



Birmingham Civil Rights Institute
Accountability Advisory Task Force
Final Report to Mayor Randall L. Woodfin
Monday, June 10, 2019



PUTTING PEOPLE FIRST

MAYOR RANDALL L. WOODFIN

June 10, 2019

Mayor Randall L. Woodfin
City of Birmingham
710 North 20th Street
Birmingham, AL 35202

Dear Mayor Woodfin,

Please accept our gratitude for the opportunity to serve you and the City of Birmingham. Because of the many concerns about the Birmingham Civil Rights Institute this accountability task force, appointed by you, has spent three months reviewing the City's current management agreement and BCRI's 27 year impact in Birmingham and surrounding regions.

Our charge was to ensure that the legacy of this sacred ground is effective, efficient and endures for future generations.

We have met with the BCRI's leadership and community stakeholders to identify opportunities to strengthen the Birmingham Civil Rights Institute and ensure that this treasure will continue to be a beacon for civil rights.

We are unified in our conclusion that the City of Birmingham must continue its support with the following recommendations from the Task Force.

Respectfully submitted,

BCRI Accountability Advisory Task Force

Lajuana Bradford
Dr. Robert (Bob) Corley
Elijah Davis
Scott Douglas
Jefferson Drew
Zhaundra Jones
Samuetta Nesbitt
Patrick Packer
Richard Rice
DeJuana Thompson
Odessa Woolfolk

Cc: Denise Gilmore

Background

Objective: *Provide Management Agreement Recommendations to the Mayor that will help restore trust in the BCRI (Birmingham Civil Rights Institute), including its mission, leadership and programming. It is incumbent upon City government to ensure that the legacy of this sacred ground is respected and endures for future generations; and to ensure that the BCRI functions at a high level and authentically executes its mission as the keeper of this historic legacy.*

Task Force Duration: March 11, 2019 – June 10, 2019

Background: The Birmingham Civil Rights Institute was founded in 1992¹ to recognize the redemptive importance of memory. According to its founders, its goal was to function as a town square for the community to gather for dialogue around issues of the day, with grounding in the struggle for civil rights leading up to the events in 1963. The City of Birmingham owns the facility and operates it through a management agreement with the BCRI Board of Directors. The stewardship of the BCRI is a significant responsibility, which should be undertaken with great care and commitment to the history of those who struggled for civil rights for Birmingham's black population. As a result of the Dr. Angela Davis award controversy, many had expressed concern as to the BCRI Board of Directors' capability of guiding the Institute.

Mayor Randall Woodfin believes that it is incumbent upon City government to ensure that the legacy of this sacred ground is respected and endures for future generations. In order to take deliberate action to provide expertise from community and civic leadership, Mayor Woodfin established a Birmingham Civil Rights Institute Accountability Advisory Task Force to ensure that this treasure will continue to be a beacon for civil rights.

BCRI Accountability Advisory Task Force Members

Mayor Woodfin invited a diverse group of community members to provide thought leadership and insight to undertake the task of providing recommendations to inform the City's Management Agreement with the BCRI Board of Directors. The Task Force members are:

Lajuana Bradford - Senior Vice President, Regions; Former BCRI Board Chair

Dr. Robert (Bob) Corley – Retired, UAB History Professor; Founding Director, BCRI

Elijah Davis - Strategic Growth Manager, Urban Impact

Scott Douglas – Executive Director, Greater Birmingham Ministries

Jefferson Drew – President, Alexander Insurance Agency; Civil Rights Foot Soldier

Zhaundra Jones - Senior Program Officer, Community Foundation of Greater Birmingham

Samuetta Nesbitt - Senior Vice President Public Relations, United Way of Central Alabama

Patrick Packer – President, Carstarphen McCal

Richard Rice - Attorney and Counselor at Law, The Rice Firm, LLC

DeJuana Thompson – Partner, Think Rubix

Odessa Woolfolk – Retired, UAB Administrator; Founding President, Chair Emerita, BCRI

Scope: The BCRI Accountability Advisory Task Force will assess, identify and make recommendations on the following functions of the BCRI:

