Ten questions you've always wanted to ask.

A Citizen Education project of the
Maine Municipal Association

A Citizen's Guide to TOWN MEETING

NOTES

Cover photo: Daniel Lennon studies the Richmond Town Meeting warrant during the annual meeting in early April 2013. Richmond voters spent five hours deliberating 40 warrant articles. Residents approved a $2.6 million budget, excluding school costs, and accepted the donations of two church buildings.

LOCAL GOVERNMENT *begins with* YOU®

When was the last time you attended Town Meeting? When was the last time you stayed for the whole meeting? When was the last time you asked a question during the meeting? Proposed an amendment to an article? Asked the selectmen to include an article in the warrant?

This guide to Town Meeting is offered to those who have never attended before and do not know what the word "article" means. It is also meant to help voters who have attended but were reluctant to ask a question for fear of sounding "silly." Either way, the idea is for voters to attend, participate and understand Town Meetings in Maine, which represent a fundamental and important part of governance. Local government really does begin with you.

WHAT HAPPENS AT TOWN MEETING?

Town Meeting serves many of the same functions as the Legislature in Augusta and the Congress in Washington, passing laws and adopting budgets. But Town Meeting is more than just the "legislature;" it is also the "electorate," electing the selectmen and other town officials. In fact, under state law, the only thing required of the annual town meeting is the election of the municipal officials.

Elections may occur in two ways. The traditional way is to nominate officials from the floor of the meeting and to vote by a show of hands or by writing names on a paper ballot. A more recent way (1890) is to require candidates to declare their candidacies prior to the Town Meeting by taking out nomination papers. Voting is then done by secret ballot in the privacy of a voting booth.

Unlike the state Legislature and Congress, Town Meeting is not a representative body. It's just what it says it is: a meeting in which participation is the right and responsibility of every voter. Some say Town Meeting is the "purest form of democracy" because citizens, not their representatives, participate directly in the making of laws and the raising and spending of their taxes.

Since colonial times, the Town Meeting has been a staple of local government in New England. Today, in Maine, most towns still operate under the Town Meeting form of government.

WHY SHOULD I PARTICIPATE IN TOWN MEETING?

The best and perhaps most colorful answer to this question appeared in the Biddeford Journal Tribune in March 1994:

"If you ask why town meetings are so poorly attended, people will tell you they go if there's something exciting on the warrant. They've been watching too much television. When it comes to doing your civic duty (which is the key to accountability in self-government) there's no room for channel surfing. On town meeting day, town meeting

is the only show in town.

"Or they'll say town meeting is held at the wrong time, or that there are too many issues decided by secret ballot, or that the selectmen do what they want no matter what people say. Well, the way to get things changed (including town meeting scheduling and secret ballot votes) is to attend town meeting and put up a fuss. And it's no wonder the selectmen and other officials take control of municipal affairs. Somebody has to….

"The purest form of democracy is participatory democracy, in which you put your butt in the chair at the meeting house or the high school gym and you have your say and you cast your vote on every last blessed item on the warrant…You might slip out for a coffee but you don't slip out for the whole day. If you do, you're part of the problem and somebody else is going to solve it…."

DO I HAVE TO KNOW PARLIAMENTARY PROCEDURE TO PARTICIPATE?

No. That's why you elect a moderator at the opening of the meeting. The moderator is familiar with parliamentary procedure and is there to keep the meeting moving forward properly until all of the "articles" or items of business have been acted upon. Voters may not talk without being recognized by the moderator. You should direct all of your questions to the moderator. If an item of business is not on the "warrant," the name given to the list of articles, Town Meeting cannot act on it.

To approve an article: It is customary for the moderator to read the article aloud and ask if someone will make a motion on the article; usually someone will respond by saying "I move the article;" the moderator then asks, "Is there is a second?" Someone will usually respond, "I second the motion."

This formality sets the stage for the discussion that follows. The moderator then rereads the motion and calls for a vote. It is best not to make a negative motion because people get confused when a "yes" vote means "no." The best approach, if you oppose an article, is to move the article and vote against it.

