



NYLA Council Meeting Minutes

Thursday, August 5, 2021

11:00 AM to 4:00 PM

NYLA Office, Guilderland, NY

NYLA President, Claudia Depkin Presiding

In Attendance: Claudia Depkin, President; Dr. Jen Cannell, Immediate Past President; Beth Merkle President-Elect; Roger Reyes, Treasurer; Grace Riario, Treasurer-Elect; Karen Sperrazza, FLS President; Jean Currie, LTAS President; Meg VanPatten, PLS Vice President; Annalee Dragon, LAMS Representative; Todd Schlitt, SCLA Representative; Dawn Pressimone, SSL President; Amanda Schiavulli, YSS President; Alana Mutum, RASS Representative; Simone Yearwood, Councilor-at-Large; Lisa Kropp, Councilor-at-Large; Tom Vitale, Councilor-at-Large; Kristina Graves, Councilor-at-Large; Jim Teliha, ASLS President; Ginger Tebo, Councilor-at-Large; Cassie Guthrie, ALA Chapter Councilor; Jeremy Johannesen, NYLA Executive Director (ex-officio)

Absent: Jane Verostek, Councilor-at-Large; Steve Bachman, SMART President; and Jennifer Byrnes, PLS President

Guests: Briana McNamee, NYLA Director of Government Relations & Advocacy; Sarah Sherlock, NYLA Professional Development Manager, Christina Romeo, NYLA Communications & Marketing Manager; Colleen Smith, NYLA Finance & Administration Manager; Tim Furgal; Terry Mulee; Lauren Comito; Jen Park; Tim Burke; Kelly Yim; Christian Zabriskie; and Joanna Goldfarb

NYLA Council Meeting Minutes

1. Welcome / Review of Agenda

- a. Move the Executive Director Evaluation to the Beginning – Dr. Jennifer Cannell made a motion, Roger Reyes seconds motion – All Approved

2. Approval of Minutes from June 17, 2021 NYLA Council Meeting

- a. Dr. Jennifer Cannell makes motion to approve, Jean Currie seconds motion – All Approved

3. Executive Director Evaluation Discussion (distributed separately)

- a. Jeremy has resigned as Executive Director of the New York Library Association effective yesterday, August 4th. Jeremy was offered a severance package from the Executive Council and accepted it.
- b. Cassie Guthrie made motion for the staff to be able to speak, Thomas Vitale seconds motion - All Approved.
 - i. Briana McNamee asked Claudia Depkin if she should also include her written report since it was not included in the agenda verbally, Claudia

Depkin said it was not necessary and it will be reflected later in the agenda.

- ii. Briana McNamee, Director of Government Relations and Advocacy made her statement, Colleen Smith, Finance and Administration Manager made her statement, Christina Romeo, Communications and Marketing Manager, and Sarah Sherlock, Professional Development Manager
- c. Tom Vitale makes motion to move into Executive Session, Jim Teliha motion – Cassie has asked to amend to an open floor discussion. Claudia Depkin asked to vote on the first motion – Not Approved
 - i. Tom Vitale re-visited his motion to move to an open floor discussion, Jim Teliha seconds motion - All Approved.
- d. Claudia Depkin made motion to approve Jeremy’s resignation, Roger Reyes seconds motion – Not Approved.
 - i. Claudia asks if Jeremy would like to come back to the table, Jeremy says he can, but he is not looking to rescind his resignation.
- e. Jim Teliha made a motion to remove Roger Reyes from the Council. Thomas Vitale seconds motion. The Council votes 7 Yes, 7 No, and 4 Abstentions – Motion not made.
- f. Roger Reyes, Claudia Depkin, Dr. Jennifer Cannell, and Grace Riario left the meeting.
- g. Beth Merkle has assumed the ability to continue the meeting but not the NYLA Presidency, until written statements from the Council Members who have resigned are submitted, via NYLA Bylaws ([Article IV. Officers. Section 3 – Vacancies. 3.1](#)) of succession of leadership. At future meeting, Council will discuss Treasurer and Treasurer-Elect. There is a quorum, so Council can continue the meeting and vote on items if need be.

