

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Edith Dole

Docket #FIC83-96

Complainant(s)

October 19, 1983

against

Board of Education of the
Town of Colchester

Respondent(s)

The above captioned matter was scheduled for hearing on August 18 at 2 p.m. at which time the parties appeared and presented evidence and argument on the complaint.

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 complaints filed May 5 and May 10 and amended July 10 the complainant alleged that the respondent violated the Freedom of Information Act on June 26 because its agenda was inaccurate and because the agenda for the June 26 meeting which was available at the office of the board of education differed from that which was available at the town clerk's office, and that the minutes for the June 26, 1983 meeting were filed late.
3. The complainant alleged further that the minutes for the meeting of May 10 inaccurately recorded the votes of the agency because the time at which the board members arrived was not noted.
4. The respondent claimed that the discrepancies shown in its agendas occurred because the agenda maintained at the office of the board of education was "freshened" with the addition of several new items the day of the meeting.
5. Section 1-21, G.S. provides in relevant part that

The agenda of the regular meetings of every public agency ... shall be available and shall be filed, not less than twenty-four hours before the meetings to which they refer, in the agency's

regular office or place of business or, if there is no such office or place of business, ... in the office of the clerk of such subdivision for any public agency of a political subdivision of the state.

6. It is found therefore that the respondent's practice of "freshening" the agenda resulted in a violation of the requirement of §1-21, G.S. inasmuch as the agenda was not available in a completed form twenty-four hours before the scheduled meeting in the regular office of the respondent.

7. It is found that the requirements of §1-21, G.S. are satisfied if the agenda in its completed form is available twenty-four hours before the meeting in the office of the respondent, it is not necessary that the agenda also be available in the office of the town clerk since the respondent has its own place of business.

8. The minutes of the respondent's April 26 meeting were not available for typing until May 4.

9. §1-21, G.S. requires that "minutes shall be available for public inspection within seven days of the session to which they refer."

10. It is found therefore, that the respondents violated §1-21 by failing to have minutes available within seven days of the meeting to which they refer.

11. The minutes of the meeting held on May 10 indicate that numerous votes were unanimous but fail to show the time when board members who arrived late came into the meeting.

12. The unanimous votes taken at the May 10, 1983 meeting were indicated by the word "all", while the names of those members of the respondent who were present are indicated only at the beginning of the minutes.

13. It is found that these minutes fail to satisfy the requirement of §1-21, G.S. that the votes taken at a meeting be recorded in the minutes.

14. It is further found that if the minutes had noted the time at which the late arriving board members arrived, the manner in which the votes were recorded would not have violated §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. The respondent shall henceforth comply with §1-21, G.S.

Approved by order of the Freedom of Information Commission at its regular meeting of October 12, 1983.



Mary Jo Jolicœur
Clerk of the Commission