

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by)	
Harry A. Weide, Complainant)	Report of Hearing Officer
)	
against)	Docket #FIC77-152
)	
The Town of Stratford; Finance)	October 26, 1977
and Claims Committee of the)	
Town Council of the Town of)	
Stratford; and Chairman,)	
Finance and Claims Committee of)	
the Town Council of the Town of)	
Stratford, Respondents)	

The above captioned matter was heard as a contested case on August 31, 1977 at which time the complainant 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 respondent town council is a public agency within the meaning of §1-18a(a), G.S.
2. By appeal filed with this Commission on August 9, 1977, the complainant alleged that a meeting of the respondent committee, which was held on July 25, 1977, violated the notice requirements of §1-21, G.S., and sought an order declaring the aforesaid meeting null and void.
3. Even though the respondent committee is not a quorum of the town council, it exercises certain discretionary powers of the respondent council by acting on certain matters without prior approval of the respondent council.
4. It is found, therefore, that the aforesaid meeting of the respondent committee is a meeting of a public agency within the meaning of §1-18a(a), G.S.
5. In accordance with the requirements of §1-21, G.S., a schedule of the regular meetings of the respondent committee had been filed with the town clerk, December 13, 1976.
6. On July 12, 1977 this schedule was changed to allow for vacation schedules: a memo changing the date of the meeting in issue to July 25, 1977 was sent from the clerk of the respondent council to the town clerk.
7. §1-21, G.S., requires that where a schedule of a regular meeting is filed with the town clerk, that no such regular meeting shall be held sooner than thirty days after such schedule has been filed.

8. It is concluded, therefore, that the meeting in issue was a special and not a regular meeting.

9. It is concluded, further, that the failure of the respondent committee to post notice and to specify the nature of the business to be transacted violated the requirements of §1-21, G.S.

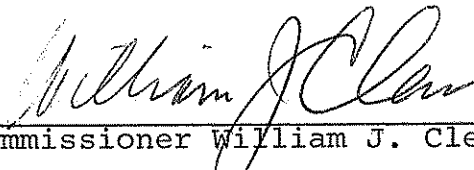
10. The complainant received notice of the schedule change but failed to read it.

11. It is concluded that in view of the complainant's failure to read the written notice of the schedule change which was provided him, and the absence of evidence that within the twenty-four hours prior to the meeting that the complainant checked with the town clerk's office to see if any notices of special meetings had been posted, there is no basis for declaring the actions taken at the aforesaid meeting null and void.

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

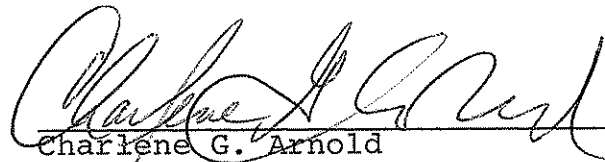
1. Henceforth the respondent shall comply with the notice requirements of §1-21, G.S.

2. The Commission commends the good faith effort made by the respondent council in filing schedules of the meetings of its sub-committees with the town clerk, and notes that the violation which found appears to have occurred merely because of a misunderstanding of the distinction between "regular" and "special" meetings which is established in §1-21, G.S.



Commissioner William J. Clew
as Hearing Officer

Approved by order of the Freedom of Information Commission on
November 9, 1977.



Charlene G. Arnold
Clerk of the Commission

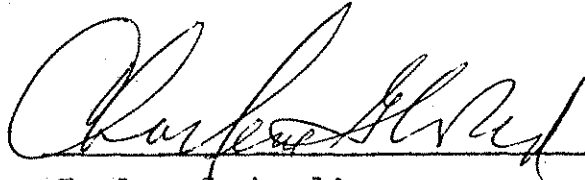
Freedom of Information Commission
of the State of Connecticut

In the Matter of a Complaint by :
Harry A. Weide, :
Complainant : Notice of Final Decision
vs. : Docket #FIC 77-152
The Town of Stratford; Finance : November 10, 1977
and Claims Committee of the :
Town Council of the Town of :
Stratford; and Chairman, Finance :
and Claims Committee of the Town :
Council of the Town of Stratford, :
Respondents :

TO: The Town of Stratford; Finance and Claims Committee of the
Town Council of the Town of Stratford; and Chairman, Finance
and Claims Committee of the Town Council of the Town of Stratford;
as Respondents; and Harry A. Weide, as Complainant.

This will serve as notice of the final decision of the
Freedom of Information Commission in the above matter, as pro-
vided by §4-183(b) G.S. At its meeting of November 9, 1977
the Commission adopted the proposed finding and order
of the hearing officer as the finding and order of the Freedom
of Information Commission.

By order of the Freedom of
Information Commission



Charlene C. Arnold
Clerk of the Commission