

**Town Meeting Tune-Up:
A Workshop for Moderators and Other Local Officials**

Wednesday, February 17, 2010
Capitol Plaza Hotel and Conference Center
Montpelier, Vermont

Agenda

- 8:30 Registration (coffee and light breakfast provided)
- 9:00 Welcome and Overview of the Day
Jim Barlow, Senior Staff Attorney, VLCT Municipal Assistance Center
- 9:05 Reflections on Town Meeting
Governor Jim Douglas will share some observations on Town Meeting derived from his many years as Moderator in Middlebury.
Governor Jim Douglas, Moderator, Town of Middlebury (invited)
- 9:25 Ruling the Unruly: How to Moderate a Vermont Town Meeting
Perennially popular parliamentarian Edward Chase will examine the role of the Moderator at Town Meeting and discuss the application of Robert's Rules of Order as modified by Vermont state statutes. Ed will cover basics such as motions and amendments, as well as more nuanced topics such as reconsideration, "fill in the blank", suspending the rules, and the dreaded Challenging the Moderator.
Edward Chase, Moderator, Town of Westford
- 11:00 Break
- 11:10 East Overshoe's 2009 Town Meeting: Everything that Could Have Gone Wrong But Didn't (or Did It?)
This session will focus on an actual town meeting (the names and some details have been changed to protect the innocent) to analyze difficult situations. This highly interactive session will feature lots of opportunities to share ideas and ask questions of other moderators.
Steven Jeffrey, VLCT Executive Director and Moderator, Town of Northfield
- 12:00 Lunch (provided)
- 1:00 Using Rules, Tact, and Humor to Inspire Civility: A Roundtable Discussion
This informal session will offer participants an opportunity to share best practices, pose questions generated by the morning sessions, and learn from the various experiences of the panelists.
Jim Barlow, Senior Staff Attorney, VLCT Municipal Assistance Center
Edward Chase, Moderator, Town of Westford
Steven Jeffrey, VLCT Executive Director and Moderator, Town of Northfield
Jon Gailmor, Moderator, Town of Elmore
- 2:30 Complete Evaluations
- 2:40 Safe Trip Home

Speaker's Biographies
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Jim Barlow joined the VLCT staff as Staff Attorney in the Municipal Assistance Center in 2004. Jim is a 1998 graduate of the University of Denver College of Law. He regularly teaches, writes, and advises Vermont officials on various municipal topics. Previously, Jim was in private practice with the law firm of Jacobs McClintock and Scanlon, in Bennington. There he counseled clients on a variety of laws, including those on contracts, employment, land use planning, and health. He also served as moderator for the Southwest Vermont Regional Technical School District. Now a Senior Staff Attorney, Jim lives in Marshfield with his wife Jennifer and sons Robert, William, and Wesley.

Governor Jim Douglas has been serving the people of Vermont for more than 30 years and was elected Governor in 2002. Ensuring that Vermonters have access to high-quality, affordable health care has been a top priority for Governor Douglas. Outside of government, Governor Douglas has been active in many community organizations, including serving as Town Moderator for Middlebury (2007 est. population 8,205), a post he has held for more than twenty years.

He was elected to the Vermont House of Representatives in 1972, becoming assistant majority leader in his second term and majority leader in his third term at the age of 25. Douglas retired from the state legislature in 1979 to become a top aide to Governor Richard Snelling. In 1980, he was elected Secretary of State, a post he held until 1993. In 1994, Douglas was elected State Treasurer, receiving the nomination of both parties and winning with 94 percent of the vote. Douglas worked hard to keep Vermont's fiscal house in order, and thanks to his efforts, Vermont's bond rating came to be the best in New England. He served as Vermont's Treasurer until his inauguration as Governor in 2003.

The First Lady of Vermont is Dorothy Douglas. The Governor and Mrs. Douglas have two grown sons, Matthew and Andrew, and a grandson, Timothy James Douglas.

Ed Chase resides with Ilene, his wife of forty two years, in Westford, VT. He has four children and thirteen grandchildren who plague him incessantly and keep him young. Ed is an engineer and worked at IBM in Essex Junction for forty years, and now has worked a couple of years with Vermont Associates for Training and Development, a statewide, nonprofit corporation whose mission is to provide training and employment services to low income Vermonters. He is very active in church activities, and has many hobbies, including woodworking, photography, music (vocal, guitar and tuba), and year-round outdoor activities. Ed has been the Westford Town (2007 est. population of 2,205) and School District Moderator since 1988.

Steven Jeffrey is the Executive Director of the Vermont League of Cities and Towns. He was Roxbury Town Moderator in 1987 and Northfield Town Meeting Parliamentarian from 1992 through 2002, before becoming the Northfield (2007 est. population 5,748) Moderator in 2003.

Jon Gailmor was born in New York City grew up in the suburbs of Philadelphia. He has been Elmore Town (2007 est. population 961) Moderator for five years, but began his training in 1971, when he started performing in schools, colleges, resorts, restaurants and folk clubs throughout the country. Jon presents songwriting residencies and workshops for students in pre-school through college, and helps companies and other organizations create their own masterpieces. A Sociology major at the University of Pennsylvania, Jon finds himself working among populations pre-natal through pre-historic, which has prepared him perfectly for the ever-changing group dynamics of Town Meeting.

Jon has been honored as an “Extraordinary Vermonter” by the governor, received the Mayor’s Peace Prize in Burlington and was awarded a Silver Citation by the Vermont Arts Council. He sang as Vermont’s representative at the 25th Anniversary of the Kennedy Center in Washington, D.C. and in 1996 carried the Olympic Torch through Brattleboro, on its way to Atlanta, without dropping it. Jon lives with his family and other mammals in Elmore.

Ruling the Unruly
OR
How to Moderate
a Vermont Town Meeting

Edward N. Chase
Town Moderator
School District Moderator
Westford, VT
1988–20??

KEY TO REFERENCES:

1. *RRO* – “*Robert’s Rules of Order, Newly Revised*”, 10th Edition (November 14, 2000);
2. *MH* – *A Handbook for Vermont Moderators* available at:
www.sec.state.vt.us/townmeeting/moderator_townmeeting.htm
3. *V.S.A.* – *The Vermont Statutes Online* available at: <http://www.leg.state.vt.us/statutes/statutes2.htm>

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The **MODERATORS JOB** ...should you choose to accept it...

1. **GUIDE AND MOLD** the meeting from opening to adjournment with fairness, impartiality, and authority – you are in charge.
2. **RUN WITH RIGOR** to *Robert’s Rules* as modified by VT State Law, the assembly, and “Tradition” – **NO EXCEPTIONS**, even on the “little things”.
3. It’s all about the voters – **FACILITATE THEIR WILL**. Assist them in framing motions; help them move through the process; answer their questions. *MH (4) Moderator’s Behavior*
4. Remember that the **PEOPLE RULE** except where State Law is specific -- *MH (3) State Law vs. RRO*
 - a. They can modify *Robert’s Rules of Order*.
 - b. They can challenge your rulings.
 - c. They cannot change State Law. If they choose to violate State Law, the resulting action will be nullified.
 - d. If you’re in doubt regarding how to proceed, ask the body.
5. **REMAIN IMPARTIAL** – you’re not allowed to express an opinion on the issue before the assembly while you’re acting as Moderator. If you want to engage in debate on an article, step down as Moderator before the article is read and don’t return as Moderator until the vote on the article has been completed. (Details Page 10, #43).
6. **AVOID LEGAL DEBATES** – not your job! You are only responsible for procedural questions. Find someone else to answer legal questions (Town Lawyer, Select board Member, Town Clerk, Town Treasurer, ...). *MH (4) Moderator’s Behavior*

BEFORE THE MEETING...

