



The City of
WORCESTER

Citizen Advisory Council

Meeting Agenda

Business Meeting

Wednesday, October 11, 2023 6:30pm

To join this meeting:

IN PERSON:

City Hall, Esther Howland Chambers, 3rd Floor

REMOTELY:

Microsoft Teams meeting

Virtual/Remote:

Join on your computer, mobile app or room device

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Meeting ID: 291 579 596 184

Passcode: D5GwE9

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1. Call to order.
2. Accept and approve minutes from 9-13-23 meeting
3. Recruitment / Outreach
 - 1) Recruitment/Outreach Casita Cultura
 - 2) Latina Movie Night – October 13, 2023 (Common)
 - 3) Jesus Loves You Parade – October 21, 2023 (Elm Park)
 - 4) Dia de los Muertos – October 28, 2023 (Common)
 - 5) New England Donor Service Blue/Green Walk 5k - October 29, 2023 (Polar Park)
 - 6) Art in the Park – November 4, 2023 (Peace Park)
 - 7) Run4Veterans 5K – November 5, 2023 (72 Shrewsbury St.)
 - 8) Worcester Jingle 5K – December 3, 2023 (Mechanic & Commercial Street)
 - 9) Caminando Con Proposito – October 8, 2023 (Elm Park, Institute Park)

- 10) Skate under the Lights – October 13, October 20, October 27, 2023 (TBD)
- 11) Rainers Opening Night Block Party – October 21, 2023 (Commercial Street)
- 12) Jesus Loves You Ministry Car / Walk Parade – October 21, 2023 (Elm Park)
- 13) Halloween for the Queers – October 28, 2023 (62 Green Street)
- 14) Over the Edge for CDK – November 18, 2023 (120 Front Street)
- 15) Festival of Lights – December 1, 2023 (Common, Front St., Franklin St.)
- 16) Fam Jam – September 30, 2023 (Elm Park)
- 17) Casita Cultura Latina Movie Night – October 13, 2023 (Worcester Common)
- 18) World of Foods – October 28, 2023 (Elm Park)
- 19) Midland Street School PTO Fall Social – October 26, 2023 (Duffy Field)
- 20) Art in the Park – November 4, 2023 (Peace Park)
- 21) Salvation Service Work – November 11, 2023 (City Hall Sidewalk)

4. Board and Commission Changes

5. Future agenda items

6. Adjournment.



CITY OF WORCESTER

CITIZEN ADVISORY COUNCIL

MINUTES

CITIZEN ADVISORY COUNCIL SELECTION MEETING

Wednesday, September 13, 2023 6:30 PM

Remote MEETING

Remote Access: Microsoft Teams

Join on your computer, mobile app or room device

Meeting ID: 291 579 596 184

Passcode: D5GwE9

Or call in (audio only)

[+1 469-998-7682](tel:+14699987682),,621452615# United States, Dallas

Phone Conference ID: 621 452 615#

Remote: District 1, Isabelo Cruz
District 1, Jenny Pacillo
District 2, Ammar Asbahi
District 4, Theodore Kostas, Vice Chairperson
District 2, Rachel Brown, Chairperson
District 5, Carol Stovall

Absent: District 3, Siaka Kromah

Staff: Jeannie Michelson, City Manager's Office

1. Rachel called the meeting to order at 6:36pm
2. Roll call attendance: 7 members were in attendance via remote access.
3. Rachel asked for a motion to accept and approve the minutes from the 7/10/23 meeting. Izzy made a motion to accept and Jenny 2nd the motion. After a roll call, the minutes of 7/10/23 were approved. 7– 0 in favor
4. Interview Applicants
 - a. Monica Adwani:
 - i. Worcester Redevelopment Authority: 6 – 0 – 1 in favor (Carol lost connection)
 - b. Rodi Alexiadis:
 - i. Community Preservation Committee: Rodi left the meeting before being called and did not return
 - c. Brady Cloven:
 - i. Community Development Advisory Committee: No Show
 - d. Austin Cyganiewicz:

- i. Worcester Redevelopment Authority: 7 – 0 in favor
 - e. Leopoldo Negrón Cruz:
 - i. Board of Health: 7 – 0 in favor
 - f. Kathryn Roy:
 - i. Advisory Committee on the Status of Women: 7 – 0 in favor
 - g. Pablo Santiago:
 - i. Advisory Commission on Latino Affairs: 7 – 0 in favor
 - h. Hamid Siamak:
 - i. Community Preservation and Conservation Commission: No Show
 - i. Maureen Schwab:
 - i. Community Development Advisory Committee: 7 – 0 in favor
 - ii. Zoning Board of Appeals: 7 – 0 in favor
- 5. Recruitment/Outreach
 - a. Carol attended Color the City and said there was a lot of interest.
 - b. Ted plans to attend the Start on the Street event this weekend.
 - c. Izzy asked about the event listing usually available on the agenda
 - i. Jeannie will provide that information again
- 6. Future Agenda Items
 - a. Rachel would like a list of recent updates to the available boards: what is new and what is combined or gone.
 - i. Jeannie will provide the information in an email as well as add it to the next agenda.
- 7. The next meeting is a business meeting scheduled for Wednesday, October 11, 2023 at 6:30PM and will be held in a hybrid format, remote via Teams or in person at City Hall, Esther Howland Chambers.
- 8. Ted motioned to adjourn the meeting. Carol 2nd the motion. Meeting was adjourned at 7:23pm.

/jmm

BOARD AND COMMISSION CHANGES 2023

DATE on AGENDA	Item #	Change	Description	Days to enactment if City Council does not act:	Refer to Committee:	In Committee	In City Council	In City Council	Date Effective:
8/22/2023	10.14D	Create New	Create Advisory Committee on African American and Black Affairs	90 Days	MLO				11/20/2023
			Create Advisory Committee on LGBTQ+ Affairs	90 Days	MLO				11/20/2023
7/18/2023	9.14A	Modify	Update Advisory Committee on Status of Women from 15 to 9 members	90 Days	MLO	Approved 8/17/23	Approved 8/22/23	N/A	8/22/2023
7/18/2023	9.14B	Delete	Delete Worcester Ballpark Commission	90 Days	Tabled CC Bergman / Refer to Public Works Committee 8/22/23		On agenda 9/13/23		10/16/2023
6/27/2023	12a	Modify	Move Worcester Arts Council to Economic Development	90 Days	MLO	Approved 8/17/23	Approved 8/22/23	N/A	8/22/2023
			Move License Commission to Inspectional Services	90 Days	MLO	Approved 8/17/23	Approved 8/22/23	N/A	8/22/2023
3/28/2023	14a	Delete	Delete Diversity Inclusion Advisory Committee	90 Days	MLO	Approved: 3/2/23	Tabled: 3/21/23	Filed: 3/28/23	5/8/2023
2/7/2023	8.14A	Modify	Move Accessibility Advisory Commission to Executive Office of Diversity Equity & Inclusion	90 Days	MLO	Approved: 3/2/23	Tabled: 3/21/23	Filed: 3/28/23	5/8/2023
		Modify	Move Human Rights Commission to Executive Office of Diversity Equity & Inclusion	90 Days	MLO	Approved: 3/2/23	Tabled: 3/21/23	Filed: 3/28/23	5/8/2023
		Modify	Move Advisory Committee on the Status of Women to Executive Office of Diversity Equity & Inclusion	90 Days	MLO	Approved: 3/2/23	Tabled: 3/21/23	Filed: 3/28/23	5/8/2023
		Modify	Move Commission on Latino Affairs to Executive Office of Diversity Equity & Inclusion	90 Days	MLO	Approved: 3/2/23	Tabled: 3/21/23	Filed: 3/28/23	5/8/2023



Eric D. Batista
City Manager

CITY OF WORCESTER

cm2023aug18094239

Attachment for Item # 10.14 D

August 22, 2023

TO THE WORCESTER CITY COUNCIL

COUNCILORS:

I respectfully recommend approval of amendments to the City's organizational ordinances as detailed in the attached proposed reorganizational ordinances.

Per the request of the City Council, these reorganizational ordinances will create an Advisory Committee on African American and Black Affairs, and an Advisory Committee on LGBTQ+ Affairs, respectively. These commissions will be responsible for encouraging, promoting, and monitoring policies in the city that impact their respective communities.

The proposed reorganization plans would:

- Establish a seven-member commission as part of the administration to be known as the Commission on African American and Black Affairs.
- Establish a seven-member commission as part of the administration to be known as the Commission on LGBTQ+ Affairs.
- Encourage, promote and monitor policies and practices in the city to ensure that African Americans and Blacks, and LGBTQ+ individuals enjoy the equal protection of the law, equal access to all public services and the full enjoyment and exercise of their civil rights.
- Formulate, encourage, promote, and monitor policies and programs relating to the African and Black, and LGBTQ+ communities.

Office of City Manager Eric D. Batista

City Hall, 455 Main Street, Worcester, MA 01608

P | 508-799-1175 F | 508-799-1208 | citymanager@worcesterma.gov | www.worcesterma.gov

- Gather and disseminate linguistic and culturally relevant information and conduct hearings and special studies concerning Worcester's African American and Black, and LGBTQ+ communities.
- Increase and encourage public awareness about issues of importance to the African American and Black, and LGBTQ+ communities.
- Develop, coordinate, and assist other public and private organizations that serve the African American and Black, and LGBTQ+ communities in Worcester, including conducting training programs for community leadership.
- Submit biannually to the city manager, a report stating the undertakings of the respective commission, its accomplishment, conclusions, and recommendations concerning the African American and Black, and LGBTQ+ communities in Worcester.

The City Charter requires that these reorganization plans upon submission to the city council be referred to a council committee of its choosing for a public hearing, which must take place within thirty days. The council committee must submit a report to the City Council within ten days of the close of the hearing. The City Council may either accept or reject adoption of said reorganization plan ordinances. Adoption requires a simple majority vote. The ordinances may be voted upon singularly or collectively. If the city council takes no action on either or both within 90 days of this transmittal, then the relevant ordinance is deemed adopted.

Respectfully submitted,



Eric D. Batista
City Manager



To: Eric D. Batista, City Manager
From: Michael E. Traynor, City Solicitor
Date: August 22, 2023
Re: Reorganization Ordinances – Commission on African American and Black Affairs, and Commission on LGBTQ+ Affairs

You requested preparation of modifications to the city's organizational ordinances to create two new advisory commissions. The attached reorganization ordinances accomplish the following:

- Establishes the Advisory Commission on African American and Black Affairs; and
- Establishes the Advisory Commission on LGBTQ+ Affairs.

As with all reorganization plans, the city charter requires the city council to refer the proposals to a council committee of its choosing to hold a public hearing within 30 days. Within ten days following such hearing, the committee shall submit a report to the city council. The city council may either accept or reject each reorganization plan as submitted. Adoption requires a simple majority vote. The ordinances may be voted upon singularly or collectively. If the city council takes no action on either or both within 90 days of this transmittal, then the relevant ordinance is deemed adopted.

Sincerely,

Michael E. Traynor
City Solicitor

**A REORGANIZATIONAL ORDINANCE ESTABLISHING
THE ADVISORY COMMISSION ON AFRICAN AMERICAN AND BLACK AFFAIRS**

Whereas, in 2015, the City Council, acting upon the recommendation of the City Manager and under Article VI of the Home Rule Charter, adopted a Comprehensive Reorganization Plan containing a new Revised Ordinances of 2015, Part Two, Organization of City Agencies; and,

Whereas, from time to time certain modifications to the organizational structure of the city government are necessary and proper to enhance the efficient delivery of services to the citizens of Worcester; and,

Now, Therefore, Be it Ordained by the City Council of the city of Worcester, as follows:

§ 1. The Revised Ordinances of 2015, Part Two, Organization of City Agencies, Article Ten, is hereby amended by inserting a new section 21 therein, the text of which is attached hereto and incorporated herein by reference.

§ 2. The repeal of the ordinances accomplished by section one hereof shall not impair any lawful action taken under authority of the ordinances previously in effect.

§ 3. Nothing herein shall repeal or impair any executive order, directive or administrative policy issued by the city manager.

Effective Date

§ 4. In accordance with Article Six of the city charter, this ordinance shall take effect on the earliest of the date it is adopted or ninety days after the date the city manager first transmitted this ordinance to the city council.

§21. Commission on African American and Black Affairs

(a) *Establishment of the Advisory Commission on African American and Black Affairs.* Under authority of Article Six of the Home Rule Charter there is hereby established under the jurisdiction of the city manager an agency of the city to be known as the “Advisory Commission on African American and Black Affairs” (“commission”).

(b) *Membership.* The commission shall consist of seven members appointed by, and serving at the pleasure of, the city manager for staggered terms of three years, provided, however, that of the initial appointees two shall serve terms of one year, two shall serve terms of two years, and three shall serve terms of three years. Members shall represent the diverse interests of the African American and Black communities in Worcester and, to the extent possible, reflect a balanced representation of the African American and Black population in Worcester. From time to time, the city manager shall designate the chair of the commission.

(c) *Duties & Responsibilities.* It shall be the function of the commission to:

- (1) encourage, promote and monitor policies and practices in the city to ensure that African Americans and Blacks enjoy the equal protection of the law, equal access to all public services and the full enjoyment and exercise of their civil rights;
- (2) formulate, encourage, promote and monitor policies and programs relating to Worcester’s African American and Black communities;
- (3) gather and disseminate linguistic and culturally relevant information and conduct hearings and special studies concerning Worcester’s African American and Black communities;
- (4) increase and encourage public awareness about issues of importance to the African Americans and Blacks in Worcester;
- (5) develop, coordinate, and assist other public and private organizations that serve African Americans and Blacks in Worcester, including conducting training programs for community leadership;
- (6) submit biannually to the city manager a report stating the undertakings of the commission, its accomplishments, conclusions and recommendations concerning the African American and Black communities in Worcester, and to meet with the city manager to present said reports; and,
- (7) appoint sub-committees as may be needed to carry out its responsibilities.

**A REORGANIZATIONAL ORDINANCE ESTABLISHING
THE ADVISORY COMMISSION ON LGBTQ+ AFFAIRS**

Whereas, in 2015, the City Council, acting upon the recommendation of the City Manager and under Article VI of the Home Rule Charter, adopted a Comprehensive Reorganization Plan containing a new Revised Ordinances of 2015, Part Two, Organization of City Agencies; and,

Whereas, from time to time certain modifications to the organizational structure of the city government are necessary and proper to enhance the efficient delivery of services to the citizens of Worcester; and,

Now, Therefore, Be it Ordained by the City Council of the city of Worcester, as follows:

§ 1. The Revised Ordinances of 2015, Part Two, Organization of City Agencies, Article Ten, is hereby amended by inserting a new section 22 therein, the text of which is attached hereto and incorporated herein by reference.

§ 2. The repeal of the ordinances accomplished by section one hereof shall not impair any lawful action taken under authority of the ordinances previously in effect.

§ 3. Nothing herein shall repeal or impair any executive order, directive or administrative policy issued by the city manager.

Effective Date

§ 4. In accordance with Article Six of the city charter, this ordinance shall take effect on the earliest of the date it is adopted or ninety days after the date the city manager first transmitted this ordinance to the city council.

§22. Commission on LGBTQ+ Affairs

(a) *Establishment of the Advisory Commission on LGBTQ+ Affairs.* Under authority of Article Six of the Home Rule Charter there is hereby established under the jurisdiction of the city manager an agency of the city to be known as the “Advisory Commission on LGBTQ+ Affairs” (“commission”).

(b) *Membership.* The commission shall consist of seven members appointed by, and serving at the pleasure of, the city manager for staggered terms of three years, provided, however, that of the initial appointees two shall serve terms of one year, two shall serve terms of two years, and three shall serve terms of three years. Members shall represent the diverse interests of the LGBTQ+ communities in Worcester and, to the extent possible, reflect a balanced representation of the LGBTQ+ population in Worcester. From time to time, the city manager shall designate the chair of the commission.

(c) *Duties & Responsibilities.* It shall be the function of the commission to:

- (1) encourage, promote and monitor policies and practices in the city to ensure that LGBTQ+ individuals enjoy the equal protection of the law, equal access to all public services and the full enjoyment and exercise of their civil rights;
- (2) formulate, encourage, promote and monitor policies and programs relating to Worcester’s LGBTQ+ communities;
- (3) gather and disseminate linguistic and culturally relevant information and conduct hearings and special studies concerning Worcester’s LGBTQ+ communities;
- (4) increase and encourage public awareness about issues of importance to LGBTQ+ individuals in Worcester;
- (5) develop, coordinate, and assist other public and private organizations that serve LGBTQ+ individuals in Worcester, including conducting training programs for community leadership;
- (6) submit biannually to the city manager a report stating the undertakings of the commission, its accomplishments, conclusions and recommendations concerning the LGBTQ+ communities in Worcester, and to meet with the city manager to present said reports; and,
- (7) appoint sub-committees as may be needed to carry out its responsibilities.



Eric D. Batista
City Manager

CITY OF WORCESTER

cm2023jul10125723

Attachment for Item #

9.14 A

July 18, 2023

TO THE WORCESTER CITY COUNCIL

COUNCILORS:

I respectfully recommend approval of an amendment to the Organizational Ordinance relative to the Advisory Committee on the Status of Women, as recommended by Jayna Turchek, director of human rights and disabilities, and drafted by Michael E. Traynor, City Solicitor, and forwarded for the consideration of your Honorable Body.

The ordinance currently requires that the committee consist of fifteen members. The large size of the committee has proven to be a barrier to the committee's ability to meet and perform its duties. Prior to a reorganization plan adopted in 2015 the committee consisted of nine members. Reducing the membership back to nine will result in a more attainable quorum requirement (5) and a more active committee.

Respectfully submitted,

Eric D. Batista
City Manager

City of Worcester, MA

Eric D. Batista
City Manager



Michael E. Traynor, Esq.
City Solicitor

To: Eric D. Batista, Jr., City Manager

From: Michael E. Traynor, City Solicitor

Date: July 18, 2023

Re: Reducing the Number of Members of the Advisory Committee on the Status of Women

Per your request, enclosed is an amendment to the organizational ordinance for the Advisory Committee on the Status of Women reducing the number of committee members from fifteen to nine in accordance with the recommendation of the committee liaison, Jayna Turcek. The current composition of fifteen members, requiring eight members for a quorum, has negatively impacted the committee's ability to meet. The change back to nine members, as was the case prior to 2015, will make it easier for the committee to perform its duties and responsibilities.

As with all reorganization plans, the city charter requires the city council to refer the proposal to a council committee of its choosing for a public hearing. Once that committee has conducted a public hearing it must submit a report to the city council within ten days of the close of the hearing. The city council may either accept or reject adoption of said reorganization plan and ordinance. Adoption requires a simple majority vote. If the city council takes no action within ninety days of your transmittal of the plan, the reorganization ordinance is deemed adopted.

Sincerely,

A handwritten signature in black ink that reads "Michael E. Traynor".

Michael E. Traynor
City Solicitor

**AN ORDINANCE AMENDING THE ORGANIZATIONAL
ORDINANCE OF THE STATUS OF WOMEN COMMITTEE**

Whereas, in 2015, the City Council, acting upon the recommendation of the City Manager and under Article VI of the Home Rule Charter, adopted a Comprehensive Reorganization Plan containing a new Revised Ordinances of 2015, Part Two, Organization of City Agencies; and,

Whereas, the director of human rights and accessibility has recommended a reduction in the membership of the Status of Women Committee from fifteen members to nine members;

Now, Therefore, Be it Ordained by the City Council of the city of Worcester, as follows:

§ 1. Article 15 of Part Two of the Revised Ordinances of 2015 is hereby amended by deleting section 11(b) thereof in its entirety and inserting in lieu thereof the following new section 11(b):

(b) *Membership.* The committee shall consist of nine persons appointed by the city manager for three-year terms. The terms shall be staggered such that three terms shall expire on August thirty-first of each year. From time to time, the city manager shall designate the chair of the committee.

§ 2. In accordance with Article Six of the city charter, this ordinance shall take effect on the earliest of the date it is adopted or ninety days after the date the city manager first transmitted this ordinance to the city council.

§ 3. The city clerk, in consultation with the city solicitor, is hereby authorized to modify the tables of contents, section headings or any other provision of the Revised Ordinances of 2015, Part Two, to properly insert the changes made by this reorganization and to correct references to the titles of city officials, section numbers and the like.



Eric D. Batista
City Manager

CITY OF WORCESTER

cm2023jul10010056

Attachment for Item # 9.14 B

July 18, 2023

TO THE WORCESTER CITY COUNCIL

COUNCILORS:

I respectfully request your review and approval of the attached amendment to the City's organizational ordinances that deletes the Worcester Ballpark Commission and places 100 Madison Street (Polar Park) under the care, custody, and control of the Department of Public Facilities, as received from Michael E. Traynor, City Solicitor, and forwarded for the consideration of you Honorable Body.

As with all reorganizational plans, the city charter requires the city council to refer the proposal to a council committee of its choosing for a public hearing. Once that committee has conducted a public hearing it must submit a report to the city council within ten days of the close of the hearing. The city council may either accept or reject adoption of said reorganization plan and ordinance. Adoption requires a simple majority vote. If the city council takes no action within ninety days of its receipt of the plan, the reorganization ordinance is deemed adopted.

Respectfully submitted,

Eric D. Batista
City Manager



To: Eric D. Batista, City Manager
From: Michael E. Traynor, City Solicitor
Date: July 18, 2023
Re: Reorganization Ordinance – Deleting the Worcester Ballpark Commission

You requested preparation of an amendment to the organizational ordinance for the Department of Public Facilities that deletes the Worcester Ballpark Commission and transfers the care, custody, and control of 100 Madison Street (Polar Park) to the Department.

As with all reorganization plans, the city charter requires the city council to refer the proposals to a council committee of its choosing to hold a public hearing within 30 days. Within ten days following such hearing, the committee shall submit a report to the city council. The city council may either accept or reject the reorganization plan as submitted. Adoption requires a simple majority vote. The reorganization plan shall become effective ninety days after the date it is received by the city council unless the city council approves or disapproves the plan prior to that date.

Sincerely,

Michael E. Traynor
City Solicitor

**A REORGANIZATION ORDINANCE DELETING THE
WORCESTER BALLPARK COMMISSION**

Whereas, in 2015, the City Council, acting upon the recommendation of the City Manager and under Article VI of the Home Rule Charter, adopted a Comprehensive Reorganization Plan containing a new Revised Ordinances of 2015, Part Two, Organization of City Agencies; and,

Whereas, from time-to-time certain modifications to the organizational structure of the city government are necessary and proper to enhance the efficient delivery of services to the citizens of Worcester; and,

Whereas, the city manager has recommended modifying the organizational ordinance for the Department of Public Facilities to delete the Worcester Ballpark Commission;

Now, Therefore, Be it Ordained by the City Council of the city of Worcester, as follows:

§ 1. The Revised Ordinances of 2015, Organization of City Agencies, are hereby amended by deleting Section Seven of Article Seventeen.

§ 2. The repeal of Section Seven of Article Seventeen accomplished by section one hereof shall not impair any lawful action taken under authority of the ordinances previously in effect.

§ 3. The real property located at 100 Madison Street (Assessors Parcel 05-007-00004), formerly placed under the care, custody and control of the Worcester Ballpark Commission is hereby placed under the care, custody and control of the Department of Public Facilities.

§ 4. Nothing herein shall repeal or impair any executive order, directive or administrative policy issued by the city manager.

§ 5. In accordance with Article Six of the city charter, this ordinance shall take effect on the earliest of the date it is adopted or ninety days after the date the city manager first transmitted this ordinance to the city council.

§ 6. The city clerk, in consultation with the city solicitor, is hereby authorized to modify the tables of contents, section headings or any other provision of the 2008 Revised Ordinances, Part Two, to properly insert the changes made by this reorganization and to correct references to the titles of city officials, section numbers and the like.



Eric D. Batista
City Manager

CITY OF WORCESTER

June 27, 2023

TO THE WORCESTER CITY COUNCIL

COUNCILORS:

I respectfully request your review and approval of the attached amendments to the City's organizational ordinances, as received from Michael E. Traynor, City Solicitor, and forwarded for the consideration of you Honorable Body.

The Fiscal Year 2024 Budget Recommendations included modifications to the City's organizational ordinances. These changes include moving the Cultural Development Division and the Arts Council from the Executive Office of the City Manager to the Executive Office of Economic Development and moving the License Commission from the Executive Office of Economic Development to the Department of Inspectional Services.

As with all reorganizational plans, the city charter requires the city council to refer the proposal to a council committee of its choosing for a public hearing. Once that committee has conducted a public hearing it must submit a report to the city council within ten days of the close of the hearing. The city council may either accept or reject adoption of said reorganization plan and ordinance. Adoption requires a simple majority vote. If the city council takes no action within ninety days of your transmittal of the plan, then the reorganization ordinance is deemed adopted.

Respectfully submitted,

Eric D. Batista
City Manager



To: Eric D. Batista, City Manager
From: Michael E. Traynor, City Solicitor
Date: June 27, 2023
Re: Reorganization Ordinance – Executive Office of the City Manager, Executive Office of Economic Development, and Department of Inspectional Services

You requested preparation of modifications to the city's organizational ordinances to conform to the budget recommendations you are making to the city council for fiscal year 2023. The attached reorganization ordinance accomplishes the following:

- Moves the Cultural Development Division and the Arts Council from the Executive Office of the City Manager to the Executive Office of Economic Development
- Moves the License Commission from the Executive Office of Economic Development to the Department of Inspectional Services.

This ordinance makes all its provisions effective as of July 1, 2023, to coincide with the start of fiscal year 2024.

As with all reorganization plans, the city charter requires the city council to refer the proposals to a council committee of its choosing to hold a public hearing within 30 days. Within ten days following such hearing, the committee shall submit a report to the city council. The city council may either accept or reject the reorganization plan as submitted. Adoption requires a simple majority vote. The reorganization plan shall become effective ninety days after the date it is received by the city council unless the city council approves or disapproves the plan prior to that date.

