

MINUTES
LAS VEGAS-CLARK COUNTY LIBRARY DISTRICT
BOARD OF TRUSTEES' MEETING
LAS VEGAS, NEVADA
December 11, 2008
(approved January 8, 2009)

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, December 11, 2008.

Present:

Board:	F. Barron, Chair	V. Davis-Hoggard
	E. Sanchez (via phone)	A. Arthurholtz
	A. Aguirre	K. Benavidez
K. Carter		R. Kirsh
	K. Crear	
Counsel:	G. Welt	
Absent:		
Staff:	Daniel L. Walters, Executive Director Numerous Staff	
Guests:		

F. Barron, Chair, called the meeting to order at 5:58 p.m.

Roll Call (Item I.) All members listed above represent a quorum. Trustee Sanchez participated in the executive session by phone and called in to the regular session at 7:06 p.m.

Chair Barron presented a baby gift from Trustees and Staff to Trustee Benavidez and welcomed her newborn son, Santiago Williams, to the meeting.

Agenda (Item II.) Chair Barron moved Item VIII.A.5. off the Consent Agenda to be considered as a separate item immediately after the Consent Agenda. Trustee Kirsh moved to approve the Agenda as changed. There was no opposition and the motion carried.

Executive Session (Item III.) Chair Barron advised attendees that the Executive Session would be closed, said that it would cover litigation and labor issues and take approximately 30-45 minutes. Trustee Aguirre moved to adjourn into Executive Session. There was no opposition and the motion carried. Trustees adjourned into Executive Session at 6:01 p.m.

Chair Barron moved to reconvene the meeting. There was no opposition and the motion carried. The meeting reconvened at 7:04 p.m.

Approval of Proposed Minutes Regular Session, November 13, 2008 and Finance and Audit Committee Meeting, November 5, 2008. (Item IV.A-B.) Trustee Davis-Hoggard moved to approve the Minutes of the Board of Trustees Meeting held November 13, 2008. There was no opposition and the motion carried.

Trustee Aguirre moved to approve the Minutes of the Finance and Audit Committee Meeting held November 5, 2008. There was no opposition from Committee members and the motion carried.

Minutes - Board of Trustees' Meeting

December 11, 2008

Page 2

Chair's Report (Item V.)

Chair Barron reminded Trustees that the ALA Midwinter meeting will take place in January in Denver. Cameron Stuart from Clarity will provide information on meeting candidates in his report under Unfinished Business.

Executive Assistant Allison Boyer provided Trustees who plan to attend the ALA Midwinter meeting with meeting and hotel information. She requested they contact her if they change their plans for arrival and departure dates.

Trustee Sanchez called in during this item.

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

Chair Barron asked Executive Director Walters to give his report.

Mr. Walters reported on meetings he attended the previous week. He said that the Executive Council continued to monitor revenue collections very carefully and will limit budgeted operating and capital expenditures where possible without denigrating the District's commitment to quality public services. Projects may be restored if revenue collections meet FY 08-09 projections.

Mr. Walters then discussed a recent column in the *Review Journal* by Glen Cook on the impact felt by local governments from declining tax receipts. Walters felt that the article did little to outline the success the District has had by limiting the growth of operating programs these past few years while saving funds to invest in capital improvements. Walters said that the article reported on the District's projected 5.3% increase in its operating budget in spite of the fact that, unlike the City, County and other local government entities, the District has not had to institute a hiring freeze per se or cut back on any services due to staff's tight budget control. Walters noted that the District is fortunate that it did not become dependent upon volatile sales tax revenue over the past several years for critical operating services, and that this action has essentially shielded the District from budget cuts.

Mr. Walters noted that the District's revenues are coming in at a slower pace than usual and that it is too early to determine the final amount of property tax and sales tax revenues the District will actually receive for the fiscal year. It may be March before staff can provide a reliable estimate.

Mr. Walters will meet with the Executive Council and work with Hobbs, Ong & Associates to review the projected budget in the *Capital Projects Fund*. This is due to the expectation that it will not be possible to transfer all of the budgeted operating fund money allocated for several different projects that depend on *Capital Projects Fund* revenues (approximately \$16 million). The critical projects include the completion of the RFID installations as well as the portion of the new Southwest project that is planned to be funded with operating fund transfers. He said that it is likely that some project budgets will be impacted somewhat, but it does not appear that any projects are in jeopardy. Walters felt it is prudent in light of the volatile revenue

environment to update these critical budgets and revenue estimates often, especially on the eve of the legislative session. He will report back to the Board at its January meeting.

