

UNOFFICIAL DRAFT SUBJECT TO APPROVAL BY THE COMMITTEE AT ITS NEXT MEETING

MINUTES OF THE MEETING

**MASS CULTURAL COUNCIL
EXECUTIVE COMMITTEE**

THURSDAY, JANUARY 13, 2022

ONLINE MEETING

Committee Members Present were

Nina Fialkow, Chair
Marc Carroll, Vice Chair
Jo-Ann Davis
Troy Siebels
Sherry Dong

Staff Members Present were

Michael J. Bobbitt, Executive Director
David Slatery, Deputy Director
Bethann Steiner, Public Affairs Director
Jen Lawless, Operations Director
Catherine Cheng-Anderson, Director of People and Culture
Cheyenne Cohn-Postell, Program Officer for Equity & Inclusion
Ann Petrucelli Moon, Special Assistant to the Executive Director & Leadership Team
Carmen Plazas, Communications Manager

Chair Nina Fialkow called the meeting to order at 10:04am and asked Deputy Director David Slatery to read the Open Meeting Law statement:

Please note that this meeting is an open meeting of a public body subject to the Massachusetts Open Meeting Law. A notice of this meeting together with the agenda was posted on Mass Cultural Council's website 48 or more hours ago (excluding weekends and holidays).

This meeting shall be open and accessible to all members of the public except at such times when this body has voted to go into closed executive session under the Open Meeting Law.

This meeting is a virtual meeting held under the Open Meeting Law as modified

under current law to permit online open meetings. This meeting is being broadcast to the public on a publicly available YouTube or other channel as described in the publicly posted meeting notice. Only Council members, staff and invited participants and guests will be provided access to the Zoom or other videoconferencing platform actually hosting the meeting. As a safety measure, in order to prevent disruption of the meeting or non-public communications among the participants, the Chair, Vice Chair and Executive Committee of Mass Cultural Council has asked staff to implement the following protocols for participants in on-line meetings of Mass Cultural Council or its committees:

- Any "chat" or similar function on the Zoom platform hosting the meeting shall be disabled.
- Other than Council members or participants specifically recognized by the Chair of the meeting, all Zoom platform participants will be muted and have no ability to share media or documents or project or type images or text.
- All participants in the Zoom platform must enter a waiting room and digitally sign-in before being admitted.
- Any attendee in the Zoom platform who nonetheless causes a disruption will be summarily removed from the meeting at the discretion of the Chair.

This meeting is not a public hearing and public testimony will not be taken. Individuals may not address the meeting without permission of the Chair.

Any member of the public may record this meeting provided that they do not interfere with the meeting. The Chair will then inform the members of the meeting that they are being recorded.

Draft minutes of the open session of this meeting shall be kept and shall be posted on Mass Cultural Council's website no later than 30 days after the meeting provided that such minutes shall not be considered official until they have been approved by this body in open session. Individuals asserting a violation of the Open Meeting Law may file a complaint with this body within 30 days or with the Attorney General's office thereafter

Nina asked if Committee Members had reviewed the minutes of their last meeting on September 13th and called for a motion to approve them. Troy Siebels moved to approve the minutes; Marc Carroll seconded the motion. By roll call vote, all were in favor, and it was

RESOLVED: that the Executive Committee approves the minutes of the September 13, 2021, Executive Committee Meeting in the form presented to the Executive Committee.

Nina thanked Mass Cultural Council staff for their work over the past quarter since the Committee met in September, then asked Michael Bobbitt for his Executive Director's report.

Michael stated that it is a very busy time for the Agency. Currently priorities include operational improvements, the rollout of the new Grants Management System (GMS) and continuing to find efficiencies in finance and teleworking. Cathy Cheng-Anderson the Agency's new Director of People & Culture, and also leader of the Cultural Equity & Access team, joined the staff in November and is doing an audit of current human resources practices. Staff is also continuing the rollout of the racial equity plan, executing the fall grants cycle, and beginning to develop a plan for ARPA funds.

