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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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Nancy Beckwith,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2012-466

Board of Directors, Poquonnock Bridge Fire District; and Poquonnock Bridge Fire District,
Respondent(s)

March 21, 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, April 10, 2013**. 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 March 29, 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, the Commission requests that an **original and fourteen (14) copies** be filed **ON OR BEFORE March 29, 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 March 29, 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: Nancy Beckwith
Kristin L. Wainright, Esq.

3/21/13/FIC# 2012-466/Trans/wrbp/TCB/TAH

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In The Matter of a Complaint by

Report of Hearing Officer

Nancy Beckwith,

Complainant

against

Docket #FIC 2012-466

Board of Directors, Poquonnock Bridge
Fire District; and Poquonnock Bridge
Fire District,

Respondents

March 20, 2013

The above-captioned matter was heard as a contested case on January 17, 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. It is found that the respondents noticed and held a special meeting on July 26, 2012, the notice and agenda for which listed the items of business to be conducted as follows:

- I. ROLL CALL
- II. ITEMS OF BUSINESS
- III.
 - a. Regional radio project
 - b. Executive Session
 1. Retiree colas
 2. Local 2704 Contract
- IV. ADJOURNMENT

3. It is found that pursuant to the agenda items listed under executive session, the respondents convened in executive session and discussed retiree colas and the Local 2704 contract. It is found that subsequent to the executive session, the respondents voted in open session to accept the proposed retiree colas and the Local 2704 contract presented and discussed during the executive session.

4. By letter dated August 21, 2012 and filed on August 24, 2012, the complainant appealed to this Commission alleging that the respondents violated the Freedom of Information ("FOI") Act by conducting business at its July 26, 2012 special meeting that was not properly noticed on its agenda. The complainant requested that this Commission declare null and void the actions taken at that meeting.

5. At the hearing on this matter the complainant contended that the respondents failed to notice on the agenda that it was going to take a vote on the two items of business and that they therefore violated §1-225(d), G.S., by conducting business that was not noticed on the agenda.

6. Section 1-225(d), G.S., provides in relevant part that:

The 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.

7. Section 1-200(2), G.S., provides in relevant part that:

"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. "Meeting" does not include: ... strategy or negotiations with respect to collective bargaining...

8. It is found that the discussion of and vote on the retiree colas and the union contract were strategy and negotiations with respect to collective bargaining within the meaning of §1-200(2), G.S.

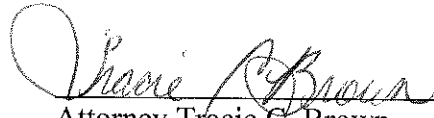
9. Consequently, the meetings provisions found in the FOI Act are not applicable, and the respondents were not required to notice those discussions on its agenda.

10. It is concluded, therefore, that the respondents did not violate the FOI Act as alleged.

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

1. The complaint is hereby dismissed.

2. The Commission advises the respondents that strategy and negotiations with respect to collective bargaining are not proper subjects for executive session. Rather, such matters are not meetings within the meaning of the FOI Act. In the future, it would be prudent to refrain from setting such matters on a meeting agenda as items under executive session.



Attorney Tracie C. Brown
as Hearing Officer

FIC2012-466/hor/tcb/20130320