

**ENABLING LEGISLATION  
MASSACHUSETTS GENERAL LAWS, CHAPTER 40B, AS  
AMENDED**

**SECTION 9 - ESTABLISHMENT OF DISTRICT**

The Executive Director of the Massachusetts Office of Business Development, hereinafter in this section and sections ten to nineteen inclusive, called the Executive Director, may establish a regional planning and economic development district consisting of all the cities and towns in the Southeastern Massachusetts Regional Planning District under this chapter, and the Towns of Plymouth, Plympton, Carver, and Kingston, to be known as the Southeastern Regional Planning and Economic Development District, provided a determination is made by the United States Secretary of Commerce that said area is eligible for designation as an economic development district in accordance with the provisions of the Public Works and Economic Development Act of 1965.

**SECTION 10 - MEMBERSHIP OF CITIES AND TOWNS IN DISTRICT;  
TERMINATION OF MEMBERSHIP**

Upon the designation of the regional planning and economic development district by the Executive Director, all cities and towns within the boundaries of the district shall become members of the district. The Executive Director may from time to time review the boundaries of the district so established and, if he deems it in the best interest of the district, he may with approval of a majority of the members of the regional development commission include additional cities and towns, or he may exclude cities and towns from said district; provided, however, that prior to such increase or decrease in the membership of the district, the Executive Director shall consult with the mayor of a city, or the city manager in a city having a Plan D or Plan E form of government, or the selectmen of a town to be included or excluded from such district.

The city or town may, after it has been a member of a regional planning and economic development district for a period of not less than five consecutive calendar years, terminate its membership in the district by a two-thirds vote of the city council or by vote of a town meeting or town in favor of terminating such membership. Said termination will become effective at the end of the calendar year within which said termination is voted.

**SECTION 11 - DISSOLUTION OF REGIONAL PLANNING DISTRICTS;  
TRANSFER OF RESPONSIBILITY, RECORDS, EMPLOYEES TO SUCCESSOR  
DISTRICT;  
DESIGNATION OF COMMISSION MEMBERS TO SERVE IN INTERIM PERIOD**

If the district boundary of the regional planning and economic development district established in accordance with Section Nine includes a majority of cities and towns organized as a regional planning district pursuant to this chapter, said regional planning

district shall be dissolved upon the organization of a regional planning and economic development district.

When the Southeastern Massachusetts Regional Planning District is dissolved and a successor district is established in accordance with the provisions of Section Nine, the jurisdiction and responsibility of said Southeastern Massachusetts Regional Planning District shall be transferred to the successor district and commission and all records, reports, studies, documents, plans and property including all assets and liabilities of said district or commission shall be transferred forthwith to the custody, control, and responsibility of the regional planning and economic development commission. Upon the effective date of any such dissolution, all of the permanent or temporary employees of such district or commission shall be transferred to the regional planning and economic development district without impairment of retirement rights and without reduction in compensation or salary grade; provided, however, that nothing in this section shall be construed to confer upon any employee any tenure of office of employment or any rights not held prior to such transfer. The adopted plans and policies of said district so dissolved pertaining to regional planning considerations shall be deemed to be and shall continue to have full force and effect until modified by the commission of the successor district. No such dissolution of a previously established district and no establishment of a district in accordance with Section Nine shall become effective except in compliance with the following procedure; upon receipt of notification from the executive director that he intends to establish a district in accordance with Section Nine, the city manager in a city having a city manager and the mayor in any other city, the board of selectmen, and the planning board of each city and town therein shall not later than twenty days from the date of notification appoint or designate the respective commission members to serve in the interim period until March thirty-first next, provided, however, that in the case of a planning board which had previously appointed a member of a regional planning commission established in accordance with this chapter, each such planning board shall appoint the same member to the commission established in accordance with Section Nine for said interim period if said member is willing to accept said appointment, but otherwise appoint in accordance with this section. The commission members so designated shall not later than thirty-five days from the date of said notification, elect officers in accordance with Section Fifteen. Upon receipt of notification from the commission so established, that there has been compliance with the foregoing procedures, the executive director shall forthwith notify the state secretary who shall issue a certificate of organization to said district which shall be conclusive evidence of the establishment and organization of said district, and, the executive director shall forthwith dissolve the previously established regional planning district.

