

New York State Council on the Arts

Council Meeting Minutes

March 20, 2024 1:00PM-3:00 PM

Held at the NYSCA Office: 411 Fifth Avenue, Suite 700, New York, NY 10016

Council Member Present:

Katherine Nicholls (Chair), Monica Angle, Lisa Baker, Larry Cook, Carolee Fink, Aaron Flagg, Joan Hornig, Janet Kagan, Eric Latzky, James Lemons, Laudelina Martinez (attending via Zoom Teleconference per Section 103-a (2)(c) of the Open Meeting Laws), Elsie McCabe Thompson, David Alan Miller, Mahnaz Moinian, Catherine Schwoeffermann, Adriana Trigiani

In-person Quorum present: Yes

NYSCA Staff in attendance:

Erika Mallin, Executive Director, NYSCA
Megan White, Deputy Director of Programs, NYSCA
Karen Welch, Deputy Director of Operations, NYSCA
Katie Steger, Capital Projects Director, NYSCA
Abby Adler, Manager of the Executive Office, NYSCA

Before the meeting was formally called to order, Abby Adler (Manager of the Executive Office) conducted a roll call of present Council members. The meeting of the NYSCA Council was called to order at 1:00PM by Chair Katherine Nicholls.

Chair's Welcome

Katherine Nicholls (Chair): Good afternoon and welcome to the New York State Council on the Arts' March 20, 2024 meeting. I am Katherine Nicholls, the Chair of the New York State Council on the Arts. As we have a quorum of present, I hereby call this meeting to order.

To remind all in attendance; this is a public meeting that is being recorded. Pursuant to Article 7 of the New York State Open Meetings Law, Section 103, members of the public may attend the meeting as observers. There is no public comment portion of the meeting. A recording and transcript of the meeting will be made available on the NYSCA website.

Thank you to our Council Members for joining us today in-person - welcome all! At today's meeting, our final for Fiscal Year 2024, Council will review and vote on the FY2024 Capital Project grant Recommendations. Council will also review and vote on the FY2024 Appeals panel recommendations, and ratify the FY2024 panelist roster. The materials for today's meeting were sent to Council on March 15, 2024.

We are immensely grateful to Governor Hochul and the New York State Legislature for their FY2024 Capital Appropriation of \$20 million, which was brought forward with approximately \$17 million in reappropriated capital funds for this round.

The Capital recommendations Council will review today are vital investments in our state's economy. Capital projects create jobs. They bolster New York's tourism sector, with a compounded economic effect on Main Street stores, restaurants, and hotels across our state. Capital investments ensure the longevity of our vital

cultural facilities, and the projects will have impact on organizations and communities for decades to come. These projects affirm the pivotal role arts and culture play in our state's economic prosperity.

The FY2024 Capital Project Fund application portal launched on September 13, 2023, and closed January 11, 2024, at 4PM. In that time, NYSCA held a live information webinar and 18 virtual office hours with staff, in addition to providing two pre-recorded application information webinars. These opportunities drew in 1,500 viewers and attendees, bringing our total FY2024 viewers and attendees to about 5,500 across all opportunities! NYSCA's office hours and information webinars, are realizing one of our strategic pillars; to be a convenor and connector and to provide service to our sector.

Council would like to recognize our NYSCA staff and thank them for this important outreach and education in support of our field. And thank you to our field for your participation in these programs. As always, we appreciate your participation and feedback.

NYSCA conducted 6 Capital peer review panels in February and March, welcoming 37 panelists from 7 regions of the state. Council applauds the incredible cohort of over 140 peer review panelists for the FY2024 opportunities. We thank them for their time, insights, and commitment to this most important part of our grant making process. Our panelists bring vast and varied experience and expertise to our grant making process and without them, we would not be here today. Thank you for your service to our state. I would like to take this moment to thank Council Members who were able to attend one or more panel sessions. It is through our observation of this process, that we can in good confidence review the recommendations before us today.

A reminder that in-person attendance is material to conduct the business of this Council and ensure the timely distribution of vital funding across our state. Our FY25 Council meeting schedule will be finalized over the coming weeks, and we anticipate holding two meetings between September and November. Please inform us as soon as possible of any significant conflicts you may have in that window so that we may plan accordingly.

It is now my great pleasure to welcome Erika Malin, NYSCA's Executive Director to share an update on agency business. As you know Erika joined NYSCA in January 2024, and brings decades of experience to the role.

