

BROOKLINE COMMISSION FOR WOMEN
WEDNESDAY SEPT 1ST, 2021 AT 7 PM
(ONLINE VIA ZOOM)

This meeting was recorded. Full recording can be accessed here under Building an Equitable Procurement Program for Women- and BIPOC-owned businesses:
<https://www.brooklinema.gov/729/Brookline-Commission-for-Women>

MINUTES

COMMISSIONERS PRESENT: REBECCA STONE, LIZ STILLMAN, MEENAKSHI GARODIA, FELINA SILVER ROBINSON, LUCY CHIE, HOMA SARABI-DAUNAI, HADASSAH MARGOLIS, CAROL CARO, AILEEN LEE
COMMISSIONERS ABSENT: NICOLE MCCLELLAND
OTHERS PRESENT: CAITLIN STARR (STAFF), MEL KLECKNER, KARA BREWTON

1. Administrative details:
 - a. Upon asking for and hearing no objections from the Commissioners or guests, Ms. Starr commenced recording at 7:04 p.m. to give members of the public unable to attend access to the presentation of the invited guests.
 - b. Vote to approve minutes from meeting of July 7, 2021: Moved by Ms. Margolis, Seconded by Ms. Silver Robinson. Voice vote. Passed unanimously of those present with Ms. Caro abstaining since she was not present at the 7/7 meeting.
 - c. Additions to BCW list of colleague institutions/organizations: Postponed to next meeting; Ms. Stone will circulate the list ahead of that meeting.
2. Public Comment: no members of the public were present for public comment.
3. Discussion re: Brookline effort to establish a program for contracting with Disadvantaged Business Enterprises (DBEs) *Invited guests: Town Administrator Mel Kleckner, Director of Econ. Dev. Kara Brewton.*

***Please view the recorded meeting for precise information from the invited guests. What follows is a summary. ***

Ms. Stone introduced Town Administrator Mel Kleckner and Economic Development Director Kara Brewton and gave some background on the issue and BCW interest and involvement to date. Ms. Stone said that the BCW was eager to see progress on this issue and hoped the Town would develop a program, but would consider supporting a by-law change if needed. She noted that this BCW discussion had twice been scheduled and then put off for unavoidable reasons, and thanked the speakers for coming tonight.

Mr. Kleckner prefaced his remarks by apologizing for the amount of time it has taken for this meeting to occur and said that the town is invested in making sure that they are doing business with DBEs. He believes that a by-law change could be problematic and “unproductive” because of certain constitutional issues and a risk of litigation against the town unless we embarked on a “Disparity Study” to have data allowing the Town to proceed with targets that

would not violate Constitutional or state law (§30B of the M.G.L.). The cost of the study can be prohibitive to a smaller municipality such as Brookline/ Ms. Brewton added that gathering the data for a disparity study is controlled by case law and involves lengthy interviews and qualitative data in addition to quantitative data. Mr. Kleckner said that they are looking into collaborating with other similarly situated municipalities to share the cost of a regional disparity study. Brookline is also pilot-testing a new app (Qwally) that is supposed to help the Town and eligible businesses communicate better about procurement contracts and also contribute more data about eligible DBEs in Brookline. Mr. Kleckner said that data is the resource we need the most to be able to implement a DBE program. He added that the Town departments are all engaged in procurement at some level and harvesting that data using the app will help us move forward.

Mr. Kleckner then raised a different issue that might be more easily addressed and significantly help with procurement. He explained that the State maintains a “bid list” of vetted vendors that essentially gives towns and cities a bidding shortcut by ensuring that all the listed vendors are allowed under §30B of the M.G.L. If the State can boost this list to add more DBEs, then the Town can more quickly contract with vendors. Upon a question from Ms. Caro and Ms. Stone, neither Mr. Kleckner, nor Ms. Brewton were certain if the state “bid list” specifically included information about whether the pre-vetted businesses were, in fact, DBEs. Ms. Brewton explained that the State process for being certified as a DBE is difficult and the current list is consequently very small.

When asked, Mr. Kleckner suggested that the Commission can help by pushing people at the state level to make the bid list more robust. Those the BCW could include in this advocacy are: the Governor, Constitutional officers, legislators, Mass. Municipalities Association, and any other stakeholders. He noted that the Inspector General of MA enforces §30B of the M.G.L. and Ms. Stone said that the incumbent IG is Glenn Cunha, a Brookline resident and former School Committee Member. Ms. Stone then asked Mr. Kleckner for 4-5 action points/items we can use in that advocacy with the above list of people. Mr. Kleckner agreed to provide that and promised to make space in the Select Board’s agenda to have this conversation and invite all the stakeholders in the Town including the BCW.

Ms. Brewton added that the Town is working on a Town Diverse and Inclusive Business directory. Ms. Starr added that an intern had canvassed businesses in Brookline this summer (and a new intern would continue this work shortly). The process is open until 10/15/21 with a hope that the directory will be published in January 2022 and updated annually. Currently, they have 50-60 businesses identified.

Ms. Stillman asked if the Town is shielded from litigation if we choose from a hypothetically enlarged state bid list -- if the cause of litigation is usually grounded in the decision-making process rather than the pool of vendors. Mr. Kleckner agreed that a stronger bid list may not shield the town from all litigation, but reiterated that a by-law change would be unproductive because it puts undue pressure on a complicated process.

Mr. Kleckner, when asked how we can proceed productively without a warrant article, stated that we are making progress albeit slowly due to a large number of recent crises, including

the pandemic. He emphasized that this work is a constant and he believes Brookline can be a leader in moving this forward.

Ms. Stone acknowledged that the last two years have been “a lot” and agreed that we are all rowing in the same direction, but suggested it would be good to be in the same boat so we can make headway. She asked for a way to have a goal date or a strategic plan with a deadline for development of a DBE procurement plan.

Ms. Stone thanked Mr. Kleckner and Ms. Brewton for their time. They exited the meeting at 8:23 p.m. Ms. Stone commented that she was surprised to hear that other municipalities had been struggling with this; it had been her impression that there were successful efforts Brookline could imitate.

4. Liaisons, Working Groups, Other Updates

- i. Assign ad hoc working group on Warrant Review for fall Town Meeting: Ms. Stone noted that the Warrant had closed and asked for volunteers for the Ad Hoc Warrant Review working Group: Ms. Margolis, Ms. Stillman, Ms. Caro and Ms. Stone volunteered. Ms. Stone said she would ask Ms. Silver Robinson and Ms. McClelland (who were not on line at this time) if they were interested as well.

5. New & Old Business

- i. Reminder of open BCW seat: Seeking new commissioner: We need a strategy for outreach. Each commissioner should share the vacancy with their networks. Ms. Stone will send around a paragraph to share, Ms. Caro will share her suggestions both with Ms. Stone and the interested candidates directly.

Adjourned: 8:31 p.m.