

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Kathleen Callahan,

Complainant

against

Docket # FIC 2023-0228

Chairman, Election District Revision
Commission, Town of Stratford; Election
District Revision Commission, Town of
Stratford; and Town of Stratford,

Respondents

October 25, 2023

The above-captioned matter was heard as a contested case on September 12, 2023, at which time the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint.

After consideration of the entire record, the following facts are found and conclusions of law are reached:

1. The respondents are public agencies within the meaning of §1-200(1), G.S.
2. By email dated May 10, 2023, the complainant appealed to the Commission, alleging that the respondent Election District Revision Commission (“EDRC”) violated the Freedom of Information (“FOI”) Act during its April 12, 2023 meeting (“April 12th meeting”) in the following ways:
 - a) Redistricting work in the meeting was isolated to issues contained in the minutes from the first EDRC meeting on March 16, 2023, posted to the town website on March 22, 2023. The issues were the data to be used and an interpretation of the Town Charter regarding the individual district population range. No other redistricting work was undertaken, no presentation of Democratic or Republican map submissions, no discussions on submissions.
 - b) The minutes were uploaded to the town website on April 19, 2023, and contained inaccuracies. . . . The inaccuracies are:

- i. Incorrect title for [the complainant]. She was not serving as the Democrat Town Committee Chair. Her presence on the EDRC is only valid as the Democratic Deputy Registrar of Voters
 - ii. Incorrect vote recorded for the approval of the redistricting maps to send to the Town Council. The three Republican Commissioners voted favorably, and the two Democratic Commissioners refrained from voting. In the meeting, the EDRC Commissioner indicated the motion carried 3-2; the minutes recorded 5-0; and we believe the record should indicate 3-0 with 2 abstentions.
 - iii. Incorrect description of the approved redistricting maps as having “accurate data” as no data was presented and no discussion on said maps was had. . . .
- c) An addendum to the minutes was uploaded to the town website on April 27, 2023, which contained information that was not presented at the meeting. . . .

3. The complainant is a member of the respondent EDRC.
4. It is found that the EDRC conducted a meeting on April 12, 2023. It is found that five members of the EDRC attended the April 12th meeting, including the complainant.
5. It is found that the agenda for the April 12th meeting identified four subjects: Call to Order; Approval of Minutes; Redistricting; and Adjournment.
6. It is found that, during the April 12th meeting, the EDRC discussed redistricting and voted on the redistricting maps.
7. It is found that the minutes of the April 12th meeting reflect that the redistricting maps were unanimously approved by a vote of 5-0. However, it is found that the complainant and another member of the EDRC did not vote in favor of such maps.
8. With regard to the allegations, described in paragraphs 2(a) and 2(c), above, it is found that such allegations, even if true, do not constitute violations of the FOI Act, and therefore, shall not be considered herein.
9. Section 1-225(a), G.S., provides, in relevant part, that each public agency “shall make, keep and maintain a record of the proceedings of its meetings.”
10. With regard to the allegations, described in paragraphs 2(b)(i) and 2(b)(iii), above, it is well-settled that the FOI Act does not require verbatim minutes. Rather, the Commission has

long held that minutes must contain, at a minimum, the date, time and place of the meeting, members present, action taken, and the votes of members with respect to such action. It is found, under the facts and circumstances of this case, that the minutes contain such information and fairly apprise the members of the public of the actions taken at the April 12th meeting, even if they include an incorrect title and an inaccurate description of the data presented.

11. Accordingly, it is concluded that the respondents did not violate the FOI Act with respect to the allegations described in paragraphs 2(b)(i) and 2(b)(iii), above.

12. With regard to the allegation, described in paragraph 2(b)(ii), above, §1-225(a), G.S., further provides that the “votes of each member of any public agency upon any issue before such public agency shall be reduced to writing and made available for public inspection within forty-eight hours and shall also be recorded in the minutes of the session at which taken.”

13. It is concluded that §1-225(a), G.S., which mandates that public agencies record the votes of their members, implicitly requires that such recording be accurate.

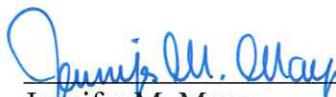
14. There is no dispute that the complainant and another member of the EDRC did not affirmatively vote in favor of the redistricting maps. It is found, based on the complainant’s credible testimony, that she and the other member abstained from voting.

15. Accordingly, it is concluded that the respondents violated §1-225(a), G.S., by inaccurately recording that the EDRC unanimously approved the redistricting maps, by a vote of 5-0.

The following order by the Commission is hereby recommended on the basis of the record concerning the above-captioned complaint:

1. The respondent EDRC shall forthwith amend its April 12th meeting minutes to reflect the fact that the complainant and another member abstained from voting on the redistricting maps.

Approved by Order of the Freedom of Information Commission at its regular meeting of October 25, 2023.



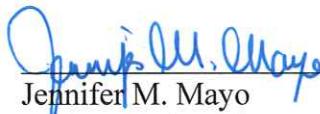
Jennifer M. Mayo
Acting Clerk of the Commission

PURSUANT TO SECTION 4-180(c), G.S., THE FOLLOWING ARE THE NAMES OF EACH PARTY AND THE MOST RECENT MAILING ADDRESS, PROVIDED TO THE FREEDOM OF INFORMATION COMMISSION, OF THE PARTIES OR THEIR AUTHORIZED REPRESENTATIVE.

THE PARTIES TO THIS CONTESTED CASE ARE:

KATHLEEN CALLAHAN, 271 Castle Drive, Stratford, CT 06614

CHAIRMAN, ELECTION DISTRICT REVISION COMMISSION, TOWN OF STRATFORD; ELECTION DISTRICT REVISION COMMISSION, TOWN OF STRATFORD; AND TOWN OF STRATFORD, c/o Attorney Bryan L. LeClerc, Berchem Moses P.C., 75 Broad Street, Milford, CT 06460



Jennifer M. Mayo
Acting Clerk of the Commission