



# **TOWN OF RIDGEFIELD**

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

This handbook is intended for use by appointed and elected officials of the Town of Ridgefield and is dedicated to the principles of open and transparent government.

Adopted by the Ridgefield Board of Selectmen December 7, 2022

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## 1. INTRODUCTION

Boards, Committees, Commission members have a critical role in the Town of Ridgefield. They serve as a conduit for citizen input, gathering, analyzing and recommending options to the Board of Selectmen, which, except for Town Planning & Zoning and Inland Wetlands, ZBA, Police Commission & Parks & Recreation Commission, is the final authority for making policy decisions. Any citizen can come before any Board, Committee or Commission of the Town to offer an opinion or make a suggestion for the betterment of the community as a whole. The individuals who serve on the Commissions are respected and appreciated volunteers in the community. Your dedication to improving the Town by serving is what makes Ridgefield a great place to live.

### 1.1. Purpose

The purpose of this booklet is to assist the many boards, committees, and commissions (**collectively referred to throughout this document as BCC's**) of the Town in functioning effectively and in a manner consistent with all applicable laws. It provides a brief description of procedures and provides details about important state statutes, such as the Freedom of Information Act and Local Code of Ordinances and Town Charter. This booklet merely provides guidance on important legal procedures, and is not intended to amend, supersede or supplement existing law. The statutes and regulations of the State of Connecticut contain the full range of legal obligations of committee members and local officials and should there be any question or ambiguity in interpreting this booklet, the advice of the Town Attorney through the First Selectman's Office should be sought.

### 1.2. Familiarity with the Town Charter

All members should familiarize themselves with the Town Charter and Ordinances found on the Town website for information regarding BCC's. All Chairpersons will ensure that all members receive these guidelines and should review each set of laws that pertain to the particular BCC of which they are a member. The Charter is the organic law of the Town. It functions for the Town of Ridgefield 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. 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, First Selectman's Office or online at [www.ridgefieldct.org](http://www.ridgefieldct.org).

## 2. FORMATION of BCC's and MEMBERSHIP

The duties and responsibilities of your BCC may be derived from one or more of four official documents or "source laws." There are some BCC's

that also derive their powers and duties from the **Connecticut General Statutes**. Matters relating to Municipalities can be found in **Title 7** in the Connecticut General Statutes; Planning and Zoning in **Title 8**.

Certain committees are created pursuant to **Town Charter** and by local ordinances passed by the Board of Selectmen. Their powers and duties may be found in the **Ridgefield Code of Ordinances or Charter**. Some may also adhere to Connecticut General Statutes, which apply to their responsibilities and procedures.

Committees that are created by vote of the Board of Selectmen are usually study committees or task forces and their powers and duties originate from the vote of the BOS.

The members of the BCC shall act as a body and no member shall act on behalf of the BCC unless authorized by the committee.

Members of all BCC's, upon their appointment, agree to the following responsibilities during their term of office. They shall adhere to Article XI of Town Charter Standard Code of Conduct:

- Demonstrate respect, fairness, consideration, and courtesy to others.
- Respect the authority of the chair.
- Prepare in advance of meetings and be familiar with issues on the agenda.
- Be respectful of other people's time, stay focused and act efficiently during meetings.
- Serve as a model of leadership and inspire public confidence in Town government.
- Act and speak with honesty and integrity.
- Be wary of conflicts of interest, and seek advice when appropriate.

## **2.1. Newly Formed BCC's**

### **a. BCC Formation**

The appointing authority of the non-elected BCC is the Board of Selectmen. In January of each year, agendas shall include, but not be limited to:

- 1) Election of officers;
- 2) Review of the BCC's charge;
- 3) Discussion of BCC's goals;
- 4) Discussion of FOI requirements;
- 5) Discussion of the Code of Ethics;
- 5) Setting future meeting dates; and
- 6) Public Participation

### **b. BCC Nomination Procedure**

Individuals seeking appointment are directed to contact the Chairperson or the First Selectman's office.

