



Tanya D. Lane  
Town Manager

# TOWN OF NEWINGTON

RECEIVED FOR RECORD  
IN NEWINGTON, CT

131 Cedar Street Newington, Connecticut 06111

2018 APR -9 PM 2: 20

James E. Krupinski CCTC  
Town Clerk

*James E. Krupinski*  
Town Clerk

**Commission Guidelines Subcommittee**  
**Special Meeting Minutes**  
**Newington Town Hall, Conference Room L-100**  
**March 29, 2018 at 5:30 P.M.**

- 1) Call to Order/Pledge of Allegiance
  - Councilor Anest called the meeting to order at 5:36 P.M.
- 2) Attendance
  - Council members Carol Anest, Diana Serra and Gail Budrejko were present
  - James E. Krupinski, Town Clerk as Staff Liaison.
- 3) Public Participations
  - Michael J. Fox, 1901 Main Street – Requested the subcommittee review the attendance requirement for members on commissions. Requirements for action for removal needs review. Has reviewed surrounding Towns regarding to see what might be grounds for removal from the commission, i.e., 3 unexcused absences. Concerned with commission members attending by conference call. Upon review of plans by the commission during a Public Hearing, a member by phone should not be allowed to vote in that manner.
  - Rose Lyons, 46 Elton Drive – Please to see the Commission Guidelines booklet being reviewed. Need to review alternate status and attendance. Questioned if there you be a requirement for amount of meeting before being allowed to vote. Need to review if commissions can hold up starting a meeting when members are not present.
- 4) Old Business
  - Staff Liaison supplied: Ethics Signature Form, Meeting Requirement Outline, three (3) CCM presentations regarding Municipal Meetings and 5/23/1967 Council Minutes suggesting Legal Opinions should be filed in the Town Clerk's Office.
  - Members continued review of the booklet beginning in Section 12 through Section 24.
- 5) New Business
  - None
- 6) Approval of Minutes
  - March 12, 2018 Special Meeting minutes table to the next meeting
- 7) Public Participation

- Rose Lyons, 46 Elton Drive – Requested that all commissions include the complete packet information on the website.

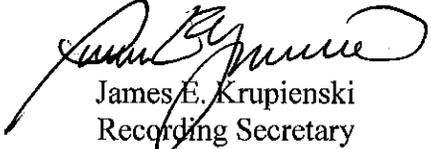
8) Committee Remarks

- Discussion took place to determine next meeting date tentatively as April 9, 2018.

9) Adjournment

- Councilor Serra, seconded by Councilor Budrejko moved a Motion to Adjourn. Motion carried unanimously.
- Meeting adjourned at 7:01 P.M.

Respectively Submitted,



James E. Krupinski  
Recording Secretary



## **TOWN OF NEWINGTON**

# **INFORMATION AND GUIDELINES FOR BOARDS, COMMISSIONS AND COMMITTEES**

**Prepared by the Office of the Town Manager**

**December 1983**

**Revised 1989, 1993, 2018**

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

**1. Familiarity with the Town Charter**

The Charter is the organic law of the Town. It functions for the Town as constitutions do for the State and Federal Governments. It lays out the basic structure of Town Government and apportions powers and duties to officials and agencies. In addition, it specifies important procedures, especially pertaining to Town finances and personnel practices. Citizens appointed to committees for the first time are well advised to begin their familiarization with a reading of the Charter to understand the functioning of Town Government. Copies may be obtained from the Town Clerk.

**2. Derivation of a Committee's Duties and Responsibilities**

The duties and responsibilities of your board, committee or commission, hereinafter referred to as "BCC", may be derived from one or more of four official documents or "source laws." The Town Plan and Zoning Commission, the Zoning Board of Appeals, Library Directors, Board of ~~Tax Review~~ Assessment Appeals, Board of Parks and Recreation, the Development Commission, Conservation Commission, are specifically provided for in the Charter. In addition, certain of these and other committees derive their powers and duties from the **Connecticut General Statutes**. There is no single place to find this in the Statutes however. Reference must be made to the subject with which a certain committee 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 dealt with by the Board of ~~Tax Review~~ Assessment Appeals are in Title 12, and the Newington Town Charter §604.

