

# RULES OF PARLIMENTARY PROCEDURE



## TOWN OF ATHOL

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In summary, there is very little that goes on in Town Government that is not affected by the actions of the Open Town Meeting. It should rank in importance second only to your vote at the Annual Town Election where you choose the people who handle the responsibilities given them by Town Meeting vote.

Under the Charter, the Spring Town Meeting shall consider and adopt an annual operating and capital budget and act on financial and other matters. The Fall Town Meeting shall be held to consider and act upon matters of planning, zoning, subdivision control, building codes, and the adoption, amendment, or repeal of bylaws as well as to consider and act upon such other business, including matters involving an appropriation of Town funds.

### **CAST OF CHARACTERS:**

As you face the front of the hall at Town Meeting, you will see a dozen or more people seated across the front facing you. These are the people chosen (many elected) to help you decide how to spend your tax money. All are intimately familiar with the issues before you and have studied every article. From your left to right they are:

### **FINANCE AND WARRANT ADVISORY COMMITTEE**

The Moderator appoints a committee of seven members (for a term of 3 overlapping years) who are chosen for their interest in Town Government and who possess a certain level of financial expertise. It is the responsibility of the Finance and Warrant Advisory Committee to review all budget requests and to interview all department heads requiring them to justify each line item in their budget. The Finance and Warrant Advisory Committee then develops a financial report prior to Town Meeting that

either recommends or rejects the requests for various articles. This “Fincom Report” is your guidebook at a Town Meeting. You are not bound by their recommendation. You may move to amend, up or down (within reason) the dollar value requested. The Finance and Warrant Advisory Committee also has control of the Reserve Fund used for emergency expenditures (see glossary).

### **SELECTMEN:**

The Board of Selectmen (or Selectboard as is more politically correct) sits to the right (your left) of the Moderator on the stage. This five person elected board constitutes the highest level of responsibility in the Town and is charged with the “day-to-day” operation of the Town. All the articles on the Town Meeting warrant have been previously reviewed by the Selectboard and, except those brought by initiative petition, have been approved by the Board. They may or may not approve of the article as requested, but have voted to bring the issue to the decision process of Town Meeting. Various Selectpersons will make many of the motions and participate in much of the discussion during the evening.

### **MODERATOR**

This is the person behind the lectern in the center of the stage. It is the responsibility of the Moderator to “run” the meeting. He or she presents each article to the voters in turn and accepts a motion and second to bring it to the floor for discussion. The Moderator controls the discussion, and the Moderator must first recognize all who speak. Within very broad limits, the Moderator makes the rules by which the meeting is conducted. It is therefore critical that the Moderator be neutral and unbiased on all issues before the meeting. It is his or her responsibility to see

that all who wish to express an opinion or have a question on an article have the opportunity to speak, at the same time balancing this with limiting repetitive rhetoric and frivolous comment. It is also critical that he or she limit the discussion to that which deals directly with the article at hand and not the subject in general. The Moderator then calls for a vote on the article and relays the results of the vote to the Town Clerk. (See "Taking a vote".)

### **TOWN CLERK**

To the left of the Moderator (your right) is the Town Clerk. It is his or her responsibility to record the proceedings of the Town Meeting. This record becomes the only true and legal copy of events. The meeting will open with the Town Clerk reading a copy of the Warrant which states that the meeting has been properly posted by the Constables and everything is in order. From that point on his or her function is that of record keeper. The Town Clerk can also be very useful (with a discrete nudge) in keeping the Moderator from forgetting a critical point or losing his/her place.

### **TOWN COUNSEL**

Next to the Town Clerk sits Town Counsel. Town Counsel is a lawyer employed by the Selectboard to represent the town in all legal matters that may arise and, when approved by the Selectboard, to advise Town boards of their legal standing on various issues. His/her function at Town Meeting is to answer specific questions about the legality of a motion or amendment brought before the meeting. He/she will respond only when queried by the Moderator or Selectmen, and will not participate in the discussion of the merits of an issue, but only on its legality.

### **TOWN MANAGER**

Next to the Selectmen is the Town Manager. The Town Manager is the Chief Administrative Officer of the Town and is directly responsible to the Board of Selectmen. He/she shall submit a budget for the ensuing year and an accompanying message. The message shall outline the proposed financial policies of the Town for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues, together with the reasons for such changes, summarize the town's debt position, and include such other material as the Manager deems appropriate.

### **TOWN ACCOUNTANT**

The Town Accountant is at the end of the table next to the Town Counsel. He/she keeps a running account of money spent as the meeting progresses to insure that all is legal and that we have not exceeded our 2 ½ % tax cap.

