

**2019-2020 MCC Governing Board
Regular Meeting
October 23, 2019**

MINUTES

- Board Members Present:** Julie Waters, Board Chair; Elizabeth John; Carla Post; Alicia Plerhoples
Xavier Jimenez; Raj Mehra; Maria Foderaro-Guertin; Terri Markwart
- Board Members Absent:** Suzanne Le Menestrel; Megan Markwart; Carole Herrick
- Staff Members Present:** George Sachs, Executive Director; Ashok Karra, Comptroller; Holly Novak
- Guests:** None.

CONVENE THE MEETING

Chair Waters convened a Regular Meeting of the 2019-2020 Governing Board of the McLean Community Center (MCC) on October 23, 2019 at 7:40 p.m.

ADOPT AGENDA The Agenda for the meeting was adopted.

PUBLIC COMMENT There were no public comments.

APPROVE MINUTES OF SEPTEMBER 25, 2019 GOVERNING BOARD MEETING

Chair Waters asked everyone to review the Minutes of the Governing Board meeting on September 25, 2019, and raise any questions, concerns or suggested edits. Mr. Mehra moved to approve the Minutes as written; it was seconded.

MOTION: That the Board approve the Minutes of the Governing Board Regular Meeting on September 25, 2019. **Approved unanimously.**

FY21 BUDGET PROPOSAL

No written or verbal comments about FY21 Proposed Budget were received from the public prior to this meeting.

The staff and board spent several weeks refining the FY21 Proposed Budget. In sequential Finance Committee meetings, it was presented to the entire MCC board for thorough review and comment. Only minor changes were suggested to some graphs and comparison charts, for improved clarity. The FY21 Budget Proposal was posted on the MCC web site on September 11, 2019, following a "Meeting of the Whole" on September 10. No public feedback has been received in the days since; the period of public comment concludes as of this meeting. With no changes having been requested by the public, the final FY21 Budget Proposal will now be voted on, to be forwarded to the Fairfax County Office of Management and Budget by October 31, 2019. Comptroller Karra submitted a 'pre-read' to the county last week; they did not respond with any changes.

MOTION: That the Governing Board approve the draft MCC FY21 Budget Proposal, as presented at the Public Hearing on September 25, 2019, and direct staff to submit this board-approved FY21 Budget Proposal to Fairfax County on or before October 31, 2019. **Approved unanimously.**

CHAIR'S REPORT / EXECUTIVE COMMITTEE

Executive Committee met on August 5 to review the DRAFT "Standards of Conduct" policy. Extensive revisions were completed by Chair Waters and Executive Director Sachs and the revised document was sent to all board members in advance, anticipating a vote tonight on whether to adopt. Chair Waters opened discussion as an opportunity for questions, concerns, or clarifications about the document.

Question: Why wasn't a red-line version sent to board members, showing editing 'track changes'?

Everyone has the original document (to refer to for comparison) in their "Policies & Procedures" notebook.

Opinions expressed: Then you would have to go line-by-line between the two documents to see what changes were made. There was no description of the material changes (because everyone wasn't privy to the earlier discussion). A person would have had to read through both documents in order to discern what changes were made. In lieu of that, we should now have a discussion of exactly which changes were made.

Chair Waters proceeded to identify what changes had been made:

- No changes to section 1 A, B
- Portion of C was already stricken out; we kept that as is.
- D remained the same.
- E – added that part of preparing for the public meetings is by having reviewed previous Minutes and reviewing the relevant materials.
- We did not modify E or G.
- H and I: second paragraph was essentially changed to say that we [board members] are not eligible to accept any gifts or free attendance from MPA. Only for actual MCC events are board members allowed to accept complimentary tickets.
- J – no changes.
- In K, cleaned-up the language some, while making same point - so it's clear that if a board member is going to express their own opinion when representing MCC to another organization, that they will clearly state that those specific opinions or positions are not MCC's positions.
- L was deleted (in the old version) – representing MCC.
- M – partisan political activities by board members: some editing of the language. 1 - stayed the same. 2 – we deleted the words "in conjunction" so now it just reads "... with candidates"

This topic generated substantial, lengthy discussion with varying viewpoints represented:

Question: I have a major problem with 2: Why is it that if you are serving on the MCC board that you couldn't go out and campaign for a candidate for President of United States? I think we need to clarify that language.

The intent of the language here is that if you're running for MCC Governing Board, you should not campaign jointly with another public office campaign or partisan candidate (such as your candidate for state Delegate).

Opinions expressed: "Board candidates shall not campaign with..."? Both sentence 1 and 2 have "board members" in it; I don't see "board candidates." That's a good point. 2nd sentence of 2. – "...shall not jointly campaign with candidates?" I think you need to say: "Shall not campaign for their MCC office with candidates running for a partisan or other political office." But I think it should be made clear that you can... if you are attending an event for a partisan office... or are photographed... be present at an event where you are supporting a partisan office; that is completely fair. I think 4. addresses that.

Opinions expressed: So, you can go as an individual person; but you shouldn't be recognized in advertising, promotional materials, or photos as an MCC board member: "Raj Mehra, the MCC Finance Chair." He would just be recognized as an individual: Raj Mehra. Yes, as long as you are not putting yourself out as an MCC Board member. Just as we don't go into the public representing our own personal views as if we are representing the MCC. It is earlier in the policy that we are not to go out into the public representing our own personal views as being those of the MCC board.

