

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by)
Walter E. Schroder,) Report of Hearing Officer
Complainant)
) Docket #FIC77-18
against)
) March 9 , 1977
Town of Columbia, Board of)
Finance of Town of Columbia)
and Board of Education of the)
Town of Columbia, Respondents)
)

The above captioned matter was heard as a contested case on February 17, 1977, at which time the complainant and the respondent board of education and the respondent board of finance appeared and presented testimony, exhibits and argument on the complaint.

In issuing the notice of hearing, the Commission gave the designation of party to the respondent board of finance pursuant to §27 of its Rules of Practice. At the hearing herein, the complainant moved that the respondent board of finance be dropped as a party respondent. Counsel appearing on behalf of the respondent board of finance objected to said motion, arguing in favor of permitting it to fully participate in the hearing, whereupon the respondent board of finance retained its designation as a party hereto and was permitted to fully participate.

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

1. The respondents are public agencies as defined by §1-18a(a), G.S.
2. By letter of complaint filed with this Commission on January 31, 1977, the complainant alleged that on January 17, 1977, the respondent board of education and the respondent board of finance met together in executive session for a purpose not permitted under §1-18a(e), G.S.
3. A quorum of both respondent boards did meet in executive session on January 17, 1977.
4. The respondents first contend that their executive session discussion was for a proper purpose insofar as it concerned matters relating to records, reports and statements of strategy or negotiations with respect to collective bargaining within the meaning of §1-19(b)(8), G.S.
5. The respondents further contend that their jointly held discussion in executive session was not a meeting of a public agency within the meaning of §1-18a(b), G.S.

6. §1-18a(e)(5), G.S., permits discussion in executive session of only those matters which would result in the disclosure of public records described in subsection (b) of §1-19, G.S.

7. There was no showing at the hearing herein that any of the records discussed in the aforesaid executive session would result in the disclosure of a document not previously known to the public.

8. There was a showing, however, that the January 17, 1977 joint conference of both boards was a strategy session with respect to impending collective bargaining.

9. §10-153d(a), G.S., which authorizes the aforesaid joint conference of both boards, applies directly to the respondent board of education's statutory duty to negotiate with authorized teachers' representative concerning teachers' salaries and other conditions of employment.

10. All of the discussion in the executive session here in issue concerned a determination by the respondent board of education of the various factors that would go into its initial offer at the commencement of negotiations.

11. §1-18a(b) states: "'Meeting' shall not include strategy ... with respect to collective bargaining."

12. The January 17, 1977 joint conference of both boards is therefore found not to be a meeting of a public agency within the meaning of §1-18a(b), G.S.

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

1. The complaint is hereby dismissed.

Helen Loy

Commissioner Helen Loy

as Hearing Officer

Approved by order of the Freedom of Information Commission on
March 23, 1977.

Louis J. Tapogna

Louis J. Tapogna, as Clerk of the
Freedom of Information Commission