

# Introductory Packet

## For

# Commissioners and Alternates



Merrimack Valley  
Planning Commission  
*plan \* develop \* promote*

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Serving the communities of:

Amesbury Andover Boxford Georgetown Groveland Haverhill Lawrence Merrimac Methuen  
Newbury Newburyport North Andover Rowley Salisbury West Newbury



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Merrimack Valley  
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Dear Commissioner/Alternate:

Congratulations on your appointment as Commissioner to the Merrimack Valley Planning Commission. Your valuable professional experience, commitment to your community's priorities and economic resiliency, and willingness to think broadly in a regional context are the qualities that help make the Commission a successful partner. This is a place where your contributions will be valued and will ultimately help make Merrimack Valley an even more desirable place to live, work, learn and play.

The Commission, an independent subdivision of the Commonwealth of Massachusetts, is charged by M.G.L. Chapter 40B to perform the regional planning functions for the 15 cities and towns which comprise this district, including transportation, environmental and economic programs. The Commission also provides Local Technical Assistance (LTA) Program to individual cities and towns, as well as being called upon by state and federal agencies to represent our communities in many other ways.

The staff at the Commission has prepared a package of materials to aid you as you assume your new position as a Commissioner or Alternate, not to mention the staff and I are available for any further assistance or information. Please do not hesitate to contact us if you should have any questions.

Very truly yours,

Theresa Park  
Chairman



# Merrimack Valley Planning Commission

## History

The Central Merrimack Valley Regional Planning District was established as a public body corporate in accordance with Section 3, [Chapter 40B of the General Laws](#), as amended. The Organizational meeting was held on July 10, 1959 and, pursuant to the provisions of said Section, on October 14, 1959 the then Department of Commerce (now Department of Commerce and Development) defined the area of jurisdiction of the Central Merrimack Valley Regional Planning District as composed of its constituent municipalities; namely, the City of Lawrence, and the Towns of Andover, Methuen and North Andover. On August 10, 1966 the area of jurisdiction was expanded to include the City of Haverhill and the Towns of Boxford, Groveland, Georgetown, Merrimac and West Newbury, but only Haverhill, Merrimac and West Newbury voted to join the District at that time. In 1968, The Town of Groveland voted to join the District. On July 3, 1968 the area of jurisdiction was expanded to include the City of Newburyport and the Towns of Amesbury, Newbury, Rowley and Salisbury, but only Newburyport and Amesbury voted to join the District. In 1971 Georgetown and Salisbury voted to join the District. In 1977 the Town of Newbury voted to join the District, in 1979 the Town of Rowley voted to join the District, and in 2000 the Town of Boxford voted to join the District. During 1971 the District voted to change its name to the Merrimack Valley Planning Commission.

The Merrimack Valley Planning District presently consists of 15 cities, towns, namely, the five cities of Amesbury, Haverhill, Lawrence, Newburyport and Methuen and 10 towns; Andover, Boxford, Groveland, Georgetown, Merrimac, Newbury, North Andover, West Newbury, Rowley and Salisbury. Each community is represented by one member and one alternate appointed by the Mayor, Town Manager or Board of Selectmen.

In 1984 the MVPC secured passage of a provision that allows for the appointment of a Representative at Large that represents the area's minorities.

The Commission was established primarily to assist a city or town to plan jointly with other cities and towns, and to promote with the greatest efficiency and economy the coordinated and orderly development of areas within its jurisdiction and the general welfare and prosperity of its citizens. The Commission members and alternates receive no compensation other than reimbursement for certain allowable expenses.

The Commission is directed by statute to make careful studies of the District's resources, possibilities and needs and, on the basis of such comprehensive study plans, to recommend undertakings for the physical, social and economic improvement of the District.

## QUESTIONS MOST FREQUENTLY ASKED

**Q. *What does MVPC stand for?***

A. MVPC is an acronym that stands for the Merrimack Valley Planning Commission.

**Q. *How long has the Commission been in existence?***

A. The Commission was established in 1959, in accordance with Section 3, Chapter 40B of the Massachusetts General Laws, as amended. At that time the Department of Commerce and Development (now the Executive Office of Communities and Development) defined the area of jurisdiction as the City of Lawrence, and the Towns of Andover, Methuen, and North Andover. The Commission was known as the Central Merrimack Valley Regional Planning District.

In 1966, the area of jurisdiction was expanded to include the City of Haverhill and the Towns of Boxford, Groveland, Georgetown, Merrimac, and West Newbury.

Again in 1968, the area of jurisdiction was expanded to include the City of Newburyport and the Towns of Amesbury, Newbury, Rowley, and Salisbury.

In 1971, the Commission changed its name to the Merrimack Valley Planning Commission (MVPC) to better define its regional membership.

**Q. *What level of Government is the MVPC?***

A. The Merrimack Valley Planning Commission is a regional planning agency (one of the 13 throughout the Commonwealth). It is a voluntary association of Cities and Towns formed under the provisions of Chapter 40B of the General Statutes. Chapter 40B is often referred to as "The Regional Planning Law."

**Q. *How is the Commission funded?***

A. The Commission is funded through grants and contracts entered into with the Federal Government, The Commonwealth of Massachusetts, and local Cities and Towns. Most of the Federal and State grants and contracts require a match either in cash or in services performed in lieu of cash and is met by an assessment levied on the member cities and towns. These assessments are apportioned among the member communities on a per capita basis according to the most recent national census.



**Q. What people make up the Commission?**

A. The Commission is comprised of one Commissioner and one Alternate from each member community as well as a Commission staff.

Some Commissioners are appointed by and are a member of his/her local Planning Board (there are exceptions where special legislation allows the Chief Elected Officials appointing authority).

The Alternate – is appointed annually by the Mayor, Town Manager, or Board of Selectmen.

Annually, during the first regular meeting in May, the Commission members elect a Chairman, Vice-Chairman, Secretary, Assistant Secretary, Treasurer and Assistant Treasurer.

The Staff - The Commission employs an Executive Director and Assistant Director. The Executive Director is empowered by the Commission to hire and retain a planning and support staff to conduct the business of the Commission. All appointments are confirmed by the Commission.

Committees -To further facilitate Commission activities, various committees are set up. The committees include any one of a combination of Commissioners, interested citizens, funding agency representatives and Staff.

**Q. What services does the Commission offer its member Communities?**

A. The Commission studies the resources, problems, possibilities and needs of the region, and formulates broad and detailed comprehensive plans based on these studies. The Commission is also involved in implementing some of these plans.

The major areas of study are:

- Transportation
- Housing, Community Development and Land Use
- Economic Development
- Environmental Management
- Regionalization of Services
- Geographic Information Systems (GIS)

In addition, the Commission offers each member community a predetermined amount of hours per year of Local Technical Assistance time (LTA). The community may use its LTA time in any way it wishes within the expertise of the Commission Staff.

The Commission also makes itself available to each individual community to do planning studies or administer grants for their city or town. This work is done on a contractual basis.

**Q. What is Regional Planning and why is it important?**

A. Regional Planning is the study of, and proposing solutions to, problems that occur at a multi-community level. It is the realization that the future of a community can be determined by its position in the region, and that the problems of the region affect each and every community within that region.

1. There is an established meeting ground for the resolution of mutual problems.
2. The Commission provides an opportunity for member communities to share experience and results.
3. There exists a broader base on which to conduct studies and make comparisons.
4. Participation in regional planning signifies modern, alert and sophisticated local government.
5. The Commission offers a community greater leverage with state and federal programs.

**Q. When does the MVPC meet?**

Regular meetings of the Commission are held on the third Thursday of each month. These meetings are open to the public.

**Q. What has the MVPC done? (Reader please note: the following pages are a sample of MVPC work.)**

## Transportation



MVPC provides administrative support to the Merrimack Valley Metropolitan Planning Organization (MPO). The MPO is a federally created planning committee made up of 10 members; MassDOT, Highway Division District 4, MVPC, Merrimack Valley Regional Transit Authority (MVRTA), Lawrence, Haverhill and 4 local community representatives selected on a rotating basis. The MPO is responsible for planning and programming of all federal aid transportation projects in the region.

MVPC develops and updates the Transportation Improvement Plan (TIP) for the MPO, a 4-year program of highway and transit projects to be implemented for the region.

MVPC updates the long range (25 tiers) MPO Regional Transportation Plan (RTP) as a forum where transportation needs of the region are identified and where projects and programs to address these needs are defined.

MVPC updates the unified Planning Work Program (UPWP), outlining transportation planning activities in the entire region to be conducted each year.

MVPC solicits and evaluates proposals for funding under the transportation enhancement program, involving non-highway projects that contribute to making communities more livable and environmentally favorable.

MVPC, using computerized equipment, maintains an extensive traffic counting program and developed a new web based viewer to display traffic counts and crash data at sites across the region.

MVPC conducts traffic and intersection studies to cope with heavy traffic and safety concerns and make improvement recommendations throughout the region.

MVPC maps and evaluates trails and bikeway throughout the region like the Border to Boston Trail.

MVPC prepares Elderly & Handicap transportation plans, conducts bus service ridership surveys and cooperation analyses for the MVRTA, and provides technical assistance to community transportation problems.

## Comprehensive Planning (Housing, Land Use, Economic and Community development)



MVPC prepared a comprehensive plan for the region entitled “The Merrimack Valley Priority Growth Strategy”. This Strategy identifies where communities want to encourage growth, how the transportation and infrastructure supports this growth and where communities want to discourage growth and preserve the character of the region.

MVPC provided technical assistance to member communities on how to streamline permitting in their communities.

MVPC conducts a 4-session training program for members of Boards and Commissions in the region. This training for volunteer citizen planners prepares the members for the responsibilities of their respective board or commission, the legal guidelines and foundations for serving the community and the need for coordination and cooperation between the boards, municipal officials and the permit applicants.

MVPC has developed an affordable housing production plan for a member community.

MVPC prepares and administers the Comprehensive Economic Development Strategy (CEDS), an EDA funded planning program which creates a blueprint for economic growth in the Merrimack Valley region.

MVPC administers the Merrimack Valley Brownfields Program, an assessment and clean-up program, funded by the EPA this program funds the environmental assessment and clean-up of suspected contaminated properties throughout the region.

MVPC developed and disseminated a comprehensive database of current businesses and available properties in the region through the Merrimack Valley Means Business Website.

MVPC administers the Merrimack Valley Economic Development Corporation (MVED), a non-profit subsidiary, which uses its revolving loan Fund to provide gap funding for growing industries having difficulty obtaining loans from conventional lending sources.

## Environmental Program



The Merrimack Valley is both ecologically rich and visually stunning—its natural resources range from vast salt marshes and barrier beaches along the coast to an intricate tapestry of forests, fields, farms, and fresh water resources in upland areas.

Together, these vital natural resources provide outstanding:

- **Habitat and migration corridors** for diverse wildlife, birds, fish, and plant species
- **Surface and ground water sources** for drinking water supply, crop irrigation, hydropower generation, wastewater assimilation and recreation
- **Productive soils** for agriculture, horticulture, and tree farming
- **Natural buffers** for protection against flooding, high winds, coastal storm surges, and sea level rise



MVPC provides to member communities a broad array of professional planning services, all designed to protect the region's critical land and water resources, including comprehensive environmental and land use planning, pollution sources assessment and mitigation, and natural resources inventorying and protection. MVPC's environmental specialists work hand in hand with local planners, conservation and health agents, city and town engineers, open space committees, and watershed groups to design and carry out a broad range of environmental assessment and improvement initiatives.

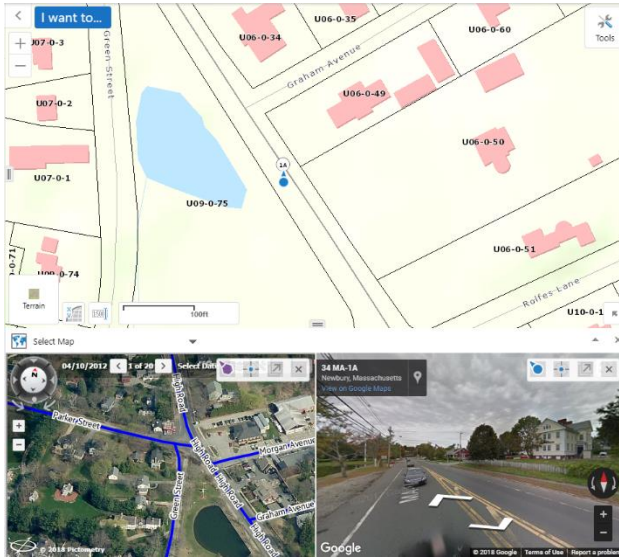
These initiatives include:

- **Open Space Preservation Planning:** Department provides technical support and assistance in development of local Open Space & Recreation Plans.
- **Clean Energy Use and Conservation:** Staff assists communities in monitoring municipal energy use, developing Energy Conservation Plans and meeting criteria for Commonwealth designation as Green Communities. Certified Green Communities receive funding for energy-saving facility improvements and become eligible for competitive energy grants.



- **Stormwater Management Planning:** MVPC staffs the Merrimack Valley Stormwater Collaborative and provides training and technical assistance support to aid communities in complying with federal and state stormwater management permits and regulations.
- **Hazard Mitigation Planning & Climate Resiliency:** MVPC led development of the Merrimack Valley Region Multi-Hazard Mitigation Plan which makes participating communities eligible for FEMA and MEMA competitive grant funding for flood prevention and long-term risk reduction improvements. We are also Certified Training Providers for the Commonwealth Municipal Vulnerability Preparedness Program which makes available planning and strategy implementation funding to communities for climate resilience activities.
- **Coastal Resources Planning (Eight Towns and the Bay):** MVPC is a partner agency of the Massachusetts Bay National Estuary Program whose mission is to promote the health of the Massachusetts coastal areas from the North Shore to the South Shore by advancing science-based management policies and engaging the public in resource protection. In the Merrimack Valley region, MVPC's Coastal Coordinator's efforts have focused on habitat preservation in the Great Salt Marsh, designated by the Commonwealth as an Area of Critical Environmental Concern.
- **Brownfields Redevelopment:** The Merrimack Valley's industrial legacy unfortunately includes environmental contamination which often poses obstacles to site redevelopment for public use or economic revitalization. More than 1,000 so-called Brownfield sites are in our 15-community region. MVPC with EPA funding administers Brownfields Assessment and Revolving Loan Fund programs that provide resources for site testing, remediation planning and environmental site cleanups.

## Geographic Information Systems (GIS)



MVPC's GIS Program provides a wide array of services from map production and data development for specific projects to web-based applications that support municipal data management from desktop and mobile environments. MVPC GIS services support all MVPC programs and through local technical assistance and direct contract provide GIS capabilities to member communities.

MVPC's primary focus is the regional MIMAP deployment (Municipal Information Mapping Access Program), where specific addresses can be located and information such as assessor records, building permits, board of health records and orders of conditions from conservation commissions can be quickly accessed. MIMAP

also provides a portal to Pictometry imagery. (Pictometry is an oblique-angle aerial photography system that displays imagery for any location in the MVPC region). MVPC's third area of focus is in the development and deployment of mobile applications. Mobile applications developed by MVPC are GIS centric and provide municipalities with the capability of managing municipal data from mobile devices such as tablets and smart phones.

MVPC's GIS Program continues to offer annual map update and production services for assessor offices and the compilation of maps for other municipal departments such as planning, conservation and public works.

## Regional Services



MVPC provides administrative support to the Merrimack Valley Mayor & Managers Coalition (Coalition), which was created in 2007 by eight cities and towns in the region: Amesbury, Andover, Lawrence, Haverhill, Methuen, Newburyport, North Andover and Salisbury.

The Coalition meets regularly and attempts to identify common challenges that the communities face as well as regional solutions to address these challenges.

MVPC helped the Coalition develop a regional health district by drafting a Memorandum of Understanding (MOU) to guide the cooperative process.

MVPC conducted a regional Energy Services Company (ESCO) procurement for the Coalition.

MVPC conducted a Fatal Flaws analysis on 11 landfill sites in 9 communities to determine the feasibility of developing solar farms on these Brownfield sites.

MVPC provides technical assistance to communities on how to conserve energy and create renewable energy.

MVPC solicited the services of certified health and municipal inspectors to assist communities meet inspectional service demands.

MVPC provides collective procurement assistance for DPW services and other municipal needs.



# Merrimack Valley Planning Commission

## The Emergence of the Region

Dennis A. DiZoglio, Executive Director



## MVPC Established in 1959

- In accordance with Section 3, Chapter 40B of MGL

### Mission Statement

“Foster a cooperative effort among its communities in resolving common, regional problems, to allow its communities to plan jointly, and to promote with the greatest efficiency and economy the coordinated and orderly development of the region and the general welfare of its residents.”



# MVPC Approach

- **Promote**
  - Cooperation
  - Coordination
  - Orderly Development
- **Identify**
  - Common Challenges
  - Form Partnerships
- **Professional Staff**
  - Municipal Managers and Planners
  - Experienced in Government, Transportation, Economic Development, Land Use, Geographic Information Systems and the Environment



MVPC's region is comprised of 270 square miles and over 320,000 people. It is a diverse region with 15 communities. It has large communities like Lawrence with over 70,000 people and Haverhill with over 60,000 but small communities like West Newbury with 4,400 people and Groveland with 6,600. Half of the communities are former farm lands that are now residential communities and the other half are more urbanized and include 5 cities. The Region is expected to grow to over 350,000 people by the year 2030.

# Critical Roles

## Navigator

MVPC Serves as the “Maker” and “Keeper”  
of the Region’s Strategic Plans

**Example:**

- Comprehensive Economic Development Strategy (CEDS)
- Merrimack Valley Priority Growth Strategy



US Economic Development Administration designated our region as an Economic Development Region in 1986. Every five years we are required to update the CEDS document. This past year we assembled a CEDS working group made up of over 30 diverse members representing the private and public sectors of the region. The Strategy developed is based on a number of regional themes.....

# Comprehensive Economic Development Strategy

## Regional Goals and Objectives that Foster Economic Development

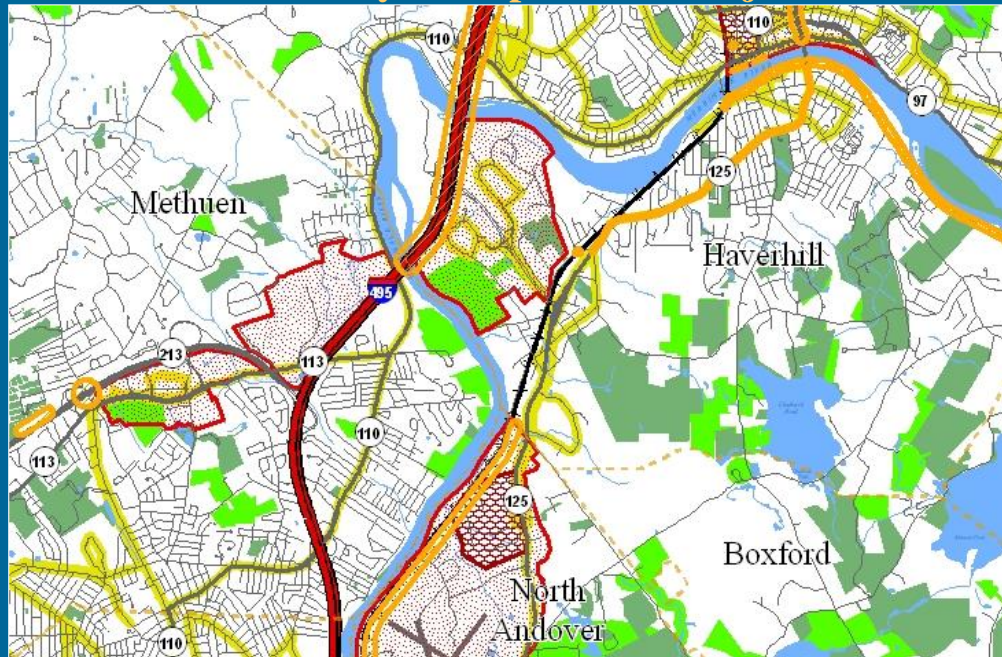
- **Based on Common Themes**
  - Community/Regional Capacity
  - Quality of Life
  - Connections
  - Housing
  - Available and Skilled Workforce



- Community capacity to manage development process
- Regional business climate that supports innovation and opportunity
- Quality of life that recognizes and promotes the character of the region
- Connection to the region's strong transportation network and regional cooperation
- Sufficient range of housing types and prices to support the region's growth
- Enhance basic skills, increase training opportunities and improve connection between Students/workers and emerging industries

The CEDS Committee has stayed intact and regularly meets to discuss the region's progress in implementing the Strategy.

## Growth Strategy Map w/Priority Transportation Projects



A locally driven regional strategy where the communities have identified where they want to grow and what areas they want to protect from development and how the transportation network can be improved to connect these land use decisions. This effort was recognized this year as a best practice by the National Association of Development Organization as a model for the Nation on how to integrate transportation planning and development.

MVPC will keep the Communities focused on its implementation, recommend how to strengthen the strategy, highlight when communities stray from the strategy but most important of all help them work together to make it reality.

# Translator

## MVPC Converts Reams of Raw Data into Information for Informed Regional Decision Making

### Example:

- Municipal Information Mapping Assessing Program (MIMAP)
- Merrimack Valley Region Congestion Management Study



We have a strong GIS program that not only supports our comprehensive planning efforts but allows us to layer data so that it can be used to make key decisions on land use, economic development, transportation and environmental issues.....

# Municipal Information Mapping Access Program

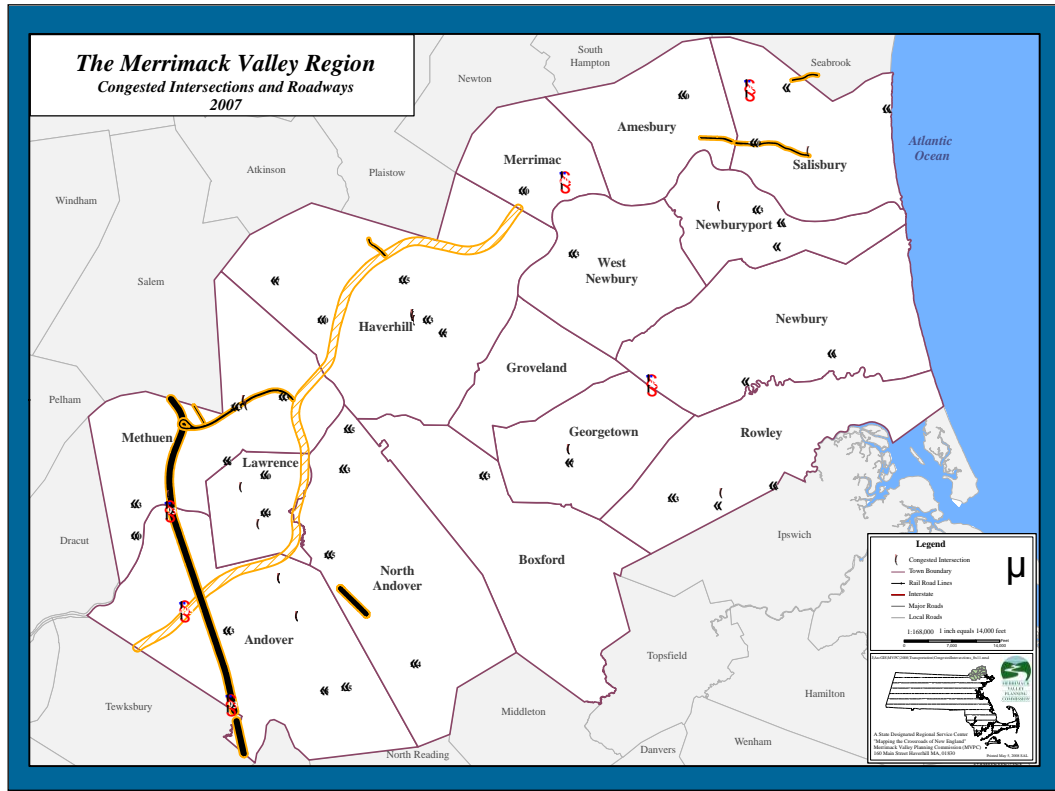
The screenshot displays the MIMAP application interface. On the left, a sidebar shows four neighborhood views from different directions (South, East, West, North) with their respective dates and times. The main area features an aerial map of a residential street. A data table is overlaid on the map, listing property details. Below the map, a detailed parcel view shows a street grid with highlighted parcels and associated data.

House No	Street	Owner
Show on map	1 ASH ST	GE Show on map
Show on map	2 ASH ST	KE Show on map 2
Show on map	3 ASH ST	CF Show on map
Show on map	4 ASH ST	TF Show on map W213 1
Show on map	5 ASH ST	ZJ Show on map F A
Show on map	6 ASH ST	CE Show on map BT A
Show on map	7 ASH ST	DI Show on map N
Show on map	8 ASH ST	CI Show on map J Or
Show on map	9 ASH ST	AN Show on map B 2
Show on map	10 ASH ST	DI Show on map B
Show on map	11 ASH ST	CI Show on map D E
Show on map	12 ASH ST	SC Show on map Bb
Show on map	13 ASH ST	MI Show on map Bb
Show on map	14 ASH ST	TC Show on map J

**Parcel Details:**  
 Owner: ESSEX COUNTY GREENBELT  
 Address: MIDDLE ST  
 Map/Lot: 6-6-D  
 Lot Size: 1.92 acres  
 Fiscal Year: 2005  
 Land Use Code: 905  
 Last Sale Date: 6/22/1995  
 Book/Page: 13621/0598  
 Total Valuation: 35600  
 Building Type:

During 2007 MVPC's GIS Program officially launched its MIMAP application to the fifteen cities and towns that comprise the MVPC region. MIMAP is an internet-based GIS application that enables the user to access the wealth of GIS data archived at MVPC and through the state's GIS office. By accessing the system, specific addresses can be located and information such as building permit history, board of health records and orders of conditions from conservation commissions can be quickly queried. Each deployment of MIMAP is customized for a particular municipality which enables other datasets and maps, including oblique images from Pictometry, to be readily displayed. The program is easy to use and employs innovative internet development techniques that eliminate the need for software installation.

Starting with assessors records we can layer data levels anything communities feel are relevant fields: Zoning, infrastructure, wetlands, building permits, demographics etc. Communities can use this information to make any decision relative in their communities and ensure that they have looked at the issue comprehensively and made sounds decisions.



Another example is that on a regular basis we assemble traffic data across the region (traffic counts, accidents, and delays, pavement condition) to identify problem spots that need attention. Through our GIS capabilities we can quickly point out where we need to concentrate our limited transportation improvement funding to address these problem spots.



## Convener / Collaborator

**MVPC Provides a Regional Concourse On  
Which to Convene the Region's Public,  
Business & Civic Sectors to Convert Regional  
"Talk" to Regional "Action"**

### **Example:**

- Merrimack Valley Mayors & Managers Coalition
- Chambers of Commerce & Merrimack Valley Economic Development Council



In 2007 the Merrimack Valley Mayors & Managers Coalition was formed. On a monthly basis the 5 Mayors and 3 Town Managers meet to talk about common challenges and how they can address them on a regional basis. The MVPC provides administrative support to the Coalition. In addition, MVPC convenes meetings with the smaller communities in the region to consider participation in some of the Coalition's initiatives.

Working with the Greater Haverhill Chamber of Commerce and the Merrimack Valley Chamber of Commerce we collaborated to develop the award winning "Merrimack Valley Means Business" interactive web sites where businesses can identify business opportunities and demographic information throughout the region.

# Reporter / Forecaster

## MVPC Provides Indicators Focused on Trends and Opportunities

### Example:

- Regional Economic Model Inc. (REMI)
- Regional Traffic Model



MVPC has used the REMI to forecast population trends in the region and project growth patterns and build out analyzes to help communities plan for their future growth.

We have also developed a Regional Traffic Model that allows us to project traffic impacts based on our population and growth projects to help the region prioritize its transportation improvements.

# Advocate

## MVPC Working with Numerous Partners Advocates for the Collective Interests of the Region and Its Member Local Governments

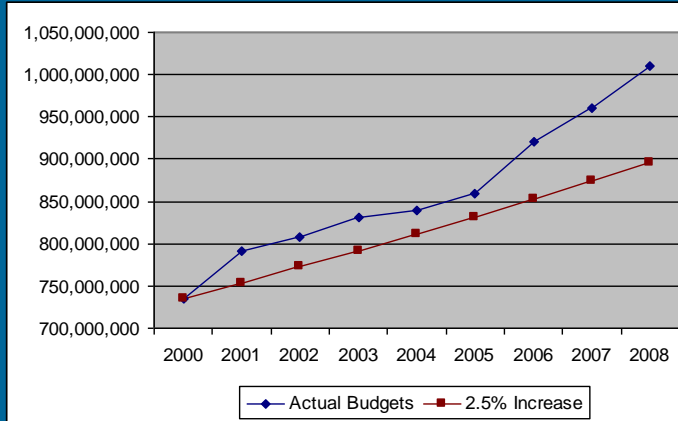
### Example:

- Regional Legislative Delegation
- Regional Coalitions



We meet with the regional legislative delegation on a regular basis informing them of the issues that are common to all the communities they represent and how they can work together to address these issues. We also help the regional coalitions develop consensus and advocate for change.

# Merrimack Valley Revenue Total Municipal Receipts



	Actual Budgets		2.5% Increase
2000	\$735,030,017		\$735,030,017
2001	\$791,075,882	7.6%	\$753,405,767
2002	\$808,130,698	2.2%	\$772,240,912
2003	\$831,686,107	2.9%	\$791,546,934
2004	\$838,864,379	0.9%	\$811,335,608
2005	\$859,904,194	2.5%	\$831,618,998
2006	\$921,242,941	7.1%	\$852,409,473
2007	\$959,807,176	4.2%	\$873,719,710
2008	\$1,009,940,633	5.2%	\$895,562,702



Data Source: Massachusetts Department of Revenue

For example, during these trying financial times we have demonstrated that the demand for municipal services cannot be adequately met within the limits of Prop 2 ½. We assembled all the communities' budgets in the region over the last 8 years (shown here by the blue line) and charted what the budgets would have been if they stayed within the limits of Prop 2 ½ (shown here by the red line) and showed that the difference between the two are only being met with new development growth and local aid. Local communities need changes if they are to meet this challenge.

# Advisors

**One of the Core Functions of MVPC is to  
Provide Technical Assistance to its  
Member Communities**

**Example:**

- GIS Technology
- Coordination or Provision of Shared Regional Services



Through the years our member communities have relied on MVPC to provide them with technical assistance on many of the complex issues they face. We have assembled an experienced staff of professionals that have the capability of advising our member communities on all aspects of planning (land use, economic development, transportation, environmental). Our GIS staff has been recognized both in our region and outside our region as top notched and certified professionals. Our most recent technical assistance has centered on helping our member communities evaluate collaborating and sharing services with their neighboring communities. Through the District Local Technical Assistance (DLTA) program funded by the Commonwealth we have helped all of our communities consider regional services.

# The Future

- **Foster Intergovernmental Communication and Connections**
- **Sponsor Relevant Real Time/Applied Research and Experimentation**
- **Promote Policy Reforms and Reformulation**
  - **Strengthen Regions and Regional Approaches**
- **Advocate a Regional Growth Vision**



Continue to promote intergovernmental communication.

There will be more of a focus on researching how we can help the communities be more efficient and sometimes experiment with some of these ideas to see if they can work. We may not always be successful but we will try to bring new ideas to consistent problems

While we have a set region the future will not allow us to be confined by these boundaries. We will look to partner with southern NH or our sister agencies like NMCOG or MAPC as well as encouraging partnerships between communities regardless of their regional affiliation.

The Merrimack Valley Priority Growth Strategy will be standard by which we look to our future and working together as a region accomplish our mission to promote the cooperation, coordination and the orderly development of the region.



Merrimack Valley  
Planning Commission  
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## **BYLAWS**

**of the**

## **MERRIMACK VALLEY PLANNING COMMISSION**

As approved at the July 19, 1979 Commission Meeting

Amended 9/12/80  
Amended 5/21/81  
Amended 5/19/83  
Amended 12/15/83  
Amended 3/15/84  
Amended 5/18/2000

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Serving the communities of:

Amesbury Andover Boxford Georgetown Groveland Haverhill Lawrence Merrimac Methuen  
Newbury Newburyport North Andover Rowley Salisbury West Newbury

**Article I.**     General Information

Section 1.     Name

This public body, established as a district of the Commonwealth pursuant to Chapter 40B of the Massachusetts General Laws, shall be known as the MERRIMACK VALLEY PLANNING COMMISSION (MVPC). It may be hereinafter referred to as the “Commission.”

Section 2.     Offices

The Commission shall establish offices within the Region.

Section 3.     Enabling Legislation

The Commission is established in accordance with Chapter 40B of the Massachusetts General Laws.

Section 4.     Purpose

The general purpose of the Commission shall be to foster a cooperative effort among its communities in resolving common, regional problems, to allow its communities to plan jointly, and to promote with the greatest efficiency and economy the coordinated and orderly development of the region and the general welfare of its residents.

Section 5.     Powers/Responsibilities

The general powers and responsibilities of the Commission include the following:

- a. To enforce the Bylaws of the Commission;
- b. To adopt such policies, goals, and objectives as may be necessary to effectively carry out the purpose of the Commission;
- c. To adopt a membership assessment schedule;
- d. To adopt and amend Bylaws;
- e. To initiate, advise, and aid in the establishment of cooperative arrangements among local governments in the Region;
- f. To propose, initiate or approve any study, policy discussion, plan, or other Commission policy matters;
- g. To resolve questions of membership;
- h. To act as the areawide clearinghouse;
- i. To make recommendations to any local governments or to other appropriate agencies or entities;
- j. To enter into contracts for the performance of services or the implementation of plans previously prepared and adopted by the Commission or its constituent municipalities; and
- k. To incur costs and debts, seek funding, enter into contracts, acquire and hold property, establish entities and organizations, and to carry out any other lawful activities that further the conduct of its business.



