

**SENATE . . . . . No. 1199**

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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 passage 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>

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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.

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

**The Commonwealth of Massachusetts**

—————  
**In the Year Two Thousand Thirteen**  
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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.

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

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

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

27 (1) providing the district's conditions of membership and financial terms;

28 (2) identifying construction or siting and operating costs of the center;

29 (3) establishing a regional 911 emergency communication district board to  
30 oversee the construction or siting, administration, operation and finance of the center and provide  
31 said board with the powers, duties and liabilities of a regional 911 emergency communication  
32 district, which powers shall be vested in and exercised by the district board established in  
33 accordance with the agreement;

34 (4) establishing any subcommittees necessary for the administration of the center;

35 (5) preparing and adopting an annual operating budget;

36 (6) establishing a procedure to invite and include additional municipalities into  
37 the district;

38 (7) determining a process to amend the district agreement;

39 (8) identifying the terms and procedure by which a municipality may  
40 withdraw from the district; and

41 (9) including any additional provisions the district planning committee deems  
42 necessary for the administration and operation of the center.

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

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

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

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

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

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

59 (6) approval of fiscal matters as described in subsections (g) and (h) of section  
60 18P by a finance advisory subcommittee, including approval of an annual operating budget as  
61 described in subsection (e); provided that the finance advisory subcommittee shall consist of the  
62 chief executive officer or chief executive financial officer of member cities, as designated by  
63 each city's chief executive officer, and the town administrator, town manager or chief financial  
64 officer for member towns, as designated by each town's chief executive officer and that no  
65 member of the finance advisory subcommittee shall also serve on any other board or  
66 subcommittee established under this section.

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

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

75 Section 18O. If a regional 911 emergency communication district planning committee  
76 recommends that a regional 911 emergency communication district be established, the city  
77 councils or the boards of selectmen or town councils of member municipalities shall vote on  
78 whether to accept the proposed district agreement. For each council or board, the question to be  
79 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  
150 shall be certified by the district treasurer to the chief executive officers, board of assessors and  
151 treasurers of the participating municipalities not later than February 1st annually, and the  
152 amounts so certified shall be appropriated and paid to the district treasurer at the times specified  
153 in the district agreement. If any participating municipality fails to include any apportioned  
154 amount so certified in its appropriations for the fiscal year, the board of assessors shall raise the  
155 amount in the tax levy of that year under section 23 of chapter 59.

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

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

173 Section 18T. A district agreement established under section 18O or any amendment to the  
174 district agreement may contain provisions authorizing any member municipality to sell, lease or  
175 license to the regional 911 emergency communication district any facility, building and any land  
176 appurtenant thereto or used in connection therewith or any other property useful for the purposes  
177 of the district. Notwithstanding section 3 of chapter 40 or any other law to the contrary, any  
178 member municipality may authorize such sale, lease or license. For a sale, the terms and time of  
179 payment and the method by which the municipalities other than the selling municipality shall be

180 assessed for payment shall be established in the district agreement or amendment; provided, that  
181 in no case shall payments be made which shall exceed 25 years. For a lease or license, the terms  
182 and time of payment and assessment shall be established in the district agreement or amendment.  
183 The term of a lease or license shall not exceed 25 years, and may contain provisions for the  
184 extension of the lease or license for an additional term not to exceed 25 years at the option of the  
185 regional 911 emergency communication district board.