

**Wellesley Advisory Committee**

**A PRACTICAL HANDBOOK OF  
OPERATING PROCEDURES**

**2013-2014**

# **Wellesley Advisory Committee**

## **A PRACTICAL HANDBOOK OF OPERATING PROCEDURES**

### **TABLE OF CONTENTS**

	<b>Page</b>
<b>1. The Role of Advisory</b>	<b>3</b>
<b>2. General Overview of Advisory's Responsibilities</b>	<b>3</b>
<b>3. Legal Powers and Duties of Advisory</b>	<b>4</b>
<b>4. Attending and Participating in Advisory Committee Meetings</b>	<b>8</b>
<b>5. Advisory's Subcommittee System</b>	<b>9</b>
<b>6. Duties and Responsibilities of Individual Members of the Advisory Committee</b>	<b>11</b>
<b>7. The Budget Process</b>	<b>13</b>
<b>8. Elements of a Complete Review in Preparation for Town Meeting</b>	<b>17</b>
<b>9. Transfers from the Reserve Fund</b>	<b>18</b>
<b>10. Voting Procedures</b>	<b>18</b>
<b>11. Communicating with Others</b>	<b>20</b>
<b>12. The State Conflict of Interest Law</b>	<b>20</b>
<b>13. The State Open Meeting Law</b>	<b>23</b>
<b>14. Nuts and Bolts</b>	<b>23</b>
<b>15. Selection of Officers</b>	<b>25</b>

## **The Role of Advisory**

Advisory's role is to facilitate effective decision-making at Town Meeting. Advisory serves as Wellesley's Finance Committee but its charge is broader than most other towns' Finance Committees, as it is the Advisory Committee's responsibility to make a recommendation on all Town Meeting articles. That's why it is called the Advisory Committee and not the Finance Committee.

Advisory consists of 15 Town residents appointed by the Moderator for 3-year terms. The Moderator selects people who are open-minded – people who are willing and able to take a broad perspective on all of the Town's needs. In addition, the Moderator seeks to assure that the members of the Advisory Committee are diverse: that they live in the various precincts in Town, represent a wide range of ages, and bring various backgrounds, skill-sets, and perspectives to the table. Some, but not all, Advisory Committee members have experience serving as Town Meeting Members. Many have been involved with other Town organizations and Boards.

Wellesley town government is based on independent, elected boards. There is no town manager with the authority to create a consolidated budget or otherwise set priorities. Advisory works with all the Town Boards in the development of a budget and with proponents of other warrant articles.

Advisory performs due diligence for Town Meeting, reviewing proposals for completeness of analysis and process. Advisory assures that input has been gathered from all affected parties. Advisory "kicks the tires" by expressing skepticism and asking for verification. Advisory listens to all parties and perspectives, provides feedback, and tries to serve as a catalyst for good communication and cooperation among the Town Boards and organizations. Sometimes the work of Advisory leads to revised proposals or to a decision not to bring a motion to Town Meeting. Advisory recommendations reflect hundreds of hours of work and lengthy dialogue and debate. It is fascinating to observe how early perspectives evolve throughout the process.

Advisory does not set the priorities or make the Town's decisions. Advisory reports to Town Meeting. Advisory's power is to persuade and that power is only as strong as the rigor of Advisory's analysis and the confidence Town Meeting has that members of Advisory are open-minded and impartial. Advisory's credibility and the integrity of the Advisory process are of the utmost importance, far more important than achieving any particular outcome on any particular issue.

## **General Overview of Advisory's Responsibilities**

### **The Budget**

Historically, the principal focus of Advisory's efforts has been the process of reviewing the Town's budget and making recommendations to Town Meeting with respect to the overall Town budget and various components.

## **Town Meeting Matters**

Advisory also reviews, analyzes, and makes recommendations with respect to all other matters that are brought before Town Meeting. Those matters may include, but are not limited to, the following:

- The acceptance by the Town of new laws or the Town's seeking of special legislation;
- Amendments, additions, or deletions to the Town Bylaws and the Town's Zoning Bylaws;
- Authorizations;
- Citizens' petitions. Citizens' petitions can deal with a wide variety of issues, including the establishment of study committees, zoning changes, and purchases;
- Land transfers<sup>1</sup>; and
- Acceptance of public ways.

## **Report of the Advisory Committee to Town Meeting**

After having thoroughly examined all budgets and all other matters scheduled to come before Town Meeting, Advisory's work each year culminates in its adoption of specific recommendations with respect to the budget and each other item in the warrant for Town Meeting. Advisory's recommendations are delivered in its Report of the Advisory Committee to Town Meeting ("Advisory Report"). This is Advisory's opportunity to explain the rationale for its recommendations and to express any concerns or reservations. Preparing the Advisory Report takes an enormous amount of time and effort and is Advisory's greatest value-added for the Town. The process always requires a collaborative effort by all the members of Advisory. Detailed information about the write-up process is given to each Advisory member later in the year but you should know now that the Advisory Report must be finalized and delivered to the printer approximately three weeks prior to the beginning of Town Meeting.

## **Reserve Fund Requests**

In addition to those matters related to the financing and operation of Town government, Advisory's other principal job historically has been to consider and vote on any requests for transfers from the Reserve Fund which are needed for unforeseen or extraordinary expenses. (See Transfers from the Reserve Fund, below.)

## **Other Matters**

From time to time, Advisory exercises its power under Town Bylaw Section 11.4 to investigate other matters affecting the Town. By and large, these efforts stem from the desire of the members of Advisory to improve Town government by making it more efficient, accountable, and responsive to the Town.

## **Legal Powers and Duties of Advisory**

The Advisory Committee has two independent bases of authority in law: State statute and the Wellesley Town Bylaws.

