

By Mr. Nagle of Northampton, petition of William P. Nagle, Jr. and Stanley C. Rosenberg for legislation to establish and provide for the financing of a geriatric authority for Hampshire County. Counties.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Five.

AN ACT AUTHORIZING THE ESTABLISHMENT OF THE GERIATRIC AUTHORITY OF HAMPSHIRE COUNTY AND PROVIDING FOR THE FINANCING THEREOF.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. It is hereby declared that the establishment of a
2 geriatric authority in the County of Hampshire to shelter and pro-
3 tect and provide services to the aging and infirm who can continue
4 to reside in the community but may be in need of activities and
5 services provided for at or by the Long Term Care Facility of
6 Hampshire County and such social welfare and health programs in
7 the community relating to the care of the aging is a public pur-
8 pose. It is further declared that the lack of properly constructed
9 dwelling units designed specifically to meet the needs of elderly
10 and infirm persons aggravates those diseases peculiar to the
11 elderly.

1 SECTION 2. There shall be in the County of Hampshire the
2 Hampshire Highlands Geriatric Authority, hereinafter referred to
3 as the Authority, which shall be the county board to oversee,
4 maintain and operate the Hampshire County Long Term Care
5 Facility and any other facilities which may be established by said
6 Authority in accordance with the powers conferred upon it by this
7 act.

1 SECTION 3. The Authority shall be composed of an elected
2 body with not less than one member elected from each town. The
3 members will be elected in the same fashion as the
4 Commissioners of Hampshire County are elected under the terms
5 of the Hampshire County Charter as of the date of enactment of
6 this act. So long as Commissioners are elected under that Charter
7 each Commissioner will be deemed to be the member of the
8 Hampshire Highlands Geriatric Authority for their respective
9 towns. In the event that Commissioners cease to be so elected,
10 then the municipalities will elect the members of the Hampshire
11 Highlands Geriatric Authority using the terms of the Charter as
12 aforesaid to establish the means and terms of such elections. The
13 members of the Authority shall receive no compensation, other
14 than for expenses incurred; however any municipality may choose
15 to compensate the member(s) representing it. The members of the
16 Authority shall vote by a weighted vote based on population in the
17 same manner as the Commissioners under the terms of the
18 Hampshire County Charter on the above referenced date, and
19 towns represented by more than one Member will also divide the
20 vote as do the said Commissioners. The members will annually
21 elect from among their membership, voting by weighted vote a
22 Trust Committee of five members, no two of which shall represent
23 the same municipality. The Trust Committee, voting by individ-
24 uals, will administer the Authority's business, acting through the
25 administrator. The Trust Committee shall meet at least monthly.
26 The full membership of the Authority shall meet at least annually
27 to elect the Trust Committee, to instruct the trust Committee
28 regarding the Authority's budget, and to review the activities of
29 the Trust Committee and of the administration. All authority not
30 specifically reserved to the Authority by its written instructions to
31 the Trust Committee will be deemed delegated to the Trust
32 Committee. The quorum shall be three members from the Trust
33 Committee and a majority by weighted vote for the Authority. The
34 Trust Committee and Authority shall select from among their
35 members such spokespersons and task leaders as they shall deter-
36 mine to be necessary or convenient. The Authority shall designate
37 at least two persons who shall together be authorized to execute
38 documents by and in behalf of the Authority in the proper prose-
39 cution of the business of the Authority. For convenience these

40 individuals shall be denominated on such documents as the
41 President and Treasurer. The Authority will indemnify and hold
42 harmless these individuals for all actions taken in good faith. The
43 terms and times of elections shall be the same as for the
44 Commissioners under the Hampshire County Charter on the
45 above referenced date.

1 SECTION 4. The Authority shall have the general management
2 and control of the Hampshire County Long Term Care Facility,
3 any branches thereof which have been or which may hereafter be
4 established and of the expenditure of the money appropriated for
5 the operation thereof.

6 (a) The Authority shall appoint an administrator for a term of
7 three years, and provide for such assistant and subordinate offi-
8 cers and other employees as it may deem necessary or expedient.

9 (b) The Authority shall have jurisdiction of its affairs and the
10 property under its control. It shall establish and enforce all neces-
11 sary rules and regulations for the administration, admission, gov-
12 ernment and removal of residents in the Hampshire County Long
13 Term Care Facility and any other facility which it may control.

14 (c) The Authority shall have charge and control of all financial
15 receipts and expenditures, provided, however, that any funds
16 received by it shall be paid over to the county treasurer who shall
17 keep them as a separate fund subject to disbursal at the direction
18 of the Authority, and provided, further, that any outstanding
19 bonded indebtedness incurred by the Authority pursuant to
20 Section 7 will be paid out of said separate fund.

21 (d) The Administrator is the chief administrative officer of the
22 Authority and is directly responsible to the Authority for the
23 administration of the Authority's affairs. The Administrator will
24 supervise and direct all subordinate departments and will appoint
25 and may discharge all subordinate employees in conformance
26 with such policies as the Authority may establish. The
27 Administrator will prepare an annual budget of operating and cap-
28 ital expenditures for the consideration of the Authority; will
29 attend all meetings of the Authority and its Trust Committee,
30 unless excused, and shall have a voice, but no vote, in all their delib-
31 erations; will keep full records of the Authority's activities, opera-
32 tions, assets, deliberations, rules and acts maintaining appropriately

33 confidential medical records as required by law, rule and/or good
34 practice. The Administrator will utilize the services of Hampshire
35 County so long as such services are reasonably available. The
36 Administrator may name an Acting Administrator to serve should
37 the Administrator be temporarily absent or unable to exercise the
38 functions of office, which appointment shall be valid unless and
39 until changed by the Authority.

