



MINUTES

Henderson District Public Libraries Board of Trustees

Date: September 19, 2019

Time: 7:45 a.m.

Place: Paseo Verde Library, 280 S. Green Valley Pkwy., Henderson, Nevada

Notice is given that items on the agenda may be taken out of order. Two or more agenda items may be combined for consideration; items may be removed from the agenda or discussion delayed relating to an item on the agenda at any time. Public comment will be taken on each item as it is heard. There will be a 3 minute per person time limit during the public comment portion of the meeting.

Call to Order

Board Chair, Mark McGinty, called the meeting to order at 7:45 a.m.

Roll Call

Board present: Angela Brommel, Jim Frey, Mark McGinty, Kip Noschese, David Ortlipp, Bette Silverman

Board absent: Dan Doherty

Staff present: Robbie DeBuff, Debbie Englund, Dana Friesen, Viveca Grinstead, Joy Gunn, Sean Hill, Gayle Hornaday, Candace Kingsley, Michelle Mazzanti, Heela Naqshband, Kate Peraza, Lisa Phelan, Marcie Smedley, Vivian Tufano

Others present: Ben Carvalho, Melisa Chupp, Linzy Donofrio, Jennifer Hall, Honora Hoo, Terri Jupin, Shawna Kirsch, John LaBonte, Linda Morgan, Colene Stevens, Lisa Zabriskie

Approval of Agenda

David Ortlipp made a motion to approve the agenda. Kip Noschese seconded the motion. The vote was unanimous.

Consent Agenda

These items are not expected to be controversial and will be considered together and approved in a single motion. Any person desiring to remove an item for separate consideration should so request before approval of the agenda. Items pulled from the Consent Agenda will be considered separately. All other consent items will be approved as one item.

CA-1 Approval of Minutes

August 15, 2019

August 22, 2019

CA-2 Review of Paid Invoices

August, 2019

David Ortlipp made a motion to approve the consent agenda. Kip Noschese seconded the motion. The vote was unanimous.

Director's Report

Possible Board discussion of the Director's report or various staff reports highlighting various administrative and staff activities since the last meeting.

Heela Naqshband said September is *Library Card Sign Up Month*. There is something new this year to encourage people to get a library card. Green Valley Lifestyle magazine has partnered with Henderson Libraries to recruit businesses, including coffee shops, barbeque places, lawyers and many more, to offer special discounts and deals if the customer shows a Henderson Library card. There is even a partnership with the Smith Center. This is just for the month of September. The deals offered can be seen at hendersonlibraries.com/deals. This is just another way for Henderson Libraries' customers to make use of the smartest card in their wallet. Marcie Smedley showed the Board the September issue of Green Valley Lifestyle magazine and said this is a good way to showcase some of the partnerships the library district can establish and work toward. Green Valley Lifestyle magazine even threw in a free full-page ad for the library district. Marcie Smedley said Heela Naqshband has had this idea for several years and her efforts on this project were appreciated.

Marcie Smedley reported the Diversity Diva program at Green Valley Library and Paseo Verde Library both had over 90 people in attendance and had to turn a handful of families away from each. There were a handful of protestors and, at the Green Valley Library event, many supporters. Extra security was contracted to ensure crowd control and safety. Henderson Police Department had a presence at both events. Overall, the events have gone well and were received very well by the people who attended them. Marcie Smedley thanked staff that worked the event and the board members who attended.

The library district's partnership with the City of Henderson and the Clark County School District, the APPLE [All People Promoting Literacy Efforts] partnership, will feature author Marcie Colleen from September 30 to October 2. Ms. Colleen, who has authored a series of children's books and picture books, will visit schools and give an author talk with book sale/signing at the Paseo Verde Library at 6:00 p.m. on October 2.

Henderson Libraries' 75th anniversary is winding down. Future Fair will take place at the Gibson Library on Saturday, October 12, from 9:00 a.m. to 2:00 p.m. STEAM-oriented activities will be featured, such as virtual reality and slime making. Community partners will host booths. Short talks and programs are scheduled. This is sure to be an exciting day. The Board is invited to attend.

Tomorrow is staff development day. The libraries will be closed.

Mark McGinty noted the format of the agenda has changed to align with agendas at any public meeting. The first public comment section has been removed. There will public comment on each agenda item as it is heard. At the end of the meeting, there is a public comment period to bring up items that were not on the agenda. This is in line with the Nevada Revised Statutes. Marcie Smedley noted this format is in line with the board's bylaws as well.

New Business

1. Discussion and possible board action regarding coffee shop update

Ben Carvalho, owner of the Coffee Press, said he brought in some free samples of 2 different coffee roasts. It is hard to believe, Mr. Carvalho said, that he has been here for three years. Business is good. Financial statistics were provided to the Board. The coffee shop is running lean but sales are up 6% from last year. Average transactions are up 3% year to date and total daily sales are up 6%. Daily customer count is up over 2018 as well. Consumers are coming in our doors and are choosing to support small business and the competition is welcome. Ben Carvalho said he grew up on Starbucks, but had a soft spot for the small, cozy coffee shop in the neighborhood. The Coffee Press offers a chance to bring passion for that.

