

ARTICLE 2

LEGISLATIVE BRANCH

Section 2-1 Representative Town Meeting

There shall continue to be a representative form of town meeting limited to those voters who are elected to meet, deliberate, act and vote in the exercise of the legislative powers of the town.

Section 2-2 Composition, Term of Office

The representative town meeting shall consist of one hundred and eighty members elected for terms of three years each, so arranged that the terms of one-third of the members shall expire each year.

Section 2-3 Precincts

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The Select Board shall divide the town into convenient voting precincts in accordance with, but not limited to, Sections 6, 7, and 8 of Chapter 54 of the General Laws. The boundaries of the precincts shall be reviewed and wholly or partly revised by the Select Board every ten years, in accordance with Section 6 of Chapter 54 of the General Law.

Section 2-4 Candidates

- (a) **Eligibility** - Any voter shall be eligible to be a candidate, to be elected and to serve as a town meeting member.
- (b) **Nomination Procedure** - Nomination of candidates for the office of town meeting member shall be made by nomination papers signed by not less than ten voters resident in the precinct from which the candidate seeks to be elected. Nomination papers shall be filed with the town clerk at least thirty-five days preceding the date of the town election. Every nomination paper shall be submitted to the registrars of voters for certification of the names thereon on or before five o'clock in the afternoon of the fourteenth day preceding the day on which it shall be filed with the town clerk. The written acceptance of the candidate shall be on or attached to the nomination papers when filed in order for it to be valid.

Section 2-5 Election

The voters in each precinct shall, at the first town election held following any revision of precincts which affect them, elect by ballot all of its town meeting members. The first third in order of votes received shall serve for three years; the second third in such order shall serve for two years; and the remaining third in such order shall serve for one year from the date of the

annual election and until their successors are chosen and qualified. Thereafter, except as otherwise provided, at each succeeding annual election the voters of each precinct shall elect for three-year terms one-third of its town meeting members, and shall fill for the unexpired terms any vacancies then existing. In case of a tie vote affecting the determination of which candidates are elected or affecting a division into thirds, the town clerk shall conduct a lottery among those tied. Any such lottery shall be conducted at a time and place open to the public.

Section 2-6 Vacancies

- (a) **Resignation** - A town meeting member may resign by filing a written resignation with the town clerk; such resignation shall take effect upon the date of such filing unless a date certain is specified in the letter of resignation when it shall otherwise take effect.
- (b) **Removal From Town or Precinct** - A town meeting member who removes from the town shall forthwith cease to be a town meeting member. A town meeting member who removes from one precinct in the town to another, or who is so removed by a revision of precinct lines, may continue to serve as a town meeting member from the precinct from which he was elected until the next town election at which the remainder of his term, if any, shall be filled by the voters. Any person so removed from office may be a candidate for election as a town meeting member from the precinct to which he has removed at the same election.
- (c) **List of Persons Eligible to Fill Vacancies** - Following each town election, the town clerk shall prepare for each precinct a list of persons who received votes for town meeting member, but who were not elected. Persons on each list shall be listed in descending order of votes received. The town clerk shall maintain each list until the next town election, removing from each list the names of persons (1) who are appointed to fill vacancies, (2) who choose not to accept appointment when offered or (3) who are no longer eligible to be town meeting members.
- (d) **Filling of Vacancies** - Whenever a vacancy has been declared to exist either (1) by a letter of resignation filed with the town clerk, or (2) by the issuance of a certificate from the town clerk that such person has died or has removed from the town, or has failed to take the oath of office, or (3) there is a failure to elect a town meeting member, such vacancy shall be filled until the next town election from the list of persons eligible to fill vacancies in the precinct. The town clerk shall make appointments in accordance with the ordering of names on the lists. If necessary to resolve ties, the town clerk shall appoint a town meeting member to fill a vacancy by a lottery among those tied. Any such lottery shall be conducted at a time and place open to the public.

In the event of a failure to appoint a person to fill a vacancy in a position of town meeting member, or the failure of a person so appointed to qualify, the town clerk shall schedule a caucus among the then current town meeting members in the precinct in question for the purpose of selecting a person to fill the vacant town meeting member position. Any such caucus shall be conducted at a time and place open to the public. The town clerk shall provide written notice of the date, time and location of such caucus to the then current town

meeting members in the precinct in question, at least forty-eight hours (48) hours prior to such caucus, except where such forty-eight (48) hours is not possible due to town meeting scheduling requirements.

