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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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Bill Effros,  
Complainant(s)  
against

Notice of Meeting

Docket #FIC 2013-361

Representative Town Meeting, Town of  
Greenwich; and Town of Greenwich,  
Respondent(s)

December 5, 2013

### Transmittal of Proposed Final Decision

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 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, January 8, 2014**. 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 December 13, 2013**. 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, an **original and fourteen (14) copies** must be filed **ON OR BEFORE December 13, 2013**. **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 December 13, 2013**, 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: Bill Effros  
John Wayne Fox, Esq.

12/5/13/FIC# 2013-361/Trans/wrbp/VDH//GFD

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In The Matter of a Complaint by

Report of Hearing Officer

Bill Effros,

Complainant

against

Docket #FIC 2013-361

Representative Town Meeting,  
Town of Greenwich; and  
Town of Greenwich,

Respondents

December 5, 2013

The above-captioned matter was heard as a contested case on December 3, 2013, at which time the complainant and the respondents 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 respondents are public agencies within the meaning of §1-200(1), G.S.
2. By email dated June 12, 2013 and filed June 13, 2013, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act in the following way: by adding an item to the May 13, 2013 agenda for a regular meeting of the Representative Town Meeting ("RTM") without a motion and without the necessary 2/3 vote required to add such item to the agenda. The complainant requested that the RTM's actions on this item be declared null and void.
3. Section 1-225(a), G.S., provides, in relevant, part: "The meetings of all public agencies. . . shall be open to the public."
4. 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. . . .

5. Section 1-225(c) and (d), G.S., provide respectively, in relevant, part:

(c) The agenda of the regular meetings of every public agency, except for the General Assembly, shall be available to the public and shall be filed, not less than twenty-four hours before the meetings to which they refer, (1) in such agency's regular office or place of business, and (2) . . . in the office of the clerk of such subdivision for any public agency of a political subdivision of the state. . . . Upon the affirmative vote of two-thirds of the members of a public agency present and voting, any subsequent business not included in such filed agendas may be considered and acted upon at such meetings.

(d) Notice of each special meeting of every public agency . . . shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings by such public agency.

6. It is found that the public meeting at issue was a regular meeting. It is therefore found that, if the respondent RTM had desired to add additional items of business to the agenda of the May 13, 2013 meeting, it would have been permitted to do so under the provisions of §1-225(c), G.S.

7. However, it is found that, on April 29, 2013—two weeks before the meeting in question took place, the respondents issued an agenda for the May 13, 2013 regular meeting. It is found that the agenda contained and sufficiently described three items of business that the RTM planned to take up at the May 13, 2013 meeting. It is further found that, also on April 29, 2013, the respondents issued a supplemental agenda for the May 13, 2013 meeting, which indicated that the RTM planned to take up one additional item of business at the May 13, 2013 regular meeting. It is found that the supplemental agenda sufficiently described the additional item begin added to the agenda.

8. It is further found that, other than the four items of business identified in the agenda and the supplemental agenda described in paragraph 7, above, the RTM did not take up any other matters at the May 13, 2013 regular meeting.

9. Accordingly, it is found that the allegations of the complaint, specifically that the respondents failed to move an additional item of business to the agenda of the May 13, 2013 regular meeting of the RTM by an appropriate 2/3 vote, are without merit.

10. In addition, while the complainant seems to raise an allegation in the complaint with regard to how long individuals were allowed to comment at the May 13, 2013 meeting, the Commission notes that, while meetings of a public agency are required to be open to the public, the FOI Act itself does not require a public agency to permit members of the public to speak or comment at its meetings. Accordingly, whether time for comment is allowed, and how much time is allotted for comment, is within the public agency's discretion.

11. Based on the foregoing, it is concluded that the respondents did not violate the FOI Act as alleged in the complaint.

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

1. The complaint is dismissed.



Valicia Dee Harmon  
Valicia Dee Harmon  
as Hearing Officer