

MINUTES
LAS VEGAS-CLARK COUNTY LIBRARY DISTRICT
BOARD OF TRUSTEES' MEETING
LAS VEGAS, NEVADA
JULY 23, 2020
(approved August 13, 2020)

The Board of Trustees of the Las Vegas-Clark County Library District met in regular session in the Windmill Library and via WebX, Las Vegas, Nevada, at 6:15 p.m., Thursday, July 23, 2020.

Present:

Board:	F. Ortiz, Chair	S. Bilbray-Axelrod
	K. Benavidez	E. Foyt
	M. Francis Drake	S. Ramaker
	J. Meléndrez	K. Rogers

Counsel: G. Welt

Absent: R. Wadley-Munier
B. Wilson

Staff: Fred James, Acting Executive Director
Numerous Staff

Guests: Dr. Ron Heezen, via WebX

F. Ortiz, Chair, called the meeting to order at 6:28 p.m.

Roll Call and Pledge of Allegiance (Item I.) All members listed above represent a quorum. Chair Ortiz, and Trustees Foyt, Francis Drake, and Ramaker attended in person. Trustees Benavidez, Bilbray-Axelrod, and Rogers attended via WebX. Trustee Meléndrez attended via telephone and had to leave the meeting around 7:00 p.m. Appendix A.

Chair Ortiz led attendees in the Pledge of Allegiance.

Public Comment (Item II.) None.

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

Approval of Proposed Minutes Items IV.D-F, and I were removed from the Agenda.

Regular Session, February 13, 2020; Trustee Ramaker moved to approve the Minutes of the Board of Trustees Meeting held February 13, 2020. There was no opposition and the motion carried.

Regular Session, March 12, 2020; Trustee Ramaker moved to approve the Minutes of the Board of Trustees Meeting held March 12, 2020. There was no opposition and the motion carried.

Finance and Audit Committee, April 16, 2020; Regular Session, April 16, 2020; Special Session, April 28, 2020; Trustee Francis Drake moved to approve the Minutes of the Finance and Audit Committee Meeting held April 16, 2020. There was no opposition and the motion carried.

Regular Session, May 21, 2020; Risk Management Trustee Ramaker moved to approve the Minutes of the Risk Management Committee Meeting held June 11, 2020. There was no opposition and the motion carried.

Committee, June 11, Trustee Rogers moved to approve the Minutes of the Nominating Committee Meeting held June 11, 2020. There was no opposition and

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2020; Nominating Committee, June 11, 2020; and Regular Session, June 11, 2020. (Item IV.A-I.)

the motion carried.

Chair's Report (Item V.)

Chair Ortiz and the Trustees present at the Windmill Library gathered to present a clock to former Executive Director Dr. Ronald R. Heezen, who attended via WebX. Chair Ortiz thanked Dr. Heezen on behalf of the District for his service from September 2, 2014 through September 30, 2020.

Each Trustee attending via WebX or in person took the opportunity to thank Dr. Heezen. They commented on his warm personality and interest in each person, accomplishments in Mesquite and East Las Vegas, and expressed the hope that he and his wife, Candice, will enjoy their retirement in Texas. In addition, Counsel Jerry Welt and Acting Executive Director spoke to thank Dr. Heezen and wish him well.

Dr. Heezen thanked Trustees and staff and said he worked with the best staff ever.

Chair Ortiz tabled the discussion of Board Committees for Fiscal Year 2020-2021 until the August Board Meeting.

Executive Session (Item VI.)

Removed from Agenda.

Library Reports (Item VII.)

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

Acting Executive Director Fred James read his report, which is attached as Appendix B. Highlights included:

- Appointment of Leo Segura as acting Library Operations Director once Jenn Schember retires in October.
- Gate counts are 47% compared to the same time as last year.
- Circulation of physical items are 57% compared to the same time as last year.
- Computer use is 44% compared to the same time as last year.
- Digital and online circulation is up.
- Current Voluntary Employee Separation Plan numbers (VESP) numbers.
- The CCSD distance learning plan will affect the District's staff as well as the District's services.

Mr. James also discussed the need to identify and select a lobbyist for the 2021 Legislative Session. There was a brief discussion about this and Mr. James will talk with this further with Trustee Bilbray-Axelrod

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once staff has put together a list of what the District will be focused on and bring back several firms for Trustee consideration.