Sincerely,

Michael E. Traynor
City Solicitor

**A REORGANIZATION ORDINANCE MOVING THE CULTURAL
DEVELOPMENT DIVISION AND THE ARTS COUNCIL FROM THE EXECUTIVE
OFFICE OF THE CITY MANAGER TO THE EXECUTIVE OFFICE OF
ECONOMIC DEVELOPMENT, AND MOVING THE LICENSE COMMISSION
FROM THE EXECUTIVE OFFICE OF ECONOMIC DEVELOPMENT TO THE
DEPARTMENT OF INSPECTIONAL SERVICES**

Whereas, in 2015, the City Council, acting upon the recommendation of the City Manager and under Article VI of the Home Rule Charter, adopted a Comprehensive Reorganization Plan containing a new Revised Ordinances of 2015, Part Two, Organization of City Agencies; and,

Whereas, from time-to-time certain modifications to the organizational structure of the city government are necessary and proper to enhance the efficient delivery of services to the citizens of Worcester; and,

Whereas, the city manager has recommended modifying the 2015 Comprehensive Reorganization Plan to move the Cultural Development Division, together with the Arts Council to the Executive Office of Economic Development, and to move the License Commission from the Executive Office of Economic Development to the Department of Inspectional Services;

Now, Therefore, Be it Ordained by the City Council of the city of Worcester, as follows:

§ 1. The Revised Ordinances of 2015, Organization of City Agencies, are hereby amended by deleting the existing Article One in its entirety and inserting in lieu thereof a new Article One, the text of which is attached hereto as Exhibit A and incorporated herein by reference.

§ 2. The Revised Ordinances of 2015, Organization of City Agencies, are hereby further amended by deleting the existing Article Three in its entirety and inserting in lieu thereof a new Article Three, the text of which is attached hereto as Exhibit B and incorporated herein by reference.

§ 3. The Revised Ordinances of 2015, Organization of City Agencies, are hereby further amended by deleting the existing Article Nine in its entirety and inserting in lieu thereof a new Article Nine, the text of which is attached hereto as Exhibit B and incorporated herein by reference.

§ 4. The repeal of the ordinances accomplished by section two hereof shall not impair any lawful action taken under authority of the ordinances previously in effect.

§ 5. Nothing herein shall repeal or impair any executive order, directive or administrative policy issued by the city manager.

§ 6. This ordinance, upon adoption in accordance with Article Six of the City Charter, shall be deemed effective as of July 1, 2023.

§ 7. The city clerk, in consultation with the city solicitor, is hereby authorized to modify the tables of contents, section headings or any other provision of the 2008 Revised Ordinances, Parts One or Two, to properly insert the changes made by this reorganization into the city's revised ordinances and to correct references to the titles of city officials, section numbers and the like.

Exhibit A – Executive Office of the City Manager Cabinet Level

Article 1. Executive Office of the City Manager

- § 1. Establishment
- § 2. Function
- § 3. Head of the Executive Office
- § 4. Authorized Positions
- § 5. Duties & Responsibilities
- § 6. Cable Services Division

Related Boards and Commissions

- § 7. Cable Television Advisory Committee
- § 8. Early Scholarship Committee
- § 9. Worcester Public Library · Board of Library Directors

§ 1. Establishment

Under authority of Article Six of the Home Rule Charter there is hereby established under the jurisdiction of the city manager a department of the city to be known as the “Executive Office of the City Manager” (“executive office”).

§ 2. Function

It shall be the function of the executive office:

(a) to assist the city manager in the exercise of the authority and responsibilities vested in the city manager by the city charter, by the city council or from any other source of law by providing an organizational, budgetary and administrative unit for: (i) the personnel assigned as the immediate staff of the city manager; (ii) the property, real and personal, placed under the care, custody and control of the city manager; and, (iii) for the appropriations made to fund the operations of the office of city manager as well as such other activities, personnel, property and appropriations not specifically assigned to another city agency, department or division; and,

(b) In addition to the exercise of the full powers vested in the city manager by the city charter or any other source, and not intending to impair those powers in any way, the executive office of the city manager shall also be responsible for the administration of the following divisions, boards and commissions:

- (i) to administer the scholarship programs of the city of Worcester, including the Thomas Early Scholarship, and,
- (ii) to support the operation of the public library;
- (iii) to administer the cable television franchise agreement, disburse funds received by that agreement, operate the government access channel and administer the

affairs of the cable television advisory committee as established and authorized under these ordinances.

§ 3. Head of the Executive Office

The head of the executive office shall be such person or persons as may be designated by the city manager or, in the absence of any such designation, the city manager. The city manager may designate any person in the service of the executive office and the head of the executive office and may further assign, in whole or in part, any of the duties and responsibilities of the executive office to such other person in the service of the executive office as the city manager so chooses. Any person serving under any such designation or assignment shall serve at the pleasure of the city manager.

§ 4. Authorized Positions

(a) *Table of Authorized Positions.* The office shall consist of the city manager and such other personnel as the city council, with the advice of the city manager, shall authorize by adoption of the table of authorized positions in the annual city budget, as the same may be amended from time to time.

(b) *Manner of Appointment.* Each position in the office, except that of the head librarian, shall be filled by appointment of the city manager and each such appointee shall, unless otherwise expressly provided by law, serve at the pleasure of the city manager.

§ 5. Duties & Responsibilities of the Executive Office

(a) *Duties & Responsibilities.* The head of the executive office shall be responsible for the performance of the functions of the office and shall have the following authority and responsibilities:

- (1) management responsibility and general superintendence over the functions, programs, services, operations, activities and facilities of the office;
- (2) supervise the personnel in the office by establishing rules, policies and practices governing the operations of the office; assigning tasks and establishing priorities, deadlines and work schedules; approving requests for vacation leave and other time off; training employees in the specialized tasks of the office; evaluating the performance of individual employees in the office, recommending promotions and honors and disciplining personnel at any level including suspensions for no more than five working days;
- (3) coordinate with the legislative liaison of the city in the preparation of the annual legislative agenda of the city and in monitoring the progress of legislation approved by the city council or otherwise of interest to the city manager;
- (4) develop and administer the marketing program of the city and to promote Worcester as a place for conventions, tourism and travel and administer the "Destination Worcester" marketing program and such other programs concerning the marketing of the city of Worcester to meeting and convention planners, event and sports organizers and tourists and visitors;

- (5) prepare, monitor and manage the budget for the office, which shall include ordinary maintenance, salary and capital expenditures, in accordance with the format prescribed and the directives issued by the city manager;
- (6) ensure that all actions of the office are taken in accordance with all executive orders and administrative directives issued by the city manager, the financial procedures established by the city manager and the city auditor, the provisions of these Revised Ordinances, the Home Rule Charter, the Constitutions and laws of the Commonwealth and the United States of America
- (7) keep the city manager informed of the activities and needs of the office and provide the city manager with information developed by the office which would have a material impact on the financial condition of the city;
- (8) seek the approval of the city manager prior to changing any existing policy or initiating any new program or service within the office;
- (9) prepare prompt and thorough responses to requests for reports, memoranda, opinions or other documents or actions as may be requested by the city manager;
- (10) have functional care, custody and control of the property, including real property interests, personal property and tangible and intangible property, as has been, or may be, allocated to the city manager by the city council;
- (11) prepare, implement, evaluate and improve office operations, programs and projects in accordance with the goals and objectives established for the office by the city manager; and,
- (12) perform such other tasks and functions as may be requested by the city manager.

(b) *Duties & Responsibilities of Personnel Assigned to the Office.* In order to respond to the needs of the city and the demands of the office of city manager, the city manager, either directly or through the head of the executive office, may assign duties and responsibilities to the personnel assigned to the office as the city manager deems in the best interests of the city and the individuals assigned to the office shall perform such tasks and functions as may be requested by the city manager. Unless otherwise directed by the city manager, individuals assigned to the office shall also have the duty and responsibility to:

- (1) assist the city manager in the performance of the duties and responsibilities of the office of city manager;
- (2) manage the budget for any programs or operations placed under their responsibility by the city manager in accordance with the policies and requirements of the city manager, chief financial officer and the city auditor;
- (3) supervise the personnel assigned to them by assigning tasks and establishing work priorities, deadlines and work schedules for such employees; evaluating the performance of such employees in the office, recommending promotions, honors and discipline when so warranted;
- (4) administer the implementation of contracts concerning matters under the responsibility of the office and payable from funds appropriated to the office;

- (5) keep the city manager informed of all their activities, operations, programs, services, personnel, expenditures and receipts;
- (6) ensure that all their actions are taken in accordance with all applicable laws, ordinances, regulations, contractual obligations, city executive orders and policies (including the financial procedures established by the city auditor) and the directives of the city manager;
- (7) make recommendations to the city manager on changing or initiating any policy, operation, program or service to the public;
- (8) prepare prompt and thorough responses to requests for reports, memoranda, opinions or other documents or actions as may be requested by the city manager; and,
- (9) maintain any personal property assigned to them by the city manager.

(c) *Management of Multiple Divisions.* The city manager may assign the responsibilities of any two or more divisions or offices within the executive office of the city manager to one individual in the service of the executive office.

(d) The executive office of the city manager shall also be responsible for the administration of the Early Scholarship program, the support of the Worcester Public Library, and the functions of the cable services division as the same are stated below as separate sections.

§ 6. Cable Services Division

(a) *Division Head.* The director of cable services shall head the division and shall have the assistance of such other personnel as shall be assigned by the head of the executive office.

(b) *Duties and Responsibilities.* The director of cable services shall:

- (1) administer the cable television franchise agreement and monitor the activities of the cable franchise operator;
- (2) after consultation with the cable television advisory committee, make recommendations annually to the assistant city manager as to the disbursement the funds received under the cable franchise agreement among the public, educational and government channel operations;
- (3) operate the government access channel on the cable television system so as to provide to the extent possible: A) live cablecasts of the meetings of the city council, committees of the city council, city boards and commissions and other governmental bodies related to the city of Worcester; 2) original content programming providing viewers with information about the operations, issues and decisions involving city of Worcester agencies; and, 3) other programming which is useful to the residents of Worcester and appropriate for broadcast on a government access cable channel;

- (4) coordinate as necessary with the director of technical services to ensure that any institutional network provided under any cable franchise agreement operates properly and meets the technical requirements of the city for the internal transmission of data among city offices;
- (5) administer and keep the records of the cable television advisory committee; and
- (6) perform the duties and responsibilities described in section 5(b)(1-11) above.

§ 7. Cable Television Advisory Committee

- (a) *Cable Television Advisory Committee.* Under authority of Article Six of the Home Rule Charter there is hereby established under the jurisdiction of the city manager an advisory board of the city to be known as the “Cable Television Advisory Committee” (“committee”).
- (b) *Membership of the Cable Television Advisory Committee.* The committee shall consist of seven persons appointed by the city manager for three year terms. The terms shall be staggered such that no more than two terms shall expire on December thirty-first of any year. The city manager shall designate from the membership of the committee a chair and vice-chair.
- (c) *Duties & Responsibilities of the Cable Television Advisory Committee.* The committee shall:
 - (1) advise and assist the city manager in the performance of the duties and responsibilities vested in the city manager by law as the licensing authority for cable television franchises in the city;
 - (2) provide advice concerning public, governmental, educational, and other access programming on cable television;
 - (3) meet periodically with the licensee, concerning matters of interest between the licensee, the public, the city manager as issuing authority, and the city;
 - (4) report to the city manager regarding compliance by the licensee with the terms and conditions of the license, and to provide advice concerning the same;
 - (5) render advice and suggestions concerning local, educational and governmental origination programming;
 - (6) supervise the licensee's manner of responding to, and of resolving, complaints by members of the public;
 - (7) respond to inquiries by members of the public regarding cable television matters; and,
 - (8) provide the city manager an annual report stating the undertakings of the committee, its accomplishments, conclusions and recommendations concerning the cable television matters under its jurisdiction.

§ 8. Early Scholarship Committee

(a) *Establishment of Early Scholarship Committee.* Pursuant to chapter 194 of the Acts of 1986, as amended by chapter 712 of the Acts of 1987, which added section three C of chapter sixty of the General Laws of Massachusetts, as accepted by the city by vote of the city council on January 13, 1987, and under authority of Article Six of the Home Rule Charter, there is hereby established under the jurisdiction of the city manager a scholarship committee of the city to be known as the “Early Scholarship Committee” (“committee”).

(b) *Membership.* The committee shall consist of five residents of the city, one from each election district, appointed by the city manager for terms of three years. The terms shall be staggered such that two terms shall expire each July thirty-first for two consecutive years and one term shall expire on July thirty-first of the next year. The superintendent of schools of the city, or his or her designee, shall also serve on the committee as an ex-officio member.

(c) *Duties & Responsibilities.* The committee shall serve in the memory of former Mayor and City Councilor Thomas J. Early, select the recipients of the amount of financial aid from the scholarship fund created by section three C of chapter sixty of the General Laws and perform such other functions, including the selection of scholarship recipients from other sources of funds, as may be designated by the city manager.

(d) *Selection Criteria.* The committee may adopt any criteria to assist in the selection of recipients, subject to any relevant ordinance and further subject to the following criteria:

- (1) the recipients of financial aid must be residents of the city at the time the financial aid is first awarded and have been accepted to pursue education beyond the secondary school level at an institute deemed accredited by the committee; and,
- (2) the committee shall take into consideration each recipients' financial need, character, scholastic record and involvement in community work as well as extracurricular school activities.

(e) *Distribution of Aid.* The committee may distribute financial aid from both interest and principal of the fund, without further appropriation. The committee shall establish a procedure for determining at least on an annual basis the amounts or percentage of the funds that shall be authorized for distribution and for notifying the city treasurer or other investing officer or agency so that the funds may be made available in a timely manner and with a minimum of penalties.

§ 9. Board of Library Directors – Worcester Public Library

(a) *Establishment.* To carry out the terms of the deed of gift of Dr. John Green to the city of Worcester, dated December 27, 1859, and the last will and testament of Dr. John Green, and subject to the provisions of the General Laws chapter seventy-eight, section seven, there is hereby established under authority of Article Six of the Home Rule Charter a department of the city to be known as the “Free Public Library” (“public library”).

(b) *Division Head.* The board of library directors (“board”) as so established shall head the department, which shall consist of the board, the head librarian and such other personnel as the city council, with the advice of the city manager, shall, from time to time, authorize in the budget.

(c) *Membership.* The board shall consist of twelve members who shall be appointed by the city council for terms of six years. The city council shall choose in the month of December two directors to fill the vacancies occurring on the first day of January next ensuing, which directors shall hold their office for the term of six years from the first day of January. All vacancies in the board, occasioned by death, resignation, removal from the city or otherwise, shall be filled in like manner, as they arise, for the unexpired term thereof, and no person shall be eligible to fill a vacancy arising from the expiration of his term of office.

(d) *Duties & Responsibilities.* It shall be the duty and responsibility of the board:

- (1) manage the Free Public Library;
- (2) have care and custody of the buildings and grounds of the library and any branches thereof;
- (3) have sole custody of the books;
- (4) promulgate any and all needful and suitable regulations concerning the Free Public Library and the use thereof;
- (5) manage all trust funds given or bequeathed for the benefit of the Free Public Library, including such trust funds formerly under the control of the board of commissioners of Trust Funds; and,
- (6) perform such other duties as may be prescribed by law.

(e) *Organization of the Board.* The directors shall meet as soon as may be after the first day of January in each year and organize into a board by the choice of a president and a secretary from their own number. A majority of the board shall be required for the transaction of business.

(f) *Secretary.* The secretary shall have the care and custody of all books, records, papers and documents belonging to the board and shall record all the doings of the board in a book to be furnished by the city, and he shall deliver the books, records, papers and documents to his or her successor in office.

(g) *Head Librarian & Officers.* Except as otherwise provided by law, the board shall appoint the head librarian and all subordinate officers and may remove such officers at pleasure. The head librarian shall be the executive officer of the board and shall perform the duties and responsibilities described in this ordinance unless any such duty or responsibility shall be incompatible with any authority exercised under the provisions of the deed of gift or last will and testament of Dr. John Green.

Exhibit B – Executive Office of Economic Development Cabinet Level

Article 3. Executive Office of Economic Development

- § 1. Establishment
- § 2. Function
- § 3. Head of the Office
- § 4. Authorized Positions
- § 5. Organization of the Office
- § 6. Administration Division and Special Projects
- § 7. Business and Community Development Division
- § 8. Cultural Development Division
- § 9. Housing Development Division
- §10. Neighborhood Development Division
- §11. Planning and Regulatory Services Division
- §12. MassHire Worcester Career Center Division
- §13. MassHire Central Region Workforce Board Division

Related Boards and Commissions:

- §14. Arts Council
- §15. Conservation Commission
- §16. Historical Commission
- §17. Planning Board
- §18. Zoning Board of Appeals
- §19. Affordable Housing Trust Fund Board of Trustees
- §20. Community Preservation Committee

§ 1. Establishment

Under authority of Article Six of the Home Rule Charter there is hereby established under the jurisdiction of the city manager a department of the city to be known as the “Executive Office of Economic Development” (“office”).

§ 2. Function

It shall be the function of the office to manage and operate economic, business assistance and cultural development, neighborhood development, housing development, workforce development, marketing and planning and regulatory services functions of the city.

§ 3. Head of the Office

- (a) *Office Head.* The office shall be headed by a chief development officer (“chief development officer”) who shall be designated by, and serve at the pleasure of, the city manager.
- (b) *Duties & Responsibilities.* The chief development officer shall be responsible for the performance of the functions of the office and shall:
- (1) have management responsibility and general superintendence over the functions, programs, services, operations, activities and facilities of the office;
 - (2) supervise the personnel in the office by establishing rules, policies and practices governing the operations of the office; assigning tasks and establishing priorities, deadlines and work schedules; approving requests for vacation leave and other time off; training employees in the specialized tasks of the office; evaluating the performance of individual employees in the office, recommending promotions and honors and disciplining personnel at any level including suspensions for no more than five working days;
 - (3) keep the city manager informed of the activities and needs of the office and provide the city manager with information developed by the office which would have a material impact on the financial condition of the city;
 - (4) seek the advice of the city manager prior to changing any existing policy or initiating any new program or service within the office;
 - (5) prepare prompt and thorough responses to requests for reports, memoranda, opinions or other documents or actions as may be requested by the city manager;
 - (6) perform such other tasks and functions as may be requested by the city manager;
 - (7) ensure that all actions of the office are taken in accordance with all executive orders and administrative directives issued by the city manager, the financial procedures established by the city manager and the city auditor, the provisions of these Revised Ordinances, the Home Rule Charter, the Constitutions and laws of the Commonwealth and the United States of America;
 - (8) have care, custody and control of the property, including real property interests, personal property and tangible and intangible property, as has been, or may be, allocated to the office by the city manager and the city council;

- (9) determine the priorities of the office and to prepare long-range strategic plans and objectives consistent with the strategic direction of the city manager;
- (10) prepare, monitor and manage the budget for the office, which shall include ordinary maintenance, salary and capital expenditures, in accordance with the format prescribed and the directives issued by the city manager;
- (11) prepare, implement, evaluate and improve office operations, programs and projects in accordance with the goals and objectives established for the office by the city manager; and,
- (12) administer the executive functions of the Worcester Redevelopment Authority in accordance with the directives of the city manager and the by-laws of that agency.

§ 4. Authorized Positions

(a) *Table of Authorized Positions.* The office shall consist of the chief development officer and such other personnel as the city council, with the advice of the city manager, shall authorize by adoption of the table of authorized positions in the annual city budget, as the same may be amended from time to time.

(b) *Manner of Appointment.* Each position in the office shall be filled by appointment of the city manager and each such appointee shall, unless otherwise expressly provided by law, serve at the pleasure of the city manager.

§ 5. Organization of the Office

(a) *Establishment of Divisions.* The office shall be organized into the following divisions for the following purposes:

Administration and Special Projects Division · to assist the chief development officer in the performance of the duties and responsibilities as the of the head of the office;

Business and Community Development Division · to administer the economic development agenda and programs of the city; to promote, develop and expand investment and employment in the city; to secure the commitment of private capital into new or existing businesses in the city; and, to administer and coordinate all federal, state and local programs involving the preparation of property for real estate development through the remediation or removal of contaminated buildings, soils or substances;

Cultural Development Division · to execute the programs and administer the affairs of the arts council as established and authorized under these ordinances;

Housing Development Division – to develop and administer programs and policies of the city on housing and homelessness;

Neighborhood Development Division – to develop and administer programs to improve the quality of life in the neighborhoods of the city;

Planning & Regulatory Services Division – to provide all city departments with master planning, neighborhood planning and project planning and analysis and to administer, advise and assist the planning board, zoning board of appeals, conservation commission, and historical commission in the performance of their public responsibilities;

MassHire Worcester Career Center Division · to operate one or more comprehensive customer-focused workforce investment and training centers known as “one-stop career centers” as that term is defined herein and to perform such other functions as may be authorized by federal or state laws or regulations consistent with such operations;

MassHire Central Region Workforce Board Division – to provide administrative support services to the local workforce board as the same is established and regulated by the Workforce Innovation & Opportunity Act (Public Law 113-128, July 22, 2014, 128 Stat. 1425; see 29 U.S.C. § 3101 *et seq.*; the “Act”), as the Act may be amended or superseded, and to provide the city manager with information and forecasts concerning employment, unemployment, employer needs and economic activity; and,

(b) *Duties & Responsibilities of Division Heads.* In addition to the special duties and responsibilities stated below for each division of the office, the head of each division shall also have the duty and responsibility to:

- (1) assist the chief development officer in the performance of the duties and responsibilities of the head of the office and perform such other duties, and make reports to such individuals, as may be requested, assigned or designated by the chief development officer or otherwise prescribed by law;
- (2) manage the budget for the division, which shall include all items of revenue and ordinary maintenance, salary and capital expenditures, in accordance with the policies and requirements of the city manager, chief financial officer, the city auditor or the chief development officer;
- (3) supervise the personnel assigned to the division by assigning tasks and establishing work priorities, deadlines and work schedules for employees in the division; training employees in the specialized tasks of the division; evaluating the performance of individual employees in the office, recommending promotions and honors and disciplining personnel at any level authorized by the assistant city manager up to and including suspensions for no more than five working days;

- (4) administer the award and implementation of contracts concerning matters under the responsibility of the division and payable from funds appropriated to the division;
- (5) keep the chief development officer informed of all matters pertaining to the activities, operations, programs, services, personnel, expenditures and receipts of the division;
- (6) recommend to the chief development officer implementing the rules, policies and practices governing the operations of the office as are approved by the chief development officer;
- (7) prepare, implement and evaluate division operations, programs and projects in accordance with the goals and objectives established for the division by the chief development officer;
- (8) ensure that all actions of the division are taken in accordance with all applicable laws, ordinances, regulations, contractual obligations, city executive orders and policies (including the financial procedures established by the city auditor) and the directives of the chief development officer;
- (9) make recommendations to the chief development officer on changing or initiating any policy, operation, program or service to the public;
- (10) prepare prompt and thorough responses to requests for reports, memoranda, opinions or other documents or actions as may be requested by the chief development officer; and,
- (11) maintain any property assigned to the division by the chief development officer.

(c) *Management of Multiple Divisions.* The chief development officer, with the advice and consent of the city manager, may assign the responsibilities of any two or more divisions to one individual in the service of the office.

§ 6. Administration Division and Special Projects

(a) *Division Head.* The assistant chief development officer for administration and special projects shall head the division and shall have the assistance of such other personnel as shall be assigned by the chief development officer.

- (b) *Duties and Responsibilities.* The head of the division shall:
- (1) provide administrative, communications, scheduling, research and support services to the chief development officer;
 - (2) manage the processing of payroll, purchasing, contracts, and personnel documentation for the office;
 - (3) assist the chief development officer in the performance of his or her duties and responsibilities as the head of the office; and,
 - (4) perform the duties and responsibilities described in section 5(b)(1-11) above.

§ 7. Business and Community Development Division

(a) *Division Head.* The assistant chief development officer for business and community development shall head the division and shall have the assistance of such other personnel as shall be assigned by the chief development officer.

(b) *Duties & Responsibilities.* The division head shall:

- (1) develop and administer the economic development program of the city;
- (2) attract and guide the investment of private capital into new or existing businesses or properties so as to expand the tax base and employment levels of the city;
- (3) administer the business and economic development laws and programs of the state and federal governments;
- (4) administer and coordinate contracts entered into by the city for business or economic development purposes;
- (5) develop and administer the marketing program of the city and promote Worcester as a place for living, working, and investing;
- (6) develop and administer the environmental remediation programs of the city, including the administration of grants for the remediation of environmental contamination on public or private property; and,
- (7) perform the duties and responsibilities described in section 5(b)(1-11) above.

§ 8. Cultural Development Division

(a) *Division Head.* The cultural development division shall be headed and staffed by such personnel as shall be assigned by the head of the executive office.

(b) *Duties & Responsibilities.* The division head shall:

- (1) develop and administer the cultural development program of the city and, in partnership with the Worcester Cultural Coalition, promote Worcester as a place for creative enterprise;
- (2) develop and administer the arts and culture programs of the city as requested by the chief development officer; and,
- (3) perform the duties and responsibilities described in section 5(b)(1-11) above.

§ 9. Housing Development Division

(a) *Division Head.* The director of housing development shall head the division and shall have the assistance of such other personnel as shall be assigned by the chief development officer.

(b) *Duties & Responsibilities.* The director of housing development shall:

- (1) administer state and federal grant programs which provide home ownership and housing opportunities and assistance for persons of low and moderate income;
- (2) develop, maintain and implement plans and policy recommendations on all aspects of housing and homelessness, including (i) the relocation of individuals and families displaced from their housing due to code or housing enforcement or other actions of the city; (ii) conduct periodic reviews of the needs of homeless individuals and families; (iii) identify and coordinate the provision of multiple government-based services and programs to local youth and collaborate and coordinate with existing non-governmental organizations and agencies, the business community and service providers involving homelessness programs and services; and, (iv) administer, assist and serve as the keeper of the records of the Commission on Homelessness;
- (3) attend various neighborhood and community group meetings as directed by the chief development officer;
- (4) process applications for grants from federal, state and private sources to be expended for housing and related needs by the department or by other appropriate city agencies for the public purposes for which those agencies have been established and organized under law; and,
- (5) perform the duties and responsibilities described in section 5(b)(1-11) above.

(c) *Grants and Program Activities.* When directed by the city manager, the division shall be authorized to monitor the implementation of any grant received and, in so doing to charge the grant proceeds with any administration fee authorized by law. The division shall not be the recipient of the proceeds of any grant awarded through the performance of its duty to process applications for grants from federal, state and private sources unless such grant provides funds for a programmatic activity under the responsibility of the office and the expenditure of such grant proceeds is approved by the city manager.

