

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by        )  
J.P. Girardet, Joan E. Bowley           )      Report of Hearing Officer  
and John Bunte,      Complainants        )  
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The Board of Finance of the Town      )  
of Ashford,      Respondent            )  
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The above captioned matter was heard as a contested case on October 5, 1976 at which time the complainants and the respondent appeared and presented testimony, exhibits and argument on the complaint.

After consideration of the entire record, the following facts are found:

1. The respondent is a public agency under §1(a) of P.A. 75-342.
2. On September 15, 1976 respondent board met in executive session to discuss the selectmen's budget which was discussed at a public hearing on September 13, 1976.
3. The respondent board did not abide by the provisions of P.A. 75-342 regarding notice, minutes and recordation of votes although a quorum of the respondent board was present at the executive session in question.
4. Upon a challenge to the legality of this executive session the respondent board formally adjourned. Thereafter, a quorum of the respondent board remained behind for several hours to informally discuss the budget.
5. Certain line cuts were made through informal consensus or straw vote by respondent board during the aforesaid discussion.
6. By letter of complaint filed with this Commission on September 23, 1976 the complainants alleged that the meeting of respondent board held on September 15, 1976 was in violation of P.A. 75-342.
7. Section 7-344 of the General Statutes provides specifically for an executive session of respondent board following the public meeting in which it presented its budget estimates for the ensuing year to the town.

8. It is found that both the executive session that convened on September 15, 1976 and the informal discussion ensuing thereafter constituted a special meeting of a public agency to which the provisions of P.A. 75-342 apply.

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

1. The respondent shall forthwith make available in the minutes of the meeting held on September 15, 1976 a record by member of each issue determined by the consensus reached by way of informal discussion.

2. Henceforth the respondent board shall strictly comply with the provisions of P.A. 75-342 regarding the notice requirements of special meetings and the timely availability of records of votes taken and the minutes of all meetings.

  
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Commissioner Helen Loy

as Hearing Officer

Approved by order of the Freedom of Information Commission  
on November 10, 1976.

  
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Louis J. Tapogna  
Clerk of the Commission