

Meetings Requirements for Municipal Agencies Under The Freedom of Information Act

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Issue

Summarize the requirements for municipal boards and commissions under the Freedom of Information Act (FOIA) with respect to meetings, including those for notices, agendas, vote records, minutes, and public participation.

Summary

FOIA establishes requirements for public agency meetings and records. By law, municipal boards and commissions are public agencies under FOIA and therefore must comply with these requirements. Among other things, this means that local board and commission meetings must be open to the public, unless members convene in executive session for one of the permissible reasons set by statute. It also means that meetings must be noticed in advance, with the exception of emergency meetings. FOIA allows public agencies to hold emergency meetings, without advance notice, on matters requiring immediate consideration ([CGS §§ 1-200\(1\)](#) and [-225](#)).

While FOIA requires agencies to make meetings open to the public, it does not explicitly require them to provide for public participation. The state Freedom of Information Commission (FOIC) has consistently held that this decision is within the discretion of each agency, unless required or restricted by another applicable law. However, FOIC has been equally consistent in suggesting that agencies comply with the spirit of the law by allowing for public participation, to the extent possible (see [Advisory Opinion #35](#) (1978) and Final Decision, Docket [#FIC 2009-254](#) (2010)).

Meetings Under FOIA

FOIA recognizes three types of meetings: regular, special, and emergency. Each must be open to the public unless two-thirds of the members present vote to close it to go into executive session. An executive session may be held to discuss only certain issues, including sensitive personnel matters, security matters, or negotiations about pending agency litigation ([CGS § 1-200\(6\)](#)).

Table 1 lists each type of meeting and shows the requirements for local boards and commissions with respect to notices, posting agendas, and filing vote records and minutes. In addition to the specific requirements shown in the table, FOIA requires that each public agency, “make, keep and maintain a record of the proceedings of its meetings” in its place of business or, if there is no such place, with the town clerk ([CGS §§1-210\(a\)](#) and [-225](#)).

Table 1: Meeting Requirements under FOIA for Municipal Agencies*

<i>Meeting Type</i>	<i>Notice</i>	<i>Agenda</i>	<i>Vote Records</i>	<i>Minutes</i>
Regular**	Annually by January 31, must be filed with the town clerk; meetings cannot be held sooner than 30 days after the filing date	At least 24 hours before the meeting, must be (1) available in agency’s place of business and (2) filed with the town clerk	Must be (1) put in writing and made available to the public within 48 hours after the meeting and (2) recorded in the minutes	Must be available to the public no more than seven days after the meeting
Special**	At least 24 hours before the meeting, must be (1) filed with the town clerk and (2) posted on the agency’s website, if available Contents must specify the time, place, and business to be transacted	See required notice contents for special meetings	Same as for regular meetings	Same as for regular meetings
Emergency**	Not required if emergency is justified	Not required if emergency is justified	Same as for regular meetings	Must be filed with the town clerk within 72 hours after the meeting

* The requirements for state agencies are generally the same except that (1) documents must be filed with the secretary of the state, rather than with the applicable town clerk, and (2) certain documents, such as meeting minutes, must be posted on the agency’s website, if available.

**For regular meetings, calendar days count in determining the deadlines. For special and emergency meetings, only business days count (CGS § 1-225(g)).

KS:cmg