Trustee Bilbray-Axelrod thanked staff for their nimble response and their service to the community.

Chair Ortiz reminded staff that the VESP program was a voluntary choice for staff and thanked those who had decided to take the opportunity. He was very impressed with the gate count since so many people are nervous about the current situation. He thanked Library Operations and Facilities staff for providing service and getting employees back to work. He also thanked IT staff for handling the increase in digital activity.

Trustee Francis Drake asked if Mr. James had any idea of the money the District is saving from the 28 staff that are in the final stages of separating from the District. In addition, will the positions they are vacating be filled. James explained that the positions will be frozen, or, if it is necessary to fill the position, other positions might be frozen. He can provide cost savings, but the District will not see the effect until July 1, 2021.

**Library Operations,
Security Reports
and Monthly
Statistics
(Item VII.A.1.a.)**

No questions.

**Branding and
Marketing Report
and Electronic
Resources Statistics
(Item VII.A.2.a.)**

No questions.

**Community
Engagement Report
and Monthly
Statistics
(Item VII.A.2.b.)**

No questions.

**Development and
Planning Report
(Item VII.A.2.c.)**

No questions.

**Information
Technology Report
(Item VII.A.2.d.)**

No questions.

**Financial Services
Report
(Item VII.A.3.a.)**

No questions.

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General Services Report (Item VII.A.3.b.) No questions.

Human Resources Report (Item VII.A.3.c.) No questions.

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

Unfinished Business (Item VIII.) None.

Discussion and possible Board action to appoint the East Las Vegas QALICB, Inc. Board of Directors. (Item IX.A.) Development and Planning Director Danielle Milam explained that In July 2017, the Library District entered into a New Markets Tax Credit transaction for the East Las Vegas Library construction project. As part of that transaction, a new non-profit was formed to operate exclusively for the benefit of the Library District for the purposes of acquisition and leasing of real and/or personal property subject to restrictions and terms of the transaction documents.

The Articles of Incorporation for East Las Vegas QALICB, Inc. stipulate that a five-member Board of Directors shall be appointed annually by the Library District Board of Trustees as follows:

1. Two Board Directors shall be independent directors who are not officers, directors, trustees, or employees of the Library District, Las Vegas-Clark County Library District Foundation, Inc., or any other affiliate of the QALICB corporation, the Library District, or the Library Foundation.
2. Three Board Directors shall be appointed from nominees who are current or former employees, officers, or trustees of the Library District or employees, officers, or directors of the Library Foundation.

This year, because Fred James is now Acting Executive Director of the Las Vegas-Clark County Library District, the slate has changed to replace former ELV QALICB President Fred James with Floresto Cabias, who currently serves as Acting CFO for the Library District. The complete slate of officers and directors for appointment is as follows:

Floresto Cabias, President; Keiba Crear, Secretary-Treasurer; and Directors Senator Mo Denis, Felipe Ortiz, and Michael Saunders

There were no questions.

Trustee Rogers moved to appoint the slate of Directors detailed above to the East Las Vegas QALICB, Inc. There was no opposition and the motion carried.

Discussion and possible Board action to retract approval for the Mr. James reminded Trustees, that at the September 12, 2019 Regular Board Meeting, the Board of Trustees, in addition to approving thirteen (13) closed days in calendar year 2020, agreed to close on Monday, October 12 (Columbus Day) to use as a Staff Development Day. The

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Library District's closure for Staff Development Day on October 12, 2020. (Item IX.B.)

Library District has used this day to gather staff at an off-site location to celebrate its accomplishments and educate staff on future goals.

The COVID-19 Pandemic has forced the Library District to make budget adjustments to ensure the Library District can continue to serve its patrons. The social distancing requirements maintain safety for everyone but would require additional space and expense for the event. Staff are connecting via digital methods for required meetings, updates, and classes. For these reasons, Library District staff would like to request that the Trustees retract approval for closure on that day. If this item is approved, the Library District's branches will be open and staff will be working on October 12, 2020.

There were no questions.

Trustee Benavidez moved to retract approval of October 12, 2020 as a closed day for the Library District. There was no opposition and the motion carried.

Discussion and possible Board action to adopt a new Electronic Signature Policy. (Item IX.C.)

