

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by)
Linda Grossberg, Complainant) Report of Hearing Officer
)
against) Docket #FIC77-231
)
The City and Town of Bridgeport;) January 18, 1978
and Board of Education of the)
City and Town of Bridgeport,)
Respondents)

The above captioned matter was heard as a contested case on January 10, 1978, at which time the complainant and the respondent board appeared and presented testimony, exhibits and argument on the complaint.

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

1. The respondent board is a public agency as defined by §1-18a(a), G.S.
2. The complainant, by letters to the Commission dated December 20, 1977 and January 5, 1978, respectively, questions the sufficiency of the notice given to meetings of the respondent board held on November 22, 1977 and December 5, 1977.
3. By same letters, the complainant further questions the propriety of the respondent board's December 5, 1977 meeting in executive session.
4. There is some confusion as to whether a meeting of the respondent board was actually held on November 22, 1977. However, determination of this complaint with respect to matters raised concerning the December 5, 1977 meeting in executive session resolves all other issues raised in this appeal.
5. On December 5, 1977, a quorum of the respondent board held a special meeting.
6. Notice to that meeting reads as follows: "Monday, December 5 7:30 p.m. Executive Session."
7. Such notice was not posted in the office of the Clerk of the City and Town of Bridgeport twenty-four hours prior to the time of such meeting, as required by §1-21, G.S.
8. Such notice did not designate the place of meeting as required by §1-21, G.S.
9. Further, such notice did not specify all items of business to be transacted on December 5, 1977, as required by §1-21, G.S.

10. Having failed to comply with the foregoing requirements of notice, it was improper for the respondent board to have held its special meeting on December 5, 1977.

11. The above defect in notice rendered the December 5, 1977 executive session improper irrespective of whether or not the matters discussed therein were otherwise proper purposes for excluding the public under §1-18a(e), G.S. and irrespective of whether or not any of the other procedural requirements for proceeding into executive session under §1-21, G.S. were complied with.

12. The Commission notes that the respondent board, having improperly held its special meeting on December 5, 1977, did not take the further steps required under §1-21, G.S. for meeting in executive session. For example, the respondent board did not take an affirmative vote of two-thirds of its members present and voting on December 5, 1977 and it did not publicly state the reasons for such executive session as defined in §1-18a(e), G.S.

13. The Commission further notes that at least one of the matters discussed in executive session on December 5, 1977 was not a proper purpose for excluding the public under §1-18a(e), G.S. -- e.g. the matter relating to the requisition for the repair of clocks and bells in elementary schools at a cost of \$13,802.00.

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

1. All actions taken at the December 5, 1977 meeting of the respondent board are hereby declared null and void.

2. Henceforth, notice of each special meeting of the respondent board shall be given not less than twenty-four hours prior to the time of such meeting by posting a notice of the time and place thereof in the office of the Clerk of the City and Town of Bridgeport.


3. Henceforth, each such notice of special meeting shall specify the business to be transacted. No other business shall be considered at such meetings by the respondent board.

4. Henceforth, the respondent board may hold an executive session only upon an affirmative vote of two-thirds of the members of such body present and voting, taken at a public meeting.

5. Henceforth, after such vote and before proceeding into executive session, the respondent board shall state its reasons for such executive session to the members of the public present.

6. Henceforth, the reasons stated publicly for its executive session as aforesaid shall be strictly limited to those purposes defined under §1-18a(e), G.S.


7. The respondent board is cautioned, however, that it can not exclude the public from its discussions on the contingency that something may arise in the course of a discussion that falls within the meaning of the purposes defined under §1-18a(e), G.S. Only when such matters actually do arise may an agency properly hold an executive session. Conversely, once the discussion in an executive session called for a proper purpose leaves the scope of that purpose, §1-21, G.S. requires that the executive session be adjourned and the meeting be once again opened to the public.



Helen M. Loy

as Hearing Officer

Approved by order of the Freedom of Information Commission on
January 25, 1978.



Charlene G. Arnold
Clerk of the Commission