

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by  
Kerry Vancisin

FINAL DECISION

Complainant

Docket #FIC 84-164

against

March 20, 1985

Board of Police  
Commissioners of the  
City and Town of  
Bridgeport

Respondent

The above captioned matter was heard as a contested case on November 20, 1984 at which time there was also scheduled a hearing on #FIC 84-187 because the parties in each case were identical. The complainant and the respondent appeared and presented testimony, exhibits and argument on the complaint at the hearing..

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

1. The respondent is a public agency within the meaning of section 1-18a(a), G.S.
2. By letter mailed August 17, 1984, the complainant alleged that the notice and agenda requirements of §1-21 G.S. were violated by the respondent with respect to a notice and agenda for an emergency meeting which was held on July 19, 1984.
3. The complainant alleged at the hearing that the meeting on July 19, 1984 was a special meeting and that the notice of the meeting was improper because the respondent took actions which were not specifically listed on the notice of meeting.

4. The notice contained the following information:

Meeting called to order

Discussion of on going litigation and to consider any emergency action resulting therefrom, including but not limited to:

1. Contract with Thomas Thear
2. Disciplinary Procedure
3. Assignment and Transfer Procedure
4. Command Structure of the Office of Internal Affairs
5. Crime Reporting System
6. Assignment of Responsibility for Policy Development
7. Transfers

5. The respondent commission acted under the assumption that it was conducting an emergency meeting and that such emergency meeting was governed by the agenda requirements of §1-21 G.S. i.e. that business not listed on the agenda could only be transacted if it were introduced as an item of new business and approved for consideration by a two-thirds vote.

6. While the agenda for the meeting is somewhat ambiguous, the verbatim minutes reveal that the only item considered at the meeting which was not listed on the notice and agenda of the meeting was the discussion, motion and vote upon the question of relocating the offices of the superintendent and the supervisor of the record room.

7. The omission of an item from the agenda was believed rectified during the meeting by a unanimous vote of the commissioners to consider as new business the issue of office relocation.

8. The meeting was not a regularly scheduled meeting of the respondent.

9. The notice of the January 19, 1984 meeting was posted more than twenty-four hours prior to the meeting

10. It is found because the respondent had more than twenty-four hours in which to schedule the meeting that the meeting was not an emergency meeting but rather a special meeting.

11. It is concluded that the meeting was a special meeting because the respondent had more than twenty-four hours in which to schedule the meeting.

12. Section 1-21 G.S. requires that the business of a special meeting will be confined to the business listed on the notice of meeting which is posted with the town clerk.

13. It is concluded that the respondent violated Section 1-21 G.S. when it considered business not listed on the posted notice.

14. It is further found that the notice does not comport with the requirements of notice for special meeting at §1-21 G.S. because it makes the agenda completely open-ended.

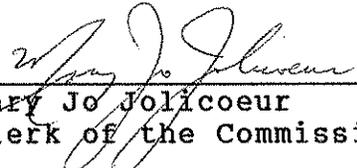
15. A civil penalty is not recommended in this case.

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 comply with the notice requirements for special meetings and the restrictions on the business which may be transacted at special meetings which are set forth at §1-21 G.S.

2. Henceforth the respondent shall treat meetings in which the subjects to be discussed are known at least twenty-four hours in advance and where there is no true emergency as special meetings in accordance with §1-21 G.S.

Approved by order of the Freedom of Information Commission at its special meeting of March 20, 1985.

  
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Mary Jo Jolicoeur  
Clerk of the Commission