**Article II.**    Membership

Section 1.    Area of Jurisdiction

The primary area of planning jurisdiction of the Commission shall consist of the following Massachusetts cities and towns. In addition, the Commission may participate in or lead initiatives of a larger or smaller region that are consistent with its purposes.

- |               |                   |
|---------------|-------------------|
| 1. Amesbury   | 9. Methuen        |
| 2. Andover    | 10. Newbury       |
| 3. Boxford    | 11. Newburyport   |
| 4. Georgetown | 12. North Andover |
| 5. Groveland  | 13. Rowley        |
| 6. Haverhill  | 14. Salisbury     |
| 7. Lawrence   | 15. West Newbury  |
| 8. Merrimac   |                   |

Section 2.    Admission to the Commission

Any city or town within the district area may, by vote of its city council or town meeting, apply for admission. Upon the affirmative vote of two thirds (2/3) of the representatives of the cities and towns comprising the district, said city or town shall become a member thereof.

Section 3.    Assessments

3.1    Regular

Each year, in the month of February, the Commission shall adopt a schedule of municipal assessments for the upcoming July 1 fiscal year. The schedule is to be based upon a per capita rate as authorized by Section 7 of G.L. Chapter 40B. This per capita rate may be changed annually, as deemed appropriate by the Commission's governing body, within the limits that may be set forth by the laws of the Commonwealth.

3.2    Initial Payments by New Members

Each city or town which joins the Commission shall be charged an amount equal to one-twelfth the per capita rate established by the Commission, pursuant to Section 7 of Chapter 40B for the current year multiplied by the community's population according to the most recent federal census and multiplied by the remaining full months of the fiscal year.

**Article III.**    Representation

Section 1.    Commission Member

A Commission Member is defined as either a Commissioner or a duly appointed Alternate. All Commission members may be nominated for and elected to any office in accordance with the procedure established by these Bylaws.

All Commission members may serve on committees of the Commission, as stipulated in these Bylaws or at the discretion of the Chairman.

## Section 2. Commissioners

Each member municipality shall be officially represented by one delegate, hereinafter known as the "Commissioner." All elections or appointments of Commissioners shall annually be certified in writing to the Commission by the electing or appointing authority. A Commissioner shall continue to be an eligible participant in all Commission activities until replaced.

### 2.1 Elected Planning Boards

In the case of municipalities with elected planning boards, each planning board shall annually elect a Commissioner from among its membership. Said Commissioner may be replaced by a two-thirds (2/3) vote of his/her planning board before termination of his/her annual term.

### 2.2 Appointed Planning Boards

In the case of municipalities with appointed planning boards, the Commissioner may be elected as provided above, or may be appointed by the board of selectmen or town council of a town or the mayor or city council of a city, as may be provided by local ordinance or bylaw.<sup>1</sup>

### 2.3 Town of Andover

The Town Board of Selectmen shall appoint the town's Commissioner.<sup>2</sup>

### 2.4 Representative At Large

The Commission shall annually elect a Representative At Large who shall have full voting rights and who shall be representative of minority populations residing in the district<sup>3</sup>. An Alternate Representative At Large may also be elected.

## Section 3. Alternates

There may be an Alternate designee from each community. He/she must be a resident of the municipality he/she represents and shall be appointed by the mayor or city manager of a city, or by the board of selectmen or town manager of a town. The Alternate shall assume the rights and duties of the Commissioner in his/her absence.

## **Article IV.** Officers

### Section 1. Nominations

At least thirty (30) days prior to the first regular May meeting or prior to any meeting called for the purpose of electing officers, the Chairman shall appoint a Nominating Committee, composed of three (3) Commission members. They shall, among themselves, elect a Chairman. The entire Commission shall be notified of the membership of the Nominating Committee. It shall be the responsibility of the Nominating Committee to nominate at least one candidate for each of the following offices: Chairman, Vice Chairman, Secretary, Treasurer and Assistant Treasurer of the Commission. The report of the Committee shall be sent to each member of the Commission at least five (5) days prior to the May meeting, or any meeting called for the purpose of electing officers. The above does not preclude, and the Commission encourages, nominations from the floor.

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<sup>1</sup> Chapter 535 of the Acts of 1976.

<sup>2</sup> Chapter 246 of the Acts of 1975.

<sup>3</sup> Chapter 59 of the Acts of 1984.

## Section 2. Annual Elections

Annually, during the first regular meeting of May, the Commission shall elect a Chairman, Vice Chairman, Secretary, Treasurer and Assistant Treasurer, whose term shall begin at the next regularly scheduled Commission meeting. The selection of officers shall be by majority vote of those members present. Should a combination of nominations by the Nominating Committee and from the floor exceed two (2), a runoff election shall be held to reduce the nominees to two (2). The two (2) candidates with the highest number of votes shall be the final candidates.

## Section 3. Resignation of Officers

Officers shall submit written certification of resignation to the Commission within fourteen (14) days of such decision.

## Section 4. Filling Vacancies

Vacancies shall be filled for the unexpired terms of an office by an interim election held not more than forty-five (45) days following the official written resignation or removal of the member regularly elected. Written notice of such interim election shall be given to each member at least seven (7) days before it is to be held. These vacancies shall be filled by nominations from the floor.

## Section 5. Recall of Officers

Any officer of the Commission may be recalled upon the petition of ten (10) members, the holding of a hearing by the Executive Committee, a recommendation of removal by the Executive Committee, and finally, by the vote of two-thirds (2/3) of the full Commission at the Commission meeting held following the Executive Committee hearing. The reasons for the recall shall be stated in writing.

## Section 6. Duties

### 6.1 Chairman<sup>4</sup>

The Chairman shall designate the time and place of the MVPC Commission meetings, and with the help of staff, set the agenda. He/she may cancel or reschedule regular meetings due to limited agenda, scheduling problems, weather conditions, or similar factors in accordance with these Bylaws. Special meetings shall be held at the call of the Chairman.

He/she shall open meetings at the time at which the Commission is to meet, by taking the chair and calling the members to order; call the role; announce the business before the Commission in the order in which it is to be acted upon (agenda); state and put to vote all questions which are regularly moved, or necessarily arise in the course of proceedings, and announce the result of the votes.

The Chairman at all Commission and Executive Committee meetings will have the privilege of discussing all motions before the body without vacating the Chair and shall be entitled to vote upon all such motions.

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<sup>4</sup> The word "Chairman" may be interpreted as either Chairman or Chairwoman as it does not denote gender in these Bylaws.

The Chairman shall appoint from the membership, unless these Bylaws specify otherwise, members of the following standing committees: Program, Finance, Personnel, and Executive Committees.

The Chairman, upon his/her own initiative, or upon petition of two (2) member communities, shall, from time to time establish and appoint the members thereof any special committees that he/she or the membership deems necessary. The Chairman of each committee shall be elected by the constituent membership, unless these Bylaws specify otherwise.

The Chairman of the Commission shall act as Chairman of the Personnel and Executive Committees.

The Chairman shall restrain the members, when engaged in debate, within the rules of order; enforce on all occasions the observance of order and decorum among the members, and so inform the assembly when necessary and make determinations on a point of order or practice.

The Chairman shall authenticate, by his/her signature, when necessary, all acts, orders and proceedings of the Commission and in general, represent and stand for the Commission, declaring its will, and in all things obeying its commands. In situations where a Commission meeting has been canceled or is not conveniently scheduled, the Chairman may take action on contracts and policy positions subject to confirmation at the next Commission meeting.

## 6.2 Vice Chairman

The Vice Chairman shall in the absence of the Chairman, perform all the duties and assume all responsibilities of the Chairman. In addition, the Vice Chairman shall Chair the Program Committee and shall be a member of the Executive Committee.

## 6.3 Treasurer

The Treasurer shall be the fiscal agent of the Commission. With the support of the MVPC staff, it shall be his/her duty to keep proper financial records for the Commission and to conduct the financial affairs of the Commission in accordance with Chapter 40B of the Massachusetts General Laws.

The Treasurer shall chair the Finance Committee and shall be a member of the Executive Committee.

The Treasurer (and all employees and commission members who deal in financial matters) shall be bonded by a uniform liability bond maintained by the Commission. He/she shall maintain in the name of the Commission a general checking account and membership in the Massachusetts Municipal Depository Trust (MMDT). In furtherance of Article VII, Section 3., he/she shall make warrant payments of funds only from the general checking account upon a warrant signed by the Chairman which has been approved by at least a majority of the voting members present. In emergency situations or in situations where a Commission meeting has been canceled or is not conveniently scheduled, the Treasurer, in conjunction with either the Chairman, Executive Director or the Assistant Treasurer may issue checks not to exceed a limit that may be set by the full Commission and provided they are consistent with the final approved budget. The Treasurer or the Executive Director shall report on the issuance of the emergency checks at the next regular Commission meeting.

#### 6.4 Assistant Treasurer

The Assistant Treasurer, in the absence of the Treasurer, shall perform all the duties and assume all the responsibilities of the Treasurer. In addition, he/she shall be a member of the Finance Committee. The Assistant Treasurer (and all employees and commission members who deal in financial matters) shall be bonded by a uniform liability bond maintained by the Commission.

#### 6.5 Secretary

The Secretary, with the support of the MVPC staff, shall keep complete and accurate minutes of all official meetings held by the Commission. He/she shall read and verify all Commission meeting minutes by endorsing those minutes after they have been approved by the Commission.

The Secretary shall be a member of the Program and Executive Committees. The Secretary in the absence of the Chairman or Vice Chairman, shall call the meeting to order and shall preside until the election of a Chairman pro-tem, which shall be done immediately.

### **Article V.** Committees

Committees shall be formed to prepare matters for action by the Commission, except in the case of the Executive Committee which is fully authorized to act in place of the full Commission. Committees may be Standing or Non-Standing.

All actions recommended by a committee to the full Commission shall be considered a motion, or a motion and a second, requiring only a majority vote (unless specified differently by these Bylaws) of the Commission. In the instance where a Committee held a meeting with only one member in attendance, recommended actions shall be considered a motion only requiring a second by a commission member and a majority vote (unless specified differently by these Bylaws) of the Commission.

#### Section 1. Standing Committees

The term of Standing Committees shall be co-terminus with those of elected officers of the MVPC. Standing Committee members with the exception of the Executive Committee shall be appointed by the Chairman at the first regular meeting after elections.

##### 1.1 Program Committee

The membership shall consist of the Vice Chairman of the Commission serving as Chairman, the Secretary of the Commission and three (3) members appointed by the Chairman of the Commission. The membership of the Committee shall elect by majority vote a Secretary to the Committee. The Program Committee shall be responsible for the establishment and monitoring of the overall work program of the Commission. Status reports on existing programs, as well as investigations to future programs, shall be within the purview of this Committee. Activities undertaken by the Program Committee shall be reported to the Commission by the Chairman of the Program Committee at the next regular Commission meeting.

## 1.2 Finance Committee

The membership shall consist of the Treasurer of the Commission serving as Chairman, the Assistant Treasurer of the Commission and three (3) members appointed by the Chairman of the Commission. The membership of the Committee shall elect by majority vote a Secretary to the Committee. The Finance Committee shall be responsible for maintaining financial control of the Commission's affairs. It shall be the specific duty of this committee to report to the Commission on current debt, cash flow, budget and all other matters pertaining to financial stability. Activities undertaken by the Finance Committee shall be reported to the Commission by the Chairman of the Finance Committee at the next regular Commission meeting.

## 1.3 Personnel Committee

The membership shall consist of the Chairman of the Commission serving as the Chairman, and two (2) members appointed by the Chairman of the Commission. The membership of the Committee shall elect by majority vote a Secretary to the Committee. The Personnel Committee shall be responsible for the confirming of personnel actions taken by the Executive Director, including the hiring and discharging of all employees. Additionally, the Personnel Committee shall recommend to the full Commission changes in wages recommended by the Executive Director. As stipulated in the "Personnel Policies and Practices" the Personnel Committee shall act on all grievances brought to them before a grievance is taken to the full Commission. Activities of the Personnel Committee shall be reported to the Commission by the Chairman of the Personnel Committee at the next regular Commission meeting.

## 1.4 Executive Committee

The membership shall consist of the Chairman of the Commission as Chairman, the Vice Chairman of the Commission, the Secretary of the Commission as Secretary of the Committee, the Treasurer of the Commission, and one (1) member elected at-large from the Commission membership.

Actions taken by the Committee shall be in the name of and on behalf of the Commission. It is the intent of these Bylaws that the Executive Committee act in the name of and on behalf of the Commission during the months of July and August and in situations where the meeting of the Commission is not or cannot be conveniently convened. The following actions may be taken by the Committee (but only if authorized by a two-thirds (2/3) vote of the Commission's total membership): retention of consultants; the disbursement of Commission funds based upon a warrant approved by a majority of the Executive Committee; the borrowing of funds in anticipation of receipt of revenue; applications for federal, state and local aid; the preparation of review and comments on proposals of a regional or inter-community nature; requests for planning related advice; and the establishment of various technical advisory committees. Additional powers and duties may be delegated to the Executive Committee by a two-thirds (2/3) vote of the total Commission membership but in no event in contravention of Section 4A of Chapter 40B M.G.L.

Copies of the minutes of the Executive Committee meetings shall be distributed to all Commission members at least three (3) days before the next regular Commission meeting. Activities undertaken by the Executive Committee shall be reported to the Commission by the Chairman of the Executive Committee at the next regular Commission meeting. If the Executive Committee meeting was held less than three days before the next regular Commission meeting, minutes of the Executive Committee shall be distributed at the next regular Commission meeting. The Executive Committee may be dissolved or any of its powers terminated by a majority vote of the total Commission membership following thirty (30) days' notice to the Executive Committee.

All Commission members will be notified in writing within two (2) days of the meeting date, when possible, of Executive Committee meetings. All Commission members are invited to attend an Executive Committee meeting. Every member entitled to a vote as set forth in Article VI. Section 5 of these Bylaws is entitled to vote at an Executive Committee meeting.

## Section 2. Non-Standing Committees

The Chairman, upon his/her own initiative, or upon petition of two (2) member communities shall, from time to time establish any special (non-standing) committee that he/she or the membership deem necessary; he/she shall appoint members of said committee. The Committee shall choose the Chairman and Secretary by majority vote of its membership. Activities undertaken by said Committee shall be reported to the Commission by its Chairman at the next regular Commission meeting.

## **Article VI.** Meetings

The conduct of meeting of the Commission and its committees shall be governed by these Bylaws and by [Robert's Rules of Order](http://www.rulesonline.com) <http://www.rulesonline.com>. In the event of conflict, provisions of the Bylaws shall prevail.

## Section 1. Regular Meetings

Regular meetings of the Commission shall be held on the third Thursday of each month at the time and place designated by the Chairman in a notice of such meeting which shall be sent to the Town and City Clerks (in compliance with the Open Meeting Laws) and each Commissioner and Alternate at least five (5) days prior to each meeting. Exceptions to the regular schedule may be made by the Chairman.

## Section 2. Special Meetings

Special meetings of the Commission shall be held at the call of the Chairman upon due notice thereof having been sent to the Town and City Clerks (in compliance with the Open Meeting Laws) at least two (2) days prior to such meeting. The Chairman must call a special meeting of the Commission within seven (7) days of the receipt of written request signed by two (2) or more of its members.

## Section 3. Annual Meetings

Annual dinner meetings of the Commission may be held, the time and place to be designated by the Chairman by written invitation; said meeting may be held in lieu of a regular monthly meeting.

#### Section 4. Quorum

A quorum shall consist of one half of the membership of the Commission. Lack of a quorum shall not prevent an officially called meeting from coming to order, making or discussing motions, or passing by a majority of those members present a motion to continue said meeting at a later date. When a quorum is not present no vote shall be taken, except to adjourn.

#### Section 5. Voting

Every member entitled to vote at a meeting of members shall have one vote. Each question or resolution requiring a vote (with or without debate) shall, after being duly moved and seconded be put to a vote by the Chairman: "All those in favor say yes"; and after affirmative voice is expressed "all those opposed say no."

A majority of votes cast is sufficient for the adoption of any motion that is in order except in the following, which require two-thirds (2/3) of the votes cast for their adoption: To amend the Bylaws; to continue meeting after 11:00 p.m.; to suspend the Bylaws; to make special order; to take up a question out of its proper order; an objection to the consideration of a question; to extend the limits of debate; to close or limit debate; the previous question.

When a vote is taken the Chairman will announce the results: "The motion is carried – the resolution is adopted." Any member may challenge the vote. In this case, the Chairman will call the roll by community: "All those in favor answer yes; all those opposed answer no", the votes are tallied; the results announced; the motion or resolution is carried or lost.

#### Section 6. Minutes

The Secretary, with the support of the MVPC staff, shall keep complete accurate minutes of all official meetings held by the Commission; which minutes shall be prepared for Commission review and adoption, or amendment and adoption at a subsequent meeting. A complete file of all approved minutes, plans or recommendations shall be maintained at the Commission offices. Said file shall be a public record.

#### Section 7. Termination of Meetings

Meetings will terminate no later than 11:00 p.m. Only the subject being discussed at 11:00 p.m. may be considered beyond the hour. Continuation requires a two-thirds (2/3) vote of those voting members present. Any unfinished business shall be taken up at the next regular Commission meeting prior to new business and treated the same as if there had been no adjournment.



Section 8. Cancellation of Regular Meeting

Regular meetings may be cancelled by the Chairman upon two (2) days' notice to those specified in Article VI. Section 1. provided there is no action pending with respect to official plans or recommendations of the Commission.

Section 9. Compliance with Open Meeting Law

All Commission meetings will be held in compliance with the Open Meeting Law of the [Massachusetts General Laws Chapter 39, s.23A et Seq.](#)

**Article VII.** Accountability

Section 1. Annual Report

The staff of the Commission shall annually prepare and distribute for the previous fiscal or calendar year a report to member municipalities, showing the status of the Commission's activities, plans, policies and recommendations.

Section 2. Budget

The Commission shall annually adopt, and may update or amend, a budget and/or financial policies that shall guide, delimit and provide authorization for financial transactions of the Commission and its officers. Total expenses of the Commission in any year shall not exceed its final adopted budget.

Section 3. Warrant System

The Executive Director may initiate and authorize expenses consistent with the budget and/or other action taken by the Commission. Before payment is made, all expenses shall be accumulated and placed on a monthly warrant for Commission approval or approval by officers when a monthly meeting is not held. Payroll related checks, withholdings and accruals, as well as loan and interest payments, are excepted from the warrant procedure and are to be paid when due. Emergency payments are also excepted, but such payments are to be placed on the next warrant for confirmation by the Commission as warrant paid items.

Section 4. Audit

The Commission shall each year have an audit conducted of its finances and books by a certified independent public accountant.

**Article VIII.** Staff

Section 1. Employment of Staff

Employment of staff to administer and carry out the policies and program of the Commission is subject to the availability of funds and the staffing requirements of the Commission. Continued employment by the Commission is subject to the aforementioned and satisfactory performance of responsibilities on the part of the employees.

Section 2. Executive Director

The Commission shall engage and may remove, subject to terms and conditions, an Executive Director who shall be qualified by education and experience in the fields of regional planning and community relations. The Executive Director shall carry out the policies and programs of the Commission, diligently manage the Commission's interests, finances, property and affairs, and apply full initiative and follow-through in the timely and effective conduct of Commission business and in the opportunities and issues related thereto, but at all times said actions, whether of a directed or initiative nature, shall be subject to confirmation by the Commission. The Executive Director shall be considered an officer of the Commission in all regards except voting, shall draft budgets and initiate and authorize expenses consistent with the Commission's financial practices and adopted budget, and shall maintain appropriate records and reports for accountability to the Commission. Also, subject to Commission confirmation, the Executive Director may engage and may remove staff and consultants and arrange pay scales and changes in salary.

Section 3. Personnel Policies and Practices

The MVPC staff shall be governed by the "Personnel Policies and Practices" adopted by the Commission, which shall be fully administered by the Executive Director unless otherwise specified.

**Article IX.** Regional Plans and Policies

Section 1. Regional Goals and Objectives

The Commission shall adopt a set of written goals and objectives which are to be used as guidelines for formulating, adopting and implementing regional policies and plans. These goals and objectives may be amended by a majority vote of the total Commission membership. These goals and objectives will be reviewed and amended as appropriate. A copy of the most recent goals and objectives shall be maintained at the Commission offices.

Section 2. Voting, Adoption and Amendments

All official plans, policies and recommendations of the Commission shall be adopted and may be amended from time to time by a majority vote of the Commission membership and shall be public records. Voting on such adoption or amendment shall take place at a subsequent meeting from that at which it is proposed. Before the adoption or amendment of any regional plan the Commission shall hold at least one public hearing. Notice of the time, place, and subject of such hearing shall be published at least once in a newspaper having substantial circulation in the region at least ten (10) days prior to such hearing. Written notice of such hearing shall be given to each planning board, board of selectmen, city council, municipal manager, Commissioner and Alternate.

Section 3. Memoranda of Understanding

The Commission shall, from time to time, enter into written memoranda of understanding (MOUs) with various parties as deemed appropriate by majority vote of the total Commission membership in order to promote more cooperative arrangements relating to the undertakings of the Commission.

**Article X.** Copies of Bylaws

A copy of the Bylaws of the Commission, including the most recent amendments, shall be maintained at the offices of the Merrimack Valley Planning Commission at all times.

**Article XI.** Amendments

These Bylaws may be amended at any regular Commission meeting by a two-thirds (2/3) vote of those present and voting, provided the amendment had been proposed at a prior Commission meeting, and further provided that a written copy of the proposed amendment and notice of its pendency has been sent to all Commission members at least ten (10) days prior to the meeting at which the Bylaws will be acted upon.

**Article XII.** Conflict of Interest Policy

The Commission shall adopt a conflict of interest policy consistent with state law. No Commissioner may be paid or retained in any capacity by MVPC until at least a year after he/she has terminated Commissioner status.

This adopted policy was approved by a majority vote at the February 18, 1982 Merrimack Valley Planning Commission Meeting.

1. It shall be a conflict of interest for any MVPC Staff or Commission member to corruptly seek or receive or agree to receive directly or indirectly anything of value for himself for anyone else in exchange for his being influenced in the performance of his official duty, being influenced in the performance of his official duty, being any public agency or being induced to do any act of commission or omission in violation of his official duty.
2. It shall be a conflict of interest for any MVPC Staff or Commission member, otherwise than as provided by law for the proper discharge of his/her official duty, to seek or receive or agree to receive directly or indirectly, anything of substantial value for himself or because of the performance of any act within his/her official duties.
3. It shall be a conflict of interest for any MVPC Staff or Commission member, otherwise than in the proper discharge of his official duties;
  - a. To directly or indirectly receive or request compensation from anyone other than the MVPC in relation to any particular matter in which the MVPC is a party or has a direct and substantial interest; or
  - b. To act as agent or attorney for anyone in connection with any particular matter in which the MVPC is a party or has a direct and substantial interest.
4. It shall be a conflict of interest for any former MVPC Staff or Commission member, within one year after he/she has terminated as an MVPC Staff or Commission member, to appear personally before the MVPC as an agent or attorney for anyone other than the MVPC in connection with any particular matter in which the MVPC has a direct and substantial interest and which was under his/her official responsibility as an MVPC Staff or Commission member at any time within a period of two (2) years prior to his/her termination as an MVPC Staff or Commission member.

**5.** It shall be a conflict of interest for any MVPC Staff or Commission member to participate as an MVPC Staff for Commission member in a particular matter in which he knows or should know anyone of the following persons or entities has a financial interest:

- a. Himself;
- b. Any member of his immediate family;
- c. His partner;
- d. Any person or organization with whom he is negotiating or has any arrangement concerning prospective employment.

**6.** It shall be a conflict of interest for any MVPC Staff or Commission member to have a financial interest, directly or indirectly in any contract made by the MVPC in which the MVPC is an interested party, provided that said MVPC Staff or Commission member either knew or should have known of his/her financial interest therein.

**7.** It shall be a conflict of interest for any MVPC Staff or Commission member to:

- a. Improperly disclose confidential information acquired by him/her in the course or as a result of his/her duties as an MVPC Staff or Commission member or use such information to further his/her personal interests; or
- b. Use or attempt to use his/her position as an MVPC Staff or Commission member to secure unwarranted privileges or exemptions for his/herself or others; or
- c. Engage in conduct that will or may give a reasonable basis for the impression that any person or entity can improperly influence him/her or unduly enjoy his/her favor in the performance of his/her duties as an MVPC Staff or Commission member, or that he/she is unduly affected by the kinship, rank, position or influence of any party, person or entity; or
- d. Engage in conduct or behavior that will or may raise suspicion among the public that he/she is likely to be engaged in acts that are in violation of his/her trust.

**8.** It shall be a conflict of interest for any MVPC Staff or Commission member to solicit or accept gratuities, favors or anything of monetary value from contractors, potential contractors or parties to sub agreements involving contracts, grants or awards supported by federal funds.

**9.** To the extent permitted by federal, state and local law, a violation of any of the provisions of the Conflict of Interest Policy shall result in a hearing on the possible termination of any MVPC Staff or Commission member found to be in such violation.

**10.** It is not a conflict of interest for a Commissioner or Alternate to represent his/her community on the MVPC as a member of the Planning Board or as an appointee to the MVPC by the government of his/her community.



# Special Legislation of the MVPC

Reference: <http://www.mass.gov/lib/massacts>.

## State Library of Massachusetts

Welcome to the State Library's electronic repository. This collection includes state documents that have either been digitized or created in electronic form. Documents are arranged in collections arranged by agency name.

The State Library of Massachusetts has digitized volumes of the Acts and Resolves from 1960 to 1996 and the full-text of these laws is now available for searching and viewing on this site. Links to the Session laws before 1960 and after 1997 are available via our website at <http://www.mass.gov/lib/massacts>.

### **1975 Chap. 0246. An Act authorizing the board of selectmen Of The Town Of Andover To Appoint The Representative Of Said Town To The Merrimack Valley Planning Commission.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of section four of chapter forty B of the General Laws, the board of selectmen of the town of Andover is hereby authorized to appoint the representative of said town to the Merrimack Valley Planning Commission. Said representative shall not be required to be a member of the planning board of said town.

Approved May 23, 1975.

- (Boston, Secretary of the Commonwealth [etc.], 1663)

PDF: <http://archives.lib.state.ma.us/actsResolves/1975/1975acts0246.pdf>

### **1976 Chap. 0535. An Act relative to the planning boards of the Merrimack Valley Planning Commission.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of section four of chapter forty B of the General Laws, in cities and towns constituting the Merrimack Valley Planning Commission district having appointed planning boards, the members of said commission may be elected as provided in said section or may be appointed by the board of selectmen or town council of a town or the mayor or city council of a city, as may be provided by local ordinance or by-law. Approved October 27, 1976.

- Boston, Secretary of the Commonwealth [etc.], 1663)

PDF: <http://archives.lib.state.ma.us/actsResolves/1976/1976acts0535.pdf>

**1984 Chap. 0059. An Act Providing For Ethnic Or Racial Minority Representation On The Merrimack Valley Planning Commission.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of section four of chapter forty B of the General Laws, the membership of the Merrimack Valley planning commission shall elect annually for a term of one year, one member to be representative of an ethnic or racial minority residing in the district. Approved June 12, 1984.

- Boston, Secretary of the Commonwealth [etc.], 1663)

PDF: <http://archives.lib.state.ma.us/actsResolves/1984/1984acts0059.pdf>

# Merrimack Valley Planning Commission

## Regional Goals and Policies

### Purpose

The Merrimack Valley Planning Commission's primary mission is to support the orderly growth of the region as a desirable place to live and work.

### Method

The MVPC will carry out its programs and further its goals in a manner which is duly sensitive to:

1. The cost effectiveness and efficiency of proposed actions.
2. Well-coordinated and planned actions.
3. Objective study of alternatives and allocation of resources.
4. Responsibility to consider the broader good and welfare.
5. Prioritization of needs.
6. Local participation and comments.

### Goals

#### A. MVPC Regional Planning

1. Promote intermunicipal and interagency cooperation.
2. Support and prepare long-range and comprehensive programs and solutions.
3. Provide technical assistance to member communities.
4. Advocate local and regional needs at the state and federal levels.
5. Provide a forum for discussing common local problems and sharing solutions.

#### B. Improved Regional Identity

1. Promote the region as a logical service area for public and private agencies.
2. Promote regional participation in state and federal programs.
3. Support development and/or preservation actions that enhance the region's identity.
4. Support regional promotional activities.

#### C. Healthy Regional Economy

1. Support coordinated and balanced economic development programs.
2. Encourage retention and expansion of existing industry and business.
3. Support the creation of job opportunities by encouraging new business to locate in the area.
4. Support programs to upgrade labor skills.
5. Support equal employment opportunity.
6. Support the adequate provision of land and services to support well planned economic development.
7. Support the expansion of the regional tourism industry.

#### D. Adequate Social Services and Cultural Opportunities

1. Support equal opportunity for all.
2. Support the establishment of needed social services.
3. Support programs that meet the special needs of the disadvantaged and elderly.
4. Support the establishment and use of cultural facilities and services.
5. Encourage citizen participation.
6. Support programs that improve the safety, health, education, and welfare of citizens.

#### E. Sound Land Use Planning

1. Support the development and implementation of local and regional land use plans.
2. Promote efficient and coordinated use of land and services.
3. Promote the revitalization and reuse of existing developed areas to ensure efficient use of existing public services and infrastructure and to provide new employment and housing opportunities in depressed urban areas.
4. Support a planned distribution of land uses in the region to ensure that adequate and suitable land is available when needed for future commercial, industrial, and residential development.
5. Support land use practices that conserve energy and minimize disruption to environmental systems and natural resources.
6. Support local adoption and implementation of sound, efficient, and up-to-date development standards and practices.

#### F. Sufficient Housing

1. Support the retention of existing housing.
2. Encourage cooperation with the private sector to meet housing needs.
3. Support local participation in state and federal housing assistance.
4. Promote the rehabilitation of blighted neighborhoods and protection of existing neighborhoods from incompatible uses.
5. Encourage the rehabilitation and reuse of substandard structures.
6. Encourage the creation of adequate housing opportunities for all through local provision of a variety of housing types and densities.
7. Encourage the provision of economical and energy-efficient housing.
8. Promote a fair share distribution of publicly-assisted housing among all communities.
9. Support sound and flexible housing development standards and the elimination of unnecessary restrictions.

#### G. Adequate Public Facilities

1. Support a balanced, safe, multi-modal, and cost-effective transportation system that meets the needs of the region's economy and residents, including those residents who require special facilities.
2. Support the development of mass transportation systems and demand reduction actions that reduce traffic volumes, particularly during peak flow periods.
3. Encourage maximum efficient use of existing public facilities and rights-of-way and installation of new facilities that are consistent with local and other comprehensive land use plans.
4. Encourage efficient intermunicipal solutions that meet public facility needs.



## H. Efficient Energy Use

1. Support the efficient use of energy resources.
2. Encourage the use of renewable energy resources and development of greater energy independence.
3. Support the provision of energy resources adequate to meet the region's needs.

## I. Conservation of Environment

1. Promote the cost-effective attainment of high environmental quality standards for air, water, and land resources.
2. Support the proper management and safe disposal of waste materials.
3. Encourage the preservation and restoration of important natural resources.
4. Promote the consideration of environmental factors in all development decisions.
5. Support the provision of adequate recreation facilities and the preservation of the area's viable farmland and prime open space.

## J. Efficient Governmental Management

1. Support measures that improve the effectiveness, efficiency, and responsiveness of public sector management and service activities.
2. Encourage improved coordination between the local, regional, state, and federal levels of government and among agencies at all levels of government.

# Introduction to the Conflict of Interest Law for the Public Sector

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Chapter 268A of the General Laws governs your conduct as a public official or employee. Below are some of the general rules that you must follow. You could face civil and criminal penalties if you take a prohibited action. Many aspects of the law are complicated and there are often exemptions to the general rules. We encourage you to seek legal advice from the Commission or your agency's legal counsel regarding how the law would apply to you in a particular situation.

## In general:

- You may *not* ask for or accept *anything* (regardless of its value), if it is offered in exchange for your agreeing to perform or not perform an official act.
- You may *not* ask for or accept anything worth \$50 or more from anyone with whom you have official dealings. Examples of prohibited "gifts" include: sports tickets, costs of drinks and meals, travel expenses, conference fees, gifts of appreciation, entertainment expenses, free use of vacation homes and complimentary tickets to charitable events. *If a prohibited gift is offered:* you may refuse or return it; you may donate it to a non-profit organization, provided you do not take the tax write-off; you may pay the giver the full value of the gift; or, in the case of certain types of gifts, it may be considered "a gift to your public employer", provided it remains in the office and does not ever go home with you. You may not accept honoraria for a speech that is in any way related to your official duties, unless you are a state legislator.
- You may *not* hire, promote, supervise, or otherwise participate in the employment of your immediate family or your spouse's immediate family.
- You may *not* take any type of official action that will affect the financial interests of your immediate family or your spouse's immediate family. For instance, you may not participate in a licensing or inspection process involving a family member's business.
- You may *not* take any official action affecting your own financial interest, or the financial interest of a business partner, private employer, or any organization for which you serve as an officer, director or trustee. For instance: you may not take any official action regarding an "after hours" employer, or its geographic competitors; you may not participate in licensing, inspection, zoning or other issues that affect a company you own, or its competitors; if you serve on the Board of a non-profit organization (that is substantially engaged in business activities), you may not take any official action which would impact that organization, or its competitors.
- Unless you qualify for an exemption, you may *not* have more than one job with the same municipality or county, or more than one job with the state.
- Except under special circumstances, you may *not* have a financial interest in a contract with your public employer. For example, if you are a full-time town employee, a company you own may not be a vendor to that town unless you meet specific criteria, the contract is awarded by a bid process, and you publicly disclose your financial interest.
- You may *not* represent anyone but your public employer in any matter in which your public employer has an interest. For instance, you may not contact other government agencies on behalf of a company, an association, a friend, or even a charitable organization.

