

ADVISORY COMMITTEE’S RECOMMENDATION

**Recommendation:** By a vote of 19-4 with two abstentions, the Advisory Committee recommends Referral of the subject matter of Article 26 to the Park and Recreation Commission with a request to report back to the Fall 2022 Town Meeting

<p><b>Executive Summary:</b></p>	<p><b>Article 26</b> proposes to modify the Town’s By-Law pertaining to the Park and Recreation Commission by codifying certain policy directives impacting program eligibility, funding, and contracting relating to Parks and Recreation Commission programs. If Article 26 is approved as submitted by petitioners, the Parks and Recreation Commission will be required to:</p> <ol style="list-style-type: none"><li>1. Prepare a comprehensive plan every 5 years which must be updated annually;</li><li>2. Prepare annually a youth engagement assessment, including recommendations regarding participation of low-income families;</li><li>3. Provide up to 100% financial aid for certain families and children as defined in the Article and with procedures set forth in the By-Law for determining and verifying eligibility;</li><li>4. Fundraise for the parks and recreation system; and</li><li>5. Use best efforts to “meet or exceed all applicable state and federal racial equity and women and disadvantaged business goals” in the awarding of contracts; and</li><li>6. Include low-income residents among those whom the Commission considers for appointment to any Open Space Design Panel, as described in the existing By-Law.</li></ol>
<p><b>Voting Yes will...</b></p>	<p>Voting Yes on Article 26 as proposed by the petitioner will legislate specific responsibilities for members of the Park and Recreation Commission; directly involve the Commission in the selection of vendors, and ensure that low-income residents be considered for appointment to Park and Open Space Design Review Panels.</p> <p>Voting Yes on the Advisory Commission’s motion to refer the subject matter of the Article to the Park and Recreation Commission will allow Commission members to develop policies and procedures to address the goals outlined in Article 26 and to report on their work to the Fall 2022 Town Meeting.</p>

<b>Voting No will...</b>	Voting No on Article 26 would not enshrine in law the responsibilities specified in the article to Park and Recreation Commissioners. Voting No on the Advisory Committee’s motion would mean that the Park and Recreation Commission would not be required to report back to Town Meeting on efforts to create policies and specific mechanisms to achieve the goals outlined in WA 26.
<b>Financial impact</b>	The petitioner estimates that \$1,100,000 will be needed for the subsidy program as defined in Article 26. It would enable approximately 540 children, or 50% of the students in the Brookline Public Schools who qualify for free or reduced lunch, to participate in recreation programs. Included in the \$1,100,000 is \$200,000 for additional Recreation Department staff and \$50,000 for supplies.
<b>Legal implications</b>	None identified

**Introduction**

Article 26 (see Appendix) proposes to amend Article 3.16 of the Town By-Laws with the goal of ensuring that disadvantaged families are able to participate in the Town’s Recreation Programs. Included among the amendments is the requirement that the adults and children defined in Section 3.16.3 receive up to 100% financial aid for such participation.

In addition, the Article introduces into the proposed By-Law the goals of the Commission, using some of the existing language on the Recreation Department’s website, and subsequently requires specific actions from its seven volunteer members including the preparation of a parks and recreation Comprehensive Plan (undefined by the article) every five years and an assessment of “youth engagement” every year, along with recommendations for increasing participation among low-income families in recreation programming, and suggestions for additional programming and funding to increase participation, if warranted. Commissioners are also required to fundraise, which, according to the proposed article includes researching and making recommendations on grant applications. In addition, Article 26 stipulates that the contracts entered into by the Commission “shall make the best efforts to meet or exceed racial equity and women and disadvantaged business goals.”

Lastly, the Article amends the formation of a Park and Open Space Design Panel, described in the current Section 3.16.6, by including low-income residents among those whom the Commission should consider appointing to a Design Review Panel for a park or playground.

