

MINUTES
LAS VEGAS-CLARK COUNTY LIBRARY DISTRICT
BOARD OF TRUSTEES' MEETING
LAS VEGAS, NEVADA
June 11, 2009
(approved July 7, 2009)

The Board of Trustees of the Las Vegas-Clark County Library District met in regular session in the Clark County Library, Las Vegas, Nevada, at 6:00 p.m., Thursday, June 11, 2009.

Present:

Board:	F. Barron, Chair	
	V. Davis-Hoggard	A. Aguirre
	K. Benavidez	R. Kirsh
	K. Crear	L. Carrasco
	M. Saunders	C. Reese

Counsel: G. Welt

Absent:

Staff: Daniel L. Walters, Executive Director
Numerous Staff

Guests: Former Trustee Andrea Arthurholtz

F. Barron, Chair, called the meeting to order at 6:05 p.m.

Roll Call (Item I.) All members listed above represent a quorum. Trustee Crear attended via telephone. Appendix A.

Agenda (Item II.) Chair Barron announced that there was no need for an Executive Session and removed it from the Agenda. Trustee Davis-Hoggard moved to approve the Agenda as changed. There was no opposition and the motion carried.

Executive Session (Item III.) Removed.

Approval of Proposed Minutes Regular Session, May 21, 2009 and Nominating Committee Meeting, June 3, 2009. (Item IV.A-B.) Trustee Davis-Hoggard moved to approve the Minutes of the Board of Trustees Meeting held May 21, 2009. There was no opposition and the motion carried.

Trustee Aguirre moved to approve the Minutes of the Nominating Committee Meeting held June 3, 2009. There was no opposition from Committee members and the motion carried.

Chair's Report (Item V.) Chair Barron presented former Trustee Andrea Arthurholtz with a clock inscribed with her years on the Board of Trustees and thanked her for her service to the District. Barron said she had been honored to work with Arthurholtz for several terms and said she had been an inspiration, a voice of reason and source of good advice. Barron noted that Arthurholtz always was eager to participate in various Board Committees and District events as well as the Board meetings. Arthurholtz also frequently travelled to the ALA conferences and other

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Library Association meetings and participated in the national group formerly known as the Association of Library Trustees and Advocates.

Ms. Arthurholtz said it had been an honor to be on the Board of such a great organization and work with the other Trustees and staff.

Trustees Benavidez, Aguirre, Davis-Hoggard, Saunders and Kirsh added their comments, thanking Ms. Arthurholtz for her assistance to new members and for expressing her strong convictions and wished her the best for her greatly expanded free time.

Chair Barron then presented Executive Director Walters, who will retire June 18, with an "open book" made of plexiglas that was inscribed with his dates of employment and the thanks of the Board. She thanked him for his service, his leadership and his inspiration for her as Board Chair. Barron acknowledged that Walters is leaving big shoes for the incoming Executive Director to fill.

Trustees Davis-Hoggard, Benavidez, Aguirre, Kirsh and Saunders added their comments, thanking Mr. Walters for his service, leadership, passion, commitment and ability to navigate a tough job. Mr. Walters was given a round of applause.

Mr. Walters asked if he could speak and Counsel Welt reminded him of the three minute public comment period amid laughter.

Mr. Walters said none of the remarkable achievements of the District during his tenure was accomplished by himself and that nothing could have been done without the tremendous will of the Board.

Mr. Walters then said his first "thank you" was to the District staff. He lauded them for their work, day in and day out, especially when their workload increased 100% and more over the years Walters led the District. He credited the staff with winning the Library of the Year honor and acknowledged their work with the public, the caliber of programming in District facilities, the high quality of the authors, lectures and presentations, and the work of staff in getting a record number of new books and materials for patrons. He noted that investments in technology are the reason District staff are able to handle approximately 70,000 items in transit each day. Walters continued to say that he is proud to say that the staff is the reason the District is one of the best urban libraries in the country and are enriched by the rural component. He remarked that not many people know that the District is 8,000 square miles and District materials circulate to all areas.

Mr. Walters gave a special "thank you" to Chair Barron. He remembered that they met during their time in Leadership Las Vegas with Barron coming in as the president of the largest woman-owned business in Nevada. When she found out Walters was a librarian, Barron said she wanted to get to know him because, she said, libraries were at the core of her success. He said he started recruiting her for the Board at that time.

