

**LAS VEGAS-CLARK COUNTY LIBRARY DISTRICT
BOARD OF TRUSTEES' MEETING
LAS VEGAS, NEVADA
March 11, 2021
(Approved April 8, 2021)**

The Board of Trustees of the Las Vegas-Clark County Library District met in regular session at the Summerlin Library and via WebEx at 6:00 p.m., Thursday, March 11, 2021.

Present:	Board:	F. Ortiz, Chair M. Francis Drake J. Meléndrez (Webex) K. Rogers (Webex) N. Waugh	K. Benavidez (Webex) E. Foyt S. Ramaker R. Wadley-Munier B. Wilson
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Counsel: G. Welt

Absent:

Staff: Kelvin Watson, Executive Director
Numerous Staff

Guests: Chelsea Capurro, the Griffin Company (Webex)

F. Ortiz, Chair, called the meeting to order at 6:00 p.m.

Roll Call and Pledge of Allegiance (Item I.) All members listed above represent a quorum. Appendix A. Chair Ortiz led attendees in the Pledge of Allegiance.

Public Comment (Item II.) Graeme Williams emailed public comment on Agenda Item II. (Public Comment). He requested that Trustees update the current Public Comment Policy and made several suggestions. His comments are attached as Appendix B.

Chair Ortiz requested that Mr. William's concerns be placed on next month's agenda for discussion and possible action. Chair Ortiz asked Counsel Welt to be prepared give a legal opinion on the matter of public comment at the next meeting.

**Agenda
(Item III.)** Chair Ortiz removed Items IV. and V. from the agenda. They will be added to the April 8, 2021 Regular Board Meeting Agenda. Trustee Wadley-Munier moved to approve the Agenda with changes. There was no opposition and the motion carried.

**Presentations to
Trustees Marilyn
Francis Drake and
Robin Wadley-
Munier.
(Item IV.)**

This item was removed from the agenda and will be placed upon the April 8, 2021 Regular Board Meeting Agenda.

Approval of Proposed Minutes (Item V.) This item was removed from the agenda and will be placed upon the April 8, 2021 Regular Board Meeting Agenda.

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Chair's Report (Item VI.)

Chair Ortiz reiterated that at the next meeting there would be a discussion concerning public comments and how they should be addressed.

Chair Ortiz congratulated Trustee Benavidez and Trustee Foyt for their reappointments to the Library District Board of Trustees for a second term by the Clark County Commission. He asked if they would like to make any comments.

Trustee Benavidez stated that she was honored to be reappointed and noted that there was great interest in the position, as there were 10 or 11 applications. She thanked the Trustees for their support.

Trustee Foyt said that she is looking forward to the next four years and she has learned a lot in this past term of office. She thanked the County Commissioners who were supportive of her nomination, led by Tick Segerblom and Michael Naft. Foyt concluded by saying that the Trustees are great, there is a wonderful new Executive Director, so she is looking forward to wonderful things happening at the Library District.

Chair Ortiz reminded Trustees that Trustee Shannon Bilbray-Axelrod's last term had concluded. He introduced Nathaniel Waugh, who was appointed Trustee in her place, and asked that he tell the board about himself.

Mr. Waugh thanked Chair Ortiz and the other Trustees for their hospitality, and thanked Commissioner McCurdy for his support. Mr. Waugh gave a brief description of his background, noting that his mother worked at the Enterprise Library and that he hopes to help the libraries continue to flourish. Mr. Waugh explained that he recently graduated from UNLV with a Master's Degree in Urban Leadership and currently works for Hope for Prisoners, a local non-profit.

Chair Ortiz asked for a motion to move item VIII.A. from its current position on the Agenda, to the next item. Trustee Wilson made the motion. There was no opposition and the motion carried.

Chair Ortiz appointed Trustee Waugh to replace Ms. Bilbray-Axelrod on the Audit and Finance Committee. Trustee Waugh accepted the appointment.

Chair Ortiz directed that the next Board meeting include an item as to whether an employee of the Library District can be a Trustee, including an opinion from Counsel Welt. Counsel Welt said that he thought Ortiz had already been provided with the brief he wrote regarding that subject. It said, in part, that an employee of the District could be appointed as Trustee, but would then have to resign as an employee as they cannot fill both positions. Chair Ortiz directed Ms. Boyer to send out the brief to all Trustees.

Unfinished Business

Report on 2021 Nevada Legislature issues by Chelsea Capurro of The

Ms. Capurro reported that the legislative session was on Day 39 of a 120-day session and meetings are still being held via Zoom. She explained the upcoming deadlines as follows: March 15, all legislator's bills must be introduced; March 22, the rest of the Bill Draft Requests

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**Griffin Company
(Item VIII. A.)**

have to be introduced; April 9, bills have to pass their first Committee and, April 20, bills must be passed out of the Assembly.

