Commonwealth of Massachusetts

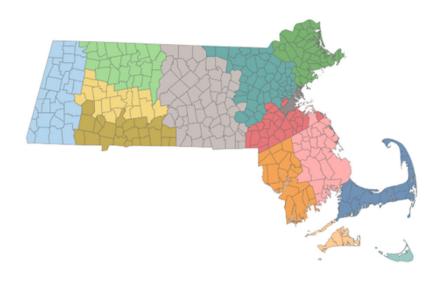




Supporting a Commonwealth of Communities

Mass Clerks Association

February 3, 2022



Division of Local Services and City/Town Clerks Reporting Requirements ~ Presented By:

William Arrigal, Debt (Genius) Analyst Lisa Krzywicki, Deputy Bureau Chief, DARB



Division of Local Services – Mission

The Division of Local Services (DLS) provides:

- Technical Assistance
- Training
- Oversight to assist Massachusetts cities and towns in the achievement of sound and efficient fiscal management

DLS is responsible for:

- Ensuring the fairness and equity of local property assessment and taxation
- The accuracy and quality of local accounting and treasury management
- Interpreting state laws that govern local finances
- Distributing local aid
- Maintaining a comprehensive databank on local finances

DLS has offices located in Boston, Worcester and Springfield

- Like most of the world DLS staff began working remotely in March of 2020
- Officially this Spring we moved to a hybrid work model
- DLS is committed in assisting our local government partners, especially as we all come to terms with how the workplace is changing for us all

DLS and the City and Town Clerks

• Welcome back to in-person presentations

Nice to see faces in person, instead of on screen!



- From DLS we have with us today
- What exciting news do we bring you from DLS?
- What are we going to talk about today?
- How can DLS continue to support clerks and other local officials with hybrid and non-hybrid work models





Please tell us what is this EXCITING NEWS is!

Recent Changes to the DLS Team

- Retirements
- New Bureau Chiefs
- Additions to DLS Staff

Rethinking how we Conduct Business for Manual Processes

- Electronic reporting using
 - Email
 - DLS Gateway Application Enhancements
- Reviewing Notifications of Acceptance Reporting





- DA-82 Loan Authorization Report
- Proposition 2 ¹/₂ Ballot Questions
- Local Options Relating to Property Taxes
- Local Option Excise Taxes: Meals, Rooms, Cannabis and Short-term Rental Community Impact Fee
- Other Local Option Notifications
- Local Officials Directory (LOD)
- Local Account Administrators
- How to get help



	ISION OF LO		Sea	Sean R. Cronin				
	DIVISION OF LOCAL SERVICES			ior Deputy Commission				
T		DA-82 LOAN AUTHORIZATI	ON REPORT					
Town/Distric	 Town/District			. At the Annual/Special/Regular				
Meeting called	for	the following	g loan authorizations v	were voted:				
Date	Article	Purpose	Amount Authorized	Vote Count **see note				
Date Finance/	or Notice M Advisory Co	ailed To V ommittee meeting posted						
Date Warrant Date Finance/ Were all addit Quorum: What is the Qu Was a Quorum	or Notice M. Advisory Co ional local b uorum requi n present on djourned ses	ailed To V ommittee meeting posted y-law requirements met? Yes rement? each day of the meeting? Yes ssion? Yes or No ()	or No s or No if no skip this section)					
Date Warrant Date Finance/ Were all addit Quorum: What is the Qt Was a Quorum Was this an au Date Posted_ Date Publicha	or Notice M. Advisory Co ional local b uorum requi n present on djourned ses	ailed To V ommittee meeting posted	or No or No if no skip this section)					
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In the next few slides, Bill will walk through how you should complete each of the sections of the DA-82 Loan Authorization Report, submit it to DLS and any supporting documentation that must be included