Mr. Walters said that General Services Director Steve Rice is confident that the Centennial Hills grand opening will take place on January 10, 2009. He asked Mr. Rice to update Trustees on the construction; Marketing and Communications Director Pat Marvel to discuss the steps involved in publicizing the branch opening to the neighborhood and elected officials on the eve of an important legislative session and Deputy Director Robb Morss to provide information on the expected programming at the Centennial Hills Library on opening day.

Mr. Rice reported that the contractor is in the final stages of completion at Centennial Hills. Workers started to install the library shelving during the week of December 1, workers will begin to install the RFID sorting equipment during the week of December 15 and the rest of the furniture and equipment installation will be phased in over the next several weeks with delivery beginning the week of December 15. The collection will be moved from the Green Valley Library beginning December 26 and will take approximately four days. Short of an unanticipated event occurring, Rice said that the Centennial Hills Library will open as scheduled on January 10, 2009.

Ms. Marvel reported that "Save the Date" postcards would be sent the week of December 15 to announce the library opening to approximately 22,000 library cardholders in the Centennial Hills zip codes, District Trustees and to a VIP list of approximately 350 community leaders, elected officials and donors. The postcards will be followed two weeks later with an invitation to the VIP list for the grand opening.

Ms. Marvel said that staff planned to promote the opening with a press release to all local media, an ad in the *Centennial Hills View* newspaper that will be delivered to around 60,000 Centennial Hills residents, and the District would take advantage of an existing sponsorship with KNPR to run announcements about the opening during the week leading up to January 10. The information about the Centennial Hills Library is also on the District's web site as well.

On opening day at Centennial Hills, a podium and sound system will be set up in the front of the building and attendees will receive programs with information about the library, and the programs scheduled for the opening week. Ms. Marvel said that welcoming remarks would be made by Chair Barron, as well as invited dignitaries including Councilman Ross and Commissioner Brown, both of whom have expressed their delight in attending.

After the ceremonial ribbon-cutting led by the Chair, attendees will be welcome to explore the library and enjoy a reception with light refreshments. Ms. Marvel said that the District's mascot will be on hand to greet the patrons as well as a photographer to commemorate the day. A goodie bag with promotional materials and small souvenirs will also be given to the guests.

Minutes - Board of Trustees' Meeting

December 11, 2008

Page 4

Mr. Morss reported that, in addition to the collection the District has been building up at the Green Valley Library and transferring over to the Centennial Hills Library, there will also be a computer center for adult patrons and a Homework Help Center for children. During the first week the Library is open, he said that staff will offer both adult and children's programming that highlight the District's offerings. For adults there will be a feng shui program, a talk by the artist whose work is in the Centennial Hills gallery as well as a musical concert. Family story time will be offered several times during the day during the first several weeks the Library is open so that families can get an idea of the different activities for children.

Trustee Carter 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.)

Accepted.

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

Accepted.

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

Accepted.

Technology Report (Item VI.A.4.)

Accepted.

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

Accepted.

Marketing Report (Item VI.A.6.)

Accepted.

Development Report (Item VI.A.7.)

Accepted.

Unfinished Business - Discussion and possible Board action regarding a report from Counsel pertaining to the Friends of Southern Nevada Libraries litigation and possible direction regarding future action.

District Counsel Welt provided a summary of the issues involved with the ongoing litigation with the Friends of Southern Nevada Libraries (FOSNL). The disagreement began when the District requested a contract with the FOSNL. The FOSNL did eventually agree to an audit and the completed audit is reasonably clean. However, Welt said that the District has not been able to resolve the issues with the funds retained by the FOSNL and not disbursed to the District.

