

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Jennifer Johnson,

Complainant

against

Docket #FIC 2025-0568

Chairman, Finance Committee, Westport
Representative Town Meeting; Finance
Committee, Westport Representative Town
Meeting; and Town of Westport,

Respondents

June 10, 2026

The above-captioned matter was heard as a contested case on December 3, 2025 and February 16, 2026, at which times the complainant 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. The respondents are public agencies within the meaning of §1-200(1), G.S.
2. By email received and filed July 2, 2025, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act in connection with an executive session held during a special meeting of the respondent Finance Committee (“Finance Committee”) of the Westport Representative Town Meeting (“RTM”) on June 10, 2025.¹ Specifically, the complainant alleged that the respondents:

(a) entered executive session for an improper purpose; and

(b) improperly permitted certain individuals to attend the executive session.

3. Section 1-225(a), G.S., provides, in relevant part, that “[t]he meetings of all public agencies, except executive sessions, as defined in subdivision (6) of section 1-200, shall be open to the public.”

¹ The Commission notes that, at the hearings on this matter, the complainant also alleged additional violations of the FOI Act, as well as other procedural irregularities, that were not fairly raised in her complaint, and therefore, will not be further addressed herein.

4. It is found that the respondents held a special meeting on June 10, 2025 (“June 10th special meeting”), and, on June 6, 2025, the respondents timely filed and posted a revised agenda for the special meeting that included one agenda item, as follows:

“[u]pon the request of the Long Lots Schools Building Committee, to approve an appropriation in the amount of ~~\$98,800,000~~ \$101,920,000 along with bond and note authorization to the Education Facility Improvement Fund Account 32506650-500397-10133 for the construction of the new Long Lots Elementary School.”

It is also found that the June 10th special meeting revised agenda stated that the respondents anticipated entering executive session to “review the Long Lots Elementary School Building Project design pricing estimates.”

5. It is found that, by emails dated June 8, 2025 and June 9, 2025, the complainant, who was an RTM Representative at the time of the June 10th special meeting, and throughout the proceedings in this matter, informed the respondents that she objected to the anticipated executive session and requested that the respondents hold the budget discussion referenced in paragraph 4, above, in a meeting open to the public. It is also found that the complainant did not attend the June 10th special meeting.

6. It is found that, during the June 10th special meeting, the respondents unanimously voted to enter executive session, as anticipated by the June 10th special meeting revised agenda, and discussed the Long Lots Elementary School Building Project (“Long Lots Project”) in such executive session (“executive session”).

7. With regard to the allegation described in paragraph 2(a), above, §1-200(6), G.S., provides:

‘[e]xecutive sessions’ means a meeting of a public agency at which the public is excluded for one or more of the following purposes: (A) [d]iscussion concerning the appointment, employment, performance, evaluation, health or dismissal of a public officer or employee, provided that such individual may require that discussion be held at an open meeting; (B) strategy and negotiations with respect to pending claims or pending litigation to which the public agency or a member thereof, because of the member’s conduct as a member of such agency, is a party until such litigation or claim has been finally adjudicated or otherwise settled; (C) matters concerning security strategy or the deployment of security personnel, or devices affecting public security; (D) discussion of the selection of a site or the lease, sale or purchase of real estate by the state or a political subdivision of the state when publicity regarding

such site, lease, sale, purchase or construction would adversely impact the price of such site, lease, sale, purchase or construction until such time as all of the property has been acquired or all proceedings or transactions concerning same have been terminated or abandoned; and (E) discussion of any matter which would result in the disclosure of public records or the information contained therein described in subsection (b) of section 1-210. (Emphasis added.)

8. Section 1-210(b)(7), G.S., provides that disclosure is not required of:

[t]he contents of real estate appraisals, engineering or feasibility estimates and evaluations made for or by an agency relative to the acquisition of property or to prospective public supply and construction contracts, until such time as all of the property has been acquired or all proceedings or transactions have been terminated or abandoned, provided the law of eminent domain shall not be affected by this provision....

9. At the hearings on this matter, the respondents testified extensively regarding the purpose of the executive session and why they discussed the Long Lots Project in such executive session. It is found that, during the executive session, a binder was provided to the Finance Committee members that contained approximately 35 to 40 pages of specific, detailed cost estimates for the Long Lots Project. The respondents testified, and it is also found, that it was important to the respondents to keep the contents of this binder and the estimated costs and quantities for the Long Lots Project confidential prior to completing the bidding process because, otherwise, bidders would be able to use such information to manipulate the bidding process and, ultimately, raise the costs of the Long Lots Project. The respondents also testified, and it is further found, that at the time of the June 10th special meeting no contracts had been bid or rewarded for the Long Lots Project.

