

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Jay R. Kaufman

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to promote municipal efficiency and innovation through regional collaboration.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Jay R. Kaufman	15th Middlesex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO PROMOTE MUNICIPAL EFFICIENCY AND INNOVATION THROUGH REGIONAL COLLABORATION.

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. The purpose of this Act is to benefit municipalities by providing streamlined
2 opportunities for intermunicipal collaboration and service delivery, broadening the ability of
3 Regional Planning Agencies to partner with state government and member municipalities to
4 develop regional and intermunicipal initiatives, and making it possible for municipalities to
5 deliver public services more economically and effectively.

6
7 SECTION 2. The following terms shall have the following meanings:

8
9 “Regional Planning Agencies”, all planning commissions in the commonwealth, specifically:
10 “Berkshire Regional Planning Commission”, established under Section 3 of chapter 40B of the
11 General Laws; “Cape Cod Commission”, established under chapter 716 of the Acts of 1989;
12 “Central Massachusetts Regional Planning Commission”, established under Section 3 of said
13 chapter 40B; “Franklin Regional Council of Governments”, established under Section 567 of
14 chapter 151 of the Acts of 1996, and as amended by chapter 344 of the Acts of 1998; “Martha’s
15 Vineyard Commission”, established under chapter 831 of the Acts of 1977, and as amended by
16 chapter 317 of the Acts of 1979; “Merrimack Valley Planning Commission”, established under
17 Section 3 of said chapter 40B; “Metropolitan Area Planning Council”, established under Section
18 26 of said chapter 40B; “Montachusett Regional Planning Commission”, established under
19 Section 3 of said chapter 40B; “Nantucket Planning and Economic Development Commission”,
20 established under chapter 561 of the Acts of 1973, and as amended by chapter 98 of the Acts of
21 1981 and chapter 458 of the Acts of 1991; “Northern Middlesex Council of Governments”,
22 established under Section 3 of said chapter 40B, and as amended by chapter 357 of the Acts of
23 1972, chapter 14 of the Acts of 1974 and chapter 420 of the Acts of 1989; “Old Colony Planning
24 Council”, established under chapter 332 of the Acts of 1967, and as amended by chapter 663 of
25 the Acts of 1973; “Pioneer Valley Planning Commission”, established under Section 3 of said

26 chapter 40B, and “Southeastern Regional Planning and Economic Development District”,
27 established under Section 9 of said chapter 40B.
28

29 SECTION 3. The Governor shall direct all executive branch agencies, commissions and departments to
30 evaluate all grant, loan, and technical assistance programs administered by such for opportunities to
31 promote, facilitate and implement inter-municipal cooperation, collaboration, and regional service
32 delivery at the local level.

33

34 Each department, agency, and commission within the executive branch shall provide evaluation results
35 to the Governor within ninety (90) days, with the goal to identify opportunities to leverage state
36 resources to promote regional, efficient solutions to common problems. Independent agencies and
37 commissions are also urged to undertake similar evaluations of any grant, loan, or technical assistance
38 program administered by them.

39

40 SECTION 4. The Governor shall direct the chairman of the Municipal Affairs Coordinating Committee to
41 evaluate departmental programs for opportunities to increase collaboration between communities, and
42 make recommendations to the Governor on the most promising opportunities that would achieve the
43 aforementioned aims of efficient and enhanced local government service delivery.

44

45 SECTION 5. The Governor shall direct the Executive Office of Transportation and Public Works;
46 Department of Housing and Community Development; Executive Office of Housing and Economic
47 Development; Executive Office of Energy and Environmental Affairs, and Executive Office of
48 Administration and Finance to encourage municipalities to submit joint applications for the following
49 state spending programs: Public Works Economic Development Program; Transit Oriented Development
50 Bond Program; Water Transportation Capital Funding Program; Small Town Road Assistance Program;
51 Community Development Action Grant Program; Massachusetts Opportunity Relocation and Expansion
52 Jobs Capital Program; State Revolving Fund; LAND Program; PARC; Drinking Water Supply Protection
53 Grant Program; Coastal Pollutant Remediation Grant Program; Municipal sustainability Grant Program,
54 and the Off-Street Parking Program.. Joint applications should receive higher scores than currently
55 applied to joint applications to further reward and encourage such collaborations.

