



NYLA Council UNOFFICIAL Meeting Minutes

Thursday, August 12, 2021

11:00 AM to 4:00 PM

Conducted via Zoom

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; Jennifer Bynes, PLS Vice President; Annalee Dragon, LAMS Representative; Todd Schlitt, SCLA Representative; Dawn Pressimone, SSL President; Amanda Schiavulli, YSS President; Simone Yearwood, Councilor-at-Large; Lisa Kropp, Councilor-at-Large; Tom Vitale, Councilor-at-Large; Jim Teliha, ASLS President; Ginger Tebo, Councilor-at-Large; Rosemarie Getzek, SMART Vice-President.

Absent: Meg VanPatten, PLS President; Steve Bachman, SMART President; Jane Verostek, Councilor-at-Large; Kristina Graves, Councilor-at-Large; Cassie Guthrie, ALA Chapter Councilor; Alana Mutum, RASS President.

Guests: Robert Schofield, NYLA Attorney, Dr. Arthur Friedman, NYLA Parliamentarian, 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;

(Approximately 80 members of NYLA also attended the meeting. The following recorded their presence: Liz Anastasi, Martha Anerson, Carolyn Ashby, Michael Bartolomeo, Tom Bindeman, Kerrie Birch, Jim Belair, Wanda Bruchis, Rebecca Budinger-McHearn, Tim Burke, Ketruah Cappadonna, Anne de la Chapelle, Lauren Comito, Casey Conlin, Amanda Corinne, Sara Dallas, Beth Davis, Jan Dekoff, Judy Costal Dempsey, Krystina Dippel, Emily Dowie, Laurie Dreyer, Lindsay Drinkoff, Debby Emerson, Lisa Erickson, Mary Fellows, Jennifer Ferriss, Jim Fertile, Jennifer Fowler, Erica Freudenberger, Tim Furgal, Rebecca Gerald, Kelly Harris, Madelyn Haussner, Kim Hazen, Arielle Hessler, Rebecca Honsinger, Natalie Hurteau, Lisa Jacobs, Lindsay Jankovitz, Erica Jenns, Sara Kelly Johns, Dave Jones, Syntychia Kendrick-Samuel, Steven Kenworthy, Tessa Killian, Amanda Kupelian, Sheryl Knab, Mary Paige Lang-Clouse, Michele Lavoie, Jill Leinung, Jennifer Lelinski, Marcie Litjens, Rebecca Lubin, Nicola McDonald, Chris McGinty, Frank McKenna, Terry Mulee, James Neal, Lisa Neuman, Elizabeth Olesh, Laura Osterhout, Danielle Paisley, Jamie Papandrea, Amy Peker, Lisa Perkowski, Ryan Perry, Debbie Podolski, Elizabeth Portillo, Susan Potera, Frank Rees, Jessica Regitano, Lisa Richland, Livia Sabourin, Kat Savage, Olivia Saver, Micheala Schied, Katie Smith, Michael Squillante, Rocco Staino, Nick Tanzi, Thomas Tarantowic, Tara Thibault-Edmonds, Eric Trahan, Adam Traub, Amanda Travis, Courtney Tshalis, Tracy Van Dyne, Melissa Victoria, Kaysha Watson-Philips, Serena Waldron, Michelle Young, Christian Zabriskie. (See Zoom participants list for additional attendees.)

