



# OLD COLONY PLANNING COUNCIL ESTABLISHMENT ACT

*from the Acts and Resolves of the Legislature of the Commonwealth of Massachusetts*

*June 6, 1967*

Chap. 332. AN ACT ESTABLISHING THE OLD COLONY PLANNING COUNCIL.

Be it enacted, etc., as follows:

**SECTION 1.** There is hereby established the Old Colony Planning Council, hereinafter called the council. The council shall consist of one representative from each city and town of the Old Colony Planning District established by section three who shall be appointed for a term of three years by the mayor or, in the case of a town, by concurrent vote of the board of selectmen and the planning board.

Upon the expiration of the term of any member, his successor shall be appointed in like manner for a term of three years. The appropriate appointing authority shall fill any vacancy for the remainder of the unexpired term.

**SECTION 2.** The council shall elect annually by and from its members a president, a secretary and a treasurer, each of whom shall hold his office until his successor is elected and qualified. Election of said officers shall be held annually in the month of April, and the officers elected shall commence their terms on the first day in May.

The council shall meet quarterly at the call of the president, and at such other times as the council may determine.

It shall establish rules of procedure for its activities and shall keep a record of its meetings, transactions, resolutions, findings and determinations, all of which shall be a public record. The council shall make an annual report to the department of commerce and development.

The treasurer shall give the council a bond, with a surety company authorized to transact business in the commonwealth as surety, for the faithful performance of his duties in such sum and upon such conditions as the council may require.

The council shall conduct such research and prepare and compile such data, maps, charts and tables as may be helpful or necessary to improve the physical, social and economic conditions of the district, and shall prepare and revise comprehensive plans for the physical, social and economic improvement of the district, or parts thereof, with respect to the optimum use of the land areas in the district, and the most efficient provisions for the utilities serving these land areas.

The council shall 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 of any such plan or any recommendation of the council shall be advisory only.

The council shall maintain the fullest cooperation with cities and towns in the district, and shall render them all possible assistance in their planning activities, especially when two or more of the municipalities have common problems.

**SECTION 3.** There is hereby established the Old Colony Planning District, hereinafter called the district, which shall consist of the city of Brockton and the following towns: Abington, Avon, Bridgewater, East Bridgewater, Easton, Hanson, West Bridgewater and Whitman.

**SECTION 4.** There shall be a mutual exchange, between the council and all offices, boards, commissions, departments, divisions and agencies of the commonwealth, and all offices, boards, commissions and departments of each political subdivision of the commonwealth within the district, and all public authorities operating 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 plans made pursuant to section two; provided, however, that no such public authority shall be required to expend any funds for such purposes in contravention of its trust indentures.

The council shall engage, and may remove, an executive director, who shall be specially qualified by education, training and experience in the fields of regional planning and community relations, and shall determine his salary, and shall approve the selection and compensation of a technically qualified staff to discharge the professional duties of the council. The council shall be responsible for the supervision of the executive director and for the preparation of an annual budget for the disbursements of council funds, and for the performance of such other duties as may be determined by the council. The members of the council shall serve without compensation, but shall be reimbursed for necessary expenses,

including travel, incurred in the performance of their duties. The executive director shall be responsible to the council and shall act for said council at its direction. The executive director shall not be subject to chapter thirty-one nor to section nine A of chapter thirty of the General Laws.

The executive director, with the approval of the council, shall appoint, and may remove, as members of the staff, such officers and employees as the work of the council may require who, however, shall not be subject to chapters thirty-one and thirty-two of the General Laws. The executive director, with the approval of the council, may hire temporary or part-time experts or consultants who shall not be subject to the provisions of chapters thirty-one and thirty-two of the General Laws.

The council shall establish such technical advisory committees as may be needed to assist the executive director in exploring, planning and developing the programs and projects of the council. The chairman, commissioner or head of any state, county or municipal body or, if permitted by its trust indentures to so do, any public authority operating within the district, shall delegate one or more well-qualified representatives from his agency to serve on any of the said technical advisory committees when so requested by the council.

**SECTION 5.** The council may enter into contracts and agreements with any department, agency or subdivision of the federal or state government and any individual, corporation, association or public authority to provide or receive services, facilities, staff assistance or money payments in connection with the work of the council, and the council may contribute or receive services, facilities, staff assistance or money payments as consideration in such contracts and agreements.

The council may expend for services and other expenses such amounts as are assessed and collected from its members together with such amounts as the council may receive under any federal or state law or by gift, grant or contract from any source including grants, bequests, gifts, or contributions made by any individual, corporation, association, public authority, or agency or subdivision of the federal or state governments. The amount budgeted by the council reduced as provided in section five A shall be charged as assessments on the various cities and towns comprising the district; provided, however, that any such assessment on such cities and towns shall not exceed a sum equivalent to twenty cents per capita of the population of such cities and towns, exclusive of the number of prisoners in any correctional institution of the commonwealth therein and of the patients in any institution under the jurisdiction of any federal or state agency. The state treasurer shall, subject to the aforesaid limitations, certify the amount to be assessed upon each city or town comprising the district, and said amount shall be paid by such city or town to, the state treasurer as provided in section twenty of chapter fifty-nine of the General Laws.

**SECTION 5A.** Any amounts paid by a city or town to the state treasurer as provided by section five shall be credited on the books of the commonwealth to a fund to be known as the Old Colony Planning Council Fund. All unexpended balances remaining in said fund at the end of each fiscal year shall be used by the state treasurer to reduce the assessment on the cities and towns comprising the district which would otherwise be levied in the succeeding fiscal year.

**SECTION 6.** Any other city which, by vote of its city council, and any other town which, by vote of a town meeting, applies to the council for inclusion in the district and whose application is approved by a majority vote of the council shall become a member of the district with equal rights and privileges with other members; provided that any such city or town is within an urbanized area adjoining the district and has common or related problems.

**SECTION 7.** The provisions of this act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

**SECTION 8.** This act shall take effect upon its passage.

Approved June 6, 1967