Question: Do you think that 4. is sufficient to cover that issue? Does it apply to Board members and candidates?

This particular paragraph is related only to board members. If we are talking about candidates in 2 (can't have a joint campaign), then we wouldn't want anyone coming back...

Opinions expressed: I would word it a little differently; something like: "Board members...participate in political activities... as long as they represent themselves and not as MCC board members." Just change the wording to be more active than passive. This is awkwardly written.

Comment by Chair Waters: Maybe it should just say: "MCC board members are not restricted from participation in partisan and other political activities in their individual capacity." What other comments do you have on section L?

L5 - should be "are" – not "is." "...are required" not "...is required"

Question: What is the premise on this? Have you consulted the county attorney on this to ask if this restriction [L5] is O.K.? I understand the Conflict of Interest policy regarding matters coming before the board, if you're on the other side of the business – then that makes complete sense. But L5 is not at all sound.

Opinions expressed: Personally, I agree. I think it should be more that, if you have a leadership role in any organization that does business with MCC or is reasonably expected to do business with MCC. But if you happen to be the head of the Democrat or Republican party... that's freedom of association. Freedom of association is still allowed! L5 should be stricken. I agree – because there are so many organizations that you could become a member of, that have nothing to do with politics in any way. Because then you're engaging in defining organizations here: What is partisan? And what is not? Who decides that?

Question: Do we need to add a sentence somewhere else...? No – it is addressed in the Conflict of Interest section.

Question: Where does it say what we DO need to list under "Organizations"?

P. 7 – perceived conflicts. "Shall file a list with the Executive Director." That is covered.

Are there any other comments or issues with the partisan political activities section?

Campaigning for other public office while simultaneously being on MCC Board:

Question: Was the first sentence of L2 struck? No; I think we just clarified to make it clear that...

Question: What does the L2 first sentence even mean? Barbara Comstock was on MCC board; and then she became a congresswoman. She told people that she was part of the community and on the MCC Board –that's freedom of speech. You can say your affiliation when you are doing something in the community; it's freedom of association, freedom of speech. What does it mean that you should 'refrain from using it?' I understand that you shouldn't use the role to campaign on; but the first sentence of L2 is so broad.

Clarification by staff: Is it during the time of serving on the board... and then you're trying to run for a political office or something else. You would normally be doing that after you've finished your term on MCC Board.

Opinions expressed: Not necessarily! You can still say that "I currently serve on MCC Board" – because people want to know what you've done for the community. You can't keep it a secret... or decline to acknowledge your service on the MCC board. Barbara Comstock was on MCC board when she was running for VA state Delegate. You can be a candidate for something else while you're on the MCC board. **I just feel very uncomfortable with us making decisions and not having passed it through the county attorney to advise what is actually legal and appropriate. I don't want to be giving up our individual rights. I won't serving on MCC board for much longer – yet I don't want to be giving up future board members' rights by coming up with things on-the-fly today, when we don't understand the legality of these ideas.**

Opinions expressed: I don't like the second sentence of L1 either. The interpretation is: I don't think we ought to have an issue with one of us (MCC board members) running for other offices and talking about the fact that we are on MCC's board. But we might indeed have a problem if someone happens to be a member of a partisan organization and is running for the MCC board - that is more the issue.

Question: So the second sentence should be: If you are running for the MCC board, you shouldn't do it in a partisan way.

Yes – that's the issue; not if an MCC board member happens to choose to run for another office higher up. We

should have no problem with that. I don't know how you would word it, but the second sentence in 2 seems to address that; so, I would take the first sentence out.

Question: That means we would need to go back and amend the election rules - people running for the board? What you are trying to focus on has to do with people running for re-election to the board who are already serving on the board.

Question: What election rules? I don't think we have that.

MCC's election rules are in the "Policies & Procedures" notebook.

Opinions expressed: This refers to people who are running for the board – so that should be under "Elections."

Question: Maybe the second sentence should say "...board members" and "...board candidates". That would cover it.

Well, no. That doesn't do it either. Because this document only binds current board members. The candidates don't sign this, so it doesn't matter to them what we say...

Opinions expressed: I think L1 captures the sentiment that we are trying to get at; also, the idea that when you're running you shouldn't be campaigning for the MCC board seat in a partisan manner.

Opinions expressed: But I think L1 sounds childish – it's not professional or befitting of an MCC board member. Maybe word it more directly: 'Board members must recognize that their role on the MCC Board is non-partisan and that their sole purpose is to provide services fairly to all residents of the tax district, regardless of their political affiliations.'

Opinions expressed: I'm fine either way, honestly. But the way you just said it is more succinct and to the point.

Campaigning for MCC Board while simultaneously holding other public office:

Question: I don't know whether this is something that is covered here... but you could have a situation where a person is running as a candidate for the MCC board and they also happen to be a state Delegate or hold some other public office. It could help that individual's candidacy for the MCC board if they were to leverage the other office that they hold. We don't want to prevent them from saying that they are a Virginia state Delegate.

Opinions expressed: As far as #1 and political affiliation, it would have to apply to an incumbent board member. Because a board candidate who is coming new hasn't already signed this agreement. We can't use "board candidate" in this section at all.

