

Meeting Minutes
Monday February 6, 2023, 6:00pm
Worcester City Hall, Levi Lincoln Chamber (3rd flr), 455 Main Street

Virtual meeting link:

<https://cow.webex.com/cow/j.php?MTID=m9d233db4f78bb0528628acf433e3ce8a>

Meeting number: 2311 007 3698 Password: C6GputMFp79 Phone: 415-655-0001

Attendance:

Present: Guillermo Creamer Jr., Elizabeth O’Callahan, Charles Hopkins, LaToya Lewis, Jorge Lopez,-Alvarez Jamaine Ortiz, Edward G. Robinson Ellen Shemitz

Absent: Jacqueline Yang

Staff: Jayna Turchek

Call to order and introductions

Chairperson Creamer welcomed the members and turned the meeting over to member Shemitz for the duration of the meeting as he was not feeling well. Ms. Turchek provided the technology instructions for public access to the meeting.

Ms. Shemitz began with an acknowledgement of the traditional, ancestral, territory of the Nipmuc, the first people of Massachusetts and those whose land we are convening on tonight. While the Nipmuc history predates written history, records from the 1600s inform us that the original inhabitants of Worcester dwelled principally in three locations: Pakachoag, Tatesset (Tatnuck), and Wigwam Hill (N. Lake Ave). It is important to make this acknowledgment and to honor the ancestors that have come before us. It is all too easy to live in a land without ever hearing the traditional names and the history of the people who first resided and prospered in these lands and continue to reside and prosper.

The Human Rights Commission was established to promote the city’s human rights policies. It is the policy of the City to assure equal access, for every individual, 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 in the city. Our work requires us to address institutional racism so that as a community we can achieve racial equity. Our work also requires us to make visible the unheard, unearned, and unquestioned privilege enjoyed by some members of our community to the detriment of others. We take time to make this acknowledgement, to educate, so a path can be cleared for healing.

Mr. Robinson shared the terms of the Commission. The term “**institutional racism**” refers specifically to the ways in which institutional policies create difference outcomes for different racial groups. The institutional polices may never mention any racial group, but their

effect is to create advantages for whites and the oppression and disadvantage for people from groups classified as people of color.

The term “**racial equity**” is the active state in which race does not determine one’s livelihood or success. It is achieved through proactive work to address root causes of inequalities to improve outcomes for all individuals. That is, through the elimination or shifting of policies, practices, attitudes, and cultural messages that reinforce differential outcomes by race or fail to eliminate them.

The term “**privilege**” describes the unearned social power and informal institutions of society to all members of a dominant group. For example: “white privilege” and “male privilege.” Privilege is usually invisible to those who have it because we are trained to not see it but nevertheless it puts them at an advantage against those who do not have it.

Approval of meeting minutes from January 9, 2023

The minutes were tabled.

Unplanned Business: Commissioner Shemitz explained an item has come up that the Commission would like to discuss and is not on the agenda. Commissioner Shemitz then referred to the Massachusetts Open Meeting law relating to business not posted 48 hours prior to a public meeting. This item meets the Open Meeting Law because this item is on the City Manager’s Agenda for the February 6, 2023 City Council meeting and was posted after the Human Rights Commission agenda was posted and after the deadline for amending the agenda. She explained that by entertaining the discussion tonight it will give the only opportunity for the Commission to offer feedback for the City Council to consider prior to making a possible vote.

Commissioner Shemitz explained: the City Manager is proposing a change to the structure of responsibilities involving the Human Rights Commission, other Commissions and staff in advance of hiring Chief Equity and Inclusion Officer.

There are three main components of the proposal.

1. Create an Equity and Inclusion Department
 - Have the power of investigations for complaints
 - Training and development to shift culture
2. Focus on public participation
 - Include: Commission on Human Rights, Accessibility Advisory Commission, Status of Women Advisory Committee and suspend the Diversity Inclusion Advisory Committee inviting the remaining members to join the Human Rights Commission until their terms end and phasing the Committee out entirely.
3. Hire a Chief Equity Officer to replace the position of Chief Diversity Officer. This is not a matter of language and would be more powerful and a broader role.