40 (e) The Administrator may be removed by the Authority for
41 reasonable cause during a term, providing due process with an
42 opportunity to be heard; and at the end of a term without cause,
43 but with at least three months' notice or salary in lieu of notice.

1 SECTION 5. The Authority, acting alone or in cooperation with
2 any federal, state, municipal or public agency, or non-profit
3 agency, is hereby authorized and empowered in its name.

4 (a) Subject to the availability of funds and to the other provi-
5 sions of this act, to plan, design, acquire, construct, reconstruct.
6 improve, extend, enlarge, equip, repair, maintain, and operate
7 geriatric facilities and, to lease geriatric facilities, either as lessee
8 or lessor, wherever and to the extent that it deems such facilities to
9 be necessary or desirable in the county, including such county-
10 owned or operated geriatric facilities which may be in existence on
11 effective date of this act or which may be hereafter constructed.

12 (b) To acquire by purchase, gift, eminent domain under chapter
13 seventy-nine, seventy-nine A or eighty A of the General Laws, by
14 lease, or otherwise, real property or any interest therein or water
15 rights or air rights necessary for or incidental to the acquisition,
16 construction, improvement, reconstruction, enlargement or opera-
17 tion of geriatric facilities, and to acquire such personal property as
18 it may deem necessary in connection therewith;

19 (c) To sell, lease, exchange or otherwise dispose of property
20 and property rights acquired under this act, as the public interest
21 may warrant.

22 (d) To maintain an office at such place or places within the
23 county as it may determine.

24 (e) To make and enforce such rules and regulations as may in
25 the judgment of the Authority, be necessary or desirable for the
26 efficient operation of any geriatric facility or geriatric system
27 within its jurisdiction, control, and supervision, and for accom-
28 plishing the purposes of this act.

29 (f) Subject to chapter thirty A, section twenty-nine of chapter
30 forty-three and chapter one hundred forty-nine of the General
31 Laws and to other provisions of this act, in its name to make and
32 enter into all contracts and agreements and to employ such con-
33 sulting and other engineers, attorneys, accountants, construction
34 and financial experts, superintendents, managers and such other
35 employees and agents as it may deem necessary or incidental to
36 the performance of its duties and the execution of its powers
37 under this act.

38 (g) To enter into contracts with any federal agency, the com-
39 monwealth or any agency or instrumentality thereof, or with any
40 county, city, or town, district, private corporation, partnership,
41 association or individual providing for or relating to any geriatric
42 facility or geriatric system or property under its jurisdiction, con-
43 trol or supervision.

44 (h) to accept from any authorized federal agency or from the
45 commonwealth or any agency or instrumentality thereof or from
46 non-profit agencies loans or grants for the planning, construction
47 or acquisition of any geriatric facility or part thereof and to enter
48 into agreements with such agency respecting any such loans or
49 grants, and to receive and accept aid and contributions from any
50 source of either money, property, labor or other things of value, to
51 be held, used and applied only for the purpose for which such
52 loans, grants and contributions may be made.

53 (i) To call upon the various departments, authorities, boards
54 and commissions of the county for the purposes of assisting in
55 making investigations and in effecting the design, construction
56 and operation of the geriatric facility to be constructed hereunder,
57 and the Authority shall arrange for payment for such services and
58 expenses of said agencies in connection therewith.

59 (j) To sue and be sued.

60 (k) To do all acts and things necessary or convenient to carry
61 out the provisions of this act.

1 SECTION 6. The Authority shall not be assessed any tax upon
2 any geriatric facility or geriatric system or part thereof, or upon
3 the income therefrom, and the bonds and interim receipts issued
4 under the provisions of this act, their transfer and the income

5 therefrom, including any profit made on the sale thereof, shall be
6 at all times free from taxation within the commonwealth.

1 SECTION 7. The Authority may from time to time issue bonds
2 or notes. Such bonds or notes shall bear on their face, the words,
3 Hampshire Highlands Geriatric Authority Loan. Each authorized
4 issue shall constitute a separate loan, and such loans shall be paid
5 in not more than twenty years from their dates. Indebtedness
6 incurred from time to time under this act shall be outside the
7 statutory limit of indebtedness prescribed in section ten of chapter
8 forty-four of the General Laws, but shall, except as herein pro-
9 vided, be subject to said chapter forty-four, exclusive of the limi-
10 tation contained in the first paragraph of section seven thereof,
11 provided that, it shall first (i) establish the geriatric system in
12 which such facility or facilities will be a part, (ii) determine that
13 the estimated cost of such facility or facilities is reasonable, (iii)
14 establish or revise as the case may require a schedule of fees to be
15 charged for geriatric care in the facility or facilities to be financed
16 by such revenue funds, and (iv) determine that the estimated
17 amount of such fees and any other reserve to be pledged to secure
18 bonds will be sufficient to pay the current expenses of such
19 facility or facilities and a fund sufficient to pay interest on and
20 principal of such revenue bonds as they become due plus reason-
21 able reserves therefor.

1 SECTION 8. This act shall take effect upon its acceptance by
2 the Board of Hampshire County Commissioners, which shall
3 thereby transfer to the Authority such real estate as it deems nec-
4 essary to support the existing Long Term Care Facility of
5 Hampshire County.

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