

# NOTICE OF MEETING

The regular meeting of the Incline Village General Improvement District Board of Trustees will be held starting at 6:00 PM on September 19, 2023 in the Boardroom, 893 Southwood Boulevard, Incline Village, Nevada.

Public comment is allowed and the public is welcome to make their public comment via telephone at (877) 853-5247 (the webinar ID will be posted on our website on the day of the meeting). The meeting will be available for viewing at <https://livestream.com/accounts/3411104>.

A. PLEDGE OF ALLEGIANCE\*

B. ROLL CALL OF TRUSTEES\*

C. INITIAL PUBLIC COMMENTS - *Unless otherwise determined, the time limit shall be three (3) minutes for each person wishing to make a public comment. Unless otherwise permitted by the Chair, no person shall be allowed to speak more than once on any single agenda item. Not to include comments on General Business items with scheduled public comment. The Board of Trustees may address matters brought up during public comment at the conclusion of the comment period but may not deliberate on any non-agendized item.*

D. APPROVAL OF AGENDA *(for possible action)*

*The Board of Trustees may make a motion for a flexible agenda which is defined as taking items on the agenda out of order; combining agenda items with other agenda items; removing items from the agenda; moving agenda items to an agenda of another meeting, or voting on items in a block.  
-OR- The Board of Trustees may make a motion to accept and follow the agenda as submitted/posted.*

E. REPORTS TO THE BOARD - Reports are intended to inform the Board and/or the public.

1. **SUBJECT:** Interim General Manager's Monthly Status Report – *pages 4 - 34*

2. **SUBJECT:** Treasurer's Report - Payment of Bills (For District Payments Exceeding \$50,000 or any Item of Capital Expenditure, in the Aggregate in any one Transaction, a Summary of Payments Made Shall be Presented to the Board at a Public Meeting for Review. The Board Hereby Authorizes Payment of any and all Obligations Aggregating Less than \$50,000 Provided They are Budgeted and the Expenditure is Approved According to District Signing Authority Policy). (Requesting Trustee: Treasurer Ray Tulloch) – *pages 35 - 36*

F. CONSENT CALENDAR *(for possible action)*

1. **SUBJECT:** Approve a final payment in the amount of \$7,200 to Erickson, Thorpe and Swainston, Ltd.. for legal services in Smith v. IVGID (Requesting Staff Member: Interim District General Manager Mike Bandelin) – *pages 37 - 38*

*Recommendation for Action:* That the Board of Trustees approve a final payment to Erickson, Thorpe and Swainston, Ltd. in settlement for their work conducted.

2. **SUBJECT:** Approval of the Regular Meeting Minutes of July 26, 2023 – *pages 39 - 236*

3. **SUBJECT:** Approval of Special Meeting Minutes for August 24, 2023. – *pages 237 - 433*

## Incline Village General Improvement District

*Incline Village General Improvement District is a fiscally responsible community partner which provides superior utility services and community oriented recreation programs and facilities with passion for the quality of life and our environment while investing in the Tahoe basin.*

893 Southwood Boulevard, Incline Village, Nevada 89451 • (775) 832-1100 • EMAIL: [info@ivgid.org](mailto:info@ivgid.org)

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4. **SUBJECT:** Approval of Regular Meeting Minutes for August 30, 2023. – *pages 434 - 585*

## G. GENERAL BUSINESS (for possible action)

1. **SUBJECT:** Review, discuss and possibly appoint members of the community to the Board Advisory Committee on Golf (Requesting Trustee: Trustee Tonking) – *pages 586 - 633*  
Applicants are: Armand Jay Simon Jr., Steven Ross, Robert Watson, Elyse Gut , John E. Johnson, Polly Wolfe, Katherine C. Holland, Robert A. Riccitelli, Harry N. Swenson, Judith Miller, Todd Wilson, Frank Wright
2. **SUBJECT:** Review and discuss the Final Ratification of the Department of Finance Staffing Increase, and Approval of Recommended Adjustments for Consulting Services (Requesting Staff Member: Interim Director of Finance Bobby Magee) – *pages 634 - 646*

*Recommendation for Action:* That the Board of Trustees make a motion to:

1. Ratify the Additional Positions of Assistant Director of Finance (Grade 40) and Management Analyst (Grade 28) for the Department of Finance That Were Conceptually Approved by the Board at the August 24, 2023 Special Board Meeting.
2. Approve the Additional Items Identified by Staff for Consulting Services and Direct Staff to Add the Items to the Future Budget Augmentation.

3. **SUBJECT:** Review, discuss and possibly adopt Board Policy 23.1.0 - A Policy regarding access to Confidential and Non-Public information. (Requesting Staff Member: District General Counsel Joshua Nelson) – *pages 647 - 652*

*Recommendation for Action:* Review, discuss and possibly adopt Board Policy 23.1.0 - A Policy regarding access to Confidential and Non-Public information.

4. **SUBJECT:** Receive a verbal report on the history of the District sanction issued against Cliff Dobler and the resulting actions, if any, of the recent reported allegation of misconduct by Mr. Dobler, and possibly take action regarding Mr. Dobler's appointment to the Capital Improvement/ Investment Committee. (Requesting Trustee: Trustee Sara Schmitz)

*Recommendation for Action:* Review, discuss and possibly suspend or remove Mr. Dobler from the Capital Improvement/ Investment Committee.

## H. REDACTIONS FOR PENDING PUBLIC RECORDS REQUESTS (for possible action)

## I. LONG RANGE CALENDAR

1. **SUBJECT:** Long Range Calendar – *pages 653 - 657*

## J. BOARD OF TRUSTEES UPDATE

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- K. FINAL PUBLIC COMMENTS - Limited to a maximum of three (3) minutes in duration.
- L. ADJOURNMENT (for possible action)

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## CERTIFICATION OF POSTING OF THIS AGENDA

I hereby certify that on or before 9:00 a.m. on Thursday, September 14, 2023, a copy of this agenda (IVGID Board of Trustees Session of September 19, 2023) was delivered to the post office addressed to the people who have requested to receive copies of IVGID's agendas; copies were e-mailed to those people who have requested; and a copy was posted, physically or electronically, at the following locations in accordance with Assembly Bill 213:

1. IVGID Anne Vorderbruggen Building (893 Southwood Boulevard, Incline Village, Nevada; Administrative Offices)
2. IVGID's website ([www.yourtahoepace.com/ivgid/board-of-trustees/meetings-and-agendas](http://www.yourtahoepace.com/ivgid/board-of-trustees/meetings-and-agendas))
3. State of Nevada public noticing website (<https://notice.nv.gov/>)
4. IVGID's Recreation Center (980 Incline Way, Incline Village, NV)

/s/ Heidi H. White

Heidi H. White

District Clerk (e-mail: [hhw@ivgid.org](mailto:hhw@ivgid.org)/phone # 775-832-1268)

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**Board of Trustees:** Matthew Dent - Chairman, Sara Schmitz, Michaela Tonking, Raymond Tulloch and David Noble

**Notes:** Items on the agenda may be taken out of order; combined with other items; removed from the agenda; moved to the agenda of another meeting; moved to or from the Consent Calendar section; or may be voted on in a block. Items with a specific time designation will not be heard prior to the stated time, but may be heard later. Those items followed by an asterisk (\*) are items on the agenda upon which the Board of Trustees will take no action. Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to call IVGID at 832-1100 at least 24 hours prior to the meeting. **IVGID'S agenda packets are available at IVGID's website, [www.yourtahoepace.com](http://www.yourtahoepace.com); go to "Board Meetings and Agendas".**

## MEMORANDUM

**TO:** Board of Trustees

**FROM:** Mike Bandelin  
Interim District General Manager

**SUBJECT:** General Manager's Status Report  
Prepared for the meeting of September 13, 2023

**DATE:** September 13, 2023

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I am in the process of revamping the General Manager's status report. As Phase I, I have asked Staff to provide venue status reports which are attached to this report. We have attached the Policy 22.1.0 – Disclosure of External Entity Involvement to this report as well. The contracts signed by the Interim District General Manager are now included in the Treasurer's Report section of the agenda. The public records report will be included in next month's report. I welcome your thoughts on this new formatting.

## MEMORANDUM

**TO:** Mike Bandelin  
Interim General Manager

**FROM:** Bobby Magee  
Interim Director of Finance

**SUBJECT:** Status Report for August 2023 – Finance/Accounting

**DATE:** September 6, 2023

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### Finance and Accounting

Audit for the Year Ended June 30, 2023 The entire Finance team has taken an ‘all hands on deck’ approach to getting the Audit back on track for completion prior to the State deadline of January 31, 2024. Baker Tilly consultants have received the information they need to complete all bank reconciliations from the prior year, and their firm is also assisting with a number of more routine items related to the year-end close and the overall Audit process. With vacancies in the Controller, Senior Accountant, and Accounts Payable Technician positions, Consultant Pam Day has taken on a more active role in completing some of the more difficult reconciliations. In addition, a comprehensive End-of-Year checklist has been developed for use both this year and in future cycles. While the project is still currently behind schedule, the entire team is cautiously optimistic that the correct pieces are now in place to complete a timely Audit process.

Tyler Munis Implementation Project At a recent Board meeting, the Board identified the Tyler Munis Implementation as a priority. The IT Director then proactively scheduled time to talk with the Finance team on next steps, and offered any assistance needed. Both departments have been in contact with the Tyler Corporation, actively discussing the types of items that need to be addressed. In addition, the previous upload of information into the Tyler system is being actively researched and reconciled by both Baker Tilly and Pam Day. Once the Finance team can verify the accuracy of data imported, it will move on to Phase II and redesign the Workflow processes.

Treasurer's Report Redesign The team has been working on a more informative and transparent version of the current Treasurer's Report. It is anticipated that a draft version of this report will be shared with the Treasurer for his consideration during the week of September 11<sup>th</sup>, 2023. Pending any final changes, the Department anticipates providing the new report and related information to the Treasurer for the last Board meeting in October.

Vacant Controller Recruitment At the August 9, 2023 Board meeting the Board directed staff to make a needed adjustment to the Controller's salary range, and also directed staff to change some of the information on the job flyer related to telecommuting opportunities. The impact was immediate; Human Resources has received a large number of well-qualified applicants, and the process for finding a new Controller is now well underway and is expected to culminate imminently with a contingent offer to the highest rated candidate.

Forensic Audit Work has begun on developing a scope of work, as directed by the full Board, which will be considered by the Audit Committee during its regularly scheduled meeting of September 26, 2023. It is anticipated that the Audit Committee will make recommendations on this draft scope of work to the full Board at a future meeting. In the interim, Finance staff has begun to reach out to potentially interested firms in order to gain the correct contact information for individuals who may process a response to the IVGID Request for Proposals.

## MEMORANDUM

**TO:** Mike Bandelin  
Interim General Manager

**FROM:** Erin Feore  
Director of Human Resources

**SUBJECT:** Status Report for August 2023 – Human Resources

**DATE:** September 13, 2023

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The Human Resources team continues with recruitment efforts for ongoing seasonal staffing and our full-time/year-round staffing needs. Currently, the HR Department has ten full-time/year round positions posted. In the month of August, the following positions have been filled:

**Filled**

Sous Chef  
Inspector I  
Revenue Manager

**Opened**

Accounts Payable Technician  
Buildings Maintenance II  
Controller  
Electrician/Instrumentation Technician  
General Manager  
HR/Recruitment Assistant  
Meter Technician I/II  
Safety Specialist  
Senior Accountant  
Water/Wastewater Operator In Training

As the spring/summer operations begin to wind down, the HR staff have increased their focus in working with recruiting/staffing teams at the various venues whose operations will increase during the winter. Over the next month, the Talent Acquisition Specialist will attend community job fairs in Reno, Carson City and Incline Village to ensure the District's job opportunities are advertised throughout the region.

The July, 2023 Attrition Report is as follows:

<u>Month</u>	<u>Start Ttl # of EE's</u>	<u>Ttl Term EE's</u>	<u>End Ttl # of EE's</u>	<u>Avg # of EE's</u>	<u>Attrition Rate</u>
January, 2022	343	24	319	331	6.997
February, 2022	329	22	307	318	6.687
March, 2022	321	48	273	297	14.953
April, 2022	278	47	231	254.5	16.906
May, 2022	273	7	266	269.5	2.564
June, 2022	308	17	291	299.5	5.519
July, 2022	292	18	274	283	6.164
August, 2022	308	32	276	292	10.390
September, 2022	288	16	272	280	5.556
October, 2022	287	25	262	274.5	8.711
November, 2022	379	4	375	377	1.055
December, 2022	459	9	450	454.5	1.961
January, 2023	496	12	484	490	2.419
February, 2023	470	27	443	456.5	5.745
March, 2023	479	59	420	449.5	12.317
April, 2023	448	129	319	383.5	28.795
May, 2023	422	51	371	396.5	12.085
June, 2023	459	12	447	453	2.614
July, 2023	467	17	450	458.5	3.640

As approved by the Board of Trustees on August 30, 2023, IVGID has entered into an agreement for professional services with Bob Hall and Associates (BHA) for the recruitment of the General Manager position.

Over the next month, BHA will work with the HR staff to ensure the updated General Manager job description and advertising materials have been sent to their firm for marketing. Further, Bob Hall will be scheduling one-on-one meetings with each of the Trustees to identify important competencies and expectations of candidates. I will ensure continual updates are provided to the Board of Trustees on this important hiring initiative.

Lastly, and on a more somber note: September is the National Suicide Prevention Week. The District has lost more than a few employees to suicide and we take the mental health and safety of the District’s most important asset - our employees - very seriously. This year’s campaign to raise awareness is “Talk Away The Dark” and encourages people to initiate open conversations about mental health, provide more resources and information about research to help prevent suicide and provide comfortable and safe spaces for staff who are struggling with their mental health. Over the course of the month, the HR team will be providing suicide prevention information to staff and management with the hope that no one ever feels like a permanent solution to a temporary problem is the only answer.



## MEMORANDUM

**TO:** Mike Bandelin  
Interim General Manager

**FROM:** Darren Howard  
Director of Golf & Community Services

**SUBJECT:** Status Report for August 2023 – Golf Operations

**DATE:** September 13, 2023

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### **Golf Operations Update - (June through August)**

Both golf courses are hitting the home stretch for the 2023 golf season and other than being short on staff, things are going well. Some items of note include:

- Golf Course Superintendent Jeff Clouthier and I have met with a few residents that have had trees fall from the golf course onto their property during the rain storm in late August. The Fire Department joined us in these on-site meetings to help determine how quickly we can get these trees cleaned up and removed as well as working on a plan to mark and cut down the trees that are of most concern or have a high safety priority, after the golf course closes for the season.
- Golf Cart Path Project for Mountain Course Schedule
  - The Mountain course will be completely closed September 5-9 for major cart repairs
  - The Mountain Course will remain open every weekend, all 18 holes, except September 30.
  - Hole #2 will be closed starting Monday, September 25 and reopening on Tuesday, October 4
    - During the time that hole #2 will be closed, there will be an alternate 18<sup>th</sup> hole so golfers can still enjoy an 18 hole round. There will be some rerouting with signs posted to guide the golfers around the course.
  - All other days the Mountain course will be open for the normal 18 holes until the closing date
    - These dates are subject to weather conditions affecting construction activities.

- Projected closing dates for each course unless weather conditions warrant closing early
  - Championship Course – October 20
  - Mountain Course – October 15
- Revenues are slightly under what was budgeted at the Championship Course and above budget for the Mountain course. The Championship course was on track to meet or exceed budgeted revenue numbers, but 9 days with some type of rain was a key factor in round reductions.

Championship Course		Budget		Actual		Difference	
June	2022	2023	2022	2023	2022	2023	
Green Fee	\$301,472	\$350,300	406,269	440,871	+\$104,797	+90,571	
Club Rentals	\$11,125	\$11,680	\$9,741	\$9,195	-\$1,384	-\$2,485	
Range Fees	\$36,340	\$40,910	\$30,066	\$34,938	-6,274	-\$5,972	
Rounds	4,330	4,480	4,515	4,711	+185	+231	
<b>July</b>							
Green Fee	\$503,564	\$648,242	\$533,295	\$635,241	+\$29,731	-\$13,001	
Club Rentals	\$19,590	\$20,000	\$8,867	\$10,035	-\$10,723	-\$9,965	
Range Fees	\$42,180	\$45,150	\$38,890	\$45,066	\$-3,290	-\$84	
Rounds	5,865	5,800	5,433	5,828	-432	+28	
<b>August</b>							
Green Fee	\$522,900	\$648,443	\$461,543	\$610,775	-\$61,357	-\$37,668	
Club Rentals	\$11,235	\$12,000	\$6,498	\$12,260	-\$4,737	+\$260	
Range fees	\$31,490	\$33,495	\$29,284	\$32,018	\$-2,206	-\$1,477	
Rounds	5,775	5,825	4,809	5,612	-966	-213	
<b>June-August Totals</b>			<b>2022 Actuals</b>	<b>2023 Actuals</b>	<b>Compared to 2022</b>		
Green Fee			\$1,401,107	1,686,887	+20%		
Range			\$98,240	\$112,022	+14%		
Club Rentals			\$25,106	\$31,490	+14%		
Rounds			14,757	16,151	+9%		

Mountain Course		Budget		Actual		Difference	
June	2022	2023	2022	2023	2022	2023	
Green Fee	\$123,444	\$131,868	\$125,160	\$121,123	+\$1,716	-\$10,745	
Club Rentals	\$6,000	\$7,000	\$8,050	\$5,825	+\$2,050	-\$1,175	
Range Fees	NA	NA	NA	NA	NA	Na	
Rounds	3,500	3,900	3,441	2,651*	-59	-1,249	
<b>July</b>							
				<b>*Opened June 9th</b>			
Green Fee	\$190,089	\$223,829	\$189,375	\$242,198	-\$764	+\$18,369	
Club Rentals	\$11,550	\$11,500	\$7,530	\$8,980	-\$4,020	-\$2,520	
Range Fees	NA	NA	NA	NA	NA	NA	
Rounds	5,000	4,800	4,420	4,885	-580	+85	
<b>August</b>							
Green Fee	\$184,065	\$209,962	\$184,052	\$212,220	+\$13	+\$2,258	
Club Rentals	\$9,450	\$10,000	\$7,730	\$10,340	-\$1,720	+\$340	
Range fees	NA	NA	NA	NA	NA	NA	
Rounds	4,750	4,500	4,321	4,474	-429	-20	

June-August Totals			2022 Actuals	2023 Actuals	Compared to 2022	
Green Fee			\$498,537	\$575,541	+15%	
Range Fees	NA	NA	NA	NA	NA	NA
Club Rentals			\$23,310	\$25,145	+7%	
Rounds			12,182	12,010	-1%	

Round Percentage by

Play Type	2022	Percentage	2023	Percentage
Championship Course				
Picture Pass Holder	4295	29%	5624	35%
Non-Picture Pass	3009	20%	3228	20%
Guest	1480	10%	1740	11%
Play Pass	5466	37%	4752	29%
Other	507	3%	807	5%

Round Percentage by

Play Type	2022	Percentage	2023	Percentage
Mountain Course				
Picture Pass Holder	4886	40%	5272	44%
Non-Picture Pass	3096	25%	3327	28%
Guest	1474	12%	1405	12%
Play Pass	2350	19%	1531	13%
Other	396	3%	475	4%

**Play Pass Sales**

	<u>2022</u>		<u>2023</u>	<u>Difference</u>
Championship Course -	\$540,657	vs	\$507,673	<\$32,984>
Mountain Course -	\$91,319	vs	\$75,551	<\$15,768>

- Even with revenue slightly below budget, bottom-line should be good as expenses were held under budget. We do not have fully vetted expenses yet, but projections are very positive for expenses coming in under budget for all 3 months.
- Revenue is also up even with slightly lower budget rounds due to more rounds in the “Prime Times”, because of moving to 10 minute intervals, as well as more Daily Fee rounds and less Play Pass rounds.
- Reminder – Expenses and Revenues have NOT been fully vetted as of the date this was turned in.

## MEMORANDUM

**TO:** Mike Bandelin  
Interim General Manager

**FROM:** Shelia Leijon  
Director of Parks and Recreation

**SUBJECT:** Status Report for August 2023 – Parks and Recreation

**DATE:** September 13, 2023

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### **REC CENTER**

Residents of the Second Creek area of Incline Village participated in an Evacuation Drill Simulation facilitated by local emergency repose teams, on Wednesday, August 16 from 9:30 a.m. to noon. As part of the event, the Recreation Center hosted an Emergency Preparedness Fair comprised of representatives from NLTFD, Red Cross, CERT, Team Rubicon, WCRAS, Sierra Avalanche Center, Belfor and Washoe County Regional Animal Services. Over 150 attendees participated. The event was televised by local newscasters.

### **Recreation Buildings Maintenance II**

HR is actively recruiting for the Recreation Building Maintenance II position. This position will provide building maintenance services with a focus on the year-round projects at the Rec Center, seasonal projects at Tennis and Beach venues, and districtwide maintenance projects, as time permits.

### **PARKS**

#### **Burnt Cedar Beach:**

#### **Poisoned Trees**

The Tahoe Daily Tribune published a feature article on August 25, 2023 about six trees poisoned at Burnt Cedar Beach. Washoe County Sheriff Office has opened an investigation and has published the Washoe County Secret Witness phone number hoping community members with information related to the crime will provide anonymous clues for the investigation. In an effort to minimize the impact of the poison on the trees, Parks staff removed contaminated soil from the tree bases and added fresh soil in its place. A certified arborist from the International Society of Arboriculture is assisting in evaluating the trees, calculating the loss and determining ongoing expenses. TRPA is assisting WCSO in the investigation and IVGID in the damage evaluation. The IVGID Parks Team is monitoring the effects of the poisoning and diligently working to do all they can to save the trees. Secret Witness: 775.322.4900.

**BMP'S**

TRPA's Watersheds & Water Quality Program Manager, IVGID Engineering and Parks and Parks & Rec staff met to assess required Best Management Practices (BMPs) for the Burnt Cedar Pool project and Beach. TRPA will provide guidance and details regarding erosion control and compliance measures for BMP recertification at Burnt Cedar.

**Village Green Dog Park Updates:**

TRPA's Watersheds & Water Quality Program Manager, IVGID Engineering and Parks and Parks & Rec staff met to evaluate and assess the upper Village Green and the forested area to the west of the Green as a potential site for a dedicated dog park. The preliminary discussion with TRPA on the location was favorable. TRPA's Environmental Improvement Program Senior Planner and IVGID's Director of Parks & Recreation are in discussion regarding the potential for the dog park project to qualify as Environmental Improvement Project (EIP). Incorporating water quality and recreation improvements as well as restrooms and parking for the Incline Way Recreation Corridor may provide the elements needed for EIP qualification.

Chief Ryan Sommers, NLTFPD provided written documentation confirming public safety comments made at the July 26, 2023 Board of Trustees Meeting dog park update. The letter outlines the requirements for the use of the lower Village Green as a LZ for Care Flight in the transport of local critical patients. (Exhibit A).

The Dog Park Committee intends to host a community forum and a community survey to gather input on topics which will include:

- a) The continued community support for a dedicated dog park
- b) Opening Ski Beach to dogs and their humans from October 15 through April 15 each year
- c) Level of interest in various dog park features
- d) Pricing appetite and funding options for the dedicated dog park

**TENNIS PICKLEBALL CENTER**

Season Ends October 22, 2023

**Tennis:**

- Black Eagle Consulting is currently assessing the safety and court infrastructure at tennis. Upon conclusion of the assessment, recommendations for improving the tennis courts will be provided to the Board.

**Pickleball:**

- Tennis court #8 was recently converted to three Pickleball Courts - two practice courts and one exhibition court - to help accommodate the growth of Pickleball. On courts 8, 9, 10 & 11, safety modifications were completed. Staff is currently working with industry experts to determine the best/safest option for court divider nets.

**AQUATICS**

The Burnt Cedar Pool will be closed for maintenance from September 11 - September 17. The pool will reopen with modified operations until Oct. 1, pending weather and staffing. Due to staffing shortages, noon pool closures at the Rec Center pool may continue on the weekends until the Burnt Cedar pool is closed

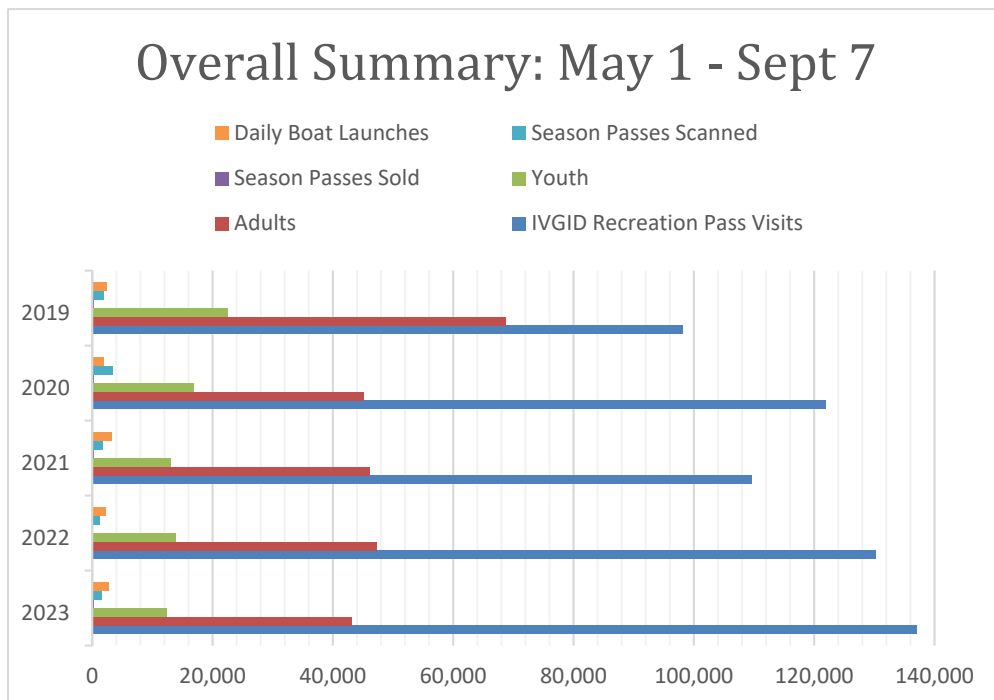
**BEACHES**

The close of summer operations will take place on October 15 with the Puppy Plunge Dog Days of Summer event kicking off access to dogs and their humans on Ski Beach.

Beach Ambassadors will continue to monitor beach activities throughout the fall and winter. This summer, staff installed No Trespassing signage, in compliance with year-round beach access prima facie recommendations from Attorney Kathy Parks, at multiple beach locations. In addition, three of six No Public Access Signs were installed at the East and West Entrance Parks and at a mid-point of Lakeshore Blvd. Three additional signs will be installed at strategic locations along Lakeshore this fall, weather and staffing permitting.

Attorney Kathy Parks confirmed that along with the installation of the No Trespassing signage, current beach access controls provided sufficient protection of the beach deed. However, should the Board or Trustees desire to enhance year-round staffing for beach access monitoring, we are prepared to provide recommendations and options.

**OVERALL BEACH VISIT SUMMARY (to date)**



### Five Year Beach Visit Comparison (to date)

	May 1 - Sept 7				
	2023	2022	2021	2020	2019
<b>IVGID Recreation Pass Visits</b>	137,056	130,305	109,657	121,958	98,126
<b>Adults</b>	43,070	47,291	46,089	45,189	68,680
<b>Youth</b>	12,305	13,857	13,053	16,838	22,569
<b>Season Passes Sold</b>	226	156	240	274	215
<b>Season Passes Scanned</b>	1,524	1,197	1,811	3,455	1,885
<b>Daily Boat Launches</b>	2,822	2,255	3,215	1,950	2,424

### REC COUNTER

Communication regarding the consolidation and relocation of paddleboard racks on Ski Beach will begin in September. The ultimate goal is to relocate existing kayak racks away from the stream environmental zone in compliance with TRPA regulations.

The Recreation Pass audit continues ensuring all issuances are in compliance with Ordinance 7. Staff intends to provide Ordinance 7 recommendations to the Board of Trustees in November. These recommendations include a review of the family tree as it relates to grandchildren of the owner.

### Exhibit A



August 1, 2023

Director Leijon,

After viewing the last Board of Trustee's Meeting from July 26<sup>th</sup>, 2023, I would like to address some questions that arose during that meeting, concerning the proposed dog park at Village Green. As you know, I attended a Dog Park Meeting on May 3<sup>rd</sup>, 2023, to educate myself on the proposed dimensions and exact location of the park. Once the Fire District learned more about the proposed park, we had major concerns as Village Green is the primary and safest landing zone for an EMS Helicopter within our Fire District.

Director Leijon, I would like to reiterate everything I stated to you during the dog park meeting, as you did an excellent job conveying that to Trustee's. The "lower" part of the field, referred to as the South End of the Green during the meeting, is the ideal place for a landing zone. The most important part of a landing zone are the dimensions and overhead obstacles. The zone needs to be 150'x150' allowing for a helicopter to land during the day and at night. This is important as EMS helicopters are utilized 24 hours a day and Village Green has been a crucial piece to meet those needs. Additionally, when helicopters are lifting off or taking off from the Green, they need a direct path out to and over the water for the best lift with a patient on board. The South end path not only has the best clearing, but it also limits obstacles or objects below the helicopter. Lastly, the lower part of the field provides the best transfer location for a patient and parking for our apparatus.

I would like to request that if the dog park moves forward, we have public safety and saving lives as a priority for our community.

Again, I would like to recognize the excellent job you did in explaining the Fire District's stance to the Trustees on this issue. Should you need anything else, please do not hesitate to ask.

Sincerely,

  
 Ryan E Sommers  
 Fire Chief

North Lake Tahoe  
 Fire Protection  
 District

866 Oriole Way  
 Incline Village, NV  
 89451

775/831-0351  
 Fax 775/831-2072  
 www.nltfpd.org

Ryan Sommers  
 Fire Chief

## MEMORANDUM

**TO:** Mike Bandelin  
Interim General Manager

**FROM:** Kate Nelson  
Interim Director of Public Works

**SUBJECT:** Status Report for August 2023 – Public Works

**DATE:** September 7, 2023

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### ***Engineering Summary of Projects:***

Please note that with the loss of DPW and associated staff shifts within PW, the Engineering Department only has 2 full time employees to manage all FY23/24 Capital Improvement and Capital Expense Projects (Effluent Pipeline & Storage Tank PM remains with HK) – as a result projects have been evaluated for priority and schedules have been adjusted.

- Capital Investment Committee – Snowflake Lodge Needs Assessment
- Hold for Funding/Permitting/Contract – Bike Park, Effluent Storage Tank
- RFP/RFQ – Skate Park Enhancement, SPS#5 Wetwell & Manhole Coating, Incline Beach House, Rec Center HVAC Evaluation
- Planning – Boat Ramp Evaluation, Fire Hydrant Replacement, Ski Way Pavement Rehabilitation
- Design – Alder Ave Waterline Replacement, Reservoir 3-1 WPS 4-2/5-1 Pavement & Slope Stabilization, Burnt Cedar Emergency Fuel Tank Replacement, DP Electrical Service Entrance/Grease Interceptor/Fuel Tank/Upper Parking Lot Pavement, Burnt Cedar RFID Ped Gate Access
- Bidding – SPS #1(9/28/23)
- Construction – Effluent Export Pipeline, DP Kitchen, Reservoir Coating R5-3A R5-3B (early summer 2024), Mountain Golf Cart Path Phase II & III, Utility Adjustment in NDOT ROW, Wetlands Improvements, Fall Pavement Maintenance, Meter Register & Transponder Installation, Snowmaking/Pump Station Improvements
- Construction Complete – Crystal Peak Waterline Replacement

***Water/Wastewater Treatment:*** NDEP is on-site 9/7 to perform the Sanitary Survey

- Water Production – IR Module on Parity Meter is being changed out week of 9/5 so total reads are unavailable at the time of this report
- Wastewater Processed - 28.994 MG, 1.000 MGD Daily Avg., 1.125 MGD Daily Max
- Total Call Outs – 43



**Pipeline:**

- Water Leak Repairs – 3
- After Hour Service Calls – 14 (30 hours OT)
- Change out 23 meter transponders
- Water Sample Stations Installed - 1

\*Pipeline crew continues to cover the meter reader duties impacting preventative maintenance work.

**Compliance:**

- Backflow tests – 437
- Plan Checking – 23

**Waste Not:**

- HHW & E-Waste – 100
- Provided water bottles, educational material, and water stations at the 27<sup>th</sup> annual Tahoe Summit

**Fleet:**

- Preventative Maintenance Work Orders – 48.26%
- Corrective Maintenance Work Orders – 20.72%
- CIP Projects – 0.38%

**Laboratory:** NDEP will be on-site 9/11 & 9/12 for biennial audit to maintain lab certification

- Potable Water Testing
  - System Samples Taken – 15
    - Total Coliform (#CFU/100mL) – 0
    - Avg. Total Res CL2 (mg/L) – 0.98
  - Outside Samples Taken – 2
  - WasteNot Water Quality Samples Taken – 2
- Wastewater Testing
  - Bacteriological Samples (Spooner Pump Station) – 5
  - Monthly Avg. Total Res CL2 (Spooner Pump Station) – 2.61 mg/L
  - Total Monthly TSS Analysis – 9
  - Total Monthly BOD Analysis – 4
  - Total Phosphorus Analysis - 1
- Wetlands Testing
  - Quarterly Sampling Completed – 7 wells tested across the property for depth of water, temperature, total dissolved solids, total dissolved nitrogen, and chloride
  - All results will be submitted with the Q3 DMR report to NDEP
  - Biological Testing performed on the potable water system – 0

**Major Capital Improvement Project Status**

- Effluent Pipeline Replacement Project
  - Granite has returned to the site (8/25/23) to complete the remainder of GMP#1 work. Fall work includes installation of 2,200 LF of effluent pipe, subsurface investigation, pavement restoration, and securing the site for winter.
  - USACE has issued the Finding of No Significant Impact (FONSI) for the pipeline project.
  - GMP #2 update - Granite issued (9/7/23) RFP documents for all work to be subcontracted. Bidding period will be 21 days.
- Effluent Storage Tank Project
  - USACE continues to work on the environmental assessment. It is anticipated that the final determination will be completed by USACE by the end of October/beginning of November.
  - Following USACE’s environmental clearance, Granite will be able to advertise for subcontractors to develop the GMP.
- Incline Beach House
  - Staff is working on preparing package for design build RFP documents to be advertised
  - Goal - bring to Board for Award November 8, 2023
- Skate Park Enhancement
  - Staff is working on preparing package for design build RFP documents to be advertised
  - Goal - bring to Board for Award November 8, 2023
- Crystal Peak Waterline Replacement Project – Complete

Awarded Construction Contract	\$1,111,111.00
Total Authorized Change Orders	\$21,020.81
Final Construction Contract	\$1,132,131.81



## Disclosure of External Entity Involvement Policy 22.1.0

**POLICY.** The Incline Village General Improvement District emphasizes transparency and understands that state law creates minimum standards. In some instances it may be appropriate to impose stricter requirements than those set forth in the Nevada Revised Statutes (NRS). While IVGID encourages Trustees and employees to be involved in local community groups, this involvement may result in real or perceived conflicts of interest. Various provisions of the NRS, including NRS 281A, prohibit IVGID officials from participating in decisions affecting their “commitments in a private capacity” and otherwise impose disclosure or recusal requirements on decisions impacting officials’ organizations.

While these requirements impose important minimum standards that avoid actual conflicts of interest, they do not provide transparency regarding potential conflicts of interest or otherwise ensure that officials are proactively disclosing potential conflicts of interest.

As defined in this Policy, “Qualifying Groups” shall be for profit, not-for-profit, and non-profit corporations, limited liability companies, partnerships, sole proprietorships and community liaison that are located in, operating or intending to operate in, or own or lease property within the Nevada counties of Douglas and Washoe, Carson City, or the California counties of El Dorado, Nevada, Placer, and Sierra.

To provide additional transparency beyond state minimum requirements, IVGID Trustees, Audit Committee Members, and senior management employees shall report on a quarterly basis any Qualifying Groups to which they are an owner, employee, or officer. Senior employees shall include the General Manager, department heads, and any supervisors with signature authority under Policies 20.1.0 or 21.1.0 as identified by the General Manager.

Reports shall be made quarterly due by January 15<sup>th</sup>, April 15<sup>th</sup>, July 15<sup>th</sup>, and October 15<sup>th</sup>. The report required to be filed for July 15, 2023 shall be due July 31, 2023.

**RESPONSIBILITY.** The District Clerk shall be responsible for developing reporting forms, notifying officials of their obligation to file reports, and maintaining such reports. All forms shall be public records.

The General Manager shall adopt and enforce personnel policies to ensure compliance with this Policy. The Board of Trustees shall enforce this Policy against Trustees, Audit Committee Members, and the General Manager.

**Disclosure of External Entity Involvement – Policy 22.1.0**

**Reporting Form**

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Employee Name: \_\_\_\_\_

Reporting Period: \_\_\_\_\_

Name of External Entity, Group or Organization:

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<p style="text-align: center;"><b>Reporting Schedule</b> Period from 7-1 to 9-30; due to District Clerk or designee by 10-15 Period from 10-1 to 12-31; due to District Clerk or designee by 1-15 Period 1-1 to 3-31; due to District Clerk or designee by 4-15 Period 4-1 to 6-30; due to District Clerk or designee by 7-15</p>
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Employee Name: Rich Allen

Reporting Period: Q4 2023

Name of External Entity, Group or Organization: None

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06082023

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Employee Name:                     Mike Bandelin                    

Reporting Period:                     4/01/2023 to 6/30/2023                    

Name of External Entity, Group or Organization:

                    There are no Qualifying Groups to report on for the time period listed above                    

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Employee Name: Matthew Dent

Reporting Period: 4/1 to 6/30 & 7/1 - to 9/30

Name of External Entity, Group or Organization:

P and P consulting, Dent organization, Dent capital, Academic freedom

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Employee Name: \_\_\_\_\_ Erin Feore \_\_\_\_\_

Reporting Period: \_\_\_\_\_ 4/1/23 – 6/30/23 \_\_\_\_\_

Name of External Entity, Group or Organization:

**Society of Human Resources (SHRM), 9/2022 – 9/2023**

**Northern Nevada Human Resources Association (ongoing)**

**American Payroll Association (ongoing)**

**Various retail programs: Raley’s, Costco, etc. Receive coupons for purchases**

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## Susan A. Herron

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**From:** Mike Gove  
**Sent:** Monday, July 31, 2023 2:07 PM  
**To:** Susan A. Herron  
**Cc:** Mike L. Bandelin  
**Subject:** Re: Policy 22.1.0 - Form in case you need it

Susan,

For the record, per policy 22.1.0 I do not have any affiliations that require disclosure.

Thanks,

Mike

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**From:** Susan A. Herron  
**Sent:** Monday, July 31, 2023 1:53 PM  
**To:** Group - Senior Team  
**Subject:** Policy 22.1.0 - Form in case you need it

Just in case you need the Word version to complete.....due today.

Thanks,  
S

Susan A. Herron, CMC  
Director of Administrative Services  
IVGID  
893 Southwood Boulevard  
Incline Village, NV 89451  
[sah@ivgid.org](mailto:sah@ivgid.org)  
775-832-1207 (Office Ph#)

**Disclosure of External Entity Involvement – Policy 22.1.0**

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Employee Name: Susan A. Herron

Reporting Period: April 1, 2023 to June 30, 2023

Name of External Entity, Group or Organization:

North Lake Tahoe Fire Protection District - Director, paid

**Reporting Schedule**

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06082023

Disclosure of External Entity Involvement – Policy 22.1.0

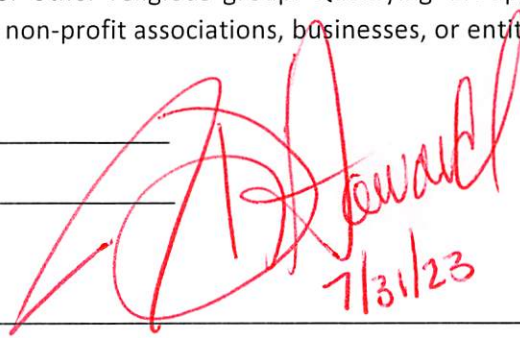
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Employee Name: DARREN HOWARD

Reporting Period: \_\_\_\_\_

Name of External Entity, Group or Organization:



ROTARY OF INCLINE

**Reporting Schedule**

- Period from 7-1 to 9-30; due to District Clerk or designee by 10-14
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Employee Name: Shelia Leijon

Reporting Period: 4/1 - 6/30

Name of External Entity, Group or Organization:

ITF -Founder, ex-officio, non-voting liasion for IVGID projects, emeritus president

Rotary Club of Tahoe Incline - co-president (term ending June 30) member

IVCBA - Founder, Human Resources and Community Representative

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Employee Name: Kate S. Nelson

Reporting Period: April 30, 2023 - June 30, 2023

Name of External Entity, Group or Organization:

Washoe County Planning Commissioner - District 2

Truckee Meadows Regional Planning Agency Commissioner - Washoe County

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06082023

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Employee Name: DAVID NOBLE

Reporting Period: 4-1 TO 6-30 (2023)

Name of External Entity, Group or Organization:

DAVID SLUTT NOBLE D/B/A DSN CONSULTING

SKIPROCK PARTNERS, LLC

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Employee Name: \_\_\_\_\_ Sara Schmitz \_\_\_\_\_

Reporting Period: \_\_\_\_\_ Quarter ending July 31, 2023 \_\_\_\_\_

Name of External Entity, Group or Organization:

Incline Village Crystal Bay Community 1<sup>st</sup> - Unpaid President and Volunteer \_\_\_\_\_

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Employee Name: \_\_\_\_\_ Michaela Tonking \_\_\_\_\_

Reporting Period: \_\_\_\_\_ Quarter ending 7/31/23 \_\_\_\_\_

Name of External Entity, Group or Organization:

Augenblick	Palaich	and	Associates

**Reporting Schedule**

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Employee Name: Raymond Tulloch

Reporting Period: Period 4-1 to 6-30; , 2023

Name of External Entity, Group or Organization:

Mt Rose Ski Tahoe, Ski Team Head Coach, (Seasonal position)

Far West Masters Ski Racing (501c3) – Past President and Board Member

Munro Tulloch, Inc.- President and CEO

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Employee Name: Jim Youngblood

Reporting Period: 7-1 → 9-30-2023

Name of External Entity, Group or Organization:

AWWA

Capital Village HOA

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06082023

**Payment of Bills** - For District payments exceeding \$50,000 or any item of capital expenditure, in the aggregate in any one transaction, a summary of payments made shall be presented to the Board at a public meeting for review. The Board hereby authorizes payment of any and all obligations aggregating less than \$50,000 provided they are budgeted and the expenditure is approved according to District signing authority policy.

**August 2023**

<b>Date</b>	<b>Check</b>	<b>Payment Type</b>	<b>Vendor</b>	<b>Amount</b>	<b>Status</b>
8/10/2023	7763	EFT	Clark Equipment	\$ 67,034.54	Paid
8/10/2023	7769	EFT	Dell	\$ 88,734.38	Paid
8/10/2023	7770	EFT	Dell	\$ 90,632.76	Paid
8/10/2023	7771	EFT	Dowl	\$ 78,670.00	Paid
8/10/2023	7778	EFT	Geotechnical & Environmental Services	\$ 112,606.50	Paid
08/10/2023	781253	CHECK	Mike Menath Insurance	\$ 225,313.00	Paid
8/10/2023	781309	CHECK	Western Nevada Supply	\$ 81,167.82	Paid
8/28/2023	781339	CHECK	NV Energy	\$ 162,288.07	Paid
8/30/2023	11820916	CHECK	Granite Construction	\$ 2,008,866.86	Paid
8/31/2023	781381	CHECK	Granite Construction	\$ 265,132.56	Paid
			<b>Total Paid</b>	<b><u>\$ 3,180,446.49</u></b>	

## Purchase Orders Approved By the General Manager

August 2024

PO Number	Description	Total Amount	Vendor Name	Department	Approved
22400037	Janitorial Services Contract Extension July 2024	\$ 72,400.00	CC Cleaning LLC	Recreation Center	8/4/2023
22400056	Annual compressor startup service	\$ 13,617.52	Cisco Air Systems	Diamond Peak	8/23/2023
22400058	Replacing snowmobile, per Quote	\$ 13,788.11	Michael's Suzuki & Yamaha	Fleet	8/25/2023

## MEMORANDUM

**TO:** Board of Trustees

**THROUGH:** Mike Bandelin  
Interim General Manager

**FROM:** Susan Herron  
Director of Administrative Services

**SUBJECT:** Approve a final payment in the amount of \$7,200 to Erickson, Thorpe and Swainston, LLC. for legal services in *Smith v. IVGID*

**DATE:** September 13, 2023

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### **I. RECOMMENDATION**

That the Board of Trustees approve a final payment to Erickson, Thorpe and Swainston, LLC in settlement for their work conducted in *Smith v. IVGID*.

### **II. BACKGROUND**

There was an outstanding amount owed, pending negotiation, to Erickson, Thorpe and Swainston LLC for services in *Smith v. IVGID*. After the departure of the former District General Manager, counsel reached out and asked for a settlement meeting; Chairman Dent authorized engaging in this meeting. Acting District General Manager Mike Bandelin and Director of Administrative Services Susan Herron met with counsel and negotiated a final payment for services rendered. The amount claimed was \$10,277.60 and the settlement amount has been lowered to \$7,200.00. If approved by the Board, this will be paid conditioned on an acknowledgement that no further payment will be provided as outlined below in Section VI.

### **III. BID RESULTS**

Not applicable.

### **IV. FINANCIAL IMPACT AND BUDGET**

These funds will come out of the General Fund.

### **V. ALTERNATIVES**

Decline this request and ETS has indicated it will move forward with arbitration to recover amounts it believes it is owed.

Approve a final payment in -2- September 13, 2023  
the amount of \$7,200 to Erickson,  
Thorpe and Swainston, LLC. for legal services in *Smith v. IVGID*

**VI. COMMENTS**

If this payment is approved, a full release of all future claims, including a release from future litigation, will be prepared and executed by both parties.

**VII. BUSINESS IMPACT/BENEFIT**

This item is not applicable to a business impact statement.

**VIII. ATTACHMENTS**

None

**IX. DECISION POINTS NEEDED FROM THE BOARD OF TRUSTEES**

An approval, by the Board of Trustees, is needed in order to make this payment.

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INCLINE VILLAGE  
GENERAL IMPROVEMENT DISTRICT  
BOARD OF TRUSTEES

TRANSCRIPT OF HEARING  
PUBLIC MEETING  
Live and Via Zoom

Held at 893 Southwood Boulevard  
Incline Village, Nevada

Wednesday, July 26, 2023

24 Reported by: Brandi Ann Vianney Smith  
25 Job Number: 999221

PUBLIC MEETING PROCEEDINGS - 07/26/2023

Page 2	Page 3
<p>1 A P P E A R A N C E S</p> <p>2</p> <p>3 BOARD MEMBERS PRESENT</p> <p>4 MATTHEW DENT, CHAIR</p> <p>5 SARA SCHMITZ, VICE CHAIR</p> <p>6 DAVE NOBLE, SECRETARY</p> <p>7 RAY TULLOCH, TREASURER</p> <p>8</p> <p>9 ALSO PRESENT</p> <p>10 ANNE BRANHAM, LEGAL COUNSEL</p> <p>11</p> <p>12 -o0o-</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1</p> <p>2 I N D E X</p> <p>3 PAGE</p> <p>4 A. CLOSED SESSION 4</p> <p>5 B. PLEDGE OF ALLEGIANCE 5</p> <p>6 C. ROLL CALL OF TRUSTEES 5</p> <p>7 D. INITIAL PUBLIC COMMENTS 6</p> <p>8 E. APPROVAL OF AGENDA 45</p> <p>9 F. REPORTS TO THE BOARD 46</p> <p style="padding-left: 20px;">F 1 46</p> <p style="padding-left: 20px;">F 2 67</p> <p style="padding-left: 20px;">F 3 70</p> <p style="padding-left: 20px;">F 4 77</p> <p>12 G. CONSENT CALENDAR 104</p> <p>13 H. GENERAL BUSINESS 105</p> <p style="padding-left: 20px;">G 1 105</p> <p style="padding-left: 20px;">G 3 136</p> <p style="padding-left: 20px;">G 4 120</p> <p style="padding-left: 20px;">G 5 145</p> <p style="padding-left: 20px;">G 6 134</p> <p>16</p> <p style="padding-left: 20px;">I. REDACTIONS FOR PENDING PUBLIC 175</p> <p style="padding-left: 40px;">RECORDS REQUESTS</p> <p>18 J. LONG RANGE CALENDAR 175</p> <p>19 K. BOARD OF TRUSTEES UPDATE 181</p> <p>20 L. FINAL PUBLIC COMMENTS 182</p> <p>21 M. ADJOURNMENT 195</p> <p>22 -o0o-</p> <p>23</p> <p>24</p> <p>25</p>
Page 4	Page 5
<p>1 INCLINE VILLAGE, NEVADA - July 26, 2023 - 6:00 P.M.</p> <p>2 -o0o-</p> <p>3</p> <p>4</p> <p>5 (Chairman Dent called the meeting to</p> <p>6 order at 6 p.m.)</p> <p>7 (Trustee Tonking made a motion to</p> <p>8 enter closed session. Trustee Schmitz</p> <p>9 seconded the motion. Chairman Dent</p> <p>10 called the question and the motion was</p> <p>11 passed 4 in favor with one absent. The</p> <p>12 Board then adjourned to closed</p> <p>13 session.)</p> <p>14 (This happened at approximately 6:02</p> <p>15 p.m.)</p> <p>16 A. CLOSED SESSION.</p> <p>17 (Closed session.)</p> <p>18 CHAIR DENT: We appreciate your patience.</p> <p>19 We tried to get out of there as quick as we could.</p> <p>20 I'll entertain a motion to close the closed session.</p> <p>21 TRUSTEE TONKING: I move that the Board of</p> <p>22 Trustees close the closed session.</p> <p>23 TRUSTEE NOBLE: Second.</p> <p>24 CHAIR DENT: Motion's been made and</p> <p>25 seconded. All those in favor, state aye.</p>	<p>1 TRUSTEE TONKING: Aye.</p> <p>2 TRUSTEE TULLOCH: Aye.</p> <p>3 TRUSTEE NOBLE: Aye.</p> <p>4 TRUSTEE SCHMITZ: Aye.</p> <p>5 CHAIR DENT: Aye.</p> <p>6 Opposed? Motion passes 5/0. Moving on to</p> <p>7 item B, Pledge of Allegiance.</p> <p>8 B. PLEDGE OF ALLEGIANCE</p> <p>9 (Pledge of Allegiance.)</p> <p>10 CHAIR DENT: Thank you. Moving on to item</p> <p>11 C, roll call of Trustees.</p> <p>12 C. ROLL CALL OF TRUSTEES</p> <p>13 CHAIR DENT: Trustee Noble?</p> <p>14 TRUSTEE NOBLE: Here.</p> <p>15 CHAIR DENT: Trustee Tulloch.</p> <p>16 TRUSTEE TULLOCH: Present.</p> <p>17 CHAIR DENT: Trustee Schmitz?</p> <p>18 TRUSTEE SCHMITZ: Here.</p> <p>19 CHAIR DENT: Trustee Tonking?</p> <p>20 TRUSTEE TONKING: Here.</p> <p>21 CHAIR DENT: And I'm Trustee Dent. All</p> <p>22 five Trustees are present, and we have a quorum.</p> <p>23 That closes out item C. Moving on to Item</p> <p>24 D, initial public comments.</p> <p>25 D. INITIAL PUBLIC COMMENTS.</p>



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1 MS. SHACKFORD: Kay Shackford, Donna  
 2 Drive.  
 3 At the July 12th Board meeting, Brand  
 4 Underwood, Director of Public Works, brought Kendra  
 5 Kostelecky, Waste Management's Northern Nevada  
 6 contract manager to make a status report to the  
 7 Board. One relatively innocuous item was whether  
 8 IVGID might want to increase the number of weeks in  
 9 which Waste Management would pick up stickered bags  
 10 of yard debris.  
 11 I watched Trustee Tulloch verbally attack  
 12 Kendra over that item endlessly. He seemed  
 13 delighting with his performance.  
 14 After listening to multiple minutes of his  
 15 abuse, I said to a woman, "He reminds me of a rabid  
 16 Pit Bull," then I realized I had seen this behavior  
 17 before. It's called "hard positional negotiation."  
 18 The Harvard project on negotiation identified the  
 19 elements: Participants are adversaries, the goal is  
 20 winning, demand concessions to continue the  
 21 relationship, be hard on the people and the problem,  
 22 distrust others, make threats, demand one-sided  
 23 gains, search for the single answer, the one I can  
 24 accept, insist on my position, and apply pressure.  
 25 In a closed system, such Russia or North

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1 their place, if they have a brain in their heads,  
 2 will steer clear. What kind of idiot would choose  
 3 to enter such a toxic, hostile work environment.  
 4 Roger Fisher, Professor Emeritus and  
 5 founder of the Harvard Project on Negotiation has  
 6 this piece of advice for us: Be hard on the data,  
 7 the facts and unconditionally constructive with the  
 8 people, doing only those things good for you and  
 9 good for the relationship, whether or not they  
 10 reciprocate.  
 11 I am watching Ray Tulloch destroy  
 12 relationships with our suppliers and inside IVGID.  
 13 I call upon to other Board members to rein him in.  
 14 CHAIR DENT: We're going to take a three-  
 15 to four-minute break while we fix the sound system.  
 16 (Recess 6:22 P.M. to 8:24 P.M.)  
 17 CHAIR DENT: First up is Kendra  
 18 Kostelecky.  
 19 MS. KOSTELECKY: All right. I'm Kendra  
 20 Kostelecky. Waste Management, 1076 Tahoe Boulevard.  
 21 At the July 12th Board meeting, I agreed  
 22 to provide a full explanation of the guardrails in  
 23 section 11 of the Solid Franchise Agreement  
 24 governing any annual adjustment of rate,  
 25 specifically the 15 percent cap on return on

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1 Korea or in a semiclosed system when the other party  
 2 needs your business, this can seem to succeed.  
 3 However, when you treat people this way, you  
 4 guarantee they will only work to the minimal letter  
 5 of the contract. Every wise business person knows  
 6 that when your suppliers trust and respect you, they  
 7 have many ways they can help that are not spelled  
 8 out contractually. When you violate their  
 9 self-esteem, they withhold those elements.  
 10 And the research shows that when someone's  
 11 self-esteem has been violated, they find ways to  
 12 get back.  
 13 Trustee Tulloch violated not just  
 14 Ms. Kostelecky's self-esteem, she was here as a  
 15 representative of her company. Every other supplier  
 16 to IVGID as been put on notice. I suspect we will  
 17 experience negative fallout from his performance for  
 18 years to come.  
 19 In a more open system like IVGID, people  
 20 don't have to put up with that abuse. They can vote  
 21 with their feet.  
 22 Our management team is evaporating. Brad  
 23 Underwood recently resign. With each departure we  
 24 lose decades of competence and caring and tribal  
 25 knowledge. And any competent person who might take

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1 revenue.  
 2 11.2 states that any annual rate  
 3 adjustment is based on the December to  
 4 December percentage change in consumer price index  
 5 for garbage and trash as published by the Bureau of  
 6 Labor Statistic. 11.1(a) states that the collector  
 7 not be entitled to that increase if the rolling  
 8 average return on revenue for the prior three years  
 9 is the greater than nine percent. I previously  
 10 stated this to you as a three-year ROR cap of nine  
 11 percent.  
 12 Assuming that that benchmark is met,  
 13 11.1(b) limits a one-year return on revenue for the  
 14 prior year, just the prior year, to 15 percent.  
 15 So even if the three-year average is met  
 16 because two years performed poorly, the collector is  
 17 not eligible for rate adjustment if the prior year  
 18 reached 15 percent ROR.  
 19 11.1(c) is a third-layer protection to the  
 20 rate payer capping any adjustment at maximum of six  
 21 percent, regardless of the published CPI, and if the  
 22 collector is under both caps outlined in (a) and  
 23 (b).  
 24 B I would also like to acknowledge section  
 25 11.2, other rate adjustments. This language

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1 specifically addresses the addition of new services  
 2 or increased fees imposed during the franchise  
 3 agreement. If any changes in rates under section  
 4 11.2 are made, they would require Board approval.  
 5 I will continue to be honest and  
 6 transparent with you. WM employees take pride in  
 7 being good community partners in Incline Village.  
 8 The current agreement is available to the public on  
 9 the Incline Village Public Works website.  
 10 Thank you.  
 11 MS. RICHARDS: Hi there.  
 12 Since the 60s, there has been a parcel  
 13 known as "Village Green." It has remained opened  
 14 space over the years for a spectrum of activities:  
 15 Concerts, tournaments, reading, meditation.  
 16 Village Green today remains a last vestige  
 17 of our park areas. It's also used as a dog park  
 18 today, and my 100-pound Lab loves that dog park.  
 19 In 2018, community service was contracted  
 20 by the trustees to research opportunity sites and  
 21 potential uses. Their work included dog park sites.  
 22 Five dog park sites were suggested. Village Green  
 23 was excluded. Graphic boards were installed at the  
 24 Rec Center lobby for about six months, a testimony  
 25 to a \$200,000 finish contract -- I could be

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1 operations for food and beverage provided a 12.66  
 2 percent operating margin for five years. Somehow  
 3 2023 was conveniently left off. 2023 was a terrible  
 4 year. Here are some facts:  
 5 Total revenues for all venues was only 78  
 6 percent of budget, a miss of \$953,000. Net income  
 7 was only 14 percent of budget, generating over  
 8 100,000 or 2.9 percent of the 3,500,000 in revenue,  
 9 far below any acceptable level. All revenues except  
 10 Diamond Peak lost money. Diamond Peak actually was  
 11 ahead of budget. Revenues at the Champ Course were  
 12 72 of budget, and lost \$315,000. For every dollar  
 13 received, IVGID had to fund \$.51. The Mountain  
 14 Course revenue was only 54 percent of budget, but  
 15 only lost 11,000, a (inaudible) by delivery of  
 16 service. Event revenues are troubling, reaching  
 17 only 63 percent of budget and losing only 43,000.  
 18 Most revenues come from wedding business. Why are  
 19 we in the wedding business?  
 20 A major concern is that Howard has  
 21 budgeted a pie-in-the-sky revenue increase of 33,000  
 22 to 942,000 for the Champ Course in 2024. I believe  
 23 results will not be met.  
 24 Keep in mind that revenue expenses do not  
 25 include any rent, property taxes, or capital costs,

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1 corrected on that number.  
 2 Fast forward to today, Village Green was  
 3 excluded to remain one of our community's most  
 4 precious and priceless pieces of real estate, open  
 5 use, without fences, without imposing manmade  
 6 artifacts. After all, the Village Green is a  
 7 mountain space where nature and the natural are  
 8 sacred.  
 9 Fast forward to tonight. Hopefully within  
 10 the next two hours you're going to hear a  
 11 presentation on a dog park. Fences, barriers,  
 12 walls, and water features. Before this community  
 13 has tried to be all things to all people. Now it  
 14 has raised it purpose to all things to all dogs.  
 15 Take one of the most precious settings of the  
 16 community and designate it as wild waters for dogs.  
 17 I don't know whether to be horrified or embarrassed.  
 18 Was the vision of architects at Incline  
 19 Village to pause for 60 years so as to finally reach  
 20 today to have a dog park in the Village Green?  
 21 Thank you.  
 22 MR. DOBLER: Cliff Dabler, 995 Fairway.  
 23 I draw your attention to the food and  
 24 beverage operation for the six years from 2018 to  
 25 2023. The claim made is that the combined

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1 which for an outside business would be approximately  
 2 six percent of revenues. Howard appears to have  
 3 failed managing F and B effectively.  
 4 Let's jump to the Incline Beach House  
 5 project. Where is that robust presentation that was  
 6 promised by Indra Winquest? Asking the Board to  
 7 decide of five items is not their job.  
 8 The parks and recreation should be  
 9 bringing concepts and proposals requirements to the  
 10 Board, not engineers. A CMAR contract cannot be  
 11 used. NRS states CMAR can only be used if a project  
 12 presents unique and complex construction challenges.  
 13 Explain the unique and the complex challenges of  
 14 building some restrooms and a kitchen.  
 15 Think about this: The beaches have what's  
 16 almost 200,000 visitors each year. Historically,  
 17 food and beverage service generated only 300,000 or  
 18 a buck fifty per visit. The Mountain Course was  
 19 only 18,000 --  
 20 (Expiration of three minutes.)  
 21 MR. GATELY: Hi. My name is Jim Gately,  
 22 and I live in Crystal Bay.  
 23 I'm here to comment on the dog park  
 24 proposal. Upon looking also details of proposal, I  
 25 was very disappointed in the work product as it

PUBLIC MEETING PROCEEDINGS - 07/26/2023

<p style="text-align: right;">Page 14</p> <p>1 several fatal flaws, and let me explain.                  2           The first one is that, basically, the                  3 tail's wagging the dog. I feel it is fair to say                  4 that the Village Green is being used as a dog park                  5 mostly 90 percent of the time, with all other                  6 elements approximately ten. This is based on the                  7 usage of 365 days per year as the dog park,                  8 mornings, lunch, and evenings, rain, snow, or shine                  9 versus all other events, such as soccer, lacrosse,                  10 4th of July, et cetera, which make up probably ten                  11 to 12 weeks a year.                  12           With this clearly the case, why should the                  13 dog park, with it's much greater community                  14 involvement and usage, take a back seat and be                  15 fenced in to the upper field, which has a much                  16 smaller footprint.                  17           Number 2, size does matter. This proposed                  18 dog park is far too small. When you scale out the                  19 different water features, entry systems, big versus                  20 small dog areas, and the like, the already-too-small                  21 upper field shrinks dramatically. The small and                  22 confined area will most certainly lead dogs to not                  23 only get into fights, but it could cause the owners                  24 to get into fights.                  25           Months ago, I was confronted by Myles</p>	<p style="text-align: right;">Page 15</p> <p>1 Riner when he was pushing for the dog park being                  2 moved to the U.S. Forest service land off village.                  3 He told me about all the fighting the owner did at                  4 the Village Green. Well, that simply was not true.                  5           However, if this dog park plan is                  6 implemented, Myles Riner's lie could turn out to be                  7 a very prophetic statement.                  8           3. Daily usability as a dog park will be                  9 reduced by approximately 40 percent. The usability                  10 of current the green dog park is a hundred percent;                  11 that is 365 days a year. This is proposed plan you                  12 have in front of you will reduce the usage from 12                  13 months to seven to eight.                  14           The reason is the double gated, entry/exit                  15 system will get bogged down with snow and ice and                  16 become inoperable. Our dog park will become as                  17 useless as the California dog park at Tahoe Vista in                  18 the winter.                  19           Number 4, parking is not thought through.                  20 Ten to 12 parking spaces for our dog park is grossly                  21 inadequate. The proposed parking presented would                  22 also be very expensive and not cost effective. The                  23 existing parking situation with the main lot and                  24 overflow lot, as exists, works fine, and winter snow                  25 plowing costs will not increase.</p>
<p style="text-align: right;">Page 16</p> <p>1           Number 5, costs are still unknown. A                  2 project with unknown costs, asking a Board for                  3 approval to go to the next step is very scary,                  4 especially with the fatal flaws this project has.                  5 Just looking at the memorandum narrative and                  6 descriptive pictures, I can see the costs easily                  7 exceeded \$3 million.                  8           I am, by the way, a general contractor and                  9 developer and a CPA.                  10           MR. WATSON: Hello. My name's Rob Watson,                  11 Incline resident at 361 Country Club Drive.                  12           My comments tonight are focused on some of                  13 the FAQ attachments, which I believe are                  14 self-serving for the some of the Board members                  15 facing a recall movement, and not really focused on                  16 clearing up any questions.                  17           On questions 4 and 5 that deal with the                  18 Board intent of privatizing venues or changing the                  19 model, the question itself deals with the Board's                  20 intentions or plans, not past actions. At a                  21 minimum, the change pushed publicly by Trustee                  22 Tulloch to get golf to cover all operating expenses,                  23 including depreciation, is an example of the change                  24 in the model.                  25           Question 7 and 8 deal with the impact of</p>	<p style="text-align: right;">Page 17</p> <p>1 reducing rec fees and punch card values and the                  2 negative impact on home values and rights. There is                  3 no factual answer for this. Combined with a cap on                  4 punch card availability, I can easily see how                  5 residents believe their beach rights have declined                  6 and their home ownership may be worth less as a                  7 result.                  8           This is exasperated by Trustee Schmitz                  9 recent unilateral attempt to reduce the value of                  10 punch cards to the golf community by trying to                  11 overturn decades of practice and Board guidance that                  12 allowed punch card to buy down their guest rates                  13 from published golf guest rates as stated on the                  14 website of IVGID.                  15           On question 9, the only recommendation                  16 that was written by the staff was the one that was                  17 originally proposed for the March 8th meeting. That                  18 proposal was an across-the-board, five to six                  19 percent increase in daily multi-play and unlimited                  20 play passes, along with the retention of both                  21 individual and couples All You Can Play Pass at five                  22 percent increase. Everything after that was Trustee                  23 Schmitz' directing of our Director of Golf to revise                  24 her wishes.                  25           On question 10, very clearly, the Board</p>

PUBLIC MEETING PROCEEDINGS - 07/26/2023

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1 very clearly did push for and approve more punitive  
 2 golf cancellation policy that they just rescinded.  
 3 This was not a recommendation by the Director of  
 4 Golf, and clearly the Board made a bad decision by  
 5 not listening to the Director of Golf.  
 6         And on the question of 11, dealing with  
 7 the Duffield grant, the better question to ask is  
 8 whether the project would have continued to proceed  
 9 if Trustee Schmitz had voted yes on both votes.  
 10         The community a smart enough to realize  
 11 that there was no actual contract in hand for the  
 12 Duffield donation. It was a voluntary donation.  
 13 Donations by their very nature are not contractual.  
 14 It never got to the point of an actual commitment  
 15 because Trustee Schmitz' no vote killed it before it  
 16 got there. The fact that responds to this rumor is  
 17 deflecting.  
 18         MR. SCHULTZ: Good evening, Board and  
 19 community. Joe Schultz, Putter Court, Incline  
 20 Village.  
 21         With regards to the recall, the reasons  
 22 given to justify the recall are not based on facts,  
 23 but rather on exaggerations and twisted  
 24 interpretations of unfortunate circumstances. We're  
 25 hearing some of those things tonight on other

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1 my background: I had a 40-year professional career  
 2 in auditing and corporate controllership. I retired  
 3 as a chief accounting office of a Fortune 50  
 4 company. Part of my responsibility who to ensure  
 5 every fact stated in our financial reporting, both  
 6 financial and non-financial, was accurate and  
 7 supported by underlying documentation. That  
 8 activity protected the company, its leadership, and  
 9 our shareholders from legal and financial exposures  
 10 that result from presenting misleading information.  
 11         I develop a very good eye for topspin and  
 12 the art of deflection and rationalization as tools  
 13 to overcome an unfavorable situation. CFOs, CEOs,  
 14 and chairs took my advice when I told them they  
 15 couldn't say something.  
 16         With that in mind, most of the topics  
 17 included in the meeting materials are simply not  
 18 factual. They represent the opinion of certain of  
 19 the Board members. They do not present both sides  
 20 of a broader story, and can be easily countered with  
 21 differing opinions or facts, so they can easily be  
 22 characterized as misleading. They do not deal with  
 23 IVGID policies or practices.  
 24         In addition, most deal with concerns  
 25 raised about individual trustees, not the Board as a

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1 topics.  
 2         Despite signs and admonitions to the  
 3 contrary at Raley's, the proponents of the recall  
 4 continue to ignore to prohibitions and set up tables  
 5 to solicit additional signatures.  
 6         The current members of this Board have  
 7 integrity and are tackling significant and important  
 8 issues that been kicked down the road for decades.  
 9         Recall advocates without rather populate  
 10 this board with those who have no integrity and with  
 11 those who have defective egos. They would rather  
 12 employ nice people, rather than people who are  
 13 competent and effective employees.  
 14         This Board has my full support, each and  
 15 every one of you. Continue the good work.  
 16         MR. HOMAN: Mick Homan, Incline resident.  
 17         I want to follow up on an item I commented  
 18 on at the last meeting, item H 4 on tonight's  
 19 agenda, frequently asked questions.  
 20         I believe the inclusion of this material  
 21 is a direction violation of Nevada ethic statutes,  
 22 NRS 281A.520, which deals with utilizing District  
 23 resources to impact the current ballot issues or  
 24 candidates in an upcoming election.  
 25         Before going into the details, a little of

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1 whole.  
 2         Even more concerning to the extent that  
 3 they deal with concerns about individual trustees,  
 4 they largely overlap with the issues raised in the  
 5 current recall efforts.  
 6         I provided some examples in my public  
 7 comments last week, so I won't repeat them here.  
 8 But I wanted to remind you that, as trustees, your  
 9 only responsibility to the District. It's not  
 10 appropriate for you to use District resources or  
 11 publications for the benefit of individual trustees.  
 12 Doing so results in financial and legal exposure for  
 13 both the Board and the District. And you're  
 14 creating this exposure when the underlying document  
 15 provides no broader benefit to the District. Any  
 16 perceived benefit of the document accrues directly  
 17 to the individual trustees.  
 18         It's not lost on a reader that the  
 19 document only tackles rumors that are damaging to  
 20 the trustees. Why doesn't it tackle misinformation  
 21 that benefits the trustees agendas, like the golf  
 22 course loses \$4 million a year, or the clubs get all  
 23 the tee times?  
 24         Under any circumstances, it's  
 25 inappropriate to utilize District resources to

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<p style="text-align: right;">Page 22</p> <p>1 defend the actions of individual trustees. At                  2 present with the recall effort related to many of                  3 the same topics included in the materials, it                  4 appears to be a direction violation of Nevada ethics                  5 statutes that prohibit the use of District resources                  6 to impact current ballot issues or candidates in an                  7 upcoming election.                  8           In my professional life, the general                  9 counsel and her office were my best allies in terms                  10 of policing external communications, and we were                  11 almost always of a single view on the boundaries.                  12 I'm pretty sure I know where they would fall on this                  13 document.                  14           I'd ask both the Board and general counsel                  15 to to consider this seriously and take appropriate                  16 action.                  17           Thank you.                  18           MS. CARS: Linda Cars, 625 Lariat Circle.                  19           I have a lot of things to address, but                  20 right now I'm going to address Summer Water Safety                  21 Program. Since 1996 or before, the North Lake Tahoe                  22 Fire Department has coordinated with the public                  23 schools the Summer Water Safety Program at Ski Beach                  24 in collaboration with IVGID lifeguards.                  25           On April 18th, 2023, at 11:58, Kerrian</p>	<p style="text-align: right;">Page 23</p> <p>1 Neu, a fifth grade teacher at Incline Elementary                  2 School emailed Trustees Schmitz and Dent, on April                  3 8th, the following, quote:                  4           "Each end of school year, our                  5 third and fifth grade students                  6 walk down to Ski Beach, learn                  7 about water safety from NLTFD                  8 and lifeguards. Students go for                  9 one hour each grade, students                  10 learn for thirty minutes, and                  11 the Fire Department cooks a hot                  12 dog lunch. Teachers attend and                  13 watch groups.                  14           "Starting last year, we've been                  15 asked to give passes or have                  16 punch cards donated to attend.                  17 Before this, we just went during                  18 our time.                  19           "We understand Ordinance 7 and                  20 its importance, but our students                  21 are also just going to learn how                  22 to be safe at the beach and near                  23 water during the summer months.                  24           "Can you help us? We would love                  25 to keep attending and have our</p>
<p style="text-align: right;">Page 24</p> <p>1           students learn from IVGID                  2 employees and the Fire                  3 Department without trying to get                  4 people to donate punch cards.                  5           Is it possible to get a waiver                  6 for this event?"                  7           End of quote. On April 18th, seven                  8 minutes later at 12:05, Trustee Schmitz responded:                  9           "Thank you for your question.                  10           As trustees, we are obligated to                  11 protect the Direct's asset, and                  12 that includes our                  13 deed-restricted beaches. Our                  14 beaches are restricted to those                  15 whom are beneficiaries of the                  16 beach deed, and that includes                  17 parcel owners and their guests.                  18           "Punch cards are no longer                  19 transferable, except to a guest                  20 of a parcel owner, per Ordinance                  21 7."                  22           NLTFD went to state parks, got permission                  23 in conjunction with state parks, IVGID lifeguards,                  24 there was a Summer Water Safety Program at Sand                  25 Harbor and the school district had to pay to bus the</p>	<p style="text-align: right;">Page 25</p> <p>1 children. The students could have been guests, but                  2 the process was way too cumbersome.                  3           Trustee Schmitz, you continue to show by                  4 your actions, (a), you don't care about your                  5 community schools, (b), you don't prioritize the                  6 safety education of the children in our community.                  7           As a member of this community, my husband                  8 and I find it abhorrent that educating our children                  9 on water safety is a detriment to maintaining the                  10 beach deed. Your laser focus on beach deed is                  11 shameful and elitist.                  12           Once again, your exclusive use objectives                  13 take precedence over educating students for one hour                  14 on the beach.                  15           Please resign, Sara. As a community, we                  16 should, must educate the children. All of their                  17 parents should be signing the petition and demanding                  18 that you resign.                  19           One more point not written out is that I                  20 am the person that's being written up about finding                  21 the table -- where to put the tables for the recall.                  22 It is legal, it's according to an ordinance. I                  23 checked with the authorities, Sheila, and there's                  24 nothing wrong with putting tables where they are for                  25 the petitions. It's our right as citizens.</p>

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1 MR. CARS: Good evening, trustees and  
 2 community.  
 3 The \$25-million donation by the Duffields  
 4 last year found a home at the Incline High School.  
 5 Good for Incline High School, but unfortunate for  
 6 IVGID who lost the boy's and girl's club space, teen  
 7 center, a gymnastics center for youth, and an  
 8 upgrade to the Rec Center. The money was there, but  
 9 Trustee Schmitz voted it down. But that's old news.  
 10 Then came the beach vote to exclude not  
 11 non-Picture Pass holders under the umbrella -- or  
 12 should I say "disguise" of protecting the beach  
 13 deed. The triumvirate of Trustees Dent, Schmitz,  
 14 and Tulloch voted to further separate and exclude  
 15 non-Picture Pass holders from beach access, further  
 16 distancing community members who no longer qualify  
 17 to be part of the beach community. Sorry, summer  
 18 employees, unless you're a Picture Pass holder, you  
 19 can work at the beach, but you better exit as soon  
 20 as you punch out. You're probably not qualify to  
 21 hang around.  
 22 In addition, Trustees Tulloch and Schmitz,  
 23 with the acknowledgement of Trustee Dent, increased  
 24 their direct involvement in directing IVGID  
 25 employees in the performance of their tasks. This

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1 have written statements submitted to be attached to  
 2 the minutes of the Board meeting.  
 3 Chair Dent asks that all who submit public  
 4 comment to address the Board and to refrain from  
 5 directing their comments towards any person.  
 6 And then we have people, like the  
 7 81-year-old in the back, who just seizes an  
 8 opportunity to direct their venom to those in our  
 9 community to whom they disagree. So I wasn't going  
 10 to speak about this, but now I am going to speak  
 11 about this.  
 12 There's the diagnosis for that woman, it's  
 13 called -- I had it written here -- NPD, or  
 14 narcissistic personality disorder. It's actually  
 15 documented in the medical --  
 16 CHAIR DENT: Quiet in the room, please.  
 17 MR. KATZ: I've submitted a written  
 18 statement, which describes the disorder and the  
 19 symptoms. I suggest all of you to read it,  
 20 including the woman to the back there. She might  
 21 learn something. She claims that her seminars are,  
 22 oh, we all live together. Oh, we all need to find a  
 23 way to get along.  
 24 When you listen to her speak, does she  
 25 ever speak like that? I think she didn't take her

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1 has resulted in in what some describe as "a hostile  
 2 work environment," leading to the severance of the  
 3 GM and resignations of multiple staff managers. Is  
 4 there on an ongoing remove-and-replace plan that  
 5 this community is not aware of? Or does it lead  
 6 down the road to privatization plan? Which the  
 7 Board has dismissed.  
 8 The community, however, should not be so  
 9 quick to dismiss privatization. If management  
 10 talent leaves due to a hostile environment, it may  
 11 become a realistic option.  
 12 It's also discomfoting to think that a  
 13 takeover of IVGID by Washoe County might yield a  
 14 more credible government than the triumvirate in  
 15 place now.  
 16 Further, unless Trustees Tonking and Noble  
 17 cast votes with the other three in future decisions,  
 18 I will personally have zero confidence of the  
 19 respectable outcome.  
 20 So two trustees on the ongoing recall  
 21 effort, this is a vote of no confidence. It's not a  
 22 joke, and it's not wasted effort.  
 23 To the community, I ask that you put the  
 24 community first, support the recall.  
 25 MR. KATZ: Aaron Katz, PO Box 3022. I

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1 seminar, because she has no regard for her fellow  
 2 resident.  
 3 Our problem with attacking competent staff  
 4 and keeping them here is a problem that I see as  
 5 two-fold.  
 6 The first is, IVGID was founded upon a  
 7 fraud. In order to be granted the basic power to  
 8 furnish facilities for public recreation, the  
 9 Board's predecessors represented to County Board of  
 10 Commissioners and the public that if this power were  
 11 granted, it would never be used to acquire, operate,  
 12 or finance the very recreational venues we have here  
 13 today, other than the beaches. This turned out to  
 14 be a lie. It's called "fraudulent representation,"  
 15 you'd know about that, Trustee Noble, wouldn't you?  
 16 And the remedy for fraud is rescission. That means  
 17 give back everything you got as a result of your  
 18 fraud. And that's what we're grappling with today.  
 19 The second reason is the rec fee. The  
 20 reason I keep attacking the rec fee is because the  
 21 District does not have the money to do all of this  
 22 stuff it shouldn't be doing. Pull the money, and  
 23 you will every wrong that we have here in IVGID.  
 24 And, I submit, that almost every issue we have has  
 25 evil at its core.

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<p style="text-align: right;">Page 30</p> <p>1 So now you know the problem, I hope you'll 2 address it a fix it. 3 Thank you. 4 MR. ROSS: Good evening, trustees. I'm 5 Steven Ross, I live on Northwood here in -- 6 CHAIR DENT: Hey, quite in the room 7 please. You guys, we're trying to have a meeting. 8 If you guys need to step out, you can step out. 9 Thank you. 10 UNKNOWN SPEAKER: Tell him to. He's 11 harassing me. 12 CHAIR DENT: Thank you. 13 Mr. Ross, go ahead. 14 MS. ROSS: It's sad when someone thinks 15 they can make a diagnosis when they're not 16 qualified. 17 I'm Steve Ross. I live on Northwood, and 18 I really wanted to comment tonight about the 19 composition of a golf advisory committee that is due 20 to be selected in the near future. 21 My hope is that the members that you chose 22 are familiar with golf operations, have a strong 23 interest in making our courses successful, have a 24 history of working collaboratively, and that's 25 really important. And also don't have a history of</p>	<p style="text-align: right;">Page 31</p> <p>1 anti-golf rhetoric. Please don't include those 2 people. 3 The previous Golf Advisory Committee was 4 hard working and thoughtful and had a genuine 5 interest in making positive impact on our IVGID golf 6 community. But, unfortunately, their 7 recommendations were ignored. 8 I hope that you will choose wisely so that 9 the new recommendations might have a larger impact 10 on your deliberations. 11 Thank you very much. 12 MS. MCKOWEN: My name is Trish McKowen, 13 and I live at 335 Ski Way. 14 I want to start by sharing that I had a 15 40-minute conversation with Sara Schmitz back in 16 May. I had many concerns, so I had taken the time 17 make a list of so many issues that I felt were 18 negatively impacting the community. 19 In moved here in 1968. I've been a 20 lifeguard at the beaches for over seven years when I 21 was a kid, and I really was struggling with changes 22 the Board made to the beach deed. Back in those 23 days, kids from Kings Beach and Carson City would 24 come up and be lifeguards, and they could stay on 25 the beach.</p>
<p style="text-align: right;">Page 32</p> <p>1 When I talked to Sara about it, she was 2 adamant, we had to change the beach deed. And she 3 said, and I quote, "If we didn't make the change, 4 Washoe County was going to come and take our 5 beaches." 6 At 5:00 P.M. today, I had a 30-minute 7 conversation with Washoe County Commissioner Alexis 8 Hill, and I asked her is she could help me 9 understand the changes to the beach deed and the 10 treat of Washoe County coming in and seizing our 11 beaches. 12 She responded with, "I don't think that's 13 even possible." 14 I shared exactly what Sara had been 15 telling me, and she said, "We have a lot going on in 16 Washoe County. Taking the IVGID beaches is not on 17 our list." Secondly, she said that it was her 18 understanding that the Board wanted to make the 19 beaches more restricted, so they made the changes to 20 fit the new restricted policy. 21 Alexis Hill told me there was never any 22 plan to come and take our beaches. 23 I'm going to come out and just say it: I 24 have caught Trustee Schmitz multiple times 25 bold-faced lying to me about the beach deed and her</p>	<p style="text-align: right;">Page 33</p> <p>1 story about why the IVGID CFO quit. 2 I was at the Crosby's meeting, and she 3 made it sound like he quit because he got a much 4 bigger job in the Bay Area, that his kids were going 5 to be so much happier there, and they were going to 6 have a much nicer house. 7 Unfortunately, Michaela was there that 8 day, and Sara turned to Michaela and said, "Do you 9 have anything you'd like to add?" 10 And Michaela said, "Would you like me to 11 add what I know?" 12 And she said, "Please." 13 And she said, "Paul left because of the 14 Board." 15 And so I don't know how much longer we can 16 allow her to deflect and lie. Our remaining IVGID 17 employees need our support. They need positive 18 change, and it's time for Schmitz and Dent to resign 19 for the good of the community. 20 Thank you. 21 MS. MARTINI: Thank you. Margaret 22 Martini, Incline Village. 23 I was on the Ordinance 7 committee. There 24 was never any intent to change the beach deed. No 25 one can change the beach deed without a complete,</p>

<p style="text-align: right;">Page 34</p> <p>1 almost hundred percent vote of the property owners  2 that are named in the deed.  3           So, there was never any intent by anyone  4 to change the beach deed, because it's not possible  5 without some very extraordinary legal actions.  6           So, I just wanted to clarify that, that  7 the committee did not have that intent. And the  8 beach deed was not changed and Ms. Schmitz did not  9 come to us and ask us to change the deed in way,  10 shape, or form.  11           She was very supportive of the actions of  12 the committee, and she, as well as Mr. Dent and  13 everyone else, did have an active, not totally  14 weekly active meeting presence at the Ordinance  15 meeting.  16           So, just wanted to give that a big  17 clarification.  18           Thank you.  19           MR. WYMAN: I hate to do this. My wife  20 went to an event tonight -- I'm at 170 Village these  21 days.  22           My wife went to an event tonight at the  23 Thunderbird Lodge that the Parasol was sponsoring.  24 A number of my friends said, "You got to come to  25 this event. Don't go to the IVGID meeting. You're</p>	<p style="text-align: right;">Page 35</p> <p>1 going to have a lot more fun with us."  2           And I said, "That depends on your  3 perspective."  4           I also feel impelled to tell the Board  5 Chair this, I spent four years in undergraduate  6 school, five years in medical school, a year of  7 internship, three years of a residency. Most people  8 call me Dr. Wyman. I'd appreciate that given all  9 that pain and effort I put into those years.  10           So, what I wanted to talk about is a few  11 things. The Audit Committee, I listened in on that  12 meeting. It was an excellent meeting, from my  13 perspective. I respected what Mr. Nolet had to say.  14 There were a lot of complicating issues, and I'm  15 glad they're starting to be addressed.  16           One of them has to do with the State and  17 how it tells GIDs what they're supposed do. It  18 turns out that this GID made a mistake, as did many  19 other GIDs because the State failed to properly  20 articulate what they needed to do in a five-year  21 plan. This will be discussed in more detail  22 tonight.  23           It also want to talk for a moment about  24 the recall effort. I have a different perspective  25 than a lot of other people do in this meeting, and</p>
<p style="text-align: right;">Page 36</p> <p>1 it's the following:  2           I've spoken to four people I know who are  3 experts having to do with boards and how they  4 function. All of them agree that the Board has one  5 employee, the general manager. They also all agree  6 that if they have problems with the general manager,  7 if there are members of the Board who feel the  8 general manager is not operating efficiently,  9 effectively, up to par, it is the obligation of the  10 Board -- the moral and ethical obligation of the  11 Board to notify that general manager and to provide  12 some kind of education for that general manager.  13 That might take the form of a coach or a mentor or a  14 tutor or a consultant. Failure to do that is a  15 dereliction of duty of the Board of Trustees, and  16 not of the general manager.  17           From my perspective, this Board -- this  18 present Board failed to do that, and for that reason  19 I support the recall.  20           Thank you.  21           CHAIR DENT: Anybody else, public comment?  22 All right. Let's go to Zoom.  23           MR. MCKOWEN: Good evening. My name is  24 Kevin McKowen. My wife, Trish, and I live at 335  25 Ski Way.</p>	<p style="text-align: right;">Page 37</p> <p>1           We love living here, but like many  2 residents, have been more than concerned about many  3 troubling issues stemming from the Board of  4 Trustees, specifically two of those trustees.  5           Can anybody think of something good that's  6 happened in the last six months with the IVGID  7 Board? I can't. But how about the things that  8 aren't so good? Facts, not conspiracy, or made-up  9 disinformation.  10           Let's start with one board member of  11 dissenting on a vote of \$25-million donation from  12 David and Cheryl Duffield. That would be Trustee  13 Schmitz, who seemed to not understand what the David  14 Duffield Foundation required, simply a unanimous  15 vote on two separate initiatives. Are you serious?  16           I now understand that the rumors going  17 around that Mr. Duffield never actually made the  18 donation offer. Not true. Period.  19           How about the removing of Indra Winquest,  20 one of the most-beloved people to ever serve as  21 general manager of Incline Village. And now the  22 recent resignations of multiple senior IVGID  23 managers, our IVGID Director of Finance resigned, or  24 controller quit, our public records official quit.  25 I understand our legal counsel for IVGID doesn't</p>



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1 want to work with the District and has given notice.  
 2 And the IVGID Director of Public Works retired,  
 3 quite early, and, lastly, the head of IVGID food and  
 4 beverage for over 16 years, handed in his two-week  
 5 resignation.  
 6 I would also like to -- Karl Thornberg,  
 7 our golf head pro, ten years, and a friend who  
 8 resigned last year, and mostly due to the continued  
 9 board micromanagement and interference, which seems  
 10 to be a constant theme with departures.  
 11 Lastly, if that's not a long enough list,  
 12 let's add the low morale of the existing IVGID  
 13 employees, especially those who can no longer use  
 14 our beaches. There's not one IVGID employee that  
 15 I've talked to that wants anything to do with the  
 16 Board, and specifically Sara Schmitz acting like  
 17 everybody's boss. This is not the role of a  
 18 professional Board member.  
 19 I also don't know of any other town,  
 20 anywhere where there is a subculture group named  
 21 "The Angry Eight." Really? In a community as  
 22 beautiful and loving as Incline Village, we have the  
 23 angry eight? Personally I think the angry eight  
 24 should stop wasting the Board's time and consider  
 25 leaving the town and taking their misery, anger, and

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1 lose that. We never had it. Why do you keep  
 2 bringing it up? Because the self-serving people who  
 3 are trying to get something out of our district for  
 4 free just aren't going to buy into anything unless  
 5 they get what they want; and what they want is they  
 6 want to to turn this district upside down for their  
 7 own personal use.  
 8 As far as the issue of the beaches, I know  
 9 more about those beaches than anybody. I sued in  
 10 the Ninth Circuit. I served on Ordinance 7. I was  
 11 the one who brought the issue of the employees to  
 12 the Ordinance 7 Committee. I stated what are people  
 13 who living in Reno doing on the beaches? I live  
 14 here in Crystal Bay, we're not allowed on the  
 15 beaches. But yet there are people in town who still  
 16 think the employees who live in Reno should have  
 17 access to those beaches.  
 18 We have had attorney that says if you  
 19 allow those employees on the beaches, you invalidate  
 20 the beach deed and the beaches become public.  
 21 As far as Alexis Hill going after the  
 22 beaches, she has no chance of going after them.  
 23 People who live the Crystal Bay would have a chance  
 24 to go after the beaches, as well as everybody who  
 25 doesn't live here, because you have invalidated the

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1 vitreal with them.  
 2 Lastly, signing the recall petition for  
 3 Trustees Schmitz and Dent pays respect to our  
 4 Village that's been functioning very efficiently for  
 5 over 60, and it's never had catastrophic senior  
 6 management losses, dysfunction, and all the constant  
 7 drama. These two board members have done enough  
 8 damage.  
 9 Matt and Sara, you no longer have the  
 10 support, respect, and trust needed to continue in  
 11 your respective roles. Enough is enough.  
 12 And, finally, to those of you signed the  
 13 recall petition, thank you.  
 14 MR. WRIGHT: Frank Wright, Crystal Bay.  
 15 After listening to all these previous  
 16 speakers, I'm amazing that had these people don't  
 17 get it. One, there never was a \$25-million dollar  
 18 donation. If you show me the contract, you show me  
 19 the terms and concerns, you show me where Dr.  
 20 Duffield signed his name on anything and said he was  
 21 going to give us money.  
 22 You're blaming a trustee for some that  
 23 never was. It doesn't exist. It never existed.  
 24 Mr. Duffield's already started building his own gym  
 25 prior to that vote that you're saying caused us to

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1 beach deed.  
 2 These trustees have protected the beaches  
 3 from the outside world. You should be thanking  
 4 them, not going after Sara Schmitz and blaming her  
 5 for everything. She is doing her job. These  
 6 trustees are doing their jobs.  
 7 Please, pay attention and quit listening  
 8 to these morons who are talking about things they  
 9 don't understand. You can't do you it. You just  
 10 can't do it.  
 11 And everybody that keeps coming forward,  
 12 asking for their resignations are people who are  
 13 self-serving that looking are looking for something  
 14 for free.  
 15 And the one that gets me the most is the  
 16 reduction in the rec fee. They actually think  
 17 they're losing money. No. You gained money.  
 18 You're not being charged a rec fee. Take the money  
 19 that you would have spent on the rec fee and go buy  
 20 yourself all the beach passes you want.  
 21 It's just doesn't make sense. You people  
 22 need to get a life. You need to understand that  
 23 these trustees are doing their jobs, finally, and  
 24 they're protecting our district from a lot of bad  
 25 things.

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<p style="text-align: right;">Page 42</p> <p>1 Thank you.</p> <p>2 MS. WELLS: Hi. Kristy Wells, Incline</p> <p>3 Village resident.</p> <p>4 First off, I'd like to address the comment</p> <p>5 just made by Mr. Wright. I find it highly offensive</p> <p>6 that you and several other members of this community</p> <p>7 continue to call people names and act in a very</p> <p>8 childish manner. Please learn how to have a public</p> <p>9 discussion, and do so professionally and</p> <p>10 respectfully. You can have a differing opinion, but</p> <p>11 you can do so without having to demean others.</p> <p>12 Also, for Mr. Schultz, I'd like to just</p> <p>13 talk to you a little bit about the statement you</p> <p>14 made earlier this evening about those tables being</p> <p>15 placed in prohibited zones. As Ms. Cars noted</p> <p>16 earlier, permission has been given at every single</p> <p>17 location those recall tables and petitions have been</p> <p>18 established: at Raley's, at the public space awarded</p> <p>19 to us inside of Incline Beach -- thank you,</p> <p>20 Mr. Wright -- and at other public areas inside of</p> <p>21 Incline Village.</p> <p>22 What Mr. Schultz said earlier is simply</p> <p>23 not correct, and you should stop spreading lies.</p> <p>24 Now, I'd like to turn my attention to</p> <p>25 agenda item H dot 4, that's on the agenda tonight.</p>	<p style="text-align: right;">Page 43</p> <p>1 I take issue with the Board of Trustees approving</p> <p>2 the frequently asked questions as currently</p> <p>3 presented and potentially posting this on the</p> <p>4 District's website. The topics on the meeting</p> <p>5 materials can easily be viewed as political in</p> <p>6 nature. Community members have raised serious</p> <p>7 concerns about specific actions, decisions, and</p> <p>8 political and ethical violations being made by</p> <p>9 individual trustees.</p> <p>10 The responses are not factual; in fact,</p> <p>11 they are merely opinions of specific board members.</p> <p>12 I'll provide one example. Question 2 traces back to</p> <p>13 Trustee Dent's possible ethics violation. While the</p> <p>14 words "at the time of this FAQ, no trustee has been</p> <p>15 determined to have committed and ethics violation,"</p> <p>16 may be true as it stands today.</p> <p>17 For the record, there is an open</p> <p>18 investigation around Trustee Dent's actions, and</p> <p>19 community members need to know this exists.</p> <p>20 These responses to no present both sides</p> <p>21 of a broader story, they can easily be countered</p> <p>22 with different opinions or facts. They are</p> <p>23 misleading, and they do not deal with official IVGID</p> <p>24 policies or practices.</p> <p>25 Mr. Watson earlier laid out several</p>
<p style="text-align: right;">Page 44</p> <p>1 examples of how the FAQs have been written for the</p> <p>2 benefit of those trustees. Mr. Homan noted that the</p> <p>3 inclusion of this material is a direction violation</p> <p>4 of Nevada ethics statutes.</p> <p>5 All this should deal with utilizing direct</p> <p>6 resources, impact current ballot issues, or</p> <p>7 candidates in upcoming elections.</p> <p>8 It's embarrassing to me that I must remind</p> <p>9 our elected officials that it's not appropriate for</p> <p>10 the Board to just District resources or</p> <p>11 communication vehicles for the benefit of individual</p> <p>12 trustees. Doing so results in financial and</p> <p>13 possible legal exposure for both the Board and the</p> <p>14 District.</p> <p>15 And while I cannot personally vote in the</p> <p>16 recall for both Trustees Dent and Schmitz, I would</p> <p>17 like to lend my verbal support to these activities</p> <p>18 going on. And if I could, I would absolutely lay my</p> <p>19 name down on that petition.</p> <p>20 I'm going to do the same for Trustee</p> <p>21 Tulloch, if and when the time comes to play. While</p> <p>22 I did vote for him, I've seen how he treats other</p> <p>23 community members, I see how he speaks to others in</p> <p>24 public, highly unprofessional, and he's not somebody</p> <p>25 I'd like representing me as community member here.</p>	<p style="text-align: right;">Page 45</p> <p>1 Thank you for your time.</p> <p>2 MS. KNAAK: Yolanda Knaak, Martis Peak,</p> <p>3 here in Incline Village.</p> <p>4 Just wanted to make some comments.</p> <p>5 There's a lot of misunderstanding about the beach</p> <p>6 deed. The problem was that for decades the beach</p> <p>7 deed was not followed, and so what our current Board</p> <p>8 is doing is we're following the beach deed. That's</p> <p>9 what Ordinance 7 decided to do, follow the beach</p> <p>10 deed, and it was an attorney that brought forward</p> <p>11 that we had to follow the beach deed, otherwise we</p> <p>12 could open up ourself to a lawsuit.</p> <p>13 So, anyway, thank you, Board, for</p> <p>14 protecting our beaches.</p> <p>15 CHAIR DENT: Any other Zoom comments?</p> <p>16 MR. GOVE: There are not, Chair.</p> <p>17 CHAIR DENT: All right. That will close</p> <p>18 out item D, public comments. Moving on to item E.</p> <p>19 E. APPROVAL OF AGENDA</p> <p>20 CHAIR DENT: Approval of the agenda. The</p> <p>21 only suggested change I have is moving item H 5 to</p> <p>22 item H 1, and that's just because we have Mr. Lyons</p> <p>23 calling in for the item.</p> <p>24 Any other changes? All right. Seeing</p> <p>25 none, the agenda is approved with moving item H 5 to</p>

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<p style="text-align: right;">Page 46</p> <p>1 item H 1, and then the rest will follow in order.                  2 Moving on to item F.                  3 F. REPORTS TO THE BOARD                  4 CHAIR DENT: Reports to the board, item F                  5 1.                  6 F 1.                  7 CHAIR DENT: Report on food and beverage                  8 operations of the District. Requesting staff                  9 members acting District General Manager Mike                  10 Bandelin, Director of Golf and Community Services                  11 Darren Howard, and Director of Food and Beverage                  12 Bill Vandenburg.                  13 MR. BANDELIN: The report staff is                  14 providing you this evening is a follow-up to the                  15 golf venue discussion that was held at your meeting                  16 on May 8th, 2023.                  17 During that meeting and within the staff                  18 report, the food and beverage operations at the golf                  19 venue were shown in a graph and a narrative that                  20 that revenue collected did not exceed the operating                  21 expenses associated with operation.                  22 This report includes five years of                  23 financial data of sources and uses by fiscal year                  24 for all district food and beverage operations. Just                  25 to clarify, the reports have been developed by</p>	<p style="text-align: right;">Page 47</p> <p>1 fiscal year, and not by season of operation, except                  2 in the case of the ski operation, which operates                  3 during one fiscal year.                  4 Staff's intention was to assemble this                  5 data together and agendize the report without                  6 further any delay. And for reasons related to                  7 bandwidth, the report does not include the narrative                  8 or analysis of the golf venue operations that likely                  9 were anticipated being in the report, including the                  10 following:                  11 An analysis of personnel costs, personnel                  12 costs allocation, personnel wages, business and                  13 staffing levels, service and supplies allocations,                  14 recruitment and retention of seasonal staff, and the                  15 narrative supporting how many staff -- how staff may                  16 remedy the shortfalls within the golf venue food and                  17 beverage operations.                  18 Staff will be committed to follow up with                  19 the analysis of the golf operations, including                  20 presenting the information in this report with                  21 additional detail to the Golf Advisory Committee for                  22 their consideration and review.                  23 Staff may also consider the use of food                  24 and beverage consultants to review the operations.                  25 And in the interim, I plan on delivering a</p>
<p style="text-align: right;">Page 48</p> <p>1 monthly, actual to budget sources and uses report                  2 for the golf and facilities operations for your                  3 review.                  4 I'll have the Chair bring it back to the                  5 Board of Trustees for comment, and happy to listen                  6 and take notes from the comments of the board,                  7 please.                  8 CHAIR DENT: Any questions, comments?                  9 TRUSTEE TULLOCH: I'm a little bit                  10 confused, and, perhaps -- when I read the first                  11 introductory paragraph, the food and beverage model                  12 the District is operated under the past two decades,                  13 which is that food and beverage, as a whole, has                  14 returned the profit to the District.                  15 We've heard a lot in public comments in                  16 recent months about there's a change to the model,                  17 somehow this Board has changed the model somewhere.                  18 I've gone back through all the records,                  19 the Board policies, and everything. I cannot find                  20 any reference to some sort of model. Perhaps, you                  21 can help me, what this model is this, because I'm                  22 not aware of any stage where we've operated food and                  23 beverage across all the venues as a single entity.                  24 MR. BANDELIN: That's correct, we haven't.                  25 And then even when we have budget workshops, we kind</p>	<p style="text-align: right;">Page 49</p> <p>1 of talk about food and beverage within the actual                  2 venues themselves, not as a whole. And, I guess, I                  3 would say that model -- the use of the word "model"                  4 happens quite often within management or staff,                  5 you're right, you won't find an actual policy that                  6 refers to model.                  7 TRUSTEE TULLOCH: All right. Thank you.                  8 The other thing, to see this, and I look                  9 at where we're lumping all the food and beverage                  10 operations in together to show it as profitable. Is                  11 that not leading to an element of double counting?                  12 Because the success of food and beverage and ski in                  13 already included in the ski results.                  14 MR. BANDELIN: Fair statement.                  15 TRUSTEE TULLOCH: And we've also heard in                  16 recent months from the golf community that they                  17 wanted the food and beverage profits and revenues to                  18 be applied to reduce golf rates, to subsidize golf                  19 rates as well.                  20 If I look at this, is this -- I'm assuming                  21 this is not suggesting that Diamond Peak food and                  22 beverage as well as Diamond Peak revenues should                  23 subsidize golf?                  24 MR. BANDELIN: No intention whatsoever.                  25 TRUSTEE TULLOCH: Excellent. I think we</p>

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1 need to be careful that we're not double counting on  
 2 some of these areas. I'm assuming that, for the  
 3 most part, the food and beverage is complimentary to  
 4 the venue, it's not a separate operation by itself,  
 5 or this that, perhaps, the proposal?  
 6 MR. BANDELIN: State that comment again,  
 7 please.  
 8 TRUSTEE TULLOCH: Food and beverage,  
 9 really, it's complimentary to each individual venue,  
 10 it's not an entity in itself, unlike facilities that  
 11 operates as a separate thing. Food and beverage is  
 12 included in the venue results.  
 13 MR. BANDELIN: That's correct.  
 14 TRUSTEE TULLOCH: Just wanted to clarify  
 15 that. Thank you.  
 16 TRUSTEE TONKING: Trustee Tulloch, I had a  
 17 clarifying question about what you're saying about  
 18 the 12.66 being double counting. I wasn't quite  
 19 following the logic, if you don't mind reexplaining  
 20 that to me.  
 21 TRUSTEE TULLOCH: The 12.66, because we  
 22 already included the profitability of food and  
 23 beverage and ski operations within the ski results.  
 24 TRUSTEE TONKING: But this is a separate  
 25 12.66. You just looked at it as a whole entity?

