

Bulletin 11-04

Local Votes by Regional School Districts and their member communities 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 regional school districts 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”). *Please note that, as set forth below, the form of votes for the regional school committee differ from the forms of votes for the member cities and towns.*

**** Please note that only those regional school districts 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. Regional School Districts 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 regional school district 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. Regional School Districts 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.**

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 Districts 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 Project, as applicable, 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.

The regional school committee 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. 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 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 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 [*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 regional school committees, the following language must be included in the debt authorization provision: “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.”

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

Attachment A

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

VOTED: That the [*insert the name of the Regional School District*] hereby appropriates the amount of \$_____ 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 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 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*]. To meet this appropriation the District is authorized to borrow said amount, under and pursuant to Chapter 71, Section 16(d), of the General Laws and the District Agreement, as amended, or pursuant to any other enabling authority. The District 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 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 any grant that the District may receive from the MSBA 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, 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 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 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 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 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 Project 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 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 _____. 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 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 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 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 Project 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 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 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 Project Funding 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 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 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 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

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Project 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 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 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 Project Funding Agreement that may be executed between the District and the MSBA.

Attachment B

FORM OF SCHOOL DISTRICT MEMBER TOWN 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?