

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Carter White, John Harrington;
Donald Schiller & The Record
Journal,

FINAL DECISION

Docket #FIC85-31

Complainants

May 22, 1985

against

City Manager Search Committee
of the City of Meriden and
Chairman, City Manager Search
Committee of the City of
Meriden,

Respondents

The above captioned complaint was heard as a contested case on March 7, 1985 at which time the complainants 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 respondents are public agencies within the meaning of §1-18a(a), G.S.

2. At a meeting held on January 7, 1985 the Meriden city council voted to appoint five council members to a city manager search committee.

3. By letter of complaint filed with the Commission on February 14, 1985 the complainants alleged as follows:

- a) That the respondent committee held a meeting, without notice, on January 15, 1985, a legal holiday, in violation of §§1-21f and 1-21(a), G.S.;
- b) That the respondent committee improperly convened in executive session on January 22, 1985 at a meeting held without notice, in violation of §§1-18a(e) and 1-21(a), G.S.
- c) That the respondent committee improperly convened in executive session to discuss "personalities" on January 30, 1985;
- d) That the respondent committee held a meeting on February 12, 1985, a legal holiday, notice for which was not proper.

- e) That the respondent committee, as of February 13, 1985, had failed to provide by ordinance or resolution the place for holding its regular meetings, as required by §1-21f, G.S.
- f) That the respondent committee, as of February 13, 1985, had failed to provide minutes for its January 15, 1985, January 22, 1985, January 30, 1985 and February 4, 1985 meetings, in violation of §1-21(a), G.S.

4. The complainants requested the imposition of a civil penalty against the respondents, pursuant to §1-21i(b), G.S.

5. It is found that due to the nature of the respondent committee's function its existence was expected to be of limited duration and a schedule of regular meetings was not established.

6. It is found that holding nothing but special meetings does not violate §1-21f, G.S. However, if an agency purports to hold regular meetings it must comply with the terms of §1-21f, G.S.

7. It is concluded that all of the meetings in question were special meetings within the meaning of §1-21(a), G.S.

8. It is also found that neither §1-21f, G.S. nor any other provision of the Act prohibits the convening of a special meeting on a legal holiday.

9. It is found that minutes of the respondent committee's January 15, 1985, January 22, 1985, January 30, 1985, February 4, 1985 and February 12, 1985 meetings were placed on file in the city clerk's office on February 15, 1985, following an inquiry by the complainants.

10. It is concluded that the respondent failed to file minutes of its January 15, 1985, January 22, 1985, January 30, 1985 and February 4, 1985 meetings in a timely manner, as required by §1-21(a), G.S.

11. It is found that a memorandum notifying members of the respondent committee that an organizational meeting would be held on January 15, 1985 was filed with the Meriden city clerk on or about January 11, 1985. Although not intended as a notice of special meeting, the city clerk posted the memorandum more than 24 hours prior to the January 15, 1985 meeting.

12. It is concluded that a notice of the respondent committee's January 15, 1985 meeting, including an indication of the business to be transacted, was posted in a timely manner as required by §1-21(a), G.S.

13. It is found that the January 22, 1985 meeting of the respondent committee was held without notice, in violation of §1-21(a), G.S.

14. It is found that at its January 22, 1985 meeting the respondent committee convened in executive session, according to amended minutes of the meeting filed on March 6, 1985, to discuss "the distribution and discussion of test questions to be used in the examination of City Manager candidates."

15. Minutes of the January 22, 1985 meeting filed on February 15, 1985 did not mention the convening of an executive session, in violation of §1-21(a), G.S.

16. The respondent claims that the January 22, 1985 executive session was held pursuant to §1-18a(e)(5), G.S. to discuss test questions exempted from disclosure by §1-19(b)(6), G.S.

17. It is found that at the January 22, 1985 meeting Meriden's personnel director submitted a proposed set of test questions to the members of the respondent committee.

18. It is found that to the extent that the respondent committee discussed test questions exempted from disclosure by §1-19(b)(6), G.S., the January 22, 1985 executive session was held for a proper purpose within the meaning of §1-18a(e)(5), G.S.

19. It is found that notice of the February 12, 1985 meeting of the respondent indicated that a "work session" would be held.

20. The respondent committee claims that because its business always involves the search for a new city manager it does not need to include in its notices of special meetings a specific indication of the business to be transacted.

21. It is found, however, that a general statement that the business to be transacted is the finding of a city manager does not sufficiently identify the activities of the respondent committee at its meetings. Business transacted has included choosing between a recruiting service and in-house personnel for the location of applicants, interviewing recruiting service representatives, choosing a particular recruiting service and receiving a report of the progress made by such service.

22. It is concluded that the respondent committee violated §1-21(a), G.S., when it posted a meeting notice which stated only that a "work session" would be conducted on February 12, 1985.

23. Minutes of the respondent committee's January 30, 1985 meeting filed on February 15, 1985 indicate that an executive session was convened at such meeting "to discuss financial arrangements that would be necessary if we decided to use the service of recruitment."

24. Amended minutes of the January 30, 1985 meeting, filed on March 6, 1985, indicate that the executive session was held to discuss personnel "re: employment or appointment of a recruiter."

25. It is found while convened in executive session on January 30, 1985 the respondent committee discussed the fees requested by the two applicants for the position of town manager recruiter, which discussion included the issue of obtaining the necessary funds from the city council. The respondent committee also reviewed the qualifications of Paul Reaume Associates.

26. It is found that the minutes of the respondent committee's January 30, 1985 meeting filed on February 15, 1985 did not accurately record the purpose for convening the January 30, 1985 executive session, in violation of §1-21(a), G.S.

27. It is found that to the extent that the discussion in executive session concerned the appointment, employment, performance or evaluation of Paul Reaume Associates as a public employee, such executive session was held for a proper purpose within the meaning of §1-18a(e)(1), G.S.

28. It is found, however, that to the extent that the January 30, 1985 executive session concerned funding for the position of management recruiter, such executive session was not held for a proper purpose, in violation of §§1-18a(e) and 1-21(a), G.S.

29. At hearing the respondents represented that their errors were due to ignorance and that since the filing of the complaint they have become cognizant of the requirements of the Freedom of Information Act with respect to the functions of the respondent committee.


30. The Commission finds the respondents' ignorance of the requirements of the Freedom of Information Act regrettable. The complainants' request for the imposition of a civil penalty, however, is hereby denied.

The following order by the Commission is hereby recommended on the basis of the record concerning the above captioned complaint.

1. The respondents shall henceforth, in keeping with their expressed intentions, act in strict compliance with the terms of §1-21(a), G.S. regarding the prompt filing of accurate minutes and notices of meetings.

2. The respondents shall henceforth, also in keeping with their expressed intentions, act in strict compliance with the terms of §§1-18a(e) and 1-21(a), G.S. with regard to the proper convening of executive sessions.

Approved by order of the Freedom of Information Commission at its regular meeting of May 22, 1985.



Mary Jo Policoeur
Clerk of the Commission