

MINUTES
LAS VEGAS-CLARK COUNTY LIBRARY DISTRICT
BOARD OF TRUSTEES' MEETING
LAS VEGAS, NEVADA
October 9, 2014
(approved November 13, 2014)

The Board of Trustees of the Las Vegas-Clark County Library District met in regular session in the Windmill Library, Las Vegas, Nevada, at 6:00 p.m., Thursday, October 9, 2014.

Present: Board: K. Crear, Chair (via telephone) M. Saunders, Vice Chair
R. Ence Y. Yturralde (via telephone)
K. Benavidez S. Bilbray-Axelrod
S. Moulton R. Wadley-Munier
M. Francis Drake F. Ortiz

Counsel: G. Welt

Absent:

Staff: Dr. Ronald R. Heezen, Executive Director
Numerous Staff

Guests:

M. Saunders, Vice-Chair, called the meeting to order at 6:06 p.m.

Roll Call and Pledge of Allegiance (Item I.) All members listed above represent a quorum. Chair Crear and Trustee Yturralde attended via telephone. Appendix A.
Trustee Benavidez' son, Santiago, led attendees in the Pledge of Allegiance.

Public Comment (Item II.) None.

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

Approval of Proposed Minutes Regular Session, September 11, 2014. (Item IV.A.) Trustee Moulton moved to approve the Minutes of the Board of Trustees Meeting held September 11, 2014. There was no opposition and the motion carried.

Chair's Report (Item V.) None.

Executive Director's Report (Item VI.A.) Dr. Heezen used his time to discuss the work plan concept, which he mentioned in his written report. He explained that, once each year, every employee writes his or her work plan and submits it to the supervisor. The end result or final work plan is negotiated in this annual meeting as the supervisor may want some other goals included. From that point forward, the supervisor must meet and talk with each direct report once per month. Both participants initial a spreadsheet form to indicate the conversation occurred. At the end of the year, the supervisor has the spreadsheet and any other documentation provided

in the monthly meetings upon which to base the employee's annual evaluation.

Dr. Heezen explained that the Executive Council (EC) is in the process of learning this methodology. Once the EC is comfortable with this methodology, staff will discuss it further and expand this to the rest of District staff. Dr. Heezen explained that the work plans concept is designed to further communication among staff members and to ensure there are no surprises during the annual review. It will also encourage appreciation of the many valuable contributions of staff during the month.

In response to a question from Trustee Ortiz, Dr. Heezen explained that this is a new process which will start with Executive Council members and work its way down to all staff.

Dr. Heezen then reported that there was a contract in place with Azimuth to complete an internal audit of the District's Human Resources Department's policies, practices and procedures. The audit will begin shortly and take approximately eight to ten weeks. Heezen said that Azimuth's report will consist of a list of recommended action items for the District and staff will take action as appropriate.

In response to several questions from Trustee Ortiz, Dr. Heezen said that Azimuth will report to him and once he sees the report he will then determine what actions the District needs to take. Legal counsel is involved as well.

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

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

No questions.

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

No questions.

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

No questions.

**Information
Technology Report
(Item VI.A.4.)**

No questions.

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

No questions.

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

No questions.

Development Report No questions.
(Item VI.A.7.)

Unfinished Business None.
(Item VII.)

Discussion and possible Board action regarding authorization to sell a 0.082 acre portion of the Mt. Charleston Library property.
(Item VIII.A.)

General Services Director Steve Rice reminded Trustees that at the June 2014 meeting, they authorized staff to negotiate the sale of a 0.082 acre parcel to resolve an encroachment issue that has existed since the 1985 purchase of the land that the Mt. Charleston Library sits on.

Mr. Ralph Cordell is owner of the encroaching residential structure that remains unresolved. The majority of his residence is encroaching on District property. Last fall, Mr. Cordell requested that the District sell him the land under his residence as well as enough land for the required setback and access to Aspen Avenue. The size of the land area is 0.082 acre or 3,559 square feet. Mr. Cordell paid the \$3,500 cost of the appraisal (from the District's preferred appraiser) needed to determine the value of the land. The appraised value is \$32,000.

