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1 H.249

2 Representative Martin of Wolcott moves that the report of the Committee
3 on Government Operations be further amended by striking out all after the
4 enacting clause and inserting in lieu thereof the following:

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

6 § 4345b. INTERMUNICIPAL SERVICE AGREEMENTS

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

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

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

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

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

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

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

7 (2) The draft bylaws shall be considered duly adopted and shall take
8 effect 35 days after a vote required under this subsection, unless, within
9 35 days of the date of adoption, the regional planning commission receives
10 certification from the legislative bodies of a majority of the member
11 municipalities in the region vetoing the proposed bylaws. In such case, the
12 bylaws shall be deemed repealed.

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

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

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

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

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

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

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

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

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

3 (1) essential legislative functions;

4 (2) taxing authority; or

5 (3) eminent domain.

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

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

13 Sec. 2. EFFECTIVE DATE

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