

TOWN OF BERLIN



Information and Guidelines for Commissions, Boards and Committees



Published and Distributed

by

**The Office of the
Town Clerk
Berlin, CT**



(Rev. 11/7/2017)

INDEX

1. Familiarity with the Town Charter	Pg. 3
2. Derivation of a Board or Commission's Duties and Responsibilities	Pg. 3
3. Swearing-In	Pg. 4
4. Calling the First Meeting	Pg. 4
5. Officers	Pg. 4
6. Chairperson	Pg. 5
7. Quorums: Informal Meetings	Pg. 5
8. New Board or Commission - Getting Started	Pg. 5
9. Alternates and Substitutes	Pg. 6
10. Freedom of Information Requirements - General	Pg. 6
11. Minutes of Meetings	Pg. 7
12. Proper Official Conduct: Ethics	Pg. 8
13. Meeting Announcements/Agendas	Pg. 8
14. Clerical Assistance	Pg. 8
15. Meeting Room Availability	Pg. 9
16. Staff Assistance	Pg. 9
17. Legal Advice	Pg. 9
18. Procedural Advice	Pg. 10
19. Supplies	Pg. 10
20. Public Participation	Pg. 10
21. Reports	Pg. 11
22. Consultation with Appointing Authority	Pg. 11
23. Expenses	Pg. 11
24. Liability	Pg. 12
25. Attendance	Pg. 12
26. Resignations	Pg. 13
27. Meeting Times	Pg. 13
28. Rules of Procedure	Pg. 13
29. Smoking	Pg. 14
30. Budget Preparation	Pg. 14
31. Board/Commission Member Responsibilities	Pg. 14

Highlights of the Connecticut Freedom of Information Act (Be sure to consult Connecticut General Statutes)

Public Agencies	Pg. 14
Public Meetings	Pg. 15
Executive Session	Pg. 17
Public Records	Pg. 18

Boards and Commissions	Town Department	Telephone
Berlin-Peck Memorial Library Board	Berlin-Peck Memorial Library	860.828.7125
Board of Assessment Appeals	Assessor	860.828.7167
Board of Education	Board of Education	860.828.5015
Board of Ethics	Town Manager	860.828.7003
Board of Finance	Finance	860.828.7044
Cemetery Committee	Town Manager	860.828.7003
Commission for the Aging	Senior Center	860.828.7050
Commission for Persons with Disabilities	Social Services	860.828.7059
Conservation Commission	Development Services	860.828.7066
Economic Development Commission	Economic Development	860.828.7005
Historic District Commission	Development Services	860.828.7066
Housing Authority	Housing Authority	860.828.4500
Inland Wetlands & Water Courses Commission	Public Works	860.828.7022
Parks and Recreation Commission	Parks and Recreation	860.828.7009
Planning and Zoning Commission	Development Services	860.828.7066
Police Commission	Police Department	860.828.7093
Public Golf Course Commission	Timberlin Golf Course	860.828.7054
Public Building Commission	Public Works	860.828.7022
Town Council	Town Manager	860.828.7003
Veteran's Commission	Town Manager	860.828.7003
Visiting Nurses Association	Visiting Nurses Association	860.828.7030
Water Control Commission	Public Works	860.828.7022
Youth Services Advisory Board	Social Services	860.828.7059
Zoning Board of Appeals	Development Services	860.828.7066

TOWN OF BERLIN
**INFORMATION AND GUIDELINES FOR COMMISSIONS,
BOARDS AND COMMITTEES**

1. Familiarity with the Town Charter

The Charter is the organic law of the Town. It lays out the basic structure of Town Government and apportions powers, responsibilities and duties to officials and agencies of the Town. In addition, it specifies important procedures, especially pertaining to Town finances and personnel practices. Citizens appointed to boards/commissions or other agencies of the Town should review and be familiar with the Charter to understand the functioning of Town Government. Copies may be obtained from the Town Clerk's office. You may also retain a copy of the Town Charter from the Town's website at www.town.berlin.ct.us

