

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint By

William Ross,

Complainant

against

City and Town of East Hart-
ford and Citizens Advisory
Committee of the City and
Town of East Hartford

Report of Hearing Officer

Docket #FIC81-9

September 2, 1981

Respondents

The above captioned matter was scheduled for hearing on May 20, 1981 at which time the parties appeared and presented evidence and argument on the complaint.

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

1. By letter filed with the Commission on December 31, 1980 the complainant alleged that the Citizens Advisory Committee of the respondent town violated the Freedom of Information Act when it held meetings which were not treated as subject to the notice and minutes requirements of the Freedom of Information Act.
2. The respondent committee was established by the Town Council in order that the Town Council could have the benefit of the advice and research of qualified persons from the private sector.
3. The respondent committee was a body in the nature of a commission established to make written recommendations to the Town Council concerning salaries paid to the mayor, the administrative assistant to the mayor, and all department directors including police chief and fire chief.
4. The respondent committee had a single purpose -- that of producing written recommendations concerning salaries -- within a limited period of time.
5. The respondent committee was charged with producing its written report in ninety days. However, this time period was later extended an additional thirty days.
6. The respondent claims that because it is a body which has advisory power only that it is exempt from the meetings and notice requirements of the Freedom of Information Act.

7. Section 1-18a(a), G.S. provides that a public agency means:

"any executive administrative or legislative office of the state or any political subdivision of the state and any state or town agency, any department, institution, bureau, board, commission or official of the state or of any city, town, borough, municipal corporation, school district, regional district or other district or other political subdivision of the state, and also includes any judicial office, official or body but only in respect to its or their administrative functions."

8. It is found that the respondent is a public agency within the meaning of §1-18a(a), G.S.

9. Several meetings of the respondent committee were held prior to November 24, 1980 when the committee presented its report.

10. No meetings of the committee were held after November 24, 1980.

11. The committee usually did not keep minutes of its meetings, although it did maintain a workbook, and on two occasions it provided minutes.


12. It is found that §1-21, G.S. and §1-19(a), G.S. makes all public agencies subject to the notice and minutes requirements set forth therein.

13. It is therefore concluded that the Citizens Advisory Committee violated the requirements of §1-21 and §1-19(a), G.S. when it failed to post notice or keep minutes of its meetings.

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


1. Inasmuch as the respondent has fulfilled its limited mission of producing a written report for the Town Council there is no utility in an order cautioning the respondent to comply with the law.
2. The Commission disagrees with the respondent's argument that because its functions are limited to advisory functions it is not a public agency. The respondent

was created by resolution of the Town Council to perform a specific job. Its final written report was the governmental task for which it was created. As such the report is the final decision of a governmental agency.



Commissioner Helen M. Loy
as Hearing Officer

Approved by order of the Freedom of Information Commission at its regular meeting of October 14, 1981.



Mary Jo Jolicœur
Clerk of the Commission