



REQUESTING DEPARTMENT HEAD/BUDGET MANAGER:
FILE IN QUADRUPPLICATE AT TOWN MANAGER/BOARD OF SELECTMEN'S OFFICE

DATE RECEIVED
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Request for Reserve Fund Transfer

To the Finance Committee:

REQUEST BY DEPARTMENT HEAD/BUDGET MANAGER:

I. Request is hereby made for the following transfer from the Reserve Fund, in accordance with MGL C. 40, §6:

Amount Requested	To be transferred to Budget Number/Title	Appropriation	Balance
\$35,000.00	010-151-02	\$167,000.00	\$0

II. The amount requested will be applied to the following line items, for the purposes described below:

Legal expenses for the Town of Provincetown, including legal expenses for proceedings which may arise relative to implementation of the *Goodridge* decision on same-sex marriages and the Board of Selectmen's policy relative thereto. The Board of Selectmen announced on May 17, 2004 that it has approved the appointment of Attorney Gretchen Van Ness as special town counsel to represent the Town and its agents relative to these matters.

III. This expenditure is extraordinary and/or unforeseen for the following reason(s):

The Board of Selectmen voted on May 10, 2004 to affirm its policy of issuing marriage licenses to all same-sex couples, whether residents of the Commonwealth or not, or whether they intend to reside in the Commonwealth or not — a policy which respectfully disagreed with the Governor's interpretation of MGL C.207 (the so-called "1913" statute). The Supreme Judicial Court's *Goodridge* decision took effect on May 17, 2004. Of the 217 couples filing notices of intention of marriage in Provincetown that first week, 14 couples were out-of-state with no intention to reside in Massachusetts. On May 21, 2004, the Attorney General issued a cease and desist order to the Town/City Clerks of Provincetown, Somerville, Springfield, and Worcester, which had all announced policies of issuing licenses to such out-of-state couples. In response, the Board of Selectmen announced on May 26, 2004 that it was temporarily suspending its policy while it considered its response to the Attorney General's letter (see attached). Also, on May 25, 2004, a complaint was filed with the Supreme Judicial Court against the Provincetown Town Clerk, and the Somerville and Worcester City Clerks by former Ambassador to the Vatican Raymond Flynn and one Thomas Shields of Beverly Farms.

Signature of Department Head/Budget Manager

Date

5/26/04

TOWN MANAGER RECOMMENDS:

- Approval
- Approval of Different Amount (specify: \$15,000.)
- Disapproval

Signature of Town Manager

Date

5/26/04

TOWN MANAGER: DISTRIBUTE COPY TO EACH FINANCE COMMITTEE MEMBER

ACTION OF FINANCE COMMITTEE:

Date of Meeting: 5/27/2004 Number present and voting: 7

Transfer Sum Voted: 15,000. Transfer Disapproved:

Finance Committee Members Voting In the Affirmative:

Chairman, Finance Committee

FINANCE COMMITTEE: RETAIN COPY

DISTRIBUTE SIGNED COPIES TO TOWN MANAGER, TOWN ACCOUNTANT, REQUESTING DEPARTMENT