

Freedom of Information Commission  
of the State of Connecticut

In the Matter of a Complaint by )  
Glenora G. Forbes, Complainant ) Report of Hearing Officer  
against ) Docket #FIC75-7  
 ) November 5, 1975  
 )  
Ellington Board of Education, )  
Respondent )

The above captioned matter was heard as a contested case on November 5, 1975, at which time the complainant and the respondent appeared and presented testimony, exhibits and argument on the complaint.

After consideration of the evidence the following facts are found:

1. The respondent is a public agency, as it is the Board of Education of the Town of Ellington.
2. The proceeding that occurred on October 8, 1975, constituted a meeting as defined by Public Act 75-342 for the reason that the membership of the public agency was present to discuss and act upon matters encompassed by the governmental powers authorized to the respondent.
3. The meeting consisted of interviews by the public agency with two competing candidates for employment by the Board. After the interviews the session was

devoted to a discussion of the respective merits of the two candidates. Following the discussion a vote was taken that was, in fact, the decision of the Board.

4. Following the session of October 8, 1975, the decision to hire the successful candidate was again voted in order that it could be regarded as having been "officially" adopted when the matter was taken up at the meeting of October 15, 1975, a "regular" meeting of this public agency.
5. On October 1, 1975, the complainant transmitted to the respondent her request for notification of all meetings of the Board, including special meetings.
6. The Board promptly furnished to the complainant a listing of regular meetings in response to that request. A "committee" meeting was designated for that date in the list of various Board meetings she had been given on or about October 1, 1975. However, the Board did not transmit to her a special notice of the meeting of October 8, 1975.
7. On October 8, 1975, the Board met as a committee of the whole. It is concluded that the "committee" meeting was a special meeting of the public agency for such purposes of Public Act 75-342 as require notice and public access.

8. The notice set out in Exhibit A and dated October 2, 1975, was duly posted in the manner required by law as notice of a special meeting.
9. Although the request for special notice transmitted by the complainant was duly received by the respondent, the Chairman of the Board of Education failed to convey complainant's request to the staff that the Town of Ellington had assigned to furnish this public agency clerical assistance in the performance of its duties.
10. Special notice was not given to the complainant in accordance with Section 7 of Public Act 75-342, despite her written request.
11. The remedy that complainant requested does not require the Commission to determine whether or not the actions of the Board of Education at its meeting of October 8, 1975, are null and void under Section 14(b) of the Act and no such determination should be made under the facts alleged.


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

1. At such time as the Board assembles in any meeting for any purpose whatsoever it must hereafter comply

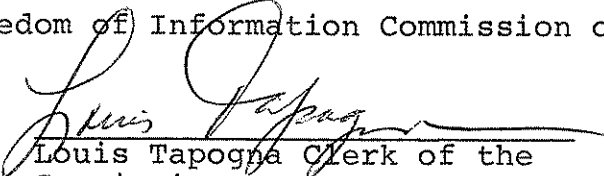
strictly with the provision of Section 6 of the Act that an affirmative vote be taken at that meeting before proceeding in executive session. Two-thirds of the members present and voting must vote to proceed in executive session before the Board can convene in executive session. The minutes of the meeting are required to set forth that vote as well as a statement of the reasons for proceeding in executive session.

2. The Board of Education must hereafter give notice of meetings of any committee in a manner consistent with the nature, subject or purpose of the committee and the meeting at such time as a quorum of the members of this public agency assembles to discuss or act as a committee upon a matter over which the Board has supervision, control, jurisdiction, or advisory power.
3. The Commission recommends that the respondent review its by-laws for the purpose of clarifying the authority and duties of the Chairman of the Board. In view of the present Chairman's testimony, the Commission suggests that the by-laws of the Board empower and require its Chairman to receive and open all communications of the Board as soon as they arrive and that the Chairman be authorized to delegate to staff persons assisting the Board the

function of receiving, opening and complying  
with requests for notices of meetings under  
Public Act 75-342.

  
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Commissioner Judith A. Lahey,  
as Hearing Officer

Approved by order of the Freedom of Information Commission on  
November 21, 1975.

  
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Louis Tapogna Clerk of the  
Commission