The conversation that Commissioners Guillermo, Shemitz and the Director had prior to this meeting clarified that the Commission carries the responsibility to ensure that all residents have access to services and a voice to issues in the city. One way of carrying out this responsibility is

to invite public comment. One of the questions would be do you think it is important to invite public comment from the public on this plan? The other question is does the Commission want to make comment on this plan and the dissolution of the Diversity Inclusion Advisory Committee and meld the issues into the Commission's work?

Commissioner Shemitz asked Director Turchek to offer further comment. She informed the Commission that this agenda item on tomorrow's City Council meeting was 8.40A in the City Manager's section under the title: Transmitting informational communication relative to the framework for achieving diversity, equity and inclusion for our City family. She shared this memo taken from the city council agenda to the Commission earlier today. She also shared articles from news outlets that had an opportunity to speak to the city manager during a press meeting on Friday. She had limited information to share and was offering her understanding from reading the memo and articles but could not answer specific questions.

Commissioner Shemitz suggested three questions for the Commission to consider:

1. How important is it for the public to respond to this reorganization proposal?
2. If the Commission feels it is important for the public to have the opportunity to respond, what would be the questions we would want to ask the public?
3. Does the Commission want to respond in that this proposal effects the way the Commission has been operating?

Commissioner Creamer spoke to the third question and posed the question that he would ask: Would the current responsibilities of the Human Right Commission change? And further melding two commissions does that mean the work doubles, will the Commission have to meet more often or longer etc.? He feels these questions need addressing by the City Manager sooner than later.

Commissioner Shemitz reminded the Commission the purpose of the Human Rights Commission is to assure people's rights across the City and the purpose of the Diversity and Inclusion Committee is much narrower to recruit, hire and maintain a diverse pool of employees. She pointed out these were not areas the Human Rights Commission were involved in and would expand the work the Human Rights Commission already carries. Ms. Shemitz asked Ms. Turchek to comment on her assessment just presented. Ms. Turchek said she has not been part of a conversation that has addressed those questions related to the council item. She did offer that the Diversity and Inclusion Committee is not active and believes it has not met since the Fall of 2021. She could imagine challenges and a need to better understand how combining the boards and members would work and that both workplans would need to be understood. The Human Rights Commission has requested information and review of work that would otherwise be in the purview of the Diversity and Inclusion Committee. She offered as an example the way the Human Rights Commission reviews employee and leadership demographic data with respect to the Police Department. If another committee does not carry out this review the Human Rights Commission has and can continue to pursue these inquiries.

Commissioner O'Callahan supported the idea that the public needs an opportunity to weigh in on this proposal. She wants to be sure the work of the Diversity and Inclusion Committee's work

gets done and if the Human Rights commission is where this happens there is the appropriate space in an already large agenda.

Commissioner Hopkins thought that since the Diversity and Inclusion Committee has not met for over a year this would give the Committee members an opportunity to do the work they agreed to.

Commissioner Robinson recalled the Diversity and Inclusion Committee members dissolved the Committee in a form of protest because three Diversity Officers resigned. He then asked when the Diversity and Inclusion Committee members would serve on the Human Rights Commission, would it increase the Commission's membership going forward? Commissioner Shemitz said the proposal would have the remaining members of the Diversity and Inclusion Committee members serve out their terms on the Human Rights Commission and eliminate the Diversity and Inclusion Committee. The Human Rights Commission membership would revert to 9 members. He hoped the work of the Committee would continue in some way. He suggested looking into the future for a special group of the Commission to do the DEI work.

Commissioner Shemitz offered for discussion the following suggestion to the City Manager given the work of the Diversity and Inclusion Committee is understood as important work and should continue as well as having the DEI work done in the Human Right's Commission. The Human Rights Commission believes the Diversity and Inclusion Advisory Committee serves an important role and recommends that Committee should be reinstated one a new Equity Officer comes aboard. The Human Rights Commission would be willing to take on issues until the Diversity and Inclusion Advisory Committee is in place to take on the DEI work. This work is important and to permanently place it in the Human Rights Commission would not do justice to the recruitment, hiring, and maintenance of city staff review. She opened it up for comments.

