

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by FINAL DECISION

Robert M. Walsh

Complainant

Docket #FIC 85-19

against

September 11, 1985

Coventry Town Council, Chairman of the
Council and the Town Manager of Coventry

Respondents

The above captioned matter is a contested case which was scheduled for hearing April 19, 1985 at which time the parties appeared and presented evidence and argument on the complaint.

1. The respondents are public agencies within the meaning of §1-18a(a) G.S.

2. By letter filed with the Commission January 16, 1985, the complainant alleged that the respondent violated Section 1-21 G.S. by failing to file minutes of meetings held December 17, 1984 and December 21, 1984 within the time limits set forth at §1-21 G.S.

3. By letter dated December 27, 1984, Alvah Phillips requested minutes for the town council meetings of December 17, 1984 and December 21, 1984.

4. On December 31, 1984, the assistant town clerk supplied Phillips with copies of a document called the "Summary of Motions" for the December 17, 1984 meeting and the minutes for the December 17, 1984 meeting.

5. At the time of the request on December 27, 1984, no record of either of the meetings was available.

6. The respondents moved to dismiss the complaint because the complainant had neither requested copies nor had he been denied copies of any minutes or record of proceedings of any meeting.

7. Section 1-21i(b) G.S. provides in relevant part that

Any person denied the right to inspect or copy records under section 1-19 or wrongfully denied the right to attend any meeting of a public agency or denied any other right conferred by section 1-15, 1-18a, 1-19 to 1-19b, inclusive, and 1-21 to 1-21k inclusive may appeal therefrom to the Freedom of Information Commission

8. It is found that to the extent the complaint herein is a claim of denial of the right to inspect or copy records that it is dismissed; however, the commission has jurisdiction over that portion of the complaint which asserts that the respondent failed to file minutes and records of votes in the time periods required by §1-21 G.S.

9. On April 9, 1985, the minutes of the December 17, 1984 meeting were still not available.

10. Section 1-19(a) requires in relevant part that "[e]ach...agency shall make, keep and maintain a record of the proceedings of its meetings."

11. Section 1-21 G.S. provides in relevant part that:

the votes of each member of any public agency upon any issue before such public agency shall be reduced to writing and made available for public inspection within forty-eight hours, and shall also be recorded in the minutes of the session at which taken, which minutes shall be available for public inspection within seven days of the session to which they refer.

12. It is found that the respondent failed to provide either a record on votes or minutes for either the December 17, 1984 or the December 21, 1984 meeting within the time period required by §1-21 G.S.

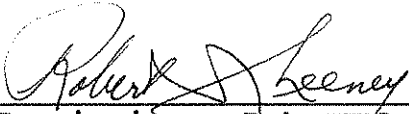
13. The "Summary of Motions" of the December 17, 1984 meeting includes the time of convening the meeting, the names of the members of town council present, the motions presented and the votes of the members of town council by member, indicating abstentions where these occurred.

14. It is found that the "Summary of Motions" satisfies the requirements of the Freedom of Information Act for minutes and that no additional filing of minutes other than the "Summary of Motions" is required by the act.

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

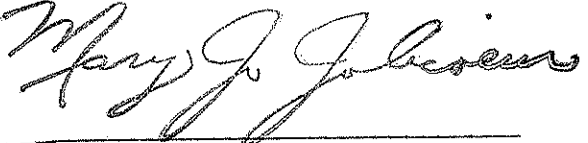
1. Henceforth, the respondent shall file records of votes and minutes in accordance with the time limits set forth at §1-21 G.S.

2. Insofar as the complaint asserts that the complainant was denied copies of records of votes and minutes that portion of the complaint is dismissed.



Commissioner Robert Leeney
as Hearing Officer

Approved by order of the Freedom of Information Commission at its regular meeting of September 11, 1985.



Mary Jo Jolicoeur
Acting Clerk of the Commission