



CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

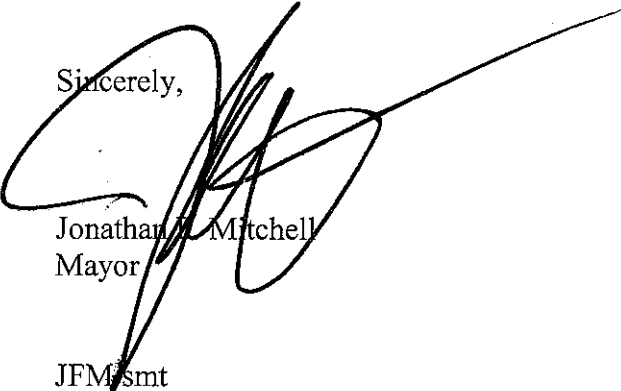
April 5, 2017

City Council President Joseph P. Lopes, and
Honorable Members of the City Council
133 William Street
New Bedford, MA 02740

Dear Council President Lopes and Honorable Members of the City Council:

I am submitting for your approval an ORDINANCE Amending Chapter 10,
Finance, by adding Section 10-47 – Departmental Revolving Funds.

Sincerely,


Jonathan F. Mitchell
Mayor

JFM/smt

MEMORANDUM

TO: Ari J. Sky, Chief Financial Officer
FROM: Mikaela A. McDermott, City Solicitor
DATE: March 23, 2017
RE: Departmental Revolving Fund Ordinance

Attached please find a draft ordinance for submission to the City Council: Section 10-47 Departmental Revolving Funds. This ordinance is required under the Municipal Modernization Act (“Act”), which became effective last year.

Under the Act’s revisions to G.L. c. 44, § 53E ½, which concerns revolving funds, cities must now establish revolving funds pursuant to ordinance. Previously, revolving funds were established and authorized by annual vote of the City Council, upon recommendation of the mayor. Under the Act, the new revolving fund ordinances must specify:

- (1) The programs or activities for which the revolving fund may be expended;
- (2) The departmental receipts in connection with those programs or activities that shall be credited to the revolving fund;
- (3) The board, department or officer authorized to expend from such fund; and
- (4) Any reporting or other requirements the city or town may impose.

In addition to enacting the ordinance, the City Council must vote, on or before July 1 of each year, on the limit on the total amount that may be expended from each revolving fund established by ordinance.

The attached draft ordinance follows a model provided by the Massachusetts Department of Revenue.



CITY OF NEW BEDFORD

In the Year Two Thousand and Seventeen

AN ORDINANCE

Amending Chapter 10, Finance; Taxation; Property

31- 509

Be it ordained by the City Council of the City of New Bedford as follows:—

SECTION 1. Chapter 10, Finance; Taxation; Property, is hereby amended by adding Sec. 10-47, Departmental revolving funds, as follows:

Sec. 10-47. Departmental revolving funds.

- (a) Purpose. This ordinance establishes and authorizes revolving funds for use by city departments, boards, committees, agencies and officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support some or all of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44, § 53E ½.
- (b) Expenditure Limitations. A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this ordinance without appropriation subject to the following limitations:
 - (i) Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.
 - (ii) No liability shall be incurred in excess of the available balance of the fund.
 - (iii) The total amount spent during a fiscal year shall not exceed the amount authorized by the City Council on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the City Council and mayor.
- (c) Interest. Interest earned on monies credited to a revolving fund established by this ordinance shall be credited to the general fund.

(d) Procedures and Reports. Except as provided in General Laws Chapter 44, § 53E 1/2 and this ordinance, the laws, charter provisions, ordinances, rules, regulations, policies or procedures that govern the receipt and custody of city monies and the expenditure and payment of city funds shall apply to the use of a revolving fund established and authorized by this ordinance. The City Auditor shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report the City Auditor provides the department, board, committee, agency or officer on appropriations made for its use.