The major competitors have dominated for a long time, but there are some cool little shops popping up in the Las Vegas metro and Henderson communities. Grouchy Johns has been here a long time and is doing very well. Mothership Coffee is doing very well. Dark Moon Coffee Roasters, over on Eastern, is a super cool place where you can see coffee beans being roasted! It is fun to see the scene grow. A little competition is healthy, forces us to keep our head in the game and be aware of what trends are going on around us. This helps to evolve and adapt and stay on top of things. Mr. Carvalho even encourages his employees to check out the other shops.

There are contributing factors. A small marketing budget was implemented last year and some social media advertising is being done. It is a huge goal to bump this up and do even more advertising. There has been community support, local and library support, getting to see your regular customers. Knowing the names, faces and drinks they like brings a real family and community vibe to it. Feedback is always welcome. Profits are reinvested back into the business, whenever possible. There are some improvement plans on the agenda – new flooring and some equipment replacement/upgrades. Sustainability, organic, fair trade are all huge buzz words in the coffee industry. The Coffee Press is now using recyclable products. Styrofoam has been eliminated. Paper and foil are much more earth friendly and are being used instead. Stir sticks are actually pasta and straws are 100% biodegradable. This is a big deal in the industry to move sustainability forward. But it is also a big deal to Ben Carvalho; he believes strongly in sustainability and there are recycle containers located in the café for customers to utilize. It's nice to see everyone jump on the bandwagon and support that.

It is getting to be that time of year. As a Nevada resident, Mr. Carvalho said, it is his favorite time of year. The blistering heat is dying down, leaves are changing and everything from cat food to macaroni and cheese will be offered in pumpkin spice! Rest assured, the Coffee Press will have pumpkin spice as well. Our drink of the season is the Drunken Pumpkin! Which offers real pumpkin puree blended with a homemade spice mix made with cloves, cinnamon, nutmeg and other special ingredients. It is interesting to note the lighter the roast, the more caffeine content. It's a common misconception. The longer you roast the coffee, the more caffeine you are roasting out of it.

Ben Carvalho thanked the Board, Marcie Smedley, Lisa Phelan, and the community members present today. Feel free to come in, say hi and visit. Thank you for supporting our local business.

Mark McGinty asked for public comment.

Jennifer Hall, who runs all the local Denny's, said it was a really good presentation. How does the sales percent being up correlate with customer count? Ben Carvalho replied it really correlates with transactions by customer. Average transaction used to be under the \$5 range. Increased menu options and having more non-labor associated point of sale item options help increase average transaction dollar amounts. The goal is to get transaction total up, which helps translate into increased sales. Jennifer Hall said it is hard to be up in guest count and sales in this time. Ms. Hall complimented Mr. Carvalho on accomplishing that.

Public comment was closed.

Jim Frey asked about the high school kids in the afternoon. Do they spend money or just use table space? Ben Carvalho replied they have money. Most of their purchases are for quick, non-prepared foods, such as chips, Cup of Noodles, and candy. The after-school rush was a struggle at first, with some rowdy gangs taking up table space. Most of the time they are good kids. They just need a bit of guidance. Issues are addressed as they come up. Angela Brommel said she enjoys the music, was it Manzanita? Ben Carvalho said yes, Manzanita Trio is booked in every couple of months. Mr. Carvalho said it's hard to have live performances inside, due to the limited space. Now that the weather is cooling off, there can be music on the patio. Especially on Saturday mornings. It feels like an event. Marcie Smedley thanked Ben Carvalho for partnering with library with light catering for events. It has been a great partnership and the library team appreciates the welcoming environment.

2. Discussion and possible board action regarding joining the Clark County Section 125 Provider contract

Debbie Englund explained the Section 125 plan allows participants to have dependent care and medical costs deducted pretax. It is currently offered to staff. There is an administrative fee of \$50 per month plus a per participant administrative fee of \$5. The opportunity to join onto the Clark County Section 125 provider, TASK, has come available. Clark County did put out an RFP [Request for Proposal] on this and awarded the contract to TASK. There will be no administrative fee and the per participant fee goes from \$5 to \$2.50. The employees won't see any change from the current plan, other than using a different card and a different website.

Mark McGinty asked for public comment. There was none.

David Ortlipp commented he sees no problem with this; that is the advantage of partnering with the county – saving money. David Ortlipp made a motion to approve joining the Clark County Section 125 Provider contract with TASK. The vote was unanimous.

3. Discussion and possible board action regarding joining the Clark County Voluntary Supplemental Benefits contract

Debbie Englund said this is another opportunity to join on the county's plan. Clark County did put out an RFP on this. Henderson Libraries' supplemental benefits are currently through AFLAC. AFLAC did not win the bid. Clark County is going with Guardian, indicating that 40 to 60% will be saved on rates. Guardian will waive pre-existing conditions. For staff wanting to join, 3rd party information phone number is being provided so staff can be advised whether they should stay with AFLAC or switch to Guardian. Staff who choose to remain with AFLAC may do so, but will have to pay AFLAC directly. Supplemental insurance plans include cancer, accident, disability, and hospital. Marcie Smedley said there is no cost to the district for this, it will just offer better rates for the employees.

Mark McGinty asked for public comment.