Certain committees are created by and, therefore, derive their powers and duties from local ordinances passed by the Town Council. Information on them is found in the **Newington Code of Ordinances**. The Code is available for reference at the Town Clerk's office and the Lucy Robbins Welles Library and the Town website. Such committees include project building committees, the

Standing Insurance Committee, the Human Rights Commission, and the Fair Rent Commission. Some of these may also have Connecticut General Statutes which apply to their responsibilities and procedures.

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 committee's official grant of powers and responsibilities, it would be well to obtain a copy of it for easy reference will be included in your appointment packet.

### **3. Swearing In**

Before commencing your service, it is required that you be "sworn in." The Town Clerk will perform this function any business day between 8:30 a.m. and 4:30 p.m. Occasionally committees are sworn in as a group, but usually individual members take their oath by appearing at the Town Clerk's office. ~~Appointees cannot~~ You may not participate in committee activities until they you are sworn in. At this ~~same-time,~~ the Town Clerk will present you with an Ethics Form to list any disclosure or ask you of any potential conflict of interest you may have or any disclosure you wish to make. See ~~Ethics Ordinance, Chapter 32 of our Code online for details of this.~~

Upon Swearing In you will receive:

- a. Ethics Packet & Disclosure Form
- b. Boards & Commission Booklet
- c. Signature Form indicating supplied information has been reviewed
- d. Authorizing Legislation for your Board or Commission

### **4. ~~Calling the First Meeting~~ Newly Created BCC**

If your committee is newly created, the Town Manager or the Town Clerk will ~~eustomarily issue the official call for the first official meeting.~~ The Agenda will include, but not limited to: Usually this call includes an agenda specifying:

- 1) election of officers,
- 2) review of the committee's assignment,
- 3) discussion of a workplan committee goals,
- 4) setting future meeting dates.

5) Public participation (See Section 22)

As indicated above, for new committees 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 committee's task assignment. If the committee 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 committee 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 committee has been given; so a workplan needs to be developed.

Third, if the committee'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 committee 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 committee 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.

Fifth, the committee 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.

**Organizational Meeting**

Election of Officers

Meeting Dates

Review of FIO Act

It is advisable for all committee 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. It is suggested that new committees or those where a significant change in membership has taken place schedule an early meeting with the Town Attorney.

**5. Officers**

~~Unless otherwise specified in the official source law, c~~Committees usually have a chairperson, a vice-chairperson and a secretary. These are normally elected by the members of the committee at its first meeting, and either annually or bi-annually. 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 nomination. Specific details can be found within the official source law.

**6. Chairperson**

~~The chairperson of your committee is the "first among equals" in relationship to other members.~~ The chairperson presides at meetings and makes official communications on behalf of the committee representing therein committee 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 other member for that matter) should not attempt ~~direction of Town operations which are the responsibility of an administrative official.~~ All ~~communications and information received by the chairperson shall be shared with all other committee members.~~

**7. Quorums: Informal Meetings**

No vote of a "BCC" ~~committee~~ may be taken unless a quorum is present. A quorum is a ~~bare~~ ~~majority~~ 51% of the membership or ~~some~~ a larger number of members if the as set forth in the ~~committee's~~ "BCC" rules, by-laws or authorizing statutes so state. No unofficial (i.e. "off-the-record") meetings are condoned. The Freedom of Information law prohibits them (see Section 11).

## **8. Getting Started**

As indicated above, for new committees 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 committee's task assignment. If the committee 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 committee 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 committee has been given; so a workplan needs to be developed.

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### **Regular Members**

**9. Alternates and Substitutes**

Some boards and commissions officially have alternate members whose positions are established by law. Official alternate members may vote and may be counted for a quorum when they are filling in for an absent member. Persons without official alternate status who are substituting for a regular member do not have the same capacity, however. Generally speaking, substitutes may not vote nor be counted as part of a quorum. With the permission of the Chair, they may participate in discussion. Otherwise, a substitute should be deemed to be only monitoring the proceedings for the person represented.

If a member is holding membership on a committee by virtue of his/her status in some other organization or group (see section 10 on **ex officio** members), the member may be temporarily replaced by a substitute, but that substitute will not have voting and quorum status unless and until officially named as permanent replacement by the organization or group who has been given the authority to appoint.