1. Help the Town Clerk and Select board **PREPARE THE WARNING**. At a minimum, review the Warning to ensure motions are properly framed and in an appropriate sequence. *MH (2) Preparation for Town Meeting*
2. **PREPARE NOTES** on procedures for reference during the meeting.
3. Set up the meeting at the beginning so that **ONLY LEGAL VOTERS VOTE** (Checklists, segregation, cards, have non-voters identify themselves...). *MH (2) Preparation for Town Meeting*
4. **MAINTAIN NOTES** during the meeting so you don’t lose track of where you are. Record amendments, what passed, what failed, etc. These notes will help you keep organized during debate and are useful in reviewing and approving the Meeting Minutes.
5. **REVIEW** *Robert’s Rules of Order* and the *Handbook for Vermont Moderators*.
6. **REVIEW** *Robert’s Rules of Order* and the *Handbook for Vermont Moderators*.
7. **REVIEW** *Robert’s Rules* ...

AFTER THE MEETING...

1. Review and sign the Meeting Minutes

CLASSIFICATION OF MOTIONS

MAIN MOTION

1. A Main Motion is a formal proposal by a member of a body that places an article before the body for them to act on.
2. A Main Motion can only be made when **NO OTHER MOTION IS PENDING**.

SUBSIDIARY MOTIONS

1. Subsidiary Motions are the most frequently used motions in parliamentary procedure.
2. Subsidiary Motions are **MADE WHILE A MAIN MOTION IS PENDING**, for the purpose of assisting or modifying it or to delay action or otherwise dispose of the main motion.
3. The Subsidiary Motion **SUPERSEDES THE MAIN MOTION** of the time being and must be dealt with before action can be taken on the main motion. However, all subsidiary motions must **YIELD TO INCIDENTAL AND PRIVILEGED MOTIONS**.
4. A Subsidiary Motion of higher rank can always be entertained while a motion of lower rank is pending before the house, but a motion of lower rank cannot be entertained if a motion of higher rank is before the body.

INCIDENTAL MOTIONS

1. Incidental Motions are those which **ARISE OUT OF A PENDING QUESTION** and must be decided before any other business is taken up; or are something connected with the business of the assembly that must be attended to and which requires a temporary interruption.
2. Incidental Motions have **NO SPECIAL RANK AMONG THEMSELVES**, but they **YIELD TO PRIVILEGED MOTIONS**.
3. Incidental Motions are dealt with individually as they arise, but they **TAKE PRECEDENCE OVER SUBSIDIARY MOTIONS**.
4. Most Incidental Motions are non-debatable.
5. **POINTS OF ORDER, PARLIAMENTARY INQUIRIES** and **REQUESTS FOR INFORMATION** do not require action by the assembly. The presiding officer takes care of these unless they need to be referred to the group for consideration.

PRIVILEGED MOTIONS

1. Privileged Motions have nothing to do with the pending question or motion, but are of such urgency and importance that they are allowed to **INTERRUPT THE CONSIDERATION OF ALL OTHER QUESTIONS AND TAKE PRECEDENCE OVER THEM**.
2. When there is a pending question, Privileged Motions are non-debatable because of their high rank.
3. If there is no pending question when a Privileged Motion is made, they are then **MAIN MOTIONS** and are without privileges

MOTION REFERENCE SHEET – ROBERT’S RULES AS MODIFIED BY VT STATE LAW

	2 ND	DEB	AMEND		INTER	
RECON						
<u>PRIVILEGED MOTIONS IN RANK ORDER</u>						
FIX TIME TO ADJOURN W/PEND QUEST	2 ND	NO	AMEND	MAJ	NO	REC
FIX TIME TO ADJOURN NO PEND QUEST-- <i>MAIN</i>	2 ND	DEB	AMEND	MAJ	NO	REC
ADJOURN		2 ND	NO	NO	MAJ	NO
NO						
RECESS—W/PEND QUEST	2 ND	NO	AMEND	MAJ	NO	NO
RECESS—NO PEND QUEST-- <i>MAIN</i>	2 ND	DEB	AMEND	MAJ	NO	NO
QUESTION OF PRIVILEGE						
MAIN MOTION IN ORDER-- <i>MAIN</i>	2 ND	DEB	AMEND	MAJ	NO	REC
MAIN MOTION NOT IN ORDER	NO	NO	NO	MOD	INT	NO
ORDERS OF DAY, CALL FOR	NO	MODERAT*1		NO	INT	NO
<u>INCIDENTAL MOTIONS--NO RANK AMONGST THEMSELVES</u>						
APPEAL MODERATOR’S DECISION	2 ND	DEB*2	NO	MAJ	INT	REC
BLANKS, TO CREATE BY STRIKING OUT	2 ND	NO	NO	MAJ	NO	NO
CLOSE SUGGESTIONS (OR NOMINATIONS)	2 ND	NO	AMEND	2/3	NO	NO
DIVISION OF ASSEMBLY	NO	MODERATOR		NO	INT	NO
DIVISION OF A QUESTION	2 ND	NO	AMEND	MAJ	INT	NO
OBJECTION		NO	NO	NO	2/3	INT
REC*3						
<u>(PASSOVER AFTER MOTION IS SECONDED BUT BEFORE DISCUSSION IS STARTED)</u>						
PARLIAMENTARY INQUIRY	NO	MODERATOR		NO	INT	N/A
POINT OF INFORMATION	NO	MODERATOR		NO	INT	NO
POINT OF ORDER		NO	MODERATOR		NO	INT
NO						
READ PAPERS	2 ND	NO	NO	MAJ	NO	REC
RECONSIDERATION*8	2 ND	DEB	NO	MAJ	NO	NO
SUSPEND THE RULES	2 ND	NO	NO	2/3	NO	NO
WITHDRAW A MOTION	2 ND	NO	NO	MAJ	NO	REC
<u>(PASSOVER AFTER THE MOTION IS MADE BUT NOT RESTATED BY THE CHAIR)</u>						
<u>SUBSIDIARY MOTIONS IN RANK ORDER</u>						
LAY ON THE TABLE--EMERGENCY ONLY	2 ND	NO	NO	MAJ	NO	NO
PREVIOUS QUESTION / CALL THE QUESTION	2 ND	NO	NO	2/3	NO	REC*4
LIMIT/EXTEND DEBATE ON PENDING QUESTION	2 ND	DEB	AMEND	2/3	NO	REC
DURATION OF MEETING	2 ND	DEB	AMEND	2/3	NO	REC
POSTPONE TO A DEF. TIME--NO MERITS	2 ND	DEB*5	AMEN*6	MAJ	NO	REC
REFER TO A COMMITTEE	2 ND	DEB	AMEND	MAJ	NO	REC
AMEND THE AMENDMENT	2 ND	DEB	NO	MAJ	NO	REC
AMENDMENT(SUBSTITUTE--DEBATE BOTH)	2 ND	DEB	AMEND	MAJ	NO	REC
POSTPONE INDEFINITELY--DEBATE MERITS	2 ND	DEB	NO	MAJ	NO	
REC*7						
<u>(PASSOVER AFTER THE MOTION HAS BEEN SECONDED AND IS ON THE FLOOR)</u>						
<u>MAIN OR PRINCIPAL MOTION</u>						
AMEND SOMETHING PREVIOUSLY ADOPTED	2 ND	DEB	AMEND	2/3	NO	NEG
TAKE FROM THE TABLE	2 ND	NO	NO	MAJ	NO	NO