## **Evaluation Methodology/Research**

<https://www.brooklinerec.com/>

<https://www.brooklinerec.com/DocumentCenter/View/204/Financial-Aid-Policy-PDF?bidId=>

<https://www.brooklinerec.com/156/Camp-Information>

<https://www.brooklinema.gov/DocumentCenter/View/30246/2022-Annual-Town-Meeting-Article-Explanations>

<https://www.brooklinema.gov/DocumentCenter/View/29433/2022-02-25-Admin-and-Finance-Subcommittee-Report-on-FY-23-FINANCE-DEPARTMENT-Budget?bidId=>

<https://www.brooklinema.gov/DocumentCenter/View/22471/WARRANT-2020-First-Special-Town-Meeting> p. 26- Article 15, “Increasing Disadvantaged Business Opportunities in the Town of Brookline”

## **Discussion**

The petitioner has brought forward important issues regarding the ability of disadvantaged families to participate in the Town’s recreation programs. The benefits of recreation and play, particularly for children, are well documented, with playgrounds described as the “Public Squares” for young people that offer them the connection to the social resources and social capital of the community.

Of particular relevancy to Article 26 were the following data presented by the petitioner:

Number of children (18 years old or younger) living in Brookline Housing Authority (BHA) apartments - 354

Number of children enrolled in the Brookline Public Schools – approximately 7777

Number of students eligible for free or reduced meals – 1100

Cost of Recreation Department Summer Day Camp - \$285/week

During the Advisory Committee’s discussion of the article, Recreation Director Leigh Jackson referred to the following data regarding the number of Recreation Department scholarships - and their value - distributed in the past five years. (Families are awarded partial scholarships in three categories: 35%, 30% and 25%, depending on the degree of need.)

229 scholarships in FY 18 totaling \$81,569

191 scholarships in FY 19 totaling \$98,373

170 scholarships in FY 20 totaling \$61,040

85 scholarships in FY 21 (Covid) totaling \$27,497

162 scholarships (to date) in FY 22 totaling \$54,102

The Advisory Committee, though supportive of the Article's intentions, has recommends referring the subject matter of Article 26 to the Park and Recreation Commission for a number of reasons.

1. The Article attempts to codify detailed Park and Recreation Commission policies. Given that there are multiple examples of Town Boards and Commissions as well as Departments that establish policies and the procedures to implement them in accordance with their legal responsibility and/or authority, it is not clear why the Park and Recreation Commission should not be permitted to follow the same model regarding financial aid and other actions related to the Commission's operations. The petitioner has stated that laws are enforceable but policies are not, but this raises the question of why policies would be established without the intention to implement them.
2. The Article does little or nothing to further the petitioner's goal of making recreational programs accessible to everyone, given that under Section 3.16.3, participants are entitled to receive "up to 100% financial aid." If adequate funds are not available to provide as much financial aid as needed, then not all qualified adults and children will be able to participate in recreation programs
3. Although the data provided by the petitioner is a good place to start, determining how many adults and children could qualify for financial aid is not the same as determining how many will want to participate in recreation programs in any given season in any given year. More research and outreach is necessary to develop a realistic financial aid program
4. Members of the Park and Recreation Commission were not approached formally or informally to discuss Article 26 before it was filed. During the Article's vetting process, all members have expressed support for the article's basic goal of equal access to programs, but they have also expressed concern about its specifics, including the additional responsibilities it imposes on them as volunteers.

The Advisory Committee also notes that

1. The Select Board has voted to allocate \$500,000 in ARPA money to the Brookline Community Foundation for the purposes of providing recreation scholarships over a two-year period. Consequently in the very near future, there will be a significant amount of funding available to adults and children in need of financial support to access Recreation Department programs.
2. Regarding entering contracts that meet or exceed racial equity and women and disadvantaged business goals (Section 3.16.6): procurement procedures are the domain of the Town's Purchasing Agent, not a board or commission, and the Town's purchasing patterns are subject to legal and constitutional requirements. As a result of Article 15, passed at the Fall 2020 Town Meeting, there is a working group developing broad and

cohesive approaches to providing greater business opportunity for historically marginalized groups. This group includes Town Counsel's office, the Department of Human Resources, the Office of Diversity, Inclusion, and Community Relations, the Purchasing Division of the Finance Department, and the Economic Development Division of the Planning Department.

### **Recommendation**

Given that Article 26 contemplates imposing requirements on both the Park and Recreation Commission and the Recreation Department and that those requirements are significant in terms of the Department's operations and programming, the Advisory Committee recommends that the Commissioners and staff be given the opportunity to respond to the provisions of the proposed By-Law by developing a strategy to accurately assess the needs described in Article 26 and to develop an appropriate budget and work plan and to report back to the November 2022 Town Meeting.

