

## **MASSACHUSETTS**

Massachusetts ranks 33rd among the states in number of local governments, with 861 as of October 2007.

### **COUNTY GOVERNMENTS (5)**

Between 1997 and 2000, the state abolished all but six of its counties. Four of these, Bristol, Dukes, Norfolk, and Plymouth counties, are counted as county governments in census statistics. The area and the governing body of Nantucket County are identical with those of the town of Nantucket; the town selectmen serve as county commissioners. Nantucket is counted as a town government, rather than as a county government. Suffolk County encompasses an area larger than the city of Boston but is substantially consolidated with that city for governmental purposes. The combined city and county government is counted as a municipal government, rather than as a county government.<sup>1</sup>

In counties with county government, the governing body is called the board of county commissioners. County governments in Massachusetts perform limited functions. Some of the most important functions include provision of jails and other correctional institutions, recording of deeds, and provision of courthouses. The counties may also maintain agricultural schools (see "Public School Systems," below) and hospitals. Counties may choose a home-rule charter.

In the abolished counties, the county functions were turned over to the state. The county areas continue to serve as political districts for election purposes. The cities and towns may choose a regional charter commission charter, with a council of governments as the governing body, to provide various services such as public safety, housing, water and sewer, and transportation. These councils are counted as special districts rather than county governments. See "Special Districts," below.

## **SUBCOUNTY GENERAL PURPOSE GOVERNMENTS (351)**

The subcounty general purpose governments in Massachusetts consist of municipal (city) governments and town governments. These two types of governments are distinguished primarily by the historical circumstances surrounding their incorporation. In Massachusetts, city and town governments have similar powers and perform similar functions.

### **Municipal Governments (45)**

The term "municipality," as defined for census statistics on governments, applies only to cities in Massachusetts. Towns, which are treated as municipalities in Massachusetts statutes, are counted for census purposes as towns rather than municipal governments (see below). Cities are established by special acts of the general court. The minimum population requirement for incorporation as a city is 12,000. Cities exist outside the area of any town and, in addition to usual city functions, have responsibility for services handled in other parts of the state by town governments. Cities may adopt home-rule charters or one of several standard charters.

### **Town or Township Governments (306)**

Although not differing in legally authorized powers from cities, units in Massachusetts designated as "towns" are counted in census statistics as a separate type of government, including those towns that have a "representative town meeting" form of government. Massachusetts towns may adopt home-rule charters. The entire area of the state is encompassed by town governments except for areas located within the boundaries of cities.

## **PUBLIC SCHOOL SYSTEMS (332)**

### **School District Governments (82)**

Only the following types of school districts in Massachusetts are counted as separate governments for census purposes:

Regional school districts (also known as “academic regional school districts”)

Regional vocational-technical school districts

Independent vocational-technical schools

Each of these types of school districts is created by election. The type of governing body is determined at the election creating the district. These districts may issue bonds and determine their fiscal needs, which are provided by the participating towns.

### **Dependent Public School Systems (250)**

Massachusetts statutes provide for the following types of dependent public school systems:

Systems dependent on county governments:

County agricultural schools

Systems dependent on municipal governments:

City school systems

Systems dependent on town governments:

Town school systems

County agricultural schools are governed by boards of trustees consisting of the board of county commissioners in an ex officio capacity plus other members appointed by the Governor. The schools are financed through county appropriations. County agricultural schools are classified for census purposes as dependent agencies of county governments and are not counted as separate governments.

The city school systems and town school systems each have an elected school committee to administer the schools; however, their fiscal requirements are determined and provided for by the respective city and town governments. City and town public school systems are classified for census purposes as dependent agencies of city or town

governments and are not counted as separate governments.

The junior colleges in Massachusetts may be established by cities or towns and are classified as dependent agencies of the city or town they serve. They are not counted as separate governments.

### **Other Educational Activities**

In Massachusetts, the superintendency unions or districts (for the joint employment of superintendents) are classified as joint educational service agencies of the public school systems they serve and are not counted as separate governments.

Educational collaboratives in Massachusetts may be formed by agreement between any two or more public school systems to provide vocational or special education. A board of directors appointed by the participating school systems governs each collaborative. The collaboratives may receive contributions from participating public school systems and may accept state and federal grants.

Independent agricultural and technical schools are programs conducted by existing school districts and school systems. The programs require state approval and are subject to state fiscal control. The programs are not counted as separate governments.

### **SPECIAL DISTRICT GOVERNMENTS (423) <sup>2</sup>**

Massachusetts statutes authorize the creation of a variety of special districts or authorities that are counted as governments. These are discussed in detail below.

