

**Town of Wellesley  
Advisory Committee  
Handbook**

**Updated July 2022**

## **Wellesley Advisory Committee Handbook**

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## **I. Introduction**

The Advisory Committee is established and operates in accordance with [Article 11](#) of the Town’s bylaws. It is comprised of 15 residents of the Town, appointed by the Moderator for 3-year terms. The Moderator seeks citizens who are willing and able to take a broad perspective on all of the Town’s needs, and generally seeks to find a diverse group of citizens from across Wellesley.

Advisory acts as the eyes, ears and voice of the Town as the various Town Boards, Committees, Departments and citizens prepare for Annual Town Meeting and any Special Town Meeting. Advisory endeavors to facilitate effective decision-making at Town Meeting, primarily through an in-depth review of each warrant article being presented for a vote. Advisory performs due diligence for Town Meeting, reviewing proposals for completeness of analysis and process. Advisory assures that input has been gathered from all affected parties. Advisory “kicks the tires” by expressing skepticism and asking for verification. Advisory endeavors to listen to all parties and perspectives, provides feedback, and tries to serve as a catalyst for good communication and cooperation among the Town Boards and organizations.

Advisory does not set priorities or make binding decisions for the Town. Advisory reports to Town Meeting on the information it has gathered and discussed at its meetings and presents its recommendations for votes on the various warrant articles. Advisory’s power is only to advise. That power is only as strong as the rigor of Advisory’s analysis and the confidence Town Meeting has that members of Advisory are open-minded and impartial. Advisory’s credibility and the integrity of the Advisory process are of the utmost importance, far more important than achieving any particular outcome on any particular issue.

The Advisory Committee is active year-round, consequently there is a steep learning curve for new members of the Advisory Committee. Therefore, each new member will be assigned a “mentor” who will be available to answer questions and provide guidance as they assume their role as Advisory Committee members.

## **II. Advisory Committee Role and Responsibilities**

### **A. Town Meeting**

#### **1. The Budget**

The goal of Advisory is to understand all aspects of the budget, to challenge the budgets that are higher than expected, and to be able

to explain the impact of the budget on the Town so that the Town Meeting Members can make an informed decision when voting. Advisory reviews and discusses the budget of each Town department and board before making a recommendation to Town Meeting regarding whether the budgets should be approved. A more detailed explanation of the Budget process can be found in Section IV, below.

## **2. Non-Budgetary Warrant Articles**

Advisory also reviews, analyzes, and makes recommendations with respect to all non-budgetary matters that are brought before Town Meeting, including bylaw changes, citizens' petitions, and authorizations for transfer of unused funds from prior years' budgets. As with the budget, Advisory makes every effort to be informed about each aspect of the various warrant articles and present a summary of its knowledge to Town Meeting Members so they may make informed decisions when voting.

## **3. Report of the Advisory Committee to Town Meeting**

Advisory's work culminates in its adoption of specific recommendations with respect to each article in the warrant for the Annual Town Meeting (and any Special Town Meeting). Advisory's recommendations are delivered in its Report of the Advisory Committee to Town Meeting ("Advisory Report"). The Report provides background information for each article in the warrant, a reference to the meeting(s) at which the Advisory Committee reviewed, discussed, and voted on each article, a summary of the discussion and considerations of the Advisory Committee, and the results of Advisory's vote on whether to recommend favorable action on each article. See Section V, below, for details on deadline and procedures for the Report.

## **B. Transfers from the Reserve Fund**

On occasion, Advisory must approve a transfer from the Town's Reserve Fund. Massachusetts General Law Chapter 40, Section 6 and Town Bylaw Section 11.6 confer upon Advisory the authority to vote transfers from the Town's Reserve Fund "[to] provide for extraordinary or unforeseen expenditures." The Board or Department seeking the transfer will provide the information it considers the most helpful to Advisory in a presentation to Advisory, and as with warrant articles, Advisory will discuss the transfer and vote whether to approve it. The

Advisory Chair then records the vote on the Request for Transfer form and submits the form to the Town Accountant.

