

MINUTES
LAS VEGAS-CLARK COUNTY LIBRARY DISTRICT
BOARD OF TRUSTEES' MEETING
LAS VEGAS, NEVADA
August 12, 2008
(approved September 11, 2008)

The Board of Trustees of the Las Vegas-Clark County Library District met in regular session in the Las Vegas Library, Las Vegas, Nevada, at 6:00 p.m., Tuesday, August 12, 2008.

Present:

Board:	F. Barron, Chair	L. Overstreet
	A. Arthurholtz	A. Aguirre
	V. Davis-Hoggard	K. Benavidez
	K. Carter	E. Sanchez
	J. Costello	R. Kirsh

Counsel: G. Welt

Absent: K. Benavidez (excused)

Staff: Daniel L. Walters, Executive Director
Numerous Staff

Guests: Kathy Ong/Jim Chachas, Hobbs Ong & Associates, Inc.
Cameron Stuart, Clarity Advisors to Management

F. Barron, Chair, called the meeting to order at 6:07 p.m.

Roll Call All members listed above represent a quorum.

Agenda Chair Barron thanked Trustees for the honor of being elected Chair. She asked that Trustees raise their hand if they want to speak and, if a staff member is speaking, to wait until the staff member is finished.

Chair Barron asked if any Trustees wanted to consider any of the consent agenda items separately. Trustee Costello requested that Items VIII.B.1-2. be considered separately from the rest of the Consent Agenda. Trustee Davis-Hoggard requested that Item VIII.B.5. be considered separately from the rest of the Consent Agenda. Trustee Davis-Hoggard moved to approve the Agenda as changed. There was no opposition and the motion carried.

Executive Session – Possible briefing by Counsel regarding pending litigation. (Item III.) Counsel Welt advised Trustees that he could update them in open session regarding the matters involving the Friends of Southern Nevada Libraries (FOSNL). There were several remaining items to resolve after the FOSNL had withdrawn their counterclaims. Mr. Welt reported that, for unknown reasons, the FOSNL attorney had then appealed the injunction the FOSNL had agreed to, to the Nevada Supreme Court. District litigation counsel was then instructed to submit a proposal to resolve all outstanding issues, which would include funding the opening day collection at Centennial Hills and some other items. Welt said the District has received the requested audit of the FOSNL books, which came back reasonably clean. He expected that FOSNL will receive the proposal in the next several days and the group will have two weeks to respond or the District will take the appropriate action.

**Approval of
Proposed Minutes
(Item IV.)**

As stated on the Agenda, due to a staff emergency, the Secretary's proposed minutes for all meetings in June and July, 2008 will be presented for approval at the September, 2008 Board meeting.

**Chair's Report
(Item V.A.1-3)**

Chair Barron announced the FY 2008-2009 Committee assignments:

Standing Committees:

Executive Committee: M. Frances Barron, Chair, E. Louis Overstreet, Andrea Arthurholtz, Aldo Aguirre

Finance and Audit Committee: Aldo Aguirre, Chair, Andrea Arthurholtz, Kelly Benavidez, Ken Carter, Jamie Costello, Elaine Sanchez

Risk Management Committee: Ken Carter, Chair, Andrea Arthurholtz, Jamie Costello, Verlia Davis-Hoggard, Ron Kirsh

Bylaws Committee: E. Louis Overstreet, Chair, Andrea Arthurholtz and Counsel Gerald Welt

Special/Ad Hoc Committees:

Legislative Committee: M. Frances Barron, Chair, the Board will serve as a Committee of the Whole

Las Vegas Art Museum Board Representation: Aldo Aguirre, Verlia Davis-Hoggard

Ad-Hoc Design Review Committee: E. Louis Overstreet, Chair, Aldo Aguirre, Andrea Arthurholtz, Ken Carter, Ron Kirsh, Elaine Sanchez

After discussion, the Ad-Hoc Design Review Committee members agreed to meet on Tuesday, September 9 at noon at the Las Vegas Library. The purpose of the meeting is to review the plans for the Southwest Library and Service Center and the next phase of the branch efficiency remodels.