#### **Burncoat Pond Watershed District**

This district was created by special act and a landowner referendum. The district is governed by a board consisting of four elected members; one selectman, serving ex officio, from each of the towns of Spencer and Leicester; and one member appointed by the Massachusetts Audubon Society for as long as the society owns property in the district. The

district may issue bonds. The property owners set assessments that are collected by the district.

### **Central Massachusetts Economic Development Authority**

This authority was created by special act to acquire properties in Worcester county contaminated by oil or hazardous material for the purpose of reclamation and development. The city of Worcester and the participating towns become members by passing a resolution. The board consists of one member from the city of Worcester and each participating town. The authority apportions costs to the participating governments and, with the approval of the affected municipality, may issue general obligation bonds.

### **Conservation Districts**

Conservation districts to provide soil conservation are created by the state committee for conservation of soil, water, and related resources of the state department of natural resources upon petition of landowners. An elected board of supervisors governs each district. The districts may require contributions from benefitted landowners.

### **Council of Governments**

A 1999 general law authorizes cities and towns in abolished counties to form a regional charter commission called a council of governments. The creating agreement must be approved by the voters. The councils provide a variety of services including public safety, housing, tourism, health, education, sewer, solid waste, and transportation. The composition and manner of selection of the members of the council are specified in the agreement. The councils may set assessments, with voter approval, and also may set fees. The budgets may require voter approval.

The Franklin Regional Council of Governments was authorized by a 1996 special act with similar provisions.

### **Economic and Industrial Development Corporations**

These corporations are created by special acts. Each corporation serves selected areas in one city or town. The corporations may provide development for commercial, industrial, or research facilities or may provide infrastructure. Each corporation is governed by a board of directors appointed by the municipal governing body or the chief executive officer of the municipality. Local private agencies may nominate some board members. The corporations may issue bonds, makes loans, and set fees and rentals. Development plans may require voter approval. The corporations have a variety of names.

Similar corporations created under general law and under special acts requiring plan approval by the creating government are not counted as separate governments. See "Subordinate Agencies and Areas," below.

### **Fire and/or Water Districts**

Fire or water districts have been individually established by special acts, subject to local referendum, that provide substantially uniform provisions as to their operation and financing. These districts may provide fire protection, water supply, or both. An elected board of commissioners or prudential committee governs each district. An exception is the board of the Dedham-Westwood Water District, which is appointed by the governing bodies of the two participating towns. The districts may fix rates for the use of facilities and, with voter approval, set taxes. Some districts also may issue bonds with voter approval.

Fire districts also may be created under a general law authorizing the creation of fire districts in towns by the board of selectmen upon petition and after referendum. The governing body of each such fire district is an elected prudential committee. Each district may set ad valorem taxes.

## **Goose Pond Maintenance District**

This district was created by special act for preservation and recreation projects for Goose Pond. The district is governed by a prudential committee consisting of three elected members plus federal, state, local, and private representatives. The district may levy assessments and issue bonds.

## **Housing Authorities**

A general law in Massachusetts provides for the creation of housing authorities in cities and towns. Each authority's governing body has five members. One member is appointed by the state department of community affairs. The other four members are appointed by the city governing body (in cities) or are elected (in towns). The authorities may fix rates and charges for use of facilities and issue bonds. Massachusetts housing authorities may undertake redevelopment projects in addition to providing assisted housing.

Any combination of cities and towns may form a regional housing authority under this general law, with the same powers as city or town housing authorities.

In addition, regional housing authorities have been created by special acts. The governing boards consist of members appointed by the county commissioners plus members appointed by the state department of community affairs. The authorities have the same powers as housing authorities created under general law.

## **Improvement Districts**

Improvement districts provide street lighting, libraries, sidewalks, and police protection. The districts may be established by vote of the town meeting. An elected prudential committee governs each district. The district may set ad valorem taxes.

## **Lynn Water and Sewer Commission**

This commission was created by special act to serve the city of Lynn. The commission

consists of two members appointed by the mayor with the approval of the city council and two members appointed by the city council plus one city council member selected by the city council. The commission may set rates, rentals, fees, and charges and may issue both general obligation and special obligation bonds.

## **Massachusetts Bay Transportation Authority**

This authority operates, manages, and coordinates bus and rail transit and commuter rail service in the Boston metropolitan area. It was established by 1964 legislation and replaced the former Metropolitan Transit Authority. A nine-member board of directors governs the authority. Eight are appointed by the Governor with the approval of designated agencies. The secretary of the state executive office of transportation and construction also serves on the board as chair. The authority may fix rates and fares and issue bonds. Participating cities and towns are assessed annually based on commuter usage.