Candace Kingsley asked if one chooses to stay with AFLAC is the cost different? Debbie Englund responded the rate stays the same, the payment will not come out of payroll deduction. The employee will need to set up payment arrangements.

Mark McGinty asked if there is public comment to please state your name.

David Ortlipp made a motion to approve joining the Clark County Voluntary Supplemental Benefits contract with Guardian. Kip Noschese seconded the motion. The vote was unanimous.

4. Discussion and possible board action regarding Group Enrollment Agreement with Health Plan of Nevada (HPN)

Debbie Englund explained Henderson Libraries is already on Clark County's HPN plan. There will be no changes to the plan, except for a 3-1/2% increase this year.

Mark McGinty asked for public comment. There was none.

David Ortlipp asked what the increase was last year. Debbie Englund said 8%. Angela Brommel said even when it's 3%, you still feel the increase. Mark McGinty said when you have a professional service business, such as his, the increase every year is around 18%. Jim Frey made a motion to approve the Group Enrollment Agreement with HPN. Kip Noschese seconded the motion. The vote was unanimous.

5. Discussion and possible board action regarding amendment to Interlocal Agreement for Self-Funded Health Benefits Plan changes

Debbie Englund said this is for the PPO [Preferred Provider Organization] plan. The majority of employees are on this plan. This approves contract changes. Last year critical care management was added and it is written into the plan this year.

Mark McGinty asked for public comment. There was none.

Kip Noschese made a motion to approve the Amendment to Interlocal Agreement for Self-Funded Health Benefits Plan changes. David Ortlipp seconded the motion. The vote was unanimous.

6. Discussion and possible board action regarding amendment to Interlocal Agreement for Self-Funded Health Benefits rate changes

Debbie Englund said the rate increase is 3% this year. This plan had no increase the last 2 years. An anticipated increase of 5% was included in the budget.

Mark McGinty asked for public comment. There was none.

David Ortlipp made a motion to approve the Amendment to Interlocal Agreement for Self-Funded Health Benefits rate changes. Kip Noschese seconded the motion. The vote was unanimous.

7. Discussion and possible board action regarding modifying library managers purchasing authority from \$1000 to \$2500

Marcie Smedley said library managers currently have a \$1,000 spending limit; anything above that needs to be approved by admin staff. Often repairs or expenses exceed \$1,000. These are the people tasked with running the library buildings. Marcie Smedley requests increasing the limit to \$2,500, which would allow the building managers to handle anything that may come up. Anything above \$2,500 is capital expense.

Mark McGinty asked for public comment. There was none.

Jim Frey asked how often this is an issue. Marcie Smedley said, as the buildings age, it's becoming more of an issue. Plumbing is a big problem. Oftentimes plumbing issues need taken care of right away. When needed repairs crop up and additional approval is needed, then there is more down time. A lot of the building repairs, plumbing, electric doors, and certain types of repairs routinely exceed that \$1,000. Jim Frey asked if the approval process can be streamlined. Marcie Smedley said there is a purchase order program in place, which helps with approval of recurring costs. Department managers, who work under the building managers, have the same \$1,000 spending authority. Building managers should be in a position where they are empowered to effectively implement what is needed to keep the buildings running. By capping the building managers at \$1,000 it does limit them in effectively keeping the buildings running. Mark McGinty said he has no problem with it. In private industry, some manager limits go as high as \$10,000. \$2,500 is not excessive. David Ortlipp expressed concern about splitting charges so they would be under the limit. Marcie Smedley assured David Ortlipp that this does not happen. Kip Noschese commented that it is not a blank check, receipts still need to be submitted.

Bette Silverman made a motion to approve modifying library managers purchasing authority from \$1,000 to \$2,500. Kip Noschese seconded the motion. The vote was unanimous.

8. Discussion and possible board action concerning policies pertaining to background checks as they apply to staff, volunteers and any other outside contractor or performer.

Marcie Smedley said all staff are fingerprinted and background checked. Any volunteer over 18 years of age who have one-on-one contact with children are background checked, under the same guidelines/procedure as staff. This includes Reading with Rover coaches and tutoring done at the Gibson Library, where college students are tutoring children one-on-one. The rest of the volunteers are not background checked, and do not have one-on-one contacts with children.

No performers are background checked. As it relates to youth services, specifically, there are always staff members and parents/caregivers present and there is no one-on-one contact between the performer and children. Mark McGinty asked if the attorney responded. Marcie Smedley said yes. The fact that children will not be left alone with the presenter logistically lessens the risk that something will happen. Also, the meeting takes place in a public space, unlike a coaching situation where the coach assumes responsibility for the child. The case law finds that these special relationships do not apply to the library district, since our programs happen in a public place with caregivers and staff present.

Mark McGinty reiterated library district policy is that there will always be staff present with every performer. Marcie Smedley said that is not a policy, it is a procedure. Whenever we have a children's program there are staff in the room.

Mark McGinty asked for public comment.

Colene Stevens said she is concerned that children learn to trust people (men in dresses with makeup on) in this environment.