---

<sup>1</sup> It is important to remember that Article 8.13 of the Town's Bylaws requires financial estimates showing the impact on annual maintenance costs for acquisitions and improvements of land, buildings or other physical assets valued over \$5,000. These estimates should be completed before the responsible Board recommends the acquisition.

## **Statutory Authority**

The Massachusetts General Laws grant to a town's finance, appropriation, or advisory committee certain specific authority and powers. In Wellesley, the Advisory Committee functions as that committee. Advisory's principal statutory powers are summarized below:

- Chapter 39, §16 provide that Advisory "shall consider any or all municipal questions for the purpose of making reports or recommendations to the Town. . . "
- Chapter 40, §6 provides that transfers of funds out of the Town's Reserve Fund may be made to provide for "extraordinary or unforeseen expenditures" upon a vote by Advisory. (See Transfers from the Reserve Fund , " below.)
- Chapter 41, §59 provides that all boards, committees, departments, and officers of the Town who are authorized to spend money are to provide Advisory with detailed estimates (budgets) for the "proper maintenance" of their departments (accompanied by an explanation of any changes from the current year) and for capital outlays for the coming fiscal year. Advisory is also to receive estimates of any income likely to be received by any board, committee, department, for the coming fiscal year. Those estimates are to be delivered to Advisory by the later of December 21 each year or 90 days prior to Town Meeting.
- Chapter 59, §60 authorizes Advisory to publish its Report to Town Meeting. This section provides that Advisory, upon "due consideration" is to make specific recommendations for all appropriations for the coming fiscal year and is to accompany those recommendations "with such explanations and suggestions" as Advisory may deem desirable for the "proper information" of Town Meeting. The document containing those recommendations, explanations, and suggestions is to be distributed at or before the annual Town Meeting.
- Chapter 44, § 3ID provides that the Town may incur expenditures for snow and ice removal that exceed the amounts appropriated therefore in any given fiscal year when (a) such excess expenditure is approved by both the Advisory Committee and the Selectmen and (b) the appropriation for the fiscal year in question equaled or exceeded the appropriation made for the preceding fiscal year. These unbudgeted expenditures for snow and ice removal may be funded in the following year's tax levy, an exception to the general rule that expenditures must be funded within the current fiscal year. (Of course, unbudgeted expenditures for snow and ice removal may be funded within the fiscal year if funding can be found.)

## **Town Bylaws**

The following sections of the Wellesley Town Bylaws impose affirmative duties or confer rights upon the Advisory Committee:

- Section 2.2 requires all meetings to be open to the public in accordance with the Open Meeting Law, except during executive session. Notices of all meetings must be delivered to the Town Clerk and posted at least 48 hours before the meeting convenes (except in the case of an emergency);

- Section 5.4 "encourages" Advisory to put its policies and procedures into written form, to keep such policies and procedures in a carefully organized and up-to-date book, and to make the book available to the public during regular business hours;
- Section 6.2 provides that Advisory "should adopt policies and procedures providing for the full orientation of new members to their duties, to the jurisdiction of the board, to the present activities and considerations of the board. . ."
- Section 6.8 requires Advisory to elect a chairman, vice-chairman, and secretary and to adopt policies and procedures;
- Sections 6.9 and 6.10 provide that a quorum is a majority of members of Advisory then in office, and that all committee action requires a majority vote of those members present;
- Section 6.11 requires Advisory to keep minutes and records of its actions and meetings and to make those minutes and records available to the public;
- Section 6.12 directs Advisory to comply with Massachusetts General Laws Chapter 66, Section 10 and Chapter 4, Section 7, which require that all "public records" of Advisory shall be open to inspection by the public;
- Section 6.13 provides that Advisory must establish a procedure that allows members of the public to make comments to Advisory at any open meeting;
- Under Section 8.13 the Selectmen are required to forward to Advisory copies of all motions to be offered to Town Meeting.

Advisory's specific Town Bylaw powers and duties appear in Article 11 and are summarized below:

- §11.3 states that Advisory shall consider all matters included within the Town Meeting Warrant Articles and shall publish a written report of its recommendations or comments on each Article. Advisory may make reports or recommendations on other matters that in Advisory's judgment affect the interests of the Town. If Advisory makes any recommendations at Town Meeting that either did not appear in the written report, or differ from the written report, Advisory must announce its numerical vote.
- §11.4 gives Advisory certain investigatory powers and requires that the "books, accounts and records of all boards, officials and departments" of the Town shall be open to inspection by Advisory;
- §11.6 provides that Advisory requests the appropriation for the Reserve Fund each year and has the authority to vote transfers from the Reserve Fund;

- §11.7 requires Advisory to hold a public hearing on the Warrant Articles prior to any Town Meeting "unless impracticable";
- §11.8 imposes requirements on the Report of the Advisory Committee to Town Meeting:
  - Prior to the 2008 ATM, the Advisory Report had to be mailed/delivered to every dwelling in Town at least seven days prior to Town Meeting. The 2008 ATM voted to change that requirement to include two minimum elements. Under the new requirement, the Advisory Report must be mailed or delivered to each Town Meeting Member and Town Department at least seven days before the commencement of any Town Meeting. In addition, the Advisory Committee must mail a letter from the Advisory Chair to each dwelling in Town at least seven days before the commencement of any Town Meeting with an overview of the significant matters coming before Town Meeting and information about how to obtain copies of the Advisory Report. In the event a particularly important issue is coming before Town Meeting, the Advisory Committee may still choose to mail the Advisory Report to each household but is not required to do so;
  - separate minority reports may be included; and
  - Advisory's numerical vote on each recommendation must be included.

Although the statutory provisions empower, and the Town Bylaws require, Advisory to make specific recommendations with respect to the Town budget and other matters, those recommendations are not legally binding on Town Meeting. Advisory is not a legislative body; it has no authority to create law or policy, although fiscal decisions often have policy implications. Advisory needs to be sensitive to the prerogatives of officials who are elected to establish and implement policy.

