

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by	)	Report of Hearing Officer
John F. Gallo,	)	
Complainant	)	Docket #FIC78-65, 78-66,
	)	78-73
against	)	
	)	August 23, 1978
Town of Windsor Locks; and the	)	
Board of Finance of the Town of	)	
Windsor Locks,	)	
Respondents	)	

The above captioned matters were consolidated for hearing on May 23, 1978, at which time the respondent and complainant appeared and presented testimony, exhibits and argument on the complaint.

Subsequently the hearing officer determined that additional evidence was necessary and a hearing was held for that purpose on June 22, 1978.

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

1. The respondents are public agencies within the meaning of §1-18a(a), G.S.
2. The respondent board held special meetings on April 3, 4, and 6, 1978 to discuss the budget of the board of education.
3. The respondent board has the power to recommend or reject the total budget submitted by the board of education.
4. By letters of complaint filed with the Commission April 7, April 17, and May 4, 1978, the complainant alleged that during the aforesaid meetings the respondent board did not comply with the requirements of §1-21 and §1-18a(e), G.S.
5. The complainant first claimed that the respondent board failed to provide proper notice for the meetings in accordance with §1-21, G.S.
6. The notice which the respondent board gave the town clerk stated only the date, time and place of the aforesaid meeting.
7. It is found that the respondent board did not comply with the notice requirements of §1-21, G.S. because its notice of special meetings failed to state the business to be transacted at the meetings in question.
8. The complainant further alleged that the respondent board failed to comply with the requirements of §1-18a(e) and §1-21, G.S. by holding an improper executive session at the beginning of the meeting of April 3, 1978.

9. The respondent board opened the meeting of April 3, 1978 at approximately 7:00 p.m. but it excluded the public for about fifteen minutes.

10. During that period, the board discussed certain budgetary matters and voted to go into executive session to discuss strategy with respect to collective bargaining.

11. While discussion with respect to collective bargaining is not a public meeting under §1-18a(b), G.S., the meeting which began at 7:00 p.m. is within the jurisdiction of the Commission under §1-18a(b), §1-18a(e) and §1-21, G.S.

12. It is found, therefore, that discussion of strategy with respect to collective bargaining is an improper purpose for an executive session under §1-18a(e), G.S.

13. It is concluded that the public was illegally excluded from the first part of the meeting of April 3, 1978 in violation of §1-21, G.S.

14. The complainant further contended that the respondent board held an improper executive session on April 4, 1978 in violation of the requirements of §1-18a(e), G.S.

15. The respondent board claimed it held an executive session during the meeting of April 4, 1978 because the respondent board discussed strategy with respect to collective bargaining with the board of education.

16. It is found that strategy with respect to collective bargaining is not a proper purpose for an executive session within the meaning of §1-18a(e), G.S.

17. The complainant further alleged that the respondent board violated the requirements of §1-21, G.S. on April 6, 1978 by holding its meeting in a room which could not accommodate the members of the public who attempted to attend.

18. The aforesaid meeting was held in a room with dimensions of approximately 13 feet by 23 feet and a seating capacity of less than twenty.

19. Approximately sixty persons attempted to attend the meeting but many could not obtain access to the room.

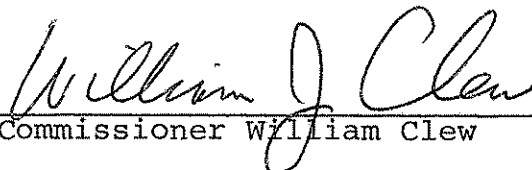
20. The air inside the room was oppressive and smoky. The room was overheated. People lined the walls and overflowed into the hallway.

21. Some people left because they could not get into the room.

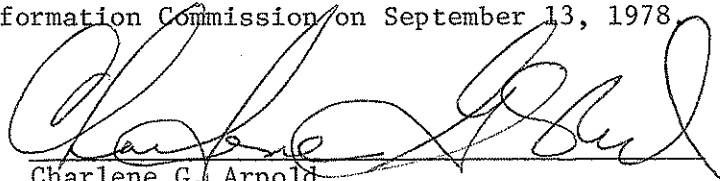
22. It is concluded that the overcrowding and the oppressive conditions under which the April 6, 1978 meeting was held amounted to a denial of access in violation of §1-21, G.S.

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

1. The respondent board shall henceforth comply with the requirements of §1-21, G.S. with respect to notice and access to its meetings as well as proper procedures for going into executive session.
2. The respondent board shall henceforth limit its executive session to purposes which are enumerated in §1-18a(e), G.S.
3. The Commission notes that discussions by public agencies of strategy with respect to collective bargaining are not defined as meetings under §1-18a(b), G.S. and therefore not subject to the notice and access requirements of the Freedom of Information Act. The respondent board in the instant case erred because it assumed that such strategy sessions were appropriate for executive session during a meeting called for the limited purpose of review of the board of education budget. On the contrary, discussions of strategy with respect to collective bargaining are neither proper agenda items for a public meeting nor proper purposes for executive sessions within the meaning of §1-18a(e), G.S. Discussions of strategy and negotiations with respect to collective bargaining may be held at any time without the formalities of the Freedom of Information Act.

  
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Commissioner William Clew  
as Hearing Officer

Approved by order of the Freedom of Information Commission on September 13, 1978

  
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Charlene G. Arnold  
Clerk of the Commission