

By Mr. Brett of Quincy, petition of Joseph E. Brett that provision be made for regional planning in the metropolitan Boston area. Metropolitan Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Three.

AN ACT TO PROVIDE FOR REGIONAL PLANNING IN THE METROPOLITAN
BOSTON AREA.

1 *Whereas*, The deferred operation of this act would tend to
2 defeat its purpose, which is to provide for regional planning
3 in the metropolitan Boston area, therefore it is hereby de-
4 clared to be an emergency law, necessary for the immediate
5 preservation of the public safety and convenience.

*Be it enacted by the Senate and House of Representatives in General
Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. *Metropolitan Area Planning District* — There is
2 hereby established a Metropolitan Area Planning District, here-
3 inafter called the "district", consisting of: (a) the city of Bos-
4 ton and those contiguous cities and towns which are members
5 of any of the metropolitan sewage, water or parks districts, or
6 use any of the metropolitan refuse disposal incinerators; and
7 (b) those cities and towns contiguous to any of the aforemen-
8 tioned cities and towns which become members of any of the
9 metropolitan sewage, water or parks districts, or use any of the
10 metropolitan refuse disposal incinerators. Any city or town,
11 not within the district, but contiguous to a city or town within
12 the district, shall become a member of the district upon applica-
13 tion to the metropolitan area planning council. Any other city
14 or town may become a member of the district upon application
15 approved by a majority vote of the representatives of the cities
16 and towns on the council.

1 SECTION 2. *Metropolitan Area Planning Council.* — There is
2 hereby established a Metropolitan Area Planning Council, here-
3 inafter called the "council". The administrative head of each
4 city and town within the district shall, not later than ninety
5 days after the passage of this act, and triennially thereafter on
6 or before April first, beginning in the calendar year nineteen
7 hundred and sixty-two, appoint one well qualified person to
8 serve as the representative of his city or town in the council;
9 provided, however, that in cities or towns having a population
10 in excess of fifty thousand in accordance with the last decennial
11 state or national census, two such representatives shall be ap-
12 pointed. The following shall be members ex officio: the chair-
13 man of the redevelopment authority and the commissioner of
14 public works of the city of Boston or their designees.

15 In addition, the governor of the commonwealth shall, not later
16 than ninety days after the passage of this act, and giving due
17 regard to diversity of interests and geographical location, desig-
18 nate at least twenty-three additional members selected from
19 various civic, educational, professional, labor and business
20 groups, provided that the number of said members appointed
21 by the governor shall at no time exceed one half the number of
22 the cities and towns represented. Of the members of the council
23 appointed by the governor, eight shall be designated to serve
24 one year, eight for a term of two years, and the remaining num-
25 ber for a term of three years. Upon the expiration of the term
26 of an appointed member, his successor shall be appointed in like
27 manner for a term of three years. The governor shall in like
28 manner fill any vacancy for the remainder of the unexpired term.

1 SECTION 3. *Organization of Council.* — The governor of the
2 commonwealth shall appoint a temporary president of the coun-
3 cil from the list of appointees to the council. Said temporary
4 president shall call a meeting of the council within thirty days
5 after his appointment, at which time a permanent president,
6 secretary, and treasurer, shall be elected from and by the mem-
7 bers of the council to serve until the fourth Wednesday in April
8 of the ensuing year, or until such time as each successor shall
9 have been duly qualified. Thereafter, elections for the office of
10 president, secretary, and treasurer, of the council shall be held
11 annually in the month of April, the new term of said offices to

12 be effective annually on the fourth Wednesday in the month of
13 April.

14 There shall be an executive committee consisting of fifteen
15 members, the chairman of which shall be president of the coun-
16 cil, the secretary of which shall be the secretary of the council,
17 and the treasurer of which shall be the treasurer of the council.
18 One third of said members shall be elected from the representa-
19 tives of cities; provided, that at least one such member elected
20 is from the city of Boston; one third shall be elected from the
21 representatives of towns; and the remaining one third shall be
22 elected from the group of representatives appointed by the
23 governor. Each such member of the committee shall serve for
24 a term of one year or until his successor has been duly qualified.

1 SECTION 4. *Bond.* — The person serving in capacity of treas-
2 urer of the council shall give the council a bond, with a surety
3 company authorized to transact business in the commonwealth
4 as surety, for the faithful performance of his duties, in such
5 sum and upon such conditions as the council may require.

1 SECTION 5. *Meetings.* — Meetings of the council shall be held
2 quarterly at the call of the chairman, and at such other times
3 as the council may determine.

1 SECTION 6. *Records of Council.* — The council shall establish
2 rules of procedure for its own activities and for those of the
3 executive committee, and shall keep a record of its meetings,
4 resolutions, transactions, findings and determinations, all of
5 which shall be a public record.

1 SECTION 7. *Duties of Council.* — The duties of the council
2 shall be as follows:

3 (a) The council shall be responsible for adequate research,
4 including the preparation and compilation of data, maps, charts
5 and tables, necessary for the improvement of the physical, social
6 and economic conditions of the region.

7 (b) The council shall be responsible for the preparation and
8 revision from time to time of comprehensive plans for the physi-
9 cal, social and economic improvement of the district, or parts
10 thereof, with respect to the optimum use of the land areas in

11 the district and the most efficient provisions for the utilities
12 serving these land areas.

13 (c) The council shall maintain the fullest co-operation with
14 the cities and towns in the district at all times, and shall render
15 them all possible assistance in their planning activities, especially
16 when two or more of the municipalities have common problems.

17 (d) The council shall approve or disapprove by majority vote
18 such plans for the development and redevelopment of the dis-
19 trict, or parts thereof, as may be laid before it.