§10. Neighborhood Development Division

(a) *Division Head.* The director of neighborhood development shall head the division and shall have the assistance of such other personnel as shall be assigned by the chief development officer.

(b) *Duties & Responsibilities.* The director of neighborhood development shall:

- (1) administer the community development block grant program in accordance with the entitlements and requirements of the Housing and Community Development Act of 1974, 42 U.S.C. 5301 et seq., as amended, and the regulations adopted under authority thereof at 24 C.F.R. 570. (see, 24 C.F.R. 507.206);
- (2) administer state and federal grant programs which provide neighborhood opportunities and assistance;
- (3) develop policy recommendations on neighborhood improvements and administer such policies as directed by the chief development officer;
- (4) ensure that residents enjoy the full advantage of neighborhood programs involving community policing, local law enforcement, crime watch initiatives, clean city initiatives, community health, elder services, basic family preservation services; and enhanced neighborhood quality of life;
- (5) attend various neighborhood and community group meetings as directed by the chief development officer;
- (6) perform planning, urban environmental design and policy-planning-management-capacity building activities under the community development block grant program (see, 24 C.F.R. 507.205) to the extent those activities are consistent with the neighborhood and housing development functions of the division;
- (7) process applications for grants from federal, state and private sources to be expended for housing and related needs by the department or by other appropriate city agencies for the public purposes for which those agencies have been established and organized under law; and,
- (8) perform the duties and responsibilities described in section 5(b)(1-11) above.

(c) *Grants and Program Activities.* When directed by the city manager, the division shall be authorized to monitor the implementation of any grant received and, in so doing to charge the grant proceeds with any administration fee authorized by law. The division shall not be the recipient of the proceeds of any grant awarded through the performance of its duty to process applications for grants from federal, state and private sources unless such grant provides funds for a programmatic activity under the responsibility of the office and the expenditure of such grant proceeds is approved by the city manager.

§ 11. Planning and Regulatory Services Division

(a) *Division Head.* The assistant chief development officer for planning and regulatory services shall head the division and shall have the assistance of such other personnel as shall be assigned by the chief development officer.

(b) *Duties & Responsibilities.* The division head shall:

- (1) provide the city manager and such other officers, employees, boards and commissions of the city as directed by the city manager or otherwise by law, with advice on planning and land use policy in the city by:
 - (i) performing the planning, urban environmental design and policy-planning-management-capacity building activities prescribed in the community development block grant program (see, 24 C.F.R. 507.205) to the extent those activities are consistent with the land use planning and economic development functions of the office;
 - (ii) maintaining the official map of the city in accordance with the laws of the commonwealth; and,
 - (iii) maintaining an accurate copy of the zoning map in accordance with the zoning ordinance;
 - (2) provide the chief development officer with recommendations on useful changes to the official map of the city or the zoning map or zoning ordinance of the city;
 - (3) administer the affairs of the performance of any and all functions as may be lawfully delegated by any board or commission of the city to the director of planning and regulatory services; and,
 - (4) serve as the clerk and keeper of the records of the conservation commission, historic commission, planning board and zoning board of appeals; and,
 - (5) perform the duties and responsibilities described in section 5(b)(1-11) above.
- (c) *Delegation of Duties to the Chief Planner.* The division head may delegate any duty, responsibility or authority vested in that position by these ordinances, or any other law, to the chief planner.
- (d) *Planning & Urban Environmental Design Activities.* In performing the planning, urban environmental design and policy-planning-management-capacity building activities under the community development block grant program (see, 24 C.F.R. 507.205), the division may gather data, conduct studies and analysis and otherwise prepare the following plans: comprehensive plans; community development plans; and, functional plans in areas such as economic development, land use and urban environmental design, housing, open space and recreation, energy use and conservation, floodplain and wetlands management, transportation, utilities, historic preservation.
- (e) *Official Map.* The official map of the city shall contain only those public ways, private ways and parks as authorized by section 81E of chapter 41 of the General Laws. The division head shall keep a true and accurate copy of the official map and is hereby authorized to certify as true copies and issue the official map of the city or any portion thereof. The division head shall revise the official map with lines or notations showing proposed, new, altered, relocated or discontinued public ways and new, altered or discontinued boundaries of parks and playgrounds, as may from time

to time result from any action of the city council or otherwise by operation of law. The division head, either directly or through subordinates, shall cause all changes or additions to the official map to be recorded in the Worcester District Registry of Deeds and filed with the city clerk and the state agency designated by statute to receive said filings.

- (f) *Zoning Map.* The division head shall maintain a true and accurate copy of the zoning map of the city, as the same may be amended from time to time by action of the city council, and shall, either directly or through subordinates, certify as true copies and issue the zoning map of the city or any portion thereof. The division head shall revise the zoning map to show changes made by any amendments to the zoning ordinance adopted by the city council or otherwise by operation of law. The division head, either directly or through subordinates, shall cause all amendments to the zoning map to be recorded in the Worcester District Registry of Deeds and filed with the city clerk.

§ 12. MassHire Workforce Career Center Division

- (a) *Division Head.* The director of local workforce career center shall head the division and shall have the assistance of such personnel as shall be assigned by the chief development officer. Unless otherwise required by law, the director shall be appointed by and serve at the pleasure of the city manager.
- (b) *Duties & Responsibilities.* The director of local workforce career center shall:
 - (1) operate in accordance with all applicable laws and regulations one or more one-stop career centers as may be designated or certified from time to time by the local workforce board established under the Workforce Innovation & Opportunity Act (Public Law 113-128, July 22, 2014, 128 Stat. 1425; *see* 29 U.S.C. § 3101 *et seq.*; the “Act”), as the Act may be amended or superseded by subsequent federal legislation, and such other state laws or regulations implementing the Act. For purposes of this section, a “one-stop center” shall be a comprehensive customer-focused workforce development and training center which: 1) uses information and high quality services to provide people with access to the tools they need to manage their careers and companies with access to appropriately skilled workers; 2) qualifies as a “one-stop operator” under the Act and the requirements of the commonwealth in the implementation of the Act (*see* 29 U.S.C. § 121); and, 3) is designated or certified as a one-stop partner by the local workforce board;
 - (2) direct, control, supervise and discipline the staff of the one-stop career centers operated by the division and in doing so report directly and solely to the chief development officer;

- (3) exercise such authority as may be provided to the chief administrative official of a one-stop center by the Act or any federal or state law regarding employment, education and training programs;
 - (4) administer and manage the operations, programs and activities of the division under the general superintendence of the chief development officer; and,
 - (5) to the extent not prohibited by the Act or any other federal or state law involving the employment and training of individuals, perform the duties and responsibilities described in section 5(b)(1-11) above.
- (c) *Fiscal Agent.* In the event that the city manager designates this division to be the local fiscal agent or local grant sub-recipient under the Act and 20 C.F.R. Part 679, the director of this division shall provide such services in accordance with the Act.

§13. MassHire Central Region Workforce Board Division

- (a) *Division Head.* Whenever the local workforce development board administration (as defined below) shall determine to employ individuals in the employ of the city of Worcester as its staff, the city manager shall appoint a director of workforce development board administration who shall head this division and shall have the assistance of such personnel as shall be assigned by the chief development officer. Unless otherwise provided by law or in any agreement or memorandum of understanding between the city and the local workforce development board, the director shall be appointed by and serve at the pleasure of the city manager.
- (b) *Duties & Responsibilities.* The director of the workforce board administration shall:
- (1) provide executive staffing services to the local workforce board (“board”) established under the Workforce Innovation & Opportunity Act (Public Law 113-128, July 22, 2014, 128 Stat. 1425; see 29 U.S.C. § 3101 *et seq.*; the “Act”), as the Act may be amended or superseded by subsequent federal legislation, and such other state laws or regulations implementing the Act;
 - (2) act under the auspices of any agreement or memorandum of understanding between the city and the board concerning the employment of staff by the board;
 - (3) exercise such authority within the service delivery area which includes the city as may be provided by the Act or any federal or state law regarding employment, education and training programs, including planning, contract development and negotiation, monitoring and evaluation, management information system maintenance and program and fiscal management;
 - (4) direct, control, supervise and discipline such subordinate staff of the local workforce board as either the board may employ or the city manager may appoint in accordance with the personnel policies and practices of the city (or

such other policies and practices as established by the board and approved by the city manager) and in doing so report solely to the board and the chief development officer;

- (5) provide the city manager with information and forecasts concerning employment, unemployment, employer needs and economic activity;
- (6) keep the city manager advised on employment matters, including the Worcester area job market, existing and proposed programs, federal and state legislation on employment, and employment trends;
- (7) provide advice and counsel to city agencies on employment, education and training planning matters;
- (8) perform such other duties as may be requested by the city manager or the board consistent with the above; and,
- (9) perform the duties and responsibilities described in section 5(b)(1-11) above.

(c) *Fiscal Agent.* In the event that the city manager designates the board to be the local fiscal agent or local grant subrecipient under the Act and 20 C.F.R. Part 679, the director of the workforce board administration shall provide such services in accordance with the Act.

(d) *Restrictions.* The director of the workforce board administration shall not, either directly or through subordinate staff, provide core services or intensive services as described in the Act, or otherwise operate a one-stop center as described above or in 29 U.S.C. § 121, without the approval of the governor and the city manager or engage in any other activity concerning employment, education and training programs and projects which is prohibited by the Act or any law, regulation or guideline issued by the commonwealth of Massachusetts in these matters.

§13. Arts Council

(a) *Establishment of the Arts Council.* Under authority of Article Six of the Home Rule Charter there is hereby established under the jurisdiction of the city manager an executive board of the city to be known as the “Arts Council” (“Arts Council”).

(b) *Membership of the Arts Council.* The arts council shall consist of nine members who shall be appointed by the city manager for a term of three years. The terms shall be staggered such that three terms expire on December thirty-first of each year. The city manager shall from time to time designate one of the members of the arts council as its chair.

(c) *Duties & Responsibilities.* The arts council shall:

- (1) promote the cultural affairs of the city;
- (2) conduct studies and research and publish reports on cultural activities;

- (3) cooperate with federal and state cultural agencies;
- (4) advise municipal agencies of cultural matters;
- (5) allocate any funds received by the arts council for cultural projects, programs or activities in accordance with law; and,
- (6) perform such other duties as may be prescribed by law.

§ 14. Conservation Commission

- (a) *Establishment of Conservation Commission.* Under authority of General Laws chapter forty, section eight C, and Article Six of the Home Rule Charter, there is hereby established under the jurisdiction of the city manager a regulatory board of the city to be known as the “Conservation Commission”.
- (b) *Membership.* The conservation commission shall consist of seven members who shall be appointed by the city manager for a term of three years. The terms shall expire on September thirtieth of each year and shall be staggered such that two terms expire each year for two years and three terms shall expire every third year.
- (c) *Duties & Responsibilities.* It shall be the duty and responsibility of the conservation commission to perform all duties prescribed by General Laws, chapter forty, section eight C; the city wetlands ordinance, and, all such other duties as may be prescribed by law.

§15. Historical Commission

- (a) *Establishment of the Historical Commission.* Under authority of General Laws, chapter forty C, sections four and fourteen, and chapter forty, section eight D, and Article Six of the Home Rule Charter, there is hereby established under the jurisdiction of the city manager an executive board of the city to be known as the “Historical Commission” (“commission”).
- (b) *Establishment of Massachusetts Avenue, Montvale and Crown Hill Historic Districts.* Under authority of General Laws, chapter forty C, section three, there are hereby established historic districts to be known as the “Massachusetts Avenue Historic District,” the “Montvale Historic District” and the “Crown Hill Historic District.” The Massachusetts Avenue Historic District is shown on a map dated August, 1973 and revised September, 1974, the Montvale Historic District is shown on a map dated February 28, 2008, and the Crown Hill Historic District is shown on a map dated October 5, 2012 and revised February 12, 2013, all of which are on file with the city clerk and made a part hereof, and are also recorded with the Worcester South District Registry of Deeds.

(c) *Membership of the Historical Commission.* The commission shall consist of seven regular members and two alternates appointed for terms of three years by the city manager in accordance with the requirements of the city charter and the provisions of this section. The terms shall be staggered such that three terms of regular members shall expire on December thirty-first of one year and two terms of regular members shall expire on December thirty-first in each of the following two years. The terms of alternate members shall be staggered such that the terms shall expire on December thirty-first on successive years and none shall expire every third year. One member shall be a resident of the Massachusetts Avenue Historic District, one member shall be a resident of the Montvale Historic District and one member shall be a member of the Crown Hill Historic District. All members and alternates shall have demonstrated a special interest, competence or knowledge in historic preservation. To the extent available in the charter appointment districts, members of the commission shall be professionals in the disciplines of architecture, history, architectural history, prehistoric archaeology, historic archaeology, urban planning, American studies, American civilization, cultural geography and cultural anthropology. In case of absence, inability to act or unwillingness to act because of self-interest on the part of any member of the commission, his or her place shall be taken by an alternate member designated by the chair.

(d) *Duties & Responsibilities of the Historical Commission.* To preserve, promote and develop historic assets of the city in accordance with law, the commission shall:

- (1) administer the Massachusetts Avenue Historic District, the Montvale Historic District, the Crown Hill Historic District and any additional historic districts lawfully established, consistent with General Laws;
- (2) issue certificates of appropriateness, certificates of nonapplicability, and certificates of hardship with respect to construction or alteration of buildings and structures within the historic district when such construction or alteration affects exterior architectural features. Such certificates shall be issued as prescribed in the General Laws, chapter forty C, section six;
- (3) consider factors as prescribed in General Laws, chapter forty C, section seven, in passing upon matters before it;
- (4) issue such certificates, make such recommendations, keep such records and have such powers, functions and duties as are prescribed in General Laws, chapter forty C, section ten, except that officers and employees necessary for the proper administration of the commission shall be appointed and removed by the city manager in accordance with the city charter; and all gifts shall be subject to approval of the city manager and city council;
- (5) call and conduct meetings and to hold such public hearings as are prescribed in General Laws, chapter forty C, section eleven;
- (6) conduct research for places of historic value, to coordinate the activities of unofficial bodies organized for similar purposes, to advertise, prepare, print and

- distribute books, maps, charts, plans and pamphlets which it deems necessary for its work, and to make such recommendations as are described in General laws, chapter forty C, section eight D;
- (7) propose from time to time to the city manager as it deems appropriate, the establishment in accordance with the provisions of this Article and the General Laws, chapter forty C, section three, of additional historic districts and changes in historic districts;
 - (8) determine an appropriate system of markers for selected historic sites and buildings not already sufficiently marked, to arrange for preparation and installation of such markers, and to arrange for the care of historic markers;
 - (9) advise the redevelopment authority, planning board and any other city department or agency in matters involving historic sites and buildings;
 - (10) cooperate with and enlist assistance from the National Park Service, the National Trust of Historic Preservation, and other agencies, public and private, concerned with historic sites and buildings;
 - (11) advise owners of historic buildings in Worcester on problems and solutions of preservation; and
 - (12) perform such other duties as may be prescribed by law.
- (e) *Advisory Board to the Historical Commission.* The commission may recommend to the city manager from time to time as needed, appointment of advisory committees of historians and persons experienced in architecture or other arts or in historic restoration or preservation to assist the commission.
- (f) *Rules & Regulations of the Historical Commission.* The commission, under the authority of General Laws, chapter forty C, shall keep a permanent record of its resolutions, transactions and determinations and of the vote of each member participating therein, and may adopt and amend such rules and regulations not inconsistent with the provisions of chapter forty C and prescribe such forms as it shall deem desirable and necessary for the regulation of its affairs and the conduct of its business.
- (g) *Maintenance & Repair of Properties Under the Jurisdiction of the Historical Commission.* Nothing herein shall be construed to prevent the ordinary maintenance and repair of buildings, structures or grounds within the district nor prevent actions by duly authorized public officers as described in General Laws chapter forty C, section nine.
- (h) *Appeals from Decisions of the Historical Commission.* Any applicant aggrieved by a determination of the commission may file a written request with the commission for review by person or persons of competence and experience in such matters designated by the Central Massachusetts Regional Planning Commission as

prescribed in the General Laws, chapter forty C, section twelve, and may further appeal such determination to the superior court as prescribed in the General Laws, chapter forty C, section twelve A.

§ 16. Planning Board

- (a) *Establishment of the Planning Board.* Under authority of General Laws, chapter forty-one, section eighty-one A, and Article Six of the Home Rule Charter there is hereby established under the jurisdiction of the city manager a regulatory board of the city to be known as the “Planning Board”.
- (b) *Membership of the Planning Board.* The planning board shall consist of five members appointed by the city manager for a term of five years such that one term shall expire on May thirty-first of each year.
- (c) *Duties & Responsibilities of the Planning Board.* It shall be the duty and responsibility of the planning board to exercise the authority granted to it by the subdivision control law, and any other applicable general or special law, and the city wetlands ordinance, and any other applicable city ordinance.

§17. Zoning Board of Appeals

- (a) *Establishment of the Zoning Board of Appeals.* Under authority of Article Six of the Home Rule Charter and General Laws chapter forty A, section twelve, there is hereby established under the jurisdiction of the city manager a regulatory board of the city to be known as the “Zoning Board of Appeals” (“zoning board”).
- (b) *Membership of the Zoning Board.* The zoning board shall consist of five members appointed by the city manager for terms of five years. The terms of such members shall be staggered such that one term shall expire on December thirty-first of each year. The members so appointed shall be designated regular members at the time of their appointment.
- (c) *Associate Members of the Zoning Board.* The city manager shall also appoint two individuals to serve as associate members of the zoning board. The terms of associate members shall be five years and shall expire on December thirty-first. The associate members terms shall be staggered such that the term of the second associate member shall expire on the December thirty-first two years after the expiration of the term of the first associate member.
- (d) *Duties & Responsibilities of the Zoning Board.* The zoning board shall:

- (1) hear and decide land use matters properly brought before it under the zoning ordinance of the zoning act, G.L. chapter forty A;
- (2) carry out the duties and responsibilities vested in the zoning board by the city zoning ordinance;
- (3) exercise the jurisdiction provided by section eighty-one Z of chapter forty-one of the General Laws;
- (4) adopt rules not inconsistent with the zoning ordinance for the conduct of its business and to file a copy of its rules, together with any amendments as they are adopted, with the city clerk;
- (5) elect annually a chair from one of its regular members; and,
- (6) perform such other duties as may be prescribed by law.

§ 18. Affordable Housing Trust Fund Board of Trustees

(a) *Acceptance & Establishment of the Municipal Affordable Housing Trust Fund.* By virtue of adoption of this ordinance, the city of Worcester hereby accepts section 55C of chapter 44 of the General Laws, and does further establish on the books of the city a trust fund known as the “Affordable Housing Trust Fund” or “AHTF” as an expendable trust fund for the deposit of gifts, grants, appropriations and other funds for the creation and preservation of affordable housing in municipalities for the benefit of low and moderate income households.

(b) *Establishment of the Board of Trustees.* Under authority of section 55C of chapter 44 of the General Laws there is hereby established under the jurisdiction of the city manager an executive board of the city to be known as the “Affordable Housing Trust Fund Board of Trustees” (“AHTF Board”).

(c) *Membership.* The AHTF Board shall consist of nine members, including the city manager or designee, all others appointed by the city manager, and in accordance with section 55C, subject to confirmation by the city council. Not less than two members of the Board shall be a tenant of affordable housing and not less than one member of the Board shall have experience in housing development or financing housing development projects.

(d) *Term – Initial Appointments.* The initial appointments of the trustees shall be staggered such that three city manager appointees shall serve a term of one year and three city manager appointees shall serve a term of two years. Thereafter, the terms of such trustees shall be two years. Every trustee shall serve as a member of the Board until the appointment and confirmation of their successor who shall serve for the balance of the term into which they were appointed. All trustees may be reappointed in accordance with the provisions and limitations of the city charter. All trustees shall serve at the pleasure of the city manager. The chair of the Board shall be designated by the city manager.

(e) *Function of the AHTF Board.* It shall be the function of the AHTF Board to advise and assist the city manager and the city administration in efforts relating to the creation and preservation of affordable housing in the city of Worcester for the benefit of low and moderate income households. The AHTF Board is authorized to receive and accept contributions to the trust fund. The AHTF Board provides oversight for the monies in the trust fund.

(f) *Duties and Responsibilities.* In accordance with chapter 44, section 55C of the Massachusetts General Laws, the duties and responsibilities of the AHTF Board are as follows:

- (1) To accept and receive property, whether real or personal, by gift, grant, devise, or transfer from any person, firm, corporation or other public or private entity, including without limitation grants of funds or other property tendered to the trust in connection with provisions of the Worcester Zoning Ordinance, if applicable, or any other ordinance;
- (2) To purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;
- (3) To sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to trust property as the board deems advisable notwithstanding the length of any such lease or contract. Provided, however, that any sale, lease, exchange, transfer or conveyance shall be for the creation or preservation of affordable housing for the benefit of low and moderate income households, as defined by the U.S. Department of Housing and Urban Development;
- (4) To execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, loans, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the board engages for the accomplishment of the purposes of the trust;
- (5) To employ advisors and agents, subject to the approval of the city manager, such as accountants, appraisers and lawyers as the board deems necessary;
- (6) To pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the board deems advisable;
- (7) To apportion receipts and charges between incomes and principal as the board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;
- (8) To participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to

any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;

- (9) To deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the board may deem proper and to pay, out of trust property, such portion of expenses and compensation of such committee as the board may deem necessary and appropriate;
- (10) To carry property for accounting purposes other than acquisition date values;
- (11) To borrow money, subject to the approval of the city manager, on such terms and conditions and from such sources as the board deems advisable, to mortgage and pledge trust assets as collateral;
- (12) To make distributions or divisions of principal in kind;
- (13) To comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this act, to continue to hold the same for such period of time as the board may deem appropriate;
- (14) To manage or improve real property;
- (15) To hold all or part of the trust property uninvested for such purposes and for such time as the board may deem appropriate; and
- (16) To extend the time for payment of any obligation to the trust.

(g) *AHTF Custodian – Prudent Investor Rule.* The city treasurer shall be the custodian of the AHTF and shall invest and reinvest the assets of the trust as directed by the AHTF Board. In giving any such direction and making investment and reinvestment decisions the AHTF Board is hereby authorized to act under the Prudent Investor Rule established in chapter 203C of the General Laws.

(h) The chief development officer of the city, or his or her designee, shall administer the business and public affairs of the AHTF Board and serve as the clerk and keeper of the official records of the board.

§ 19. Community Preservation Committee

(a) *Establishment of the Community Preservation Fund.* By virtue of the Worcester voters adopting sections 3 through 7 of chapter 44B of the General Laws, the city of Worcester hereby establishes on the books of the city an appropriations account known as the

“Community Preservation Fund” for the deposit of collections, gifts, grants, appropriations, and other funds qualifying under section 7 of chapter 44B of the General Laws.

(b) *Establishment of the Community Preservation Committee.* Under authority of section 5(a) of chapter 44B of the General Laws, there is hereby established under the jurisdiction of the city manager an executive board of the city to be known as the “Community Preservation Committee.”

(c) *Membership.* The Community Preservation Committee shall consist of nine members appointed under the provisions of section 5(a) of chapter 44B of the General Laws as follows:

- (1) one delegate of the city’s conservation commission, as designated by the commission.
- (2) one delegate of the city’s historical commission, as designated by the commission.
- (3) one delegate of the city’s planning board, as designated by the board.
- (4) one delegate of the city’s parks and recreation commission, as designated by the commission.
- (5) one delegate of the board of directors of the Worcester Housing Authority, as designated by the Authority.
- (6) four at-large members of the community appointed by the city manager.

(d) *Term – Initial Appointments.* The initial appointments of the members shall be staggered such that the first city manager appointee shall serve a term of one year; the second and third city manager appointees shall serve for terms of two years; the fourth city manager appointee shall serve a term of three years; the conservation commission appointee shall serve a term of one year; the historical commission appointee shall serve a term of two years; the planning board appointee shall serve a term of three years; the parks and recreation commission appointee shall serve a term of one year; and the Housing Authority appointee shall serve a term of two years. Thereafter, the terms of such members shall be three years. Every appointee shall serve as a member of the Community Preservation Committee until the appointment and confirmation of their successor. In the event of the death, disability, resignation, or removal of any member prior to the expiration of the term for which they were appointed, the city manager shall appoint a replacement member who shall serve for the balance of the unexpired term of the member for which they are replacing. All members may be reappointed in accordance with the provisions and limitations of the city charter. All members shall serve at the pleasure of the city manager except that no member shall be removed from office solely on account of any vote or position taken on any matter pending before or decided by the Community Preservation Committee. The chair of the Community Preservation Committee shall be designated by the city manager.

(e) *Function of the Community Preservation Committee.* It shall be the function of the Community Preservation Committee to advise and assist the city manager and the city administration in efforts relating to community preservation, including open space, historic resources, and community housing. The Community Preservation Committee shall make recommendations to the city manager for appropriations from the Community Preservation Fund for said purposes, as well as eligible administrative and operating expenses, and the city manager may then make a recommendation to the city council for final appropriation.

(f) *Duties and Responsibilities.* In accordance with section 5(b) of chapter 44B of the General Laws, the duties and responsibilities of the Community Preservation Committee are as follows:

- (1) The Community Preservation Committee shall study the needs, possibilities, and resources of the city regarding community preservation, including the consideration of regional projects for community preservation. The Community Preservation Committee shall consult with existing municipal boards, including the conservation commission, the historical commission, the planning board, the board of parks and recreation commissioners and the housing authority, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the Community Preservation Committee shall hold one or more public informational hearings on the needs, possibilities, and resources of the city regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the city.
- (2) The Community Preservation Committee shall make recommendations for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use; for the acquisition, creation, preservation and support of community housing; and for the rehabilitation or restoration of open space and community housing that is acquired or created as provided in this section; provided, however, that funds expended pursuant to this ordinance shall not be used for maintenance. With respect to community housing, the Community Preservation Committee shall recommend, whenever possible, the reuse of existing buildings or construction of new buildings on previously developed sites. With respect to recreational use, the acquisition of artificial turf for athletic fields shall be prohibited.
- (3) The Community Preservation Committee may include in its recommendations to set aside for later spending, funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or to set aside for later spending, funds for general purposes that are consistent with community preservation.
- (4) The Community Preservation Committee may recommend, and the city council may approve, appropriations from the fund to acquire land, or real property interests therein, held for railroad purposes to be used by the city for

recreational use as a rail trail as defined in section 35A of chapter 82 of the General Laws. Notwithstanding subsection section 12(a) of chapter 44B of the General Laws, land, or real property interests therein, acquired pursuant to this paragraph shall remain subject to any property interest, including restrictions or reversionary interests, required to be held by the grantor or the United States pursuant to the federal National Trails System Act of 1968, as amended. Notwithstanding the definition of real property interest in section 2 of chapter 44 of the General Laws, land, or real property interests therein, acquired pursuant to this paragraph shall be considered a real property interest for purposes of this ordinance, and a conservation restriction that meets the requirements of sections 31 to 33, inclusive, of chapter 184 of the General Laws shall be required.

