

MASSACHUSETTS

COUNTY GOVERNMENT OVERVIEW

Counties

7 active county or city-county governments

Government Form

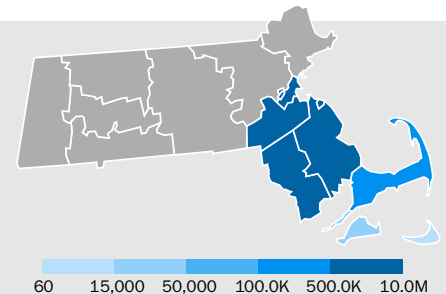
Traditional¹

Governing Body Size

3-7

Population (2020)

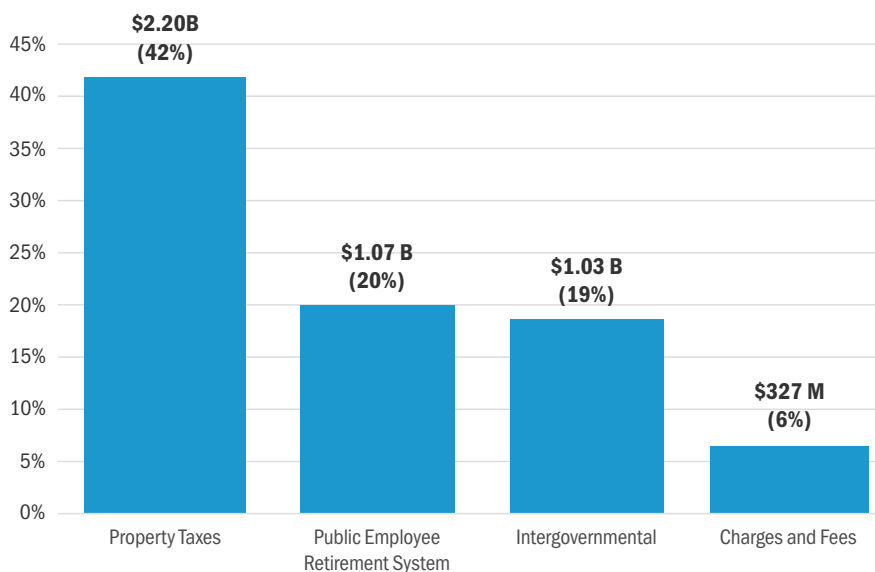
7 million²



County Authority

Mix of Home Rule and Dillon's Rule Counties: Massachusetts consists of four Dillon's rule counties, one Dillon's rule city-county consolidated government, one home rule county and one home rule city-county consolidated government. The remaining seven county geographies currently do not have active county governments. All counties in the state have the power to adopt a charter or to revise an existing charter. The powers granted to home rule counties are construed liberally by the state regarding their right to reorganize their form of government, their structure and their agencies. Counties without home rule charters are under Dillon's rule and must abide by the state legislature's provisions for structuring county government.

TOP REVENUE SOURCES FOR MASSACHUSETTS COUNTIES



Source: NACo Analysis of U.S. Census Bureau - Census of Individual Governments: Finance, 2017

¹"Government Form" refers to the distribution of executive decision making authority in a county. "Traditional" county states mandate that counties exercise executive decision making power solely through the board of elected officials (commissioners, supervisors, etc.). "Reformed" county states mandate that counties employ an elected or appointed county executive, manager or similar position to take on at least some of the county's executive decision making authority. "Mixed" county states means that some counties in that state are "traditional" and some are "reformed."

²NACo Analysis of U.S. Census Bureau - 2020 Decennial Census

Summary of County Services

Services counties MUST provide:

- County jail

Services counties CAN provide:

- Road maintenance
- Shore reservation

Services counties CANNOT provide:

- Housing authority
- Health department
- Utilities
- Zoning and land use

STRUCTURE/AUTHORITY

SUMMARY

Most county governments in Massachusetts were completely abolished from 1997 to 2000, except for the office of treasurer which was not abolished until 2002. Only seven of the fourteen counties in Massachusetts have retained a government. Most of the remaining county governments are led by a board of 3-7 county commissioners which serves as both the legislative and executive decision-making body. Counties may also have a board chairperson and an appointed county manager to serve as the chief administrative officer for the county government.

