

# West County Senior Services District

## Section Summary of Post Counsel Review Draft 2.17.22

### Introduction

This summary provides key provisions of each section of the current draft Senior Services District Agreement in a more readable format compared to the legal version required for approval. Because we are the first to be creating a senior services district in the state, this Agreement has been modeled after previous legislatively approved districts, but modified to address our needs. This proposal 1) does not cost the towns additional money, 2) relates to governance, and 3) provides the basis for future discussion and possible votes on any senior center facility updates. (Blue text notes general comments and changes from the previous draft.)

**Section 1. Purpose.** This is a standard Declaration statement to establish a Senior Services District to meet the needs of the senior population in the member towns of Ashfield, Buckland and Shelburne as further detailed in the document. (The town meeting approval of this document begins the process of creating the District and is added clarification in this section.)

**Section 2. Authority.** This allows the towns of Ashfield, Buckland and Shelburne to create the “West County Senior Services District,” henceforth District, as a public entity when a) each Select Board accepts this legislative act and b) the member towns terminate the Consortium Agreement. The District is able to provide senior services and programs, and operate and maintain a shared senior center within the District. A town can withdraw from the District upon town meeting vote under specific timelines and financial obligations. The District can accept new member towns in accordance with requirements of the Board of Managers. (Legalese was modified to incorporate up-to-date language and practice. There is transition clarification of steps beginning with town meeting approval to the time when a district would be operational. Town withdrawal language is more fully defined.)

**Section 2A. Transition.** To begin a transition period from operating under the current Consortium Agreement to operating under the District Agreement, the Select Boards accept this Section and appoint members to the Board of Managers and requires them to submit a transition plan to them for approval. (The Consortium Agreement remains effective during a transition period. This section establishes a transition period to provide the Board of Managers time to put in place the operational elements of a district while still operating under the Consortium Agreement. This is a relocated and expanded Section from the previous draft.)

**Section 3. Governance.** A 6-member Board of Managers consists of 2 members from each member town appointed by their Select Board, at least one from their Council on Aging or the designee of the Council. The Board elects a chairperson, vice-chairperson and secretary annually, requiring each town to be represented. The Board of Managers adopts by-laws to describe meetings and establish rules and regulations for the management of its affairs, requires a procurement officer for purchases over \$35,000, appoints a treasurer and any other officers or employees, and determines

compensation and benefits. The District may contract with any of the municipal entities for treasurer services. A majority of the Board constitutes a quorum. Votes require a majority for approval and budget or debt issuance require affirmative votes from at least one member from each town. Vacancies may be filled for unexpired terms by the corresponding Select Board. The District is a public entity and must follow state laws. (This retains a 6 member Board and adds the Board electing officers from each of the towns. If a COA member is unable or unwilling to serve they will select a designee to be appointed by the Select Board. Votes are by majority vote and for budget or debt issuance require an affirmative vote from a Board member of each town. The procurement officer requirement changes from \$25,000 to \$35,000 per state law.)

**Section 4. Powers and Duties.** The Board of Managers has the typical rights and powers afforded to public entities. Among them are to adopt by-laws and an official seal, to address finances of the District, to incur temporary and debt not to exceed 30 years, to acquire and sell property, to construct, improve, extend, enlarge, maintain and repair facilities, to make and execute contracts, to hire personnel and contract professional services, and to sue and be sued. (These provisions are standard. Subsections (e) and (f) are added as new language; (e) more specifically addresses debt including reference to Section 7 which is the main provision to authorize debt and (f) temporary debt in anticipation of revenue. Equity ownership language from the previous draft was eliminated with the new (e) and (f).)

**Section 5. Financial Authority.** The Board of Managers has the authority to set fees, rates, rents, assessments and other charges to provide sufficient funds to operate the District and meet any other financial obligations of the District. (There are only legalese changes. As an example, this allows for setting fees for activities for residents of member towns as well as other towns as space allows, or renting space for outside activities.)

**Section 6. Operating Budget and Assessments.** This section details the requirement for the Board of Managers to prepare an annual budget and assessment to present to the member towns using the 5-year average usage formula; the 5-year average usage formula is detailed. The operating budget and assessment approval process for operational costs is as follows:

- By November 1 – prepare a proposed annual budget and determine the assessment necessary to pay expenses not covered by fees and other receipts; and apportion the assessment to each town using the proportional five-year average usage formula
- By December 15 - hold at least one public hearing, and adopt a proposed annual budget
- Within 1 week of adoption – mail the proposed annual budget and proposed assessments to the Select Boards and Finance Committees
- By January 31 – receive comments from member towns
- By March 1 – adopt an annual budget, with or without amendment, by majority vote
- Within 1 week of adoption - mail it to the Select Boards and Finance Committees. 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 annual assessment must be approved by each member town by a majority vote at a town meeting. The annual budget becomes final when all three towns approve their assessment.
- If the assessment is not approved it may be resubmitted or a revised assessment may be submitted.

- If no annual budget is adopted by the beginning of the fiscal year, the District shall operate with the previous year’s budget on a month to month basis until a new annual budget becomes effective.

(The operating budget and assessment language is very detailed and is the same formula and procedure we currently use; this is greater legalese.)

**Section 7. Borrowing and Debt Cost Share (Capital Apportionment).** The major provisions of this section:

- The Debt Cost Share is determined by three parts: ½ in accordance with the Operations Assessment Percentages (proportional 5-year average usage formula of services supplied by the District), ¼ by the equalized property values by the Massachusetts Department of Revenue (DOR) and ¼ by the income values provided by the DOR of each municipal entity.
- Each member town’s share is binding until the debt has been fully paid by the District.
- The Board of Managers shall propose the issuance of bonds or notes, either in the name of the District or one or more of the member towns and the amount assessed to each member town; decision is by majority vote of each member town’s Select Board.
- Each Select Board is required to place an article on the warrant for the next annual town meeting seeking authorization to issue bonds or notes and the amount to be assessed.
- Each town meeting vote requires 2/3 vote for approval.

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

(This section has been substantially reworked with independent municipal counsel and in consultation with bond counsel. The language provides greater specificity and clarity; retains the capital apportionment policy that’s been discussed; provides an option for the District, or one or more towns to incur the underlying debt; eliminates the \$10,000,000 cap of an earlier draft.)

**Section 8. District Dissolution.** Termination of the District begins with a vote of the Board of Managers requiring the Select Boards to bring a warrant article at the next town meeting with 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 all member towns vote to dissolve, the Board of Managers are empowered to dispose of the assets of the district in accordance with General Laws. (This specifies an affirmative town meeting vote in all member towns is required to end the District, which is the same way in which the District is approved.)

The Act may be amended in the same manner it was created.

**Section 9. Effective Period of the Act.** If the district is not created within 10 years of this act, this act is no longer in effect. (This authorizes up to 10 years for the towns and Board of Managers to put all the pieces in place.)

**Section 10. Effective Date of this Act.** This Act is effective upon its passage. (Passage is when the Governor signs the legislation.)