

TOWN OF BECKET

Minutes Town Meeting ByLaw Review Committee 1/6/14

(APPROVED 2/3/14)

Members Present: Bruce Garlow (Chair), Ann Krawet, Jeanne Pryor

The meeting began at 1:17 p.m. It was moved and seconded to approve the minutes of 12/2/13 and the motion passed unanimously.

The proposed amended town meeting bylaw has been updated for typos and Bruce sent the corrected version to Nina for the website. He also submitted the public hearing legal notice for the January 15 hearing for inclusion in the Country Journal and Berkshire Eagle and read the notice to Committee members.

The Committee discussed bringing the draft Handbook to the Board of Selectmen when it is completed.

Bruce updated the parliamentary guide (TM Handbook) and proposed new changes were reviewed and made as follows:

Operating Budget or “Line Items”

For each Annual Town Meeting there is a lengthy **warrant** article reserved for the operating expenses of each Town department and office and that is known as the “Line Items.” Unlike other articles that may have different sources of funding, the Line Items are always funded through a “raise and appropriation” which places that expense on the tax rate for the upcoming fiscal year. The Line Items are laid out in columns, with the name of the department or office, the current fiscal year appropriation, the appropriation request for the upcoming fiscal year, the recommendations of the Finance Committee and Selectmen, and the percentage increase or decrease over the current fiscal year for that item.

There are usually more than 90 items and they are grouped together under separate headings, such as general government, highways, cemeteries and education. These groupings are for convenience and organizational purposes only, as each line item signifies a separate appropriation request that must be approved by the voters. Because many of the items are routine and usually approved without discussion, the Moderator traditionally does not read each and every item. Rather, he or she will ask the voters to examine the entire list of items and then call out the number of any item the voter wants **"held"** (explained, amended or otherwise discussed by Town Meeting). The Moderator will compile a list of all such held items and they will be set aside while Town Meeting acts in a single vote on those items not held. Once those items are approved the Moderator will revisit each held item, dealing with them one by one as if

they were separate articles. Held items are handled individually, with separate discussion, which could simply be a question by a voter, but ~~they~~ **items** may also be amended, postponed or have ~~any~~ other action taken. Once discussion on each held item is complete, a vote is taken on that item and this process continues until all the held items are discussed and voted on. ~~Once~~ **When** all the held items are approved the operating budget is complete.

The Line Items are not the sole warrant questions that deal with appropriations, however. The Line Items, as written above, are all funded through the property tax, but there are other articles funded through the property tax, which include one-time expenditures and capital items such as truck and land purchases. In addition, ~~other~~ articles may be funded from other sources such as the stabilization fund, free cash, borrowing and revolving funds. The source of funds is stated in every article, with additional information in the explanations section that accompanies the warrant. Each budget ~~item~~ **article** is subject to amendment as it comes up for consideration, within the guidelines provided in the Town **Bylaws**. ~~An amendment need not be accompanied by a motion for compensating increases or decreases in other appropriation items, since there is no legal requirement that a budget adopted by Town Meeting be in balance. Votes are taken on any such amendments, after suitable debate, as they are presented.~~

The budget presented to Town Meeting by the Finance Committee and Selectmen will be a balanced budget in which total proposed appropriations equal projected revenues for the fiscal year. However, it is possible that the budget, ~~will~~ by reason of amendments, **will** be out of balance at the end of the Town Meeting. ~~If that occurs, the Moderator would encourage Town Meeting to consider further amendments in order to balance the budget.~~ In the event that the budget as adopted is unbalanced, ~~the Selectmen or Finance Committee could propose amendments at a later session of the Annual Town Meeting, but such sessions are rare and in recent years simply haven't been necessary. More likely, a new Town Meeting will have to be called to adjust budget appropriations to bring the budget into balance. This has not been necessary in Becket in recent history.~~ **[NOTE: This section may be moved to another section of the Handbook.]**

Points of Order

A point of order is a question as to the legality or propriety of the proceedings. If a voter feels that someone has the floor improperly, or that a motion or discussion is not within the purview of an article, he or she may rise, interrupt whoever is speaking, and say, "~~Mr. Moderator,~~ "I rise to a point of order." After being recognized, the voter states the point of order, and the Moderator rules upon it. Whatever ruling the Moderator makes, with or without advice from Town Counsel, is final. A point of order must be raised promptly when the problem arises and will not, except under extraordinary circumstances, be permitted as a means of altering an announced vote.

