

# Connecticut Council of Small Towns

## Municipal Leaders' E-Bulletin

**TO:** First Selectmen, Mayors and Managers  
**FROM:** Bart Russell, Executive Director  
**DATE:** 9/25/08

**Readers' Note:** The COST Town Leaders' Bulletin is being sent to you as an information service of the Connecticut Council of Small Towns. It is distributed to municipal leaders statewide. We hope the information it contains is of value to you. If you notice either a typographical or factual error, please let us know ASAP (contact: info@ctcost.org). Thanks.

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### **COST SEEKS FIX FOR NEW FOI MANDATE ON TOWNS**

As indicated in a recent *Town Leaders' E-Bulletin* sent to you by COST, a bill passed during the legislature's special session requires towns to post meeting agendas and minutes on their websites within certain time frames under the state's Freedom of information Act (see summary below). **This unfunded mandate, which is effective October 1, imposes an untenable burden on towns**, most of which do not have full-time webmasters or other IT professionals and which rely on volunteers to prepare minutes for the numerous local boards and commissions.

### **FOI Commission Needs to Explain How it Will Enforce Law**

Last week COST organized a conference call "meeting" with senior staff of the Freedom of Information Commission (FOIC) to discuss and address the many problems associated with this new law. COST representatives explained the impact this unfunded municipal mandate will have on smaller towns and cities and asked how the FOIC intends to enforce the new law.

FOIC representatives said they expect the Commission to interpret the law in a reasonable manner (suggesting, for example, it was unlikely the FOIC would enforce the law against towns that do not have full-time webmasters). They conceded, however, that the law opens the door for complaints by town residents who believe their local board or commission has not complied with the Act. FOIC staff recommended that town officials call the Commission's toll-free number (866-374-3617) with any questions regarding compliance with the new law.

Within the next few days, COST's staff, Board leaders and legal counsel will be determining next steps for action, including the possibility of making a formal request for an advisory opinion from the Freedom of Information Commission regarding how the new law will be enforced. Needless to say, COST will make reform of this law a priority during the 2009 legislative session.

## **Some Towns Shut Down Websites – Your Action Needed Now**

If you haven't done so already, please let us know how this new law will impact your town. Also, let us know if your town is considering shutting down your website, as did the Town of Lyme, because of concern that the new law will result in numerous FOI complaints (**Note:** The new law only applies to towns if a website "is available").

### **Summary of the New Law**

Public Act No. 08-3 of the June 11 Special Session made some important changes to the Freedom of Information ("FOI") statutes. The changes, which are effective October 1, 2008, will require all municipal public agencies to post their meeting minutes and notices for special meetings on the town's web site within the same timeframes that were already in the statute. Accordingly, the minutes for each meeting must be available on the town's web site within seven days after the meeting and special meeting notices must be posted on the town's website not less than 24 hours before the special meeting.