

MINUTES
LAS VEGAS-CLARK COUNTY LIBRARY DISTRICT
BOARD OF TRUSTEES' MEETING
LAS VEGAS, NEVADA
November 12, 2009
(approved January 14, 2010)

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, November 12, 2009.

Present: Board: F. Barron, Chair A. Aguirre (via telephone)
V. Davis-Hoggard R. Kirsh
K. Benavidez K. Crear
M. Saunders (via telephone) C. Reese
R. Ence

Counsel: G. Welt

Absent: L. Carrasco

Staff: Jeanne Goodrich, Executive Director
Numerous Staff

Guests: Martha Ford, Piercy Bowler Taylor & Kern
David Dahan & Ruby Warthan, Orgill/Singer Insurance and Investments

F. Barron, Chair, called the meeting to order at 6:21 p.m.

Roll Call (Item I.) All members listed above represent a quorum. Trustees Aguirre and Saunders attended via telephone. Trustee Carrasco's absence was approved. Appendix A.

Agenda (Item II.) Chair Barron changed the order of the Agenda. Items IX.B. and IX.D. were moved up to be considered immediately after Item II. Trustee Kirsh moved to approve the Agenda with the changes outlined by Chair Barron. There was no opposition and the motion carried.

Discussion and possible Board action regarding the Finance and Audit Committee's recommendation to approve the audit performed by Piercy Bowler Taylor & Kern for the year ending June 30, 2009. (Item IX.B.) Deputy Director, C.F.O. Fred James reported on the Finance and Audit Committee meeting held on November 2, 2009 to review the 2008-2009 fiscal year audit of the District. Mr. James introduced Martha Ford, a principal from the District's auditors Piercy Bowler Taylor & Kern. Ms. Ford advised Trustees that the FY 2008-2009 Audit has been completed and that the firm will be issuing an unqualified opinion with no reportable items that would be required to go into the record. James advised Trustees that the Committee had recommended approval of the audit.

Trustee Davis-Hoggard, Chair of the Finance and Audit Committee moved to approve the 2008-2009 Audit Report as presented by Piercy Bowler Taylor & Kern, and to incorporate the Opinion Letter into the official minutes of the Board of Trustees November 12, 2009 Meeting. There was no opposition and the motion carried.

Appendix B.

Discussion and possible Board action regarding District provided Long-Term Care Insurance. (Item. IX.D.)

Human Resources Director Jerilyn Gregory presented the Long-Term Care insurance item. Ms. Gregory explained that in July of 2004, the Board of Trustees approved Orgill/Singer Insurance and Investments (Orgill/Singer) as the Library District's Broker of Record for Workers Compensation and Various Insurances effective October 1, 2004. She noted that one of the shared goals of the District and Orgill/Singer is to review the various forms of insurance available to determine if there are additional or alternative plans that would more closely meet staff's needs. Gregory said that an additional insurance benefit, Long-Term Care Insurance, has become available to the District's staff and their dependents. She stressed that this is a voluntary benefit that is of no financial cost to the District.

Orgill/Singer has put together a package outlining Long-Term Care Insurance through Unum Life Insurance Company of America, a well-known carrier in the insurance industry. Unum was the lowest cost provider of three companies participating in Orgill/Singer's bid process.

Ms. Gregory explained that long term care is the assistance received when someone needs help with two or more Activities of Daily Living—(ADL) such as dressing, bathing, going to the bathroom, eating or moving about or, when someone suffers a severe cognitive impairment such as Alzheimer's disease. The care could be provided in the home, in an assisted living or residential care facility, or in a skilled nursing facility such as a nursing home.

Ms. Gregory noted that anyone can need long term care at any time in their life. Automobile and sporting accidents; disabling events such as strokes, brain tumors, and spinal cord injuries; and disabling illnesses such as multiple sclerosis and Parkinson's disease are examples of injuries and ailments that can happen to anyone at any age.

Ms. Gregory said that statistics from a June 2007 Georgetown University study of long-term care policy options showed that nearly 41% of long term care is provided to people under age 65 who need help taking care of themselves due to diseases, disabling chronic conditions, injury, developmental disabilities, and severe mental illness.

Ms. Gregory also pointed to a recent assessment by the U.S. Department of Health and Human Services, which staff accessed on September 2009, reported that at least 70% of people over age 65 will require some long term care services at some point in their lives. And, contrary to what many people believe, Medicare and private health insurance programs do not pay for the majority of long term care services that most people need.

According to the Long-Term Care Insurance National Advisory Center, in 1994, 7.3 million Americans needed long term care (LTC) services at an average cost of nearly \$43,800 per year. By 2000, this number rose to 9 million Americans at nearly \$55,750 per year. It's currently near \$75,000 per year.

Ms. Gregory continued to say that, based on the rates quoted by Unum for the District, a 40-year-old employee who elects, for example, Plan 3

can expect to pay a monthly premium of \$45.60/month (\$22.80/paycheck). This plan selection would pay 100% of a \$4,000 monthly benefit for a Long Term Care Facility or 50% for Professional Home and Community Care benefit. This plan also includes a 5% simple inflation protection and has a three year duration.

Ms. Gregory reiterated that the District would not be responsible for these premium costs and that this is a voluntary benefit to be paid for by the employee. She then introduced David Dahan, President of Orgill/Singer Insurance and Investments, and Ruby Warthan, Group Benefits Broker who were available to answer questions regarding long-term care insurance.

Trustee Davis-Hoggard asked if the premiums would go up based upon age or disability. Ms. Warthan said that the premium cost is locked in for the duration of the policy based on the age at which the person joins the program. This contrasts with disability insurance which changes due to the age bracket the individual is in. Trustee Davis-Hoggard strongly encouraged staff to take advantage of the opportunity as she felt the premiums were very reasonable and the rates for long term care facilities would only increase.

