FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by   )
David Royce,   Complainant   Report of Hearing Officer
)
         against   Docket #FIC77-160
)
Town of Westport; Chairman of the   September 28, 1977
Planning and Zoning Committee of   )
the Representative Town Meeting
of the Town of Westport, and the   )
Planning and Zoning Committee of
the Representative Town Meeting   )
of the Town of Westport,
                    Respondents   )

The above captioned matter was heard as a contested case on September 14, 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.   By letter filed with the Commission on August 23, 1977 the complainant alleged that on August 18, 1977 his rights under §1-18(a) et seq. were violated by an illegally convened executive session of the respondent committee.

2.   The five-member respondent committee is empowered to study and investigate matters relevant to planning and zoning and make recommendations to the Representative Town Meeting of the respondent town.

3.   The Representative Town Meeting of Westport has thirty-eight members and is the legislative body of the town of Westport.

4.   It is found that the Planning and Zoning Committee has an advisory role only, and that its membership constitutes less than a quorum of the Representative Town Meeting.

5.   It is concluded therefore that the meetings of the respondent committee are not meetings of a public agency as defined in §1-18a(a), G.S. and are therefore not subject to the notice and other provisions of the Freedom of Information Act as codified in Chapter 3, G.S.

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

1.   The complaint is hereby dismissed.

_____
Commissioner Donald W. Friedman

as Hearing Officer

Approved by order of the Freedom of Information Commission on
October 12, 1977.

_____
Charlene G. Arnold
Clerk of the Commission