

Chapter 500,

THE COMMONWEALTH OF MASSACHUSETTS

In the Year Two Thousand and Fourteen

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:

Chapter 6A of the General Laws is hereby amended by inserting after section 18N, inserted by section 4 of chapter 260 of the acts of 2014, the following 8 sections:-

Section 18O. (a) As used in sections 18O to 18V, inclusive, the term "regional 911 emergency communication center" shall mean a facility housing or otherwise supporting a regional emergency communication center or a regional PSAP, as those terms are defined in section 18A, if the regional 911 emergency communication center is approved by the state 911 department.

(b) Two or more municipalities, by approval of the chief executive officer of a city or by vote of a board of selectmen or town council, may create a regional 911 emergency communication district planning committee, hereinafter called the district planning committee, consisting of 3 unpaid persons to be appointed by the mayor in each participating city and by the chairman of the board of selectmen or town 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 considers necessary to carry out sections 18O to 18V, inclusive. The district planning committee may apply for, accept and expend, without appropriation, grants or gifts of funds from the federal government, the commonwealth or any other source.

Section 18P. (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 the 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 under 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 considers 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 members 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; provided, however, that the treasurer shall pay any bill of the district which shall have been approved by the district board; provided, further, 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 district planning committee; and

(6) approval of fiscal matters as described in subsections (g) and (h) of section 18R by a finance advisory subcommittee, including approval of an

annual operating budget as described in subsection (e); provided, however, 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 180 to 18V, 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 18Q. If a 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 following question to be voted on shall be as follows:- "Shall the municipality accept the provisions of sections 180 to 18V, inclusive, of chapter 6A of the General Laws providing for the establishment of a regional 911 emergency communication district, together with the cities of _____ and the towns of _____, and the construction or siting, administration, operation and maintenance of a regional 911 emergency communication center by the district under the provisions of the proposed district agreement filed with the city council, board of selectmen or town council?"

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

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

(a) 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 a seal would have if it were impressed thereon;

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

- (c) purchase or lease land or building space for the district;
- (d) employ an executive director, who shall possess the education, training and experience to perform the duties required of the position and such other employees as it considers necessary to operate the district and to establish the duties, compensation, benefits and other terms and conditions of employment of additional personnel;
- (e) adopt an annual operating budget that shall be approved by the finance advisory subcommittee;
- (f) enter into any contracts and agreements necessary for the exercise of the district's powers and functions, including contracts and agreements to purchase equipment, buildings, supplies, materials and services; provided, however, that the district may enter into contracts and agreements for 911 emergency services with non-member municipalities and governmental bodies and other persons or entities;
- (g) incur debt for a term not exceeding 25 years to acquire land, buildings and equipment to construct or site and maintain a regional 911 emergency communication center; provided, however, that written notice of the amount of the debt and of the general purposes for which it would be authorized shall first be given by the district board to the finance advisory subcommittee for approval, which shall require a majority vote. The finance advisory subcommittee shall vote on the proposed debt within 14 days of receiving notice. If the finance advisory subcommittee approves the debt, the debt may be authorized by the district board and written notice of the amount of the debt and of its general purposes shall be given to the city council and to the board of selectmen or town council of each member municipality not later than 7 days after the date on which the debt was authorized by the district board. No debt shall be incurred until the expiration of 60 days from the date the debt was authorized by the district board. If, prior to the expiration period, the city council or the board of selectmen or town council of any member municipality votes to disapprove of the amount authorized by the district board, the debt shall not be incurred;
- (h) issue bonds and notes in the name and upon the full faith and credit of the district; provided, however, that written notice of the amount of the bonds or notes and of the general purposes for which they would be authorized shall be provided to the finance advisory subcommittee for approval, which shall require a majority vote; provided, further, that if the finance advisory subcommittee votes to approve the bonds or notes, the bonds or notes shall be signed by the chairman and the treasurer of the district board; provided, further, that the chairman, by a writing bearing the chairman's written signature and filed in the office of the treasurer which writing shall be open to public inspection, may authorize the treasurer to cause to be engraved or printed on bonds or notes a facsimile of such chairman's signature, and such facsimile signature so engraved or printed shall have the same validity and

effect as the chairman's written signature. Each issue of bonds or notes shall be a separate loan;

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

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

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

(l) assess member municipalities for any district expenses;

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

(n) engage legal counsel; and

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

Section 18S. The regional 911 emergency communication district board shall annually determine the necessary amounts to maintain and operate the district during the ensuing fiscal year and the amounts required to pay any debt and interest incurred by the district. The district board shall apportion the amount so determined among the member municipalities under 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 1, 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 18T. 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 18R. 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 18U. Sections 16 to 28, inclusive, of chapter 44 shall apply to regional 911 emergency communication districts. Section 16 of said chapter

44, relative to the countersigning of bonds and notes, and section 24 of said chapter 44, relative 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 said chapter 44.

Section 18V. A district agreement established under section 18Q 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 general or special law to the contrary, any member municipality may authorize a 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, however, 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.

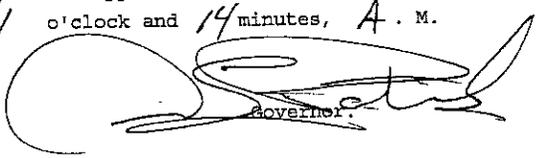
Preamble adopted, House of Representatives, January 6, 2015.
Acting
Paul Donato, Speaker.

Preamble adopted, In Senate, January 6, 2015.
Acting
Richard T. Moore, President.

Bill passed to be enacted, House of Representatives, January 6, 2015.
Acting
Paul Donato, Speaker.

Bill passed to be enacted, In Senate, January 6, 2015.
Richard T. Moore, President.

8 January, 2015.
Approved,
at 11 o'clock and 14 minutes, A. M.


Governor.