

**Town of Brookline
Advisory Committee Minutes
Tuesday, April 25, 2023**

Meeting Recording

https://brooklinema.zoomgov.com/rec/share/HUGr3h7hPBwYsILbOXvj5RJPK3PXnN_oBUiLas9XKY9Pv_UtwYOWRk9C8XEZ9HPu.RPtauq4_Od7XmCDm

Present: Ben Birnbaum, Harry Bohrs, Clifford Brown, Patricia Correa, John Doggett, Dennis Doughty, Katherine Florio, Harry Friedman, David-Marc Goldstein, Neil Gordon, Susan Granoff, Kelly Hardebeck, Amy Hummel, Anita Johnson, Alisa Jonas, Janice Kahn, Pamela Lodish, Joslin Murphy, Donelle O’Neal, Linda Olson Pehlke, David Pollak, Stephen Reeders, Lee Selwyn, Alok Somani, Carolyn R. Thall, Christine Westphal

Absent: Carol Levin, Markus L. Penzel, Carlos Ridruejo

Also Attending: Deputy Town Administrator Melissa Goff; Director of Planning and Community Development Kara Brewton; Petitioners for WA 19 Adeniyi Ijanusi, Sana Hafeez, Mrz Becks, Ty Pain, Shataysia Barnes, Natacha Atey; Petitioners for WA 11 Richard Benka; Petitioners for WA 12 Alec Lebovitz and Mike Toffel; Carla Benka, Perry Grossman, Ian Roffman, Jenny Lewis and other members of the public.

The meeting was called to order at 7:00 PM.

Announcements: Pursuant to this Board’s Authority under 940 CMR 29.10 (8), all of the committee members will be participating remotely via telephone or video conferencing due to emergency regulations regarding the Corona virus. The Chairman has reviewed the requirements of the regulations. There is a quorum physically present and all votes taken will be recorded by roll call so all above listed Advisory Committee members will be allowed to vote.

7:00 pm Public Comment – No members of the public had comments

7:15 PM Report from the Admin and Finance Subcommittee, Discussion and Possible Vote on WA 12 Amend Article 4.1 of the Town’s General By-Laws to require the Town to change auditors at least every five years and seek competitive bids for auditor at least every 10-years. (Lebovitz, Toffel)

Joslin Murphy, a member of the Administration and Finance Subcommittee gave the report which is linked to these minutes. WA12 would amend Article 4.1 (“ACCOUNTS AND AUDIT”), Section 4.1.2 (“AUDIT”) of the Town’s General Bylaws. The proposed amendment would do three things:

- a) Require that the Town’s lead audit partner cannot serve for more than five consecutive years;
- b) Specify that the Town’s contract with an independent auditor cannot specify a term longer than five years;
- c) Require the Town to seek competitive bids from audit firms at least every ten years.

The proposal includes a mechanism for extension, and does not prevent the retention of a firm assuming the guidelines have been adhered to. The rotation of audit partners and firms is a very common and responsible financial practice. This article seeks to preserve the practice within our Town Bylaws. Since the publishing of the Warrant, WA12 has been amended to allow extensions when warranted. The A&F Subcommittee believes this article, as amended, is a positive step forward in the financial governance of Brookline.

By a vote of 3 in favor, 1 opposed, and no abstentions, the subcommittee recommends favorable action on WA12, as amended.

QUESTIONS, COMMENTS, DISCUSSION

Patty Correa Q: Don't see any language to extend the 5 years? Can you walk through how this would work in practice? A: Alec Lebovitz reviewed the three amendments. Two were substantive, one wordsmithing from conversations with the Audit Committee, and accepted as friendly amendments by petitioners.

