

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by  
Robert E. Reilly,

Report of Hearing Officer

Complainant

against

Docket #FIC 79-158

North Central Connecticut Mental  
Health Services, Inc., and Board  
of Directors of the North Central  
Connecticut Mental Health Services,  
Inc.,

July 7, 1980

Respondents

The above captioned matter was heard as a contested case on January 31, 1980, and February 8, 1980, at which time the complainant and the respondents appeared, presented testimony, exhibits, and argument on the complaint.

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

1. By letter dated June 20, 1979, the complainant alleged that the respondent corporation, through its board of directors, voted to terminate his employment.

2. By same letter, the complainant further alleged that such action was taken by the board without providing him with prior notice of such meeting in violation of his rights under Conn. Gen. Stats. § 1-18a(e)(1).

3. The respondent corporation first contends that it is not a public agency as defined by Conn. Gen. Stats. § 1-18a(a).

4. The respondent corporation is a non-profit corporation which receives and administers funds on behalf of the Greater Enfield Mental Health Center, hereinafter referred to as GEMHC.

5. The State of Connecticut Department of Mental Health (hereinafter referred to as DMH) and Department of Children and Youth Services (hereinafter referred to as DCYS) coordinate, plan and regulate a statewide system of mental health services, in accordance with standards set forth in Conn. Gen. Stats. §§ 17-207 et. seq and 17-410 et. seq.

6. The DMH, through its commissioner, designates mental health service regions for the purpose of establishing a system

of regionalized mental health services. This is accomplished, in part, through contracts made by and between the commissioner of mental health and mental health service providers located throughout the aforesaid regions.

7. The GEMHC services the mental health needs of individuals located in the service region identified by the DMH as Region 4 Cachment Area 17.

8. In order to receive grants from the DMH and the DCYS, the GEMHC must comply with the statutory requirements set forth in Conn. Gen. Stats. §§ 17-226(b) and 17-424.

9. Almost 60% of the funding for the GEMHC comes from grants from the DMH and the DCYS.

10. A substantial percentage of the GEMHC's remaining revenue comes from federal and municipal government grants.

11. The GEMHC apportions its membership based upon the population of the six towns located in the region it services. It limits its membership to the residents of such towns.

12. The GEMHC's board of directors are elected from such towns. In addition the chief executive officer of each such town is an ex-officio member of the board.

13. Because the respondents, under the circumstances of this case, serve a public function, it is found to be a public agency within the meaning of Conn. Gen. Stats. §1-18a(a).


14. The only other question to be decided therefore concerns whether or not the respondent corporation's board of directors illegally met to discuss the complainant's termination without providing him with notice of such meeting, as required by Conn. Gen. Stats. §1-18a(e) (1).

15. The board of directors did not meet to discuss or act upon the question of the complainant's termination, as alleged. Rather, such decision was rendered by the board's executive director pursuant to his authority and without the discussion or approval of the board.

16. It is therefore further found that the respondent corporation did not deny the complainant his rights under Conn. Gen. Stats. §1-18a(e) (1).

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

1. The complaint is dismissed.

  
Commissioner William Clew  
as Hearing Officer

Approved by order of the Freedom of Information Commission on July 21, 1980.

  
Leslie Ann McGuire  
Clerk of the Commission