CCM-101

City of Cambridge

7.

IN CITY COUNCIL

November 23, 1981

MAYOR DUEHAY

ORDERED: That this City Council go on record approving the filing of the attached legislation entitled "AN ACT AUTHORIZING THE VOTERS OF THE CITY OF CAMBRIDGE TO EXEMPT THEIR CITY FROM CERTAIN PROVISIONS OF THE INITIATIVE LAW LIMITING STATE AND LOCAL TAXATION AND EXPENDITURES."

In City Council November 23, 1981.
Adopted by the affirmative vote of 8 members.
Attest:- Paul E. Healy, City Clerk.

A true copy;

ATTEST:- Paul E. Healy

Paul E. Healy, City Clerk.

To the Honorable Senate and House of Representatives of The Commonwealth of Massachusetts in General Court assembled.

The undersigned, citizens of the City of Cambridge, *respectfully petition for the passage of the accompanying bill or resolve, and/or for legislation*

Petitioners are requested to sign names and addresses legibly.

The Commonwealth of Massachusetts

IN THE YEAR ONE THOUSAND NINE HUNDRED AND EIGHTY- ONE

AN ACT AUTHORIZING THE VOTERS OF THE CITY OF CAMBRIDGE TO EXEMPT THEIR CITY FROM CERTAIN PROVISIONS OF THE INITIATIVE LAW LIMITING STATE AND LOCAL TAXATION AND EXPENDITURES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 21C of Chapter 59 of the General Laws, as appearing in Section 1 of Chapter 580 of the Acts of 1980, shall not apply to the City of Cambridge.

SECTION 2. Notwithstanding Section 34 of Chapter 71 of the General Laws, as amended by Section 7 of said Chapter 580, the City of Cambridge shall annually provide an amount of money sufficient for the support of the public schools as otherwise required by said Chapter 71. Upon petition to the superior court, sitting in equity, against the city, brought by ten or more taxable inhabitants thereof, or by the City Manager, or by the attorney general, alleging that the amount necessary in the City for the support of public schools as aforesaid has not been included in the annual budget appropriations for said year, said court may determine the amount of the deficiency, if any, and may order the City and all its officers whose action is necessary to carry out such order to provide a sum of money equal to such deficiency, together with a sum equal to twenty-five percent thereof. When such an order is made prior to the fixing of the annual tax rate the foregoing sums shall be required by such order to be provided by taxation in the manner set forth in Section 23 of Chapter 59 of the General Laws, notwithstanding the amendment thereof by Section 8 of said Chapter 580; and when such an order is made after the annual tax rate has been fixed according to law such sums as may be required by such order to be provided by borrowing in the same manner and for the same period of time as is provided under clause (11) of Section 7 of Chapter 44 of the General Laws in the case of final judgements, subject to all cther applicable provisions of said Chapter 44; provided, however, payment of such an order after the fixing of the tax rate for the current fiscal year may, with the approval of the director of accounts, be made from any available funds in the treasury and such payment subsequently provided for according to the provisions of Section 31 of said Chapter 44. Said court may order that the sum equal to the deficiency be appropriated and added to the amounts previously appropriated for the school purposes of the City in the year in which such deficiency occurs and may order that the amount in excess of the deficiency be held by the City as a separate account, to be applied to meet the appropriation for school purposes in the following year.

SECTION 3. Notwithstanding Section 1 of Chapter 60A of the General Laws, as amended by Section 9 of said Chapter 580, the rate of the excise levied by said Section 1, if assessed by the Board of Assessors of the City of Cambridge, may exceed the limit imposed by said Section of twenty-five dollars per thousand of valuation as determined by the valuation formula in effect in the year 1979, but shall not exceed sixty-six dollars per thousand of valuation.

SECTION 4. Section 4 of Chapter 1078 of the Acts of 1973, as amended by Chapter 121 of the Acts of 1975 and by Section 2 of Chapter 347 of the Acts of 1977, shall continue in full force and effect with respect to the City of Cambridge, notwithstanding Section 10 of said Chapter 580.

SECTION 5. Paragraph (9) of part B of Section 3 of Chapter 62 of the General Laws, as appearing in Section 11 of said Chapter 580, shall not apply to any resident of the City of Cambridge.

SECTION 6. The provisions of this act shall apply to the City of Cambridge notwithstanding any special or general law to the contrary.

SECTION 7. The provisions of this act are severable. If a court declares invalid any such provision, or its application to any person or circumstance, the invalidity shall not affect the validity of any other provisions or application.

SECTION 8. The City Council of the City of Cambridge may provide that the following question shall appear on the official ballot at a regular or special city election, which it may call for the purpose: "Shall the City of Cambridge be exempted from certain provisions of the initiative law limiting state and local taxation and expenditures, popularly known as Proposition $2\frac{1}{2}$?" If a majority of the votes cast in answer to said question is in the affirmative, this act shall thereupon take full effect, but not otherwise. If said majority of votes is not in the affirmative, said question may again be submitted to the voters at any regular city election by vote of the City Council or by an initiative petition filed under Sections 37 to 40 of Chapter 43 of the General Laws.

Cal. # 17 S 644

Home rule petition entitled "AN ACT AUTHORIZING THE CITY OF CAMBRIDGE TO EXEMPT ITSELF FROM CERTAIN PROVISIONS OF THE INITIATIVE LAW LIMITING STATE AND LOCAL TAXATION AND EXPENDITURES.

11/23/81

CHARTER RIGHTED BY C. CRANE

12/7/81

NO ACTION TAKEN - PLACED ON FILE UNDER RULE 19 OF THE CITY COUNCIL RULES.