MINUTES LAS VEGAS-CLARK COUNTY LIBRARY DISTRICT BOARD OF TRUSTEES MEETING LAS VEGAS, NEVADA JANUARY 11, 2007 (approved February 8, 2007)

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, January 11, 2007.

Present: Board: V. Davis-Hoggard L. Overstreet (via phone)

F. Sponer L. Harala K. Benavidez K. Carter T. Wong E. Sanchez

Counsel: G. Welt

Absent: A. Arthurholtz

A. Aguirre

Staff: Daniel L. Walters, Executive Director

Numerous Staff

Guests: Thomas Schoeman, CEO, JMA

Michael Crowe, JMA

V. Davis-Hoggard, Chair, called the meeting to order at 6:04 p.m.

Roll Call All members listed above represent a quorum. Trustee Overstreet

called in at 6:35 p.m.

Agenda Trustee Sponer moved to approve the Agenda as proposed. There was

no opposition and the motion carried.

Executive Session – Briefing by Counsel regarding pending litigation. (Item

111.)

Chair Hoggard moved that the Board adjourn into Executive Session for a briefing by Counsel regarding pending litigation. Hoggard indicated it was to be a closed session and no action would be taken.

There was no opposition and the motion passed. The meeting was

recessed at 6:05 p.m.

Chair Hoggard moved that the Board resume. There was no opposition

and the motion carried. The meeting resumed at 6:34 p.m.

Approval of Proposed Minutes Regular Session, November 9, 2006. (Item IV.A.) Trustee Carter moved to approve the Minutes of the Board of Trustees Meeting held November 9, 2006. There was no opposition and the motion carried with Trustees Wong, Sanchez and Harala abstaining.

Chair's Report (Item V.)

Chair Hoggard announced that the Annual American Library Association meeting will be held in Washington, D.C. June 22-June 26. Trustees who would like to attend should notify the Executive Assistant as soon as possible as hotels book up quickly.

Trustee Overstreet called in to the meeting.

Chair Hoggard announced the arrival of newborn Thor Reed Harala to Trustee Larry Harala and his wife on December 21st. Trustee Harala was given a round of applause. Executive Director Walters then presented Trustee Harala with a gift from Board members and staff. Thor joins two older sisters, Alina and Haley.

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

Chair Hoggard announced that Executive Director Walters and several staff have verbal reports in addition to their written reports already provided to Trustees.

Mr. Walters first reported he received a call from Anita Laruy, Director of the North Las Vegas Library (NLVL), to discuss NLVL's contracting with the District again for on-line library services for circulation and cataloging. NLVL had previously contracted with the District for those services, but went with the Henderson District Public Libraries (HDPL) when it withdrew and set up its own system.

Items that need to be reviewed include the amount of cross-use between NLVL and the District. With the new Aliante Library, Mr. Walters hopes the amount of cross-use is down. He advised Ms. Laruy that NLVL would need to pay for expenses, including labor costs associated with LVCCLD staff's conversion of NLVL data and related conversion expenses. Walters used Boulder City as an example for Trustees. Boulder City pays approximately \$24,000 per year with one branch to be part of the District's system. NLVL has two branches, is planning a third, and is a considerably larger system, so its costs will be larger than Boulder City's. This is quite a difference from when NLVL was part of the District's system. Currently, according to the HDPL, NLVL is paying in the range of \$10,000-\$12,000 per year. Walters also advised Ms. Laruy that the District will be migrating to an RFID system and once that is in place, all contract libraries may be required to migrate to the system as well.

Mr. Walters told Ms. Laruy that he would report their conversation to the LVCCLD Board. The District wishes to be of service to all citizens of Clark County and is open to evaluating any proposal; however, the District cannot subsidize the NLVL. Walters is confident that the cost to NLVL of converting to the District's system (including the cost to upload its library catalog data records to the District system), will still be less expensive than setting up its own system. He will follow-up with Ms. Laruy and continue to report to the Board.

Mr. Walters then expanded upon his written report of his meeting with Mesquite Mayor Bill Nicholes. The meeting was requested by Trustee Carter, who also attended. Mayor Nicholes expressed his strong desire to explore the feasibility of converting the City's oldest public building, "The Old Gymnasium," into space suitable for a library. The building is reported to be on the National Register of Historic Places.

