

**Administration and Finance Subcommittee Report
Warrant Article 11**

Amend Articles 2.5.2 and 3.22 of the Town’s General By-Laws to revise the process for Select Board and Advisory recommendations and hearings on warrant articles (CTOS)

Public Hearing on March 31, 2023, via Zoom, continuing April 21, 2023, via Zoom

Recommendation: The Subcommittee recommends FAVORABLE ACTION on an amended motion, by a vote of 3-0-1.

Executive Summary:	This Warrant Article seeks to amend the Town’s General By-Laws primarily in response to questions regarding the Select Board’s review of warrant articles, e.g., do they need to review all or fewer than all, by what criteria should decide, and what rights does the public have to be heard.
Voting Yes will ...	Amend the By-Law and redefine the Select Board’s obligation to review certain warrant articles and to hold public hearings, make recommendations and change the timing with regard to the closing of warrants.
Voting No will ...	Make no change to the existing By-Laws
Financial Impact [if any]	None expressed.
Legal Implications (if any)	None expressed.

Recordings:

March 31 recording: <https://brooklinema.zoomgov.com/rec/share/cXHkateAjLv7cB3pRC3KgrAJnZWaPYEA4eewewEyQi3p5nKk6UOp71xUSLle6DRe.5DIBxBc4yb0oJ9L1>

April 21 recording: <https://brooklinema.zoomgov.com/rec/share/HiyT0EmojkyWLBcd4clWxOlaywdzPTzocWoLLjuSzUWSA59yhUdFFI4XZ5mzelqf.QHCdu1KIV8BCWcVS>

Introduction

At the November 2022 Town Meeting, warrant article 5, which sought to reduce the requirement for the Select Board to hold a public hearing and making recommendations on each warrant article, was referred to the Committee on Town Organization and Structure (CTO&S) with a request that CTO&S report back to Town Meeting no later than May 2023. Article 11 is

petitioned by CTO&S, in response to “too many articles – too little time,” to hold public hearings, discuss and make recommendations to Town Meeting, as expressed by the Select Board.

Since 2018, we have experienced about a 50% increase in Town Meeting warrant articles (although there are just 24 currently). This increase has burdened the Select Board, as, generally, Town Meeting needs recommendations from both the Select Board and the Advisory Committee in order to efficiently conduct Town Meeting business. By experiment,* the Select Board reviewed about half of the articles filed for a recent Town Meeting, and brought so-called Article 5 in November, 2020, which sought to codify the Select Board’s practice. Town Meeting referred the subject matter of Article 5 to CTOS.

*There obligation of the Select Board to review all warrant articles under the current bylaw remains controversial. Town Counsel has advised, in effect, that “shall” means “may.”

CTOS’ intent is to provide the Select Board with a workable, more efficient but also more definitive framework, while at the same time satisfying the need of Town Meeting to know and understand the Select Board’s position on significant warrant articles, and the public’s right to both be informed and to be heard.

Discussion

Members of CTOS and of the subcommittee noted that there are many reasons for public hearings and for recommendations from the Select Board as they relate to warrant articles. CTOS has proposed Select Board discretion but that the Select Board prioritize their review of warrant articles based on five expressed categories. This would give the Select Board flexibility, but within a codified framework. Where the Select Board declines to provide a recommendation, they would issue a relatively short report citing their reasons not making a recommendation.

Two other modifications to the current Bylaw include (i) a relatively minor change, changing language citing a “first or only vote,” to “a vote on a report or making a recommendation to Town Meeting,” and (ii) a change in the timing for the closing of the warrant.

Various alternatives were discussed. There was a discussion of whether hearings and (preliminary) recommendations might be held by subcommittees of the Select Board, perhaps jointly with Advisory Committee subcommittees. (That discussion ended as it was determined that would be beyond the scope of Article 11 as printed in the warrant.) Important points raised though included that the Select Board, as the Town’s executive body, is obligated by virtue of their position to review articles as a full body. Also, that Select Board meetings are held on a defined (i.e., Tuesday evening) schedule, are televised and archived.

There was considerable discussion about what types of articles the Select Board should take up, with Select Board member Sandman noting, in particular, that “the Select Board made a

mistake” in not hearing some articles, in particular the recent ZEAB articles. CTOS’ article prioritizes articles that (1) have been submitted by a Town department body; (2) request action by the state legislature, (3) propose a By-Law amendment, (4) authorize or require binding agreements, and (5) involve any appropriation of funds.

The question of whether hearings might be held after warrant articles were submitted but before the warrant was signed was raised, but is apparently inconsistent with the current By-Law, i.e., there’s no warrant article until the warrant is signed.

Discussion of changing the opening date of the warrant to 90 days prior to Town Meeting from 75 focused on the side effects of the change, e.g., having the warrant close in Summer, when staff is less available, and, with potentially a higher signature requirement for petitioned warrant articles, difficulty gathering signatures during vacation season. The subcommittee concluded that the timing for annual and special Town Meetings could be evaluated independently.

Public comment was limited, but one member of the public asked if perhaps petitions could be used to decide what articles the Select Board takes up. It was noted that this could be done informally, by petitioning the Select Board directly.

Lastly, it was noted that the risk of implementation of any of what’s been proposed is low, and that it’s is easy enough to further amend at a future Town Meeting.

Note that CTOS is next meeting on WA11 on May 10th, to presumably vote on a final recommendation, and that the Select Board was waiting for the Advisory Committee to weigh in but was reportedly “negatively inclined.”

Recommendation

The subcommittee first voted to amend the article as printed in the warrant to change the warrant closing date only for annual Town Meeting,* and then voted to recommended FAVORABLE ACTION on Warrant Article 11 by a vote of 3-0-1, as amended.

Roll Call Vote on both the Amendment and on the Amended Motion

Yes: 3: Gordon, Hardebeck, Murphy

No: 0

Abstentions: 1: Bohrs

*SECTION 2.1.3 FILING OF ARTICLES All Articles for insertion in the Warrant for any ~~Annual or Special~~ Town Meeting shall be filed in the office of the Select Board prior to 12:00 noon on the 75th day, **and for any Annual Town Meeting on the 90th day**, preceding the scheduled date of the opening session of said meeting. On the 75th day **or the 90th day, as required by the foregoing sentence**, preceding the scheduled date of the opening session of said

meeting, the Warrant shall be closed, and as soon as practicable thereafter signed, including only those Articles filed by the **required** 75th day **or 90th day** preceding said scheduled date.