



# DLS

DIVISION OF LOCAL SERVICES  
MA DEPARTMENT OF REVENUE

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Commissioner of Revenue

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Senior Deputy Commissioner

To: City, Town and District Clerks  
From: Mary Jane Handy, Director of Accounts  
Date: June, 2020

This letter is to remind you of important reporting duties required by G.L. c. 41, § 107, G.L. c. 44, § 28, G.L. c. 59, § 21D and G.L. c. 71, § 16B and certain other matters. The purpose of these requirements is to ensure that the Division of Local Services (DLS) has current information regarding borrowing, Proposition 2½ referendum questions, and city/town council or town meeting appropriations. This information is critical in our efforts to maintain complete and accurate records of indebtedness and in our review to certify tax rates.

*The information in this letter is updated and includes reminders from last year's letter.*

## **Borrowing Authorizations**

Clerks (including regional school district personnel) are required to send certified copies of all debt authorizations to the Director of Accounts **within 48 hours** after the vote becomes effective.

The votes must be declared passed by a unanimous vote or an actual counted 2/3rds majority or by a "declared 2/3rds majority." If a vote is contingent upon a Proposition 2½ debt exclusion, it does not become effective until the exclusion is approved by the voters. Certified election results for the debt exclusion must also be submitted with a contingent vote to authorize debt.

DA-82 Loan Authorization Report. In addition to the statutory reporting requirements, the Bureau of Accounts requires form DA-82 except from cities. The purpose of the DA-82 is to ensure that debt authorizations occurred at a duly called, valid town or district meeting that complied with charter, by-law and other legal requirements. [Form DA-82](#) can be found on the Bureau of Accounts' website.

**Please mail or email the DA-82 with the certified votes to:**

Gerry Cole  
Public Finance Section  
Bureau of Accounts  
P.O. Box 9569  
Boston, Mass. 02114-9569  
[coleg@dor.state.ma.us](mailto:coleg@dor.state.ma.us)

*Supporting a Commonwealth of Communities*

mass.gov/DLS  
P.O. Box 9569 Boston, MA 02114-9569  
(617) 626-2300

## **City/Town Council and Town Meeting Action**

City/Town Clerks must report all Town Meeting or City/Town Council appropriation votes in the appropriate column of page 4 of the tax rate or pro forma recapitulation form.

Under G.L. c. 71, § 16 and [Department of Elementary and Secondary Education regulations](#), when the regional school assessment of a member city or town is reduced below the amount the member appropriated for the assessment, the appropriation is automatically reduced by law. Clerks should report this reduction as a negative amount in the appropriate column of the tax rate or pro forma recapitulation form, page 4.

Rescission of appropriations from the FY2020 tax levy since the FY2020 tax rate was set should be reported on the FY2021 tax rate recap first as the initial appropriation made followed by a negative for the same amount. In this way, FY2021 action will not be affected.

Appropriation transfers made via the alternative method detailed in DLS Informational Guideline Release ([IGR 17-13](#)) should not be reported to the Bureau of Accounts on the tax rate or pro forma recapitulation form.

Please see Attachment 1 for examples on how to report.

## **Proposition 2 1/2 Questions**

Please send specimen ballots with certified election results for all Proposition 2½ questions voted this year. Your submission should include votes that have passed **and** failed and clearly indicate the purpose and type of vote (override, underide, debt exclusion or capital expenditure exclusion). These votes should be emailed to the Data Analytics and Resources Bureau at [databank@dor.state.ma.us](mailto:databank@dor.state.ma.us) or faxed to 617-660-7023. Missing or incomplete documentation may cause a delay in certifying your community's annual tax rate.

Please indicate municipal capital stabilization fund overrides per G.L. chapter 59, § 21C(g) separately. See DLS [IGR 17-20](#).

## **Local Options**

Please send any local option votes that require notification to DLS (e.g. adoption of the Community Preservation Act, quarterly tax billing, meals excise, room occupancy excise, and marijuana excise) to the Data Analytics and Resources Bureau at [databank@dor.state.ma.us](mailto:databank@dor.state.ma.us) or fax them to 617-660-7023.

## **Affidavit as to Time of Sending Tax Bills ([State Tax Form 214](#))**

The Collector should maintain this affidavit in their office records and file a copy with the Clerk. Please do not send a copy to the Bureau of Accounts unless requested by the Director.