Mayor Nicholes is trying to raise funds from a private donor who is willing to provide a significant donation under the condition that the

remodel is undertaken in a manner that assures the exterior architectural features are restored in a manner meeting requirements for restoration of federally designated historic buildings. At this point it is not clear that there would be any, or limited, funding for interior improvements necessary for the space to be converted into an expanded library that would provide approximately three times the space as the woefully inadequate existing library. Walters commented that even approximately 6,000 square feet (as opposed to the current library's gross square footage of approximately 2,200) would still be woefully inadequate based on what is anticipated for Mesquite development and population growth.

Mr. Walters also mentioned that any plans for Mesquite are complicated by the potential residential development slated for Lincoln County and the Arizona strip, for which the District could expect to receive little or no revenue in exchange for the number of people served.

Mr. Walters told Mayor Nicholes that this is the first year gross tax revenues from real property in Mesquite have equaled the District's direct operating costs (personnel and benefits, utilities, collection maintenance) for the current Mesquite branch, but does not include the overhead costs (administration, IT, courier, access to the catalog). At this time, there is no revenue stream identified to accommodate a larger facility in Mesquite.

Mayor Nicholes has requested that Mr. Walters provide a "letter of interest" indicating the District's willingness to explore the feasibility of moving into the remodeled facility. Mayor Nicholes has indicated that such a letter would assist his efforts to obtain funding, including a potential match from Clark County for the project. Mayor Nicholes is not requesting a formal commitment to expand District services in the facility at this point.

With the increased population in northern Clark County, Mr. Walters believes the District has an obligation to explore scenarios in the interest of serving our public. If the Mayor has an opportunity to raise the money to restore the building, the District should see how the process develops. In the process, perhaps a way to fund a larger branch in the area can be found. Walters emphasized that, however real the growth in northern Clark County, the District must carefully manage its use of funds, given current funding limitations. The new growth areas in urban Clark County, by action of the Board, have been established as a higher priority in funding capital projects.

Chair Hoggard asked Trustee Carter, as a member from the Mesquite area, for his comments. Trustee Carter explained that the Mayor is working with a private citizen who would like to donate to the City a significant amount of matching money to restore the "Old Gymnasium" building. The citizen would donate \$1 million if the City were able to match it. Once the renovation is complete, the District would be offered the building to occupy and operate as a library. The process the Mayor is working on is expected to take several years, according to Trustee Carter.

Chair Hoggard commented that the City of Las Vegas is in a similar position with the Old Post Office building and has received grants and matching funds for its restoration. She suggested that Mesquite city staffers might want to consult with City of Las Vegas staff to learn about different resources.

Mr. Walters indicated that since the Board did not meet in December, there are several administrative items that he has asked staff to report to the Board. Said reports are shown in their departmental areas.

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

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

Deputy Director, C.O.O. Morss reported on an incident at the Green Valley Library and an increase in security incidents at branches these past two months.

On December 4, 2006, staff found the library filled with smoke when they arrived for work at 8:00 a.m. Staff called 911, and the Henderson Fire Department responded and investigated. A vehicle had hit a transformer, which caused a power outage to the area. When the power came back on, there was a power surge which shorted the branch's HVAC unit and smoke filled the library. After inspection by the local fire department, firemen advised that the library was safe and that the smoke was not harmful.

Mr. Morss inspected conditions at the library which was closed until 2:00 p.m. until the smoke had sufficiently cleared. Staff noticed a smoke odor throughout the rest of the day. Several staff complained of feeling nauseous from the odor. They were given the option of going home sick or working at another library. Morss checked in regularly throughout the rest of the day; however, the library stayed open until its regularly scheduled closing time of 9:00 p.m. The next morning, the smell was still present. The General Services Department investigated the odor situation and determined that it was being caused by the smoke remnants left over from the HVAC unit. A clean up crew was brought in after hours to wipe down all affected areas in the ceiling as well as to distribute an air freshener spray to dilute the smoke odor. The smoke odor was not present when the building reopened the following morning.

Several days later, after the HVAC unit had been repaired and restarted, a small amount of smoke and odor returned. The General Services Department shut down the unit again and solved the problem. By the end of the week, the systems were functioning and the odor had dissipated.

