

West County Senior Services District

Section Summary for Municipal Officials Meetings

Working Group Draft – 1.5.2022

Introduction

This summary provides key provisions of each section of the current draft 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, this Agreement has been modeled after previous legislatively approved districts, but modified to address our needs. (Blue text notes change from the previous draft approved by the Expansion Committee, August 2020.)

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. (No changes)

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 this Act is accepted by the Selectboards of all three member towns. 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 District By-Laws. (Clarified that the town meetings approve the District Agreement language which will be then submitted to the legislature for enactment; the legislative Act is then returned to the Selectboards for final approval and implementation of the Act)

Section 3. Governance. A 6 member Board of Managers consists of 2 members from each member town appointed by their Selectboard, at least one from their Council on Aging. The Board of Managers adopts by-laws to describe meetings and establish rules and regulations for the management of its affairs, 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. Vacancies may be filled for unexpired terms by the corresponding Selectboard. The District is a public entity and must follow state laws. (No changes; affirmed a 6 member Board with at least one COA member)

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 acquire and sell property, to construct, improve, extend, enlarge, maintain and repair facilities, to make and execute contracts, to employ personnel and contract professional services, and to sue and be sued. Ownership equity in real property is held by the towns and is based on 3 parts: ½ on the five-year average usage of the total amount of services,

¼ on the equalized property values provided by department of revenue (DOR); and ¼ equalized income values provided by the DOR for each town. (Equity ownership was reworded for greater clarity; main policy remains the same; duplication of language eliminated; employment reorganized)

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. (No changes)

Section 6. Operating Budget and Assessments. The Board of Managers' operating budget and assessment approval process 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 Selectboards 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 Selectboards 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 its 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 was clarified significantly and the provision addressing other assessments was deleted)

Section 7. Borrowing and Capital Apportionment. The major provisions of this section:

- Authorizes the District to borrow to pay for necessary expenses and liabilities other than operations with the approval of all member towns
- Prior to issuance of bonds or notes the cost of repayment is apportioned to each town at the time of the appropriation.
- The apportionment is determined by three parts: ½ in accordance with the proportional 5-year average usage of the total amount of services supplied by the District, ¼ by the equalized property values by the DOR and ¼ by the income values provided by the DOR of each municipal entity.

- Each Selectboard is required to place an article on the warrant for the next town meeting seeking authorization to issue bonds or notes and the amount to be assessed. Upon approval by each member town the District may issue the bonds or notes, not to exceed 30 years.
- The District may borrow in anticipation of revenue without complying with this section.

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

(Reworks the borrowing and approval language for greater specificity and clarity; retains the capital apportionment policy; eliminates the \$10,000,000 cap)

Section 8. District Dissolution. Termination of the District begins with a vote of the Board of Managers requiring the Selectboards 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 deposited 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. (Specified town meeting vote, not ballot, as that’s the way the District is approved)

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

Section 9. Transition Period. The “Consortium Agreement” ends upon vote of the member Selectboards. (NEW SECTION)

Section 10. Effective Period of the Act. If the district is not created within 10 years of this act, this act is no longer in effect. (Section number change from 9-10)

Section 11. Effective Date. This Act is effective upon its passage. (Section number change from 10-11)