

SENATE No. 1199

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>Bristol and Norfolk</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>
<i>Jennifer L. Flanagan</i>	<i>Worcester and Middlesex</i>
<i>Daniel B. Winslow</i>	<i>9th Norfolk</i>
<i>Harold P. Naughton, Jr.</i>	<i>12th Worcester</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>

SENATE No. 1199

By Mr. Timilty, a petition (accompanied by bill, Senate, No. 1199) of James E. Timilty, Louis L. Kafka, Jennifer L. Flanagan, Daniel B. Winslow and other members of the General Court for legislation relative to regional 911 emergency communication districts. Public Safety and Homeland Security.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1256 OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

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 Chapter 6A of the General Laws is hereby amended by inserting after section 18L the
2 following 8 sections:- Section 18M. (a) As used in sections 18M to 18T, inclusive, the
3 term “regional 911 emergency communication center” shall mean a facility housing or otherwise
4 supporting a regional emergency communication center, as defined in section 18A, or a “regional
5 PSAP”, as defined in section 18A, if such regional 911 emergency communication center is
6 approved by the state 911 department.

7 (b) Two or more municipalities, by approval of the chief executive officer of a city or by
8 vote of a board of selectmen or town council, may create a regional 911 emergency
9 communication district planning committee consisting of 3 unpaid persons to be appointed by
10 the mayor in each participating city and by the chairman of the board of selectmen or town
11 council in each participating town.

(c) The district planning committee shall study the feasibility of establishing and constructing a regional 911 emergency communication district and propose the district's organization, governance structure, operation, location, estimate of construction or siting and operating costs, maintenance and methods of financing. Each municipality comprising the district planning committee may appropriate sums to compensate the committee's expenses. The district planning committee may expend any sums so appropriated and may employ any expert assistance as it deems necessary to carry out sections 18M to 18T, inclusive. The district planning committee may apply for, accept and expend, without appropriation, grants or gifts of funds from the federal or state government or any other source.

Section 18N. (a) If the regional 911 emergency communication district planning committee recommends the establishment of a regional 911 emergency communication district, it shall propose a written district agreement to establish, construct or site, equip, administer, operate and maintain a regional 911 emergency communication center.

(b) The proposed district agreement shall include, but not be limited to, terms and conditions, to achieve the following purposes:-

- (1) providing the district's conditions of membership and financial terms;
- (2) identifying construction or siting and operating costs of the center;
- (3) establishing a regional 911 emergency communication district board to oversee the construction or siting, administration, operation and finance of the center and provide said board with the powers, duties and liabilities of a regional 911 emergency communication district, which powers shall be vested in and exercised by the district board established in accordance with the agreement;
- (4) establishing any subcommittees necessary for the administration of the center;
- (5) preparing and adopting an annual operating budget;
- (6) establishing a procedure to invite and include additional municipalities into the district;
- (7) determining a process to amend the district agreement;
- (8) identifying the terms and procedure by which a municipality may withdraw from the district; and
- (9) including any additional provisions the district planning committee deems necessary for the administration and operation of the center.

(c) A proposed district agreement shall provide, but need not be limited to, the following provisions:-

(1) the number, selection process and length of terms of office of the district board members;

(2) selection of a chair by ballot from the district board's membership;

(3) appointment by the district board of a district secretary and treasurer, who may be the same person, and the designation, if any, of 1 or more of its members to approve payrolls or bills for salary or compensation of district board members or employees; provided, however, that the member or member approving such payroll or bill shall make available to the board at its next meeting the record of that action;

(4) powers and duties of the treasurer, including the power to receive and take charge of all money belonging to the district and shall pay any bill of the district which shall have been approved by the district board; provided, however, that the treasurer shall be subject to sections 35, 52 and 109A of chapter 41

(5) compensation of the treasurer for services rendered in the course of duty as may be granted by vote of the committee; and

(6) approval of fiscal matters as described in subsections (g) and (h) of section 18P by a finance advisory subcommittee, including approval of an annual operating budget as described in subsection (e); provided that the finance advisory subcommittee shall consist of the chief executive officer or chief executive financial officer of member cities, as designated by each city's chief executive officer, and the town administrator, town manager or chief financial officer for member towns, as designated by each town's chief executive officer and that no member of the finance advisory subcommittee shall also serve on any other board or subcommittee established under this section.

