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LC001792

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

A N A C T

RELATING TO TOWNS AND CITIES -- INTERLOCAL CONTRACTING AND JOINT ENTERPRISES, AND REGIONAL EMERGENCY COMMUNICATION DISTRICTS

Introduced By: Senators DiPalma, Doyle, Archambault, Nesselbush, and Seveney

Date Introduced: March 29, 2017

Referred To: Senate Housing & Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 45-40.1-1, 45-40.1-3 and 45-40.1-4 of the General Laws in
2 Chapter 45-40.1 entitled "Interlocal Contracting and Joint Enterprises" are hereby amended to
3 read as follows:

4 **45-40.1-1. Legislative purpose.**

5 It is the purpose of this chapter to permit local governmental units to make the most
6 efficient use of their powers by enabling them to cooperate with other localities on a basis of
7 mutual advantage, and, ~~thereby,~~ to enter into agreements to provide shared services, activities and
8 facilities which any governmental unit is authorized by law to perform ~~and facilities~~ in a manner
9 and pursuant to forms of governmental organization that will accord best with geographic,
10 economic, population, and other factors influencing the needs and development of ~~local~~
11 ~~communities~~ cities and towns.

12 **45-40.1-3. "Public agency" defined.**

13 ~~(a)~~ For the purposes of this chapter: ,

14 (1) The ~~the~~ term ~~"public-agency"~~ "governmental unit" means any ~~political-subdivision of~~
15 ~~this-state,~~ town, fire district, water district, school district, and taxing authority and any agency of
16 ~~the~~ state government or of the United States, and any ~~political-subdivision~~ city or town of another
17 state; ~~;~~ and

18 ~~(b)~~(2) The term "state" means a state of the United States.

1 **45-40.1-4. Interlocal agreements.**

2 (a) Any power or powers, privileges, or authority, exercised or capable of exercise by a
3 ~~public-agency~~ governmental unit of this state, as defined in §45-40.1-3, may be exercised and
4 enjoyed jointly with any other ~~public-agency~~ governmental unit or ~~of~~ any other state, ~~or of~~ the
5 United States, and to the extent that laws of the other state or of the United States permit the joint
6 exercise or enjoyment. Any governmental unit or agency of the state government, when acting
7 jointly with any ~~public-agency~~ other governmental units, may exercise and enjoy all of the
8 powers, privileges, and authority conferred by this chapter upon a ~~public-agency~~ governmental
9 unit.

10 (b) (1) Any two (2) or more ~~public-agencies~~ governmental units may enter into
11 agreements with one another for joint or cooperative action pursuant to the provisions of this
12 chapter.

13 (2) Appropriate action by ordinance, resolution, or otherwise, pursuant to law of the
14 governing bodies of the participating public agencies, is necessary before any agreement may
15 enter into force.

16 (c) Any agreement shall specify the following:

17 (1) Its duration, not to exceed ten (10) years; ~~;~~

18 (2) The precise organization, composition, and nature of any separate legal or
19 administrative entity created by it, together with the powers delegated to it, provided the entity
20 may be legally created; ~~;~~

21 (3) Its purpose or purposes; ~~;~~

22 (4) The manner of financing the joint or cooperative undertaking, and of establishing and
23 maintaining a budget for it; ~~;~~

24 (5) The permissible method or methods to be employed in accomplishing the partial or
25 complete termination of the agreement and for disposing of property upon partial or complete
26 termination; ~~;~~

27 (6) Provide sufficient financial safeguards for all participants, including, but not limited
28 to: accurate and comprehensive records of services performed, costs incurred, and
29 reimbursements and contributions received; the performance of regular audits of such records;
30 and provisions for officers responsible for the agreement to give appropriate fidelity bonds or
31 insurance coverage. The agreement shall also require that periodic financial statements be issued
32 to all participants; and

33 ~~(6)~~(7) Any other necessary and proper matters.

