

# Warrant Article Questionnaire Non-Standard Town Agency Articles

## Section III – Questions with Response Boxes – To Be Completed By Article Sponsor

Article 21	Date Form Completed: March 21, 2023
Article Title: Charter and By Law Review Committee Report and Counsel	
Sponsor Name: Charter and ByLaw Review Committee (CBRC)	Email: cbrcgriesmer@gmail.com

Question	Question
1	Provide the article motion exactly as it will appear in the Finance Committee Recommendation Book and presented to Town Meeting for action.
Response	<p>(Type response here)</p> <p><b>Motion A: “Move that the town vote to hear and to discuss a report of the Charter and ByLaw Review Committee.”</b></p> <p><b>Motion B: “ Move that the town vote to authorize and direct the retention of special counsel to assist the Charter and ByLaw Review Committee and to appropriate the sum of \$50,000 from free cash for this purpose to be expended under the direction of the Charter and ByLaw Review Committee.”</b></p>
2	At a summary level and very clearly, what is the proposed purpose and objective of this Warrant Article and the accompanying Motion?
Response	<p>(Type response here)</p> <p><b>The summary explanation is contained in the motion. Further explanation follows below.</b></p>
3	Has this article or one of a very similar scope and substance been on a previous Warrant Article and what have been the actions taken by the Finance Committee, other Boards or Committees and Town Meeting?
Response	<p>A Charter and ByLaw Review Committee is required once five years have elapsed since the conclusion of the last Charter and ByLaw Review Committee. Fall 2022 Town Meeting acted accordingly to create a Charter and ByLaw Review Committee as required by the charter.</p> <p>A review of all charter and bylaw review committee sponsored articles since the inception of the charter in 1980 is beyond the reasonable scope of this question.</p> <p>Comments:</p>

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4	Why is it required for the Town of Natick and for the Town Agency sponsor(s)?
Response	<p><b>See detailed explanation below.</b></p> <p><b>The charge of the CBRC is established in the Charter itself pursuant to a vote of the town in 1980.</b></p> <p><b>The relevant provisions of the charter for the CBRC are contained in Article 7 section 7a and 7 b as follows:</b></p> <p><b>“</b></p> <p><b><i>Section 7-6 Periodic Review, Charter and By-Laws</i></b></p> <p><b><i>(a) Establishment of Committee - The town meeting shall provide for the establishment of a special committee to be appointed by the Moderator, unless otherwise directed by vote of town meeting. Said committee shall review the provisions of the charter and the by-laws and shall make a report, with recommendations, to the town meeting, concerning any proposed amendments or revisions, which said committee may deem to be necessary or desirable. The town meeting shall establish the committee at least within five years of the time the previous committee was dissolved and, at any time, may vote to extend the term of the committee or the time by which the committee is required to submit a report.</i></b></p> <p><b><i>(b) Review Procedures - The committee shall conduct its review with the assistance of town counsel or, if the town meeting so directs, special counsel retained for that purpose. A report, with recommendations, shall be submitted to the town meeting not more than ten months following the date such committee is appointed or as otherwise provided by town meeting vote.”</i></b></p> <p><b>The CBRC is conducting a thorough review of the town charter and bylaws beginning with the charter. This review involves going through each section of each of the seven articles of the charter and will involve going through each section of each of the 57 Articles of the Town ByLaws. ( The Zoning ByLaws are not part of the scope of the committee.) Since its formation in January 2023, the CBRC has evaluated all seven articles of the charter and has identified a number of matters for further consideration. There are no recommendations at this time; only matters for further consideration.</b></p> <p><b>The list of items identified for further review is substantial. The CBRC has identified non editorial/non-grammatical issues for further consideration in all but the first article of the charter. The items on the list need to be reviewed further. (The fact that they have been identified for further consideration does not mean that there will be a recommendation forthcoming at a future town meeting.) The review being conducted is thorough.</b></p>

