

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON GOVERNMENT AFFAIRS**

**Eighty-First Session
March 19, 2021**

The Committee on Government Affairs was called to order by Chair Edgar Flores at 9 a.m. on Friday, March 19, 2021, Online. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/81st2021.

COMMITTEE MEMBERS PRESENT:

Assemblyman Edgar Flores, Chair
Assemblywoman Selena Torres, Vice Chair
Assemblywoman Natha C. Anderson
Assemblywoman Annie Black
Assemblywoman Tracy Brown-May
Assemblywoman Venicia Considine
Assemblywoman Jill Dickman
Assemblywoman Bea Duran
Assemblyman John Ellison
Assemblywoman Susie Martinez
Assemblyman Andy Matthews
Assemblyman Richard McArthur
Assemblywoman Clara Thomas

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Assemblywoman Shannon Bilbray-Axelrod, Assembly District No. 34

STAFF MEMBERS PRESENT:

Jered McDonald, Committee Policy Analyst
Judith Bishop, Committee Manager
Geigy Stringer, Committee Secretary
Cheryl Williams, Committee Assistant



OTHERS PRESENT:

Felipe A. Ortiz, Chair, Board of Trustees, Las Vegas-Clark County Library District
Kelvin Watson, Executive Director, Las Vegas-Clark County Library District
Patrick "Tod" Colegrove, President, Nevada Library Association
Valerie Friskey, Private Citizen, Dayton, Nevada
Annemarie Grant, Private Citizen, Quincy, Massachusetts

Chair Flores:

[Roll was taken. Committee videoconference rules and protocol were explained.] We have our very own Chair of the Assembly Committee on Education, Assemblywoman Shannon Bilbray-Axelrod, joining us this morning, alongside Mr. Felipe Ortiz. Mr. Ortiz, it is great seeing you. It is great to have you before this Committee; I do not know that we have ever had the opportunity to have you here. Welcome. We are going to open up the hearing on Assembly Bill 258. Good morning. Welcome to both of you.

Assembly Bill 258: Revises provisions governing consolidated library districts. (BDR 33-167)

Assemblywoman Shannon Bilbray-Axelrod, Assembly District No. 34:

Members of the hardworking Committee on Government Affairs, I am here to present Assembly Bill 258 for your consideration. I had the distinct pleasure of serving on the Las Vegas-Clark County Library District Board of Trustees until my term expired in February of this year. During that time, I took part in the hiring process of two executive directors as well as our most recent director of human resources.

The Las Vegas-Clark County Library District is the eleventh-largest library district in the nation, with 16 urban branches and 9 rural branches. The 2021 operating budget for the Las Vegas-Clark County Library District, commonly referred to as LVCCLD, is over \$70 million. The district serves 1.7 million people over 8,000 square miles—larger than the state of Connecticut. Many of the branches have art galleries as well as performing arts centers. As the Las Vegas-Clark County Library District has grown exponentially over the years, unique needs and challenges have come and the *Nevada Revised Statutes* (NRS) and corresponding *Nevada Administrative Code* need to reflect those changes.

The executive director manages so much more than library operations. His duties include supervision of human resources, information technology, finance, legal issues, marketing, development, planning, facilities, community engagement, and that is just to name a few. Assembly Bill 258 does two main things for the consolidated library district that serves over 1 million people, which is Clark County-Las Vegas Library.

The bill, number one, gives the Las Vegas-Clark County Library District board of trustees the authority to establish educational qualifications that include, but are not limited to, a master of library and information science, commonly referred to as MLIS, and it gives the board the authority to hire an internal auditor. I want to point out that over a hundred of the

district's current employees do have their MLIS, but by allowing the board to consider qualifications other than exclusively an MLIS, the board has more of an option to find the ideal candidate.

