

**Rochester Board of Education  
Audit Committee Meeting  
March 10, 2011**

**Minutes**

**Attendance:** Commissioners Williams, Elliott and White. **Board Staff:** Ms. Henry-Wheeler.

Commissioner Williams convened the meeting at 5:35PM.

- I. Discussion of FOIL Request:** Commissioner Williams opened discussion with the Committee communicating the motion from the Board for the Audit Committee to discuss the recent FOIL Request received by the Office of Auditor General.

Commissioner White asked why shouldn't the Board turn over the audit reports in their entirety as long as it does not jeopardize legal interests of the district. Commissioner Elliott stated that the Board should be transparent; otherwise it creates another disconnect with the community and puts the Board and the District in a bad light. She further stated that the Board wants to create a better relationship with the community. Commissioner Elliott stated that we need to be prepared to give the documents requested in the FOIL request without redacted information and that the information needs to be available to our taxpayers.

Commissioner Williams offered clarification to the Committee about the original FOIL Request regarding the option to submit redacted documents. He also stated that we should release our reports like the City of Rochester by putting the reports online.

The Auditor General stated that there was no suspicious intent in redacting the reports. Her understanding was that Audit Reports were exempt from FOIL requests and she requested Chuck Johnson, General Counsel, to research the exemption and provide feedback.

Commissioner Elliott asked the Auditor General if she conferred with Commissioner Evans or Commissioner Williams about the FOIL Request and who gave her the authority to redact the documents. Commissioner Williams stated that he had a conversation with the Auditor General about this issue a month ago but that it didn't register until the media covered the story. Ms. Henry-Wheeler stated that she sent two memos to the entire Board and that she spoke briefly with Commissioner Evans about this request. Commissioner White stated that the Auditor General was following the law by submitting redacted documents. Commissioner Elliott recommended that, in the future, the Auditor General make formal contact with the Audit Committee Chair and the Board President about issues this important.

Commissioner White stated that the Board should also be aware that there is a veil of protection for employees that make it safe for them to freely share information with the Office of Auditor General and that there is a potential consequence if audit reports are made public, they may no longer be forthcoming with information. This practice will cause the Office of Auditor General not to receive

*Minutes Recorded by Dannielle Belfiore  
Approved on May 05, 2011 AC Meeting*

information and create a “chill effect” for the Audit function. He also stated that the law allows redaction of certain information for a reason. Commissioner White communicated that the Board wants the Auditor General to be effective in identifying inefficiencies and illegalities that occur in the district.

Ms. Henry-Wheeler stated that a number of employees came to her office since the story broke in the media, concerned that their responses would be made public. The Auditor General also expressed concern about how the District would be impacted by the public release of information in audit reports if compliance issues were contained in the reports. Commissioner Elliott responded by stating that we need to be transparent due to the fact that the District is spending taxpayers’ dollars and that correction of the District can come from public pressure.

Commissioner Williams stated that he views the internal audit reports in the same way he views the NYS Comptroller’s reports of the district. Commissioner White stated that the Auditor General’s opinions should be fully disclosed and audit reports should be considered on a case-by-case basis for public disclosure.

Commissioner Elliott requested that additional meetings be held to discuss this matter further.

Commissioner White shared that people in leadership try to do their best, and with the best intentions, but, sometimes, even they do not get it right when it comes to addressing FOIL Requests. It is difficult to interpret the FOIL Law.

Chuck Johnson, General Counsel, stated that a resolution was being prepared. This resolution will be provided to the Board for their consideration at the next Board Meeting.

A motion was made to release the full (unredacted) audit reports requested by the Democrat and Chronicle. The motion will be forwarded to the Full Board for acceptance. The motion was made by Commissioner Elliott and seconded by Commissioner White with a 3-0 vote.

**II. Adjournment:** Meeting adjourned at 6:00PM.