

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by)
Eugene L. Martin, Complainant) Report of Hearing Officer
against) Docket #FIC76-128
City and Town of Waterbury and)
Board of Police Commissioners of) September 20, 1976
the City and Town of Waterbury)
Respondents)

The above captioned matter was heard as a contested case on August 27, 1976, at which time the complainant and respondents appeared, stipulated to certain facts and presented 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(a) of P.A. 75-342.

2. On July 8, 1976, respondent board and the police superintendent of the City of Waterbury met. The purpose of the gathering was the presentation to the respondent board of a report by the police superintendent on reassignments in the police department.

3. By letter of complaint filed with this Commission on July 20, 1976, the complainant alleged that such meeting was held in violation of P.A. 75-342.

4. The parties agreed that the provisions of P.A. 75-342 regarding notice, minutes and record of votes were not followed.

5. Those members of the respondent board present at the meeting represent a quorum.

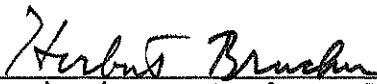
6. The respondents contended that this convening of the board together with the police superintendent was not a "meeting" of the board as defined in §1(b) of P.A. 75-342 because the board does not have supervision, control, jurisdiction or advisory power over reassignments in the police department, the only matter before the agency on July 8, 1976. Thus respondents need not comply with the provisions of P.A. 75-342.

7. Whenever a quorum of a public agency gathers, even if no business is discussed and no action is taken, the notice and other requirements of P.A. 75-342 are nevertheless in effect.

8. It is found that the proceedings on July 8, 1976 constitute a meeting of a public agency to which the provisions of P.A. 75-342 apply.

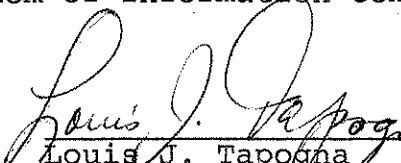
The following order by the Commission is hereby recommended on the basis of the record concerning the above captioned complaint:

1. Henceforth all meetings of the respondents shall be held in conformity with the provisions of P.A. 75-342.



Commissioner Herbert Brucker
as Hearing Officer

Approved by order of the Freedom of Information Commission on October 27, 1976.



Louis J. Tapogna
as Clerk of the Commission