Counsel Welt also favored the long term care insurance program, based upon his legal experience in other areas, and hoped Trustees would vote in favor. He encouraged staff to participate, noting that the only way the government helps with long term care is through Medicaid, the state's welfare program. This assistance comes only after individuals have gone through all their assets and are, essentially, broke.

Ms. Warthen also advised Trustees that employees are guaranteed coverage (no medical exams) at the time the program is initially offered up to the \$6,000 monthly benefit level. Family members of staff will also be able to take advantage of this offering with the same rates as staff, though these individuals would be required to go through medical underwriting and coverage is not guaranteed.

Trustee Kirsh disclosed that he has a business relationship with Mr. Dehan but that it will not preclude him from voting.

Trustee Davis-Hoggard moved to allow the Executive Director to enter into a contract for the District to provide Long-Term Care Insurance with Unum Life Insurance Company of America through the District's Broker of Record, Orgill/Singer Insurance and Investments, subject to review by counsel. There was no opposition and the motion carried.

**Las Vegas Library
branch presentation
(Item III.)**

Executive Director Jeanne Goodrich introduced Las Vegas Library Branch Manager Art Cabrales. Mr. Cabrales thanked Trustees for the opportunity to speak and provided each Trustee with a special, one-time newsletter that provided information about the Las Vegas Library building, demographics, collections, users and challenges faced by the branch.

Mr. Cabrales started working at the District in 1985 as a page at the Clark County Library. After completing his undergraduate degree and teaching for a year, Mr. Cabrales came back to the District as a library assistant working at the Spring Valley Library before getting his MLS

degree in Arizona. Upon his return to the District with the degree, he worked at the Las Vegas Library and as an Assistant Branch Manager at the Spring Valley and West Charleston libraries before returning to the Las Vegas Library as Branch Manager in 2001.

Mr. Cabrales explained that he works with a fantastic team and introduced the department heads that were present at the meeting: Theron Nissen, Reference; Ann Lagumina, Readers Services; Kimberly Conklin, Circulation. The Young Peoples Library department head Sandra Williams, and Scheduling and Production department staff member Eboni Palmer were not able to attend. There was a round of applause by attendees.

Mr. Cabrales briefly described the Las Vegas Library and its neighborhood. The current building, designed by Antoine Predock, and location date from 1990. The entire facility is 104,000 square feet and is home not only to the branch, but also to the District's Executive Administration as well as the Public Services, Support Services, Collection Development, Business Office, Development, Marketing and Graphics offices. In addition, the building is home to the Lied Discovery Children's Museum. The branch is one of the members of the Cultural Corridor Coalition, an officially recognized City of Las Vegas neighborhood association. The association name comes from the number of cultural and historical institutions located along Las Vegas Boulevard between Bonanza Road and Washington Avenue: the Neon Museum, Reed Whipple Cultural Center, Las Vegas Library, Lied Discovery Children's Museum, Cashman Center and the Las Vegas Old Mormon Fort. All these institutions participate in cultural programming to promote the area.

Mr. Cabrales continued his presentation by discussing the branch's demographics to show the important role the Las Vegas Library plays in its community. All statistics are from the *Strategic Service Plan 2008-2011*. Cabrales noted that 37% of the branch population is under 21 years of age and 50% of the population that is 25 years of age and older lacks a high school diploma. He was proud that the branch played a role in not only educating the K-12 grade population but also students from the College of Southern Nevada and UNLV as well as adults who need literacy or GED classes. With 22% of the families in the branch area falling below the poverty level, the branch provides them with computer and Internet access, reading, listening and viewing material as well as opportunities to connect with other people. Also, of the branch population that is 5 years of age and over, 35% do not speak English "very well" and 51% speak Spanish. The branch's Spanish language collection and dedicated learning spaces for Computer Assisted Literacy in Libraries (C.A.L.L.) ESL and literacy classes serve this population.

Mr. Cabrales provided further details of the Spanish language and other high demand collections. The Spanish language collection is made up of fiction and non-fiction reading materials such as books and magazines written in Spanish, as well as music CDs, DVDs and popular learning materials. The collection is in a prominent and easily located place in the branch with highly visible signage. The Spanish language

collection consistently accounts for 10% of the total monthly circulation for the branch, the highest in the District. The entire Las Vegas Library non-fiction collection often out-circulates that of other libraries that have greater total circulation such as the Summerlin, Sunrise, Whitney and West Las Vegas libraries. Some of the popular non-fiction subjects are graphic novels, psychology, parapsychology and the occult, true crime, gaming, cooking and general health.

While the Las Vegas Library has only one formal meeting room, the multi-purpose room, Mr. Cabrales said that an additional meeting space was created by converting one of the reading alcoves into a space to accommodate small groups. The multi-purpose room is the location of a wide variety of in-house and community meetings. Some of the community groups that utilize the space include the International Plastic Modelers Society, Vegas Gamers, Las Vegas Dogs in Competitive Events, Nevada Association of Legal Secretaries, United Blood Services, Civil War Roundtable, Engineers Without Borders and the Vegas Church of Christ.

The Las Vegas Library has several special collections. The branch serves as one of the District depositories for the Federal Depository Library Program and has a collection of federal government documents such as topographic maps, the U.S. Code and Nevada Test Site documents produced by the federal government. The branch also serves as a depository for State of Nevada documents. Mr. Cabrales acknowledged Mr. Nissen's work to catalog the federal documents into the District's online catalog and noted that Nissen is in the process of working on the State documents. Other items in the collection include a Las Vegas history collection that includes books, newspaper clippings, a card file index of the *Las Vegas Sun* and *Las Vegas Review-Journal* (1970-1982), city directories and telephone directories. Cabrales noted that the telephone directories were very popular with patrons. Finally, the collection includes a substantial number of bound copies of the *Las Vegas Age* newspaper which, in cooperation with UNLV, were digitized and made available through the District's website.