### **Appointment**

The goal of the appointing authority is to appoint qualified and interested individuals who are broadly representative of the Town. The appointing authority takes into consideration all relevant factors in making representative selections. The appointee receives written notification of appointment and the term of office from the First Selectman's Office.

#### **c. Alternate Members**

Some BCC's have alternate members whose positions are established by law. Official alternate members may vote and may be counted as a quorum when they are seated as a full member, by the chairperson or their designee.

### **Reappointment**

A member is under no obligation to accept reappointment nor is the appointing authority obligated to offer reappointment. The position is open and can be applied for by any townsperson. If, at the conclusion of a term, there is no action on a reappointment, the particular member of the BCC should contact the appointing authority to request their reappointment. A recap of ones attendance to meetings will be included in reappointment applications.

### **Resignation**

- a. An appointed member of a BCC who is no longer able to serve or who no longer desires to serve should submit a resignation promptly so that the vacancy may be filled. A written resignation shall be submitted to the chair and the Selectman's office.
- b. Elected Official (per Ridgefield Charter) must resign to the Town Clerk.

### **Removals or Terminations**

In rare circumstances, the Board of Selectmen may ask for a BCC member's resignation, or if necessary, terminate the appointment. Also, the failure to attend at least 75% of posted meetings for the calendar year may be grounds for removal. Adoption of a Resolution and, written notification to the BCC member will be given by the appointing authority in the event of such action.

## **2.2 Committee Orientation**

### **a. 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. You may not vote on any BCC's activities until you are sworn in.

Within thirty (30) days of election or appointment, all new BCC members shall review the information provided and shall sign the BCC Acknowledgement Form and return this form to the First Selectman’s Office, indicating they have received and read the information provided.

## **2.3 Proper Official Conduct: Members**

Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, Boards, Committees and Commissions, the staff or public. All officials representing the Town of Ridgefield shall be held to the highest level of dignity.

## **2.4 Proper Official Conduct: Ethics**

The Town of Ridgefield has adopted a Code of Ethics, which deals with the requirement of ethical conduct and certain disclosures by its officials. Members of BCC's are, by definition, "officials" of the Town of Ridgefield, so you are required to become familiar with the code of ethics, which can be found in the Town Charter Article XI. The laws regarding conflict of interest are complex and any BCC member or local official should seek proper advice from the Board of Ethics before acting in a manner that may cause a potential liability to the Town or one’s self.

## **2.5 Proper Official Conduct: Social Media**

The TOR depends upon an environment of tolerance and respect for the achievement of its goals in serving the citizens of the TOR. In that spirit, public comments in any forum, that contain racial slurs, express bigotry toward a group based on their race, religion, national origin, sexual orientation, gender, gender identity or any other legally protected classification may be considered conduct unbecoming a town official and may constitute good cause for removal for any appointed or elected official.

## **3. OFFICERS**

### **3.1 Elections**

BCC's usually elect a chairperson, vice-chairperson and for some BCC's, a secretary. The officers are normally elected by the members of the

BCC at its first meeting, and annually thereafter. In some instances, the chairperson is designated by the appointing authority. Election of officers shall be by open nomination. It shall be the responsibility of the chairperson to notify the Town Clerk of changes in officers.

### **3.2 Chairperson/Vice-Chairperson**

The chairperson presides at all meetings. The chairperson is not an administrative official with directive or operating authority. The chairperson has the same rights as other members to offer resolutions, make or second motions, discuss questions, and should vote on all actions before the BCC, unless a conflict exists. \*Roberts Rules of Order.

#### Responsibilities of the Chairperson

- Consult with the staff in drafting the meeting agenda.
- Attend meetings as needed to represent the Commission.
- Make the public feel welcome at meetings.
- Keep discussions orderly, focused, efficient, impersonal, and fair.
- Review BCC guidelines with all members.
- Monitor attendance of commission members and take action as necessary. Attendance of members must be reported to the Town Clerk and First Selectman Office by the end of January 31<sup>st</sup>, annually.

