

Group making recommendations on reopening Connecticut businesses won't be subject to open records laws



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Gov. Ned Lamont has turned to his close friend from graduate school, Indra Nooyi, to serve as co-chair of the special task force working to reopen the state. They have known each other for nearly 40 years, since their days at Yale University. (Courant file photo)(STEPHEN DUNN/Special to the Courant)

The critical recommendations about when — and how — Connecticut will emerge from the coronavirus shutdown will be made in secret by a special task force not subject to the state's open records laws.

Gov. Ned Lamont defended the panel Monday, saying he will make the final decisions that will be based on the group's recommendations. Leaders of the task force will answer questions from reporters each week, he said.

"They're going about 14 hours a day — online, Zoom," Lamont said. "[Chief Operating Officer] Josh [Geballe] and I were on with them for three hours on Sunday morning. But more to the point, I'm going to have them here taking questions from you and any other folks every Thursday so you know exactly what they're deciding — I'm making decisions — but what recommendations they make so you know exactly what we're thinking about and how we came up with that."

Lamont appointed the 47-member Reopen Connecticut Advisory Group, but the task force is not subject to the state's Freedom of Information laws and holds its meetings privately. It was created as part of AdvanceCT, a nonprofit organization focused on Connecticut business growth that is not subject to those laws.

The group operates in a similar fashion to the Partnership for Connecticut, an education venture created with support from Lamont, the state legislature and Greenwich hedge fund billionaire Ray Dalio that is also not subject to FOI laws.

"Generally, there's been this common theme of putting a cloak of secrecy over government," said Deputy House Republican leader Vincent Candelora of North Branford. "I understand that difficult decisions need to be made, but in a situation when there's dialogue about how to reopen Connecticut, there should be public input and transparency. But this seems to be the mode of operation, and I just don't agree with it.

"We have freedom of information or we don't. We can't selectively decide when we're going to allow the public to hear what government is doing. That was the whole point of our freedom of information laws. To suggest that some things can be deemed secret by the governor and some things can be deemed open by the governor is very disconcerting."

The Dalio partnership has invited reporters to cover its meetings and has conducted parts of its business in public sessions.

Lamont's spokesman, Max Reiss, said that 13 of the task force members are public officials and are subject to FOI, including members of every subcommittee of the overall group. He noted that no state money is supporting the group — unlike the state's financial participation in the Dalio education venture.

Behind the scenes, the reopening task force has already started looking at different strategies. No final decisions have been made. Lamont has ordered schools and nonessential businesses closed through May 20 and said recently that he hopes the task force will make its recommendations by that date. He said Monday that, based on positive trends in COVID-19 hospitalizations, his administration might be able to announce initial reopening plans next week.

Indra Nooyi, co-chair of the task force and former PepsiCo chairman and chief executive officer, has asked for patience to give the task force time to do its work.

“I would say in the next two to three weeks, just hang in there, we’ll be back to you,” she told reporters recently.

Nooyi also serves on a special, three-member task force with officials from New York, New Jersey, Rhode Island, Pennsylvania and other states that is working on a joint effort so that the states are not making any moves that would negatively impact other states. They want to avoid residents driving across the borders for restaurants, barbershops or other businesses, if they are open in one state and not in another.

She said she wasn’t exactly sure how the economy will be reopened.

“It could be by geography. It could be by business,” Nooyi told reporters recently. “It could be a statewide, slow ramp-up. Every one of these we are modeling on as we speak. ... For example, we looked at the infection rates of Tolland, Windham and New London counties. Again, low levels of infection rates. But if we open them up, how do you make sure that nobody else from any other county goes in there and carries the virus with them and causes an outbreak? So, we have to be very careful.

“It’s not a simple decision to just pick a scenario. For every scenario, we have to look at the public health consequences. We have to think about what testing is needed, what kind of hospital capacity,

what kind of traffic moves between counties or areas of the state so that if you decide to open one piece, we know what the consequences could be for an outbreak of infections.”

Candelora said he believes the public should have access to the meetings of the group that includes business and community leaders, including the head of the state’s retail merchants, restaurant association and the Mashantucket Pequot Tribal Nation, as well as public officials like Lamont’s chief of staff and the state public health and education commissioners. Documents and minutes should also be made available, he said.

“I don’t think it would be harmful to have Zoom meetings or have the meetings live-streamed like we’re doing elsewhere so people can see and hear the conversations,” Candelora said Monday. Senate Republican leader Len Fasano of North Haven said that legislators might need to revisit the state law that gave Lamont extraordinary powers during the health emergency, but he added that would be in the future. For now, he said the reopening task force needs to move quickly. Unlike the Dalio situation, he said the task force is not spending \$100 million of public money.

“We’re not spending money by reopening a restaurant,” Fasano said. “It’s easy to be a purist when you’re not in the trenches. If we had to operate by public hearings and rules, this governor couldn’t operate by executive order. We’re in a state of emergency.”

None of Lamont’s executive orders, he noted, has been subject to a public hearing. Coronavirus-related shutdowns have led to more than 400,000 jobless claims in Connecticut, according to the state Department of Labor. Lamont said that 38% of the state’s workforce is employed at businesses that have been closed, with those in lower-wage jobs, such as the restaurant and hospitality industries, most impacted.

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