The library district is also asking for the authority to hire an internal auditor. Given the size and growth of the library district, this is something that the board has needed to contract out, and it would appreciate the ability to hire someone to do this internally. I want to emphasize—this legislation does not impact libraries run by Nevada cities or counties, and this legislation is permissive, not instructive. The board of the library district should be given the tools to set up education qualifications and staffing decisions that they find appropriate to their organization and the communities that they serve.

With that, I will introduce you to Mr. Felipe Ortiz, who is the current board chair of the Las Vegas-Clark County Library District.

Felipe A. Ortiz, Chair, Board of Trustees, Las Vegas-Clark County Library District:

I am here on behalf of the board of trustees, which voted to move both of these items forward for legislative approval. Also with me is Executive Director Kelvin Watson. We are both available to answer any questions. I would like to say a few words to complement Assemblywoman Shannon Bilbray-Axelrod's introduction.

First things first: we have 640,783 card holders. We also have 508,975 program participants. We have 4,278,550 branch visits. We currently have 18,071 programs operating. We have over 1,357,307 computer sessions, and we have over 19,182,740 items. As you can see, the library has grown over the years, and the challenges are unique to the library district. We are a top Tier 1 library district.

The reason we ask for both these items is that, as far as the trustees selecting a director, we want to expand the pool of applicants. Right now, by keeping it to an MLIS, it is limiting. That does not mean—let me repeat that—that does not mean that whomever we select, we are not going to ask them to get an MLIS degree. In our view it is better to expand the applicants and then ask them to go learn the tools of the trade, because running the library—there is construction, planning, building, and a lot of ancillary items that are critical that a lot of MLIS individuals may not have had the experience of. That is the first part. We would ask for approval of that item. It does not impact any library with a population of 1,000,000 or less, so it is really us right now, the Las Vegas-Clark County Library District, and maybe Washoe County in the future.

Secondly, I am a fiscal conservative, and one of the things is that our library budget in 2018 was \$91 million. Because of the COVID-19 pandemic, it is now down to \$71 million. But I firmly believe that we are going to go back to that amount of money. That is a lot of money, and so there are a lot of moving parts. We currently pay BDO, a big accounting firm, to do our overall audit, which provides the information to us, and then to the Legislative Counsel Bureau, and then to the Legislature, and to the cities and the counties. There is a financial audit. What we are looking for is an internal auditor who can do performance audits.

Performance audits, real quick—if you said you are going to serve 200 people, did you serve 200 people? If you said you are going to get \$200,000 to do program A, did you spend the \$200,000 on program A and not on program B? Performance audits do two things: they allow the board of trustees to ensure that the programs are being complied with and completed. They also allow the director to do better long-term planning.

Those are the reasons that we have asked for the internal performance audit person and for the expansion of the requirements of the library director for libraries with a million or more people. On behalf of the board of trustees, we are asking this Committee for approval of Assembly Bill 258. Executive Director Kelvin Watson or I would be happy to answer questions. Thank you for your time and consideration of Assembly Bill 258.

Chair Flores:

Thank you again to both of you, and it is great to have you both this morning. With that, members, we are going to open it up to questions.

Assemblywoman Anderson:

I always love hearing about libraries. Both my parents were librarians at some point in their lives. It is always fabulous to have the opportunity to celebrate our libraries.

There was a letter that was submitted as an exhibit [[Exhibit C](#)]. I wanted to see if this is already something that is already a possibility, and the bill is just simply solidifying it in law. Or have there been changes from the last time where this became a necessity?

Felipe A. Ortiz:

Basically, we already have the opportunity to do internal audits. That is done through a contract. Any contract over \$50,000 has to be put before the board of trustees for a vote and bids are solicited. It is very time consuming. As you can see, we have a lot of departments, a lot of moving parts. We would prefer the opportunity to continue to do that through an employee of the trustees, and it would facilitate the process and make the process continuous. The audit would not take the employees by surprise. They know that certain departments are going to be audited, so they can prepare for those audits as opposed to selecting an auditor that is out for bid, and they do not know who is going to be audited. It makes the audit faster and easier, and it removes a lot of stress from the employees and the other departments that will be in there for the audit.