Opinions expressed: Well, you CAN if you are talking about a current board member who is running for reelection. Opinions expressed: I'm willing to go along with L2 but I still don't think it's legal.

Question: You don't think it's legal? No – because we have very strong constitutional rights in this country.

We talked about this at the May 2019 board meeting. When something is "nonpartisan" it means there is no "D" or "R" by your name when it's on the ballot. That's all it means. There is a very strong right of freedom of association and freedom of speech in America!

Value of establishing rules:

Question: In Fairfax County, why are teachers not allowed to participate and endorse candidates?

Because they are a government employee. MCC Board members are not "employees" of McLean Community Center, nor employees of Fairfax County government. A school board candidate is a more analogous example; they can campaign with whomever they want, and they can have a "D" or "R" by their name on the ballot.

That's another reason why we can come up with whatever we want... but the caution is that someone could get into a situation two years from now, where the board says "You shouldn't have done that." and they respond: "What are you talking about? This isn't legal – what you've just tried to restrict me to."

Question: Have you ever seen any other community center board have these sorts of regulations? I'm just curious: are there any other best practices? I think it's been seen as a 'tradition.'

Clarification by staff: You are way over-thinking this. MCC has been going on for 45 years and has never had a political interest.

Opinions expressed: Right... because that opens up MCC to questions. However, once you start changing what's already written and put it in writing, then you must ask questions. I'm sorry – but you must.

Clarification by staff: **Why make these changes [to the “Standards of Conduct” document]? What’s driving this discussion is candidates’ efforts to try to get elected – how can they do that? The issues are in the one-upmanship of trying to get elected. That’s where the language of what MCC is about (non-partisan) is important. But from the standpoint of freedom speech... who are we to limit that?**

Suggestion: If anything is to be written, it should be ‘aspirational’ tone, referring to MCC’s “tradition”. To be honest, if it’s because MCC has always had this tradition of being non-partisan, then we are non-partisan, for sure. And we’ve always had this tradition of not getting involved with the “D” or “R”... and not campaigning with other elected officials (Kathleen Murphy or Rip Sullivan or Supervisor John Foust). I think we could write the policy as aspirational language: “The Board members aspire to...” or... “We strongly encourage...” “But, once you say this is the Standards of Conduct policy and we consider it essentially a legally-binding policy against any person serving on the board, then it becomes legal. It just is.

Suggestion: Seek opinion from the Fairfax County attorney about this document.

Question: So maybe we should discuss it with the county attorney? *Opinions expressed:* We don’t want to go there!

Clarification by staff: The county attorney is going to say: the Board must do what it needs to do.

Question: Is that what his position is? Come on – is that what he’s going to say? You mean he’s not going to look at it?

Clarification by staff: Oh, he will look at it; but he will say, “You guys need to figure it out.” The county attorney is not going to write this policy.

Summary by Chair Waters: The county attorney will look at it, but we must figure it out first. The whole motivation is to try to address all the issues that came up last year in a way that it O.K. with everyone. This document was written (several years ago). George Sachs and Chair Waters sat down in one meeting and made modifications; it is brought to the full board for discussion tonight. It’s good to be sharp-shooting this section. I’m not suggesting that we do anything that could potentially have any other result except as to support the McLean Community Center.

Problem: information explicitly told to candidates (adults + youth) about campaigning for the MCC Board in 2019 wasn’t followed; the standard about being non-partisan was nullified in actual practice.

Ms. Markwart doesn’t have an issue about anything discussed with regards to if a candidate is out campaigning at events. The point that was frustrating for her in 2019 was being on the Elections & Nominations Committee and stating clearly to all that the election was to be non-partisan. At the Candidate Orientation, this was emphasized, telling people (including minors – high school students) that the MCC election is non-political and non-partisan. Then, it turned out that the actual campaigning wasn’t non-partisan/non-political. That was very hurtful for Ms. Markwart - being put in the position of having publicly stated something that wasn’t indeed true. She doesn’t have a problem with this policy. She has a problem with the fact that they TOLD all candidates specifically not to be partisan; and then the candidates went out and violated that premise.

Summary by Chair Waters: Bottom-line, we are a government agency, and we must be mindful.

Alternative opinion expressed: However, we need to be careful, because in today’s acerbic political environment, people are becoming more active. If a person is choosing to become active in political organizations and want to serve on the MCC Governing Board in an official manner, then they should be allowed to do so... if nothing else, for freedom of assembly.

Comment from Vice-Chair John: I think maybe the way to tackle it is to strike it from this agreement.

But in Candidate Orientation, simply talk about these being our “traditions.” This is typically what we do (recognizing that it’s not legally enforceable); this is the way we like to operate. Just leave it at that.

Comment from Ms. Plerhoples: But I still like L1 – “Board members should recognize that role at MCC is non-partisan, and that their role is to provide services fairly to all residents, regardless of their political affiliation.” Maybe that is a very good statement.

Clarification by Mr. Karra: That qualifies everything and would actually solve all other issues. The fact that someone doesn't follow L1 should be brought up at your election education meeting (Candidate Orientation) where you say: If you don't follow it, you will be taken off the candidate list. That must be done.

Comment from Vice-Chair John: #4 is helpful to have. But if we aren't going to have anything else...

Clarification by Mr. Karra: Among the staff at MCC, its subterranean – everyone has an individual political view. But it should not be brought into the communication environment of the McLean Community Center.

