

List of Statutes Providing for Regionalization

TYPE	CITATION	CREATION	GOVERNANCE	FINANCES	OTHER ISSUES
GENERAL PROVISIONS					
Intermunicipal agreements (IMAs)	40:4A	<p>Agreement by CEOs of governmental units with approval of selectmen, mayor & council or prudential committee</p> <p>Contracting units include cities, towns, regional school districts, improvement districts, regional planning commissions, water & sewer commissions, counties and state agencies</p> <p>Approval of school committee needed if involves supplementary education centers and innovative educational programs</p>	By agreement	By agreement	<p>Units may jointly perform, or have one perform on behalf of others, any service, activity or undertaking any unit can perform</p> <p>25 year maximum</p>
Joint performance of services	43C:15				Consolidated municipal departments (finance, inspections, community development) may participate in IMAs

GENERAL GOVERNMENT

Regional assessing	41:30B	Agreement approved by participating cities or towns (legislative body vote) and approved by Department of Revenue (DOR)	By agreement. Initial committee of representative assessors develops methods and procedures for sharing services of assistant assessor. Thereafter, per DOR, Board of Directors.	Fair allocation of expenses between communities per terms of approved agreement. Annual appropriation of funds.	Approval and oversight of local agreements by DOR See DOR IGR 81-402
Regional health care coverage	32B:12	Acceptance of c. 32B, by agreement of "appropriate public authorities" of 2 or more governmental units			See 32b:2(a) definition of appropriate public authority – mayor in city, selectmen in town, governing board in district, county commissioners in county (except Worcester), trustees of charter school, directors of educational collaborative
Regional retirement systems	34B:19	Statutory successor to an abolished county retirement system	Regional retirement board	Assessment by regional retirement board (how determined??)	Regional retirement board advisory council created.
Regional charter commissions and councils of government	34B:20	Regional charter commission established by acceptance by legislative bodies. Commission develops proposal for structure of a regional council of government (RCG). Council charter proposal must be approved by majority of voters in a community (referendum) for it to participate.	RCG created by charter.	Annual assessment of members	

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Collective purchasing	7:22B, 22A	<p>§ 22A – Statutory authority for joint purchases with Commonwealth or other municipalities through state purchasing agent. (“join together”)</p> <p>§ 22B - Statutory authority for joint purchases by municipalities with one serving as lead purchasing agent. (“join together”)</p>	Regulations of state purchasing agent	Each unit remains solely responsible for payments due vendor.	(Need to search regulations)
Regional service centers (for development of GIS technology and data)	21A:4B	Executive Office of Energy & Environmental Affairs (EOEEA) – Office of Geographic and Environmental Information establishes regional service centers to assist governmental units in the development and use of GIS technology.	By EOEEA	State appropriation	Coordinates GIS data sharing agreements between governmental units

PUBLIC EDUCATION

Regional school districts	71:14-16I	71:15 Acceptance by municipalities (legislative body vote) of 71:16-16I, under agreement approved by Department of Elementary & Secondary Education (DESE)	Regional School Committee (RSC), chosen in accordance with agreement	Budget adopted by RSC, approved by 2/3 of member communities in 3 or more member districts, both members in 2 member districts	
School superintendency unions	71:61-64	Agreement of school committees of towns each with <\$2.5m valuation, & aggregate # of schools between 25 and 75. DESE can form or adjust union without regard to valuation or # of schools	Joint committee of member towns’ school committees fixes salary & benefits of superintendent.	Costs allocated among members in accordance with 71:65 (which has been repealed) – so presumably by agreement	Needs 2/3 vote of joint committee & DESE approval to fire superintendent. Also, DESE approval to dissolve union.
Education collaboratives	40:4E	Agreement by school committees	Board of directors, 1 appointed by each school committee	Not determined by statute	Has own treasurer; RAN borrowing; is public employer
Joint school committees	71:63	Part of superintendency union statutes – see above			
Joint directors of occupational	71:38D	District formed by vote of towns (not school committees) to employ joint director of occupational guidance & placement	Joint committee of member towns’ school committees	Joint committee annually appoints director, fixes salaries & apportions costs among members.	Any member can withdraw

PUBLIC HEALTH

Regional health districts	111:27A-27C	Vote of municipalities (towns only, & not in Barnstable Co. under § 27A)	<p>§ 27A: Joint health committee of member towns’ boards of health, or 1 or more members from each board</p> <p>§ 27B: single regional board of health, members appointed by</p>	<p>§ 27A: joint committee develops & allocates budget, which members raise in tax levy without appropriation</p> <p>§27B: regional board adopts budget, apportions cost</p>	
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			each municipality by whatever method it chooses	among members according to choice of formulas in statute. Assessments raised in levy without appropriation	
Joint infirmaries	47:4	Nothing in statute, presumably town meeting vote	Nothing in statute	Nothing in statute	

