

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Michael T. Vitez.

FINAL DECISION

Complainant

Docket#FIC83-84

against

December 23, 1983

Hartford Ambulance Contract
Review Committee of the City
of Hartford.

Respondent

The above captioned complaint was heard as a contested case on August 8, 1983, at which time the complainant and respondent appeared and presented testimony, exhibits and argument on the complaint.

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

1. At hearing, the respondent claimed that it is not a public agency as defined by §1-18a(a), G.S.

2. It is found that a contract entered into by the Hartford city council and ambulance companies providing service to the city of Hartford which took effect on October 7, 1982, provides in pertinent part as follows:

Any allegation from whatever source that a SERVICE PROVIDER has violated this AGREEMENT shall be referred to the Ambulance Contract Review Committee. The Review Committee shall be composed of the Chief of Police, Fire Chief and Director of Health of the City....The committee may hear such evidence and testimony as it seems (sic) necessary to determine whether a violation of the AGREEMENT has occurred. The committee shall advise the Purchasing Agent whether a violation of the AGREEMENT has occurred, the purchasing agent shall take whatever action he deems appropriate.

3. The respondent also consists of, as non-voting members, a hospital representative and an ambulance company representative. A staff member is designated by the corporation counsel of the city of Hartford to advise the committee, which staff member does not vote.

4. The function of the respondent is to hear complaints and determine whether violations of an agreement between the city council and its ambulance service providers has occurred, and if so, to advise the purchasing agent of the city of Hartford, so that he or she may take appropriate action.

5. The respondent claims that because it has no authority to amend contracts, issue orders, promulgate regulations or impose sanctions, and because there is no evidence that another public agency acts on the advice of the respondent, the respondent is not a public agency.

6. The respondent further claims that because the respondent was not created by charter, ordinance or statute, it is not a public agency.

7. It is found that as of the date of hearing the respondent had not yet exercised its advisory capacity with respect to the purchasing agent. That fact, however, does not signify that such capacity does not exist.

8. It is found that the respondent was created by the actions of a public agency, that its voting members are public officials, that it is advised by the office of the corporation counsel of the city of Hartford, and that it acts in a fact-finding and advisory capacity with respect to the provision of ambulance services to the city of Hartford.

9. It is concluded that the respondent is a public agency as defined by §1-18a(a), G.S.

10. By letter of complaint filed with the Commission on April 29, 1983, the complainant alleged that on that date he had been denied access to a meeting of the respondent, for which no notice had been posted.

11. It is found that upon information that a meeting of the respondent was to be held, the complainant went to the Hartford police station and requested access to such meeting, whereupon he was informed by the secretary to the chief of police that such meeting was closed to the press and the public.

12. It is found that on April 29, 1983 the three voting members of the respondent gathered for the purpose of holding a meeting of the respondent. Also present was the member of the corporation counsel's office appointed to advise the respondent. The two non-voting members were not present.

13. No notice of the scheduled April 29, 1983 meeting had been posted, in violation of §1-21, G.S.

14. Upon receiving notification that the two non-voting members would not be present, the three voting members determined that they could not hold a meeting, whereupon the three members left the meeting area.

15. It is found that the communication among the three members of the respondent on April 29, 1983 was limited to a matter regarding the notice of a meeting.

16. It is therefore concluded that the gathering of three members of the respondent on April 29, 1983 did not constitute a "meeting" as defined by §1-18a(b), G.S.

17. It is therefore also concluded that the failure of the respondent to file minutes of the gathering did not constitute a violation of §1-21, G.S.

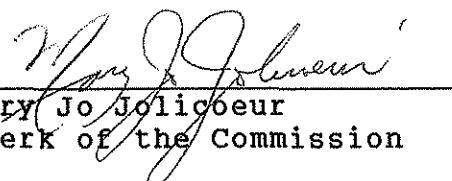
18. Because it was not raised by the complainant, the Commission will not treat the issue of whether notice of the cancellation of the April 29, 1983 meeting was properly posted as required by §1-21d, G.S.

19. Although the facts found do not lead to a finding that the respondent held a meeting to which the complainant was denied access, it was apparently the intention of the respondent to deny public access to the scheduled meeting. The Commission notes that in the future the respondent should adhere strictly to the requirements of §1-21, G.S. regarding access to meetings of public agencies.

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 notice of meetings of public agencies.

Approved by order of the Freedom of Information Commission at its regular meeting of December 14, 1983.



Mary Jo Jolicoeur
Clerk of the Commission