

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by)	
Marc Gunther,)	Report of Hearing Officer
Complainant)	
against)	Docket #FIC78-109
Town of Manchester; Board of)	August 15, 1978
Directors of the Town of)	
Manchester; and the General)	
Manager of the Town of)	
Manchester,)	
Respondents)	

The above captioned matter was heard as a contested case on August 8, 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 within the meaning of 1-18a(a), G.S.

2. On Monday, May 29, 1978, the United States Department of Housing and Urban Development (HUD) notified the respondents that it was considering cancelling a \$435,000.00 grant awarded to the respondents under a certain federal housing program.

3. HUD advised the respondents that the prospective cancellation could be avoided if the respondents developed a program that satisfied certain targeted problem areas relating to fair housing in the respondent town.

4. Some time thereafter, the respondent board's staff, meeting together with certain members of the respondent board, (which comprised less than a quorum thereof), produced a written proposal that they felt met HUD's demands.

5. On June 5, 1978, at 3:30 p.m., a quorum of the respondent board assembled and discussed such proposal.

6. Such program proposal was approved by a majority of the board members present and voting therein, with only a single technical amendment.

7. No public notice was given to such meeting.

8. By letter filed with the Commission on June 6, 1978, the complainant alleged that the aforesaid gathering of the board constituted an improperly noticed meeting, in violation of the Freedom of Information Act.

9. By same letter, the complainant further alleged that he was denied entrance to such meeting, in violation of the Freedom of Information Act.

10. The board admits that its gathering of June 5, 1978 constituted a special meeting of the board to which the notice requirements of §1-21, G.S. apply.

11. The board further admits that it did not accede to the complainant's request to enter the meeting room during the course of such meeting. Such request was made known to the board approximately 15 minutes prior to the adjournment thereof at 4:30 p.m.

12. It is found that the complainant was wrongfully denied his right to attend the respondent board's June 5, 1978 special meeting, in violation of §1-21, G.S.

13. The complainant does not want the action taken by the board at such meeting declared null and void.

14. It should be noted that there was considerable confusion concerning the calling of such meeting. The respondent general manager, who originally called the gathering of June 5, 1978, intended it to be limited to those persons who were responsible for the production of the program proposal. (See paragraph 4 of the findings above).

15. Contrary to such intent, the mayor of the respondent town, who has authority to call special meetings of the board, authorized that notice go out to all board members inviting them to attend such gathering.

16. It may also be observed that the mayor of the respondent town fully apprised the complainant of all that transpired at the board's June 5, 1978 meeting, immediately after its adjournment.

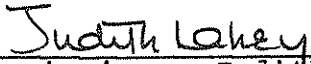
17. Such business was also fully and openly discussed by the board at the board's regularly scheduled meeting of June 6, 1978.

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

1. Henceforth, the respondent board shall post notice for all special meetings held by the board, as required by §1-21, G.S. Such notice shall specify the time and place thereof, all business to be transacted therein, and shall be posted in the office of the town clerk not less than twenty-four hours prior to the time of such meeting.

2. Henceforth, whenever the respondent board convenes a special meeting to which the foregoing requirement of posting of notice applies, and it finds that such public notice has not been provided as required by §1-21, G.S., the respondent board shall forthwith adjourn such meeting and may not meet to discuss such business again, pursuant to its order of adjournment, without first complying with the public notice requirements set forth in §1-21, G.S.

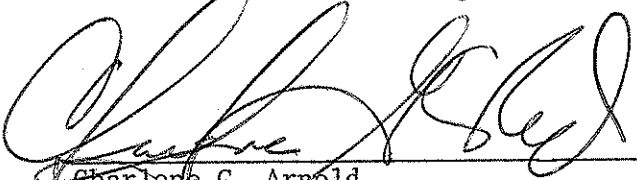
3. In view of the mayor's authority for calling meetings of the respondent board, this Commission shall assume that the mayor will undertake overseeing implementation of paragraphs 1 and 2 above of this order.



Commissioner Judith Lahey

as Hearing Officer

Approved by order of the Freedom of Information Commission on September 13, 1978.



Charlene G. Arnold
Clerk of the Commission