

West County Senior Services District
Section Summary

MacNicol draft – August 21, 2020

Section 1. Declaration that a District be established to meet the needs of the senior population in the member towns, establish financial support to further encourage the availability and soundness of senior programming and resources for the public benefit.

Section 2. Allows the towns of Ashfield, Buckland and Shelburne to create a “West County Senior Services District,” which shall be a public, corporate, body politic when this act is accepted by the Selectboard and town meeting body. The power and authority of the district is to provide senior services and programs, construct, operate and maintain a shared senior center within the geographical boundaries of a member town. Allows for a municipality to withdraw from the district upon town meeting vote under specific timelines and financial obligations. Allows for additional municipal entities to join the district in accordance with District By-Laws with fees used to reduce assessments to original member towns after expenses are deducted.

Section 3. Management and control of properties, and powers and duties are vested in and exercised by a Board of Managers, consisting of 2 members from each member town appointed by their Selectboard, one member to serve a three-year term, the second to serve a two-year term and at least one member appointed from the town’s Council on Aging. The district is subject to MGL Chapter 30B provisions and is a public employer pursuant to MGL Chapter 258. The first Board of Managers shall promptly adopt by-laws to describe meetings and establish rules and regulations for the management of its affairs; shall appoint a treasurer and any other officers or employees, and shall fix compensation and benefits. The district may contract with any of the municipal entities for treasurer services. A majority of the Board constitutes a quorum. Vacancies may be filled for unexpired terms by the corresponding Selectboard.

Section 4. The district, acting through its Board of Managers, has the typical rights and powers afforded to public entities. Among included provision which are further described in the section are: to adopt by-laws and an official seal; to address finances of the district including grants, fees, contracts; to acquire and sell property in compliance with district by-laws and this act; to construct, improve, extend, enlarge, maintain and repair facilities; to make and execute contracts; to employ personnel and engage architectural, engineering, accounting, management, legal, financial, and environmental consulting and other professional services; to sue and be sued. Specific to this act are provisions that ownership equity shall be determined at the time of the purchase based on five-year average usage of the total amount of services supplied by the district and the equalized property and income values provided by the department of revenue for each municipal entity; and to hire an Executive Director for the district.

Section 5. Fees, rates, rents, assessments and other charges shall be set to provide sufficient funds to operate the district, including all expenses, debt service, maintenance, stabilization funds, replacement reserves in accordance with generally accepted accounting principles.

Section 6. Establishes the budget process to pay expenses of maintenance, providing services and operation of the district. The district shall prepare a budget by November 30. The Board of Managers is required to hold one public hearing, and adopt a proposed budget by December 15. Within a week of adoption that proposed budget is mailed to the Selectboards and Finance committees of the member towns for municipal comment until January 31st. After municipal comment the Board of Managers, by majority vote adopts a budget and submits it to the Selectboards and Finance Committees of member towns. The annual budget must include all revenue receipts, expenses, capital costs and other financial information to sufficiently inform the towns of the cost of operating the district. The budget must be approved by all member towns by a majority vote at a town meeting. If the budget is not approved it may be resubmitted or a revised annual budget may be submitted. If no annual budget is adopted by the beginning of the fiscal year, the district shall operate with the previous year budget on a month to month basis until a new budget becomes effective.

The district shall assess the member towns for expenses, services and operations not covered by other charges, grants or other funds. The assessment will be the five-year average usage formula (currently used) as further described in the act.

Section 7. Authorizes borrowing to pay for necessary expenses and liabilities other than operations, not exceeding \$10,000,000 and issue bonds or notes not to exceed 30 years. The district may borrow in anticipation of revenue without complying with this section. Prior to issuance of the bonds or notes the cost of repayment shall be apportioned to each town in accordance with the proportional 5-year average usage of the total amount of services supplied by the district and the equalized property and income values provided by the department of revenue of each municipal entity. The Board of Managers shall certify they have certified the issuance of bonds or notes to the Selectboards, the amount to be assessed to each town. The Selectboard is required to place an article on the warrant for the next town meeting seeking authorization to issue the bonds or notes and the amount to be assessed. Upon approval by each member town the district may issue the bonds or notes.

The fiscal year of the district begins July 1 and ends June 30.

Section 8. Termination of the district is detailed including a vote of the Board of Managers and brought to the Selectboards of member towns to bring to a town meeting for ballot vote of the question: "Shall the West County Senior Services District be dissolved, and its assets disposed of in accordance with the vote of the Board of Managers?" If a majority of member towns vote to dissolve, the Board of Managers are empowered to dispose of the assets of the district in accordance with General Laws.

If the Board of Managers desires to amend the district agreement, it shall be done in the same manner it was created.

Section 9. If the district is not created within 10 years of this act, this act is no longer in effect.

Section 10. This act is effective upon its passage.