

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by) Mary Carr and Torrington Citizens) Educational League, Inc.,) Complainants)	Report of Hearing Officer Docket #FIC77-111
against)	July 14, 1977
Board of Education of the City) and Town of Torrington,) Respondents)	

The above captioned matter was heard as a contested case on June 23, 1977, at which time the complainants 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. By letter of complaint filed with this Commission on June 7, 1977, the complainants alleged that, at a meeting of the respondent board held on May 23, 1977, the respondent board improperly proceeded into executive session for a purpose not permitted under the Freedom of Information Act.

3. By same letter, the complainants further alleged that the respondent board failed to record in the minutes of such meeting all persons who were in attendance at the executive session held therein.

4. A quorum of the respondent board met on May 23, 1977 to discuss, among other things, matters relating to the proposed education budget.

5. At some point in the course of such meeting, the respondent board proceeded into executive session by unanimous vote of those board members present and voting.

6. At that time, the respondent board publicly stated that the reason for its executive session was "personnel as it related to budget cuts."

7. It is found that the aforesaid meeting of the respondent board was a meeting of a public agency as defined by §1-18a(b), G.S.

8. It is also found that the respondent board, in going into executive session on May 23, 1977, utilized the procedure prescribed by §1-21, G.S.

9. The question remains whether the discussion in the aforesaid executive session came within the meaning of one of the purposes enumerated under §1-18a(e), G.S. defining reasons for which an executive session may properly be held.

10. The respondent board's discussion in executive session concerned the cutting of some \$331,000.00 from the proposed education budget. Directly related thereto was the possible reduction of the number of existing positions in various departments of the high school staff.

11. The respondent board contends that inasmuch as its discussion affected existing positions on the high school staff, it was a proper purpose for an executive session under §1-18a(e)(1), G.S. as a discussion concerning the appointment, employment, performance, evaluation, health or dismissal of a public officer or employee.

12. Although names were mentioned in connection with the affected positions, such discussion did not concern the job performance of the individuals mentioned, but rather, concerned the viability of maintaining positions in light of the required budget cuts.

13. It is found that the aforesaid discussion was not a proper purpose for an executive session discussion within the meaning of §1-18a(e)(1), G.S.

14. It is therefore concluded that the complainant Carr, who was present at the aforesaid meeting, was wrongfully denied her right to attend such discussions as required by §1-21, G.S.

15. It is further found that the minutes of the meeting here in issue, Commission Exhibit 1, do not disclose all persons who were in attendance at the executive session therein, in violation of the requirements under §1-21g, G.S.

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

1. Henceforth the respondent board shall strictly limit its executive session discussions to those purposes enumerated under §1-18a(e), G.S.

2. Henceforth, the minutes of the respondent board concerning an executive session called for a proper purpose shall disclose the names of all persons who were in attendance therein, as required by §1-21g, G.S.



Commissioner Judith Lahey

as Hearing Officer

Approved by order of the Freedom of Information Commission on July 27, 1977.

A handwritten signature in cursive script, appearing to read "Charlene G. Arnold". The signature is written in dark ink and is positioned above a horizontal line.

Charlene G. Arnold as Clerk of the
Freedom of Information Commission