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# FREEDOM OF INFORMATION



Connecticut Freedom of Information Commission • 18-20 Trinity Street, Suite 100 • Hartford, CT 06106  
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Sheila Parizo,  
Complainant(s)  
against

Notice of Meeting

Docket #FIC 2011-303

Board of Aldermen, City of Derby,  
Respondent(s)

May 3, 2012

### Transmittal of Proposed Final Decision Dated May 2, 2012

In accordance with Section 4-179 of the Connecticut General Statutes, the Freedom of Information Commission hereby transmits to you the proposed finding and decision dated May 2, 2012, prepared by the hearing officer in the above-captioned matter.

This will notify you that the Commission will consider this matter for disposition at its meeting which will be held in the Freedom of Information Commission Hearing Room, 18-20 Trinity Street, 1st floor, Hartford, Connecticut, at **2 p.m. on Wednesday, May 23, 2012**. At that time and place you will be allowed to offer oral argument concerning this proposed finding and order. Oral argument shall be limited to ten (10) minutes. For good cause shown, however, the Commission may increase the period of time for argument. A request for additional time must be made in writing and should be filed with the Commission *on or before May 11, 2012*. Such request **MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, and (2) include a notation indicating such notice to all parties or their representatives.**

Although a brief or memorandum of law is not required, if you decide to submit such a document, the Commission requests that an **original and fourteen (14) copies** be filed *on or before May 11, 2012*. **PLEASE NOTE: Any correspondence, brief or memorandum directed to the Commissioners by any party or representative of any party MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, (2) include a notation indicating such notice to all parties or their representatives and (3) be limited to argument. NO NEW EVIDENCE MAY BE SUBMITTED.**

If you have already filed a brief or memorandum with the hearing officer and wish to have that document distributed to each member of the Commission, it is requested that **fourteen (14) copies** be filed *on or before May 11, 2012* and that **notice be given to all parties or if the parties are represented, to their representatives, that such previously filed document is being submitted to the Commissioners for review.**

By Order of the Freedom of Information Commission

W. Paradis

Acting Clerk of the Commission

Notice to: Sheila Parizo  
Joseph T. Coppola

2012-05-03/FIC# 2011-303/Trans/wrbp/LFS//PSP

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Sheila Parizo,

Complainant

against

Docket #FIC 2011-303

Board of Aldermen, City of Derby,

Respondent

May 2, 2012

The above-captioned matter was heard as a contested case on October 18, 2011, 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 and conclusions of law are reached:

1. The respondent are public agencies within the meaning of §1-200(1)(A), G.S.

2. It is found that by letter filed June 10, 2011, the complainant appealed to this Commission, alleging that the respondent violated the Freedom of Information ("FOI") Act on May 26, 2011, by failing to post notice of a sub-committee meeting and excluding the public from such meeting.

3. Section 1-200(1), G.S., provides in relevant part:

"Public agency" or "agency" means: (A) Any executive, administrative or legislative office of the state or any political subdivision of the state and any state or town agency, any department, institution, bureau, board, commission, authority or official of the state or of any city, town, borough, municipal corporation, school district, regional district or other district or other political subdivision of the state, including any committee of, or created by, any such office, subdivision, agency, department, institution, bureau, board, commission, authority or official[.]

4. Elections Review Committee of the Eighth Utilities District v. FOI Comm'n, 219 Conn. 685 (1991) held that the term "committee" refers to a group that is a "subunit" of the agency that created it.

5. It is found that the community relations sub-committee of the board of aldermen is comprised of three members of the board of aldermen.

6. It is found that the sub-committee is a subunit of the board of alderman. It is concluded, therefore, that the sub-committee is a “committee of” the board of alderman and is a public agency.

7. Section 1-200(2), G.S., provides, in relevant part:

“Meeting” means any hearing or other proceeding of a public agency, any convening or assembly of a quorum of a multimember public agency, and any communication by or to a quorum of a multimember public agency, whether in person or by means of electronic equipment, to discuss or act upon a matter over which the public agency has supervision, control, jurisdiction or advisory power.

8. Section 1-225, G.S., provides in relevant part:

(a) The meetings of all public agencies ... shall be open to the public. The votes of each member of any such 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. Not later than seven days after the date of the session to which such minutes refer, such minutes shall be available for public inspection and posted on such public agency’s Internet web site, if available, except that no public agency of a political subdivision of the state shall be required to post such minutes on an Internet website. Each public agency shall make, keep and maintain a record of the proceedings of its meetings.

...

(d) Notice of each special meeting of every public agency ... shall be posted not less than twenty-four hours before the meeting to which such notice refers on the public agency's Internet web site, if available, and given not less than twenty-four hours prior to the time of such meeting by filing a notice of the time and place thereof in ... the office of the clerk of such subdivision for any public agency of a political subdivision of the state [.]

9. It is found that the board of aldermen held a meeting on May 26, 2011. It is found that one item on the agenda was a public hearing and discussion of a project involving a parcel of land that was formerly property of the Connecticut Department of Transportation.

10. It is found that during the discussion, the mayor asked another board member whether he would like to convene the community relations sub-committee, which the board member chaired, to review the maps and the appraisals.

11. It is found that the agenda for the respondent's May 26, 2011 meeting did not state that the community relations sub-committee would meet to review maps and appraisals pertaining to the parcel of land.

12. It is found that the board recessed its meeting in order for the sub-committee to meet, and it is found that all three members of the sub-committee met at that time.

13. It is found that the complainant was present at the board meeting but the public was not permitted to attend the sub-committee meeting.

14. It is found that the sub-committee did not record minutes of their discussion of May 26, 2011, nor did it make a record of any votes.

15. It is found that following the sub-committee meeting, the full board reconvened and heard the sub-committee's recommendation to make an offer to the property owner for the value of the appraisal. It is found that the board followed the sub-committee's recommendation and unanimously approved a motion to make such an offer.

16. It is found that the sub-committee discussed matters over which it has supervision, control, jurisdiction or advisory power.


17. It is concluded that the community relations sub-committee's discussion on May 26, 2011 was a meeting of the sub-committee subject to the requirements of the FOI Act.

18. It is concluded that the sub-committee violated §§1-225(a) and (d), G.S. It is further concluded that the respondent board violated the FOI Act by failing to require the sub-committee to comply with the open meetings requirements of §§1-225(a) and (d), G.S.

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

1. The respondent's sub-committee shall, within 90 days of the notice of final decision in this matter, cause minutes to be filed of the May 26, 2011 meeting of the community relations sub-committee. Such minutes shall detail the matters discussed, the persons in attendance, and any votes taken during the meeting.

2. Henceforth, the respondent shall strictly comply with the provisions of §§1-225(a) and (d), G.S.

  
Lisa Fein Siegel  
as Hearing Officer

FIC2011-303/hor/lfs/05022012