SENATE DOCKET, NO. 1099 FILED ON: 1/17/2013

SENATE . . . . . No. 946

The Commonwealth of Massachusetts

PRESENTED BY:

James B. Eldridge

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 adoption of the accompanying bill:

An Act to promote municipal collaboration and regionalization throughout the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
James B. Eldridge	*Middlesex and Worcester*
Karen E. Spilka	*Second Middlesex and Norfolk*
Paul McMurtry	*11th Norfolk*
Jason M. Lewis	*Fifth Middlesex*
Brian A. Joyce	*Norfolk, Bristol and Plymouth*
Michael J. Rodrigues	*First Bristol and Plymouth*
Denise Andrews	*2nd Franklin*
James J. Dwyer	*30th Middlesex*
Mary S. Keefe	*15th Worcester*
Kay Khan	*11th Middlesex*
Jonathan Hecht	*29th Middlesex*
William N. Brownsberger	*Second Suffolk and Middlesex*
Carolyn C. Dykema	*8th Middlesex*
Jennifer E. Benson	*37th Middlesex*

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By Mr. Eldridge, a petition (accompanied by bill, Senate, No. 946) of James B. Eldridge, Karen E. Spilka, Paul McMurtry, Jason M. Lewis and other members of the General Court for legislation to promote municipal collaboration and regionalization throughout the Commonwealth. Municipalities and Regional Government.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *1020* OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act to promote municipal collaboration and regionalization throughout the Commonwealth.

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

SECTION 1. Chapter 40 of the General Laws is hereby amended by inserting after section 4A the following section:-

Section 4A½. (a) For purposes of this section, the following words shall have the following meanings:-

"Governmental unit", a city, town or a regional school district, a district as defined in section 1A, a regional planning commission, however constituted, a regional transit authority established under chapter 161B, a water and sewer commission established under chapter 40N or by special law, a county, or a state agency as defined in section 1 of chapter 6A.

"Joint powers agreement", a contract specifying the terms and conditions of the joint exercise of powers and duties entered into by participating governmental units pursuant to the laws governing any such unit and the provisions of this section.

"Region", any geographically-designated area within which the powers and duties provided in a joint powers agreement shall be exercised.

(b) The chief executive officer of a city or town, or a board, committee or officer authorized by law to execute a contract in the name of a governmental unit may, on behalf of the unit, enter into a joint powers agreement with another governmental unit for the joint exercise of any of their common powers and duties within a designated region. The joint powers agreement shall be authorized by the parties thereto in the following manner: in a city by the city council with the approval of the mayor, in a town by the board of selectmen and in a district by the prudential committee. A decision to enter into a joint powers agreement under this section, or to join an existing region, shall not be subject to bargaining under chapter 150E.

(c) The joint powers agreement shall specify the following:

(1) its purpose and the method by which the purpose sought shall be accomplished;

(2) the services, activities or undertakings to be jointly performed within the region;

(3) the specific organization, composition and nature of the entity created thereby to perform the services, activities or undertakings within the region, and the specific powers and duties delegated thereto; provided, however, that such entity shall be a body politic and corporate created pursuant to subsection whose funds shall be subject to an annual audit and a copy of such audit shall be provided to the member governmental units and to the division of local services;

(4) the manner of financing the joint services, activities or undertakings within the region 31 and of establishing and maintaining a budget therefore;

(5) any procedures related to the termination of the joint powers agreement, the withdrawal of any participating governmental unit and the addition of any new governmental units; and

(6) its duration.

(d) An entity established by a joint powers agreement shall be a body politic and corporate with the power to:

(1) sue and be sued;

(2) make and execute contracts and other instruments necessary for the exercise of the powers of the region;

(3) make and from time to time amend and repeal policies and procedures relative to the operation of the region;

(4) receive and expend funds;

(5) apply for and receive grants from the commonwealth, the federal government and from other grantors;

(6) submit an annual report to each member governmental unit, which shall contain a detailed financial statement and a statement showing the method by which the annual charges assessed against each governmental unit were computed; and

(7) any such other powers as are necessary to properly carry out its powers as a body politic and corporate.

(e) An entity created pursuant to this section shall be governed by a board of directors comprised of at least one member representing each participating governmental unit. The board of directors shall coordinate the activities of the region and may establish any policies and procedures necessary to do so.

The board of directors shall establish and manage a fund to which all monies contributed by the participating governmental units, and all grants and gifts from the federal or state government or any other source shall be deposited. The board of directors shall appoint a treasurer who may be a treasurer of one of the participating governmental units. The treasurer, subject to the direction and approval of the board of directors, shall be authorized to receive, invest and disburse all funds of the region without further appropriation. The treasurer shall give bond for the faithful performance of his duties in a form and amount as fixed by the board of directors.