Mr. Welt reported that after the District filed suit earlier in the year, a temporary restraining order was granted by the Court which prohibited the FOSNL from using their funds for any but minimal expenses in the ordinary course of business. The FOSNL interpreted that to mean that

(Item VII.A.)

their funds could be spent on legal expenses. Welt noted that the FOSNL had appealed the temporary restraining order to the Nevada Supreme Court. Welt said that the District disagreed with the FOSNL position and District counsel attempted to stop the legal expenditure on both sides by filing a motion for summary judgment. The judge reviewed the motion but did not feel it was appropriate to issue summary judgment as he believed there was more discovery required.

The District then attempted mediation to resolve the issue but after seven hours attempting to resolve the issue in mediation, it was not successful. The FOSNL then offered a settlement proposal which Welt presented to Trustees in the Executive Session held earlier in the meeting. The terms are:

FOSNL will donate \$75,000 to the District for use in purchasing children's books.

FOSNL will forego the amount they claim the District owes them for March 2008 bookstore, flash drive and T-shirt sales in the approximate amount of \$23,151.29.

The District will forego all FOSNL approved but unfunded projects in the amount of \$26,281.74.

Both parties will file a stipulation for dismissal with prejudice. The stipulation indicates that both the case in District Court and the case in the Supreme Court have been negotiated and settled in good faith by both parties.

Mr. Welt then reported that after a great deal of discussion in the Executive Session the Trustees have authorized him to accept the FOSNL offer and receive the \$75,000 in the hope that the group will follow through with their publicly stated position to disburse the balance of their funds to various Southern Nevada charities. He noted that the offer from the FOSNL did have an expiration date prior to the meeting, but he felt that the group may not have been aware that the Board was not scheduled to meet until tonight and that would not be a problem in concluding the agreement.

**Unfinished Business
- Report from
Cameron Stuart of
Clarity, Inc.
regarding executive
search services.
(Item VII.B.)**

Cameron Stuart of Clarity, Inc. updated Trustees on the progress of the executive search.

Mr. Stuart said that interest in the position remains high. Currently, there are four qualified candidates, based upon phone interviews Stuart has done with the candidates and their written submissions. He noted that one of the four does not have a Master's in Library Science but comes from an academic background, has earned a doctorate and has a considerable amount of leadership experience.

There are several very strong prospects who have not submitted anything in writing yet. There are various reasons such as timing and wanting to wait until after the ALA Midwinter meeting in January to complete their submissions. Mr. Stuart said he is continuing to follow

up with individuals who have been recommended for the position to let them know and gauge their interest. Also, there have been a number of candidates that have been rejected and each has received a letter from Stuart.

Mr. Stuart then discussed how Trustees may meet candidates at the Midwinter meeting. He noted that setting up individual meetings will be tricky due to privacy issues that have been expressed by several of the qualified candidates and prospects. It is the candidate's choice at this point to disclose their interest in the position. Some may tell Stuart to let Trustees know that they are interested and he will then advise Trustees. Stuart is advising prospective candidates on which Trustees will attend the meeting and potential events at which Trustees may attend. He will instruct candidates to contact Trustees directly instead of arranging for specific meetings.

Mr. Stuart reminded Trustees that candidates will want to ask questions about the District and that is where Trustees will be very important. Stuart said his role in the search process is to establish if candidates have the qualities and experience, to apply to the District's challenges and circumstances.

Mr. Stuart also asked Trustees to let him know about people who approach them who have not yet been identified as candidates so that he may keep a record of prospective candidates.

In response to a question from Trustee Kirsh about a recommended script for Trustees to follow while discussing the position with interested individuals, Mr. Walters and Mr. Stuart offered to set up a meeting for Trustees to go over suggested areas of discussion. The meeting will not be to discuss the candidates as that would be a violation of the Nevada Open Meeting Law.

Mr. Walters advised Trustees that one of the evening events at the meeting will be a reception sponsored by the Urban Libraries Council. Trustees have been included in the guest list. He said that the event would be a good location to meet informally with candidates as many public library staff usually attend the event. Trustee Davis-Hoggard also suggested sitting at the District's booth in the exhibit hall.

Trustee Barron confirmed that there will be no formal interviews of candidates at the ALA Midwinter Meeting.

Trustee Kirsh wanted to know if there was a particular region of the country where most prospective candidates have originated. Mr. Stuart said that candidates have come from all parts of the country and he has also received interest from several Canadians.

Consent Agenda

1. Discussion and possible Board action regarding

General Services Director Steve Rice announced the staff's recommendations for the construction contract awards for the Summerlin and Sunrise Libraries efficiency remodels.