Mr. Cabrales noted the branch's contributions to the District's *Strategic Plan* via the heavily used Spanish language collection which directly addresses Goal 10: *Adults will have timely access to a wide variety of new and popular materials in various formats and languages.* The branch support of the District's C.A.L.L. program with classroom/computer lab space and YPL staff's support of C.A.L.L.'s backpack program directly supports Goal 8: *Adults will have the support they need to improve their literacy skills in order to meet their personal goals.* The backpack program offers students in C.A.L.L. classes the opportunity to checkout backpacks containing reading materials and games to share with their families to encourage family literacy.

The challenges faced by the Las Vegas Library include the large number of homeless patrons drawn to the neighborhood by the variety of organizations located in the area that serve them. The branch provides service to all patrons within the parameters of the District's *Mission Statement, Strategic Plan* and *Rules of Conduct.* The branch's

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computers offer the opportunity for patrons, in addition to continuing their education, to contact family and friends and apply for employment or unemployment benefits. The building also allows the homeless to get out of the weather.

Mr. Cabrales concluded his presentation by saying he was proud to be a librarian and member of the District team. He and his staff believe they are making a positive impact in the community and are grateful to Trustees for their commitment to excellence in providing library services to the members of the District's community. He provided his contact information for questions and said he would be available after the meeting for questions or a tour. There was a round of applause after Cabrales completed his remarks.

Trustee Kirsh asked whether security for the Las Vegas Library location required more staff than at other larger branches. Mr. Cabrales said that the security staffing, which included 24 hour coverage with one armed and one unarmed guard who are always present during the branch's open hours, is comparable to the District's largest branches such as the Clark County Library and serves to make the branch very safe.

Chair Barron congratulated Las Vegas Library staff for their professional handling of all patrons, including the homeless. She noted that Trustees spend a lot of time at the Las Vegas location due to meetings and she has had plenty of opportunity to observe the interaction between staff and patrons. She also has the utmost respect for the branch's reference staff as they were able to assist her in finding information for a legal case she was involved in. Barron said that Mr. Nissen was able to find a piece of information her attorney had been searching for and he did it in 20 minutes!

Executive Session (Item IV.)

Chair Barron announced that there was no need for an Executive Session.

Approval of Proposed Minutes Board of Trustees' Retreat, October 8, 2009. (Item V.A.)

Trustee Crear moved to approve the Minutes of the Board of Trustees' Retreat held October 8, 2009. There was no opposition and the motion carried.

Chair's Report (Item VI.)

Chair Barron reported that staff suggested cancelling the December 10, 2009 Board meeting.

Trustee Davis-Hoggard moved to cancel the December 10, 2009 Board of Trustees' meeting. There was no opposition and the motion carried.

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

Executive Director Goodrich thanked Mr. Cabrales for mentioning the District's participation in the Cultural Corridor Coalition. She said that the Coalition is sponsoring an event called "December to Remember" on Saturday, December 5 from 10:00 a.m. on. Walking tours will be offered which Goodrich looked forward to as she is a newcomer to Las Vegas. She invited Trustees to attend. The Las Vegas Library will host

a mariachi band and there will be activities at each of the participating organizations.

Ms. Goodrich also asked Trustees to mark their calendars as the reopening of the Meadows Library in the new Stupak Community Center has been tentatively scheduled for Monday, January 4, 2010, at 4:00 p.m. This will be the dedication of the new building. Trustee Benavidez requested that Trustees be notified once the date is confirmed.

Ms. Goodrich reported that District staff is continuing to closely monitor property tax and consolidated sales tax revenue collections and projections. As noted previously, these two revenue sources comprise 93% of the District's operating budget. In the current economy, reductions in these two revenue sources will impact the District's ability to operate libraries at the current level.

Ms. Goodrich emphasized that while staff will not have a clear picture until the end of November, it now looks very certain that staff will have to revise the District's revenue projections and expenditures downward approximately \$3,000,000 for this fiscal year. The Executive Council met on October 26 to identify both basic guidelines for making reductions to the FY 2009-2010 operating budget and proposed reductions.

Ms. Goodrich said staff will continue to gather information and implement additional cutback scenarios and provide a complete proposal to operate within available revenue for the balance of the current fiscal year at the January 2010 Board meeting. Staff will also discuss the initial projections to be used in budgeting for FY 2010-2011. Goodrich reported that one communication about the budget has gone out to all staff and additional communications are planned along with meetings with staff around the District. She has also asked for staff suggestions on ways to cut expenses.

Ms. Goodrich continued her report by saying that, as in previous years, the District was nominated by readers of *In Business Las Vegas* as one of Southern Nevada's Best Places to Work. This year 147 companies and organizations were nominated, more than double last year's total. *In Business Las Vegas* partnered with Quantum Workplace, a third-party research firm, to survey District employees and use analytical tools to rank top employers in four categories. Goodrich reported that the Las Vegas-Clark County Library District ranked eighth in its size category (101-500 employees; all employees were able to participate in the survey but *In Business* only used feedback from full time employees for its ranking).

Ms. Goodrich said that staff received a number of reports from Quantum and will be consolidating the information into a report to share with all staff members and the Board. She had wanted to conduct a "climate survey" of staff to establish a baseline and was very pleased that this activity provided the opportunity to do so. Goodrich reported that there was lots of good news produced by the survey along with some areas to improve. She will be working with Executive Council members, other managers, and staff to develop communication

tools and other vehicles to address areas of deficiency uncovered by the survey.

Ms. Goodrich briefly mentioned several areas where the District is attempting to save money while at the same time incorporating more sustainable practices.

The first area is the District's participation in the Club Ride Commuter Services program. This is a free program sponsored by the Regional Transportation Commission of Southern Nevada (RTC). It is designed to help reduce traffic congestion, improve air quality and mobility, encourage the use of commute alternatives, and ultimately create a more sustainable community. HR Specialist London Porter will serve as the District's program coordinator.