Michael then introduced the newly formed Cultural Equity & Access team led by Cathy Cheng-Anderson and including Cheyenne Cohn-Postell (previously with the Cultural Investment Portfolio team), and Charles Baldwin. Michael is pleased with the rollout of the racial equity plan thus far. He has spoken to several media outlets and the Joint Committee on Racial Equity, Civil Rights, and Inclusion about it and staff is already seeing differences in the number of BIPOC panelists and grants given out. The Agency's BIPOC Coordinators who report to Cheyenne are doing a fantastic job introducing staff to new potential grantees, and the new GMS has allowed staff to track demographics.

Cathy as leader of the Cultural Equity & Access team emphasized that Mass Cultural Council's goal along with goals set forth in the racial equity plan is to recruit, hire, develop and promote diverse talent at the agency.

Cheyenne then shared a PowerPoint presentation and together she and Cathy walked Committee Members through it. A copy of the presentation is available upon request.

A key current focus is operationalizing internal equity. Agency job postings have been updated with neutral and inclusive language and biased language has been removed. All job postings begin with the Agency's racial equity statement and include a link to the full racial equity plan. To expand on the goal of recruiting, hiring, and promoting diverse talent, statements relating to equal opportunity and affirmative action have been added to job descriptions. Staff is also looking at the necessary requirements for each position to demonstrate flexibility when recruiting candidates with transferrable skills. Staff is creating a new hiring process through which anti-racism values are operationalized and selection teams are trained to identify unconscious bias and understand how that can impact decision-making; hiring process will include an interview assessment that focuses on value fit instead of cultural fit.

The Agency hired four BIPOC Outreach Coordinators in late October: Tran Vu, Erika Slocumb, Erin Genia, and Ana Masacote. They are responsible for spreading awareness of the Agency and gathering feedback. They have been distributing flyers in various regions and neighborhoods and helping the Agency support revitalization in the Native American community. When staff looked at demographic information that had thus far been collected, they saw that the Agency is lagging with members of the LatinX and Pacific Islander community. Staff concluded by sharing the revised definition of a BIPOC-centered organization which essentially states that these organizations are serving and comprised of members of the BIPOC community. That definition is still in the process of being approved.

Jo-Ann Davis asked a question regarding the demographic information that was shared during the presentation and inquiring what the 62% represented.

Cheyenne explained that staff had 3,652 people complete a survey. Of those people they looked at those who had provided racial information, and 62% of those people were white.

Jo-Ann asked who was surveyed and Cheyenne explained that those surveyed were applicants, grantees, vendors, panelists, anyone who gets paid or fills out an application with Mass Cultural Council. Cheyenne sees the numbers as encouraging as they are not too far off from the actual demographics of Massachusetts.

Operations Director Jen Lawless added that right now the Agency is still making grants for FY22, so we do not yet have all the data. As we move into FY23 staff will do a more complete grants data presentation and this information will be folded into that.

Chair Nina Fialkow asked if this was done more easily using the new GMS and staff confirmed that it was. They now have full control of how and where demographic questions are asked. It is an exciting opportunity to be able to collect this information and as more people use the new system staff will have more responses.

Cheyenne continued explaining what will come next as the racial equity plan implementation continues. Staff is in the early stages with the Cultural Equity Learning Cohort (CELC) creating the base level anti-racism training. They are also working to expand translation services to include real-time interpretation in meetings; the Agency's website can already be translated, and all guidelines and application can be translated upon request. Staff is planning to do a full review of grantmaking processes and develop tips on equitable grantmaking.

Cathy concluded by telling Committee Members that an internal pay equity assessment was underway.

Nina then asked Public Affairs Director Bethann Steiner for her Legislative report.

Bethann stated that she'd be giving Committee Members an update on plans for the Agency's ARPA COVID relief dollars and the FY23 budget process which would begin soon.

