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H.249

Introduced by Representatives Sweaney of Windsor, Devereux of Mount

Holly, Evans of Essex, and Martin of Wolcott

Referred to Committee on

Date:

Subject: Municipal government; intermunicipal services; regional planning
commissions; regional council of governments

Statement of purpose of bill as introduced: This bill proposes to allow a
regional planning commission to enter into an agreement with its member
municipalities to create a regional council of governments. The council would
assist those municipalities in planning for common needs.

~~An act relating to intermunicipal services and the authority to create a
regional council of governments~~

It is hereby enacted by the General Assembly of the State of Vermont:

~~Sec. 1. 24 V.S.A. chapter 121, subchapter 7 is added to read.~~

Subchapter 7. Regional Council of Governments

§ 4948. CREATION OF REGIONAL COUNCIL OF GOVERNMENTS

(a) Any regional planning commission may enter into an agreement
between or among its municipalities to establish a regional council of
governments.

1 ~~(b) The agreement must:~~

2 ~~(1) provide at least 50 percent of its representatives shall be elected~~
3 ~~municipal officials from member municipalities; and~~

4 ~~(2) specify the organization, method of withdrawal, method of~~
5 ~~terminating the agreement, and the grounds for suspension of member~~
6 ~~municipalities.~~

7 ~~(c) The council shall adopt bylaws designating the officers of the council~~
8 ~~and providing for the conduct of its business.~~

9 ~~§ 4949. FINANCES; STAFF~~

10 ~~(a) Expenses. The legislative bodies of the member municipalities may~~
11 ~~appropriate funds to meet the expenses of the council.~~

12 ~~(b) Funds. The council may accept funds, grants, gifts, and services from:~~

13 ~~(1) the federal government;~~

14 ~~(2) the State of Vermont or its agencies, departments, or~~
15 ~~instrumentalities;~~

16 ~~(3) any other governmental unit, whether a member of the council or~~
17 ~~not; and~~

18 ~~(4) private and civic sources.~~

19 ~~(c) Staff. The council may employ any staff and consult and retain any~~
20 ~~experts that it considers necessary.~~

1 ~~§ 4950. POWERS AND DUTIES~~

2 ~~(a) The council may:~~

3 ~~(1) Assist local governments in planning for common need and mutual~~
4 ~~benefit through cooperation and coordination. The council may undertake~~
5 ~~activities that it considers appropriate, including matters affecting health,~~
6 ~~safety, welfare, education, economic conditions, and development.~~

7 ~~(2) Promote cooperative arrangements and coordinate action among its~~
8 ~~members, including arrangements and actions with respect to planning,~~
9 ~~community development, joint purchasing, intermunicipal services and~~
10 ~~infrastructure.~~

11 ~~(3) Make recommendations for review and action to its members and~~
12 ~~other public agencies that perform functions within the region.~~

13 ~~(b) The council, on behalf of a majority of its member municipalities, may~~
14 ~~exercise any power, privilege, or authority capable of exercise by a member~~
15 ~~municipality and necessary or desirable for dealing with problems of local or~~
16 ~~regional concern, except essential legislative powers, taxing authority, or~~
17 ~~eminent domain power. This authority is in addition to any other authority~~
18 ~~granted to regional planning commissions in statute.~~

19 ~~(c) Where a regional planning commission has been established, the~~
20 ~~member municipalities, by appropriate action, may provide for the transfer of~~

1 ~~all assets, liabilities, rights, and obligations of the commission to the council~~
2 ~~and provide for the dissolution of the commission.~~

3 Sec. 2. EFFECTIVE DATE

4 ~~This act shall take effect on passage.~~

Sec. 1. 24 V.S.A. § 4345b is added to read:

§ 4345b. INTERMUNICIPAL SERVICE AGREEMENTS

(a)(1) Prior to exercising the authority granted under this section, a regional planning commission shall:

(A) draft bylaws specifying the process for entering into, method of withdrawal from, and method of terminating service agreements with member municipalities; and

(B) hold one or more public hearings within the region to hear from interested parties and citizens regarding the draft bylaws.

(2) At least 30 days prior to any hearing required under this subsection, notice of the time and place and a copy of the draft bylaws, with a request for comments, shall be delivered to the chair of the legislative body of each member municipality within the region. The regional planning commission shall make copies available to any individual or organization requesting a copy.

(3) The regional planning commission may make revisions to the draft bylaws at any time prior to adoption of the bylaws. If revisions are made to

~~the draft bylaws, the regional planning commission shall hold a final hearing and shall deliver notice as required in subdivision (2) of this subsection.~~

~~(b)(1) The draft bylaws required under subsection (a) of this section may be adopted by a vote of at least 67 percent of the commissioners of the regional planning commission in accordance with the voting procedures of the regional planning commission.~~

~~(2) The draft bylaws shall be considered duly adopted and shall take effect 35 days after a vote required under this subsection, unless, within 35 days of the date of adoption, the regional planning commission receives certification from the legislative bodies of a majority of the member municipalities in the region vetoing the proposed bylaws. In such case, the bylaws shall be deemed repealed.~~