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1 TRUSTEE TONKING: I have two questions,  
 2 and I don't know if this has to be agendized for the  
 3 Board to think about, but if we want to think about  
 4 this as a separate entity, I don't think we should  
 5 be looking at the pieces, but I think we can look at  
 6 the pieces on how it works as a complimentary  
 7 service.  
 8 My question is: Do we want to consider  
 9 marketing The Grill as possible idea?  
 10 Then when we are talking about the idea of  
 11 model and how we view food and beverage, I want to  
 12 continue to keep it exactly how we've talked about  
 13 it just now as a complimentary service, so we think  
 14 about it in each of its silos, I believe, that's the  
 15 way to use it.  
 16 I do believe that golf had asked for it to  
 17 be included. It is included and it's part of that  
 18 strategy now, so I think we're on that -- I believe  
 19 my misunderstanding of Trustee Tulloch said is the  
 20 same as what I understand as well.  
 21 TRUSTEE TULLOCH: Just clarify that  
 22 marketing The Grill doesn't mean privatizing it?  
 23 CHAIR DENT: I got a question for you  
 24 guys: When we first found out about the day -- \$900  
 25 a day, or \$1,000 a day is what we were told last

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1 Which I don't think we should do. I'm not saying we  
 2 should look at it separately, but I'm understanding  
 3 that this 12.66 is looking at the fund as a whole  
 4 operation versus you're not double counting -- we're  
 5 not talking about the profitability -- it's not --  
 6 this number isn't included twice, I don't believe,  
 7 unless I'm misunderstanding what you you're saying.  
 8 TRUSTEE TULLOCH: Due respect, Trustee  
 9 Tonking, I think you are, because we actually don't  
 10 report food and beverage as a single entity. This  
 11 -- bear with me. While it may be convenient for  
 12 this, for food and beverage to hold, put it in here,  
 13 we can't say that we're making a million bucks  
 14 profit on food and beverage and ski, and then say  
 15 that we could also include that as a further  
 16 profitability somewhere.  
 17 TRUSTEE TONKING: I see what you're  
 18 saying, and I agree, we don't ever talk about food  
 19 beverage as a separate entity. It's always, what  
 20 you had I just said, a complimentary fund.  
 21 But in this analysis, I think, for  
 22 understanding, they put it together as a fund.  
 23 TRUSTEE TULLOCH: If we want to go down  
 24 the road as setting it up as a separate fund, that  
 25 would be appropriate.

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1 year, and then we were told we were on pace for  
 2 \$900-a-day loss at The Grill, now we're a  
 3 \$2007-loss-a-day at The Grill last year is what we  
 4 ended up being -- or double of what we were told in  
 5 April; correct?  
 6 MR. BANDELIN: That's what the data the  
 7 provides.  
 8 CHAIR DENT: Okay. I think -- besides  
 9 marketing, I think there's a lot bigger, deep dive  
 10 that needs to happen here. I mean, this is the  
 11 first time -- I don't want to talk about any models  
 12 changing or anything like that. I think the  
 13 awareness, having sat on this Board for almost  
 14 eight years, we've never talked about food and  
 15 beverage to this level and taking a deep dive to  
 16 have an understanding that we're losing, now \$2,000  
 17 a day, and have jumped up quite substantially over  
 18 the last three years.  
 19 So, I think it's important that we have a  
 20 deeper discussion about that and give you guys some  
 21 guidance on what we expect kind of moving forward,  
 22 especially based on the expectations we had a few  
 23 months ago, and where -- how we've already missed  
 24 that mark -- right? -- thinking we were on pace to  
 25 lose \$900, and now we lost \$2,000 dollars a day.

<p style="text-align: right;">Page 54</p> <p>1 It's a lot of money.</p> <p>2 TRUSTEE NOBLE: Is there any marketing</p> <p>3 that is currently being done to promote The Grill?</p> <p>4 MR. HOWARD: Right now, the only marketing</p> <p>5 that we do is on our weekly eblasts that go out to</p> <p>6 all the residents. So, other than that, not really,</p> <p>7 no. More so with the events and catering.</p> <p>8 TRUSTEE NOBLE: Do you think that doing</p> <p>9 some additional marketing would result in a positive</p> <p>10 return, all else being equal? Or is it that you</p> <p>11 haven't done it before, so you just don't know?</p> <p>12 MR. HOWARD: That's a little bit more</p> <p>13 correct, we haven't done it, and we don't know.</p> <p>14 And I think we hit the majority with our</p> <p>15 eblasts into doing more marketing. I'm not sure</p> <p>16 exactly who that's going go to and who that's going</p> <p>17 to draw. I'm not sure we can quantify what our</p> <p>18 return would be.</p> <p>19 TRUSTEE NOBLE: Then your observation of</p> <p>20 patrons at The Grill, it is mainly golfers, other</p> <p>21 members of community, a mix, what percentage do you</p> <p>22 have that at.</p> <p>23 MR. HOWARD: For The Grill at the Chateau</p> <p>24 itself, not including the snack bar or the beverage</p> <p>25 cart, it's probably 70, 75 percent residents and</p>	<p style="text-align: right;">Page 55</p> <p>1 they're getting -- not golfers. Not golfers. It's</p> <p>2 more just the community uses that as a whole.</p> <p>3 TRUSTEE NOBLE: And do you feel that you</p> <p>4 are appropriately staffed to provide a quality</p> <p>5 product at The Grill right now, or has there been</p> <p>6 staffing shortages that have impacted either the</p> <p>7 amount of tables that can be served, the wait time,</p> <p>8 the quality of food that you've seen over the last</p> <p>9 year or two?</p> <p>10 MR. HOWARD: I would say in the last year</p> <p>11 or two, no we have not been staffed properly, and it</p> <p>12 has caused us to have lower maximums that we could</p> <p>13 take in there, so we're not able to take care of as</p> <p>14 many individuals or as many table settings, so, no.</p> <p>15 But as of right now, I think we are pretty</p> <p>16 close to being properly staffed.</p> <p>17 TRUSTEE NOBLE: Looking at this year,</p> <p>18 starting around now, might be a good time to see</p> <p>19 what revenues would look like fully staffed and able</p> <p>20 to provide the product you've envisioned; would that</p> <p>21 be a fair statement?</p> <p>22 MR. HOWARD: I think July and August would</p> <p>23 definitely be good months to figure that out.</p> <p>24 TRUSTEE NOBLE: Then looking at the</p> <p>25 financials, I think it's in -- starting on page 11,</p>
<p style="text-align: right;">Page 56</p> <p>1 there's an additional column headed "Events," and</p> <p>2 does that include events at the Chateau?</p> <p>3 MR. HOWARD: That does. That includes</p> <p>4 pretty much everything that is done from all of our</p> <p>5 dinners, any outside events, any internal events.</p> <p>6 The club lunches, all those kind of</p> <p>7 things, those do under The Grill food and beverage</p> <p>8 revenue.</p> <p>9 TRUSTEE NOBLE: So, if there are lunches</p> <p>10 or other events involving golfers, those are put in</p> <p>11 the events column, not the Championship Course</p> <p>12 column; is that correct?</p> <p>13 MR. HOWARD: That is correct.</p> <p>14 TRUSTEE NOBLE: Okay. So, whether that's</p> <p>15 positive or negative, it's put in a separate</p> <p>16 category.</p> <p>17 I'm just trying to give get a better</p> <p>18 understanding of what the Championship Course and</p> <p>19 the golfers that are there, how they impact food and</p> <p>20 beverage, and -- but at least for a part of that,</p> <p>21 whether it's positive or negative, it's being siloed</p> <p>22 into the events category; is that correct?</p> <p>23 MR. HOWARD: That is correct. I think we</p> <p>24 do have the capability right now to totally break</p> <p>25 that down to let you know what's weddings, what are</p>	<p style="text-align: right;">Page 57</p> <p>1 other community events, what are club events, club</p> <p>2 lunches, club dinners, that sort of thing. I think</p> <p>3 we can break that down to give a little better</p> <p>4 understanding.</p> <p>5 CHAIR DENT: To Trustee Noble's point</p> <p>6 about events, over the last three years --</p> <p>7 three years ago, we were losing \$200 a day. Two</p> <p>8 years ago we were losing \$1,100 a day. Then last</p> <p>9 year, we lost \$2,000 a day.</p> <p>10 At the same time, I mean, are there costs</p> <p>11 being switched from events to make events look</p> <p>12 better over to costs under Champ? Because you do</p> <p>13 see the dollars amounts of revenue per day under</p> <p>14 Champ going up every year as well.</p> <p>15 Are we not getting a clear picture is all</p> <p>16 I'm asking.</p> <p>17 MR. HOWARD: That's a great question. And</p> <p>18 I think that's one thing that we're committed to</p> <p>19 doing right now, a total breakdown. And one thing</p> <p>20 that we're working with our interim Director of</p> <p>21 Finance, Mr. Magee, on trying to break down exactly</p> <p>22 where all of those charges are going, especially as</p> <p>23 it apples to wages and salaries.</p> <p>24 For one instance, this year, we had</p> <p>25 nothing budgeted for the beaches because we had to</p>

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1 take that over at the very last second, so there was  
 2 nothing in the budget. It's showing up a little  
 3 different.  
 4 CHAIR DENT: Understood. The big picture  
 5 is a concern over The Grill, just the new awareness  
 6 to that that we weren't aware of a few months ago.  
 7 MR. HOWARD: It's something we're trying  
 8 dive deep into.  
 9 One other additional comment is, in the  
 10 last two years, wages were considerably -- and I  
 11 think Bandelin speak about this -- increased at ski  
 12 for food and beverage. Likewise, to get the same  
 13 people to be able to stick around year to year or  
 14 year round and to get those service levels up at The  
 15 Grill, those drastically increased. That and food  
 16 costs have gone crazy. So maybe it's some pricing  
 17 issues as well.  
 18 CHAIR DENT: One more question: As it  
 19 relates to, you say we've had trouble staffing the  
 20 last couple years, but if you look at the wages, our  
 21 wages have exceeded our budget every single year, so  
 22 what is driving that? You would think if we  
 23 couldn't staff and meet our budget load, we would  
 24 have a savings there and not over-spending our  
 25 budget.

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1 '22/'23 year, and then the Champion was only  
 2 overbudgeted in -- or more than budget in '21/'22,  
 3 and '22/'23. So just making sure that's stated  
 4 correctly for the record.  
 5 The other correction I wanted to make is  
 6 that in the year '21/'22, events actually made a  
 7 profit. We weren't losing money that year. So I  
 8 want to make sure we correct the record on that.  
 9 The other thing I want to make sure is on  
 10 the record that I agree that we need to look into  
 11 these venues and figure out what's going on, but I  
 12 do want to make sure that it is stated that the food  
 13 and beverage, overall, has always been profitable if  
 14 you put it all together.  
 15 Again, it's subsidizing, I understand, and  
 16 we should look into it. But I do just want that  
 17 stated.  
 18 My other question is I do want to dig in  
 19 to, like, what's causing this occurring at The  
 20 Grill. I don't know enough about food and beverage  
 21 to be somebody who can really understand some of  
 22 these issues. It is the types of food and services  
 23 we're offering up there? Is it better to change  
 24 that whole scheme? Or, like, is the community going  
 25 to have to be aware that we're going to have to have

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1 MR. HOWARD: That's something else we're  
 2 diving deep into as well, just to get to the bottom  
 3 of that.  
 4 TRUSTEE SCHMITZ: I just want to just go  
 5 back to the discussion of the model. I don't  
 6 believe that Board has ever discussed food and  
 7 beverage being handled in a way where losses at one  
 8 food and beverage compensate for another's. They  
 9 should -- food and beverage should stand alone.  
 10 They are standalone entities.  
 11 And as it relates to The Grill, and  
 12 knowing that the majority of the customers there are  
 13 residents, you know, it might be a goal to break  
 14 even, because we're here to serve the community, but  
 15 we should never, in my opinion, be accepting  
 16 significant losses at this level from a food and  
 17 beverage venue.  
 18 And I don't believe that the Board ever  
 19 budgeted in a way to lose money at food and beverage  
 20 venues.  
 21 TRUSTEE TONKING: I wanted to correct the  
 22 record on two things, and then I have request and a  
 23 statement to make.  
 24 One think I wanted to correct the record  
 25 on is total wages was only more than budgeted in

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1 a loss there in order to still get the types of food  
 2 that you guys have all mentioned, that it's mainly  
 3 community people that are there?  
 4 I need to just kind understand what are  
 5 some of these causes and what are some of the  
 6 changes that we need to happen to start to see a  
 7 profit in that area.  
 8 MR. BANDELIN: As we stated, we're going  
 9 to -- staff will be diligently working on that, and  
 10 we'll come back. We'll seek some assistance in  
 11 that. Our bandwidth it a low right now, so we'll  
 12 come back to you with that.  
 13 TRUSTEE TULLOCH: Director Howard, Trustee  
 14 Noble talked about marketing The Grill, but we've  
 15 also heard in recent weeks from residents that  
 16 they've gone into The Grill, trying to bring  
 17 business to The Grill, and been told they will have  
 18 to wait 30 minutes, an hour, because due to shortage  
 19 of staff. I'm not sure how we -- there's no point  
 20 in marketing unless we actually have the capability  
 21 to increased demand. It's also something we  
 22 discussed earlier in the season about whether there  
 23 is some option to keep The Grill open until 8:00  
 24 P.M, which might make it more accessible for people  
 25 to actually use it for dinner, because typically, at

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1 the moment, if you want to use it for dinner, you've  
 2 really got to be there by 5:30 or something so  
 3 you're not going at 6:15 and being rushed out at  
 4 seven o'clock.  
 5 That's -- I mean -- it's -- do we have  
 6 capability to actually market it? There's no point  
 7 in marketing it and bringing people in for a  
 8 disappointment.  
 9 MR. HOWARD: No. And to speak -- other  
 10 reason, I'm not sure how much more we to market.  
 11 There are times and days, it's not every day and  
 12 it's not all the time, we are short-staffed, and  
 13 I'm -- I don't know where we're going to get the  
 14 staff to keep it open until eight o'clock. So I'm  
 15 not sure, right now, that that's an option. Maybe  
 16 going forward.  
 17 And the other thing is, if you go back and  
 18 look at '22/'23, that is when the most significant  
 19 increases happened in wages, and we're still not  
 20 quite where we need to be to hire. It's a struggle  
 21 right now.  
 22 TRUSTEE TULLOCH: My next question is,  
 23 obviously, if we now have reassessed last year's  
 24 losses at The Grill a 2,000 bucks day, where are we  
 25 this season? Because we're basically half-way

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1 problem.  
 2 I think -- back to a comment I think that  
 3 Trustee Tonking made, when it comes to events, I  
 4 think it's very important to make sure that we're  
 5 not including the facility fee in the event's  
 6 number, because I know that that has a substantial  
 7 portion, and we have a new director of finance, and  
 8 if this revenue total includes a facility fee, that  
 9 should be removed so we understand the real numbers.  
 10 And if you look at events, I don't want to  
 11 divert the attention from the issues at Champ, but  
 12 there's also issues with events. You can see where  
 13 \$500,000 under, from a revenue perspective, what we  
 14 budgeted, however, our personnel costs is over  
 15 budget. So, you know -- I'm sorry. It's under  
 16 budget by a small amount. My mistake.  
 17 But when we're under by \$500,000, we need  
 18 to look at what's the issue. Did we just do a poor  
 19 job of budgeting? Are we actually losing business?  
 20 Or not receiving the revenue from the business that  
 21 we were anticipating?  
 22 So I think that in addition to Champ that  
 23 the facilities and the events needs to be looked at  
 24 the same time.  
 25 CHAIR DENT: When do you guys plan to come

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1 through the season for The Grill now. The Grill is  
 2 a four-month season, June, July, August, September.  
 3 We're now-half way through it. If we're losing that  
 4 scale of -- making that scale of losses this year at  
 5 the moment, I think we need to be mindful because  
 6 you have -- in this year's budget, you projected a  
 7 much-higher revenues coming from food and beverage.  
 8 I'm a little bit concerned if we're now half-way  
 9 through and we're now going to start looking at it  
 10 and then suddenly we're at September and we find  
 11 we've lost 3,000 bucks a day, maybe there's  
 12 something -- I'm just -- before somebody quotes me  
 13 on that, I'm just throwing that as an instance.  
 14 But I think I expressed that concern a few  
 15 weeks ago when we talked about this. I think it's a  
 16 good idea to bring a quick-and-dirty assistance to  
 17 try and help find where some of these things are.  
 18 TRUSTEE SCHMITZ: Just to follow up on  
 19 that comment, as only one voting board member, I  
 20 would be supportive of you hiring some outside  
 21 assistance, if you feel that that's the right thing  
 22 that you need to do to really dig in and understand  
 23 what is causing these issues. I'll let you make  
 24 that decision, but I'm supportive of whatever it is  
 25 that you feel you need to resolve and rectify the

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1 back to us with a little bill deeper dive, and what  
 2 do you guys need from us in the meantime?  
 3 MR. HOWARD: When would you like us?  
 4 CHAIR DENT: When could you have something  
 5 for us?  
 6 MR. BANDELIN: A reasonable amount of  
 7 time. I really think this would be important to  
 8 have reviewed by the Golf Committee, as it's part of  
 9 the whole experience at golf.  
 10 And then, rather than just coming -- I  
 11 think, really, I've heard the agreement of possibly  
 12 some consulting going on with this particular task.  
 13 I don't want to promise anything at a real-soon  
 14 date. I think give us some time to be able to  
 15 gather some tangible evidence of how we can improve.  
 16 CHAIR DENT: Would beginning of September  
 17 be a fair amount of time for you guys?  
 18 MR. BANDELIN: Let's say yes. In the  
 19 interim, I'll be providing the revenue and expense  
 20 reports in General Manager's report.  
 21 CHAIR DENT: Okay. Sounds good.  
 22 TRUSTEE TULLOCH: Obviously, we're not  
 23 making the numbers. We're making losses. The  
 24 most-recent flash survey results for the beaches,  
 25 and I see lot's of comments saying, yes, we want a

<p style="text-align: right;">Page 66</p> <p>1 lot more choice of food. And then in the same                  2 response, but the food is too expensive.                  3 I think it is the new reality. Are we                  4 actually pricing the food enough? I mean, there's                  5 no point -- we can't underprice things to make a                  6 loss in each meal, and then we don't make it up in                  7 volume. We actually just increase the loss.                  8 I would encourage you to look at the                  9 pricing because if the revenue is not making in                  10 numbers and expenses are way up, it tells me there's                  11 mismatch there.                  12 MR. HOWARD: (Inaudible due to no mic.)                  13 CHAIR DENT: Thank you.                  14 TRUSTEE TULLOCH: And I think we need to                  15 communicate to the community. Because, yes, we will                  16 get blowback, and if you look at the FlashVote                  17 survey, all the food is far too expensive. Well, it                  18 is what it is. We can't change the pricing that                  19 much. It is fixed. It is the costs we have.                  20 CHAIR DENT: Closing out item F 1. Moving                  21 on to item F 2.                  22 F 2.                  23 CHAIR DENT: Verbal report from Director                  24 of Human Resources Erin Feore on staff development                  25 efforts to date.</p>	<p style="text-align: right;">Page 67</p> <p>1 MS. FEORE: I've been asked to talk a                  2 little bit about the management team that we are                  3 working to develop. We have a management team,                  4 we're working to develop them to work in tandem with                  5 the senior leadership team. Obviously, there are                  6 issues that we keep at the senior leadership level,                  7 but these are the folks who are our eyes and ears.                  8 So that I can address this completely                  9 without forgetting, I wrote just a little synopsis                  10 of what it is that we're doing.                  11 Over the years I think -- these are my own                  12 notes -- the General Manager and the IVGID                  13 leadership team has acknowledged the importance of                  14 building a really strong management team. And we                  15 recognize the incredible talent that we have                  16 throughout the District. These are folks who are                  17 top of their field, doing incredible work with the                  18 folks that they support. These are the folks who                  19 will continue to provide the best services and                  20 support to ensure district initiatives and                  21 expectations are not just met, but exceeded, which                  22 is always our goal.                  23 The District's strategic plan,                  24 specifically, long-range principle number 4,                  25 specifically states that we will collaborate with</p>
<p style="text-align: right;">Page 68</p> <p>1 department managers to identify individuals for                  2 talent management opportunities to ensure continued                  3 retention and growth for management succession                  4 within the District.                  5 Obviously, we understand that employee                  6 engagement, it speaks dramatically to the retention                  7 ratings; the more we have engaged employees, the                  8 more they feel like they're a part of the                  9 organization, the more they're going to want to                  10 stay.                  11 We understand that engaging this                  12 incredibly talented pool -- and I can't speak enough                  13 about them -- of employees and training programs                  14 and, then also, on collaboration with some of our                  15 own senior leadership initiatives, serves a dual                  16 purpose to the District. It improves retention and                  17 also helps to get the eyes and ears of the District                  18 in front of us to talk about some of the things that                  19 we may be overlooking as we look at higher-level                  20 issues.                  21 So far, we've received incredible                  22 feedback. This is an ongoing process. It's --                  23 we've been working on it for a while, but we've kind                  24 of moved into the initial phases, and the folks who                  25 have been involved in this have just really given us</p>	<p style="text-align: right;">Page 69</p> <p>1 some fantastic feedback. You can clearly that we're                  2 really engaged with this, so it's super-positive                  3 moment.                  4 CHAIR DENT: Do you need anything from us                  5 at this time?                  6 MS. FEORE: No. I just wanted to get you                  7 updated on some of the initiatives that we're                  8 working on. It's something that is really positive                  9 and exciting, so I was excited to share.                  10 CHAIR DENT: We appreciate it.                  11 Any questions, comments?                  12 TRUSTEE TONKING: Thank you for this                  13 initiative. I know a lot of our managers are the                  14 one that face issues on the ground from what's going                  15 on. And they are very valued within this community.                  16 TRUSTEE TULLOCH: Appreciate this. We've                  17 had several conversations over the last few months                  18 about staff development and making sure we do have                  19 proper succession plans in place.                  20 I really appreciate your bringing this                  21 information to the Board. I think it's also --                  22 while it's -- there's claims that the sky is falling                  23 with senior staff leaving, it's very pleasing to see                  24 during discussions that you find internal staff that                  25 we've been able to give additional responsibilities</p>



<p style="text-align: right;">Page 70</p> <p>1 to and give people the opportunity to demonstrate 2 their skill sets. I would encourage you to make 3 sure they're properly supported in that. 4 Thank you for your efforts. 5 CHAIR DENT: All right. That will close 6 out item F 2. Moving on to item F 3. 7 F 3. 8 CHAIR DENT: Report from the director of 9 finance -- excuse me -- Director of Human Resources 10 Erin Feore on the general guidelines/standard 11 operating procedures, harassment, discrimination, 12 hostile work environment claims. This can found on 13 page 15 of your packet. 14 MS. FEORE: On this one, I didn't have 15 anything prepared. Rather, I was going to answer 16 any questions I could about the information 17 provided. 18 CHAIR DENT: Any questions regarding the 19 standard operating procedure that's laid out in the 20 packet? 21 TRUSTEE TULLOCH: I'm looking at general 22 guidelines. I would suggest in item 4, part 2, 23 where it talks about base and severity of claims. I 24 think it says: The Direct of Human Resources may 25 include the District's general counsel in such</p>	<p style="text-align: right;">Page 71</p> <p>1 communication. 2 I suggest that general counsel must be 3 included in any of these situations, not just 4 should, because if you're -- given the situations 5 addressing, I think general counsel should always be 6 involved. 7 MS. FEORE: I would disagree, and here's 8 the reason why: There are, on occasion, some pretty 9 cut and dry examples of non-harassment that may have 10 been perceived as harassment. 11 And I will tell you that I partner a lot 12 with Josh, especially when it's matters of legal. 13 When it's something that is in my professional 14 experience, which is vast, and also with our senior 15 HR analyst, between the two of us, we have 40 years. 16 So, a lot of these things, I will tell you 17 that a lot of these things often don't vet 18 themselves out, so it's not always a necessity. 19 Now, I could absolutely reach out to Josh 20 and his team or our legal counsel and their teams, 21 but if that was a requirement for every report that 22 came in, I would be concerned about spending 23 unnecessary money. 24 TRUSTEE TULLOCH: Just to clarify, I'm 25 talking about part IV, part 2, whether it's claims</p>
<p style="text-align: right;">Page 72</p> <p>1 accusing a member of the Board of Trustees or 2 voluntary members of an advisory committee. 3 MS. FEORE: My apologies. Yes. 4 So, if can describe that process because 5 it's a little bit different. Our standard operating 6 process when it comes to employee, non-employee 7 crimes, so to speak, my SOP is really speaking a lot 8 to that. 9 When it comes to complaints from the 10 Board, there wasn't really a standard operating 11 procedure, so the one I developed was I would get 12 the information, pass it along, nine out of ten 13 times to the General Manager unless the complaint 14 was so egregious and needed immediate attention and 15 the General Manager wasn't available, then I would 16 immediately go to Josh and his team, and then just 17 kind of wait for further instruction. 18 That's how I have been operating. The 19 employees who have -- in that situation who have 20 brought anything to my attention are notified that 21 this is the process that I'm following, so they are 22 aware of what that is. 23 In those instances, yes, to clarify, yes. 24 If there is a complaint that involves a committee 25 member or Board of Trustees, Josh -- legal counsel</p>	<p style="text-align: right;">Page 73</p> <p>1 and their team are always immediately involved. 2 TRUSTEE TULLOCH: That, change the 3 language there, because you can't have a general 4 manager adjudicating claims against elected 5 officials in terms of that, when he's their 6 employee. 7 TRUSTEE TONKING: Two questions, possibly 8 three. Can you talk to me about what's the 9 difference between hostile and toxic? 10 MS. FEORE: So, if I'm understanding what 11 you're asking, the difference between a hostile work 12 environment and a toxicant work environment? 13 TRUSTEE TONKING: Yes. 14 MS. FEORE: A hostile work environment is 15 often interchangeably used with a work environment 16 that is hostile. 17 And a hostile work environment as Josh has 18 talked with me about, something I've always known, 19 is typically dependent upon discriminatory behavior. 20 For example, someone is purposely mistreating me, 21 and I have been robbed of employment action or 22 advancement, things like that. I've actually 23 suffered adverse employment action. That would be a 24 hostile work environment. I am specifically being 25 treated poorly, for lack of a better word, because</p>

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1 of a protected class, which would be my gender, my  
 2 age, a disability, any of those things.  
 3         A toxic work environment -- and it's  
 4 interesting that you mention this because there  
 5 was -- obviously, I read a lot of articles related  
 6 to human resources, and there was an article that  
 7 was published not too long ago that spoke to, kind  
 8 of, the insidious nature of toxic work environments  
 9 and what they involved. And obviously I write down  
 10 verbatim what that mean, so bear with me.  
 11         A toxic work environment is incredibly  
 12 subjective. What I might find toxic is something  
 13 that somebody else might not have a problem with.  
 14 But oftentimes a toxic work environment involves  
 15 certain characteristics, such as a feeling of  
 16 disrespect, demeaned, belittled, bullied. Just --  
 17 it's hard to define, but it's exactly as it sounds.  
 18         TRUSTEE TONKING: Okay. My next question  
 19 is as an employee, you're not required to know the  
 20 legal terminology for the incidents you're  
 21 experiencing. Let's say I feel like I'm  
 22 experiencing a hostile environment, but, really, I'm  
 23 experiencing a toxic environment.  
 24         Your job is to understand the difference  
 25 in that, but this not -- they don't have to know the

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1         TRUSTEE NOBLE: So, if you get a complaint  
 2 and it's title -- the person filing that -- the  
 3 employee filing that complaint believes it's a  
 4 hostile work environment. You look at it, determine  
 5 that it doesn't meet that legal threshold for the,  
 6 quote, unquote, hostile work environment, but it may  
 7 envelope policies, that sort of thing, that would  
 8 trigger the whistleblower procedure. Do you direct  
 9 them to that or do you just say, it's -- it doesn't  
 10 reach that threshold and you gotta figure this out  
 11 on your own?  
 12         MS. FEORE: Oh, no. Yeah. No. If  
 13 somebody came in -- and here's a great example:  
 14 Someone may come in and say, I've been discriminated  
 15 against. And I've been discriminated against  
 16 because I wanted shift A and Fred got shift B -- or  
 17 Fred got shift A. And you take a look and can see  
 18 on its face that it isn't necessarily  
 19 discrimination. Maybe Fred had seniority or  
 20 previously -- whatever.  
 21         Regardless, when there are key words that  
 22 will trigger me to partner with legal, simply  
 23 because that's a really important way to make sure  
 24 that I'm keeping the District safe.  
 25         There are times when that issues, even on

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1 legal terms or definitions; correct?  
 2         MS. FEORE: Yeah. A perfect example of  
 3 this, also very common in human resources, if  
 4 somebody came to me and said, due to my chronic  
 5 condition, I'm going to need an extended period of  
 6 time off, they don't have to come to me and say, I  
 7 need the Family Medical Leave Act. I need to go out  
 8 on FMLA.  
 9         They just have to say enough that any  
 10 reasonable person would understand what it is that  
 11 they're asking for, and then it's my duty to guide  
 12 them in that direction.  
 13         TRUSTEE TONKING: I have a question on  
 14 this that I don't know if I can ask because it's not  
 15 exactly in this report. If it's not, I would like  
 16 it agendized.  
 17         Can you give me any themes as to what  
 18 rationale as to why you've seen employees leaving  
 19 the District?  
 20         MS. BRANHAM: I would caution that it's a  
 21 bit outside of the scope of tonight's agenda item.  
 22 That's a discussion we can certainly bring back as a  
 23 report from the HR director, if you would like.  
 24         TRUSTEE TONKING: I would like that on the  
 25 next agenda, please, as a report. Thank you.

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1 its face, may not seem to be a certain way, I will  
 2 partner with legal.  
 3         That said, if somebody came in and said,  
 4 I'm experiencing a hostile work environment, and  
 5 this is everything that's happening. And it clearly  
 6 does not rise to the legal level, I would still work  
 7 with our legal team to just say, hey, just give me a  
 8 sanity check. This is the information that I've  
 9 been provided. I just want to make sure that I'm  
 10 communicating to the employee directly.  
 11         If an employee comes in and says, I've  
 12 experienced a hostile work environment involving a  
 13 member of the Board of Trustees and/or a committee  
 14 member, again, I would take down that information  
 15 and pass it along, typically, to the General Manager  
 16 and/or Josh -- legal counsel.  
 17         CHAIR DENT: That closes out F 3. We're  
 18 going to move on to item F 4.  
 19         F 4.  
 20         CHAIR DENT: Report brought forth by the  
 21 General Manager's Advisory Committee on the dog  
 22 park. Requesting staff member Director of Parks and  
 23 Recreation Sheila Leijon, found on pages 17 through  
 24 25 of your board packet.  
 25         MS. LEIJON: Tonight, I know you have in

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<p style="text-align: right;">Page 78</p> <p>1 your packet a well-thought out conceptual plan for  2 the dog park at the Village Green. I will be  3 pulling up a PowerPoint, four slides. I believe you  4 have a copy on your desk. And also we have an  5 expanded view of a design that Myles put together,  6 Dr. Riner, and it shows some of conceptual ideas.  7         Nothing is etched in stone. These are  8 just ideas and concepts that were brought forth by  9 the entire committee. The committee involves Judith  10 Miller, Myles Riner, Michelle Lindsner, Janet Paul,  11 and Laura Roney. Those individuals all contributed  12 to this presentation and to the concept. Myles  13 wrote the majority of it. Judith came with the idea  14 of expansion into the forested area.  15         I'm going turn this over. Myles will  16 start with the conceptual ideas. Then Judith will  17 up it with next steps that we're hoping the Board  18 will approve or let us go forward with.  19         DR. RINER: My presentation will take  20 about six or seven minutes and, Judith Miller's  21 presentation on next steps will take another  22 three minutes, I think. Then we will entertain  23 questions from you.  24         The Dog Park Committee originally reviewed  25 several areas in Incline Village to locate a</p>	<p style="text-align: right;">Page 79</p> <p>1 dedicated dog park. The Village Green was actually  2 not initially considered the ideal site, as some  3 members, including Mr. Winquest and myself,  4 preferred using the U.S. Forest Service or other  5 sites for the dog park.  6         However, the Board chose the Village Green  7 as the location, and the committee proceeded to  8 develop a conceptual plan based on this decision.  9         I'd like you to refer to the more-accurate  10 grayscale map, rather than the one in Exhibit A,  11 which is kind of more symbolic.  12         To avoid unnecessary costs, the committee  13 chose to wait for the Board's tentative approval  14 before investing in a detailed, full-scale  15 engineering and construction plan. The committee  16 all agreed that if we are going to use this prime  17 real estate in the Village Green for dog park, it  18 should be of a high quality, commensurate with other  19 recreational facilities at Incline and not just an  20 industrial-looking, basic, fenced-in area with a  21 gate.  22         Due to ongoing helicopter rescue  23 operations that use the southern half of the Village  24 Green, the dog park had to be located on the  25 northern half. The committee received assurances</p>
<p style="text-align: right;">Page 80</p> <p>1 from the fire district that this wouldn't impact  2 operations as long as the walls separating the dog  3 park from the lower field was not composed of  4 fabric, which could be shredded by the air of the --  5 the wind of the helicopter.  6         Expanding the dog park into the wooded  7 area west of the upper field was entertained in  8 order to create a larger park closer in size to the  9 entire Village Green, as this is what our dog owners  10 have become accustomed to. This expansion can be  11 done without infringing on the critical  12 environmental stream zone area adjacent to Third  13 Creek, and would provide shaded areas, enhancing the  14 park experience.  15         By pushing the northern boundary of the  16 dog park westward, the parking area would be  17 expanded to accommodate additional parking spaces.  18 A gender-neutral, single stall restroom would be  19 added to the parking area plateau above to upper  20 field, and the elevation of this plateau relative to  21 the road above and the field below would depend on  22 the depth of the sewer line under Incline Way. This  23 will ensure the proper one to 40 from restroom and  24 water feature to the sewer line. Leveling the slope  25 plateau may require a more robust retaining wall</p>	<p style="text-align: right;">Page 81</p> <p>1 than currently exists at the northern end of the  2 upper field.  3         The upper field would have a separate  4 fenced small dog run accessible from the large dog  5 run. The main dog run would include various  6 amenities like a dog wash station, water fountains,  7 several comfortable bench seats on permeable tile  8 paths with small mushroom tables, bear box-type  9 trash receptacles, and dog waste bag dispensers.  10         The wooded area to the west of the grassy,  11 main dog run would provide a shaded, maintained loop  12 trail, and possibly a small agility course.  13         A wheelchair-accessible switchback ramp  14 would lead from the parking plateau to a special dog  15 park gate at the north end of the main dog run.  16 This gate would also lead to the small dog run. A  17 little bit different than what you see here on this  18 map.  19         The gate would also -- another dog park  20 gate at the southwest corner of the field would  21 access a path, the path along the western edge of  22 the lower field leading to the bridge over Third  23 Creek and the trials through the fitness course  24 area.  25         A water feature with a 16- to 20-foot</p>

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1 diameter, coated cement splash pad surrounded by a  
 2 rectangular area of dog-friendly artificial turf  
 3 would include one or two fresh-water mist spray  
 4 elements fed by a timer-limited, touch-activated  
 5 ballard system. That's what they call it.  
 6         The committee believes this water feature,  
 7 fenced in and assessed from the larger dog run, is  
 8 needed to cool off the dogs on hot summer and fall  
 9 days, and will help dissuade dog owners from feeling  
 10 the need to allow their dogs to enter the two  
 11 adjacent creeks.  
 12         The park's perimeter would be defined by a  
 13 6- to 7-foot high coated, chain link fence, and  
 14 utility roads, or footpaths, on the western and  
 15 eastern edges of the park leading from Incline Way  
 16 down to the southern end of the lower field. Split  
 17 rail fences would line the outer edges of these two  
 18 utility roads to deter entry into the protected  
 19 stream zones.  
 20         The southern edge of the dog park would  
 21 have to a 10-foot high, wooden wall to limit noise  
 22 from the dog park, interfering with activities on  
 23 the lower field, and provide a backdrop for  
 24 bleachers or a performance stage or even a movie  
 25 screen for viewers sitting on the lower field to

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1 orange area, that approximates 50 feet from what is  
 2 allegedly the creek, and it came out to 79,000  
 3 square feet of space, which is almost two acres, but  
 4 I've been told that's probably not quite going to  
 5 measure up. If so, that replace the whole lower  
 6 field area that we now understand has to be left  
 7 unfenced.  
 8         So I'm really hopeful that we'll get an  
 9 additional, at least, acre, maybe acre and a half,  
 10 to use in that orange shaded portion.  
 11         The 2019 community services master plan  
 12 informed us the community dog parks range from two  
 13 to ten acres. The upper Village Green field's a  
 14 little more than an acre, after the parking and  
 15 restroom installation. So, unless we can add a  
 16 pretty good-sized area to the west, we're going to  
 17 have something that's smaller than the two-acre  
 18 minimum described in the master plan.  
 19         But before anyone can determine the costs  
 20 of the major elements, like professional design,  
 21 engineering for the parking area and the restroom  
 22 pad, the fencing, the ground cover, the paving, we  
 23 really need to know just how much of that land we  
 24 can use.  
 25         Once we have it staked out, with staff's

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1 watch movies at night.  
 2         In summary, the committee responded to  
 3 Board's selection of the Village Green for dedicated  
 4 dog park, despite some initial reservations. We  
 5 developed a conceptual plan, using the upper Village  
 6 Green field and a portion of the wooded area to the  
 7 west. The expansion into the wooded area would  
 8 create a larger, partially shaded park, amenities  
 9 like a dog wash station, seating, and a water  
 10 feature should really enhance the quality of the  
 11 facility.  
 12         The park's perimeter would be marked by a  
 13 coated chain link fence, external utility roads, and  
 14 a wooden sound partition wall on the southern edge  
 15 which will enhance the use of the lower southern  
 16 field for our community.  
 17         That's my presentation. I'm going to turn  
 18 this over to Judith.  
 19         MS. MILLER: Many of the next steps are  
 20 going to hinge on just how much we can use of the  
 21 area to the west of that upper field and partially  
 22 into the lower field, if this drawing that I  
 23 downloaded from the county's regional mapping system  
 24 is anywhere near as accurate as far as the creek  
 25 placement. I did trace a line, you can see that

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1 assistance, and a very generous offer of help from a  
 2 very respected local landscape designer, Christine  
 3 Karnofski, we can come back to the board with a  
 4 beautiful design, a better-defined project, and  
 5 preliminary cost estimates for you to consider.  
 6         We do believe this project will attract  
 7 considerable support in the form of donations.  
 8         Assuming there's a consensus by the Board  
 9 to move forward, once we confirm the boundaries with  
 10 TRPA, we hope to soon have a professional  
 11 preliminary design and cost estimates. At that  
 12 point, we'd really like to seek some community  
 13 input; perhaps a workshop format on the Village  
 14 Green. Once we have the feedback, we could proceed  
 15 with civil engineering, final plans, and a more  
 16 complete and accurate cost estimate for Board  
 17 approval.  
 18         Incline Tahoe Foundation has already  
 19 expressed an interest in helping to secure  
 20 donations, so hopefully cost won't be the biggest  
 21 factor.  
 22         Our target would be to have plans  
 23 submitted -- ready to submit to TRPA in the fall,  
 24 and, perhaps, even start construction next year.  
 25 After the many, many years of delays, I hope that

<p style="text-align: right;">Page 86</p> <p>1 will happen. I hope you will help us make that 2 happen.</p> <p>3 Thank you.</p> <p>4 TRUSTEE SCHMITZ: I'm just curious, were 5 you ever provided specific requirements that are 6 needed for helicopter and for landing? I mean, what 7 specifically are their requirements, from a space 8 perspective, from a fencing perspective?</p> <p>9 DR. RINER: What we did was we took this 10 preliminary plan and the maps that we had and 11 specifically asked the fire district, including, by 12 the way, the 10-foot wall that separated the upper 13 from the lower field, and asked if this would in any 14 way impede the operation of the helicopter rescue 15 program that they have used for many years. And we 16 were told absolutely it would not be an impediment 17 to their operations in any way.</p> <p>18 TRUSTEE SCHMITZ: I guess my question is 19 the other way. It seems as though that has caused 20 you move to the north and to abandon the south. My 21 question really is: What was their requirement?</p> <p>22 DR. RINER: Well, they specifically told 23 us, don't put the dog park in the southern field 24 because it will impede the operations of the 25 helicopter rescue program if you do that.</p>	<p style="text-align: right;">Page 87</p> <p>1 TRUSTEE SCHMITZ: My question is: Did 2 they give you specific requirements?</p> <p>3 DR. RINER: No. Not to me.</p> <p>4 MS. LEIJON: They did not give specific 5 requirements, but they -- Chief Summers did explain, 6 he came to the meeting, one of our meetings, and 7 discussed it in detail with us.</p> <p>8 Initially, he thought we were talking 9 about the lower field, and he very upset about that 10 because that is the field that they have to use 11 because of the approach. If you're familiar with 12 any kind of flying or helicopters, there are 13 prevailing winds that come off our lake, and they 14 take a certain approach and land coming into wind 15 into the southern -- the lower portion of the 16 Village Green. So that was primary concern.</p> <p>17 Once he learned that we were willing to 18 move it to the upper field, he just asked that we 19 would have permanent fencing that would be able to 20 withstand the prop wash.</p> <p>21 And other than that, parking for the fire 22 department is adjacent to the southern end of the 23 lower Village Green, and that is for patient access 24 and transport.</p> <p>25 TRUSTEE SCHMITZ: I have another question.</p>
<p style="text-align: right;">Page 88</p> <p>1 Has this been shared with the people who frequent 2 the dog park?</p> <p>3 MS. LEIJON: It has not, but that is one 4 of our next steps. One of the things we would like 5 to do is, at the dog park, actually host an event 6 where we can show them conceptual drawings, 7 conceptual designs, have them weigh-in, much like we 8 did with the master plan, on whether or not they 9 like the amenities that we've put forth, and have an 10 opportunity for them to cast a vote, like we did 11 with the master plan.</p> <p>12 TRUSTEE TONKING: During one of the 13 meetings, you discussed a little bit about the 14 shoveling aspect and how we're going to make sure 15 those gates are accessible during the winter. Can 16 you take a little bit more about that?</p> <p>17 MS. LEIJON: Yes. Even though Myles is 18 not a fan of my drawing in the packet, you'll see 19 it's pretty stick figure, but you'll see that I have 20 shared gates.</p> <p>21 One of the gates is a utility gate on the 22 east side of the small dog park and the large dog 23 park that allows access for maintenance vehicles to 24 get into both parks. Sharing that gate will lower 25 the expenses and give our park staff the opportunity</p>	<p style="text-align: right;">Page 89</p> <p>1 to do better maintenance.</p> <p>2 And then on the north end where the double 3 gate -- double entry gate is, there would be an 4 opportunity to enter into the either the small dog 5 park or the large dog park from that gate entrance, 6 and then also be able to get to the water feature 7 and some of the other features and amenities, the 8 shaded area, the forested area, for small dogs as 9 well.</p> <p>10 DR. RINER: To add to that in response you 11 your question, the special dog gates are designed to 12 keep dogs from running the other way when somebody 13 comes into the park, to keep dogs from exiting the 14 park by having sort of a double gate configuration.</p> <p>15 But whether it's summer or wintertime, the 16 access to and through the gates would, presumably, 17 be able to be cleared from snow, in particular 18 because the gates themselves would probably be put 19 on a foundation of permeable pavers so that 20 shoveling snow off them would not be that difficult, 21 as opposed to shoveling snow off grass.</p> <p>22 And so the gate's entry and exit into and 23 out of the park, both at the southern end and the 24 northern end and where the ramp is, would all be 25 fairly easily cleared of snow by whoever was doing</p>

<p style="text-align: right;">Page 90</p> <p>1 maintenance on the field during the wintertime.                  2 MS. LEIJON: In my discussion with                  3 Superintendent Phillips with our parks department,                  4 Steven did discuss the fact that we could be                  5 creative in the way that we set the ground covering,                  6 so it would be multi surfaces; it could be permeable                  7 pavers, it could have DG along the fence line so                  8 when you're mowing grass, you don't have to get that                  9 close to that edge. We would make it as simple as                  10 possible to reduce the maintenance costs,                  11 understanding that they already have maintenance                  12 costs for that area of the field, we like to try and                  13 keep it as low as possible, but also have it be year                  14 round, like Myles was saying.                  15 And I think, just based on the research                  16 that we've done, there is a possibility of doing                  17 that, unless we have a winter like we had this year.                  18 And then you're going to be dealing what you're                  19 dealing with.                  20 TRUSTEE TULLOCH: I'm glad to hear there                  21 is plans to do a survey first before we move down                  22 this.                  23 As probably the member of the Board that                  24 spends the most time at the dog park here, somebody                  25 that uses it six to seven days a week, I've done an</p>	<p style="text-align: right;">Page 91</p> <p>1 unofficial survey, and I've yet to find any of the                  2 frequent users of the dog park that actually support                  3 this plan, and that concerns me.                  4 One of things discussed with                  5 previous-general manager Winquest was instead of                  6 spending money on a dog park, which comes to                  7 approximate costs here, he was going to look at                  8 alternatives for soccer field, since that seems the                  9 primary complaint, all the kids can't play soccer                  10 there. I wouldn't play soccer there. I would play                  11 soccer at a reasonably high level. I wouldn't play                  12 soccer on that field because of the state of the                  13 field. Nothing to do with the dog mess and things.                  14 I have concerns about that.                  15 I also look at the civil engineering                  16 involved to actually do the excavation for a parking                  17 lot that's going to take 12 vehicles at the top and                  18 build a new retaining wall. I have no reason to                  19 doubt Mr. Gately's numbers, he's more up to date on                  20 the actual civil engineering numbers than I am. My                  21 back-of-envelope number came out a similar number,                  22 over a million bucks just for the civil works there.                  23 I'm concerned that this is not something                  24 that the dog community is supposedly wanting. And                  25 now we're hearing about a 10-foot video screens and</p>
<p style="text-align: right;">Page 92</p> <p>1 everything as well.                  2 I do use the dog park probably 300-plus                  3 days a year. Apart from the dog owners, I see very                  4 other -- few other people wishing to use the park,                  5 so I have concerns about that.                  6 I also have concerns that there's no cost,                  7 there's no cost estimates here. Again, I've done                  8 some back-of-the-envelope ones, we put in a 6-foot                  9 fence, three feet of snow -- this year, I think it                  10 was about five feet of snow covering the park, so we                  11 would have a 1-foot fence, apart from that -- I                  12 mean, even in a normal year, we would typically have                  13 two to three feet of snow there, so I'm not quite                  14 sure what we're actually achieving with this for                  15 part of the winter.                  16 MS. LEIJON: That was one of the very                  17 first things that the dog community wanted to bring                  18 forward, was a community survey, to find out exactly                  19 what or if the community did still want this,                  20 because I think it's been eight years since we did                  21 the first plan.                  22 And so we feel the same way. We really                  23 want to have the community buy in and survey the                  24 community and understand what their desires are.                  25 So, agree with you on that, Trustee Tulloch.</p>	<p style="text-align: right;">Page 93</p> <p>1 I also utilize that area quite a bit                  2 myself, not with a dog, unfortunately, but for my                  3 own use. And I agree with you, the current                  4 situation is adequate for what people need right                  5 now.                  6 However, we did get in our direction to                  7 use the lower -- the upper portion of the Village                  8 Green for the dog park. And so we're bringing                  9 forward a conceptual drawing and plan, and,                  10 unfortunately, there are no cost estimates with it                  11 because, as Judith alluded to, we still need to work                  12 with TRPA. We are meeting with them, Engineer                  13 Nelson, and I have been talking about timelines for                  14 that for the meetings with TRPA.                  15 Once we get that information, we will have                  16 a better handle on how much space we have and then                  17 be able to bring costs estimates to you.                  18 DR. RINER: As I mentioned in the                  19 beginning, there were a lot of concerns amongst the                  20 members of dog park committee about putting the dog                  21 park at the Village Green.                  22 There were also a lot of concerns about                  23 leaving the temporary dog park at the Village Green                  24 and the impacts that that was having on both                  25 conflicts others, which you say might be able to</p>

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1 mitigated by moving some of these athletic events  
 2 off the field, but there are other conflicts because  
 3 you still have kids and people playing on that park  
 4 at the same time that dogs are defecating on it.  
 5         Also, there's been damage to the creek  
 6 sides on both sides, which could be mitigated by  
 7 fencing, but in any case, we all looked at the  
 8 option of using the Village Green as a dog park, and  
 9 had a lot of mixed feelings about it, frankly, and  
 10 we knew and were well aware that there were people  
 11 who currently use the dog park that would just  
 12 assume leave it like it is and didn't care so much  
 13 about what the damage was to the creeks and didn't  
 14 feel that that was an issue and so forth.  
 15         But there were also people who don't use  
 16 the dog park and maybe would use the dog park if it  
 17 was fenced in and had all these other amenities to  
 18 it.  
 19         One of reasons why we wanted to survey the  
 20 community was to get a better feel for what kind of  
 21 amenities where would like to see in a dog park and  
 22 where they would like to place it. Whether they  
 23 would prefer to place it at the Forest Service site  
 24 or adjacent to disc golf or whatever. I mean, we  
 25 have five different places we were looking at.

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1 there's destruction, damage to that. All I've heard  
 2 is tales. I haven't seen any evidentiary proof of  
 3 all that, I may have missed it, but I haven't seen  
 4 that.  
 5         Also, with regard to parking for 12  
 6 vehicles, any normal day at the dog park, there's a  
 7 lot more than 12 vehicle required. I park quite  
 8 regular on Incline Way. If we're limiting it to 12  
 9 vehicles, people are still going to be parking down  
 10 at the main entrance where all the facilities  
 11 already are.  
 12         I mean, this -- I think if we're spending  
 13 a million bucks to provide -- an additional million  
 14 bucks as a reference point, it may or may be  
 15 correct, but I think it's in the right region, I  
 16 think we need to understand what it's going to  
 17 provide. If it still leaves everyone back up  
 18 through the southern part of the field, it's not  
 19 doing that.  
 20         We also heard a gentlemen from the golf  
 21 community stressing that for the golf community, it  
 22 had to be really driven by golfers.  
 23         I would suggest for the dog park survey,  
 24 it needs to be driven by the dog community in very  
 25 much the same way. That's an equivalent way of

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1         But you guys decided that you wanted to  
 2 put this at the Village Green, and you said to us,  
 3 put a dedicated dog park on the Village Green.  
 4         So that's why we got together and proposed  
 5 this plan. And one thing that was very clear  
 6 amongst all of us was if we're going to uses this  
 7 real estate for a dog park, we didn't want to have a  
 8 thrown-together, something that looked like a cow  
 9 pen, as opposed to a really nice dog park with a lot  
 10 of amenities that dog park users would appreciate.  
 11 And we knew we needed to put parking there, because  
 12 we didn't want dogs to be -- have to come across  
 13 Incline Way to get to the dog park, it's too  
 14 dangerous.  
 15         TRUSTEE TULLOCH: If I could just correct  
 16 the record there, when it came previously to the  
 17 Board, you wanted to do a survey regarding the  
 18 Forest Service site. The Board pointed out at the  
 19 time that that site, we've be chasing for years.  
 20         The other three or four sites, the  
 21 committee told at the time, were unsuitable, so the  
 22 only sites that was being there at the time you  
 23 wanted to do a survey regarding that. I agree now,  
 24 it's time to do a survey of the community.  
 25         I have heard all these tales about, yes,

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1 looking at it. I think we need to be consistent on  
 2 how we're actually doing this.  
 3         MS. LEIJON: Just to be clear, the survey  
 4 had two options. It was the Forest Service and the  
 5 Village Green.  
 6         And whole goal -- Judith actually worked  
 7 really hard with me on the survey, and we were  
 8 hoping to get exactly the feedback that you're  
 9 asking us to look for.  
 10         Maybe it's an option now, at this time,  
 11 where we bring it back to you and see if we can  
 12 put -- or our other plan of having an event, we like  
 13 that idea, and engaging the community in that.  
 14         DR. RINER: Couple of comments in  
 15 response.  
 16         One is I'm not sure exactly how many  
 17 parking spaces would be available to us. My  
 18 estimate was approximately 12, but it could be 15 or  
 19 even more. It depends upon the width of the spaces  
 20 and how they were aligned and how much room we had  
 21 to do that, and that would depend upon a  
 22 more-thorough evaluation of that area above the park  
 23 and what it would accommodate.  
 24         Secondly, this survey that we propose had  
 25 a lot of elements that weren't related to any

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1 specific site, but were about the kind of amenities  
 2 that dog park users would like to see in a dog park  
 3 regardless of where it was sited, and we didn't  
 4 really have an opportunity to do that survey.  
 5         The other thing I would have liked to have  
 6 been able to do is create some plans for each of the  
 7 sites that we thought might be usable as a dog park  
 8 and give the community the opportunity to say, yeah,  
 9 we prefer this site or that site, but we never got  
 10 that opportunity.  
 11         And lastly, I think that this community  
 12 deserves to have a quality dog park, and not just no  
 13 dog park.  
 14         When we set up this proposal and try to  
 15 figure out what would work where and what amenities  
 16 we'd like to have, a part of the consideration was  
 17 how to make it a dog park that was consistent with  
 18 the other facilities and amenities that we have in  
 19 this community. And that means that we knew that  
 20 that was going to cost some money, and we also hoped  
 21 that as a result of getting donations to support the  
 22 dog park that we could limit the amount of costs  
 23 that were incurred directly to IVGID.  
 24         CHAIR DENT: Given that there's no action  
 25 tonight on this item, that's why -- I know, Trustee

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1 think it's a good place to play soccer, but it's the  
 2 only place that I've known for a decade-plus where  
 3 the U8, U10 boys and girls mid-August to late  
 4 October, Monday through Saturday, as well as the  
 5 other events that is take place on the upper field,  
 6 when it's snow free.  
 7         MS. LEIJON: Based on discussions with our  
 8 sports supervisor and our specialists, we do believe  
 9 that we can have -- we can accommodate the younger  
 10 children on the lower portion of the field. For  
 11 older children and for sporting events that need a  
 12 higher quality of field, we would engage with  
 13 Incline High School, Incline Middle School. We can,  
 14 potentially, use Ridgeline and/or also the high  
 15 school.  
 16         We do have those joint-use agreements  
 17 where we can use those fields, and that would be our  
 18 plan. Of course it is subject availability.  
 19         TRUSTEE NOBLE: That would be something I  
 20 would ask that you explore to make sure that's still  
 21 possible, because what I would hate to see is we  
 22 move forward, and all of the sudden, we don't have  
 23 the fields or the availability on the alternate  
 24 fields to actually field all the things that we've  
 25 done before with the upper field.

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1 Noble, you do have something to say -- I do want to  
 2 move this along, and it sounds like you guys have  
 3 laid out a plan to either, potentially, have some  
 4 sort of forum down at the dog park or come back to  
 5 us with a survey that you guys have developed, and  
 6 then send that out to the community? Is that what  
 7 I've heard? There is no action in here tonight, and  
 8 I do appreciate the schematic and seeing where you  
 9 guys are at, but it seems -- as far as a update to  
 10 us, this is good, a good starting point.  
 11         I do thing we have a long way to go before  
 12 it truly comes back to us for any real action.  
 13         MS. LEIJON: There was going to be an  
 14 action item, but we found out we have enough topo  
 15 information in the District to be able to skip the  
 16 site survey and be able to just do it in-house.  
 17         So once we know the size of the area that  
 18 we can use, we will get with our engineering  
 19 department and bring back something a little bit  
 20 more fully baked.  
 21         TRUSTEE NOBLE: What is the plan currently  
 22 for all the sporting activities that take place on  
 23 the upper field? If they are going to be evicted  
 24 from that area, where are they going to go? And I'm  
 25 thinking in particular, Trustee Tulloch doesn't

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1         And then the other question I have, if  
 2 there's going to be a dedicated dog park on the  
 3 upper field, what happens to usage on the lower  
 4 field as well as beach in the wintertime?  
 5         MS. LEIJON: The beach in the wintertime  
 6 and the Village Green were both set up as temporary  
 7 dog parks. I would assume that we would stop the  
 8 usage at the beach, at the beach, and the lower  
 9 portion would be subject to leash law or voice  
 10 command, as would the fit trail.  
 11         I know Trustee Tulloch walks Timber quite  
 12 a bit on the fit trail, and he's great with voice  
 13 command and does the right thing. And he also picks  
 14 up dog poop for other people.  
 15         I do believe we're going to have to learn  
 16 how to coexist, and it will be a learning curve for  
 17 the community. But thanks to some of the innovation  
 18 like moving into the west portion of the forest,  
 19 we've increased the area because it -- anyone with a  
 20 large dog is concerned with the size, and so that's  
 21 something I think we're moving in the right  
 22 direction on.  
 23         I also like, as far as the beaches, if we  
 24 set this up properly and it is fun place for the  
 25 dogs to be, I would assume that we would not have



<p style="text-align: right;">Page 102</p> <p>1 dogs on the beach.</p> <p>2 TRUSTEE NOBLE: That would be something I</p> <p>3 would hope that it's clear before we break ground or</p> <p>4 anything, that it's all set in place. What I</p> <p>5 wouldn't want to see is we spend all this money for</p> <p>6 this fantastic dog park and everybody uses the lower</p> <p>7 field and the beaches.</p> <p>8 MS. LEIJON: Again, they would have to be</p> <p>9 on leash or within voice command.</p> <p>10 TRUSTEE NOBLE: Right. What I'm saying is</p> <p>11 outside of being on leash, voice command, they're</p> <p>12 still using the lower field, and they're trying to</p> <p>13 get into the beach.</p> <p>14 TRUSTEE SCHMITZ: I concur with Trustee</p> <p>15 Noble. My concern is, due to the limited parking,</p> <p>16 people are still be parking in the same place. We</p> <p>17 can spend all this money building this dog area</p> <p>18 that, potentially, won't get used. That's my</p> <p>19 concern.</p> <p>20 I would like to request that you identify</p> <p>21 the constraints and the assumptions, because I was</p> <p>22 not assuming that think we were going to be then not</p> <p>23 allowing them on the beaches in the wintertime. I</p> <p>24 don't think that will go over well with out</p> <p>25 community members.</p>	<p style="text-align: right;">Page 103</p> <p>1 I think you should list what your</p> <p>2 assumptions are what and what your constraints are,</p> <p>3 and that goes back to the constraints about soccer</p> <p>4 fields, other needs. And so we need to make sure</p> <p>5 that we're looking at the full picture. What are</p> <p>6 the parking requirements? What are the requirements</p> <p>7 for the field? What are the requirements for the</p> <p>8 helicopter landings? And what do we need to do for</p> <p>9 improved stream mitigation?</p> <p>10 I think that there's some assumptions and</p> <p>11 constraints that need to be identified so that we</p> <p>12 all understand what decisions we're making and what</p> <p>13 the impact of those decisions are.</p> <p>14 DR. RINER: Keep in mind that during the</p> <p>15 summer and fall, the lower parking area, south of</p> <p>16 the lower field, we often have considerable</p> <p>17 constraints on the ability to use that parking area</p> <p>18 because it's primarily for boats and boat people,</p> <p>19 and oftentimes even the accessory parking lot and</p> <p>20 that parking lot are completely full and very few</p> <p>21 spaces are available for parking for dog users.</p> <p>22 TRUSTEE SCHMITZ: I'm not here to argue.</p> <p>23 I'm here to just say I think we need to understand</p> <p>24 clearly what the requirements are for parking,</p> <p>25 because if it was up at the upper area and it's to</p>
<p style="text-align: right;">Page 104</p> <p>1 be used in wintertime, the parking spaces will be</p> <p>2 reduced because of having to have snow use as well.</p> <p>3 I think it's just important that we</p> <p>4 understand what the requirements and the needs are.</p> <p>5 MS. LEIJON: I think we have enough</p> <p>6 information to move forward and bring back some more</p> <p>7 updates very soon.</p> <p>8 CHAIR DENT: That will close out item F 4.</p> <p>9 Moving on to item G.</p> <p>10 G. CONSENT CALENDAR</p> <p>11 CHAIR DENT: Consent calendar, item G 1,</p> <p>12 approve meeting minutes of June 28th, 2023, found on</p> <p>13 pages 26 through 161 of your packet. Item G 2,</p> <p>14 approve meeting minutes of July 6th, 2023, found on</p> <p>15 163 through 192 of your board packet.</p> <p>16 Is there a motion --</p> <p>17 TRUSTEE SCHMITZ: I make a motion that the</p> <p>18 Board accept the consent calendar items.</p> <p>19 CHAIR DENT: Motion's been made. Is there</p> <p>20 a second?</p> <p>21 TRUSTEE TONKING: Second.</p> <p>22 CHAIR DENT: Motion's been made and</p> <p>23 seconded. Any further discussion by the Board?</p> <p>24 All those in favor, state aye.</p> <p>25 TRUSTEE TONKING: Aye.</p>	<p style="text-align: right;">Page 105</p> <p>1 TRUSTEE TULLOCH: Aye.</p> <p>2 TRUSTEE NOBLE: Aye.</p> <p>3 TRUSTEE SCHMITZ: Aye.</p> <p>4 CHAIR DENT: Aye.</p> <p>5 Motion passes, 5/0. That closes out the</p> <p>6 consent calendar. Let's take a five-minute break.</p> <p>7 We will come back at 8:43.</p> <p>8 (Recess from 8:37 P.M. to 8:46 P.M.)</p> <p>9 CHAIR DENT: All right. Welcome back. We</p> <p>10 are moving on to general business. Formerly item H</p> <p>11 5, now H 1.</p> <p>12 H. GENERAL BUSINESS</p> <p>13 H 1.</p> <p>14 CHAIR DENT: Review, discuss, and possibly</p> <p>15 approve the training with Government Sciences Group,</p> <p>16 Inc., in a not-to-exceed amount of \$10,500.</p> <p>17 Requesting trustee, Chairman Matthew Dent. This can</p> <p>18 be found on pages 286 through 289 of your board</p> <p>19 packet.</p> <p>20 I'll just remind everyone, we did have a</p> <p>21 board training through Government Sciences earlier</p> <p>22 this year. We had a couple sessions. We talked</p> <p>23 about potentially building a component. I see this</p> <p>24 as an opportunity to create collaboration amongst</p> <p>25 the Board to talk about some of the things that we</p>

<p style="text-align: right;">Page 106</p> <p>1 dove into there, such as more detailed memos, so                  2 it's more of a checklist for us to make decisions                  3 and move things along a little bit quicker.                  4 I did ask Mr. Lyons to be here to just                  5 give us a little overview of what you provided.                  6 MR. LYONS: I'm here mostly to answer                  7 questions, but I can give you a one-minute overview                  8 to keep things moving as well, demonstrate the high                  9 points.                  10 We did the training a couple months ago,                  11 it was well received, nice feedback from people. It                  12 was great. That's a start. That's kind of the                  13 what-you-need-to-know before you get into the                  14 how-to-do-things.                  15 So the training part of the proposal is                  16 focused on a workshop, role-playing, applying the                  17 things, doing work together for real, answering                  18 questions. And so really working on the actual                  19 cooperation and the tricks and tips and the                  20 checklists and stuff like that so you have a more                  21 structured deliberation that actually keeps the                  22 meetings moving faster. That is a benefit.                  23 But, really, it's about having everyone                  24 contributing and collaborating in a way to get the                  25 best decision every time. And that's the first</p>	<p style="text-align: right;">Page 107</p> <p>1 part.                  2 Then we'll actually to continue to work                  3 with you through meeting reviews, like the hour I                  4 just got to watch was a pretty good start for that.                  5 And then into making sure that these things are                  6 working on for you. Customizing them, tweaking as                  7 necessary.                  8 That's about it. Basically here to answer                  9 questions. That's the proposal. Happy to work with                  10 you guys again.                  11 TRUSTEE SCHMITZ: I just want to clarify                  12 for the public mainly that our original training, it                  13 wasn't just with the Board; it was with senior staff                  14 as well.                  15 Is the intimidated audience of this also                  16 senior staff in conjunction with the Board of                  17 Trustees at the same time?                  18 MR. LYONS: Absolutely. Yeah. It's to                  19 get the Board to work better together, the staff to                  20 work together, and, of course, everyone to work                  21 together as well.                  22 So, it would be open to anyone that wants                  23 to attend on the staff side as well.                  24 TRUSTEE SCHMITZ: Follow-up question: Do                  25 you happen to know -- I know that the District</p>
<p style="text-align: right;">Page 108</p> <p>1 internally has, I believe, implemented Civic Clerk.                  2 Does any of what you're doing here is it redundant?                  3 Does it tie into the use of Civic Clerk?                  4 Understand, I don't really know the workings of                  5 Civic Clerk.                  6 MR. LYONS: Civic Clerk, and any of the                  7 other, sort of, Board management software is a tool                  8 you could use. Some of the things we want to do,                  9 you should be able to do in Civic Clerk. I'm not as                  10 familiar with it like some of the other ones. But                  11 the -- at the end of the day, there's some other                  12 things you're going to be able to do. For example,                  13 a memo template, that's something I assume we can                  14 build into Civic Clerk.                  15 TRUSTEE TULLOCH: At first I saw this, and                  16 I've heard from some of the community, well, why are                  17 you doing this again? We already did it.                  18 I think I heard this is a great                  19 opportunity. We've had some turnover in staff. As                  20 I mentioned earlier, I think it's great to see that                  21 some of our next-level staff down from the senior                  22 staff are getting some opportunities now, whether                  23 it's on a temporary basis, whatever, but they're                  24 actually getting the opportunity to demonstrate what                  25 they can do. I think it's -- I think then this</p>	<p style="text-align: right;">Page 109</p> <p>1 makes a lot of sense, give us the opportunity to                  2 bring them into these sessions as well.                  3 With regard to Trustee Schmitz's point,                  4 the Board memos, way overdue, because, frankly, what                  5 we get as Board memos is -- doesn't cut the mustard                  6 for me, it doesn't give the information we need, and                  7 that's one reason that sometimes you end up having                  8 the same thing come three or four times.                  9 Yeah, I would welcome that, the                  10 opportunity to work together, to clean up the memos,                  11 and make sure they're delivering what we need. And                  12 give some more junior staff the chance now to                  13 participate.                  14 MR. LYONS: To your point, we would want                  15 to -- as we go through the process, is the beauty of                  16 live follow-up and coaching is we're actually                  17 implement the feedback as well. You're all going to                  18 have your own experience with these different pieces                  19 of puzzle, and we want to make sure that it tailors                  20 to those needs.                  21 TRUSTEE TONKING: I will speak that I'm                  22 not in favor of this item. I've asked for this, and                  23 in particular, I did want Board training.                  24 I think our Board needs Board training,                  25 though, in a much more complex way, and probably --</p>

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1 no offense to you, Mr. Lyons, I think you are very  
 2 valued in the community, but you are contentious,  
 3 and I think our Board has a lot of contention  
 4 already occurring.

5 So, I would like us to either use a free  
 6 option offered through UNR, use the same people that  
 7 the county and the state use. I also think we need  
 8 to have a better look on how we operate and how we  
 9 with staff and how we operate overall, and do some  
 10 more pool pack training.

11 This is a great option for something to  
 12 think about in the future, but this is not near what  
 13 I think our Board right now needs. I'm going to be  
 14 a no on this.

15 TRUSTEE SCHMITZ: I have a question about  
 16 this optional. Could you explain how this works as  
 17 it relates to citizen academy?

18 MR. LYONS: Good question. Part of the  
 19 training that we had in the first session, kind of  
 20 the very high level, if you remember the five myths  
 21 about government that almost everyone believes,  
 22 there's a version of that, about 60 minutes. Then  
 23 on top of that, it's about 30 minutes of kind of  
 24 almost like municipal law 101 or other things you  
 25 thought about government that you're confused about,

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1 striving for the same thing.

2 So I don't want to be sitting here saying,  
 3 well, Trustee Tonking doesn't want to do this. I  
 4 mean, if we want to do this and we want to move  
 5 forward for betterment, we need to all go in it  
 6 together.

7 TRUSTEE TONKING: I think for me, I feel  
 8 like, yes, board memos are fine, but I feel like we  
 9 have such bigger problems right now within this  
 10 Board and this District than just our Board memos.  
 11 And I would like a very comprehension board training  
 12 for us, senior leadership, and even maybe the  
 13 management team.

14 I don't feel like this meets the needs,  
 15 and I'm not sure this is the right organization to  
 16 be utilizing for it, given the amount of contention  
 17 that exists right now. That's how I'm feeling.

18 I will go along with the process, that is  
 19 fine, but I don't feel like this is the right choice  
 20 for all the needs our district is currently facing.

21 MR. LYONS: I'll speak briefly to that.  
 22 Yes, so this is from the very top down, as you may  
 23 recall from the training. I think you were able to  
 24 attend one of them at least.

25 This is zoom out, get everyone on the same

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1 because our intuition is very bad in that sense.

2 That's designed to eliminate some of the  
 3 mismatch between what a community thinks and what a  
 4 board thinks, because they more experience and more  
 5 guidance, especially on the legal side.

6 And that's often used as an onramp to  
 7 people who want to get more involved, join  
 8 committees, stuff like that, and kind of smooths  
 9 that connection at the top of the org chart to the  
 10 board as well.

11 TRUSTEE SCHMITZ: Do we have funds  
 12 available for this in our budget?

13 CHAIR DENT: Good question. Given it's  
 14 the beginning of year and it's Board training, I  
 15 would assume so. I just don't know which items it's  
 16 coming from.

17 TRUSTEE SCHMITZ: Then my other question  
 18 is -- I feel that we need some training, and I think  
 19 that having something that gives us, perhaps, more  
 20 concise board memos and getting the information to  
 21 use more concisely so that it's less work for staff  
 22 and we have what we need to make a quick, informed  
 23 decision, I think is something we definitely need.

24 But my question is is that I think that we  
 25 need to, as a board, be working together and be all

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1 page, and zoom back down in to the point where you  
 2 are actually getting into the nuts and bolts of  
 3 agenda memos and things like that.

4 As for the quality of training, I spent  
 5 this afternoon, we're developing training for the  
 6 city managers in California that will then  
 7 eventually be rolled out to the International City  
 8 and County Management Association, so I want you to  
 9 be comfortable with the quality you're getting here.

10 According to reviews around the country  
 11 and even with the sessions, our belief, backed up by  
 12 the testimonials, is this is the best training you  
 13 can get in terms of its connection to what you  
 14 already know, the intuition we can tap into, and  
 15 then what you can really use to act friendlier,  
 16 nicer. There's a real human element that we focus  
 17 on. You got to act with just as collegial people,  
 18 don't have to be best friends, but there's ways you  
 19 can collaborate effectively.

20 TRUSTEE TULLOCH: I'll respectfully  
 21 disagree with my colleague here. I think it's  
 22 always healthy. I mean, people say, yes, the Board  
 23 should be voting 5/0 all the time; in that case,  
 24 you'd get four people too many on the Board. I  
 25 think it's important to have proper discussion and

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<p style="text-align: right;">Page 114</p> <p>1 varying viewpoints.</p> <p>2 You'll note as a consultant when clients</p> <p>3 say, well, why don't you get three people here?</p> <p>4 Well, if we all just told you the same thing then --</p> <p>5 but we try to give diverse viewpoints.</p> <p>6 I think that advantage here -- whether</p> <p>7 you're controversial or not, not going to comment on</p> <p>8 that. I think that's there. I think advantage is</p> <p>9 you know the local situation. We don't waste a lot</p> <p>10 of time just doing something that's so high level</p> <p>11 and so generic to local government in general that</p> <p>12 it's worthless. But I think it's important -- I'm</p> <p>13 assuming this will be very much focused on the IVGID</p> <p>14 situation. We keep getting told were a</p> <p>15 quasi-government organization as opposed to a</p> <p>16 government organization, so I think we need to focus</p> <p>17 it on that.</p> <p>18 MR. LYONS: By the way, to Michaela's</p> <p>19 other point, if you do want to continue to do some</p> <p>20 other additional training or whatever, we're happy</p> <p>21 to revisit that in the future.</p> <p>22 Ultimately, at the end of goal, it's</p> <p>23 success. What does success look like? And that's</p> <p>24 really one of the first things we start with.</p> <p>25 CHAIR DENT: As far as training this Board</p>	<p style="text-align: right;">Page 115</p> <p>1 has had more training, I think, in this -- adding</p> <p>2 this into it, would be more training than I had in</p> <p>3 my first six months on the board and probably my</p> <p>4 first seven years on the board. There's very little</p> <p>5 training that we typically have at the board level.</p> <p>6 I think I had my first pool pack training six months</p> <p>7 on the job.</p> <p>8 So, in trying to solve some of these</p> <p>9 problems, maybe new or old, the idea is we're trying</p> <p>10 to collaborate, we're trying to move forward.</p> <p>11 The questions that have been brought up</p> <p>12 about FAQs and how relevant that is, I see this</p> <p>13 FlashVote training as being the next step for us,</p> <p>14 given that we are an agency that doesn't have a</p> <p>15 marketing team or a PIO or, you name it, someone</p> <p>16 that actually goes out and answers questions that</p> <p>17 are out there in the community.</p> <p>18 I feel like using an organization like</p> <p>19 FlashVote and their, aka, ombudsman service just</p> <p>20 kind of help us of build upon that in trying to</p> <p>21 figure out what those next steps are.</p> <p>22 Having spent a little bit of time working</p> <p>23 with legal counsel and then also seeking out</p> <p>24 additional training from Government Sciences Group,</p> <p>25 I will be supporting this.</p>
<p style="text-align: right;">Page 116</p> <p>1 TRUSTEE NOBLE: I got a lot of good</p> <p>2 information out of the last training we had, so --</p> <p>3 and for that and that reason alone, I will support</p> <p>4 moving forward with this.</p> <p>5 However, I do think after we have had this</p> <p>6 training -- or concurrently exploring other</p> <p>7 trainings that are out there that are going to help</p> <p>8 us with -- either through UNR or the state and</p> <p>9 county, what they utilize.</p> <p>10 I think it's a multi-prong approach, is</p> <p>11 how I'd look at it.</p> <p>12 CHAIR DENT: I agree with that. I don't</p> <p>13 think this is an end-all. I think this just another</p> <p>14 step. And if there are other proposals or ideas, we</p> <p>15 should bring them forward.</p> <p>16 MR. LYONS: We can point you to some</p> <p>17 additional -- ICMA actually has some really good</p> <p>18 training, the Professional City Manager</p> <p>19 Organization.</p> <p>20 TRUSTEE TONKING: I can be on board if</p> <p>21 we're going to do concurrent trainings in that</p> <p>22 sense. And I would like that to be an agenda item</p> <p>23 again at the next meeting.</p> <p>24 CHAIR DENT: Go ahead and bring it</p> <p>25 forward.</p>	<p style="text-align: right;">Page 117</p> <p>1 Any other discussion on this item? Any</p> <p>2 other questions for Mr. Lyons? I'll entertain a</p> <p>3 motion.</p> <p>4 TRUSTEE TONKING: I move to approve the</p> <p>5 training of Government Sciences Group, Inc., to the</p> <p>6 not-to-exceed amount of 10,500, with other</p> <p>7 concurrent trainings. Can I say that?</p> <p>8 TRUSTEE SCHMITZ: I make a motion that the</p> <p>9 Board of Trustees approve the training with</p> <p>10 Government Sciences Group, Inc., in the amount not</p> <p>11 to exceed \$10,500.</p> <p>12 CHAIR DENT: Motion's been made. It there</p> <p>13 a second?</p> <p>14 TRUSTEE TULLOCH: I'll second.</p> <p>15 CHAIR DENT: Motion's been made and</p> <p>16 seconded. Any further discussion by the Board?</p> <p>17 Seeing none, I'll call for question. All</p> <p>18 those in favor, state aye.</p> <p>19 TRUSTEE TULLOCH: Aye.</p> <p>20 TRUSTEE NOBLE: Aye.</p> <p>21 TRUSTEE SCHMITZ: Aye.</p> <p>22 CHAIR DENT: Aye.</p> <p>23 Opposed?</p> <p>24 TRUSTEE TONKING: No.</p> <p>25 CHAIR DENT: Motion passes, four to one.</p>

<p style="text-align: right;">Page 118</p> <p>1 Anne, I do have a question for you before  2 we go on to the next item, and seeing it's already  3 nine o'clock, can we -- I don't know the term,  4 postpone or table an item, just to move on to some  5 items that we can actually get accomplished for  6 tonight, then, potentially, come back to others if  7 we still have time? I know we didn't move to have a  8 flexible agenda at the beginning. I don't know if  9 that's something we can revisit, having a flexible  10 agenda or someone make a motion right now to do that  11 so we can move forward with that. I'm not sure all  12 the protocol with that.</p> <p>13 MS. BRANHAM: Yes. Let me take a look  14 here. I just want to make sure we won't be  15 continuing -- well, I know we won't be continuing to  16 a future date, but let me see here.</p> <p>17 So, there wasn't a motion to follow the  18 agenda as posted, that we move to one of the items;  19 is that correct?</p> <p>20 CHAIR DENT: That's correct. We moved to  21 item H 5, and made it item H 1.</p> <p>22 MS. BRANHAM: I would say that we had  23 given notice that there was a flexible agenda in  24 that we moved an item already. So, I would take a  25 motion at this point to move a couple of the items</p>	<p style="text-align: right;">Page 119</p> <p>1 around.</p> <p>2 CHAIR DENT: All right. I appreciate  3 that.</p> <p>4 TRUSTEE NOBLE: I would move that we have  5 a flexible agenda for the remaining items.</p> <p>6 TRUSTEE TULLOCH: I'll second that.</p> <p>7 CHAIR DENT: Motion's been made and  8 seconded for a flexible agenda. Any further  9 discussion?</p> <p>10 I'll call for the question, all those in  11 favor --</p> <p>12 TRUSTEE SCHMITZ: I have a question.  13 Legal counsel, do we have the ability with  14 a flexible agenda to decide to delay or defer an  15 agenda item to a future meeting?</p> <p>16 MS. BRANHAM: Yes. We can always move an  17 item to a future meeting.</p> <p>18 CHAIR DENT: Any further discussion?  19 All those favor, state aye.</p> <p>20 TRUSTEE TONKING: Aye.</p> <p>21 TRUSTEE TULLOCH: Aye.</p> <p>22 TRUSTEE NOBLE: Aye.</p> <p>23 TRUSTEE SCHMITZ: Aye.</p> <p>24 CHAIR DENT: Aye.  25 I motion passes, 5/0. We now have a</p>
<p style="text-align: right;">Page 120</p> <p>1 flexible agenda. Okay. Looking at our agenda, how  2 quickly can we get through item H 1, now H 2?  3 Should we do item H 3 first? Excuse me, H 4 first?  4 Let's go to H 4.</p> <p>5 H 4.</p> <p>6 CHAIR DENT: Approval of the District  7 forms NVTC-LGF-10, indebtedness report as of  8 June 30th, 2023, for filing with the State of  9 Nevada, Department of Taxation, Washoe County Clerk,  10 Washoe County Debt Management Commission.  11 Requesting staff member interim Director of Finance  12 Bobby Magee. It can be found on pages 233 through  13 279 of your board packet.</p> <p>14 MR. MAGEE: The item before you tonight,  15 as you know, is a continuation of the item from the  16 June 28th meeting, in which the former finance  17 director Paul Navazio had presented an item, and the  18 Board requesting a number of revisions.</p> <p>19 One of things that the Board directed at  20 that meeting was you would like to have this item  21 appear before the Audit Committee. And so before I  22 get into the staff recommendation, I think now would  23 be an appropriate time for you to hear from the  24 chair of the Audit Committee about recommendations  25 that they may have.</p>	<p style="text-align: right;">Page 121</p> <p>1 With that, I'd like turn it over to the  2 chair of the Audit Committee.</p> <p>3 MR. NOLET: We were asked to look at the  4 five-year capital plan and the indebtedness report.  5 There was an email circulated the morning of that  6 meeting on June 28th, suggested that there could be  7 some errors in that -- in those document. And, in  8 fact, there are -- there were.</p> <p>9 Bobby's, in his honeymoon period,  10 three weeks here, and we throw this to him -- and  11 I'd like to give a shout-out to Cliff Dobler, he did  12 a lot of heavy lifting on this, and it took a lot of  13 time over the 12 or so days that we studied this.</p> <p>14 This is a new item for the District.  15 We've never had this kind of spend and this kind of  16 indebtedness. Maybe it's not a surprise that it  17 wasn't quite the way you'd want it, but in the end,  18 after a lot of research, review, and everything  19 else, Bobby successfully penetrated the Nevada  20 Department of Taxation, who concurred that the right  21 way to do it, their preferred way, was one  22 interpretation in the instructions which required an  23 adjustment to the five-year plan, a rather  24 substantial adjustment of \$43 million, moving  25 capital expenditures out of current fiscal year and</p>

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1 spreading them out in accordance with how we expect  
2 to incur the pipelines costs.  
3 In the end, we had lots of conference  
4 calls and Zooms, and that's our recommendation. I  
5 think we're in violent agreement that it's the right  
6 way to do it, and that's what you're going to hear  
7 from our Director of Finance.  
8 It was a lot for him to take on in his  
9 first couple of weeks, so hats off. And I'll stay  
10 up here and answer questions.  
11 MR. MAGEE: I wanted to point a couple of  
12 things out as we get started, and I will walk the  
13 Board through the revisions that were made to the  
14 indebtedness report at the request of the Board at  
15 the last meeting.  
16 So, obviously, this is a pretty complex,  
17 heavy lift for the organization, and it required the  
18 work of a lot of people.  
19 The former finance director put this  
20 together. Before he left, he made all of these  
21 revisions that were requested by the Board. Then I  
22 personally went in and reviewed every one of those  
23 and confirmed that they had been made, and yet  
24 somehow that didn't reflect itself in the board  
25 package. So I apologize for that. I believe it

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1 time. And so on page 240 of 336, on the table of  
2 contents, it should reflect that the outstanding  
3 general obligation debt was of June 30th, 2023, so  
4 in your packet, that one of the omissions that we  
5 had. I do have copies of this. I would like to  
6 share with the Board at this point, my understanding  
7 is that we can swap this page out at this time. And  
8 I also have extra copies for members of public so  
9 that if anyone wants to see that that revision has  
10 been made, I do have copies here.  
11 And then moving on, on page 242, the  
12 request was to change the language that begins with  
13 the five-year capital project summary, in the  
14 paragraph a little more than half way down the page,  
15 the request was to change the sentence from "the  
16 capital plan contemplates debt financing to support  
17 construction of the effluent export pipeline  
18 project," the word "additional" should have been  
19 added in there; that has been added to the revised  
20 indebtedness report. You all have a copy of that  
21 now.  
22 And then I pass out page 244 next. On  
23 this page, around the middle of page, there is an  
24 heading of "State of Nevada Revolving Funds," and  
25 the clean water amount issue date should have been

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1 ended up being a version control issue. But I did  
2 want to point that out that I'll walk you through  
3 all of the changes that have been made and show you  
4 documentation tonight that they have been made.  
5 One of the very first items that the Audit  
6 Committee pointed out was that the executive summary  
7 seems to have been omitted from the Board packet. I  
8 have copies of the executive summary here. All of  
9 the changes that you're going to see tonight have  
10 been posted to the website. And the executive  
11 summary that was in the packet, on June 28th as part  
12 that packet, this is the exact document that was  
13 distributed on that date. No changes have been made  
14 to it. If anybody wants a copy, I do have copies  
15 here. With that, I'll move into revisions to the  
16 indebtedness report.  
17 On page 258 of 336, the first question was  
18 the five-year CIP, the amount should have been  
19 \$555,000, and not \$55,000. And so if you look at  
20 page 258, you will notice on the general fund,  
21 capital improvement, fiscal year '25/'26, in that  
22 column, that number has been revised to reflect the  
23 correct amount of \$555,000.  
24 As I go down the list, I made my notes in  
25 accordance with the order that Board took them last

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1 shown as April 14th, 2023, and so that revision has  
2 been made on the copy that you've just received.  
3 And then the next request was -- it begins  
4 on page 251, where the heading was originally shown  
5 as "Original Value," and the request was to change  
6 the heading to something that made a little more  
7 sense. That was changed to "Principal Value," and  
8 the principal value is now shown in page 251 of that  
9 table, and on all subsequent tables of that nature  
10 moving forward relating to the revolving loan fund.  
11 That did make into the packet. There is no revised  
12 page on that one.  
13 Just to bring to your attention a couple  
14 additional ones that were discovered, some by staff,  
15 some by Mr. Dobler, who gave me a call and pointed  
16 these things out to me. On page 238 in your packet,  
17 which was updated on the report page that you  
18 received here, the bullet point incorrectly  
19 identified the incorrect form. And so that was  
20 corrected both on page 238 and on page 240, which  
21 now ties to your page 273, which correctly  
22 identifies the attachment as the reconciliation of  
23 debt service requirements. And so you have that in  
24 one of the pages that you received, and then it was  
25 also already updated on page 240 that had been done

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1 previously.

2           And then the last thing on the original

3 item that you had received on June 28th, on

4 page 235, it incorrectly identified June 31st as the

5 end of the fiscal year. We all know there's not

6 31 days in June, so that has been corrected on

7 page 235. That is the very top of the page, you'll

8 notice that was changed to as of fiscal year ending

9 June 30th, 2023.

10           And then the last change me made, which

11 the chair of the Audit Committee eluded to, and this

12 one the one where there was a little bit of spirited

13 discussion on this will, and I will let the Board

14 know that we had a gentlemanly disagreement on the

15 interpretation of the language that was provided for

16 guidance by the State of Nevada on what this said.

17           I personally reached out to the Department

18 of Taxation seven times before I get a response.

19 And I got to the point where I needed to give the

20 Audit Committee something on why I believed the

21 guidance said one thing, as opposed to what some

22 members of Audit Committee thought that it might

23 say. I started reaching out to other finance

24 directors throughout the state, and I found that

25 they had the same interpretation that I did and that

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1 Committee. I'm sorry. Exactly. \$20,745,000.

2 Thank you. Sorry.

3           With that, that walks you through the

4 entire packet and the changes that we made. This is

5 the staff recommendation, and my understanding is

6 this is also the recommendation of Audit Committee

7 to accept the package as it currently sits and to

8 direct staff to submit these reports to the State

9 tomorrow.

10           And this has a hard deadline, if the Board

11 requests any further changes, of August 1st. Just

12 FYI, if there are any additional changes, then we

13 would need to make those rapidly in order to be in

14 full compliance with the law.

15           With that, I am happy to answer any

16 questions.

17           TRUSTEE SCHMITZ: With these corrections,

18 do we need to go back and amend the budget that was

19 submitted to the State? Is that our next task?

20           MR. MAGEE: So, the action before you

21 tonight is specific to the forms that are put in

22 now.

23           I know that the Audit Committee has taken

24 a look at some concerns with the budget, and if

25 directed by the Board, we will certainly go back and

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1 Mr. Navazio did, which is the amount that is on that

2 five-year capital improvement plan should be the

3 full amount of the appropriations, irrespective of

4 whether you intend to spend it or not.

5           When I finally was able to get a budget

6 analysis from the Department of Taxation, they

7 indicated that they understood that this confusion

8 is out there, state-wide. I did make a suggestions

9 that if you know there's confusion, you might want

10 to update your guidance on how people are putting

11 these forms together. She let me know that they

12 would take that under advisement. They also

13 suggested that the number that we enter on to this

14 was the one that Mr. Nolet had been advocating for,

15 which was the amount on the cash flow statements,

16 the amount we expect to spend in the next fiscal

17 year, which is \$20,745,000. That figure has been

18 revised, and on page 258 that just sent over to you,

19 I want to specifically point that item out that

20 that -- in your first packet, that was shown as

21 \$63,745,000, that has now been revised, based on the

22 conversation I had with the Department of Taxation

23 and the recommendation of the Audit Committee that

24 you just heard, staff is recommending that we use

25 that number, \$20,745, in agreement with the Audit

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1 take a look at those revisions and come back with a

2 recommendation for an update to the budget.

3           TRUSTEE TONKING: My question on that is

4 when you talked to the Department of Taxation, did

5 they, then, talk about how that affects our budget

6 sheet? Did that conversation occur?

7           MR. MAGEE: Understand, this merely

8 financial reporting, and this does not affect the

9 budget at all.

10           MR. NOLET: Remarkably, for this

11 particular item, the number in the budget was

12 already correct.

13           So, yeah, the capital spend in the current

14 year in the cash flow statement in the budget

15 submitted around June 1st is actually correct:

16 \$20,745,000.

17           The \$63 million was not correct, and

18 probably should have jumped out at a lot of people,

19 but it didn't.

20           Anyway, the budget is correct in that

21 regard. There are two items in the budget that I've

22 vetted with some Audit Committee members, with

23 Trustee Tonking and others that I'm fairly confident

24 they need to be revised. Since the budget's already

25 in, it's not like we have to break our necks and

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1 have to get that done tomorrow. Let's just take in  
 2 the due course of the next month or so. Put it on  
 3 the agenda, whatever, and get to it that way.

4 MR. MAGEE: And for specificity, one of  
 5 reasons we were looking at this, and I don't want to  
 6 get into the nuances of how a budget goes together,  
 7 but in the original budget staff report, that number  
 8 of \$63,745,000 was identified as the appropriations  
 9 amount that was shown on the sources and uses  
 10 spreadsheet, but it was also identified on the cash  
 11 flow sheet that that amount was the full expected  
 12 amount of the project, which was supposed to spread  
 13 out over four years, the cash flow amount, as  
 14 Mr. Nolet alluded to, was the amount that we expect  
 15 to spend this year. So it is correct.

16 MR. NOLET: Honestly, all these other  
 17 nicks and ticks are important. We would have never  
 18 suggested that anybody hold up filing this for all  
 19 that stuff, just typos and things.

20 But when we get to \$43 million, that was  
 21 worth holding up. I think you should all feel good  
 22 about filing a much more accurate report.

23 TRUSTEE TULLOCH: I think everyone here  
 24 probably underestimates the amount of work this took  
 25 behind the scenes.

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1 approve the District form, NVICLGF 11, five-year  
 2 capital improvement plan, as of July 1st, 2023, the  
 3 related IVGID preparedness five-capital plan summary  
 4 for the fiscal year starting July 1st, 2023, for the  
 5 filing at the Nevada Department of Taxation and the  
 6 Washoe County Clerk in the State of Nevada  
 7 Legislative (inaudible) by August 1st, 2023, with  
 8 all the edits that were discussed in this agenda  
 9 item.

10 CHAIR DENT: Motion's been made. Is there  
 11 a second?

12 TRUSTEE TULLOCH: Second.

13 CHAIR DENT: Motion's been made and  
 14 seconded. Any further discussion by the Board?

15 I will just say, typically, this form is  
 16 brought to us right before it needs to be approved,  
 17 like this meeting, we'd be approving it. I'm glad  
 18 we took -- there was a divided vote, but I'm glad we  
 19 took the extra time we had.

20 And I think it's important, you being the  
 21 newest team member to us, but as you're working  
 22 through the SOPs and putting schedules behind things  
 23 to try and bring to us as soon as possible, that way  
 24 if we do have errors or mistakes, we have time to  
 25 correct it.

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1 There was one other thing I'd add, it's an  
 2 important point that we discussed at the Audit  
 3 Committee, and just for a wider audience because  
 4 I've had questions from the community, well, why are  
 5 all these things in the eight-year, all these  
 6 capital spend, it's never come to the Board.

7 I point out that none of these things in  
 8 the eight-year are committed to. It's not a case  
 9 of, well, it's on that eight-year capital statement,  
 10 so we must have approved it. Not it's not. I mean,  
 11 these are all just wish lists, to some extent. Very  
 12 few of these things are actually been previously  
 13 approved by the Board. The pipeline expenditure has  
 14 been approved in the eight years, but a lot of these  
 15 new projects that suddenly appear are just there,  
 16 they're potentials.

17 CHAIR DENT: I'll entertain a motion.

18 TRUSTEE TONKING: I move that the Board of  
 19 Trustees approve the District's form, NVICLGF 10,  
 20 indebtedness report, as of June 30th, 2023, and  
 21 direct staff to file the documents with the State of  
 22 Nevada, Department of Taxation, Washoe County Clerk,  
 23 and Washoe County Debt Management Commission by  
 24 August 1st, 2023.

25 I also move that the Board of Trustees

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1 Just feedback for the future, I think it's  
 2 important and a good lesson for us to learn in this  
 3 process.

4 With that, I'll call for the question.

5 All those favor, state aye.

6 TRUSTEE TONKING: Aye.

7 TRUSTEE TULLOCH: Aye.

8 TRUSTEE NOBLE: Aye.

9 TRUSTEE SCHMITZ: Aye.

10 CHAIR DENT: Aye.

11 Opposed? Motion passes 5/0. That will  
 12 close out item H 4.

13 Before we move on, I know Incline Beach  
 14 House is a huge priority. The only other item I see  
 15 on here that is a huge priority for tonight, trying  
 16 to gauge how much time we need, is review -- it's  
 17 item H 3, formally H 2, for the changes of the  
 18 general manager's job description. Really, if we  
 19 can get that off our plate, we can spend the rest of  
 20 time, if we need to, on the Incline Beach House.