## **C. Liaisons/Subcommittees**

### **1. Liaisons**

Each Advisory member is assigned to serve as a liaison to one or more Town Boards, Departments, Committees or to work with the proponent(s) of any Citizens' Petitions. Depending on the needs of the Town and the business occurring in any given year, the Chair may assign multiple members to a particular Board/Department/Committee, or change the configuration of the liaison assignments.

Advisory liaisons are encouraged to attend all meetings of the Board(s) and/or Committee(s) that they are assigned to cover, but should coordinate with their Board or Committee to determine when attendance is most critical if they are unable to attend. In the event of a conflict between an Advisory meeting and a Board/Committee meeting, Advisory should take priority, except in extraordinary circumstances. Whenever possible, the liaison should access the Wellesley Media recording of the missed meeting to understand what had transpired at said meeting.

Liaisons report to Advisory when there are budget issues, important milestones or events that may be of interest to Town Meeting Members and Advisory.

### **2. Subcommittees**

The Advisory Chair may assign members of Advisory to participate in or to follow the progress and deliberations of Ad Hoc committees appointed by the Moderator or the Board of Selectmen and to report to the full Advisory Committee so that it will be prepared to make recommendations to Town Meeting. Subcommittees of more than three people **conducting the business of Advisory** are subject to the Open Meeting Laws and must be publicized, recorded, and made open to the public.

## **D. Conflicts of Interest**

A conflict may arise if the Advisory member or their immediate family member has some sort of financial stake in the outcome of a particular

vote or issue. In such a case, the Advisory member should consider recusing themselves from the discussion and/or vote. If there is potential appearance of a conflict with no actual financial interest at stake, such as when an Advisory member or their immediate family member serves on a sponsoring Board/Committee or a related Board/Committee, the best practice is to disclose the relationship, but there is no need to recuse oneself unless some actual conflict exists.

If there are any questions about whether an Advisory member should recuse themselves from a discussion and/or vote, please contact the Advisory Chair or the Moderator. Please refer to the Appendix for details about the Massachusetts Conflict of Interest Law.

#### **E. Public Statements by Advisory Members**

Individual members of Advisory should decline to speak with members of the media and should instead refer all questions to the Advisory Chair.

It is important for members of Advisory to remain impartial and to convey that impression to the Town. Everything you say when serving as a member of Advisory about Town matters will be assumed to be "Advisory's position." During your tenure on Advisory, therefore, please refrain from commenting publicly on any particular candidate or issue, and please refrain from signing petitions for any reason regarding the Town. Advisory members should refrain from participating in any non-Advisory vote or public discussion regarding a warrant article, Citizens' Petition, or other issue brought to Advisory.

The purpose of these guidelines is not to ask members to leave their opinions or values at the door when they become members of Advisory. The time for expressing those opinions and values is during Advisory's discussions, deliberations, and debates.

Members of Advisory who are also Town Meeting Members are, of course, free to vote at ATM/STM as their constituents would want them to vote, regardless of whether Advisory voted the same way. However, again, because their position on Advisory means that they are perceived as speaking for Advisory, and because they are perceived as being more informed than other Town Meeting Members, Advisory members are asked to refrain from speaking at ATM or STM.

### **III. Advisory Committee Meetings**

#### **A. When and Where**

1. Advisory Committee meetings are typically held on Wednesdays at 6:30 p.m. in Town Hall or via a video conference platform. A quorum (8 members) must be present to conduct business and/or vote. Members are expected to attend all regularly scheduled meetings of the Advisory Committee.
2. Advisory holds a public hearing to hear comments and debate from the public on all articles on the warrant for any ATM or STM.
3. One Saturday meeting is typically scheduled to complete Advisory's discussion and votes on all the warrant articles prior to completing the Advisory Report.
4. Advisory also meets at 6:30 p.m. each night of Annual Town Meeting or any Special Town Meeting, in advance of the 7:00 p.m. Town Meeting start time.