Chair Barron asked Trustees to review the proposed 2009 Board proposed meeting dates for any conflicts. Hearing none, she said the proposed dates would be accepted. The 2009 dates are:

January 8 – Las Vegas Library
February 12 – Las Vegas Library
March 12 – Clark County Library
April 9 – Las Vegas Library
May 21 – Las Vegas Library
June 11 – Clark County Library
July 9 – West Las Vegas Library
August 13 – Las Vegas Library
September 10 – West Las Vegas Library
October 8 – Las Vegas Library
November 12 – Las Vegas Library
December 10 – Clark County Library

All meeting days are Thursday, with a start time of 6:00 p.m.

Chair Barron presented Trustee Sanchez with a gift from Trustees and District staff on the birth of her daughter, Maya, on June 10. Sanchez thanked everyone and was given a round of applause.

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

Executive Director Walters reported on staff meetings with Commissioners, City Councilmembers and finance staff including Ed Finger, County Comptroller, and Mark Vincent, City Finance Director, regarding the District's proposed bond sale. Both the county and city have reviewed the District's finance plan for the upcoming hearings. Walters noted that District staff have generally been praised for the completeness of the proposed plan and the District's approach to funding a new facility. He pointed out the letter provided to Trustees from Commissioners Reid, Woodbury and Brager in support of the project. Walters reported that Councilman Reese is understandably disappointed the proposed new facility will not be built on the east side. Councilman Ross, who represents the area to be served by the new Centennial Hills Library, was especially supportive.

Mr. Walters reported that there are three qualified candidates for the Development Director position with interviews scheduled for September. He will be extending an invitation to Las Vegas-Clark County Library District Foundation board members to meet the candidates.

Trustee Overstreet asked about the closing date for the Development Director position listed on the web site. Mr. Walters noted that the position is open until filled and said that there had been some difficulty in finding qualified candidates. There had been a number of candidates who applied but had not met the District's requirements for the position.

Mr. Walters asked that Deputy Director Robb Morss discuss several items from the Public Services and Security Report, and General Services Director Steve Rice provide an update on the Centennial Hills construction including a tentative opening date.

Trustee Costello requested, in light of the recent article about access in the libraries, if Trustees could review the District's collection policy and access at a future date. Mr. Walters said that staff is open to any direction from Trustees on intellectual freedom and access, concerns about which seem to come in cycles. The District's current policy was a result of one of the cycles. Staff can provide background on the current collection policy in order that Trustees can understand the reasons behind its adoption. He noted that one of the reports contained incorrect information, reporting that the Child Internet Protection Act mandates filtering, which is not the case. The requirement is only applicable to libraries requesting reimbursement authorized by Congress on specific Internet-related expenses. The Supreme Court ruled that complying libraries must retain the ability to unlock filters if requested by users.

Trustee Aguirre began to speak about his concerns on access and Counsel Welt cautioned Trustees that the item was not on the agenda for discussion at the meeting. Chair Barron directed staff to add the issue to the agenda at the September meeting.

Trustee Sanchez moved to accept Reports VI.A.2-4 & 6. There was no opposition and the reports were accepted.

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

Deputy Director Robb Morss reported that, in August, branches will begin to withdraw all books on cassette as well as tapes in the VHS format. Both formats have not been published or purchased for over two years due to the increasing demand for books on compact disc and DVDs. With AV media being a popular item for District patrons, these outdated formats need to be taken out of the collection so that space can be made available for the formats that are currently being published and are in demand. The materials being withdrawn account for less than 1% of the circulation for the District overall.

Mr. Morss said that all discarded items will be gathered and sold at a special sale that will take place in the fall at one of the District's heritage fairs which usually draws a large number of participants throughout the day. Informational flyers will be posted at all branch libraries to alert patrons of this sale of books on cassette and tapes in the VHS format.

Mr. Morss also asked Trustees who are interested in tours of District branches and back-of-house areas to contact his office. Chair Barron encouraged Trustees to contact Mr. Morss regarding the tours.

Trustee Aguirre expressed his appreciation to Jim Hayes and his staff for their hard work in ensuring the collection is tagged for the RFID installation. Mr. Morss noted that Mr. Hayes and his staff are tagging at a faster pace than anticipated, working from midnight to 8:15 a.m.

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

Accepted.

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

Accepted.

Technology Report (Item VI.A.4.)

Accepted.

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

General Services Director Steve Rice updated Trustees on the Centennial Hills Library construction with slides showing the progress since March 2008. Mr. Rice said the construction is on schedule and contractors are working hard to meet the scheduled substantial completion date of December 2, 2008. Rice announced the tentative opening date is January 10, 2009.

