

# BARNSTABLE COUNTY

In the Year Nineteen Hundred and Eighty-Nine

## Ordinance 89 - 6

An ordinance to authorize the Board of County Commissioners to lease, option for lease and sell real property of the County located at Pocasset in the Town of Bourne for the purpose of a new special-care and rehabilitation hospital facility.

*Barnstable County hereby ordains:*

Section 1. The Board of County Commissioners may negotiate the terms, conditions and provisions of and execute, acknowledge and deliver a lease, and an option for such a lease, of not more than sixteen acres of land (the Ground-Leased Parcel) within the approximately seventy-eight-acre tract of real estate owned by the County at Pocasset in the Town of Bourne, such lease and option for a lease to be for the purpose of establishing on the Ground-Leased Parcel a new hospital, and facilities appurtenant thereto, to provide special-care, rehabilitation and other medical services. Such lease and option for a lease may provide for the lessee to pay only nominal consideration and may include provisions granting or agreeing to grant such rights of way for persons and vehicles and such utility easements in and over land of the County as the Board of County Commissioners determines to be reasonably necessary to fulfill the purpose of the lease. The County's fee interest in the Ground-Leased Parcel may be subordinated to a mortgage or mortgages granted by the Non-Profit Corporation referenced in Section 2(a) to a financial institution. The execution of such lease or option for a lease shall be approved by the Board of County Commissioners and such approval shall be conclusive evidence that the same is authorized and approved by the Assembly of Delegates, provided it conforms to the conditions set forth in Section 2. Such lease shall not be executed, acknowledged and delivered by the Board of County Commissioners until a final determination of need for such new hospital is granted by the Massachusetts Department of Public Health.

Section 2. The lease authorized by Section 1 shall be subject to the following conditions.

(a) Said lease shall be with a lessee that is a non-profit corporation duly organized and authorized under the general laws of the Commonwealth to establish, manage and operate a new hospital facility that is equipped and staffed to provide special-care, rehabilitation and other medical services (the Non-Profit Corporation). Such hospital facility, in serving the needs of citizens residing throughout Barnstable County, will insofar as possible and where appropriate in the best interest of patients, foster cooperation with existing providers of special-care and rehabilitative services

(b) Said lease and option for a lease, and any right or responsibility of the lessee thereunder, shall not be subject to sublease, assignment or other transfer by or from the lessee without the prior written approval of the Board of County Commissioners, thereunto duly authorized by resolution of this Assembly.

(c) Said lease and option for a lease shall contain provisions designed to assure that:

(i) priority in admitting patients to such hospital facility will be accorded to residents of Barnstable, Dukes and Nantucket Counties and their close family members;

(ii) in dealing with any person in connection with any aspect of the operation of such hospital facility and its appurtenances, there will be no improper discrimination based on any ground prohibited by the Constitutions and other laws of the Commonwealth or the United States or on grounds of age or sexual preference;

(iii) such hospital facility and its appurtenances will be reasonably accessible to persons with physical disabilities or handicaps;

(iv) the County, its officials, employees, agents and servants shall be indemnified for any liability, financial loss or other damages arising directly or indirectly from the operation of such hospital facility and its appurtenances;


(v) the members of the Board of County Commissioners or their designees may participate in meetings of the governing board of the Non-Profit Corporation as non-voting attendees; and

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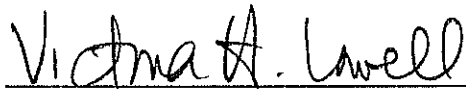

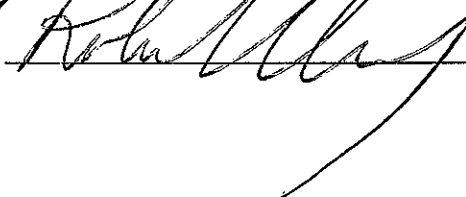
(vi) space in the new hospital facility is made available to the State, County, municipalities and other governmental entities to provide medical and social services of benefit to the population.

Section 3. Also in furtherance of the purpose of establishing on the Ground-Leased Parcel a new hospital to provide special-care, rehabilitation and other medical services, the Board of County Commissioners may negotiate the terms, conditions and provisions of and execute, acknowledge and deliver necessary instruments for lease or sale of the existing Barnstable County Hospital facility owned by the County at Pocasset in the Town of Bourne to the Non-Profit Corporation referenced in Section 2(a). Any such sale or lease shall be subject to all the terms, provisions and conditions applicable to the lease and option for a lease of the Ground-Leased Parcel under Sections 1 and 2 of this ordinance.

Adopted by the Assembly of Delegates on August 1, 1989

  
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Speaker

Approved by the Board of County Commissioners on August 1, 1989  
at 4 o'clock and 50 minutes, P.M.

  
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