- You may *not* ever disclose confidential information, data or material which you gained or learned as a public employee.
- Unless you make a proper, public disclosure in writing -- including all the relevant facts -- you may *not* take any action that could create an appearance of impropriety, or could cause an impartial observer to believe your official actions are tainted with bias or favoritism.
- You may *not* use your official position to obtain unwarranted privileges, or any type of special treatment, for yourself or anyone else. For instance: you may not approach your subordinates, vendors whose contracts you oversee, or people who are subject to your official authority to propose private business dealings.
- You may *not* use public resources for political or private purposes. Examples of "public resources" include: office computers, phones, fax machines, postage machines, copiers, official cars, staff time, sick time, uniforms, and official seals.
- You may *not*, after leaving public service, take a job involving public contracts or any other particular matter in which you participated as a public employee.

## Summary of the Conflict of Interest Law for State Employees

This summary of the conflict of interest law, General Laws chapter 268A, is intended to help state employees understand how that law applies to them. This summary is not a substitute for legal advice, nor does it mention every aspect of the law that may apply in a particular situation. State employees can obtain free confidential advice about the conflict of interest law from the Commission's Legal Division. State agency counsel may also provide advice.

The conflict of interest law seeks to prevent conflicts between private interests and public duties, foster integrity in public service, and promote the public's trust and confidence in that service by placing restrictions on what state employees may do on the job, after hours, and after leaving public service, as described below. The sections referenced below are sections of G.L. c. 268A.

When the Commission determines that the conflict of interest law has been violated, it can impose a civil penalty of up to \$10,000 (\$25,000 for bribery cases) for each violation. In addition, the Commission can order the violator to repay any economic advantage he gained by the violation, and to make restitution to injured third parties. Violations of the conflict of interest law can also be prosecuted criminally.

### **I. Are you a state employee for conflict of interest law purposes?**

You do not have to be a full-time, paid state employee to be considered a state employee for conflict of interest purposes. Anyone performing services for a state agency or holding a state position, whether paid or unpaid, including full- and part-time state employees, elected officials, volunteers, and consultants, is a state employee under the conflict of interest law. An employee of a private firm can also be a state employee, if the private firm has a contract with the state and the employee is a "key employee" under the contract, meaning the state has specifically contracted for her services. The law also covers private parties who engage in impermissible dealings with state employees, such as offering bribes or illegal gifts.

### **II. Applying for State Employment. (See Section 6B)**

State agencies reviewing employment applications are required to request, and applicants for state employment are required to disclose, information about applicants' family members who are already employed by the state. Every applicant for state employment must disclose, in writing, the names of any state employee who is related to the applicant as spouse, parent, child, sibling, or the spouse of the applicant's parent, child, or sibling.

### **III. On-the-job restrictions.**

#### **(a) Bribes. Asking for and taking bribes is prohibited. (See Section 2)**

A bribe is anything of value corruptly received by a state employee in exchange for the employee being influenced in his official actions. Giving, offering, receiving, or asking for a bribe is illegal.

Bribes are more serious than illegal gifts because they involve corrupt intent. In other words, the state employee intends to sell his office by agreeing to do or not do some official act, and the giver intends to influence him to do so. Bribes of any value are illegal.

**(b) Gifts and gratuities. Asking for or accepting a gift because of your official position, or because of something you can do or have done in your official position, is prohibited. (See Sections 3, 23(b)(2), and 26)**

State employees may not accept gifts and gratuities valued at \$50 or more given to influence their official actions or because of their official position. Accepting a gift intended to reward past official action or to bring about future official action is illegal, as is giving such gifts. Accepting a gift given to you because of the state position you hold is also illegal. Meals, entertainment event tickets, golf, gift baskets, and payment of travel expenses can all be illegal gifts if given in connection with official action or position, as can anything worth \$50 or more. A number of smaller gifts together worth \$50 or more may also violate these sections.

*Example of violation:* A highway inspector allows a pavement contractor to buy him lunch every day during a two-month road repaving project.

*Example of violation:* An industry association provides a free day's social outing, including a barbecue lunch, golf, a cocktail hour, and a clam bake, to a group of legislators.

**Regulatory exemptions.** There are situations in which a state employee's receipt of a gift does not present a genuine risk of a conflict of interest, and may in fact advance the public interest. The Commission has created exemptions permitting giving and receiving gifts in these situations. One commonly used exemption permits state employees to accept payment of travel-related expenses when doing so advances a public purpose and a written disclosure is made. Another commonly used exemption permits state employees to accept payment of costs involved in attendance at educational and training programs. Other exemptions are listed on the Commission's website.

*Example where there is no violation:* A non-profit concerned with preventing domestic violence offers to pay the travel expenses of an assistant district attorney to a conference on prosecuting domestic violence cases. The attorney fills out a disclosure form and obtains prior approval from his appointing authority.

*Example where there is no violation.* A professional engineers' association offers a continuing education seminar of substantial value and waives the registration and materials fees for state employees who are engineers. The state engineers must make a disclosure only if the sponsoring entities have official business before them during the six months before and after the seminar.

**(c) Misuse of position. Using your official position to get something you are not entitled to, or to get someone else something they are not entitled to, is prohibited. Causing someone else to do these things is also prohibited. (See Sections 23(b)(2) and 26)**

A state employee may not use her official position to get something worth \$50 or more that would not be properly available to other similarly situated individuals. Similarly, a state employee may not use her official position to get something worth \$50 or more for someone else that would not be properly available to other similarly situated individuals. Causing someone else to do these things is also prohibited.

*Example of violation:* A state employee writes a novel on work time, using her office computer, and directing her secretary to proofread the draft.

*Example of violation:* The commissioner of a state agency directs subordinates to drive her wife to and from the grocery store.

*Example of violation:* An assistant attorney general avoids a speeding ticket by asking the police officer who stops him, "Do you know who I am?" and showing his state I.D.

**(d) Self-dealing and nepotism. Participating as a state employee in a matter in which you, your immediate family, your business organization, or your future employer has a financial interest is prohibited. (See Section 6)**

A state employee may not participate in any particular matter in which he or a member of his immediate family (parents, children, siblings, spouse, and spouse's parents, children, and siblings) has a financial interest. He also may not participate in any particular matter in which a prospective employer, or a business organization of which he is a director, officer, trustee, or employee has a financial interest. Participation includes discussing as well as voting on a matter, and delegating a matter to someone else.

A financial interest may create a conflict of interest whether it is large or small, and positive or negative. In other words, it does not matter if a lot of money is involved or only a little. It also does not matter if you are putting money into your pocket or taking it out. If you, your immediate family, your business, or your employer have or has a financial interest in a matter, you may not participate. The financial interest must be direct and immediate or reasonably foreseeable to create a conflict. Financial interests which are remote, speculative or not sufficiently identifiable do not create conflicts.

Neither general legislation nor home rule legislation are "particular matters" for purposes of the conflict of interest law. A state employee can participate in general legislation and home rule legislation even if she has a financial interest in such legislation, but state legislators and constitutional officers must file a disclosure if the matter will substantially affect their financial interests, and any state employee must file a disclosure if a reasonable person would think that the employee could be improperly influenced.

**Example of violation:** The chief administrative officer of a state agency, who has a balance of 900 hours in accumulated sick leave, proposes a plan by which the agency will pay employees for accumulated sick leave.

**Example of violation:** An employee of the Massachusetts Cultural Council is also the director of a non-profit corporation dedicated to increasing art in public spaces. The non-profit applies to the Council for a grant, and the employee participates in rating the applications received for that grant.

**Example of violation:** A state employee promotes his son to a position under his supervision.

**Example where there is no violation:** Proposed legislation under consideration by the State Senate will amend the General Laws with respect to insurance coverage of ocean front property. A State Senator owns ocean front property in Cape Cod. The Senator can discuss and vote on the legislation because it is general legislation, but must file a disclosure because the legislation will substantially affect her financial interest.

A state employee whose duties do not require her to participate in a particular matter may comply with the law by simply not participating in the particular matter in which she has a financial interest. She need not give a reason for not participating.

An appointed state employee may also comply with the law by filing a written disclosure about the financial interest with his appointing authority, and seeking permission to participate notwithstanding the conflict. If a state employee's duties would require him to participate in a matter in which he has a financial interest, this is the procedure he should use. The appointing authority may grant written permission to participate if she determines that the financial interest in question is not so substantial that it is likely to affect the integrity of the employee's services to the state. Otherwise, the appointing authority will assign the matter to someone else, or do it herself. Participating without disclosing the financial interest is a violation. Elected employees cannot use the disclosure procedure because they have no appointing authority.

**Regulatory exemptions.** The Commission has created exemptions permitting state employees to participate in particular matters notwithstanding the presence of a financial interest in certain very specific situations when permitting them to do so advances a public purpose. A person serving as a member of a state board pursuant to a legal requirement that the board have members with a specified affiliation may participate fully in determinations of general policy by the board, even if the entity with which he is affiliated has a financial interest in the matter. A state elected official may participate in a particular matter that involves a determination of general policy where her financial interest in the matter is shared with a substantial segment of the public, as defined in the Commission's regulation. Other exemptions are listed on the Commission's website.

**Example where there is no violation:** A state licensing board is required by its enabling legislation to have members with various specified affiliations, including members licensed by the board, and members involved in providing training required for licensure. Board members wish to participate in board discussions about imposing a continuing education requirement on licensees. Compliance with the proposed requirement will cost every licensee several hundred dollars per year. Board members who are licensees and who provide training required for licensure may participate in the determination of the continuing education requirement notwithstanding their financial interests in that matter, because it is a determination of general policy.

**(e) False claims. Presenting a false claim to your employer for a payment or benefit is prohibited, and causing someone else to do so is also prohibited. (See Sections 23(b)(4) and 26)**

A state employee may not present a false or fraudulent claim to his employer for any payment or benefit worth \$50 or more, or cause another person to do so.

**Example of violation:** A state agency manager directs his secretary to fill out time sheets to show him as present at work on days when he was skiing.

**(f) Appearance of conflict. Acting in a manner that would make a reasonable person think you can be improperly influenced is prohibited. (See Section 23(b)(3))**

A state employee may not act in a manner that would cause a reasonable person to think that she would show favor toward someone, or that she can be improperly influenced. Section 23(b)(3) requires a state employee to consider whether her relationships and affiliations could prevent her from acting fairly and objectively when she performs her duties for the state. If she cannot be fair and objective because of a relationship or affiliation, she should not perform her duties. However, a state employee, whether elected or appointed, can avoid violating this provision by making a public disclosure of the facts. An appointed employee must make the disclosure in writing to his appointing official.

**Example where there is no violation:** A state agency employee is engaged to be married to the owner of a business. The business owner submits a response to a request for proposals from the agency. A reasonable person could conclude that the employee might favor her fiancé's response. The employee files a written disclosure with her appointing authority explaining her relationship with her fiancé prior to the meeting at which responses to the RFP will be considered. There is no violation of Section 23(b)(3).

**Example where there is no violation:** The State House of Representatives is considering legislation which will create a general law that sets a maximum limit on insurance premiums paid by obstetricians. A State Representative is married to an obstetrician who will be affected by the proposed legislation. The Representative can participate in the matter but files a disclosure of his wife's interest to eliminate any appearance of a conflict. There is no violation.

**(g) Confidential information. Improperly disclosing or personally using confidential information obtained through your job is prohibited. (See Section 23(c))**

State employees may not improperly disclose confidential information, or make personal use of non-public information they acquired in the course of their official duties to further their personal interests.

**IV. After-hours restrictions.**

**(a) Taking a second paid job that conflicts with the duties of your state job is prohibited. (See Section 23(b)(1))**

A state employee may not accept other paid employment if the responsibilities of the second job are incompatible with his or her state job.

*Example:* A state police trooper may not work as a paid private security guard in the area where he serves because the demands of his private employment would conflict with his duties as a trooper.

*Example:* A State Senator may not take a second position counseling clients on how to receive favorable consideration in the Massachusetts Senate.

**(b) Divided loyalties. Receiving pay from anyone other than the state to work on a matter involving the state is prohibited. Acting as agent or attorney for anyone other than the state in a matter involving the state is also prohibited whether or not you are paid. (See Section 4)**

Because the Commonwealth is entitled to the undivided loyalty of its employees, a state employee may not be paid by other people and organizations in relation to a matter in which the state has an interest. In addition, a state employee may not act on behalf of other people and organizations or act as an attorney for other people and organizations if the state has an interest in a matter. Acting as agent includes contacting the state in person, by phone, or in writing; acting as a liaison; providing documents to the state; and serving as spokesman.

A state employee may always represent his own personal interests, even before his own state agency or board, on the same terms and conditions that would apply to other similarly situated members of the public.

Section 4 applies differently to State Senators and State Representatives than it does to other state employees, because they must frequently act on behalf of their constituents. Section 4 allows State Senators and State Representatives to perform constituent services, but prohibits them from appearing personally before state agencies for compensation other than their legislative salaries except on ministerial matters such as filing tax returns, permit and license applications, and incorporation papers, and in state court proceedings and quasi-judicial agency proceedings.

*Example of violation:* A state employee makes inquiries to another state agency about an investigation that the second state agency is conducting of his wife.

*Example of violation:* A state advisory commission member participates in matters at his agency that affect one of his private clients, and is compensated by the client for his work on its behalf.

*Example where there is no violation:* A State Senator is contacted by a constituent who has applied for benefits to a state agency, has not received a timely determination by the agency, and cannot get his calls to the agency returned. The Senator may call the agency on the constituent's behalf to inquire about the matter. The Senator's aide may also call the agency on the constituent's behalf to inquire about the matter without violating Section 4.

While many state employees earn their livelihood in state jobs, some state employees volunteer their time to the state or receive small stipends. Others may serve in a part-time state position which permits them to have other personal or private employment during normal working hours. In recognition of the need not to unduly restrict the ability of volunteers and



part-time employees to earn a living, the law is less restrictive for these "special" state employees than for other state employees.

If a state position is a "special" state position, an employee holding that position may be paid by others, act on behalf of others, and act as attorney for others with respect to matters before state agencies other than his own, provided that he has not officially participated in the matter, and the matter is not now, and has not within the past year been, under his official responsibility, and is not pending before his own state agency.

*Example:* A part-time investigator for a state agency may work on her own time privately for a party litigating a case with a different state agency, provided that she has not participated in or had responsibility for the litigated matter in her state position.

**(c) Inside track. Being paid by the state, directly or indirectly, under some second arrangement in addition to your job is prohibited, unless an exemption applies. (See Section 7)**

A state employee generally may not have a financial interest in a state contract, including a second state job. A state employee is also generally prohibited from having an indirect financial interest in a contract that the state has with someone else. This provision is intended to prevent state employees from having an "inside track" to further financial opportunities.

*Example of violation:* A paid state employee accepts paid employment with a second state agency.

*Example of violation:* A paid state employee buys a surplus computer from his agency.

*Example of violation:* A state employee wants to work for a non-profit that receives funding under a contract with the state. Unless she can satisfy the requirements of an exemption under Section 7, she cannot take the job.

There are numerous exemptions. Some exemptions apply only to special state employees. Specific exemptions may cover State Senators and State Representatives, teaching and related activities in state facilities, serving as an uncompensated volunteer in a second state position, providing services to state agency clients, and other specific situations. Please call the Ethics Commission's Legal Division for advice about a specific situation.

## **V. After you leave state employment. (See Section 5)**

**(a) Forever ban. After you leave your state job, you may never work for anyone other than the state on a matter that you worked on as a state employee.**

If you participated in a matter as a state employee, you cannot ever be paid to work on that same matter for anyone other than the state, nor may you act for someone else, whether paid or not. The purpose of this restriction is to bar former employees from selling to private interests their familiarity with the facts of particular matters that are of continuing concern to the state. The restriction does not prohibit former state employees from using the expertise acquired in government service in their subsequent private activities.

*Example of violation:* A former state employee works for a contractor under a contract that she helped to draft and oversee for the state.

**(b) One-year cooling-off period. For one year after you leave your state job you may not participate in any matter over which you had official responsibility during your last two years of public service.**

Former state employees are barred for one year after they leave state employment from personally appearing before any agency of the state in connection with matters that were under their authority in their prior state positions during the two years before they left.

**Example:** A state employee negotiates a three-year contract with a company. The manager who supervised the employee, and had official responsibility for the contract but did not participate in negotiating it, leaves her job to work for the company to which the contract was awarded. The former manager may not call or write the state in connection with the company's work on the contract for one year after leaving the state.

A former state employee who participated as such in general legislation on expanded gaming and related matters may not become an officer or employee of, or acquire a financial interest in, an applicant for a gaming license, or a gaming licensee, for one year after his public employment ceases.

**(c) Partners. Your partners will be subject to restrictions while you serve as a state employee and after your state service ends.**

Partners of state employees and former state employees are also subject to restrictions under the conflict of interest law. If a state employee participated in a matter, or if he has official responsibility for a matter, then his partner may not act on behalf of anyone other than the state or provide services as an attorney to anyone but the state in relation to the matter.

**Example:** An architect serves on the state Architectural Access Board, and is responsible for every matter that comes before the Board. While he serves, his partners may not submit architectural plans for any clients seeking a variance from the Board.

**Example:** A former state agency general counsel joins a law firm as a partner. Her new partners cannot represent any private clients in connection with matters she litigated for the state for one year after her job with the state ended.

**Example:** A professional engineer formerly employed by a state agency joins an engineering firm organized as a partnership. His new partners cannot appear before his former agency in connection with matters that he worked on for the state for one year after his job with the state ended.

**(d) Legislative and executive agents. For one year after you leave your state job you may not act as a legislative or executive agent before your former agency.**

**Example of violation:** The chief of staff of a State Senator leaves his position. Three months later, he contacts his successor to lobby on behalf of a client.

\* \* \* \* \*

This summary is not intended to be legal advice and, because it is a summary, it does not mention every provision of the conflict law that may apply in a particular situation. You can find further information about how the law applies in many situations elsewhere on this website. You can also contact the Commission's Legal Division via this website, by telephone, or by letter.

Version 7: Revised May 10, 2013

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**ACKNOWLEDGMENT OF RECEIPT**

**I, \_\_\_\_\_, an employee at \_\_\_\_\_, hereby acknowledge that I received**

*(first and last name)*

*(name of state agency)*

**a copy of the summary of the conflict of interest law for state employees, revised May 10, 2013,**

**on \_\_\_\_\_.**

*(date)*

*State employees should complete the acknowledgment of receipt and return it to the individual who provided them with a copy of the summary. Alternatively, state employees may send an e-mail acknowledging receipt of the summary to the individual who provided them with a copy of it.*

*Elected State Officials should complete the acknowledgment of receipt and return it to the State Ethics Commission. Alternatively, elected state officials may send an email acknowledging receipt of the summary to the State Ethics Commission, attn: David Giannotti, at David.Giannotti@state.ma.us.*

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## **Statute of Limitations**

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Pursuant to G.L. c. 268B, § 4(c), the Ethics Commission has five years from the date the Commission learned of the alleged violation, but not more than six years from the date of the last conduct relating to the alleged violation, to issue an Order to Show Cause, which starts public proceedings against an individual.

An Order to Show Cause may not be issued more than six years after the alleged violation occurred. Therefore, if a state official violated the law in 2000, if the Commission did not learn of the violation until 2008, the Ethics Commission could not take any action against the official.

Massachusetts General Law  
Chapter 40B  
Regional Planning Law

**Section 1. Title of chapter.** This chapter shall be designated and may be known as “The regional planning law”.

**Section 2. Purpose of chapter.** The purpose of this chapter is to permit a city or town to plan jointly with cities or towns to promote with the greatest efficiency and economy the coordinated and orderly development of the areas within their jurisdiction and the general welfare and prosperity of their citizens.

**Section 2A. Regional or district groupings; consent to placement.** No state agency shall place a city or town individually or severally, within a regional or district grouping without the consent of the governing body of such city or town. The governing body in a town shall be the town meeting and in a city, the city council.

**Section 3. Planning districts; establishment; new members; jurisdiction area; rights and liabilities.** Any group of cities, towns, or cities and towns may, by vote of their respective city councils or town meetings, vote to become members of and thus establish a planning district, which shall constitute a public body corporate. After a planning district has been thus established, any other city or town within the district area as hereinafter defined may by vote of its city council or town meeting apply for admission. Upon the affirmative vote of two thirds of the representatives of the cities and towns comprising the district, said city or town shall become a member thereof. The area of jurisdiction of said district shall be an area defined or redefined as an effective regional planning region by the Massachusetts office of business development. All rights, privileges and obligations applicable to the original members of the district shall be applicable to the new members.

**Section 4. District planning commissions; membership; employees; meetings.** In each planning district so established there shall be a district planning commission consisting of one member of the planning board of each city and town voting to join such district, elected annually by said planning board and certified in writing to the district planning commission. Said member may be replaced by two thirds vote of his planning board before the termination of his annual appointment. In the case of the planning board’s failure to elect a delegate in any year the previously named delegate shall continue to serve until his successor is qualified, as long as he shall remain a member of his local planning board. There may be an alternate designee, who may or may not be a planning board member, who shall be a resident of the city or town he represents, appointed annually and certified in writing to the district planning commission by the mayor in a city, confirmed by the council, or in the case of a city with a plan E form of government, appointed annually by the city manager, or in a town by the selectmen or in towns with a manager form of government, by the town manager, who may attend meetings of the district planning commission and who shall assume the rights and duties of the planning board member in his absence. The alternate designee shall be named in writing to the district planning commission annually in order that he may perform the duties and exercise the powers authorized in this section. In a member town which has not established a planning board, the selectmen shall annually appoint a member of the district planning commission. Such district planning commission shall annually elect a chairman, a vice chairman, a treasurer, and a clerk from among its members and alternate designees, and may elect an assistant clerk, from among such members and alternate designees. The 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 sums and upon such conditions as the commission may require. The said commission may employ experts and clerical and other assistants. All meetings of the commission shall be held at the call of the chairman and at such other times as the commission may determine. A quorum of the commission shall consist of at least one fourth of the duly named members or alternate designees. Lack of a quorum shall not prevent the members at an officially called meeting from coming to order, making motions, discussing or passing a motion to continue said meeting to a later time. The commission 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 public records.

**Section 4A. Executive committees; establishment; membership; powers and duties; reports.** Upon a two-thirds vote of all of the members of the district planning commission there may be established an executive committee, elected annually from the membership of the commission, and consisting of the chairman, vice chairman, if one is elected annually by the commission, the clerk, the assistant clerk, if one is elected annually, the

treasurer and at least one but no more than seven members elected at large from the commission membership annually, so that there shall be an uneven number of members of said committee. Actions taken by said executive committee shall be in the name of and on behalf of the commission. Such actions may include one or more of the following listed functions, but only if authorized by a two-thirds vote of the commission's total membership:— employment of technical staff members, and other professional and clerical assistants; retention of consultants; the disbursement of commission funds based upon a warrant approved by a majority of the executive committee; the borrowing of funds in anticipation of receipt of revenue; applications for federal, state and local aid; the preparation of reviews and comments on proposals of a regional or intercommunity nature, including those referred to the district planning commission under the provisions of Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, Title IV of the Inter-Governmental Cooperation Act of 1968, and Section 102 of the National Environmental Policy Act of 1969; proposed zoning changes near municipal boundaries of member cities and towns; requests for planning related advice; and the establishment of various technical advisory committees. Said executive committee shall report its actions to the full commission at least quarterly, and its authority to exercise such functions heretofore authorized shall be reconfirmed by a two-thirds vote of all of the members annually. Additional functions may be authorized for the executive committee from time to time. Such additions shall also be by a two-thirds vote of the district planning commission membership. The authority given to the executive committee to act on behalf of the commission may be terminated for any function by a majority vote of the commission members and thirty days' notice to said executive committee.

**Section 4B. Seals authorized.** Each planning district may have a seal consisting of a circular die bearing the words, "Commonwealth of Massachusetts, \_\_\_\_\_ Regional Planning District, (insert year)", which seal may be used whenever deemed advisable by the district planning commission on papers and documents issued or executed by the commission or by any officer or employee designated by the commission.

**Section 4C. Federal military installations within districts; commanding officer as ex officio member of commission.** Whenever there is located, wholly or partially, within a planning district established hereunder, a federal military installation having a resident population of at least five hundred persons according to the most recent available federal decennial census, the district planning commission may vote to offer to the commanding officer of said federal military installation the privilege of membership for himself or his designee. Upon acceptance by the commanding officer of this offer, he shall be deemed a member ex officio of the district planning commission, and shall assume the same rights and duties as other commission members, except that this ex officio membership shall not continue except by an annual affirmative vote of the majority of the commission.

**Section 5. Powers and duties; reports.** A planning commission established hereunder shall make careful studies of the resources, problems, possibilities and needs of its district and, on the basis of such studies, shall prepare a comprehensive plan of development or a schematic study plan of such district or of such part or parts thereof as the commission may deem necessary and in such plans shall make such recommendations for the physical, social, governmental or economic improvement of the district as in their opinion will be in the best interest of the inhabitants of the district. Such plans and recommendations shall concern, among other things, the general use of the district, including land use, principal highways and expressways, bridges, airports, public utilities, public facilities, parks, recreational areas, public institutions and such other matters as in the opinion of said commission will be beneficial to the district and will promote with the greatest efficiency and economy the coordinated development of the district and the general welfare and prosperity of its people. Before the adoption of any such regional plan or a portion thereof, the district planning commission shall hold at least one public hearing thereon, notice of the time, place and subject of which shall be given. Written notice of such hearing shall be given to each planning board, board of selectmen, and city council. Notice of the time, place and subject of the hearing shall be published at least once in a newspaper having substantial circulation in the region at least ten days before such hearing. Adoption of such plan or portion thereof shall be by a majority vote of the representatives of the district planning commission. Such plan may be amended from time to time in the same manner as hereinbefore provided. A copy of the plan adopted by the commission or any amendments thereto signed by the chairman shall be filed with the town clerk of each member municipality not more than thirty days after commission action. Such plan or portion of a plan shall be a public record. Such district planning commission shall also assist the planning boards of the several cities and towns within the area of its jurisdiction in applying any district plans and recommendations so adopted to the local board's area of jurisdiction.

Such planning commission shall report annually to the city councils and town meetings of the cities and towns within its district, showing the status of its plans and recommendations. Such plans and recommendations shall be advisory only.

**Section 5A. Agreement for water favorability studies.** Such commission may enter into an agreement with the water resources commission for the purpose of conducting water favorability studies under the direction of the water resources commission, as authorized by section nine of chapter twenty-one. The district's share of the cost of such studies shall be assessed against the constituent cities and towns in accordance with the provisions of section seven of this chapter.

**Section 5B. Economic development regional commissions; authorization to act.** A district planning commission may, by an affirmative vote of two thirds of the representatives of the cities and towns comprising the district, agree to act as, and to assume the duties, obligations, and responsibilities of, an economic development regional commission for as many of the cities and towns within its area of jurisdiction as it may deem proper and logical, subject to the availability of funds for such purpose; provided, however, that said cities and towns shall be eligible for designation as an economic development region, hereinafter called the region, in accordance with the provisions of the Public Works and Economic Development Act of 1965. Additional eligible cities and towns may be added to or deleted from the region by an affirmative vote of two thirds of the representatives of the cities and towns comprising the district.

The district planning commission members and alternate designees of the cities and towns comprising the region shall constitute the economic development regional commission. In addition, such technical and advisory committees as are necessary and required by the Public Works and Economic Development Act of 1965 may be appointed in accordance with the provisions of said Act for the purpose of providing advice and guidance to the region.

The economic development regional commission may prepare economic development programs which shall be public records and may be changed or supplemented from time to time by a majority vote of the representatives of the cities and towns comprising the region. Said regional commission may conduct feasibility and implementation studies for public facilities and programs and develop public and private development projects which are consistent with and which aid in implementing the objectives of said commission. Said regional commission may advertise and otherwise promote the implementation of its plans and recommendations for the economic and industrial development of the region and may sponsor conferences, institutes, seminars and training programs on behalf of the region.

**Section 6. Cooperation of state agencies with planning commissions.** The several officers, boards, commissions, departments and divisions of the commonwealth and city and town officials may consult with any such district planning commission and shall furnish or make available to it on request all data and information within their knowledge and control pertaining to the area of jurisdiction of such commission.

**Section 7. Preparation of budget; apportionment of costs; disbursement of funds; receipt of gifts; contracts for planning studies and services.** Said commission shall, annually in the month of February, estimate the amount of money required to pay the costs and expenses of the district for the following fiscal year, shall fix and determine the proportion of such costs and expenses to be paid by the constituent cities and towns thereof during such fiscal year which, however, shall not exceed any per capita limit established by the vote of two-thirds of the city councils and town meetings of member cities and towns, and shall certify the amount so determined for each city and town to the assessors thereof who shall include the sum in the tax levy of such fiscal year, provided that the per capita limit of any new member municipality shall not be less than the per capita cost to the member municipalities in the district at the time the new member joined the district. Such apportioned cost shall be on a per capita basis in direct proportion to the population of the city or town and the planning district as they appear in the most recent national census, exclusive of the inmates of county, state or federal institutions, and exclusive of the resident population of federal military installations to which the privilege of ex officio membership has been extended as provided in section four C; provided, however, that the national census or the annual national census estimate, whichever is the most recent, shall be used in any planning district in which the governing body of each city and town comprising such planning district accepts the provisions of this proviso. Upon order of the commission, the treasurer of each constituent municipality thereof shall, from time to time, subject to the provisions of section

fifty-two and section fifty-six of chapter forty-one, pay to the district treasurer sums not exceeding the amount certified by the commission as the city's or town's share of the costs and expenses of the district. The commission is authorized to determine the amount of payment to be made to the district during the first year of membership of a new city or town in its respective district, but such payment shall not exceed any aforementioned per capita limits. Any such district planning commission established under the authority of this chapter is authorized to receive for its own uses and purposes any funds or moneys from any source, including grants, bequests, gifts or contributions made by the federal, state or municipal governments or by any individual, corporation or association. Any such district planning commission may contract with the federal or state government, or a city or town within such district, or with another district planning commission or planning council for the performance of planning studies and services within the limits of funds available to the district planning commission for such purposes. The treasurer of the district planning commission or, in his absence, the assistant treasurer shall disburse the moneys so received upon an order approved by the chairman of the commission when so authorized by a majority vote of said commission.

**Section 8. Borrowing in anticipation of revenue from member municipalities.** 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 9. Southeastern regional planning and economic development district; establishment.** The director of economic development may establish a regional planning and economic development district consisting of all the cities and towns in the Southeastern Massachusetts Regional Planning District established 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; termination.** Upon the designation of the regional planning and economic development district by the director of economic development, all cities and towns within the boundaries of the district shall become members of the district. The director of economic development 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 planning and economic 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 director of economic development 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 two thirds vote of the city council or by vote of a town meeting or town in favor of terminating such membership. Said termination shall become effective at the end of the calendar year within which said termination is voted.

**Section 11. Dissolution of regional planning districts; transitional provisions; procedure.** 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 or 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 director of economic development 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 shall 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 director of economic development 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 director of economic development shall forthwith dissolve the previously established regional planning district.

**Section 12. Commission; membership; appointment; term.** 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 designees, 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; appointment; term; removal; vacancies.** 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 director of economic development with the approval of the governor, and twelve members shall be appointed by the commission. Of the initial appointees of the director of economic development, 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. Each member of said advisory committee shall continue to serve as such until his successor is appointed and qualified. 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.** The regional planning and economic development district established under the provisions of section nine 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 plan 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 any 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 intermunicipal 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 February first 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 eight.

**Section 15. Executive officers; committees; meetings; rules and records; expenses.** 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 such additional persons exceed two thirds of 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, commissioner 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; employees; tenure; compensation.** 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; 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 18. Estimate of costs; fiscal year; assessment; limitation; payment; reserve funds; audit.** The commission so established shall not later than fifty days from the issuance of a certificate of 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 of 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 first and ending with the following June thirtieth. The commission shall, annually in the month of October, estimate the amount of money required to be assessed upon the cities and towns in the district 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 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 thirty-first 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 tenth 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 certification 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 district 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. Data exchange between agencies.** 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.

**Section 20. Definitions.** The following words, wherever used in this section and in sections twenty-one to twenty-three, inclusive, shall, unless a different meaning clearly appears from the context, have the following meanings: —

“Low or moderate-income housing”, any housing subsidized by the federal or state government under any program to assist the construction of low or moderate-income housing as defined in the applicable federal or state statute, whether built or operated by any public agency or any nonprofit or limited dividend organization.

“Uneconomic”, any condition brought about by any single factor or combination of factors to the extent that it makes it impossible for a public agency or nonprofit organization to proceed in building or operating low or moderate income housing without financial loss, or for a limited dividend organization to proceed and still realize a reasonable return in building or operating such housing within the limitations set by the subsidizing agency of government on the size or character of the development or on the amount or nature of the subsidy or on the tenants, rentals and income permissible, and without substantially changing the rent levels and units sizes proposed by the public, nonprofit or limited dividend organizations.

“Consistent with local needs”, requirements and regulations shall be considered consistent with local needs if they are reasonable in view of the regional need for low and moderate income housing considered with the number of low income persons in the city or town affected and the need to protect the health or safety of the occupants of the proposed housing or of the residents of the city or town, to promote better site and building design in relation to the surroundings, or to preserve open spaces, and if such requirements and regulations are applied as equally as possible to both subsidized and unsubsidized housing. Requirements or regulations shall be consistent with local needs when imposed by a board of zoning appeals after comprehensive hearing in a city or town where (1) low or moderate income housing exists which is in excess of ten per cent of the housing units reported in the latest federal decennial census of the city or town or on sites comprising one and one half per cent or more of the total land area zoned for residential, commercial or industrial use or (2) the application before the board would result in the commencement of construction of such housing on sites comprising more than three tenths of one per cent of such land area or ten acres, whichever is larger, in any one calendar year; provided, however, that land area owned by

the United States, the commonwealth or any political subdivision thereof, or any public authority shall be excluded from the total land area referred to above when making such determination of consistency with local needs.

