

BCLC EVENT TIMELINE

During the 2023/2024 Budget preparation, various discussions centered on the possibility of the County Commission not needing a library board by creating an arrangement where just an annual appropriation would be made to the BCLC's 501(c)(3) organization just like any other outside agency. Under this arrangement, this 501(c)(3) would no longer have a county fuel card or utilize the Highway Department's vehicle maintenance services which is unusual for an outside agency to have access to. At the conclusion of the budget cycle, staff began researching a way to treat the BCLC's 501(c)(3) just like all other outside agencies.

October 9, 2023, primary result of the research completely changes the complexity of the situation:

The By-laws of the Baldwin County Library Cooperative, Inc. state under Article 3: "The corporation shall have five (5) members appointed by the Baldwin County Commission and collectively they shall be known as the Board of Trustees. The Board of Trustees shall have those duties and responsibilities authorized by the Code of Alabama, 1975, Section 11-90-1 et seq."

The original trustees who signed as the initial incorporators were the members of the Baldwin County Library Cooperative on January 18, 2000.

An Attorney General Opinion (99-00135) on March 15, 1999, clearly concluded that "Section 11-90-1, et seq., of the Code of Alabama does not give local library boards power to incorporate."

The Baldwin County Library Cooperative, Inc. does not have the authority to exist.

Initial research to address the new situation begins shortly after.

Late October requested and received relevant information regarding BCLC from the Director Elizabeth Webb.

On November 2, 2023, Elizabeth Webb sent a resolution from the BCLC Board requesting to reestablish the BCLC as a county department.

At the November 7, 2023, meeting, County Commission amends the agreement with BCLC to make quarterly payments to allow some time to determine the next course of action instead of providing all the operational funds at once.

On December 18th at a meeting in the Commission Chambers in Fairhope, we gauged the interest of the municipal libraries in creating their own joint cooperative to take over all the joint services currently utilized under the BCLC. The result of the meeting was that there was no apparent path for such a joint cooperative to be created and the lack of joint services would have served a negative impact on the smaller libraries. The primary services identified were:

- Connected Catalog and Library Software
- Libby and Sors Services
- Interlibrary Loan and Courier Service
- Some tech and grant assistance

December 19, 2023, Commission Meeting Minutes

Mr. Rendleman discussed the Baldwin County Library Cooperative's 501(c)(3) status being non-compliant due to improper setup when established and requested the Commission's permission to work with the County Attorney to address this issue and to develop a plan to work with the municipal libraries to ensure cooperative services are still available. The Commissioners agreed to have Mr. Rendleman and Mr. Hicks move forward with the request.

In response to an email question from Elizabeth Webb regarding the Commission meeting sent the next day (Dec. 20, 2023):

"We will continue to operate as we have been doing. The second quarter appropriation will be processed in January.

After Monday's meeting and additional discussions, we are looking at the County providing operational support to continue the necessary joint services. Transitioning from a stand-alone 501(c)3 to a county function cannot occur with a simple vote of the Commission.

We need to begin by assessing everything that needs to be accounted for from assets to contractual commitments and by evaluating operational efficiency and effectiveness of the 501(c)3. After that process, a plan and options can be presented to the Commission to approve a transition plan into a county department."

On January 3, 2024, Roger Rendleman met with Amanda Burgett, Assistant BCLC Director to gather information regarding operations along with current assets and liabilities of the 501(c)(3).

On February 5, 2024, approached Coastal Alabama Community College regarding a potential partnership for the BCLC operations.

On March 4, 2024, response to Elizabeth Webb's update request:

"About to put a few options together for the Commission for them to decide how they want to move forward after unwinding the 501-C3. I was hoping to have one more which would be a unique partnership; however, that is starting to look like a longshot.

