

CHARLOTTE TOWN MEETING SOLUTIONS COMMITTEE

Vince Crockenberg and I spoke at some length on Wednesday, September 17, with Will Senning, Director of Elections at the Office of the Secretary of State in Montpelier. This was subsequent to an Email of two days ago when we had presented him and Garret Baxter of the VLCT with a question concerning the procedures to follow in response to the two advisory motions passed at the last Town Meeting.

We learned that both Senning and Baxter did not agree with the second advisory motion that moved the vote for the town budget to a date other than Town Meeting date. To do so is statutorily prohibited and would require the establishment of a Town Governance Charter to enable the change. Further, he pointed out (with Baxter's agreement) that the citizens of a town were statutorily prohibited from requiring the Selectboard to determine a budget amount that has not specifically been warned for Australian ballot or warned for discussion, amendment and passage from the floor of a Town Meeting.

This left us with only one alternative proposal: To hold a Special Town Meeting in January sufficiently early to enable proper warning of the results of the meeting. The two warned articles might be:

1. Shall the voters of the Town of Charlotte adopt their town budget article by Australian Ballot.
2. Shall the voters of the Town of Charlotte direct (or advise) the Selectboard to warn the Town Budget article in the amount of \$ (fill in the blank).

The following comments apply:

1. The requirement for a Special Town Meeting in late fall is unnecessary. Since the request for one was passed as an advisory motion on the floor of the Town Meeting (and parenthetically was missed in the minutes) there is no obligation for the Selectboard to hold it.
2. A Special Town Meeting needs to be held in January 2015 to vote on the above **two** articles. Subsequent years starting in 2016 will require only the second warned article. The Selectboard is legally obligated to hold only the meeting to vote on warned Article One above. The second article may be considered or not at their discretion. That is to say that if there is a petition for the above two articles, the Selectboard is only statutorily required to address the first article. The second article (for 2015 and subsequent years) may or may not be warned at the Selectboard's discretion.
3. The Selectboard may not, by statute, be swayed from a warned budget number except by amendment on the floor of a properly warned Town Meeting. The dollar number to be discussed and amended on the floor must be stated in the Town Meeting warning.
4. If the Selectboard publishes a warned budget number for vote by Australian ballot (which must be held on Town Meeting Day), it may only be passed or defeated by an up or down vote. No changes may be made subsequent to the warning.
5. The second warned article above must contain a budget number that will be discussed, amended and passed on to the Selectboard for publication at their discretion. That is to say, they may or may not accept the changes. That warned number may be a realistic budget number or one that could serve as a starting off point, such as last year's budget number plus an adjusted percentage.
6. The thinking is that the Special January Town Meeting needs be held on a Monday or Tuesday evening in order to draw the maximum number of voters to discuss and set the budget number that the Selectboard will present for Australian ballot. (The reality of the 2014 Town Meeting was that about 7% of the registered voters were available for the daytime Town Meeting, while something like 34% voted for the school budget by Australian ballot on the same day.

7. It must be remembered that the Selectboard will have a chance, at their peril, to change the amended budget that voters at the January Special Town Meeting directed them to present to voters on Town Meeting Day in March. Were the Selectboard to not warn the agreed upon budget number, there would still be sufficient time between the January and March for the public to engage in a meaningful debate on the reasons for and the extent of the variance.

8. In summation: The voters may not place any restrictions on the Selectboard to warn any budget number. The voters may amend the Selectboard's proposed budget only from the floor of a Town Meeting. The Selectboard must legally honor a petition calling for the change of budget voting from or to a Town Meeting. The Selectboard, however, is not so obligated to honor petitions on other items such as setting the budget number, building a sidewalk or other non-budgetary issues. Therefore, it will rest on the good will of the present Selectboard to schedule the above Special January Town Meeting and subsequent Special January Town Meetings which would address only Article Two above.