34 (d) In the event that the agreement does not establish a separate legal entity to conduct the

1 joint or cooperative undertaking, the agreement shall, pursuant to the requirements of ~~subsections~~
2 ~~(e)(1)–(e)(6)~~ subsections (c)(1) through (c)(7) of this section, contain provisions for:

3 (1) An administrator or a joint board responsible for administering the joint or
4 cooperative undertaking. In the case of a joint board, all ~~public agencies~~ governmental units that
5 are a party to the agreement shall be represented- ; and

6 (2) The manner of acquiring, holding, and disposing of real and personal property used in
7 the joint or cooperative undertaking.

8 (e) No agreement made pursuant to this chapter relieves any ~~public agency~~ governmental
9 unit of any obligation or responsibility imposed upon it by law, except ~~that~~ with respect to the
10 actual and timely performance of ~~it~~ an obligation or responsibility of by a joint board or other
11 legal or administrative entity created by an agreement made under this chapter, ~~the performance~~
12 ~~may be offered in satisfaction of the obligation or responsibility.~~

13 (f) Every agreement made under this chapter between a governmental unit of the state of
14 Rhode Island and a governmental unit of any other state or of the United States shall, prior to and
15 as a condition precedent to its entry into force, be submitted to the attorney general who shall
16 determine whether the agreement is in proper form and in compliance with the laws of this state.
17 The attorney general shall approve any agreement submitted to him or her unless he or she finds
18 that it does not meet the conditions established by this chapter, and shall state, in writing,
19 addressed to the governing bodies of the governmental units, state agencies or public agencies of
20 other states concerned, the specific respects in which the proposed agreement fails to meet the
21 requirements of law. Failure of the attorney general to disapprove an agreement submitted under
22 this chapter within fifteen (15) days of its submission constitutes approval of the agreement.
23 Every agreement entered into between two (2) or more governmental units, not inclusive of any
24 agency of the state or public agency of any other state or of the United States, shall be submitted
25 to the city or town council or other governing body for approval. The termination of an agreement
26 made pursuant to this chapter shall require one year's notice of withdrawal by any member to
27 allow for budget and operations adjustments by the remaining members.

28 SECTION 2. Chapter 45-40.1 of the General Laws entitled "Interlocal Contracting and
29 Joint Enterprises" is hereby amended by adding thereto the following section:

30 **45-40.1-9. Conflicts with other laws.**

31 Notwithstanding any general or special law to the contrary, the provisions of this chapter
32 shall supersede any conflicting provisions of a governmental unit's charter, enabling legislation,
33 local ordinance, rule or regulation.

34 SECTION 3. Sections 45-43-2, 45-43-3 and 45-43-5 of the General Laws in Chapter 45-

1 43 entitled "Regional Councils of Local Government" are hereby amended to read as follows:

2 **45-43-2. Membership.**

3 Membership of the council consists of ~~three (3)~~ representatives from each ~~city or town~~
4 governmental unit entering into the agreement. The ~~three (3)~~ regular members from each ~~city and~~
5 ~~town are as follows:~~ governmental unit shall be appointed to the council by each participating
6 governmental unit.

- 7 (1) ~~The chief executive or administrative head of the city or town.~~
8 (2) ~~The council president or designee of the city or town.~~
9 (3) ~~A third elected or appointed official in the city or town designated by the first two (2)~~
10 ~~regular members.~~

11 **45-43-3. Powers.**

12 (a) The council has the power to:

- 13 (1) Study area governmental problems common to two (2) or more members of the
14 council as it deems appropriate, including, but not limited to, matters affecting health, safety,
15 welfare, education, economic conditions, and regional development;
16 (2) Promote cooperative arrangements and coordinate action among its members; and
17 (3) Make recommendations for review and action to the members and other public
18 agencies that perform functions within the region.

19 (b) The council may, by appropriate action of the governing bodies of the member
20 ~~governments, exercise other powers that are exercised or capable of exercise by the member~~
21 ~~governments and necessary or desirable for dealing with problems of mutual concern; provided,~~
22 ~~that the exercise of power for the creation, construction, or operation of new regional solid waste~~
23 ~~disposal facilities is contingent upon the approval of the solid waste management corporation.~~
24 governmental units, enter into an agreement not to exceed ten (10) years to perform any service,
25 activity or undertaking which any member governmental unit is authorized by law to perform.
26 For the term of such agreement and subject to the terms thereof, said council shall be authorized
27 to perform such service, activity or undertaking, and said council may designate a committee of
28 its members to oversee such performance, provided such committee membership, functions and
29 duties are set forth in the agreement.