Advisory's constituency is Town Meeting. Its role is to advise Town Meeting and, in doing so, it should view its role in light of what would be most helpful to Town Meeting Members. Advisory is not a management consulting firm, but rather an investigative agent doing due diligence for Town Meeting. If Advisory does not approve of a proposal that comes before it due to perceived faults or problems, it recommends unfavorable action. Advisory is not obligated to suggest alternatives. However, it is always appropriate, and usually important, for Advisory to communicate the basis for its unfavorable recommendation.

Historically, Advisory has been encouraged to reach consensus on the issues in order to simplify Town Meeting's evaluations of proposals. However, there may be issues when consensus cannot be reached without ignoring important concerns of Advisory members. It is helpful if Advisory can informally work and encourage proponents and opponents of a potentially divisive issue to work together to reach consensus. However, when voting, each Advisory member has the duty and right to vote his/her conscience as to what that member believes is the right recommendation to Town Meeting, no matter what positions others may take on an issue.

The format of Advisory's report contemplates dissenting points of view, and allows all Advisory members to set forth their rationales for a vote. Town Meeting is best served by a report that sets forth the considered views of Advisory, however divergent.

## **Attending and Participating in Advisory Committee Meetings**

The basic guidelines for attending and participating in Advisory Committee meetings are simple and limited in number:

1. Advisory meetings are regularly scheduled to convene on specified Wednesdays at 7:30 p.m. in Town Hall. It is important to be prompt so meetings can begin when scheduled;

*Exceptions to the Wednesday 7:30 P.M. schedule (in time, place, or both):* Public hearings; Saturday meetings needed for Advisory to finish its work prior to Town Meeting; and 6:30 p.m. meetings each night of Town Meeting;

2. Members are expected to attend all regularly scheduled meetings of the Advisory Committee and serve as a liaison to at least one Town Board or Committee, either individually or as part of a subcommittee. While it is understood that pressing professional or personal commitments may occasionally arise that prevent you from attending, you should do your utmost to arrange your personal and professional schedules to avoid conflicts;
3. Prior to each meeting, everyone should carefully read and think about any materials distributed to you in advance of the meeting. This becomes particularly important once Advisory begins to analyze individual department budgets.

Advisory honors the following traditions with respect to discourse at Advisory meetings:

- The meeting starts with a brief Citizens' Speak (designed for public input; Advisory does not generally engage in dialogue);
- Discussions will be led by the Chair, or a designee of the Chair, whose function is to facilitate the exchange of views and bring out the thinking of the full Advisory Committee. The Chair, or designee, shall also be the chief presiding officer at all meetings;
- Advisory members speak only when recognized by the Chair;
- All Advisory members have not only the right, but also the responsibility, to let others know their thoughts, ideas, and opinions;
- Expression of views should be honest and uninhibited, but respect should be shown at all times towards all other members of Advisory, town volunteers, town employees, and the community at large. It is important to remember and acknowledge the service of the many volunteers involved in the process as well as the hard work of Town employees;

- Humor and goodwill have always been an important part of discussions among Advisory Committee members;
- Negative comments should be coupled with constructive suggestions.

## **Advisory's Subcommittee System**

Advisory organizes and manages its work through the use of a system of subcommittees and individual liaisons. Larger Boards/ Departments may be assigned several Advisory members who work as a subcommittee. Each Advisory member is assigned to serve as a liaison to a Board/Department or Committee or to participate as part of a subcommittee. Each liaison and subcommittee is responsible to become familiar with the operations, budgets (operating and capital), and other town government related matters affecting the Boards/Departments or Committees within their jurisdiction. For purposes of this Handbook, the term “liaison” is used to refer to an individual Advisory member and the term “subcommittee” is used when several Advisory members have been assigned to a particular Board or Committee. However, since staffing assignments vary from year to year depending on the anticipated issues, the term subcommittee may also refer to an individual liaison when applicable in a given year.

To the extent multiple members of Advisory are assigned to a Board or Committee, one is designated the Subcommittee Chair and is responsible for:

- assigning subcommittee tasks to individual subcommittee members;
- scheduling subcommittee meetings and orientation sessions with the Boards/Departments under the subcommittee's jurisdiction;
- making formal communications on behalf of Advisory to those Boards/Departments; and
- generally being the subcommittee's spokesperson.

From time to time, liaisons and subcommittee chairs will present reports to the full Advisory Committee.

The subcommittees or liaisons are generally organized as follows:

1. **General Government Subcommittee.** This subcommittee looks after a diverse group of Boards and Departments including:

- Board of Selectmen
- Town Clerk  
(con't)

- Department of Financial Services
- Police Department
- Fire Department
- Human Services (Council on Aging, Fair Housing Commission, Veterans' Services, Youth Commission)
- Building Department
- Audit Committee

In addition to following these Boards and Departments, the General Government Subcommittee also reviews all line items contained in the general government budget, other than the budgets of the Specialized Boards and Committees.

**2. Specialized Boards and Committees Subcommittees and Liaisons.** These subcommittees or liaisons are responsible for looking after all matters under the jurisdiction of the specialized boards, which include:

- Board of Assessors
- Board of Health
- Community Preservation Committee
- Human Resources Board
- Library Trustees
- Natural Resources Commission
- Permanent Building Committee
- Planning Board
- Recreation Commission
- Sustainability Committee

**3. Schools Subcommittee.** This subcommittee attends to all matters affecting the Wellesley Public Schools.

**4. Department of Public Works and Municipal Light Plant Subcommittee.** This subcommittee attends to matters under the jurisdiction of the Town's Board of Public Works: the Town's engineering program, highway program, park and tree program, the recycling and disposal facility, street lighting, fire alarms, traffic signals, and the water and sewer divisions. This subcommittee also looks at all matters concerning operation of the Wellesley Municipal Light Plant.

