

SENATE No. 1256

The Commonwealth of Massachusetts

PRESENTED BY:

James E. Timilty

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to regional 911 emergency communication districts.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>James E. Timilty</i>	
<i>Brian A. Joyce</i>	<i>Norfolk, Bristol and Plymouth</i>
<i>George T. Ross</i>	<i>2nd Bristol</i>
<i>Bruce E. Tarr</i>	

SENATE No. 1256

[Pin Slip]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to regional 911 emergency communication districts.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to maximize effective emergency and 911 dispatch services as well as regional interoperability for the citizens of the commonwealth, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 6A of the General Laws, as appearing in the 2006
2 Official Edition, is hereby amended by inserting after section 18L the following new sections:-.

3 Section 18M. Regional emergency communication center defined

4 A regional emergency communication center is defined as stated in chapter 6A,
5 section 18A of the General Laws.

6 Section 18N. Regional public safety answering point defined

7 Section 18N. A regional public safety answering point is defined as stated in
8 chapter 6A, section 18A of the General Laws.

9 Section 18O. Regional 911 emergency communication district planning

10 committee

11 Section 18O. A city or town, by vote of the council in the case of a city or by

12 vote of the board of selectmen or town council in the case of a town, may create a special unpaid

13 committee to be known as a regional 911 emergency communication district planning committee

14 consisting of three persons to be appointed by the chairman of the board of selectmen or town

15 council in a town and by the mayor in a city.

16 Section 18P. Regional 911 emergency communication district planning board;

17 study of creation of district; expenses of board; regional 911 emergency communication district

18 defined

19 Section 18P. Regional 911 emergency communication district planning

20 committees from any two or more cities or towns may join together to form a regional 911

21 emergency communication district planning board. Such 911 regional emergency

22 communication district planning board shall study the advisability and feasibility of establishing

23 a regional 911 emergency communication district, its organization, operation and control, and of

24 selecting, constructing, maintaining and operating a regional 911 emergency communication

25 center to serve the needs of the district, and shall estimate construction and operating costs and

26 study methods of financing such district. Each city or town comprising such board may

27 appropriate a sum not in excess of one dollar per capita for the purpose of meeting the expenses

28 of the board. Such board may expend any such sums so appropriated and may employ such

29 expert assistance as it deems necessary. Such board may apply for, accept and expend, without

30 appropriation, grants or gifts of funds from the federal or state government or any other source.

As used in this section and in sections eighteen M through eighteen Z, inclusive, the term “regional 911 emergency communication center” shall mean a facility housing or otherwise supporting a regional emergency communication center or regional public safety answering point as approved by the state 911 department.

Section 18Q. Regional 911 emergency communication district planning board; agreement for establishment of district

Section 18Q. The regional 911 emergency communication district planning board, consisting only of the regional 911 emergency communication district planning committees which vote in favor of the establishment of a regional 911 emergency communication district, shall draw up a proposed written agreement for the purpose of establishing, constructing, equipping, operating, and maintaining a regional 911 emergency communication center.

The said agreement shall contain provisions describing and providing for the financial terms and conditions of membership, sharing of construction and operating costs, the number, method of selection and terms of office of the members of the regional 911 emergency communication district committee, the general area in which the regional 911 emergency communication center shall be constructed or located, the terms by which another city or town may be admitted to the district, the terms by which a city or town may withdraw from the district, the method by which the agreement may be amended, the methods of termination of the district, the procedure for the preparation and adoption of the annual budget and any other matters, not incompatible with law, which said board may deem advisable; provided, however,

that the regional emergency communication center or the regional public safety answering point shall be subject to the approval of the state 911 department.

Section 18R. Report of board

Section 18R. The regional 911 emergency communication district planning board shall report its findings and recommendations to city council and the board of selectmen or town council, as the case may be, of each city or town comprising the board. If the board recommends that a regional 911 emergency communication district be established, a copy of the proposed agreement shall accompany the report to each such city or town.