The final terms of the sale have been agreed to by Mr. Cordell and the proposed Agreement of Purchase of Sale of Property has been reviewed by Counsel. The primary financial terms are as follows:

- 1) The purchase price shall be \$30,000. Mr. Rice said that \$2,000 is consideration for the site improvements made by Mr. Cordell.
- 2) Each party shall pay half of the legal and land division expenses which are estimated to be \$15K for legal expenses and \$10K for engineering and surveying. These costs are relatively high due to the complexity and issues of boundary line adjustments and work that has to be done with the County.
- 3) Each party shall pay half of closing expenses which include transfer taxes, recording fees and escrow fees, etc.

Mr. Rice concluded by stating that staff recommends the sale of the 0.082 acre of land to Mr. Cordell in order to permanently resolve the encroachment issue.

Trustee Bilbray-Axelrod commented that she has held a Nevada real estate license and felt that legal and engineering expenses accrue mostly to the buyer's benefit. Based upon the information, she felt the net sales price of \$17,500 is a big hit to the District.

Mr. Rice agreed, but said that the District is not intending to make money but to clear up the last encroachment issue on the District's property. Mr. Cordell has a challenge as he has to replace his septic system and he cannot pull permits without clear title. Rice also commented that Mr. Cordell's mother and another property owner had the option, along with six other owners, to clear this up in the late 1980s with a payment of \$365, but declined to accept. The other owner, Melanie Chacon, now has a License and Easement Agreement

with the District and this is the last issue to resolve. Counsel Welt added that this is also a cloud on the District's title to the property.

Trustee Bilbray-Axelrod feels that, as a Trustee, she must do her due diligence for taxpayers and library patrons.

Trustee Moulton asked if there are any other encroachment issues in the District. Mr. Rice said that the only similar issues he has encountered in the district are at the Mt. Charleston site. There are other challenges at the location; the District does not own the property that staff and patrons must cross to access the branch. The District has prescriptive easement rights. The District has approached the owner of the parcel that library staff and patrons must use and was dismayed by the price the owner wanted. In addition, the District owns a portion of Ski Chalet and Aspen, roads that several homeowners must use to access their land-locked properties. The Old Town area of Mt. Charleston has many issues like the ones the District is dealing with.

Trustee Moulton asked if there were any liability issues with the easements. Counsel Welt said there was no more of a liability issue than that of anyone passing over the property. Mr. Rice said that the District carries sufficient liability insurance to cover these expenses.

Trustee Bilbray-Axelrod agreed that encroachments were common in that area of Mt. Charleston and felt that there were lots of precedents to resolve it without the expense on the District's part. She felt that the District is setting a very high bar; a precedent on how much the District is willing to pay to resolve this issue.

Trustee Moulton moved to authorize staff to finalize the sale of a 0.082 acre portion of the Mt. Charleston Library property to Mr. Ralph Cordell in accordance with the terms and conditions set forth in the proposed Agreement of Purchase and Sale of Property, subject to final review by Counsel. All Trustees except Trustee Bilbray-Axelrod voted yes. Trustee Bilbray-Axelrod voted no. The motion carried.

Discussion and possible Board action regarding renewal of the lease agreement for the Blue Diamond Library. (Item VIII.B.)

Mr. Rice explained that, in April 2012, the District entered into a lease agreement for 1,440 square feet of building space for the Blue Diamond Library. The initial term of the agreement was for two years beginning May 1, 2012 with the option to renew for three additional two-year terms. The District has leased this building since 1992 under five year terms.

According to the terms of the agreement, upon each renewal, the monthly rent amount shall be increased by the change in CPI (Consumer Price Index for All Urban Consumers (CPI-U) U.S. City Average (not seasonally adjusted)) over the previous term plus the proportionate increase in property taxes, if any, during the previous term.