To amend an article: Sometimes, during the discussion, someone will propose a change. For example, in a so-called "open-ended" money article, they may want to increase or decrease the amount of money recommended by the budget committee or selectmen. The amendment must be seconded; there must also be an opportunity to discuss the amendment before voting on it. If the amendment passes, then the motion, as amended, is voted on. If the amendment does not pass, and there are no further amendments, then the original motion is voted upon.

It should be noted that amendments to so-called "capped" money articles – articles in which the amount of money is contained in the actual wording of the article – are limited: The amount may only be decreased. Also, ordinances may not be amended from

the floor; the vote on an ordinance must be up or down with no amendment.

Also, over the years Town Meeting moderators and Town Meeting practices themselves may have evolved in ways that are slightly different from what happens in the town next door. That is to be expected with a practice that has been around for more than 200 years! And, that makes it easier for you to ask questions about protocol during Town Meetings that you attend. Many people do so by raising their hands, saying "point of order" and then asking a polite procedural question of the moderator.

WILL I SEEM SILLY IF I ASK QUESTIONS?

No. Most articles in the warrant are less than brief and are written to comply with legal requirements. Which is to say, many articles are not self-explanatory. That's why some towns include a reader-friendly "explanation" along with the article. But even if your town does this, if you want or need more information before you vote, you have a duty to ask for it. Voting for something you do not understand is worse than not voting at all. Most likely your neighbor has the same questions you do. Once you break the ice with your question, others will feel more comfortable asking their questions. Some of the commonly asked questions are:

- How much did we spend last year on this? How does this compare with last year and can you explain the difference?
- Can we set up a committee to study this? I don't think the town has enough information to vote on this article.
- Should we establish a reserve account and build for this instead of borrowing money or raising taxes this year?
- Are we taking too much from surplus? How much will this leave us with in surplus?
- Is this ordinance really necessary? What's really the problem?
- Why is work being done on the "____ Road" this year?

Some tips for asking questions: Keep your questions short and to the point. Ask one question at a time. Direct your questions to the moderator. Don't interrupt the person who is trying to answer your question. Don't get personal.

SUPPOSE I DON'T WANT PEOPLE TO KNOW MY VOTE?

There are several methods of voting used at town meeting:

- Voice vote (yeas and nays)
- Show of hands (when a voice vote is questioned)
- Standing vote (if the show of hands is indecisive)
- Division of the house (the most decisive of the first four methods; the

moderator asks those voting in the affirmative to move to one side of the room and those voting in the negative to move to the other)

Some people say it makes them uncomfortable when they are asked to raise their hands to vote at town meeting; they don't want their neighbors to know how they are voting on certain issues. If that is the case, there is a fifth method of voting that takes care of that:

Written ballot (not to be confused with statutory secret ballots that must be prepared ahead of time and are used when voting is done at the polls.) By law, the moderator, selectmen, and school board members must be elected by written ballot. However, any voter can move that any other article be voted on by written ballot, at any time before the article is voted upon. The motion must be seconded, and no discussion is allowed before voting on the motion to vote by written ballot. Some argue that it takes too much time to vote by written ballot.

SUPPOSE I DON'T WANT TO VOTE ON A PARTICULAR ARTICLE?

There is nothing in the law that requires you to vote, and you should know that. Your non-vote is not considered a negative vote. But you should be clear why you are not voting.

- Is it because you think you are the only one to vote as you will and you don't want to call attention to yourself? Call for a written ballot.
- Is it because you aren't sure how you want to vote because you haven't got enough information? Ask questions.
- Is it because you think the real issue hasn't been addressed? You can say so.

While the decision to vote is yours alone to make, remember democracy is about having and respecting differences of opinion. It is also about asking questions. It is about casting an informed vote. It is also about becoming part of the solution.

The law, however, is quite clear when it comes to "absentee" voting. There is no absentee voting during a traditional open town meeting. It is only permissible when an item is being considered by secret ballot referendum.

HOW CAN I PREPARE FOR TOWN MEETING?

