

Bulletin 11-02

Local Votes by Cities and Towns that have been invited to enter into a Project Scope and Budget Agreement with the Massachusetts School Building Authority

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 and towns that have been invited to enter into a Project Scope and Budget Agreement with the MSBA of the requirements for warrant articles, motions, orders, and votes related to any potential projects that may be eligible for MSBA funding (collectively, “Projects”). *Regional School Districts should consult Bulletin 11-04 for the MSBA’s vote requirements for regional school districts and their member communities that have been invited to enter into a Project Scope and Budget Agreement with the MSBA.*

**** Please note that only those cities and towns that have been invited by the MSBA to enter into a project scope and budget agreement with the MSBA should vote to authorize a project, and such vote should not occur until after the project scope and budget have been approved by the MSBA. Cities and towns 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 your project. If a city or town already has voted to authorize a project, please contact the MSBA immediately. The MSBA may require clarification of the vote or a new vote that meets the MSBA’s requirements. Cities and towns that have not been invited by the MSBA to enter into a project scope and budget agreement should not be voting to authorize a construction or renovation project at this time.**

Cities and towns 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.

****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 city or town related to the approval, funding, and/or debt authorization for a Project shall be a **separate, stand-alone vote, solely for purposes of the one Project**. The article, motion, resolution, order, vote and/or ballot question related to the Project must not pertain to or be bundled with any other school or municipal project. The article, motion, resolution, order, vote must be project specific and must include specific information about the project location and scope.

A city or town must vote to appropriate and authorize the **full amount** of a Project's cost, including both the local share and the MSBA's share, if any. The total project 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 project, including the address of the school building and a description of the parcel.
- If a proposed renovation, addition, or new construction project, “the school facility shall have an anticipated useful life as an educational facility for the instruction of school children for at least 50 years, and for which the [City/Town] may be eligible for a school construction grant from the Massachusetts School Building Authority.”
- If a proposed repair project, “The proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program.”
- “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] incurs in excess of any grant that may be received from the MSBA shall be the sole responsibility of the [City/Town].”
- For the debt authorization provision, the following language must be included: “the amount of borrowing authorized pursuant to the vote shall be reduced by any amounts received or expected to be received from the MSBA prior to the issuance of any bonds or notes under this vote.”

A form of article, motion, order, vote is attached as “Attachment A,” and a city or town must use this form to qualify for MSBA funding.

Proposition Two and One-Half Ballot Questions

- All ballot questions for a Project must be solely related to that Project. One Project per vote. The ballot question related to the Project 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, an amount of money to be expended under the direction of [*the School Building Committee*] for [*Insert a description of the Project, including school name, description of location, address, scope of project*], [which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years], [*Alternatively, if a repair project: which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program*] and for which the Town may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”). 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 project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town. Any grant that the Town may receive from the MSBA for the Project shall not exceed the lesser of (1) _____ percent (%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA.

MOTION/VOTE/ORDER

That the [*City/Town*] appropriate the amount of _____ (\$ _____) Dollars for the purpose of paying costs of [*Insert a description of the Project, including school name, description of location, address, scope of project*], including the payment of all costs incidental or related thereto (the “Project”), [which school facility shall have an anticipated useful life as an educational facility for the instruction of school children for at least 50 years] [*Alternatively, if a repair project: which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program*], and for which the [*City/Town*] may be eligible for a grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended under the direction of [*the School Building Committee*]. To meet this appropriation the [*Insert the appropriate local official or Board*], is authorized to borrow said amount under M.G.L. Chapter 44, or pursuant to any other enabling authority. The [*City/Town*] acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the [*City/Town*] incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the [*City/Town*]; provided further that any grant that [*City/Town*] may receive from the MSBA for the Project shall not exceed the lesser of (1) _____ percent (%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; [provided that any 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 Project Funding Agreement that may be executed between the [*City/Town*] 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 Project*]?