Assemblywoman Thomas:

I have a couple of questions. The bill appears to narrowly list qualifications for the executive director, including obtaining an MLIS. As I was reading, I was wondering if we are narrowly looking at qualifications of an executive director and not considering those who have older degrees, like an MLS [master of library science] or an MSLS [master of science in library science]. I just want to make sure that you are not narrowly considering the qualification of others who may be able to perform this duty.

Assemblywoman Bilbray-Axelrod:

The language, being permissive, actually expands on that. We do recognize that having a professional background in library science is obviously helpful but, as we spoke about the size and scope of this job, it is really more like a CEO-type position. While we find the MLS and the other library science degrees viable and helpful, we really want to give the option to open up the field even more. To that end, I would ask whether our executive director, Mr. Kelvin Watson, would speak on his experience in the hiring. He has worked in several different library districts, most recently in Florida. He was in Queens, New York, before. If you could speak to that briefly, Mr. Watson, I would appreciate that.

Kelvin Watson, Executive Director, Las Vegas-Clark County Library District:

I have over 20 years' experience in both libraries and business. I have an undergraduate degree in business. I am a former military officer. I spent the first half of my career in business, working for companies that sold materials to libraries. I have retail experience as well. I have information technology experience, and I have also worked in libraries. I do have an MLS, and I am currently pursuing a master's in business administration as well. I would say that in the roles and responsibilities of leading large library systems, you would want to look at expanding the educational requirements and/or the skills that an individual may have: having the experience and the educational requirements, along with the opportunity to pursue the MLS, if you do not have the MLS or MLIS, after you have taken on a role such as this.

Assemblywoman Thomas:

Thank you, Mr. Watson, for your service and for that extensive background. It sounds like you would qualify for the position also.

My follow-up question is for Chair Ortiz. You mentioned that you want an internal auditor to perform for each library. What are the qualifications for that internal auditor?

Felipe A. Ortiz:

They have to be a certified public accountant (CPA), have knowledge of general accounting and government accounting practices, and clearly, we would like them to understand the audit process the Legislative Counsel Bureau requires under NRS. That does not mean that they have to have all that, but if they do not have it, they will have to learn it. So the qualifications are being a CPA, knowledge of government accounting practices, and hopefully knowledge of how they submit audits to the Legislature. Ultimately, we are creatures of the state, so we need to be accountable to it. If they do not have that, they will have to come up to speed very quickly.

Assemblywoman Dickman:

Mr. Ortiz, thank you for all the information about the library system in Clark County. It is amazing; I was surprised at how big it is. I also like the fact that you are a fiscal conservative and that you care about making sure that the money is spent where it is supposed to be. I do not see a fiscal note, so would this position be paid for out of your budget?

Assemblywoman Bilbray-Axelrod:

That is correct. Mr. Ortiz can confirm that as well.

Felipe A. Ortiz:

I am a fiscal conservative. In my past life I was a federal probation and parole officer. We saw too many cases of government employees taking government money. The record is clear; I do not even need to go into that. That does not mean that it is happening here. It is important that we know that our services are being performed as committed to and that the money is spent accordingly—two plus two always equals four. The final answer is yes, the money is coming out of the Clark County Library District budget. Right now, we are only permitted one employee. That is the director. We are asking permission to hire a second employee.

Assemblywoman Dickman:

I think it is great. Thank you so much.

Assemblywoman Torres:

I really appreciate this legislation. Libraries are an integral part of our communities. They help to get our students where they need to be, when we are looking at the educational system. Libraries are also playing a positive role for Nevadans as well.

I just want to understand why this population cap is put into place. This seems to be reasonable for all libraries, so I am wondering why it is only applicable to this type of library.

