

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by )  
Clifford R. Noll, Jr., ) Report of Hearing Officer  
Complainant )  
 ) Docket #FIC77-187  
against )  
 ) October 19, 1977  
Town of Eastford and Board of )  
Tax Review of the Town of )  
Eastford, Respondents )

The above captioned matter was heard as a contested case on October 11, 1977, 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 Board of Tax Review of the Town of Eastford is a public agency as defined by §1-18a(a), G.S.

2. By letter of complaint filed with the Commission on September 15, 1977, the complainant alleged that the Eastford Board of Tax Review does not keep minutes of its meetings.

3. The Board of Tax Review is composed of three members.

4. The board meets primarily to consider petitions for correction of the assessed valuation of property. The board has the power to correct the assessed valuation of property located within the Town of Eastford.

5. When the board meets to decide such a petition, its decision and the rationale supporting such decision are recorded on side two of a one page form entitled "Petition for Correction of Assessed Valuation of Property."

6. Many such petitions are often decided at a single meeting.

7. There is no other record of the proceedings of the Board of Tax Review's meetings other than the decision of the board appearing on side two of each petition form, separately decided, together with any handwritten notes made by individual board members and attached to the back of each petition.

8. The Commission is called upon to interpret whether or not such a record constitutes legally sufficient minutes comporting with the requirements of §1-21 of the General Statutes.

## 9. §1-21 states in pertinent part:

"The votes of each member of any such public agency upon any issue before such public agency shall be reduced to writing and ... recorded in the minutes of the session at which taken, which minutes shall be available for public inspection ..."

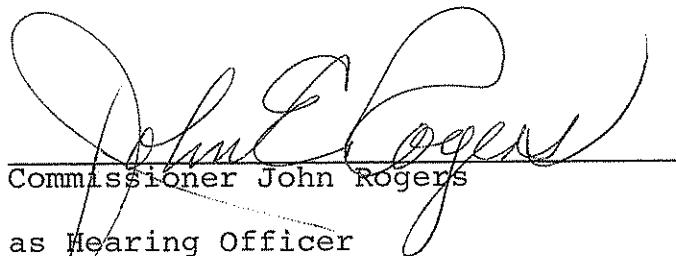
10. Reference must be made outside of the aforesaid records of the board's proceedings in order to discover how each agency member voted upon any particular issue.

11. Interim decisions of the board, such as a unanimous vote to table consideration of a petition to some future date, do not appear in the records of the board's proceedings.

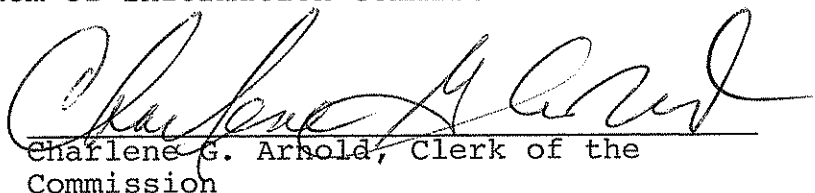
12. The respondent board of finance is therefore found not to have recorded minutes as required by §1-21, G.S.

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 produce minutes that record the vote of each of its members upon any issue before it, as required by §1-21, G.S.

  
Commissioner John Rogers  
as Hearing Officer

Approved by order of the Freedom of Information Commission on  
October 26, 1977.

  
Charlene G. Arnold, Clerk of the  
Commission