Lisa Zabriskie said it has been proven that there have been programs in other states where pedophile back ground checks were done and the performers were proven to have this issue. Even in your neighborhood, notification is made, you can go to a website, and find out about who are pedophiles and where they live. Because of this presentation it has been discovered that these people have hidden backgrounds and there are a lot of questions and unknowns. Because these individuals provide a public forum, they try to bring their lifestyle in and children are brought to believe that this lifestyle can be considered normal and it's not. It's not how society evolved that men were women. Not having background checks, in this arena, is a disservice to the public.

Jennifer Hall said when she was younger she was a victim of extreme sexual abuse in a place her parents trusted. She said she doesn't care who the performer is – a Christian, a Muslim - they need to be safe for the children. You are saying performers aren't left alone with children. Can you guarantee the staff will not leave the room? If anything happens, a disturbance or a broken pipe? Marcie Smedley said there is always at least one staff member present. Often there are more. There is a person in charge in each building that is not involved in the program so there shouldn't be a situation where that staff member has to leave the room for an emergency. On the rare occasion the person in charge was in the program, someone would replace them so they could leave to handle the emergency. Marcie Smedley said, with certainty, there would always be a staff member in the room. Jennifer Hall said she has been the poster child of the person that needed to be protected and that would be sufficient for her and her children. If you can guarantee staff members will be in there.

Terry Jupin said on any given day there are people of vulnerable classes in the library. This may not necessarily be policy, but procedure that you have people in with performers that don't have back ground checks, but schools and churches require background checks on all volunteers. How do you know the performer won't follow someone into the restroom? Parents have a legitimate right, or children of an elderly parent have a right, to know the environment is safe. Churches and schools require background checks even if you are not by yourself with children. The library needs to step up and ensure safety. Is there a cost? Absolutely. It should be built into the budget to protect people attending the events.

John LaBonte said having background checks would also protect the library at large. From a corporate perspective, a \$7 background check for someone coming in, even to read on a Saturday afternoon, will protect the library. The first thing an attorney is going to do is ask what steps were taken to vet the person through the system? Was there negligence? Was it thought through. John LaBonte said due diligence needs to be done for public safety.

Shawna Kirsch said she agreed with John LaBonte. It is smart for the library to protect itself. Especially with the programs being discussed - the library chooses those programs and the people that come in to provide that programming. Ms. Kirsch said she went through all the library district's programs and it is extraordinary the programs the library offers. The library is dealing with children from 0 years up. And elderly people. With a sponsored program, it is a responsibility to protect library patrons. With social media, the library district can't manage what happens outside of these walls. When the library sponsors the program, the library is endorsing that person. Many people are repeat performers. It is just smart to background check them. The library is protecting itself as well.

Public comment was closed.

Mark McGinty said when he has gone into the Clark County School District [CCSD] or the University of Nevada Las Vegas [UNLV], he has not been told he needed a background check. Sean Hill said it is only required if there is one-on-one contact. If you are coming in to read to the classroom with a teacher present you do not have to be background checked. Angela Brommel said she has visited, been given a guest badge, and was chaperoned the whole time by a staff member. Mark McGinty said his firm serves as mentors for 3rd, 4th and 5th grade programs in any county with a school district, introducing them to architecture. Neither Mark McGinty nor his associates have been background checked and are not allowed to be alone with students. Angela Brommel said the flip side to this: is having a policy you cannot enforce, because it changes in certain ways, a liability? A procedure or process is manageable and can be adjusted. But if you say every performer must be background checked, the next question becomes who is a performer? Who is a formal presenter? What about open literature readings? Does that mean people can only go up to the microphone if they are background checked? People bring their children to these performances. A policy you cannot enforce or cannot clearly define does not help. We need to look at processes to make sure they do what we want them to do and take a little time to map things out so there are no unintended consequences. Angela Brommel said she is more comfortable thinking about things a little more and mapping it out so a policy isn't developed that can't be enforced.

David Ortlipp said if we are going to make a policy it needs to be something that will work. In general, though, the library has a vulnerable class of patrons. There are legal and moral obligations. Moral obligations may exceed that because there are vulnerable patrons that can't look out for themselves. The board needs to go a little overboard the other way. The Houston Library had that problem and someone that made them look pretty bad. The Houston Library had a background check policy for performers but didn't follow it. By not following the policy, it made the library look really bad. If something unfortunate happens what kind of liability will the district have? Marcie Smedley responded the library district would not be criminally liable. Anyone can bring a lawsuit. It's just a matter if it's defensible. Statutes state that you are not responsible for people who are not acting as your agent. Case law finds some exceptions with independent contractors, but because of the presence of staff and parents, the risk of there even being harm is extremely low risk. Marcie Smedley said there is a duty to care for people, but this is also a public building. It's not known who is in the building at any given time. That is why there is a policy that no one under 10 years of age may be left alone in the library. There is definitely an interest in ensuring safety, but we don't have any knowledge of the backgrounds of people coming through our doors. There are procedures in place to protect vulnerable classes. It isn't like people contact us wanting to come in and read to kids and we allow them to do that. Library staff seek out the presenters and performers. While we don't background check, that doesn't mean anyone who comes through the doors wanting to read to children are allowed. Staff are definitely looking at the people invited to do programs. David Ortlipp said he looks at it much the same as if he was having a project done at his home. If we are seeking people, a background check can be requested. Bette Silverman asked the cost of a background check. Marcie Smedley said an FBI background check includes a federal background check and fingerprinting, costs \$45 and takes 6 to 8 weeks to get back. Mark McGinty said the 6 to 8 weeks' time period is why the school district doesn't background check itinerant visiting people. Debbie Englund said that employees are required to go the City of Henderson Police Department to be background checked. It's not feasible for out of towners to come in town to get fingerprinted and then wait for 6 to 8 weeks to return. Bette Silverman said that isn't feasible for out of town authors or presenters.