Mr. Walters then talked about the opportunity and responsibility he and District staff have in public service. Walters said he had had a wonderful career of 30+ years in public service.

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Walters concluded by saying that District staff were a wonderful group of professionals and that the Trustees had been a tremendous support and he thanked both. He was so happy to see some familiar faces in the audience and thanked everyone for coming.

Chair Barron spoke directly to the District staff and said that librarians make a difference in the lives of other people every day and thanked them for their work. She then said that Mr. Walters will continue to be part of the District, even in retirement, by presenting him with a "lifetime" library card. Mr. Walters thanked Barron and said he will appreciate the access to the District's online offerings while in his new home at the foot of the Cascades.

Chair Barron then asked for volunteers to serve on the Risk Management Committee. Trustees Benavidez, Davis-Hoggard, Reese and Saunders agreed to serve with Chair Barron as an ex-officio member. After discussion, the Committee agreed to meet on Thursday, June 25 at 1:00 p.m. in the Las Vegas Library Boardroom to discuss the property and liability insurance coverage and make a recommendation for the full Board to consider at the July meeting.

Chair Barron asked that Trustees who would like to attend the Joint Chamber Luncheon on July 1, 2009, contact the Executive Assistant. The luncheon will be held at the Paris Las Vegas with Senator Harry Reid as the keynote speaker.

Chair Barron announced that there had been a request to change the date of the September 10 Board meeting. After discussion which focused on Thursday, September 17, several Trustees needed to check schedules so Chair Barron asked that Trustees bring their calendars to the July Board meeting and a final decision would be made at that time.

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

Mr. Walters gave his last report. He reported that the District did receive a challenge by the second lowest bidder on the Southwest Library and Service Center project (SWLSC). Core Construction protested the construction contract award to Martin-Harris Construction. Core filed a lawsuit and a request for a temporary restraining order (TRO) and asked for an expedited hearing to get the TRO put in place. The hearing took place in District Court on June 2 and the judge denied the request for a TRO, but she stayed her order for 15 calendar days to give Core time to attempt to produce a writ from the Nevada Supreme Court to overturn her decision.

Subsequent to the hearing, Core asked to settle the case by withdrawing its protest in exchange for the District releasing the \$250,000 bond Core provided when they filed their protest. Legal fees that had been incurred to date would be the responsibility of each side. Mr. Walters said that the District accepted the offer. Once the settlement agreement is signed by all parties and entered into the District Court record, the District will release the bond.

Mr. Walters also noted that the SWLSC groundbreaking, originally scheduled for Friday, June 12, had to be cancelled due to the stay put in place by the judge. The District was compelled to cease

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communications with Martin-Harris while the stay was in place. The re-scheduled groundbreaking date, Thursday, June 18, was chosen as the best date for the Chair, Trustees and staff before major construction began. It is also Walters' last day before his retirement.

Trustee Aguirre asked about the legal expenses incurred as a result of the Core protest and subsequent lawsuit. Mr. Walters said that the District has spent approximately \$25,000 on legal fees. The legal fees included counsel's work advising the Board prior to the May meeting's Executive Session as well as preparing for the hearing on the TRO in District Court. Walters added that if Core had pursued its case to the Nevada Supreme Court there would have been the risk of further legal fees as well as expenses involved in delaying the project.

Trustee Kirsh asked what line item the legal fees for the SWLSC project would be charged to. Mr. Walters said that legal fees have their own account, but in terms of line-item accounting, the fees would be attributed to the SWLSC project costs. This is the case for every occurrence of special counsel being brought in to work on specific projects.

Trustee Aguirre asked why the legal expenses incurred by the District were not being covered by the bond provided by Core when they filed their protest. Counsel Welt explained that, as part of the negotiations, the District agreed to refund the full amount of the bond if Core did not pursue the case further. Mr. Walters commented that, when the District reviewed the legal costs going forward, that seemed a good resolution.

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

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

Approved.

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

Approved.

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

Approved.

Technology Report (Item VI.A.4.)

Approved.

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

Approved.

Marketing Report (Item VI.A.6.)

Approved.

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

Unfinished Business Counsel Welt reported on the current status of the litigation between
(Item VII.) the District and the Teamsters Local No. 14 (Teamsters) with the Local Government Employee-Management Relations Board (EMRB). Welt said that the Teamsters and the state Attorney General's office (for the EMRB) have both filed their opening briefs with the Nevada Supreme Court. The briefs do not have any new or unexpected information and special counsel Scott Abbot is preparing the District's response.

