



TOWN OF BROOKLINE

Massachusetts

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GUIDELINES FOR DRAFTING WARRANT ARTICLES

I. Introduction

These guidelines¹ are provided in order to outline the basic steps in drafting and submitting warrant articles for consideration by Town Meeting. It is recommended that anyone submitting a warrant article consult with Town Counsel and/or the Moderator prior to submission to ensure they are in proper form. If the proposed article seeks to amend the Town's Zoning By-laws, the petitioner should consult with the Director of Planning and Community Development as well. Please note that this Memorandum does not cover all the different types of warrant articles that an individual may propose, rather it is intended to cover some of the basic components of an article and the process by which it is filed.

II. The Warrant

Town Meeting is called pursuant to a Warrant, which is issued by the Select Board. The Warrant notifies residents of the time and place of the meeting, as well as the subjects or articles to be considered. Article 2.1.5 of the Town's General By-Laws outlines the notice, posting and distribution requirements for the Warrant.

¹ With our appreciation, this edition updates an earlier version authored by former Town Counsel Jennifer Dopazo Gilbert.

Massachusetts General Laws Chapter 39, Section 10 sets forth the requirements for the issuance and content of the warrant for Town Meeting:

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter39/Section10> . Section 10 requires the Select Board to insert in the warrant for an annual town meeting all subjects (articles) so requested by ten or more registered voters of the town and in the case of a special town meeting, by one hundred registered voters or ten percent of the total number of registered voters, whichever is less. By a special act of the legislature, the number of signatures required for the submission of a warrant article at a Brookline Special Town Meeting was reduced to ten registered voters. (Chapter 466 of the Acts of 1998).

II. What should the Article include?

A. General Information

When submitting an article, the following information should be included:

1. Name, residence, email address and telephone number of the Petitioner, and
2. If the Petitioner is a Town Meeting Member, the Precinct No.

B. Format of the Article

The following is a suggested form for a warrant article calling for an amendment of the Town by-laws. Sample articles covering other subjects may be found on the Town Meeting webpage on the Town's website. An outline of the procedural requirements for adopting and amending Zoning By-Laws written by the Massachusetts Department of Housing and Community Development may be found here:

<https://www.mass.gov/files/documents/2016/07/uw/adoptingamending.pdf>

Article _____

To see if the Town will amend the General by-laws by (general description of the amendment proposed or a marked or a marked version of the by-law provision, showing the proposed changes, in each case with specific reference to the article and section numbers to be amended.

or act on anything relative thereto.

The underlined language should be included in all articles. Its purpose is to provide flexibility for amendments within the scope of the proposed article by motion as needed and as may be allowed by the Moderator.

Explanation

(The Petitioner is required to include a brief explanation of the purpose or intent of the proposed article and any relevant background or history.)

Signatures of at least ten registered voters.

Name

Address

Precinct

III. When and where should the Article be filed?

Article 2.1.3 of the Town's General By-Laws provides the procedure for filing an article as follows:

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 preceding the scheduled date of the opening session of said meeting. On the 75th day 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 75th day preceding said scheduled date.

Once the Petitioner has filed the article in the office of the Select Board, the Petitioner will receive a time-stamped copy and the original will be forwarded to the Town Clerk. The Town Clerk will check the signatures in order to verify whether those who signed the petition are registered voters.

IV. Appropriations

If the warrant article contains language that requires an appropriation of funds, the article should not limit the appropriation to any specific amount. For example, if the Petitioner is seeking to have the Town provide rainwater collection barrels to all property owners, this would require an appropriation of funds, but the exact cost may not be known. Therefore, the

recommended language to include in the article would be “To see if the Town will appropriate a certain sum of money to be used to provide property owners with one rainwater collection barrel per household.....” When seeking an appropriation, the Petitioner should be prepared to identify the source of the appropriation (from the tax levy, transfer from existing appropriation, borrowing, etc.) A Petitioner whose article seeks an appropriation should consult with the Deputy Town Administrator and Town Counsel prior to submitting the article, especially to ensure proper language for the source of the appropriation.

V. Issues of Enforcement and Penalties

Articles 10.1, 10.2 and 10.3 of the Town’s General By-Laws address penalties, prosecution, enforcement and fines related to specific by-laws. If the Petitioner seeks to impose a penalty for failure to comply with the proposed warrant article the Petitioner should refer to these sections to make sure that the particular section of the by-law they are amending is included. If the petitioner is proposing a new by-law, it is recommended that they consult with Town Counsel with respect to the imposition of fines and enforcement. It may be necessary in some instances to amend Article 10.3 which deals with fines in order to add a fine for the particular article should it be approved by Town Meeting.

VI. Resolutions

Unlike a by-law, a resolution is a formal expression of the opinion or the will of Town Meeting that is nonbinding. A resolution is filed in the same manner as a warrant article and requires the same amount of supporting signatures; however, the format is quite different. Examples of resolution articles that have been considered by Town Meeting may also be found on the Town Meeting webpage.