Commissioner Creamer responded by saying he did not know how he felt. The Commission is too much in the dark. He wants to hear the presentation the manager will make tomorrow night. He thinks the Council may not ask the same question the Commission would ask. He would want the Manager to come to the Commission and share his vision. He wants clarity before he would consider this suggestion on the floor.

Commissioner Shemitz after hearing this comment asked if the motion should be a request to postpone a vote, until the Commission can hear the City Manager's reorganization vision.

Commission O'Callahan agrees with requesting a postponement on the city Councils vote on the reorganization proposal.

Commissioner Shemitz then put forth a motion to request the City Manager to postpone the elimination of the Diversify and Inclusion Advisory Committee until he can come before the Human Rights Commission so he can more fully explain his vision and the impact on both that Committee and the Commission so that we can reach a formal assessment of whether it meets our mission and supports this Commission.

Commissioner O'Callahan suggested including public feedback in the motion. Commissioner Shemitz indicated her preference to make that a separate motion. Commissioner O'Callahan seconded this motion as proposed. All approved upon roll call 6-0-0.

Commissioner Shemitz noted the importance of public comment and the Commission's role in soliciting same. She asked the Commission if a survey should go out to the community. She shared the general topics such a survey would cover.

1. General proposal including the merging of the Diversity and Inclusion Advisory Committee with the Human Rights Commission? Agree-disagree – need more information and why they feel this way.
2. Any question about how the reorganization would move forward?
3. Do you have any historical knowledge of the Human Rights Commission? Please share. Will the Commission's work be impacted?
4. If you as a member of the public served on any of the city boards, what insights do you have of that work and as a board member do you have a recommendation of how the reorganization should go forward?
5. What do you see as the biggest threat to Diversity, Equity and Inclusion today? Be as specific as possible.
6. What is the most pressing need that you would like to see a renewed or expanded Advisory Committee to address?

Commissioner Robinson asked what the timeline for such a survey would be and would it be more the electronic given people don't have access to computers? Ms. Turcek responded this particular survey would be a google form going out through constant contact emails. There are a lot of ways to make it accessible i.e.: languages, screen reader etc. This is not a comprehensive survey but may be enough to generate interest and content to inform the process in a collaborative way which is the intent at this moment.

Commissioner O'Callahan appreciated Ms. Turcek efforts to reach as wide a diverse population with this survey as possible.

The Commission reviewed the questions and felt that they were good. Ms. Turcek can adjust the wording if necessary.

Commissioner Ortiz raised the concern that there was little time to think anything through on this issue. Commissioner Shemitz concurred and appreciated the concern. She also reminded the Commission the reorganization plan involved the Commission's work and warrants a timely response. Commissioner Creamer assured the Commissioners that it was OK to feel frustrated and wondering what is happening. Commissioner Lewis appreciated the safe space Mr. Creamer created. Mr. Lewis agreed that public input was needed in a timely fashion.

Commissioner O'Callahan confirmed what others have said previously about limited time to respond. Survey efficacy in terms of number respondents and need to do one quickly.

Commissioner Lewis' frustration was expressed by many of the Commissioners and at the same time to review the proposal and make comment.

Commissioner Robinson suggested the need to have questions for the City Manager. Questions like will the Commission have investigative power? He thinks the questions presented at the meeting for the public are fine.

Commissioner Hopkins suggested the need to have the job description of both the Chief Diversity Officer and the Chief Equity Officer to understand the differences.

Commissioner Shemitz clarified: The Commission would like to hear from the City Manager about his vision for the reorganization:

A. Request a pause of the proposal until we can hear from him about Job descriptions, staffing for the Commission, and change in the responsibilities of the Human Rights Commissions or other Commissions.

B. Ask the manager questions that were raised at this meeting and

C. We like the opportunity to survey the public to see if there are further questions for the City Manager prior to the vote on the proposal.

Comment on this proposal by Commissioner O'Callahan: The Commission has the right to send out a survey prior to meeting with the City Manager.

Commissioner Hopkins asked about the process for this proposal. Ms. Turchek indicated that the City Council is the body responsible to vote on this proposal. It is possible they could vote tomorrow night.

Commissioner Robinson asked if the meeting tomorrow night was a City Council or Managers meeting. It is a City Manager's calendar of the City Council. A further question was asked if the City Manager could withdraw the item. Ms. Turchek did not know the answer.

