

## TOWN MEETING FACT SHEET

The purpose of this Fact Sheet is to provide the public and the Town officials with procedural guidelines on the operation of Concord's Town Meetings. We hope that the Fact Sheet will further assist in making our Town Meetings understandable, efficient and productive.

The Fact Sheet outlines the legal and the procedural requirements which govern Concord Town Meetings.

### LEGAL REQUIREMENTS

#### 1. HOW CALLED

**Annual** - By a Warrant under the hands of the Selectmen (M.G.L. Chapter 39, Section 10). The Warrant must be posted at the Concord Town House and in at least one public location in each precinct in Concord at least seven days before the day appointed for an Annual Town Meeting.

**Special** - By a Warrant under the hands of the Selectmen (M.G.L. Chapter 39, Section 10). The Selectmen must call a Special Town Meeting upon request in writing of two hundred registered voters' signatures, such meeting to be held not later than 45 days after the receipt of such request (M.G.L. Chapter 39, Section 10).

Warrant for a Special Town Meeting is to be sent by mail or otherwise to every legal voter at least fourteen days before the Meeting.

#### 2. WHEN HELD

**Annual** - February, March, April or May (M.G.L. Chapter 39, Section 9).

**Special** - At such times as the Selectmen may order (M.G.L. Chapter 39, Section 9).

#### 3. WHERE HELD

**Annual or Special** - In one or more places, provided that if the Meeting is held in more than one place, the places are connected by means of a public address system and loud speakers (M.G.L. Chapter 39, Section 10).

#### 4. ADJOURNMENT

**Annual or Special** - A Meeting may be adjourned from time to time and to any place within the Town (M.G.L. Chapter 39, Section 9).

## 5. WARRANT

**Annual** - The Warrant states the time and place of holding the meeting and the Articles to be acted upon. The Selectmen shall insert in the Warrant for the Annual Town Meeting all Petition Articles requested of them in writing by ten or more registered voters of the Town.

**Special** - The Selectmen shall insert in the Warrant for a Special Town Meeting all Petition Articles requested of them in writing by one hundred registered voters.

## 6. PUBLIC HEARINGS

The Finance Committee is required to hold one or more public hearings on articles under which an appropriation or expenditure of money or the disposition of any property of the Town may be made. The recommendations of the Finance Committee concerning articles for the Annual Town Meeting shall be printed and distributed to the voters of the Town not less than ten days prior to Town Meeting.

Amendments to the Zoning Bylaw cannot be validly adopted unless the Planning Board holds a public hearing on the proposed amendments and makes a final report with recommendations on the proposed amendments to the Town Meeting. Notices of the Planning Board public hearing and the subject matter must be published once in each of two successive weeks, the first publication being not less than 14 days before the day of the hearing (M.G.L. Chapter 40A, Section 6).

## 7. QUORUM

**Annual or Special** - Concord does not have a quorum requirement.

## 8. CONDUCT OF MEETINGS

**Annual and Special** - The Moderator shall preside and regulate the proceedings, decide all questions of order, and make public declaration of all votes; and may administer in open meeting the oath of office to any Town officer chosen thereat. If a vote so declared is immediately questioned by seven or more voters, he/she shall verify it by polling the voters or by dividing the Meeting. If a two-thirds, four-fifths or nine-tenths vote of a Town Meeting is required by statute, the count shall be taken, and the vote shall be recorded by the clerk; but if the vote is unanimous, a count need not be taken, and the clerk shall record the vote as unanimous (M.G.L. Chapter 39, Section 15).

No person shall address a Town Meeting without leave of the Moderator, and all persons shall, at the request of the Moderator, be silent. The Moderator may order a person to withdraw from the meeting and if the person fails to, the Moderator may order a constable or other person to remove him. (M.G.L. Chapter 39, Section 17)

## 9. RECONSIDERATION OF A VOTE AT THE SAME TOWN MEETING

**Annual and Special** - Concord allows a motion for reconsideration, but only under specific conditions spelled out in the following Bylaw:

## **TOWN MEETING BYLAW**

### **Reconsideration of a Vote at the Same Town Meeting**

"A vote at a Town Meeting which is properly subject to reconsideration or rescission later at the same Town Meeting may be reconsidered or rescinded thereat only on motion of any voter made:

(a) At the same session as the vote to be reconsidered or rescinded, at any time before final action has been taken on the Article in the Warrant under which the vote to be reconsidered or rescinded was adopted, and on all other Articles which by vote of the Meeting were considered together with said Article, or within 20 minutes thereafter; or

(b) At an adjourned session, providing that notice that reconsideration or rescission will be moved thereat is given to the Moderator prior to the adjournment of the session at which the vote is taken; or

(c) At any time before final dissolution of the Meeting, with the consent of the Board of Selectmen or the Finance Committee."

