

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Mary Katz,

FINAL DECISION

Complainant

Docket #FIC84-18

against

July 25, 1984

Town of Windsor, Town Council
of the Town of Windsor, Town Manager
of the Town of Windsor, Assistant Town
Manager of the Town of Windsor, Deputy
Town Clerk of the Town of Windsor

Respondents

The above captioned matter was heard as a contested case on June 8, 1984 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 respondent is a public agency within the meaning of §1-18a(a), G.S.
2. The respondent held a special meeting on Saturday, January 28, 1984 at 9:35 a.m. to discuss "council goals and objectives." No members of the press or of the public were in attendance at the meeting.
3. By letter of complaint filed with the Commission on February 8, 1984 the complainant alleged that she had checked the bulletin board outside of the town clerk's office between 3:45 and 4:30 p.m. on January 27, 1984 and that at that time no notice or agenda of any special meeting of the respondent was posted. The complainant alleged that the respondent failed to post notice of the January 28, 1984 meeting as required by §1-21, G.S.
4. In her complaint, the complainant further alleged that because town employees have unrestricted access to the time/date machine in the town clerk's office, the time and date stamping of a notice is meaningless when offered as proof of notice pursuant to §1-21, G.S.
5. It is found that in the town of Windsor notices of all special meetings of public agencies are posted on the bulletin board (also referred to as the "public signpost") in the corridor outside the office of the town clerk.

6. The secretary to the town manager, Vera Lavery, testified that she posted notice of the January 28, 1984 meeting at 9:00 a.m. on January 27, 1984. The notice was not, however, time/date stamped. Ms. Lavery also testified that she had typed the notice approximately one week prior to the meeting and had, according to the mayor's instructions, posted the notice the day before the meeting.

7. The respondent also presented an affidavit from Judge Walter E. Russell stating that on Monday, January 30, 1984 he removed from the Windsor town hall's "public signpost" the notice of the January 28, 1984 special meeting.

8. At hearing the respondent offered to concede that notice of the special meeting was not timely in view of the language of §1-21(b), G.S.

9. It is found that the office of the town clerk is closed on Saturdays, and that therefore the January 27 notice was not adequate with respect to any meeting convened prior to 9:00 a.m. on January 30, 1984.

10. It is also found that the only reasonable resolution of the conflict between the testimony of the complainant and of the witnesses for the respondent is to conclude that the notice of the January 28, 1984 meeting must have been posted in such a way that it was obscured from view.

11. Although the facts presented to the Commission do not lead to a conclusion that the respondent posted no notice of the January 28, 1984 meeting, the Commission finds that the notice that was posted was not timely and that it did not give meaningful notice to the public of the meeting.

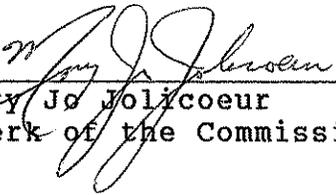
12. The Commission notes that the mayor of Windsor chose to post notice of the January 28 meeting on Friday morning although the meeting had been scheduled approximately one week earlier. Although the Freedom of Information Act does not require that notice be posted more than 24 hours prior to a special meeting, the Commission notes that the posting of notice several days ahead instead of on Friday morning would certainly have been in the public interest and most likely would have averted a complaint to this Commission.

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(b), G.S.

2. The Commission suggests that the respondent take greater care in the future to ensure that notices of its meetings are posted in a way most likely to result in public notice.

Approved by order of the Freedom of Information Commission at its regular meeting of July 25, 1984.



Mary Jo Jolycoeur
Clerk of the Commission