

**PROPOSED MINUTES  
LAS VEGAS-CLARK COUNTY LIBRARY DISTRICT  
BOARD OF TRUSTEES MEETING  
LAS VEGAS, NEVADA  
April 12, 2007  
(approved May 17, 2007)**

The Board of Trustees of the Las Vegas-Clark County Library District met in regular session in the West Las Vegas Library, Las Vegas, Nevada, at 6:00 p.m., Thursday, April 12, 2007.

**Present:** Board: V. Davis-Hoggard L. Overstreet  
F. Sponer E. Sanchez  
A. Arthurholtz A. Aguirre  
K. Benavidez K. Carter

Counsel: G. Welt

Absent: L. Harala

Staff: Robb Morss, Deputy Director, C.O.O.  
Numerous Staff

Guests: Edward Watson, President, Friends and Family of West Las Vegas Library

V. Davis-Hoggard, Chair, called the meeting to order at 6:00 p.m.

**Roll Call** All members listed above represent a quorum. Trustee Carter arrived at 6:05 p.m. and Trustee Sanchez arrived at 6:50 p.m.

**Agenda** Trustee Benavidez moved to approve the Agenda as proposed. There was no opposition and the motion carried.

**Executive Session – Briefing by Counsel regarding pending litigation and labor negotiations. (Item III.)** Chair Davis-Hoggard moved that the Board adjourn into Executive Session for a briefing by Counsel regarding pending litigation. Chair Davis-Hoggard indicated it was to be a closed session and no action would be taken.

There was no opposition and the motion passed. The meeting was recessed at 6:01 p.m.

Chair Davis-Hoggard moved that the Board resume. There was no opposition and the motion carried. The meeting resumed at 6:53 p.m.

**Approval of Proposed Minutes Regular Session, March 8, 2007.** Trustee Overstreet moved to approve the Minutes of the Board of Trustees Meeting held March 8, 2007. There was no opposition and the motion carried.

**Chair's Report (Item V.)** Chair Davis-Hoggard recognized Mr. Edward Watson, who is the president of Friends and Family of West Las Vegas Library. Mr. Watson and his group are recognizing three outstanding District employees, Felton Thomas, Nancy Hutchinson, and Barbara Coleman.

Mr. Watson thanked the Board for holding the meeting at the branch and said that his group could not pass up the opportunity to express

their appreciation to these particular individuals for their work in the community. Watson said that each of the individuals have honored the community by their service.

Barbara Coleman is a long-time staffer in the YPL at the West Las Vegas Library (WLV). Mr. Watson praised her for the feeling she creates in the children's area at the branch, a warm and comfortable environment where children get hugs and encouragement.

Nancy Hutchinson is the WLV branch manager and Mr. Watson has known her for many years. Mr. Watson said he met her at the school around the corner from the branch where Ms. Hutchinson makes regular visits to encourage children to use the library and to develop a love of reading. Watson said his group supports her work as head of the branch and greatly respects her efforts.

Mr. Watson said he has known Felton Thomas from a very early age and congratulated him on his career growth at the District. Mr. Watson appreciated Mr. Thomas' support of the West Las Vegas community and the help and respect that Mr. Thomas has shown the group. Watson said that even though Mr. Thomas no longer works at WLV, his group wanted to acknowledge his service.

Each recipient received an award from the group and a round of applause from Trustees and the audience. Chair Davis-Hoggard then thanked Mr. Watson and the Friends and Family of West Las Vegas for their continuing support of staff and the District. The group then received a round of applause from those in attendance.

**Executive Director's  
Report (Item  
VI.A.)**

Chair Davis-Hoggard asked Deputy Director, C.O.O. Robb Morss to discuss the Director's report. Mr. Morss reported that Mr. Walters was on his way to Carson City to testify before the Assembly Ways and Means Committee the next morning and had asked Morss to highlight several items to Trustees.

Mr. Morss noted in the Public Services Report that the District had a rash of unusual and very volatile security incidents at the branches. He acknowledged Public Services Director Marie Cuglietta who has worked with Metro to give a presentation to staff that included tips on how to handle such incidents. Additionally, Morss said the District will add a contingency amount into the Security budget for Fiscal Year 2007-2008 as staff continue to investigate and deal with similar incidents.

Mr. Morss noted the April Human Resources report included a report on staff demographics by branch that was requested to supplement the Diversity Report presented at the March meeting.