Responsibilities of the Vice Chairperson are to substitute for the Chairperson as needed.

## **3. MEETINGS**

### **4.1. Freedom of Information Act Requirements (FOIA)**

All local public officials and agencies in Connecticut are subject to the State's Freedom of Information Act ([Connecticut General Statutes, Chapter 14](#)). All members, new or experienced, are required to become current with the basics of this Chapter. If any member of a BCC has further questions on the FOI Act, they should contact the First Selectman's Office for further information.

The most important provisions of the law pertain to the need and timing for proper meeting notices, the filing of minutes and the holding of open meetings. Executive sessions are restricted to the following reasons:

1. Personnel;
2. Strategy & negotiations regarding claims & litigation;
3. Security matters;

4. Real Estate; and
5. Matters that would disclose exempted public records.

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

#### **4.2. Executive Session**

A committee may meet in executive session only for the purposes listed below:

- (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 a member thereof, because of the member's 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 for the lease, sale or purchase of real estate by the state or a political subdivision of the state when publicity regarding such site, lease, sale, purchase or construction would adversely impact the price of such site, lease, sale, purchase or construction until such time as all of 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 exempted public records or the information contained therein described in subsection (b) of [CGS§ 1-2 10](#).

Please note, BBC's will generally schedule a very limited number of the above-cited reasons to enter into executive session. In the instances where a committee has concerns regarding the application of the executive session privileges, they should seek guidance from the First Selectman's Office prior to the specific meeting.

#### **4.3. Meetings Subject to the Freedom of Information Act**

All meetings of a BCC, that do not fall within the exceptions listed above, must be open to the public and be in compliance with the American Disability Act.

#### **4.4. Attendance**

The Town of Ridgefield official policy is that members and alternates

of BCC's must attend at least 75% of all posted meetings of the BCC, for the calendar year. The chairperson of each BCC is required by the Town of Ridgefield to submit an annual report of the attendance of all members, on a form to the Town Clerk's office, which is then made part of the BCC's record.

If you are unable to attend the meeting, you **MUST** notify the Chairperson prior to the start of the meeting. If members of the committee are not attending regularly, the chairperson should discuss this matter immediately with the individual. If discussions do not produce improvement, the TOR will take any necessary action.

Excused absences shall be defined as those, which meet both of the following requirements:

- a) The absent member informed the BCC chair of their intended absence prior to the scheduled meeting, unless extenuating circumstances prevent advance notice.
- b) The absence is due to circumstances such as death in the family, family or personal illness, accident, scheduled vacations, business commitment or other unusual or unforeseen circumstances.

#### **4.5. Meeting Quorums**

No votes of a BCC may be held unless a quorum is present. A quorum is 51% of the membership or a larger number of members as set forth in the BCC rules, by-laws or authorizing statutes. No unofficial (i.e. "off-the-record") meetings are allowed. The Freedom of Information law prohibits them.

#### **4.6. Annual Organizational Meeting**

The Annual Organizational Meeting Agenda for established BCC's should include:

- A. Election of Officers;
- B. Meeting Dates;
- C. Review of the FOI Act; and
- D. Review of the Code of Ethics.
- E. Review of Town Charter

#### **4.7. Agenda Posting**

All meeting agendas (regular or special) shall be filed with the Office of the Town Clerk for posting on the Agenda board and the Town website.

The following information shall be included in every meeting posting:

- BOS language about treating all present with dignity, empathy and Civility
- The name of the public body that is meeting.
- The date and time of the meeting.
- Where the meeting is being held (location, room, address). If you are holding a virtual meeting access to this meeting needs to be provided.
- Any topics that are reasonably expected to be discussed at the meeting in sufficient details to reasonably advise the public of the general issues to be discussed provided however, that if a topic was not reasonably expected at the time of posting, it may be discussed at the meeting.
- Any revisions to the posting should be made as soon as possible prior to the meeting.