- (5) The Community Preservation Committee shall not meet or conduct business without the presence of a quorum. A majority of the members of the community preservation committee shall constitute a quorum. The community preservation committee shall approve its actions by majority vote. Recommendations for appropriation shall include their anticipated costs.

(g) The chief development officer of the city, or his or her designee, shall administer the business and public affairs of the Community Preservation Committee and serve as the clerk and keeper of its official records.

Exhibit C – Department of Inspectional Services Cabinet Level

Article 9. Department of Inspectional Services

- § 1. Establishment
- § 2. Function
- § 3. Head of Department
- § 4. Authorized Positions
- § 5. Organization of Department
- § 6. Administration Division
- § 7. Building and Zoning Division
- § 8. Housing Division
- § 9. Health Inspection Division

Related Board and Commission:

- §10 License Commission
-

§ 1. Establishment

Under authority of Article Six of the Home Rule Charter there is hereby established under the jurisdiction of the city manager a department of the city to be known as the “Department Inspectional Services” (“department”).

§ 2. Function

It shall be the function of the department to provide services relating to the state building code, the zoning ordinance, the architectural access code, the state sanitary code and all other laws, codes, regulations and ordinances relating to health and human safety, as well as certain regulatory licensing services of the city.

§ 3. Head of Department

(a) *Department Head.* The department shall be headed by the commissioner of inspectional services (“commissioner”) who shall be appointed by, and shall serve at the pleasure of, the city manager.

(b) *Duties and Responsibilities.* The commissioner shall be responsible for the performance of the functions of the department and shall:

- (1) have management responsibility and general superintendence over the functions, programs, services, operations, activities and facilities of the department and its divisions;
- (2) supervise the personnel in the department by establishing rules, policies and practices governing the operations of the department; assigning tasks and establishing priorities, deadlines and work schedules; approving

- requests for vacation leave and other time off; training employees in the specialized tasks of the department; evaluating the performance of individual employees in the department, recommending promotions and honors and disciplining personnel at any level including suspensions for no more than five working days;
- (3) keep the city manager informed of the activities and needs of the department and provide the city manager with information developed by the department which would have a material impact on the financial condition of the city;
 - (4) attend various neighborhood and community group meetings as directed by the city manager;
 - (5) seek the advice of the city manager prior to changing any existing policy or initiating any new program or service;
 - (6) prepare prompt and thorough responses to requests for reports, memoranda, opinions or other documents or actions as may be requested by the city manager;
 - (7) perform such other tasks and functions as may be requested by the city manager, or anyone acting under authority of the city manager;
 - (8) ensure that all actions of the department are taken in accordance with all executive orders and administrative directives issued by the city manager, the financial procedures established by the city manager and the city auditor, the provisions of these revised ordinances, the home rule charter, the Constitutions and laws of the commonwealth and the United States of America;
 - (9) except in the case of property placed under the care, custody and control of the board of library trustees, have care, custody and control of the property, including real property interests, personal property and tangible and intangible property, as has been, or may be, allocated to the department, or any of its divisions, by the city manager or the city council;
 - (10) organize multi-agency enforcement teams and to participate with personnel from other city agencies in joint inspection teams which may be established by the city manager; and,
 - (11) determine the priorities of the department and prepare long-range strategic plans and objectives consistent with the strategic direction of the city manager;
 - (12) prepare, monitor and manage the budget for the department, which shall include ordinary maintenance, salary and capital expenditures, in accordance with the format prescribed and the directives issued by the city manager; and,
 - (13) prepare, implement, evaluate and improve department operations, programs and projects in accordance with the goals and objectives established for the department by the city manager.

§ 4. Authorized Positions

(a) *Table of Authorized Positions.* The department shall consist of the commissioner and include a building commissioner, a director of housing, a director of health inspections and such other personnel as the city council, with the advice of the city manager, shall authorize by adoption of the table of authorized positions in the annual city budget, as the same may be amended from time to time.

(b) *Manner of Appointment.* Each position in the department shall be filled by appointment of the city manager and each such appointee shall, unless otherwise expressly provided by law, serve at the pleasure of the city manager.

§ 5. Organization of Department

(a) *Establishment of Divisions.* The department shall be organized into the following divisions for the following purposes:

Administration Division – to assist the commissioner in the performance of the duties and responsibilities as the of the head of the department;

Building and Zoning Division – to provide information, assistance and enforcement of building, zoning, housing and architectural access codes, laws, ordinances and regulations, and to administer, advise and assist the license commission in the performance of its public responsibilities.

Housing Division – to focus on issues affecting the housing stock and to provide information, assistance and enforcement of the state sanitary code and any other state law or city ordinance, rule or regulation concerning places of human habitation.

Health Inspection Division – to provide inspections, education and enforcement of all laws, codes, regulations and ordinances relating to human health and safety.

(b) *Duties & Responsibilities of Division Heads.* In addition to the special duties and responsibilities stated below for each division in the department, the head of each division shall also have the duty and responsibility to:

- (1) assist the commissioner in the performance of duties and responsibilities of the head of the department and perform such other duties as may be assigned or requested by the commissioner or otherwise prescribed by law;
- (2) manage the budget for the division, which shall include all items of revenue and ordinary maintenance, salary and capital expenditures, in accordance with the policies and requirements of the city manager, chief financial officer, the city auditor or the commissioner;
- (3) supervise the personnel assigned to the division by assigning tasks and establishing work priorities, deadlines and work schedules for employees in the division; training employees in the specialized tasks of the division; evaluating the performance of individual employees in the department, recommending promotions and honors and disciplining personnel at any

- level authorized by the commissioner up to and including suspensions for no more than five working days;
- (4) administer the award and implementation of contracts concerning matters under the responsibility of the division and payable from funds appropriated to the division;
 - (5) keep the commissioner informed of all matters pertaining to the activities, operations, programs, services, personnel, expenditures and receipts of the division;
 - (6) recommend to the commissioner implementing the rules, policies and practices governing the operations of the department as are approved by the commissioner; prepare, implement and evaluate division operations, programs and projects in accordance with the goals and objectives established for the division by the commissioner;
 - (7) ensure that all actions of the division are taken in accordance with all applicable laws, ordinances, regulations, contractual obligations, city executive orders and policies (including the financial procedures established by the city auditor) and the directives of the commissioner;
 - (8) make recommendations to the commissioner on changing or initiating any policy, operation, program or service to the public;
 - (9) prepare prompt and thorough responses to requests for reports, memoranda, opinions or other documents or actions as may be requested by the commissioner; and,
 - (10) maintain any property assigned to the division by the commissioner.

(c) *Management of Multiple Divisions.* The commissioner, with the advice and consent of the city manager, may also serve as the head of any division and may assign the responsibilities of any two or more divisions to one individual in the service of the department.

§ 6. Administration Division

(a) *Division Head.* The director of administration shall head the division and shall have the assistance of such other personnel as shall be assigned by the commissioner.

(b) *Duties and Responsibilities.* The director of administration of the department shall:

- (1) manage the processing of payroll, purchasing, contracts, and personnel documentation for the department; and,
- (2) assist the commissioner in the performance of his or her duties and responsibilities as the head of the department; and,
- (3) perform the duties and responsibilities described in section 5(b)(1-10) above.

§ 7. Building and Zoning Division

(a) *Division Head.* The building commissioner shall head the division and shall have the assistance of such other personnel as shall be assigned by the commissioner.

(b) *Duties & Responsibilities.* The building commissioner shall be responsible for the performance of the functions of the division and shall:

- (1) possess and exercise all of the powers, duties and responsibilities vested by section three of chapter one hundred forty three of the General Laws in a building commissioner, including the authority to:
 - (A) administer and enforce the state building code pursuant to chapter one hundred forty three of the General Laws and the regulations adopted pursuant thereto;
 - (B) administer and enforce the provisions of the architectural access board pursuant to chapter twenty-two, section thirteen A, of the General Laws and the regulations adopted pursuant thereto;
 - (C) administer and enforce the Zoning Ordinance adopted pursuant to chapter forty A of the General Laws; and,
 - (D) perform, in the absence of the director of housing, the duties vested by chapter one hundred twenty-seven A of chapter one hundred eleven of the General Laws, or any other statute, in a commissioner of housing inspection.
- (2) provide information and assistance concerning the potential application of the state building code, the architectural access regulations, the zoning ordinance and the state sanitary code to any person interested in or planning on developing, renovating or constructing new or existing buildings or property;
- (3) exercise every authority provided by law to enforce building, housing and architectural access codes, laws, ordinances and regulations;
- (4) organize multi-agency enforcement teams and to participate with personnel from other city agencies in joint inspection teams which may be established by the city manager;
- (5) serve as the clerk and keeper of the records of the license commission; and
- (6) perform the duties and responsibilities described in section 5(b)(1-10) above.

(c) *Reporting Authority.* When administering and enforcing the state building code as well as the requirements of the architectural access board, the building commissioner shall be directly responsible to the city manager. In all other respects, including the administration and enforcement of the zoning ordinance, the building commissioner shall report to the commissioner. This provision shall not apply when the positions of commissioner and building commissioner are held by the same individual.

§ 8. Housing Division

(a) *Division Head.* The director of housing shall head the division and shall have the assistance of such other personnel as shall be assigned by the commissioner.

(b) *Duties & Responsibilities.* The director of housing shall:

- (1) perform the duties vested by chapter one hundred twenty-seven A of chapter one hundred eleven of the General Laws, or any other statute, in a commissioner of housing inspection;
- (2) provide information and assistance concerning the potential application of the state sanitary code and any ordinance, rule or regulation of the city to any person interested in or planning on developing, renovating or constructing new or existing housing ;
- (3) manage the programs and activities of the division;
- (4) perform such additional duties as may be assigned from time to time by the commissioner; and,
- (5) perform the duties and responsibilities described in section 5(b)(1-10) above.

§ 9. Health Inspection Division

(a) *Division Head.* The director of health inspection shall head the division and shall have the assistance of such other personnel as shall be assigned by the commissioner.

(b) *Duties & Responsibilities.* The director of health inspection shall:

- (1) administer and manage the regulatory and inspectional services programs and activities of the division under the administrative superintendence of the commissioner of inspectional services, such programs and activities to include air & water safety and quality, lead paint, food protection, animal control and weights and measures;
- (2) administer, manage, implement and enforce the policies and regulations adopted by the commissioner of public health acting as the board of health established under article one of these ordinances;
- (3) keep the commissioner of inspectional services informed of the activities of the division and the information gathered by the division concerning health inspection and enforcement issues;
- (4) coordinate the department's inspection and enforcement activities with other agencies;
- (5) manage the programs and activities of the division;
- (6) investigate complaints and enforce the laws, ordinances, codes or regulations administered by the division; and,
- (7) perform the duties and responsibilities described in section 5(b)(1-10) above.

(c) *Inspectors of Animals.* Inspectors of animals shall be appointed annually by the city manager for a term of one year in accordance with the General Laws, chapter one hundred twenty nine, section fifteen.

§10. License Commission

(a) *Establishment of the License Commission.* Under authority of chapter 461 of the Acts of 1914 and section fifty-four of chapter 444 of the Acts of 1893, and Article Six of the Home Rule Charter, there is hereby established under the jurisdiction of the city manager a regulatory commission of the city to be known as the “License Commission” (“commission”).

(b) *Membership.* The commission shall consist of three persons, residents of the city, who shall be appointed by the city manager. The members of the commission shall serve terms of four years, which shall begin on January first and end on December thirty-first four years hence and shall be staggered as such that no two terms shall expire at the same time. Vacancies shall be filled for the unexpired portion of the term vacated. The city manager shall annually designate one member of the commission as its chair.

(c) *Duties & Responsibilities.* The commission shall have the duty and responsibility to:

- (1) perform all actions and issue licenses authorized by chapter one hundred thirty eight of the General Laws relative to the sale of alcoholic beverages, wines or malt beverages;
- (2) establish reasonable fares for the conveyance of passengers in taxicabs, liveries, or any other truck, wagon or vehicle licensed under these Revised Ordinances;
- (3) issue regulations governing the operation of taxicabs and liveries or other Uber-type vehicles-for-hire or ride-sharing vehicles in accordance with the relevant provisions of the General Laws and these Revised Ordinances; and, enforce said ordinances and regulations through the chief of police and such other personnel as may be assigned to the commission by the city manager;
- (4) conduct hearings on complaints and decide questions of the suspension or revocation of any taxicab, livery or other Uber-type vehicles-for-hire or ride-sharing vehicle license issued under these Revised Ordinances;
- (5) perform all actions and issue any other license required by the General Laws to be issued or enforced by a local license commission;
- (6) organize multi-agency enforcement teams and to participate with personnel from other city agencies in joint inspection teams which may be established by the city manager;
- (7) hear all appeals on decisions made by any licensing authority concerning any license issued under chapter eleven of these Revised Ordinances;
- (8) perform all duties required of it by any other provision of these Revised Ordinances;

- (9) perform any function or take any other action prescribed or authorized by law concerning the issuance of licenses by local licensing authorities; and,
- (10) make and issue rules and regulations in accordance with law for the conduct of its affairs.



Eric D. Batista
City Manager

CITY OF WORCESTER

March 28, 2023

TO THE WORCESTER CITY COUNCIL

COUNCILORS:

The attached communication transmitting an edited reorganization ordinance for the Executive Office of Diversity, Equity & Inclusion, as received from Michael E. Traynor, City Solicitor, is forwarded for the consideration of your Honorable Body.

Respectfully submitted,

Eric D. Batista
City Manager



To: Eric D. Batista, City Manager
From: Michael E. Traynor, City Solicitor
Date: March 28, 2023
Re: Edited Reorganization Ordinance – Executive Office of Diversity, Equity & Inclusion

A change was made to the proposed reorganization ordinance for the Executive Office of Diversity, Equity & Inclusion just prior to the deadline for posting the February 7, 2023, meeting agenda. As a result, some related editing to the document was overlooked. The enclosed document contains the necessary editing of the proposed ordinance.

The edits to the originally proposed EODEI ordinance are as follows:

§ 3(c)(7) – deleted. Covered elsewhere. (page 3)

§ 3(c)(7)-(10) - insert four additional duties and responsibilities relative to the Status of Women Committee and Commission on Latino Affairs (page 3)

§ 4(a) – edit list of division heads (page 3)

§ 9(d) – correct director's title (page 7)

§ 9(i) – correct director's title (page 8)

§ 10(d)(1)(D) – correct director's title (page 9)

I am submitting the entire package of documents (Enacting Ordinance, Exhibit A and Exhibit B) to be substituted for the documents previously submitted when the City Council votes to advertise the proposed ordinances.

Sincerely,

Michael E. Traynor
City Solicitor

A REORGANIZATION ORDINANCE RENAMING THE EXECUTIVE OFFICE OF DIVERSITY AND INCLUSION AS THE EXECUTIVE OFFICE OF DIVERSITY, EQUITY & INCLUSION, MOVING THE ACCESSIBILITY AND THE HUMAN RIGHTS DIVISIONS, TOGETHER WITH THE ACCESSIBILITY ADVISORY COMMISSION, HUMAN RIGHTS COMMISSION, STATUS OF WOMEN COMMITTEE AND THE COMMISSION ON LATINO AFFAIRS FROM THE DEPARTMENT OF HEALTH & HUMAN SERVICES TO THE EXECUTIVE OFFICE OF DIVERSITY, EQUITY & INCLUSION, AND ELIMINATING THE DIVERSITY INCLUSION ADVISORY COMMITTEE

Whereas, in 2015, the City Council, acting upon the recommendation of the City Manager and under Article VI of the Home Rule Charter, adopted a Comprehensive Reorganization Plan containing a new Revised Ordinances of 2015, Part Two, Organization of City Agencies; and,

Whereas, from time-to-time certain modifications to the organizational structure of the city government are necessary and proper to enhance the efficient delivery of services to the citizens of Worcester; and,

Whereas, the city manager has recommended modifying the 2015 Comprehensive Reorganization Plan to rename the Executive Office of Diversity and Inclusion; to move the Accessibility and Human Rights Divisions, together with the Accessibility Advisory Commission, the Human Rights Commission, the Status of Women Committee and the Commission on Latino Affairs to the Executive Office of Diversity, Equity & Inclusion, and to eliminate the Diversity Inclusion Advisory Committee;

Now, Therefore, Be it Ordained by the City Council of the city of Worcester, as follows:

§ 1. The Revised Ordinances of 2015, Organization of City Agencies, are hereby amended by deleting the existing Article Fifteen in its entirety and inserting in lieu thereof the new Article Fifteen, the text of which is attached hereto as Exhibit A and incorporated herein by reference.

§ 2. The Revised Ordinances of 2015, Organization of City Agencies, are hereby further amended by deleting the existing Article Ten in its entirety and inserting in lieu thereof the new Article Ten, the text of which is attached hereto as Exhibit B and incorporated herein by reference.

§ 3. The repeal of the ordinances accomplished by section two hereof shall not impair any lawful action taken under authority of the ordinances previously in effect.

§ 4. Nothing herein shall repeal or impair any executive order, directive or administrative policy issued by the city manager.

§ 5. In accordance with Article Six of the city charter, the ordinance may be enacted on the date it is adopted or the expiration of ninety (90) days.

Exhibit A – Executive Office of Diversity, Equity & Inclusion Cabinet Level

Article 15. Executive Office of Diversity, Equity & Inclusion

- § 1. Establishment
- § 2. Function
- § 3. Head of Department Personnel
- § 4. Authorized Positions
- § 5. Organization of Department
- § 6. Human Rights and Accessibility Division
- § 7. Investigations Division
- § 8. Training & Development Division

Related Board and Commission:

- § 9. Accessibility Advisory Commission
 - § 10. Human Rights Commission
 - § 11. Status of Women Committee
 - § 12. Commission on Latino Affairs
-

§ 1. Establishment

Under authority of Article Six of the Home Rule Charter there is hereby established under the jurisdiction of the city manager a department of the city to be known as the “Executive Office of Diversity, Equity & Inclusion” (“office”).

§ 2. Function

It shall be the function of the office to administer the diversity, equity, and inclusion functions of the city, including, developing programs that promote diversity within the city workforce, and promote the development of programs that promote diversity of the city workforce, through training and new initiatives.

§ 3. Head of Department

(a) *Department Head.* The office shall be headed by a chief equity officer, who shall be appointed by and shall serve at the pleasure of the city manager.

(b) *General Duties and Responsibilities.* The chief equity officer shall be responsible for the performance of the functions of the office and shall:

- (1) have management responsibility and general superintendence over the functions, programs, services, operations, activities and facilities of the office;
- (2) supervise the personnel in the office by establishing rules, policies and practices governing the operations of the office; assigning tasks and establishing priorities, deadlines and work schedules; approving requests for vacation leave and other

time off; training employees in the specialized tasks of the office; evaluating the performance of individual employees in the office, recommending promotions and honors and disciplining personnel at any level including suspensions for no more than five working days;

- (3) keep the city manager informed of the activities and needs of the office and provide the city manager with information developed by the office which would have a material impact on the financial condition of the city;
- (4) seek the advice of the city manager prior to changing any existing policy or initiating any new program or service within the office;
- (5) prepare prompt and thorough responses to requests for reports, memoranda, opinions or other documents or actions as may be requested by the city manager;
- (6) perform such other tasks and functions as may be requested by the city manager;
- (7) ensure that all actions of the office are taken in accordance with all executive orders and administrative directives issued by the city manager, the financial procedures established by the city manager and the city auditor, the provisions of these Revised Ordinances, the Home Rule Charter, the Constitutions and laws of the Commonwealth and the United States of America;
- (8) have care, custody and control of the property, including real property interests, personal property and tangible and intangible property, as has been, or may be, allocated to the office by the city manager and the city council;
- (9) determine the priorities of the office and to prepare long-range strategic plans and objectives consistent with the strategic direction of the city manager;
- (10) prepare, monitor and manage the budget for the office, which shall include ordinary maintenance, salary and capital expenditures, in accordance with the format prescribed and the directives issued by the city manager;
- (11) and prepare, implement, evaluate and improve office operations, programs and projects in accordance with the goals and objectives established for the office by the city manager.

(c) *Specific Duties & Responsibilities.* The chief equity officer shall:

- (1) develop, implement and monitor programs that promote diversity within the city workforce; serve as the city manager's advisor on equal opportunity matters in conjunction with the city's Human Rights Commission;
- (2) develop training and initiatives to create and foster an open and inclusive work environment;
- (3) implement the policy of equal employment opportunities contained in the city affirmative action plan;
- (4) receive, review and make recommendations to the city manager on affirmative action programs, goals, objectives and timetables;
- (5) collect and analyze data relative to equal employment opportunity for city departments; monitor and evaluate the city's personnel hiring employment

- patterns and practices; contract compliance efforts; fair housing policies and programs; permanent jobs; program benefits; and
- (6) provide equal opportunity technical assistance to city department heads;
 - (7) personally, or through a designee, assist the status of women committee in the performance of its legal duties and responsibilities;
 - (8) personally, or through a designee, administer the affairs of the status of women committee and serve as its keeper of records;
 - (9) personally, or through a designee, assist the commission on Latino affairs in the performance of its legal duties and responsibilities; and
 - (10) personally, or through a designee, administer the affairs of the commission on Latino affairs and serve as its keeper of records.

§ 4. Authorized Positions

(a) *Table of Authorized Positions.* The office shall consist of the chief equity officer and shall include a director of human rights and accessibility, a lead investigator, a coordinator of training, and such other personnel as the city council, with the advice of the city manager, shall authorize by adoption of the table of authorized positions in the annual city budget, as the same may be amended from time to time.

(b) *Manner of Appointment.* Each position in the department shall be filled by appointment of the city manager and each such appointee shall, unless otherwise expressly provided by law, serve at the pleasure of the city manager.

§ 5. Organization of Department

(a) *Establishment of Divisions.* The department shall be organized into the following divisions for the following purposes:

Human Rights and Accessibility Division – to assure that every individual shall have equal access to and benefit from all public services, to protect every individual in the enjoyment and exercise of civil rights and to encourage and bring about mutual understanding and respect among all individuals of the city; and to bring about full and equal participation in all aspects of life in the city for all people with disabilities.

Investigations Division – to investigate complaints related to discrimination, accommodations discrimination, or other civil rights violations.

Development and Training Division – to create a diverse, equitable and inclusive workplace environment, and develop a city workforce that has the knowledge, skills, experiences, and confidence to be future leaders who value diversity, equity, and inclusion.

(b) *Duties & Responsibilities of Division Heads.* In addition to the special duties and responsibilities stated below for each division in the department, the head of each division shall also have the duty and responsibility to:

- (1) assist the chief equity officer in the performance of duties and responsibilities of the head of the office and perform such other duties as may be assigned or requested by the chief equity officer or otherwise prescribed by law;
- (2) manage the budget for the division, which shall include all items of revenue and ordinary maintenance, salary and capital expenditures, in accordance with the policies and requirements of the city manager, chief financial officer, the city auditor or the chief equity officer;
- (3) supervise the personnel assigned to the division by assigning tasks and establishing work priorities, deadlines and work schedules for employees in the division; training employees in the specialized tasks of the division; evaluating the performance of individual employees in the division, recommending promotions and honors and disciplining personnel at any level authorized by the chief equity officer up to and including suspensions for no more than five working days;
- (4) administer the award and implementation of contracts concerning matters under the responsibility of the division and payable from funds appropriated to the division;
- (5) keep the chief equity officer informed of all matters pertaining to the activities, operations, programs, services, personnel, expenditures and receipts of the division;
- (6) recommend to the chief equity officer implementing the rules, policies and practices governing the operations of the office as are approved by the chief equity officer; prepare, implement and evaluate division operations, programs and projects in accordance with the goals and objectives established for the division by the chief equity officer;
- (7) ensure that all actions of the division are taken in accordance with all applicable laws, ordinances, regulations, contractual obligations, city executive orders and policies (including the financial procedures established by the city auditor) and the directives of the chief equity officer;
- (8) make recommendations to the chief equity officer on changing or initiating any policy, operation, program or service to the public;
- (9) prepare prompt and thorough responses to requests for reports, memoranda, opinions or other documents or actions as may be requested by the chief equity officer; and,
- (10) maintain any property assigned to the division by the chief equity officer.

(c) *Management of Multiple Divisions.* The chief equity officer, with the advice and consent of the city manager, may assign the responsibilities of any two or more divisions to one individual in the service of the office.

§ 6. Human Rights and Accessibility Division

(a) *Division Head.* The division shall be headed by a director of human rights and accessibility (“director of human rights and accessibility”) who shall be appointed by, and

shall serve at the pleasure of, the city manager and shall have the assistance of such other personnel as shall be assigned by the chief equity officer.

(b) *Duties & Responsibilities.* The director of human rights and disability shall:

- (1) administer the affairs of the human rights commission and serve as the keeper of its records;
- (2) manage the programs and activities of the division;
- (3) have the power and duty to initiate complaints and investigations of discriminatory practices, report his or her findings to the commission and attempt mediation or conciliation of any complaint alleging discrimination;
- (4) perform such additional duties consistent with the human rights ordinances as may be assigned from time to time by vote of the commission;
- (5) assist the accessibility advisory commission in the performance of its legal duties and responsibilities;
- (6) administer the affairs of the accessibility advisory commission and serve as its keeper of the records;
- (7) perform the duties and responsibilities described in section 5(b)(1-10) above.

(c) *Human Rights Policy.* It is the policy of the city to assure that every individual shall have equal access to and benefit from all public services, accommodations, and employment opportunities to protect every individual in the enjoyment and exercise of civil rights and to encourage and bring about mutual understanding and respect among all individuals of the city. It is clear that behavior which denies equal treatment to any of our citizens as a result of their race, color, religious creed, national origin, sex, gender identity, sexual orientation, genetic information, ancestry, disability or source of income undermines civil order and deprives persons of the benefits of a free and open society. Nothing in this section shall be constructed as supporting or advocating any particular religious view or lifestyle. To the contrary, it is the intention of this section that all persons be treated fairly and equally, and it is the expressed intent of this ordinance to bring about the elimination of prejudice, intolerance, bigotry, discrimination, and the disorder occasioned thereby.

