

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

**MINUTES OF THE MEETING  
OF  
MASS CULTURAL COUNCIL  
EXECUTIVE COMMITTEE**

**TUESDAY, JANUARY 7, 2020**

**MASS CULTURAL COUNCIL OFFICE  
10 ST JAMES AVENUE-3D FLOOR  
BOSTON, MASSACHUSETTS**

Chair Nina Fialkow called the meeting to order at 10 AM

**Committee Members Present**

Nina Fialkow, Chair of Executive Committee and Mass Cultural Council  
Victoria Marsh, Chair of Grants Committee  
Troy Siebels, Co-chair of Advocacy Committee  
Sherry Dong, Co-chair, Advocacy Committee  
Jo-Ann Davis, Member At Large

**Staff members present** were

Anita Walker, Executive Director  
David Slatery, Deputy Director  
Jen Lawless, Operations Director  
Bethann Steiner, Communications Director

Nina Fialkow opened the meeting by reading the following

I, Nina Fialkow as chair of Mass Cultural Council's Executive Committee, hereby call this meeting to order.

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.

Please note that this body has invited the following persons to participate in today's meeting

*Staff of Mass Cultural Council*

Mass Cultural Council welcomes members of the public to attend its meetings. Under the Open Meeting Law, however, this is not a public hearing and public testimony will not be taken. Individuals may not address the meeting without permission of the chair.

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 then asked Executive Director Anita Walker for her report. Anita stated that Massachusetts Final Deficiency Budget for FY 2019 was passed in December. This law has enabled certain casino tax revenues dedicated to support a Gaming Mitigation Program under the 2011 Casino Law to be transferred to the Council. Anita emphasized that these funds are required to be used only for a very discreet legislatively-mandated purpose and may not be used to support general operations of the Council. It was very important for us to emphasize this point so that legislators realize this as we head into a new budget cycle.

Nina then called for a vote on the minutes of the August 13, 2019 Executive Committee meeting. Upon motion duly made and seconded, it was unanimously

**RESOLVED:** that the Executive Committee approves the minutes of the August 13, 2019 Executive Committee Meeting in the form presented to the Executive Committee at its January 7, 2020 Meeting.

At this point Nina asked Anita about the Council retreat held last October. Anita reported that we received a good deal of positive feedback and that the members seemed to enjoy having the opportunity to talk to each other and wanted the opportunity to do more. Anita talked about implementing the comments we had received through the idea of an "Engagement Task Force". This task force would focus on engagement and orientation of the members and on the role of a Council member. Jen Lawless summarized the effort and hoped we could introduce this concept to full Council later this month and ask for volunteers.

Anita asked Bethann Steiner to give a report on the Advocacy Committee meeting. Bethann summarized the December 18 meeting and the upcoming state budget process and that we were working on developing our "budget ask" for FY 21 and that we had strong statements of support from MASS Creative and Mass Humanities for a robust campaign. A meeting was being scheduled for later this month with the legislature's Joint Tourism, Arts and Cultural Development chairs. Jo-Ann Davis stated the need to protect against any cut to our budget based upon our having received the gaming funds. Anita agreed that is very important to point out constantly that the gaming funds were separate and discreet funds not available for the Council's regular programmatic operations. Jo-Ann and Nina asked that the members get some talking points.

Anita indicated that we will soon have a new Council brochure which will not make any reference to the gaming funds. This year thanks to Bethann's contacts, we are going to attempt a new process for determining our budget ask by getting input from our legislative committee chairs. Anita sensed that we could potentially get another large increase. Anita asked Jen to summarize our data. Jen indicated that based on how your count, we are only funding about 38-48% of the need for our funds. Marc Carroll asked if we could develop some compelling charts which Nina asked could reflect geographic data as well. Jen indicated that staff was working on this. Bethann indicated we have grant data for every House and Senate district. Anita indicated we would report back when we "took the temperature" of the chairs.

