

## **CHAPTER 5 HUMAN SERVICES**

### **SECTION 5.1                   MALDEN ARTS COUNCIL**

#### **A. PURPOSE**

The Malden Arts Council shall stimulate and encourage the development of the arts in Malden, including the fine arts, the performing arts, and humanities and shall administer the distribution of any funds received for said purposes.

#### **B. MEMBERS**

The Council shall consist of eleven members, the majority of whom shall be residents of the City of Malden, appointed by the Mayor of Malden, subject to confirmation by the City Council. Members shall serve without compensation at the discretion of the Mayor for not more than a two year term. Members may be reappointed for not more than two additional terms, and may be removed, with or without cause.

The members of the Council shall, within thirty days after appointment, elect from its members a Chairperson and Vice-Chairperson and such other officers as the Arts Council deem necessary. The Council shall have the right to elect officers annually at the first meeting in January.

#### **C. QUORUM**

One third of the members shall constitute a quorum for the transaction of business.

#### **D. FUNDING**

The Arts Council is authorized to apply for grants and sponsor fund raising events for the furtherance of its purposes. All funds received shall be deposited in the City Treasury in a separate Arts Council account and may be expended, as allowed by law, upon vote of at least six (6) members of the Arts Council. Said Arts Council shall, upon receipt of funds from the City of Malden, be subject to municipal finance laws. Said Arts Council shall be a department of the City.

## **HUMAN RIGHTS COMMISSION**

### **SECTION 5.2                   HUMAN RIGHTS COMMISSION**

#### **A. PURPOSE**

The Human Rights Commission shall carry out programs to help, aid and assist disabled citizens; shall take all reasonable and necessary steps to ensure to all protected groups, as defined by state and federal regulatory authorities, equal housing opportunity and equal access to all benefits and services related thereto within the City of Malden; shall take all reasonable and necessary steps to facilitate the implementation of the City of Malden Fair Housing Plan, as

amended; shall take reasonable steps to see that each person, regardless of race, color, religious creed, national origin, sex, age, ancestry, physical, mental or emotional capability, sexual preference, or marital status, shall have equal opportunity in or access to credit eligibility, employment, housing, education, recreation, public accommodations, public services and licensing; and shall encourage and bring about mutual understanding among all persons in the City by minimizing unlawful discrimination.

## **B. FUNCTIONS, POWERS, DUTIES**

The function of the Commission shall be to implement the policy of this Ordinance by the exercise of the following powers and duties:

1. To increase the awareness of City departments, City personnel and the city as a whole of the problems and capabilities of disabled citizens and the diverse nature of all citizens by enlisting the cooperation of the various racial, religious, and ethnic groups, civic and community organizations, labor organizations, fraternal and benevolent organizations, and other groups in:
  - a. eliminating discrimination and intolerance;
  - b. showing the need for mutual respect and the achievement of harmony and understanding among all people and groups in the City of Malden; and
  - c. securing for all citizens of Malden the free exercise or enjoyment of any right or privilege secured to them by the Constitution or laws of the United States and the Commonwealth;
2. To receive and respond in a timely manner to complaints from any person or group, and to initiate investigations pursuant to complaints, or on its own, into the
  - a. denial of such free exercise or enjoyment of any right or privilege secured to her, him or it by the Constitution of laws of the Commonwealth or by the Constitution or laws of the United States;
  - b. existence of unlawful discrimination in the City which may deny or tend to deny equal access to or opportunity in credit eligibility, housing, employment, education, recreation and public accommodations, services, and facilities to a person or group because of his, her or its race, color, sex, age, religious creed, national origin, ancestry, physical, mental, or emotional capability, sexual preference, or marital status, and in connection therewith to hold hearings; and
  - c. allegations that the Americans with Disabilities Act has been violated.
3. To attempt by mediation to resolve any matter over which it has jurisdiction; to attempt, by educating those involved and by urging, reasoning, negotiating and expending its best efforts, to amicably resolve such matters; to promote good will towards disabled persons; to eliminate discrimination; and to otherwise bring about voluntary compliance with applicable laws, rules and regulations with a view of avoiding animosity, inefficiency,

aggravation, and litigation.

After investigation of any matter not resolved by mediation, the commission shall make a written report of its findings and recommendations to the Mayor on any matter for review and for the implementation by him/her of such of the recommendation of the Commission as the Mayor deems justified; or similarly, to the School Committee, City Council, Massachusetts Commission Against Discrimination, office of the Attorney General of Massachusetts or United States Department of Justice on any matter within their respective jurisdictions; or to any court, tribunal, or 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 recommendations;