Mr. Rice explained that there is a commissioning process the building must undergo due to the LEED requirements. For approximately one week no one can access the building so it can be flushed out but once that is completed District staff can begin moving in.

Trustee Kirsh asked about the parking availability.

Trustee Sanchez thanked Mr. Walters, Mr. Rice and Mr. James for their work in planning, funding and overseeing the construction of a new facility for an area that is in desperate need of District services.

Mr. Rice reported a fire at the Sunrise Library on Saturday, August 2. The fire was contained to a study room and occurred prior to the public opening. One of the AC units appears to have overheated and shorted out. Staff was evacuated and the Fire Department put out the fire. Damage estimates run between \$8,000-10,000.

Trustee Aguirre asked if the problem with the AC unit was isolated and whether staff would be inspecting similar units elsewhere in the District. Mr. Rice said that the AC type was unique to the Sunrise Library and was approximately five years old. They were all replaced.

Marketing Report
(Item VI.A.6.)

Accepted.

Trustee Sanchez moved to accept Reports VI.A.1 & 5. There was no opposition and the motion carried.

Unfinished Business
(Item VII.)

None.

Discussion and possible Board action regarding options for the Board's recruitment of qualified candidates and selection of a finalist for the position of Executive Director.
(Item VIII.A.)

Chair Barron introduced the item, which she said was intended to advance discussion and action regarding a strategy for recruitment and selection of a new Executive Director to assume duties in late May 2009.

Discussion at the July Board Retreat addressed concerns about costs associated with consulting services for succession planning and executive search services. It was also suggested that the Board conduct a search on its own, as well forego a search and determine whether there are qualified internal candidates who can fill the Executive Director position.

Counsel Welt's memo, which Chair Barron requested, outlined the general statutory parameters of the open meeting statute that prevented the Board from being able to oversee a confidential recruitment process and vet candidate applications in closed session. The memorandum also outlined the inherent contradictions with the Board's open recruitment practice and the principles established in the Board's Diversity Policy if the Board were to engage in a selective hiring process.

Due to concerns expressed about costs associated with broad-based consulting services addressing succession planning as well as executive search services, a revised proposal from local consulting firm, Clarity Advisors to Management, is enclosed for the Board's review and discussion. The firm has a history serving the District and other

government and non-profit agencies; there will be far fewer travel expenses, and Board and Counsel will have ready access to the consultant throughout the process. A schedule from the consultant is also attached that illustrates the necessity to begin work as soon as possible, with the aim of having a new Executive Director on board by the end of May 2009.

The Trustees' discussion focused on the cost and timing of the search, the quality of internal candidates, whether an interim director could be chosen from within the District to enable a longer search, the openness of the process and whether qualified candidates would apply if all parts of the hiring process were to be open, not simply the final interviews.

Trustee Sanchez moved to authorize counsel to negotiate a contract with Clarity Advisors to Management for executive search services not to exceed \$47,000 plus approved expenses. Chair Barron and Trustees Aguirre, Arthurholtz, Costello, Kirsh and Sanchez voted to approve. Trustees Davis-Hoggard and Overstreet voted to oppose. The motion carried (6 votes to 2 votes).

Consent Agenda

Trustee Carter moved to approve the Consent Agenda which consisted of Items VIII.B.3-4:

3. Discussion and possible Board action regarding the award of printing and mailing services contracts.

Authorize staff to award a printing services contract to Gill's Printing for Item #1, to Las Vegas Color Graphics for Item #2, to Passkey Systems for Item #3 and to Janway for Item #4 as specified in Bid No. 08-10, and to extend the contracts in subsequent years subject to available funding and continuing contractor performance standards outlined in the bid documents. In the event the lowest responsive and responsible bidder is not able to meet the terms of the contract, the Executive Director is authorized to award contracts to the next lowest responsive and responsible bidder.

4. Discussion and possible Board action regarding the Finance and Audit Committee's recommendation to approve authorization to joiner onto Clark County's contract with Main Street Capital Advisors (MSCA) for investment advisory services.

Authorize staff to joiner onto Clark County's contract with Main Street Capital Advisors for investment advisory services as of August 1, 2008, and authorize staff to extend the contract up to two (2) one-year periods beginning August 1, 2008, in subsequent years subject to available funding and continuing contractor performance standards outlined in the contract agreement.

There was no opposition and the motion carried.

(Items VIII.B.3-4.)