**Shared Costs Budgets.** Advisory members are also assigned responsibility for examining the "shared costs" budgets. These reflect budget items that are shared across Town Departments, and include the following:

- Law (Town Counsel and labor counsel)
- Reserve Fund
- Risk Management  
(con't)

- Group Health Insurance
- Unemployment compensation
- Liability Insurance Trust Fund
- Workers compensation
- Maturing debt
- Interest
- Retirement systems

### **Special Matters**

From time to time individual members of the Advisory Committee are assigned to look at or participate in special matters that arise in Town. Past examples include formation of an Ad Hoc committee of Advisory members to review demographic projections for the school-aged population and formation of an Ad Hoc Committee to study personnel issues that arise each year at Town Meeting.

Further, the Advisory Chair will assign members of Advisory to participate in or to follow the progress and deliberations of Ad Hoc committees appointed by the Moderator or the Board of Selectmen and to report to the full Advisory Committee so that it will be prepared to make recommendations to Town Meeting. Recent examples include the 900 Worcester Street Committee, the Bylaws Study Committee, the Green Ribbon Committee, the Sprague Field Task Force and the School Building Committee.

Advisory can also assume additional responsibilities.

### **Attendance**

While it is often appropriate and helpful for the Advisory liaisons to attend all meetings of the Boards and Committees that they are assigned to cover, given the workload, it is often desirable to coordinate with the Boards and Committees to determine when attendance is most critical and to figure out some other ways to keep abreast of the content of any meetings that you cannot attend.

### **Duties and Responsibilities of Individual Members of the Advisory Committee**

The most important and time-consuming job for each member of Advisory is to get to know the board members and staff of each Board and/or Department for which you are assigned responsibility. That means you must learn in detail (as much as possible) exactly how the Department is organized and what current budgetary and operational issues (both short-term and long-term) it faces. You need to know how the Department works – what its goals and objectives are, and how it attempts to achieve those goals and objectives. As described elsewhere in the Handbook, the goals and objectives of a Department are the basic building blocks for developing its budget.

Based upon your review of the Department's budgets and operations and your discussions with the Department's key staff and Board members, you need to become as familiar as possible with

the Department's strengths and weaknesses. To do your job well will require you to walk a tightrope: on the one hand, you need to develop an open, honest and trustworthy relationship with the Department's key staff and board members; on the other hand, you need to undertake an honest, impartial, critical examination of the Department's needs, strengths and weaknesses.

It is important that you take as much time as necessary to become familiar with the Department(s) to which you are assigned. That time typically has been spent as follows:

- Attend regularly scheduled meetings and public hearings of your Board or Committee;
- Introduce yourself and get to know the Board members and key staff of your Department;
- Talk with your subcommittee chair and other members of Advisory, and learn the relevant protocol for dealing with Advisory. Some Boards and Departments relate to Advisory in a somewhat vertical management style and expect all requests for information and other communications to be made by the subcommittee chair speaking with the Board chair or the Department head. Other Boards and Departments have a less formalized communication style and are comfortable with Advisory members other than the subcommittee chair speaking to certain key staff;
- Every Friday night some Departments will mail or deliver a package of materials to the residence of the subcommittee chair (and occasionally other subcommittee members as well). This is the so-called "Friday night mail". To the extent you receive any Friday night mail directly from your Department or if portions of Friday night mail are forwarded to you by your subcommittee chair, you should review those materials with a critical eye, and use them as a means of learning about the day-to-day operations of the Department and also to prompt you to ask questions, either at Board meeting or by directly contacting individual Board members or Department heads. **As a general rule, all materials received in the Friday night mail should be treated as confidential;**
- Depending on the nature and quantity of new or crucial issues the particular Department is facing for the coming year and how many new Advisory members serve on the subcommittee, your subcommittee chair may schedule an orientation session with the members of the Board and the key staff.

The Department staff and Board members will supply you with detailed line item budgets for their capital requests and operating requests. You need to review those budgets in careful detail in order to make sure you understand how the budget is built, and how it works. In reviewing the budget you may decide to inspect the physical facilities and equipment of the Department, talk with employees, Department heads and the like. Before talking to any employees or Department heads or requesting meetings to inspect any physical facilities or equipment, remember to observe the appropriate departmental protocol. It is important in reviewing the budget for you to understand how each Department works so that you can see how the day-to-day activities of the Department are in fact reflected in the budget.

There are several other key jobs for each Advisory member to perform:

- Learn as much as you can about municipal finance: how the Town raises revenues, how those revenues are appropriated for use by Town Boards and Departments, etc. You will learn much of this through experience, but for a good introduction and overview of municipal finance, be sure to read the Massachusetts Finance Committee Handbook, prepared by the Massachusetts Association of Municipal Finance Committees, a copy of which will be given to each member of Advisory;
- Attend and participate in every regularly scheduled meeting of the Advisory Committee and your subcommittee. While there may occasionally be pressing personal or professional reasons that prevent you from attending, you should do your utmost to arrange your personal and professional schedules to enable you to attend regularly scheduled meetings;
- Work with your fellow subcommittee members to reach consensus on budget matters involving the Departments under your subcommittee's jurisdiction and work with the subcommittee to deliver the subcommittee's recommendation to the Advisory Committee as a whole;
- Prepare your assigned write-ups for the Advisory Report;
- Undertake whatever factual/budgetary analysis is needed to determine whether a Reserve Fund transfer request from your assigned Department is justified.

## **The Budget Process**

### **Overview**

The Town budget process is a year-round activity and, unless multiple special town meetings are scheduled, consumes the lion's share of the Advisory Committee's time, attention, and effort. For most new members of the Advisory Committee, the process of learning how the Town budget is "built" each year is a new experience.