Minutes - Board of Trustees' Meeting

December 11, 2008

Page 7

construction contract awards for the Summerlin and Sunrise libraries efficiency remodels.

Trustee Davis-Hoggard asked if either of the recommended contractors for the efficiency remodels were minority contractors. Mr. Rice said that neither indicated on the bid form that they were minority contractors; however, Rice said that he is aware that the owner of Palmetto Construction is an African-American. Rice said he has not met the owner of 1 Development Construction Group but the individual representing the company is Hispanic.

2. Discussion and possible Board action regarding the recommendation to joinder onto the Western States Contracting Alliances (WSCA) contract for the purchasing of long-distance telephone services.

Trustee Arthurholtz asked why the lowest bidder was not chosen for the Summerlin Library Efficiency Remodel. Mr. Rice said that the lowest bidder could not provide evidence that the company was qualified to bid on projects in the amount that they bid as they were only qualified to bid on projects up to the amount of \$150,000.00 so it was a technical disqualification.

Trustee Carter moved to approve the Consent Agenda which consisted of Items VIII.A.1-4, 6:

3. Discussion and possible Board action regarding an employment contract for Danielle Milam, Development Director.

Item VIII.A.1. - Authorize staff to award contracts for the Summerlin and Sunrise Libraries efficiency remodel projects to the lowest responsive responsible bidders and approve funding for potential change orders as follows:

Bid No. 09-08 - Summerlin Library Efficiency Remodel

Bidder - Palmetto Construction, Inc.

Bid Amount - \$189,068.00

Funding for Potential Change Orders - \$37,800.00

4. Discussion and possible Board action regarding proposed revisions to the District's *Fixed Assets Inventory Policy*.

Bid No. 09-09 – Sunrise Library Efficiency Remodel

Bidder - 1 Development Construction Group

Bid Amount - \$98,018.00

Funding for Potential Change Orders - \$19,600.00

And to authorize staff to award contracts to the next lowest responsive and responsible bidders if bidders awarded a contract fail to provide required bonds and insurance coverage.

6. Discussion and possible Board action to grant an easement and rights-of-way to the Kyle Canyon Water District across the Library District's Mt. Charleston Library property to replace the existing waterline and install a fire hydrant on Library District property.

Item VIII.A.2. - Authorize staff to joinder onto the Western States (WSCA) contract for the purchase of long-distance telephone services.

Item VIII.A.3. - Authorize the Executive Director to execute an at-will employment agreement for Danielle Milam for the position of Development Director effective November 17, 2008 subject to the review and approval of legal counsel.

Item VIII.A.4. - Approve the proposed revisions to the District's Fixed Assets Inventory Policy.

Item VIII.A.6. - Grant an easement and rights-of-way to the Kyle Canyon Water District across the Library District's Mt. Charleston Library property to replace the existing waterline and install a fire hydrant on Library District property.

Minutes - Board of Trustees' Meeting

December 11, 2008

Page 8

(Items VIII.A.1-4, 6.)

There was no opposition and the motion carried.

After the vote, Mr. Walters introduced the District's new Development Director, Danielle Milam, who was given a round of applause.

Discussion and possible Board action regarding approval of the 95% construction documents for the Southwest Library and Service Center and proceeding with the 100% construction documents and bidding. (Item VIII.A.5.)

Design Review Committee Chair Aguirre reported that the Committee met prior to the Board meeting and heard from JMA Architecture staff as well as URS staff. The Committee is recommending approval of the 95% construction documents for the Southwest Library and Service Center and proceeding with the 100% construction documents and bidding.

Trustee Aguirre moved to approve the 95% construction documents for the Southwest Library and Service Center and to authorize the Executive Director to approve the 100% construction documents upon completion of the Clark County building department review and to proceed with the bidding phase. Chair Barron and Trustees Aguirre, Arthurholtz, Benavidez, Carter, Crear, Kirsh and Sanchez voted aye. Trustee Davis-Hoggard voted nay. The motion carried (8 votes to 1 vote).

Trustee Aguirre congratulated the design team members for their work on containing costs for the project. The cost containment began with the design review process which produced cuts of approximately \$4.5 million.