30 **45-43-5. Staff.**

31 The council may employ staff, and consult and retain experts, as it deems necessary. ~~The~~
32 ~~state department of administration may furnish research, secretarial, and stenographic service to a~~
33 ~~council.~~

34 SECTION 4. Chapter 45-43 of the General Laws entitled "Regional Councils of Local

1 Government" is hereby amended by adding thereto the following sections:

2 **45-43-2.1. "Governmental units" and "state" defined.**

3 (a) For the purposes of this chapter:

4 (1) "Governmental unit" means any city, town, fire district, water district, school district,
5 and taxing authority, and any agency of state government or of the United States, and any city or
6 town of another state.

7 (2) "State" means a state of the United States.

8 **45-43-8. Regional emergency communication districts -- Definitions and planning**
9 **committee.**

10 (a) As used in §§45-43-8 through 45-43-13 inclusive:

11 (1) "Regional emergency communication district" or "RECD" means a cooperative
12 regional body of municipalities, as approved and established pursuant to this chapter, that
13 operates a facility housing or otherwise supporting a regional emergency communication center,
14 as that term is defined herein.

15 (2) "Regional emergency communication center" means a facility operated by or on
16 behalf of a regional emergency communication district approved and established pursuant to this
17 chapter to provide for the regional dispatch and coordination of emergency services for the
18 municipalities comprising such district.

19 (b) Two (2) or more municipalities (each sometimes referred to hereinafter as a
20 "participating" or "member municipality"), by approval of the governing body in each
21 municipality, may authorize the establishment of a regional emergency communication district
22 (RECD) planning committee consisting of three (3) unpaid representatives of each municipality,
23 who shall be appointed by the chief executive or administrative head in each participating
24 municipality and approved by a vote of the governing body in each participating municipality, the
25 president of the Rhode Island State Association of Firefighters, or designee; the president of the
26 Rhode Island Fraternal Order of Police, or designee; the state director of the International
27 Brotherhood of Police Officers, or designee; the commissioner of the department of public safety,
28 or designee.

29 (c) The RECD planning committee shall study the feasibility of establishing a regional
30 emergency communication district and of constructing and operating a regional emergency
31 communication center, and shall propose the district's organization, governance and structure, as
32 well as the operation, location, estimate of construction or siting and operating costs,
33 maintenance, and methods of financing the center. Each municipality comprising the RECD
34 planning committee may appropriate sums to compensate the committee's expenses. The RECD

1 planning committee may expend any sums so appropriated and may employ any expert assistance
2 as it deems necessary. The RECD planning committee may apply for, accept and expend, without
3 appropriation, grants or gifts of funds from the federal or state government or any other source.

4 **45-43-9. Regional emergency communication districts -- Written district agreement.**

5 (a) If the RECD planning committee recommends the establishment of a regional
6 emergency communication district, it shall propose a written district agreement to establish,
7 organize and govern the district, and to construct or site, equip, administer, operate, employ
8 personnel, and maintain a regional emergency communication center.

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

11 (1) Provide for the district's conditions of membership and financial terms, identifying
12 construction or siting, and operating costs of the center;

13 (2) Establish a regional emergency communication district board (the "board") to oversee
14 the construction or siting, administration, operation and financing of the center, and provide said
15 board with the powers, duties and liabilities of a regional emergency communication district,
16 which powers shall be vested in and exercised by the district board established in accordance with
17 the agreement;

18 (3) Establish any subcommittees, including a finance advisory committee, necessary for
19 the administration of the district and for the preparation and adoption of an annual operating
20 budget; and

21 (4) Establish a procedure to invite and include additional municipalities into the district,
22 to determine a process to amend the district agreement, to identify the terms and procedure by
23 which a municipality may withdraw from the district, and to include any additional provisions the
24 RECD planning committee deems necessary for the administration and operation of the district
25 and its regional emergency communication center.

