

**Brookline Advisory Committee
Human Services Subcommittee Hearing
WARRANT ARTICLE 13
April 1, 2021**

Introduction

The Human Services Subcommittee of the Advisory Committee held a public hearing on Warrant Article 13 on Thursday, April 1, 2021 by Zoom.

In attendance were: Human Services Subcommittee: Kim Smith (TMM6), Chair, and members Susan Granoff (TMM 7) and Claire Stampfer (TMM5). Mariah Nobrega, Submitter of Article 13 on behalf of the Commission for Diversity Inclusion and Community Relations Committee (on which she is the School Liaison) and Member of the Complaint Process Committee. Ann Braga, Brookline Director of Human Resources and Member of the Complaint Process Committee. Caitlin Starr, ODICR Assistant Director. Neil Gordon, Member of the Advisory Committee. Kea van der Ziel, member of the CDICR. John Van Scoyoc, Select Board Member. Raquel Halsey, Maya Norton, and Barbara Brown.

Summary

Article 13 is submitted to allow the Complaint Process Committee of the Commission for Diversity Inclusion and Community Relations Committee to take an additional year to complete their work. The Subcommittee recommends FAVORABLE ACTION on WA 13 by a vote of 3-0-0.

Background

Mariah Nobrega presented Article 13 on behalf of the Commission for Diversity Inclusion and Community Relations. She explained that the Fall 2019 Special Town Meeting passed Article 24, submitted by Arthur Conquest, to consider revisions to the CDICR bylaw. Originally the effective date for the revisions was set at July 1, 2021. However, because of delays due to the Covid 19 pandemic, the Complaint Process Committee (CPC) has not been able to complete their work. Article 13 is submitted to allow the committee an additional year to complete their work. The only change to the bylaw is the modification of the effective date from July 1, 2021 to July 1, 2022. On March 23 the Select Board unanimously voted Favorable Action on Article 13.

The CPC includes five members from CDICR: Mariah Nobrega, Joan Lancourt, Eloise Lawrence, Sandy Batchelder, and Irving Allen. 4 members from TM: Robert Volk, Deborah Brown, Mike Offner, and Arthur Conquest. And one member from Town Staff, Ann Braga, Director of Human Resources.

The CPC met weekly through the spring and summer of 2020 and every other week in the fall. They examined the ways our peer communities handled complaints and reviewed model language from national organizations. They are currently trying to develop language that is specific to Brookline.

Discussion

In response to committee members' questions, Mariah Nobrega explained:

The CPC will conduct at least one public hearing on their proposed language and will determine the number and format for the public hearings after it has completed the re-drafting of the bylaw.

The original bylaw carved out certain areas over which the Commission for Diversity Inclusion and Community Relations would not have any authorization. For example, CDICR has no authority over town employees. Based on the passage of Article 24 in 2019, the CPC is trying to draft language that would allow it to conduct more extensive interviews during a complaint process. The committee is working on developing practical language to define these new powers.

An Advisory Committee member noted that the work of the CPC is quite complex. For example, the committee must address issues related to personnel, possibilities of obtaining subpoena power, rights to privacy, requirements of the Open Meeting Law, and the different collective bargaining processes for public safety and other town employees. The CPC is trying to determine whether or not CDICR meetings on complaints would meet the criteria for Executive Session. Mariah Nobrega also mentioned the special case of student protections.

Mariah Nobrega stated that the purpose of the CPC is to create a citizen complaint process which is respectful of the rights of employees, complainants, and everyone involved in the process. The committee seeks to ensure everyone's right to be heard and to have redress.

Ann Braga stated that they are working to create a complaint review process and they are trying to define its organizational structure. For example, they are looking at Human Rights Commissions as well as other formats. They are exploring the possibility of running CDICR complaint processes in parallel to another town process such as a police complaint process or an HR complaint process. Essentially they are trying to create a completely new complaint process. They have been selecting best practices from comparable communities.

In response to committee members' additional questions, Mariah Nobrega explained:

The final report of the CPC will be the bylaw itself with an accompanying explanation to show the committee's work which culminated in the bylaw change.

Legal advice is obtained through committee members who are lawyers: CDICR members Eloise Lawrence and Samuel Batchelder; CPC members Robert Volk, Deborah Brown, and Ann Braga.

The CPC has been evaluating the costs in other communities. The costliest is that of Cambridge which budgets \$500,000 and employs 2 full time lawyers. Other communities have lower cost systems. The CPC has been expecting that the people involved in the complaint process in Brookline would be volunteers, not paid employees. The CPC has been looking into what kind of training these volunteers would need.

A committee member stated that, to avoid potential lawsuits against the town, it was important for the process and procedures of the Citizen Complaint Process to be clearly stated and consistently followed in every case.

Ann Braga stated that the CPC needs more time to answer all these questions and she spoke in support of extending the deadline. Mariah Nobrega added that these are only some of the questions that they still need to consider.

Subcommittee Recommendation

The Human Services Subcommittee voted Favorable Action 3-0-0 on Article 13.

ARTICLE 13 Submitted by: Mariah Nobrega on behalf of the Commission for Diversity Inclusion & Community Relations To see if the Town will vote to amend Bylaw 3.14 as follows: (Language amended is in bold; deletions are in strikeout;) SECTION 3.14.8 EFFECTIVE DATE OF DECEMBER 12, 2019 AMENDMENTS "The amendments, as indicated in strikethrough, bold and underlined, adopted on December 12, 2019, become effective July 1, ~~2021~~**2022**." or act on anything relative thereto.