NYLA Council Meeting Minutes

1. Welcome/Review of Agenda

- a. President Claudia Depkin called the meeting to order at 11:03 am.
- b. She then introduced Robert Schofield, Esq. NYLA's Attorney and Dr. Art Friedman, NYLA Parliamentarian. Mr. Schofield was asked to provide some context for today's session.
- c. In his remarks he noted that members of Council should be cognizant of the need to maintain confidentiality on the personnel issues that were to be discussed as there are some specific obligations involved in the agreement that would be considered.
- d. He noted that there are contractual and legal duties with respect to confidentiality and non-disparagement in the agreement. He also cautioned guests at today's sessions that they should be guided by the same obligations to shield NYLA for subsequent liability.
- e. Furthermore, Mr. Schofield noted that he was not involved in the negotiations with Mr. Johannesen related to his resignation. Special counsel was employed by NYLA for this purpose, and if needed, would be available to Council.
- f. President Depkin asked for a motion to approve the agenda for today's session. Because the meeting was in continuation of the previous meeting, no motion was required.
- g. Anna Lee Dragon moved for the Council to go into Executive Session for the purpose of discussion of personnel issues. Motion seconded by Jean Currie. Approved unanimously.
 - i. President Depkin invited Robert Schofield and Art Friedman to attend this session.

The Council reconvened in Executive Session at 11:15 a.m.

The Council returned to open session at 12:11 p.m.

2. Executive Committee Statement

- a. President Depkin reported that at the Executive Session the Separation Agreement between NYLA and Jeremy Johannesen that was signed on August 4, 2021, was approved by all Council members in attendance.
- b. President Depkin read her statement concerning the Separation Agreement as well as the way that she and other members of the Executive Committee were treated at the previous Council session. (see appendix).
 - i. She noted that the Executive Committee recognizes that there were some flaws in the process and that errors may have been made in following that process. She also provided some relevant dates that affected the situation.
- c. Dr. Jennifer Cannell, NYLA Immediate Past-President, read her statement which included immediate resignation from Council. (see appendix)
- d. Upon receipt of this notice of resignation, President Depkin appointed Past-President Barbara Stripling to fill in the unexpired term of Dr. Cannell as provided for in NYLA's Bylaws.
- e. Grace Riario, NYLA Treasurer-elect, read her statement of resignation from Council. (see appendix)
- f. Roger Reyes, NYLA Treasurer, announced his intention to tender his letter of resignation as soon as he returns to New York on or about August 16th. (Mr. Reyes subsequently tendered his resignation via email to President-elect Beth Merkle during this meeting.) (see appendix)

- g. President Claudia Depkin read her letter of resignation. (see appendix)
- h. Comments of thanks for their service to NYLA and the library community were conveyed to Claudia, Jennifer, Roger and Grace , via the Chat function on Zoom.
- i. Beth Merkle assumed the NYLA Presidency and read a statement indicating her intentions of continuing the work of NYLA. (see appendix)

3. New Business

- a. Dr. Art Friedman and Robert Schofield were asked to present a brief summary of the motions and actions that were now required.
- b. President Merkle outlined the issues that need to be resolved with respect to NYLA governance and operations; the appointment of an interim Executive Director for the Association, and the mechanism for the selection of a new Executive Director. These steps will require the appointment of a number of committees to deal with them.
- c. Jim Teliha moved the following resolution:
 - i. *Whereas the office of President-elect has now become vacant because of the ascendance of the Beth Merkle to the office of President, and*
 - ii. *Whereas an election was recently held to elect a new President-elect whose term of office was to begin at the end of the Annual Conference, thus, there is no need to hold a special election to fill the position of President-elect,*
 - iii. *Therefore, be it hereby resolved that Arlene LaVerde, the incoming President-elect of the New York Library Association be confirmed as President-elect to take office immediately upon passage of this motion and the term of her office shall conclude as scheduled at the end of the 2022 NYLA Annual Conference or as otherwise provided for in the bylaws.*
 - iv. Jean Currie provided a second. A roll call of the voting members of Council indicated 14 affirmatives and no negatives. The resolution was adopted. Ms LaVerde will be invited to attend the next Council meeting.
- d. Tom Vitale moved the following resolution:
 - i. *Whereas an election was recently held to elect a new Treasurer-elect whose term of office was to begin at the end of the Annual Conference, thus, there is no need to hold a special election to fill the position of Treasurer-elect,*
 - ii. *Therefore, be it hereby resolved that Kelly Harris, the incoming Treasurer-elect of the New York Library Association be confirmed as Treasurer-elect to take office immediately upon passage of this motion and, in accordance with the bylaws, she will immediately ascend to the office of Treasurer due to the vacancy therein, and the term of her office shall conclude as scheduled at the end of the 2023 NYLA Annual Conference or as otherwise provided for in the bylaws.*
 - iii. Jean Currie provided a second. The Councilors present voting in the affirmative (14 Yes) the resolution was adopted.
 - iv. Because Kelly Harris was present at this meeting, she was offered the opportunity to begin her term immediately with all rights and privileges
- e. Anna Lee Dragon moved the following resolution:
 - i. *Be it resolved that, due to a declared vacancy in the office of Treasurer-elect, Council authorizes the Nominating Committee to conduct a Special Election, open to voting by the NYLA membership from September 15-October 15, 2021, to fill the position of NYLA Treasurer-Elect to serve for a term from October 15,*