Discussion and possible Board action regarding contract awards for the purchase of furniture, shelving

The item is for the purchase of furniture, shelving and accessories for the Centennial Hills Library and other District libraries. Trustee Costello asked about the percentage of the award being used for other District libraries. Mr. Rice answered that Bid Group XIX covers that item and it is for eighty-six custom-designed self-check kiosks for RFID use; six

and accessories for the Centennial Hills Library and other District library branches. (Item VIII.B.1.)

will be located at the Centennial Hills Library while the rest will be located at the other urban branches.

Trustee Davis-Hoggard moved to authorize staff to award contracts to purchase furniture, shelving and accessories for the Centennial Hills Library and other District library branches in accordance with Bid No. 09-01 as follows:

Bid Group	Bidder	Amount
I	Hendrickson Butler	\$ 14,208.00
II	Machabee Office Environments	\$ 22,303.32
III	Machabee Office Environments	\$ 2,049.72
IV	Machabee Office Environments	\$ 4,213.50
V	Office Furniture USA	\$ 29,874.84
VI	Machabee Office Environments	\$ 20,259.51
VII	Machabee Office Environments	\$ 14,580.00
VIII	Machabee Office Environments	\$ 3,777.44
IX	Yamada Enterprises	\$ 69,160.00
X	Eustis Chair	\$ 50,496.00
XI	Huff Commercial Interiors	\$ 26,612.08
XII	Machabee Office Environments	\$ 3,130.92
XIII	Hendrickson Butler	\$ 5,351.82
XIV	Machabee Office Environments	\$ 10,572.92
XV	Machabee Office Environments	\$122,431.96
XVI	Huff Commercial Interiors	\$ 2,733.28
XVII	Office Furniture USA	\$ 1,380.81
XVIII	Faciliteq Architectural Interiors	\$281,962.71
XIX	Machabee Office Environments	\$479,531.08

There was no opposition and the motion carried.

Discussion and possible Board action regarding construction contract awards for the Enterprise, Las Vegas, Rainbow and Sahara West Libraries Phase 1 efficiency remodels. (Item VIII.B.2.)

Trustee Costello questioned whether the low bidders were Nevada-based firms and whether Mr. Rice had familiarity with the work of the winning bidders. Mr. Rice answered that Explorer Construction is a local company and both St. George Contracting and Agbayani Construction are based out of state, but are licensed in Nevada and on the State of Nevada approved contractors list. It will be each company's first time working on a District project. Rice noted, in response to a further question from Costello, that the District by statute must award the contract to the lowest responsive and responsible bidder.

Trustee Overstreet asked whether the 5% bidder's preference rule is still on the books. Mr. Rice responded that the preference is on projects over \$250,000. The Rainbow Library project fell into that category. Even with the 5% preference, Agbayani Construction's bid was still lower than the other competing bids.

Trustee Carter moved to authorize staff to award contracts for the Phase I efficiency remodel projects and approve funding for potential change orders as follows:

Bid No. 09-02 – Enterprise Library Efficiency Remodel

Bidder	Bid Amount	Funding for Potential Change Orders
Explorer Construction	\$147,949.68	\$29,590.00

Bid No. 09-03 – Las Vegas Library Efficiency Remodel

Bidder	Bid Amount	Funding for Potential Change Orders
St. George Contracting	\$188,888.88	\$37,778.00
Additive Alternate	\$ 45,000.00	

Bid No. 09-04 – Rainbow Library Efficiency Remodel

Bidder	Bid Amount	Funding for Potential Change Orders
Agbayani Construction	\$315,900.00	\$63,180.00

Bid No. 09-05 – Sahara West Library Efficiency Remodel

Bidder	Bid Amount	Funding for Potential Change Orders
St. George Contracting	\$138,888.88	\$27,778.00

There was no opposition and the motion carried.

Discussion and possible Board action regarding an employment contract for Jerilyn D. Gregory. (Item VIII.B.5.)

Mr. Walters noted that, by statute and by direction of the Board, he is responsible for selecting and hiring at the District. He noted that Ms. Gregory is now a District employee. Walters said that what is at issue here is a contract with Ms. Gregory to forfeit her right to progressive discipline and become an at-will employee.

Trustee Davis-Hoggard expressed her disappointment that the District's Assistant Human Resources Director, a minority woman, was not considered for the position. Davis-Hoggard has been the recipient of comments from community members that the District's administration is bigoted due to its lack of diversity and felt that the new hire showed a lack of attention to affirmative action and the District's Equal Opportunity Policy.

