

Bulletin 11-03

Local Votes related to feasibility studies by Regional School Districts and their member communities that have been invited to collaborate with the Massachusetts School Building Authority on conducting and/or reviewing a feasibility study

Requirements for Warrant Articles, Motions, Orders and Votes

Pursuant to G.L. c. 70B and 963 CMR 2.10, the Massachusetts School Building Authority (MSBA) issues this Bulletin to inform regional school districts that have been invited by the MSBA to collaborate with the MSBA to conduct and/or review a Feasibility Study of the requirements for warrant articles, motions, orders, and votes related to authorization of a feasibility study. This Bulletin shall be applicable to all regional school districts that have been invited by the MSBA to collaborate on conducting and/or reviewing a feasibility study. *Cities and towns should consult Bulletin 11-01, which addresses the vote requirements for cities and towns that have been invited to conduct a feasibility study with the MSBA.*

**** Please note that only those regional school districts that have been invited by the MSBA to collaborate on a feasibility study should be voting to authorize a feasibility study at this time. Communities are urged to contact the MSBA before finalizing an article, motion, resolution, ballot question or other vote because there may be additional requirements depending on the particulars of a feasibility study. If a regional school district already has voted to authorize a feasibility study, please contact the MSBA immediately. The MSBA may require clarification of the vote or a new vote that meets the MSBA's requirements.**

Please also note that an invitation to collaborate with the MSBA on a feasibility study is not approval of a project, and there are no guarantees that the MSBA will approve a project. Regional school districts that proceed with studying, planning, designing, renovating or constructing a school facility without the collaboration and approval of the MSBA will not be eligible for MSBA funding.

****Regional school committees and member cities and towns should consult with their local counsel and bond counsel to ensure that all warrant articles, motions, orders, and votes otherwise comply with municipal finance law and all other applicable laws, regulations, local bylaws, and ordinances.**

All articles, motions, resolutions, orders, Proposition two and one-half ballot questions, and any other votes of a regional school committee or the district's member communities related to the approval, funding, and/or debt authorization for a feasibility study shall be a **separate, stand-alone vote, solely for purposes of the feasibility study**. The article, motion, resolution, order, vote and/or ballot question related to the feasibility study must not pertain to or be bundled with any other school or municipal project. The article,

motion, resolution, order, vote must be specific to the feasibility study and must include specific information about the school that is the subject of the feasibility study.

The regional school committee must vote to appropriate and authorize the **full amount** of a feasibility study's cost, including both the local share and the MSBA's share, if any. The total budget amount must be authorized and approved. The Regional School District must also make sure it is in compliance with its regional school agreement. Where required, member communities of a regional school district must vote to approve the project as approved by the regional school committee. Regional School Districts should consult their local legal counsel to ensure that they are voting in compliance with their regional school agreement and any other requirements.

All warrant articles, motions, resolutions, orders and votes, with the exception of a Proposition two and one-half ballot question (see below), must include the following provisions:

- A description of the site of the school that is the subject of the feasibility study, including the address of the school building and a description of the parcel.
- “The MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs that the [*Regional School District*] incurs in excess of any grant that may be received from the MSBA shall be the sole responsibility of the [*Regional School District*].”
- For the debt authorization provision, the following language must be included: “and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the [*Regional School District*] and the MSBA.”

Forms of articles, motions, orders, votes are attached as “Attachment A,” and regional school districts and member cities and towns must use the applicable forms to qualify for MSBA funding.

Proposition Two and One-Half Ballot Questions

- All ballot questions for a feasibility study must be solely related to that feasibility study. The ballot question related to the feasibility study must not pertain to or be bundled with any other school or municipal projects.

A form of ballot question is attached as “Attachment B,” and a city or town must use this form to qualify for MSBA funding.

Attachment A

**FORM OF VOTE FOR REGIONAL SCHOOL DISTRICT
SCHOOL COMMITTEE**

VOTED: That the [*Regional School District*] hereby appropriates the amount of _____ (\$ _____) Dollars for the purpose of paying costs of [*Insert description of feasibility study, including name of school, description of location, address*], including all costs incidental and related thereto (the “Study”) said amount to be expended under the direction of [*the School Building Committee*]. To meet this appropriation the District is authorized to borrow said amount under and pursuant to M.G.L. Chapter 71, Section 16(d), and the District Agreement, as amended, or pursuant to any other enabling authority. The District acknowledges that the Massachusetts School Building Authority’s (“MSBA’s”) grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District; provided further, that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the District and the MSBA.

FURTHER VOTED: That within _____ (____) days from the date on which this vote is adopted the Secretary be and hereby is instructed to notify the Board of Selectmen of each of the member towns of this District as to the amount and general purposes of the debt herein authorized, as required by the District Agreement and by Chapter 71, Section 16(d), of the General Laws.

**FORMS OF SCHOOL DISTRICT MEMBER TOWN MEETING
ARTICLE AND MOTION**

Article _____. To see if the Town will approve the \$ _____ borrowing authorized by the [*Insert the name of the School District*], for the purpose of paying costs of [*Insert description of feasibility study, including name of school, description of location, address*], and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended at the direction of [*the School Building Committee*]. The MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Study costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities. Any grant that the District may receive from the MSBA for the Study shall be as set forth in the Feasibility Study Agreement that may be executed between the District and the MSBA.

Motion _____. That the Town hereby approves the \$ _____ borrowing authorized by the [*Insert the name of the School District*], for the purpose of

paying costs of [*Insert description of the feasibility study, including name of school, description of location, address*], including the payment of all costs incidental or related thereto (the “Study”), and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended at the direction of [*the School Building Committee*]; that the Town acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Study costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities; provided further that any grant that District may receive from the MSBA for the Study shall be as set forth in the Feasibility Study Agreement that may be executed between the District and the MSBA. [provided that the approval of the District’s borrowing by this vote shall be subject to and contingent upon an affirmative vote of the Town to exempt its allocable share of the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. 59, Section 21C (Proposition 21/2)]; and that the amount of borrowing authorized by the District shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the District and the MSBA.

FORM OF SCHOOL DISTRICT MEMBER CITY ORDER

Ordered: That the City hereby approves the \$_____ borrowing authorized by the [*Insert the name of the School District*], for the purpose of paying costs of [*Insert description of the feasibility study, including name of school, description of location, address*], including the payment of all costs incidental or related thereto (the “Study”), and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended at the direction of [*the School Building Committee*]; that the City acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Study costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities; provided further that any grant that District may receive from the MSBA for the Study shall be as set forth in the Feasibility Study Agreement that may be executed between the District and the MSBA; [provided that any vote hereunder shall be subject to and contingent upon an affirmative vote of the City to exempt its allocable share of the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. 59, Section 21C (Proposition 21/2)]; and that the amount of borrowing authorized by the District shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the District and the MSBA.

Attachment B

FORM OF SCHOOL DISTRICT MEMBER TOWN/CITY BALLOT QUESTION

Shall the [*City/Town of _____*] be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay the [*City/Town*]'s allocable share of the bond issued by the [*insert the name of the School District*] for the purpose of paying costs of [*insert project description identical to the description in the motion/order*], including the payment of all costs incidental or related thereto?