ARPA COVID Relief: when the pandemic began in March 2020 the Agency began a regular exercise of gathering data and stories from grantees and stakeholders. After each survey we'd use the data to share what we learned with policy makers in the hopes that we'd gather enough information to build an advocacy campaign and have the cultural sector included in any COVID relief spending plans. That two-year effort culminated when Governor Baker signed into law a \$4B ARPA spending plan to invest in key economic sectors to help them rebound from the pandemic. Efforts were successful and Mass Cultural Council has \$60.1M included in that law to administer grant programs that will aid artists and cultural organizations with COVID recovery. The funds are good through FY27, but the need is urgent. The first step is to gather public input via a virtual session scheduled for January 24th at 4pm that will be co-chaired by Jo-Ann Davis and Michael Bobbitt. Council Members are encouraged to attend and listen. Staff will also gather written comments via a public input forum through February 7th.

The FY23 budget process: it is January in the second year of the session. The legislature will meet now through midnight on July 31st, then recess and head back to their districts. In that time, they will work to build and vote on a state operating budget, this process will kick off very shortly. What we know is that Massachusetts is in a good economic position, the revenue picture is very rosy. Governor Baker will deliver his State of the Commonwealth address on January 25th and when he does, he will outline his main goals and priorities for the year. He will most likely follow this up with his H2 budget proposal on January 26th. We will be anxiously looking to see what type of investment he suggests and will then kickoff our advocacy work. We expect that there will be a joint hearing at which we will testify in March. In advance of that our Advocacy Committee, chaired by Troy Siebels and Sherry Dong will convene on February 15th.

Nina asked if there is a feeling about the \$60.1M in ARPA COVID relief funding – should the goal be to distribute the funds as soon as possible or does staff feel it should be distributed slowly between now and FY27.

Michael responded that staff wants to hear from stakeholders during the public input session on January 24th and via the written comment form before figuring out a timetable. He added that he'd love Committee Members' help getting the word out about the session especially to BIPOC, rural, and small organizations.

There being no further questions for Bethann, Nina asked David Slatery for his update on the recently concluded state audit.

David stated that the auditors began the process last May and were looking at the time period from March 2020 to June 2021 with a particular focus on COVID relief programs: the artist relief program and the \$10M of CARES Act funds allocated by the Governor for the Cultural Organization Economic Recovery grant program (COERG). Nina, Marc, Michael and David had an exit meeting with the auditor on December 14th. The main findings were some issues with how the Agency designed the artist relief program. The auditors would have liked the Agency to get more data, proof of residency, and details around applicants' actual loss. Regarding COERG, the Agency spent \$9.96M on program grants and, as the remaining \$39,000 would have had to be split among multiple organizations resulting in very small grants, staff, in accordance with verbal authorization from EOHEd had elected to use the leftover funds make 26 additional \$1500 grants under the FY21 individual artist relief fund program. The auditors noted that this was done without written authorization, and the internal control plan would need to be updated. Staff is aware of this and recently hired Tom Luongo as the Agency's new Fiscal Information & Compliance Officer. Staff is also about to undergo mandatory cybersecurity training. The state auditor should send the Agency a report in six to eight weeks and staff will have two weeks to respond to it.

Nina added that the auditors complimented the staff on their responsiveness and given the amount of time, effort, and money that was actually dispersed in such a short time, this feedback doesn't seem to point to any glaring deficiencies within the Agency. Vice Chair Marc Carroll agreed with Nina and added that the auditors did not seem to take major issue with the \$39K; they were simply noting that it needed to be authorized properly.

Nina then moved to the next item on the agenda, additional funds for the Gaming Mitigation Program.

David explained that the Council had previously approved funds for this round of funding. Now that casinos have more revenues coming in, staff would like to add \$675K to the previously approved \$3M in funding for the round. Today staff is seeking the Committee's recommendation that the additional funds be approved, the Grants Committee would later look at the actual grant recommendations.