26 (c) A proposed district agreement shall include, but need not be limited to, provisions
27 addressing the following:

28 (1) The term of the agreement, not to exceed ten (10) years, which may be renewed by
29 approval of the participating municipalities;

30 (2) The number, selection process and length of terms of office of the district board
31 members;

32 (3) The procedure for selection of a chair by ballot from the district board's membership;

33 (4) The appointment by the district board of a district secretary and treasurer, who may be
34 the same person, and the designation, if any, of one or more of its members to approve payrolls or

1 bills for salary or compensation of district board members or employees; provided, however, that
2 the member or members approving such payroll or bill shall make available to the board at its
3 next meeting the record of that action;

4 (5) The powers and duties of the treasurer, including the power to receive and take charge
5 of all money belonging to the district and to pay any bill of the district which shall have been
6 approved by the district board;

7 (6) The compensation of the treasurer for services rendered in the course of duty as may
8 be granted by vote of the committee;

9 (7) The approval of fiscal matters by a finance advisory subcommittee, including
10 approval of an annual operating budget as described in §45-43-12; provided that the finance
11 advisory subcommittee shall consist of the chief executive (or administrative head) or chief
12 financial officer of member municipalities, as designated by each municipality's chief executive
13 or administrative head; and provided, further, that no member of the finance advisory
14 subcommittee shall also serve on any other board or subcommittee established under this chapter;
15 and

16 (8) The recognition of labor contracts that will cover district employees and/or existing
17 municipal employees to be affected by the creation of the district, the provisions of such
18 contracts, including wages, benefits, and other terms and conditions of employment thereunder, to
19 continue in full force and effect until their termination dates or until otherwise agreed by the
20 affected parties or their legal successors.

21 (d) The RECD planning committee shall forward a report of its findings,
22 recommendations and proposed district agreement, if any, to the governing body of each of the
23 committee's participating municipalities.

24 **45-43-10. Regional emergency communication districts -- Municipal approval.**

25 (a) If an RECD planning committee recommends that a regional emergency
26 communication district be established, the governing body of each member municipality shall
27 vote on whether to accept the proposed district agreement. For each governing body, the question
28 to be voted on shall be: "Shall the municipality accept the provisions of §§45-43-8 through 45-
29 43-13, inclusive, providing for the establishment of a regional emergency communication district,
30 together with the cities of _____ and the towns of _____, and the
31 construction or siting, administration, operation and maintenance of a regional emergency
32 communication center by the district in accordance with the provisions of the proposed district
33 agreement filed with the municipality's governing body?"

34 (b) If a majority of the members of all the proposed municipalities' governing bodies

1 [voting on the question vote in the affirmative, the proposed regional emergency communication](#)
2 [district shall be established in accordance with the terms of the proposed district agreement.](#)

3 SECTION 5. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO TOWNS AND CITIES -- INTERLOCAL CONTRACTING AND JOINT
ENTERPRISES, AND REGIONAL EMERGENCY COMMUNICATION DISTRICTS

1 This act would amend existing provisions of chapter 40.1 of title 45 pertaining to
2 interlocal contracting and joint enterprises to permit municipal and governmental units of this
3 state, including cities, towns, fire districts, water districts, school districts, and taxing authorities,
4 to contract with governmental units of this or other states with respect to matters which they are
5 authorized by law to perform, on the terms and conditions set forth in said Chapter, as amended.
6 This act would also adopt new provisions of chapter 43 of title 45 pertaining to regional councils
7 of local government to authorize two (2) or more municipalities to form regional emergency
8 communication districts for the purpose of operating facilities housing a regional emergency
9 communication center to provide for the regional dispatch and coordination of emergency
10 services for the municipalities comprising such district, if the member municipalities approve
11 such districts in accordance with the provisions of the chapter, such districts to be established,
12 organized and governed, and such centers to be constructed, operated and maintained, pursuant to
13 a written district agreement adopted by the member municipalities.
14 This act would take effect upon passage.

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