Mr. Walters also commended Mr. Rice's administrative oversight of the project. He went on to commend the JMA team and the URS team, along with their subcontractors and consultants, for their work that has resulted in such significant savings, exceeding 10% of the project budget established at the schematic design phase.

Possible Board discussion regarding a presentation by staff on the Las Vegas-Clark County Library District's *Collection Development Policy* and *Internet and Wireless Use Policy*. (Item VIII.B.)

Mr. Walters introduced Public Services Director Marie Cuglietta and Collection Development Director Jan Passo who made a presentation on the District's *Collection Development Policy (CDP)* and *Internet and Wireless Use Policy (IWP)*. He also said that the *CDP* is a fundamental policy of a public library. The *CDP* should be considered in a context that includes the District's Mission Statement and its current *Strategic Plan* because the *CDP* is a reflection of these policies. Both the *CDP* and *IWP* are also interwoven with the fundamental policies of American librarianship which are reflective of the First Amendment principles that public libraries are forums where individuals have the rare and privileged access to unfettered review of the public and cultural record.

Because the *CDP* is such a critical policy, Walters said it tends to be infrequently revised. The District's policy has also been a model for other public libraries around the country. He noted that as there are several new Trustees, it was an appropriate time to "re-introduce" the *CDP*. As there is both an executive transition and trustee transition coming up in 2009, he discouraged discussion of changes until the new Executive Director and Trustees are in place. Walters noted that both Ms. Cuglietta and Ms. Passo participated in creating the *CDP* and *IWP*.

Ms. Cuglietta and Ms. Passo introduced themselves and noted they had both begun as District employees in 1980, each working in several branches before moving into administration and their current positions. While they have been at the District for close to 30 years, the District's policies they are discussing are based upon the much older principles of the First Amendment, adopted in 1791.

The District's policies are based upon a commitment to freedom of information. Ms. Passo and Ms. Cuglietta noted that public libraries are a mainstay of American democracy and have a mandate to provide the people they serve with free access to information and ideas. Without the ability to freely access and explore ideas and information, an individual's capacity to choose an electorate or speak freely is compromised.

After reading the text of the First Amendment, Ms. Passo said that in the library context, a librarian needs to think about the patron, not as a speech giver, but as a person entitled under the First Amendment to receive information, which is a corollary to the right to speak. Ms. Cuglietta said that courts have upheld the library as a "limited public forum" which means that public libraries are a place for access to free and open communication, subject only to reasonable restrictions as to time, place and manner.

Ms. Cuglietta said these restrictions also apply to the District's *Meeting Room Policy* as well. Cuglietta defined reasonable restrictions as hours, number of people in a room and behavior. For example, libraries do not allow someone to create a disturbance that interferes with other patrons' peaceful use of the library. The District's *Rules of Conduct* were developed so that patrons are provided good service in a pleasant atmosphere.

Ms. Cuglietta then listed what is defined as unprotected free speech: libel/slander, fraud, fighting words, inciting speech, obscenity and child pornography. She noted that it is important to remember that only a court of law can determine whether these things have actually occurred.

Ms. Passo and Ms. Cuglietta were both members of the District's staff committee that researched different policies and wrote the District's *CDP* which was adopted by the Trustees in 1995 and revised in 2002. Ms. Passo noted that the policy was created to provide an environment for the library in which all people can explore ideas and pursue knowledge without any government-imposed restrictions or restraints.

Ms. Passo and Ms. Cuglietta then discussed each section of the *CDP*.

1. *Mission Statement* - Affirms that the District is guided by the principles of public librarianship and First Amendment rights and that the District protects library materials from censorship.

2. *Purpose* - Guides staff and informs the public of the principles upon which collection development and management decisions are based. The District's *Strategic Plan* provides the service priorities.
3. *Scope* - Explains that the District strives to develop a diverse, strong and balanced collection that serves the needs of our growing, dynamic population by offering a choice of viewpoint, format and subject matter at varying levels of comprehension.
4. *Access* - Refers to a librarian's public and professional obligation to provide equal access to all library resources for all library users. Parents or legal guardians have the right and the responsibility to determine what is appropriate for their own children. Ms. Cuglietta acknowledged that the issue of access can generate a great deal of controversy. Parents are reminded of this responsibility when they apply for a library card for themselves and their children.
5. *Selection of Library Materials* - Discusses how items are chosen for the collection. The District's purchases are based upon the priorities for the materials budget and staff selects materials for the collection from general and specialized media, trade publications, vendor prepared lists and more. The criteria include currency, literary merit and or reviews, and the item's importance as a document of the times.