Mr. Walters reported on the discussions with other local government entities regarding filing *amicus curiae* briefs in support of the District's position. Walters is not sure that all of the entities, in light of the current budget situation, will have the resources to commit to filing a brief, but they have been supportive of the District's position. Walters said the Clark County School District, Clark County government, City of North Las Vegas and City of Henderson have been among the entities approached.

Consent Agenda

1. a. Discussion and possible Board action regarding approval of

selection of a special inspections and materials testing agency for the Southwest Library and Service Center as outlined in RFQ No. 09-19.

b. Discussion and possible Board action regarding contract award for special inspections and materials testing services for the Southwest Library and Service Center.

2. Discussion and possible Board action regarding

Trustee Davis-Hoggard moved to approve the Consent Agenda which consisted of Item VIII.A.1-2 in its entirety.

Item VIII.A.1.a. Approve selection of Geotechnical & Environmental Services, Inc. to provide special inspections and materials testing services for the Southwest Library and Service Center project as outlined in RFQ No. 09-19.

Item VIII.A.1.b. Authorize staff to award a contract to Geotechnical & Environmental Services, Inc. in the amount of \$209,460.00 to provide special inspections and materials testing services for the Southwest Library and Service Center project as outlined in RFQ No. 09-19; and approval of a contingency fund amount of \$21,000.00 to be administered by staff for potential additional inspections and testing that may be required.

Item VIII.A.2. Authorize staff to make ongoing purchases of computer hardware and software, telecommunications hardware, and other related infrastructure improvements over \$50,000 for Fiscal Year 2009-2010, as approved in the District's Adopted Budget by the Board of Trustees.

There was no opposition and the motion carried.

the approval for staff to make ongoing purchases of computer hardware and software, telecommunications hardware, and other related infrastructure improvements over \$50,000 for fiscal year 2009-2010.

(Item VIII.A.1-2.)

Discussion and possible Board action regarding construction contract awards for the Whitney and West Charleston libraries efficiency remodels.

(Item VIII.B.)

General Services Director Steve Rice discussed the proposed construction contract awards for the Whitney and West Charleston libraries efficiency remodels. Rice advised Trustees that funds were allocated in the Capital Projects Fund for the Whitney and West Charleston libraries efficiency remodels.

Invitations to Bid were 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 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 openings were held on May 29, 2009. Numerous bids were received and were very competitive. The low bids for both projects are less than the estimates and within budget. The low bidder for the work at the Whitney Library was Hi-Con Inc. with a bid of \$119,900. The low bidder for the work at the West Charleston Library was Craft Construction Co. with a bid of \$361,012.

Since these are interior remodel projects, Mr. Rice said that staff is recommending that a funding amount of 20% of each contract amount be approved for potential change orders required for the following reasons: for work required due to changes in Library District program or use requirements, when essential design/work has been inadvertently omitted, to correct errors in plans and specifications and to correct design/work when concealed conditions in existing facilities are exposed and found to differ from available information.

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

Trustee Reese asked whether the 20% proposed change order budget is typical. Mr. Rice said that the 20% figure is what the District has used in the past and does generally cover the change order amounts required. Mr. Walters added that the District uses a lower number in new construction but that with remodels, once the contractor starts

opening up areas, there is a greater chance of unknown items turning up that require change orders.

Trustee Kirsh asked about the estimated start time and duration of the projects as well as how many efficiency remodel projects will be occurring simultaneously. Mr. Rice answered that he expected the work on the Whitney Library to begin on July 6 with the work on the West Charleston Library to begin on July 13 and both projects are expected to take approximately 90 days to complete. Rice continued to say that there are currently six projects underway, but that several are due to finish shortly and that by the time the Whitney and West Charleston projects begin, there will be only three projects underway. Kirsh added that the projects are moving quickly as he was at the Summerlin Library recently and could not believe how much had been done in a relatively short period of time.

Trustee Aguirre moved to authorize staff to award contracts for the Whitney and West Charleston libraries efficiency remodel projects to the lowest responsive responsible bidders and approve funding for potential change orders as follows:

Bid No. 09-20 – Whitney Library Efficiency Remodel

<u>Bidder</u>	<u>Bid Amount</u>	<u>Funding for Potential Change Orders</u>
Hi-Con Inc.	\$119,900.00	\$23,980.00

Bid No. 09-21 – West Charleston Library Efficiency Remodel

<u>Bidder</u>	<u>Bid Amount</u>	<u>Funding for Potential Change Orders</u>
Craft Construction	\$361,012.00	\$72,200.00

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 the election of Board officers for Fiscal Year 2009-2010 and accompanying Resolution 2009-04. (Item VIII.C.)

