

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Government Operations to which was referred House
3 Bill No. 249 entitled “An act relating to intermunicipal services and the
4 authority to create a regional council of governments” respectfully reports that
5 it has considered the same and recommends that the bill be amended by
6 striking out all after the enacting clause and inserting in lieu thereof the
7 following:

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

9 Subchapter 7. Regional Council of Governments

10 § 4948. CREATION OF A REGIONAL COUNCIL OF GOVERNMENTS

11 (a) A regional planning commission, created under section 4341 of this
12 title, may convert to a regional council of governments through an affirmative
13 vote of at least 67 percent of both:

14 (1) the board of commissioners of the regional planning
15 commission; and

16 (2) the legislative branches of the regional planning commission’s
17 member municipalities.

18 (b) A newly formed regional council of governments shall adopt bylaws to:

19 (1) specify the organization of the council;

20 (2) designate officers of the council and provide for the conduct of
21 business;

1 (3) specify the process for entering into, method of withdrawal from,
2 and method of terminating service agreements with member
3 municipalities; and

4 (4) provide for the method of dissolution and reversion to a regional
5 planning commission.

6 (c) A regional council of governments shall be subject to the membership
7 requirements of a regional planning commission under sections 4342 and 4343
8 of this title, except that:

9 (1) at least 50 percent of a council's appointed representatives shall be
10 elected municipal officials from the member municipalities; and

11 (2) a council shall maintain an equal number of representatives
12 appointed from each member municipality.

13 (d) Upon the conversion to a regional council of governments as provided
14 in subsection (a) of this section, a regional council of governments shall take
15 effect and become a political subdivision of the State, and the originating
16 regional planning commission shall be dissolved.

17 (e) Upon the effective date of the creation of the regional council of
18 governments:

19 (1) All of the assets and property of the regional planning commission,
20 both real and personal and of whatever kind, nature, and description, shall

1 become vested in and become assets and property of the regional council of
2 governments without any further act, deed, or instrument being necessary.

3 (2) All the liabilities, obligations, and indebtedness of the regional
4 planning commission shall be assumed by the regional council of governments
5 without any further act, deed, or instrument being necessary.

6 (f) A municipality may move from one regional council of governments to
7 another council or to a regional planning commission on terms and conditions
8 approved by the Secretary of Commerce and Community Development.

9 § 4949. POWERS AND DUTIES

10 (a) A regional council of governments shall retain the authority and duties
11 granted to a regional planning commission and shall continue all services
12 previously provided by the originating regional planning commission, subject
13 to the requirements in chapter 117 of this title.

14 (b) In addition to the powers granted in subsection (a) of this section, a
15 regional council of governments may:

16 (1) promote cooperative arrangements and coordinate action among its
17 member municipalities, including arrangements and action with respect to
18 planning, community development, joint purchasing, intermunicipal services,
19 and infrastructure; and

20 (2) exercise any power, privilege, or authority, as defined within a
21 services agreement under subsection (c) of this section, capable of exercise by

1 a member municipality as necessary or desirable for dealing with problems of
2 local or regional concern.

3 (c)(1) In exercising its authority under subsection (b) of this section, a
4 regional council of governments shall enter into a service agreement with one
5 or more member municipalities. Participation by a member municipality shall
6 be voluntary and only valid upon appropriate action by the legislative branch
7 of the member municipality.

8 (2) A service agreement shall describe the services to be provided and
9 the amount of funds payable by each member municipality that is a party to the
10 service agreement.

11 (d) A regional council of governments shall not have the following powers:

12 (1) essential legislative functions;

13 (2) taxing authority; or

14 (3) eminent domain.

15 § 4950. FINANCES AND STAFF

16 (a) The legislative branch of the member municipalities may appropriate
17 funds to meet the expenses of a regional council of governments.

18 (b) A regional council of governments may accept funds, grants, gifts, and
19 services from any source, including:

20 (1) the federal government;

1 (2) the State of Vermont or its agencies, departments, or
2 instrumentalities;

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

5 (4) private and civic sources.

6 (c)(1) In expending regional planning funds provided under section 4341a
7 or 4346 of this title, a regional council of governments shall ensure that all
8 planning tasks required in each performance contract are fully accomplished.
9 Funds provided for regional planning under section 4341a or 4346 of this title
10 shall not be used to provide services under a council service agreement without
11 prior written authorization from the state agency or other entity providing the
12 funds.

13 (2) A council shall not use municipal funds or grants provided for
14 regional planning services under chapter 117 of this title to cover the costs
15 associated with any service agreement under section 4949 of this subchapter.

16 (d) A regional council of governments may employ a staff and consult and
17 retain any experts that it considers necessary. Service of personnel, use of
18 equipment and office space, and other necessary services may be accepted
19 from member municipalities as part of their financial support.

20 Sec. 2. EFFECTIVE DATE

21 This act shall take effect on passage.

1 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE