

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Sinai Bordeleau,

FINAL DECISION

Complainant

Docket #FIC83-14

against

July 21, 1983

Board of Finance of the Town
of Griswold,

Respondent

The above captioned matter was heard as a contested case on April 26, 1983 at which time the complainant and the respondent appeared and presented testimony, exhibits, and argument on the complaint.

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

1. The respondent is a public agency within the meaning of §1-18a(a), G.S.
2. On December 20, 1982 the respondent held a regular meeting at which it voted to amend so-called "504 plans" by striking the word "state" and inserting "local" before the words "fire marshall."
3. By letter of complaint filed with the Commission on January 7, 1983, the complainant alleged that the "504" amendment was a non-agenda item and that the respondent had failed to take a two-thirds vote to consider the item. The complainant alleged that including as agenda item "any other business that may properly come before the Board" violated §1-21, G.S.
4. On December 20, 1982 the chairman of the respondent received a letter from the state fire marshall informing him that the local, not the state, fire marshall had jurisdiction over the "504" plans.
5. The respondent admits that a two-thirds vote to consider the amendment changing "state" to "local" was not taken. The chairman of the respondent instead, asked if there were any objections to considering the matter, and there were more.

6. It is found that the respondent's failure to obtain an affirmative vote of two-thirds of its members present and voting prior to considering and acting upon the amendment of the "504 plans" violated §1-21, G.S.

7. It is further found that an agenda item such as "any other business that may properly come before the Board" does not violate §1-21, G.S. the respondents, however, must vote by two-thirds to consider and act upon any matter being taken up pursuant to such an agenda item.

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 the requirements of §1-21, G.S. regarding consideration of non-agenda items at public meetings.

Approved by order of the Freedom of Information Commission at its special meeting of July 8, 1983.



Mary Jo Jolicœur
Clerk of the Commission