Next Anita asked David Slatery to give an update on the funds recently made available by the legislation. Dave referred to the memos contained in the meeting materials and explained that the Council would shortly be receiving over \$3 million through the legislatively-created Massachusetts Cultural and Performing Arts Mitigation Trust Fund representing 2% of casino tax revenues collected by the commonwealth since the first Massachusetts casino opened in August of 2018 and thereafter would be receiving 2% of such revenues as they were collected. Per the statute, Dave explained, seven percent (7%) of such revenues will be available for the expenses of administering the Fund and related programs and that balance of the fund will be split with 3/4ths going for grants to support performing arts organization impacted by the operation of casinos – called the Gaming Mitigation Program- and the remaining 1/4<sup>th</sup> would be dedicated to an “organization support” program of Mass Cultural Council. Today, staff is bringing the parameters of the Gaming Mitigation Program to the Grants Committee for review and recommendation for approval by the full Council at the January meeting. Anita explained we were also developing a discreet program for organizational support related to our CultureRx social prescription initiative which would be brought to the Committees and Council in March.

Dave explained that staff proposed to divide up the initial deposit made into the Fund in January in accordance with the statutory directives and then spend that amount during the course of the 2020 calendar year. At the end of the year, staff would take the new funds accumulated during the year (from casino tax collections and interest or other sources if any) plus any remaining unspent funds and allocate the Fund similarly in following year and so on and so forth in future years.

Anita asked Jen to describe the parameters of the Gaming Mitigation Program. Jen referred to the memo and draft guidelines in the meeting book and described the process used to develop the program and how it would operate.

Dave explained that Executive Committee was being asked to review and recommend the proposed treatment of the Fund and that Grants Committee would be asked to review and approve the parameters of the new programs. Dave referred to a draft resolution contained in the meeting materials

Then upon motion duly made and seconded but with member Troy Siebels abstaining from the prior discussion and the vote and with all other members voting in favor, the Committee held the following:

**WHEREAS,** Chapter 23K of the Massachusetts General Laws, as most recently amended by sections 3 and 4 of Chapter 142 of the Acts of 2019, provides that Mass Cultural Council will receive 2% of the Commonwealth's gross gaming tax revenue from casinos through the Massachusetts Cultural and Performing Arts Mitigation Trust Fund (the "Fund") to be managed by Mass Cultural Council;

**WHEREAS,** staff of Mass Cultural Council have presented a plan (the "Plan") for usage of Fund revenues described in a memoranda to the Committee on January 7, 2020 pursuant to which Mass Cultural Council will upon receipt of access to said Fund, dedicate 7% of the assets therein (as of the initial access date) to the administrative and operational expenses of managing the Fund (and programs associated with it), and dedicate the remainder as follows- 75% to grants under the Gaming Mitigation Program and 25% to payments under the Culture Rx "social prescription" program in each case as reviewed by the Mass Cultural Council Grants Committee and approved by the full Council, with the understanding that any additional revenues received by the Fund thereafter (including interest earned thereon) will accumulate until the following December 31, at which point, the Fund shall be allocated in the same manner.

**NOW THEREFORE,** it is hereby

**RESOLVED:** that the Executive Committee recommends that the Council approve the Plan presented to the Executive Committee at its January 7, 2020 Meeting.

Nina then asked Dave to update the Committee on the Council's Remote Participation Policy. Dave summarized the policy which had been put in effect in 2012 and indicated some changes that could be made to it based upon updates to the Attorney General's regulations since then regarding the permissible reasons for participating remotely. Nina suggested Dave should submit a revised policy to the Council at its meeting.

Dave also reported that we had received comments from the Comptroller's Office on our draft financial policies and we were working through them.

Nina then asked for a vote to approve the agenda submitted for the January 28 Council Meeting. Upon motion duly made and seconded, it was unanimously held

**RESOLVED:** that the Executive Committee approve the draft January 28, 2020 Mass Cultural Council Agenda presented to the Executive Committee at its January 7, 2020 Meeting.

There being no more business to come before the Council, Nina as Chair adjourned the meeting.