The board of directors may borrow money, enter into long or short-term loan agreements or mortgages and apply for state, federal or corporate grants or contracts to obtain funds necessary to carry out the purposes of the region. The board of directors may enter into contracts for the purchase of supplies, materials and services and for the purchase or lease of land, buildings and equipment as deemed necessary.

(f) The entity shall be deemed to be a public employer and the board of directors may employ personnel to carry out the purposes of the joint powers agreement and establish the duties, compensation and other terms and conditions of employment of personnel.

(g) A participating governmental unit shall not be liable for the acts or omission of another participating government unit or the region or any entity created by the joint powers agreement, unless the participating governmental unit has agreed otherwise in the joint powers agreement.

SECTION 2. Said chapter 40, as so appearing, is hereby amended by striking out section 44A and inserting in place thereof the following section:- Section 44A. A city or town, by vote of the council in the case of a city and by vote of the board of selectmen in the case of a town, may create a special unpaid committee to be known as a regional refuse disposal planning committee consisting of 3 persons to be appointed by the board of selectmen in a town and by the mayor in a city.

SECTION 3. Said chapter 40, as so appearing, is hereby further amended by striking out section 44E and inserting in place thereof the following section:-

Section 44E. The selectmen of each of the several towns, upon receipt of a recommendation that a regional refuse disposal district be established, shall vote on accepting such plan. The mayors of the several cities, upon receipt of a recommendation that a regional refuse disposal district be established, shall submit the question of accepting such plan to the city council within sixty days 85 after receipt of the recommendation.

If a majority of the members of each city council voting on the question and the board of selectmen in each town shall vote in the affirmative, the proposed regional refuse disposal district shall be deemed to be established forthwith in accordance with the terms of the proposed agreement.

SECTION 4. Section 44F of said chapter 40, as so appearing, is hereby amended by striking out, in lines 27 to 29, inclusive, the words “a majority of the voters present and voting on the matter at a town meeting called for the purpose of expressing such disapproval” and inserting in place thereof the following words:- the board of selectmen.

SECTION 5. Section 2 of chapter 40D of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out, in lines 7 and 8, the words “a town at an annual meeting or a special meeting called for the purpose” and inserting in place thereof the following words:- by the board of selectmen, in a town.

SECTION 6. Said section 2 of said chapter 40D, as so appearing, is hereby amended by striking out, in line 34 , the words “at an annual or special town meeting” and inserting in place thereof the following words:- its board of selectmen.

SECTION 7. Section 30B of chapter 41 of the General Laws, as so appearing, is hereby amended by striking out, in lines 2 and 3, the words “by vote of their legislative bodies” and inserting in place thereof the following words:- by vote of the city council with the approval of the mayor, in a city, and by vote of the board of selectmen, in a town.

SECTION 8. Section 27B of chapter 111 of the General Laws, as so appearing, is hereby amended by striking out, in lines 4 and 5, the words “and by vote of a town at a regular annual town meeting” and inserting in place thereof the following words:- and by a vote of the board of selectmen.

SECTION 9. Said section 27B of said chapter 111, as so appearing, is hereby amended by striking out, in line 30, the words “at a town meeting” and inserting in place thereof the following:- by vote of the board of selectmen.

SECTION 10. Section 3 of chapter 121C of the General Laws, as so appearing, is hereby amended by striking out, in lines 8 and 9, the words “a town at an annual town meeting or a

special town meeting called for the purpose" and inserting in place thereof the following words:- by the board of selectmen in a town.

SECTION 11. Notwithstanding any general or special law to the contrary, each secretary of an executive office shall evaluate all grant, loan, and technical assistance programs administered under their office for opportunities to promote, facilitate and implement inter-municipal cooperation, collaboration, and regional service delivery at the local level.

On or before December 31, 2013, each secretary shall provide to the executive office for administration and finance the results of their evaluation identifying opportunities to leverage state resources to promote regional, efficient solutions to common problems.

SECTION 12. Notwithstanding any general or special law to the contrary, any executive agency which administers a program through which funding may be provided to municipalities, where regionalization may be feasible, shall encourage municipal efficiencies by prioritizing those applications for funds which come from municipalities that have developed a method by which to jointly and more efficiently utilize such funding.

SECTION 13. The operational services division shall review applicable procurement policies and regulations to facilitate the execution of contracts, where appropriate, between regional planning agencies and any executive office, department, agency, office, division, board, commission or institution within the executive branch to provide or receive services, facilities, staff assistance or money payments.