



CITY OF BOSTON • MASSACHUSETTS

MARTIN J. WALSH
MAYOR

April 10, 2017

TO THE CITY COUNCIL

Dear Councilors:

I transmit herewith for your approval an Ordinance authorizing certain revolving funds in accordance with the provisions of G.L. c.44, § 53E1/2, as amended by Chapter 218 of the Acts of 2016 (the Municipal Modernization Act).

The Municipal Modernization Act requires that revolving funds be authorized by ordinance rather than an annual legislative body vote. The City Council must still vote on or before July 1 of each year to authorize the amount that may be spent from each fund during the upcoming fiscal year.

I respectfully urge your Honorable Body to adopt this Ordinance.

Sincerely,

Martin J. Walsh
Mayor of Boston

**AN ORDINANCE AMENDING CITY OF BOSTON CODE, CHAPTER VI, SECTION 6;
DEPARTMENTAL REVOLVING FUNDS.**

WHEREAS, G.L. c. 44, § 53E1/2 was recently amended to require that all municipal revolving funds be authorized by an ordinance that sets forth: (1) the programs and activities for which each revolving fund may be expended; (2) the departmental receipts in connection such programs or activities that shall be credited to each fund; (3) the board, department or officer authorized to expend form each such fund; and (4) any other requirements;

NOW THEREFORE

Be it ordained by the City Council of Boston, as follows:

City of Boston Code, Chapter VI, is hereby amended by inserting the following section after Section 6-8:

6-9 DEPARTMENTAL REVOLVING FUNDS

6-9.1. Purpose.

This ordinance establishes and authorizes revolving funds for use by city departments, boards, committees, agencies or officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44, § 53E½.

6-9.2. 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:

- A. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund, except for those employed as school bus drivers.
- B. No liability shall be incurred in excess of the available balance of the fund.
- C. 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 mayor and city council.

6-9.3. Interest.

Interest earned on monies credited to a revolving fund established by this ordinance shall be credited to the general fund.

6-9.4. Procedures and Reports.

Except as provided in General Laws Chapter 44, § 53E½ 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.

6-9.5. Authorized Revolving Funds.

A. Public Art Revolving Fund.

- i. Fund Name. There shall be a separate fund called the Public Art Revolving Fund authorized for use by the Mayor's Office of Arts & Culture.
- ii. Revenues. The city auditor shall establish the Public Art Revolving Fund as a separate account and credit to the fund the revenue received from easements within the public way granted by the Public Improvement Commission.
- iii. Purposes and Expenditures. During each fiscal year, the Mayor's Office of Arts & Culture may incur liabilities against and spend monies from the Public Art Facilities Revolving Fund for purchasing goods and services to support public art to enhance the public realm throughout the City of Boston.
- iv. Fiscal Years. The Public Art Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017.

B. Strand Theatre Revolving Fund.

- i. Fund Name. There shall be a separate fund called the Strand Theatre Revolving Fund authorized for use by the Mayor's Office of Arts & Culture.
- ii. Revenues. The city auditor shall establish the Strand Theatre Revolving Fund as a separate account and credit to the fund the revenue derived from rental fees for the use of the Strand Theatre charged and received by the Mayor's Office of Arts & Culture.
- iii. Purposes and Expenditures. During each fiscal year, the Mayor's Office of Arts & Culture may incur liabilities against and spend monies from the Strand Theatre Revolving Fund for expenses related to the operations of the Strand Theatre.
- iv. Fiscal Years. The Strand Theatre Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017.

C. City Hall Child Care Revolving Fund.

- i. Fund Name. There shall be a separate fund called the City Hall Child Care Revolving Fund authorized for use by the Boston Centers for Youth & Families Department.
- ii. Revenues. The city auditor shall establish the City Hall Child Care Revolving Fund as a separate account and credit to the fund the revenue from tuition payments received from parents of children in the program charged and received by the Boston Centers for Youth & Families Department.
- iii. Purposes and Expenditures. During each fiscal year, the Boston Centers for Youth & Families Department may incur liabilities against and spend monies from the City Hall Child Care Revolving

Fund to pay salaries and benefits of employees and to purchase supplies and equipment necessary to operate the City Hall Child Care.

iv. Fiscal Years. The City Hall Child Care Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017.

