

FREEDOM OF INFORMATION COMMISSION

OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by )  
Richard J. Clow, Complainant ) Report of Hearing Officer  
 )  
against ) Docket #FIC77-230  
 )  
Town of Stafford; and the ) February 14, 1978  
Planning and Zoning Commission )  
of the Town of Stafford; )  
Respondents )

The above captioned matter was heard as a contested case on January 12, 1978, 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 respondents are public agencies as defined by §1-18a(a), G.S.
2. At its December 13, 1977 meeting the respondent commission held an executive session to discuss the performance and the job requirements of the recording secretary and the zoning officer.
3. At the conclusion of the aforesaid meeting the respondent commission decided to put certain items on the agenda for the regular meeting of January 10, 1978.
4. By letter filed with this Commission December 19, 1977 the complainant alleged that the executive session and the agenda established at the meeting of December 13, 1977 were improper and violated the requirements of the Freedom of Information Act.
5. It is concluded that the aforesaid executive session was held for an improper purpose in so far as it was a discussion of job requirements, however, in so far as it was an evaluation of the performance of the recording secretary and the zoning officer it was a proper purpose for an executive session as set forth in §1-18a(e)(1), G.S.
6. The respondent planning and zoning commission developed its agenda in a step by step fashion: two items were put on the agenda by the respondent commission at the December 13, 1977 meeting, subsequently, two more items were added to the agenda when the agenda was at the office of the respondent planning and zoning commission, and finally, the minutes for the regular meeting of the respondent commission for January 10, 1978 show an agenda with eight separate items.

7. The aforesaid minutes show that eight separate matters were considered by the respondent commission at the January 10, 1978 meeting.

8. It is concluded that although the Freedom of Information Act does not prohibit a public agency from developing an agenda in a step by step fashion, that the respondent commission did violate the requirements of §1-21, G.S., by not having a complete agenda available at its office not less than twenty-four hours prior to the time of the meeting to which the agenda referred.

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

1. Henceforth the respondent commission shall convene in executive session only for those purposes specifically set forth in §1-18a(e), G.S., and shall make the agenda for each regular meeting available at its office not less than twenty-four hours prior to the time to which the agenda refers as required by §1-21, G.S.

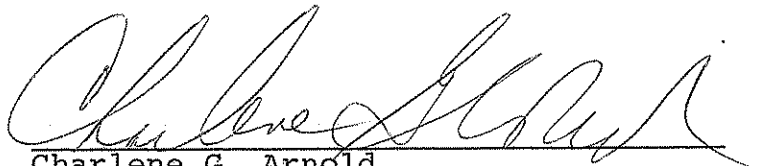


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Commissioner William Clew

as Hearing Officer

Approved by order of the Freedom of Information Commission on February 22, 1978.



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Charlene G. Arnold  
Clerk of the Commission