Erika's wealth of experience includes her leadership where she engineered the Signature Ticket Initiative, a subsidized program to make theater more accessible for all New Yorkers. At Aspen Institute Arts Program she convened thought leaders from throughout the field recognizing their work and exploring methods to approach major social and civic issues. She is no stranger to public service and working in policy from working in the New York City Mayor's Office.

While Erika is making her debut at Council today, she has already accomplished so much, including her excellent testimony on behalf of NYSCA to our legislature just two weeks into her tenure! Erika the experience you bring to NYSCA will help to shape this incredible agency over the coming years. While the pandemic is behind us, our field is responding to changing audience dynamics. Our field is resilient, and we appreciate your leadership as NYSCA seeks to broaden access to the arts across New York State. Welcome Erika.

At this time, a member of the general public interrupted the proceedings of the public session to address the actions of a NYSCA grantee organization. This member of the general public did RSVP to attend the meeting and was informed that pursuant to Article 7 of the New York State Open Meetings Law, Section 103, members of the public may attend the meeting as observers, and that there was no public comment portion of the

meeting set forth in the agenda. Chair Nicholls restated these sections of the Open Meeting Law, and the member of the general public proceeded to leave the meeting and the NYSCA offices.

Executive Director Report

Erika Mallin (Executive Director): Thank you, Katherine, for the introduction and the warm welcome. It is an honor and privilege to lead NYSCA to continue its great work in championing our vital arts and culture sector and to look ahead to new initiatives in how we can serve the industry particularly in this pivotal moment.

My experience as a boots on the ground leader of an arts organization, creating innovative access to arts programs, and my national policy and convening work have given me a broad view of our sector and I believe New York State can be the Big Bank of Ideas for us to have even greater impact on our communities for our residents and visitors alike.

I'm very much looking forward to working the Council and Staff as we go forward. A huge thank you to the staff – I have only been here two months, but everyone has rolled up their sleeves to jump in at any given moment, and I can't thank them enough.

We know that investing in arts and culture returns real and significant dollars: contributing over \$144 BILLION back to our state and communities, employing over 450,000 workers, constituting almost 8% of our state economy, driving tourism, boosting revenue for local business and services.

But we also know that the sector is at a crossroads. Post-pandemic cultural institutions and in particular performing arts organizations were the first to close and the last to reopen. We know that we're facing a huge increase in inflation from 2019 to 2023, and that philanthropy shifting away from arts. We also see shifting consumer demands, decreasing audiences, increasing operating costs, and aging infrastructure to name only a few.

To meet these rapidly evolving needs of our sector, NYSCA has greatly increased our artist support and outreach, expanded our General Operating Support for small and mid-sized organizations, and supported more much needed capital projects to support institutions and the communities where they are located.

With regards to NYSCA's FY2024 grantmaking:

- We overwhelmingly support small and medium-sized organizations. 50% of direct grantees have organizational budgets under \$500,000, versus 7% having budgets over \$10 million.
- And relevant to this time of recovery, in FY2024, we have seen a significant expansion in the number of artist applications and first-time grantees.
- Additionally, for FY2024, to-date NYSCA has awarded over 2,400 grants totaling \$81 million throughout all 10 regions.

I'm also happy to share a few grantee highlights:

- We are proud to note this year that one grantee organization that supports women filmmakers – we provide support to for one of this year's Oscar Nominated feature documentaries.
- one of our supported artists received a MacArthur award on of the most prestigious awards one can receive.

- And recently released national study of every county in the U.S. measuring State and other public dollars, and private support and number of arts workers in the sector, both Ithaca and Oneonta – as well NYC are in top the 40 of most arts vibrant cities.

In terms of our capital funding:

- Since 2018, NYSCA has awarded \$182 million in Capital funding in support of 283 projects across all 10 regions of the state
- 67% of capital grants going to organizations with budgets under \$5 million.
- And today review about \$31 Million in critical Capital Funding.

It is my priority and that of the Governor's to expand access to the arts, including new State of the State initiatives such as:

- Public art programs like murals, which are often the first point of entry for arts engagement and reflect diversity of our communities', and impact residents and draw new visitors.
- And embedding artist fellows within state agencies, where there is tremendous potential for artists to discover creative solutions, bridge silos, and inspire in how we deliver services, from mental health to housing. We look forward to sharing more about these opportunities with you.

It is also my priority to build out a public facing NYSCA through new cross-sector partnerships and high-profile convenings to showcase our grantees and bring together new stakeholders – business, philanthropy, and community and civic leaders and our sister government agencies. We will find ways to harness our resources to strategically approach the challenges and opportunities facing our sector.