The second area was Ms. Goodrich and General Services Director Steve Rice's work to reinstitute recycling in the District's urban branches. Mr. Rice is in the final stages of finalizing the contract with Republic Services and they should be able to begin recycling many materials by the end of this month.

Ms. Goodrich reported that another area of savings and green practices being put into practice by staff that Trustees may not have noticed is that their Board packets have been printed on less expensive paper. There are also fewer sheets of paper as most sections are being copied on both sides. While this action will not make much of a difference to the overall budget, Goodrich said it shows the kind of thing staff are attempting to do. The change can save the District up to \$2,000 a year.

Trustee Crear asked whether staff planned to recycle existing furniture from their current locations to the Windmill Service Center once it has been completed. Ms. Goodrich said that most of the space plan at the Service Center would require system furniture with panels. This is not the case in the existing offices. There are also some LEED requirements to be considered with the office furniture.

Trustee Ence asked Ms. Goodrich if she believed that the reduction in tax revenues and its impact on the District's budget would continue. She said that, based upon the presentations she has attended, that revenues would continue to decline over the next several fiscal years. This means that staff budget preparation begins at a lower base amount than the previous year with several additional challenges such as the debt payment on the bonds, the need to staff the Windmill branch when it opens in 2011 and the general costs that automatically increase with time. Goodrich continued by saying that the District must also maintain reserves that have been so carefully built up and that have made the District "healthy" compared with other jurisdictions. She does not want to undercut the District's capacity for the future.

In response to a comment by Trustee Ence on who can be believed about economic forecasting, Ms. Goodrich said that District staff is taking the longer, conservative view that the recovery will be slow in the District's service area. She said staff plan to attend several of the

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economic presentations planned for the next several months and listen to all projections. Ence said he felt that was a very smart approach.

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

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

Approved.

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

Approved.

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

Approved.

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

Approved.

**General Services Report
(Item VII.A.5.)**

Approved.

**Marketing Report
(Item VII.A.6.)**

Approved.

**Development Report
(Item VII.A.7.)**

Approved.

**Unfinished Business
(Item VIII.)**

None.

Consent Agenda

Trustee Crear moved to approve the Consent Agenda, which consisted of Items IX.A.1-2., in its entirety.

1. Discussion and possible Board action regarding contract award for the fire alarm system replacement at the Las Vegas Library.

IX.A.1. Authorize staff to award a contract for the fire alarm system replacement at the Las Vegas Library to Communication Electronic Systems in the amount of \$138,500.00 in accordance with Bid No. 10-03, and to authorize staff to award a contract to the next lowest responsive and responsible bidder if the bidder awarded the contract fails to provide required bonds and insurance coverage or otherwise fails to execute the contract.

2. Discussion and possible Board action regarding contract award for the cooling system replacement at the Laughlin

IX.A.2. Authorize staff to award a contract for the cooling system replacement at the Laughlin Library to Big Town Mechanical, LLC in the amount of \$369,135.00 in accordance with Bid No. 10-04.

There was no opposition and the motion carried.

Library.

(Item IX.A.1-2)

A presentation by staff on the Las Vegas-Clark County Library District's Collection Development Policy and Internet and Wireless Use Policy. (Item IX.C.)

Ms. Goodrich introduced Marie Cuglietta, Public Services Director, and Jan Passo, Collection Development Director, to discuss the District's *Collection Development Policy (CDP)* and *Internet and Wireless Use Policy (IWP)* in relation to the principles of Intellectual Freedom.

Ms. Passo explained that the above policies are based upon a commitment to freedom of information. Ms. Passo said that public libraries are a mainstay of American democracy and have a mandate to provide the people they serve with free access to information and ideas. Without the ability to freely access and explore ideas and information, an individual's capacity to function as an electorate or speak freely is compromised.

Ms. Passo then explained that Intellectual Freedom is the right of every individual to both seek and receive information from all points of view without restriction. It provides for free access to all expressions of ideas through which any and all sides of a question, cause, or movement may be explored. Intellectual Freedom is supported by the First Amendment to the U.S. Constitution.

After reading the text of the First Amendment, Ms. Passo said that in the library context, a librarian needs to think about the patron, not as a speech giver, but as a person entitled under the First Amendment to receive information, which is a corollary to the right to speak. Ms. Cuglietta said that courts have upheld the library as a "limited public forum" which means that public libraries are a place for access to free and open communication, subject only to reasonable restrictions as to time, place and manner.

Ms. Cuglietta said that reasonable restrictions have been defined as hours, number of people in a room and behavior. For example, libraries do not allow someone to create a disturbance that interferes with other patrons' peaceful use of the library. The District's *Rules of Conduct* were developed so that patrons are provided good service in a pleasant atmosphere.

While the First Amendment is written in absolute terms, there are legal limits to free speech. Ms. Cuglietta then listed what is defined as unprotected free speech: libel and slander, fraud, fighting words, inciting speech, obscenity and child pornography. The Internet has opened up a new can of worms and there have been reports of cases of illegal activities across the Internet. She noted that it is important to remember that only a court of law can determine whether these things have actually occurred. A public library's role is to provide information and not to police what people are viewing or reading, whether it is on the Internet, in a book or in another medium.

Ms. Passo said that both she and Ms. Cuglietta were members of the District's staff committee that researched different policies and wrote the District's *CDP* which was adopted by the Trustees in 1995 and revised in 2002. Ms. Passo noted that the policy was written so that each word and sentence come together to provide an environment for

the library in which all people can explore ideas and pursue knowledge without any government-imposed restrictions or restraints.

Ms. Passo then discussed each section of the *CDP*.

