

HOUSE No. 4299

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, July 23, 2012.

The committee on Ways and Means, to whom was referred the Senate Bill relative to regional 911 emergency communication districts (Senate, No. 2248, amended), reports recommending that the same ought to pass with an amendment striking all after the enacting clause and inserting in place thereof the text contained in House document numbered 4299.

For the committee,

BRIAN S. DEMPSEY.

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

By striking out all after the enacting clause and inserting in place thereof the following:—

1 Chapter 6A of the General Laws is hereby amended by inserting after section 18L the following
2 8 sections:-

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

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

13 (c) The district planning committee shall study the feasibility of establishing and
14 constructing a regional 911 emergency communication district and propose the district’s

15 organization, governance structure, operation, location, estimate of construction or siting and
16 operating costs, maintenance and methods of financing. Each municipality comprising the
17 district planning committee may appropriate sums to compensate the committee's expenses. The
18 district planning committee may expend any sums so appropriated and may employ any expert
19 assistance as it deems necessary to carry out sections 18M to 18T, inclusive. The district
20 planning committee may apply for, accept and expend, without appropriation, grants or gifts of
21 funds from the federal or state government or any other source.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

54 (4) powers and duties of the treasurer, including the power to receive and take
55 charge of all money belonging to the district and shall pay any bill of the district which shall

56 have been approved by the district board; provided, however, that the treasurer shall be subject to
57 sections 35, 52 and 109A of chapter 41

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

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

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

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

76 Section 18O. If a regional 911 emergency communication district planning committee
77 recommends that a regional 911 emergency communication district be established, the city

78 councils or the boards of selectmen or town councils of member municipalities shall vote on
79 whether to accept the proposed district agreement. For each council or board, the question to be
80 voted on shall be:—"Shall the municipality accept the provisions of sections 18M to 18T,
81 inclusive, of chapter 6A of the General Laws providing for the establishment of a regional 911
82 emergency communication district, together with the cities of _____ and the
83 towns of _____, and the construction or siting, administration, operation and
84 maintenance of a regional 911 emergency communication center by the district in accordance
85 with the provisions of the proposed district agreement filed with the city council, board of
86 selectmen or town council?"

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

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

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

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

98 (3) purchase or lease land or building space for the district;

99 (4) employ an executive director, who shall possess the education, training and
100 experience to perform the duties required of the position and such other employees as it deems
101 necessary to operate such district and to establish the duties, compensation, benefits and other
102 terms and conditions of employment of additional personnel;

103 (5) adopt an annual operating budget that shall be approved by the finance advisory
104 subcommittee;

105 (6) enter into any contracts and agreements necessary for the exercise of the district's
106 powers and functions, including contracts and agreements to purchase equipment, buildings,
107 supplies, materials and services; provided, that the district may enter into contracts and
108 agreements for 911 emergency services with non-member municipalities and governmental
109 bodies and other persons or entities;

110 (7) incur debt for a term not exceeding 25 years to acquire land, buildings and equipment
111 to construct or site and maintain a regional 911 emergency communication center; provided, that
112 written notice of the amount of the debt and of the general purposes for which it would be
113 authorized shall first be given by the district board to the finance advisory subcommittee for
114 approval, which shall require a majority vote. The finance advisory subcommittee shall vote on
115 the proposed debt within 14 days of receiving notice. If the finance advisory subcommittee
116 approves the debt, the debt may be authorized by the district board and written notice of the
117 amount of the debt and of its general purposes shall be given to the city council and to the board
118 of selectmen or town council of each member municipality not later than 7 days after the date on
119 which the debt was authorized by the district board. No debt shall be incurred until the
120 expiration of 60 days from the date the debt was authorized by the district board. If, prior to the

121 expiration period, the city council or the board of selectmen or town council of any member
122 municipality votes to disapprove of the amount authorized by the district board, the debt shall not
123 be incurred;

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

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

137 (10) receive and disburse funds for any district purpose;

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

140 (12) assess member municipalities for any district expenses;

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

142 (14) engage legal counsel; and

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

146 Section 18Q. The regional 911 emergency communication district board shall annually
147 determine the necessary amounts to maintain and operate the district during the ensuing fiscal
148 year and the amounts required to pay any debt and interest incurred by the district. The district
149 board shall apportion the amount so determined among the member municipalities in accordance
150 with the terms of the district agreement. The amounts apportioned for each member municipality
151 shall be certified by the district treasurer to the chief executive officers, board of assessors and
152 treasurers of the participating municipalities not later than February 1st annually, and the amounts
153 so certified shall be appropriated and paid to the district treasurer at the times specified in the
154 district agreement. If any participating municipality fails to include any apportioned amount so
155 certified in its appropriations for the fiscal year, the board of assessors shall raise the amount in
156 the tax levy of that year under section 23 of chapter 59.

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

164 completion of each audit, the district board shall forward a copy of the audit to the mayor, the
165 chairman of the board of selectmen or town council of each member municipality, the finance
166 advisory subcommittee, the state auditor, the state 911 department and the division of local
167 services.

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

174 Section 18T. A district agreement established under section 18O or any amendment to the
175 district agreement may contain provisions authorizing any member municipality to sell, lease or
176 license to the regional 911 emergency communication district any facility, building and any land
177 appurtenant thereto or used in connection therewith or any other property useful for the purposes
178 of the district. Notwithstanding section 3 of chapter 40 or any other law to the contrary, any
179 member municipality may authorize such sale, lease or license. For a sale, the terms and time of
180 payment and the method by which the municipalities other than the selling municipality shall be
181 assessed for payment shall be established in the district agreement or amendment; provided, that
182 in no case shall payments be made which shall exceed 25 years. For a lease or license, the terms
183 and time of payment and assessment shall be established in the district agreement or amendment.
184 The term of a lease or license shall not exceed 25 years, and may contain provisions for the
185 extension of the lease or license for an additional term not to exceed 25 years at the option of the
186 regional 911 emergency communication district board.