Trustee Hoggard asked if the Fire Department was called when the unit was restarted and the smoke and odor returned. General Services Director Rice clarified that only residual odor returned when the HVAC unit had been turned back on and the Fire Department was not called.

Mr. Morss then discussed recent incidents reported in his monthly Security Report distributed to Trustees. While the report does cover two months, there has been an increase in the number of incidents. In the reports distributed this month, Trustees would have read that two staff members were physically assaulted in separate incidents, one with a pen and the other with a stapler. Both offenders threw these items at staff members. According to Morss, unless police are called, incidents such as these cannot be prosecuted and the individuals in question ran from the library grounds before the police could be called. However, both individuals were trespassed from the libraries where the incidents occurred.

The Security Reports may appear to reflect additional increases over the next several months because the District has decided to adopt a "no tolerance" attitude with "problem patrons." In the past when a patron broke a library rule, staff would advise the patron of the problem and require the patron to leave for the day; however, so many people are not showing respect for the rules of conduct that staff believes stronger action is required. Morss stated that Library staff is now trespassing patrons who engage in exceptionally intolerable behavior. This move is meant to ensure the safety of patrons and library staff.

Chair Hoggard asked Mr. Morss if he believes many of the problems are caused by the homeless. Morss replied that while some branches such as Las Vegas and Clark County have large homeless populations, they do not cause a majority of the problems. In fact, Morss said, the two patrons described above were not homeless. They were mad because they had late books and did not want to pay the fines.

Business Office Report (Item VI.A.2.) Deputy Director, C.F.O. James reported on the information given at the Economic Outlook Forum for 2007. The forum was held on December 19 and conducted by the Center for Business and Economic Research (CBER) at UNLV. James also expanded upon his written report regarding lower consolidated tax (CTX) projections.

The Forum covered economic forecasts ranging from the national level down to the local regional economy. On the national level, CBER reported on the GDP (gross domestic product), CPI (consumer price index), national industrial output and the national unemployment rate. Interest rates are in an unusual state as short-term rates are currently higher than long-term rates. According to Mr. James, usually it's the other way around.

In Southern Nevada, the economic outlook shows that jobs are due to increase 5.4% (which is not consistent with the country as a whole); however the number of permits for new housing units is down 41.8% over the year. This will impact the CTX as there will be lower consumer spending on household items such as appliances, automobiles, etc.

Mr. James said he is projecting (based on four months of the current fiscal year) a shortfall in CTX revenues the District receives of approximately \$800,000 to \$1.2 million. This is approximately 2% of the District's budget. To make up the shortfall, Mr. Walters and the Executive Council will be looking at tighter controls on budgeted expenditures to make up any CTX shortfall.

Otherwise, Mr. James stated, CBER expects increases in gaming revenue, local population, the number of hotel rooms and visitor volume. Barring an unexpected downturn in the Las Vegas economy (through a terrorist incident or natural disaster), the economy looks good for the rest of the year.

Mr. James continued to say the local housing market is balancing out. Assessed property values are already high and James does not expect to see any great increases, as in previous years. Due to the still large number of new homes, he doesn't expect to see any large decrease in property tax revenues.

Mr. James reiterated the only area of concern for the District at this time is the CTX revenues.

Mr. James explained the CTX is a combination of the sales tax on retail sales, cars, food and beverage and other consumable products. Mr. Walters confirmed that the overwhelming percentage of the taxes that make up the CTX come from retail sales. Mr. James reiterated that when sales of things such appliances and automobiles are down, as was reported earlier, CTX revenues suffer.

Mr. Walters explained to Trustees that during the formulation of the District's budget, staff receives a number from the Nevada State Department of Taxation which is the estimate of what the District will realize from its share of CTX revenues. Many municipalities inflate that amount to increase the operating revenue. The risk, then, is meeting or not meeting the revenue amount. Or, the municipality could adopt a more conservative policy of using a lower number than the estimate.

Mr. Walters stated that, in every year since he arrived in Las Vegas except one, the CTX revenue actually received has outperformed the state estimate. This is the first year that the revenue is not coming in over that estimate. Mr. James concurred, stating that the increases over the original estimates in previous years have been 11%, 12% or 13% over the Department of Taxation estimates.