NOTES: *1 MUST BE ENFORCED ON DEMAND OF ONE MEMBER UNLESS SET ASIDE BY A 2/3 VOTE
 *2 MODERATOR EXPLAINS RULING, EACH VOTER CAN SPEAK ONLY ONCE, THEN MODERATOR RESPONSE - RRO 254
 *3 NEGATIVE VOTE (SUSTAINING OBJECTION) ONLY *4 ONLY ON AFFIRMATIVE VOTE BEFORE ANY ACTION TAKEN UNDER IT
 *5 CAN'T DEBATE MERITS OF MOTION, ONLY POSTPONEMENT *6 AMENDABLE ONLY AS TO THE

INSTRUCTIONS TO THE BODY BEFORE CALLING THE MEETING TO ORDER

1. **ROBERT'S RULES OF ORDER** is the basic rules of order for this meeting except where Vermont Law takes precedence. (*MH – Prologue*) You cannot change state law, but you can change *Robert's Rules* with a 2/3 vote if you desire (Amend something previously adopted). *MH (3a) – State Law vs. Robert's Rules*.
2. An article must be **MOVED** and **SECONDED** by the body, then **RESTATED** by the Moderator before it is under consideration and debate on the article may begin. *RRO Page 38 Line 17*
3. **ARTICLES** may have only **ONE AMENDMENT** at a time **ASSOCIATED** with them, and **AMENDMENTS TO AN ARTICLE**, likewise, may have only **ONE AMENDMENT** at a time associated with them. *RRO Page 126 Line 26*
4. **AFTER YOU'VE SPOKEN** once on a particular article, you will not be recognized a second time during discussion on that article or amendment until all other voters who wish to speak on the issue for the first time are given an opportunity to do so. *RRO Page 375 Line 20*
5. **DIVISION OF THE HOUSE** can be requested by one voter before or after a voice vote. State Law provides for a **PAPER BALLOT** vote on the request of seven voters unless the town has made other arrangements, again, before or after a voice vote, or after a division of the house. This means that the Moderator could ask for a voice vote, declare the motion passed, someone could request division of the house, there must then be a vote by show of hands or rising, the Moderator declares the motion passed, then someone could request a paper ballot, and the Moderator would have to honor this request if the number of people asking for the paper ballot meets minimum requirements. Note that you can offer a motion to change the number required to request a Paper Ballot, but the motion to do so must be made when no other motion is on the floor. *MH – (5) Voting, 17 V.S.A 55 §2658, RRO Page 293 Line 34*
6. **DEBATE MAY BE CUT OFF** by a motion to Call the Question and a two-thirds vote to do so. *MH (6d) – Motions*
7. All motions, remarks and discussion must be **ADDRESSED TO THE MODERATOR**. I will do my best to recognize you in the order that you have raised your hands. You must be recognized to speak, even to "Call the Question". After being recognized, please stand up, wait for a microphone, then give your name, and speak in a loud voice so that your comments may be heard by everyone. *RRO Page 380 Line 16*
8. State law prohibits consideration of articles that have **NOT BEEN WARNED**. This means you cannot take binding action under the article "Other Business", and you can't amend warned articles such that they would deal with business that hasn't been warned. *MH (13) – Other Business, 17 V.S.A 55 §2660(d)*
9. **RECONSIDERATION** of an article is allowed by State Law until a point is reached where another article is under consideration. This means that if you have voted down an article, a motion can be made to reopen consideration of this article by a person on the prevailing side (Yes, I need to ask...). However, once I have placed another article before you, no more action can be taken regarding the article at this meeting. *MH (3) – State Law Versus Robert's Rules - Reconsideration, RRO Page 304, 17 V.S.A 55 §2661*
10. My role, as moderator, is to help you **ACCOMPLISH THE BUSINESS** you intend to do. Please raise your hand and ask questions if you don't understand what is happening, or if you think what is happening is wrong for some reason, or if you want to do something, but you don't know how to proceed. Please tell me if you feel I am ruling improperly.
11. **AT THIS TIME, I ASK THAT THOSE WHO ARE NOT REGISTERED VOTERS IN THE TOWN OF _____ TO RAISE THEIR HANDS.** Unless there is a suspension of the rules, you may not vote or speak on articles. *MH (2d) – Preparation for Town Meeting*

SUMMARY OF ROBERT'S RULES AS MODIFIED BY VT STATE LAW

1. The Town Meeting in many towns has split into two, discrete parts—the **OPEN MEETING** and the **AUSTRALIAN BALLOT ELECTION**. The Moderator does not oversee **AUSTRALIAN BALLOT VOTING**. The Municipal Clerk is the presiding officer of Australian ballot elections. The moderator has nothing to do with the Australian ballot election itself. *MH – Moderator's Behavior, 17 V.S.A 51 §2452*
2. Vermont State Law Was been modified in 2008 such that, if you hold Town Meeting on Tuesday in the same place where the voting by **AUSTRALIAN BALLOT** is taking place, public discussion of Australian ballot issues, as well as all other issues appearing in the warning, except for the election of candidates, shall be permitted on that day at Town Meeting, regardless of the location of the polling place. In your Town Meeting, when the voters reach the place in the warning where there is an article to be voted by Australian ballot, the moderator should ask if there is any discussion of the article. Stop short of taking action, or considering amendments or any other motions that affect the article, however, since the question must be voted on by Australian ballot as warned. *17 V.S.A 55 §2640(c)*.
3. If a town holds their meeting on the **SATURDAY, SUNDAY OR MONDAY** before Town Meeting Day (enabled in 1992), the moderator does not need to "recess" the meeting until Town Meeting Day. They may adjourn the meeting without fear of compromising the Tuesday election in any way. Regardless of what is done in the Town Meeting, the town clerk, as presiding officer, will still be able to declare the polls open and close them on Town Meeting Day. *MH – Moderator's Behavior. 17 V.S.A 55 §2640(b)*
4. Vermont state law says a **MODERATOR SHALL BE ELECTED** at the annual meeting for a term of one year. *17 V.S.A. § 2646(1)*. The Moderator elected at last year's annual meeting will preside at this year's annual meeting, until a new Moderator is elected, but if the motion made refers only to the Moderator, the Moderator should step down and allow a Select board member to preside over the election (*RRO Page 436 Line 6*). That new Moderator will take office after being elected, and will preside at the remainder of this year's meeting and at special meetings throughout the year until the beginning of next year's annual meeting. There is no requirement that Moderators be sworn before taking office. *24 V.S.A. 33 § 831*. If the Moderator is absent, a Select board member must preside until a Moderator is elected. *17 V.S.A.55 § 2657*.
5. Using **UNANIMOUS CONSENT**, the assembly can do business with little regard for the rules of procedure and expedite the process. The Moderator should act with unanimous consent where possible to eliminate the need for a formal vote on a motion. For example, instead of offering a motion to suspend the rules to allow a non-resident to speak, the Moderator might say, "If there is no objection, we'll allow this non-resident to speak." If there is an objection, the Moderator must follow the rules and vote on the appropriate motion (in this case, offer a motion to suspend the rules to allow this non-member to speak). *MH (4e) – Moderator's Behavior, RRO Page 51 Line 23*
6. A **MAIN MOTION** is not on the floor until it has been made, seconded, and the moderator has **STATED THE MOTION**. *RRO Page 31 Line 27*
7. Motions or Amendments can be **REFUSED IF FRIVOLOUS** or out of order. *RRO Page 164 Line 34*
8. Effect of a **NEGATIVE MAIN MOTION** is to make adoption of the main motion equivalent to doing nothing at all. Rule the motion **OUT OF ORDER** and instruct the moving party to move the article as warned. *MH (6g) – Motions*