Row Officers	Elected/ Appointed	Required/ Optional
Sheriff	Elected	Mandatory
Register of Deeds	Elected	Mandatory
Treasurer	Elected	Mandatory



COUNTY STRUCTURE

Legislative Branch: A board of 3-7 commissioners acts as the sole legislative decision-making body for each county in Massachusetts except for in Suffolk County / the city of Boston's consolidated city-county government which has a city council and in Nantucket County which is operated by a board of selectmen.

Executive Branch: The board of county commissioners, along with a board chairperson, is also the executive decision-making body in each county except in Suffolk County / the city of Boston which has an elected executive position and a city council and Nantucket County which is operated by a board of selectmen.

Judicial Branch: Massachusetts has 62 district courts throughout the state. Many counties have multiple district courts, but all counties have at least one. District courts are trial courts with jurisdiction over felonies punishable by less than five years, small claims involving less than \$7,000 and civil cases involving less than \$50,000. The courts also hear juvenile, mental health and housing cases. District court judges receive temporary assignments to specific geographic jurisdictions, and those assignments may change over time.

Optional Forms of Government:

- Board Chairperson
- County Manager
- Board of Selectmen
- Commission-Administrator
- City-County Consolidated
- Charter



COUNTY AUTHORITY

Executive Power: All counties have powers and duties that are conferred upon them by state law. They may also provide public county buildings including jails. Charter counties additionally have the authority to structure their government to their liking, and they have some autonomy regarding the ordinances they can enact.

Ability to Form Partnerships: Charter counties may contract with or sign agreements with other governmental units for the provision of joint, coordinated or cooperative service provision.

Special Districts: Massachusetts has over 400 special districts spread throughout the state. Among these there are around 25 different types of special districts including water districts, economic and industrial development corporations and housing authorities.

SERVICES

OVERVIEW OF COUNTY SERVICES

Massachusetts counties have limited jurisdiction over the provision of services to residents. The county governments that still remain in the state are mainly responsible for assisting with road construction and maintaining county correctional facilities. Cities and towns throughout the commonwealth now have the authority to provide a wider range of the services that once were provided by counties, including housing authorities, parks and recreation and utilities.



HEALTH AND HUMAN SERVICES

County Health Department: A city or a town, upon approval by their respective governing bodies, may create a health department. Counties are not authorized to provide this service.

Hospitals: The commonwealth's department of public health shall issue for a term of two years a license to any person, city, town or county to establish and maintain a hospital. There must be determination by the department of public health that there is need for such a facility at the designated location.

Senior Care Services: The chairman of the board of commissioners for certain counties must appoint a senior citizen to serve as an associate commissioner for affairs concerning the elderly. The associate commissioner advises the county commissioners on affairs of the elderly and act as an ombudsman for senior citizens and elder agencies located within the county.

Mental Health Facilities: Mental health treatment is provided at the state level by the department of mental health.

Child Welfare: Child welfare services are provided at the state level by the department of children and families.

Welfare: Welfare services are provided at the state level by the department of transitional assistance.

Handicapped Persons: The chairman of the board of commissioners for certain counties must appoint a handicapped person to serve as an associate commissioner for affairs concerning handicapped persons. The associate commissioner advises the county commissioners on affairs of the handicapped.



INFRASTRUCTURE

Roads: When a public way other than a state highway has been constructed or improved in whole or in part by aid of money contributed by a county, the way shall be kept and maintained in good repair and condition by the town in which the same lies, but the county may aid in the maintenance, and for such purpose the county commissioners may grant sums of money from the county treasury to be paid to the town to aid in such repairs.

Utilities: Utilities are regulated by the commonwealth utilities commission. Counties do not have authority over public utilities.

