FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Karen Briggs and The Bristol Press,
Complainant
against
City and Town of Bristol; and
Board of Education of the City
and Town of Bristol;
Respondents

Report of Hearing Officer

Docket #FIC80-76

October 17, 1980

In the Matter of a Complaint by
Susan F. Roesch,
Complainant
against
City and Town of Bristol; and
Board of Education of the City
and Town of Bristol; and Chairman
of the Board of Education of the
City and Town of Bristol;

Docket #FIC80-131

The above captioned matters were consolidated because of the similarity of the issues.

The hearings were held on September 5, 1980, at which time the complainants and respondents appeared and presented testimony, exhibits and argument on the complaint.

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

1. The respondents are public agencies as defined §1-18a(a), G.S.

2. On March 13, 1980 and June 12, the executive committee of the respondent board met to discuss and prepare recommendations concerning a controversial school closing.

3. Members of the public and the press were excluded from the meetings.

4. A complaint regarding the March 13, 1980 meeting was filed by the complainant, Karen Briggs, and the Bristol Press on March 26, and a complaint regarding the June 12, 1980 meeting was filed by the complainant, Susan Roesch, on June 15, 1980.

5. At the meeting of March 13, 1980, the executive committee discussed and reviewed several committee reports and other pertinent statistics and materials relative to the NESDEC school facilites survey and redistricting.

6. The executive committee developed several recommendations at the aforesaid meetings which were subsequently submitted to the respondent board for a vote.

7. On June 8, 1980 the executive committee of the Board of Education met to discuss the redistricting plan.

8. The total membership of the executive committee is less than a quorum of the respondent board of education.

9. It is found, nonethe less, that the meetings of the Executive Committee of the Board of Education are proceedings of a public agency to discuss matters over which it has advisory power within the meaning of §1-18a(b), G.S.

10. It is therefore concluded that the meetings of the executive committee which are the subject of these complaints were held in violation of the open meetings and notice provisions of the Freedom of Information Act as codified at Connecticut General Statutes in §1-21 et seq.

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

1. Henceforth the executive committee of the respondent board shall comply with the open meetings and notice provisions of the Freedom of Information Act as codified in Connecticut General Statutes Section 1-21 et seq..

Judith A Lahey
Commissioner Judith Lahey
as Hearing Officer

Approved by order of the Freedom of Information Commission at its regular meeting of December 10, 1980.

Wendy Rae Briggs
Wendy Rae Briggs
Clerk of the Commission