1. *Mission Statement* - Affirms that the District is guided by the principles of public librarianship and First Amendment rights and that the District protects library materials from censorship.
2. *Purpose* - Guides staff and informs the public of the principles upon which collection development and management decisions are based. The District's *Strategic Plan* provides the service priorities.
3. *Scope* - Explains that the District strives to develop a diverse, strong and balanced collection that serves the needs of the District's growing, dynamic population by offering a choice of viewpoint, format and subject matter at varying levels of comprehension.
4. *Access* - Refers to a librarian's public and professional obligation to provide equal access to all library resources for all library users, unlike a school that sits *in loco parentis*. In a public library, only parents or legal guardians have the *right* and the *responsibility* to determine what is appropriate for their *own* children according to their *own* value system. Parents are reminded of this responsibility when they apply for a library card for themselves and their children.
5. *Selection of Library Materials* - Discusses how items are chosen for the collection. The District's purchases are based upon the priorities for the materials budget and staff selects materials for the collection from general and specialized media, trade publications, vendor prepared lists and more. The criteria include currency, literary merit and or reviews, and the item's importance as a document of the times. The *CDP* contains the entire list of selection criteria used by staff.

Ms. Passo emphasized that the *CDP* states that it is important to remember the selection of a work by the District does not constitute or imply agreement with, or approval of, the work's content or the moral, religious or political beliefs of the author by the District, staff or Board. The public may find a piece of material in the collection offensive in some way and assume that staff has personally chosen the item, but that is not the case according to Passo. She noted that every selection is made objectively and with a clear understanding of the *CDP* approved by the Board.

Ms. Passo then described the District's system for selecting materials for inclusion in the collection. The District has both a centralized and decentralized hybrid system.

Centralized selection facilitates selection and ordering of all new materials eliminating duplication of work and allowing for faster ordering and receiving of materials. Rather than having each of the 24 branches separately ordering the latest James Patterson

book, one staff member in the Collection Development Department selects the title and quantity, and places the order.

If a branch needs a fresh copy of a title such as *The Cat in the Hat*, additional copies of a specific title, or hears about a title from a patron that Collection Development staff has not yet selected, the decentralized system allows branches to order these items to meet those community needs.

6. *Labeling* - Refers to evaluative labels such as Motion Picture Association of America (MPAA) ratings which the District does not remove or add. Ms. Passo noted that some patrons would like to have warning labels on the materials to inform them of the contents. Such a label would require an evaluation of what could be considered offensive. In an effort to serve the District's diverse community and in a democratic society, it is the individual who is allowed to make that decision for themselves.
7. *Weeding* - Refers to the continual evaluation by staff to maintain a current and relevant collection. The criteria used to determine when an item should be transferred or removed from the collection include whether an item contains out-of-date information and if there are multiple copies of a work that are no longer needed to meet demand, among others.
8. *Request for Reconsideration of Library Materials* - Ms. Passo spent time on this item as it is a very important part of the *CDP*. She noted that public libraries are repositories of the culture – the good and the bad. Sometimes the library becomes a focus for a clash of philosophies and ideologies. Censors objections concern sex, profanity and concern about children's and other's exposure to these materials. Acknowledging that the intent to protect children is commendable, Ms. Passo explained that censorship itself contains hazards far greater.

Ms. Passo described the process that is in place for staff to handle patron concerns. She believes that District patrons are very engaged and staff has been trained to recognize that there are varying levels of concern that the public will communicate to them.

The first level is an expression of concern: "Is it true you have R-rated videos within reach of small children?" In this case, a patron has not complained about a specific title. Staff has been trained to talk about how the collection is broken down into sections so that parents can better guide their children.

The next level is an oral complaint. This is where a patron may be saying "I do not think this item belongs in your collection." Here, the patron has a specific title in mind. Staff offers to find materials that might better suit the patron's needs. They also might speak to the diverse community we serve. Staff is trained to thank the patron for bringing this to the District's attention and they let the patron know that staff will investigate it to be sure it fits our policy. Staff then fills out a checklist to

alert Collection Development, and staff then launches a full investigation of the material. During FY 2008-2009 staff filed 19 checklists. However, FY 2009-2010 has already started off with a bang. Since July, there have already been 15 checklists.

The highest level is a written complaint. These are the ones that Executive Director Goodrich responds to. At this high level of concern, a patron is not engaged in listening and it is clear that immediate action must be taken. Staff offers the patron the *Request for Reconsideration* form and lets them know they can call Ms. Passo as her phone number is on the form. In the past year she received four phone calls. These patrons usually did not continue with filing the formal written complaint.

When a patron files a *Request for Reconsideration* form, Passo said that staff looks upon the process as an opportunity to be sure the District has not made an error, as well as a chance for an exchange of ideas and an educational opportunity. Staff compiles research and reviews the initial decision regarding the title and then prepares a packet including their recommendation on the item. The Executive Director then evaluates the packet and responds to the patron. In FY 2008-2009, there were eight titles that received requests for reconsideration.

Ms. Passo added that patrons who voice concerns have a highly personal interest in the materials. Staff are trained to be active listeners by showing attentive posture and eye contact and paraphrasing what the patron is saying for clarity. Staff must put their own thoughts aside and truly listen to what the other person has to say.

9. *Responsibility* - Ms. Passo read from a U.S. Supreme Court decision written by Justice William Brennan, "If there is a bedrock principle underlying the First Amendment, it is the government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable."

Final responsibility and authority for the District's collection rests with the Executive Director who operates within the framework of the policies adopted by the Board.

10. *Appendix* - Includes the ALA *Library Bill of Rights*, the ALA *Freedom to Read Statement* and the ALA *Statement on Labeling*. These items are the framework for the principles of the *CDP*. They provide further amplification and explanation of the principles presented in the *CDP*.

In the *Library Bill of Rights*, ALA affirms that all libraries are forums for information and ideas.

