

Massachusetts

Massachusetts ranks 33rd among the states in number of local governments, with 841 as of June 2002.

COUNTY GOVERNMENTS (5)

The entire area of the state is encompassed by county government except for the following areas:

Nantucket County
Suffolk County

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, in census reporting.

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, in census reporting.¹

Legislation to abolish seven county governments has been enacted by the state legislature:

Effective July 1, 1997
Franklin County
Middlesex County

Effective July 1, 1998
Hampden County
Worcester County

Effective January 1, 1999
Hampshire County

Effective July 1, 1999
Essex County

Effective June 30, 2000
Berkshire County

The Franklin Regional Council of Governments Authority, classified as a special district government for census purposes, was created by special act. It provides services on a fee-for-service basis for 26 townships within the Franklin

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

County area. Administrative services—the jail, the sheriff, the courthouse, and the deed registry—previously provided by the county government will be transferred to the state government.

In Massachusetts counties with county government, the governing body is called the board of county commissioners.

County governments in Massachusetts perform limited functions. County governments traditionally have been responsible for 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.

State legislation enacted in 1985 empowers each county, except Barnstable County that became a home-rule county in 1988, to adopt a charter or to revise an existing charter. A charter study commission formed for such purpose is charged with the review of functions provided by the county government and with the determination of what, if any, form of county government will exist in each county. Each county has the option of having all or a part of the traditional county administrative activities—the jail, the sheriff, the courthouse, and the deed registry—transferred to the state government. The sheriff and the registrar of deeds, if transferred to the state government, become state government employees, but continue to be locally elected officials. Suffolk County transferred the county deed registry to the state government effective September 1, 1998.

Subject to county referendum, a county may adopt one of three forms of government—county executive plan, county manager plan, or board chairperson plan—set forth in general laws. In lieu of adopting a form of government specified in general laws, subject to state legislative enactment, a county has the option to:

Operate under a special charter.

Operate under an unchanged form of county government.

Operate under a modified form of the existing county government after determining which county agencies and operations will be changed, which will remain a part of the county government, and which will be placed under another governmental system.

Abolish the county government after determining that all or some of the county agencies or operations will be taken over by the state or allowed to exist as part of a regional system.

SUBCOUNTY GENERAL PURPOSE GOVERNMENTS (351)

The 351 subcounty general purpose governments in Massachusetts comprise 45 municipal (city) governments and 306 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). Massachusetts 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 (330)

School District Governments (82)

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

- Regional school districts
- Regional vocational-technical school districts
- Independent vocational 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. As of June 2002, there were 55 regional school districts, and 30 regional vocational-technical school districts and independent vocational schools.

Dependent Public School Systems (248)

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

State dependent systems (1):

Essex Agricultural and Technical High School

Systems dependent on county governments (2):

County agricultural schools

Systems dependent on municipal governments (44):

City school systems

Systems dependent on town governments (205):

Town school systems²

Essex Agricultural and Technical High School was taken over by the state when its parent county was abolished in 1999. It is governed by a board of trustees consisting of seven members, which are appointed by the governor.

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. They 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. In June 2002, there were only two of these schools in operation.

In June 2002, there were 44 city school systems and 205 town school systems in operation. Each of these has an elected school committee to administer the schools but 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.

Other Educational Activities

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. As of June 2002, 32 education collaboratives were in operation.

In Massachusetts, the superintendency or union school 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. In addition, the following are not

²Of the 307 towns in Massachusetts, only 205 towns have their own school systems. Of the 205 town school systems, 199 are currently in operation. Six of the town school systems are nonoperating, and may tuition out all or some of their students. The remaining 10 towns with no dependent school systems are members of 12-grade district systems and have no school committees.

counted as separate governments but are classified as joint activities of the public school systems served: vocational school districts (for joint administration of vocational education programs) and school districts for the employment of guidance and placement directors.

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. Only one municipal junior college (in Quincy) was reported in operation as of June 2002.

SPECIAL DISTRICT GOVERNMENTS (413)

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 to maintain the watershed around Burncoat Pond. It is governed by a board of five managers, three of whom are elected at the annual meeting, and one each appointed by the boards of selectmen of the towns of Leicester and Spencer. Primary revenue is obtained from a local property tax.

Boston Metropolitan District

This district was created by a 1929 special act for the purpose of planning and financing rapid transit improvements in the Boston metropolitan area. It is separate from the Metropolitan District Commission (listed below under "Subordinate Agencies and Areas"). Its governing body is a board of trustees, with four members appointed by the Governor and one by the mayor of Boston.

