

STATE OF CONNECTICUT
FREEDOM OF INFORMATION COMMISSION

In the Matter of a Complaint by

FINAL DECISION

Maria Pereira,

Complainant

against

Docket # FIC 2021-0162

President, City Council, City of Bridgeport;
Co-Chair, Budget & Appropriations
Committee, City Council, City of
Bridgeport; City Council, City of
Bridgeport; and City of Bridgeport,

Respondents

March 8, 2023

The above-captioned matter was heard as a contested case on January 4, 2022, at which time the complainant and the respondents appeared, stipulated to certain facts, and presented testimony, exhibits and argument on the complaint. Due to the COVID-19 pandemic and the state's response to it, the hearing was conducted through the use of electronic equipment (remotely) pursuant to §149 of Public Act 21-2 (June Special Session).

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 email filed March 29, 2021¹, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act when they denied the public access to a March 27, 2021 meeting of the City Council, and that the respondents violated Executive Order 7B by failing to post on their website certain relevant documents discussed during the meeting.

3. Section 1-206(b)(1), G.S., provides, in relevant part:

[a]ny person ... wrongfully denied the right to attend any meeting of a public agency. . . may appeal therefrom to the [FOI] Commission, by filing a notice of appeal with said commission. A

¹ On March 25, 2020, the Governor issued Executive Order 7M, thereby suspending the provisions of Conn. Gen. Stat. Sec. 1-206(b)(1), which requires the Freedom of Information Commission to hear and decide an appeal within one year after the filing of such appeal. Executive Order 7M is applicable to any appeal pending with the Commission on the issuance date through June 30, 2021. Consequently, the Commission retains jurisdiction.

notice of appeal shall be filed not later than thirty days after such denial

4. In the complaint, the complainant, who is a member of the respondent City Council, alleged that she attempted to attend the March 27, 2021 remote meeting of the City Council. She further alleged that she was unable to join because the meeting agenda did not include the membership ID necessary to allow her to access the meeting. Nevertheless, the complaint alleged that the City Clerk also provided her with the necessary log in information and she therefore was able to attend the meeting. The complainant further alleged that, upon joining the meeting, she alerted City Council leadership that the agenda lacked the necessary information to enable the public to access the meeting. However, the City Council president and co-chairs, following the advise of legal counsel, elected to proceed with the meeting.

5. At the hearing, the complainant expressed concern for her constituents, who she believed were not able to access the meeting of the City Council. Although the Commission recognizes the concern raised by the complainant, the complaint does not allege a denial of the *complainant's right* to attend the City Council meeting, and further, the complainant did attend such meeting. Because the complaint does not allege a denial of the complainant's right to attend a public meeting of the respondents, the Commission lacks subject matter jurisdiction over such allegation.

6. With respect to the allegation that the respondents violated Executive Order 7B, the Commission takes administrative notice of the letter, dated March 10, 2020, from the Governor to the Secretary of the State and the General Assembly, in which the Governor declared public health and civil preparedness emergencies, pursuant to §§19a-131a and 28-9, G.S., due to the Covid-19 pandemic. It is found that Executive Order 7B was issued pursuant to such declaration. Executive Order 7B expired on June 30, 2021.


7. In Bill Effros v. Chairman, Planning and Zoning Commission, Town of Greenwich; Planning and Zoning Commission, Town of Greenwich; and Town of Greenwich, Docket #FIC 2020-0352 (Oct. 13, 2021), the Commission determined that it did not have the authority to enforce Executive Order 7B, and that the Commission lacked jurisdiction over the allegation in that case that the respondents violated Executive Order 7B.

8. Accordingly, it is concluded that the Commission lacks jurisdiction over the allegation that the respondents violated Executive Order 7B.

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 for lack of subject matter jurisdiction.

Approved by Order of the Freedom of Information Commission at its regular meeting of March 8, 2023.



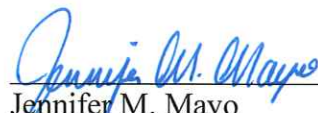
Jennifer M. Mayo
Acting Clerk of the Commission

PURSUANT TO SECTION 4-180(c), G.S., THE FOLLOWING ARE THE NAMES OF EACH PARTY AND THE MOST RECENT MAILING ADDRESS, PROVIDED TO THE FREEDOM OF INFORMATION COMMISSION, OF THE PARTIES OR THEIR AUTHORIZED REPRESENTATIVE.

THE PARTIES TO THIS CONTESTED CASE ARE:

MARIA PEREIRA, 206 Bradley Street, Bridgeport, CT 06610

PRESIDENT, CITY COUNCIL, CITY OF BRIDGEPORT, CO-CHAIR, BUDGET & APPROPRIATIONS, CITY OF BRIDGEPORT; AND CITY OF BRIDGEPORT, c/o Attorney Dina A. Scalo, Office of the City Attorney, 999 Broad Street, 2nd Floor, Bridgeport, CT 06604



Jennifer M. Mayo
Acting Clerk of the Commission