

**2021-2022 MCC Governing Board
Special Called Meeting
September 29, 2021 – 6:00 p.m.**

MINUTES

Board Members Present: *in-person:* Shivani Saboo; Bill Glikbarg; Melanie Sletten; Rasheq Rahman; Suzanne Le Menestrel; Maria Foderaro-Guertin; Barbara Zamora-Appel; Carla Post; Lisa Mariam *virtual:* Ivy Chen

Board Members Absent: Max Blacksten

MCC Staff Present: Daniel Singh, Executive Director; Holly Novak

Guests: Lou Nuzzo (Asst. Fairfax County Attorney); Paul Kohlenberger

CONVENE MEETING

Chair Zamora-Appel convened a Special Called Meeting of the Governing Board of the McLean Community Center on September 29, 2021, at 6:10 p.m.

APPROVE AGENDA No changes were requested to the Agenda; it was adopted by acclamation.

CLOSED SESSION

Chair Zamora-Appel directed the individual from the public to please exit the room so that the board could continue its discussion in “Closed Session.” With the public having exited, only MCC Governing Board members and MCC staff remained in the room. Mr. Nuzzo participated virtually.

Motion Going into Closed Session: *Chair Zamora-Appel stated the following:

I move that the McLean Community Center Governing Board go into Closed Session, pursuant to Virginia Code Section 2.2-3711(A)(8) for the purpose of consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. The subject matter to be heard, discussed, considered, and consulted upon are the legal requirements of the Virginia Freedom of Information Act and their relation to specific records and meetings of the McLean Community Center Governing Board and the McLean Community Center.

Closed Session began at 6:10 p.m.

Closed Session ended at 8:20 p.m.

Motion Coming Out of Closed Session: *Chair Zamora-Appel stated the following:

In accordance with Virginia Code Section 2.2-3712, I move that the McLean Community Center Governing Board members certify that, to the best of each member’s knowledge, only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the Closed Session was convened were heard, discussed, considered or consulted upon in Closed Session. **The MOTION passed unanimously.**

Following the MOTION to reconvene into Public Session, Chair Zamora-Appel announced that public attendees could now return to the room to observe if they wished.

OLD / NEW BUSINESS

Chair Zamora-Appel opened the floor to any topics of old or new business to be considered. The following topics were brought up for discussion:

1. Public comment procedures: RESPONDING

Question: In a prior meeting, we talked about the structure of “Public Comment” and if we were able to engage in what people are saying. What are the rules about not engaging with them? What about changing how it’s done? Is it ‘guidelines’...

‘suggestions’... or something actually ‘required?’ We talked about potentially being able to talk to the lawyers? Is that meeting going to happen? Can we make that happen soon?

Clarification by Executive Director Singh: We can talk to Fairfax Co. lawyers to see what they recommend. But the MCC Governing Board sets the policy for what we want. The lawyers can only say: “This is what we recommend.” They typically recommend not responding ‘in-the-moment.’ They want us to deliberate about it and either give a written statement or address it at the next following meeting. A caution is that communicating in-the-moment can be troublesome by responding before we’ve thought about it in full deliberation.

ACTION ITEM: Executive Director Singh can request the lawyers to provide advice.

Question: The problem is: I don’t think I’m ‘responding’ but I would like to ask a question to clarify what is being said.

Clarification by Executive Director Singh: That is considered a “response.”

Question: While it is a response, I’m not taking a “position” for MCC when I do so; I’m just trying to understand what the issue is.

Clarification by Executive Director Singh: The Fairfax Co. BoS has tried and tested over multiple boards and have developed a public comment policy. Clearly, we can make up our own policy and depart from that; but it will entail a lot of your time and staff time to manage it.

Opinion expressed: The Executive Director is saying that this is the attorneys’ advice. However, if a board member wants to learn and wants to ask a clarifying question, that is your right to ask.

