

MINUTES
LAS VEGAS-CLARK COUNTY LIBRARY DISTRICT
BOARD OF TRUSTEES' MEETING
LAS VEGAS, NEVADA
December 13, 2012
(approved January 10, 2013)

The Board of Trustees of the Las Vegas-Clark County Library District met in regular session in the Boardroom of the Windmill Library and Service Center, Las Vegas, Nevada, at 6:00 p.m., Thursday, December 13, 2012.

Present:

Board:	K. Benavidez, Chair	R. Kirsh
	K. Crear (via telephone)	M. Saunders
	R. Ence	C. Reese
	Y. Yturralde	S. Bilbray-Axelrod
	S. Moulton	R. Wadley-Munier

Counsel: G. Welt

Absent:

Staff: Jeanne Goodrich, Executive Director
Numerous Staff

Guests: Robert Crowell, Kaempfer Crowell Renshaw Gronauer & Fiorentino
Jennifer Lazovich, Kaempfer Crowell Renshaw Gronauer & Fiorentino
Robbie DeBuff, Nevada Library Association President
Joan Dalusung, Nevada Library Association Government Relations Chair

K. Benavidez, Chair, called the meeting to order at 6:03 p.m.

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

Public Comment (Item II.) None.

Agenda (Item III.) Trustee Wadley-Munier moved to approve the Agenda as proposed. There was no opposition and the motion carried.

Briefing by government relations representatives Robert Crowell and Jennifer Lazovich on issues facing the Nevada Legislature in the 2013 Session and possible discussion and Board direction regarding the same. (Item IV.A.)

Executive Director Jeanne Goodrich introduced Robert Crowell of Kaempfer Crowell Renshaw Gronauer & Fiorentino (Kaempfer Crowell) who has represented the District in the Nevada Legislature since 2000. Mr. Crowell is also the Mayor of Carson City.

Mr. Crowell commented, that, while walking into the Windmill Library for this meeting, he was reminded of how important libraries are as a community meeting place as well as a research and education base for their local area. He then introduced Jennifer Lazovich, another attorney from Kaempfer Crowell who is one of the members of the Legislative lobbying team. The others are Fred and Mike Hillerby, a father and son team who have just joined Kaempfer Crowell in the Reno area. While not attorneys, they are skilled lobbyists. In addition to Crowell and Lazovich in Las Vegas, there is also Mark Fiorentino who is another partner on the lobbying team as well as Stephanie Allen, who has just moved to Reno. There are also three staff support members who maintain everyone's calendars, do research and maintain the firm's electronic bill tracking system.

Mr. Crowell noted that while Kaempfer Crowell has a number of lobbying clients, the firm has a policy of not accepting clients unless the firm can administratively and fundamentally take care of each of them. The firm does not want clients thinking that another client takes up time that could be spent on their issues.

Mr. Crowell then discussed the makeup of the 2013 Legislature. While the executive branch is controlled by Republican Governor Brian Sandoval, both houses of the Legislature are controlled by the Democratic Party.

In the Senate, 11 seats are held by Democrats, while 10 are held by the Republicans. Mo Denis will be the majority leader. Not only is he a former District Board of Trustees member and Board Chair, he is also a friend of libraries throughout the state. Michael Roberson, an attorney from Clark County, will serve as Minority Leader. With such close numbers between the parties, there could be some challenges in the session.

In the Assembly, the split is 27 seats for the Democrats and 15 for the Republicans. Marilyn Kirkpatrick will be the Speaker. She was instrumental in bringing the different entities affected by the CTX distribution together. She is very hard working and a good advocate for local governments as long as the information being provided is factual. Pat Hickey will be the Assembly minority leader. He is from Washoe County and is a conscientious and hard-working individual.

Mr. Crowell looks forward to experienced leadership in the 2013 Session. That is critical as there are a whole lot of young, new legislators that have been elected. For him and his team, the new legislators will be bringing a different world view and that must be considered when framing discussions with them. The new legislators will have a learning curve as well and that may be where Crowell and his team can help them.