Mr. James continued by saying that the Business Office has looked at data for the four months of FY 2006-2007 that are in and are projecting out the rest of the fiscal year using historical data from previous years. James believes there is a very low possibility that the previous year's increases over the estimate will be achieved. He believes that gap will be narrowed to more closely correspond with the original estimate and the District will know more by February or March if the trend continues.

Mr. Walters also explained to the Board that the reason he asked Mr. James to expand on his written report was to explain why the District is asking for an augmentation to transfer revenue to the Reserve Fund while also tightening its belt on the operating side. Walters believes the transfer will accomplish the District's long-term goals while the belt-tightening planned for the operational side will address short term issues.

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

Technology Report (Item VI.A.4.)

Approved.

General Services Report (Item VI.A.5.) Mr. Walters asked General Services Director Rice to update the Board on the West Las Vegas Library and efficiency remodel. Mr. Rice reported that the schedule called for Winston Henderson to present the Construction Documents Phase for the West Las Vegas Library and efficiency remodel at this meeting for Trustee approval. Due to an electrical mechanical consultant dropping out just prior to the holidays, the West Las Vegas Library project is not on schedule. According to Rice, after the holidays Mr. Henderson reported that he found a replacement consultant, but the delay puts the project several weeks behind.

Mr. Rice acknowledged the concern about missing a key deadline, due to an expenditure deadline of June 30, 2007 on the Homework Help Center funding grant from the State of Nevada. Rice distributed a revised schedule prepared by Mr. Henderson and acknowledged it was very aggressive. The schedule incorporates an express plan check with the City, which should cut 2-3 weeks from the schedule. If Mr. Henderson can stick to this schedule, construction will begin on May 1st. This allows for two months of construction for progress payments which will satisfy the grant expenditure requirements.

Mr. Rice said he is cautiously optimistic, but warned Trustees that the real unknown was when the bidding process begins and the District sees the bids presented. At next month's Board meeting, according to the revised schedule, Mr. Henderson will present the Construction Documents Phase for Trustee approval.

Also at next month's meeting, Mr. Rice stated he will present a strategy to keep the building open during construction. Rice continued to say that the magnitude of the work required for the project will mean the main section of the branch and the YPL area will be heavily affected by the work. Consolidating the services offered into a smaller area is among the options that are being looked at. Rice said this will be a difficult process and may also affect the bids the District receives as too many constraints will affect the number of contractors who want to bid on the project.

Counsel Welt suggested that he and Mr. Rice meet to draft a letter to send to Mr. Henderson confirming the meeting and the updated schedule as well as detailing the ramifications to the District should the schedule not be met, including the additional costs if the grant funding requirements are not met or other costs are incurred due to the delay.

Chair Hoggard asked for comments from the Board.

Trustee Sanchez suggested that the contractors be asked to provide, as part of their bid, details on their schedule and costs if the contractor was not required to work around an open branch. Sanchez stated she is normally not in favor of closing branches. In order to meet the funding deadline, she suggests this option be considered.

Chair Hoggard concurred with the idea, also saying she is against closing branches, but in order to complete the project and use the grant money by the deadline, the District needs to look at all options.

Marketing Report (Item VI.A.6.)

Approved.

Development Report (Item VI.A.7.)

Approved.

Unfinished Business (Item VII.)

None.

Discussion and possible Board action adopting Resolution 2007-01 augmenting the District's budget for FY 2006-2007. (Item VIII.A.)

Mr. James introduced this item.

The proposed resolution 2007-01 will be the fifth transfer of undesignated reserves during the last several years. To accomplish this transfer, it is necessary to augment the Board's adopted FY 2006-07 budget by increasing the General Fund budget from \$58,033,576 to \$61,533,576 in order to transfer an additional \$3.5 million to the Capital Projects Fund. This brings the adjusted total transfer for the FY 2006-07 budget to \$11.7 million.

The additional \$3.5 million transfer is to supplement the available funds of \$1.5 million in the Integrated Library System Replacement Program (ILRP) for the implementation of the RFID project. Mr. James referenced a memorandum from the Director of Information Technology detailing the estimated costs to complete this project.

