

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by  
Ann DellaCamera,

Complainant

Report of Hearing Officer

against

Docket #FIC79-104

Board of Education of the Town  
of East Haven,

August 17, 1979

Respondents

The above captioned matter was heard as a contested case on July 10, 1979, 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 respondent is a public agency within the meaning of §1-18a(a), G.S.

2. By letter filed with the Commission May 15, 1979, the complainant alleged that the respondent board violated the Freedom of Information Act by holding an improper executive session and by permitting persons to attend such executive session who had no proper role in the proceeding in violation of §1-21g, G.S.

3. At its meeting on May 8, 1979 the respondent board voted to hold an executive session to review budget cuts and personnel items with the following persons: the mayor of East Haven; the director of finance; the president, majority and minority leaders of the town council; and board of finance members.

4. No notice of the special meeting was posted.

5. The executive session was convened on May 9, 1979 and lasted for two and one half hours.

6. The persons present at the executive session were presented with a list of the personnel who would have to be terminated as a result of the budget cuts. There was discussion of what accounts other than personnel could be cut, and an effort on the part of the members of the respondent board to obtain fiscal help from the other officials who were present.

7. The individuals who were listed as subject to termination were not informed that they would be the subjects of discussion during the executive session.

8. The respondent board claimed that the executive session was proper because it involved discussion of specific personnel and that the presence of those persons who were at the meeting was justified by their critical role in the budget process.

9. It is found that the discussion of specific persons who would be subject to termination was a proper purpose for an executive session within the meaning of §1-18a(e)(1), G.S. which permits discussion concerning the appointment, employment, performance, evaluation, health or dismissal of a public officer or employee, provided that such individual may require that discussion be held at an open meeting.

10. It is concluded, however, that the discussion which was held during the executive session which pertained in a more general fashion to the budget and the attempts to persuade the persons present to provide the board with additional fiscal assistance was not a proper purpose for an executive session within the meaning of §1-18a(e), G.S.

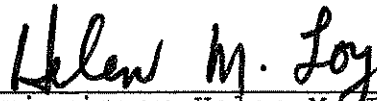
11. The persons who were invited to attend the executive session did have opinions to present which were relevant to the discussion of terminations which was properly the subject of the executive session.

12. It is concluded, therefore, that insofar as the executive session was limited to a proper purpose, that the presence of the mayor, the director of the board of finance, the president, the majority and minority leaders of the town council, and the board of finance members did not violate the requirements of §1-21g, G.S.

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

1. The respondents shall henceforth comply with §1-21, G.S. by limiting its executive sessions to the proper purposes set forth at §1-18a(e)(1), G.S.

2. The Commission noted that the failure of the respondent board to notify the teachers whose termination was discussed at the May 9, 1979 executive session so that each of them could have the option to have the discussion of their particular case in public also constitutes a violation of §1-18a(e)(1), G.S. However, that issue was not raised in the complaint and therefore it has not been considered in the hearing officer's findings and order.



Commissioner Helen M. Loy  
as Hearing Officer

Approved by order of the Freedom of Information Commission on  
September 12, 1979.



Leslie Ann McGuire  
Clerk of the Commission