

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by James R. Ross, and The Hartford Courant,)	
)	Report of Hearing Officer
Complainants)	
against)	Docket #FIC78-101
)	
City of Willimantic; Williman- tic Community Development Agency)	September 20, 1978
of the City of Willimantic; and)	
Common Council of the City of)	
Willimantic,)	
Respondents)	

The above captioned matter was heard as a contested case on July 28, 1978, at which time the complainants and the respondents appeared and presented testimony, exhibits 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 §1-18a(a), G.S.
2. A quorum of the respondent community development agency held a meeting on May 16, 1978 which was attended by a quorum of the respondent council.
3. During the aforesaid meeting, members of the respondent council and the respondent agency went into executive session to discuss the adoption of a personnel policy.
4. During the aforesaid executive session members of the respondent agency voted to adopt the personnel policy.
5. After members of the respondent council left the executive session, the respondent agency discussed whether or not to bring criminal charges against an employee.
6. On June 1, 1978, the complainants filed a complaint with this Commission in which they alleged that both respondents had violated the requirements of the Freedom of Information Act as codified in Chapter 3 of the General Statutes in the following manner:
 - a. The presence of a quorum of the respondent council at the May 16, 1978 meeting of the respondent agency was a meeting of the respondent council held in violation of the requirements of §1-21, G.S. without proper notice or minutes;

b. The executive session of the May 16, 1978 meeting was improper in that it was not held for a proper purpose within the meaning of §1-18a, G.S.;

c. The discussion of whether or not to bring a legal action against a former employee was improper because such discussion had not been made part of the motion to go into executive session.

7. The respondent agency claimed as its defense an interpretation of the Connecticut Freedom of Information Act which was based on certain provisions of federal law and it further alleged that its discussion of whether to prosecute a former employee had not been planned as part of the executive session.

8. The respondent council claimed that it had attended the meeting of the respondent agency by invitation and as a matter of good policy should not be held responsible for violations of the law for which the respondent agency was responsible.

9. The respondent council created the respondent agency by resolution in accordance with Chapter 130 of the Connecticut General Statutes on June 13, 1977.

10. The membership of the respondent agency is appointed by the mayor of Willimantic subject to the confirmation of the board of aldermen of the respondent city.

11. The respondent council approves the budget of the respondent agency.

12. On July 10, 1978 the respondent council adopted two resolutions urging fiscal restraint in regard to fringe benefits, salary review, and increases for the staff of the respondent agency.

13. It is concluded that the respondent council has advisory power with respect to the business of the respondent agency and therefore that the gathering of a quorum of the respondent council at the May 16 meeting of the respondent agency was a meeting of the respondent council within the terms of §1-18a(b), G.S.

14. It is found that the respondent council did violate the notice and minutes requirements of §1-21, G.S. by failing to post proper notice and by failing to file minutes of the meeting.

15. It is further found that both respondents violated the requirements of §1-18a(e) and §1-21, G.S. by their discussion and vote on a personnel policy which is not one of the proper purposes for an executive session.

16. It is further found that the discussion of a former employee was not included within the scope of the motion to go into executive session and, therefore, that the respondent agency violated the motion and voting requirements for executive sessions which are set forth in §1-21, G.S. because the specific purpose of the discussion was not stated in the motion.

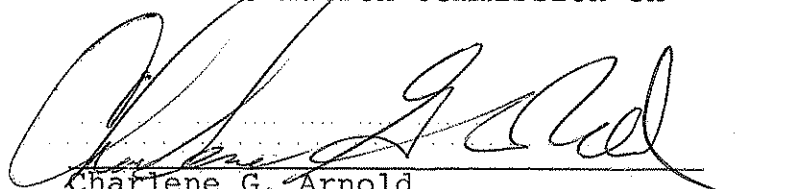
The following order by the Commission is hereby recommended on the basis of the record concerning the above captioned complaint:

1. The respondent agency and council shall henceforth comply with the requirements of §1-18a(e) and §1-21, G.S. by filing notice and minutes for meetings, by limiting their executive sessions to the purposes which are set forth at §1-18a(e), G.S. and by properly framing the motions to go into executive sessions so that the reasons for the executive sessions are properly set forth.


Commissioner Donald Friedman

as Hearing Officer

Approved by order of the Freedom of Information Commission on October 11, 1978.


Charlene G. Arnold
Clerk of the Commission