

HOUSE No. 1853

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 collaboration and regionalization throughout the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Jay R. Kaufman</i>	<i>15th Middlesex</i>
<i>Denise Andrews</i>	<i>2nd Franklin</i>
<i>William Smitty Pignatelli</i>	<i>4th Berkshire</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Jason M. Lewis</i>	<i>31st Middlesex</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>Michael Barrett</i>	<i>Third Middlesex</i>
<i>Karen E. Spilka</i>	<i>Second Middlesex and Norfolk</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>
<i>Gailanne M. Cariddi</i>	<i>1st Berkshire</i>

James J. O'Day

14th Worcester

Thomas P. Conroy

13th Middlesex

HOUSE No. 1853

By Mr. Kaufman of Lexington, a petition (accompanied by bill, House, No. 1853) of Jay R. Kaufman and others for legislation to promote municipal collaboration and regionalization throughout the Commonwealth. Municipalities and Regional Government.

[SIMILAR MATTER FILED IN PREVIOUS SESSION

SEE

HOUSE
 , NO. 4370 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 following
4 meanings:-
5 “Governmental unit”, a city, town or a regional school district, a district as defined in section
6 1A, a regional planning commission, however constituted, a regional transit authority established
7 under chapter 161B, a water and sewer commission established under chapter 40N or by special
8 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 exercise
10 of powers and duties entered into by participating governmental units pursuant to the laws
11 governing any such unit and the provisions of this section.
12 “Region”, any geographically-designated area within which the powers and duties provided in
13 a joint powers agreement shall be exercised.
14 (b) The chief executive officer of a city or town, or a board, committee or officer authorized by
15 law to execute a contract in the name of a governmental unit may, on behalf of the unit, enter
16 into a joint powers agreement with another governmental unit for the joint exercise of any of

17 their common powers and duties within a designated region. The joint powers agreement shall be
18 authorized by the parties thereto in the following manner: in a city by the city council with the
19 approval of the mayor, in a town by the board of selectmen and in a district by the prudential
20 committee. A decision to enter into a joint powers agreement under this section, or to join an
21 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 perform

26 the services, activities or undertakings within the region, and the specific powers and duties

27 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 region 31

31 and of establishing and maintaining a budget therefore;

32 (5) any procedures related to the termination of the joint powers agreement, the withdrawal of

33 any participating governmental unit and the addition of any new governmental units; and

34 (6) its duration.

35 (d) An entity established by a joint powers agreement shall be a body politic and corporate

36 with the power to:

37 (1) sue and be sued;

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

39 of the region;

40 (3) make and from time to time amend and repeal policies and procedures relative to the

41 operation of the region;

42 (4) receive and expend funds;

43 (5) apply for and receive grants from the commonwealth, the federal government and from

44 other grantors;

45 (6) submit an annual report to each member governmental unit, which shall contain a detailed

46 financial statement and a statement showing the method by which the annual charges assessed

47 against each governmental unit were computed; and

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

49 and corporate.

50 (e) An entity created pursuant to this section shall be governed by a board of directors

51 comprised of at least one member representing each participating governmental unit. The board

52 of directors shall coordinate the activities of the region and may establish any policies and

53 procedures necessary to do so.

54 The board of directors shall establish and manage a fund to which all monies contributed by

55 the participating governmental units, and all grants and gifts from the federal or state government

56 or any other source shall be deposited. The board of directors shall appoint a treasurer who may

57 be a treasurer of one of the participating governmental units. The treasurer, subject to the
58 direction and approval of the board of directors, shall be authorized to receive, invest and
59 disburse all funds of the region without further appropriation. The treasurer shall give bond for
60 the faithful performance of his duties in a form and amount as fixed by the board of directors.

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

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

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

72

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

79

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

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

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

91

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

96

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

101

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

105

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

110

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

115

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

119

120 SECTION 10. Section 3 of chapter 121C of the General Laws, as so appearing, is hereby
121 amended by striking out, in lines 8 and 9, the words “a town at an annual town meeting or a
122 special town meeting called for the purpose” and inserting in place thereof the following words:-
123 by the board of selectmen in a town.

124

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

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

132

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

137 which to jointly and more efficiently utilize such funding.

138

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