

MINUTES
LAS VEGAS-CLARK COUNTY LIBRARY DISTRICT
BOARD OF TRUSTEES' MEETING
LAS VEGAS, NEVADA
February 12, 2009
(approved March 12, 2009)

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., Thursday, February 12, 2009.

Present: Board: F. Barron, Chair K. Carter
V. Davis-Hoggard A. Arthurholtz
A. Aguirre (via phone) E. Sanchez
K. Benavidez R. Kirsh
K. Crear

Counsel: G. Welt

Absent:

Staff: Daniel L. Walters, Executive Director
Numerous Staff

Guests: Cameron Stuart, Clarity, Inc.
Steve McCoy, Kirk Selby, Tom Devlin and Cathy Bolz

F. Barron, Chair, called the meeting to order at 6:01 p.m.

Roll Call All members listed above represent a quorum. Trustee Aguirre participated in the Executive Session via telephone, calling in approximately 10 minutes after it began. He participated in the regular meeting via telephone, calling in at approximately 6:49 p.m. Appendix A.

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

Executive Session (Item III.) Chair Barron advised attendees that the Executive Session would be closed and said that it would cover litigation and labor issues. Trustee Benavidez moved to adjourn into Executive Session. There was no opposition and the motion carried.

Trustees adjourned into Executive Session at 6:02 p.m. Trustee Aguirre was present via telephone during the Executive Session, calling in approximately 10 minutes after the Executive Session began.

Trustee Davis-Hoggard moved to reconvene the meeting. There was no opposition and the motion carried. The meeting reconvened at 6:46 p.m.

Approval of Proposed Minutes Regular Session, January 8, 2009. (Item IV.A.) Trustee Carter moved to approve the Minutes of the Board of Trustees Meeting held January 8, 2009. There was no opposition and the motion carried.

Minutes - Board of Trustees' Meeting

February 12, 2009

Page 2

Chair's Report (Item V.)

Chair Barron, who is also a member of the Las Vegas-Clark County Library District Foundation Board of Directors, updated Trustees on recent Foundation activities. The Foundation met on February 11 and Thomas C. Lawyer is the current Foundation President. Tim Wong, a former member of the Trustees, Kristine Hipwell and Patrick Klenk are also on the Foundation Board. Barron also acknowledged the work of Danielle Milam, Development Director, who is working with the Foundation Board.

Chair Barron said the current members of the Foundation Board want to underscore the relationship between the Foundation and the Trustees. The Foundation is a 501(c)(3) organization and is attempting to create a program where its donations augment the District's Capital Projects Fund to do some of the extra things for the community.

One of the Foundation's projects will be to fill the gap created by the termination of the District's relationship with the Friends of Southern Nevada Libraries. At the March meeting of the Trustees, the Foundation Board will present a plan to complement the District's *Strategic Service Plan* by partnering with the District to help in augmenting its services.

Trustee Aguirre called in during Chair Barron's comments.

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

Executive Director Walters reported verbally due to an exceptionally busy month. He said that he attended the ALA Midwinter Meeting and went to Carson City to meet with District lobbyist Robert Crowell and attend the Cultural Affairs Department budget presentation to the Assembly and Senate Ways and Means committees who met in joint session.

Mr. Walters expected a very hectic legislative session. One of his chief concerns is to maintain the District's main sources of income, the sales and property tax revenues. Walters plans to work with the District's lobbyist and other City and County representatives to keep an eye on the possible efforts by the State to change the allocation from local to state control. Currently, only cities and counties have been affected by the proposed executive budget, not special districts.

Mr. Walters also attended the budget presentation from the Department of Cultural Affairs, which he described as "exceptionally disheartening." The proposed budget will decimate the division as museums will be closed, the new museum under construction at the Springs Preserve will not be able to open and the State Library will cut its hours and limit access to its collections.

Mr. Walters said that fortunately, funding for collection allocations in the proposed budget was preserved at half its current levels, so that Walters expected the District to receive several hundred thousand dollars as its share. Also maintained at half its current level was the database funding for K-12 grade levels. District staff played a leading role in obtaining the original funding for these databases from the State.

Minutes - Board of Trustees' Meeting

February 12, 2009

Page 3

Mr. Walters said that a former District Board Chair is currently Assemblyman Moises Denis who will be chairing the Cultural Affairs Subcommittee of the Ways and Means Committee overseeing the final budget.

Mr. Walters said that attending the ALA Midwinter Meeting was a good way to say goodbye to longtime colleagues and friends.

