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Mr. Randall M. Skigen, President
Board of Representatives

Dear Randy:

You asked for comments from the Law Department on the issue of whether a member of the Board of Representatives ("Board") may attend an executive session of a committee of the Board when that member is not a member of that committee. State statute dictates who may be in attendance at executive sessions. C.G.S. §1-231 provides, in pertinent part, that "at an executive session of a public agency [each committee is a public agency], attendance shall be limited to members of said body" The Freedom of Information Commission has ruled that "the issue of whether a member of a board is an ex-officio member of any of that board's subunits is a question governed by local law and would require proof that such local law confers ex-officio status on board members." *Wright v. Windham*, FIC 92-294.

The Board's Rules of Order do not confer on every member of the Board ex-officio status for every committee of the Board. The Rules of Order do provide that vice chairs of committees who are not members of the Steering Committee are ex-officio members of the Steering Committee. There is no other provision in the Rules of Order conferring ex-officio member status for any other members or for any other committees. Therefore, Board members are not ex-officio members of all of the Board's committees.

Although there is a provision in the Rules of Order that "all members of the Board of Representatives shall have the right to attend and to participate in any meeting of any committee of which they are not regular members, but without the right to vote," this provision does not confer membership status on Board members. This provision must be interpreted in light of the existence of the aforementioned provision on ex-officio membership on the Steering Committee; the latter provision does confer membership status, and the former does not. Therefore, except for the case of the Steering Committee as discussed above, board members who are not members of a given committee may not attend an executive session of said committee because C.G.S. §1-231 limits attendance to "members" of the committee.

Sincerely yours,

Kathryn Emmett
Corporation Counsel
KE/jid