21 Anyone opposed to going with item H 3  
 22 before move on to item H 1?

23 TRUSTEE SCHMITZ: I am not opposed, but I  
 24 would like to bring to your attention item H 6.  
 25 Formerly H 6.



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<p style="text-align: right;">Page 134</p> <p>1 CHAIR DENT: Item H 6, that one too. I 2 don't see that taking very long either. Let's go to 3 item H 6 first. How's that? 4 H 6. 5 CHAIR DENT: Review, discuss, and possibly 6 appoint Mike Bandelin as interim General Manager, 7 authorize a temporary salary adjustment, and define 8 length of intended service in the new role. 9 Requesting trustee Chairman Matthew Dent. Found on 10 pages 290 of your board packet. 11 I asked HR what the process was for 12 something like this when appointing interim. 13 Basically, the interim general manager becomes the 14 highest-paid employee at the District, pretty 15 standard, it's where this dollar amount comes from, 16 and so put that in here as proposal. 17 As far as a discussion of time, 18 Mr. Bandelin and I talked about his desire to stay 19 at Diamond Peak and his desire to try and be back at 20 Diamond Peak when the ski season kicks off. And 21 we've had lots of discussions about grooming the 22 next in line, and what Mr. Bandelin has been doing 23 there over the last many years to make sure, as he 24 steps away from time to time, we don't skip a beat. 25 With that, if there's any questions, happy</p>	<p style="text-align: right;">Page 135</p> <p>1 to answer them. Or I'll entertain a motion. 2 TRUSTEE TULLOCH: Can I make a slight 3 correction? It says "authorize a temporary annual 4 salary adjustment of \$220,000." It should be to 5 \$220,000. 6 CHAIR DENT: Correct. 7 TRUSTEE TONKING: I'm guessing what if 8 some reason we take longer than when ski opens and 9 General Manager Bandelin has somebody that he has 10 below him who will be dealing with all the ski 11 resort-related issues if for some reason we go into 12 ski season; is that correct? 13 MR. BANDELIN: I would tell the Board of 14 Trustees that the District will be just fine with 15 myself in the interim role and being able to provide 16 as much guidance as possible to the interim and the 17 ski resort. 18 CHAIR DENT: I'll entertain a motion. 19 TRUSTEE TONKING: I move that the Board of 20 Trustees appoint Mike Bandelin as interim General 21 Manager and authorize a temporary salary adjustment 22 to \$220,000 for Mr. Bandelin, effective July 5th, 23 2023. 24 CHAIR DENT: Motion's been made. Is there 25 a second?</p>
<p style="text-align: right;">Page 136</p> <p>1 TRUSTEE NOBLE: Second. 2 CHAIR DENT: Motion's been made and 3 seconded. Any further discussion by the Board? 4 All right. Seeing none, I'll call for 5 question. All those in favor, state aye. 6 TRUSTEE TONKING: Aye. 7 TRUSTEE TULLOCH: Aye. 8 TRUSTEE NOBLE: Aye. 9 TRUSTEE SCHMITZ: Aye. 10 CHAIR DENT: Aye. 11 Motion passes, 5/0. All right. That will 12 close out item H 6. We're going to jump back to 13 item H 3. 14 H 3. 15 CHAIR DENT: Review, discuss, and possibly 16 approve the recommended changes to the General 17 Manager's job description and authorize staff to 18 start the recruiting process. Requesting staff 19 member Director of Human Resources Erin Feore. This 20 can be found on page 209 through 232 of your board 21 packet. 22 MS. BRANHAM: Chair, just for 23 clarification. I think that that item has now 24 become H 4 again, if I'm counting correctly. Just 25 so the record reflects that correctly. I think we</p>	<p style="text-align: right;">Page 137</p> <p>1 took -- let's see. We had something moved to H 1. 2 CHAIR DENT: Okay. Yeah. That's fine. 3 We'll call this H 4, and that last item was H 3, not 4 H 6. 5 MS. FEORE: Okay. So based on some of the 6 feedback that I had received with the last meeting, 7 I updated the job description to include some of the 8 feedback that I received. 9 Since the agenda packet came out, I've 10 received additional feedback, so I have more changes 11 to make. 12 In the interest of time, and I know we 13 want to move this forward, I will remind the Board 14 that this is a working document. It's living, 15 breathing, we can make changes as we go. Just 16 quickly, I want to get some feedback with the 17 information that is on here, notwithstanding some of 18 the additional information that I've received since. 19 CHAIR DENT: Understood. Any feedback? 20 TRUSTEE SCHMITZ: I just have a question, 21 procedurally. I spoke this afternoon with the HR 22 director about some, just, refinements to make sure 23 the intention was really clear. Do I need to go 24 through that or is that up for your -- 25 MS. FEORE: No. I have all of the notes.</p>

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1 And for the rest of the trustees, the information  
2 wasn't material, it doesn't change the scope, it  
3 better defines some of the recommendations --  
4 requirements of the position. For example, the  
5 general manager is responsible for the performance  
6 of his team. And so having something in there that  
7 speaks to taking the general manager of the day to  
8 day, but ensuring his or her responsibility is  
9 related to, for example, my work performance.  
10 So I'm playing with a little of language  
11 there, but these are the things that I can share  
12 with the Board as they come in. Again, it's a  
13 working document.  
14 TRUSTEE TULLOCH: Just a couple of small  
15 ones. I would suggest, on item 1, where it says:  
16 Provides excellent customer service.  
17 I would change that to: Ensures the  
18 District provides excellent customer service.  
19 MS. FEORE: That's actually draft 1. I'm  
20 on draft 2.  
21 TRUSTEE TULLOCH: Yep.  
22 In the summary, it talks about efficient  
23 execution. I would say, "efficient implementation  
24 and execution."  
25 MS. FEORE: I had received similar

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1 stop, so there's conflict there.  
2 And leadership and supervisory  
3 responsibilities. I didn't see compliance there,  
4 but that's minor.  
5 And education and experience, it's still  
6 just asking for government experience. We had  
7 talked last time a bit, looking for -- broadening it  
8 so it was restricted to government.  
9 MS. FEORE: Yeah. I have received mixed  
10 feedback on that one, so that one's a little bit  
11 tricky for me.  
12 TRUSTEE TULLOCH: I don't believe we  
13 should be limiting. If we look at what Washoe  
14 County's just done, brought somebody in from  
15 externally as well. I think we need to cast a wider  
16 net.  
17 MS. FEORE: Okay.  
18 TRUSTEE TULLOCH: It also says just a  
19 publicly-elected board, rather than a corporate  
20 board and things as well.  
21 MS. FEORE: I can word it in such a way as  
22 to include both. But my recommendation would be  
23 with government preferred. You don't -- I will say  
24 as somebody -- and maybe this is different in my  
25 role because my role does have such a legal aspect

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1 feedback. We have -- sounds like we're all on the  
2 same page.  
3 TRUSTEE TULLOCH: On item 3, last line,  
4 principals should L-E-S, not A-L-S.  
5 I think item 11, as well, I would stop the  
6 sentence at to provide excellent customer service.  
7 MS. FEORE: Again -- and I think we talked  
8 about this once before, but I will just reiterate  
9 again, it's up to you guys, we can take this out,  
10 but one of the reasons why customer service is seen  
11 throughout is because or entire organization is  
12 service-based, so this person leads our team in  
13 exhibiting the excellent customer service. So, it's  
14 one of the reasons why you've seen it throughout.  
15 TRUSTEE TULLOCH: I agree. It's just the  
16 last seven words there, because that could  
17 potentially be in opposition to -- it depends. If  
18 were focusing on customer service (inaudible)  
19 focused on retention, so it could be contradicting  
20 that. So just full stop at customer service.  
21 MS. FEORE: Okay. Tell me again, so  
22 provides direction to identified staff to lead and  
23 support the District-wide efforts --  
24 TRUSTEE TULLOCH: District-wide efforts in  
25 training, provide excellent customer service. Full

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1 to it, but one of the first -- coming from the  
2 corporate world, some of laws and ways I do things,  
3 very different than you would find in a government.  
4 TRUSTEE TULLOCH: Absolutely understood.  
5 but I think -- I'd also bear in mind, this year  
6 we're a \$150-million-a-year business. We're not  
7 just a parks and rec organization, we're actually a  
8 big business. I think, judging by a lot of the  
9 public comments, there's a failure at times to  
10 understand that. We are a much bigger business. It  
11 is a business, and we're recruiting business  
12 (inaudible). That's how I'd prefer to see it. I'll  
13 defer -- obviously, it's a Board decision.  
14 And under comprehension and communication  
15 skills, I'd like to see financial skills referenced  
16 there as well. Just even in the header.  
17 MS. FEORE: Something that's a little  
18 broader?  
19 TRUSTEE TULLOCH: Yeah. I think  
20 comprehension, I'm not sure it's there. I'd look  
21 for financial and skills there. Do we have to be  
22 able to ski and snow board or golf?  
23 MS. FEORE: Make a great advocate.  
24 TRUSTEE TULLOCH: Yeah. And at the top of  
25 page 223, where it talks about ability to apply

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1 advanced mathematical concepts and mathematical  
2 operations, I think that's a little bit overkill. I  
3 think that's a carryover from the old one.  
4 MS. FEORE: I'd do some more cleanup  
5 there.  
6 TRUSTEE SCHMITZ: We're not moving forward  
7 with this process that's defined here?  
8 MS. FEORE: I'll speak about that  
9 afterward, yes.  
10 TRUSTEE TONKING: I still kind of liked  
11 the idea of having some governmental. Could we  
12 just, the word "preferred," switch "strongly" to  
13 "preferred," and put "corporate" in there as well.  
14 I like that idea still. It doesn't really matter if  
15 we want to get rid of it altogether, but ...  
16 CHAIR DENT: I'm just trying to understand  
17 what you want to keep in there or add?  
18 TRUSTEE TONKING: I want to get rid of the  
19 word "strongly" and still have "preferred." And I  
20 think you can get rid of the whole experience  
21 reporting to a publicly-elected board and  
22 experiencing in providing -- well, that next line.  
23 CHAIR DENT: Are we doing this on the  
24 master's degree or somewhere else, strongly  
25 preferred?

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1 an RFQ that outlines all of this.  
2 Then, again, I'm going to work with Bobby  
3 so that when I come back and present, I can come in  
4 and say, here's a game plan. Here's an overall game  
5 plan. It's subject to change, but this is  
6 ultimately what I'm recommending.  
7 TRUSTEE SCHMITZ: Just a question. I'm  
8 making notes for the long-range calendar. Are you  
9 saying you need to bring back an RFQ for us to  
10 approve on August the 9th?  
11 MS. FEORE: We're going -- I'm able to do  
12 the -- this is where I got mistaken. I was under  
13 the impression that for professional services I had  
14 to bring the RFQ for approval and then go out. In  
15 fact, I can go out with the RFQ. And the District  
16 has a pretty standard template RFQs.  
17 That said, most of the looking at RFQs  
18 that we have and with some of the information that  
19 I've received from some of these vendors, they kind  
20 of match already, so it's pretty standard.  
21 My expectation is that I should be able to  
22 come back with the next Board meeting with  
23 information from the three vendors that we have  
24 gotten recommendations for. I have four vendors, so  
25 it should be a pretty good opportunity for us to

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1 TRUSTEE TONKING: It's under education and  
2 experience. Unless I misunderstood, it's experience  
3 within a municipal governmental-based organization  
4 for recreational service. Trustee Tulloch asked to  
5 to get rid of it; I just said can we get rid of the  
6 word "strongly preferred," and get rid of the next  
7 sentence after that.  
8 MS. FEORE: Something like helpful?  
9 CHAIR DENT: I think that's fine. Yeah.  
10 Something helpful, but I don't know if it's  
11 preferred.  
12 TRUSTEE TONKING: But "helpful" is a fine  
13 word as well.  
14 MS. FEORE: I was under -- and I partnered  
15 with Bobby Magee, and we prepared the vendor  
16 proposal document. And then I went back and  
17 listened to the Board meeting, and, in fact, it  
18 wasn't a motion to do that, it was a motion to bring  
19 back the full RFQ with the selected vendors.  
20 I am just a bit behind the 8 ball on this  
21 one because I have talked with a couple of vendors,  
22 again, reached out to me. I got some great  
23 resources from Washoe County, so I feel very  
24 comfortable by the next Board meeting I should be  
25 able to come back with some recommended vendors and

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1 talk about their services and hone in on do we want  
2 one for all and all for one or do we want --  
3 TRUSTEE SCHMITZ: Okay. Then I'll get  
4 that on our long-range calendar for the 9th, then.  
5 CHAIR DENT: That will close out item H 4,  
6 formerly H 2. Moving on to item H 5, formally H 1.  
7 H 5.  
8 CHAIR DENT: Review, discuss, and provide  
9 direction for scope of work for the Incline Beach  
10 House project. Requesting staff member Director of  
11 Public Works Brad Underwood. It can be found on  
12 page 193 through 208 of your board packet.  
13 We have Ms. Nelson and Ms. Waters.  
14 (Inaudible cross talk.)  
15 CHAIR DENT: Let me ask general counsel.  
16 Anne, the question is do we need to  
17 approve the changes that we just provided -- or the  
18 direction that we just provided to human resources  
19 as it relates to the general manager's job  
20 description? The agenda item says there's a  
21 recommendation to approve to changes, we feel we  
22 gave clear direction, is there anything else we need  
23 to do on that item?  
24 MS. BRANHAM: I will just confirm, for the  
25 benefit of the record, that there was a consensus on

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1 the changes that were requested.

2 Did anyone want to raise any objections to

3 Trustee Tulloch or Tonking's changes?

4 (No response.)

5 MS. BRANHAM: Okay. Then I think the

6 consensus is fine, as long as Erin feels she has

7 what she needs.

8 And then I think we addressed the starting

9 the recruiting process, that she's already on the

10 ball with that, so I don't think there's anything

11 further required.

12 CHAIR DENT: Thank you for weighing-in.

13 MR. NELSON: We are here to bring back the

14 Incline Beach kitchen. We have been requested to go

15 out for RFQs for architectural services. However,

16 in order to do that, we need some decisions made by

17 the Board so we can provide a clear request to the

18 architectural firms on what we're actually going to

19 want them to do.

20 With that being said, you have gone

21 through the packet, if you have any questions, we're

22 here.

23 CHAIR DENT: Questions, comments?

24 TRUSTEE NOBLE: I still think alternative

25 1 would be the appropriate long-term approach as far

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1 Noble, Trustee Tonking was there, and Trustee Dent

2 in different meetings with the architects to lay out

3 the process that we needed to get to, as a

4 Board-priority project asking us to bring this

5 forward.

6 These are the answers that we need --

7 these are the questions we need answered to put an

8 RPP out. We can't ask an architect to design a \$3

9 million, \$4 million project on the beach without a

10 menu. That's the first thing they said, we need a

11 menu. We need to know what your level of service

12 is. We need to know what guys want.

13 So that's what we're asking direction from

14 the Board for.

15 TRUSTEE TONKING: If I'm looking at the

16 programming level of the service, I'm okay with the

17 alternate 1 footprint. I don't think we need a

18 bigger example, like, outdoor -- if we keep trying

19 to keep the footprint the same, I'm not sure --

20 alternate 1 proposes 20 seats, that's 10 more seats.

21 That's fine. There's always a line at the bar,

22 especially at music on the beach.

23 I'm not saying we need to go much bigger.

24 I think I remember a conversation where we talked

25 about we still, because we're under government

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1 size of facilities to meet the needs currently and

2 in future for the next 40 years for this community.

3 TRUSTEE SCHMITZ: I'm recalling that this

4 plan, you were still stating that we would need to

5 have portable restrooms, that these were not

6 sufficient in number.

7 So from my perspective, I think we need

8 clear understanding of what is the recommendation

9 for the number of restrooms so that we do not have

10 porta potties or have a need, except for 4th of

11 July, that sort of thing. But I'm seeming to recall

12 there were some challenges there.

13 And I think we need to understand and

14 deliver what the community wants, and what I saw

15 that they want is easier access to their services.

16 They talked about easier, it's not necessarily

17 bigger, but easier.

18 I think we have to understand what that

19 means so we actually achieve what the community is

20 looking for.

21 TRUSTEE TONKING: Do you need us to walk

22 through these decision points that you put in here

23 so you can have the correct menu for the architects;

24 is that what I'm understanding?

25 MS. WATSON: We sat down with Trustee

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1 regulations, we would still have to have a kitchen

2 if we offered food. That is of a certain mention.

3 So I think we just keep all that like it

4 is in alternate 1. That's where I am sitting on

5 those programs levels of services.

6 I think -- I love the Lone Eagle Grill.

7 It's really beautiful, but I think it's going to be

8 really expensive for us to do something like that.

9 It's an expensive project for them. I think that is

10 something we need to think about, and they are a

11 private organization.

12 TRUSTEE TULLOCH: I'm a little confused on

13 some things. Really, are we trying to do the bar as

14 somewhere where everyone can sit? The more people

15 you get sitting around the bar, the harder it

16 becomes to get served.

17 I thought the idea -- most rational food

18 and beverage services like to be able to serve

19 quickly. If you've got 20 people sitting around the

20 bar, it becomes twice as difficult as it is at the

21 moment. Unless you're increasing the number of

22 servers, it doesn't help reduce the queues.

23 I'm not sure if our desire is to turn it

24 into bar, another paddle wheel or something of what

25 it is so people can sit around or whether it's to

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1 have the availability of beverages for there.  
2 I'm struggling a little bit with why  
3 something like an outdoor kitchen, similar to the  
4 Hyatt setup would be more expensive than a custom  
5 built and interior design one of things as well.  
6 Some of things that we've seen in the food  
7 and beverage report there, and just having had a  
8 quick look through the latest FlashVote survey, most  
9 of it seemed to be keep the costs of food down, but  
10 provide a greater menu. And a lot more of it was  
11 referencing, well, just have something grab and go.  
12 I think it would lovely to think we could  
13 have a huge, sit down restaurant and table service,  
14 but let's be realistic, that would get used and  
15 maybe a couple or three days out of year. I don't  
16 think it's something people are going to flock to on  
17 a regular basis. We don't seem to be able to get  
18 enough business at The Grill to cover that, so I'm  
19 not sure where that would suddenly change at the  
20 beach.  
21 The advantage of an outdoor set up,  
22 similar to the Hyatt, is something that we could get  
23 done quicker. One of my concerns is that the more  
24 elaborate we make this design, the more seasons it's  
25 out of use.

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1 still do have all the HVAC systems and all that, but  
2 if they're truly getting rid of it, there may be a  
3 proposal where we look into that.  
4 TRUSTEE NOBLE: If I recall, one of the  
5 other things with the outdoor facilities at the  
6 Hyatt is most of their food prep is done off site.  
7 And so while that works for the Hyatt if doing  
8 they're doing it at the current Lone Eagle site or  
9 up at the main building, that becomes problematic  
10 for -- it's not an apples to apples comparison for  
11 what we would need at Incline Beach; is that  
12 correct?  
13 MS. WATSON: Yeah. We met down at the  
14 Loan Eagle Grill and discussed exactly that. And  
15 that he guessed that 80, 90 percent of the food was  
16 prepared at the Hyatt and rolled over. And he said  
17 it's just not the same process down there.  
18 So that's why we're asking -- the next  
19 point is the food and beverage scope. Is the  
20 District preparing the food? Are we hiring outside  
21 service to prepare the food? Is there no food? Is  
22 there just a bar?  
23 These are the things we need the Board to  
24 define for us so we can explain this in the RFP and  
25 look for a team to come back to us with options.

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1 Also, to me, it's critical that it's also  
2 integrated with the ingress access, ingress/egress,  
3 otherwise we could be building something in the  
4 totally wrong place. That's probably my biggest  
5 concern to make sure we get the right location.  
6 MR. NELSON: I would like to address the  
7 costs of the outdoor kitchen. We did talk with  
8 consultants that did the mechanical and plumbing and  
9 electrical, and that was actually the highest cost  
10 because they had to accommodate for winterizing it.  
11 Everything had to be able to drain so it wouldn't  
12 freeze over the winter. That's where the majority  
13 of the costs increase you would see. It's not  
14 inside a building that's insulated.  
15 CHAIR DENT: One of other things we talked  
16 about was the building products to be used to be  
17 able to withstand the winter. Potentially using  
18 steel in your trellis structure, that way you don't  
19 have to replace your trellis in five years or ten  
20 years or whatever. There was some added cost in  
21 that, what they build down there.  
22 Maybe we go ask them if when they --  
23 before they tear down what's there that we purchase  
24 what's there or take it down and reinstall it.  
25 There could be a potential savings with that. You

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1 TRUSTEE TULLOCH: I would have thought for  
2 the RFP, if we're defining food preparation, I think  
3 it almost becomes -- unless there's some particular  
4 peculiarities, whether we do it in-house or as a  
5 contractor, I mean, I would have thought the RFQ  
6 provide a food preparation -- sufficient food  
7 preparation area. I think it's almost independent,  
8 who's doing it.  
9 In the past, we've always contracted out.  
10 This year, we struggled because it was just not  
11 economical for contractors to actually provide the  
12 service because there's only two or three days a  
13 week that actually makes any sense to staff it.  
14 That's why I'm asking the -- and this is  
15 really for my Board colleagues. It's lovely  
16 thinking we'll have this huge restaurant with all  
17 five-star service and sit down tables  
18 and everything, but there's no point in having that  
19 if it's never going to get used. Let's look at what  
20 what's there. There's a lot of complaints in the  
21 FlashVote survey, the food's too expensive there  
22 already.  
23 I mean, the bigger edifice we make, the  
24 more expensive it becomes. I'm open-minded on it.  
25 I want to see this project move ahead. I want to

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1 see the existed building basically razed, but we  
 2 also need to be mindful of how we're going to lay  
 3 out the whole area; whether we actually raze the  
 4 existing building and put a new one in the same  
 5 location. Whether we build a new one alongside so  
 6 we don't lose a season.  
 7         Let's not build something that's a white  
 8 elephant.  
 9         MS. WATERS: That is exactly what all  
 10 three architects that we spoke with, that was their  
 11 very first question: What's the menu you're  
 12 providing? We'll give you a building, we'll give  
 13 you an outdoor kitchen, we'll give you options A, B,  
 14 and C, but what is the menu? Are you providing  
 15 hamburgers and chicken tenders? Is it something  
 16 more like the Lone Eagle Grill menu? What exactly  
 17 does the menu look like? Are you increasing this  
 18 level of service? Are decreasing the level of  
 19 service? Are we keeping it the same?  
 20         That's what we're asking.  
 21         CHAIR DENT: I would weigh-in on that, I  
 22 say we want to keep the level of service the same,  
 23 but by keeping the level of service the same and  
 24 building a new structure, we'd be improving the  
 25 level of service that's down there.

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1 all summer long.  
 2         So, outside of that 4th of July and that  
 3 crazy time, are they sufficient?  
 4         MS. NELSON: We will make sure that  
 5 they're sufficient for the 90 percent of the time.  
 6 It may just be that they need to revamp how it's  
 7 shown on the drawing. There's some savings that we  
 8 can do by having a shared sink system and that kind  
 9 of thing.  
 10         That will absolutely be my number one goal  
 11 because I hate porta potties.  
 12         TRUSTEE NOBLE: I do like the expanded bar  
 13 area. Right now, I think the existing bar is way  
 14 too small. You see people stacked up, multiple  
 15 people deep, and people don't bother going, they'll  
 16 bring their own stuff just because they don't want  
 17 to wait.  
 18         By having more seats there, it's more of a  
 19 community atmosphere. It also gives more ways for  
 20 people to come in and order drinks.  
 21         It become a staffing issue. If you add a  
 22 10 seat or one bartender at a 20 seat, you are still  
 23 going to have the same level of service, but if you  
 24 have more room and more personnel, especially if  
 25 that something that the community really wants --

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1         TRUSTEE TONKING: I think you said what I  
 2 was going to say. I think whether or not it's  
 3 contracted or we're offering it, we're still going  
 4 to need the kitchen, so I think that needs to be  
 5 there.  
 6         I also agree, from just my quick skim of  
 7 this, like, people like the food. There's, like,  
 8 suggestions to maybe do, like, different types of  
 9 events or, like, have, like, more food available at  
 10 -- or stay open a little bit later at music on that  
 11 beach, that kind of stuff. And we can address that  
 12 as a staffing issue.  
 13         But I think just keeping the food the same  
 14 and not trying to become too different, that's  
 15 perfect. And I think it doesn't really matter at  
 16 this point, unless I'm incorrect, like Trustee  
 17 Tulloch said, if it's contracted or offered  
 18 in-house, it's probably the same kitchen needed.  
 19         TRUSTEE NOBLE: I think alternative 1  
 20 addressed it with regards to the bathroom  
 21 capacities. Outside of 4th of July, do we have  
 22 enough bathroom capacity so that we don't need to  
 23 have porta potties there?  
 24         I would hate to see us build a facility  
 25 and immediately we have to have porta potties, 24/7,

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1 and that's what I see all the time at the beach,  
 2 whether it's music on the beach or weekends or any  
 3 other time, the bar is always a very popular place.  
 4 I think that is a great thing.  
 5         With that said, I don't think it needs to  
 6 be Cabo Wabo by any means. That's not what were  
 7 going for. Just a fun place to hang out for those  
 8 that want a break from everything else that's going  
 9 on around.  
 10         MS. WATERS: I think we're going in the  
 11 right direction. I think if we're directed by the  
 12 Board to say, we want to keep the kitchen, we want  
 13 to increase the size of the bar, whatever that is,  
 14 and maximize the number of bathrooms there, we're  
 15 getting information that we can put in an RFQ.  
 16         And we can put out -- this was alternative  
 17 1 that was developed and brought to the Board in  
 18 2019. We're looking for something like this, but we  
 19 want flow to the bar. We can explain all of these  
 20 things, and we pick the team to depending on who  
 21 comes back with the best ideas.  
 22         CHAIR DENT: Building upon, and maybe  
 23 disagreeing on the alternative a portion of it a  
 24 little bit, I do like the outdoor building structure  
 25 feel of the outdoor trellis like you have at the

<p style="text-align: right;">Page 158</p> <p>1 Hyatt.</p> <p>2 Do we want to put the building in the same</p> <p>3 footprint or not? Move it around?</p> <p>4 We do have a lot of space to the west</p> <p>5 toward Burnt Cedar Beach. Would it make sense to</p> <p>6 potentially focus on a restroom structure that moves</p> <p>7 west, allow for storage, allow for -- right now,</p> <p>8 just make it more that empty, kind of, envelope a</p> <p>9 little bit, knowing that we still need to rework,</p> <p>10 potentially, the entrance and figure out what the</p> <p>11 traffic looks like there.</p> <p>12 But, maybe, the -- if we don't go with</p> <p>13 alternative 1, and say we do have two structures</p> <p>14 where you have the outdoor trellis and then you have</p> <p>15 the bathroom structure with some storage, maybe the</p> <p>16 bar slash serving area does end up being in a</p> <p>17 similar spot to where it currently is, but we're not</p> <p>18 stuck with it going in that same spot.</p> <p>19 MS. NELSON: I think we can certainly</p> <p>20 suggest that, because that does provide -- also so</p> <p>21 not everybody's going to one spot, and we can add</p> <p>22 that in the RFP, keeping our minds open that we do</p> <p>23 have this property and there is some dead areas not</p> <p>24 used.</p> <p>25 CHAIR DENT: I'd hate us to design</p>	<p style="text-align: right;">Page 159</p> <p>1 something and plop it right back in the same spot</p> <p>2 without seeing what those alternative are and trying</p> <p>3 and just solve the problem with the one we already</p> <p>4 have.</p> <p>5 TRUSTEE TONKING: Can we do something</p> <p>6 similar to what we did with the rec center expansion</p> <p>7 where the architects came and showed a bunch of</p> <p>8 different layout ideas? It was pretty cool to see,</p> <p>9 like, things that we hadn't even thought of and just</p> <p>10 do it in a bunch of different ways, what they</p> <p>11 thought was best given that space. Is that too much</p> <p>12 to ask to do?</p> <p>13 MS. WATERS: What we did for the Rec</p> <p>14 Center expansion isn't typically what architects are</p> <p>15 asked to do. That was more of a contest, and most</p> <p>16 of the time -- I mean, we've discussed this, why</p> <p>17 don't we have the pretty pictures here? Because</p> <p>18 pretty pictures cost \$50,000 to develop or \$20,000.</p> <p>19 It ranges on what you're asking from the architect.</p> <p>20 And they've all told us, you can't just give you --</p> <p>21 yeah, I can give you a \$5,000 picture, it doesn't</p> <p>22 mean anything.</p> <p>23 So if you really want to talk about it and</p> <p>24 do that, we can explore how to go down that road and</p> <p>25 figure out how to do that selection process.</p>
<p style="text-align: right;">Page 160</p> <p>1 But the Rec Center expansion was a unique</p> <p>2 project in that sense. Not saying that we can't</p> <p>3 have a selection committee, ask those architects to</p> <p>4 bring forth their ideas, and then we all -- I think</p> <p>5 that would be a part of it, but not so much as a</p> <p>6 contest, as more of -- when you put out an RFQ, it's</p> <p>7 a request for qualifications, so you're choosing the</p> <p>8 architecture, the A and E team, based on their</p> <p>9 qualifications, not so much the pretty pictures and</p> <p>10 designs they're bringing forward.</p> <p>11 All three architects that came for the Rec</p> <p>12 Center expansion all said that same thing, that this</p> <p>13 is a unique case.</p> <p>14 CHAIR DENT: We can do that. Let's do the</p> <p>15 RFQ and let's get an architect in place. Then we</p> <p>16 can have them give us some different layouts of what</p> <p>17 that looks like on the beach, and then also change</p> <p>18 the building around and show us what that looks</p> <p>19 like.</p> <p>20 MS. WATERS: I think that's the fairest</p> <p>21 route to go. You're asking somebody that doesn't</p> <p>22 even have a job to spend a whole bunch of time</p> <p>23 developing something like that, when you can choose</p> <p>24 a group, based on their past history of designs --</p> <p>25 they can bring all of their designs. You can see</p>	<p style="text-align: right;">Page 161</p> <p>1 the work they do. And they might sketch up a</p> <p>2 schematic for us or not, depending on how they want</p> <p>3 to propose it.</p> <p>4 But you can make a selection on a very</p> <p>5 qualified group that way, and then they can bring</p> <p>6 schematic options to us.</p> <p>7 TRUSTEE TULLOCH: Can I suggest something</p> <p>8 with regard to extended bar area? I don't mind</p> <p>9 having a larger bar area, but if all we do is put in</p> <p>10 20 seats in a larger bar area instead of 10 seats,</p> <p>11 it doesn't help the process of getting served at</p> <p>12 busy times, which is the issue.</p> <p>13 If we're going to expand the bar area like</p> <p>14 that, we should certainly consider, particularly at</p> <p>15 peak times, not having seating there because all</p> <p>16 you're doing is just restricting -- I mean, if we</p> <p>17 get 5-, 600 people there in an evening, 20 seats at</p> <p>18 the bar doesn't help. It's doesn't help serving.</p> <p>19 TRUSTEE SCHMITZ: An idea as it relates to</p> <p>20 what I'm seeing in the surveys about what people</p> <p>21 want from the bar service, I don't think making a</p> <p>22 bar with more bars stools actually addresses the</p> <p>23 issue.</p> <p>24 It might be better service if we actually</p> <p>25 had tables where people could sit and congregate at</p>

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<p style="text-align: right;">Page 162</p> <p>1 small groups of tables, that way they can have                  2 servers that serve the tables, and they can have a                  3 bar that you walk up to and order your cocktail and                  4 go back to your table or go back to your beach                  5 chair.                  6 I just don't think that this really                  7 addresses the issue, which is people getting access.                  8 And having a conglomeration of round picnic tables,                  9 you know, for people to sit and relax and enjoy,                  10 probably are going to seat a lot more than 20                  11 people. Just an idea.                  12 MS. WATERS: I think all of these things                  13 can be put forth in the RFQ. Like, these are our                  14 concerns, these are our problem areas.                  15 And in the selection process, the group                  16 coming with the best ideas are going to get the job.                  17 They're going to come to us and say, we are experts                  18 in flow and congestion, and we've designed stadiums                  19 or we've designed this, we've done that.                  20 They're going to come to us with the best                  21 options.                  22 TRUSTEE SCHMITZ: This is, maybe, kind of                  23 the old school, and maybe there's a newer approach                  24 that would be more -- provide more service for                  25 residents.</p>	<p style="text-align: right;">Page 163</p> <p>1 The other thing I want to point out is                  2 when we talk about the kitchen design, the folks at                  3 Incline Spirits had said that the kitchen design                  4 down at Burnt Cedar is not done efficiently, that it                  5 actually requires them to have additional staff                  6 because of the layout.                  7 So it's very important that the way the                  8 kitchen is designed is optimal for staff and for                  9 use. I don't want to end up with a design that                  10 causes issues like the Burnt Cedar area has.                  11 MS. WATERS: The other thing we need                  12 answered is when we go out for an RFQ, need to know                  13 what delivery method the board wants; whether or not                  14 you want it to be a low bid, you want a CMAR, or a                  15 design build.                  16 Because this is a cost-driven project, the                  17 cost is very important. They can't come back to us                  18 with a design that's \$6 million because it's not in                  19 the budget for that.                  20 If you're not -- if you're going to go                  21 with a low bid, the A and E team's going to put into                  22 their proposal an independent cost estimator.                  23 If you don't do that, if you go as a CMAR                  24 or as a design build, they're going to go -- we're                  25 going to decide how -- what that looks like, and I</p>
<p style="text-align: right;">Page 164</p> <p>1 think we all know the pros and cons to all of it.                  2 We've discussed it before.                  3 But going for a low bid, you don't always                  4 get what you want. You saw that at the high school.                  5 They had an independent cost estimator come in, came                  6 in higher, and then the bid came in even higher.                  7 So you -- you're guaranteed low bid, but                  8 you're getting change orders as it comes through.                  9 CHAIR DENT: We're talking about the                  10 build, the actual construction?                  11 MS. WATERS: Yeah. We need to be able to                  12 tell the architecture team what -- how we're going                  13 forward with this.                  14 TRUSTEE NOBLE: Back to you, actually.                  15 Given your experience in what you've seen recently,                  16 what do you recommend for this project?                  17 MS. WATERS: The cost of construction is                  18 leveling out. It's not -- in 2021, there was 20                  19 percent inflation across the board. Now we're back                  20 down to around 5.5 percent.                  21 The problem with this situation is you                  22 guys want to see options. So here's your \$5 million                  23 option with enough bathrooms, a big enough kitchen,                  24 and a bar. But here's your \$3 million option, and                  25 what's taken away from that.</p>	<p style="text-align: right;">Page 165</p> <p>1 Now, you guys all know what an engineer's                  2 estimate is. It's what it is, an engineer's                  3 estimate. We're not contractors. We do the best                  4 that we can with what we have.                  5 A contractor's estimate, someone that has                  6 skin in the game, it's going to be a lot closer than                  7 it is if you're going to go out and ask an architect                  8 or an independent cost estimator to do it.                  9 I understand it's a commercial kitchen on                  10 the lake. It's not simple. The Uniform Building                  11 Code has changed, the plumbing's different. There's                  12 a lot of things that have to go into this project,                  13 and if it's cost-driven, I would suggest you get the                  14 contractor involved from the beginning. This isn't                  15 a pipeline. It's vertical construction.                  16 TRUSTEE TULLOCH: I've seen no value from                  17 what we've done with using CMAR. What's happened in                  18 the pipeline, and the risk seems to accrue back to                  19 us as a client. It's basically a standard                  20 construction of it. There maybe some complexities.                  21 Anyone that's building that type of thing normally                  22 does it.                  23 I've seen -- I'm used to running low-bid                  24 projects as well. In terms of that, it's up to                  25 manage the contractor properly. If you don't manage</p>



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<p style="text-align: right;">Page 166</p> <p>1 the contractor, if your project manager doesn't 2 manage the contractor, you'll get all sorts of 3 extras. 4 I see no reason for a CMAR here, taking 5 another 14 percent or something like we've seen on 6 the pipeline. I see no value to the community from 7 that. 8 CHAIR DENT: When it comes to -- I know 9 the strength of our engineering team isn't in 10 vertical. 11 And so I think when it comes to awarding 12 or managing this project, if it makes sense, or if 13 you guys recommend bringing back an item to have a 14 consultant, project manager oversee and help advise 15 in that process, I'd rather go that route and go the 16 low-bid process, especially given where things are 17 going. As it relates to vertical structures right 18 now, things are becoming more competitive. 19 And so -- still seeing things go up, but I 20 think we've been a little snakebitten by having to 21 work through that process with the CMAR and seeing 22 how it's kind of backfired on us when our intent was 23 right. And now we're dealing with what we are with 24 the pipeline project. 25 I would be inclined to go the low-bid</p>	<p style="text-align: right;">Page 167</p> <p>1 process. 2 TRUSTEE TONKING: Can you talk to me about 3 why CMAR project, using the CMAR with using the 4 effluent pipeline is different than using a CMAR 5 with a vertical structure, and why you would 6 recommend differently? 7 And then to Trustee Dent's point, but if 8 you hire a project consultant, are you not already 9 getting about that 14 percent cost coming in too in 10 some ways? 11 MS. NELSON: The State of Nevada, in NRS 12 for CMAR projects for underground construction, the 13 contract has to self-perform, I think it's 80 14 percent of the project. 15 So, on vertical construction, they don't 16 have to self-perform. For instance, at the Burnt 17 Cedar pool we had the CMAR with Core Construction. 18 They sub-consulted 99 percent of that work out, and 19 they were just managing the project at that point. 20 I think their fee with was about 4 percent. On that 21 project, it was very successful project. We were 22 able to return to the District about \$385,000 from 23 their contract. 24 It didn't require a lot of staff time for 25 oversight. We had to be down there to answer</p>
<p style="text-align: right;">Page 168</p> <p>1 questions when we ran into pipes we didn't know what 2 they were. We had to be down there weekly to make 3 sure what was going on with the construction, the 4 scheduling, all of that. But as far as the 5 administrative time on staff, it was negligible. 6 As far as looking like the pipeline, the 7 administrative costs on staff time, Hudson, was 8 spending a lot of his time managing that job. That 9 being said, personally, I would never recommend an 10 underground job be a CMAR. It just doesn't lend 11 itself to that. 12 The successes I saw in Burnt Cedar is why 13 I recommend it for a vertical construction. 14 Now, if the Board wants to go for the low 15 bid, that's fine. We would absolutely be coming 16 back to you saying, we need a construction manager. 17 Because there are four of us in our 18 department, we cannot spend that much time on two 19 jobs. 20 MS. WATERS: And the project right now 21 that we have at the Diamond Peak kitchen, which we 22 will be bringing back next week, is going very well. 23 TRUSTEE TULLOCH: That's all good points. 24 I still fail to see where the CMAR and that type of 25 project is any better than having an effective</p>	<p style="text-align: right;">Page 169</p> <p>1 project manager as suggested. 2 And with regard to the cost of that, I'd 3 assumed when I saw the 14 percent CMAR fee in the 4 effluent pipeline that that included -- that 14 5 percent included all the supervisory staff on site 6 that Granite was providing. I only found out 7 afterward that we pay for this staff as well, then 8 the 14 percent on top. 9 That's one of reasons I'm concerned about 10 any CMAR proposals. When we talk about guaranteed 11 maximum price, it always seems to be that we're 12 guaranteed to pay the maximum price. I've been on 13 record saying this before. 14 I think that idea of low bid when business 15 is getting competitive and bringing in an effective 16 project manager actually can deliver better results, 17 but that's personal view. 18 MS. WATERS: Low bid, if that's the way 19 we're directed to go, that's the way we can go. I 20 think the benefit to the CMAR process comes at the 21 beginning. The benefits is going to come before we 22 go to construction. You're going to get real costs, 23 real estimates, real numbers, as opposed to us 24 saying, oh, yeah, here's an engineer's estimate for 25 a \$3.5 million building, you go bid to bid, and it</p>

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1 comes in at 6.

2 CHAIR DENT: I'll go back my comments

3 earlier, I'll say for myself, there's quite a bit

4 more pause now when it comes to the CMAR process,

5 especially when we're at 95 percent drawings and

6 then we see a 40 percent increase in the last five

7 percent, and that just happened to us a few months

8 ago with the pipeline project.

9 The reason -- I remember one of the

10 concerns with Burnt Cedar or one of the reasons why

11 should go in that direction is it was underground,

12 there were unknowns we didn't know what we were

13 going to get into, and the potential savings of

14 that.

15 With this structure and with what we're

16 doing moving forward, there's very little unknowns.

17 Once you excavate for your foundation, put your

18 concrete in, you're doing everything else

19 aboveground, so the amount of change orders and

20 concerns that come with that, assuming your designer

21 puts together an adequate set of plans, should be

22 minimal. Or we decide to spend more money.

23 I think there's a lot less risk with the

24 vertical piece of it, and that's why I'm saying we

25 should go the low-bid process.

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1 build would be by preference.

2 TRUSTEE TONKING: I agree. Design build

3 is the perfect option.

4 TRUSTEE SCHMITZ: I concur. I was not

5 clear of the distinction between the two because I

6 was thinking design build as well. I think that's

7 the route that we should head down.

8 MS. WATERS: In the design build, the

9 design build model -- so in a CMAR model, you have

10 the owner, then you have the A and E team, then you

11 have the contractor, and the owner holds the

12 contracts for both of those, separately.

13 In the design build model, the contractor

14 holds the contract with the A and E team, and then

15 we hold one contract with that team.

16 CHAIR DENT: From an oversight standpoint,

17 how does that change?

18 MS. WATERS: This direction, the low bid

19 direction, it's a lot of staff time on our end to

20 bring in a project manager. If you don't bring him

21 in at the beginning, those fees up there with lawyer

22 fees for project managers.

23 So, you bring them in at the beginning of

24 the project so that they understand it all the way

25 through. Otherwise, it's kind of useless.

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1 MS. NELSON: I need a consensus on the

2 delivery method.

3 MS. WATERS: I can give you another option

4 if we can go out for an RFQ, and we can say

5 something like we did for the Rec Center, if want to

6 do that. We can go out for an RFQ for a schematic

7 design. And at that point, come back to the Board

8 with the schematic design options, then you guys

9 decide which way you want to go.

10 That's another option is design build.

11 TRUSTEE TULLOCH: Then the bidder is

12 putting themselves at risk. They are taking that

13 risk, that's the proper way to do it.

14 MS. WATERS: When you do the low bid, the

15 contractor's building their risk into it. When

16 you're doing the design build, they're taking the

17 risk from us.

18 TRUSTEE NOBLE: I think I'm more

19 comfortable with the design build. Low bid sounds

20 great, but I always -- then you're getting the

21 cheapest product, the cheapest build, there's

22 potential for cutting corners. This is not one

23 where I want to cut corners.

24 I want to make sure it's done right, and I

25 like the -- if not going to go CMAR, I think design

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1 I think the design build is going to be

2 less taxing on engineering staff.

3 TRUSTEE SCHMITZ: I would like to have

4 some sort of a community workshop so we can talk

5 about what has been produced and get feedback from

6 community members when we have some of these options

7 to take a look at.

8 MS. NELSON: Just in summary, so we can

9 wrap this up, the programming level of service is

10 going to remain the same.

11 The food and beverage scope, we would like

12 an expanded bar area. It may look different,

13 whether it's tables, bar, what have you, but we will

14 investigate all those options as to what we can do

15 on our end.

16 Staffing is a completely separate issue,

17 and we don't have control over that, nor do we want.

18 And for the delivery method, we're going

19 to go down design build.

20 CHAIR DENT: We're all on the same page.

21 MS. WATERS: We'll put a selection

22 committee together. We'll put the RFQ together and

23 put a selection committee together that will be two

24 board members, staff.

25 TRUSTEE TULLOCH: Design build should help

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<p style="text-align: right;">Page 174</p> <p>1 speed the process up as well.</p> <p>2 TRUSTEE SCHMITZ: I heard a lot of</p> <p>3 discussion about the entrance being part of this</p> <p>4 design, so I want to make sure that that was clear.</p> <p>5 You didn't mention that in you summary.</p> <p>6 MS. WATERS: Those currently are two</p> <p>7 separate projects that we would do together.</p> <p>8 CHAIR DENT: Correct.</p> <p>9 We're getting close to the end of this</p> <p>10 meeting. I definitely think we could table the</p> <p>11 remaining three items, and we'll just put those at</p> <p>12 the top of list for the next meeting.</p> <p>13 Any concerns with that? Anne?</p> <p>14 MS. BRANHAM: Yes. I just was going to</p> <p>15 mention, we will have to have the final public</p> <p>16 comment period before we adjourn for tonight.</p> <p>17 CHAIR DENT: Absolutely.</p> <p>18 MS. BRANHAM: Wonderful. Then, oh, just</p> <p>19 that for staff's benefit, the items that are being</p> <p>20 tabled will have to be re-noticed in the same way</p> <p>21 for the next agenda as we do for a normal agenda.</p> <p>22 CHAIR DENT: Understood. Thank you for</p> <p>23 that.</p> <p>24 That will close out our general business.</p> <p>25 Moving on to item A, we don't -- or item I.</p>	<p style="text-align: right;">Page 175</p> <p>1 I. REDACTIONS FOR PENDING PUBLIC RECORDS REQUESTS</p> <p>2 CHAIR DENT: We don't have anything for</p> <p>3 redactions in the packet. Moving on to item J, long</p> <p>4 range calendar.</p> <p>5 J. LONG RANGE CALENDAR</p> <p>6 CHAIR DENT: Long range calendar, pages</p> <p>7 332 through 336 of the board packet.</p> <p>8 MR. BANDELIN: If I might get a little</p> <p>9 assistance with the calendar this evening. I</p> <p>10 brought the agenda here, so I'll just kind of ask</p> <p>11 for some assistance on which ones that we didn't</p> <p>12 touch on tonight. I'll add them to -- would that be</p> <p>13 the preference of the Board to move it directly to</p> <p>14 the August 9th meeting?</p> <p>15 CHAIR DENT: That would be correct.</p> <p>16 Item H 4, item H 7, and item H 8, those will all be</p> <p>17 at the August 9th meeting.</p> <p>18 TRUSTEE SCHMITZ: The other thing that we</p> <p>19 talked about for August 9th was the director of HR</p> <p>20 bringing back the vendor information as it relates</p> <p>21 to the GM position.</p> <p>22 CHAIR DENT: Approval of the vendor?</p> <p>23 TRUSTEE SCHMITZ: Yes. So, she wanted to</p> <p>24 bring that back at the August 9th.</p> <p>25 And I believe there was a request about</p>
<p style="text-align: right;">Page 176</p> <p>1 having -- this was Trustee Tonking's -- a report</p> <p>2 from HR as it relates to some of the attrition that</p> <p>3 we've had. I think that was requested.</p> <p>4 And then Trustee Tonking, I don't think</p> <p>5 she specifically said it was for August the 9th, but</p> <p>6 you wanted to have on an upcoming agenda to discuss</p> <p>7 some additional training.</p> <p>8 TRUSTEE TONKING: I'll do it for the</p> <p>9 August 9th meeting, so we can get them concurrent</p> <p>10 with each other.</p> <p>11 TRUSTEE SCHMITZ: August 9th is going to</p> <p>12 be a really packed agenda.</p> <p>13 TRUSTEE TONKING: I just feel like we</p> <p>14 should get the trainings concurrent with each other,</p> <p>15 if we're going to start doing them.</p> <p>16 TRUSTEE SCHMITZ: Then I believe that</p> <p>17 tonight -- the interim Director of Finance talked</p> <p>18 about bringing back the revised State form budget,</p> <p>19 perhaps, on August the 30th. He didn't feel that</p> <p>20 was urgent.</p> <p>21 CHAIR DENT: Yeah. And if it isn't</p> <p>22 urgent, it could be the 13th or the 27th of</p> <p>23 September. We're fine with that too.</p> <p>24 TRUSTEE SCHMITZ: Right.</p> <p>25 And the other thing that -- I believe</p>	<p style="text-align: right;">Page 177</p> <p>1 interim General Manager Bandelin brought up was</p> <p>2 coming back, maybe, on September 13th with some food</p> <p>3 and beverage related to Champ. And events coming</p> <p>4 back with some additional information for us. I</p> <p>5 think you sort of leaned like it might be September</p> <p>6 13th.</p> <p>7 That is sort of what I filled with from</p> <p>8 tonight's meeting.</p> <p>9 CHAIR DENT: As far as all the items on</p> <p>10 the August 9th meeting, you and I can work through</p> <p>11 this offline to figure out what does need to come</p> <p>12 forward and what can push, and the stuff that's</p> <p>13 necessary on here or consent, and we'll work through</p> <p>14 that.</p> <p>15 MR. BANDELIN: Agreed. I was going to</p> <p>16 mention some of those CIP projects, not including</p> <p>17 the Base Lodge walk-in cooler project, we're working</p> <p>18 with legal and some of the procurement providers,</p> <p>19 and we may not be ready by the 9th. Some of those</p> <p>20 may be coming off, on the contracts and the</p> <p>21 agreements.</p> <p>22 Then I did speak with legal counsel, BBK,</p> <p>23 and not exactly sure if it can happen on the 9th,</p> <p>24 but staff would like bring back a proposed policy</p> <p>25 related to the content and the advertisement within</p>

<p style="text-align: right;">Page 178</p> <p>1 the IVGID magazine.</p> <p>2           Currently, there's a kind of an agreement</p> <p>3 where the general manager makes that decision, and</p> <p>4 talking with our counsel, we think we should be going</p> <p>5 policy to the Board for approval of the content.</p> <p>6           MS. BRANHAM: I can give you an update on</p> <p>7 that. Josh and I discussed, I will be writing that</p> <p>8 policy, so we thought it might make sense for it to</p> <p>9 come the next meeting I will be at, which is the</p> <p>10 second meeting in August.</p> <p>11           As long as that works for everyone, we can</p> <p>12 have it ready to go and discuss at that meeting.</p> <p>13           CHAIR DENT: Great. Thanks, Anne.</p> <p>14           TRUSTEE SCHMITZ: The other thing that we</p> <p>15 were talking about, this ties in with the Investment</p> <p>16 Committee and also a new and updated strategic plan,</p> <p>17 is that we, as a board, have really never talked</p> <p>18 about what is the five-year plan, what are the</p> <p>19 things that we want to have out on our agenda to try</p> <p>20 to get accomplished?</p> <p>21           I know we've got numbers and spreadsheets,</p> <p>22 but we have really not sat down to talk some sort of</p> <p>23 detail. I would like to have that on some upcoming</p> <p>24 agenda not too far in the future.</p> <p>25           MR. BANDELIN: Agree. I would like staff</p>	<p style="text-align: right;">Page 179</p> <p>1 to bring forward a little different look to the</p> <p>2 five-year plan, maybe a little bit more itemized,</p> <p>3 that we can go through.</p> <p>4           Then we would probably be able to</p> <p>5 highlight some of those sales where projects are a</p> <p>6 certain dollar amount that would be in front of the</p> <p>7 Capital Investment Committee, but may also require</p> <p>8 the discussion of bonding.</p> <p>9           CHAIR DENT: Good point. None of us even</p> <p>10 touched on bonding for the Incline Beach House,</p> <p>11 which I think should part of that discussion as</p> <p>12 well, whether it's a portion or all.</p> <p>13           The one item I have a question on, the</p> <p>14 Moss Adams report, is that scheduled to come back to</p> <p>15 us on August 9th?</p> <p>16           TRUSTEE TULLOCH: August 30th.</p> <p>17           TRUSTEE TONKING: The final report is</p> <p>18 August 30th, yes.</p> <p>19           CHAIR DENT: August 30th. So Moss Adams</p> <p>20 reports get bumped to August 30th.</p> <p>21           TRUSTEE TONKING: I was wondering if we</p> <p>22 can in a couple, future, maybe like end of August or</p> <p>23 September, do the item here that Chair Dent and</p> <p>24 Trustee Schmitz had recommended, the scheduling of</p> <p>25 community town halls or the 30-minute social happy</p>
<p style="text-align: right;">Page 180</p> <p>1 hour, start moving through with that?</p> <p>2           CHAIR DENT: What was that?</p> <p>3           TRUSTEE TONKING: Social half hour.</p> <p>4 Sorry. Social half hour.</p> <p>5           CHAIR DENT: Before the meeting? We all</p> <p>6 have gone out to dinner together.</p> <p>7           TRUSTEE TONKING: A social half hour</p> <p>8 before each Board meeting that you proposed. We've</p> <p>9 never discussed, like, what we want to do with</p> <p>10 those.</p> <p>11           CHAIR DENT: Yeah. I would say let's</p> <p>12 discuss that sooner rather than later.</p> <p>13           TRUSTEE TULLOCH: Seems it dropped off,</p> <p>14 but we had talked about doing a review of the</p> <p>15 pricing policy. I think that would be appropriate</p> <p>16 before we get into the next round of venue pricing,</p> <p>17 we need to look at -- make sure we're comfortable</p> <p>18 with the pricing policy.</p> <p>19           We've been getting all sorts of slings and</p> <p>20 arrows about it for following the pricing policy</p> <p>21 proposed by the previous board.</p> <p>22           TRUSTEE SCHMITZ: The pricing pyramid that</p> <p>23 is on our parking lot, but I think sometimes when we</p> <p>24 get things in our parking lot, they get lost a</p> <p>25 little bit. I think it would be good -- some of</p>	<p style="text-align: right;">Page 181</p> <p>1 these that we really want to cover, I think, to</p> <p>2 put -- at least tag them to an agenda.</p> <p>3           CHAIR DENT: I think that's a good idea.</p> <p>4 Start to fill out the calendar a little bit, like</p> <p>5 September 27th and September 13th, we don't really</p> <p>6 have anything going on. But I'm sure we'll have 15</p> <p>7 items that meeting.</p> <p>8           General Manager Bandelin, do you need any</p> <p>9 further direction from us?</p> <p>10           MR. BANDELIN: Not at this time.</p> <p>11           CHAIR DENT: That will close out item J.</p> <p>12 Moving on to item K, Board of Trustees updates.</p> <p>13 K. BOARD OF TRUSTEES UPDATE</p> <p>14           CHAIR DENT: Any updates from the</p> <p>15 trustees?</p> <p>16           TRUSTEE TULLOCH: On Moss Adams, we met</p> <p>17 with them last week, an update meeting with them,</p> <p>18 and we've updated the schedule to make sure that</p> <p>19 we're pushing things to get back. And a couple of</p> <p>20 other things that we touched on. It's moving</p> <p>21 forward. They're starting their draft report at the</p> <p>22 moment, and that will come back to us on Friday.</p> <p>23           CHAIR DENT: That closes out item K.</p> <p>24 Moving on to item L, final public comment.</p> <p>25 L. FINAL PUBLIC COMMENTS</p>

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1 MR. DALTON: I've lived here since --  
 2 eight years, moved here, full time. And I've gone  
 3 to a lot of meetings, opposed to some of the people  
 4 in this town who don't go to any meetings or listen,  
 5 because there's not very many.  
 6 I wanted to thank the Board for -- not the  
 7 Board, but recognizing the finance director  
 8 temporary or interim, Chris Nolet, for his terms of  
 9 the head of the Audit Committee, which has had, in  
 10 the past by members of this -- not this board but  
 11 another trustee board, had a lot of pushback that we  
 12 don't need an audit. It's clear that we needed an  
 13 audit.  
 14 And I wanted to thank, in addition, where  
 15 Cliff Dobler has made comments. I don't care if you  
 16 like comments or not, but you have to listen. You  
 17 don't say "next." Next. Next.  
 18 And that's what we had for years, and I  
 19 want to thank this Board for recognizing the  
 20 contributions -- not this Board, but that Chris  
 21 Nolet had mentioned, and I listened to the Audit  
 22 Committee a few days ago. He did an excellent job.  
 23 And then, of course, Bobby Magee.  
 24 I wanted to thank Cliff for the years that  
 25 he spent, which is a lot of time, and I wanted to

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1 The fallout from this bad work environment  
 2 and micromanaging doesn't end with the resignations  
 3 to date. These vacancies put stress on everyone who  
 4 now has to pick up the slack.  
 5 And now the BOT is establishing advisory  
 6 committees, which I'm going to apply for one, but  
 7 that's going to stress the existing IVGID staff  
 8 further until these jobs get filled. Not to mention  
 9 employee certainty, leading to low morale, job  
 10 uncertainty, and possibly more departures.  
 11 The reputation of IVGID is becoming so  
 12 negative that finding quality new employees could  
 13 become the biggest challenge. And this could be  
 14 more impactful than their finding work (inaudible).  
 15 Here's what should be happening: Pause  
 16 and reflect. And I'm looking at each one of you.  
 17 Pause and reflect.  
 18 Typically, when a District is in this  
 19 position, they reflect and pause on their actions.  
 20 Nothing new to you can calm things down. You gotta  
 21 calm it down. Prioritize routine district business  
 22 and how to keep the critical staff that remains.  
 23 Focus on searches for new directors who you caused  
 24 to force to resign by your behaviors. Pause setting  
 25 up board committee except for a citizen committee to

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1 say stuff to Chris and I want to thank the Board for  
 2 their expediting these changes.  
 3 I hope to continue -- going forward, that  
 4 this will continue. Thank you.  
 5 MS. CARS: I want to quickly respond to  
 6 that. We're not -- a lot of people aren't old like  
 7 us, so they can't say up. They've got kids and  
 8 families. And what I do is if I can't attend a  
 9 meeting, I listen to it the next day. So don't  
 10 respond that people aren't -- people are paying  
 11 attention. That's why we have a recall going on.  
 12 I'm going to address the management team.  
 13 Effective 8/1, there is no IVGID management team to  
 14 make fiscally sound decisions.  
 15 On the leadership team, you're down from  
 16 eight to five. Because of the apparent meddling,  
 17 toxic work environment created by Schmitz, Dent, and  
 18 Tulloch we are without critical, dedicated, hard  
 19 working staff. They're gone.  
 20 GM Winqest, 20 years. Public works, two  
 21 years. Director of Finance Navazio, three years.  
 22 Director of Food and Beverage Vandenburg, 16-plus  
 23 years. Controller Marty Williams left January,  
 24 2023, he was here two years. And this doesn't  
 25 include other employees who have left since January.

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1 help with the talent search.  
 2 You also have two people under recall.  
 3 Focus on the priorities. What is your endgame since  
 4 you're not doing what you should be doing?  
 5 The union contract is expired, employees  
 6 and public works, IT, and accounting working without  
 7 union contracts translates into more instability.  
 8 Using the word "you" is never popular, but  
 9 I don't know how to better put it. You are trustees  
 10 and you need to meditate on the unintended  
 11 consequences of your micromanagement and what is  
 12 happening.  
 13 Please re-read and memorize the board  
 14 handbook and what you should be doing.  
 15 Trustee Schmitz, Dent, and Tulloch, focus  
 16 on your BOT role and work on building, not tearing  
 17 down, our community. Listen to Dr. Laura. Do the  
 18 right thing.  
 19 Thank you.  
 20 MS. SHACKFORD: Kay Shackford, Donna  
 21 Drive.  
 22 As I mentioned at the July 12th board  
 23 meeting, I was initially relieved to read the answer  
 24 to the original question number 4 on the Board of  
 25 Trustees' frequently asked questions, to say you did

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<p style="text-align: right;">Page 186</p> <p>1 not intend to privatize our recreational venues.                  2           When I read the updated FAQs, issued on                  3 July 16th, I noticed assurances that you've never                  4 discussed outsourcing any venue. This does not fill                  5 me with a warm, fuzzy feeling, and here's why:                  6           At the July 12th Board meeting, Trustee                  7 Tulloch assured Mike Bandelin that his job as acting                  8 interim General Manager would not be that difficult                  9 since Brad Underwood would be there to take care of                  10 all the public works items.                  11           Then in the same meeting, how Trustee                  12 Tulloch dealt with the presentation, developed by                  13 Waste Management personnel in close collaboration                  14 with our public works people, likely contributed to                  15 to Mr. Underwood's decision to submit his                  16 resignation.                  17           Mr. Bandelin is now left with the                  18 responsibility of handling his full-time role as                  19 General Manager of Diamond Peak Ski Resort, now                  20 interim acting General Manager, without any help                  21 from our now-departed Director of Public Works.                  22 This seems to demonstrate that trustee assurances,                  23 even when well intended, in and of themselves don't                  24 mean much.                  25           Given that a huge issue in this community</p>	<p style="text-align: right;">Page 187</p> <p>1 is fear that this Board might take steps to divest                  2 or further weaken our venues, I again ask -- no, I                  3 implore one of the silent majority on Board --                  4 minority, silent minority on the Board to officially                  5 request that drafting and signing a memorandum of                  6 understanding be agendaized for an upcoming board                  7 meeting so the five trustees can approve the                  8 wording, each trustee can sign his or her name on it                  9 as being one hundred percent in agreement, and so it                  10 can then be posted permanently on IVGID's website.                  11           Such a document would confirm that you                  12 recognize our recreational venues are legitimately                  13 the responsibility of IVGID, that they are first and                  14 foremost for the enjoyment of the community members,                  15 and a major reason for property values remaining                  16 high.                  17           And that in your tenure on the board, you                  18 commit never to ask for a study of or approve the                  19 privatizing or outsourcing of any of our                  20 recreational venues or otherwise invite an outside                  21 agency to take managerial and/or financial control                  22 of any of these venues.                  23           Should such an MOU not be discussed,                  24 agreed upon, and individually and collectively                  25 signed, the current statement number 4 on the</p>
<p style="text-align: right;">Page 188</p> <p>1 revised FAQ page is, as I mentioned, completely                  2 meaningless. Please do the right thing.                  3           Thank you.                  4           CHAIR DENT: No other public comment in                  5 the room. Let's go to Zoom.                  6           MR. DOBLER: This is Cliff Dobler.                  7           I wanted to finish my comments on the                  8 beach building, but I ran out of time. I just want                  9 you to think about this, I know you're all tired,                  10 but just think about it for a second.                  11           The beaches have almost 2000,000 visitors                  12 each year, and, historically, the food and beverage                  13 service generated only 300,000 per year or \$150 per                  14 visit. The Mountain Course, which is only 18,000                  15 visits, generates \$5.55 per visit.                  16           It is quite obvious that the beaches,                  17 which has 11 times more visitors, provides little                  18 interest in food and beverage service. Grab and go                  19 is the proper solution. We don't need another                  20 unique and complex food service operation.                  21           Now I go to the survey that was conducted,                  22 in question 2 was: How important is it for you to                  23 have food available to buy at Incline Beach?                  24           Believe it or not, 21 percent says: Not                  25 at all; 16.6 percent says: Slightly. I bought food</p>	<p style="text-align: right;">Page 189</p> <p>1 there in a pinch; and 38 percent said: Somewhat. I                  2 buy food from time to time.                  3           So, 75.8 percent of the population of 625                  4 voters decided that, you know, it's really not all                  5 that important.                  6           Building a kitchen is not the way to go.                  7 You need to do just a grab and go. Where you're                  8 going to make the money is in the booze. And the                  9 booze is one by having four servers on the big                  10 nights for the bands on Wednesday night and Friday                  11 night, and then the big weekends.                  12           We had a restaurant in Santa Barbara that                  13 did almost \$7 million a year, and half of our                  14 revenues was booze, and that's where the profit is.                  15           So, a bar is really not all that                  16 important. What's more important is getting the                  17 drinks to the people that want to drink booze.                  18           But I think this kitchen, just don't                  19 overexpand it, and I would not even suggest a                  20 kitchen; more of a grab-and-go service, where just                  21 heating items rather than using oils and things like                  22 that. I feel your cost will go quite down.                  23           And I don't think that's going to be a                  24 change, as Mr. Noble says, he wants it to last for                  25 40 years, because town's only so big and we can have</p>

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1 so many residents that I don't think the population  
 2 base is going to change much more.  
 3 Thank you very. Oh, my wife is correcting  
 4 me. I said that we collect \$300,000 a year on the  
 5 beaches, which is \$1.50 per visit, as opposed to  
 6 \$5.55 at the Mountain Course, so consider that --  
 7 (Three minutes expired.)  
 8 MR. WRIGHT: Frank Wright.  
 9 After hearing the public comments tonight  
 10 and reemphasizing my earlier statements, it's really  
 11 sad that the people in this town have bought into  
 12 lies, misstated information, and they continue to  
 13 say things do things that is factually incorrect.  
 14 The whole petition is factually incorrect. There's  
 15 no \$25 million, never was. But they keep saying it.  
 16 And they keep calling the people who have  
 17 the information knowledge the angry eight. And if  
 18 you listen to the same people talk, people that came  
 19 up with the angry eight, they're all programmed.  
 20 They're programmed from false statements and lies.  
 21 And they attack a trustee, constantly, for something  
 22 she didn't do. She did not do anything wrong.  
 23 Period. So why keep bringing it up?  
 24 And why jump on the bandwagon for a recall  
 25 when we have probably the best board we've ever had.

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1 talks about certain community members, repeating the  
 2 same messaging over and over and for again, and yet  
 3 he does the same thing, night after night, week  
 4 after week. It's the same misleading statements,  
 5 once again.  
 6 I do think it's interesting, as you guys  
 7 are talking about the beach and the expansion  
 8 opportunities we have there, and I think there's a  
 9 lot of work that still needs to be done. It's  
 10 clear, watching a little bit of the frustration of  
 11 the two ladies trying to look for guidance from the  
 12 Board for an understanding of what it is you're  
 13 actually asking them to do, so that they can then  
 14 work on that project.  
 15 When you look at a suggestion that just  
 16 made about if we feed them with bunch of booze,  
 17 great, great suggestion, Dr. Dobler. I think there  
 18 might be a little bit liability that comes to  
 19 IVGID's place if you feed people with a bunch of  
 20 liquor and you don't provide them any substantial  
 21 food.  
 22 My preference is that we actually still  
 23 have some substantial items, that we extend the  
 24 hours of the beach, that we make it a great,  
 25 wonderful place. It's one of the nicest beaches on

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1 If you listen to the Board meeting tonight, it's  
 2 professional, well-stated comments. This Board is  
 3 exceptional, and we're going to recall it so these  
 4 people that have gathered up and got false  
 5 information, they're most takers who are ripping our  
 6 community apart. They're the cause of the problem.  
 7 And to come up a statement that they are  
 8 the silent majority, who took the poll? Who went  
 9 out and polled all the people in this town to find  
 10 out who the silent majority is?  
 11 It's people that have vested interests in  
 12 collecting money from IVGID in their own little  
 13 ways, and they don't want to lose their gravy train.  
 14 And so now, they've risen up and started this whole  
 15 barrage of garbage that doesn't make any sense, and  
 16 they keep repeating it over and over and over and  
 17 over. None of it is true. None of it. None of it.  
 18 And to have a recall, that's absolutely  
 19 insane. Please pay attention to the facts. Please  
 20 get your information from a source that's reliable.  
 21 Thank you.  
 22 MS. WELLS: Kristy Wells, Incline Village  
 23 resident.  
 24 I would like to respond to Mr. Wright's  
 25 comments. I find it a little hypocritical that he


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1 the Lake, second only to Sand Harbor, and we should  
 2 invest in it heavily.  
 3 I just think, again, I'm just going to  
 4 reiterate that the decorum here, both from the  
 5 Board, from the community members, all, we can all  
 6 do better. We must do better. There's a lot of  
 7 discussions, a lot of big, meaty topics; we can  
 8 agree to disagree.  
 9 Let's show a little respect for one  
 10 another. Let's not have to demean and diminish one  
 11 another's abilities, their aptitudes, their  
 12 backgrounds. Please listen to the experts. Please  
 13 take it all under consideration. And that's all I  
 14 have to say tonight.  
 15 Thank you.  
 16 MR. GOVE: No further comments on Zoom.  
 17 MS. MARTINI: Margaret Martini, Incline  
 18 Village.  
 19 First of all, I'd would like to commend  
 20 this Board for the professionalism that they are  
 21 shows, and for the professionalism in investigating  
 22 the issues that come up, time after time after time.  
 23 And you may think it's meddling or Board  
 24 oversight and you're supposed to go through the  
 25 General Manager. Well, obviously, that hasn't

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1 worked in the past, and we have messes that we are  
 2 trying to clean up right now.  
 3 I just want to say that I think that Board  
 4 involvement in the management and the day-to-day  
 5 things of IVGID has been very helpful. And I think  
 6 that if you really look at it with all of the  
 7 management people leaving, there's reasons for that.  
 8 And it's because we finally have some oversight for  
 9 what they're doing, and we have uncovered issues in  
 10 financing, we've uncovered issues in management,  
 11 we've uncovered issues in long-term projects.  
 12 And so when they're looking at, this was  
 13 my job and I didn't do it, so I'm going to buzz out  
 14 of here.  
 15 And I think that this is an opportunity to  
 16 have an brand-new management team and a board that  
 17 works well together and that actually reads the  
 18 board packets. Hello. Thank you guys for doing  
 19 that.  
 20 And I think that -- I've been coming to  
 21 these meetings forever, and I doubt that ten percent  
 22 of the board members have read, from cover to cover,  
 23 the board packets. And what I'm seeing now is that  
 24 you all are reading it. You're not only reading it,  
 25 you're understanding it, and you're making

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1 STATE OF NEVADA )  
 ) ss.  
 2 COUNTY OF WASHOE )  
 3  
 4 I, BRANDI ANN VIANNEY SMITH, do hereby  
 5 certify:  
 6 That I was present on July 26, 2023, at  
 7 the Public Meeting via Zoom, and took stenotype  
 8 notes of the proceedings entitled herein, and  
 9 thereafter transcribed the same into typewriting as  
 10 herein appears.  
 11 That the foregoing transcript is a full,  
 12 true, and correct transcription of my stenotype  
 13 notes of said proceedings consisting of 196 pages.  
 14 DATED: At Reno, Nevada, this day of 7th  
 15 August, 2023.  
 16  
 17   
 18  
 19 BRANDI ANN VIANNEY SMITH  
 20  
 21  
 22  
 23  
 24  
 25

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1 suggestions. And that's what we need from a board.  
 2 We need a board that understands the  
 3 ins and outs of everything from IVGID, and the  
 4 commitment to make it better, more efficient, and  
 5 more cost effective.  
 6 I commend all of you and I thank you.  
 7 CHAIR DENT: That will be the final public  
 8 comment in the room. That will close out item L,  
 9 final public comment. We're moving on to item M.  
 10 M. ADJOURNMENT  
 11 CHAIR DENT: It is 10:49. I want to thank  
 12 all the trustees, our few viewers still in the room  
 13 and, Mr. Bandelin, thank you and your staff.  
 14 We are adjourned.  
 15 (Meeting adjourned at 10:49.)  
 16  
 17  
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 25

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# INVOICE

1 of 1



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Susan A. Herron, CMC  
Incline Village General Improvement District  
893 Southwood Boulevard  
Incline Village , NV 89451

Invoice No.	Invoice Date	Job No.
1636153	8/7/2023	999221
Job Date	Case No.	
7/26/2023		
Case Name		
Incline Village General Improvement District Board of Trustees Meeting		
Payment Terms		
Net 30		

ORIGINAL AND 1 CERTIFIED COPY OF TRANSCRIPT OF:  
Public Meeting

2,816.00

**TOTAL DUE >>>**

**\$2,816.00**

Location of Job : parties to appear via zoom

The LIT Group 079F

Please note, disputes or refunds will not be honored or issued after 30 days

Charge to 100-11-100-6030  
\$500 Base Fee  
\$7.95 per page = 291.32 pages

S. Herron 08-08-2023

**Tax ID:** 20-3835523

*Please detach bottom portion and return with payment.*

Susan A. Herron, CMC  
Incline Village General Improvement District  
893 Southwood Boulevard  
Incline Village , NV 89451

Job No. : 999221 BU ID : RN-CR  
Case No. :  
Case Name : Incline Village General Improvement District Board of Trustees Meeting  
Invoice No. : 1636153 Invoice Date : 8/7/2023  
**Total Due : \$2,816.00**

Remit To: **Sunshine Reporting and Litigation Services, LLC**  
**P.O. Box 103091**  
**Pasadena, CA 91189-3091**

**PAYMENT WITH CREDIT CARD**



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Card Number: \_\_\_\_\_  
Exp. Date: \_\_\_\_\_ Phone#: \_\_\_\_\_  
Billing Address: \_\_\_\_\_  
Zip: \_\_\_\_\_ Card Security Code: \_\_\_\_\_  
Amount to Charge: \_\_\_\_\_  
Cardholder's Signature: \_\_\_\_\_  
Email: \_\_\_\_\_

**OPUBLIC COMMENT #2. IVGID BOARD OF TRUSTEES MEETING, JULY 26TH, 2023  
KAYE SHACKFORD. DONNA DRIVE.**

As I mentioned at the July 12th Board meeting, I was initially relieved to read the answer to the original Question #4 in the Board of Trustees' *Frequently Asked Questions* to see you did not intend to privatize our recreational venues. When I read the updated FAQs issued on July 16th, I noticed assurances that you have never discussed outsourcing any venue.

This does not fill me with a warm fuzzy feeling.

Here's why: At the July 12th Board meeting, Trustee Tulloch assured Mike Bandolin that his job as Acting Interim General Manager would not be that difficult, since Brad Underwood would be there to take care of all the public works items. Then, in the same meeting, how Trustee Tulloch dealt with a presentation developed by Waste Management personnel in close collaboration with our Public Works people likely contributed to Mr. Underwood's decision to submit his resignation.

Mr. Bandolin is now left with the responsibility of handling his full-time role as GM of the Diamond Peak Ski Resort and now interim acting General Manager without any help from our now departed Director of Public Works.

This seems to demonstrate that Trustee assurances in and of themselves don't mean much.

Given that a huge issue in this community is that this Board might take steps to divest or further weaken our venues, I again ask - no, I implore - one of the silent minority on the Board to officially request that drafting and signing a Memorandum of Understanding be agendaized for an upcoming Board meeting so that the five Trustees can approve the wording, each Trustee can sign his or her name on it as being 100% in agreement, and so it can then be posted permanently on IVGID's web site.

Such a document would confirm that you recognize our recreational venues are legitimately the responsibility of IVGID, that they are first and foremost for the enjoyment of community members, and a major reason for property values remaining high, and that, in your tenure on the Board, you commit never to ask for a study of, or approve the privatizing or outsourcing of any of our recreational venues, or otherwise invite an outside agency to take managerial and/or financial control of any of these venues.

Should such an MOU not be discussed, agreed upon, and individually and collectively signed, the current statement #4 on the revised FAQ page is, as I mentioned, completely meaningless.

Please do the right thing.

Thank you.

*Inda Kahur  
625 Lariat Circle*

MANAGEMENT TEAM:

Effective 8/1 and today, there is no strong IVGID management team to make fiscally sound decisions.

ON THE IVGID LEADERSHIP team, we are down from 8 to 5. BECAUSE OF THE MEDDLING/TOXIC WORK ENVIRONMENT created by TRUSTEES SCHMITZ, DENT, AND TULLOCH, we are without critical, DEDICATED, HARDWORKING staff:

GM INDRA WINQUEST 20+ YEARS

DIRECTOR OF PUBLIC WORKS, BRAD UNDERWOORD, 2+ years

DIRECTOR OF FINANCE, PAUL NAVAZZIO 3+ YEARS

DIRECTOR OF FOOD & BEVERAGE, BILL VANDENBERG, 16 + YEARS

CONTROLLER, MARTY WILLIAMS LEFT JANUARY 2023 2+ YEARS

THIS DOES NOT INCLUDE THE OTHER EMPLOYEES THAT HAVE LEFT SINCE JANUARY.

The fallout from the toxic work environment and micro management doesn't end with the resignations to date.

These VACANCIES put stress on everyone who now has to pick up the slack. And now the BOT IS establishing ADVISORY BOARD committees that will stress remaining IVGID staff further?

Not to mention EMPLOYEE UNCERTAINTY LEADING TO LOW MORALE, JOB UNCERTAINTY AND POSSIBLY MORE DEPARTURES,

THE REPUTATION OF IVGID IS BECOMING SO NEGATIVE THAT FINDING QUALITY NEW EMPLOYEES WILL BE THE BIGGEST CHALLENGE...AND THIS COULD BE MORE IMPACTFUL THAN THEIR FINDING WORKFORCE HOUSING ISSUE.

HERE'S WHAT SHOULD BE HAPPENING: PAUSE....AND REFLECT

TYPICALLY WHEN DISTRICT IS IN THIS POSITION, THEY TAKE REFLECT AND PAUSE YOUR ACTIONS...

- NOTHING NEW TILL YOU CAN CALM THINGS DOWN
- PRIORTIZE ROUTINE DISTRICT BUSINESS AND HOW TO KEEP THE CRITICAL STAFF THAT REMAINS
- FOCUS ON THE SEARCHES FOR NEW DIRECTORS WHO YOU CAUSED/FORCED TO RESIGN BY YOUR BEHAVIOR
- PAUSE SETTING UP BOARD COMMITTEES, EXCEPT FOR A CITIZEN COMMITTEE TO HELP WITH THE TALENT SEARCH,
- YOU ALSO HAVE 2 PEOPLE UNDER RECALL. FOCUS ON THE PRIORITIES. WHAT IS YOUR END GAME SINCE YOUR NOT DOING WHAT YOU SHOULD BE DOING.
- THE UNION CONTRACT HAS EXPIRED – EMPLOYEES IN PUBLIC WORKS, IT, AND ACCOUNTING WORKING WITHOUT UNION CONTRACTS AND THIS TRANSLATES INTO MORE INSTABILITY.

USING THE WORD “YOU” IS NEVER POPULAR, BUT I DON’T KNOW HOW TO BETTER PUT IT:

YOU, OUR TRUSTEES, NEED TO MEDITATE ON THE UNINTENDED CONSEQUENCES OF YOUR MICROMANAGEMENT AND WHAT IS HAPPENING.

ALSO: PLEASE REREAD AND MEMORIZE THE BOARD HANDBOOK ON WHAT YOU SHOULD BE DOING.

The BOT job is not to run the operations. YOUR job is oversight and management.

1. The role of the Board in accordance with the NRS AND OTHER APPLICABLE LAW, THE bot IS RESPONSIBLE FOR THE CREATION, AMENDMENT AND OVERSIGHT OF STAFF'S ADHERENCE TO DISTRICT POLICIES, PRATICES, ORDINANCES AND RESOLUTIONS. ...

TRUSTEES: Schmitz, Dent + Tullock.

Focus on your BOT role  
+ work on building, not

tearing down our community.

LISTEN to Dr. Kauna,

Do The Right Thing

This written statement is to be made part of the meeting minutes.

I draw your attention to the Food and Beverage Operations for the six years from 2018 to 2023. The claim made is that combined operations for food and beverage provided a 12.66% operating margin for 5 years. Somehow, 2023 was conveniently left off. 2023 was a terrible year. Some facts.

Total revenues for all venues were only 78% of Budget. A miss by \$953,000.

Net Income was only 14% of budget generating only \$100,000 or 2.9% of \$3.5 million in revenues far below any acceptable level.

All venues except Diamond Peak lost money. Diamond Peak actually exceeded budget.

Revenues at the Championship Golf Course were 72% of budget and lost \$315,000. For every dollar received, IVGID had to fund \$.51 cents.

The Mountain Golf Course revenues were only 54% of budget but only lost \$11,000. A simple delivery of services.

Events revenues are troubling reaching only 63% of budget and losing \$43K. Most revenues come from weddings. Why are we in the wedding business?

A major concern is that Howard has budgeted a "pie in the sky" revenues increase of 33% to \$942,000 for the Champ Course. I believe results will never be met.

*IN 2024*

Keep in mind that venues expenses do not include any rent, property taxes or capital costs which for an outside business would be about 6% of revenues.

Howard appears to have failed managing F&B effectively.

Lets jump to the Incline Beach House Project. Where is the robust presentation that was promised by Indra Winqest?

Asking the Board to decide on 5 items is not their job.

The Director of Parks and Recreation should be bringing concepts and proposed requirements to the board not engineers.

A CMAR contract cannot be used. NRS states CMAR can only be used if a project presents "unique and complex construction challenges". Explain the unique and complex challenges of building some restrooms and a kitchen.

Think about this. The Beaches have almost 200,000 visitors each year. Historically F&B services generated only \$300,000 per year or \$1.50 per visit. The Mountain Course with only 18,000 visits generates \$5.55 per visit. It is quite obvious that the Beaches with 11 times more visits provide little interest in food service. Grab and Go is the proper solution. We don't need another "unique and complex" food service operation.

**WRITTEN STATEMENT TO BE ATTACHED TO AND MADE A PART OF THE WRITTEN  
MINUTES OF THE IVGID BOARD'S REGULAR JULY 26, 2023 MEETING – AGENDA  
ITEM H(5) – “GOOD GOVERNMENT” TRAINING**

**Introduction:** Here our Chairperson has initiated this agenda item to seek approval to spend more money on better government. This is after the Board approved a survey contract with Kevin Lyons which I thought included an additional \$2,500 for good government training. I am opposed to this wasteful expenditure and that's the purpose of this written statement.

**My E-Mail of July 26, 2023:** On July 26, 2023 I sent the Board an e-mail which outlined my opposition to the District's expenditure of my Recreation Facility Fee (“RFF”) monies on better government training<sup>1</sup>. When the problem is really that no one seems to know what type of government we have which will allegedly benefit from that training. Rather than regurgitating the contents of my e-mail, I simply refer the reader to the contents of Exhibit “A.”

**Conclusion:** Get back to the basics and understand what we really are Board. When you do, you will come to the realization that we don't need Kevin Lyons' "good government" tools. And if you need me to teach you what GIDs are really all about and what limited powers you may legitimately exercise, please ask. And the price, UNLIKE Kaye Shackford, will be ZERO dollars!

And you wonder what your RFF is really spent on? And how it never seems to go away? Now I've provided some of the answers.

Respectfully submitted, Aaron Katz (Your Community Watchdog Because Nearly No One Else Seems to be Watching).

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<sup>1</sup> That e-mail is attached as Exhibit “A” to this written statement.



## **EXHIBIT "A"**

## Re: July 26, 2023 IVGID Board Meeting - Agenda Item H(5) - Good Government Training

---

**From:** "Dave Noble" <noble\_trustee@ivgid.org>  
**To:** "s4s@ix.netcom.com" <s4s@ix.netcom.com>  
**Cc:** "Matthew Dent" <dent\_trustee@ivgid.org>, "Sara Schmitz" <trustee\_schmitz@ivgid.org>, "Michaela Tonking" <tonking\_trustee@ivgid.org>, "Ray Tulloch" <tulloch\_trustee@ivgid.org>, "Mike L. Bandelin" <MLB@ivgid.org>  
**Subject:** Re: July 26, 2023 IVGID Board Meeting - Agenda Item H(5) - Good Government Training  
**Date:** Jul 26, 2023 11:12 AM

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Mr. Katz,

The IVGID BOT has received your correspondence.  
Each Trustee will individually decide what, if anything, to do with the information provided.

David Noble  
Secretary, IVGID BOT

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From: s4s@ix.netcom.com <s4s@ix.netcom.com>  
Sent: Sunday, July 23, 2023 8:57:30 PM  
To: Matthew Dent  
Cc: Sara Schmitz; Michaela Tonking; Dave Noble; Ray Tulloch  
Subject: July 26, 2023 IVGID Board Meeting - Agenda Item H(5) - Good Government Training

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Chairperson Dent and Other Honorable Members of the IVGID Board -

Here Kevin Lyons proposes assisting the Board in making "good government decisions" at an add'l cost of \$10.5K. On top of the nearly \$10K previously awarded to Kevin's company. Please Matt, wake up and say NO!

We've had similar programs in the past. CoralBridge partners with their strategic plan waste (coming up with propaganda tag lines to tell the public we're something we're not) at a cost of over \$35K. Then we had Dr. Bill's "can't we all just get along" counseling at a cost of over \$50K. You remember how that puppy worked out for us, don't you Sara? Then previous Kevin Lyon's FlashVote surveys which included \$2,500 worth of "training" (wasn't that enough training Kevin? If not, then why didn't you tell us then and there that real training cost was going to total much more?). Then Kaye Shackford's self-promoted "how to get along" seminars which allegedly provide solutions to help IVGID staff get along with their public employee colleagues. And notwithstanding all of the above, now more! Good government concepts (learn how to work together has a good decision making team).

IMO, our basic problem here continues to be what it has always been. Few if any of you understand what a GID actually is. And how it differs from other forms of local government? Why do we need you Kevin versus Washoe County which is

our true governance authority? What are a GID's limited powers? Why are you trustees here? If you don't have the answers to these basic questions, whatever Kevin is offering is a WASTE. And I'm sorry. Kevin has about as much of a clue as to the answers to these basic questions as the rest of you. Which is no clue at all!

Thank you. That will be \$10K to have shared the above with you and the answers to the basic problems you/we face.

Stop it for GOD's sake.

If we're a Dillon's Rule state which means the only powers GIDs have are those expressly provided by statute, then why are we operating F&B money losing businesses? Why do we operate money losing bar carts at our two golf courses? Why do we operate a money losing Grille Restaurant? Why do we publish a money losing magazine? Why do we spend \$1M on marketing? Why do we spend public funds with lobbyists to influence federal and state legislation? Why do we rent skis and snowboards? Why do we engage in retail clothing and equipment sales? Why, why, why?

So stop it! Stop wasting our Rec Fee on garbage like this. And don't you tell me that the \$10.5K at issue doesn't represent my Rec Fee. Because it DOES Sara!

Take a look at the most recent budget you the Board adopted. The General Fund. \$2.15M of estimated ad valorem tax revenues, \$1.91M of estimated C-tax revenues, and \$111K of interest. That totals \$4.16M of revenue. Don't throw in your PHONY Central Services income Sara. It's nothing more than a financial subsidy. Just the way the Rec Fee ("RFF") is a financial subsidy for overspending assigned to the Community Services Fund. And the Beach Fee ("BFF") is a financial subsidy for overspending assigned to the Beach Fund. So \$4.16M of estimated revenues.

Now what expenses have you budgeted to the General Fund? \$7.1295M! That's a LOSS Sara of nearly \$3M! In a single year no less! So where is the \$10.5K you need to pay Kevin Lyons? Don't tell me fund balance because someday soon there's not going to be a positive fund balance.

Get to the basics and understand what we really are Board. When you do, you will come to the realization we don't need Kevin Lyons' "good government" tools. And if you need me to teach you what GIDs are really all about and what limited powers you may exercise, please ask. And the price UNLIKE Kaye Shackford is ZERO dollars!

Respectfully, Aaron Katz

**WRITTEN STATEMENT TO BE ATTACHED TO AND MADE A PART OF THE WRITTEN  
MINUTES OF THE IVGID BOARD'S REGULAR JULY 26, 2023 MEETING – AGENDA  
ITEM H(1) – KEEPING THE BEACH HOUSE RESTAURANT PROJECT ALIVE BY  
SEEKING BOARD DIRECTION**

**Introduction:** Here staff have initiated this agenda item to seek direction insofar as the Beach House Restaurant project is concerned. And that's the purpose of this written statement.

**My E-Mail of July 26, 2023:** On July 26, 2023 I sent the Board an e-mail which outlined my opposition to the District's expenditure of my BFF monies towards a project which most of my fellow parcel owners don't want<sup>1</sup>. Rather than regurgitating the contents of my e-mail, I simply refer the reader to the contents of Exhibit "A."

**Conclusion:** In my written statement I ask for a fair and honest survey directed *solely* to local parcel owners with beach access. What I mean about a fair and honest survey is that too often the questions are crafted in such a manner as to favor or call for the type of response staff is looking to receive. As opposed to learning the true wishes and desires of those being survey. And in this case that would mean sharing the estimated costs of such a facility in conjunction with what I suspect would otherwise be "how important is this improvement to you" survey questions.

And without these kinds of questions, why would you wonder why we need to financially subsidize all of our recreation and beach operations with the Recreation ("RFF") and Beach ("BFF") Facility Fees? And why they never end? And now I've now provided answers.

Respectfully submitted, Aaron Katz (Your Community Watchdog Because Nearly No One Else Seems to be Watching).

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<sup>1</sup> That e-mail is attached as Exhibit "A" to this written statement.

## **EXHIBIT "A"**

## Re: July 26, 2023 IVGID Board Meeting - Agenda Item H(1) - Keeping The Beach House Restaurant Project Alive With Direction

---

**From:** "Dave Noble" <noble\_trustee@ivgid.org>  
**To:** "s4s@ix.netcom.com" <s4s@ix.netcom.com>  
**Cc:** "Matthew Dent" <dent\_trustee@ivgid.org>, "Sara Schmitz" <trustee\_schmitz@ivgid.org>, "Michaela Tonking" <tonking\_trustee@ivgid.org>, "Ray Tulloch" <tulloch\_trustee@ivgid.org>, "Mike L. Bandelin" <MLB@ivgid.org>, "Brad Underwood" <BBU@ivgid.org>, "Bree Waters" <baw@ivgid.org>  
**Subject:** Re: July 26, 2023 IVGID Board Meeting - Agenda Item H(1) - Keeping The Beach House Restaurant Project Alive With Direction  
**Date:** Jul 26, 2023 11:12 AM

---

Mr. Katz,

The IVGID BOT has received your correspondence.  
Each Trustee will individually decide what, if anything, to do with the information provided.

David Noble  
Secretary, IVGID BOT

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**From:** s4s@ix.netcom.com <s4s@ix.netcom.com>  
**Sent:** Sunday, July 23, 2023 8:57:13 PM  
**To:** Matthew Dent  
**Cc:** Sara Schmitz; Michaela Tonking; Ray Tulloch; Dave Noble  
**Subject:** July 26, 2023 IVGID Board Meeting - Agenda Item H(1) - Keeping The Beach House Restaurant Project Alive With Direction

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Chairperson Dent and the Other Honorable Members of the IVGID Board -

So here's another one!

Here staff member Bree Walters disingenuously seeks direction as to how to proceed with the Beach House project. Why is she doing this? Because just like Darren Howard, she doesn't have any other productive work to do yet needs to do something to earn her keep (remember, the only way internal services can generate the revenue it requires to pay salaries and benefits, is to bill out its work to the District's other departments). Hence this.

The first thing the Board needs to understand is that the public DOESN'T want this improvement. Certainly if at anywhere near the expense amount suggested by staff. Ms. Waters tells us that "a Flash Vote survey was released on April 13, 2023 (and) the results were made available April 15, 2023." So what were the results which demonstrates the community's support for a dog park?

And let's first understand that last April the questions were posed by staff and thus skewed to elicit the answers staff wanted. Let's understand that there were a meager 590-625 responses out of over 8,200 local parcel owners (roughly 7-1/2%). So certainly NOT overwhelming.

Next let's understand that responses came from persons who are not parcel owners with beach access. So how relevant can the answers actually be? With all that said, here were the questions and answers:

1. How important is it to have F&B sales at our beaches? 38% answered none or slightly. Another 38% answered that if it's there, they will buy it from time to time. Less than overwhelming.

2. What beach improvements are the most important to you? 24% answered better/faster food service. In other words, 76% don't even place beach food service on their radar. So why should you?

3. How important to you is a comprehensive overhauled bigger/better beach building at a cost of \$5M-\$10M? 11.4% answered yes. In other words, 88.6% don't even place bigger/better beach food service on their radar. So why should you?

Since the overwhelming majority of local property owners do not care about bigger/better beach food service, demonstrated by the survey questions and responses outlined above, WHY ARE WE EVEN HAVING THIS DISCUSSION? It's dumb!

Furthermore, Ms. Waters admits it is dumb. She states that "return on Investment is not part of the engineering review of this project." Of course not Ms. Waters. Because we all know there is NONE.

Finally, Ms. Waters admits the incompetence of staff. Because she and her crew are not competent to oversee design or perform construction management, she recommends "the Board makes a motion to approve Staff to issue an RFP for

Design Services by an A&E Team as well as for a CMAR." A CMAR? For 50 years the District never used a CMAR. It was only when a depleted engineering staff was incapable of doing much of anything (which is exactly what we have today), Nathan Chorey called for help - a CMAR to do his job. And ever since, that's exactly what has taken place in engineering. And now again! Which guarantees we pay the MAXIUM F&B price. Good job Ms. Waters.

So now you know. No dedicated dog park without surveying local parcel owners. And no committing to new engineers because we lack competence to evaluate projects such as this one. Thank you for your cooperation.

Respectfully, Aaron Katz



**WRITTEN STATEMENT TO BE ATTACHED TO AND MADE A PART OF THE WRITTEN  
MINUTES OF THE IVGID BOARD’S REGULAR JULY 26, 2023 MEETING – AGENDA  
ITEM F(4) – MOVING FORWARD WITH A DEDICATED DOG PARK AT THE  
WRONG LOCATION INVOLVING THE EXPENDITURE OF THE WRONG  
AMOUNT OF OUR RECREATION FACILITY FEE (“RFF”)**

**Introduction:** Here Sheila Leijon advances her initiative we begin spending millions of dollars on a dedicated dog park adjacent to the Village Green. Something the County should be doing on our behaves rather than deferring to the District at our expense. And that’s the purpose of this written statement.

**My E-Mail of July 23, 2023:** On July 23, 2023 I sent the Board an e-mail which outlined my opposition to the District’s expenditure of my RFF monies towards a dedicated dog park adjacent to The Village Green<sup>1</sup>. Rather than regurgitating the contents, I simply refer the reader to the contents thereof.

**Conclusion:** Ms. Leijon has raised a number of “works” which combined comprise an overall scope of work. But they present a number problems she cannot address. Other than spending money the District doesn’t have at a venue which is the wrong venue, and fail to answer why Incline Village isn’t entitled to its own county dog park. Paid for and maintained at the county's expense. And then there's the question: is a dog park included within the term "recreation" contained in NRS 318? Take a look at NRS 318.143(3) for the list of recreation facilities a GID may acquire, construct, reconstruct, improve, and extend. Do you see where dog park is anywhere listed? So why do we assume a dog park is a permissible project for IVGID to construct?

What about Dillon's Rule? After all we are a *Dillon’s Rule* state. Aren’t we? Doesn't that mean that the only powers a GID may exercise are those EXPRESSLY stated by in a statute? And doesn’t the fact we have none insofar as a dog park is concerned, end of the inquiry?

Next we get to the question of cost. Where's the money going to come from? Staff tell us that we can maybe, possibly, conceivably, if we're lucky, get donations to fund our own dog park. Using the Incline-Tahoe Foundation no less. But before we can attract donations we need to have a conceptual plan and construction estimate; don't we? And a CMAR who is going to cost us 30% or more than if we were to professionally manage the project ourselves, in house. So staff want us to spend hundreds of thousands of dollars creating a design and plan so it can be marketed to potential donors. And that becomes the real purpose of the proposed expenditures staff now suggest. And let's assume there are no donations. Or there are donations, but they're not enough? Well we have the RFF. Don't we? Even though the RFF allegedly pays for the availability to use recreation facilities that *people* use, your staff want to use these funds for a dog park.

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<sup>1</sup> That e-mail is attached as Exhibit “A” to this written statement.

And then we have the fact that the Board's predecessor represented to the County Board of Commissioners and we public that the power to furnish facilities for recreation wouldn't be used to acquire, operate and finance facilities such as these. But who cares about these facts and representations. Because the ends justify the means.

I'm sorry. This is totally inappropriate. So at the end of the day there's really only one answer to staff's request. A resounding NO! So now is the time to send this message.

And you wonder why we need to financially subsidize all of our recreation operations with the RFF? And why it never ends? I've now provided answers.

Respectfully submitted, Aaron Katz (Your Community Watchdog Because Nearly No One Else Seems to be Watching).

## **EXHIBIT “A”**

## Re: July 26, 2023 IVGID Board Meeting - Agenda Item F(4) - Moving Forward With a Dedicated Dog Park at The Wrong Location Involving The Expenditure of The Wrong Amount of Our Rec Fee

---

**From:** "Dave Noble" <noble\_trustee@ivgid.org>  
**To:** "s4s@ix.netcom.com" <s4s@ix.netcom.com>  
**Cc:** "Matthew Dent" <dent\_trustee@ivgid.org>, "Sara Schmitz" <trustee\_schmitz@ivgid.org>, "Michaela Tonking" <tonking\_trustee@ivgid.org>, "Ray Tulloch" <tulloch\_trustee@ivgid.org>, "Mike L. Bandelin" <MLB@ivgid.org>, "Shelia Leijon" <sal@ivgid.org>  
**Subject:** Re: July 26, 2023 IVGID Board Meeting - Agenda Item F(4) - Moving Forward With a Dedicated Dog Park at The Wrong Location Involving The Expenditure of The Wrong Amount of Our Rec Fee  
**Date:** Jul 26, 2023 11:12 AM

---

Mr. Katz,

The IVGID BOT has received your correspondence.  
 Each Trustee will individually decide what, if anything, to do with the information provided.

David Noble  
 Secretary, IVGID BOT

---

**From:** s4s@ix.netcom.com <s4s@ix.netcom.com>  
**Sent:** Sunday, July 23, 2023 8:57:04 PM  
**To:** Matthew Dent  
**Cc:** Sara Schmitz; Michaela Tonking; Ray Tulloch; Dave Noble  
**Subject:** July 26, 2023 IVGID Board Meeting - Agenda Item F(4) - Moving Forward With a Dedicated Dog Park at The Wrong Location Involving The Expenditure of The Wrong Amount of Our Rec Fee

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Chairperson Dent and the Other Honorable Members of the IVGID Board -

Well here's another one. Indra's citizen's dog park committee now recommends the District go down the road of spending huge amounts of money from our Rec Fee on something we're NOT expressly authorized to pursue - a dog park. In particular (see page 20 of the Board packet for this meeting),

1. A geologic/mapping survey of the entire area of the fenced-in dog park;
2. TRPA approval for the use of a portion of the wooded area between the Village Green and 3rd Creek;
3. A detailed conceptual design;
4. Eventual Board approval for the above-conceptual design;
5. Permitting from TRPA and Washoe County;
6. Civil engineering evaluation and plan development;

7. Development of cost estimates for construction and maintenance; and,
8. Seek community feedback on the proposal.

Here we're talking about the questionable expenditure of millions and millions of dollars and hundreds and hundreds of thousands of dollars in un-reimbursed internal services staff time. Yet before we do, why aren't we first seeking community feedback? Tell the public what you're proposing. Tell the public the millions of dollars chasing this rabbit hole is going to cost (remember, the Community Services Master Plan pegged this cost at many millions of dollars). Tell the public the truth insofar as where the money is going to come from (our Rec Fee Sara. Not central services cost transfers. But the Rec Fee which funds those transfers). Tell the public the truth as to the added yearly maintenance and repair costs associated with a dedicated dog park. Tell our staff the truth that there will be no remaining funds in the General Fund to pay for a spiffy new admin building. Then let's see how they vote! Ah...The truth hurts.

Or better yet, why aren't staff pursuing this issue through our county commissioners? After all, aren't we part of the county? Doesn't the county have a Parks and Recreation Dep't? Hasn't the county constructed at least seven (7) dog parks throughout the county (go to [https://www.washoecounty.gov/animal/information/dog\\_parks.php](https://www.washoecounty.gov/animal/information/dog_parks.php))?

\* Virginia Lake Park Dog Park, 1980 Lakeside Dr., Reno, NV 89509 (<http://visitreno.com/parks/virginia/>)  
 Virginia Lake, Reno, NV<<http://visitreno.com/parks/virginia/>>  
[visitreno.com](http://visitreno.com)  
 Virginia Lake, Reno, NV. From [Visitreno.com](http://visitreno.com)

\* Whitaker Park Dog Park, 550 University Terrace, Reno, NV 89503  
 (<https://www.reno.gov/Home/Components/FacilityDirectory/FacilityDirectory/116/2864?npage=5>)

\* Sparks Marina Park Dog Park, 300 Howard Dr., Sparks, NV 89434 (<http://cityofsparks.us/resources/resource/park-map/>)

\* Link Piazza Dog Park at Hidden Valley Regional Park, Parkway Dr., Reno, NV 89502  
 ([https://www.washoecounty.us/parks/specialty\\_facilities/dog\\_parks.php](https://www.washoecounty.us/parks/specialty_facilities/dog_parks.php))

\* Rancho San Rafael Park Multi Use Area, North Sierra St., Reno, NV 89503  
 ([https://www.washoecounty.us/parks/parks\\_and\\_trails/park\\_directory/peavine\\_district/main\\_ranch\\_house.php](https://www.washoecounty.us/parks/parks_and_trails/park_directory/peavine_district/main_ranch_house.php))

\* Wedekind Regional Park, 11 Disc Dr., Sparks, NV 89436 (<http://cityofsparks.us/resources/resource/park-map/>)

\* Cyan Park, 2121 Long Meadow Dr., Reno, NV 89521 (<https://www.reno.gov/government/departments/parks-recreation-community-services>)

So why isn't Incline Village entitled to its own county dog park? Paid for and maintained at the county's expense. What is the county doing for us? And what effort have our staff expended to get the county to provide an Incline Village dog park?

And then there's the question; is a dog park included within the term "recreation" contained in NRS 318? Take a look at NRS 318.143(3) for the list of recreation facilities a GID may acquire, construct, reconstruct, improve, and extend. Do you see dog park anywhere? Bueller? So why do we assume a dog park is a permissible project for IVGID to construct?

What about Dillon's Rule? After all we are a Dillon's Rule state. Doesn't that mean that the only powers a GID may exercise are those EXPRESSLY stated by a statute? And the fact we have none insofar as a dog park is concerned, how come that's not the end of the inquiry?