Nominating Committee Chair Aguirre reported on the Committee meeting held on June 3, 2009. The slate recommended by the Committee was as follows:

M. Frances Barron, Chair
Aldo Aguirre, Vice Chair
Ron Kirsh, Secretary
Verlia Davis-Hoggard, Treasurer

Trustee Aguirre moved for acceptance of the Committee's recommended slate as the nominees for the offices. There was no opposition and the slate was accepted.

There were no nominations from the floor.

Trustee Davis-Hoggard moved that the slate of nominees be accepted by acclamation. There was no opposition and the following Trustees were elected to serve as officers for the 2009-2010 Fiscal Year. M.

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Frances Barron, Chair; Aldo Aguirre, Vice Chair; Ron Kirsch, Secretary; and Verlia Davis-Hoggard, Treasurer.

Trustee Carrasco moved to pass Resolution 2009-04 authorizing Fred James, CFO and newly elected Treasurer Verlia Davis-Hoggard to execute checks on behalf of the Library District. There was no opposition and the motion was accepted. Appendix B.

**Announcements
(Item IX.)**

The Southwest Library and Service Center Groundbreaking will be held on Thursday, June 18, 2009 at 9:00 a.m. at 7060 W. Windmill Lane at S. Rainbow Boulevard.

Staff Day will be held on Friday, June 19, 2009 at the Texas Station Hotel and Casino. Mr. Walters advised Trustees that new Executive Director Jeanne Goodrich will be making a presentation at the meeting. Trustees were also interested in speaker details. The Executive Assistant will email event and speaker information to Trustees.

The next Board Meeting will be held Tuesday, July 7, 2009 in the Las Vegas Library, 833 Las Vegas Boulevard N., Las Vegas, Nevada 89101 at 6:00 p.m.

Trustee Aguirre thanked Chair Barron for hosting a barbeque at her home in honor of Mr. Walters and his wife and thanked Trustees and families who were able to attend.

Trustee Davis-Hoggard reminded everyone of the Open House in honor of Mr. Walters' retirement on Tuesday, June 16 from 12:00 – 3:00 p.m. at the Las Vegas Library.

**Public Comment
(Item X.)**

None.

**Adjournment
(Item XI.)**

Trustee Davis-Hoggard moved to adjourn the meeting at 6:58 p.m. There was no opposition and the motion carried.

Respectfully submitted,

M. Frances Barron, Chair

APPENDIX B

Resolution 2009-04 Authorizing Checking Account Signature

WHEREAS, the Las Vegas-Clark County Library District (LVCCLD) adopted a Resolution on the 12th of June, 2008, providing that Deputy Director, Chief Financial Officer Frederick J. James Jr. and LVCCLD Board of Trustees Treasurer Aldo Aguirre were designated with the authority to execute any and all checks on behalf of the Las Vegas-Clark County Library District and an engraved signature plate was prepared in their names; and

WHEREAS, Aldo Aguirre, Treasurer of the LVCCLD Board of Trustees will complete his year term on June 30, 2009; and

NOW, BE IT RESOLVED that the following individuals shall have the authority to execute any and all checks on behalf of the Las Vegas-Clark County Library District as of July 1, 2009:

Frederick J. James, Jr., Deputy Director, Chief Financial Officer and
Verlia Davis Hoggard, Treasurer of the LVCCLD Board of Trustees

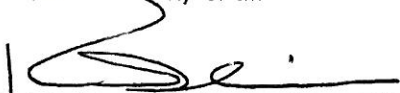
AND, THEREFORE RESOLVED that Frederick J. James, Jr., Deputy Director, Chief Financial Officer, as the acting representative of the LVCCLD and Verlia Davis Hoggard, Treasurer of the LVCCLD Board of Trustees shall be authorized to execute any and all checks on behalf of the Las Vegas-Clark County Library District until June 30, 2010.

This Resolution shall be spread at large, upon or attached in full to the minutes of the Las Vegas-Clark County Library District Board of Trustees.

PASSED, ADOPTED and APPROVED, this 11th of June 2009, LVCCLD Trustees.



M. Frances Barron, Chair



Attest: Member, Board of Trustees