Commissioner Shemitz offered a 3-pronged proposal based on tonight's discussion as follows:

1. Ask that the reorganization proposal be put on pause until such time can be gathered.
2. A presentation be made to the Commission addressing some of the questions which can be offered off line
3. Solicit feedback from the public based on what we have before us given the passage of time and delegate the Chair, Co-chair and Ms. Turchek the ability to finalize the survey.

The proposed survey questions read earlier addressed DEI questions and they were very broad. Are there specific people or groups the Commissioner would like to receive this survey?

Responses included Community leaders, non-profits, and groups in this area.

Another question from Commissioner Shemitz: The previous questions read for the survey include the opportunity to learn more about the Commissions work and makes the survey long. Does the commission think those questions should be included or not? One commissioner spoke to the point of keeping these questions in would help the public know what the Commission does.

Commissioner Shemitz offered a motion.

The Commission a. make a request of the City Manager that the proposed reorganization and the request for the vote on the reorganization be placed on a temporary hold until such time as: b. The Manager can present to the Commission and answer questions as to his vision underlying his proposal for reorganization as well as the questions the Commission will draw up and present to the City Manager for example specific job description, long term respect to the Diversity and Inclusion Advisory Committee. c. The Commission will put out a survey to solicit public input to be sent to the community leadership using questions presented in this meeting delegating the finalization of the survey to the Commission's leadership and Ms. Turchek.

Should the motion include a timeline? Suggestion was not to include such because the process was still unclear. Surveys should be submitted by the March meeting which will be the focus of that meeting; however, the survey will remain open.

Commissioner Creamer seconded the motion. The motion was approved unanimously by roll call 6-0-0.

Commissioner Robinson asked if there were any member of the public on. There were none.

Old Business (these items are requests for information and follow up at future meetings):

Ms. Turchek said this was housekeeping at the end of the year. Items A – N are items that have already been made to the City Administration and have not heard a response.

Commissioner O'Callahan moved to resubmit items A – N for response.

Commissioner Ortiz seconded the motion. All approve by roll call 6-0-0.

A. Request update on Commission recommendation to post all Executive Orders on the City of Worcester webpage (See April 4, 2022 HRC minutes)\

B. Request update and review of Human Resources Investigative Policy (See June 13, 2022 HRC minutes) 2

C. Request City of Worcester webpage to be updated to include information on the Human Resources Investigative Unit and include contact information and process for members of the public to file a complaint against a city employee (See June 13, 2022 HRC minutes)

D. Request update on how WPD is planning on presenting/notifying the public about when the body camera program will start? (Most recent request October 3, 2022)

E. Request list of all WPD employees by unit/division to be issued body cameras (Most recent request October 3, 2022)

F. Request for update on whether all WPD officers will be issued city cell phones? (Most recent request October 3, 2022)

G. Request number of WPD personnel who are fluent in a language other English (specify language) (Most recent request October 3, 2022)

H. Request update on request for passing rate for 2022 Police Civil Service Exam. Passing rate by race and gender specified (Most recent request October 3, 2022)

I. Request update on creation of LGBTQ liaison tab on WPD webpages (See October 3, 2022 HRC minutes)

J. Request response from WPD regarding request for WPD to share data with the commission with regard to motor vehicle stops of city residents with a focus on the breakdown of stops and citations by race, by department, by location (zip code or specific intersections), and the highest number of stops and citations by a particular officer verses the average and to further request that the data be shared with the commission on a semi-annual basis with assistance from the Worcester Research Bureau if needed. (See July 11, 2022 HRC minutes)

K. Request review of WPD drone policy (See July 11, 2022 HRC minutes)

L. Request update on next Citizen Police Academy Program (See July 11, 2022 HRC minutes) 3

M. Request update on recommendation to the City Council, through the City Manager, to negotiate in the next cable/broadband contract a provision for households eligible for ACP have their bill capped at the total cost of the allotted federal findings available to that household (See October 3, 2022 HRC minutes)

N. Request update on recommendation to the city manager that any new large construction be required to have a public access Wi-Fi access point (See October 3, 2022 HRC minutes)

New Business (these items are requests for information and follow up at future meetings):

A. Request for copy of online City of Worcester Affirmative Action Policy and Plan to be updated and signed and dated
www.worcesterma.gov/uploads/49/4e/494e797eeb2a0ce2af826b7892e77718/affirmative-actionpolicy.pdf

This is an opportunity to review this item that is on the City Website. It is not dated or signed and was under the previous Administration. If there was an active Diversity and Inclusion Advisory Committee this may be on their agenda, but because that Committee is not active this Commission deems it necessary to recommend review and update.