Next we get to the question of cost. Where's the money going to come from? Staff tell us that we can maybe, possibly, if we're lucky, get donations to fund our own dog park. Using the Incline-Tahoe Foundation no less. But before we can attract donations, we need to have a conceptual plan and construction estimate; don't we? And with a CMAR who is going to cost us 30% or more than if we were to professionally manage the project in house. So staff want us to spend hundreds of thousands of dollars creating a design and plan so it can be marketed to potential donors. And that becomes the real purpose of expenditures now rather than embarking upon the dog park construction route.

And let's assume there are no donations. Or there are donations, but they're not enough? Well we have the Rec Fee baby. Don't we? Even though the Rec Fee allegedly pays for the availability to use recreation facilities that people use, your staff want to use these funds for a dog park. In other words, the ends justify the means. I'm sorry. This is totally inappropriate.

So at the end of the day there's really only one answer to staff's request.

NO! Now send it.

Respectfully, Aaron Katz

**WRITTEN STATEMENT TO BE ATTACHED TO AND MADE A PART OF THE WRITTEN  
MINUTES OF THE IVGID BOARD'S REGULAR JULY 26, 2023 MEETING – AGENDA  
ITEM F(1) – DARREN HOWARD'S DECEITFUL FOOD AND BEVERAGE REPORT**

**Introduction:** Here Darren Howard submits his report insofar as F&B is concerned. Bottom line he perpetuates the fraud of his colleagues and predecessors; that is, that F&B operates at a financial break even or positive cash flow. No like everything else in the District, it operates at a loss. And that's the purpose of this written statement.

**My E-Mail of July 23, 2023:** On July 23, 2023 I sent the Board an e-mail which outlined the fallacies in Mr. Howard's report<sup>1</sup>. Rather than regurgitating the contents, I simply refer the reader to the contents thereof.

**Conclusion:** Mr. Howard has raised two questions. The First is whether the model he and his staff have allegedly been using works? And the second is that since it does not work, what type of model should the Board of Trustees tell Mr. Howard it would like to see implemented and on what timeline? Well here's the answer. GET OUT OF THE F&B BUSINESS Mr. Howard! GET OUT OF IT YESTERDAY! And insofar as the remainder of businesses the District has gotten itself into, GET OUT OF THOSE BUSINESSES AS WELL! I'm tired of hearing "Food and beverage operations are a complimentary (I guess Mr. Howard doesn't know how to spell either. Or maybe he does and what he really means is that F&B services are provided FOR FREE to his beloved golf constituents?) service (which)...enhances the experience of enjoyment and pleasure at each of our venues." YOU pay for it Mr. Howard. Or let your golfing constituents pay for it! Why do the remaining 7,700 or more of us have to financially subsidize another service they don't use? OR WANT? Why Mr. Howard?

And you wonder why we need to financially subsidize all of our recreation operations with the Recreation Facility Fee ("RFF")? I've now provided answers.

Respectfully submitted, Aaron Katz (Your Community Watchdog Because Nearly No One Else Seems to be Watching).

---

<sup>1</sup> That e-mail is attached as Exhibit "A" to this written statement.

## **EXHIBIT “A”**



## Re: July 26, 2023 IVGID Board Meeting - Agenda Item F(1) - Darren Howard's Food & Beverage Report

---

**From:** "Dave Noble" <noble\_trustee@ivgid.org>  
**To:** "s4s@ix.netcom.com" <s4s@ix.netcom.com>  
**Cc:** "Matthew Dent" <dent\_trustee@ivgid.org>, "Sara Schmitz" <trustee\_schmitz@ivgid.org>, "Michaela Tonking" <tonking\_trustee@ivgid.org>, "Ray Tulloch" <tulloch\_trustee@ivgid.org>, "Mike L. Bandelin" <MLB@ivgid.org>, "Darren Howard" <jdh@ivgid.org>  
**Subject:** Re: July 26, 2023 IVGID Board Meeting - Agenda Item F(1) - Darren Howard's Food & Beverage Report  
**Date:** Jul 26, 2023 11:12 AM

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Mr. Katz,

The IVGID BOT has received your correspondence.  
Each Trustee will individually decide what, if anything, to do with the information provided.

David Noble  
Secretary, IVGID BOT

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**From:** s4s@ix.netcom.com <s4s@ix.netcom.com>  
**Sent:** Sunday, July 23, 2023 8:56:43 PM  
**To:** Matthew Dent  
**Cc:** Sara Schmitz; Michaela Tonking; Ray Tulloch; Dave Noble  
**Subject:** July 26, 2023 IVGID Board Meeting - Agenda Item F(1) - Darren Howard's Food & Beverage Report

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Chairperson Dent and the Other Honorable Members of the IVGID Board -

Here Mr. Howard "reports" to the Board insofar as F&B operations are concerned. And why? For the same reason Bree Water "reports" to the Board insofar as the Beach House project is concerned. She doesn't have any other productive work to do and needs to do something to earn her keep (remember, the only way internal services can generate the revenue it requires to pay personnel salaries and benefits such as Ms. Waters', is to bill out its work to the District's other departments. And at more than the actual personnel costs employees like Ms. Waters incur). So here Mr. Howard doesn't have any other productive work to do and needs to do something to earn his keep.

So what "model" is Mr. Howard talking about when he refers to the "model" which staff have pursued for the last several decades? Initially, I didn't know the District had a model other than irresponsibly spend, spend, spend, lose, lose, lose money, and look to local parcel owners to cover the financial deficiency. Is that the model you're talking about Mr. Howard?

Or is your model Mr. Homan's model? After all, he's the only one on social media throwing out the term "model." You

know, lose money at the golf courses and the chateau with the notion those losses will be made up at Diamond Peak because rather than a series of money losing recreation businesses, these people profess we're "one division, one team." Because Mr. Howard tells us that at "the Board of Trustees...meeting on May 8, 2023 (he)...present(ed)...a financial chart specific to the Championship and Mountain golf course venues for food and beverage (which demonstrated)...the loss of revenue in FY 2021/22 of...about \$1,000 for each operating day as well as a FY 2022/23 projected loss...averaging about \$900 a day," here he attempts to show positive cash flow for F&B operations at OTHER VENUES than golf with the intent it masks the losses at his beloved Championship and Mountain golf course venues. After all, he states that "overall, Food and Beverage operations, across all activities within the Community Services recreation venues (what about the beaches Mr. Howard?) have shown an annual average positive net revenue for the past 5 fiscal years of \$381,728 including an average operating margin of 12.66%."

Stop cherry picking Mr. Howard. Stop omitting operations contrary to your narrative. Stop demonstrating bias in favor of your beloved golf versus ALL recreation operations you're responsible for as Director of Community Services.

And here's another fact to consider. We know Mr. Howard is not a "numbers guy." In the past he has had the luxury of Mr. Navazio to assist in manipulating the numbers to yield the result he wants to publicize. But no longer. Mr. Navazio is gone. And now Mr. Howard is on his own. And now we see the fallacy in Mr. Howard's faulty reasoning.

So let's go back "decades." Mr. Howard wasn't around here in 2000 when former GM Bill Horn represented to the community that if we voted in favor of a bond to finance Chateau repairs/renovations, his newly instituted catering department (really a different name for F&B) would generate enough profits to pay the servicing costs on the bonds the public was voting to approve. Well it turns out F&B has never generated a profit. Got that Mr. Howard? NEVER! And therefore the servicing costs of those bonds had to be paid by local parcel owners in the form of a higher than otherwise necessary Rec Fee. And now Mr. Howard wants to change the model so F&B is free to lose even more money as long as staff can game the numbers to make it look as if globally, it is squeaking out a small profit. You as a Board need to tell this man in no uncertain terms NO! This kind of fuzzy math isn't going to work anymore.

Let's continue. Mr. Howard attempts to back up his arguments with various financials going back to 2017-18 (see pages 9-14 of the Board packet for this meeting). But I and others in the community have learned the hard way that it is a mistake to rely upon District financials for the truth. They're PHONY for at least four reasons.

First, garbage goes into them that has no business going in. Operational expenses are improperly assigned to capital which deceitfully makes it look as if operations are break even or positive cash flow when they're really not. Similarly, revenue goes into them that really isn't operational revenue. For instance how are parcel owner and employee discounts handled financial reporting wise? What I suspect is that the undiscounted rather than actual prices of F&B are recorded, and then the amount of the discount gets buried in services and supplies. Is that what you do Mr. Howard? If not, please explain to us how you report discounted sales.

Second, do you see anywhere where the costs of central services devoted to F&B are included as expenses? The Board has budgeted \$2.553M of central services expenses for 2023-24 (see page 522 of the Board packet for its May 25, 2023 meeting) and NOTHING for F&B? Do you think central services expenses are paid by the tooth fairy Mr. Howard? Every other community services operation has central services costs assigned to it but not F&B? Come on. We might have been born at night, but just NOT LAST NIGHT!

Third, what about capital expenditures Mr. Howard like the recent \$800K remodel of the refrigerator at the Diamond Peak food court kitchen? \$2.372M of 2023-24 budgeted capital expenditures just to the Community Services Fund (see page 705 of the Board packet for its May 25, 2023 meeting), and NOTHING for F&B? So why aren't they included in your financials? Do you think they're paid by the tooth fairy Mr. Howard?

Let's look at page 261 of the Board packet for this meeting. Here Mr. Magee tells us that there will be \$31.1M of capital expenditures assigned to the Community Services Fund over just the next five (5) years. How much of this expenditure should we assign to F&B Mr. Howard? Which reduces net income to now a negative number.

For the Beaches, Mr. Magee tells us at the same page that there will be nearly \$7M of capital expenditures assigned to the Beach Fund just over the next five (5) years. Which reduces net income to now a negative number. So how much of this expenditure should we assign to F&B Mr. Howard?

Whatever the numbers, at the end of the day we're talking about massive bottom line F&B losses Mr. Howard, aren't we?

What I am attempting to demonstrate is that if we don't assign legitimate expenses to any single District operation, like F&B, of course we're going to be able to assert that we're break even or positive cash flow. This is an example of the old adage numbers don't lie but liars who manipulate the numbers do. Mr. Howard is playing games with the numbers to make it look like we're making a F&B profit, system wide, when we all know we're really not. Shame on you Mr. Howard! And shame on you trustees Tonking and Noble if you buy into this deceit.

Now a fourth piece of deceit Mr. Howard. As if the above weren't sufficient. Do you share with the Board that we're losing money on facility sales revenues because staff gives away use of our facilities as a loss leader so it can declare 100% of F&B sales revenues to make F&B look as if it is making money when combined with facility sales it does not? That's right. Once you declare part of the revenues we receive for event facility rentals, THERE IS NO F&B POSITIVE CASH FLOW to report. That's right. NOTHING!

To support this assertion take a look at pages 11-14 of the board packet for the meeting of July 12, 2023. There staff told the Board and the public the extent of FREE or severely discounted facility rentals given away at local parcel owners' expense as required by Resolution No. 1895. Thus we give away use of our facilities as long as the donees agree to purchase a certain amount of F&B. Mr. Howard then reports that we're making all this money running a F&B department, while conveniently failing to report we're losing a comparable amount of facility sales revenues. Right Mr. Howard? This kind of F&B revenue is really not revenue at the end of the day.

Now on top of all of the above, Mr. Howard tells us that "this year, we have felt confident enough to step up to the plate and provide (in house) beach food and beverage services once again; another tweak to the model." Really Mr. Howard? Let's tell the truth, shall we? Which is you couldn't find a third party concessionaire to assume beach F&B operations and pay us the concession fee staff demands. So if you don't come up with something, either staff will have to CEASE beach operations F&B, or we have to go back into the F&B business. Right Mr. Howard? You were presented with the same problem last year and begged Inclined Spirits to become that concessionaire. Which Miles (its owner) regretted doing because it would be a money losing proposition. In fact so much that he refused to do this for the current year. So take on another money losing for profit (or in this case for LOSS) commercial business, right Mr. Howard? Congratulations!

So bottom line, do you the Board agree with Mr. Howard that the model he and his staff have allegedly been using works? Each of you had best DISAGREE and in no uncertain terms. Tell Mr. Howard NO, NO, NO! In fact, why do we have such a person employed as the Director of Community Services? Just like all of our other operations, he's NOT qualified. Wake up and smell the coffee Mrs. Bueller! Our staff is not qualified, and they bend the truth to make themselves look like heroes when they're really zeros.

And since Mr. Howard's so called "model" doesn't work, what type of model should the Board of Trustees tell Mr. Howard it would like to see implemented and on what timeline? Well here it is! GET OUT OF THE F&B BUSINESS! AND GET OUT OF IT YESTERDAY! I'm tired of hearing "Food and beverage operations are a complimentary (I guess Mr.

Howard doesn't know how to spell either. Or maybe he does and what he really means is that F&B services are provided FOR FREE to his beloved golf constituents?) service (which)...enhances the experience of enjoyment and pleasure at each of our venues." YOU pay for it Mr. Howard. Or let your golfing constituents pay for it! Why do the remaining 7,700 or more of us have to financially subsidize another service they don't use? OR WANT? Why Mr. Howard.

It's time we acknowledge that we must outsource it all without putting the public at financial risk, or eliminate it all. That's the responsible thing to do. Now go do it!

Respectively, Aaron Katz

**WRITTEN STATEMENT TO BE ATTACHED TO AND MADE A PART OF THE WRITTEN  
MINUTES OF THE IVGID BOARD'S REGULAR JULY 26, 2023 MEETING – AGENDA  
ITEM D – PUBLIC COMMENT – RESPONSE TO THE LIES OF HATEFUL RESIDENT  
KAYE SHACKFORD – ONE WHO SUFFERS FROM NPD**

**Introduction:** Recently local resident Kaye Shackford has re-surfaced with her litany of lies (“LOLs”). And primarily about me. To those in the future who may be listening to her lies during her public comment at Board meetings, and/or reading in print in her written statements attached to the minutes of Board meetings, I feel it necessary to share the truth. Hence this written statement.

Before I start, let’s describe who Kaye Shackford really is. A narcissistic and terribly insecure person who blames everything negative in her life upon anyone and everyone other than herself<sup>1</sup>. And here she has found me to be her convenient whipping person. Fueled by lie after lie (as you will see). Why do narcissists blame others for everything? “In order to avoid self-hatred, they project the blame onto (others)...If they do not successfully shift the blame, then they may find themselves drowning in a pit of self-loathing and shame. This usually leads them to spiral down into a shame-based self-hating depression.” This explains Ms. Shackford to a “t.”

In our community, Ms. Shackford is what I and others call a “taker.” What is a taker? It’s someone whose philosophy is not what he/she can do for his/her general improvement district (“GID”) or others, but rather, what he/she can do for him/herself personally. Forget for the moment that this philosophy comes at the expense of one’s neighbors. Or that the person endorses endeavors which are not expressly warranted by NRS 318. It’s a means justifying ends philosophy. And why? Because the person is “special,”<sup>2</sup> a taker, and it’s all about them.

**Ms. Shackford’s “Negotiating Solutions Workshop” Business:** Ms. Shackford claims that for “over 30 years (she has) help(ed) people change their minds about the nature of negotiation from ‘it’s us against you’ to something like ‘for better or worse, we’re in this together.’”<sup>3</sup> The “help” she

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<sup>1</sup> This is called being a “scapegoater;” that is, “one who transfers blame to persons or groups, who are not necessarily guilty, in order to focus attention away from those who are actually responsible — sometimes from themselves” (go to <https://www.psychologytoday.com/us/blog/finding-a-new-home/202212/the-surprising-reason-some-people-always-blame-others#:~:text=Projection%20refers%20to%20attributing%20one's,unable%20to%20regulate%20their%20emotions>).

<sup>2</sup> The sense of “specialness” is another example of narcissistic personality disorder (aka “NPD”). For example: 1) a Sense of self-importance; 2) the Preoccupation with power, beauty, or success; 3) a sense of Entitlement; where she 4) Can only be around people who are important or special; where she exhibits 5) Interpersonally exploitative for (her) own gain; 6) Arrogan(ce); and, a 7) Lack of empathy. In other words, just like staff tell us the District is “special,” a sense of being **SPECIAL** [go to <https://www.dukehealth.org/blog/9-signs-of-narcissistic-personality-disorder>].

<sup>3</sup> Go to <https://www.linkedin.com/in/kaye-shackford-5959199/>.

professes to furnish involves “run(ning) a week-long, intensive, immersion, job-changing, often life-changing, workshop that (she has) designed called Negotiating Solutions.”<sup>3</sup>

Ms. Shackford has found a willing prey in IVGID staff. Over the years she has charged IVGID tens of thousands of dollars in tuition<sup>4</sup> for its staff to attend her worthless<sup>5</sup> seminars. And this doesn't include the additional hundreds of thousands of dollars attendees must pay to her partner, Granlibakken Resort, for lodging and meals<sup>6</sup> incurred during her week long seminars. And this doesn't include the hundreds of thousands of dollars in unreimbursed staff time and benefits local parcel owners must subsidize while our employees are absent from their IVGID jobs to the direct benefit of Ms. Shackford. And unbelievably, Ms. Shackford doesn't see anything wrong with this.

**For Years Ms. Shackford Has Been a Member of Our Core Golfing Community:** These are the people in our community who are too cheap to pay the true costs for their personal golf recreation. So they insist their neighbors subsidize their costs. Even if it is difficult for their neighbors, and/or their neighbors are not physically able to play golf. What happened to elimination of your “it's you versus us” philosophy? I guess you forgot to take your own seminar!

**Very Early On Ms. Shackford Rebuffed My “Better or Worse” Efforts Over a Cup of Coffee:** What a hypocrite! As you the reader can see, Ms. Shackford's tag line is “for better or worse, we're in this together.”<sup>3</sup> So taking Ms. Shackford at her word, very early on I reached out to her by telephone to invite her out for a cup of coffee to smooth out differing philosophies and hopefully get along with one another because “we're in this together.” And how did she respond? She hung up on me!

**Rather Than Addressing The Issues of Our Community, Ms. Shackford Resorts to Name Calling, Untruths And Messenger Attacks<sup>7</sup>:** Let's address some particulars, shall we? The following statements come from Ms. Shackford's written statements attached to the minutes of the Board's

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<sup>4</sup> According to Ms. Shackford, the “tuition for (her) open enrollment sessions is \$4,700/person” (go to <https://www.negotiationsolutions.com/> - “informational links”).

<sup>5</sup> My opinion.

<sup>6</sup> According to Ms. Shackford, “the facility fee at the Granlibakken Resort and Conference Center... (for) Sunday...through Thursday night lodging, and Monday morning through Friday noon meals...is \$2,100.”<sup>2</sup>

<sup>7</sup> Contrast these truisms with Ms. Shackford's representations to the contrary: “participants (in her seminars) learn to separate the people from the problem, and to work together to maintain or strengthen the(ir) relationship, even while addressing the opportunity or the problem on its merits” (go to <https://www.negotiationsolutions.com/> - “principled negotiation: an overview”).

June 28, 2023<sup>8</sup> and July 6, 2023<sup>9</sup> meetings, respectively. Let's start with Ms. Shackford's attachment to the minutes of the Board's June 28, 2023 meeting<sup>8</sup>:

**Katz is a Disbarred Attorney:** Untrue Ms. Shackford. And I have never been disbarred. Don't believe me? Go to the California State Bar web site and do a member search<sup>10</sup>. There you will discover that I am a member (an "inactive" member. However most members over age 70 are inactive members). Now how can I be a member Ms. Shackford if disbarred?

**Katz is a Serial Vexatious Litigant:** Untrue Ms. Shackford. A "serial litigant" is one "who sues the same party repeatedly in reliance on essentially the same cause of action, perhaps with variations."<sup>11</sup> Given I have sued IVGID only once, there is nothing "serial" about me.

A "vexatious litigant" is one who "files a petition, objection, motion or other pleading which is without merit, intended to harass or annoy...or...unreasonably oppose or frustrate the efforts of an interested person who is acting in good faith to enforce his or her rights."<sup>12</sup> Given I have never filed any legal pleading intended to harass, annoy or unreasonably oppose an interested person who is acting in good faith to enforce his/her/its rights, there is nothing "vexatious" about me. Moreover NRS 155.165(1) is the NRS process which permits a court to "find that a person...is a vexatious litigant."<sup>13</sup> No court has ever made such a finding against me.

**Katz's Prior "(Law)suits...Against The Mountain View-Whisman School District, The Santa Clara County Library District, (and) a Hospital District...(Have Been) Declared Meritless:"** Just like no court has ever found me to be a vexatious litigant under NRS 155.165(1), none of the aforementioned lawsuits has ever been declared meritless. If you have evidence to the contrary Ms. Shackford, put up or shut up!

Now let's examine Ms. Shackford's attachment to the minutes of the Board's July 6, 2023 meeting<sup>9</sup>:

**Katz is a Deeply Disturbed Man:** Really Ms. Shackford? What do you know about anyone, let alone me? And what qualifications do you hold to determine who is and is not "disturbed?" Believe it or not, I am a person of ethics. And a strong sense of right versus wrong. These are attributes missing

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<sup>8</sup> See page 123 at <https://www.yourtahoeplace.com/uploads/pdf-ivgid/G.2. - Consent Calendar - Meeting Minutes of 07062023.pdf> ("the 7/6/2023 Board packet").

<sup>9</sup> See page 189 of the 7/6/2023 Board packet.

<sup>10</sup> Go to <https://apps.calbar.ca.gov/attorney/LicenseeSearch/QuickSearch>.

<sup>11</sup> Go to <https://www.linkedin.com/pulse/you-serial-litigator-choo-dee-wei/>.

<sup>12</sup> See NRS 155.165(1).

<sup>13</sup> NRS 155.165(1) which instructs that "the court may find...a person...(to be) a vexatious litigant."

in your life so I can understand how you would think that anyone like me is “disturbed,” let alone “deeply.” If you mean I am deeply disturbed by your lack of ethics and distorted view of right from wrong, then I guess you’re right.

**Katz is a Serial Litigant:** I have addressed this allegation above<sup>11</sup>.

**Katz’s Objections to The Rec Fee Are “Monomaniacal:”** I will agree to this allegation. For the reasons which follow I am obsessed with the Rec Fee because I see it as the root to all our problems.

**Katz’s Objections to The Rec Fee Are a “Vendetta:”** Vendetta” is defined as “an often prolonged series of retaliatory, vengeful, or hostile acts or exchange of such acts.”<sup>14</sup> My objections to the Rec Fee are founded in fact. No retaliation, no hostility nor vengefulness. There is no “vendetta.”

**Katz Only Wants to Pay Those Parts of the Rec Fee For The Venues He Uses:** Untrue Ms. Shackford. If you truly researched my position on this “tax” which is wrongfully labeled a “fee,” you would learn that I am against paying *any* portion of the Rec Fee whether or not I use the recreational venue(s) for which the fee allegedly financially subsidizes that/those venue(s). User fees on the other hand are a completely different subject. A user fee is voluntary, and it pays for a particular good or service furnished to the person who pays (rather than the general public as a whole). Although I may object to the amount of a user fee, I do not object to the notion of charging a fee in consideration of a good or service that the District furnishes and I am interested in purchasing. That way if I choose to pay, I am entitled to use. And if I choose not to pay, then I am not entitled to use. It’s my choice.

**Katz “Gathered About 10 Disgruntled Haters and Hangers On (to)...Spew 3-Minutes of Venom at Every (IVGID Board Meeting) Public Comment:”** Untrue Ms. Shackford. I haven’t solicited anyone to give public comment on anything at IVGID Board meetings. Their comments are their own. And they’re generally not venomous. I find them to be factual. I understand their views differ from yours. However, that doesn’t make them “haters.” Nor “hangers on.” For the reasons herein, I and others I know find you to be the hater.

**Katz “Drove Folks Away From (IVGID) Board Meetings:”** Untrue Ms. Shackford. If folks have chosen to stay away from IVGID Board meetings, it is not as a result of anything I have intentionally said, done, or attempted to do. In fact to the contrary, I encourage and have encouraged all Incline Village Crystal Bay parcel owners to attend all IVGID Board meetings and give public comment. By doing so, it is my hope they will educate themselves and contribute to the improvement of IVGID.

**Katz “Kept Others From Running For The (IVGID) Board:”** Untrue Ms. Shackford. If folks have chosen to not run for the IVGID Board, it is not as a result of anything I have intentionally said, done, or attempted to do. In fact to the contrary, but for one person in particular<sup>15</sup>, I support everyone’s

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<sup>14</sup> Go to <https://www.merriam-webster.com/dictionary/vendetta>.

<sup>15</sup> Who interestingly nevertheless chose to run for the IVGID Board meaning Katz did not “keep” him from running for office.



right to run for the IVGID Board. And notwithstanding, my efforts or lack thereof have obviously not prevented a number of less than competent or qualified residents to run for public office. So I dispute your allegation.

**Katz “Referred to Jay...Abdo’s...2013 Suicide...as House Cleaning:”** Untrue Ms. Shackford. And you know it! If you have evidence to the contrary, put up or shut up! And apologize for spewing an untruth like this. By the way, I never met Jay Abdo. Nor did I ever speak to him. And I had nothing to do with his suicide.

**Katz “Used Endless Ethics Commission Complaints...Against (Publicly Employed) Waitresses at the Grille (Restaurant) Who Accepted Tips” For Doing Nothing More Than Their Public Jobs:** Untrue Ms. Shackford. It was not “endless” ethics complaints, but one. And it was not against waitresses at the Grille Restaurant, but publicly employed cashiers at the Diamond Peak food court and bartenders at the Diamond Peak Loft Bar who not only accepted gratuities, but overtly solicited them! And it was filed because: NRS 281A.400(2) instructs that it is unethical for “a public...employee (to)...use the public...employee’s position in government to secure...unwarranted privileges, preferences, exemptions or advantages for the public...employee.” And it was filed because: NRS 281A.400(4) instructs that it is unethical for “a public...employee (to)...accept any salary, retainer, augmentation, expense allowance or other compensation from any private source, for the public...employee...for the performance of the public...employee’s duties as a public...employee.” So you the reader be the judge. On its face I say there was an ethics violation.

**Katz “Used Endless Ethics Commission Complaints...Against (Public Officer And) Board Chair(person Gene) Brockman For Eating a Free Dinner at an Incliners Evening That Gene Had Not Attended:”** Untrue Ms. Shackford. Again, it was one complaint. And it was against IVGID Trustee Bea Epstein. And it was for her vote in favor of a sales/use tax evasion scheme whereby she as an Incliner member was able to avoid paying sales taxes for Incliners dinners consumed for herself and her husband. Again on its face I say there was an ethics violation. What do you say?

**“In 2011 (Katz) Filed a 51 Page Lawsuit (Against IVGID) Demanding That Limits be Set Against The Services, Facilities And Activities IVGID Could Provide:”** Not exactly Ms. Shackford. I “demanded” nothing. And in accordance with NRS 30.040(1) I requested that the Court render “a declaration of rights, status or other legal relations...(and) question(s) of construction or validity arising under (any) instrument, statute, ordinance, contract or franchise (given my)...rights, status or other legal relations (we)re affected by a statute, municipal ordinance, contract or franchise.” So again, you the reader be the judge.

**Katz “Sought to Stack The (IVGID) Board With Himself, His Wife Judith Miller, And Frank Wright:”** Untrue Ms. Shackford. Although I supported the candidacies of Frank and Judy, I had nothing to do with their decisions to run for the IVGID Board. Furthermore, Judy didn’t run for the Board when I did. So how can I be accused of “stacking?” Finally, what’s wrong with two or more candidates for public office agreeing amongst themselves to be treated as parts of a single “slate?”

And haven't you and your hater friends sought to do the very same thing by supporting Peter Morris and Kendra Wong when they ran for public office?

**"When This Failed...(He) Bought Matthew Dent Off With an Undisclosed \$800K Loan:"** Untrue Ms. Shackford. I never bought off Trustee Dent or any other Trustee with anything. Nor did I ever make a loan to Trustee Dent, let alone one for \$800K. So why are you falsely accusing me Mr. Shackford?

**"When This Failed...(He) Bought...Sweet-Sounding Sara Schmitz...Off...Hard at Work to Keep The Riff Raff Out – No Black Families...Contaminating Our Beaches:"** Untrue Ms. Shackford. I never bought off Trustee Schmitz or any other Trustee with anything. Nor do I support calling black families "contamination." Nor do I support preventing black families from accessing our beaches based upon their race. Ms. Shackford, you are a racist. And my experience is that the biggest racists, are those who so indiscriminately raise "the race card." But you view yourself as superior to these people. Right?

**"Incline, Without (IVGID's Recreation)...Venues Will be a Far Less Lovely Place to Live:"** Really Ms. Shackford? You care more about the "loveliness" of the place we live in based upon the recreation facilities IVGID furnishes, versus what GOD created. Kind of shows us all where your head is at.

**Conclusion:** So who's telling the truth, and who's not Ms. Shackford? I submit it's you. And now the rest of the community knows the truth.

Respectfully, Aaron Katz (Your Community Watchdog Because Nearly No One Else Seems to be Watching).

**WRITTEN STATEMENT TO BE ATTACHED TO AND MADE A PART OF THE WRITTEN MINUTES OF THE IVGID BOARD'S REGULAR JULY 26, 2023 MEETING – AGENDA ITEM D – PUBLIC COMMENTS – THE DISTRICT'S "SPECIAL ANNOUNCEMENTS" INTENDED TO ACCOMPLISH LITTLE MORE THAN RESIDENT INTIMIDATION, PROPAGANDA, AND ADVANCEMENT OF THE NOTION OUR EMPLOYEES ARE THE DISTRICT'S MOST IMPORTANT ASSET**

**Introduction:** I for one am tired of hearing propaganda at the hands of our wonderful staff hammering home the point that they are the District's most important asset and I should be so wonderfully pleased to have them working for my GM. Staff have time for this garbage, yet no time to do their real jobs; operating our recreational facilities at a financial break even or positive cash flow! Well it is along this vane I received a "special announcement" from IVGID staff on July 19, 2023<sup>1</sup>. And that's the purpose of this written statement.

**My E-Mail of July 20, 2023:** Rather than my regurgitation of everything that's wrong with special announcements such as these, I simply refer the reader to Exhibit "A" which is attached to this written statement.

**Conclusion:** I don't understand why the public receives e-mails such as the one in question. If there is a violation of our ordinances or resolutions, please don't tell the rest of the public that the same has occurred and what staff did to address it. This is someone else's business. And please don't use the opportunity to share propaganda about how wonderful you are, and the extent of privileges you allegedly provide to us. Spend your time doing the job(s) for which you were hired to do.

Thank you for your cooperation. Respectfully, Aaron Katz (Your Community Watchdog Because Nearly No One Else Seems to be Watching).

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<sup>1</sup> That announcement is part of my July 20, 2023 e-mail to the Board attached as Exhibit "A" to this written statement.

## **EXHIBIT "A"**

**Subject:** Re: IVGID Special Announcement

**From:** Dave Noble <noble\_trustee@ivgid.org>

**Date:** 7/21/2023, 11:25 AM

**To:** "s4s@ix.netcom.com" <s4s@ix.netcom.com>

**CC:** Matthew Dent <dent\_trustee@ivgid.org>, Sara Schmitz <trustee\_schmitz@ivgid.org>, Michaela Tonking <tonking\_trustee@ivgid.org>, Ray Tulloch <tulloch\_trustee@ivgid.org>, "Mike L. Bandelin" <MLB@ivgid.org>, Shelia Leijon <sal@ivgid.org>

Mr. Katz,

The IVGID BOT has received your correspondence. Each Trustee will individually decide what, if anything, to do with the information provided.

David Noble  
Secretary, IVGID BOT

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From: [s4s@ix.netcom.com](mailto:s4s@ix.netcom.com) <[s4s@ix.netcom.com](mailto:s4s@ix.netcom.com)>  
Sent: Thursday, July 20, 2023 8:52:34 AM  
To: Matthew Dent  
Cc: Sara Schmitz; Michaela Tonking; Dave Noble; Ray Tulloch  
Subject: Fw: IVGID Special Announcement

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Chairperson Dent and Other Honorable Members of the IVGID Board -

So I received the "special announcement" below yesterday.

Are you for real Sheila and Mike?

It's the same woke politicalization over and over and over again. And these people just don't get it. Because they're incapable of getting it.

Don't tell me about your zero tolerance policy. Just enforce it and there's no reason I need to get a "special announcement" e-mail like this pertaining to others who don't take the time to familiarize themselves with the rule. And don't tell me about your "zero tolerance" when your staff have demonstrated the 100% opposite for people like Tim Callicrate who were in violation of Ordinance No. 7 because they didn't pay their taxes/rec fees in a timely manner and yet staff did NOTHING to suspend his recreational privileges. And you know I'm right.

Re: IVGID Special Announcement

This "special announcement" is really just another form of staff propaganda. Just listen to staff: "Our websites, social media, and IVGID Magazines are all great ways to find out about what's going on at our venues but we wanted to send over a few highlights of events and programs you won't want to miss." Really?

It just goes on and on and on forever. It doesn't matter who the employee is. It just goes on and on and on forever. It's the IVGID culture asserting itself. Meanwhile, these people just don't seem to know how to make a buck which is what they were hired to do (if you disagree, then explain to me why we're in the commercial for profit recreation business marketing our wares to the world's tourists).

So what are you doing about it? And before you answer, the ten or more key employees I am aware of who are leaving/have left in the last couple of months and have not been replaced, kind of tells it all. Don't you think? What about the Board Clerk? Do you have a replacement yet? If not, why not? You've got a systemic problem here and you're seeing it play out right before your eyes. And guess what? The problem's not me. And it's not Sara. And it's not the so called toxic work place. It goes way, way deeper. And having a replacement GM like Mike Bandelin who has authored this "special announcement" would be as much of a mistake as the one made with Indra. IMO.

Thank you, Aaron Katz

-----Forwarded Message-----

From: Incline Village General Improvement District <[info@ivgid.org](mailto:info@ivgid.org)>  
Sent: Jul 19, 2023 7:47 PM  
To: <[s4s@ix.netcom.com](mailto:s4s@ix.netcom.com)>  
Subject: IVGID Special Announcement

Announced Wednesday, July 19th...

Special Announcement - July 19, 2023

View this email in your browser<<https://mailchi.mp/ivgid.org/special-announcementjuly-192023?e=1a3978688e>>

[<https://mcusercontent.com/a5106141daee313038900b846/images/04bed119-a3e6-47f8-9b15-018a021b91ab.jpg>] <<https://yourtahoepace.us1.list-manage.com/track/click?u=a5106141daee313038900b846&id=4f79578c42&e=1a3978688e>>

IVGID Special Community Member Announcement

July 19, 2023

Recently, the District reported several racial and hate speech incidents at the beach venues. The Incline Village General Improvement District has a zero-tolerance policy in place, which states:

“Abusive behavior of staff or other customers will not be tolerated. All District rules must be adhered to. Recreation privileges MAY be suspended for any period deemed appropriate or privileges may be revoked at District’s sole discretion.

The District is taking action regarding these recent incidents, as this behavior is not tolerated at any District venues including the beaches. Each and every resident and their guests are expected to behave in an appropriate and respectful manner with EVERYBODY at our venues. Your adherence to this policy is mandatory to keep our venues safe.

Respectfully,

Shelia A. Leijon  
Director of Parks and Recreation

Mike L. Bandelin  
Acting District General Manager

Be in the Know.....

Our websites, social media, and IVGID Magazines are all great ways to find out about what’s going on at our venues but we wanted to send over a few highlights of events and programs you won’t want to miss.

[<https://mcusercontent.com/a5106141daee313038900b846/images/22d43ae9-c144-6f98-dd0e-6d0945f8cefc.jpg>] <<https://yourtahoepalace.us1.list-manage.com/track/click?u=a5106141daee313038900b846&id=63ba5c4b80&e=1a3978688e>>

Update Your Email Preferences

If you would like to update your email preferences, remove yourself, or sign up for any of our other newsletters (55+, Tennis & Pickleball, Parks & Recreation, etc) you can update your profile online<<https://yourtahoepalace.us1.list-manage.com/profile?u=a5106141daee313038900b846&id=7b369ef48a&e=1a3978688e&c=fb173c42ae>>. If you'd like to be added to any of the Diamond Peak email lists please fill out the signup form at [DiamondPeak.com](https://yourtahoepalace.us1.list-manage.com/track/click?u=a5106141daee313038900b846&id=14358e4856&e=1a3978688e)<<https://yourtahoepalace.us1.list-manage.com/track/click?u=a5106141daee313038900b846&id=14358e4856&e=1a3978688e>>.

Incline Village General Improvement District  
893 Southwood Blvd, Incline Village, NV 89451

YourTahoePlace.com<<https://yourtahoepalace.us1.list-manage.com/track/click?u=a5106141daee313038900b846&id=52da7d5b81&e=1a3978688e>>

unsubscribe from all IVGID emails<<https://yourtahoepalace.us1.list-manage.com/unsubscribe?u=a5106141daee313038900b846&id=7b369ef48a&e=1a3978688e&c=fb173c42ae>> / update profile<<https://yourtahoepalace.us1.list-manage.com/profile?u=a5106141daee313038900b846&id=7b369ef48a&e=1a3978688e&c=fb173c42ae>>

**WRITTEN STATEMENT TO BE ATTACHED TO AND MADE A PART OF THE WRITTEN  
MINUTES OF THE IVGID BOARD'S REGULAR JULY 26, 2023 MEETING – AGENDA  
ITEM D – PUBLIC COMMENTS – WHY WON'T YOU AGENDIZE FOR POSSIBLE  
BOARD ACTION PURSUIT OF THE REFUSE, INC. SOLID WASTE TRANSFER  
STATION YET GRANT WASTE-MANAGEMENT EVERY OPPORTUNITY  
TO PURSUE A PREMATURE FIVE (5) YEAR EXTENSION OF THE  
CURRENT SOLID WASTE FRANCHISE AGREEMENT WHICH  
IN ESSENCE DESTROYS OUR ABILITY TO EVER CONTROL  
OUR SOLID WASTE DISPOSAL DESTINY?**

**Introduction:** At the Board's June 28, 2023 meeting our Public Works staff<sup>1</sup> stupidly agendized Waste-Management's ("WM's") request its proposal to approve a 5-year extension of the existing solid waste disposal franchise contract be approved<sup>2</sup>. This request was founded in its Refuse, Inc.'s subsidiary's intent to make major capital improvements to its solid waste transfer station in essence making its control out of reach for any future IVGID Board. Fortunately, rather than going forward with this agenda item, the Board decided to take no action and remove it from the General Business portion of the meeting. However in anticipation of that agenda item being discussed, I submitted a written statement voicing my opposition which I requested be attached to the minutes of that meeting<sup>3</sup>.

Not happy with the outcome, WM went back for a second bite of the apple at the Board's July 12, 2023 meeting<sup>4</sup> convincing Madonna Dunbar to agendize a formal request for directions directed to the IVGID Board insofar as WM's franchise extension request was concerned. Again the Board fortunately decided to provide no direction but to suggest the request was untimely given there are still three (3) years remaining on the current solid waste franchise. However in anticipation of that agenda item being discussed, I submitted another written statement to the Board voicing my opposition which I requested be attached to the minutes of that meeting<sup>5</sup>.

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<sup>1</sup> Thank you Madonna Dunbar.

<sup>2</sup> Go to <https://www.yourtahoeplace.com/uploads/pdf-ivgid/G.1. - General Business - Waste Management.pdf>.

<sup>3</sup> You can read that statement at pages 141-147 of the packet of materials prepared by staff in anticipation of this July 26, 2023 Board meeting ["the 7/26/2023 Board packet" (go to: <https://www.yourtahoeplace.com/uploads/pdf-ivgid/G.1. - Consent Calendar - Meeting Minutes of 06282023.pdf>)].

<sup>4</sup> Go to <https://www.yourtahoeplace.com/uploads/pdf-ivgid/G.1. - General Business - Waste Management Presentation.pdf>.

<sup>5</sup> Unfortunately you cannot read that statement because it has not yet been included in materials posted to the District's web site. However, the reader can read the July 15, 2023 e-mail I sent to the



The reader can see that in my e-mail to the Board I asked that our GM and/or Board chairperson agenda a discussion of this matter at the next Board meeting. After all, a representative of WM was given the opportunity to address the Board on this subject at its June 28, 2023 meeting. So now we have another meeting of the Board scheduled for this evening. And do you see anywhere where the matter I requested be agenda for discussion and possible Board action has been agenda? Of course not. Because it's going to be buried the way most citizen initiated matters are buried. Because this is wrong, *I object!*

**Conclusion:** Exercising our power to furnish facilities for the collection and disposal of our community's garbage and solid waste, is one of our most important functions. And since we require any collector to have access to and operate a local transfer station, the future of our single transfer station in town is of imperative importance. My e-mail to the Board sets forth the many reasons why so that if you are an interested reader, you may appreciate educating yourself.

And you want to know why your water, sewer and solid waste disposal rates are as high as they are, and never seem to go down? Hopefully I've provided answers.

Respectfully, Aaron Katz (Your Community Watchdog Because Nearly No One Else Seems to be Watching).

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Board which was attached to that missing written statement as it is attached as Exhibit "A" to this written statement. And rather than regurgitating its substance, I simply refer the reader to the exhibit.

## **EXHIBIT "A"**

**Subject:** Re: The Solid Waste Transfer Station. Most of You Guys Just Don't Get It! What is it Going to Take if Anything?  
**From:** Dave Noble <noble\_trustee@ivgid.org>  
**Date:** 7/18/2023, 9:36 AM  
**To:** "s4s@ix.netcom.com" <s4s@ix.netcom.com>  
**CC:** Matthew Dent <dent\_trustee@ivgid.org>, Sara Schmitz <trustee\_schmitz@ivgid.org>, Michaela Tonking <tonking\_trustee@ivgid.org>, Ray Tulloch <tulloch\_trustee@ivgid.org>, "Mike L. Bandelin" <MLB@ivgid.org>, Brad Underwood <BBU@ivgid.org>

Mr. Katz,

The IVGID BOT has received your correspondence. Each Trustee will individually decide what, if anything, to do with the information provided.

David Noble  
Secretary, IVGID BOT

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From: s4s@ix.netcom.com <s4s@ix.netcom.com>  
Sent: Saturday, July 15, 2023 12:59:18 AM  
To: Matthew Dent  
Cc: Sara Schmitz; Michaela Tonking; Dave Noble; Ray Tulloch  
Subject: The Solid Waste Transfer Station. Most of You Guys Just Don't Get It! What is it Going to Take if Anything?

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Chairperson Dent and Other Honorable Members of the IVGID Board -

After listening to the Board's discussion of Waste-Management's ("W-M's") request for a five year extension of the current trash franchise, I am very displeased. Which leads me to ask what you guys don't understand about what's really at play here?

Trustee Tonking - You're apparently O.K. with W-M's request if it's a 3 year versus a 5 year extension even though we're getting essentially nothing.

Trustee Noble - You're apparently O.K. with W-M's request if we can pin down some maximum for a handful of years' future trash rates.

Trustee Schmitz - I can't tell your bottom line decision on this issue because all you seem to be concerned about is addressing more pressing issues than W-M's request. In other words, sweep the matter under the rug until it becomes a more pressing problem 2 or more years from now.

Chair Dent - I can't tell your bottom line decision on this issue whatsoever. Because you didn't express it.

Trustee Tulloch - I think you get it. Fortunately. Will you please explain this to your trustee colleagues?

Do any of you have any clue what Reno Disposal is paying to Refuse, Inc. for the former's use of the latter's transfer station?

Don't you understand that whatever the amount, it becomes an allowable expense which goes into the calculation of Reno Disposal's net income? Which means that the greater the amount Reno Disposal pays to Refuse, Inc., the lower the amount of Reno Disposal's net income? And if that net drops below 9%, our rates rise.

So for starters, don't you think you need to know what Refuse, Inc. has been charging Reno Disposal for the last eight years (starting a year before the current trash franchise went into effect)? W-M has steadfastly REFUSED to share these particulars for the last eight or more years. I know because I've pushed Indra to do this.

Do you understand that no collector can qualify to take over the trash franchise unless it has access to the Incline Village transfer station?

Do any of you really, really think that Refuse, Inc. is going to agree to allow a collector other than W-M to use its Incline Village transfer station to W-M's detriment?

If you answer "yes," what do you think Refuse, Inc. is going to charge, how reasonable is that charge going to be, and what ability is the District going to have to limit that charge?

Which means you're never, never going to be able to get a competing collector to successfully bid on the trash franchise and come up with a price which is lower than W-M's. Which means W-M has a monopoly for the rest of our lives. Even Trustee Tonking's.

Which means the solution to our solid waste removal problems is to control the Incline Village transfer station.

Did I hear any of you raise this concern at the last Board meeting? What about staff?

Do any of you really, really think Underwood and Co. are competent to negotiate this issue with W-M?

And if you let Refuse, Inc. invest \$5M in capital improvement costs into the transfer station, we're never, ever going to be able to acquire or control it in the future because of the inherent increased costs. Which again means W-M will have a monopoly on our trash collection for the rest of our lives.

Don't tell me you can't acquire or control the transfer station unless Refuse, Inc. agrees. Because that's not true.

First, if you have people who are capable of negotiating, you can negotiate transfer of the transfer station as part of the consideration given by Reno Disposal, Inc. for an extension of the trash franchise.

If Refuse, Inc. refuses to give up the transfer station, or demands more than its fair market value, we hold the trump card. It's called eminent domain (see NRS 318.190). Do each of you know what this power really is? If not, you need to educate yourselves. And let me help.

First a local government determines that acquisition of someone else's property is necessary for the best interests of its constituency, the public. Once the decision is made, there's no basis for the owner of that property to object. It's a done deal.

However, the local government must pay that property owner the property's fair market value. And if the property owner has to relocate to some other property to continue its business (which will not be the case here), the local government must pay moving and other associated costs the property owner incurs.

So this is the direction within which you as a Board need to proceed. And every day you

Re: The Solid Waste Transfer Station. Most of You Guys Just Don't Get It! What is it Going to Take if Anything?

delay going down this road, you end up putting us in a deeper hole because the price tag keeps going up.

Now understand we're ALREADY paying for Reno Disposal, Inc. to use the transfer station. What they're paying Refuse, Inc. is what we're paying because this cost is directly passed through to us.

Now that you know how much we're paying, you need to answer the question of how much money we could borrow from the state which resulted in servicing costs we're in essence currently paying. Because that's the source of funds we would be relying upon to pay Refuse, Inc. And by the way, just like the state offers low cost loans for local governments making capital improvements to their water and sewer systems, it does the same thing for facilities for solid waste disposal. So don't you think you as a Board need to do these calculations?

In answer to the question of whether we would have to operate the transfer station if we were to acquire it from Refuse, Inc., the answer is no. Whoever our collector will be, will be responsible for operating that station. And making necessary upgrades/repairs.

Finally, if we have \$5M+ for a Burnt Cedar Pool, we have money for the transfer station which directly benefits EVERY property owner in our community. If we have \$1M+ to reconstruct the tennis courts, we have money for the transfer station. If we have \$750K+ annually to pay our share of increased Rec Center operational costs associated with any expansion (don't you recall this was the staff estimate if we were to go forward with the recently failed Rec Center expansion), we have money for the transfer station. If we have \$1M+ to replace Ski Way, we have money for the transfer station. If we have \$1,000/day to LOSE on Food and Beverage services, we have money for the transfer station. If we have \$2M+ annually to subsidize the green fees our core golfers pay, we have money for the transfer station.

So as I have asked, what don't you understand about the key to our community's future solid waste disposal rates?

Agendize the issue of initiating efforts to acquire Refuse, Inc.'s solid waste transfer station and then let's move forward. We need to spend several thousand dollars with an MAI appraiser so that if we have to file an eminent domain action, we will have our expert witness in place. And we need to spend \$1,000 or less for a meeting with an attorney who specializes in these matters so he/she can share our rights and duties under the law. And then we will be equipped with the knowledge necessary to decide whether or not to go forward.

Or sit there and do NOTHING. So W-M can continue to rape us with excess solid waste disposal rates. Why do you think there's been no increase in rates for the last three or more years? Wouldn't it be because W-M has been making a return of in excess of 9% annually? No wonder it wants to lock us in for life. And at least two of you are clueless.

Thank you for your understanding and hopefully, you're initiation of the smart thing to do.

Respectfully, Aaron Katz

**WRITTEN STATEMENT TO BE ATTACHED TO AND MADE A PART OF THE WRITTEN  
MINUTES OF THE IVGID BOARD'S REGULAR JULY 26, 2023 MEETING – AGENDA  
ITEM F(2) – LOOK AT ALL THE KEY SENIOR STAFFING WE'VE LOST/WE'RE IN  
THE PROCESS OF LOSING AND UNABLE TO REPLACE – OUR CHICKENS  
ARE COMING HOME TO ROOST!**

**Introduction:** In case you the reader did not pick up on my July 24, 2023 comments given at the Audit Committee's meeting of even date, here they are stated again.

Look at how many senior staff we've lost/are in the process of losing within the last several months. And look at how many we've been unable to replace. There's a problem here and it's not me. Nor Trustee Schmitz. Nor the "so called" nasty nine. Nor the lack of morale in the trenches. It goes far, far deeper. And as Reverend Jeremiah Wright observed after 9/11<sup>1</sup>, God Damn IVGID, and "the chickens have come home to roost!" And that's the purpose of this written statement.

**Rev. Wright's Observations Edited to IVGID and What We're Experiencing Now:** IVGID gives favored special interests in our community unjustified benefits which are paid by all local parcel owners, rather than just those who ask for and take such benefits. "No, no, no, God damn (IVGID), that's in the Bible...God damn (IVGID) for treating (some of) our citizens (primarily from Crystal Bay) as (second class). God damn (IVGID) for as long as she acts like she is God and she is supreme." District staff have brought on the current divisiveness we suffer from because of their own acts. "And now we are indignant because the stuff we have done...is now brought right back to our own front yards. (Incline Village's) chickens are coming home to roost!"

**My E-Mail of July 19, 2023:** On July 19, 2023 I sent an e-mail to the Audit Committee<sup>2</sup> commenting on the extent of senior personnel we have lost, are in the process of losing, and who just can't seem to be replaced. Since that e-mail relates to this topic, some trustees may not have had the opportunity to see it, and rather than regurgitate my comments, I simply refer the reader to the same.

**E-Mail String Between July 23-25, 2023:** If the reader wants a real focused view on what's wrong with our hiring practices, I believe the e-mail string between myself and fellow resident Dick Warren<sup>3</sup>, which has been copied to the Board, gives many of the answers. Again rather than regurgitating our comments, I simply refer the reader to the same.

**Conclusion:** As the reader can see from the e-mails which are attached to this written statement, the problems we are facing today go back to the wrongs committed decades ago. When Harold Tiller on behalf of the IVGID Board testified before the Washoe County Commission supporting

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<sup>1</sup> Go to <https://www.nationalreview.com/the-campaign-spot/obamas-pastor-after-911-americas-chickens-are-coming-home-roost-jim-geraghty/>.

<sup>2</sup> That e-mail is attached as Exhibit "A" to this written statement.

<sup>3</sup> This string is attached as Exhibit "B" to this written statement.

the District's request it be granted the basic power to furnish facilities for public recreation, he expressly represented to the Commission and the public that if the District's request were granted, ALL of the community's recreational facilities and the services offered therefrom but for the beaches, would be privately owned, operated and financed. In other words, the District would not go into the commercial, for profit, recreation business. This turned out to be untrue. And I and a number of local parcel owners I know have been prejudiced. So we're making noise and demanding that the powers granted be rescinded based upon District fraud. And we're demanding that we dispose of all facilities acquired but for the beaches, and get out of the commercial, for profit, recreation business where we sell access to and use of our recreational facilities to the world's tourists. Only then will we be able to shed ourselves of the massive, over compensated and over benefited staff who are financially drowning us.

And you want to know why your Recreation ("RFF") and Beach ("BFF") Facility Fees are as high as they are, and never seem to go down? Hopefully I've provided answers.

Respectfully, Aaron Katz (Your Community Watchdog Because Nearly No One Else Seems to be Watching).

## **EXHIBIT "A"**



## July 24, 2023 IVGID Audit Committee Meeting, Agenda Item D(1) - The Key Senior Staff We Have Lost

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**From:** <s4s@ix.netcom.com>  
**To:** "Nolet Chris" <cnolet99@gmail.com>  
**Subject:** July 24, 2023 IVGID Audit Committee Meeting, Agenda Item D(1) - The Key Senior Staff We Have Lost  
**Date:** Jul 19, 2023 12:49 PM

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Chairperson Nolet and Other Honorable Members of the IVGID Audit Committee:

I submit public comment with respect to this matter.

Can you please share these comments with other Board members and Mr. Magee prior to the meeting?

At the last IVGID Board meeting, a member of the public gave public comment to the effect that when you have a mass exodus of key employees, like we do, you have a problem. And the simple answer to the reason why is not Trustee Schmitz. We have a problem.

And I presume Mr. Magee is going to speak to this problem as part of this agenda item. And just so we're on the same page, below find a list of the key employees I am aware of that we've lost or never placed. Which now makes me ask the question: why do we have an HR person? I know why. But if she can't place these key positions for whatever the reasons, then we're no worse off not having an HR person.

So here are our key employee vacancies I am aware of:

1. Our GM of course who according to his own press release, voluntarily separated from the District after twenty (20) years of employment to spend more time with his family (now why would one of our longest lasting employees all of a sudden choose to leave his position and spend more time with his family?);
2. Our under qualified (he didn't even have a C.P.A.) Director of Finance (who viewed his job as protecting his colleagues rather than the public);
3. Our Controller (Marty Williams) who left six or more months ago and still we've been unable to replace him - notwithstanding we're offering a starting salary of \$100,204-\$120,245/yr (how about hiring local resident Joy Gumz? She is a C.P.A. and wants the job);
4. Our Revenue Manager who left months ago and we've been unable to replace him - notwithstanding we're offering a starting salary of \$86,355 &ndash; \$102,055/yr;
5. "The addition of a new (full time, fully benefited) HR/Recruitment Assistant" (this appeared in the budget the Board approved). Have we found anyone yet?
6. Our Director of Public Works (he was so capable he couldn't take on a project without incurring the added cost of a CMAR);
7. Our Director of Food & Beverage (who used to be nothing more than a chef);

8. Our Sous Chef who apparently left months ago and we've been unable to replace - notwithstanding we're offering a starting salary of \$2,500.00 bi-weekly;
  
9. Our District Clerk who left months ago (after being on the job for only a couple of months) and we've been unable to replace; and,
  
10. Our attorneys who announced at the Board's July 12, 2023 meeting that they would no longer be representing the District when its current legal services agreement terminates in December of this year.

I'm sure there are more such employees I don't know of. However, I submit that this list is bad enough!

And like I said. We have a problem here.

Respectfully, Aaron Katz

**EXHIBIT "B"**

## Re: July 26, 2023 IVGID Board Meeting - Agenda Item H(7) - Paying Mike Bandelin \$220K/Annually Versus His Current \$135K/Annually or So

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**From:** <s4s@ix.netcom.com>  
**To:** Dick Warren <bd1947@icloud.com>  
**Cc:** Chris Nolet <cnolet99@gmail.com>, Matthew Dent <dent\_trustee@ivgid.org>, Schmitz Sara <schmitz\_trustee@ivgid.org>, Tonking Michaela <tonking\_trustee@ivgid.org>, Tulloch Ray <tulloch\_trustee@ivgid.org>, Noble Dave <noble4ivgid@gmail.com>  
**Subject:** Re: July 26, 2023 IVGID Board Meeting - Agenda Item H(7) - Paying Mike Bandelin \$220K/Annually Versus His Current \$135K/Annually or So  
**Date:** Jul 25, 2023 5:46 PM

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Thank you Dick -

Only because you've sent a copy of your most recent e-mail to the Board, do I respond. To them.

If we have to pay \$350K annually just to have a GM, WE'RE IN THE WRONG BUSINESS. Pure and simple. We're the equivalent of a mosquito district! Nothing more. We're not a city. Nor a county. Nor an unincorporated town. Nor a municipality. We're a limited purpose mosquito district. Thus \$350K annually in compensation to a titular head of nothing more than a mosquito district? You are out of your mind.

There are 85 or so GIDs in the state. Why don't you have our HR Director survey all 84 other GIDs insofar as the salaries they are paying their GM. And then let's have a discussion. If you do this, I predict you won't discover another GID in the state that pays its GM anything close to \$350K annually. And why do you suspect that is?

And don't think we're going to get the kind of GM you're talking about. Because we're not. No local government does what we do. Because we are not in compliance with the NRS. So what makes you think our problem has been selecting the wrong type of GM in the past? There is no script. There is no experience to do what our GM does. Any candidate you come up with is doomed to failure. Just look at our history. Same thing happened with Paul Navazio. And from the little I saw yesterday, it looks as if the same thing is going to happen with Mr. Magee. Why? Because these people refuse to do what the NRS dictates, because we're a different breed of animal.

And don't think that any of our recreational businesses are capable of operating at a break even or positive cash flow. Without generational changes which no board capable of being elected will ever, ever agree to, it's an impossibility. Again. Look at the District's history.

So this whole idea of fixing what is wrong is a pipe dream. And the idea of attracting the right person for the job simply by offering him/her \$350K annually in salary plus benefits, is never going to happen no matter who you get to be GM.

And insofar as your question as to why previous boards didn't insist that but for parks, each recreational venue operate on a break even or positive cash flow, THEY DID. And how did staff respond to the direction? The Board was ignored. And what action did the Board take against staff who wouldn't do what the Board requested? NOTHING. Because that would be micro-managing. Wouldn't it?

One final point. And I want each board member to listen and understand. When the Board asked the County to grant the District the power to furnish facilities for public recreation, our Board represented that if the requested power were granted, THE DISTRICT WOULD NEVER USE IT TO ACQUIRE, OPERATE OR FINANCE ALL OF THE RECREATIONAL FACILITIES WE'RE HAVING PROBLEMS WITH TODAY BUT FOR THE BEACHES. Got that Board? Every single one!

You're an attorney Trustee Noble. What is it called when someone makes a representation of fact, another relies on it to his or her detriment, and then the person who made the representation does the

exact opposite? And what is the remedy for the fraud which has been perpetrated? And what is the remedy here?

All of this stuff (these recreation venues) MUST GO. All of them. Because they're all the product of fraud. And the remedy for fraud is rescission. All the problems we face today were caused by a former board's fraud. So now that you know the truth, FIX IT. Rectify that fraud your predecessors have propagated for the benefit of all of us who relied to our detriment. You owe it to us. Got that Gail Krolick, Tim Callicrate, Kaye Shackford and the rest of your lemmings. YOU OWE IT TO US.0000

Thanks for your colloquy and I respect your differing views. Aaron

Aaron

-----Original Message-----

From: Dick Warren <bd1947@icloud.com>

Sent: Jul 25, 2023 3:49 PM

To: Aaron Katz <s4s@ix.netcom.com>

Cc: Chris Nolet <cnolet99@gmail.com>, Matthew Dent <dent\_trustee@ivgid.org>, Schmitz Sara <schmitz\_trustee@ivgid.org>, Tonking Michaela <tonking\_trustee@ivgid.org>, Tulloch Ray <tulloch\_trustee@ivgid.org>, Noble Dave <noble4ivgid@gmail.com>

Subject: Re: July 26, 2023 IVGID Board Meeting - Agenda Item H(7) - Paying Mike Bandelin \$220K/Annually Versus His Current \$135K/Annually or So

Aaron, I don't agree with your final statement that spending \$350k or so on a GM is insane. It's amazing what competent folks can do when given the chance. For years we've been paying losers like Indra & Pinkerton \$200k or so and we have gotten nothing, mainly because these former GM's did not have the experience, knowledge and financial acumen to run an operation like IVGID.

IVGID adopted EFA (Enterprise Fund Accounting) a few years ago; EFA requires each & every Venue to at least breakeven WITHOUT the Rec Fee Subsidy. And that's breaking even including all revenues and all expenses on an accrual basis (not on a cash flow basis). Now why didn't previous Boards insist on this? Well, previous Boards, on a collective basis, were about at the same competency level as Indra & Pinkerton. But I have confidence that the current Board will demand that the new GM adhere to EFA and make every Venue at least breakeven. And if they don't then outsource them or eliminate them. Take the Golf Operation, that's a slam dunk to outsource. When a guy like Darren Howard, who has 30+ years in the Golf business, told me that he had never considered depreciation expense (a Capital cost) and interest expense (a Debt Service cost) in his calculation of golf fees (revenues) needed to cover expenses, that's highly enlightening, and further evidence of needing competent folks to run the Golf operation.

Unfortunately, we've just never had competent folks in important positions like the GM spot. I'm willing to give it a try, even if it costs us a couple of bucks.

On Jul 25, 2023, at 8:47 AM, s4s@ix.netcom.com wrote:

Thanks Chris for the copy of the e-mail responding to Dick's comments (below). BTW, my initial e-mail was to the IVGID Board and because of this, I did not send you a copy. I have no objection to your having received a copy. However to set the record straight, I did not send it to you.

Now because of your response, I would like to comment on it. Because you've now opened up the broader discussion I feel needs to take place. And that is, you've now made the case that WE NEED TO GO OUT OF THE RETAIL, FOR PROFIT, RECREATION BUSINESS which markets our recreational facilities to the world's tourists. And why do I make this observation? At least two reasons. First, that's NOT the purpose of government. So why then do we continue to pursue it? The public doesn't want to be involuntarily dragged along with the agenda of those who think we're not government per se, and we exist to operate our recreational facilities because they're underutilized. And second, BECAUSE WE CANNOT AFFORD IT!

All this talk at yesterday afternoon's meeting about we have to up our compensation offerings for: a GM; a Finance Director; a Controller; a Revenue Manager; etc., etc., etc. And we have to spend the extra dollars to engage a recruitment firm to assist us in finding a G.M. And now a recruitment firm to assist us in finding a Finance Director. So you've looked at our finances Chris. WHERE DO YOU THINK THE MONEY IS GOING TO COME FROM? Or as Warren Buffet has suggested, the tooth fairy?

The salaries of the GM, the Finance Director, the Controller, the Revenue Manager, etc., etc., are all assigned to the General Fund. The Board has passed a budget which budgets for roughly \$3M MORE in expenditures, than available revenues. And this doesn't include the probably \$500K or more annually you're suggesting in increased compensation for all of our key employees. Which means overspending assigned to the General Fund is now going to be \$3.5M or more, annually! SO WHERE IS THE MONEY GOING TO COME FROM?

Whether or not you agree with me, by and large our employees lack competence. And they're grossly overpaid for the public jobs they perform. It's almost as if they were hired because they exhibit the likelihood of conforming to the IVGID culture. And we're paying for this incompetence. Yes I understand we're going to "raid" the excess fund balance in the General Fund this year. But what about next year? And what about the years after that? WHERE IS THE MONEY GOING TO COME FROM?

I know the answer and I'm going to get push back from Sara. But the simple answer to my question is an ever increasing Rec Fee ("RFF"). And Beach Fee ("BFF"). And water rates. And sewer rates. Staff is going to disingenuously call transfers from these revenue sources "central services transfers." But the truth of the matter is that these transfers from the Community Services, Beach and Utility Funds will be financed by an ever increasing RFF, BFF, water and sewer rates. Which I and others see as nothing more than financial subsidies to pay for gross overspending.

And why are we going through all of this? The takers in our community will respond because we're running commercial for profit (or in our case for LOSS) business enterprises. And these are the costs you incur when you're running a business. And the costs are higher now because wages have increased. And there's more demand. And bidenomics. And inflation. And whatever other excuse you want to come up with.

But I don't care. If we can't make a buck running these commercial business enterprises, then it's time to sell them or go out of business. If we were running private businesses and we were incapable of attracting employees, or we couldn't break even financially, what would we do? Sell the businesses or go out of business. So why is it any different here? Why do some on the Board think that in the meantime, we need to keep these businesses running?

For years past Boards have been ignoring this given and eventuality. And now we have a Board which isn't. Thank GOD!

I'm tired of hearing from the takers, some of whom are on your audit committee, that our finances are wrong and we're really making money. Well THEY'RE WRONG! We don't make money on ANYTHING WE DO. NOTHING! Our finances are phony. They're incomplete. They've been manipulated over the years by Ramona Cruz, Gerry Eick, Paul Navazio and Steve Pinkerton to present the narrative staff want to present, rather than the truth. And I think you're starting to learn this from your investigation.

I can hear those telling us we make a couple of million dollars each year on Diamond Peak. Well those people are very short sighted. The capital costs at Diamond Peak are so intensive that whatever positive cash flow one makes in the short run is going to be more than spent in the long run thus CANCELING OUT any positive cash flow. Snow cats cost \$350K/each. \$125K on uniforms. \$350K-\$500K on ski/snowboard rental

equipment. \$7M-\$10M ski lifts. \$2M or more for a reconstructed parking lot we call Ski Way. \$1.75M for the culvert to nowhere. Diamond Peak will NEVER generate the revenues necessary to cover all of these and other similar costs.

Then I have to listen to residents like Mr. Fiest who is asking the overwhelming majority of us to pay many millions of dollars reconstructing 7 tennis courts. Why? Because about 250 of our residents play tennis, and the courts haven't been renovated in over 30 years! I guess he forgot about the \$1.25M we wasted on the Tennis Center a couple of years ago on a deck and snack bar. And let's not forget the similar amount wasted on the Mountain Course pro shop for basically a new traffic flow.

And it's not just personnel and improvement costs. You're approving a 5 year CIP for the State. The last time I looked it calls for \$31M of CIPs assigned to the Community Services Fund, and nearly \$7M to the Beach Fund. That's \$38M or \$7.6M/year for each of the next 5 years. And given our staff are incompetent in estimating anything other than lunch time, that \$38M is probably closer to \$50M. WHERE'S THE MONEY GOING TO COME FROM?

It's time to face reality. We just can't continue doing what we have been doing for decades. We need to face the reality that we either stop all this waste and overspending primarily for the benefit of outsiders and staff, or we grossly increase the financial subsidies we are paying to continue the waste. I say it's time to put our collective feet down and just say no!

IVGID is a glorified mosquito district. To even be discussing a salary of \$350K+ benefits annually for a GM, IMO, is INSANE!

Aaron

-----Original Message-----

From: Chris Nolet <cnolet99@gmail.com>

Sent: Jul 24, 2023 5:05 PM

To: Dick Warren <bd1947@icloud.com>

Cc: Matthew Dent <dent\_trustee@ivgid.org>, Schmitz Sara <schmitz\_trustee@ivgid.org>, Tonking Michaela <tonking\_trustee@ivgid.org>, Tulloch Ray <tulloch\_trustee@ivgid.org>, Noble Dave <noble4ivgid@gmail.com>, Aaron Katz <s4s@ix.netcom.com>

Subject: Re: July 26, 2023 IVGID Board Meeting - Agenda Item H(7) - Paying Mike Bandelin \$220K/Annually Versus His Current \$135K/Annually or So

Dick - I was not speaking about any particular IVGID executive. I firmly believe, however, that if we want to recruit highly talented executives who live in IV, we are not currently offering competitive salaries in certain cases. History clearly proves my point.

Chris

On Mon, Jul 24, 2023 at 3:27 PM Dick Warren <bd1947@icloud.com> wrote:

Aaron is absolutely correct on this. Where did you get the crazy idea to up his salary because he's Acting GM? Focus on getting a very, very good GM soon! You might have to pay a competent GM (something we've never had) somewhere around \$350k annually, but it will be worth it, because a competent GM will cut through all the crap at IVGID quickly, and the net result will be substantial reductions in expenses, particularly labor costs.

If Mike Bandelin does a good job in the interim, give him a bonus of some sort, but don't go stupid and raise his salary over 60% just because he's Acting GM!

On Jul 23, 2023, at 8:57 PM, s4s@ix.netcom.com wrote:

Chairperson Dent and Other Honorable Members of the IVGID Board -

Here Chair Dent proposes increasing Mike Bandelin's salary from his current \$135K+/- annually to \$220K/annually, simply because he is acting as a temporary GM figure head while we search for Indra's replacement.

Was Bill Horn getting paid \$220K/annually? NO.

Was Pinkerton getting paid \$220K/annually? NO.

Was Indra worth his \$217K/annually that we were paying him? NO.

Is Mike worth \$220K/annually? Absolutely not.

Is Mike entitled to something more than his current \$135K/annually because he is taking on some non-technical add'l responsibilities? Yes. Is it worth \$85K/annually? NO.

Come on guys. I'm sure Mike will be thrilled to receive a \$25K annual increase in salary because he holds the figure head title of GM? So what's the justification in favor of a \$220K/annually? Is it simply because that's what we were paying Indra, whether justified or not?

Okay. I've got one for you. Under alternatives, the staff memo says the Board can appoint someone else as temporary GM. So I nominate Frank and me! Did you know Frank is more qualified than Indra? Frank has a masters in education-admin. He has lived here longer than Ms. Herron so he possesses the continuity required to effectively manage the District. Unlike Indra, Frank actually lives in the District. And unlike Mike, Frank tells me he is willing to work for \$1 per month. Me too! And maybe, just maybe, we can convince Cliff Dobler to step in and help out.

So there you go. Mike Bandelin at \$220K annually, or Frank and me at \$2/month?

Respectfully, Aaron Katz

One of the alternatives offered is to hire someone else to be interim GM. If the cost to local parcel owners is \$220K/annually, I say no. If it's someone more qualified than Mike, I say yes.

Remember. You've budgeted to LOSE nearly \$3M annually in the General Fund. Since that's the fund where Mike's enhanced salary will be assigned, again you're looking to my Rec and Beach fees to bail out your overspending. I object!

Respectfully submitted, Aaron Katz



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**William Kahrs**

**625 Lariat Cir. #1**

**IVGID Board Meeting July 26, 2023**

The \$25 M donation proposed by the Duffields last year found a home at the Incline High School. Good for Incline High School but unfortunate for IVGID who lost a Boys and Girls club space, a Teen center, a gymnastics center for youth, and an upgrade to the Rec Center. The money was there, but Trustee Schmitz voted it down. That is old news.

Then came the beach vote to exclude non-picture pass holders, under the umbrella (or perhaps more like disguise) of protecting the “beach deed”. The triumvirate (Trustees Dent, Schmitz & Tullock) voted to further separate and exclude non-picture pass employees from beach access, further distancing community members who no longer qualify to be part of the beach community. Sorry summer employees; unless you are a picture pass holder, you can work at the beach but exit as soon as you “punch out” - you are probably not qualified to “hang around”.

In addition, Trustees Tullock and Schmitz, with the acknowledgement of Trustee Dent, increased their direct involvement in directing IVGID employees in the performance of their tasks. This has resulted in what some described as a hostile work environment, leading to the severance of the GM and later, the resignations of multiple staff managers. Is there an ongoing “remove and replace” plan the community is not aware of? Or does this lead down the road to a “privatization plan” which the Board has dismissed. The community should not be so quick to dismiss privatization. If management talent leaves due to a hostile work culture, it may become a realistic option.

It is also discomfoting to think that a takeover of IVGID by Washoe County might yield a more credible government than the triumvirate in place now. Furthermore, unless Trustees Tonking and Noble cast votes with the other three on future decisions, I will personally have zero confidence in a respectable outcome.

To the Trustees - the ongoing recall effort is a vote of no confidence. It is not a joke nor a wasted effort.

To the community, I ask that you: Put Community First. Support the Recall.

*Linda Kahur  
625 Lariat Circle*

**SUMMER WATER SAFETY PROGRAM:**

- **Since 1996 or before the NORTH LAKE TAHOE Fire Department has coordinated with the Public Schools a summer water safety program AT SKI BEACH in collaboration with the IVGID life guards.**
- **On April 18, 2023, at 11:58 Kerrian Neu, a fifth grade teacher at Incline Elementary School emailed Trustees Schmidt & Dent on April 18 the following:**

“Each end of the school year our 3rd through 5th grade students walk down to Ski Beach and learn about water safety from NLTFD and Life Guards. Students go for one hour each grade (3rd 10-11, 4th 11-12, 5th 12-1). Students learn for 30 minutes and then the Fire Department cooks a hot dog lunch. Teachers attend and watch groups. Starting last year, we have been asked to get passes or have punch cards donated to attend. Before this, we just went during our time. We understand Ordinance 7, and its importance, but our students are also just going to learn how to be safe at the beach and near water during the summer months.

**Can you help us? We would love to keep attending and have our students learn from IVGID employees and the Fire Department without trying to get people to donate punch cards. Is it possible to get a waiver for this event only?"**

- **On April 18, 7 minutes later, at 12:05, Trustee Scmitz responded:**

**"Thank you for the question. As Trustees, we are obligated to protect the District's assets, and that includes our deed restricted beaches. Our beaches are restricted to those whom are beneficiaries of the beach deed, and that includes parcel owners and their guests. Punch cards are no longer transferrable except to a guest of a parcel owner, per Ordinance 7."**

- **NLTFD went to STATE PARKS, got permission & in conjunction with State Parks, IVGID lifeguards there was a summer water safety program at Sand Harbor AND the school district had to pay to bus the children.**
- **The students could have been GUESTS of parcel owners but the process was too Cumbersome.**

**Trustee Schmitz, you continue to show by your actions:**

- a. **You don't care about your community schools**

**b. You don't PRIORITIZE the SAFETY EDUCATION of the children  
in our COMMUNITY**

**As a member of this community, my husband and I find it abhorrible  
that educating our children on water safety is a detriment to  
maintaining the beach deed.**

**Your laser focus on BEACH DEED is shameful and Elitist. Once again,  
your exclusive use objectives take precedence over educating students  
for one hour on the beach. PLEASE RESIGN.**

**As a community, we should MUST EDUCATE the children. ALL OF  
THEIR PARENTS SHOULD BE SIGNING THE PETITION AND DEMANDING  
THAT YOU RESIGN.**

Mick Homan

Incline Resident

I want to follow up on an item I commented on in the last meeting. Item H.4 on tonight's agenda - Frequently Asked Questions.

I believe the inclusion of this material is a direct violation of Nevada Ethics Statutes - NRS 281.A.520, which deals with utilizing district resources to impact current ballot issues or candidates in an upcoming election.

Before going into the details, a bit of my background. I had a 40-year professional career in auditing and corporate controllership. I retired as the Chief Accounting Officer of a fortune 50 company. Part of my responsibility was to ensure that every fact stated in our financial reporting – both financial and non-financial, was accurate and supported by underlying documentation. That activity protected the company, its leadership, and our shareholders from the legal and financial exposures that would result from presenting misleading information. I developed a very good eye for top-spin and the art of deflection and rationalization as tools to overcome an unfavorable situation. CFO's, CEO's and Chair's took my advice when I told them they couldn't say something.

With that in mind, most of the topics included in the meeting materials are simply not factual. They represent the opinion of certain of the board members. They do not present both sides of a broader story and can be easily countered with differing opinions or facts. So they can easily be characterized as misleading.

They do not deal with official IVGID policies or practices.

In addition, most deal with concerns raised about individual Trustees – not the board as a whole.

Even more concerning, to the extent they deal with concerns about individual trustees, they largely overlap with issues raised in the current recall efforts.

I provided some examples in my public comments last week, so I won't repeat them here.

But I want to remind you that as a Trustee, your only responsibility is to the district. It's not appropriate for you to use district resources or publications for the benefit of individual Trustees. Doing so results in financial and legal exposure for both the Board and the district.

And you're creating this exposure when the underlying document provides no broader benefit for the district.

Any perceived benefit of the document accrues directly to individual trustees.

It's not lost on a reader that the document only tackles rumors that are damaging to trustees. Why doesn't it tackle misinformation that benefits trustees' agendas, like the golf courses lose \$4 million a year or that golf clubs get all the good tee times?

Under any circumstance, it's inappropriate to utilize District resources to defend the actions of individual Trustees. At present, with a recall effort related to many of the same topics included in the materials, it appears to be a direct violation of Nevada Ethics Statutes that prohibit the use of district resources to impact current ballot issues or candidates in an upcoming election.

In my professional life, the general counsel and her office were my best allies in terms of policing external communications. And we were almost always of a single view on the boundaries. I'm pretty sure I know where they would fall on this document.

So I'd ask the Board and general counsel to consider this seriously and take appropriate action.

Below text not talked live at meeting, but are an update to specific examples provided at the July 12 meeting:

For example, questions 4 and 5 deal with the board's intent on privatizing venues or changing the model. The question itself deals with the board's intentions or plans – not past actions. Further, I believe residents are commenting on individual trustees and their views and actions – not the board as a whole. At a minimum, the change pushed publicly by Tulloch (but not adopted) to get golf to cover all operating costs, including depreciation is an example of a change in the model.

Questions 7 and 8 deal with the impact of reducing rec fees and punch card values and the negative impact on home values and rights. There is no factual answer for this. Combined with the cap on punch card availability, I can easily see how residents believe their beach rights have declined and that their home ownership may be worth less as a result. This is exacerbated by Trustee Schmidt's recent unilateral attempt to reduce the value of punch-cards to the golf community by overturning decades of practice and board guidance that allowed the punch-cards to buy down their guest rates from published guest golf rates.

On question 9, the only recommendation that was written by the staff was the one that was originally proposed for the March 8 meeting. That proposal was an across the board 5-6% increase in daily, multi-play and unlimited play passes, along with the retention of both individual and couples AYCP passes at 5% increases. Everything after that was based on demands made by the board in public meetings and Sarah meeting directly with and directing Darren to revise per her wishes

On question 10, the Board very clearly did push for and approve the more punitive golf cancellation policy that they just rescinded.

On question 2, which was originally written about and traces back to Trustee Dent's possible ethics violation, it's inappropriate to state this is false when there is an open investigation.

And on questions 12 dealing with the Duffield grant, the better question to ask is whether the project would have continued to proceed if Trustee Schmitz had voted yes on both votes. The community is smart enough to realize that there was no actual contract in hand for the Duffield donation. It was a voluntary donation. Donations by their very nature are not contractual. It never got to the point of an actual commitment because Trustee Schmidt's "NO" vote killed it before it got there. The "FACT" that responds to this rumor is deflection.

Rob Watson

Incline Resident  
361 Country Club Dr

My comments tonight are focused on some of the FAQ attachments which I believe are self-serving for some of the Board members facing a Recall movement and not really focused on clearing up any questions.

On questions 4 and 5 that deal with the board's intent on privatizing venues or changing the model. The question itself deals with the board's intentions or plans – not past actions. At a minimum, the change pushed publicly by Trustee Tulloch to get golf to cover all operating costs, including depreciation is an example of a change in the model.

Questions 7 and 8 deal with the impact of reducing rec fees and punch card values and the negative impact on home values and rights. There is no factual answer for this. Combined with the cap on punch card availability, I can easily see how residents believe their beach rights have declined and that their home ownership may be worth less as a result. This is exacerbated by Trustee Schmidt's recent unilateral attempt to reduce the value of punch-cards to the golf community by trying to overturn decades of practice and board guidance that allowed the punch-cards to buy down their guest rates from published guest golf rates as stated on the website of IVGID.

On question 9, the only recommendation that was written by the staff was the one that was originally proposed for the March 8 meeting. That proposal was an across the board 5-6% increase in daily, multi-play and unlimited play passes, along with the retention of both individual and couples AYCP passes at 5% increases. Everything after that was Trustee Schmidt directing our Director of Golf to revise per her wishes.



On question 10, the Board very clearly did push for and approve the more punitive golf cancellation policy that they just rescinded. This was not a recommendation by the Director of Golf and clearly the board made a bad decision by not listening to the Director of Golf.

And on questions 12 dealing with the Duffield grant, the better question to ask is whether the project would have continued to proceed if Trustee Schmitz had voted yes on both votes. The community is smart enough to realize that there was no actual contract in hand for the Duffield donation. It was a voluntary donation. Donations by their very nature are not contractual. It never got to the point of an actual commitment because Trustee Schmidt's no vote killed it before it got there. The "FACT" that responds to this rumor is deflection.

Instead of approving FAQ's that are aimed at stifling a recall movement, why not condemn one of the trustees ,targeted by the recall, for trying to get the recall table, set up in a free speech zone at the beach, REMOVED.

Why not condemn the aggressive actions by the few residents against the recall for their physical attacks, their threats of publishing names on social media and their threats of fines....for basically.....threats of free speech!!!!

Kendra Kostecky, Waste Management – 1076 Tahoe Blvd.

At the July 12 board meeting I agreed to provide a full explanation of the guard rails in section eleven of the Solid Waste Franchise agreement, governing any annual adjustment of rate. Specifically – the 15% cap on return on revenue.

Eleven-point-one states that any annual rate adjustment is based on the December-to-December percentage change in the Consumer Price Index for Garbage and trash, as published by the Bureau of Labor Statistics.

Eleven-point-one “A” states the collector will not be entitled to that increase if their rolling average return on revenue for the prior **THREE** years is greater than 9%. – I have previously stated this to you as a “three-year ROR cap of 9%”

Assuming that benchmark is met, Eleven-point-one “B” limits a **ONE**-year Return on Revenue for the PRIOR year to 15%. So even if the three-year average is met... because two of the years performed poorly, the collector is not eligible for a rate adjustment if the prior year reached 15% ROR.

Eleven-point-one “C” is a third layer of protection to the rate payer, capping any adjustment at a maximum of six percent regardless of the published CPI and if the collector is under both caps outlined in “A” and “B”

I would also like to acknowledge section 11.2 “Other Rate Adjustments.” This language specifically addresses the addition of new services, or increased fees imposed during the franchise agreement. Any changes in rates under section 11.2 would require Board Approval.

I will continue to be ~~be~~ honest and transparent with you. WM employees take pride in being good community partners in Incline Village.

The current agreement is available to the public on the Incline Village Public Works Website.

<https://www.yourtahoeplace.com/public-works/about-public-works/solid-waste-services>

**PUBLIC COMMENT. JULY 26, 2023 IVGID BOARD MEETING  
KAYE SHACKFORD. DONNA DRIVE**

At the July 12th Board meeting, Brad Underwood, Director of Public Works, brought Kendra Kostelecky, Waste Management's Northern Nevada Contract Manager, to make a status report to the Board. One relatively innocuous item was whether IVGID might want to increase the number of weeks in which Waste Management would pick up stickered bags of yard debris.

I watched Trustee Tulloch verbally attack Kendra over that item, endlessly... He seemed delighted with his performance. After listening to multiple minutes of his abuse, I said to a woman next to me, "He reminds me of a rabid pitbull."

Then I realized I'd seen this behavior before. It's called Hard Positional Negotiation. The Harvard Project on Negotiation identified these elements:

- participants are adversaries
- the goal is winning
- demand concessions to continue the relationship
- be hard on the people and the problem
- distrust others
- make threats
- demand one-sided gains
- search for the single answer - the one I can accept
- insist on my position
- and apply pressure.

In a closed system, such as Russia or North Korea, or in a semi-closed system, when the other party needs your business, this can seem to succeed. However, when you treat people this way you guarantee they will only work to the minimum letter of the contract. Every wise business person knows that when your suppliers trust and respect you, they have many ways they can help that are not spelled out contractually. When you violate their self-esteem, they withhold those elements. And the research shows that when someone's self-esteem has been violated, they find ways to get back. Trustee Tulloch violated not just Ms. Kostelecky's self-esteem, she was here as a representative of her company. Every other supplier to IVGID has been put on notice. I suspect we will experience negative fallout from his performance for years to come.

In a more open system, like IVGID, people don't have to put up with that abuse. They can vote with their feet. Our management team is evaporating. Brad Underwood recently resigned. With each departure, we lose decades of competence and caring and tribal knowledge. And any competent person who might take their place, if they have a brain in their heads, will steer clear. What kind of an idiot would choose to enter such a toxic, hostile work environment?

Roger Fisher, Professor Emeritus and founder of the Harvard Project on Negotiation, had this piece of advice for us: "Be hard on the data, the facts, and unconditionally constructive with the people - doing only those things good for you and good for the relationship, whether or not they reciprocate."

I am watching Ray Tulloch destroy relationships - with our suppliers and inside IVGID. I call upon the other Board members to rein him in. Thank you.

**WRITTEN STATEMENT TO BE ATTACHED TO AND MADE A PART OF THE WRITTEN  
MINUTES OF THE IVGID BOARD'S REGULAR JULY 26, 2023 MEETING – AGENDA  
ITEM D – PUBLIC COMMENTS – MS HERRON'S CONTINUED CONCEALMENT  
OF PUBLIC RECORDS AND YOUR REFUSAL TO DO ANYTHING ABOUT IT**

**Introduction:** On May 26, 2023 I made two very specific requests to examine public records relating to unreimbursed internal services staff time associated with two endeavors. The first was the District's pursuit of ARPA funding from the county. And the second was project manager Bree Waters' efforts prosecuting the skate board park renovation/reconstruction project<sup>1</sup>. When six (6) months had gone by and I had received no response to my request, on July 12, 2023 I sent a follow up e-mail to our Public Records Officer ("PRO") asking if the District was going to make the requested records available for my examination and if so, when<sup>1</sup>?

This follow up e-mail resulted in a substantive response on July 12, 2023 whereby Ms. Herron merely referred me to a dialogue in a former General Manager's status report available on the District's website<sup>1</sup>. Although Ms. Herron did not identify that portion of the District's website, I believe she was referring to pages 33-54 of the packet of materials prepared by staff in anticipation of the Board's June 14, 2023 meeting ["the 6/14/2023 Board packet" (go to chrome-extension://efaidnbnmnnibpcajpcglclefindmkaj/https://www.yourtahoeplace.com/uploads/pdf-ivgid/E.3.\_-Reports\_-\_General\_Managers\_Report.pdf)].

Ms. Herron also referred me to documents referenced at other portions of the District's website such as the \$250,000 grant award for our skateboard park renovation project, and Ms. Herron's application to the county for ARPA funding for our effluent export pipeline replacement project. But notably, NONE of this responds to my records request. Nowhere am I provided with a breakdown of the particulars of unreimbursed internal services staff time advanced prosecuting these two endeavors.

As the Board can see Ms. Herron attempts to be disingenuously helpful where she volunteers to help me locate the same if I cannot find the breakdown I have requested to examine. So on July 12, 2023 I wrote back to Ms. Herron. This time with a copy to Board members<sup>1</sup>. I reiterated each of the requests, noted that nowhere where they provided, and asked if she intended to provide the same for my examination and if so, when? Two weeks have gone by and NO RESPONSE BY MS. HERRON WHATSOEVER!

As the Board can see I also asked Ms. Herron that if she did not intend to provide the records requested for my examination that she share her justification for refusing to provide the same. Again, two weeks have gone by and NO RESPONSE BY MS. HERRON WHATSOEVER!

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<sup>1</sup> The reader can read the particulars of those public records requests and communications regarding the same from the string of e-mails attached as part of Exhibit "A" attached to this written statement.

I don't know what you Board members call these actions but I call them INTENTIONAL CONCEALMENT which you know is criminal in Nevada. So what do you intend to do to compel Ms. Herron to do her job? What discipline do you intend to impose on Ms. Herron for the willful failure to perform her job duties as PRO? Assuming you intend to do nothing, may I remind you that this nothing makes you a principal/accessory to Ms. Herron's unlawful acts under NRS 195.010, et seq?

**Conclusion:** We've had this discussion before. You have the power to discipline/terminate District employees who commit unlawful acts in the course of their employment<sup>2</sup>. So why don't you do your jobs? Why do you continuously allow Ms. Herron to thumb her nose at the public as if she were the owner of these public records? The time for Ms. Herron to have been terminated as a public employee was years ago. And still you do nothing. So if you don't do something by the next Board meeting, I intend to file a criminal complaint against Ms. Herron and each of you as accessories to Ms. Herron's criminal conduct. Is that what you want me to do?

Respectfully, Aaron Katz (Your Community Watchdog Because Nearly No One Else Seems to be Watching).

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<sup>2</sup> See NRS 318.210.

## **EXHIBIT "A"**

**Subject:** RE: Records Request - Unreimbursed Internal Services Staff Time Expended on ARPA Grant Funding as Well as the Skate Board Park Project

**From:** s4s@ix.netcom.com

**Date:** 7/12/2023, 12:50 PM

**To:** "Susan A. Herron" <sah@ivgid.org>

**CC:** Matthew Dent <dent\_trustee@ivgid.org>, Sara Schmitz <trustee\_schmitz@ivgid.org>, Michaela Tonking <tonking\_trustee@ivgid.org>, Dave Noble <noble\_trustee@ivgid.org>, Ray Tulloch <tulloch\_trustee@ivgid.org>

Thank you Ms Herron -

But again, you haven't responded to my request.

And this is a common problem which plagues the District. Over and over and over again.

We had extensive efforts performed by UNREIMBURSED internal services staff. Primarily Kate Nelson, and likely Bree Waters as well.

I want to know what time was expended by internal services staff, and at what cost? That's what I attempted to learn. But so far NOTHING.

I asked to examine the following:

1. The names of all staff persons furnishing efforts to secure ARPA grant funding from Washoe County since January 1, 2022 ("scope of work"). I believe this included unsuccessful efforts to secure funding for our effluent export pipeline replacement project as well as successful efforts to secure funding for proposed skate board park repairs/renovations. In addition, I asked to examine the records I did with respect to Bree Waters' efforts including preparation of a staff memo in anticipation of the Board's May 25, 2023 meeting, as well as her time expended supporting her request at that meeting.

So to the extent you have responded only with respect to the District's successful grant request, you HAVEN'T responded to my request. Moreover, you have provided NO documents for my examination notwithstanding we know Kate Nelson was one of those staff persons. And records which respond to my request were not included in the GM reports referenced in your most recent response as you have stated.

2. The date(s) they provided these services. Again, you have provided NO documents. And records which respond to my request were not included in the GM reports referenced in your most recent response as you have stated. I want to learn all the dates where staff persons furnished the services they claim to have furnished.

3. A word by word description of the services actually performed by these person(s). Again, you have provided NO documents. And records which respond to my request were not included in the GM reports referenced in your most recent response as you have stated. I want to learn a word by word description of all services actually performed, and on all the dates where staff persons furnished those services (see paragraph 2 above) they claim to have furnished.

4. The time expended for each of the services actually performed. Again, you have provided NO documents. And records which respond to my request were not included in the GM reports referenced in your most recent response as you have stated. I want to learn the time expended for all services actually performed, and on all the dates where staff persons furnished those services (see paragraphs 2 and 3 above) they claim to have furnished.

5. The time billed to a department other than internal services for each of the services actually performed. Again, you have provided NO documents. And records which respond to my request were not included in the GM reports referenced in your most recent response as you have stated. I want to learn the time billed to any District department other than internal services for all services claimed to have been actually performed, and on all the dates where staff persons furnished those services (see paragraphs 2, 3 and 4 above) they claim to have furnished.

6. The hourly rate(s) for the time billed to a department other than internal services for each of the services actually performed. Again, you have provided NO documents. And records which respond to my request were not included in the GM reports referenced in your most recent response as you have stated. I want to learn the hourly amounts charged by/on behalf of every staff person who advanced billable time towards the efforts described above, and on all the dates where staff persons furnished those services they claim to have furnished.

7. The identity of the department(s) other than internal services which were billed for each of the services actually performed. Again, you have provided NO documents. And records which respond to my request were not included in the GM reports referenced in your most recent response as you have stated. I want to learn the identity of all District departments which were billed for all services actually performed, and on all the dates where staff persons furnished those services they claim to have furnished.

8. The identity of each specific CIP to which internal services time with respect to this scope of work was billed. Again, you have provided NO documents. And records which respond to my request were not included in the GM reports referenced in your most recent response as you have stated. I want to learn each specific CIP for which internal services time was expended with respect to the work identified above.

9. Any out of pocket expense incurred in the prosecution of this scope of work which was billed to a department other than internal services. Again, you have provided NO documents. And records which respond to my request were not included in the GM reports referenced in your most recent response as you have stated. I want to learn all out of pocket expenditures incurred by staff with respect to the work identified above which was billed along with unreimbursed internal services staff time.

10. The district chart of account number assigned for each of the services actually performed pursuant to this scope of work as well as out of pocket expense(s) incurred which were billed to a department other than internal services. Again, you have provided NO documents. And records which respond to my request were not included in the GM reports referenced in your most recent response as you have stated. Not only do I want to examine records which will identify each and every billing to the recipient District department with respect to the work identified above, but I want to examine the chart of account number assigned by staff to every such billing.

So do you intend to provide the requested records for my examination and if so when? If you do not, will you please share your justification for refusing to provide the requested records.

Thank you for your cooperation. Aaron Katz

-----Original Message-----

From: Susan A. Herron <sah@ivgid.org>

Sent: Jul 12, 2023 11:26 AM



To: s4s@ix.netcom.com <s4s@ix.netcom.com>

Cc: Matthew Dent <dent\_trustee@ivgid.org>, Sara Schmitz <trustee\_schmitz@ivgid.org>, Michaela Tonking <tonking\_trustee@ivgid.org>, Dave Noble <noble\_trustee@ivgid.org>, Ray Tulloch <tulloch\_trustee@ivgid.org>

Subject: RE: Records Request - Unreimbursed Internal Services Staff Time Expended on ARPA Grant Funding as Well as the Skate Board Park Project

Mr. Katz,

Thank you for following up on this records request. Our former District General Manager informed me, when this request was received, that he was going to handle this request personally. My recollection is that he told me that he discussed it with you verbally and that no further action was required. By your email of this morning, I am assuming that verbal discussion wasn't enough therefore I apologize and provide the following:

The history of this grant, and it is only one grant, was dialogued in the District General Manager's status reports which are available on the website; if you have trouble locating them, please let me know. The award of the grant came before the Board of Trustees, where it was approved, and that is also on our website and again, if you have trouble locating that item, please let me know. Further, I prepared the grant application with review from our Engineering Manager and former District General Manager. I submitted the application and worked with and continue to work with the Washoe County Grants team to ensure receipt of this non-competitive grant and its reporting which continues to date. As to any documents, those were included in the Board packet where this grant was approved.

Respectfully,

Susan

**From:** s4s@ix.netcom.com <s4s@ix.netcom.com>

**Sent:** Wednesday, July 12, 2023 8:10 AM

**To:** Susan A. Herron <sah@ivgid.org>

**Cc:** Matthew Dent <dent\_trustee@ivgid.org>; Sara Schmitz <trustee\_schmitz@ivgid.org>; Michaela Tonking <tonking\_trustee@ivgid.org>; Dave Noble <noble\_trustee@ivgid.org>; Ray Tulloch <tulloch\_trustee@ivgid.org>

**Subject:** Re: Records Request - Unreimbursed Internal Services Staff Time Expended on ARPA Grant Funding as Well as the Skate Board Park Project

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello Ms Herron -

Still waiting on this one.

It has been a boggling 6+ weeks!

Are you going to tell me you sent me records evidencing the same?

Aaron Katz

-----Original Message-----

From: <s4s@ix.netcom.com>

Sent: May 26, 2023 3:13 PM

To: Susan A. Herron <sah@ivgid.org>

Subject: Records Request - Unreimbursed Internal Services Staff Time Expended on ARPA Grant Funding as Well as the Skate Board Park Project

Hello Ms. Herron -

I would like to examine two sets of records.

The first involves internal services' staffs' efforts to secure ARPA grant funding from Washoe County since January 1, 2022 ("scope of work"). It was revealed last night that at least Kate Nelson was involved in these efforts. Which ultimately resulted in a \$250K grant for renovations to the skate board park. Prior to that, there were unsuccessful efforts for funding of the export effluent pipeline.

And so we are clear, I want to examine records which reveal:

1. The names of all persons furnishing these services;
2. The date(s) they provided these services;
3. A word by word description of the services actually performed by these person(s);
4. The time expended for each of the services actually performed;
5. The time billed to a department other than internal services for each of the services actually performed;
6. The hourly rate(s) for the time billed to a department other than internal services for each of the services actually performed;
7. The identity of the department(s) other than internal services which were billed for each of the services actually performed;
8. The identity of each specific CIP to which internal services time with respect to this scope of work was billed;
9. Any out of pocket expense incurred in the prosecution of this scope of work which was billed to a department other than internal services;
10. The district chart of account number assigned for each of the services actually performed pursuant to this scope of work as well as out of pocket expense(s) incurred which were billed to a department other than internal services.

Please do not provide a recreated summary of all of the above merely demonstrating hours expended and at an applied hourly rate. I want to examine the source documents themselves.

Now let's move on to the skate board park renovation project in particular. I want to examine records which reveal:

1. The names of all persons whose salaries are assigned to internal services who furnished these services;
2. The date(s) they provided these services;
3. A word by word description of the services actually performed by these person(s). This would include but not be limited to Ms. Waters' research in anticipation of preparing a staff memo in support of last night's agenda item on this subject matter; Ms. Waters' staff memo presented in support of last night's agenda item on this subject matter; Ms. Waters' preparation in anticipation of appearing at last night's agenda item on this subject matter; Ms. Waters' time appearing at last night's agenda item on this subject matter; all work Ms. Waters has done since last night's Board meeting in prosecution of this scope of work as requested by the Board; etc.
4. The time expended for each of the services actually performed;
5. The time billed to a department other than internal services for each of the services actually performed;
6. The hourly rate(s) for the time billed to a department other than internal services for each of the services actually performed;
7. The identity of the department(s) other than internal services which were billed for each of the services actually performed;
8. The identity of each specific CIP to which internal services time with respect to this scope of work was billed;
9. Any out of pocket expense incurred in the prosecution of this scope of work which was billed to a department other than internal services;
10. The district chart of account number assigned for each of the services actually performed pursuant to this scope of work as well as out of pocket expense incurred which were billed to a department other than internal services.

Please do not provide a recreated summary of all of the above merely demonstrating hours expended and at an applied hourly rate. I want to examine the source documents themselves.

Continuing, in Ms. Waters' staff memo in support of last night's agenda item on this subject matter, she represented that she had obtained or created an updated cost estimate for this project totaling \$500,000. I would like to examine that cost estimate.

Finally, in Ms. Waters' staff memo in support of last night's agenda item on this subject matter, she represented that there were multiple phases to this project. I would like to examine records evidencing the number of phases to this project, and a description of the work involved in each phase.