- Organizational Mission/Vision – examine the current mission under which the BCRI operates to ensure the Institute meets the present needs of the Birmingham community.
- Governance – examine the organizational structure and governing documents to clarify organizational and operational direction. Analyze criteria needed for board and constituent leadership that is engaging, responsive, and sensitive to the BCRI mission and community.
- Financial Sustainability – assessment of short and long-term revenue sources. Recommend long-term financial sustainability model that ensures independence and viability of BCRI.
- Staffing – assess staffing needs, levels and expertise necessary to rebuild the Institute and implement community programming.
- Programming – recommend processes that ensures BCRI gains community input to help determine programming, events, and award selections.

Executive Summary

In light of the recent situation concerning Dr. Davis, we believe a series of well-intentioned, deep learning and restorative healing programs would be impactful. The BCRI and the City of Birmingham should convene these events with interested stakeholders and use them to repair the breach and move forward with new clarity and shared vision. The Task Force believes it is important that BCRI Board of Directors acknowledge the mistake and mishandling of the Shuttlesworth Award. While there have been two public events acknowledging Dr. Davis, the BCRI has not initiated convening public programs to facilitate healing and dialogue within the community.

Dr. Deborah Mack, Associate Director of Community and Constituent Services at the National Museum of African American History and Culture met with the Task Force to share best practices of cultural institutions based on her national and international expertise. She emphasized the preeminence of the BCRI on a global stage and encouraged the Task Force to examine how the City could help create conditions that would accelerate excellence in the mission and vision of the BCRI. She shared that when the BCRI opened, it was the model for others seeking to create a museum of similar mission. The BCRI trained others from across the country on creating and operating a cultural institution of this magnitude.

The Task Force held a conversation with Andrea Taylor, President/CEO of the BCRI in which she quoted, “according to a calculator from Americans for the Arts, the BCRI, based on budget size, attendance and other factors, has a nearly \$12 million positive economic impact on the Birmingham region. In addition, the average number of FTE employees at similarly-sized institutions is 87, meaning BCRI is accomplishing its mission with less than half of the expected size for an institution of this size and scope.”

It is apparent to the Task Force that the BCRI is underfunded and understaffed for a cultural organization of its mandate and significance to history of the Civil Rights Movement. In recognition of the powerful economic engine that the BCRI and the Birmingham Civil Rights National Monument provides to the City, the Task Force recommends that the City gives strong consideration to increasing its financial support of the BCRI in future budget years.

Based on the deliberations and work of the Task Force, the process used to evaluate the City's Management Agreement with the BCRI could be replicated as a model for City-funded agencies that operate in City-owned facilities.

The BCRI Accountability Advisory Task Force submits this report to the Mayor for review and consideration. The work of the Task Force is presented in this document in the following order. First, the recommendations that directly affect or make changes to the existing agreement. Second, those recommendations of best practices that are not part of the management agreement but the Task Force observed would create a more efficient and effective BCRI.

Recommendations: City's Management Agreement with BCRI Board of Directors

Recommendation #1:

That the 1982 ordinance should be repealed with a simultaneous acknowledgement and agreement that the current BCRI Board appointment procedure, which has been in place for more than 27 years, will continue.

Rationale:

According to the Birmingham City Legal Department, the 1982 ordinance passed to establish a city-run Civil Rights Museum was never implemented. There was never a Civil Rights museum created under this ordinance nor was there ever a Board appointed under this law. When the BCRI was established as a 501(c)3, not a city museum in 1990, the BCRI Board was ratified by the City Council and subsequently developed a mutually agreeable contract relationship with the city. But there was never a subsequent ordinance to define how future BCRI Boards were to be ratified by the City Council.

We believe this is a source of concern regarding how the BCRI Board members are currently ratified by the City Council, the maintenance of the contract with the City of Birmingham to sustain the relationship between BCRI Board leadership and Birmingham City Council Leadership. The relationship between the BCRI and the City must be perpetually apolitical.