The wordsmithing change replaced the word "conditions" for "restrictions." The first of two substantive changes were in point, c. language came from discussions with Finance Director Lincoln Heineman, who expressed the desire for more flexibility to be built into the procurement requirements. The language clarifies that an alternative procurement method at the discretion of the Finance Department can be used as opposed to exclusively a competitive bid in the model of 30 B. The second substantive change which also came from discussions with the Audit Committee authorizes approval of the rotation requirement contingent on the approval of the Select Board for up to two years. This was meant to address the issue that Joslin raised of a similar situation this past year with multiple high-level staff and the Administrator of Finance Department turning over, creating potentially a burdensome rotation requirement in any given year. The committee felt that two years was adequate to cover any foreseeable future scenarios that were similar and agreed to accept the amendment.

Neil Gordon Commented as the one subcommittee member against the article, explained as a matter of bylaw doesn't find argument by the petitioners to be compelling. Not sufficient for a by-law. Audit Committee can deal with it internally. No objection to partner rotation or limit on contract length.

Linda Olson-Pehlke Q: Is it a matter of policy that we have an audit every year? A: Yes, annually. The entire Town and School financial status is audited, not budgets.

Lee Selwyn, AC Representative to the Audit Committee commented: The Audit Committee met a number of times to discuss this article. The Audit Committee adopted as their policy the partner rotation so that has been in effect and is our practice. The Audit Committee supported the Article 3-2. The objection was primarily regarding whether this should be a policy or a by-law. There aren't that many firms that are in the business of auditing municipalities the size of Brookline but not sure we will get a large response for a competitive bid. Trading institutional knowledge when you change firms. No problem with it but also don't see it as necessary.

Katherine Florio Q: What are alternative procurement methods other than a bid? A: We wanted to build in flexibility so keep language loose after discussions with Finance Director Lincoln Heineman. An alternative procurement method would be a series of more informal interviews and meetings to understand what firms might be interested, if they might be interested in submitting a bid, and to be able to understand what capacities or expertise exist out there in the market that we may not have current access to. We're leaving that to the discretion of Town Staff.

Patty Correa asked about the size of the firm we use and the size of Brookline? A: We are midsized, not a large city and not a tiny town. These types of government audits are specialized – structure is different than a corporate structure, in the private sector.

Petitioner Lebovitz said that there are three firms in our market that can handle an audit for our size Town. Current firm is nearly 10 years in and feeling some inertia.

How many partners with the firm we use? Seven partners.

Q: When was the last time the Town put out a bid for an auditor? No one had an answer for this question.

Joslin noted that this service is exempt from 30b. No requirement for bidding process, just following best practices, suggested that Finance would work with Procurement to put out the RFP.

Cliff Brown Comment: The reasons BFAC made this recommendation besides it generally thought of as a good idea to have fresh eyes to look at things, we had presentations with our outside vendors, our financial advisors and our auditor, and we were not particularly pleased with the presentation or the quality of the answers to questions we asked. It underscored the need to have turnover so that people don't get comfortable, so that people paying attention to detail, and not getting complacent. I'm fully in support of this, because it really is a best practice.

A **MOTION** was made and seconded for Favorable Action on WA 12 as amended. By a **VOTE** of 19 in favor, 2 opposed, and 4 abstentions, the Advisory Committee recommends Favorable Action on WA 12.

Report from the Admin and Finance Subcommittee, Discussion and Possible Vote on WA 11 Amend Articles 2.5.2 and 3.22 of the Town's General By-Laws to revise the process for Select Board and Advisory recommendations and hearings on warrant articles (CTOS).

Neil Gordon, a member of the Administration and Finance Subcommittee gave the report which is linked to these minutes. This Warrant Article seeks to amend the Town's General By-Laws primarily in response to questions regarding the Select Board's review of warrant articles, e.g., do they need to review all or fewer than all, by what criteria should decide, and what rights does the public have to be heard. The Subcommittee recommends FAVORABLE ACTION on an amended motion, by a vote of 3-0-1.

Richard Benka, TMM Pct. 14 representing CTO&S commented. After hearing from a number of members of the public, decided that it would be reasonable to have the Select Board hold hearings on all articles. It was an opinion from Town Counsel that the chair of the Select Board or chair of any committee, can control the timing of any public hearing – speaker or time spent on any one article – ensuring it will- not drone on for hours and hours. Not sure how the article about changing number of signatures will impact things but there is synergy extending time for regular Town Meeting to 90 days in the event there are more filings of articles.

