

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Robert Weisman (Bristol Press),

Report of Hearing Officer

Complainant

Docket #FIC81-74

against

November 18, 1981

City and Town of Bristol; City
Council of Bristol,

Respondents

The above captioned matter was heard as a contested case on October 5, 1981 at which time the complainant and the respondent council appeared, stipulated to certain facts and presented exhibits, testimony and argument on the complaint.

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

1. The respondents are public agencies as defined by § 1-18a(a), G.S.

2. On May 4, 1981 the respondent council met in public session with the Board of Finance of the City of Bristol in order to adopt a budget.

3. Also on May 4, 1981, prior to the meeting referred to in paragraph 2, above, 5 members of the respondent council met in private with the mayor of Bristol (a member of both the respondent council and the finance board), the finance board chairman and one other individual.

4. On May 15, 1981, a complaint was filed with the Commission alleging that the meeting referred to in paragraph 3, above, violated the Freedom of Information Act's prohibition against "private discussion of public business by a quorum of a board or commission."

5. It is found that the meeting referred to in paragraph 2, above, was convened pursuant to Sec. 25(1) of the city charter of the City of Bristol.

6. It is also found that in meetings convened pursuant to Sec. 25(1) of the city charter of the City of Bristol, the respondent council meets with the board of finance to adopt a budget during which meeting a majority of both boards may vote to increase or decrease such budget.

7. The respondent council claims that since even an unanimous vote of the city council would alone be insufficient to determine

the outcome of the budget decision, it is without "supervision, control, jurisdiction, or advisory power" over the budget decision, and that therefore the gathering referred to in paragraph 3, above, was not a "meeting" within the meaning of § 1-18a(b), G.S.

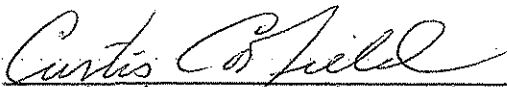
8. It is found that the participation of the respondent council in budget meetings as described in paragraph 6, above, constitutes supervision, control, jurisdiction or advisory power over the budget decision.

9. It is therefore concluded that the gathering referred to in paragraph 3, above, was a meeting within the meaning of § 1-18a(b), G.S. and that conducting such meeting in private was a violation of § 1-21, G.S.

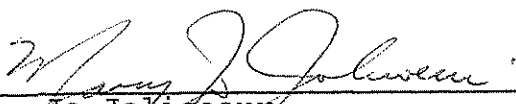
10. It is also concluded that the respondent council's contention that the meeting referred to in paragraph 3, above, was a constitutionally privileged "gathering of concerned citizens" outside of the jurisdiction of the Commission is totally without merit.

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

1. Henceforth, the respondent council shall conduct its meetings in strict compliance with § 1-21, G.S.


Commissioner Curtis Cofield
as Hearing Officer

Approved by order of the Freedom of Information Commission
at its regular meeting of December 9, 1981.


Mary Jo Jolicoeur
Clerk of the Commission