2. Derivation of a Board or Commission's Duties and Responsibilities

The duties and responsibilities of your board or commission may be derived from one or more of four official documents or "source law". The Planning and Zoning Commission, Economic Development Commission, Public Building Commission, Conservation Commission, Parks and Recreation Commission, Inland Wetlands and Water Courses Commission, Historic District Commission, Commission for the Aging, VNA Board, Berlin-Peck Memorial Library Board, Board of Finance and the Board of Ethics are specifically provided for in the Charter. In addition, certain of these and other boards and commissions derive their powers and duties from the Connecticut General Statutes. There is no single place, however, to find the powers and duties in the Statutes. Reference must be made to the subject with which a certain board/commission deals or to Title 7, which covers municipalities, generally. Matters relating to planning and zoning are to be found in Title 8 of the General Statutes. Taxation matters dealing with the Board of Assessment Appeals are in Title 12. Board of Finance matters are covered in Title 7.

Certain boards and commissions are created by and, therefore, derive their powers and duties from local ordinances passed by the Town Council. Information on such agencies is found in the Berlin Code Book.

Finally, some committees are created by resolution of the Council. These are usually study committees or task forces and they derive their authority and responsibility from the resolutions which created them or amendments to those resolutions. Whatever the source of your board or commission's official grant of powers and responsibilities, it would be well to obtain a copy of it for easy reference.

3. Swearing In

Before commencing your service, you must be "sworn in". The Town Clerk will perform this function any business day between 8:30 a.m. to 4:30 p.m. Monday through Wednesday, 8:30 a.m. to 7:00 p.m. Thursday, and 8:30 a.m. to 1:00 p.m. on Friday, (check holiday hours). Occasionally, boards or commissions are sworn in as a group, but usually individual members take their oath by appearing at the Town Clerk's office. Appointees **cannot** participate in committee activity until they are sworn in. If there is, in your opinion, any potential conflict of interest you may have or any disclosure you wish to make, please refer to Code of Ethics in the Charter and the Town's Ethics Policy.

4. Calling the First Meeting

If your board or commission is newly created, the Town Manager, or the Town Clerk will customarily issue the official call for the first meeting. Usually this call includes an agenda specifying:

- (1) election of officers,
- (2) review of the board or commission's assignment
- (3) discussion of a work plan
- (4) setting future meeting dates.

5. Officers

Unless otherwise specified in the official source law, boards or commissions usually have the following officers: a chairperson, a vice-chairperson and a secretary. The officers are elected by the members of the board or commission at its first meeting. In some instances, the chairperson is designated by the appointing authority. Again, check the official source law. Election of officers shall be by open ballot.

6. Chairperson

The chairperson of your board or commission is the “first among equals” in relationship to other members. The chairperson presides at meetings and makes official communications on behalf of the board or commission representing therein board/commission consensus at all times, not his or her personal position. The chairperson is not an administrative official with directive or operating authority, so other members should not burden the Chair with expectations of getting things done which the chairperson cannot accomplish on his or her own. Similarly, the chairperson (or any member for that matter) should not attempt to direct Town operations which are the responsibility of an administrative office. All communications and information received by chairperson shall be shared with all other board/commission members.

7. Quorums: Informal Meetings

No vote of a board or commission may be taken unless a quorum is present. A quorum is a bare majority of the membership or some larger number of members if the board or commission’s rules so state. No unofficial (i.e. “off-the-record”) meetings permitted. The Freedom of Information Act prohibits meetings without a quorum (see Section 11). No meetings via email or messaging are permitted.

8. New Board or Commission - Getting Started

As indicated above, for new boards or commissions an agenda of essentials is issued as part of the call for the first meeting. One of the things that will probably be specified for consideration is discussion on the board or commission’s task assignment. If the board or commission has been created by local ordinance or resolution of the Council, this discussion should start with a review of the “charges” which usually appear in the official source law. It is important to talk out these charges to assure that all board/commission members have a common understanding of what they mean.

The second step is to decide on how to go about completing the assignment which the board/commission has been given; so a work plan needs to be developed.

Third, if the board or commission’s task is to produce a product such as a report or a recommendation, then a timetable should be established with specific work objectives. In some cases, the Council sets a deadline which board/commission

members should be aware of and set their schedule accordingly. The chairperson may wish to designate individual members or subcommittees to complete certain research to coincide with such a schedule.

