

SENATE No. 01256

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>Brian A. Joyce</i>	<i>Norfolk, Bristol, and Plymouth</i>
<i>George Ross</i>	<i>2nd Bristol</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>

SENATE No. 01256

By Mr. Timilty, petition (accompanied by bill, Senate, No. 1256) of Tarr, Ross, Joyce and other members of the General Court for legislation relative to regional 911 emergency communication districts [Joint Committee on Public Safety and Homeland Security].

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 forthwith 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 Official
2 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, section
5 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 chapter
8 6A, section 18A of the General Laws.

9 Section 18O. Regional 911 emergency communication district planning committee

10 Section 18O. A city or town, by vote of the council in the case of a city or by vote of
11 the board of selectmen or town council in the case of a town, may create a special unpaid
12 committee to be known as a regional 911 emergency communication district planning committee
13 consisting of three persons to be appointed by the chairman of the board of selectmen or town
14 council in a town and by the mayor in a city.

15 Section 18P. Regional 911 emergency communication district planning board; study of
16 creation of district; expenses of board; regional 911 emergency communication district defined

17 Section 18P. Regional 911 emergency communication district planning committees
18 from any two or more cities or towns may join together to form a regional 911 emergency
19 communication district planning board. Such 911 regional emergency communication district
20 planning board shall study the advisability and feasibility of establishing a regional 911
21 emergency communication district, its organization, operation and control, and of selecting,
22 constructing, maintaining and operating a regional 911 emergency communication center to
23 serve the needs of the district, and shall estimate construction and operating costs and study
24 methods of financing such district. Each city or town comprising such board may appropriate a
25 sum not in excess of one dollar per capita for the purpose of meeting the expenses of the board.
26 Such board may expend any such sums so appropriated and may employ such expert assistance
27 as it deems necessary. Such board may apply for, accept and expend, without appropriation,

28 grants or gifts of funds from the federal or state government or any other source. As used in this
29 section and in sections eighteen M through eighteen Z, inclusive, the term “regional 911
30 emergency communication center” shall mean a facility housing or otherwise supporting a
31 regional emergency communication center or regional public safety answering point as approved
32 by the state 911 department.

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

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

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

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

51 Section 18R. Report of board

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

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

58 Section 18S. The city councils of the several cities or the boards of selectmen or town
59 councils of the several towns, upon receipt of a recommendation that a regional 911 emergency
60 communication district be established, shall vote on the question of accepting such plan within
61 forty-five days after receipt of the recommendation. In the case of either a town or a city, the
62 question to be voted on shall be:—"Shall the city (town) accept the provisions of sections 18M to
63 18Z, inclusive, of chapter 6A of the General Laws providing for the establishment of a regional
64 911 emergency communication district, together with the towns of _____ and
65 the cities of _____, and the construction, maintenance and operation of a
66 regional 911 emergency communication center by said district in accordance with the provisions
67 of a proposed agreement filed with the board of selectmen, town council or the city council?"

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

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

72 Section 18T. General powers of district

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

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

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

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

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

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

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

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

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

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

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

112 (j) To engage legal counsel.

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

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

119 (m) To adopt an annual operating budget.

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

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

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

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

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

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

149 Section 18W. Audits and reports

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

154 completion of each audit, a report thereon shall be made to the chairman of said district
155 committee, and a copy thereof shall be sent to the mayor and to the chairman of the board of
156 selectmen or town council, respectively, of each city and town which is a member of said
157 district.

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

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

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

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

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

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

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