

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Jeffrey Cross,

Complainant

Docket # FIC 2019-0145

against

Chairman, Fire Commission,
Enfield Fire District #1; and
Fire Commission, Enfield
Fire District #1,

Respondents

January 8, 2020

The above-captioned matter was heard as a contested case on May 21, 2019, at which time the complainant and respondents 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 and conclusions of law are reached:

1. The respondents are public agencies within the meaning of §1-200(1), G.S.
2. By letter of complaint filed March 12, 2019, the complainant appealed to the Commission, alleging that the respondents violated the FOI Act in the following way:

Attached you will find a copy of the agenda announcing the regular meeting of the Enfield Fire District [C]ommission for March 7, 2019. Please note item 8, Executive Session to discuss personnel issue. This is an improper notification of an executive session since the person they are speaking of should be included on the agenda. ...
3. It is found that the respondent Commission held a meeting on March 7, 2019.
4. It is found that the agenda item number 8 provided for an “[e]xecutive session to discuss personnel issues.”
5. Section 1-200(5), G.S., provides in relevant part:

“Meeting” means any hearing or other proceeding of a public agency, any convening or assembly of a quorum of a multimember public agency, and any communication by or to a quorum of a multimember public agency, whether in person or by means of

electronic equipment, to discuss or act upon a matter over which the public agency has supervision, control, jurisdiction or advisory power.

6. Section 1-225, G.S., provides in relevant part:

(a) The meetings of all public agencies, except executive sessions, as defined in subdivision (6) of section 1-200, shall be open to the public. ... Each public agency shall make, keep and maintain a record of the proceedings of its meetings.

...

(d) Notice of each special meeting of every public agency shall be posted not less than twenty-four hours before the meeting to which such notice refers on the public agency's Internet web site, if available, and given not less than twenty-four hours prior to the time of such meeting by filing a notice of the time and place thereof ... in the office of the clerk of such subdivision for any public agency of a political subdivision of the state The notice shall specify the time and place of the special meeting *and the business to be transacted*. No other business shall be considered at such meetings by such public agency. [Emphasis added.]

7. Section 1-200(6), G.S., provides in relevant part:

"Executive sessions" means a meeting of a public agency at which the public is excluded for one or more of the following purposes: ...
(A) Discussion concerning the appointment, employment, performance, evaluation, health or dismissal of a public officer or employee, provided that such individual may require that discussion be held at an open meeting

8. With respect to the claim that the agenda of the respondents' January 3, 2019 meeting did not apprise the public of the business to be transacted, this Commission has repeatedly stated that in order for the public to be fairly apprised of the business to be transacted during an executive session, the public agency must give some indication of the specific topic to be addressed, prior to convening such session. Therefore, descriptions such as "personnel," "personnel matters," "legal" or even "the appointment, employment, performance, evaluation, health, dismissal of a public officer or employee" are inadequate and do not state the reason for convening in executive session, within the meaning of §1-225(f), G. S. See Kate King and the Stamford Advocate v. Water Pollution Control Authority, City of Stamford, et al., Docket #FIC 2012-502 (May 8, 2013).

9. It is found, however, that the respondents' agenda item "executive session to discuss personnel issues" was mistakenly placed on the agenda for the March 7, 2019 meeting, because the respondents used a template from a previous meeting that contained that agenda item.

10. The respondents acknowledge that agenda item should have been more specific, if they had intended to discuss particular personnel matters.

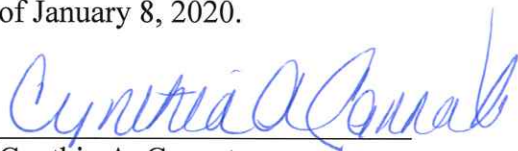
11. However, it is also found that the respondents did not in fact convene in executive session to discuss personnel issues at their March 7, 2019 meeting.

12. It is therefore concluded that the respondents did not violate the FOI Act as alleged.

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

1. The complaint is dismissed.

Approved by Order of the Freedom of Information Commission at its regular meeting of January 8, 2020.



Cynthia A. Cannata
Acting Clerk of the Commission

PURSUANT TO SECTION 4-180(c), G.S., THE FOLLOWING ARE THE NAMES OF EACH PARTY AND THE MOST RECENT MAILING ADDRESS, PROVIDED TO THE FREEDOM OF INFORMATION COMMISSION, OF THE PARTIES OR THEIR AUTHORIZED REPRESENTATIVE.

THE PARTIES TO THIS CONTESTED CASE ARE:

JEFFREY CROSS, 1116 Enfield Street, Enfield, CT 06082

CHAIRMAN, FIRE COMMISSION, ENFIELD FIRE DISTRICT #1; AND FIRE COMMISSION, ENFIELD FIRE DISTRICT #1, c/o Attorney Carl T. Landolina, 487 Spring Street, Windsor Locks, CT 06096



Cynthia A. Cannata
Acting Clerk of the Commission