- **Water:** Municipalities may create water and sewer commissions, which possess and control the water works and sewer works systems. Counties are not authorized to provide this service.
- **Solid waste:** Municipalities may create water and sewer commissions, which possess and control the water works and sewer works systems. Counties are not authorized to provide this service.
- **Electric:** Electric utilities may be provided by municipalities or investor-owned electric power companies. Counties are not authorized to provide this service.
- **Gas:** Natural gas utilities may be provided by municipalities or investor-owned local distribution companies. Counties are not authorized to provide this service.

SERVICES, CONTINUED



PUBLIC AMENITIES

Parks and Recreation: A town may elect a board of park commissioners, which may lay out and improve public parks and conduct park programs and recreation activities. Counties may establish a shore reservation and acquire necessary land for such a reservation.

Libraries: A town may establish and maintain public libraries for its inhabitants. Counties are not authorized to provide this service.



ZONING AND DEVELOPMENT

Zoning Power: Cities and towns have the power to regulate the use of land, buildings and structures. Counties do not have authority over zoning and land use.

Zoning Restriction: No zoning ordinance shall unreasonably regulate, or require a special permit for, the use of land for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture.

Housing Authority: In each city and town, there shall be a housing authority. Counties are not authorized to provide this service.

SERVICES, CONTINUED



PUBLIC SAFETY

Jails: County governments are generally responsible for providing suitable jails. The sheriff of the county then has custody and control of the jail and, except in Suffolk County, of the houses of correction and its committed prisoners.

Fire: Towns may establish a fire department to be under the control of the chief of the fire department. Counties are not authorized to provide this service.

Ambulance: The commonwealth's department of public health designates one regional Emergency Management Services (EMS) council in each region of the state. Each EMS council is responsible for establishing, coordinating, maintaining and improving the EMS system.



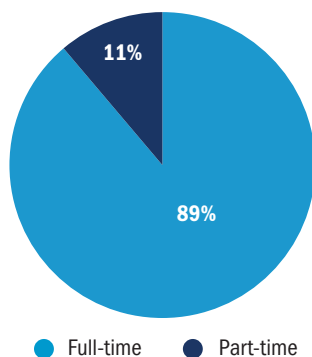
SCHOOLS

Education, Generally: The commonwealth's board of elementary and secondary education establishes policies relative to the students in public schools. The board is the state agency responsible for the administration of vocational education and the supervision of local educational agencies.

School Board: At the local level, elected school committees oversee PreK-12 public schools. The school committee also employs a superintendent of schools. The board of elementary and secondary education establishes policies relative to the students in public schools. The board is the state agency responsible for the administration of vocational education and the supervision by local educational agencies.

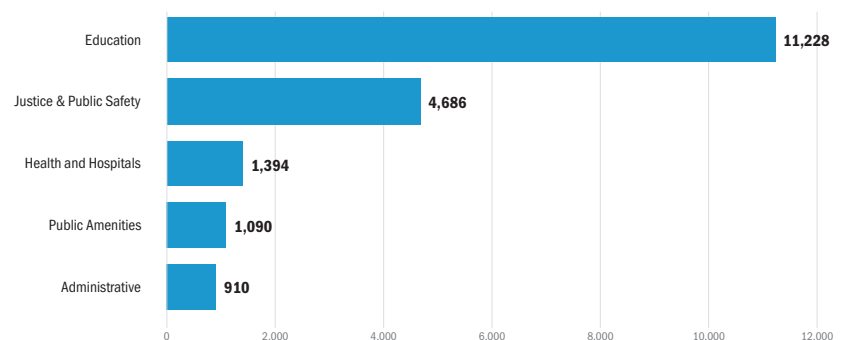
Community Colleges: Counties are not involved in the formation of community colleges. The board of higher education oversees community colleges in the state.

