of the order indeterminate.

The discussion preceding the vote included substantial clarification, qualification, and reframing of intent that was not evident from the posted materials. Councilor McDonald shared involvement of the mayor's office and was considering amendments before Tuesday's discussion even began. Open Meeting Law requires that the public be able to understand the substance of matters to be acted upon from the meeting notice itself, not only through live discussion at the meeting.

Although the Council voted to refer the order to the Public Safety Committee for further refinement, the referral advanced an item whose baseline purpose, limits, and effects were indeterminate. The scope of what the committee was being asked to refine or preserve was not clear from the noticed language, effectively deferring fundamental policy determinations beyond public view. Furthermore, if this order is

posted for consideration by the Public Safety Committee in the future, the same lack of clarity would likely create additional Open Meeting Law concerns, as the public may again be unable to understand the substance, scope, or consequences of the matter.

The Open Meeting Law (G.L. c. 30A, §§ 18-25) requires that meeting notices reasonably inform the public of the issues to be discussed or acted upon. In this case, the combination of vague language, subjective terms, intentional breadth, and reliance on clarifications during live discussion demonstrates that the public could not reasonably discern the substance or potential effects of the order from the posted agenda.

For these reasons, I believe the Council's action did not satisfy the Open Meeting Law's requirement that meeting notices reasonably inform the public of the matters to be acted upon. I respectfully request appropriate remedial action, including clearer notice prior to any further consideration of this matter.

Given the seriousness of this topic and the importance of maintaining public trust, I believe it is necessary to file this complaint and ensure transparent acknowledgment of any miscommunications.

If it would help, for reference, a link to last Tuesday's meeting is available below. Discussion of proposed order 72-26 begins 48 minutes and 25 seconds in:

<https://youtu.be/FlewNfgfEHg?t=2904>

Respectfully,

John Saia

37 Pierce Street

Malden, MA 02148

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