

City of Northampton
MASSACHUSETTS

In City Council August 16, 2018

Upon recommendation of the Mayor

18.146 An Ordinance
to Amend Chapter 153 Cemeteries

An ordinance regarding cemetery trust funds:

ORDINANCE

An ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by amending Section 153; providing for Cemeteries

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

Remove: Chapter 153: Cemeteries

Add:

Chapter 153: Cemetery Trust Funds

Section 153-1 PURPOSE: The purpose of this chapter is to set policies for the investment and expenditure of cemetery trust funds such as the Cemetery Perpetual Care Fund specifically established for the maintenance of city cemeteries in accordance with M.G.L. c. 114, § 19.

Section 153-2 INVESTMENT OF CEMETERY TRUST FUNDS:

The investment of cemetery trust funds shall be conducted by the city's Treasurer/Collector, in accordance with the city's investment policy and in consultation with the city's Trust Fund Committee.

If the city accepts donor-restricted gifts for the cemeteries, said gift funds shall be tracked separately and any time or use restrictions honored to the extent permitted by law.

Section 153-3 EXPENDITURE OF CEMTERY TRUST FUNDS:

A. Determining Annual Amount Available for Distribution and Expenditure

Funds available for distribution and expenditure from cemetery trust funds shall be determined on a total return basis, i.e., returns derived from dividends and interest as well as realized and unrealized capital gains (losses). The funds available for distribution during any one calendar year will be limited to 3 percent (3.00%) of the trailing 20 quarters (5 years) average market value of the non-expendable principal, ending December 31st. The non-expendable principal shall be defined by the market value of the fund less accumulated expendable balances previously designated as available to be spent. The market value for this purpose will be taken net of investment management fees.

B. Use of Unexpended Funds

Any unexpended funds from those available for distribution and expenditure in a given year shall be accrued and shall continue to be considered eligible for expenditure in subsequent years. Expenses related to the management and administration of the cemetery trust funds shall be deducted from the funds available for distribution.

C. Purposes for Expenditure of Trust Funds

Cemetery trust funds determined available for disbursement and expenditure shall be used solely for the purposes of preservation, care, improvement or embellishment of city cemeteries.

D. Expenditure Subject to Appropriation

Any expenditure of cemetery trust funds shall be authorized upon the recommendation of the Mayor and subject to the approval of the City Council.