QUESTIONS, COMMENTS, DISCUSSIONS

Harry Friedman Q: The Select Board will have to hold hearings on all articles under both CTO&S and the subcommittee recommendations? A: Yes.

Chairman Doughty asked if this had any repercussions for the Advisory Committee? A: No. Passed by Town Meeting within the last year or so.

Alisa Jonas Q: 5th Provision, appropriation of funds – seems amorphous – appropriate to add or otherwise have an impact on Town expenditures” – would that broaden too much the articles that would have to be given recommendations? A: These are guidelines and not mandates, categories of suggestion for prioritizing the review of warrant articles. The language allows the Select Board in the case of something that doesn't require an appropriation but some other category, allows the Select Board to act at their own discretion.

Q: If we are putting priorities in place is it not a good idea to prioritize substantial expenditure or decrease in funds? Why are we not including that among the priorities? A: Trying to think of a situation of the expenditure of funds that would not be included in this. Trying not to be too narrow or too broad.

Patty Correa commented: I like the article and the careful drafting. Appreciate the effort that went into it. Intellectual exercise reviewing the ZEAB articles? A: ZEAB articles was one of the motivations for this series of articles along with the Select Board's desire to reduce their workload. Don't recall looking at the ZEAB articles to see if they fit within any of these categories.

Linda Olson-Pehlke Q: Is the Select Board is required to have a public hearing and they have to make a recommendation or if not, why? What is the nature of that report? It would be significant what issues were raised by the public so we could read the feedback even if they choose not to make a recommendation. A: Part of workload is the writing of reports so if we look at the categories of prioritization and what is left, non-Town business items. We didn't consider capturing a summary of public comment on a warrant article but what we wanted was a short explanation as to why they decided not to take up an article. Select Board meetings unlike subcommittee meetings and other bodies, they are recorded, archived and readily available so anyone can find out any public comments. Not sure there will be a large number of controversial articles that will not be taken up by the Select Board.

Neil Gordon explained that the existing by-law states that the Select Board shall hold a hearing and make a report stating its position on every warrant article; Town Counsel determined that "shall" means "may" and the Select Board Chair previously would pick and choose what they would take up. This will codify the Select Board's wish to clarify the "shall" language and reduce their burden; this was referred to CTO&S and here we are. This tries to codify a practice that doesn't require a report and recommendation on all articles but provides guidelines for those that we feel are important to the Town.

We did consider making it mandatory but we were very conscious of the burden being put on Town Staff to write the reports. We tried to identify categories that we thought were most significant to the operation of the Town.

Harry Friedman commented, that the important thing is that the Select Board hold a public hearing because that is where the public expects to go when they have something they want to say about a warrant article. As far as the reports are concerned, I have consistently found the Select Board reports not worth the paper on which they are printed or screen time spent looking at them. They don't tell anything that isn't in the Advisory Committee reports. All we need to know is how the Select Board votes, doesn't need a report that mimics the AC's report.

Harry Bohrs Comment: This is a vast improvement over what we are doing now. That the Select Board doesn't have to necessarily issue a report is something that will prevent a lot of people from wasting their time. I have found some benefit from some of the things that have been written by or for the Select Board but agree you get more info from the Advisory Committee report. The major theme was this need for the public hearing. When we had at least one local newspaper we had issues covered. Not only were issues covered, but people were sending letters to the editor, and you knew what your neighbors were thinking. There was sort of a common dialogue in a public forum like a public square and we don't really have that anymore. For most people in town, when an issue is important they look to the Select Board, and the Select Board Hearing becomes our public square. You have the attention of the Select Board, but you also have the opportunity for your neighbors to hear you and for you to hear your neighbors.

Amy Hummel Comment: I actually completely disagree that all that the Select Board needs to do is hold the hearing. The fact that someone said something that happened to have been recorded, that's the record and I think it is a poor one because you have to listen to the whole thing to get context. A written report done by a human who can pick out the need to know from the nice to know, the relevant points is critical to our understanding and to our legislative history.

