

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by  
Mark J. Roy and WILLI,  
Complainant

Report of Hearing Officer

Docket #FIC79-244

against

City of Willimantic; Common Council  
of the City of Willimantic; Law and  
Public Safety Committee, Health and  
Sanitation Committee, Administration  
and Financial Committee, and Public  
Services Committee of Common Council  
of Willimantic,

Respondents

In the Matter of a Complaint by  
Mark McGrath and The Hartford  
Courant,

Docket #FIC80-4

Complainants

against

City of Willimantic; Common Council  
of the City of Willimantic; Law and  
Public Safety Committee, Health and  
Sanitation Committee, Administration  
and Financial Committee, and Public  
Services Committee of Common Council  
of Willimantic,

Respondents

In the Matter of a Complaint by  
Mark Svetz and The Willimantic  
Chronicle,

Docket #FIC80-6

Complainants

against

City of Willimantic; Common Council  
of the City of Willimantic; Law and  
Public Safety Committee, Health and  
Sanitation Committee, Administrative  
and Financial Committee, and Public  
Services Committee of Common Council  
of Willimantic,

Respondents

The above captioned complaints were consolidated because they concerned the same subject matter. The hearing was scheduled for May 18, 1980 at which time all parties appeared.

The above captioned hearing was held on May 13, 1980, at which time the complainants and respondents appeared and presented testimony, exhibits and argument on the complaint.

After consideration of the entire record, the following facts are found:

1. All of the above captioned complaints were filed with the Commission within 30 days of the alleged violations which occurred on December 17, 1979 and December 18, 1979.

2. The complainants allege that four committees of the common council met illegally at different times on December 17 and 18, 1979, in that they failed to post notice and to provide minutes of their meetings as required by §1-21 and §1-19(a) G.S.

3. One of the committees, The Law and Public Safety Committee, excluded the public because its newly elected members wanted to avoid any embarrassment which might arise due to their lack of experience.

4. Minutes of the meetings of the four subcommittees were not available within seven days following their meetings, although at the time of the hearing the minutes had been made available.

5. The Committees which held meetings at different times on December 17, and December 18, included the Law and Public Safety Committee, The Administrative and Financial Services Committee, the Health and Sanitation Committee and the Public Services Committee of the respondent Council.

6. The central issue in each of the complaints is whether the aforesaid committees of the common council are public agencies within the meaning of §1-18(a)(a) G.S.

7. The committees function as advisory bodies.

8. The committees meet to treat problems which fall within their different jurisdictions; meetings may occur at the suggestion of the city manager.

9. The committees reach a consensus on the problems before them and take recommendations to the respondent council.

10. Some committees vote on the recommendations which they propose to the respondent council.

11. The membership of each of the committees is less than a quorum of the respondent council.

12. At the meetings in question all of the aforesaid committees discussed similar subject matter.

13. The meetings which are in issue were held for informational purposes and for the purpose of exploring the manner in which the council, which was newly elected, would function.

14. The impact of the Freedom of Information Act upon council and committee functions was discussed.

15. The city manager told the committee members that it would not be a violation of the Freedom of Information Act for them to close their meetings to the press.

16. It is found that the committee meetings were held for the purpose of developing a consensus on how the respondent agency should do its business.

17. It is further found that the four committee meetings which took place on December 17 and 18 considered matters over which the four committees and the respondent agency have control, jurisdiction, and advisory power.

18. It is concluded, therefore, that the meetings of the committees which are the subject of the foregoing complaints were meetings of public agencies within the meaning of section 1-18a(a) because they were proceedings of public agencies to discuss or act upon matters over which the committees and the respondent council had supervision, control, jurisdiction or advisory power.

The following order by the Commission is hereby recommended on the basis of the record concerning the above captioned complaint:

1. Henceforth, the committees of the respondent council shall comply with the requirements of the Freedom of Information Act as codified in Chapter 3 of the General Statutes.




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Commissioner Donald Friedman  
as Hearing Officer

June 24, 1983

Docket #FIC79-244

Approved by order of the Freedom of Information Commission at its regular meeting of October 22, 1980, per minutes dated November 12, 1980.

  
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Mary Jo Jolicœur  
Clerk of the Commission