**10. Ex Officio Members**

If there are **ex officio** members of the committee, they hold their position by virtue of their official capacity. That capacity may be as an elected Town official, as an administrator, as a member of another board or commission, as a representative of a local club or organization, etc. **Ex officio** members **have** the right to vote **unless** the source law states that they do not.

**11. Freedom of Information Requirements**

All local public officials and agencies in Connecticut are subject to the State's Freedom of Information Act (Connecticut General Statutes, Chapter 14). 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.~~

~~On request of the committee chairperson, the Town Clerk will provide pamphlets and information concerning the law. A summary of important provisions is attached in Appendix A of this booklet. The Town Attorney is available for advice pertaining to its application as indicated in Section 18, Legal Advice, of these guidelines.~~

The most important provisions of the law pertain to the need and timing 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 Executive sessions are strictly proscribed. There are restricted to a few **bona fide** reasons:~~

1. Personnel;
2. Strategy & negotiations regarding claims & litigation;
3. Security matters;
4. Real Estate acquisition;
5. Matters that would disclose exempted public records.

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. A summary of important provisions of the Freedom of Information Act is attached in Appendix A of this booklet.

~~It is advisable for all committee 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.~~

## **12. Minutes of Meetings**

Minutes must be taken for every committee meeting. The minutes must identify the date, time and place of the meeting, who was in attendance, which members were absent, and what topics were discussed. It is recommended that there will be an audio recording of all public meetings. A Digital recorder is available in the ~~be taped using a recorder compatible with the recorder in the Town~~

~~Manager's Office and the~~ Town Clerk's Office. A tape recorder is available for use from the office of the Town Manager or the Superintendent of Schools. The written minutes may be detailed or in summary, as the BCC committee wishes rules, By-laws or statutory requirements, ~~but should be~~ sufficiently detailed so a person can determine if he/she wants to hear the tape. If the committee 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 signed by the secretary or clerk, and one copy must be filed with the Town Clerk within seven (7) calendar days after of a the meeting. (See Appendix ??) All motions must be filed within forty-eight (48) hours and specify how each member voted. Each member of the committee, the Town Council's liaison(s) and pertinent Town staff personnel should be provided with copies of minutes as soon as they have been completed. ~~Duplicating equipment is available at the Town Clerk's office.~~

### **13. Proper Official Conduct: Ethics**

The Town of Newington has adopted an Ordinance on 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. A pamphlet with the ordinance is available for all officials.

### **14. Meeting Announcements/Agendas Setting**

The BCC committee must publish and/or post in the Town Clerk's Office an announcement Agenda stating of the place and time of each meeting (regular or special) which includes an agenda of the business expected to be addressed at the next meeting. The agenda should list items to be discussed or action to be taken and be sent to committee members along with any pertinent back-up information. The Town Clerk must be provided with ~~two~~ one copies of the ~~meeting announcement/agenda~~ so that it ~~becomes officially~~ is available to the public. This is required at least 24 hours ~~before~~ prior to the meeting. Items not specifically included on the agenda may be included by a 2/3 vote of those present and voting. Any committee member can have an item placed on the agenda by notifying the committee chairperson or the staff person assigned to serve the committee. If the committee 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.

**15. Staff Assistance/Clerical Help**

Unless the Town Council has made a definite indication of where staff assistance might come from, the committee should contact the Town Manager to discuss assigning a Town staff person to work with the committee. The Town Manager and members of the Town's staff under their direction do serve committees on a regular basis.

Most committees 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 committee to assist somewhat, but the volume of work in most committees makes this impractical. If assistance will be necessary the request should be made as early as possible, to the Town Manager. Committee members or staff people cannot meaningfully serve if they are busy writing down what others are saying. Consequently, a committee usually needs a clerk. ~~If the Town Council has not made an appropriation for the committee's functioning or has not otherwise authorized funds to be spent for its work, the chairperson may have to approach the Council for consideration of necessary funding. If and when funds are available and the committee 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 committee members of someone who might be willing and able to serve as committee 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.~~

Committee 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 of the committee or the staff person who is serving the committee.

