

**New York State Council on the Arts
Council Meeting Minutes
April 6, 2021 2:30 PM- 3:00PM
Held via Video and Teleconference**

Present:

Katherine Nicholls (Chair), Laura Aswad, Lisa Baker, Scott Eberle, Joan Hornig, Janet Kagan, Hildy Kuryk, Eric Latzky, Laudelina Martinez, Richard Mittenthal, John Morning, Hal Payne, Deborah Ronnen, Elsie McCabe-Thompson

Quorum present: Yes

Others in attendance:

Mara Manus, Executive Director, NYSCA

Megan White, Deputy Director of Programs, NYSCA

Abigail Young, Deputy Director of Operations and General Counsel, NYSCA

Abby Adler, Executive Assistant, NYSCA

Due to public health concerns and as authorized by Executive Order of the Governor, this meeting was conducted by teleconference and video participation.

Roll call conducted by Abby Adler and quorum was confirmed. Meeting called to order by Chair Katherine Nicholls at approximately 2:35 PM.

CHAIR'S WELCOME

KATHERINE NICHOLLS:

Good afternoon and welcome to the New York State Council on the Arts' meeting on April 6, 2021. I am KATHERINE NICHOLLS, the Chair of the New York State Council on the Arts.

Thank you to our Council Members for joining us today. Due to public health concerns and as authorized by Executive Order of the Governor, this meeting may be conducted by teleconference and video participation. To remind all in attendance; this is a public meeting that is being recorded.

At today's meeting, we will review and vote on the Fiscal Year 2021 Appeals Panel recommendations. The meeting materials were sent to Council on Wednesday, March 31. Before we begin our official business, I would like to share with you a few updates for the sector and NYSCA.

Last week, the National Endowment for the Arts and the Bureau of Economic Analysis released their annual report regarding the national and state-level contributions of the arts and cultural sector to the nation's GDP.

The report details that in 2018/2019 the arts and cultural sector of New York accounted for \$123 billion (or 7%) of the state's economy, up from \$120 billion in 2017. The sector also accounted for 504,393 jobs, up from 483,424 in 2017. This data provides important context for the incredible impact our sector had on the health and vitality of our state's economy pre-COVID, especially as more and more COVID impact data is released.

For example, a Brookings Institute study from August 2020 estimates that the impact of COVID on the arts and cultural sector has resulted in a loss of almost 280,000 jobs and \$26.8 billion in revenue. This study also estimates that the average loss of creative revenue per creative worker in NY in 2020 is \$17,000, an approximate 34% loss per person.

Additionally, as of January 2021, the Americans for the Arts COVID Impact Survey, reported a \$338 million total financial loss for New York State arts and cultural organizations. This data is pulled from 2,144 respondents from New York. 68% of the respondents said that they will continue their new virtual presence after COVID-19, an indication that the hybrid model of in-person and digital is here to stay for foreseeable future.

Our attention as a state is now turned to our recovery and reopening. While the numbers from 2020 are daunting, recent updates have created a map forward for our sector. We are thrilled by Governor Cuomo and Department of Health's expansion of rapid testing sites and, as of today, access to vaccinations for all New Yorkers over the age of 16.

The Governor also announced that as of April 2, small and medium scale performing arts and entertainment venues are permitted to reopen at 33% capacity. This means that venues can now host up to 100 people indoors or up to 200 people outdoors. If all attendees present proof of completed vaccination or recent negative test result prior to entry, capacity can increase up to 150 people indoors or up to 500 people outdoors. Social distancing, face coverings, health screening and other health protocols will be required by all attendees, as well as strict adherence to all applicable Department of Health guidance. Reopening guidelines are available on the New York Forward and NYSCA websites.

On March 26, Governor Cuomo announced the launch of Excelsior Pass - a free, voluntary platform developed in partnership with IBM, which utilizes proven, secure technology to confirm an individual's recent negative test result or proof of vaccination to help fast-track the reopening of businesses and event venues. Similar to a mobile airline boarding pass, individuals will be able to either print out their pass or store it on their smartphones using the Excelsior Pass Wallet app.