Additionally, the Birmingham Civil Rights Institute should maintain nomination authority and should ensure a thorough and robust board appointment process. There should be a specific focus on the confirmation of board members which mandates the following:

BCRI Board submits nominee names to the appropriate City Council committee for review.

- All nominees should be shared with and considered by the entire City Council.
- Any feedback should be given to the BCRI Board from the City Council within 30 - 45 days.
- If there is any feedback or changes, the BCRI Board has 7 - 10 days to satisfy.
- All nominees should be confirmed within a 90 day period to ensure the BCRI Board is able to perform its duties.

Recommendation #2

That the recitals in the Management Agreement language be revised to reflect the BCRI's current mission and programs.

Rationale:

BCRI's programmatic status has evolved beyond the language in the agreement and should be updated to reflect the current mission and programs. A designee of the BCRI should update the recitals.

Recommendation #3

That a semi-annual review of the terms and conditions of the management agreement be conducted by representatives of the Mayor’s Office, City Council and the BCRI.

Rationale:

A semi-annual review should be established to provide feedback and high-level support to the Board on critical and immediate issues. It should also serve as a convener for ongoing shared purpose between the City of Birmingham and the BCRI Board. Specific guidelines about scope and expected outcomes should be established if the semi-annual review is mandated in the agreement.

Recommendation #4

That the services expected from the BCRI be delineated into two categories with separate costs/budgetary needs, purposes and requirements:

- 1. Property management – create a capital budget.**
- 2. Attraction management – in respect to sections 5 and 7 in the current management agreement focuses on operations and permitted uses.**

Rationale:

The BCRI Board is tasked with a variety of activities, which includes caring for the physical property and providing programming. A separate capital budget should be developed and funded. Specific guidelines for allowable expenditures and timeline should be developed by the City and BCRI designee.

Establishing a capital budget recognizes that the BCRI is housed in a City-owned facility. It is in the City’s best interest that the facility be maintained regularly. A capital budget provides a predictable schedule to address deferred maintenance and reduce backlog of needed capital improvements.

The Attraction Management budget will address programming, scope of services that aligns with the City’s strategic priorities. Program support that also specifies allowances for City usage of the BCRI facility will be addressed within Attraction Management.

Introduction to Best Practices - The following recommendations of best practices are not a mandatory part of the contract between the City and the BCRI Board of Directors. However, based on the review of BCRI documents, interviews with BCRI leadership , presentations by experts in the Civil Rights Museums field, and focus group interviews with a cross section of local residents including foot soldiers of the Movement; the Birmingham Civil Rights Institute Accountability Advisory Task Force offers the following recommendations regarding Governance , Financial/ Sustainability/Reporting and Programming.

Recommendations: Governance Best Practices

Governance Subcommittee Team Members

DeJuana Thompson, Team Lead

Robert Corley

Jefferson Drew

Scott Douglas

Guiding Statement

The Birmingham Civil Rights Institute should exist as an honest broker within the community and operate in such a manner to improve human relations both locally and globally.

Governance Priorities:

- 1. Neutrality Clause** - The BCRI should remain as neutral as possible in order to ensure fair and impartial standing. This allows the BCRI to fully operate as a curator of shared experiences and a convener of juxtaposing positions.
- 2. Permanence** - the mission, principles and output of the BCRI board should have a permanent set of priorities which serve to provide historical context, to inform the current board and to ensure long-term congruency to values.
- 3. Board Recruitment and Development** - it is absolutely imperative the BCRI has a thriving, committed and well appointed board. The BCRI board should be a premiere seat to serve and should have a strategic and continuous focus on fundraising, recruitment, and visibility for the BCRI.
- 4. Security and Insurance** - the Board must ensure due diligence is taken as to not put the BCRI in any legal or political harm.
- 5. Staffing** - while the Board should not dictate hiring practices or management of BCRI staff, it should be actively focused on helping to secure the resources needed to recruit and retain competent employees and leaders for the institution. It should also maintain a good relationship with BCRI leadership.
- 6. Fundraising** - the BCRI Board must have a strong and systemic approach to fundraising and resource development for the BCRI.