Thank you for your cooperation. Aaron Katz



1 INCLINE VILLAGE  
 2 GENERAL IMPROVEMENT DISTRICT  
 3 BOARD OF TRUSTEES  
 4  
 5  
 6  
 7  
 8 TRANSCRIPT OF HEARING  
 9 PUBLIC MEETING  
 10 Special Meeting  
 11 Live and Via Zoom  
 12  
 13 Held at 893 Southwood Boulevard  
 14 Incline Village, Nevada  
 15  
 16 Thursday, August 24, 2023  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24 Reported by: Brandi Ann Vianney Smith  
 25 Job Number: IVGID 2

1 APPEARANCES 2  
 2  
 3 **BOARD MEMBERS PRESENT**  
 4 MATTHEW DENT, CHAIR  
 5 SARA SCHMITZ, VICE CHAIR  
 6 DAVE NOBLE, SECRETARY  
 7 RAY TULLOCH, TREASURER  
 8 MICHAELA TONKING, MEMBER (via Zoom)  
 9  
 10 **ALSO PRESENT**  
 11 JOSH NELSON, LEGAL COUNSEL (via Zoom)  
 12  
 13 -o0o-  
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1 Incline Village, Nevada - 8/24/2023 - 6:00 P.M. 4  
 2 -o0o-  
 3  
 4  
 5 CHAIR DENT: All right. It is 6:00 P.M. I  
 6 want to call the regular meeting of Incline Village  
 7 General Improvement District to order. We -- it is  
 8 August 24th, 2023. The meeting's being held at 893  
 9 Southwood Boulevard in the boardroom in Incline  
 10 Village, Nevada, and via Zoom.  
 11 Item A is the roll call of trustees.  
 12 A. ROLL CALL OF TRUSTEES  
 13 CHAIR DENT: Trustee Schmitz?  
 14 TRUSTEE SCHMITZ: Here is.  
 15 CHAIR DENT: Trustee Noble?  
 16 TRUSTEE NOBLE: Here.  
 17 CHAIR DENT: Trustee Tonking?  
 18 TRUSTEE TONKING: Here.  
 19 CHAIR DENT: Trustee Tulloch?  
 20 TRUSTEE TULLOCH: Here.  
 21 CHAIR DENT: And I'm Trustee Dent. All  
 22 five trustees are present. Moving on to item B.  
 23 B. INITIAL PUBLIC COMMENT  
 24 CHAIR DENT: Initial public comment.  
 25 (Inaudible cross talk.)

5

1 CHAIR DENT: No, there is no Pledge of  
2 Allegiance on the agenda. Can we deviate?  
3 (Inaudible cross talk.)  
4 CHAIR DENT: So the question is is why  
5 aren't we doing our pledge of allegiance, and it's  
6 my recollection that typically when there's a  
7 special meeting like this, the agenda isn't as  
8 standard. So, I'll just follow --  
9 And, Josh, do you want to weigh-in on  
10 that?  
11 MR. NELSON: That's correct, Chair. If we  
12 would like to take a break and do the Pledge of  
13 Allegiance, we certainly can. It's not technically  
14 something that has to be on the agenda, but if  
15 staff's intent was along the lines as stated.  
16 CHAIR DENT: Understood. I appreciate  
17 that. And given that you are now online and able to  
18 give us some guidance, I'm fine taking a break and  
19 starting with the Pledge of Allegiance.  
20 (Pledge of Allegiance.)  
21 CHAIR DENT: Thank you for that. All  
22 right. Moving on to item B, initial public comment.  
23 General counsel, did you have a comment  
24 you wanted to read?  
25 MR. NELSON: Yeah. Just a reminder for

7

1 Ordinance 7 was also ignored.  
2 According to Susan Herron, the letter must  
3 have been private and confidential since she would  
4 not release it to Mr. Noble until it was cleared by  
5 outside counsel Nelson. Of course, Nelson concocted  
6 a story that somehow I waived my right to  
7 confidentiality by signing a waiver, which only  
8 related to providing notice of the August 9th  
9 meeting.  
10 Now, Mr. Noble, being a proponent and  
11 duped for the recall group, chose to ignore proper  
12 ethics, immediately read about a conversation, which  
13 I assume a female, in February 2018. That would be  
14 over five years ago. Of course, the conversation  
15 could never have happened since my wife and I were  
16 in our home in Palm Dessert, California, in February  
17 of 2018.  
18 The letter relates to suspension of  
19 privileges for chronic verbal attacks to a staff  
20 member. Where is the chronic and where is the  
21 attacks? Is it puffing my chest, clenching my jaw,  
22 and my face becoming red? Or does a verbal attack  
23 exist because I may believe that I am running the  
24 District? What are the verbal attacks on three  
25 females in 2019?

6

1 the public, this is a special meeting, so we are  
2 hoping to focus on the items before this evening and  
3 would appreciate if folks would consider that when  
4 making public comments.  
5 CHAIR DENT: Thank you for that.  
6 Then, also, I just have something I would  
7 like to read regarding the draft document release.  
8 I've asked general counsel and HR to look into this  
9 issue and prepare a policy for trustees and staff as  
10 it relates to disclosing non-public information.  
11 Staff is prepared to bring this item back to us at  
12 the first meeting in September.  
13 With that, I will open up pubic comment.  
14 MR. DOBLER: Cliff Dobler, 995 Fairway.  
15 Sorry, Josh.  
16 On August 8th, 2023, Trustee Noble read  
17 from an almost-three-year-old draft letter  
18 purporting to be factual regarding my interaction  
19 with IVGID staff and relating to a personnel policy.  
20 What is unique is that I never received  
21 the letter and had to obtain it from Facebook. The  
22 letter was not on an IVGID letterhead, was unsigned,  
23 included redactions, it did not include an effective  
24 date. The human resource department does not have a  
25 copy of any original letter. Complying with

8

1 So what we have here is fiction designed  
2 to try and intimidate and silence me because of my  
3 investigation of Darren Howard falsifying golf play  
4 pass revenues and his nonexisting policy of not  
5 allowing me to play golf in a near-empty course.  
6 The falsification, which amounted to over 186,000,  
7 required a prior period adjustment in fiscal 2020.  
8 In early 2021, former GP Winquest called  
9 me and wanted a public meeting so he could be a nice  
10 guy and relieve the suspension. I asked what the  
11 meeting was about since I had no idea. I told him I  
12 had no interest, took the suspension, and considered  
13 the matter closed.  
14 The letter was nothing more than a hit  
15 piece, and Mr. Noble became the orator and probably  
16 leaking to Mary Becker to posted on Facebook. Of  
17 course, the tension and comments on Facebook revolve  
18 around a non-existing conversation in 2018.  
19 Liable as been created by Noble and  
20 Nelson. I have two law firms reviewing the  
21 situation, and we will see where the revenue goes.  
22 By the way, Howard did cook the books. It  
23 is not an attack but a fact. I probably should have  
24 refrained from the explicatives --  
25 (Expiration of three minutes.)

9

1 MS. DOBLER: Ellie Dobler, 995 Fairway.  
 2 I'm here tonight to say I'm sick and tired  
 3 of hearing from the angry recall group that my  
 4 husband owns and bought Trustees Tulloch, Schmitz,  
 5 and Dent. What does he own and what did he buy?  
 6 What I believe he owns is the three  
 7 people's interest in reading and understanding his  
 8 memorandums under failures of IVGID and prior board  
 9 members in managing and delivering proper  
 10 accounts and reporting. Other existing and previous  
 11 board members could care less.  
 12 In tonight's agenda, anyone could see what  
 13 has happened.  
 14 Is buying a person achieved by providing  
 15 campaign donations? We gave to Callicrate and Wong,  
 16 only to be gauged by not honoring their promises.  
 17 We obviously make a mistake.  
 18 Donations are provided across the country  
 19 to support ideas and help people with similar  
 20 interests. Cliff's interest in IVGID are only  
 21 correcting improper accounting, reporting, and to  
 22 strengthen weak contracts. He was highly paid by  
 23 banking intuitions for his services that IVGID is  
 24 getting for free.  
 25 Over 20 years, we've donated more than 100

10

1 scholarships to high school seniors, many of which  
 2 were IVGID employees. Did we buy them or just help  
 3 them? We have given support to Sierra Nevada  
 4 College and to Reno Art Museum. Did we buy them or  
 5 just support them? By providing a loan to Trustee  
 6 Dent, did we buy him or are we just receiving a  
 7 monthly interest check? The loan was given because  
 8 there was ample collateral and he had the three  
 9 required attributes: character, capability and  
 10 capital.  
 11 So what is this recall all about? It's  
 12 about accountability. The recall leaders,  
 13 Callicrate and Wong, along with Tonking and Noble  
 14 don't want that, and have a burning desire to  
 15 attempt to cover up former weak management.  
 16 Tonight you'll hear what poor accounting  
 17 and no internal controls have brought and will bring  
 18 over the next six months. The cost will be  
 19 enormous. Let's not forget the efforts by the Audit  
 20 Committee, resulting in four consecutive years of  
 21 required prior period adjustments because of awful  
 22 accounting. Cliff just happened to be a member.  
 23 I ask you, what is Cliff getting out of  
 24 this except aggravation and hostility. And just  
 25 really want to shut him down because you don't want

11

1 to hear the truth.  
 2 MR. HOMAN: Mick Homan. I have here my  
 3 resignation letter from the IVGID Audit Committee.  
 4 I want it attached to the minutes.  
 5 I've come to the conclusion I can no  
 6 longer serve this Board when its present leadership  
 7 demonstrates complete disregard for ethical  
 8 behavior. The letter lays out some of the ethical  
 9 issues I've tried to connect.  
 10 On multiple occasions, Trustee Schmitz  
 11 responded to this by twisting my words, attempting  
 12 to call into question my knowledge and integrity.  
 13 She also tried to limit my ability to hold trustees  
 14 accountable by telling staff they shouldn't give me  
 15 information unless I filed public records requests.  
 16 As an Audit Committee member, this offensive. But  
 17 my breaking point was appointing Cliff Dobler to the  
 18 Capital Investment Committee on August 9th.  
 19 We witness the blatant conflict of  
 20 interest and influence peddling. My background made  
 21 me an expert on ethics and compliance. Despite what  
 22 Chair Dent said he discussed with the State  
 23 bureaucrat, his material loan from Dobler is, in  
 24 fact, a material conflict of interest. He should  
 25 have abstained from voting.

12

1 Then Trustee Schmitz and Tulloch doubled  
 2 down on this ethic violation by actively protecting  
 3 Mr. Dobler. They protested and shut down relevant  
 4 questions from Trustee Noble, despite advice from  
 5 legal counsel that the questions were acceptable.  
 6 These trustees shattered the mere tenets of conflict  
 7 of interest, their actions protected their financial  
 8 benefactor.  
 9 They also ignored Dobler's lie on the  
 10 public record that his recreation privileges weren't  
 11 suspended. I've seen the three registered letters  
 12 to him laying out the suspension. And they showed  
 13 complete disrespect for IVGID staff and residents by  
 14 appointing Dobler despite his serial abusive and  
 15 misogynistic behavior.  
 16 I also can't abide by Audit Committee  
 17 chair Nolet's recent public comments and editorial.  
 18 The Audit Committee's role is to help the Board  
 19 oversee the integrity of financial reporting,  
 20 underlying controls, and ethics. It must be  
 21 neutral, unbiased, and fact-driven. It facilitates  
 22 corrective action to issues identified. Above all,  
 23 it acts as a fiduciary.  
 24 His comments contain speculation of  
 25 innuendo that were inflammatory, defamatory, and

13

1 potentially libelous. He politicized the committee  
 2 by inflaming a narrative. To me, this violates his  
 3 fiduciary responsibility to IVGID.

4           And now we have today's special agenda, in  
 5 large part due to a staffing crisis caused by  
 6 individual trustees. The only item that should be  
 7 acted on is approving funds to hire staff, and  
 8 that's the critical need, and you were derelict in  
 9 not approving it at the last meeting. Nothing can  
 10 be done about the other items without staffing to do  
 11 the work.

12           Unfortunately, we'll need contractors  
 13 since nobody wants to work for this board. There  
 14 was no Audit Committee input, but it does appear to  
 15 have Dobler's fingerprints all over it, and  
 16 particularly the forensic audit suggestion. Despite  
 17 the bluster, we've seen no evidence of any  
 18 malfeasance justifying such action.

19           In summary, I'm not able to provide Audit  
 20 Committee oversight when individual board members  
 21 won't live by basic ethical standards and openly  
 22 violate fiduciary responsibilities. Nor I will  
 23 allow my professional reputation, built over four  
 24 decades in public accounting and a controllership  
 25 profession, to be tarnished by the actions of or

14

1 association with these board members.

2           I'd be happy to serve in the future if the  
 3 Board evolves one that's more consistent with my  
 4 moral and ethical compass.

5           MS. USINGER: Caroline Usinger, 582  
 6 Jackpine, Incline Village.

7           It's my understanding this meeting is  
 8 about the finance department. I want to talk about  
 9 the elephants in the room, that is the effect of the  
 10 IVGID Board and a group of overly demanding  
 11 residents and how they are undermining the ability  
 12 of IVGID staff to get its work one.

13           First, I looked at the audit results from  
 14 Davis Farr from 2021 and 2022. Guess what guys,  
 15 there are no huge problems in here. Mr. Dobler  
 16 likes to rant and rave that the sky is falling. But  
 17 if you read the report, there's no there there.

18           What is in the report is that 250 hours --  
 19 what is in the report is that, basically, Cliff  
 20 Dobler, Aaron Katz, and Frank Wright have submitted  
 21 public record requests requiring 250 staff hours for  
 22 three months only this year. This is stealing time  
 23 from the staff so that they can't do their regular  
 24 jobs. What's amazing about the 250 hours is that  
 25 some of these requests haven't even been completed.

15

1 Please look at those requests. They are ridiculous,  
 2 time consuming. How much more time will they steal  
 3 from IVGID staff?

4           So our friends misusing the public record  
 5 request system could be one of the reasons that our  
 6 finance department doesn't have the time to  
 7 reconcile the IVGID checking account.

8           Now let's talk about the hundreds of  
 9 emails sent by certain board members to staff each  
 10 month. Maybe I should submit a public record  
 11 request to see how many hours you took from staff  
 12 time.

13           I know that a bunch of the projects on the  
 14 priority list that is going to be discussed today  
 15 were requested by the Board, Audit Committee, or  
 16 members of the public. I know that thanks to Sara  
 17 Schmitz' interference, a simple project I was doing  
 18 has turned into a month's long hassle.

19           Let's talk about the effect of the IVGID  
 20 Board Audit Committee and group of overly demanding  
 21 residents that have on staff turnover, and the  
 22 resulting reduction in available staff to do work.  
 23 The Audit Committee has acknowledged that some  
 24 senior staff were underpaid. Amazing. They were  
 25 willing to work for IVGID at lower pay when they

16

1 could work for someone they liked, Indra Winquest,  
 2 and when they had beach and ski benefits.

3           Now, thanks to this board and the Audit  
 4 Committee, virtually the entire top management has  
 5 walked. And to replace them, we, the residents, get  
 6 to pay more to people who will be willing to be  
 7 insulted and micromanaged by the very unlikeable  
 8 Audit Committee, Board, and residents intent on  
 9 finding gotchas everywhere they look. Frankly,  
 10 paying them double isn't enough for the aggravation.

11           I'm going to save IVGID a lot of money  
 12 today. You don't have to hire any more auditors.  
 13 Everyone knows the problem. It's the elephants in  
 14 this room. You and our fine friends who are  
 15 managing you like puppets. Please do not pay  
 16 consultants extra money to deal with your abuse.  
 17 What you should do is let the staff do their jobs,  
 18 stop micromanaging them, and keep all hostile  
 19 players away from staff.

20           (Inaudible cross talk.)

21           MS. USINGER: I don't think so. I want  
 22 the last paragraph, because I don't believe it.

23           CHAIR DENT: Just go ahead and finish.

24           MS. USINGER: The best is for the Board to  
 25 resign so that IVGID can actually recruit decent



17

1 people. And please put all the requests from our  
 2 friends Mr. Dobler, Katz, and Wright at the bottom  
 3 of the to-do list, to be completed in 2028 or so.  
 4 Hopefully, they will be playing shuffleboard in an  
 5 old folks' home and will be no longer care.  
 6 MS. LALOR: Angie Lalor, Incline resident.  
 7 Many of us have seen the 2020 letter  
 8 reprimanding Cliff Dobler for inexcusable behavior  
 9 leading to his three-month suspension from IVGID rec  
 10 facilities. That letter laid out incidents during  
 11 which Mr. Dobler verbally berated staff, displayed  
 12 in appropriate physical aggression, and sexually  
 13 harassed female staff.  
 14 I'm horrified that three members of this  
 15 board not only ignored the contents of the letter  
 16 and appointed Dobler to the Capital Committee, that  
 17 actively attempted to try and silence Trustee Noble  
 18 when he endeavored to question Mr. Dobler on how  
 19 this type of behavior would impact his ability to  
 20 serve with staff and peers on a committee.  
 21 Now, you would assume that the 2020  
 22 reprimand and suspension would have prompted  
 23 Mr. Dobler to do some self-reflection, recognize his  
 24 mistakes, and modify his behavior. However, I  
 25 understand that multiple complaints have been made

18

1 about further and very recent sexual harassment  
 2 towards staff, and that Mr. Dobler is, once again  
 3 under investigation. I have no doubt that these  
 4 complaints will all be substantiated.  
 5 Trustees Dent, Schmitz, and Tulloch, I  
 6 hope you've never been the victim of sexual  
 7 harassment. If so, count yourself lucky. Without  
 8 question, it's the worst experience one can endure  
 9 in a professional environment.  
 10 I'm privileged to have been the chief HR  
 11 officer for two Fortune 100 companies during my  
 12 career, and I've, unfortunately, seen a lot of  
 13 people like Mr. Dobler. I've seen the lasting  
 14 personal harm they cause colleagues, and the  
 15 liabilities, reputational damage, and high-priced  
 16 penalties they have burdened their companies with.  
 17 Any professional entity with an ounce of wisdom and  
 18 ethics would not only refuse to appoint someone like  
 19 this to an important leadership position, they would  
 20 fire them.  
 21 It's unfathomable to me that you would not  
 22 only appoint a serial harasser to a committee that  
 23 with deals with employees, peers, and the public,  
 24 why would you hold our district to a lesser standard  
 25 than you or anyone in this audience would demand

19

1 from their employer? It is reckless leadership on  
 2 your part and puts the District in danger. And it  
 3 certainly speaks volumes to your utter lack of  
 4 concern for the engagement and the well-being of our  
 5 staff.  
 6 It's not surprising that we are  
 7 experiencing a significant increase in turnover and  
 8 major challenges in filling key roles.  
 9 Your vote for Dobler is inexcusable. By  
 10 his own actions, he showed us what kind of man he  
 11 is: a misogynistic bully.  
 12 Actively supporting him, I'm sorry to say,  
 13 makes you no better. You've literally and  
 14 figuratively sold yourself to support this man.  
 15 If anyone listening hasn't signed the  
 16 recall and you care at all about our district  
 17 operating with the basic level of decency and  
 18 respect, I hope this incident will convince you to  
 19 sign.  
 20 MS. MARTINI: Margaret Martini.  
 21 I'd like to address Trustee Noble's  
 22 comments at the meeting of 8/9. His comments and  
 23 reading of a correspondence that was not official,  
 24 never executed, and phony, but was given credence by  
 25 the fact that Mr. Noble read it as a factually

20

1 appropriate document when he knew or should have  
 2 known if you took the time to research the content,  
 3 that the correspondence was never received or  
 4 acknowledged by the recipient, Mr. Dobler.  
 5 Mr. Noble's actions were purposeful,  
 6 unnecessary, and a deliberate use of foul and  
 7 inappropriate language to incite the public. As an  
 8 attorney, Mr. Noble should have known that before he  
 9 uses correspondence against Mr. Dobler, that  
 10 complete and proper investigation of the receipt and  
 11 an opportunity for Mr. Dobler to comment on the  
 12 correspondence should have been in order.  
 13 Mr. Noble's inflammatory and positively  
 14 rude reading of this unvetted correspondence is an  
 15 example of his unworthiness to serve on this board  
 16 as an unbiased board member. It is clear that he is  
 17 being a minion to those who do not like Mr. Dobler's  
 18 expertise that is needed on the committee.  
 19 That is also made clear by the fact that a  
 20 community member was given the correspondence to  
 21 place on a public forum of Facebook, by someone who  
 22 failed to verify that Mr. Dobler received the  
 23 correspondence. Hmm. Wonder who that was.  
 24 Mr. Nelson, the Board attorney, agreed  
 25 that the presentation of the correspondence was

21

1 appropriate, allowing Mr. Noble to blather on as if  
 2 the Board was still under the control of former  
 3 chair, Tim Callicrate. Just another example of  
 4 ineptness by the hired attorney in not doing the  
 5 research, the investigation of this correspondence  
 6 was indeed a documented chain of events to all  
 7 parties. No big surprise there. Another of Indra's  
 8 minions acting inappropriately.

9           The two attorneys involved -- yes,  
 10 Mr. Noble is an attorney -- should have known the  
 11 legal process and acted accordingly to protect this  
 12 document.

13           Mr. Noble is a trustee that has sunk to  
 14 the lowest level of knowingly presenting a  
 15 non-official document. Sara, being the lady she is,  
 16 called for a point of order in time to stop this  
 17 complete debacle. Mr. Nelson, in his inept glory,  
 18 did not recognize it. Thankfully, Chair Dent acted  
 19 appropriately and called a recess.

20           We have to thank the current Audit  
 21 Committee and a few astute community members to turn  
 22 a light on the current financial mess that is IVGID  
 23 management, and watch that cockroaches scatter.  
 24 Thank you. Good riddance to all those senior  
 25 employees and the GM that have left.

22

1           MS. CARS: I am going to put the three  
 2 letters into the record. Please publish them.  
 3 There they are. My husband was going to put them  
 4 in. One is certified; they're all signed by Dee  
 5 Carey.

6           Something is rotten in Incline Village. I  
 7 have a few questions and comments. Why the special  
 8 meeting tonight? The night of Taste of Incline, an  
 9 important annual event to support women in our  
 10 community with scholarships. Why have this meeting  
 11 tonight with full knowledge that many charitable  
 12 community members would be unable to attend? These  
 13 same community members want to know more about the  
 14 financial status of IVGID. All we can assume is  
 15 this night was chosen for this discussion because  
 16 you knew there would be a smaller audience.

17           Trustees Schmitz, Dent, and Tulloch, why  
 18 are you choosing to support and contract with  
 19 individuals whose characters are highly  
 20 questionable? On August 9th, you voted to add Cliff  
 21 Dobler to the Capital Investment Committee. Two of  
 22 you knew he violated Ordinance 7 and had his  
 23 recreational privileges suspended for over a period  
 24 of time. All three of you knew there was a  
 25 more-qualified, upstanding person for you to select:

23

1 Michael Lefrancois.

2           Why did Trustees Dent and Schmitz shut  
 3 down Trustee Noble while he was reading Dee Carey's  
 4 letter? She was the former head of IVGID HR, and  
 5 that letter spoke to Mr. Dobler's character. You  
 6 knew this letter confirmed he should never be  
 7 interacting with IVGID employees, much less people  
 8 who work with the Board.

9           How many more complaints are there about  
 10 Dobler? How many more will come?

11           We respectfully demand that the decision  
 12 made to put him on the Capital Improvement Committee  
 13 be revoked tonight, and that Michael Lefrancois be  
 14 voted on to the position.

15           Kevin Lyons is on the City of Incline  
 16 Committee -- I think I did this wrong. Another  
 17 issue -- no. I'm sorry.

18           Are you trying to to destroy our  
 19 infrastructure so you can show the world we are no  
 20 longer fit to be a general improvement district?  
 21 Aaron Katz has said publicly that Incline is a  
 22 fraud; he clearly wants to destroy our GID.

23           We've heard rumors that Mr. Nolet may want  
 24 to be the GM. Is that why he's disparaging prior  
 25 staff in his committee comments and showing us that

24

1 he is most-fit to be the GM?

2           Incline Village GID has worked well for us  
 3 for 62 years. A small group of people over the past  
 4 eight months are systemically trying to destroy it.  
 5 A plethora of talented employees have resigned or  
 6 been forced out.

7           Please stop the nonsense and listen to the  
 8 community. Something is not right in Incline  
 9 Village with the decision by Schmitz, Dent, and  
 10 Tulloch. Please start listening to Noble and  
 11 Tonking.

12           Community members, listen and heed the  
 13 public comments of community members who have been  
 14 residents for 30, 40, 50 years. There is so much  
 15 good about Incline, and it feels like something is  
 16 truly rotten about this board.

17           Another issues, why did the Board, under  
 18 leadership of Dent, contract with Kevin Lyons of  
 19 FlashVote, who had a restraining order with IVGID  
 20 staff a few years ago? Tonking called Mr. Lyons  
 21 "contentious" in the meeting. There are clear  
 22 issues. Since March, he's gotten \$20,000. You  
 23 continue to use his services. IVGID staff can  
 24 conduct the surveys.

25           Please explain why, Schmitz, Dent, you to

25

1 contracted with Kevin and put Cliff Dobler on the  
 2 committee? You knew the harassment, you've known it  
 3 all.  
 4 MR. CARS: Trustees, also submitted this  
 5 evening is Dee Carey's letter of resignation, and I  
 6 will close reading some of the excerpts from her  
 7 letter. She could not be here tonight, but has  
 8 given me the following statement on her behalf. I  
 9 quote:  
 10 "Leaving IVGID was a very  
 11 difficult decision for me. I left  
 12 because of the micromanaging of  
 13 Trustee Sara Schmitz, who I did  
 14 not clearly point out in my letter  
 15 of resignation. I gave her the  
 16 professional courtesy of having  
 17 verbal conversation and told her  
 18 as such. She didn't care.  
 19 "I know of other employees who  
 20 left because of the Board's  
 21 micromanaging and lack of trust in  
 22 their professional experience and  
 23 knowledge.  
 24 "As the previous Director of Human  
 25 Resources, I'm not afraid to stand

26

1 up and speak out when it's  
 2 appropriate and share my  
 3 experience. Sorry I couldn't be  
 4 there in person, but since I'm out  
 5 of town, feel free to read my  
 6 letter of resignation on my  
 7 behalf."  
 8 And I read excerpts from that letter.  
 9 "I most likely would not be  
 10 leaving the District if it were  
 11 not for some members of the Board  
 12 that did not understand their role  
 13 as elected officials. It is  
 14 unfortunate when swings of the  
 15 Board have such a negative impact  
 16 on the staff's morale. The lack  
 17 of trust, restrictions to let  
 18 professional staff perform their  
 19 jobs to the best of their  
 20 abilities, undermining and  
 21 micromanaging by the Board, Audit  
 22 Committee members and some  
 23 extremely disrespectful community  
 24 members take their toll on staff  
 25 and make the decision easier.

27

1 "I personally am losing steam in  
 2 keeping the staff motivated and  
 3 communicating that the Board has  
 4 confidence in the talent,  
 5 experience, and expertise of the  
 6 District personnel."  
 7 And her resignation letter has already  
 8 been submitted.  
 9 Thank you.  
 10 MS. KROLICK: Gail Krolick, 1420 Tirol  
 11 Drive.  
 12 I am actually sad and sickened here this  
 13 evening. I apologize to this community, of my home  
 14 for the last 33 years, never in my wildest dreams  
 15 would I ever believe we are actually here today,  
 16 talking about behaviors of community members,  
 17 incredible Audit Committee members, like Mr. Homan,  
 18 resigning. I'm shocked by that and saddened by that  
 19 because -- I don't know him personally, but, boy,  
 20 his work is absolutely incredible.  
 21 With that being said, I also want to  
 22 thank, actually, Ellie and Cliff Dobler. I know her  
 23 as Ellie, not as Alicia. My daughter Alexsis, who  
 24 is now attending Santa Clara Law University, was one  
 25 of the recipients of the Cliff and Ellie Dobler

28

1 Foundation, the high school scholarship, when she  
 2 graduated from Incline High School.  
 3 However, recently, as the rest of the  
 4 community have learned of behaviors, I'm here today  
 5 to say publicly, Ellie and Cliff, I will be writing  
 6 a check out to you tomorrow to ensure that the  
 7 monies that my daughter Alexsis received will be  
 8 going back into your coffers, and you can give them  
 9 to another worthy student. I don't want my name,  
 10 Krolick name, affiliated with that I have read this  
 11 past week.  
 12 Recently on Nextdoor, August 21st to be  
 13 exact, Trish McKowen questioned why a community  
 14 member had been appointed to the Capital Committee  
 15 by Dent, Schmitz, and Tulloch after confirmed  
 16 behaviors with a female IVGID staff member. Of  
 17 course, Sara, you jumped to Cliff's defense again.  
 18 I watched the meetings last week. I was unable to  
 19 be here.  
 20 You wrote on Nextdoor, and I quote -- I  
 21 took a screen shot of this, actually. Sara wrote:  
 22 "Trish, if this is true, then  
 23 please explain why the GM  
 24 appointed him to the Burnt Cedar  
 25 pool committee in 2021, where he

29

1 had the ideas about changing the  
 2 direction of the pool and having  
 3 the long side, with all the steps  
 4 for children and families to  
 5 enjoy? Why didn't the former  
 6 board remove him from the Audit  
 7 Committee?"

8 Sara, that's actually a really great  
 9 question. Why didn't you, after you learned of this  
 10 behavior? Great question. The last I checked, you  
 11 were on the former board.

12 Only was it taken off after Indra Winquest  
 13 chiming in: Hi, everyone. I'm chiming in to  
 14 provide an accurate information as to when  
 15 Mr. Dobler was on the BC pool committee. Long story  
 16 short, the first meeting was in the spring of 2020.

17 I want to learn and research myself. Very  
 18 easy research. IVGID provides everything. Here's  
 19 my sheen shot. Interesting, Sara's no longer on  
 20 Nextdoor. Every single post is gone.

21 But, beginning February 5, 2020, all the  
 22 way throughout, absolutely have identified and  
 23 highlighted, and this will be into record -- thank  
 24 you -- that it shows and reflects that Mr. Dobler  
 25 was not, in fact, on the Burt Cedar Pool Committee

30

1 in 2021. It just goes to show my suspicions, Sara  
 2 changed the narrative again.

3 And, yes, you lied. This time, I'm  
 4 calling you liar in public. You asked me once  
 5 before, I never called you a liar in public, but you  
 6 are a liar, Ms. Schmitz.

7 MR. SCHULTZ: Wow, that's a tough act to  
 8 follow. Joe Schultz, Putter Court.

9 Trustees, community, having become a  
 10 resident in 2017, it's become apparent that the  
 11 complaints about the trustees, the general manager,  
 12 and the executive team have been an issue prior to  
 13 my arrival.

14 Historical complaints had centered on the  
 15 inflated budget, lack of availability and  
 16 comprehension of the finances, accountability for  
 17 the lack of progress, and the Board's complete  
 18 reliance on the general manager to effectively  
 19 manage the community assets.

20 For example, major projects never got off  
 21 the ground -- I'm talking prior to my arriving here.  
 22 Consultants were hired, paid, and then the  
 23 recommendations ignore, defective contracts were  
 24 presented and approved by an unquestioning board,  
 25 requests for data and changes were ignored and

31

1 deflected.

2 In an ideal world, the Board would direct  
 3 the general manager, who would implement those  
 4 requests, and not provide continual excuses for  
 5 non-compliance. Unfortunately, previous general  
 6 managers had free rein, and put the interest of the  
 7 community as their last priority.

8 Perhaps now we will start to discover why  
 9 the financials have been so neglected. Perhaps now  
 10 we will learn how and why the previous financial  
 11 directors and general manager have allowed this to  
 12 develop. Perhaps now we can discover which current  
 13 and previous trustees ignored the warning signs.

14 Since these financial problems have come  
 15 to light, why would any community member want to  
 16 subvert an investigation into the serious and  
 17 critical problem? Perhaps the advocates of the  
 18 recall petition are fearful that the real culprits  
 19 responsible for the current mess will be revealed.

20 The recall petition may be just the cover  
 21 needed to take the focus off the villains and put on  
 22 scapegoats.

23 Do we really want to return to a  
 24 see-no-evil, hear-no-evil, speak-no-evil board of  
 25 trustees of the past, or do we want a board that

32

1 will focus on unresolved issues?

2 Keep up the good work.

3 MR. KATZ: Aaron Katz, PO Box 3022. I  
 4 have written statements to be attached to the  
 5 minutes of the meeting.

6 To those listening to this meeting who are  
 7 impressed with some of what you've heard today from  
 8 these 30-year-old residents of our community, I'd  
 9 ask you to take another look.

10 Let's start with that 81-year-old woman in  
 11 the back. She seems so mild-mannered, reasonable.  
 12 Why wouldn't you be impressed with somebody like  
 13 her? Well, I say don't believe them.

14 Let's talk about what she wants you to buy  
 15 into. She has this seminar program where she says  
 16 instead of fighting amongst ourselves, we're here  
 17 together, let's learn to deal with one another  
 18 respectfully. Okay. I can buy into that.

19 So she hasn't told you that I believed her  
 20 and called her up several years ago in the very  
 21 beginning and wanted to see if we can get together  
 22 and talk as fellow residents here, see what we had  
 23 in common. How did she react? She hung up on me.  
 24 I guess she didn't take her seminar.

25 Then we have this Johnny-come-lately gal,

33

1 called Christy Wells, who pops up at the last  
 2 meeting. We haven't heard from her ever before, now  
 3 she's been appointed as the person to set the record  
 4 straight. And she's setting the record because I'm  
 5 supposedly a liar. Well, I call her after the  
 6 meeting, and then I email her. You know, your  
 7 husband said we're neighbors, we should all get  
 8 along together, neighborly, talk things out, be  
 9 civil. I can buy into all of that. So I contacted  
 10 her to see, well, let's see if we can get together  
 11 for a cup of coffee, talk, and see as neighbors if  
 12 we can agree on anything. How did she react? I  
 13 haven't heard diddly from her. Nothing.

14 Well, that's the attitude of these people.  
 15 And every one else here that spoke earlier tonight,  
 16 except for Mr. Schultz and Margaret and Cliff  
 17 Dobler, they're in the same boat. Those are who the  
 18 people are here. They come up here they say, our  
 19 community is terrible, what's going on?

20 These are the people that are creating the  
 21 terrible, and it's been going on for decades. So,  
 22 just when they tell you, recall these trustees, I  
 23 want you to think who they really are.

24 I'm just going to say quickly, on  
 25 tonight's calendar, there's one item I heartily

35

1 describing the financial morass that the previous GM  
 2 and director of finance left the District,  
 3 including, but not limited to: (1) Lack of  
 4 preparation and deliveries to the State, our  
 5 required financial reports due in June, I think.  
 6 (2) Our IVGID financial results have not been  
 7 audited nor are they auditable. (3) Our IVGID  
 8 financial accounts have not been reconciled in 14  
 9 months and cannot be closed and may not be  
 10 reconcilable. (4) IVGID does not do any asset  
 11 tracking for acquisitions or disposal. And (5) the  
 12 transition to the modern financial tracking tool,  
 13 started over a year ago, has been and continues to  
 14 be a disaster with millions of unaccountable dollars  
 15 or misplaced dollars.

16 This demonstrates complete incompetence by  
 17 our previous general manager and director of  
 18 finance, and borders on criminal malfeasance.

19 I was shocked by this lack of  
 20 professionalism, and that is required of an  
 21 enterprise the size of IVGID.

22 Now, this is in direct contrast to the  
 23 previous presentations of the trustees by both the  
 24 previous GM and director of finance. I was at those  
 25 board meetings where our budgets and finances were

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1 endorse, and that's a forensic due diligence audit.  
 2 We've been asking for this for years, and I  
 3 guarantee, if we have an audit, you're going to find  
 4 dirt that goes all the way back, all the way. Yes,  
 5 IVGID was founded on a fraud.

6 Thank you.

7 MR. SWENSON: Good evening. And I'm sorry  
 8 you trustees missed the Taste of Incline. It was  
 9 delicious. Those of us who bought tickets had  
 10 plenty to have before we got here. Though I'm very  
 11 glad you chose to expeditiously consider these  
 12 critical financial issues facing our community.

13 My name is Harry Swenson. I've lived in  
 14 Incline Village since my retirement from NASA ten  
 15 years ago, and love our eclectic and beautiful  
 16 community.

17 Last week at Conversation Cafe, one of my  
 18 acquaintances, Andy, who is back there, who is a  
 19 supporter of the recall, indicated that if we really  
 20 wanted to know what's going on in the community, we  
 21 should review the August 9th, trustee meeting.

22 I simply thought he was probably referring  
 23 to some of the vitreal that is the mainstay of the  
 24 recall folks, but what really got my attention was  
 25 the testimony from the acting director of finance

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1 discussed, none of these issues were brought up.  
 2 The GM and director of finance left the  
 3 attendees with the impression everything's fine,  
 4 even though they could not answer the trustee  
 5 questions regarding inconsistencies within their  
 6 presentation or the hundreds of pages of backup  
 7 material.

8 I want to commend the Board that, once  
 9 this financial swab was discovered, you are taking  
 10 quick and decisive action to correct the disaster.  
 11 I also hope that you consider having the IVGID  
 12 general counsel investigate calling back funds from  
 13 not only the GM separation agreement, but his and  
 14 the director finance's last year's salary for gross  
 15 incompetence. And as the detailed auditing that you  
 16 were considering from the independent group  
 17 proceeds, if malfeasance is even suspected, please  
 18 contact the Washoe County District Attorney  
 19 immediately.

20 Thank you for your consideration.

21 CHAIR DENT: That will close out public  
 22 comment in the room.

23 Matt, let's go to Zoom.

24 MS. DOBLER-DIAZ: Ann Dobler-Diaz, 995  
 25 Fairway.

37

1 It is hard to imagine that a draft letter  
 2 could be woven together from the single incidences  
 3 by using personnel policy section 2.5A.3B, behavior  
 4 directed toward IVGID staff, verbal attack.  
 5 As stated in the policy, therefore,  
 6 chronic verbal attack directed at IVGID staff  
 7 members may result in a suspension of recreational  
 8 privileges.  
 9 My father and I believe in the statute of  
 10 frauds, which was developed in 1677 under English  
 11 law, and remains common in U.S. law today. Simply  
 12 put, what is in the four corners of a written  
 13 document is all there is and nothing more.  
 14 So what does "chronic" mean? Dictionary:  
 15 Constantly reoccurring.  
 16 And what was "attack" mean: Dictionary:  
 17 Aggressive and violent action against a person or  
 18 place.  
 19 Using this draft letter of October 1st,  
 20 2020, where is there any statement made that a  
 21 chronic or an attack on an IVGID staff member? The  
 22 draft letter does not indicate that there were any  
 23 chronic statements made against any individual IVGID  
 24 staff member, singular.  
 25 Also, where was the attack? There was

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1 only one statement that could be made that could  
 2 maybe be construed as an attack, which was against  
 3 Mr. Howard, but it was only one statement, and not  
 4 chronic. The balance of the accusations are nothing  
 5 more than purported statements, but as this can be  
 6 seen, were never verbal attacks.  
 7 So, what we have here is a draft letter  
 8 that should never had been written if Ms. Carey  
 9 would have been a responsible employee and read the  
 10 personnel policy. This draft letter is nothing more  
 11 than a hit piece on my father to try to stop his  
 12 investigations into irregular IVGID accounting and  
 13 reporting. You can see tonight how important those  
 14 investigations are.  
 15 So I would like to know what you, as  
 16 members of the IVGID Board of Trustees, intend on  
 17 doing about the improper treatment to my father by  
 18 an IVGID employee?  
 19 Thank you.  
 20 CHAIR DENT: It looks like we're all done  
 21 on Zoom.  
 22 Dr. Wyman?  
 23 DR. WYMAN: Andrew Wyman, Incline Village.  
 24 I wish there were a way to turn the  
 25 temperature down in here, but I don't think that's

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1 going to happen tonight. As an expert on conflict  
 2 resolution, I reject the opportunity to cure this  
 3 problem. We're all involved in this, unfortunately,  
 4 on both sides of the issue.  
 5 The reason I'm sitting here tonight is to  
 6 address a few of what I think are unforced errors by  
 7 the current board. Not to address the issue, per  
 8 say, of the recall itself.  
 9 It's understandable that this board, the  
 10 current majority on this board, would want to  
 11 protect the activities of the Board itself, because  
 12 if individuals on this board are recalled, the whole  
 13 board may change. And so the members of the Board  
 14 who are in the majority have the perfect right to  
 15 defend their interests, and they can do that as  
 16 publicly as they want to.  
 17 On the other hand, using the Board itself  
 18 to do that is another issue entirely. And I would  
 19 submit that's not such a good idea.  
 20 There are a couple of things that have  
 21 happened recently that do trouble me in terms of how  
 22 this board is acting.  
 23 I met Mr. Nolet casually. He seemed like  
 24 the very nice guy. I have listened to his comments  
 25 as a member of the public. And as a member of

40

1 public, he has spent a good deal of time and effort  
 2 defaming the prior board and their activities, and  
 3 extolling the virtues of the present board.  
 4 From my perspective, that simply means he  
 5 should be dismissed as a member of the Audit  
 6 Committee, because, if I understand, the Audit  
 7 Committee is to objectively assess the data.  
 8 Mr. Nolet cannot do that, given his opinions.  
 9 If you were an expert witness and you  
 10 wanted to objectively look at things, you cannot  
 11 have that kind of bias coming into the situation.  
 12 Anyone will tell you that who has deal with expert  
 13 witnesses.  
 14 Same thing applies to Mr. Dobler in this  
 15 situation.  
 16 Both Chris Nolet and Mr. Dobler are  
 17 powerful advocates for a particular position. They  
 18 both are very astute, knowledgeable about finances,  
 19 and they appear to have a particular agenda about  
 20 those finances.  
 21 The question I would ask this board is --  
 22 both of those individuals are applicable, they've  
 23 applied to the Board as it stands now, they're  
 24 sitting on very relevant committees, powerful  
 25 committees, they speak and address you, the Board,

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1 how are you going to hire, at this point, a new  
 2 financial director --  
 3 (Expiration of three minutes.)  
 4 CHAIR DENT: That will close out public  
 5 comment.  
 6 Josh, I want to -- if it appears like we  
 7 received three copies that are signed of this letter  
 8 that, as of last Wednesday, trustees requested and  
 9 were told doesn't exist, so when you -- I'd like you  
 10 to take a look at this so we can -- perhaps, the  
 11 Board can get up to date on this information, since  
 12 we've asked for it and been told it doesn't exist.  
 13 MR. NELSON: Happy to review.  
 14 CHAIR DENT: Thank you.  
 15 TRUSTEE TONKING: I wanted to thank  
 16 Mr. Homan for his time on the Audit Committee.  
 17 CHAIR DENT: All right. That will close  
 18 out public comment. Moving on to item -- let's do  
 19 this: Let's take, like, a seven-minute break -- or  
 20 a ten-minute break, and then we'll jump right into  
 21 the topic at hand.  
 22 (Recess from 6:50 P.M. to 7:01 P.M.)  
 23 CHAIR DENT: All right. Quiet in the  
 24 room, please. We are going to start our meeting.  
 25 We're going to start with general business, item C.

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1 I would just ask, let's get through both  
 2 of these presentations before we start asking  
 3 questions. That way, you guys can finish, hold  
 4 their questions until they're done.  
 5 TRUSTEE TULLOCH: Thank you, Chair Dent.  
 6 Just before I start, I've just did receive  
 7 a message from Mr. Nolet just to confirm he's not  
 8 applying for general manager. I don't think we  
 9 could actually afford Mr. Nolet. And just before  
 10 any other rumors start, I'm not applying for the  
 11 finance director job either. I just thought we'd  
 12 set the stage.  
 13 Okay. Thank you everyone. Appreciate  
 14 your time tonight.  
 15 Let me just give a quick background. I  
 16 called this meeting for this evening. This was the  
 17 earliest I could call the meeting. I apologize to  
 18 those whose Taste of Incline I've interrupted.  
 19 I've called this because when there's  
 20 multiple issues brought up by a finance director at  
 21 last week's board meeting, I, along with many  
 22 others, were shocked at some of information coming  
 23 out. I would be failing my fiduciary duty if I did  
 24 not follow up urgently at the earliest possible  
 25 time. That would be totally unfair to the

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1 C. GENERAL BUSINESS  
 2 CHAIR DENT: Review, discuss, and possibly  
 3 approve actions and expenditures as necessary. This  
 4 can be found on pages 5 through 15 of your board  
 5 packet.  
 6 The first item is address and resolve  
 7 issues identified to the Board regarding  
 8 non-reconciliation of bank balances since July 1,  
 9 2020.  
 10 Two, address issues with the current  
 11 imbalances in the general ledger and trial balance,  
 12 perform and complete independent assessment and  
 13 remediation plan pertaining to the Tyler Munis ERP  
 14 system implementation, assess resource needs and  
 15 estimated timeframe to remediate and complete a  
 16 successful implementation, implement adequate,  
 17 full-time staffing levels in finance department to  
 18 address regular work load, and provide direction and  
 19 timelines to staff on the Board priorities for the  
 20 finance department active and special projects list.  
 21 Trustee Tulloch, you requesting this item.  
 22 It's my understanding that you have about a  
 23 five-minute opening, then interim Director of  
 24 Finance Magee, your presentations is about 20  
 25 minutes or so. Okay.

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1 community, I would be delinquent in my duty.  
 2 Obviously, our finance director -- interim  
 3 fiance director has identified a number of serious  
 4 issues. We need to investigate and understand the  
 5 issues and do it transparently and make sure we have  
 6 action plans in place to address this.  
 7 I see comment, well, it's not this Board's  
 8 duty, the Board shouldn't be concerned with  
 9 accounting.  
 10 Yes, we should. If we're not concerned  
 11 with accounting, one of these days, we will be  
 12 issuing payroll checks which will bounce. I  
 13 certainly never want to be in that position.  
 14 Let me also say there's been no indication  
 15 or identification of any fraud or malpractice.  
 16 That's -- let me be clear on that: There's no  
 17 evidence of that.  
 18 However, as somebody who does do some  
 19 forensic audits, and as identified by the chair of  
 20 the Audit Committee, Mr. Nolet, there's multiple red  
 21 flags here that traditionally have identified issues  
 22 occurring. We've seen sudden departure of finance  
 23 leadership staff, a failure to reconcile bank  
 24 balances monthly, which is normally standard  
 25 operating practice in any business. We've seen

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1 significant weaknesses and/or material weaknesses  
 2 reported in the last three audits. There's been  
 3 concerns expressed for several years of the lack of  
 4 internal controls. We've had audit recommendations  
 5 not acted on and/or rejected by previous boards.  
 6 We've just put in the new accounting system, there's  
 7 delays in reporting, we have not yet closed May's  
 8 financial report. The latest report we've closed is  
 9 April. We haven't had a bank reconciliation since  
 10 the end of June of last year. And last year, as was  
 11 mentioned -- reported in the audit, the bank  
 12 reconciliation is only carried out in October of  
 13 last year, so there was no bank reconciliations last  
 14 year either, it appears.

15 We would be delinquent if we didn't  
 16 address this urgently. This has been -- the intent  
 17 of this meeting is not to identify scapegoats or do  
 18 that. In fact, I'd like to raise my hat to the  
 19 finance group staff, the working group in finance  
 20 who have been working their butts off and doing a  
 21 whole lot. It's very clear, having spent some time  
 22 discussing this with the director of finance and the  
 23 general manager, that we do have a significant  
 24 deficiency of staff in finance, not because of  
 25 departures, but just the general staffing levels

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1 that have been reduced in the finance department  
 2 over the last several years. And Mr. Magee will  
 3 cover that.

4 We have an urgent need to get back to  
 5 clean financial information and timely information.  
 6 We need to know how much cash we have on hand in the  
 7 bank and also that that's the correct amount.

8 Given in the overnight interest rates,  
 9 we're picking up 4.5-5 percent now. We should be  
 10 able to just sweep the funds every night. We can't  
 11 do that. We don't know what we've got there. We  
 12 don't want to just sweep the funds, and then find  
 13 the payroll checks bounce.

14 And people say, well, that's never going  
 15 to happen.

16 Believe me, I had to go and help a client  
 17 put in a new financial system, and suddenly they  
 18 found payroll checks weren't issued. So, yes, it's  
 19 a significant effort when that happens that puts  
 20 people in a horrible position.

21 We also need to set up and properly  
 22 resource our staff for success. Our venue  
 23 managers and directors need to get the data they  
 24 need to manage.

25 I have huge respect for what they've been

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1 doing. I couldn't run a business with the data I'm  
 2 getting, the expense and revenues is three, four  
 3 months out of date. That's virtually impossible.  
 4 All that happens then is people have to try and  
 5 guess at finances. We can't ask our staff to  
 6 operate that way.

7 It's also extremely critical. We're  
 8 trying to borrow \$56 million in the state revolving  
 9 fund loan to fund the effluent pipeline. We're also  
 10 seeking Army Corps of Engineers funding for the  
 11 effluent pipeline.

12 If we can't satisfactorily close our  
 13 audit, if we can't reconcile our books, all that  
 14 funding is at risk. We would have to stop the work  
 15 of the pipeline and have to start again. We'd  
 16 probably have to pay higher interest rates going  
 17 forward as well.

18 So this is a very serious situation. This  
 19 is not just, oh, it's just finances and doesn't  
 20 matter, we can just put them in different boxes.  
 21 This is a hugely serious situation.

22 I'd like to stress that myself, Mr. Magee,  
 23 and Mr. Bandelin, we spent considerable time over  
 24 the last week putting this together. This is a team  
 25 effort, and I fully support the proposals that are

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1 going forward.

2 Thank you.

3 MR. MAGEE: Thank you.

4 I'd like to start tonight by giving the  
 5 Board a number of updates that have happened in the  
 6 finance department since this staff report was  
 7 written.

8 The first thing that I would like for you  
 9 to know is that since this was written, our senior  
 10 accountant tendered her resignation. And so we are  
 11 currently down to about 50 percent of our accounting  
 12 staff is vacant at the moment.

13 At the previous board meeting of August  
 14 9th, the Board authorized staff to enter into a  
 15 contract with Baker Tilly to work on some of the  
 16 bank reconciliations, which go back 14 months now.  
 17 I wanted to let the Board know that that activity  
 18 has already started. We have ordered all of the  
 19 accounts and the reports from Wells Fargo. They're  
 20 in the process of getting everything. But Baker  
 21 Tilly has already started their work, and they've  
 22 actually assisted us with a number of other items as  
 23 well. I'll get into that later tonight.

24 One of things that Baker Tilly has helped  
 25 us out with is a cash reconciliation dating back to



<p style="text-align: right;">49</p> <p>1 June 30th, 2022, and it not tying to the starting  2 balance on the following day.  3           We did reach out to the former finance  4 director, and he had mentioned that that activity  5 had been completed at that time by the controller.  6 And I don't know what happened between then and now,  7 but what I do know is it is not balanced now. And  8 so our consultant, Pam Day went in and did a little  9 extra work. This was out of what we initially  10 agreed she would be working on, but she volunteered  11 to do it. She did a full reconciliation of it. I  12 also asked Baker Tilly to independently verify what  13 she came up. They compared notes, and they were  14 identical.  15           We do have a plan for moving forward to  16 making sure that this is corrected in the Tyler  17 Munis system immediately. We're hoping that that  18 will be completed within a day or two. And one of  19 the things that I have directed staff to do is that  20 every single action we take as we move forward in  21 these things is there is a second set of eyes on  22 this, and that we do a verification that everything  23 we've done was entered system appropriately,  24 documented correctly and appropriately, and that it  25 ties out. We've got to make sure that we have good</p>	<p style="text-align: right;">50</p> <p>1 data in that system.  2           That was phase one of what we're doing  3 with the Tyler system right now.  4           One of the things that I was asked to talk  5 a little bit about is the staffing and resources and  6 what's needed in the absolute immediate to keep  7 business going within the finance department, given  8 the number of vacancies that we currently have, and  9 the status of some of these projects and how behind  10 we are.  11           I did reach out to the Baker Tilly team  12 after the resignation of the senior accountant,  13 asked them if they had additional capacity with the  14 team that they've provided to assist us with the  15 ongoing audit processes. They indicated that they  16 did. One of the things that the Board may wish to  17 consider tonight is staff is recommending an  18 additional \$40,000 be added on to that Baker Tilly  19 contract in order to just help us with day-to-day  20 processing as we move through the end-of-year close  21 and, ultimately, the audit process.  22           Another thing that we are doing is the  23 full reconciliation of the Tyler system -- and I  24 don't want raise too much alarms here because the  25 work that Baker Tilly and Pam Day have done already</p>
<p style="text-align: right;">51</p> <p>1 has been invaluable and we're finding and  2 discovering some of the issues and reconciling them,  3 and we have a plan for getting those things right  4 moving forward.  5           One of the things that the finance staff  6 has requested, specifically, is to take a look at  7 the work flow processes within the system. Again,  8 staff feels like it's duplicative, it's difficult,  9 and getting the work flow right is not an easy task.  10 That activity was placed on a former employee, and  11 that employee did what they felt was appropriate at  12 the time. And it may have been and it may have  13 worked, but the staff that is here now, they feel  14 like they're struggling with it and they would like  15 to redesign the work flow processes within the  16 system so they can gain additional efficiencies, as  17 well as have some additional training on how to use  18 the Tyler Munis system and get reporting and data  19 out of the system that is more appropriate.  20           That amount, we've reached out to the  21 Tyler implementation team to have somebody come out  22 here for two weeks, would be roughly \$16,000. And  23 so we are making that suggestion that the Board  24 consider that tonight.  25           At the August 9th meeting, the Board took</p>	<p style="text-align: right;">52</p> <p>1 steps to adjust the salary of the controller and the  2 way we are marketing the controller position. We  3 already have that back out on the streets, with the  4 updated salary, and with the updated language.  5           We also have the senior accountant  6 position that is actively under recruitment right  7 now.  8           One of the things that I was asked is at  9 the processing level, are we going to be able to get  10 through this? Well, former Director Navazio had  11 identified need in the accounts payable area, that  12 we needed some additional assistance in data entry,  13 essentially entering invoices into the system so  14 that other staff can review and approve these items.  15 We want two sets of eyes on every accounts payable  16 item, obviously.  17           And so former Director Navazio hired a  18 special projects person. I erroneously assumed that  19 that was a temp worker, and then that was brought to  20 my attention subsequently that that is actually a  21 full-time position that is on the books and  22 budgeted, but it was considered dark.  23           So it wasn't, technically, funded within  24 the budget, even though potion allocation exists.  25 And so the intent was to use some of that</p>

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1 individual's time, utilizing salary savings in  
 2 special projects money.  
 3           We discovered that, administratively, we  
 4 are able to convert that position to a full-time  
 5 position, which we have done. It is currently under  
 6 recruitment, and we have -- we believe we have the  
 7 money within the existing budget to pay for it right  
 8 now, but if the Board wishes to take some of these  
 9 actions, they may wish to consider funding that  
 10 position and as part of the overall budget  
 11 adjustments that will be made in the future based on  
 12 actions the Board took on the 9th, and the actions  
 13 the Board may choose to take tonight.  
 14           It continues to be my recommendation based  
 15 a lot of the items that are identified in the staff  
 16 report that I could really use some higher-level  
 17 talent, somebody who is highly educated, highly  
 18 trained, and very experienced. The recommendation  
 19 continues to be to add an assistant director  
 20 position, somebody that can really work on chipping  
 21 away at some of these systematic issues.  
 22           And so I want to talk a little bit about  
 23 how we got here. The Audit Committee, about, I'm  
 24 guessing, five to six weeks ago, met and asked me a  
 25 series of questions about things that were going on

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1 with the audit and what the current status was. And  
 2 I had identified that we were struggling to move  
 3 forward with some of the day-to-day processes.  
 4           The Audit Committee asked me to bring this  
 5 item forward for the Board to consider. On the 9th,  
 6 the Board took a number of actions and then  
 7 specifically directed me to come back with tonight's  
 8 agenda item, which identifies what is the special  
 9 projects, essentially, the special projects list.  
 10           And so there are risks of inaction tonight  
 11 if we were to not take any action at all. I'm not  
 12 convinced that we would be able to complete the  
 13 audit within the State-prescribed deadline. We just  
 14 don't have enough staff right now to get completely  
 15 caught up and meet the State's deadline. That's the  
 16 reason for the recommendations that you see tonight.  
 17           Given that we are this far behind, one of  
 18 the things that we have recommended is a forensic  
 19 audit. The forensic audit is -- there are multiple  
 20 types of forensic audits, and I want to echo Trustee  
 21 Tulloch's comments that both the previous staff and  
 22 the current staff have identified zero incidences of  
 23 fraud or even suspected fraud. But that is not the  
 24 point. That's not why you would want to issue a  
 25 forensic audit.

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1           One of the reasons that we are  
 2 recommending the financial due diligence audit is  
 3 for someone to come in and take a deep dive, look at  
 4 our financials, and make a recommendation to us. If  
 5 they identify any potential which would necessitate  
 6 a full financial statements audit, which could  
 7 potentially uncover any fraudulent activities.  
 8           But, once again, I want to highlight: We  
 9 have no suspected incidences of fraud.  
 10           The reason we want to look at this is we  
 11 just want to put our minds at ease and make sure  
 12 that we have a level of comfort that things are  
 13 being done appropriately and correctly moving  
 14 forward. I can't correct what happened in the past.  
 15 What I'm asking the Board to do is to give us the  
 16 resources to keep this correct moving forward.  
 17           TRUSTEE TULLOCH: Thank you.  
 18           Yes, I think -- we did stress that point.  
 19 And you're absolutely correct. We do this as a  
 20 precaution. Because this is not a situation that  
 21 has occurred overnight. It's not something that's  
 22 occurred in the last eight months. This is  
 23 something that's been building up over several  
 24 years, and that's the important part of it.  
 25           Thank you for that clarification.

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1           MR. MAGEE: And if the Board chooses to  
 2 direct staff to release a request for proposals for  
 3 a forensic audit, I would suggest that the Board  
 4 further direct staff to work with the Audit  
 5 Committee on developing a statement of work so that  
 6 we all have a level of comfort on what it is the  
 7 forensic auditors would specifically be looking at,  
 8 whomever that firm may be.  
 9           The last item I wanted to address, because  
 10 I received a number of phone calls and inquires from  
 11 members of public and even staff and others, what  
 12 this list of priorities are that are identified in  
 13 this letter here. And so I want to be very, very  
 14 clear on what this list is and what this list is  
 15 not, so that the public certainly understands.  
 16           In any organization -- I'm a professional  
 17 consultant, I've been doing this for about ten years  
 18 now, I've got a lot of agencies in my rearview  
 19 mirror. Anytime I go into an agency, I start  
 20 looking for opportunities to address best practices,  
 21 areas for improvement, whatever, and I start making  
 22 a list like this.  
 23           I would suggest that every director in  
 24 every department in every governmental agency in  
 25 America probably has a similar list of things that

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1 they would like to improve upon. It is kind of a  
 2 wish list. If I had a magic wand, I'd love to fix  
 3 all this stuff, but I don't.  
 4           And so I create this list, these types of  
 5 lists, this is my list. These are the types of  
 6 things I have identified that I would like to work  
 7 on while I'm here, had I had unlimited resources,  
 8 unlimited time, these are the types of things.  
 9           I want to be very, very clear about this:  
 10 This is my list and my list alone.  
 11           Not one individual has directed me to put  
 12 anything on this list at all. I have received  
 13 suggestions from a number of individuals, of course,  
 14 from the public, from staff, individual board  
 15 members, would you think it's worth looking at?  
 16           And my response is either yes or no. If I  
 17 think it is worth looking at, I will add it to this  
 18 list.  
 19           In some cases I've said, "You know, I'd  
 20 love to get to that, but it's not something we have  
 21 the resources for, and I don't know that it's  
 22 important enough to add to the list."  
 23           And so there's all kinds of reasons why  
 24 things end up on here.  
 25           And I want to be very clear what this list

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1 is not. This is not a referendum on any activities  
 2 of past employees or current employees at all.  
 3           These are things that we can improve upon,  
 4 that's all I'm suggesting. Some of these things  
 5 were identified by the former controller, by the  
 6 former finance director, and they've already been  
 7 put into motion. I agreed with their activities,  
 8 and I have added them to this list because I would  
 9 like to continue these types of activities.  
 10           Things like the cash reconciliation.  
 11 Things like the purchasing projects that you'll see  
 12 at the end. Former Director Navazio identified  
 13 areas for improvement within the purchasing  
 14 function, a consulting report was issued, it is in  
 15 draft form, it's sitting on my desk. Candidly, I  
 16 haven't even had an opportunity to read it yet.  
 17           But I do know he had indicated that this  
 18 is something that we could improve upon, and I tend  
 19 to agree with him. That's why items like that end  
 20 on this list.  
 21           With that, this is my particular priority  
 22 list. The Board asked me to bring this forward so  
 23 it may look at what the priority list was, and the  
 24 Board weighed-in on what it thinks are priorities.  
 25 The Board could certainly, it's within your purview,

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1 completely cross some of these things off or all of  
 2 these things, direct me to let them go. It is the  
 3 Board's purview to pick and chose any one of these  
 4 and suggest that we should use ongoing, full-time  
 5 staff or consultants, whatever it is you would like  
 6 to do. That is what I was asked to bring forward,  
 7 and so that's what you see before you tonight.  
 8           With that, I will close my comments, and  
 9 I'm happy to answer any questions.  
 10           TRUSTEE TULLOCH: Mr. Nolet and General  
 11 Manager Bandelin would like to make some comments as  
 12 well.  
 13           Mr. Bandelin, particularly with regard how  
 14 this impacts the ability of your staff to operate  
 15 venues successfully.  
 16           MR. BANDELIN: Sure. As Bobby --  
 17 Mr. Magee said, this list was put together by him to  
 18 share with the Board of Trustees and the community.  
 19 I would support -- if I was the Board, I would  
 20 support the recommendations within the staff report.  
 21           They will entitle the District to move  
 22 forward with a financial department that can adhere  
 23 to policies, get started, complete, and maintain the  
 24 items that are on the list and the other items that  
 25 the finance department completes and maintains that

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1 are not on the list that are just general best  
 2 practices.  
 3           And specifically looking forward to be  
 4 able to, as Trustee Tulloch just noted, like, with  
 5 all those completed and at least started, that we'll  
 6 be better business operators, as a large part of the  
 7 District is operating businesses, and with better  
 8 financial reporting, more timely reporting that  
 9 would engage managers into being able to track  
 10 expenses, know immediate revenues, and be able to --  
 11 in my case or our cases as managers, be able to  
 12 probably perform our budget workshops and be able to  
 13 (inaudible) budgets in a more-timely fashion with  
 14 documented data and so forth.  
 15           So, those are my comments at the time.  
 16 Thanks.  
 17           TRUSTEE TULLOCH: Thank you, Mr. Bandelin.  
 18 Mr. Nolet?  
 19           MR. NOLET: Just a couple comments. One,  
 20 I want to commend Bobby and Mike and others who  
 21 contributed to this. I had no input into it. First  
 22 time I saw it was when it was posted. It's very  
 23 thorough, very good, and, frankly, fairly unnerving  
 24 to see this state of disrepair in so many key  
 25 processes within our great community.

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1 I wanted to take just a minute, inasmuch  
 2 as people felt maybe my comments of August 9th were  
 3 a little strong, to put a little bit color and  
 4 background behind those comments.  
 5 The ACFR audit and our auditors are  
 6 governed by both government auditing standards and  
 7 the American Institute of CPA auditing standards.  
 8 Particularly, SAS 99 or AU 316, consideration of  
 9 fraud within a financial statement audit. It's an  
 10 obligation of every audit team, every audit team, to  
 11 have this conversation within its own team and  
 12 subsequently with its clients to determine whether  
 13 or not there are any indicators of fraud risk  
 14 factors, and if there are indicators -- as I said on  
 15 the 9th, we have not seen any such specific fraud or  
 16 other inappropriate activities, but if there are  
 17 indicators, the auditor has the obligation to plan  
 18 and execute audit procedures responsive to those  
 19 indicators. This is an auditing standard that  
 20 applies to, effectively, all private organizations,  
 21 commercial, government, or otherwise.  
 22 The government auditing standards, which  
 23 we're also subject to, have a lesser discussion of  
 24 this topic, and then refer to this AICPA audit  
 25 standards.

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1 So, it's a requirement. Our auditors are  
 2 going to come to us and have this conversation. We  
 3 would be remiss if we weren't prepared to have that  
 4 conversation. We're working to schedule and Audit  
 5 Committee meeting with our auditors on the week of  
 6 September 18th. And so we'll ask them, and it's our  
 7 responsibility to determine, within our purview,  
 8 that the scope of their audit is appropriate in  
 9 light of these indicators. That's all they are is  
 10 indicators.  
 11 But as I said on the 9th, I've never seen  
 12 such a substantial collection of indicators, and  
 13 then you take these new indicators in light of the  
 14 fact that we have been criticized in past audits for  
 15 not having journal voucher controls, which are  
 16 problematic in light of these other controlled  
 17 deficiencies. So that's that I would add.  
 18 Again, I think Bobby's done a great job.  
 19 I think he's got a massive, uphill climb. He needs  
 20 all the resources he's asked for and more.  
 21 And, lastly, for those of you who have any  
 22 interest in it, no, I am not interested in serving  
 23 as the general manager, a trustee, or any other  
 24 capacity within IVGID. I'm (inaudible) of the  
 25 at-large members. Do this as a volunteer because we

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1 want to leave things better than when we found them.  
 2 The hundreds and hundreds of hours I've already put  
 3 into this are donations to the community because I  
 4 want to try do my bit to help in light of my  
 5 professional background.  
 6 But, no, I'm not going to seek any other  
 7 role nor extension of my appointment through March  
 8 31st of '24.  
 9 Thank you.  
 10 TRUSTEE TULLOCH: Thank you, Mr. Nolet.  
 11 Just before I pass this back to my board  
 12 colleagues, I want to talk about one thing, Director  
 13 Magee. Bank balancing, this is the -- what's the  
 14 normal standard operating procedure for this?  
 15 MR. MAGEE: Through the Chair, the normal  
 16 procedure would be to do this monthly.  
 17 TRUSTEE TULLOCH: This is from the '21/'22  
 18 audit report, where it identified three significant  
 19 deficiencies.  
 20 The top on there, timely preparation of  
 21 bank reconciliations, were it was recommended that  
 22 they should be performed on all bank accounts no  
 23 later than end of -- following the month end. You  
 24 get the general gist of that.  
 25 That was accepted in the staff

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1 recommendation was, yes, this was going to be done.  
 2 I was astounded to find this because this is not  
 3 something -- I wouldn't want to be micromanaging and  
 4 asking staff have you done -- if you've actually  
 5 done what's standard operating procedure, this is a  
 6 standard practice in every organization. You do the  
 7 bank reconciliation. A lot of organizations who  
 8 wouldn't have has much revenue driven for services,  
 9 would do it every week or even every day, in many  
 10 cases, depending on the level of income. But  
 11 certainly every month would be standard operating  
 12 procedure.  
 13 I'll put my hand up as treasurer, I didn't  
 14 find this. Trustee Tonking didn't identify this  
 15 either. We saw it in the audit report and assumed  
 16 it was moving forward. So I was shocked to find it,  
 17 as was Director Magee.  
 18 I'll pass it back to Chair Dent and  
 19 colleagues.  
 20 Thank you.  
 21 CHAIR DENT: Thank you guys. I appreciate  
 22 the presentation and the comments thus far.  
 23 I will open it up to any questions at the  
 24 Board level.  
 25 TRUSTEE TONKING: I have a couple of

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1 questions for Ray, Director of Finance Magee, and  
2 for audit chair Nolet.

3 From my reading and from listening to you  
4 all talk, what I'm seeing, some of these big  
5 solutions to the areas that really we need to focus  
6 to help get us on the right track is that (a) we're  
7 understaffed, so we need to get the appropriate  
8 staff to help solve this problem, and we're losing  
9 staff rapidly. So we really need to figure out what  
10 grouping of staff we can get to get us there.

11 And then Tyler system. From my  
12 understanding, there's been some issues with how  
13 journal entries are first put into the Tyler system,  
14 which then cause -- when they put in an APs, double  
15 entries. So now we're having a whole double entry  
16 issue, which is then now causing a cash  
17 reconciliation issue as well, on top of not  
18 reconciling cash.

19 So, I think with those two, I'm seeing  
20 those as our big issues of, like, things I view that  
21 we need to focus on. But with that in place, I had  
22 a couple questions.

23 When you said -- Trustee Tulloch, you  
24 brought up the audit rec, would that be  
25 board-ignored audit recommendations, are you saying

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1 feel are important, and just focus on getting us  
2 caught up. That is the most important thing right  
3 now.

4 TRUSTEE TONKING: Perfect. Okay. That  
5 makes a lot of sense. Thank you.

6 I wanted to actually now talk about the  
7 revolving State loan and the Army Corps. I am not  
8 sure the process on how they approve.

9 I did do a lot of crawling and work around  
10 the State revolving fund schedule. I am a little  
11 nervous about that and did some research into that.  
12 That's all revenue-based funding, and it's only  
13 based on if we have the rates. So, they're less  
14 concerned about our financials. I do understand if  
15 we were to go completely out of business or  
16 something horrific were to happen, that, again, is a  
17 concern.

18 But for my understanding, the State  
19 revolving fund is only based off of a revenue  
20 assumption, so we do have to be careful how we're  
21 wording that. I think, like, one concern that makes  
22 me less concerned about that is we have the rates,  
23 so far, in compliance with that issue.

24 Now, my questions are off of Mr. Magee's  
25 report. The first thing you just said is that we

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1 the Board ignored two Audit Committee  
2 recommendations, or are you saying they ignored the  
3 recommendations out of the audit?

4 TRUSTEE TULLOCH: No. I was pointing out  
5 that the Audit Committee recommendations for the  
6 '21/'22 audit were actually rejected by the Board.  
7 That was what I was referring to.

8 When you were chair of the Audit Committee  
9 for last year's audit presentation, we noted these  
10 recommendations to correct these identified  
11 deficiencies, and that was approved by the Board.

12 TRUSTEE TONKING: Okay. And then the idea  
13 that when you're saying -- and might be a question  
14 for GM Bandelin. When you're saying that the  
15 financials were three to four months out of date, I  
16 thought it was only three to four months out of date  
17 online, but other people could access some  
18 understanding of their financials. Is that an  
19 incorrect assumption? Internally?

20 MR. MAGEE: So the answer is yes, we're a  
21 few months behind right now. We do know that. We  
22 are working diligently to get those updated as  
23 rapidly as we can.

24 I've directed staff to set off all of their  
25 other items aside, all of these things that they

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1 could get Baker Tilly to come in for \$40,000 and  
2 that would help get us all caught and set to get  
3 some of that accounting role, since we lost the  
4 senior accountant.

5 We would have them while we are still  
6 working to hire a senior accountant; is that  
7 correct? That would kind of happen simultaneously?

8 MR. MAGEE: That is correct. What I've  
9 asked them to do is if they could come in and help  
10 us with some of the day-to-day activities that were  
11 previously performed by both the controller and by  
12 the senior accountant, and just try to keep  
13 operations going. That would be the intent.

14 Now, the contract that the Board approved  
15 previously, we are currently utilizing that  
16 specifically to get caught up on the 14 months  
17 previous bank reconciliation, so they are already  
18 assisting us with our year-end close.

19 They are getting familiar with our  
20 systems. It makes logical sense to have them help  
21 us with some operational, day-to-day items as well.

22 TRUSTEE TONKING: Perfect. So then that  
23 40 grand would be spent on, basically doing what the  
24 controller and senior accountant were both kind of  
25 doing to keep us functioning so we don't keep

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1 getting further behind and then having to catch up.  
 2 Is that the correct understanding?  
 3 MR. MAGEE: Yes, that's correct. And both  
 4 the controller and the senior accountant position  
 5 are currently posted on the website, and we are  
 6 actively recruiting for those positions.  
 7 TRUSTEE TONKING: So then you said work  
 8 flow for Tyler -- and I'm very into this and having  
 9 Tyler come in an help fix that. Did you say that  
 10 was \$16,000?  
 11 MR. MAGEE: That is correct. That brings  
 12 them on site for two weeks with an implementation  
 13 consultant that has specific expertise in setting up  
 14 work flow within the Tyler system.  
 15 TRUSTEE TONKING: This isn't, though,  
 16 going to help with some of the other Tyler issues  
 17 that Trustee Tulloch had raised in the memo and  
 18 staff had raised in the memo? Do we still need to  
 19 figure those out somehow? That's not part of the  
 20 \$16,000?  
 21 MR. MAGEE: It may be part of that  
 22 \$16,000, and that's why I'm recommending that  
 23 amount.  
 24 We don't need this person on site for two  
 25 full weeks specifically to just do work flow. As I

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1 had mentioned, we are working both with Baker Tilly  
 2 and with our consultant Pam Day. She's jumped in  
 3 and identified a number of things and already  
 4 corrected them.  
 5 We are actively working with external  
 6 consultants to solve those issues now. But at the  
 7 end of the day, the Tyler implementation consultants  
 8 who work for Tyler, they're going to understand it  
 9 better than anybody else. So we want to make sure  
 10 that there's multiple sets of eyes on this, and that  
 11 we get this correct moving forward.  
 12 TRUSTEE TONKING: So the Board is aware,  
 13 I'm in favor of the Baker Tilly idea, and I'm in  
 14 favor of the work flow with Tyler.  
 15 I understand your point around the  
 16 forensic audit. My one concern is (a) you brought  
 17 up that the Audit Committee would work on it. I  
 18 could be on board if that scope of work has been  
 19 brought to the Board for approval because there's  
 20 some areas that I'm concerned that it can become  
 21 highly cost-prohibitive and might bring us down a  
 22 path that isn't actually moving in the right  
 23 direction, but I can be on board.  
 24 My one concern is -- actually, it's a  
 25 two-fold concern. Is knowing that this is happening

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1 going to hinder people from applying for these jobs?  
 2 And should we wait until we are fully staffed? And  
 3 off that same note, are there people -- what kind of  
 4 staff assistant is this forensic audit going to need  
 5 in order from, like, our staff? Like, what is that  
 6 time component to that? Because I already am  
 7 hearing the dialogue that we're taking -- we're  
 8 running -- we don't have enough staff, and we're  
 9 having trouble hiring and we -- so I just want to  
 10 make sure this isn't going to deter from any of  
 11 those, or if we need to postpone this for six months  
 12 or until we actually have a team? I wasn't sure  
 13 what the staffing looked like, if any.  
 14 MR. MAGEE: I hear multiple parts to that  
 15 question, so please let me know if I haven't  
 16 answered any portion of that.  
 17 The actions that the Board took at the  
 18 August 9th meeting with respect to adjusting the  
 19 controller's salary, I do believe that we will  
 20 definitely increase the amount of applicants that we  
 21 are receiving, the amount of qualified applicants  
 22 specifically. I am cautiously optimistic that we  
 23 will be able to find an individual.  
 24 Now, whether we should delay this or not,  
 25 I think we should move forward with it and at least

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1 have it ready to go for when staff is here, when we  
 2 finally have somebody on board, that we're ready to  
 3 hit the ground running.  
 4 And with respect to would people not apply  
 5 for the position knowing what some of these issues  
 6 are here, I actually think a lot of qualified  
 7 individuals would find that as a challenge and  
 8 interesting work, something that they've never dealt  
 9 with in their career, and I think might be of  
 10 interest to highly qualified individuals to get an  
 11 opportunity to work on something like this. I would  
 12 certainly recommend disclosing it to any candidates  
 13 during an interview process.  
 14 TRUSTEE TONKING: That makes sense.  
 15 The part that you did miss is what type of  
 16 staff involvement would be part of this, how much of  
 17 staff time are we utilizing for this process?  
 18 Because we just talked about how minimal staff time  
 19 we have.  
 20 MR. MAGEE: Sure. That is unknown at this  
 21 time.  
 22 I think much to your point, we would  
 23 really have to identify how in depth the scope would  
 24 be, first, because, obviously, the auditors are  
 25 going to rely on us to pull a lot of data, and so

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1 the bigger the scope gets, the more staff time is  
 2 going to be needed.  
 3 And so I don't know that it would be fair  
 4 of me to speculate for the Board right now what that  
 5 might look like in the absence of having a scope of  
 6 work that we at least understand and agree upon.  
 7 TRUSTEE TONKING: Okay. So then what I'm  
 8 understanding your recommendation is on this is we  
 9 would start with how it's worded in here, where we  
 10 would start moving through the scope of work, having  
 11 it go to the Audit Committee, help them develop it,  
 12 have it then come back to the Board, I would  
 13 recommend, for review before even approval. And  
 14 then during that review conversation, we'd talk  
 15 about what that timing looks like on staff, and if  
 16 we need to delay a little bit until we have a full  
 17 team, but then once -- and understand that. And  
 18 then once we get there, then we can move to approve  
 19 it.  
 20 Is that what I'm understanding? I don't  
 21 want to put words into your mouth.  
 22 MR. MAGEE: I think that would be a fair  
 23 characterization of what I'm saying. If we are  
 24 unable to hire a controller and a senior accountant  
 25 by the time that process is completed, then I would

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1 come to me, all the time, my staff comes to me,  
 2 other directors, the interim general manager, a  
 3 board member, a member of the public, and then they  
 4 say, I received a question recently, or say, hey, I  
 5 saw something here, and I don't know if this makes  
 6 sense, if this is normal.  
 7 And I got one tonight, just sitting here  
 8 in the audience, is this type of activity normal?  
 9 And the question was related to how often are bank  
 10 reconciliations typically done, and should that be  
 11 looked at that.  
 12 And so when I hear those types of  
 13 comments, I certainly take them under advisement and  
 14 consideration, and if I feel it's warranted and  
 15 important enough to get on this list, then that's  
 16 kind of how it put it on there.  
 17 TRUSTEE TONKING: Mr. Nolet, I have two  
 18 questions. Has the Audit Committee spoken with the  
 19 auditors at all about this yet?  
 20 MR. NOLET: Only to the extent during the  
 21 last meeting where we profiled some of the early  
 22 internal control concerns and gave, I would say  
 23 Jennifer Farr, the clear signal that if she needs to  
 24 come back to us with some scope changes to  
 25 incorporate expanded work around these weaknesses,

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1 probably would recommend to delay it at that time.  
 2 But if we have those positions filled with  
 3 highly qualified individuals and, in theory,  
 4 additional staffing that has been recommended, then  
 5 I think we would have appropriate levels of staff  
 6 that could handle that in house.  
 7 TRUSTEE TONKING: Then the last thing was  
 8 in this list of priorities -- I think we'll probably  
 9 talk about his as a group -- I really appreciate  
 10 Trustee Tulloch and you ranking and putting these  
 11 into, like, priority lists. There are some issues  
 12 that I would like to move around a little.  
 13 I wanted to understand, because I think  
 14 you've spoken to ways, but that is this the list you  
 15 came up with, but it's a list, and you said it's  
 16 totally yours, it's also a list, though, that you  
 17 did receive input from board members, from staff,  
 18 from the community, then you decided if it should go  
 19 on the list or not; is that a correct understanding?  
 20 MR. MAGEE: Yeah, that's correct.  
 21 And this is not meant to be a  
 22 comprehensive list. This is not a comprehensive  
 23 list of all things I'm working on or doing day to  
 24 day. That's not what this is.  
 25 What this is is individuals frequently

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1 we would be amenable to that.  
 2 The first substantive discussion with  
 3 her, frankly, relying on Bobby Magee's paper in  
 4 principle, will be this meeting coming up in a  
 5 couple of weeks.  
 6 TRUSTEE TONKING: Okay. Then you what you  
 7 spoke of and what's coming out of this and these  
 8 issues, these have been discussed and vetted with  
 9 the Audit Committee yet, or are these just from your  
 10 dialogue with Mr. Magee and Trustee Tulloch and  
 11 staff?  
 12 MR. NOLET: I've had pretty extensive  
 13 discussion with the at-large members individually.  
 14 TRUSTEE TONKING: But it hasn't been part  
 15 of the public record in any form?  
 16 MR. NOLET: Only to the extent of the  
 17 prior meeting, I think it was end of March, there's  
 18 some discussion, I believe, in those minutes about  
 19 some of concerns.  
 20 I would say the majority of the  
 21 significant issues came to light after that March  
 22 committee meeting. We discussed what we knew at the  
 23 time.  
 24 TRUSTEE TONKING: I would also, and I  
 25 don't -- you know this, and I just want to say it on

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1 the record because when you talked about directing  
2 scope, we don't want to be directing scope due to  
3 independence, so just throwing that out there, so we  
4 don't clarify that. I knew what you had meant, but  
5 I didn't want it to sound how it originally came  
6 off, at least when I first heard it. Just wanted to  
7 correct the record on that.

8 Thank you.

9 MR. NOLET: Okay. Bobby, you might just  
10 mention also, I believe some of the items on your  
11 work list were carryovers from a similar list that  
12 Paul had been maintaining.

13 MR. MAGEE: Thank you. Yes, sir --  
14 through the Chair.

15 Yes. That is correct Mr. Navazio, when  
16 we -- I was first brought on board, we had an  
17 opportunity to talk a couple times, and some of  
18 these things were items that he had already  
19 identified and was already working on correcting.  
20 All I've done is keep them on the list and continue  
21 to move them forward.

22 TRUSTEE TONKING: I am very supportive of  
23 trying to hire some staff. And I would be remiss to  
24 apologize for not being totally on board at the last  
25 board meeting in that.

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1 helps as far as timing on some of this stuff.

2 TRUSTEE TULLOCH: Just picking up on,  
3 Trustee Tonking talked about the Tyler work flow and  
4 you talked about getting Tyler in. I mean, one  
5 thing, since the issue is work flow, can we make  
6 sure we have our work flow design or proposed work  
7 flow design done first? Obviously staff raised  
8 their concerns, and that's -- I've been on the  
9 record several times, a lot of my concerns about  
10 Tyler was we tried to do so much in house and we  
11 stretched staff way too thin. That's not something  
12 -- you can't just do it with your own staff. People  
13 can't do two jobs at once. So we've broken every  
14 rule in the book there.

15 I would like to see the work flow, some  
16 design, some process designs done first before Tyler  
17 come in and say, well, you just do it this way.  
18 I've seen clients on the receiving end of that as  
19 well. They come up with a completely convoluted  
20 work flow that doesn't work, but it's the only one  
21 that the consultants know.

22 Hopefully we can do the process design, a  
23 draft first.

24 MR. MAGEE: We can certainly do that, if  
25 this item is ultimately approved by the Board.

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1 And then I am very much in favor of these  
2 two immediate solutions in terms of Baker Tilly and  
3 Tyler.

4 CHAIR DENT: I do have a question as it  
5 relates to -- we're talking about a lot of changes  
6 in funding or, potentially, new contracts, and just  
7 thinking about timing with that, and I can't tell if  
8 general counsel is on right now, but as far as --  
9 Josh, are you available?

10 MR. NELSON: I'm here, Chair.

11 CHAIR DENT: With some of these  
12 changes and with the timing of all of this and with  
13 -- I would perhaps call this an emergency to get  
14 some of these things done, what would the process be  
15 for funding some of these contracts and approving  
16 some of these contracts? More importantly, is that  
17 something that we could do that through the  
18 designation that's been handed off to Trustee  
19 Schmitz as far as the contract approval process?

20 MR. NELSON: Yeah, that's correct.  
21 There's budgeted funds, and subject to  
22 Trustee Schmitz' oversight, the interim general  
23 manager would be able to execute any agreements,  
24 update signature authority.

25 CHAIR DENT: Understood. Okay. That

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1 I've heard your comments, and when we get  
2 the Tyler implementation specialist on site, we can  
3 certainly prioritize that and get that done first.

4 TRUSTEE TULLOCH: Then we can maximize the  
5 use of Tyler.

6 CHAIR DENT: Questions for my colleagues?

7 TRUSTEE SCHMITZ: I don't really have any  
8 questions. I just want to say thank you all.

9 It's never easy to be to bearer of bad  
10 news, and I think you've done an excellent job of  
11 grounding us and bringing us back to reality and  
12 putting in front of us information that we can make  
13 decisions on.

14 For me, it's disappointing to see how  
15 offers of assistance in the past had been turned  
16 down. Chair Dent, myself, had offered assistance in  
17 the past. It was turned down. Even in May, we had  
18 a proposal in front of this board to bring in and to  
19 search out assistance with the Tyler system, and  
20 that was turned down.

21 So, it's quite alarming to suddenly be  
22 given all of this information and realize how far we  
23 are behind. And I really appreciate staff's efforts  
24 in pulling together as a team and providing us with  
25 information so that we can make a decision and be



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1 supportive of what staff needs to do. Because their  
2 job is very important. We can run our venues if we  
3 don't have timely financial information.  
4 I think everything needs to be  
5 prioritized, and getting accurate data for our venue  
6 managers is number one. Accurate financial reports  
7 and our internal controls.  
8 And what's surprising and, again, a bit  
9 alarming to me is that some of these things that are  
10 on that project list have been sitting on a project  
11 list since 2020.  
12 So I'm happy that we're putting the  
13 resources or you're identifying at least to us what  
14 resources are needed. Because if these things are  
15 priorities for the Board, for the District, for  
16 staff, we have to be supportive of the resources  
17 needed in order to appropriately staff the  
18 organization and create an environment where they  
19 have the ability to actually complete their work and  
20 feel proud of the work that they're doing.  
21 I'm fully supportive of what is needed to  
22 be done here so that we can get back on track and  
23 get our organization restaffed, retooled, and  
24 reenergized.  
25 TRUSTEE NOBLE: If the Board moves forward

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1 I'll say, we need more warm bodies that are actually  
2 doing the grunt work in terms of that. And that's  
3 no -- that's not intended as a slight against  
4 anyone. It's my unfortunate phraseology. I'm just  
5 a simple operating engineer in terms of that.  
6 Yeah, we need more bodies. And given the  
7 regular turnover at that level, and also staff at  
8 that level getting promoted. I'm delighted to see  
9 when we've had so many -- a lot of senior staff  
10 leaving, how we've -- some of our internal staff  
11 have stepped up and taken on new roles and doing a  
12 great job so far. That is hugely encouraging.  
13 I would certainly like to see us  
14 overcorrect at this stage, because we know it will  
15 come out.  
16 In terms of the numbers, one thing that's  
17 also come out is over the last several years, we've  
18 actually declined the number of staff in finance,  
19 yet the complexity has grown. We're currently  
20 spending -- we're doing a lot more -- we're not like  
21 a typical government agency because 70, 80 percent  
22 of our revenue comes from user fees and utility  
23 charges. So we're quite a bit difficult from, say,  
24 North Tahoe PED or whatever it is.  
25 And I look at the numbers, and we look

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1 with directing you to add additional full-time,  
2 permanent personnel, I would hope you keep in mind  
3 that, given the historical turnover and vacancies of  
4 this department has had, that you anticipate that  
5 going forward. I'd rather see us not overstaff, but  
6 fully staffed, and able to handle anything that  
7 comes IVGID's way, versus trying -- the past  
8 practice of trying to be as lean as possible, which  
9 appears to not have been working, especially over  
10 the last -- given the additional workload  
11 requirements that have been thrust upon the finance  
12 department for various reasons.  
13 I hope that you would just keep that in  
14 mind. And the extent that you feel it's necessary  
15 to add additional personnel to bring that request to  
16 the Board and/or bill it as you feel that you're  
17 authorized to do so.  
18 CHAIR DENT: Any other questions?  
19 TRUSTEE TULLOCH: I think Trustee Noble  
20 must have been eavesdropping on our discussion this  
21 afternoon in terms of that.  
22 Yeah, and I support -- that was a  
23 discussion we had, whether we should overstaff. I  
24 think that was exactly the discussion we had,  
25 because typically at that level, we need more --

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1 very lean. And the problem is then you've just got  
2 to drop everything and do what's absolutely urgent,  
3 and as a result, things like bank reconciliations  
4 fall by the wayside. But they're absolutely  
5 critical.  
6 And as I say it's -- I don't necessarily  
7 share Trustee Tonking's confidence that the SRF loan  
8 wouldn't be there. Because if we can't reconcile  
9 our books, we can't guarantee the revenue's coming  
10 in either, whether it's from the utilities or  
11 wherever.  
12 But, yes, I would certainly encourage  
13 that.  
14 What's your feel for the number of  
15 additional staff required, workers, and is there  
16 some potential for getting some locally? Maybe some  
17 high school kids who just recently graduated, not  
18 all going to college, maybe a lot of them would like  
19 to stay here. There might be some great  
20 opportunities for brining in some entry-level staff.  
21 MR. MAGEE: Yes. Absolutely. I just  
22 actually received an email this week related to, I  
23 believe, University of Nevada, Reno. There is some  
24 potential for some interns that are there.  
25 There has been an individual who has

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1 reached out to me interested in doing a little bit  
2 of contract work on the side. We contacted him this  
3 week. We are going to talk to him and see if it  
4 makes sense if there's something he can work on as  
5 well.

6 Again, we're just trying to get caught up  
7 right now, trying to get some of these projects  
8 done.

9 As I mentioned, the account tech position  
10 is currently under conversion to a full time. We  
11 would like to see that position fully funded, and  
12 we'd like the Board to direct us to do that as part  
13 of the budget augmentation that will come back, as  
14 we've already been directed through some of the  
15 August 9th items, a fully -- what I believe would be  
16 a fully staffed, appropriately staffed -- I wouldn't  
17 say overstaffed because I think that it would be  
18 appropriate to staff it at this level in order to do  
19 a lot of these things that I'm suggesting on here.

20 And so one of those positions, as I  
21 mentioned, would be the assistant director of  
22 finance, it would be a working assistant director of  
23 finance position. It's part leadership and it's  
24 part getting your hands dirty and getting in there  
25 and getting the work done.

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1 Manager Bandelin, Director of Finance Magee.  
2 I know it's not easy to come into a  
3 situation like you came into, and I definitely  
4 appreciate you shining some light on these areas  
5 where we have urgent needs, and we do need to move  
6 forward and change from practices of the past.

7 Months ago, we were asking, "Do you need  
8 help?" So I'm happy we're here to approve what you  
9 need and get you the help you need and get your team  
10 the help they need.

11 I appreciate everyone putting in the hours  
12 that they've put in. I think it's important that  
13 they know there is light at the end of tunnel, and  
14 hopefully changes at the August 9th meeting and then  
15 moving forward with what's on the agenda for tonight  
16 does make an impact and changes the morale of, you  
17 gotta do more and work more hours and take on more  
18 tasks, that they just know that we take this  
19 seriously, and it's time for a change.

20 TRUSTEE SCHMITZ: I have two questions.  
21 You indicated the due diligence audit. From your  
22 perspective, what are you anticipating the costs of  
23 that to come in at, roughly?

24 MR. MAGEE: I wouldn't -- as a procurement  
25 expert, I would not want to put a number on that

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1 And then as you and I had discussed  
2 previously, a nice-to-have would be a management  
3 analyst level position, which would essentially  
4 focus on helping departments make sure that their  
5 budgets are tight, and we start doing things like  
6 estimated actuals. That is something you and I  
7 talked about offline. That's more of a  
8 nice-to-have. It would certainly, I believe, be an  
9 appropriate level of staffing, and would certainly  
10 alleviate some of the comments that Trustee Noble  
11 indicated that if there were turnover, we would have  
12 people appropriately cross trained, somebody would  
13 be able to step in so we don't find ourselves in  
14 this type of position a second time.

15 TRUSTEE TULLOCH: Excellent comments. I'm  
16 fully aligned with these.

17 I think it's important that we need to  
18 bring our finance support and finance staffing up to  
19 modern standards. We're spending between 60 and 100  
20 million this year. It's a big business. It's a  
21 complex business in many ways, so we need to make  
22 sure that we have a properly functioning finance  
23 department. It's not a luxury; it's an essential.

24 CHAIR DENT: I want to thank Trustee  
25 Tulloch, Audit Committee chair Nolet, General

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1 because we would be asking the potential vendor  
2 community to provide us with a solution based on the  
3 scope of work that we identify. And I can tell you  
4 that I've been on the other side of those things,  
5 writing it, and when a costs is identified, then  
6 they run right up against that and tell you what  
7 you're going to get for that.

8 I would prefer that we develop the scope  
9 of work, and then we ask the vendor community to  
10 provide their suggested costs on that type of thing.  
11 That would obviously come back to the Board for its  
12 approval. It could chose to enter into a contract  
13 based on that, or to reduce the scope in order to  
14 reduce the costs. The Board would still have  
15 options.

16 TRUSTEE SCHMITZ: I appreciate that. And  
17 I do understand your perspective. So, in your  
18 experience in the past when you've had engagements  
19 like this, what has the range been? Just to give us  
20 an idea.

21 MR. MAGEE: Sure.

22 TRUSTEE SCHMITZ: If you don't want to  
23 answer, you don't have to. But I'm just trying to  
24 sort of anticipate where we need to be teed up to  
25 do.

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1 And, again, if you prefer not to answer --  
2 but I'm just asking from past experience.  
3 MR. MAGEE: Yeah. In my past experience,  
4 various types of audits have typically run anywhere  
5 from 50,000 to 150,000. It depends on the scope of  
6 work, again. And I think that given what we may be  
7 asking for, you may see some proposals that come in  
8 in that range.  
9 There's always an outlier. Somebody will  
10 say, I could all this amazing stuff for you, and it  
11 will be 350,000. Those proposals tend to get  
12 rejected.  
13 TRUSTEE SCHMITZ: The other thing, when  
14 you come back to us, I think it would be helpful if  
15 you could lay out for us your ideal organizational  
16 structure. You know, what are the roles that you  
17 feel need to be in your organization and have it  
18 laid out for us.  
19 And then the other position that you  
20 didn't talk about tonight, and I know we all had  
21 expressed support for it, was the internal auditor  
22 position. And we broadened it in our discussion to  
23 be beyond finance, to be operational as well.  
24 So, I just want to make sure that we don't  
25 drop the ball on that position as well.

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1 should be there. One of the things I wanted to do  
2 tonight was dispel some of these myths and rumors  
3 that's been floated about, because I've heard from  
4 community members, what's happening, are we going to  
5 lose or beaches?  
6 No. No. No, we're not going to lose or  
7 beaches unless we do things that threaten the beach  
8 deed. I think it's --  
9 I would like to ask the Board, I propose  
10 to make a motion in line with the agenda, if that's  
11 okay with Chair Dent.  
12 CHAIR DENT: I'll entertain a motion.  
13 TRUSTEE TONKING: My question is -- I want  
14 to consider adding additional staff because we  
15 just -- we haven't talked about that part of it yet.  
16 You've all mentioned that we are filling positions  
17 and we are hiring someone to get some of the  
18 backlog, but I want to bring up a conversation of  
19 added space for additional staff, as Mr. Magee had  
20 requested as well.  
21 TRUSTEE TULLOCH: Yes. Sorry. I thought  
22 I had made that clear. I'm in line with Trustee  
23 Noble's comments. I believe, yes, we should -- I  
24 mean, I think we need to be recruiting. There is a  
25 turnover, and a turnover's expected in the level of

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1 MR. MAGEE: As you know, that position was  
2 approved by the Board on August 9th, and I will be  
3 working with the human resources director on  
4 developing the -- we've already started, actually,  
5 developing the job duties and what that flyer would  
6 look like.  
7 TRUSTEE SCHMITZ: So tonight are you  
8 looking for us to just basically give you approval  
9 for the 40,000 and the 16,000, and approval to move  
10 forward with creating an RFP for the due diligence  
11 audit?  
12 MR. MAGEE: Well, if possible, I would  
13 like the Board to approve all of this tonight.  
14 Obviously, the staffing levels as well. I'd like to  
15 get that rolling immediately. Let's solve the  
16 immediate problems through the use of some of these  
17 consultants and the Tyler implementation specialists  
18 that we've identified.  
19 And also start the recruitments right  
20 away, because the sooner we get these people on  
21 board, the sooner we can get a lot these things  
22 correct moving forward.  
23 TRUSTEE TULLOCH: This has been very  
24 helpful and very clarifying. Hopefully when we see  
25 the bank balances, we have a good idea of what

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1 that staff anyway. I think the more people we can  
2 get on board, it's good.  
3 My intuitive feeling, my gut feeling,  
4 whatever you want to call it, from lots of work  
5 going into places and seeing and assessing the  
6 staffing levels, we probably need -- looking for one  
7 to two extra bodies compared to what's there, what's  
8 currently approved, just to get caught up and make  
9 sure we get ahead of things.  
10 I don't want to ever be in this position  
11 as treasurer again to find that we've got a  
12 situation like this. As I say, this has not  
13 occurred overnight; this has occurred over a period  
14 of several years. It's unfortunate there's -- it's  
15 always easy to focus on doing nice things. Let's  
16 build a nice, new pool and everything, and that's  
17 great and that's wonderful and that's serving the  
18 community, but if we don't have the finances, if we  
19 don't have the proper systems in place behind it, we  
20 can't do much more.  
21 So, yes, to your question, I would suggest  
22 that -- I'll leave it to General Manager Bandelin  
23 and to District Magee in this case, but my  
24 instinctive feel is we probably need to strengthen  
25 the department by about two bodies.

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1 TRUSTEE TONKING: Do we need to make that  
 2 motion as part of this motion tonight? Is basically  
 3 the question I'd asked.  
 4 MR. NELSON: Yeah, legally, the answer's  
 5 yes. So the Board establishes a number of  
 6 positions. And so, you know, you -- we can provide  
 7 some direction. Staff's going to need some  
 8 flexibility on the numbers, but eventually we will  
 9 want the Board to firm up the number of FTDs that  
 10 are to be added, and that could be added at a future  
 11 meeting.  
 12 CHAIR DENT: Correct.  
 13 TRUSTEE SCHMITZ: I think that the  
 14 proposed motion in the memo does cover it, because  
 15 it states: To direct staff to add full-time,  
 16 permanent personnel to the finance department as  
 17 necessary, based on identified needs to meet the  
 18 current and future expected workload.  
 19 So I think it is covered by the word  
 20 "future" expected workload.  
 21 CHAIR DENT: Understood. I think what  
 22 general counsel is saying is if we are going to be  
 23 creating new positions that aren't budgeted, then  
 24 those positions will be coming back to the Board for  
 25 approval, we can't approve positions that we don't

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1 for Baker Tilly in the amount of \$40,000, and for  
 2 Tyler Munis in the amount of \$16,000.  
 3 And I direct staff to prepare -- or the  
 4 Board direct staff to prepare a scope of work for  
 5 the request for proposals to solicit a qualified  
 6 firm to conduct a forensic financial due diligence  
 7 audit.  
 8 And direct staff to begin the process for  
 9 conducting a public hearing to adjust the budget as  
 10 needed as a result of the associated costs and  
 11 recommended actions from tonight's meeting and of  
 12 August 24th, 2023.  
 13 CHAIR DENT: Motion's been made. Is there  
 14 a second?  
 15 TRUSTEE TULLOCH: Can I make a slight  
 16 modification to that? It's -- thank you, Trustee  
 17 Tonking, for identifying the Baker Tilly work and  
 18 the Tyler Munis.  
 19 I think it's also -- I'd also like to add  
 20 to that to direct staff to identify and evaluate any  
 21 other consulting resources required as the Board  
 22 goes through the list of prioritized projects.  
 23 TRUSTEE TONKING: That's fine.  
 24 TRUSTEE TULLOCH: I'll second in that  
 25 case.