§ 7. Investigations Division

(a) *Division Head.* The division shall be headed by a lead investigator (“lead investigator”) who shall be appointed by, and shall serve at the pleasure of, the city manager and shall have the assistance of such other personnel as shall be assigned by the chief equity officer.

(b) *Duties & Responsibilities.* The lead investigator shall:

- (1) manage the programs and activities of the division;
- (2) have the power and duty to initiate investigations of discriminatory practices;
- (3) investigate human/civil rights complaints filed against a city employee by a city employee or a member of the public; and,
- (4) investigate human/civil rights complaints filed against an employee of the police department by a member of the public;

- (5) perform investigations on behalf of the Human Rights Commission; and,
- (6) perform the duties and responsibilities described in section 5(b)(1-10) above.

§ 8. Training & Development Division

(a) *Division Head.* The division shall be headed by a coordinator of training (“coordinator of training”) who shall be appointed by, and shall serve at the pleasure of, the city manager and shall have the assistance of such other personnel as shall be assigned by the chief equity officer.

(b) *Duties & Responsibilities.* The coordinator of training shall:

- (1) manage the programs and activities of the division;
- (2) provide training and educational programs to create a city workforce that embraces diversity, equity and inclusion;
- (3) educate the city workforce on key DEI concepts such as unconscious bias and discrimination;
- (4) promote career development in the city workforce;
- (5) provide leadership and management skills building programs; and,
- (6) perform the duties and responsibilities described in section 5(b)(1-10) above.

§ 9. Accessibility Advisory Commission

(a) Establishment of Accessibility Advisory Commission. Under authority of Article Six of the Home Rule Charter there is hereby established under the jurisdiction of the city manager an advisory board of the city to be known as the “Accessibility Advisory Commission” (“commission”).

(b) Membership. The commission shall consist of seven members appointed by the city manager for three-year terms. The terms shall be staggered such that no fewer than two terms shall expire on May thirty-first of each year. A majority of said commission members shall consist of people with disabilities, one member may be a member of the immediate family of a person with a disability. A vacancy occurring otherwise than by expiration of a term shall be filled for the unexpired term.

(c) Associate Members. The city manager may appoint up to five associates of the commission, a majority of whom shall be persons with disabilities. The terms of associates shall expire on May thirty-first of each year and shall be staggered such that no more than two terms shall expire in any given year. Associates shall not be deemed members of the commission; however, whenever any member of the commission is absent from any meeting of the commission, associates shall, upon designation by the chairperson and by order of their appointment, fill such vacancies and shall have authority to participate and vote during such meeting. In making any such designation, the chairperson shall identify the member of the commission in whose stead the associate shall act. Should any absent member arrive at a meeting after an associate has been designated to act in his or her stead, the authority of the associate to act shall cease and the member shall take his or her place with the commission.

(d) Duties & Responsibilities of the Commission. The commission shall: (1) choose annually from among its regular members a chairperson, vice chairperson and secretary, provided that it may designate the director of human rights and accessibility as its secretary; (2) research local problems of people with disabilities; (3) coordinate the activities of other local groups or individuals organized or committed to meet the needs of people with disabilities; (4) carry out programs designed to meet the problems of people with disabilities in coordination with programs of the Massachusetts Office on Disability; (5) review and make recommendations about policies, procedures, services and activities of city departments and agencies as they affect people with disabilities; (6) work in cooperation with city departments and agencies to bring about full and equal participation by people with disabilities; (7) advise and assist city officials and employees in ensuring compliance with state and federal laws and regulations that affect people with disabilities; (8) influence city policies and coordinate with programs of the Massachusetts Office on Disability; (9) encourage public awareness of disability issues; (10) provide information, referrals, guidance and technical assistance to individuals, public agencies, businesses and organizations in all matters pertaining to disability; (11) recruit and recommend prospective commission members to the city manager; and, (12) submit an annual report to the city manager stating the undertakings of the commission, its accomplishments, conclusions and recommendations concerning the status of persons with disabilities in Worcester.

(e) Commission to Act Only by Majority Vote. All actions of the commission shall be taken by majority vote of the commission members present and shall be recorded in the minutes of its meetings. No member of the commission shall claim or assert any regulatory or enforcement authority by virtue of membership on the commission. In no event shall any member of the commission claim to be acting on behalf of the commission unless such action was authorized in advance by vote of the commission.

(f) Commission Attendance Required. Any member who fails to attend any three consecutive meetings of the commission shall be deemed to have abandoned his or her membership on the commission. The commission may then recommend to the city manager that such position be declared vacant and request that a replacement be appointed and, if the city manager concurs with that recommendation, he shall then notify the member of his or her removal and proceed to fill the vacancy.

(g) Powers & Duties of the Chair. The chairperson of the commission shall have the following powers, duties and responsibilities: (1) establish the time, place and agenda for commission meetings in coordination with other commission members; (2) preside over meetings of the commission; and (3) establish sub-committees of the commission and appoint members of the commission thereto.

(h) Powers & Duties of the Vice-Chair. The vice chairperson of the commission shall exercise the powers, duties, and responsibilities of the chairperson in the event of the absence of the chairperson at any commission meeting or function or in the event of a vacancy in that position.

(i) *Duties of the Secretary of the Commission.* The secretary of the commission, either personally or through the director of human rights and accessibility, shall: (1) prepare and maintain minutes of all meetings of the commission and any of its sub-committees, which minutes shall include the date, time, place, members present or absent and the actions taken; (2) ensure that notice of all meetings is posted with the city clerk at least forty-eight hours before each meeting of the commission or any of its subcommittees; (3) maintain a file including all the correspondence and other papers received or generated by the commission or any of its sub-committees; and, (4) issue certified copies of any commission records or papers as required by law.

(j) *Acceptance of Grants.* The commission, with the approval of the city manager and a vote of the city council as provided in G.L. c. 44 § 53A, may accept in the name of the city of Worcester grants or gifts of funds from the federal government, a charitable foundation, a private corporation, an individual, or from the commonwealth or any city, town, or county thereof. All grants or gifts shall be deposited in the city treasury and may be expended without further appropriation by the commission through contracts signed by the chairperson of the commission and the city manager as required by article 5·7 of the city charter or, if the amount is less than two thousand dollars, in accordance with the regulations issued or adopted by the city manager.

§ 10. Human Rights Commission

(a) *Establishment of Human Rights Commission.* Under authority of Article Six of the Home Rule Charter and to promote the human rights policy of the city, there is hereby established under the jurisdiction of the city manager an executive board of the city to be known as the “Human Rights Commission” (“commission”).

(b) *Membership.* The commission shall consist of nine members appointed by the city manager for a term of three years provided, however, that, the terms shall be staggered such that no more than three terms expire in any one year. The commission shall annually select one of its members as its chair. The chair shall preside over the meetings of the commission. The commission shall represent a broad spectrum of the Worcester community. Any vacancy, however created, other than by expiration of a term, shall be filled by appointment by the city manager for the unexpired portion of the term.

(c) *Transition Membership.* This reorganization ordinance will consolidate the Diversity Inclusion Advisory Committee and the Human Rights. Upon the effective date of this organizational ordinance, the three remaining members of the Diversity Advisory Committee shall automatically become members of the Human Rights Commission to serve out the remainder of their current terms, and upon such expiration the membership of the Human Rights Commission shall revert to nine members.

(d) *Duties & Responsibilities of Commission.* The commission shall possess and exercise the power and duty to:

(1) conduct investigations: to receive and investigate complaints of and to initiate its own complaints and/or investigations of:

(A) the denial of equal access to and discrimination in employment, housing, education, recreation and public accommodation (regardless of the public or private source of such denial or discrimination) where such denial or discrimination against a person is based on race, color,

- religious creed, national origin, gender, age, ancestry, marital status, parental status, sexual orientation, disability or source of income;
- (B) the denial to any person of equal access to and benefit from all public services;
- (C) the violation of the enjoyment and exercise by any person of his or her civil rights; and,
- (D) the presence in the city of prejudice, intolerance, bigotry, discrimination and the disorder occasioned thereby; *provided, however*, that the director of human rights and accessibility, with notice to the commission, shall refer any allegation involving the conduct of the any city employee, including the city manager, city clerk, city auditor or the superintendent of schools, to the Massachusetts Commission Against Discrimination or other appropriate state or federal agency and shall in no event initiate or otherwise conduct any investigation or inquiry regarding these officials or employees.
- (2) hold hearings: to take testimony, administer oaths, and conduct hearings and adjudicatory proceedings in accordance with sections 9, 10 and 11 of G.L. c.30A on any matter within its jurisdiction and, with the assistance and advice of the city solicitor, subpoena witnesses, seek court orders to compel the attendance of witnesses or the production of documents or other evidence;
- (3) conduct mediation: to attempt, by mediation, to resolve any complaint over which it has jurisdiction and to recommend to the city manager or other appropriate governmental agency, federal, state or local, such action as it deems appropriate. In the conduct of any such mediation the commission may utilize not only the members and staff of the commission but such organizations as the Worcester County Bar Association, the National Association for Dispute Settlement of the American Arbitration Association and any other similar organizations;
- (4) issue orders and reports: after completion of any investigation or hearings on any complaint or matter not resolved by mediation, the commission may:
- (A) upon a finding of an "unlawful practice", as that term is defined under section 4 of G.L. c.151B, issue cease and desist orders to the party believed to be responsible for such unlawful practice; provided, however, that in no event shall the commission issue any cease and desist orders to the city, its departments and agencies, or its employees insofar as the city employee is or was acting within the scope of his or her employment.
- (B) make a written report of its recommendations and findings to:
- (i) the city manager on any matter within the manager's jurisdiction for review and implementation (including the taking of disciplinary or administrative action) as the city manager deems justified; or,
- (ii) the school committee or superintendent of schools on any matter within their jurisdiction; or

- (iii) the city council for employees under its jurisdiction; or the Massachusetts Commission Against Discrimination (MCAD) on any matter within its jurisdiction;
 - (iv) other governmental agency having jurisdiction over the matter in question, and, in all cases, urging and using its best efforts to bring about compliance with its recommendation; or
- (C) assist in securing legal representation for complainants for who, in the opinion of the commission, are indigent or facing undue financial hardship and arrange for legal representation for any complainant who, in the opinion of the commission, has a justifiable complaint which involves a matter outside of the jurisdiction of either the city manager, city council, superintendent of schools or school committee, yet one which is within the jurisdiction of the commission but must be processed by the complainant before the MCAD or some other state or federal governmental agency (or court), provided, however, that the commission shall attempt to secure such representation only for those complainants for whom undue hardship, in the opinion of the commission, would otherwise result;
- (5) review departmental policies: to review the existing policies, rules and regulations of any city department, board, commission or agency and provide its comments, conclusions and recommendations in writing to the city manager and the head or executive officer of any such city department, board, commission or agency, to the extent the foregoing regulations relate to the human rights ordinance of the city;
- (6) review departmental disciplinary actions: to review the results of any internal disciplinary action taken by any department, board, commission or agency of the city, including reports of the internal affairs division of the police department, and to make comments, conclusions and recommendations jointly to the city manager and the head or executive officer of any such department or agency to the extent such internal disciplinary investigations relate to the human rights ordinance of the city. Upon the request of the director, the head or executive officer of any department or agency of the city shall forward to the director a copy of any internal disciplinary action report at such time and only to the extent such report becomes a public record under the laws of the commonwealth. The head or executive officer of any city department or agency shall also furnish, subject to the provisions of this ordinance and with the advice and consent of the city solicitor, any other such records and information that the director may request relative to any internal disciplinary action. The director shall furnish the commission with copies of any internal disciplinary action report so received and may disclose to the commission, in an appropriate manner or setting as permitted or required by law, any other records and information received pursuant to this subsection. Any individual employed by the city, including members of the commission, the director or other staff, whether compensated or volunteers, who discloses any records or information of a personal nature or otherwise not subject to mandatory release under the

- public records law of the commonwealth, to any person, except as provided for herein, may be subjected to employee discipline by the appropriate city official or removed from the commission by the city manager, as the case may be;
- (7) issue publications: to issue such publications and such results of investigations and research as, in its judgment, will tend to promote good will and minimize or eliminate discrimination because of race, color, religious creed, national origin, sex, age or ancestry, marital status, parental status, sexual orientation, disability or source of income;
 - (8) develop training programs: to develop, in cooperation with the executive offices of human resources and employment and training as well as any federal, state or other city agency or department, programs of instruction for city employees, other municipal employees, or private sector businesses, institutions or employees concerning the elimination of prejudice, intolerance, bigotry and discrimination and the value of mutual self-respect and the achievement of harmonious relationships among all individuals;
 - (9) create committees: to create such committees from the members of the commission as, in the commission's judgment, will best aid in effectuating the provisions of this ordinance and to empower such sub-committees to study the problems of prejudice, intolerance, bigotry and discrimination existing in the city due to denial of equal treatment as a result of race, color, religious creed, national origin, gender, age, ancestry, marital status, parental status, sexual orientation, disability or source of income;
 - (10) make recommendations and annual reports: to make such recommendations to any public official or public body as, in its judgment, will effectuate the policy of this ordinance and, annually, to make a written report to the city manager of its activities. The commission's annual report to the city manager shall be made available to the public;
 - (11) make rules and regulations: to adopt rules and regulations consistent with this ordinance and the laws of the commonwealth to carry out the policy and provisions of this ordinance and the powers and duties of the commission in connection therewith; and to perform such other duties as may be prescribed under law;
 - (12) In no event shall the commission file, or in any way be a party to any criminal actions or complaints in any court of law. In all civil matters the commission shall be represented solely by the city solicitor.

(e) *Contributions*. The commission may, with the approval of the city manager and city council, on behalf of the city, accept contributions, grants, and appropriations from other governmental agencies and from civic and charitable foundations, trusts and other organizations, private or public, to effectuate the provisions of this section.

(f) *Relations with City Agencies*. Subject to the provisions of the city charter and the laws of the Commonwealth, the commission shall receive the cooperation and assistance of all city departments and agencies. The commission shall respect the privacy of all individuals. In the event the staff or members of the commission receive any documents or information of a confidential nature, or which would be exempt from disclosure under the public records law or which pertains to a subject eligible for discussion in executive session, neither the staff nor

members of the commission shall release or divulge such documents or information to parties outside of the commission, its staff, the law department or any other appropriate city official. Unless otherwise provided, herein, all city departments and agencies shall respond to commission requests for administrative and legal services within ten working days of the date of receipt of any such request.

(g) *Definitions.* For purposes of this section the following definitions shall apply:

“age” refers to the actual or supposed chronological age of an individual eighteen years or older and shall relate to claims of denial of equal treatment due to age. This shall not limit the rights of persons under age eighteen to file a complaint for other than age discrimination (e.g. race discrimination, etc.) if accompanied by a guardian, where necessary.

“disability” refers to any actual or supposed physical or mental handicap of an individual, other than legal incompetency.

“gender identity and expression” shall mean a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth. Gender-related identity may be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held as part of a person's core identity; provided, however, that gender-related identity shall not be asserted for any improper purpose.

“genetic information” shall mean any written, recorded individually identifiable information of a genetic test as defined by this section or explanation of such a result or family history pertaining to the presence, absence, variation, alteration, or modification of a human gene or genes. For purposes of this ordinance, the term genetic information shall not include information pertaining to the abuse of drugs or alcohol which is derived from tests given for the exclusive purpose of determining the abuse of drugs or alcohol.

“internal disciplinary investigation” refers to any inquiry by the city manager or head of any city department or agency to determine whether the conduct of city employees complies with the ordinances, orders, policies and procedures of the city and, if not, what disciplinary measures are appropriate, insofar as such conduct involves allegations of the impairment or violation of the civil or human rights of any individual.

“marital status” refers to the actual or supposed state of being or having been unmarried, married, separated, divorced or widowed.

“parental status” refers to the actual or supposed condition of having or not having children.

“person” includes, but is not limited to, one or more individuals, partnerships, associations, corporations, agencies, legal representatives, trustees, trustees in bankruptcy and receivers, the city and all political subdivisions, boards and commissions.

“sexual orientation” refers to actual or supposed homosexuality, heterosexuality or bisexuality or orientation or practice including, but not limited to, an orientation that may be presumed on the basis of mannerisms, physical characteristics, manner of dress or deportment, and shall be interpreted in light of the provisions of chapter 151B of the General Laws.

“source of income” refers to the actual or supposed manner or means by which an individual supports himself or herself and his or her dependents excluding the use of criminal activities as a means of support.

(h) *Construction.* The provisions of this section shall be construed liberally for the accomplishment of the purposes hereof. Nothing herein shall be construed to limit civil rights granted or hereinafter afforded by federal and state law.

(g) *Effect of State and Federal Law.* Nothing in this section shall be deemed to exempt or relieve any person from any liability, duty, penalty, or punishment provided by any present or future law of the commonwealth of Massachusetts or the United States, other than any such law which purports to require or permit the doing of any act which would be unlawful under this section.

§ 11. Status of Women Committee

(a) *Establishment of the Advisory Committee on the Status of Women.* Under authority of Article Six of the Home Rule Charter there is hereby established under the jurisdiction of the city manager an agency of the city to be known as the “Advisory Committee on the Status of Women” (“committee”).

(b) *Membership.* The committee shall consist of fifteen persons appointed by the city manager for three-year terms. The terms shall be staggered such that five terms shall expire on August thirty-first of each year. From time to time, the city manager shall designate the chair of the committee.

(c) *Duties & Responsibilities.* It shall be the function of the committee to:

- (1) encourage, promote and monitor policies and practices in the city to ensure that women enjoy the equal protection of the law, equal access to all public services and the full enjoyment and exercise of their civil rights;
- (2) formulate, encourage, promote and monitor policies and programs relating to the status of women in the city, addressing the issues of health care, domestic violence and battering, childcare, transitional housing, educational and vocational opportunities, immigrant assistance, mental health, alcohol and substance abuse;

- (3) submit annually to the city manager a report stating the undertakings of the committee, its accomplishments, conclusions, and recommendations concerning the status of women in Worcester; and,
- (4) appoint sub-committees as may be needed to carry out its responsibilities.

§ 12. Commission on Latino Affairs

(a) *Establishment of the Advisory Commission on Latino Affairs.* Under authority of Article Six of the Home Rule Charter there is hereby established under the jurisdiction of the city manager an agency of the city to be known as the “Advisory Commission on Latino Affairs” (“commission”).

(b) *Membership.* The commission shall consist of seven members appointed by, and serving at the pleasure of, the city manager for staggered terms of three years each commencing on January fifteenth of each year, provided, however, that of the initial appointees two shall serve terms of one year, two shall serve terms of two years, and three shall serve terms of three years. Members shall represent the diverse interests of the Latino communities in Worcester and, to the extent possible, reflect a balanced representation of the Latino population in Worcester. From time to time, the city manager shall designate the chair of the commission.

(c) *Duties & Responsibilities.* It shall be the function of the commission to:

- (1) encourage, promote and monitor policies and practices in the city to ensure that Latinos enjoy the equal protection of the law, equal access to all public services and the full enjoyment and exercise of their civil rights;
- (2) formulate, encourage, promote and monitor policies and programs relating to Worcester’s Latino communities;
- (3) gather and disseminate linguistic and culturally relevant information and conduct hearings and special studies concerning Worcester’s Latino communities;
- (4) increase and encourage public awareness about issues of importance to the Latinos in Worcester;
- (5) develop, coordinate, and assist other public and private organizations that serve Latinos in Worcester, including conducting training programs for community leadership;
- (6) submit biannually to the city manager a report stating the undertakings of the commission, its accomplishments, conclusions, and recommendations concerning the Latino communities in Worcester, and to meet with the city manager to present said reports; and,
- (7) appoint sub-committees as may be needed to carry out its responsibilities.

EXHIBIT B – DEPARTMENT OF HEALTH & HUMAN SERVICES CABINET LEVEL

Article 10. Department of Health & Human Services

- § 1. Establishment
- § 2. Function
- § 3. Head of Department
- § 4. Authorized Positions
- § 5. Organization of Department
- § 6. Administration Division
- § 7. Elder Affairs Division
- § 8. Public Health Division
- § 9. Transitional Housing Services Division
- §10. Veterans' Services Division

Related Boards and Commissions:

- §11. Advisory Committee on Youth
- §12. Board of Health
- §13. Elder Affairs Commission
- §14. Homelessness Commission

§ 1. Establishment

Under authority of Article Six of the Home Rule Charter there is hereby established under the jurisdiction of the city manager a department of the city to be known as the "Department of Health & Human Services" ("department").

§ 2. Function

It shall be the function of the department to improve the human spirit and condition of all residents of the city by promoting the public health, providing for the elderly, our veterans and the disabled and advancing human rights and the equality of women.

§ 3. Head of Department

(a) *Department Head.* The department shall be headed by a commissioner of health and human services ("commissioner") who shall be appointed by, and shall serve at the pleasure of, the city manager.

(b) *Duties and Responsibilities.* The commissioner shall be responsible for the performance of the functions of the department and shall:

- (1) have management responsibility and general superintendence over the functions, programs, services, operations, activities and facilities of the department and its divisions;
- (2) supervise the personnel in the department by establishing rules, policies and practices governing the operations of the department; assigning tasks and establishing priorities, deadlines and work schedules; approving requests for vacation leave and other time off; training employees in the specialized tasks of the department; evaluating the performance of individual employees in the department, recommending promotions and honors and disciplining personnel at any level including suspensions for no more than five working days;
- (3) keep the city manager informed of the activities and needs of the department and provide the city manager with information developed by the department which would have a material impact on the financial condition of the city;
- (4) attend various neighborhood and community group meetings as directed by the city manager;
- (5) seek the advice of the city manager prior to changing any existing policy or initiating any new program or service;
- (6) prepare prompt and thorough responses to requests for reports, memoranda, opinions or other documents or actions as may be requested by the city manager;
- (7) perform such other tasks and functions as may be requested by the city manager, or anyone acting under authority of the city manager;
- (8) ensure that all actions of the department are taken in accordance with all executive orders and administrative directives issued by the city manager, the financial procedures established by the city manager and the city auditor, the provisions of these revised ordinances, the home rule charter, the Constitutions and laws of the commonwealth and the United States of America;
- (9) except in the case of property placed under the care, custody and control of the board of library trustees, have care, custody and control of the property, including real property interests, personal property and tangible and intangible property, as has been, or may be, allocated to the department, or any of its divisions, by the city manager or the city council;
- (10) organize multi-agency enforcement teams and to participate with personnel from other city agencies in joint inspection teams which may be established by the city manager; and,
- (11) determine the priorities of the department and prepare long-range strategic plans and objectives consistent with the strategic direction of the city manager;
- (12) prepare, monitor and manage the budget for the department, which shall include ordinary maintenance, salary and capital expenditures, in accordance with the format prescribed and the directives issued by the city manager; and,

- (13) prepare, implement, evaluate and improve department operations, programs and projects in accordance with the goals and objectives established for the department by the city manager.

§ 4. Authorized Positions

(a) *Table of Authorized Positions.* The department shall consist of the commissioner and shall include a director of public health, a director of elder affairs, a director of human rights, a director of veterans affairs and such other personnel as the city council, with the advice of the city manager, shall authorize by adoption of the table of authorized positions in the annual city budget, as the same may be amended from time to time.

(b) *Manner of Appointment.* Each position in the department shall be filled by appointment of the city manager and each such appointee shall, unless otherwise expressly provided by law, serve at the pleasure of the city manager.

§ 5. Organization of Department

(a) *Establishment of Divisions.* The department shall be organized into the following divisions for the following purposes:

Administration Division - to assist the commissioner in the performance of the duties and responsibilities as the of the head of the department;

Elder Affairs Division - to enhance the quality of life for elders in Worcester by identifying needs, developing and implementing programs and services to meet those needs, advocating on behalf of elders and operating a focal point senior center within the city;

Public Health Division -to preserve, promote and protect the physical and mental health of the people of the city by providing public health services for the city of Worcester, including the coordination of the provision of multiple government-based services and programs to local youth and the collaboration and coordination of existing non-governmental organizations and agencies;

Transitional Housing Services Division -to coordinate the provision of multiple government-based services and programs to individuals and families requiring immediate housing assistance and to administer the affairs of the commission on homelessness; and,

Veterans' Services Division - to provide services to veterans.

(b) *Duties & Responsibilities of Division Heads.* In addition to the special duties and responsibilities stated below for each division in the department, the head of each division shall also have the duty and responsibility to:

- (1) assist the commissioner in the performance of duties and responsibilities of the head of the department and perform such other duties as may be assigned or requested by the commissioner or otherwise prescribed by law;
- (2) manage the budget for the division, which shall include all items of revenue and ordinary maintenance, salary and capital expenditures, in accordance with the policies and requirements of the city manager, chief financial officer, the city auditor or the commissioner;

- (3) supervise the personnel assigned to the division by assigning tasks and establishing work priorities, deadlines and work schedules for employees in the division; training employees in the specialized tasks of the division; evaluating the performance of individual employees in the department, recommending promotions and honors and disciplining personnel at any level authorized by the commissioner up to and including suspensions for no more than five working days;
- (4) administer the award and implementation of contracts concerning matters under the responsibility of the division and payable from funds appropriated to the division;
- (5) keep the commissioner informed of all matters pertaining to the activities, operations, programs, services, personnel, expenditures and receipts of the division;
- (6) recommend to the commissioner implementing the rules, policies and practices governing the operations of the department as are approved by the commissioner; prepare, implement and evaluate division operations, programs and projects in accordance with the goals and objectives established for the division by the commissioner;
- (7) ensure that all actions of the division are taken in accordance with all applicable laws, ordinances, regulations, contractual obligations, city executive orders and policies (including the financial procedures established by the city auditor) and the directives of the commissioner;
- (8) make recommendations to the commissioner on changing or initiating any policy, operation, program or service to the public;
- (9) prepare prompt and thorough responses to requests for reports, memoranda, opinions or other documents or actions as may be requested by the commissioner; and,
- (10) maintain any property assigned to the division by the commissioner.

(c) *Management of Multiple Divisions.* The commissioner, with the advice and consent of the city manager, may assign the responsibilities of any two or more divisions to one individual in the service of the department.