2. Public comment procedures: DISCUSSING TOPICS RAISED

Opinion expressed: Even if we don’t engage with the public when they are giving that comment, I think it’s important that, as a board, we discuss anything that is brought up in public comment – whether it’s something really silly... or something serious that is brought up multiple times. If somebody is making the effort to come here and engage with a local community board, we owe it to them at an upcoming meeting to just address it. “Thanks for your suggestion. We’re not going to be moving forward with it because of ___X___.” OR, “We will be moving forward with it...” I think we owe it to the public.

Clarification by Executive Director Singh: Saying “We’re moving forward...” OR, “We’re not moving forward...” gets into details that we should try to avoid. We can say: “Thank you for your feedback – we appreciate it.” But when you start giving reasons... that prolongs further back-and-forth comments and subsequent complaints.

3. Diversity, Equity, Inclusion & Access (DEIA) statement

Opinion expressed: I would like to suggest at the next meeting that we read the Diversity & Inclusion statement and end with: “It is the Board’s intention to support the staff in conducting events that comply with this statement.” Then the public will have their answer. Because we can’t keep doing this. We have deliberated; based on that deliberation, the Board has formed this statement.

Clarification by Executive Director Singh: But that deliberation itself must take place in a public space. We will have to dedicate a portion of the meeting where you deliberate the statement in public and then affirm it. The public will want to know about it: if we deliberated it as a public body, then they should have been able to attend such.

Opinion expressed: We could state at the beginning: to discuss this DEIA statement in this meeting— so as to put the topic on the Agenda. Then we can read it. And then end with a statement: “As such, the MCC Governing Board intends to support the staff in events that they feel advance this diversity, equity, inclusion and access goal.”

Opinion expressed: Also, we should leave it open – if there are objections to it, that we leave it open to discussion. If someone doesn’t agree with certain parts, we can discuss it then. It would demonstrate to the public that this is our deliberation. At the end of the day, it’s our statement and we’re responsible for it. We are sending it to the public – and that’s it.

Clarification by Executive Director Singh: The attorney’s advice about growing a thicker skin is important to keep in mind. Despite this DEIA statement, people will find a reason to use the budget... and find the next thing to complain about. They will keep coming back; they’re not going away. Some have already signed up through the end of the year and will keep doing so.

Opinion expressed: But I think we need to affirm and verify that we are saying: Yes – the MCC Governing Board is going to support events... including an additional event such as Drag Story Hour... as warranted in your programming decisions. The MCC Governing Board supports you. Does everyone feel comfortable with that?

Opinion expressed: I suggest we just go with the statement already negotiated. Everybody has agreed upon that.

Opinion expressed: I do think it’s important that we have a discussion on it. We must think about it irrespective of the actual issue at-hand. As a policy – no matter what the issue is: If roles were reversed, what would we like to see if we were in their place? I think a discussion is important; and it’s important for the public to hear our point-of-view. Because at this point, what I’m hearing is: a lot of the comments aren’t even about the ‘Drag Story Hour.’ It’s about the public feeling like they are talking to a wall. And that frustration is very valid for them; their former point isn’t. I think it’s important for the public to hear us having an open discussion. DEIA statement is important and great as well... and it’s broad.

I think it’s O.K. for us to have a targeted discussion on it because the public has attended so many times.

Clarification by Executive Director Singh: What are you saying – discuss the response to Drag Story Hour?

Opinion expressed: When the public comes and says: “Oh, we’ve had a lot of public comments about this...” It’s O.K. for the MCC Governing Board to respond back: “These are the concerns we’ve heard and that’s important – and these are our thoughts...” Or... “This is my thought. What do you think?”

ACTION ITEM: Put it on Agenda for October 27, 2021 Board meeting: discuss DEIA statement.

Clarification by Executive Director Singh: We can put it on the agenda. But my only guidance is that: when we start responding to particulars, you will focus forever on individual topics. It’s not just Drag Story Hour... it’s EV charging stations... amphitheater... MCC doing events on the plaza. People will find things that they are not happy with and the amount of time that MCC staff is devoting to this... I’m actually having to approve overtime to get every request sent out on time. You are just opening up more public comment activity by doing this – which is fine as a policy. But I’m just letting you know that there are severe consequences.