## SECTION 12 - COMMISSION; MEMBERSHIP; TERMS OF OFFICE

In the regional planning and economic development district established pursuant to Section Nine, there shall be a regional planning and economic development commission which shall consist of the mayor of each city, or in a city that has a Plan D or Plan E form of government the city manager, or their designee, a member appointed by the board of selectmen of each town included within said district who need not be a member of the

board of selectmen, a member appointed by the planning board of each such city or town who need not be a member of the planning board. Each member shall be appointed for a term of one year commencing June first of the year appointed to May thirty-first of the succeeding year, and the appointment or reappointment of each member shall be certified annually to the commission by the appointing authority in the month of May. Notwithstanding any of the foregoing provisions, the commission may increase its membership by not more than six in order to provide representation to low-income and minority groups.

### SECTION 13. ADVISORY COMMITTEE; MEMBERSHIP; TERMS OF OFFICE

Twenty-one persons residing within the district shall be appointed to an advisory committee for the purpose of providing advice and guidance to said commission and said persons shall be representative of business, labor, professional, and civic organizations and other economic interests within the district. Nine members shall be appointed by the Executive Director with approval of the Governor, and twelve members shall be appointed by the commission. Of the initial appointees of the executive director, three shall be appointed for a term of one year, three for a term of two years, and three for a term of three years. Of the initial appointees of said commission, four shall be appointed for a term of one year, four for a term of two years, and four for a term of three years. Upon the expiration of a term of a member of the advisory committee or upon written resignation, his successor shall be appointed in like manner for a term of three years, or for the balance of the unexpired term. A member may be removed and a vacancy declared by majority vote of the advisory committee at a regular meeting thereof, consequent upon three consecutive absences from regular advisory committee meetings, and his successor shall be appointed in like manner as the original appointment for the balance of the unexpired term. The commission shall, in its by-laws, provide appropriate procedures for the referral of problems, issues, and policies for deliberation by the advisory committee.

### SECTION 14 - POWERS AND DUTIES OF DISTRICT; REPORTS

The regional planning and economic development district established under the provisions of Section 9 shall have the following powers and duties:

- a) to adopt a corporate seal;
- b) to sue and be sued, but only to the same extent and upon the same conditions that a town may sue or be sued;
- c) to rent, lease or otherwise to acquire quarters for the housing of the commission and the staff thereof;
- d) to receive and disburse funds from any public or private sources for any district purposes.

In addition to the foregoing, the district, acting through the commission or any committees thereof, shall have the following additional powers and duties:

- e) to conduct studies of the resources, problems, and needs of the district, and, on the basis of such studies, to prepare and, from time to time, revise both comprehensive regional plans and comprehensive economic development programs for the district and for such part or parts thereof as the commission may deem advisable, including recommendations for the physical, social, and economic improvement of the district. Such plans and recommendations shall be adopted and may be changed or supplemented from time to time by a majority vote of the commission and shall be a public record; and to conduct feasibility and implementation studies for public facilities and programs and for public and private development projects which are consistent with and which would tend to implement the objectives and recommendations of the commission;
- f) to conduct research, surveys, analyses and compile such data, maps, charts and tables and other pertinent or necessary information for the purpose of formulating regional and subregional goals, objectives, policies, plans, and programs and for project proposals related to the comprehensive physical, social, and economic development and redevelopment of the resources and facilities of the district and its subdistricts;
- g) to cooperate with and to assist each city and town in the district to coordinate its planning and economic development activities with the district so as to obtain maximum benefits for the district and for each city and town from such activities;
- h) to cooperate with and to assist agencies of the Commonwealth and the United States Government in fulfilling the purposes and objectives of the district;
- i) to recommend appropriate action by public and private organizations and agencies to implement the recommendations prepared by the commission;
- j) to provide technical advice, assistance, and guidance to cities and towns, to other public agencies and to development organizations and to private businesses in the district in implementing the objectives and recommendations of the commission, in undertaking planning and economic development programs, and in making application for federal financial assistance;
- k) to compile and maintain a system for the collection and dissemination of information and statistics relevant to the district, and to make such information available to public agencies and to private organizations and individuals engaged in activities which tend to implement the objectives and recommendations of the commission
- l) to approve or disapprove by majority vote such plans for the development and redevelopment of the district or parts thereof as may be laid before it. The approval or disapproval of any such plans or any such recommendation of the commission shall be advisory only; provided, however, that the commission shall have the power to exercise such approval or disapproval as a regional or metropolitan planning or development agency acting pursuant to the requirements of the publicly aided program applicable to the district or to any part thereof;

- m) to advertise and otherwise to promote the implementation of the plans and recommendations of the commission and the economic and industrial development of the district;
- n) to sponsor conferences, institutes, seminars, and training programs on behalf of the district and the cities and towns therein for the purpose of developing the capabilities of commission members, commission staff, other public officials and employees and development organizations, to assist in preparing and implementing the plans and recommendations of the commission;
- o) to undertake comprehensive and special planning and economic development programs and projects for any part or parts of the district, and, for such purpose to assist inter-municipal cooperation and to delineate, establish, and administer subregional district organizations as administrative subdivisions of the district and commission.

Except as otherwise prohibited by law said district and commission is further authorized to act as and to assume the duties, obligations and responsibilities of an economic development district designated pursuant to the Public Works and Economic Development Act of 1965.

The commission shall report annually on or before Feb. 1 to the city councils and town meetings of the cities and towns in the district as to the plans and recommendations of the commission and the status thereof. The commission shall make and publish such reports as the commission shall deem appropriate for the purpose of accomplishing, promoting and explaining the objectives and recommendations of the district.

Said district may not authorize debt in anticipation of revenue to be received by the district unless the regional planning and economic development commission of said district so votes in accordance with Section 8.

#### SECTION 15 - OFFICERS; MEETINGS OF COMMISSION; RULES OF PROCEDURE; EXECUTIVE COMMITTEE; STANDING COMMITTEES; TECHNICAL ADVISORY COMMITTEES; COMPENSATION

The Commission shall elect annually at its meeting held in the month of June by and from its members a chairman, a vice-chairman, a secretary and a treasurer, each of whom shall hold office until his successor is elected and qualified. The commission shall from time to time fill any vacancy in such an office for the unexpired term thereof.

The immediate past chairman shall be an officer ex-officio.

The commission may also elect an assistant treasurer who may exercise all the powers and duties of the treasurer in the absence of the treasurer.

The commission shall meet during the months of February, April, June and October and at such other times as the commission shall determine.

The commission shall establish rules of procedure for its activities and the activities of all committees, and shall keep a complete and accurate record of the substance of its meetings, transactions, resolutions, findings, and determinations, all of which shall be a public record.

The executive director, treasurer, and assistant treasurer shall give the commission a bond, with a surety company authorized to transact business in the Commonwealth as surety for the faithful performance of their duties in such sum and upon such conditions as the commission may require.

There may be an executive committee, elected annually, consisting of (1) the officers of the commission, who shall serve as the officers of the executive committee, (2) four members of the commission who shall be elected by a majority vote of the commission and who shall be selectmen or designees of selectmen, (3) four members of the commission who shall be elected by a majority vote of the commission and who shall be representatives of the planning boards, and (4) the mayor or city manager or his designee of each city serving as a member of the commission; provided, however, that each redevelopment area within the district as designated by the Secretary of Commerce of the United States pursuant to the Public Works and Economic Development Act of 1965, shall be entitled to have at least one member on the executive committee among the members who are either mayors or their designees or the selectmen or their appointees.