§ 6. Administration Division

(a) *Division Head.* The division shall be headed by a director of administration (“director of administration”) who shall be appointed by, and shall serve at the pleasure of, the city manager .and shall have the assistance of such other personnel as shall be assigned by the commissioner.

(b) *Duties and Responsibilities.* The director of administration of the department shall:

- (1) manage the processing of payroll, purchasing, contracts, and personnel documentation for the department; and,
- (2) assist the commissioner in the performance of his or her duties and responsibilities as the head of the department; and,

- (3) perform the duties and responsibilities described in section 5(b)(1-10) above.

§ 7. Elder Affairs Division

(a) *Division Head.* The division shall be headed by a director of elder affairs (“director of elder affairs”) who shall be appointed by, and shall serve at the pleasure of, the city manager and shall have the assistance of such other personnel as shall be assigned by the commissioner.

(b) *Duties & Responsibilities.* The director of elder affairs shall:

- (1) administer the affairs of the commission and the senior center committee;
- (2) administer the programs and activities of the division;
- (3) collect facts and statistics and to conduct special studies affecting the health and welfare of the elderly population of the city;
- (4) encourage the development of programs for the elderly in Worcester;
- (5) identify the needs of the community's older population;
- (6) educate and to enlist the support of the community on the needs of the elderly;
- (7) promote the coordination of programs designed for the elderly in Worcester;
- (8) advise the public agencies of the city on matters affecting the elderly;
- (9) prepare reports to the commission and the city manager on state and federal legislation concerning the elderly, including but not limited to state and federal funds and programs available to the elderly;
- (10) cooperate with the executive office of elder affairs of the commonwealth;
- (11) manage and operate a senior center facility, which shall be the land and buildings acquired by the city of Worcester and located on Providence Street between Winthrop Street and Spurr Street (“senior center”);
- (12) encourage and assure within the senior center the maximum level of coordination, collaboration and co-location of individuals and organizations, public and private, engaged in the delivery of services, programs and activities of interest to elders, such as: health insurance, caregiver, benefit and employment counseling services; medical and screening clinics; information and referral services on the issues of health, housing, transportation, education, legal assistance, consumer protection, public safety and support groups; on-site and delivered meals and emergency food distribution; literacy, citizenship and English-as-a-second-language instruction; vocational, cultural and computer programs; senior outreach; senior travel; recreational and wellness programs; dances; gardening; story telling; concerts and entertainment; transportation; day care for elders; and, child care for grandparents raising grandchildren;
- (13) execute on behalf of the department any contract, lease or any other legal document. Any such document involving two thousand dollars or more shall not be binding unless it is also signed by the city manager; and,

- (14) perform the duties and responsibilities described in section 5(b)(1-10) above.

§ 8. Public Health Division

(a) *Establishment of the Public Health Division.* Under authority of Article Six of the Home Rule Charter and chapter 120 of the acts of 2014, there is hereby established within the office and under the jurisdiction of the city manager a division of the executive office of the city manager to be known as the “Public Health Division” (“division”).

(b) *Division Head.* The division shall be headed a director of public health who shall be appointed by, and shall serve at the pleasure of, the city manager. The director of public health shall be qualified by receipt of either: i) the degree of doctor of medicine from a medical school accredited by the American Medical Association; or, (ii) a masters degree in public health or a field related to public health together with such practical experience and education in public health work as deemed suitable by the city manager. The director of public health shall have the assistance of such other personnel as may appear on the annual table of authorized positions or who may be assigned by the head of the executive office.

(c) *Duties & Responsibilities.* The director of public health shall:

- (1) preserve, promote and protect the physical and mental health of the inhabitants of the city by developing and revising a public health program of the city and providing advice to the board of health and city manager on public health issues;
- (2) administer and manage the tobacco control unit, the public health nursing, tobacco and burial permit units, including such educational, behavioral, prevention and tracking programs and activities related to any of these functions of as may be developed by the division under the general superintendence of the commissioner of public health;
- (3) keep the board of health and the city manager informed of the activities of the division and the information gathered by the division concerning public health issues;
- (4) administer the affairs of the board of health and serve as the keeper of its records, minutes and other papers; and,
- (5) perform the administrative duties and responsibilities described in section 5(b)(1-10) above.

(d) *Medical Director.* The division shall also include the position of “medical director” who shall be qualified by receipt of the degree of doctor of medicine from a medical school accredited by the American Medical Association and who shall be appointed by, and serve at the pleasure of, the city manager.

(e) *Emergencies.* In the event of an emergency requiring immediate action in the interest of public health where it is not practicable for the board of health to convene, the medical director shall be authorized to issue any orders reasonably necessary to address any such public health emergency and to issue emergency regulations on behalf of the

board of health until such time as the board may convene to ratify revise or rescind any such regulation so issued. In the event that such medical director is not immediately available in such emergency, such authority shall be exercised by the director of public health. Any such emergency order shall be subject to the superseding authority of the city manager acting in his or her capacity under the city charter as the chief conservator of the peace of the city.

(f) *Vacancies.* In the event of a vacancy or temporary absence in either the office of director of public health or the office of medical director, the city manager may appoint any person he or she deems suitable to perform the duties of such office until the vacancy is filled or the absence terminated.

(g) *Youth Services Office.* The board of health – public health division shall also include a youth services office which shall be headed by a youth services coordinator, who shall be appointed by and serve at the pleasure of the city manager and shall have the assistance of such personnel as shall be assigned by the director of public health and shall have the following duties and responsibilities:

- (1) identify and coordinate the provision of multiple government-based services and programs to local youth and collaborate and coordinate with existing non-governmental organizations and agencies, the business community and service providers involving youth programs, employment and services;
- (2) identify and coordinate various governmental and non-governmental funding sources for youth programs, employment and services;
- (3) assist the Advisory Committee on Youth in the creation and updating of an *Agenda for Youth*, a five-year plan containing recommendations for jobs, programs, services and initiatives to benefit youth;
- (4) assist the Advisory Committee on Youth in the development of performance measurements and benchmarking criteria to quantify the impact of youth programs;
- (5) assist the Advisory Committee on Youth in the development of recommendations to the city manager on legislative initiatives for the benefit of youth;
- (6) advise the city manager and the Advisory Committee on Youth on matters affecting youths;
- (7) administer and keep the records of the Advisory Committee on Youth;
and,
- (8) assist the director of public health in the performance of the duties and responsibilities of the head of the office and perform such other duties as may be assigned or requested by the director of public health or otherwise prescribed by law;
- (9) manage the budget for the office, which shall include all items of revenue and ordinary maintenance, salary and capital expenditures, in accordance with the policies and requirements of the city manager, chief financial officer, the city auditor or the director of public health;

- (10) supervise the personnel assigned to the office by assigning tasks and establishing work priorities, deadlines and work schedules for employees in the office; training employees in the specialized tasks of the office; evaluating the performance of individual employees in the office, recommending promotions and honors and disciplining personnel at any level authorized by the assistant city manager;
- (11) administer the award and implementation of contracts concerning matters under the responsibility of the office and payable from funds appropriated to the office;
- (12) keep the director of public health informed of all matters pertaining to the activities, operations, programs, services, personnel, expenditures and receipts of the office;
- (13) recommend to the director of public health implementing the rules, policies and practices governing the operations of the office as are approved by the director of public health;
- (14) prepare, implement and evaluate division operations, programs and projects in accordance with the goals and objectives established for the division by the director of public health;
- (15) ensure that all actions of the division are taken in accordance with all applicable laws, ordinances, regulations, contractual obligations, city executive orders and policies (including the financial procedures established by the city auditor) and the directives of the director of public health;
- (16) make recommendations to the director of public health on changing or initiating any policy, operation, program or service to the public;
- (17) prepare prompt and thorough responses to requests for reports, memoranda, opinions or other documents or actions as may be requested by the director of public health; and,
- (18) maintain any property assigned to the office by the director of public health.

§9. Transitional Housing Services Division

(a) *Division Head.* The division shall be headed by a director of transitional housing services (“director of transitional housing services”) who shall be appointed by, and shall serve at the pleasure of, the city manager .and shall have the assistance of such other personnel as shall be assigned by the commissioner.

(b) *Duties & Responsibilities.* The director shall:

- (1) develop, maintain and implement plans for the relocation of individuals and families displaced from their housing due to code or housing enforcement or other actions of the city;
- (2) assist the Commission on Homelessness in the implementation, monitoring and updating of the *Multi-Year Plan to End Homelessness in Worcester* as originally developed by the city manager’s task force on homelessness and presented to the city council on December 3, 2007;

- (3) conduct periodic reviews of the needs of homeless individuals and families;
- (4) assist the Commission on Homelessness in the development of performance measurements and benchmarking criteria to quantify the impact of homelessness programs;
- (5) assist the Commission on Homelessness in the development of recommendations to the city manager on legislative initiatives consistent with the *Multi-Year Plan to End Homelessness in Worcester*;
- (6) identify and coordinate the provision of multiple government-based services and programs to local youth and collaborate and coordinate with existing non-governmental organizations and agencies, the business community and service providers involving homelessness programs and services;
- (7) administer and keep the records of the Commission on Homelessness; and,
- (8) perform the duties and responsibilities described in section 5(b)(1-10) above.

§ 10. Veterans' Services Division

(a) *Division Head.* The division shall be headed by a director of veterans' services ("director of veterans' services") who shall be appointed by, and shall serve at the pleasure of, the city manager and shall have the assistance of such other personnel as shall be assigned by the commissioner.

(b) *Duties & Responsibilities.* The director shall:

- (1) administer and manage the programs and activities of the division under the general superintendence of the commissioner;
- (2) perform all duties prescribed by chapter one-hundred fifteen of the General Laws;
- (3) administer the disbursement of veterans' benefits;
- (4) provide services to veterans, members of the armed forces, their families and their dependents;
- (5) provide information and advice to veterans as may be necessary to enable them to procure the benefits to which they are entitled;
- (6) maintain close cooperation with state and federal agencies established for the aid of veterans; and,
- (7) perform the duties and responsibilities described in section 5(b)(1-10) above.

§ 12. Advisory Committee on Youth

(a) *Establishment of the Advisory Committee on Youth.* Under authority of Article Six of the Home Rule Charter there is hereby established under the jurisdiction of the city manager an advisory board of the city to be known as the "Advisory Committee on Youth" ("committee").

(b) *Membership of the Advisory Committee on Youth.* The committee shall consist of fifteen regular members appointed by the city manager for terms of three years, which terms shall be staggered such that no more than five terms shall expire on December thirty-first of each year. The city manager shall designate from the membership of the committee a chair and vice-chair. The members of the committee shall consist of representatives of the following entities or, in the event that such agencies or entities are unable to provide representatives, the city manager may select individuals from other organizations as he or she deems appropriate to further the purposes of this provision:

- (3) Youth Serving Organizations
- (1) Social Service Provider
- (1) Health Care Provider
- (1) Economic Development or Business Provider
- (1) Youth Coalition
- (2) Parents
- (1) Mental Health / Substance Abuse Treatment Provider
- (1) Workforce Development Board member
- (1) Philanthropic Organization
- (2) Higher Education
- (1) Faith Based Provider

(c) *City Representatives of the Advisory Committee on Youth.* The city manager may augment the committee by assigning city personnel from any city agency under the jurisdiction of the city manager to serve, ex officio, as associate members of the committee. Such city personnel may participate on the same basis as the members of the committee but shall have no vote and shall not be counted to establish the presence of a quorum at any meeting of the committee. The city manager may also request the superintendent of the Worcester Public Schools to assign a member of that department to serve as an associate member of the committee.

(d) *Duties & Responsibilities of the Advisory Committee on Youth.* The committee shall:

- (1) assist the youth services coordinator in identifying government and non-governmental based programs, employment and services for local youth;
- (2) create, adopt and periodically update a five-year plan to be known as the "Agenda for Youth" which shall contain recommendations for jobs, programs, services and initiatives to benefit youth;
- (3) assist the youth services coordinator in the development of performance measurements and benchmarking criteria to quantify the impact of youth programs;
- (4) assist the youth services coordinator in the development of recommendations to the city manager on legislative initiatives for the benefit of youth;

- (5) advise the youth services coordinator and the city manager on matters affecting youths;
- (6) provide the city manager an annual report stating the undertakings of the committee, its accomplishments, conclusions and recommendations concerning the matters under its jurisdiction.

§ 12. Board of Health

(a) *Establishment of Board of Health.* Under authority of chapter 120 of the Acts of 2014 and Article Six of the Home Rule Charter, there is hereby established under the jurisdiction of the city manager a board of the city to be known as the “Board of Health” (“board of health” or “board”).

(b) *Membership of Board of Health.* The board shall consist of five members appointed by the city manager for staggered terms of five years each. The city manager shall designate one member as the chair of the board. The composition of the board shall represent the diversity of the city and shall be drawn from the business, educational, public health, engineering and legal communities of Worcester with individuals who exhibit the 21st Century skills of collaboration, critical thinking, communications and creativity. The initial appointments to the board shall consist of one member for one year one member for two years one member for three years one member for four years and one member for five years. Thereafter all members shall serve terms of five years and may continue thereafter as members of the board until the appointment and confirmation of their successor who shall serve for the balance of the term into which they were appointed. All members may be reappointed in accordance with the provisions and limitations of the city charter. All members shall serve at the pleasure of the city manager except that no member shall be removed from office solely on account of any vote or position taken on any matter pending before or decided by the board.

(c) *Duties & Responsibilities of the Board of Health.* The board shall:

- (1) exercise any or all of the authority vested in boards of health by section thirty-one of chapter one hundred-eleven of the general laws or any other general law relative to boards of health in cities and towns, except that the board of health shall have no power of appointment;
- (2) promulgate guidelines and regulations concerning the medical activities of the division of public health division established under this article;
- (3) provide programmatic supervision over the activities of the public health division established under this article; and,
- (4) perform such other duties as assigned by the city manager or as may be prescribed by law.

(d) *Conflicts of Interest.* No member of the board of health or any advisory committee associated with it shall receive compensation either from the city or from any other institution or person for their service as a member of the board. The provisions of chapter two hundred and sixty-eight A shall apply to all members of the board. In the event that the director of public health, the medical director, or any member of the board is unable to

act on any particular matter due to a potential conflict of interest the city manager may appoint a temporary member to act in his or her place in that particular matter.

§ 13. Elder Affairs Commission - Elder Affairs Division

(a) *Establishment of Commission on Elder Affairs.* Under authority of the General Laws, chapter forty, section eight B, and Article Six of the Home Rule Charter, there is hereby established under the jurisdiction of the city manager an executive board of the city to be known as the “Commission on Elder Affairs” (“commission”).

(b) *Membership on the Commission on Elder Affairs.* The commission shall consist of fifteen members appointed by the city manager for terms of three years. The terms shall be staggered such that five terms shall expire on October thirty-first of each year.

(c) *Membership on the Senior Center Committee.* The city manager shall designate five members of the commission to serve as a standing committee of the commission and known as the “senior center committee”.

(d) *Appointment of Chairs.* The city manager may, from time to time, designate one member of the commission as the chair of the commission and one member of the senior center committee of the commission as the chair of the senior center committee.

(e) *Duties & Responsibilities of the Commission on Elder Affairs.* The commission shall:

- (1) have general superintendence of the senior center;
- (2) make and enforce such rules and regulations as may be necessary or desirable for the efficient operation of the senior center; provided, that no such rule or regulation shall be voted upon by the commission unless it has first received a recommendation of the senior center committee as to the advisability of any rule or regulation;
- (3) establish standing or ad hoc committees for the conduct of its affairs; and,
- (4) may adopt rules of procedure for the operation of the commission and any committees so formed.

(f) *Duties & Responsibilities of the Senior Center Committee.* The senior center committee shall:

- (1) address all matters concerning the management and operation of the senior center; and,
- (2) make reports and recommendations to the commission on all items it considers. No recommendation of the senior center committee shall be deemed adopted unless and until it is approved by majority vote of the commission.

(g) *Division Head.* The director of elder affairs shall head the elder affairs division and shall have the assistance of such other personnel as shall be assigned by the city manager.

- (h) *Duties & Responsibilities.* The director of elder affairs shall:
- (1) administer the affairs of the commission on elder affairs and the senior center committee of the commission on elder affairs;
 - (2) administer the programs and activities of the division;
 - (3) collect facts and statistics and to conduct special studies affecting the health and welfare of the elderly population of the city;
 - (4) encourage the development of programs for the elderly in Worcester;
 - (5) identify the needs of the community's older population;
 - (6) educate and to enlist the support of the community on the needs of the elderly;
 - (7) promote the coordination of programs designed for the elderly in Worcester;
 - (8) advise the public agencies of the city on matters affecting the elderly;
 - (9) prepare reports to the commission and the city manager on state and federal legislation concerning the elderly, including but not limited to state and federal funds and programs available to the elderly;
 - (10) cooperate with the executive office of elder affairs of the commonwealth;
 - (11) manage and operate a senior center facility, which shall be the land and buildings acquired by the city of Worcester and located on Providence Street between Winthrop Street and Spurr Street ("senior center");
 - (12) encourage and assure within the senior center the maximum level of coordination, collaboration and co-location of individuals and organizations, public and private, engaged in the delivery of services, programs and activities of interest to elders, such as: health insurance, caregiver, benefit and employment counseling services; medical and screening clinics; information and referral services on the issues of health, housing, transportation, education, legal assistance, consumer protection, public safety and support groups; on-site and delivered meals and emergency food distribution; literacy, citizenship and English-as-a-second-language instruction; vocational, cultural and computer programs; senior outreach; senior travel; recreational and wellness programs; dances; gardening; story telling; concerts and entertainment; transportation; day care for elders; and, child care for grandparents raising grandchildren;
 - (13) execute on behalf of the department any contract, lease or any other legal document. Any such document involving two thousand dollars or more shall not be binding unless it is also signed by the city manager; and,
 - (14) perform the duties and responsibilities described in section 5(b)(1-10) above.

§14. Homelessness Commission

(a) *Establishment of Commission on Homelessness.* Under authority of Article Six of the Home Rule Charter, there is hereby established under the jurisdiction of the city manager an executive board of the city to be known as the "Commission on Homelessness" ("commission").

(b) *Membership.* The commission shall consist of nine members appointed by the city manager for a term of three years provided, however, that, the terms shall staggered such that no more than three terms expire in any one year. The members of the committee shall consist of one member from among those nominated by any or all the following agencies and entities:

- (1) Worcester Housing Authority;
- (2) Worcester Public Schools;
- (3) A provider of shelter;
- (4) A health care provider;
- (5) A workforce development agency;
- (6) A neighborhood crime watch or neighborhood-based organization;
- (7) A business entity operating within the city; and,
- (8) Two members not otherwise affiliated and maintaining their primary residence in the city;

(c) The commission shall represent a broad spectrum of the Worcester community. The city manager shall establish open, fair and equitable procedures for soliciting nominees from the various entities and agencies listed and shall publish such procedures for an appropriate time prior to soliciting nominees for appointment to the commission.

(d) The city manager may augment the commission by assigning city personnel from any city agency under the jurisdiction of the city manager to serve, ex officio, as associate members of the commission. Such city personnel may participate on the same basis as the members of the commission but shall have no vote and shall not be counted to establish the presence of a quorum at any meeting of the commission.

(e) The city manager shall annually designate from the membership of the commission a chair and vice-chair. The chair shall preside over the meetings of the commission. Any vacancy, however created, other than by expiration of a term, shall be filled by appointment by the city manager for the unexpired portion of the term.

(f) *Duties & Responsibilities of Commission.* The commission shall possess and exercise the power and duty to:

- (1) develop, monitor and update a plan to end homelessness in Worcester as an outgrowth of the original *Multi-Year Plan to End Homelessness in Worcester* developed by the city manager's task force on homelessness and presented to the city council on December 3, 2007;
- (2) develop and review strategies to end homelessness in Worcester;
- (3) conduct periodic reviews of the needs of homeless individuals and families;
- (4) make recommendations to the city manager for city budgetary expenditures to implement programs to end homelessness;
- (5) advocate to meet the needs of the homeless; and,
- (6) perform such other functions as may be requested by the city manager.



Eric D. Batista
City Manager

CITY OF WORCESTER

cm2023feb03114155

Attachment for Item #

8.14 A

February 7, 2023

TO THE WORCESTER CITY COUNCIL

COUNCILORS:

The attached communication relative to modifications to the City's organizational ordinances for the Executive Office of Diversity and Inclusion, and the Department of Health & Human Services, as received from Michael E. Traynor, City Solicitor, and forwarded for the consideration of your Honorable Body.

Respectfully submitted,

Eric D. Batista
City Manager



To: Eric D. Batista, City Manager
From: Michael E. Traynor, City Solicitor
Date: February 7, 2023
Re: Reorganization Ordinance – Executive Office of Diversity, Equity & Inclusion and Department of Health & Human Services

You requested preparation of modifications to the city's organizational ordinances for the Executive Office of Diversity and Inclusion, and the Department of Health & Human Services. The attached reorganization ordinance accomplishes the following:

- Re-names the Executive Office of Diversity and Inclusion to Executive Office of Diversity, Equity & Inclusion ("EODEI").
- Moves the Accessibility and Human Rights Divisions from the Department of Health & Human Services (DHHS) and merges them in the EODEI.
- Moves the Accessibility Advisory Commission, Human Rights Commission, Status of Women Committee, and the Commission on Latino Affairs from the DHHS to the EODEI.
- Eliminates the Diversity Inclusion Advisory Committee.

As with all reorganization plans, the city charter requires the city council to refer the proposals to a council committee of its choosing to hold a public hearing within 30 days. Within ten days following such hearing, the committee shall submit a report to the city council. The city council may either accept or reject the reorganization plan as submitted. Adoption requires a simple majority vote. The reorganization plan shall become effective ninety days after the date it is received by the city council unless the city council approves or disapproves the plan prior to that date.

Sincerely,

Michael E. Traynor
City Solicitor

Exhibit A – Executive Office of Diversity, Equity & Inclusion Cabinet Level

Article 15. Executive Office of Diversity, Equity & Inclusion

- § 1. Establishment
- § 2. Function
- § 3. Head of Department Personnel
- § 4. Authorized Positions
- § 5. Organization of Department
- § 6. Human Rights and Accessibility Division
- § 7. Investigations Division
- § 8. Training & Development Division

Related Board and Commission:

- § 9. Accessibility Advisory Commission
 - § 10. Human Rights Commission
 - § 11. Status of Women Committee
 - § 12. Commission on Latino Affairs
-

§ 1. Establishment

Under authority of Article Six of the Home Rule Charter there is hereby established under the jurisdiction of the city manager a department of the city to be known as the “Executive Office of Diversity, Equity & Inclusion” (“office”).

§ 2. Function

It shall be the function of the office to administer the diversity, equity, and inclusion functions of the city, including, developing programs that promote diversity within the city workforce, and promote the development of programs that promote diversity of the city workforce, through training and new initiatives.

§ 3. Head of Department

(a) *Department Head.* The office shall be headed by a chief equity officer, who shall be appointed by and shall serve at the pleasure of the city manager.

(b) *General Duties and Responsibilities.* The chief equity officer shall be responsible for the performance of the functions of the office and shall:

- (1) have management responsibility and general superintendence over the functions, programs, services, operations, activities and facilities of the office;
- (2) supervise the personnel in the office by establishing rules, policies and practices governing the operations of the office; assigning tasks and establishing priorities, deadlines and work schedules; approving requests for vacation leave and other time off; training employees in the specialized tasks of the office; evaluating the performance of individual employees in the office, recommending promotions and honors and

- disciplining personnel at any level including suspensions for no more than five working days;
- (3) keep the city manager informed of the activities and needs of the office and provide the city manager with information developed by the office which would have a material impact on the financial condition of the city;
 - (4) seek the advice of the city manager prior to changing any existing policy or initiating any new program or service within the office;
 - (5) prepare prompt and thorough responses to requests for reports, memoranda, opinions or other documents or actions as may be requested by the city manager;
 - (6) perform such other tasks and functions as may be requested by the city manager;
 - (7) ensure that all actions of the office are taken in accordance with all executive orders and administrative directives issued by the city manager, the financial procedures established by the city manager and the city auditor, the provisions of these Revised Ordinances, the Home Rule Charter, the Constitutions and laws of the Commonwealth and the United States of America;
 - (8) have care, custody and control of the property, including real property interests, personal property and tangible and intangible property, as has been, or may be, allocated to the office by the city manager and the city council;
 - (9) determine the priorities of the office and to prepare long-range strategic plans and objectives consistent with the strategic direction of the city manager;
 - (10) prepare, monitor and manage the budget for the office, which shall include ordinary maintenance, salary and capital expenditures, in accordance with the format prescribed and the directives issued by the city manager;
 - (11) and prepare, implement, evaluate and improve office operations, programs and projects in accordance with the goals and objectives established for the office by the city manager.
- (c) *Specific Duties & Responsibilities.* The chief equity officer shall:
- (1) develop, implement and monitor programs that promote diversity within the city workforce; serve as the city manager's advisor on equal opportunity matters in conjunction with the city's Human Rights Commission;
 - (2) develop training and initiatives to create and foster an open and inclusive work environment;
 - (3) implement the policy of equal employment opportunities contained in the city affirmative action plan;
 - (4) receive, review and make recommendations to the city manager on affirmative action programs, goals, objectives and timetables;
 - (5) collect and analyze data relative to equal employment opportunity for city departments; monitor and evaluate the city's personnel hiring employment patterns and practices; contract compliance efforts; fair housing policies and programs; permanent jobs; program benefits;
 - (6) provide equal opportunity technical assistance to city department heads; and,

(7) administer the affairs of the human rights commission.

§ 4. Authorized Positions

(a) *Table of Authorized Positions.* The office shall consist of the chief equity officer and shall include a director of human rights, a director of accessibility and such other personnel as the city council, with the advice of the city manager, shall authorize by adoption of the table of authorized positions in the annual city budget, as the same may be amended from time to time.

(b) *Manner of Appointment.* Each position in the department shall be filled by appointment of the city manager and each such appointee shall, unless otherwise expressly provided by law, serve at the pleasure of the city manager.

§ 5. Organization of Department

(a) *Establishment of Divisions.* The department shall be organized into the following divisions for the following purposes:

Human Rights and Accessibility Division – to assure that every individual shall have equal access to and benefit from all public services, to protect every individual in the enjoyment and exercise of civil rights and to encourage and bring about mutual understanding and respect among all individuals of the city; and to bring about full and equal participation in all aspects of life in the city for all people with disabilities.

