

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by  
John Candee,

FINAL DECISION

Complainant

Docket #FIC84-134

against

Watertown Town Council,

February 27, 1985

Respondent

The above captioned matter was heard as a contested case on October 1, 1984 at which time it was continued to November 19, 1984. On November 19, 1984 the complainant and the respondent appeared and presented testimony, exhibits and argument on the complaint.

After consideration of the entire record the following facts are found:

1. The respondent is a public agency within the meaning of §1-18a(a), G.S.

2. At 8:00 p.m. on July 2, 1984 the respondent held a regular meeting, during which it convened in executive session to discuss "a personnel matter."

3. Upon reconvening in public session on July 2, 1984 the respondent voted to accept the resignation of the town manager, James Troup, and to approve certain amounts as compensation and benefits.

4. By letter of complaint filed with the Commission on July 15, 1984 the complainant alleged that the majority members of the respondent might have held meetings with respect to the town manager's performance, resignation and compensation for which notices had not been provided, in violation of §1-21(a), G.S.

5. It is found that during the week of June 18, 1984 four or five Democratic members of the respondent met, without public notice, to discuss the town manager's performance, at which time several members suggested that the possibility of changing town managers be brought to the attention of the respondent.

6. Following such gathering, the chairman of the respondent prepared a document which detailed areas in which she felt the town manager was performing poorly and which contained proposed terms of resignation and compensation.

7. The respondent is composed of nine members, of which five constitute a quorum.

8. At the direction of the chairman of the respondent, the agenda item "Executive session - personnel matter" was placed on the agenda for the respondent's July 2, 1984 meeting.

9. On June 28, 1984 the town manager met, without notice, with the chairman of the respondent and three other Democratic members of the respondent. During such meeting the chairman of the respondent, reading from the text referred to at paragraph 6, above, informed the town manager that on July 2, 1984 she would recommend to the respondent a change in town managers.

10. On June 28, 1984 the town manager indicated that he would probably resign at the July 2, 1984 meeting, but reserved the right to change his mind and contact an attorney.

11. By letter dated June 29, 1984 counsel for the town manager indicated to counsel for the Town of Watertown that the town manager had accepted the request to resign and the offered compensation package. Counsel for the town manager submitted for town counsel's consideration a "memorandum of understanding."

12. At approximately 4:00 p.m. on July 2, 1984 the town manager and his attorney met, without notice, with the chairman and vice chairman of the respondent and town counsel. At such time a final decision was reached that the town manager would resign and a final memorandum of understanding would be prepared, such memorandum to be submitted to the respondent at approximately 9:00 p.m. that evening.

13. The Democratic members of the respondent were informed of the proposed resignation and memorandum of understanding at a gathering held, without notice, immediately prior to the respondent's July 2, 1984 meeting.

14. The respondent claims that the gathering of four or five of its members during the week of June 18, 1984 was a caucus within the meaning of §1-18a(b), G.S.

15. It is found that during the series of gatherings which began the week of June 18, 1984 and ended just prior to the convening of the respondent's public meeting on July 2, 1984, the Democratic members of the respondent discussed the performance of the town manager, reached a decision to ask him to resign and actually orchestrated his resignation.

16. The performance of the town manager was not introduced at any public meeting of the respondent prior to the July 2, 1984 meeting.


17. It is found that the July 2, 1984 vote of the respondent to accept the town manager's resignation was taken without public access to the process by which the respondent's decision to ask for the resignation was reached.

18. It is concluded that the gatherings of Democratic members of the respondent described at paragraph 15, above, were meetings within the meaning of §1-18a(b), G.S. and that the respondent violated §1-21(a), G.S. when it failed to post notice of or provide public access to such meetings.

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

1. Henceforth the respondent shall act in strict compliance with the requirements of §1-21(a), G.S. regarding access to meetings of public agencies.

Approved by order of the Freedom of Information Commission at its regular meeting of February 27, 1985.

  
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Mary Jo Jolicoeur  
Clerk of the Commission