

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Scott Caplan,

Complainant

Report of Hearing Officer

against

Docket #FIC80-25

City and Town of Bridgeport; and
Common Council of the City and
Town of Bridgeport,

May 5, 1980

Respondents

The above captioned matter was consolidated for hearing with FIC #80-22, Connecticut Association of Community Organizations for Reform Now v City and Town of Bridgeport; and Common Council of the City and Town of Bridgeport, and FIC #80-61, Ralph J. Cennamo v. City and Town of Bridgeport; and Common Council of the City and Town of Bridgeport, because the complaints concerned the same subject matter. The matters were heard April 14, 1980, at which time all parties appeared and presented evidence and argument.

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

1. The respondents are public agencies within the meaning of §1-18a(a), G.S.
2. By letter filed with this Commission February 11, 1980, the complainant alleged that the respondent council violated the provisions of §1-21, G.S. on February 4, 1980.
3. The meeting complained of began at 7:30 p.m. and was called a public forum.
4. Seventeen aldermen were present at said meeting
5. In addition to the seventeen aldermen, other persons were also present including:
 - a. The City Attorney of the City of Bridgeport;
 - b. The Mayor of the City of Bridgeport;
 - c. The Director of Economic Development of the City of Bridgeport;
 - d. The City Clerk of the City of Bridgeport;
 - e. The Assistant City Clerk of the City of Bridgeport; and
 - f. Rafael A. Cotto.

6. The respondent council had adopted a resolution and rules which excluded the public from the room in which the public forum portion of its regular meeting was being conducted.

7. The respondent council justified its practice as a means to limit citizen abuse of the public forum.

8. On February 4, 1980, the respondent council excluded members of the public from the public forum portion of its regular meeting.

9. It is found that the public forum was not closed to the public for a proper purpose within the meaning of §1-18a(e), G.S.

10. It is further found that a municipality cannot, by resolution, override the requirements of a state statute.

11. It is therefore concluded that the public forum segment of the meeting of the respondent council of February 4, 1980 was held in violation of §1-21, G.S.

12. Another meeting of the respondent council began at 8:05 p.m.

13. Sixteen Democratic aldermen were present at said meeting.

14. In addition to the sixteen Democratic aldermen, the following persons were also present:

- a. The City Attorney of the City of Bridgeport;
- b. The Mayor of the City of Bridgeport;
- c. The Director of Economic Development of the City of Bridgeport;
- d. The City Clerk of the City of BRidgeport;
- e. The Assistant City Clerk of the City of Bridgeport;
- f. The Tax Assessor of the City of Bridgeport;
- g. The Executive Director of Housing Site Development Agency of the City of Bridgeport; and
- h. The Attorney for the Housing Site Development Agency of the City of Bridgeport.

15. The republican alderman was not allowed to be present.

16. The president of the respondent council used the meeting to explain each item of the agenda to the democratic majority of the respondent council.

17. After the caucus the respondent council convened in open session to vote to formalize action on each item.

18. The respondent claimed that its discussion of the agenda violated the Freedom of Information Act, but only insofar as the discussion was not a proper purpose for an executive session.


19. The respondent failed to prove that any portion of the discussion was a proper purpose for an executive session.

20. It is further found that the closed session of the respondent council was not a caucus within the meaning of §1-18a(b), G.S. but that it was a meeting because it was not limited to members of the respondent council and because it was a discussion of the matters over which the public agency has supervision, control, jurisdiction or advisory power.

21. It is therefore concluded that the respondent council violated §1-21, G.S. when the democratic aldermen convened in a closed meeting to discuss the matters which were on the agenda for the regular meeting of February 4, 1980.


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

1. Henceforth the respondent council shall comply with the requirements of §1-18a(e) and §1-21, G.S.



Commissioner Judith Lahey
as Hearing Officer

Approved by order of the Freedom of Information Commission on July 9, 1980.



Leslie Ann McGuire
Clerk of the Commission