4. Finance Report

a. June Monthly Statement

- i. Cassie Guthrie has a question to Colleen Smith regarding the Deficit and the PPE Loan. Colleen says that we have a \$263K deficit, and then we have ended this quarter with \$43K, but we have received the PPE Loan in April and they will send us the link to confirm forgiveness. This will rollover into the next year and will cover the remaining deficit.
- ii. Jean Currie asked about the mis budgeting of payroll taxes and Colleen Smith and Cassie Guthrie have fixed the budget to reflect this in the following year.

5. Unfinished Business

a. Balanced Budget Task Force Update

- i. The Balanced Budget Task Force has developed a list of documents and job descriptions that have been felt to be looked at to fully understand the budget. July 20th was the last meeting. Membership dues was a question of concern and have received a recommendation of changing

the structure of dues. This has been provided in the minutes and will be approved later in the agenda. The charge of the committee is at the bottom of the report.

- ii. Jean Currie has asked if there are going to be program budgets, but Cassie Guthrie mentioned that this was added that there would be added after the structural assessment in 2022.
- iii. Lisa Kropp makes a motion to reschedule this meeting to ensure we have clear heads at least one week but will vote on the Disaster Relief Fund before adjourning the meeting and AnnaLee Dragon seconds motion - All Approved.

6. Disaster Relief Fund Request – Cuba Circulating Library

- a. This Library was damaged due to flooding in their basement. They are asking for any assistance from the Disaster Relief Fund.
- b. Cassie Guthrie motions that we allocate \$1,000 to the Cuba Circulating Library, Lisa Kropp/AnnaLee Dragon second the motion simultaneously – All approved.

7. Additional Notes

- a. Ginger Tebo mentions the need for a written resignation from Claudia Depkin, Grace Riario, Roger Reyes, and Dr. Jen Cannell, in order for them to be officially resigned according to NYLA Bylaws ([Article V. Board of Directors. Section 2 Membership. 2.4 Resignation](#)).
- b. Thomas Vitale made a motion to have a special meeting on Thursday, August 12th from 11AM-4PM via Zoom. Jim Telhia seconds motion. 1 abstention - All Approved.
- c. Lisa Kropp makes motion to adjourn, AnnaLee Dragon seconds motion at 1:52 PM - All Approved.

8. Unfinished New Business (Moved to Next Meeting on Thursday, August 12th from 11AM-4PM via Zoom)

- a. Recommendations from the NYLA Awards & Recognition Committee for 2021
 - i. Distinguished Achievement Award <action anticipated>
 - ii. Outstanding Advocate for Libraries – update
 - iii. Bobinski Innovative Public Library Director <action anticipated>
 - iv. Intellectual Freedom Award – update
 - v. Academic/Special Librarian of the Year Award - update
 - vi. Public Librarian of the Year Award <action anticipated>
 - vii. School Librarian of the Year Award <action anticipated>
 - viii. Lake Placid First Time Conference Stipends <action anticipated>
- b. Membership Dues Category Revisions (recommendation from Membership Committee)
- c. NYLA Unit Requirements (recommendation from Membership Committee)
- d. President's Report
- e. President-Elect's Report

- f. Past-President's Report
- g. Executive Director's Report
- h. Section / Roundtable / ALA / Committee Reports

Upcoming NYLA Council Meeting Dates

Thursday, August 12, 2021 via Zoom

Wednesday, November 3, 2021 @ NYLA Conference

Thursday, September 16 – Update Meeting – Syracuse *FULL meetings are 1:30 PM – 4:00 PM /*

Update Meetings are 3:00 PM – 4:30 PM

ADDENDUM

ADDENDUM 1: Statement Regarding the Dismissal of NYLA Executive Director – Briana McNamee, Director of Government Relations & Advocacy

Given my title, it should come as no surprise that I believe policy, procedure and transparency are essential to well-executed governance. This is necessary not only for a political conference of duly-elected officials to serve their constituents (ie. Senate) but, in daily operations of organizations and firms as well.

The State has laws, regulations and entities that serve as checks and balances. Organizations have manuals, by-laws and boards. It has become apparent over the past several months that not only are there gaps and inadequate policies at NYLA, but individuals of power and influence have exploited their absence. Not only were policies (or lack thereof) interpreted to affirm the desired goal of a mere few people, but the actions were taken at such a fervent pace that comprehensive (factual) information, transparency and regard for others opinions were dismissed entirely.