Mr. Morss said that Mr. Walters also wanted to highlight the fine work of three District employees over the last several months:

IT Director Al Prendergast worked tirelessly with Embarq to try and bring the District's network systems up to the speed and compliance

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required. Through Mr. Prendergast's efforts it was discovered that Embarq had not made the necessary upgrades which the District had contracted and paid for over the last several months. Embarq has credited the District with over \$5,000 for the error and as of the date of this meeting, the problems that many of the District's busiest branches have been experiencing should have been resolved. Shortly before the meeting, Morss said that the Sahara West and Rainbow branches reported that they have seen results due to Embarq's work during the week.

Deputy Director, Chief Financial Officer, Fred James was commended on Standard and Poor's recent affirmation of the District's AA rating for the District's General Obligation Bonds.

General Services Director Steve Rice worked diligently over the last two months to make sure the bid documents for the West Las Vegas Homework Help Center and branch efficiencies project were prepared and ready for the bid award which takes place later in the meeting. Mr. Morss noted that Mr. Rice's efforts ensured the District remained on track to receive and expend the \$200,000 that was given to the District by the State Legislature for the project during the 2005 Legislative Session.

Trustee Sponer requested that Mr. Prendergast clarify the Embarq item in his report.

**Public Services and Security Report (Item VI.A.1.)**

Accepted.

**Business Office Report (Item VI.A.2.)**

Accepted.

**Human Resources Report (Item VI.A.3.)**

Accepted.

**Technology Report (Item VI.A.4.)**

Trustee Sponer requested a clarification on the completion date for the network repairs discussed in the Technology Report and in Mr. Morss's report. Technology Director Al Prendergast explained that during the process, there were several occasions when Embarq told the District the repairs to the District network were completed when, in fact, the problem was not fixed. According to Prendergast, Embarq finally admitted that the problem was not resolved on April 3 and committed to a final fix by April 6. Due to deadlines, when Prendergast wrote the report, that was the situation. Unfortunately, Embarq did not complete the repairs until Wednesday, April 11.

Trustee Sponer asked for an explanation of the network problem. Mr. Prendergast explained that District staff first reported network slowness issues in September 2005. In October 2005, the WAN connection was upgraded from 1.5 Mbps to 3 Mbps, but the slowness issue continued.

Several modifications were made in an attempt to resolve the issue, including upgrading the computers, modifying the III application, replacing the network cables and switches, and reconfiguring the network interfaces to eliminate all network errors, all of which were unsuccessful. Unfortunately, the real cause of the slowness was not identified until October 2006 when it was determined that there was insufficient bandwidth on the branch's network segments.

After the cause was identified, Mr. Prendergast said several additional modifications were made to resolve the problem. First, IT staff attempted to prioritize the traffic using existing equipment, so that staff computers get priority over public computers, which was ineffective. Second, IT staff upgraded the circuit by again doubling the bandwidth from 3 Mbps to 6 Mbps, but the solution was ineffective. Third, Prendergast met with Embarq (on multiple occasions) to explain that there was something incorrectly configured on the Embarq network and to solicit their assistance in providing a solution, which was unproductive. At one point, Embarq had multiple divisions investigating the problem.

Fourth, a high-performance network switch was installed, which was also ineffective. Fifth, IT purchased and installed a WAN acceleration device, also ineffective. Sixth, IT staff attempted to apply prioritization for all III traffic using the WAN acceleration device, also ineffective. After Mr. Prendergast's fourth meeting with Embarq, Embarq admitted that the problem existed in their configuration of our network and committed to having these repairs completed by Friday, April 6. While the repairs were not completed until April 11, Prendergast said he believed the problem was finally resolved.

In response to a question from Chair Davis-Hoggard, Mr. Prendergast said the amount of the refund would be \$5,460. Chair Davis-Hoggard congratulated Prendergast and his department on their diligent efforts to resolve the problem.

Trustee Sponer asked for an explanation of the repeated ILS backup failures reported in the Technology Report. Mr. Prendergast said the problem is due to the size of the District's database. According to Innovative staff, the setting for the database size is reset whenever Innovative does a patch to the system. Prendergast said that because different Innovative staff work on the problem, whenever a patch is put onto the District's system, the system is reset and the District has a backup problem. Innovative then fixes the backup problem. Another patch is put on the system and the backup problem occurs again. Prendergast said his staff is working with the Virtual Library to reduce the size of the database, perhaps by removing information more frequently, in order to resolve the problem.