PUBLIC LIBRARIES

Joint public library	78:19A	Nothing in statute	Nothing in statute	Nothing in statute	§ 19A relates only to state aid reimbursement
Regional public library service	78:19C-19D	Nothing in statute; can include private as well as public libraries – see 78:19D	State Board of Library Commissioners designates administrative agency; council of members, duties prescribed by bylaws of regional system, as approved by state Board	Nothing in statute about budget; state reimbursement under 78:19C	Relates to sharing of library resource materials

PUBLIC SAFETY

Fire districts	48:60-80 (see §§ 67 & 79)	Vote of town meeting(s) to organize the fire district and department and establish boundaries of the district by petition or residents of proposed district	Elected prudential committee as CEO & district meeting as legislative body	District property tax assessed by member town assessors, collected by town collectors and turned over to district treasurer	Not clear how districts in more than one town are formed
Regional police districts	41:99A-99K	Approval of a majority of the voters of member towns (referendum)	Regional police commission organized by member towns' boards of selectmen, each appointing 2 members of the commission	Regional police commission determines its budget and assesses member towns using statutory formula based on EQV, population and miles of road of member towns	Unclear whether towns with police covered by civil service may be included
Regional EMS council (Emergency Medical Services System)	111C:4	Designated by State Department of Public Health (DPH)	10 to 35 members selected by DPH, some of which represent different aspects of EMS community	Revenue from contracts with DPH	More of an agency of the state than a separate local district
Regional emergency communication centers and PSAPs (Public Safety Answering Points/Enhanced 911 Service)	6A:18A-18J; 166:14A	Agreement between governmental bodies in regional areas determined by the state 911 department	None specified in legislation, presumably as provided in the intergovernmental agreements	Not specified in the statutes, presumably from general fund revenues in proportion to the governmental bodies as specified in the agreements	Regional communication centers and PSAPs are part of a statewide plan for emergency dispatching services provided locally or regionally. Telecommunications companies must provide capabilities to reach the 911 centers and may charge special fees to offset their costs
Mutual police aid programs	40:8G	Agreement between communities upon acceptance of 40:8G in those communities	Governed by terms of mutual aid agreement	Financed by general municipal revenues as per mutual aid agreement	Allows for mutual aid agreements between contiguous towns in and outside MA.

TYPE	CITATION	CREATION	GOVERNANCE	FINANCES	OTHER ISSUES
PUBLIC UTILITIES					
Regional municipal water supply system	21:9A, 20	Two or more municipalities by vote of the legislative body	Town meeting vote or vote of town council or city council	Appropriation by each local community	
Sewer districts (re references to buy services)	83:1	Vote of sewer department in each member community, if authorized by ordinance or bylaw	Each member community's sewer department	Appropriation in accordance with contract terms	Contracts may not exceed 20 years
Regional water/sewer district commissions	40N:25	Vote of town meeting, town council or city council	Regional district commission	Regional district agreement includes financing provisions	
Regional local government unit (Water Pollution Abatement Revolving Loan Program)	29C:1	Vote of town meeting, town council or city council	Bylaw or ordinance of city or town providing service	Assessments or other charges on cities and towns receiving wastewater collection or treatment services	
Municipal Light Plant Cooperatives	164:47C	Vote of municipal lighting plants	Board of not less than 3 directors elected by and from the members of the cooperative	In accordance with cooperative agreement	
Municipal Group Electric Load Aggregation	164:134	Majority vote of town meeting, town council or city council	In accordance with plan approved by Department of Energy Resources	Appropriation by members in accordance with service agreement	
Energy Cooperatives	164:136	Vote of town meeting, town council or city council	Board of not less than 3 directors elected by and from the members of the cooperative	In accordance with agreement	
Group Utility Purchasing Arrangements	164:137	Vote of town meeting, town council or city council	In accordance with group purchasing agreement	In accordance with agreement	
Regional refuse disposal districts	40:44A-44L	Vote of town meeting, town council or city council	Regional refuse disposal district committee	Annual assessments as determined by district committee	
Regional recycling programs	40:8H	Vote of town meeting, town council or city council	In accordance with agreement	In accordance with agreement	
Regional water pollution abatement district	21:28	<p>District proposed by Division of Water Pollution Control (DWPC) within Department of Environmental Protection, and approved by Water Resources Commission.</p> <p>Within 90 days if legislative bodies of municipalities do not approve, Director of DWPC may order c. 30A hearing on necessity of district. If finds needed to control water pollution, may declare district formed (mandatory district).</p>	<p>District commission made up of 2 members of each town appointed by selectboard</p> <p>Commission of mandatory district made up of 3 members appointed by Director of DWPC</p> <p>Commission appoints executive director</p>	<p>District plan for water pollution abatement facilities submitted to DWPC. Plan must include formula DWPC finds equitable for allocating operating and capital costs. May be based on 2 or more factors (population, EQV, waste volume and type, other factor DWPC considers appropriate)</p>	<p>Act of legislature required to dissolve district</p>