Fourth, a schedule for board/commission meetings must be agreed upon which will allow sufficient group-work time to achieve the objectives. A list of regular meetings **must** be sent to the Town Clerk. Any meeting that is held on a date different than the date set forth in the list of regular meetings is considered a special meeting. Agendas for special meetings may not be modified during the meeting.

Fifth, the board/commission should agree on an agenda for the next meeting and authorize the chairperson, the Town Manager, or an assigned Town staff person to prepare the agenda and send it out.

9. Alternates and Substitutes

Some boards and commissions officially have alternate members whose positions are established by law. Official alternate members may vote and be counted for a quorum when they are filling in for an absent member.

If a member is holding membership on a board/commission by virtue of his/her status in some other organization or group (see also section on ex officio members), the member may be temporarily replaced by a substitute, but the substitute will not have voting and quorum status unless and until officially named as a permanent replacement by the organization or group who has given the authority to appoint.

10. Freedom of Information Requirements - General

All local public officials and agencies in Connecticut are subject to the State's Freedom of Information Act (Connecticut General Statutes, Chapter 3). All committee members, new or experienced, are advised to become current with the basics of this law. It has been amended several times and the way it is applied is constantly in transition as the State's Freedom of Information Commission reviews cases where violations have been alleged. "Case law" is thereby produced, not to mention the case law resulting from less frequent judicial opinions.

A summary of important provisions is attached. The Corporation Counsel through the Town Manager is available for advice pertaining to its application as indicated in Section 17, Legal Advice, of these guidelines.

The most important provisions of the law pertain to the need for proper meeting notices (normally 24 hours, posted in the Town Clerk's office), the filing of minutes and the holding of open meetings. Closed sessions are strictly proscribed. There are few legally valid reasons for having a closed or "executive" session, and it is unlikely that these apply to the affairs of more than a few local boards, commissions and committees.

It is advisable for all board or commission members to become familiar with the requirements of the Freedom of Information Act. A portion of an early meeting devoted to reviewing the act and its application is recommended.

11.Minutes of Meetings

Minutes must be taken for every board/commission meeting. The minutes must identify the date, time and place of the meeting, who was in attendance, which members were absent, what topics were discussed and what action (all votes) was taken. It is recommended that all public meetings be taped using a recorder. The written minutes may be detailed or in summary, as the board/commission wishes, but should be sufficiently detailed so a person can determine if he/she wants to hear the tape. If the board/commission is unable to record the meeting, the minutes should be provided in enough detail to indicate the substance of what took place.

Minutes must be emailed to the Town Clerk within seven (7) days of a meeting. All motions must be filed within forty-eight (48) hours and specify how each member voted. Each member of the board/commission and the Town Manager should be provided with copies of minutes as soon as they have been completed.

12. Proper Official Conduct: Ethics

The Town of Berlin has adopted a Code of Ethics which deals with the requirement of ethical conduct and certain disclosures by its officials. Members of boards and commissions are, by definition, “officials” of the Town so you are urged to become familiar with it. The Town Council also adopted an Ethics Policy. Annually, the Town Clerk must mail the policy to all officials. A signed receipt for all copies shall be returned to the Town Clerk and retained on file.

13. Meeting Announcements/Agendas

The board/commission must publish and/or post in the Town Clerk’s Office an announcement of the place and time of each meeting (regular or special) which includes an agenda of business expected to be addressed at the meeting. The agenda must list items to be discussed or action to be taken and be sent to board/commission members along with any pertinent back-up information. The Town Clerk must be provided with a copy of the meeting announcement/agenda so that it becomes officially available to the public. This is required at least 24 hours before the meeting. Any board/commission member can have an item placed on the agenda by notifying the board/commission chairperson or the staff person assigned to serve the board/commission. If the board/commission does not have rules of procedure which prohibit it, items may be added to the agenda at the meeting itself, but this must be done in accordance with the regulations of the Freedom of Information Act (see Attachment 1 – HIGHLIGHTS OF THE CONNECTICUT FREEDOM OF INFORMATION ACT, “Public Meetings” Item III.)