## **Oath of Office**

The city/town clerk gives the oath of office to newly elected and appointed officials and re-elected and re-appointed officials, including those elected to the selectboard and city council, as mayor, and those appointed or elected as treasurer, collector, assessor, accountant or auditor. The person must be sworn before performing official duties. G.L. c. 41, § 107. After giving the oath, the clerk should then update the DLS Local Officials Directory.

For example, a community may engage the services of a firm to provide accounting services; however, an individual must be appointed and sworn to the faithful performance of the official duties of the office of accountant, including signing: (1) warrants for the payment of bills under G.L. c. 41, § 56; and (2) page 3 of the Tax Rate Recap form in DLS's Gateway. See G.L. c. 41, § 55.

## **Notifications**

DLS has expanded and refined automatic notifications of Bureau approvals, including immediate e-mail notifications of free cash certification. These notifications are sent to e-mail addresses in the Local Officials Directory, which local finance officials should check for accuracy. In some cases, local network firewall settings have resulted in non-delivery of these e-mail messages. Local officials should work with their Information Technology staff to ensure that messages sent by the Division are not blocked or considered SPAM since the Division now relies on e-mail to deliver legally required notifications.

## **Division of Local Services Website**

All IGRs, Bulletins, Local Finance Opinions (LFOs) and other publications issued by DLS can only be found on our website at [www.mass.gov/dls](http://www.mass.gov/dls). You may now search for current IGRs, Bulletins and LFOs in the [DLSSLAW Library](#).

## **DLS Mailing List Subscription**

To subscribe to automatic notification of IGRs, Bulletins, *City & Town* e-newsletter, Cherry Sheets, Alerts, and other DLS publications and information, please click [here](#).

Thank you for your assistance with these important matters. If you have any questions, please do not hesitate to contact DLS.

# Attachment 1

## HOW TO REPORT?

1. **AMENDING FINANCING SOURCES.** At 5/15/2020 ATM, the town votes to appropriate \$50,000,000 under annual budget article. Motion was to raise and appropriate amounts, unless other source specified, as shown in finance committee recommendation. However, \$5,000,000 in other available funds (e.g., sale of cemetery lots fund, ambulance receipts reserved) intended to fund certain departments were inadvertently omitted from report and motion. Now the town is over its levy limit by \$5,000,000. At 11/1/2020 STM, the town votes to amend budget article to appropriate \$5,000,000 from various specified available funds.

APPROPRIATIONS						
Date	FY	(a) Total	(b) Raise & Appropriate (Levy)	(c) Free Cash	(d) Other Available Funds	(e), (f), (g) Offset Receipts, Enterprise Funds, CPA
5/15/2020	2021	50,000,000	50,000,000			
<b>11/1/2020</b>	<b>2021</b>	<b>0</b>	<b>(5,000,000)</b>		<b>5,000,000</b>	
<b>TOTALS</b>		<b>50,000,000</b>	<b>45,000,000</b>		<b>5,000,000</b>	

2. **BALANCING THE BUDGET.** At 5/15/2020 ATM, the town votes to raise and appropriate \$50,000,000 under annual budget article. However, for various reasons (e.g., unanticipated prior year deficits, need to reduce state/local revenue estimates used) the town is over its levy limit by \$1,000,000 and needs to balance budget in order to set tax rate. At 11/1/2020 STM, the town considers two options.

**Option A (cuts only).** Votes to reduce school department appropriation by \$500,000 and rescind entire \$500,000 library department appropriation.

Option A – APPROPRIATIONS						
Date	FY	(a) Total	(b) Raise & Appropriate (Levy)	(c) Free Cash	(d) Other Available Funds	(e), (f), (g) Offset Receipts, Enterprise Funds, CPA
5/15/2020	2021	50,000,000	50,000,000			
<b>11/1/2020</b>	<b>2021</b>	<b>(1,000,000)</b>	<b>(1,000,000)</b>			
<b>TOTALS</b>		<b>49,000,000</b>	<b>49,000,000</b>			

**Option B (cuts and other financing sources).** Votes reductions in school and library department appropriations by total of \$500,000, appropriates \$100,000 from ambulance receipts reserved to reduce tax rate and \$400,000 from free cash to reduce the tax rate.