(d) The district planning committee shall forward a report of its findings, recommendations and proposed district agreement, if any, to the city council and the board of selectmen or town council of the committee's participating municipalities and to the state 911 department.

(e) Nothing in sections 18M to 18T, inclusive, shall prohibit any governmental body from participating in studying, establishing, administering or serving as a full or ex-officio member of a regional 911 emergency communication district planning committee or a regional 911 emergency communication district, its board or any subcommittees thereof.

Section 18O. If a regional 911 emergency communication district planning committee recommends that a regional 911 emergency communication district be established, the city councils or the boards of selectmen or town councils of member municipalities shall vote on whether to accept the proposed district agreement. For each council or board, the question to be voted on shall be:—"Shall the municipality accept the provisions of sections 18M to 18T,

80 inclusive, of chapter 6A of the General Laws providing for the establishment of a regional 911
81 emergency communication district, together with the cities of _____ and the
82 towns of _____, and the construction or siting, administration, operation and
83 maintenance of a regional 911 emergency communication center by the district in accordance
84 with the provisions of the proposed district agreement filed with the city council, board of
85 selectmen or town council?”

86 If a majority of the members of each city council, board of selectmen or town council
87 voting on the question vote in the affirmative, the proposed regional 911 emergency
88 communication district shall be established in accordance with the terms of the proposed district
89 agreement.

90 Section 18P. A regional 911 emergency communication district, established under section
91 18O, shall be a public employer and body politic and corporate with the power to:

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

95 (2) construct or site, equip, administer, operate and maintain a regional 911 emergency
96 communication center for the benefit of the district’s member municipalities;

97 (3) purchase or lease land or building space for the district;

98 (4) employ an executive director, who shall possess the education, training and
99 experience to perform the duties required of the position and such other employees as it deems
100 necessary to operate such district and to establish the duties, compensation, benefits and other
101 terms and conditions of employment of additional personnel;

102 (5) adopt an annual operating budget that shall be approved by the finance advisory
103 subcommittee;

104 (6) enter into any contracts and agreements necessary for the exercise of the district’s
105 powers and functions, including contracts and agreements to purchase equipment, buildings,
106 supplies, materials and services; provided, that the district may enter into contracts and
107 agreements for 911 emergency services with non-member municipalities and governmental
108 bodies and other persons or entities;

109 (7) incur debt for a term not exceeding 25 years to acquire land, buildings and equipment
110 to construct or site and maintain a regional 911 emergency communication center; provided, that
111 written notice of the amount of the debt and of the general purposes for which it would be
112 authorized shall first be given by the district board to the finance advisory subcommittee for
113 approval, which shall require a majority vote. The finance advisory subcommittee shall vote on
114 the proposed debt within 14 days of receiving notice. If the finance advisory subcommittee

115 approves the debt, the debt may be authorized by the district board and written notice of the
116 amount of the debt and of its general purposes shall be given to the city council and to the board
117 of selectmen or town council of each member municipality not later than 7 days after the date on
118 which the debt was authorized by the district board. No debt shall be incurred until the
119 expiration of 60 days from the date the debt was authorized by the district board. If, prior to the
120 expiration period, the city council or the board of selectmen or town council of any member
121 municipality votes to disapprove of the amount authorized by the district board, the debt shall not
122 be incurred;