2021, through end of the 2023 NYLA Annual Conference, with nominations due, in accordance with the bylaws, no later than September 3, 2021

- ii. Lisa Kropp seconded the resolution. Fifteen Councilors in attendance and voting in the affirmative, the resolution was adopted.

With consideration for the fact that the Council had been in session for almost two hours with discussion of very serious issues, a request was made for a brief recess. President Merkle announced a recess with the session to resume at 1:15 p.m.

President Merkle reconvened the meeting at 1:15 p.m. with a continuation of the agenda.

- f. Transfer Capital Funds from investment accounts to operating account to pay Appolo Heating, Inc. total due \$23,074.00 for HVAC updates
 - i. Anna Lee Dragon moved the transfer of \$23,074.00 from NYLA investment accounts to its operating account to pay Appolo Heating, Inc. for work done to update the NYLA HVAC. Karen Sperazza seconded the motion. Approved unanimously. (15 affirmatives)
- g. Recommendations from the NYLA Awards & Recognition Committee for 2021
 - i. Dr. Jennifer Cannell, Chair, NYLA Awards Committee presented a report on the 2021 Awards.
 - 1. Distinguished Achievement Award – AnnaLee Dragon made a motion to approve the Committee’s nomination of Mary Jean Jakubowski, Buffalo & Erie County Public Library for the Distinguished Achievement Award. Dawn Pressimone seconded, and the motion carried unanimously.
 - 2. Outstanding Advocate for Libraries – Will be awarded on Advocacy Day.
 - 3. Mary Bobinski Innovative Public Library Director Award – Lisa Kropp made the motion to approve the Committee’s nomination of Nicki Marquis, fromThe Skaneateles Library, for the Bobinski Innovative Public Library Director Award. AnnaLee Dragon seconded, and the motion passed unanimously.
 - 4. Intellectual Freedom Award – (no award this year)
 - 5. Librarian of the Year Awards
 - a. Academic Librarian – (to be announced))
 - b. Public Librarian – Amanda Schiavulli made a motion to approve the Committee’s nomination of Gail Brown, Head of Youth & Family Services at Voorheesville Public Library, for Public Librarian of the Year. James Teliha seconded. The motion passed unanimously.
 - c. School Librarian – Lisa Kropp made a motion to approve the Committee’s nomination of Michell Wright Jumpp, School Library Media Specialist, NYC School District, for School Librarian of the Year. Dawn Pressimone seconded, and the motion passed unanimously.
 - d. Lake Placid First Time Conference Stipends – Dawn Pressimone made a motion to approve the nominees for conference stipends. Tom Vitale seconded, and the motion passed unanimously.

- i. St. John Fisher College – Stephanie Kenific
- ii. University at Albany – Amanda Greenwood
- iii. Syracuse University – Jean Kambara
- iv. St John’s University – Luke Henke
- v. University at Buffalo – Nicole Malley
- vi. Pratt Institute – Jennifer Reisman
- vii. Queens College & Long Island will have their nominees next meeting

4. Formation of a Conference Committee

- a. A request was made for conference curators to be especially cognizant of key dates and deadlines. In addition, everyone was encouraged to promote Conference registration at this time. The conference curators are essentially the Conference Committee, so we do not need an additional committee.

