

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by Robert Fromer, Complainant)	Report of Hearing Officer
)	
against)	Docket #FIC76-179
)	
City of New London and the Police Committee of the City of New London, Respondents)	November 19, 1976
)	

The above captioned matter was heard as a contested case on November 3, 1976, at which time the complainant and the respondents appeared and stipulated to certain facts, presented testimony, exhibits and argument on the complaint.

1. On October 13, 1976 at 7:30 p.m. there was a gathering of a group called the "Police Chiefs Search Committee" consisting of seven persons, in the office of the city manager of the respondent town. The committee consists of the city manager, two officers from the office of the city manager, two town councilmen from the seven member city council and two representatives of the community.

2. The city of New London is a public agency as defined in §1(a) of P.A. 75-342.

3. The committee was formed under the authority of the city manager of the respondent town.

4. Its sole purpose is to recommend candidates to the city manager for his consideration in selecting a new police chief. By charter, selection of a police chief is a city manager function.

5. The city manager is not limited in his choice to the candidates recommended by the respondent committee.

6. No public notice of the meeting and no minutes were taken and the public was not allowed to attend.

7. By letter of complaint filed with this Commission on October 19, 1976 the complainant alleged that the aforesaid meeting violated P.A. 75-342 in that there was improper notice and the complainant was improperly excluded therefrom.

8. In view of the above, the question remains as to whether or not the Police Chiefs Search Committee is itself a public agency within the meaning of P.A. 75-342 and therefore its meeting of October 13, 1976 was subject to the provisions of the Act.

9. Although the committee is composed of representatives of a public agency, it has not been delegated, nor does it exercise, any of the executive, administrative or legislative functions of those agencies. Its members are appointed representatives whose authority is limited to providing information and recommendations to the city manager concerning possible candidates for the position of police chief. The constituent public agencies are, of course, subject to the provisions of P.A. 75-342. But the committee is really nothing more than an informational vehicle of the city manager who sponsors it, and as such, does not itself constitute a public agency. Consequently, the meeting of October 13, 1976 was not a meeting of a public agency to which P.A. 75-342 applies. In this regard, it should be noted that there was no showing that a quorum of any multiple-member public agency was present at the meeting in question.

10. It is therefore concluded that the "meeting" of October 13, 1976 was not a meeting within the meaning of P.A. 75-342 and consequently this Commission lacks jurisdiction to grant relief to the complainant.

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

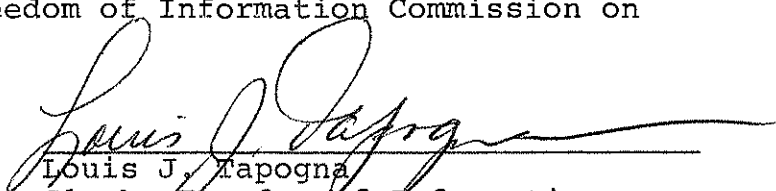
1. The complaint is hereby dismissed since this Commission lacks subject matter jurisdiction under P.A. 75-342.

2. While the meeting in question is found not to fall within the purview of P.A. 75-342, this decision is limited to the facts herein presented and shall not be construed as applying to other meetings called and conducted by these or other public agencies under circumstances different from those presented in this case.


Commissioner Helen M. Loy

as Hearing Officer

Approved by order of the Freedom of Information Commission on November 24, 1976.


Louis J. Tapogna
Clerk, Freedom of Information
Commission