Mr. Crowell then provided a list of the committees in the Senate and Assembly to the Trustees. He noted that most of the legislation that affects the District in the Assembly go through the Government Affairs, Taxation and Commerce Committees with some coming out of the Judiciary Committee. In the Senate, most of the legislation goes through the Finance and Government Affairs Committees with, again, some coming through the Judiciary Committee. He felt the current makeup of the legislative committees bodes well for Nevada libraries, in particular the District.

Some of the issues at the 2013 Legislature will affect the District. Mr. Crowell complimented Ms. Goodrich and District staff for their participation in the CTX working group that put together a proposed compromise in the face of different allocation proposals. If the potential compromise is enacted, the District is well placed going forward in terms of CTX revenue. Crowell felt it was important to make sure the proposed Bill Draft Request (BDR) is not amended in such a way that opens the issue up again. He also felt that merger and consolidation issues of different library districts would fall by the wayside if the CTX issue is resolved.

Another issue that could affect the District is the proposed business margin tax that is supported by the teachers union. The measure has enough signatures and while the Supreme Court has yet to rule, there should be a decision before the start of the Legislature in February, which means the measure must be voted up or down in the first 40 days of the session.

Mr. Crowell also indicated that both sides are being strongly encouraged to look at tax-reform issues. He commented that the issue means different things to different parties. Governor Sandoval has decided to expand Medicaid in the state and has said he can do it by lowering the modified business tax so there would be no need for additional tax revenues. Sandoval also believes the state's current tax system is working. The Governor also believes that the state's required balanced budget can be achieved by not eliminating taxes that were supposed to expire in addition to the planned adjustments to the modified business tax.

Mr. Crowell said that tax issues in this session are focused on the CTX allocation. While property taxes are a main source of District funding, Crowell does not see at this time an issue in the Legislature with this tax source.

Mr. Crowell asked that Trustees let him know, through District staff, who they know that will be serving in the Legislature. If they do, it helps Crowell and his team if they can say that a particular Trustee suggested they talk to a particular legislator. The comment was made that if Trustees were willing to talk to the legislator directly, sometimes that approach is even more effective.

Mr. Crowell then passed around information about BDRs that Kaempfer Crowell will be tracking. This is only an initial list, based upon the BDRs that had been filed, but, with the exception of a final list to be released the next day, final legislator requests that will come in the early days of the session and Legislative Committees requests that come later in the session, that gives Trustees a good idea of the proposed bills that may touch on the operation of the District. Kaempfer Crowell's system tracks the proposed legislation through passage or defeat. Using key words and key areas for the District, Kaempfer Crowell staff has already identified 60 BDRs for tracking. In addition to the issues mentioned earlier, Open Meeting Law changes and Collective Bargaining changes will be tracked. In response to a question from Counsel Welt, Crowell confirmed that firearm legislation is also being tracked. This bill tracking system is a proprietary Kaempfer Crowell system and all Trustees have access to it. Ms. Goodrich said she would send instructions on accessing the system to Trustees.

Mr. Crowell commented that he and his staff do not necessarily testify for or against bills unless they are directed by District staff. The system allows them to know where a particular bill is in the Legislature, so they know who needs to be approached at any given time.

Mr. Crowell concluded that Kaempfer Crowell likes representing the District and is glad to continue their work. Ms. Goodrich commented

that it has been a pleasure working with Crowell and Lazovich as they are always responsive. She noted that other agencies have staff go up to lobby the Legislature, as well as hiring lobbyists. The District is not that big and Goodrich said she would prefer professionals handle this work. Goodrich noted that a lot of what the District requires is to make sure that the District is not adversely affected by legislative actions, not necessarily advocating legislation of its own.

