



City of Marlborough
Legal Department

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April 28, 2015

Mayor Arthur G. Vigeant
City Hall, 4th Floor
Marlborough, MA 01752

RE: City Council's Receipt of Mayor's Annual Budget

Dear Mayor Vigeant:

You have inquired as to how Massachusetts law determines the date of a city council's receipt of a mayor's annual budget.

In pertinent part, Mass. Gen. Laws c. 44, § 32 provides that a city council must take action, whether by approval, reduction or rejection, with respect to any amount recommended in a mayor's annual budget "within forty-five days after the receipt of the budget." Section 32 does not itself define how "the receipt of the budget" is determined, nor has there been occasion for a court to supply that definition. However, a proper reading of § 32 is that a city council receives the annual budget on the date when the mayor submits it to the city clerk on behalf of the city council.

Therefore, if you submit your annual budget to the Marlborough City Clerk, in her capacity as Clerk of the Marlborough City Council, on Thursday, April 30, 2015, that date would be the date of receipt by the Council. In turn, the Council would be required by § 32 to take action within 45 days of April 30, 2015, i.e., on or before June 14, 2015. However, since that date will be a Sunday, Mass. Gen. Laws c. 4, § 9 dictates that the Council's 45-day deadline would be "on the next succeeding business day," i.e., Monday, June 15, 2015.

Thank you for your attention to this matter.

Very truly yours,

Donald V. Rider, Jr.
City Solicitor