Therefore, by a vote of 19-4 with two abstentions, the Advisory Committee recommends the following motion:

**MOVED:** To refer the subject matter of Article 26 to the Park and Recreation Commission with a request to report back to the Fall 2022 Town Meeting.

APPENDIX  
Article 26, as amended by the petitioner

**ARTICLE 3.16**

**PARK AND RECREATION COMMISSION**

Submitted by: Deborah Brown, P1, Kimberly Richardson, P2, Luciana Schachnik, Arthur Conquest, Emy Takinami, Wendy MacMillan, Tamu Jackson, Kristin Singleton, Lauren Bernard, and Donelle O’Neal, Sr.

To see if the Town will vote to amend Article 3.16 of the Town's General Bylaws as follows: (deletion appearing in ~~strikeout~~, addition in bold underline):

**ARTICLE 3.16. PARK AND RECREATION COMMISSION**

~~There shall be a Park and Recreation Commission to consist of seven residents, appointed by the Select Board for threenyear staggered terms.~~

**SECTION 3.16.1. PURPOSE**

The goals of the commission are to deliver programs that are cultural, social, mental, and physically based, which are presented at well-maintained parks and facilities. Brookline seeks programs that meet appropriate community based needs, that are cost efficient and within the reach of the overall community resource base. These programs will also provide the highest level of participant satisfaction.

**SECTION 3.16.2. PARK AND RECREATION AREA PROGRAMS**

The Park and Recreation Commission shall, (a) at least every five (5) years, ~~prepare, consider, and approve a parks and recreation comprehensive plan. An update shall be considered no less frequently than every year;~~ (b) promulgate a proposed Program for such substantial construction, alteration or repair of the parks and recreation areas in the Town over the following five (5) years as it may consider appropriate, including estimates of expected costs; (c) advertise such proposed program at least twice in a newspaper of general circulation in the Town and on social media; (d) conduct a public hearing concerning such proposed program at a time and place specified in such advertisement; (e) after such public hearing and such further revision as it may consider necessary, submit such proposed program for approval to the Select Board.

The commissioners will design and produce annually a youth engagement assessment and recommendations to increase participation of low-income families and families suffering extenuating circumstances in recreation programming. When under-engagement is identified, the commissioners will devise programming and seek funding for increased participation, including Limited English Proficiency tools. The commissioners shall submit the analysis and recommendations for increased engagement by low-income families and families suffering extenuating circumstances to Select Board for review and consideration annually.

~~**3.16.3. COMMISSION MEMBERSHIP**~~

~~There shall be a Park and Recreation Commission that consists of nine (9) residents appointed by the Select Board for three year staggered terms. Vacancies shall be filled for unexpired terms. Of the nine (9) appointees, three shall be low or moderate income tenants who reside in subsidized housing units as defined by the Comprehensive Permit Law (Massachusetts General Laws Chapter 40B, Sections 20-23, and Massachusetts regulations thereunder) or who receive state or federally sponsored rent subsidies and who demonstrate a knowledge of tenant issues. At least one of the low or moderate income tenants shall be a resident of a Brookline Housing Authority or a recipient of BHA administered rent subsidies. In addition to the nine (9) members, Select Board may also appoint two (2) youth members, who hold the same rights and responsibilities as all other members.~~

### ~~SECTION 3.16.4~~ 3.16.3 PARKS AND RECREATION AFFORDABILITY

The commission shall fulfill community-based needs cost efficiently and within the reach of the overall community resources while providing the highest level of participant satisfaction.

Low- or moderate income tenants ~~who residing~~ residing in subsidized housing units as defined by the Comprehensive Permit Law (Massachusetts General Laws Chapter 40B, Sections 20-23, and Massachusetts regulations thereunder), those ~~who receive~~ing state or federally sponsored rent subsidies or families whose children qualify for free or reduced price meals based on a household income within limits set by the Federal Income Guidelines, ~~if the family~~ families receiving receives benefits (such as SNAP or TANF), or ~~if your family is~~ families who are homeless or ~~is a foster child~~ families fostering a child shall receive up to 100% financial aid to participate in Parks and Recreation Programming. ~~Such persons shall be able to attend at least one program per quarter or complete a full program and at least two programs during the summer months.~~

Other families suffering extenuating circumstances may receive financial aid pursuant to this Section 3.16.3. ~~up to 100% of the cost of a session per quarter and two weeks of programming during the summer.~~ Parks and Recreation regulations will define what constitutes extenuating circumstances.