Summary by Chair Waters: I'm going to suggest, to strike sub-paragraphs 2-5; paragraph 1 becomes a sole, unnumbered paragraph. Should we take out the second sentence? Yes; then the second sentence would read: Board members should develop policies that provide services fairly to all residents.

Question from Ms. Markwart: Wait. So, we don't say: "...put political differences aside?"

Chair Waters: Yes - it's superfluous (though there's nothing wrong with saying it). So that would be the only thing under section L.

Endorsing candidates for other public offices:

Question from Youth member: Would a board member be able to endorse a candidate for a different non-partisan board?

Clarification by Chair Waters: To Ms. Plerhoples' concern, and what other people mentioned: We may not like that that's happening; however, if we try to prohibit it, we're probably running into some constitutional issues. We won't go there.

Comment from Ms. Plerhoples: For example, if it came to the point where you are an MCC Board member and you're supporting the president of your student government body or something like that?

Question from Youth member: I meant can an MCC board member endorse someone for the School Board election?

It's O.K. to use your name – but just don't put anything with the MCC affiliation beside your name.

Comment from Ms. Plerhoples: But to the legal concern: We don't want you to do that. But legally, can the MCC board restrict you from doing that? I don't think we can. However... I'm not the county attorney!

Chair Waters: It's the same thing; because if you're using your title to imply that MCC somehow endorsed the candidate, then that would be running afoul of the other provisions not having to do with partisan politics – it would have to do with misrepresenting the use of "MCC Board" moniker (section K).

Comment from Ms. Plerhoples: So, for example, when a county Supervisor endorses a particular school board candidate, that is O.K.

Chair Waters: MCC can't say that we can't do that – you're right. Section K should cover it: you can endorse whomever you want; you can support whomever you want. You just can't...

Comment from Ms. Plerhoples: It's not the "tradition" of MCC; but this is getting very messy. You're now saying you *can* do that; but it's never been MCC's *tradition* to do that.

Chair Waters: I mean, we can express opinions as a board member. But it's more about implying... or making any sort of implicit promises that are not backed-up by the McLean Community Center.

Question: But that reference is more about financial (fiduciary) implication – correct?

Comment by Chair Waters: Well, because that would be representing the views of MCC to another organization.

Summary by Chair Waters: Anyway... is everyone comfortable with L? As to the policy role of board members, we didn't make any edits. Implementation and enforcement – we just corrected a couple of things: Code of Conduct is now changed to "Standards of Conduct."

Comment by Ms. Plerhoples: Sorry – I don't really want to repeat this; but for L1, you could add a sentence: "It is the tradition of the MCC board that members do not use their MCC affiliation in endorsing other candidates."

Question by Ms. Markwart: But the first part that you said about L2 (the first sentence) – "... to further themselves..." Are you saying that it's just a 'tradition...?'

Comment by Ms. Plerhoples: No – that’s different. This is saying: if you are running for another office, people want to know what you’ve done for the community. You can say that you’re on MCC Governing Board. But if you are trying to name yourself as promoting somebody else by using the MCC Governing Board moniker – that’s the only difference.

Question by Ms. Post: *Do you really want to talk about ‘tradition?’*

Comment by Ms. Plerhoples: I’m just trying to understand my colleague and reflect back what she is saying!

Comment by Vice-Chair John: Leave that for the board orientation meeting (the first meeting after being elected).

Question from Ms. Markwart: *So L is just L1 now?* *Chair Waters:* L1 is now truncated.

Comment from Ms. Plerhoples: I think you need the word “non-partisan” in there. Because we [MCC Board] ARE non-partisan. Change L’s title to: “non-partisan role of board members” (refers to political affiliation)

Summary by Chair Waters: Implementation section did not have any changes. The “Conflicts of Interest” policy is a little wordy; but we didn’t really make any changes. A couple of words were inserted in 4th paragraph and we deleted 2nd little paragraph. The rest is the same. We got rid of the paragraph “organizations within MCC’s shared community” and we got rid of almost all of C (“divided loyalties” – several paragraphs). We put that under B; it’s the same as it was except a sentence is added to capture what was in that paragraph above. The examples shown in C were already deleted by whomever looked at this document previously. We scrapped that paragraph and put it... This is where we talk about serving on two or more organizations, that a conflict of interest could arise: if you are serving on any organization that is reasonably expected to have business with MCC and before this governing board, you must disclose that fact and keep it on file. We will review this policy every year and each new board member will get a copy in their packet. Section C – shortened and simpler now.

Announcing & dealing with conflicts of interest (while serving on MCC Board):

Question: *Is Number C4 the same in principal as to what was there previously?*

That was not in here. The question was: What can somebody do if there is a conflict of interest? Then there must be a motion on the floor that has to be approved. One single person just can’t exclude somebody.

Clarification by Ms. Plerhoples: For reference, I work with boards of non-profits and on Conflict of Interest policies for non-profits. I know that MCC is not a non-profit organization. But what would happen in a non-profit is: If you have a conflict and you’ve stated that you have a conflict, there is no appeal to say: “I’m making an unbiased decision.” You must recuse yourself.