Ms. Capurro gave an update on the specific legislation that has been drafted pertaining to the Library District. She explained that it is still a Bill Draft Request (BDR). She has received the first draft from the Legislative Council Bureau and the bill is on track to be introduced on Monday. After the bill is introduced, it will come up for a hearing. Ms. Capurro reported that she has had some preliminary conversations and everything looks good.

Chair Ortiz asked if there were any questions from the Trustees. Trustee Wilson asked to be notified when the hearing is scheduled and asked for clarification if this was the library's bill or part of a larger bill. Ms. Capurro replied that the bill covers one subject, specifically for the Library District's.

Trustee Ramaker thanked Ms. Capurro for the weekly reports.

Trustee Meléndrez stated that he, too, appreciated the weekly reports and welcomed new trustee, Nathaniel Waugh.

Trustee Foyt stated she is looking forward to getting information on the progress of the bill and thanked Ms. Capurro for the weekly reports.

Hearing no other questions, Chair Ortiz reminded the audience that the proposed legislation has two parts: 1. Allowing the Library District Trustees the authority to hire an internal auditor as an employee of the Trustees, and 2. Removing the Master's Degree in Library Science as a requirement from the Executive Director position.

Chair Ortiz thanked Ms. Capurro for her report.

**Library Reports
(Item VII.)**

Chair Ortiz moved to accept Reports VII.A. 1-3. There was no opposition and the reports were accepted.

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

Executive Director Watson summarized his written report and asked if there were any questions from the Trustees.

Trustee Benavidez thanked Director Watson for continuing the briefings before the board meetings.

Trustee Ramaker thanked Director Watson for coming to Mesquite to meet with her.

Trustee Wilson thanked Director Watson for the effort he is putting in to learn about the Library District so quickly.

Chair Ortiz asked Director Watson if the Library District was prepared to operate at 75% capacity if the Governor loosens restrictions. Director Watson replied yes.

Hearing no other questions for Director Watson, Chair Ortiz asked the Trustees if they would like to discuss any of the other library reports.

**Library Operations,
Security Reports
and Monthly
Statistics**

No questions.

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(Item VII.A.1.a.)

Branding and Marketing Report and Electronic Resources Statistics (Item VII.A.2.a.)	Trustee Francis Drake thanked Branding and Marketing for their work, noting that they have been very busy promoting the library. Trustee Waugh added kudos to the Branding and Marketing team, stating that he had noticed quite a bit of activity on Twitter from LVCCLD.
Community Engagement Report and Monthly Statistics (Item VII.A.2.b.)	Trustee Foyt asked Matt McNally for the status of the summer meals program for children. Mr. McNally replied that Three Square, who provides the meals, is only giving out shelf-stable food at this time. The Library District currently works with Three Square to distribute this shelf-stable food as after school snacks. Trustee Foyt asked for a brief report at the next meeting on the Three Square food distribution plans for the summer.
Development and Planning Report (Item VII.A.2.c.)	No questions.
Information Technology Report (Item VII.A.2.d.)	No questions.
Financial Services Report (Item VII.A.3.a.)	No questions.
General Services Report (Item VII.A.3.b.)	No questions.
Human Resources Report (Item VII.A.3.c.)	No questions.
New Business	
Discussion and possible board action to extend the appointment of District's current auditor BDO, USA, LLP for one year, for the fiscal year end June 30, 2021. (Item IX.A)	Chair Ortiz introduced Acting CFO, Floresto Cabias. Mr. Cabias explained that the Nevada Revised Statutes require the Board of Trustees to designate an auditor every year. A request for proposal is not required for auditing services, but the District periodically goes through the competitive bidding process and intends to do that again next Fiscal Year. The last request for proposal took place in March 2013, where the Board approved Piercy Bowler Taylor and Kern (PBTK) for five years and the Board subsequently approved annual extensions for PBTK in the years 2018, 2019, and 2020. During these last three years, the District experienced the effects of the COVID-19 pandemic and worked on complex New Market Tax Credit transactions that helped fund construction for the East Las Vegas Library and the new Mesquite Library campus. Having PBTK as its auditor during this time period was very helpful because of the firm's

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experience in local governments and its direct experience auditing the District for many years.

In July 2020, PBTK was acquired by BDO USA (BDO), which is one of the largest accounting firms in the country. BDO performed the District audit for Fiscal Year 2020 and despite the challenges of a merger; they did a good job of combining the library experience of PBTK with BDO's own national resources, which brought a fresh perspective to the audit.