The *ALA Freedom to Read Statement* identifies Reading to be among one of our greatest freedoms, and we trust Americans to make their own decisions about what they read and believe.

The *ALA Statement on Labeling* is an interpretation of the *Library Bill of Rights* and affirms that affixing a label is an

attempt to prejudice attitudes towards materials.

The *Request for Reconsideration* form, also included in the Appendix, is offered to a patron should they wish to have the District reconsider its decision on an item.

Ms. Passo asked if Trustees had any questions about the *CDP*. Trustee Kirsh asked whether the *CDP* needed to be revised, noting the seven year lapse since the last changes. Both Ms. Passo and Ms. Goodrich explained that, barring minor housekeeping changes (which were the reason for the last change seven years ago) or adding a section to deal with "new" technology, there is no requirement to review or revise the *CDP* on a set schedule.

Chair Barron asked if an item has ever been pulled from the District's collection. Ms. Passo said that in her tenure and from records that predate her tenure, she believed only one item had been removed. The item was a DVD which had been released without a rating. Since the movie had been released with a rating, there was nothing on which to base staff's defense of the unrated item and it was removed. Counsel Welt added that, in his 32 years as District Counsel, he was aware of items being moved from one part of the collection to another (e.g. from the children's collection to the adult collection), but that has happened only rarely.

Trustee Reese had several questions relating to the thin line between protected and unprotected "free speech." She asked how staff determined whether items in the being chosen for the District's collection contain unprotected free speech. She was also concerned if items containing unprotected free speech could turn up in the collection without staff being aware of it. She asked how staff would deal with the issue, acknowledging that there can simply be a difference of opinion, not a "free speech" issue.

Ms. Passo confirmed that every item that goes into the District's collection is reviewed before a purchase decision is made according to the selection policy in the *CDP*. Staff utilizes trade reviews and other information about the item so that staff can back up the purchase decision. Counsel Welt added that, if a court had already ruled that the item was contained unprotected free speech, it should not be available for staff to purchase. Ms. Goodrich commented that she was aware of a situation at another library that took place over seven years ago that involved an already published book that contained fraudulent information. The publisher had to pull the books and destroy them all. The point was made that patrons can toss around terms such as obscene and subversive to describe a particular item, but these are personal judgments until a court has ruled the specific item is unprotected speech.

Ms. Cuglietta then discussed the District's *IWP* and noted that unlike books, audio and video titles, which are professionally published and reviewed, the Internet bypasses all professional principles of selection. The burden or opportunity of selection is placed entirely upon the user. She then discussed the legal history of Internet access. The Communications Decency Act of 1996 imposed restrictions on anything

on the Internet that was, "indecent or patently offensive" and was struck down in 1997 by the Supreme Court because it was so broadly written that it would unconstitutionally prohibit free speech.

The Children's Internet Protection Act (CIPA) was signed into law in 2000. The law mandated that libraries and schools install filters on computers offering Internet access in order to receive federal funds. Found unconstitutional in 2002, the Supreme Court next overturned their 2002 decision in 2003, ruling that CIPA was only constitutional if adult patrons can disable filtering software. The law also required that public libraries develop a policy on use of the Internet. Libraries may elect NOT to follow CIPA, but will then lose federal funds tied to the use of filtering software.

Ms. Cuglietta continued to say that a point of controversy in public libraries, such as the District, is that the adults are allowed to choose unfiltered internet access while using library computers. Occasionally, the District will receive a complaint from a patron who objects to what *others* are viewing.

Branch staff will attempt to mitigate the situation, and are allowed to relocate the person who is distressed to another computer, if available. They will also often try to ascertain if the content of concern appears to be legally protected; for example, not child pornography or other illegal activity. If staff is unable to resolve the situation, the staff will offer to call the Deputy Director or the Public Services Director to discuss the situation with the patron.

Ms. Cuglietta emphasized that District staff will listen to the concern of the patron, and try to clarify that the content being viewed, however controversial or objectionable, is legally protected by First Amendment, unless the courts have ruled otherwise. Staff will also try to ascertain if there were other issues, for example, was the patron viewing the offending content exhibiting aberrant behavior, or were they intentionally displaying inappropriate content to children, or was the offending website viewed on a computer which was filtered for youth.

District staff has also been working on methods to reduce accidental viewing by patrons walking by the computers. Ms. Cuglietta noted that since Channel 13 covered unfiltered Internet access in libraries in June 2009, the District has been redoubling efforts to reduce the unwarranted viewing of patron screens by casual passer-bys. Plans are in place for recessed desks and reconfiguring of computers in public areas.

Ms. Cuglietta continued to say that the District's *IWP* was established in 2000 and revised in 2005. It provides guidelines for access by the public. Adult patrons may choose whether they want filtered or unfiltered internet access; however, all computers in the children's area are filtered and adults are not allowed in the area, unless they are accompanied by their child. A child is defined as anyone less than 18 years of age. The *IWP* urges parents to guide their child's use of the Internet and recommends a publication on child safety on the Internet for parent's use. For a child to access an unfiltered adult computer, the

parent must sign a *Parental Permission Agreement* form at the branch and this signature must be witnessed by staff.

The *IWP* includes the District's mission statement and general policies and states that the District offers Internet access in support of its general mission. It also has a disclaimer that notes that District staff select sites which appear as access points from the District's home page in accordance with the District's material selection guidelines but that the District is unable to control content on the Internet as it is an unregulated medium and the District assumes no responsibility or liability for damages from use of information on the Internet. The *IWP* requires users to comply with state and federal laws and District policies.

Ms. Cuglietta explained that the *IWP* includes procedures governing use of personal equipment such as laptops. The District does not provide technical support for individuals wishing to use their equipment in libraries and the District does not provide encryption services and or guarantee privacy of data transmitted across its network.

