

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Stuart A. Webster,

Report of Hearing Officer

Docket #FIC81-209

Complainant

against

Town of Rocky Hill; Mayor of Rocky
Hill; Town Council of the Town of
Rocky Hill,

Respondents

The above captioned matter was heard as a contested case on April 8, 1982, at which time the complainant and the respondent mayor and town council appeared, stipulated to certain facts, and presented testimony, exhibits and argument on the complaint.

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

1. The respondent mayor and town council are public agencies as defined by §1-18a(a), G.S.

2. By letter of complaint filed with the Commission on December 24, 1981, the complainant alleged that the respondent mayor and four members of the respondent town council met, without public notice, on November 28, 1981, in violation of §1-21, G.S.

3. The complainant asked that a civil penalty be imposed pursuant to §1-21(b), G.S. for such alleged violation.

4. It is found that on November 28, 1981, the respondent mayor and four members of the respondent town council met with Rocky Hill's fire chief, town manager and others.

5. It is found that at the gathering referred to in paragraph 4, above, a dispute between Rocky Hill's fire chief and town manager was discussed.

6. It is found that a special meeting of the respondent town council, scheduled for November 30, 1981 for the purpose of airing the grievance between the fire chief and the town manager, was not attended by any of the four members of the respondent town council who met with the mayor on November 28, 1981.

7. It is found that the respondent mayor attended the special meeting scheduled for November 30, 1981, but that such meeting was adjourned due to a lack of a quorum.

8. It is found that six members of the respondent town council constitute a quorum.

9. The respondent mayor and respondent town council claim that the November 28, 1981 gathering was not a meeting as defined by §1-18a(b)

7. It is found that the special meeting of the respondent town council, scheduled for November 30, 1981 for the purpose of airing the grievance between the fire chief and the town manager, was not attended by any of the four members of the respondent town council who met with the mayor on November 28, 1981.

8. It is found that the respondent mayor attended the special meeting scheduled for November 30, 1981, but that such meeting was adjourned due to a lack of a quorum.

9. It is found that six members of the respondent town council constitute a quorum.

10. The respondent town council and the respondent mayor claim that the November 28, 1981 gathering was not a meeting as defined by §1-18a(b), G.S., because less than a quorum of the respondent town council was present, because those present did not constitute a standing subcommittee, and because those present were not authorized to take any action.

11. It is found that at the November 28, 1981 gathering a conflict between the fire chief and the town manager, scheduled for airing before the full town council, was discussed and resolved, rendering the scheduled November 30, 1981 meeting unnecessary.

12. It is concluded that notwithstanding the absence of a quorum, the November 28, 1981 gathering was a meeting of the respondent town council within the meaning of §1-18a(b), G.S. because it was a hearing or proceeding of a public agency to discuss a matter over which the public agency has supervision, control, jurisdiction or advisory power.

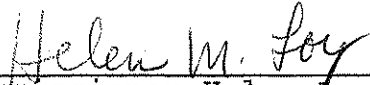
13. It is found that no notice was posted for the November 28, 1981 meeting, nor were any minutes taken at such meeting, in violation of §1-21, G.S.

14. It is found that the complainants failed to prove by any credible evidence that notice of the November 30, 1981 special meeting was not posted as required by §1-21, G.S.

15. The Commission believes that it is inappropriate to impose a fine and therefore the complainants' request that the respondents be fined is hereby denied.


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

1. Henceforth the respondents shall act in strict compliance with the notice and minutes requirements of §1-21, G.S.



Commissioner Helen Foy
as Hearing Officer

Approved by order of the Freedom of Information Commission at its regular meeting of August 11, 1982.



Mary Jo Jolycoeur
Clerk of the Commission