Governance Recommendations:

1. All board members must participate in a mandatory Orientation program within the first 60 days of their appointment.
2. Board members should participate in some form of fundraising or development training at least twice during their term.
3. The Board should develop a pipeline program to increase the talent pool of qualified, well-informed, mission driven applicants.
4. We believe the Board should be required to sign commitment contracts which speak to a more consistent commitment to serve.
5. The City Council should be required to provide feedback to BCRI nominations within a reasonable amount of time predetermined and should commit to confirming nominations within a set time as well.
6. The BCRI President/CEO should prioritize building strategic relationships at the cross sections of the City and build goodwill with the community.

Joint Opportunities between City of Birmingham and the BCRI Board:

We believe deepening the relationship between the two entities will allow for shared vision, prudence and increased opportunities for the region. The following verticals are the most immediate areas for collaboration.

1. Fundraising - with the recent designation of the Birmingham Civil Rights National Monument, the AG Gaston restoration project and several other inroads we believe the time is ripe for the City and the BCRI Board to pursue a series of major gifts and grants. The City should support measures to ensure perpetual funding.
2. Visibility - the BCRI has not lost its preeminence in the museum and educational institutions arena. It is still being held up as the premiere model according to high level professionals. We should be actively telling the story of the BCRI as a crown jewel of Birmingham. It may be possible to revisit a strategic plan used during business recruitment which curates a special experience for potential investors, businesses, or entities interested in Birmingham.
3. Commitment to Nomination Process - there must be a commitment to ensure a robust and efficient nomination and certification process. The inconsistency of the nomination and confirmation process is providing a burden on the BCRI board and President to move forward with certain financial and program opportunities.

Staffing and Budget Recommendations:

We understand staffing is predicated upon available funds and immediate implementation of mission. We also believe the environment and culture of the Institute is set by the leadership. Please take the following under advisement:

1. Evaluation of the President/CEO - An annual evaluation of the CEO is most desirable and applying best practices for governance should be conducted annually by the Board.
2. Staffing Gaps - We recommend forging new relationships with educational institutions or cultural centers who may be open to housing their professionals at the BCRI to provide needed expertise and resources on staff.

Recommendations: Financial/Sustainability/Operational Reporting Best Practices

Financial/ Sustainability /Operational Reporting Subcommittee Team Members

Samuetta Nesbitt, Team Lead

Patrick Packer

Richard Rice

Agreement Funding

1. City should assume some obligation in the upkeep of the facility and it should be included in annual agreement.

Financial Accountability

1. IRS 990 forms should be filed on time and made available to the City of Birmingham and public upon request.
2. Audits should be conducted annually and awarded using Generally Accepted Accounting Principles. The BCRI Board is responsible for oversight of the accounting and audit functions.
3. BCRI officials should meet with the appropriate city staff semi-annually to review agreement status.
4. The BCRI board could identify other contract services to be bid on an annual basis.

The BCRI must maintain accurate financial records and ensure that the organization's financial resources are used solely in furtherance of its mission. Regulatory, risk management, and liability concerns should be annually reviewed by the board. BCRI should file its IRS form 990 report form and audit to the City's Finance Department annually. This information should also be made available to members of the public upon request as required by Federal Law.

BCRI should operate in accordance with an annual budget that has been approved by the board prior to the beginning of each fiscal year.

BCRI should create and maintain financial reports to the board on a timely (at least quarterly) basis, accurately reflecting the financial activity of the organization, including the comparison of actual to budgeted revenue and expense.

BCRI should follow to the greatest extent possible the known intentions of a donor regarding the use of donated funds and grants.

Board Responsibility

1. Establish a board Finance Subcommittee.
2. Monitor cash receipts.
3. Establish contingency plan for emergency financial needs.
4. Develop a plan to identify and retain donors.
5. No evidence of a restricted endowment.

