

HOUSE No. 3748

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>2/16/2021</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.