

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Theophilus B. Meekins,

FINAL DECISION

Complainant

Docket #FIC85-15

against

July 24, 1985

Bridgeport Civil Service Commission
of the City and Town of Bridgeport,

Respondent

The above captioned matter was heard as a contested case on April 15, 1985 at which time 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. A schedule of regular meetings filed by the respondent on or about January 4, 1984 indicated that the regular meeting for the month of December would be held on December 17, 1984.
3. A meeting notice dated December 20, 1984 and sent to all members of the respondent indicated that the respondent's "regular" meeting would be held on December 27, 1984 to consider merit raises for city employees. The notice also indicated that the agenda for the meeting would be forwarded to all members of the respondent prior to the meeting.
4. Subsequent to the December 20, 1984 notice of meeting a detailed agenda was prepared for the December 27, 1984 meeting, which agenda included items other than merit raises.
5. A meeting notice dated December 27, 1984 and sent to all members of the respondent indicated that the "regular" meeting of the respondent had been rescheduled until December 28, 1984 due to the lack of a quorum and inclement weather.
6. On December 27, 1984 a court ruling was issued in a lawsuit, to which the complainant was a party, regarding a civil service eligibility list for the rank of police sergeant
7. On December 27, 1984 the complainant called the offices of the respondent to ask whether the respondent would be discussing the eligibility list at the meeting scheduled for that day. The complainant intended to attend the meeting if the

eligibility list were going to be discussed. The complainant was told that the meeting had been postponed until the next day but that the matter of the eligibility list was not scheduled for discussion. As a result, the complainant did not attend the respondent's December 28, 1984 meeting.

8. At its December 28, 1984 meeting the respondent voted to certify the police sergeant eligibility list.

9. By letter of complaint filed with the Commission on January 25, 1985 the complainant alleged that the respondent failed to provide an accurate agenda for its December 28, 1984 meeting 24 hours in advance and failed to comply with the notice requirements of §1-21, G.S. with respect to special meetings. The complainant further alleged that when requested on January 24, 1985, minutes of the December 28, 1984 meeting were still in the process of being typed. The complainant requested that the December 28, 1984 meeting be declared illegal and that both the vote and the consequences of the vote on the certification of the police sergeant list be declared null and void.

10. It is found that the December 28, 1984 meeting of the respondent was not included in the schedule of regular meetings placed on file by the respondent and was, therefore, a special meeting within the meaning of §1-21(a), G.S.

11. It is found that notice of the rescheduling of the respondent's December 27, 1984 meeting was provided more than 24 hours prior to the December 28, 1984 meeting. However, the meeting notice to which the rescheduling referred did not specify the business to be transacted, in violation of §1-21(a), G.S.

12. At its December 28, 1984 meeting the respondent, reacting to the court ruling, took a vote to consider the certification of the police sergeant eligibility list, a matter not included in either the notice of rescheduling or the agenda for the meeting.

13. Following discussion of the eligibility list matter, the respondent voted to certify the police sergeant list "in accordance with the court decision."

14. §1-21(a), G.S. provides that no business other than that specified in the notice shall be considered at a special meeting.

15. It is concluded that the respondent violated §1-21(a), G.S. when on December 28, 1984 it considered and voted upon a matter not scheduled for discussion.

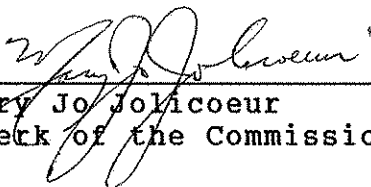
16. It is further found that the respondent did not have minutes of its December 28, 1984 meeting available for public inspection within seven days of the meeting, in violation of §1-21(a), G.S.

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

1. The Commission hereby declares null and void the respondent's December 28, 1984 votes with respect to the certification of the police sergeant eligibility list.

2. Henceforth the respondent shall act in strict compliance with the requirements of §1-21(a), G.S. regarding notices of special meetings and timely access to minutes of meetings.

Approved by order of the Freedom of Information Commission at its regular meeting of July 24, 1985.



Mary Jo Jolicoeur
Clerk of the Commission