Question: *Hmmm. So, that is if you say you have a conflict of interest? But what if somebody else points out that you have a conflict of interest – then can they automatically exclude someone just by saying: “You have a conflict of interest?”*

Clarification by Ms. Plerhoples: No – you define what a conflict of interest is: the definition of the conflict is: if you have this relationship. Just having a relationship that presents a conflict is enough... and the person would have to recuse themselves.

Question: *So, if someone were on the board of MPA, they wouldn’t vote on MCC’s annual \$20K donation to ArtFest?*

Yes. That’s correct – because MCC doesn’t want to have the appearance of... or actual conflicts of interest.

Question: *It’s a little messy – does it go without saying that if this board member does not recuse themselves, and somebody else says, “You need to recuse yourself.” then do they need to say why they need to recuse themselves?*

What we would have to change is based on what Ms. Plerhoples said; the last part of 2 would read: ‘they must announce a potential conflict and recuse themselves.’

Question: *What if someone is on the board... then quits the board two months after being elected. And then it comes up about them being on MCA and then your term is over? And then you must change your affiliations on file? There are so many folks who serve on multiple boards.*

Opinions expressed: Maybe the paperwork about other ‘affiliations’ is not exactly up-to-date [listing organizational affiliations]; but you shouldn’t be voting on the money that MPA is getting. Former Board Chair

Kohlenberger did recuse himself from a vote once or twice on a decision regarding another organization where he served on their board. This provision is fair because potential conflict of interest with MPA will be the most likely occurrence. MCC has a small board and one vote can really sway a decision.

Comment by Chair Waters: 3 goes away.

Comment by Vice-Chair John: I still like having 4 as a safeguard – we should be able to point out publicly that someone is on a conflicting board. Is that a reasonable clause to put in here? I hope it never happens! But people have the right to raise it. They would say why they believe this during the discussion after the motion.

Comment by Chair Waters: Different words about assessment could be used: “If another board member believes a conflict of interest exists with another board member and it is not being addressed, he or she may move to...”

Opinions expressed: Yes – there might not be full disclosure by the person.

Comment by Ms. Plerhoples: So, the other thing that we’re also talking about is - not just you, but your immediate family members. That’s typical. Especially if your spouse is on the MPA board.

Chair Waters: That’s correct; then there is an appearance of conflict of interest.

Question: So how far are you defining the words “family members?”

Comments by Ms. Plerhoples: In terms of defining what conflict of interest is, six examples: employed; board member; board officer; paid consultant; business owner – and then that business comes before the board to have a contract. If my husband is in one of these situations, then that’s not fair and I should not be voting on a particular issue. Once you put that down in writing, you need to recuse yourself. If your husband is a vendor to MPA or serves on their board, then you should recuse yourself from voting on MPA monies.

Comment by Chair Waters: We need to avoid the appearance of conflict of interest. This is completely typical for a conflict of interest policy for a non-profit organization.

Adjust the pronouns in the document:

Comment from youth member: Anywhere in this document where it says “he or she” >> it should say “they” or “themselves” instead. Please change the pronouns throughout the document. “They/themselves” is becoming more accepted nomenclature. *Chair Waters:* Yes – absolutely. Thank you very much for bringing that up.

Further comments about endorsing candidates for other public offices:

Question from Ms. Markwart: I hate to go back to L again, but... so I’m allowed to identify myself as an MCC board member and still go out and campaign with people? Because if we’re not putting all that in here, then I can do all of that?

Comment from Ms. Plerhoples: No, we will put that in...

Comment from Chair Waters: You can talk about that as a tradition in the election orientation; but I think we run into shake-y ground if it’s in writing; you can’t enforce it.

Comment from Ms. Plerhoples: But I thought we were going to put that in the Candidate Orientation because that applies to candidates but does not apply to current board members.

Question: So, I can go out and identify myself as an MCC board member and endorse someone?

Yes – as long as it’s not to the extent that you’re implying that MCC is endorsing.

Comment from Ms. Markwart: I understand that we don’t want to get into the weeds too much; but I’m going to opt to oppose this. It doesn’t matter because I’m only one person. Now it’s just L1- and nothing else.

Chair Waters: Ms. Markwart’s concern is: despite us saying that it’s “tradition” and what we ask people to do, when it comes down to it, someone can still go out and say: “I’m on the MCC Governing Board and I’m endorsing so-and-so for state delegate...”

Comment by Mr. Mehra: I think that’s appropriate to include in the policy. I don’t think an MCC board member should go out and say that they are endorsing an MCC Board candidate.

Comment by Ms. Markwart: I mean me – as Terri. I can go out and say “I, Terri Markwart am an MCC Board member and endorse name for U.S. President.” *Comment by Vice Chair John:* We can’t legally prevent that.

Comment by Ms. Markwart: I get that. We would have to get the county attorney to look at it.

Question: So you're saying that we, as board members, can't endorse a candidate for another office?

Comment by Ms. Markwart. No – you actually CAN. But it shouldn't say that Terri Markwart, MCC Board member, endorses name for president - that I'm somehow using the "MCC Governing Board" title.

Chair Waters: However, we're saying in the policy that we actually can't limit that.

Comment by Mr. Mehra: I see what you're saying. And I see what Ms. Markwart is saying. What you, Chair Waters, are saying is that it will be addressed by 4 (if you put 4 back in).

Chair Waters: But there is a very real concern that we legally can't do that.