Notice of such caucus shall be posted on the Natick Town Hall bulletin board, and shall be posted on the Town of Natick website, in each event at least forty-eight (48) hours prior to such caucus, except where such forty-eight (48) hours notice is not possible due to town meeting scheduling requirements.

The town clerk or the town clerk's designee shall preside over such caucus. The eligible candidate who resides in the precinct in question and who receives the highest number of votes at such caucus shall serve as a town meeting member until the next annual town election.

Section 2-7 Compensation

Representative town meeting members shall receive no salary for their services as members of the town legislative body.

Section 2-8 Presiding Officer

A town moderator, chosen as provided in Section 3-10, shall preside at all sessions of the town meeting. The moderator shall regulate the proceedings, decide all questions of order, make public declarations of all votes and may, in open session, administer the oath to any town officer.

Section 2-9 General Powers

All powers of the town shall be vested in the representative town meeting, except as otherwise provided by law or the charter. The town meeting shall provide for the exercise of all powers of the town and for the performance of all duties and obligations imposed upon the town.

Section 2-10 Participation by Non-Town Meeting Members

- (a) **Representatives of Town Agencies** - A designated representative of each town agency shall attend all sessions of the representative town meeting for the purpose of providing the town meeting members with information pertinent to warrant articles concerning such agencies. If any such person is deterred by illness or other reasonable cause from attending, he shall designate a deputy to attend in his place. All representatives of town agencies, including any who may not be town residents, shall, during the consideration of articles affecting said agencies, have the same right to speak as a town meeting member, but shall have no right to make motions, or to vote.
- (b) **Town Officers and Employees** - Any town officer or town employee, whether a town resident or not, who has information pertinent to the subject matter of any warrant article shall be entitled to speak, but shall have no right to make motions, or to vote.

- (c) **Residents and Taxpayers** - Any resident or taxpayer of the town may attend the sessions of the town meeting and, subject to such rules as may from time to time be adopted shall have a right to speak, but shall have no right to make motions or to vote. For the purposes of this subsection the term “taxpayers” shall mean those taxpayers owning real property interests and/or personal property which are subject to valuation and assessment by the Town Assessor and the payment of such assessed taxes to the Town Treasurer Collector.

Section 2-11 Town Meeting Warrants

- (a) **In General** - Every town meeting shall be called by a warrant issued by the Select Board which shall state the time and place of the meeting and, by separate articles, the subjects which are to be acted upon.
- (b) **Initiation of Articles** - The Select Board shall receive all petitions which are addressed to it and which request the submission of particular subject matter to the representative town meeting and which are filed by: (1) any elected town officer, (2) any multiple member body, acting by a majority of its members, (3) any ten or more registered voters of the town for any annual town meeting and any one hundred or more registered voters of the town for any special town meeting as detailed in Massachusetts General Laws Chapter 39, Section 10, (4) such other persons or agencies as may be authorized by law, or by by-law. All such requests for submission of matters shall be in writing, but they shall not be required to conform to any particular style or form. The Select Board shall within fourteen days of receipt of a proposed zoning by-law amendment submit the same to the planning board for review.
- (c) **Time Requirements** - The Select Board shall place on the warrant for spring and fall town meetings the subject matter of all petitions which are received by it, in accordance with the provisions of this section, sixty or more days before the date, fixed by by-law, on which the representative town meeting is scheduled to meet. Whenever the Select Board shall decide it is necessary to call a special town meeting it shall, by publication in a local newspaper or by such other notice as is reasonably determined to reach and inform the citizens of the Town, give public notice of its intention. All requests for the inclusion of subjects, as provided above, which are received in the office of the Select Board prior to five o'clock in the afternoon of the second business day following such publication, or such longer period as may be authorized by a by-law adopted to further implement this provision, shall be included in the warrant for the said special town meeting.
- (d) **Publication and Posting** - Within five days following the date the warrant for any town meeting shall close the Select Board shall cause copies of the full text of the warrant articles for such meeting to be provided to the town clerk, the town moderator, the Chair of the finance committee, and to such other persons as may be designated by by-law. Within ten days after the Select Board has attested the warrant, the Select Board shall cause copies of said attested warrant to be posted on the town bulletin board and as designated by by-law. Copies of the warrant articles shall be made available for general distribution in the office of the town clerk.