## 16. Meeting Room Availability

Committees have the choice of the following meeting rooms in the Town Hall: (1) Conference Room 1 (next to Town Manager's office), (2) Conference Room 2 (the Bicentennial Room, opposite the Town Manager's office), (3) Conference Room L-100 (ground level of building), (4) Conference Room L-101 ( Council Chambers) (ground level of building), (4) Auditorium (Old Council Chambers), and (5) Helen Nelson Meeting Room (Board of Education Room opposite Town Manager's office). Rooms are also available at the Joseph P. Doyle Community Complex and Lucy Robbins Wells Library.

~~Reservations may be made through the office of the Director of the Senior and Disabled Center or the office of the Library Director at the Complex. The Library also has meeting rooms available and reservations are made by calling the Library direct.~~

There are some priority assignments for Town Hall meeting rooms. The Board of Education has priority with respect to the Helen Nelson Meeting Room. Conference Room L-101 is permanently allocated the 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of twice each month to the Town Council, 2<sup>nd</sup> and 4<sup>th</sup> Wednesday of each month to the Town Plan and Zoning Commission, once the 1<sup>st</sup> Thursday of the month to the Zoning Board of Appeals, and twice the 3<sup>rd</sup> Tuesday of to the month to the Conservation Commission. The Town Council has priority with respect to use of the Council Chambers (L-101) all meeting rooms, with the exception of the Helen Nelson Room.

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

## 17. Staff Assistance

~~Unless the Town Council has made a definite indication of where staff assistance might come from, the committee should contact the Town Manager to discuss assigning a Town staff person to work with the committee. The Town Manager and members of the Town's staff under their direction do serve committees on a regular basis.~~

**18. Legal Advice**

Under the terms of the Charter, the Town Attorney is the legal advisor to all Town agencies. To obtain the Town Attorney's advice, the committee chairperson, with the knowledge of the committee, should call the Town Attorney directly or the committee may request the Town Manager or the staff member who might be assigned to the committee to contact the Town Attorney.–

~~It is suggested that new committees or those where a significant change in membership has taken place schedule an early meeting with the Town Attorney.–~~

**Legal Opinions**

Requests for formal legal opinions should be made in writing by the chairperson, with the knowledge of the committee, or the Town Manager. Formal written requests to the Town Attorney must include a copy to the Town Manager. All public Town Attorney Legal Opinions shall be in writing and filed in the Town Clerk's office .

**19. Procedural Advice**

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

**20. Supplies**

~~If the committee has a budget, it should determine, in consultation with its clerk or the staff member who might be serving the committee, what supplies will be needed. To order supplies, a requisition must be prepared and submitted to the Town Manager's office (see Section 21). Committees 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.~~

**21. Purchasing**

~~Purchasing must be conducted in accordance with the Town's Purchasing Manual which has been~~

~~published by the Town Manager who is Purchasing Agent. The manual specifies procedures which must be observed to assure that the purchase is legitimate and that payment will be made. No purchase \$7,500 or more may be made without competitive bidding (except retaining professional services). Only the Council may waive this requirement. Contact either the Town Manager's office or the Finance office for procedures for the purchase of lesser cost items.~~

~~To initiate a purchase, a requisition must be prepared and submitted to the Administrative Assistant in the Town Manager's office who is responsible for purchasing administration. The Town Manager's office will supply the forms on request. The chairperson or the staff member assigned to serving the committee must sign the requisition. Consult with the Administrative Assistant, the Finance office, or review the Purchasing Manual to obtain further details.~~

## **22. 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 committee on which you are serving does not have rules of procedure (see Section 30) 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 committee has voted. The committee may limit the amount of time each member of the public speaks if such limitations are required due to large numbers of people wishing to speak or an individual continuing to speak for a lengthy period of time.~~

## **23. Reports**

Reports of the committee should be addressed to the appointing authority and/or requesting agency and should be rendered at least as frequently as the committee's charges direct. More frequent reports are usually in order. If the committee determines more frequent reports are in order, the reports should

consist of a brief summary of the committee'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 will place the matter on the Town Council's agenda. Major issues may be reported to the Town Council. An active dialogue between committees and the Town Council/Town Manager is encouraged.