Trustee Sponer asked if a complete backup was done every night. Mr. Prendergast said information was backed up every night. Trustee Sponer then asked if the District would have a backup if there was a problem. Prendergast replied that the District would still have a

backup.

**General Services Report (Item VI.A.5.)** Accepted.

**Marketing Report (Item VI.A.6.)** Accepted.

**Development Report (Item VI.A.7.)** Accepted.

Trustee Overstreet moved to accept Reports VI.A.1-7. There was no opposition and the reports were accepted.

**Unfinished Business (Item VII.)** None.

**Consent Agenda** Chair Davis-Hoggard moved to accept the Consent Agenda. There was no opposition and the motion passed.

**1. Discussion and possible Board action to award an annual requirements contract for Library Materials & Supplies including Audio Visual Cases to the Brodart Company.**

**2. Discussion and possible Board action to approve contract terms for Library Automation Services provided to Boulder City Public Library and Nellis AFB Library.**

**3. Discussion and possible Board action regarding the renewal of the Blue Diamond Library lease agreement for the third and final optional five-year term beginning May**

2, 2007.

**4. Discussion and possible Board action regarding contract award for the installation of an HVAC cooling tower for the Las Vegas Library.**

**(Item VIII.A.1-4)**

**Discussion and possible Board action regarding adoption of policy and procedures for the approval of construction/renovation project Change Orders. (Item VIII.B.)**

Mr. Rice introduced the item. The District is implementing a construction/renovation program that includes the new Centennial Hills Library, West Las Vegas Library Homework Help Center and efficiency remodel, and the efficiency remodels of 11 other urban branches. During the course of construction, inevitable changes in the scope of construction and/or design will require several adjustments to the contract amounts or contracts project terms. An expedited procedure is necessary in order to provide timely approval of such changes, even if change orders exceed the Executive Director's contract authority currently limited to \$25,000.

Mr. Rice said that Counsel has advised that if the Board approves a contingency budget in addition to a project's general construction budget, an approved total budget has been established. Further adjustments to the contract amount or contract term would then be made administratively through the execution of change orders, provided they do not exceed the total of the combined construction and contingency budgets. Staff has worked with General Counsel Welt to prepare the policy for future public works projects undertaken by the District.

Trustee Overstreet commented that he found the policy an efficient management tool and that staff are to be commended for bringing it to the Board.

Trustee Sponer asked Mr. Rice to confirm that if the aggregate amount of the general construction budget and contingency budget has been exceeded due to change orders, any further change orders would need to come before the Board. Mr. Rice confirmed this, and said that not all change orders added to the construction amount. In a few cases, some have reduced the budget.

Trustee Overstreet moved to adopt the Construction/Renovation Project Change Order Approval Policy and Procedure dated April 1, 2007. There was no opposition and the motion passed.

**Discussion and possible Board action regarding contract award and**

Mr. Rice presented this item. Funds were allocated in the Capital Projects Fund for the West Las Vegas Library Homework Help Center and efficiency remodel project.

**contingency budget  
for the West Las  
Vegas Library  
Homework Help  
Center and  
efficiency remodel  
project. (Item  
VIII.C.)**

Mr. Rice reported that an Invitation to Bid was advertised in the *Review-Journal* and the community based minority newspapers. Additionally, the Invitation to Bid Notice was faxed to all minority Chambers of Commerce and to contractors listed in the Clark County and City of Las Vegas MBE, WBE, SBE, and PBE business directories and was posted on Clark County's "Fax on Demand" system. The bid opening was held on April 3, 2007. Rice said that four (4) bids were received. The bid results are as follows:

**Bidder**

Avery Atlantic LLC	\$665,033.00
Grove, Inc.	\$656,123.00
Richardson Construction, Inc.	\$584,123.00
Hardy Construction, Inc.	\$560,181.00

The lowest responsive and responsible bidder is Hardy Construction, Inc., with its bid of \$560,181.00

Since this is an interior remodel project, Mr. Rice said that staff is recommending that a funding amount of 20% (\$112,000.00) of the contract amount be approved for potential change orders. The contingency budget is required for the following reasons:

1. For changes in work required by the District.
2. When essential design/work has been inadvertently omitted.
3. To correct error in plans and specifications.
4. To correct design/work when concealed conditions in existing facilities are exposed and found to differ from available information.

Mr. Rice noted that Project Change Orders will be administered by staff in accordance with the Construction/ Renovation Project Change Order Approval Policy and Procedure that was approved in the previous item.

Trustee Overstreet commented that it was important to note that the contract amount plus the contingency budget together was still lower than the total amount budgeted for the project of \$750,000.