I do need to meet with you all again to make sure the bases are covered for a transition. Basically, questions like how and who handles payroll including yearend W-2s etc., "

On March 8, 2024, met with Elizabeth Webb and Amanda Burgett to verify information and gather additional operational information in order to formulate potential transition options. At the end of the meeting, both were told that once options were ready for consideration by the Commission, I would make sure to provide them the information prior to the meeting when action would be requested.

On April 8, 2024, informed by Coastal Alabama Community College they would have to pass on a potential partnership for the BCLC operations.

On April 25, 2024, received news that the Foley Library would be willing to assist with operating the bookmobile.

On May 2, 2024, discussed potential impact on state library aid considering different scenarios with the County Commission facilitating county-wide joint library services with Dr. Nancy Pack with ALPLS.

May 8 - 20, 2024, gathered additional information and started formulating three options for Commission consideration.

May 15th emails:

From: BCLC Director <director@baldwincountylibrary.org>
Sent: Wednesday, May 15, 2024 12:45 PM
To: Roger Rendleman <Roger.Rendleman@baldwincountyal.gov>
Subject: Re: BCLC

Roger,

I wanted to give you a heads up that the BCLC Board of Trustees has decided to reach out to the Commissioners themselves due to the fact that we are coming up on the 4th quarter and need to let the other libraries know if we're not continuing our services by July.

On Wed, May 15, 2024, 3:54 PM Roger Rendleman <Roger.Rendleman@baldwincountyal.gov> wrote:

We were going back and forth with Coastal Alabama for a potential unique partnership; however, they finally passed on the concept.

As far as I know, the consensus is for joint services to continue. Exactly how and what that will look like still needs to be determined.

Whatever that transition is to be needs to be completed no later than September 30th. Considering asset transfers, contract transfers, FY2025 budgeting, etc., I will need a final Commission decision at a meeting in June.

Roger H. Rendleman
County Administrator
Baldwin County Commission

From: BCLC Director <director@baldwincountylibrary.org>
Sent: Wednesday, May 15, 2024 4:16 PM
To: Roger Rendleman <Roger.Rendleman@baldwincountyal.gov>
Subject: Re: BCLC

Thanks for the update. **I will pass this information along to the Trustees.**

Elizabeth

Message Forwarded by Foley Staff at 9:39 May 22, 2024

From: BCLC Director <director@baldwincountylibrary.org>
Date: May 22, 2024 at 6:31:43 PM CDT
To: Loxley Library <library@cityofloxley.com>, Cynthia Nall <Cynthianall@robertsdale.org>, Amanda Burgett <assistantdirector@baldwincountylibrary.org>, Wendy Congiardo <wcongiardo@gulfshoresal.gov>, Summerdale PL Cindy <cindysuggs@hotmail.com>, Tamara Dean <director@fairhopelibrary.org>, Kate Norris <knorris@cityoffoley.org>, Shanavia Reed

<librarian@cityofspanishfort.com>, Joanna Bailey <jbailey@cityofbayminetteal.gov>, Meagan Bing <librarydirector@orangebeachal.gov>, Emmie Powell <epowell@daphneal.com>
Subject: BCLC Staff

Directors,

It is with an extremely heavy heart that I must announce that the BCLC Board decided to let all BCLC Staff go, effective immediately. I know how much impact this will have on each of your library's and I do apologize from the bottom of my heart.

It has been a pleasure to work with you all over the years. I wish you all the best.

Elizabeth H. Webb, Director
Baldwin County Library Cooperative
director@baldwincountylibrary.org

May 23, 2024

As the inter-library courier service is the most crucial, started the process of bringing on a driver as a courier from the temporary agency we use. We still have the fourth quarter appropriation to BCLC to cover any costs.

May 24, 2024

Met with many of the library directors in Foley and established plans for the most critical joint library services. Each librarian took their books ready for delivery and also books for libraries that couldn't attend the meeting that day.

May 28, 2024

Jarrod Cunningham makes the courier run. Attempted to interview a recently fired BCLC employee who refused to answer questions.