- (e) **Committees** - The representative town meeting may, by by-law, provide for the establishment of standing committees to which shall be referred the subject matter of warrant articles for study, review and report in advance of town meeting action. Such committees may consist wholly of persons elected as town meeting members or of a combination of elected town meeting members and voters.

Section 2-12 Proceedings of Town Meetings

- (a) **Time of Meetings** - The representative town meeting shall meet at least twice in each calendar year. The first such meeting shall be held during February, March, April, or May, on a date fixed by by-law, and shall be primarily concerned with the determination of matters involving the expenditure and commitment of town funds, including but not limited to the adoption of an annual operating budget for all town agencies and which shall be deemed to be the annual meeting of the town. The second such meeting, the powers of which shall also be deemed to be those of an annual meeting, except that it shall not be construed to include the time for election of town officers and of other matters to be determined by ballots, shall be held during the last four calendar months, on a date fixed by by-law. In addition to these meetings, the Select Board may, in their sole discretion, for the purpose of acting on the legislative business of the town in an orderly and expeditious manner, call the representative town meeting into session at other times by the issuance of warrants for that purpose.
- (b) **Open Meeting** - All sessions of the representative town meeting shall at all times be open and public.
- (c) **Quorum** - Ninety-one town meeting members shall constitute a quorum for the transaction of all business to come before the town meeting, but a lesser number may meet and adjourn from time to time, but no town meeting shall adjourn over the date of an election for town meeting members.
- (d) **Clerk of the Meeting** - The town clerk or his designee shall serve as the clerk of the representative town meeting. The clerk shall give notice of all meetings to the town meeting members and to the public, keep the journal of its proceedings and perform such other functions as may be provided by the charter, by by-law or by other town meeting vote.
- (e) **Meetings of Multiple Member Bodies During Town Meeting** - No multiple member body of the town shall schedule a meeting to be held during the time the town meeting is in session for the transaction of business. This provision shall not be construed as to prohibit an emergency meeting of a multiple member body held in the same building in which the town meeting is in session.

Section 2-13 Referendum Procedure

- (a) **Effective Date of Final Votes** - No final vote of the representative town meeting to approve or reject an affirmative main motion under a warrant article, but not including appropriating money for the payment of notes or bonds of the town and interest thereon coming due, a vote appropriating money in anticipation of taxes or other revenue, or a vote declared by preamble to be an emergency measure, necessary for the immediate preservation of the peace, health, safety or a convenience of the town, shall be operative until the expiration of seven days following the dissolution of the meeting.
- (b) **Subsidiary Motions** - The affirmative main motion subject to referendum shall be the final form of the motion as modified by any amendments adopted. Whenever a subsidiary motion to lay upon the table, to refer or to postpone indefinitely is applied to the affirmative main motion and is voted by the representative town meeting, the affirmative main motion shall be deemed to have been rejected.
- (c) **Petition** - If a petition is filed with the Select Board requesting that any question as voted by the representative town meeting be referred to the voters for final determination, then the operation of such vote shall be suspended pending its determination by the voters; provided, however, that such petition must be filed within seven days after dissolution of said town meeting, and further provided that such petition must bear the signatures, as well as the names and addresses, of not less than five percent of the total number of registered voters as of the date of the most recent town election. Within ten days following the filing of such petition, the Select Board shall call a special election for submission of such question or questions to the voters for final determination. The Select Board shall fix the date of said special election not less than thirty-five days and nor more than sixty days after the date the petition was filed.
- (d) **Form of Question** - Questions submitted to the voters under this section shall be stated on the ballot in substantially the same language and form in which it was stated when presented to the town meeting members by the moderator, as appears from the records of such meeting, provided, however, the question shall always be stated in the affirmative form.
- (e) **Election** - All votes taken on questions so submitted shall be by ballot, and the conduct of such election shall be in accordance with the provisions of other laws relating to elections, generally. The questions so submitted shall be determined by majority vote, provided, however, that no vote which results in a different result than that as voted by the representative town meeting members shall be valid unless at least twenty per cent of the voters participate at such special election.