



METRO ARTS

NASHVILLE OFFICE OF ARTS + CULTURE

Minutes
Special Called Meeting
Metro Arts Board of Commissioners
March 28, 2024
11:00 a.m. – 2:00 p.m.
Metro Southeast Building, Green Hills Room
1417 Murfreesboro Pike
Nashville, TN 37217

Commissioners: Leah Dupree Love (Chair), Heather Lefkowitz (Secretary), Darek Bell, Tré Hardin, Timothy Jester, Janet Kurtz, Carol McCoy, John Nefflen, Arlene Nicholas-Phillips, Dawana Wade, Beverly Watts, & Campbell West

METRO ARTS MISSION:

Drive an Equitable and Vibrant Community through the Arts

- A. Call to Order, Welcome, and Land Acknowledgement
Commissioner Acting Chair Love called meeting to order at 11:02 a.m.
- B. Public Comment
 - 1. Ashley Belcher
 - 2. Rev. Davie Tucker
 - 3. Will Shoots
 - 4. Lydia Yusuf
- C. Approval of Minutes: February 15, 2024
A motion was made to move February Meeting minutes to April meeting by Commissioner Watts and seconded by Commissioner Lefkowitz.
- D. Public Art Committee (Commissioner West)
 - 1. Public Art Guidelines Amendment (ACTION)
 - a. Jessica Ingram, the Public Arts Manager, presented several action items to the Commission board. The first was an amendment to the public art guidelines aimed at ensuring adequate representation on all committees. The proposed changes included increasing the Public Art Committee (PAC) membership from seven to nine, with three commissioners and six community members, including at least two visual artists.

Another proposal was to streamline the process of selecting community selection panel members for artist calls and the lending library. Instead of seeking approval from the PAC and the Commission, they suggested removing the requirement for PAC approval to expedite decision-making.

Additionally, they recommended that at least two panel members on community selection panels be visual artists, enhancing the expertise in artist selection. These proposals had already been approved by the executive director and the PAC and were now brought before the Commission for approval.

After thorough discussion and clarification, the Commission voted to approve these motions, ensuring smoother operations and enhanced diversity in artist selection processes.

A motion was made to approve an update to Section IV, C: Public Art Committee so that it reads “The PAC will have a total of nine members: three Commissioners, one who serves as committee chair, and six community members. At least two committee members will be visual artists” by Commissioner West and seconded by Commissioner Hardin.

A motion was made to approve an update to Section IV, Public Art Committee that removes the requirement that PAC approve selection panel members recommended by MNAC staff by Commissioner West and seconded by Commissioner Lefkowitz.

A motion was made to approve an update to Section 5: Selection Panels so that it reads “At least two panel members will be visual artists” by Commissioner West and seconded by Commissioner Wade.

2. Approve Lending Library Acquisitions (ACTION)
 - a. Jessica Ingram, the Public Arts Manager, presented the Commission board with an update on the lending library program. Currently, there are 60 artworks available for patrons to check out between Madison and SE libraries, initiated in response to challenges faced by Nashville artists during the COVID-19 pandemic and tornado. A phase two of the lending library involved convening a community selection panel, which selected 54 artworks for acquisition into the permanent collection, to be displayed across five new library branches. The Commission was asked to vote on the list of artists for acquisition.

Commissioner Hart inquired about the diversity of the selected artists, but Jessica clarified that they did not collect data on race or gender for the selection process. However, she assured that efforts were made to ensure accessibility and outreach to various communities. Commissioner McCoy emphasized the importance of collecting data on artists for future reference.

Commissioner Watts expressed interest in tracking the journey of artworks within the community, highlighting the significance of understanding the program's impact. Ingram explained that the focus was primarily on the artwork itself rather than the artists' backgrounds or bios.

A motion was made to approve the acquisition of 54 artworks for Metro's Lending Library was by Commissioner West and seconded by Commissioner McCoy.

E. Oversight Committee Updates: Commissioner Watts

1. Finance Director's Memo to Metro Council

- a. Commissioner Love emphasized that the Commission's responsibilities extend beyond financial oversight, highlighting the importance of ensuring equitable and vibrant community engagement through the arts. Commissioner Watts echoed this sentiment, stressing the need for a focused approach to addressing the issue of artist payments and streamlining the process. Commissioner West provided insights into ongoing discussions within the oversight committee, emphasizing the need for clarity on budget projections and deficits, as well as the role of the finance department in providing crucial financial information. The discussion underscored the importance of addressing the immediate need for artist payments while also considering broader financial and operational concerns within the Commission.

A motion was made "to designate one person on the oversight committee to work with the metro finance staff as well as work metro arts finance staffer to develop a plan of action with all the necessary details that plan of action" by Commissioner Watts and seconded by Commissioner McCoy.

b. Discussion

Commissioner Love expressed the need for a thorough discussion on recent developments, highlighting the complexity of the situation and the importance of clarity moving forward. Concerns were raised about the absence of clear guidance from HR regarding the director's status and its implications for decision-making. Commissioner Love also mentioned efforts to seek clarification from HR and noted ongoing discussions within the oversight committee. Questions were raised about the director's FMLA status and the involvement of outside counsel. Commissioner Watts proposed expanding the scope of the oversight committee's responsibilities to address broader issues beyond artist payments, emphasizing the need for collaboration with multiple departments within Metro. Commissioner Love acknowledged the need for a motion to address these concerns comprehensively, particularly regarding interactions with finance, legal, and HR departments.

Commissioner Wade proposed a motion for the oversight committee, suggesting that they, along with a staff member, meet with finance, the mayor's office, and legal for updates. This was seen as a way to expedite obtaining necessary information. Commissioner Wade emphasized the need to protect staff, citing the impact of recent events on them. Commissioner McCoy highlighted the Commission's authority to employ staff and expressed concerns about the current executive director's ability to manage day-to-day operations effectively. She emphasized the need for clear communication and operational procedures within the organization.