Mr. Cabias continued that during this challenging time, BDO agreed to keep their fee the same as the previous year. Financial services will be seeking competitive bids for Fiscal Year 2022, but for Fiscal Year 2021, staff is asking for authorization to sign the agreement to appoint BDO as its auditor for the District.

Chair Ortiz asked if there were any question for Mr. Cabias on this item.

Trustee Waugh thanked Mr. Cabias and Director Watson for maintaining the fees at the current rate.

Trustee Wilson asked if it was unusual for a contract to go this long without going to bid again, as compared to other contracts in the District. Mr. Cabias replied that other contracts in the District go out to bid more often. He explained that due to the nature of the auditing service and expertise that is needed, combined with the complexity of the New Markets Tax Credit program, he believes it is best to stay with BDO for one more year.

Trustee Wilson moved to authorize staff to sign the agreement to appoint BDO USA, LLP for auditing services for the Fiscal Year ending June 30, 2021. Trustee Ramaker seconded the motion. All voted in favor, motion approved.

**Announcements
(Item X.)**

Chair Ortiz announced that the Audit and Finance Committee would begin their meeting at 4:00 p.m. at the East Las Vegas on April 8th. He added that the regular Board of Trustees meeting would take place on April 8th at 6:00 p.m. at the East Las Vegas Library. This is a change from the meeting Agenda which had the meetings occurring at the Sahara West Library.

Executive Director Watson announced that he would be attending the Clark County Commission Meeting on Tuesday, April the 6th at 9:15 a.m., to celebrate National Library Week. He invited all Trustees to join him at the meeting.

**Public Comment
(Item XI.)**

Scott Clonan, Teamsters 14 steward and Sunrise Library Branch Manager was present in person and made remarks about some previous comments made the Trustees. His remarks are attached as Appendix C.

Fred Voltz, Boulder City resident, emailed his remarks. He proposed the District investigate combining all of the area library districts (LVCCLD, North Las Vegas, Henderson, and Boulder City) into one district for cost savings. His remarks are attached as Appendix D.

Executive Session

Removed from the Agenda.

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(Item XII.)

Adjournment Chair Ortiz adjourned the meeting at 6:55 p.m.

(Item XIII.)

Respectfully submitted,

Kelly Benavidez, Secretary

2021 ATTENDANCE

March 11, 2021 Regular Board Meeting

Appendix A

attended Committee meeting but not a member

A-E Excused Absence
A-U Unexcused Absense

*Shannon Bilbray-Axelrod's term expired March 1, 2021

****Nathaniel Waugh was appointed March 2, 2021**

as of March 12, 2021

From: Graeme Williams [REDACTED]
Sent: Thursday, March 11, 2021 8:10 AM
To: boardcomments <boardcomments@lvccld.org>
Subject: How are public comments included in board minutes?

Comment on agenda item II, "Public Comment"

Graeme Williams
[REDACTED]

NRS 241.035(1)(d) concerns the inclusion of public comments in board minutes. I would like to draw the board's attention to two areas of concern: how email comments to the board are handled; and how that handling is described on the library web site and in the text of board meeting agenda items II and XI (these are the agenda items which invite public comment).

Disclaimer: I am not a lawyer.

Part 1: What does the law require for email comments to the board?

The inclusion of public comments in board minutes is described in NRS 241.035(1)(d). For better or worse, the law uses general terms rather than terms specific to (e.g.) email. Paragraph (d) says that the minutes should include:

"(d) The substance of remarks made by any member of the general public who addresses the public body if the member of the general public requests that the minutes reflect those remarks or, if the member of the general public has prepared written remarks, a copy of the prepared remarks if the member of the general public submits a copy for inclusion."

It certainly seems like email comments to the board are "written remarks" which are "submitted for inclusion" and so should automatically be included in the minutes verbatim. An alternative view is that to be included in the minutes, the email should include an explicit request, such as "I submit these remarks for inclusion in the minutes".

Other than this ambiguity, the law does not appear to allow the board any discretion in this area.

Part 2: How public comments are described in the agenda and on the web site.

The possibility of public comments to the board is described in a document linked at the top of <https://lvccld.org/board/board-of-trustees-meetings/>. It is out of date and does not include the possibility of email comments to the board.

The board is of course under no obligation to explain the Nevada Revised Statutes to the general public. On the other hand, it makes sense for the board to be explicit about email comments and how they are handled, if only to ensure that they are handled consistently.

