

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Thomas R. Holahan

FINAL DECISION

Complainant

Docket #FIC 85-181

against

Board of Aldermen of the City
of New Haven

February 26, 1986

Respondent

The above captioned matter was heard as a contested case on November 18, 1985 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. The respondent held a meeting on June 27, 1985. A Supplemental Notice of the meeting included the item "Communication from Alderman Holahan re order that the Schubert Square-entertainment district apply for planned development district status."
3. At the June 27, 1985 meeting the chairman of the respondent indicated that the Schubert Square matter had been placed on the agenda "through a clerical mistake." At such time the complainant made a statement regarding his belief that the matter was properly before the respondent, but the substance of the matter was not addressed by the respondent.
4. By letter of complaint filed with the Commission on July 10, 1985 the complainant alleged that the respondent's failure

to take up an agenda item and its failure to accept public testimony on the issue from the complainant and others attending the meeting violated the Freedom of Information Act.

5. By letter dated August 15, 1985 the complainant elaborated upon his position by stating that the respondent's actions on June 27, 1985 amounted to a failure to adopt a proper agenda and the alteration of the posted agenda by the chairman of the respondent without a confirming vote by the respondent, in violation of the rules of the agency.

6. It is found that the respondent's failure to address an item on the agenda of its June 27, 1985 meeting did not violate any provision of the Freedom of Information Act.

7. It is further found that the respondent's alleged failure to abide by its own rules regarding the adoption of an agenda is not a matter over which this Commission has jurisdiction.

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

1. The complaint is hereby dismissed.

Approved by order of the Freedom of Information Commission at its regular meeting of February 26, 1986.



Karen J. Haggott
Clerk of the Commission