Commissioner Watts expressed the need for fairness in considering both the attorney's report and the response from the director, even though the director's response may not be immediately available. She cautioned against if someone seeking a new job necessarily indicates a lack of commitment, emphasizing the importance of due process.

A motion was made that “in addition to the existing oversight committee designee meeting with metro finance they also meet with metro legal and metro HR to ultimately determine all of the pieces of the work that needs to happen so that this Commission and metro arts can effectively function in addition to making sure the funding for previous artists be paid and that we can move forward with the business of the Arts Commission by Commissioner Watts and seconded by Commissioner Kurtz.

During the oversight committee discussion, there was a proposal to expedite meetings with finance, the mayor's office, and legal to address pressing issues. It was agreed upon to proceed with the meetings promptly to gain necessary updates.

Commissioner Watts highlighted the commission's authority to make decisions regarding staff employment based on the organization's bylaws. Additionally, Commissioner Watts expressed concerns about the fairness of decisions without the director's response and cautioned against premature actions.

Commissioner Watts also raised the point that an individual seeking alternative employment doesn't necessarily indicate a lack of commitment. Drawing from past experiences, she urged careful consideration before taking action to avoid potential retaliatory perceptions.

Commissioner Watts emphasized the importance of due process despite public scrutiny. Legal counsel suggested delegating Shannon Hall or a delegate to handle the FMLA issue for expedited resolution.

Concerns were raised about waiting for the audit results and the potential impact on ongoing operations. Commissioner Watts highlighted the need for a fair process and expressed reservations about taking action before the director's response.

Questions were raised about the director's receipt of the report and the implications of FMLA regulations on staff dynamics. Legal counsel clarified the process for handling FMLA-related issues and recommended HR involvement for an interactive discussion with the director.

FMLA Lawyer Summary:

- Tim Garrett discussed procedures for staff returning from leave, emphasizing the need for clear documentation and honest evaluation of staffing issues.
- Interactive processes were mentioned, with HR potentially facilitating discussions to ensure compliance with ADA and FMLA regulations.
- Concerns were raised about the specificity of documentation for Director Seeing's return and the need for prompt decision-making.
- Commissioner Watts made a motion to follow Metro Legal's recommendation regarding Director Seeing's request to return intermittently, pending further discussion and a second.

A motion was made to designate Shannon Hall or a Metro HR designee to handle the FMLA issue promptly, which was seconded and passed unanimously by Commissioner Watts and seconded by

Overall, the discussion revolved around the need for swift action to address staff concerns while ensuring fairness and careful deliberation in decision-making processes.

F. Grant Committee Updates: Commissioner Jester

1. General Operating Grants and Thrive applications update.

- a. Commissioner Jester gave a brief discussion on grants committee updates, acknowledging the late hour but stressing the importance of the topic. They heard public comments on various funding concerns, including mismatched programming and funding, prioritizing emerging artists, and preserving equity work. Concerns were raised about the lack of leadership affecting decision-making and grant processing. Over \$10 million in grant applications are pending, but clarity is needed on guidelines and governance. Financial constraints were highlighted, with potential deficits and taxpayer burdens. Questions were raised about the status of funding commitments and the feasibility of meeting expectations. Thrive funding limitations were discussed, suggesting a need for reevaluation. It was suggested Sydnei to lead the conversation on guideline adjustments. Concerns were voiced about adding complexity to staff tasks and ensuring clear directives. Despite the complexity, confidence was expressed in addressing the issues. The next meeting is scheduled for April 8th.

G. Committee for Anti-Racism and Equity Updates: Commissioner Lefkowitz

- a. Commissioner Lefkowitz mentioned that since Commissioner Perez resigned there is no chair, for committee at this time. She plans to work with Vivian and the CARE committee to schedule one. Vivian noted that there's already a meeting scheduled for April 12th. But otherwise, there were not updates from the CARE committee at this time.

H. Status of Executive Director

- a. Commissioner Love also spoke about the executive director's status, mentioning that they're currently on continuous FMLA, which had already been in discussion earlier in the meeting.

I. Chair's Updates

- a. Commissioner Love expressed her commitment to remaining as acting chair to maintain consistency in information and order within the Commission. She announced the appointment of Commissioner Kurt as acting vice chair, citing their tenure and familiarity with the Commission's workings. Additionally, she highlighted the need to address an MHRC complaint, emphasizing the importance of moving forward with discussions and actions. To facilitate progress, she proposed two motions: one to designate a point of contact for the Commission's attorney and another to authorize the attorney to proceed with

addressing the complaint on behalf of the Commission. She urged the Commission to consider and address these motions promptly.

A motion was made to appoint our Commissioner Chair Love as the contact for our council and MHRC matters with Attorney Tyler Chance Yarborough moving forward by Commissioner Jester and seconded by Commission McCoy.

A motion was made to have Metro Arts Commission attorney enter into discussions on behalf of the Commission by Commissioner Watts and seconded by Commissioner West.

J. New/Old Business

1. Commissioner West raised the issue of a shared Google Drive previously used by the Commission for historical documents, financials, and onboarding materials, noting its inactivity since 2021. She suggested the implementation of a SharePoint or similar platform for centralized document storage. Commissioner Lefkowitz mentioned a similar initiative she had started using secure university box storage, offering to assist in transitioning the documents to Google Drive for wider access. Commissioner Love acknowledged the importance of accurate minutes and expressed gratitude for Commissioner Lefkowitz's efforts as the secretary.

K. Adjourn Meeting

Commissioner Chair Love adjourned the meeting at 1:30 p.m.