Trustee Kirsh asked about BDR-402, a bill relating to the Open Meeting Law. Mr. Crowell and Ms. Lazovich said they haven't seen the language yet, but Crowell will call the Nevada Attorney General's office and see what he can find out. Ms. Goodrich said that Kaempfer Crowell has also been asked to track changes to Public Records law. Some modernization due to electronic formats are perhaps in the works, but the District has specific issues due to the confidentiality of personal records for libraries.

Chair Benavidez suggested that staff pass around a list of all elected officials so that Trustees can note personal contacts and provide this to Kaempfer Crowell. Trustees agreed and Ms. Goodrich said that would be forthcoming.

Discussion and possible Board action regarding Resolution 12-03 in Support of the Consolidated Tax Bill Draft Request (BDR 32-247). (Item IV.B.)

Executive Director Goodrich explained that the text of the proposed Resolution 12-03 was requested by Assemblywoman Kirkpatrick of each of the participating entities in the CTX working group.

From the background information: The 2011 Legislature passed Assembly Bill 71 directing the Legislative Commission to create a Subcommittee, chaired by Assemblywoman Kirkpatrick to conduct an interim study concerning the equitable distribution of Allocation of Money Distributed from the Local Government Tax Distribution Account, also known as the Consolidated Sales Tax (CTX). Subsequently, the Subcommittee sanctioned a working group of local government finance staff and other executives to work with the Legislative Counsel Bureau and the Nevada Department of Taxation to analyze the current formula and make recommendations for improvements.

The working group of local governmental entities included the Library District. The Executive Director and the Deputy Director/CFO represented the District over the course of many months, and provided input and recommendations that were intended to improve the CTX allocation formula. During that time, the Executive Director reported monthly to the Board of Trustees on the status of the meetings staff attended.

The study was completed with numerous recommendations agreed upon by all of the members of the Working Group.

Also included in the background information was a presentation used by the city of Las Vegas. CFO Fred James discussed it briefly:

Why was a study needed?

- Fairness/equity concerns regarding the current formula
- Heightened concerns due to the current economic downturn

- Existing formula created large swings in revenue at the sub-county level

What is being recommended and why?

- Eliminate "Base" carry forward
- Move to a 5-year average CPI
- Modify "Plus" factor: 0%+ to 2%+ for urban counties
- Set a floor for property tax declines
- Modify Memorandum of Understanding dates

Other issues:

- Clarified the population for a fiscal year will be based on the prior March certification, a technical change with a minor impact
- Two year phase-in, allows the new base (inclusive of the prior excess) to be based on the revised 2%+ formula as opposed to the 1%+ formula for urban counties
- Clarification of how libraries are funded in Clark County, but no formula changes
- Recommended revisiting the population projection and certification process, not included in the bill draft
- Recommended clarifying the CTX issues arising from the incorporation of new local governments and the distribution of CTX when changes in services occur within counties

What are the impacts?

- Increases revenue stability over the projection period
- Average annual growth rate declines from 4.4% to 4.3% during the next 10 years
- Total revenues actually slightly higher over 10-year projection due to potential impact of existing formula as some local governments in Clark County turn positive in FY 2016 and FY 2017
- Long-run: less revenue than under 1+ scenario; more revenue than under 0+ scenario

Trustee Moulton, who referred to a chart in the presentation which showed the potential impact of the current CTX distribution and the proposed changes, noted that there seemed to be a substantial impact in FY 2016. Mr. James agreed that 2016 is an adjustment year when the proposed changes would be fully implemented. He pointed out that the chart shows the impact to the city of Las Vegas, but he has reviewed how the changes would impact the District and said it would be similar as the changes work out to our advantage.

Trustee Moulton also asked whether, as shown on the presentation, supporters can realistically believe the legislation will be approved in the first 40 days of the 2013 Regular Session. Mr. Crowell said that is aspirational. But, if the legislation is moved forward and approved, it would clear the deck for a lot of other legislation. Ms. Goodrich said she thinks that this is part of why Assemblywoman Kirkpatrick wanted this supporting resolution passed by the different entities who participated to show the level of support.