May 29, 2024

Temp. service Courier driver starts. Only one day of courier service missed since the BCLC fired employees.

Also, a good amount of information gathering and coordination going on since May 23rd.

Interview with BCLC Board Member Lolita Boykin at 1:00.

Ms. Boykin was basically told by Shirely Stevens that the County Commission was going to dissolve the BCLC, seize the assets and fire the employees immediately without severance pay. Apparently, Shirely Stevens proposed terminating the staff and paying severance through the end of the calendar year. Ms. Boykin clearly remembers Elizabeth providing direction on how we should move forward approving the severance packages including approving it by a certain deadline. She assured us that it was legal and would be a way to protect/take care of the employees in light of what was going on to dissolve the BCLC.

I read the March 8th meeting note (above) regarding telling Elizabeth and Amanda that once options were ready for consideration by the Commission, I would make sure to provide prior to

the meeting when action would be requested. I asked if this information was relayed to her. She said no.

I read the May 15th email exchange (above) with emphasis on "I will pass along this information to the Trustees." I asked if this information was relayed to her. She said no. She was visibly shocked.

May 30, 2024

Interview with BCLC Board Members Betty Wood and Shirley Stevens at 10:00. Elizabeth Webb requested an emergency meeting on May 21st for the next day, May 22nd.

Shirley Stevens confirmed she was told by Ms. Webb, which she relayed to Betty Wood and Lolita Boykin, that the County Commission was going to dissolve the BCLC, the assets of the BCLC would be seized by the Commission and all employees would be fired immediately without severance pay at the June 4th Commission Meeting.

Elizabeth Webb had a spreadsheet with her recommendation for severance pay for each BCLC employee (image of the sheet below). Ms. Webb requested / recommended for the BCLC board to terminate all BCLC employees effective immediately and approve providing the employees with one year's worth of salary as severance pay. She also requested to cover those with health insurance through July.

Before the board took action to terminate the employees and approve the requested severance pay during the emergency meeting, Ms. Wood asked Ms. Webb if she was sure that the County Commission was going to terminate the employees immediately and stop the services. Elizabeth Webb provided them assurance that was going to happen.

Shirley Stevens stated that Elizabeth Webb informed them the Commission and the County Administrator had been ignoring her communication attempts and inquiries.

As with Ms. Boykin, I read the March 8th meeting note to Ms. Stevens as well as the May 15th email exchange with emphasis on "I will pass along this information to the Trustees."

Both confirmed they had not been provided any information regarding the County's intentions and progress had not been passed along to the board members.

I asked them if they would say "Basically, Ms. Webb provided them information that was either half-truths, misinformation, or complete lies for the basis of their decision on a recommendation she provided for which she would financially benefit." Ms. Stevens said she would not say it. I ask if I said that would I be correct? Ms. Stevens and Ms. Wood responded in the affirmative.

Ms. Stevens and Ms. Wood both stated they felt the board would not have taken the action to terminate the BCLC employees, had they known the County was working toward a solution for the BCLC and planned to continue the services.

I expressed to Ms. Stevens and Ms. Wood that their volunteer service was appreciated and apologized that they were misled and deceived by someone they trusted. I did inform them that the board will be dissolved, especially considering what has happened over the last week.

Later that day, I was coordinating with Kate Norris with Foley to deliver interlibrary loan books to them and discussing some of what we had discovered. She stated that about two or three

months ago Elizabeth Webb made a comment in frustration that she will get a year's severance pay if she is terminated.

<u>Gross Pay Calculation</u>					
EMPLOYEES	PER/PAYROLL	12 MO PAY	SUGGESTED	BOARD APPROVED	INITIALS
Burgett, Amanda	1,600.00	41,600.00	\$42,000.00		
Ginn, Elenor	850.00	22,100.00	\$22,500.00		
Middleton, CHARLIE	672.00	17,472.00	\$15,000.00		
Steel, Heather	725.00	18,850.00	\$19,000.00		
Webb, Elizabeth	1,880.00	48,880.00	\$49,500.00		
	5,727.00	148,902.00	\$148,000.00		

Ms. Webb recommended \$400 more than annual salary for Ms. Burgett and Ms. Ginn, \$150 more than annual salary for Ms. Steel. Ms. Webb took \$620 more than her annual salary, while recommending \$2,472 less than annual salary for Mr. Middleton.