9. After a main motion has been made and before the question has been stated by the chair, any member can quickly rise and informally suggest one or more **MODIFICATIONS IN THE MOTION**, which at this point the maker can accept or reject as he wishes. *RRO Page 38 Line 27*

SUMMARY OF ROBERT'S RULES AS MODIFIED BY VT STATE LAW

10. After a main motion has been made and before the question has been stated by the chair, any member can quickly rise and ask if the maker of the motion would **WITHDRAW THE MOTION** if he was aware of information this member offers, at which point the maker of the motion can choose to maintain or withdraw his motion. *RRO page 39 Line 25*
11. After a motion has been stated by the Moderator, it belongs to the assembly. The maker of the motion can request **PERMISSION TO WITHDRAW** it at any time before a vote is taken, even if it has been amended. Using Unanimous Consent, the Moderator will say, "Unless there is an objection, the motion is withdrawn. If there is objection, the Moderator will put the question of granting the request to the assembly." *RRO Page 284, Line 31*
12. If a motion is made **CONTINGENT ON A LATER ARTICLE**, recommend that the voter move to suspend the rules and consider the later article right now, then move back to the article initially under consideration. *MH (end of 11) – Money*
13. Vermont State Law **PROHIBITS** a town from **CONSIDERATION OF ARTICLES THAT HAVE NOT BEEN WARNED**. Therefore, a motion must always be introduced to the floor exactly as it is written in the warning. After the motion is on the floor as warned, the Assembly can then amend it within the limitations described within item 10 below. *MH (13) – Other Business, VT State Law 17 V.S.A 55 §2660(d)*
14. Articles may have only **ONE AMENDMENT** (a Primary Amendment) at a time associated with them, and this primary amendment, likewise, may have only one amendment at a time (a Secondary Amendment) associated with them.
15. An **AMENDMENT** must be **GERMANE** to the subject that was warned, both in terms of the subject of the main motion, and the method of completion of some business, and it must be reasonable to **ACHIEVE THE PURPOSE** of the article as warned. If in doubt regarding the germaneness of an amendment admit it and, in important cases, refer the decision to the assembly. If an amendment were to change the subject, object, or means of execution of an article, voters will not have had adequate notice of that vote, so the Moderator must reject it. If the amendment were allowed, the article would be considered as unwarned, and the vote would be invalid. For example, you can't change "Purchase a Big Red Truck" to "Purchase a Yellow Bucket Loader", or change "Study Building a Garage" to "Build a new Garage", or change "Pay using Taxes from coming year" to "Pay by taking out a 5 year loan". *RRO Page 125 Line 27, Page 129 Line 30, MH (6e) – Motions – Amendments, Kaeser v. Town of Starksboro, 116 Vt 251 (1950)*
16. A **SECONDARY AMENDMENT** must be **GERMANE TO THE PRIMARY AMENDMENT**, not to the main motion. *MH – Motions (6h,6i) – Amendments, RRO Page 130 Line 3*
17. A Motion to Substitute may be made to determine the advisability of substituting a new motion for the existing motion. When a **SUBSTITUTE MOTION** is introduced, debate can go into the **MERITS OF BOTH** the pending motion and the proposed substitute, and **BOTH MAY BE AMENDED**, but any amendments to the pending motion will be taken up first. If the Motion to Substitute passes, the chair then throws the Substitute Motion open to debate. The Substitute Motion in turn must be voted upon, and is subject to amendment. *RRO Page 146 Line 31*

SUMMARY OF ROBERT'S RULES AS MODIFIED BY VT STATE LAW

18. The motion to **LAY ON THE TABLE** is out of order if the evident intent is to kill or avoid dealing with the measure in question. This motion is only to be used when something else of **IMMEDIATE URGENCY** has arisen (do you smell smoke?). If an article is "tabled" during the course of a meeting, it could be removed from the table during that same meeting. However, it cannot be considered at a subsequent special or annual meeting without being warned as an article for the new meeting. *Moderator's Work Shop 1995 Page 12, RRO Page 202 Line 12*
19. **PASSOVER** is a VT Tradition upheld by the courts in an Albany 1867 Case. It can represent **OBJECTION, WITHDRAW A MOTION, or POSTPONE INDEFINITELY**, depending on what point in time it is introduced. See Motion Crib Sheet. (Page 4) *MH – (Motions 6b)*
20. An **OBJECTION** to consideration of a question is out of order once discussion has started. *RRO Page 258 Line 33*
21. When a motion to **POSTPONE INDEFINITELY** is introduced, debate can go fully into the **MERITS OF THE MAIN QUESTION**. *RRO Page 122 Line 13*
22. When a motion to **POSTPONE TO A DEFINITE TIME** is introduced, debate **MUST NOT GO INTO THE MERITS OF THE MAIN QUESTION** any more than is necessary to enable the assembly to decide whether the main question should be postponed and to what time. *RRO Page 174 Line 19*
23. Articles that are voted to be either "passed over" or "postponed indefinitely" cannot be raised at a special or future annual meeting without a full **WARNING OF NEW ARTICLE**.
24. If a pending main motion (or an amendment to it) contains two or more parts capable of standing as separate questions, the assembly can vote to treat each part accordingly in succession by proposing **DIVISION OF THE QUESTION**. *RRO Page 68 Line 14*
25. If the body desires to have an unlimited number of choices to consider on an article associated with money, they can make a motion to "**CREATE A BLANK** by striking out the sum in the motion." If such a motion is adopted, the sum struck out to create the blank automatically becomes one of the sums for filling in the blank. The chair can use unanimous consent to create a blank if they feel that is the will of the body. If there is an objection, a vote is required. *RRO Pages 155-156*
26. In **FILLING BLANKS**, the number of alternatives is not limited, and members have an opportunity to weigh all choices before voting and to vote on them in a fair and logical order (spending money--highest to lowest; selling something--lowest to highest). *RRO Page 155 Line 13, MH (10) – Reports of Officers*
27. **CLOSE SUGGESTIONS** is the motion used to end **FILLING BLANKS** (and **NOMINATIONS**). It requires a Second and a 2/3 Vote. *RRO Page 159 Line 29*
28. In **FILLING BLANKS**, the vote that fills the blank does not decide the main question. When the blank is filled, the chair must immediately state the question on the adoption of the main motion, which places it on the floor for discussion. *RRO Page 159 Line 22*
29. The **MAKER OF A MOTION** has the right to **SPEAK FIRST** in debate, if they wish, after the Moderator has stated the question. *RRO Page 32 Line 29*