This is **required** no less than 24 hours prior to the meeting.

Any committee member may have an item placed on the agenda by notifying the chairperson. If the BCC does not have rules of procedure which prohibit it, items may be added to the agenda at the meeting itself, by a 2/3 vote of those present and voting.

Type Of Meeting	Notice of Meeting	Agenda/Notice Contents to Town Clerk	Adding to Agenda
<b>Regular</b>	File yearly schedule by January 31 w/ Town Clerk File agenda at least 24 hrs before meeting	Time, location and discussion topics must be included, in addition to the BOS mutual respect policy.	Agenda items may be added by 2/3 vote of those members present & voting
<b>Special</b>	To Town Clerk & on Town website at least 24 hrs before meeting	“Special Meeting” must appear on agenda in addition to time, place & agenda topics & the BOS mutual respect policy.	NOT PERMITTED
<b>Emergency</b>	None required <i>if emergency is justified</i>	None required <i>if emergency is justified</i>	<i>ONLY</i> emergency matters may be considered
<b>Regular-held partially electronically</b>	<i>Notice of partial electronically-held mtg</i> to Town Clerk, Town website & BCC (Board, Commission or Committee) members at least 48 hours prior to mtg.	Time, location (including link for virtual) and discussion topics must be included, in addition to the BOS mutual respect policy.	Agenda items may be added by 2/3 vote of those members present & voting.
<b>Regular-held virtually only</b>	<i>Notice of sole electronically held mtg</i> to Town Clerk, Town website & BCC members at least 48 hours prior to mtg.	Time, location (including link for virtual) and discussion topics must be included, in addition to the BOS mutual respect policy.	Agenda items may be added by 2/3 vote of those members present & voting.
<b>Special-held solely or in part electronically</b>	To Town Clerk & on Town website at least 24 hrs before meeting	“Special Meeting” must appear on agenda along with time, place, link & agenda topics, & indicate whether mtg will be held solely or in part using electronic equipment, in addition to the BOS mutual respect policy.	Not permitted.

#### 4.9. Meeting Times

All BCC's should schedule times for meetings, which allow participation by all members. Meeting schedules should take into account the adopted list of Town Observed Holidays 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 formation.

#### **4.10. Public Participation**

It is the Town of Ridgefield policy that all TOR agencies maximize the opportunity for public participation. An individual may not disrupt a meeting of a BCC and the chairperson shall instruct any individual or group of individuals who are disrupting a meeting to be silent. If after clear warning a person continues to be disruptive, the chairperson shall order the person to leave the meeting. Failure to abide by any such order may warrant police involvement at the request of the BCC.

Members should conduct themselves at public meetings in a manner that is fair, understanding, and gracious. Members should be considerate of all interests, attitudes, and differences of opinion. They should also take care to observe the appearance as well as the principle of impartiality.

#### **4.11. Minutes of Meetings/Electronic Recording of Virtual Meetings**

All BCC's shall create and maintain accurate minutes of all meetings.

Minutes are not intended to be a transcript of the meeting, but rather an accurate recording of the meeting topics discussed and actions taken by the BCC. The minutes must:

- State the date, time, (location, room, address)
- List all members present and all members absent
- Summarize each topic discussed by the BCC
- Clearly state all motions made and seconded with names
- Include a record of any actions or votes taken by the BCC

It is required that there will be a recording of all public meetings.

Minutes must be signed by the secretary or clerk, and one copy must be filed with the Town Clerk no later than seven (7) calendar days after the meeting for regularly scheduled meetings. All motions must be filed within forty-eight (48) hours and specify how each member voted. Each member of the BCC are responsible for reviewing the previous meeting minutes prior to adoption.

