

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
James Hendricks,

FINAL DECISION

Complainant

Docket #FIC83-45

against

August 26, 1983

Mayor of the City of
West Haven;
City Council of the City
of West Haven,

Respondents

The above captioned complaint was heard as a contested case on June 7, 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. The agenda for the respondent council's March 14, 1983 meeting included as agenda items communications from the mayor regarding redevelopment parcels I and J-1, Conn. R-75, and the presentation of motions to rescind the respondent council's November 24, 1980 approval of the sale of parcels I and J-1.

3. At the March 14, 1983 regular meeting of the respondent council the chairman of the redevelopment committee requested and was granted additional time to consider a communication from the mayor regarding parcels I and J-1, Conn. R-75, in which the mayor requested the rescission of the respondent council's approval of the sale of the parcels.

4. At its April 11, 1983 regular meeting the respondent council voted to rescind its November 24, 1980 motion of approval for the sale of parcels I and J-1, Conn. R-75.

5. By letter of complaint filed with the Commission on March 24, 1983, the complainant alleged that the respondent council met at the mayor's house in violation of §1-21, G.S. on March 13, 1983 to discuss the rescinding of its approval of the land disposition contracts for parcels I and J of the West Haven urban renewal project.

6. At hearing, the respondent council stipulated that the March 13, 1983 gathering at the mayor's house constituted a meeting as defined by §1-18a(b), G.S., that no notice thereof had been posted, and that henceforth it would act in strict compliance with the requirements of §1-21, G.S.

7. At hearing, the complainant asked that the rescission of the respondent council's approval be declared null and void.

8. It is found that attending the March 13, 1983 meeting were the Republican members of the respondent council, the mayor, the chairperson of the Republican town committee, members of the redevelopment agency and an attorney, Jonathan Einhorn.

9. It is found that those attending the March 13, 1983 meeting exchanged information and ideas regarding the rescission of the respondent council's approval.

10. It is found, however, that approximately one month elapsed between the illegal meeting and the action of the respondent council rescinding its approval on April 11, 1983.

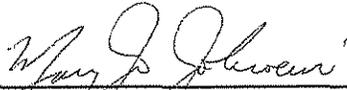
11. In the absence of allegations of illegality in the conduct of the April 11, 1983 meeting, the Commission declines to declare null and void the actions taken at such meeting.

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 act in strict compliance with the requirements of §1-21, G.S. regarding access to public meetings.

2. The Commission notes that its decision not to declare the actions of the respondent council null and void should not be construed as a commentary upon the gravity of the offense. The respondent council acted with gross disregard for the public's right to access in the conduct of the March 13, 1983 meeting.

Approved by order of the Freedom of Information Commission at its regular meeting of August 24, 1983.



Mary Jo Jolicoeur
Clerk of the Commission