Also, Mr. Walters reported that staff is wrapping up activities associated with the bond sale, authorized by resolutions approved by the Trustees in 2008. The bonds are expected to be sold on March 3, 2009, with the sale closed on March 25, 2009.

In response to a question from Trustee Davis-Hoggard, Mr. Walters said that Library Legislative Day in Carson City is scheduled for Tuesday, April 14, 2009. He will provide further information at the March Board meeting and encouraged Trustees to attend, if possible.

In response to a question from Trustee Aguirre, Mr. Walters explained that the District encourages as many Trustees as possible to attend to assist in scheduling meetings with Assembly and Senate members to discuss District concerns.

Trustee Davis-Hoggard asked to hear the Business Office Report.

Trustee Davis-Hoggard moved to accept Reports VI.A. 1, 3-7. There was no opposition and the reports were accepted.

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

Accepted.

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

In response to a question from Trustee Davis-Hoggard, Deputy Director, CFO Fred James reported that staff is meeting with rating agencies (S&P and Moody's) to review the bond issue. Staff would like to receive an AA rating from both agencies. A higher rating results in better interest rates for the issue. The legal document is being prepared and projections are updated regularly by Hobbs, Ong & Associates to take into account the changes caused by the current economy.

Mr. James said that nothing had changed, even with the updated budget projections, that would suggest that the District would not be capable of making the payments on the bonds. The District's budget has the flexibility required for this important step.

Mr. James reiterated that the bond sale will occur on March 3, 2009, and the sale will be closed on March 25, 2009.

Trustee Benavidez moved to accept the Business Office Report, VI.A.2. There was no opposition and the report was accepted.

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

Accepted.

Minutes - Board of Trustees' Meeting

February 12, 2009

Page 4

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

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

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

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

Unfinished Business Mr. Cameron Stuart from Clarity, Inc. discussed the status of the search and proposed schedule for interviews for the final candidates for the Executive Director position.

Discussion and possible Board action regarding a report from Cameron Stuart of Clarity, Inc. regarding executive search services. (Item VII.A.) Mr. Stuart said he had narrowed the pool of candidates down to four individuals and would further reduce that field to three by the time of the final interviews. Background investigations on each final candidate are being completed.

There was discussion about specific dates and times and the final schedule will be as follows:

Wednesday, February 25

Mr. Stuart will provide to the Board the following information for each final candidate: Cover letter, resume, background investigation results and a one page summary prepared by each candidate which sets out what they believe they can contribute to the District if selected.

Candidates arrive.

Thursday, February 26

Each candidate separately interviews with the Board of Trustees. Interviews are scheduled for 9:30 a.m., 12:30 p.m. and 2:30 p.m. in the Las Vegas Library 6th Floor Boardroom. This will be a posted Special Board meeting.

Candidates are also scheduled to be briefed by District staff in areas such as Public Services, Support Services and Collection Development when not interviewing with Trustees.

A "Circulating Dinner" is scheduled at 6:00 p.m. for the candidates, Trustees, EC members and Counsel Welt at the Golden Nugget.

Friday, February 27

Each candidate separately interviews with the Executive Council. Interviews will be scheduled for approximately the same time as on Thursday in the Las Vegas Library 6th Floor Boardroom.

Human Resources staff will conduct the candidates on separate tours of library branches when not interviewing with the Executive Council.

A reception is scheduled for 6:00 - 8:00 p.m. in the Las Vegas Library Multi-purpose Room. Invited guests include Las Vegas City and Clark County officials, local members of the Legislature and other members of the community to give them an opportunity to meet the candidates.

Saturday, February 28

Open Forum between 9:00 a.m. – noon at the West Charleston Library open to Library staff (on their own time) and members of the general public. Each candidate will give a presentation and participate in a question and answer forum.

The posted Special Board meeting will resume at 3:00 p.m. in the Las Vegas Library 6th Floor Boardroom when the Trustees will discuss and act upon their selection for Executive Director. Mr. Stuart said that he has discouraged the candidates from attending the 3:00 p.m. meeting.

Chair Barron thanked all Trustees for arranging their schedules to be available during the time period. She felt it was critical that all Trustees be present and participate.

Counsel Welt commented that the background information Trustees receive will be simply a note saying that the candidate cleared the investigation. No personal information would be shown.

Mr. Stuart discussed the interview format saying he would be facilitating the interviews and would ask each candidate a series of standard questions (suggested by Trustees, staff and Mr. Stuart) in the Trustees interview. Trustees will also have an opportunity to ask follow-on questions. The list of standard questions will be provided to Trustees on Thursday prior to the beginning of the interviews.