14. Clerical Assistance

Most board/commissions require clerical assistance. Minutes need to be taken, agendas prepared and correspondence done. It may be possible for the staff person assigned to serve the board/commission to assist somewhat, but the volume of work in most boards/commissions makes this impractical. Boards/commission members or staff people cannot meaningfully serve if they are busy writing down what others are saying. Consequently, a board/commission usually needs a clerk. If the Town Council has not made an appropriation for the board or commission’s functioning or has not otherwise authorized funds to be spent for its work, the chairperson may have to approach

the Council, through the Town Manager, for consideration of necessary funding. If and when funds are available and the board/commission desires a clerk, the Town Manager (who is in charge of personnel administration) should be contacted for provision of a person. Since such help is not readily available, recommendations by board/commission members of someone who might be willing and able to serve as board/commission clerk would be welcome. If no one is recommended and no applications are pending with the Town Manager, advertising may be necessary. This will be handled by the Town Manager. Board/commission clerks are paid according to an established schedule. The clerk will receive pay by check directly from the Finance Department based upon submittals of time records signed by the chairperson who is serving the board/commission.

15. Meeting Room Availability

Board/commissions will check with the Administrative Assistant in the Town Manager's office for meeting rooms. The Library and the Community Center have meeting rooms available and reservations are made by calling the Library or the Community Center directly.

There are some priority assignments for Town Hall meeting rooms. The Town Council has priority with respect to the Council Chambers on the second floor.

Committee and subcommittee meetings must be held in a public building unless the meeting involves a tour or field trip.

16. Staff Assistance

Unless the Town Council has made a definite indication of where staff assistance might come from, the board/commission should contact the Town Manager to discuss assigning a Town staff person to work with the board/commission.

17. Legal Advice

Under the terms of the Charter, the Corporation Counsel is the legal advisor to all Town agencies. To obtain his advice, the board/commission chairperson, with the knowledge of the board/commission should call the Town Manager. Requests for formal legal opinions should be made in writing by the chairperson, with the knowledge of the board/commission and the Town Manager. Formal

written requests to the Corporation Counsel **must** include a copy to the Town Manager. The formal written legal opinion must be sent to the Town Manager and to the Town Clerk.

18.Procedural Advice

Procedural advice not covered by these guidelines or by information which the Corporation Counsel might provide during an orientation may be obtained by calling the Town Manager.

19.Supplies

If the board/commission has a budget, it should determine, in consultation with its board/commission, what supplies will be needed. To order supplies, a purchase order must be prepared and submitted to the Finance Department. Boards or commissions which do not have a budget or who need a preliminary allocation of supplies should approach the Town Manager's office for enough materials-especially office supplies to start until they are permanently provisioned.

20.Public Participation

It is the Town Council's policy that all Town agencies maximize the opportunity for public participation in their deliberations subject to reasonable constraints to assure the conduct of public business. If the board/commission on which you are serving does not have rules of procedure (see Section 28) which specify conditions of public participation, then, as a minimum, time should be scheduled preceding the conduct of business at each meeting and at the end of the meeting. If time allows, there may also be an opportunity for public participation after a motion has been made and before the board/commission has voted. The board/commission may limit the amount of time each member of the public speaks if such limitations are required due to large number of people wishing to speak or an individual continuing to speak for a lengthy period of time.

21. Reports

Reports of the board/commission should be addressed to the appointing authority and/or requesting agency and should be rendered at least as frequently as the board or commission's charges direct. More frequent reports are usually in order. If the board/commission determines more frequent reports are in order, a brief summary of the board or commission's meetings compiled by the chairperson or his/her designee. If your appointing authority is the Town Council and you wish to transmit a report to it, address it to the Town Council and forward it to the Town Manager. The Town Manager, with consent of the Mayor, will place the matter on the Town Council's agenda. Major issues may be reported to the Town Council. An active dialogue between board/commissions and the Town Council/Town Manager are encouraged.

22. Consultation with Appointing Authority

If the board/commission wishes to consult with its appointing authority, it should make a direct request through the Town Manager. If the appointing authority is the Town Council and the board/commission wishes an informal meeting the chairperson should contact the Mayor or Town Manager and discuss scheduling with him/her.

23. Expenses

If board/commission members incur expenses and the money is budgeted they may obtain reimbursement by submitting the invoice or making out an expense voucher and filing it with the Town Manager. The chairperson should authorize the payment by signing the invoice or voucher where the "department head" signature line appears. Vouchers may be obtained from the Finance Department. The following expenses are among those that are reimbursable if related to your board or commission's work:

- a) Travel to an out-of-town meeting or conference.
- b) Meeting registration and related meal fees.
- c) In-town field trip travel and (if necessary) meal expenses.
- d) Expenses related to visiting pertinent out-of-town facilities or to observe programs in other communities (only if allowed in their budget or approved by the Town Manager).
- e) Mileage and travel expenses reports are available in the Finance

Department.