4. To issue such publications and such results of investigation and research as in its judgment will tend to:
  - a. secure the free exercise or enjoyment of any right or privilege secured to citizens of malden by the Constitution or laws of the Commonwealth or by the Constitution or laws of the United States;
  - b. to promote good will;
  - c. to minimize or eliminate discrimination because of race, color, sex, age, religious creed, national origin, ancestry, physical, mental or emotional capability, sexual preference, or marital status;
5. To adopt, promulgate, amend and rescind rules, regulations and procedures in order to carry out the provisions of this ordinance and the policies and practices of the Commission in connection therewith. Said rules, regulations and procedures shall include rules and regulations regarding the holding of hearings at such times and places as is deemed suitable and appropriate;
6. To render annually to the Mayor and City Council a written report of its activities and of its recommendations;
7. To obtain, upon request, and utilize the services of all municipal departments and agencies, unless prohibited by law; and to serve as advocates for the disabled in relationships with City Departments and City personnel, and generally with all persons or organizations in the City of Malden regarding issues of diversity or discrimination;
8. To expend such funds as are appropriated for accomplishing the aforementioned purposes, and in conjunction therewith, to prepare annually an operating budget for the City of Malden;
9. To apply for grants and to sponsor fund-raising events as may be necessary to accomplish the purposes of this ordinance;
10. To develop a list of information and referral sources for persons in need of the same;
11. To serve in an advisory capacity to the City of Malden, in matters within its jurisdiction;
12. To review City Codes, ordinances, departmental rules and regulations, or other applicable by-laws and recommended amendments to ensure access to disabled persons;
13. To promote attitudes and programs which improve the quality of life for disabled persons;and

14. To review evaluations and recommendations pertaining to section 504, the Massachusetts Constitutional Amendment on Equal Rights for the Handicapped and Executive Order 143, and to assist in transition plans, when so requested by the Mayor;

**C. ESTABLISHMENT OF HUMAN RIGHTS COMMISSION; MEMBERSHIP, TERM, OFFICERS COMPOSITION**

The Commission shall consist of seven members who shall be Malden residents, of whom four shall be appointed by the City Council and three by the Mayor for a term of three years; provided that initial appointments shall be made as follows: two Council appointments for one year; two Council appointments for two years; three Mayoral appointments for three years.

Members shall serve until appointment and qualification of successors. The Commission may include representation from groups within the community, including but not limited to tenants' associations, apartment managers, civil rights organizations, local business leaders, public officials or local residents. At least one member shall be a disabled person who has a physical or mental impairment which substantially limits one or more major life activities.

A chairperson and vice-chairperson and such other officers as the Commission deems necessary shall be elected by majority vote from the membership in January of each year, except that in the first year of organization the said officers shall be elected within thirty (30) days of appointment of at least four (4) members.

A majority of the membership of the Commission shall constitute a quorum for the transaction of business and a majority of those present shall be sufficient for any action taken by the Commission.

The Commission members may be removed by the Mayor, with or without cause, in the same manner in which they were appointed. Removal of any Commission may be recommended to the Mayor by a majority vote of the Commissioners.

**D. COMMUNITY OUTREACH CO-ORDINATOR**

The Mayor's Community Outreach Co-ordinator shall receive and investigate complaints of violations of ADA regulations and provide reports and recommendations relating to complaints to the Commission, and shall undertake such other duties as the Commission may direct.

**HUMAN SERVICES DEPARTMENT**

**SECTION 5.3 HUMAN SERVICES DEPARTMENT**

**A.**

The Human Services Department shall, subject to available funding, provide Malden residents with such human, social and recreational services as shall be determined necessary or beneficial by the Director of Human Services.

The Human Services Department shall be composed of the Director of Human Services, three administrative assistants and such other clerks and assistants as may be deemed necessary.

The Director of Human Services shall be appointed by the Mayor for a five year term, commencing March 1, 2000 and shall be responsible for the administration of all Human Service programs operated by the City. The Director may apply for grants and awards from state and federal human service programs, may seek funding from private organizations, and may engage in private fund-raising, provided that all funds shall be deposited in the City Treasury and may be expended as allowed by law. The Director may, for the purpose of providing services to residents, act in conjunction with similar human services programs, both private and public, reasonable and necessary steps shall be taken by the Committee to facilitate the implementation of the City of Malden Fair Housing Plan, as amended.

#### **B. COMPOSITION**

The Committee shall consist of thirteen members, the majority of whom shall be residents of the City of Malden and shall be appointed by the Mayor. Members shall serve, without compensation, until appointment and qualification of successors. The Committee shall include representation from groups within the community, including but not limited to tenants' associations, real estate concerns, banks, apartment managers, civil rights organizations, developers, public officials and local residents.

A chairperson and vice-chairperson and such other officers as the Committee deems necessary shall be elected by majority vote from the membership in January of each year.

#### **C. QUORUM**

One third of the members shall constitute a quorum for the transaction of business.

#### **D. FAIR HOUSING DIRECTOR**

The Mayor shall appoint a Fair Housing Director. The Fair Housing Director, under the direction of the Mayor and the Fair Housing Committee, shall undertake such duties as set forth in the Fair Housing Plan, as amended.

### **SECTION 5.4 COMMUNITY ACTIVITIES BOARD ESTABLISHED; POWERS AND DUTIES**

The Community Activities Board shall counsel and advise the Director of Human Services on issues and problems relating to the delivery of human, recreational and social services to residents of the city and shall make program and policy recommendations to the Director. The Community Activities Board shall consist of five members, three of whom shall be appointed by the Mayor and two of whom shall be appointed by the City Council, for a term of five years. The Mayor's initial appointments shall serve for one year, three years and five

years respectively and the City Council's initial appointments shall serve for two and four years respectively. Thereafter, the Mayor or City Council shall make an appointment annually in January for a term of five years. Appointees shall be residents and shall hold office until their successors are appointed and qualified.