

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Joan Bowley and
Kay Warren,

Docket #FIC84-5

Complainant(s)

vs.

Board of Education
of the Town of Ashford,

April 14, 1984

Respondent(s)

The above captioned matter was scheduled for hearing February 23, 1984 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 letter mailed to the Commission January 11, 1983 the complainant alleged that the respondent held an illegal executive session on December 15, 1983.
3. The respondent claimed that the executive session was permissible under §1-18a(e)(4), G.S. which provides in relevant part that a public agency may hold an executive session for the purpose of:

discussion of the selection of a site or the lease, sale or purchase of real estate by a political subdivision of the state when publicity regarding such site, lease, sale, purchase or construction would cause a likelihood of increased price until such time as all of the property has been acquired or all proceedings or transactions concerning same have been terminated or abandoned;

4. The executive session was held to discuss options of the board with respect to E. O. Smith School and the manner in which the board of education could obtain information on additional sites.

5. Four options were discussed. The options were:

Possibility #1

A joint building project and approval of both towns to regionalize grades 9-12. The University will not oppose legislation that transfers ownership and governance to a regional district on July 1, 1987.

Possibility #2

A joint building project and no regionalization. The University will not oppose legislation to transfer ownership and governance on July 1, 1987, with details of the transfer of ownership and governance and financial arrangements to be worked out in discussions among Ashford, Mansfield and the University.

Possibility #3

No joint building project; project completed by Mansfield, and no regionalization. The University will not oppose legislation that transfers ownership to Mansfield on July 1, 1987 with details of governance to be worked out in discussions among Ashford, Mansfield and the University.

Possibility #4

No joint building project, project completed by Mansfield and regionalization. The University will not oppose legislation that enables ownership and governance to be transferred to a regional district on July 1, 1987 with an adjustment for the cost of the project to Mansfield.

6. Following the executive session three motions were passed unanimously.

7. The motions were:

(1). A motion to appoint two people to serve as representatives to the Mansfield Building Committee to gather preliminary information about the project to allow the Board to share information in a meeting with the board of selectmen and the board of finance.

(2). A motion to appoint two people to conduct a preliminary study with the representatives of the Mansfield board of education as to the advisability of regionalization for grades 9-12 with Mansfield.

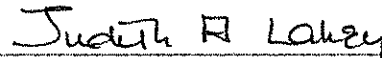
(3). A motion to request a meeting with the board of finance and the board of selectmen to discuss the E. O. Smith/Ashford/Mansfield reorganization and Ashford's possible financial contribution to the proposed joint building project for E. O. Smith.

8. It is found that the respondents failed to prove that the discussion at the executive session was held for a proper purpose under §1-18a(e)(4), G.S.

9. Although a civil penalty was requested, it is found that such penalty is not justified under the circumstances of this case.

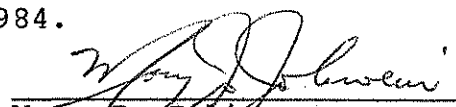
The following order by the Commission is hereby recommended on the basis of the record concerning the above-captioned complaint:

1. The respondent shall henceforth conduct its meetings in accordance with the requirements of §1-21, G.S. and §1-18a(e)(4), G.S.



Commissioner Judith A. Lahey
as Hearing Officer

Approved by order of the Freedom of Information Commission at its regular meeting of June 13, 1984.



Mary Jo Jolicoeur
Clerk of the Commission