Type of Meeting	Votes/Motions to Town Clerk	Minutes to Town Clerk	Additional Requirements
<b>Regular</b>	Within 48 hrs after meeting (if minutes not available within 48 hrs)	Within 7 <i>calendar</i> days after meeting	
<b>Special</b>	Within 48 hrs after meeting (if minutes not available within 48 hrs)	Within 7 <i>business</i> days after meeting	
<b>Emergency</b>	Within 48 hrs after meeting (if minutes not available within 48 hrs)	Within 72 hrs after meeting; must state reason for emergency	
<b>Regular – held partially electronically</b>	Within 48 hrs after meeting (if minutes not available within 48 hrs)	Within 7 <i>business</i> days after meeting – list members in attendance in person and virtually.	Minutes must reflect which BCC members attended mtg in person or virtual; votes must be via role call unless unanimous.
<b>Regular – held virtually only</b>	Within 48 hrs after meeting (if minutes not available within 48 hrs). Recording or verbatim transcription of mtg (excluding exec. Session) on Town website & in Town Clerk office within 7 days – & to remain available for at least 45 days.	Within 7 <i>business</i> days after meeting – list members in attendance in person and virtually	‘Zoom Room’ (physical location) if member of the public requests in writing w/in 24 hrs of mtg. necessary electronic equipment to attend mtg. Ability for member of public to provide comment or otherwise participate in mtg. Votes must be via roll call unless unanimous. If quorum of BCC attend via electronic equipment from same physical location, public must be allowed to attend mtg from same physical location.
<b>Special – held solely or in part electronically</b>	Within 48 hrs after meeting (if minutes not available within 48 hrs)	Within 7 <i>business</i> days after meeting – list members in attendance in person and virtually.	Minutes must reflect which BCC members attended mtg in person or virtual; votes must be via role call unless unanimous.

#### **4.12. Rules of Procedure**

Formal Rules of Procedure are required for BCC's. Any BCC shall be governed by the Charter and Roberts Rules of Order.

#### **4.13. Meeting Schedule**

BCC's will not meet on holidays observed by Town government or other recognized holidays.

#### **4.14. Public/BCC Members Recording of Meetings**

- a. The chair must inform all present that the meeting is being recorded.
- b. Any member of the public or BCC member has a right to make an audio or video recording of an open session of a public meeting as long as the recording does not interfere with the meeting.
- c. Any member of the public or BCC member wishing to record a meeting must first notify the public and is expected to comply with reasonable requirements established by the chair so that said recording does not interfere with the meeting.
- d. The Chairman may prohibit such recording if it's reasonably found to be disruptive to the meeting.

## 5. LEGAL AND PROCEDURAL ADVICE

### 5.1. Town Attorney

Under the [Town Charter](#), the Town Attorney is the legal advisor to all TOR agencies. To obtain the Town Attorney's advice, the committee chairperson shall call the First Selectman's Office directly.

### 5.2. Legal Opinions

Requests for formal legal opinions shall be made by the chairperson and forwarded to the First Selectman's Office. All Town Attorney Legal Opinions must be in writing, supplied to the BCC and filed in the Town Clerk's office, excluding privileged opinions requested during Executive Sessions, until made public.

### 5.3. Procedural Advice

Information on procedures not covered in these guidelines may be obtained by contacting the First Selectman's Office or the Town Clerk.

### 5.4. Liability

The Town of Ridgefield carries public official liability insurance. Should you or your BCC be sued for actions taken on behalf of the Town of Ridgefield, you will be indemnified through this policy and the Town of Ridgefield 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 must be taken up with the Town Attorney to avoid such exposure.

## 6. COMMUNICATIONS

Any oral or written communication through any medium, including **electronic mail** or **social media**, between or among a quorum of any committee members on any public business within the BCC's jurisdiction is considered a violation of the Freedom of Information Act. This would be considered an illegal meeting.