(e) Authorized Revolving Funds. The following table establishes:

- (i) Each revolving fund authorized for use by a city department, board, committee, agency or officer,
- (ii) The department or agency head, board, committee or officer authorized to spend from each fund,
- (iii) The fees, charges and other monies charged and received by the department, board, committee, agency or officer in connection with the program or activity for which the fund is established that shall be credited to each fund by the City Auditor,
- (iv) The expenses of the program or activity for which each fund may be used,
- (v) Any restrictions or conditions on expenditures from each fund,
- (vi) Any reporting or other requirements that apply to each fund, and
- (vii) The fiscal years each fund shall operate under this ordinance.

Revolving Fund (i)	Department, Board, Committee, Agency or Officer Authorized to Spend from Fund (ii)	Fees, Charges or Other Receipts Credited to Fund (iii)	Program or Activity Expenses Payable from Fund (iv)	Restrictions or Conditions on Expenses Payable from Fund (v)	Other Requirements/ Reports (vi)	Fiscal Years (vii)
Council Special Permit Revolving Fund	Clerk of Committees	Application Fees	Costs associated with processing, reviewing, advertising, and granting applications for Special Permit hearings			Fiscal Year 2018 and subsequent years

Revolving Fund (i)	Department, Board, Committee, Agency or Officer Authorized to Spend from Fund (ii)	Fees, Charges or Other Receipts Credited to Fund (iii)	Program or Activity Expenses Payable from Fund (iv)	Restrictions or Conditions on Expenses Payable from Fund (v)	Other Requirements/ Reports (vi)	Fiscal Years (vii)
Adult Social Day Program Revolving Fund	Community Services Department	User fees	Expenses to support the Adult Social Day Program, including congregate lunches; morning and afternoon snacks; office supplies; contracted vendors who provide health, wellness, and education activities; arts and craft supplies; educational materials; printing and marketing supplies; furnishings and equipment; program-related conferences and meetings; field trips; and support staff salaries and wages			Fiscal Year 2018 and subsequent years
Senior Activities Fund	Community Services Department	User fees and donations	Social activities and entertainment at all Senior Centers			Fiscal Year 2018 and subsequent years
Senior Transportation Fund	Community Services Department	User fees	Transportation of seniors, including for grocery and other shopping, general trips, and medical appointments			Fiscal Year 2018 and subsequent years

Revolving Fund (i)	Department, Board, Committee, Agency or Officer Authorized to Spend from Fund (ii)	Fees, Charges or Other Receipts Credited to Fund (iii)	Program or Activity Expenses Payable from Fund (iv)	Restrictions or Conditions on Expenses Payable from Fund (v)	Other Requirements/ Reports (vi)	Fiscal Years (vii)
Senior Travel Agency Revolving Fund	Community Services Department	User fees	Day trips for seniors, including expenses for reservations/tickets/meals, salaries, and program supplies			Fiscal Year 2018 and subsequent years
Quest Center Revolving Fund	Department of Facilities and Fleet Management	Rents and utility reimbursements	Management contract expenses and utilities			Fiscal Year 2018 and subsequent years
Community Training Fund	Fire Department	User fees	Digital and print media for training purposes and class advertisements, nonperishable training equipment and supplies, perishable training equipment, subscriptions, training DVDs, AHA student course manuals and completion cards, salary expenses, and office supplies and equipment			Fiscal Year 2018 and subsequent years
Fines/Forfeitures Revolving Fund	Health Department	Fines for lead violations	Constable service fees			Fiscal Year 2018 and subsequent years

Revolving Fund (i)	Department, Board, Committee, Agency or Officer Authorized to Spend from Fund (ii)	Fees, Charges or Other Receipts Credited to Fund (iii)	Program or Activity Expenses Payable from Fund (iv)	Restrictions or Conditions on Expenses Payable from Fund (v)	Other Requirements/ Reports (vi)	Fiscal Years (vii)
Demolition of Buildings or Structures Revolving Fund	Department of Inspectional Services	Charges, fines, liens, insurance proceeds, and restitution payments	Demolition, removal, and/or securing of buildings or structures; the securing of land			Fiscal Year 2018 and subsequent years
Vacant Building Revolving Fund	Department of Inspectional Services	Fees assessed to the owners of vacant buildings pursuant to section 6-144 of the City Code	Expenses related to the repair and maintenance of vacant buildings, expenses related to the removal of unregistered and/or abandoned vehicles or boats on vacant properties, survey expenses, tipping fees, demolition expenses, materials, office supplies, labor costs for the emergency board-up of vacant buildings, and salary expenses			Fiscal Year 2018 and subsequent years
Library Equipment Revolving Fund	Library Department	User fees	Provision and maintenance photocopying and printing equipment at the Main Library and the four branches			Fiscal Year 2018 and subsequent years