Comment by Mr. Mehra: Put 4 back in and have the county attorney review it; let them opine.

Comment by Ms. Markwart: I would just like to have some guidance – because this discussion came in up in May 2019. **What CAN we prohibit regarding the candidates?** And to the previous point about everything being more politically charged: whatever is most clear about what one can and cannot do... that will help avoid weak verbal instructions to the candidates... or awkward situations ('We didn't think of that; we should have said this.') If something is written here, then we have grounds to say: This is what we can or can't do. If it's not there, then the sky is the limit.

Question from Ms. Plerhoples: But what's the repercussion? That's the problem - we actually cannot kick anyone off the board. Supervisor Foust can recommend that an MCC board member be removed. But we cannot do that! It's Class A: we serve 'at the pleasure of the Board of Supervisors.' So, it would involve an action of the whole Board of Supervisors [to remove an MCC Board member]. If we ever get to that level of being before the Board of Supervisors, we've gone way too far!

Comment by Ms. Markwart: There is a provision for implementation: governing board members may intervene if actions of board members appear to be in violation...

Request to have Fairfax County attorney review it:

Opinions expressed: So, even if we put that in there, we don't have a way to enforce it. And we're inviting more criticism. It feels like clearly a violation of free speech to me. So, while we could go to the county attorney, I feel like it might not be warranted.

Comment by Mr. Mehra: Well, see what he has to say. It doesn't hurt. There is no downside to it beyond that it takes up his time. Why not have the county attorney review everyone's input? Why are we self-selecting?

Comment by Ms. Plerhoples: Because, presumably, let the rest of this stuff get through to 'final' before giving it to the county attorney.

Comment by Mr. Mehra: But there is a difference of opinion on the board; so let's have the county attorney resolve it.

Comment by Ms. Markwart: I would just be curious for this... and for our candidates... what the county attorney says about what we can and can't do. If they're going to look at it anyway, we might as well ask.

Question by Ms. Post: Right, but we aren't going to include it [specific provisions in the document] because there are those of us who don't want to include it? Are we just going to ask him for an 'opinion'?

Comment by Ms. Markwart: Yes – for just opinion.

Question: Is that normal? Do you ever go to the county attorney and ask for an "opinion" [about a concept]? Or does he want to reference a specific document in order to approve or disapprove something that is actually written?

Comment by Chair Waters: I'm not going to have us vote on a document with that in it, just to see if the county attorney is going to agree.

Clarification by staff: The county attorney will inquire: "Is it an internal document?"

Comment by Ms. Post: Why don't we just send it up to the county attorney.

Comment by Mr. Mehra: Well, if we do that, we are assuming that we know exactly what should or shouldn't go in there (whether it's legal or not).

Question from Ms. Post: So, is there no mechanism for just asking for advice? And is there no structure in place... or process whereby we can send him an e-mail about this one issue?

Clarification by staff: There needs to be more understanding of the end goal. Yes – the request for county attorney review can route through the Executive Director. However, we’ve gone to them so many times for trivial questions. We really try to make sure the question has some strength to it when we ask him to evaluate.

Comment by Ms. Markwart: Well, then why don’t we have Supervisor Foust submit it to the county attorney?

Clarification by staff: But then we would be taking it to the Board of Supervisors; this is not that level of issue.

Timing of when to finish this document: *Question: Why do we have to work on this document today?*

Chair Waters: We don’t have to. But what’s going to happen in the next month to change this, if we’re not going to send it to the county attorney? What other steps need to happen?

Comment by Mr. Mehra: This is something that we are putting in place for the long-term; so let’s not rush it.

Summary by Chair Waters: I’m happy with it, as we’ve made revisions. Anybody else feel that way?

Comment by Ms. Plerhopes: As a compromise, can we say (and I know we don’t like this kind of fuzzy language; but I don’t think it hurts it): “As a tradition, board members...” – then it’s clear that it’s tradition... it’s not binding, but the tradition has been that we are non-partisan – more than just not having “D” or “R” next to the name, but also the matter of: “we don’t...” (give specific examples... – *which we don’t want to do.*).

Use of one’s personal “MCC Governing Board” title:

Chair Waters and Vice-Chair John: Does it work if we put in something that says, “By tradition” and the rest of 3 (because 3 was Ms. Markwart’s concern – identifying yourself as a board member while engaging in...).

Question by Mr. Mehra: *In trying to understand the issue: Is there some implication that MCC Governing Board endorses that candidate, as opposed to a single individual who just happens to be on MCC Board is endorsing that candidate? If that’s the case, then I would give consent because that would be referring to the entire board...*

Chair Waters: That is addressed in other provisions. You can’t act as the entire board to endorse someone.

Comment by Ms. Markwart: But if my name is listed and has “MCC Board member” beside it...that implies association with the board.

Comment by Ms. Plerhopes: But I think that people know that you’re a member of the MCC Governing Board. You put it on your resume showing lots of different things that you’re involved in (affiliations with boards). I can list it on my bio when I hand it out. But that doesn’t mean you are *speaking for* the entire board.

Comment by Ms. Markwart: And that’s different than me ‘endorsing.’ I can list it on my bio or on the web site.

Comment by Ms. Foderaro-Guertin: But you can say: you are Terri Markwart and you are endorsing X, Y and Z.