5. Membership Dues Category Revisions

- a. The Membership Committee offered the following proposals:
 - i. Fee Schedule A motion was proposed and passed by the Committee to do the following:
 - ii. Eliminate First Time Member category
 - iii. Change Student, Retired/Unemployed, and Trustee/Friend categories to \$30/year
 - iv. Move Library Assistant/Support Staff into the Tiered Fee system
- b. Lisa Kropp moved to table the proposal to change the membership fee schedule. Jim Teliha seconded the motion. Unanimous.

6. NYLA Unit Requirements

- a. A motion was proposed and passed unanimously by the Committee to approve the document (attached) outlining specific requirements for all units to adhere to.
- b. Kelly Harris moved to table the unit requirements. Jean Currie seconded the motion. Unanimous.
- c. NYLA Unit Requirements & Membership Dues Category Revisions should either be discussed with Laurie Dreyer, Chair of Membership Committee present at Council or might fall under the Governance task force.

7. Reports from NYLA Staff

- a. Briana McNamee, Director of Government Relations and Advocacy gave a verbal Legislative Update.
- b. She reviewed the issues created with the sudden change in the Governorship of New York. She noted that there are 4 library-related bills awaiting the Governor’s signature. There are questions as to whether these will be acted upon by outgoing Governor Cuomo or be decided by incoming Governor Hochul.
- c. All other staff have submitted written reports during last week’s meeting with no additions.

8. Section/Roundtable/ALA/Committee Reports (updates from previously filed reports)

- a. Friends of Libraries Section has created an ad hoc committee on library governance
- b. Library Trustees Section now has more than 600 members. This would mean that it would have a second vote at Council under the “weighted” voting system.

- c. Section of School Librarians is developing their first “in-person” program following the COVID hiatus. Dawn Pressimone read a thank you statement on behalf of the Section of School Librarians concerning Claudia, Jennifer, Roger and Grace.
- d. Frank McKenna from the Intellectual Freedom Roundtable wanted Councilors to be aware of the fact that the IFRT breakfast will take place on Saturday, November 6th from 8-9 a.m. This is the ONLY NYLA activity scheduled for this time and he hopes that a large turnout will be present.

9. Additional Notes

- a. President Merkle indicated that she would like to schedule some special meetings on Thursday afternoons from 3-4 p.m. to discuss the issues she enumerated earlier.

A motion to adjourn was offered by Lisa Kropp and seconded by Jim Teliha.

The meeting adjourned at 2:03 p.m.

Upcoming NYLA Council Meeting Dates

- Monday, August 23rd, 2021 via Zoom from 11:00AM - 1:00PM via Zoom
- Wednesday, August 25th, 2021 via Zoom from 12:00PM - 2:00PM via Zoom
- Thursday, September 9th, 2021 via Zoom from 3:00PM - 4:30PM via Zoom
- Thursday, September 16 – Update Meeting
- Wednesday, November 3, 2021 @ NYLA Conference in Syracuse

FULL meetings are 1:30 PM – 4:00 PM / Update Meetings are 3:00 PM – 4:30 PM

Respectfully submitted,

Arthur L. Friedman, Ed.D., MLS, MS



Claudia Depkin, President
Dr. Jennifer Cannell, Immediate Past President
Roger Reyes, Treasurer
Grace Riario, Treasurer-Elect

FOR the OFFICIAL RECORD of the 8/12/2021 SPECIAL MEETING of NYLA COUNCIL

August 12, 2021

To Our Fellow NYLA Council Members:

Background

As elected members of the Executive Committee of NYLA, we take our duty to the organization seriously. Collectively Dr. Jennifer Cannell, Claudia Depkin, Roger Reyes, and Grace Riario have been NYLA members for 48 years and members of Council for 18 years. We have worked with the now-former Executive Director and current and former employees in many capacities over those years: in sections, roundtables, committees, task forces, initiatives, and in our positions as elected officers. The breadth of our knowledge of the inner workings of the organization—and, crucially, of its staff—is unsurpassed by any other four members of Council.