One question about the text of the agenda items inviting comments concerns how the three-minute rule applies to email comments. The board might consider requiring that email comments start with a short summary (say, up to 500 words) which is read during the meeting with the remainder included in the minutes. In any case, the text of the

agenda item and the text on the web should make it clear what limits do or do not apply to email comments.

Another question is whether the board will automatically include email comments in the minutes or whether an explicit request for inclusion is required. Once a decision is made, this should also be reflected in the text of the agenda items and on the web site.

Part 3: Recommendations

I recommend that the board:

- (i) Ask counsel for an explanation of what the board is required to do and where it has discretion;
- (ii) Decide how to address the questions I have raised about email comments regarding size and inclusion in minutes;
- (iii) Update the text of the agenda items and the web site to make clear what people can do and how to do it.

I request that the text of these remarks be included verbatim in the minutes of this meeting.

Good Evening Trustees, Director Watson and Chair Ortiz:

My name is Scott Clonan and I am a union steward, the Branch Manager of the Sunrise Library and an employee of the Las Vegas – Clark County Library District for over a decade.

I would like to clear up some miss conceptions that the Board seems to have about staff of the district and the stewards that represent them.

1. The Board choose to close the libraries for 2 ½ months early last year and again for 2½ weeks late last year which is just over 3 months not the 4 months stated last meeting. Staff was not consulted on the decision. We were ready willing and able to work but we were not allowed to. We could have done curbside, virtual programming and reference. So the characterization that staff had a 4 month vacation is incorrect and is hurtful and demoralizing to the staff that wanted to provide vital services to our community.
2. Another thing that did not help staff morale was hearing the Board bicker and complain about how unsafe it was to have a monthly face to face meeting. Yet staff was working daily with patrons who were unwilling to wear masks and social distance.
3. The stewards negotiated in good faith when were asked for concessions. We were willing to give the concessions. We only wanted to know that if there was extra money at the end of the fiscal year if it could come back to us. We received a resounding no. The characterization of the stewards as being selfish and greedy is also inaccurate. We were looking out for our fellow staff members.
4. The reason that a few staff bank large amounts of sick leave is because the District does not pay for our disability insurance and we are subject to termination after four weeks without pay. The large banks of sick leave are a rare occurrence. In my branch of 27 staff members only one staff member has a large bank of sick leave. Most would not cover a 3 month illness or maternity leave.
5. Despite what was said at the last board meeting other government agencies in the county receive both a merit and a COLA annually.
6. The board is considering hiring a Internal Auditor in part because you say you do not hear from staff. We have not been asked. Please ask us. I think a front line staff member, not admin. should be at every board meeting to answer Trustees' questions.
7. Chair Ortiz you suggested that Fred James receive a " Financial Bonus" for leading the District through the pandemic. How about some appreciation for the staff of the 25 branches and support services that worked daily during the pandemic to provide vital and essential services to our patrons?

I want to say that I am extremely proud of The Las Vegas – Clark County Library District staff. We are the only library district in Nevada to be fully open and one of the few in the nation. We are front line essential workers and we have shown up during this pandemic In our branches to provide vital services to our community.

Thank you for your time.

Final Public Comment—Las Vegas-Clark County Library Board of Trustees—March 11, 2021—Fred Voltz

Good evening, trustees. For the record, Fred Voltz, [REDACTED] Boulder City.

Thirty-six years ago, your predecessors saw the merits of consolidating library systems between Clark County and the city of Las Vegas.

Notwithstanding today's enactment of \$1.9 trillion dollars of federal bailout payments to a range of destinations, it is always important when spending public money to do so wisely.

We have four distinct library systems in Clark County: the one you oversee, North Las Vegas, Henderson and Boulder City. Each of them likely operates in a slightly different way from one other, but the essential services they provide to the communities they serve are effectively the same.

While there are various reciprocity agreements for exchanges of materials and use of computer systems, the four library districts necessarily duplicate many administrative functions and perhaps lose out on volume buying discounts for subscriptions and other materials. Amazon's announcement today that it will no longer sell e-books and audio book versions of works it publishes in-house to libraries certainly changes costs for library materials.

What I would like to suggest tonight is the initiation of a discussion among the four districts about the possibility of fully merging operations into one district.

There could be multiple, compelling reasons why such a merger does or does not make sense.

We will never know any of those answers if we don't conduct the research objectively.

Library systems across the state have been working with one another diligently and regularly in figuring out how to negotiate virus constraints and how best to conduct operations. Therefore, it shouldn't be hard to have the same sort of collaboration with just four participants.

I hope you will see the merit in adding this subject to your next meeting agenda so it can be publicly discussed by staff and trustees, leading to progress in finding an improved path forward for the delivery of library services.

Thanks for considering this possibility.