SENATE . . . . . No. 2037

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, 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:

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

Section 18M. Regional emergency communication center defined

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

Section 18N. Regional public safety answering point defined

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

Section 18O. Regional 911 emergency communication district planning committee

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

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

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

86 (d) To incur debt for the purpose of acquiring land, buildings, and equipment and
87 constructing, equipping, and maintaining a regional 911 emergency communication center for a
88 term not exceeding twenty-five years; and provided, further, that written notice of the amount of
89 the debt and of the general purposes for which it was authorized shall be given to the city council
90 of each city, and to the board of selectmen or town council of each town, comprising the district
91 not later than seven days after the date on which said debt was authorized by the district
92 committee; and no debt may be incurred until the expiration of thirty days from the date said
93 debt was authorized by the district committee. If, prior to the expiration of said period, the city
94 council of any member city or the board of selectmen or town council of any member town
95 expresses disapproval of the amount authorized by the district committee, the said debt shall not
96 be incurred and the regional 911 emergency communication district planning committee shall
97 thereupon prepare another proposal which may be the same as any prior proposal and an
98 authorization to incur debt therefor.

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

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

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

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

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

110 (j) To engage legal counsel.

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

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

117 (m) To adopt an annual operating budget.

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

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

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

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

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

147 Section 18W. Audits and reports

148 Section 18W. The regional 911 emergency communication district shall maintain
149 accurate and comprehensive records of services performed, costs incurred, and reimbursements
150 and contributions received; shall issue annual and quarterly financial statements to all members;
151 and shall perform regular audits of the accounts of the records of the district. Upon the
152 completion of each audit, a report thereon shall be made to the chairman of said district
153 committee, and a copy thereof shall be sent to the mayor and to the chairman of the board of

154 selectmen or town council, respectively, of each city and town which is a member of said
155 district.

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

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

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

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

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