

7. At the respondent board's meeting of August 11, 1977, the members thereof voted to reject the fact finder's report.

8. By complaint filed with this Commission on August 24, 1977, the complainants alleged that the respondent board violated §1-21, G.S., in that there was no emergency justifying the convening of an emergency meeting and therefore the respondent board should have complied with the notice requirements for a special meeting in accordance with the provisions of that section.

9. The respondent contended that an emergency meeting was justified on the basis of the time notification requirements of §7-473, G.S., which required the respondent city to notify the complainant union of its rejection of the fact finder's report on or before August 12, 1977.

10. It is found that the time and notice requirements of §7-473, G.S., did not justify the convening of an emergency meeting in that more than twenty-four hours remained for rejection of the fact finder's report when the emergency meeting was called.

11. The complainants further assert that if the aforesaid meeting had been a special meeting they would have had opportunity to persuade the respondent board to permit the fact finder's report to become a binding contract. They therefore request that this Commission declare null and void the respondent board's vote to reject the fact finder's report.

12. The right of public participation at a meeting of a public agency is not conferred by any section of the Freedom of Information Act as codified in Chapter 3, G.S., and it is apparently not permitted at special meetings of the respondent board.

13. It is concluded, therefore, that the meeting of August 11, 1977 was an improper emergency meeting and was, in fact, a special meeting held in violation of the requirements of §1-21, G.S.

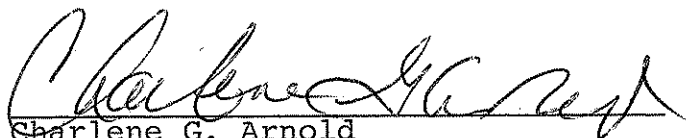
The following order by the Commission is hereby recommended on the basis of the record concerning the above captioned complaint:

1. Henceforth the respondent board shall comply in all respects with the requirements of §1-21, G.S.

  
\_\_\_\_\_  
Commissioner William J. Clew

as Hearing Officer

Approved by order of the Freedom of Information Commission on  
October 12, 1977.

  
\_\_\_\_\_  
Charlene G. Arnold  
Clerk of the Commission

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by )  
Samuel Haurilak; and Local 385 ) Report of Hearing Officer  
Shelton Police Department, )  
International Brotherhood of ) Docket #FIC77-168  
Police Officers, Complainants )  
October 5, 1977  
against )  
City and Town of Shelton; Mayor )  
of the City and Town of Shelton; )  
and Board of Aldermen of the City )  
and Town of Shelton, )  
Respondents )

The above captioned matter was heard as a contested case on August 25, 1977, at which time the complainants 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:

1. The respondents are public agencies within the meaning of §1-18a(a), G.S.

2. At 7:00 p.m. on August 11, 1977, at the request of the city attorney, the respondent board held an emergency meeting for the purpose of considering a fact finder's report in connection with a collective bargaining dispute between the complainant union and respondent city.

3. The fact finding and fact finder's report were undertaken pursuant to §7-473, G.S.

4. §7-473, G.S., requires inter alia that a fact finding report of the State Board of Mediation and Arbitration will become a binding collective bargaining contract unless rejected by a municipality within a specified time period.

5. Until the morning of August 11, 1977 the city attorney believed that it would not be necessary to formally reject the aforesaid fact finder's report.

6. On August 11, 1977, two days before expiration of the time period for rejection of the fact finder's report, the respondent city attorney concluded that it would be in the best interest of the respondent city to formally reject the fact finder's report.