



## **Guide to Warrant Articles and Motions For Petitioned Articles**

Town Moderator, Claire L. Smith

# Guide to Warrant Articles and Motions

## Warrant Article

Basically a warrant article is an item on a town meeting warrant which represents an “agenda item”. The warrant is intended to notify the voters of the nature of the business that is proposed for town meeting to act upon. It is the resolution that the meeting votes to adopt or reject as its action on that item.

A warrant article sets the general bounds or “scope” of the action you want town meeting to take. Depending on the purpose of the article, the amount of detail that is necessary varies. For example, if you want to purchase a piece of office equipment all that you may need to say is:

“to purchase four (4) fire-proof file cabinets”.

On the other hand if you are amending a zoning by-law and zoning map you must specify metes and bounds, map and lot numbers, nearest street, locus, existing zoning and proposed zoning, cite the section of the by-law as it appears in the town code book, and possibly provide a map.

How much you include in a warrant article determines the latitude which Town Meeting may amend your request either in the main motion-recommendation that is brought to the floor or in an amendment to the main motion.

*Remember, the more specific details included in a WARRANT ARTICLE, the less latitude Town Meeting has to modify your request in the MAIN MOTION. Try to avoid using an exact dollar amount in an article, unless it is an unpaid bill.*

## Anatomy of a Warrant Article

Every warrant article has to provide substantive information to allow it to work its way through the legislative process, to receive funding, and approval, if required, from either Bond Counsel, the Dept. of Revenue and/or the Attorney General.

**The Identifier:** Article # \_\_\_\_

**Title:** File Cabinets for Town Collector

**The Preface Clause:** “To see if the Town will vote to raise and appropriate, transfer or borrow a sufficient sum of money...”

**The Proposition Clause:** “to purchase four (4) fire-proof file cabinets for the Town Collector’s office” ....

**Authorization to Modify Proposition:** “or take any other action relative thereto”.

**Reference Information:** Petitioner: Board of Selectmen, at the request of the Town Treasurer, estimated cost \$15,000

### **Motion**

A motion is the specific details of the action to be voted by the Town Meeting. The motion may be brought to the floor by a town official recognized by the Moderator or by the proponent if the warrant article is inserted into the warrant by a petitioner. The motion is precise. For example, using the file cabinet sample, “I move that the Town vote to purchase four (4) fire-proof file cabinets for the Collector’s office, and to meet this appropriation the sum of \$15,000 be transferred from Free Cash.”

Generally, the wording of the motion is in the printed recommendations in the Finance Committee Report. The motion made on the floor may or may not be identical to what is printed in the FinCom report.

### **Drafting a Main Motion for an Article**

How and when does an article become a main motion? Generally the main motion is what is voted. After the Finance Committee has listened to the presentation by the Town Administrator, the department head or petitioner, deliberated on the merits of the request and weighs the various alternatives to funding it, if the Finance Committee has an opinion of the article, it will take a vote which will become its recommendation published in the advisory report, often called the Finance Committee Report. The recommendation/motion is generally printed with the warrant article. A Finance Committee may also make comments, give an explanation or report on how it made its decision, and this will become the basis of the main motion. Lets’ take our file cabinet example.

During the deliberations by the Finance Committee, it was determined that the estimated cost was based upon 10x12 letter size rather than 11x15 legal size drawers and that there were stricter requirements issued by the State that will increase the cost, which will require the Town to borrow rather than transfer funds from free cash, and that there is only room for 3 file cabinets in the office.

Here is how the article would be morphed into a motion:

### **Anatomy of a Motion:**

**The Preface clause from the warrant article** becomes the **Authorization Clause in the motion** by stating the limit of the appropriation: “That the Town raise and appropriates the sum of \$24,000....”

**The Proposition clause from the warrant article** becomes the **Directive clause in the motion**, setting the limits for which the money can be spent: “for the purchase of three (3) five-drawer Class AA fire-proof, locking legal file cabinets for the Treasurer’s office.....”

**The Funding clause** grants the manner in which the funds are secured and *where the funding is going to come from*: “and further to meet this appropriation the Town Treasurer with the approval of the Board of Selectmen is authorized to borrow the sum of \$24,000 under the provisions of Chapter 44, Sec. [...] and Section [...] or any other enabling authority.

Examples of warrant articles can be found in Town Reports.

### **Scope**

The Moderator will examine whether a main motion keeps within the scope of the article. The motion must spell out the details, or enough to be unambiguous as to the intent of the warrant article. There is a limit to how liberal a Moderator can interpret a motion. Does the motion propose an action which can reasonably be inferred from the warrant article?

Generally, as in the example of the file cabinets, it is always prudent to not stretch the motion to include more than what was asked for. In the example of the file cabinets, because the dollar amount was a footnote, not included in the text of the article, the motion can appropriate more money than was suggested.