Let's Deconstruct the DA-82 and review it together

i.	DA-82 LOAN AUTHORIZATIO	N REPORT				
Town/District:		. At the Annual/Spec	ial/Regular			
Meeting called for (Separate forms are	the following	loan authorizations w	vere voted:			
Date Article	Purpose	Amount Authorized	Vote Count **se	e note		
NOTE: Vots count must be unanimous or an actua illowing such declared 2/3 majority. G.L. Chapter 35 of the vote as passed. For contingent votes include th	, Sec. 15, as amended by Ch. 448 of the Acts of 1					
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<u> </u>						
/	Name of			Tuna	of Mostin	_
/	Town		/	туре	of Meeting	3
/	D	ON REPORT				
Town/District: Ou	r Town	At the Annual/Sp	ecial/Regular	r		
Meeting called for June 5, 202	the followir required for each meeting)	ng loan authorizations	were voted:			
Date Article	Purpose	Amount Authorized	Vote Count	**see note	Bo	rrowing
6/5/2021 15	School Repairs	\$400,000	100/5			0
			in a Autiali			thorizations
	n here should mate			e	ap ap	proved at Town
OTE: Vots count must be unanimous or an actu lowing such declared 2/3 majority. G.L. Chapter 3	al counted 2/3 majority or be a declared 2/3 9 Sec. 15 as amended by Ch. 448 of the Acts o	majority provided that the Town	has an approved by-la	w or town vot	- Me	eting
f the vote as passed. For contingent votes include t	the Ch. 59, Sec. 21C(k) debt exclusion results.					0

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DA-82 Loan Authorization Report

Sample Town Meeting Warrant Article

Warrant articles included should match information in the first section of DA-82, show motions and results of the vote. Clerk must validate with "*True Copy Attest"*, sign and include Clerks Official Seal

ARTICLE 15: Dancing Bear SCHOOL DISTRICT NEW DEBT-MOHAWK TRAIL REGIONAL HIGH SCHOOL

Motion: Ms. Moderator, I move that the Town vote to allow the Dancing Bear Regional School District to borrow a sum of money, not to exceed \$400,000 for work at Dancing Bear Regional School in OUR TOWN, Massachusetts, to include replacement of the heating boiler control system; resealing of parking lots; replacement of the fire alarm control panel and related sensors; replacement of/upgrades to certain domestic hot water heaters, condenser units, heating system hot water control valves, and freeze prevention system; construction of a second means of egress from the main electrical switchgear room; installation of additional safety railings to sections of the outside bleachers; replacement of the movable gymnasium partition; and replacement of floor covering in the library; and including costs incidental or related thereto, which purpose of the projects will materially extend the useful life of the school and preserve the asset capable of supporting the required educational program. Said sum is to be expended under the approval of the School Committee's Building Subcommittee, and to meet said appropriation, the District Treasurer, with the approval of the Chair, is authorized to borrow said sum under MGL Ch. 44 or any other enabling authority. This borrowing shall be subject to and contingent upon an affirmative vote of the Town to exempt its allowable share of the amounts required for payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. 59, Section 21C

JAMES SMITH stated that OUR TOWN'S share of this debt, would be roughly \$151,000.

JAMES SMITH moved, DIANE JONES seconded, no discussion, voted and passed..!!!!!unanimously. Vote: Yeas-100, Nays -5, passed by 2/3 majority

Diane Jones, Second

True Copy Attest: Joe Miller, Town Clerk ^Clerks Official Seal

Moved: James Smith

Motion Approved 2/3 majority 100/5



Certify Information from Warrant

Attested Copy of the Warrant: Date Posted Date Published in Newspaper Date Warrant or Notice Mailed To Whom? Date Finance/Advisory Committee meeting posted Were all additional local by-law requirements met? Yes or No	
Attested Copy of the Warrant: Date Posted	
Complete Quorum Information Quorum: What is the Quorum requirement? Was a Quorum present on each day of the meeting? Yes or No	
Quorum: What is the Quorum requirement? 7 Was a Quorum present on each day of the meeting? Yes_x_ or No	



