

Bond Case Briefs

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OPEN MEETINGS ACT - RHODE ISLAND

Anolik v. Zoning Bd. of Review of City of Newport

Supreme Court of Rhode Island - April 2, 2013 - A.3d - 2013 WL 1314947

Supreme Court of Rhode Island holds that the zoning board agenda item violated Open Meeting Act's requirement that supplemental written public notice contain statement specifying nature of business to be discussed.

Zoning board received a letter from counsel for Congregation Jeshuat Israel requesting an extension of the time in which to substantially complete certain improvements to its property that had been approved by a previous zoning board decision.

The request for an extension of time was referenced in one of the items contained in the agenda that was posted with respect to the board's next meeting. That agenda item reads in its entirety as follows:

"IV. Communications:

Request for Extension from Turner Scott received 11/30/08

Re: Petition of Congregation Jeshuat Israel"

The zoning board approved the extension.

Plaintiffs brought action under Open Meetings Act against city zoning board of review and members of board, alleging that agenda item for board's meeting violated the Act.

The Supreme Court of Rhode Island held that the agenda item violated Open Meeting Act's requirement that supplemental written public notice contain statement specifying nature of business to be discussed.

Designating agenda item under rubric of "Communications" did not even remotely indicate that any action would be taken with respect to agenda item, and agenda item did not give notice that named individual's request for extension was to extend time periods then in effect for purpose of completing or substantially completing improvements that had previously been approved by board.