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	<p>To conduct the review, the CBRC needs assistance of legal counsel as specified in the charter. The key clause in the charter is <i>“The committee shall conduct its review with the assistance of town counsel or, if the town meeting so directs, special counsel retained for that purpose.</i></p> <p>There are four principal reasons for seeking special counsel.</p> <p>The current town counsel is a legal generalist. CBRC believes that the services of a specialist in charter and bylaw matters is advisable given the number and nature of the issues being considered and evaluated.</p> <p>The current town counsel serves many roles and has multiple demands from many town officers, boards and committees including Town Administrator, Select Board , Town Clerk, Superintendent of Schools, Building Commissioner, Director of Public Works, Director of Public Health, Town Moderator, Comptroller, Town Treasurer/Collector, Director of Recreation and Parks, Chief of Police, Fire Chief, Community Development Director, and Chairman of the following Boards or Committees acting with the authority of a majority of their members: Board of Assessors, Board of Appeals, Planning Board, School Committee, Finance Committee, Board of Health, Conservation Commission, Retirement Board, Personnel Board and Recreation and Parks Commission. Frequently, multiple demands for town counsel’s time create scheduling , prioritization and response time issues. Given the number of issues being considered, the CBRC needs a dedicated resource to complete its work.</p> <p>Special counsel would provide a fresh and an additional perspective. Special counsel would also provide knowledge of other communities beyond the client list of current town counsel. The current town counsel firm has served Natick continually for over 30 years. The additional perspectives and knowledge of special counsel would benefit the charter and by law review. Current legal counsel would not be completely separated from the review process. IF and when the CBRC formalizes a prospective change to the charter and bylaws after consulting with a particular board, committee or officer affected by such potential change, that board, committee or officer would have the ability not only to hear what special counsel has told the CBRC but also what town counsel may tell that board, committee or officer.</p> <p>One of the issues being considered by the CBRC is changing the charter and bylaws with regard to town counsel itself. Section 3-2 -c of the charter currently authorizes the Select Board to appoint “a town counsel” in the singular. Although the bylaws allow the Select Board to appoint special or interim counsel for specific matters (such as bond counsel or litigation counsel), the CBRC is examining whether the town should have more than one standing legal counsel for specific areas given the complexities in law and the various specializations in the legal profession since 1980 when the original town counsel provision was written. Possibilities under consideration are standing counsel for employment, zoning and land use, and procurement contracting. In this regard the CBRC is picking up where the Town Counsel Study Committee left off in August 2019 when it abandoned its work. The CBRC believes that</p>
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	<b>analysis of possibly dividing the role of town counsel into specialist parts should not be advised by the incumbent town counsel.</b>
5	Does this article require funding, how much, from what source of funds and under whose authority will the appropriation be managed and spent?
Response	<b>Please see Motion B.</b>
6	Does this article act in any way in concert with, in support of, or to extend any prior action of Natick Town Meeting, Massachusetts General Laws or CMR's or other such legislation or actions?  Does this article seek to amend, rescind or otherwise change any prior action of Natick Town Meeting?
Response	<b>This article is an extension of Fall 2022 Town Meeting's vote to create the Charter and ByLaw Review Committee.</b>
7	How does the proposed motion (and implementation) fit with the relevant Town Bylaws, financial and capital plan, comprehensive Master Plan, and community values as well as relevant state laws and regulations?
Response	<b>There are no governing bylaws. Rather there is to be a review of all of the bylaws along with the provisions of the charter.</b>
8	Who are the critical participants in executing the effort envisioned by the article motion?
Response	<b>Town Meeting and the Charter and ByLaw Review Committee.</b>
9	What steps and communication has the sponsor attempted to assure that:

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	<ul style="list-style-type: none"> <li>Interested parties were notified in a timely way and had a chance to participate in the process</li> <li>Appropriate Town Boards &amp; Committees were consulted</li> <li>Required public hearings were held</li> </ul>
Response	<p><b>Not applicable. The Charter and ByLaw Review Committee is an independent committee of town meeting with a specific charge established by the voters when the charter was adopted. There are no uniquely interested parties, boards or committees and no general or specific requirement to communicate with any such groups. There are no required public hearings for the CBRC to hold.</b></p> <p><b>Specific Boards and Committees might be contacted, as appropriate, if the Charter and ByLaw Review Committee further considers or recommends changes that affect those boards and committees. However, there are <u>no</u> specific recommendations at this time. There are only preliminary matters identified for further analysis.</b></p> <p><b>A key purpose in this article is to communicate to Town Meeting as required under the charter recognizing that town meeting is an essential interested party in any change to the charter and bylaws.</b></p>
10	Since submitting the article have you identified issues that weren't initially considered in the development of the proposal?
Response	<b>No.</b>
11	If this Warrant Article is not approved by Town Meeting what are the consequences to the Town and to the sponsor(s)? Please be specific on both financial and other consequences?
Response	<b>Without this article Town Meeting would not hear a preliminary report from the Charter and ByLaw Review Committee and the work of the charter and ByLaw Review committee would be hindered or hampered.</b>