

MINUTES
LAS VEGAS-CLARK COUNTY LIBRARY DISTRICT
BOARD OF TRUSTEES MEETING
LAS VEGAS, NEVADA
June 14, 2007
(approved July 12, 2007)

The Board of Trustees of the Las Vegas-Clark County Library District met in regular session in the Clark County Library, Las Vegas, Nevada, at 6:00 p.m., Thursday, June 14, 2007.

Present: Board: V. Davis-Hoggard L. Overstreet
F. Sponer L. Harala
A. Arthurholtz A. Aguirre
E. Sanchez K. Carter
J. Costello

Counsel: G. Welt

Absent: K. Benavidez

Staff: Daniel L. Walters, Executive Director
Numerous Staff

Guests: Kevin King, Rafael Construction, Inc.
Tom Schoeman, JMA

V. Davis-Hoggard, Chair, called the meeting to order at 6:00 p.m.

Roll Call All members listed above represent a quorum. Trustee Sponer arrived at 6:01 p.m. and Trustee Harala arrived during the Executive Session. Chair Davis-Hoggard noted that Trustee Benavidez was traveling and unable to attend.

Agenda Chair Davis-Hoggard changed the order of the Agenda to move Items VIII.A-H (New Business) before Items VI.A.1-7 (Library Reports), with the exception of VI.A. (Executive Director's Report). Chair Davis-Hoggard moved to approve the Agenda as changed. There was no opposition and the motion carried.

Executive Session – briefing by Counsel regarding litigation. (Item III.) Chair Davis-Hoggard moved that the Board adjourn into Executive Session for a briefing by Counsel regarding litigation. Davis-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 6:01 p.m.

Chair Davis-Hoggard moved that the Board resume. There was no opposition and the motion carried. The meeting resumed at 6:23 p.m.

Approval of Proposed Minutes Regular Session, May 17, 2007. (Item IV.) Trustee Sponer moved to approve the Minutes of the Board of Trustees Meeting held May 17, 2007. There was no opposition and the motion carried.

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Chair's Report (Item V.)

Chair Davis-Hoggard encouraged all Board members to attend the Board Retreat scheduled for Thursday, July 12th and Friday, July 13th at the Golden Nugget. On July 12th the Retreat will begin at 3:00 p.m. and recess at 7:30 p.m. On July 13th the Retreat will reconvene at 8:00 a.m. and run until 3:00 p.m. Davis-Hoggard asked Executive Director Walters to brief Trustees on what will be covered during the Retreat.

Mr. Walters said the Retreat will have a full agenda with staff status reports on the nearly completed 2005-2008 *Strategic Service Plan* and the critical need to update the District's current *Capital Plan* that is filed with the Department of Taxation. The *Capital Plan* revision is necessary because of transfers to the Capital Projects Fund over the past two years and the need for direction from the Board to update the *Plan* to include allocations for the material undesignated capital fund balance, such as funding for a future service center and other infrastructure items.

Mr. Walters also said he has also been working with CFO Fred James and Kathy Ong and James Chachas of Hobbs, Ong & Associates, Inc. to prepare estimates of revenue for the next few fiscal years so the Board may assess options for future projects, including new branches. It may be possible for the District to borrow funding for major projects that were included in the last bond issue by leveraging a combination of its current fund balance and borrowing against a portion of its future operating revenue.

Chair Davis-Hoggard encouraged Trustees to attend Staff Day, scheduled for Friday, June 15 at Texas Station.

Chair Davis-Hoggard asked whether a date for the Centennial Hills Library groundbreaking had been set. Mr. Walters replied that the date would be after mobilization is complete and the site set up, so he was hopeful the groundbreaking would occur during the last week of July. The event would occur in the early morning. Trustees will be notified once a date has been set.

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

Mr. Walters drew Trustees' attention to his written report which included comments about the close of the 2007 Legislative Session. He also noted that the District's lobbyist, Bob Crowell, was rated in the top five of all lobbyists for the session.

