



To: Town Council

Fr: Paul Bockelman
Town Manager

Dt: November 12, 2021

Re: Reorganization Plan: Diversity, Equity, and Inclusion Office

Recommendation:

Approve the reorganization plan creating the Office of Diversity, Equity, and Inclusion.

Reorganization Plan:

The reorganization will create the Office of Diversity, Equity and Inclusion (DEI).

The reason for creating this office is to dedicate resources to support the Town Manager in the development of the goals, strategies, and performance measures to meet the Town's work toward equity.

The DEI Office will develop, recommend, and implement a strategic plan that will advance a diverse, equitable, and inclusive culture for the Town and establish priorities that provide opportunities to build diversity and inclusive practices into the Town's operations. The Office will review Town policies, procedures, bylaws, values, goals, and missions through an equity lens to foster an unbiased, anti-racist, and inclusive environment. For purposes of this Office, equity is meant to include race, ethnicity, physical ability, LBGQTQIA+ identity, age, and socio-economic status as examples, but is intended to be inclusive of all people.

The DEI Office will be staffed by a full-time DEI Director. There will also be a DEI Assistant Director who will have DEI work as their primary responsibility and will also incorporate other duties focused on community participation and outreach.

The DEI Director will report directly to the Town Manager and have a close working relationship – and may share goals – with the Human Resources Director.

The DEI Director will provide leadership and be responsible for developing and implementing a strategic plan that includes a long-term program of initiatives that will advance a diverse, equitable, and inclusive culture and establish priorities that provide opportunities to build diversity and inclusive practices into the Town's operations.

The DEI Director will work with the Town Manager to develop specific initiatives and programs with measurable outcomes. The DEI Director will work with Department Heads and relevant stakeholders in the development of the strategic plan and implementation of specific action steps.

The goal in creating this department is to:

- improve the Town’s decision-making so that it better represents all communities and includes less bias;
- increase community trust in local government;
- ensure an equitable allocation of public resources; and,
- improve employee satisfaction and engagement.

The DEI Director will engage in data collection, training, public engagement, equity and inclusion best practices, and support the Human Resources Department in its hiring and retention mission.

The DEI Director will be delegated the role of Human Rights Director, a role currently delegated to the Human Resources Director. The DEI Director will work with the Disability Access Advisory Committee and support the Town Manager as ADA Coordinator. The DEI Director will have primary responsibility for other committees and groups designated by the Town Manager such as committees associated with community safety, social justice, human rights, and disability access. The DEI Director will also support all Town departments in their work toward equity.

Summary of Reasons for Proposed Change: Our community – including elected officials, committee members, staff, and members of the public – have invested significant time and effort into making tangible changes to our community and how the Town does business to bring its actions more into alignment with the equity values established by the Town Council. While this may be a slow process, progress can be made if the stated goals are given daily attention, purposeful conversations, and a shared commitment to do better. Establishing the Office of DEI and dedicating staff will provide the concentration and resources necessary to make true progress.

Existing Bylaw Changes: No existing bylaws will be changed.

Proposed Bylaws: No new bylaws are proposed.

Estimated Financial Impact:

The Financial impact is based on the following:

- Creation of a new department that will be located in Town Hall requiring staff, benefits, retirement costs, office expenses, and hardware.
- The creation of a new Director position and a new Assistant Director position that will be filled by an existing employee. Both positions will be full-time and non-union.
- Non-operating costs include desks, computers, phones, and other needed equipment estimated at \$3,750.

- Annualized operating costs are estimated at \$240,500 which includes:
 - One Director and one Assistant Director estimated at \$163,000;
 - Health insurance, life insurance estimated at \$31,000;
 - Pension estimated at \$36,500;
 - Insurance including Medicare, unemployment, workers compensation estimated at \$4,000;
 - Supplies, professional development, contracted services estimated at \$6,000.

The proposed funding plan – based on FY22 full year costs - includes:

- Director position - The DEI Director position will be funded with the line item previously dedicated to the economic development director, which was eliminated in the FY22 budget.
- Assistant Director position – The Assistant DEI Director position will combine one-half of the current Town Manager Administrative Assistant position with funds from the American Rescue Plan (ARPA) for FY22. The ARPA funded portion will be added to the operating budget for FY23. Funding for one-half of this position does not exist in the existing budget and will need to be added in future budgets.
- Start-up and operating costs will come from existing appropriations.
- The Town plans to fund non-operating costs through existing appropriations for computers and equipment.
- Operating costs will be phased in over one year with approximately \$35,000 in insurance costs being added to the operating budget in FY23.
- The Town may opt to use reserves to supplement the municipal operating budget over two or three years to minimize the impact on other departments. The amount of reserves and length of time needed will depend on the settlement of negotiations, health insurance premium changes, and other major cost increases.
- The pension cost will be added in FY24 based on the way the Hampshire County Retirement System assesses member Towns.