NYSCA held a NYSCA PRESENTS webinar and live Q&A in partnership with Empire State Development to review the New York Forward Rapid Test Program and discuss how individuals, businesses, and venues can integrate the Excelsior Pass into their programming and daily lives. Over 350 grantees from all 10 regions of the state joined the conversation. The webinar recording, deck, and Excelsior Pass FAQ are available on the NYSCA website.

The guidelines and the Excelsior Pass are designed to be responsive to our incredibly fluid times, and we anticipate that they will both grow and change over the next year.

Now for a few NYSCA-specific updates. In February, NYSCA was approved to pay the remaining FY2020 payments. As you may recall, per DOB directive in August 2020, a 20% withholding had been placed on remaining FY2020 payments. This impacted 486 NYSCA FY20 grants, totaling \$1.5m. To-date all remaining payments have been paid in full.

When we last met in February, this Council voted to approve over 1,900 grant recommendations in a single afternoon – a first for NYCA and an impressive achievement. We are pleased to share that since then, a majority of our FY2021 contracts have been signed and paid. Additionally, 97% of FY21 grantees have confirmed their viability by accepting their awards in our online portal. A huge thank you to our operations team for moving these contracts out so quickly and efficiently.

I am delighted to turn this meeting over to MARA MANUS, Executive Director of NYSCA, who will share additional NYSCA Updates.

EXECUTIVE DIRECTOR WELCOME

MARA MANUS: Thank you so much Katherine. It's great to see everyone here today. I know we have a shorter meeting, but I love seeing everyone's face in the absence of being able to be physically together, which hopefully will happen at some point this year. On that note, we recently learned that we will continue our in-person and remote hybrid work model through July 2021, and I look forward to continuing the exemplary work we have been achieving together. I have to say that in our remote model, our agency productivity has been especially high and we're all very heartened by that.

The final FY2021-2022 budget is still pending as of this afternoon. We will share updates with Council as soon as we have them. While we do not have definitive answers for what the next 1-2 years look like for New York, whatever opportunities and structures we create need to be as responsive as possible to incredibly fluid situation that lie ahead.

What we can share with you are our broad goals for FY22 funding, which are driven by the needs that our grantees and members of our field have communicated with us over this last year. The needs we are hearing include:

- Very flexible funding with consideration for small and medium-sized and underrepresented communities and regions.
- Streamlining the guidelines and application process with the objectives of creating greater access to NYSCA funds and reducing the burden of the process, especially in a time when so many organizations have limited staffing and funds.
- Extending our less onerous reporting structure, which builds off the reporting flexibilities made available for FY20 and FY21 grantees.

- If we receive capital funding, we will most likely target small and mid-size organizations and prioritize COVID response projects.

At this time, there are budget items for consideration that we will learn more about over the next month, including:

- The timeline of our FY22 opportunity and whether we will go out with funding in one or two rounds. The NYSCA staff is working diligently to reimagine our FY22 guidelines and application process. We look forward to sharing more information with you when it is available.
- As discussed during our February meeting, due to the suspension of the REDC initiative in 2020, there was approximately \$1.3 million in remaining REDC funds that will be reappropriated for FY21-22.
- NYSCA will receive funding from the National Endowment for the Art's American Rescue Plan allocation. We anticipate a larger allocation than CARES. Until we receive this funding, we do not have at this time any details on how it will be granted.

A few staffing updates: Ronni Reich, NYSCA's Director of Public Information, resigned effective March 31. She and her family are relocating to Boston where she will be joining a branding and strategy firm. Ronni first joined NYSCA in 2016, and in her tenure significantly expanded our communications efforts, facilitated state-wide listening tours and program guideline webinars, and most notably led the charge to completely overhaul the NYSCA website in 2017 and 2018. This critical project, with the guidance of Eric and Katherine, resulted in a more streamlined, accessible, and visually appealing website that serves as a source of key information and showcases our incredible grantees. We are grateful for Ronni's service to NYSCA and our grantees, and we wish her well in her exciting new chapter. Lia Capotorto, who joined us in October to oversee the communications portfolio while Ronni was on leave, will continue to serve as Interim Communications Manager on a full-time basis.

