



Freedom of Information Commission  
of the State of Connecticut

In the Matter of a Complaint by )  
Einar J. Boland, ) Report of Hearing Officer  
Complainant ) Docket #FIC 75-25  
against ) January 30, 1976  
Town of Woodbury, and Board of )  
Finance of Town of Woodbury )  
Respondents )

1. The respondent Board of Finance is a public agency of the Town of Woodbury.

2. On November 25, 1975, notice was given of a special meeting of respondent board.

3. Said notice omitted the date and agenda of this meeting and consequently did not comply with Section 6 of the Act.

4. At commencement of the meeting the chairman received waivers of notice from each board member in attendance. These waivers did not satisfy the requirement of public notice under the Act, public notice being the primary purpose of the Act itself.

5. The meeting was held to correct possible irregular procedures followed prior to funding authorization by the public.

6. There was no emergency to justify proceeding without notice under Section 6 of the Act. The circumstance that action of the board was needed to ratify expenditures previously authorized was not sufficient to satisfy the burden of proof that an emergency did, in fact, exist at the time and place of the November 26, 1975 meeting.

7. On December 10, 1975, the actions taken by the board at the November 26, 1975 meeting were ratified. The minutes of the December 10 meeting state as follows: -

W. Torrance moved that all actions of the Board at the November 26, 1975 meeting be ratified, confirmed and approved. R. Heyniger seconded. Approved unanimously.

8. Although the procedure of the public agency was incorrect, the Commission finds that the public agency acted in good faith in convening and conducting its meeting of November 26, 1975.

ORDER

1. The commission directs that the Board of Finance give the notice required by Public Act 75-342 for all future special meetings.

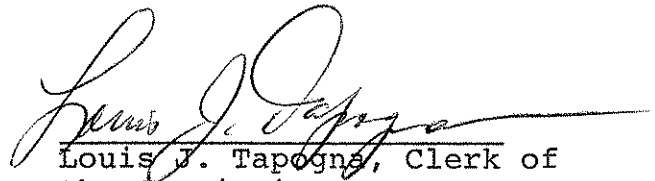
2. While the resolutions approved at the meeting of November 26, 1975 were adopted in violation of the procedural requirements of the Act, these resolutions were subsequently ratified in a lawful manner at the meeting of December 10, 1975. Therefore no further order need be entered by the Commission, as the purposes of the Act are served by this ratification.



Commissioner Judith A. Lahey

as Hearing Officer

Approved by order of the Freedom of Information Commission  
on February 20, 1976.



Louis J. Tapogna, Clerk of  
the Commission