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1 know the title for or have the job description for.  
 2 MR. NELSON: Yeah, that's correct, Chair.  
 3 Certainly to Trustee Schmitz' point, I  
 4 think the motion, as intended, would give staff the  
 5 direction to move forward with that process, and it  
 6 could be brought back once we had some clarity  
 7 before anyone is additionally hired.  
 8 CHAIR DENT: Understood. Thank you for  
 9 weighing-in on that.  
 10 I will entertain a motion.  
 11 TRUSTEE TULLOCH: To clarify, do I need to  
 12 make several motions here or combine them?  
 13 MR. NELSON: It's your pleasure. You can  
 14 make a motion that covers all the requests, or any  
 15 number of them.  
 16 TRUSTEE TULLOCH: Thank you.  
 17 I'm not sure it's my pleasure, but I will  
 18 make an attempt. I'll defer to you, Trustee  
 19 Tonking.  
 20 TRUSTEE TONKING: I move that the Board  
 21 direct staff to add additional full-time, permanent  
 22 personnel to the finance department as necessary,  
 23 based on identified needs to meet the current and  
 24 expected future workload.  
 25 I direct staff to approve additional work

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1 CHAIR DENT: Motion's been made and  
 2 modified and seconded. Any further discussion by  
 3 the Board?  
 4 TRUSTEE NOBLE: One clarification with  
 5 regards to the special projects. Is that something  
 6 we're going to talk about tonight after the motion,  
 7 or is that something we're going to discuss in the  
 8 future? Because I'm looking at pages 9 through 10,  
 9 and we've got 29 different priorities, and beyond  
 10 just getting us back up to speed on day-to-day  
 11 operations, these seem to -- some seem to be highly  
 12 connected, others do not need, and so I don't know  
 13 if Mr. Magee needs direction with regards to those  
 14 priorities as well.  
 15 CHAIR DENT: Given the feedback from the  
 16 Board, I think the Board is okay with the priorities  
 17 that are laid out in here. But if the Board wants  
 18 to weigh-in after this motion --  
 19 Trustee Tonking, I saw you shaking your  
 20 head.  
 21 TRUSTEE TONKING: There's some I'd like to  
 22 move around. And I mentioned that earlier.  
 23 CHAIR DENT: So, yes, after this motion we  
 24 can --  
 25 Josh, after this motion, we can then move

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1 to prioritize the projects and give staff feedback;  
 2 correct?  
 3 MR. NELSON: Yeah, that's correct.  
 4 Although, that isn't identified, I don't believe, as  
 5 an action on the agenda.  
 6 CHAIR DENT: So then should we just pause  
 7 with the action and have this discussion right now?  
 8 MR. NELSON: I take it back. There's an  
 9 item for to provide direction on the Board's  
 10 priorities. So apologies, Chair.  
 11 I'd recommend we vote on the motion, and  
 12 then provide that direction.  
 13 CHAIR DENT: Perfect. Motion's been made  
 14 and seconded. Any further discussion by the Board?  
 15 All right. Seeing none, I'll call for  
 16 question. All those in favor, state aye.  
 17 TRUSTEE TONKING: Aye.  
 18 TRUSTEE TULLOCH: Aye.  
 19 TRUSTEE NOBLE: Aye.  
 20 TRUSTEE SCHMITZ: Aye.  
 21 CHAIR DENT: Aye.  
 22 Opposed? Motion passes, 5/0.  
 23 That will close out that portion of this  
 24 item. Moving on to the prioritization that starts  
 25 on page 9 and 10, the 29 items.

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1 Who would like to take the lead?  
 2 TRUSTEE NOBLE: I'm looking at -- I'll  
 3 take them in each tranche.  
 4 Numbers 1 through 8. All but number 3, I  
 5 would agree with those right now based on current  
 6 bandwidth with staff.  
 7 And looking at 9 through 15, at least 9,  
 8 10, 13, and 14, especially number 10, given the  
 9 concerns that Mr. Magee has highlighted with regards  
 10 to the Muni work flow and the duplication of effort  
 11 and stuff. I think that would help streamline the  
 12 workload that staff's currently encountering.  
 13 With regards to 16 through 29, I think  
 14 there's a lot of these that are worthwhile, but I  
 15 would propose tabling those for right now until we  
 16 can get these other ones done and just see where  
 17 we're at at that point, based on can we fill the  
 18 vacancies? Do we have the bandwidth internally to  
 19 do this? Because if we don't, is it still a  
 20 priority if we have to go out and contract to get  
 21 these things done? Because that dollar figure could  
 22 be tremendous.  
 23 It's not a knock on any of those, it's  
 24 just more I would like to get these other ones done  
 25 and over with before we tackle the others.

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1 Those are my thoughts.  
 2 TRUSTEE TONKING: I was going to say that  
 3 we should probably combine all the Munis ones, the  
 4 1, 8, and 10, as a whole Tyler Munis view. I don't  
 5 think these are going to be separated. I would put  
 6 them in a zero to three month priority.  
 7 I'm fine with food and beverage deep dive  
 8 as, like, low on that zero t three month list.  
 9 Like, I feel like there are some of these that are,  
 10 like, higher on it.  
 11 And I want to look at 9 through 15 as  
 12 fine.  
 13 But if we get over to that four to nine  
 14 month, and the six month plus, I think some of  
 15 these, we have to just think about that these are  
 16 going to be, like a year out. And a lot of these  
 17 can go together, like punch cards, just put that all  
 18 as one.  
 19 We have purchasing (inaudible) and P  
 20 cards, probably can throw a bunch of that together.  
 21 Like, some of these are just the same item, and,  
 22 like, we can make them a big item.  
 23 The other thing I have, Tyler invoicing  
 24 modal, like, hopefully that's something we can talk  
 25 about when we're doing the Tyler. It should

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1 probably, again, be part of that Tyler grouping.  
 2 And then some of them, the Transparent  
 3 Nevada one, I can -- it's just -- that it's a  
 4 vertical file, it just needs to go from vertical to  
 5 a horizontal file. I have work with them all the  
 6 time to get school district stuff. It's an annoying  
 7 manual labor thing, and it will take a few minutes.  
 8 I think some of these are, like, quick  
 9 fixes that I'm not even sure need to, like, we need  
 10 to be that alarmed about. Like, that can take -- I  
 11 can teach someone how to quickly do it, and it would  
 12 be fast.  
 13 So there is just some of those that I'm,  
 14 like, we can probably knock off the list. I'm a  
 15 little concerned as to why they're there.  
 16 But I would probably move everything that  
 17 medium term into more like a six months, and then  
 18 some of these in the 22 to 29, I'd put a year.  
 19 And then I would try to get all the Tyler  
 20 Munis in one setting, also, and maybe knowing that  
 21 we may have to extend the Tyler Munis contract a  
 22 little or think about it a little differently. But  
 23 a lot of these can be combined.  
 24 TRUSTEE TULLOCH: I think -- I'll take  
 25 Mr. Magee out of the crosshairs. I put the

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1 timelines on these, we had a discussion on the  
 2 priorities. Yeah, this is very much a first pass at  
 3 them.

4 I think immediate and the near-term  
 5 priorities, a couple of changes there, but, yes,  
 6 these are the ones that we really need to focus on.

7 As Director Magee mentioned earlier,  
 8 there's a lot of nice-to-haves, and once you get  
 9 past the immediate and near terms, there is some  
 10 that have been outstanding for long term and some  
 11 refinement in that.

12 I think it's -- my suggestion would be if  
 13 we're in alignment with these, the immediate and  
 14 near-term priorities, I think Director Magee can  
 15 take these away and start identifying the resourcing  
 16 levels required. Certainly, there is a lot of  
 17 urgent things there that we need to clean up.

18 I understand everyone's concerns about  
 19 this is going to cost money. And as a Scotsman, I  
 20 hate -- I probably hate spending money if I don't  
 21 need to. We have short arms and deep pockets for a  
 22 reason.

23 But, yeah, I think -- it's -- we've let  
 24 this come to head over several years. We've tried  
 25 to skimp on some of the actions necessary. We've

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1 driven -- we've had our finance group staff having  
 2 to work incredibly hard just to keep the lights on,  
 3 basically. I think we need to restore confidence in  
 4 the community that we have accurate and timely  
 5 financial reports. I don't think we can do it any  
 6 other way.

7 We're not just a Podunk organization;  
 8 we're a pretty big organization if you look at our  
 9 expenditure now.

10 I think we should move forward in that,  
 11 and I'll defer to Director Magee in identifying and  
 12 come back to the Board with what resources he  
 13 requires on it.

14 TRUSTEE SCHMITZ: On the first grouping, I  
 15 would agree that number 3, the deep dive, the  
 16 financials for food and beverage, first of all, we  
 17 need to have accurate financials, so let's focus on  
 18 that first. And let's do that as -- have it has a  
 19 deliverable as part of the golf season wrap up.  
 20 Handle it that way.

21 I'm not real clear on number 11 and 12.  
 22 They seemed a little ambiguous to me.

23 To me, OpenGov, number 15, that is a  
 24 priority because that is our public transparency  
 25 interface. So to me, that should be up on the zero

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1 to three months group because we've been told that  
 2 was going to be implemented and up and running in  
 3 June, I think.

4 Then going on to the second page, number  
 5 18, the facility fees being shown as revenues, this  
 6 has been an outstanding issue since the Moss Adams  
 7 report came out in early January of 2021. I would  
 8 say that has been a priority of the Board for many  
 9 years, so I'd like to at least see that handled.

10 I agree that 28 a 29 look like they are  
 11 Tyler Munis, that maybe they can be grouped together  
 12 and done while we have the consultants here and tick  
 13 those off.

14 Number 27 is -- you can scratch that from  
 15 your list. That was taken care of just by the  
 16 language, but we have a policy that needs to be  
 17 updated. That's under long range calendar parking  
 18 lot. I think you can remove that.

19 As it relates to 25, the Transparent  
 20 Nevada data, I would think if it's easy enough to  
 21 do, it should get done soon. My thought process is  
 22 there is that it might be needed for the due  
 23 diligence audit because that is a report of all of  
 24 the payments to personnel over the years, and it has  
 25 not been posted and made public since 2019. So I

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1 would think that might be a requirement, so let's  
 2 make sure that we get ahead of it and have that  
 3 taken care of.

4 With the punch cards, that, too, has been  
 5 outstanding since January of 2021, because there  
 6 were identified concerns and issues with how they  
 7 were being handled and how they were processed. And  
 8 do know that -- I believe I shared with you some of  
 9 the staff notes because I believe they had done some  
 10 element of work, but I think they ceased working on  
 11 that in, maybe, January of this year. But I think  
 12 that might move up a little bit on the priority  
 13 list, just given the understanding we have of the  
 14 issues related to the punch card accounting.

15 CHAIR DENT: I will definitely echo a lot  
 16 of what I just heard from all my colleagues.

17 When it comes Tyler Munis, I would like to  
 18 see this project put behind us. It's been almost a  
 19 year behind schedule right now. And would love to  
 20 see item 8, 10, 28, and 29 just all grouped and  
 21 knocked off this list.

22 I agree on holding on golf and food and  
 23 beverage operations and reconciling that and  
 24 bringing it back as a deliverable. I think that's  
 25 the right timing for that, and the numbers have been

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1 all over the board when it comes to that. They're  
2 on pace for a \$900-loss last year, then it's \$2,008.  
3 I just -- I have no clue how that is working, but  
4 sounds like we don't really know either because of  
5 our numbers and being able to get those.  
6 OpenGov, another big project. I think  
7 that's something that we should just have done. I  
8 think we pay an annual fee for that. I think we  
9 just did that a few months ago, and we were told it  
10 could be up in a couple of weeks. We're several  
11 months later, and here we are.  
12 The facility fees, this has been something  
13 we've been talking about for almost nine years now,  
14 and getting the facility fees taken out of revenue  
15 and actually showing that down below, below the  
16 line. So, I would love to see facility fees move,  
17 number 18.  
18 What do you need from us as far as clear  
19 direction? You've had feedback from all the  
20 trustees.  
21 MR. MAGEE: One comment I would like to  
22 make. I know that the IT team has been working  
23 diligently on the OpenGov. I do believe that  
24 OpenGov is functioning correctly now. I should have  
25 mentioned that as an update.

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1 consulting needs as required in order to keep  
2 operations going.  
3 That's what I heard today. I believe that  
4 direction from the Board is very clear. And so if I  
5 missed anything, please correct me.  
6 CHAIR DENT: I just want to take a step  
7 backwards. Audit Committee chair, Mr. Nolet, I  
8 would like to give you the floor. I jumped in and  
9 forgot about your hand being up and I had already  
10 called on you. So, please.  
11 MR. NOLET: I'm good. I endorse all the  
12 comments that were made, particularly grouping all  
13 the Tyler Munis in one project in the zero to three  
14 to six month category, unless, Bobby, those two  
15 modules were always projected to be scheduled out  
16 into the future. But certainly purchasing rollover  
17 process seems like something that's kind of core to  
18 maintaining the hygiene of the general ledger.  
19 MR. MAGEE: Yes. Through the Chair, I  
20 will say that we've already started working,  
21 actually, on the purchasing rollover process.  
22 I reached out to some of my colleagues,  
23 coincidentally, some of them that are going through  
24 a Munis implementation right now and were undergoing  
25 training. And I said, "Do you know guys know

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1 The issue is is that OpenGov is pulling  
2 the data directly out of Tyler. And so at this  
3 point, I think if we can get the Tyler data correct,  
4 you'll see it correct coming out of OpenGov. That  
5 kind of goes hand in hand.  
6 I certainly understand that the Board's  
7 number one priority is getting Tyler taken care of,  
8 put behind us, getting the data correct, that's what  
9 heard I also.  
10 I also heard return to the Board with  
11 recommendations on specific finance staff and what  
12 that would look like.  
13 I heard that the Board is directing staff  
14 to increase the Baker Tilly contract by \$40,000 in  
15 order to provide immediate assistance on the  
16 accounting and auditing side. The \$16,000 to Tyler  
17 to bring the implementation consultant back.  
18 Directed staff to begin developing a scope for an  
19 RFP for a forensic audit. And then directing staff  
20 to adjust the budget as necessary, obviously that  
21 will be placed on hold for a little bit. We will  
22 get that back to you when we have a firm  
23 understanding of exactly what needs to be brought  
24 back as part of a public hearing.  
25 And then to also identify any other

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1 anything about this?"  
2 And they said, "Coincidentally, we have  
3 training scheduled tomorrow, so I'll ask the Tyler  
4 people."  
5 We think we've identified some easy fixes  
6 on that purchasing rollover process, so that could  
7 certainly be grouped into grouping 1 as part of  
8 this. I would agree with you, I think that if  
9 there's an easier way to do it, then that should  
10 move to number 1, as opposed being a longer-term  
11 priority.  
12 The Tyler invoicing module, the reality of  
13 that is is Tyler is still working on that thing, and  
14 so it's probably not ready to go. That is the one  
15 item that I would recommend that we delay that a  
16 little bit. Let's make sure that they have it  
17 correct before we're implementing something that we  
18 don't know is a hundred percent ready to go.  
19 CHAIR DENT: One thing, just to keep the  
20 Board informed, as it relates to your list and  
21 durations and the timing and not going to tell you  
22 when you need to do some of these priorities as  
23 things work off your list and move forward. Bump  
24 them forward. Right?  
25 If we could get your list into the board

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1 packet. The one meeting when the general manager's  
2 report is there, I think just put in the back and  
3 then if the board members have questions, they can  
4 address them at that time. But it keeps everybody  
5 informed and up to speed as to where we're at and  
6 allowing us to check in with you through General  
7 Manager Bandelin just to make sure we're all on the  
8 same page and providing the support that's needed to  
9 accomplish the goal.

10 TRUSTEE SCHMITZ: Following up on your  
11 comment about the Tyler invoicing module, if we are  
12 converting over to the Tyler system and it doesn't  
13 have invoicing, what system will we be using for  
14 invoicing?

15 MR. MAGEE: Specifically what I'm  
16 referring to is Tyler is in the process of  
17 developing a piece of one of their modules which  
18 allows vendors to upload their own invoices into our  
19 system for us, which would eliminate the need for us  
20 to manually enter in those invoices on their behalf.  
21 So there is some technical issues that the Tyler  
22 folks have let me know they're working through. But  
23 we're quite excited to see what they come up with.

24 TRUSTEE SCHMITZ: Okay. Then the other  
25 thing -- I don't know whether it's a separate item,

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1 coordinating? Is he coordinating all of this? And  
2 is Mr. Magee physically here to watch over what's  
3 going on and make sure that things are getting  
4 implemented? That was the concern that I had.  
5 Who's watching the hen house? And who's going to be  
6 responsible for making sure all of these great  
7 things that you discuss are implemented? And if  
8 he's director of finance, I'm assuming he's here on  
9 a daily basis, as would most employees be.

10 That was just a question that someone  
11 sitting behind me had, and she had to leave. And  
12 then I thought, that's a great question. So somehow  
13 she would like that answered, so would I. I mean  
14 you've got these things lined out to do, but who's  
15 going to make sure that they get done?

16 Thank you.

17 DR. WYMAN: Andrew Wyman, 170 Village.  
18 This was an excellent meeting. I really  
19 do appreciate all of the content.

20 I would encourage you, in another issue,  
21 to seriously see if we can have a conversation about  
22 staff morale going forward. What are the things  
23 that this Board can do to improve staff morale?

24 Thank you.

25 MR. LYON: Jim Lyon, 929 Northwood

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1 but one of the things that I don't believe has been  
2 done yet is to identify the carryovers from capital  
3 improvement projects.

4 MR. MAGEE: We've been working diligently  
5 on that. I currently anticipate that that will be  
6 on the Board's agenda for August 30th. We did, what  
7 I hope is, a final review today.

8 TRUSTEE TULLOCH: With regard Tyler Munis,  
9 if it's still under development, please don't let it  
10 be serial number 001. I've done a couple  
11 implementations like that, and I don't recommend it.

12 CHAIR DENT: Anything else from the Board?  
13 That will close out our general business item C 3.  
14 Moving on to item D.

15 D. FINAL PUBLIC COMMENT

16 CHAIR DENT: Final public comment. Three  
17 minutes for public comment. Is there any public  
18 comment in the room?

19 MS. MARTINI: Very informative. Thank  
20 you, Trustee Tulloch, for putting this together and  
21 getting out -- everyone together.

22 My question is on Mr. Magee. Is Mr. Magee  
23 a full-time employee where he's here, implementing  
24 all of the information that he's put out tonight  
25 between Ray and Sara and Mr. Nolet? Who's

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1 Boulevard, Third Creek.  
2 This morning at Conversation Cafe, I  
3 mentioned something and a lot of people were  
4 surprised. And I thought I would just mention it  
5 here. For anybody listening or goes back and looks  
6 at the minutes, for the recall, I recommend that  
7 people that either signed or if they haven't signed,  
8 before they -- if they've already signed, go back  
9 and look at details in each one of the statements,  
10 accusations, hearsay, and things that are in those  
11 statements. And there's a lot of things in there  
12 that are not correct, they're wrong. I mean,  
13 they're misstated. And before you sign it, look and  
14 see what is being accused or is being put forward,  
15 and you'll find that there's a whole lot of problems  
16 with that.

17 And if you've already signed, you can get  
18 your signature removed from it. I don't know -- I  
19 didn't bring the paperwork with me, but it's easy.  
20 Apparently one person did it today with a phone  
21 call. And so it's pretty easy to do, apparently.

22 And I'd ask people to reconsider and look  
23 and see what's been claimed in those accusations.

24 MR. ALEXANDER: Mark Alexander, Crystal  
25 Bay.



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1 I just want to thank the board members for  
 2 what you're doing and keeping the spirit up and  
 3 moving forward. You're doing an excellent job, and  
 4 I really, really appreciate as a full-time resident.  
 5 Thank you.  
 6 CHAIR DENT: Any other public comment in  
 7 the room? Seeing none. It looks like we have one  
 8 caller on Zoom.  
 9 MS. KNAAK: Yolanda Knaak, Incline  
 10 Village. I live on Martis Peak.  
 11 And I just wanted to thank everyone,  
 12 especially the Audit Committee and the head of the  
 13 Audit Committee, of course, and also Trustee  
 14 Tulloch, also Mr. Magee and his department, and also  
 15 the Board. Thank you for working on this. This is  
 16 pretty shocking.  
 17 And I hope that things will be put in  
 18 place so that this kind of thing won't be missed in  
 19 the future.  
 20 Thank you so much.  
 21 CHAIR DENT: That will close out item D,  
 22 final public comment.  
 23 I want to thank everyone for their time.  
 24 I want to, once again, thank the finance department  
 25 and all the hard work they've been putting in, short

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1 staffed, and General Manager Bandelin, Director  
 2 Magee, and Trustee Tulloch.  
 3 E. ADJOURNMENT  
 4 CHAIR DENT: We are adjourned. It is  
 5 8:38.  
 6 (Meeting adjourned at 8:38 P.M.)  
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 2 STATE OF NEVADA )  
 3 COUNTY OF WASHOE ) ss.  
 4  
 5 I, BRANDI ANN VIANNEY SMITH, do hereby  
 6 certify:  
 7 That I was present on August 24, 2023, at  
 8 the Public Meeting, special meeting, via Zoom, and  
 9 took stenotype notes of the proceedings entitled  
 10 herein, and thereafter transcribed the same into  
 11 typewriting as herein appears.  
 12 That the foregoing transcript is a full,  
 13 true, and correct transcription of my stenotype  
 14 notes of said proceedings consisting of 115 pages,  
 15 inclusive.  
 16 DATED: At Reno, Nevada, this 28th day of  
 17 August, 2023.  
 18  
 19 /s/ Brandi Ann Vianney Smith  
 20  
 21 BRANDI ANN VIANNEY SMITH  
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# INVOICE

**BAVS SM-LLC**  
United States

**BILL TO**  
**Incline Village General Improvement District**  
Susan Herron  
  
775-832-1218  
AP@ivgid.org

**Invoice Number:** IVGID 2

**Invoice Date:** August 28, 2023

**Payment Due:** September 25, 2023

**Amount Due (USD): \$1,040.00**

Items	Quantity	Price	Amount
<b>Appearance fee</b> August 24, 2023 BOT meeting, special meeting	1	\$350.00	\$350.00
<b>Per page fee</b> August 24, 2023 BOT meeting, special meeting	115	\$6.00	\$690.00

**Subtotal:** \$1,040.00

**Total:** \$1,040.00

**Amount Due (USD): \$1,040.00**

Bill Fuhr's please put in  
the record

Why are you trying to destroy ~~this~~ <sup>the</sup> GID and our community? What is your plan? IVGID was not a train wreck, but you had made it one by forcing over 15 key employees out, and trying to make each venue a STAND ALONE PROFIT CENTER.

a. Kevin Lyons is on the City of Incline Committee? Are you trying to destroy our infrastructure so you can show the world we are no longer fit to be a general improvement district?

b. ~~Aaron Katz has said publicly that Incline Village is a fraud. He clearly wants to destroy our general improvement district.~~

c. We've heard rumors that Mr. Nolet may want to be the new GM? Is that why he is disparaging prior staff in his audit comments and trying to show us that he is most fit to be the GM? His comments are also breaking the Conduct policy, yet you fail to take action here too.

Incline Village General Improvement District has worked well for 62 years. A small group of people over the past 8 months are systematically trying to destroy it. A plethora of TALENTED employees have resigned or been forced out.

2

PLEASE STOP THIS NONSENSE! Listen to the pulse of the community?!!!

SOMETHING is not right in Incline Village with the decisions being made by Trustees Schmitz, Dent and Tulloch.

Please start listening to trustees NOBLE AND TONKING!!!

Community members: Please Listen and heed the public comments of community members who have been residents for 30, 40, 50 years.

THERE IS SO MUCH GOOD ABOUT INCLINE VILLAGE AND IT FEELS LIKE SOMETHING IS TRULY ROTTEN ABOUT THE BOARD.

I'm submitting into the record to be published these 3 signed letters from Dee Carey to Cliff Dobler documenting his misconduct.

Also submitted into evidence for the record is Dee Carey's letter of resignation and I will close reading excerpts from her letter. She could not be here tonight but ~~have~~ <sup>has</sup> given me the following to state on her behalf:

“Leaving IVGID was a very difficult decision for me. I left because of the micromanaging of Trustee Sara Schmitz, who I did not clearly point out in my letter of resignation. I gave her the professional courtesy of having verbal conversation and told her as such. She didn't care. I know of other employees who left because of the board's micromanaging and lack of trust in their professional experience and knowledge. As the previous Director of Human Resources, I am not afraid to stand up and speak out when it is appropriate and share my experience. Sorry I couldn't be there in person but since I am out of town feel free to read my letter of resignation on my behalf. “

Exerts read....

Carey letter of resignation

December 18, 2020

To: Indra Winqest  
General Manager

From: Dee Carey  
Director of Human Resources

It is with mixed emotions that I am resigning from my position as the Director of Human Resources. I have a wonderful unexpected opportunity fall on my lap with a private organization where I will be building a Human Resources department from the ground up. Although this is a great opportunity for my professional career, I most likely would not be leaving the District if it were not for some members of the Board that do not understand their role as elected officials.

I have really enjoyed working beside a great professional group of men and women with the District for the last twelve years. I appreciate what I have learned from the public sector and I am very proud to have worked for such a wonderful fiduciary responsible organization, who is one of the most respected in the State of Nevada.

The members of the board come and go and the staff is the constant for the District. It is unfortunate when the swings of the boards have such a negative impact on the staff's morale. The lack of trust, restrictions to let the professional staff perform their jobs to the best of their abilities, undermining and micromanaging by the board, audit committee members and some extremely disrespectful community members take their toll on staff and make this decision easier. I personally am losing steam in keeping the staff motivated and communicating that the board has confidence in the talent, experience, and expertise of the District personnel.

Please know that I have truly enjoyed working with the employees at the District, but more recently, I do not like the way I feel coming into work, reasons described above, it is having a personal effect on me. This change for me will be a shift in my quality of life, for my family and for my overall happiness.

I must state that I have enjoyed working beside Indra Winqest and it is extremely hard for me to leave him as the General Manager. I have a ton of respect and loyalty for him. Indra is a man that is honest, intelligent, confident, engaged, direct, professional, and an optimistic leader and if given the opportunity to perform his professional duties, he will do great things for the future of the District.

My last day will be Wednesday January 20, 2020, however I will be happy to take calls and assist in any way that I can once I have departed.

Regards,

  
Dee Carey

Cc: Board of Trustees

## MEMORANDUM

**TO:** Board of Trustees

**FROM:** Indra Winquest  
Interim General Manager

**SUBJECT:** General Manager's Status Report  
Prepared for the meeting of February 12, 2020

**DATE:** February 5<sup>th</sup>, 2020

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### Capital Projects Update February 5, 2020

#### Design

##### Championship Golf Maintenance Building Drainage and Washpad Improvements

A 2020 Capital Improvement Project, this project will improve surface and sub-surface drainage, construct a modern wash pad facility, and spot treat pavement failures at the Championship Golf Maintenance Building. An engineering consultant has been hired to complete the design and currently working with staff to develop construction documents for bidding in Spring 2020 and construction in Summer/Fall 2020.

##### Martis Peak Road - Water Main Replacement

A 2020 Capital Improvement Project, this project includes slip lining a 14-inch water main under State Route 28 and replacing aging steel water main in Martis Peak Road and Rifle Peak Court. IVGID Engineering staff is completing the design and is on schedule to bid in Spring 2020 and construction in Summer/Fall 2020.

##### Tennis Center Renovation

The Board approved on June 19 for staff to begin the design of the tennis center renovation. The architectural, design and permitting services scope of work was approved at the August 14 BOT meeting with the removal of Bocce Courts. The key project objectives are renovation of the pro-shop buildings and surrounding site to renovate aging restrooms, expand the pro-shop by enclosing outdoor kitchenette area, expand and enhance the deck area, improve wayfinding and flow of traffic through the Tennis Center. The Board selected a design development alternative on November 13. Engineering staff has review 50% Design construction documents and returned comment to the Architect. Project permitting will occur in the coming months and the final design is tentatively scheduled to be presented to the Board on March 11<sup>th</sup>, prior to advertising for bids.

#### Construction

##### WRRF Aeration System Improvements

The aeration process of wastewater treatment supplies oxygen to facilitate the biological activity that converts raw sewage into treated wastewater effluent. The plant has six-200,000-gallon aeration basins with two jet aeration clusters per basin. These clusters utilize

pressurized air to mix and recirculate the wastewater and provide the necessary oxygen to the microorganisms. The pressurized air is delivered by multistage centrifugal blowers that are metered by electronically operated valves in order to keep the correct balance of oxygen in the aeration basins at all times. This project funds the design and replacement of the aeration system equipment at the WRRF. The Board awarded the construction contract to the lowest responsive bidder, KG Walters, on December 11. A preconstruction meeting was held on January 15, 2020 and the Contractor is currently preparing submittals for all the required equipment. Contractor is scheduled to mobilize to the site in mid-March and the project will continue until December 2020.

#### Water Reservoir Safety and Security Improvements

This project would replace the ladders that access the top of the water reservoirs, install intermediate access platforms, install protective railings and install new fall protection devices. The exterior access to the roof area is required to meet the needs of the District to monitor the water quality in the reservoirs and perform routine repairs to radio communication equipment. The ladders also need to be secured from access by the public. The reservoir ladders, fall protection, platforms, and protective railings will meet the current Occupational Safety and Health Administration (OSHA) safety standards. The Board awarded the contract to Resource Development Company on April 10, 2019. Construction began this summer and is expected to be substantially complete by June 30, 2020.

#### WPS 2-1 Incline – (Adjacent to Burnt Cedar Beach)

Water Pump Station 2-1 (WPS 2-1) is located at the Burnt Cedar Water Disinfection Plant (BCWDP) and pumps the disinfected potable water into the water distribution system to serve Incline Village and Crystal Bay. WPS 2-1 was largely constructed in 1972 with minor upgrades in 1995 and 2012. The electric motor control centers (MCCs) and switchgear at WPS 2-1 date to the original 1972 installation. This equipment does not meet modern OSHA requirements for Arc Flash safety and the MCCs and switchgear is at the end of its service life and no longer supported by the respective manufacturers. Jacobs Engineering completed the design. The Board awarded the contract on August 28, 2019 to San Joaquin Electric. Notice to proceed was issued on September 9 and project completion is April 2020. An onsite construction coordination meeting occurred on January 22, 2019. Currently equipment cut-over is scheduled for the week of February 24<sup>th</sup>.

#### Mountain Course Clubhouse Renovation

On August 11, 2018 a fire occurred in the Mountain Course Clubhouse which led to the closing of the kitchen area. The Board approved renovation plans include a revised allocation of floor space, changes to access and substantial change to customer flow. A new ADA accessibility to the lower level for food service and construction of a new and expanded deck and the installation of new windows and doors. The Board approved the design on May 22, 2019 and authorized advertising for bids which then occurred on June 21, 2019. The Board awarded the construction contract to Houston Smith Construction at the August 14 BOT meeting. Project is currently in construction with grading, utilities, decking and paving complete. Winter work will be the interior renovation.



IVGID Recreation Center Paver Entrance

A 2020 Capital Improvement Project to replace the cracking concrete entrance at the IVGID Recreation Center with concrete pavers. Engineering staff has completed design and project will bid this Spring with an anticipated start date of May 4, 2020.

IVGID Recreation Center Site Lighting Replacement

A 2020 Capital Improvement Project to replace bollard and site lights with modern LED fixtures. An outside Electrical Engineering firm has completed design and project will bid this Spring with an anticipated start date of May 4, 2020.

Incline Village Bocce Courts

At the August 14, 2019 Board of Trustees meeting, the Board prioritized construction of bocce courts. Two bocce courts were initially included in the Tennis Center remodel but were removed in favor of maintaining the existing hitting wall. At the November 13, 2019 Board of Trustees meeting a preferred site was selected adjacent to the IVGID Recreation Center. Engineering staff has completed design and project will bid this Spring with an anticipated start date of June 1, 2020.

**Items of Note**

Burnt Cedar Pool Project Update

Staff is in the final stages of creating an advisory committee that will include staff, board and members of the community. There will be several meetings to discuss the future of the project as well as to determine a range of possibilities for replacement of the pool. Staff is planning to bring back recommendations over the winter with the hope to send out an RFQ for potential firms interested in the design process in the spring of 2020. Staff will continue to update the board and community.

No Smoking Policy Development

In coordination with the North Lake Tahoe Fire Protection District, Staff is working on developing a potential "No Smoking" policy that could apply to all IVGID facilities and venues. There has been recent legislation that refers to smoking near vegetation and this has been a topic of discussion in the community for quite some time. Staff is planning to bring a formal resolution/policy to the Board of Trustees in March.

Update on Mountain Golf Course Maintenance Building Electrical Evaluation

District Staff contracted with an MSA Engineering Consultants to perform a feasibility study for installation of improvements at the Mountain Golf Course to accommodate an electrical fleet of golf carts. The current fleet of golf carts are gasoline and are serviced from the Maintenance Building. It is not known at this time the extent of building modifications that may be required by Washoe County or North Lake Fire Protection District. This report was to determine the potential cost and feasibility of switching to an electrical charging system to support electrical golf carts; construction costs at this time are estimated at \$240,000.

### Update on Bar Services Contract at Burnt Cedar and Incline Beaches

As discussed at the December 11, 2019 BOT meeting, after much consideration and discussion, the district has decided to offer an extension to Incline Spirits to continue to operate the Incline and Burnt Cedar Bar concessions. Staff considered the anticipation of upcoming projects including the potential replacement of the Incline Beach House and the Burnt Cedar Pool, it would be challenge for any new private contractor to assume the contract at this point in time. Staff and the Board agree that a formal process needs to be developed in relation to the frequency that the Districts goes out to Request for Proposal (RFP) for contract services. Staff is currently in the process of working with Incline Spirits on finalizing a two year extension to the existing agreement.

### Update on Potential Dog Park Site

Staff met with staff from the USFS on January 27<sup>th</sup> to kick off discussions about entering into a special use permit for use of the 14 acre parcel across the street from Incline High School. Staff will be meeting with USFS staff for a site visit in mid-February. Staff will continue to provide updates on these discussions.

### Update of Diamond Peak's Season to Date

Skier visits for the month of January were 28,735, 4% down for the 10 year average and 15% down within the 5 year average visit count. 8,300 of the total monthly visit count fell within the first week of January. The total visit count of 6,400 during the MLK weekend was 12% better than the 10 year average. Season to date skier visit counts are about average for this time of year. Year to date season pass sales through January have increased by 34% over last season through January for a total of 6,563 passes sold with 2,936 of those being resident passes.

Unfortunately, we saw only one good snowstorm that came in on January 16<sup>th</sup> leaving 15" of snow other than that we have been relatively dry for the month. Ski area staffing levels are on target as we prepare for the Presidents Holiday week which begins on February 15<sup>th</sup> through February 23<sup>rd</sup>, during the nine day period we plan to provide a great experience to over 17,000 visitors.

### Financial Transparency

The OpenGov Transparency Tool has been down intermittently after a software update to the integration module in December 2019. Staff is working with the engineers at OpenGov and have created a temporary solution so the reporting tool is now available to the public.

The December 2020 Monthly District Financial reports are posted on the Financial Transparency page <https://www.yourtahoepace.com/ivgid/financial-transparency>.

The Accounting Staff is currently closing the month of January 2020 and plan to distribute the financials and update OpenGov by Friday, February 15, 2020. As of the writing of this status report, the preliminary revenue for the month of January 2020 indicate all Community Service Venues exceeded budget.

### Incline Village Bocce Courts

At the August 14, 2019 Board of Trustees meeting, the Board prioritized construction of bocce courts. Two bocce courts were initially included in the Tennis Center remodel but were removed in favor of maintaining the existing hitting wall. At the November 13, 2019 Board of Trustees meeting a preferred site was selected adjacent to the IVGID Recreation Center. Engineering staff has completed design and project will bid this Spring with an anticipated start date of June 1, 2020.

## **Priority Projects & Items**

### Burnt Cedar Pool Project Update

Staff is in the final stages of creating an advisory committee that will include staff, board and members of the community. There will be several meetings to discuss the future of the project as well as to determine a range of possibilities for replacement of the pool. Staff is planning to bring back recommendations over the winter with the hope to send out an RFQ for potential firms interested in the design process in the spring of 2020. Staff will continue to update the board and community.

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### Diamond Peak Ski Season 2019/2020

As of February 17, the ski area season to date total skier visit count is at 79,191 with 72 days of operation, nearly identical to the same period last year with 77,559 and 67 days of operation. During Community Appreciation week beginning on February 3<sup>rd</sup> through the 9<sup>th</sup> we provided 1,539 free lift tickets to our residents as compared to last season during the appreciation week 2,660 lift tickets were provide in appreciation to our residents. The ski area has not seen any substantial snow since January 15<sup>th</sup>. Although there has been a lack of natural snow, the conditions on the groomed trails are excellent. We have heard lots of compliments from our pass holders on the quality of snow and the grooming of the trails. An update on the President's week holiday period will be included in following General Manager's status report.

### Water Reservoir Safety and Security Improvements

This project would replace the ladders that access the top of the water reservoirs, install intermediate access platforms, install protective railings and install new fall protection devices. The exterior access to the roof area is required to meet the needs of the District to monitor the water quality in the reservoirs and perform routine repairs to radio communication equipment. The ladders also need to be secured from access by the public. The reservoir ladders, fall protection, platforms, and protective railings will meet the current Occupational Safety and Health Administration (OSHA) safety standards. The Board awarded the contract to Resource Development Company on April 10, 2019. Construction began this summer and is expected to be substantially complete by June 30, 2020.

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Water Pump Station 2-1 (WPS 2-1) is located at the Burnt Cedar Water Disinfection Plant (BCWDP) and pumps the disinfected potable water into the water distribution system to serve Incline Village and Crystal Bay. WPS 2-1 was largely constructed in 1972 with minor upgrades in 1995 and 2012. The electric motor control centers (MCCs) and switchgear at WPS 2-1 date to the original 1972 installation. This equipment does not meet modern OSHA requirements for Arc Flash safety and the MCCs and switchgear is at the end of its service life and no longer supported by the respective manufacturers. Jacobs Engineering completed the design. The Board awarded the contract on August 28, 2019 to San Joaquin Electric. Notice to proceed was issued on September 9 and project completion is April 2020. An onsite construction coordination meeting occurred on January 22, 2019. Currently, equipment cut-over is scheduled for the week of February 24<sup>th</sup>.

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On August 11, 2018 a fire occurred in the Mountain Course Clubhouse which led to the closing of the kitchen area. The Board approved renovation plans include a revised allocation of floor space, changes to access and substantial change to customer flow. A new ADA accessibility to the lower level for food service and construction of a new and expanded deck and the installation of new windows and doors. The Board approved the design on May 22, 2019 and authorized advertising for bids which then occurred on June 21, 2019. The Board awarded the construction contract to Houston Smith Construction at the August 14 BOT meeting. Project is currently in construction with grading, utilities, decking and paving complete. Framing, plumbing, mechanical and electrical work are more than 50% complete. Windows, doors, flooring and painting will follow that work.

### IVGID Recreation Center Paver Entrance

A 2020 Capital Improvement Project to replace the cracking concrete entrance at the IVGID Recreation Center with concrete pavers. Engineering staff has completed design and project will bid this Spring with an anticipated start date of May 4, 2020.

### IVGID Recreation Center Site Lighting Replacement

A 2020 Capital Improvement Project to replace bollard and site lights with modern LED fixtures. An outside Electrical Engineering firm has completed design and project will bid this Spring with an anticipated start date of May 4, 2020.

The WRRF Effluent Storage Alternative Analysis Memorandum, September 2018, recommends a reinforced concrete or the combination of concrete and shotcrete lining that provides the best long term value, maximizes storage volume, and has low maintenance to keep in service. District staff has obtained a project scope of work to prepare a bid package for all civil, mechanical and electrical engineering design work. The effluent pond lining project also includes upgrading the existing effluent pond pumping station to current pumping and electrical standards to pump the effluent back into the effluent export pipeline.

### Effluent Export System – Segment 3 Priority Replacement 5100 lf

District staff provided a detailed Effluent Export Project update to the Board of Trustees on January 29, 2020. The Board packet from that meeting contains the scope of projects for pipeline replacement and rehabilitation and effluent pond lining, possible project schedules, potential partnering options for funding and how we arrived at those decisions. The immediate priority is to replace all of the remaining Segment 3 pipeline (12,385 linear feet) and to make immediate repairs to the Segment 2 pipeline (17,314 linear feet) to extend its life and mitigate a potential future leak site. The project timeline is to accomplish this over two or three construction seasons from 2021 to 2023. The two major scenarios presented to the Board on January 29 was what does the project look like with the effluent pipeline co-located with the Central Corridor SR-28 Multi-Use Path and what it looks like if the District proceeds without partnership. Whether co-location is chosen or not, the District can replace the 5,067 linear feet of export pipeline in SR-28 in 2021 to accomplish the project goals and priorities without impacting future decisions for co-locating. The 2021 priority will be to replace a total of 5067 linear feet of Segment 3 export pipeline in State Route 28 located in Carson County, south of the Secret Harbor Parking Lot. The pipeline replacement is split into two priority sections, 3957 lf and 1110 lf. Staff has obtained a scope of services to complete the design and permitting of the replacement/rehabilitation of 5067 lf of segment 3 effluent export pipeline.

## **Construction**

### WRRF Aeration System Improvements

The aeration process of wastewater treatment supplies oxygen to facilitate the biological activity that converts raw sewage into treated wastewater effluent. The plant has six-200,000-gallon aeration basins with two jet aeration clusters per basin. These clusters utilize pressurized air to mix and recirculate the wastewater and provide the necessary oxygen to the microorganisms. The pressurized air is delivered by multistage centrifugal blowers that are metered by electronically operated valves in order to keep the correct balance of oxygen in the aeration basins at all times. This project funds the design and replacement of the aeration system equipment at the WRRF. The Board awarded the construction contract to the lowest responsive bidder, KG Walters, on December 11. A preconstruction meeting was held on January 15, 2020 and the Contractor is currently preparing submittals for all the required equipment. Contractor is scheduled to mobilize to the site in mid-March and the project will continue until December 2020.

## MEMORANDUM

**TO:** Board of Trustees

**FROM:** Indra Winquest  
Interim General Manager

**SUBJECT:** General Manager's Status Report  
Prepared for the meeting of February 26, 2020

**DATE:** February 19<sup>th</sup>, 2020

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### **Capital Projects Update February 19, 2020**

#### **Design**

##### Championship Golf Maintenance Building Drainage and Washpad Improvements

A 2020 Capital Improvement Project, this project will improve surface and sub-surface drainage, construct a modern wash pad facility, and spot treat pavement failures at the Championship Golf Maintenance Building. An engineering consultant has been hired to complete the design and currently working with staff to develop construction documents for bidding in Spring 2020 and construction in Summer/Fall 2020.

##### Martis Peak Road - Water Main Replacement

A 2020 Capital Improvement Project, this project includes slip lining a 14-inch water main under State Route 28 and replacing aging steel water main in Martis Peak Road and Rifle Peak Court. IVGID Engineering staff is completing the design and is on schedule to bid in Spring 2020 and construction in Summer/Fall 2020.

##### Tennis Center Renovation

The Board approved on June 19 for staff to begin the design of the tennis center renovation. The architectural, design and permitting services scope of work was approved at the August 14 BOT meeting with the removal of Bocce Courts. The key project objectives are renovation of the pro-shop buildings and surrounding site to renovate aging restrooms, expand the pro-shop by enclosing outdoor kitchenette area, expand and enhance the deck area, improve wayfinding and flow of traffic through the Tennis Center. The Board selected a design development alternative on November 13. Engineering staff has review 50% Design construction documents and returned comment to the Architect. Project permitting will occur in the coming months and the final design is tentatively scheduled to be presented to the Board on March 11<sup>th</sup>, prior to advertising for bids.

##### Effluent Export System - Pond Lining

A component of the Water Resource Recovery Facility (WRRF) operation is a non-permitted 2.4 million gallon effluent storage basin located adjacent to the wastewater resource recovery facility (Plant). This storage basin was designed to provide automated and passive back-up effluent storage in the event the Plant's 500,000 gallon effluent storage tank fills to capacity.

### **Financial Transparency**

The January 2020 Monthly District Financial reports are posted on the Financial Transparency page <https://www.yourtahoeplace.com/ivgid/financial-transparency> and OpenGov has been updated.

District Net Operating sources over uses exceeded budget for the month due to Diamond Peak ancillary revenue continuing to exceed budget from lessons, rentals, and food & beverage while admissions were flat for the month. The internal services revenues continue to be under due to Staff vacancies causing reduced services. The extra miscellaneous revenue items are primarily due to insurance proceeds for the Mountain Course fire. Services and Supplies are under budget and due to temporary timing. Capital Expenditures noted are only for the General Fund and budgeted evenly over the fiscal year. While extra was spent on the approved server replacement, other projects have not started which is causing the temporary timing variance for Capital Expenditures.

## MEMORANDUM

**TO:** Board of Trustees

**FROM:** Indra Winquest  
Interim General Manager

**SUBJECT:** General Manager's Status Report  
Prepared for the meeting of March 11, 2020

**DATE:** March 11, 2020

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### **Capital Projects Update March 4, 2020**

#### **Design**

##### Championship Golf Maintenance Building Drainage and Washpad Improvements

A 2020 Capital Improvement Project, this project will improve surface and sub-surface drainage, construct a modern wash pad facility, and spot treat pavement failures at the Championship Golf Maintenance Building. An engineering consultant has been hired to complete the design and currently working with staff to develop construction documents for bidding in Spring 2020 and construction in Summer/Fall 2020.

##### Martis Peak Road - Water Main Replacement

A 2020 Capital Improvement Project, this project includes slip lining a 14-inch water main under State Route 28 and replacing aging steel water main in Martis Peak Road and Rifle Peak Court. IVGID Engineering staff is completing the design and is on schedule to bid in Spring 2020 and construction in Summer/Fall 2020.

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##### Effluent Export System - Pond Lining

A component of the Water Resource Recovery Facility (WRRF) operation is a non-permitted 2.4 million gallon effluent storage basin located adjacent to the wastewater resource recovery facility (Plant). This storage basin was designed to provide automated and passive back-up effluent storage in the event the Plant's 500,000 gallon effluent storage tank fills to capacity. The WRRF Effluent Storage Alternative Analysis Memorandum, September 2018,



recommends a reinforced concrete or the combination of concrete and shotcrete lining that provides the best long term value, maximizes storage volume, and has low maintenance to keep in service. This design scope of work was on the Agenda for the 2/28/2020 Board Meeting. The Board has placed this project on hold pending the hiring of a Project Manager to conduct a complete project review of the Effluent Export Project.

Effluent Export System – Segment 3 Priority Replacement 5100 lf

District staff provided a detailed Effluent Export Project update to the Board of Trustees on January 29, 2020. The immediate priority is to replace all of the remaining Segment 3 pipeline (12,385 linear feet) and to make immediate repairs to the Segment 2 pipeline (17,314 linear feet) to extend its life and mitigate a potential future leak site. The project timeline is to accomplish this over two or three construction seasons from 2021 to 2023. The 2021 priority will be to replace a total of 5067 linear feet of Segment 3 export pipeline in State Route 28 located in Carson County, south of the Secret Harbor Parking Lot. This design scope of work was on the Agenda for the 2/28/2020 Board Meeting. The Board has placed this project on hold pending the hiring of a Project Manager to conduct a complete project review of the Effluent Export Project.

**Construction**

WRRF Aeration System Improvements

The aeration process of wastewater treatment supplies oxygen to facilitate the biological activity that converts raw sewage into treated wastewater effluent. The plant has six-200,000-gallon aeration basins with two jet aeration clusters per basin. These clusters utilize pressurized air to mix and recirculate the wastewater and provide the necessary oxygen to the microorganisms. The pressurized air is delivered by multistage centrifugal blowers that are metered by electronically operated valves in order to keep the correct balance of oxygen in the aeration basins at all times. This project funds the design and replacement of the aeration system equipment at the WRRF. The Board awarded the construction contract to the lowest responsive bidder, KG Walters, on December 11<sup>th</sup>. A preconstruction meeting was held on January 15, 2020 and the Contractor is currently preparing submittals for all the required equipment. The project will continue until December 2020.

K. G. Walters Construction Contract Status:

Original Contract Amount	Change Orders	Current Total Contract Amount	Total Payments for Work Completed to Date	Current Balance to Completion (including retainage)
\$1,508,500	\$0	\$1,508,500	\$0	\$1,508,500

Water Reservoir Safety and Security Improvements

This project would replace the ladders that access the top of the water reservoirs, install intermediate access platforms, install protective railings and install new fall protection devices. The exterior access to the roof area is required to meet the needs of the District to monitor the water quality in the reservoirs and perform routine repairs to radio communication equipment. The ladders also need to be secured from access by the public. The reservoir ladders, fall protection, platforms, and protective railings will meet the current Occupational Safety and Health Administration (OSHA) safety standards. The Board awarded the contract to Resource Development Company on April 10, 2019 for 10 of 13 reservoirs. Construction begins this summer and is expected to be substantially complete by September 30, 2020.

Resource Development Construction Contract Status:

Original Contract Amount	Change Orders	Current Total Contract Amount	Total Payments for Work Completed to Date	Current Balance to Completion (including retainage)
\$362,600	\$0	\$362,600	\$0	\$362,600

WPS 2-1 Incline – (Adjacent to Burnt Cedar Beach)

Water Pump Station 2-1 (WPS 2-1) is located at the Burnt Cedar Water Disinfection Plant (BCWDP) and pumps the disinfected potable water into the water distribution system to serve all customers. WPS 2-1 was largely constructed in 1972 with minor upgrades in 1995 and 2012. The electric motor control centers (MCCs) and switchgear at WPS 2-1 date to the original 1972 installation. This equipment does not meet modern OSHA requirements for Arc Flash safety and the MCCs and switchgear are at the end of its service life and no longer supported by the respective manufacturers. Jacobs Engineering completed the design. The Board awarded the contract on August 28, 2019 to San Joaquin Electric. Notice to proceed was issued on September 9, 2019 and project completion scheduled for April 2020. Equipment cut-over occurred the week of March 2<sup>nd</sup> and startup and testing is scheduled for the week of March 9<sup>th</sup>.

San Joaquin Construction Contract Status:

Original Contract Amount	Change Orders	Current Total Contract Amount	Total Payments for Work Completed to Date	Current Balance to Completion (including retainage)
\$291,000	\$0	\$291,000	\$175,275	\$115,725

Mountain Course Clubhouse Renovation

On August 11, 2018 a fire occurred in the Mountain Course Clubhouse which led to the closing of the kitchen area. The Board approved renovation plans include a revised allocation of floor space, changes to access and substantial change to customer flow. A new ADA accessibility to the lower level for food service and construction of a new and expanded deck and the installation of new windows and doors. The Board approved the design on May 22, 2019 and authorized advertising for bids which then occurred on June 21, 2019. The Board awarded the construction contract to Houston Smith Construction at the August 14, 2019 BOT meeting. Project is currently in construction with grading, utilities, decking and paving complete. Framing, plumbing, mechanical and electrical work are more than 50% complete. Windows and doors were installed the week of March 2<sup>nd</sup> and flooring and built in cabinetry is scheduled for the week of March 9<sup>th</sup>.

Houston-Smith Construction Contract Status:

Original Contract Amount	Change Orders	Current Total Contract Amount	Total Payments for Work Completed to Date	Current Balance to Completion (including retainage)
\$1,006,000	\$47,733	\$1,053,733	\$510,015	\$543,717

IVGID Recreation Center Paver Entrance

A 2020 Capital Improvement Project to replace the cracking concrete entrance at the IVGID Recreation Center with concrete pavers. Engineering staff has completed design and the project is currently being bid. Anticipated start of construction is May 4, 2020.

IVGID Recreation Center Site Lighting Replacement

A 2020 Capital Improvement Project to replace bollard and site lights with modern LED fixtures. An outside Electrical Engineering firm has completed design and project is currently being bid. Anticipated start of construction is May 4, 2020.

Incline Village Bocce Courts

At the August 14, 2019 Board of Trustees meeting, the Board prioritized construction of bocce courts. Two bocce courts were initially included in the Tennis Center remodel but were removed in favor of maintaining the existing hitting wall. At the November 13, 2019 Board of Trustees meeting a preferred site was selected adjacent to the IVGID Recreation Center. Engineering staff has completed design and the project is currently being bid. Anticipated start of construction is June 1, 2020.

## **Priority Projects & Items**

### **Burnt Cedar Pool Project Update**

Staff is in the final stages of creating an advisory committee that will include staff, board and members of the community. There will be several meetings to discuss the future of the project as well as to determine a range of possibilities for replacement of the pool. Staff is planning to bring back recommendations over the winter with the hope to send out an RFQ for potential firms interested in the design process in the spring of 2020. Staff will continue to update the board and community.

### **Update on Potential Dog Park Site**

Staff met with staff from the USFS on January 27<sup>th</sup> to kick off discussions about entering into a special use permit for use of the 14-acre parcel across the street from Incline High School. Staff will be meeting with USFS staff for a site visit in mid-February. Staff will continue to provide updates on these discussions.

### **No Smoking Policy Development**

In coordination with the North Lake Tahoe Fire Protection District, Staff is working on developing a potential "No Smoking" policy that could apply to all IVGID facilities and venues. There has been recent legislation that refers to smoking near vegetation and this has been a topic of discussion in the community for quite some time. Staff is planning to bring a formal resolution/policy to the Board of Trustees in late March.

### **Diamond Peak Ski Season 2019/2020**

The Presidents week was as expected for this season, nice weather and great conditions allowed the ski area to provide an excellent product to our community members and customers. During the three day weekend we saw 7,900 skier visits as compared to 7,300 for the weekend last year including our second 3000+ skier day of the season on Sunday February 16<sup>th</sup>. The other 3000+ day fell on December 28<sup>th</sup>. The total visit count for the 9 day period was 16,540, about 4% below the average. During February the total visit count was 31,012 nearly identical to last year and 1,400 ski visits better than February 2018 when the winter was the same as far as snow days as this season. The ski area through February had 85 days of operation with a total visit count of 91,295 as compared to last year with 91,723 total visits. Revenue for the month was on target with projections and year to date revenue is better than projections. You can view all financial data for the ski area on the IVGID web page <https://inclinevillagegidnv.opengov.com/transparency>.

### **Effluent Pond Lining Project – 2599SS2010 (this is a new capital project #) – PO#**

On February 27, 2020, Staff set up a new capital project for the Effluent Pond Lining and that project number is noted above. It has been set up as an unbudgeted project for the time being and until we allocate funding to it.

Vendor	Amount	Date Approved by the BOT	Start Date	Spent to Date	Balance Remaining

**Financial Transparency**

The January 2020 Monthly District Financial reports are posted on the Financial Transparency page <https://www.yourtahoeplace.com/ivgid/financial-transparency> and OpenGov has been updated.

District Net Operating sources over uses exceeded budget for the month due to Diamond Peak ancillary revenue continuing to exceed budget from lessons, rentals, and food & beverage while admissions were flat for the month. The internal services revenues continue to be under due to Staff vacancies causing reduced services. The extra miscellaneous revenue items are primarily due to insurance proceeds for the Mountain Course fire. Services and Supplies are under budget and due to temporary timing. Capital Expenditures noted are only for the General Fund and budgeted evenly over the fiscal year. While extra was spent on the approved server replacement, other projects have not started which is causing the temporary timing variance for Capital Expenditures.

**MEMORANDUM**

**TO:** Board of Trustees

**FROM:** Indra Winqest  
Interim General Manager

**SUBJECT:** General Manager's Status Report  
Prepared for the meeting of April 1, 2020

**DATE:** March 25, 2020

**Interim General Manager & Board of Trustees Priority Projects & Tasks**

ACTION ITEM	TARGET DATE COMPLETION	RESPONSIBLE PARTY	STATUS
Filing of Preliminary Budget to Department of Taxation by 4/15/2020	4/15/2020	GM Winqest/Director of Finance Navazio/Board of Trustees	CIP Presentation on agenda for 4/1/2020. Operating Budgets presented 3/11/20
Effluent Pond Lining Project	TBD	GM Winqest/Director of PW Pomroy Trustees Wong/Dent	Scope of Services being developed for Project Review/Manager. Need USACE Partnership Agreement
Effluent Pipeline Project	TBD	GM Winqest/Director of PW Pomroy Trustees Wong/Dent	Scope of Services being developed for Project Review/Manager.
USFS Parcel Acquisition	Ongoing	GM Winqest	In discussions with USFS to begin process of filing a special use permit. Will be delayed as a result of COVID-19
Burnt Cedar Pool Project	10/31/2021	Engineering/GM Winqest	Will be going out to RFQ for a design team. Need to set up GM advisory committee meeting. May be slightly delayed as a result of COVID-19
Guest Access Ticket Revision	4/1/2020	GM Winqest	Will include details of new process in GM Report on 4/1
No Smoking/Vaping Policy	4/1/2020	GM Winqest	Will be on 4/1 Agenda
Internal Controls Audit/Questions regarding the 18-19 Audit/CAFR		Audit Committee/GM Winqest	In beginning Stage. Scope of Services Development
Audit Charter/Policy 15.1.0 Update	Ongoing	Audit Committee	Will be on 4/1 Agenda

ACTION ITEM	TARGET DATE COMPLETION	RESPONSIBLE PARTY	STATUS
Ordinance 7 Administrative Revisions	TBD	GM Winquest	Public Hearing - Postponed due to COVID – 19 Virus impact
Smith vs IVGID Litigation	5/20/2020	Legal Counsel/Board of Trustees/GM Winquest	Will be meeting with third party Legal Counsel to review case. Court has set a hearing date of May 12, 2020
2020-22 Strategic Plan	7/1/2020	Senior Management Team/Board of Trustees	Planning for workshop in June 2020

**COVID – 19, Impacts to the District & update on closures and restrictions**

Diamond Peak and The Recreation Center closed on Monday, March 16<sup>th</sup>. Additionally, all community programming has been cancelled or postponed until further notice. Public Works, Administration, and Chateau all closed to the public on Tuesday, March 17<sup>th</sup>. The beaches are available for walk in only and social/physical distancing is being monitored closely. The Parks remain open for drop in use and social/physical distancing is being monitored closely. Staff is working on an essential/critical employee basis.

Many full time staff are working from home and/or are working a combination of on site and home. Seasonal and hourly are currently working on a critical need basis only. Our Human Resources team is doing an outstanding job of working through the State and Federal guidelines for our workforce.

Our Finance, Accounting & Payroll team are working diligently to make sure the operations and business of the district keep moving. The team is currently and will continue to work on projections for a variety of different financial implications as a result of the COVID-19 outbreak.

The Community Services team are working on developing reopening strategies to make sure a healthy and safe environment is provided so that our residents and guests are comfortable visiting our venues and participating in activities. Additionally staff is working on digital and online resources to keep the community active and engaged. The golf courses, Tennis, and parks staff will continue with normal preparation for upcoming seasons although it is universally understood that there may be impacts as a result of COVID-19. The Recreation Center is closed until further notice, however, Recreation Staff is available to answer phone calls and respond to emails.

The Public Works & Utilities team continues to provide outstanding service while protecting the water and sewer infrastructure during this extremely crucial and challenging time. Engineering staff continues to work on project development and management, Public Works

Administration is closed to the public but staff is answering phones and responding to emails during normal business hours.

## **Capital Projects Update March 24<sup>th</sup>, 2020**

### **Design**

#### Championship Golf Maintenance Building Drainage and Washpad Improvements

A 2020 Capital Improvement Project, this project will improve surface and sub-surface drainage, construct a modern wash pad facility, and spot treat pavement failures at the Championship Golf Maintenance Building. An engineering consultant has been hired to complete the design and currently working with staff to develop construction documents for bidding in Spring 2020 and construction in Summer/Fall 2020.

#### Martis Peak Road - Water Main Replacement

A 2020 Capital Improvement Project, this project includes slip lining a 14-inch water main under State Route 28 and replacing aging steel water main in Martis Peak Road and Rifle Peak Court. IVGID Engineering staff is completing the design and is on schedule to bid in Spring 2020 and construction in Summer/Fall 2020.

#### Tennis Center Renovation

The Board approved on June 19 for staff to begin the design of the tennis center renovation. The architectural, design and permitting services scope of work was approved at the August 14 BOT meeting with the removal of Bocce Courts. The key project objectives are renovation of the pro-shop buildings and surrounding site to renovate aging restrooms, expand the pro-shop by enclosing outdoor kitchenette area, expand and enhance the deck area, improve wayfinding and flow of traffic through the Tennis Center. The Board selected a design development alternative on November 13<sup>th</sup> and authorized public advertisement for bids on March 11<sup>th</sup>. Project permitting and public bidding will occur in the coming months and the bid results are tentatively scheduled to be presented to the Board on June 10<sup>th</sup>.

#### Effluent Pipeline Project

District Staff provided a detailed Effluent Export Project update to the Board of Trustees on January 29, 2020. The immediate priority is to replace all of the remaining Segment 3 pipeline (12,385 linear feet) and to make immediate repairs to the Segment 2 pipeline (17,314 linear feet) to extend its life and mitigate a potential future leak site. The Board has placed this project on hold pending the hiring of a Project Manager to conduct a complete project review of the Effluent Export Project. A new project data sheet is being prepared as part of the 2020-21 Capital Improvement Budget. The annual CIP amount of \$2,000,000 will be allocated to this project. At the March 11, 2020 Board of Trustees meeting, the Board of Trustees unanimously approved to restrict \$9,656,890 to the Effluent Pipeline Project, Project #2524SS1010 from the Unrestricted Net Position in the Utility Fund effective March 12, 2020.



Effluent Pond Lining Project – 2599SS2010 (this is a new capital project #) – PO#

On February 27, 2020, Staff set up a new capital project for the Effluent Pond Lining and that project number is noted above. It has been set up as an unbudgeted project for the time being and until we allocate funding to it.

A component of the Water Resource Recovery Facility (WRRF) operation is a non-permitted 2.4 million gallon effluent storage basin located adjacent to the wastewater resource recovery facility (Plant). This storage basin was designed to provide automated and passive back-up effluent storage in the event the Plant's 500,000 gallon effluent storage tank fills to capacity. The WRRF Effluent Storage Alternative Analysis Memorandum, September 2018, recommends a reinforced concrete or the combination of concrete and shotcrete lining that provides the best long term value, maximizes storage volume, and has low maintenance to keep in service. This design scope of work was on the agenda for the 2/26/2020 Board Meeting. The Board has placed this project on hold pending the hiring of a Project Manager to conduct a complete project review of the Effluent Export Project. A project data sheet is being prepared as part of the 2020-21 Capital Improvement Budget.

**Construction**

WRRF Aeration System Improvements

The aeration process of wastewater treatment supplies oxygen to facilitate the biological activity that converts raw sewage into treated wastewater effluent. The plant has six-200,000-gallon aeration basins with two jet aeration clusters per basin. These clusters utilize pressurized air to mix and recirculate the wastewater and provide the necessary oxygen to the microorganisms. The pressurized air is delivered by multistage centrifugal blowers that are metered by electronically operated valves in order to keep the correct balance of oxygen in the aeration basins at all times. This project funds the design and replacement of the aeration system equipment at the WRRF. The Board awarded the construction contract to the lowest responsive bidder, KG Walters, on December 11. A preconstruction meeting was held on January 15, 2020 and the Contractor is currently preparing submittals for all the required equipment. The project will continue until December 2020.

K. G. Walters Construction Contract Status:

Original Contract Amount	Change Orders	Current Total Contract Amount	Total Payments for Work Completed to Date	Current Balance to Completion (including retainage)
\$1,508,500	\$0	\$1,508,500	\$0	\$1,508,500

Water Reservoir Safety and Security Improvements

This project would replace the ladders that access the top of the water reservoirs, install intermediate access platforms, install protective railings and install new fall protection

devices. The exterior access to the roof area is required to meet the needs of the District to monitor the water quality in the reservoirs and perform routine repairs to radio communication equipment. The ladders also need to be secured from access by the public. The reservoir ladders, fall protection, platforms, and protective railings will meet the current Occupational Safety and Health Administration (OSHA) safety standards. The Board awarded the contract to Resource Development Company on April 10, 2019 for 10 of 13 reservoirs. Construction begins this summer and is expected to be substantially complete by September 30, 2020.

Resource Development Construction Contract Status:

Original Contract Amount	Change Orders	Current Total Contract Amount	Total Payments for Work Completed to Date	Current Balance to Completion (including retainage)
\$362,600	\$0	\$362,600	\$0	\$362,600

WPS 2-1 Incline – (Adjacent to Burnt Cedar Beach)

Water Pump Station 2-1 (WPS 2-1) is located at the Burnt Cedar Water Disinfection Plant (BCWDP) and pumps the disinfected potable water into the water distribution system to serve all customers. WPS 2-1 was largely constructed in 1972 with minor upgrades in 1995 and 2012. The electric motor control centers (MCCs) and switchgear at WPS 2-1 date to the original 1972 installation. This equipment does not meet modern OSHA requirements for Arc Flash safety and the MCCs and switchgear are at the end of its service life and no longer supported by the respective manufacturers. Jacobs Engineering completed the design. The Board awarded the contract on August 28, 2019 to San Joaquin Electric. Notice to proceed was issued on September 9, 2019 and project completion scheduled for April 2020. Equipment cut-over occurred the week of March 2<sup>nd</sup> and startup and testing occurred the week of March 9<sup>th</sup>. The project is nearly complete and in the process of project closeout.

San Joaquin Construction Contract Status:

Original Contract Amount	Change Orders	Current Total Contract Amount	Total Payments for Work Completed to Date	Current Balance to Completion (including retainage)
\$291,000	\$0	\$291,000	\$276,450	\$14,550

Mountain Course Clubhouse Renovation

On August 11, 2018 a fire occurred in the Mountain Course Clubhouse which led to the closing of the kitchen area. The Board approved renovation plans include a revised allocation of floor space, changes to access and substantial change to customer flow. A new ADA accessibility to the lower level for food service and construction of a new and expanded deck and the installation of new windows and doors. The Board approved the design on May 22, 2019 and authorized advertising for bids which then occurred on June 21, 2019. The Board

awarded the construction contract to Houston Smith Construction at the August 14, 2019 BOT meeting. Project is currently in construction with grading, utilities, decking and paving complete. Framing, plumbing, mechanical and electrical work are substantially complete. Windows and interior doors have been installed. Exterior doors, flooring, and built in cabinetry is scheduled for the week of March 23<sup>rd</sup>.

Houston-Smith Construction Contract Status:

Original Contract Amount	Change Orders	Current Total Contract Amount	Total Payments for Work Completed to Date	Current Balance to Completion (including retainage)
\$1,006,000	\$56,947	\$1,062,947	\$761,371	\$301,576

IVGID Recreation Center Paver Entrance

A 2020 Capital Improvement Project to replace the cracking concrete entrance at the IVGID Recreation Center with concrete pavers. Engineering staff has completed design and the project has been bid. Three (3) bids were received on Thursday, March 5, 2020.

- Eric's Concrete Pavers, Inc. - \$57,817
- Cruz Construction Co., Inc - \$72,970
- Bruce Purves Construction, Inc - \$99,950

This project has a CIP budget of \$82,500. Anticipated start of construction is May 4, 2020.

IVGID Recreation Center Site Lighting Replacement

A 2020 Capital Improvement Project to replace bollard and site lights with modern LED fixtures. An outside Electrical Engineering firm has completed design and the project has been bid. Two (2) bids were received on Thursday, March 5, 2020.

- Intermountain Electric, Inc. - \$84,856
- Bruce Purves Construction, Inc. - \$154,921

This project has a CIP budget of \$109,950 (includes carryforward from FY 18/19). Anticipated start of construction is May 4, 2020.

Incline Village Bocce Courts

At the August 14, 2019 Board of Trustees meeting, the Board prioritized construction of bocce courts. Two bocce courts were initially included in the Tennis Center remodel but were removed in favor of maintaining the existing hitting wall. At the November 13, 2019 Board of Trustees meeting a preferred site was selected adjacent to the IVGID Recreation Center. Engineering staff has completed design and the project has been bid. Four (4) bids were received on Thursday, March 5, 2020.

- RaPiD Construction, Inc. - \$68,860
- Cruz Construction Co., Inc - \$75,860
- FW Carson Co. - \$99,000
- Bruce Purves Construction, Inc - \$161,190

This project has a CIP budget of \$110,000 which was reallocated from the Tennis Center Renovation Project. Anticipated start of construction is June 1, 2020.

## **Priority Projects & Items**

### Beach Guest Access Ticket Revised Process

At the December 11, 2019 Board of Trustees meeting, Staff was directed to develop an alternative to the existing Beach Guest Access Ticket process. All the below key components will require no change to Ordinance 7. Staff has met with multiple property management agencies over the past few months explaining the reasoning for this change and gathering feedback to aid in the development of a new process. The goals of this change are to add more control of beach access, create efficiencies within the operations, and to provide improved data as it relates to guest access. The revised process transitions the guest access ticket to a pay to play model. The key components include:

- Guest must be authorized by parcel owner or property manager. All property managers must have a completed agent authorization form on file signed by the parcel owner.
  - Guest required to provide a Guest Authorization form signed by parcel owner or agent.
  - Guest required to provide rental agreement.
  - Guest must pre purchase daily passes at the Recreation Center. Guest cannot pay directly at the beach gates.\*
  - Guest can only purchase a pass during the length of stay determined by required documentation
  - No refunds allowed
- \*guest can pay at the beach gates only if IVGID Passholder is present

### Diamond Peak Ski Season 2019/2020

On Sunday, March 15, at 4:00 pm the ski area joined several other Tahoe ski resorts in suspending operations through Friday, March 20 to support efforts to decrease the opportunity for COVID-19 transmissions. Staff evaluated the situation and on March 18 we announced the Diamond Peak ski resort would close for the remainder of the 2019/2020 ski season as the Nevada Governor Steve Sisolak announced the closure of non-essential businesses for no less than 30 days. As a District, the health and safety of our customers, our community, and our employee have to come first and given the recent recommendations from our local authorities to avoid non-essential gatherings we could not justify reopening the ski area this season. We would like to take this opportunity to thank our community and supporters. Without the generous support of the community, the Diamond Peak ski venue would not be what is today.

### **Financial Transparency**

The February 2020 Monthly District Financial reports are posted on the Financial Transparency page <https://www.yourtahoeplace.com/ivgid/financial-transparency> and OpenGov has been updated.

District Net Operating sources over uses exceeded budget for February due timing of Defensible Space costs budgeted in February but expenditures not billed. In addition, despite the lack of February snowfall, Diamond Peak ancillary revenue continued to exceed budget from lessons, rentals, and Snowflake Lodge food & beverage. The internal services revenues continue to be under due to Staff vacancies causing reduced services. The extra miscellaneous revenue items are primarily due to insurance proceeds for the Mountain Course fire. Services and Supplies are under budget and due to temporary timing. Capital Expenditures noted are only for the General Fund and budgeted evenly over the fiscal year. While extra was spent on the approved server replacement, other projects have not started which is causing the temporary timing variance for Capital Expenditures.

As we write this update the District has closed all venues to the public due to the COVID-19 Nevada Stay at Home order. Staff is currently evaluating the effects on the current fiscal year budget ending June 30, 2020. Staff is reviewing operations, including business and service levels to minimize the effect and we are developing scenarios depending on the date venues can reopen. With the current year strong performance for the first three quarters, the current fiscal year should finish the year ahead of budget.

While the District current year budget should be within plan, Staff is reviewing the pandemic effects on the Fiscal Year 2020/21 Budget presented at the March 11, 2020 Board meeting. In just two weeks, our world quickly changed. The effects of the economic slowdown, social distancing, and the downturn in tourism will need to be evaluated to determine best and worst case scenarios. The Fiscal Year 2020/2021 tentative budget will need to be filed by April 15, 2020.

**MEMORANDUM**

**TO:** Board of Trustees

**FROM:** Indra Winqest  
Interim General Manager

**SUBJECT:** General Manager's Status Report  
Prepared for the meeting of May 6, 2020

**DATE:** April 30, 2020

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**Interim General Manager & Board of Trustees Priority Projects & Tasks**

ACTION ITEM	TARGET DATE COMPLETION	RESPONSIBLE PARTY	STATUS
Filing of Preliminary Budget to Department of Taxation by 4/15/2020	Completed	GM Winqest/Director of Finance Navazio/Board of Trustees	Budget Workshop 5/7. Public Hearing on Final Budget/Rec Roll 5/27
Effluent Pond Lining Project Review Scope of Services	5/6/2020	GM Winqest/Director of PW Pomroy Trustees Wong/Dent	Scope of Services being presented for possible action 5/6/20
Effluent Pipeline Project Review Scope of Services	5/6/2020	GM Winqest/Director of PW Pomroy Trustees Wong/Dent	Scope of Services being presented for possible action 5/6/20
USFS Parcel Acquisition	Ongoing	GM Winqest	Met with USFS Staff 4/2/20 process of filing a special use permit. Will be delayed as a result of COVID-19
Burnt Cedar Pool Project	10/31/2021	Engineering/GM Winqest	Interviewed top 3 firms on 4/30/20 as selected through RFQ process
Guest Access Ticket Revision	Completed	GM Winqest	Included details of new process in GM Report on 4/1 and 4/14.
No Smoking/Vaping Policy	Completed	GM Winqest	Resolution approved by BOT on 4/1. Implementation beginning.
Internal Controls Audit/Questions regarding the 18-19 Audit/CAFR	6/30/2020	Audit Committee/GM Winqest	In beginning Stage. Scope of Services Development
Audit Charter/Policy 15.1.0 Update	5/06/2020	Audit Committee	Will be on 5/6 Agenda

ACTION ITEM	TARGET DATE COMPLETION	RESPONSIBLE PARTY	STATUS
Ordinance 7 Administrative Revisions	TBD	GM Winqest	Public Hearing - Postponed due to COVID – 19 Virus impact
Smith vs IVGID Litigation	5/20/2020	Legal Counsel/Board of Trustees/GM Winqest	Has met with third party Legal Counsel to review case. Court has set a status hearing date of May 12, 2020. Agenda item to address funds 5/6
Utility Reserve Fund/Rate Study	TBD	GM Winqest/Board	Need to discuss a target date
2020-22 Strategic Plan	7/1/2020	Senior Management Team/Board of Trustees	Planning for workshop in June 2020
2020-21 Budget Workshop	Completed	Senior Management Team/Board of Trustees	Scheduled for 5/7/20

**COVID–19, Impacts to the District & update on closures and restrictions**

Diamond Peak and the Recreation Center closed on Monday, March 16<sup>th</sup>. Additionally, all community programming has been cancelled or postponed until further notice. Public Works, Administration, and Chateau all closed to the public on Tuesday, March 17<sup>th</sup>. The Parks remain open for drop in use and social/physical distancing is being monitored closely. Parks Staff is gradually being brought on to address needs to maintain and prepare the venues for seasonal operations.

As of April 30<sup>th</sup>, the beaches are accessible. Key operational aspects:

- High Sierra Patrol is currently on site 11:30am – 9:30pm
- All Beach Parking lots open 11am – 8pm Mon – Thu, 9am – 8pm Fri – Sun
- Beach Gates are currently Staffed 11am - 7pm Mon – Thu, 9am – 7pm Fri – Sun (High Sierra Patrol locks gates at 8pm)
- Ski Beach Boat Ramp Currently closed per TRPA
- Beaches are currently open to IVGID Picture Pass Holders only
- Physical/Social Distancing required
- No pop up tents

Beach operations are constantly changing and staff has and will remain flexible as restrictions are ready to either lifted or added dependent on impact of COVID – 19 and observed behavior at the beach properties. Staff is currently working on extending the hours that the beach gates are staffed in particular Ski Beach.

Many full time staff are working from home and/or are working a combination of on site and home as well as utilizing sick and/or vacation leave. Additional cost savings steps, as they relate to Full Time Year Round and Seasonal Management staff have been implemented and include a combination of temporary hourly furloughs and percentage pay decreases. Part Time Seasonal and hourly staff are currently working on a critical need basis only. Our Human Resources team is doing an outstanding job of working through the State and Federal guidelines for our workforce.

The Community Services teams are working on developing reopening strategies to make sure a healthy and safe environment is provided so that our residents and guests are comfortable visiting our venues and participating in activities. Additionally, Staff is working on digital and online resources to keep the community active and engaged. The golf courses and parks staff will continue with normal preparation for upcoming seasons although it is universally understood that there may be impacts as a result of COVID-19. The Recreation Center is closed until further notice, however, Recreation Counter Staff is available to answer phone calls and respond to emails. Recreation Counter staff is working on methods to open up access to services in the best interest of health and safety. This includes additional sanitization, barriers at the counter, line distancing, PPE measures.

The Public Works & Utilities team continues to provide outstanding service while protecting the water and sewer infrastructure during this extremely crucial and challenging time. Engineering staff continues to work on project development and management, Public Works Administration is closed to the public but Staff is answering phones and responding to emails during normal business hours.

- *IVGID Public Works will temporarily suspend disconnections and penalty charges for delinquent accounts during this time. We will work with customers facing financial hardship to develop payment plans in order to assist with past due balances. We encourage any of our customers to contact us if they have concerns about their account balances.*

On April 29-30, Nevada's Governor Sisolak issued an extension to the "Stay at Home" order until May 15. However, beginning May 1, restrictions on activities including Golf, Tennis, and Pickle Ball have been lifted and will be allowed if operated safely by agencies maximizing prevention of the spread of COVID-19. Golf courses staff are finalizing a plan to begin opening the golf courses as early as May 18<sup>th</sup>. Additionally, Parks & Recreation Department staff is finalizing a plan to safely begin opening the Tennis and Pickle Ball Center on May 18<sup>th</sup>. These venues will see a phased opening with safety and distancing requirements and measures in place. Group activities are not currently being planned as part of a phase 1 opening. Staff will continue to provide information to the community as these plans further develop.



## Capital Projects Update April 30, 2020

### Design

#### Championship Golf Maintenance Building Drainage and Washpad Improvements

A 2020 Capital Improvement Project, this project will improve surface and sub-surface drainage, construct a modern wash pad facility, and spot treat pavement failures at the Championship Golf Maintenance Building. Moving forward with this project will address health and safety issues and prevent future damage to this facility. A local engineering consultant has completed the design and is currently preparing the final bid documents. The project is scheduled to be publically advertised for bids on May 8<sup>th</sup>, and bid results will be presented at the June 24<sup>th</sup> Board of Trustees meeting. Construction is anticipated to start in mid-August 2020.

#### Martis Peak Road - Water Main Replacement

A 2020 Capital Improvement Project, this project includes slip lining a 14-inch water main under State Route 28 and replacing aging steel water main in Martis Peak Road and Rifle Peak Court. IVGID Engineering staff completed the design. The project is currently being publically advertised for bids and bid results will be presented at the June 24<sup>th</sup> Board of Trustees meeting. Construction is anticipated to start in mid-July 2020.

#### Tennis Center Renovation

The Board approved on June 19 for staff to begin the design of the tennis center renovation. The architectural, design and permitting services scope of work was approved at the August 14 BOT meeting with the removal of Bocce Courts. The key project objectives are renovation of the pro-shop buildings and surrounding site to renovate aging restrooms, expand the pro-shop by enclosing outdoor kitchenette area, expand and enhance the deck area, improve wayfinding and flow of traffic through the Tennis Center. The Board selected a design development alternative on November 13<sup>th</sup> and authorized public advertisement for bids on March 11<sup>th</sup>. The video conference Pre-bid meeting on April 29<sup>th</sup> was well attended by prime and sub-contractors and staff is optimistic we will receive multiple bids on this project. Bid results are scheduled to be presented to the Board on June 10<sup>th</sup>.

#### Effluent Pipeline Project

District Staff provided a detailed Effluent Export Project update to the Board of Trustees on January 29, 2020. The immediate priority is to replace all of the remaining Segment 3 pipeline (12,385 linear feet) and to make immediate repairs to the Segment 2 pipeline (17,314 linear feet) to extend its life and mitigate a potential future leak site. At the February 26, 2020 Board of Trustees Meeting, a design services scope of work was presented to the Board to begin replacement of Segment 3, the scope of work was not approved. The Board has placed this project on hold pending the hiring of a Project Manager to conduct a complete project review of the Effluent Export Project. The annual CIP amount of \$2,000,000 will be allocated to this project. At the March 11, 2020 Board of Trustees meeting, the Board of Trustees unanimously approved to restrict \$9,656,890 to the Effluent Pipeline Project, Project #2524SS1010 from the Unrestricted Net Position in the Utility Fund effective March 12, 2020.

Effluent Pond Lining Project – 2599SS2010 (this is a new capital project #) – PO#

A component of the Water Resource Recovery Facility (WRRF) operation is a non-permitted 2.4 million gallon effluent storage basin located adjacent to the wastewater resource recovery facility (Plant). The WRRF Effluent Storage Alternative Analysis Memorandum, September 2018, recommends a reinforced concrete or the combination of concrete and shotcrete lining that provides the best long term value, maximizes storage volume, and has low maintenance to keep in service. At the February 26, 2020 Board of Trustees Meeting, a design services scope of work was presented to the Board for lining the pond, the scope of work was not approved. The Board has placed this project on hold pending the hiring of a Project Manager to conduct a complete project review of the Effluent Export Project. On February 27, 2020, Staff set up a new capital project for the Effluent Pond Lining and that project number is noted above. It is also included as an unbudgeted project for the 2020-21 CIP Budget

## **Construction**

Lakeview Ski Lift Maintenance and Improvements

This project includes electrical upgrades to the ski lift. Upgrades consist of the replacement of the Main Low Voltage Control Panel, DC Motor Drive Panel, Return Station Controls, Loading System Controls and Drive panel. The project also includes the replacement of the communication cable from the top terminal to the bottom terminal. There are three distinct components to the project including electrical engineering and design, bidding and procurement for the fabrication of the panels as well as bidding a contracted installation of the replacement panels. An electrical engineer has been hired to complete the design and is currently working with staff to develop the electrical design documents for bidding the panel fabrication and installation. Panel fabrication bid results are tentatively scheduled to be presented to the Board in June.

WRRF Aeration System Improvements

The aeration process of wastewater treatment supplies oxygen to facilitate the biological activity that converts raw sewage into treated wastewater effluent. The plant has six-200,000-gallon aeration basins with two jet aeration clusters per basin supplied by computer controlled multistage centrifugal aeration blowers. This project funds the design and replacement of the aeration system equipment at the WRRF. The Board awarded the construction contract to the lowest responsive bidder, KG Walters, on December 11. A preconstruction meeting was held on January 15, 2020 and the Contractor is currently preparing submittals for all the required equipment. The project will continue until December 2020. Progress meetings are held every two weeks. Construction will start in mid-April.

K. G. Walters Construction Contract Status:

Original Contract Amount	Change Orders	Current Total Contract Amount	Total Payments for Work Completed to Date	Current Balance to Completion (including retainage)
\$1,508,500	\$0	\$1,508,500	\$73,539	\$1,434,961

Water Reservoir Safety and Security Improvements – Phase 1

This project would replace the ladders that access the top of the water reservoirs, install intermediate access platforms, install protective railings and install new fall protection devices. The exterior access to the roof area is required to meet the needs of the District to monitor the water quality in the reservoirs and perform routine repairs to radio communication equipment. The ladders also need to be secured from access by the public. The reservoir ladders, fall protection, platforms, and protective railings will meet the current Occupational Safety and Health Administration (OSHA) safety standards. The Board awarded the contract to Resource Development Company on April 10, 2019 for 10 of 13 reservoirs. Construction begins this summer and is expected to be substantially complete by September 30, 2020.

Resource Development Construction Contract Status:

Original Contract Amount	Change Orders	Current Total Contract Amount	Total Payments for Work Completed to Date	Current Balance to Completion (including retainage)
\$362,600	\$0	\$362,600	\$0	\$362,600

Water Reservoir Safety and Security Improvements – Phase 2

The second phase of this project would replace the ladders that access the top of the water reservoirs, install intermediate access platforms, install protective railings and install new fall protection devices for the remaining 3 reservoirs. Bid results are under review and are tentatively scheduled to be presented to the Board on June 10, 2020. If awarded, construction is scheduled to begin this summer and is expected to be substantially complete by the end of the year.

WPS 2-1 Incline – (Adjacent to Burnt Cedar Beach)

Water Pump Station 2-1 (WPS 2-1) is located at the Burnt Cedar Water Disinfection Plant (BCWDP) and pumps the disinfected potable water into the water distribution system to serve all customers. This project replaces the electric motor control centers (MCCs) and switchgear at WPS 2-1 dating to the original 1972 installation. Jacobs Engineering completed the design. The Board awarded the contract on August 28, 2019 to San Joaquin Electric. Notice to proceed was issued on September 9, 2019. The project is now complete and retention has been released.

San Joaquin Construction Contract Status:

Original Contract Amount	Change Orders	Current Total Contract Amount	Total Payments for Work Completed to Date	Current Balance to Completion (including retainage)
\$291,000	\$0	\$291,000	\$291,000	\$0

Mountain Course Clubhouse Renovation

On August 11, 2018 a fire occurred in the Mountain Course Clubhouse which led to the closing of the kitchen area. The Board approved renovation plans include a revised allocation of floor space, changes to access and substantial change to customer flow. A new ADA accessibility to the lower level for food service and construction of a new and expanded deck and the installation of new windows and doors. The Board approved the design on May 22, 2019 and authorized advertising for bids which then occurred on June 21, 2019. The Board awarded the construction contract to Houston Smith Construction at the August 14, 2019 BOT meeting. A notice of substantial completion was filed on April 29<sup>th</sup>, only punchlist and permit closeout items remain. IVGID staff is very pleased with the outcome of the project and is eagerly awaiting the start of the golf season to show off the renovated venue.

Houston-Smith Construction Contract Status:

Original Contract Amount	Change Orders	Current Total Contract Amount	Total Payments for Work Completed to Date	Current Balance to Completion (including retainage)
\$1,006,000	\$83,575	\$1,089,575	\$916,365	\$173,210

IVGID Recreation Center Paver Entrance

A 2020 Capital Improvement Project to replace the cracking concrete entrance at the IVGID Recreation Center with concrete pavers addressed an outstanding safety concern. IVGID staff is very happy with the finish product, all work was completed by local contractor Eric's Concrete Pavers. Moving forward with the project during the COVID-19 pandemic and Rec Center closure significantly reduced the user conflicts and resulted in a cost savings to the District.

IVGID Recreation Center Site Lighting Replacement

A 2020 Capital Improvement Project to replace bollard and site lights with modern LED fixtures. An outside Electrical Engineering firm has completed design and the project has been awarded to Intermountain Electric, Inc. Construction is scheduled to start the week of May 4<sup>th</sup>.

### Incline Village Bocce Courts

At the August 14, 2019 Board of Trustees meeting, the Board prioritized construction of bocce courts. Two bocce courts were initially included in the Tennis Center Remodel Project but were removed in favor of maintaining the existing hitting wall. At the November 13, 2019 Board of Trustees meeting, a preferred site was selected adjacent to the IVGID Recreation Center. Engineering staff has completed design and the Rapid Construction is the lowest responsible bidder. Staff is requesting Board Approval on a Notice to Proceed at its May 6, 2020 meeting. Construction is scheduled to start the week of June 1<sup>st</sup>.

### **Priority Projects & Items**

#### Resolution 1480 Update

As stated in Resolution 1480, the General Manager has direct supervision over all District employees, with the exception of the Attorney. The General Manager will ensure that the District's Organizational Chart reflects that Legal Counsel reports to the Board of Trustees while the General Manager coordinates the legal work of the District consistent with Board of Trustees direction. Additionally, all Legal Counsel invoices will be provided to the Board of Trustees for review and approval prior to payment.

#### Washoe County Collaboration

Washoe County Commissioner Marsha Berkbigler, on behalf of Washoe County, has provided \$11,000.00 in funding to purchase and install bear boxes along the Lakeshore Pathway. Staff will be selecting locations for installation and install when warmer temperatures allow.

Washoe County is also committed to installing the no overnight parking signage along Incline Way and other selected areas later this spring. This has been delayed by the current situation with COVID-19.

### **Financial Transparency**

Staff continues to evaluate the effects on the current fiscal year budget of COVID-19 pandemic related closure of District venues and curtailment of non-essential programs and services into May, and possibly, June.

As communicated in previous reports, with the strong financial performance through the first three quarters of the fiscal year, we anticipate both the Community Services and Beach funds ending the year *ahead of budget*, assuming continued avoidance of staffing and program costs, consistent with curtailment of facility operations.

While both the General Fund and Utility Fund revenues are largely buffered from short-term impacts from facility closures and level of activity, additional cost-savings measures have been implemented including reduced work hours for staff (limited to essential services), reduced contract services, and deferring of non-essential expenditures. The General

Manager is evaluating additional personnel cost-saving measures should closures extend beyond the next thirty days. Criteria is also being established to prioritize pending capital project expenditures through the remainder of the current fiscal year.

As of this writing, staff is processing the month-end "close" for April and will be updating the year-end revenue and expenditures based on actual results through the first 10 months of the year and updated projections for the months of May and June. These updated current-year budget projections will be presented to the Board as part of the upcoming budget workshop on May 7<sup>th</sup>. The workshop will also focus on impact of alternative COVID-19 "recovery scenarios" on development of the final FY2020-21 Operating budget, Capital budget and Five-Year Capital Improvement Plan.

**Capital Project Being Evaluated because of COVID-19 Economic Impacts**

The following table has the projects in the 2019-2020 Capital Improvement Project Budget that are being evaluated for deferral or re-budgeting, or cancellation.

Department	Project Title	2019-20 Budgeted Amount	Note
Public Works	Household Hazardous Waste Building Improvements	\$15,000	Cancelled
Facilities	Chateau – Replace Carpet	\$62,000	Being Evaluated
Facilities	Replace Hallway Tile at Chateau	\$65,000	Deferred
Recreation Center	Replace Fitness Equipment	\$45,000	Reduced to appx \$25,000
Tennis Center	Resurfacing of Courts 1-2/Drainage Improvements	\$47,000	Recommended to proceed with court resurfacing. Drainage improvements not needed at this time.
Champ Golf	Printer Copier Replacement	\$10,000	Deferred
Champ Golf	Venue Signage Enhancements	\$40,000	Being Evaluated

## MEMORANDUM

**TO:** Board of Trustees

**FROM:** Indra Winquest  
Interim General Manager

**SUBJECT:** General Manager's Status Report  
Prepared for the meeting of June 10, 2020

**DATE:** June 2, 2020

### Interim General Manager & Board of Trustees Priority Projects & Tasks

ACTION ITEM	TARGET DATE COMPLETION	RESPONSIBLE PARTY	STATUS
Filing of 2020-21 District Budget & Recreation Roll	Completed	GM Winquest/Director of Finance Navazio/Board of Trustees	Public Hearing on Final Budget/Rec Roll 5/27
Effluent Pond Lining Project Request for Qualifications (RFQ)	Board award contract at early July BOT Meeting.	GM Winquest/Director of PW Pomroy Trustees Wong/Dent	Publicly advertising RFQ. Qualifications due 6/5.
Effluent Pipeline Project Request for Qualifications (RFQ)	Board award contract at early July BOT Meeting.	GM Winquest/Director of PW Pomroy Trustees Wong/Dent	Publicly advertising RFQ. Qualifications due 6/5.
USFS Parcel Acquisition – Potential Dog Park	Ongoing	GM Winquest	Met with USFS Staff 4/2/20 process of filing a special use permit. Will be delayed as a result of COVID-19
USACE Grant Funding for Pond Lining/Pipeline Projects	TBD	GM Winquest/Director of Public Works Pomroy	No current update
Burnt Cedar Pool Project	10/31/2021	Engineering/GM Winquest	IVGID and TSK Architects have an agreement for Conceptual Design. Kick-off Meeting was June 3 <sup>rd</sup> .
Internal Controls Audit	7/31/2020	Audit Committee/GM Winquest/Director of Finance Navazio	In beginning stage; scope of services development. Contract Audit on agenda 6/10
Ordinance 7 Administrative Revisions	Fall 2020	GM Winquest	Public Hearing - postponed due to COVID – 19 Virus impact
Smith vs IVGID Litigation	7/31/20	Legal Counsel/Board of Trustees/GM Winquest	Update will be provided on 6/10

ACTION ITEM	TARGET DATE COMPLETION	RESPONSIBLE PARTY	STATUS
Utility Reserve Fund/Rate Study	Summer 2020	GM Winqest/Board	Need to discuss a target date
2020-22 Strategic Plan	9/1/2020	Senior Management Team/Board of Trustees	Planning for workshop in June 2020
2020-21 Budget Kick off Workshop	Fall 2020	GM Winqest/Director of Finance Navazio	Will discuss during long range calendar
No Smoking/Vaping Policy	Completed	GM Winqest	Resolution approved by BOT on 4/1. Implementation beginning.

**COVID-19, Impacts to the District & update on closures and restrictions**

Diamond Peak and the Recreation Center closed on Monday, March 16<sup>th</sup>. Additionally, all community programming has been cancelled or postponed until further notice. Public Works, Administration, and Chateau all closed to the public on Tuesday, March 17<sup>th</sup>. The Parks remain open for drop in use and social/physical distancing is being monitored closely. Parks Staff is gradually being brought on to address needs to maintain and prepare the venues for seasonal operations.

As of June 2<sup>nd</sup>, the beaches are accessible. Key operational aspects:

- High Sierra Patrol is currently on site 12:00pm – 10:00pm
- All Beach Parking lots open 9am – 8pm Daily
- Incline & Burnt Cedar Beach Gates are currently Staffed 11am - 7pm Mon – Thu, 9am – 7pm Fri – Sun (High Sierra Patrol locks gates at 8pm)
- Ski Beach Boat Ramp opened on Wednesday, May 20<sup>th</sup>. Gate will be staffed from 7am – 8pm daily. Launching is limited to Tahoe only watercraft with seal in tact. TRPA has not announced when they will begin providing watercraft inspections.
- Beaches are currently open to IVGID Picture Pass and Recreation Punch Card Holders only
- Physical/Social Distancing required
- No pop up tents

Beach operations are constantly changing and staff has and will remain flexible as restrictions are ready to either lifted or added dependent on impact of COVID – 19 and observed behavior at the beach properties.

Many full time staff are working from home and/or are working a combination of on site and home as well as utilizing sick and/or vacation leave. Additional cost savings steps, as they relate to Full Time Year Round and Seasonal Management staff have been implemented and include a combination of temporary hourly furloughs and percentage pay decreases. Many members of the Full Time staff have begun transitioning back to full time as services and



venues continue to open. Part Time Seasonal and hourly staff are currently working on a critical need basis only. Our Human Resources team is doing an outstanding job of working through the State and Federal guidelines for our workforce.

The Community Services teams are working on developing reopening strategies to make sure a healthy and safe environment is provided so that our residents and guests are comfortable visiting our venues and participating in activities. The golf courses are currently open and parks staff will continue with normal preparation for upcoming seasons although it is universally understood that there may be impacts as a result of COVID-19. The Recreation Center is currently closed, however, Staff is targeting a mid-June opening of the facility under guidelines and restrictions as recommended by Governor Sisolak and Washoe County. The Recreation Counter Staff is available to answer phone calls and respond to emails and continue working on methods to open up access to services in the best interest of health and safety. This includes additional sanitization, barriers at the counter, line distancing, PPE measures.

The Public Works & Utilities team continues to provide outstanding service while protecting the water and sewer infrastructure during this extremely crucial and challenging time. Engineering staff continues to work on project development and management, Public Works Administration is closed to the public but Staff is answering phones and responding to emails during normal business hours.

- *IVGID Public Works will temporarily suspend disconnections and penalty charges for delinquent accounts during this time. We will work with customers facing financial hardship to develop payment plans in order to assist with past due balances. We encourage any of our customers to contact us if they have concerns about their account balances.*

These venues will see a phased opening with safety and distancing requirements and measures in place. Group activities are not currently being planned as part of a phase 1 opening. Staff will continue to provide information to the community as these plans further develop.

### The Golf Courses at Incline Village

Both golf courses and practice facilities are now officially opened and seeing great success with social distancing measures in place. Once restrictions are lifted on golfers being allowed to ride together and we can move to ten minute intervals, we expect to be right on projected revenues. Below is a breakdown comparing May 2020 with May 2019 and both opening dates were very comparable.

<b>Opening Dates</b>	<b>2019</b>	<b>2020</b>
Range	May 10	May 11
Championship Course	May 17	May 18
Mountain Course	May 28	May 25

<b>Round Totals</b>	<b>2019</b>	<b>2020</b>
Championship Course	773	1627
Mountain Course	149	701

<b>Revenues (Championship Course)</b>	<b>2019</b>	<b>2020</b>
Admissions & Fees	\$37,410	\$101,010
Play Passes	\$13,305	\$42,732
Range Fees	\$15,918	\$26,247

<b>Revenues (Mountain Course)</b>	<b>2019</b>	<b>2020</b>
Admissions	\$3,815	\$23,754
Play Passes	\$1,078	\$1,476

Although May 2020 far exceeded expectations, cautioned is urged as June, and especially July, might not have as much access, revenue and play totals. This is mainly due to restrictions we may still be under and not as much public play that produces a higher greens fee. Golf Operations will continue to manage to the bottom-line and make the best decisions based on restrictions we are faced with.

Recent Facility/Venue Openings

Incline Beaches and Boat Ramp – Open to IVGID Pass and Recreation Punch Card holders  
 (Burnt Cedar Pool opening TBD)

Disc Golf Course – May 11

Championship Course Driving Range – May 11

Championship Golf Course – May 18

Incline Tennis & Pickleball Center – May 18

Incline Skate Park – May 21

Mountain Golf Course – May 25

Village Green & Incline Park Playing Fields – Open for limited drop in use

Incline Bike Park – May 23

Recreation Center & Community Programming – target of mid to late June

*\*all facilities/venues open with Covid-19 restrictions*

**Capital Projects Update May 20<sup>th</sup>, 2020**

**Design**

#### Championship Golf Maintenance Building Drainage and Washpad Improvements

A 2020 Capital Improvement Project, this project will improve surface and sub-surface drainage, construct a modern wash pad facility, and spot treat pavement failures at the Championship Golf Maintenance Building. Moving forward with this project will address health and safety issues and prevent future damage to this facility. A local engineering consultant has completed the design and project is currently being advertised for construction bids. Bid results will be presented at the June 24<sup>th</sup> Board of Trustees meeting. Construction is anticipated to start in mid-August 2020.

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**Construction**

Tennis Center Renovation

The Board approved on June 19 for staff to begin the design of the tennis center renovation. The architectural, design and permitting services scope of work was approved at the August 14 BOT meeting with the removal of Bocce Courts. The key project objectives are renovation of the pro-shop buildings and surrounding site to renovate aging restrooms, expand the pro-shop by enclosing outdoor kitchenette area, expand and enhance the deck area, improve wayfinding and flow of traffic through the Tennis Center. Bid results will be presented at the June 10<sup>th</sup> Board of Trustees meeting. If awarded, construction is scheduled to begin mid-August and is expected to be substantially complete by April 1, 2020.

