

the provisions of this section shall be punished by imprisonment for not more than one year, or by a fine of not more than one thousand dollars, or both. [Acts of 1909, c. 486, s. 16, amended by Acts of 1982, c. 190, s. 17]

SECTION 42A. *Contracting without an Appropriation.* Anything in section [forty-nine] or section [forty-two] to the contrary notwithstanding, city and county officers who are authorized to make expenditures, and the school committee, may, during any fiscal year, at the time of, or after, contracting for the performance or delivery during the remainder of such year of any work, services or supplies of a constantly recurrent nature, contract, without an appropriation, upon like or more favorable terms and conditions, for the performance or delivery of such work, services or supplies for the whole or any part of the first three months of the next fiscal year; provided, that in no event shall the average monthly liability incurred with respect to the next fiscal year exceed the average monthly liability for such work, services or supplies during the last nine months of the then current fiscal year. [Acts of 1948, c. 452, s. 16A, amended by Acts of 1951, c. 182]

## THE FINANCE COMMISSION

SECTION 43. *Appointment of a Finance Commission.* Within sixty days after the passage of this act the governor with the advice and consent of the [governor's] council shall appoint a finance commission to consist of five persons, inhabitants of and qualified voters in the city of Boston, who shall have been such for at least three years prior to the date of their appointment, one for the term of five years, one for four years, one for three years, one for two years, and one for one year, and thereafter as the terms of office expire in each year one member for a term of five years. Vacancies in the commission shall be filled for the unexpired term by the governor with the advice and consent of the council. The members of said commission may be removed by the governor with the advice and consent of the council for such cause as he shall deem sufficient. The chairman shall be designated by the governor. His annual salary ... shall be paid in monthly installments by the city of Boston. The other members shall serve without pay. [Acts of 1909, c. 486, s. 17; *but see* Acts of 1964, c. 740, s. 3<sup>4</sup>]

SECTION 44. *Duty to Investigate.* It shall be the duty of the finance commission from time to time to investigate any and all matters relating to appropriations, loans, expenditures, accounts, and methods of administration affecting the city of Boston or the county of Suffolk, or any department thereof, that may appear to the commission to require investigation, and to report thereon from time to time to the mayor, the city council, the governor, or the general court. The commission shall make an annual report in January of each year to the general court. [Acts of 1909, c. 486, s. 18]

SECTION 45. *Investigation of Pay Rolls, Bills, etc.* Whenever any pay roll, bill, or other claim against the city is presented to the mayor, city auditor, or the city treasurer, he shall, if the same seems to him to be of doubtful validity, excessive in amount, or otherwise contrary to the city's interest, refer it to

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<sup>4</sup> "Subject to section two of this act and except as required by the constitution of the commonwealth, so much of each provision of the General Laws and of any special law as requires the advice and consent of the council to any appointment in the executive department, or to the fixing of any salary, or other compensation for services rendered, in the executive department, or to the removal of any person holding office in the executive department, including without limitation, any person appointed prior to the effective date of this act, is hereby repealed." [Acts of 1964, c. 740, s. 3]

the finance commission, which shall immediately investigate the facts and report thereon; and pending said report payment shall be withheld. [Acts of 1909, c. 486, s. 19]

SECTION 46. *Employment of Experts.* The said commission is authorized to employ such experts, counsel, and other assistants, and to incur such other expenses as it may deem necessary, and the same shall be paid by said city upon requisition by the commission, not exceeding in the aggregate in any year the sum of twenty-five thousand dollars, or such additional sums as may be appropriated for the purpose by the city council, and approved by the mayor. A sum sufficient to cover the salary of the chairman of the commission and the further sum of at least twenty-five thousand dollars to meet the expenses as aforesaid shall be appropriated each year by said city. The commission shall have the same right to incur expenses in anticipation of its appropriation as if it were a regular department of said city. [Acts of 1909, c. 486, s. 20]

SECTION 47. *Powers of the Finance Commission.* For the purpose of enabling the said commission to perform the duties and carry out the objects herein contemplated, and to enable the mayor, the city council, the governor or the general court to receive the reports and findings of said commission as a basis for such laws, ordinances, or administrative orders as may be deemed met, the commission shall have all the powers and duties enumerated in chapter five hundred and sixty-two of the acts of the year nineteen hundred and eight<sup>5</sup> and therein conferred upon the commission designated in said act; but counsel for any witness at any public hearing may ask him any pertinent question and may offer pertinent evidence through other witnesses subject to cross-examination by the commission and its counsel. [Acts of 1909, c. 486, s. 21]

## PUBLIC SPENDING

SECTION 48. *Creation and Approval of the Municipal Budget.* All appropriations, excepting those for school purposes, to be met from taxes, revenue, or any source other than loans, shall originate with the mayor. The mayor, not later than the second Wednesday in April of each year, shall submit to the city council the annual budget of the current expenses of the city and county for the forthcoming fiscal year, and may submit thereafter such supplementary appropriation orders as he may deem necessary. The city council may reduce or reject any item but, except upon the recommendation of the mayor, shall not increase any item in, nor the total of, a budget, nor add any item thereto, nor shall it originate a budget. The city council shall take definite action on any supplementary appropriation order and any order for a transfer of appropriations by adopting, reducing or rejecting it within sixty days after it is filed with the city clerk; and in the event of their failure to do so, such supplementary appropriation order or transfer as submitted by the mayor shall be in effect as if formally adopted by the city council

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<sup>5</sup> St. 1908, c. 562, s. 1: "... to examine into all matters pertaining to the finances of the said city, including appropriations, debt, loans, taxation, expenditures, bookkeeping, administration and other matters ... is hereby given authority to prosecute the said investigation, to inquire into the management of the business of said city, and to inform itself as to the manner and methods in which the same is or has been conducted." St. 1908, c. 562, s. 2: "... the commission shall have the power to require the attendance and testimony of witnesses and the production of all books, papers, contracts and documents relating to any matter within the scope of the said investigations, or which may be material in the performance of [its] duties ... the chairman may administer oaths." St. 1908, c. 562, s. 3: "... [apply to] a justice of the supreme judicial court or of the superior court [to] issue an order requiring such person to appear. Any failure to obey such order of the court may be punished by such court as a contempt thereof." St. 1908, c. 562, s. 4: for refusal, the commission may impose a fine not exceeding fifty dollars or by imprisonment for not more than thirty days or both.