

Proposed Warrant Article to require documentation of roll call votes
August 29, 2021

Submitted by: Mike Toffel, TMM 8

To see if the Town will amend the Town's General By-laws as follows (language to be stricken appearing in strikeout, language to be added appearing in underline):

ARTICLE 2.1 TOWN MEETINGS

ARTICLE 2.1.15 TOWN MEETING COMMITTEES

Committees that are established pursuant to a vote of Town Meeting and are not considered by the Attorney General to be "Public Bodies" under the Open Meeting Law shall conduct their meetings in a manner that is consistent with the provisions and intent of the Open Meeting Law.

All committees that are established pursuant to a vote of Town Meeting shall record in the minutes of their meetings a roll-call showing the vote of each member for all votes, except when approving minutes or, at the discretion of the Chair, when voting on other administrative matters.

ARTICLE 2.3 COMMITTEE ON TOWN ORGANIZATION AND STRUCTURE

SECTION 2.3.4 VOTES

CTO&S shall record in the minutes of its meetings a roll-call showing the vote of each member for all votes except when approving minutes or, at the discretion of the Chair, when voting on other administrative matters.

ARTICLE 3. EXECUTIVE BRANCH GENERAL MATTERS

ARTICLE 3.0.1

All elected or appointed public bodies identified in this Article 3 that are subject to the Open Meeting Law shall record in the minutes of their meetings a roll-call showing the vote of each member for all votes except when approving minutes or, at the discretion of the Chair, when voting on other administrative matters.

or act on anything relative thereto.

PETITIONER'S ARTICLE DESCRIPTION

The Town of Brookline is governed in a highly participatory manner, including more than 80 public bodies that are subject to Open Meeting Law (OML) requirements. OML provisions require some transparency, but does not require votes be documented via roll call. As such, there are many instances where the only way to know how each member voted, is to attend the meeting live or, for the subset that are video recorded, to watch the recording. This results in poor transparency and accountability, and can be easily remedied by requiring votes to be conducted via roll call and be documented. This article seeks to require this of public bodies focused on executive branch activities, as well as CTOS and Moderator's Committees (which are appointed by the Moderator), and excepts votes when approving minutes and, at the Chair's discretion, other administrative matters. Examples of the latter might include, for example, votes on scheduling future meetings or adjournment.

The article does not address Town Meeting, where roll call votes can be called for via procedures documented elsewhere. It also does not address the Advisory Committee, which takes many preliminary votes, which in some cases results in reversals (which can be confusing to those not observing the meeting), is an unusually large committee (and thus roll call votes can meaningfully lengthen meetings) and is already required by bylaw to document roll call votes for all of its recommendations to Town Meeting.

The rationale for this article is based on the principles of transparency and accountability:

- The public has a right to know how the members of the town's public bodies vote on all non-administrative matters, and should not be required to attend meetings or watch videos to obtain this information. Requiring roll-call votes of nearly all public bodies is also important because some of their members are also involved in outside advocacy groups.
- Knowing the votes of public body members can provide additional contextual information that can be valuable to those appointing these members (e.g., Select Board members and the Moderator), and to the public who votes for those making these appointments.

This article does not provide an exemption for unanimous votes because relying on attendance records as a substitute for roll call vote document is imperfect: because members arriving late or leaving early might miss votes, and lead attendance records to be incomplete.

This article has been drafted in a parsimonious manner, suggesting the addition of merely three sentences.

There is no cost to implementing this recommendation, as minutes are already required to be taken and posted for all meetings subject to Open Meeting Law.

Warrant Article signature page

The following registered Brookline voters support the attached article on roll call votes

Please write neatly as the Town Clerk will need to validate that you are a registered voter.

	Signature	Printed name	Address
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