Assemblywoman Bilbray-Axelrod:

As I mentioned in my testimony earlier, we are the eleventh-largest library district in the nation. With that, we have very unique issues that happen. As I said, we have to run our library board more like a business. It is a CEO-type role. Other library districts are not that large. As I mentioned, Executive Director Watson worked in Queens. This is just a very, very large library system, and you do not typically see that. We are literally in the likes of Los Angeles, Chicago—just very, very large. That is why we thought it was important. Chair Ortiz mentioned that at some point Washoe County might get there. I think that is going to be a long time coming, but the language is also permissive, right? If we got to the point where they wanted to, we could always come back to the Legislature. This is really just an issue for the Las Vegas-Clark County Library District.

Assemblywoman Torres:

I appreciate that. I think it is because the language is permissive that I am wondering whether it does not make more sense for us to do that now, so as these library districts want to have these opportunities, they would be able to do so, and we would not have to revisit this legislation. Did they ask not to be included in this specific legislation, or was that not a conversation that we had with them? I am wondering, since it is permissive.

Assemblywoman Bilbray-Axelrod:

There definitely were conversations. How we got the Nevada Library Association to neutral on the bill was by just including the Las Vegas-Clark County Library District.

Assemblyman Ellison:

The bill says it consolidates the city library into the county library district. At that point in time, does the county still utilize all the city's employees who are there? Or does the county take control? How does that function and operate? You are moving it to a different district. Is it still controlled by the city?

Assemblywoman Bilbray-Axelrod:

We are the Las Vegas-Clark County Library District. Our board of trustees is made up of members who were appointed by both the county commission and the city council. Therefore, we are currently both the Las Vegas-Clark County and the Clark County library district.

Felipe A. Ortiz:

Assemblyman Ellison, the Legislature allows a lot of combinations of districts to be regional or consolidated. Years ago, Las Vegas was much bigger and had a larger population than Clark County, so they voted to consolidate. That was the good news. The other good news was they said, You can be your own taxing authority, but if you go under, it is your own money. There are no employees attached to either the City of Las Vegas or to Clark County. The Las Vegas-Clark County Library District is its own taxing authority; we became a consolidated district in 1989 or 1992—1992 is what points in my mind. For populations over—I want to say 600,000 at the time—if you read the *Nevada Revised Statutes* (NRS), we were allowed to be our own taxing district. Basically, we raise our own money through roof tax, consolidated sales tax, and then we have to have a capital reserves fund to make sure our employees are paid at the end of the year in case we go under. We have to project income and submit that to the Legislature every year. It works like a small city, if you will, and that is why the need for a CEO-type individual with knowledge of libraries. We also need a performance auditor with us so we can move forward because, I suspect, as more houses are being built in Clark County, we are going to get larger.

Assemblywoman Bilbray-Axelrod:

If I may, I should have said we are what is considered a special district—that is the terminology used.

Assemblyman Ellison:

I totally agree. In the City of Elko, the library is operated by the county, but it is an ad valorem tax district of its own. I understand that. I just did not know if this would be a change or something that is already in place. It looks like it is.

Assemblywoman Anderson:

I think this legislation clearly shows that there are some different areas when it comes to the library districts. Assemblyman Ellison's question makes you wonder how many of our

library districts are not under the purview of the county. That is not germane to this bill, but I want to put on the record that, possibly with our legislative training, maybe next time, we have to start thinking about where our libraries are: are they under a county commission, are they under the city? How exactly are they funded? It sounds like Clark County is funded in a very specific fashion due to the size that they are. However, it might be different in Washoe County, and it might be different in Carson City, and it is an important element for us to be aware of. I just wanted to add that to our comment.

Chair Flores:

Members, are there any additional questions? I do not see any. If I have accidentally skipped you, please unmute now and state your name for the record. Seeing no one, I thank you both again for your presentation.

At this time, I would like to invite those wishing to testify in support of Assembly Bill 258. [There was no one.] I would like to invite those wishing to testify in opposition to Assembly Bill 258. [There was no one.] Lastly, I would like to invite those wishing to testify in the neutral position on Assembly Bill 258.