In general, the process of developing the Town budget differs in some fundamental ways from the process of developing a budget for a private, for-profit business. One of the principal differences between the Town budget and a private business budget is that there is little or no direct connection between the cost of providing a given municipal service and the "revenues" generated by the Department that provides those services. While some Town Departments do provide services and facilities that generate significant revenue (for example, the Recreation Commission), most do not. Except for the so-called "enterprise funds" (the Town's electric, water and sewer divisions), no individual Department of the Town produces enough revenues to fully support its own services and facilities.

Approximately 70% to 80% of funds spent by the Town each year come from the real estate tax

levy. The remaining 20% to 30% of the funds spent have come from a combination of state aid, Town department revenue and local revenue from sources such as motor vehicle excise taxes. The exact percentage varies from year to year depending on such things as the Community Preservation Act disbursement, expenditure of free cash, receipt of school construction funds, and fluctuations in local aid from the state.

Proposition 2½ imposes a cap on the amount of real estate tax revenues that can be raised each year, unless the Town votes to override the Proposition 2½ constraint. Because of this limit, the Advisory Committee and others in Town start the process of budget development by examining the maximum revenues likely to be available to the Town for the coming year without an override, and then turning to the process of trying to "fit" the various services, goods and facilities provided by the Town within the constraints of those revenue limitations.

The budget cycle generally proceeds roughly as follows:

1. At the start of the budget cycle, the Executive Director of General Government provides the Advisory Committee with information about the Town's overall financial picture, financial policies, unusual issues anticipated with respect to the budget process, and the sources of revenue and other funds available to support the Town's programs and services along with any updated information related to the Town-Wide Financial Plan. This includes a detailed, line-by-line analysis and conservative estimate of all potential sources of revenue for the Town for the coming fiscal year. Advisory reviews all of this information in detail and discusses its implications for the upcoming budget;
2. The Selectmen, in consultation with the Executive Director of General Government issue budget guidelines to all Town Boards and Departments;
3. The Chair, through Committee liaisons, notifies all Town Boards and Departments of the due dates for both the capital and operating budget requests. In the recent past, the Committee has set a late October deadline for all capital budget requests, and an early January deadline for operating budgets;
4. Each Town Board and Department is given an opportunity to make a presentation on its capital budget to the appropriate subcommittees and to the full Advisory Committee. Advisory analyzes the requests on a line-by-line basis. Advisory generally tries to complete these meetings by the end of December;
5. Throughout January and February, after completing analysis and reaching a preliminary recommendation on capital budgets, Advisory gives each Town Board and Department an opportunity to make a presentation on its operating budget and then turns to the analysis, again on a detailed basis, of the operating budget request for each Department;
6. During this period, the Executive Director of General Government provides Advisory with an update to the projected Sources and Uses of Funds. Based upon those new projections,

Advisory is in a better position to make a reasoned estimate of the funds that are expected to be available for operating and capital budgets for the coming year.

Advisory participates in Inter-Board meetings of the Town's elected officials in the interest of reaching some consensus about actions that are required to reach a balanced budget or to arrive at an override proposal. Generally speaking, significant revenue components, most notably state aid, cannot be finalized until well into February and the final revenue projections remain in flux until then.

### **Analyzing budgets**

The task of analyzing the budgets for each Board and Department is in many ways the most time consuming and labor intensive activity that you as a member of Advisory will perform each year.

Analyzing budgets requires you to do the following:

- Understand both the day-to-day and long term operations and goals of the Department. The better you know how the Department functions, the better you will be able to review, analyze, and make recommendations with respect to the Department's budget. Doing your "homework" during the fall and early winter (*i.e.*, having regularly attended Department and Board meetings and having made the effort to get to know the key staff members of the Department and what services or functions the Department provides to the Town), makes you more effective in reviewing and analyzing the Department's budget.
- Examine not only the budget summaries, but also all of the backup data provided by each Department. Sometimes, particularly with respect to capital expenditures, you will also need to make a physical inspection of the equipment or facilities covered by the capital request. You also need to make sure that when you look at the budget, you understand what personal service, public facility, or goods are being provided by each line item of the budget.
- Schedule as much time as is needed to meet with the members of the Board and the key Department staff to review the budget from start to finish. If you have any questions, make sure that the Department provides you with answers.
- Compare line items for the current year with the amounts requested for prior years. If you find a line item that differs in any material way from the same line item in previous years, make sure that the Department provides you with a satisfactory explanation of the difference.
- It is also important to understand and be able to explain any line item that repeats from a prior year but seems questionable in any way. As part of the budget process, inquire as to each Department's priorities. In reviewing priority lists, it is important for you to understand exactly what services, goods, or facilities are involved, since the full Advisory will want to know (and Town Meeting may ask) exactly what services and facilities must be given up when cuts are made.

While the Advisory Committee generally defers to priorities established by each Department, it is important for each subcommittee to bring its own judgment to bear in analyzing the priorities of each Department. In other words, if a subcommittee disagrees with the Board's priority list, it is important for the subcommittee to report that both to the Department and to the Advisory Committee as a whole. **However, as a general rule, Advisory should accept the priority assigned by elected officials and avoid trying to micro-manage or substitute its judgment for that of the elected Town Boards. Any recommendation of a change from the priority list developed by a Department must bear the burden of showing that the Department's priority list should be changed.**<sup>2</sup>

The liaison or subcommittee chair should make sure that the Department has scheduled a time to make a presentation on its budget to the full Advisory Committee. Prior to the date on which that formal presentation is made, it is very important for the liaison or subcommittee to have completed its preliminary analysis and questioning of the Department's budget.

When the Department makes its formal presentation to the full Advisory Committee, it is customary for the appropriate subcommittee chair (or liaison in the absence of a subcommittee) to take the lead in asking the Department questions about the budget. Other members of the subcommittee, and other members of Advisory, are welcome and encouraged to ask questions as well.