#### **B. What**

The traditional agenda for the regular meetings is as follows:

1. Citizens' Speak: The Chair calls the meeting to order and invites members of the public to make a statement about any issue they choose, but can limit the time for each speaker (Citizens' Speak typically lasts 5 minutes or less). No questions from or discussion with Advisory members is appropriate during Citizens' Speak.
2. Presentations: Boards/Committees are invited to present their proposed budget and/or warrant articles seeking an appropriation, a by-law change or other matter that requires a vote by Town Meeting. Questions from Advisory members can be posed to the presenters at the discretion of the Chair.
3. Discussion and Vote (only happens later in the process, for example usually in February for Annual Town Meeting)
4. Administrative Matters (reports to Advisory from Liaisons; approval of minutes; other matters the Chair wishes to discuss).



5. Chair will ask for a Motion to Adjourn.

### **C. Other Guidelines for Meeting Conduct**

1. Advisory members speak only when recognized by the Chair.
2. All speakers that are not members of Advisory need to sign in with their name and address on that meeting's sign-in sheet. For virtual meetings, each speaker should identify themselves and the Board/Committee they represent.
3. Disrespect toward any person or group will not be tolerated and shall be monitored by the Chair, who has discretion to limit any speaker's time or cut off discussion.
4. Advisory members are expected to read all materials distributed in advance of the meeting, do any research deemed necessary, and take note of any questions for the presenters.

### **D. Voting**

1. When Does Advisory Vote?
  - a. Formal votes of the Advisory Committee shall be taken with respect to the following matters:
    - Recommendations on Town Meeting Warrant articles and motions.
    - Approval of Advisory Committee Meeting Minutes.
    - Motions to Adjourn Advisory Committee Meeting.
    - Actions with respect to Reserve Fund transfer requests.
    - To table an article or motion; to rescind a prior vote on an article or motion.
    - Other matters upon the request of any individual member of the Advisory Committee.
2. Procedure for Voting

- a. The motion for a proposed vote on recommendations on TM articles and motions should always be in the following form, or any similar language approved by Town Counsel: “I move favorable action on [Article #, Motion #] as proposed by the [sponsoring board] for [summary of motion], as set forth in the motion and warrant for [name/date of meeting].” Typically, the Secretary makes the motion.
- b. Other motions can be as simple as the subject of the motion. E.g., “I move to approve the minutes for the Advisory Committee meeting on [Date].”
- c. The Chair or Secretary will then ask for a second from a different member.
- d. The Chair will then ask for discussion, which will continue as long as the Chair deems it appropriate. A non-binding straw vote may be taken upon the request of any Advisory Committee member if that person believes a consensus is developing, and discussion should cease.
- e. After the discussion period, the Chair calls for the vote, first asking all those in favor to raise their hand, then all those opposed to raise their hand, and then asks for any abstentions. The Chair of Advisory is generally a non-voting member of Advisory. The only time the Chair votes on any matter is to break a tie.
- f. Videoconference meetings: To comply with the Open Meeting Laws and Massachusetts laws and guidelines created to allow for municipal business to continue when in-person meetings are impossible, created during the COVID-19 pandemic in 2020, votes during a videoconference must be by roll call, such that the Secretary or some other designated member must call out each Advisory member’s name and ask their vote. If the vote is not unanimous, the entire roll call should be reflected in the minutes.
- g. The meeting minutes must identify the member making the motion, the member seconding the motion, the number of yes/no/abstain votes, and whether Advisory recommends favorable action on that vote. All votes by Advisory pass by a simple majority, even if it would require a 2/3 vote to be approved by Town Meeting. Minutes must be considered for approval no later than two regular meetings after the meeting recorded by the minutes.

h. Abstentions: Unlike a recusal, no conflict of interest is involved when a member decides to abstain. A vote to abstain is appropriate in some circumstances, such as the following:

- If a member did not have the opportunity to participate in the discussion/deliberation which led up to the vote.
- If a member missed the preceding meeting at which a substantial discussion of the issue took place.
- If a member wasn't at the meeting for which minutes are being reviewed and approved.

## **E. Executive Session**

The Massachusetts Open Meeting Law allows for Advisory to convene in an Executive Session, which is not open to the public. It is only appropriate to enter Executive Session in the most extraordinary circumstances where an individual's privacy is at stake. Other Boards enter Executive Session for matters like Human Resources infractions or individual pay raises, promotions, etc. Advisory is highly unlikely to have any discussion that requires an Executive Session. It is advisable to consult with Town Counsel before considering whether to enter Executive Session. The process for an Executive Session is as follows:

Advisory must have first convened in an open session, and a vote is taken on whether to enter Executive Session. The vote of each Advisory member must be recorded on a roll call vote (regardless of whether the meeting is in person or via videoconference) and entered into the minutes. The Chair must cite the purpose for an executive session, and must state before the executive session if Advisory will reconvene after the executive session.

