

## MINUTES OF CTOS MEETING – October 12, 2022

The Brookline Committee on Town Organization and Structure (CTOS) held a duly posted meeting via the Zoom platform on October 12, 2022 to discuss relevant warrant articles coming before the fall Town Meeting.

In attendance were; Dick Benka (CTOS), Jean Berg (CTOS), Abby Cox (CTOS), Betsy DeWitt (CTOS), Sean Lynn-Jones (CTOS), Ian Roffman (CTOS), Arthur Conquest (Town Meeting), Neil Gordon (Advisory Committee), Marty Rosenthal (Town Meeting)

The meeting began at 6:30 p.m.

The committee began with a discussion of Article 30. Sean Lynn-Jones summarized the substance of the article and issues raised up to this point, including: 1) Is this commission going to be a regular part of town government or more independent? 2) How do you define Black n Brown? Arthur Wellington Conquest, the petitioner, responded with an illustration. Twenty years ago, he was given three tickets to the Ryder cup, and took students who got to meet Tiger Woods. It was fantastic. This year, Conquest started discussions with Sandy Batchelder, a Country Club member, about bringing students to the US Open. He said it could be done through Steps to Success, but Conquest wanted to bring the students on his own. A week before the Open, he received a call from Steps to Success saying that he would recruit the students and Steps would take them. That was insulting. It demonstrates a mindset about how people want to treat the Black population of Brookline, and it can carry into other areas. Previously, no Black group had been given a town grant until recently when the Black n Brown group was given a \$50K grant from ARPA. We need a way to speak for ourselves, and to demonstrate that to our children. That is the focus of what this warrant article is working towards. People from public housing have the lowest voting numbers. There isn't a Black member of the School Committee or the Housing Authority. How do we organize ourselves to be able to handle business so our children can see that we believe we can participate as equals? We may not be able to have it as part of the town, and then we'll do it on our own. There is still discussion among the group about who will be included. Some have approached members to ask if they could be party to this initiative and have been told no. Conquest admitted that he "does not have all the answers" yet. Lynn-Jones suggested maybe the best option would be to make a recommendation for referral to some committee, perhaps CTO&S, to create a bylaw that would set up the structure for membership and appointments. If that's not the way the petitioners would like to go, they can offer a different motion. The members of CTO&S affirmed that they understand the rationale, but need to understand better whether the commission is intended to be part of Town Government or an independent entity. Betsy DeWitt expressed her reservations that putting the commission in the hands of the Select Board to appoint might be counter to the intentions of the petitioners. Referencing Conquest's example of the U.S. Open, she surmised that the Country Club had wanted a formal organization to sponsor the student visitors, and that if a Black n Brown organization had existed, that might have served. As a not-for-profit organization, you have a better status for these kinds of things. Dick Benka asked whether the Black n Brown Club was applying for 501(c)(3) status at this point, and Conquest affirmed that it already has that status. Benka pointed to Article 38, which is a resolution to have ODICR work with a Brookline based AAPI organization focusing on celebrations. He stated his understanding that the Black n Brown Club is doing much more than that – things like mentoring. To the extent that that is happening, the question is how to structure something that leverages what the Club

is currently doing and maintain its independence? DeWitt followed up to say that given it's already a 501(c)(3), the club already has the power to do the advocacy without the constraints of municipal government oversight. Conquest ceded that the idea has not yet been fully thought through and the petitioners are working to figure out what makes the most sense. Lynn-Jones articulated three choices: 1) Refer the article to ourselves or another committee and write a bylaw similar to those of other town commissions, 2) the petitioners can redraft the article not to call for a new commission but to applaud the efforts of an independent body that already exists, or 3) do nothing at all and let things play out without Town Meeting getting involved. Conquest agreed that decisions would need to be made and said he would be in touch with Lynn-Jones by Saturday, 10/15 after he got input from other stakeholders. He asked whether there might be a way that members of the Black n Brown Committee could work in conjunction with the Select Board to make appointments to a commission, if it were to be formed. Benka and DeWitt shared that in their experience as Select Board Members, they frequently found that there were insufficient numbers of candidates for positions on boards and commissions, and so it becomes difficult to be selective. DeWitt reiterated that the petitioners' motives might be better served by organizing independently and gaining visibility. Conquest related how people had been ecstatic with how the Juneteenth celebration came together, and the hope was to build on that. Benka pointed out that the event hadn't involved a commission, but it did utilize Town Staff. DeWitt posited that perhaps Conquest's concern was how to make the organization influential and effective if it does not have the status of a municipal organization. Conquest responded that people need representation on agencies like the Housing Authority, and that there's very little communication. This is about building a community.