Investigations Division – to investigate complaints related to discrimination, accommodations discrimination, or other civil rights violations.

Development and Training Division – to create a diverse, equitable and inclusive workplace environment, and develop a city workforce that has the knowledge, skills, experiences, and confidence to be future leaders who value diversity, equity, and inclusion.

(b) *Duties & Responsibilities of Division Heads.* In addition to the special duties and responsibilities stated below for each division in the department, the head of each division shall also have the duty and responsibility to:

- (1) assist the chief equity officer in the performance of duties and responsibilities of the head of the office and perform such other duties as may be assigned or requested by the chief equity officer or otherwise prescribed by law;
- (2) manage the budget for the division, which shall include all items of revenue and ordinary maintenance, salary and capital expenditures, in accordance with the policies and requirements of the city manager, chief financial officer, the city auditor or the chief equity officer;
- (3) supervise the personnel assigned to the division by assigning tasks and establishing work priorities, deadlines and work schedules for employees in the division; training employees in the specialized tasks of the division;

- evaluating the performance of individual employees in the division, recommending promotions and honors and disciplining personnel at any level authorized by the chief equity officer up to and including suspensions for no more than five working days;
- (4) administer the award and implementation of contracts concerning matters under the responsibility of the division and payable from funds appropriated to the division;
 - (5) keep the chief equity officer informed of all matters pertaining to the activities, operations, programs, services, personnel, expenditures and receipts of the division;
 - (6) recommend to the chief equity officer implementing the rules, policies and practices governing the operations of the office as are approved by the chief equity officer; prepare, implement and evaluate division operations, programs and projects in accordance with the goals and objectives established for the division by the chief equity officer;
 - (7) ensure that all actions of the division are taken in accordance with all applicable laws, ordinances, regulations, contractual obligations, city executive orders and policies (including the financial procedures established by the city auditor) and the directives of the chief equity officer;
 - (8) make recommendations to the chief equity officer on changing or initiating any policy, operation, program or service to the public;
 - (9) prepare prompt and thorough responses to requests for reports, memoranda, opinions or other documents or actions as may be requested by the chief equity officer; and,
 - (10) maintain any property assigned to the division by the chief equity officer.

(c) *Management of Multiple Divisions.* The chief equity officer, with the advice and consent of the city manager, may assign the responsibilities of any two or more divisions to one individual in the service of the office.

§ 6. Human Rights and Accessibility Division

(a) *Division Head.* The division shall be headed by a director of human rights and accessibility (“director of human rights and accessibility”) who shall be appointed by, and shall serve at the pleasure of, the city manager and shall have the assistance of such other personnel as shall be assigned by the chief equity officer.

(b) *Duties & Responsibilities.* The director of human rights and disability shall:

- (1) administer the affairs of the human rights commission and serve as the keeper of its records;
- (2) manage the programs and activities of the division;
- (3) have the power and duty to initiate complaints and investigations of discriminatory practices, report his or her findings to the commission and attempt mediation or conciliation of any complaint alleging discrimination;

- (4) perform such additional duties consistent with the human rights ordinances as may be assigned from time to time by vote of the commission;
- (5) assist the accessibility advisory commission in the performance of its legal duties and responsibilities;
- (6) administer the affairs of the accessibility advisory commission and serve as its keeper of the records
- (7) perform the duties and responsibilities described in section 5(b)(1-10) above.

(c) *Human Rights Policy.* It is the policy of the city to assure that every individual shall have equal access to and benefit from all public services, accommodations, and employment opportunities to protect every individual in the enjoyment and exercise of civil rights and to encourage and bring about mutual understanding and respect among all individuals of the city. It is clear that behavior which denies equal treatment to any of our citizens as a result of their race, color, religious creed, national origin, sex, gender identity, sexual orientation, genetic information, ancestry, disability or source of income undermines civil order and deprives persons of the benefits of a free and open society. Nothing in this section shall be constructed as supporting or advocating any particular religious view or lifestyle. To the contrary, it is the intention of this section that all persons be treated fairly and equally, and it is the expressed intent of this ordinance to bring about the elimination of prejudice, intolerance, bigotry, discrimination, and the disorder occasioned thereby.

§ 7. Investigations Division

(a) *Division Head.* The division shall be headed by a lead investigator (“lead investigator”) who shall be appointed by, and shall serve at the pleasure of, the city manager and shall have the assistance of such other personnel as shall be assigned by the chief equity officer.

- (b) *Duties & Responsibilities.* The lead investigator shall:
- (1) manage the programs and activities of the division;
 - (2) have the power and duty to initiate investigations of discriminatory practices;
 - (3) investigate human/civil rights complaints filed against a city employee by a city employee or a member of the public; and,
 - (4) investigate human/civil rights complaints filed against an employee of the police department by a member of the public;
 - (5) perform investigations on behalf of the Human Rights Commission; and,
 - (6) perform the duties and responsibilities described in section 5(b)(1-10) above.

§ 8. Training & Development Division

(a) *Division Head.* The division shall be headed by a coordinator of training (“coordinator of training”) who shall be appointed by, and shall serve at the pleasure of, the city manager and shall have the assistance of such other personnel as shall be assigned by the chief equity officer.

- (b) *Duties & Responsibilities.* The coordinator of training shall:
- (1) manage the programs and activities of the division;
 - (2) provide training and educational programs to create a city workforce that embraces diversity, equity and inclusion;
 - (3) educate the city workforce on key DEI concepts such as unconscious bias and discrimination;
 - (4) promote career development in the city workforce;
 - (5) provide leadership and management skills building programs; and,
 - (6) perform the duties and responsibilities described in section 5(b)(1-10) above.

§ 9. Accessibility Advisory Commission

(a) Establishment of Accessibility Advisory Commission. Under authority of Article Six of the Home Rule Charter there is hereby established under the jurisdiction of the city manager an advisory board of the city to be known as the “Accessibility Advisory Commission” (“commission”).

(b) Membership. The commission shall consist of seven members appointed by the city manager for three-year terms. The terms shall be staggered such that no fewer than two terms shall expire on May thirty-first of each year. A majority of said commission members shall consist of people with disabilities, one member may be a member of the immediate family of a person with a disability. A vacancy occurring otherwise than by expiration of a term shall be filled for the unexpired term.

(c) Associate Members. The city manager may appoint up to five associates of the commission, a majority of whom shall be persons with disabilities. The terms of associates shall expire on May thirty-first of each year and shall be staggered such that no more than two terms shall expire in any given year. Associates shall not be deemed members of the commission; however, whenever any member of the commission is absent from any meeting of the commission, associates shall, upon designation by the chairperson and by order of their appointment, fill such vacancies and shall have authority to participate and vote during such meeting. In making any such designation, the chairperson shall identify the member of the commission in whose stead the associate shall act. Should any absent member arrive at a meeting after an associate has been designated to act in his or her stead, the authority of the associate to act shall cease and the member shall take his or her place with the commission.

(d) Duties & Responsibilities of the Commission. The commission shall: (1) choose annually from among its regular members a chairperson, vice chairperson and secretary, provided that it may designate the director of accessibility as its secretary; (2) research local problems of people with disabilities; (3) coordinate the activities of other local groups or individuals organized or committed to meet the needs of people with disabilities; (4) carry out programs designed to meet the problems of people with disabilities in coordination with programs of the Massachusetts Office on Disability; (5) review and make recommendations about policies, procedures, services and activities of city departments and agencies as they affect people with disabilities; (6) work in cooperation with city departments and agencies to

bring about full and equal participation by people with disabilities; (7) advise and assist city officials and employees in ensuring compliance with state and federal laws and regulations that affect people with disabilities; (8) influence city policies and coordinate with programs of the Massachusetts Office on Disability; (9) encourage public awareness of disability issues; (10) provide information, referrals, guidance and technical assistance to individuals, public agencies, businesses and organizations in all matters pertaining to disability; (11) recruit and recommend prospective commission members to the city manager; and, (12) submit an annual report to the city manager stating the undertakings of the commission, its accomplishments, conclusions and recommendations concerning the status of persons with disabilities in Worcester.

(e) Commission to Act Only by Majority Vote. All actions of the commission shall be taken by majority vote of the commission members present and shall be recorded in the minutes of its meetings. No member of the commission shall claim or assert any regulatory or enforcement authority by virtue of membership on the commission. In no event shall any member of the commission claim to be acting on behalf of the commission unless such action was authorized in advance by vote of the commission.

(f) Commission Attendance Required. Any member who fails to attend any three consecutive meetings of the commission shall be deemed to have abandoned his or her membership on the commission. The commission may then recommend to the city manager that such position be declared vacant and request that a replacement be appointed and, if the city manager concurs with that recommendation, he shall then notify the member of his or her removal and proceed to fill the vacancy.

(g) Powers & Duties of the Chair. The chairperson of the commission shall have the following powers, duties and responsibilities: (1) establish the time, place and agenda for commission meetings in coordination with other commission members; (2) preside over meetings of the commission; and (3) establish sub-committees of the commission and appoint members of the commission thereto.

(h) Powers & Duties of the Vice-Chair. The vice chairperson of the commission shall exercise the powers, duties, and responsibilities of the chairperson in the event of the absence of the chairperson at any commission meeting or function or in the event of a vacancy in that position.

(i) Duties of the Secretary of the Commission. The secretary of the commission, either personally or through the director of accessibility, shall: (1) prepare and maintain minutes of all meetings of the commission and any of its sub-committees, which minutes shall include the date, time, place, members present or absent and the actions taken; (2) ensure that notice of all meetings is posted with the city clerk at least forty-eight hours before each meeting of the commission or any of its subcommittees; (3) maintain a file including all the correspondence and other papers received or generated by the commission or any of its sub-committees; and, (4) issue certified copies of any commission records or papers as required by law.

(j) Acceptance of Grants. The commission, with the approval of the city manager and a vote of the city council as provided in G.L. c. 44 § 53A, may accept in the name of the city of Worcester grants or gifts of funds from the federal government, a charitable foundation, a private corporation, an individual, or from the commonwealth or any city, town, or county thereof. All grants or gifts shall be deposited in the city treasury and may be expended without further appropriation by the commission through contracts signed by the chairperson of the commission and the city manager as required by article 5-7 of the city charter or, if the amount is less than two thousand dollars, in accordance with the regulations issued or adopted by the city manager.

§ 10. Human Rights Commission

(a) *Establishment of Human Rights Commission.* Under authority of Article Six of the Home Rule Charter and to promote the human rights policy of the city, there is hereby established under the jurisdiction of the city manager an executive board of the city to be known as the “Human Rights Commission” (“commission”).

(b) *Membership.* The commission shall consist of nine members appointed by the city manager for a term of three years provided, however, that, the terms shall be staggered such that no more than three terms expire in any one year. The commission shall annually select one of its members as its chair. The chair shall preside over the meetings of the commission. The commission shall represent a broad spectrum of the Worcester community. Any vacancy, however created, other than by expiration of a term, shall be filled by appointment by the city manager for the unexpired portion of the term.

(c) *Transition Membership.* This reorganization ordinance will consolidate the Diversity Inclusion Advisory Committee and the Human Rights. Upon the effective date of this organizational ordinance, the three remaining members of the Diversity Advisory Committee shall automatically become members of the Human Rights Commission to serve out the remainder of their current terms, and upon such expiration the membership of the Human Rights Commission shall revert to nine members.

(d) *Duties & Responsibilities of Commission.* The commission shall possess and exercise the power and duty to:

- (1) conduct investigations: to receive and investigate complaints of and to initiate its own complaints and/or investigations of:
 - (A) the denial of equal access to and discrimination in employment, housing, education, recreation and public accommodation (regardless of the public or private source of such denial or discrimination) where such denial or discrimination against a person is based on race, color, religious creed, national origin, gender, age, ancestry, marital status, parental status, sexual orientation, disability or source of income;
 - (B) the denial to any person of equal access to and benefit from all public services;
 - (C) the violation of the enjoyment and exercise by any person of his or her civil rights; and,
 - (D) the presence in the city of prejudice, intolerance, bigotry, discrimination and the disorder occasioned thereby; *provided, however*, that the executive director, with notice to the commission, shall refer any allegation involving the conduct of the any city employee, including the city manager, city clerk, city auditor or the superintendent of

schools, to the Massachusetts Commission Against Discrimination or other appropriate state or federal agency and shall in no event initiate or otherwise conduct any investigation or inquiry regarding these officials or employees.

- (2) hold hearings: to take testimony, administer oaths, and conduct hearings and adjudicatory proceedings in accordance with sections 9, 10 and 11 of G.L. c.30A on any matter within its jurisdiction and, with the assistance and advice of the city solicitor, subpoena witnesses, seek court orders to compel the attendance of witnesses or the production of documents or other evidence;
- (3) conduct mediation: to attempt, by mediation, to resolve any complaint over which it has jurisdiction and to recommend to the city manager or other appropriate governmental agency, federal, state or local, such action as it deems appropriate. In the conduct of any such mediation the commission may utilize not only the members and staff of the commission but such organizations as the Worcester County Bar Association, the National Association for Dispute Settlement of the American Arbitration Association and any other similar organizations;
- (4) issue orders and reports: after completion of any investigation or hearings on any complaint or matter not resolved by mediation, the commission may:
 - (A) upon a finding of an "unlawful practice", as that term is defined under section 4 of G.L. c.151B, issue cease and desist orders to the party believed to be responsible for such unlawful practice; provided, however, that in no event shall the commission issue any cease and desist orders to the city, its departments and agencies, or its employees insofar as the city employee is or was acting within the scope of his or her employment.
 - (B) make a written report of its recommendations and findings to:
 - (i) the city manager on any matter within the manager's jurisdiction for review and implementation (including the taking of disciplinary or administrative action) as the city manager deems justified; or,
 - (ii) the school committee or superintendent of schools on any matter within their jurisdiction; or
 - (iii) the city council for employees under its jurisdiction; or the Massachusetts Commission Against Discrimination (MCAD) on any matter within its jurisdiction;
 - (iv) other governmental agency having jurisdiction over the matter in question, and, in all cases, urging and using its best efforts to bring about compliance with its recommendation; or
 - (C) assist in securing legal representation for complainants for who, in the opinion of the commission, are indigent or facing undue financial hardship and arrange for legal representation for any complainant who, in the opinion of the commission, has a justifiable complaint which involves a matter outside of the

jurisdiction of either the city manager, city council, superintendent of schools or school committee, yet one which is within the jurisdiction of the commission but must be processed by the complainant before the MCAD or some other state or federal governmental agency (or court), provided, however, that the commission shall attempt to secure such representation only for those complainants for whom undue hardship, in the opinion of the commission, would otherwise result;

- (5) review departmental policies: to review the existing policies, rules and regulations of any city department, board, commission or agency and provide its comments, conclusions and recommendations in writing to the city manager and the head or executive officer of any such city department, board, commission or agency, to the extent the foregoing regulations relate to the human rights ordinance of the city;
- (6) review departmental disciplinary actions: to review the results of any internal disciplinary action taken by any department, board, commission or agency of the city, including reports of the internal affairs division of the police department, and to make comments, conclusions and recommendations jointly to the city manager and the head or executive officer of any such department or agency to the extent such internal disciplinary investigations relate to the human rights ordinance of the city. Upon the request of the director, the head or executive officer of any department or agency of the city shall forward to the director a copy of any internal disciplinary action report at such time and only to the extent such report becomes a public record under the laws of the commonwealth. The head or executive officer of any city department or agency shall also furnish, subject to the provisions of this ordinance and with the advice and consent of the city solicitor, any other such records and information that the director may request relative to any internal disciplinary action. The director shall furnish the commission with copies of any internal disciplinary action report so received and may disclose to the commission, in an appropriate manner or setting as permitted or required by law, any other records and information received pursuant to this subsection. Any individual employed by the city, including members of the commission, the director or other staff, whether compensated or volunteers, who discloses any records or information of a personal nature or otherwise not subject to mandatory release under the public records law of the commonwealth, to any person, except as provided for herein, may be subjected to employee discipline by the appropriate city official or removed from the commission by the city manager, as the case may be;
- (7) issue publications: to issue such publications and such results of investigations and research as, in its judgment, will tend to promote good will and minimize or eliminate discrimination because of race, color, religious creed, national origin, sex, age or ancestry, marital status, parental status, sexual orientation, disability or source of income;
- (8) develop training programs: to develop, in cooperation with the executive offices of human resources and employment and training as well as any federal, state or other city agency or department, programs of instruction for

city employees, other municipal employees, or private sector businesses, institutions or employees concerning the elimination of prejudice, intolerance, bigotry and discrimination and the value of mutual self-respect and the achievement of harmonious relationships among all individuals;

- (9) create committees: to create such committees from the members of the commission as, in the commission's judgment, will best aid in effectuating the provisions of this ordinance and to empower such sub-committees to study the problems of prejudice, intolerance, bigotry and discrimination existing in the city due to denial of equal treatment as a result of race, color, religious creed, national origin, gender, age, ancestry, marital status, parental status, sexual orientation, disability or source of income;
- (10) make recommendations and annual reports: to make such recommendations to any public official or public body as, in its judgment, will effectuate the policy of this ordinance and, annually, to make a written report to the city manager of its activities. The commission's annual report to the city manager shall be made available to the public;
- (11) make rules and regulations: to adopt rules and regulations consistent with this ordinance and the laws of the commonwealth to carry out the policy and provisions of this ordinance and the powers and duties of the commission in connection therewith; and to perform such other duties as may be prescribed under law;
- (12) In no event shall the commission file, or in any way be a party to any criminal actions or complaints in any court of law. In all civil matters the commission shall be represented solely by the city solicitor.

(e) *Contributions*. The commission may, with the approval of the city manager and city council, on behalf of the city, accept contributions, grants, and appropriations from other governmental agencies and from civic and charitable foundations, trusts and other organizations, private or public, to effectuate the provisions of this section.

(f) *Relations with City Agencies*. Subject to the provisions of the city charter and the laws of the Commonwealth, the commission shall receive the cooperation and assistance of all city departments and agencies. The commission shall respect the privacy of all individuals. In the event the staff or members of the commission receive any documents or information of a confidential nature, or which would be exempt from disclosure under the public records law or which pertains to a subject eligible for discussion in executive session, neither the staff nor members of the commission shall release or divulge such documents or information to parties outside of the commission, its staff, the law department or any other appropriate city official. Unless otherwise provided, herein, all city departments and agencies shall respond to commission requests for administrative and legal services within ten working days of the date of receipt of any such request.

(g) *Definitions*. For purposes of this section the following definitions shall apply:

“age” refers to the actual or supposed chronological age of an individual eighteen years or older and shall relate to claims of denial of equal treatment due to age. This shall not limit the rights of persons under age eighteen to file a

complaint for other than age discrimination (e.g. race discrimination, etc.) if accompanied by a guardian, where necessary.

“disability” refers to any actual or supposed physical or mental handicap of an individual, other than legal incompetency.

“gender identity and expression” shall mean a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth. Gender-related identity may be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held as part of a person's core identity; provided, however, that gender-related identity shall not be asserted for any improper purpose.

“genetic information” shall mean any written, recorded individually identifiable information of a genetic test as defined by this section or explanation of such a result or family history pertaining to the presence, absence, variation, alteration, or modification of a human gene or genes. For purposes of this ordinance, the term genetic information shall not include information pertaining to the abuse of drugs or alcohol which is derived from tests given for the exclusive purpose of determining the abuse of drugs or alcohol.

“internal disciplinary investigation” refers to any inquiry by the city manager or head of any city department or agency to determine whether the conduct of city employees complies with the ordinances, orders, policies and procedures of the city and, if not, what disciplinary measures are appropriate, insofar as such conduct involves allegations of the impairment or violation of the civil or human rights of any individual.

“marital status” refers to the actual or supposed state of being or having been unmarried, married, separated, divorced or widowed.

“parental status” refers to the actual or supposed condition of having or not having children.

“person” includes, but is not limited to, one or more individuals, partnerships, associations, corporations, agencies, legal representatives, trustees, trustees in bankruptcy and receivers, the city and all political subdivisions, boards and commissions.

“sexual orientation” refers to actual or supposed homosexuality, heterosexuality or bisexuality or orientation or practice including, but not limited to, an orientation that may be presumed on the basis of mannerisms, physical characteristics, manner of dress or deportment, and shall be interpreted in light of the provisions of chapter 151B of the General Laws.

“source of income” refers to the actual or supposed manner or means by which an individual supports himself or herself and his or her dependents excluding the use of criminal activities as a means of support.

(h) *Construction.* The provisions of this section shall be construed liberally for the accomplishment of the purposes hereof. Nothing herein shall be construed to limit civil rights granted or hereinafter afforded by federal and state law.

(g) *Effect of State and Federal Law.* Nothing in this section shall be deemed to exempt or relieve any person from any liability, duty, penalty, or punishment provided by any present or future law of the commonwealth of Massachusetts or the United States, other than any such law which purports to require or permit the doing of any act which would be unlawful under this section.

§ 11. Status of Women Committee

(a) *Establishment of the Advisory Committee on the Status of Women.* Under authority of Article Six of the Home Rule Charter there is hereby established under the jurisdiction of the city manager an agency of the city to be known as the “Advisory Committee on the Status of Women” (“committee”).

(b) *Membership.* The committee shall consist of fifteen persons appointed by the city manager for three-year terms. The terms shall be staggered such that five terms shall expire on August thirty-first of each year. From time to time, the city manager shall designate the chair of the committee.

(c) *Duties & Responsibilities.* It shall be the function of the committee to:

- (1) encourage, promote and monitor policies and practices in the city to ensure that women enjoy the equal protection of the law, equal access to all public services and the full enjoyment and exercise of their civil rights;
- (2) formulate, encourage, promote and monitor policies and programs relating to the status of women in the city, addressing the issues of health care, domestic violence and battering, childcare, transitional housing, educational and vocational opportunities, immigrant assistance, mental health, alcohol and substance abuse;
- (3) submit annually to the city manager a report stating the undertakings of the committee, its accomplishments, conclusions, and recommendations concerning the status of women in Worcester; and,
- (4) appoint sub-committees as may be needed to carry out its responsibilities.

§ 12. Commission on Latino Affairs

(a) *Establishment of the Advisory Commission on Latino Affairs.* Under authority of Article Six of the Home Rule Charter there is hereby established under the jurisdiction of the city manager an agency of the city to be known as the “Advisory Commission on Latino Affairs” (“commission”).

(b) *Membership.* The commission shall consist of seven members appointed by, and serving at the pleasure of, the city manager for staggered terms of three years each commencing on January fifteenth of each year, provided, however, that of the initial appointees two shall serve terms of one year, two shall serve terms of two years, and three shall serve terms of three years. Members shall represent the diverse interests of the Latino communities in Worcester and, to the extent possible, reflect a balanced representation of the Latino population in Worcester. From time to time, the city manager shall designate the chair of the commission.

(c) *Duties & Responsibilities.* It shall be the function of the commission to:

- (1) encourage, promote and monitor policies and practices in the city to ensure that Latinos enjoy the equal protection of the law, equal access to all public services and the full enjoyment and exercise of their civil rights;
- (2) formulate, encourage, promote and monitor policies and programs relating to Worcester's Latino communities;
- (3) gather and disseminate linguistic and culturally relevant information and conduct hearings and special studies concerning Worcester's Latino communities;
- (4) increase and encourage public awareness about issues of importance to the Latinos in Worcester;
- (5) develop, coordinate, and assist other public and private organizations that serve Latinos in Worcester, including conducting training programs for community leadership;
- (6) submit biannually to the city manager a report stating the undertakings of the commission, its accomplishments, conclusions, and recommendations concerning the Latino communities in Worcester, and to meet with the city manager to present said reports; and,
- (7) appoint sub-committees as may be needed to carry out its responsibilities.

Article 10. Department of Health & Human Services

- § 1. Establishment
- § 2. Function
- § 3. Head of Department
- § 4. Authorized Positions
- § 5. Organization of Department
- § 6. Administration Division
- § 7. Elder Affairs Division
- § 8. Public Health Division
- § 9. Transitional Housing Services Division
- §10. Veterans' Services Division

Related Boards and Commissions:

- §11. Advisory Committee on Youth
- §12. Board of Health
- §13. Elder Affairs Commission
- §14. Homelessness Commission

§ 1. Establishment

Under authority of Article Six of the Home Rule Charter there is hereby established under the jurisdiction of the city manager a department of the city to be known as the "Department of Health & Human Services" ("department").

§ 2. Function

It shall be the function of the department to improve the human spirit and condition of all residents of the city by promoting the public health, providing for the elderly, our veterans and the disabled and advancing human rights and the equality of women.

§ 3. Head of Department

(a) *Department Head.* The department shall be headed by a commissioner of health and human services ("commissioner") who shall be appointed by, and shall serve at the pleasure of, the city manager.

(b) *Duties and Responsibilities.* The commissioner shall be responsible for the performance of the functions of the department and shall:

- (1) have management responsibility and general superintendence over the functions, programs, services, operations, activities and facilities of the department and its divisions;
- (2) supervise the personnel in the department by establishing rules, policies and practices governing the operations of the department; assigning tasks

- and establishing priorities, deadlines and work schedules; approving requests for vacation leave and other time off; training employees in the specialized tasks of the department; evaluating the performance of individual employees in the department, recommending promotions and honors and disciplining personnel at any level including suspensions for no more than five working days;
- (3) keep the city manager informed of the activities and needs of the department and provide the city manager with information developed by the department which would have a material impact on the financial condition of the city;
 - (4) attend various neighborhood and community group meetings as directed by the city manager;
 - (5) seek the advice of the city manager prior to changing any existing policy or initiating any new program or service;
 - (6) prepare prompt and thorough responses to requests for reports, memoranda, opinions or other documents or actions as may be requested by the city manager;
 - (7) perform such other tasks and functions as may be requested by the city manager, or anyone acting under authority of the city manager;
 - (8) ensure that all actions of the department are taken in accordance with all executive orders and administrative directives issued by the city manager, the financial procedures established by the city manager and the city auditor, the provisions of these revised ordinances, the home rule charter, the Constitutions and laws of the commonwealth and the United States of America;
 - (9) except in the case of property placed under the care, custody and control of the board of library trustees, have care, custody and control of the property, including real property interests, personal property and tangible and intangible property, as has been, or may be, allocated to the department, or any of its divisions, by the city manager or the city council;
 - (10) organize multi-agency enforcement teams and to participate with personnel from other city agencies in joint inspection teams which may be established by the city manager; and,
 - (11) determine the priorities of the department and prepare long-range strategic plans and objectives consistent with the strategic direction of the city manager;
 - (12) prepare, monitor and manage the budget for the department, which shall include ordinary maintenance, salary and capital expenditures, in accordance with the format prescribed and the directives issued by the city manager; and,
 - (13) prepare, implement, evaluate and improve department operations, programs and projects in accordance with the goals and objectives established for the department by the city manager.

