SB221

SGRN775-1

By Senator Price

RFD: Finance and Taxation General Fund

First Read: 19-Mar-24

SYNOPSIS:

Existing law does not explicitly authorize local 911 districts to pool their resources with one another by jointly exercising powers or providing services.

This bill would recognize the authority of local 911 districts to contract with one another to jointly exercise powers and services that each district may lawfully exercise on an individual basis.

This bill would further provide minimum requirements to be followed by district boards when entering into a contract with another district and would also provide minimum requirements for the joint exercise contracts.

This bill would delete duplicative language and would also make nonsubstantive, technical revisions to update the existing code language to current style.

A BILL

TO BE ENTITLED

AN ACT

Relating to emergency telephone services; to amend Section 11-98-4, Code of Alabama 1975, to further provide for local 911 districts by permitting two or more districts to

enter contracts to jointly provide services; to provide requirements for contracts to jointly provide services; and to delete duplicative language and make nonsubstantive, technical revisions to update the existing code language to current style.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 11-98-4, Code of Alabama 1975, is amended to read as follows:

"§11-98-4

(a) When any district is created, the creating authority may appoint a board of commissioners composed of seven members to govern its affairs, and shall fix the domicile of the board of commissioners at any point within the district. In the case of county districts, after the expiration of the terms of the members of the board of commissioners holding office on May 23, 2000, there may be at least one member of the board of commissioners from each county commission district if the number of the county commission does not exceed seven, unless a resolution dated before January 1, 2000, was passed by a county commission establishing an appointment process different from this section or as otherwise provided by the enactment of a local act after May 23, 2000. The members of the board of commissioners shall be qualified electors of the district, two of whom shall be appointed for terms of two years, three for terms of three years, and two for terms of four years, dating from the date of the adoption of the resolution or ordinance creating the district. Thereafter, all appointments of the

members shall be for terms of four years.

(b) The board of commissioners shall have ~~complete and~~ sole authority to appoint a ~~chairman~~chair and any other officers it may deem necessary from among the membership of the board of commissioners.

(c) A majority of the board of commissioners membership shall constitute a quorum and all official action of the board of commissioners shall require a quorum.

(d) The board of commissioners may employ such employees, experts, and consultants as it deems necessary to assist the board of commissioners in the discharge of its responsibilities to the extent that funds are made available.

(e) In lieu of appointing a board of commissioners, the governing body of the creating authority may serve as the board of commissioners of the district, in which case it shall assume all the powers and duties of the board of commissioners as provided in this chapter.

(f) In addition to other authority and powers necessary to establish, operate, maintain, and replace an emergency communication system, the board of commissioners ~~shall have the~~may do any of the following~~ authority~~:

(1) ~~To sue~~Sue and be sued, ~~to~~ prosecute, and defend civil actions in any court having jurisdiction of the subject matter and of the parties.

(2) ~~To acquire~~Acquire or dispose of, whether by purchase, sale, gift, lease, devise, or otherwise, property of every description that the board may deem necessary, consistent with this section, and to hold title thereto.

(3) ~~To construct~~Construct, enlarge, equip, improve, maintain, and operate all aspects of an emergency communication system consistent with ~~subsection (a) of~~ Section 11-98-6(a).

(4) ~~To borrow~~Borrow money for any of its purposes.

(5) ~~To provide for such~~Provide for liability and hazard insurance as the board of commissioners may deem advisable to include inclusion and continuation, or both, of district employees in state, county, municipal, or self-funded liability insurance programs.

(6) ~~To enter~~Enter into contracts or agreements with public or private safety agencies for dispatch services when ~~such~~the terms, conditions, and charges are mutually agreed upon, unless otherwise provided by local law.

(7) ~~To make~~Make grants to municipalities for dispatching equipment and services.

(g) The board of commissioners may elect to form a nonprofit, public corporation with all of the powers and authority vested in ~~such~~the political and legal entities. The certificate of incorporation shall recite, in part:

(1) That this is a nonprofit, public corporation and is a political and legal subdivision of the State of Alabama as defined in this chapter.

(2) The location of its principal office.

(3) The name of the corporation.

(4) That the governing body is the board of commissioners.

(h) Any other provisions of this chapter

notwithstanding, the board of commissioners shall present to the creating authority for approval the acquisition, disposition, or improvements to real property.

(i) In addition to ~~the provisions of~~ subdivision ~~(5) of subsection~~ (f)(5), each member of the board of commissioners and each director of an emergency communication district shall be bonded in an amount equal to one-half of one percent of the total funds received by the district in the prior fiscal year except the amount of the bond for any persons required to be bonded, shall not be less than ten thousand dollars ($10,000) nor exceed fifty thousand dollars ($50,000). The board of commissioners may require other employees to be bonded in an amount set by the board and made payable to the district. The bonds shall be paid for by the district, and a copy shall be on file at the offices of the district and at the office of the judge of probate of the county in which the district is incorporated. In the event the governing body of the creating authority serves as the board of commissioners of the district, each member of the board may combine the bond required ~~herein~~by this section with the bond required for service on the creating authority provided both the creating authority and the emergency communication district are adequately protected in the event of forfeiture and the portion of the bond payment required pursuant to this section is paid by the district.

(j) Two or more boards of commissioners of districts that exist on the effective date of this act, by adopting identical resolutions, may contract for the districts they

govern to jointly exercise any power or service that each of the districts is authorized to exercise individually.

(1)a. It is sufficient that each of the contracting districts is lawfully authorized to exercise the power or service that is the subject of the contract regardless of the manner in which the power or service shall be exercised if at least one of the districts is authorized to exercise the power or service in the agreed upon manner.

b. The power or service that is the subject of the contract may be exercised by each contracting district or may be exercised by one or more districts on behalf of all of the contracting districts.

(2) Before adopting the resolution under this subsection, each district board of commissioners must give notice pursuant to Section 36-25A-3 of a hearing on the proposed contract at which the public may request information concerning, or present arguments for or against, the same.

(3)a. The contract must: (i) state the intent of each district to cooperate with the joint exercise of the power or service; (ii) describe the power or service that the districts will jointly exercise; and (iii) provide a termination date for the contract no later than three years from the date of the contract.

b. Notwithstanding a termination date for the contract, any district may terminate the contract by giving at least 180 days' notice to the other district or districts.

(4)a. The existence of a district as an individual political and legal subdivision of the state under this

chapter is not modified or impaired when the district enters a contract provided under this subsection, neither are the lawful powers of the district in any way modified or impaired except to the extent necessary for the district to jointly exercise the power or service that is the subject of the contract.

b. Nothing in this subsection shall restrict the powers of a district nor modify or impair the legal rights and duties under a contract that is in existence on the effective date of this act between or among districts.

(5) 911 services may not be jointly provided pursuant to this subsection until the Statewide 911 Board certifies to the contracting districts that, pursuant to Section 11-98-4.1(e)(8), joint operations are ready to occur without service interruption."

Section 2. This act shall become effective immediately following its passage and approval by the Governor, or its otherwise becoming law.