Clerk Certification

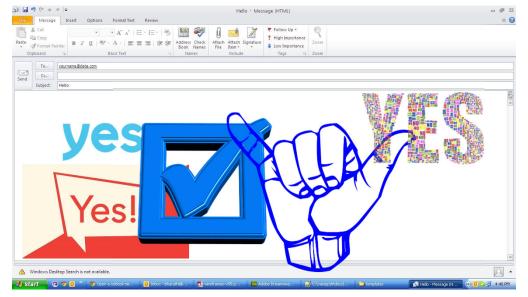
If yes which one? Is litigation pending which cou If yes which one?	presently subject to referendum? Y ald affect the validity of any vote? Yes that this information is correct to the best of	or No	
Date: 6/9/2021	Me the clerk	, Town/District Clerk	
If yes which one?1 Is litigation pending which cou If yes which one?	presently subject to referendum? Yes ald affect the validity of any vote? Yes_ that this information is correct to the best of m	or Nox	
Date: 6/9/2021	Me the clerk	_, Town/District Clerk	













DLS: Clerks 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.

<u>DA-82 Loan Authorization Report</u>. 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 email the DA-82 with the certified votes to <u>municipaldebt@dor.state.ma.us</u>. <u>Please do not mail these forms.</u>



- Types of Proposition 2 ¹/₂ ballot questions
 - Override/Underride
 - Debt Exclusion
 - Capital Expenditure Exclusion
 - Capital Stabilization Fund Override
- Reporting Requirements
- Additional Reporting for Capital Stabilization Fund Overrides in subsequent years
- Why is it important we submit results quickly



DLS: Clerks Letter

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 <u>and</u> failed and clearly indicate the purpose and type of vote (override, underride, debt exclusion or capital expenditure exclusion). These votes should be emailed to the Data Analytics and Resources Bureau at <u>databank@dor.state.ma.us</u>. 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 <u>IGR 17-20</u>.

Also, we ask that the form of ballot question votes indicate dollar amounts rounded to whole dollars, as the levy limit form will not accommodate decimals.



DLS: Local Options

Local Options Relating to Property Taxes

Billing Cycle	New	Assessment on New Construction (Ch653) Yr Rescinded	Hopkinton Supplemental	Exemption	Small Commercial Exemption Percentage	Open Space Discount Percentage	Property	Brownfields Environmental Tax Date Accepted	61A Year	Chapter 61B Year Adopted	Chapter 61 Year Adopted	Research and Development Date Accepted
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- This report appears on our website from this page: <u>https://www.mass.gov/service-details/local-options-relating-to-</u> <u>property-taxation-cpa-meals-and-room-occupancy</u>
- Other Local Option Notifications
 For accounting practices
 - Tax Title Collection Revolving Fund, Chapter 60, §15B
 - Dedication of Revenue to Stabilization Fund, Chapter 40, § 5B
 - PEG Access and Cable Related Special Fund, Chapter §53F¾
 - Special Injury Leave Indemnity Fund, Chapter 41 § 111F



DLS: Local Options

- Local Option Excise Taxes: Meals, Rooms, Cannabis and Short-term Rental Community Impact Fee
 - Room Occupancy Transfers (up to 6%)
 - Short-term Rental Community Impact Fee (up to 3%)
 - Cape & Islands Water Protection Fund (2.75%)
 - Sales of Meals (.75%)
 - Adult Use Retail Marijuana Sales (up to 3%)



DLS: Local Options – Room Occupancy Transfers

- MGL C. 64G, § 6A allows for an additional tax to be applied to all room occupancy transfers
- December of 2018 Governor Baker signed into law amendments to the room occupancy to expand the definition of room occupancy transfers to include short-term rentals (STR), created the short-term rental impact fee and the Cape & Islands Water Protection Fund to be effective July 1, 2019
- Traditional lodging houses were already registered in the DOR MassTax Connect system for reporting taxes, but now owners of STR are also required to register and obtain a certificate from DOR.
- Many STR's are managed by Airbnb and like companies, property owners are required to include the certificate with their registration with any of these companies.
- Room Occupancy excise returns are filed on a monthly basis through Mass Tax Connect and payments made to the community are done on a quarterly basis.



