

City of Cambridge

Agenda #10 Re: to the acceptance of the provisions of Section 64 of Chapter 44 of the General Laws, as amended by ^{MASSACHUSETTS} In City Council February 23 1976
 Chap. 284 of the Acts of 1975, which will allow the City to pay bills incurred in excess of appropriations in previous fiscal years.

	YEA	NAY	ABSENT	PRESENT
Mrs. Ackermann	✓			
Mr. Clem	✓			
Mr. Clinton	✓			
Mr. Danehy	✓			
Mr. Duehay	✓			
Mrs. Graham	✓			
Mr. Russell	✓			
Mr. Sullivan	✓		✓	
Mayor Vellucci	✓			

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City of Cambridge

IN CITY COUNCIL

February 23, 1976

ORDERED:

That the City Council accept the provisions of Section 64, Chapter 44 of the General Laws, as amended by Chapter 284 of the Acts of 1975, which will allow the City to pay bills incurred in excess of appropriations in previous fiscal years.

In City Council Feb 23, 1976

Adopted by yeas and nays Vote

Yeas 9 Nays 0 Absent 0

Paul E. Leahy

CITY CLERK

City Clerk

§ 64. Payment of bills incurred in excess of appropriations

Any town or city having unpaid bills of previous fiscal years which may be legally unenforceable due to the insufficiency of an appropriation in the fiscal year in which such bills were incurred may, in the case of a town, at an annual meeting by a four fifths vote, or at a special meeting by a nine tenths vote, of the voters present and voting at a meeting duly called, and, in the case of a city which accepts this section, by a two thirds vote of the city council, appropriate money to pay such bills; but no bill or payroll shall be approved for payment or paid from an appropriation voted under authority of this section unless and until certificates have been signed and filed with the selectmen or the city auditor, as the case may be, as hereinafter provided, stating under the penalties of perjury that the goods, materials or services for which bills have been submitted were ordered by an official or employee of the town or city and that such goods and materials were delivered and actually received by the town or city or that such services were rendered to or for the town or city, as the case may be.

Every such certificate that goods, materials or services were so ordered shall be signed and filed by the official or employee of the town or city who ordered the same or, if he has ceased to be an official or employee of the town or city, by any official or employee of the town or city; every such certificate of delivery to the town or city of goods or materials shall be signed and filed by the vendor thereof or, if such vendor is a corporation, shall be signed and filed by the treasurer thereof; every such certificate that goods or materials were received by the town or city shall be signed and filed by an official or employee of the town or city; and every such certificate of services rendered to or for a town or city shall be signed and filed by the person who rendered such services.

This section shall not prohibit or prevent appropriations by a majority vote for bills or obligations of previous fiscal years due to any other town or to a district, a city, a county or the commonwealth, or for legally incurred debt and interest the payment of which is provided for by any general or special law.

This section shall apply to districts.

A city which accepts this section may appropriate money to pay such bills to an amount not to exceed two hundred dollars. *Amended ch 234-1975*
 Amended by St.1969, c. 505, § 8; St.1969, c. 730; St.1969, c. 849, § 63B, as added by St.1971, c. 766, § 18.

1969 Amendments. St.1969, c. 505, § 8, approved Aug. 18, 1969, modified fourth paragraph to read: "This section shall not apply to cities but, so far as apt, shall apply to districts."

St.1969, c. 730, approved Aug. 18, 1969, rewrote fourth paragraph and added fifth paragraph.

St.1969, c. 849, § 63B, as inserted by St.1971, c. 766, § 18, inserted the word "fiscal" where appearing in the first and third paragraphs.

St.1969, c. 849, was approved Aug. 28, 1969, and by section 79 made effective July 1, 1971.

St.1971, c. 766, was approved Sept. 16, 1971, and emergency declaration by the Governor was filed on the same date.

St.1970, c. 194, § 4, amended section 79 to extend the effective date of St.1969, c. 849, from July 1, 1971 to July 1, 1972.

St.1971, c. 766, § 29, amended section 79 to extend the effective date of St.1969, c. 849, from July 1, 1972 to July 1, 1973.

1. In general

Although higher salaries were provided in 1969 in recognition that teachers had been required to accept lower salaries in latter part of 1968 than contracted for because of 1968 appropriation insufficiency, where only teachers who actually worked in 1969 received increase and 1969 school budget was sufficient to cover increases, the 1969 increases were not impermissible gifts and were not objectionable as payment of bill for salaries incurred in a prior year without compliance with appropriation provisions this section and section 21 of this chapter. Norton Teachers Ass'n v. Town of Norton (1972) 279 N.E.2d 659, 1973 Mass. Adv. Sh. 279.

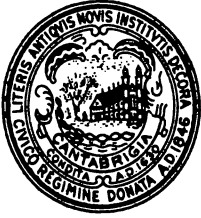
CHAPTER 284.

An Act removing a restriction pertaining to the appropriations for unpaid bills by certain cities.

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

Section 64 of chapter 44 of the General Laws, as appearing in chapter 730 of the acts of 1969, is hereby amended by striking out the fifth paragraph.

Approved June 3, 1975.



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
Tel. 876-6800

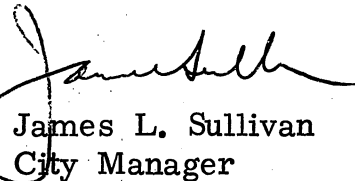
EXECUTIVE DEPARTMENT
JAMES L. SULLIVAN
City Manager

February 23, 1976

To the Honorable, the City Council:

It is respectfully requested that the City Council accept the provisions of Section 64 of Chapter 44 of the General Laws, as amended by Chapter 284 of the Acts of 1975, which will allow the City to pay bills incurred in excess of appropriations in previous fiscal years. A copy of this section is enclosed for your information.

Very truly yours,


James L. Sullivan
City Manager

JLS/b

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In City Council,
Feb. 23, 1976

2/23/76

Order

Adopted

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