IT Director Al Prendergast explained that during the Library District's required shutdown that occurred due to the COVID-19 Pandemic, the State of Nevada allowed the District to submit electronic signatures on the Adopted Budget approved by the Board of Trustees at the Regular Board Meeting on May 21, 2020. This meeting was conducted solely online to meet the Governor's mandate for social distancing to prevent the spread of the coronavirus. In addition to being expedient, it also saved staff time and money. At that time, District staff began exploring the different ways electronic signatures could be used throughout the District.

Different departments have different signature needs, including the need for: procurement contracts, service agreements, customer contracts, grant applications and certifications, letters of award, letters of support, personnel documents, formal labor agreements, Board of Trustee documents, contracting artists and instructors, and memorandums of understanding.

Many of these documents require signatures by different people in different areas, and some agreements can take anywhere from several days to over a month to complete and process.

District staff consulted with Counsel Welt and was advised through outside counsel that the District should develop a Board policy before implementing a solution, which is what the Trustees now have in front of them.

NRS 719.100 defines "Electronic signature" to mean "an electronic sound, symbol or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record."

According to NRS 719.240, electronic signatures satisfy the law, and contracts signed with electronic signatures may not be denied solely because an electronic record was used in its formation.

Trustee Ramaker moved to adopt the proposed *Electronic Signature Policy*. There was no opposition and the motion carried.

The *Electronic Signature Policy* is attached as Appendix C.

Discussion and possible Board action regarding modifying the District's flood insurance coverage. (Item IX.D.)

General Services Director Steve Rice explained that he was asked at the Risk Management Committee Meeting in May to bring back some additional information regarding the District's flood insurance coverage. He worked with the District's broker on this item. The District's current and 2020 renewal policy for property insurance coverage through Travelers Insurance includes a blanket flood policy limit of \$15,000,000 annually (excluding Moapa Valley Library which is insured separately due to its high risk AE flood zone designation). The annual flood premium is \$4,188 (of the total annual property premium of \$159,019) with a deductible of \$25,000. The annual flood premium for Moapa Valley Library is \$15 for a \$2,200,000 flood limit and a deductible of \$100,000. FYI, in 2016 the flood coverage for Moapa Valley Library was moved from a stand-alone National Flood Insurance Program (NFIP) policy to the District's package policy for a premium savings of \$14,029 annually.

In simple terms, and as it relates to the exposure of District facilities, a flood is defined as: an excess of water on land that is normally dry caused from unusual and rapid accumulation or runoff of surface waters from any source; water or sewage that backs up, overflows, or is otherwise discharged from a sewer or drain; and water under the ground surface pressing on, or flowing or seeping through foundations, walls, floors, paved surfaces, doors, windows, or other openings.

Although the risk of a flood peril for the District (other than Moapa Valley Library) is considered to be minimal, Flood Zone X, there is the potential for a flood event to cause damage to District property. USI Insurance Services' (District's Insurance Broker) Property Analytics Team modeled the District's exposure for flood and their modeling results are as follows:

- The 100-year flood loss came in at \$883,785.
- The flood modeling came back with a recommendation that a minimum limit of \$1,000,000 - \$5,000,000 be purchased.

Flood coverage options from Travelers Insurance (not including Moapa Valley Library):

<u>Limit</u>	<u>Deductible</u>	<u>Premium</u>
\$15,000,000 (current limit)	\$25,000	\$4,188
\$10,000,000	\$25,000	\$3,069
\$5,000,000	\$25,000	\$1,992

Trustees appreciated the information, and, agreed to keep the flood

coverage at the current level and no motion was required.

Announcements
(Item X.)

The August Board Meeting will be held on Thursday, August 13, 2020, at 6:00 p.m. online via WebX AND at the Summerlin Library, 1771 Inner Circle Drive, Las Vegas, NV 89134.

Trustee Benavidez announced that Clark County Commissioner Lawrence Weekly will be hosting an event on Saturday, August 1 at the Clark County Government Center. The event will feature COVID-19 testing, backpacks with school supplies for children, free shredding, recycling for old electronics, and disposal of outdated medication. Information is on the Clark County website and social media.

Trustee Francis Drake asked if the tenure of the six Board members whose terms expire next year can be extended by one year. She said the District would be best served by a continuing effort of the existing Trustees who have a deeper understanding of issues that will face the District and have worked together for some time to attain them.