The Council is responsible for the governance of this Association; that includes NYLA's policies and procedures. In addition, the Council may request amendments to our by-laws via recommendation, for ratification by the majority of members at the annual membership meeting.

You each have the opportunity to mitigate the damage that has occurred.

I sit beside my colleagues without a leader. The leader in which we joined this Association under because of the environment and opportunities he created. An environment in which we were challenged daily, but then immediately met with encouragement, support and the unshakable belief that we could succeed because we were (and are) the Dream Team.

It was an honor to work beside Jeremy and his presence will be missed.

ADDENDUM 2: Statement Regarding the Dismissal of NYLA Executive Director – Colleen Smith, Finance & Administration Manager

I have the unique perspective of being a full-time employee of NYLA as well as a 25-year librarian member of the community represented by this organization. In my roles in libraries and at NYLA, I've always been drawn to process, procedure, and structure. That's why the events that have led to the removal of my Executive Director are deeply troubling to me and have left me with more questions than answers.

This evaluation process was deeply flawed. I request that Council review the bylaws and procedure manual which give the Council responsibility for the selection, appointment, evaluation, and annual salary review of the Executive Director, but give a five-membered Executive Board sole authority to dismiss the Executive Director. Changes should be made to prevent a small group of individuals from using their power and individual feelings to disrupt the NYLA organization in ways that negatively impact services to our members for the foreseeable future.

I also request a review and improvements to the evaluation tool used to assess the performance of the Executive Director. The current tool and results fall victim to many common errors made in annual performance evaluations, e.g., attribution error, recency error, and partiality. I question why the process in place doesn't require progressive discipline and a corrective action plan. I question why supporting documentation from non-Council members was allowed to be included at all. I question why all areas of the Executive Director's job description aren't well-represented in the evaluation tool, and why the job description wasn't included when asking Council to reflect on whether the job description was being fulfilled.

NYLA should do better than this.

The short-sighted actions that have led to this abrupt departure will: 1) leave NYLA with an unnecessarily swift & terrible loss of organizational knowledge and history that won't be replaced, and 2) disrupt services to members as the remaining NYLA staff members confront that unplanned and sudden void.

If you had taken the time to speak with the NYLA employees about Jeremy's supervision and management during the evaluation period, I would have told you that these last 14 months have been some of the most educational, rewarding, and enjoyable days in my entire professional career -- because of Jeremy's leadership. It has been an honor and privilege to work

with Jeremy, and I am disheartened that the NYLA membership is saying goodbye to him under these disappointing circumstances.

*Respectfully submitted by Colleen Smith, Finance & Administration Manager
August 5, 2021*

ADDENDUM 3: Statement Regarding the Dismissal of NYLA Executive Director – Christina Romeo, Communications & Marketing Manager

I am putting on the record I am appalled at the actions of four of the members of the Executive Committee and their inability to uphold one of their core values as librarians - Democracy and Social Responsibility. In order to uphold a democratic process, there must be a dedication to an informed citizenry that is critical to making socially responsible decisions on behalf of our membership and the library community at large. The four members of the Executive Committee, Dr. Jen Cannell, Roger Reyes, Grace Riario, and Claudia Depkin, have exemplified they are incapable of holding these core values and I personally do not have confidence in their ability to steer this association through turbulent times. Although I am a staff member, I am still a member of this organization and have worked extensively with our membership and it is an understatement that these four have created a toxic, hostile, and unsafe environment for my colleagues and me to continue representing our members and library community.

In April 2020, during the peak of the pandemic, I was hired by Jeremy to bring new energy and expertise to our communications and marketing. In my interview, I spoke extensively that I value clear, consistent, and transparent communication practices where I work alongside our membership to ensure they are active members in our association -- regardless if they are on Council or hold leadership positions within NYLA. Through revamping The NYLA Voice, I have seen our members shine and take on new leadership roles in the organization that they haven't prior because they finally were given an opportunity to do so. This transformation could not have been possible without the encouragement, guidance, and dedication to innovation that Jeremy provided me. He allowed me to take on this role and create a new era for our association and that speaks to the content of his character let alone his ability to see where our association needed to expand and improve. I read in the evaluation that he was "unwilling to accept change" but his actions prove different and it makes me wonder if the egos of the handful of our leaders clouded their ability to look at facts of the matter -- Jeremy was and continues to be a leader in the library community and it is a loss to our association to continue without him.

