

**HOUSE . . . . . No. 3748**

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**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:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>	<i>2/24/2021</i>
<i>Kathleen R. LaNatra</i>	<i>12th Plymouth</i>	<i>2/24/2021</i>

**HOUSE . . . . . No. 3748**

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:*

1 SECTION 1. Notwithstanding the provisions of section 53F½ of chapter 44 of the  
2 General Laws or of any other general or special law, bylaw, or charter provision to the contrary,  
3 the town of Duxbury shall be authorized to formally establish and fund the Regional Dispatch  
4 Center known as the Regional Old Colony Communications Center, or “ROCCC,” as set forth in  
5 the intermunicipal agreement or agreements with its regional member towns, which shall be  
6 funded through an enterprise fund to account for the provision of consolidated emergency  
7 dispatch services for the town of Duxbury and any and all of its member towns.

8 SECTION 2. The enterprise fund shall be administered by the board of selectmen of the  
9 town of Duxbury. In accordance with section 4A of chapter 40 of the general laws, any member  
10 town or towns wishing to participate in the ROCCC or who are current participants in the  
11 ROCCC shall enter into and may amend the individual agreement or agreements and

12 intermunicipal agreement or agreements for these services to provide sufficient financial  
13 safeguards for all participants, including, but not limited to, accurate and comprehensive records  
14 of services performed, costs incurred, and reimbursements and contributions received; the  
15 performance of regular audits of such records; and provisions for officers responsible for the  
16 agreement to give appropriate performance bonds. Notwithstanding the provisions of any  
17 general or special law, bylaw, or charter to the contrary, no regional member town or  
18 governmental unit shall be exempt from liability for its obligations under an agreement lawfully  
19 entered into in accordance with this section. The agreements also shall detail each members  
20 towns' respective funding allocation and other aspects of their participation, liability, and  
21 responsibilities. The individual agreement or agreements or intermunicipal agreement or  
22 agreements may, from time to time, be amended in a manner not inconsistent with this act.

23         The ROCCC enterprise shall be funded by all revenues received by the town from its  
24 member Towns in the manner set forth in said agreement or agreements with the regional  
25 member towns. The revenue in the enterprise fund and any interest earned thereon shall be used  
26 to pay: (1) costs of operation and maintenance of the operations center; (2) costs of future  
27 maintenance, repairs, extensions, reconstruction, enlargements, additions and improvements  
28 thereto, under the direction of the board of directors of the ROCC, and then as appropriated by  
29 the town; and (3) the principal and interest on any bonds or notes issued and authorized in  
30 accordance with the requirements of said chapter 44. All interest generated by the enterprise  
31 fund shall remain in, and as a part of, the enterprise fund and all revenues received by the  
32 enterprise fund may accumulate from year to year, subject to appropriation by the town for the  
33 benefit of its dispatch operations.

34 SECTION 3. The powers, duties, and liabilities of the enterprise fund shall be vested in  
35 and exercised by the board of selectmen of the town of Duxbury. The board shall effectuate the  
36 agreements with member towns and shall establish and manage the enterprise fund to which all  
37 monies contributed by the participating towns, and all grants and gifts from the federal or state  
38 government or any other source, shall be deposited. The enterprise fund shall be included in the  
39 annual audit of the town of Duxbury and a copy of such audit shall be provided to the member  
40 towns and to the division of local services of the department of revenue.

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

50 SECTION 5. The enterprise fund shall not be restricted by the town of Duxbury's annual  
51 tax levy for the fiscal year. The town of Duxbury shall not be required to include in its tax levy  
52 for the fiscal year the amount appropriated for the total expenses of the enterprise and an  
53 estimate of the income to be derived by the operations of the enterprise. If the estimated income  
54 is less than the total appropriation, the difference shall be added to the tax levy and raised by  
55 taxation or by contributions from other member towns. If the estimated income is more than the

56 total appropriation, the excess shall be appropriated to a separate fund and used for capital  
57 expenditures of the enterprise, subject to appropriation by the town of Duxbury.

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