



**Town of Arlington
Legal Department**

Douglas W. Heim
Town Counsel

50 Pleasant Street
Arlington, MA 02476
Phone: 781.316.3150
Fax: 781.316.3159
E-mail: dheim@town.arlington.ma.us
Website: www.arlingtonma.gov

To: Select Board
Adam Chapdelaine, Town Manager
Kathleen Bodie, Superintendent
Stephanie Lucarelli, Town Clerk

From: Douglas Heim, Town Counsel

Date: April 11, 2019

Re: Special Election Override & Debt Exclusion Ballot Questions

Members of the Select Board, I submit for your consideration and approval:

- 1) a motion to hold a Town Special Election on Tuesday June 11, 2019; and
- 2) a motion to approve two local ballot questions on said election date – a Proposition 2 ½ Override, and a Debt Exclusion for the Arlington High School Project.

Calling an Election

As noted in my prior memo, the Select Board possesses the exclusive authority to place both override and debt exclusions questions before voters at an annual, biennial or special election pursuant to G.L. c. 59§21C(i). As such, to have a special election in June for the purposes of override and debt exclusion ballot questions, the Board should vote on the following motion:

Motion: That the Town shall hold a special election on Tuesday, June 11, 2019, for the purposes of voting on Proposition 2 ½ Override and Debt Exclusion questions to be approved by the Select Board; and that timely written notice of such election shall be directed to the Town Clerk in compliance with G.L. c. 54 §42C .

Form and Sequence of Substantive Votes

As previously noted, because the override and debt exclusion votes shall be considered in a town special election, they will appear on the ballot in both the form and order you approve.¹ Hence, you may place either question first. However, the Town has very little discretion over the form of votes for reasons distinct to each question.

In the case of an override vote, a specific form of the question is required by c. 59 §21C(g), with modest discretion only for stating the purpose/s of the additional assessment. Arlington has traditionally provided a generic description of the purpose of an override.

In the case of the debt exclusion, the MSBA requires we submit the question in a form acceptable to them as part of the MSBA process (to a lesser extent, bond counsel also vets the question for similar purposes). Please note that the amount of the exclusion is neither required nor recommended as part of the ballot question itself. The draft question below has been approved by both the MSBA and bond counsel.

Motion: That the following questions shall be placed upon the June 11, 2019 Special Election Ballot in the following order:

A. Proposition 2 ½ Override

“Shall the Town of Arlington be allowed to assess an additional \$5,600,000 in real estate and personal property taxes for the purposes of funding the operating budgets of the Town and the Public Schools for the fiscal year beginning July first, 2019?”

YES ___ NO ___ ”

B. Debt Exclusion

“Shall the Town of Arlington be allowed to exempt from the provisions of Proposition two-and-one-half, so called, the amounts required to pay for the bond or bonds issued for the purposes of paying costs of a project to demolish, design, construct, reconstruct, remodel, add to, and originally equip the Arlington High School, including replacing the existing facility located at 869 Massachusetts Avenue, Arlington MA, and for the payment of all other costs incidental and related thereto?”

YES ___ NO ___ ”

¹ A vote to place an override question on the ballot requires a simple majority of the Board. c. 59, § 21C(g). A vote to place a debt exclusion question on the ballot requires a 2/3^{rds} vote of the Board. G.L. c. 59 § 21C (i½), (j) and (k).

Should the Board approve the calling of an election and the ballot questions themselves, I shall notice the Town Clerk and forward both questions for placement on the June 11, 2019 ballot immediately