SUMMARY OF ROBERT'S RULES AS MODIFIED BY VT STATE LAW

30. In the debate, each member has the right to **SPEAK TWICE** on the same question on the same day, but cannot make a second speech on the same question so long as any member who has not spoken on that question desires the floor. No one can speak longer than **10 MINUTES** in a given speech without the permission of the assembly. *RRO Page 41 Line 14, RRO Page 375 Line 20, Page 376 Line 20*
31. In cases where the chair knows that persons seeking the floor have **OPPOSITE OPINIONS** on the question, the chair should let the floor **ALTERNATE** as far as possible. This is most easily implemented by the Moderator asking for a speaker who supports the motion, then one who opposes the motion, etc. *RRO Page 30 Line 11*
32. A member has no right to **READ FROM ANY PAPER** or book as part of his speech without permission from the assembly. It is customary, however, to allow members to read short, pertinent printed extracts in debate as long as they do not abuse the privilege. ("If there is no objection, I will allow Jane Smith to read from...") *RRO Page 286 Line 15*
33. **DEBATE** may be **CUT OFF** by a motion to **CALL THE QUESTION** and a two-thirds vote to do so. This motion must be acted upon immediately, but note that the person offering the motion must be recognized by the Moderator and given the floor in order to make the motion – it can't merely be shouted by someone in the body without appropriate recognition by the Moderator. If you are calling on people in the order they raised their hands, there may be several speakers ahead of the person who wants to call the question. *MH (6d) – Motions*
34. To **VOTE** on motions, the moderator must **RESTATE THE MOTION** and **EXPLAIN THE IMPLICATIONS** of a vote of "Aye" and of a vote of "No." *RRO Page 42 Line 29*
35. **DIVISION OF THE HOUSE** is required whenever two thirds of the body is required to vote in the affirmative to pass a motion. *RRO Page 388 Line 31*
36. State Law provides for a **PAPER BALLOT** vote on the request of seven voters unless the town has made other arrangements, again, before or after a voice vote, or after a division of the house. This means that the Moderator could ask for a voice vote, declare the motion passed, someone could request division of the house, there must then be a vote by show of hands or rising, the Moderator declares the motion passed, then someone could request a paper ballot, and the Moderator would have to honor this request if the number of people asking for the paper ballot meets minimum requirements. *MH – (5) Voting, 17 V.S.A 55 §2658*
37. Vermont State Statutes require a vote by **PAPER BALLOT** "if requested by seven voters, ...unless the town has provided some other procedure in such cases". Changing this number is best described in Robert's Rules of Order as "**AMEND SOMETHING PREVIOUSLY ADOPTED** (Paragraph 35). This motion takes precedence over nothing and, therefore, can be moved only when no other motion is pending. It requires a 2/3 vote to pass. *17 V.S.A 55 §2658, RRO Page 294*
38. **A PAPER BALLOT IS NOT AN AUSTRALIAN BALLOT.** People often confuse the terms "written ballot", "paper ballot" and "Australian ballot." In the Vermont statutes, a "written ballot" and a "paper ballot" are blank pieces of paper that are used to vote at a traditional floor school district or town meeting to elect certain officers when required by statute or when requested by at least seven voters. An "Australian ballot" vote refers to the practice of voting at designated polling places during designated polling with pre-printed ballots that must be available 20 days prior to the school district or town meeting for absentee voting.

SUMMARY OF ROBERT'S RULES AS MODIFIED BY VT STATE LAW

39. When **DECLARING THE RESULTS** of a vote, use the following form: “The Ayes appear to have it”, then pause for a few seconds and say, “The Ayes have it; the motion is carried.” This gives the body an indication of how the Moderator is going to rule and allows them the opportunity to call for a division of the house or a paper ballot vote if they so choose. *MH (5a) – Voting—the general rule*
40. **RECONSIDERATION** of an article associated with a public question or budget is allowed by State Law until a point is reached where another article is under consideration. This means that if the body has voted down such an article, a motion can be made to reopen consideration of this article by a person on the prevailing side. Yes, the Moderator must ask which way they voted. Note that the second can be from anyone, regardless of how they voted (*RRO Page 309*). However, once the Moderator has placed another article before the body (Moved, Seconded, and Restated by the Moderator), no more action can be taken regarding the article at this meeting. *MH (3) – State Law Versus Robert’s Rules - Reconsideration, RRO Page 304, 17 V.S.A 55 §2661 Reconsideration of the ELECTION OF OFFICIALS is not allowed. 17 V.S.A 55 §2603*
41. When a member thinks that the rules of the assembly are being violated, he can make a **POINT OF ORDER**, thereby calling upon the chair for a ruling and an enforcement of the regular rules. *RRO Pages 240-247*
42. **APPEAL OF MODERATOR'S DECISION**: If someone in the body disagrees with one of the Moderator’s rulings, the form of the question posed is, "Shall the decision of the moderator be sustained?" Process: Explanation by Moderator, debate with each person speaking only once, Moderator Summarizes, vote. *MH (4f) – State Law vs. Robert’s Rules, RRO Page 67 Line 30, RRO Pages 247-252*
43. The Moderator is required to **PRESERVE ORDER** in the conduct of business and in debate. If a person who, after notice, is persistently disorderly and refuses to withdraw from the meeting, the Moderator may have the constable or other person remove him. If they refuse to leave, they can be fined up to \$200. *17 V.S.A 55 §2659*
44. When a question is pending, a member can condemn the nature or likely consequences of the measure in strong terms, but they must **AVOID PERSONALITIES** and under no circumstances can they attack or question the motives of another member. The measure, not the member, is the subject of debate. *RRO Page 380*
45. The Moderator should not enter **LEGAL DEBATES**. The best policy to retain the respect of the assembly for your impartiality and fairness is not to answer anything other than procedural questions. Refer questions other than procedural questions to the town or school officers. *MH – Moderator’s Behavior*
46. If the **MODERATOR DESIRES TO SPEAK** on a motion, they must **STEP DOWN** before the article is read and not return to the podium until the vote has been completed. *MH – State Law vs. Robert’s Rules – Remain impartial, RRO Page 382 Line 16*

SUMMARY OF ROBERT’S RULES AS MODIFIED BY VT STATE LAW

47. The **MODERATOR** is entitled to **VOTE** when the vote is by **PAPER BALLOT**. If the vote is not by paper ballot, the Moderator can only vote in cases where the Moderator's vote will **CHANGE THE RESULT**. For example, when the vote is not by paper ballot, the Moderator can vote when:
- (a) a two-thirds vote is necessary, and the Moderator's vote thrown with the minority will prevent the adoption of the question, or
 - (b) a two-thirds vote is necessary, and the Moderator's vote thrown with the majority will cause the motion to pass, or
 - (c) a majority vote is necessary and the Moderator's vote thrown with the minority will produce a tie vote and thus cause the motion to fail, or
 - (d) A majority vote is necessary, a tie exists, and the Moderator's vote thrown with the favorable side will cause the motion to pass.

RRO Page 50 Line 29, Page 400 Line 25

48. Vermont State Law prohibits a town from consideration of articles that have not been warned. This means that any action taken under the article **OTHER BUSINESS WON'T BE BINDING**, because it hasn't been warned. Votes can be taken under Other Business on motions presented in order to provide a sense of direction to the School Board or the Select board, but they are not binding.