Trustee Foyt thought the Enterprise Library address change was moving forward but she had recently spoken with Clark County Commissioner Michael Naft who advised that no one from the District had followed up. Mr. Rice explained that there was a misunderstanding about that responsibility and he will follow up.

Trustee Benavidez reminded staff that Trustees want to ensure the costs for the Enterprise Library address change are explained to Trustees prior to moving forward with this item so she looks forward to the information they provide.

Trustee Foyt also suggested that it was important that District signage about mask requirements be more dynamic and eye-catching. She had been to an Arizona library when she was recently in that state and she had been impressed with their signage.

Mr. James thanked all staff who put together the meeting.

Chair Ortiz thanked all staff who are taking the VESP, working hard on reopening the libraries, and Mr. James for stepping up to handle the Executive Director's position.

Public Comment
(Item XI.)

None.

Adjournment
(Item XII.)

Chair Ortiz adjourned the meeting at 7:46 p.m.

Respectfully submitted,

Kelly Benavidez, Secretary

2020 ATTENDANCE

Appendix A

July 23, 2020 Regular Board Meeting

2020		January 16 Naming Library Policy Cmte	January 16 Regular Board Mtg	February 13 Regular Board Mtg	March 12 Regular Board Mtg	March 18 Emergency Board Mtg	April 16 Finance & Audit Cmte	April 16 Regular Board Mtg	April 28 Special Board Mtg	May 21 Regular Board Mtg	June 2 Special Board Mtg	June 11 Risk Management Cmte	June 11 Nominating Committee Meeting	June 11 Regular Board Meeting	July 23 Special Board Meeting	July 23 Regular Board Mtg			
Benavidez	Kelly	A-E	A-E	P	P	A-E	P	P	P	P	P	P	P	P	P	P			
Bilbray-Axelrod	Shannon	P	P	P	A-E	P	P	P	P	P	P	P	P	P	P	P			
Francis Drake	Marilyn	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
Foyt	Elizabeth	P	P	P	P	A-E	P	P	P	P	P	P	P	P	P	P			
Meléndrez	José	P	P	P	P	A-E		P	P	P	P	P	P	P	P	P			
Ortiz	Felipe	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
Wadley-Munier	Robin	P	P	P	P	A-E	P	P	P	P	P	P	P	P	A-E	A-E			
Ramaker	Sandra	P	P	P	A-E	P	P	P	P	P	P	P	P	P	P	P			
Wilson	Brian	P	P	A-E	P	P	P	P	P	P	P	P	P	P	A-E	A-E			
Rogers	Keith	P	P	P	A-E	P	P	P	P	P			A-E	P	P				

attended Committee meeting but not a member

A-E Excused Absence
 A-U Unexcused Absense

as of July 24, 2020



ITEM VII.A. EXECUTIVE DIRECTOR'S REPORT July 2020

MEMORANDUM

DATE: July 23, 2020
TO: Board of Trustees
FROM: Fred James, Acting Executive Director
SUBJECT: Executive Director's Monthly Report

This report gives you a quick review of my activities and the accomplishments of Library District Staff for your review and discussion at the District Board of Trustees' July 23rd meeting. I have supplemented this with information in the board packet (numbered VII.A.1-3) and distributed to Trustees on July 17, 2020.

MEETINGS, ACTIVITIES & OTHER TOPICS

1. **REORGANIZATION.** Today I have appointed Danielle Milam, Development and Planning Director, into the position of Acting Deputy Director.
 - a. She will assist me in the role of Acting Executive Director until the new Executive Director is selected.
 - b. As with all "Acting" positions that are being filled this is a temporary assignment.
 - c. We will be working to bring all the departments of the Library District into alignment as we lose many positions to retirement, voluntary separation, and position freezes.
 - d. We will be working with community partners to align library resources to meet this period of unprecedented change and challenges.
2. **VESP UPDATE.** The District's Voluntary Employee Separation Package program has been successful to date. The deadline for submitting interest is July 31st. To date 68 employees have expressed interest. Of those 36 employees have returned the Acceptance Form and identified their separation date. Of those, 28 have signed the final Severance Agreement.
3. **LIBRARY BUSINESS IS GROWING.** The Library District expanded services on June 24th to accommodate more services inside our buildings.