### **CONDUCT OF MEETING**

After the Moderator has called the meeting to order and the Town Clerk has read the posting of the Warrant, the articles of the Warrant are considered in order.

Early in the meeting, usually article 6 or 7, comes the "OMNIBUS BUDGET" article. This article is for consideration of the budgets (less special articles) of all town departments. The normal procedure is to go through this article, one budget at a time, asking if anyone has a question on anything that deals with that department. If there is, the voter needs only to call out "HOLD!" Note will be made of the "hold" and when all budgets have been considered, the Moderator will re-visit the budgets that were

“held” asking what is the nature of the question. The voter is then free to ask questions on the budget item or to offer a new dollar value by way of an amendment. If the amendment is seconded, it is then voted on. More than one amendment can be considered, but the largest dollar value or shortest time will be voted first. If a budget is amended, then the new budget must be voted “as amended”. (see section on “Amending a Motion”)

After the Omnibus Budget article, the rest of the warrant will be considered in order. It is acceptable, however, to make a motion that an article be taken “out of sequence”. On occasion, there may be a consultant present or other extenuating circumstances that would make this desirable. The maker of the motion will be allowed to make his/her case for moving the article and a vote will be taken on the motion. A 4/5’s vote is required.

Any warrant article or motion, other than those initiated by a citizen petition, thereunder defeated at any session of the annual town meeting shall require a 2/3<sup>rd</sup>’s vote for adoption at a special town meeting called during the ensuing twelve months. This restriction shall apply when an article or motion presented at a special town meeting contains the same subject matter or would produce the same effect as one acted on at a previous meeting. A request for a different sum of money shall not be construed as changing the subject matter of such an article or motion.

## **DISCUSSION**

As each article is presented, any registered voter (and special guests with the permission of the Moderator) may rise to speak to the subject. All speakers must use a microphone and identify themselves the first

time they speak. The Moderator has the right to ignore someone who is not at a microphone. Care should be taken that all questions and comments deal directly with the article under consideration. All questions will be addressed through the Moderator, and one will speak only when recognized by the Moderator. All voters are encouraged to ask relevant questions to their satisfaction, and need not fear being ridiculed or heckled by the audience. There are no stupid questions.

## **AMENDING A MOTION**

If the article under consideration is not worded to the satisfaction of a voter, the voter may be recognized to offer an amendment. If the amendment is seconded, and submitted to the moderator in writing shortly thereafter, discussion and a vote will be held on the amendment as offered. If the amendment passes, discussion will return to the amended motion and finally to a vote. If it fails, other amendments may be considered, or discussion and a vote on the original motion will follow.

## **MOVING THE QUESTION**

Once in a while, when discussion seems to be repetitive or going nowhere, you will hear a call to “move the question”. If this is made from a seated voter, it will be ignored, but it is usually a clue to the Moderator that it is time to “wrap it up” on this article. If it is made by a voter at a microphone and then seconded, it cannot be ignored because it is a legal call to terminate debate. A motion to terminate debate requires a 2/3<sup>rd</sup>’s vote. The motion is not debatable and must be acted upon immediately. Most fair and just Moderators will not recognize a motion to “move the question” when there are voters waiting at the microphone to speak. In the same vein, the maker of the motion can

usually be persuaded to allow those already standing to say their piece if assured that the vote on the motion is forthcoming. Treating each other in a civil manner is paramount in Town Meeting procedure.

### **NO MOTION. NO ACTION TAKEN ON AN ARTICLE.**

Occasionally during every Town Meeting the Moderator's reading of an article will not be greeted with a motion. This is often an indication that the maker of the original request for the article no longer deems it necessary to make the request or the Finance and Warrant Advisory Committee is not recommending the article. Therefore, no motion and no action is taken on the article.

### **MOTION TO TABLE (to time certain)**

Although this is a legal motion, it is rarely heard due to the fact that it can only be used in town government to postpone action to a time certain (example: after consideration of article 26). It may not be used to "kill" an article as is often done in State Government. On rare occasions articles may be "linked", in that there is only so much money and passing of one article may depend on defeat of another. In this case, the voters may elect to table the vote on one article in order to determine the outcome of another.

### **POINT OF ORDER**

Once in a while a voter may say something that another voter considers to be "out of the scope" of the article in consideration. In this case, the voter may "Rise to a Point of Order". This requires immediate service by the Moderator and the voter is offered an opportunity to explain what it is that is bothering him. The Moderator must then respond by defending or explaining his/her action or decision. The voter is not allowed

to debate the point but is faced with the choice of accepting the Moderator's position or calling for a vote of the whole body to overturn the action. This is one of those times when Town Counsel can be of service.