DLS: Local Options – Room Occupancy Transfers

- Community Impact Fee on STR's Requirements for adoption
 - If imposing the Room Occupancy Excise under MGL c. 64G, §6A and wants to adopt the Community Impact Fee
 - > Clerk should prepare two warrant articles
 - » Article 1 MGL c. 64G, § 3D(a) vote to impose a local option fee on STR room occupancy transfers for "professionally managed unit"
 - » Article 2 MGL c. 64G, § 3D(b) vote to impose a local option fee on STR room occupancy transfers in2-3 family homes that includes the operator's primary residence
 - > If Article 1 fails, Article 2 is assumed to fail as well
 - If not imposing the Room Occupancy Excise under MGL c. 64G, §6A and wants to adopt the Community Impact Fee
 - > Clerk should prepare three warrant articles
 - » Article 1 vote to impose local option excise on room occupancy transfers
 - » Articles 2 & 3 would be the same as above
 - > If Article 1 fails it assumed that Articles 2 & 3 fail as well



DLS: Local Options – Room Occupancy Transfers

First Local Option Community Impact Fee (G.L. c. 64G, § 3D(a)) - The first local option community impact fee is adopted under G.L. c. 64G, § 3D(a) and applies to each transfer of occupancy of a "professionally managed unit," which is defined as one of two or more short-term rental units in same city/town not located within a single- or two- or three-family dwelling that includes the operator's (owner's) primary residence. The fee applies to transfers of occupancies on or after July 1, 2019 for which a rental contract was entered into on or after January 1, 2019. It does not apply to occupancies for which the rental contract was entered into before January 1, 2019. For example, if a summer vacation rental was booked last summer (or at any time before January 1, 2019), the local option community impact fee will not apply.

Second Local Option Community Impact Fee (G.L. c. 64G, § 3D(b)) - If the city/town has voted to adopt the local option community impact fee described above for "professionally managed units" under G.L. c. 64G, § 3D(a), it may by a separate additional vote, adopt the local option community impact fee on short-term rental units located within a two- or three-family dwelling that includes the operator's primary residence under G.L. c. 64G, § 3D(b). The impact fee will, again, apply only to transfers of occupancies on or after July 1, 2019 for which a contract was entered into on or after January 1, 2019. If the city/town has not adopted the local option community impact fee under G.L. c. 64G, § 3D(a) (above), it cannot adopt the local option community impact fee under G.L. c. 64G, § 3D(b).



DLS: Local Options – Sales on Meals

- MGL C. 64L, § 2(a) allows for an additional tax to be applied to the sales of meals
- Effective for sales of restaurant meals on or after October 1, 2009, of .75% returns are filed monthly and payments are made to communities quarterly
- Tax is imposed on where the food is sourced
 - Town A does impose the local option tax
 - Town B does *not* impose the local option tax
 - Resident in town B orders pizza from a restaurant in town A local option tax will be imposed
 additional tax will go to town A
 - Resident in town A orders pizza from a restaurant in town B no local option tax will be imposed
 - Catering company located in a town that impose local option tax, wedding held in town that doesn't impose the tax – Couple will be charged the local option tax – additional tax will go to the town where the food was prepared
 - Canteen truck starts food in town that imposes local option tax but delivers meals across communities that do and don't impose the tax, every meal should include the additional tax additional tax will go to the town where the food was prepared
 - Food trucks and food providers at fairs should register with all communities they will be doing business in and if the additional tax is imposed should file a return for each location



DLS: Local Options – Adult Use Recreational Marijuana

- MGL C. 64N, § 3 allows for an additional tax to be applied to the retail sale of marijuana for adult use, effective on or after July 1, 2018
- Local option can be up to 3% of gross sales
- Excludes medical marijuana
- Gross sales, state excises and taxes and local option taxes returns are filed monthly, and payments to communities are made quarterly
- Local option tax is different than the local host agreement, host agreements are negotiated between the marijuana retailer and community directly and all host agreement payments are made directly from the retailer to the community
- Sales were just expanded to include delivery service; DOR is working with the Cannabis Control Commission (CCC) on updated DOR Regulations to include delivery service but are not final yet

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DLS: Local Options

 If there is a vote to approve a local option adoption, you can check to see if you need to submit it us on the DLS website at:

https://www.mass.gov/service-details/notification-of-acceptance-of-localoption-statutes

