

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by  
Ed Madara, Chairman, Concerned  
Citizens Committee of  
West Hartford,

FINAL DECISION

Docket #FIC83-18

Complainant

August 4, 1983

against

Metropolitan District Commission and  
Town of West Hartford,

Respondents

The above captioned matter was heard as a contested case on May 12, 1983 at which time the complainant and the respondents appeared and presented testimony, exhibits, and argument on the complaint.

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

1. The respondents are public agencies within the meaning of §1-18a(a), G.S.
2. By letter of complaint filed with the Commission on February 10, 1983 and supplemented by a letter dated February 23, 1983, the complainant alleged that negotiating sessions between the respondents had been held on January 13, 1983 for which no notice or minutes had been filed.
3. At hearing, the respondent town moved to dismiss based upon the complainant's alleged failure to adequately specify in his complaint the agency referred to and the date of the alleged violation. The motion to dismiss was denied on the grounds that the date of the alleged violation had been provided in the complainant's February 23, 1983 letter and that the agencies had been identified as clearly as possible under the circumstances.
4. It is found that on February 23, 1982 the town council of the respondent town appointed three of its members to a so-called "Metropolitan District Commission liaison committee."
5. On May 25, 1982 the town council of the respondent town adopted a resolution which authorized and directed the town manager to develop proposals for the town's membership in the Metropolitan District Commission (hereinafter MDC). The proposals were to be developed in cooperation with the MDC administration, and the liaison committee was to be kept fully informed of the town manager's progress.

6. It is found that the town manager acted as the sole negotiator with the MDC. Members of the town council attended negotiating sessions occasionally for specific purposes, but there were never more than three or four council members present at any time.

7. A quorum of the town council is six members.

8. It is found that with respect to the town, the negotiating session conducted by the town manager on January 13, 1983, was an administrative meeting of a single-member public agency, and was not a "meeting" as defined in §1-18a(b), G.S.

9. It is therefore concluded that the respondent town did not violate §1-21, G.S. by failing to file notice or minutes of the January 13, 1983 session.

10. On or about June 7, 1982 the respondent MDC announced that it was in favor of "exploring a mutually beneficial relationship" between West Hartford and the MDC through West Hartford's membership in the MDC.

11. In furtherance of that goal, three members of the 25-member MDC held a series of negotiating sessions with the town manager of the respondent town.

12. The three member "MDC Task Force" was not authorized to enter into any agreements, but the sessions generated proposals which resulted in the MDC's authorization, on February 14, 1983 of an agreement between the respondents regarding the respondent town's becoming incorporated in the respondent MDC.

13. It is therefore found that the negotiating sessions of the MDC task force were hearings or other proceedings of a public agency to discuss or act upon a matter over which the public agency has supervision, control, jurisdiction or advisory power.

14. It is therefore concluded that with respect to the respondent MDC, the negotiating sessions were "meetings" as defined in §1-18a(b), G.S.

15. It is further concluded that the respondent MDC violated §1-21, G.S. when it failed to file notice and minutes of the January 13, 1983 session.

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

1. The complaint against the respondent town is hereby dismissed.

2. The respondent MDC shall henceforth act in strict compliance with the notice and minutes requirements of §1-21, G.S.

Approved by order of the Freedom of Information Commission at  
its regular meeting of July 27, 1983.

  
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Mary Jo Jolicoeur  
Clerk of the Commission