### **MOTION TO RECONSIDER**

A motion to reconsider any action taken by town meeting shall be entertained at any time prior to the final dissolution of the meeting and when no other motion is before the meeting, and when such a motion has been decided by a 2/3<sup>rd</sup>'s vote, that decision shall not be reconsidered. No question shall be twice reconsidered, and debate on any motion to reconsider shall be limited to ten minutes.

No motion to reconsider the vote on any of the following questions shall be in order:

- To adjourn
- To lay on the table
- To take from the table
- For the previous question

### **MOTION FOR THE PREVIOUS QUESTION**

A motion to put the previous question may be entertained at any time during the debate on any article in the warrant and shall be a debatable motion for a period of five minutes. If decided in the affirmative by a two-thirds vote of members present and voting, debate on the original motion and on all subsidiary and incidental motions pertaining thereto shall be terminated, provided, however, that the proponents and opponents of the original motion shall be allowed five minutes in which to speak, at expiration of which time the original motion and the subsidiary and incidental motions pertaining thereto shall be put in regular order.

## TAKING A VOTE ON AN ARTICLE

In an Open Town Meeting there are three ways to take a vote on an article before the body.

### SHOW OF HANDS

After discussion has been terminated, the Moderator shall repeat the article to be voted upon and then ask “that all who are in favor indicate by raising your hand” and then “all those who are opposed indicate by raising your hand”. It then becomes a judgment call on the part of the Moderator as to which side prevailed. If, in the opinion of the Moderator, it was “too close to call” he may ask his counters for a counted standing vote.

A voter who disagrees with the decision of the Moderator may also ask for a counted vote. He/she need only to stand and say, “I question the vote”. The Moderator will then ask if there are 7 other voters who will stand in support of the question. If 7 or more voters stand in support, then the Moderator will call the counters forward and a standing counted vote will be taken.

### COUNTED VOTE:

At every Town Meeting, there are people selected from the group at large by the Moderator to act as “counters”. In the event that the hand vote on an article is “too close to call” or the request for a counted vote by a voter prevails, the counters are called forward and assigned areas of the hall to record the vote. Certain votes such as bonded debt, paying of old bills, purchasing land, and amending zoning bylaws always require a counted vote.

### BALLOT VOTE:

On rare occasions, the necessity of a ballot or secret vote is requested. This may be determined by the Moderator, Selectboard, or may be called for from the floor by a

voter who is again supported by seven other voters. This requires all voters to come forward as directed by the counters and in turn cast a YES or NO paper ballot vote for the issue at hand. The counters then tally the results and report it to the Moderator. This is a time consuming process; however, to avoid the intimidation of a public vote, many voters seem to prefer it.

## OTHER POINTS OF CONSIDERATION:

Citizen may submit an article for consideration at Town Meeting by drafting an article and collecting 10 valid signatures for the Annual Town Meeting or 100 valid signatures for a Special Town Meeting of registered voters, on a petition form available from the Town Clerk. This must be done before the Selectboard closes the warrant for any given Town Meeting.

Town Meetings are **NOT** guided by Robert’s Rules of Order. The book of rules for Athol is “Town Meeting Time, a handbook of Parliamentary Law” published by the Massachusetts Moderators Association and available at the Public Library.

The operative word for Town meeting is **OPEN. It is the desire of all Town Officials that as many voters attend Town Meeting as possible.** Every effort will be made to allow your opinions to be heard and your questions to be answered. Rude and intimidating questions and comments will not be permitted, and personal attacks are a cause to be ejected. All Town Meetings are posted and announced in the paper 30 to 60 days in advance of the meeting. Also, the town meeting warrant is mailed to each household where a voter resides at least 14 days prior to the date of any town meeting. One would hope that each of you would

wish to have an input and vote on how this money is spent.

## **GLOSSARY OF TOWN MEETING TERMS**

The following is a glossary of terms that are used in connection with Town Meeting. Any time someone uses a term at Town Meeting that you do not understand you may rise to a “point of information” and ask for an explanation or definition.

**Abatement** – Cancellation either of a part or the whole of a charge made in the form of taxes.

**Assessed Valuation** – A valuation set upon real estate or other property by government assessors as a basis for levying taxes.

**Audit** – An examination of accounting and other records in order to provide a basis for third-party evaluation or appraisal. The Single Audit Act of 1984 mandates all towns to have an annual audit, if receiving more than \$100,000 of federal grant money.

**Balance Sheet** – A statement showing financial position at a specified date, ordinarily prepared from books kept by double entry. If a single balance sheet is prepared for several funds, it must be in columnar or sectional form so as to exhibit the accounts of each fund individually.