Jim Frey asked how often the practices are reviewed. Marcie Smedley said she doesn't know how long it has been the practice to have staff in with performers, especially in Youth Services, but this has been the practice for the 16 years she has worked here and is taken very seriously. There is not a written policy, but in practice it happens all the time.

Mark McGinty suggested a committee be formed to review the policies and practices and make suggestions for changes. Board and staff, and perhaps the attorney, can be on the committee. Jim Frey asked if this is for policies and practices. Mark McGinty replied yes. Mark McGinty said he wants to be a little cautious. Kip Noschese said he thinks this is a great idea. Kip Noschese suggested programs that are repeat programs could be scrutinized more or have a higher priority for background check. Angela Brommel asked how this is different than what we already do. If we want to know about a policy or procedure we would ask for a presentation. Mark McGinty said we have public input now. We have procedures that, perhaps, need to be policies. Some legal help will be necessary with this too. Bette Silverman agreed with forming a committee to include staff and the attorney to allow the board to look at, and possibly streamline or tweak, these things. Angela Brommel said she understands the intention of that, but is this something the library already has a process for, that we could ask staff to look at it and get back to the Board? Don't they already have a process? Mark McGinty said the committee will review those processes. There won't be a quorum, and the committee can report back to the board. This has been done in the past on many issues, but the point is well made. It's also good to have the attorney there. There could be unintended consequences. Mark McGinty had never thought about the elder care portion. It was a good thing to bring up. Angela Brommel volunteered to serve on the committee. Jim Frey made a motion to form a committee to review background check policies and procedures pertaining to any and all staff, volunteers and any other outside contractor or performers. Kip Noschese seconded the motion. The vote was unanimous.

At 8:49 a.m. the meeting recessed. The meeting resumed at 8:55 a.m.

9. Discussion and possible board action regarding library use policies including the use of meeting rooms and other spaces available to the public.

Marcie Smedley read highlights from the public services meeting room use policy. Meeting/study rooms are open to individuals or groups and can be reserved by anyone as long as they conform with library rules of conduct and don't engage in selling, solicitation or commercial activities. Reservations can be made up to 2 weeks in advance. Standing reservations are not accepted. The library reserves the right to cancel reservations and let people know they've been cancelled. The library can also suspend room privileges if users are not abiding by library rules. These are public spaces. Library program rooms are not available for the public to reserve and are used for library programs and activities only. Program proposals are sometimes accepted and, if accepted, become partners of the library. There are rules to abide by as well. Programs should be no charge and should have a start and a finish. Some programs may go for a year, but they do have an end date. Programs and activities are held during regular hours. Promotion of the library and its services must be allowed during the program and there is no selling, solicitation, commercial activities or alcohol allowed. Library management reserves the right to decline proposals, cancel scheduled programs, make case-by-case exceptions as necessary for the effective operation of the library and the fulfillment of its mission. In summary, study rooms are available regardless of affiliations, etc. and the large rooms are for library programs and activities.

Mark McGinty said there was a comment about opening the program rooms up to religious affiliations. Marcie Smedley said she is waiting on more information from the attorney as to the application of this provision, but there is a provision in the Nevada Constitution that prohibits public funds, state, local, municipal, to be spent on sectarian purposes. Religious programming cannot be supported by public dollars.

Mark McGinty asked for public comment.

Linda Morgan said she has lived in Nevada for 26 years and raised 2 children; her daughter still lives here with her family. Ms. Morgan said she is requesting true diversity from the library in storytime and other public spaces in the library. From the library district's website, rainbow connection page, it says the Henderson Libraries strives to be inclusive and welcoming to all. Ms. Morgan said we are here today because Jennifer Hall requested to hold a bible storytime at this library and was denied because it was a Christian event. In order for the library to be truly inclusive, Christians should not be denied to use these spaces any more than the LGBTQ or Muslim community, to do so is discrimination, plain and simple. In May, the library hosted and promoted a Ramadan storytime that included stories and crafts celebrating Ramadan. In this case the library hosted, promoted and celebrated a Muslim holiday. If Muslims are hosted, the library should host Christians, also. And by "host" Ms. Morgan said, she does not mean that Christians can use the public meeting spaces that were previously mentioned. She said she means events are posted on the library website and Facebook page. Christians should be given the same treatment as Muslim storytime and Drag Queen storytime. To treat Christians any different is discrimination. There are more than just storytime events promoted on the library website. There are painting events, lectures and other programs in hosted by Henderson Libraries in partnership with LGBTQ+ organizations. To have true inclusion and diversity, Henderson Libraries should be willing to host and promote lectures, painting events, and other programs for all groups. To host them for one group, but not for others is not inclusion. It is discrimination. For the sake of diversity and inclusion, Christians must be included. Only then will there be true diversity.