A motion to reconsider requires a second, may not interrupt a speaker, is debatable to the same extent as the motion being reconsidered, and requires a majority vote irrespective of the size of vote required for passage of the motion to be considered. For a more extensive discussion, see Town Meeting Time, pages 77-82.

## **PROCEDURAL REQUIREMENTS**

Through tradition and methods used by the various Moderators and Boards of Selectmen over the years, a set of operating procedures has evolved to handle efficiently the Town Meetings and activities leading up to the Town Meeting. The information below formalizes these procedures and makes them available for use by the Town boards and committees and the general public. To the extent possible and, hopefully, without violating the right of any voter as they pertain to the Town Meeting process, the following procedures will be followed as consistently as possible.

### **1. TOWN MEETING SCHEDULE**

Before each Town Meeting, whether it be the Annual or a Special, the Selectmen's Office will issue a Schedule which will outline the various activities leading up to the Town Meeting and the date or deadline for each. This timetable will be used as a guide for the public and the Town officials.

### **2. WARRANT ARTICLES**

The Town Meeting Schedule will specify the date of the closing of the Warrant which is the final date for the submission of Articles to the Board of Selectmen for the Warrant. Sufficient lead time will be allowed for the departments, boards, committees and the public to submit their articles to be included in the Warrant for Town Meeting.

There is a tight time schedule and much has to be done between the closing of the Warrant and its distribution to the voters. This means that the Articles coming in by

request from the boards and committees or on petitions by voters should be in final form when the Warrant is closed. Subsequently, Articles need final review by the Town Counsel, placing in logical sequence and final preparation for printing, addressing and mailing. Therefore, the need for early submissions and proper wording upon submission is important.

**Annual** – The Warrant for an Annual Town Meeting is opened by the Board of Selectmen and is open for approximately one month. Each Article requested by a citizen for inclusion in the Warrant for the Annual Town Meeting should be in the form of a petition, which requires the signature and residence address of at least ten registered voters of the Town.

**Special** – The Warrant for a Special Town Meeting is opened by the Board of Selectmen and is required to be open for at least 10 days for a Special Town Meeting except in case of an emergency or other compelling circumstances. A petition Article for a Special Town Meeting requires the signatures and residential addresses of at least one hundred registered voters.

**Content of Petition Warrant Articles** – A petition Article should be carefully considered to ensure that the action it proposes is legal and proper to be brought before the Town and, if so, that the language of the article is phrased properly to accomplish its intended purpose. It is suggested that a petition Article be discussed with the appropriate Town officials at least two weeks before the closing of the Warrant to resolve any questions on the part of the petitioners. Once the petition Article is formally submitted, it will be included in the Warrant without change except for minor format alterations.

**Sponsoring of Petition Article** – It is possible that a board or committee will agree to sponsor the inclusion of the Article which will preclude the necessity of getting the required signatures. The discussion will also serve to determine if the Article is a legal one and if so, that it is framed properly to serve its purpose. If a board or committee does not agree to insert the Article in the Warrant, this arrangement still leaves sufficient time to accumulate the necessary signatures to submit the article by petition.

### 3. WARRANT DISTRIBUTION

Copies of the Warrant for the Town Meeting will be submitted to the voters as soon as possible after the closing date. This is required in a bylaw for Special Town Meetings; it is usually done for the Annual Town Meeting also, although it is not legally required. The voters also receive a second copy of the Warrant for the Annual Meeting in the form of the Finance Committee Report. However, the Finance Committee Report is not published until after the public hearings so the Selectmen's Warrant provides the voters with the subject matter for informative discussion purposes at the public hearings.

### 4. PUBLIC HEARINGS

Official notices of all of the public hearings, their time, date and place and Articles to be covered, will be published in the local newspaper to give due notice to the voters and interested persons.

The board, committee or petitioner sponsoring an Article will be expected to make a presentation at the appropriate public hearing explaining the purpose of the Article. It is hoped that the public hearings will clarify questions about the Articles, allow for the proper

improvement or corrections of the motion to be made on an Article, and reduce the time needed at the Town Meeting to discuss the intent and purpose of the Articles.