When we're listening actively, using our working memories, and we pull those things out and write a comprehensive report that really represents what the conversation that's a huge benefit to all. We listen to people when they bothered

to show up because not everybody can show up. There are supplemental documents that are often written and can be incorporated in the report.

Extremely disappointed in Town Council's interpretation of the word "shall", I don't understand it. I think the Select Board should be writing reports, and I do want to hear from them. I want to know what my executive branch thinks, and I don't just want to know their Yes or No. I want their reasoning, It's meaningless without the reason why, the context, the substance. I think the Select Board is obligated, should be obligated to do that not just to hold the hearing, but to write a report. I don't want to watch a recording or look at some inscrutable transcript to find that out. You like to call it transparent (recordings) but it actually makes it harder to find the answer.

Kelly Hardebeck commented that she understands and shares concerns about transcripts and recordings. Select Board produces notes and approves their notes and she has found them useful. Not a complete opinion on their recommendation but it isn't just a transcript but provides context. What has become clear is we and Town Meeting want our executive branch to weigh in on this and we want clear and thoughtful proposals. Impossible to legislate good work. They could come in with a recommendation that is 10 pages long and says nothing. This gets us to a point that lets the Select Board know what we think they should focus on, put their efforts toward and opine on.

Susan Granoff expressed concern that if the Select Board, with the assistance of Town Counsel chooses to ignore the plain meaning of the word "shall" in the current bylaw, what assurance do we have that they will pay any more attention to all of the hard work that went into doing this new modified version, which also uses the word "shall?" They are shirking their duty by not having public hearings, as people have explained. This is where the average resident of Brookline knows to tune in on television, to be able to get a sense of what's going on in Town government, and what decisions are being made, and why. We are not helping to underscore that this is their responsibility. If you run for the Select Board, you should be willing to have a clear statement as to what you believe, what you stand for, and why you voted the way you did, and to take a position on the warrant articles that are going to be decided by Town Meeting.

Every Town Meeting member has to take a position on these articles, and I think it's outrageous that the Select Board, which is the Executive of our Town, is not being held to the same standard as the average Town Meeting member. Despite the excellent work of the CTO&S and the subcommittee, I will be voting no.

A **MOTION** was made and seconded for Favorable Action on the WA 11 as printed in the warrant with the amended language

*SECTION 2.1.3 FILING OF ARTICLES All Articles for insertion in the Warrant for any ~~Annual~~ or Special Town Meeting shall be filed in the office of the Select Board prior to 12:00 noon on the 75th day, **and for any Annual Town Meeting on the 90th day**, preceding the scheduled date of the opening session of said meeting. On the 75th day **or the 90th day, as required by the foregoing sentence**, preceding the scheduled date of the opening session of said 3 meeting, the Warrant shall be closed, and as soon as practicable thereafter signed, including only those Articles filed by the **required 75th day or 90th day** preceding said scheduled date.*

By a **VOTE** of 20 in favor, 3 opposed, and 1 abstention, the Advisory Committee recommends favorable action on WA 11 as amended.

8:00 PM Report from the Public Safety Subcommittee, Discussion and Possible Vote on WA19 Create a Brookline Black N Brown Commission (Ijanusi)

Janice Kahn, Chair of the Public Safety Subcommittee and Ad Hoc Subcommittee gave the report on WA 19 which is linked to these minutes. She provided a brief history of the genesis of this article and the group that brought it forward

to date. Originally proposed as a resolution by Arthur Conquest (TMM-6) to Fall 2022 Town Meeting, WA19 has more recently been submitted by members of the Black N Brown Club, Inc., a non-profit incorporated in 2022, and founded by low-income Black and Brown residents in Brookline, seeking representation on issues concerning their community. The goal of the proposed Black and Brown Commission is to give voice and resources to this low-income demographic in Brookline so that they can better address their own needs. Article 19 is the result of this community's group effort.