From June 24-July 19 we have seen that

- GATE COUNT (CUSTOMER TRAFFIC) is 177,406, or approximately **47%** of gate count last year at this time
- PHYSICAL ITEM CIRCULATION (CHECKOUTS) were 264,996, or approximately **57%** of circulation last year

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- COMPUTER USE is 26,558 or **44%** of use compared to last year
 - DIGITAL DOWNLOAD ACTIVITY rose by approximately **50,000**, from 224,335 to 273,847.
4. **UNEMPLOYMENT FRAUD**. This week we discovered that fraudulent unemployment claims have been filed on 50 Library District employees. We are providing our employees with steps they need to take to protect their identity and assets.
 5. **CCSD PLAN**. This week, the Clark County School District voted to approve full time distance learning for all CCSD students. This has huge ramifications for our employees and our communities. The Library District is now conducting surveys with our employees to better understand their child care needs and challenges.
 6. **EXECUTIVE COUNCIL PLANNING**. Given these days of unprecedented and disruptive change, the Executive Council is in continuous planning mode to address both the impact of the CCSD plan, as well as pandemic phase planning. We will be prepared to go both backwards to Phase One as well as forward, when pandemic conditions improve. Rather than having our own plan, we are now using the Governor's Road To Recovery planning documents to see how many library services can be offered, within the requirements for safety, group size, capacity controls, PPE provision, and other guidelines.
 7. **Cortez Masto Supports Legislation to Aid Nevada's Libraries During the Coronavirus Pandemic**. I want to be sure all Trustees are aware that our Senator Catherine Cortez Masto has co-sponsored a bill to support public libraries during the pandemic. The Library Stabilization Fund Act will provide states with support to respond to and recover from the COVID-19 pandemic and continue providing communities with needed services, resources, technology, and broadband access. As drafted, the bill could provide as much as \$10 million in federal funds for Nevada libraries.
 8. **Executive Director Search**. Today you will be considering the next steps forward to recruit a new Executive Director. In my view, the most important qualification for this new director is that they are VISIONARY and can stay with the District for at least 10 years.



Electronic Signature Policy

This policy establishes guidelines for the use of electronic signatures in lieu of handwritten signatures in connection with official activities of the Las Vegas-Clark County Library District (Library District) to ensure that electronic signatures are used consistently.

This policy applies only to transactions between parties that have agreed to conduct transactions by electronic means and does not mandate the use of electronic signatures or otherwise limit the rights of parties to conduct transactions on paper, nor does this policy apply when a handwritten signature on a paper record is required by applicable law. This policy also allows authorized members of the Library District to electronically sign documents generated by other parties and allows notaries to sign electronically, in accordance with the Uniform Electronic Transactions Act (UETA).

This policy applies to all authorized members of the Library District and governs all uses of electronic signatures in connection with official Library District activities. Such business shall include, but not be limited to:

- Procurement contracts
- Service Agreements
- Customer/patron contracts
- Grant applications and certifications
- Grants in Aid Letters of Award
- Letters of Support
- Personnel documents/acknowledgements
- Formal Labor Agreements
- Board of Trustee documents
- Contracting artists and instructors
- Memorandums of Understanding (MOUs)

NRS 719.100 defines "Electronic signature" to mean "an electronic sound, symbol or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record."

NRS 719.240: Legal recognition of electronic records, electronic signatures and electronic contracts.

1. A record or signature may not be denied legal effect or enforceability solely because it is in electronic form.
2. A contract may not be denied legal effect or enforceability solely because an electronic record was used in its formation.
3. If a law requires a record to be in writing, an electronic record satisfies the law.
4. If a law requires a signature, an electronic signature satisfies the law.

The authorized members of the Library District will be responsible for creating, generating, sending, communicating, receiving, storing, and maintaining documentation on approved processes that include electronic signatures and records for audit purposes and in accordance with NRS 239: Public Records.

The electronic signature solution used by the Library District will employ multiple levels of authentication to ensure the identity of the signatories. The solution will employ the highest level of global information security assurance available to provide signatories with the assurance that stringent international standards on security are met. This solution will also provide an audit trail that serves as third-party validation of transaction completion, including information such as the signer's e-mail address, name, authentication method, IP address, etc. All signatories will be given the option of downloading or e-mailing a copy of the signed document.

Adopted by the Las-Vegas Clark County Library District Board of Trustees on July 23, 2020.