Mr. Stuart will then compile the results of the evaluations from the Trustees interviews, the Executive Council evaluations and evaluations filled out at the Open Forum and provide a short summary to Trustees for their review prior to their making a decision on Saturday at 3:00 p.m. Chair Barron said that Mr. Stuart would arrange to provide the information to Trustee Sanchez via fax as she will be calling in for the Saturday meeting.

Trustees asked whether they could suggest interview questions and the deadline for their submission, the order in which each candidate would be interviewed, whether the public would be invited to the Open Forum and for an overview of the candidates such as whether a minority or women were part of the final group.

Mr. Walters commented that, in keeping with the District's *Diversity Policy*, an extensive notification and recruitment process was done to advertise the position to all the minority channels normally used in recruitment to reach the widest audience possible. As the recruitment was done by the consultant, there was no postcard to identify the applicant's membership in a minority group as it would possibly reveal the applicants identity in the application process and undermine the EEO intent. In a normal application, the Human Resources Department would remove that information before passing along the application to the hiring department.

Chair Barron asked Mr. Stuart to review the process he went through to get to the final three candidates. Mr. Stuart said the position was advertised in various professional library journals and in monster.com. Mr. Stuart also personally contacted 147 individuals that he thought would qualify as candidates. Everyone who sent in an inquiry received a response within 48 hours. Stuart received approximately 50-55 responses which were whittled down to 35 prospects. Stuart was looking for candidates that demonstrated that they knew the circumstances, features and challenges of the District.

Each of the prospects participated in a phone interview with Mr. Stuart that lasted approximately 45 minutes to 1 hour. Stuart wanted candidates that emphasized leadership, not simply good management or administrative skills. He believed that the final candidates would show they were very conversant with the Library District and understand the District's *Strategic Plan*. He planned to ask questions that are designed to solicit answers that reflect the candidates understanding of leadership.

New Business

Discussion and possible Board action regarding proposed budget cuts for the Fiscal Year 2008-2009. (Item VIII.A.)

Mr. James introduced the item and advised Trustees that starting in December, 2008, Executive Council members have been reviewing their budgets for areas to reduce expenditures. All areas were reviewed in both the General Fund and Capital Projects Fund.

Due to the continuing slowdown in the receipt of consolidated sales tax and property tax receipts, staff is proposing cutting budgeted expenditures in the amount of \$5.1 million which corresponds to a 7% reduction in projected General Fund revenues. The proposed reductions, which affect all areas of the District's budget, are included as Appendix B.

Mr. James also noted that staff also reduced the amount to be transferred from the General Fund to the Capital Projects Fund from \$16.3 million to \$12.83 million. Staff believed that the reduction in budgeted expenditures will closely offset the anticipated reduction in revenue for the current fiscal year. James believed that the District will receive 95% of the expected budget, so the 7% reduction gives the District a small cushion.

Mr. James also noted that the cuts were permanent and not only for the 2008-2009 Fiscal Year. For the 2009-2010 Fiscal Year, the proposed budget amount will equal the reduced amount proposed at the meeting.

Mr. James also corrected the Marketing and Human Resources budget cuts in the information given to the Board. The correct amount to be cut for Human Resources is \$134,000 and for Marketing is \$50,000.

Mr. James emphasized that District staff and Hobbs, Ong & Associates have continually reviewed the revenue projections and have looked at multiple worst-case scenarios. In order to adjust to each scenario, all staff needs to do is make a slight adjustment to expenditures and the bond payments are covered. James was very proud that the reductions did not include cutting branch hours and staff. The reason,

he said, was that for the past several years, the District's budgets were very lean and planned out, under the direction of Mr. Walters.

Trustee Sanchez complimented staff on their restraint. She appreciated staff's work to cut the budget, not only for the current fiscal year, but also for the future. Staff has not forgotten the core principles of service to the community expressed in the hours each branch is open as well as the determination to save money to build a new branch. She is in favor of the budget cuts.

Trustee Sanchez moved to reduce the adopted General Fund expenditures as recommended by staff.

Discussion and possible Board action regarding construction contract re-awards for the Las Vegas and Sahara West libraries efficiency remodels. (Item VIII.B.)