Commissioner Robinson did read the plan and on page 9 under Implementation line 4 – 7 it says if a person of color applies, that person gets the job. He thought this was a good idea as a way to remove the Critical Race Theory. Commissioner Lewis moved to put the request forward. Commissioner Robinson seconded. All approved by roll call 6-0-0.

B. Request city manager review with administration to amend zoning ordinance to include affirmatively fair housing requirements w www.bostonplans.org/housing/affirmatively-furthering-fair-housing-article-80

<https://www.hud.gov/AFFH#:~:text=The%20proposed%20rule%20would%20faithfully%20implement%20the%20Fair,opportunities%2C%20and%20foster%20inclusive%20communities%20free%20from%20discrimination>

Ms. Turchek explained and tied this item in to three areas:

1. The city has embarked on a long-term strategic planning process – “Worcester Now/Next. They are reviewing the zoning ordinance and there will be amendments. Recently there was an amendment put forward and recently discussed at the City Council regarding an inclusionary zoning ordinance.
2. This Commission reviews the city’s work under the “Fair Housing Law” which is a federal law. The Office of Human Rights has a grant through Community Legal Aid to promote fair housing. Boston is the first city in the United States to put requirements in their zoning ordinance and has a robust Fair Housing process and she sees ways in which Worcester could benefit from their work.
3. In addition at the federal level there was a proposed Affirming Fair Housing, offering guidance to communities on how to avoid disparities and discrimination. This rule is going to change the way recipients of federal funds do their work. There are tools the federal government will make available and local entities will need to create equity plans. This Commission reviews the city’s fair housing work in April and it might be a timely request to invite the Manager/Administration to the April meeting and ask how is the city going to respond to this proposal and what we can learn about Boston’s work.

Commissioner O’Callahan brought forth historical information that the Commission discussed the AFFH rule in 2015. So now this new rule is being put forth to affirmatively support fair housing and is a good reason to support the request being made by the Commission tonight. Ms. Turchek thanked the Commissioner for remembering and shared that there was an Affirmatively Furthering Fair Housing rule that was suspended. There was also an interactive data portal that was taken down by the former federal administration.

Commissioner Shemitz put forth the motion to request city manager review with administration to amend zoning ordinance to include affirmatively fair housing requirements and also come before the commission in April to share that review with the Commission and answer any questions the Commission may have. Chairperson Creamer seconded the motion. The motioned passed on a roll call 6-0-0.

Notice: Worcester Research Bureau Brief - DOJ Pattern-or-Practice Investigations

<https://www.wrrb.org/wp-content/uploads/2023/01/Bureau-Brief-DOJ-Pattern-or-PracticeInvestigations.pdf>

Commissioner Robinson noted the Research Bureau information said it take about 36 months for the results of an investigation to be made.

Notice: Reading Frederick Douglass Together. A public reading for his fourth of July address.

February 14, 2023, 3:30-6pm. Worcester City Hall, Esther Howland Chamber
Traditionally the Commission co-sponsors this reading and is read in July. Audience members are asked to read sections of the speech. February 14, what a wonderful day to celebrate love for our community!

Thank you

Commissioner O'Callahan thanked Commissioner Shemitz for guiding the Commission through tonight's conversation. In turn Commissioner Shemitz passed the thanks on to Ms. Turchek who as usual provided wonderful guidance. Commissioner Shemitz feels the Commission has come out in a good place and is very hopeful the City Manager will take the concerns under advisement.

Adjournment 7:42pm

Commissioner Shemitz moved to adjourn the meeting. Commissioner Creamer seconded. Motion approved on roll call 6-0-0.

Next meeting: Monday March 6, 2023, 6pm, (In person at City Hall and over WebEx)