

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Nancy Thompson and the Norwich
Bulletin,

Report of Hearing Officer

Complainants

Docket #FIC84-48

against

Plainfield Board of Selectmen
of the Town of Plainfield,

June 13, 1984

Respondent

The above captioned matter was heard as a contested case on May 15, 1984 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. During the months of January, February and March of 1984 the respondent held, in addition to its regular meetings, a series of workshop meetings to discuss budget matters. Notice for such meetings was accomplished by the posting, on a weekly basis, of an agenda covering all meeting for the week.
3. By letter of complaint filed with the Commission on March 16, 1984 the complainant alleged that due to the lack of specificity in the agendas for the workshop meetings, business to be discussed by the respondent could not be determined, that no minutes were taken at the meetings, that a meeting scheduled for March 9, 1984 was not held and that on March 14, 1984 the respondent held a meeting that did not appear on the posted schedule of meetings. The complainant also alleged that on March 14, 1984 the respondent made a decision to reject a recommendation from the police commission to increase the police chief's salary, although no record of any such vote exists.
4. The Commission notes that although the meetings in question cover a three-month period, the Commission only has jurisdiction over those meetings which were held within the thirty day period prior to the filing of the complainant's complaint.

5. It is found that the respondent's meetings were held to prepare a recommended budget which was then sent to the board of finance and the town meeting. The board of finance has the final budget-making authority among elected officials and the town meeting has the ultimate budget-making authority in the town of Plainfield.

6. It is found that while preparing the budget the respondent met almost daily with town department heads to discuss budget requests, but the agendas for the workshop meetings did not in any way indicate when various budget requests would be presented. It was therefore not possible for the public to determine when budget matters of particular interest might be considered by the respondent.

7. It is found that to the extent that the respondent knew in advance what budget requests would be treated on specific days and failed to so indicate in the agendas of the meetings, such failure constituted a violation of §1-21.

8. The respondent claims that no formal votes were taken during its budget-making process and that copies of the proposed budget with changes noted thereon were the equivalent of minutes of each meeting, since they reflected the progress of the budget-making process.

9. It is found, however, that the working copies of the proposed budget were not intended to function as minutes of the meetings, were not placed on file and made available to those requesting access to the minutes, and did not contain information typically found in minutes, such as the date, time and place of the meeting, the time of adjourning, and those present.

10. It is therefore concluded that the respondent violated §1-21, G.S. when it held workshop meetings during the thirty day period prior to the complainant's complaint for which no minutes were filed, as required by §1-21, G.S.

11. The respondent acknowledges that occasionally meetings were cancelled due to the unavailability of one or more of its members, but claims that the March 9, 1984 meeting may have been merely a short meeting, adjourned prior to the complainant's arrival.

12. Because the complainant does not claim to have been present at the time the March 9, 1984 meeting would have convened, it is not possible, given the facts presented to the Commission, to determine as to whether a meeting was improperly cancelled on March 9, 1984 or whether the respondent held a meeting but failed to file minutes thereof, as required by §1-21, G.S.

13. It is found that the March 14, 1984 meeting was not a budget meeting, but a gathering with representatives of the highway department relative to efforts by the highway department's employees to unionize. The respondent made no claim that the gathering constituted strategy and negotiations with respect to collective bargaining.

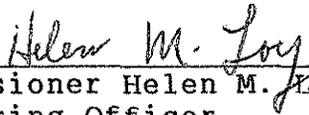
14. It is found that the March 14, 1984 gathering was a meeting within the meaning of §1-18a(b), G.S., for which no notice was posted, in violation of §1-21, G.S.

15. It is found that the respondent, during the budget-making process, proposed a salary increase of \$1,000 for each non-union employee. The board of police commissioners at one of its meetings proposed that the salary of the police chief be increased in the amount of \$1,500.

16. It is found that the respondent did not implement the proposal of the board of police commissioners, but did not, as alleged by the complainant, take a vote on the matter which it then failed to record.

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 filing of minutes and the posting of notices and agendas of public meetings.



Commissioner Helen M. Loy
as Hearing Officer