Comment by Ms. Markwart: That you can do... but then it says, “Terri Markwart, MCC Board member” which implies... [greater weight; gravitas].

Comment by Ms. Foderaro-Guertin: That’s just one of many titles that an individual may hold.

Question from Chair Waters to Ms. Markwart: *Do you believe that it’s legal for us to prohibit that?*

Interpretation of the strength of this policy:

Comment from Ms. Markwart: Well, I don’t know. However, we also just pronounced this as a ‘flimsy’ document that has no ‘teeth’ to it.

Comment by Chair Waters: But it’s still something coming from a government agency.

Comment by Ms. Markwart: Well then, we can pass it and see what the lawyers say. At some point, if it doesn’t have any teeth to it, then these are more just our informal policies and guidelines... and if somebody breaks them, nothing is going to happen.

Comment by Chair Waters: If somebody breaks some of these traditions... and if it’s that bad, we can go to the Board of Supervisors and ask them to recommend removal. But if we put something in here that is...

Comment by Ms. Markwart: I would like the lawyer to look at it. But if we don’t want to do that, you can have a vote on it; and I will just vote “No.”

Comment by Ms. Plerhopes: But the only way that the lawyer is going to look at it is as a final version that we’ve already approved.

Comment by Ms. Foderaro-Guertin: If we do vote on it, can we just put a little mark on it or post-it saying: “Please look at this specifically because this was a concern that was brought up by the board.”

Comment by Ms. Plerhoples: But procedurally, the statement that I think that Ms. Markwart wants to add to it would not pass this full board to go into the final version. That’s the problem – it wouldn’t get to the final version, to even ask the county attorney.

Question by Mr. Mehra: Are we talking about adding to it or are we just talking about pulling it out (leave 3 + 4 in there)?

Comment by Chair Waters: No – I don’t think we’re doing that. L is only going to be that first one.

Question by Mr. Mehra: Well, why don’t we put 3 and 4 back in?

Comment by Ms. Plerhoples: Because we won’t - we don’t believe that we should have those in there. The problem is that some people don’t want 3 and 4 in there. It’s not just that we don’t think it’s legal; it’s that we don’t think we should be restricting people in those ways. I think we should probably take a vote on it. Otherwise, we will continue talking about this endlessly.

Question from Chair Waters: Is everyone clear about what version we are voting on? The version being put to a vote has just paragraph 1 (as a single paragraph) under L; and then all the other changes we just discussed in the other sections.

MOTION: That the Governing Board approve the revised “Standards of Conduct” policy as part of the “Policies & Procedures” notebook, with changes that have been noted in the preceding discussion.

2 opposed (Markwart; Mehra). 6 in favor. The motion passed.

Chair Waters appreciates the thorough discussion this evening. She emphasized the importance of everyone doing the pre-reads of all materials that are sent out in advance of board meetings.

The Executive Committee didn’t finish all the issues on its Agenda earlier this evening. They will meet again at 8:00 p.m. on Wednesday, November 6, following the FOIA training.

FOIA training is on November 6 at 7:00 p.m. (one hour duration; snack food will be offered).

Holiday party (joint – with board + MCC staff): the idea is to have it on Wednesday, Dec. 11, as an ‘open-house’ gathering starting at 3 p.m. – 7:30 p.m. This is ideal for staff (including those who go home at 3 p.m. and those who arrive for their shift at 3 p.m.); board members may drop-in any time after work as they are able (like a ‘happy hour’). This plan resolves complexities: trying to select another day/evening for a holiday party in busy December season; problems of staff trying to drive from all over the county to someone’s house; finding someone to host a large gathering.

Questions: What have you done in the past? Make it something fun! People like the idea of an evening get-together. I think we should have it up in the Emerson Gallery! The ambiance will make it fun & festive.

Clarification by staff: To understand MCC’s guidelines: public funds cannot be used for a ‘party’ for the staff or for the board (nor any public perception of such). It will be a potluck format with people bringing food items. There will be no alcohol (county restriction). The board may wish to contribute \$\$ or food potluck items. We will supplement with additional items from Giant and other food vendors.

Opinions expressed: While it may not be everyone’s ideal holiday party concept, the purpose is to get the staff and board together and not have a party held on a weekend where it would be difficult for many to participate. It’s wise to piggy-back the holiday party with the 12/11 board meeting –it’s already on everyone’s calendar.

EXECUTIVE DIRECTOR’S REPORT

Internal Alignment: Staff updates: Matthew Hochensmith has joined Special Events staff, just in time to help facilitate preparations for PetFest. Cat Salisbury-Valerian resigned from Alden Theatre technical staff

(effective 10/19). She was in her position for 9 years and will be truly missed. Applicants are being fielded for that position. An excellent letter of thanks was received for Mike Fisher regarding McLean 5K from Ainsley's Angels of the National Capital Region, which provides support for people with special needs to participate in running events. They help push race participants in wheelchairs and running apparatuses. One participant is in the SPARC program at The Old Firehouse; SPARC also stuffed the race bags.