Lisa Zabriskie said property taxes go through the county and come to the library, how can the library deny a large portion of the public who sustain your library? How can the library differentiate between Ramadan Muslim tradition and Christians? Although they say it is not a religion, it is pretty evident that LGBTQ is satanic in nature. Ms. Zabriskie said she has spoken to several of them and they say their God is Satan. Whether they want to hide behind rainbow colors, little symbolism or a woman's dress, there is a spirituality behind that presentation.

Nora Hoo said she is here to speak up for the Christian community. Regarding taxpayer dollars being used for religious programming, what Christians teach is actually history. It is only evident and available to all that they are teaching history to their kids.

Jon LaBonte, a resident for 3 years, said he enjoyed getting to know everyone at the last meeting. What makes Henderson beautiful is the desire to communicate and hang out together. The Board has to chew on some heavy things. Mr. LaBonte thanked the Board for what they do. It's hard. Mr. LaBonte said he just wants to highlight that groups have disagreements. Even if in agreement on the same religious or societal beliefs. That's what makes this country so great. He won't be put in prison for his opinion. The board knew about their concerns about Drag Queen Story Hour, but still did it. That's what makes America great. The desire to promote inclusivity is being pushed at the public library. Mr. LaBonte said he doesn't believe that denying inclusivity of a Christian organization is what the board is trying to do. Consider that if other areas of the community are included, how is the community well represented? That's an important question to ask - not just promote what's promotable today. Could the board at least just consider that everyone be included?

A woman requested a clear definition of a religious organization. Mark McGinty said no. There are regulations on what identifies a religious affiliate and religious beliefs. This board should be impartial. The woman said she is just trying to get clear on what the library bylaws are. How can the Board enforce the bylaws if they don't know what they mean? Marcie Smedley said there is no reference to religion in the bylaws, it is in the NRS, in an article of the Nevada constitution. The board is waiting for an opinion from the attorney about how it applies to libraries. The woman said she just wants to be clear. The library says no and doesn't know the meaning of the word they are using to deny programs? How can a religious program can be denied if the Board can't define religion, if the attorney can't define religion? Mark McGinty said an opinion would be coming from the district's attorney. The woman said it would be hard for her to stand behind something that can't be defined. If you say no to someone because it is religious, what does religion mean? Do they go to church, pray to God, pray to Jesus? Mark McGinty said it is not the word being defined. The woman said the library can clearly define diversity, she is just asking how the board defines religion. Mark McGinty said this is a state constitutional thing. It is not really proper to take questions during public comment.

Shawna Kirsch said the library's overall stance is that education is available for all – whether offensive to you or someone else. Shawna Kirsch said she 100% agrees with that. The library's bill of rights is from ALA. ALA has an entire page that talks about religion and American libraries. ALA talks specifically about meeting rooms. The consistent thing ALA does is everything has to be consistent and equitable. The policies regarding money should apply to all groups. All groups should have the same access and the same rules. The safest course of action is to apply the same rules and the same access for all groups. It continues with that in talking about religion. You can't say, this group over here we believe is very inclusive and we like what they have and

this other group over here, even though we have books in the library (Noah's Ark and historic biblical stories), we don't want to do a program like that - we going are under the umbrella of no religion in the libraries because they are public. It doesn't make sense and it doesn't fly with the American Library Association. If the library has materials out there for LGBTQ then religious materials have to be allowed as well. Whatever you allow for all groups you have to allow for religious groups too. That's educational as well. There will not be a big protest if the library hosts a bible storytime.

Ms. Kirsch said the library is offering some wonderful programs. Some of the programs have made her think she should have brought her kids to the library more. Imagine if the library just did one program, it would open a door and bring people in and you are just allowing equal access. The library is just allowing equal access for all groups, Ms. Kirsch said she didn't think it would hurt the library district. Mark McGinty said the 3-minute time limit was up.

Jennifer Hall read the email that brought this all on for her. An email was sent to Marcie Smedley asking if having a bible story hour for children would be allowed. Such as, someone reading the story of Noah's Ark. The response was: "Good morning, Jennifer. Thank you for your inquiry. When it comes to religious programming we avoid presenting anything that would proselytize for or teach the tenets of any specific religion. We have had religion in programs that are educational and are cultural in nature. Thank you, Marcie." Jennifer Hall said her problem is twofold and that is why she has asked numerous times to be heard on this. Ms. Hall said number one: she wasn't asked to present anything. She was just told no. She just asked to read Noah's Ark, not to read the bible. The number one sold and read book is the bible - and this is a library! She said she did not ask to read the bible or teach about Jesus. Noah's Ark is in the Torah, the Koran and the Bible. Ms. Hall said she since Marcie Smedley is the only one to decide programming and she (Jennifer Hall) was shot down, she felt offended. This whole experience has changed her as a person. She came in here with one set thing and left different. At the last meeting, when people from the LGBTQ community stood up to speak and then she heard the Christians of her community speak, she realized there were some issues that needed to be addressed. It led her to a book called *Messy Grace*. So, we have grown even more exponentially in this process in loving and understanding people more. Can the library district to do the same thing? Ms. Hall looked in herself and asked what herself what her motive is? She is not asking to teach about Jesus or religion to the children. Jennifer Hall is asking to read out of a book. That is why she is offended and that is where there needs to be policy change. Her religion was assumed. What she wants was assumed. Christianity (religion) is part of culture. Ms. Hall said she is just asking for the same thing the library gives every other group in the community - Christian story hours publicized the same way the LGBTQ and Muslim communities' programs are. Mark McGinty asked if a public room was requested. Jennifer Hall said it wasn't specified, she just asked if she could read Noah's Ark, was just shut down and told no.