**Bond** – A written promise to pay a specified sum of money, called the par value, at a fixed time in the future, called the date of maturity, and carrying interest at a fixed rate, payable periodically. NOTE, the difference between a note and a bond is that the latter usually runs for a longer period of time and requires greater legal formality.

**Budget** – It is an estimate of proposed expenditures for a given period, and includes the purpose and the means of financing them.

**Capital Expenditures** – Expenditures which result in the acquisition of or additions to fixed assets.

**Cherry Sheet** – An annual estimate received by the assessors from the Dept. of Revenue detailing receipts for the next fiscal year from various state aid accounts and the Local Aid Fund (Lottery) and estimated charges payable by the Town.

**Debt Limit** – The maximum amount of debt which a governmental unit may legally have outstanding.

**Education Reform** – There are two components: (1) compliance for educational improvement, and (2) funding under State mandate (MGL Ch. 71 Sec 34)

**Estimated Receipts** – The amount of revenue estimated to accrue or to be received during a given period.

**Excess Levy Capacity** – When a levy is set below the levy limit the resulting difference is called the excess capacity.

**Fiscal Period** – Any period at the end of which a municipality closes its books in order to determine its financial condition and the results of its operations. A fiscal year is 12 months, but not necessarily a calendar year.

**Fixed Costs (Education)** – Those costs paid from the general government budget on behalf of the school department as designated under Commonwealth of Massachusetts Regulation 603 (10).

**Foundation Budget** – At the end of a seven year transition period, every school district in the Commonwealth must spend at least this “amount” (determined by the Dept. of Education) for support of education.

**Free Cash** – In towns, the balance of Surplus Revenue in the General Fund and at the close of the fiscal or calendar year, less outstanding personal property and real estate taxes.

**Judgments** – Amounts due to be paid or collected by a governmental unit as the result of court decisions, including condemnation awards in payment for private property taken for public use.

**Levy** – The revenue a community can raise through real estate and personal property taxes.

**Levy Ceiling** – 2.5% of the total full and fair cash value of all taxable real and personal property in the community.

**Levy Limit** – The maximum amount a community can raise in a given year.

**Local Required Contribution** – The amount the Town must contribute from its levy, by law, in support of schools. This sum, together with State Aid (Ch. 70) less fixed costs, is the school operating budget, but not the total spent for education.

**Net School Spending** – The total amount of money spent for support of public education in a school district less or exclusive of long term debt, capital improvements, school lunches and transportation.

**New Growth** – An increase in the levy limit brought about as a result of new construction or land splits not as a result of revaluation.

**Overlay** – An account established by legislative authority to provide for abatements of personal property and real estate taxes granted on account of property assessed in the year in which the overlay is a part. This account is raised, levied and assessed in the taxes of the current year.

**Overlay Reserve Fund** – Any balance in the overlay account in excess of the amount of the warrant remaining uncollected shall be transferred to an Overlay Reserve Fund. At the end of each fiscal year, the balance is transferred to the undesignated fund balance account.

**Overrides** – *General* – A community can permanently increase its levy limit by successfully voting a general override.

*Exclusion* – A community can temporarily increase its levy limit to pay for capital outlay or debt.

**Receipts** – What is actually received. It indicates cash (from all sources) unless otherwise described.

**Receipts Reserved for Appropriation** – Receipts are set aside for designated purposes.

**Revolving Fund** – Receipts are set aside for special purposes authorized by Massachusetts Law and for which can be expended without further appropriation.

**Schedule 19** – A section of the School Department, End of Year Pupil and Financial Report that, in addition to other budget items, identifies fixed costs paid by the general government.

**Stabilization Fund** – A special account established to provide savings for purchases of capital and other items.

**Standard of Effort** – The community's effort to pay for education, by taxes, in relation to property wealth. If a community cannot pay enough to meet the foundation amount established by the Dept. of Education, the State will provide the rest.

**Tax Anticipation Notes** – Notes issued to cover a cash shortfall tax collections.

**Tax Liens** – Claims which governmental units have upon properties until taxes levied against them have been paid.

**Tax Roll** – The list showing the amount of taxes levied against each taxpayer or property.

**Taxes** – Compulsory charges levied by a governmental unit against the income or wealth of persons, natural or corporate, for the common benefit of all the residents of the governmental unit.

**Taxes Receivable** – An asset account representing the uncollected portion of taxes which a governmental unit has levied.

**Temporary Loans** – Short-term obligations representing amounts borrowed for short periods of time. They may be unsecured, or they may be secured by specific revenues to be collected or otherwise.

**Warrant** – An order upon the treasurer for the payment of money; or a warning to a community's inhabitants for Town Meeting purposes.