Chair Davis-Hoggard advised Trustees that the District will be receiving another small grant for the West Las Vegas Library and that Mr. Walters should be receiving the details of the grant shortly from the Legislature.

Trustee Costello asked about AB551 as he thought the bill passed without the requested funds for Nevada libraries. Mr. Walters responded that the money was moved out of AB551 and included in the Nevada State Library's base budget, part of the state budget, which was approved. In the past, the Library funds request was a separate request, not included in the base budget.

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Unfinished Business (Item VII.) None.

Consent Agenda

Chair Davis-Hoggard moved to approve the Consent Agenda (VIII.A.1-7), which consisted of the following items, in its entirety:

1. Discussion and possible Board action regarding the award of printing services contracts.

Authorize staff to award a printing services contract to Las Vegas Color Graphics for Item #1 as specified in Bid No. 07-09, and to A & B Printing for Item #2 as specified in Bid No. 07-09, and to extend the contracts in subsequent years subject to available funding and continuing contractor performance standards outlined in the bid documents.

2. Discussion and possible Board action regarding contract award for Library Materials and Debt Collection Services with Unique Management Services, Inc. for one year with options to extend the contract with three (3), one-year renewals.

Authorize the Executive Director to award a contract to Unique Management Services, Inc. to provide library materials and debt collection services for one year and to authorize staff to extend the contract for three one-year renewals in subsequent years subject to funding being available and the vendor continuing to meet specifications as outlined in the contract documents.

3. Discussion and possible Board action regarding upgrades of the District's Telephone System, Telephone Accounting System, and Telephone Management System.

Authorize the Executive Director to contract with Shared Technologies for the upgrade of the District's Telephone System: \$43,541.14 for the mail system; \$37,240.81 for the accounting package; and \$3,154.94 for the telephone system management subject to review by counsel.

Authorize staff to award a contract to install a packaged chilled water central cooling plant for the Summerlin Library, in accordance with Bid No. 07-13, to Johnson Controls, Inc. for an amount not to exceed \$27,329.00.

4. Discussion and possible Board action regarding a contract award for the installation of a packaged chilled water central cooling plant for the Summerlin Library.

Authorize staff to award a contract for the electrical service replacement for a new packaged chilled water central cooling plant for the Summerlin Library, in accordance with Bid No. 07-15, to Hamill Electric, LLC for an amount not to exceed \$29,700.00.

Authorize the Executive Director to execute an at-will employment agreement for Albert Prendergast for the position of Information Technology Director, CIO effective July 20, 2007 subject to the review and approval of legal counsel.

Approve the revisions to the *Drug Free Workplace Policy* as proposed by staff.

There was no opposition and the motion carried.

5. Discussion and possible Board action regarding a contract award for the electrical

service replacement for a new packaged chilled water central cooling plant for the Summerlin Library.

6. Discussion and possible Board action regarding the employment contract for Albert Prendergast, Information Technology Director, Corporate Information Officer (CIO).

7. Discussion and possible Board action regarding revisions to the District's *Drug Free Work Place Policy*.

(Item VIII.A.1-7.)

Discussion and possible Board action regarding contract award and contingency budget for construction of Centennial Hills Library. (Item VIII.B.)

Steve Rice, General Services Director, introduced the item. He noted that funds were allocated in the Capital Projects Fund for construction of the new Centennial Hills Library.

An Invitation to Bid was advertised in the *Review-Journal* and the community based minority newspapers. Additionally, the Invitation to Bid Notice was faxed to all minority Chambers of Commerce and to contractors listed in the Clark County and City of Las Vegas MBE, WBE, SBE, and PBE business directories and was posted on Clark County's "Fax on Demand" system. The bid opening was held on May 16, 2007. Six (6) bids were received. Rafael Construction, Inc. was the lowest responsive and responsible bidder with a base bid amount of \$16,617,055 plus \$229,000 for the additive alternate, for a total bid of \$16,846,055. The additive alternate is for stone veneer in lieu of CMU veneer on designated walls.

