

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Barbara Krol,

Complainant

against

Town of Wolcott; Town Council of
the Town of Wolcott,

Respondents

Report of Hearing Officer

Docket #FIC81-113

March 31, 1982

The above captioned matter was heard as a contested case on October 29, 1981, at which time the complainant and the respondent 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 council is a public agency as defined by §1-18a(a), G.S.
2. The respondent council held a regular meeting on June 16, 1981.
3. On July 15, 1981, the complainant made an oral request of the town clerk of Wolcott for a copy of the minutes of the respondent council's June 16, 1981 meeting, and was told such minutes were not yet on file.
4. The complainant, also on July 15, 1981, made an oral request of the respondent council for the minutes of its June 16, 1981 meeting, and was told that such minutes were as yet unapproved, and would not be approved and available to the public until July 21, 1981.
5. Through a newspaper account, the complainant, at some time prior to July 14, 1981, became aware that a special meeting of the respondent council was scheduled for July 14, 1981, for discussion of the town budget.
6. The complainant made inquiry at the town hall regarding the proposed July 14, 1981 meeting. At the town hall there was posted a notice, dated July 10, 1981, which stated only the time and place of such meeting.
7. The respondent council held a special meeting on July 14, 1981 at which both the town budget and the approval of an easement were considered.
8. By a complaint filed with the Commission on July 20, 1981, the complainant alleged that the respondent council had violated the Freedom of Information Act as follows:

- a) By denying the complainant's July 15, 1981 request for minutes of the respondent council's June 16, 1981 meeting and by failing to make such minutes available to the public until July 21, 1981; and
- b) By posting a notice, dated July 10, 1981 of a special meeting to be held July 14, 1981, which notice failed to state the business to be transacted at such meeting, and
- c) By considering the approval of an easement at its July 14, 1981 special meeting although no notice was ever given that such easement would be considered.

9. By letter filed with the Commission on July 27, 1981, the complainant reiterated the allegations of her complaint, and indicated that she had received a copy of the requested minutes from a council member.

10. It is found that on July 15, 1981, the respondent council failed to provide the complainant with a copy of the minutes of its June 16, 1981 meeting, on the ground that such minutes had not yet been approved.

11. It is found that, pursuant to §1-21, G.S., minutes of the meetings of a public agency shall be available for public inspection within seven days of the session to which they refer.

12. It is found that nothing in the Freedom of Information Act exempts minutes of meetings from disclosure on the ground that they are unapproved.

13. The respondent town council claimed that the Commission lacks jurisdiction to consider an alleged violation of §§1-15 and 1-19, G.S. based upon an oral rather than a written request.

14. It is found, however, that the Commission has jurisdiction to consider alleged violations of §§1-15 and 1-19, G.S., based upon oral as well as written requests.

15. It is therefore concluded that the respondent council violated §§1-15 and 1-19, G.S., when, on July 15, 1981, it failed to provide the complainant with a copy of the minutes of its June 16, 1981 meeting.

16. It is further found that the respondent council failed to place the minutes of its June 16, 1981 meeting on file within 7 days following such meeting, in violation of §1-21, G.S.

17. It is found that a notice of the respondent council's July 14, 1981 special meeting dated July 10, 1981 stated only the time and place of such meeting.

18. It is also found that an earlier notice, dated July 2, 1981, stated the time and place as well as the subject of the respondent council's July 14, 1981 special meeting, such subject being discussion of the town budget.

19. It is found that prior to July 10, 1981, the respondent council decided to consider the approval of an easement, as well as the town budget, at its July 14, 1981 special meeting.

20. It is found that the July 10, 1981 notice of special meeting had been intended to be worded so as to provide notice that both the budget and an easement would be discussed at the respondent council's July 14, 1981 special meeting.

21. It is found that through a clerical error no mention was made in the July 10, 1981 notice of special meeting of the subjects of such meeting.

22. It is therefore concluded that, through a clerical error, the respondent council technically violated §1-21, G.S., when it posted the July 10, 1981 notice of special meeting referred to in paragraph 17, above.

23. It is found that the only notice of special meeting which stated a purpose for the respondent council's July 14, 1981 special meeting indicated that such meeting was for discussion of the town budget only.

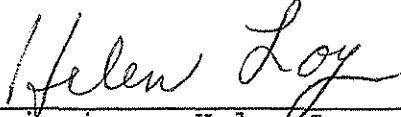
24. It is therefore concluded that the respondent council violated §1-21, G.S. when it considered and voted upon an easement at its July 14, 1981 special meeting.

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

1. The respondent council shall henceforth provide, promptly upon request copies of minutes of its meetings, whether such minutes are approved or unapproved, as required by §§1-15, 1-19, and 1-21, G.S.


2. The respondent council shall henceforth act in strict compliance with the requirement of §1-21, G.S., that minutes of meetings of public agencies be available for public inspection within seven days of the session to which they refer.

3. The Commission notes that a sincere attempt was made by the respondent council to comply with the requirements of §1-21, G.S., regarding notice of special meetings. Henceforth, however, the respondent council should exercise greater care in ensuring the accuracy of the notices it posts.



Commissioner Helen Loy
as Hearing Officer

Approved by order of the Freedom of Information Commission
at its regular meeting of April 28, 1982.



Mary Jo Jolicœur
Clerk of the Commission