Mistakes are made with four people behind closed doors making decisions without the input of those they are supposed to work alongside and without the input of those they represent. I cannot express more clearly that the New York Library Association is entering a dark period of our history. Without the recent hires from Jeremy, I do not think we would be able to make it through. However, that comes at a cost. I am asking for Council to consider, during the period of searching for an Executive Director, to provide the remaining four employees a 25% increase in salary up until the end of this year for taking on the extra load of fulfilling a quarter of the Executive Director's job description on top of our original job responsibilities. We worry about retention often, it was mentioned in this Evaluation Report alone, and if the Council would want to retain the expertise and skillset of our current staff during this time, we must be fairly compensated. This extra 25% increase in salary will be replenished by my own ability to bring in extra revenue through our Vendor Partnerships, digital advertising, new conference sponsorship opportunities, conference registration, and the trade show in the coming fiscal year.

I thank you for your time and would like to turn towards Sarah.

ADDENDUM 4: Statement Regarding the Dismissal of NYLA Executive Director – Sarah Sherlock, Professional Development Manager

As someone who is no stranger to witnessing change and reorganization it seems that the decision to remove the Executive Director of NYLA carried by four members of the Executive Council was not made in good faith nor was it supported upon review of the annual assessment. There was no hard evidence, no due process and no corrective action reflected in this outcome. As a professional who is clinically trained in assessment, I ask that the annual evaluation be reviewed by a professional entity outside of NYLA to avoid future conflicts of interest.

The assessment lacked continuity, objectivity, the professional job description of the Executive Director and a clearly defined grading system. The assessment did not include a longitudinal snapshot of Jeremy's time as an Executive Director. The survey also lacked the review of the Executive Director's management style and procedure by his current staff. It is also unclear how the letters that were attached to the overall evaluation by individual parties were collected and evaluated. The end did not

justify the means. The ramifications of this decision will be dire for both NYLA staff and members. My respect and trust are earned not simply given and this decision puts not only myself but my fellow colleagues in a precarious and potentially hostile work environment.

I accepted my current position with NYLA because Jeremy respected the expertise, knowledge, and change that I would bring to this newly created position. From day one we established a reciprocal relationship steeped in rapport and trust. Jeremy gave me the space and freedom to create a professional development role that would lay a sustainable foundation for those who will come after me. This echoes and models the professional relationships that I have built with my three colleagues at NYLA.

With the removal of the Executive Director my ability to serve in my professional capacity has been jeopardized without any consultation. My imminent concern is the Annual NYLA Conference and Trade Show given that NYLA will be moving forward without access to the necessary institutional knowledge and oversight needed. That being said, please rest assured that I will do everything in my power to uphold my job responsibilities to the best of my abilities with the help of my fellow NYLA colleagues. Due to the burden of this decision and the increase in job responsibilities with the absence of an Executive Director I ask that you provide the remaining four employees with a temporary raise for taking on additional job responsibilities.

Respectfully Submitted, Sarah Sherlock, Professional Development Manager, NYLA - August 5, 2021

ADDENDUM 5: 2020-2021 Executive Director Review – Dissenting Opinion

TO: NYLA Council
FROM: Beth Merkle, President-Elect
RE: 2020-2021 Executive Director Review – Dissenting Opinion
DATE: August 5, 2021

Council Members,

It is with regret that I submit this report to Council. My intention is to lay out the details of this process so that Council can work to make necessary changes to ensure that the association moves forward with transparency and integrity. I take my responsibility to the New York Library Association seriously and will do everything in my power to support our association in fulfilling its mission to be the voice of the library community.

The following is a timeline of events regarding the Executive Director's annual review as well as my opinions and reasoning behind those opinions.

