

**UNOFFICIAL DRAFT SUBJECT TO APPROVAL BY THE COMMITTEE AT ITS NEXT MEETING
MINUTES OF THE ONE HUNDRED FORTY-SIXTH MEETING
OF
MASS CULTURAL COUNCIL**

TUESDAY, APRIL 7, 2020

ON-LINE MEETING

Chair Nina Fialkow called the meeting to order at 1:04 P.M.

Council Members Present

Nina Fialkow, Chair
Marc Carroll, Vice Chair
Victoria Marsh
Barbara Schaffer Bacon
Troy Siebels
Sherry Dong
Matthew Keator
Sandy Dunn
Allyce Najjimy
Kathy Castro
Ann Murphy
Karen Barry
Karen Hurvitz
Susan Leff
Cecil Barron Jensen

Staff members present were Anita Walker, David Slatery, Jen Lawless, Bethann Steiner and Kalyn King. Also present were Amelia Mason of WBUR, Chris Lisinski of Statehouse News and Sarah Maglio

Nina Fialkow opened the meeting by causing the following to be read into the record.

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 staff of Mass Cultural Council to be present at the meeting.

Mass Cultural Council welcomes members of the public to attend its public 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.

Any member of the public may record this meeting provided that they first notify the Chair and must not interfere with the meeting. The Chair will then inform the members of the meeting that they are being recorded. This meeting will be recorded by the Council using the Zoom online meeting application

This meeting is a virtual meeting held under the Open Meeting Law as modified by the Governor's recent emergency declaration. Only Committee members, Council members and invited staff will be able to address the meeting. All other persons will be muted. Please note that anyone attempting to disrupt the meeting may be muted, have their ability to project video images shut off or even removed from the meeting, at the discretion 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.

TIPS FOR PARTICIPATING IN A VIRTUAL OPEN MEETING USING VIDEOCONFERENCING WHEN THERE ARE SEVERAL PARTICIPANTS (adapted from several sources)

- In order to minimize background noise, please mute microphone when not speaking.
- Please raise hand in order to be recognized by the chair.
- In order for all members to have an opportunity to speak and be heard, please wait to speak until specifically recognized by the chair.
- If there are questions, please direct them to the chair and the chair will then recognize the appropriate person to respond.
- Please limit statements to three minutes.

The chair will reserve the right to limit discussion in order to allow sufficient time for every member to be heard who wishes to speak.

Minutes and Reports

The Chair then called for a vote on the 145th Council Meeting minutes. Upon motion duly made and seconded, with Karen Barry and Kathy Castro abstaining by roll call vote, it was

RESOLVED: To approve the minutes of the One Hundred Forty-Fifth Meeting of Mass Cultural Council.

Nina then welcomed everyone today to today's online meeting of Mass Cultural Council and noted that this meeting had been originally scheduled for March 13 in Fall River but had to be postponed due to the coronavirus emergency. She thanked member Kathy Castro for all of her work in organizing that meeting. The Council hopes to be able to return to Fall River soon and to designate the new cultural district.

Nina recounted that since the Council had last met in January, Executive Director Anita Walker had announced her retirement and the COVID-19 crisis had changed the world.

Nina recognized and thanked staff for being steadfast, responsive and patient as we enter challenging and uncharted circumstances. The use of the Zoom application for online meetings is new and noted that patience will be needed as we work our way through all the chances.

Nina asked, as chair, for help and assistance from all members and staff and the Council navigates its way through new realities.

Nina then noted Anita Walker's recently announced retirement and thanked Anita for her many years of service and effusively praised her achievements on behalf of the Council over the past 13 years. Nina noted that the Search Task Force she had appointed had put out a request for proposals for an Executive Search Firm on April 6 and referred to a previous listening session regarding the search to which all Council members had been invited on March 24. Nina thanked the Council members for their support and suggestions and for being such a dedicated group. She then asked if there were any comments

Council member Karen Hurvitz was recognized and she indicated had reviewed the RFP document and suggested that due to the current dire financial circumstances and the need to educate an outside firm, that the Council is better qualified to conduct the search directly. Karen mentioned she had performed a search directly with another group she had been a part of (Suffolk Lawyers for Justice) and while time-consuming, it worked and avoided paying a fee to a search firm. Karen recommended going without an outside firm for 6 months to see if it was necessary. She would prefer to spend funds directly on artists.

Nina thanked Karen for her comments and noted the Task Force had discussed the need for an outside firm in detail and had had the benefit of Council member Jo-Ann Davis' human relations experience in this regard.

Troy Siebels indicated he understood Karen's point but felt this decision for the Council is too important not to employ best practices from the start. There will be many candidates and reviewing them will take time – time that by and large Council members do not have. Also, there will be political considerations which an outside firm is better able to deal with.

Barbara Schaffer Bacon thanked Anita for her years of service and for her leadership through June 30 during the current crisis. Barbara stated that our staff needs to pay attention to basic work, especially at this time of crisis, and so endorses the idea of putting the search work on an outside firm. Also- as Anita will be leaving on June 30, the amount that would have gone to her salary is available for a Search Firm- it will not come out of artist resources.