If the warrant article had stated that the cost “shall not exceed \$15,000”, then it would be outside of the scope if the motion included “to raise and appropriate \$25,000 to purchase four file cabinets and the Moderator could rule the motion out of order.

The number of file cabinets requested in the article was four (4), so it does not give license to consider 5 cabinets. Five cabinets would have been outside the scope of the warrant article.

Had not borrowing been requested in the “Preface clause” of the warrant article, bond counsel would have refused to allow borrowing for two basic reasons: 1.) Borrowing encumbers the use of future town funds and (2.) the voters had not been adequately warned that they would be asked to obligate the Town to borrow.

Zoning articles and by-law changes are reviewed by the Attorney General’s office and they include a review of any procedural steps that should have been taken by the town. Scope also becomes one of the issues scrutinized to make sure that the motion and action taken fall within the scope of the article as presented in the warrant.



## **Petitioned Warrant Article**

### **Petitioner:**

The petitioner must be a registered voter.

The petitioner is the first name that appears on the submitted petition.

The petitioner is the person who will appear before the Board of Selectmen and the Finance Committee to explain the petitioned article to be inserted on the warrant.

The petitioner will be the spokesperson who presents the article at Town Meeting, who makes the motion on the floor and gives the presentation to explain the article.

The petitioner will be the person who will answer questions about the article if any questions are asked by the voters at town meeting.

**Ten (10) signatures** by registered voters is the minimum required for a regular Town Meeting warrant article.

**One hundred (100) signatures** by registered voters is the minimum required for a Special Town meeting warrant article.

It is suggested that the petitioner gather more than the minimum signatures just in case a signature is invalidated.

**A petitioner should schedule to meet with the Chairman of the Board of Selectmen to discuss the petitioned article prior to submission.**

**The petitioner should also meet with the Town Administrator if there is funding consideration.**

**To schedule an appointment please call:**

**(508) 291-3100 x 3102**

**Attached is a petition for a Town Meeting Warrant Article.**

**Warrant Article:**

Identifier: (to be determined by office) Article # \_\_\_\_\_

Title: \_\_\_\_\_

**Warrant Article:**

**Motion:**

**Explanation:**

Submitted by: \_\_\_\_\_

Date: \_\_\_\_\_

Reference Information:

Petitioned Article Inserted by \_\_\_\_\_

## **Attach petition for Town Meeting Action**

**Must contain the required number of signatures**

**Petition must be returned to the Board of Selectmen by:**

**Date:** \_\_\_\_\_  
To be determined by Board of Selectmen

**The first signatory on the petition will be “the proponent” and as such will be the person required to present the article, motion, and explanation to the Board of Selectmen, Finance Committee and Town Meeting.**





TOWN OF WAREHAM

Wareham, Mass. 02571

POLICY STATEMENT

TOWN OF WAREHAM  
BOARD OF SELECTMEN

SUBMISSION OF WARRANT ARTICLES

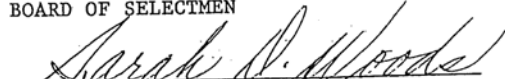
All articles inserted into the warrant of an Annual Spring or Fall Town Meeting will be inserted by the Board of Selectmen, provided that each petitioner has complied with Section 2-4 of the Wareham Home Rule Charter, by request of another Town Board, Committee, or Commission, or by written petition signed by ten or more registered voters (in the case of a petitioned article for an Annual Town Meeting).

The Board of Selectmen is in charge of "opening and closing" the warrant. The Board of Selectmen will establish the date for "closing" of the warrant and the last date for submission of articles,

All articles submitted by any multiple member body are at the request of that body. All requests must be submitted to the Board of Selectmen's Office only after an official majority vote of the body making the request. All requests must be accompanied by a certificate from the Clerk of the multiple member body.

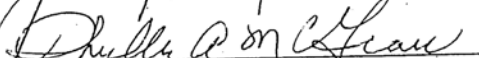
All articles not submitted by the due date and not certified as to approval by the requesting body will not be included in the warrant.


TOWN OF WAREHAM  
BOARD OF SELECTMEN

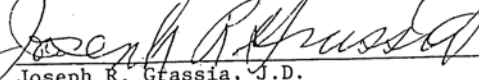
  
\_\_\_\_\_  
Sarah D. Woods, Chairman

Date signed: March 15, 1988

  
\_\_\_\_\_  
James J. Vicino, Jr., Clerk

  
\_\_\_\_\_  
Phyllis A. McGraw

  
\_\_\_\_\_  
Donald L. Carlson

  
\_\_\_\_\_  
Joseph R. Grassia, J.D.