

# HOUSE . . . . . No. 5672

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## *The Commonwealth of Massachusetts*

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HOUSE OF REPRESENTATIVES, May 18, 1992.

The committee on Local Affairs, to whom was referred the petition (accompanied by resolve, Senate, No. 885) of Edward P. Kirby and Janet W. O'Brien that provision be made for an investigation and study by a special commission (including members of the General Court) relative to the regional provision of government services, the petition (accompanied by bill, House, No. 1533) of Christopher J. Hodgkins for legislation to regulate agreements between governmental units for joint services, the petition (accompanied by bill, House, No. 2855) of Byron Rushing and Pamela P. Resor that counties be included in the definition of a governmental unit, and the petition (accompanied by bill, House, No. 5491) of Douglas W. Petersen, Pamela P. Resor, Janet W. O'Brien, Daniel J. Ranieri and Patricia D. Jehlen relative to the joint operation of public activities by certain governmental units, reports recommending that the accompanying bill (House, No. 5672) ought to pass.

For the committee,

BYRON RUSHING.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Ninety-Two.

AN ACT RELATIVE TO CONTRACTUAL POWERS OF CITIES, TOWNS, DISTRICTS, REGIONAL SCHOOL DISTRICTS, REGIONAL PLANNING COMMISSIONS, REGIONAL TRANSIT AUTHORITIES AND COUNTIES.

*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 4A of Chapter 40, as appearing in the 1990 Official  
2 Edition, is hereby amended by striking out the first paragraph and  
3 inserting in place thereof the following two paragraphs: —

4 The chief executive officer of a city or town or board, committee  
5 or officer otherwise authorized by law to execute a contract in  
6 the name of a governmental unit, as hereinafter defined, may enter  
7 into an agreement with one or more governmental units to  
8 perform jointly or for such other unit or units any services,  
9 activities or undertakings which any of the contracting units is  
10 authorized by law to perform, if such agreement is authorized by  
11 the parties thereto, in a city by the city council with the approval  
12 of the mayor, and in a town or district by the town or district  
13 meeting, except, however, that when such agreement involves the  
14 expenditure of funds for educational purposes accepted pursuant  
15 to section fifty-three A of chapter forty-four, or the expenditure  
16 of funds for establishing supplementary education centers and  
17 innovative educational programs, educational programs, the  
18 agreement and its termination shall be authorized by the school  
19 committee. Any such agreement shall be for such maximum term,  
20 not exceeding twenty-five years, as may be specified in the  
21 authorizing votes of the parties thereto. A governmental unit,  
22 when duly authorized to do so in accordance with the provisions  
23 of law applicable to it, may raise money by any lawful means,  
24 including the incurring of debt for purposes for which it may  
25 legally incur debt, to meet its obligations under such agreement.  
26 Notwithstanding any provisions of law or charter to the contrary,  
27 no governmental unit shall be exempt from liability for its

28 obligations under an agreement lawfully entered into in  
29 accordance with this section. The words “governmental unit” as  
30 used herein shall mean a city, town, a regional school district, a  
31 district as defined in section one A, regional planning  
32 commissions, however constituted, regional transit authorities  
33 established under the provisions of chapter one hundred and sixty-  
34 one B, and counties.

35 All agreements put into effect under this section shall provide  
36 sufficient financial safeguards for all participants, including, but  
37 not limited to, accurate and comprehensive records of services  
38 performed, costs incurred, reimbursements and contributions  
39 received, and the agreement shall require that periodic financial  
40 statements be issued to all participants. Nothing in this section  
41 shall prohibit any agreement entered into between governmental  
42 units from containing procedures for withdrawal of a governmen-  
43 tal unit from said agreement.