Chair Barron expressed her disappointment with Trustee Davis-Hoggard's comments and said that the Diversity Policy & Equal Opportunity Policy applies to all staff, whether or not they are members of minority groups. She noted that Trustee Davis-Hoggard was on the Board when the current Diversity Policy was approved.

Counsel Welt reminded Trustees that the issue was not whether the individual should be hired, but whether to give the individual an employment agreement. Any discussion of the District's hiring policy needed to be addressed at a future meeting.

Trustee Sanchez moved to authorize the Executive Director to execute an at-will employment agreement for Jerilyn D. Gregory for the position of Human Resources Director effective July 14, 2008 subject to review by counsel. Chair Barron and Trustees Aguirre, Arthurholtz, Carter, Costello, Kirsh and Sanchez voted to approve. Trustees Davis-Hoggard

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and Overstreet voted to oppose. The motion carried (7 votes to 2 votes).

**Further discussion and adoption by the Board of the "Draft" Strategic Service Plan for the years 2008-2011 for the Las Vegas-Clark County Library District.
(Item VIII.C.)**

Mr. Morss reviewed the changes incorporated into the draft of the *Strategic Service Plan* for the years 2008-2011, especially since June 2008. Language was added to strengthen the direction that while the consultant made recommendations for new construction priorities, the Board would make the final decision on building criteria and phasing for new construction.

Trustees Arthurholtz and Sanchez thanked staff for attention to their concerns about the language in the plan.

Trustee Aguirre moved to adopt the *Strategic Service Plan* for the years 2008-2011 for the Las Vegas-Clark County Library District with the proposed revisions. There was no opposition and the motion carried.

**Discussion and possible Board action regarding Resolution No. 2009-01 directing the Executive Director of the Las Vegas-Clark County Library District to notify the Clark County Board of Commissioners and the City Council of the City of Las Vegas of the District's proposal to issue medium-term bonds for library purposes, calling for public hearings and other related matters.
(Item.VIII.D.)**

Mr. James reported on meetings he and Mr. Walters have had with City and County staff and elected representatives in preparation for the public hearings scheduled for the Clark County Board of Commissioners and Las Vegas City Council.

Trustee Overstreet asked about the cost savings expected from the addition of the distribution center and consolidation of the service support functions at the Southwest Service Center to the Library project. Mr. James promised to provide that information. Dr. Overstreet suggested that the information be available prior to the public hearings.

Dr. Overstreet then started to discuss his opposition to the addition of the distribution center to the project and was advised by Mr. Welt that only the request for hearings was covered under the agenda item. Welt suggested that his comments are better suited to the public hearings.

Trustee Costello noted that he was not in favor of the Southwest Library and Service Center project but would be voting yes on the motion as he feels more discussion on the project would be helpful.

Trustee Aguirre moved to pass Resolution No. 2009-01. Chair Barron and Trustees Aguirre, Arthurholtz, Carter, Costello, Davis-Hoggard, Kirsh and Sanchez voted to approve. Trustees Overstreet abstained. The motion carried (8 votes yes, 1 abstention).

**Announcements
(Item IX.)**

The next Board Meeting will be held Thursday, September 11, 2008 in the West Las Vegas Library at 6:00 p.m.

**Public Comment
(Item X.)**

None.

**Adjournment
(Item XI.)**

Chair Barron adjourned the meeting at 7:24 p.m.

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Respectfully submitted,

Andrea Arthurholtz, Secretary

APPENDIX A

LVCCLD TRUSTEE ATTENDANCE

2008		July 3 Ad-Hoc Retreat Prop	July 10 Risk Mgmt Cmte	July 10-11 Board Retreat	August 8 F&A Committee	August 12 Board Mtg			
Aguirre	Aldo		A-E	P	P	P			
Arthurholtz	Andrea	P	P	P	P	P			
Benavidez	Kelly			P	P	A-E			
Carter	Ken		A-E	A-E	P	P			
Costello	Jamie		P	P	P	P			
Davis-Hoggard	Verlia	P		P		P			
Kirsh*	Ron			P		P			
Overstreet**	E. Louis	P		P	A-E	P			
Sanchez	Elaine			A-E	P	P			
Barron	M. Frances	P	P	P	P	P			

attended committee meeting but not a member

* appointed May 21, 2008

** resigned as of August 13, 2008