

Executive Session – The Basics

Connecticut General Statutes §1-200(6) provides, “Executive sessions’ means a meeting of a public agency at which the public is excluded for one or more of the following purposes:

- (A) Discussion 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.”

These are the ONLY REASONS you may enter into an executive session.

Motion to enter executive session:

- 2/3 vote of members present and voting.
- Motion to enter into executive session must “identify with sufficient particularity the reason for executive session.” *Kate King v. Stamford WPCA*, FIC 2012-502. The motion must be sufficient so as to fairly apprise the public of the matters to be addressed in the executive session.
- The following have been determined to NOT be sufficient:
 - “Pending legal matters.”
 - “Legal strategy.”
 - “Negotiations.”
 - Discussion “concerning a personnel matter. A human resources matter.”
 - “Personnel.”
 - “Personnel matters.”
 - “Legal.”
 - “Executive session re: possible litigation.”
 - “The appointment, employment, performance, evaluation, health, dismissal of a public officer or employee.”

Stay on Topic. The discussions in executive session must address the topics identified by the Motion. Do not stray off topic.

Attendance at executive session is limited to Agency members, Persons invited by the Agency to present pertinent testimony or opinion (must leave after they have presented their testimony/opinion).

The public officer/employee that is the subject of executive session under section (A) cannot require that he be allowed to attend the executive session where he is the topic. His only option is to require the discussion be held at an open meeting.

Minutes must reflect who is present in executive session (except names of job applicants).

No votes in executive session.

There is no provision to enter into executive session to discuss general budget items or general staffing matters.