As required, in April 2021 we entered into the annual performance review of the former Executive Director. This process included not just input from the five of us on the Executive Committee, but also a performance evaluation survey to the NYLA Council. Thereafter, the Executive Committee determined steps needed to be taken regarding the stewardship of the Association.

Had the process followed ordinary channels, Council would have received and voted on our recommendation on August 5 in Executive Session. In retrospect, it appears we made three mistakes in bringing this personnel matter forward:

1. At the Executive Director's request, we shared our recommendation with him prior to bringing it to a Council vote. This resulted in our second error;
2. In the discussion about the pending recommendation, we agreed with the Executive Director to examine the possibility of mutual separation as an option. These discussions progressed not just to working with an attorney to draft an agreement, but also to the point of the Executive Director deciding on August 3 that he would accept such an offer, which he signed on August 4. And finally;
3. Bowing to his express request in an email to the President on August 3, and in the good faith belief that we had reached a mutually satisfactory decision, we agreed to withhold notification from Council until the former Executive Director could announce his decision to resign at our August 5 meeting.

The Executive Committee is empowered by NYLA's bylaws to conduct every step of the process above as described. However, we can see that in combination the process could be mischaracterized as opaque by people who were unwilling to hear the findings.

Executive Committee Recommendation

There are many concerns and issues that led to the Executive Committee's decision regarding the Executive Director. The structural issues of the NYLA Council contributed, however, to the controversy on 8/15/2021: the short-tenure nature of Council member service, the Executive Director serving as Secretary for the Council, plus the high turnover among NYLA staff results in a lack of continuity and institutional knowledge, giving the Executive Director a monopoly on information and lack of sufficient oversight by Council. We recommend that Council address this in the future; plans to do so were in progress and should be continued.

We did not anticipate the end result that occurred from Council learning of our recommendation and of the Executive Director's decision to resign prior to Council's decision.

Reaction

Our recommendation, the statements we four made during the 8/5/21 Council meeting, and the reasons for our recommendation relating to the Executive Director's performance as the paid leader of the association are not personal attacks. They are unbiased evaluations of a staff member by experienced and professional elected officers of NYLA. They were intended to be presented, aired, and voted upon in a closed Council session via the due process outlined in NYLA's bylaws and to preserve the Executive Director's privacy.

Unfortunately, numerous members of Council—and, surprisingly, NYLA staff members—were unwilling to accept these judgments for sober consideration and treat this matter as a personnel issue. The onslaught of personal, unprofessional attacks on our character, ethics, knowledge, and experience at the August 5 meeting were dishonorable and should cause each of you who leveled personal attacks to rethink your presence on Council and/or employment with NYLA. Allowing your personal regard for an employee to interfere with the professional conduct required of your positions weakens the organization.

We have heard about posts on social media accusing unnamed people of "burning down" NYLA. With reference to ourselves, quite the contrary: our allegiance is to New York's libraries and their stakeholders across all disciplines, and to the organization empowered to uphold and improve them. Attend to your own loyalties and ask yourselves whether they are to a person who has already secured employment elsewhere, or to the organization.

Next Steps

The outcome of many Council members' unwillingness to engage in good faith on this personnel matter is clear: we four are unwilling to attempt to remain in leadership positions, and we expect to tender our resignations from these posts imminently, with regret, likely in keeping with some of the Council members' wishes.

Resignation is not us "giving up" in the face of adversity, but an acknowledgment once again that difficult decisions must be made to allow the process of finding a new Executive Director and appointing new Executive Committee members to move forward. Our verbally stated intentions to resign, voiced in the August 5 meeting, were not planned or staged in any way. They were the result of and solution to quell the hostility directed at us and to stop the conflict that was beginning to brew amongst our colleagues.