**Finance Committee** – Public hearings will be held by the Finance Committee on all money Articles as required by the Town's Bylaw. The date, time and place of the hearing will be included in the Town Meeting Warrant. The Finance Committee may choose to hear other Articles also and will normally entertain discussion on all Articles which have a presumed effect on the financial operations of the Town, whether or not dollars are requested.

**Planning Board** – The Planning Board is required to hold a public hearing on all Articles with an impact on the Zoning Bylaw. The date, time and place of the hearing is also included in the Town Meeting Warrant. The Planning Board will also review at their public hearing other Articles which are related to planning in general or required by law. This would include subjects such as changes in the Historic District, the sale of Town-owned real estate, bylaws or amendments to bylaws dealing with the planning or aesthetics of the Town, such as the Sign Bylaw etc.

**Board of Selectmen** – Usually there are Articles which do not fall into either of the public hearing categories described above. Although not required by statute or bylaw, the Selectmen hold hearings on those Articles. Therefore, all Articles in the Warrant will ordinarily be publicly discussed at a public hearing prior to the convening of Town Meeting.

## 5. MOTIONS

In addition to the Article, describing the subject matter, it is necessary to prepare and submit a motion which the meeting can act on at Town Meeting. For more detailed information regarding motions please refer to the document "*Town Meeting Motions*" on the Town's website.

It is the responsibility of the person, board or committee sponsoring an Article to also submit the motion to be made under the article. The motion should be submitted to the Town Manager as soon as possible or at a date specified in the document "Town Meeting Motions" which is issued by the Town Manager's Office. Often, the Article will be in the proper language to accomplish its purpose, in which event the motion may be merely "to take affirmative action under Article X as printed in the Warrant". However, the motion may, and sometimes must differ from the language of the Article, but it may not exceed the scope of the Article and may not substantially change or alter the intent of the Article. It is the responsibility of the Moderator to decide whether a motion is within the scope of the Article and he has power to refuse to present to the Meeting a motion which he finds to be outside the scope of the Article.

Motions containing 100 words or more must be legibly reproduced by the sponsor and handouts made available for each voter at the Town Meeting. This requirement is intended to make the Town Meeting a more efficient legislative body and is not intended to cause a burden on any individual or group. Please refer to the document "*Guidelines for Handouts for Town Meeting*" for detailed information on the Town's website.

## 6. TOWN MEETING

The Town Moderator is the Town official elected to preside at all Town Meetings. At the beginning of each meeting, he will explain the procedures for the conduct of the Meeting. However, some practices have become traditional and can be expected to continue. They are summarized as follows:

Normally the Moderator does not read the Warrant and the return of service thereof, or the Articles set out in the Warrant.

Each person addressing the Meeting is required first to give his or her name and address.

Each person making a motion is requested to limit his or her presentation to 8 minutes or less, and others speaking to the motion are requested not to take more than 3 minutes.

The Moderator will not read a motion that is over 100 words. The motion must be provided in a handout. See document "Guidelines for Handouts for Town Meeting" for detailed information.

A motion to amend a main motion must be in writing.

A preliminary voice vote will be taken on a motion that requires more than a majority vote. This permits the voters to see how the Meeting is divided on the question. Then, when the regular voice vote is taken, voters who find themselves in a very small minority can remain silent and permit the voice vote to be unanimous. This saves the time of the Meeting when the negative votes have no chance of defeating the motion.

Any seven voters doubting a vote may ask for a division if a show of hands does not settle it.

In case of adjournment to a later date, the Meeting decides when and where the Meeting will reconvene. If it appears that the Meeting cannot complete action on all articles at a particular session, the Selectmen will usually move that no new business be taken up after 10:00 p.m. and will by motion suggest the date, time and place of an adjourned session. When it is obvious that more than one session will be needed, the Selectmen will usually suggest a schedule of adjourned sessions in advance. The Meeting itself votes on the date, time and place of each adjourned session.

Concord has not adopted any particular set of parliamentary rules for the conduct of the Town Meeting. Accordingly, the Moderator rules on questions of precedence and debatability of motions, and similar matters.

Students, residents not yet eligible to vote and non-residents interested in attending a Town Meeting may be admitted as guests by prior arrangement with the Moderator.