Mr. Rice introduced the item to re-award construction contracts for the Las Vegas and Sahara West Libraries efficiency remodels. He explained that at the August 12, 2008 Board Meeting, the Board of Trustees authorized staff to award construction contracts for both projects to St. George Contracting. Contracts were awarded and notices to proceed were issued to the contractor on September 5, 2008.

Subsequently, staff cancelled both contracts for convenience on December 9, 2008, due to performance related deficiencies on the part of the contractor. Only about 25% of the work had been completed on both projects as of the date of cancellation.

In order to expedite the completion of the projects and to minimize the inconvenience and disruption of services to District patrons, staff recommended that contracts be re-awarded to the next lowest responsive and responsible bidders at the time of the original bid opening.

Staff recommended that Palmetto Construction be awarded the contract for the Las Vegas Library efficiency remodel in the amount of \$194,906.00, which included an additive alternative for installation of a storefront wall in the lobby to provide separation of the museum from the library to allow for independent entry into the museum. The Lied Discovery Children's Museum requested and will pay for the work.

Staff recommended that General Design and Construction be awarded the contract for the Sahara West Library efficiency remodel in the amount of \$145,695.00.

The value of the work completed on both projects will be agreed upon and credited by deductive change orders.

Since these are interior remodel projects, staff is recommending that a funding amount of 20% of each contract amount be approved for potential change orders required for the following reasons:

1. For work required due to changes in Library District program or use requirements.
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.

These funding amounts will be administered by staff in accordance with the Construction/Renovation Project Change Order Approval Policy and Procedure.

Counsel Welt commented that this is an unusual situation and the statute on construction is silent when a contractor is unable to perform. However, the statute on goods and supplies, which immediately precedes the construction statute and is very similar to a bid, specifically allows for the removal of the original choice of vendor due to the inability to perform and substitution of the second responsive and responsible bidder. Mr. Welt said he and real estate counsel recommended the solution proposed by staff as the most expeditious solution.

Trustee Kirsh asked about whether any penalties would be assessed. Mr. Rice said that St. George Construction, the contractor for both libraries, has 180 days after the contract was cancelled to submit a settlement proposal. None has yet been received. About 25% of the budget for each branch had been paid as progress payments for work completed through October, there was nothing paid in November as very little work was done. Rice anticipated a negotiated settlement.

Trustee Arthurholtz questioned the 180 day deadline. Mr. Rice said that the District was not going to wait to re-award the contract and that, if St. George Construction did not provide a settlement proposal, the District would be in a position to tell St. George Construction what the District would pay, if anything.

Mr. Rice noted that, in the case of the Las Vegas Library, the amount paid prior to the contract cancellation was \$30,000, in the case of the Sahara West Library, the amount paid was \$25,000.

Trustee Aguirre moved to authorize staff to re-award contracts for the Las Vegas and Sahara West Libraries efficiency remodel projects and approve funding for potential change orders as follows:

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

Bidder - Palmetto Construction

Bid Amount - \$194,906.00

Funding for Potential Change Orders - \$38,981.00

Additive Alternate - \$ 44,680.00

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

Bidder - General Design and Construction

Bid Amount - \$145,695.00

Funding for Potential Change Orders - \$29,139.00

...and to authorize staff to award contracts to the next lowest responsive and responsible bidders if bidders awarded a contract fail to provide required bonds and insurance coverage or otherwise fail to execute the contract.

There was no opposition and the motion carried.

Discussion and possible Board action regarding contract award for security guard services to AlliedBarton Security Services LLC. (Item VIII.C.)

Mr. Rice introduced the item and noted that the security guard services contract would expire on February 28, 2009. He reported that Wackenhut has had the security guard services contract for four years and did an excellent job but there were no more extensions allowed in the contract.

The Library District contracts for unarmed and armed security guard services on a scheduled basis and for special events for the twelve (12) urban branches. The District's urban branches are high volume, interactive, multi-use facilities that attract a variety of patrons. The demands require security guards who are experienced, well trained and project a professional image that instills a sense of confidence in patrons and staff that the guards are able to maintain a safe, secure and orderly environment. A request for bid proposals was developed that specified the desired requirements for unarmed and armed security guards for both scheduled and special events service.

The Request for Bid Proposals for Security Guard Services was advertised in the *Review-Journal* and the community-based minority newspapers. Additionally, the Invitation to Bid notices were faxed to all minority Chambers of Commerce and to firms listed in the Clark County and City of Las Vegas MBE, WBE, SBE, and PBE business directories and were posted on Clark County's "Fax on Demand" system. The proposal opening was held on January 23, 2009. Six proposals were received. One proposal was subsequently withdrawn by the submitting firm. A committee comprised of the District's Deputy Director, C.O.O., Deputy Director, C.F.O., General Services Director, Assistant General Services Director, and Health, Safety and Security Coordinator conducted a thorough evaluation of the remaining five proposals. The process involved a scoring and ranking of each proposal to establish a finalist.

