

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Howard and Alicia Wayland,
Complainants

Notice of Final Decision
Docket #FIC81-45
July 9, 1981

against

City and Town of Lebanon;
and Board of Selectmen of
the City and Town of Lebanon,

Respondents

The above entitled matter was scheduled for hearing on May 11, 1981 at which time the parties appeared and presented evidence 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 §1-18(a).
2. By letter dated April 3, 1981, the complainants alleged that the respondent board violated the Freedom of Information Act by holding an illegal emergency meeting on March 16, 1981.
3. The complainants asked that the Commission declare the action of the respondent board in voting salary increases for its own members null and void.
4. On March 16, 1981 the respondent board held an emergency meeting to discuss public official liability insurance, Blue Cross/Blue Shield coverage, and a proposal for a salary increase for selectmen.
5. Since no notice for the meeting had been posted, no members of the public or the press attended the meeting.
6. The respondents claimed that it was necessary for the meeting to be held as an emergency meeting because the insurance was expiring April 1, 1981 and a quote on the insurance being considered had not been received until two days before the meeting.
7. The respondents claimed that it was necessary to make a decision regarding the increase in salaries so that the proposed salary increase could go before the board of finance.

8. The selectmen also claimed that their emergency meeting was necessary because of the difficulty which they have scheduling meetings in advance.

9. The board of finance considered the matter of increased salaries for the board of selectmen on April, 1981.

10. The existing insurance coverage expired April 1, 1981.

11. It is found that emergency meeting was not justified by the circumstance since the decisions regarding insurance and salaries could have been made at any time between March 16, 1981 and the last day of March.

12. It is concluded that the emergency meeting was illegal because the respondent board failed to prove that it was unable to give the public the twenty-four hours notice required for a special meeting.

13. The respondents claimed that the complainants' request that they declare the action of the respondent board in voting for salary increases null and void was moot because the board of finance did not include the proposal for the salary increases in its proposed 1981-82 budget and also, because the budget as proposed, was rejected by the town meeting.

14. It is found that the failure of the board of finance to include the salary increases in the 1981-82 budget does not, render the vote of the selectmen on the salary increases a nullity.

15. It is further found that the town meeting's rejection of the budget, which did not contain the salary increases, does not render the vote of the selectmen on the salary increases a nullity.

The following order is hereby recommended based upon the record in the above captioned complaint:

1. The respondent board shall limit its call of emergency meetings to those situations where the stated emergency requires the convening of a meeting prior to the 24 hours necessary to provide notice of a special meeting pursuant to § 1-21, G.S.

2. The vote of the respondent board to increase the salaries of the selectmen is hereby declared null and void.

Approved by order of FOIC
July 8, 1981, regular meeting.

Wendy Paradis
Wendy Paradis