“Local Board”, any town or city board of survey, board of health, board of subdivision control appeals, planning board, building inspector or the officer or board having supervision of the construction of buildings or the power of enforcing municipal building laws, or city council or board of selectmen.

**Section 21. Low or moderate-income housing; applications for approval of proposed construction; hearing; appeal.** Any public agency or limited dividend or nonprofit organization proposing to build low or moderate-income housing may submit to the board of appeals, established under section twelve of chapter forty A, a single application to build such housing in lieu of separate applications to the applicable local boards. The board of appeals shall forthwith notify each such local board, as applicable, of the filing of such application by sending a copy thereof to such local boards for their recommendations and shall, within thirty days of the receipt of such application, hold a public hearing on the same. The board of appeals shall request the appearance at said hearing of such representatives of said local boards as are deemed necessary or helpful in making its decision upon such application and shall have the same power to issue permits or approvals as any local board or official who would otherwise act with respect to such application, including but not limited to the power to attach to said permit or approval conditions and requirements with respect to height, site plan, size or shape, or building materials as are consistent with the terms of this section. The board of appeals, in making its decision on said application, shall take into consideration the recommendations of the local boards and shall have the authority to use the testimony of consultants. The board of appeals shall adopt rules, not inconsistent with the purposes of this chapter, for the conduct of its business pursuant to this chapter and shall file a copy of said rules with the city or town clerk. The provisions of section eleven of chapter forty A shall apply to all such hearings. The board of appeals shall render a decision, based upon a majority vote of said board, within forty days after the termination of the public hearing and, if favorable to the applicant, shall forthwith issue a comprehensive permit or approval. If said hearing is not convened or a decision is not rendered within the time allowed, unless the time has been extended by mutual agreement between the board and the applicant, the application shall be deemed to have been allowed and the comprehensive permit or approval shall forthwith issue. Any person aggrieved by the issuance of a comprehensive permit or approval may appeal to the court as provided in section seventeen of chapter forty A.

**Section 22. Appeal to housing appeals committee; procedure; judicial review.** Whenever an application filed under the provisions of section twenty-one is denied, or is granted with such conditions and requirements as to make the building or operation of such housing uneconomic, the applicant shall have the right to appeal to the housing appeals committee in the department of housing and community development for a review of the same. Such appeal shall be taken within twenty days after the date of the notice of the decision by the board of appeals by filing with said committee a statement of the prior proceedings and the reasons upon which the appeal is based. The committee shall forthwith notify the board of appeals of the filing of such petition for review and the latter shall, within ten days of the receipt of such notice, transmit a copy of its decision and the reasons therefore to the committee. Such appeal shall be heard by the committee within twenty days after receipt of the applicant’s statement. A stenographic record of the proceedings shall be kept and the committee shall render a written decision, based upon a majority vote, stating its findings of fact, its conclusions and the reasons therefore within thirty days after the termination of the hearing, unless such time shall have been extended by mutual agreement between the committee and the applicant. Such decision may be reviewed in the superior court in accordance with the provisions of chapter thirty A.

**Section 23. Hearing by housing appeals committee; issues; powers of disposition; orders; enforcement.** The hearing by the housing appeals committee in the department of housing and community development shall be limited to the issue of whether, in the case of the denial of an application, the decision of the board of appeals was reasonable and consistent with local needs and, in the case of an approval of an application with conditions and requirements imposed, whether such conditions and requirements make the construction or operation of such housing uneconomic and whether they are consistent with local needs. If the committee finds, in the case of a denial, that the decision of the board of appeals was unreasonable and not consistent with local needs, it shall vacate such decision and shall direct the board to issue a comprehensive permit or approval to the applicant. If the committee finds, in the case of an approval with conditions and requirements imposed, that the decision of the board makes the building or operation of such housing uneconomic and is not consistent with local needs, it shall order such board to modify or remove any such condition or requirement so as to make the proposal no longer uneconomic and to issue any necessary permit or approval; provided, however, that the committee shall

not issue any order that would permit the building or operation of such housing in accordance with standards less safe than the applicable building and site plan requirements of the federal Housing Administration or the Massachusetts Housing Finance Agency, whichever agency is financially assisting such housing. Decisions or conditions and requirements imposed by a board of appeals that are consistent with local needs shall not be vacated, modified or removed by the committee notwithstanding that such decisions or conditions and requirements have the effect of making the applicant's proposal uneconomic.

The housing appeals committee or the petitioner shall have the power to enforce the orders of the committee at law or in equity in the superior court. The board of appeals shall carry out the order of the hearing appeals committee within thirty days of its entry and, upon failure to do so, the order of said committee shall, for all purposes, be deemed to be the action of said board, unless the petitioner consents to a different decision or order by such board.

#### **Section 24. Metropolitan area planning council; composition; appointments; vacancies.**

*[First paragraph effective until August 1, 2010. For text effective August 1, 2010, see below.]*

There shall be a metropolitan area planning council, in this section and in sections twenty-five to twenty-nine, inclusive, called the council. Said council shall consist of one representative from each city and town of the metropolitan area planning district who shall be appointed by the mayor or, if the city has a manager, by the city manager, and in the case of a town, by the board of selectmen or, if the town has a manager, by the town manager, twenty-one persons to be appointed by the governor of which number there shall be sufficient representation of minority and low-income groups so as to substantially represent their viewpoints in the area to be served by the council; and the following officers or their respective designees who shall be members ex officio: -- the chairman of the Massachusetts Bay Transportation Authority, the chairman of the Massachusetts Port Authority, the chairman of the Massachusetts Department of Transportation, the commissioner of the department of conservation and recreation, the chairman of the board of directors of the Massachusetts Water Resources Authority, the commissioner of highways, the director of economic development, the director of housing and community development, the commissioner of environmental protection, the chairman of the Boston Redevelopment Authority, the commissioner of public works of the city of Boston and the executive director of the Boston Water and Sewer Commission.

*[ First paragraph as amended by 2010, 240, Sec. 80 effective August 1, 2010. See 2010, 240, Sec. 206. For text effective until August 1, 2010, see above.]*

There shall be a metropolitan area planning council, in this section and in sections twenty-five to twenty-nine, inclusive, called the council. Said council shall consist of one representative from each city and town of the metropolitan area planning district who shall be appointed by the mayor or, if the city has a manager, by the city manager, and in the case of a town, by the board of selectmen or, if the town has a manager, by the town manager, twenty-one persons to be appointed by the governor of which number there shall be sufficient representation of minority and low-income groups so as to substantially represent their viewpoints in the area to be served by the council; and the following officers or their respective designees who shall be members ex officio: -- the chairman of the Massachusetts Bay Transportation Authority, the chairman of the Massachusetts Port Authority, the chairman of the Massachusetts Department of Transportation, the commissioner of the department of conservation and recreation, the chairman of the board of directors of the Massachusetts Water Resources Authority, the commissioner of highways, the secretary of housing and economic development, the director of housing and community development, the commissioner of environmental protection, the chairman of the Boston Redevelopment Authority, the commissioner of public works of the city of Boston and the executive director of the Boston Water and Sewer Commission.

The municipal appointing authority of any city or town may designate an alternate representative to serve conterminously with the representative appointed under this section. Upon the expiration of the term of any appointed or alternate 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 25. Council; officers; meetings; rules of procedure; report; treasurer's bond; powers and duties.** The council shall elect annually by and from its members a president, vice-president, 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 May, and the officers elected shall commence their terms on the fourth Wednesday of May.

The council shall meet three times a year 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 the activities of the executive committee 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 general court.

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 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.

The council shall have and exercise the same powers and duties of the regional planning and economic development district as set forth in section fourteen.

**Section 26. Establishment; composition.** There is hereby established a metropolitan area planning district, in this section and sections twenty-seven to twenty-nine, inclusive, called the district, consisting of the following cities and towns: —

and 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 to be included in the district and whose application is approved by a majority vote of the council; provided, that any such city or town is within an area which is being urbanized and which adjoins the metropolitan area planning district and has common or related urban planning problems.

The district shall constitute a public body politic and corporate and, if designated by the Secretary of Commerce of the United States, shall be an economic development district in accordance with the provisions of the Public Works and Economic Development Act of 1965.

**Section 27. Mutual exchange of data, etc. between council and other governmental agencies.** 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 twenty-five; provided, however, that no such public authority shall be required to expend any funds for such purposes in contravention of its trust indentures.

**Section 28. Executive committee of council; composition; powers and duties; executive director; staff; technical advisory committees.** There shall be an executive committee which shall be composed of a chairman, who shall be the president of the council, a vice-chairman, who shall be the vice-president of the council, a secretary, who shall be the secretary of the council, and a treasurer, who shall be the treasurer of the council.

In addition, five members shall be elected from the representatives of cities; provided, that one such member elected shall be the representative of the city of Boston; five members shall be elected from representatives of the towns; five members shall be elected from the persons appointed by the governor; five members shall be elected from the ex officio members. In addition, the immediate past president, if a council member, shall serve on the executive committee with full voting rights. Each member of the committee shall serve for a term of one year or until a successor has been duly qualified, except for the immediate past president, who shall serve so long as he remains the immediate past president and a member of the council.

Action taken by the executive committee shall be in the name of and in behalf of the council. The executive committee 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 executive committee shall be responsible for the supervision of the executive director and for the preparation of an annual budget, to be submitted to the council for its consideration, for the disbursements of council funds, and for the performance of such other duties as may be assigned by the council. The members of the executive committee 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 executive committee and shall act for said committee at its direction. The executive director shall not be subject to chapter thirty-one nor to section nine A of chapter thirty.

The executive director, with the approval of the executive committee, shall appoint, and may remove, as members of the staff, such officers and employees as the work of the council may require, who shall not be subject to chapter thirty-one nor to section nine A of chapter thirty.

The executive director, with the approval of the executive committee, may hire temporary or part-time experts or consultants who shall not be subject to the provisions of chapters thirty-one and thirty-two.

The executive committee 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 public authority operating within the district, if permitted by its trust indentures so to do, shall delegate one or more well qualified representatives from his agency to serve on any of said technical advisory committees when so requested by the executive committee.

**Section 29. Inter-agency agreements; expenditures; assessments; gifts, grants, etc.; fund.** The council is authorized to 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 member cities and towns 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; provided, however, that any such assessment on such city or town shall not exceed any per capita amount fixed by the council, from time to time, based on the population of such city or town, exclusive of the number of inmates of institutions therein. Such assessment shall not exceed a sum equivalent to fifteen cents per capita for the fiscal year nineteen hundred and seventy-five. Any increase over a previous year's assessment may only be made by a two-thirds vote of the representatives of cities and towns present and voting at a meeting duly called for the purpose of acting upon such an assessment. The state treasurer shall, subject to the aforesaid limitations, certify the amount to be assessed upon each city and 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. Any amounts paid by a city or town to the state treasurer, as provided in this section, shall be credited on the books of the commonwealth to a fund to be known as the Metropolitan Area Planning Council Fund. The state treasurer shall, upon receipt of any such funds and upon a warrant approved by the executive committee of the council, pay such funds over to the treasurer of said council for the operation of its activities.

**Section 30. Technical assistance center; permitting model; evaluations and reporting; regional planning districts to assist municipalities.** (a) There shall be within each regional planning district created under this chapter or by special act, a technical assistance center for the delivery of coordinated, comprehensive, and continuing technical services to and among local governments for the purpose of expediting permitting.

The board of executive directors of the Massachusetts association of regional planning agencies shall develop a state-wide permitting model that municipalities may adopt. The model processes shall expedite local permitting and zoning consistent with chapter 43D.

The board shall direct each regional planning agency to conduct an evaluation of its member cities' and towns' permitting processes and to report its findings to the board. It shall be the responsibility of each regional planning agency to work under the guidance of the board to assist in the development of a state-wide model. The board shall report to the house and senate committees on ways and means not later than November 1, 2007, on recommendations necessary to implement the state-wide model proposed to effectuate such expedited permitting.

The regional planning districts shall, at the request of a member city or town, provide the city or town services and assistance to: —

- (1) reduce unnecessary delays and create certainty and predictability as well as promote an efficient and timely appeals process;
- (2) create a positive regulatory culture with a bias toward making decisions;
- (3) conduct on-going staff training to address applicant questions;
- (4) select sites for expedited permitting, while identifying potential issues, concerns, or problem areas;
- (5) prepare applications for approval of the sites;
- (6) establish clear criteria for determining the completeness of permit applications;
- (7) update or eliminate conflicting, cumbersome, and redundant permit processes and procedures;
- (8) examine and redraft zoning by-laws to aid in the balanced development of the community; and
- (9) develop plans and incentives for residential and commercial development, while taking steps to mitigate the environmental and transportation impacts of new growth.

(b) A city or town shall not be required to receive technical assistance from a regional planning agency in order to participate in the expedited permitting process, pursuant to chapter 43D.

# **MVPC**

## **Commissioners and Staff**

1. Commissioners and Alternates
2. Committee Assignments
3. Staff
4. Personnel Policies and Practices

## MERRIMACK VALLEY PLANNING COMMISSION

Community	Commissioner	Alternate Commissioner
AMESBURY	Robert LaPlante (March 2018) <a href="mailto:nolaplante@aol.com">nolaplante@aol.com</a> 60 Merrimac Street Unit #909 Amesbury, MA 01913 978-388-8839	VACANT
ANDOVER	Lisa Schwarz (April 2016) <a href="mailto:Lisa.Schwarz@andoverma.us">Lisa.Schwarz@andoverma.us</a> Town of Andover Planning Division 36 Bartlet Street Andover, MA 01810 (w) (978) 623-8310	John J. McDonnell <a href="mailto:jmcdonnell@cetcap.com">jmcdonnell@cetcap.com</a> 4 Cullen Circle Andover, MA 01810
BOXFORD Treasurer	Jim Barnes (Sept 2016) <a href="mailto:jhbarnes1@mac.com">jhbarnes1@mac.com</a> 239 Ipswich Road Boxford, MA 01921 (cell) 978-764-1583	Joe Hill <a href="mailto:jcaldwellhill@aol.com">jcaldwellhill@aol.com</a> 41 High Ridge Road Boxford, MA 01921 (w) 978-887-6000
GEORGETOWN	John Cashell (Feb 2017) <a href="mailto:jcashell@georgetownma.gov">jcashell@georgetownma.gov</a> Town Hall 1 Library Street Georgetown, MA 01833 978-352-5713	VACANT
GROVELAND	Robert Arakelian <a href="mailto:rarakelian@grovelandma.com">rarakelian@grovelandma.com</a> 156 Main Street Groveland, MA 01834 (cell) 978-375-2334	VACANT
HAVERHILL	April Der Boghosian (Sept 2014) 820 Hilldale Ave <a href="mailto:derboghosianlaw@yahoo.com">derboghosianlaw@yahoo.com</a> Haverhill, MA 01832 (h) 978-372-0621 (c) 978-387-5398	William Pillsbury <a href="mailto:wpillsbury@cityofhaverhill.com">wpillsbury@cityofhaverhill.com</a> 4 Summer Street - Haverhill City Hall Haverhill, MA 01830 (w) 978-374-2330
LAWRENCE Chairman	Theresa Park (April 2014) <a href="mailto:tpark@cityoflawrence.com">tpark@cityoflawrence.com</a> Office of Planning and Development 255 Essex Street 3 <sup>rd</sup> Floor Lawrence, MA 01840 (w) 978-620-3501	Abel Vargas (2014) <a href="mailto:AVargas@cityoflawrence.com">AVargas@cityoflawrence.com</a> Business Development Director 200 Common Street Lawrence, MA 01840 (w) 978-620-3014
MERRIMAC	Keith Pollman (Sept 2017) <a href="mailto:keith.pollman@outlook.com">keith.pollman@outlook.com</a> 10 Bartlett Street Merrimac, MA 01860 (cell) 781-983-5273 Fax: 978-384-8244 Mailing: P.O. Box 264 Merrimac MA 01860	VACANT
METHUEN	Rebecca Oldham (March 2018) <a href="mailto:ROldham@ci.methuen.ma.us">ROldham@ci.methuen.ma.us</a> 48 Pamela Lane <a href="mailto:RebeccaLynneOldham@gmail.com">RebeccaLynneOldham@gmail.com</a> Amesbury, MA (w) 978-983-8568 (cell) 978-837-8939	William J. Buckley <a href="mailto:wjbuckley@ci.methuen.ma.us">wjbuckley@ci.methuen.ma.us</a> 41 Pleasant Street Searles Building Methuen, MA 01844 (w) 978-983-8566
NEWBURY	John Weis (Sept 2014) <a href="mailto:johnweis32@comcast.net">johnweis32@comcast.net</a> 3 Blackduck Circle Newbury, MA 01951 (h) 978-358-8074 (cell) 408-515-5869	Martha Taylor <a href="mailto:planningboard@townofnewbury.org">planningboard@townofnewbury.org</a> 25 High Road Newbury, MA 01951 T 978-465-0862, ext. 312
NEWBURYPORT Secretary	Ed Ramsdell, Secretary (2008) <a href="mailto:ed@ramsdell.com">ed@ramsdell.com</a> 32 Kent Street Newburyport, MA 01950 978-462-8616	Bonnie Sontag <a href="mailto:bsontag@comcast.net">bsontag@comcast.net</a> 10 Upland Road Newburyport, MA 01950 978-499-7904
N. ANDOVER	Richard Byers (2009-2016) 2017 <a href="mailto:rjbyers@andoverattorneys.com">rjbyers@andoverattorneys.com</a> 401 Andover Street North Andover, MA 01845 (o) 978-794-7920	VACANT
ROWLEY Vice Chairman	Robert Snow, Treasurer (2006) <a href="mailto:devildog196949@msn.com">devildog196949@msn.com</a> 7 Saunders Lane Rowley, MA 01969 (978) 948-6686	Joe Perry (2013) <a href="mailto:Jjpperry41@gmail.com">Jjpperry41@gmail.com</a> 7 Bennett Hill Rd. Rowley, Ma 01969 978-948-2387
SALISBURY	Lou Masiello (2010) <a href="mailto:Thesummerwind300@comcast.net">Thesummerwind300@comcast.net</a> 300 North End Blvd Salisbury, MA 01952 (978) 465-8741	Jerry Klima <a href="mailto:jerryklima@hotmail.com">jerryklima@hotmail.com</a> 18 Second Street Salisbury, MA 01952 (h) 978-465-5325 (c) 978-465-9562
W. NEWBURY	Brian Murphey (2010) <a href="mailto:brmurphey@comcast.net">brmurphey@comcast.net</a> 6 Hilltop Circle West Newbury, MA 01985 © 978-270-4121	VACANT
REP AT LARGE	Brad Buschur (2012) <a href="mailto:bbuschur@groundworklawrence.org">bbuschur@groundworklawrence.org</a> Groundworks Lawrence 60 Island Street Lawrence, MA 01840 (w) 978-974-0770 x7003	Heather McMann (2012) <a href="mailto:hmcman@groundworklawrence.org">hmcman@groundworklawrence.org</a> Groundwork Lawrence 60 Island Street Lawrence, MA 01840 (w) 978-974-0770 x7009

Updated March 15, 2018

**MVPC**  
**Committee Assignments**

# MERRIMACK VALLEY PLANNING COMMISSION

## Committee Appointments

2018

**Executive (elected officers):**

Theresa Park, Chairwoman  
Robert Snow, Vice Chairman  
Jim Barnes, Treasurer  
Ed Ramsdell, Secretary

**Finance:**

Jim Barnes, Treasurer  
Joe Perry, Commissioner  
Lisa Schwaz, Commissioner  
John Weis, Commissioner

**Personnel Committee:**

Theresa Park, Chairwoman  
Kevin Hagerty, Commissioner

**Legion Condominium Association:**

Karen Conard, Director  
Jim Barnes, Treasurer

**Loan Advisory Committee:**

Karen Conard, Director  
Jim Barnes, Treasurer  
Mike Parquette, Comprehensive Planning Manager  
Tom Mortimer, Pentucket Bank  
Glenn Strauss, Salem Cooperative Bank

**Nominating Committee:**

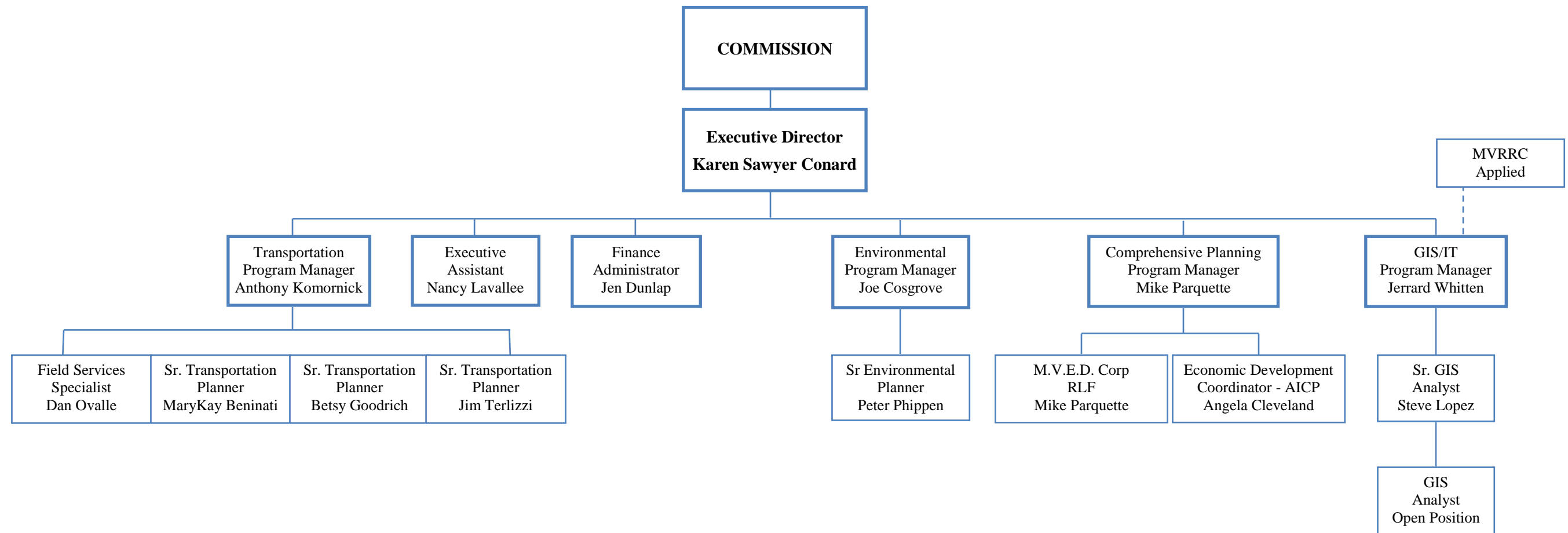
Kevin Hagerty, Commissioner  
Theresa Park, Chairwoman

**MVPC Staff  
Organization Chart**

March 5, 2018

## Merrimack Valley Planning Commission

### Organizational Chart





## MVPC Staff Directory

<u>Name</u>	<u>Title</u>	<u>Ext.</u>
Beninati, MaryKay	Sr. Transportation Planner	22
Cosgrove, Joe	Environmental Program Manager	16
Conard, Karen	Executive Director	12
Dunlap, Jenifer	Finance Administrator	11
Goodrich, Betsy	Sr. Transportation Planner	21
Komornick, Tony	Transportation Program Manager	15
Lavallee, Nancy	Office Administrator	10
Lopez, Steve	Sr. GIS Analyst	19
Ovalle, Daniel	Field Services Specialist	14
Parquette, Mike	Comprehensive Planning Manager and Revolving Loan Fund Program Manager	27
Phippen, Peter	Sr. Environmental Specialist/8 Towns & the Great Marsh	17
Open Position	GIS Analyst	20
Terlizzi, Jim	Transportation Engineer	26
Cleveland, Angela	Economic Development Coordinator, AICP	28
Whitten, Jerrard	GIS/IT Program Manager	18
Conference Room		13

**May 18, 2018**

**MVPC Phone List**



# Personnel Policies and Procedures



As approved at the July 19, 1979 Commission Meeting

Amended 9/12/80  
Amended 5/21/81  
Amended 5/19/83  
Amended 12/15/83  
Amended 3/15/84  
Amended 04/20/06  
Amended 11/21/2013  
Amended 02/20/2014  
Amended 11/19/2015  
Amended 09/21/2017

**Reviewed & Adopted September 21, 2017**



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## MERRIMACK VALLEY PLANNING COMMISSION

### **PERSONNEL POLICIES AND PRACTICES**

#### ***INTRODUCTION***

These policies have been prepared in order to define policies, practices, and benefits for equitable application to all employees of the MVPC. All benefits apply only to permanent, full-time employees unless otherwise specified.

The personnel policies, drawn up through the cooperation of the Personnel Committee and reviewed and accepted by the Commission, shall be reviewed periodically by the Personnel Committee which recommends any additions, deletions, and/or corrections to the Commission. The Commission may amend these policies at any time.

The Commission is responsible for the hiring and continuing employment of the Executive Director. The Executive Director is responsible for administering these personnel policies and practices, including a system of records and reports for accountability to the Commission. The Executive Director shall be responsible for the hiring, training, supervising and discharging of all other employees as authorized by the Commission. The Personnel Committee shall confirm appointments prior to the starting date of the employee on a temporary basis. The full Commission will act on the recommendations of the Personnel Committee at the next regularly scheduled meeting.

From time to time circumstances will arise that go beyond or are not covered by these regulations. It is further recognized that, in practice, a strict interpretation of these regulations could unnecessarily be harmful to an individual staff member, group of staff members, or the Commission. The Executive Director, therefore, is authorized as the only staff person who may interpret these regulations and vary their application at his/her discretion. In cases where internal policy is involved the Executive Director shall, when appropriate, commit such policies to writing, circulate it among present staff, present such internal policy memoranda to the Personnel Committee for their confirmation at the next regularly scheduled Personnel Committee meeting and permanently maintain a log of such memoranda.

## I. CONDITIONS OF EMPLOYMENT

### A. Affirmative Action Plan for Equal Employment Opportunities

The Commission's Affirmative Action Plan for Equal Employment Opportunity, adopted in March of 1979 and amended on September 20, 1979, is hereby made a part of these Personnel Policies and Practices. The plan is reviewed and updated periodically. Refer to page 18.

### B. Application

In applying for a position, all applicants shall provide a completed resume.

### C. Confirmation

The prospective employee shall receive from the Executive Director, a letter including title and description of his/her job, duties and responsibilities, starting salary, and any stipulation pertinent to his/her position not stated in the policies. All new employees are expected to serve with the Agency for a minimum of one year.

### D. Employment Status

1. There are four types of MVPC employment:

Permanent full-time employees- employee who works a full-time week, and who has completed a satisfactory probationary period of employment with the expectation that employment will be continued. This is the only type of employment that creates automatic eligibility for all fringe benefits.

#### Temporary full-time Employee

Employee, who works a full workweek, hired for a limited period of time, not to exceed six months, the duration of which shall be determined by the Commission at the time of employment.

#### Permanent part-time employee

Employee who regularly works at least seven (7) hours a week but less than thirty-five (35) hours per week for a period exceeding six (6) months or more.

#### Temporary part-time employee

Employee who works at least seven (7) hours a week but less than thirty-five (35) hours a week for less than six (6) months.



**I. CONDITIONS OF EMPLOYMENT**(continued)

D. Employment Status (continued)

2. Probationary Period

Prior to the end of the probationary period, the employee will be advised, in writing, whether he/she will be continued as a permanent employee in that position or extend the probationary period for up to 6 months. Copies of all such evaluations and actions will be forwarded immediately to the Personnel Committee, and the employee.

A period of six months shall be considered a probationary period for all newly hired or promoted employees. At the end of this period, the employee will be evaluated by the Executive Director to determine his/her abilities for continued employment in that position. Prior to the end of the probationary period, the employee will be advised, in writing, whether he/she will be continued as a permanent employee in that position. Copies of all such evaluations and actions will be forwarded immediately to the Personnel Committee, and the employee.

All personnel policies shall apply to newly hire probationary employees except they shall not be eligible for earned vacation or for benefits requiring a waiting period. Following satisfactory completion of the probationary period all employee benefits shall accrue from the date of initial employment and the period of probation shall be credited toward the employment length of service.

3. Continuity of Service

The use of sick leave, vacation time or leaves of absence (as defined in these policies) shall not be construed as interrupting continuous service.

E. Outside Activity

Employees shall not use MVPC equipment, work time or work space to conduct non-MVPC business activity or to pursue on work time a personal objective that is not consistent with MVPC practices and policies. Minor use of such items, such as to “touch base” with home or family, is allowed. Use of such items for one’s own training, knowledge expansion, or skill development may be allowed or even encouraged provided it is concurred with by the Executive Director.

Employees shall not invoke one’s MVPC title, authority or position to imply that they are representing the MVPC on a matter in which MVPC has not taken a concurring position.

Employees wishing to run for Mayor or the Board of Selectmen in a community within MVPC’s region may do so, but shall be required to take a leave of absence commencing no later than the date upon which any such employee becomes an official candidate by having nomination papers certified by the City/Town Clerk's Office and/or the municipal Board of Registrars of Voters, as applicable. See section D of these Personnel Policies for details relative to the taking of leaves of absences. If successfully elected, said election shall operate as a resignation from employment with the Commission. Any such employee wishing to run for elected public office of any type in a community with MVPC’s region

**I. CONDITIONS OF EMPLOYMENT (continued)**

**E. Outside Activity (continued)**

shall provide written notice of their intention to do so to the Executive Director at least 10 calendar days prior to taking out nomination papers for any such elected public office; in addition, such employees shall sign and submit Executive Director the appropriate personnel forms developed from time to time to deal with the circumstance. For any non-elected public office, employees may accept appointment to a municipal office which is appointed (as contrasted to elected public office) such as planning or community development boards, conservation commissions, public health boards, and the like of a community within MVPC's region subject to the approval of the Executive Director; such employees shall provide written notice of their intention to do so to the Executive Director at least 10 calendar days prior to submitting their names for consideration to be so appointed. However, employees are prohibited from serving as a Commissioner or an Alternate to MVPC and the employee shall excuse themselves from any discussions or actions that are inconsistent or in conflict with established MVPC policies adopted by the Commissioners and shall abide by all Conflict of Interest provisions of Section X of these Personnel Policies.

Employees shall not conduct personal business practices within the region in a field in which MVPC may be directly involved without the approval of the Executive Director.

Employees shall disclose to the Executive Director any non-MVPC employment, self-employment or otherwise, so that the employee's supervisor may be aware of the employee's ready availability to meet MVPC work responsibilities.

**II. HOURS OF WORK AND LEAVES**

**A. Staggered Work Schedule**

The Commission's offices shall be open from 8:30 a.m. to 4:30 p.m., Monday through Friday, with the exception of holidays listed below. In cases of extreme weather or unforeseen extreme circumstances, the Executive Director may either close the office or provide a skeleton staff.

The normal work week for a full-time employee is thirty-five (35) working hours. With concurrence by the Executive Director, an employee can satisfy the 35-hour requirement by working either a four-day work week (Monday through Thursday) or a five-day work week (Monday through Friday). If a holiday should occur during a week, a four-day work schedule cannot be condensed to three days.

With the approval of the Executive Director, an employee may work less than the standard seven-hour work day provided the required 35 hours per week are given and a core work period of 9:30 a.m. to 2:30 p.m. is maintained.

On a case-by-case basis the Executive Director or may consider a written request from an employee to spend a designated portion of his or her time working from offsite on specifically approved projects. The granting of any such request shall be at the sole

## II. HOURS OF WORK AND LEAVES (continued)

### A. Staggered Work Schedule (continued)

discretion of the Executive Director. If granted the employee is responsible for maintaining availability, appropriate levels of production and quality of work while telecommuting. The direct supervisor will use the MVPC personnel evaluation system to define the performance expectations of the employee. Specific tasks, timelines, performance measures and deliverables should be clearly identified before beginning telecommuting. The supervisor and employee will evaluate the use of telecommuting on the employee's annual performance evaluation review date. If necessary the supervisor will amend or modify the employee's performance plan at that time.

The benefits of a staggered work schedule and flextime may be enjoyed by employees, as is the responsibility to attempt to use flextime to offset leave time with flextime work hours. The Executive Director, pending unusual work or scheduling circumstances, may require employees to alter their schedule or to work additional time in excess of their normal working period.

For bookkeeping purposes, all leave time earned or used will be based on the standard seven-hour workday.

### B. Lunch

All employees shall take a one-hour, non-paid lunch. Exceptions to this rule shall be at the discretion of the Executive Director.

### C. Holidays

The office will be closed and all permanent full-time employees, temporary full-time employees, and permanent part-time employees, (in this instance, the pro-rated hours will be used) will receive paid holidays as follows:

New Year's Day	Labor Day
Martin Luther King Day	Columbus Day
Washington's Birthday	Veteran's Day
Patriot's Day	Thanksgiving
Memorial Day	Day After Thanksgiving
Independence Day	Christmas Day

### D. Leave of Absence

The Executive Director, at his/her discretion, may grant a leave of absence without pay, not to exceed one working week. For periods of longer than one week, the employee shall submit a written request to the Personnel Committee, which may grant a leave of absence for periods longer than one week.

## II. HOURS OF WORK AND LEAVES (continued)

### 1. Maternity Leave

Up to eight (8) week's leave without pay will be granted upon request for a female employee's pregnancy/delivery. At the discretion of that employee, accrued vacation and/or compensatory time may be used as an extension or instead of leave without pay. The Personnel Committee may allow up to an additional twelve (12) weeks leave during which the employee would be entitled to return to the full rights of her previous position. The employee shall give ample written notice, two weeks minimum barring emergency, of the planned leave and the expected date of return.

Up to two (2) weeks of sick time may be used related to her delivery. A doctor's certification maybe requested of the employee if it appears the pregnancy is interfering with the employee's ability to perform her job or to return to work, or if health conditions indicate the need to use more than two weeks of sick time.

### 1. Family Leave

Up to twelve (12) weeks leave without pay may be granted by the Personnel Committee for life or health related family leave pertaining to an immediate relative as defined in II.1 without the loss of rights applicable to the position. At the discretion of the employee, accrued vacation and/or compensatory time may be used as an extension or instead of leave without pay. The employee shall give ample written notice, barring emergency, of the planned leave and the expected date of return.

