

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by  
Danny Chun (WILI),

FINAL DECISION

Complainant

Docket #FIC83-83

against

January 9, 1984

First Taxing District of  
the Town of Windham,

Respondent

The above captioned matter was heard as a contested case on September 20, 1983 at which time the complainant and the respondent appeared and presented testimony, exhibits, and argument on the complaint.

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

1. The respondent is a public agency within the meaning of §1-18a(a), G.S.
2. The board of directors of the respondent held a special meeting on April 7, 1983. The purposes listed in the notice of special meeting were discussion of legal questions pertaining to the respondent and "other business."
3. On April 7, 1983 the board of directors of the respondent voted "to put everything back into the budget" and "to repeal the vote taken on the budget at [the board's] last meeting."
4. By letter of complaint filed with the Commission on May 2, 1983 the complainant alleged that at its April 7, 1983 meeting the board of directors of the respondent took action on business not included in the notice of the special meeting. Other allegations contained in the complainant's letter were withdrawn at hearing.
5. Notice of the special meeting contained no mention of discussion of or action upon budget matters.
6. As a part of the respondent's budget-making process, the treasurer of the respondent formulates a budget which is then reviewed by the board of directors. Upon passage by the board of directors, such budget is sent to voters in the form of a referendum.

7. The respondent claims that its board of directors has no power to amend the budget, only to make recommendations or comments to the respondent's annual budget meeting, and that the action on April 7, 1983 was only a ratification of a change in the treasurer's recommendation, virtually without significance.

8. Such an argument in the context of this complaint, however, is inappropriate and unpersuasive.

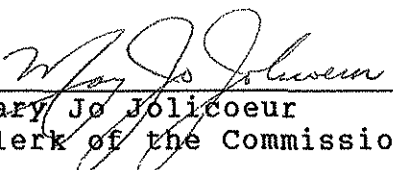
9. It is concluded that the board of directors' discussion and action on agency business not listed in the notice of the April 7, 1983 special meeting violated §1-21, G.S.

10. The complainant, at hearing, indicated that an order nullifying the April 7, 1983 action on the budget was not desired.

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 the conduct of business at special meetings.

Approved by order of the Freedom of Information Commission at its regular meeting of December 28, 1983.

  
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Mary Jo Jolicoeur  
Clerk of the Commission