FREEDOM OF INFORMATION COMMISSION STATE OF CONNECTICUT

In the Matter of a Complaint by

Einar J. Boland, Complainant

Report of Hearing Officer

against

Docket #FIC 75-25

Town of Woodbury and the Board of Finance of the Town of Woodbury,

December 18, 1975

Respondents

The above-captioned complaint was noticed for hearing on the Commission's Order to Show Cause on December 17, 1975.

Prior to that date the respondents transmitted to the hearing officer certified copies of the minutes of meetings for the purpose of demonstrating compliance with Public Act 75-342 subsequent to the meeting of November 26, 1975, of which the complainant complained.

The certified minutes of the meeting of the Board of Finance of December 10, 1975, demonstrate that the respondent Board ratified all of its actions at the November 26, 1975, meeting.

In view of the notice of the November 26, 1975, meeting and the ratification of the events at that meeting which occurred at the regular meeting on December 10, 1975, the actions of the Board on November 26, 1975, are found to have been ratified on this occasion since the November 26, 1975, meeting was, in fact, conducted as an emergency session for the reasons set forth in the minutes transmitted as part of the complaint.

It is recommended that the compliance be accepted as a basis for dismissal of this complaint.

> Commissioner Judith A. Lahey. as Hearing Officer

Freedom of Information Commission of the State of Connecticut

In the Matter of a Complaint by)	
Einar J. Boland,)	Report of Hearing Officer
Complainant)	Docket #FIC 75-25
against)	January 30, 1976
Town of Woodbury, and Board of Finance of Town of Woodbury)	
Respondents)	

- l. The respondent Board of Finance is a public agency of the Town of Woodbury.
- 2. On November 25, 1975, notice was given of a special meeting of respondent board.
- 3. Said notice omitted the date and agenda of this meeting and consequently did not comply with Section 6 of the Act.
- 4. At commencement of the meeting the chairman received waivers of notice from each board member in attendance. These waivers did not satisfy the requirement of public notice under the Act, public notice being the primary purpose of the Act itself.
- 5. The meeting was held to correct possible irregular procedures followed prior to funding authorization by the public.
- 6. There was no emergency to justify proceeding without notice under Section 6 of the Act. The circumstance that action of the board was needed to ratify expenditures previously authorized was not sufficient to satisfy the burden of proof that an emergency did, in fact, exist at the time and place of the November 26, 1975 meeting.
- 7. On December 10, 1975, the actions taken by the board at the November 26, 1975 meeting were ratified. The minutes of the December 10 meeting state as follows: -
 - W. Torrance moved that all actions of the Board at the November 26, 1975 meeting be ratified, confirmed and approved. R. Heyniger seconded. Approved unanimously.
- 8. Although the procedure of the public agency was incorrect, the Commission finds that the public agency acted in good faith in convening and conducting its meeting of November 26, 1975.

ORDER

- 1. The commission directs that the Board of Finance give the notice required by Public Act 75-342 for all future special meetings.
- 2. While the resolutions approved at the meeting of November 26, 1975 were adopted in violation of the procedural requirements of the Act, these resolutions were subsequently ratified in a lawful manner at the meeting of December 10, 1975. Therefore no further order need be entered by the Commission, as the purposes of the Act are served by this ratification.

Judul H Lalley
Commissioner Judith A. Lahey

as Hearing Officer

Approved by order of the Freedom of Information Commission on February 20, 1976.

Louis J. Tapogna, Clerk of

the Commission