Background:

The Town Council established a goal for the Town Manager that stated:

VI. Racial Equity and Social Justice

Objective: To explore, recommend, and implement policies and procedures that address racial equity and social justice consistent with the Town Council Resolution in the Aftermath of the Death of Mr. George Floyd adopted on June 1, 2020 that (1) ensure all community members feel and are a part of Amherst and feel and are protected, listened to, and served by their public servants, (2) foster a community free of fear, intimidation, and violence, and (3) incorporate significant involvement of BIPOC residents in shaping these policies and procedures.

On December 7, 2020, the Town Council passed a resolution entitled: “A Resolution Affirming the Town Of Amherst’s Commitment to End Structural Racism and Achieve Racial Equity for Black Residents” (attached).

This resolution included the following statement:

BE IT FURTHER RESOLVED that the Amherst Town Council hereby affirms its commitment to eradicating the effects of systemically racist practices of Town government and Town-affiliated organizations, and will review and revise its policies, procedures, bylaws, values, goals, and missions through an anti-racism lens to foster an unbiased and inclusive environment that is free of discrimination, harassment, and negative stereotyping toward any person or group.

The FY22 budget I presented on May 1, 2021 included funding to begin to address structural racism and increase the diversity of Town staff. The budget included funding that combined existing funds and new funds from ARPA to create staffing for a new Diversity, Equity, and Inclusion office. This office will focus on recruiting and retaining diverse staff and will be brought completely into the operating budget in the coming years. The FY22 budget also includes \$80,000 to support strategies that help address structural racism throughout Town government with a focus on additional training for Town staff and other initiatives in the Town.

On September 21, 2020, the Town Manager adopted the charge that created the Community Safety Working Group. Significantly, the charge included a requirement that six of the nine members appointed by the Town Manager would represent Black, Indigenous, People of Color, or other historically marginalized communities.

The Community Safety Working Group has completed its work and submitted its Report that included both a Part A and a Part B. In its report, the Community Safety Working Group made the following recommendation:

Create a well-staffed and well-funded Department of Diversity, Equity, and Inclusion

We recommend that Amherst create a well-funded Department of Diversity, Equity, and Inclusion with a full-time Director and Assistant Director. In completing our charge, the CSWG could not ignore the lack of representation in local government, in Town positions, and the climate between BIPOC owned businesses and the town. This department will ensure tight alignment between Town activity and the push to end systemic white supremacy in Amherst. This needs to be strategically addressed with a formal plan and staff to execute. Diversity is not a check box, it is an ongoing commitment to inclusive environments, and this department will show how open the Town of Amherst is to creating an equitable and welcoming environment for all residents.

Considerations:

The creation of this department was budgeted in FY22 with the understanding that the existing Economic Development Director position would not be funded. ARPA funds have been proposed to fund economic development activities. The Assistant DEI Director position requires the elimination of a half-time position in the Town Manager’s office that may create a gap in coverage for this office.

References:

Section 6.1 of the Town Charter discusses the reorganization of Town agencies as follows:

SECTION 6.1: REORGANIZATION OF TOWN AGENCIES

(a) The Town Manager may prepare and submit to the Town Council a reorganization plan which may, subject to applicable law and this Charter, reorganize, consolidate, or abolish any Town agency, in whole or in part, or establish new Town agencies as the Town Manager considers necessary or expedient. The reorganization plan shall be accompanied by an explanatory memorandum which shall include: (i) a summary of the reasons or purposes for the proposed changes; (ii) reference to any bylaws to be repealed or modified; (iii) a summary of proposed bylaw changes to be put into effect should the plan be adopted; and (iv) a summary of the estimated financial impact of the proposed changes.

The term “reorganization plan” shall mean any plan which proposes the abolition, creation, or consolidation of 1 or more Town agencies, including the reassignment of functions from 1 agency to another or the establishment of 1 or more new Town agencies as deemed necessary to deliver Town services.

(b) Every reorganization plan shall, upon receipt by the Town Council, be referred to an appropriate committee of the Town Council which shall, not more than 30 days after receipt of the plan, hold a public forum on the matter and shall, not later than the second regular meeting of the Town Council following the public forum, report either that it approves or disapproves of the plan. A reorganization plan shall become effective 60 days after the date it is received by the Town Council unless the Town Council has prior to that date voted to reject the reorganization plan or unless a later effective date is specified in the plan. A reorganization plan presented by the Town Manager to the Town Council under this Section shall not be amended by the Town Council but shall either be approved or rejected as submitted. Reorganization plans shall not be subject to the Right to Postpone as provided in Section 2.10(c).