## E. Staff Development

The Commission encourages staff development and will seek to provide opportunities for individual development of employees through supervision, in-service training, staff meetings, attendance at special training programs, conferences and workshops within the limits of the budget and the work schedule of the Commission.

### 1. Conferences and Workshops

Time off with pay may be allowed for attendance at short-term conferences and institutes with the authorization of the Executive Director. Where attendance is in the interest of the agency, and where finances permit, staff may be reimbursed in full or in part, for expenses incurred within the guidelines of this policy.

### 2. Educational Leave

Leaves, for professional study or to take a course, in a job-related field may be arranged with the authorization of the Personnel Committee. Employees are expected to take such courses during their own hours or to use flextime if the course occurs during the day. Under unusual circumstances an employee may be granted paid leave, and then only up to one hour per week per course credit to a maximum of three hours per week. At the discretion of the Personnel Committee and the Commission, the cost of all or part of the course fee may be paid for in lieu of leave time.

## II. HOURS OF WORK AND LEAVES (continued)

### D. Staff Development (continued)

#### 3. Interim Positions

In keeping with the Commission's objective to promote from within whenever possible, the Executive Director may appoint an employee to a position for which he/she does not have the full qualifications. This position shall be considered as interim, and shall be regarded as a trial of the person's ability to fulfill the duties and responsibilities of the job description. It should be clearly understood that interim positions may not have the full job authority and/or responsibility of the permanent position.

At no point shall an employee in an interim position receive more than the minimum salary for that position. Recommendations for increases in salaries are at the discretion of the Executive Director and may remain in effect only as long as the employee remains in the interim position. Should the employee be made a permanent employee in that position, he/she will be entitled to at least the minimum salary of that position.

Appointment to an interim position is contingent upon the employee guaranteeing, in writing, to pursue whatever course of action is necessary to become qualified. Violation of the guarantee may mean immediate demotion to the previous position's pay scale and title.

The interim employee should understand that actual promotion to the full title shall not take place until he/she meets the full qualifications of the position.

After a probationary period of six (6) months is served, an evaluation of the employee's performance shall be conducted. At that time, the employee shall either be returned to his/her previous position or retained in the interim position until all the qualifications of the position are met. Depending upon merit, the Executive Director may recommend a salary increase.

### F. Jury Duty

A permanent full-time employee summoned to jury duty or as a material witness will be excused from work for the time required to perform such duty. The Commission will reimburse the difference between the employee's normal salary and the expenses paid for such duty.

### G. Military Leave

A full-time employee who, as a member of the U.S. Military Reserves is required to serve on active military duty, attends summer camp, or is mobilized during an emergency shall, for a period of not more than two (2) weeks, be reimbursed the difference between the reserve pay and normal salary.

An employee entering or activated into regular military service or reserves will be provided a leave of absence as required by Federal laws. If an employee applies within ninety (90) days after honorable discharge from military service, he/she will be rehired with the full rights of his/her position.

#### H. Personal Leave

Up to twenty-one (21) paid hours shall be granted, in one calendar year for personal business. There shall be no accrual of personal time.

#### I. Bereavement

Up to three (3) paid days shall be granted in case of bereavement of the following relations: Father, Mother, Father-in-law, Mother-in-law, Brother, Sister, Brother-in-law, Sister-in-law, Spouse, and Children. In the case of others not specified above, time may be granted up to three (3) days at the discretion of the Executive Director. If additional days are necessary the employee may charge time off to compensatory time, vacation or personal leave, or the employee may take time off without compensation.

### **III. WAGES, SALARIES AND REIMBURSEMENT OF EXPENSES**

#### A. Pay Periods

Employees will be paid bi-weekly.

#### B. Evaluations and Annual Reviews

Evaluations of performance of staff members shall be conducted by the Executive Director each year and said evaluations presented in November to the Personnel Committee for an annual salary review. The Executive Director shall use evaluation criteria which addresses an employee's quality and quantity of work, attitude, supervisory ability where applicable and other pertinent information for the period of work since the last annual review. The Executive Director shall keep up-to-date files on all employees and shall make them available to the Personnel Committee at their request.

Merit Raises -When it has been determined by the Executive Director that an employee of the agency has performed his/her duties in an exceptional manner, a non-annual merit raise maybe recommended. It should be understood that such action is a reward for past performance and no probationary period is necessarily attached. Merit raises shall be given rarely, and if given in no case shall a merit raise be tied in to the setting and/or determination of any future raises.

#### C. Promotions

Promotions will be based on merit. Whenever a position becomes vacant, all employees qualified will be considered along with other applicants for that position. Unless extraordinary circumstances subsequently arise, all newly promoted employees are expected to serve with the agency for a minimum of a year from the date of promotion.

When an individual is promoted within the agency, the individual's salary shall be immediately raised to at least the minimum salary level of the new position. The subsequent annual salary review shall be based proportionately on both the old and new salary and on performance.

### **III. WAGES, SALARIES AND REIMBURSEMENT OF EXPENSES (continued)**

#### **D. Deductions**

Deductions from employees pay will be made as required by the Federal and State laws for income taxes, retirement, as well as for the employees share of the cost of any fringe benefit-

After twenty years' service, employees may elect to receive part or all of the vacation hours earned for a payroll period as compensation within the regular bi-weekly payroll at the employee's current hourly salary rate. This shall be a one-time prospective election for a constant level of paid vacation hours over a continuous period not to exceed 20 months. During said period at least two weeks' vacation time off must be taken by an employee exercising this provision.

MVPC authorizes a long-term tax-deferred type savings plan (a "400" or similar plan) for its employees. Employees may elect to contribute to the plan by (1) payroll withholdings and/or by (2) direct deposit of up to one-half of the value of total vacation time which may have been earned or of amounts otherwise authorized by the Personnel Committee, provided an employee's vacation accrual level has been at least three weeks a year.

Employee participation is authorized in the State "457" deferred compensation plan and others as appropriate.

#### **E. Reimbursable Expenses**

1. The Commission will defray the meeting travel expenses of its duly appointed Members, Commissioners, Alternates, staff, and at the Executive Director's discretion, invited guests.
2. The purpose of a trip and those who attend shall be approved by the Commission before any expenses are incurred, except for costs of less than \$100 or normal business appointments within the six New England states. All business trips out of the region by a member of the staff must have the authorization of the Executive Director. If time does not permit prior Commission approval of travel expenses of more than \$100 or travel out of New England, the Executive Director may authorize such costs after conferring with the Treasurer or Chairman of the Commission.
3. Expenses to be paid by the Commission shall be limited to the actual costs (including a gratuity, if applicable) of coach transportation on scheduled carriers, taxi or limousine fares, registration or attendance fees, hotel or motel room charges, telephone charges, and meals within the limits hereinafter established.
4. With respect to meals, the Commission will pay the lesser of the expense of traveling from a person's home to the MVPC offices and back or a meal near the office when a night meeting is attended in the region. The Commission will pay for both mileage and reasonable expenses for meals attendant to a meeting outside the region.
5. In the event that transportation is provided in a privately-owned automobile, the Commission will reimburse the owner at the current full mileage rate for compact cars as approved by the Commission, and in addition, such parking fees and tolls as are incurred.

### **III. WAGES, SALARIES AND REIMBURSEMENT OF EXPENSES (continued)**

#### **E. Reimbursable Expenses (continued)**

The DPU Milo-Guide will be used when odometer readings are not provided. The Commission shall not, however, pay for parking fines. The Commission encourages the use of public transportation.

The Commission will pay the travel expenses of each employee when that employee travels from his/her home to a worksite other than the offices of the Commission, but only that portion of the mileage which is in excess of the travel distance from that person's home to the office and back home. The Commission will compensate each employee in full for any trips, which originate from this office, and return to the office. One telephone call per day made to home while an employee is on an extended business trip will be reimbursed.

6. In so far as possible, expenses shall be billed directly to the Commission.
7. Expenses not billed directly to the Commission will be reimbursed upon presentation of a voucher accompanied by receipts or a full explanation of the nature of the expense (i.e., person called, purpose of call, origin and destination of taxi rides, etc.).
8. The Commission will not generally pay for staff membership in professional organizations unless it requires such memberships.

#### **F. Reporting of Time Worked**

Each employee will be required to submit weekly on a form provided a listing of all times charged that week. This listing shall include extra hours for which over time or compensatory time will later be requested. This listing will also include sick days, vacation days, personal time, and any other deviation from the normal workweek. The Director shall be responsible for approving said timesheets and keeping appropriate records, which will be presented to the Personnel Committee on request.

#### **G. Political Activities**

Agency funds may not be expended for nor may personnel engage in the conduct of political activities in contravention of Chapter 15 of Title 5, United State Code (Hatch Act).

### **IV. FRINGE BENEFITS**

#### **A. Workmen's Compensation**

All employees are covered by Workmen's Compensation and must report to the Executive Director all accidents incurred during performance of their job as soon after the accident as possible.

If an employee is receiving workmen's compensation payments while on sick leave, payments for sick leave shall be limited to the difference between the amounts of such workmen's compensation payments and employee's regular rate. In this case, the Director



**IV. FRINGE BENEFITS** (continued)

A. Workmen's Compensation (continued)

shall prorate the employee's sick leave accrual by the time covered by workmen's compensation rather than his/her sick leave.

B. Commonwealth of Massachusetts Retirement System

The Staff of the Commission are, bylaw, members of the State Retirement System upon hire. The employee must contribute the specified percentage required by the State of his/her gross salary to this plan.

C. Hospitalization and Medical Expenses

The Commission is a member of the Group Insurance Commission (GIC) administered by the Commonwealth of Massachusetts. All benefits offered through the GIC are available to MVPC qualified employees subject to the terms and conditions of the GIC. These benefits include health insurance for active and retired employees, dental insurance, long-term disability insurance, and life insurance. Employees who are members of the Group Medical Insurance Policy and who are on approved leaves of absence may elect to remain on the Group by contributing 100% of the medical insurance policy cost.

D. Unemployment Compensation

The Commission participates in the State and Federal FUTA Programs.

E. Sick Leave

1. Sick leave is a form of insurance an employee has so that the employee will not suffer loss of income because of reasonable periods of illness. It is not to be considered as earned vacation.
2. Permanent full-time employees are entitled to eighty-four hours of sick leave per year with pay, accumulated at a rate of seven (7) hours per month of employment or 1.38 hours per 30 hours worked. Permanent part-time employees with a fixed, hourly schedule shall be entitled to sick leave prorated on the basis of hours worked in relation to hours of work of full time employees.
3. The taking of any sick leave in excess of twenty-one (21) consecutive work hours should be accompanied by a doctor's certificate.
4. Any employee who abuses sick leave privileges shall be subject to suspension without pay for at twenty-one (21) hour work period; continued abuse shall result in termination. Examples of abuse are taking sick leave as vacation time or clear patterns of use (i.e., Mondays and/or Fridays before or after a vacation or holiday).
5. Any employee who finds it necessary to be absent from work because of illness, or any other reason, shall notify the office in advance if possible, preferably within one hour of the beginning of the workday.

#### IV. **FRINGE BENEFITS** (continued)

##### F. Vacation

1. Vacation leave is earned by the employee through service to the Commission and is considered as part of his/her compensation.

Vacation leave is earned at the rate of 6 hours per month, with an additional 1/2 hour monthly for each year of service up to a maximum of 12 hours per month.

Should a full-time intern subsequently be hired by the Commission, earned vacation will be calculated from the date of initial employment.

2. Vacation schedule shall be determined by the Executive Director with due regard to the pressure of work and the maintenance of operations. Insofar as possible, date of vacation shall be made on the basis of employee preference rotated from year to year. All vacation requests must have prior, written approval by the Executive Director.
3. In the interests of health and efficiency, employees are encouraged to take the full vacation to which they are entitled. No more than 210 hours of vacation may be accumulated and carried into a new Fiscal Year, without approval of the Executive Director and the Personnel Committee. Accrued vacation shall be paid upon termination of employment, provided adequate notice is given and the probationary period has expired.
4. Permanent part-time employees shall be entitled to vacation pay pro-rated on the basis of hours worked in relation to hours of work of full-time employees.
5. Vacation pay will be paid in advance for a two-week period only, if a regular pay period falls within the period of time the employee is on vacation. The Executive Director must have prior notice of this instance. The Personnel Committee may allow lump sum payment of up to eight weeks of accrued vacation time and two weeks of accrued compensatory time for the first-time purchase of a dwelling unit, provided it is within the region, or for meeting extraordinary tuition expenses of children or spouse.

#### V. **COMPENSATORY TIME**

##### A. Overtime

When at the discretion of the Executive Director and the Finance Committee, sufficient funds are available; overtime will be paid to employees paid below the level of Planner. Should such funds not be available, these employees will be compensated for overtime work with compensatory time. All employees paid at/or above the level of Planner shall be paid overtime work with compensatory time as governed by these policies.

B. Compensatory Time

1. The following policies for compensatory time shall apply to all employees:
  - a. Compensatory time, in any form, may be earned only by the express consent of the Executive Director.
  - b. Compensatory time may be taken only with prior approval of the immediate supervisor and the Executive Director.
  - c. If an employee ceases work for the Commission for any reason he/she shall be paid for unused compensatory time provided VI.B.1. is satisfied.

C. Earning Compensatory Time

1. Employees may be required, at the discretion of the Executive Director, to attend regular or special Commission Meetings without earning compensatory time.
2. All employees, with the exception noted above, paid below the level of Planner, earn compensatory time for overtime work in excess of thirty-five (35) hours per week on an hour for hour basis for the first five (5) hours, and an hour and a half (1 1/2) for every hour thereafter.
3. Planners and Senior Planners earn compensatory time for attending all meetings except regular and special Commission meetings. They also earn compensatory time for overtime work in excess of 37 1/2 hours per week on an hour-for-hour basis.
4. Program Managers earn compensatory time for attending all meetings, except regular and special Commission meetings. They also earn compensatory time for overtime work in excess of forty (40) hours per week on an hour-for-hour basis.
5. The Executive Director earns compensatory time for attending all meetings, except regular and special Commission meetings. Non-meeting overtime is not compensatory.
6. Technical Specialists shall be treated as Senior Planners for compensatory time purposes only.
7. When the 35-hour workweek has been completed in four days and a daytime meeting is attended on the remaining weekday, up to 5 work hours on that day must be charged to the requirements to earn compensatory time.

**VI. TERMINATION OF EMPLOYMENT**

A. Duration of Employment

Continued employment by the Commission is subject to satisfactory performance of responsibilities on the part of the employees, the availability of funds, and the staffing requirements of the Commission. Employment may be terminated for the reasons noted subsequently.

## **VI. TERMINATION OF EMPLOYMENT (continued)**

### 1. Retrenchment

Retrenchment refers to necessary reduction in staff by virtue of reduced financial resources.

### 2. Reorganization

Reorganization refers to a change in the work program of the Commission, which results in the elimination of certain positions and the necessity of employing staff with different qualifications.

### 3. Unsatisfactory Performance

- a. Frequent absence from work or neglect of responsibilities.
- b. Unsatisfactory performance of duties, such as inadequate work or work habits, uncooperativeness or poor attitude.

### 4. Other

- a. Dishonesty or falsification of information given in personnel record of application for employment.
- b. Obtaining and misusing confidential information.
- c. Disruptive behavior.
- d. Gross insubordination - examples of gross insubordination include but are not limited to such occurrences as refusing to follow the orders of a superior and being rude to a superior, Commissioner, or the general public, etc., without extenuating circumstances.
- e. For reasons, which, in the opinion of the Executive Director, may cause harm to the effective operation of the Commission

## **B. Notice of Termination**

### 1. By Employees

- a. All employees are expected to be professionally responsible by giving enough termination notice that the carrying out and/or completion of their assigned tasks are not jeopardized. Generally, persons paid below the level of planner shall give a notice of ten days of actual work, while all others shall give a notice of 20 days of actual work. The Executive Director may decide that the carrying out and/or completion of tasks is not jeopardized by allowing for a shorter termination period.
- b. In any case, termination notice periods should be adequate to allow for the orderly and timely transition of work assignments. Termination notices shall be in writing.
- c. Failure of an employee to give timely notice of desire to terminate employment may result in forfeiture of all or part of any earned leave and last paycheck.

## **VI. TERMINATION OF EMPLOYMENT (continued)**

### **B. Notice of Termination (continued)**

- d. To facilitate a smooth transition in Commission operations, an employee leaving Commission employment with twenty years of service or more shall receive a salary increase of one-percent cumulative for each month of notice given up to a maximum of six percent per month for six months' notice. This provision shall not be available in tandem with any special early retirement benefit. Any reversion of the intended separation date or subsequent employment by the Commission shall result in a corresponding reduction in salary equal to the increase given under this provision.

### **2. By the Commission**

- a. The Commission will give notice of termination of employment in the same manner, as employees are required to give notice to the Commission as in VI.B.1. above. When the Executive Director, with the concurrence of the Chairman, considers it in the best interests of the Commission, employees may be relieved of their duties immediately and pay covering the required period of notification of termination shall be given in lieu of notice.
- b. If discharge of an employee is contemplated for any of the reasons classified as "unsatisfactory performance," the employee shall be given a period of one month to correct the conditions which make his/her retention questionable and to improve his/her performance. Failing to correct them, employment may be terminated without additional warning or notice.
- c. In order to calculate termination pay accurately, there will be a one-week delay in payment for services.
- d. When the Commission terminates employment of an employee for a purpose other than poor performance, the Commission will provide two weeks of severance pay for each five years of service. This benefit can be prorated for any length of service greater than five years.

## **VII. GRIEVANCE PROCEDURES**

When an individual feels aggrieved, the employee should discuss the problem first with the employee's immediate supervisor. If the employee is not satisfied with the answer or solution, the employee should so indicate to his/her supervisor and request a conference with the Executive Director with the knowledge of the supervisor. The employee may discuss the problem privately with the Executive Director or may request the supervisor be present, or may ask the supervisor to speak for him/her when the problem is such that the supervisor cannot effect any change.

If the employee is still not satisfied after meeting with the Executive Director, he/she may request in writing, with the knowledge of the Executive Director, and shall be granted within 30 days of such request a meeting with the Personnel Committee. An aggrieved employee may further appeal the decision of the Personnel Committee in the following manner:

## **VII. GRIEVANCE PROCEDURES (continued)**

- a. A written notice of intent to appeal shall be presented by the aggrieved employee to the Chairperson of the Personnel Committee. The Chairperson of the Personnel Committee shall present the appeal at the next full Commission meeting after a 14-day review period.
- b. The Commission meeting may be held in executive session. Before the issue is reviewed by either the Personnel Committee or the Commission, a written statement of facts, issues, and arguments shall be prepared by the aggrieved employee, the supervisor, and the Executive Director.
- c. Reasonable variations in this procedure may be made depending on the urgency of the situation, but in no case shall any employee, other than the Executive Director, have any direct or indirect recourse to any member of the Commission or its committees without prior written notice to the Executive Director.

All employees are warned that the Commission will not entertain frivolous grievances. Abuse of the grievance mechanisms may lead to punishment up to and including suspension without pay for a period not to exceed two weeks. Consistent abuse may lead to termination at the discretion of the Commission.

## **VIII. SALARY REVIEW**

### **A. Salary Review**

Raises may be considered at least annually and shall be based upon each individual's performance. Reward for performance may take the form of added salary and/or, if acceptable to both the Personnel Committee and employee, comparable benefits.

### **B. Technical Specialists**

From time to time it may become necessary to hire Technical Specialists who because of their special expertise require a salary not commensurate with other employees of the Commission. The Commission will not entertain any grievance related to such hiring.

### **C. Acting Position**

From time to time it may become necessary to assign a current staff person to an acting position. For purposes of interpretation, an acting position is a position, which is temporary in nature, and does not necessarily lead to promotion. An acting position shall entail the assignment of job responsibilities and duties beyond those of the position the staff person currently occupies.

The Executive Director may recommend an increase in salary at the time of assignment. After the staff person has held the acting position for ninety (90) days, the Executive Director shall conduct a formal evaluation of performance. If this review results in a recommendation of a salary increase, that increase may be retroactive to the initial date of assignment to the acting position.

Any salary increase shall be for the duration of the acting position.

### **Funding Plan For MVPC Retiree Health Insurance**

The Commission has developed a conservative policy for retiree health insurance that requires retirees to make a substantial regular payment toward the premium. Following is a funding plan by which MVPC, as employer, will be able to contribute its share toward premium costs.

- A. “Proactively” fund the benefit by setting aside adequate funds as the benefit liability is accrued (the “transaction”) rather than when insurance costs are paid out.
- B. Gather demographic and cost data to ensure a reasonable and balanced funding forecast based specifically on MVPC’s actual profile. Evaluate the applicability of the “simplified” actuarial system for small (less than 100 employees) organizations now being developed nationally. Periodically (possibly every three years) review the statistics and make needed adjustments to the funding plan.
- C. Because MVPC has some staff with considerable tenure, but has not yet accrued any funds for this benefit, it is prudent to establish a significant “start-up” fund. It is proposed that an initial investment of \$100,000 be obtained from MVPC’s Fund Balance over two to three years while maintaining a Fund Balance base of \$250,000. To the degree possible, this funding should be recaptured by MVPC through its indirect rate by amortization over 25 years. \*In addition, a regular payroll contribution should be added to the fund as the ongoing contribution and included in MVPC’s indirect cost rate. The funding plan and contributions shall commence January 2003. Interest from the start-up and ongoing contributions shall accrue to the funding plan. The ongoing funding shall be reviewed at least every three years for its adequacy and adjusted appropriately. In the future the MVPC and its entities may wish to consider additional or alternative funding opportunities that may arise, such as when the building mortgage is retired and rental income becomes available to be earmarked for new purposes. \*(revised 2/20/14)
- D. Initially MVPC should place these funds in a separate accounting line item in its books. As soon as reasonably possible, these funds shall be placed in an “arm’s length” trust such as with the International City Managers Association (ICMA) or such similar entity as may be available within the Commonwealth. These funds shall be invested consistent with practices typical of both long-term investment and maintaining principal, but no less than 50% invested in government/fixed income securities type investment.

# EQUAL EMPLOYMENT OPPORTUNITY AFFIRMATIVE ACTION POLICY STATEMENT AND PLAN



## **MERRIMACK VALLEY PLANNING COMMISSION STATE FISCAL YEAR 2018**

As Approved by the Commission - February 18, 2016

Updated – May 18, 2017

Updated – May 17, 2018





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[mvpc.org](http://mvpc.org)

**I have received, reviewed, and understood the MVPC's Equal Employment Opportunity/Affirmative Action Policy Statement and Plan.**

**Employee Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

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Disclaimer

The MVPC reserves the right to amend this document without prior notice.

**MVPC/MVMPO List of Commonly Used Acronyms  
Updated August 2015**

**Massachusetts Executive Orders**

EO	418	Production of affordable housing across a broad range of incomes
EO	526	Nondiscrimination, Diversity, Equal Employment Opportunity and Affirmative Action
EO	12898	Environmental Justice in Minority and Low Income Populations, February 1994
EO	13166	Improving Access to Programs (and Services) for persons with limited English Proficiency

**Massachusetts General Laws**

M.G.L.	21E	Environmental Site Assessments
M.G.L.	30B	Uniform Procurement Law for Municipal Governments
M.G.L.	40A	Zoning Enabling Act
	40B	Planning/Comprehensive Permits
M.G.L.	40R	Smart Growth Zoning and Housing Production
M.G.L.	40S	Smart Growth School Cost Reimbursement
M.G.L.	41, Sections 81 K-8 1	Subdivision Controls
M.G.L.	43D	Expedited Permitting
M.G.L.	90, Section 34	Local Aid to Massachusetts Municipalities
M.G.L.	161B	Authorization for the Establishment of Regional Transit Authorities

## **1. Policy Statement**

It is a Merrimack Valley Planning Commission (MVPC) policy to not discriminate against any employee or applicant for employment because of age, children, citizenship, color, creed, disability, gender identity or expression, genetics, marital status, military status (including active, reserve, veteran), national origin, race, receipt of public assistance, religion, or sexual orientation.

Accordingly, the MVPC shall:

- promote Equal Employment Opportunity ("EEO") among those who seek employment with MVPC
- provide equal advancement opportunity for MVPC employees, to promote from within whenever possible
- make concerted efforts to ensure that MVPC staffing is representative of the region's racial and ethnic diversity
- take steps to insure realization of equal employment opportunity in all of MVPC's affairs and in those organizations doing business with the MVPC
- comply with all Commonwealth and Federal Laws relating to EEO and Affirmative Action ("AA").

The MVPC is committed to the practice of equal employment opportunity in all personnel matters, including, but not limited to: recruitment, hiring, training, promotion, demotion or transfer, termination, disciplinary actions, compensation, benefits, and layoffs.

Any contracts that the MVPC enters into shall include an article prohibiting discriminatory employment practices by contractors, subcontractors and suppliers of goods or services based on race, creed, sex, age, color, religion, national origin, sexual orientation, genetics, marital status, veterans status, military status or disability. The non-discrimination article shall include a provision requiring contractors and suppliers of goods or services to give written notice of their commitments under this article to any labor union, association, or brotherhood with which they have collective bargaining or other agreement. Such notice shall also be given to minority, disabled, and women contractors and minority, women and disabled contractor associations. The MVPC shall make every effort to solicit goods and services from minority and women-owned business enterprises directly and shall require contractors

and subcontractors to do the same. Such solicitation shall refer to and utilize an appropriate listing of minority business enterprises.

The MVPC shall make a good faith effort to amend or alter existing or future MVPC contractors' collective bargaining agreements if any to include provisions necessary to carry out, pursuant to Federal and State Law regulations, affirmative action mechanisms for equal employment, and the elimination of discrimination.

Under federal law, companies (or agencies) with fifteen (15) or more employees are covered by Title VII, the primary law prohibiting employment discrimination, the Americans with Disabilities Act, which prohibits discrimination on the basis of disability, and the Genetic Information Nondiscrimination Act, which prohibits discrimination based on genetic information. In Massachusetts, any company (or agency) with six or more employees is subject to the state's antidiscrimination law (M.G.L. Chapter 151B).

## **2. Plan Implementation**

The MVPC Executive Director is responsible for ensuring that the MVPC complies with Federal and Commonwealth equal employment opportunity and affirmative action policies. Responsibilities include:

- directing agency-wide efforts to achieve equal employment opportunities, supervising and coordinating such efforts in all departments
- communicating the MVPC EEO policy to employees, prospective employees, and the general public
- assessing the effectiveness of the MVPC's AA policies and programs, identifying obstacles to achieving employment diversity goals, and developing strategies to overcome those obstacles
- updating the MVPC AA Plan every five years
- serving as a liaison for Civil Rights Compliance activities at the appropriate Federal, Commonwealth, and municipal agencies
- assuring that adequate Notices of MVPC activities, employment opportunities and third-party contracts are distributed to the public and to representatives of minority groups and organizations in the MVPC region. Such Notices shall be given in such form and in such language, as shall assure maximum coverage across the MVPC region, and will include one or

more newspapers of general record, subject to available funding. The MVPC posts Notices in the following media:

- The Boston Globe
  - The Eagle Tribune/Daily News of Newburyport
  - Rumbo News (region's most widely circulated weekly newspaper printed in both English and Spanish)
  - Haverhill Gazette
  - Monster.com
  - American Planning Association (MA Chapter) monthly newsletter (for Professional Positions)
  - The GIS Jobs Clearinghouse
- MVPC reserves the right to amend the list without prior notice.
  - actively encouraging members of minorities and minority businesses to apply for or bid on MVPC employment opportunities and contracts (see State Office of Minority & Woman-Owned Business Assistance (SOMWBA) information)
  - assuring that appropriate language with regard to equal employment opportunity and affirmative action requirements is included in all invitations to bid and in all contracts to which MVPC is a party
  - monitoring MVPC recruitment, employment and complaint and appeal procedures.

### **3. Plan Dissemination**

The MVPC Executive Director is responsible for the following internal dissemination efforts relative to the MVPC Equal Employment Policy/Affirmative Action Plan ("Plan").

- the Plan is provided to all existing and new employees in electronic format. In addition, the Plan is made available to all employees on MVPC's intranet site
- a copy of the updated Plan is provided to all employees on an annual basis
- an Equal Employment Opportunity (EEO) Poster is prominently displayed at the MVPC Office

The MVPC Executive Director will also ensure:

- the posting of the Plan on the MVPC website and the provision of Plans in hard copy format to anyone who requests it
- the inclusion of an equal employment opportunity “tag line” on all job announcements and media announcements for employment, and
- the dissemination of information on job openings to women and minority audiences through the appropriate placement of notices of job openings in the locations and media sources listed



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Karen Conard, MVPC Executive Director

Date: April 19, 2018

#### **4. Workforce Utilization and Analysis**

MVPC is a region-wide planning agency created to carry out comprehensive regional planning in fifteen contiguous communities. The MVPC relies on an interdisciplinary staff to undertake its planning activities. Planning activities include transit, transportation, land use, zoning, environmental, housing, community development, energy, economic development, and Geographic Information Systems. Consequently, a majority of the MVPC's positions are filled by individuals with highly specialized knowledge and skills.

Definitions relevant to the MVPC workforce:

1. **Affirmation Action ("AA")** – a comprehensive effort to:
  - a. identify all barriers in the hiring process that impact on the ability of applicants and employees to reach their full employment potential without regard to race, color, religion, national origin, gender identity or expression, age, disability, military or veteran's status or other extraneous, non-job-related factors
  - b. eliminate all such barriers in a timely manner
  - c. undertake whatever special efforts and programs are needed to accelerate the process of barrier removal
2. **Bona Fide Occupational Qualifications** – an exception contained in Title VII of the Civil Rights Act of 1965 that permits an employer to hire on the basis of religion, sex or national origin (and by extension, physical or mental capacity) "where religion, sex or national origin is reasonably necessary to the normal operation of the particular business or enterprise" (e.g. hiring an actress to play a female role).
3. **Equal Employment Opportunity ("EEO")** – the right of all persons to compete for work and advancement on the basis of individual merit, fitness and potential.
4. **Labor Area** – "The geographical area from which MVPC may reasonably expect to recruit new workers. In the past, this area was referred to as the Lawrence-Haverhill Primary Metropolitan Statistical Area. At present, the U.S. Census includes the communities of the MVPC region in two divisions of the *Boston-Cambridge-Nashua, MA-NH Metropolitan New England City and Town Area (NECTA)*:



- Haverhill-Newburyport-Amesbury, MA-NH NECTA Division (Merrimack Valley Region)
- Lawrence-Methuen-Salem, MA-NH NECTA Division (part of Merrimack Valley Region)“

5. Labor Market – The work force within the Labor Area. In a compliance sense, this Labor Market contains submarkets comprised of persons with varying qualifications, requisite skills, experience, etc. to fill given jobs.
6. Minority Group – a group of persons who may have historically been barred from participating in Program activities, benefits or services because of race, color, national origin, religion, gender identity or expression, age, disability, military or veteran’s status.
7. Underutilization – regularly having fewer minorities or women in a job category than would be expected by their availability.

#### 4.1 Job Group Analysis

The U.S. Bureau of the Census produces indicators of equal opportunity from data it compiles for its five-year American Communities Survey. The Census updates this set of five-year estimates annually, i.e. 2009-2013, 2010-2014, etc. In particular, the ACS file includes labor force data sorted by race and gender. For the purposes of this Plan, the MVPC staff first reviewed and selected the following Census occupational categories for appropriateness to the MVPC’s operations:

1. Officials and Administrators: occupations that set broad policies and/or direct areas of the Department’s operation (e.g. directors, bureau chiefs, managers and comparable positions)
2. Professionals – occupations requiring specialized and theoretical knowledge usually acquired through college or work experience (e.g. engineers, environmental specialists, geologists)
3. Technicians – occupations requiring a combination of basic scientific or technical knowledge and manual skill obtained through post secondary training or education (e.g. lab technicians, engineering technicians)
4. Administrative Support – occupations responsible for internal and external communication, recoding, and retrieval of data and/or information and other paperwork (e.g. administrative assistants, secretaries)

As of April 19, 2018, the MVPC staff consisted of fourteen individuals: One Executive Director and five department heads or Officials and Administrators (43%); seven Professionals (50%), and one administrative support staff (7%). Ten staff are full-time employees and four staff are part-time employees.