AlliedBarton Security Services LLC. was selected for recommendation for contract award. The new contract will be effective March 1, 2009. The contract will have an initial term of one year with three optional one-year extensions. Mr. Rice noted that AlliedBarton was one of the top firms in the country with approximately 100 offices nationwide and with a huge presence locally.

The billable rate for unarmed guards will be \$13.77 per man-hour and for armed guards it will be \$21.75 per man-hour. Based on the current schedule of 1,463 man-hours per week for scheduled unarmed guard service and 468 man-hours per week for scheduled armed guard service, the annual contract amount will be \$1,576,848. Compared to the current contract, this represents an annual savings of \$203,000 and an \$812,000 savings over the potential four year life of the contract. The annual cost for special events guard coverage will vary by volume of use.

He introduced members of the AlliedBarton Security Services staff who were present at the meeting (Steve McCoy, Business Development Manager; Kirk Selby, local District Manager; Tom Devlin, VP of Business Development –Southwest Region and Kathleen Bolz, VP of

Operations) and said they would be happy to answer questions from Trustees.

In response to questions from Trustees Sanchez and Chair Barron, Mr. McCoy said that Allied was founded in 1957 and acquired Barton in 2004 to create the AlliedBarton name. The company has 105 offices around the country and 52,000 officers. The company opened an office in Las Vegas in 1987. They handle security for the Richmond, VA library and other local public institutions and hospitals such as NV Energy, College of Southern Nevada, the Galleria Mall and both St. Rose and Sunrise hospitals.

Trustee Kirsh asked if specific officers would be assigned to each location or would be rotated around. Mr. McCoy said that officers would be assigned to each location in most cases. There would be some odd shifts in which an officer may go to a different location, but those are small in number. He assured Trustees that officers assigned to each location would be familiar with the ins and outs of each branch and would not be rotated around.

Trustee Davis-Hoggard and Trustee Benavidez asked about whether the current security staff would be retained. Mr. McCoy said that talking to each officer would be part of the transition. Each officer would have to qualify, but AlliedBarton is eager to employ the officers familiar with each branch. McCoy added that he would be working with Steve Rice and branch managers to solicit recommendations for the current security staff.

In answer to questions from Chair Barron, Mr. McCoy said that locally the firm had approximately 600 officers and currently about 60 have their armed guard certification. With the contract award, there are 10-12 armed posts, so depending on the number of current officers who choose to stay, the company will be able to pull from their current employees and normal recruiting. Most of the employees are full-time, but AlliedBarton is starting to hire some staff for part-time positions.

Mr. Rice added that staff has been concerned for the current security officers as they have been doing a good job. Wackenhut did communicate with each officer informing them of the change and the opportunities to apply with the new security contractor.

Trustee Kirsh moved to authorize staff to award a contract to AlliedBarton Security Services LLC. for security guard services in accordance with RFP NO. 09-16 and to authorize staff to extend the contract in subsequent years subject to funding being available and the contractor continuing to meet performance standards outlined in the request for bid proposal documents. There was no opposition and the motion carried.

Mr. Walters extended his appreciation and congratulations to Mr. Rice and his team for putting together a good bid document which brought out some very competitive bidding. The new contract provided extensive cost savings which will help the District. He also extended thanks to the new vendor for their efforts.

**Announcements
(Item IX.)**

Chair Barron announced that interviews for the Executive Director candidates will be held on Thursday, February 26 by the Board and Friday, February 27 by the Executive Council. On Saturday, February 28, there will be an Open Forum for staff and the public to ask questions of the three candidates which will be followed by a meeting of the Board so they may make their selection.

In response to a question from Trustee Aguirre, Mr. Stuart confirmed that after the selection of a new Executive Director, the next step would be for Mr. Stuart and Counsel Welt to negotiate a contract with the Board's choice.

The next Board Meeting will be held Thursday, March 12, 2009 in the Clark County Library at 6:00 p.m.

**Public Comment
(Item X.)**

None.

**Adjournment
(Item XI.)**

Chair Barron moved to adjourn the meeting at 7:59 p.m. There was no opposition and the motion carried.

Respectfully submitted,

Andrea Arthurholtz, Secretary