Mr. Rice introduced Kevin King, part owner of Rafael Construction and project manager for the Centennial Hills Library project and Tom Schoeman of JMA Architecture Studios to answer any questions from Trustees.

Mr. Walters noted that the bid award is within the budget amount set by Trustees so not only is the project on schedule, it is within budget as well. He congratulated Mr. Rice and the design team for their hard work.

Mr. Rice said that staff also recommends that funding totaling 5% (\$842,000) of the contract amount be approved for potential change orders required for the following reasons:

1. For work required due to changes in Library District program or use requirements.
2. When essential design/work has been inadvertently omitted.
3. To correct errors in plans and specifications.

Project Change Orders will be administered by staff in accordance with the Construction/ Renovation Project Change Order Approval Policy and Procedure.

Trustee Overstreet moved to authorize staff to award a contract for construction of Centennial Hills Library, in accordance with Bid No. 07-11, to Rafael Construction, Inc. for the amount of \$16,846,055.00; and approval of a contingency budget of \$842,000.00 for potential change orders. There was no opposition and the motion carried.

Discussion and possible Board action regarding contract award for professional engineering services to provide course of construction special inspections for Centennial Hills Library. (Item VIII.C.)

Mr. Rice introduced the item. Proposals were solicited from four agencies selected from the City's approved list of special inspection agencies. Three proposals were received. Terracon Consulting Engineers & Scientists submitted a proposal for the required testing that was most advantageous to the District in terms of estimated cost, \$39,548.

Trustee Sponer asked about the variance between the highest and two lowest proposals. Mr. Rice explained that the City of Las Vegas Building and Safety Department requires that special inspections be provided during construction for the types of work listed on the Scope of Work SI-6 form provided by the City as part of the plans check process. Rice continued to say that it is the owner's responsibility to obtain and fund the special inspection services by contract with an Agency accredited by the International Accreditation Services (IAS). The City provides a list of accredited agencies. Special inspections are required on steel, concrete, and masonry construction, soils, sprayed fire resistant materials, etc.

Mr. Rice said the District provided the SI-6 and a complete set of plans to each agency contacted, so each vendor sees the same information. Rice said two of the estimates were very close and sometimes a proposal comes in that is much higher than the other estimates. Rice said he spoke to the company putting in the highest proposal to see if they understood what was required and that company stood by their original amount.

Trustee Sponer then asked about the additional \$15,000 recommended by staff to be allocated for additional testing and wondered if that amount was in the bid documents. Mr. Rice said that Terracon's \$39,548 estimate covers the required inspections only. Terracon did provide costs for additional inspections, should the District choose to require additional testing. The estimated fees are based on reasonable estimates of time and numbers of tests/inspections based on the scope of the project. There are many factors out of the control of the inspection agency that can affect the final cost of the inspection

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services such as weather, contractor's schedule, how often the inspectors are called to the site, etc. Rice said that the additional \$15,000 covers the cost of additional on-site inspections and any unknowns that may come up during the course of construction.

Trustee Overstreet wanted to clarify that professional services contracts are not subject to prevailing wages so that one engineering firm could charge \$50 per hour while another could charge \$100 per hour, which could partially explain the cost difference. Mr. Rice confirmed that professional services contracts are not required to pay prevailing wages.

Chair Davis-Hoggard moved to authorize staff to award a contract for professional engineering services to provide course of construction special inspections for Centennial Hills Library to Terracon Consulting Engineers & Scientists for the amount \$39,548.00; and approval of a fund of \$15,000.00 to be administered by staff for additional testing of on-site improvements and possible additional required testing to be administered by staff. There was no opposition and the motion carried.

Discussion and possible Board action regarding a 4% COLA, retroactive to July 1, 2006, for the Executive Director. (Item.VIII.D.)

Bud Pierce, Human Resources Director, introduced this item. Mr. Pierce referred to the background provided to Trustees and noted that it had been four years since the Executive Director has received a COLA or any adjustment to his salary.

