

# SENATE . . . . . No. 779

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## The Commonwealth of Massachusetts

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In the Year Two Thousand Nine  
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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”,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(r) all cooperative agreements entered into pursuant to subsection (p) or (q) of this 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.

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Notwithstanding the provisions of any other section in this chapter, the Franklin Council of Governments is authorized to enter into contracts and agreements with any department, agency or subdivision of the federal or state government and any individual, corporation, association or public authority to provide or receive services, facilities, staff assistance or money 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.