As articulated, this by-law proposal would establish a system of appointing members to this Commission that is exclusive, not inclusive, and bars others from applying to serve based on their ancestry. Town Counsel was consulted and provided some guidance about language and met with Adeniyi Ijanusi and Sana Hafeez, the lead petitioners of WA 19, and explained the two legal concerns with the article as drafted:

- (1) The appointment process could be read as an "election" which is not permitted under the Home Rule Amendment of the MA Constitution; and
- (2) Conditioning participation on the Commission on the basis of race would be unconstitutional and violate the Equal Protection Clause of the U.S. Constitution. (14th Amendment)

The subcommittee believes in the aims of both the original petitioner, Arthur Conquest, and the petitioners of Article 19, that there is a strong need in Town to reach out to those residents who have been marginalized, and those who, as stated by the petitioners have experienced "racism prejudice and discrimination...because of the color of their skin and racial status as Black and Brown." Given the legal challenges inherent in the membership provision, however, Article 19 as a by-law would create new and potentially numerous problems for the Town. The Ad Hoc Subcommittee voted 4-0-0 to recommend No Action on WA19.

Petitioner Sana Hafeez responded and shared some thoughts and clarifications. Never about low income, just black and brown people. Submitted by residents who are Black and brown. Question about Indigenous people – brown doesn't refer to one race or ethnicity. This is a self-determination. Not a threat to indigenous people. We asked that the Town not impose definitions of who is Black or brown. Referring to the section on Membership Appointment and Term – insinuates that the warrant article is racist. Exclusionary to suggest that only Black and brown folks should be able to nominate folks on the commission. Nominees need not be Black or brown but only those doing the nominating. This is not an election – it is a nomination process and we didn't include the word "election" anywhere. Finally, we have made changes based on the recommendations from the subcommittee and Town Counsel only to be told by the Moderator that the revision is outside of scope.

Petitioner Ade Ijanusi also responded. He found it baffling that going through this process to speak of what we want as a people, with the conviction of over 65% of our community, that we are being asked to define Black by a different racial demographic. If that's not racist I don't know what is. Same thing as if you are going for a job and check the box on the application. It is defined by our government. The subcommittee had some problems with the definition so we elaborated and explained that African heritage covers many nationalities. I believed that the reason for making amendments and going through this process with so many committees and departments is to discuss the issues and walk through them, but I don't now understand what is out of scope – we are addressing issues important to this community. It is like a dog chasing its tail. If anyone can correct me, please do.

For over last decade our population has been at 3%. Economically we are double the rate of poverty according to Lloyd's department average \$30K a year which is still below the median income. Black and brown people have been at the bottom of the economic spectrum. In this process I have heard Black and Brown Club and we have nothing to do with

this commission. Black and Brown Club is a non-profit organization and other Town meeting members participate in other non-profit organizations. Lloyd (Gellineau) agrees with what we are trying to do.

There is no racial component to who can serve on the commission. We have seen the Select Board appointing people who are dealing with issues that affect Black and brown communities to represent us but they haven't done their jobs. We have been marginalized. We have the right as Black and brown people, as a community, to choose who to represent us and our concerns. And, to correct the historic record, we gave Arthur the right to submit this on behalf of the community with the expressed permission and support.

Chairman Doughty noted that scope can be a very esoteric thing and it has confused many petitioners over the years. He encouraged the petitioners to reach out the Moderator to get further clarification.

QUESTIONS, COMMENTS, DISCUSSIONS

Donelle O'Neil commented: Urged the Advisory Committee to recognize difference between Black and Brown Club and this Commission. Believed that the modifications made after meetings with Town Counsel would be within scope, but the only reason was that the language was already printed and distributed. ODICR can only do certain things. Lloyd has a lot on his plate. Usually refer folks to the state or elsewhere to lodge complaints. This body would provide support for the community. In full support of this warrant article. This commission is needed. There are lead petitioners but it was a community effort to get this going. Would appreciate hearing from the Moderator as to the question of scope.