All votes taken in executive session must be recorded roll call votes and become a part of the record of the executive session.

## **F. Logistics and Deadlines**

### **1. Advisory staff**

Advisory has a paid administrative assistant. They work with the Secretary and/or Chair to prepare and maintain minutes of Advisory meetings, the calendar, and posts notices of Advisory meetings, prepares bid documents or estimates for the Advisory Reports and generally organizes Advisory's efforts including the preparation of the Advisory Reports for Annual Town Meeting and Special Town Meetings. The

Advisory assistant distributes all material pertinent to an upcoming Advisory meeting. The Secretary may approve all routine payroll requests and invoice payments for Advisory expenses, but any requests for the assistant to do extra work should go through the Advisory Chair.

## **2. Notice of meetings**

Notice of Advisory meetings must be posted no later than Monday before the Wednesday meeting, although Advisory endeavors to post its meeting notice and agenda on Friday. The Advisory assistant prepares notices of meetings and files them with the Town Clerk. The Advisory assistant also arranges with Wellesley Media to record each meeting in its entirety.

## **3. Distribution of materials**

Advisory has a mailbox on the first floor of Town Hall, which is typically checked by the assistant, the Chair, or the Secretary. As of 2021, however, virtually all communications to Advisory come through the Advisory Committee email address ([advisorycommittee@wellesleyma.gov](mailto:advisorycommittee@wellesleyma.gov)).

## **4. Communications**

Communications between Advisory and Town Boards/Committees/Departments are made by the Advisory Chair or appropriate liaison, and is typically done by email. All communications are subject to disclosure under the Open Meeting Law.

## **5. Supplies**

All materials and services (paper, photocopying, printing costs, etc.) used by Advisory are accounted for and charged against Advisory's annual budget. To use Town Hall's photocopies, etc. you need to have approval of the Chair and use Advisory's account number. Individual members of Advisory are responsible for any expenses they incur unless they get pre-approval from the Chair or the Advisory assistant.

## **6. Procurement**

Advisory purchases of goods and services (e.g., printing of the Town Meeting Report, bulk mailing, etc.) from third party vendors/suppliers need to comply with the State Procurement Act. This means that for goods

or services costing more than the amount provided under the Act, Advisory must seek bids and select the lowest qualified bidder.

## **7. Selection of Officers**

Section 6.8 of the Wellesley Town Bylaws provides that Advisory “shall elect a chairman, vice-chairman and secretary.” There is no mandated procedure for the selection of the officers, and no set limit to the number of officers. Advisory typically uses the following process:

- The Chair and/or the current officers of the Advisory Committee convene after the end of ATM and before the end of the FY to discuss possible officers for the following year, which are typically split between the third-year members and second year members. Once the new Chair is selected, that person asks the remaining persons if they are willing and able to serve.
- The officers are: Chair, two or three vice chairs and a secretary, with 2 officers from the members who are serving their third year, and 2-3 who are serving their second year.
- The incoming Chair is usually one of the current officers, but can be anyone on the Advisory Committee.
- The Chair will present the slate of new officers to the entire Advisory Committee for a vote.

## **IV. The Budget Process**

### **A. Overview**

Approximately 70% to 80% of funds spent by the Town each year come from the real estate tax levy. The remaining 20% to 30% of the funds spent have come from a combination of state aid, Town department revenue and local revenue from sources such as motor vehicle excise taxes. The exact percentage varies from year to year depending on such things as the Community Preservation Act disbursement, expenditure of free cash, receipt of school construction funds, and fluctuations in local aid from the state.