## **Massachusetts Municipal Wholesale Electric Company**

This company is a public corporation organized to provide and operate facilities for the wholesale generation of electric power. It is governed by a board of nine members, seven of whom are elected by member cities and towns from among their respective managers of municipal lighting and members of their municipal light boards. Two additional board members are appointed by the Governor. The company may fix charges for the sale of electric power to member cities and towns and may issue bonds.

## **Model Water and Sewer Commissions**

This 1993 law, chapter 40n, permits commissions to be created in any city or town that accepts the provisions of the chapter through approval of the city or town governing body. Upon creation, the existing water or sewer works are transferred to the commission. Each commission is governed by

a board of three members appointed by the municipal governing body. The commissions may issue bonds and set fees, rates, and other charges. Regional water and sewer district commissions also may be formed under this law by cities, towns, or existing water commissions; such creations may be ratified by state special act.

Water and sewer commissions created under a separate general law, chapter 41, lack autonomy and are not counted as separate governments. See "Subordinate Agencies and Areas," below.

### **Northern Berkshire Industrial Park and Development Corporation**

This corporation was created by special act to serve designated municipalities in Berkshire County. The corporation is governed by a board consisting of six directors appointed by the Governor and the economic development coordinators of the municipalities of Adams, North Adams, and Williamstown. The corporation may issue bonds and set and collect fees, rents, and other charges.

### **Regional Refuse Disposal Districts**

General law authorizes cities and towns to establish regional refuse disposal districts after referendum. A committee, selected by agreement between member cities and towns, governs each regional refuse disposal district. The district committee may issue bonds and apportion district costs to member cities and towns. Similar provisions apply to regional refuse disposal districts, and also solid waste management districts, established by special acts.

### **Regional Transportation Authorities**

Specified combinations of cities or towns may establish a regional transportation authority to provide, operate, and maintain transit service. Each authority is governed by an administrator appointed by an advisory board. The advisory board consists of the mayor or the city manager of each member city and the chair of the board of selectmen or town manager of

each member town. The authorities may fix rates and fares and issue bonds.

### **Restoration/Preservation Districts**

Two districts were created by special acts for lake preservation and for recreation projects. The districts serve Lake Buel and Hoosac Lake. The Hoosac Lake district is governed by a prudential committee elected by property owners. The governing board of the Lake Buel district also includes one member of the board of selectmen from each of the towns of Monterey and New Marlboro and three members appointed by state officials. The districts may levy special assessments and issue bonds.

### **Road and Maintenance Districts**

The Sherwood Forest Road and Maintenance District and the Becket Woods Road and Maintenance District were created by special acts followed by referendum of the property owners to serve designated areas in the town of Becket. Each is governed by a prudential committee elected by the property owners. Each may set property taxes. The Becket Woods district may issue bonds.

### **Sewer Districts**

Sewer districts are individually established by special acts to provide sewerage facilities. The special acts provide substantially the same provisions as to organization and operation. An elected board of commissioners governs each district. The boards may fix charges, set taxes (with voter approval) and/or benefit assessments, and issue bonds.

The South Essex Sewerage District board, an exception to the above description, consists of appointed and ex officio officials of the establishing governments. This district determines its own fiscal requirements and apportions the amount to be contributed by each participating government.

## **South Shore Tri-Town Development Corporation**

This corporation was created by special act to redevelop the former naval air station at South Weymouth. It is governed by a board of five directors appointed by the boards of selectmen from the towns of Abington, Rockland, and Weymouth. The corporation may set property and other taxes and may issue bonds.

## **Transportation Areas**

A single city or town, or two or more cities or towns, may, after local referendum, establish transportation areas for operation of transit systems. A board of trustees, appointed by the city councils and town selectmen, governs each transportation area. The area board of trustees may fix and collect tolls, rates, and fees and may issue bonds. Participating cities and towns may be assessed for any deficit. The Greenfield-Montague Transportation area was established under this law.

## **Upper Cape Regional Water Supply Cooperative**

This cooperative was authorized by special act. The town of Falmouth and the water districts of Bourne, Mashpee, and Sandwich were permitted to create and participate in this cooperative. The cooperative is governed by a board of managers consisting of two members appointed by each participating entity. The cooperative may set fees, rates, rents and other charges. The cooperative may, with the approval of two-thirds of the participating entities, issue bonds and levy assessments against the entities.