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PUBLIC WORKS

Joint road maintenance	84:5	Agreement between communities with common highways to construct, repair, maintain and improve roads and to share road machinery	Governed by terms of town meeting votes and appropriations	Funding per terms of town meeting votes and appropriations	
Joint applications for road and chemical storage assistance	16:4D	Opportunities to apply for joint project grants for 2 or more eligible towns created by rules and regulations of Commissioner of Highways (Mass Highway)	Governed by the rules and regulations of Mass Highway	Financed from grants through towns grant accounts or under rules and regulations of Mass Highway	Does not specifically authorize a joint project, per se, but merely joint grant application

RECREATION & CULTURE

Cooperative Recreation Facilities	45:14	Vote of legislative body of 2 or more towns to authorize recreation departments to cooperate in providing recreational facilities and programs	Authorized recreation departments establish the cooperative arrangements	Expenses to maintain and support facilities and programs apportioned by recreation departments	
Regional cultural council	10:58	Any group of cities and towns may form regional council with approval of MA Cultural Council	Regional council has equal number of members appointed by mayor or selectmen. By 2/3 vote, the regional cultural council can adopt proportional representation corresponding to the populations of participating cities and towns. Council members serve for staggered 3 year terms.	Regional cultural councils disburse arts lottery funds, other "allocable" receipts including gifts and grants, and interest earned on the portion of council money which is invested. Appropriation not required (revolving fund).	
Regional beach districts	40:12B-12G	District formed by vote of legislative bodies of 2 or more contiguous cities or towns to acquire, develop, maintain and operate beaches	Commission appointed by a "joint committee" including mayor & city council president of each city, and the chair of selectboard in each town. Joint committee also determines number and terms of office of commission members.	Not specified in statute-presumably by agreement	Treasurer of 1 of members acts as treasurer for district Director of Accounts to annually audit district accounts. Cost apportioned based on most recent EQV. State treasurer to issue warrant to assessors to raise in tax levy without appropriation and pay over.

REGULATORY FUNCTIONS

Regional planning districts	40B:3, 11	District established by vote of legislative bodies of 2 of more cities or towns. Other cities & towns may apply for admission. Acceptance by 2/3 vote of the representatives of the member cities and towns.	District planning commission made up of 1 member from planning board of each participating community. Commission elects officers from among its members annually. 2/3 vote of district planning commission may establish an executive committee.	Annually in February, district commission prepares budget. Budget apportioned among member municipalities, subject to per capita limits adopted by 2/3 of legislative bodies of member communities. Commission certifies each city or town's share of the budget to the assessors to be raised in	
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TYPE	CITATION	CREATION	GOVERNANCE	FINANCES	OTHER ISSUES
				levy without appropriation	
Joint regulation of motorboats	90B:15	Joint action to regulate motorboats on sharing water ways or bodies in 2 or more cities and towns. Local motorboat regulations cannot conflict with 90B	Adoption of uniform regulations requires "joint action," presumably by legislative bodies, of cities and towns sharing the waters	No financial arrangements are specified – presumably each municipality covers its own enforcement costs.	
Joint air pollution control districts	111:142C	Joint request by cities and towns to state DPH to form district. DPH. must approve. District similar to Metropolitan Air Pollution Control District of 111:142B	DPH may regulate "air contamination sources" and set up "air sampling stations" within the pollution control district	Participating cities and towns must reimburse Commonwealth for the cost of pollution control activities. State treasurer issues warrant to assessors in district communities to assess tax based half on assessed valuations and half on population	

