

# SENATE . . . . . No. 02248

Senate, May 3, 2012 -- Recommended new draft from the Senate committee on Ways and Means for the Senate Bill relative to regional 911 emergency communication districts (Senate, No. 2037)

## The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

An Act relative to regional 911 emergency communication districts.

*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 adding the following 7 sections:-

2 Section 18M. As used in sections 18M to 18S, inclusive, the term “regional 911  
3 emergency communication center” shall mean a facility housing or otherwise supporting a  
4 regional emergency communication center, as defined in section 18A, or a “regional PSAP”, as  
5 defined in section 18A, if such regional 911 emergency communication center is approved by the  
6 state 911 department.

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

11           The district planning committee shall study the feasibility of establishing and  
12 constructing a regional 911 emergency communication district. The district planning committee  
13 shall study and propose the district's organization, governance structure, operation, location,  
14 estimate of construction or siting and operating costs, maintenance and methods of financing.  
15 Each municipality comprising the district planning committee may appropriate sums to  
16 compensate the committee's expenses. The district planning committee may expend any sums so  
17 appropriated and may employ any expert assistance as it deems necessary to carry out sections  
18 18M to 18S, inclusive. The district planning committee may apply for, accept and expend,  
19 without appropriation, grants or gifts of funds from the federal or state government or any other  
20 source.

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

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

27           (a) to provide the center's conditions of membership and financial terms;

28           (b) to identify construction or siting and operating costs of the center;

29           (c) to establish a regional 911 emergency communication district board to oversee the  
30 construction or siting, administration, operation and finance of the center and provide said board  
31 with the powers, duties and liabilities of a regional 911 emergency communication district,

32 which powers shall be vested in and exercised by the district board established in accordance  
33 with the agreement;

34 (d) to establish any subcommittees necessary for the administration of the center;

35 (e) to prepare and adopt an annual operating budget;

36 (f) to establish a procedure to invite and include additional municipalities into the district;

37 (g) to determine a process to amend the district agreement;

38 (h) to identify the terms and procedure by which a municipality may withdraw from the  
39 district; and

40 (i) to include any additional provisions the district planning committee deems necessary  
41 for the administration and operation of the center.

42 Such proposed district agreement shall provide, but need not be limited to, the following  
43 provisions:-

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

46 (ii) that the district board shall choose a chairman by ballot from its membership;

47 (iii) that the district board shall appoint a district secretary and treasurer, who may  
48 be the same person;

49 (iv) that the treasurer shall receive and take charge of all money belonging to the  
50 district and shall pay any bill of the district which shall have been approved by the district board;

51 (v) that the treasurer may, by vote of the committee, be compensated for services  
52 rendered in the course of the treasurer's duties;

53 (vi) that the treasurer shall be subject to sections 35, 52 and 109A of chapter 41;

54 (vi) for a finance advisory subcommittee to approve fiscal matters as described in  
55 subsections (g) and (h) of section 18P;

56 (vii) that the finance advisory subcommittee shall consist of the chief executive  
57 officer or chief executive financial officer of member cities, as designated by each city's chief  
58 executive officer, and the town administrator, town manager or chief financial officer for  
59 member towns, as designated by each town's chief executive officer and that no member of the  
60 finance advisory subcommittee shall also serve on any other board or subcommittee established  
61 under this section.

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

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

69 Section 18O. If a regional 911 emergency communication district planning committee  
70 recommends that a regional 911 emergency communication district be established, the city  
71 councils or the boards of selectmen or town councils of member municipalities shall vote within

72 45 days of such recommendation on whether to accept the proposed district agreement. For each  
73 council or board, the question to be voted on shall be:—"Shall the municipality accept the  
74 provisions of sections 18M to 18S, inclusive, of chapter 6A of the General Laws providing for  
75 the establishment of a regional 911 emergency communication district, together with the cities of  
76 \_\_\_\_\_ and the towns of \_\_\_\_\_, and the construction or  
77 siting, administration, operation and maintenance of a regional 911 emergency communication  
78 center by the district in accordance with the provisions of the proposed district agreement filed  
79 with the city council, board of selectmen or town council?"