Ms. Cuglietta discussed Nevada law which has also established legal protections for library users. NRS 239.013 protects confidentiality of patron records which can only be disclosed upon a court order which is issued upon a finding that the disclosure of such records is necessary to protect the public safety or to prosecute a crime. The District has established a written Subpoena Checklist to follow if staff receives inquiries or subpoenas from law enforcement regarding patron records. This enables staff to assist law enforcement while still complying with Nevada law.

Ms. Passo concluded her comments by reading a quote from Thomas Paine from *Dissertation on First Principles of Government*, regarding the duty of each person to guard even their enemy from censorship as the failure to do so will rebound on each person.

Ms. Cuglietta said that everyone must ask themselves why libraries defend Intellectual Freedom and public Internet access. The United States was built upon precedent and if laws are established that allow censorship of one thing, then a precedent has been established that may backfire upon each person. Cuglietta asserted that defending Intellectual Freedom is easier said than done, but that libraries have an important role in making that liberty secure by providing access to ideas and information and to defend the right for all people to have that access.

Trustee Ence wanted to clarify that children under 18 are able to access the Internet only through filtered machines. Ms. Cuglietta explained the machines in the children's areas are all filtered. The only way children are able to access the adult machines is with written permission from their parents or guardian that has been witnessed by a staff member.

Trustee Ence asked Ms. Cuglietta to confirm that adult patrons can view anything on District computers unless it is illegal. She concurred, adding that patrons are apprised of the District's policy and that it is

the patron's responsibility to comply with all applicable laws, but staff will not look over the patron's shoulder. However, if staff sees or has brought to their attention a potentially illegal situation on the computers, staff will investigate.

Trustee Ence commented that he is happy the District is taking steps so that members of the public who are simply passing by the computer area cannot just see what is on the screen. Ms. Cuglietta discussed the new computer stations that feature screens located underneath the surface as well as have privacy screens to further protect the privacy of the user and other patrons.

Trustees led a round of applause for Ms. Cuglietta and Ms. Passo.

Announcements
(Item X.)

The next Board Meeting will be held Thursday, January 14, 2010 at the Enterprise Library at 6:00 p.m.

Public Comment
(Item XI.)

None.

Adjournment
(Item XII.)

Chair Barron adjourned the meeting at 7:43 p.m.

Respectfully submitted,

Ron Kirsh, Secretary

APPENDIX A

November 12, 2009 Regular Board Meeting

2009		January 8 Board Mtg	February 12 Board Mtg	February 26 & 28 Special Board Mtg	March 12 Board Mtg	April 8 Finance & Audit Cmte	April 16 Design Review Cmte	April 16 Board Mtg	May 21 Board Mtg	June 3 Nominating Cmte	June 11 Board Mtg	June 25 Risk Management Cmte	July 7 Board Mtg	September 17 Board Mtg	October 8 Board Retreat	November 2 Finance & Audit Cmte	November 12 Board Mtg
Aguirre	Aldo	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P
Barron	M. Frances	P	P	P	P	P	A-E	P	P		P	P	P	P	P	P	P
Arthurholtz*	Andrea	P	P	P	P	P	P	X	X	X	X	X	X	X	X	X	X
Benavidez	Kelly	P	P	P	P	P		P	A-E		P	P	P	A-E	P	P	P
Carter**	Ken	P	P	P	P	X	X	X	X	X	X	X	X	X	X	X	X
Crear	Keiba	P	P	P	P	P		P	P	P	P		P	P	P	P	P
Davis-Hoggard	Verlia	P	P	P	P	P		P	P		P	P	P	P	P	P	P
Kirsh	Ron	P	P	P	P		P	P	P	P	P		P	P	P		P
Sanchez***	Elaine	P	P	P	A-E	X	X	X	X	X	X	X	X	X	X	X	X
Carrasco****	Liz	X	X	X	X	X		P	P		P		P	P	P		A-E
Saunders*****	Michael	X	X	X	X	X		P	P		P	P	P	P	P		P
Reese*****	Carol	X	X	X	X	X	X	X	P		P	P	P	P	P		P
Ence*****	Randy	X	X	X	X	X	X	X	X	X	X	X	X	P	P	P	P

attended Committee meeting but not a member

*Term expired 4/18/09

**Term expired 2/28/09, replacement appointed April 7, 2009

***Term expired 2/28/09, replacement appointed April 7, 2009

****Appointed April 7, 2009, sworn in April 16, 2009

*****Appointed April 7, 2009, sworn in April 16, 2009

*****Appointed April 15, 2009 for term beginning April 18, 2009

*****Appointed July 7, 2009

A-E Excused absence

A-U Unexcused absence

as of 11/13/09

LAS VEGAS - CLARK COUNTY LIBRARY DISTRICT

**REQUIRED
COMMUNICATIONS
LETTER**

**TO THE
AUDIT COMMITTEE AND BOARD OF TRUSTEES**

JUNE 30, 2009

APPENDIX B

LAS VEGAS - CLARK COUNTY LIBRARY DISTRICT

REQUIRED COMMUNICATIONS LETTER

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Audit Committee and Board of Trustees
Las Vegas - Clark County Library District
833 North Las Vegas Boulevard
Las Vegas, Nevada 89101

RE: Required Communications

Ladies and gentlemen:

As part of our engagement to audit the basic financial statements of the Las Vegas - Clark County Library District (the District) as of June 30, 2009 and for the year then ended, we are required under applicable auditing standards to communicate certain matters to those charged with governance responsibilities for the District for the purpose of assisting them in meeting their responsibilities with regard to the financial reporting process. This report contains those required communications.

The matters reported herein were considered in forming our opinion on the District's basic financial statements contained in our report dated October 27, 2009, and these matters do not change that report.

This communication is intended solely for the confidential information and use of those charged with governance and management responsibilities for the District and others identified below, either receiving a copy or being approved to receive a copy from management. It is not intended to be and should not be used by anyone other than these specified parties.



