

City of Cambridge

MASSACHUSETTS

In City Council April 7, 1980

198

Agenda # 6

Procedure available to the request of the School Dept. for an Additional \$919,000.

	YEA	NAY	ABSENT	PRESENT
Mr. Kevin P. Crane				
Mr. Thomas W. Danehy				
Ms. Sandra Graham				
Mr. Leonard J. Russell				
Mr. David E. Sullivan				
Mr. Walter J. Sullivan				
Mr. Alfred Vellucci				
Mr. David A. Wylie				
Mayor Francis H. Duehay				

MUNICIPAL FINANCE

Section 28B. The provisions of sections sixteen to twenty-eight, inclusive, shall, so far as apt, apply to planning districts established under the provisions of chapter forty B, but the provisions of section sixteen relating to the countersigning of notes by a majority of the commission and the provisions of section twenty-four relating to the countersigning and approval of notes by a majority of the commission shall not apply to such districts.

1967, 173, § 2.

Section 29. [Repealed, 1969, 849, § 48.]

DEPARTMENTAL APPROPRIATIONS.

Section 30. A city, except Boston, wherein the appropriation for any department is determined by law at a certain rate or percentage of the taxable valuation or the valuation of the taxable property therein, or however otherwise the same may be described, shall, in addition to the amount so determined, appropriate and use for such department such proportion of the proceeds of the tax upon incomes, returned by the commonwealth to the city under section eighteen of chapter fifty-eight, as the appropriation so determined by law bears to the total local tax levy of that city for the current fiscal year; but in each fiscal year such departments shall be credited with their proportion of the income tax received during the preceding fiscal year.

1917, 209.
1918, 107.

1969, 849, § 55.

244 Mass. 296.

263 Mass. 173.

Section 31. No department financed by municipal revenue, or in whole or in part by taxation, of any city or town, except Boston, shall incur a liability in excess of the appropriation made for the use of such department, each item recommended by the mayor and voted by the council in cities, and each item voted by the town meeting in towns, being considered as a separate appropriation, except in cases of extreme emergency involving the health or safety of persons or property, and then only by a vote in a city of two thirds of the members of the city council, and in a town by a majority vote of all the selectmen. Payments of liabilities incurred under authority of this section may be made, with the written approval of the director, from any available funds in the treasury, and the amounts of such liabilities incurred shall be reported by the auditor or accountant or other officer having similar duties, or by the treasurer if there be no such officer, to the assessors who shall include the amounts so reported in the aggregate appropriations assessed in the determination of the next subsequent annual tax rate, unless the city or town has appropriated amounts specified to be for such liabilities; provided, that, if proceedings are brought in accordance with provisions of section fifty-three of chapter forty, no payments shall be made and no amounts shall be certified to the assessors until the termination of such proceedings. Payments of final judgments and awards or orders of payment approved by the industrial accident board rendered after the fixing of the tax rate for the current fiscal year, other than judgments authorized under the provisions of section thirty-four of chapter seventy-one, may, with the approval of the director of accounts, be made from any available funds in the treasury, and the payments so made shall be reported by the auditor or accountant or other officer having similar duties, or by the treasurer if there be no such officer, to the assessors, who shall include the amount so reported in the aggregate appropriations assessed in the determination of the next subsequent annual tax rate, unless the city or town has otherwise made provision therefor.

The provisions of this section, so far as apt, shall apply to districts, and the prudential committee, if any, otherwise the commissioners, shall act in place of the members of the city council or selectmen.

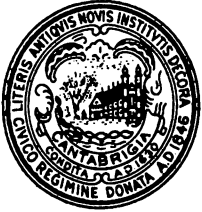
1913, 719, §§ 1, 16.
1946, 358, § 23.
1949, 138.
1954, 46.
1955, 259.
1969, 505, § 7; 849, § 55A.
1971, 766, § 14.
1973, 832.
See 1929, 156.
251 Mass. 82.
263 Mass. 364.

286 Mass. 544.
295 Mass. 119, 588.
303 Mass. 424, 563.
306 Mass. 265.
311 Mass. 679.
312 Mass. 560.
315 Mass. 335.
316 Mass. 348.
318 Mass. 210, 688.
319 Mass. 86.
323 Mass. 715, 764.

324 Mass. 209.
325 Mass. 224, 406.
328 Mass. 18.
330 Mass. 72.
335 Mass. 673.
336 Mass. 537.
338 Mass. 450.
341 Mass. 42, 760.
346 Mass. 432.
347 Mass. 218.
354 Mass. 439.
355 Mass. 304.

360 Mass. 503.
364 Mass. 377.
368 Mass. 554.
370 Mass. 157, 769.

Section 31A. Every officer of any city except Boston having charge of, or jurisdiction over, any office, department or undertaking, requesting an appropriation shall, between November first and December first of each year, furnish the



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
Tel. 498-9011

EXECUTIVE DEPARTMENT
JAMES L. SULLIVAN
City Manager

April 7, 1980

To the Honorable, the City Council:

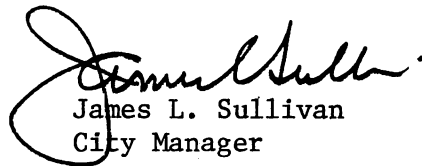
In accordance with the request of the City Council, I have researched the procedures available to the City with respect to the request of the School Department for an additional \$919,000 in excess of the appropriation for the current fiscal year.

I am attaching hereto a copy of Chapter 44, Section 31, of the Municipal Finance Act for Cities and Towns which provides the process for addressing the problem.

The pertinent parts of the language of the law is that no department can incur a liability in excess of its appropriation except in cases of extreme emergency involving the health or safety of persons and property. This can only be declared in a city by a vote of two-thirds of the members of the City Council. If such a declaration of emergency is declared the director of the Bureau of Accounts may approve the payments of the liabilities incurred under this section. The City Treasurer must certify that available funds are in the treasury and the Assessors must raise the sum involved on the next year's tax rate.

I believe that this is the only procedure legally available that can address the School Department's problem.

Very truly yours,


James L. Sullivan
City Manager

JLS/mbf

CAL #3

Agenda # 6

F-150

Procedure available to the School Dept. for
request for an additional \$919,000.

4/28/80 No Action
taken - Placed on
File - See Agenda #12
Orders Adopted this
date
4/14/80 No Action
taken -

In City Council,

April 7, 1980

4/7/1980

Tabled on motion
of
-COUNCILLOR Wylie-