

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by )  
Neighborhood Childcare Cooperative, ) Report of Hearing Officer  
Complainant )  
 ) Docket #FIC77-142  
against )  
 ) August 30, 1977  
City and Town of New Haven and )  
the Board of Education of the )  
City and Town of New Haven, )  
Respondents )  
 )

The above captioned matter was heard as a contested case on August 15, 1977. At that time the complainant and the respondent Board of Education appeared and presented testimony, exhibits and argument on the complaint.

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

1. The respondent board is a public agency under §1-18a(a), G.S.

2. By letter of complaint filed with this Commission on July 29, 1977, the complainant alleged that the respondent board voted to lease one room in the Beecher School to each of two different organizations at an improper executive session held on July 20, 1977.

3. It is found that the respondent board held a public meeting on July 20, 1977 during which members of interested organizations made oral presentations concerning the leasing of rooms at the aforesaid school.

4. It is further found that after these presentations the respondent board convened in executive session.

5. While the minutes of the respondent board's executive session state that the purpose for convening in executive session was to discuss "personnel", those same minutes reveal that the first item of business actually discussed at such session was the proposed rental of school rooms. In addition, there was testimony that no purpose for convening in executive session was stated during the public portion of the meeting in question.

6. It is found that the stated purpose for convening in executive session did not relate to the matters discussed therein and that no matter was actually discussed which properly falls within any of the purposes for executive session as listed in §1-18a(e), G.S.

7. The minutes of the executive session do not show that any votes were taken therein. However, the uncontroverted testimony of a member of the respondent board present at that session was that the decision to rent the rooms at Beecher School was

made by asking the members of the respondent board if there were any objections to the proposed course of action.

8. On July 21, 1977 a letter was sent by the Assistant Superintendent of Schools indicating that the respondent board had in fact decided to lease the school rooms in question.

9. It is therefore concluded that the acquiescence of the respondent board to the proposal to rent constituted a vote by that agency on an issue before it.

10. It is further found that this vote was omitted from the minutes of the aforesaid executive session and was not available to the public in accordance with §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 decision of the respondent board to lease one room in the Beecher School to each of two different organizations is hereby declared null and void.

2. The Commission notes that the record of this case is replete with violations of the executive session and minutes provisions of the Freedom of Information Act. The Commission cautions the respondent board to attend to the requirements of the law if it wishes to avoid the imposition of more serious penalties in the future.

  
Helen M. Loy

as Hearing Officer

Approved by order of the Freedom of Information Commission on September 14, 1977.

  
Charlene G. Arnold  
Clerk of the Commission