The commission may appoint from among its members such other special and standing committees as it shall deem necessary and all such committees shall exercise such powers, discharge such responsibilities, and perform such duties as the commission may delegate thereto by vote or by its by-laws. The commission, at its discretion, may appoint additional persons to any such committee from outside the membership of the commission; provided, that in no case shall the number of commission members on such standing and special committees, and if the application of the two-thirds percentage results in a fractional number, in order to facilitate such appointment the number of such additional persons on said committees may be the next highest digit.

The members of the commission shall serve without compensation but the officers shall receive payment for necessary expenses, including travel incurred in the performance of their duties.

The commission shall establish such technical advisory committees as may be needed to assist the executive director in planning and developing the programs and projects of the commission. The commission, at its discretion, may appoint additional persons to any committee from outside the membership of the commission. The chairman, executive director, or head of any state, county or municipal agency, and any public authority operating within the district if permitted by its trust indentures to do so, shall delegate one

or more well-qualified representatives from the agency or authority to serve on any of the said technical advisory committees when so requested by the commission.

#### SECTION 16 - EXECUTIVE DIRECTOR OF COMMISSION; APPOINTMENT AND COMPENSATION OF COMMISSION EMPLOYEES

The commission shall employ, and may remove, an executive director, who shall be qualified by education, training, and experience in economic development, regional and program planning, and community relations. The executive director, on behalf of and with the approval of the commission, shall employ and appoint all other employees of the commission, including temporary or part-time personnel. The executive director and other employees of the commission shall not be subject to Chapter Thirty-One nor to Section Nine A of Chapter Thirty. The commission shall determine and establish the compensation and other terms, conditions, and benefits of employment for all employees of the commission.

#### SECTION 17 - CONTRACTS TO RECEIVE OR TO PROVIDE SERVICES, FACILITIES, STAFF, OR MONEY PAYMENTS; EXPENDITURES, AND OBLIGATIONS

The commission is authorized to enter into contracts and agreements with any department, agency or subdivision of federal or state government and any individual, corporation, association or public authority to provide or to receive services, facilities, staff assistance or money payments in connection with the work of the commission, and the commission may contribute or receive services, facilities, staff assistance or money payments as consideration in such contracts or agreements. The commission shall approve all contracts, which shall be signed by the chairman and treasurer.

The commission may make expenditures and incur obligations for services and other expenses, subject to the following conditions and limitations: The commission may expend such amounts in addition to its annual assessment upon the cities and towns in the district as the commission may receive under any federal or state law, or by gift, grant, contract or agreement from any source, including grants, bequests, gifts or contributions made by any individual, corporation, association, public authority, or department, agency or subdivision of the federal or state government.

#### SECTION 8 - DISTRICT PLANNING COMMISSIONS; BORROWING IN ANTICIPATION OF REVENUE; EXECUTION, EFFECT, AND MATURITY OF REVENUE ANTICIPATION NOTES

The district may authorize debt by a majority vote of the commission in anticipation of revenue to an amount not in excess of that to be received during the current fiscal year from member cities and towns. Notes issued under authority of this section shall be in the name of and upon the full faith and credit of the district, and said notes shall be signed by the treasurer of the district, and the chairman of the district planning commission shall countersign and approve them in the presence of the clerk of the district

who shall certify to the fact on the face thereof. Such notes shall be payable, and shall be paid not later than one year from their dates, and shall not be renewed or paid by the issue of new notes, except as provided in Section Seventeen of Chapter Forty-Four.

