

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 at least 50 percent of a council's appointed  
9           representatives shall be elected municipal officials from the member  
10           municipalities.

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

15           (e) Upon the effective date of the creation of the regional council of  
16           governments:

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

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

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

7           § 4949. POWERS AND DUTIES

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

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

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

18           (2) exercise any power, privilege, or authority, as defined within a  
19 services agreement under subsection (c) of this section, capable of exercise by  
20 a member municipality as necessary or desirable for dealing with problems of  
21 local or regional concern.

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

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

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

10       (1) essential legislative functions;

11       (2) taxing authority; or

12       (3) eminent domain.

13       § 4950. FINANCES AND STAFF

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

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

18       (1) the federal government;

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

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

3           (4) private and civic sources.

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

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

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

18           Sec. 2. EFFECTIVE DATE

19           This act shall take effect on passage.

1 (Committee vote: \_\_\_\_\_)

2

\_\_\_\_\_

3

Representative \_\_\_\_\_

4

FOR THE COMMITTEE