No board or commission is permitted to expend funds unless the funds have been appropriated in advance and are part of the board or commission's approved budget. Individual board/commission members have no authority to expend funds or obligate a board or commission to expend funds.

24. Liability

The Town of Berlin carries comprehensive public official liability insurance. Should you or your board/commission be sued for actions taken on behalf of the Town, you will be indemnified by the Town through this policy and the Town will provide legal representation if the actions taken by you were within the scope of your authority and were taken by you in good faith. You are cautioned that **ultra vires** acts (arbitrary abuses of authority or other acts outside of the scope of one's official duties) are usually not covered, especially if the act is willful or wanton. Questions of legal authority should be taken up with the Corporation Counsel to avoid such exposure.

25. Attendance

According to the Charter, members of boards, commissions and committees should attend **at least** 66% of all scheduled meetings of the board/commission on which they serve. The Council shall have the power to remove any member from any appointive board, commission or committee, as follows: (1) upon such a member's absence from three (3) consecutive meetings of the board, commission or committee, whether a regular or special meeting, without justifiable cause; (2) upon such a member's absence from thirty (30%) percent or more of meetings of the board, commission or committee, whether regular or special meetings, without justifiable cause during the twelve (12) month period commencing on February first (1st) or each calendar year and (3) for cause, after reasonable notice, and a hearing held at a regularly scheduled Council meeting, at which said member shall have an opportunity to be heard and may be accompanied by legal counsel. The chairperson of each board/commission should submit an annual report of the attendance of all members. The Town Manager's office will call for and provide the forms for such a report.

If members of your board/commission are not attending regularly, the board/commission should not wait but should discuss this matter immediately and refer the names of those with deficient attendance to the Council. If

discussion at that level does not produce improvement, the Council, as a whole, will take action.

26. Resignations

All resignations must be addressed and sent to the Town Clerk. Copies to the Town Manager, the Town Council or political party chairman are also suggested, but a resignation is not official and will not be acted upon until the Town Clerk receives the transmissions.

27. Meeting Times

New boards/commissions should naturally schedule times for meetings which will be most conducive to full participation by all members.

Important holidays, including important religious holidays, should be respected when scheduling meetings.

Each board, commission or committee must file, by January 31 of each year, a schedule of regular meetings for the ensuing year. The filing is made with the Town Clerk by the chairperson. Newly created boards/commissions must file a schedule of regular meetings for the balance of the calendar year as soon as possible after their organization. Unless the board/commission has rules of procedure which make other provisions for calling a special meeting, special meetings may be called by the board/commission chairperson, vice-chairperson, or staff person assigned to the board/commission.

28. Rules of Procedure

Formal Rules of Procedure should be established for permanent boards, commissions and committees only. A board/commission with a specific time deadline may burn up precious amounts of a limited schedule by pondering Rules and Procedure. It is recommended that board/commission try to keep meetings as informal as possible to encourage full participation by all members and to generate healthy choice. Rules should be applied only to the extent that is necessary to keep order and to make progress. Any board/commission not having rules will, in a situation where the imposition of rules becomes imperative, be deemed to be governed by "Roberts Rules of Order". Sample Rules of Procedure

are available from the Town Clerk's office for those desiring to establish their own rules.

29. Smoking

Connecticut General Statute's section 19a-342 prohibits smoking in public buildings.

30. Budget Preparation

Annually, your board or commission will be asked to prepare and submit a proposed budget for its operation during the succeeding fiscal year (July 1 – June 30). Budget request forms and instructions will be sent by the Town Manager. On request, the Town Manager's staff and the Finance Department will provide guidance above and beyond that which the written instructions will furnish. The budget must be submitted by December 1st to Finance.

31. Board/Commission Member Responsibilities

The board/commission shall act as a body and no member shall act on behalf of the board/commission unless authorized by the board/commission.

The chairperson may speak on behalf of the board/commission.