### **Recommendation**

After the full Advisory Committee has received all of the preliminary information necessary from each Board and Department, the Advisory Committee begins the process of trying to develop a recommended budget for each Department and for the Town as a whole.

In addition to the deliberations relating to the individual budgets, Advisory also considers the level of the Stabilization Fund, use of free cash, the need for debt and bonding and a wide variety of budgetary issues. If, after considering all the factors relating to the overall budget, the full Advisory Committee is unable to recommend a balanced budget, Advisory must consider whether to recommend an override to Proposition 2½ in order to fund recommended expenses.

Individual subcommittee chairs are charged with the task of finalizing the budget write-ups for the Advisory Report. In addition, once Advisory has recommended a budget for each Board and Department, it is important for the appropriate subcommittee chairs to report back to the various Boards and Departments to let them know exactly what budget was recommended.

---

<sup>2</sup> An exception to the approach outlined above is made for the School Department. Although Advisory has the authority to recommend line item appropriations for most Town Boards and Departments, because of the budgetary independence of the School Committee under State law, Advisory may only recommend the bottom line of the total school budget. The School Committee has authority to move money back and forth among line items as it deems appropriate.

## **Elements of a Complete Review in Preparation for Town Meeting**

To be effective, Advisory needs to be thorough and prepared. Advisory needs to have carefully considered all the issues and angles that may raise concerns at Town Meeting. This can be particularly challenging for non-budget articles, which can be more varied and less standardized in their presentations. The following elements should be considered in the course of a complete review and analysis of non-budget articles being proposed at Town Meeting:

1. An understanding of the problem to be solved – is it clearly defined?
2. A sense of whether the proposed solution is workable and effective;
3. An enumeration of the pros and cons of the proposal, including both long-and short-term benefits, overlaps or gaps with other Town projects or services, and benchmark comparisons with other Towns where appropriate;
4. An understanding of who benefits and who pays;
5. A full understanding of the cost implications, both operating and capital, and immediate and long-term;
6. An assessment of the impact on the Town's infrastructure (traffic, parking, etc.);
7. An assessment of the impact on the neighbors (noise, traffic, etc.);
8. An assessment of the impact on the environment and green issues (energy conservation, pollution, trash, encouraging walking and biking, etc.);
9. Process issues: assurance that interested parties were notified in a timely way and had a chance to participate in the process, that required public hearings were held and all appropriate town Boards were consulted;
10. Consideration of how the proposal fits with the relevant Town Bylaws, financial and capital plan, comprehensive plan, and values as well as relevant state laws and regulations;
11. Identification of issues that weren't considered in the development of the proposal.

In addition to assuring that proposals have been thought through, Advisory can assist the Town Meeting process by helping proponents use clear communication, effective presentations (including pictures and graphs), and avoiding jargon. It is very helpful to avoid inconsistency between the Advisory Report and the Town Meeting presentation.

## **Transfers from the Reserve Fund**

Massachusetts General Law Chapter 40, Section 6 and Town Bylaw Section 11.6 confer upon Advisory the authority to vote transfers from the Town's Reserve Fund "[to] provide for extraordinary or unforeseen expenditures." In recent years the amount appropriated to the Advisory Committee Reserve Fund has been \$175,000.

Guidelines for processing Reserve Fund transfer requests are set forth below. You should also consult the Massachusetts Finance Committee Handbook on this topic.

- The Chair of the Board or the head of the Department seeking a Reserve Fund transfer should contact the Subcommittee Chair with jurisdiction over that Board or Department regarding the transfer. The subcommittee chair should assign one or more members to undertake the due diligence and investigation necessary to verify the validity of the request and should identify for the Board or Department which Subcommittee members have been assigned to investigate the transfer. Such due diligence should include whatever level of investigation is needed to determine the following (as appropriate):
  - Is the expenditure unforeseen or extraordinary?
  - Is the expenditure really necessary? To make this determination, it may be necessary to make a physical inspection of the item/facility.
  - Is the expenditure really necessary this year, or could it be deferred until the next fiscal year?
  - If the expenditure is necessary this year, is it possible for the Board or Department to find the money available within its existing appropriation?
  - You must verify that the Board or Department really does not have the funds available. At a minimum, consult with the Department of Financial Services to confirm that adequate funds are not available.
- The head of the Board or Department requesting the transfer should be invited to make a presentation to the full Advisory Committee. The subcommittee should make a formal recommendation to the full Advisory on the request.
- The requesting Board or Department submits three copies of a "Request for Transfer from the Reserve Fund" form, on which Advisory records its vote and submits the forms to the Town Accountant.

## **Voting Procedures**

If during a discussion there is an interest in determining whether or not a consensus is developing,

a non-binding straw vote may be taken upon the request of any Committee member. Formal votes of the Advisory Committee shall be taken with respect to the following matters:

- Actions with respect to Reserve Fund transfer requests;
- Recommendations on Town Meeting Warrant articles and motions.

Formal votes may be taken on other matters upon the request of any individual member of the Committee. For all formal votes of the Advisory Committee, the minutes of the meeting must identify by name the member making the motion and the member seconding the motion and indicate the numerical vote: yes/no/abstain/recusal. For more information, see the sections on ‘Abstention’ and ‘Recusal’ below under the section heading “The State Conflict of Interest Law”.

The Chair of Advisory is generally a non-voting member of Advisory. The only time the Chair votes on any matter is to break a tie.

Formal votes to be adopted by the Advisory Committee are always made in the affirmative; *i.e.*, the motion for a proposed vote should always end with "I move favorable action on the foregoing motion." (This format is followed even where the person making the motion intends to vote in the negative.) The Chair will then ask for discussion. When discussion has been completed, the Chair asks for those in favor of the motion to raise their hand to signify "yes" and count the yes votes. The Chair then asks those opposed to the motion to raise their hand to signify "no" and counts the no votes. The Chair will ask if anyone wishes to abstain. If the majority votes NO, then Advisory reports that it is recommending unfavorable action by a vote of (number of ‘no’) to (number of ‘yes’).