The committee turned its attention to Article 31. Benka updated the committee that a revised draft had been circulated by Bernard Greene, one of the petitioners, and that there were comments to the revision by Marty Rosenthal, another petitioner. It is not yet clear that there is agreement amongst the petitioners on a final draft, which will be necessary for the Town Moderator to determine whether it meets the scope requirements. Benka suggested that CTO&S might also need to wait for a more finalized draft. Ian Roffman invited Rosenthal, who was in attendance, to tell the committee where things stood and what we might expect. Rosenthal stated that he wasn't sure there was disagreement among the petitioners or whether there were issues that had been overlooked in the process of redrafting. He doesn't believe there will be a scope issue. He reported that Markus Penzel, a new Advisory Committee member, has made some suggestions and Rosenthal is hoping the ad hoc subcommittee chaired by Neil Gordon can help coalesce these into a consensus article that the petitioners will also be comfortable with. Roffman asked that the "consensus" draft be sent to CTO&S when ready so the committee can take it up at the next meeting. Jean Berg asked Rosenthal how this article might impact the resubmission of Articles 12 & 13 from the spring Town Meeting. Rosenthal stated that Article 31 is different from what the spring petitioners were trying to do, mainly in that Article 31 gives most jurisdiction to the Diversity Director and not the Complaint Committee. He does not think CDICR will approve of the new proposal. Abby Cox asked whether Town Counsel's office has weighed in yet and Rosenthal said they had not, but he does not foresee any significant legal issues given that the article does not involve subpoena power or fines. Lynn-Jones recalled that the Town Counsel had mentioned writing regulations around the current bylaws, and wondered about the status of that effort and how that might interplay with the other approaches. Benka reported that he had spoken with Joe Callanan (Town Counsel) and Callanan said they had not gotten to that yet, but they had recently hired a new employee and expects they will be able to get to these things.

Berg asked the committee if it wished to consider Article 5, which was proposed by the Select Board to remove the word “all” in regards to the Select Board making recommendations on warrant articles. Instead, the petitioners propose that they only hold hearings on those articles that are “germane to their authority.” Lynn-Jones expressed his concern that the Select Board is the town’s Executive Branch and its perspectives on the articles are necessary for Town Meeting, as the Legislative Branch, to hear, even if it doesn’t always heed the Select Board’s recommendations. He believes that the parameters laid out by Article 5 are too broad, and wonders whether CTO&S should push for greater specificity, ensuring that the Select Board make recommendations on articles that address bylaw changes (which the Select Board must enforce), anything requiring petition to the General Court, and budget/fiscal matters. Benka added that deleting the word “all” and leaving it as something of a “free for all.” He believes that identifying areas like those Lynn-Jones has suggested could be done as an amendment and remain within the scope (i.e. “with the exception of [list the areas.]”) Listing the areas would remove the question of whether they would make the recommendation and report. He believes CTO&S has the appropriate authority and a practical reason to take it up. Berg asked whether this wasn’t a departure for CTO&S because it gets into how a committee runs itself. Roffman responded that he views it as an interaction between the Select Board, Advisory Committee, and Town Meeting, and the question is to what extent do we believe it’s important to have a written record of views. He believes it goes to a broader governance issue. DeWitt pointed out that the motive likely came from the burgeoning number of articles coming to Town Meeting, and that should be considered. Cox expressed her sympathy but agreed that it might not be in the interest of good governance to leave the choice of which warrant articles so loosely defined. Rosenthal shared his view that “Organization” in the name of CTO&S suggests the interaction among various committees and pointed out that the Article’s standard for review of “directly affecting our work” was “mushy”. However, he cautioned that CTO&S was unlikely to be able to come up with a good list. Benka noted that the writing of reports has fallen largely on Town Staff. He pointed out that the report can be one line: “The Select Board doesn’t make a recommendation on this article.” DeWitt commented that there is an ongoing conversation about whether town government should undergo some kind of modification, and the Select Board saying we need to do less plays into that. Lynn-Jones, Benka, and Roffman will lead discussion at the next meeting.

The meeting adjourned at 7:55 pm. The next meeting will be on Monday, October 24<sup>th</sup> at 6:30 PM.