

HOUSE No. 3001

The Commonwealth of Massachusetts

In the Year Two Thousand 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
2 streamlined opportunities for intermunicipal collaboration and service delivery, broadening the
3 ability of Regional Planning Agencies to partner with state government and member
4 municipalities to develop regional and intermunicipal initiatives, and making it possible for
5 municipalities to deliver public services more economically and effectively.

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

7 “Regional Planning Agencies”, all planning commissions in the commonwealth,
8 specifically: “Berkshire Regional Planning Commission”, established under Section 3 of chapter
9 40B of the General Laws; “Cape Cod Commission”, established under chapter 716 of the Acts of
10 1989; “Central Massachusetts Regional Planning Commission”, established under Section 3 of
11 said chapter 40B; “Franklin Regional Council of Governments”, established under Section 567
12 of chapter 151 of the Acts of 1996, and as amended by chapter 344 of the Acts of 1998;
13 “Martha’s Vineyard Commission”, established under chapter 831 of the Acts of 1977, and as
14 amended by chapter 317 of the Acts of 1979; “Merrimack Valley Planning Commission”,

15 established under Section 3 of said chapter 40B; “Metropolitan Area Planning Council”,
16 established under Section 26 of said chapter 40B; “Montachusett Regional Planning
17 Commission”, established under Section 3 of said chapter 40B; “Nantucket Planning and
18 Economic Development Commission”, established under chapter 561 of the Acts of 1973, and as
19 amended by chapter 98 of the Acts of 1981 and chapter 458 of the Acts of 1991; “Northern
20 Middlesex Council of Governments”, established under Section 3 of said chapter 40B, and as
21 amended by chapter 357 of the Acts of 1972, chapter 14 of the Acts of 1974 and chapter 420 of
22 the Acts of 1989; “Old Colony Planning Council”, established under chapter 332 of the Acts of
23 1967, and as amended by chapter 663 of the Acts of 1973; “Pioneer Valley Planning
24 Commission”, established under Section 3 of said chapter 40B, and “Southeastern Regional
25 Planning and Economic Development District”, established under Section 9 of said chapter 40B.

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

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

35 SECTION 4. The Governor shall direct the chairman of the Municipal Affairs
36 Coordinating Committee to evaluate departmental programs for opportunities to increase

37 collaboration between communities, and make recommendations to the Governor on the most
38 promising opportunities that would achieve the aforementioned aims of efficient and enhanced
39 local government service delivery.

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

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

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

57 SECTION 7. The Governor shall direct the executive office of administration and finance
58 to amend 801 C.M.R. 21.00 to reflect that contracts between the Commonwealth and regional

59 planning agencies to provide or to receive services, facilities, staff assistance or money payments
60 shall be the equivalent of interdepartmental service agreements.

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

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

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

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

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

81 Notwithstanding the provisions of any other section in this chapter, planning
82 commissions are authorized to enter into contracts and agreements with any department, agency
83 or subdivision of the federal or state government and any individual, corporation, association or
84 public authority to provide or receive services, facilities, staff assistance or money payments in
85 connection with the work of planning commissions, and planning commissions may contribute
86 or receive services, facilities, staff assistance or money payments as consideration such contracts
87 and agreements.

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

90 (p) notwithstanding the provisions of any other section in this chapter, to administer and
91 provide regional services to member cities and towns and may delegate such authority to
92 subregional groups of such cities and towns. The commission may enter into cooperative
93 agreements with other planning commissions or regional councils of government to provide such
94 regional services. Regional services provided to member municipalities shall be determined by
95 the executive committee and may include any service which may be provided by the
96 municipality or any other public entity in the commonwealth.

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

101 (r) all cooperative agreements entered into pursuant to subsection (p) or (q) of this
102 section by member cities and towns are voluntary, and notwithstanding any other law, require

103 authorization by the relevant Board of Selectmen or City Council, with the approval of the
104 mayor.

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

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

112 Regional services provided to member municipalities shall be determined by the
113 executive committee and may include any service which may be provided by the municipality or
114 any other public entity in the commonwealth.

115 Section 29B. Notwithstanding the provisions of any other section in this chapter, any city
116 or town which is a member of the council may enter into a cooperative agreement with said
117 council to perform jointly or for the other or in cooperation with other member cities and towns,
118 any service, activity or undertaking which such city or town is authorized by law to perform.

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

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

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

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

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

141 (31) notwithstanding the provisions of any other section in this chapter, the commission
142 is authorized to enter into contracts and agreements with any department, agency or subdivision
143 of the federal or state government and any individual, corporation, association or public authority
144 to provide or receive services, facilities, staff assistance or money payments in connection with

145 the work of the commission, and the commission may contribute or receive services, facilities,
146 staff assistance or money payments as consideration such contracts and agreements.

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

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

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

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

162 All cooperative agreements entered into by member cities and towns pursuant to Section
163 3A are voluntary, and notwithstanding any other law, require authorization by the relevant Board
164 of Selectmen or City Council, with the approval of the mayor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

222 Notwithstanding the provisions of any other section in this chapter, the Franklin Council
223 of Governments is authorized to enter into contracts and agreements with any department,
224 agency or subdivision of the federal or state government and any individual, corporation,
225 association or public authority to provide or receive services, facilities, staff assistance or money
226 payments in connection with the work of the commission, and the commission may contribute or

227 receive services, facilities, staff assistance or money payments as consideration such contracts
228 and agreements.

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

236 The fund shall be a separate and expendable trust fund administered by the division of
237 local services within the department of revenue. There shall be credited to the fund, revenue
238 from appropriations or other monies authorized by the general court and specifically designated
239 to be credited to the fund and investment income earned on the fund's assets, and all other
240 sources. Money remaining in the fund at the end of a fiscal year shall not revert to the General
241 Fund, and shall be allocated to the fund the following fiscal year.

242 One hundred percent of the monies deposited in the Regional Services Implementation
243 Fund, but not more than \$4,000,000.00 in the aggregate in any fiscal year, shall be used by the
244 department of housing and community development within the executive office of housing and
245 economic development to provide grants to regional planning agencies established under chapter
246 40B of the General Laws or special act to fund, at the request of one or more municipalities, the
247 regionalization of municipal services, including but not limited to the funding of feasibility

248 studies, subsidization of salaries for positions to perform municipal functions jointly and projects
249 to implement joint services.

250 The department of housing and community development shall promulgate rules and
251 regulations for the administration of the Regional Services Implementation Fund. Grant
252 applications shall be reviewed by a panel including the department of housing and community
253 development, executive office of administration and finance and department of revenue division
254 of local services.

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