Our commitment to our state's libraries and our communities, and to NYLA itself, is as strong as ever. We retain our memberships in the organization and look forward to seeing our colleagues at upcoming

events and meetings. For those who wish to rely on our experience, we are always available to advise you.

Very truly yours,
Claudia Depkin, President
Roger Reyes, Treasurer

Dr. Jennifer Cannell, Immediate Past President
Grace Riario, Treasurer-Elect



The Voice of the Library Community

New York Library Association

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August 12, 2021

President Depkin, Council members, and NYLA members,

It is with genuine care and concern that I have worked tirelessly for this organization in my position on the executive committee. Each council member has earned their seat at this table, and the work we do is not based on our individual beliefs, friendships, or personal motives. Instead, we represent the members of our units. In my nearly three year term on council, I have been privileged to sit in a position that represents all members of the New York Library Association. My work has been on behalf of current and future members so that together we are stronger. We need a healthy, viable organization that can support each of us in our practice.

Serving as your president-elect, president, and immediate past president has been an honor. The decisions I have made were based on years of experience and knowledge gained from membership to four NYLA sections, including service on the boards for two of those sections; six roundtables; two institutional member organizations; numerous committees; and several task forces. It is with breadth and depth of knowledge of NYLA that I have completed my work on council.

I stand strong in my belief that the executive committee's recommendation to seek new leadership for NYLA is best for this organization. The work we do is not about any one person, it is about our entire library community. I remain dedicated to all NYLA units and to our members and wish only the best for the New York Library Association. As deeply hurt as I am personally by the words and actions of individuals this past week, I want to see our organization thrive.

It is with deep sadness that I tender my resignation from NYLA Council. Thank you for the opportunity to serve you and this organization which has meant so much to me since 1998.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Cannell".

Dr. Jennifer Cannell

August 12, 2021

President Depkin, Council members, and NYLA members,

August 5, 2021, was one of the saddest moments of my career; I never thought I would see the day that members of my professional organization that stand for diversity and inclusion would allow the unprofessionalism and malicious behavior that took place during our last Council meeting.

I was honored to be elected as your Treasurer-Elect; I understood the privileges and responsibility this position provided. To be accused of having no integrity because an evaluation process did not produce a popular outcome is slander of my character.

On Thursday, August 5, 2021, it became apparent that I do not belong in NYLA. Therefore, I hereby resign my position as Treasurer-Elect of the New York Library Association.



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August 12, 2021

To My Fellow NYLA Council Members:

I first joined the NYLA Council as the President of the Leadership and Management Section in 2012. I found the interaction with colleagues outside my public library sphere so inspiring and rewarding that I ran for and was elected to the position of Treasurer-Elect for a 3-year term beginning in 2015. Being elected to the position of President-Elect in 2019 was one of the proudest moments of my career.

As an organizational leader for more than 20 years, I recognized it was my duty to make the difficult decision to recommend separation from the Executive Director. I refer you to the Executive Committee Statement submitted to the record by myself, Dr. Jennifer Cannell, Roger Reyes and Grace Riario for the August 12, 2021 Special Meeting of the NYLA Council. As a result of the unprofessional and slanderous conduct of some council members, employees and association members at the August 5, 2021 NYLA Council Meeting, it is clear to me that NYLA is no longer the place for me to focus my volunteer efforts. Therefore, I hereby resign my position as President of the New York Library Association.

I am not withdrawing my membership from NYLA, but for my mental health I am stepping back from all committee and task force work. I will continue to dedicate my professional work to libraries and the people served by them.

Sincerely,

A handwritten signature in blue ink, appearing to read "Claudia Depkin", is written over a horizontal line.

Claudia Depkin
NYLA President 2020-2021

Merkle, Beth

From: Roger Reyes <roger@suffolknet.org>
Sent: Thursday, August 12, 2021 12:55 PM
To: Merkle, Beth
Subject: Resignation

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

NYLA Council,

I hereby tender my resignation as the Treasurer of NYLA.

Thank you,

Roger Reyes
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