MASSACHUSETTS COUNTIES EMPLOY 21,920 GOVERNMENT EMPLOYEES



Source: NACo Analysis of U.S. Census Bureau - Census of Individual Governments: Employment, 2017

MASSACHUSETTS COUNTY GOVERNMENT EMPLOYEES BY TOP FUNCTIONAL CATEGORIES



Source: NACo Analysis of U.S. Census Bureau - Census of Individual Governments: Employment, 2017

TAXATION/FINANCES

OVERVIEW OF COUNTY FINANCE STRUCTURE

The amount which the county commissioners of each county, except Suffolk and Nantucket, shall levy as the county tax shall be voted by the county commissioners and approved by the advisory board on county expenditures. The county commissioners shall also levy annually as the county tax a sum sufficient to meet the debt and interest maturing in that year. The county commissioners apportion and assess all county taxes among and upon the several cities and towns in the county.



FINANCES, TAXES AND LIMITATIONS

Property Tax: Counties do not directly levy a tax on property. All property, real and personal, is subject to taxation by the city or town in which it resides. The amount which the county commissioners of each county, except Suffolk and Nantucket, must levy as the county tax must be voted on by the county commissioners and approved by the advisory board on county expenditures. The county commissioners must also levy a tax to meet the debt and interest maturing in that year.

Personal Property: Personal property can be assessed for property taxes.

Income Tax: Counties cannot impose an income tax.

Sales Tax: Counties cannot impose a sales tax.

Mineral Tax: Counties cannot impose a mineral tax.

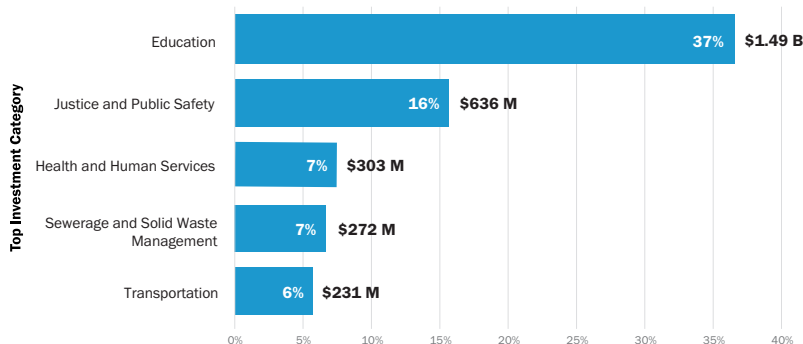
Gas/Fuel Taxes: Counties cannot impose a gas or fuel tax.

Debt and Debt Limit: County commissioners may borrow money in anticipation of the county tax of the current fiscal year. If the tax has been granted, loans cannot exceed the amount of the previous annual tax.

Other Finance Info:

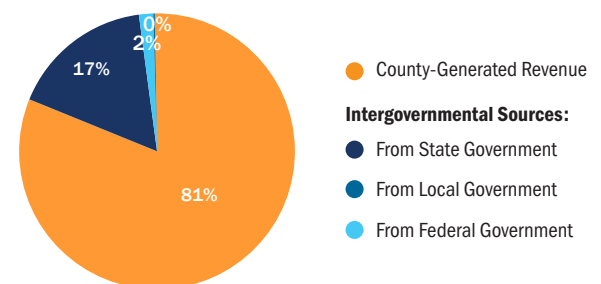
- **Gifts and Donations:** Any county may receive any gift made for the use or benefit of the county. Unless otherwise provided by the donor, money received in a gift must be placed at interest in savings banks, savings departments of trust companies or put into some other similar type of investment.
- **Federal Grants:** Any county officer or department may, with the approval of the county commissioners, accept any grant from the federal government for the use or benefit of the county.

MASSACHUSETTS COUNTIES INVEST \$4.1 BILLION ANNUALLY



Source: NACo Analysis of U.S. Census Bureau - Census of Individual Governments: Finance, 2017

MASSACHUSETTS COUNTIES RECEIVE \$1.03 BILLION FROM INTERGOVERNMENTAL SOURCES



Source: NACo Analysis of U.S. Census Bureau - Census of Individual Governments: Finance, 2017