

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Daniel H. Melnick

FINAL DECISION

Complainant

Docket #FIC 85-119

against

July 24, 1985
September 11, 1985

Bristol Housing Authority and
Town of Bristol

Respondents

The above captioned matter was heard as a contested case on July 19, 1985 at which time the complainant and the respondent 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 respondent is a public agency within the meaning of section 1-18a(a), G.S.

2. At special meetings of the respondent Authority held on May 2, 1985 and May 7, 1985, executive sessions were convened to discuss "Staff evaluations/wage adjustments and Personnel Matters."

3. On May 15, 1985 the respondent Authority held a public meeting to take official action on its 1985-86 operating budget. The budget presented for adoption eliminated the complainant's position as Maintenance Foreman.

4. By a letter of complaint filed with the Commission on May 24, 1985 the complainant appealed the respondent Authority's failure to notify him that his employment was to be discussed at the May 2, 1985 and May 7, 1985 meetings. Furthermore, the complainant contended that budgetary matters were discussed during the executive sessions conducted on those dates in violation of the Freedom of Information Act.

5. It is found that at the May 2, 1985 and May 7, 1985 meetings of the respondent Authority, issues were raised in executive session relating to the respondent Authority's budget.

6. It is further found that the complainant was not notified that the termination of his position was to be discussed during the aforementioned meetings of the respondent Authority.

7. It is concluded that the respondent Authority conducted executive sessions in violation of §1-18a(e), G.S.

8. It is also concluded that the respondent Authority violated §1-21(a), G.S. by failing to notify the complainant that the termination of his employment was to be discussed at the meetings of May 2, 1985 and May 7, 1985.

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

1. Henceforth the respondent Authority shall convene in executive session in strict compliance with the requirements of §1-18a(e), G.S. Conducting discussions beyond those allowed by §1-18a(e), G.S. constitutes a serious violation of the Freedom of Information Act.

2. Failure to give meaningful notice of agenda items to be discussed during special meetings violates §1-21(a), G.S. Henceforth the respondent Authority shall provide meaningful notice to those individuals directly affected by discussions held during its meetings.


Commissioner Deane C. Avery
as Hearing Officer

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