1 SECTION 8. *Powers of the Council.* — The recommendations
2 of the council shall be advisory only, and said recommendations
3 shall not have the force of law.

1 SECTION 9. *Availability of Records.* — There shall be a mutual
2 exchange, between the council and all offices, boards, commis-
3 sions, departments, divisions and agencies of the commonwealth,
4 and all offices, boards, commissions and departments of the
5 county governments within the district, and all offices, boards,
6 commissions and departments of the municipal governments
7 within the district, and all projects operated as public enter-
8 prises within the district, of data, records and information within
9 their knowledge and control pertaining to the district, or to
10 parts thereof, which may be required for the preparation of plans
11 made pursuant to section seven.

12 For the purposes of this act, any self-sustaining authority,
13 created by the flotation of revenue bonds under the statutes of
14 the commonwealth, shall be considered as a public enterprise
15 and shall be so regarded in its relationship with the council.

1 SECTION 10. *Executive Committee.* — Action taken by the ex-
2 ecutive committee shall be in the name of and in behalf of the
3 council. The executive committee shall engage, and may re-
4 move, an executive director, at such salary as it may determine,
5 and shall approve the selection and compensation of a techni-
6 cally qualified staff to discharge the professional duties of the
7 council. The executive committee shall be responsible for the
8 supervision of the director and the staff and for the preparation
9 of an annual budget, to be submitted to the council for its con-
10 sideration, and for the performance of such other duties as may
11 be assigned by the council. The members of the executive com-

12 mittee shall serve without compensation, but shall be reimbursed
13 for necessary expenses, including travel allowances incurred in
14 the performance of their duties.

1 SECTION 11. *Executive Director.* — The executive director
2 shall be responsible to the executive committee and shall act for
3 said committee at its direction. The executive committee shall
4 satisfy itself by thorough investigation before his appointment
5 that the executive director selected is specially qualified by edu-
6 cation, training and experience in the fields of regional planning
7 and community relations. The executive director shall not be
8 subject to chapter thirty-one nor to section nine A of chapter
9 thirty of the General Laws. The executive director shall be ac-
10 corded the full rights and privileges of the contributory retire-
11 ment system of the commonwealth as provided in chapter
12 thirty-two of the General Laws.

1 SECTION 12. *Staff.* — The executive director, with the ap-
2 proval of the executive committee, shall appoint, and may re-
3 move, as members of the staff, such persons whose professional
4 training and experience give reasonable assurance of their ability
5 to participate, effectively, in the projects of the council. The
6 members of the staff shall be accorded the full rights and privi-
7 leges of the contributory retirement system of the commonwealth
8 as provided in chapter thirty-two of the General Laws.

9 The executive director, with the approval of the executive
10 committee, may hire temporary or part-time experts or consult-
11 ants. Such temporary or part-time personnel may be employed
12 without regard to the provisions of chapters thirty-one and
13 thirty-two of the General Laws.

1 SECTION 13. *Technical Advisory Committee.* — The executive
2 committee shall establish as many technical advisory committees
3 as may be needed to assist the executive director in exploring,
4 planning and/or developing the programs and projects of the
5 council. The chairman, commissioner or head of any state,
6 county or municipal body or public enterprise operating within
7 the district, shall delegate one or more well-qualified representa-
8 tives from his agency to serve on any of the said technical advi-
9 sory committees when so requested by the executive committee.

1 SECTION 14. *Finances.* — The fiscal year of the council shall
2 be July first to June thirtieth. The council shall annually, in
3 the month of November, estimate the amount of money required
4 to pay the cost and expenses of the council for the following
5 fiscal year.

6 It shall be the responsibility of the council to take full ad-
7 vantage of federal funds allowed under Public Law 560 passed
8 by the eighty-third Congress, together with any subsequent
9 amendments thereto, and likewise of any subsequent state or
10 federal legislation that shall provide financial aid for the district.
11 The total budget of the council, less contributions from the Fed-
12 eral Government, or from the state, or from both, shall be
13 charged as assessments on the cities and towns of the district.
14 Said assessment on each such city or town of the district shall
15 not exceed a sum equivalent to five cents per capita for the
16 population of the said city or town, as determined by the most
17 recent state or national decennial census, exclusive of the popu-
18 lation in county, state or federal institutions.

19 The council shall certify each sum so fixed for each city and
20 town to the assessors thereof, who shall include such sum in the
21 tax levy of the city or town. Upon order of the council, the
22 treasurer of each such city or town within the district shall,
23 from time to time, subject to the provisions of section fifty-two
24 of chapter forty-one of the General Laws, pay to the treasurer
25 of the council sums not exceeding the amount certified by the
26 council as the share of the city or town of the costs and expenses
27 of the council. The treasurer of the council shall disburse the
28 money so received upon a warrant approved by a majority of
29 the executive committee.

1 SECTION 15. *Special Grants.* — The council is authorized to
2 accept and receive for its own uses and consistent with its own
3 purposes any funds or moneys from any source, including grants,
4 bequests, gifts or contributions made by the state or federal
5 government, or by any individual, corporation or association.

1 SECTION 16. *Audit.* — The books of the council shall be
2 audited annually by the auditor of the commonwealth.

1 SECTION 17. *Annual Report.* — The council shall make an
2 annual report to the general court, to be filed by November

3 first of each year, stating its accomplishments of the past twelve
4 months and its current and contemplated projects.

1 SECTION 18. *Supervision.* — The council shall operate under
2 the supervision of the governor and governor's council as de-
3 fined in chapter six of the General Laws.

1 SECTION 19. *Provisions Severable.* — The provisions of this
2 act are severable; and if any of its provisions shall be held un-
3 constitutional by any court of competent jurisdiction, the de-
4 cision of such court shall not affect or impair any of the remain-
5 ing provisions.

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