Under the State Open Meeting Law, no votes taken by Advisory may be by secret ballot.

### **Abstention**

Since a vote to abstain does not give either the other Advisory members or Town Meeting a clear message why a member neither supports nor opposes a particular measure, Advisory members are discouraged from abstaining. A vote to abstain, can, however, be appropriate in some circumstances, such as the following:

- If a member arrives at a meeting just as a vote is being taken and the member did not have the opportunity to participate in the discussion/deliberation which led up to the vote; or
- If a member missed the preceding meeting at which a substantial discussion of the issue took place.

### **Executive Session Votes**

The State Open Meeting Law prescribes different voting procedures applicable to executive

sessions. In particular, the Open Meeting Law requires the following:

- Advisory must have first convened in an open session, a majority of the members must have voted to go into executive session and the vote of each member must be recorded on a roll call vote and entered into the minutes. The presiding officer must cite the purpose for an executive session, and the presiding officer must state before the executive session if Advisory will reconvene after the executive session;
- All votes taken in executive session must be recorded roll call votes and become a part of the record of the executive session.

## **Communicating With Others**

Individual members of Advisory should decline to speak with members of the media and should instead refer all questions to the Advisory Chair, or a designee of the Chair. As in other organizations, it is preferable for Advisory to have one principal spokesman who is charged with communicating clearly and consistently the position of Advisory with respect to particular issues of interest to the media.

It is important for you to realize that every Town Board member, every Department head, every Town employee will assume that everything you say as a member of Advisory about Town matters represents "Advisory's position." As a result, it is crucial for you to be as careful and circumspect as possible when dealing with Board members, Department staff, and Town employees. Learn to ask good questions and to be a good listener. If you do have ideas or suggestions or reactions to a particular issue affecting a Town Board or Department, you must make it absolutely clear to the Board or Department that the ideas, suggestions, or reactions are solely yours and do not reflect the position of Advisory.

Since Advisory's credibility with Town Boards and Departments and with Town Meeting turns in large part on the ability of Advisory to be an honest, impartial observer of and commentator on Town issues, it is important for individual member of Advisory not to become public supporters for candidates for elective Town office or for particular initiative matters likely to be brought before Town Meeting.

The purpose of these guidelines is not to ask members to leave their rights of free expression at the door when they become members of Advisory. It is, however, preferable for Advisory members to exercise those rights during Advisory's discussions, deliberations, and debates, rather than to exercise them outside Advisory's meetings in a manner that may compromise Advisory's credibility.

## **The State Conflict of Interest Law**

The Massachusetts Conflict of Interest Law (Massachusetts General Laws, Chapter 268A) regulates certain conduct of state, county, and municipal employees. A summary of the Conflict

provisions of the statute contain exceptions for public employees who qualify for classification as "special" public employees. According to records on file at the Wellesley Selectmen's office, members of Advisory are classified as "special municipal employees."

Set forth below in summary fashion are several of the key restrictions which the statute imposes on members of Advisory:

- Neither you, as a member of Advisory, nor any members of your immediate family may have a financial interest in any contract made by any Town agency, board or department. Members of your immediate family include your spouse, children, parents, brothers and sisters. If you, as a special municipal employee, or any immediate family member have "any financial interest" in any contract made by the Town, you may avoid the statute's absolute prohibition on having a financial interest in a Town contract if you:
  - do not participate in, or have any financial responsibility for, any of the activities of the Town agency, board or department; and
  - file a written statement with the Town Clerk making full disclosure of your interest and the interest of any of your immediate family members in the contract.
- Even if you have a financial interest in a matter in which you participate as an Advisory member, or if you or any immediate family member has any responsibility for the activities of any Town board or department subject to Advisory's jurisdiction, you can avoid the prohibition by obtaining a written exemption from the Board of Selectmen.

Apparently the State Ethics Commission takes the position that making recommendations on Town budgets constitutes "participating" in Town action. As a result, if any member of Advisory has an immediate family member who works for any department of the Town, such member can either abstain or leave the room when the department's salary budget is deliberated and voted on, or else obtain a blanket exemption from the Board of Selectmen.

A member of Advisory may not participate as such in any matter in which "he or she, his or her immediate family or partner, a business organization in which he or she is serving as officer, director, trustee, partner or employee, or any person or organization with whom he or she is negotiating or has any arrangement concerning prospective employment, has a financial interest." Upon appropriate disclosure to the appointing official, the appointing official may determine that the conflict of interest is not sufficiently substantial to require abstention. Abstention is not required, however, on a question of general policy if the "interest" is shared with a substantial segment of the population.

- A member of Advisory may not represent (as attorney or agent) any other party in any matter in which the Town "is a party or has a direct and substantial interest" but "only in relation to a particular matter (a) in which he or she has at any time participated as a [public] employee, or (b) which is or within one year has been a subject of his official responsibility, or (c) which is pending in the agency in which he or she is serving.

- A member of Advisory may not directly or indirectly receive compensation from any party in relation to any particular matter in which the Town "is a party or has a direct and substantial interest," but this restriction refers only to particular matters (a) in which the member has at any time participated as a member of Advisory or (b) which is or within one year has been the subject of his official responsibility.
- The State law also imposes the following more general standards of conduct on Advisory members. No current member of Advisory shall:
  - accept other employment which will impair his or her independence of judgment in the exercise of his official duties;
  - use or attempt to use his or her official position to secure unwarranted privileges or exemptions for herself/himself or others;
  - by his or her conduct give reasonable basis for the impression that any person can improperly influence or unduly enjoy his or her favor in the performance of his or her official duties, or that he or she is unduly affected by the kinship, rank, position or influence of any party or person.
- No current or former member of Advisory shall:
  - accept or engage in any business or professional activity which will require him or her to disclose confidential information which he or she has gained by reason of serving on Advisory;
  - improperly disclose materials or data that are not deemed "public records" which were acquired by him/her in the course of his/her serving on Advisory nor use such information to further his/her personal interest.