October 27, 2009

Copies provided to:

Jeanne Goodrich, Executive Director
Fred James, Deputy Director, Chief Financial Officer
Floresto Cabias, Assistant Finance Director

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Las Vegas - Clark County Library District
Required Communications
Page 2

SIGNIFICANT AUDIT ADJUSTMENTS

Our audit resulted in no significant adjustments to the basic financial statements. However, there were several financial statement adjustments given to us by your accounting staff after we began field work.

Management requested us, and we agreed, to waive as immaterial, individually and in the aggregate, two proposed adjustments. These adjustments involved the recording of interest receivable and revenue earned at June 30, 2008 and 2009, on certain District investments in an aggregated net amount of \$102,553.

DIFFICULTIES ENCOUNTERED IN PERFORMING THE AUDIT

Management cooperated fully, and no significant difficulties were encountered in completing the June 30, 2009, audit.

MATTERS INVOLVING INTERNAL CONTROL

We planned and performed our audit of the basic financial statements of the District as of June 30, 2009 and for the year then ended, in accordance with auditing standards generally accepted in the United States.

Accordingly, we considered the District's internal control over financial reporting (internal control) as a basis for designing our auditing procedures for the purpose of expressing our opinion on the basic financial statements.

Such procedures were not performed for the purpose of expressing an opinion on the effectiveness of the District's internal control. Accordingly, we do not express an opinion on the effectiveness of the District's internal control.

The principal objectives of effective internal control are to provide management with reasonable, but not absolute, assurance that assets are safeguarded against loss from unauthorized use or disposition, and that all transactions are executed in accordance with management's authorization and recorded properly to permit the preparation of basic financial statements in accordance with accounting principles generally accepted in the United States. The concept of reasonable assurance requires that management, in fulfilling its responsibility, make estimates and judgments to assess the expected benefit and related costs of control procedures. Because of inherent limitations in any internal control, errors or fraudulent acts, particularly when involving forgery and collusion, may occur and not be detected. In addition, there is a risk that procedures may become inadequate in future periods because of changes in conditions and the degree of compliance with the procedures may deteriorate.

Definitions

A *control deficiency* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect misstatements on a timely basis. A *significant deficiency* is a control deficiency, or combination of control deficiencies, that adversely affects the District's ability to initiate, authorize, record, process, or report financial data reliably in accordance with accounting principles generally accepted in the United States such that there is more than a remote likelihood that a misstatement of the District's financial statements that is more than inconsequential will not be prevented or detected by the District's internal control. A *material weakness* is a significant deficiency, or

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Las Vegas - Clark County Library District
Required Communications
Page 3

combination of significant deficiencies, that results in more than a remote likelihood that a material misstatement of the financial statements will not be prevented or detected by the District's internal control. Our consideration of internal control would not necessarily identify all deficiencies in internal control that might be significant deficiencies or material weaknesses.

Findings

Our procedures did not identify any internal control deficiencies that we consider to be a material weakness.

OTHER GOVERNANCE MATTERS

Auditors' responsibility under auditing standards generally accepted in the United States. As stated in the first paragraph of our report on the District's basic financial statements, our responsibility as independent auditors, under auditing standards generally accepted in the United States, is to express an opinion, based on our audit, on the basic financial statements, which are the responsibility of the District's management. Our responsibilities, as contrasted with management's, are spelled out more fully in our letter of engagement.

Despite any limited assistance we may have provided to management in its preparation, our responsibility for information accompanying the basic financial statements is limited to (1) reading such information to ascertain that it is materially consistent with information presented in the District's audited basic financial statements (2) considering whether any statements contained therein may appear to be materially misstated, and (3) assuring the satisfactory resolution of our concerns, if any. In this instance, we performed the required procedures, and any changes requested by us in this process were satisfactorily made and all questions satisfactorily resolved.

In considering the matters reported herein, you should be cognizant of your responsibility for oversight of the financial reporting process and management's responsibilities for establishing and maintaining an effective internal control subject to regulatory and ownership approval, and for the basic financial statements.

Significant accounting policies. The significant accounting policies employed by the District are disclosed in the notes to the basic financial statements and are essentially as prescribed, recommended or permitted under applicable authoritative literature for, or commonly used by, other entities in your industry. The accounting policies have been consistently applied and are not controversial.

Significant estimates. The basic financial statements do not contain any significant management estimates, except for the useful lives of the District's capital assets.

Disagreements or pre-retention discussions with, and consultations with other accountants by, management. We are also required by professional standards to communicate any significant disagreements with management, consultations by management with other accountants that we become aware of, or discussions with us prior to our retention regarding any major issues, over the application of accounting principles, management's judgments about accounting estimates, disclosures to be made in the basic financial statements, the scope of the audit or the wording of the auditors' report, regardless of whether the matter was satisfactorily resolved. No such disagreements were encountered in our audit, nor are we aware of any consultations with other accountants, nor were we consulted prior to retention, regarding any such matters.

Compliance with laws, regulations, contracts and grants. Compliance with laws, regulations, contracts and grants applicable to the District is the responsibility of the District's management. As part of obtaining

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Las Vegas - Clark County Library District
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reasonable assurance about whether the basic financial statements are free of material misstatement, we performed tests of the District's compliance with certain provisions of laws, regulations, contracts and grants. However, our objective was not to provide an opinion on overall compliance with such provisions.

Material instances of noncompliance are failures to follow requirements or violations of prohibitions contained in laws, regulations, contracts and grants, that when aggregated, in our judgment, are material to the basic financial statements. The results of our tests of compliance did not disclose material instances of noncompliance.

In accordance with *Government Auditing Standards*, we have issued our report dated October 27, 2009, on our consideration of the the District's internal control over financial reporting and on our tests of the District's compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with auditing standards generally accepted in the United States and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States and should be considered in assessing the results of our audit.