Mr. Rice continued to say that it is staff's recommendation that the lease agreement be renewed for the first optional two-year term beginning May 1, 2014. The current monthly rent amount of \$1,337.20 will increase to \$1,375 for the renewal term based on a 2.8% CPI

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increase and no monthly increase in property taxes. Staff will continue to present to the Board of Trustees its recommendation regarding exercising future renewal options prior to the expiration of the then current term.

Trustee Ortiz asked if the facility meets the needs of the community at this time. Dr. Heezen said that the District is in the middle of a facility assessment and once that is completed staff can make a determination about how the District is serving customers at each location. He recommended approval of the lease since staff is still in the planning process. Mr. Rice said that is the reason for the two-year lease as this used to be a five-year term until the change in 2012 to two year terms. Ortiz says he is satisfied with the response.

Trustee Wadley-Munier moved to authorize staff to renew the lease agreement for the Blue Diamond Library for a two-year term beginning May 1, 2014 at a monthly rent amount of \$1,375, subject to review by Counsel. There was no opposition and the motion carried.

**Announcements
(Item IX.)**

The next Finance and Audit Committee Meeting will be held Thursday, November 13, 2014 at 6:30 p.m. at the Clark County Library, 1401 E. Flamingo Road, Las Vegas, NV 89119

The next Regular Board Meeting will be held Thursday, November 13, 2014, immediately following the Finance and Audit Committee Meeting at the Clark County Library.

Trustee Benavidez thanked the staff of the West Las Vegas Library as Commissioner Weekly's office hosted the 11th Annual Hispanic Youth Leadership Summit on Friday, October 3rd at the location with the help of staff. Benavidez said this was probably the most successful event yet, with approximately 250 students from 10 different high schools. She said they hope to continue the event, but could not do it without branch staff who works with them to provide programs for this community.

**Public Comment
(Item X.)**

None.

**Executive Session
(Item XI.)**

Vice Chair Saunders advised attendees that the Executive Session would be closed and said that it would cover litigation and labor issues. Trustees adjourned into Executive Session at 6:33 p.m.

Trustees returned from the Executive Session at 7:04 p.m.

**Adjournment
(Item XII.)**

Vice Chair Saunders adjourned the meeting at 7:04 p.m.

Respectfully submitted,

Randy Ence, Secretary

2014 ATTENDANCE

Appendix A

October 9, 2014 Regular Board Meeting

2014		January 9 Regular Board Mtg	January 22 Special Board Mtg	February 13 Risk Mgmt Cmte	February 13 Regular Board Mtg	March 13 Regular Board Mtg	April 10 Finance and Audit Cmte	April 10 Regular Board Mtg	May 15 Regular Board Mtg	June 12 Risk Mgmt Cmte	June 12 Nominating Cmte	June 12 Regular Board Meeting	June 17 Special Board Mtg	July 10 Regular Board Meeting	August 27 Special Board Mtg	September 14 Regular Board Mtg	October 9 Regular Board Mtg	
Benavidez	Kelly	P	A-E	P	P		A-E	P		P	P	A-E	A-E	P	P	P		
Bilbray-Axelrod	Shannon	P	P	A-E	A-E	A-E	P	P	P	P	P	P	P	P	P	P	P	
Crear	Keiba	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Drake	Marilyn	P	P	P	P	A-E	P	P	A-E	P	P	P	P	P	P	P	P	
Ence	Randy	P	P	P	P	P	A-E	A-E	A-E	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	
Ortiz	Felipe	P	P	P	P		A-E	P		P	P	P	P	P	P	P	P	
Saunders	Michael	P	P	P	P	A-E	P	P		P	P	P	P	P	P	P	P	
Wadley-Munier	Robin	P	P	P	P	P	P	P	P	A-E	P	P	P	P	P	A-E	P	
Yturralde	Ydoleena	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	

attended Committee meeting but not a member

A-E Excused Absence
 A-U Unexcused Absence

as of October 10, 2014