The Commonwealth of Massachusetts

PRESENTED BY:

Josh S. Cutler and Kathleen R. LaNatra

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act authorizing the establishment of a regional old colony communications center enterprise fund by the town of Duxbury.

PETITION OF:

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<tr>
<th>NAME:</th>
<th>DISTRICT/ADDRESS:</th>
<th>DATE ADDED:</th>
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<tbody>
<tr>
<td>Josh S. Cutler</td>
<td>6th Plymouth</td>
<td>2/16/2021</td>
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<tr>
<td>Kathleen R. LaNatra</td>
<td>12th Plymouth</td>
<td>2/24/2021</td>
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By Representatives Cutler of Pembroke and LaNatra of Kingston, a petition (accompanied by bill, House, No. 3748) of Josh S. Cutler and Kathleen R. LaNatra (by vote of the town) that the town of Duxbury be authorized to establish a Regional Old Colony Communications Center enterprise fund. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

An Act authorizing the establishment of a regional old colony communications center enterprise fund by the town of Duxbury.

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. Notwithstanding the provisions of section 53F½ of chapter 44 of the General Laws or of any other general or special law, bylaw, or charter provision to the contrary, the town of Duxbury shall be authorized to formally establish and fund the Regional Dispatch Center known as the Regional Old Colony Communications Center, or “ROCCC,” as set forth in the intermunicipal agreement or agreements with its regional member towns, which shall be funded through an enterprise fund to account for the provision of consolidated emergency dispatch services for the town of Duxbury and any and all of its member towns.

SECTION 2. The enterprise fund shall be administered by the board of selectmen of the town of Duxbury. In accordance with section 4A of chapter 40 of the general laws, any member town or towns wishing to participate in the ROCCC or who are current participants in the ROCCC shall enter into and may amend the individual agreement or agreements and
intermunicipal agreement or agreements for these services to provide sufficient financial safeguards for all participants, including, but not limited to, accurate and comprehensive records of services performed, costs incurred, and reimbursements and contributions received; the performance of regular audits of such records; and provisions for officers responsible for the agreement to give appropriate performance bonds. Notwithstanding the provisions of any general or special law, bylaw, or charter to the contrary, no regional member town or governmental unit shall be exempt from liability for its obligations under an agreement lawfully entered into in accordance with this section. The agreements also shall detail each members towns’ respective funding allocation and other aspects of their participation, liability, and responsibilities. The individual agreement or agreements or intermunicipal agreement or agreements may, from time to time, be amended in a manner not inconsistent with this act.

The ROCCC enterprise shall be funded by all revenues received by the town from its member Towns in the manner set forth in said agreement or agreements with the regional member towns. The revenue in the enterprise fund and any interest earned thereon shall be used to pay: (1) costs of operation and maintenance of the operations center; (2) costs of future maintenance, repairs, extensions, reconstruction, enlargements, additions and improvements thereto, under the direction of the board of directors of the ROCC, and then as appropriated by the town; and (3) the principal and interest on any bonds or notes issued and authorized in accordance with the requirements of said chapter 44. All interest generated by the enterprise fund shall remain in, and as a part of, the enterprise fund and all revenues received by the enterprise fund may accumulate from year to year, subject to appropriation by the town for the benefit of its dispatch operations.
SECTION 3. The powers, duties, and liabilities of the enterprise fund shall be vested in and exercised by the board of selectmen of the town of Duxbury. The board shall effectuate the agreements with member towns and shall establish and manage the enterprise fund to which all monies contributed by the participating towns, and all grants and gifts from the federal or state government or any other source, shall be deposited. The enterprise fund shall be included in the annual audit of the town of Duxbury and a copy of such audit shall be provided to the member towns and to the division of local services of the department of revenue.

SECTION 4. The board of selectmen of the town of Duxbury shall appoint a Director to manage the daily operations of the ROCCC. The Director shall confer with the police chief and fire chief of the town of Duxbury, and may confer with the police chiefs and fire chiefs of the member towns to establish, and from time to time amend, any policies or procedures relative to the ROCCC’s daily operations and general activities. All other town officials for the town of Duxbury in the areas of administration, finance, and human resources, as well as any additional officials who the board may designate, shall comprise the officials and staff of the ROCCC. The indirect cost methodology to allocate the salaries and wages of these officials and the respective costs of their departments shall be laid out in the member towns’ agreement or agreements.

SECTION 5. The enterprise fund shall not be restricted by the town of Duxbury’s annual tax levy for the fiscal year. The town of Duxbury shall not be required to include in its tax levy for the fiscal year the amount appropriated for the total expenses of the enterprise and an estimate of the income to be derived by the operations of the enterprise. If the estimated income is less than the total appropriation, the difference shall be added to the tax levy and raised by taxation or by contributions from other member towns. If the estimated income is more than the
total appropriation, the excess shall be appropriated to a separate fund and used for capital
expenditures of the enterprise, subject to appropriation by the town of Duxbury.

SECTION 6. This act shall take effect upon passage of the first enterprise budget by the
town of Duxbury for the fiscal year beginning July 1, 2022.