Staff then organized MVPC staff job titles/positions among the above four EEO groups as shown in Table 4.1 below:

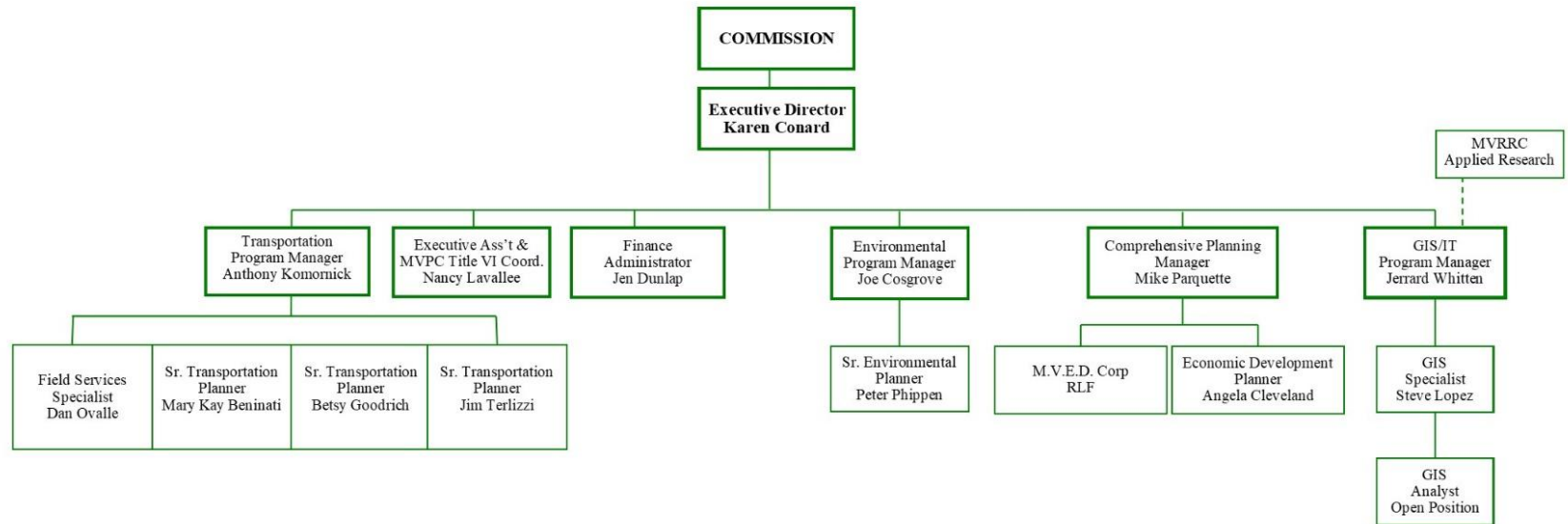
<b>Table 4.1: Classification of MVPC Agency Job Titles according to Federal Equal Employment Opportunity Job Categories</b>	
<b>MVPC Job Titles</b>	<b>Federal Equal Employment Opportunity Job Category</b>
Executive Director	1 Officials and Administrators
Transportation Program Manager	1 Officials and Administrators
Environmental Program Manager	1 Officials and Administrators
Comprehensive Planning Program Manager	1 Officials and Administrators
GIS Program Manager	1 Officials and Administrators
Finance Administrator	1 Officials and Administrators
Coastal Coordinator	1 Professional
Sr. Transportation Planner	3 Professionals
Field Services Specialist	1 Professional
Senior GIS Analyst	1 Professional
Sr. Economic Development Coordinator	1 Professional
Executive Assistant/Office Administrator	1 Administrative Support

An MVPC Organizational Chart illustrating the hierarchy of positions and staff persons is shown in Figure 1 on the following page:

**Figure 4.1: MVPC Organizational Chart**

**Merrimack Valley Planning Commission**

Organizational Chart



April 19, 2018

As of 2016, the MVPC employs the following race and ethnic descriptors in its tables in accordance with U.S. Census 2010 definitions:

#### Race

- American Indian or Alaskan Native (AI/AN): persons having origins in any of the original people of North America, and who maintain cultural identification through tribal affiliation or community recognition.
- Asian (As): persons having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian Subcontinent.
- Black or African American, not of Hispanic Origin (B/AfAm): persons having origins in any of the black racial groups of Africa.
- Native Hawaiian or Pacific Islander(NHPI): a person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
- Other Race (O): Includes all other responses not included in the 'White', 'Black or African American', 'American Indian and Alaska Native', 'Asian' and 'Native Hawaiian and Other Pacific Islander' race categories described above. Respondents providing write-in entries such as multiracial, mixed, interracial, [We-Sort](#), or a Hispanic/Latino group (for example, Mexican, Puerto Rican, or Cuban) in the "Some other race" category are included here.
- TOMR - Two or More Races: individuals may provide two or more races either by checking two or more race response check boxes, by providing multiple write-in responses, or by some combination of check boxes and write-in response.

White (W): persons having origins in any of the original peoples of Europe, North Africa, and/or the Middle East.

#### Ethnicity

- HLO - Hispanic, Latino or Spanish Origin: a person of Cuban, Mexican, Puerto Rican, South or Central American or other Spanish culture or origin regardless of race.

In addition, the MVPC is employing the following employment category abbreviations for use in this Plan:

- O/A – Officials/Administrators
- P – Professionals
- AS - Administrative Support

## Gender and Job Group

The composition of the MVPC workforce by *gender* and employment category is shown in Table 2 below:

<b>Table 4.2: Number and Proportion of MVPC Employees by Gender and Employment Category</b>					
<b>Employment Category</b>	<b>Male</b>		<b>Female</b>		<b>All</b>
	<b>Number</b>	<b>Percent</b>	<b>Number</b>	<b>Percent</b>	<b>Total</b>
O/A	4	67%	2	33%	6
P	4	67%	2	33%	6
AS	0	0%	1	100%	1
Total	8	62%	5	33%	13

Females comprise 33% of the total staff, including 33% of the officials and administrators, 33% of the professional staff, and 100% of the administrative support staff. One of the professional staff did not identify (DNR).

## Race, Ethnicity, and MVPC Job Group

The composition of the MVPC workforce by race (White or Non-White only) and employment category is depicted in Table 4.3 below:

<b>Table 4.3: Number and Proportion of MVPC Employees by White/Non White and Employment Category</b>					
<b>Employment Category</b>	<b>White (W)</b>		<b>Non-White (N/W)</b>		<b>All</b>
	<b>Number</b>	<b>Percent</b>	<b>Number</b>	<b>Percent</b>	<b>Total</b>
O/A	6	100%	0	0%	6
P	6	100%	0	0%	6
AS	1	100%	0	0%	1
Subtotal	13	100%	0	0%	13
DNR			1		
Total			14		

As shown above, persons identifying themselves as White constitute 100% of the current staff. One of the professional staff did not identify (DNR).

Table 4.4 below shows a distribution of MVPC employees by employment category and by race or Hispanic or Latino Origin (if self-reported):

<b>Table 4.4: Number of MVPC Employees by Race, Hispanic or Latino Origin, and Employment Category</b>					
<b>Race or Origin</b>	<b>Employment Category</b>				
	O/A	Professionals	Technicians	Administrative Support	Total
W	6	6	0	1	13
B/AfAm	0	0	0	0	0
NH/PI	0	0	0	0	0
Asian	0	0	0	0	0
AI/AN	0	0	0	0	0
TOMR	0	0	0	0	0
Subtotal	6	6	0	1	13
DNR	0	1	0	0	1
Total	6	7	0	1	14
HLO	0	1	0	0	1

### **Regional Labor Force Comparison by Gender and Race**

The MVPC’s reasonable recruitment area is the MVPC region. MVPC communities comprise (80%) of what was formerly Essex County, Commonwealth of Massachusetts. The Commonwealth continues to produce labor market data for each the geographic areas that constituted its former counties, and accordingly, MVPC uses this ‘county’ level data. Therefore, the MVPC’s affirmative action goal is to have MVPC’s workforce match the availability of females and minorities in the labor force of the region that we serve.

### **Gender**

Table 4.5 below compares the proportion of females in MVPC’s workforce with the proportion of females in the labor force of the MVPC region by employment category:

<b>Table 4.5: Labor Force Comparison by Gender<sup>1</sup></b>			
<b>Employment Category</b>	<b>Number of MVPC Employees</b>	<b>Percent Female</b>	
		<b>MVPC</b>	<b>MVPC Region</b>
O/A	6	33.3%	43.5%
P	7	28.6%	59.3%
AS	1	100%	64.4%

<sup>1</sup> 2006-2010 American Community Survey (ACS) – “EEO Tabulation”

The percentage of females participating in the MVPC's 'workforce' is lower than for the percentage of females participating in the MVPC region's overall workforce - in the Officials and Managers and Professionals categories. The percentage of females participating in the MVPC's overall 'workforce' in the Administrative Support category is higher at MVPC than for the MVPC region. The proportion of female employees at MVPC decreased by 10 percent during 2017, with the resignation of one staff member in the Professionals category. The position has not yet been filled. MVPC will continue its workforce diversity efforts, particular to those three labor force categories, as positions become available - in accordance with the goals described in Section 3 of this Plan.

## Race and Hispanic Origin

Table 4.6 below shows proportions of employees by race and Hispanic origin in two groups: a) the MVPC staff\*, and b) in the MVPC region

<b>Table 4.6: Race and Hispanic Origin by Employment Category</b>																
<b>Employment Category</b>	<b># of MVPC Employees</b>	<b># of MVPC Employees Responded</b>	<b>Race</b>												<b>Origin</b>	
			<b>W</b>		<b>B/AfAm</b>		<b>TOMR</b>		<b>AI/AN</b>		<b>NH/PI</b>		<b>ASIAN</b>		<b>HLO</b>	
			<b>MVPC %</b>	<b>Merrimack Valley Region %</b>	<b>MVPC %</b>	<b>Merrimack Valley Region %</b>	<b>MVPC %</b>	<b>Merrimack Valley Region %</b>	<b>MVPC %</b>	<b>Merrimack Valley Region %</b>	<b>MVPC %</b>	<b>Merrimack Valley Region %</b>	<b>MVPC %</b>	<b>Merrimack Valley Region %</b>	<b>MVPC %</b>	<b>Merrimack Valley Region %</b>
O/A	6	6	100	90.7	0	2.1	0	.6	0	.2	0	0	0	3.3	0	3
P	7	6	100	87	0	2.4	0	.4	0	.1	0	0	0	6.1	14	3.5
AS	1	1	100	88.1	0	2.6	0	.9	0	.1	0	.1	0	1.6	0	6.3

\*employees who self-reported

<sup>1</sup> 2006-2010 American Community Survey (ACS) – “EEO Tabulation”



The following conclusions may be drawn from this comparison:

In the Officials and Administrators, and Professionals categories, the proportion of nonwhites in the MVPC workforce is less than the proportion of minorities in the corresponding labor forces in the Merrimack Valley Region in all races except Native Hawaiian or Pacific Islander and Hispanic/Latino. The MVPC workforce is 14% Hispanic/Latino in the Professionals category, which is higher than the results in the Merrimack Valley Region as a whole by 10%. In the Administrative Support category, the proportion of nonwhites in the MVPC workforce is less than the proportion of minorities in the corresponding labor forces in the MVPC region.

In general, the MVPC has yet to reach the level of nonwhite participation in all job categories as evidenced in the region. The MVPC will continue to enhance its activities towards achieving a diverse workforce by continuing the implementation of the following goals.

## **5. Workforce Diversity Goals**

A goal is a way to measure success in attracting and employing under-represented groups. When we know a specific number in an equal employment opportunity category under-represents a certain group, we then decide where to direct our recruitment efforts. Based upon the workforce analysis of the region, the following describes the Commission's workforce diversity goals and describes activities that the MVPC will undertake to reach those goals.

## **6. Employment Diversity Goals**

With respect to female employment, it is the MVPC's goal to increase female participation in the MVPC's workforce that closely mirrors the corresponding labor forces of the Merrimack Valley Region particularly in the categories of officials and managers, professionals, and technicians.

With respect to nonwhite employment in all job categories, it is the MVPC's goal to increase the current proportion of non-white participation in the MVPC's workforce so that it more closely approaches such participation in the corresponding labor force of the MVPC region.

## Activities to Increase Employment Diversity

The MVPC undertakes the following activities to meet the above mentioned Employment Diversity Goals particularly with respect to the minority workforce in all MVPC job categories and the female workforce in the officials and managers, professionals and technicians categories.

### Minority Participation

As jobs become available, the MVPC will distribute notices of job openings to all of the media and organizations. It will continue to provide Notices of job openings to a list of minority groups and organizations in the Region and beyond. The MVPC will continue to strengthen its relationships with minority job placement professionals and staff will work with those professionals to see that job notices reach the minority workforce.

### Female Participation

As jobs become available, the MVPC will distribute notices of job openings to all of the media and organizations noted earlier in the Plan. It will also continue to provide Notices of job openings to a list of female organizations in the Region and beyond. For example, MVPC added this year an additional organization to its recruitment list, namely, the Women's Business Network in MetroWest Massachusetts. The MVPC will continue to strengthen its relationship with female organizations to recruit qualified applicants.

## **7. Employment Policies and Practices**

### Recruitment

Methods of outreach and recruitment are reviewed annually to broaden the scope of the search for qualified candidates. Good faith affirmative action efforts shall be undertaken to recruit applicants for those job groups and units where underutilization has been determined to exist as identified in this Plan.

To ensure an active recruitment program, MVPC does the following:

- includes the phrase "Equal Opportunity/Affirmative Employer" in all printed employment advertisements
- advertises in newspapers
- advertises on monster.com

- advertises on The GIS Jobs Clearinghouse
- advertises on MVPC's website
- disseminates information on job opportunities to organizations representing minorities, women, and employment development agencies when job opportunities occur
- encourages all employees to refer qualified applicants
- advertises professional positions on the American Planning association Website (Massachusetts Chapter)
- actively recruits at secondary schools, junior colleges, colleges and universities with predominantly minority or female enrollments, and
- maintains information on minority professional organizations in order to contact those that may be able to assist us in recruiting targeting categories

### Interviewing/Selection Process

MVPC comprehensively evaluates the employee selection process to ensure freedom from bias by:

- reviewing job applications and other pre-employment forms to ensure information requested is job related
- evaluating selection methods that may have a disparate impact to ensure that they are job-related and consistent with business necessity
- training personnel and management staff on proper interview techniques and
- training in EEO for management and supervisory staff

No applicant may be denied employment, nor shall any applicant be selected for employment in preference to an equally or more qualified candidate, on the basis of race, creed, sex, age, color, religion, national origin, sexual orientation or expression, genetics, marital status, veteran status, military status or disability.

### Job Specifications and Examinations

MVPC takes actions to eliminate potential problem areas and to help achieve specific affirmative goals. These actions include:

- conducting an annual analysis of job descriptions to ensure they actually reflect job functions

- reviewing job descriptions by department and job title using job performance criteria and
- making job descriptions available to recruiting sources and available to all members of management involved in the recruiting, screening, selection and promotion processes

## Promotions

Opportunity for promotion shall be available equally to all eligible employees without regard to race, national origin religion, ethnicity, color, sex, genetics, disability, or status as a covered veteran. No employee may be denied a promotion, nor shall any employee be selected for a promotion in preference to an equally or more qualified applicant, on the basis of race, creed, sex, age, color, religion, national origin, sexual orientation, genetics, marital status, veterans status, military status or disability.

## Reasonable Accommodation to Limitations Due to Disability

MVPC commits to making reasonable accommodation to the known physical or mental limitations of qualified individuals with disabilities and qualified disabled veterans, unless such accommodation would impose an undue hardship on the conduct of its business. MVPC also commits to engaging in an interactive process with the person requesting the accommodation (or their representative), as needed, to determine an appropriate accommodation. Undue hardship will be determined by assessing whether the requested accommodation would cause significant difficulty or expense, as provided for in the federal Section 503 regulations.

## Training

Employee training and development opportunities provided for employees shall be made available without regard to race, creed, sex, age, color, religion, national origin, sexual orientation, genetics, marital status, veterans' status, military status or disability.

Training will be provided to all personnel involved in the recruitment, screening, hiring, promotion, disciplinary and related employment processes, to ensure that the commitments made in MVPC's Affirmative Action Plan are implemented.

## Grievance Procedures

Employees and applicants of MVPC will not be subject to harassment because of disability or their status as a protected veteran. If an employee or applicant believes that he-she has been subject to harassment, he/she may file a written complaint with the Executive Director. Any employee or applicant who believes that they have been subject to harassment because of their disability or status as a protected veteran should promptly contact the Executive Director and file a written complaint.

Retaliation, including intimidation, threat or coercion, against an employee or applicant because they have objected to discrimination, engaged or may engage in filing a complaint, assisted in a review, investigation or hearing or have otherwise sought to obtain their legal right under any Federal, State or local EEO law regarding individuals with disabilities or protected veterans is prohibited. Any employee or applicant who believes they have been subject to retaliation because of their disability or status as a protected veteran should also contact the Executive Director. The Executive Director shall respond in writing no more than five working days after the receipt of the written complaint. Shall the matter be unresolved at that time, the aggrieved and or the Executive Director may, within two working days request a meeting with MVPC's Personnel Committee. The meeting shall take place no later than thirty (30) working days after the submission of this request.

*The MVMPO's complaint procedure is somewhat different. Complaints involving the MVMPO's activities are received by the MVMPO Title VI Coordinator; referred to the Executive Director, and then forwarded to MassDOT's Office of Diversity and Civil Rights (ODCR). This is a requirement if the complaint involves persons working on an activity funded through FHWA, and the MVMPO also applies this procedure to FTA-funded activities.*

The MVPC's Personnel Committee shall respond in writing no more than three working days after the meeting. Should the MVPC's Personnel Committee determine that is a proper matter for the Commission, the matter shall be scheduled for the next regular Planning Commission meeting which shall not occur not sooner than fourteen days after the Personnel Committee Meeting.

## Implementation, Support Data/Record Keeping

As noted earlier in this document, the MVPC has designated its Executive Director as the individual primarily responsible for administering the Commission's equal employment opportunity policies and action program. Toward this end, the Executive Director is charged with maintaining appropriate files relating to the affirmative action plan including logs pertaining to job applicants, hiring, promotions, and terminations. The Executive Director, will monitor job applicant flow by gender and racial status. The Executive Director will maintain a log of personnel activity by race and gender for each position on a yearly basis.

This Plan will be updated in July of each calendar year. This will consist of an update of the workforce analysis, together with comments relating to progress in reaching the Commission's diversity employment goals, changes in those goals as may be appropriate, and any modifications to activities.

### Personnel Activity July 1, 2017– April 19, 2018

The part-time person employed as the MVPC GIS Analyst (a white female) voluntarily resigned during this period to take a position with a public-sector agency. The MVPC is currently looking for qualified applicants to fill this position.

Table 7 on the following pages summarizes all MVPC personnel activities during this reporting period.

**Table 7.1: Summary of MVPC Employment Activities During 2017**

<b>OFCCP CATEGORY Officials and Managers Job Group</b>	<b>External Hires</b>		<b>External Applicants</b>		<b>Promotion Into Job Group</b>		<b>Promotions Within Job Group</b>	
	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES
W								
B/AfAm								
NH/PI								
As								
AI/AN								
TOMR								
DNR								
Total (count each person only once)	0	0	0	0	0	0	0	0
HLO								
	<b>Voluntary Terminations</b>		<b>Involuntary Terminations</b>		<b>Layoffs</b>			
	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES		
W								
B/AfAm								
NH/PI								
As								
AI/AN								
TOMR								
DNR								
Total (count each person only once)	0	0	0	0	0	0	0	0
HLO								

**Table 7.2: Summary of MVPC Employment Activities During 2017**

OFCCP CATEGORY Professionals Job Group:	External Hires		External Applicants		Promotion Into Job Group		Promotions Within Job Group	
	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES
W								
B/AfAm								
NHPI								
As								
AI/AN								
TOMR								
DNR								
Total	0	0	0	0	0	0	0	0
HLO								
	Voluntary Terminations		Involuntary Terminations		Layoffs			
	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES		
W		1						
B/AfAm								
NHPI								
As								
AI/AN								
TOMR								
DNR								
Total	0	1	0	0	0	0		
HLO								



**Table 7.3: Summary of MVPC Employment Activities During 2017**

OFCCP CATEGORY Technicians Job Group:	External Hires		External Applicants		Promotion Into Job Group		Promotions Within Job Group	
	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES
W								
B/AfAm								
NH/PI								
As								
AI/AN								
TOMR								
DNR								
Total (count each person once)	0	0	0	0	0	0	0	0
HLO								
	Voluntary Terminations		Involuntary Terminations		Layoffs			
	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES		
W								
B/AfAm								
NH/PI								
As								
AI/AN								
TOMR								
DNR								
Total (count each person only once)	0	0	0	0	0	0	0	0
HLO								

**Table 7.4: Summary of MVPC Employment Activities During 2017**

<b>OFCCP CATEGORY Administrative Support Job Group:</b>	<b>External Hires</b>		<b>External Applicants</b>		<b>Promotion Into Job Group</b>		<b>Promotions Within Job Group</b>	
	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES
W								
B/AfAm								
NH/PI								
As								
AI/AN								
TOMR								
DNR								
Total (count each person only once)	0	0	0	0	0	0	0	0
HLO								
	<b>Voluntary Terminations</b>		<b>Involuntary Terminations</b>		<b>Layoffs</b>			
	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES		
W								
B/AfAm								
NH/PI								
As								
AI/AN								
TOMR								
DNR								
Total (count each person only once)	0	0	0	0	0	0	0	0
HLO								



Merrimack Valley  
Planning Commission  
*plan \* develop \* promote*

## **EQUAL OPPORTUNITY VOLUNTARY SELF-IDENTIFICATION FORM**

*Anti-Discrimination Notice: In accordance with laws enforced by the U.S. Equal Employment Opportunity Commission, it is an unlawful employment practice for an employer to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to that individual's terms and conditions of employment, because of such individual's age, disability, genetic information, race/color/national origin, religion, and sex. Further, in accordance with Chapter 151B of the Massachusetts General Laws and Commonwealth of Massachusetts Executive Order 526, anti-discrimination protections also include an individual's military or veterans' status, gender identity, and ancestry.*

The Merrimack Valley Planning Commission (MVPC) is subject to certain governmental recordkeeping and reporting requirements for the administration of civil rights laws and regulations. In order to comply with these laws, MVPC invites job applicants and employees to voluntarily self-identify their race and ethnicity, gender, and whether or not they have a disability.

Submission of this information is voluntary and will not subject you to any adverse treatment. This information will be kept confidential and may only be used in accordance with the provisions of applicable laws and regulations, including those that require the information be summarized and reported to the federal government for civil rights enforcement. When reported, data will not identify any specific individual. This information will be kept separate from all other personnel records and will be accessible only to the MVPC Title VI/Nondiscrimination Coordinator and the MVPC Finance Administrator.

Please return completed forms to the MVPC Title VI/Nondiscrimination Coordinator.

Name: \_\_\_\_\_

**VOLUNTARY SELF-IDENTIFICATION OF GENDER, RACE/ETHNICITY**

I don't wish to answer.

GENDER:(Please check one of the options below)

\_\_\_\_\_ Male \_\_\_\_\_ Female

RACE/ETHNICITY:

(Please check one description below corresponding to the group with which you identify.)

\_\_\_ American Indian or Alaska Native (Not Hispanic or Latino): a person having origins in any of the original peoples of North and South America (including Central America) and who maintain tribal affiliation or community attachment.

\_\_\_ Asian (Not Hispanic or Latino): a person having origins in any of the original peoples of the Far East, Southeast Asia or the Indian Subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

\_\_\_ Black or African American (Not Hispanic or Latino): a person having origins in any of the black racial groups of Africa.

\_\_\_ Native Hawaiian or Other Pacific Islander (Not Hispanic or Latino): a person having origins in any of the peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

\_\_\_ White (Not Hispanic or Latino): a person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

\_\_\_ Two or More Races (Not Hispanic or Latino): all persons who identify with more than one of the above five races.

In addition, check the following category if this group applies to you:

\_\_\_ Hispanic or Latino: a person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race.

## **VOLUNTARY SELF-IDENTIFICATION OF DISABILITY**

- I don't wish to answer.

You are considered to have a disability if you have a physical or mental impairment or medical condition that substantially limits a major life activity, or if you have a history or record of such an impairment or medication condition.

Disabilities include, but are not limited to:

- *Autism*
  - *Blindness*
  - *Bipolar Disorder*
  - *Cancer*
  - *Cerebral palsy*
  - *Deafness*
  - *Diabetes*
  - *Epilepsy*
  - *HIV/AIDS*
  - *Impairments requiring the use of a wheelchair*
  - *Intellectual disability*
  - *Major Depression*
  - *Missing Limbs*
  - *Muscular Dystrophy*
  - *Multiple Sclerosis Impairments*
  - *Obsessive Compulsive Disorder*
  - *Post-traumatic stress disorder (PTSD)*
  - *Schizophrenia*
- Yes, I have a disability (or previously had a disability)
- No, I don't have a disability

Date completed: \_\_\_\_\_

Thank you for your participation.

**MVPC/MVMPO List of Commonly Used Acronyms  
Updated August 2015**

MVPC/MVMPO List of Commonly Used Acronyms Updated August 2015		
A	AA	Affirmative Action
	AADT	Average Annual Daily Traffic
	AASHTO	American Association of State Highway Transportation Officials
	ABP	MassDOT Accelerated Bridge Program
	AC	Advance Construction
	ACS	American Community Survey
	ACEC	Area of Critical Environmental Concern (MA)
	ADA	Americans with Disabilities Act (1990)
	ADT	Average Daily Traffic
	AFV	Alternative Fuel Vehicle
	AHRI	American Heritage Rivers Initiative
	AMPO	Association of Metropolitan Planning Organizations
	ANR	Approval Not Required
	ANPR	Advance Notice of Proposed Rulemaking (Federal Register)
	APA	American Planning Association
	APD	Aquifer Protection District
	ARRA	American Recovery and Reinvestment Act (of 2009)
	ATR	Automatic Traffic Recorder
	AQI	Air Quality Index
	ASL	American Sign Language
AUL	Activity and Use Limitation	
AVR	Average Vehicle Ridership	
B	B/C	Benefit-Cost Ratio
	BRPC	Berkshire Regional Planning Commission
	BID	Business Improvement District
	BLoS	Bicycle Level of Service
	BMP	Best Management Practice
	BR, BR-On, BR-Off	Bridge Rehabilitation or Replacement (On- or Off-National Highway System)
C	3c	Continuing, Comprehensive and Coordinated (Transportation Planning)
	CAAA	Clean Air Act Amendments of 1990
	CAD	Computer-Assisted Design

**MVPC/MVMPO List of Commonly Used Acronyms**  
**Updated August 2015**

CART	Computer-Aided Real-Time Translation
CBD	Central Business District
CBO	Community-Based Organization
CCC	Cape Cod Commission
CD	Community Development
CDAG	Community Development Action Grant
CDC	Community Development Corporation
CEDS	Comprehensive Economic Development Strategy
CFR	Code of Federal Regulations
CHAPA	Citizens' Housing and Planning Association
CHDOs	Community Housing Development Organizations
CIC	MA Community Innovation Challenge Grant
CIP	Capital Improvements Plan (or Program)
CLF	Conservation Law Foundation
CMAQ	Congestion Mitigation and Air Quality Improvement Program
CMMS	Computerized Maintenance Management System
CMP	Congestion Management Process
CMR	Code of Massachusetts Regulations
CMRPC	Central Massachusetts Regional Planning Commission
CNG	Compressed Natural Gas
CO	Carbon Monoxide
COG	Council of Governments
Comm-PASS	Commonwealth Procurement Access and Solicitation System
CPA	Community Preservation Act
CPTC	Citizen Planner Training Collaborative
CSBG	Community Service Block Grant
CSO	Combined Sewer Overflow
CTC	Coastal Trails Coalition
CTF	Commonwealth Transportation Fund
CTPS	Central Transportation Planning Staff of the Boston MPO
CURP	Center for Urban and Regional Policy (Northeastern University)
CZM	MA Office of Coastal Zone Management

**MVPC/MVMPO List of Commonly Used Acronyms**  
**Updated August 2015**

D	DCR	Department of Conservation and Recreation
	DBE	Disadvantaged Business Enterprise
	DEIS	Draft Environmental Impact Statement
	DEIR	Draft Environmental Impact Report
	DEP	Department of Environmental Protection
	DET	Division of Employment and Training
	DHCD	Department of Housing and Community Development
	DIF	District Increment Financing
	DLTA	District Local Technical Assistance
	DMS	Dynamic Message Sign
	DOER	Department of Energy Resources
	DOJ	Department of Justice
	DOR	Department of Revenue
	DOT	Department of Transportation
	DPH	Massachusetts Department of Public Health
	DPW	Department of Public Works
	DRI	Developments of Regional Impact
E	EA	Environmental Assessment
	EACC	Economic Assistance Coordinating Council
	EB	Eastbound
	EDA	Economic Development Administration
	EDC	Economic Development Council
	EDD	Economic Development District
	EDIC	Economic Development and Industrial Corporation
	EEO	Equal Employment Opportunity
	EIR	Environmental Impact Report
	EIS	Environmental Impact Statement
	EJ	Environmental Justice
	ENF	Environmental Notification Form
	ENHA	Essex National Heritage Area
	E.O.	Executive Order (of the Governor of the Commonwealth)
	EOA	Economic Opportunity Area
	EOAF	Executive Office of Administration and Finance
	EOHED	Executive Office of Housing and Economic Development
	EOEA	Executive Office of Elder Affairs



**MVPC/MVMPO List of Commonly Used Acronyms**  
**Updated August 2015**

	EOEEA	Executive Office of Energy and Environmental Affairs
	EOLWD	Executive Office of Labor and Workforce Development
	ENF	Environmental Notification Form
	EPA	U.S. Environmental Protection Agency
	ESA	Environmental Site Assessment under M.G.L. Ch. 21e
	ESCO	Energy Services Contracting
	ETA	Economic Target Area
F	FA	Federal-Aid
	FAR	Floor-Area Ratio
	FEMA	Federal Emergency Management Agency
	FC	Functional Classification (of roadways)
	FHA	Federal Housing Administration
	FHWA	Federal Highway Administration
	FIRM	Flood Insurance Rate Map
	FOIA	Freedom of Information Act
	FONSI	Finding of No Significant Impact
	FONSEI	Finding of No Significant Environmental Impact
	FRA	Federal Railroad Administration
	FRCOG	Franklin Regional Council of Governments
	FTA	Federal Transit Administration
	FTE	Full-Time Equivalent (Employee)
	FY	(State) Fiscal Year
	FFY	Federal Fiscal Year
G	GANs	Grant Anticipation Notes
	GARVeEs	Grant Anticipation Revenue Vehicles
	GIS	Geographic Information System
	GHG	Greenhouse Gases
	GPS	Global Positioning System
	GWL	Groundwork Lawrence
H	HAC	Housing Appeals Committee
	HASP	Health and Safety Plan
	HOD	Historic Overlay District
	HOP	Homeownership Opportunity Program
	HOV	High-Occupancy Vehicle

**MVPC/MVMPO List of Commonly Used Acronyms**  
**Updated August 2015**

	HPG	Housing Preservation Grant
	HPP	Housing Production Plan
	HPP	USDOT High Priority Project
	HSIP	Highway Safety Improvement Program
	HUD	U.S. Department of Housing and Urban Development
I	IFB	Invitation for Bids
	IFR	Invitation for Responses
	IM	Interstate Maintenance
	IT	Information Technology
	ITS	Intelligent Transportation System
	ISTEA	Intermodal Surface Transportation Efficiency Act of 1991
J	JARC	Jobs Access Reverse Commute
	JTMO	The Junction Transportation Management Organization
L	LAP	Language Access Plan
	LBGT	Lesbian, Bisexual, Gay and Transgender
	LCW	Lawrence Community Works
	LEP	Limited English Proficiency
	LHA	Local Housing Authority
	LID	Low-Impact Development
	LIHEAP	Low Income Home Energy Assistance Program
	LIHTC	Low Income Housing Tax Credit
	LoS	Level of Service
	LPMS	Local Pavement Management System
	LRV	Light Rail Vehicle
	LRTA	Lowell Regional Transit Authority
	LSP	Licensed Site Professional
	LTA	Local Technical Assistance
M	MAAB	Massachusetts Architectural Access Board
	MAPC	Metropolitan Area Planning Council
	MARPA	Massachusetts Association of Regional Planning Agencies
	MARTA	Massachusetts Association of Regional Transit Authorities

**MVPC/MVMPO List of Commonly Used Acronyms**  
**Updated August 2015**

	MassGIS	Massachusetts Geographic Information System
	MassDOT	Massachusetts Department of Transportation
	MBTA	Massachusetts Bay Transportation Authority
	MBE	Minority Business Enterprise
	MBP	Massachusetts Bays Program
	MCAD	Massachusetts Commission Against Discrimination
	MCP	Massachusetts Contingency Plan
	MEPA	Massachusetts Environmental Policy Act
	MGIC	Massachusetts Geographic Information Council
	M.G.L.	Massachusetts General Laws
	MHC	Massachusetts Historical Commission
	MHP	Massachusetts Housing Partnership
	MIFA	Massachusetts Industrial Finance Agency
	MIG	Municipal Incentive Grant
	MIMAP	Municipal Information Mapping Access Program
	MMA	Massachusetts Municipal Association
	MOA	Memorandum of Agreement
	MOBD	Massachusetts Office of Business Development
	MOD	Massachusetts Office on Disabilities
	MOU	Memorandum of Understanding
	MPO	Metropolitan Planning Organization
	MRPC	Montachusett Regional Planning Commission
	MSA	Metropolitan Statistical Area
	MSL	Mean Sea Level
	MTTF	Massachusetts Transportation Trust Fund
	MVC	Martha's Vineyard Commission
	MVED	Merrimack Valley Economic Development Corporation
	MVEDC	Merrimack Valley Economic Development Council
	MVMPO	Merrimack Valley Metropolitan Planning Organization
	MVMCMC	Merrimack Valley Mayors' and Managers' Coalition

**MVPC/MVMPO List of Commonly Used Acronyms**  
**Updated August 2015**

	MVPC	Merrimack Valley Planning Commission
	MVRCC	Merrimack Valley Regional Coordinating Council
	MVSMS	Merrimack Valley Safety Monitoring System
	MWRA	Massachusetts Water Resources Authority
N	NAAQS	National Ambient Air Quality Standards
	NADO	National Association of Development Organizations
	NARC	National Association of Regional Councils
	NB	Northbound
	NEARC	New England Association of Regional Councils
	NECC	Northern Essex Community College
	NEPA	National Environmental Policy Act
	NFA	Non-Federal Aid
	NHS	National Highway System
	NHTSA	National Highway Traffic Safety Administration
	NMCOG	Northern Middlesex Council of Governments
	NOAA	National Oceanographic and Atmospheric Administration
	NOFA	Notice of Final Rule (Federal Register)
	NOx	Nitrogen Oxide
	NP&EDC	Nantucket Planning & Economic Development Commission
	NPDES	National Pollutant Discharge Elimination System
	NPL	National Priorities List
	NPRM	Notice of Proposed Rulemaking (Federal Register)
	NRPC	Nashua Regional Planning Commission
	NTHP	National Trust for Historic Preservation
	NTSB	National Transportation Safety Board
O	O&M	Operations and Maintenance
	OCPI	Overall (Pavement) Condition Index
	OCPC	Old Colony Planning Council
	OSRD	Open Space Residential Development
	OSRP	Open Space and Recreational Plan

**MVPC/MVMPO List of Commonly Used Acronyms**  
**Updated August 2015**

P	PCI	Pavement Condition Index
	PDA	Priority Development Area
	PDR	Purchase of Development Rights
	PHT	Peak Hour Traffic (or Peak Hour Trips)
	PILOT	Payment in Lieu of Taxes
	PL	(Metropolitan) Planning Funds
	PMS	Pavement Management System
	PO	Purchase Order
	PPA	Priority Preservation Area
	PPP	Public Participation Plan
	PRC	(MassDOT) Project Review Committee
	PSAC	Project Selection Advisory Council
	PUD	Planned Unit Development
	PVPC	Pioneer Valley Planning Commission
	PWED	Public Works Economic Development Grant
R	REMI	Regional Economic Models, Inc.
	RFI	Request for Information
	RFP	Request for Proposals
	RFQ	Request for Qualifications or Quotations
	RFR	Request for Responses
	RGGI	Regional Greenhouse Gas Initiative
	RLF	Revolving Loan Fund
	ROW	Right-of-Way
	RPA	Regional Planning Agency
	RPC	Rockingham Planning Commission
	RPMS	Regional Pavement Management System
	RTA	Regional Transit Authority
	RTP	Regional Transit Plan
S	SAFETEA-LU	Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users
	SB	Southbound
	SBA	Small Business Administration
	SBAB	Small Business Assistance Bureau
	SD	Structurally Deficient
	SGR	State of Good Repair
	SIP	State (Air Quality) Implementation Plan

**MVPC/MVMPO List of Commonly Used Acronyms**  
**Updated August 2015**

	SNHPC	Southern New Hampshire Planning Commission
	SOMWBA	State Office of Minority and Woman-Owned Business Assistance
	SOV	Single Occupancy Vehicle
	SOP	Standard Operating Procedure
	SP	Special Permit
	SPR	Site Plan Review
	SPR	Statewide Planning and Research Funds
	SRPEDD	Southeastern Regional Planning and Economic Development District
	SRO	Single-Room Occupancy
	STIP	Statewide Transportation Improvement Program
	STP	Surface Transportation Program
	SWOT	Strengths, Weaknesses, Opportunities and Threats Analyses
T	TAD	Transit-Adjacent Development
	TAG	Technical Assistance Grant
	TAP	Transportation Alternatives Program
	TAZ	Traffic Analysis Zone
	TCSP	Transportation and Community System Preservation Grant Program
	TDM	Transportation Demand Management
	TDR	Transfer of Development Rights
	TEA-21	Transportation Equity Act for the 21 <sup>st</sup> Century
	TEC	Transportation Project Evaluation Criteria
	TIF	Tax Increment Financing
	TIGER	Transportation Investment Generating Economic Recovery
	TIP	Transportation Improvement Program
	TMA	Transportation Management Area
	TMC	Turning Movement Count
	TOD	Transit-Oriented Development
	TRB	Transportation Research Board
U	ULI	Urban Land Institute
	UMass	University of Massachusetts
	UPWP	Unified Planning Work Program

**MVPC/MVMPO List of Commonly Used Acronyms**  
**Updated August 2015**

	USACE	U.S. Army Corps of Engineers
	USCG	U.S. Coast Guard
	USDA	U.S. Department of Agriculture
	USDI	U.S. Department of the Interior
	USDOT	U.S. Department of Transportation
	USFS	U.S. Forest Service
	USFWS	U.S. Fish and Wildlife Service
	USGS	U.S. Geological Survey
	USPLS	U.S. Public Land Survey
	UST	Underground Storage Tank
	UZA	Urbanized Zone Area
V	VA	U.S. Department of Veterans' Affairs
	V/C	Volume/Capacity Ratio
	VMS`	Variable Message Sign
	VMT	Vehicle Miles Traveled
	VOC	Volatile Organic Compound
	VOR	Vehicle Occupancy Rate
W	WAP	Weatherization Assistance Program
	WB	Westbound
	WIB	Workforce Investment Board
	WBE	Woman-owned Business Enterprise
	WHPA	Wellhead Protection Area
	WQMP	Water Quality Management Plan
	WWTP	Waste Water Treatment Plant
Z	ZBA	Zoning Board of Appeals (or Adjustment)

# **Summary of the Conflict of Interest Law for State Employees**

This summary of the conflict of interest law, General Laws chapter 268A, is intended to help state employees understand how that law applies to them. This summary is not a substitute for legal advice, nor does it mention every aspect of the law that may apply in a particular situation. State employees can obtain free confidential advice about the conflict of interest law from the Commission's Legal Division. State agency counsel may also provide advice.