Most towns publish the warrant in their annual report. Get a copy before the meeting and read it. If you have questions, you may wish to ask them of the manager or selectmen before the meeting. But some of the answers may be found in that section of the annual report that indicates in detail the various spending accounts and how much was spent in the previous year; compare it with what is being requested this year. Also check as to how much money is in the so-called surplus or undesignated funds account.

ASIDE FROM RUNNING FOR OFFICE, HOW CAN I GET MORE INVOLVED?

There are at least two ways:

Become a member of the budget committee. These committees are granted special and early access to the proposed budget. Their roles, with a few exceptions, are advisory. Your town may or may not have a budget committee; there is no law requiring it to have one. However, towns that do say they serve as a "piece of Town Meeting" or that they serve as a "pre-Town Meeting." If an item is not acceptable to the budget committee, it often will not be acceptable to the voters. Ideal committees are critical, not adversarial. Above all, they should not be rubber stamps. Some argue that budget committees where everything is thrashed out in advance make for bland town meetings; they argue that town meeting is the "ultimate form of budget committee." Members are either elected or appointed to the committee. Seeking appointment to your town's Planning Board or Board of Appeals is another way to get involved.

Propose an article for the warrant. If you feel there is something you would like Town Meeting to consider, such as the creation of a budget committee or the hiring of an administrative assistant, you can approach the selectmen with your idea and ask them to put it on the warrant. They may agree to do so or they may ask you to indicate support for the idea by circulating a petition to have the particular (stated) article in the warrant. According to state law, the petition must be signed by a number of voters of the town equal to at least 10 percent of the number of votes cast for governor in the last election. The selectmen are not required to put it on the warrant if the article seeks something that is beyond the legal powers of the town.

WHAT DO THE FOLLOWING WORDS MEAN?

Amendment. This is technically a secondary motion and must be acted on before the main motion is voted upon. It must be seconded and allowed for discussion before it is voted upon.

Annual meeting. This is the meeting at which municipal officers and other officials are elected. No law requires that the annual municipal budget be voted on at this meeting, although many towns do so. A "special" town meeting is any other meeting called by the selectmen.

Annual report. The annual report must be available at least three days before the annual meeting or the annual budget (business) meeting. It must contain the following: a record of all financial transactions during the past fiscal year, a statement of assets and liabilities, including a list of all delinquent taxpayers and the amount due from each, and portions of the audit.

Audit. An examination of the financial statements of a municipality by a public ac-

countant to see if they fairly reflect the financial conditions of the municipality. State law requires that audits be conducted annually.

"Capped" money article vs. open-ended money articles. This is an article in the warrant which states an amount to be raised ("To see if the Town will vote to raise and appropriate the sum of $10,000."). Capped articles can only be reduced by amendment. They cannot be increased like open-ended articles ("To see what sum the town will vote to raise and appropriate.").

Excise tax. There is a motor vehicle excise tax and a watercraft excise tax. They are for the privilege of operating the equipment on public ways and waters.

Home rule. It is the constitutionally guaranteed right of towns and cities to adopt and amend their charters, choose their forms of government and adopt laws that are not already covered by state law or which state law does not prohibit municipalities from adopting. Home rule is intended to ensure local control.

Mandates. These are federal or state laws that require local governments to undertake specific actions or provide specific services. For instance, the requirement that municipalities build salt-sand storage sheds is a mandate that must be paid for with local funds as well as state funds. In 1990, Maine passed a law to require state funding of future mandates.

Ordinance. A law or a regulation enacted by a municipal government, usually targeting a specific subject, as in a dog-control ordinance, a parking ordinance or a zoning ordinance. Most ordinances (less than 10 pages) must be posted in a public place at least seven days before Town Meeting. No ordinance may be amended on the floor of Town Meeting; it may only be voted up or down.

Overdraft. To be avoided if possible. It's when the audit indicates that the amount spent on an item turns out to be greater than that approved by Town Meeting. It is indicated by a parentheses ( ) around the amount.