Mr. Pierce explained that, following the approval of the bargaining units' contracts, all represented employees and all non-represented employees excluding the Executive Director have received a 4% cost of living adjustment (COLA) effective July 1, 2006. An additional 3.5% COLA adjustment has been approved for represented staff effective July 1, 2007, and in keeping with past practice, the 3.5% COLA adjustment will also be extended to non-represented staff effective July 1, 2007, excluding the Executive Director.

Mr. Pierce noted that the Executive Director's employment contract stipulates that the "Board must approve adjustments, if any, to the Executive Director's salary." Adjustments include merit increases as well as cost of living adjustments. A compensation study examining executive compensation among library directors of similar size libraries was completed in 2004. The Board determined at that time that the Executive Director's salary was competitive with other positions but approved an increased auto allowance from \$250 to \$500 per month, and an additional five days vacation per year.

Mr. Pierce said that the Executive Director's last merit and COLA adjustment was approved effective July 1, 2003. Since that time, COLA adjustments effecting District staff positions have increased by 10%. Effective July 1, 2007, the differential in COLA adjustments affecting all other District positions will be 13.5% greater than awarded to the Executive Director.

Mr. Pierce continued to say that the Executive Director and Chair of the

Board have discussed past COLA awards and past compensation adjustments. The Executive Director has requested and the Chair has recommended that he be granted a 4% COLA adjustment as awarded to all other District staff positions, effective July 1, 2006. The adjustment would extend through FY 2007-08 and not include the additional 3.5% COLA adjustment approved for other District positions effective July 1, 2007.

Chair Davis-Hoggard moved to approve a 4% COLA adjustment to the Executive Director's salary, effective July 1, 2006. There was no opposition and the motion carried.

Discussion and possible Board action to approve revisions to the Circulation Policy. (Item.VIII.E.)

Robb Morss, Deputy Director, COO, introduced the item. He noted that Public Services staff is proposing revisions to the Circulation Policy based on a survey of other public libraries with similar populations and usage patterns. Mr. Walters directed staff to survey over 35 public libraries throughout the county and found that many have a more flexible circulation policy than current District policy.

Mr. Morss said that the changes staff recommends include:

- Continuing to renew popular items such as DVDs and Bestsellers only once but increasing the ability to renew non popular items up to 3 times. Both scenarios would be allowed as long as requests are not outstanding.
- Raising the overdue threshold from \$4 to \$10.
- Increasing the amount of items that can be checked out from 35 to 50.
- Processing charges for lost items will remain at \$10 per item for popular materials but will be reduced to \$5 per item for non popular items. Additionally there will be no processing charges for items that are not catalogued such as periodicals and paperbacks.

In addition to these changes, Mr. Morss said staff have simplified and clarified certain passages of the policy which have been deemed as vague when being interpreted by patrons and staff. Changes include adding text regarding the requirement of a birth date and reserving the right to access a yearly fee for library cards issued to patrons who reside outside the District.

Mr. Morss said staff would like to implement the revisions on September 1, 2007, which would allow time to make the necessary changes in the settings of the Innovative system as well as time for the Marketing Department to promote and alert patrons of the upcoming revisions to the policy.

Chair Davis-Hoggard wanted to ensure that the new policy would be posted so that patrons would be aware of their responsibilities. Mr. Morss said that was why staff are requested that the new policy not take effect until September 1, so that staff would be educated and

patrons would be notified of the new policy.

Trustee Aguirre asked about the use of patron birth dates as opposed to their social security numbers. Mr. Morss said that the District uses birth dates to track patrons instead of using social security numbers, because many people are understandably concerned about privacy relative to their social security numbers. Morss said the collection agency also uses the patron's birth date to track the delinquent account. In addition, the use of birth dates has helped the District keep better track of when patrons change from juvenile to adult status.

Mr. Walters advised Trustees that, when the District's circulation leveled off, he asked staff to conduct the survey of other major urban systems to see how the District compared. Walters said that a number of the proposed changes will be administrative in nature and will be adjusted in the next few years as staff adapts to patron use of materials in order to get the maximum benefit from the District's collection.