Ms. Passo and Ms. Cuglietta both emphasized that the *CDP* states that it is important to remember the selection of a work by the District does not constitute or imply agreement with, or approval of, the work's content or the moral, religious or political beliefs of the author by the District, staff or Board. The public may find a piece of material in the collection offensive in some way and assume that staff has personally chosen the item, but that is not the case per Passo and Cuglietta. They noted that every selection is made objectively and with a clear understanding of the *CDP* approved by the Board. The District has limited resources and it is impossible to purchase everything with demands from all segments of the population. The *Strategic Plan* drives all purchases.

6. *Labeling* - Refers to evaluative labels such as MPAA ratings which the District does not remove or add. C/P note that some users of the library would like to have warning labels on the materials to inform them of the contents. Such a label would require an evaluation of what could be considered offensive. In an effort to serve the District's diverse community and in a democratic society, it is the individual who is allowed to make that decision for themselves. Many patrons find this confusing because this means staff does not enforce industry-supplied labels.

7. *Weeding* - Refers to the continual evaluation by staff to maintain a current and relevant collection. The criteria used to determine when an item should be transferred or removed from the collection include whether an item contains out-of-date information and if there are multiple copies of a work that are no longer needed to meet demand, among others.
8. *Request for Reconsideration of Library Materials*
9. *Responsibility*

These items were discussed together as the presenters noted that public libraries are repositories of the culture – the good and the bad. Sometimes the library becomes a focus for a clash of philosophies and ideologies. Censors objections concern sex, profanity and concern about children's and other's exposure to these materials. Acknowledging that the intent to protect children is commendable, the presenters noted that censorship itself contains hazards far greater.

When patrons file a Request for Reconsideration form, Passo said that staff look upon the process as an opportunity to be sure the District has not made an error, as well as a chance for an exchange of ideas and an educational opportunity. Staff compile research and review the initial decision regarding the title and then prepare a packet including their recommendation on the item. The Executive Director then evaluates the packet and responds to the patron as final responsibility and authority for the collection rests with the position. The Executive Director operates within the framework of the policies adopted by the Board.

10. *Appendix* - Includes the ALA *Library Bill of Rights*, the ALA *Freedom to Read Statement* and the ALA *Statement on Labeling*. These items are very strong pieces of the *CDP* and provide further amplification and explanation of the principles presented. The Request for Reconsideration form is offered to a patron should they wish to have the District reconsider its decision on an item.

The presenters next discussed the District's *IWP* and noted that unlike books, audio and video titles, which are professionally published and reviewed, the Internet bypasses all professional principles of selection. The burden or opportunity of selection is placed entirely upon the user.

Ms. Passo and Ms. Cuglietta then discussed the legal history of Internet access. The Communications Decency Act of 1996 imposed restrictions on anything on the Internet that was, "indecent or patently offensive" and was struck down in 1997 by the Supreme Court because it was so broadly written that it would unconstitutionally prohibit free speech.

The Children's Internet Protection Act (CIPA) was signed into law in 2000. The law mandated that libraries and schools install filters on

computers offering Internet access in order to receive federal funds. Found unconstitutional in 2002, the Supreme Court overturned the 2002 decision in 2003, ruling that CIPA was only constitutional if adult patrons are able to disable filtering software. The law also required that public libraries develop a policy on use of the Internet. Libraries may elect NOT to follow CIPA, but will then lose federal funds tied to the use of filtering software.

The District's *IWP* was established in 2000 and revised in 2005. It provides guidelines for access by the public. Adult patrons may choose whether they want filtered or unfiltered internet access; however, all computers in the children's area are filtered and adults are not allowed, unless they are accompanied by their child. A child is defined as anyone less than 18 years of age. The *IWP* urges parents to guide their child's use of the Internet and recommends a publication on child safety on the Internet for parent's use.