Distribution of the following information and materials outside of a meeting is not considered deliberation so long as the material or information does not express any opinions of a committee member:

- Meeting agendas
- Scheduling or procedural information
- Reports or documents that will be discussed at the meeting

## 7. BUDGETS

### 7.1. BCC Budgets

In general, an individual BCC does not have a budget unless one is

authorized by the Board of Selectmen at the time of its formation. If a BCC anticipates a need to expend funds, it can request a budget for the next fiscal year through the First Selectman's Office; or, if funds are needed during a fiscal year, it can make a request to the First Selectman.

## **7.2. Expenses**

Before a BCC member incurs expenses connected with their assignment, they must obtain approval by their chairperson, who has obtained approval of the First Selectman depending on funds available in the budget.

## **8. REPORTING PROCEDURES**

### **8.1. Consultation with Appointing Authority**

If the BCC wishes to consult with the Board of Selectmen, they should contact the First Selectman's office to schedule a meeting.

### **8.2. BCC Reports**

The Board of Selectmen may, from time to time, request a BCC to provide updates, reports or completed projects for acceptance.

### **8.3. Annual Town Report**

All appointed committees should file an annual report of committee activities for the Annual Town Report. The chair or another designated member should detail committee membership, including changes, and a one-to three-paragraph explanation of major accomplishments and plans. A request for committee reports is issued each year and is due in the Selectman's Office no later than the last business day in September of each year regardless of notice. This reporting should also include the attendance record for all members.

## **9. SOURCES OF INFORMATION**

Town of Ridgefield, Code of Ethics

Town of Ridgefield, Town Charter

Connecticut General Statutes:

Title 1, Chapter 14, Freedom of Information Act

Title 7, Municipalities

Title 8, Zoning, Planning, Housing and Economic and Community Development

Title 12, Taxation

## APPENDIX A

### Definitions

**BCC** – Any appointed or elected board, commission, council, authority, committee or sub-committee created by the Town of Ridgefield.

**By-Laws** – A set of rules adopted to outline the powers and duties of its members.

**Code of Ethics** – A written set of guidelines issued by an organization to its workers and management to help them conduct their actions in accordance with its primary values and ethical standards.

**Code of Ordinances** – A document of all laws, rules or regulations adopted by the legislative body of a municipality.

**Freedom of Information Act** – Enacted in 1975 is a series of laws that guarantee the public access to public records of governmental bodies in Connecticut.

**Jurisdiction** – The area of responsibility covered by a particular BCC appointed or elected by the Town.

**Meeting** – A deliberation by any BCC or subcommittee thereof where it is intended that the body will have a discussion on any matter within the body's jurisdiction.

#### **Meeting Types:**

**Regular Meeting** – A meeting held based upon an adopted annual schedule of meetings to discuss and take action upon specific noticed items.

**Special Meeting** – A meeting held which has not been previously noticed to discuss and take action on a specific item or items.

**Executive Session** – A session which is closed to the general public to discuss specific topics that may disclose privileged information.

**Member Types** – Makeup of the membership of appointed or elected BCC's

**Regular Member** – Member of a BCC who was confirmed by the Board of Selectmen

**Alternate Member** – A member of a BCC, who during the absence of a regular member, shall act in the place and stead of such member and perform such duties as that member.

**Ex-Officio Member** – A member who holds their position by virtue of their office and their official capacity.

**Defacto Member** – A member authorized to continue in their office until reappointed or replaced by the appointing authority.

**Public Participation** – Seeks and facilitates the involvement of those potentially affected by or interested in a decision. This can be in relation to individuals, governments, institutions, companies or any entities that affect public interests. The principle of public participation holds

that those who are affected by a decision have a right to be involved in the decision-making process. Public participation implies that the public's contribution will influence the decision.

**Quorum** – Is 51% of the membership or a larger number of members as set forth in the BCC rules, by-laws or authorizing statutes.