Patrick "Tod" Colegrove, President, Nevada Library Association:

Thank you, Chair Flores and members of the Committee, and Chair Ortiz and Director Watson of the Las Vegas-Clark County Library District. My testimony on behalf of the Nevada Library Association is already part of the record [[Exhibit C](#)]. I would add, on a personal note, that as a former administrator of the Division of State Library, Archives and Public Records within the Department of Administration, I am deeply aware that Chapter 379 of the NRS and the *Nevada Administrative Code* (NAC) speak to this question in particular. The minimum public standards play a critical role in meeting the requirements of federal code to ensure access to substantial federal monies that come into the state each year.

In the letter from the Nevada Library Association [[Exhibit C](#)] I addressed that it would seem that the proposed amendment opening up the qualifications of the director is unnecessary because it is already contemplated, and it is something that the Legislature has already moved in the past and written into the code, and that specifically enables it so that any board—each board of libraries around the state—whether they are in a separate district or in a municipality or a county, is already authorized to hire someone with or without the credentials of master of library science. The system that the Legislature has already put in place is one in which the administrator of the state library agency, in conjunction with NRS Chapter 379 and the NAC, is able to issue a waiver to the library itself on a year-by-year basis to encourage the board and the library to get that director up to speed in terms of their credentialing, as far as the library is concerned. If they never do achieve that credential, the only way that that would have impact is should the state library agency decide that the waiver is no longer appropriate and need to revoke that—meaning that the district would no longer have access to the federal monies. Again, the reason why the minimum public library standards are put in place is to ensure that the state has access to those millions of dollars each year. Thank you for your consideration.

Chair Flores:

Thank you for joining us this morning. I will continue with those wishing to testify in the neutral position on Assembly Bill 258. [There was no one.] At this time, we will come back to Assemblywoman Bilbray-Axelrod and Chair Ortiz for any closing remarks and/or if there is any interest in addressing anything that was said during our neutral testimony.

Assemblywoman Bilbray-Axelrod:

I do want to address Assemblywoman Anderson's question. I cannot speak with absolute certainty, but I believe that Las Vegas-Clark County Library District is the only special district library in the state. I think every other library is either run by the city or the county. Do not 100 percent quote me on that—I am about 90 percent sure.

To speak to the neutral testimony: the waiver is not the same as a board power to hire. We really just need to set this out in the NRS and NAC, and this is the vehicle to do it—so it is on the record, it is clear, and we are able to establish those educational requirements.

With that, I will say thank you very much for your consideration.

Felipe A. Ortiz:

Thank you, Assemblywoman Bilbray-Axelrod, Chair Flores, and the Committee. We would invite you and encourage you to vote for this bill. Life has changed, technology has changed, the pandemic has changed us all, and this really continues to move us forward for at least ten years. I am sure we will have another change between now and then, but at least this resolves a lot of issues. Thank you.

Chair Flores:

Thank you both for joining us this morning. I am sure members will continue to reach out if they have any questions, as we always encourage them to do so. We will close out the hearing on Assembly Bill 258. At this time, I would like to invite those wishing to join us for public comment to do so. [Rules for public comment were explained.]

Valerie Friskey, Private Citizen, Dayton, Nevada:

I am a resident of Assembly District No. 39. I retired after teaching for 45 years in Nevada, and I am active in the Nevada State Education Association-Retired. I am here to encourage you to consider the need for all education employees across the state to have access to quality, affordable health care upon retirement. Our members are facing escalating costs of health care and prescriptions. Please keep in mind that Nevada is a WEP [Social Security Administration's Windfall Elimination Provision] and GPO [Social Security Administration's Government Pension Offset] state, and many of our retired members will not have access to affordable health care because they will not and do not qualify for social security and Medicare. Currently, as my colleagues retire, they face insurance costs from \$800 to \$1,000 a month and more, after spending their entire career as public school employees. Working together, I hope we can solve this problem. Thank you for your time.