Trustee Carter asked what was the fine-line definition of popular and nonpopular items. Mr. Morss answered that DVD's and items on the bestseller lists are considered popular and can be checked out for 14 days. They stay in that category for three or four months and then are moved to the nonpopular status. Books that have over 400-500 pages are able to be checked out for three weeks, even when new and in the popular section. Morss said the District recognizes that even the most prolific readers take time to read items that thick.

Mr. Walters said the new Harry Potter book will probably fall into the longer check-out category due to its length. Mr. Morss noted that the District has over 700 requests for the new Potter book and in answer to a question from Chair Davis-Hoggard, said that staff probably has ordered around 400 copies.

Trustee Carter moved to adopt the Circulation Policy with proposed revisions to be in effect September 1, 2007. There was no opposition and the motion carried.

Discussion and possible Board action regarding the election of Board officers for Fiscal Year 2007-2008 and accompanying Resolution 2007-02. (Item.VIII.F.)

Trustee Sponer reported that the Nominating Committee met on June 4 and thanked Trustee Arthurholtz for presiding due to Trustee Sponer's attendance via conference call. Trustee Sponer presented the following slate of officers to be considered by the full Board: Verlia Davis-Hoggard, Chair; M. Frances Sponer, Vice Chair; Kelly Benavidez, Secretary and Aldo Aguirre, Treasurer.

Chair Davis-Hoggard asked for any additional nominations from the floor for Chair. There were none. Trustee Sponer moved to elect Verlia Davis-Hoggard as Chair. There was no opposition and Verlia Davis-Hoggard was elected as Chair.

Chair Davis-Hoggard asked for any additional nominations from the floor for Vice Chair. There were none. Trustee Arthurholtz moved to elect M. Frances Sponer as Vice-Chair. There was no opposition and

M. Frances Sponer was elected as Vice-Chair.

Chair Davis-Hoggard asked for any additional nominations from the floor for Secretary. There were none. Trustee Sponer moved to elect Kelly Benavidez as Secretary. There was no opposition and Kelly Benavidez was elected as Secretary.

Chair Sanchez asked for any additional nominations from the floor for Treasurer. There were none. Trustee Arthurholtz moved to elect Aldo Aguirre as Treasurer. There was no opposition and Aldo Aguirre was elected as Treasurer.

Trustee Sponer moved to pass Resolution 2007-02 authorizing Fred James, CFO and newly elected Treasurer Aldo Aguirre to execute checks on behalf of the Library District. There was no opposition and the motion carried.

Discussion and possible Board action regarding authorizing the Executive Director to enter into a settlement agreement with Linda Taylor in the amount of \$32,000, and a conciliation agreement with the Nevada Equal Rights Commission regarding Linda Taylor's complaint against the District. (Item.VIII.G.)

Counsel Welt introduced the item and explained that Linda Taylor, an applicant for a position with the Library District, challenged the District's pre-employment drug testing procedure and filed a complaint with the Nevada Equal Rights Commission (NERC) in November 2005. The complaint resulted in an adverse finding against the District by NERC in February 2007 and a conciliation meeting was held in May 2007. As a result of this conciliation meeting, the District agreed to revise its Drug Free Workplace Policy, pay a monetary settlement to Ms. Taylor of \$32,000, and enter into a conciliation agreement with NERC, subject to Board approval. Mr. Welt added that he, Scott Abbott, the District's labor counsel, and staff recommended approval by the Board.

Trustee Sponer moved to authorize the Executive Director to enter into a settlement agreement with Linda Taylor in the amount of \$32,000, and a conciliation agreement with the Nevada Equal Rights Commission, subject to the review and approval of legal counsel.

Discussion and possible Board action to approve a revision of the District's purchasing policy. (Item.VIII.H.)