Questions of Privilege

A question of privilege may relate, first, to the rights and privileges of the meeting collectively, its safety or dignity, or the integrity of its proceedings. For example, a question of privilege would

be in order if the windows are open and admitting rain or if the sound system is not functioning properly. Second, a question of privilege may relate to the rights, reputation and conduct of voters individually in their capacity as such. For example, if a speaker speaks in derogatory terms of another person, the person attacked or any other person may raise a question of privilege. Such a question is initiated by a voter rising, interrupting the speaker if necessary, and saying, "~~Mr. Moderator,~~ I rise to a question of privilege." The voter waits for recognition and then states the matter. A question of privilege is not a motion and does not require a second. In virtually no instance will the Moderator permit it to be debated.

Reconsideration

A motion to reconsider a vote already taken permits the Town Meeting to undo a previous action. Such a motion to reconsider any prior votes at a Town Meeting shall not be accepted, except when, in the best judgment of the Moderator, a significant error or omission occurred in the language or process of the original action on the article, or a significant change of circumstances has occurred, such that there is a substantial likelihood that the **original** outcome could change upon reconsideration or that reconsideration would be in the Town's best interest. Such error, omission or change of circumstances shall be brought to the Moderator's attention as soon as it is known and the Moderator shall determine if and when the matter will be taken up. The Moderator shall announce this decision to the Town Meeting. If the Moderator determines that the matter may be taken up, a two-thirds vote shall be necessary in order to proceed with reconsideration. No motion shall be reconsidered more than once. And voting reconsideration is just the first step in the process, as it simply places the matter before the voters another time. A second vote on the reconsidered article is still necessary and the quantum required will be the same as the quantum necessary for the original vote. For instance, if the original vote on the article was a majority, then a majority vote would be required to approve the second vote on the same article. If the original vote required a two-thirds ~~quantum~~ **vote**, then the ~~second~~ **next** vote following the reconsideration vote would likewise require a two-thirds vote, and so on.

Adjournment and Dissolution

When all the articles in the warrant for the Annual Town Meeting have been acted upon or otherwise disposed of, the Moderator will accept a motion to adjourn to the following Saturday, which is the Annual Town Election, and ~~that~~ the meeting will dissolve following the closing of the polls. When the business of a Special Town Meeting is completed, the Moderator will accept a motion to dissolve the meeting. These motions and their seconds and votes are usually drowned out by the rush for the exits.

How to Become Informed About Town Meeting and Town Issues

There are a variety of ways in which voters can educate themselves about the Town and its issues, whether or not the issues will be the subject of Town Meeting debates. Any or all of the following are good sources of information:

-The Town's official website www.townofbecket.org contains considerable information about

the Town and current activities of its boards, commissions and committees.

-The Annual Report of the Town contains information about the Town and its boards, commissions and committees. It provides a report for that fiscal year of each major department and includes a wealth of other information. The Annual Report is available from the Town Clerk or Selectmen's office. **[Bruce will work on language for this section.]**

-Meetings of Town boards, commissions and committees are open to the public and are ~~noticed~~ **officially posted** on the Town Clerk's bulletin board and through many other facilities, including the Town website and emailings to ~~those who sign up for~~ **subscribers of the Town's list-serve electronic announcements.**

-The Town **Bylaws** describe the structure of Town Government and set forth many basic Town regulations, including some of the rules under which Town Meeting is conducted. An up-to-date version is on the Town website.

-In recent years the Town Meeting Bylaw Review Committee has sponsored a “baby” Town Meeting and Candidate Forum at least one week prior to the Annual Town Meeting. **[Bruce will describe.]**

Moderator Availability

The Moderator is available by phone (623-2362) or e-mail brucegarlow@yahoo.com **[moderator@townofbecket.org ?]** for consultation by residents and voters to assist them on procedural issues or in preparing articles or motions for Town Meeting.

[Jeanne will ask if an email address can be set up for the Moderator]

The Committee agreed to use the spelling of the word "bylaw" throughout the Handbook. The next meeting was scheduled for February 3, 2014, at 1:00 p.m. The meeting was adjourned at 3:11 p.m.

Respectfully submitted,

Jeanne W. Pryor

List of documents discussed and/or distributed at meeting:

1. Town Meeting ByLaw Review Committee Minutes 12/2/13
2. Becket TM Handbook- Operating Budget, other