#### SECTION 18 - ESTIMATES OF DISTRICT EXPENSES; APPORTIONMENT AND ASSESSMENT AGAINST CITIES AND TOWNS; FISCAL YEAR; PAYMENT OF EXPENSES; RESERVE FUNDS; AUDIT OF ACCOUNTS

The commission so established shall not later than fifty days from the issuance of a certificate or organization by the state secretary prepare an estimate of the amount of money required to pay the costs and expenses of the district for the current fiscal year and, in the case of the district being dissolved for the purpose or organizing a district in accordance with Section Nine, the costs and expenses of said predecessor district incurred during the current fiscal year for which funds are not otherwise available, and, after first subtracting from such estimate of costs the amount of unexpended monies in the custody of the commission which were previously received by the predecessor district from member cities and towns for the expenses of the current fiscal year, the commission shall apportion, assess and certify for payment the amount so determined in accordance with this section.

Each city and town treasurer shall not later than thirty days from the receipt of said certification pay the amount so apportioned and certified from any monies available in the treasury of each such city or town, and the board of assessors of each such city or town shall include said amount in the assessment for the annual tax levy if such tax levy has not been assessed, but otherwise shall include said amount in the next annual tax levy in addition to any amount to be raised for the purposes of the commission for the next fiscal year in accordance with this section.

The commission shall operate on a fiscal year beginning with July 1 and ending with the following June 30. The commission shall, annually in the month of October, estimate and assess the cities and towns in the district the required amount of money necessary to pay the cost and expenses of the district for the following fiscal year. The amount so determined for the district shall not exceed a sum equivalent to thirty cents per capita of the population of the district or fifty thousand dollars, whichever is the greatest amount; and said amount shall be apportioned and assessed upon each city and town in the district in the proportion which the population of each such city or town bears to the total population of the district, provided, however, that the population of the district and of each city and town shall be the population as determined by the most recent state or national decennial census exclusive of the population in any county, state, or federal institutions otherwise included in such census. The amounts so apportioned for each city and town shall, prior to December 31 of each year, be certified by the district treasurer to the treasurers of each city and town within the district. Each city and town treasurer shall pay the amount so apportioned by the district treasurer not later than July 10 of the fiscal year for which the apportionment is made, and shall make such payment from any monies available in the treasury of each such city or town. The district treasurer shall submit a duplicate copy of the aforementioned certificate to the board of assessors of



each city and town, and each such board of assessors shall include said amounts in the assessment for the annual tax levy according to the procedures specified in Section Twenty-One of Chapter Fifty-Nine; provided, however, that if the annual tax levy is determined by any such board of assessors prior to receiving a copy of said certification, the board of assessors shall include as money to be raised in the tax levy an amount equal to twenty cents per capita of the population of the city or town as determined aforesaid, and, if said amount is less than the amount actually certified by the district treasurer, the difference shall be included as money to be raised in the next annual tax levy.

Payments for the expenses of the district shall be made by the treasurer or assistant treasurer only upon a warrant for such payment approved by a majority of the commission or, if so delegated, by a majority of the executive committee or by a majority of such other committee as the commission may delegate by its by-laws to exercise such approval.

Said regional planning and economic development districts may accumulate reserve funds for, but not limited to, the purposes of funding the purchase and replacement of capital equipment and participating in state and federal programs, provided, that such accumulated reserve funds may not exceed the estimated proportion of the district commission's costs and expenses to be paid by the member cities and towns during the next fiscal year.

The director of accounts in the Department of Corporations and Taxation shall annually cause an audit to be made of the accounts of the commission. A report thereon shall be made to the chairman of the commission and a copy thereof shall be sent in a city having a city manager to said city manager and in all other cities to the mayor, the board of selectmen of each town and to each planning board in the district.

#### SECTION 19 - EXCHANGE OF INFORMATION BETWEEN DISTRICT AND AGENCIES OF COMMONWEALTH

There shall be a mutual exchange between the commission and all agencies of the Commonwealth and of each political subdivision thereof within the district, of data, records, and information within their knowledge and control pertaining to the district, or to parts thereof which may be required for the preparation of programs designed to achieve the purposes of this chapter.