Opinion expressed: The repeated question has been: Are you going to use the budget to support these type of events? We need to give them an answer. Because engaging in the back-and-forth will get us nowhere.

Opinion expressed: No -just have a discussion amongst us in the “Old/New Business” section: “We’ve had this public comment topic a few times...etc.”

Clarification by Executive Director Singh: But then they will find out what is going to be said in this meeting and then the public will say: “At this meeting, this person said this... and therefore I want to come back and respond.” It’s not going to solve what you are saying. We can do it that way, but it’s not going to resolve it. People are not going to stop attending.

Opinion expressed: I think what we’ve done so far and how we handled the original thing led to this. Now we’re being constantly bombarded. We can’t get other people who have legitimate concerns to speak at our meeting

because there is no slot. If I have someone who wants to talk about a real issue, they don't even have a slot available for the next three months because it's filled up with this stuff. If they want to keep filling it up and make it a 'thing'... that's one thing. But at least we have on the record: This is our view on this topic. We haven't been able to get on the record about anything on this.

Opinion expressed: I'm upset wasting MCC staff's time trying to do real work for MCC and having so much of this keep reiterating itself – which we have a view on, as a group. I want to put it to bed.

Comment by Ms. Novak: I'm managing this O.K. Because I value the public dynamic, I'm not complaining. I want the communication level open. Because it's very important – we just learned why. It's not bothering me – it is a lot; but I happen to like public discourse. I understand there can be disagreement. I value it - because that's where you get better decisions.

Clarification by Executive Director Singh: But disagreement is different from hate speech, racism, sexism or gender. They are not just disagreeing. *Opinion expressed:* Yeah - what I'm hearing is: homophobia.

Opinion expressed: To that point, I would recognize that as even more of a reason for the Board to say something. In most other environments, that sort of speech wouldn't just float by. I know that's what we're not trying to encourage. To me, it's appropriate to just put our foot down and say: "This is where we stand." I understand that the DEIA statement does that; but it's appropriate for us to be a lot more targeted about our statement given the language and behavior that the public has shown. And even if we were to make a statement in response, especially given how it must be done – it does take a long time. We all know that it's frustrating how slow government bodies respond to things. I'm sure the public feels that frustration. If we can have a public working session on the DEIA document in the form of a future discussion in-person and have a faster turnaround time– I think that would be better for everyone.

4. Future "Town Hall" meeting:

Question: And on that note, in a previous meeting we also talked about a potential "Town Hall" where we could engage with the public. Are we going to do that? What are the steps to make that happen?

Clarification by Executive Director Singh: We will have a general public listening session as part of strategic planning. But it wouldn't be focused on any particular issue. We would want to ensure a wide group of representatives present so that strategic planning can move forward.

Opinions expressed: Let's make sure that that is well known in advance – so the board can reach out to our networks to try to attend. If given only 3 days advance notice– that's hard for us to reach out to encourage people. I know people who would be willing to come. It's a priority that we hear from a diverse view of McLean residents.

Question: Aren't we hosting something in The Alden with various ministers?

Next Thursday night, Oct. 7: a panel of three ministers and one Rabbi.

Opinion expressed: And any of us can sign-up to be an usher at that event.

5. Further discussion of DEIA statement:

Question: Where are we on this? Are we going to read the DEIA statement and have a declaration? Or are we going to have a conversation before we do that? What did we decide?

Opinion expressed: I prefer that we have a conversation first...

Clarification by Executive Director Singh: But that would seem artificial – having a "statement" right after having a discussion. We can have a discussion in October and then have the DEIA statement read aloud in November... but then it's going to delay the process even further. And the public will be even more frustrated.

Opinion expressed by Programs & Outreach Chair Le Menestrel: Since I chair the Programs & Outreach Committee, the discussion could be how the work of Programs & Outreach Committee can help support the DEIA statement,

working in partnership with Executive Director Singh and MCC staff. That's where I would like to go – move forward with a strategic discussion rather than a reactionary-type response.

