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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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Ethan Fry and the  
Valley Independent Sentinel,  
Complainant(s)  
against

Notice of Meeting

Docket #FIC 2016-0407

Code Enforcement Task Force,  
City of Ansonia; and City of Ansonia,  
Respondent(s)

April 13, 2017

### 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, May 10, 2017**. 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 April 28, 2017**. 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 April 28, 2017**. **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 April 28, 2017**, 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: Ethan Fry and the Valley Independent Sentinel  
Attorney John P. Marini

FIC# 2016-0407/Trans/wrbp/TCB//TAH/2017-04-13

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In The Matter of a Complaint by

Report of Hearing Officer

Ethan Fry and The Valley Independent Sentinel,

Complainants

against

Docket #FIC 2016-0407

Code Enforcement Task Force, City of  
Ansonia; and City of Ansonia,

Respondents

April 12, 2017

The above-captioned matter was heard as a contested case on August 19, 2016, at which time the complainants 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. By letter dated and filed on May 31, 2016, the complainants appealed to this Commission alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to timely file the agenda for the meeting of the respondent Task Force. More specifically, the complainants alleged that the agenda was posted on a Friday at 11:56 a.m. for a meeting that was held at 10:00 a.m. the following Monday.

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

The agenda of the regular meetings of every public agency, except for the General Assembly, shall be available to the public and shall be filed, not less than twenty-four hours before the meetings 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 ....

3. At the hearing on this matter the respondents contended that the gathering called by the mayor was a staff meeting pursuant to §1-200(2)(c), G.S., and that a notice and agenda were not required. The respondents contended that, therefore, even if the

agenda was not posted the full twenty-four hours prior to the meeting, there is no violation of the notice and agenda provisions of §1-225(c), G.S.

4. The complainants contend, however, that the task force is a public agency, that there was a meeting of the task force on May 27, 2016 and that the notice and agenda for that meeting was improper.

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

“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.

6. Section 1-200(2), G.S., provides in relevant part: “[m]eeting’ does not include: an administrative or staff meeting of a single-member public agency....”

7. The phrase “administrative or staff meeting” is not defined in the FOI Act.

8. Black’s Law Dictionary defines “administrative” as follows: “Connotes of or pertains to administration, especially management, as by managing or conducting, directing, or superintending, the execution, application or conduct of persons or things.”

9. Webster’s Third New International Dictionary Unabridged (Merriam-Webster 1993) defines “administration” in relevant part as:

. . . performance of executive duties: management, direction, superintendence; . . . the management of public affairs as distinguished from the executive or political function of policy making . . . .

10. It is found that the mayor for the City of Ansonia called a meeting with all city department heads who would have any responsibilities or interests in dealing with the blight issue facing the city. It is found that he wanted an interface with all departments so everyone would be on the “same page.”

11. It is also found that there were other invited guests but that there is no appointed board or body and that there is no set roster of members.

12. It is that found as a way of inviting members of the public to participate in his discussion with his staff and to be transparent about the work he was doing to address the

blight issues of the City, the mayor issued a notice and agenda for the gathering which stated the following in relevant part:

City of Ansonia  
Code Enforcement Task Force  
253 Main Street, Ansonia CT 06401  
AGENDA  
First Regular Meeting of the CODE Enforcement  
Committee  
Tuesday, May 31, 2016 – 10:00 a.m.  
Erlinghueser Room  
Second Floor Meeting Room

It is found that in addition to there being the above a notice and agenda provided for the gathering, minutes of the meeting were also taken.

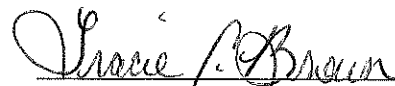
13. It is found that the mayor noticed the meeting to the public because he wanted members of the public to attend and get involved in the process. Unfortunately, the mayor's good intentions led the complainants' reasonable assumption that a meeting within the meaning of §1-200(2) occurred.

14. It is found that, despite the formality of the invitation to the public described above, the May 27, 2017 gathering was an administrative or staff meeting of the mayor at which he engaged in the performance of his executive duty to manage a specific public affair – the enforcement of the town's codes to address the blight issues of the town.

15. It is concluded that the gathering, described above, was not a "meeting" within the meaning of §1-200(2), G.S. Because there was no "meeting," it is further concluded that the respondents were not required to comply with the notice provisions of §1-225, G.S., and 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.



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Attorney Tracie C. Brown  
as Hearing Officer