

Freedom of Information Commission
of the State of Connecticut

In the Matter of a Complaint by)
Saul Goldstein, Complainant) Report of Hearing Officer
against) Docket #FIC 76-10
City of Bridgeport and the)
School Board of the City of) March 5, 1976
Bridgeport, Respondents)
Mrs. Michael N. Grossberg,
Intervenor)

1. This is an investigation to determine whether or not the respondents have failed to comply with the order of this Commission in Dkt#FIC 75-18 as alleged by the complainant.

2. Complainant initially alleged that respondent Board violated the order in Dkt #FIC 75-18 by not filing notices of its meetings with the Secretary of the State and by denying him the right to speak at public meetings of that respondent.

3. Neither of the above contentions of complainant are found to be violations of the Commission's order.

- a. P.A. 75-342 section 6 requires that notice of the public meetings of the Board be filed with the clerk of the political subdivision. This has been done here. (Exhibit A)
- b. P.A. 75-342 does not mandate the right to be heard at public meetings. This right may be controlled in the discretion of respondent and subject to its by-laws.

4. The allegations of complainant and intervenor as regards the Board of Education meeting of February 9, 1976 are not contested and are found as follows:

- a. The first hour of the meeting was a continued executive session from January 26, 1976.
- b. There is no reference in the minutes of the January 26, 1976, executive session to continuing such executive session on February 9, 1976.

- c. The minutes of the executive session of January 26, continued into February 9, do not furnish sufficient information for the Commission to determine whether certain matters were taken up that are not permissible under section 1(e) of the Act.
- d. The respondent Board on February 23, 1976, voted to hold executive sessions on the first and third Monday each month.

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

1. The complaint based on the claim that the respondent Board violated the Commission's order in Dkt #FIC 75-18 is hereby dismissed.

2. It is hereby ordered that the respondent Board comply with sections 1(e) and 6 of the Act in the following respects. Hereafter each convening in executive session must be voted upon during public meetings and solely for the specific reasons stated in the Act, which must be explicitly set forth in the minutes. On any occasion when a particular matter is to be continued to a subsequent meeting, the decision to table this matter should be clearly stated in the minutes of the executive session.

3. The Commission recommends that the Board rescind or take other appropriate steps to remedy procedural defects in the action taken on February 23, 1976, which was not in keeping with the requirements of sections 1(e) and 6 of P.A. 75-342. In the event the Board attempts to implement the proposal to hold executive session on regularly scheduled dates, the Commission will entertain complaints that may be filed alleging violations of Sec. 1(e) and 6 of P.A. 75-342.

Judith A. Lahey

Commissioner Judith A. Lahey

as Hearing Officer

Approved by order of the Freedom of Information Commission
on March 24, 1976.

Louis J. Tapogna
Louis J. Tapogna
Clerk of the Commission