56

57 SECTION 6. Section 22A of chapter 7 of the General Laws is hereby amended by inserting after the
58 words “state purchasing agent”, in the first sentence, the following words:

59

60 or a regional planning agency established pursuant to chapter 40B of the General Laws or special act,
61 subject to such rules, regulations and procedures as may be established from time to time by said
62 purchasing agent or regional planning agency.

63

64 SECTION 7. The Governor shall direct the executive office of administration and finance to amend 801
65 C.M.R. 21.00 to reflect that contracts between the Commonwealth and regional planning agencies to
66 provide or to receive services, facilities, staff assistance or money payments shall be the equivalent of
67 interdepartmental service agreements.

68

69 SECTION 8. The General Laws are hereby amended by inserting after the second paragraph of Section 5
70 of chapter 40B the following paragraphs:

71

72 Notwithstanding the provisions of any other section in this chapter, planning commissions established
73 hereunder may administer and provide regional services to member cities and towns and may delegate
74 such authority to subregional groups of such cities and towns. Planning commissions may enter into
75 cooperative agreements with other planning commissions or regional councils of government to provide
76 such regional services.

77

78 Regional services provided to member municipalities shall be determined by each planning
79 commission's executive committee, and may include any service which may be provided by the
80 municipality or any other public entity in the commonwealth. In the event that an executive committee
81 has not been established, such services shall be determined by the district planning commission.

82

83 Notwithstanding the provisions of any other section in this chapter, any city or town which is a
84 member of the planning commission may enter into a cooperative agreement with said
85 commission to perform jointly or for the other or in cooperation with other member cities and
86 towns, any service, activity or undertaking which such city or town is authorized by law to
87 perform.

88

89 All cooperative agreements entered into pursuant to this section by member cities and towns are
90 voluntary, and notwithstanding any other law, require authorization by the relevant Board of
91 Selectmen or City Council, with the approval of the mayor.

92

93 Notwithstanding the provisions of any other section in this chapter, planning commissions are
94 authorized to enter into contracts and agreements with any department, agency or subdivision of
95 the federal or state government and any individual, corporation, association or public authority to
96 provide or receive services, facilities, staff assistance or money payments in connection with the

97 work of planning commissions, and planning commissions may contribute or receive services,
98 facilities, staff assistance or money payments as consideration such contracts and agreements.

99
100 SECTION 9. Section 14 of said chapter 40B, as so appearing, is hereby amended by inserting
101 after subsection (o) the following paragraph:

102
103 (p) notwithstanding the provisions of any other section in this chapter, to administer and provide
104 regional services to member cities and towns and may delegate such authority to subregional
105 groups of such cities and towns. The commission may enter into cooperative agreements with
106 other planning commissions or regional councils of government to provide such regional
107 services. Regional services provided to member municipalities shall be determined by the
108 executive committee and may include any service which may be provided by the municipality or
109 any other public entity in the commonwealth.

110
111 (q) notwithstanding the provisions of any other section in this chapter, any city or town which is
112 a member of the district may enter into a cooperative agreement with the commission to perform
113 jointly or for the other or in cooperation with other member cities and towns, any service,
114 activity or undertaking which such city or town is authorized by law to perform.

115
116 (r) all cooperative agreements entered into pursuant to subsection (p) or (q) of this section by
117 member cities and towns are voluntary, and notwithstanding any other law, require authorization
118 by the relevant Board of Selectmen or City Council, with the approval of the mayor.

119
120 SECTION 10. Said chapter 40B is hereby further amended by inserting after the final paragraph of
121 Section 29 the following sections:

122
123 Section 29A. Notwithstanding the provisions of any other section in this chapter, the council is
124 authorized to administer and provide regional services to member cities and towns and may delegate
125 such authority to subregional groups of such cities and towns. The council may enter into cooperative
126 agreements with other planning commissions or regional councils of government to provide such
127 regional services.

128
129 Regional services provided to member municipalities shall be determined by the executive committee
130 and may include any service which may be provided by the municipality or any other public entity in the
131 commonwealth.

132
133 Section 29B. Notwithstanding the provisions of any other section in this chapter, any city or
134 town which is a member of the council may enter into a cooperative agreement with said council

135 to perform jointly or for the other or in cooperation with other member cities and towns, any
136 service, activity or undertaking which such city or town is authorized by law to perform.

