

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by)
Southington Taxpayers Association,) Report of Hearing Officer
Complainant)
against) Docket #FIC76-229
Town of Southington and Town) February 3, 1977
Council of the Town of Southington,)
Respondents)

The above captioned matter was heard as a contested case on January 24, 1977, at which time the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint.

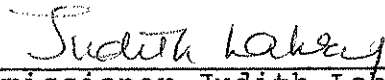
After consideration of the entire record, the following facts are found:

1. The respondents are public agencies as defined in §1-18a(a), General Statutes.
2. By letter of appeal filed with this Commission on December 22, 1976, the complainant alleged that the respondent council did not make available for public inspection minutes of its November 22, 1976 meeting in executive session as required by law, and further alleged that the respondent council did not meet in executive session for a proper purpose on December 13, 1976.
3. It is found that the respondent council did not record minutes of its November 22, 1976 executive session as required by §1-21 and §1-21g, General Statutes.
4. It is further found that the respondent council did not vote upon any issue before it at the aforesaid November 22, 1976 executive session meeting.
5. Part of the discussion in the December 13, 1976 executive session concerned an evaluation of the job performance of a town employee and the same discussion partly concerned fixing a dollar amount increment to the salary of this employee and a formal vote thereon.
6. It is found that that part of the aforesaid discussion and vote which concerned increasing the aforesaid employee's salary was not a proper purpose for an executive session as defined in subsection (e) of §1-18a, General Statutes.

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

1. The respondent council shall forthwith provide and make available for public inspection the minutes of its November 22, 1976 meeting in executive session as required by §1-19(a) and §1-21, General Statutes. The respondent council is advised that minimal compliance with §1-19 and §1-21 may be met by stating the following in the executive minutes: the time in which the executive session was called to order, the names of those persons who were in attendance, a brief statement of what was discussed if no vote was taken and the time of adjournment.

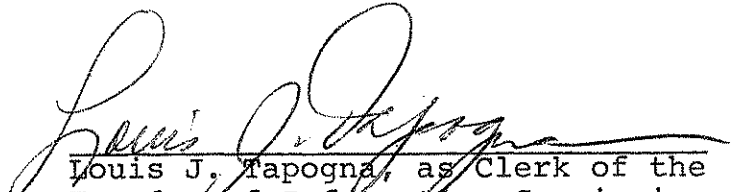
2. Henceforth, the respondent council shall strictly comply with the requirements of §1-21, General Statutes by holding executive sessions for only those purposes as defined in subsection (e) of §1-18a, General Statutes.



Commissioner Judith Lahey

as Hearing Officer

Approved by order of the Freedom of Information Commission on
February 9, 1977.



Louis J. Papogna, as Clerk of the
Freedom of Information Commission