Following the May 6, 2021, Council meeting, the Executive Committee – Dr. Jen Cannell, Claudia Depkin, Roger Reyes, Grace Riario, and myself – met on May 18, 2021, to discuss the Executive Director's evaluation. At this meeting, my fellow members sought to vote for the dismissal of the Executive Director under the authority of the Executive Committee. I requested that we perform the annual review of the Executive Director as requested by Council. On May 19, 2021, I requested via email that minutes of the May 18 meeting be submitted, as outlined by NYLA's By-Laws, to Council at the June 17, 2021, meeting:

Section 1. Committee Types & General Authority & Responsibilities. The Council may charge committees to perform various functions on behalf of the Council or the Association in either of the two (2) available types: Committees of the Board and Committees of the Corporation. Each Committee of the Board and Committee of the Corporation, and every member thereof, shall serve at the pleasure of the Council. All Committees shall keep minutes of all proceedings, to be regularly submitted to the Secretary for subsequent distribution to the entire Council, and report to the Council, at its next scheduled Regular Meeting, all activities, and determinations.

No minutes of this meeting were provided to Council for the June 17, 2021, meeting.

The Executive Committee met again on May 21, 2021, to discuss the evaluation process. At this meeting, members of the committee sought to ask the Executive Director to resign from his position in lieu of conducting the annual evaluation of the Director's performance. Grace Riario and I requested that the Committee proceed with the evaluation as planned.

No minutes of this meeting were provided to Council for the June 17, 2021, meeting.

On June 18, 2021, the Executive Committee met to discuss the results of the Executive Director's Evaluation. Dr. Jen Cannell drafted minutes of this meeting for our review following the meeting. On June 19, 2021, I requested in an email that Claudia Depkin call an emergency meeting of Council so that the issue of dismissal of the Executive Director could be discussed by full Council, and that the Executive Committee provide the full content, including comments, of the evaluation as well as the letters and emails sent to the Executive Committee from Rebekkah Smith Aldrich and Matthew Bollerman, AnnaLee Dragon, Tim Furgal, Jennifer Byrnes, the LAMS Board, and Kelly Yim in advance of the meeting. A copy of my email and the minutes are attached.

No minutes of this meeting were provided to Council in advance of the August 5, 2021, meeting. No emergency meeting of the full Council was called or held.

After receiving and reviewing the evaluation results, I did not feel that the Executive Director needed to be removed. Not only has he been receptive to Council's post-review requests in the past (attending a week-long intensive training at Columbia Business School in 2019 and initiating a complete staffing overhaul in January 2020) but there was not enough information made available to Council regarding the events that lead to the Sustainable Library Certification Program moving from NYLA's administrative control to that of the Suffolk County Library Association. I felt that Council needed more information to decide what corrective action could be taken to ensure that this situation did not happen again. Without full disclosure of the timeline of events and explanation of specific issues, it is not possible to say what possible corrective actions would be appropriate. I still feel this is a worthy task to perform.

In addition, the review period included not only a complete staffing restructure and overhaul (new Director of Government Relations and Advocacy hired in December 2019; new Communications and Marketing Manager hired in April 2020; new Finance and Administration Manager hired in June 2020; new Professional Development Manager hired in May 2021) but also the global COVID-19 pandemic. I felt – and still feel – that a more appropriate action would be to work with the Executive Director and the full Council to develop goals and performance measures for the next 12 months. This would allow the new staff more time to acclimate and be fully up to speed on their positions – also this would allow the part-time Membership Support position to be filled. We have not seen a fully staffed and trained NYLA staff yet – I felt that the past year showed great potential for what they could achieve moving forward. We have also not seen the end of the pandemic – just this week masking recommendations have changed. It has not been business as usual for nearly 18 months and will not be business as usual for many months to come. NYLA staff, including the Executive Director, deserve our gratitude and respect for keeping our association moving forward during these difficult times.

The Executive Committee met on June 24, 2021, to discuss working with NYLA's attorney, Bob Schofield, on a negotiated severance package conditional on the Executive Director's resignation. Mr. Schofield could not act as NYLA's attorney in this case due to conflict of interest and recommended that the Executive Committee check the By-Laws to see what authority, if any, the Committee has to act without prior Council approval. He also provided a list of attorneys that might act in his place to represent NYLA. Claudia Depkin contacted Stephanie Roebuck for legal advice and assistance. I asked that we get the attorney's opinion on whether NYLA's By-Laws allow the Executive Committee to act to dismiss the Executive Director or to negotiate a severance package without the full Council's knowledge and approval – as I was not comfortable doing so – specifically referencing the By-Laws:

2.1. Executive Committee. Subject to appointment by the Council, the Executive Committee may consist of the President, the Vice President-Elect, the Immediate Past President, the Treasurer and the Treasurer-Elect. If appointed, the President shall serve as Chair of the Committee. The Executive Director shall serve as Secretary and is a nonvoting member.

