

INFORMATION FOR PETITIONERS REGARDING CONCORD'S TOWN MEETING

This information is intended to provide Concord citizens with information on how to prepare and submit an Article by petition for consideration at Concord's Annual and Special Town Meetings. Additional information and assistance is available through the Town Manager's Office, the Town Clerk's Office, or the Town Moderator.

1. What is Town Meeting?

Town Meeting is the legislative body of Concord. The Meeting has the authority to appropriate money to operate the Town and its schools and to pass local bylaws governing matters on which the Town has authority to act under State law. The Meeting also has the power to act on items such as purchase or sale of land or buildings and authorization to join cooperative inter-governmental ventures. In addition, Town Meeting provides a means of expressing the opinion of the Town on public policy questions through the adoption of resolutions. Concord has an Open Town Meeting and all registered voters have a right to attend, to be recognized to speak, and to vote. The Moderator, who is elected for a one-year term, chairs the meeting and decides all procedural questions.

2. When and Where is Town Meeting Held?

In accordance with State law, each year the Annual Town Meeting is called by the Select Board to be held during the months of February through May. The dates for the Annual Town Meeting and the necessary Public Hearings are normally set in July of the preceding year and are posted on the Town web site. The Select Board sets the date and location of the Meeting which traditionally is held in April at the Concord-Carlisle Regional High School.

3. How and When is a Special Town Meeting Called?

The Select Board may also call Special Town Meetings during the year if needed.

A group of citizens may require the Select Board to call a Special Town Meeting during the year by submitting a request in writing to the Select Board signed by two hundred registered voters.

4. What is the Warrant for Town Meeting?

The Warrant serves as the agenda for Town Meeting. The Warrant states the time and place of the Meeting and the Articles to be acted upon. Each specific topic proposed for action by Town Meeting must be contained in a separate Warrant Article and all Articles must be submitted with a title. Summary explanation boxes are included after each Article for the convenience of voters, but do not constitute part of the Warrant Article. Town Meeting can act only on Articles included in the Warrant for the Meeting.

Notice of Town Meeting is given by posting an attested copy of the Warrant calling the Meeting at the Concord Town House and by electronically posting the Warrant on the Town's website, at least seven days before the day appointed for an Annual Town Meeting, and at least fourteen days before the day appointed for any Special Town Meeting. A copy of the Warrant for any Town Meeting is also sent by mail to every household in Concord and, upon request, to places of religious assembly in Concord, at least seven days before an Annual Town Meeting, and at least fourteen days before a Special Town Meeting.

5. **How are Petition Articles Placed on the Warrant for Annual Town Meeting?**

The Select Board is required by State law to include in the Warrant for the Annual Town Meeting all petition Articles submitted to Select Board by petitioners in writing and including the name, address and signatures of ten or more registered voters. A form for submission of a petition Article may be found under the “Town Meeting” tab of the town’s website: www.concordma.gov.

The Select Board must place a petition Article on the Warrant exactly as submitted by the petitioners. In order to allow an opportunity for citizens to submit petition Articles, the Select Board announces a date on which the Warrant will be open for submission of Articles and establishes a deadline by which Articles must be submitted. For an Annual Town Meeting, the Warrant is open for a minimum of 10 days and generally longer.

How are Petition Articles Placed on the Warrant for Special Town Meeting?

The Select Board is required by State law to insert in the Warrant for Special Town Meeting all petition Articles submitted to the Select Board by petitioners in writing and including the name, address and signatures of 100 or more registered voters.

The Warrant for a Special Town Meeting must be open for at least 10 days, except in case of an emergency or other compelling circumstances, in which case the Select Board shall state in writing that a situation exists which makes it undesirable to hold the Warrant open for the entire 10 day period. Public notice of the closing date of the Warrant is given promptly to the citizens of the Town.

6. **How Should Petition Articles be Written?**

All Warrant Articles submitted by petitioners must be carefully written so as to give fair notice to voters of what action the Meeting will be asked to take and, of course, must conform to State law. If the subject of a Warrant Article is complex, petitioners may wish to hire a lawyer to assist them. If an improperly written petition Article is submitted at the deadline, no changes in the Article may be made thereafter, and the petitioner may be unable to make a motion under the Article at Town Meeting. Thus, it is extremely important that Articles be very carefully written.

A petition Article should be carefully considered to ensure that the action it proposes is legal and proper to be brought before Town Meeting and that the language of the Article is written to accomplish its intended purpose. The best practice is for a petitioner to discuss a proposed petition Article with appropriate Town officials at least two weeks before the Warrant is scheduled to close so that there will be adequate time to resolve any problems with the Article. Once the petition Article is formally submitted, it will be printed in the Warrant as submitted and cannot be changed except for minor format alterations or correction of spelling errors.