Revenues and expenditures. Revenue is a fancy word for incoming monies. Most of the money spent by town meeting comes from property taxes; other monies come from excise taxes on vehicles, and from the state in the form of revenue sharing and road assistance. "Expenditure" is a fancy word for outgoing money or on what the money is spent; most of the money is spent on schools, roads and solid waste disposal.

Surplus. Also known as "undesignated" or "unappropriated fund balance." It often results from not spending monies that were approved; it also results from getting more revenues than expected. There can be a tendency to "raid surplus" instead of raising taxes. But surplus is not a savings account; it is an "operating cushion" to be used only in times of emergency, say some. The rule of thumb is to make sure surplus contains at least 8 percent of the total operating budget for the town or an amount equal to one month's operating expenses. The optimum is 10 percent. If you do dip into it one year,

make sure you build it up again the next year. Only the Town Meeting can authorize the spending of surplus.

Secret ballot. The clerk prepares this for use at the polling place in secret (Australian) ballot elections, which can be for referendum questions (issues) as well as for candidates. Open town meeting towns become secret ballot towns by a Town Meeting vote to adopt secret ballot voting at least 90 days before the annual meeting. There are several towns in Maine that act on their entire warrant by secret ballot; many others use secret balloting for large ticket items, like bond issues.

Tax anticipation note (TAN). Often referred to as "hired money," it is money borrowed from a bank to run the town while waiting for taxes to be collected. Towns that collect taxes only once a year are the greatest users of this; towns that have two tax collections a year and therefore an earlier flow of cash into the town coffers usually do not have to rely on hired money. No Town Meeting vote is required in order to authorize the selectmen to take out a TAN.

Tax rate. The tax rate determines how much you pay in property taxes. It is stated in "so many dollars per thousand dollars of valuation." For example, in a town with a tax rate of $14 per thousand dollars, the owner of a house valued at $100,000 would pay $1,400 ($14 x 100) in taxes.

To raise. A vote to raise a sum of money is a vote to get the money through municipal taxation of real and personal property. Typically, the motion is "to raise and appropriate" the money for some stated purpose identified in the article.

To see what sum. An article that asks "to see what sum" is said to be an open-ended article and signals the need for someone to make a motion to set an amount for the discussion. Often the selectmen and the budget committee recommend on the warrant the amount that they think is in the best interest of the town.

Warrant. The written notice, signed by at least a majority of the selectmen, which calls a town meeting and lists all the articles or items of business which will be voted on at the meeting. It must be posted in at least one public and conspicuous place in the town at least seven days before the town meeting.

WHAT ARE THE DIFFERENT FORMS OF TOWN MEETING GOVERNMENT?

Town Meeting-Selectmen

This is the most common form. This form of government relies on a board of selectmen to function as the executive arm administering, enforcing and carrying out the decisions made by the town meeting. Some towns find that a part-time board of selectmen is not enough and that a full-time manager is too much, so they hire an administrative assistant to the selectmen.

Town Meeting-Selectmen-Manager

This is the second most common form of local government in Maine. As municipalities grow in size, and as state and federal regulations increase in number and complexity, many municipalities have hired a manager to administer the town's government. Under this form, the board of selectmen continues to serve as the town's executive body; the difference is that now they have an administrator to oversee the daily operations of the municipality so they can attend more to issues of policy.

Town Meeting-Council-Manager

In this variation, the legislative functions of government are shared between the town meeting and an elected council. The exact delegation of powers differs from one municipality to another. However, the most common scenario is to have the town meeting vote on the budget while the council tends to all the other legislative functions.

Representative Town Meeting

Also known as the "limited Town Meeting," persons are elected from each of several districts to attend the town meeting. Any voter may still speak, but only the elected representatives may vote.

About MMA

The Maine Municipal Association (MMA) is a voluntary membership organization offering an array of professional services to municipalities and other local governmental entities in Maine. MMA is a non-profit, non-partisan organization governed by an Executive Committee elected from its member municipalities. Founded in 1936, MMA is one of 49 state municipal leagues that, together with the National League of Cities, are recognized at all governmental levels for providing valuable services and advocating for collective municipal interests.

NOTES

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February 2014