HIGHLIGHTS OF THE CONNECTICUT FREEDOM OF INFORMATION ACT (Be sure to consult Connecticut General Statutes)

PUBLIC AGENCIES

I. THE PUBLIC HAS THE RIGHT TO OBTAIN RECORDS AND ATTEND MEETINGS OF ALL PUBLIC AGENCIES WITH CERTAIN LIMITED EXCEPTIONS.

This applies to all state and local governmental agencies, departments, institutions, committees, authorities, boards and commissions. This includes any executive, administrative or legislative office as well as the judicial branch with respect to its administrative functions.

PUBLIC MEETINGS

II. MEETINGS, INCLUDING HEARINGS AND OTHER PROCEEDINGS, MUST BE OPEN TO THE PUBLIC UNLESS CLOSED BY A 2/3RD VOTE OF THE IN LIMITED, SPECIFIED SITUATIONS.

A public meeting is any meeting, hearing or other proceeding of a public agency, or gathering of or communication by or to a quorum of a multi-member agency, to discuss or act upon any matter over which it has authority. The following are not public meetings: personnel search committees, collective bargaining strategy and negotiating sessions; caucuses; chance or social gatherings not intended to relate to official business; administrative or staff meetings of a single-member agency (e.g. mayor); and communication limited to notice of agency meetings or their agendas.

No registration or other requirements may be imposed on a member of the public seeking attendance at a public meeting. (There are special rules for legislative lobbyists.)

The public, as well as the news media, has the right to photograph, record or broadcast meetings, subject to prior reasonable rules regarding non-interference or interruption with the conduct of the meeting.

III. ONLY THREE KINDS OF MEETINGS ARE RECOGNIZED UNDER THE FREEDOM OF INFORMATION ACT: REGULAR, SPECIAL AND EMERGENCY.

A state agency must file each year a schedule of its regular meetings with the Secretary of the State. A town or city agency must file each year a schedule of its regular meetings with the clerk of the town or city.

A special meeting may be called up to 24 hours before the time set for the meeting by posting a notice stating the time, place and business to be transacted. No other business may be transacted. A state agency files this notice with the Secretary of the State; a local agency files this notice with the municipal clerk.

An emergency meeting may be held without complying with the preceding notice requirements. However, the agency must file its minutes, including the reason

for the emergency, within 72 hours of the meeting with the Secretary of the State if a state agency, or the municipal clerk if a local agency.

IV. THE PUBLIC IS ENTITLED TO RECEIVE A COPY OF THE NOTICE AND AGENDA OF A MEETING.

To any person who has made a written request, each agency is required to send notices of its meetings, where practicable, at least one week prior to the meeting date. The agency may establish a reasonable charge for this service. This request, if made, should be renewed each year, and payment should be made in advance.

Each agency must make available its agenda for each regular meeting at least 24 hours before the meeting to which it refers. Upon a 2/3 vote of the members present and voting, new business, not put on the agenda, may be considered and acted upon.

V. THE MINUTES AND RECORD OF VOTES OF EACH AGENCY MUST BE AVAILABLE TO THE PUBLIC

The minutes of each agency meeting must be made available to the public within seven days of the session to which they refer in the agency's office if it has one, or, if none, in the Office of the Secretary of the State for state agencies or in the municipal clerk's office for local agencies. The minutes must contain the record of each member's vote upon any issue before the agency.

The votes of each member upon any issue at any agency meeting must be put down in writing and made available to the public within 48 hours, excluding weekends and holidays, of the meeting at which the votes were taken.

VI. CONDUCT OF MEETINGS

In the event that any meeting of a public agency is interrupted by any person or group of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meetings, the members of the agency conducting the meeting may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. The agenda of a regular meeting may be amended upon 2/3rds vote. The agenda of a special meeting may not be amended. Duly accredited representatives of the press or

other news media, except those participating in the disturbance, shall be allowed to attend any session pursuant to this section. Nothing in this section shall prohibit such public agency from establishing a procedure for readmitting an individual or individuals not responsible for willfully disturbing the meeting.

EXECUTIVE SESSION

I. AN AGENCY MAY CLOSE TO THE PUBLIC CERTAIN PORTIONS OF MEETINGS BY A VOTE OF 2/3 OF THE MEMBERS PRESENT AND VOTING. THIS VOTE MUST BE CONDUCTED AT A PUBLIC SESSION.