When enrolling ~~for~~ in Parks and Recreation Programming, residents must provide proof of eligibility based on the requirements described above. ~~income based on their residing at BHA or in Section 8 housing or they qualify for free or reduced price meals based on a household income within limits set by the Federal Income Guidelines, if the family receives benefits (such as SNAP or TANF), or if your family is homeless or your student is a foster child.~~

If approved for financial assistance, the household must update records annually for review. However, if a family resides in a Brookline Housing Authority (BHA) property, in Section 8 housing, other subsidized housing, or receives free or reduced lunches, in lieu of updating data, BHA or the Brookline Schools may provide documentation on behalf of the household to satisfy proof of financial need.

### ~~SECTION 3.16.5~~ 3.16.4 PARKS AND RECREATION FUNDING

~~Select Board will search for and identify a permanent funding stream to subsidize parks and recreational programming for low income families and families suffering extenuating circumstances for the Commission by 2024.~~

Commissioners will fundraise for the parks and recreation system, including research and recommendations on grant applications. The Commission may not ~~submit grant applications or~~ receive grant funds without consent of the Select Board.

### ~~SECTION 3.16.6~~ 3.16.5 OPEN SPACE DESIGN REVIEW PANEL

In order to ensure that all plans for the substantial construction, alteration or repair of a park or recreation area under the jurisdiction of the Commission respect the historical, cultural, aesthetic, and open space values of the Town and serve the expressed needs of the primary community to be served by the improvement, the Commission shall appoint a Park and Open Space Design Review Panel, hereinafter called the review panel, for each such plan. The review panel shall consist of four members to be appointed by the Commission from its membership, and three members to be appointed by the Commission who represent those people who are the likely passive and active users of the improvement including, when appropriate, people from the neighborhood where the improvement is located and people who qualify for the affordability subsidies ~~who reside in low income and subsidized housing as described in SECTION 3.16.2.~~ One of the seven (7) shall be trained in landscape architecture or in another relevant field. The review panel shall choose its chair. The review panel shall meet promptly after its appointment and shall carry out the following functions: recommendation of a consultant for the plan, if such a consultant is to be hired; convening of at least two public hearings at times accessible to the broadest range of residents; and review of the plan before contracts for the work are to be let.

### ~~3.16.7~~ 3.16.6 WOMEN AND DISADVANTAGED BUSINESS ENTERPRISE

Contracts entered into by the Parks and Recreation Commission shall make best efforts to meet or exceed applicable state and federal racial equity and women and disadvantaged business goals.

~~3.16.8~~ 3.16.7 PROMULGATION OF REGULATIONS

The Commission shall develop and promulgate regulations and policies as necessary to effectuate the requirements and goals of this Section.

~~This bylaw, as amended, shall take effect on July 1, 2022~~

or act on anything relative thereto.



ARTICLE 26 ADVISORY COMMITTEE VOTES

Article Description	WA26 referral motion
AC recommendation (Favorable Action unless indicated)	19-4-2
Scott Ananian	N
Carla Benka	Y
Ben Birnbaum	Y
Harry Bohrs	A
Cliff Brown	Y
John Doggett	Y
Katherine Florio	
Harry Friedman	Y
David-Marc Goldstein	Y
Neil Gordon	Y
Susan Granoff	Y
Kelly Hardebeck	Y
Anita Johnson	Y
Georgia Johnson	Y
Alisa Jonas	A
Janice Kahn	Y
Carol Levin	Y
Pam Lodish	Y
Linda Olson Pehlke	Y
Donelle O’Neal, Sr.	N
David Pollak	N
Stephen Reeders	Y
Carlos Ridruejo	Y
Lee Selwyn	Y
Alok Somani	N
Christine Westphal	Y
Dennis Doughty *	
* Chairperson does not vote except to break a tie	