Fred James, Deputy Director, CFO, introduced the item and explained that the Board of Trustees adopted the District's current Purchasing Policy on November 15, 2001. The 2007 Legislative Session approved long sought legislation which was developed by the Nevada Public Purchasing Study Commission and reviewed and supported locally by the Regional Business Development Advisory Council. The Governor signed SB137 into law, increasing the threshold at which a local government is required to advertise a purchasing contract from \$25,000 to \$50,000 annually. This item will update the District's policy to match the new limits.

Mr. James said his office is requesting that the new purchasing limits enacted by SB137 be incorporated into the District's Purchasing Policy and Procedures effective July 1, 2007, after the appropriate review by District counsel.

Trustee Aguirre asked if the new limits will help the District reach out to

women-owned and minority vendors. Mr. James replied that the new limits will increase the opportunities for these vendors to provide services to the District. Mr. James said the legislation will expedite many procurements that currently require a governing board's approval by enabling its administrative authority to initiate procurements between \$25,000-\$50,000 without formal public bidding and subsequent formal approval by the governing authority. Guidelines established by the entity addressing informal solicitation from vendors will continue to assure competitive procurements without the laborious administrative burden of managing formal bidding for procurements under \$50,000.

Mr. Walters also said that the Regional Business Development Advisory Council, a group comprised principally of minority representatives, endorsed the legislation. Mr. James is a member of the group and he advised Mr. Walters of the legislation and the group's endorsement.

Trustee Aguirre moved to approve the District's Purchasing Policy and Procedures incorporating the new purchasing limits enacted by SB127, after the appropriate review by District counsel. There was no opposition and the motion carried.

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

Trustee Aguirre thanked staff for their responses to the questions he raised at the last Board meeting in May.

Chair Davis-Hoggard asked why the security guard at West Las Vegas is always inside and not patrolling outside. She also asked how the construction is affecting usage at the branch. Mr. Morss said he would investigate the issue with the security guard. Regarding branch usage during the remodeling, Morss said that West Las Vegas continues to be quite busy, but with the public computers not available the numbers have definitely gone down. Circulation is also down with approximately 2,500 items fewer items checked out. Morss continued to say that the conference rooms are set up to accommodate the most popular items and the YPL area is open. Chair Davis-Hoggard said the signage has helped.

Mr. Walters said he hoped work would be completed so that the grand opening of the new Homework Help would take place on Monday, September 17 in the afternoon. Chair Davis-Hoggard asked Trustees to save the date on their calendars.

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

Trustee Costello questioned the date of the financial reports provided in the monthly financial packet. Mr. James explained the discrepancy is due to the timing of the reports provided. Costello also asked for a copy of the District's budget submitted to the Department of Taxation, which James said he would provide to Trustee Costello.

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

Accepted.

Technology Report

Trustee Costello asked if the problem reported in Mr. Prendergast's May

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(Item VI.A.4.) report affecting online usage has been resolved. Mr. Prendergast reported that the server was rebuilt and the system is running better than ever.

Trustee Costello then asked about the status of the RFID project. Mr. Prendergast reported that the RFP went out on May 23. Vendors could send in questions about the RFP until June 12, and the District had to respond by June 19 in order for vendors to complete their proposals which are due on July 6. Staff will shortlist the vendors to three, and then a decision will be made on the final vendor by the end of August.

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

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

Development Report (Item VI.A.7.) Accepted.

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

Announcements (Item VIII.) The next Board Meeting will be a Retreat and will be held Thursday, July 12, 2007 at the Golden Nugget at 3:00 p.m., will break for dinner and resume on Friday, July 13, 2007 at 8:00 a.m.

Mr. Walters advised Trustees that the business items for the July Board Retreat would be very light, so that Trustees could focus on the planning issues previously mentioned. There will be a Risk Management Committee meeting prior to the Board Retreat and an item from that meeting on the Retreat agenda. Walters said the next Board meeting after July's retreat would be in the fall.

Public Comment (Item IX.) None.

Adjournment (Item X.) Chair Davis-Hoggard moved to adjourn the meeting at 7:15 p.m. There was no opposition and the motion carried.

Respectfully submitted,

Kelly Benavidez, Secretary