

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by FINAL DECISION
Lewis W. Scarpa, Jr. Docket #FIC83-250
Complainant(s) June 27, 1984

vs.

Board of Commissioners,
Housing Authority of the
Town of Milford.

Respondent(s)

The above captioned matter was scheduled for hearing February 23, 1984 at which time the parties appeared and presented evidence and argument on the complaint.

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

1. The respondent is a public agency within the meaning of §1-18a(a), G.S.

2. By letter of complaint filed December 27, 1983 the complainant alleged that the three democrats of the five-member housing authority violated the Freedom of Information Act when they met privately without notice to anyone and excluded the two Republican members of the housing authority.

3. Prior to the annual meeting for election of officers of the Milford housing authority on December 6, 1983 the three Democratic members gathered together at a meeting and decided who would be elected to hold the offices in the agency, and what attorney would be awarded the attorney's contract.

4. Thereafter, at the public meeting of December 6, 1983, three Democrats controlled the nominations by making motions and seconds and the democratic nominees were elected unanimously.

5. At the same public meeting a Democratic commissioner moved to replace the lawyer whose present contract to provide services to the respondent commission was expiring.

6. The motion regarding the change in the legal service contract passed by a 3-2 vote.

7. The respondents claim that their meeting was not subject to the notice and open meetings requirements of the Freedom of Information Act because it was a caucus.

8. Section 1-18a(b), G.S. exempts from the definition of meeting a "caucus of members of a single political party notwithstanding that such members also constitute a quorum of a public agency."

9. Section 1-18a(b), G.S. defines "meeting" as

"any hearing or other proceeding of a public agency, any convening 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."

10. It is found that the part of the private unnoticed gathering of democrats at which they decided to whom to award the contract for legal services with the housing authority was a meeting within the meaning of §1-18a(b), G.S. because the contract constituted a matter over which the housing authority had supervision and control.

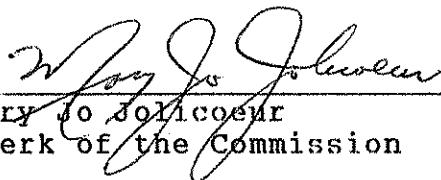
11. It is found that the remainder of the meeting which was devoted to the question of who the democratic majority wanted to elect as officers of the housing authority was a caucus within the meaning of §1-18a(b), G.S.

12. It is concluded that to the extent the three democratic members of the housing authority conducted a meeting at the private gathering on December 6, 1983 they violated the open meetings notice 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 respondents shall comply with the notice and open meetings requirements of §1-18a(b), G.S. and §1-21, G.S.

Approved by order of the Freedom of Information
Commission at its regular meeting of June 27, 1984.



Mary Jo Jolicoeur
Clerk of the Commission