Trustee Wadley-Munier moved to approve Resolution 12-03 in support of the Consolidated Tax Bill Draft Request BDR 32-247, modifying the

allocation formula for the Local Government Tax District Account effective in fiscal year 2014. There was no opposition and the motion carried. Appendix B.

Ms. Goodrich commented that the working group process had a powerful side effect. The process allowed participants a chance to meet people from different jurisdictions and establish a good working relationship. Jeremy Aguerro handled the different groups very well and different groups with different agendas were able to respectfully present their different opinions. Aguerro was able to get to the core of the disagreements. Goodrich believed that the cities of Reno and North Las Vegas still had issues but, as Mr. Crowell had said, the group could not go back and fix the past. With these proposed changes, in the future, there should not be the inequities that some entities had felt existed.

Discussion and possible Board action to amend an action taken at the November 8, 2012 Board Meeting regarding the implementation of the Kronos Human Resources Information System (HRIS) project at a cost of \$779,018. (Item IV.C.)

Ms. Goodrich explained that the Board of Trustees had authorized the Executive Director to execute a contract with Kronos, Inc. for \$779,018 to install a new Human Resources Information System at the November 8, 2012 Board Meeting. During the discussion regarding this contract, Goodrich noted that staff had identified all the costs that would be required to complete the project and were included in the approved figure. The costs included the cost of software, equipment, first year maintenance support, professional and educational services, and additional project implementation costs.

Staff also explained at the meeting that staff had utilized the services of consulting firm Executive Alliance, which specializes in evaluating and implementing Human Resources and Payroll systems. Executive Alliance assisted the District in the development of an RFP and the ultimate selection of the vendors that met District guidelines. In staff's presentation to the Board last month, it was explained that continued assistance of Executive Alliance would be required to help implement the HRIS project and their cost was included in the professional services portion of the contract.

The total cost of the project of \$779,018 includes costs for both Kronos, Inc. and Executive Alliance. Ms. Goodrich emphasized that this item is not requesting an additional expenditure, but a housekeeping item to clarify that there will be separate contracts for Kronos, Inc. and Executive Alliance.

Trustee Moulton moved to amend the action taken on November 8, 2012 to authorize the Executive Director to execute a contract, subject to review by counsel, with Kronos, Inc. for the purpose of acquiring a new human resource information system (HRIS) to include software, equipment, professional and educational services for implementation, as well as additional annual support services following implementation in the amount of \$616,218. There was no opposition and the motion carried.

Trustee Moulton moved to authorize the Executive Director to execute a contract, subject to review by counsel, with Executive Alliance, for the purpose of assisting the District in the implementation of the new

Minutes - Board of Trustees' Meeting

December 13, 2012

Page 7

HRIS system from Kronos, Inc. in the amount of \$162,800. There was no opposition and the motion carried.

Trustee Kirsh wanted to confirm that this action would not set back the work for another month. Counsel Welt said that he anticipated that the contract with Kronos would be signed in the next week and Human Resources Director Jerilyn Gregory said that Executive Alliance has been working with the District all along on a consulting basis and the contract is in the works.

**Announcements
(Item V.)**

Ms. Goodrich announced that additional Aim High cards and the Read, Learn Achieve advocacy piece, handed out at the meeting, are available to Trustees. Please let her know if additional copies are needed.

The next Board Meeting will be held Thursday, January 10, 2012 in the Whitney Library, 5175 E. Tropicana Avenue, Las Vegas NV 89122, at 6:00 p.m.

Trustees Wadley-Munier and Yturralde announced they will not be able to attend due to the city of Las Vegas' State of the City address scheduled for the same time.

**Public Comment
(Item VI.)**

None.