### **B. Budget Development**

The budget process generally proceeds as follows:

1. At the start of the budget cycle in late summer/early fall, the Executive Director provides Advisory with information about the Town's overall financial picture;
2. The Select Board, in consultation with the Executive Director, issues budget guidelines to all Town Boards and Departments;
3. Each Town Board and Department is given an opportunity to make an initial presentation to Advisory on its anticipated operating and capital budget and key underlying issues. This typically includes a brief overview of the Board/Department and how it works in the Town;
4. Each Town Board and Department is given an opportunity to make a presentation on its operating budget, which usually occurs in January and February, and is a preview of the presentation the Board will make to ATM, if necessary;
5. Advisory gets the final budgets from each Board/Department, including the Omnibus Budget and reviews changes that are made throughout the process. Typically, one member of Advisory is assigned to do the writeup of the budget for the Advisory Book.
6. Advisory discusses and votes on whether to recommend favorable action on the Omnibus Budget (which includes the School's budget) to Town Meeting and provides additional guidance through separate votes on any individual department that is above the guidelines set by the Select Board.

### **C. Advisory's Role**

Advisory reviews the budget and clarifies various line items, especially if there is a large variance from the previous year. Advisory also attempts to assist the various Boards/Departments in their presentations, and helps guide each Board/Department in how to give the best information possible to Town Meeting.

Advisory should also inquire as to each Department's priorities regarding how their budget is allocated. Advisory generally defers to priorities established by each Department and Board, including long-range capital plans. However, Advisory members have a duty to question those priorities if they believe they are not in the best interests of the Town.

In addition to the deliberations relating to the individual budgets, Advisory also considers the level of the Stabilization Fund, use of free cash, the need for debt and bonding and a wide variety of budgetary issues. If, after considering all the factors relating to the overall budget, the full Advisory Committee is unable to recommend a balanced budget, Advisory must consider whether to recommend an override in order to fund recommended expenses.

## **V. Town Meeting and Advisory Report Process**

### **A. What is the Warrant?**

1. The warrant is a list of all the items to be considered by Town Meeting at Annual Town Meeting or any Special Town Meeting, including all budgets, appropriations, bylaw amendments, and citizens' petitions.
2. The Warrant for ATM is typically "opened" by the Select Board in December, which means the time period for submitting articles to be placed on the warrant begins. Boards, Committees and Citizens' Petition can place articles on the Warrant. The notification of the Warrant is posted by the Town Clerk in at least two (2) public spaces within the Town.
3. The Warrant is closed about 3-4 weeks later, and the Select Board then publishes the full warrant on the Town website. Citizens' Petitions must be signed by 10 voters and include a fair description of the subject matter of the proposed article.
4. Though the warrant articles need not include estimates or any numbers at all, annual appropriations requests with detailed estimates and explanations for the request must be presented to Advisory at least 90 days before ATM. Advisory may waive this requirement and allow for a later presentation. Often, Advisory will vote on the estimated amount of an appropriation and then re-vote only if the final number to be requested from TM is significantly different.

### **B. Motions vs Articles**

1. Articles appear on the Warrant and cannot be changed once submitted and published. As a result, the articles are a broad overview of the request by the sponsoring Board/Committee. Typically, only Citizens' Petitions are detailed expressions of the full request, since they require signatures on the subject matter

and cannot be materially changed after signatures have been collected.

2. Town Meeting Members, and Advisory, vote on *motions*, not on the articles themselves. The articles put the Town on notice of the subject matters that will be taken up by Annual Town Meeting or Special Town Meeting, but any motion can be offered by the sponsor of the Article, so long as they are within the scope of the article as determined by the Moderator. \*If a TMM disagrees that a motion is properly within the scope of an article, they can raise the issue on the floor of TM.
3. The motion(s) contain the specific action requested of Town Meeting, and require no second to be acted upon.
4. The Town Clerk, Moderator and Finance Director, in conjunction with Town Counsel, collect the motions, advise Committees and Boards on revisions to Motions, and provide the motions to Advisory. However, motions can be changed up to the start of Town Meeting. See below for the Advisory process regarding motions that are changed after being voted upon.
5. Advisory liaisons should encourage their Boards and Committees to provide Advisory with motion language as soon as possible, even if in draft form. Advisory needs as much information as possible to have a productive discussion and meaningful vote.