TRANSPORTATION

Regional transit authorities	161B	<p>Authority formed by any city or town, or group of cities and towns, other than those in MBTA with bus service, by approval of selectmen in town, city manager in a Plan E city or council and mayor in other city and notice to Governor</p> <p>Any city or town, or group of cities and towns, other than those in MBTA with bus service or in authorities provided for 161B:2 & 14, may join contiguous authority by approval of selectmen in town, city manager in a Plan E city or council and mayor in other city</p> <p>City or town can withdraw upon approval of referendum placed on ballot by vote of city council, town meeting or petition of 5% of registered voters</p>	<p>Advisory board made up of city manager of each Plan D or E city, chair of selectboard of each town, or town manager or administrator (or designees). Each community has 1 vote, plus additional votes in proportion to state assessments on members. Non-voting representative from disabled commuting population appointed on rotating basis from members.</p> <p>Advisory board can establish executive committee according to bylaws</p> <p>Advisory board appoints administrator as chief executive officer</p>	<p>Annual budget prepared by administrator and approved by advisory board</p> <p>Budget not covered by operating revenues funded by cherry sheet assessments on members based in proportion to cost of service within member and state contract assistance</p>	May issue debt up to 40 years; biennial audits by state auditor
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ECONOMIC DEVELOPMENT

Economic development regional commission	40B:5	District formed by votes of legislative bodies of cities and towns to make recommendations for physical, social, governmental or economic improvement of the district	District planning commission made up of 1 member of the planning board of each city and town voting to join district	Commission annually apportion expenses and certifies the amount to assessors of members who raise in tax levy without appropriation	District may issue RANs by a majority vote of commission
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TYPE	CITATION	CREATION	GOVERNANCE	FINANCES	OTHER ISSUES
OTHERS					
Regional veterans' districts	115:10-15	District formed by votes of legislative bodies of 2 or more adjoining towns, or 2 or more adjoining municipalities of which only 1 may be a city , to provide veterans with information about and assist them in obtaining available benefits	District board made up of mayor or his/her designee of each city, chair of selectboard or his/her designee of each town, and the town manager or his/her designee if town council form of government Board appoints director of veterans' services who performs the duties of the veteran's agent in each member city or town. District board also designates a treasurer of 1 of member municipalities as district treasurer.	District board determines district expenses and apportions them on members based on most recent EQQ, most recent federal census, or by other means determined by a unanimous vote of the district board to be fair and equitable to each community. Board notifies local treasurers of apportionment. They certify amount to assessors who raise in tax levy without appropriation.	Director of Accounts to annually audit district accounts. Cost apportioned based on most recent EQV. State treasurer to issue warrant to assessors to raise in tax levy and pay over.
Joint airport enterprise	90:51N	<p>By vote of the city council with the approval of the mayor or by vote of a town meeting, 2 or more municipalities may establish, maintain and operate airport as joint enterprise.</p> <p>Within 30 days after the votes, mayor and city council and selectmen of communities must meet to draft agreement. Agreement must be approved by the airport commission and the Director of Accounts and be agreed to by the mayor and city council of each participating city and the town meeting of each participating town.</p> <p>Agreement to establish a joint airport commission and joint airport fund and specify the proportionate interest of each participating municipality in the airport and its proportionate share of the expenses</p>	The joint airport commission acts as agent of all municipalities in operating airport. Joint commission chooses the officers to maintain and operate the joint enterprise.	Joint airport commission determines amounts needed to run joint airport. Apportions amount needed above amount available in joint fund to participating municipalities as per the agreement. Sends apportionment notice to mayors & selectmen.	
Joint control of marine fisheries	130:56	If two or more municipalities have joint property in, or joint control over, any marine fisheries, the city council or the selectmen may exclusively exercise authority over fisheries as though such joint control or property did not exist.	Selectmen, board of alderman or city council may control, regulate or prohibit the taking the shellfish within the city or town		Doesn't authorize joint action – rather allows exclusive control so long as residents of other communities get same rights & privileges
Joint boundary markers	42:4	Selectmen of contiguous towns required to erect permanent stone monuments at certain points of their boundary lines	Selectmen responsible for erecting boundary markers.	Expenses shared equally	42:6 provides for penalty for failure to mark

TYPE	CITATION	CREATION	GOVERNANCE	FINANCES	OTHER ISSUES
Regional housing authority	121B:3A	Operating agreement approved by municipal officers of cities and towns and Dept. of Housing and Community Development (DHCD)	Regional housing authority. Powers & obligations as set out in the operating agreement.	Appropriations by cities and towns – presumably based on operating agreement	See 121B:1 definition of municipal officers as city council with mayor's approval in city, selectmen with town manager's approval, if any, in town.

