

Bulletin 08-01

Local Votes related to feasibility studies by certain 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 cities, towns, and regional school districts who 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 cities, towns, and regional school districts that have been invited by the MSBA to collaborate on conducting and/or reviewing a feasibility study.

**** Please note that only those communities who 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 city, town or 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. Cities, towns and 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.

****Communities 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 city, town or regional school district 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.

A city, town or regional school district 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.

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 [City/Town/Regional School District] incurs in excess of any grant that may be received from the MSBA shall be the sole responsibility of the [City/Town/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 [City/Town/Regional School District] and the MSBA.”

A form of article, motion, order, vote is attached as “Attachment A,” and a city, town or regional school district must use this form 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

ARTICLE

To see if the Town will vote to appropriate, borrow or transfer from available funds, a sum of money to be expended under the direction of the School Building Committee for [*Insert description of feasibility study, including name of school, description of location, address*], for which feasibility study the Town may be eligible for a grant from the Massachusetts School Building Authority. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in connection with the feasibility study in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town.

MOTION/VOTE/ORDER

That the [*City/Town/Regional School District*] appropriate the sum of _____ (\$_____) Dollars for [*Insert a description of the feasibility study, including school name and location*], said sum to be expended [*under the direction of the School Building Committee*], and to meet said appropriation the [*Insert the appropriate local official or Board*], with the approval of the [*Selectmen*][*Mayor/City Manager*] is authorized to borrow said sum under M.G.L. Chapter 44, or any other enabling authority; that the [*City/Town/Regional School District*] acknowledges that the Massachusetts School Building Authority's ("MSBA") grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the [*City/Town/Regional School District*] incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the [*City/Town/Regional School District*], [and further provided that the appropriation hereunder shall be subject to and contingent upon an affirmative vote of the Town to exempt 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 2½)], 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 [*City/Town/Regional School District*] and the MSBA.

Attachment B

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 for the bonds issued in order to [*Insert description of the feasibility study*]?