Carolyn Thall Thanked the petitioners. "The CDICR has failed on these issues..." Can you be a little more concrete so I can understand purpose of this commission a little better? A: Lloyd cannot go to certain events because he has to report on everyone. Say there is an HR complaint. Lloyd will recommend you go to the State because there is nothing he can do other than report that you made a complaint. A Commission we would be getting heard for folks who have the time to really direct and do more than just recommend places to go for a resolution. Another platform where the Select Board and others can learn what is going on with the low income, Black and brown community of Brookline.

Ade Ijanusi commented on ODICR's effectiveness in the Black and brown community. Lloyd wrote a report about employment and economic inequality and how few minorities the Town is hiring. But there are many issues Lloyd's office isn't focused on. He noted everything is about it's a ripple effect and he discussed community challenges with housing and safety issues, living conditions, childcare, transportation, employment and economic opportunity and the pace you need to move in some situations. These are the things specifically we have to worry about in our community. It's like we're living up to the narrative and that's the story of where we are. So rather than just being passed around boards that don't work or the select what finds whoever they pay. That's what this commission is focused on. For Brookline to be a better Town, it has to be equal across the board and offer the hope for economic prosperity, because in the Town we live in now, over 90% of Black and brown people and low-income people cannot afford properties in Brookline. This is the reality for people who have been living here 40-50 years.

Sana Hafeez Comment: She wanted to uplift everything Adi was saying and it would be beneficial to reframe this. Yes, we can look ODICR. We could look at the specific people in that office, but year after year these people change. What I'm speaking about is the current infrastructure that has existed no matter who is in that role. The facts are the facts. If we look at the status of Black and brown people in Brookline, we are so drastically below the median income. It has been that way, it hasn't change and anything that has been done has not worked, or barely. Clearly there is a need for a new infrastructure. And I think the difference is this one is self-representative. You know these are people that are representing. We clearly know what works for us in our communities. We know the problems that we face that folks that are far removed from this don't know, and it's not a fault. Those folks just do not know what we face. They're not

experiencing that. But their job is to listen to us and give us the power to enact these solutions for ourselves. So I think that really clarifies what I mean when I say these institutions, these offices have failed this year after year. That's a fact.

Neil Gordon Q: Would like to get some clarity as to the shortcomings of the Diversity Office, which is a staff office populated with employees, and the Diversity Commission, which is an appointed commission of Brookline residents, both the scope of duties and the authority of the office, and the Commission subject to Bylaw 3.14 . What it is that Lloyd Gellineau, the Chief Diversity Officer, and those who work in his office are authorized to do in solving some of the issues and problems that have been articulated. Is the issue with the staff, which we know is limited, with limited authority? Or with the Commission, which may have somewhat broader scope to be able to at least explore and make recommendations about issues, problems, shortcomings. It is in a position as most boards, committees, and commissions can do to come up with a problem, do some work, recommend legislation. Where are the shortcomings? Is it Lloyd and a lack of resources? The latter is solved by adding more resources as appropriate versus the Commission as to whether it is functioning as it should, or whether it can't and therefore we need something different from the Commission, and different from the office. It's not clear to me where which of those is the problem and the conversation, at least, as I hear it, a sort of merged between the two. A: Adi answered, all of the above.

Susan Granoff Comment: Agree with the petitioners about the need for this Commission because ODICR, for example, will deal with issues related to sex, discrimination or age. Discrimination doesn't mean that we don't need as a community, a commission on women or a council on aging. I think it's really important for groups that feel marginalized, and who are marginalized to have a voice, to be seen and to feel respected, and I think that having a Commission would go a long way to helping people feel that their needs are being voiced, and that they have a say in what's happening. But I don't see how, having a warrant article that is clearly unconstitutional, and has other problems in the drafting part of it will achieve what the petitioners want to achieve.

