



February 12, 2007

Winn Davis
Dukes County Manager
P.O. Box 190
Edgartown, MA 02539

Re: Funding of County Charter Commission
Our File No. EM2007-33

Dear Mr. Davis:

This is in reply to your e-mailed inquiry about the funding for the Dukes County Charter Commission. In particular, you asked whether the county advisory board was limited to appropriating no more than four-tenths of a percent of the county budget for the expenses of the charter commission.

Funding for such commissions is governed by GL Ch.34A §9, which provides, in the 3rd and 4th paragraphs of subsection (B), as follows:

Within twenty days after the election of a charter commission the county treasurer shall credit to the account of the charter commission, with or without appropriation, the sum of thirty-five thousand dollars, provided, however that, **in no event shall a county or its treasurer provide said commission with more than one-tenth of one per cent of the total county budget unless said appropriation has been approved by the advisory board on county expenditures.**

. . . A county through its advisory board on county expenditures may appropriate additional funds for its charter commission **provided the aggregate contribution to the charter commission does not exceed five times the initial contribution required under this section.** (Emphasis added.)

The funding mechanism is quite similar to the mechanism for municipal charter commissions under GL Ch.43B §8, except that there is no limitation on the total funding that may be appropriated for a city or town charter commission similar to the limit contained in the boldface language at the end of Ch.34A §9.

It seems to us that the most natural reading of the term "initial contribution" is the contribution that the treasurer must give the charter commission within 20 days of its election, irrespective of whether there is any appropriation by the advisory board. That

mandatory contribution is the lesser of \$35,000 or a tenth of a percent of the county budget. The reference in the 3rd paragraph to an appropriation by the advisory board seems intended to distinguish between the mandatory and optional components of the county's obligation with respect to funding the charter commission, rather than to include any such appropriation in the initial contribution as that term is used in the 4th paragraph. The aggregate limit on appropriations to the charter commission would be largely meaningless if the advisory board could make one appropriation that would count as part of the initial contribution - which is the basis for the aggregate limit on the charter commission's budget - and then make a further appropriation of up to four times the initial contribution.

We hope this information is helpful.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kathleen Colleary". The signature is fluid and cursive, with the first name "Kathleen" written in a larger, more prominent script than the last name "Colleary".

Kathleen Colleary, Chief
Bureau of Municipal Finance Law

KC/CH