

Since 1975



FREEDOM OF INFORMATION



Connecticut Freedom of Information Commission · 18-20 Trinity Street, Suite 100 · Hartford, CT 06106
Toll free (CT only): (866)374-3617 Tel: (860)566-5682 Fax: (860)566-6474 · www.state.ct.us/foi/ · email: foi@po.state.ct.us

Kenneth Krayske,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2015-076

President, Court of Common Council, City of
Hartford; Court of Common Council, City of
Hartford; and City of Hartford,
Respondent(s)

August 26, 2015

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 Thursday, September 24, 2015**. 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 September 11, 2015**. 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, an **original and fourteen (14) copies** must be filed **ON OR BEFORE September 11, 2015**. **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 **fifteen (15) copies** be filed **ON OR BEFORE September 11, 2015**, 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: Kenneth Krayske
Cynthia Lauture, Esq.

2015-08-26/FIC# 2015-076/Trans/wrbp/CPH/VDH/VB

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In The Matter of a Complaint by

Report of Hearing Officer

Kenneth Krayske,

Complainant

against

Docket #FIC 2015-076

President, Court of Common Council,
City of Hartford; Court of Common
Council, City of Hartford; and
City of Hartford,

Respondents

July 7, 2015

The above-captioned matter was heard as a contested case on June 23, 2015, 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. By letter dated and filed February 6, 2015, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information Act ("FOI Act") by holding a regular meeting on January 26, 2015 during a blizzard. The complainant contends that weather conditions were so severe that the public was effectively prevented from attending the meeting. As part of his appeal, the complainant has requested that the Commission declare all actions taken at this meeting null and void.
3. Section 1-225(b), G.S., provides, in relevant part, as follows:
 - (b) . . . The chairperson or secretary of any such public agency of any political subdivision of the state shall file, not later than January thirty-first of each year, with the clerk of such subdivision the schedule of regular meetings of such public agency for the ensuing year, and no such meeting of any such public agency shall be held sooner than thirty days after such schedule has been filed. . . .

4. Section 1-225(c), G.S., provides, in relevant part, as follows:

The agenda of the regular meeting of every public agency . . . shall be available to the public and shall be filed, not less than twenty-four hours before the meeting to which they refer, (1) in such agency's regular office or place of business, and (2) . . . in the office of the clerk of such subdivision for any public agency of a political subdivision of the state or in the office of the clerk of each municipal member of any multitown district or agency. . . .

5. It is found that respondent Court of Common Council held a regularly scheduled meeting on January 26, 2015. It is found that such meeting was properly noticed and that the agenda was available to the public prior to the meeting in accordance with §1-225 (b) and (c), G.S. It is found that the meeting convened at 7:16 PM and adjourned at 8:05 PM.

6. It is found further that, on January 26, 2015, the National Weather Service issued blizzard warnings for all of Connecticut. In response to these warnings, it is found that, on January 26, 2015, the Governor prohibited all vehicular travel on State roads after 9:00 PM; CT Transit suspended bus service; and the Mayor for the City of Hartford closed city offices and issued a parking ban on city streets.

7. While the complainant conceded at the contested case hearing that there is no provision in the FOI Act that expressly prohibits a public agency from convening a properly noticed meeting during a snow storm, he contends that the decision to go forward with the meeting despite severe weather conditions violated that spirit of the open government laws.

8. While the complainant's position is understandable, the Commission is charged with administering the FOI Act as it is written. See §1-205 (d), G.S. ("The Commission shall, subject to the provisions of the Freedom of Information Act, promptly review the alleged violation of said Freedom of Information Act and issue an order pertaining to the same."). The Commission declines to supplement the FOI Act with prohibitions that were not included by the Legislature itself.

9. It is therefore concluded that the respondents did not violate any provision of the FOI Act.

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.



Commissioner Christopher P. Hankins
as Hearing Officer