Executive Session under Connecticut General Statutes is defined as a meeting of a public agency at which the public is excluded for one or more of the following purposes:

- (A) 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;
- (B) Strategy and negotiations with respect to pending claims or pending litigation to which the public agency or member thereof, because of the members conduct as a member of such agency, is a party until such litigation or claim has been finally adjudicated or otherwise settled;
- (C) Matters concerning security strategy or the deployment of security personnel, or devices affecting public security;
- (D) Discussion of the selection of a site or the lease, sale or purchase of real estate by a political subdivision of the state when publicity regarding such site, lease sale, purchase or construction would cause a likelihood of increased prices until such time as all the property has been acquired or all proceedings or transactions concerning same have been terminated or abandoned; and
- (E) Discussion of any matter which would result in the disclosure of public records or the information contained therein described in subsection (b) of section 1-210.

Any business or discussion in a closed session must be limited to the above areas. A motion to convene in executive session must state the specific reason for the executive session, identify the persons invited to attend the executive session and be affirmatively voted upon by at least 2/3rds of the members of seated board of commission members. No motions or agency action shall occur in executive session.

The agency may invite persons to present testimony or opinions in an executive session, but their attendance must be limited to only the time necessary for that testimony or opinion.

The minutes must indicate all persons who were in attendance at the closed session, except for job applicants who were interviewed.

PUBLIC RECORDS

I. MOST RECORDS OR FILES OF STATE AND LOCAL AGENCIES INCLUDING MINUTES OF ALL THEIR MEETINGS, ARE AVAILABLE TO THE PUBLIC FOR INSPECTION OR COPYING.

This includes information or data which is typed, handwritten, tape recorded, photostatted, printed, photographed or recorded by any other method.

Inter-agency and intra-agency memoranda or letters are generally included.

II. RECORDS SPECIFICALLY EXEMPTED FROM DISCLOSURE BY FEDERAL LAW OR STATE STATUTE ARE NOT AVAILABLE TO THE PUBLIC.

In addition, the following records may not be available to the public: some preliminary drafts or notes; personnel or medical files; certain law enforcement records, including arrest records of juveniles and some witnesses and victim identification information; records relating to pending claims and litigation; trade secrets; test questions used to administer licensing, employment of academic examination; real estate appraisals and construction contracts until all of the property has been acquired; personal financial data required by a licensing agency; records relating to strategy or negotiations with respect to collective bargaining; tax returns and communications privileged by the attorney-client relationship; names and addresses of public school students; information obtained by illegal means; certain investigation records of reported misconduct in state government or names of state employees who reported such misconduct to the State Attorney General; and certain adoption records., election, primary, referendum and Town Meeting, petition pages, until certified; certain health authority complaints and records; certain educational records; records, the

disclosure of which the Commissioners of Correction and Public Works have reasonable grounds to believe may result in a safety risk; and records containing technology security codes; and related information. Also, records of personnel search committees need not be disclosed if they would identify executive level employment candidates without their consent. However, check General Statutes, as interpretations of F.O.I. Law can be subject to change and is often in flux.

III. THE PUBLIC MAY INSPECT PUBLIC RECORDS DURING REGULAR OFFICE HOURS. HOWEVER, A WRITTEN REQUEST FOR A COPY, PRINTOUT OR TRANSCRIPT SHOULD BE SUBMITTED TO THE AGENCY HOLDING THE RECORD THE PUBLIC DESIRES.

The fee for a copy of a public record must not exceed 50 cents per page. The fee for a computer disk, tape, CD, printout or transcript, or a copy thereof, must not exceed the actual cost to the agency involved. The agency may also require the prepayment of these fees if their estimated cost is \$10.00 or more. No sales tax may be imposed for copies of the public records requested under this Act.

The agency is required to waive any fee for copies if the person requesting the copies is poor and cannot afford it, if the records are exempt from disclosure; or if the agency determines that the request benefits the public welfare.

There is an additional charge of \$2.00 for each certified copy of a public record.

A denial by a public agency of a written request to inspect or copy records must be made in writing within four business days. If the agency fails to respond to the request in that period, such failure can be treated as a denial of the request.

NOTES