The *IWP* includes the District's mission statement and general policies and states that the District offers Internet access in support of its general mission. It also has a disclaimer which notes that District staff select sites which appear as access points from the District's home page in accordance with the District's material selection guidelines but that the District is unable to control content on the Internet as it is an unregulated medium and the District assumes no responsibility or liability for damages from use of information on the Internet. The *IWP* requires users to comply with state and federal laws and District policies.

The *IWP* includes procedures governing use of personal equipment such as laptops. The District does not provide technical support for individuals wishing to use their equipment in libraries and the District does not provide encryption services and or guarantee privacy of data transmitted across its network.

The presenters discussed Nevada law which has also established legal protections for library users. NRS 493.013 protects confidentiality of patron records which can only be disclosed upon a court order. The District has established a written Subpoena Checklist to follow if staff receives inquiries or subpoena's from law enforcement regarding patron records. All subpoenas' are reviewed by legal counsel.

Ms. Passo and Ms. Cuglietta concluded their presentation by reading a quote from Thomas Paine from *Dissertation on First Principles of Government*, regarding the duty of each person to guard even their enemy from censorship as the failure to do so will rebound on each person. They said that everyone must ask themselves why libraries defend intellectual freedom and public internet access. The United States was built upon precedent and if laws are established that allow censorship of one thing, then a precedent has been established that may backfire upon each person. Cuglietta and Passo asserted that defending access is easier said than done but libraries have an important role in making that liberty secure by providing access to

ideas and information and to defend the right for all people to have that access.

There was a round of applause after the presentation was complete. Chair Barron thanked Ms. Cuglietta and Ms. Passo and said they had expressed exactly what she believes libraries are, the foundation of freedom.

Discussion and possible Board action regarding proposed revisions to the District's employment policies and procedures to reflect the Court Order entered by the District Court on November 5, 2008, as well as conditions negotiated with Teamsters Local Union No. 14 related to the EMRB appeal and approved by the Board of Trustees on May 7, 2007. (Item. VIII.C.)

Human Resources Director Jerilyn Gregory introduced the changes to the District's employment policies and procedures.

The proposed changes are in the Employment chapter in the District's *Personnel Policies & Procedures Manual*. The changes are proposed to reflect the Court Order entered by the District Court on November 5, 2008. The proposed changes also reflect the conditions negotiated with the Teamsters Local Union No. 14 at the time the District's current contract was negotiated. The conditions are that, by agreement with Teamsters 14, if the District prevailed at the District Court level, the District can implement the changes (removal of the current contract language regarding hiring, promotion and transfer), regardless of whether or not the union choose to appeal. If the union had prevailed the language would have remained the same.

Ms. Gregory said that the proposed changes will apply to all employees of the District as the restrictions on hiring and transfers in the current Collective Bargaining Agreements will be removed. The primary changes in the can be categorized in the following areas:

The current collective bargaining agreements (bearing effective dates of July 1, 2006 to June 30, 2011) for the Non-Supervisor, Supervisor I, Supervisor II and Manager Units (hereinafter "Labor Agreements") shall be amended by deleting, in their entirety, Sections 8.5.a (Order of Filling Vacancies) and 8.5.d (Selection).

The Labor Agreements shall further be amended by deleting any and all references to bidding and open competitive recruitment.

In the Non-Supervisor Unit Labor Agreement, Sections 8.5.c and 8.5.f shall be amended to be consistent with the language in the Supervisor I, Supervisor II and Manager Unit Labor Agreements under the same sections.

Trustee Davis-Hoggard moved to adopt the proposed revisions to the District's employment policies and procedures. There was no opposition and the motion carried.

Announcements (Item IX.)

The next Board Meeting will be held Thursday, January 8, 2009 in the Las Vegas Library at 6:00 p.m.

The grand opening of the District's new Centennial Hills Library will be held on Saturday, January 10, 2009 at 11:00 a.m.

Minutes - Board of Trustees' Meeting
December 11, 2008
Page 14

The ALA Midwinter Meeting will be held in Denver, Colorado between Friday, January 23 and Wednesday, January 28, 2009.

Public Comment
(Item X.)

None.

Adjournment
(Item XI.)

Chair Barron moved to adjourn the meeting at 8:10 p.m. There was no opposition and the motion carried.

Respectfully submitted,

Andrea Arthurholtz, Secretary

