FREEDOM OF INFORMATION COMMISSION OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by Robert Fromer, Complainant) Report of Hearing Officer
against	Docket #FIC77-29
City and Town of New London, Town Council of the City and Town of New London and Public	March 4, 1977
Welfare Committee of the City)
and Town of New London, Respondents) .

The above captioned matter was heard as a contested case on February 28, 1977, at which time the complainant 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 as defined in §1-18a(a), General Statutes.
- 2. On January 31, 1977, the respondent committee, consisting of three members of the respondent council, held a meeting to discuss the respondent town's pending application to the Department of Housing and Urban Development for community development funds.
- 3. The aforesaid meeting of the respondent committee was duly noticed and was open to the public.
- 4. The notice concerning the meeting in issue did contain a special invitation to the four remaining members of the respondent council encouraging their attendance.
- 5. The four additional members of the respondent council were present at the aforesaid meeting.
- 6. The complainant, by letter filed with this Commission on February 7, 1977, alleged that the presence and participation of all seven members of the respondent council at the January 31, 1977 meeting of the respondent committee constituted a violation of P.A. 75-342 in that the respondent council had failed to post notice of its meeting concerning the same.
- 7. No Notice was given to the clerk of the respondent town concerning a meeting of a quorum of the respondent council on

January 31, 1977.

- 8. The four additional members of the respondent council, not members of the respondent committee, did participate fully in the aforesaid discussion and did express, along with the members of the respondent committee, their consensus concerning the subject discussed therein.
- 9. The aforesaid consensus of all members of the respondent council was reflected in the minutes of said meeting.
- 10. It is found that the meeting of January 31, 1977 constituted a meeting of the respondent council upon a matter over which it has supervision, control, jurisdiction or advisory power within the meaning of \$1-18a(b), General Statutes, to which the provisions of P.A. 75-342 concerning notice, minutes and record of votes apply.

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

- 1. Henceforth, the respondent council shall strictly comply with the provisions of P.A. 75-342 concerning the requirement of notice to its meetings, as interpreted by these findings.
- 2. The Commission bears in mind that very often a municipal agency is composed of a group of laymen who do not always express themselves or act with the nicety of Philadelphia lawyers. The Commission will scrupulous not to hamper the legitimate activities of civic administrative boards by declaring null and void, as a matter of course, their actions as a result of such technical infirmities.
- 3. The Commission notes that the provisions of P.A. 75-342 concerning the adjournment and continuance of meetings should adequately provide for the eventuality of a failure of a quorum of the respondent council to turn out for one of its committee meetings subsequent to giving notice of the same as outlined in order #1 hereinabove.

Commissioner Judith Lahey

as Hearing Officer

Approved by order of the Freedom of Information Commission on March 23, 1977.

Louis J. Tapogra, as Clerk of the Freedom of Information Commission