Ann Murphy noted that the Council needs to be very transparent in its search and needs to perform a great deal of due diligence to get the right candidate. An outside firm can greatly help with this and is also not subject to any outside pressures. She believed there was too much at stake to take a risk of not using a firm.

Marc Carroll, vice chair, agreed with hiring an outside firm to act as a shield from outside distractions and pressures and we have time since Anita will be here through June 30. Also, a firm will help ensure that all Council members have the ability to speak to and influence the search process. Marc noted that he did not have search expertise and that it was the best thing to obtain the services of those who did.

Allyce Najimy indicated that it would be difficult to find a new Executive Director as impactful as Anita and was very grateful for her years at the Council. She asked what role the Governor's Office has in the selection.

Nina ask David Slatery to respond. David notes that the Governor's role is to select the Council members and designate a chair and the statute states that the Executive Director must be approved by both the chair and by a majority of the Council.

Marc next addressed the Council on protocols around Zoom meetings and thanked Anita and the staff for implementing them. Marc reminded members that notwithstanding some of the features available on the Zoom platform, the Open Meeting Law still applies and all communication between members and participants must be audible to all. Direct messaging during a meeting to other members or to staff or other participants is not appropriate.

Nina asked Anita for the Executive Director's report. Anita noted that everyone for the past month has been navigating "unprecedented civics" and thanked everyone for their forbearance during these changing times. She then thanked the leadership team and staff for their hard work, speed and impactfulness in the past month. Since the stay-at-home order began, first we held a webinar featuring the Nonprofit Finance Fund (NFF) and the Boston Public Health Commission and opened it up to questions and we learned a great deal about the concerns of our field. Next, we launched two surveys- one for organizations and one for individual artists for which we received a combined 1000+ responses in 5 days. We learned that in 2-3 weeks, organizations had more than \$56 million in real (no projected) losses and

thousands of jobs had disappeared and artists had lost their upcoming gigs.

This effort has led to the relief programs submitted for the Council's approval today. We are also launching a new survey today to further quantify the impact of COVID. We added an unemployment question as many nonprofits do not pay into the system but are on a "pay as needed" basis which is crushing in the current unforeseen atmosphere.

One program being proposed today involves a \$1000 payment to individual artists/cultural practitioners. NEFA will be adding \$47,000 to this effort. The second program is called "Safe Harbors" and addresses the needs of organizations. In the midst of the current crisis, these organizations have no source of revenue- no earned revenue since no events, no contributed revenue since no fundraisers and general economic uncertainty and no endowment revenue in light of recent stock market downturn. Unlike a recession in which it is possible to prepare for a decline, the current situation was a drop from a cliff and they are in uncharted territory.

This program is focused on education since we don't have anywhere near the necessary financial resources to address the losses. It will focus on webinars about financial resiliency and education about CARES Act aid. Three hundred participants attended yesterday's webinar. Also, some grant-making in the form of stipends was made available.

Also, we have made sure our legislators are involved. We held what we are calling the first ever legislative hearing on Zoom with the Joint Committee on Tourism, Arts and Cultural Development chairs and there were over 220 participants. Anita thanked MASS Creative who had partnered with us.

The Council has been receiving lots of media attention with radio interviews and articles in several publications concerning the impact of the emergency on our field. We have also launched some online "Culture Chats" – a recent guest was nationally known teaching artist expert Eric Booth who actually had contracted the virus and participated anyway. Our field is desperately trying to catch up on remote technologies and how to reach audiences.

Another guest was Pam Tatges of Jacobs Pillow who mentioned that their summer activities were cancelled for the first time ever.

The recently passed CARES Act included funds for the National Endowment for the Arts- some of which (we are anticipating around \$400,000)- We don't know anything yet about what the regulations will be governing the expenditure of such funds but once we know, we will come up with a plan to invest it in the field.

The state budget process is a large unknown this year- the legislature is still working on how to proceed with remote hearings and sessions. Everything is going to take longer and the typical advocacy and budget-planning process has been stretched out.

In light of this, Anita suggested the typical May Committee and Council Meetings be moved to June and that we add an additional Grants Committee meeting to permit a deeper dive into programs.

Anita stated that this upcoming year will be a year to focus on stability for the field and the Council. We will look at small and smaller options for the FY21 budget and no new programs or initiatives will be considered as we look to maintain sustenance of the field. It is unclear when any budgets will come out so we may need to deal with monthly budgets at the start of FY21.

Anita closed by noting statements Governor Baker had made about the value of all the state employees doing their job through this crisis and that meant a lot to the staff of the Council. Anita thanked the Council and especially Nina and Marc for their support.

Nina mentioned how incredible it was what the Council had been able to achieve during the last month. She then asked Bethann Steiner, Communications Director for the advocacy report.

Bethann started by noting that in a regular year, we would be in the midst of the House budget but due to the emergency, everything is delayed. The House is meeting only informally right now and can pass things only with unanimous consensus. The current plan is to have a revenue hearing on April 14 and the legislature is working on technology and social distancing measures to be able to operate.

