

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In The Matter of a Complaint by

FINAL DECISION

Mike Savino and
Record Journal,

Complainants

against

Docket #FIC 2018-0367

Director of Human Resources,
City of Meriden; School Readiness
Council, City of Meriden; and
City of Meriden,

Respondents

January 9, 2019

The above-captioned matter was heard as a contested case on September 11, 2018, at which time the complainants and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint.

After consideration of the entire record, the following facts are found and conclusions of law are reached:

1. The respondents are public agencies within the meaning of §1-200(1), G.S.
2. By letter dated and filed July 11, 2018, the complainants appealed to the Commission, alleging that the respondents violated the Freedom of Information Act ("FOI Act") in the following ways:

The city's School Readiness Council voted during a June 20, 2018 meeting to cut funding, administered through a state grant, to a day care program. The public [agency] decided to take action with public funds, but the city's website makes no reference to a School Readiness Council. There is no posting of its members, and there are no agendas, schedules, or minutes of meetings.

3. Section 1-200(1)(A), G.S., provides, in relevant part, as follows:

“Public agency” or “agency” means: (A) Any executive, administrative or legislative office of the state or any political subdivision of the state and any state or town agency, any department, institution, bureau, board, commission, authority or official of the state or of any city, town, borough, municipal corporation, school district, regional district or other district or other political subdivision of the state, including any committee of, or created by, any such office, subdivision, agency, department, institution, bureau, board, commission, authority or official. . . .

4. Section 1-200(2), G.S., defines “meeting” as:

[A]ny hearing or other proceeding of a public agency, any convening or assembly of a quorum of a multimember public agency, and any communication by or to a quorum of a multimember public agency, whether in person or by means of electronic equipment, to discuss or act upon a matter over which the public agency has supervision, control, jurisdiction or advisory power. . . .

5. Section 1-225, G.S., provides, in relevant part, as follows:

(a) The meetings of all public agencies . . . shall be open to the public. The votes of each member of any such public agency upon any issue before such public agency shall be reduced to writing and made available for public inspection within forty-eight hours and shall also be recorded in the minutes of the session at which taken. Not later than seven days after the date of the session to which such minutes refer, such minutes shall be available for public inspection and posted on such public agency's Internet web site, if available, except that no public agency of a political subdivision of the state shall be required to post such minutes on an Internet web site. Each public agency shall make, keep and maintain a record of the proceedings of its meetings.

....

(d) Notice of each special meeting of every public agency . shall be posted not less than twenty-four hours before the meeting to which such notice refers on the public agency's Internet web site, if available, and given not less than twenty-four hours prior to the time of such

meeting by filing a notice of the time and place thereof in the office of the clerk of such subdivision for any public agency of a political subdivision of the state. . . . Such notice shall be given not less than twenty-four hours prior to the time of the special meeting. . . .

6. The complainants contended that the members of the respondents' School Readiness Council secretly met on June 20, 2018 and voted to cut all funding to a specific day care program. The complainants further contended that the respondents failed to create minutes or a record of vote taken following the June 20th meeting.

7. It is found that the School Readiness Council is a public agency subject to the requirements of the FOI Act. It is further found that no party involved in this case disputes such a finding.

8. Jennifer Baglin, the respondents' School Readiness Coordinator, appeared and testified at the contested case hearing.

9. It is found that Ms. Baglin was hired by the respondents in 2014. Ms. Baglin candidly testified that she was never informed that the School Readiness Council was required to comply with the FOI Act with regard to its meetings (or the public records it creates). She further testified that, since being hired, she has not been provided with any FOI training or with any FOI materials to review.

10. It is found that Ms. Baglin learned that the School Readiness Council was not in compliance with the FOI laws when the complainants filed the instant complaint.

11. It is found that, upon learning that the School Readiness Council's June 20, 2018 meeting had been conducted outside of the requirements of the FOI Act, Ms. Baglin issued a notice and agenda for an August 20, 2018 meeting so that the matters concerning the day care funding cuts and the vote on such cuts could be re-discussed and voted upon in public. It is found that, subsequent to the August 20th meeting, Ms. Baglin timely prepared meeting minutes and the record of votes and delivered them to the Office of the City Clerk for posting.

12. It is found that, while the School Readiness Council has not been following the requirements of the FOI Act seemingly since 2014 (and perhaps even before 2014¹), Ms. Baglin pledged to conduct all future meetings in compliance with the FOI Act.

13. Finally, it is found that, while Ms. Baglin is School Readiness Coordinator, the fault for not conducting the School Readiness Council's meeting in accordance with the provisions of the FOI Act does not fall on her alone: It is found that the School Readiness Council is a 15-member council comprised of various government officials including the Mayor for the City of Meriden, a City Council Member, and a Superintendent—to name a few. It is found that any one of these officials should have realized that the School Readiness

¹ It is found that the School Readiness Council was created in or around 1998.

Council was not in compliance with the state's FOI laws.

14. Accordingly, it is concluded that the respondents violated §§1-225(a) and (d), G.S., by conducting an unnoticed meeting on July 20, 2018, and by not creating minutes and a record of the vote taken at such meeting, as alleged in the complaint.

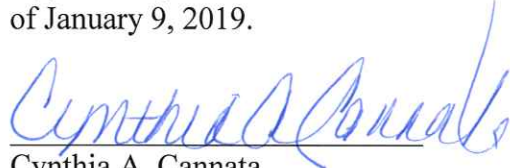
15. Finally, while the Commission finds Ms. Baglin's testimony most credible and trusts that, going forward, the School Readiness Council will comply with the requirements of the FOI Act, it is clear that the council and all of its members are in need of an FOI training session and one is so ordered.

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

1. Henceforth, the respondents shall strictly comply with the requirements of §§1-225(a) and 1-225-(d), G.S.

2. Forthwith, the respondents, or their designee, shall arrange for a FOI Act training session to be conducted by the staff of the FOI Commission. The respondents, or their designee, shall forthwith contact the FOI Commission to schedule such training session. All current members of the School Readiness Council shall attend the training session.

Approved by Order of the Freedom of Information Commission at its regular meeting of January 9, 2019.



Cynthia A. Cannata
Acting Clerk of the Commission

PURSUANT TO SECTION 4-180(c), G.S., THE FOLLOWING ARE THE NAMES OF EACH PARTY AND THE MOST RECENT MAILING ADDRESS, PROVIDED TO THE FREEDOM OF INFORMATION COMMISSION, OF THE PARTIES OR THEIR AUTHORIZED REPRESENTATIVE.

THE PARTIES TO THIS CONTESTED CASE ARE:

MIKE SAVINO AND RECORD-JOURNAL, 500 South Broad Street, Meriden, CT 06450

DIRECTOR OF HUMAN RESOURCES, CITY OF MERIDEN; SCHOOL READINESS COUNCIL, CITY OF MERIDEN; AND CITY OF MERIDEN, c/o Attorney Deborah L. Moore, City of Meriden, Office of the Corporation Counsel, 142 East Main Street, Suite 240, Meriden, CT 06451 and Attorney John H. Gorman, Office of the Corporation Counsel, 142 East Main Street, Meriden, CT 06450



Cynthia A. Cannata
Acting Clerk of the Commission