2.1.2. Duties. The Executive Committee shall serve as the interim governing body between Council Meetings. The Executive Committee reports its actions at the next meeting of Council. The Council may delegate to the Executive Committee any power within the scope of the Council. A majority of the Members of the Committee shall constitute quorum.

Claudia Depkin passed my question along to Ms. Roebuck and she responded as follows:

"My interpretation of this section is that the Executive Committee can certainly negotiate with your Executive Director between meetings of the Council, subject to a report of any actions taken on behalf of the Council. However, to take an official action that is the purview of the Council would require a formal delegation to the Executive Committee. In terms of

the separation agreement, the Executive Committee could engage in the negotiations, but the Council would need to approve the agreement or delegate such approval formally to the Executive Committee.

Practically, the Executive Committee should have some idea what can get approved by the Council if negotiations are to take place prior to the meeting. Otherwise, you could be faced with a situation where you work our [sic] a deal which is not approved by the Council.”

No minutes of this meeting were provided to Council in advance of the August 5, 2021, meeting. The Executive Committee met with the Executive Director on July 29, 2021, to discuss the annual performance review and the recommendation for dismissal. The Executive Committee asked the Executive Director whether he would like to see a severance package offer in exchange for his resignation.

No minutes of this meeting were provided to Council in advance of the August 5, 2021, meeting.

The Executive Committee met on August 3, 2021, to discuss how to proceed with NYLA business after the separation agreement was signed by all parties.

No minutes of this meeting were provided to Council in advance of the August 5, 2021, meeting.

I gathered the following information during my work trying to discern the right thing to do in this situation. Other Council members might find them useful as well. They are available online here: <https://tinyurl.com/y2nzff7m>.

Sustainability Initiative Documents:

1. NYLA-SI Report to Council 4.27.17
2. NYLA-SI Report to Council 7.27.17
3. NYLA-SI Report to Council 10.25.17
4. NYLA-SI Report to Council 4.20.18
5. SLCP Business Play & Projections to Council 5.2018
6. NYLA Council Meeting Minutes Approval of Business Plan 5-3-18
7. NYLA-SI Report to Council 11.3.18
8. Library Sustainability Initiative – Roles & Responsibilities 2019
9. Sustainable Library Certification Program Administration 2019
10. NYLA Council Packet Dissolution of SI Fund and Transfer to START 1.31.19
11. NYLA Council Packet Director Report 8.1.19
12. NYLA Council Packet Director Report START Report SI Report 11.13.19
13. NYLA-SI Report to Council 1.30.20
14. NYLA-SI Report to Council 5.7.20
15. NYLA-SI Report to Council 8.6.20
16. NYLA Council Packet Director Report 10.29.20
17. NYLA Council Packet Past President Report 2.4.21
18. NYLA Council Packet Transfer of SLCP to SCLS 5.6.21

Executive Director Review Documents:

1. Letter from Rebekkah Smith Aldrich and Matthew Bollerman to Executive Committee 5-11-21
2. Email from AnnaLee Dragon to Executive Committee 5-12-21
3. Letter from Tim Furgal to Executive Committee 5-19-21
4. Letter from Jennifer Byrnes to NYLA Executive Committee 5-27-21
5. LAMS Letter to Executive Committee 5-28-21
6. Email from Kelly Yim to Executive Committee 6-8-21
7. Executive Director 2021-22 Proposed Goals and Report on 2019-20 Goals 5.17.21
8. NYLA Executive Director Job Description Approved 2012
9. NYLA Executive Director Review Timeline Approved 2018
10. 2020-2021 Executive Director Evaluation_Charts with Open-ended Responses 6.16.21
11. 2019-2020 Executive Director Evaluation_NYLA Council Meeting August 6, 2020, MATERIALS
12. 2019-2020 Executive Director Evaluation_NYLA Council Meeting September 17, 2020, MATERIALS
13. 2018-2019 Executive Director Evaluation_Full Text Responses
14. 2018-2019 Executive Director Evaluation Report 7-30-19
15. 2017-2018 Executive Director Evaluation Final 8.18.18

Respectfully,

Beth Merkle, NYLA President-Elect