

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by)
East Haven Taxpayers Association,) Report of Hearing Officer
Complainant)
) Docket #FIC77-143
against)
) September 28, 1977
East Haven Board of Education;)
and Chairman of the Board of)
Education of the Town of East)
Haven, Respondents)
)

The above captioned matter was heard as a contested case in conjunction with docket #FIC77-147, Thomas Venice vs. East Haven Board of Education and Chairman of the Board of Education of the Town of East Haven, on August 24, 1977 at which time the complainant and the respondents appeared and presented argument on the complaint.

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 written request prior to July 22, 1977 the complainant asked for notification of the regular and special meetings of the respondent board.
3. On July 22, 1977 the respondent chairman called a special meeting of the respondent board for July 27, 1977 at 7:30 p.m.
4. Although the respondent board failed to provide the complainant organization with any direct notification, one of its members attended the meeting in question.
5. After convening the July 27, 1977 special meeting, the respondent board voted unanimously to go into executive session to discuss roof bids for the Deer Run School addition and to discuss the 1977-78 budget.
6. During the aforesaid executive session the respondent board voted to award roofing contracts for two schools to one contractor. After that vote certain persons, who were not members of the board, joined the board, some of whom were present during the presentations by the others concerning aspects of the 1977-78 budget.
7. By letter received by the Commission on August 1, 1977 the complainant alleged that it had not received notice of the July 27 meeting and that the executive session of that date was illegally convened.

8. At the time of the hearing on the complaint the contractor who had been awarded the roofing contracts was performing the work contracted for.

9. The respondent board claimed that under §1-21c, G.S. where special meetings are called less than seven days prior to the date set for the meeting that it had no duty to give direct notice of such meeting to persons requesting such notification in writing, but that satisfaction of the procedural requirements of §1-21, G.S. is sufficient compliance with §1-21c, G.S.

10. Furthermore, although the respondent conceded that discussion of the budget was probably not a proper purpose for an executive session, the respondent claimed that the discussion of bids for roofing was a proper purpose for an executive session under §1-19(b) (7) as it is incorporated into §1-18a(e), G.S.

11. It is found that where a public agency calls a special meeting within seven days of the date set for that meeting and where a person has properly requested notice of such meetings, §1-21c, G.S., requires practical notice directed to such person and that the statute is not satisfied merely by the notice posted in the town clerk's office which is required by 1-21, G.S. and is directed to the public generally.

12. It is concluded therefore that the respondent board failed to comply with the requirements of §1-21c, G.S., when it did not provide notice directly to the complainant of the July 27, 1977 special meeting in response to the complainants written request.

13. It is further concluded that the executive session of July 27, 1977 was held without proper purpose and without proper limitations on the attendance of persons who were not members of the board in violation of §§1-19(b)7, G.S., as incorporated into 1-18a(e), G.S., and 1-21(g), G.S.

The following order of the Commission is hereby recommended on the basis of the records and the findings concerning the above captioned matter:


1. Henceforth the respondent board shall comply with §§1-18a(e), 1-21c and 1-21g, G.S.



Commissioner Donald W. Friedman

as Hearing Officer

Approved by order of the Freedom of Information Commission on
October 12, 1977.



Charlene G. Arnold
Clerk of the Commission