Trustee Sponer asked whether staff is recommending Hardy Construction, Inc. (Hardy) due to the fact that they had the lowest bid or were there other considerations. Mr. Rice said Hardy did provide the lowest bid, and that the District has had experience with all the bidders except Avery Atlantic LLC. Also, Hardy did a remodel of the Spring Valley Library five years ago. Chair Davis-Hoggard wanted to confirm that Hardy provided the lowest bid. Counsel Welt commented that all bidders were responsive, but Hardy had the lowest bid.

Trustee Sponer asked several questions to confirm how the change order policy will work with the contingency budget requested for the project and whether the contingency budget amount will be awarded to the contractor. Mr. Rice responded that the contingency budget amount is not being awarded to the contractor in addition to the contract amount. As change order requests come in, District staff will follow the policy prior to approving the amount requested. Rice also

advised that the contingency budget will not be spent in one lump sum as change orders come in different amounts. Mr. Welt clarified that approving a contingency amount for a project with the project amount allows for a faster approval process, as each change order will not need the approval of the Board. Mr. Morss advised Trustees that Mr. Rice, in his monthly report to update the status of ongoing projects, will list the change orders so Trustees can see the status of the contingency budget for each project.

Chair Davis-Hoggard moved to authorize staff to award a contract for the West Las Vegas Library Homework Help Center and efficiency remodel project, in accordance with Bid No. 07-10, to Hardy Construction, Inc. for the amount of \$560,181.00; and approval of a contingency budget of \$112,000.00 for potential change orders. There was no opposition and the motion passed.

**Discussion and possible Board action regarding approval to use, for the term of the contract and optional renewals thereof, the previously bid contract rates of the State of Nevada (RFP NO. 1480) to purchase furnishings from Machabee Office Environments. (Item VIII.D.)**

Mr. Rice introduced the item and explained that funds were allocated in the capital projects fund to purchase furnishings for the West Las Vegas Library Homework Help Center and efficiency remodel project. Furnishings including tables, seating, moveable shelving, etc. for the Homework Help Center, systems furniture for staff work stations, chairs for the adult computer lab, and help and reference service desks.

Nevada statutes and Board Policy require that a request for bids be advertised for contracts exceeding \$25,000. Statutes allow the District, in lieu of advertising a request for bids, to use a previously bid contract of the State of Nevada or other municipality for purchasing, contingent upon the authorization of the contracting vendor.

The State of Nevada currently has a contract (RFP No. 1480) with Machabee Office Environments for various furnishings. The contract offers significant discounts and requires no minimum purchase. The contract is awarded for the term of July 20, 2005 through August 31, 2007. Machabee Office Environments has authorized the District's use of contract pricing. The District has previously used the State's expired contract with Machabee and the company has provided excellent service.

Chair Davis-Hoggard moved to award the contract to Machabee Office Environments. There was no opposition and the motion was passed.

Counsel Welt confirmed that Chair Davis-Hoggard's motion covered both Item VIII.D. and Item VIII.E.

**Discussion and possible Board action regarding approval to purchase furnishings for the West Las Vegas Library Homework Help Center and**

Approved. See Item VIII.D.



**efficiency remodel project from Machabee Office Environments at previously bid contract rates of the State of Nevada (RFP No. 1480). (Item VIII.E.)**

**Discussion and possible Board action regarding contract award for interior design services with JMA Architecture Studios for the selection of furnishings and development of product specifications for bidding for the Centennial Hills Library. (Item VIII.F.)**

Mr. Rice introduced the item and explained that JMA Architecture Studios (JMA) is currently providing architectural services for Centennial Hills Library which includes services associated with the layout of furnishings and fixtures. JMA's performance to date has been excellent and in order to maintain continuity of design, staff is recommending that JMA also develop the furniture plan to include specifications for bidding and installation oversight for the library furniture, shelving, and accessories. The scope of work includes the selection of products, materials, and finishes and development of product specifications for bidding. JMA's proposed fee is \$24,905.00, plus typical reimbursable expenses billed at 1.15 times actual cost. The reimbursable expenses will bring the total contract figure over \$25,000.

Trustee Aguirre disclosed that he knows the principals of JMA Architecture Studios but can make an independent decision regarding the item. Counsel Welt confirmed Trustee Aguirre can move and vote on the item.