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

84           Section 18P. A regional 911 emergency communication district, established under section  
85 18O, shall be a public employer and shall be a body politic and corporate with the following  
86 powers and duties:

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

90           (b) to construct or site, equip, administer, operate and maintain a regional 911 emergency  
91 communication center for the benefit of the district's member municipalities;

92           (c) to purchase or lease land or building space for the district;

93 (d) to employ an executive director, who shall possess the education, training and  
94 experience to perform the duties required of the position and such other employees as it deems  
95 necessary to operate such district and to establish the duties, compensation, benefits and other  
96 terms and conditions of employment of additional personnel; and

97 (e) to adopt an annual operating budget;

98 (f) to enter into any contracts and agreements necessary for the exercise of the district's  
99 powers and functions, including contracts and agreements to purchase equipment, buildings,  
100 supplies, materials and services; provided, that the district may enter into contracts and  
101 agreements for 911 emergency services with non-member municipalities and governmental  
102 bodies and other persons or entities;

103 (g) to incur debt for a term not exceeding 25 years to acquire land, buildings and  
104 equipment to construct or site and maintain a regional 911 emergency communication center;  
105 provided, that written notice of the amount of the debt and of the general purposes for which it  
106 would be authorized shall first be given by the district board to the finance advisory  
107 subcommittee for approval, which shall require a majority vote. The finance advisory  
108 subcommittee shall vote on the proposed debt within 14 days of receiving notice. If the finance  
109 advisory subcommittee approves the debt, the debt may be authorized by the district board and  
110 written notice of the amount of the debt and of its general purposes shall be given to the city  
111 council and to the board of selectmen or town council of each member municipality not later  
112 than 7 days after the date on which the debt was authorized by the district board. No debt shall  
113 be incurred until the expiration of 30 days from the date the debt was authorized by the district  
114 board. If, prior to the expiration period, the city council or the board of selectmen or town

115 council of any member municipality votes to disapprove of the amount authorized by the district  
116 board, the debt shall not be incurred;

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

128 (i) to sue and be sued, only to the same extent and upon the same conditions that a  
129 municipality may be sued;

130 (j) to receive and disburse funds for any district purpose;

131 (k) to incur short-term debt in anticipation of revenue to be received from member  
132 municipalities;

133 (l) to assess member municipalities for any district expenses;

134 (m) to apply for and receive any grants or gifts for the district purposes;

135 (n) to engage legal counsel; and

136 (o) to submit an annual report to each member municipality, which report shall contain a  
137 detailed financial statement and a statement showing the method by which the annual charges  
138 assessed against each municipality were computed.

139 Section 18Q. The regional 911 emergency communication district board shall annually  
140 determine the necessary amounts to maintain and operate the district during the ensuing fiscal  
141 year and the amounts required to pay any debt and interest incurred by the district. The district  
142 board shall apportion the amount so determined among the member municipalities in accordance  
143 with the terms of the district agreement. The amounts apportioned for each member municipality  
144 shall be certified by the district treasurer to the participating municipalities not later than March  
145 31 annually. The obligation of each member municipality to pay apportionments under the  
146 district agreement shall be included in the amounts to be assessed annually to each municipality  
147 under section 23 of chapter 59, without appropriation, and each municipality shall pay to the  
148 district the apportioned amounts at the times specified in the district agreement. The amounts  
149 apportioned or to be apportioned under the district agreement shall not be included in the  
150 statutory limit of indebtedness of any municipality.

151 Section 18R. The regional 911 emergency communication district board shall maintain  
152 accurate and comprehensive records of services performed, costs incurred and reimbursements  
153 and contributions received. The district board shall issue quarterly and annual financial  
154 statements to all member municipalities and to the finance advisory subcommittee. The annual  
155 report shall include the center's maintenance and operating budget, including the amounts  
156 assessed to each member municipality, and any debt and interest incurred by the district under  
157 section 18P. The district board shall perform regular audits of the accounts of the records of the  
158 district. Upon the completion of each audit, a report shall be prepared by the district board and a



159 copy of the report shall be forwarded to the mayor and to the chairman of the district board of  
160 selectmen or town council of each member municipality, the finance advisory subcommittee, the  
161 state auditor, the state 911 department and the division of local services.

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

175         Section 18S. Sections 16 to 28, inclusive, of chapter 44 shall apply to regional 911  
176 emergency communication districts. Section 16 relating to the countersigning of bonds and  
177 notes and section 24 relating to the countersigning and approval of notes and the certificates of  
178 the clerk relating thereto shall not apply to regional 911 emergency communication districts. Any  
179 debt incurred by a regional 911 emergency communication district shall not be subject to the  
180 limit of indebtedness prescribed in section 10 of chapter 60.