Recommendations: Programming/Scope of Services Best Practices

Programming/Scope of Services Subcommittee Team Members

Zhaundra Jones, Team Lead

Odessa Woolfolk

Lajuana Bradford

Elijah Davis

1. As an addition to the services provided by the City to the BCRI, we suggest a stronger tie-in to the City with grant writing/ fundraising efforts.
2. Increase communication between the City and the BCRI; one suggestion is to ask for a semi-annual activity report that is designed with the input of both organizations. This shouldn't be a large report, but should answer specific questions and serve as a means of ensuring regular communication to the City from the Institute.
3. As a premiere cultural institution in the City of Birmingham, we recommend the city make the preeminent reputation of the BCRI, both nationally and internationally, a key part of its own branding, marketing and attraction efforts; stronger tie to cultural heritage tourism/ stronger support from the City in that vein; Leverage the historical brand, repair the damage caused to the Institute's reputation and the brand.
4. Further investigate what appears to be a mismatch between staffing and the desired level of programming/services.
 - Asset mapping – including staff and Board of Directors
 - Conduct programming audit/rationalization
5. Develop stronger alignment between BCRI and the City's priorities, especially given the establishment of the Birmingham Civil Rights National Monument. We suggest a joint examination of the goals and objectives of the BCRI alongside those outlined in the *Woodfin Way*, et al. - particularly those related to social justice, civil and human rights, civic engagement, citizen education, community organizing and other related policies.
6. Identify opportunities for joint programming partnerships with other city-sponsored entities, and leveraging dollars already being expended to a multiplied effect.
7. Market segmentation: create new programs or enhance current programs to attract specific audiences.
 - Senior/Adult Daytime programs – there are many in the area who have a close memory of and relationships with the events that led up to the creation of the BCRI.
 - Specific programs for millennials, families, etc.
 - BCRI in Schools – how can BCRI create and share curriculum in partnership with local school districts

ACKNOWLEDGEMENTS

BIRMINGHAM CIVIL RIGHTS INSTITUTE ACCOUNTABILITY ADVISORY TASK FORCE

Lajuana Bradford - Senior Vice President, Regions; Former BCRI Board Chair
Dr. Robert (Bob) Corley – Retired UAB History Professor; Founding Director, BCRI
Elijah Davis - Strategic Growth Manager, Urban Impact
Scott Douglas – Executive Director, Greater Birmingham Ministries
Jefferson Drew – President, Alexander Insurance Agency; Civil Rights Foot Soldier
Zhaundra Jones - Senior Program Officer, Community Foundation of Greater Birmingham
Samuetta Nesbitt - Senior Vice President Public Relations, United Way of Central Alabama
Patrick Packer – President, Carstarphen McCal
Richard Rice - Attorney and Counselor at Law, The Rice Firm, LLC
DeJuana Thompson – Partner, Think Rubix
Odessa Woolfolk – Retired UAB Administrator; Founding President, Chair Emerita, BCRI

CITY OF BIRMINGHAM STAFF

Mayor Randall L. Woodfin
Ed Fields - Senior Advisor & Chief Strategist
Denise E. Gilmore - Senior Director, Office of Social Justice and Racial Equity
Uche Bean - Administrator, Office of Social Justice and Racial Equity
Autumne Lee - AMERICORPS VISTA, Office of Social Justice and Racial Equity
Rachel Smith - Administrative Supervisor, Office of Capital Projects Management
Nicole King - City Attorney
Melissa Smiley - Chief Assistant City Attorney
Malera Traylor-Wright - Assistant City Attorney
Caroline Douglas – Assistant City Attorney
Kevin Owens - Chief Administrative Analyst
Lee Frazier - City Clerk

BIRMINGHAM CIVIL RIGHTS INSTITUTE

Andrea Taylor- President and CEO
Rev. Thomas C. Wilder - Acting Board Chair
Barry McNealy - Education Programs Consultant
BCRI Board and Staff Members

SUBJECT MATTER EXPERTS

Priscilla Hancock Cooper - Project Director African-American Civil Rights Heritage Sites Consortium
Dr. Deborah Mack - Associate Director for Community and Constituent Services, National African American Museum of History and Culture, Smithsonian Institution

COMMUNITY

The Task Force wishes to thank the many community members that provided insight and perspectives for the benefit of the Birmingham Civil Rights Institute.