The conflict of interest law seeks to prevent conflicts between private interests and public duties, foster integrity in public service, and promote the public's trust and confidence in that service by placing restrictions on what state employees may do on the job, after hours, and after leaving public service, as described below. The sections referenced below are sections of G.L. c. 268A.

When the Commission determines that the conflict of interest law has been violated, it can impose a civil penalty of up to \$10,000 (\$25,000 for bribery cases) for each violation. In addition, the Commission can order the violator to repay any economic advantage he gained by the violation, and to make restitution to injured third parties. Violations of the conflict of interest law can also be prosecuted criminally.

## **I. Are you a state employee for conflict of interest law purposes?**

You do not have to be a full-time, paid state employee to be considered a state employee for conflict of interest purposes. Anyone performing services for a state agency or holding a state position, whether paid or unpaid, including full- and part-time state employees, elected officials, volunteers, and consultants, is a state employee under the conflict of interest law. An employee of a private firm can also be a state employee, if the private firm has a contract with the state and the employee is a "key employee" under the contract, meaning the state has specifically contracted for her services. The law also covers private parties who engage in impermissible dealings with state employees, such as offering bribes or illegal gifts.

## **II. Applying for State Employment. (See Section 6B)**

State agencies reviewing employment applications are required to request, and applicants for state employment are required to disclose, information about applicants' family members who are already employed by the state. Every applicant for state employment must disclose, in writing, the names of any state employee who is related to the applicant as spouse, parent, child, sibling, or the spouse of the applicant's parent, child, or sibling.

## **III. On-the-job restrictions.**

### **(a) Bribes. Asking for and taking bribes is prohibited. (See Section 2)**

A bribe is anything of value corruptly received by a state employee in exchange for the employee being influenced in his official actions. Giving, offering, receiving, or asking for a bribe is illegal.

Bribes are more serious than illegal gifts because they involve corrupt intent. In other words, the state employee intends to sell his office by agreeing to do or not do some official act, and the giver intends to influence him to do so. Bribes of any value are illegal.



**(b) Gifts and gratuities. Asking for or accepting a gift because of your official position, or because of something you can do or have done in your official position, is prohibited. (See Sections 3, 23(b)(2), and 26)**

State employees may not accept gifts and gratuities valued at \$50 or more given to influence their official actions or because of their official position. Accepting a gift intended to reward past official action or to bring about future official action is illegal, as is giving such gifts. Accepting a gift given to you because of the state position you hold is also illegal. Meals, entertainment event tickets, golf, gift baskets, and payment of travel expenses can all be illegal gifts if given in connection with official action or position, as can anything worth \$50 or more. A number of smaller gifts together worth \$50 or more may also violate these sections.

*Example of violation* : A highway inspector allows a pavement contractor to buy him lunch every day during a two-month road repaving project.

*Example of violation* : An industry association provides a free day's social outing, including a barbecue lunch, golf, a cocktail hour, and a clam bake, to a group of legislators.

**Regulatory exemptions** . There are situations in which a state employee's receipt of a gift does not present a genuine risk of a conflict of interest, and may in fact advance the public interest. The Commission has created exemptions permitting giving and receiving gifts in these situations. One commonly used exemption permits state employees to accept payment of travel-related expenses when doing so advances a public purpose and a written disclosure is made. Another commonly used exemption permits state employees to accept payment of costs involved in attendance at educational and training programs. Other exemptions are listed on the Commission's website.

*Example where there is no violation* : A non-profit concerned with preventing domestic violence offers to pay the travel expenses of an assistant district attorney to a conference on prosecuting domestic violence cases. The attorney fills out a disclosure form and obtains prior approval from his appointing authority.

*Example where there is no violation* . A professional engineers' association offers a continuing education seminar of substantial value and waives the registration and materials fees for state employees who are engineers. The state engineers must make a disclosure only if the sponsoring entities have official business before them during the six months before and after the seminar.

**(c) Misuse of position. Using your official position to get something you are not entitled to, or to get someone else something they are not entitled to, is prohibited. Causing someone else to do these things is also prohibited. (See Sections 23(b)(2) and 26)**

A state employee may not use her official position to get something worth \$50 or more that would not be properly available to other similarly situated individuals. Similarly, a state employee may not use her official position to get something worth \$50 or more for someone else that would not be properly available to other similarly situated individuals. Causing someone else to do these things is also prohibited.

*Example of violation* : A state employee writes a novel on work time, using her office computer, and directing her secretary to proofread the draft.

*Example of violation* : The commissioner of a state agency directs subordinates to drive her wife to and from the grocery store.

*Example of violation* : An assistant attorney general avoids a speeding ticket by asking the police officer who stops him, "Do you know who I am?" and showing his state I.D.

**(d) Self-dealing and nepotism. Participating as a state employee in a matter in which you, your immediate family, your business organization, or your future employer has a financial interest is prohibited. (See Section 6)**

A state employee may not participate in any particular matter in which he or a member of his immediate family (parents, children, siblings, spouse, and spouse's parents, children, and siblings) has a financial interest. He also may not participate in any particular matter in which a prospective employer, or a business organization of which he is a director, officer, trustee, or employee has a financial interest. Participation includes discussing as well as voting on a matter, and delegating a matter to someone else.

A financial interest may create a conflict of interest whether it is large or small, and positive or negative. In other words, it does not matter if a lot of money is involved or only a little. It also does not matter if you are putting money into your pocket or taking it out. If you, your immediate family, your business, or your employer have or has a financial interest in a matter, you may not participate. The financial interest must be direct and immediate or reasonably foreseeable to create a conflict. Financial interests which are remote, speculative or not sufficiently identifiable do not create conflicts.

Neither general legislation nor home rule legislation are "particular matters" for purposes of the conflict of interest law. A state employee can participate in general legislation and home rule legislation even if she has a financial interest in such legislation, but state legislators and constitutional officers must file a disclosure if the matter will substantially affect their financial interests, and any state employee must file a disclosure if a reasonable person would think that the employee could be improperly influenced.

**Example of violation** : The chief administrative officer of a state agency, who has a balance of 900 hours in accumulated sick leave, proposes a plan by which the agency will pay employees for accumulated sick leave.

**Example of violation** : An employee of the Massachusetts Cultural Council is also the director of a non-profit corporation dedicated to increasing art in public spaces. The non-profit applies to the Council for a grant, and the employee participates in rating the applications received for that grant.

**Example of violation** : A state employee promotes his son to a position under his supervision.

**Example where there is no violation** : Proposed legislation under consideration by the State Senate will amend the General Laws with respect to insurance coverage of ocean front property. A State Senator owns ocean front property in Cape Cod. The Senator can discuss and vote on the legislation because it is general legislation, but must file a disclosure because the legislation will substantially affect her financial interest.

A state employee whose duties do not require her to participate in a particular matter may comply with the law by simply not participating in the particular matter in which she has a financial interest. She need not give a reason for not participating.

An appointed state employee may also comply with the law by filing a written disclosure about the financial interest with his appointing authority, and seeking permission to participate notwithstanding the conflict. If a state employee's duties would require him to participate in a matter in which he has a financial interest, this is the procedure he should use. The appointing authority may grant written permission to participate if she determines that the financial interest in question is not so substantial that it is likely to affect the integrity of the employee's services to the state. Otherwise, the appointing authority will assign the matter to someone else, or do it herself. Participating without disclosing the financial interest is a violation. Elected employees cannot use the disclosure procedure because they have no appointing authority.

**Regulatory exemptions** . The Commission has created exemptions permitting state employees to participate in particular matters notwithstanding the presence of a financial interest in certain very specific situations when permitting them to do so advances a public purpose. A person serving as a member of a state board pursuant to a legal requirement that the board have members with a specified affiliation may participate fully in determinations of general policy by the board, even if the entity with which he is affiliated has a financial interest in the matter. A state elected official may participate in a particular matter that involves a determination of general policy where her financial interest in the matter is shared with a substantial segment of the public, as defined in the Commission's regulation. Other exemptions are listed on the Commission's website.

***Example where there is no violation:*** A state licensing board is required by its enabling legislation to have members with various specified affiliations, including members licensed by the board, and members involved in providing training required for licensure. Board members wish to participate in board discussions about imposing a continuing education requirement on licensees. Compliance with the proposed requirement will cost every licensee several hundred dollars per year. Board members who are licensees and who provide training required for licensure may participate in the determination of the continuing education requirement notwithstanding their financial interests in that matter, because it is a determination of general policy.

**(e) False claims. Presenting a false claim to your employer for a payment or benefit is prohibited, and causing someone else to do so is also prohibited. (See Sections 23(b)(4) and 26)**

A state employee may not present a false or fraudulent claim to his employer for any payment or benefit worth \$50 or more, or cause another person to do so.

***Example of violation :*** A state agency manager directs his secretary to fill out time sheets to show him as present at work on days when he was skiing.

**(f) Appearance of conflict. Acting in a manner that would make a reasonable person think you can be improperly influenced is prohibited. (See Section 23(b)(3))**

A state employee may not act in a manner that would cause a reasonable person to think that she would show favor toward someone, or that she can be improperly influenced. Section 23(b)(3) requires a state employee to consider whether her relationships and affiliations could prevent her from acting fairly and objectively when she performs her duties for the state. If she cannot be fair and objective because of a relationship or affiliation, she should not perform her duties. However, a state employee, whether elected or appointed, can avoid violating this provision by making a public disclosure of the facts. An appointed employee must make the disclosure in writing to his appointing official.

***Example where there is no violation :*** A state agency employee is engaged to be married to the owner of a business. The business owner submits a response to a request for proposals from the agency. A reasonable person could conclude that the employee might favor her fiancé's response. The employee files a written disclosure with her appointing authority explaining her relationship with her fiancé prior to the meeting at which responses to the RFP will be considered. There is no violation of Section 23(b)(3).

***Example where there is no violation:*** The State House of Representatives is considering legislation which will create a general law that sets a maximum limit on insurance premiums paid by obstetricians. A State Representative is married to an obstetrician who will be affected by the proposed legislation. The Representative can participate in the matter but files a disclosure of his wife's interest to eliminate any appearance of a conflict. There is no violation.

**(g) Confidential information. Improperly disclosing or personally using confidential information obtained through your job is prohibited. (See Section 23(c))**

State employees may not improperly disclose confidential information, or make personal use of non-public information they acquired in the course of their official duties to further their personal interests.

**IV. After-hours restrictions.**

**(a) Taking a second paid job that conflicts with the duties of your state job is prohibited. (See Section 23(b)(1))**

A state employee may not accept other paid employment if the responsibilities of the second job are incompatible with his or her state job.

*Example:* A state police trooper may not work as a paid private security guard in the area where he serves because the demands of his private employment would conflict with his duties as a trooper.

*Example:* A State Senator may not take a second position counseling clients on how to receive favorable consideration in the Massachusetts Senate.

**(b) Divided loyalties. Receiving pay from anyone other than the state to work on a matter involving the state is prohibited. Acting as agent or attorney for anyone other than the state in a matter involving the state is also prohibited whether or not you are paid. (See Section 4)**

Because the Commonwealth is entitled to the undivided loyalty of its employees, a state employee may not be paid by other people and organizations in relation to a matter in which the state has an interest. In addition, a state employee may not act on behalf of other people and organizations or act as an attorney for other people and organizations if the state has an interest in a matter. Acting as agent includes contacting the state in person, by phone, or in writing; acting as a liaison; providing documents to the state; and serving as spokesman.

A state employee may always represent his own personal interests, even before his own state agency or board, on the same terms and conditions that would apply to other similarly situated members of the public.

Section 4 applies differently to State Senators and State Representatives than it does to other state employees, because they must frequently act on behalf of their constituents. Section 4 allows State Senators and State Representatives to perform constituent services, but prohibits them from appearing personally before state agencies for compensation other than their legislative salaries except on ministerial matters such as filing tax returns, permit and license applications, and incorporation papers, and in state court proceedings and quasi-judicial agency proceedings.

*Example of violation:* A state employee makes inquiries to another state agency about an investigation that the second state agency is conducting of his wife.

*Example of violation:* A state advisory commission member participates in matters at his agency that affect one of his private clients, and is compensated by the client for his work on its behalf.

*Example where there is no violation:* A State Senator is contacted by a constituent who has applied for benefits to a state agency, has not received a timely determination by the agency, and cannot get his calls to the agency returned. The Senator may call the agency on the constituent's behalf to inquire about the matter. The Senator's aide may also call the agency on the constituent's behalf to inquire about the matter without violating Section 4.

While many state employees earn their livelihood in state jobs, some state employees volunteer their time to the state or receive small stipends. Others may serve in a part-time state position which permits them to have other personal or private employment during normal working hours. In recognition of the need not to unduly restrict the ability of volunteers and part-time employees to earn a living, the law is less restrictive for these "special" state employees than for other state employees.

If a state position is a "special" state position, an employee holding that position may be paid by others, act on behalf of others, and act as attorney for others with respect to matters before state agencies other than his own, provided that he has not officially participated in the matter, and the matter is not now, and has not within the past year been, under his official responsibility, and is not pending before his own state agency.

*Example:* A part-time investigator for a state agency may work on her own time privately for a party litigating a case with a different state agency, provided that she has not participated in or had responsibility for the litigated matter in her state position.

**(c) Inside track. Being paid by the state, directly or indirectly, under some second arrangement in addition to your job is prohibited, unless an exemption applies. (See Section 7)**

A state employee generally may not have a financial interest in a state contract, including a second state job. A state employee is also generally prohibited from having an indirect financial interest in a contract that the state has with someone else. This provision is intended to prevent state employees from having an "inside track" to further financial opportunities.

*Example of violation:* A paid state employee accepts paid employment with a second state agency.

*Example of violation:* A paid state employee buys a surplus computer from his agency.

*Example of violation:* A state employee wants to work for a non-profit that receives funding under a contract with the state. Unless she can satisfy the requirements of an exemption under Section 7, she cannot take the job.

There are numerous exemptions. Some exemptions apply only to special state employees. Specific exemptions may cover State Senators and State Representatives, teaching and related activities in state facilities, serving as an uncompensated volunteer in a second state position, providing services to state agency clients, and other specific situations. Please call the Ethics Commission's Legal Division for advice about a specific situation.

**V. After you leave state employment. (See Section 5)**

**(a) Forever ban. After you leave your state job, you may never work for anyone other than the state on a matter that you worked on as a state employee.**

If you participated in a matter as a state employee, you cannot ever be paid to work on that same matter for anyone other than the state, nor may you act for someone else, whether paid or not. The purpose of this restriction is to bar former employees from selling to private interests their familiarity with the facts of particular matters that are of continuing concern to the state. The restriction does not prohibit former state employees from using the expertise acquired in government service in their subsequent private activities.

*Example of violation:* A former state employee works for a contractor under a contract that she helped to draft and oversee for the state.

**(b) One year cooling-off period. For one year after you leave your state job you may not participate in any matter over which you had official responsibility during your last two years of public service.**

Former state employees are barred for one year after they leave state employment from personally appearing before any agency of the state in connection with matters that were under their authority in their prior state positions during the two years before they left.

*Example:* A state employee negotiates a three-year contract with a company. The manager who supervised the employee, and had official responsibility for the contract but did not participate in negotiating it, leaves her job to work for the company to which the contract was awarded. The former manager may not call or write the state in connection with the company's work on the contract for one year after leaving the state.

A former state employee who participated as such in general legislation on expanded gaming and related matters may not become an officer or employee of, or acquire a financial interest in, an applicant for a gaming license, or a gaming licensee, for one year after his public employment ceases.

**(c) Partners. Your partners will be subject to restrictions while you serve as a state employee and after your state service ends.**

Partners of state employees and former state employees are also subject to restrictions under the conflict of interest law. If a state employee participated in a matter, or if he has official responsibility for a matter, then his partner may not act on behalf of anyone other than the state or provide services as an attorney to anyone but the state in relation to the matter.

*Example:* An architect serves on the state Architectural Access Board, and is responsible for every matter that comes before the Board. While he serves, his partners may not submit architectural plans for any clients seeking a variance from the Board.

*Example:* A former state agency general counsel joins a law firm as a partner. Her new partners cannot represent any private clients in connection with matters she litigated for the state for one year after her job with the state ended.

*Example:* A professional engineer formerly employed by a state agency joins an engineering firm organized as a partnership. His new partners cannot appear before his former agency in connection with matters that he worked on for the state for one year after his job with the state ended.

**(d) Legislative and executive agents. For one year after you leave your state job you may not act as a legislative or executive agent before your former agency.**

*Example of violation:* The chief of staff of a State Senator leaves his position. Three months later, he contacts his successor to lobby on behalf of a client.

\* \* \* \* \*

This summary is not intended to be legal advice and, because it is a summary, it does not mention every provision of the conflict law that may apply in a particular situation. You can find further information about how the law applies in many situations elsewhere on this website. You can also contact the Commission's Legal Division via this website, by telephone, or by letter.

Version 7: Revised May 10, 2013

\* \* \* \* \*

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**ACKNOWLEDGMENT OF RECEIPT**

I, \_\_\_\_\_, an employee at \_\_\_\_\_, hereby  
acknowledge that I received  
*(first and last name)* *(name of state agency)*

a copy of the summary of the conflict of interest law for state employees, revised May 10, 2013,  
on \_\_\_\_\_.

*(date)*

e)

*State employees should complete the acknowledgment of receipt and return it to the individual who provided them with a copy of the summary. Alternatively, state employees may send an e-mail acknowledging receipt of the summary to the individual who provided them with a copy of it.*

*Elected State Officials should complete the acknowledgment of receipt and return it to the State Ethics Commission. Alternatively, elected state officials may send an email acknowledging receipt of the summary to the State Ethics Commission, attn: David Giannotti, at [David.Giannotti@state.ma.us](mailto:David.Giannotti@state.ma.us).*

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- [Contact](#)

# **MVPC**

## **LOCAL TECHNICAL ASSISTANCE (LTA)**

1. LTA Program Description
2. Requests for LTA (form)



# Local Technical Assistance



The LTA Program was initiated to improve the direct services of this agency to its member communities. Under the LTA Program each community annually receives from MVPC a set number of hours of technical assistance time to be used in any reasonable planning project authorized by a community's commissioner. Through this program the MVPC has given, in effect, a higher priority to local work rather than regional projects.

The LTA program is made possible through the following procedure. Monies, required for grant matching and for expenses, which cannot be charged to a specific contract, are subtracted from funds received annually through assessment (dues) payments. The remaining funds are converted to hours, put into the Local Technical Assistance Program, and divided up equally among member communities. This process usually results in each of the member communities receiving seventy (70) hours of professional level staff time, of which 35 hours should be used for GIS services. This time may be used by the community for any purpose in which the staff has professional expertise. Should a community desire services which would utilize more than the allotted time, it has two basic options: (1) it may make arrangements with another community to borrow some of their unused time (to be paid back in the next fiscal year) or (2) it may contract directly with MVPC for additional services at the actual cost of those services.



**MERRIMACK VALLEY PLANNING COMMISSION**

**REQUEST FOR LOCAL TECHNICAL ASSISTANCE**

Karen Conard, Executive Director  
Merrimack Valley Planning Commission  
160 Main Street  
Haverhill, MA 01830

Assigned LTA # \_\_\_\_\_  
MVPC Office Use Only:  
LTA \_\_\_\_ DLTA \_\_\_\_  
TRANS \_\_\_\_ Other \_\_\_\_

Subject: Request for Local Technical Assistance

Dear Ms. Conard,

I would like to request \_\_\_\_\_ hours of Local Technical Assistance time for the City/Town of \_\_\_\_\_

This time will be used for \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The project is described as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

To arrange the time, provide further information, and/or answer any questions,

please contact: \_\_\_\_\_

Telephone: \_\_\_\_\_

email: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Commissioner Signature

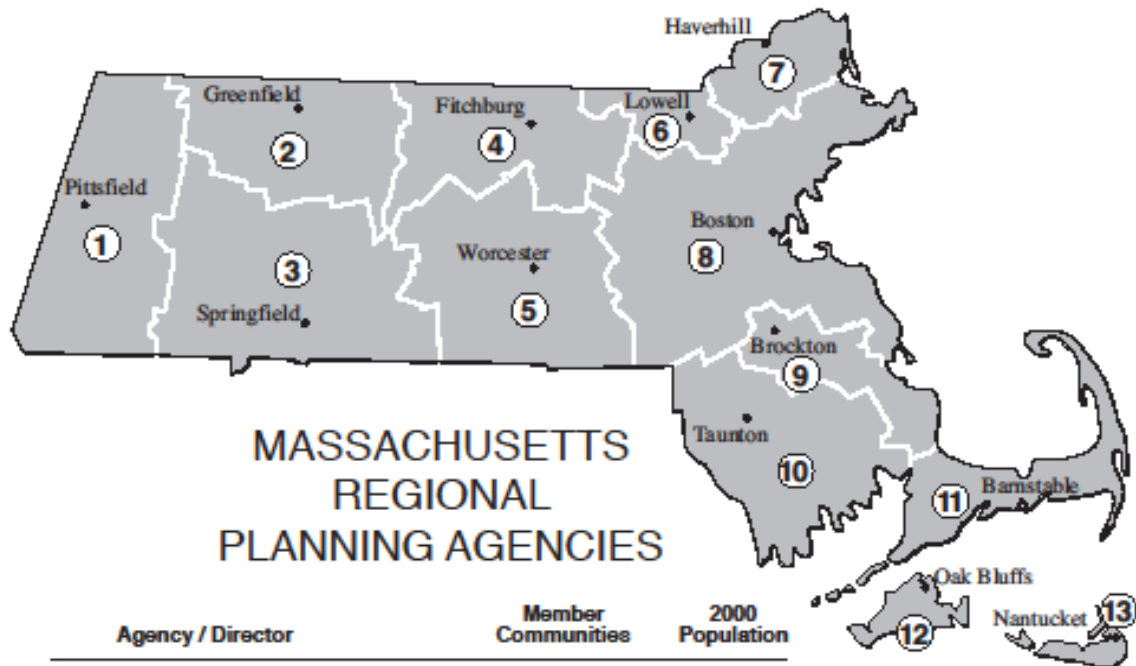
Approval:  Yes  No

\_\_\_\_\_  
**Karen Conard, Executive Director**

Date: \_\_\_\_\_

## **MISCELLANEOUS**

1. Massachusetts Regional Planning Agencies
2. Parliamentary Procedure
3. "Your Regional Council - Getting Acquainted"
4. Techniques



## MASSACHUSETTS REGIONAL PLANNING AGENCIES

Agency / Director	Member Communities	2000 Population
1. Berkshire Regional Planning Commission Nathaniel Karns - 413/442-1521	32	134,953
2. Franklin Regional Council of Gov'ts. Linda Dunlavy - 413/774-3167	26	71,535
3. Pioneer Valley Planning Commission Timothy Brennan - 413/781-6045	43	608,479
4. Montachusett Regional Planning Comm. Glenn Eaton - 978/345-7376	22	228,005
5. Central Mass. Regional Planning Comm. Lawrence Adams - 508/459-3318	40	518,480
6. Northern Middlesex Council of Gov'ts. Beverly Woods - 978/454-8021	9	281,225
7. Merrimack Valley Planning Commission Dennis DiZoglio - 978/374-0519	15	318,556
8. Metropolitan Area Planning Council Marc Draisen - 617/451-2770	101	3,066,394
9. Old Colony Planning Council Pasquale Ciaramella - 508/583-1833	15	321,515
10. Southeastern Regional Planning and Economic Development District Stephen Smith - 508/824-1367	27	597,294
11. Cape Cod Commission Paul Niedzwiecki - 508/362-3828	15	222,230
12. Martha's Vineyard Commission Mark London - 508/693-3453	7	14,987
13. Nantucket Planning and Economic Development Commission Andrew V. Vorce - 508/228-7237	1	9,520



## Massachusetts Regional Planning Agencies

*All members of the [New England Association of Regional Councils](#) (NEARC), the twelve Massachusetts regional planning agencies are public organizations that encompass a multi-jurisdictional regional community. They are founded on, sustained by and directly tied to local and/or state government laws, agreements or other actions. A regional council serves the local governments and citizens in the region by dealing with issues and needs that cross city, town, county and even state boundaries through communication, planning, policymaking, coordination, advocacy and technical assistance. A regional council seeks to build partnerships and programs that reflect the regional community.*

Through its regional council, the regional community can pool its resources to meet challenges involving solid waste, water and wastewater systems, housing, crime, transportation, workforce training, services for elderly, economic development and other issues that cross jurisdictional boundaries. Massachusetts regional planning agencies include the following:

### **BERKSHIRE REGIONAL PLANNING COMMISSION**

One Fenn Street, Suite 201  
Pittsfield, MA 01201-6229  
Tel: 413/442-1521 Ext. 26  
Fax: 413/442-1523  
E-mail: [brpc@berkshireplanning.org](mailto:brpc@berkshireplanning.org)  
Website: [www.berkshireplanning.org](http://www.berkshireplanning.org)  
Executive Director: Nathaniel W. Karns  
E-mail: [nkarns@berkshireplanning.org](mailto:nkarns@berkshireplanning.org)

### **BOSTON REGION METROPOLITAN PLANNING ORGANIZATION (MPO)**

State Transportation Building  
10 Park Plaza Suite 2150  
Boston, MA 02116  
Tel: 857.702.3686  
Website: [www.bostonmpo.org](http://www.bostonmpo.org)  
Executive Director: Karl Quackenbush  
E-mail: [kquackenbush@ctps.org](mailto:kquackenbush@ctps.org)

**CAPE COD COMMISSION**

3225 Main Street, P.O. Box 226

Barnstable, MA 02630-0226

Tel: 508/362-3828

Fax: 508/362-3136

Website: [www.capecodcommission.org](http://www.capecodcommission.org)

Executive Director: Paul Niedzwiecki

E-mail: [pniedzwiecki@capecodcommission.org](mailto:pniedzwiecki@capecodcommission.org)

**CENTRAL MASSACHUSETTS REGIONAL PLANNING COMMISSION**

2 Washington Square

Union Station, 2<sup>nd</sup> Floor

Worcester, MA 01604-4016

Tel: 508/459-3319

Fax: 508/792-6818

E-mail: [cmrpc@cmrpc.org](mailto:cmrpc@cmrpc.org)

Website: [www.cmrpc.org](http://www.cmrpc.org)

Executive Director: Janet Pierce

E-mail: [jpierce@cmrpc.org](mailto:jpierce@cmrpc.org)

**FRANKLIN REGIONAL COUNCIL OF GOVERNMENTS**

12 Olive Street, Suite 2

Greenfield, MA 01301-3313

Tel: 413/774-3167 Ext 103

Fax: 413/774-3169

E-mail: [info@frcog.org](mailto:info@frcog.org)

Website: [www.frcog.org](http://www.frcog.org)

Executive Director: Linda Dunlavy

E-mail: [lindad@frcog.org](mailto:lindad@frcog.org)

**MARTHA'S VINEYARD COMMISSION**

P.O. Box 1447

Oak Bluffs, MA 02557-1447

Tel: 508/693-3453 Ext. 11

Fax: 503/693-7894

E-mail: [info@mvcommission.org](mailto:info@mvcommission.org)

Website: [www.mvcommission.org](http://www.mvcommission.org)

Executive Director: Adam Turner

E-mail: [turner@mvcommission.org](mailto:turner@mvcommission.org)

**MERRIMACK VALLEY PLANNING COMMISSION**

160 Main Street  
Haverhill, Massachusetts 01830  
Tel: 978/ 374-0519  
Fax: 978/372-4890  
E-mail Address: [info@mvmc.org](mailto:info@mvmc.org)  
Website: [www.mvmc.org](http://www.mvmc.org)  
Executive Director: Karen Conard  
E-mail: [kconard@mvmc.org](mailto:kconard@mvmc.org)

**METROPOLITAN AREA PLANNING COUNCIL**

60 Temple Place, 6th Floor  
Boston, Massachusetts 02111  
Tel: 617/451-2770  
Fax: 617/482-7185  
Website: [www.mapc.org](http://www.mapc.org)  
Executive Director: Marc Draisen  
E-mail [mdraisen@mapc.org](mailto:mdraisen@mapc.org)

**MONTACHUSETT REGIONAL PLANNING COMMISSION**

1427R Water Street  
Fitchburg, Massachusetts 01420  
Tel: 978/345-7376 Ext 2203  
Fax: 978/348-2490  
E-mail Address: [mrpc@mrpc.org](mailto:mrpc@mrpc.org)  
Website: [www.mrpc.org](http://www.mrpc.org)  
Director: Glenn Eaton  
E-mail: [geaton@mrpc.org](mailto:geaton@mrpc.org)

**NANTUCKET PLANNING AND ECONOMIC DEVELOPMENT COMMISSION**

2 Fairgrounds Road  
Nantucket, Massachusetts 02554  
Tel: 508/228-7237  
Fax: 508/228-7236  
Website: <http://www.nantucket-ma.gov/306/Planning-Economic-Development-Commission>  
Executive Director: Andrew V. Vorce  
E-mail: [avorce@nantucket-ma.gov](mailto:avorce@nantucket-ma.gov)

**NORTHERN MIDDLESEX COUNCIL OF GOVERNMENTS**

40 Church Street Suite 200  
Lowell, Massachusetts 01852  
Tel: 978/454-8021 Ext 20  
Fax: 978/454-8023  
E-mail Address: [mail@nmcog.org](mailto:mail@nmcog.org)  
Website: [www.nmcog.org](http://www.nmcog.org)  
Executive Director: Beverly A. Woods  
E-mail: [bwoods@nmcog.org](mailto:bwoods@nmcog.org)

**PIONEER VALLEY PLANNING COMMISSION**

60 Congress Street

Springfield, MA 01104

Tel: 413/781-6045

Fax: 413/732-2593

E-mail: [info@pcpc.org](mailto:info@pcpc.org)

Website: [www.pvpc.org](http://www.pvpc.org)

Executive Director: Timothy W. Brennan

E-mail: [tbrennan@pvpc.org](mailto:tbrennan@pvpc.org)

**OLD COLONY PLANNING COUNCIL**

70 School Street

Brockton, MA 02301

Tel: 508/583-1833

Fax: 508/559-8768

E-mail: [info@ocpcrpa.org](mailto:info@ocpcrpa.org)

Website: [www.ocpcrpa.org](http://www.ocpcrpa.org)

Executive Director: Pat Ciaramella

E-mail: [pciaramella@ocpcrpa.org](mailto:pciaramella@ocpcrpa.org)

**SOUTHEASTERN REGIONAL PLANNING  
AND ECONOMIC DEVELOPMENT DISTRICT**

88 Broadway

Taunton, MA 02780

Tel: 508/824-1367 Ext 220

Fax: 508/823-1803

E-mail: [info@srpedd.org](mailto:info@srpedd.org)

Website: [www.srpedd.org](http://www.srpedd.org)

Executive Director: Jeffrey Walker, AICP

E-mail: [jwalker@srpedd.org](mailto:jwalker@srpedd.org)

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# Massachusetts Association of Regional Planning Agencies

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## WHAT MAKES US UNIQUE



In 1955, Massachusetts became one of the first states in the nation to create enabling legislation—Massachusetts General Laws Chapter 40B—to pave the way for regional planning agencies.