The augmentation also includes adjustments to budgeted expenditures in the Capital Project Programs for the FY 06-07 budget of \$80,000 (ILRP) consulting fees for the RFID project and an additional \$350,000 (Capital Construction Program) for unanticipated costs for architectural services for the Centennial Hills and West Las Vegas Library projects during the current fiscal year.

The District's actual ending fund balance for FY 05-06 is \$6,191,796, which is \$2,459,514 above the budgeted ending fund balance of

\$3,732,282. The increase in fund balance is attributed primarily to a combination of expenditure controls during the fiscal year and revenues exceeding budget estimates. As a result of the proposed transfer, the revised 2007 projected ending fund balance for the General Fund will be \$3.13 million, or 6.3% percent of appropriations.

Given projected revenue and expenditure estimates, Mr. James believes that an ending fund balance at this level should be sufficient to provide for adequate cash flow and emergencies.

Mr. James confirmed that, in accordance with statutory requirements, this proposed documentation has been duly advertised and published in the journal of record.

Trustee Sponer moved to adopt Resolution 2007-01 augmenting the District's fiscal 2007 General Fund Budget from \$58,033,576 (including operating transfers of \$8.2 million) to \$61,533,576 (including an operating transfer of \$11.7 million) for the purpose of transferring an additional \$3.5 million to the Capital Reserve Programs in the Capital Projects Fund. There was no opposition and the motion passed.

Discussion and possible Board action regarding approval of the 95% Construction Documents Phase for the Centennial Hills Library. (Item VIII.B.)

General Services Director Rice introduced this item and updated Trustees on the progress of the project so far.

Mr. Rice said the District has been very pleased with the progress made by JMA. Chair Hoggard reminded Trustees that a copy of these documents were provided to them prior to the meeting and urged them if they have any questions, to ask them now.

Thomas Schoeman and Michael Crowe from JMA gave a brief overview of the plans and documents provided to Trustees. Mr. Schoeman emphasized that JMA is on schedule and on budget. He reiterated that the plan is flexible, simple and uses lots of natural daylight. Schoeman and Mr. Crowe showed updated boards of materials and colors to be used on the exterior and interior of the building.

Trustee Overstreet terminated his telephonic participation in the meeting at this time.

Mr. Schoeman anticipates bidding to open in February 2006 with bids awarded in May 2006, with occupancy scheduled for September 2007.

Mr. Schoeman reminded Trustees that Centennial Hills will be designed as a LEED-certified, energy-efficient building. The plan called for a minimal "Silver" certification; however, as currently designed, the building may received (if approved by USGBC) a "Gold" certification. Schoeman also described the building's displacement air system, which is a new way to operate a mechanical system. The air will come out of the bottom of the interior columns and rise, as opposed to the current practice of air coming out higher in the columns. What will be done at Centennial Hills is a much more efficient mechanical distribution system than is normally used.

Chair Hoggard says she doesn't have a question, but wants to say that having finally seen the Centennial Hills sit; she believes this will be a beautiful library on a beautiful spot.

Trustee Wong congratulated Mr. Schoeman and the JMA staff for getting the plan done on time. Trustee Sanchez echoed Trustee Wong.

Trustee Wong moved to approve the 95% construction documents for Centennial Hills Library and to authorize the Executive Director to approve the 100% construction documents upon completion of the City of Las Vegas Building Department's review and final review by District staff, and to proceed with the bidding phase. There was no opposition and the motion passed.

Discussion and possible Board action regarding employment contracts for Patricia Marvel, Marketing and Community Relations Director, and John Vino, Assistant General Services Director. (Item VIII.C.)

Human Resources Director Bud Pierce presented this item. Mr. Pierce acknowledged Ms. Marvel's achievements during the previous five years and introduced Mr. Vino. Mr. Pierce also acknowledged that the item went out with a mistake on the start date of both Ms. Marvel's and Mr. Vino's contracts. The correct dates are shown below.

Patricia Marvel has served as the District's Marketing and Community Relations Director since October 15, 2001. As a result of her work, the marketing and community relations function has been elevated to a much higher level of achievement and the District has received John Cotton Dana Awards in 2003 and 2004. As a result of her successes, it is recommended that another employment contract be extended to Ms. Marvel and would run for a period of five (5) years beginning January 12, 2007 until January 12, 2012.