**24. Consultation with Appointing Authority**

If the committee wishes to consult with its appointing authority, ~~they should contact the~~ it should make a direct request if such authority is the Mayor or the Town Manager to schedule a meeting. ~~If the appointing authority is the Town Council and the committee wishes an informal meeting, the chairperson should contact the Town Manager and discuss scheduling with him.~~

**25. Expenses**

If committee members incur expenses connected with their assignment, they may obtain reimbursement by making out an expense voucher and filing it with the Finance Department. The chairperson should authorize the payment by signing the voucher where the "department head" signature line appears. Forms may be obtained from the Finance Department. The chairperson is well advised to ask for a few and keep them on hand.

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.

**26. Liability**

The Town of Newington carries the most comprehensive public official liability insurance available. Should you or your committee 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. You are cautioned that **ultravires** acts (arbitrary abuses of authority or other acts outside of the scope of one's official duties) are not necessarily covered, especially if the act is willful or wanton. Questions of legal authority should be taken up with the Town Attorney to avoid such exposure.

## **27. Attendance**

The Town Council's official policy is that members of boards, commissions and committees should attend **at least** 66% of all scheduled meetings of the committee on which they serve. The chairperson of each committee is required by the Council to submit a semiannual 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 committee are not attending regularly, the committee should not wait but should discuss this matter immediately and refer the names of those with deficient attendance to the Council majority or minority leader depending upon the party affiliation of the frequently absent member. If discussions at that level do not produce improvement, the Council, as a whole, will take action.

## **25. Resignations**

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

## **29. Meeting Times**

New committees should naturally schedule times for meetings which will be most conducive to full participation by all members. Convenience for public and news media attendance should also be kept in mind when setting meeting times. New committees are requested to stay away from Tuesday evenings which conflict with established Town Council and Conservation Commission meetings. Wednesday

evening is also busy - the Town Plan and Zoning Commission, the Board of Education and the Development Commission regularly meet on that night. Observance of all 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 committees must file a schedule of regular meetings for the balance of the calendar year as soon as possible after their organization. Unless the committee has rules of procedure which make other provisions for calling a special meeting, special meetings may be called by the committee chairperson, vice chairperson, or staff person assigned to the committee.

**30. Rules of Procedure**

Formal Rules of Procedure are required for permanent boards, commissions and committees only. A committee with a specific time deadline may burn up precious amounts of a limited schedule by pondering Rules of Procedure. It is recommended that committees try to keep meetings as informal as possible to encourage full participation by all members and to generate healthy discourse. Rules should be applied only to the extent that is necessary to keep order and to make progress. Any committee 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 Manager's office for those desiring to establish their own rules.

**31. Smoking**

Smoking is prohibited within all public buildings.

**32. Budget Preparation**

Annually your board or commission may 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.

**33. Committee Member Responsibilities**

The committee shall act as a body and no member shall act on behalf of the committee unless authorized by the committee. The chairperson may speak on behalf of the committee.

**Appendix A**

**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**

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

- A public meeting is any 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 with the conduct of the meeting.

**II. 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.

**III. 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 a notice of its

meetings, where practicable, at least one week prior to the meeting date. The agency may establish a reasonable charge for this service.

- 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.

#### IV. 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.

#### V. 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. Duly accredited representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held 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 is defined as a meeting of a public agency at which the public is excluded for one or more of the following purposes:
  - (1) 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;
  - (2) strategy and negotiations with respect to pending claims and litigation to which the public agency or a member thereof, because of his conduct as a member of such agency, is a party until such litigation or claim has been finally adjudicated or otherwise settled;
  - (3) matters concerning security strategy or the deployment of security personnel, or devices affecting public security;
  - (4) 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 price until such time as all of the property has been acquired or all proceedings or transactions concerning same have been terminated or abandoned; and
  - (5) discussion of any matter which would result in the disclosure of public records or the

information contained therein described in subsection (b) of section 1-211.

- Any business or discussion in a closed session must be limited to the above areas.
- 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 the votes of each member of the agency upon any issue and also 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:

preliminary drafts or notes; personnel or medical files; certain law enforcement records, including arrest records of juveniles and some victim identification information; records relating to pending claims and litigation; trade secrets; test questions used to administer licensing, employment or academic examinations; 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; the Attorney General's investigation records of reported misconduct in state government or names of state employees who report such misconduct to the Attorney General; petition information until certified; and certain adoption records.

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 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 for a 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, it shall be treated as a denial of the request.

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