This district acted as the financing agent for the former Metropolitan Transit Authority (see Massachusetts Bay Transportation Authority, below) and will continue as such for the liquidation of bonds issued for the Metropolitan Transit Authority. District fiscal needs are met by assessments against the 14 cities and towns included in the district area and from principal and interest payments on bonds of the Metropolitan Transit Authority.

Cambridge Public Health Alliance

This public regional health care system was created from a merger between The Cambridge Hospital and Somerville Hospital in 1996. The alliance was expanded in 2001 to include Whidden Memorial Hospital in Everett. This public health system works closely with the Cambridge Public Health Department, more than 20 primary care practices, and Network Health (a statewide managed Medicaid health plan) to better serve Cambridge, Somerville, and Boston's Metro-North region. This unit is governed by a board of 19 members, including the chief executive officer. Their terms and appointment are outlined by Massachusetts Statutes.

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 board consists of one member from Worcester city and each participating town. The authority apportions costs to Worcester city and the participating towns, which levy taxes to meet their proportionate share.

Conservation Districts

Conservation districts to provide soil conservation are created by the State committee for conservation of soil, water and related resources of the department of natural resources on petition of landowners. An elected board of supervisors governs each district. The district may require contributions from benefited landowners and may accept assistance from any government.

Fire and/or Water Districts

Fire and/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 governs each district. The district may fix rates for the use of facilities and levy taxes with the approval of the voters.

Also included under this heading are fire districts set up under a general law authorizing the creation of fire districts in towns of less than 2,000 population by the board of selectmen on petition and after referendum. The governing body of each such fire district is an elected prudential committee. The district determines its own fiscal needs, for which the town levies ad valorem taxes.

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; issue bonds; and receive loans, grants, or appropriations from the federal government or other sources. 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, with the same powers as city or town housing authorities.

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 levy ad valorem taxes.

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 seven-member board of directors governs the authority. Six, excluding the chairperson, are appointed by the Governor with the approval of designated agencies. The authority may fix rates and fares; accept gifts, grants, and loans from any source; 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.

Mendon-Upton Library District

This entity was organized to construct, maintain, and operate a public library within the towns of Mendon and Upton. The district is governed by a board of six trustees—three members from the two towns. Board members are popularly elected in each town, and serve 3-year terms. The district may receive gifts and grants, acquire real property, issue bonds and notes, and to accept assessments from the two towns.

Northern Berkshire Industrial Park and Development Corporation

This entity was created by special act. The board of directors consists of six members appointed by the Governor and the economic development coordinators, ex officio, for the city and towns of North Adams, Adams, and Williamstown. The entity may collect fees, rents and charges for its services and facilities, and issue revenue bonds.

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 established by special acts. These districts also may be known as solid waste management districts.

Regional Transportation Authorities

Two or more cities or towns may establish a regional transportation authority to provide, operate, and maintain transit service. The governing body consists of the mayor or the city manager of each member city and the chairperson of the board of selectmen or town manager of each member town. The authorities may fix rates and fares; accept gifts, grants, and loans from any source; and issue bonds.

Restoration/Preservation Districts

These districts are created by special acts for lake rehabilitation, preservation, maintenance, and recreation projects. The districts are governed by a prudential committee and an elected clerk and treasurer. The districts may levy special assessments; issue bonds; and accept financial assistance from the federal government, the commonwealth, specified local governments, charitable foundations, or private sources.

Sewer Districts

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

The South Essex Sewerage District board 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

Formerly the Naval Air Station (NAS) at South Weymouth, this military installation was closed and a plan was adopted to initiate its reuse as an economic hub for the local (town) communities of Abington, Rockland, and Weymouth. The corporation was created to carry out those duties. It is governed by a board of five directors that are appointed by the boards of selectmen from the three towns. Among a variety of corporate powers, this corporation has the authority to hold, sell, and lease property; to accept grants and gifts; and to assess and collect taxes within the NAS South Weymouth Redevelopment Area in order to generate revenue.

Transportation Areas

A single city or town, or two or more cities or towns, after local referendum, may 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 issue bonds. Participating cities and towns may be assessed for any deficit. The Greenfield-Montague Transportation area was established under this law.

U.S. Naval Shipbuilding Corporation

This unit was reclassified as a state agency in 2001 (see “Subordinate Areas and Agencies,” below).

Upper Cape Regional Water Supply Cooperative

This unit was created to provide supplementary water services in the towns of Bourne, Falmouth, Mashpee, and Sandwich. The cooperative is governed by a board of managers, consisting of two members appointed by each member government. The cooperative may charge fees, and issue revenue bond.