**C. Advisory's Public Hearing**

1. About six weeks before ATM and STM, Advisory conducts a public hearing to allow for any and all Town residents to comment on the Warrant articles.
2. Often, the motions are not drafted by the time of the public hearing, so comments are typically made on the general subject matter as described in the Warrant, rather than on the specific action sought by the proponents of the article.

**D. Advisory Discussion and Vote**

1. After the Public Hearing, Advisory meets to discuss the articles and to vote on the motions prior to drafting the Report to Town Meeting. If the final motions are not completed before Advisory's scheduled meeting to discuss and vote on the Warrant articles, then Advisory will postpone their vote on those motions.



2. Advisory will rely on the background presentations, motions, and other materials provided by the Boards and Committees, as well as research members conduct, in order to discuss the various aspects of each Motion.
3. When voting, it is not necessary for the Secretary to read the entire Article or Motion, as some may contain lengthy pages of bylaw changes, etc. As long as the motion for favorable action references the motion and warrant article, Advisory can properly vote.
4. If any motion voted on by Advisory is changed before Town Meeting, the Chair will determine whether the changes are significant enough to require a new vote. If, for example, an appropriations request is changed by only a small fraction of the original motion, or is reduced after a favorable recommendation, Advisory may not need to re-vote.

**E. The Budget**

1. The Omnibus budget is often the last motion to be finalized.
2. Prior to the Public Hearing, Advisory should get the Town-Wide Financial Plan and the Five-Year Capital Plan for review.
3. Advisory makes a recommendation and vote on the Omnibus budget, which includes the majority of the individual Board and Committee budgets for the Town.
4. No later than the fall before the warrant is opened, the Select Board chooses a guideline for an increase in the Town budget over the prior FY, usually between 2.5-3.5%.
5. For each department's budget that is above that guideline, Advisory takes a separate vote, expressing its support (or lack of support) for that deviation from the guideline. Advisory only recommends action on the Omnibus Budget.
6. See above for additional guidance on the Budget process.

**F. Additional Issues to Consider**

1. Advisory has no authority to amend the language of any motion that will be presented to TM. However, Advisory can suggest,

through its discussion and questions, that the proponents of the article revise their motion(s).

2. Voting to rescind a prior vote
  - a. If, after Advisory has voted on its recommendations, new information is provided that might impact the vote, Advisory can vote to rescind the prior vote and then discuss and vote on the motion with the new information.
  - b. A vote to rescind would also be proper if the proponents amended their motion after Advisory's initial discussion and vote.
3. Motion to Table the Discussion and Vote
  - a. If, during Advisory's discussion of a particular motion (after the motion has been made but before voting), an Advisory Committee member believes that additional information might be useful or questions need to be answered that require additional people or resources, an Advisory member can move to table the discussion to a future meeting to allow for more information to be gathered.
4. Motion to [almost anything that is needed]
  - a. During any meeting of Advisory, any Committee member can bring a motion for almost anything that they deem necessary.

All such Motions: to rescind, to table, to anything will be brought to the Chair, who will comment as he/she deems appropriate and may or may not open discussion and the Chair will determine if a vote is warranted.

#### **G. Motions to Amend**

On the floor of Town Meeting, any TMM can move to amend the motion that has been presented on the floor during discussion. Sometimes it is an attempt to end the discussion of a particular issue, or to clarify a point that has been raised during the discussion on the floor. The Moderator will determine if a Motion to Amend will be accepted for action by Town Meeting.

- Non-substantive amendments may be accepted by the proponent as a friendly amendment, which would not require any discussion or vote by Advisory. Town Counsel is almost always consulted to determine whether an amendment is friendly or not.

- Substantive amendments require Advisory to have a discussion and vote on the Amendment so that Advisory can provide a recommendation to Town Meeting.
- During in-person ATM/STMs, Advisory gathers at the front of the room to discuss the Amendment and vote. Immediately after, the Chair provides Advisory's considerations and recommendation.
- During virtual ATM/STMs, Advisory connects on a conference call to discuss the Amendment and vote.