As Governor Hochul has said, New York is a microcosm of our nation – encompassing an incredible breadth of geographic and creative diversity, from rural areas to small and mid-cities and a global mega city. What we do in and around New York State can become models for others across the country and the world.

We are right now planning a tour of the state which I hope some of you will be able to join and advise at certain points and we will keep you posted. These “notes from the field” will be invaluable to our work.

Again, it is an honor and privilege to be here, and I look forward to working with all of you. I would like to turn the meeting over to Megan White, NYSCA's Deputy Director of Programs, who will review the next two agenda items: FY24 Panelist Roster Recommendations and FY24 Appeals Panel Recommendations.

FY2024 Panelist Roster Recommendations

Megan White (Deputy Director of Programs): Thank you Erika. For our next order of business, we will move to the FY2024 Capital Panelist Roster ratification. Capital projects applications are complex collections of information about the technical feasibility, financial soundness, and direct community benefit of proposed capital improvements.

In order to adequately evaluate these proposals, we rely heavily on the technical and field expertise of a diverse group of practitioners Each panel is composed of 5-7 individuals with expertise in architecture, engineering, nonprofit finance, nonprofit management (with experience leading a capital project), technical production and theatrical equipment, historic preservation, and construction management. Their collective, complimentary skillsets foster a rigorous and thoughtful review of every application we receive.

This year, we engaged 37 panelists (17 new, 13 returning) representing 7 regions of the state, in 6 separate review panels of 5-7 reviewers. Panelists reviewed and scored applications in advance, and each of the panels convened for a zoom meeting. During the meetings, applications were discussed in detail and panelists had the opportunity to adjust their scores based on the conversation. Panel scores and comments were used to inform the list of recommendations that Council is considering today.

A reminder that we will vote to ratify the panelist rosters following our review of the FY24 Capital grant recommendations.

A copy of the FY24 Capital panelist roster recommendations can be viewed, [here](#).

Appeals Panel Recommendations Review

Megan White (Deputy Director of Programs): For our next order of business, we will review the FY2024 Appeals Panel Recommendations. 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. Nonpresentation 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.

After awarding over 2,000 FY2024 grants, NYSCA received 12 appeals. The Appeals Panel held a public meeting at NYSCA's offices on Friday March 8. After presentation of the grounds, review of the procedure and materials and extensive discussion, 10 appeals were denied, and 2 appeals were 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.

A copy of the FY24 Appeals Panel Recommendations can be viewed, [here](#).

Executive Session

A motion is made and seconded to enter into Executive Session per Section 105(1)(f) of the Open Meetings Law to discuss: "...the ... financial, credit or employment history of a particular person or corporation." The meeting continues in Executive Session for Council members and staff until 2:50PM.

Return to Public Session

Katherine Nicholls (Chair): Welcome back to the public portion of the Council meeting for the New York State Council on the Arts. I am Katherine Nicholls, Chair of the New York State Council on the Arts. Thank you all for joining us. To remind all in attendance; this is a public meeting that is being recorded. Pursuant to Article 7 of

the New York State Open Meetings Law, Section 103, members of the general public may attend the meeting as observers. There is no public comment portion of the meeting.

At the request of Chair Katherine Nicholls, a motion is made and seconded to ratify the FY2024 Capital Panelist Rosters. The motion is unanimously approved by all present Council Members.

At the request of Chair Katherine Nicholls, a motion is made and seconded to approve the FY2024 Capital Project Fund grant recommendations and the FY2024 Appeals Panel Recommendations.

Deputy Director of Programs Megan White notes the following conflicts for the record:

Opportunity	Organization	Council Member Conflicts
Capital Project Fund	Soloman R. Guggenheim Foundation	Lisa Baker
Capital Project Fund	People’s Theatre Project, INC	Carolee Fink
Capital Project Fund	The Governor’s Island Corporation	Carolee Fink

No additional conflicts are noted by the Council. The motion to approve the FY2024 Capital Project grant recommendations and Appeal Panel recommendations is unanimously approved by all Council Members.

Adjourn

Katherine Nicholls (Chair): On behalf of the Council, thank you to NYSCA Panelists, our incredible staff and leadership for your ongoing service and commitment to our state! Today, in doing our civic duty, we uphold recommendations for Capital grants that will have lasting impact in communities all across our State. These funds not only bolster our economy, they will strengthen the arts and culture greatly serves all New Yorkers and our visitors.

At the request of Chair Katherine Nicholls, a motion for the Council to adjourn the meeting is made and seconded. The motion carries unanimously by the Council members. Meeting adjourns at 3:00PM.

End of Council Meeting Minutes.

All grants approved at this meeting are available on the NYSCA [website](#).