Section 18S. Acceptance of recommendation; election; establishment of district

Section 18S. The city councils of the several cities or the boards of selectmen or town councils of the several towns, upon receipt of a recommendation that a regional 911 emergency communication district be established, shall vote on the question of accepting such plan within forty-five days after receipt of the recommendation. In the case of either a town or a city, the question to be voted on shall be:—"Shall the city (town) accept the provisions of sections 18M to 18Z, inclusive, of chapter 6A of the General Laws providing for the establishment of a regional 911 emergency communication district, together with the towns of _____ and the cities of _____, and the construction, maintenance and operation of a regional 911 emergency communication center by said district in accordance with the provisions of a proposed agreement filed with the board of selectmen, town council or the city council?"

If a majority of the members of each city council, board of selectmen or town council voting on the question shall vote in the affirmative, the proposed regional 911 emergency

communication district shall be deemed to be established forthwith in accordance with the terms of the proposed agreement.

Section 18T. General powers of district

Section 18T. A regional 911 emergency communication district, established under the provisions of section eighteen S, shall be deemed to be a public employer and shall be a body politic and corporate with the following powers and duties:—

(a) To adopt a name and a corporate seal, and the engraved or printed facsimile of such seal appearing on a bond or note of the district shall have the same legal effect as such seal would have if it were impressed thereon.

(b) To sue and be sued, but only to the same extent and upon the same conditions that a city or town may be sued.

(c) To purchase, lease, or take by eminent domain under chapter seventy-nine land within the cities and towns which have accepted the provisions of sections sixty A to sixty L, inclusive, for the purposes of the district, to enter into contracts for the purchase of equipment, buildings, supplies, materials, and services and to construct, equip, and maintain a regional 911 emergency communication center for the benefit of the members of the district, and to make any necessary contracts in relation thereto.

(d) To incur debt for the purpose of acquiring land, buildings, and equipment and constructing, equipping, and maintaining a regional 911 emergency communication center for a term not exceeding twenty-five years; and provided, further, that written notice of the amount of the debt and of the general purposes for which it was authorized shall be given to the

city council of each city, and to the board of selectmen or town council of each town, comprising the district not later than seven days after the date on which said debt was authorized by the district committee; and no debt may be incurred until the expiration of thirty days from the date said debt was authorized by the district committee. If, prior to the expiration of said period, the city council of any member city or the board of selectmen or town council of any member town expresses disapproval of the amount authorized by the district committee, the said debt shall not be incurred and the regional 911 emergency communication district planning committee shall thereupon prepare another proposal which may be the same as any prior proposal and an authorization to incur debt therefor.

(e) To issue bonds and notes in the name and upon the full faith and credit of said district; said bonds or notes shall be signed by the chairman and the treasurer of the district committee, except that said chairman by a writing bearing his written signature and filed in the office of said treasurer, which writing shall be open to public inspection, may authorize said treasurer to cause to be engraved or printed on said bonds or notes a facsimile of said chairman's signature, and such facsimile signature so engraved or printed shall have the same validity and effect as said chairman's written signature, and each issue of bonds or notes shall be a separate loan.

(f) To receive and disburse funds for any district purpose.

(g) To incur short term debt in anticipation of revenue to be received from members.

(h) To assess member cities and towns for any expenses of the district.

(i) To apply for and receive any grants or gifts for the purposes of the district.

117 (j) To engage legal counsel.

118 (k) To submit an annual report to each of the member cities and towns,
119 containing a detailed financial statement, and a statement showing the method by which the
120 annual charges assessed against each city and town were computed.

121 (l) To employ an executive director and such other employees as it deems
122 necessary to operate such district and to establish the duties, compensation, benefits, and other
123 terms and conditions of employment of personnel.

124 (m) To adopt an annual operating budget.

125 (n) To enter into contracts for 911 emergency communication center services
126 with non-member cities and towns and governmental bodies as well as other bodies politic, the
127 United States of America and other persons.