**Adjournment
(Item VII.)**

Chair Benavidez adjourned the meeting at 6:51 p.m.

Respectfully submitted,

Keiba K. Crear, Secretary

**Resolution 12-03 in Support of the Consolidated Tax Bill Draft
Request 32-247**

WHEREAS, The 2011 Legislature passed Assembly Bill 71 directing the Legislative Commission to conduct an interim study concerning the equitable allocation of money distributed from the Local Government Tax Distribution Account; and

WHEREAS, The Local Government Tax Distribution Account, also known as the Consolidated Tax; is comprised of six State collected tax revenues for the benefit of local governments, of which over eighty-percent is basic and supplemental city-county relief sales and use tax, and

WHEREAS, The Legislative Commission's Subcommittee to Study the Allocation of Money Distributed from the Local Government Tax Distribution Account sanctioned a working group of local government finance staff and others to work with the Legislative Counsel Bureau and the Nevada Department of Taxation to analyze the current formula and make recommendations for improvements; and

WHEREAS, The Las Vegas-Clark County Library District staff participated in the local government working group meetings; and

WHEREAS, The local government working group conducted 44 meetings with more than 50 local government stakeholders from all regions of the state participating; and

WHEREAS, Significant contributions to the review and analysis of the consolidated tax review were also made by the Nevada Department of Taxation and Nevada's Legislative Counsel Bureau; and

WHEREAS, The local government working group reached a consensus on changes to the allocation formula for the Local Government Tax Distribution Account; and

WHEREAS, The local government working group collaborated with the Legislative Counsel Bureau to draft a bill codifying the changes as recommended; and

WHEREAS, The attached Bill Draft Request 32-247 (BDR 32-247) represents the aforementioned changes to the formula, which were passed out of the Legislative Commission's Subcommittee.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Board of Trustees of the Las Vegas-Clark County Library District supports BDR 32-247, modifying the allocation formula for the Local Government Tax Distribution Account effective in fiscal year 2014.

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 13th day of December, 2012.

LAS VEGAS-CLARK COUNTY LIBRARY DISTRICT BOARD OF TRUSTEES


Kelly Benavidez, Chair


Attest: Member, Board of Trustees

2012 ATTENDANCE

Appendix A

December 13, 2012 REGULAR BOARD MEETING

2012		January 12 Regular Board Meeting	February 9 Regular Board Meeting	March 8 Regular Board Meeting	March 29 Finance & Audit Cmte	April 12 Regular Board Mtg	May 17 Regular Board Mtg	June 14 Nominating Cmte	June 14 Risk Management Cmte	June 14 Regular Board Mtg	July 12 Regular Board Mtg	NO BOARD MEETING HELD IN AUGUST					September 13 Regular Board Mtg	October 11 Regular Board Mtg	November 8 Finance & Audit Cmte	November 8 Regular Board Mtg	December 13 Regular Board Mtg
Benavidez	Kelly	P	P	P	A-E	P	P		P	P	P					P	A-E	A-E	A-E	P	
Bilbray-Axelrod	Shannon	P	P	P		P	P	P	A-E	P	P					P	P	P	P	P	
Crear	Keiba	P	P	P	P	P	P	P	P	P	A-E				A-E	P	P	P	P	P	
Ence	Randy	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	
Moulton	Sheila	P	P	P	P	P	P		P	P	P				P	P	P	P	P	P	
Reese	Carol	P	P	P		P	P		P	P	P				P	P		P	P	P	
Saunders	Michael	P	P	P	P	P	P	P		P	P				P	P	P	P	P	P	
Wadley-Munier	Robin	P	P	P	P	P	A-E			P	P				P	P		P	P	P	
Yturralde	Ydoleena	P	P	P	P	P	P	P	P	P	P				P	A-E	P	P	P	P	

attended Committee meeting but not a member

A-E Excused Absence
 A-U Unexcused Absence
 as of December 14, 2012