

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
John W. Hyland and
The Hartford Courant

Report of Hearing Officer

Complainants

Docket #FIC 85-96

against

November 13, 1985

The Hartford Board of Education
and The City and Town of Hartford

Respondents

The above captioned matter was heard as a contested case on July 9, 1985 and September 24, 1985 at which time the complainants and the respondents appeared and presented testimony, exhibits and argument on the complaint. The hearing on July 9, 1985 was consolidated with #FIC 85-85 and #FIC 85-104, which were subsequently withdrawn by the complainant in those cases.

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

1. The respondent board is a public agency within the meaning of §1-18a(a), G.S.

2. By letter filed with the Commission on March 29, 1985, the complainants alleged that the respondent board held a meeting on February 28, 1985 which was closed to the public in violation of the Freedom of Information Act.

3. On February 28, 1985 the respondent board held a special meeting. The meeting was noticed on February 27, 1985 as a special meeting in executive session to discuss negotiations.

4. The respondent board denied the complainant Hyland and the public admission to the building where the meeting was held. Employees of the respondent board informed the police department and the public works department that the public should not be allowed in the building.

5. The respondents claim that the public did not have a right to attend because the notice stated that the meeting would be in executive session. The respondents claim that the complaint

exalts form over substance because even if the public could attend the beginning of the meeting, the notice had already stated that the meeting would be in executive session.

6. The respondents claim that the presence of pickets outside the building created a safety concern which justified closing the building rather than allowing the public in and then asking the public to leave for the executive session.

7. §1-21, G.S., requires that all meetings of public agencies be open to the public except for executive sessions. The section further provides that "A public agency may hold an executive session. . . upon an affirmative vote of two-thirds of the members of such body present and voting taken at a public meeting. . ." (Emphasis added.)

8. An agenda stating that a public agency will meet in executive session only provides notice that a motion will be made to go into executive session. A public agency may go into executive session only by taking a vote at the meeting itself.

9. Pursuant to §1-21, G.S., public agencies may not close a meeting in anticipation of disruption. If necessary, the safety of public meetings may be assured by the presence of security personnel and proper security measures. Pursuant to §1-21h, G.S., a meeting may be closed only if a disruption occurs, and in that case members of the news media must be allowed to remain at the meeting.


10. It is concluded that the respondent board violated §1-21, G.S., by holding a closed meeting on February 28, 1985.

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

1. Henceforth, meetings of the respondent board shall be open to the public as provided in §1-21, G.S.

Approved by order of the Freedom of Information Commission at its regular meeting of November 13, 1985.

By order of the Freedom of
Information Commission



Karen J. Haggett
Acting Clerk of the Commission