§ 4. Authorized Positions

(a) *Table of Authorized Positions.* The department shall consist of the commissioner and shall include a director of public health, a director of elder affairs, a director of human rights, a director of veterans affairs and such other personnel as the city council, with the advice of the city manager, shall authorize by adoption of the table of authorized positions in the annual city budget, as the same may be amended from time to time.

(b) *Manner of Appointment.* Each position in the department shall be filled by appointment of the city manager and each such appointee shall, unless otherwise expressly provided by law, serve at the pleasure of the city manager.

§ 5. Organization of Department

(a) *Establishment of Divisions.* The department shall be organized into the following divisions for the following purposes:

Administration Division – to assist the commissioner in the performance of the duties and responsibilities as the of the head of the department;

Elder Affairs Division – to enhance the quality of life for elders in Worcester by identifying needs, developing and implementing programs and services to meet those needs, advocating on behalf of elders and operating a focal point senior center within the city;

Public Health Division –to preserve, promote and protect the physical and mental health of the people of the city by providing public health services for the city of Worcester, including the coordination of the provision of multiple government-based services and programs to local youth and the collaboration and coordination of existing non-governmental organizations and agencies;

Transitional Housing Services Division –to coordinate the provision of multiple government-based services and programs to individuals and families requiring immediate housing assistance and to administer the affairs of the commission on homelessness; and,

Veterans' Services Division – to provide services to veterans.

(b) *Duties & Responsibilities of Division Heads.* In addition to the special duties and responsibilities stated below for each division in the department, the head of each division shall also have the duty and responsibility to:

- (1) assist the commissioner in the performance of duties and responsibilities of the head of the department and perform such other duties as may be assigned or requested by the commissioner or otherwise prescribed by law;
- (2) manage the budget for the division, which shall include all items of revenue and ordinary maintenance, salary and capital expenditures, in accordance with the policies and requirements of the city manager, chief financial officer, the city auditor or the commissioner;
- (3) supervise the personnel assigned to the division by assigning tasks and establishing work priorities, deadlines and work schedules for employees in the division; training employees in the specialized tasks of the division; evaluating the performance of individual employees in the department, recommending promotions and honors and disciplining personnel at any

- level authorized by the commissioner up to and including suspensions for no more than five working days;
- (4) administer the award and implementation of contracts concerning matters under the responsibility of the division and payable from funds appropriated to the division;
 - (5) keep the commissioner informed of all matters pertaining to the activities, operations, programs, services, personnel, expenditures and receipts of the division;
 - (6) recommend to the commissioner implementing the rules, policies and practices governing the operations of the department as are approved by the commissioner; prepare, implement and evaluate division operations, programs and projects in accordance with the goals and objectives established for the division by the commissioner;
 - (7) ensure that all actions of the division are taken in accordance with all applicable laws, ordinances, regulations, contractual obligations, city executive orders and policies (including the financial procedures established by the city auditor) and the directives of the commissioner;
 - (8) make recommendations to the commissioner on changing or initiating any policy, operation, program or service to the public;
 - (9) prepare prompt and thorough responses to requests for reports, memoranda, opinions or other documents or actions as may be requested by the commissioner; and,
 - (10) maintain any property assigned to the division by the commissioner.

(c) *Management of Multiple Divisions.* The commissioner, with the advice and consent of the city manager, may assign the responsibilities of any two or more divisions to one individual in the service of the department.

§ 6. Administration Division

(a) *Division Head.* The division shall be headed by a director of administration (“director of administration”) who shall be appointed by, and shall serve at the pleasure of, the city manager .and shall have the assistance of such other personnel as shall be assigned by the commissioner.

(b) *Duties and Responsibilities.* The director of administration of the department shall:

- (1) manage the processing of payroll, purchasing, contracts, and personnel documentation for the department; and,
- (2) assist the commissioner in the performance of his or her duties and responsibilities as the head of the department; and,
- (3) perform the duties and responsibilities described in section 5(b)(1-10) above.

§ 7. Elder Affairs Division

(a) *Division Head.* The division shall be headed by a director of elder affairs (“director of elder affairs”) who shall be appointed by, and shall serve at the pleasure of, the city manager .and shall have the assistance of such other personnel as shall be assigned by the commissioner.

(b) *Duties & Responsibilities.* The director of elder affairs shall:

- (1) administer the affairs of the commission and the senior center committee;
- (2) administer the programs and activities of the division;
- (3) collect facts and statistics and to conduct special studies affecting the health and welfare of the elderly population of the city;
- (4) encourage the development of programs for the elderly in Worcester;
- (5) identify the needs of the community's older population;
- (6) educate and to enlist the support of the community on the needs of the elderly;
- (7) promote the coordination of programs designed for the elderly in Worcester;
- (8) advise the public agencies of the city on matters affecting the elderly;
- (9) prepare reports to the commission and the city manager on state and federal legislation concerning the elderly, including but not limited to state and federal funds and programs available to the elderly;
- (10) cooperate with the executive office of elder affairs of the commonwealth;
- (11) manage and operate a senior center facility, which shall be the land and buildings acquired by the city of Worcester and located on Providence Street between Winthrop Street and Spurr Street (“senior center”);
- (12) encourage and assure within the senior center the maximum level of coordination, collaboration and co-location of individuals and organizations, public and private, engaged in the delivery of services, programs and activities of interest to elders, such as: health insurance, caregiver, benefit and employment counseling services; medical and screening clinics; information and referral services on the issues of health, housing, transportation, education, legal assistance, consumer protection, public safety and support groups; on-site and delivered meals and emergency food distribution; literacy, citizenship and English-as-a-second-language instruction; vocational, cultural and computer programs; senior outreach; senior travel; recreational and wellness programs; dances; gardening; story telling; concerts and entertainment; transportation; day care for elders; and, child care for grandparents raising grandchildren;
- (13) execute on behalf of the department any contract, lease or any other legal document. Any such document involving two thousand dollars or more shall not be binding unless it is also signed by the city manager; and,
- (14) perform the duties and responsibilities described in section 5(b)(1-10) above.

§ 8. Public Health Division

(a) *Establishment of the Public Health Division.* Under authority of Article Six of the Home Rule Charter and chapter 120 of the acts of 2014, there is hereby established within the office and under the jurisdiction of the city manager a division of the executive office of the city manager to be known as the “Public Health Division” (“division”).

(b) *Division Head.* The division shall be headed a director of public health who shall be appointed by, and shall serve at the pleasure of, the city manager. The director of public health shall be qualified by receipt of either: i) the degree of doctor of medicine from a medical school accredited by the American Medical Association; or, (ii) a masters degree in public health or a field related to public health together with such practical experience and education in public health work as deemed suitable by the city manager. The director of public health shall have the assistance of such other personnel as may appear on the annual table of authorized positions or who may be assigned by the head of the executive office.

(c) *Duties & Responsibilities.* The director of public health shall:

- (1) preserve, promote and protect the physical and mental health of the inhabitants of the city by developing and revising a public health program of the city and providing advice to the board of health and city manager on public health issues;
- (2) administer and manage the tobacco control unit, the public health nursing, tobacco and burial permit units, including such educational, behavioral, prevention and tracking programs and activities related to any of these functions of as may be developed by the division under the general superintendence of the commissioner of public health;
- (3) keep the board of health and the city manager informed of the activities of the division and the information gathered by the division concerning public health issues;
- (4) administer the affairs of the board of health and serve as the keeper of its records, minutes and other papers; and,
- (5) perform the administrative duties and responsibilities described in section 5(b)(1-10) above.

(d) *Medical Director.* The division shall also include the position of “medical director” who shall be qualified by receipt of the degree of doctor of medicine from a medical school accredited by the American Medical Association and who shall be appointed by, and serve at the pleasure of, the city manager.

(e) *Emergencies.* In the event of an emergency requiring immediate action in the interest of public health where it is not practicable for the board of health to convene, the medical director shall be authorized to issue any orders reasonably necessary to address any such public health emergency and to issue emergency regulations on behalf of the board of health until such time as the board may convene to ratify revise or rescind any such regulation so issued. In the event that such medical director is not immediately available in such emergency, such authority shall be exercised by the director of public health. Any such emergency order shall be subject to the superseding authority of the city

manager acting in his or her capacity under the city charter as the chief conservator of the peace of the city.

(f) *Vacancies*. In the event of a vacancy or temporary absence in either the office of director of public health or the office of medical director, the city manager may appoint any person he or she deems suitable to perform the duties of such office until the vacancy is filled or the absence terminated.

(g) *Youth Services Office*. The board of health – public health division shall also include a youth services office which shall be headed by a youth services coordinator, who shall be appointed by and serve at the pleasure of the city manager and shall have the assistance of such personnel as shall be assigned by the director of public health and shall have the following duties and responsibilities:

- (1) identify and coordinate the provision of multiple government-based services and programs to local youth and collaborate and coordinate with existing non-governmental organizations and agencies, the business community and service providers involving youth programs, employment and services;
- (2) identify and coordinate various governmental and non-governmental funding sources for youth programs, employment and services;
- (3) assist the Advisory Committee on Youth in the creation and updating of an *Agenda for Youth*, a five-year plan containing recommendations for jobs, programs, services and initiatives to benefit youth;
- (4) assist the Advisory Committee on Youth in the development of performance measurements and benchmarking criteria to quantify the impact of youth programs;
- (5) assist the Advisory Committee on Youth in the development of recommendations to the city manager on legislative initiatives for the benefit of youth;
- (6) advise the city manager and the Advisory Committee on Youth on matters affecting youths;
- (7) administer and keep the records of the Advisory Committee on Youth;
and,
- (8) assist the director of public health in the performance of the duties and responsibilities of the head of the office and perform such other duties as may be assigned or requested by the director of public health or otherwise prescribed by law;
- (9) manage the budget for the office, which shall include all items of revenue and ordinary maintenance, salary and capital expenditures, in accordance with the policies and requirements of the city manager, chief financial officer, the city auditor or the director of public health;
- (10) supervise the personnel assigned to the office by assigning tasks and establishing work priorities, deadlines and work schedules for employees in the office; training employees in the specialized tasks of the office; evaluating the performance of individual employees in the office,

- recommending promotions and honors and disciplining personnel at any level authorized by the assistant city manager;
- (11) administer the award and implementation of contracts concerning matters under the responsibility of the office and payable from funds appropriated to the office;
 - (12) keep the director of public health informed of all matters pertaining to the activities, operations, programs, services, personnel, expenditures and receipts of the office;
 - (13) recommend to the director of public health implementing the rules, policies and practices governing the operations of the office as are approved by the director of public health;
 - (14) prepare, implement and evaluate division operations, programs and projects in accordance with the goals and objectives established for the division by the director of public health;
 - (15) ensure that all actions of the division are taken in accordance with all applicable laws, ordinances, regulations, contractual obligations, city executive orders and policies (including the financial procedures established by the city auditor) and the directives of the director of public health;
 - (16) make recommendations to the director of public health on changing or initiating any policy, operation, program or service to the public;
 - (17) prepare prompt and thorough responses to requests for reports, memoranda, opinions or other documents or actions as may be requested by the director of public health; and,
 - (18) maintain any property assigned to the office by the director of public health.

§9. Transitional Housing Services Division

(a) *Division Head.* The division shall be headed by a director of transitional housing services (“director of transitional housing services”) who shall be appointed by, and shall serve at the pleasure of, the city manager and shall have the assistance of such other personnel as shall be assigned by the commissioner.

(b) *Duties & Responsibilities.* The director shall:

- (1) develop, maintain and implement plans for the relocation of individuals and families displaced from their housing due to code or housing enforcement or other actions of the city;
- (2) assist the Commission on Homelessness in the implementation, monitoring and updating of the *Multi-Year Plan to End Homelessness in Worcester* as originally developed by the city manager’s task force on homelessness and presented to the city council on December 3, 2007;
- (3) conduct periodic reviews of the needs of homeless individuals and families;
- (4) assist the Commission on Homelessness in the development of performance measurements and benchmarking criteria to quantify the impact of homelessness programs;

- (5) assist the Commission on Homelessness in the development of recommendations to the city manager on legislative initiatives consistent with the *Multi-Year Plan to End Homelessness in Worcester*;
- (6) identify and coordinate the provision of multiple government-based services and programs to local youth and collaborate and coordinate with existing non-governmental organizations and agencies, the business community and service providers involving homelessness programs and services;
- (7) administer and keep the records of the Commission on Homelessness; and,
- (8) perform the duties and responsibilities described in section 5(b)(1-10) above.

§ 10. Veterans' Services Division

(a) *Division Head.* The division shall be headed by a director of veterans' services ("director of veterans' services") who shall be appointed by, and shall serve at the pleasure of, the city manager and shall have the assistance of such other personnel as shall be assigned by the commissioner.

(b) *Duties & Responsibilities.* The director shall:

- (1) administer and manage the programs and activities of the division under the general superintendence of the commissioner;
- (2) perform all duties prescribed by chapter one hundred fifteen of the General Laws;
- (3) administer the disbursement of veterans' benefits;
- (4) provide services to veterans, members of the armed forces, their families and their dependents;
- (5) provide information and advice to veterans as may be necessary to enable them to procure the benefits to which they are entitled;
- (6) maintain close cooperation with state and federal agencies established for the aid of veterans; and,
- (7) perform the duties and responsibilities described in section 5(b)(1-10) above.

§ 12. Advisory Committee on Youth

(a) *Establishment of the Advisory Committee on Youth.* Under authority of Article Six of the Home Rule Charter there is hereby established under the jurisdiction of the city manager an advisory board of the city to be known as the "Advisory Committee on Youth" ("committee").

(b) *Membership of the Advisory Committee on Youth.* The committee shall consist of fifteen regular members appointed by the city manager for terms of three years, which terms shall be staggered such that no more than five terms shall expire on December thirty-first of each year. The city manager shall designate from the

membership of the committee a chair and vice-chair. The members of the committee shall consist of representatives of the following entities or, in the event that such agencies or entities are unable to provide representatives, the city manager may select individuals from other organizations as he or she deems appropriate to further the purposes of this provision:

- (3) Youth Serving Organizations
- (1) Social Service Provider
- (1) Health Care Provider
- (1) Economic Development or Business Provider
- (1) Youth Coalition
- (2) Parents
- (1) Mental Health / Substance Abuse Treatment Provider
- (1) Workforce Development Board member
- (1) Philanthropic Organization
- (2) Higher Education
- (1) Faith Based Provider

(c) *City Representatives of the Advisory Committee on Youth.* The city manager may augment the committee by assigning city personnel from any city agency under the jurisdiction of the city manager to serve, ex officio, as associate members of the committee. Such city personnel may participate on the same basis as the members of the committee but shall have no vote and shall not be counted to establish the presence of a quorum at any meeting of the committee. The city manager may also request the superintendent of the Worcester Public Schools to assign a member of that department to serve as an associate member of the committee.

(d) *Duties & Responsibilities of the Advisory Committee on Youth.* The committee shall:

- (1) assist the youth services coordinator in identifying government and non-governmental based programs, employment and services for local youth;
- (2) create, adopt and periodically update a five-year plan to be known as the "Agenda for Youth" which shall contain recommendations for jobs, programs, services and initiatives to benefit youth;
- (3) assist the youth services coordinator in the development of performance measurements and benchmarking criteria to quantify the impact of youth programs;
- (4) assist the youth services coordinator in the development of recommendations to the city manager on legislative initiatives for the benefit of youth;
- (5) advise the youth services coordinator and the city manager on matters affecting youths;
- (6) provide the city manager an annual report stating the undertakings of the committee, its accomplishments, conclusions and recommendations concerning the matters under its jurisdiction.

§ 12. Board of Health

(a) *Establishment of Board of Health.* Under authority of chapter 120 of the Acts of 2014 and Article Six of the Home Rule Charter, there is hereby established under the jurisdiction of the city manager a board of the city to be known as the “Board of Health” (“board of health” or “board”).

(b) *Membership of Board of Health.* The board shall consist of five members appointed by the city manager for staggered terms of five years each. The city manager shall designate one member as the chair of the board. The composition of the board shall represent the diversity of the city and shall be drawn from the business, educational, public health, engineering and legal communities of Worcester with individuals who exhibit the 21st Century skills of collaboration, critical thinking, communications and creativity. The initial appointments to the board shall consist of one member for one year one member for two years one member for three years one member for four years and one member for five years. Thereafter all members shall serve terms of five years and may continue thereafter as members of the board until the appointment and confirmation of their successor who shall serve for the balance of the term into which they were appointed. All members may be reappointed in accordance with the provisions and limitations of the city charter. All members shall serve at the pleasure of the city manager except that no member shall be removed from office solely on account of any vote or position taken on any matter pending before or decided by the board.

(c) *Duties & Responsibilities of the Board of Health.* The board shall:

- (1) exercise any or all of the authority vested in boards of health by section thirty-one of chapter one hundred-eleven of the general laws or any other general law relative to boards of health in cities and towns, except that the board of health shall have no power of appointment;
- (2) promulgate guidelines and regulations concerning the medical activities of the division of public health division established under this article;
- (3) provide programmatic supervision over the activities of the public health division established under this article; and,
- (4) perform such other duties as assigned by the city manager or as may be prescribed by law.

(d) *Conflicts of Interest.* No member of the board of health or any advisory committee associated with it shall receive compensation either from the city or from any other institution or person for their service as a member of the board. The provisions of chapter two hundred and sixty-eight A shall apply to all members of the board. In the event that the director of public health, the medical director, or any member of the board is unable to act on any particular matter due to a potential conflict of interest the city manager may appoint a temporary member to act in his or her place in that particular matter.

§ 13. Elder Affairs Commission - Elder Affairs Division

(a) *Establishment of Commission on Elder Affairs.* Under authority of the General Laws, chapter forty, section eight B, and Article Six of the Home Rule Charter, there is hereby established under the jurisdiction of the city manager an executive board of the city to be known as the “Commission on Elder Affairs” (“commission”).

(b) *Membership on the Commission on Elder Affairs.* The commission shall consist of fifteen members appointed by the city manager for terms of three years. The terms shall be staggered such that five terms shall expire on October thirty-first of each year.

(c) *Membership on the Senior Center Committee.* The city manager shall designate five members of the commission to serve as a standing committee of the commission and known as the “senior center committee”.

(d) *Appointment of Chairs.* The city manager may, from time to time, designate one member of the commission as the chair of the commission and one member of the senior center committee of the commission as the chair of the senior center committee.

(e) *Duties & Responsibilities of the Commission on Elder Affairs.* The commission shall:

- (1) have general superintendence of the senior center;
- (2) make and enforce such rules and regulations as may be necessary or desirable for the efficient operation of the senior center; provided, that no such rule or regulation shall be voted upon by the commission unless it has first received a recommendation of the senior center committee as to the advisability of any rule or regulation;
- (3) establish standing or ad hoc committees for the conduct of its affairs; and,
- (4) may adopt rules of procedure for the operation of the commission and any committees so formed.

(f) *Duties & Responsibilities of the Senior Center Committee.* The senior center committee shall:

- (1) address all matters concerning the management and operation of the senior center; and,
- (2) make reports and recommendations to the commission on all items it considers. No recommendation of the senior center committee shall be deemed adopted unless and until it is approved by majority vote of the commission.

(g) *Division Head.* The director of elder affairs shall head the elder affairs division and shall have the assistance of such other personnel as shall be assigned by the city manager.

(h) *Duties & Responsibilities.* The director of elder affairs shall:

- (1) administer the affairs of the commission on elder affairs and the senior center committee of the commission on elder affairs;
- (2) administer the programs and activities of the division;

- (3) collect facts and statistics and to conduct special studies affecting the health and welfare of the elderly population of the city;
- (4) encourage the development of programs for the elderly in Worcester;
- (5) identify the needs of the community's older population;
- (6) educate and to enlist the support of the community on the needs of the elderly;
- (7) promote the coordination of programs designed for the elderly in Worcester;
- (8) advise the public agencies of the city on matters affecting the elderly;
- (9) prepare reports to the commission and the city manager on state and federal legislation concerning the elderly, including but not limited to state and federal funds and programs available to the elderly;
- (10) cooperate with the executive office of elder affairs of the commonwealth;
- (11) manage and operate a senior center facility, which shall be the land and buildings acquired by the city of Worcester and located on Providence Street between Winthrop Street and Spurr Street ("senior center");
- (12) encourage and assure within the senior center the maximum level of coordination, collaboration and co-location of individuals and organizations, public and private, engaged in the delivery of services, programs and activities of interest to elders, such as: health insurance, caregiver, benefit and employment counseling services; medical and screening clinics; information and referral services on the issues of health, housing, transportation, education, legal assistance, consumer protection, public safety and support groups; on-site and delivered meals and emergency food distribution; literacy, citizenship and English-as-a-second-language instruction; vocational, cultural and computer programs; senior outreach; senior travel; recreational and wellness programs; dances; gardening; story telling; concerts and entertainment; transportation; day care for elders; and, child care for grandparents raising grandchildren;
- (13) execute on behalf of the department any contract, lease or any other legal document. Any such document involving two thousand dollars or more shall not be binding unless it is also signed by the city manager; and,
- (14) perform the duties and responsibilities described in section 5(b)(1-10) above.

§14. Homelessness Commission

(a) *Establishment of Commission on Homelessness.* Under authority of Article Six of the Home Rule Charter, there is hereby established under the jurisdiction of the city manager an executive board of the city to be known as the "Commission on Homelessness" ("commission").

(b) *Membership.* The commission shall consist of nine members appointed by the city manager for a term of three years provided, however, that, the terms shall staggered such that no more than three terms expire in any one year. The members of the committee

shall consist of one member from among those nominated by any or all the following agencies and entities:

- (1) Worcester Housing Authority;
- (2) Worcester Public Schools;
- (3) A provider of shelter;
- (4) A health care provider;
- (5) A workforce development agency;
- (6) A neighborhood crime watch or neighborhood-based organization;
- (7) A business entity operating within the city; and,
- (8) Two members not otherwise affiliated and maintaining their primary residence in the city;

(c) The commission shall represent a broad spectrum of the Worcester community. The city manager shall establish open, fair and equitable procedures for soliciting nominees from the various entities and agencies listed and shall publish such procedures for an appropriate time prior to soliciting nominees for appointment to the commission.

(d) The city manager may augment the commission by assigning city personnel from any city agency under the jurisdiction of the city manager to serve, ex officio, as associate members of the commission. Such city personnel may participate on the same basis as the members of the commission but shall have no vote and shall not be counted to establish the presence of a quorum at any meeting of the commission.

(e) The city manager shall annually designate from the membership of the commission a chair and vice-chair. The chair shall preside over the meetings of the commission. Any vacancy, however created, other than by expiration of a term, shall be filled by appointment by the city manager for the unexpired portion of the term.

(f) *Duties & Responsibilities of Commission.* The commission shall possess and exercise the power and duty to:

- (1) develop, monitor and update a plan to end homelessness in Worcester as an outgrowth of the original *Multi-Year Plan to End Homelessness in Worcester* developed by the city manager's task force on homelessness and presented to the city council on December 3, 2007;
- (2) develop and review strategies to end homelessness in Worcester;
- (3) conduct periodic reviews of the needs of homeless individuals and families;
- (4) make recommendations to the city manager for city budgetary expenditures to implement programs to end homelessness;
- (5) advocate to meet the needs of the homeless; and,
- (6) perform such other functions as may be requested by the city manager.

A REORGANIZATION ORDINANCE RENAMING THE EXECUTIVE OFFICE OF DIVERSITY AND INCLUSION AS THE EXECUTIVE OFFICE OF DIVERSITY, EQUITY & INCLUSION, MOVING THE ACCESSIBILITY AND THE HUMAN RIGHTS DIVISIONS, TOGETHER WITH THE ACCESSIBILITY ADVISORY COMMISSION, HUMAN RIGHTS COMMISSION, STATUS OF WOMEN COMMITTEE AND THE COMMISSION ON LATINO AFFAIRS FROM THE DEPARTMENT OF HEALTH & HUMAN SERVICES TO THE EXECUTIVE OFFICE OF DIVERSITY, EQUITY & INCLUSION, AND ELIMINATING THE DIVERSITY INCLUSION ADVISORY COMMITTEE

Whereas, in 2015, the City Council, acting upon the recommendation of the City Manager and under Article VI of the Home Rule Charter, adopted a Comprehensive Reorganization Plan containing a new Revised Ordinances of 2015, Part Two, Organization of City Agencies; and,

Whereas, from time-to-time certain modifications to the organizational structure of the city government are necessary and proper to enhance the efficient delivery of services to the citizens of Worcester; and,

Whereas, the city manager has recommended modifying the 2015 Comprehensive Reorganization Plan to rename the Executive Office of Diversity and Inclusion; to move the Accessibility and Human Rights Divisions, together with the Accessibility Advisory Commission, the Human Rights Commission, the Status of Women Committee and the Commission on Latino Affairs to the Executive Office of Diversity, Equity & Inclusion, and to eliminate the Diversity Inclusion Advisory Committee;

Now, Therefore, Be it Ordained by the City Council of the city of Worcester, as follows:

§ 1. The Revised Ordinances of 2015, Organization of City Agencies, are hereby amended by deleting the existing Article Fifteen in its entirety and inserting in lieu thereof the new Article Fifteen, the text of which is attached hereto as Exhibit A and incorporated herein by reference.

§ 2. The Revised Ordinances of 2015, Organization of City Agencies, are hereby further amended by deleting the existing Article Ten in its entirety and inserting in lieu thereof the new Article Ten, the text of which is attached hereto as Exhibit B and incorporated herein by reference.

§ 3. The repeal of the ordinances accomplished by section two hereof shall not impair any lawful action taken under authority of the ordinances previously in effect.

§ 4. Nothing herein shall repeal or impair any executive order, directive or administrative policy issued by the city manager.

§ 5. In accordance with Article Six of the city charter, the ordinance may be enacted on the date it is adopted or the expiration of ninety (90) days.