Lakeview Ski Lift Maintenance and Improvements

This project includes electrical upgrades to the ski lift. Upgrades consist of the replacement of the Main Low Voltage Control Panel, DC Motor Drive Panel, Return Station Controls, Loading System Controls and Drive panel. The project also includes the replacement of the communication cable from the top terminal to the bottom terminal. There are three distinct components to the project including electrical engineering and design, bidding and procurement for the fabrication of the panels as well as bidding a contracted installation of the replacement panels. An electrical engineer has been hired to complete the design and is currently working with staff to develop the electrical design documents for bidding the panel fabrication and installation. Panel fabrication bid results will be presented at the June 10<sup>th</sup> Board of Trustees meeting.

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The aeration process of wastewater treatment supplies oxygen to facilitate the biological activity that converts raw sewage into treated wastewater effluent. The plant has six-200,000-gallon aeration basins with two jet aeration clusters per basin supplied by computer controlled multistage centrifugal aeration blowers. This project funds the design and replacement of the aeration system equipment at the WRRF. The Board awarded the construction contract to the lowest responsive bidder, KG Walters, on December 11. Construction has commenced and is anticipated to continue until December 2020. Progress meetings are held every two weeks.

K. G. Walters Construction Contract Status:

Original Contract Amount	Change Orders	Current Total Contract Amount	Total Payments for Work Completed to Date	Current Balance to Completion (including retainage)
\$1,508,500	\$384	\$1,508,884	\$151,804	\$1,357,080

Water Reservoir Safety and Security Improvements – Phase 1

This project would replace the ladders that access the top of the water reservoirs, install intermediate access platforms, install protective railings and install new fall protection

devices. The exterior access to the roof area is required to meet the needs of the District to monitor the water quality in the reservoirs and perform routine repairs to radio communication equipment. The ladders also need to be secured from access by the public. The reservoir ladders, fall protection, platforms, and protective railings will meet the current Occupational Safety and Health Administration (OSHA) safety standards. The Board awarded the contract to Resource Development Company on April 10, 2019 for 10 of 13 reservoirs. Construction begins this summer and is expected to be substantially complete by September 30, 2020.

Resource Development Construction Contract Status:

Original Contract Amount	Change Orders	Current Total Contract Amount	Total Payments for Work Completed to Date	Current Balance to Completion (including retainage)
\$362,600	\$0	\$362,600	\$0	\$362,600

Water Reservoir Safety and Security Improvements – Phase 2

The second phase of this project would replace the ladders that access the top of the water reservoirs, install intermediate access platforms, install protective railings and install new fall protection devices for the remaining 3 reservoirs. Bid results will be presented at the June 10<sup>th</sup> Board of Trustees meeting. If awarded, construction is scheduled to begin this summer and is expected to be substantially complete by the end of the year.

Mountain Course Clubhouse Renovation

On August 11, 2018 a fire occurred in the Mountain Course Clubhouse which led to the closing of the kitchen area. The Board approved renovation plans include a revised allocation of floor space, changes to access and substantial change to customer flow. A new ADA accessibility to the lower level for food service and construction of a new and expanded deck and the installation of new windows and doors. The Board approved the design on May 22, 2019 and authorized advertising for bids which then occurred on June 21, 2019. The Board awarded the construction contract to Houston Smith Construction at the August 14, 2019 BOT meeting. A notice of substantial completion was filed on April 29<sup>th</sup>, only punchlist and permit closeout items remain. IVGID staff is very pleased with the outcome of the project and has received several compliments on the renovated venue.

Houston-Smith Construction Contract Status:

Original Contract Amount	Change Orders	Current Total Contract Amount	Total Payments for Work Completed to Date	Current Balance to Completion (including retainage)
\$1,006,000	\$87,893	\$1,093,893	\$1,072,015	\$21,878

IVGID Recreation Center Site Lighting Replacement

A 2020 Capital Improvement Project to replace bollard and site lights with modern LED fixtures. An outside Electrical Engineering firm has completed design and the project has been awarded to Intermountain Electric, Inc. Construction started on June 1<sup>st</sup> and is scheduled to be substantially complete on or before June 26<sup>th</sup>.

Intermountain Electric, Inc. Contract Status:

Original Contract Amount	Change Orders	Current Total Contract Amount	Total Payments for Work Completed to Date	Current Balance to Completion (including retainage)
\$84,856	\$0	\$84,856	\$0	\$84,856

Incline Village Bocce Courts

At the August 14, 2019 Board of Trustees meeting, the Board prioritized construction of bocce courts. Engineering staff has completed design and at the May 6<sup>th</sup> Board of Trustee meeting, the Board approved the Notice to Proceed. Rapid Construction will begin construction the week of June 8<sup>th</sup> and be substantially complete on or before July 24<sup>th</sup>.

Rapid Construction Contract Status:

Original Contract Amount	Change Orders	Current Total Contract Amount	Total Payments for Work Completed to Date	Current Balance to Completion (including retainage)
\$68,860	\$0	\$68,860	\$0	\$68,860

**Priority Projects & Items**

Financial Transparency

Staff continues to evaluate the effects on the current fiscal year budget of COVID-19 pandemic related closure of District venues and curtailment of non-essential programs through April and early May. As selected venues and programs have begun to re-open, starting in Mid-May, year-end budget projections will be updated. As communicated in previous reports, with the strong financial performance through the first three quarters of the fiscal year, we continue to anticipate both the Community Services and Beach funds ending the year ahead of budget.

The General Manager continues to evaluate additional personnel cost-saving measures should the path to re-opening of District venues and programs extend beyond the next thirty

days. Cost-saving measures within the General Fund and Utility funds continued through May, including reduced work hours for staff (limited to essential services), reduced contract services, and deferring of non-essential expenditures.

The Board approved the District's FY2020-21 Budget on May 27<sup>th</sup>, and on June 1<sup>st</sup> staff submitted required filings to the State of Nevada Department of Taxation. In addition, the preliminary Rec Roll test file was submitted to the Washoe County Treasurer's Office. The final Rec Roll is required to be filed no later than June 10<sup>th</sup>.

The Accounting staff is currently closing the Month of May and plan to distribute the financials by June 16, 2020. The Accounting staff is also preparing for the year-end close, including scheduling physical inventory counts and preliminary independent audit fieldwork.

**Capital Project Being Evaluated because of COVID-19 Economic Impacts**

The following table has the projects in the 2019-2020 Capital Improvement Project Budget that are being evaluated for deferral or re-budgeting, or cancellation.

Department	Project Title	2019-20 Budgeted Amount	Note
Public Works	Household Hazardous Waste Building Improvements	\$15,000	Cancelled
Facilities	Chateau – Replace Carpet	\$62,000	Being evaluated
Facilities	Replace Hallway Tile at Chateau	\$65,000	Deferred
Parks	Aspen Grove Flatscape and Retaining Wall Enhancement and Replacement	\$55,000	Deferred
Beaches	Flatscape and Retaining Wall Enhancement and Replacement	\$55,000	Only proceeding with safety improvements, appx \$15,000
Recreation Center	Replace Fitness Equipment	\$45,000	Reduced to appx \$20,000
Tennis Center	Resurfacing of Courts 1-2/Drainage Improvements	\$47,000	Recommended to proceed with court resurfacing. Drainage improvement no longer needed. Partial remaining project funds re-allocated to conversion of court 10 to dedicated Pickle Ball courts. Estimated reduction of \$15k from 19-20 Capital Budget
Champ Golf	Printer Copier Replacement	\$10,000	Deferred
Champ Golf	Venue Signage Enhancements	\$40,000	Being evaluated

## MEMORANDUM

**TO:** Board of Trustees

**FROM:** Indra Winquest  
Interim General Manager

**SUBJECT:** General Manager's Status Report  
Prepared for the meeting of June 23, 2020

**DATE:** June 17, 2020

### Interim General Manager & Board of Trustees Priority Projects & Tasks

ACTION ITEM	TARGET DATE COMPLETION	RESPONSIBLE PARTY	STATUS
Effluent Pond Lining Project Request for Qualifications (RFQ)	Board award contract at early July BOT Meeting.	GM Winquest/Director of PW Pomroy Trustees Wong/Dent	Qualifications are under review.
Effluent Pipeline Project Request for Qualifications (RFQ)	Board award contract at early July BOT Meeting.	GM Winquest/Director of PW Pomroy Trustees Wong/Dent	Qualifications are under review.
USFS Parcel Acquisition – Potential Dog Park	Ongoing	GM Winquest	Met with USFS Staff 4/2/20 process of filing a special use permit. Will be delayed as a result of COVID-19
USACE Grant Funding for Pond Lining/Pipeline Projects	TBD	GM Winquest/Director of Public Works Pomroy	No Update
Burnt Cedar Pool Project	10/31/2021	Engineering/GM Winquest	Conceptual Design has commenced. Community Group and IVGID staff are providing input.
Internal Controls Audit	TBD	Audit Committee/GM Winquest/Director of Finance Navazio	In beginning stage; scope of services development. Internal Contract Audit will begin in early July.
Ordinance 7 Administrative Revisions	Fall 2020	GM Winquest	Public Hearing - postponed due to COVID – 19 Virus impact
Smith vs IVGID Litigation	7/31/20	Legal Counsel/Board of Trustees/GM Winquest	Update was provided on 6/10/20
Construction Project and Engineering Contract Audit	Kick off meeting in July 2020	GM Winquest/Director of Finance Navazio	Approved by the BOT on 6/10/2020



ACTION ITEM	TARGET DATE COMPLETION	RESPONSIBLE PARTY	STATUS
Utility Reserve Fund/Rate Study	Fall 2020	GM Winquest/Board	Need to discuss a target date. Targeting start date mid-summer.
2020-22 Strategic Plan	9/1/2020	Senior Management Team/Board of Trustees	Planning for workshop in June 2020
2020-21 Budget Kick off Workshop	Fall 2020	GM Winquest/Director of Finance Navazio	Will discuss during long range calendar
Recreation Punch card accounting	TBD	Director of Finance Navazio	In progress – no date identified for a Discussion with the Board to determine next steps

**COVID–19, Impacts to the District & update on closures and restrictions**

Diamond Peak and the Recreation Center closed on Monday, March 16<sup>th</sup>. Additionally, all community programming has been cancelled or postponed until further notice. Public Works, Administration, and Chateau all closed to the public on Tuesday, March 17<sup>th</sup>. The Parks remain open for drop in use and social/physical distancing is being monitored closely. Parks Staff is gradually being brought on to address needs to maintain and prepare the venues for seasonal operations.

As of June 17<sup>nd</sup>, the beaches are accessible. Key operational aspects:

- High Sierra Patrol is currently on site 12:00pm – 10:00pm
- All Beach Parking lots open 7am – 9pm Daily
- Incline & Burnt Cedar Beach Gates are currently Staffed 8am - 8pm Daily. (High Sierra Patrol locks gates at 9pm)
- Ski Beach Boat Ramp Gate will be staffed from 7am – 8pm daily. Launching is limited to Tahoe only watercraft with seal intact. TRPA is now providing inspections by appointment at the Truckee, Meyers, and Spooner Summit locations.
- Beaches are currently open to IVGID Picture Pass and Recreation Punch Card Holders only
- Physical/Social Distancing required
- No pop up tents

Beach operations are constantly changing and staff has and will remain flexible as restrictions are ready to either lifted or added dependent on impact of COVID – 19 and observed behavior at the beach properties.

The Public Works & Utilities team continues to provide outstanding service while protecting the water and sewer infrastructure during this extremely crucial and challenging time. Engineering staff continues to work on project development and management, Public Works

Administration is closed to the public but Staff is answering phones and responding to emails during normal business hours.

- *IVGID Public Works will temporarily suspend disconnections and penalty charges for delinquent accounts during this time. We will work with customers facing financial hardship to develop payment plans in order to assist with past due balances. We encourage any of our customers to contact us if they have concerns about their account balances.*

These venues will see a phased opening with safety and distancing requirements and measures in place. Group activities are currently being limited to 50 people or less or 50% of capacity depending on the facility/venue as part of a phase 2 opening. Staff will continue to provide information to the community as these plans further develop.

The Golf Courses at Incline Village

Both golf courses and practice facilities are now officially opened and seeing great success with social distancing measures in place. Once restrictions are lifted on golfers being allowed to ride together and we can move to ten minute intervals, we expect to be right on projected revenues. Below is a breakdown comparing May 2020 with May 2019 and both opening dates were very comparable.

<b>Opening Dates</b>	<b>2019</b>	<b>2020</b>
Range	May 10	May 11
Championship Course	May 17	May 18
Mountain Course	May 28	May 25

<b>Round Totals</b>	<b>2019</b>	<b>2020</b>
Championship Course	773	1627
Mountain Course	149	701

<b>Revenues (Championship Course)</b>	<b>2019</b>	<b>2020</b>
Admissions & Fees	\$37,410	\$101,010
Play Passes	\$13,305	\$42,732
Range Fees	\$15,918	\$26,247

<b>Revenues (Mountain Course)</b>	<b>2019</b>	<b>2020</b>
Admissions	\$3,815	\$23,754
Play Passes	\$1,078	\$1,476

Although May 2020 far exceeded expectations, cautioned is urged as June, and especially July, might not have as much access, revenue and play totals. This is mainly due to restrictions we may still be under and not as much public play that produces a higher greens

fee. Golf Operations will continue to manage to the bottom-line and make the best decisions based on restrictions we are faced with.

#### Recent Facility/Venue Openings

Incline Beaches and Boat Ramp – Open to IVGID Pass and Recreation Punch Card holders

Burnt Cedar Pool – June 15, 2020 (Lap Swimming, Lessons, Aqua Fitness, Private Groups)

Disc Golf Course – May 11, 2020

Championship Course Driving Range – May 11, 2020

Championship Golf Course – May 18, 2020

Incline Tennis & Pickleball Center – May 18, 2020

Incline Skate Park – May 21, 2020

Mountain Golf Course – May 25, 2020

Village Green & Incline Park Playing Fields – Open for limited drop in use

Incline Bike Park – May 23, 2020

Recreation Center & Community Programming – June 15, 2020

*\*all facilities/venues open with Covid-19 restrictions*

### **Capital Projects Update June 17<sup>th</sup>, 2020**

#### **Design**

##### Burnt Cedar Swimming Pool Improvements

A 2020/2021 Capital Improvement and Board of Trustees Priority Project, this project will reconstruct the two (2) existing pools (full size and toddler) at Burnt Cedar Beach. A design consultant has been selected to work with IVGID staff and a community group to develop a preferred conceptual design. The project will proceed into final design this fall, construction is tentatively planned for summer 2021.

##### Championship Golf Maintenance Building Drainage and Washpad Improvements

A 2020 Capital Improvement Project, this project will improve surface and sub-surface drainage, construct a modern wash pad facility, and spot treat pavement failures at the Championship Golf Maintenance Building. Moving forward with this project will address health and safety issues and prevent future damage to this facility. A local engineering consultant has completed the design and project is currently being advertised for construction bids. Bid results will be presented at the June 23<sup>rd</sup> Board of Trustees meeting. Construction is anticipated to start in mid-August 2020.

##### Martis Peak Road - Water Main Replacement

A 2020 Capital Improvement Project, this project includes slip lining a 14-inch water main under State Route 28 and replacing aging steel water main in Martis Peak Road and Rifle Peak Court. IVGID Engineering staff completed the design. Bid results are currently under review and will be presented at the June 23<sup>rd</sup> Board of Trustees meeting. Construction is anticipated to start in mid-July 2020.

Effluent Pipeline Project

District Staff provided a detailed Effluent Export Project update to the Board of Trustees on January 29, 2020. The immediate priority is to replace all of the remaining Segment 3 pipeline (12,385 linear feet) and to make immediate repairs to the Segment 2 pipeline (17,314 linear feet) to extend its life and mitigate a potential future leak site. At the February 26, 2020 Board of Trustees Meeting, a design services scope of work was presented to the Board to begin replacement of Segment 3, the scope of work was not approved. The Board has placed this project on hold pending the hiring of a Project Manager to conduct a complete project review of the Effluent Export Project. The annual CIP amount of \$2,000,000 will be allocated to this project. At the March 11, 2020 Board of Trustees meeting, the Board of Trustees unanimously approved to restrict \$9,656,890 to the Effluent Pipeline Project, Project #2524SS1010 from the Unrestricted Net Position in the Utility Fund effective March 12, 2020.

Effluent Pond Lining Project – 2599SS2010 (this is a new capital project #) – PO#

A component of the Water Resource Recovery Facility (WRRF) operation is a non-permitted 2.4 million gallon effluent storage basin located adjacent to the wastewater resource recovery facility (Plant). The WRRF Effluent Storage Alternative Analysis Memorandum, September 2018, recommends a reinforced concrete or the combination of concrete and shotcrete lining that provides the best long term value, maximizes storage volume, and has low maintenance to keep in service. At the February 26, 2020 Board of Trustees Meeting, a design services scope of work was presented to the Board for lining the pond, the scope of work was not approved. The Board has placed this project on hold pending the hiring of a Project Manager to conduct a complete project review of the Effluent Export Project. On February 27, 2020, Staff set up a new capital project for the Effluent Pond Lining and that project number is noted above. It is also included as an unbudgeted project for the 2020-21 CIP Budget

**Construction**

Tennis Center Renovation

The project includes remodeling the pro-shop and restrooms, enclosing the existing kitchenette area, expanding and enhancing the deck area, and layout improvements to make the venue more welcoming. The construction contract was awarded at the June 10<sup>th</sup> Board of Trustees meeting. Construction is scheduled to begin mid-August and is expected to be substantially complete by April 1, 2021.

Daniel Fraiman Construction Contract Status:

Original Contract Amount	Change Orders	Current Total Contract Amount	Total Payments for Work Completed to Date	Current Balance to Completion (including retainage)
\$709,000	\$0	\$709,000	\$0	\$709,000

Lakeview Ski Lift Maintenance and Improvements

This project includes electrical upgrades to the ski lift. Upgrades consist of the replacement of the Main Low Voltage Control Panel, DC Motor Drive Panel, Return Station Controls, Loading System Controls and Drive panel. The project also includes the replacement of the communication cable from the top terminal to the bottom terminal. There are three distinct components to the project including electrical engineering and design, bidding and procurement for the fabrication of the panels as well as bidding a contracted installation of the replacement panels. An electrical engineer has been hired to complete the design and is currently working with staff to develop the electrical design documents for bidding the panel fabrication and installation. Panel fabrication was awarded at the June 10<sup>th</sup> Board of Trustees meeting.

WRRF Aeration System Improvements

The aeration process of wastewater treatment supplies oxygen to facilitate the biological activity that converts raw sewage into treated wastewater effluent. The plant has six-200,000-gallon aeration basins with two jet aeration clusters per basin supplied by computer controlled multistage centrifugal aeration blowers. This project funds the design and replacement of the aeration system equipment at the WRRF. The Board awarded the construction contract to the lowest responsive bidder, KG Walters, on December 11. Construction has commenced and is anticipated to continue until December 2020. Progress meetings are held every two weeks.

K. G. Walters Construction Contract Status:

Original Contract Amount	Change Orders	Current Total Contract Amount	Total Payments for Work Completed to Date	Current Balance to Completion (including retainage)
\$1,508,500	\$384	\$1,508,884	\$151,804	\$1,357,080

Water Reservoir Safety and Security Improvements – Phase 1

This project would replace the ladders that access the top of the water reservoirs, install intermediate access platforms, install protective railings and install new fall protection devices. The exterior access to the roof area is required to meet the needs of the District to monitor the water quality in the reservoirs and perform routine repairs to radio communication equipment. The ladders also need to be secured from access by the public. The reservoir ladders, fall protection, platforms, and protective railings will meet the current Occupational Safety and Health Administration (OSHA) safety standards. The Board awarded the contract to Resource Development Company on April 10, 2019 for 10 of 13 reservoirs. Construction begins this summer and is expected to be substantially complete by September 15, 2020.

Resource Development Construction Contract Status:

Original Contract Amount	Change Orders	Current Total Contract Amount	Total Payments for Work Completed to Date	Current Balance to Completion (including retainage)
\$362,600	\$0	\$362,600	\$0	\$362,600

Water Reservoir Safety and Security Improvements – Phase 2

The second phase of this project would replace the ladders that access the top of the water reservoirs, install intermediate access platforms, install protective railings and install new fall protection devices for the remaining 3 reservoirs. The construction contract was awarded at the June 10<sup>th</sup> Board of Trustees meeting. Construction is scheduled to begin this summer and is to be completed by the end of the year.

Paso Robles Tank, Inc Contract Status:

Original Contract Amount	Change Orders	Current Total Contract Amount	Total Payments for Work Completed to Date	Current Balance to Completion (including retainage)
\$109,000	\$0	\$109,000	\$0	\$109,000

Mountain Course Clubhouse Renovation

On August 11, 2018 a fire occurred in the Mountain Course Clubhouse which led to the closing of the kitchen area. The Board approved renovation plans include a revised allocation of floor space, changes to access and substantial change to customer flow. A new ADA accessibility to the lower level for food service and construction of a new and expanded deck and the installation of new windows and doors. The Board awarded the construction contract to Houston Smith Construction at the August 14, 2019 BOT meeting. A notice of substantial completion was filed on April 29<sup>th</sup>, only punchlist items remain. IVGID staff is very pleased with the outcome of the project and has received several compliments from the public on the renovated venue.

Houston-Smith Construction Contract Status:

Original Contract Amount	Change Orders	Current Total Contract Amount	Total Payments for Work Completed to Date	Current Balance to Completion (including retainage)
\$1,006,000	\$87,893	\$1,093,893	\$1,072,015	\$21,878

IVGID Recreation Center Site Lighting Replacement

A 2020 Capital Improvement Project to replace bollard and site lights with modern LED fixtures. An outside Electrical Engineering firm has completed design and the project has been awarded to Intermountain Electric, Inc. Construction started on June 1<sup>st</sup> and is scheduled to be substantially complete on or before July 3<sup>rd</sup>.

Intermountain Electric, Inc. Contract Status:

Original Contract Amount	Change Orders	Current Total Contract Amount	Total Payments for Work Completed to Date	Current Balance to Completion (including retainage)
\$84,856	\$0	\$84,856	\$0	\$84,856

Incline Village Bocce Courts

At the August 14, 2019 Board of Trustees meeting, the Board prioritized construction of bocce courts. Engineering staff has completed design and at the May 6<sup>th</sup> Board of Trustees meeting, the Board approved the Notice to Proceed. Rapid Construction has started construction and is scheduled to be substantially complete on or before July 17<sup>th</sup>.

Rapid Construction Contract Status:

Original Contract Amount	Change Orders	Current Total Contract Amount	Total Payments for Work Completed to Date	Current Balance to Completion (including retainage)
\$68,860	\$0	\$68,860	\$0	\$68,860

Repair Deck Stairs and Powder Coat All Patio Deck Railings

This is 2020 Capital Improvement Project to make several improvements to the exterior patio deck at the Recreation Center. A failing concrete staircase has been replaced and the deck railing has been powder coated. There is \$14,330 remaining in the budget. IVGID solicited and received a proposal to address the spalling concrete on the patio deck but the bid exceeds the available funds. To proceed with the project and prolong the life of this asset excess funds (\$14,190) from completed CIP#4885BD1606, *Pool Facility Deck/Floor Re-coat* will be reallocated to this project. SI Legacy Coating is scheduled to seal the deck patio later this month.

**Financial Transparency**

As communicated in previous reports, with the strong financial performance through the first three quarters of the fiscal year, we continue to anticipate both the Community Services and Beach funds ending the year ahead of budget.

The Accounting staff has closed the Month of May and the financials will be posted to the Financial Transparency page June 18, 2020. Along with completing the year-end close, the Accounting staff had its kickoff meeting with the Auditors from Eide Bailly and are assisting auditors with walk-throughs this week. Golf merchandise inventory was observed by the Auditors and passed with zero exceptions.

**Capital Project Being Evaluated because of COVID-19 Economic Impacts**

The following table has the projects in the 2019-2020 Capital Improvement Project Budget that are being evaluated for deferral or re-budgeting, or cancellation.

Department	Project Title	2019-20 Budgeted Amount	Note
Public Works	Household Hazardous Waste Building Improvements	\$15,000	Cancelled
Facilities	Replace Hallway Tile at Chateau	\$65,000	Deferred
Parks	Aspen Grove Flatscape and Retaining Wall Enhancement and Replacement	\$55,000	Deferred
Beaches	Flatscape and Retaining Wall Enhancement and Replacement	\$55,000	Only proceeding with safety improvements, appx \$15,000
Recreation Center	Replace Fitness Equipment	\$45,000	Reduced to appx \$20,000
Tennis Center	Resurfacing of Courts 1-2/Drainage Improvements	\$47,000	Recommended to proceed with court resurfacing. Drainage improvement no longer needed. Partial remaining project funds re-allocated to conversion of court 10 to dedicated Pickle Ball courts. Estimated reduction of \$15k from 19-20 Capital Budget
Champ Golf	Printer Copier Replacement	\$10,000	Deferred
Champ Golf	Venue Signage Enhancements	\$40,000	Being evaluated



**Popular Report**

With the new fiscal year just fourteen days away from the date of this memorandum, I wanted to remind the Board that we agreed to the publishing of the Popular Report starting in the new fiscal year. The first report will be published to the District's website no later than October 31, 2020 and it will continue the information for the months of July, August, and September of 2020.

## MEMORANDUM

**TO:** Board of Trustees

**FROM:** Indra Winquest  
General Manager

**SUBJECT:** General Manager's Status Report  
Prepared for the meeting of October 27, 2020

**DATE:** October 20, 2020

### General Manager & Board of Trustees Priority Projects & Tasks

ACTION ITEM	TARGET DATE COMPLETION	RESPONSIBLE PARTY	STATUS
Effluent Pond Lining Project Request for Qualifications (RFQ)  <i>*updated</i>	CMAR RFQ Posted 10/23/20	GM Winquest/Engineering Manager Chorey Trustees Wong/Dent	RFQ Posted 10/23/20. Interviews to take place in November.
Effluent Pipeline Project Request for Qualifications (RFQ)	See above	GM Winquest/DPW Pomroy Trustees Wong/Dent	See above
Burnt Cedar Pool Project  <i>*updated</i>	Schematic Design Phase	Engineering Manager Chorey/GM Winquest	Schematic Design in progress. To be presented to Board 11/18.
<b><u>Internal Controls Project(s)</u></b>			Draft framework / project plan shared with Audit Committee; prioritizing procurement policy review
Review of Internal Control * Policies and Procedures	Winter/Spring	Director of Finance Navazio	
* Construction Contract Review	Winter 2020	GM Winquest/Director of Finance Navazio	Moss Adams contract audit underway; completed document review and stakeholder interviews; fact validation by 10/30; final report 11/16
Ordinance 7 Administrative Revisions  <i>*updated</i>	Fall/Winter 2020	GM Winquest	GM Advisory Committee Kick off meeting was held on 9/29/20. Next meeting was held 10/27/20
Smith vs IVGID Litigation	Ongoing	Legal Counsel/Board of Trustees/GM Winquest	Update provided by Legal Counsel at the 9/9/20 BOT mtg

ACTION ITEM	TARGET DATE COMPLETION	RESPONSIBLE PARTY	STATUS
Utilities Performance/Asset Management Review  <i>*updated</i>	Hiring of Consultant Fall 2020	GM Winqest/Board	Draft RFP under final review; target date for RFP release late October
2020/2022 Strategic Plan  <i>*updated</i>	February 2020/21	Senior Management Team/Board of Trustees	Will discuss in the future, during long range calendar. Will set a workshop date after election.
USFS Parcel Acquisition – Potential Dog Park	Ongoing	GM Winqest	Have resumed discussions with the USFS regarding special use permit,
2020/2021 Budget Kick off Workshop <i>*updated</i>	December 2020	GM Winqest/Director of Finance Navazio	Long Range Calendar updated to reflect workshop 12/9/20
Recreation Punch card accounting	Fall 2020	Director of Finance Navazio	Board Workshop took place on 9/9/20.
USACE Grant Funding for Pond Lining/Pipeline Projects	TBD	GM Winqest/Engineering Manager Chorey	Meeting with Marcus Faust/Laura Whitney of the USACE early November

**COVID–19, Impacts to the District & update on closures and restrictions**

The Recreation Center is currently open with a limited capacity of 50% for current members only. Drop in use is being evaluated at this time. Reservations are required for Group Fitness Classes, Gymnasium, Pool, and Strength and Conditioning area. The Chateau Grille is currently open with limited capacity and reservations are required. Weddings, Banquets and Events are currently taking place with significant restrictions based on state and county guidelines and restrictions. A variety of Parks & Recreation programs are being offered with strict health and safety guidelines. The community parks remain open for drop in use and social/physical distancing is being closely monitored. The Tennis Center remains open until late October weather dependent. Tennis and Pickle Ball courts will remain open on a first come first serve basis once the Pro Shop operations cease for the season.

Beach operations are constantly changing and Staff has and will remain flexible as restrictions are ready to either lifted or added dependent on impact of COVID–19 and observed behavior at the beach properties. Currently the beach operational season is winding down. Food & Beverage and lifeguard operations ended on September 7<sup>th</sup>. Beach Host Staff will continue to staff the entrance gates and the boat ramp as weather and utilization allows through the end of October.

- All Beach Parking lots open 8am – 8pm daily
- Ski Beach Boat Ramp is available by appointment. All appointments must be made 24 hours in advance

**Golf Courses Update**

**Championship Course Review**

The Championship course opened May 18 for play and closed October 18 with no disruptions or closures for the season. The golf course was in great condition all season, thanks to the hard work by Jeff Clouthier and his team. The Golf staff lead by Head Professional Kyle Thornburg kept things safe for all golfers while checking-in and playing. As you will see below, Resident play was significantly up for the year and all of this was accomplished with incredibly low pace-of-play which made all golfers happy.

Overall Play Percentages Of Total Play	Residents	Play Pass	Resident's Guest	Non-Residents	Other
2019	26%	33%	9%	24%	8%
2020	36%	39%	10%	12%	3%
<i>Difference in 2020</i>	<i>+10%</i>	<i>+6%</i>	<i>+1%</i>	<i>-12%</i>	<i>-5%</i>

**Mountain Course Review**

The Mountain course opened May 25 for play and closed October 11, also with no disruptions or closures for the year thanks to the Mountain course staff headed by Head Professional Ashley Wood. Jeff Clouthier and his staff also had the Mountain course in great condition for the entire season.

Mountain Course	Residents	Play Pass	Resident's Guest	Non-Residents	Other
2019	5239	2788	1698	4846	875
2020	9212	2957	1962	3624	567
<i>Difference in 2020</i>	<i>+43%</i>	<i>+6%</i>	<i>+14%</i>	<i>-25%</i>	<i>-35%</i>

Overall Play Percentages of Total Play	Residents	Play Pass	Resident's Guest	Non-Residents	Other
2019	34%	18%	11%	31%	6%
2020	50%	16%	11%	20%	3%
<i>Difference in 2020</i>	<i>+24%</i>	<i>-2%</i>	<i>0</i>	<i>-11%</i>	<i>-3%</i>

**Staff Recruitment**

The Human Resources Team is very busy with multiple key recruitments - Controller, Parks and Recreation Superintendent, and the Director of Public Works. The District General Manager will keep the Board of Trustees up to date on these key recruitments as the process proceeds.

### **Public Works**

- IVGID Public Works will temporarily suspend disconnections and penalty charges for delinquent accounts during this time. We will work with customers facing financial hardship to develop payment plans in order to assist with past due balances. We encourage any of our customers to contact us if they have concerns about their account balances. We expect to discontinue this by December 1.
- Solid waste violations and fines have been reinstated as of all new violations beginning August 31, 2020.

### **Ordinance 7 General Manager Advisory Committee**

A page on the IVGID website has been created and that link is <https://www.yourtahoeplace.com/ivgid/general-managers-committee-on-ordinance-7>. The minutes from the first meeting are posted to this website. The next meeting of this committee is scheduled for Tuesday, October 27, 2020. The GM will give an update at the BOT meeting on 10/27/20.

### **Key Project Updates**

#### **Burnt Cedar Swimming Pool Improvements**

A 2020/2021 Capital Improvement and Board of Trustees Priority Project, this project will reconstruct the two (2) existing pools (full size and toddler) at Burnt Cedar Beach. A design consultant has been selected and worked with IVGID Staff and a community group to develop a preferred conceptual design. On August 12, 2020, the Board of Trustees unanimously selected a preferred option. On September 9, 2020, the Board of Trustees unanimously authorized schematic design services. On September 30, 2020, the Board of Trustees provided feedback on project delivery with the majority supporting the Construction Manager-At-Risk (CMAR) project delivery method. Schematic Design is scheduled to be presented to the Board of Trustees at the November 18, 2020 Board Meeting. Assuming acceptance of the schematic design, the CMAR will prepare a construction cost estimate. The CMAR construction cost estimate and a proposal to complete design and permitting are tentatively scheduled to be reviewed and discussed at the December 9, 2020 Board Meeting. Attached to this memorandum is a memorandum sent to the Board of Trustees by the Engineering Manager which Staff wanted to make available to the community.

#### **Tennis Center Renovation**

The project includes remodeling the pro-shop and restrooms, enclosing the existing kitchenette area, expanding and enhancing the deck area, and layout improvements to make the venue more welcoming. The construction contract was awarded at the June 10, 2020 Board of Trustees meeting. Construction has commenced and the project is scheduled to be substantially complete April 1, 2021.

Daniel Fraiman Construction Contract Status:

Original Contract Amount	Change Orders	Current Total Contract Amount	Total Payments for Work Completed to Date	Current Balance to Completion (including retainage)
\$709,000	\$25,358	\$734,358	\$213,150	\$521,208

Effluent Pipeline Project

District Staff provided a detailed Effluent Export Project update to the Board of Trustees on January 29, 2020. The immediate priority is to replace all of the remaining Segment 3 pipeline (12,385 linear feet) and to make immediate repairs to the Segment 2 pipeline (17,314 linear feet) to extend its life and mitigate a potential future leak site. At the February 26, 2020 Board of Trustees Meeting, a design services scope of work was presented to the Board to begin replacement of Segment 3, the scope of work was not approved. The Board has placed this project on hold pending the hiring of a Project Manager/Construction Manager-At-Risk (CMAR) to conduct a complete project review of the Effluent Export Project. IVGID staff has prepared a Request for Proposals (RFP) to solicit responses from potential CMARs and it will appear in the newspaper on October 23, 2020.

Effluent Pond Lining Project – 2599SS2010 (this is a new capital project #) – PO#

A component of the Water Resource Recovery Facility (WRRF) operation is a 2.4-million-gallon effluent storage basin located adjacent to the wastewater resource recovery facility (Plant). The WRRF Effluent Storage Alternative Analysis Memorandum, September 2018, recommends a reinforced concrete or the combination of concrete and shotcrete lining that provides the best long term value, maximizes storage volume, and has low maintenance to keep in service. At the February 26, 2020 Board of Trustees Meeting, a design services scope of work was presented to the Board for lining the pond, the scope of work was not approved. The Board has placed this project on hold pending the hiring of a Project Manager/Construction Manager-At-Risk (CMAR) to conduct a complete project review of the Effluent Export Project. IVGID staff has prepared a Request for Proposals (RFP) to solicit responses from potential CMARs and it will appear in the newspaper on October 23, 2020.

Financial Transparency

Fiscal Year 2019/2020 Year-End Audit. Auditor has provided review comments on preliminary draft of financial statements and notes to financial statements. Staff continues to respond to audit inquiries and is updating sections of the CAFR. Currently 11 audit adjustments that have been identified and posted. One audit adjustment is under review by staff and is not posted.

Staff has completed the September 2020 close and posted the financial packet to the District website and updated OpenGov.

**Policy 3.1.0, subparagraph 0.4 – Report to the Board on Contracts Signed by the District General Manager**

From September 30, 2020 to October 21, 2020

PO Number	Vendor	Description	PO Amt
21-0090	EXL Media	EXL Media 2020-21 media buying services for Diamond Peak – Agency Fees	\$25,000.
21-0091	EXL Media	EXL Media 2020-21 media buying services for Diamond Peak Ski Resort – paid media spending	\$75,000
21-0092	Sierra Pacific Turf Supply Inc.	Fertilizer, adjuvants, construction amendment for root zone mixes	\$10,703
21-0094	Tate Snyder Kimsey Architects Ltd DBA TSK Architects	Burnt Cedar Swimming Pools Improvement Project; Schematic Design services per ASA 01 dated 9/11/2020	\$66,204
21-0098	Kassbohrer All Terrain Vehicles, Inc.	Parts and Labor for Snowcat Track rebuild \$645	\$16,000
21-0099	Halo Branded Solutions, Inc.	Diamond Peak Staff Uniforms	\$30,000
21-0101	Ward-Young Architecture and Planning	Recreation Center Locker Room Improvements; architectural services per SFA dated 8/20/2020	\$40,222
21-0102	Ward-Young Architecture and Planning	Recreation Center Lobby Restroom Improvements; architectural services per ASA dated 8/21/2020	\$16,237
		<b>TOTAL</b>	<b>\$279,366</b>

## MEMORANDUM

**TO:** Board of Trustees

**FROM:** Indra Winqest  
General Manager

**SUBJECT:** General Manager's Status Report  
Prepared for the meeting of October 14, 2020

**DATE:** October 6, 2020

### General Manager & Board of Trustees Priority Projects & Tasks

ACTION ITEM	TARGET DATE COMPLETION	RESPONSIBLE PARTY	STATUS
Effluent Pond Lining Project Request for Qualifications (RFQ)  <i>*updated</i>	CMAR RFQ Process to begin in October 2020	GM Winqest/DPW Pomroy Trustees Wong/Dent	Finalizing a RFQ to hire a CMAR Contractor.
Effluent Pipeline Project Request for Qualifications (RFQ)	See above	GM Winqest/DPW Pomroy Trustees Wong/Dent	See above
Burnt Cedar Pool Project  <i>*updated</i>	Design Phase	Engineering Manager Chorey/GM Winqest	Schematic Design in process
<b><u>Internal Controls Project(s)</u></b>			Draft framework / project plan shared with Audit Committee; prioritizing procurement policy review
Review of Internal Control * Policies and Procedures	Winter/Spring	Director of Finance Navazio	
* Construction Contract Review	Winter 2020	GM Winqest/Director of Finance Navazio	Moss Adams contract audit underway; completed document review and stakeholder interviews; fact validation by 10/30; final report 11/16
Ordinance 7 Administrative Revisions  <i>*updated</i>	Fall/Winter 2020	GM Winqest	GM Advisory Committee Kick off meeting was held on 9/29/20. Next meeting is 10/27/20
Smith vs IVGID Litigation	Ongoing	Legal Counsel/Board of Trustees/GM Winqest	Update provided by Legal Counsel at the 9/9/20 BOT mtg



ACTION ITEM	TARGET DATE COMPLETION	RESPONSIBLE PARTY	STATUS
Utilities Performance/Asset Management Review  <i>*updated</i>	Hiring of Consultant Fall 2020	GM Winqest/Board	Draft RFQ / RFP under final review; target date for RFQ release late October
2020/2022 Strategic Plan	February 2020/21	Senior Management Team/Board of Trustees	Will discuss, in the future, during long range calendar
USFS Parcel Acquisition – Potential Dog Park	Ongoing	GM Winqest	Met with USFS Staff 4/2/20 process of filing a special use permit.
2020/2021 Budget Kick off Workshop <i>*updated</i>	November 2020	GM Winqest/Director of Finance Navazio	Long Range Calendar updated 9/30/20
Recreation Punch card accounting	Fall 2020	Director of Finance Navazio	Board Workshop took place on 9/9/20.
USACE Grant Funding for Pond Lining/Pipeline Projects	TBD	GM Winqest/DPW Pomroy	No update

**COVID–19, Impacts to the District & update on closures and restrictions**

The Recreation Center is currently open with a limited capacity of 50% for current members only. Drop in use is being evaluated at this time. Reservations are required for Group Fitness Classes, Gymnasium, Pool, and Strength and Conditioning area. The Chateau Grille is currently open with limited capacity and reservations are required. Weddings, Banquets and Events are currently taking place with significant restrictions based on state and county guidelines and restrictions. A variety of Parks & Recreation programs are being offered with strict health and safety guidelines. The community parks remain open for drop in use and social/physical distancing is being closely monitored. The Tennis Center remains open until late October weather dependent.

Beach operations are constantly changing and Staff has and will remain flexible as restrictions are ready to either lifted or added dependent on impact of COVID–19 and observed behavior at the beach properties. Currently the beach operational season is winding down. Food & Beverage and lifeguard operations ended on September 7<sup>th</sup>. Beach Host Staff will continue to staff the entrance gates and the boat ramp as weather and utilization allows.

- All Beach Parking lots open 7am – 8pm daily
- Ski Beach Boat Ramp is available by appointment. All appointments must be made 24 hours in advance
- Beaches are currently open to IVGID Picture Pass and Recreation Punch Card Holders only. Physical/Social Distancing required.

## **Public Works**

- IVGID Public Works will temporarily suspend disconnections and penalty charges for delinquent accounts during this time. We will work with customers facing financial hardship to develop payment plans in order to assist with past due balances. We encourage any of our customers to contact us if they have concerns about their account balances. We expect to discontinue this by December 1.
- Solid waste violations and fines have been reinstated as of all new violations beginning August 31, 2020.

## **Ordinance 7 General Manager Advisory Committee**

A page on the IVGID website has been created and that link is <https://www.yourtahoepalace.com/ivgid/general-managers-committee-on-ordinance-7>. Karen Viel is no longer on the committee. The minutes from the first meeting are posted to this website. The next meeting of this committee is tentatively scheduled for Tuesday, October 27, 2020.

## **Key Project Updates**

### **Burnt Cedar Swimming Pool Improvements**

A 2020/2021 Capital Improvement and Board of Trustees Priority Project, this project will reconstruct the two (2) existing pools (full size and toddler) at Burnt Cedar Beach. A design consultant has been selected and worked with IVGID Staff and a community group to develop a preferred conceptual design. On August 12, 2020, the Board of Trustees unanimously selected a preferred option. On September 9, 2020, the Board of Trustees unanimously authorized schematic design services. On September 30, 2020, the Board of Trustees provided feedback on project delivery with the majority supporting the Construction Manager-At-Risk (CMAR) project delivery method. Schematic Design is tentatively scheduled to be presented to the Board of Trustees at the November 18, 2020 Board Meeting.

### **Tennis Center Renovation**

The project includes remodeling the pro-shop and restrooms, enclosing the existing kitchenette area, expanding and enhancing the deck area, and layout improvements to make the venue more welcoming. The construction contract was awarded at the June 10, 2020 Board of Trustees meeting. Construction has commenced and the project is scheduled to be substantially complete April 1, 2021.

Daniel Fraiman Construction Contract Status:

Original Contract Amount	Change Orders	Current Total Contract Amount	Total Payments for Work Completed to Date	Current Balance to Completion (including retainage)
\$709,000	\$25,358	\$734,358	\$213,150	\$521,208

Effluent Pipeline Project

District Staff provided a detailed Effluent Export Project update to the Board of Trustees on January 29, 2020. The immediate priority is to replace all of the remaining Segment 3 pipeline (12,385 linear feet) and to make immediate repairs to the Segment 2 pipeline (17,314 linear feet) to extend its life and mitigate a potential future leak site. At the February 26, 2020 Board of Trustees Meeting, a design services scope of work was presented to the Board to begin replacement of Segment 3, the scope of work was not approved. The Board has placed this project on hold pending the hiring of a Project Manager/Construction Manager-At-Risk (CMAR) to conduct a complete project review of the Effluent Export Project. IVGID staff is preparing a Request for Qualifications (RFQ) to solicit responses from potential CMARs.

Effluent Pond Lining Project – 2599SS2010 (this is a new capital project #) – PO#

A component of the Water Resource Recovery Facility (WRRF) operation is a 2.4-million-gallon effluent storage basin located adjacent to the wastewater resource recovery facility (Plant). The WRRF Effluent Storage Alternative Analysis Memorandum, September 2018, recommends a reinforced concrete or the combination of concrete and shotcrete lining that provides the best long term value, maximizes storage volume, and has low maintenance to keep in service. At the February 26, 2020 Board of Trustees Meeting, a design services scope of work was presented to the Board for lining the pond, the scope of work was not approved. The Board has placed this project on hold pending the hiring of a Project Manager/Construction Manager-At-Risk (CMAR) to conduct a complete project review of the Effluent Export Project. IVGID staff is preparing a Request for Qualifications (RFQ) to solicit responses from potential CMARs.

Financial Transparency

Fiscal Year 2019/2020 Year-End Audit

Staff continues to work with the auditors on inquiries. Staff expects to have the August financials distributed by the end of the week (10/09/2020).

**MEMORANDUM**

**TO:** Board of Trustees

**FROM:** Indra Winqest  
Interim General Manager

**SUBJECT:** General Manager's Status Report  
Prepared for the meeting of May 27, 2020

**DATE:** May 20, 2020

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**Interim General Manager & Board of Trustees Priority Projects & Tasks**

ACTION ITEM	TARGET DATE COMPLETION	RESPONSIBLE PARTY	STATUS
Filing of 2020-21 District Budget & Recreation Roll	6/1/2020	GM Winqest/Director of Finance Navazio/Board of Trustees	Public Hearing on Final Budget/Rec Roll 5/27
Effluent Pond Lining Project Request for Qualifications (RFQ)	Board award contract at early July BOT Meeting.	GM Winqest/Director of PW Pomroy Trustees Wong/Dent	Publicly advertising RFQ. Qualifications due 6/5.
Effluent Pipeline Project Request for Qualifications (RFQ)	Board award contract at early July BOT Meeting.	GM Winqest/Director of PW Pomroy Trustees Wong/Dent	Publicly advertising RFQ. Qualifications due 6/5.
USFS Parcel Acquisition	Ongoing	GM Winqest	Met with USFS Staff 4/2/20 process of filing a special use permit. Will be delayed as a result of COVID-19
Burnt Cedar Pool Project	10/31/2021	Engineering/GM Winqest	Top design team has been notified. IVGID Staff and consultant are negotiating contract.
Guest Access Ticket Revision	Completed	GM Winqest	Included details of new process in GM Report on 4/1 and 4/14.
No Smoking/Vaping Policy	Completed	GM Winqest	Resolution approved by BOT on 4/1. Implementation beginning.
Internal Controls Audit	6/30/2020	Audit Committee/GM Winqest/Director of Finance Navazio	In beginning stage; scope of services development

ACTION ITEM	TARGET DATE COMPLETION	RESPONSIBLE PARTY	STATUS
Ordinance 7 Administrative Revisions	TBD	GM Winqest	Public Hearing - postponed due to COVID – 19 Virus impact
Smith vs IVGID Litigation	6/30/20	Legal Counsel/Board of Trustees/GM Winqest	Update coming in June
Utility Reserve Fund/Rate Study	Summer 2020	GM Winqest/Board	Need to discuss a target date
2020-22 Strategic Plan	7/1/2020	Senior Management Team/Board of Trustees	Planning for workshop in June 2020
2020-21 Budget Workshop	Completed	Senior Management Team/Board of Trustees	Scheduled for 5/7/20
2020-21 Budget Kick off Workshop	Fall 2020	GM Winqest/Director of Finance Navazio	Will discuss during long range calendar

**COVID–19, Impacts to the District & update on closures and restrictions**

Diamond Peak and the Recreation Center closed on Monday, March 16<sup>th</sup>. Additionally, all community programming has been cancelled or postponed until further notice. Public Works, Administration, and Chateau all closed to the public on Tuesday, March 17<sup>th</sup>. The Parks remain open for drop in use and social/physical distancing is being monitored closely. Parks Staff is gradually being brought on to address needs to maintain and prepare the venues for seasonal operations.

As of April 30<sup>th</sup>, the beaches are accessible. Key operational aspects:

- High Sierra Patrol is currently on site 11:30am – 9:30pm
- All Beach Parking lots open 11am – 8pm Mon – Thu, 9am – 8pm Fri – Sun
- Incline & Burnt Cedar Beach Gates are currently Staffed 11am - 7pm Mon – Thu, 9am – 7pm Fri – Sun (High Sierra Patrol locks gates at 8pm)
- Ski Beach Boat Ramp opened on Wednesday, May 20<sup>th</sup>. Gate will be staffed from 7am – 8pm daily. Launching is limited to Tahoe only watercraft with seal in tact. TRPA has not announced when they will begin providing watercraft inspections.
- Beaches are currently open to IVGID Picture Pass and Recreation Punch Card Holders only
- Physical/Social Distancing required
- No pop up tents

Beach operations are constantly changing and staff has and will remain flexible as restrictions are ready to either lifted or added dependent on impact of COVID – 19 and observed behavior at the beach properties.

Many full time staff are working from home and/or are working a combination of on site and home as well as utilizing sick and/or vacation leave. Additional cost savings steps, as they relate to Full Time Year Round and Seasonal Management staff have been implemented and include a combination of temporary hourly furloughs and percentage pay decreases. Part Time Seasonal and hourly staff are currently working on a critical need basis only. Our Human Resources team is doing an outstanding job of working through the State and Federal guidelines for our workforce.

The Community Services teams are working on developing reopening strategies to make sure a healthy and safe environment is provided so that our residents and guests are comfortable visiting our venues and participating in activities. Additionally, Staff is working on digital and online resources to keep the community active and engaged. The golf courses are currently open and parks staff will continue with normal preparation for upcoming seasons although it is universally understood that there may be impacts as a result of COVID-19. The Recreation Center is closed until further notice, however, Recreation Counter Staff is available to answer phone calls and respond to emails. Recreation Counter staff is working on methods to open up access to services in the best interest of health and safety. This includes additional sanitization, barriers at the counter, line distancing, PPE measures.

The Public Works & Utilities team continues to provide outstanding service while protecting the water and sewer infrastructure during this extremely crucial and challenging time. Engineering staff continues to work on project development and management, Public Works Administration is closed to the public but Staff is answering phones and responding to emails during normal business hours.

- *IVGID Public Works will temporarily suspend disconnections and penalty charges for delinquent accounts during this time. We will work with customers facing financial hardship to develop payment plans in order to assist with past due balances. We encourage any of our customers to contact us if they have concerns about their account balances.*

Nevada's Governor Sisolak issued an extension to the "Stay at Home" order until Late May. However, beginning May 1, restrictions on activities including Golf, Tennis, and Pickle Ball have been lifted and will be allowed if operated safely by agencies maximizing prevention of the spread of COVID-19. The Championship Golf Course opened on May 18<sup>th</sup>, while the Mountain Golf Course opened on May 25<sup>th</sup>. Additionally, Parks & Recreation Department staff opened the Tennis Center on May 18<sup>th</sup>, as well as other parks venues. These venues will see a phased opening with safety and distancing requirements and measures in place. Group activities are not currently being planned as part of a phase 1 opening. Staff will continue to provide information to the community as these plans further develop.

### Recent Facility/Venue Openings

Incline Beaches and Boat Ramp – Open to IVGID Pass and Recreation Punch Card holders (Burnt Cedar Pool opening TBD)

Disc Golf Course – May 11

Championship Course Driving Range – May 11

Championship Golf Course – May 18

Incline Tennis & Pickleball Center – May 18

Incline Skate Park – May 21

Mountain Golf Course – May 25

Village Green & Incline Park Playing Fields – Open for limited drop in use

Incline Bike Park – May 23

*\*all facilities/venues open with Covid-19 restrictions*

## **Capital Projects Update May 20<sup>th</sup>, 2020**

### **Design**

#### Championship Golf Maintenance Building Drainage and Washpad Improvements

A 2020 Capital Improvement Project, this project will improve surface and sub-surface drainage, construct a modern wash pad facility, and spot treat pavement failures at the Championship Golf Maintenance Building. Moving forward with this project will address health and safety issues and prevent future damage to this facility. A local engineering consultant has completed the design and is currently preparing the final bid documents. The project is scheduled to be publically advertised for bids on May 8<sup>th</sup>, and bid results will be presented at the June 24<sup>th</sup> Board of Trustees meeting. Construction is anticipated to start in mid-August 2020.

#### Martis Peak Road - Water Main Replacement

A 2020 Capital Improvement Project, this project includes slip lining a 14-inch water main under State Route 28 and replacing aging steel water main in Martis Peak Road and Rifle Peak Court. IVGID Engineering staff completed the design. The project is currently being publically advertised for bids and bid results will be presented at the June 24<sup>th</sup> Board of Trustees meeting. Construction is anticipated to start in mid-July 2020.

#### Tennis Center Renovation

The Board approved on June 19 for staff to begin the design of the tennis center renovation. The architectural, design and permitting services scope of work was approved at the August 14 BOT meeting with the removal of Bocce Courts. The key project objectives are renovation of the pro-shop buildings and surrounding site to renovate aging restrooms, expand the pro-shop by enclosing outdoor kitchenette area, expand and enhance the deck area, improve wayfinding and flow of traffic through the Tennis Center. The Board selected a design development alternative on November 13<sup>th</sup> and authorized public advertisement for bids on March 11<sup>th</sup>. The video conference Pre-bid meeting on April 29<sup>th</sup> was well attended by prime

and sub-contractors and staff is optimistic we will receive multiple bids on this project. Bid results are scheduled to be presented to the Board on June 10<sup>th</sup>.

### Effluent Pipeline Project

District Staff provided a detailed Effluent Export Project update to the Board of Trustees on January 29, 2020. The immediate priority is to replace all of the remaining Segment 3 pipeline (12,385 linear feet) and to make immediate repairs to the Segment 2 pipeline (17,314 linear feet) to extend its life and mitigate a potential future leak site. At the February 26, 2020 Board of Trustees Meeting, a design services scope of work was presented to the Board to begin replacement of Segment 3, the scope of work was not approved. The Board has placed this project on hold pending the hiring of a Project Manager to conduct a complete project review of the Effluent Export Project. The annual CIP amount of \$2,000,000 will be allocated to this project. At the March 11, 2020 Board of Trustees meeting, the Board of Trustees unanimously approved to restrict \$9,656,890 to the Effluent Pipeline Project, Project #2524SS1010 from the Unrestricted Net Position in the Utility Fund effective March 12, 2020.

### Effluent Pond Lining Project – 2599SS2010 (this is a new capital project #) – PO#

A component of the Water Resource Recovery Facility (WRRF) operation is a non-permitted 2.4 million gallon effluent storage basin located adjacent to the wastewater resource recovery facility (Plant). The WRRF Effluent Storage Alternative Analysis Memorandum, September 2018, recommends a reinforced concrete or the combination of concrete and shotcrete lining that provides the best long term value, maximizes storage volume, and has low maintenance to keep in service. At the February 26, 2020 Board of Trustees Meeting, a design services scope of work was presented to the Board for lining the pond, the scope of work was not approved. The Board has placed this project on hold pending the hiring of a Project Manager to conduct a complete project review of the Effluent Export Project. On February 27, 2020, Staff set up a new capital project for the Effluent Pond Lining and that project number is noted above. It is also included as an unbudgeted project for the 2020-21 CIP Budget

## **Construction**

### Lakeview Ski Lift Maintenance and Improvements

This project includes electrical upgrades to the ski lift. Upgrades consist of the replacement of the Main Low Voltage Control Panel, DC Motor Drive Panel, Return Station Controls, Loading System Controls and Drive panel. The project also includes the replacement of the communication cable from the top terminal to the bottom terminal. There are three distinct components to the project including electrical engineering and design, bidding and procurement for the fabrication of the panels as well as bidding a contracted installation of the replacement panels. An electrical engineer has been hired to complete the design and is currently working with staff to develop the electrical design documents for bidding the panel fabrication and installation. Panel fabrication bid results are tentatively scheduled to be presented to the Board in June.



WRRF Aeration System Improvements

The aeration process of wastewater treatment supplies oxygen to facilitate the biological activity that converts raw sewage into treated wastewater effluent. The plant has six-200,000-gallon aeration basins with two jet aeration clusters per basin supplied by computer controlled multistage centrifugal aeration blowers. This project funds the design and replacement of the aeration system equipment at the WRRF. The Board awarded the construction contract to the lowest responsive bidder, KG Walters, on December 11. Construction has commenced and is anticipated to continue until December 2020. Progress meetings are held every two weeks.

K. G. Walters Construction Contract Status:

Original Contract Amount	Change Orders	Current Total Contract Amount	Total Payments for Work Completed to Date	Current Balance to Completion (including retainage)
\$1,508,500	\$0	\$1,508,500	\$73,539	\$1,434,961

Water Reservoir Safety and Security Improvements – Phase 1

This project would replace the ladders that access the top of the water reservoirs, install intermediate access platforms, install protective railings and install new fall protection devices. The exterior access to the roof area is required to meet the needs of the District to monitor the water quality in the reservoirs and perform routine repairs to radio communication equipment. The ladders also need to be secured from access by the public. The reservoir ladders, fall protection, platforms, and protective railings will meet the current Occupational Safety and Health Administration (OSHA) safety standards. The Board awarded the contract to Resource Development Company on April 10, 2019 for 10 of 13 reservoirs. Construction begins this summer and is expected to be substantially complete by September 30, 2020.

Resource Development Construction Contract Status:

Original Contract Amount	Change Orders	Current Total Contract Amount	Total Payments for Work Completed to Date	Current Balance to Completion (including retainage)
\$362,600	\$0	\$362,600	\$0	\$362,600

Water Reservoir Safety and Security Improvements – Phase 2

The second phase of this project would replace the ladders that access the top of the water reservoirs, install intermediate access platforms, install protective railings and install new fall protection devices for the remaining 3 reservoirs. Bid results are under review and are tentatively scheduled to be presented to the Board on June 10, 2020. If awarded, construction

is scheduled to begin this summer and is expected to be substantially complete by the end of the year.

Mountain Course Clubhouse Renovation

On August 11, 2018 a fire occurred in the Mountain Course Clubhouse which led to the closing of the kitchen area. The Board approved renovation plans include a revised allocation of floor space, changes to access and substantial change to customer flow. A new ADA accessibility to the lower level for food service and construction of a new and expanded deck and the installation of new windows and doors. The Board approved the design on May 22, 2019 and authorized advertising for bids which then occurred on June 21, 2019. The Board awarded the construction contract to Houston Smith Construction at the August 14, 2019 BOT meeting. A notice of substantial completion was filed on April 29<sup>th</sup>, only punchlist and permit closeout items remain. IVGID staff is very pleased with the outcome of the project and is eagerly awaiting the start of the golf season to show off the renovated venue.

Houston-Smith Construction Contract Status:

Original Contract Amount	Change Orders	Current Total Contract Amount	Total Payments for Work Completed to Date	Current Balance to Completion (including retainage)
\$1,006,000	\$83,575	\$1,089,575	\$916,365	\$173,210

IVGID Recreation Center Site Lighting Replacement

A 2020 Capital Improvement Project to replace bollard and site lights with modern LED fixtures. An outside Electrical Engineering firm has completed design and the project has been awarded to Intermountain Electric, Inc. Construction is scheduled to start the week of June 1<sup>st</sup>.

Incline Village Bocce Courts

At the August 14, 2019 Board of Trustees meeting, the Board prioritized construction of bocce courts. Two bocce courts were initially included in the Tennis Center Remodel Project but were removed in favor of maintaining the existing hitting wall. At the November 13, 2019 Board of Trustees meeting, a preferred site was selected adjacent to the IVGID Recreation Center. Engineering staff has completed design and the Rapid Construction is the lowest responsible bidder. Staff is requesting Board Approval on a Notice to Proceed at its May 6, 2020 meeting. Construction is scheduled to start the week of June 1<sup>st</sup>.

**Priority Projects & Items**

**Financial Transparency**

Staff continues to evaluate the effects on the current fiscal year budget of COVID-19 pandemic related closure of District venues and curtailment of non-essential programs and services into May, and possibly, June.

As communicated in previous reports, with the strong financial performance through the first three quarters of the fiscal year, we anticipate both the Community Services and Beach funds ending the year *ahead of budget*, assuming continued avoidance of staffing and program costs, consistent with curtailment of facility operations.

While both the General Fund and Utility Fund revenues are largely buffered from short-term impacts from facility closures and level of activity, additional cost-savings measures have been implemented including reduced work hours for staff (limited to essential services), reduced contract services, and deferring of non-essential expenditures. The General Manager is evaluating additional personnel cost-saving measures should closures extend beyond the next thirty days. Criteria is also being established to prioritize pending capital project expenditures through the remainder of the current fiscal year.

Staff has complete the financial close for April 2020 and posted the monthly financials to the District's website along with updating the OpenGov transparency tool. Management has taken measures to control costs during the pandemic that resulted in net operating revenue to be just slightly below budget for the month and remaining ahead of budget year to date.

**Capital Project Being Evaluated because of COVID-19 Economic Impacts**

The following table has the projects in the 2019-2020 Capital Improvement Project Budget that are being evaluated for deferral or re-budgeting, or cancellation.

Department	Project Title	2019-20 Budgeted Amount	Note
Public Works	Household Hazardous Waste Building Improvements	\$15,000	Cancelled
Facilities	Chateau – Replace Carpet	\$62,000	Being evaluated
Facilities	Replace Hallway Tile at Chateau	\$65,000	Deferred
Parks	Aspen Grove Flatscape and Retaining Wall Enhancement and Replacement	\$55,000	Deferred
Beaches	Flatscape and Retaining Wall Enhancement and Replacement	\$55,000	Only proceeding with safety improvements, appx \$15,000
Recreation Center	Replace Fitness Equipment	\$45,000	Reduced to appx \$20,000

Tennis Center	Resurfacing of Courts 1-2/Drainage Improvements	\$47,000	Recommended to proceed with court resurfacing. Drainage improvement no longer needed. Partial remaining project funds re-allocated to conversion of court 10 to dedicated Pickle Ball courts. Estimated reduction of \$15k from 19-20 Capital Budget
Champ Golf	Printer Copier Replacement	\$10,000	Deferred
Champ Golf	Venue Signage Enhancements	\$40,000	Being evaluated

## MEMORANDUM

**TO:** Board of Trustees

**FROM:** Indra Winquest  
Interim General Manager

**SUBJECT:** General Manager's Status Report  
Prepared for the meeting of July 22, 2020

**DATE:** July 17, 2020

### Interim General Manager & Board of Trustees Priority Projects & Tasks

ACTION ITEM	TARGET DATE COMPLETION	RESPONSIBLE PARTY	STATUS
Effluent Pond Lining Project Request for Qualifications (RFQ)	August 2020	GM Winquest/Director of PW Pomroy Trustees Wong/Dent	Qualifications are under review.
Effluent Pipeline Project Request for Qualifications (RFQ)	August 2020	GM Winquest/Director of PW Pomroy Trustees Wong/Dent	Qualifications are under review.
USFS Parcel Acquisition – Potential Dog Park	Ongoing	GM Winquest	Met with USFS Staff 4/2/20 process of filing a special use permit. Will be delayed as a result of COVID-19
USACE Grant Funding for Pond Lining/Pipeline Projects	TBD	GM Winquest/Director of Public Works Pomroy	No Update
Burnt Cedar Pool Project	Present Conceptual Design at 8/12 BOT Meeting	Engineering/GM Winquest	Conceptual Design has commenced. Community Group and IVGID staff are providing input.
Internal Controls Audit	Winter 2020	Audit Committee/GM Winquest/Director of Finance Navazio	Internal policies, processes, controls etc. being evaluated by staff
Ordinance 7 Administrative Revisions	Fall/Winter 2020	GM Winquest	Creation of advisory team in August 2020.
Smith vs IVGID Litigation	7/31/2020	Legal Counsel/Board of Trustees/GM Winquest	Update was provided on 6/10/20.
Construction Project and Engineering Contract Audit	Kick off meeting in mid-July 2020	GM Winquest/Director of Finance Navazio	Approved by the BOT on 6/10/2020. In Contract with Moss Adams

ACTION ITEM	TARGET DATE COMPLETION	RESPONSIBLE PARTY	STATUS
Utility Reserve Fund/Rate Study	Fall 2020	GM Winqest/Board	Targeting start date late Summer, 2020.
2020/2022 Strategic Plan	TBD	Senior Management Team/Board of Trustees	Need to discuss timing based on upcoming election
2020/2021 Budget Kick off Workshop	Fall 2020	GM Winqest/Director of Finance Navazio	Will discuss during long range calendar
Recreation Punch card accounting	TBD	Director of Finance Navazio	Presentation and discussion including next steps on agenda for 7/22/20 BOT meeting.

**COVID-19, Impacts to the District & update on closures and restrictions**

The Recreation Center is currently open with a limited capacity of 50% for current members only. Drop in use is being evaluated at this time. Reservations are required for Group Fitness Classes, Gymnasium, Pool, and Strength and Conditioning area. The Chateau Grille is currently open with limited capacity and reservations are required. A variety of Parks & Recreation programs are being offered with strict health and safety guidelines. The community parks remain open for drop in use and social/physical distancing is being closely monitored. Parks Staff is gradually being brought on to address needs to maintain and prepare the venues for seasonal operations.

- High Sierra Patrol is currently on site 12:00pm – 10:00pm
- All Beach Parking lots open 7am – 9pm daily
- Incline & Burnt Cedar Beach Gates are currently staffed 8am - 8pm Mon – Thurs, and Fri – Sun 7am – 8pm. (High Sierra Patrol locks gates at 9pm)
- Ski Beach Boat Ramp Gate is currently staffed from 7am – 8pm daily. Launching is limited to Tahoe only watercraft with seal intact. TRPA is now providing inspections by appointment at the Truckee, Meyers, and Spooner Summit locations.
- Beaches are currently open to IVGID Picture Pass and Recreation Punch Card Holders only. Physical/Social Distancing required. Pop up tents only allowed in specific areas.

Beach operations are constantly changing and Staff has and will remain flexible as restrictions are ready to either lifted or added dependent on impact of COVID-19 and observed behavior at the beach properties.

The Public Works & Utilities team continues to provide outstanding service while protecting the water and sewer infrastructure during this extremely crucial and challenging time. Engineering Staff continues to work on project development and management, Public Works Administration is closed to the public but Staff is answering phones and responding to emails during normal business hours.

- *IVGID Public Works will temporarily suspend disconnections and penalty charges for delinquent accounts during this time. We will work with customers facing financial hardship to develop payment plans in order to assist with past due balances. We encourage any of our customers to contact us if they have concerns about their account balances.*
- *Solid waste violations and fines have been suspended except for some customer upgrades to wildlife resistant carts for spills. Waste Not has been reduced in staffing as a non-essential operation during Covid-19 and is unable to respond to violation reports. Customers are being charged by Waste Management for excess refuse per the Franchise Terms.*

**VENUES**

These venues will see a phased opening with safety and distancing requirements and measures in place. Group activities are currently being limited to 50 people or less or 50% of capacity depending on the facility/venue as part of a COVID-19 Phase 2 opening. Staff will continue to provide information to the community as these plans further develop.

**Facility/Venue Openings**

- Incline Beaches and Boat Ramp – Open to IVGID Pass and Recreation Punch Card holders
- Burnt Cedar Pool – June 15, 2020 (Lap Swimming, Swim Lessons, Aqua Fitness)
- Disc Golf Course – May 11, 2020
- Championship Course Driving Range – May 11, 2020
- Championship Golf Course – May 18, 2020
- Incline Tennis & Pickleball Center – May 18, 2020
- Incline Skate Park – May 21, 2020
- Mountain Golf Course – May 25, 2020
- Village Green & Incline Park Playing Fields – Open for limited drop in use
- Incline Bike Park – May 23, 2020
- Recreation Center & Community Programming – June 15, 2020

*\*all facilities/venues open with COVID-19 restrictions*

**The Golf Courses at Incline Village**

**Golf Operations June update**

Round Totals	Daily Averages			
	2019	2020	2019	2020
Championship Course	4105	4074	136.8	135.8
Mountain Course	3234	3390	107.8	113

Revenues (Championship Course)	2019	2020
Admissions & Fees	\$307,748	\$280,334
Play Passes	\$135,408	\$146,312
Range Fees	\$35,825	\$41,465

\*Revenue for play was \$10,870 below last year for June

Revenues (Mountain Course)	2019	2020
Admissions	\$92,694	\$126,404
Play Passes	\$24,529	\$13,747

\*Revenue for play was \$22,928 ahead of last June

Customer satisfaction is high due to the incredible work Jeff Clouthier and his staff are doing with maintaining the golf course, as well as how professional the Golf staff, under the direction of Head Professional Kyle Thornburg, has been handling day-to-day COVID-19 restrictions for golf.

Beach Visits

By date, by type, 4<sup>th</sup> of July weekend 2020

	7/3/2020	7/4/2020	7/5/2020
IVGID PPH*	1842	1984	1588
IVGID Exchange	59	49	42
Punch Cards	1181	1386	693
<b>Total</b>	<b>3082</b>	<b>3419</b>	<b>2323</b>
Boat Launches	118	54	80

\*Picture Pass Holder

By date, by beach, 4th of July weekend 2020

Burnt Cedar	7/3/2020	7/4/2020	7/5/2020
IVGID PPH*	499	643	506
IVGID Exchange	14	23	14
Punch Cards	38	83	28
<b>Total:</b>	<b>551</b>	<b>749</b>	<b>548</b>
Ski Beach	7/3/2020	7/4/2020	7/5/2020
IVGID PPH	570	349	304
IVGID Exchange	6	2	6
Punch Cards	438	687	239
<b>Total:</b>	<b>1014</b>	<b>1038</b>	<b>549</b>

\*Picture Pass Holder



Incline Beach	7/3/2020	7/4/2020	7/5/2020
IVGID PPH*	773	992	778
IVGID Exchange	39	24	22
Punch Cards	705	616	426
<b>Total:</b>	<b>1517</b>	<b>1632</b>	<b>1226</b>

\*Picture Pass Holder

Comparison by year, July 4 only

	7/4/2018	7/4/2019	7/4/2020
IVGID PPH*	3576	3426	1984
IVGID Exchange	355	482	49
Guest Access	3580	4616	1386
<b>Total</b>	<b>7511</b>	<b>8524</b>	<b>3419</b>
Boat Launches	72	84	54

\*Picture Pass Holder

**Capital Projects Update July 13, 2020**

**Design**

**Burnt Cedar Swimming Pool Improvements**

A 2020/2021 Capital Improvement and Board of Trustees Priority Project, this project will reconstruct the two (2) existing pools (full size and toddler) at Burnt Cedar Beach. A design consultant has been selected to work with IVGID Staff and a community group to develop a preferred conceptual design. Conceptual design drawings will be presented to the Board of Trustees at their August 12, 2020 meeting. The project will proceed into final design this fall, construction is tentatively planned for summer 2021.

**Effluent Pipeline Project**

District Staff provided a detailed Effluent Export Project update to the Board of Trustees on January 29, 2020. The immediate priority is to replace all of the remaining Segment 3 pipeline (12,385 linear feet) and to make immediate repairs to the Segment 2 pipeline (17,314 linear feet) to extend its life and mitigate a potential future leak site. At the February 26, 2020 Board of Trustees Meeting, a design services scope of work was presented to the Board to begin replacement of Segment 3, the scope of work was not approved. The Board has placed this project on hold pending the hiring of a Project Manager to conduct a complete project review of the Effluent Export Project. The annual CIP amount of \$2,000,000 will be allocated to this project. At the March 11, 2020 Board of Trustees meeting, the Board of Trustees unanimously approved to restrict \$9,656,890 to the Effluent Pipeline Project, Project #2524SS1010 from the Unrestricted Net Position in the Utility Fund effective March 12, 2020.

Effluent Pond Lining Project – 2599SS2010 (this is a new capital project #) – PO#

A component of the Water Resource Recovery Facility (WRRF) operation is a 2.4 million gallon effluent storage basin located adjacent to the wastewater resource recovery facility (Plant). The WRRF Effluent Storage Alternative Analysis Memorandum, September 2018, recommends a reinforced concrete or the combination of concrete and shotcrete lining that provides the best long term value, maximizes storage volume, and has low maintenance to keep in service. At the February 26, 2020 Board of Trustees Meeting, a design services scope of work was presented to the Board for lining the pond, the scope of work was not approved. The Board has placed this project on hold pending the hiring of a Project Manager to conduct a complete project review of the Effluent Export Project. On February 27, 2020, Staff set up a new capital project for the Effluent Pond Lining and that project number is noted above. It is also included as an unbudgeted project for the 2020-21 CIP Budget

**Construction**

Championship Golf Maintenance Building Drainage and Washpad Improvements

A 2020 Capital Improvement Project, this project will improve surface and sub-surface drainage, construct a modern wash pad facility, and spot treat pavement failures at the Championship Golf Maintenance Building. This project addresses health and safety issues and prevents future water damage to this facility. A local engineering consultant completed the design and the construction contract was awarded at the June 23, 2020 Board of Trustees meeting. Construction has commenced and the project is scheduled to be completed this October.

Cruz Construction, Inc Contract Status:

Original Contract Amount	Change Orders	Current Total Contract Amount	Total Payments for Work Completed to Date	Current Balance to Completion (including retainage)
\$425,433	\$50,000	\$475,433	\$0	\$475,433

Martis Peak Road - Water Main Replacement

A 2020 Capital Improvement Project, this project includes slip lining a 14-inch water main under State Route 28 and replacing aging steel water main in Martis Peak Road and Rifle Peak Court. IVGID Engineering Staff completed the design and the construction contract was awarded at the June 23, 2020 Board of Trustees meeting. Construction is anticipated to start in mid-July 2020.

Rapid Construction Contract Status:

Original Contract Amount	Change Orders	Current Total Contract Amount	Total Payments for Work Completed to Date	Current Balance to Completion (including retainage)
\$456,610	\$0	\$456,610	\$0	\$456,610

Tennis Center Renovation

The project includes remodeling the pro-shop and restrooms, enclosing the existing kitchenette area, expanding and enhancing the deck area, and layout improvements to make the venue more welcoming. The construction contract was awarded at the June 10, 2020 Board of Trustees meeting. Construction is scheduled to begin mid-August and is expected to be substantially complete by April 1, 2021.

Daniel Fraiman Construction Contract Status:

Original Contract Amount	Change Orders	Current Total Contract Amount	Total Payments for Work Completed to Date	Current Balance to Completion (including retainage)
\$709,000	\$0	\$709,000	\$0	\$709,000

Lakeview Ski Lift Maintenance and Improvements

This project includes electrical upgrades to the ski lift. Upgrades consist of the replacement of the Main Low Voltage Control Panel, DC Motor Drive Panel, Return Station Controls, Loading System Controls and Drive panel. The project also includes the replacement of the communication cable from the top terminal to the bottom terminal. There are three distinct components to the project including electrical engineering and design, bidding and procurement for the fabrication of the panels as well as bidding a contracted installation of the replacement panels. An electrical engineer has been hired to complete the design and is currently working with Staff to develop the electrical design documents for bidding the panel fabrication and installation. Panel fabrication was awarded at the June 10, 2020 Board of Trustees meeting.

WRRF Aeration System Improvements

The aeration process of wastewater treatment supplies oxygen to facilitate the biological activity that converts raw sewage into treated wastewater effluent. The plant has six-200,000-gallon aeration basins with two jet aeration clusters per basin supplied by computer controlled multistage centrifugal aeration blowers. This project funds the design and replacement of the aeration system equipment at the WRRF. The Board awarded the construction contract to the lowest responsive bidder, KG Walters, on December 11, 2019. Construction has commenced and is anticipated to continue until December 2020. Progress meetings are held every two weeks.

**K. G. Walters Construction Contract Status:**

Original Contract Amount	Change Orders	Current Total Contract Amount	Total Payments for Work Completed to Date	Current Balance to Completion (including retainage)
\$1,508,500	\$6,069	\$1,514,569	\$221,794	\$1,292,775

Water Reservoir Safety and Security Improvements – Phase 1

This project will replace the ladders that access the top of the water reservoirs, install intermediate access platforms, install protective railings and install new fall protection devices. The exterior access to the roof area is required to meet the needs of the District to monitor the water quality in the reservoirs and perform routine repairs to radio communication equipment. The ladders also need to be secured from access by the public. The reservoir ladders, fall protection, platforms, and protective railings will meet the current Occupational Safety and Health Administration (OSHA) safety standards. The Board awarded the contract to Resource Development Company on April 10, 2019 for 10 of 13 reservoirs. Construction begins this summer and is expected to be substantially complete by September 15, 2020.

**Resource Development Construction Contract Status:**

Original Contract Amount	Change Orders	Current Total Contract Amount	Total Payments for Work Completed to Date	Current Balance to Completion (including retainage)
\$362,600	\$0	\$362,600	\$0	\$362,600

Water Reservoir Safety and Security Improvements – Phase 2

The second phase of this project will replace the ladders that access the top of the water reservoirs, install intermediate access platforms, install protective railings and install new fall protection devices for the remaining 3 reservoirs. The construction contract was awarded at the June 10, 2020 Board of Trustees meeting. Construction is scheduled to begin this summer and is to be completed by the end of the year.

**Paso Robles Tank, Inc Contract Status:**

Original Contract Amount	Change Orders	Current Total Contract Amount	Total Payments for Work Completed to Date	Current Balance to Completion (including retainage)
\$109,000	\$0	\$109,000	\$0	\$109,000

Mountain Course Clubhouse Renovation

The Board approved renovation plans include a revised allocation of floor space, changes to access and substantial change to customer flow. A new ADA accessibility to the lower level for food service and construction of a new and expanded deck and the installation of new

windows and doors. The project is complete. IVGID Staff is very pleased with the outcome of the project and has received several compliments from the public on the renovated venue.

Houston-Smith Construction Contract Status:

Original Contract Amount	Change Orders	Current Total Contract Amount	Total Payments for Work Completed to Date	Current Balance to Completion (including retainage)
\$1,006,000	\$87,893	\$1,093,893	\$1,093,893	\$0

IVGID Recreation Center Site Lighting Replacement

A 2020 Capital Improvement Project to replace bollard and site lights with modern LED fixtures. An outside electrical engineering firm has completed design and the project has been awarded to Intermountain Electric, Inc. Construction started on June 1, 2020 and is substantially complete.

Intermountain Electric, Inc. Contract Status:

Original Contract Amount	Change Orders	Current Total Contract Amount	Total Payments for Work Completed to Date	Current Balance to Completion (including retainage)
\$84,856	\$0	\$84,856	\$70,300	\$14,556

Incline Village Bocce Courts

At the August 14, 2019 Board of Trustees meeting, the Board prioritized construction of bocce courts. Engineering Staff has completed design and at the May 6, 2020 Board of Trustees meeting, the Board approved the Notice to Proceed. Rapid Construction has started construction and is scheduled to be substantially complete on or before July 17, 2020.

Rapid Construction Contract Status:

Original Contract Amount	Change Orders	Current Total Contract Amount	Total Payments for Work Completed to Date	Current Balance to Completion (including retainage)
\$68,860	\$0	\$68,860	\$0	\$68,860

Repair Deck Stairs and Powder Coat All Patio Deck Railings

This is a 2020 Capital Improvement Project to make several improvements to the exterior patio deck at the Recreation Center. A failing concrete staircase has been replaced and the deck railing has been powder coated. There is \$14,330 remaining in the budget. IVGID solicited and received a proposal to address the spalling concrete on the patio deck but the bid exceeds the available funds. To proceed with the project and prolong the life of this asset excess funds (\$14,190) from completed CIP#4885BD1606, *Pool Facility Deck/Floor Re-coat*

will be reallocated to this project. SI Legacy Coating has coated and sealed the deck patio to prolong the life of this asset.

**Financial Transparency**

Accounting and Finance Staff are working on completing the close for the month of June as well as performing fiscal year-end close activities. Current schedule targets completing the June close by Friday, July 24, 2020.

The FY2020-21 budget is live in our Innoprise financial system and the budget has also been uploaded to our OpenGov financial transparency portal. We are working on publishing our formal FY2020-21 budget book as well as a new OpenGov report that will allow the public to view and query budget information by month. As we roll into the new fiscal year, we are in the process of reviewing our internal and external financial reports to support our goal of financial transparency and demonstrating sound fiscal management of District resources.

As part of the year-end close, Staff has completed physical inventory, which was monitored/evaluated by our independent auditors who participated virtually. We will be following up to resolve discrepancies found between our bookkeeping and tank readings for our fuel inventory. The independent auditors are in process of conducting field work and have begun sampling transaction records across our various sub-systems (journal entries, payroll, accounts payable, bank reconciliations, utility billing, procurement cards, etc.).

On July 13, 2020, we had a kick-off meeting with our consultant (Moss Adams) who will be conducting an audit of the District's contract management and administration procedures and practices. The meeting focused on initial document requests from the consultant team as well as Staff point-of-contact(s) for the engagement.

**Capital Project Being Evaluated because of COVID-19 Economic Impacts**

The following table has the projects in the 2019-2020 Capital Improvement Project Budget that are being evaluated for deferral or re-budgeting, or cancellation.

Department	Project Title	2019-20 Budgeted Amount	Note
Public Works	Household Hazardous Waste Building Improvements	\$15,000	Cancelled
Facilities	Replace Hallway Tile at Chateau	\$65,000	Deferred
Parks	Aspen Grove Flatscape and Retaining Wall Enhancement and Replacement	\$55,000	Deferred

Department	Project Title	2019-20 Budgeted Amount	Note
Beaches	Flatscape and Retaining Wall Enhancement and Replacement	\$55,000	Only proceeding with safety improvements, appx \$15,000
Recreation Center	Replace Fitness Equipment	\$45,000	Reduced to appx \$20,000
Tennis Center	Resurfacing of Courts 1-2/Drainage Improvements	\$47,000	Recommended to proceed with court resurfacing. Drainage improvement no longer needed. Partial remaining project funds re-allocated to conversion of court 10 to dedicated Pickle Ball courts. Estimated reduction of \$15k from 19-20 Capital Budget
Champ Golf	Printer Copier Replacement	\$10,000	Deferred
Champ Golf	Venue Signage Enhancements	\$40,000	Being evaluated

## MEMORANDUM

**TO:** Board of Trustees

**FROM:** Indra Winqest  
General Manager

**SUBJECT:** General Manager's Status Report  
Prepared for the meeting of August 12, 2020

**DATE:** August 5, 2020

### Interim General Manager & Board of Trustees Priority Projects & Tasks

ACTION ITEM	TARGET DATE COMPLETION	RESPONSIBLE PARTY	STATUS
Effluent Pond Lining Project Request for Qualifications (RFQ)	August 2020	GM Winqest/Director of PW Pomroy Trustees Wong/Dent	One submittal received. Lumos & Associates will be interviewed mid-August
Effluent Pipeline Project Request for Qualifications (RFQ)	August 2020	GM Winqest/Director of PW Pomroy Trustees Wong/Dent	See above
USFS Parcel Acquisition – Potential Dog Park	Ongoing	GM Winqest	Met with USFS Staff 4/2/20 process of filing a special use permit. Will be delayed as a result of COVID-19
USACE Grant Funding for Pond Lining/Pipeline Projects	TBD	GM Winqest/Director of Public Works Pomroy	No update
Burnt Cedar Pool Project	Present Conceptual Design at 8/12 BOT Meeting	Engineering Manager Chorey/GM Winqest	Conceptual design has been completed. Community Group and IVGID Staff are continuously providing input.
Internal Controls Audit	Winter 2020	Audit Committee/GM Winqest/Director of Finance Navazio	Internal policies, processes, controls etc. being evaluated by staff
Ordinance 7 Administrative Revisions	Fall/Winter 2020	GM Winqest	Creation of advisory team in August 2020.
Smith vs IVGID Litigation	Board completely updated in August, 2020	Legal Counsel/Board of Trustees/GM Winqest	Update was provided on 6/10/20 by Legal Counsel.
Construction Project and Engineering Contract Audit	Kick off meeting was held on July 13, 2020	GM Winqest/Director of Finance Navazio	Approved by the BOT on 6/10/2020. Under contract with Moss Adams



ACTION ITEM	TARGET DATE COMPLETION	RESPONSIBLE PARTY	STATUS
Utility Reserve Fund/Rate Study	Fall 2020	GM Winquest/Board	Team meeting on 7/24/20. Agenda item to confirm goals and objectives 8/12/20.
2020/2022 Strategic Plan	TBD	Senior Management Team/Board of Trustees	Need to discuss timing based on upcoming election
2020/2021 Budget Kick off Workshop	Fall 2020	GM Winquest/Director of Finance Navazio	Will discuss during long range calendar
Recreation Punch card accounting	Ongoing	Director of Finance Navazio	Board Workshop scheduled on 9/9/20

**COVID–19, Impacts to the District & update on closures and restrictions**

The Recreation Center is currently open with a limited capacity of 50% for current members only. Drop in use is being evaluated at this time. Reservations are required for Group Fitness Classes, Gymnasium, Pool, and Strength and Conditioning area. The Chateau Grille is currently open with limited capacity and reservations are required. Weddings, Banquets and Events are currently taking place with significant restrictions based on state and county guidelines and restrictions. A variety of Parks & Recreation programs are being offered with strict health and safety guidelines. The community parks remain open for drop in use and social/physical distancing is being closely monitored.

- High Sierra Patrol is currently on site 12:00pm – 10:00pm
- All Beach Parking lots open 7am – 9pm daily
- Incline & Burnt Cedar Beach Gates are currently staffed 8am - 8pm Mon – Thurs, and Fri – Sun 7am – 8pm. (High Sierra Patrol locks gates at 9pm)
- Ski Beach Boat Ramp Gate is currently staffed from 7am – 8pm daily. Launching is limited to Tahoe only watercraft with seal intact. TRPA is now providing inspections by appointment at the Truckee, Meyers, and Spooner Summit locations.
- Beaches are currently open to IVGID Picture Pass and Recreation Punch Card Holders only. Physical/Social Distancing required. Pop up tents only allowed in specific areas.

Beach operations are constantly changing and Staff has and will remain flexible as restrictions are ready to either lifted or added dependent on impact of COVID–19 and observed behavior at the beach properties.

The Public Works & Utilities team continues to provide outstanding service while protecting the water and sewer infrastructure during this extremely crucial and challenging time. Engineering Staff continues to work on project development and management, Public Works Administration is closed to the public but Staff is answering phones and responding to emails during normal business hours.

- *IVGID Public Works will temporarily suspend disconnections and penalty charges for delinquent accounts during this time. We will work with customers facing financial hardship to develop payment plans in order to assist with past due balances. We encourage any of our customers to contact us if they have concerns about their account balances.*
- *Solid waste violations and fines have been suspended except for some customer upgrades to wildlife resistant carts for spills. Waste Not has been reduced in staffing as a non-essential operation during Covid-19 and is unable to respond to violation reports. Customers are being charged by Waste Management for excess refuse per the Franchise Terms.*

## **VENUES**

These venues will see a phased opening with safety and distancing requirements and measures in place. Group activities are currently being limited to 50 people or less or 50% of capacity depending on the facility/venue as part of a COVID-19 Phase 2 opening. Staff will continue to provide information to the community as these plans further develop.

### **Facility/Venue Openings**

Incline Beaches and Boat Ramp – Open to IVGID Pass and Recreation Punch Card holders

Burnt Cedar Pool – June 15, 2020 (Lap Swimming, Swim Lessons, Aqua Fitness)

Disc Golf Course – May 11, 2020

Championship Course Driving Range – May 11, 2020

Chateau Grille & Championship Golf Course – May 18, 2020

Incline Tennis & Pickleball Center – May 18, 2020

Incline Skate Park – May 21, 2020

Mountain Golf Course – May 25, 2020

Village Green & Incline Park Playing Fields – Open for limited drop in use

Incline Bike Park – May 23, 2020

Recreation Center & Community Programming – June 15, 2020

Banquets, Weddings, & Events – Late May, 2020

*\*all facilities/venues open with COVID-19 restrictions*

## **Capital Projects Update July 13, 2020**

### **Design**

#### **Burnt Cedar Swimming Pool Improvements**

A 2020/2021 Capital Improvement and Board of Trustees Priority Project, this project will reconstruct the two (2) existing pools (full size and toddler) at Burnt Cedar Beach. A design consultant has been selected to work with IVGID Staff and a community group to develop a preferred conceptual design. Conceptual design drawings will be presented to the Board of Trustees at their August 12, 2020 meeting. **The project will proceed into final design this fall, construction is tentatively planned for summer 2021. The advertisement for a Construction Manager at Risk (CMAR) closes August 6, 2020. The CMAR proposals will be reviewed and**

evaluated prior to selecting a Contractor. The CMAR contract is anticipated to be presented to the BOT for approval in September.

#### Effluent Pipeline Project

District Staff provided a detailed Effluent Export Project update to the Board of Trustees on January 29, 2020. The immediate priority is to replace all of the remaining Segment 3 pipeline (12,385 linear feet) and to make immediate repairs to the Segment 2 pipeline (17,314 linear feet) to extend its life and mitigate a potential future leak site. At the February 26, 2020 Board of Trustees Meeting, a design services scope of work was presented to the Board to begin replacement of Segment 3, the scope of work was not approved. The Board has placed this project on hold pending the hiring of a Project Manager to conduct a complete project review of the Effluent Export Project. The annual CIP amount of \$2,000,000 will be allocated to this project. At the March 11, 2020 Board of Trustees meeting, the Board of Trustees unanimously approved to restrict \$9,656,890 to the Effluent Pipeline Project, Project #2524SS1010 from the Unrestricted Net Position in the Utility Fund effective March 12, 2020.

#### Effluent Pond Lining Project – 2599SS2010 (this is a new capital project #) – PO#

A component of the Water Resource Recovery Facility (WRRF) operation is a 2.4-million-gallon effluent storage basin located adjacent to the wastewater resource recovery facility (Plant). The WRRF Effluent Storage Alternative Analysis Memorandum, September 2018, recommends a reinforced concrete or the combination of concrete and shotcrete lining that provides the best long term value, maximizes storage volume, and has low maintenance to keep in service. At the February 26, 2020 Board of Trustees Meeting, a design services scope of work was presented to the Board for lining the pond, the scope of work was not approved. The Board has placed this project on hold pending the hiring of a Project Manager to conduct a complete project review of the Effluent Export Project. On February 27, 2020, Staff set up a new capital project for the Effluent Pond Lining and that project number is noted above. It is also included as an unbudgeted project for the 2020-21 CIP Budget.

### **Construction**

#### Championship Golf Maintenance Building Drainage and Washpad Improvements

A 2020 Capital Improvement Project, this project will improve surface and sub-surface drainage, construct a modern wash pad facility, and spot treat pavement failures at the Championship Golf Maintenance Building. This project addresses health and safety issues and prevents future water damage to this facility. A local engineering consultant completed the design and the construction contract was awarded at the June 23, 2020 Board of Trustees meeting. Construction has commenced and the project is scheduled to be completed this October.

Cruz Construction, Inc Contract Status:

Original Contract Amount	Change Orders	Current Total Contract Amount	Total Payments for Work Completed to Date	Current Balance to Completion (including retainage)
\$425,433	\$50,902.43	\$476,335.43	\$64,446.98	\$411,888.45

Martis Peak Road - Water Main Replacement

A 2020 Capital Improvement Project, this project includes slip lining a 14-inch water main under State Route 28 and replacing aging steel water main in Martis Peak Road and Rifle Peak Court. IVGID Engineering Staff completed the design and the construction contract was awarded at the June 23, 2020 Board of Trustees meeting. Construction has commenced and the project is scheduled to be completed by the end of September.

Rapid Construction Contract Status:

Original Contract Amount	Change Orders	Current Total Contract Amount	Total Payments for Work Completed to Date	Current Balance to Completion (including retainage)
\$456,610	\$0	\$456,610	\$0	\$456,610

Tennis Center Renovation

The project includes remodeling the pro-shop and restrooms, enclosing the existing kitchenette area, expanding and enhancing the deck area, and layout improvements to make the venue more welcoming. The construction contract was awarded at the June 10, 2020 Board of Trustees meeting. Construction is scheduled to begin August 17<sup>th</sup> and is expected to be substantially complete by April 1, 2021.

Daniel Fraiman Construction Contract Status:

Original Contract Amount	Change Orders	Current Total Contract Amount	Total Payments for Work Completed to Date	Current Balance to Completion (including retainage)
\$709,000	\$0	\$709,000	\$0	\$709,000

Lakeview Ski Lift Maintenance and Improvements

This project includes electrical upgrades to the ski lift. Upgrades consist of the replacement of the Main Low Voltage Control Panel, DC Motor Drive Panel, Return Station Controls, Loading System Controls and Drive panel. The project also includes the replacement of the communication cable from the top terminal to the bottom terminal. There are three distinct components to the project including electrical engineering and design, bidding and

procurement for the fabrication of the panels as well as bidding a contracted installation of the replacement panels. An electrical engineer has been hired to complete the design and is currently working with Staff to develop the electrical design documents for bidding the panel fabrication and installation. Panel fabrication was awarded at the June 10, 2020 Board of Trustees meeting.

WRRF Aeration System Improvements

The aeration process of wastewater treatment supplies oxygen to facilitate the biological activity that converts raw sewage into treated wastewater effluent. The plant has six-200,000-gallon aeration basins with two jet aeration clusters per basin supplied by computer controlled multistage centrifugal aeration blowers. This project funds the design and replacement of the aeration system equipment at the WRRF. The Board awarded the construction contract to the lowest responsive bidder, KG Walters, on December 11, 2019. Construction has commenced and is anticipated to continue until December 2020. Progress meetings are held every two weeks.

K. G. Walters Construction Contract Status:

Original Contract Amount	Change Orders	Current Total Contract Amount	Total Payments for Work Completed to Date	Current Balance to Completion (including retainage)
\$1,508,500	\$6,069	\$1,514,569	\$221,794	\$1,303,864

Water Reservoir Safety and Security Improvements – Phase 1

This project will replace the ladders that access the top of the water reservoirs, install intermediate access platforms, install protective railings and install new fall protection devices. The exterior access to the roof area is required to meet the needs of the District to monitor the water quality in the reservoirs and perform routine repairs to radio communication equipment. The ladders also need to be secured from access by the public. The reservoir ladders, fall protection, platforms, and protective railings will meet the current Occupational Safety and Health Administration (OSHA) safety standards. The Board awarded the contract to Resource Development Company on April 10, 2019 for 10 of 13 reservoirs. Construction begins this summer and is expected to be substantially complete by September 15, 2020.

Resource Development Construction Contract Status:

Original Contract Amount	Change Orders	Current Total Contract Amount	Total Payments for Work Completed to Date	Current Balance to Completion (including retainage)
\$362,600	\$0	\$362,600	\$0	\$362,600

Water Reservoir Safety and Security Improvements – Phase 2

The second phase of this project will replace the ladders that access the top of the water reservoirs, install intermediate access platforms, install protective railings and install new fall protection devices for the remaining 3 reservoirs. The construction contract was awarded at the June 10, 2020 Board of Trustees meeting. Construction is scheduled to begin this summer and is to be completed by the end of the year.

Paso Robles Tank, Inc. Contract Status:

Original Contract Amount	Change Orders	Current Total Contract Amount	Total Payments for Work Completed to Date	Current Balance to Completion (including retainage)
\$109,000	\$0	\$109,000	\$0	\$109,000

IVGID Recreation Center Site Lighting Replacement

A 2020 Capital Improvement Project to replace bollard and site lights with modern LED fixtures. An outside electrical engineering firm has completed design and the project has been awarded to Intermountain Electric, Inc. The project is complete.

Intermountain Electric, Inc. Contract Status:

Original Contract Amount	Change Orders	Current Total Contract Amount	Total Payments for Work Completed to Date	Current Balance to Completion (including retainage)
\$84,856	\$0	\$84,856	\$84,856	\$0

Incline Village Bocce Courts

At the August 14, 2019 Board of Trustees meeting, the Board prioritized construction of bocce courts. Engineering Staff has completed design and at the May 6, 2020 Board of Trustees meeting, the Board approved the Notice to Proceed. Construction of the four (4) Bocce Courts adjacent to the Incline Village Recreation Center is complete.

Rapid Construction Contract Status:

Original Contract Amount	Change Orders	Current Total Contract Amount	Total Payments for Work Completed to Date	Current Balance to Completion (including retainage)
\$68,860	\$1,200	\$70,060	\$70,060	\$0

**Financial Transparency**

*FY2019-20 Year-End*

Accounting and Finance Staff are working on performing fiscal 2019-20 year-end close activities, as well as the accounting close for the first month of the new 2020-21 fiscal year. Preliminary unaudited results reflect favorable performance relative to budget across all of the Districts governmental and proprietary funds.

**Preliminary (Unaudited) FY2019-20 Results**

	<b>General Fund</b>			<i>CFWD To</i>
	Budget	Actual	Variance	<i>FY2020/21</i>
Sources	5,020,299	5,144,395	124,096	
Uses	5,664,169	4,342,506	(1,321,663)	
Net Sources/(Uses)	(643,870)	801,889	1,445,759	(300,000)
<b>Utilities</b>				
	Budget	Actual	Variance	
Sources	12,841,469	12,781,653	(59,816)	
Uses	14,349,751	9,966,893	(4,382,858)	
Net Sources/(Uses)	(1,508,282)	2,814,760	4,323,042	(2,553,786)
<b>Community Services</b>				
	Budget	Actual	Variance	
Sources	22,598,780	23,207,383	608,603	
Uses	26,635,871	21,645,199	(4,990,672)	
Net Sources/(Uses)	(4,037,091)	1,562,184	5,599,275	(2,500,701)
<b>Beach</b>				
	Budget	Actual	Variance	
Sources	2,479,800	2,449,452	(30,348)	
Uses	3,105,529	1,827,495	(1,278,034)	
Net Sources/(Uses)	(625,729)	621,957	1,247,686	-
<b>Internal Services</b>				
	Budget	Actual	Variance	
Sources	3,155,307	2,623,819	(531,488)	
Uses	3,142,117	2,796,321	(345,796)	
Net Sources/(Uses)	13,190	(172,502)	(185,692)	-

*Year-end Audit*

By mid-August Staff anticipates providing unaudited trial balances to the District's Independent Auditor who is scheduled to perform their field work the first two weeks in September. Draft financial statements are scheduled to be completed in October with the final Comprehensive Annual Financial Report due to be delivered by the end of October.

*FY2020-21*

Staff is working on the first close of the new fiscal year, including updating our operating and capital project reporting to reflect the new fund structure supporting the FY2020/21 adopted budget. Reviewing our internal and external financial reports is critical to support our goal of financial transparency and demonstrating sound fiscal management of District resources.

Work also continues on the engagement with Moss/Adams to perform a review of the District's contract management practices. We are completing the initial document request for identified projects and the audit team will be scheduling interviews with staff, board members and community stakeholders in late August / early September.

Update on Staffing Changes and Organizational Approach

The Communication Coordinator Position formerly held by Misty Moga has been vacant since May 3, 2019. Excited to announce that Kari Ferguson has accepted the position as of July 26, 2020. Kari previously was our Recreation Supervisor – Youth & Family Programs & Events from 2005 to 2020. Now that Kari has transitioned into her new position, the position that she vacated will be eliminated and the existing responsibilities and duties from this position will be absorbed by other staff members within the Parks & Recreation Department as part of an ongoing organizational restructuring within the Parks & Recreation Department.

