

Advisory Committee - WA18 Ad Hoc Subcommittee
Warrant Article 18: Moderator’s Committee to Study Forms of Government

Recommendation: The WA18 Ad Hoc Subcommittee by a vote of 6-0-0 recommends FAVORABLE ACTION on Warrant Article 18 as amended

Executive Summary:	Warrant Article 18 asks the Moderator to appoint a committee to examine the various forms of municipal government in Massachusetts as they relate to Brookline and for the committee to report its findings to Town Meeting and all Town residents by August 31, 2024
Voting Yes will...	Support the petitioner's request for a Moderator’s committee to study different forms of government structure in Brookline
Voting No will...	Not ask the Moderator to establish a committee to study different forms of government structure in Brookline
Financial impact [if any]	The financial impact would be minimal as it is anticipated that only a small amount of staff time would be needed to support the committee’s work.
Legal implications [if any]	None

The sub-committee held a public hearing to consider WA18 on September 28, 2023 by Zoom after due notice had been posted.

Participants

Petitioners:

Jon Margolis- TMM, Library Trustee
Neil Gordon-TMM, AC, Constable

Subcommittee Members:

Kelly Hardebeck- Chair
Ben Birnbaum
Alok Somani
Donelle O’Neal
David-Marc Goldstein
Christine Westphal

Public:

Marty Rosenthal- TMM
Harry Bohrs- TMM, AC, CTOS
Betsy DeWitt- TMM, CTOS, LWV

Sean Lynn Jones- TMM, CTOS
Ian Roffman- CTOS
Diana McClure- LWV Board
Ernie Frey- TMM, LWV Board
Lynda Roseman- TMM, BNA
Janice Kahn- TMM, LWV
Janet Gelbart
Rebecca Stone- TMM
Regina Frawley- TMM
Jonathan Golden- TMM
Katherine Florio- TMM, AC
Susan Granoff- TMM, AC
Perry Grossman- TMM, AC

Introduction

As the petitioners note in their article explanation, discussions about Brookline’s form of government have increased recently. The League of Women Voters (LWV) in partnership with the Brookline Neighborhood Alliance (BNA) recently hosted the first of several conversations designed to create greater awareness around Brookline’s current form of government, what other forms of municipal government exist in Massachusetts and how they compare to Brookline’s. Separately, a campaign is underway to collect signatures from 15% of Brookline registered voters and have a ballot question on whether to form a Charter Commission and simultaneously elect a Charter Commission. The petitioners believe, despite the conversations happening in Town, the general level of knowledge of the various forms of municipal

government is low and would like a Moderator's committee to review, evaluate, and report on the different governmental structures for Brookline.

Discussion

The petitioners for WA18, Jonathan Margolis and Neil Gordon, filed the article because they believe that Brookline needs to have an informed conversation about changing its form of government. The article, as written, asks for the Moderator to appoint a committee to study the forms of municipal government in Massachusetts, evaluate the pros and cons of each and report back to Town Meeting by August 31, 2024. Mr Gordon and Mr Margolis stated they bring WA18 not to preserve the status quo but preserve a public process they feel has served the Town well.

The petitioners are aware of the Brookline City Charter Campaign's signature collection effort. They expressed concern that it "puts the cart before the horse" and a decision on Brookline's form of government will be reached before the Town can have a wide-ranging discussion. The Home Rule Charter Process, which the Brookline City Charter Campaign is pursuing, would elect a 9-member Charter Commission on the same ballot where voters would indicate whether they want charter change in Brookline. The petitioners are concerned this approach would cause any robust discussion over the right form of government for Brookline to be lost amongst the political campaigns of the Charter Commission candidates.

Mr. Gordon contrasted a city budgeting process with the open, responsive process he feels Town Meeting and the Advisory Committee have taken recently. He recounted times where the AC has looked for a modest amount of money within the Town's overall budget to fund a specific need for a department or provide funding for an initiative previously approved by Town Meeting.

Rebecca Stone, chair of the Brookline City Charter Campaign, spoke about the Home Rule Charter Process and the campaign. She noted that Brookline does not currently have a charter and the creation of a Charter Commission does not predestine the outcome it produces. An elected Charter Commission would have up to 18 months to study what is working and not working for Brookline residents today, the forms of government available to Brookline and how to map those onto Brookline's diverse needs and aspirations. She pointed out that an elected charter commission is responsible, under state statute, for following up their investigations with a detailed charter proposal. After the charter proposal is drafted, Rebecca said, the Charter Commission would need to defend their proposal to the voters as no charter would be adopted without approval from Brookline voters.

Ms. Stone shared that Brookline has done several studies of its governance in the past 100 years. In 1940, there was a 2-year study done by a consulting firm in Chicago. The Committee on Town Organization & Structure (CTOS) was originally conceived for this purpose and did conduct a study of its own in the late 1960's. The League of Women Voters conducted studies in 1983 and 1988.

Subcommittee members had a discussion with the petitioners and Ms. Stone to understand the overlap or conflict between the work of the proposed Moderator's committee and a Charter Commission and the subcommittee concluded that any information, data or recommendations from the Moderator's committee could be useful to a Charter Commission and the risk of conflict was low.

Much appreciation was expressed for the LWV/BNA conversations on Brookline's form of government and how the initial session provided the groundwork for residents to have more informed conversations about how Brookline is governed. Diana McClure, Chair of the League of Women Voters, spoke at the hearing to say there's a real need to reach a huge range of people in Brookline to help them understand our current form of government. She said the LWV is interested in continuing the educational forums so

residents have a better understanding of our structure and can evaluate the pros and cons of possible alternative structures.

Other members of the public, including Susan Granoff, Marty Rosenthal and Janice Kahn, said how very important all the conversations and discussions about the form of government in Brookline are to the future of the Town. Janet Gelbart, a P17 resident, shared her frustration that the Moderator's committee was only charged with reporting its findings back to Town Meeting and not to a wider audience within Town.

In its deliberation, the subcommittee identified two themes that had come up during the discussion. Because there was much discussion of the potential for a Charter Commission to be prejudiced, subcommittee members felt it was important for the members of the Moderator's committee to be objective and open to considering all possible forms of government. Second, the subcommittee agreed with Ms. Gelbart that the committee's findings should be shared with Town residents explicitly. The subcommittee amended the petitioner's original article to ensure the committee members were instructed to objectively review the various forms of government and the findings would be made available to all Town residents.

Recommendation

NOW, THEREFORE, be it resolved that Town Meeting,

- a. Requests that the Moderator appoint a committee to examine the various forms of municipal government in Massachusetts as they relate to Brookline;
- b. that the committee **objectively** evaluate the positive and negative aspects of such forms, including fiscal impacts;
- c. that the committee be empowered to recommend among various proposals or alternative forms for Brookline government, if it chooses to do so; and
- d. that the committee be directed to report its findings, and any recommendations, **after holding public meetings**, to Town Meeting **and make it available to all residents of the Town** no later than August 31, 2024, or such other date as the Moderator may select.

The WA18 Ad Hoc Subcommittee voted 6-0-0 to recommend FAVORABLE ACTION on Warrant Article 18 as amended.