External Alignment: Mr. Sachs shared a letter of appreciation from a vendor from PetFest: Dog Solve complimenting the preparation and planning of this outstanding event. This vendor (a former canine instructor) was very impressed with Ms. Catherine Nesbitt and Ms. Valerie Comer; both were very helpful and courteous. The letter acknowledged that even though rained-out, it was obvious how well organized this event was. McLean High PTSA sent a letter thanking MCC for hosting Ethics Day for Class of 2020 on 9/10. They were very grateful for the support MCC provided. Suits and Sneakers (MCC was new vendor for Chamber of Commerce): we worked successfully around a very busy night in the facility (multiple classes and other things going on). McLean 5K had over 500 registered runners. It was a great event. MCC gained successful fundraising out of it. ArtFest was another successful event, with good weather. Congratulations to MPA on that great event! Complimentary tickets are available to board members for American Shakespeare Center performances this weekend. Winter Lights... Antiques Show... Holiday Crafts Show -all coming up.

Financial Stewardship: Our FY21 Budget Proposal is ready for submission to the county upon final approval by the MCC Governing Board (tonight).

PROGRAMS & OUTREACH COMMITTEE The committee met on October 10 to discuss the following:
*MLK Celebration 2020, focusing on MCC's overall mission: spreading worthwhile information to the public; creating meaningful relationships with residents; and presenting awesome programs. The idea of making MLK annual event free to the public will be considered for the future (not this year). Everyone is encouraged to submit ideas and potential contacts (movie titles; speaker; performing arts groups) for the Nov. 12 meeting.
*Digital Citizenship /Management: Ms. Foderaro-Guertin reached out to Safe Community Coalition, FCPS and OFC to learn what they are doing in the community on the topic of screen time and addiction to electronic technology among young people. This is a growing problem of great concern to families and educators. MCC is willing to facilitate events originated by SCC (and perhaps the education committee of MCA) to support public discussion of this important issue in our community. We discussed careful clarification of respective roles: MCC (facilitating; providing a venue for the community) in partnership with outside organizations (such as SCC) who provide subject-matter expertise to design a substantive program on the topic.
*Community Conversations: The concept is for MCC to host one or more large-scale, collaborative discussion forums on major topics – where people are not just "...talked at" but rather, where they feel "... engaged with." It is envisioned as an opportunity for residents to come inside MCC and engage with one another as neighbors. MCC's role would be not to arrange or decide which speakers to bring in, nor choosing which topics to discuss; we are only trying to encourage general awareness of important public issues. MCC would work with outside organizations for advertising and hosting. Ideal dates would be one per month in September and October 2020; venue could be MCC Community Hall. If it proves popular, Community Conversations can be repeated every couple of months. Possible topics: civility; the environment; aging; gun violence; suicide; racism; engaging the generations. The producer of the international film "Girl Rising" lives locally and is willing to host a showing of the film followed by Q&A. Also, Danny Plettka (a national media commentator) is available. TEDTalks can be explored as a possible new ongoing resource for MCC to publicly communicate to residents. PIO office will explore how to obtain a TEDTalk license. The goal of "Community Conversations" is to wake people up and connect them with each other about big ideas. The variety, intellectual strength, and international leadership experience of McLean residents is a depth of resource talent that can be tapped for speakers on relevant topics.

*Promotional Video to Youth about Running for MCC Board: Megan Markwart has offered to produce a fun, engaging video to encourage local high school students to run for MCC Board. Suggestions: make the video generic (so it can be used every year); release it to Langley and McLean H.S. and to all private schools within the tax district; perhaps use MCC's UTP improv group as actors; use social media to Tweet it out; put the video on MCC's web site. **The board unanimously thinks this is a great idea! Script copy will be approved in advance by Sabrina Anwah, PIO.*

*Public Hearing on FY22 Programs: to generate more participation and public input, we would like to offer an opportunity for people to send in short videos or comments or do an Instagram survey. The goal is using technology to encourage more participation, so that folks don't necessarily have to be physically present on March 25 to participate. Ms. Anwah PIO will work on arranging technology to do this. Comment Cards will be distributed more widely, with questions redesigned for people who aren't regular attenders at MCC – asking what we could offer to bring them in. Possible questions: Do you know about MCC? Have you ever visited MCC? What could MCC offer that might pique your interest?

CAPITAL FACILITIES COMMITTEE

There was no meeting in October. Next meeting: Thursday, Nov. 7 at 7:30 p.m.; discussion will focus on sustainability. Ms. Post will present best practices from her industry experience. Mr. McGovern and Mr. Sachs will explain what MCC already does. We hope to discuss and come away with areas to investigate further. Everyone is invited to attend.

FINANCE COMMITTEE

The committee did not meet in October, having successfully concluded a thorough review of current expenses, Capital Improvement Projects, and FY21 Budget Proposal. Next meeting: Thursday, Nov. 7 at 6:30 p.m.

ELECTIONS & NOMINATIONS COMMITTEE

The entire board received the sequence one-pager document prepared by Ms. Novak showing all respective dates of each phase of the Governing Board election, as projected for this year. ENC did not meet in October. Next meeting: Tuesday, Nov. 12 at 6:30 p.m. ENC will meet monthly: January 2020 through McLean Day.

LIAISON TO FRIENDS OF MCC

Ms. Herrick is absent tonight; there has been no recent meeting of Friends of the McLean Community Center.

OLD / NEW BUSINESS

Nothing else was mentioned as a topic for discussion this evening.

ADJOURNMENT

The next Board meeting will be on December 11 with enjoyable holiday festivities!

There being no further business, Chair Waters adjourned the meeting at 9:15 p.m.

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