The position of Assistant General Services Director, an exempt, administrative position, is the result of the reclassification of the vacant Facilities Manager position within the General Services Department. The Executive Director approved the reclassification of the position in light of the increasing workload in the department as new construction projects move forward. Nation-wide recruitment resulted in three qualified candidates, and all three were interviewed. The successful candidate, John E. Vino, was hired on December 11, 2006 with the agreement that continued employment is subject to approval of an employment contract by the Board of Trustees.

Mr. Vino has over nine years of experience in facilities management that included responsibility for locations nation-wide. Most recently, he has been general manager of a local retail/manufacturing business. Mr. Vino received his Bachelor of Arts degree from Pace University in New York.

The proposed employment agreement for Mr. Vino will contain essentially the same terms and conditions of employment as other employment agreements with the District. The employment agreement will be for a period of five (5) years beginning January 12, 2007 through January 12, 2012.

Trustee Sponer moved to authorize the Executive Director to execute at-will employment agreements for Patricia A. Marvel for the position of Marketing and Community Relations Director effective January 12, 2007; and for John E. Vino for the position of Assistant General Services Director effective January 12, 2007 subject to the review and approval of legal counsel. There was no opposition and the motion passed.

Counsel briefing regarding the Nevada State Commission on Ethics Advisory Opinion No. 06-03, "in the matter of the request for an advisory opinion of Laurayne Murray, Town Board Member, Pahrump Town Board." No action will be taken. (Item.VIII.D.)

Counsel Gerald Welt directed the Board's attention to the Advisory Opinion included in their packets and advised the Board that he reviews the opinions issued by the Ethics Commission on a regular basis. Some apply to the Board, while most do not. Mr. Welt commented that the District Board does a very good job of avoiding conflicts of interest and in appropriate voting behavior. Welt said the Advisory Opinion No. 06-03 brought up some interesting issues that he wanted to call to the Board's attention.

Mr. Welt said it appeared that the Ethics Commission and the statute's intent require the Board to vote as much as possible. Board members should abstain only when absolutely necessary and only when a true conflict or special interest exists. Welt said that members of the Board disclose, even when the possibility is fairly absurd, but in the interests of public disclosure Board members comply.

Mr. Welt continued by saying there are a number of categories, fundamentally they are as follows: If a Board member has a personal knowledge or conflict, he or she must disclose – that is primary. 1) In some cases, if a Board member has some personal knowledge, the Board member can discuss, advocate and even vote on an item if the Board member receives no more gain personally than the community at large. 2) In other cases, the Board member has some personal knowledge and can disclose and discuss the item, but cannot advocate or vote. 3) In the last case, the conflict is so large; e.g. the Board member will receive a personal gain from the relationship, then the Board member cannot discuss, advocate or vote on the item.

Mr. Welt reiterated that he felt the Board members generally handle disclosures and conflicts appropriately, but he encouraged them to call him if they had any concerns regarding a particular item. Welt and the Board member can then discuss independently whether the relationship is such that the Board member should abstain completely.

Chair Hoggard commented that she thought Board members only abstained when the minutes of a meeting they did not attend were voted on. Mr. Welt responded that he would review Roberts Rules and Ethics Committee rulings for clarification, but that Board members should vote, even though they were not present for the actual meeting, because what the Board is approving is whether the Secretary has transcribed the information correctly, not the content. Welt said he would research and update the Board at the next meeting.

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Public Comment (Item X.)

Chair Hoggard announced she would change the order of the Agenda and call for Public Comments as the next order of business.

There was no one signed up for Public Comment.

Announcements (Item IX.)

The next Board Meeting will be held Thursday, February 8, 2007 in the Las Vegas Library at 6:00 p.m.

Chair Hoggard announced that Library Day in Carson City would be held on March 22, 2007 and asked Trustees to put that date on their calendars. She suggested that Trustees go up the night before to allow for a briefing prior to a full day of meetings.

Adjournment (Item XI.)

Chair Hoggard moved to adjourn the meeting at 7:35 p.m. There was no opposition and the motion carried.

Respectfully submitted,

Kelly Benavidez, Secretary