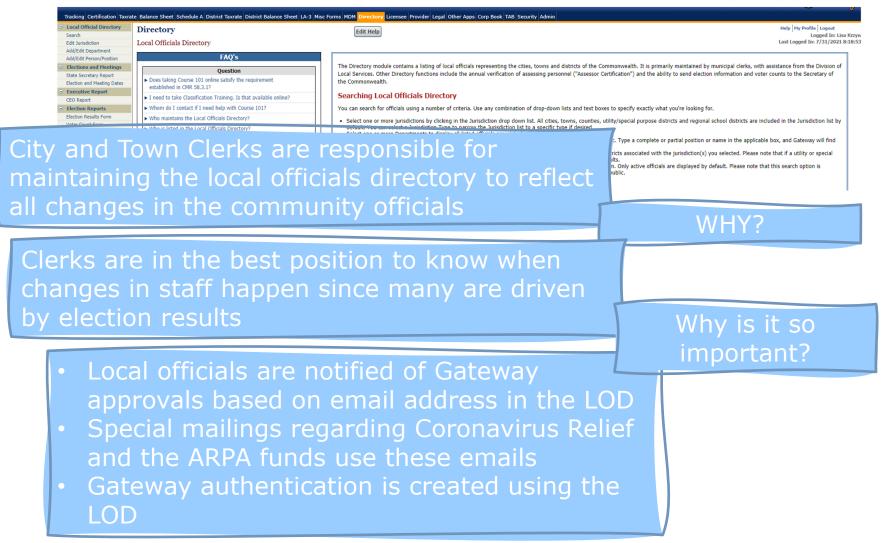
- Also included as a hand-out are all the current forms, but it is important to check the website for new local options
- One of the best ways local governments can stay informed about changes in MGL, new requirements, new local options or general information is to subscribe to the DLS Alerts subscriber list, you can do so from the DLS homepage – <u>www.mass.gov/dls</u> or Melissa and Tracy from my team have sign-up sheets and names will be added tomorrow



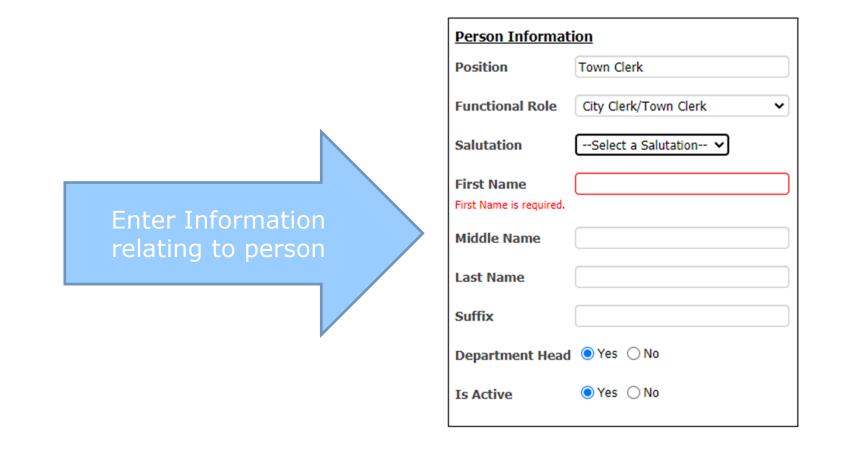
Local Options

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 <u>databank@dor.state.ma.us</u>.

