

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by  
Ruth Ames,

Complainant

Report of Hearing Officer

against

Docket #FIC79-111

Town of Brookfield; Board of  
Education of the Town of  
Brookfield; and Superintendent  
of Schools of the Town of  
Brookfield,

July 17, 1979

Respondents

The above captioned matter was heard as a contested case on July 12, 1979, at which time the complainant and the respondents appeared and presented testimony, exhibits and argument of the complaint.

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

1. The respondents are public agencies within the meaning of §1-18a(a), G.S.

2. By complaint filed with the Commission May 24, 1979, the complainant alleged the failure of the respondents to comply with the Freedom of Information Act in several respects.

3. The complainant alleged the failure of the respondents to comply with §1-21c in that she requested notice of regular and special meetings prior to May 7, 1979 and that at least one such meeting was held between May 7 and May 16, 1979, but she did not receive any notices until after May 16, 1979.

4. The respondents claimed they had complied with §1-21c in that the complainant had received notices of the meetings which were held after May 16, 1979, although she did not receive notice of the meeting or meetings which were held prior to May 16, 1979.

5. It is found that the failure of the respondents to provide the complainant with notice of the meeting or meetings which were held between May 7 and May 16, 1979 did violate the §1-21c, G.S. requirement that where a person has filed a written request for notice, such person shall receive notice by mail of regular meetings a week in advance of such meeting and such notice as the agency deems practical of special meetings called less than seven days prior to the date set for the meeting.

6. The complainant further alleged that the respondent board held two meetings, one on May 14 and one on May 15, 1979, without notice, agenda, minutes or record of votes.



7. On May 14, 1979 the Space Needs Committee held an informal special meeting with the Brookfield Board of Education to discuss the Huckleberry Hill Elementary School property as a proposed school site.

8. No notice was posted in the town clerk's office for the May 14, 1979 meeting.

9. During the aforesaid meeting, each person present was polled regarding their opinion with respect to the school site -- five members were in favor, one member was opposed, and one member did not indicate any opinion.

10. The minutes of the aforesaid meeting, which were filed on June 4, 1979, did not reflect that a vote was taken.

11. At a subsequent regular meeting on May 16, 1979, after extensive heated discussion, a formal vote was taken with respect to the school site.

12. Six board members were in favor; one was opposed.

13. It is found that the poll at the May 14, 1979 meeting did not constitute a vote of the respondent board.

14. It is concluded that the respondent board violated the requirements of §1-21, G.S. by failing to post notice at least twenty-four hours in advance of the meeting and by failing to file minutes within seven days of the meeting.

15. On May 15, 1979 there was a gathering which included two members of the board of finance, three members of the board of education, the first selectman, the town controller and one member of the planning commission.


16. The purpose of the aforesaid meeting was to discuss long-range capitol planning for the town and the town's ability to pay.

17. There was no quorum of any municipal agency present and no decisions were finalized with respect to any of the agencies present.

18. It is concluded that the aforesaid gathering was not a meeting within the meaning of §1-18a(b), G.S.

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

1. The respondents shall henceforth comply with §1-21c, G.S.
2. The respondent board shall henceforth comply with the notice and minutes requirements of §1-21, G.S.

  
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Commissioner Donald Friedman  
as Hearing Officer

Approved by order of the Freedom of Information Commisison on  
September 12, 1979.

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Leslie Ann McGuire  
Clerk of the Commission