D. Boston Public School Transportation Revolving Fund.

i. Fund Name. There shall be a separate fund called the Boston Public School Transportation Revolving Fund authorized for use by the Boston Public School Department.

ii. Revenues. The city auditor shall establish the Boston Public School Transportation Revolving Fund as a separate account and credit to the fund the revenue received by the Boston Public School Department for the provision of transportation to groups and entities for field trips and activities other than transportation to and from school.

iii. Purposes and Expenditures. During each fiscal year, the Boston Public School Department may incur liabilities against and spend monies from the Boston Public School Transportation Revolving Fund for Boston Public School Transportation, including bus and public transportation costs.

iv. Fiscal Years. The Boston Public School Transportation Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017.

E. Boston Public School Facilities Revolving Fund.

i. Fund Name. There shall be a separate fund called the Boston Public School Facilities Revolving Fund authorized for use by the Boston Public School Department.

ii. Revenues. The city auditor shall establish the Boston Public School Facilities Revolving Fund as a separate account and credit to the fund receipts from lease, permit for use, and parking fees charged and received by the Boston Public School Department.

iii. Purposes and Expenditures. During each fiscal year, the Boston Public School Department may incur liabilities against and spend monies from the Boston Public School Facilities Revolving Fund to repair and maintain Boston Public School facilities, including custodial and utility costs for extended building time, floor refinishing, landscaping and building repairs.

iv. Fiscal Years. The Boston Public School Facilities Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017.

F. Boston Public School Technology Revolving Fund.

i. Fund Name. There shall be a separate fund called the Boston Public School Technology Revolving Fund authorized for use by the Boston Public School Department.

ii. Revenues. The city auditor shall establish the Boston Public School Technology Revolving Fund as a separate account and credit to the fund the revenue derived from equipment sales and repair fees charged and received by the Boston Public School Department.

iii. Purposes and Expenditures. During each fiscal year, the Boston Public School Department may incur liabilities against and spend monies from the Boston Public School Technology Revolving Fund for

repairs and purchase of BPS computer technology including computers, mobile devices, and instructional software.

iv. Fiscal Years. The Boston Public School Technology Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017.

G. Solar Renewable Energy Certificates Revolving Fund.

i. Fund Name. There shall be a separate fund called the Solar Renewable Energy Certificates Revolving Fund authorized for use by the Environment Department.

ii. Revenues. The city auditor shall establish the Solar Renewable Energy Certificates Revolving Fund as a separate account and credit to the fund the revenue derived from the sale of solar renewable energy certificates produced by the City's solar photovoltaic arrays charged and received by the Environment Department.

iii. Purposes and Expenditures. During each fiscal year, the Environment Department may incur liabilities against and spend monies from the Solar Renewable Energy Certificates Revolving Fund to facilitate the purchase of offsets of greenhouse gas emissions which shall be associated with a portion of the electricity consumed by the City annually, as well as to operate and maintain the City's existing solar facilities, and to expand the City's solar generating capacity.

iv. Fiscal Years. The Solar Renewable Energy Certificates Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017.

H. Animal Control Revolving Fund.

i. Fund Name. There shall be a separate fund called the Animal Control Revolving Fund authorized for use by the Inspectional Services Department.

ii. Revenues. The city auditor shall establish the Animal Control Revolving Fund as a separate account and credit to the fund fees and fines generated from enforcement actions and registrations charged and received by the Inspectional Services Department.

iii. Purposes and Expenditures. During each fiscal year, the Inspectional Services Department may incur liabilities against and spend monies from the Animal Control Revolving Fund to reimburse City agencies for administrative costs of enforcing CBC Chapter 16, Sections 1.9A and 1.9B and for costs associated with registration and licensing (of dogs) with fees and fines generated from enforcement actions and registrations.

iv. Fiscal Years. The Animal Control Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017.

I. Third Party Property Damages Revolving Fund.

i. Fund Name. There shall be a separate fund called the Third Party Property Damages Revolving Fund authorized for use by the Law Department.

ii. Revenues. The city auditor shall establish the Third Party Property Damages Revolving Fund as a separate account and credit to the fund receipts from recoveries for damages to city property caused by third parties

charged and received by the Law Department.

iii. Purposes and Expenditures. During each fiscal year, the Law Department may incur liabilities against and spend monies from the Third Party Property Damages Revolving Fund for purchasing goods and services to pay for repairs to city property.

iv. Fiscal Years. The Third Party Property Damages Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017.

