

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Hartford Principals' and
Supervisors' Association
Local No. 22,

Complainant
against

Board of Education of the City
of Hartford,

Respondent

Final Decision

Docket #FIC79-132

January 8, 1980

The above captioned matter was heard as a contested case on August 6, 1979, at which time the complainant and the respondent appeared and presented testimony, exhibits and argument on the complaint.

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

1. The respondent is a public agency within the meaning of §1-18a(a), G.S.
2. By complaint filed with this Commission June 15, 1979, the complainant alleged that the respondent board had met in June without proper notice, had held illegal executive sessions and had failed to file minutes of the aforesaid meeting and executive session.
3. The complainant claimed that as a result of the executive session, the respondent, acting as a budget and personnel committee, voted to recommend a budget which had the effect of eliminating certain bargaining unit positions.
4. The complainant also requested a far reaching order making null and void any and all actions taken at such meeting or taken pursuant to such meeting.
5. The respondent claims at the outset that the Commission has no jurisdiction over the complaint by reason of its failure to hear the complaint within twenty days as required by §1-21i(b), G.S.
6. It is found that the requirement of §1-21i(b), G.S. is not mandatory but rather directory and that the Commission has jurisdiction over the complaint.
7. The respondent board has a budget and personnel committee which consists of five of its members.
8. Five members of the respondent board constitute a quorum.

9. The budget and personnel committee met June 6, 1979 and June 9, 1979 to discuss high school reorganization as part of its budget making process.

10. More than a quorum of the respondent board was present at the aforesaid gatherings.

11. It is found that the gatherings of the budget and personnel committee on June 6 and June 9 were meetings of a public agency within the meaning of §1-18a(b), G.S.

12. The complainant alleged that notice of both executive sessions was defective in that there was no proper notice of the matters to be considered at the executive sessions.

13. The respondent did not file notice with the town clerk of the June 6 and June 9 meetings, nor did it file minutes of the meeting or meetings.

14. It is found that the respondent violated the minutes and notice requirements of §1-21, G.S. by failing to file notice of its meetings with the town clerk and by failing to file minutes.

15. The respondent did not post notice of the adjournment of the June 6 executive session to the morning of June 9 on or near the door of the place where the regular or special meeting was held.

16. It is found that the failure of the respondent board to file notice of its meetings with the town clerk and its failure to post a notice of adjournment of the June 6 executive session at or near the door of the room where the meeting was held violated requirements of the Freedom of Information law set forth at §1-21 and §1-21d, G.S.

17. At both the June 6 and June 9, 1979 meetings there was discussion in executive session concerning the elimination of certain positions as a result of the high school reorganization.

18. The respondent board voted to go into the executive session to discuss persons, personnel and the reduction of positions at the June 6, 1979 meeting.

19. Dr. Eugene Mulcahy, a member of the complainant local, was asked to remain in the executive sessions on both June 6 and June 9.

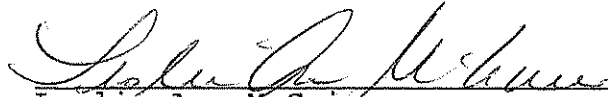
20. It is found that the executive session was not held for a proper purpose within the meaning of §1-18a(e), G.S. because an executive session to discuss personnel is proper only when it is limited to discussion concerning the appointment, employment, performance, evaluation, health or dismissal of a specific public officer and only when such public officer has had an opportunity to require that discussion be held at an open meeting.

21. It is concluded, however, that it would not be an appropriate remedy to rule null and void the actions of the respondent board which occurred as a result of the discussion which took place during the illegal executive sessions.

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

1. The respondent board shall henceforth comply with the requirements of §1-18a(e), §1-21 and §1-21d, G.S.

Approved by Order of the
Freedom of Information Commission
at its special meeting of December 19,
1979.



Leslie Ann McGuire
Clerk of the Commission