Question: The DEIA statement is now on our website, correct? And we're not going to take it down, right?

Clarification by Executive Director Singh: The statement is now on MCC's website.

Opinion expressed: Frankly, that will be a starting point for discussion. We could talk about it as a board: the statement is out there... now, how do we implement this policy in our programming? You could do the same thing in Capital Facilities Committee. Use the board process: committee-level discussion; then at a future meeting of the board, we could consider it.

Opinion expressed: Saying: "We are going to use funds for this program – and MCC staff has said that it's in alignment with the DEIA statement. Yes – we will be supporting."

Opinion expressed: You reference it in your Programs & Outreach Committee. This whole discussion should have been in the Programs & Outreach Committee to begin with; it dealt with a program. But it ends up becoming a board-level issue.

Clarification by Ms. Novak: The next Programs & Outreach Committee Meeting is not until November 3. We do have the Strategic Planning meeting on October 13: ENC meets at 5 p.m.; then Strategic Planning is 6 to 9:00 p.m.

Opinion expressed: Does this not fall under 'strategic planning?'

Clarification by Executive Director Singh: We are paying consultants; so, I wouldn't want to tie-up their time.

Opinion expressed: Agreed - we need all the time with the consultants. To me, 3 hours is short! I think it should be done in the next full board meeting.

Opinion expressed: It's a procedural thing. And the public has been bringing up procedural issues! This is our procedure: 1. Bring it up in Programs & Outreach Committee; vote. Then referred to the Board. 2. Then the full Board will vote on it.

Programs & Outreach Chair Le Menestrel said she could call a meeting of Programs & Outreach Committee before October 27.

Clarification by Executive Director Singh: We will figure out a time. So, are you O.K. with how we are proceeding? On the 10/27 Board meeting agenda, we will say that we are going to discuss it.

ACTION ITEM: Discuss the DEIA statement at the October 27 full board Regular Meeting.

6. ByLaws:

Clarification by Executive Director Singh: For us to change a policy we must make sure the policy ties-in with our MOU. Reston Community Center figured out a way to do that: they have updated their MOU and attached Bylaws to it. Bylaws do not have to go back to the MOU and get ratified by the BoS and county attorneys. This is something for you all to consider.

ACTION ITEM: Read through MOU before the strategic planning happens. Think about what sections you want to update. Do you want to stay in MOU way? Or move towards portions being in the MOU and portions being decided by "Bylaws" - which would give more flexibility to make decisions? Rather than having to put it before the BoS. Think about everything you want in there so that we make one amendment to go to BoS.

ACTION ITEM: *Question: Would it be possible to get a WORD version of the MOU? We only have the original .pdf. It's a grainy xeroxed copy.* Executive Director Singh will try to convert the original scan into WORD.

7. FY23 Budget:

Clarification by Executive Director Singh: Our Workforce planning didn't align with FY23 budget process. The final meeting is Oct. 7; we are proposing some staff changes. 1. Right now, we have a ½ time non-merit IT position. With so much 'virtual' and many renters and instructors doing hybrid teaching, we can't get that person

on-site often enough. People then seek out Daniel because he knows more about IT and he ends up helping instructors set-up their classes. To continue in this direction is unsustainable. Workforce is suggesting moving it into a full-time IT person. Also, right now, we don't have anyone looking at marketing analytics: e-mail conversion rates; Facebook analytics. No one on staff has that expertise. ½ of it would be IT support and the other ½ would be analytic support: separate mailing lists for OFC, The Alden; Mail Chimp; Constant Contact. We want to combine all that and make it into one position. 2. The other position is ½-time Executive Asst. for Executive Director – hoping to make that full-time: helping Daniel + grant-writing. This will affect our budget by \$100K in FY23.

Question: Does a particular salary amount trigger a required review?