Massachusetts' RPAs are "wall-to-wall," covering the length and breadth of the commonwealth—in fact, fewer than five of the state's 351 total municipalities are not presently RPA members.



Massachusetts' RPAs are comprehensive public planning agencies rather than special purpose entities such as transit authorities, economic development districts, or private watershed councils.



Massachusetts' RPAs largely must work through New England town meetings to implement planning recommendations and projects.



Except for the island regions of Martha's Vineyard and Nantucket, all Massachusetts RPAs have Metropolitan Planning Organization (MPO) designation and lead responsibility for transportation planning and programming in their planning districts.



Special pieces of legislation enacted by the state Legislature in the 1970s and 1980s gave two Massachusetts RPAs—the Martha's Vineyard Commission and the Cape Cod Commission—special land use regulatory powers not afforded elsewhere in the commonwealth.



Massachusetts' RPAs have helped spearhead some of the country's first successful examples of regional implementation and service delivery—Massachusetts Bay Transportation Authority, Metropolitan District Commission, the Quabbin Reservoir, the Massachusetts regional transit authorities, the Appalachian Trail, and the National Seashore on Cape Cod, among others.



The Metropolitan Area Planning Council and the Pioneer Valley Planning Commission incorporate two of New England's five largest metropolitan regions: the greater Boston and Springfield metropolitan areas. (In descending order, the five largest regions are Boston, Hartford, Providence, Springfield, and New Haven.)



The Massachusetts RPAs were tapped by the commonwealth to help implement Executive Order 418, a measure introduced by the governor in January 2000 to help communities plan for new and affordable housing opportunities while balancing economic development, transportation infrastructure improvements, and open space preservation. The RPAs acted as program administrators for the cities and towns in their planning districts, and most provided eligible planning services to municipalities on a contract basis.



## ECONOMIC DEVELOPMENT

*Economic development used to be radically simpler. In the 1960s and 1970s, a local strategy to promote economic development and job growth might mean securing a federal grant to build a full-service industrial park, hiring an agent to sell the parcels, using appropriate trade journals to advertise the site and promote the community's hardworking labor force and attractive quality of life—and then waiting for something to happen. In many cities and towns throughout Massachusetts, this was the basic approach taken for economic development. Today, with a new century on the horizon, the commonwealth's economic realities demand a more sophisticated, coordinated approach to encouraging economic development. No longer do simple formulas or strictly local initiatives determine whether businesses locate, expand, or remain in our cities and towns. Instead, the principal geographic unit relative to the economy has become the metropolitan region, in Massachusetts and throughout the nation. More than ever, businesses are looking closely at regional factors to help them make vital decisions.*

### **Regional Planning Agencies Balance Economic Growth and Community Character**

Massachusetts' regional planning agencies are vital to economic development in their areas, addressing issues that are important to businesses and municipalities: labor force, growth management, and regional marketing. A tight, skilled labor force, for instance, prompts businesses to focus on transportation (i.e., work force mobility) and housing costs (i.e., work force availability). In the growth management arena, Massachusetts' RPAs help communities develop bylaws and ordinances that promote industrial development without sacrificing environmental quality. Increased citizen resistance to new development coupled with a suburban and rural shift for new industrial development makes thoughtful planning crucial to achieve such a balance. Finally, the RPAs underscore the importance of regional thinking rather than a strictly local mindset. In times of scarce resources and legally constrained tax revenues, cities and towns must resist the urge to blindly compete against one another in order to prosper economically. Rather, communities must collaborate on a regional basis if they are to successfully compete in today's turbulent and ever-changing economy.

### **Regional Planning Agencies Ease the Region's Growing Pains**

Traditionally, economic development efforts have focused on communities that have the staff, the labor force, and the infrastructure necessary to encourage and support new development. But in the last decade, most of Massachusetts' new growth happened outside the cities—along the Interstate 495 corridor west of Boston, for example—where there is more land and less severe traffic congestion. Consequently, new problems are being caused by reverse commuting to suburban and rural employment centers, as well as new pressures on towns unprepared to handle rapid growth and development within their borders.

Regional planning is needed to ensure that new economic centers prove assets rather than liabilities to their respective planning regions. Massachusetts' RPAs have provided regionally-oriented advice and assistance on access, zoning, environmental impact, infrastructure, and labor force availability issues—from forming transportation management associations with employers to deal with worker mobility, to helping small communities draft zoning ordinances that will make new development compatible with the area. The RPAs have also helped new businesses and municipalities negotiate needed infrastructure improvements and frequently work with their member cities and towns as well as the private business sector to develop strategic economic plans to guide their economic futures.

### **Regional Planning Agencies Save Money**

Economic development is an investment, made with the expectation that it will be returned with interest in the future. Because federal and state funding assistance remains scarce, cities and towns must now help underwrite economic investments such as site development, infrastructure, and staffing. Moreover, today's business decisions turn on regional factors such as labor availability, transportation networks, housing costs, and quality of life. Whether making cooperative promotional efforts or regional infrastructure developments, individual communities can no longer afford to act alone. Massachusetts' RPAs help cities and towns work together to make economic development decisions that will yield regional-scale economies and a worthy return on their investments.

### **Regional Planning Agencies at Work: A Sampler of Economic Development**

*The Berkshire Regional Planning Commission* and the *Franklin Regional Council of Governments* were instrumental in creating Berkshire Connect and Pioneer Valley Connect, both efforts to expand broadband availability in Western Massachusetts.

*The Pioneer Valley Planning Commission* collaborated with commercial and industrial real estate brokers and owners to create a region-wide computerized inventory of Pioneer Valley industrial sites and buildings.



## ENVIRONMENTAL QUALITY

*Massachusetts' regional planning agencies play a pivotal role in managing and protecting regional environmental resources—addressing environmental issues that involve more than one community, providing technical assistance to local governments with environmental issues, and linking municipalities with the federal and state governments on environmental policies, programs, and regulations.*

### **Regional Planning Agencies Take a Cooperative Approach**

Because most environmental issues transcend the boundaries of a single community, Massachusetts' regional planning agencies are uniquely qualified to craft regional solutions to problems that are regional in scope. In fact, the fundamental feature of natural resources is that they transcend municipal boundaries. Watersheds, aquifers, and river basins, for instance, are routinely shared by two or more communities—and the impact on those resources in one community will likely be felt by its neighbors.

Clearly, regional cooperation and coordination are crucial for protecting Massachusetts' natural resources and, in turn, public health and safety. With their regional orientations and their oversight capacities, the RPAs make effective use of scarce state and federal assistance dollars and apply their technical expertise to critical environmental concerns, from solid waste district formation and septage management to open space protection and watershed management.

### **Regional Planning Agencies Help Local Governments**

Under Massachusetts' system of home rule, local governments are frequently responsible for overseeing myriad environmental concerns—water supply protection, air and water quality, solid waste, septage management, lake management, land use and zoning, open space planning, river basin planning, and environmental impact analysis, to name a few. At the same time, many of these communities must rely upon part-time, unpaid community members for their operations and have little, if any, professional staff to address increasingly complex environmental issues and threats.

RPAs help planning boards, conservation commissions, water and sewer commissions, and boards of health carry out their mandates by providing direct technical assistance on a wide array of pressing environmental issues. RPAs perform a number of services under this rubric: researching and writing reports with recommendations for action, attending board meetings and making oral presentations, preparing and distributing practical "how-to" manuals for local officials, writing model bylaws, compiling and evaluating data, and conducting public education and information programs, among many others.

### **Regional Planning Agencies Help State Government**

It is extremely difficult and costly for state agencies such as the Department of Environmental Protection and the Executive Office of Environmental Affairs to directly address the environmental concerns confronting 351 different communities across the commonwealth. The regional planning agencies are vehicles for helping state agencies implement state programs and policies in each region, and for coordinating the delivery of services throughout Massachusetts.

The state's regional planning agencies are in a unique position to provide a critical link between state programs and local communities. Because the RPAs have close ties with and important technical knowledge about the communities they serve, they can work effectively to further state goals and objectives at the local level for such issues as water quality, waste management, water supply, open space, and land use planning.

### **Regional Planning Agencies at Work: A Sampler of Environmental Quality Planning**

*The Cape Cod Commission* developed the Pond and Lake Stewardship (PALS) project, which employs citizen volunteers to monitor, test, and protect the water quality of Cape Cod's more than 900 ponds and lakes.

*The Pioneer Valley Planning Commission* developed the Interstate Coalition on Connecticut River Clean-Up and staffed the Connecticut River Clean-Up Committee to address the regional problem of combined sewer overflows and thereby achieve fishable, swimmable water quality in the lower Connecticut River.



## LAND USE AND SMART GROWTH MANAGEMENT

*Effective land use planning is essential for Massachusetts to have both a strong economy and a safe, high-quality environment. All too frequently, however, development has moved in random, haphazard patterns that treat land use and related environmental concerns as afterthoughts. Correspondingly, land use controls often are not well-coordinated between municipalities and regions, leading to decisions that serve one community's economic goals at the expense of another community's quality of life. Especially disconcerting, declining urban areas coupled with runaway sprawl move in a relentless downward spiral, steadily degrading community character while wastefully consuming huge tracts of open land. As Massachusetts faces a dawning new century, our economic and environmental health demand an approach that blends traditional land use controls with far-seeing growth management planning, knitting them into a strong yet flexible regional fabric. With a solid history of addressing the needs of individual municipalities and the regions they form, Massachusetts' regional planning agencies are poised to carry out this charge, working in concert with their member communities and state government.*

### Regional Planning Agencies See the Big Picture

Land use planning is a complex web of many other major planning concerns: transportation; economics; environmental quality; residential, commercial, and industrial development; and infrastructure. Furthermore, planning that transcends municipal boundaries is critical at the close of the twentieth century, as the results of lax or erratic controls are manifested in a chain of troubling realities: industrial migration, suburban sprawl, longer commutes between home and work, increased air pollution. Even if these realities can be mitigated, the conditions that created them are irreversible. Therefore, Massachusetts must increasingly rely upon creative regional solutions that re-craft problems into innovative possibilities for a twenty-first century in which:

*Community zoning bylaws* and land use decisions are consistent with community and regional master plans.

*New development* is designed to maintain community character, enhance quality of life, support a diversified economy, and minimize adverse impacts.

*City and town centers* are the vibrant focus of community life and local commerce.

*Compact residential development*, in pedestrian-oriented neighborhoods of diverse housing types, is created near employment or community centers.

*Existing commercial and industrial centers* are revitalized.

*Key environmental assets* such as wetlands, watersheds, and floodplains, are protected, restored, and enhanced.

*A coordinated, multi-modal transportation system*, economically and environmentally sound, moves people and goods safely, dependably, and efficiently.

*Infrastructure* is safe, reliable, and of high quality.

Massachusetts' RPAs are especially well-equipped to help their member communities and their regions realize these visions by encouraging expansive thinking, foresight, and cooperation, and by providing expert advice and services.

### Regional Planning Agencies Save Money, the Environment, and the Economy

By scrutinizing the broad picture of land use and growth planning, RPAs work efficiently to coordinate various elements in different planning scenarios, thereby realizing maximum benefits. For example, an RPA saves money by recommending that a new shopping mall be built in an area currently supported by appropriate infrastructure, rather than where roads are already congested and new, expensive infrastructure will be required. Thoughtful land use planning also saves millions of dollars in environmental clean-up costs by helping to ensure that developments will not be placed in environmentally sensitive areas. And far-thinking land use planning by Massachusetts' RPAs creates jobs where they are needed, thus preserving tax bases for hundreds of member cities and towns across the commonwealth.

### Regional Planning Agencies at Work: A Sampler of Land Use and Growth Management Planning

*The Cape Cod Commission* completed a comprehensive revision of the Cape Cod Regional Policy Plan and created a companion Regional Land Use Vision Map to encourage development in areas adequately supported by infrastructure and to discourage development in areas with significant resources needing protection.

*The Montachusett Regional Planning Commission* has been at the forefront of renewable energy efforts with a Wind Energy Conversion Systems (WECS) "windmill" zoning bylaw for its member community of Templeton.



## TRANSPORTATION

*Since the mid-1960s, transportation planning—especially highway and transit planning—has been a major focus of Massachusetts' regional planning agencies. Transportation planning is unquestionably a regional issue, since the movement of people and goods constantly crosses municipal and other political boundaries.*

*That focus has only grown sharper. The transportation challenges confronting the commonwealth in the 1990s are more complicated and controversial than ever. Increased levels of traffic congestion threaten the quality of life residents have enjoyed for decades. More vehicles, more travel, and little investment in transportation needs are overwhelming the state's systems and facilities. Moreover, achieving federally mandated national air quality standards depends on our ability to significantly reduce vehicle exhaust emissions—a prime cause of air pollution problems in Massachusetts and many other states. Consequently, sound transportation planning and decision-making, conducted on a regional scale, help ensure superior levels of mobility and safety as well as prospects for the commonwealth's RPAs to play a pivotal role in helping to bring about economic prosperity, to enhance public health and regional communication, and to compete successfully in today's global marketplace.*

### **Regional Planning Agencies Are Cost-Effective**

Today, with increased federal, state, and local budget constraints, the value of a regional approach to transportation planning has never been greater. Massachusetts' RPAs help the commonwealth and their member municipalities save money and make smart transportation investments in a number of areas:

**Highway Corridor Studies:** RPAs conduct highway corridor traffic studies, leading to cost-conscious short- and long-term solutions to serious traffic capacity and safety problems of important state highways.

**Pavement Management Systems:** RPAs inventory local street systems and pavement deficiencies to determine the most urgently needed and fiscally prudent transportation investments.

**Transit Service Planning:** RPAs perform day-to-day transit services and special study projects for their regional transit authorities.

**Transportation Management Innovations:** RPAs organize innovative initiatives such as transportation management organizations that solicit private sector input to solve transportation corridor problems.

**Local Technical Assistance:** RPAs routinely provide their member communities with inexpensive or free technical assistance—analyzing problematic intersections, counting traffic and turning movements, assessing the traffic impact of large-scale developments, developing truck routes, and other services.

### **A Regional Approach Makes Sense**

For more than three decades, the RPAs of Massachusetts have brought together all levels of government, the private business sector, and civic organizations to achieve a regional approach to transportation planning and decision-making. Why has this regional approach worked so well?

**The regional approach is comprehensive,** ensuring that transportation planning is fully and correctly integrated with other areas of regional concern—housing, land use, environmental quality, and economic development.

**The regional approach is environmentally sensitive,** fostering a planning process that recognizes the environmental effects of transportation systems, facilities, and services.

**The regional approach saves money,** taking advantage of state and federal funding assistance for regional transportation programs and projects, thereby realizing cost savings and economies of scale not possible with an incremental or fragmented approach.

**The regional approach relies heavily on the involvement of local elected officials,** who initiate highway and transit programs, projects, and services, ultimately bringing regional plans to successful implementation.

**The regional approach is effective,** with a proven performance record of addressing the numerous transportation needs, problems, and opportunities in the commonwealth's different regions.

### **Regional Planning Agencies: A Sampler of Transportation Planning**

**The Franklin Regional Council of Governments** led the development of a 33-mile bikeway connecting eight towns with bikepaths and shared road infrastructure and signage.

**The Metropolitan Area Planning Council** helped to create the Metropolitan Highway System Advisory Board, which provides local input into decisions about the Central Artery construction project in Boston.

# Introduction to Robert's Rules of Order



## **What is Parliamentary Procedure?**

### **Why is Parliamentary Procedure Important?**

#### **Example of the Order of Business**

#### **Motions**

#### **Types of Motions**

#### **How are Motions Presented?**

#### **Voting on a Motion**

## **What Is Parliamentary Procedure?**

It is a set of rules for conduct at meetings, that allows everyone to be heard and to make decisions without confusion.

## **Why is Parliamentary Procedure Important?**

Because it's a time tested method of conducting business at meetings and public gatherings. It can be adapted to fit the needs of any organization. Today, Robert's Rules of Order newly revised is the basic handbook of operation for most clubs, organizations and other groups. So, it's important that everyone know these basic rules!

## **Example of the Order of Business**

Organizations using parliamentary procedure usually follow a fixed order of business. Below is a typical example:

- Call to order.
- Roll call of members present.
- Reading of minutes of last meeting.
- Officer's reports.
- Committee reports.
- Special orders --- Important business previously designated for consideration at this meeting.
- Unfinished business.
- New business.
- Announcements.
- Adjournment.

## **Motions**

The method used by members to express themselves is in the form of moving motions. A motion is a proposal that the entire membership take action or a stand on an issue. Individual members can:

- Call to order.
- Second motions.
- Debate motions.
- Vote on motions.

## **There are four Basic Types of Motions:**

**Main Motions:** The purpose of a main motion is to introduce items to the membership for their consideration. They cannot be made when any other motion is on the floor, and yield to privileged, subsidiary, and incidental motions.

**Subsidiary Motions:** Their purpose is to change or affect how a main motion is handled, and is voted on before a main motion.

**Privileged Motions:** Their purpose is to bring up items that are urgent about special or important matters unrelated to pending business.

**Incidental Motions:** Their purpose is to provide a means of questioning procedure concerning other motions and must be considered before the other motion.

## **How are Motions Presented?**

### **Obtaining the floor**

- Wait until the last speaker has finished.
- Rise and address the Chairman by saying, "Mr. Chairman, or Mr. President."
- Wait until the Chairman recognizes you.

### **Make Your Motion**

- Speak in a clear and concise manner.
- Always state a motion affirmatively. Say, "I move that we ..." rather than, "I move that we do not ...".
- Avoid personalities and stay on your subject.
- Wait for Someone to Second Your Motion.
- Another member will second your motion or the Chairman will call for a second. If there is no second to your motion it is lost.
- The Chairman States Your Motion

The Chairman will say, "it has been moved and seconded that we..." Thus, placing your motion before the membership for consideration and action. The membership then either debates your motion, or may move directly to a vote. Once your motion is presented to the membership by the chairman it becomes "assembly property", and cannot be changed by you without the consent of the members.

### **Expanding on Your Motion**

- The time for you to speak in favor of your motion is at this point in time, rather than at the time you present it. The mover is always allowed to speak first.
- All comments and debate must be directed to the chairman.
- Keep to the time limit for speaking that has been established.
- The mover may speak again only after other speakers are finished, unless called upon by the Chairman.

### **Putting the Question to the Membership**

- The Chairman asks, "Are you ready to vote on the question?"
- If there is no more discussion, a vote is taken.
- On a motion to move the previous question may be adapted.

### **Voting on a Motion**

- The method of vote on any motion depends on the situation and the by-laws of policy of your organization. There are five methods used to vote by most organizations, they are:

### **By Voice**

- The Chairman asks those in favor to say, "aye", those opposed to say "no". Any member may move for an exact count.

### **By Roll Call**

- Each member answers "yes" or "no" as his name is called. This method is used when a record of each person's vote is required.

### **By General Consent**

- When a motion is not likely to be opposed, the Chairman says, "if there is no objection ..." The membership shows agreement by their silence, however if one member says, "I object," the item must be put to a vote.

### **By Division**

- This is a slight verification of a voice vote. It does not require a count unless the chairman so desires. Members raise their hands or stand.

### **By Ballot**

- Members write their vote on a slip of paper; this method is used when secrecy is desired. There are two other motions that are commonly used that relate to voting.

### **Motion to Table**

- This motion is often used in the attempt to kill" a motion. The option is always present, however, to "take from the table", for reconsideration by the membership.

### **Motion to Postpone Indefinitely**

- This is often used as a means of parliamentary strategy and allows opponents of motion to test their strength without an actual vote being taken. Also, debate is once again open on the main motion.

Parliamentary Procedure is the best way to get things done at your meetings. But, it will only work if you use it properly.

- Allow motions that are in order.
- Have members obtain the floor properly.
- Speak clearly and concisely.
- Obey the rules of debate.
- Most importantly, BE COURTEOUS.



## Welcome to your Regional Council

You have just been chosen to serve on your area's regional council board. And you're wondering. . . What is a regional council and what does it do? What is my role? What are my responsibilities? What kinds of decisions must I be prepared to make?

This publication will help you better understand your role and duties as a regional policy official. It discusses regional councils, -what they can do, and what you must do to govern them. At the end of the booklet, you will find a list of resources to help you even further, or to enable you to pursue in greater depth an area you find especially interesting.

The information in this handbook was compiled as a result of a series of workshops for regional council board members held by the National Association of Regional Councils in the fall of 1977, and from conversations with a number of regional policy board members. It has been prepared to give you answers to some of the questions asked above—and to start you thinking about your own answers to the rest.

So good luck. . . and welcome to Your regional council!

## Getting Acquainted with your Council

So, you're the new face around the table. What's the best way to inform yourself about the structure, issues, and tasks of your regional council?

Your best resources are your board chairman or your predecessor. These are policy officials like yourself who can provide insight into the political conditions surrounding the council and the board. They can tell you about past decisions and potential hot spots. Other policy board members, too, will have suggestions on how to become acquainted.

You should also talk with your council's executive director. This professional has been hired by your board to implement your decisions, to oversee the day-to-day administrative details, and to provide information and assist you in the decision-making process. The director, if he or she hasn't already, will be glad to brief you on the organization, work program, staffing, and funding of the council, and can recommend reports and handbooks that furnish the background you need to begin to fulfill your role as a regional policy maker.

A visit to the regional council offices and discussions with staff might also be beneficial, your executive director can make the arrangements. A brief review of past and current annual reports, newsletters, and other publications can paint an accurate picture of where your council is coming from and where it's going.

## What is a Regional Council?

Perhaps the first question should be "What is a region?" It's difficult to find a satisfactory definition. The closest we can come is just to say that a region is a group of neighboring towns, cities, and counties whose residents are tied economically, socially, and geographically into one large community—the region. These regions are smaller than a state, but may include parts of more than one state.

In our highly mobile society, it's likely that a person may live in one jurisdiction, shop in a different one, and work in still another. This mobility and the nature of our lifestyles today create problems that do not restrict themselves to a single city, town, or county.

Air and water pollution, for example, do not stop at the boundaries of the jurisdictions which generate them, nor do crime or natural disasters. New roads (or the lack of them) in one locality may cause severe problems in an adjoining community. In addition, our economic system does not respect political jurisdictions. The market place covers an entire region or market area. and decay, stagnation, or unemployment in one community can affect another. And finally, the costs of local government continue to soar. Yet tax dollars are scarce and competition for development or for federal and state funds among neighbors can be harmful to all.

Many options have been tried and are available to local areas for dealing with these "across local boundary" regional problems. The local government can simply surrender authority to the state government and let it provide the answers. However, most people would rather keep the decision making a little closer to themselves. The local government could reorganize itself, through consolidation or annexation. Special purpose districts could be formed. Inter-local agreements or contracts could be signed. A cooperative organization for collecting data, providing technical assistance, planning, or coordinating local actions can be formed.

This last alternative has proved to be the most popular. Local governments in over 650 regions throughout the country have decided to form just such a regional organization to work towards the solution of area-wide problems. The main purpose of these organizations is to increase communication, cooperation, and coordination among local governments.

There are many different types of regional councils. Their structure and programs vary greatly from one area to another. They range from a strictly voluntary planning body formed by local governments to a state-legislated body which delivers regional services. They may be known as regional planning commissions, councils of governments, or local or economic development districts. And their responsibilities may be given to them through local government agreement, state designation, and federal legislation. But most regional councils have the following characteristics in common:

- They are voluntary. In nearly every instance, membership is voluntary, local financial contributions are voluntary, and local implementation of council decisions and recommendations is voluntary. Most regional councils have no traditional local government authority such as taxation, ordinance making or eminent domain.
- Regional councils are made up of more than one local government, usually several cities, counties, towns, special districts and other entities.
- Regional councils deal with a variety of public issues, such as transportation, health, public safety, human resources, and economic and environmental quality.
- They have legal status and exist through the agreement of member local governments by virtue of a specific state law or laws.

Regional councils differ from local governments in a number of ways. Regional council policy officials typically are not elected directly to the council post by the citizens of the region, but rather consist mostly of representatives of member local governments. Since regional councils generally have no taxing powers, they have no stable base of funding. They must depend upon contributions from their member governments as well as aid from the state and federal governments. They plan for services and the solutions to problems which transcend the boundaries of their member governments. They rarely deliver the services they plan for; they depend on their local government to do so. They do not become involved in those governmental efforts and functions of their members which do not have a multi-jurisdictional impact.

Local governments have been around for a long time. They have a firm concept of what they are and what they do. Regional councils, on the other hand, are relatively new. Over 80% have been formed since 1966. And they are still evolving. Their role in our federal system is still being defined. But in a few short years, regional councils have changed local government relationships with each other and relationships within the federal system. There is now a process for cooperation and negotiation among local communities that form a region. Without changing our present governmental structure, regional councils provide a forum for dealing with regional problems that need regional solutions.

*"There is now a processor cooperation  
and negotiation among local communities  
that form a region."*

## **What do Regional Councils do?**

Regional councils strengthen and assist local governments. They prepare comprehensive and functional plans to guide and provide for orderly growth and development. Increasingly, they provide management and technical assistance to their members upon request. They review federal and state funding proposals and local plans to avoid duplication, and they help make the federal system work by serving as a liaison among local governments and federal and state governments.

Most important, regional councils give local officials the capability to make area-wide decisions among themselves. By banding together, local governments have been able to acquire federal and state aid for regional and local problem solving. Within their regional councils, local officials are able to define and direct the proper course for the solution of area-wide problems that cannot be solved within a single jurisdiction. This capability can prevent state and federal domination in local affairs.

*"By banding together, local  
governments have been able to  
acquire federal and state aid for  
regional and local problem solving."*

Programs of regional councils are diverse. Some examples of regional council activities follow.

- Local governments in many areas have saved hundreds of thousands of dollars by buying supplies and equipment together through cooperative purchasing programs organized by their regional councils.
- Some councils sponsor a "circuit rider" planner, engineer or manager, enabling small cities and towns to share the services of a professional they could otherwise not afford.
- Many regional councils have developed housing programs that help allocate subsidized low- and moderate-income housing equitably throughout their regions.
- Other councils have implemented emergency medical services systems which coordinate specialized emergency transportation communication and care facilities within the region.
- The Retired Senior Volunteer Program (RSVP), sponsored by a number of councils, identifies, recruits and involves retired citizens in projects where their talents and energies can be used in a variety of community and business projects.
- Regional councils participating in the "Section 208" area-wide water quality management planning program have saved local, state and federal governments million! of dollars in unnecessary and over-designed treatment facilities.

## Just what will You be doing?

Your regional council's tasks and duties will vary by what you decide to do, what federal, state and local programs you participate in, and of course by the political attitudes which you bring to your regional council. In addition, you will be giving direction and instructions to the professional staff, just as you might do on your local council or commission.

- Reviewing, commenting on and allocating federal funds coming into your region. This review is under the authority of OMB Circular A-95, further explained on the next page.
- Setting regional policies and approving or revising plans prepared by the regional council staff. This usually includes a recommendation to local governments that they in turn implement the final plan.

But decision making is only part of the job. After the decisions are made, they must be implemented. And that seems more difficult in a regional council than it is in a city, town, or county council. Since regional councils have little authority, they must rely on negotiation to implement their decisions. And that means that you have a responsibility to explain and support a regional decision before your local governmental body. Some of the techniques and tools that you can use to build support and work towards becoming a better regional policy maker are outlined at the end of this booklet.

***"... you have a responsibility  
to explain and support a  
regional decision before your  
local government body."***

## Who Governs the Council?

You do. You and the officials on the city, town or county governing bodies that are members of your regional council. Others may be involved too. Representatives of special districts, school districts, and the state government, and appointed officials and citizens also serve on many regional council boards. Your council may have a voting and representation system that reflects a weighted structure (based on population) or a voting system which reflects the equal status of all jurisdictions regardless of size, or both. A regional council is not a super government. Any authority it has comes from local, state or federal action. In nearly all cases it is controlled and operated by local government officials of the region. And you, the representatives of those local governments, must make policy decisions and implement those decisions through your communities.

The voluntary nature of most councils can be both a strength and a weakness. This points out one of the underlying and crucial tasks that you must face. The art of compromise was never so vital as it is in regional inter-local government affairs. You must learn to "walk a mile" in your colleague's shoes as well as express to other board members your own concerns and the concerns of your constituency.

Serving as a regional council board member represents a different sort of political role for many local elected officials. You probably didn't get to your regional council board through direct election. You didn't run in a campaign with definite issues and the concerns of a regional electorate. If elected, you ran for office in a city, town, or county. Your council or commission probably appointed you to serve on the regional council.

This process affects your role. It is one of a representative and yet diplomatic nature, serving your local interests in a gathering of equals, trying to balance local concerns with what's best for the regional community as a whole. Trying to reach a consensus, and then trying to gain support of your colleagues and the public back home on that consensus, becomes crucial. Allocating federal and state funds among local governments can be a severe test of good nature and diplomacy.

One other problem you will face should be mentioned here. Frequently questions arise as to who does control your council. Do the "feds" control your council or does the state or even the regional council staff? This issue arises because of the substantial federal funds and program strings that are involved. State bureaucracies may also exercise substantial influence. As to the staff domination issue—it can occur. Policy people like yourself are busy. But *if* you are going to stay in control, you must be involved and provide direction to the staff. As we mentioned earlier, *you* govern the regional council.

One of the regional council's most important coordinating tools is provided through the area-wide review and comment process (A-95). The A-95 process is an early-warning system so local governments can coordinate their decisions with what is going on elsewhere in the region before federal funds can be spent on a project with significant regional impact. The council does not have approval or disapproval authority; rather, the council comments on whether a regional or local project conforms with regional plans. This avoids spending federal tax revenues on projects which might duplicate or conflict with other programs or plans for future development.

Another important element of your responsibilities is your relationship with the professional staff. The policy making board will direct the staff by establishing goals, formulating policies, and setting priorities. The staff handles the day-to-day administrative details and technical tasks. But the resolution of policy matters will always be your responsibility. The staff is there to assist you. If a presentation does not provide enough information, you should be able to request additional information from the staff before making a decision.

You can see, then, that your role as a regional council board member is a vital, dynamic, and challenging one, involving you in a much broader arena than your local scene. And nobody ever said that inter-local cooperation would be easy. Your tasks are going to demand attention and time. You need to be innovative and flexible, and willing to experiment with new approaches and new ideas. And it also means that you are going to experience times of uncertainty and confusion. It will be difficult to know which way to go just because no one else has been there yet! But whether you are the quiet, "working behind the scenes" individual or the outspoken, highly visible type, the council staff and the public look to you for leadership.

**So, welcome and good luck!**

*"You need to be innovative and flexible, and willing to experiment with new approaches and new ideas."*

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## Techniques for the Effective Board Member

### Keep Informed

- Do your homework. Set aside a regular period of time—weekly, perhaps—to keep up with your mail, read and study staff reports, and generally stay informed on what's going on in your region, and in your state.
- Monitor the administrative areas of your regional council, such as budget reports and work program progress.
- Read NARC's *Washington Report* to stay on top of federal legislative activities which concern regional councils.

### Participate

- Attend and participate in all regional council meetings. If you cannot attend, make arrangements for an alternate, preferably—if your bylaws permit—someone who can vote in your place.
- Ask questions during meetings. Where you can, help other board members see the whole issue and all sides of complex items.
- Put your special expertise to work by serving on committees.
- Help new board members become fully acquainted with the council's background and current policies.
- Support "retreats" and combined business and social meetings designed to help your board's members become better acquainted with one another and with the council's goals and programs.

### Build Support "Back Home"

- Brief your local town, city or county council on regional issues and deliberations and decisions of the regional council.
- Jointly identify local needs or concerns to be taken back to the regional council.
- Advise your colleagues of regional activities benefitting the jurisdiction.
- Volunteer to host a regional council meeting in your jurisdiction and invite your local council members to attend.
- Hold occasional public meetings on specific issues to inform your constituents on regional council plans and to seek their ideas and participation.
- Volunteer to chair or moderate workshops, seminars or conferences on regional issues sponsored by your regional council, your own local governing board or other interested groups.

### Strengthen Relationships with State and Federal Officials

- Become acquainted with state and federal officials who deal with your regional council; build a friendly relationship with them before a crisis arises. Provide them with basic information about regionalism—what it is and what it means to the local governments of your region.
- Keep calls or visits with your state or federal representatives positive. Don't demand help or criticize their position. Present your problem and ask if they can help. And concentrate on a single issue, rather than a "laundry list" of problems.