
MUNICIPAL FINANCE - MASSACHUSETTS

Register of Deeds for Norfolk County v. County Director for Norfolk County

Supreme Judicial Court of Massachusetts, Norfolk - February 14, 2025 - N.E.3d - 2025 WL 492144

County register of deeds brought action against county commissioners for declaratory, mandamus, and injunctive relief arising from county director's refusal to make a series of transfers of funds within budget of county registry of deeds in order to fund ongoing litigation regarding county personnel matters.

The Superior Court Department granted summary judgment to register. Commissioners appealed.

After transfer of case on its own initiative, the Supreme Judicial Court held that statute governing transfers of appropriated funds as part of annual budget process for counties, granting certain officials the discretion to transfer funds within a main group of funds whenever in that official's "opinion" public necessity and convenience so requires, does not require the official to provide justification for his opinion.

Trial court order providing that "to the extent that the [particular fiscal year] transfers remain outstanding, the defendants are [ordered] to implement them" did not require that outstanding amounts be transferred from the budget for that fiscal year but rather that any payments that should have been transferred in that fiscal year, but were not, should be specifically authorized by the defendants, after county register of deeds prevailed on his action for declaratory, mandamus, and injunctive relief against county commissioners arising from county director's refusal to make a series of transfers of funds within budget of county registry of deeds in order to fund ongoing litigation regarding county personnel matters, after register of deeds determined that such transfers were appropriate under statute granting register discretion to transfer funds within a main group of funds whenever in register's opinion public necessity and convenience so required.

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