FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Bernard J. Pasquariello,
Complainant

against

City and Town of Waterbury; Mayor of the City and Town of Waterbury; Assistant Clerk of the City and Town of Waterbury; and Police Commission of the City and Town of Waterbury,
Respondents

Report of Hearing Officer

Docket #FIC78-203

March 28, 1979

The above captioned matter was heard as a contested case on November 30, 1978, at which time the complainants and the respondents appeared, stipulated to certain facts 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. By letter filed with this Commission on October 16, 1978, the complainant alleged that discussion took place at a regular meeting of the respondent commission held on September 20, 1978, concerning a matter which was not included in the agenda to such meeting.

3. By same letter, the complainant further alleged that a special meeting of the respondent commission, held on September 29, 1978, was improperly noticed pursuant to §1-21, G.S., in that the meeting was held at a location and time other than that designated in the special meeting notice.

4. By same letter, the complainant further alleged that the respondent commission discussed a matter at its September 29, 1978 special meeting which was not included in the notice of such meeting.

5. The minutes of the September 20, 1978 meeting of the respondent commission state that it was unanimously decided to schedule a meeting with the police superintendent for purposes of discussing complaints in the North End section.

6. Discussion of complaints in the North End section was not an item included in the agenda for the aforesaid regular meeting.

7. The respondent commission did not separately vote on the question of whether or not to discuss such matter.

8. It is therefore found that such business was taken up in violation of the procedures set forth in §1-21, G.S. which require that any new business not included in the filed agenda of a regular meeting may be taken up only upon the affirmative vote of two-thirds of the members of a public agency present and voting.

9. The meeting of September 29, 1978 constituted a special meeting to which notice was given twenty-four hours in advance thereof in accordance with §1-21, G.S.

10. It is also found that proper notice of the change of time and location was not given as required by §1-21d, G.S. concerning adjourned meetings.

11. It is lastly found that the discussion at the aforesaid special meeting came within the scope of the notice that was posted with respect thereto as required by §1-21, G.S.

12. It is recognized that the complainant was given personal notice of the changed location of the special meeting of September 29, 1978. However, in order to avoid any possibility of misunderstanding which might have deprived the public of the opportunity to attend a public meeting, the better procedure would have been for the respondent commission to convene the meeting in the place stated in the posted notice and then to adjourn to the new location following the procedures outlined in §1-21d, G.S.

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 may take up new business not included in its regular meeting agenda only after affirmatively voting to do so by a two-thirds vote of its members present and voting at any such meeting.

2. The respondent commission shall henceforth follow the procedure set forth in §1-21d, G.S. for adjourning an otherwise properly noticed meeting by giving notice of any newly designated meeting place in the same manner as the notice of special meeting required under §1-21, G.S. In so doing the respondents shall not be constrained by the twenty-four hour advance notice requirements set forth in §1-21, G.S.

William J. Clew

Commissioner William Clew

as Hearing Officer

Approved by order of the Freedom of Information Commission on April 11, 1979.

Leslie Ann McGuire

Leslie Ann McGuire
Acting Clerk of the Commission