137
138 Section 29C. All cooperative agreements entered into by member cities and towns pursuant to
139 Section 29A or Section 29B are voluntary, and notwithstanding any other law, require
140 authorization by the relevant Board of Selectmen or City Council, with the approval of the
141 mayor.

142

143 SECTION 11. Section 4 of chapter 716 of the Acts of 1989 is hereby amended by inserting after
144 subsection (a)(27) the following paragraphs:

145

146 (28) notwithstanding the provisions of any other section of this chapter, to administer and provide
147 regional services to member cities and towns and may delegate such authority to subregional groups of
148 such cities and towns. The commission may enter into cooperative agreements with other planning
149 commissions or regional councils of government to provide such regional services. Regional services
150 provided to member municipalities shall be determined by the commission and may include any service
151 which may be provided by the municipality or any other public entity in the commonwealth.

152

153 (29) notwithstanding the provisions of any other section in this chapter, any city or town which is a
154 member of the commission may enter into a cooperative agreement with said commission to perform
155 jointly or for the other or in cooperation with other member cities and towns, any service, activity or
156 undertaking which such city or town is authorized by law to perform.

157

158 (30) all cooperative agreements entered into by member cities and towns pursuant to subsections
159 (28) and (29) of this section are voluntary, and notwithstanding any other law, require
160 authorization by the relevant Board of Selectmen or City Council, with the approval of the
161 mayor.

162

163 (31) notwithstanding the provisions of any other section in this chapter, the commission is
164 authorized to enter into contracts and agreements with any department, agency or subdivision of
165 the federal or state government and any individual, corporation, association or public authority to
166 provide or receive services, facilities, staff assistance or money payments in connection with the
167 work of the commission, and the commission may contribute or receive services, facilities, staff
168 assistance or money payments as consideration such contracts and agreements.

169

170 SECTION 12. Section 3 of chapter 831 of the Acts of 1977 is hereby amended by inserting after the
171 fourth paragraph the following section:

172

173 Section 3A. Notwithstanding the provisions of any other section of this chapter, the commission may
174 administer and provide regional services to member cities and towns and may delegate such authority
175 to subregional groups of such cities and towns. The commission may enter into cooperative agreements
176 with other planning commissions or regional councils of government to provide such regional services.

177

178 Regional services provided to member municipalities shall be determined by the commission and may
179 include any service which may be provided by the municipality or any other public entity in the
180 commonwealth.

181

182 Notwithstanding the provisions of any other section in this chapter, any city or town which is a member
183 of the commission may enter into a cooperative agreement with said commission to perform jointly or
184 for the other or in cooperation with other member cities and towns, any service, activity or undertaking
185 which such city or town is authorized by law to perform.

186

187 All cooperative agreements entered into by member cities and towns pursuant to Section 3A are
188 voluntary, and notwithstanding any other law, require authorization by the relevant Board of
189 Selectmen or City Council, with the approval of the mayor.

190

191 Notwithstanding the provisions of any other section in this chapter, the commission is authorized
192 to enter into contracts and agreements with any department, agency or subdivision of the federal
193 or state government and any individual, corporation, association or public authority to provide or
194 receive services, facilities, staff assistance or money payments in connection with the work of the
195 commission, and the commission may contribute or receive services, facilities, staff assistance or
196 money payments as consideration such contracts and agreements.

197

198 SECTION 13. Section 2 of chapter 561 of the Acts of 1973 is hereby amended by inserting after the first
199 paragraph the following paragraphs:

200

201 Notwithstanding the provisions of any other section in this chapter, the Commission may administer and
202 provide regional services to the county and town. The Commission may enter into cooperative
203 agreements with other planning commissions or regional councils of government to provide such
204 regional services.

205

206 Regional services provided to the county and town shall be determined by the Commission and may
207 include any service which may be provided by the municipality or any other public entity in the
208 commonwealth.

209

210 Notwithstanding the provisions of any other section in this chapter, the county and town which is a
211 member of the Commission may enter into a cooperative agreement with said Commission to perform
212 jointly any service, activity or undertaking which such county or town is authorized by law to perform.

213

214 All agreements entered into by the county or town pursuant to this section are voluntary, and
215 notwithstanding any other law, require authorization by the Board of Selectmen.