## **Water Pollution Abatement Districts**

General law provides that water pollution abatement districts may be established by one or more cities or towns after local referendum. The governing body is the district commission. It consists of two members selected by the board of selectmen of each participating town and two members selected by the city council of each participating

city, with one additional member appointed if a city or town has more than 20,000 population and two additional members appointed if the city or town has more than 50,000 population. These districts may issue general obligation bonds. District costs are apportioned to member cities and towns. Some districts of this type are called "water quality districts" or "sanitary districts." Similar provisions apply to water pollution control districts authorized by special acts.

## **Woburn Golf and Ski Authority**

This authority was created by special act to establish and operate golf and ski facilities in a portion of the city of Woburn. The board of directors consists of nine members appointed by the mayor of Woburn with the approval of the city council. The authority may fix and collect rates and fees and may issue revenue bonds.

## **SUBORDINATE AGENCIES AND AREAS**

Shown below are various governmental designations in Massachusetts that have certain characteristics of governmental units but that are classified in census statistics as subordinate agencies of the state or local governments and are not counted as separate governments. Legal provisions for some of the larger of these are discussed below (see "Public School Systems," above, regarding educational agencies of this nature).

**Building authorities (state).** The Massachusetts State Colleges Building Authority, the Southeastern Massachusetts University Building Authority, the University of Lowell Building Authority, and the University of Massachusetts Building Authority were all created by special acts to construct and lease buildings for use by state agencies and institutions. Each of these authorities is governed by a board appointed by the Governor. All of these agencies may issue bonds to be financed from rental income from properties constructed and leased.

**Massachusetts Convention Center Authority (state).** This authority was created by act of the general court to develop convention center facilities in the Boston area. The authority is governed by a board of 13 members, nine of whom are appointed by the Governor and two are appointed by the mayor of Boston, plus the secretary of administration and finance and the collector-treasurer of the city of Boston. The authority may fix rates, fees, and charges and issue revenue bonds.

**Massachusetts Health and Educational Facilities Authority (state).** This authority was created by act of the general court to finance the construction of facilities for hospitals, institutions of higher education, schools for the handicapped, and cultural institutions. A board of nine members appointed by the Governor governs the authority. The authority may fix rates, rents, fees, and charges; make mortgage loans; and issue revenue bonds.

**Massachusetts Home Mortgage Finance Agency (state).** This agency was created by act of the general court to provide mortgage credit for low- and moderate-income housing. The agency board consists of the nine members of the Massachusetts Housing Finance Agency, ex officio. The agency may fix fees and charges; make mortgage loans; and issue revenue bonds.

**Massachusetts Housing Finance Agency (state).** This agency was created by act of the general court to finance the construction and the rehabilitation of low and moderate income housing. The agency is governed by a board of eight members, seven of whom are appointed by the Governor, plus the secretary of housing and community development. The agency may make mortgage loans; set interest rates; and issue revenue bonds.

**Massachusetts Port Authority (state).** This authority was established by 1956 special legislation. Its board consists of seven members appointed by the Governor with the consent of the Governor's council. The authority may charge tolls, rates, fees, and rentals and may issue revenue bonds.

**Massachusetts Turnpike Authority (state).** This authority was established by special act in 1952 to build, operate, and maintain the Massachusetts Turnpike and the East Boston toll tunnels. Its board consists of five members appointed by the Governor. The authority may fix tolls and charges and issue revenue bonds.

**Massachusetts Water Resources Authority (state).** This authority was created in 1985 by act of the general court to operate the water supply and sewage disposal system in the Boston metropolitan area. A board of 11 directors governs the authority, including four members appointed by the Governor, three members appointed by the mayor of Boston, and three members selected by an advisory board representing local governments in the area, plus the secretary of the executive office of environmental affairs ex officio. The authority may impose charges, fees, and rates; may specify the amounts to be assessed participating cities and towns; and may issue revenue bonds.

**Municipal light boards (city or town).** Any municipality that has established a gas or electric plant may elect a municipal light board to manage the plant. These boards may set rates. The creating municipality provides appropriations and tax levies. A municipal light board may exist along with a municipal gas and electric department.

**Redevelopment authorities or community development authorities (municipal and town).** Any town or city may establish such an authority by declaring a need. The local housing authority, if any, must consent. A five-member board administers each redevelopment authority, with four members either appointed by the mayor or the city manager (in cities) or elected (in towns), plus one member appointed by the state department of community affairs. Redevelopment authorities may issue bonds and collect rentals.