**Town Attorney** – Appointed by the Board of Selectmen to represent the municipal government.

**Town Charter** – A legal document establishing a municipality such as a city or town.

**Board of Selectmen** – The elected governing body of the Town of Ridgefield (TOR).

## **APPENDIX B**

### **HIGHLIGHTS OF THE CONNECTICUT FREEDOM OF INFORMATION ACT**

(Be sure to consult Connecticut General Statutes  
[§1-200-259](#))

#### **PUBLIC AGENCIES**

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

State and local government agencies, departments, institutions, boards, commissions and authorities and their committees.

Executive, administrative or legislative offices, and the judicial branch and the Division of Criminal Justice with respect to their administrative functions.

Certain other entities based on the following criteria: (1) whether the entity performs a governmental function; (2) the level of government funding; (3) the extent of government involvement or regulation; and (4) whether the entity was created by the government.

#### **PUBLIC MEETINGS**

##### **I. MEETINGS, INCLUDING HEARINGS AND OTHER PROCEEDINGS, MUST BE OPEN TO THE PUBLIC - EXCEPT IN LIMITED 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: meetings of certain 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 communications 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.

The public, as well as the news media, may 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 multi-town district or agency must file each year a schedule of its regular meetings with the clerk of each municipal member of the district or agency. A special meeting may be called up to 24 hours (excluding weekends, holidays, and days on which the office of the Secretary of the State or municipal clerk, as the case may be, is closed) before the time set for the meeting. A special meeting is called by filing a notice stating the time, place and business to be transacted.

A state agency files this notice with the Secretary of the State; a local agency files this notice with the municipal clerk; a multi-town district or agency files this notice with the clerk of each municipal member of the district or agency.

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 (excluding weekends and holidays) of the meeting with the Secretary of the State if a state agency; or with the municipal clerk if a local agency; or with the clerk of each municipal member if a multi-town district or agency.

**III. YOU ARE ENTITLED TO RECEIVE A COPY OF THE NOTICE AND AGENDA OF A MEETING.**

An agency is required to send a notice of its meetings, where practicable at least 1 week prior to the meeting date, to any person who has made a written request. 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. New business not on the agenda may be considered and acted on only on a 2/3 vote of the members of the agency.

**IV. AGENCY MINUTES AND RECORD OF VOTES MUST BE AVAILABLE TO THE PUBLIC.**

The minutes of each agency meeting must be made available to the public within 7 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. In the case of special meetings, the 7 day period excludes weekends and holidays. The minutes must contain the record of each member's vote on any issue before the agency.

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

The minutes of a meeting at which an executive session occurs must indicate all persons who were in attendance at the closed session, except for job applicants who were interviewed.

## **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.**

Meetings to discuss the following matters may be closed: specific employees (unless the employee concerned requests that the discussions be open to the public); strategy and negotiations regarding pending claims and litigation; security matters; real estate acquisition (if openness might increase price); or any matter that would result in the disclosure of a public record exempted from the disclosure requirements for public records.

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.

### **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, printed, photographed or computer-stored.

Most inter-agency and intra-agency memoranda or letters.

**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 witness and victim identification information; records relating to pending claims and litigation; trade secrets and certain commercial or financial information; 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 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 report such misconduct to the state Attorney General or Auditors; certain adoption records; election, primary, referenda and town meeting petition pages, until certified; certain health authority complaints and records; certain educational records; certain records, when there are reasonable grounds to believe disclosure may result in a safety risk; and certain records, if disclosure would compromise the security or integrity of an information technology system. Also, records of personnel search committees need not be disclosed if they would identify executive level employment candidates without their consent.

**III. YOU MAY INSPECT PUBLIC RECORDS DURING REGULAR OFFICE HOURS, BUT COPIES, PRINT-OUTS OR TRANSCRIPTS SHOULD BE REQUESTED IN WRITING.**

The fee for a copy of a public record from a state agency must not exceed 25¢ per page. The fee for a copy of a public record from a non-state agency must not exceed 50¢ per page. The fee for a computer disk, tape, printout or for a 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; 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.

You are entitled to prompt access to inspect or copy public records. If an agency fails to respond to a request within four business days, such failure can be treated as a denial of the request.

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