<b>Option B – APPROPRIATIONS</b>						
Date	FY	(a) Total	(b) Raise & Appropriate (Levy)	(c) Free Cash	(d) Other Available Funds	(e), (f), (g) Offset Receipts, Enterprise Funds, CPA
5/15/2020	2021	50,000,000	50,000,000			
<b>11/1/2020</b>	<b>2021</b>	<b>(500,000)</b>	<b>(500,000)</b>			
<b>TOTALS</b>		<b>49,500,000</b>	<b>49,500,000</b>			

**\$100,000 appropriated from ambulance receipts to reduce tax rate reported in Section IIIId-3 on Page 2**

**\$400,000 appropriated from free cash after 7/1/2020 to reduce tax rate reported in Section IIIId-1b on Page 2**

**If town appropriated the ambulance receipts to amend financing source for budget article instead, report as shown in Example 1**

<b>Option B – APPROPRIATIONS</b>						
Date	FY	(a) Total	(b) Raise & Appropriate (Levy)	(c) Free Cash	(d) Other Available Funds	(e), (f), (g) Offset Receipts, Enterprise Funds, CPA
5/15/2020	2021	50,000,000	50,000,000			
<b>11/1/2020</b>	<b>2021</b>	<b>(600,000)</b>	<b>(600,000)</b>			
<b>11/1/2020</b>	<b>2021</b>	<b>100,000</b>			<b>100,000</b>	
<b>TOTALS</b>		<b>49,500,000</b>	<b>49,400,000</b>		<b>100,000</b>	

**\$400,000 appropriated from free cash after 7/1/2020 to reduce rate reported in Section IIIId-1b on Page 2**

3. **REDUCING RSD APPROPRIATION.** At 5/15/2020 ATM, the town votes to raise and appropriate \$50,000,000 under annual budget articles, which include its annual regional school assessment. On 7/15/2020, the regional school district notifies the town that its assessment for the approved FY2021 budget is \$50,000 less than the amount appropriated at the 5/15/2020 ATM for that purpose.

<b>APPROPRIATIONS</b>						
Date	FY	(a) Total	(b) Raise & Appropriate (Levy)	(c) Free Cash	(d) Other Available Funds	(e), (f), (g) Offset Receipts, Enterprise Funds, CPA
5/15/2020	2021	50,000,000	50,000,000			
<b>7/15/2020</b>	<b>2021</b>	<b>(50,000)</b>	<b>(50,000)</b>			
<b>TOTALS</b>		<b>49,950,000</b>	<b>49,950,000</b>			

4. **REDUCING CURRENT YEAR APPROPRIATIONS AFTER TAX RATE SET.** At a 5/15/2020 STM held within the ATM, the town votes to reduce several unspent and unencumbered FY2020 appropriations by \$500,000 in order to avoid a deficit at the end of the year.

APPROPRIATIONS						
Date	FY	(a) Total	(b) Raise & Appropriate (Levy)	(c) Free Cash	(d) Other Available Funds	(e), (f), (g) Offset Receipts, Enterprise Funds, CPA
5/15/2020	2020	(500,000)	(500,000)			
5/15/2020	2020	500,000	500,000			
TOTALS		0	0			

5. **REPORTING APPROPRIATION TRANSFERS.** At a 4/1/2020 STM, the town transfers \$100,000 from several unspent and unencumbered FY2020 departmental line items to other items in the same or other departments. At the 5/15/2020 ATM, the town appropriates \$300,000 from several unspent and encumbered FY2020 operating appropriations as a financing source for the FY2021 operating budget appropriations. On 7/2/2020 the selectboard approved \$50,000 in additional transfers from several unspent and unencumbered FY2020 departmental line items to other items in the same or other departments and those transfers were approved by the finance committee on 7/9/2020.

APPROPRIATIONS						
Date	FY	(a) Total	(b) Raise & Appropriate (Levy)	(c) Free Cash	(d) Other Available Funds	(e), (f), (g) Offset Receipts, Enterprise Funds, CPA
4/1/2020	2020	100,000			100,000	
5/15/2020	2021	300,000			300,000	
TOTALS		400,000			400,000	

**\$50,000 FY 2020 year-end transfers by selectboard, with finance committee approval, under G.L. c. 44, § 33B(b) are not reported on the recap**