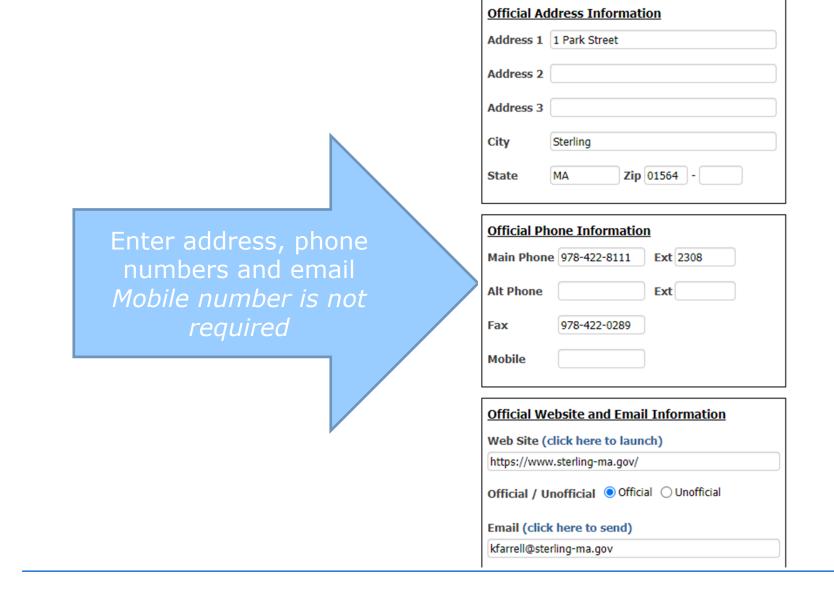




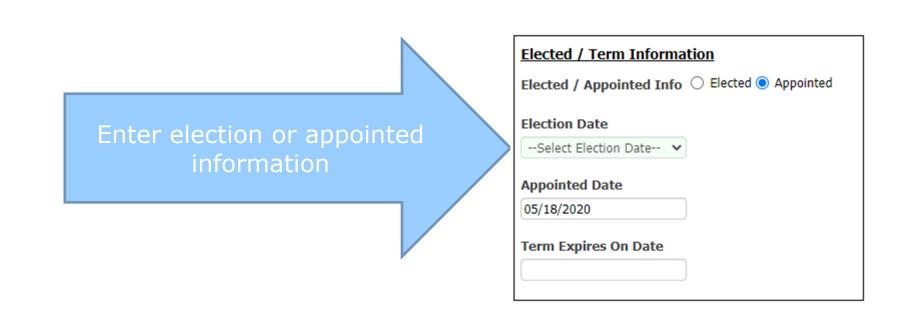














if you are correcting or adding data to an existing official's record. Click 'CANCEL' to discard

all changes.

When you update a person in the directory and click If the information you save this box will appear, entered is for a person how you respond is very replacing an existing local important. official, click ADD NEW If you are correcting and orricial, click ADD error of fixing an email address in an existing Save Person official, click CORRECT Are you adding a newly elected or appointed official to Directory, or are you correcting the data of an existing official? official, click CORRECT Click 'Add New' to inactivate the previous official and activate the new official. Click 'Correct'

Add New Correct

Correct

Where all guilty of not reading information in the popup boxes, but on this one following my instructions will save you and the person a lot of frustrations.

save you and the person a lot of frustrations.



- Generally, clerks in most communities and sometimes an IT Director or other person has the rights to edit and create user accounts for Gateway rights
- Through the security module you can create or modify account permissions
- If the community has a new accountant, the previous accountant's permissions should not be used, a new account should be created



- If you followed the directions on the previous slide for changing an official in the directory their Gateway account was removed, and you will be able to create a new account
- You create the username, rule of thumb last name and first initial, however, some officials had an account in the previous community. In those cases, you will need to try some variation of the first and last name
- Password Requirements:

Gateway User Account Policies

Gateway passwords must conform with a "strong password" policy by meeting the following requirements:

- 8 character minimum length, 20 character maximum length
- contain at least 1 upper case letter
- contain at least 1 lower case letter
- contain at least 1 number
- contain at least 1 special character (!@#\$%&*-_)

Do not, just don't, no matter what they say should the password include a space





• Scheid, Harald : 978-422-8111



DLS: How to get help?

DA-82 Loan Authorization Report	Authorization Report Bill Arrigal	
Proposition 2 1/2 Ballot Questions	Data Analytics & Resources Bureau	databank@dor.state.ma.us
Legal Question regard Prop 2 1/2	Bureau of Municipal Finance Law	dlslaw@dor.state.ma.us
Local Option Notifications	Data Analytics & Resources Bureau	databank@dor.state.ma.us
Specific Questions - Local Options	Lisa Krzywicki	databank@dor.state.ma.us
DLS Gateway Application	Data Analytics & Resources Bureau	dlsgateway@dor.state.ma.us
Directory Update Questions	Data Analytics & Resources Bureau	dlsgateway@dor.state.ma.us

Using the above contact information will ensure you reporting gets to the appropriate person right away