NYSCA, for the first time, is sponsoring an AmeriCorps VISA (Volunteers in Service to America) member in FY 2021-2022. After an extensive application and vetting process by the NYS Commission on National and Community Service, we are happy to announce that the candidate selected for this esteemed position is Sana Colter. Sana joins us after graduating from Rutgers last May, where she studied Music Performance and Music Technology (she's also a very accomplished musician in her own right) and she has also worked with NYSCA as temp in different capacities, most recently in operations. As the NYSCA VISTA member, she will provide support in a variety of capacities, including research, data analysis, and promoting online resources and outreach. We are absolutely thrilled to have Sana with us in this capacity, and we greatly look forward to working with her over the next year.

APPEALS PANEL RECOMMENDATIONS

MEGAN WHITE: As part of NYSCA's five step approval process, an applicant may appeal the Council's funding decision. The procedure for appeals is set forth in Part 6401 of the New York Codes, Rules and Regulations.

Valid grounds for appeal are:

1. Non presentation of information: Information known to the Council staff prior to the Council's decision that was not presented and that might have altered the decision;
2. Misrepresentation of information: Information known to the Council staff prior to the Council's decision that was changed in its presentation and that, if presented differently, might have altered the decision;
3. Improper procedure: Contention by the applicant that: 1) the review of the funding request by the appropriate advisory panel was biased; 2) the decision by the Council was arbitrary and capricious.

One, two, or all three grounds may be alleged. Dissatisfaction with the level of funding alone is not an acceptable basis for appeal.

Last year after awarding over 1000 grants NYSCA received five appeals. The Appeals Panel held a public meeting via Zoom on March 30. After presentation of the grounds, review of the procedure and materials and extensive discussion, four appeals were denied, and one was upheld.

It is important to note that a denied appeal does not affect an organizations application for the following year – appellants are welcome to submit a request to NYSCA in the subsequent year without penalty. In the event that an appeal is upheld, it is not a guarantee of funding. Upheld appeals go back to panel to be reviewed again as if it were a new request.

The Council must concur with the panel’s recommendations for the FY21 appeal process to be concluded. NYSCA will inform the organizations who appealed of the determination of the Appeals Panel after this meeting.

Each of you received a copy of a memo that shared the information from the appeals meeting outlining the appellants, their grounds for appeal, and the results. Are there any questions?

There are no questions from Council.

At the request of Chair Katherine Nicholls, a motion for the Council to approve the FY2021 Appeals Panel recommendations is made and seconded. There are no conflicts or recusals. The motion carries unanimously with Council members joining via teleconference.

KATHERINE NICHOLLS: Before we adjourn, I want to say that it is always a pleasure to share this virtual space with you and hopefully we will be in a physical room together soon. At our next Council meeting, we will vote to approve the FY22 panelist recommendations, and we anticipate this meeting will be held in May. Normally, we have a Council calendar at the beginning of each year. As our agency timeline is so fluid this year, we are incredibly grateful for

the Council's patience as we move to set our FY22 opportunity and timeline. With so many moving parts, we will advise you of the calendar as soon as we have that information.

As I shared with you at the beginning of our meeting, the arts and cultural sector faces innumerable and severe challenges – with most organizations contending with over a year of lost revenue, employment reductions, and the need for individual and community healing. The investment we make in the arts drives of the health of our workforce, economy, people, and our state's position as a global cultural leader. We are so privileged to represent such an incredible and resilient sector, and I am greatly looking forward to watching our grantees lead the reimagining and rebuilding of our state.

At the request of Chair Katherine Nicholls, a motion of the Council to adjourn the meeting is made and seconded. The motion carries unanimously with the Council members joining via teleconference.

Meeting adjourns at approximately 3:00PM.