Please be aware that this brief outline of the State conflict of interest law is not, nor is it intended to be, legal advice. If you, as a member of Advisory, have any question at all about any conflict of interest (or potential conflict of interest) you should either consult your own lawyer or else avail yourself of your rights under Section 22 of Chapter 268A to request, in confidence, that the Advisory Chair seek for you an appropriate opinion from Town Counsel.

### **Recusal**

From time to time it becomes necessary or appropriate for an individual Advisory member to recuse herself or himself from participating in the discussion, deliberation, or voting on a particular matter in order to avoid a conflict of interest or the appearance of a conflict of interest. Most typically those conflicts arise by virtue of the State Conflict of Interest law. If a member decides that s/he must recuse herself or himself, the proper procedure is as follows:

- Prior to Advisory beginning any substantive discussions, the member should advise the full Advisory Committee of the potential conflict and should indicate that s/he is recusing herself or himself;

- The minutes of the meeting should reflect that the member recused herself or himself;
- Depending upon the reason for the recusal, the Chair may ask the recusing member to leave the meeting room if the member's presence could affect the discussion and vote.

## **The State Open Meeting Law**

All meetings and records of the Advisory Committee are subject to the State Open Meeting Law, Massachusetts General Laws, Chapter 30A, §§18-25. The purpose of the Open Meeting Law is to

ensure transparency in the deliberations on which public policy is based. An "Open Meeting Law Guide" published by the Office of the Attorney General will be provided to every member of Advisory. Please be aware that this guide is not, nor is it intended to be, legal advice. If you, as a member of Advisory have any questions about complying with the Open Meeting Law, you should consult the Advisory Chair and, if necessary, seek an opinion from Town Counsel. For more detailed information, go to the Attorney General's Open Meeting website: <http://www.mass.gov/ago/openmeeting>.

## **Nuts and Bolts**

Set forth below are answers to some practical questions that arise from time to time.

### **Advisory staff**

Advisory has a paid administrative assistant. He or she prepares and maintains minutes of Advisory meetings, schedules and posts notices of Advisory meetings, prepares bid documents or estimates for the Advisory Reports and generally organizes our efforts. All requests for our assistant to do extra work should go through the Advisory Chair.

### **Notice of meetings**

The Advisory staff person prepares notices of meetings and files them with the Town Clerk.

### **Schedule and Meeting Space**

All meetings held in Town Hall need to be coordinated and scheduled through the Selectmen's office.

### **Distribution of materials**

Advisory has a mailbox on the first floor of Town Hall. The Advisory Chair or Secretary should check that mailbox frequently.

### **Communications**

Communications to Town Boards and Departments are made either by the Advisory Chair or appropriate subcommittee chair. Written communication to all Town Boards and Departments can

either be delivered by using the mailboxes in the mailroom on the first floor of Town Hall or by emailing items directly to the Boards and Departments.

Advisory has an email mailbox, [advisorycommittee@wellesleyma.gov](mailto:advisorycommittee@wellesleyma.gov).

Advisory has a page on the Town's web site, ([www.wellesleyma.gov](http://www.wellesleyma.gov)).

### **Supplies**

All materials and services (paper, photocopying, printing costs, etc.) used by Advisory are accounted for and charged against Advisory's annual appropriation. To use Town Hall's photocopies, etc. you need to use Advisory's account code number. Individual members of

Advisory are responsible for any expenses they incur unless they get pre-approval from the Chair or the Advisory staff person.

### **Procurement**

Advisory purchases of goods and services (e.g., printing of the Town Meeting Report, etc.) from third party vendors/suppliers need to comply with the State Procurement Act. This means that for goods or services costing more than the amount provided under the Act,

Advisory must seek bids and select the lowest cost, qualified bidder. Advisory keeps copies of bidding materials in the minute book maintained by the Advisory staff person.

### **Selection of Officers**

Section 6.8 of the Wellesley Town Bylaws provides that Advisory "shall elect a chairman, vice-chairman and secretary." What follows is a summary of the procedures which Advisory has historically followed in electing its principal officers:

- After taking a well-deserved rest following the conclusion of Annual Town Meeting and assuming there is not another extra, special Town Meeting in May or June, the outgoing third-year members of the Advisory Committee historically have convened themselves as a nominating committee prior to Advisory's May meeting;
- That nominating committee considers the likely candidates for Chair and makes informal inquiries of these candidates to see whether or not they would be willing to serve. Once the nominating committee has reached its decision, the nominating committee makes its recommendations to the full Advisory Committee, typically at Advisory's meeting in May;
- Recently, the incoming Chair has made inquiries of other members of Advisory about their willingness to serve as Vice-Chair (or two Vice-Chairs) and Secretary. It is helpful, if possible, for the incoming Chair to select fellow officers prior to the end of the fiscal year.

When he or she has reached a decision, he or she can ask any member of Advisory to make a motion to elect the other officers before Advisory breaks for the year, allowing for preparation and meetings among incoming officers prior to Advisory reconvening at the beginning of the next fiscal year;

- Often but not always, the Chair, Vice-Chair and Secretary of Advisory have been members serving their third year. In some circumstances individual members of Advisory have been asked to remain on for a fourth year and have served as officers at that time. Occasionally, the Vice-Chair or Secretary is a second year member, and sometimes there are two Vice-Chairs.

The Chair and Vice-Chair have selected the various subcommittee chairs and assigned individual members to the various subcommittees. If possible, individual preference for subcommittee assignments will be honored, unless the Chair and Vice-Chair determine that it would be in the best interest of the full Advisory Committee to make a different assignment.