

HOUSE No. 3001

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
David M. Torrasi	14th Essex
John D. Keenan	7th Essex
Theodore C. Speliotis	13th Essex
Christopher N. Speranzo	3rd Berkshire
Bruce E. Tarr	First Essex and Middlesex
Robert M. Koczera	11th Bristol
Thomas M. Stanley	9th Middlesex
David B. Sullivan	6th Bristol
Steven J. D'Amico	4th Bristol
John W. Scibak	2nd Hampshire
James J. O'Day	14th Worcester District
Gloria L. Fox	7th Suffolk
Ellen Story	3rd Hampshire
Denis E. Guyer	2nd Berkshire
Linda Dorcena Forry	12th Suffolk
Anne M. Gobi	5th Worcester
Barry R. Finegold	17th Essex
Denis E. Guyer	2nd Berkshire

Jonathan Hecht	29th Middlesex
Brian A. Joyce	Norfolk, Bristol and Plymouth
Denise Provost	27th Middlesex
Jennifer M. Callahan	18th Worcester
Cory Atkins	14th Middlesex
Benjamin Swan	11th Hampden

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

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

26 SECTION 3. The Governor shall direct all executive branch agencies, commissions and departments to
27 evaluate all grant, loan, and technical assistance programs administered by such for opportunities to

28 promote, facilitate and implement inter-municipal cooperation, collaboration, and regional service
29 delivery at the local level.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

134
135 (31) notwithstanding the provisions of any other section in this chapter, the commission is
136 authorized to enter into contracts and agreements with any department, agency or subdivision of
137 the federal or state government and any individual, corporation, association or public authority to
138 provide or receive services, facilities, staff assistance or money payments in connection with the
139 work of the commission, and the commission may contribute or receive services, facilities, staff
140 assistance or money payments as consideration such contracts and agreements.

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

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

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

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

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

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

163

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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