216

217 Notwithstanding the provisions of any other section in this chapter, the Commission is
218 authorized to enter into contracts and agreements with any department, agency or subdivision of
219 the federal or state government and any individual, corporation, association or public authority to
220 provide or receive services, facilities, staff assistance or money payments in connection with the
221 work of the Commission, and the Commission may contribute or receive services, facilities, staff
222 assistance or money payments as consideration such contracts and agreements.

223

224 SECTION 14. Section 2 of chapter 332 of the Acts of 1967 is hereby amended by inserting after the
225 seventh paragraph the following section:

226

227 Section 2A. Notwithstanding the provisions of any other section in this chapter, the Council may
228 administer and provide regional services to member cities and towns and may delegate such authority
229 to subregional groups of such cities and towns. The Council may enter into cooperative agreements
230 with other planning commissions or regional councils of government to provide such regional services.

231

232 Regional services provided to member municipalities shall be determined by the Council and may
233 include any service which may be provided by the municipality or any other public entity in the
234 commonwealth.

235

236 Notwithstanding the provisions of any other section in this chapter, any city or town which is a member
237 of the Council may enter into a cooperative agreement with said Council to perform jointly or for the
238 other or in cooperation with other member cities and towns, any service, activity or undertaking which
239 such city or town is authorized by law to perform.

240

241 All agreements entered into by member cities and towns pursuant to this section are voluntary,
242 and notwithstanding any other law, require authorization by the relevant Board of Selectmen or
243 City Council , with the approval of the mayor.

244

245 SECTION 15. Subsection (U) of Section 567 of chapter 151 of the Acts of 1996 is hereby amended by
246 inserting after the first paragraph the following paragraphs:

247

248 Notwithstanding the provisions of this chapter, the Franklin Council of Governments may administer and
249 provide regional services to member cities and towns and may delegate such authority to subregional
250 groups of such cities and towns. The Council of Governments may enter into cooperative agreements
251 with other planning commissions or regional councils of government to provide such regional services.

252

253 Regional services provided to member municipalities shall be determined by the Council of
254 Governments Committee and may include any service which may be provided by the municipality or any
255 other public entity in the commonwealth.

256

257 All agreements entered into by member cities and towns pursuant to this section are voluntary,
258 and notwithstanding any other law, require authorization by the relevant Board of Selectmen or
259 City Council, with the approval of the mayor.

260

261 Notwithstanding the provisions of any other section in this chapter, the Franklin Council of
262 Governments is authorized to enter into contracts and agreements with any department, agency
263 or subdivision of the federal or state government and any individual, corporation, association or
264 public authority to provide or receive services, facilities, staff assistance or money payments in
265 connection with the work of the commission, and the commission may contribute or receive
266 services, facilities, staff assistance or money payments as consideration such contracts and
267 agreements.

268

269 SECTION 16. There shall be established and set upon the books of the commonwealth a separate fund
270 to be known as the Regional Services Implementation Fund. Amounts credited to the fund shall be
271 administered by the department of local services within the department of revenue which shall
272 determine that the funds are used for activities consistent with the purpose of this act and the
273 Massachusetts management and accounting report system. The amounts shall be used, without further
274 appropriation, solely for the administration and implementation of this section.

275

276 The fund shall be a separate and expendable trust fund administered by the division of local services
277 within the department of revenue. There shall be credited to the fund, revenue from appropriations or
278 other monies authorized by the general court and specifically designated to be credited to the fund and
279 investment income earned on the fund's assets, and all other sources. Money remaining in the fund at

280 the end of a fiscal year shall not revert to the General Fund, and shall be allocated to the fund the
281 following fiscal year.

282

283 One hundred percent of the monies deposited in the Regional Services Implementation Fund, but not
284 more than \$4,000,000.00 in the aggregate in any fiscal year, shall be used by the department of housing
285 and community development within the executive office of housing and economic development to
286 provide grants to regional planning agencies established under chapter 40B of the General Laws or
287 special act to fund, at the request of one or more municipalities, the regionalization of municipal
288 services, including but not limited to the funding of feasibility studies, subsidization of salaries for
289 positions to perform municipal functions jointly and projects to implement joint services.

290

291 The department of housing and community development shall promulgate rules and regulations for the
292 administration of the Regional Services Implementation Fund. Grant applications shall be reviewed by a
293 panel including the department of housing and community development, executive office of
294 administration and finance and department of revenue division of local services.

295

296 SECTION 17. This act shall take effect upon approval.