

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Ralph J. Cennamo,
Complainant

Report of Hearing Officer

against

Docket #FIC80-61

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

May 5
April , 1980

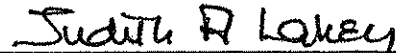
The above captioned matter was consolidated for hearing with #FIC80-25, Scott Caplan vs. City and Town of Bridgeport; and Common Council of the City and Town of Bridgeport, and FIC #80-22, Connecticut Association of Community Organizations for Reform Now vs. City and Town of Bridgeport; and Common Council 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 received by the Commission February 5, 1980, the complainant alleged that the respondent city council violated the open meetings provision of the Freedom of Information Act when it excluded members of the public from the public forum portion of the regular meeting of the respondent council.
3. 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.
4. The respondent council justified its practice as a means to limit citizen abuse of the public forum.
5. On February 4, 1980, the respondent council excluded members of the public from the public forum portion of its regular meeting.
6. 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.
7. It is further found that a municipality cannot, by resolution, override the requirements of a state statute.
8. It is therefore concluded that the meeting of the respondent council of February 4, 1980 was held in violation 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. The respondent council shall henceforth comply with the requirements of §1-21, G.S.



Commissioner Judith A. Lahey
as Hearing Officer

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



Leslie Ann McGuire
Clerk of the Commission