HOUSE . . . . . No. 2982

By Mr. Bartley of Holyoke (by request), petition of the Mass. League of Cities and Towns for legislation to provide state financial assistance for the employment of planning and management personnel in certain cities and towns. Local Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Four.

AN ACT TO PROVIDE STATE ASSISTANCE FOR STRENGTHENING LOCAL PLANNING AND MANAGEMENT CAPABILITY.

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

SECTION 1. *Statement of Purpose*

Whereas, Cities and towns throughout the commonwealth are faced with increasing pressures resulting from growth and development and must meet the need to protect their land and control the adverse environmental, economic and social impacts of development;

Whereas, Municipalities must build a sound planning and management capability if they are to respond successfully to those problems; and

Whereas, Qualified professional personnel officers are needed in the critical area of collective bargaining; and

Whereas, The federal government has existing programs to assist the larger municipalities in the areas of planning and the effective management of their resources; it is declared the policy of the commonwealth to provide state financial assistance for the employment of planning and management personnel in those smaller cities and towns currently lacking such capacity.

SECTION 2. Chapter 23B of the General Laws is hereby amended by inserting after section 23 the following: —

Section 24. General Program Description

a. The department of community affairs, hereinafter called the "department", is hereby authorized to administer a program of assistance to municipalities for the employment of local

professional planning and management personnel. To qualify for this assistance, the mayor and the city council in a city or the board of selectmen in a town must file an application with the department. Following approval of said application by the department, the mayor and the city council in a city or the board of selectmen in a town, or the chief executive of the municipality may enter into a contract with the department through which the municipality may employ a planner, administrator, or a personnel officer.

b. The planning or management position to be supported under this contract must be under the direct supervision of the chief executive and/or administrative officer of the contracting municipality.

c. The contract between the department and the contracting municipality shall provide for the following type of services:

1. development and/or implementation of community development policies and programs including, but not limited to, problems of land use, urban growth and housing, or

2. establishment of a continuing planning and/or management process, including personnel administration.

d. The contracting municipality shall be required to submit in conjunction with the application a detailed statement indicating the proposed position to be funded, and the relationship of said application to the overall legislative intent of improving the planning and/or management capacity of the contracting municipality.

Section 25. Terms of Contract

a. The contract to be executed between the department and the contracting municipality shall be for a period of six (6) years.

b. The individual to be employed by the contracting municipality shall possess the minimum of a baccalaureate degree in planning, management or a related field from a recognized college or university or equivalent experience in lieu of such degree. The salary of said individual shall be established by the contracting municipality.

c. The city of town shall select the staff member, subject to review and concurrence by the department. In approving said selection, the department shall consult with the advisory committee, hereinafter described in section five.

d. The contract between the department and the contracting

47 municipality shall provide for the following matching relation-
48 ship during the six-year period.

	Department	*Contracting Municipality*
first year	50%	50%
second year	40%	60%
third year	30%	70%
fourth year	20%	80%
fifth year	10%	90%
sixth year	0%	100%

49 e. In no event will payment by the department exceed the
50 sum of $10,000 in any year of the contract, except under
51 extraordinary conditions determined by the department in
52 consultation with the advisory committee.
53 f. An application for planning or management assistance may
54 be jointly filed by two or more municipalities, provided that each
55 municipality has conformed to the application requirements
56 established in subsection (a) of section one. Applications will also
57 be accepted from regional planning agencies for positions to serve
58 two or more municipalities with the concurrence of the
59 participating municipalities. In such cases, the regional planning
60 agency shall be considered the contracting agency.
61 g. The department shall provide matching funds for only one
62 full time professional position in one of the general categories of
63 administrator, planner or personnel officer during the six-year
64 period of the contract with any municipality. This policy may be
65 waived only under extraordinary conditions as determined by the
66 department, in consultation with the advisory committee.
67 h. In the event the contracting municipality breaches or
68 unilaterally terminates the contract during the six-year period, it
69 shall be required to reimburse the department for all money
70 provided to the municipality by the department under the
71 contract. In the event of a vacancy for a six-month period and of
72 the failure of a municipality to undertake a bona fide effort to
73 fill such vacancy the department shall notify the contracting
74 municipality and should such condition continue for an addi-
75 tional three months, a breach of contract shall be presumed.
76 Failure of the department to provide the state matching share
77 under the terms of the contract would render the contract null
78 and void.

79 i. Under circumstances which shall be determined by the
80 commissioner in consultation with the advisory committee, a
81 contract may be terminated at the request of a municipality
82 without prejudice.
83 *Section 26. Criteria for Eligibility and Selection*
84 Cities and towns, to be eligible for state assistance, must
85 manifest the following characteristics:
86 a. Eligibility Criteria
87 1. A population of not more than 30,000 as determined
88 by the latest federal census.
89 2. No full-time professional employee whose primary
90 responsibility falls under the eligibility category for which
91 application is being made.
92 3. In the matter of a contract for employment of a
93 planner, the city or town must have a functioning planning
94 board.
95 4. In the matter of a contract for employment of a
96 personnel officer, the city must employ no less than 250
97 full-time employees.
98 b. Priority Selection Criteria
99 In making allocation of funds under this program the
100 department, in consultation with the advisory committee, shall
101 consider the following criteria in determining the selection of
102 municipalities for state assistance:
103 1. A municipal population growth rate which signifi-
104 cantly exceeds the state growth rate, as determined by the most
105 recent federal census.
106 2. A high percentage of low income families, as de-
107 termined by the most recent federal census.
108 3. A high equalized property tax rate, as determined by
109 the department.
110 *Section 27. Advisory Committee*
111 There is hereby established an advisory committee to consist
112 of eleven members to be appointed by the commissioner of the
113 department of community affairs which shall meet a minimum of
114 six times a year. Of these members, one must be a representative
115 of the Massachusetts league of cities and towns, one a representa-
116 tive of the Massachusetts municipal personnel association, one a
117 representative of the conference of Massachusetts planning
118 officials, one a representative of the Massachusetts selectmen's

119 association, one a representative of the Massachusetts mayors'
120 association, one a representative of the Massachusetts taxpayers'
121 foundation, one a representative of the Massachusetts federation
122 of planning boards, and one a representative of the Massachusetts
123 league of women voters, and two others to be appointed by the
124 commissioner. Said committee is hereby charged with advising
125 the department on all matters of administration of this program.
126 *Section 28. Program Monitoring*
127 Each city or town shall submit an annual progress report to
128 the department 90 days prior to the end of the contract year.
129 Such report shall specify in what manner the community
130 development objectives as described in subsection (c) of section
131 one have been fulfilled.
132 Following a review of such progress report, if the department,
133 in consultation with the advisory committee, determines that the
134 objectives of the program are not being fulfilled by the
135 contracting municipality, the department shall be empowered to
136 terminate said contract upon appropriate notice, in accordance
137 with regulations hereinafter to be established by the department.
138 The commissioner of the department shall promu'gate such rules
139 and regulations, including a provision for advance payments, for
140 municipalities participating in the program.