~~(c) Upon adoption of the bylaws under subsection (b) of this section, a regional planning commission may:~~

~~(1) promote cooperative arrangements and coordinate, implement, and administer service agreements among its member municipalities, including arrangements and action with respect to planning, community development, joint purchasing, intermunicipal services, infrastructure, and related activities; and~~

~~(2) exercise any power, privilege, or authority, as defined within a service agreement under subsection (d) of this section, capable of exercise by a~~

~~member municipality as necessary or desirable for dealing with problems of local or regional concern.~~

~~(d)(1) In exercising the powers set forth in subsection (c) of this section, a regional planning commission shall enter into a service agreement with one or more member municipalities. A regional planning commission shall require a vote of at least 67 percent of its commissioners to enter into negotiations for a service agreement.~~

~~(2) Participation by a member municipality shall be voluntary and only valid upon appropriate action by the legislative body of the member municipality. To become effective, a service agreement shall be ratified by the regional planning commission and the legislative bodies of the member municipalities who are a party to the service agreement.~~

~~(3) A service agreement shall describe the services to be provided and the amount of funds payable by each member municipality that is a party to the service agreement. Service of personnel, use of equipment and office space, and other necessary services may be accepted from member municipalities as part of their financial support.~~

~~(4) Any modification to a service agreement shall not become effective unless approved by the legislative body of the member municipalities who are a party to the service agreement.~~

~~(e) A regional planning commission shall not have the following powers under this section:~~

~~(1) essential legislative functions;~~

~~(2) taxing authority; or~~

~~(3) eminent domain.~~

~~(f)(1) Funds provided for regional planning under section 4341a or 4346 of this chapter shall not be used to provide services under a service agreement without prior written authorization from the State agency or other entity providing the funds.~~

~~(2) A commission shall not use municipal funds or grants provided for regional planning services under this chapter to cover the costs of providing services under any service agreement under this section.~~

Sec. 2. EFFECTIVE DATE

~~This act shall take effect on July 1, 2016.~~

Sec. 1. 24 V.S.A. § 4345b is added to read:

§ 4345b. INTERMUNICIPAL SERVICE AGREEMENTS

(a)(1) Prior to exercising the authority granted under this section, a regional planning commission shall:

(A) draft bylaws specifying the process for entering into, method of withdrawal from, and method of terminating service agreements with municipalities; and

(B) hold one or more public hearings within the region to hear from interested parties and citizens regarding the draft bylaws.

(2) At least 30 days prior to any hearing required under this subsection, notice of the time and place and a copy of the draft bylaws, with a request for comments, shall be delivered to the chair of the legislative body of each municipality within the region. The regional planning commission shall make copies available to any individual or organization requesting a copy.

(3) The regional planning commission may make revisions to the draft bylaws at any time prior to adoption of the bylaws. If revisions are made to the draft bylaws, the regional planning commission shall hold a final hearing and shall deliver notice as required in subdivision (2) of this subsection.

(b)(1) The draft bylaws required under subsection (a) of this section shall be adopted by a vote of at least 67 percent of the commissioners of the regional planning commission in accordance with the voting procedures of the regional planning commission.

(2) The draft bylaws shall be considered duly adopted and shall take effect 35 days after a vote required under this subsection, unless, within 35 days of the date of adoption, the regional planning commission receives certification from the legislative bodies of a majority of the municipalities in the region vetoing the proposed bylaws. In such case, the bylaws shall be deemed repealed.

(c) Upon adoption of the bylaws under subsection (b) of this section, a regional planning commission may:

(1) promote cooperative arrangements and coordinate, implement, and administer service agreements among municipalities, including arrangements and action with respect to planning, community development, joint purchasing, intermunicipal services, infrastructure, and related activities; and

(2) exercise any power, privilege, or authority, as defined within a service agreement under subsection (d) of this section, capable of exercise by a municipality as necessary or desirable for dealing with problems of local or regional concern.

(d)(1) In exercising the powers set forth in subsection (c) of this section, a regional planning commission shall enter into a service agreement with one or more municipalities.

(2) Participation by a municipality shall be voluntary and only valid upon appropriate action by the legislative body of the municipality. To become effective, a service agreement shall be ratified by the regional planning commission and the legislative bodies of the municipalities who are a party to the service agreement.

(3) A service agreement shall describe the services to be provided and the amount of funds payable by each municipality that is a party to the service agreement. Service of personnel, use of equipment and office space, and other

necessary services may be accepted from municipalities as part of their financial support.

(4) Any modification to a service agreement shall not become effective unless approved by the legislative body of the municipalities who are a party to the service agreement.

(e) A regional planning commission shall not have the following powers under this section:

(1) essential legislative functions;

(2) taxing authority; or

(3) eminent domain.

(f)(1) Funds provided for regional planning under section 4341a or 4346 of this chapter shall not be used to provide services under a service agreement without prior written authorization from the State agency or other entity providing the funds.

(2) A commission shall not use municipal funds or grants provided for regional planning services under this chapter to cover the costs of providing services under any service agreement under this section.

Sec. 2. EFFECTIVE DATE

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