J. City Hall Plaza Revolving Fund.

i. Fund Name. There shall be a separate fund called the City Hall Plaza Revolving Fund authorized for use by the Mayor's Office of Tourism.

ii. Revenues. The city auditor shall establish the City Hall Plaza Revolving Fund as a separate account and credit to the fund the revenue derived from rental of City Hall Plaza per CBC, Chapter 11-7.14.

iii. Purposes and Expenditures. During each fiscal year, the Mayor's Office of Tourism may incur liabilities against and spend monies from the City Hall Plaza Revolving Fund to purchase goods and services to support events and programming on and around City Hall Plaza to advance tourism and promote participation in public celebrations, civic, and cultural events.

iv. Fiscal Years. The City Hall Plaza Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017.

K. Police Academy Revolving Fund.

i. Fund Name. There shall be a separate fund called the Police Academy Revolving Fund authorized for use by the Boston Police Department.

ii. Revenues. The city auditor shall establish the Police Academy Revolving Fund as a separate account and credit to the fund receipts of tuition and other fees paid by outside law enforcement agencies for training at the Boston Police Academy charged and received by the Boston Police Department.

iii. Purposes and Expenditures. During each fiscal year, the Boston Police Department may incur liabilities against and spend monies from the Police Academy Revolving Fund to purchase training equipment, certify instructors, update facilities, and provide funds for other training needs not otherwise budgeted.

iv. Fiscal Years. The Police Academy Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017.

L. Canine Revolving Fund.

i. Fund Name. There shall be a separate fund called the Canine Revolving Fund authorized for use by the Boston Police Department.

ii. Revenues. The city auditor shall establish the Canine Revolving Fund as a separate account and credit to the fund tuition and other fees paid by outside law enforcement agencies for training with the Canine Unit at the Boston Police Department Special Operations Division charged and received by the Boston Police Department.

iii. Purposes and Expenditures. During each fiscal year, the Boston Police Department may incur liabilities

against and spend monies from the Canine Revolving Fund for purchasing training equipment, certifying instructors, updating facilities to support its Canine Unit training programs for officers and police dogs for non-City of Boston law enforcement agencies, and providing funds for other training needs.

iv. Fiscal Years. The Canine Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017.

M. Fitness Center Revolving Fund.

i. Fund Name. There shall be a separate fund called the Fitness Center Revolving Fund authorized for use by the Boston Police Department.

ii. Revenues. The city auditor shall establish the Fitness Center Revolving Fund as a separate account and credit to the fund the revenue derived from monthly membership fees charged and received by the Boston Police Department.

iii. Purposes and Expenditures. During each fiscal year, the Boston Police Department may incur liabilities against and spend monies from the Fitness Center Revolving Fund to pay salaries and benefits of employees and to purchase supplies and equipment necessary to operate the Police Department Fitness Center.

iv. Fiscal Years. The Fitness Center Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017.

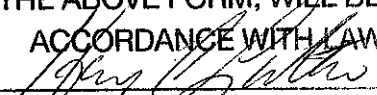
N. Hackney Revolving Fund.

i. Fund Name. There shall be a separate fund called the Hackney Revolving Fund authorized for use by the Boston Police Department.

ii. Revenues. The city auditor shall establish the Hackney Revolving Fund as a separate account and credit to the fund a one-time \$75 new applicant fee that drivers pay for Hackney Carriage Driver Training Class charged and received by the Boston Police Department.

iii. Purposes and Expenditures. During each fiscal year, the Boston Police Department may incur liabilities against and spend monies from the Hackney Revolving Fund for purchasing, leasing, or renting space, materials and equipment to be partially or wholly used for instructional purposes for new hackney carriage driver applicants and provide funds for other educational needs.

iv. Fiscal Years. The Hackney Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017.

I HEREBY CERTIFY THAT
THE FOREGOING, IF PASSED IN
THE ABOVE FORM, WILL BE IN
ACCORDANCE WITH LAW
BY 
EUGENE L. O'FLAHERTY
CORPORATION COUNSEL