Revolving Fund (i)	Department, Board, Committee, Agency or Officer Authorized to Spend from Fund (ii)	Fees, Charges or Other Receipts Credited to Fund (iii)	Program or Activity Expenses Payable from Fund (iv)	Restrictions or Conditions on Expenses Payable from Fund (v)	Other Requirements/ Reports (vi)	Fiscal Years (vii)
Southeastern Regional Police Revolving Fund	MIS Department	Annual fees paid by 21 area towns to participate in shared police communications network	Expenses related to the maintenance and repair of the system			Fiscal Year 2018 and subsequent years
Fort Taber Revolving Fund	Department of Parks, Recreation & Beaches	Fees from facility rentals, seasonal beach parking, and programs and park use fees generated at Fort Taber Park and associated buildings	Improvements to Fort Taber Park and associated buildings and structures, seasonal staff for parking and park programs, and supplies associated with programs			Fiscal Year 2018 and subsequent years
Supportive Recreation Revolving Fund	Department of Parks, Recreation & Beaches	Program and application fees	Program instructors and program supplies			Fiscal Year 2018 and subsequent years
Zoning Board of Appeals Revolving Fund	Department of Planning, Housing and Community Development	Application fees	Supplies, postage, equipment and advertising costs, contract for technical and administrative support to the Zoning Board of Appeals ("ZBA"), zoning studies, and stipends for ZBA members			Fiscal Year 2018 and subsequent years

Revolving Fund (i)	Department, Board, Committee, Agency or Officer Authorized to Spend from Fund (ii)	Fees, Charges or Other Receipts Credited to Fund (iii)	Program or Activity Expenses Payable from Fund (iv)	Restrictions or Conditions on Expenses Payable from Fund (v)	Other Requirements/ Reports (vi)	Fiscal Years (vii)
Problem Properties Revolving Fund	Police Department	Fees collected under section 6-125 of the City Code	Payment of costs associated with administration and implementation of section 6-125 of the City Code			Fiscal Year 2018 and subsequent years
New Bedford Railyard & Rail Crossing Revolving Fund	Department of Public Infrastructure	Fees for use of railyard	Maintenance, operation, and legal expenses associated with the New Bedford Railyard and rail crossing			Fiscal Year 2018 and subsequent years
New Bedford Energy Now Revolving Fund	Department of Public Infrastructure	Revenue paid to the City by energy sub-contractors for all leads generated by the City that resulted in home energy audits	Incidental costs of the New Bedford Energy Now Program and program development costs, including event sponsorships, banners, printing costs, translation services, computers, and office supplies			Fiscal Year 2018 and subsequent years
Stormwater Management Revolving Fund	Department of Public Infrastructure	Applicant fees	Payment of consultants to aid in the review of proposed projects			Fiscal Year 2018 and subsequent years

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Purchasing Revolving Fund	Purchasing Department	Charge-back costs to City departments for products ordered	Provision of office supplies, photocopy supplies, copier leases, and office equipment to City Departments			Fiscal Year 2018 and subsequent years
Food Service Concession Revolving Fund	School Department	Concession fees	Concession services during football games at Paul Walsh field			Fiscal Year 2018 and subsequent years
Tangible Supply Disposition Revolving Fund	School Department and Department of Facilities and Fleet Management	Proceeds from the disposition of tangible supplies	Replacement equipment and vehicles			Fiscal Year 2018 and subsequent years
Tourism Revolving Fund	Tourism Department	Sponsorship fees, donations, film permit fees, visitor center fees, and tourism program fees	Events, programming and development costs, fireworks, advertising, printing, visitor center services, and program supplies.			Fiscal Year 2018 and subsequent years

Section 2.

This ordinance shall take effect in accordance with the provisions of Chapter 43 of the General Laws.