

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 passage of the accompanying bill:

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Karen E. Spilka</i>	<i>Second Middlesex and Norfolk</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>Jason M. Lewis</i>	<i>31st Middlesex</i>
<i>Brian A. Joyce</i>	<i>Norfolk, Bristol and Plymouth</i>
<i>Michael J. Rodrigues</i>	<i>First Bristol and Plymouth</i>
<i>Denise Andrews</i>	<i>2nd Franklin</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>

SENATE No. 946

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:

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

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

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

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

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

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

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

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

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

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

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

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

35 (6) its duration.

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

38 (1) sue and be sued;

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

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

43 (4) receive and expend funds;

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

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

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

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

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

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

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

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

75 SECTION 2. Said chapter 40, as so appearing, is hereby amended by striking out section
76 44A and inserting in place thereof the following section:- Section 44A. A city or town, by vote
77 of the council in the case of a city and by vote of the board of selectmen in the case of a town,
78 may create a special unpaid committee to be known as a regional refuse disposal planning
79 committee consisting of 3 persons to be appointed by the board of selectmen in a town and by
80 the mayor in a city.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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