As fiscal constraints on municipalities continue to tighten, there are significant incentives for cities and towns to explore ways in which municipal services can be shared or consolidated. There are various options available to municipalities to regionalize services under existing statutes, special acts, and through regional cooperation efforts, especially in the area of joint purchasing.

Regional Districts Under General Laws

There are a number of statutory schemes in the Massachusetts General Laws that permit two or more municipalities to create regional districts that provide for particular municipal services. The process for creating different types of regional districts, as well as the powers and duties of regional districts, are often similar in nature. The creation of a regional district generally entails a series of town meeting or city council votes, and, in some instances, approval at an election. While the statutory schemes differ somewhat in the autonomy of districts, in most instances the regional agreement that is negotiated can provide for a level of financial oversight and control by the member municipalities.

Regional School Districts: Perhaps the oldest form of regional district under the General Laws in Massachusetts is the regional school district. Two or more towns are authorized under Chapter 71, Sections 14 and 15, to establish a regional school system. The process begins with a town meeting vote in each town to establish a regional school district planning committee. The committee is limited to three members, appointed by the moderator. At least one member of the school committee must be appointed to the regional planning committee. The statute also authorizes town meeting to appropriate funds, not in excess of one tenth of one percent of the assessed valuation of the town in the preceding year, in order to meet the expenses of the study committee. Once the committees are established in each town, they may join together to create a regional school district planning board.

The regional school district planning committees (or the regional school district planning board) then meet for the purpose of studying the advisability of forming a regional school district and to negotiate a proposed regional school district agreement. Regional school district agreements typically address: (1) the number, composition, method of selection, and terms of office of the members of the regional school district committee; (2) the location, type, and ownership of school buildings; (3) the method of apportionment of operating and capital expenses, including the cost of construction of school buildings; (4) the method for providing school bus transportation; (5) the method

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by which new towns may be admitted to the district; (6) the process for amending the agreement; (7) details regarding the formulation and approval of the annual operating budget; and, (8) any other matter deemed advisable as long as it is consistent with applicable law.

With respect to the number, composition, and method of selection of regional school district committee members, the regional agreement must comply with the “one person one vote” requirements of the United States Constitution. If the members are to be elected by the voters, this generally means that committee members for each unit town must be apportioned voting power that reflects their respective town populations. This can be achieved by assigning a weighted vote to each committee member or by establishing a sufficient number of total members so that each member represents a proportionate number of voters. For example, if a town has 33 and 1/3 percent of the population of all of the towns in the district and there are three committee members from that town, the total size of the regional committee would have to be nine members. In the alternative, the agreement could assign a weighted vote to each of the three members from the town so their total voting power represented 33 and 1/3 of the weighted votes. The statute also permits a district-wide election of all of the members of the regional school committee. If the members are appointed, the requirements for a weighted vote do not apply.

Once the draft agreement is negotiated, it must be submitted to the Department of Elementary and Secondary Education for approval. Thereafter, it must be submitted to the voters in each member town for approval. In a town with an open town meeting, the proposed agreement may be approved at either the annual town meeting or a special town meeting. In a town with a representative town meeting or a town council form of government, the proposed agreement must be approved as a ballot question at an annual or special election.

Regional Refuse Disposal Districts: Two or more municipalities may be admitted to the district by agreement with applicable law.

Regional Water and Wastewater Districts: Municipalities may join together to form a regional water and sewer wastewater district commission under Chapter 40N, Section 25. The method of formulating a regional water and wastewater district commission, as well as the powers and duties of such a commission, are virtually identical to a regional refuse disposal district.

Veterans’ Districts: Two or more municipalities may join together to form a veterans’ district for the purpose of providing veterans’ services to members of the municipalities under Chapter 115, Section 10. The district may be created by vote of the board of selectmen in a town and by vote of the city council in a city. A veterans’ district may employ a director of veterans’ services, who is responsible for providing veterans’ services to all member municipalities in accordance with the powers and duties of the district as set forth in Chapter 115, Section 11. There are, however, two significant limitations contained in the statute: all member municipalities must be contiguous, and only one municipality in the district may be a city.

Joint Powers Agreement for the Management, Protection, and Enhancement of Natural Resources: Municipalities are authorized under Chapter 21A, Section 20, to enter into agreements for environmental protection purposes as approved by the secretary of Energy and the Environment. The joint powers agreement may be among municipalities, or they may be entered into with other public agencies, including Massachusetts state agencies as well as state agencies from other states. Such agreements are primarily joint cooperation agreements. They cannot supplant local authority, and they require the normal processes for the appropriation and expenditure of funds.

Regional Districts by Special Act

The statutory forms for regional districts may not be suitable in particular circumstances. In these instances, one or more municipalities can seek special legislation to create unique forms for regional districts, including for the provision of joint services that may not be covered by one of the statutory forms for regional districts. A good example of a special act district is the Dedham-Westwood Water District, created in 1886 by a special

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Intermunicipal agreements have long been a valuable tool in providing for shared facilities and services among cities and towns. While intermunicipal agreements have historically been employed to share public works infrastructure assets such as water and wastewater services, they are becoming increasingly popular as a means of sharing the services of town officials, such as dog officers, veterans’ agents, and solid waste and recycling coordinators. Intermunicipal agreements have also been success-