Public comment was closed.

Marcie Smedley commented in December, the library hosted Christmas storytimes. In April, the library hosted a Dia de Los Muertos programs, which also have a cultural religious aspect. From a cultural perspective, there have been more programs than just a Ramadan storytime. Mark McGinty asked if Ramadan is a Muslim holiday. Marcie Smedley said Ramadan is a celebration for Muslims, similar to what Christmas is for Christians. Mark McGinty asked if these programs were open to the public or held the meeting rooms. Marcie Smedley replied they were in program rooms.

David Ortlipp requested a point of order: the agenda item is about meeting rooms and the discussion keeps delving into programming. If there is going to be discussion about programming it should be tabled for another meeting. Mark McGinty replied how these spaces are used is the whole point. David Ortlipp said he wanted to clarify that anyone can have a bible study in a meeting room. They will not be marginalized or told no. It is important that people understand this. Meeting rooms are policy. What you are talking about here is more about programming. The board does not set policies for programming. That is more of a discussion with Marcie Smedley. The unnamed woman in the back row began asking questions of the Board. Mark McGinty told her she would not be heard as public comment was over. Mark McGinty said the public use of rooms started when Jennifer Hall and Shawna Kirsch brought it to the Board's attention a couple of months ago. It still comes down to the use of rooms and how libraries are governed by the Nevada's state constitution.

Angela Brommel said there are a lot of moving pieces to this. Asking for a study room is one thing. If one requests to use a program room, there is a calendar. There is nothing worse than doing the paperwork and having it declined. When those questions come up, one defaults to the interpretation. We are getting a legal parameter. Once that is received an explanation can be framed. It's how the information is shared back and how people interpret it. Angela Brommel does art and she has had people tell her a piece of her art is religious, where she had not interpreted it that way. Knowing the parameter back from the attorney will help us frame better answers. The answer may still be no, but it will be explained better. There are policies about how rooms are used. There can't be more answers right now. It doesn't matter how the library answers. What matters is the legal answer. David Ortlipp said public spaces, meeting rooms, can be requested by anyone. It doesn't matter what you are using it for. Marcie Smedley agreed, as long as it falls under the rules stated in the policies. You can't sell, solicit or disturb other library users. It doesn't matter if you use it as study group, bible study, or to listen to your book on CD. As long as you are abiding the rules and using the space for what it is set up for.

David Ortlipp said the ALA policies like to be inclusive and don't specifically exclude religious activities. With programming and exhibit spaces, the board wants to be sure everything is equitable. If we have a pride month display then we should have a Christmas display. It shouldn't be excluded since it's part of our culture. This discussion is about equitability. Marcie Smedley said there is no correlation between the two. LGBTQ is not a religion. Lisa Zabriskie interjected that LGBTQ is a religion – they worship Satan. Marcie Smedley continued, the library makes effort to encompass people in our community and to recognize and support all different kinds of cultures. That is a goal of ours. David Ortlipp said we do not exclude religions. Marcie Smedley said there are cultural programs. Last year there was a Christmas program with Santa and Mrs. Claus. The Gibson Library had stories through history about the tradition of the holidays. Mark McGinty asked where do we go? Jim Frey said it is going to boil down to a legal question. It's a tough question. Eventually it's going to boil down to a legal issue. Jim Frey said he believes in separation of church and state. That's what this nation was founded on. He is sure there are many, many Christian presenters that don't proselytize. Just as LGBTQ presented a program and did not proselytize. Jim Frey said the Board should follow the premise of separation of church and state. David Ortlipp disagreed, separation of church and state were not in the constitution. It was Thomas Jefferson not wanting us to have [comments were drowned out by chatter]... Mark McGinty said apparently our state government believes it since they put it in the state constitution. Bette Silverman said what is becoming fuzzy for her is are we discussing room use or questioning program decisions. Program decisions are not in our purview. Mark McGinty said what is in our purview is to direct staff to study, implement and change policies and procedures. A decision can't be made about this until we get a more information back from the district's attorney. That may also clarify for us the definition of religion. Bette Silverman suggested tabling this matter until an expert opinion is received. Mark McGinty clarified that this issue will move to old business next month and will be reported on. It is not going to just go away.

Kip Noschese said he appreciated what Mr. LaBonte had to say about the communication and understanding of people that are different from us. At the special public meeting about Diversity Divas, he enjoyed having so many people with different views in one room going back and forth in discussion. It was a beautiful thing. Having this room as less of an echo chamber of people with the same views but more of a place where people of our community come together, that's all part of the library's diversity, and having these discussions, getting to know each other and interact is more important than having an echo center of people with similar viewpoints.