The time for meeting with Town Counsel about whether this was unconstitutional or problematic, from a legal point of view was before they introduced their first draft to be sent to be on the warrant. Once a petitioner drafts a warrant article, the scope essentially is set by the petitioners, and it can be modified slightly. But any major change or major problem cannot be addressed within scope. That's what the Moderator means the scope of the article is set by the original draft submitted by the petitioner. That's why we encourage petitioners to meet with Town Counsel before sending in the article. Now, when this original article was before my subcommittee during last fall we suggested that it be modeled after the Commission on Women, and to the extent that it does, it doesn't pose any legal problems. The problem occurred where the article specifies where the nominations will come from, who should be on the Committee of the Commission, and we don't really have the power to create an election within the Town

We can't limit who can vote in our elections on the basis of race. More specificity on the make up of the Commission might have helped but it can't be changed at this point. Advised the petitioners to withdraw this. Not move this at this Town Meeting, but come back with a legal version, a version that will not create a constitutional issue, so that we'll be able to move ahead and create what would be a really valuable Commission within Brookline.

Alisa Jonas Q: Agree with most of what Susan said about the need and value of a Commission for specific groups within Brookline. Not sure I understand how a disparity study can be done with regard to nominating people to a Black and brown commission. Is there someone who could even speak to that? There doesn't seem like there's a way to measure whether there's disparity in that particular area. Have you thought of possibly meeting with the Moderator to see if there's a way to adjust the warrant article to make it within scope or just submit the article as you've changed it in the next round of articles, just as Susan recommended? A: All the problems mentioned and the past few moments have already been rectified, and are in the most updated version.

Donelle O'Neal Comment: We had conversations with Town Counsel back then on certain language to use and not to use and it was allowed it or the article wouldn't have been put through, so the whole constitutional issue should have been mentioned way back then, but that wasn't. We went through the process. We made additional amendments based on additional feedback but those were ruled out of scope but why go through the amendment process?

Petitioners would like to see evidence, legal proof of how their article is unconstitutional? What are other examples? We should be very careful about what we say is unconstitutional.

Amy Hummel clarified the warrant process for petitioners. Just because something's entered into the warrant and it just means that it has all required signatures, it says nothing about what's in the document. It's not a stamp of legality or approval, or completeness.

Patty Correa Comment: Shared thoughts about articles being out of scope and previous experience with this. Maybe put this forward in the next round in the fall. Suggests the petitioners can meet with Town Counsel before the filing. You now have a draft that sounds like with language that's ready to go from a legal perspective, and then we have language to where we can really focus on the merits, because we're really not in a position today to have an opinion one way or the other.

Katherine Florio Comment: We do need to do a better job of making the steps from having an idea through the signature process, getting it on the warrant, getting it through Town Counsel and the Moderator. We have to do a better job of making those steps very clear so that this doesn't continue to happen, especially with this particular warrant article because I, too, was on the committee from last spring, and was really hoping that this would have been something we could have counted on passing.

Janice Kahn offered closing words regarding the subcommittee process and the drafting of the report. The public, hearing that we held was over two and a half hours and was really an excellent public hearing with good give and take. It was a learning process for the subcommittee. She wants to just make sure the petitioners understand that she appreciated listening to their voices, and was very moved by them. She listened to the recording all over again and transcribed two hours of it. It's important to hear the voices of the community, and appreciate the time that the petitioners spent with the subcommittee. She added if there were things she got wrong, it certainly wasn't intentional, because she has tremendous respect for this group effort.

She noted that she was chair of the Women's Commission, did not have a budget, had no real power, and no staff support. So if we do a commission, it has to be really well, well, thought out.

The low economics figures she got from the website of the Black and Brown Club and not from the discussion. It was for all Black and brown people. The version that was submitted today, according to Town Counsel, would only be for low-income Black and brown people. It would leave out a voice, or it would leave out a focus on any other Black and brown people who live in Brookline, and that is something she hopes the petitioners consider. The Black community is 3% of the Brookline population. The brown community is maybe 7 or 8% and so to create a commission that only really works with a part of the community already in a minority, that is an issue. As one petitioner mentioned, "We are a minority of a minority." By focusing the Commission just on the minority of the minority, the Commission would lack a kind of unity of the Black and brown community that does exist in Brookline.

