

NFOIC Board Meeting Minutes
Oct. 18, 2019 (Zoom web-based
conference call)

Board members present: David Cuillier, Deborah Fisher, Colleen Murphy, Michael Morisy, Tom Susman, Jeff Roberts, Megan Rhyne, Tom Verdin, Justin Silverman, Mark Horvit. Terry Mutchler joined late.

Also executive director Dan Bevarly, administrative manager Maggy Stansly and outreach manager Kelsey Ryan

David Cuillier opens the meeting, which is taking place via a web conference call on Zoom.

1 - Mark Horvit makes motion to approve minutes of a Sept. 19 meeting that took place via email. Jeff Roberts seconds. Passes by voice vote, no nays.

2 - A description is given of resolution to honor Katherine Garner and Sarah Nordgren for their years of service to NFOIC and freedom of information. Megan Rhyne moves to accept resolutions, seconded by Tom Verdin. Passes by voice vote, no nays.

3 - Dan Beverly explained proposed criteria for the NFOIC State Challenge Grant Program. The most significant change was that grants from this fund would now be available for startup coalitions. For the past two years since the program was revived, they had been available for project grants and sustainability of existing coalitions. One of the grant committee members, Michael Morisy, commented that the applications have been good, and he thought it was good to update the criteria.

Since the grants are described to be competitive, Deborah Fisher asked how the committee would competitively judge the grant applications if startups could apply at any time of the year and the existing coalitions applied during a Jan. 15-Feb. 15 window. What if all the grants were disbursed and a startup asked for money later in the year, for example? She wondered if an amount of the total grant funding of \$30,000 for 2020 should be set aside for the startup coalitions.

Kelsey Ryan said several new groups are working to form state coalitions and are at different points in the process. She said she doesn't anticipate five to start at once. She said there are

14 states without a coalition and didn't anticipate 14 new coalitions next year.

David Cuillier said if we run through the grant pool at end of fiscal year, we may have to tell applicants we're out in this fiscal year.

Megan, who is on the committee, said she didn't see it as an issue because the committee generally knows which states are coming online. She said her priority would be to get new

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coalitions online and the state coalitions would be able to apply for what's left. She said she thought it was more important to get everyone online.

Justin Silverman said he didn't see anything that addresses whether an organization can apply for project grant and sustainability grant in the same year.

Dan Bevarly said that traditionally, the committee has only considered one application from a coalition per year.

Justin suggested it might be useful to add language that the preference is against awarding multiple grants to the same organization in one year, although organizations could still be welcome to apply.

Jeff Roberts said he noticed that the list of items for which a start-up coalition may use funds did not include salary costs, and suggested that the list should allow for that.

Kelsey said the board could add "organizational capacity building" to the list for startup grants that would cover such an expense.

Jeff made a motion to add "build organizational capacity" to the ways a start-up could use the grant. Deborah seconded. Passes on voice vote, no nays.

Megan moves to approved an amended Challenge Grant Criteria with the addition of "building organizational capacity." Tom Susman seconded. Passed on voice vote, no nays.

4 - Dan highlighted proposed changes to the bylaws, which deleted the associate member category and added a supporter category, as well as defined the member category more

broadly. David noted that this opened up allowing first amendment centers and other types of organizations to be members, which could mean they also could apply for grants. There was some discussion on this issue and other proposed changes in the bylaws.

Terry Mutchler said if the board was uncertain about the changes, we could put a sunset provision on them.

Mark asked if the only difference between members and supporters were that members could vote, to which the answer was yes.

Dave asked if the intent was to define a coalition broadly? Dan answered that is was and said, for example, that a coalition could be just three people in a press association that identified themselves as a coalition.

Tom said he had several questions about the bylaw changes and suggested that we hold off on approving them, and instead circulate them between the board members for red-lining.

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Mark asked how many associate members we have. Dan said we have one associate member in Alabama. Mark asked why someone would be an associate member if they don't get

anything. And it was discussed that it was a way that someone could support the organization without being a voting member. David said we could delete the supporter category and just call such people donors.

Kelsey said she has had 4 or 5 people reach out and ask about being individual members.

David said the proposed bylaw changes would be passed around to board members for discussion and redlining. No vote was taken on the proposed bylaw changes.

5 - Discussion about the Knight FOI Fund. Dan reminded us that at the spring board meeting, the board had reviewed the use of the Knight FOI fund and had expressed interest in making sure that it was having the greatest impact possible. Maggy reported that the litigation committee had received eight requests on the fund in the 2019 fiscal year and have paid out

five at about \$2,000 total.

There was discussion about the fund's purpose, which is to help reduce costs of litigation but is limited to reimbursement of court costs, fees and other similar expense and cannot be used for actual attorney fees. It was discussed that other organizations are active in the space of funding litigation and covering attorney fees and that the Reporters Committee for Freedom of the Press had recently launched a new local initiative. It was generally agreed that there was a great need in this space of litigation and an example was given about SPJ's legal fund, which has been deeply tapped. It was also discussed about what NFOIC's role and priorities should be based on our recent strategic document.

Before proceeding with deeper discussion about the fund, the board decided to wait until a conversation with Knight representatives took place.

Having completed the agenda, Dave called to adjourn the meeting.