MH (13) – Other Business , V.S.A 55 §2660(d)

49. If a **RECESS** is provided for in the adopted agenda or program of a convention or other meeting, the chair, without further action by the assembly announces the fact and simply declares the assembly in recess when the specified time arrives. *RRO Page 222 Line 30*

50. When the **ORDERS OF THE DAY** (an event on the agenda or order of business of the day) are called for, the chair can, and ordinarily should, immediately announce as the newly pending business the subject that is then in order. Sometimes the chair or a member may sense that the assembly would prefer to continue consideration of the presently pending question or take up another matter first. In such cases the assembly by a two-thirds vote can set aside the orders of the day as follows:

- (a) The chair can use "Unanimous Consent" saying, "The orders of the day are called for. However, if there is no objection we'll complete consideration of the pending question before we proceed to the orders of the day." If there is no objection, continue on the pending question. If someone objects,
- (b) The chair can put to question on proceeding to them: "The orders of the day are called for. The orders of the day are _____. The question is: Will the assembly proceed to the orders of the day? As many as are in favor of proceeding to the orders of the day raise their hand (2/3 negative vote required to continue consideration of pending question).
- (c) A member can move that the time for considering the pending question be extended ____ minutes or that the rules be suspended and the desired question taken up (2/3 approval required).

RRO Page 211

51. The Vermont Supreme Court has ruled that **ADJOURNMENT BEFORE THE WARNING IS COMPLETED** will not be respected, and that voters who remain in the room after this motion is adopted to complete the business of the meeting will be supported by the court.

Jenney v. Alden, Oliver and Lennert, 79 Vt. 156. 160 (1906). MH (14) - Adjournment

SUMMARY OF ROBERT'S RULES AS MODIFIED BY VT STATE LAW

52. State law allows a body to adjourn its Town Meeting to another day. **ADJOURNMENT TO A DATE AND TIME CERTAIN** allows a town or school district to avoid warning delays if voters want to continue a meeting to a later date. If a motion is made to adjourn to a date and time certain, the meeting really is continued at the later date, rather than adjourned. Therefore, the meeting does not need to be warned again. This eliminates the 30 to 40 day warning period for a new meeting. A motion to adjourn to a date and time certain is most commonly used in the event of bad weather or other emergencies (like a broken furnace). It may also be used when the voters want to postpone a vote until they receive additional information that is not available at town meeting (as when an audit report is delayed). If the motion to adjourn does NOT contain a date and time certain, the next meeting will require full 30 to 40 day warnings. *MH (14) – Adjournment, RRO Page 228 Line 19, 17 V.S.A 55 §2640(a)*
53. When a meeting is **ADJOURNED TO A DATE AND TIME CERTAIN**, the adjourned session can only include completion of voting and discussion of articles which were in the original warning, because it is a continuation of the previous meeting. New articles cannot be added during the recess and the same checklist used at the first meeting must govern the second. Adequate warning is consideration. Even those voters who are present in a meeting as it adjourns to another day might not attend the reconvened meeting when no other notice is required. For these reasons, a moderator should try to avoid adjournments to later dates if possible, and if not should at least try to ensure that the meeting reconvenes within a few days of the original session, rather than waiting weeks or months to reconvene. *MH (14) – Adjournment, V.S.A 55 §2660(d)*
54. A town can **MOVE TOWN MEETING** if it must. Every year some towns find that the place intended to hold town meeting is suddenly unavailable. If town meeting absolutely needs to move to a new location, the best option is to post a notice indicating the new location on all entrances to the original town meeting location. If the town has enough advanced warning it would be a good idea to notify the local media and post notices of the new location around town. Have the moderator be prepared to begin a bit late to ensure that people who arrive at the original meeting place on time will not miss the beginning of the meeting. After town meeting a special meeting should be held to validate the town meeting. Errors or omissions in the conduct of an original meeting which are not the result of an unlawful notice or warning or noncompliance within the scope of the warning, may be cured by **PASSING A RESOLUTION OF THE BODY** of the municipality by a vote of two-thirds of all its members at a regular meeting or a special meeting called for that purpose, stating that the **DEFECT WAS THE RESULT OF OVERSIGHT, INADVERTENCE OR MISTAKE**. When an error or omission of this nature has been thus corrected by resolution, all business within the terms of the action of the qualified voters shall be as valid as if the requirements had been initially complied with. *17 V.S.A. 55 §2662.*
55. Select boards and School Boards do not have to accept petitions for articles that are **NOT ASSOCIATED** with the **NORMAL SCOPE OF BUSINESS** for the town or the school, nor does a **MODERATOR** have to accept such a motion under **OTHER BUSINESS** unless the body agrees by a two thirds vote to do so. *RRO Page 33 Line 1, Agnes Clift vs the City of South Burlington 2006.*
56. **REPORTS OF OFFICERS** – This article is first moved and then gives way to an informal process in which various officers offer corrections and elucidations on their reports. Voters may cross-examine officers and request explanations on a variety of subjects, including past actions, entries in the town report and the like, but they can't go into the warned business of the day. *MH (10) – Reports of Officers*
57. **ELECTION OF OFFICERS** – VT State Law requires that, when an election is **BY AUSTRALIAN BALLOT**, the candidate receiving the most votes shall be declared elected to that office. There are additional requirements for voting on Write-In Candidates. *17 V.S.A. 55 §2682(c)*

SUMMARY OF ROBERT'S RULES AS MODIFIED BY VT STATE LAW

58. **ELECTION OF OFFICERS** – VT State Law (*17 V.S.A. 55 §2660(b)*) requires that, when an election is **BY PAPER BALLOT FROM THE FLOOR**, a majority of all votes cast for any office shall be required for an

election. VT State Law (17 V.S.A. 55 §2660(c)) explains that when no candidate has received majority of votes by the end of the third vote, the moderator must announce that the person receiving the least number of votes in the last vote and in each succeeding vote shall no longer be a candidate. Eventually, one candidate will receive a majority of the votes by this process of elimination. *MH (9f) – Majority Vote.*

59. **ELECTION OF OFFICERS** – VT State Law requires a paper ballot vote for the election of Listers, Auditors, Select board members, Elective Road Commissioners and Elective Water Commissioners. All other officers may be handled on the floor in open session. *17 V.S.A. 55 §2646*
60. In municipalities that use Australian ballot system for electing officers, **SPEECHES BY CANDIDATES** and their supporters are **NOT PERMITTED** at an open session of the meeting held on the same day as Australian balloting. *17 V.S.A. 51 §2508 (c)*
61. There are **INCOMPATIBLE OFFICES**. An Auditor shall not be Town Clerk, Town Treasurer, Select board member, First Constable, Collector of current or delinquent taxes, Trustee of public funds, Town Manager, Road Commissioner, Water Commissioner, Sewage System Commissioner, Sewage Disposal Commissioner or Town District School Director, nor can the spouse of any of these persons be an Auditor. A Select board member or School Director shall not be First Constable, Collector of taxes, Town Treasurer, Auditor or Town Agent. A Select board member shall not be Lister. A Town Manager shall not hold any elective office in the town or town school district. *17 V.S.A. 55 §2647*
62. **SCHOOL BOARD** has statutory authority to determine how the voted funds shall be expended after the voters have set budget totals. *16 V.S.A. 9 §562 (8)*.
63. The *Handbook for Vermont Moderators (11 – Money)* stipulates that **SELECT BOARD** has only as much latitude as the voters allow them, suggesting that the voters can give line item by line item guidance to the Select board that they must follow. However, there is no statute associated with the spending of municipal spending that applies to the Select board like there is for School Boards and, as a result, some hold the view that the voter-approved budget is simply a guide for municipal spending and that the Select board, being responsible for the general supervision of town affairs (*24 V.S.A. 33 § 872*), has some measure of authority to deviate from this plan as circumstances dictate. The Select board's political accountability to the voters is probably the thing that will guide a given Select board as they execute their responsibilities