128 Section 18U. Exercise of powers; officers of committee

129 Section 18U. The powers, duties and liabilities of a regional 911 emergency
130 communication district shall be vested in and exercised by a regional 911 emergency
131 communication district committee organized in accordance with the agreement. The committee
132 shall choose a chairman by ballot from its membership. It shall appoint a secretary and a
133 treasurer, who may be the same person, but who need not be members of said committee. The
134 treasurer shall receive and take charge of all money belonging to the district and shall pay any
135 bill of the district which shall have been approved by the committee. The treasurer may, by vote
136 of said committee, be compensated for his services. The treasurer of said district shall be subject

to the provisions of sections thirty-five, fifty-two and one hundred and nine A of chapter forty-one, to the extent applicable.

Section 18V. Maintenance and operating expenses; debts; determination and apportionment

Section 18V. The regional 911 emergency communication district committee shall annually determine the amounts necessary to be raised to maintain and operate the district during the ensuing fiscal year, and the amounts required for payment of debt and interest incurred by the district which will be due in the said year, and shall apportion the amount so determined among the several member cities and towns in accordance with the terms of the agreement. The amounts so apportioned for each city or town shall, prior to March thirty-first in each year, be certified by the regional district treasurer to the treasurers of the several cities and towns. The obligation of each member city or town to pay apportionments pursuant to the agreement shall be included in the amounts to be assessed annually in such city or town under section twenty-three of chapter fifty-nine without appropriation and the city or town treasurer shall pay to the district the amounts so apportioned at the times specified in the agreement. The amounts apportioned or to be apportioned pursuant to the agreement shall not be included in the statutory limit of indebtedness of any city or town.

Section 18W. Audits and reports

Section 18W. The regional 911 emergency communication district shall maintain accurate and comprehensive records of services performed, costs incurred, and reimbursements and contributions received; shall issue annual and quarterly financial statements to all members; and shall perform regular audits of the accounts of the records of the district.

159 Upon the completion of each audit, a report thereon shall be made to the chairman of said district
160 committee, and a copy thereof shall be sent to the mayor and to the chairman of the board of
161 selectmen or town council, respectively, of each city and town which is a member of said
162 district.

163 Section 18X. Sale, lease or license of lands or facilities to regional 911
164 emergency communication districts

165 Section 18X. The agreement made under section eighteen Q, or any
166 amendment to such an agreement, may contain provisions authorizing any member city or town
167 to sell, lease or license to the regional 911 emergency communication district any emergency
168 communication center facility, building, and any land appurtenant thereto or used in connection
169 therewith or any other property useful for the purposes of the district, and any such city or town
170 may authorize such sale, lease or license accordingly, notwithstanding the provisions of section
171 three of chapter forty or any other provisions of law to the contrary. In case of a sale, the price
172 and time or times of payment and the method by which the cities and towns other than the selling
173 city or town shall be assessed for such payment shall be set forth in the agreement or
174 amendment; but in no case shall payments be made which shall extend over a period in excess of
175 twenty-five years. In the case of a lease or license, the rental or license fee and terms of payment
176 and assessment shall be set forth in the agreement or amendment. The lease or license may be for
177 a term not in excess of twenty-five years, and may contain provisions for the extension of the
178 lease or license for an additional term not in excess of twenty-five years at the option of the
179 regional 911 emergency communication district committee.

180 Section 18Y. Bonds and notes; limit of indebtedness

181 Section 18Y. The provisions of sections sixteen to twenty-eight, inclusive, of
182 chapter sixty shall, so far as apt, apply to regional 911 emergency communication districts, but
183 the provisions of section sixteen relating to the countersigning of bonds and notes and the
184 provisions of section twenty-four relating to the countersigning and approval of notes and the
185 certificates of the clerk relating thereto shall not apply to such districts. Any debt incurred by a
186 regional 911 emergency communication district shall not be subject to the limit of indebtedness
187 prescribed in section ten of chapter sixty.

188 Section 18Z. Issuance of debt obligations to pay for project costs

189 Section 18Z. The rights and powers granted to cities and towns by the
190 provisions of section twenty-eight C of chapter sixty shall apply to regional 911 emergency
191 communication districts and for the purpose of said section twenty-eight C the chief executive
192 officer of a regional 911 emergency communication district shall be the regional 911 emergency
193 communication district committee.

194 SECTION 2. This Act shall take effect upon its passage.