Trustee Aguirre moved to authorize the Executive Director to execute a contract with JMA Architecture Studios not to exceed \$24,905.00, plus authorized reimbursable expenses, for architectural services for the selection of furnishings and development of product specifications for bidding for Centennial Hills Library. There was no opposition and the motion passed.

**Discussion and possible Board direction regarding the FY 2007-2008 Tentative Budget submittal to the Department of Taxation and preparation for the May 17 budget hearing. (Item VIII.G.)**

Trustee Arthurholtz reported that the Finance and Audit Committee met on April 5 and asked Mr. James to update Trustees.

Mr. James explained to Trustees that the Executive Council has met to prepare recommendations for the preliminary General Fund budget for FY 07-08 and prioritized supplemental requests from staff for additional personnel, technology, equipment, maintenance & repairs, branch efficiency remodels, and the expansion of branches in underserved areas. The estimated revenue for FY 2007-2008 is \$62.9 million and is comprised mainly of property tax and consolidated sales tax revenue.

Mr. James continued to say that while the District was in the process of preparing a Tentative Budget for the FY 2007-2008, the State of Nevada Department of Taxation forwarded the latest revenue estimates for property taxes to the District. The State's estimate of \$41.8 million is approximately two million dollars higher than the \$39.8 million currently budgeted. Accordingly, staff will be working to finalize recommended expenditures for both the General (operating) and the

Capital Projects funds for major projects such as RFID, IT Networking Improvements, the West Las Vegas Homework Help and Efficiency remodel and contractor budgets for Centennial Hills, and branch efficiencies. Therefore, the tentative budget will be adjusted according to the final revenue estimates for the District's Budget Hearing scheduled for May 17, 2007.

Mr. James explained that the proposed preliminary General Fund budget amounts to \$53.7 million, a 7.8%, or \$3.9 million increase as compared to FY 06-07. An \$11 million transfer is proposed from the general fund to be appropriated to the different programs within the Capital Projects Fund. James also said that the Executive Council is meeting on April 23, 2007, to discuss and review Capital Expenditures for Fiscal Year 2007-2008 to present at the Budget Hearing on May 17.

Mr. James said that, pending Board direction for any additional changes, staff will prepare a FY 2007-2008 Proposed Budget that incorporates any necessary adjustments subsequent to the administrative filing of the FY 2007-2008 tentative budget with the Department of Taxation.

There were no questions from the Board. The item required no action.

**District Counsel will provide a briefing on the recent Nevada Employee-Management Relations Board ruling for possible Board Discussion. (Item VIII.H.)**

Counsel Welt briefed Trustees on the results of the Employee-Management Relations Board (EMRB) decision in the dispute between the District and the Teamsters 14 bargaining unit. A hearing had been held late in 2006 and both sides submitted extensive briefs covering a number of legal issues prior to the EMRB issuing a decision. The somewhat abbreviated decision issued by the EMRB was unfavorable to the District.

Mr. Welt advised Trustees that, in reviewing the decision, it was felt that the EMRB did not respond to all of the issues raised in the briefs. In order to resolve the issues for the District, members of the bargaining unit and indeed all public employees, Welt advised Trustees that the EMRB decision has been appealed to District Court. Welt said he hopes the court will provide a full legal briefing and response to all the legal issues raised by both sides. The process could take months, if not years, to finally resolve.

Chair Davis-Hoggard asked that Trustees be advised periodically of the progress. Mr. Welt said Trustees would receive updates at every step.

**Announcements (Item IX.)**

The next Board Meeting will be held Thursday, May 17, 2007 in the Las Vegas Library at 6:00 p.m.

**Public Comment (Item X.)**

Mr. Edward Watson, President of the Friends and Family of West Las Vegas Library. Mr. Watson had not signed in, but Chair Davis-Hoggard allowed him to speak and advised him, in future, to make sure he signs in if he wishes to speak.

Mr. Watson said that one of the issues his organization was concerned about was employment within the District for African-Americans and other minorities. He referred to the employment of minorities by the

contractor chosen for the project at the West Las Vegas Library. Watson said he knows that one of the contractors, Richardson Construction Inc., is an African-American-owned firm and he hoped that it would be chosen for the job. Since the District chose another contractor, he hopes that the chosen contractor does employ African-Americans and other minorities.

Chair Davis-Hoggard thanked Mr. Watson for his comments.

**Adjournment (Item XI.)**

Chair Davis-Hoggard moved to adjourn the meeting at 7:25 p.m. There was no opposition and the motion carried.

Respectfully submitted,

Kelly Benavidez, Secretary