Susan Granoff raised concerns about the socioeconomic criteria in the article which blurs who Commission is really for and reiterated previous comments about who can be on the Commission, etc.

Petitioner Sana Hafeez conclude that everyone seems to love facts and numbers, and these facts and numbers are based off of studies of our community, often done by members outside of our community. You have a direct line an astounding opportunity, and you're speaking to people that represent the majority of these folks, and I just think that your jobs would be so much easier if you left that interpretation on what we would like for ourselves up to us versus imposing what you believe we would like, what you believe would work for us, or what you believe would benefit us, because we know it would work for us, and clearly any other alternative has not worked to date. Thank you.

A **MOTION** was made and seconded for Favorable Action on WA 19.

A **MOTION** was made and seconded to Table WA 19 until a future date, so that the petitioners can meet with the Moderator, and perhaps revise the language so that it is within scope.

There was general discussion about the pros and cons of tabling given tight timelines for meeting on this item again, schedules of petitioners and Town Moderator, if petitioners have resources to do what they need to do, etc.

Petitioner indicated that they are committed and dedicated to this article. Many of the changes requested have already been put into the article deemed out of scope.

The Chairman reminded members that the motion to table was not so that the Petitioners can convince the Moderator to change her mind. The motion on the table was table, so that the Petitioners can work with the Moderator to find language that satisfies the concerns and is within the scope, if that's possible.

By a **VOTE** of 11 in favor, 6 opposed with 6 abstentions, the Advisory Committee voted to Table further discussion of WA 19 until the Petitioners can work with the Moderator to find language that satisfies concerns and is within scope.

8:45 PM Other Business

Upon a **MOTION** made and seconded to adjourn, and voted unanimously, the meeting was adjourned at 10:04 p.m.

Documents Presented <https://www.brooklinema.gov/DocumentCenter/Index/4073>

- 2023 04 18 Ad Hoc Subcommittee on WA19 Report
- AC Petitioner Questionnaire - WA19
- 2023 04 24 Admin and Finance Subcommittee Report on WA12
- Audit Rotation Warrant Article 12 - Proposed Amendments 4.13.23
- 2023 04 21 Admin and Finance Subcommittee Report on WA11
- WA 19 BNB Commission Warrant Article

VOTES

	Vote 1	Vote 2	Vote 3	Vote 4
# Votes Yes	19	21	0	11
# Votes No	2	3	0	6
# Votes Abstain	4	1	0	6
Vote Description:	MAIN MOTION: FAVORABLE ACTION ON WA12 as amended	MAIN MOTION: FAVORABLE ACTION ON WA11 as amended by the subcommittee	MAIN MOTION: FAVORABLE ACTION ON WA19 (v2)	HARDEBECK: TABLE WA19 so that petitioners can revise the language
	<i>Enter Y, N or A</i>	<i>Enter Y, N or A</i>	<i>Enter Y, N or A</i>	<i>Enter Y, N or A</i>
Ben Birnbaum	Y	Y		Y
Harry Bohrs	Y	A		A
Cliff Brown	Y	Y		Y
Patty Correa	Y	Y		Y
John Doggett	Y	Y		N
Katherine Florio	Y	Y		Y
Harry Friedman	A	Y		N
David-Marc Goldstein	Y	Y		A
Neil Gordon	N	Y		Y
Susan Granoff	Y	N		A
Kelly Hardebeck	Y	Y		Y
Amy Hummel	N	N		
Anita Johnson	A	Y		A
Alisa Jonas	Y	Y		Y
Janice Kahn	Y	Y		N
Pam Lodish	Y	Y		A
Joslin Murphy	Y	Y		
Donelle O'Neal, Sr.	Y	Y		Y
Linda Olson Pehlke	Y	N		N
Markus Penzel				
David Pollak	Y	Y		Y
Stephen Reeders	Y	Y		A
Carlos Ridruejo				
Lee Selwyn	Y	Y		N
Alok Somani	A	Y		Y
Carolyn Thall	Y	Y		Y
Christine Westphal	A	Y		N
Dennis Doughty				