Nina then asked Bethann to summarize the many state house meetings she and Anita had had before the shutdown in early March. After the summary, Nina emphasized how important Council members would be

this year in representing the Council during the eventual budget negotiations

At this point, the Council took a 10-minute break. The Council returned at 2:25 PM to continue the meeting.

Nina asked Anita to summarize the programs brought today before the Council. Anita started with the Safe Harbors program. Anita noted the tens of millions of dollars lost by cultural organizations so far and the fact that Council resources are far too limited to help directly with direct grants. Instead we are looking at the 25% of casino tax revenues directed to the Council for "organizational support." Originally (about a month ago) we were proposing to spend this amount on a Social Prescription Pilot but that idea needs to be put on hold at present during the shutdown. We are proposing re-allocating most of that amount to a safety net program focused on technical assistance (coupled with a \$2250 stipend). We will hire NFF to help organizations figure out and access federal CARES Act funding, especially the forgivable Small Business Administration (SBA) loan program for non-profits. Anita noted that by giving a flat stipend to every organization in our portfolio (in the Cultural Investment Portfolio and Gateway programs), small organizations would be receiving a proportionately bigger award.

Anita then described the COVID-19 Relief Fund for Individual Artists and Cultural Practitioners – flat \$1000 grants, proportionately awarded based on demand and geography. It was designed to be a low paperwork application.

Allyce Najimy asked how artists would find out about these grants. At Anita's request, Bethann detailed the communications strategy through Council newsletters, social media, the Council website, blog posts and press releases. Additionally, we would pass on the call for applications to LCCs, legislators and of course Council members who would further publicize the opportunity. The deadline for applications will be April 22d and on April 15th per discussion with the Grants Committee, we analyze where the applications are coming from to see if we can push communication in any underrepresented areas.

Anita then summarized the scaled-back version of the Social Prescription Pilot. We had originally had this approved as a larger program but then COVID-19 intervened so we diverted 85% of the funds to Safe Harbors. This is a speed bump not a stop sign for the Social Prescription program.

This program is designed to address social isolation which will likely be a major issue of the stay at home advisories. She asked Erik Holmgren to further described the effort.

Erik talked about the response we are getting from cultural and healthcare organizations in the midst of this crisis unfolding. We will be moving forward at a smaller scale and slower speed.

Anita mentioned a recent Culture Chat she had with Diane Paulus of the A.R.T.- whose strategic plan was rewritten to include a partnership with the Harvard Medical School.

Nina then asked for vote for the matters presented in the Council materials.

Upon motion duly and seconded, it was voted unanimously by roll call vote, noting that Troy abstained from any discussion or vote pertaining to the Gaming Mitigations Program and that members Matthew Keator, Jo-Ann Davis, Sandy Dunn, Lillian Do and Jake Brennan were absent, as follows

WHEREAS, the Council approved a FY20 Spending Plan for the Council's operations which contained approval of several different grant and service programs and related activities; and

WHEREAS, due to extreme nature of the COVID-19 crisis, staff has proposed to amend said approval to reallocate \$225,000 of the funds approved as part of said Spending Plan toward funding a newly-designed COVID-19 Relief Fund for Artists and Cultural Educators as described in memoranda presented to the Council at its April 7, 2020 meeting; and

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 into the Massachusetts Cultural and Performing Arts Mitigation Trust Fund (the "Fund") to be managed by Mass Cultural Council; and

WHEREAS, staff of Mass Cultural Council had presented a plan (the "Plan") for usage of Fund revenues by memoranda to the Council

on January 28, 2020 which Plan was reviewed and approved by the Council; and

WHEREAS, due the extreme nature of the COVID-19 crisis, staff has proposed a one-time amendment to said Plan to make use of all of the monies currently in the Fund so as to increase the amount of funds available to the Gaming Mitigation Program in 2020, deploy the resources of the Fund on a more accelerated basis to, among other things, fund a COVID-19 Emergency Initiative for Cultural Organizations to be called "Safe Harbors and Soft Landings" in the amount of \$990,000 and also to allocate \$120,000 to the CultureRx Social Prescription Pilot;

NOW THEREFORE, it is hereby

RESOLVED: To adopt the recommendation of the Executive Committee and approve the re-allocation of resources and amendment of the Plan as presented to the Council at its April 7, 2020 Meeting.

RESOLVED: To adopt the recommendation of the Grants Committee and approve the Safe Harbors and Soft Landings COVID-19 Emergency Initiative for Cultural Organizations, the COVID-19 Relief Fund for Artists and Cultural Educator and the CultureRx Social Prescription Pilot Program (as modified from its original March 3 Grants Committee approval) and the modifications to the Gaming Mitigation Program as described in memoranda presented to Council at its April 7, 2020 meeting.

Nina thanked all the members for all of their help. Victoria asked staff to circulate the dates of the next Committee meetings. Kathy Castro asked if there were going to be meetings in May and Victoria explained that the Grants Committee meetings were rescheduled to be two meetings in June.

At the conclusion of the discussion, there being no more business to come before the Council, Nina as Chair adjourned the meeting.