SUMMARY OF ROBERT'S RULES AS MODIFIED BY VT STATE LAW

64. For school years ending 2010-2014, if the proposed budget contains **EDUCATION SPENDING IN EXCESS OF THE MAXIMUM INFLATION AMOUNT**, and the district's education **SPENDING PER EQUALIZED PUPIL** in the fiscal year preceding the year for which the budget is proposed was **IN**

EXCESS OF THE STATEWIDE AVERAGE district education spending per equalized pupil in that same fiscal year, the board shall present the budget to the voters by means of a divided question, in the form of vote provided in subdivision (ii) of this subdivision. The ballot shall be in the following form:

"The total proposed budget of \$ _____ is the amount determined by the school board to be necessary to support the school district's educational program. State law requires the vote on this budget to be divided because (i) the school district's spending per pupil last year was more than the statewide average and (ii) this year's proposed budget is greater than last year's budget adjusted for inflation.

"Article #1 (School Budget):

Part A. Shall the voters of the school district authorize the school board to expend \$ _____/t, which is a portion of the amount the school board has determined to be necessary? (This sum in this vote is the Maximum Inflation Amount plus local revenues.)

Part B. If Part A is approved by the voters, shall the voters of the school district also authorize the school board to expend \$ _____/t, which is the remainder of the amount the school board has determined to be necessary?" (The sum in this vote is the spending that exceeds the Maximum Inflation Amount plus local revenues.)

16 V.S.A. 9 §563 (11)

Why does the Moderator care, in that the School Board creates the warning?

- (1) If the Amount voted in Part A is increased or reduced by a specific amount, the Amount in Part B must also be increased or reduced by the same amount, all else being equal.
- (2) If a budget is amended upward such that it does meet the two requirements above associated with per pupil spending and inflation adjustment, the vote must be divided into Part A. and Part B. as described.

The School Board should frame these motions, not the Moderator.

TOWN & SCHOOL DISTRICT MEETING
MARCH 3, 2009
Interactive, Annotated Minutes of the Meeting

Pursuant to the foregoing WARNING, the legal voters of the Town of East Overshoe met at Overshoe High School on March 3, 2009 at 10:00 in the forenoon.

Town Meeting

Meeting was called to order at 10:55 a.m. by SJ, moderator elected at previous town meeting “who shall serve until the next annual meeting and until [a] successor [is] chosen”. (17 VSA 2646)

Article 1. To elect a Moderator.

RC nominates SJ; seconded by MP

What’s the Moderator to do?

“Whenever a motion is made that refers only to the presiding officer in a capacity not shared with other members, or that commends or censures him with others, he should turn the chair over to the... appropriate temporary occupant during the assembly’s consideration of that motion.” Robert’s Rules page 436, lines 4-9.

“in [the moderator’s] absence [by] a selectman [who] shall preside until a moderator pro tempore is chosen” 17 VSA 2657

SJ steps aside and selectboard chair KJ assumes chair. LD objects to the consideration of SJ for the position of moderator citing a lack of impartiality. KJ rules objection out of order and says “If you don’t like him, vote for someone else.”

LD nominates AD; seconded by SM

RC moves to amend the rules of procedure to require that in order to demand a paper ballot, the request must be made by 25 voters not just seven as specified in the statute.

What’s the Moderator to do?

He should rule the motion out of order. Amending the rules to something other than pure Robert’s is allowed by state statute (“Robert’s Rules or some other rules of order shall govern all municipal meetings” (17 VSA 2658); and this “rule of seven” in the statute “and if requested by seven voters, shall cause the vote to be taken by paper ballot, unless the town has provided some other procedure in such cases” specifically allows the voters to adopt “some other procedure”(17 VSA 2658). However, amending the rule of order for the meeting is a main motion and therefore cannot be considered while any other main motion is pending.

Motion is ruled out of order.

Paper ballot was asked for. Results are as follows:
SJ: 119 – AD: 58- SJ elected Town & School Moderator

Article 6. Shall the voters authorize the Selectboard to assess the combined Town and Village highway tax against the entire Town Grand List and create a new item expenditure in the Town highway budget-“Maintenance of Village Highways?” (Reconsideration of article as last voted on November 18, 2008)

What’s the Moderator to do?

The Moderator stated that in order to properly consider the question before the voters, there first needs to be a motion to reconsider the action taken November 18, 2008. If this motion to reconsider is approved then the question will be before us as approved at the prior November 18, 2008 meeting. The Moderator stated the motion should read as follows; “Shall the Voters reconsider their action approving Article 1 of the Special Town Meeting of November 18, 2008”. The motion as stated by the moderator was made and seconded.

See 17 VSA 2661 at the end of this document. Robert’s Rules deal with immediate reconsideration which under state law “shall not be submitted to the voters for reconsideration or rescission at the same meeting after the assembly has begun consideration of another article.” Robert’s Rules, pp. 304-321

SM stated that he thought the petition for reconsideration of the November meeting was submitted on December 18, 2008, and wondered why the selectboard had not warned a special meeting within the fifteen days required by law. *“The legislative body ... shall call a special meeting on the application of five percent of the voters. A special meeting shall be called within 15 days of receipt of the application by the legislative body. (17 VSA 2643)*

What’s the Moderator to do?

Selectman M answered that on the December 18, 2008 a petition was received, municipality had a time frame that is was to act on to warn special meeting. The time frame passed due to holiday the Selectboard did not meet and the next meeting was the second Monday of January. If we had known we would have acted on it.

Moderator restated the question: If you wish to reconsider and bring up for further discussion and action on the vote November 18, 2008 you will vote aye; if you vote nay you are for not opening up and talking about it anymore. Vote passed to reconsider action voted on November 18, 2008.

Moderator: The question before us now is Article 6. (See wording above)

SM asked if we took a vote today would it be advisory only or will be held. Is it out of order to ask for this discussion to be tabled?

What’s the Moderator to do?

Moderator said that a motion could be made to postpone indefinitely which would mean we will basically pass it over and at the end of the meeting it will be as if we didn't take any action at all. JB moves the previous question; seconded by DW. Moderator stated question has been moved and seconded to cease debate. Motion to cease debate approved. Original question put to the voters (Article 6). Paper ballot requested. Results are as follows: Yes -109; No- 68
Article 6. Approved.

Postpone Indefinitely -- To drop the main motion without a direct vote on it. Robert's Rules, pp.121-124.

**At this time a motion made by RC that the rules be amended to require twenty-five people necessary to request a written ballot; seconded by CA.
Question put to the voters. Motion passed.**

Article 9. Shall the Town of East Overshoe vote on all public questions by Australian ballot? Motion Made by CM; Seconded by GS.
SM asked if we could amend to pertain to all financial taxable issues.

What's the Moderator to do?