Additional Information Employee Payout

Once we were able to get access to BCLC's Quickbooks, we were able to confirm that those payouts were made according to Ms. Webb's recommendations. In addition, the payouts were not ran through payroll. It appears, all payouts were made as lumpsum payments through accounts payable without any withholding or payroll taxes.

05/22/2024	240522-5	Elizabeth Webb	Job Loss	\$49,500.00	R	\$145,459.28
	Check	Severance				
05/22/2024	240522-4	Charles Middleton	Job Loss	\$15,000.00	R	-\$95,959.28
	Check	Severance				
05/22/2024	240522-3	Heather Steel-V	Job Loss	\$19,000.00	R	-\$80,959.28
	Check	Severance				
05/22/2024	240522-2	Elenor A Ginn		\$22,500.00	R	-\$61,959.28
	Check	Severance				
05/22/2024	240522	Amanda J Burgett-V		\$42,000.00	R	-\$39,459.28
	Check	Severance				
05/22/2024	Cash	United Bank		\$35.00	R	\$2,540.72
	Check	6120 Bank Service Charges				

To cover the payouts, all bank accounts were cleared out. Only about \$850 remained.

05/28/2024	240528	Intuit QuickBooks	Employees' Payroll Direct ...	\$38.52		R	\$24.65
	Check	1313 Intuit QBooks Subs & Fees					
05/22/2024			Last Payroll		\$35,234.90	R	\$63.17
	Transfer	06 State Aid-UB					
05/22/2024			Last Payroll		\$25,712.23	R	-\$35,171.73
	Transfer	08 Building Funds-UB					
05/22/2024			Last Payroll		\$8,525.43	R	-\$60,883.96
	Transfer	02 Video Tax Fund-UB					
05/22/2024			Last Payroll		\$25,343.38	R	-\$69,409.39
	Transfer	10 Vehicle Expenditure Fund					
05/22/2024			Last Payroll		\$41,705.52	R	-\$94,752.77
	Transfer	04 Payroll-UB					
05/22/2024			Last Payroll		\$0.99	R	-\$136,458.29
	Transfer	05 Grants-UB					
05/22/2024			Last Pay		\$9,000.00	R	-\$136,459.28
	Transfer	03 Audit/Taxes-UB					
05/22/2024	240522-5	Elizabeth Webb	Job Loss	\$49,500.00		R	-\$145,459.28
	Check	Severance					

June 4, 2024

After the Baldwin County Library Cooperative (BCLC) Director had the board terminate the entire staff on May 22, 2023, the County Commission dissolved the BCLC Board at the June 4, 2024, Commission Meeting, upon a recommendation by staff based on the circumstances and events associated with the board's action on May 22, 2023.

The basis for the BCLC Board action was stated as the County Commission was going dissolve the BCLC, the assets of the BCLC would be seized by the Commission and all employees would be fired immediately without severance pay at the June 4th Commission Meeting.

This same board passed and signed a resolution in November requesting the County Commission to re-establish BCLC as a county department. **Two of the actions associated with their November request would be to dissolve the BCLC and take possession of the assets for the new department.** The only discussion with Ms. Webb regarding personnel was the likelihood of not needing to have a part-time bookkeeper making the third basis item false.

Considering the Commission was moving in the direction of the BCLC Board's November request to reestablish BCLC as a county department and the fact no such communication existed of terminating the current BCLC staff immediately, Ms. Webb appears to have misled the BCLC Board in order to recommend and receive just over a year's amount in severance pay for herself and most of the other staff.