

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by)
George J. Amato, Jr., et al.,)
Complainants) Report of Hearing Officer
against) Docket #FIC78-82
City and Town of Milford; and)
Carl Giordano, Chairman,) August 14, 1978
Board of Aldermen of the City)
and Town of Milford, et al.,)
Respondents)

The above captioned matter was scheduled for hearing on June 19, 1978 at which time the complainants and the respondents appeared and presented testimony and evidence on the complaint.

After consideration of the entire record, the following facts are found:

1. The board of aldermen of the City of Milford is a public agency within the meaning of §1-18a(a), G.S.
2. Under the Charter of the City of Milford the aforesaid board of aldermen has budget making authority.
3. The aforesaid board has fifteen members.
4. Article III, Section 5 of the Charter of the City of Milford provides that a bare majority of such board constitutes a quorum.
5. The ten respondents, who are republican members of the board of aldermen, gathered at 7 p.m., April 16, 1978 in the office of the mayor to discuss matters pertaining to the budget of the City of Milford.
6. Other persons present at the aforesaid gathering included the aide to the mayor, the chairman of the board of finance, and the Warden of the Borough of Woodmont who was present during a segment of the meeting by means of a telephone conference device.
7. The Warden of the Borough of Woodmont is not affiliated with any political party.
8. By complaint filed with the Freedom of Information Commission April 28, 1978 the complainants alleged that the aforesaid gathering was a public meeting, as defined by §1-18a(b), G.S., held without proper notice, minutes, or recording of votes as required by §1-21, G.S. of the Freedom of Information Act.

9. The respondents made a motion to the jurisdiction of the Commission claiming that the Commission lacked jurisdiction because it failed to hear the matter within twenty days after receipt of the complaint as required by §1-21i(b), G.S.

10. It is found that the requirements of §1-21i(b), G.S., is directory and not mandatory and that, therefore, the Commission has jurisdiction over the complaint.

11. The respondents contended that the meeting was exempted by §1-18a(b) from the requirements of the Freedom of Information Act because it was a caucus.

12. Under §1-18a(b), G.S., "caucus" means a convening or assembly of the enrolled members of a single political party who are members of a public agency within the state or a political subdivision.

13. It is found that the gathering in question was not a caucus within the meaning of §1-18a(b) because it included persons who were not members of the board of aldermen and at least one person who was not an enrolled member of the republican party.

14. It is further found that the gathering in question was a convening or assembly of a quorum of the board of aldermen to discuss or act upon matters over which it had supervision, control or advisory power.

15. It is concluded, therefore, that the gathering in question was a public meeting within the meaning of §1-18a(b), G.S., and that the respondents failed to comply with requirements of §1-21, G.S., with respect to notice, minutes, and votes.

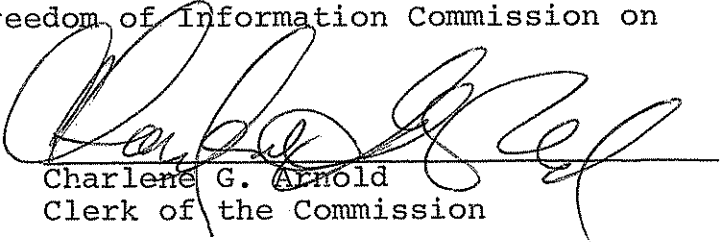
The following order by the Commission is hereby recommended on the basis of the record concerning the above captioned complaint:

1. The respondents shall henceforth comply with the requirements of §1-21 and §1-18a(b), G.S., by limiting participation in their caucuses to those enrolled members of the republican party who are members of the respondent board of aldermen.


Commissioner Donald W. Friedman

as Hearing Officer

Approved by order of the Freedom of Information Commission on August 23, 1978.


Charlene G. Arnold
Clerk of the Commission