

Freedom of Information Commission  
of the State of Connecticut

In the Matter of a Complaint by )  
Mary Isner, Complainant ) Report of Hearing Officer  
against ) Docket #FIC 76-104  
Town of Windsor and Town Council ) July 21, 1976  
of the Town of Windsor, Respondents )

The above captioned matter was heard as a contested case on July 12, 1976, 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:

1. The respondents are public agencies.
2. On May 28, 1976, the respondent council met to discuss certain budget reductions recommended by the town manager.
3. The proposed reductions were listed in a written "council communication" dated May 28, 1976, which was made available to the public.
4. One item on the "council communication" concerned personnel reductions of \$28,570.
5. The respondent council voted to discuss the issue of personnel reductions in executive session pursuant to §§1(e)(1), (5) and 6 of P.A. 75-342.
6. A "confidential council communication" dated May 28, 1976 was prepared by the town manager itemizing the budget reductions amounting to \$28,570 which constituted the proposed personnel reductions. This document was distributed to the members of the respondent council at its May 28, 1976 meeting although it was not made available to the public until action was completed on this matter and the persons affected were notified.
7. By letter of complaint filed with this Commission on June 11, 1976, the complainant alleged that the executive session of May 28, 1976 was held in violation of P.A. 75-342 in that the discussion at such session concerned budget matters which are not the proper subject for an executive session.

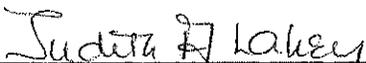
8. Although the purpose of the respondent council's meeting and executive session was to discuss budget reductions, it is found that the discussion at the executive session concerned the employment, performance, evaluation and dismissal of public employees.

9. Therefore, it is concluded that the executive session of the respondent council on May 28, 1976 was convened for a proper purpose under §1(e) of P.A. 75-342. In this regard, it should be noted that the respondent council fully complied with the procedures in P.A. 75-342 for the convening of executive sessions. No votes were taken at the executive session and the entire proposed budget reduction was voted upon in public session. Also, the "confidential council communication" has subsequently been made public, including disclosure of those employees who have been terminated and whose hours of employment have been reduced.

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

1. The complaint is hereby dismissed.

2. Nothing herein shall be construed as commenting upon the propriety of convening an executive session in the circumstances hereinabove described. While the Commission finds that such executive session was permissible under P.A. 75-342, its propriety is a matter of local concern and not a matter within the jurisdiction of this Commission.

  
\_\_\_\_\_  
Commissioner Judith A. Lahey

as Hearing Officer

Approved by order of the Freedom of Information Commission on July 28, 1976.

  
\_\_\_\_\_  
Mitchell W. Pearlman  
Acting Clerk of the Commission