

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by  
John W. Porter and the Norwich  
Bulletin,

FINAL DECISION

Complainants

Docket #FIC85-68

against

Quinebaug Valley Senior Citizens  
Center,

September 11, 1985

Respondent

The above captioned matter was heard as a contested case on June 18, 1985 at which time the complainants and the respondent appeared and presented testimony, exhibits and argument on the complaint.

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

1. By letter of complaint filed with the Commission on March 11, 1985 the complainant Porter alleged that on March 8, 1985 he was denied access to minutes of the respondent's board of directors.

2. The respondent claims that it is not a public agency within the meaning of §1-18a(a), G.S. and is therefore not subject to the requirements of the Freedom of Information Act.

3. The respondent was incorporated on May 17, 1972 as a nonstock, not-for-profit corporation to operate a meeting place and manage and supervise amusements, sports, entertainment and/or exhibitions for its members.

4. The respondent rents the building it occupies from the Town of Brooklyn under the terms of a 30-year lease for \$1.00 per year, following an initial payment of \$30,000. Membership in the respondent is limited to residents, over the age of fifty-five, of the so-called "ten-town area" surrounding the Town of Brooklyn. Although the respondent's certificate of incorporation specifies ten towns, the respondent unofficially provides services to an additional two towns.

5. The respondent provides two services, the first being the senior citizens' center [hereinafter "the center"]. The center offer activities such as arts and crafts, dancing, bingo, safe driving clinics and trips. In addition to the social/recreational functions of the center, the respondent offers various programs [hereinafter "the programs"] such as Dial-a-Ride, a health clinic, job training and a nutrition program which provides approximately 500 meals per day to the elderly at no charge.

6. The center is funded entirely by donations and membership dues. Donations include those from the towns served by the center, which contribute voluntarily in varying degrees, from zero to approximately \$1.00 per person, per year.

7. The programs offered by the respondent are, on an individual basis, partially to fully funded by the State of Connecticut and the federal government. A major source of governmental funding is the Area Agency on Aging, a division of the State of Connecticut Department on Aging.

8. Taken as a whole, approximately 35% of the funding for the respondent's programs comes from the respondent's own sources. The center raises money through the operation of bingo games, a grocery co-op, bake sales and similar enterprises.

9. There are 33 positions on the respondent's board of directors, 30 of which are currently filled. The board of directors' members are, for the most part, senior citizens, with one representative from each town served and a representative from the Town of Canterbury's senior club. The only member who currently holds a position in government is the mayor of the Town of Putnam. Another member is a former selectman from the Town of Eastford.

10. The respondent was not governmentally created. As described by the respondent, it was founded at the initiative of a private individual, a "retired housewife" who felt the need for a gathering place for senior citizens.

11. The respondent is not licensed or otherwise regulated or controlled by local, state or federal government, except to the extent that the state or federal government may restrict the use of a particular grant to a specified purpose.

12. It is found that the respondent performs a governmental function with respect to some of the programs it offers, such as the nutrition and health programs, and that it uses governmental funding to implement its programs.


13. It is found, however, that although the withdrawal of all governmental funds and support would affect the programs offered, the respondent could and most likely would continue to function without such support.

14. It is concluded that the respondent is not a public agency as defined by §1-18a(a), G.S., and therefore not subject to the requirements of the Freedom of Information Act.

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 September 11, 1985

  
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Mary Jo Jolicoeur  
Clerk of the Commission