

SENATE No. 779

The Commonwealth of Massachusetts

PRESENTED BY:

Moore, Richard (SEN)

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:
Moore, Richard (SEN)	Worcester and Norfolk
Robert A. O'Leary	Cape and Islands
Susan C. Tucker	Second Essex and Middlesex
Richard J. Ross	9th Norfolk
Michael R. Knapik	Second Hampden and Hampshire
James E. Timilty	Bristol and Norfolk
Jennifer M. Callahan	18th Worcester
Bruce E. Tarr	First Essex and Middlesex
Karen E. Spilka	Second Middlesex and Norfolk

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
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, 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
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 evaluation
31 results to the Governor within ninety (90) days, with the goal to identify opportunities to
32 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 Coordinating
36 Committee to evaluate departmental programs for opportunities to increase collaboration
37 between communities, and make recommendations to the Governor on the most promising
38 opportunities that would achieve the aforementioned aims of efficient and enhanced local
39 government service delivery.

40 SECTION 5. The Governor shall direct the Executive Office of Transportation and Public
41 Works; Department of Housing and Community Development; Executive Office of Housing and
42 Economic Development; Executive Office of Energy and Environmental Affairs, and Executive
43 Office of Administration and Finance to encourage municipalities to submit joint applications for
44 the following state spending programs: Public Works Economic Development Program; Transit
45 Oriented Development Bond Program; Water Transportation Capital Funding Program; Small
46 Town Road Assistance Program; Community Development Action Grant Program;
47 Massachusetts Opportunity Relocation and Expansion Jobs Capital Program; State Revolving
48 Fund; LAND Program; PARC; Drinking Water Supply Protection Grant Program; Coastal
49 Pollutant Remediation Grant Program; Municipal sustainability Grant Program, and the Off-
50 Street Parking Program.. Joint applications should receive higher scores than currently applied
51 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 inserting after
53 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 special
55 act, subject to such rules, regulations and procedures as may be established from time to time by
56 said purchasing agent or regional planning agency.

57 SECTION 7. The Governor shall direct the executive office of administration and finance to
58 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 paragraph of
62 Section 5 of chapter 40B the following paragraphs:

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

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

73 Notwithstanding the provisions of any other section in this chapter, any city or town which is a
74 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 towns are
79 voluntary, and notwithstanding any other law, require authorization by the relevant Board of
80 Selectmen or City Council, with the approval of the mayor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

161 Notwithstanding the provisions of any other section in this chapter, the commission is authorized
162 to enter into contracts and agreements with any department, agency or subdivision of the federal

163 or state government and any individual, corporation, association or public authority to provide or
164 receive services, facilities, staff assistance or money payments in connection with the work of the
165 commission, and the commission may contribute or receive services, facilities, staff assistance or
166 money payments as consideration such contracts and agreements.

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

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

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

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

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

182 Notwithstanding the provisions of any other section in this chapter, the Commission is
183 authorized to enter into contracts and agreements with any department, agency or subdivision of

184 the federal or state government and any individual, corporation, association or public authority to
185 provide or receive services, facilities, staff assistance or money payments in connection with the
186 work of the Commission, and the Commission may contribute or receive services, facilities, staff
187 assistance or money payments as consideration such contracts and agreements.

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

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

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

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

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

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

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

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

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

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

225 SECTION 16. There shall be established and set upon the books of the commonwealth a
226 separate fund to be known as the Regional Services Implementation Fund. Amounts credited to

227 the fund shall be administered by the department of local services within the department of
228 revenue which shall determine that the funds are used for activities consistent with the purpose
229 of this act and the Massachusetts management and accounting report system. The amounts shall
230 be used, without further appropriation, solely for the administration and implementation of this
231 section.

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

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

246 The department of housing and community development shall promulgate rules and regulations
247 for the administration of the Regional Services Implementation Fund. Grant applications shall
248 be reviewed by a panel including the department of housing and community development,

249 executive office of administration and finance and department of revenue division of local
250 services.

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