**H. Advisory's Report to Town Meeting (the "Book")**

1. Typically, the Advisory Secretary and Advisory's administrative assistant work together to coordinate drafting the Advisory Book with the each of the liaisons. This work begins in earnest in January or February before ATM.
2. Liaisons should work with their Board(s)/Committee(s) to draft a background section for their warrant article(s). The Board/Committee should be primarily responsible for drafting, with input from the liaison.
3. Liaisons are responsible for drafting Advisory's considerations, which include any and all discussion points that Advisory brought up at any time about the subject of a particular warrant. The considerations do not need to be limited to the discussion that occurs during the meeting where we vote. The liaison will also site the day and time of the Advisory Committee meeting(s) where: presentation, discussion and vote took place regarding the Motion as well as the time within the Wellesley Media recording. Although, it is permissible for the Board/Committee to review the considerations, the Liaison should make sure the considerations accurately and completely reflect Advisory's discussion.
4. Logistics of the Book:
  - a. The Book must be delivered to TMMs and available in electronic format on the Town's website at least 7 days before ATM/STM.
  - b. Printing and mailing take at least a week.
  - c. The final draft is typically submitted to the printer 3-4 weeks before ATM/STM.

- d. The Advisory Secretary and administrative assistant are responsible for managing edits and putting the final version together, with the assistance of the Chair, and any other Advisory members that the Secretary enlists for help.
- e. There are no rules on what to include in the Book, other than to report the numerical vote taken by Advisory on each Motion.
- f. TMMs often rely solely on the Book for their voting decisions, so Advisory should endeavor to provide as much information as possible, including the questions, controversies, and debates that Advisory engaged in or identified during the presentations, public hearing, discussions and votes.
- g. The Book will be available in printed format as well as digital format; TMMs may opt to use both or one or the other at their discretion.

## **Appendix:**

### **Legal References Applicable to the Advisory Committee**

The Advisory Committee is governed both by Massachusetts state law and the Wellesley Town Bylaws. Below is a summary of the applicable laws, for your reference.

#### **Massachusetts General Laws**

The Massachusetts General Laws grant to a town's finance, appropriation, or advisory committee certain specific authority and powers:

- Chapter 39, §16 provide that Advisory “shall consider any or all municipal questions for the purpose of making reports or recommendations to the Town. . .”
- Chapter 40, §6 provides that transfers of funds out of the Town's Reserve Fund may be made to provide for “extraordinary or unforeseen expenditures” upon a vote by Advisory. (See Transfers from the Reserve Fund ,” below.)
- Chapter 41, §59 provides that all boards, committees, departments, and officers of the Town who are authorized to spend money are to provide Advisory with detailed estimates (budgets) for the “proper maintenance” of their departments (accompanied by an explanation of any changes from the current year) and for capital outlays for the coming fiscal year. Advisory is also to receive estimates of any income likely to be received by any board, committee, department, for the coming fiscal year. Those estimates are to be delivered to Advisory by the later of December 21 each year or 90 days prior to Town Meeting.
- Chapter 59, §60 authorizes Advisory to publish its Report to Town Meeting. This section provides that Advisory, upon “due consideration” is to make specific recommendations for all appropriations for the coming fiscal year and is to accompany those recommendations “with such explanations and suggestions” as Advisory may deem desirable for the “proper information” of Town Meeting. The document containing those recommendations, explanations, and suggestions is to be distributed at or before the annual Town Meeting.
- Chapter 44, § 3ID provides that the Town may incur expenditures for snow and ice removal that exceed the amounts appropriated therefore in any given fiscal year when (a) such excess expenditure is approved by both the

Advisory Committee and the Selectmen and (b) the appropriation for the fiscal year in question equaled or exceeded the appropriation made for the preceding fiscal year. These unbudgeted expenditures for snow and ice removal may be funded in the following year's tax levy, an exception to the general rule that expenditures must be funded within the current fiscal year. (Of course, unbudgeted expenditures for snow and ice removal may be funded within the fiscal year if funding can be found.)

