

FREEDOM OF INFORMATION OF THE
STATE OF CONNECTICUT

In the Matter of a Complaint By FINAL DECISION
Beverly Clark Docket #FIC83-73
Complainant(s) February 8, 1984

vs.

Town of Winchester
Board of Education

Respondent(s)

The above captioned matter was scheduled for hearing August 1, 1983 with a companion case #FIC83-72. At that time the parties appeared and presented evidence and argument on the complaint. Thereafter on September 29, 1983 the hearing was reconvened for examination of additional witnesses.

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

1. The respondent is a public agency within the meaning of §1-18a(a), G.S.
2. By letter filed with the Commission April 15, 1983 the complainant alleged that the respondent had decided to raise the salary of the superintendent of schools at an illegal executive session on March 15, 1983 and that no minutes were prepared for this meeting.
3. The respondent met in executive session with the superintendent at a budget workshop to discuss his contract and raise on either March 15 or March 22 or March 24, 1983.
4. After discussion of the proposal for the raise inquiry was made as to whether any person had an objection to the proposed contract.
5. No objection was made.
6. Thereafter no vote was taken in public to formalize the executive session decision, but the item was included as a line item in the budget.

7. No minutes of the meeting which was called a budget workshop were filed.

8. Section 1-18a(e)(1), G.S. provides in relevant part that an executive session is proper for the purpose of "discussion concerning the employment, performance, evaluation, health or dismissal of a public officer or employer."

9. It is found that the executive session was held for a proper purpose insofar as it was limited to the purposes set forth at §1-18a(e)(1), G.S.

10. However, the inquiry as to whether there was any objection to the proposed contract was not a proper inquiry for the executive session since the absence of objections in fact meant a unanimous vote in favor of the proposed contract.

11. It is found therefore that the portion of the executive session which involved ratification of the proposed contract violated the open meetings provisions of §1-21, G.S.

12. Section 1-21, G.S. also requires that minutes of a meeting shall be available to the public within seven days of the meeting to which they refer.

13. It is found that the budget workshops were meetings within the meaning of section 1-18a(b), G.S. and that section 1-21, G.S. was violated because the respondent filed no minutes.

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

1. The respondent shall henceforth comply with the open meetings requirements of §1-18a(e)(1) and §1-21, G.S.

2. The Commission suggests that in the light of the provision at §1-21i(b), G.S. that the Commission may impose civil penalties up to five hundred dollars upon officials who violate the Freedom of Information Act without reasonable grounds that the respondents make a serious effort to become informed about and to comply with the law in the future.

Approved by order of the Freedom of Information Commission at its regular meeting of February 8, 1984.



Mary Jo Jolicoeur
Clerk of the Commission