The Moderator, Town Clerk, and other Town staff are available to discuss and, if necessary, to assist petitioners in the drafting of Warrant Articles. Petitioners are advised to make contact early; for Annual Town Meeting, petitioners ideally should begin vetting petition Articles between the beginning of September and the end of November.

7. **What and When are Pre-Town Meeting Public Hearings?**

The Finance Committee is required to hold a Public Hearing on all Articles with a

financial impact and to issue a formal report with recommendations on all such Articles to Town Meeting.

The Planning Board is required to hold a Public Hearing on all Articles with an impact on the Zoning Bylaw and to issue a formal report with recommendations on all such Articles to Town Meeting.

The Select Board holds a Public Hearing for all general Articles. The Select Board's recommendations on all of the Articles in the Warrant are included in the Finance Committee Report.

The Public Hearings for Annual Town Meeting are normally held in February and March. For Special Town Meetings, the hearing dates vary.

The lead petitioner for a petition Article will receive correspondence from the Town Manager's Office giving notice of the Public Hearing at which the petition Article will be heard. The lead petitioner should plan to attend the hearing, to make a presentation on the petition Article, and to be prepared to answer questions about the Article. The Public Hearing provides petitioners with an excellent opportunity to refine and improve their presentations and to fine-tune their motions. If petitioners have questions regarding conduct of a hearing, they should contact the chairperson of the Board or Committee holding the Public Hearing or the Town Manager's Office.

8. How are Warrant Articles Moved at Town Meeting?

The Warrant is only the agenda for the Meeting; it provides notice to voters of what matters the Meeting will be asked to act upon. Action can be taken under a particular Article only upon a motion made to do so. Typically, the lead petitioner makes the motion on a petition Article, which may be simple or elaborate, as required. However, a motion may be made under any Article by any registered Concord voter. In all cases, a motion may only ask the Meeting to take action which is within the scope of the original Article. Under the rules governing Town Meeting, the Moderator determines whether a motion is within the scope of the Article under which it is made. The key question in determinations on scope is whether the Article as printed in the Warrant gives appropriate notice of the action proposed to be taken by motion under the Article. The Moderator is available to assist in the drafting of motions and to advise whether a proposed motion would be within the scope of the Article.

9. May Motions be Changed by Amendment?

If a voter wishes to change a motion in some fashion, the voter may move to amend the motion. An amended motion still must remain within the scope of the original Article. All motions to amend must be in writing, stating exactly what changes are proposed to be made in the pending motion, ideally by means of a "red-lined" edit of the original motion. This allows the Moderator to understand clearly the voter's intent before ruling whether the motion to amend is within scope or putting it to a vote. For additional information on motions to amend, see "*Town Meeting Traditions and Procedures*," found on the Town's website: www.concordma.gov

10. How is Town Meeting Conducted?

The Moderator presides over Town Meeting. The Moderator will call each Article in the order in which it appears in the Warrant, unless she has given notice that one or more Articles of high interest has been pre-scheduled for a specific time, or

Town Meeting votes to take an Article out of order. When a petition Article is called, the petitioner comes forward to be recognized by the Moderator and to be given an opportunity to make a motion and presentation on the Article. A second is required for the motion and deliberation by the Meeting then follows. Motions to amend may be made, seconded, debated, and voted upon. A vote will be taken upon the final version of the motion under the petition Article.

Draft motions must be submitted to the Town Manager's Office in March. This timing allows Town Counsel and the Moderator opportunity to review draft motions, to identify any potential problems, and to consult with petitioners if appropriate. Any proposed motions to amend should be submitted to the Moderator as soon they are under consideration.

Motions that are 100 words or longer must be supplied to the voters by the petitioner in a handout at Town Meeting.

At the beginning of each Meeting, the Moderator will review the general guidelines for conduct of the Meeting. State law, Town bylaws, and Concord traditions govern the conduct of the Meeting. Many of the parliamentary rules applied in Concord's Town Meeting are set forth in *Town Meeting Time*, a book published by the Massachusetts Moderators Association. *Town Meeting Time* is available for review at the Concord Free Public Library, and available for purchase through the Massachusetts Moderators Association.

This is a brief summary of what a Town Meeting is, how subjects are brought before the Meeting, and how the Meeting is conducted. The summary is intended to provide initial information for individuals interested in submitting petition warrant Articles. Additional detailed information can be provided by the Town Moderator, Town Clerk, Town Manager, or members of the Select Board. Please feel free to contact any of them for assistance or information.