

APPROVED MINUTES

SEVENTY SEVENTH MEETING

of the

BOARD OF DIRECTORS

of the

MASSACHUSETTS BROADBAND INSTITUTE

July 16, 2026

By Video conference

The Seventy Seventh Meeting of the Board of Directors of the Massachusetts Broadband Institute (“MBI”) was held on July 16, 2026, via video conference, pursuant to notice duly given to the Directors and publicly posted on the MBI website with corresponding notice provided to the Office of the Secretary of State and the Executive Office for Administration and Finance.

The following members of the MBI Board of Directors attended the meeting remotely: Secretary of Economic Development Eric Paley (represented by Steve Baker of the Executive Office of Economic Development), David Clark, Sean Cronin, Linda Dunlavy, Karen Charles, and Carolyn Kirk.

The following Mass Tech Collaborative staff were present: Jennifer Saubermann, Brianna Wehrs, Michael Baldino, Jody Jones, Rachael Stachowiak, Jason Mack, Kevin O’Brien, and Paula Foley.

Mr. Baker observed the presence of a quorum of the MBI Board of Directors and called the meeting to order at 11:04 a.m.

Mr. David Clark joined the meeting at 11:07 a.m.

Agenda Item I Approval of Minutes

Mr. Baker identified a typo on page 4 of the draft minutes, and with that correction, a motion was duly made and seconded, and it was unanimously and without abstention VOTED by a roll call vote:

The Board of Directors of the Massachusetts Broadband Institute hereby adopts the Draft Minutes of the Seventy Sixth Meeting of the MBI Board of Directors held on June 1, 2026, by video conference, as the formal Minutes thereof.

Agenda Item II Open Meeting Law Complaint and Response concerning the public notice of the June 1, 2026, meeting

Mr. Baker then asked General Counsel Jennifer Saubermann to discuss the next agenda item. Ms. Saubermann noted that this is the first Open Meeting Law Complaint received by the MBI Board and therefore provided an overview of the applicable statutory requirements. Specifically, she noted that a public body must meet with fourteen (14) business days to review the complaint, take remedial action if appropriate, and send a response and description of the remedial action to the complainant and the Attorney General.

Following this introduction, Ms. Saubermann provided an overview of the complaint indicating that the complainant raised two (2) issues regarding the public notice for the MBI Board's June 1, 2026, meeting. The first issue was an allegation that the public notice used the phrase "topics to include" which the complainant claimed was non-exhaustive on its face, as well as insufficient because the Chair discussed a topic – broadband market dynamics – that was not included as a sub-topic in the public notice. Ms. Saubermann explained that the public notice only needs to include topics the Chair "reasonably anticipates will be discussed," and if there is no deliberation on a topic, no violation can occur with respect to that topic. The Chair's remarks on broadband market dynamics were his personal observations outside the MBI Board's purview, there was no expression of an opinion on a matter within the Board's jurisdiction, and therefore no deliberation on that topic occurred. With regard to the phrase "topics to include," Ms. Saubermann explained that use of that language does not violate the Open Meeting Law given that the public notice listed topics within the Board's purview that the Chair reasonably anticipated discussing.

The second issue the complainant raised regarding the public notice, explained Ms. Saubermann, was an allegation that the agenda item – "Massachusetts Broadband Institute Fiscal Year 2027 Operating Plan and Budget (motion item)" – did not convey the nature of the vote. Ms. Saubermann indicated that a public notice is not required to list every topic within a document to be discussed and that the agenda item accurately described what occurred – namely, a discussion of MBI's Fiscal year 2027 Operating Plan and Budget followed by a vote. Therefore, no Open Meeting Law violation took place.

Following this review, MBI Board members expressed support for the response to the complaint and questioned the origin of the complaint, which Ms. Saubermann explained was originated by the same individual who has submitted sixteen (16) other Open Meeting Law complaints to the Mass Tech Board, to date. Ms. Saubermann noted that the issues contained within the instant complaint are also contained in many of the other complaints, the responses to some of which the complainant has appealed to the Attorney General's Office and are still pending. It was questioned whether to change how agenda items are phrased in the future, to which Ms. Saubermann replied that she believes they are meeting the requirements of the law, and unless there is a ruling from the Attorney General's Office to the contrary, the agenda items do not need to be changed. In response to a question, Ms. Saubermann noted that no formal vote by the MBI Board is necessary and that she will forward the response letter to the complainant and the Attorney General's Office, as required.

Mr. Baker then noted there was no other business to discuss and adjourned the meeting at 11:15 a.m.

A TRUE COPY

ATTEST: (Secretary)

DATE:

Materials and Exhibits Used at this Meeting:

1. Draft Minutes – June 1, 2026, MBI Board of Directors Meeting (motion item)
2. McCarter 7/1/26 OML Complaint
3. Response to McCarter 7/1/26 OML Complaint
4. Massachusetts Attorney General's Responding to OML Complaint Checklist dated Nov. 6, 2024