Moderator told SM he could propose an amendment. SM moved to amendment to include all taxable and financial issues as well. Moderator ruled this motion out of order due to business not properly warned before the Town. Moderator went on to explain under state statute Australian ballot can be used for three different purposes. Elect officers, vote budget and vote all public questions. It's clear that if you want to adopt your budget by Australian ballot there is specific wording. Moderator explained that if the voters were unhappy with the ruling of the Moderator, they could appeal his ruling. SM wishes to amend article 9 to include all financial questions and to overrule moderator's ruling.

Australian ballot issues, 17 VSA 2680. Issue of business not property warned; the article entitled "other business" shall not be used for taking binding municipal action, and the moderator shall so rule. 17 VSA 2660(d). Also case law.

What's the Moderator to do?

Question before you is "is the Moderator ruling sustained?" If you approve of the Moderator's ruling vote "aye"; if you wish to overrule the ruling of the moderator you will vote nay. Question put to the voters the ruling of Moderator was upheld.

Robert's Rules, pp 247-252.

MDD commented that we had a great community discussion. Under Article 9 this would disappear, destroy and eliminate any need at any function of Town Meeting. PB stated that voting budget by Australian ballot is the fairest way. SD commented that you can discuss articles that are on the ballot at open meeting now. Motion made to postpone action indefinitely by CB; seconded GD.

What's the Moderator to do?

Moderator explained if you wish to postpone this article vote aye. If you wish to consider it further and vote on it you will vote nay.
Question put to the voters: Article 9 postponed.

Article 10. Shall the Town of East Overshoe increase the percentage of voters required on a petition for reconsideration or recession from five (5) to ten (10) percent?

Motion Made by CM; Seconded by MA

SM finds this appalling that this would be proposed. Feels it squashes the democratic process. KL proposes amendment to change 10% to 7%; seconded by AD.

What's the Moderator to do?

Robert's Rules, pp.125-160.

Motion made question put to the voters, amendment defeated.

CC speaks in favor of this proposal. Thinks that for a mere five percent to overturn the will of majority doesn't make sense. DW supports this. She stated the majority does need to speak and we need to be mindful of what it does in regards to the community with budgets. GS states that in this room approx 177 people making this decision so where is the majority. He went on to say when you folks try to do something you get beat down. You're up against the wall. They want to raise the numbers to beat you down higher. CM commented that town meeting slowly eroding over time for a variety of reasons.

MM makes a motion to cease debate; seconded by RB

Question was put to the voters to cease debate: Before Moderator could give result of the voice vote a division was put to the voters.

What's the Moderator to do?

"When a vote declared by him is immediately questioned by one voter, he shall divide the meeting" 17 VSA 2658.

Results: 105 in favor to cease debate- 18 opposed to cease debate.

Question put to the voters as Article 10 as warned. Before Moderator could give result of the voice vote a division was put to the voters: Results: 88 yes 39 No

Article 10. Approved

Article 24. Shall the Town of East Overshoe collect property taxes in four installments which shall be due on August 14, 2009 and November 13, 2009 and February 12, 2010 and May 14, 2010?

Motion Made by CM; Seconded by KJ

BM stated he would like to make an amendment that you can't get penalized if you miss a payment until the final payment is overdue. Moderator explained that currently you do not get charged a delinquent penalty until the last due date, however if you do miss your payments you are charged interest which was approved at previous Town Meeting (1992). BM makes motion to eliminate the interest charged on late installment payments. Motion is seconded.

What's the Moderator to do?

Moderator rules the amendment out of order, as it is not being properly warned. SM calls for an amendment in regards to no penalties until the fourth payment is paid and not retroactive to the other three payments prior.

What's the Moderator to do?

Dilatory and Improper Motions – Robert's Rules, pp. 331-332.

Moderator ruled it was what BM just moved and that was ruled out of order. Question put to the voters. Article 10. Approved

Article 25 To transact any other non-binding business proper to be brought before said meeting?

MK would like to readdress question for next year for Article 9. He proposes that this gets put on ballot for next year. Shall the Town of East Overshoe vote on all public questions and all monetary questions and any question whatsoever by Australian ballot and continue with Town meeting to discuss the questions. MK states this is a motion he is making. Moderator suggests that between now and next March to talk to Selectboard and voters to get a petition submitted. MK asks if this can be a non-binding motion; seconded by RB.

What's the Moderator to do?

Moderator calls the motion to advise the Selectboard to include in next years annual Town meeting warning to include an article to vote all public and budgetary items by Australian ballots. Question was put to the voters and it was defeated. WH suggested holding Town meeting on a weekend or evening. RC said they did have on Saturday's and attendance wasn't any better.

Motion to adjourn meeting made by RC; seconded by CM
adjourned 2:25 p.m.

17 § 2661. Reconsideration or rescission of vote

(a) A warned article voted on at an annual or special meeting of a municipality shall not be submitted to the voters for reconsideration or rescission at the same meeting after the assembly has begun consideration of another article. If the voters have begun consideration of another article, the original article may only be submitted to the voters at a subsequent annual or special meeting duly warned for the purpose and called by the legislative body on its own motion or pursuant to a petition requesting such reconsideration or rescission signed and submitted in accordance with subsection (b) of this section. A vote taken at an annual or special meeting shall remain in effect unless rescinded or amended.

(b) If a petition requesting reconsideration or rescission of a question considered or voted on at a previous annual or special meeting is filed with the clerk of the municipality within 30 days following the date of that meeting, the legislative body shall provide for a vote by the municipality in accordance with the petition within 60 days of the submission at an annual or special meeting duly warned for that purpose. The number of signatures required for a petition for reconsideration or rescission shall be not less than five percent of the registered voters unless the voters of the municipality increase that percentage pursuant to the following:

(1) At a meeting duly warned for the purpose, the voters of a municipality may require that a petition for reconsideration be signed by a percentage of registered voters that is not less than five percent nor greater than 20 percent.

(2) A vote to increase the percentage of voters required to sign a petition for reconsideration or rescission to up to 20 percent shall be in substantially the following form: "Shall the (name of municipality) increase the percentage of voters required on a petition for reconsideration or rescission from five to (up to 20) percent?"

(3) Once the voters of a municipality have voted to require a new percentage, that percentage shall remain in effect until the voters of the municipality vote to change the percentage.

(c) A question voted on shall not be presented for reconsideration or rescission at more than one subsequent meeting within the succeeding twelve months except with the approval of the legislative body.

(d) For a vote by Australian ballot, the form of the ballot shall be as follows: "Article 1: [cite the article to be reconsidered as lastly voted]."

(e) A majority vote in favor of reconsideration or rescission, of a question voted on by paper or Australian ballot, shall not be effective unless the number of votes cast in favor of reconsideration or rescission exceeds two-thirds of the number of votes cast for the prevailing side at the original meeting unless the voters of the municipality approve a different percentage pursuant to the following:

(1) At a meeting duly warned for the purpose, the voters of a municipality may require that a vote in favor of reconsideration or rescission shall not be effective unless the number of votes cast in favor of reconsideration or rescission exceeds a certain percentage of the number of votes cast for the prevailing side at the original meeting.

(2) A vote to increase or decrease the percentage shall be in substantially the following form: "Shall the (name of municipality) change the percentage of votes cast in favor of reconsideration or rescission required for a vote to reconsider or rescind a question considered or voted on at a previous annual or special meeting to be effective to (percentage)?"

(3) Once the voters of a municipality have voted to require a new percentage, that percentage shall remain in effect until the voters of the municipality vote to change the percentage.