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 receive grants and contributions, and 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 issue revenue bonds.

Worcester Health and Hospitals Authority

Created to manage Worcester City Hospital, this unit was dissolved in 1993. Both the hospital and Emergency Medical Services of Worcester were assumed by The University of Massachusetts Medical Center of Worcester.

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, the University of Massachusetts Building Association, 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, 9 of whom are appointed by the governor, plus 2 appointed by the mayor of Boston, the secretary of administration and finance, and the collector-treasurer of the city of Boston. The authority may fix rates, fees, and charges, receive state appropriations, and issue revenue bonds.

Massachusetts Health and Higher 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; receive grants, loans, and contributions; 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, accept gifts and grants, 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 nine members, seven of whom are appointed by the Governor, plus the secretary of communities and development and the secretary of administration and finance who serve in an ex officio capacity. The agency may make mortgage loans; set interest rates; accept gifts, grants, and contributions, 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; receive grants from any federal agency and contributions from any source; and issue revenue bonds. This authority has acquired and now administers the Mystic River Bridge, the Port of Boston and the state-owned airports, including the General Edward Lawrence Logan International Airport (Logan Airport and Lawrence G. Hanscom Field).

Massachusetts Turnpike Authority (state). This authority was established by special act to build, operate, and maintain the Massachusetts Turnpike and the East Boston toll tunnels. Its board consists of three members appointed by the Governor. The authority may fix tolls and charges, accept federal agency grants and contributions from any source, 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 4 members appointed by the Governor, 3 members appointed by the mayor of Boston, 3 members selected by an advisory board representing local governments in the area and 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 issue revenue bonds.

Metropolitan District Commission (state). This commission was established by act of the general court. Its current functions include the acquisition and maintenance of parks, and the construction, maintenance, and operation of a system of watersheds, reservoirs, and water rights to supply pure water to the Massachusetts Water Resource Authority. The commission is governed by one commissioner and four associate commissioners appointed by the secretary of environmental affairs with the approval of the Governor. The commission accepts grants and gifts and receives revenues from charges and state appropriations. Annual assessments are levied on cities and towns for parks, and the Massachusetts Water Resource Authority for water supply to cover costs; proportions for cities and towns are set by law.

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 Department of Community

Affairs. Redevelopment authorities may issue bonds, collect rentals, and receive grants, loans, and contributions from any source. Cities and towns may appropriate money for the authorities.

Other examples include:

State

Air pollution control districts
Community Economic Development Assistance Corporation
Government Center Commission
Health districts
Massachusetts Commonwealth Zoological Corporation
Massachusetts Community Development Finance Authority
Massachusetts Corporation for Educational Telecommunications
Massachusetts Development Finance Agency (merger Massachusetts Government Land Bank and Massachusetts Industrial Finance Agency)
Massachusetts Educational Financing Authority (formerly Massachusetts Education Loan Authority)
Massachusetts Horse Racing Authority
Massachusetts Legal Assistance Corporation
Massachusetts Technology Development Corporation
Massachusetts Technology Park Corporation
Massachusetts Water Pollution Abatement Trust
Mosquito control projects
Pollution Liability Reinsurance Corporation
State Lottery Commission
U.S. Naval Shipbuilding Corporation
Woods Hole, Martha's Vineyard, and Nantucket Steamship Authority

County

Hospitals for chronic diseases

Municipal

Airport commissions
Beverly Harbor Management Authority
Boston Water and Sewer Commission
Drinking water protection districts
Economic development and industrial corporations—1972 general law; also special acts
Historic districts
Holyoke Geriatric Authority
Incinerator authorities
Industrial development financing authorities
Neighborhood Development Agency (Boston)
Parking commissions and authorities
Pittsfield Civic Authority
Public beach districts
Regional health districts
Regional industrial commissions
Veterans' service districts
Waste disposal facilities financing authorities

Town

Airport commissions
Bourne Recreation Authority
Drinking water protection districts
Dukes County Land Bank
Economic development and industrial corporations—1972
general law; also special acts
Groton Country Club Authority
Historic districts
Incinerator authorities
Industrial development financing authorities
Industrial sewer districts
Lexington Housing Assistance Board Inc.
Land bank funds (Cape Cod)
Nantucket Islands Land Bank
Parking commissions and authorities
Provincetown Pier Corporation
Public beach districts
Regional health districts
Regional industrial commissions

Road maintenance districts
Veterans' service districts
Waste disposal facilities financing authorities
Webster Lake Commission

Joint City-Town

Bayside Resource Recovery Council
Planning districts
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.