

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 60 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; and

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

3           (c) A regional council of governments shall be subject to the membership  
4           requirements of a regional planning commission under sections 4342 and 4343  
5           of this title, except that at least 50 percent of a council's appointed  
6           representatives shall be elected municipal officials from the member  
7           municipalities.

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

12           (e) Upon the effective date of the creation of the regional council of  
13           governments:

14           (1) All of the assets and property of the regional planning commission,  
15           both real and personal and of whatever kind, nature, and description, shall  
16           become vested in and become assets and property of the regional council of  
17           governments without any further act, deed, or instrument being necessary.

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

1     § 4949. POWERS AND DUTIES

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

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

8           (1) promote cooperative arrangements and coordinate action among its  
9     member municipalities, including arrangements and action with respect to  
10    planning, community development, joint purchasing, intermunicipal services,  
11    and infrastructure; and

12          (2) exercise any power, privilege, or authority capable of exercise by a  
13    member municipality and necessary or desirable for dealing with problems of  
14    local or regional concern.

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

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

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

5                 (1) essential legislative functions;

6                 (2) taxing authority; or

7                 (3) eminent domain.

8           § 4950. FINANCES AND STAFF

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

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

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) In expending regional planning funds provided under section 4341a of  
20           this title, a regional council of governments shall ensure that all core planning

1 tasks required in each performance contract are fully accomplished before  
2 spending regional planning funds on any council service agreement.

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

7 Sec. 2. EFFECTIVE DATE

8 This act shall take effect on passage.

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11 (Committee vote: \_\_\_\_\_)

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\_\_\_\_\_

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Representative \_\_\_\_\_

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FOR THE COMMITTEE