Cheyenne further explained that the additional \$675K staff is requesting would allow the Agency to keep all 39 of its applicants as close to the amount of funding they received in the first cycle of the program as possible. The program is formula-funded, grantees are allocated for more funds based on the amount of fees paid to touring performing artists. During the first cycle of the program grantees were asked about spending during their most recently completed fiscal year. During the second cycle to avoid the period of the pandemic when many venues were closed, grantees were asked to report on spending during calendar year 2019. This additional \$675K if recommended by the Committee will keep all 39 grantee organizations at or close to the amount they received in the first round at a time when they very much need it.

Troy Siebels asked if the program had 39 funded organizations during the first cycle.

Cheyenne responded that in the first cycle there were 53 applications and 52 were eligible. Of the 39 in this second round, only three organizations are new. There were 12 organizations from the first cycle that did not re-apply.

Troy asked if the intent was to eventually settle into an annual round of funding.

Cheyenne explained that one strength of the program is that the Agency has the flexibility to hold the program based on money available. Also, staff has the option to administratively make sure the program is not scheduled to roll out on top of other programs. So, it is the intent that the program would setting into an annual round of funding, but staff believes the Agency should take advantage of its ability to move the program around based on resources and timing.

On a related note, Troy at this point let Committee Members know that the coalition for performing arts centers that was formed 10 years ago has come together again with respect to the performing arts venue the Encore Casino has proposed. Legislation prohibits a resort casino from building an operating venue between 120 and 250 seats, but Encore claims this venue is over a footbridge. The coalition is asking for a pause on these plans and will ramp up advocacy efforts as it did 10 years ago.

Michael asked if revenues from this proposed venue would feed into the Agency's gaming funds.

Troy responded that Encore says the venue is not part of the casino, that it will be managed by a third party, and so revenues would not go into the same pool.

Nina then asked for a vote to recommend the allocation of an additional \$675K for the Gaming Mitigation Fund. Noting that Troy Siebels recused himself from the vote and discussion, after motion duly made a seconded after roll call vote (with Troy recusing), it was unanimously held

WHEREAS, the Council at its May 18, 2021 meeting approved an allocation of \$3,000,000 from the Massachusetts Cultural and Performing Arts Mitigation Trust Fund (the "Fund") to the upcoming round of the Gaming Mitigation Program, originally planned for Fall 2021; and

WHEREAS, under Chapter 23K of the Massachusetts General Laws (as most recently amended by sections 3 and 4 of Chapter 142 of the Acts of 2019), such Fund receives 2% of the Commonwealth's gross gaming tax revenues from casinos, a portion of which (75% after expenses) is dedicated to the Gaming Mitigation Program and since May 2021 monies available in the Fund for such program have accumulated more than was anticipated; and

WHEREAS, as described in the staff memorandum presented to this meeting, the upcoming round of the Gaming Mitigation Program was delayed and is now scheduled for completion in early 2022 and staff of Mass Cultural Council suggests employing \$675,000 the additional available monies to benefit the eligible applicants to said program and will be presenting funding recommendations to Mass Cultural Council Grants Committee later today employing the additional funds;

NOW THEREFORE, it is hereby

RESOLVED: that the Executive Committee recommends that the Council approve the allocation of an additional \$675,000 in monies to the next round of the Gaming Mitigation Program provided that staff's recommendations of a total of \$3,675,000 of grants for such program have been reviewed and recommended to the Council by the Grants Committee later today.

Nina then asked Committee Members if they had reviewed the draft agenda for the January 27th full Council Meeting included in their meeting materials.

David stated that while there would be a discussion about the Agency's strategic plan at the meeting, there was no need for a vote, so he would remove from the agenda the X indicating that a vote would be taken.

There were no further questions or clarifications and Nina asked for a motion to approve the agenda. Jo-Ann moved to approve the agenda; Troy seconded the motion. David called the roll; all were in favor, and it was

RESOLVED: that the Executive Committee approve the draft January 27, 2022, Mass Cultural Council Agenda presented to the Executive Committee at its January 13, 2022, Meeting

That brought the Committee to the end of the meeting agenda and, as Chair, Nina adjourned the meeting at 10:56am.