

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Francis Fagan

FINAL DECISION

Complainant

Docket #FIC 84-131

against

December 3, 1984

Bridgeport Board of Police Commissioners

Respondent

The above captioned matter was heard as a contested case on September 17, 1984 at which time the complainant and the respondent 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 is a public agency within the meaning of §1-18a(a), G.S.

2. By letter of complaint filed with the Commission on July 17, 1984, the complainant alleged that the respondent violated §1-21, G.S., at a meeting on June, 19, 1984, by failing to take an affirmative 2/3 vote to consider and act upon a matter that was not on the agenda for that meeting.

3. The agenda for the June 19, 1984 meeting included an item entitled "Miscellaneous Correspondence." Under this item, the respondent considered a letter from the Mayor which concerned a proposed contract with Thomas Thear, a consultant. The letter and the contract were read into the record at the meeting.

4. An affirmative 2/3 vote to add consideration of the contract to the agenda was not taken at the meeting. Nonetheless, a motion was made and the respondent voted to approve the contract.

5. It is concluded that the respondent violated §1-21, G.S., by failing to take a 2/3 affirmative vote to consider and act upon the contract.

6. The complainant requested that the vote taken to approve the contract with Thomas Thear be declared null and void. However, it is found that the contract with Thomas Thear was

declared null and void by the Superior Court and was never performed. Therefore, a null and void order by the Commission would have no consequence.

7. Though not a part of the complaint, it is noted that the vote to approve the contract with Thomas Thear was improperly recorded as "so carried." Section 1-21(a), G.S., requires that the votes of each member be reduced to writing.

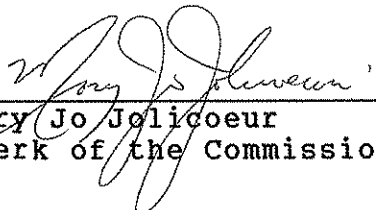
The following order by the Commission is hereby recommended on the basis of the record concerning the above captioned complaint.

1. Henceforth the respondent shall act in strict compliance with §1-21, G.S., regarding the consideration of non-agenda items at regular meetings.

2. As the first item of business at the next regular meeting of the respondent, this decision shall be read into the record.

3. This decision shall be posted at the respondent's office and shall be published by the respondent as a legal notice in a local daily newspaper of general circulation.

Approved by order of the Freedom of Information Commission at its regular meeting of November 28, 1984.



Mary Jo Jolicoeur
Clerk of the Commission