10. It is found that the binder described in paragraph 9, above, contained engineering and feasibility estimates and evaluations made for the respondents relative to prospective public supply and construction contracts, and therefore, such binder is exempt from disclosure pursuant to §1-210(b)(7), G.S. It is further concluded that the respondents convened in executive session for a proper purpose under §§1-200(6)(E) and 1-225(a), G.S., in order to discuss the contents of the binder described in paragraph 9, above.

11. With regard to the complainant's allegation described in paragraph 2(b), above, §1-231(a), G.S., provides that:

[a]t an executive session of a public agency, attendance shall be limited to members of said body and persons invited by said body to present testimony or opinion

pertinent to matters before said body provided that such persons' attendance shall be limited to the period for which their presence is necessary to present such testimony or opinion and, provided further, that the minutes of such executive session shall disclose all persons who are in attendance except job applicants who attend for the purpose of being interviewed by such agency.

12. It is found that a total of thirty-four people attended the executive session convened at the June 10th special meeting. Specifically, attendance at such executive session included: (a) six members of the Finance Committee; (b) nineteen other members of the RTM; (c) four members of the Long Lots School Building Committee, including one member who was also a member of the RTM; (d) a liaison for the Westport Board of Education; (e) a liaison for the Westport Board of Finance; (f) the Town Finance Director for Westport; (g) a representative from Svigals + Partners Architects; (h) a consulting engineer from Newfield Construction; and (i) the Long Lots School Building Committee Project Manager.

13. At the hearings on this matter, and in her post-hearing brief, the complainant predominantly argued that it was improper for the nineteen members of the RTM, who were not also listed as members of the Finance Committee, to attend the executive session.

14. It is found, however, that pursuant to §A162-17(D) of the RTM Rules of Procedure, “[a]ny Representative Town Meeting member may attend any committee meeting as a nonvoting member.” It is also found that there is no requirement in §1-231(a), G.S., that executive sessions be limited to only voting members of a public agency. See Docket #FIC 2009-339, João Godoy v. Michael McKernan, Chief, Ledyard Fire Company, et al. (May 12, 2010) (finding a violation of §1-225(a), G.S., where the Ledyard Fire Company entered executive session and ordered the non-voting members of the Ledyard Fire Company to leave such executive session).

15. It is therefore found that all members of the RTM are “members” of the Finance Committee, within the meaning of §1-231(a), G.S., and were permitted to attend the executive session.

16. With respect to the remaining individuals who attended the executive session, the respondents testified, and it is found, that this executive session was an opportunity for the Finance Committee, and all members of the RTM, to review the detailed cost estimates for the Long Lots Project, understand the breakdown of cost estimates and the reasons for them, and ask any questions with respect to such cost estimates prior to the Finance Committee discussing the Long Lots Project during the public portion of the meeting and potentially recommending that the appropriation referenced in paragraph 4, above, be approved by the full RTM.

17. With respect to the other public officials who attended the executive session, the respondents testified, and it is found, that all four members of the Long Lots School Building Committee were involved in every facet of the finances of the Long Lots Project throughout the entire project and were necessary to the discussions described in paragraphs 9 and 16, above. The respondents also testified, and it is found, that the liaison to the Board of Education and the

liaison to the Board of Finance had been involved in every discussion of the finances for the Long Lots Project and were necessary to the discussions described in paragraphs 9 and 16, above. It is also found that the Town Finance Director for Westport was necessary to the discussions described in paragraphs 9 and 16, above.

18. The respondents further testified, and it is found, that they removed a member of the Westport Board of Selectmen from the meeting room prior to entering executive session because that individual was not necessary to the discussions described in paragraphs 9 and 16, above.

19. With respect to the private sector individuals who attended the executive session, it is found that all three were necessary to the discussions described in paragraphs 9 and 16, above, due to their direct knowledge of, and involvement with, the Long Lots Project and their respective expertise for which they were hired to assist with the Long Lots Project.

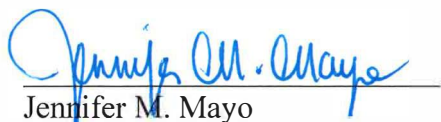
20. It is therefore found that all non-members of the RTM that attended the executive session were invited for the purpose of presenting testimony or opinion pertinent to matters before the Finance Committee and that their presence was necessary to present such testimony or opinion.

21. Consequently, it is concluded that the respondents did not violate §1-231(a), G.S., as alleged in the complaint.

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

Approved by Order of the Freedom of Information Commission at its regular meeting of June 10, 2026.


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:

JENNIFER JOHNSON, 28 Tamarac Road, Westport, CT 06880

CHAIRMAN, FINANCE COMMITTEE, WESTPORT REPRESENTATIVE TOWN MEETING; FINANCE COMMITTEE, WESTPORT REPRESENTATIVE TOWN MEETING; AND TOWN OF WESTPORT, c/o Attorney Nicholas R. Bamonte, Berchem Moses PC, 1221 Post Road East, Suite 301, Westport, CT 06880


Jennifer M. Mayo
Acting Clerk of the Commission