Mark McGinty said, regarding the use of the room, he sought consultation from his pastor. His pastor's take on it was very unique. Most pastors prefer you use a religious facility for these programs. There is a reason why sermons aren't held in front of city hall. Pastors would like to have other groups not do that either. It keeps the playing field level. The pastor pointed out there are 20 libraries in the valley and 3,000 religious institutions that can house an event. The library is viewed as a public institution and not a place to have services. Some of the board do hold strong beliefs, but as board members need to remain neutral. Jim Frey made a motion to continue this item to the next board meeting. Bette Silverman seconded the motion. The vote was unanimous

Old Business

None

Announcements

The next Board meeting will be **October 17, 2019** at the Paseo Verde Library, 280 S. Green Valley Parkway, Henderson, Nevada.

Public Comment

Note: Pursuant to Nevada's Open Meeting Law, action may not be taken on matters presented during this period until included on a future agenda as an action item.

Jennifer Hall said this is the third time she is requesting an agenda item discussing library-sponsored programs and how they are selected in equality and in accordance the ALA bill of rights. Ms. Hall would like to discuss how the programs are selected and the oversight of the selection. She would like defined why reading a story about Noah's Ark was being religious. This is her concern – not asking to do a service or preach or pull people in. But if someone is in the library, hurting, or doesn't know where to go, they should have the same resources. They aren't walking into a church, they are walking into the library. All the outrage over the programs you select, she could easily say – do your own, go to another one. But they can't because there isn't one. There is one person selecting and telling her no.

Mark McGinty asked if there is enough of the wording to craft an agenda item. Mark McGinty requested that this agenda item be put on the agenda.

Nora Hoo commented she doesn't understand why a background check takes 6-8 weeks. Can the board tell us how quickly you find presenters in order for you to be able to tell us you why can't do a background check? How long does it take for you to find a performer, agree to the request, and set up a date for a program? Mark McGinty thanked Ms. Hoo for the comment. Mark McGinty asked Ms. Hoo to stay after and talk to staff.

Colene Stevens expressed her opposition to Drag Queen Story Hour. On the 9th of August, the FBI did a national raid sting operation on child sex trafficking. Las Vegas had the largest amount of kids picked up in the United States. We are living in an environment with predators who have learned to worm their way into institutions as teachers, priests, boy scout leaders and mentors. Then the public library opened the doors to Drag Queens. Have you looked on the You Tube sites, including for Matt Durski who is Polly Porcelain? These are not Frank Moreno drag queens! These are illicit sex performers. Ms. Stevens said she knows in her heart the library is putting children in danger. There is a passage in Proverbs that says as a man thinketh so is he. Just some food for thought.

Jon LaBonte asked to share some information about background checks. He works in the school system and as a pastor. He does background checks on all volunteers. It takes 2-3 hours to do state minimum background check. Mr. LaBonte said he doesn't think fingerprinting is necessary. If there is an organized function, the leader of that function bears the responsibility. He understands what is being said about it being a subcontractor, but if he goes to court and someone is suing because this event caused damage. Not only are they going to sue the entity, but also the church because it condoned negative activity. He didn't condone negative activity but because he allowed them on his property, he is responsible. If he didn't do a background check, a court will tell him he did not do his due diligence. It costs \$7 for a state-mandated background check. All that is needed is a little information, an approval and a social security number to run a background check through the email system. This system emails him to say they passed or there are priors that need to be looked at. When you are looking at the committee, you don't have to do a \$45 federal background check for the state minimum requirement. That cost can be passed on to the performer. To protect the community, everyone can be background checked. It's very valuable to protect us. Mark McGinty thanked Mr. LaBonte for his input and education about background checks.

Shawna Kirsch said under the mission statement values, she assumes the board of trustees helped to create the mission statement, values, and bill of rights. Under library programs it says: "Groups or individuals who are interested in presenting such programs may make a written proposal to the appropriate branch manager according to established procedures. Due to limitations on time, space, and staffing, only a limited number of proposals may be selected for sponsorship by the library, according to the operating priorities of the library." According to the library district's rules, nothing in here that states if it has anything to do with religion (religion is not a church) it will be denied. If it is going to be an absolute rule, maybe these values, under library program rooms, need to be amended to bring clarity, such as there will be no religious programming whatsoever. Next month the board is going to clarify what that looks like. Or if it is going to be included, it should be amended to read we're not going to discriminate based according to race, color, religion, sexual orientation, whatever. There is nothing on there about religion or proselytizing. There could be some great programming that the library could have that parents would really enjoy. A lot of religious parents. You have some great programs, Marcie, we're not attacking everything you do. She said she is learning more about the library. Thanks for time and effort. Libraries seem to have a ton of people in them so some things are really good and great things could be added as well.

Adjournment

The meeting was adjourned at 9:46.

Pursuant to NRS 241.020, written notice of the meeting of Henderson District Public Libraries' Board of Trustees was posted by September 12, 2019, at least three (3) business days before the meeting, including in the notice the time, place, location and agenda of the meeting. Details of the agenda may be obtained by calling the administrative offices at 702-207-4298.

Posted at Green Valley Library, James I. Gibson Library, Paseo Verde Library, City of Henderson-City Clerk's Office, and the Henderson Libraries website.