Chair Flores:

Thank you for joining us this morning. Next caller, please.

Annemarie Grant, Private Citizen, Quincy, Massachusetts:

My brother, Thomas Purdy, was killed by Reno police and Washoe County Sheriff's Office, asphyxiated on October 4, 2015. We removed him from life support on October 8, 2015, as he was brain dead.

Today, I want to talk about Erik Scott. On July 10, 2010, Erik Scott was shot leaving Costco in Las Vegas by Las Vegas Metro Police Department officer William Mosher, who fired two rounds, and Joshua Stark and Thomas Mendiola, who also fired, hitting Erik seven times. Shai Lierley, a Costco loss prevention supervisor, claimed Erik had a gun in his waistband and Costco prohibits weapons. Lierley said that Erik did not threaten anyone inside the store, did not act violently, and did not remove the gun from his waistband. A handgun was later found still in its holster. Mosher testified he did not recall ordering Erik, who was now outside the store and would have been within his constitutional rights, according to your state's Second Amendment laws, to drop the gun. But a 911 recording recorded that that command was given to Erik by Mosher. In truth, Erik was leisurely walking out of Costco that day. He was not posing a threat to anybody. He did not make any aggressive movements. In fact, Mosher instructed Erik to drop the gun. Erik was surrounded by three officers. He turned around. He was compliant. He was told to drop the gun and he did exactly that and was executed for it. Erik was the second community member killed by Mosher.

Erik Scott, like my brother, Thomas, was 38 years old, and I would like to tell you a little bit more about Erik as a human being. All these loved ones I speak of are not just words flowing from my mouth but people who are loved and missed immensely. Erik was a veteran who attended the U.S. Military Academy at West Point. He graduated in the top ten percent of his class and was commissioned as a U.S. Army officer in May of 1994. He subsequently served as an M1A1 tank platoon leader with the U.S. Army 1st Cavalry. He left active duty during the post-military drawdown and embarked on a successful career in medical and real estate sales and was transferred to Las Vegas in 1999. While working full time, he obtained a master's degree in business administration from Duke University business school, then branched into real estate. Erik was the sales director and involved in a major project in Las Vegas. He is missed by his parents, Bill and Linda Scott, and his brother Kevin Scott, and so many others. Thank you.

Chair Flores:

Thank you for joining us this morning. We can continue with those wishing to make public comment. [There was no one.]

Members, I want to remind you that this upcoming Monday, we are not meeting at 10 a.m. We are starting at 9 a.m. I want to make sure that is abundantly clear for those of you who have travel arrangements. I want to make sure that you are here on time; we will be starting at 9 a.m.

As you have seen on the Assembly floor, we have had a whole host of bills drop, which means that we have a very limited amount of time to hear a lot of bills. At this point we are looking at a minimum of two to three bills per day every day until first house passage. I make that note only because we are likely very soon to have to switch over to an 8 a.m. start time, as we have to fulfill our duties and give an opportunity for those bills to be vetted. For now, we will try to stay on the 9 a.m. start time as much as we can. I understand that people appreciate that little bit of extra hour of sleep, but we may have to change that very soon. I wanted to put that in your purview.

On Monday we will be hearing Assembly Bill 187. Give yourself an opportunity to read that bill over the weekend; become familiar with it. We will have our very own Speaker of the Assembly presenting it. We look forward to having him.

Members, I appreciate this week. We put in some good work; we had some great dialogue. I expect for that to continue next week. I appreciate the work. Thank you to our staff, as always, for all their hard work. This meeting is adjourned [at 9:43 a.m.].

RESPECTFULLY SUBMITTED:

Geigy Stringer
Committee Secretary

APPROVED BY:

Assemblyman Edgar Flores, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is a letter dated March 18, 2021 submitted by Patrick "Tod" Colegrove, President, Nevada Library Association, in the neutral position for Assembly Bill 258.