Clarification by Executive Director Singh: Yes -our meeting of Workforce is next week and then they will finalize it. If they say “No – you can't do it.” then I can't do it. We are making the case and hopefully they will agree. Even if we put it in the budget and all of you agree, BoS still has to vote on it; we can't make the decision without them. If you get it in to them, they will look at it in their March 2022 meeting and hopefully approve it. And then we will get the position open in July 2022.

ACTION ITEM: If this change is approved by Workforce – we will have a brief meeting on October 13 and get it approved before our October 27 Regular Meeting. So that the public can see the change as published before the Oct. 27 final vote.

Question: If the two positions are increased to full-time, would there be cuts in other areas to still have a balanced FY23 budget? Not right now. Current tax assessments are coming in higher; so, we will still be able to balance the budget and not involve cutting anything. Just this past week, we are seeing how difficult it is to recruit people: we formerly had 45 volunteer ushers for The Alden Theatre; 0 are coming back this fall because of worry about COVID-19 in an indoor space. Not one single person is coming back.

Question: MCC staff is large compared to others. Did you explore cross-training or deploying someone from one area to another to cover these positions? Do you ever do temporary-to-permanent hires? Many A/V folks work several jobs (gigs) = talent pool.

Clarification by Executive Director Singh: There is no way; we might be able to move other positions around but they wouldn't be able to cross-train. Fairfax County won't let us bring in someone who is high-skilled and make them do something that is not at their level. We might be able to eliminate some lower-skilled positions; but we don't have the level of positions to cross-train them up to. And we can't just move “temporary” people to permanent – because that would bypass the equity of the hiring process. There is a different process for full-time positions vs. temp. MCC must hire through a normal process.

Question: Have there been any adjustments to the staffing list that you sent us a few months ago?

Not yet. We are not letting any vacant positions be hired; we are holding off until after this fall, to determine:

1. Are people going to come back in a different capacity? 2. Are there different needs? No one is hiring anymore until we figure out the lay-of-the-land for the future.

Question: How many vacancies does MCC have currently?

About six vacancies: one in The Alden; one in PIO office; a couple in OFC; Special Events Assistant; the Executive Assistant position under Daniel has been vacant for three years. Our IT person wants to retire as soon as possible. We are keeping the positions empty right now because we don't know. IT person is ½ time now; it would become a full-time IT position. The Exec. Assistant position is vacant (½ time position); it would become full-time. It's actually a little more than double. Before the renovation, George Sachs didn't hire at that point; it has remained vacant for three years.

ACTION ITEM: We will update our FY23 Budget based on these changes. This all gets collected by the county accounting & procurement office – they will amass our budget that balances out the whole county's budget. Then BoS approves it in the new year. MCC Governing Board will vote on the budget in final form on October 27.

8. Mask-wearing (required inside MCC):

Question: Can the board make a policy about mask-wearing: if people are not complying, that they would be escorted out?

Clarification by Executive Director Singh: We can make more stringent policies if we want.

Opinion expressed: Committee chairs could also start each meeting with a statement mentioning this.

Opinion expressed: I liked when Comptroller Karra kindly gave someone a mask. Can we keep a box of masks here?

**Ms. Novak always has them on-hand now, at-the-ready.*

Opinion expressed: You can always stop the meeting; and then everybody else would get frustrated with that person

Opinion expressed: What's bothersome is the attitude. We are in a COVID-19 environment... and this is a Fairfax County building.

Clarification by Executive Director Singh: That's why you all responding to the public with the DEIA statement is not going to satisfy this person. They are not here because of one thing... they are here for a series of things.

Opinion expressed: But it will make us feel responsive. And we need to respond.

Opinion expressed: We will be "on the record." That's important. Everything has been about what we've done on the record... and what we have not done on the record.

Nothing was mentioned as a further topic for discussion.

ADJOURNMENT

With no further business, Chair Zamora-Appel adjourned the meeting at 8:52 p.m.

Respectfully Submitted, Holly Novak - Executive Assistant to the Governing Board