Other examples include:

## **State**<sup>3</sup>

Air pollution control districts  
Boston Community Development Foundation  
Commonwealth Corporation  
Commonwealth Health Insurance Connector  
Authority  
Community Economic Development Assistance  
Corporation  
Government Center Commission  
Health districts  
Massachusetts College Student Loan Authority  
Massachusetts Commonwealth Zoological  
Corporation  
Massachusetts Community Development  
Finance Corporation  
Massachusetts Corporation for Educational  
Telecommunications  
Massachusetts Development Finance Agency  
Massachusetts Housing Partnership Fund  
Massachusetts Industrial Development  
Authority  
Massachusetts Legal Assistance Corporation  
Massachusetts Life Sciences Center  
Massachusetts School Building Authority  
Massachusetts Technology Development  
Corporation  
Massachusetts Technology Park Corporation  
Massachusetts Water Pollution Abatement  
Trust  
Pollution Liability Reinsurance Corporation  
Quinnebaug and Shetucket Rivers Valley  
Heritage District and Commission  
Route 3 North Transportation Association  
South Boston Community Development  
Foundation  
Woods Hole, Martha's Vineyard, and  
Nantucket Steamship Authority

## **County**

Cape Cod Commission  
Hospitals for chronic diseases

## **Municipal**<sup>4</sup>

Airport commissions  
Beverly Harbor Management Authority  
Boston Water and Sewer Commission  
Cambridge Public Health Commission (aka  
Cambridge Health Alliance)  
Conservation commissions

Drinking water protection districts  
Economic development and industrial  
corporations—1972 general law and special  
acts (special acts requiring plan approval by  
the city council) (city)  
Historic districts  
Holyoke Geriatric Authority  
Industrial development financing authorities  
Park commissioners, boards of  
Park and recreation commissions (special acts)  
Parking authorities (special acts)  
Public beach districts  
Regional health districts  
Salem and Beverly Water Supply Board  
Veterans' service districts  
Waste disposal facilities financing authorities

## **Town**

Airport commissions  
Baker Hill Road District  
Belmont Housing Trust Inc.  
Bourne Recreation Authority  
Cemetery commissioners, boards of  
Conservation commissions  
Drinking water protection districts  
Land banks (special acts)  
Economic development and industrial  
corporations—1972 general law and special  
acts (special acts requiring plan approval by  
the town selectmen) (town)  
Geriatric Authority of Milford  
Groton Country Club Authority  
Historic districts  
Industrial development financing authorities  
Industrial sewer districts (special acts)  
Kingston Sewer Commission  
Lexington Housing Assistance Board Inc.  
Marion Open Space Acquisition Commission  
Park commissioners, boards of  
Park and recreation commissions (special acts)  
Parking commissions and authorities (special  
acts)  
Provincetown Pier Corporation  
Public beach districts  
Regional health districts  
Rockland Sewer Commission  
Sewer commissions  
Veterans' service districts  
Waste disposal facilities financing authorities  
Water commissions  
Wellesley Housing Development Corporation

West Stockbridge Water and Sewer Commission

### **Joint City-Town**

Economic development and industrial corporations—1972 general law; also special acts requiring plan approval by the town selectmen (joint)

Public beach districts

Regional health districts

Southeastern Regional Planning and Economic Development District

Veterans' service districts

Westover Metropolitan Development Corporation

Weymouth-Braintree Regional Recreation and Conservation District

Massachusetts laws also provide for various types of local areas for election purposes, administration of justice, and air pollution control.

1. The cities of Chelsea and Revere and the town of Winthrop, all located in Suffolk County, continue to exist as separate governments.

2. The Mendon-Upton Library District failed to pass the referendum, and the authorizing legislation was subsequently repealed by chapter 186 of the acts of 2006. The U.S. Naval Shipbuilding Museum Corporation, classified as a state dependent agency for the 2002 census, was reclassified as a special district for the 2007 census.

3. The Massachusetts Water Resources Authority, classified as a state dependent agency for the 2002 census, was reclassified as a special district for the 2007 census. Legislation authorizing the Metropolitan District Commission was repealed in 2003. Legislation authorizing the Massachusetts Horse Racing Authority also was repealed through sunset provisions.

4. The Pittsfield Civic Authority failed to pass the referendum. The Cambridge Public Health Commission (also known as the Cambridge Health Alliance), classified as a special district for the 2002 census, was reclassified as an agency of the city of Cambridge for the 2007 census.