123 (8) issue bonds and notes in the name and upon the full faith and credit of the district;
124 provided, however, that written notice of the amount of the bonds or notes and of the general
125 purposes for which they would be authorized shall be provided to the finance advisory
126 subcommittee for approval, which shall require a majority vote; provided further, if the finance
127 advisory subcommittee votes to approve the bonds or notes, the bonds or notes shall be signed by
128 the chairman and the treasurer of the district board; provided further, that the chairman, by a
129 writing bearing the chairman's written signature and filed in the office of treasurer which writing
130 shall be open to public inspection, may authorize the treasurer to cause to be engraved or printed
131 on bonds or notes a facsimile of such chairman's signature, and such facsimile signature so
132 engraved or printed shall have the same validity and effect as the chairman's written signature.
133 Each issue of bonds or notes shall be a separate loan;

134 (9) sue and be sued, only to the same extent and upon the same conditions that a
135 municipality may be sued;

136 (10) receive and disburse funds for any district purpose;

137 (11) incur short-term debt in anticipation of revenue to be received from member
138 municipalities;

139 (12) assess member municipalities for any district expenses;

140 (13) apply for and receive any grants or gifts for the district purposes;

141 (14) engage legal counsel; and

142 (15) submit an annual report to each member municipality, which report shall contain a
143 detailed financial statement and a statement showing the method by which the annual charges
144 assessed against each municipality were computed.

145 Section 18Q. The regional 911 emergency communication district board shall annually
146 determine the necessary amounts to maintain and operate the district during the ensuing fiscal
147 year and the amounts required to pay any debt and interest incurred by the district. The district
148 board shall apportion the amount so determined among the member municipalities in accordance
149 with the terms of the district agreement. The amounts apportioned for each member municipality

shall be certified by the district treasurer to the chief executive officers, board of assessors and treasurers of the participating municipalities not later than February 1st annually, and the amounts so certified shall be appropriated and paid to the district treasurer at the times specified in the district agreement. If any participating municipality fails to include any apportioned amount so certified in its appropriations for the fiscal year, the board of assessors shall raise the amount in the tax levy of that year under section 23 of chapter 59.

Section 18R. The regional 911 emergency communication district board shall maintain accurate and comprehensive records of services performed, costs incurred and reimbursements and contributions received. The district board shall issue quarterly and annual financial statements to all member municipalities and to the finance advisory subcommittee. The annual report shall include the center's maintenance and operating budget, including the amounts assessed to each member municipality, and any debt and interest incurred by the district under section 18P. The district board shall perform regular audits of the accounts of the records of the district. Upon the completion of each audit, the district board shall forward a copy of the audit to the mayor, the chairman of the board of selectmen or town council of each member municipality, the finance advisory subcommittee, the state auditor, the state 911 department and the division of local services.

Section 18S. Sections 16 to 28, inclusive, of chapter 44 shall apply to regional 911 emergency communication districts. Section 16 relating to the countersigning of bonds and notes and section 24 relating to the countersigning and approval of notes and the certificates of the clerk relating thereto shall not apply to regional 911 emergency communication districts. Any debt incurred by a regional 911 emergency communication district shall not be subject to the limit of indebtedness prescribed in section 10 of chapter 44.

Section 18T. A district agreement established under section 18O or any amendment to the district agreement may contain provisions authorizing any member municipality to sell, lease or license to the regional 911 emergency communication district any facility, building and any land appurtenant thereto or used in connection therewith or any other property useful for the purposes of the district. Notwithstanding section 3 of chapter 40 or any other law to the contrary, any member municipality may authorize such sale, lease or license. For a sale, the terms and time of payment and the method by which the municipalities other than the selling municipality shall be assessed for payment shall be established in the district agreement or amendment; provided, that in no case shall payments be made which shall exceed 25 years. For a lease or license, the terms and time of payment and assessment shall be established in the district agreement or amendment. The term of a lease or license shall not exceed 25 years, and may contain provisions for the extension of the lease or license for an additional term not to exceed 25 years at the option of the regional 911 emergency communication district board.