## **Town Bylaws**

The following sections of the Wellesley Town Bylaws impose affirmative duties or confer rights upon the Advisory Committee:

- Section 2.2 requires all meetings to be open to the public in accordance with the Open Meeting Law, except during executive session. Notices of all meetings must be delivered to the Town Clerk and posted at least 48 hours before the meeting convenes (except in the case of an emergency);
- Section 5.4 “encourages” Advisory to put its policies and procedures into written form, to keep such policies and procedures in a carefully organized and up-to-date book, and to make the book available to the public during regular business hours;
- Section 6.2 provides that Advisory “should adopt policies and procedures providing for the full orientation of new members to their duties, to the jurisdiction of the board, to the present activities and considerations of the board. . .”
- Section 6.8 requires Advisory to elect a chairman, vice-chairman, and secretary and to adopt policies and procedures;
- Sections 6.9 and 6.10 provide that a quorum is a majority of members of Advisory then in office, and that all committee action requires a majority vote of those members present;
- Section 6.11 requires Advisory to keep minutes and records of its actions and meetings and to make those minutes and records available to the public;
- Section 6.12 directs Advisory to comply with Massachusetts General Laws Chapter 66, Section 10 and Chapter 4, Section 7, which require that all “public records” of Advisory shall be open to inspection by the public;

- Section 6.13 provides that Advisory must establish a procedure that allows members of the public to make comments to Advisory at any open meeting;
- Under Section 8.13 the Selectmen are required to forward to Advisory copies of all motions to be offered to Town Meeting.

Advisory's specific Town Bylaw powers and duties appear in Article 11 and are summarized below:

- §11.3 states that Advisory shall consider all matters included within the Town Meeting Warrant Articles and shall publish a written report of its recommendations or comments on each Article. Advisory may make reports or recommendations on other matters that in Advisory's judgment affect the interests of the Town. If Advisory makes any recommendations at Town Meeting that either did not appear in the written report, or differ from the written report, Advisory must announce its numerical vote.
- §11.4 gives Advisory certain investigatory powers and requires that the "books, accounts and records of all boards, officials and departments" of the Town shall be open to inspection by Advisory;
- §11.6 provides that Advisory requests the appropriation for the Reserve Fund each year and has the authority to vote transfers from the Reserve Fund;
- §11.7 requires Advisory to hold a public hearing on the Warrant Articles prior to any Town Meeting "unless impracticable";
- §11.8 outlines the requirements on the Report of the Advisory Committee to Town Meeting.

### **The State Conflict of Interest Law**

The Massachusetts Conflict of Interest Law (Massachusetts General Laws, Chapter 268A) regulates certain conduct of state, county, and municipal employees. As a member of Advisory, you will need to take a short course on the Conflict of Interest Law and provide a certification that you successfully completed the course.

Below is a summary of the key restrictions which the statute imposes on members of Advisory:

- If you, as a special municipal employee, or any immediate family member have “any financial interest” in any contract made by the Town. Members of your immediate family include your spouse, children, parents, brothers and sisters.
- You can avoid the prohibition by obtaining a written exemption from the Board of Selectmen.

Making recommendations on Town budgets constitutes “participating” in Town action. As a result, if any member of Advisory has an immediate family member who works for any department of the Town, such member can abstain when that department’s budget is deliberated and voted on, or else obtain a blanket exemption from the Board of Selectmen.

When in doubt, disclose the potential conflict and abstain from any substantive discussion and vote on the matter. Disclosures should be public, before any substantive discussion on the topic that raises the issue of a potential conflict.

If you have any question about any potential conflict of interest you should either consult your own lawyer or else avail yourself of your rights under Section 22 of Chapter 268A to request, in confidence, that the Advisory Chair seek for you an appropriate opinion from Town Counsel.

### **The State Open Meeting Law**

All meetings and records of the Advisory Committee are subject to the State Open Meeting Law, Massachusetts General Laws, Chapter 30A, §§18-25. The purpose of the Open Meeting Law is to ensure transparency in the deliberations on which public policy is based. An “Open Meeting Law Guide” published by the Office of the Attorney General will be provided to every member of Advisory. Please be aware that this guide is not, nor is it intended to be, legal advice. If you, as a member of Advisory have any questions about complying with the Open Meeting Law, you should consult the Advisory Chair and, if necessary, seek an opinion from Town Counsel. For more detailed information, go to the Attorney General’s Open Meeting website: <http://www.mass.gov/ago/openmeeting>.