Additionally, Mike Gove who previously served as the District's Senior IT Analyst and has been the Interim Director of IT since October 21, 2018 has been formally promoted to the Director of IT as of July 22, 2020. We are excited to see both Kari and Mike transition into their new roles with the district.

Tax Revolt Update

IVGID has received the following information from Village League's President Mr. Todd Lowe and we thought it important enough to share with our community.

*Below are the numbers calculated to show the impact of moving the first payment date from October 2020 until July 2021.*

<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>Total Owed by IVGID</i>
<i>\$509,402.31</i>	<i>\$468,861.44</i>	<i>\$381,472.81</i>	<i>\$1,359,736.56</i>

Summary of Implementation Plan Agreement

*Recall that in 2019 the District Court ordered the County to make excess property tax refunds to every residential property owner in Incline Village and Crystal Bay during the 2003-2006 period with interest by October 2021. The County and State both appealed the District Court's decision to the Nevada Supreme Court. In a similar 2006 District Court ruling which was also appealed to the Supreme Court it took until 2011 to get a final ruling and start the refund*



*process. And those refunds required over two years to distribute, cost the County over \$1 million dollars to process and left nearly 3,000 taxpayers with no refund at all.*

*Rather than expend many hundreds of thousands of dollars in litigation expenses with interest still accruing at over \$5,000 per day only once again for the County to lose the fight and delay refund payments until the year 2024, we entered into settlement negotiations. We felt there had to be a better outcome for taxpayers and the County if we could devise a "kinder and more gentle" implementation of the Court's ruling. My meeting with you, Ryan and trustee chair Wong helped shape our objectives. Those negotiations, which were long and difficult were fruitful, producing the agreement approved yesterday by the Board of County Commissioners.*

*The essential terms of the agreement were worked out between December 2019 and February 2020. Those terms, memorialized before a Supreme Court Judge are attached to the final agreement as an exhibit. You can get that from our website. When the pandemic hit and we resumed further negotiations to modify that agreement based on expected impacts and difficulties.*

*The Court's ruling stands in every regard except the implementation details of order items 7 and 8. Those provisions direct the Treasurer on how and when to make refund payments. Here is a summary of where we ended up.*

#### *Who Gets A Refund*

*Every owner of a residential parcel starting in the 2003/4 year through the 2005/6 tax year is eligible for a refund. There are some 9,000 parcels in Incline Village and Crystal Bay. Some 1,500 of those are owned by the US government, Nevada State, Washoe County or IVGID; all of whom are exempt from paying property taxes. So that leaves about 7,500 parcels. Many of those parcels have been sold during the period so there are multiple owners eligible for a refund. We estimate that the County will need to pay 11,000 owners.*

*For removal of doubt, if one did not actually pay the excess taxes during the 2003 through 2006 period there is no refund available. Additionally, the Village League gets zero refunds and will not recoup any of the millions of dollars (all donated by our community) of fees and costs. This was a concession made as part of the settlement.*

*Remember that during 2003 through 2008 Incline Village and Crystal Bay property owners were paying taxes at rate 214% higher than neighboring Nevada Lake Tahoe counties. Even if one did not own property here in 2003 every property owner has benefited by a dramatic reduction in property taxes owed ever since because of the work we did to reverse unconstitutionally made assessments.*

### How much

*The amount of taxes refunded for each parcel is calculated simply by determining the difference between the property tax assessment determined by the Supreme Court in the famous Bakst, Barta, and Drakulich decisions and that which the treasurer actually used for each of the three tax years in question. That difference is then multiplied by each year's applicable tax rate. To that amount interest is added. During the 17-year period during which the County held taxpayers excess tax payments the judicial interest rate varied between 5 and 10.25%. To simplify matters, we agreed to a flat 6% simple interest rate. To further simplify the calculations for the Treasurer we agreed to fix the start date for each interest period to the final day on which a property tax payment could be made during each of the three tax years. For sold properties, the refund amount is prorated between old and new owners based on the number of days of ownership.*

*To incent the County to make payments soonest and complete the task in reasonable time there is a 24-month interest holiday. During that period interest ceases to accrue. The period begins following the first month that the County starts making refunds and continues for the following 24 months. If the County fails to make payments ratably over that period, they forfeit the interest holiday. Any refunds not made during the holiday resume accruing interest.*

### How and When

*After making the refund calculations the Treasurer is obligated to provide notice to all owners. Current residents of Incline Village and Washoe County residents are notified first. To ensure all owners get notice the County is required to contract a 3rd party search firm to locate anyone they cannot find themselves.*

*The payment of refunds can start at any time. However, the County has the option to wait until July 1, 2021 to start payments. This was a pandemic-related concession by taxpayers. Whether they pay sooner or not the refund issuance process must meet a minimum monthly quota. All refund payments must be completed by June 21, 2024.*

*Unlike previous refund payment scenarios, parcel owners are required to submit claims in order to get a refund. Those claims will be processed on a first in-first out basis. Owners failing to make a claim by May 1, 2023 forfeit getting a refund.*

*There are many details controlling the Treasurer's action articulated in the agreement. Of particular impact to IVGID and other taxing authorities is that the County cannot reduce their distributions of tax revenues before starting to pay refunds and cannot deduct more than refund amounts actually paid.*

### Washoe County's Obligations

*In order to audit and ensure compliance and fair taxpayer treatment the County has various obligations. Here are a few:*

- *Create an implementation website*
- *Calculate refunds in accordance to the agreement*
- *Provide notice to all Owners*
- *Provide a log of all owners, notices and refund payments to the Village League, Court and County*
- *Find every owner, contracting search firms as-needed*
- *Prepare regular progress reports to the Court, County and Village League,*
- *Follow a prescribed dispute resolution process*

*For further information and details of the agreement and the refund plan, please visit the Village League's website:*

*(<http://nevadapropertytaxrevolt.org/wp-content/uploads/2020/08/Taxpayer-Implementation-Agreement.pdf>).*

*The deal must be approved by the District Court and the State before it becomes law.*

## MEMORANDUM

**TO:** Board of Trustees

**FROM:** Indra Winqest  
General Manager

**SUBJECT:** General Manager's Status Report  
Prepared for the meeting of September 9, 2020

**DATE:** September 2, 2020

### General Manager & Board of Trustees Priority Projects & Tasks

ACTION ITEM	TARGET DATE COMPLETION	RESPONSIBLE PARTY	STATUS
Effluent Pond Lining Project Request for Qualifications (RFQ)  <i>*updated</i>	Will depend on determined next steps	GM Winqest/DPW Pomroy Trustees Wong/Dent	Performed interview with Lumos & Associates on August 20. Working group determining next steps. Additional update will be given on Sept. 9.
Effluent Pipeline Project Request for Qualifications (RFQ)	See above	GM Winqest/DPW Pomroy Trustees Wong/Dent	See above
Burnt Cedar Pool Project  <i>*updated</i>	Design Phase	Engineering Manager Chorey/GM Winqest	Schematic Design Proposal on agenda for 9/9/20 BOT Meeting
<b><u>Internal Controls Project(s)</u></b>			Draft framework / project plan shared with Audit Committee; prioritizing procurement policy review
Review of Internal Control Policies and Procedures	Winter/Spring	Director of Finance Navazio	
Construction Contract Review  <i>*updated</i>	Winter 2020	GM Winqest/Director of Finance Navazio	Moss Adams contract audit commenced July. Doc review phase underway; stakeholder interviews scheduled 8/31-9/15
Ordinance 7 Administrative Revisions  <i>*updated</i>	Fall/Winter 2020	GM Winqest	Finalizing GM Advisory Committee. Board will be updated on 9/9/20.
Smith vs IVGID Litigation  <i>*updated</i>	Ongoing	Legal Counsel/Board of Trustees/GM Winqest	Update to be provided by Legal Counsel at the 9/9/20 BOT mtg

ACTION ITEM	TARGET DATE COMPLETION	RESPONSIBLE PARTY	STATUS
Utilities Performance/Asset Management Review  <i>*updated</i>	Hiring of Consultant Fall 2020	GM Winqwest/Board	BOT approved proceeding with a Performance/Asset Management Review at the 8/12/20 BOT meeting
2020/2022 Strategic Plan	February 2020/21	Senior Management Team/Board of Trustees	Will discuss, in the future, during long range calendar
USFS Parcel Acquisition – Potential Dog Park	Ongoing	GM Winqwest	Met with USFS Staff 4/2/20 process of filing a special use permit.
2020/2021 Budget Kick off Workshop <i>*updated</i>	November 2020	GM Winqwest/Director of Finance Navazio	Will discuss during long range calendar
Recreation Punch card accounting <i>*updated</i>	Fall 2020	Director of Finance Navazio	Board Workshop scheduled on 9/9/20
USACE Grant Funding for Pond Lining/Pipeline Projects	TBD	GM Winqwest/DPW Pomroy	No Update

**COVID–19, Impacts to the District & update on closures and restrictions**

The Recreation Center is currently open with a limited capacity of 50% for current members only. Drop in use is being evaluated at this time. Reservations are required for Group Fitness Classes, Gymnasium, Pool, and Strength and Conditioning area. The Chateau Grille is currently open with limited capacity and reservations are required. Weddings, Banquets and Events are currently taking place with significant restrictions based on state and county guidelines and restrictions. A variety of Parks & Recreation programs are being offered with strict health and safety guidelines. The community parks remain open for drop in use and social/physical distancing is being closely monitored.

- High Sierra Patrol is currently on site 12:00pm – 10:00pm
- All Beach Parking lots open 7am – 9pm daily (High Sierra Patrol locks gates at 9pm)
- Ski Beach Boat Ramp Gate is currently staffed from 8am – 7:30pm daily.
- Beaches are currently open to IVGID Picture Pass and Recreation Punch Card Holders only. Physical/Social Distancing required. Pop up tents only allowed in specific areas.

Beach operations are constantly changing and Staff has and will remain flexible as restrictions are ready to either lifted or added dependent on impact of COVID–19 and observed behavior at the beach properties.

The Public Works & Utilities team continues to provide outstanding service while protecting the water and sewer infrastructure during this extremely crucial and challenging time. Engineering Staff continues to work on project development and management, Public Works Administration is closed to the public but Staff is answering phones and responding to emails during normal business hours.

- IVGID Public Works will temporarily suspend disconnections and penalty charges for delinquent accounts during this time. We will work with customers facing financial hardship to develop payment plans in order to assist with past due balances. We encourage any of our customers to contact us if they have concerns about their account balances. We expect to discontinue this by December 1.
- Solid waste violations and fines have been reinstated as of all new violations beginning August 31, 2020.

### **Ordinance 7 General Manager Advisory Committee**

A General Manager's Advisory Committee is in the final stages of creation and the goal is to have a kick off meeting in late September. Prior to a first meeting, all committee members will be given a variety of historical and supporting material and data for thorough review. Staff is anticipating this will be 4-month process and should include opportunities for the community to weigh in prior to presenting recommended draft amendments to Ordinance 7. A formal process and timeline will be presented to the Board of Trustees in October, 2020. Committee members are all full time residents and have a strong understanding of the district. The Board of Trustees will be provided with a verbal update on the committee members and the process at the September 9, 2020 Board of Trustees Meeting.

### **Gymnastics Program Update**

Our gymnastics program came to fruition because many families have been asking about a program in Incline. These families have been driving to Truckee and Reno so their children can participate in gymnastics. The IVGID Parks & Recreation Department has operated various gymnastics programs over the years but start-up costs have been an issue in the past. The District is thankful for the generosity of the Dave & Cheryl Duffield Foundation for supplying over \$20,000 in equipment to ensure the program is successful. The equipment will be arriving shortly and upon arrival, Staff will inventory all equipment ordered before submitting for reimbursement from the Duffield Foundation.

With only minimal marketing, the program is currently at capacity which is currently at 32 girls signed up for the session that starts on September 9, 2020. The program will be separated into 4 program options (2 beginner & 2 intermediate) with a maximum of 8 gymnasts per session. The gymnasts will participate in a four-week program, one day a week, at a cost of \$70 for IVGID pass holders and \$88 for non-pass holders. This equates to \$17.50 per session for IVGID pass holders. The program will be run by Recreation Specialist Sharla Baker who is a local resident and has an extensive background in operating gymnastics facilities and programs. Mrs. Baker will work on a commission basis and is a member of the IVGID staff

who works limited part time hours as the instructor. All equipment and programs will remain at the Recreation Center until further notice. This will be an annual, ongoing program.

This program will take place on Wednesday & Thursday evenings in the rear part of the recreation center gymnasium. We have beginners from 5:45 – 6:45pm both evenings and then we have the intermediate to advanced group from 6:55 – 8:00pm. The District still hopes to collaborate with the Lake Tahoe School on facility usage if and when possible.

Gymnastics Program Financial Projection per session:

32 participants at \$70 = \$2,240.00 Gross Revenue

Instructor Commission 70% = \$1,568.00

IVGID Commission 30% = \$672.00

The financial projection is based on all participants paying the resident rate. IVGID commission is expected to cover all IVGID related expenses which include minimal staff and material time to oversee and administer the program. The Recreation Center is available at the programming times and this is not expected to impact the users of the Recreation Center as it is scheduled during non-peak time. More information will be provided after the first program has concluded. Parks & Recreation Department Staff will continuously evaluate the need for any changes to aspects of the program including pricing in order to ensure the program is cost neutral to the community.

### **TWSA Grant Funds Awarded**

Tahoe Water Suppliers Association was awarded a \$62,000 NDEP 319h Source Water Protection grant with the Tahoe Center for Environmental Sciences, for a 2-year educational campaign on micro-plastics pollution and ways to reduce single use plastics from getting in the environment. The Federal EPA highlighted this collaborative work in conjunction with the Lake Tahoe Summit hosted by Senator Cortez Masto.

See the following link to the website. Other grants were also awarded to other Lake Tahoe Agencies.

<https://www.yourtahoeplace.com/news/u.s.-epa-awards-nearly-100000-to-address-microplastic-pollution-in-lake-tahoe>

### **Golf Operations – July Update**

Following is a golf operations update for July 2020 prepared by Director of Golf/Community Services Darren Howard.

**-Net Calculations-**

Round Totals	Daily Averages			
	2019	2020	2019	2020
Championship Course	6133	5469	198	176
Mountain Course	4870	4587	157	148

Revenues (Championship Course)	2019	2020
Admissions & Fees	\$351,544.70	\$283,928.75
Play Passes **	\$161,172.00	\$174,779.32
Range Fees	\$38,249	\$42,283.25

\*Net Revenue for play was \$49,974.38 below last year for June

Revenues (Mountain Course)	2019	2020
Admissions	\$173,460.75	\$164,460.75
Play Passes	\$22,095.00	\$15,134.62

\*Net Revenue for play was \$15,960.38 behind last June

\*\*Note: All Fees listed above are now NET numbers.

Championship Course	Mountain Course
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June	2019	% of Play	2020	% of Play	2019	% of Play	2020	% of Play
<b>Total Rounds</b>	<b>6133</b>		<b>5469</b>		<b>4870</b>		<b>4587</b>	
Residents	1577	25.7%	1779	32.6%	1784	36.6%	2251	49%
Play Pass	2233	36.4%	2216	40.5%	669	13.7%	774	16.9%
Guest of Resident's	577	9.4%	593	10.8%	550	11.3%	547	12%
Non-Resident	1470	24%	730	13.3%	1620	33.3%	903	19.7%
Other	276	4.5%	151	2.8%	247	5.1%	112	2.4%
Golf Green Fee Dollars per Round	\$83.60		\$84.09		\$35.78		\$36.18	
Merchandise Sales per Round	\$19.36		\$14.62		\$3.82		\$3.06	
Total Golf Dollars per Round**	\$114.35		\$109.25		\$41.66		\$39.26	

\*84% of rounds were Residents or Residents Guest – Championship Course

\*78% of rounds were Residents or Residents Guest – Mountain Course



### **Championship Course**

July overall was a very profitable month for golf even with COVID-19 restrictions. Normally, the maximum capacity for golf rounds in July is 7440, with COVID-19 restrictions, this July capacity was 5868 rounds. By months' end, the Championship Course finished July with 93.2% of capacity available. Tee times have moved to 12 minute intervals except for a few mid-day times that will be back to 15 minute intervals for availability of carts for afternoon times. There were 4 days of play impacted by rain and hail and two maintenance days that also impact play. Golfers are still riding one per cart unless they arrive to the course together. Practice facilities remain at capacity daily and range revenues are 10% ahead of July 2019. Pace of Play is continuing to be at an all-time low and this makes golfers very happy! For July, we still did not allow shotgun starts.

### **Mountain Course**

July was an exceptional month for the Mountain Course as well. Tee times for July were at 15 minute intervals. The intervals for the Mountain Course are higher than the Championship Course due to less carts available. Normal July play capacity is 7192, but for this July capacity was limited to 5580 for the month due to COVID-19 restrictions. The Mountain Course finished the month with 82.2% of play capacity. There were 4 days of play impacted by rain and hail.

### **Merchandise**

Overall all, sales are continuing to grow daily and with the individual "Fitting Days", we saw incredible success with custom fit club orders. Most of the custom club orders will show-up in August as most club manufacturers are still operating at 50% capacity and orders are taking longer to arrive to us. More emphasis this year was put on increasing our Merchandise margins and the Merchandising team has done an incredible job of taking us from 20% margins to 37.5% for July. This incredible jump in margins and better overall management of expenses and payroll has allowed Merchandising to operate at achieving their overall bottom-line budget.

### **Overview**

All staff at Championship and Mountain courses continue to provide the best, safest experience for golfers. The golf course is in great condition and even with the limited restrictions for tee times, golf operations have not missed turning carts for a tee time and expenses have been held to a minimum. Overall, the bottom line for Championship Course (including F&B) is \$284,488 (*Revenues ahead of expenses*) for July and Mountain Course is \$65,715 ahead (*Revenues ahead of expenses*) for July. Overall, the Championship Course (Golf) is \$12,503 ahead of budget and F&B at Chateau is \$35,455 below budget. Only being open at 50% is affecting the overall F&B budget. We had budgeted to be at least 80% for July and unfortunately restrictions still keep us from getting there. Overall, the Mountain Course is \$6525 ahead of budget and all managers are managing their departments with the bottom-line in mind while still providing services that can be provided, with COVID-19 restrictions in mind.

**Note: Figures were taken from Innoprise as of August 31, 2020.**

## **Capital Projects Update September 2, 2020**

### **Design**

#### Mountain Golf Cart Path Replacement

A multi-year Capital Improvement Project to reconstruct the cart pathways at the Mountain Course. An engineering consultant has been contracted, for the amount of \$27,500, to complete; an evaluation of the existing pathway, a geotechnical investigation, and a design memorandum. A kick-off meeting was held August 13, 2020 and anticipate delivery of the design memorandum in approximately 5 weeks. The design memorandum will be presented to the Board of Trustees for confirmation on how to proceed. Priority A project.

#### Building Upgrades Water Resource Recovery Facility (WRRF)

A 2020/2021 Capital Improvement Project, this project will replace the access gate at the WRRF with a new vertical lift gate. IVGID Engineering staff prepared bid documents and solicited proposals for the project. Bids were due August 28, 2020 and are currently under review. Staff anticipates construction will occur this fall. Priority B project.

#### Recreation Center Upstairs Lobby Restroom Remodel

A 2020/2021 Capital Improvement Project to renovate the Recreation Center's upstairs restrooms (men's and women's). The restrooms are showing their age and have fallen below IVGID's standard of service. An architect has been contracted, for the amount of \$16,237, to complete the design and is currently working with staff to develop construction documents. The final design will be presented to the Board of Trustees prior to publically advertising for bids. Priority B project.

#### Recreation Center Locker Room Improvements

A 2020/2021 and 2021/2022 Capital Improvement Project to renovate the Recreation Center's locker rooms (men's and women's). The locker rooms are showing their age and have fallen below IVGID's standard of service. An architect has been contracted, for the amount of \$40,222, to complete the design and is currently working with Staff to develop construction documents. The final design will be presented to the Board of Trustees prior to publically advertising for bids. Priority A/B project.

#### Burnt Cedar Swimming Pool Improvements

A 2020/2021 Capital Improvement and Board of Trustees Priority Project, this project will reconstruct the two (2) existing pools (full size and toddler) at Burnt Cedar Beach. A design consultant has been selected and worked with IVGID Staff and a community group to develop a preferred conceptual design. On August 12, 2020, the Board of Trustees unanimously selected a preferred option. On September 9, 2020, the Board of Trustees will review a proposal for schematic design services. On September 30, 2020, the Board of Trustees will review the project delivery method (Construction Manager-At-Risk or Design-Bid-Build).

### Effluent Pipeline Project

District Staff provided a detailed Effluent Export Project update to the Board of Trustees on January 29, 2020. The immediate priority is to replace all of the remaining Segment 3 pipeline (12,385 linear feet) and to make immediate repairs to the Segment 2 pipeline (17,314 linear feet) to extend its life and mitigate a potential future leak site. At the February 26, 2020 Board of Trustees Meeting, a design services scope of work was presented to the Board to begin replacement of Segment 3, the scope of work was not approved. The Board has placed this project on hold pending the hiring of a Project Manager to conduct a complete project review of the Effluent Export Project.

### Effluent Pond Lining Project – 2599SS2010 (this is a new capital project #) – PO#

A component of the Water Resource Recovery Facility (WRRF) operation is a 2.4-million-gallon effluent storage basin located adjacent to the wastewater resource recovery facility (Plant). The WRRF Effluent Storage Alternative Analysis Memorandum, September 2018, recommends a reinforced concrete or the combination of concrete and shotcrete lining that provides the best long term value, maximizes storage volume, and has low maintenance to keep in service. At the February 26, 2020 Board of Trustees Meeting, a design services scope of work was presented to the Board for lining the pond, the scope of work was not approved. The Board has placed this project on hold pending the hiring of a Project Manager to conduct a complete project review of the Effluent Export Project.

## **Construction**

### Recreation Center Elevator Modernization

A 2020/2021 Capital Improvement Project, this project will modernize the elevator's operational and mechanical control devices. The elevator is original to the Recreation Center and provides the only interior means of ADA access between the two floors. For several years now, the contractor performing regular maintenance on the elevator has warned of increasing difficulty sourcing parts. If the elevator were to breakdown, the difficulty in sourcing parts may result in a prolonged shut down impacting operations. For this reason, a capital project was created for modernization to extend the life of this critical asset. IVGID Engineering Staff prepared bid documents and solicited proposals for the project. Two (2) bids were received on Thursday, July 16, 2020.

- Koch Elevator Company - \$72,587.83
- Otis Elevator Company - \$81,000

This project has a CIP budget of \$97,500. Construction is anticipated to start in late September 2020. Priority B project.

### Championship Golf Maintenance Building Drainage and Washpad Improvements

A 2020 Capital Improvement Project, this project will improve surface and sub-surface drainage, construct a modern wash pad facility, and spot treat pavement failures at the

Championship Golf Maintenance Building. This project addresses health and safety issues and prevents future water damage to this facility. A local engineering consultant completed the design and the construction contract was awarded at the June 23, 2020 Board of Trustees meeting. Construction has commenced and the project is scheduled to be completed this October.

Cruz Construction, Inc. Contract Status:

Original Contract Amount	Change Orders	Current Total Contract Amount	Total Payments for Work Completed to Date	Current Balance to Completion (including retainage)
\$425,433	\$63,485	\$488,918	\$215,518	\$273,400

Martis Peak Road - Water Main Replacement

A 2020 Capital Improvement Project, this project includes slip lining a 14-inch water main under State Route 28 and replacing aging steel water main in Martis Peak Road and Rifle Peak Court. IVGID Engineering Staff completed the design and the construction contract was awarded at the June 23, 2020 Board of Trustees meeting. Construction has commenced and the project is scheduled to be completed by the end of September.

Rapid Construction Contract Status:

Original Contract Amount	Change Orders	Current Total Contract Amount	Total Payments for Work Completed to Date	Current Balance to Completion (including retainage)
\$456,610	\$0	\$456,610	\$0	\$456,610

Tennis Center Renovation

The project includes remodeling the pro-shop and restrooms, enclosing the existing kitchenette area, expanding and enhancing the deck area, and layout improvements to make the venue more welcoming. The construction contract was awarded at the June 10, 2020 Board of Trustees meeting. Construction has commenced and the project is scheduled to be substantially complete April 1, 2021.

Daniel Fraiman Construction Contract Status:

Original Contract Amount	Change Orders	Current Total Contract Amount	Total Payments for Work Completed to Date	Current Balance to Completion (including retainage)
\$709,000	\$14,847	\$723,847	\$0	\$723,847

Lakeview Ski Lift Maintenance and Improvements

This project includes electrical upgrades to the ski lift. Upgrades consist of the replacement of the Main Low Voltage Control Panel, DC Motor Drive Panel, Return Station Controls,

Loading System Controls and Drive panel. The project also includes the replacement of the communication cable from the top terminal to the bottom terminal. There are three distinct components to the project including electrical engineering and design, bidding and procurement for the fabrication of the panels as well as bidding a contracted installation of the replacement panels. An electrical engineer has been hired to complete the design and is currently working with Staff to develop the electrical design documents for bidding the panel fabrication and installation. Panel fabrication was awarded at the June 10, 2020 Board of Trustees meeting.

WRRF Aeration System Improvements

The aeration process of wastewater treatment supplies oxygen to facilitate the biological activity that converts raw sewage into treated wastewater effluent. The plant has six-200,000-gallon aeration basins with two jet aeration clusters per basin supplied by computer controlled multistage centrifugal aeration blowers. This project funds the design and replacement of the aeration system equipment at the WRRF. The Board awarded the construction contract to the lowest responsive bidder, K.G. Walters, on December 11, 2019. Construction has commenced and is anticipated to continue until December 2020. Progress meetings are held every two weeks.

K. G. Walters Construction Contract Status:

Original Contract Amount	Change Orders	Current Total Contract Amount	Total Payments for Work Completed to Date	Current Balance to Completion (including retainage)
\$1,508,500	\$6,069	\$1,514,569	\$610,431	\$904,138

Water Reservoir Safety and Security Improvements – Phase 1

This project will replace the ladders that access the top of the water reservoirs, install intermediate access platforms, install protective railings and install new fall protection devices. The exterior access to the roof area is required to meet the needs of the District to monitor the water quality in the reservoirs and perform routine repairs to radio communication equipment. The ladders also need to be secured from access by the public. The reservoir ladders, fall protection, platforms, and protective railings will meet the current Occupational Safety and Health Administration (OSHA) safety standards. The Board of Trustees awarded the contract to Resource Development Company on April 10, 2019 for 10 of 13 reservoirs. Construction begins this summer and is expected to be substantially complete by September 15, 2020.

Resource Development Construction Contract Status:

Original Contract Amount	Change Orders	Current Total Contract Amount	Total Payments for Work Completed to Date	Current Balance to Completion (including retainage)
\$362,600	\$0	\$362,600	\$0	\$362,600

Water Reservoir Safety and Security Improvements – Phase 2

The second phase of this project will replace the ladders that access the top of the water reservoirs, install intermediate access platforms, install protective railings and install new fall protection devices for the remaining 3 reservoirs. The construction contract was awarded at the June 10, 2020 Board of Trustees meeting. Construction is scheduled to begin September 8, 2020 and is scheduled to be completed by October 2, 2020.

Paso Robles Tank, Inc. Contract Status:

Original Contract Amount	Change Orders	Current Total Contract Amount	Total Payments for Work Completed to Date	Current Balance to Completion (including retainage)
\$109,000	\$0	\$109,000	\$0	\$109,000

**Financial Transparency**

*Fiscal Year 2019/2020 Year-End Audit*

Staff has been working on fiscal year-end close and preparation of trial balances and draft financial statements for review by the District's Independent Auditor. We are 10-14 days behind schedule re deliverables, but are working to ensure overall audit plan is completed within required timeframe. Audit team is currently performing their field work (first two weeks in September) "remotely". Draft financial statements are scheduled to be completed in October with the final Comprehensive Annual Financial Report due to be delivered by the end of October.

*Fiscal Year 2020/2021*

Staff continues to work on updating our operating and capital project reporting to reflect the new fund structure supporting the Fiscal Year 2020/2021 adopted budget. Reviewing our internal and external financial reports is critical to support our goal of financial transparency and demonstrating sound fiscal management of District resources.

Work also continues on the engagement with Moss Adams to perform a review of the District's contract management practices. Consultant is completing document review for identified projects and the team has scheduled interviews with Staff, Board members and community stakeholders through the second week in September.

**Washoe County Tax Revolt Update**

IVGID has received the following information from Village League's President Mr. Todd Lowe and we thought it important enough to share with our community.

*Below are the numbers calculated to show the impact of moving the first payment date from October 2020 until July 2021.*

2003	2004	2005	Total Owed by IVGID
\$509,402.31	\$468,861.44	\$381,472.81	\$1,359,736.56

**Summary of Implementation Plan Agreement**

*Recall that in 2019 the District Court ordered the County to make excess property tax refunds to every residential property owner in Incline Village and Crystal Bay during the 2003-2006 period with interest by October 2021. The County and State both appealed the District Court's decision to the Nevada Supreme Court. In a similar 2006 District Court ruling which was also appealed to the Supreme Court it took until 2011 to get a final ruling and start the refund process. And those refunds required over two years to distribute, cost the County over \$1 million dollars to process and left nearly 3,000 taxpayers with no refund at all.*

*Rather than expend many hundreds of thousands of dollars in litigation expenses with interest still accruing at over \$5,000 per day only once again for the County to lose the fight and delay refund payments until the year 2024, we entered into settlement negotiations. We felt there had to be a better outcome for taxpayers and the County if we could devise a "kinder and more gentle" implementation of the Court's ruling. My meeting with you, Ryan and trustee chair Wong helped shape our objectives. Those negotiations, which were long and difficult were fruitful, producing the agreement approved yesterday by the Board of County Commissioners.*

*The essential terms of the agreement were worked out between December 2019 and February 2020. Those terms, memorialized before a Supreme Court Judge are attached to the final agreement as an exhibit. You can get that from our website. When the pandemic hit and we resumed further negotiations to modify that agreement based on expected impacts and difficulties.*

*The Court's ruling stands in every regard except the implementation details of order items 7 and 8. Those provisions direct the Treasurer on how and when to make refund payments. Here is a summary of where we ended up.*

**Who Gets A Refund**

*Every owner of a residential parcel starting in the 2003/4 year through the 2005/6 tax year is eligible for a refund. There are some 9,000 parcels in Incline Village and Crystal Bay. Some*

*1,500 of those are owned by the US government, Nevada State, Washoe County or IVGID; all of whom are exempt from paying property taxes. So that leaves about 7,500 parcels. Many of those parcels have been sold during the period so there are multiple owners eligible for a refund. We estimate that the County will need to pay 11,000 owners.*

*For removal of doubt, if one did not actually pay the excess taxes during the 2003 through 2006 period there is no refund available. Additionally, the Village League gets zero refunds and will not recoup any of the millions of dollars (all donated by our community) of fees and costs. This was a concession made as part of the settlement.*

*Remember that during 2003 through 2008 Incline Village and Crystal Bay property owners were paying taxes at rate 214% higher than neighboring Nevada Lake Tahoe counties. Even if one did not own property here in 2003 every property owner has benefited by a dramatic reduction in property taxes owed ever since because of the work we did to reverse unconstitutionally made assessments.*

#### How much

*The amount of taxes refunded for each parcel is calculated simply by determining the difference between the property tax assessment determined by the Supreme Court in the famous Bakst, Barta, and Drakulich decisions and that which the treasurer actually used for each of the three tax years in question. That difference is then multiplied by each year's applicable tax rate. To that amount interest is added. During the 17-year period during which the County held taxpayers excess tax payments the judicial interest rate varied between 5 and 10.25%. To simplify matters, we agreed to a flat 6% simple interest rate. To further simplify the calculations for the Treasurer we agreed to fix the start date for each interest period to the final day on which a property tax payment could be made during each of the three tax years. For sold properties, the refund amount is prorated between old and new owners based on the number of days of ownership.*

*To incent the County to make payments soonest and complete the task in reasonable time there is a 24-month interest holiday. During that period interest ceases to accrue. The period begins following the first month that the County starts making refunds and continues for the following 24 months. If the County fails to make payments ratably over that period, they forfeit the interest holiday. Any refunds not made during the holiday resume accruing interest.*

#### How and When

*After making the refund calculations the Treasurer is obligated to provide notice to all owners. Current residents of Incline Village and Washoe County residents are notified first. To ensure all owners get notice the County is required to contract a 3rd party search firm to locate anyone they cannot find themselves.*

*The payment of refunds can start at any time. However, the County has the option to wait until July 1, 2021 to start payments. This was a pandemic-related concession by taxpayers.*



*Whether they pay sooner or not the refund issuance process must meet a minimum monthly quota. All refund payments must be completed by June 21, 2024.*

*Unlike previous refund payment scenarios, parcel owners are required to submit claims in order to get a refund. Those claims will be processed on a first in-first out basis. Owners failing to make a claim by May 1, 2023 forfeit getting a refund.*

*There are many details controlling the Treasurer's action articulated in the agreement. Of particular impact to IVGID and other taxing authorities is that the County cannot reduce their distributions of tax revenues before starting to pay refunds and cannot deduct more than refund amounts actually paid.*

### Washoe County's Obligations

*In order to audit and ensure compliance and fair taxpayer treatment the County has various obligations. Here are a few:*

- *Create an implementation website*
- *Calculate refunds in accordance to the agreement*
- *Provide notice to all Owners*
- *Provide a log of all owners, notices and refund payments to the Village League, Court and County*
- *Find every owner, contracting search firms as-needed*
- *Prepare regular progress reports to the Court, County and Village League,*
- *Follow a prescribed dispute resolution process*

*For further information and details of the agreement and the refund plan, please visit the Village League's website:*

*(<http://nevadapropertytaxrevolt.org/wp-content/uploads/2020/08/Taxpayer-Implementation-Agreement.pdf>).*

*The deal must be approved by the District Court and the State before it becomes law.*

## MEMORANDUM

**TO:** Board of Trustees

**FROM:** Indra Winquest  
General Manager

**SUBJECT:** General Manager's Status Report  
Prepared for the meeting of November 18, 2020

**DATE:** November 10, 2020

### General Manager & Board of Trustees Priority Projects & Tasks

ACTION ITEM	TARGET DATE COMPLETION	RESPONSIBLE PARTY	STATUS
Effluent Pond Lining Project Request for Qualifications (RFQ)  <i>*updated</i>	CMAR RFQ Posted 10/23/20	GM Winquest/Engineering Manager Chorey Trustees Wong/Dent	RFQ Posted 10/23/20. Contractor Site Walk took place on 10/28 Interviews to take place in early December.
Effluent Pipeline Project Request for Qualifications (RFQ)	See above	GM Winquest/DPW Pomroy Trustees Wong/Dent	See above
Burnt Cedar Pool Project	Schematic Design Phase	Engineering Manager Chorey/GM Winquest	Schematic Design in progress. To be presented to Board 11/18. Core Construction selected as CMAR. Pre-Construction Services commencing.
<b>Internal Controls Project(s)</b> Review of Internal Control * Policies and Procedures	Winter/Spring	Director of Finance Navazio	Draft framework / project plan shared with Audit Committee; prioritizing procurement policy review
* Construction Contract Review	Winter 2020	GM Winquest/Director of Finance Navazio	Moss Adams contract management audit underway; fact validation completed; final report 11/30
Ordinance 7 GM Advisory Committee  <i>*updated</i>	Fall/Winter 2020	GM Winquest	GM Advisory Committee's second meeting was held on 10/27/20. Next meeting 11/10/20.
Smith vs IVGID Litigation	Ongoing	Legal Counsel/Board of Trustees/GM Winquest	Update provided by Legal Counsel at the 9/9/20 BOT mtg.

ACTION ITEM	TARGET DATE COMPLETION	RESPONSIBLE PARTY	STATUS
Utilities Performance/Asset Management Review  <i>*updated</i>	Hiring of Consultant Early Winter 2020	GM Winquest/Board	RFP released in 11/6/20
2020/2022 Strategic Plan	February 2020/21	Senior Management Team/Board of Trustees	Will discuss in the future, during long range calendar. Will set a workshop date after election
USFS Parcel Acquisition – Potential Dog Park  <i>*updated</i>	Ongoing	GM Winquest	Have resumed discussions with the USFS regarding special use permit, Legislation in progress
2020/2021 Budget Kick off Workshop  <i>*updated</i>	December 2020	GM Winquest/Director of Finance Navazio	Long Range Calendar updated to reflect first workshop December 2020
Recreation Punch card accounting	Fall 2020	Director of Finance Navazio	Board Workshop took place on 9/9/20
USACE Grant Funding for Pond Lining/Pipeline Projects	TBD	GM Winquest/Engineering Manager Chorey	Meeting with Marcus Faust/Laura Whitney (USACE) on 10/23. Update from Mr. Faust included in 11/18 GM Report
Ski Way Reconstruction Project  <i>*updated</i>	TBD	Engineering Manager Chorey	GM Winquest/ Engineering Manager Chorey met with Tyrolian Board Chairman/Vice Chairman on 10/21

**COVID–19, Impacts to the District & update on closures and restrictions**

The Recreation Center is currently open with a limited capacity of 50% for current members only. Drop in use is being evaluated at this time. Reservations are required for Group Fitness Classes, Gymnasium, Pool, and Strength and Conditioning area. Weddings, Banquets and Events are currently taking place with significant restrictions based on state and county guidelines and restrictions. A variety of Parks & Recreation programs are being offered with strict health and safety guidelines. The community parks remain open for drop in use and social/physical distancing is being closely monitored. The Tennis Center Pro Shop is closed for the season, however courts remains open first come first serve weather dependent.

Beach operations are constantly changing and Staff has and will remain flexible as restrictions are ready to either lifted or added dependent on impact of COVID–19 and observed behavior at the beach properties. Currently the beach operational season is in the final stages of

closing down. Beach Gates no longer will be staffed as of October 31, 2020. Boat Launching is available with a 24 hour advance reservation required.

### **Trail of Treats and Terror Event Recap**

Trail of Treats and Terror has been an Incline Village tradition since 2001. This intergenerational event is extremely important to our community, as it is the only opportunity many of the families in our town have to get dressed up and celebrate Halloween. Our team was unsure if we were going to be able to continue this event amidst the pandemic, however, with some creativity, incredible community partners, and community support, we completely reformatted the Trail of Treats and Terror. This year, the Trail of Treats and Terror took place completely outdoors and reservations were required. Trick-or-treaters traveled the "spooky" Fit Trail, with decorated stops along the way provided by our community partners. Every reservation slot filled, which means we served 600 Incline Village/Crystal Bay residents. Our partners included: Incline Tahoe Foundation, Lake Tahoe School, Sierra Nevada University, Young Life, Cornerstone Church, Incline Village Rotary, Diamond Peak, Incline Village Golf Courses, Picture This Photography (Dayle Hoevel), Ridgeline Apps, the North Lake Tahoe Fire Department, and community donors.

### **Golf Courses Update**

The season has wrapped up for both golf courses for the 2020 season and what a season it was! The year started with uncertainty due to COVID-19 restrictions and how we were actually going to operate through this pandemic. Many planning sessions were held with staff to come up with a safe and responsible way to open both courses.

Both courses opened on time and continued throughout the season with no delays or closures due to the incredible effort by all of the Golf Course staff including Maintenance, Food & Beverage and Events. Everyone pitched in to make sure operations ran smoothly daily - which meant that almost all of our staff were doing things they would not normally be doing. This year was truly a team effort and I cannot thank our staff enough for their dedication.

Jeff Clouthier and his maintenance staff had the golf course in incredible shape all year, a fact that was evident by the large number of compliments we received on golf course conditions. Currently, Jeff and his team are finishing construction on the remaining red tees, aerification, tree work, bunker work and putting the course to "bed" before the harsh weather hits. Our Golf Course Maintenance crew always does their best to get as many golfers out on the course before the course closures, but they must also make sure they have ample time to prep the course for the uncertainty of the winter season and ensure proper growth for playing conditions when spring rolls around. Please make sure to check out this YouTube video (<https://youtu.be/uWcVzalhEIE>) with Jeff Clouthier on post golf maintenance on the course. Golf Operations has been busy preparing for cleaning and closure of the cart barn, cleaning-up the range and getting the golf simulator ready for winter operations.

Chef Bill and his staff did an incredible job keeping the Food & Beverage operations going throughout the season with minimal impact and serving up delicious food for our residents and guests as always. The snack bars were also a key component in serving our golfers with the restrictions on what we could provide on the carts.

I would like to thank our staff again for their incredible efforts this season with providing our golfers the best and safest golf experience possible. Lastly, I would like to thank everyone for being patient through our many restrictions this season. We look forward to some sort of normalcy next season.

### **Diamond Peak Update**

The ski area continues to work towards a projected opening date of December 10, 2020. Snowmaking efforts for the season began on October 26, 2020 with a fairly good run for a couple of days and resumed our efforts on Friday, November 6, 2020 with a strong cold front that moved into the region. Staff continues to make snow when temperatures allow on the lower mountain as well as up top on Crystal Ridge. As always, we commit to provide top to bottom skiing for our guests on opening day. Making sure the mountain and facilities are prepared for operations this winter have been interesting. The addition of physical distancing requirements for our staff has made getting around and completing off season projects challenging for our maintenance crews. Their hard work and ability to think outside the normal guidelines has enabled us to complete projects on time for the upcoming season. All seasonal managers and supervisors have returned to Diamond Peak for the winter season and have been actively recruiting staff for the upcoming season. We hosted an employee recruitment fair on October 14, 2020 that was very successful and have one planned for Saturday November 14, 2020. As this season will be different from the past, please keep in mind things you can do to help.

- Face coverings are required in both indoor and outdoor spaces including riding the chairlifts.
- All guests are expected to provide six-feet of distancing from Diamond Peak staff and other guests.
- Lodge facilities will have overall capacity limitations and seating restrictions to meet required indoor operating guidelines.
- Season Pass Holders are not required to make a reservation for skiing.
- Daily tickets must be purchased online and redeemed at the ticket windows.
- Skiers will be allowed to self-group and load chair lifts with those they are skiing with.
- Lift attendants will not require skiers to ride the chair with other skiers they do not know.
- Stay at home if you are feeling unwell.

We encourage our community to visit our full list of details related to the upcoming season at [diamondpeak.com](http://diamondpeak.com) "COVID- 19 FAQ: Know Before You Go page"

### **Staff Recruitment**

The Human Resources Team is very busy with multiple key recruitments - Controller, Parks and Recreation Superintendent, and the Director of Public Works. The District General Manager will keep the Board of Trustees and community up to date on these key recruitments as the process proceeds.

### **Organizational Charts**

Attached are three organizational charts – one for Parks and Recreation leadership dated June 2020 and one dated November 2020 which reflects restructuring of the Parks & Recreation Department. Also included is an organizational chart representing the District's middle and upper management dated November 2020.

### **Ordinance 7 General Manager Advisory Committee**

A page on the IVGID website has been created and that link is <https://www.yourtahoepace.com/ivgid/general-managers-committee-on-ordinance-7>. The minutes from the first meeting are posted to this website. The next meeting of this committee is scheduled for Tuesday, November 10, 2020. The District General Manager will give a verbal update at the Board of Trustees meeting on November 18, 2020.

### **Key Project Updates**

Webpage Link:

<https://www.yourtahoepace.com/ivgid/resources/construction-updates>

### **Burnt Cedar Swimming Pool Improvements**

A 2020/2021 Capital Improvement and Board of Trustees Priority Project, this project will reconstruct the two (2) existing pools (full size and toddler) at Burnt Cedar Beach. A design consultant has been selected and worked with IVGID Staff and a community group to develop a preferred conceptual design. On August 12, 2020, the Board of Trustees unanimously selected a preferred option. On September 9, 2020, the Board of Trustees unanimously authorized schematic design services. On September 30, 2020, the Board of Trustees provided feedback on project delivery with the majority supporting the Construction Manager-At-Risk (CMAR) project delivery method. Schematic Design is scheduled to be presented to the Board of Trustees at the November 18, 2020 Board Meeting. Assuming acceptance of the schematic design, the CMAR will prepare a construction cost estimate. The CMAR construction cost estimate and a proposal to complete design and permitting are tentatively **scheduled to be reviewed and discussed at the December 9, 2020 Board Meeting.**

### **Tennis Center Renovation**

The project includes remodeling the pro-shop and restrooms, enclosing the existing kitchenette area, expanding and enhancing the deck area, and layout improvements to make the venue more welcoming. The construction contract was awarded at the June 10, 2020 Board of Trustees meeting. Construction has commenced and the project is scheduled to be substantially complete April 1, 2021.

Daniel Fraiman Construction Contract Status:

Original Contract Amount	Change Orders	Current Total Contract Amount	Total Payments for Work Completed to Date	Current Balance to Completion (including retainage)
\$709,000	\$32,720	\$741,720	\$213,150	\$528,570

Effluent Pipeline Project

District Staff provided a detailed Effluent Export Project update to the Board of Trustees on January 29, 2020. The immediate priority is to replace all of the remaining Segment 3 pipeline (12,385 linear feet) and to make immediate repairs to the Segment 2 pipeline (17,314 linear feet) to extend its life and mitigate a potential future leak site. At the February 26, 2020 Board of Trustees Meeting, a design services scope of work was presented to the Board to begin replacement of Segment 3, the scope of work was not approved. The Board has placed this project on hold pending the hiring of a Project Manager/Construction Manager-At-Risk (CMAR) to conduct a complete project review of the Effluent Export Project. IVGID staff has prepared a Request for Proposals (RFP) to solicit responses from potential CMARs. Proposals are due November 19, 2020.

Effluent Pond Lining Project – 2599SS2010 (this is a new capital project #) – PO#

A component of the Water Resource Recovery Facility (WRRF) operation is a 2.4-million-gallon effluent storage basin located adjacent to the wastewater resource recovery facility (Plant). The WRRF Effluent Storage Alternative Analysis Memorandum, September 2018, recommends a reinforced concrete or the combination of concrete and shotcrete lining that provides the best long term value, maximizes storage volume, and has low maintenance to keep in service. At the February 26, 2020 Board of Trustees Meeting, a design services scope of work was presented to the Board for lining the pond, the scope of work was not approved. The Board has placed this project on hold pending the hiring of a Project Manager/Construction Manager-At-Risk (CMAR) to conduct a complete project review of the Effluent Export Project. IVGID staff has prepared a Request for Proposals (RFP) to solicit responses from potential CMARs. Proposals are due November 19, 2020.

Financial Transparency

Fiscal Year 2019/2020 Year-End Audit. Staff anticipates completion of audit work and publication of Comprehensive Annual Financial Report by end of November. Draft of financial statements to be reviewed by Audit Committee at meeting of November 19<sup>th</sup>. A request has been submitted to the Nevada Dept. of Taxation requesting a 30-day extension to file the audit report with the state, in order to allow the Audit Committee and Board to consider the results of a third-party review of District financial reporting practices.

The District's First Quarter Budget Update and Popular CIP Status Report are being presented to the Board on this evening's agenda.

Staff is working to complete the October 2020 close by November 20<sup>th</sup>, and will be posting the monthly financial packet to the District website and OpenGov.

**Policy 3.1.0, subparagraph 0.4 – Report to the Board on Contracts Signed by the District General Manager**

From October 22, 2020 to November 06, 2020

PO Number	Vendor	Description	PO Amt
21-0103	Gierlich-Mitchell, Inc.	Sewer Pump Station Improvements; Cornell Pump parts.	\$6,415
21-0104	Cinderlite Trucking Corp.	Fairway topdressing sand	\$20,000
21-0105	Dion Label Printing, Inc.	Purchase Ski lift tickets - 25,000 - regular, 10,000 - restricted and 40,000 live = 75,000	\$12,926
21-0110	Amer Sports Winter & Outdoor	Annual budgeted and approved purchase of staff consumable uniforms including shirts, hats and face coverings	\$18,270.72
		<b>TOTAL</b>	<b>\$57,611.72</b>



## MEMORANDUM

**TO:** Board of Trustees

**FROM:** Indra Winqest  
Interim General Manager

**SUBJECT:** General Manager's Status Report  
Prepared for the meeting of April 14, 2020

**DATE:** April 8, 2020

### Interim General Manager & Board of Trustees Priority Projects & Tasks

ACTION ITEM	TARGET DATE COMPLETION	RESPONSIBLE PARTY	STATUS
Filing of Preliminary Budget to Department of Taxation by 4/15/2020	4/15/2020	GM Winqest/Director of Finance Navazio/Board of Trustees	Preliminary budget filing items on agenda for 4/14/2020.
Effluent Pond Lining Project Review Scope of Services	5/6/2020	GM Winqest/Director of PW Pomroy Trustees Wong/Dent	Scope of Services being developed for Project Review/Manager. Need USACE Partnership Agreement
Effluent Pipeline Project Review Scope of Services	5/6/2020	GM Winqest/Director of PW Pomroy Trustees Wong/Dent	Scope of Services being developed for Project Review/Manager.
USFS Parcel Acquisition	Ongoing	GM Winqest	Met with USFS Staff 4/2/20 process of filing a special use permit. Will be delayed as a result of COVID-19
Burnt Cedar Pool Project	10/31/2021	Engineering/GM Winqest	Currently out for RFQ for a design team. Need to set up advisory committee meeting.
Guest Access Ticket Revision	Completed	GM Winqest	Included details of new process in GM Report on 4/1 and 4/14.
No Smoking/Vaping Policy	Completed	GM Winqest	Resolution approved by BOT on 4/1. Implementation beginning.
Internal Controls Audit/Questions regarding the 18-19 Audit/CAFR	Ongoing	Audit Committee/GM Winqest	In beginning Stage. Scope of Services Development
Audit Charter/Policy 15.1.0 Update	Ongoing	Audit Committee	Will be on 5/6 Agenda

ACTION ITEM	TARGET DATE COMPLETION	RESPONSIBLE PARTY	STATUS
Ordinance 7 Administrative Revisions	TBD	GM Winquest	Public Hearing - Postponed due to COVID – 19 Virus impact
Smith vs IVGID Litigation	5/20/2020	Legal Counsel/Board of Trustees/GM Winquest	Will be meeting with third party Legal Counsel to review case. Court has set a status hearing date of May 12, 2020
2020-22 Strategic Plan	7/1/2020	Senior Management Team/Board of Trustees	Planning for workshop in June 2020
2020-21 Budget Workshop	05/07/2020	Senior Management Team/Board of Trustees	Planning for a workshop at the Chateau unless COVID-19 stay at home order is extended then it will be virtual

**COVID – 19, Impacts to the District & update on closures and restrictions**

Diamond Peak and the Recreation Center closed on Monday, March 16<sup>th</sup>. Additionally, all community programming has been cancelled or postponed until further notice. Public Works, Administration, and Chateau all closed to the public on Tuesday, March 17<sup>th</sup>. The beaches are available for walk in only and social/physical distancing is being monitored closely. The Parks remain open for drop in use and social/physical distancing is being monitored closely. Staff is working on an essential/critical employee basis.

504 Staff at Diamond Peak were laid off on March 16<sup>th</sup>, and an additional 127 staff have been furloughed. These staff were paid “Pandemic Pay” from March 16 – 27<sup>th</sup>. Hiring of Spring/Summer seasonal staff will be delayed until further notice. We have placed the hiring of J1’s on hold and we will continue to evaluate the COVID-19 situation as we hope to begin gradually bringing back Staff when safe and as venues begin opening.

Many full time staff are working from home and/or are working a combination of on site and home as well as utilizing sick and/or vacation leave. Additional cost savings steps, as they relate to Full Time Year Round Staff, are being evaluated. Seasonal and hourly are currently working on a critical need basis only. Our Human Resources team is doing an outstanding job of working through the State and Federal guidelines for our workforce.

Our Finance, Accounting & Payroll team are working diligently to make sure the operations and business of the District keep moving. The team is currently and will continue to work on projections for a variety of different financial implications as a result of the COVID-19 outbreak.

The Community Services team are working on developing reopening strategies to make sure a healthy and safe environment is provided so that our residents and guests are comfortable visiting our venues and participating in activities. Additionally, Staff is working on digital and online resources to keep the community active and engaged. The golf courses and parks

staff will continue with normal preparation for upcoming seasons although it is universally understood that there may be impacts as a result of COVID-19. The Recreation Center is closed until further notice, however, Recreation Counter Staff is available to answer phone calls and respond to emails.

The Public Works & Utilities team continues to provide outstanding service while protecting the water and sewer infrastructure during this extremely crucial and challenging time. Engineering staff continues to work on project development and management, Public Works Administration is closed to the public but Staff is answering phones and responding to emails during normal business hours.

- *IVGID Public Works will temporarily suspend disconnections and penalty charges for delinquent accounts during this time. We will work with customers facing financial hardship to develop payment plans in order to assist with past due balances. We encourage any of our customers to contact us if they have concerns about their account balances.*

On April 8, effective 11:59 p.m., Nevada's Governor Sisolak issued Directive 13 which closed all public recreational spaces such as the skate park, golf courses, etc. Staff began the process of posting signage to be in compliance with this directive.

## **Capital Projects Update April 8, 2020**

### **Design**

#### Championship Golf Maintenance Building Drainage and Washpad Improvements

A 2020 Capital Improvement Project, this project will improve surface and sub-surface drainage, construct a modern wash pad facility, and spot treat pavement failures at the Championship Golf Maintenance Building. An engineering consultant has been hired to complete the design and currently working with staff to develop construction documents for bidding in Spring 2020 and construction in Summer/Fall 2020.

#### Martis Peak Road - Water Main Replacement

A 2020 Capital Improvement Project, this project includes slip lining a 14-inch water main under State Route 28 and replacing aging steel water main in Martis Peak Road and Rifle Peak Court. IVGID Engineering staff is completing the design and is on schedule to bid in Spring 2020 and construction in Summer/Fall 2020.

#### Tennis Center Renovation

The Board approved on June 19 for staff to begin the design of the tennis center renovation. The architectural, design and permitting services scope of work was approved at the August 14 BOT meeting with the removal of Bocce Courts. The key project objectives are renovation of the pro-shop buildings and surrounding site to renovate aging restrooms, expand the pro-shop by enclosing outdoor kitchenette area, expand and enhance the deck area, improve wayfinding and flow of traffic through the Tennis Center. The Board selected a design

development alternative on November 13<sup>th</sup> and authorized public advertisement for bids on March 11<sup>th</sup>. Project permitting and public bidding will occur in the coming months and the bid results are tentatively scheduled to be presented to the Board on June 10<sup>th</sup>.

### Effluent Pipeline Project

District Staff provided a detailed Effluent Export Project update to the Board of Trustees on January 29, 2020. The immediate priority is to replace all of the remaining Segment 3 pipeline (12,385 linear feet) and to make immediate repairs to the Segment 2 pipeline (17,314 linear feet) to extend its life and mitigate a potential future leak site. At the February 26, 2020 Board of Trustees Meeting, a design services scope of work was presented to the Board to begin replacement of Segment 3, the scope of work was not approved. The Board has placed this project on hold pending the hiring of a Project Manager to conduct a complete project review of the Effluent Export Project. The annual CIP amount of \$2,000,000 will be allocated to this project. At the March 11, 2020 Board of Trustees meeting, the Board of Trustees unanimously approved to restrict \$9,656,890 to the Effluent Pipeline Project, Project #2524SS1010 from the Unrestricted Net Position in the Utility Fund effective March 12, 2020.

### Effluent Pond Lining Project – 2599SS2010 (this is a new capital project #) – PO#

A component of the Water Resource Recovery Facility (WRRF) operation is a non-permitted 2.4 million gallon effluent storage basin located adjacent to the wastewater resource recovery facility (Plant). The WRRF Effluent Storage Alternative Analysis Memorandum, September 2018, recommends a reinforced concrete or the combination of concrete and shotcrete lining that provides the best long term value, maximizes storage volume, and has low maintenance to keep in service. At the February 26, 2020 Board of Trustees Meeting, a design services scope of work was presented to the Board for lining the pond, the scope of work was not approved. The Board has placed this project on hold pending the hiring of a Project Manager to conduct a complete project review of the Effluent Export Project. On February 27, 2020, Staff set up a new capital project for the Effluent Pond Lining and that project number is noted above. It is also included as an unbudgeted project for the 2020-21 CIP Budget

## **Construction**

### WRRF Aeration System Improvements

The aeration process of wastewater treatment supplies oxygen to facilitate the biological activity that converts raw sewage into treated wastewater effluent. The plant has six-200,000-gallon aeration basins with two jet aeration clusters per basin supplied by computer controlled multistage centrifugal aeration blowers. This project funds the design and replacement of the aeration system equipment at the WRRF. The Board awarded the construction contract to the lowest responsive bidder, KG Walters, on December 11. A preconstruction meeting was held on January 15, 2020 and the Contractor is currently preparing submittals for all the required equipment. The project will continue until December 2020. Progress meetings are held every two weeks. Construction will start in mid-April.

K. G. Walters Construction Contract Status:

Original Contract Amount	Change Orders	Current Total Contract Amount	Total Payments for Work Completed to Date	Current Balance to Completion (including retainage)
\$1,508,500	\$0	\$1,508,500	\$0	\$1,508,500

Water Reservoir Safety and Security Improvements – Phase 1

This project would replace the ladders that access the top of the water reservoirs, install intermediate access platforms, install protective railings and install new fall protection devices. The exterior access to the roof area is required to meet the needs of the District to monitor the water quality in the reservoirs and perform routine repairs to radio communication equipment. The ladders also need to be secured from access by the public. The reservoir ladders, fall protection, platforms, and protective railings will meet the current Occupational Safety and Health Administration (OSHA) safety standards. The Board awarded the contract to Resource Development Company on April 10, 2019 for 10 of 13 reservoirs. Construction begins this summer and is expected to be substantially complete by September 30, 2020.

Resource Development Construction Contract Status:

Original Contract Amount	Change Orders	Current Total Contract Amount	Total Payments for Work Completed to Date	Current Balance to Completion (including retainage)
\$362,600	\$0	\$362,600	\$0	\$362,600

Water Reservoir Safety and Security Improvements – Phase 2

The second phase of this project would replace the ladders that access the top of the water reservoirs, install intermediate access platforms, install protective railings and install new fall protection devices for the remaining 3 reservoirs. Bid results are under review and are tentatively scheduled to be presented to the Board on May 6<sup>th</sup>. If awarded, construction is scheduled to begin this summer and is expected to be substantially complete by October 15, 2020.

WPS 2-1 Incline – (Adjacent to Burnt Cedar Beach)

Water Pump Station 2-1 (WPS 2-1) is located at the Burnt Cedar Water Disinfection Plant (BCWDP) and pumps the disinfected potable water into the water distribution system to serve all customers. This project replaces the electric motor control centers (MCCs) and switchgear at WPS 2-1 dating to the original 1972 installation. Jacobs Engineering completed the design. The Board awarded the contract on August 28, 2019 to San Joaquin Electric. Notice to proceed was issued on September 9, 2019. The project is now complete and retention will be held for 30 days.

San Joaquin Construction Contract Status:

Original Contract Amount	Change Orders	Current Total Contract Amount	Total Payments for Work Completed to Date	Current Balance to Completion (including retainage)
\$291,000	\$0	\$291,000	\$276,450	\$14,550

Mountain Course Clubhouse Renovation

On August 11, 2018 a fire occurred in the Mountain Course Clubhouse which led to the closing of the kitchen area. The Board approved renovation plans include a revised allocation of floor space, changes to access and substantial change to customer flow. A new ADA accessibility to the lower level for food service and construction of a new and expanded deck and the installation of new windows and doors. The Board approved the design on May 22, 2019 and authorized advertising for bids which then occurred on June 21, 2019. The Board awarded the construction contract to Houston Smith Construction at the August 14, 2019 BOT meeting. Project is nearing completion. Work schedule for the next complete weeks include inside finish work, installation of kitchen equipment, site paving, and exterior painting.

Houston-Smith Construction Contract Status:

Original Contract Amount	Change Orders	Current Total Contract Amount	Total Payments for Work Completed to Date	Current Balance to Completion (including retainage)
\$1,006,000	\$83,575	\$1,089,575	\$916,365	\$173,210

IVGID Recreation Center Paver Entrance

A 2020 Capital Improvement Project to replace the cracking concrete entrance at the IVGID Recreation Center with concrete pavers will address an outstanding safety concern. Engineering staff has completed design and the project has been awarded to Eric's Concrete Pavers, Inc. Project start date has been moved to April 13<sup>th</sup> to take advantage of the Recreation Center closure. Completing the project during the closure will significantly reduce the user conflicts and hazards to the public.

IVGID Recreation Center Site Lighting Replacement

A 2020 Capital Improvement Project to replace bollard and site lights with modern LED fixtures. An outside Electrical Engineering firm has completed design and the project has been awarded to Intermountain Electric, Inc. Construction is scheduled to start the week of May 4<sup>th</sup>.

### Incline Village Bocce Courts

At the August 14, 2019 Board of Trustees meeting, the Board prioritized construction of bocce courts. Two bocce courts were initially included in the Tennis Center Remodel Project but were removed in favor of maintaining the existing hitting wall. At the November 13, 2019 Board of Trustees meeting, a preferred site was selected adjacent to the IVGID Recreation Center. Engineering staff has completed design and the project has been awarded to Rapid Construction, Inc. Construction is scheduled to start the week of June 1<sup>st</sup>.

## **Priority Projects & Items**

### Resolution 1480 Update

As stated in Resolution 1480, the General Manager has direct supervision over all District employees, with the exception of the Attorney. The General Manager will ensure that the District's Organizational Chart reflects that Legal Counsel reports to the Board of Trustees while the General Manager coordinates the legal work of the District consistent with Board of Trustees direction. Additionally, all Legal Counsel invoices will be provided to the Board of Trustees for review and approval prior to payment.

### Beach Guest Access Ticket Revised Process

At the December 11, 2019 Board of Trustees meeting, Staff was directed to develop an alternative to the existing Beach Guest Access Ticket process/s. This update was originally included in GM Report for the 4/1/20 BOT meeting. All the below key components will require no change to Ordinance 7. Staff has met with multiple property management agencies over the past few months explaining the reasoning for this change and gathering feedback to aid in the development of a new process. The goals of this change are to add more control of beach access, create efficiencies within the operations, and to provide improved data as it relates to guest access. The revised process transitions the guest access ticket to a pay to play model. The key components include:

- Guest must be authorized by parcel owner or property manager. All property managers must have a completed agent authorization form on file signed by the parcel owner.
- Guest required to provide a Guest Authorization form signed by parcel owner or agent.
- Guest required to provide rental agreement.
- Guest must pre purchase daily passes at the Recreation Center. Guest cannot pay directly at the beach gates.\*
- Guest can only purchase a pass during the length of stay determined by required documentation
- No refunds allowed

\*guest can pay at the beach gates only if IVGID Passholder is present

### Washoe County Collaboration

Washoe County Commissioner Marsha Berkbigler, on behalf of Washoe County, has provided \$11,000.00 in funding to purchase and install bear boxes along the Lakeshore Pathway. Staff will be selecting locations for installation and install when warmer temperatures allow.

Washoe County is also committed to installing the no overnight parking signage along Incline Way and other selected areas later this spring. This has been delayed by the current situation with COVID-19.

### **Financial Transparency**

As we write this update, the District has closed all venues to the public due to the COVID-19 Nevada Stay at Home order. Staff continues to evaluate the effects on the current fiscal year budget, with a primary focus on the Community Services and Beach Fund operations, under scenarios where venues and non-essential services are closed a) through May and b) through June.

With the strong financial performance through the first three quarters, we anticipate both funds ending the year *ahead of budget*, assuming avoidance of staffing and program costs, consistent with curtailment of facility operations. While financial results absent closures would have yielded results with significant favorable variance compared to the adopted budget, within the Community Services Fund, under the closure scenarios, the fund is expected to end the year with a net favorable variance of between \$400,000 and \$1,100,000, for closure through June and May, respectively. This is primarily attributable to revenues generated by Diamond Peak through March 15. For the Beach Fund, year-end results are conservatively projected to yield a favorable budget variance in the range of \$500,000 to \$650,000 as compared to the adopted budget.

While both the General Fund and Utility Fund revenues are largely buffered from short term impacts from facility closures and level of activity, additional cost-savings measures are being implemented including reduced work hours for staff (limited to essential services), reduced contract services, and deferring non-essential expenditures. The General Manager is evaluating additional personnel cost-saving measures should closures extend beyond the next thirty days.

Consistent with Board direction, Staff is also evaluating current year capital projects through development of criteria to inform decisions on proceeding with or deferring capital expenditures, with a focus on health and safety, mandates and assessment of long-term impacts on services upon return to quasi-normal operations.

The effects of the economic slowdown, social/physical distancing, and the downturn in tourism is also being evaluated in conjunction with refinement of the FY2020-21 budget process. To inform Board direction on the final budget, Staff is evaluating alternative scenarios contemplating closures and/or reduced program activity through July (one-month), September (3-months) and December (6-months) into the new fiscal year. These budget scenarios – including both operating and capital budget impacts – will be presented to the Board at the May 7<sup>th</sup> budget workshop.



**Capital Project Being Evaluated because of COVID-19 Economic Impacts**

The following table has the projects in the 2019-2020 Capital Improvement Project Budget that are being evaluated for deferral or re-budgeting, or cancellation.

Department	Project Title	2019-20 Budgeted Amount	Note
Public Works	Household Hazardous Waste Building Improvements	\$15,000	Cancelled
Facilities	Chateau – Replace Carpet	\$62,000	Being Evaluated
Facilities	Replace Hallway Tile at Chateau	\$65,000	Deferred
Recreation Center	Replace Fitness Equipment	\$45,000	Being Evaluated
Champ Golf	Printer Copier Replacement	\$10,000	Deferred
Champ Golf	Venue Signage Enhancements	\$40,000	Being Evaluated

**WRITTEN STATEMENT TO BE ATTACHED TO AND MADE A PART OF THE WRITTEN  
MINUTES OF THE IVGID BOARD’S SPECIAL AUGUST 24, 2023 MEETING –  
AGENDA ITEM C – APPROVE ACTIONS AND EXPENDITURES PROPOSED  
BY INTERIM FINANCE DIRECTOR MAGEE – IN PARTICULAR, RECOM-  
MENDED FORENSIC FINANCIAL DUE DILIGENCE AUDIT**

**Introduction:** Finally! For years I and others have been asking for a forensic audit. Because we suspect fraud. For years we have been criticizing staff conduct as wasteful and less than professional. And now what do we hear from our interim Finance Director? That “since July 2023 the Department of Finance has been conducting a self-assessment...This process has included staff-to-workload analysis, prioritization of Board initiatives, Audit Committee needs, and routine workload... (And) as a result...on August 9, 2023 the Finance Department made a number of recommendations to the Board...The Board directed staff to return with (a) prioritized Project List and estimated costs...The internal Active and Special Project list is (now presented)...with brief descriptions of the issues at hand and the current status of the projects as well as the recommended priorities...Staff is seeking Board guidance on this proposed prioritization.”<sup>1</sup>

Meanwhile, “the core functions of the Accountants, such as daily accounting, bank reconciliations, auditing, and financial reporting are no longer being utilized effectively due to the workload demands and changes over the past several years. The need remains to shift these duties on to more appropriate staff, which would allow the accounting team to return to the types of activities it should be focused on.”<sup>2</sup>

So what is it that Mr. Magee is really telling us? That *for years* the “district...(was and) is not being properly managed.”<sup>3</sup> And what does this mean? That “the board of county commissioners...hold a hearing to consider (whether)...the board of county commissioners shall...(a) Adopt an ordinance (designating)...the board of county commissioners, *ex officio*, as the board of trustees of the district; (b) Adopt an ordinance providing for the merger, consolidation or dissolution of the district... (c) File a petition in the district court...for the appointment of a receiver for the district; or (d) Determine by resolution that management and organization of the district will remain unchanged.”<sup>4</sup> Not a good thing! And these are the purposes of this written statement.

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<sup>1</sup> See page 7 of the packet of materials prepared by staff in anticipation of this meeting [go to [https://www.yourtahoeplace.com/uploads/pdf-ivgid/0824\\_-\\_Rev-1.pdf](https://www.yourtahoeplace.com/uploads/pdf-ivgid/0824_-_Rev-1.pdf) (“the 8/24/2023 Board packet”)].

<sup>2</sup> See page 8 of the 8/24/2023 Board packet.

<sup>3</sup> See NRS 318.515(1)(a).

<sup>4</sup> See NRS 318.515(3).

**The Hiring of a Forensic Financial Due Diligence Auditor:** “Given the known fact that many of the (District’s) routine accounting duties have been shifted or delayed for multiple years, combined with the current need to get caught up on several seriously past due reconciliations, (Mr. Magee) also recommende(s) the Board direct staff to issue a request for proposals to find a qualified firm to conduct a Financial Due Diligence Audit...Th(is) recommended action differs from the annual audit. The purpose of the annual audit is to ensure that management has presented a true and fair picture of the organizations financial performance and position. The Financial Due Diligence Audit is a type of forensic audit...(that) differs from the annual audit in that the procedures, scope of work, and depth to which the auditors dig into the agency’s finances and operations...to include a wide range of areas including legal, operational, information technology, and a deep dive into all financial matters related to the District. ”<sup>2</sup>

One of my complaints has been with the type of audit the Board orders each year. Although NRS 354.624(1) mandates that the District “provide for an annual audit of all of its financial statements,” it doesn’t mandate the type of audit. And since NRS 354.486 identifies eight (8) possible kinds of audits, it would appear the Board can designate which audit to perform. Notwithstanding, the audits of the past that I am familiar with have largely been a waste. But now Mr. Magee is proposing what may very well be a very productive audit; a Forensic Financial Due Diligence Audit. I wholeheartedly support this endeavor and hope the Board will approve Mr. Magee’s request.

**Conclusion:** I understand that the cost to do a Due Diligence Audit will not be inexpensive. But if we can afford to waste the money we continually waste on alleged services our customers demand, then we can afford to get our financial house in order. For once. So please approve Mr. Magee’s request.

And to those of you reading this written statement wondering what your Recreation (“RFF”) and Beach (“BFF”) Facility Fees actually pay for, now you know.

Respectfully submitted, Aaron Katz (Your Community Watchdog Because Nearly No One Else Seems to be Watching).

**WRITTEN STATEMENT TO BE ATTACHED TO AND MADE A PART OF THE WRITTEN  
MINUTES OF THE IVGID BOARD'S SPECIAL AUGUST 24, 2023 MEETING – AGENDA  
ITEM B – PUBLIC COMMENTS – SETTING THE RECORD STRAIGHT – RESIDENT  
KRISTIE WELLS' COMMENTS AT THE BOARD'S AUGUST 9, 2023 MEETING**

**Introduction:** At the Board's July 26, 2023 meeting I gave public comment to the effect that IVGID's acquisition, maintenance, improvement and operation of its various "for profit" (but really "for loss") recreational business enterprises was founded upon fraud. And that given the remedy for fraud is rescission, this Board should terminate all affected operations based thereupon in order to return the public to the position it would have been had there been no fraud.

At the Board's August 9, 2023 meeting someone who I have never seen before in our community gave public comment contesting my July 26, 2023 allegations. She stated she was there "to set the record straight,"<sup>1</sup> and that my comments represented an "intentional erroneous statement" (i.e., a lie). She "encourage(d me) to retract" my erroneous statements<sup>2</sup>. Well it turns out my statements were truthful. And I have written documentation which proves the point. And that's the purpose of this written statement.

**Prelude:** Ms. Wells is so much like the portion of our community which talks one thing, yet when it comes to actions, does the complete opposite. If one listens to Ms. Wells' husband's August 9, 2023 public comments to the IVGID Board<sup>3</sup>, one will hear his pleas to "treat each other as neighbors...where we work for the betterment of all?" Right.

So with that as a backdrop, on August 11, 2023, well before the preparation of this written statement, I reached out to Ms. Wells so we could treat one another as "neighbors." Since she didn't pick up her cellphone, I left a message stating the purpose of my call, and asking she return my call to discuss the substance of her public comments. And to make sure I didn't hear an excuse down the road that Ms. Wells did not get my voicemail message, I followed up my telephone call with an e-mail. Which came from her county short term rental ("STR") application (discussed below).

Okay. So what was Ms. Wells' response to my initiative? Nothing, nada, zilch. In other words, although she talks the talk, when it comes to acting on that talk, like so many in our community, she's

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<sup>1</sup> And who exactly nominated you to "set the record straight?"

<sup>2</sup> IVGID livestreams its Board meetings (go to <https://livestream.com/accounts/3411104>). Its livestream of the Board's August 9, 2023 meeting appears at <https://livestream.com/ivgid/events/10927997> ("the 8/9/2023 livestream"). Ms. Wells' comments can be viewed at 14:50-17:04 of the 8/9/2023 livestream.

<sup>3</sup> See 12:07- of the 8/9/2023 livestream.

a blowhard<sup>4</sup>! So this is the type of person we all should believe? About anything? Like the merits of the recall petition against Trustees Dent and Schmitz she promotes?

But wait. There's more. Is Ms. Wells really a member of our community? And if so, what type of member? And for how long? Let's consider the facts.

Where does Ms. Wells live? Well according to her husband, 930 Tahoe Blvd. #802-488<sup>5</sup>. *IN THE CITY OF INCLINE VILLAGE* no less<sup>6</sup>. According to the address stated on Mr. and Mrs. Heuer's August 5, 2023 Ticor Title escrow closing statement for the purchase of their Southwood property<sup>7</sup>, the same 930 Tahoe Blvd. address. And according to her STR application with the county, the same 930 Tahoe Blvd. address. But no one lives here! Right Ms. Wells? This is nothing more than the address for Box 488 at the PakMail Services business center located in the Raley's Shopping Center<sup>8</sup>. Right Ms. Wells?

Okay. If Mr. and Mrs. Heuer do not live at PakMail, then is it maybe 837 Southwood Blvd. #20? After all a search of the County Assessor's web site reveals that Ms. Wells and her husband purchased this condo barely two (2) years ago (on August 5, 2021). But wait a minute. It appears Ms. Wells doesn't live there either. That's because this property is registered with the county as a STR! That's right. Because Mr. and Mrs. Heuer don't reside in the property, the county has assigned a "high tax cap" rate rather than a low owner-occupied rate, as a "short term rental."

As additional evidence, check out the Heuers' Airbnb "Super-host" listing<sup>9</sup> where Ms. Wells admits that the Southwood property<sup>10</sup> has been issued "Washoe County STR Permit No. WSTR21-0352,"<sup>11</sup> and "Reno Transient Lodging Tax License No. W-4960." According to Mr. Heuer, they live "a

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<sup>4</sup> According to Merriam-Webster, "an arrogantly and pompously boastful or opinionated person: (a) BRAGGART, WINDBAG" (see <https://www.merriam-webster.com/dictionary/blowhard#:~:text=%3A%20an%20arrogantly%20and%20pompously%20boas%20or%20opinionated%20person%20%3A%20braggart%2C%20windbag>).

<sup>5</sup> See page 227 at [https://www.yourtahoeplace.com/uploads/pdf-ivgid/F.2.\\_-\\_General\\_Business\\_-\\_Capital\\_Investment\\_Committee\\_Interviews.pdf](https://www.yourtahoeplace.com/uploads/pdf-ivgid/F.2._-_General_Business_-_Capital_Investment_Committee_Interviews.pdf).

<sup>6</sup> Check out Ms. Wells' August 19, 2021 "House Guide" submitted in conjunction with her STR application (at file:///C:/Users...Downloads/Pinot%20Creek%20House%20Guide.pdf) where she states "*the city of Incline Village...charge(s) \$15 per person, per day for beach access.*"

<sup>7</sup> Go to file:///C:/Users...Downloads/837%20Southwood%20-%20Ticor%20Closing%20Statement%20(2).pdf.

<sup>8</sup> Go to <https://www.pakmail.com/stores/inclinevillage>.

<sup>9</sup> Go to [https://www.airbnb.com/rooms/51367672?source\\_impression\\_id=p3\\_1691861251\\_TTwi1wz3eY05aQby](https://www.airbnb.com/rooms/51367672?source_impression_id=p3_1691861251_TTwi1wz3eY05aQby).

<sup>10</sup> Also known as Pinot Creek (see <https://pinotcreeklaketahoe.com/>).

<sup>11</sup> Go to file:///C:/Users...Downloads/WSTR21-0352%20Renewal.pdf.

few minutes away" (in other words, somewhere else). And where exactly would that be Ms. Wells? Box 488 at the PakMail business center?

**Unsurprisingly Then, Ms. Wells' Recital of Fact Insofar as IVGID's Exercise of The Basic Power to Furnish Facilities For Recreation is Not Exactly Accurate:** Before I go to the truth of IVGID's fraud, let's clear up some mis/deceitful statements made by Ms. Wells.

**Economic Analysis:** Ms. Wells asserts that such an analysis was prepared in 1961 "to guide the original Incline Village development plan." Maybe so. But it had *nothing* to do with IVGID. It was likely prepared to assist Incline Village's developers in their sale of Incline Village property. So whatever it says, has zero relevance to IVGID. And Ms. Wells should know this.

**Where Did Ms. Wells Get The Documents?** This is a more intriguing question. There's no way a recent transplant to our community would know about a 1961 economic analysis<sup>12</sup>. Heck. Even I don't know about it! Nor would Ms. Wells know the particulars of the District's 1976 purchase of Ski Incline (now Diamond Peak), our golf courses, and Bowl Incline. So who fed her the documents? I firmly believe it was Susan Herron. This is a subject I am going to have more to say about later. But suffice it to say, Ms. Herron's true job is to assist members of the community and the Board of Trustees whose views she aligns with, to attack critics of staff and the Board. Similar to Kaye Shackford's attacks of Frank Wright and myself, and Trustee Noble's recent attack of Cliff Dobler. And now Kristie Wells has joined the fray. Welcome to the party!

**Recreation is a "Responsibility" of IVGID:** Ms. Wells stated that in 1965 the acquisition and operation of "recreation facilities" was "added...to (IVGID's) responsibilities." Although that's when the District was granted new recreation powers, apparently Ms. Wells doesn't understand that none of IVGID's powers represent a "responsibility." Rather, they represent basic powers which may or may not be exercised. Look at NRS 318.055(4)(a). It states that a GID is initiated by a resolution or petition. And its "initiating ordinance must set forth" its one or "more...*basic powers*." And if granted "more than one *basic power*," its name shall "include the words General Improvement District" ("GID").

The powers GIDs may exercise appear at NRS 318.100, et seq. But again, none *must* be exercised. And all that have been granted to the District by the Washoe County Board of Commissioners ("County Board") *may* be exercised. So IVGID has not been "charged" with the responsibility of providing any facilities or services.

Moreover, Ms. Wells makes it sound like somehow the County has given up its powers to furnish facilities for Incline Village recreation because they have been granted to IVGID. Untrue. The

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<sup>12</sup> Heck. I don't even know about it.

County continues to have the power to furnish facilities for public recreation in Incline Village. So much for the District's *responsibilities*.

**“Once (The Power of) Recreation Was Added, IVGID Started Purchasing Land And Facilities:** (for recreation) including our beaches, our ski resort, our golf courses, even Bowl Incline.” Untrue Ms. Wells. Anyone who has studied IVGID’s creation understands that its reason for acquiring the basic power to furnish facilities for recreation, was so that a financing mechanism could be created to pay Incline Village’s developer for the beaches it had represented would be granted to an homeowners’ association on behalf of the purchasers of its private lot sales. Therefore, it is a true statement that insofar as the beaches are concerned, IVGID moved to exercise its new power to acquire the beaches.

However, it’s not true insofar as the remainder of Ms. Wells’ statements are concerned. At least eleven (11) years lapsed between IVGID being granted the power to furnish facilities for public recreation, and its acquisition of Diamond Peak and the golf courses from Japan Golf Promotion (U.S.A.). Obviously, the District had doubts it could acquire recreational facilities other than the beaches and parks given its representations to the County Board and the public (see discussion below). Only when enough time had lapsed and “the coast was clear” so to speak, did IVGID venture into the public recreational facility acquisition business.

**Bulletin No. 77-11 Issued by The Nevada Legislative Commission of The Legislative Counsel Bureau in September of 1976<sup>13</sup>:** “This (is a) report...submitted in compliance with Assembly Concurrent Resolution No. 32 of the 58th session of the Nevada legislature, which directed the legislative commission to study the methods of creating, financing and governing GIDs.” The report identified and addressed “well-known general improvement district failures as a means of identifying weaknesses in the (GID) law.” And one of those identified weaknesses was the “use of a general improvement district by a developer as a means of financing the costs of (private) development.” And that was exactly what happened insofar as IVGID is concerned.

IVGID was created at the instance of Incline Village’s developer; Crystal Bay Development Co. (“CBD”). Its initial Board of Trustees was made up of CBD principals, or persons closely aligned with CBD. Once created, the first acts on behalf of this GID<sup>14</sup> were to: “define (the) type/location of (water, sewer and roadway) improvements to be made, (and) costs & expenses (to be) defrayed by special assessment;” “order...public acquisition & improvements (water, sewer and roadways), (and) costs & expenses (to be) defrayed by special assessments;”<sup>15</sup> and, “determining unpaid assessments & providing for issuance of bonds, (and the) creation & maintenance of a sinking fund from which said

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<sup>13</sup> Go to <https://www.leg.state.nv.us/Division/Research/Publications/InterimReports/1977/Bulletin77-11.pdf>.

<sup>14</sup> See Resolution Nos. 3-5.

<sup>15</sup> See Resolution Nos. 9-11.

bonds & the interest thereon w(ould) be paid.”<sup>16</sup> In other words, the purpose for IVGID’s creation was to use the bonding and assessment powers of a GID “as a means of financing the costs of development” of private property.

**Revered Harold Tiller’s<sup>17</sup> October 25, 1965 Testimony to The Washoe County Board:** Ms. Wells admits that IVGID was created in 1961. And in 1965 it was granted the basic power to furnish facilities for public recreation. Although “the board (of Commissioners can) elect to add basic powers not provided in its formation,” when doing so, NRS 318.077 requires it to “cause proceedings to be had...similar, as nearly as may be, to those provided for the formation of the district.” That means the equivalent of an organizational hearing similar to the one described in NRS 318.060. And at that hearing, “the (County) Board (is required to)...give full consideration to...all persons desiring to be heard and...thereafter (to) adopt an ordinance either (granting the requested basic power)...or determining that it shall not be” granted [see NRS 318.070(1)].

Therefore Harold B. Tiller, Treasurer of the IVGID Board, exercised the Board’s election to give testimony in support of the granting of this new basic power. And that testimony is reflected in an October 25, 1965 letter which is attached as Exhibit “A” to this written statement.

So what does the letter say that was untrue?

1. That “all of the recreational facilities...will be privately owned and operated (but for)...park properties (including the two beaches);”
2. That “the assessed value of IVGID, together with its expected growth, w(ould) readily finance the acquisition and operation of the two beaches” (this representation was based upon the *ad valorem* tax projections included on page 2 of the letter); and,
3. That “the beaches can be acquired for \$1.25M.”

All three of these representations were false. And had Mr. Tiller not made the representations that he did, there is no assurance IVGID would have been successful in securing the new basic power to furnish facilities for public recreation.

**How We Know Mr. Tiller’s Representations Were False When Made:** I point to two pieces of evidence. First, in anticipation of the District’s acquisition of the beaches, the Board at the time adopted Resolution No. 419 which announced that payment for said acquisition would be provided by revenue bonds whose servicing costs would be derived from what is now known as the Beach Facility Fee (“BFF”). In other words, expressly *not* the District’s *ad valorem* tax revenue.

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<sup>16</sup> See Resolution Nos. 21-23.

<sup>17</sup> Known as “the father of Incline Village.”



And second, IVGID subsequently entered into an agreement to purchase the beaches from CBD for nearly 70% *more* than Mr. Tiller's representations (i.e., \$2.1M versus \$1.25M). Although IVGID was created in May of 1961, as stated above the beaches were not acquired until June of 1968. During this seven (7) year period CBD sold over 3,000 vacant Incline Village lots. As part of the purchase price paid for those lots (i.e., \$50), each purchaser paid to become an owner of an homeowners' association ("HOA") "formed for the sole purpose of owning, developing and maintaining Incline Village beach property."<sup>18</sup> In addition to ownership of the beaches, CBD expressly represented that thereafter, each purchaser would be assessed "a maximum of \$50 per year, beginning July 1, 1961." In other words, expressly *not* a combined \$1.25M so the HOA could purchase the beaches.

**Conclusion:** So what is your definition of fraud Ms. Wells? According to the Association of Certified Fraud Examiners ("ACFE"), it is the "knowing misrepresentation of the truth or concealment of a material fact to induce another to act to his or her detriment (Black's Law Dictionary)."<sup>19</sup> When we look at the acts of the person who made the representation to determine how they differ from the representation made, isn't that what we see? Fraud Ms. Wells. Just as I have alleged.

Therefore, the recreational facilities we have to today, facilities that are really not recreational but staff and the Board assert they are ancillary thereto, and the intentional losses we rack up year after year, are the product of yesterday's fraud.

**Before Tonight's Meeting I Reached Out to Ms. Wells Requesting We Sit Down to Discuss These Matters So One or The Other of Us Wouldn't Make Derogatory Public Comments About The Other?** That's right. I did this nearly two weeks ago on August 11, 2023<sup>20</sup>. And what has been Ms. Wells' response? Nada. Nothing. Not even a return telephone call or e-mail.

Thank you so much Ms. Wells. I guess I should have guessed that this was your idea of "treat(ing) each other as neighbors...where we work for the betterment of all."

And those of you reading this written statement wondering what your Recreation ("RFF") and BFF Facility Fees actually pay for, now you know.

Respectfully submitted, Aaron Katz (Your Community Watchdog Because Nearly No One Else Seems to be Watching).

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<sup>18</sup> Note that there was no reference to "acquiring" the beaches. Nor paying anything more to CBD therefore.

<sup>19</sup> Go to <https://www.acfe.com/fraud-resources/fraud-101-what-is-fraud>.

<sup>20</sup> My follow up e-mail to her is attached as Exhibit "B" to this written statement.

**EXHIBIT "A"**

# INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT

POST OFFICE BOX 897  
INCLINE VILLAGE, NEVADA

October 25, 1965

Board of County Commissioners  
Washoe County  
Nevada

Re: Ordinance to add power to acquire  
and operate recreation facilities  
to present powers of Incline Village  
General Improvement District

## PUBLIC CONVENIENCE AND NECESSITY

Incline Village is designed to be a complete recreational area. To this end, when completed, there will be two great golf courses; the finest tennis facilities in the world in the Tahoe Racquet Club; a major ski development; riding stables with a vast area for activities such as trails to the very crest of the mountains and to remote places for evening and all-night cookouts, both by horse back and wagon hay rides; gaming and related night club entertainment and a cultural center with related youth programs.

After all of the foregoing, you have to consider the availability of the use of Lake Tahoe the most important and actually the very heart of a complete recreational base. To this end, it seems highly desirable to acquire facilities for such use and to acquire them as public property (public to the property owners within the District). With the acquisition of the two pieces of lake frontage (see attached maps) the property owners of the Incline Village General Improvement District would be assured forever of access to and use of Lake Tahoe. Those two lake front properties would be used as family perks for picnics and swimming and for boating access to the Lake for fishing and water skiing.

## ECONOMIC FEASIBILITY

All of the recreational facilities except the park properties (including the two beaches) are, or will be, privately owned and operated. The assessed value of Incline Village General Improvement District, together with its expected growth, will readily finance the acquisition and operation of the two beaches. The feasibility of a bond issue to acquire these properties will have to be passed upon and approved by the Washoe County Bond Commission. For your present consideration and future use by the Bond Commission, the Trustees of the Incline Village General Improvement District present their projection of taxes necessary to finance the acquisition of the beaches and the operation thereof. The projection is based upon the following assumptions:

65-968

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October 25, 1965

1. That the bonds can be acquired for \$1,250,000.00;
2. That the operating expense will average \$20,000.00 annually;
3. That the bonds can be sold at a 4-3/4% yield;
4. That the bond issue include a working capital bond reserve for the first two years due to the Nevada property tax being one year behind on collection together with the fact that it will take another year to get the tax levied to apply on the debt retirement; and
5. That the total bond issue amount to \$1,458,000.00 for costs, acquisition and working capital and reserve.

Tax Year	Debt Service Requirement	Operating Expenses	Total	Assessed Value of District	Tax Rate per \$100
1966-67	\$ 69,255.00	20,000.00	89,255.00	15 M	None
1967-68	69,255.00	20,000.00	89,255.00	20 M	None
1968-69	69,255.00	20,000.00	89,255.00	25 M	0.357
1969-70	121,972.00	20,000.00	141,972.00	30 M	0.473
1970-71	119,407.00	20,000.00	139,407.00	35 M	0.398
1971-72	116,842.00	20,000.00	136,842.00	40 M	0.341
1972-73	114,277.00	20,000.00	134,277.00	45 M	0.298
1973-74	111,712.00	20,000.00	131,712.00	50 M	0.263
1974-75	109,147.00	20,000.00	129,147.00	55 M	0.235
1975-76	106,582.00	20,000.00	126,582.00	60 M	0.211
1976-77	104,017.00	20,000.00	124,017.00	65 M	0.206
1977-78	101,452.00	20,000.00	121,452.00	70 M	0.174
1978-79	98,887.00	20,000.00	118,887.00	75 M	0.159
1979-80	96,322.00	20,000.00	116,322.00	80 M	0.145

Tax rate to continue to decrease as assessed value goes up and principal is retired. At this point (1979-80) \$594,000.00 of principal has been retired, leaving an unpaid principal of \$864,000.00 to be retired over the remaining 16 years.

To clarify again the no tax for the first two years, the bond proceeds would be used as follows:

Acquisitions	\$1,250,000.00
Working capital bond reserve	178,510.00
Expense of bond issue	29,490.00
	<u>\$1,458,000.00</u>

Attachments:  
 Development Map  
 Summary of Appraisal by  
 Real Estate Research Corporation

Submitted for the record by  
 INCLINE VILLAGE GENERAL IMPROVE-  
 MENT DISTRICT

By Harold B. Tiller  
 Harold B. Tiller, Treasurer



This certificate is at-  
 test, this 25th day of  
 October, 1965, in my office.

James B. Tiller  
 County Clerk in and for the  
 County of Washoe, State of Nevada

Deputy

James B. Tiller  
 Deputy

**EXHIBIT "B"**

## From Aaron Katz

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**From:** <s4s@ix.netcom.com>  
**To:** <kristiewells@gmail.com>  
**Subject:** From Aaron Katz  
**Date:** Aug 11, 2023 11:15 AM

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Hello Kristie -

Tried calling you first but your google interceptor was doing its job,

So in addition to leaving a message asking you return my call, I am sending this e-mail.

I would appreciate the opportunity to speak to you about your public comments about me at last Wednesday's IVGID Board meeting.

Please call me at 408.741.1008.

Thank you, Aaron

Public Comments - Iljosa Dobler - IVGID Board Meeting - August 24,2023

I am here tonight to say I am sick and tired of hearing from the angry Recall Group that my husband owns and bought Trustees Tullock, Schmitz and Dent. What does he own and what did he buy? What I believe he owns is the three people's interest in reading and understanding his memorandums on the failures of IVGID and prior Board Members, in managing and delivering proper accounting and reporting. Other existing and previous Board Members could care less. In tonight's agenda anyone can see what has happened.

Is buying a person achieved by providing campaign donations? We gave to Callitate and Wong only to be gouged by not honoring their promises. So we obviously made a mistake. Donations are provided across the country to support ideas and help people with similar interests. Cliff's interests in IVGID are only correcting improper accounting, reporting, and to strengthen weak contracts. He was highly paid by banking institutions for this service that IVGID is getting for free. Over 20 years we have donated more than 100 scholarships to High School Seniors, many of which were IVGID employees. Did we buy them or just help them? We have given support to Sierra Nevada College and the Reno Art Museum. Did we buy them or just support them?

By providing a loan to Trustee Dent, did we buy him or are we just receiving a monthly interest check? The loan was given because there was ample collateral and he has the three required attributes, Character, Capability and Capital.

So what is this recall all about? It is about accountability. The recall leaders Callicrate and Wong along with Tonking and Noble don't want that, and have a burning desire to attempt a cover up of the former weak management.

Tonight you will hear what poor accounting and no internal controls have brought and will bring over the next six months. The cost will be enormous. And let's not forget the efforts by the Audit Committee resulting in four consecutive years of required prior period adjustments because of awful accounting. Cliff just happened to be a member.

I ask you What is Cliff getting out of this? ....except aggravation and hostility !

IVGID Trustee Special Meeting August 24, 2023  
Public Comments from Harry Swenson at 664 Tyner Way Regarding IVGID Finances

Good evening and I am sorry you trustees had to miss The Taste of Incline event tonight, it was delicious. Though I am very glad you chose to expeditiously consider these critical financial issues facing our community.

My name is Harry Swenson, I have lived in Incline Village since my retirement from NASA about 10 years ago and love our very eclectic and beautiful community.

Last week at the Conversation Café group one of my acquaintances, Andy who is a supporter of the recall, indicated that if we really want to know what is going on in the community, we should review the August 9<sup>th</sup> Trustee meeting. I simply thought he was probably referring to some of the vitriol that has been the mainstay of the recall movement folks. What really got my attention was the testimony from the acting director of finance describing the financial morass that the previous GM and Director of Finance left the District. Including but not limited to:

- 1) The lack of preparation and delivery to the State our required financial reports due at the end of June.
- 2) Our IVGID financial results have not been audit nor are they able to be audited.
- 3) Our IVGID financial accounts have not been reconciled in 14 months and cannot be closed and may not be reconcilable.
- 4) IVGID does not perform any asset tracking for acquisition or disposal.



5) The transition to a modern financial tracking tool, started over a year ago, has been and continues to be a disaster with millions of missing or misplace dollars.

This demonstrates complete incompetence by the previous General Manager and Director of Finance and borders on criminal malfeasance. I was shocked by this lack of financial professionalism that is required by an enterprise the size of IVGID. Now this is in direct contrast to a previous presentation to the Trustees by both the previous GM and Director of Finance. I was at that board meetings where our budgets and finances were discussed and none of these issues were brought up. The GM and Director of Finance left the attendees with the impression that everything was just fine, even though they could not answer trustee questions regarding inconsistencies within both their presentations and hundreds of pages of backup material provided to the trustees.

I want to commend the board that once this financial swamp was discovered that you are taking quick and decisive action to correct this disaster. I also hope that you consider having the IVGID general council investigate clawing back funds from not only the GM's separation agreement but his and the Director of Finance's last year's salary for gross incompetence. As the detailed auditing that you are considering from an independent group proceeds, if malfeasance is even suspected please consider contacting the Washoe County District Attorney.

Thank you for your consideration.

Harry N. Swenson

Mick Homan  
Incline Resident

Here's my letter of resignation from the IVGID Audit Committee. I want it attached to the minutes.

I've come to the conclusion I can no longer serve this Board when its present leadership demonstrates a complete disregard for ethical behavior.

The letter lays out some of the ethical issues I've seen and tried to correct.

On multiple occasions, Trustee Schmitz responded to this work by twisting my words, attempting to call into question my knowledge and integrity.

She also tried to limit my ability to hold trustees accountable - by telling staff they shouldn't provide me with information unless I file public records requests.

As an Audit Committee member, this is offensive.

But my breaking point was appointing Cliff Dobler to the Capital Investment committee on August 9.

We witnessed a blatant conflict of interest and influence peddling.

My background made me an expert on ethics and compliance.

Despite what Chair Dent said he discussed with a state bureaucrat, his material loan from Dobler is, in fact, a material conflict of interest.

He should have abstained from voting.

He and Trustees Schmitz and Tulloch doubled down on that ethics violation by actively protecting Mr. Dobler

They protested and shut down relevant questions from Trustee Noble – despite advice from legal counsel that the questions were acceptable.

These trustees shattered the mere appearance of a conflict of interest.

Their actions protected their financial benefactor.

They also ignored Dobler's lie - on the public record - that his recreation privileges weren't suspended.

I've seen the registered letters to him laying out the suspension.

And they showed complete disrespect for IVGID staff and residents by appointing Dobler despite his serial, abusive, demeaning, and misogynistic behavior.

**I also can't abide by Audit Committee Chair Nolet's recent public comments and editorial.**

**The Audit Committee's role is to help the Board oversee the integrity of financial reporting, underlying controls and ethics**

**It must be neutral, unbiased and fact driven.**

**It facilitates corrective action to issues identified.**

**Above all, it acts as a fiduciary.**

**His comments contained speculation AND innuendo that were inflammatory, defamatory, and potentially libelous.**

**He politicized the committee by inflaming a narrative.**

**To me, this violates his fiduciary responsibility to IVGID.**

**And now we have today's special agenda, in large part due to a staffing crisis caused by individual Trustees.**

**The only item that should be acted on is approving funds to hire staffing.**

**That's the critical need – you were derelict in not approving it at the last meeting.**

**Nothing can be done about the other items without staffing to do the work.**

**Unfortunately, we'll need contractors since nobody wants to work for this board.**

**There was no Audit Committee input, but it does appear to have Dobler's fingerprints all over it, in particular the forensic audit suggestion.**

**Despite the bluster, we've seen no evidence of any malfeasance justifying such action.**

**In summary - I'm not able to provide audit committee oversight when individual Board members won't live by basic ethical standards and openly violate fiduciary responsibilities.**

**Nor will I allow my professional reputation, built over four decades in public accounting and the controllership profession, to be tarnished by actions of, or association with those Board members.**

**I'd be happy to serve in the future if the Board evolves to one that's more consistent with my moral and ethical compass.**

Board of Trustees  
 Incline Village General Improvement District  
 893 Southwood Boulevard  
 Incline Village, NV 89451

Re: Letter of Resignation – Mick Homan  
 Audit Committee

This letter serves as my notice of resignation from the Audit Committee of the Incline Village General Improvement District (“IVGID” or “District”). It is regrettable that I have been forced to make this decision. I joined the Audit Committee out of a deep desire to help IVGID and the Board of Trustees (“Board”) move forward with key priorities, to improve its overall accounting and finance capabilities and its compliance/ethical culture. However, I have come to the unfortunate conclusion that I cannot serve this Board when the present Board leadership demonstrates what I consider to be a complete disregard for ethical behavior. I simply cannot allow my professional reputation, which was built over the past four (4) decades in the public accounting and controllership profession, to be sullied by the actions of members of the Board.

During my tenure on the Audit Committee, there have been several ethical issues with Trustees I have spoken up about. While individually, those past issues have been troubling, they have not risen to a critical level to warrant severing my ties with the Board. Some of those issues were as follows:

- I have been vocal with members of the Board (Trustees Schmitz and Tulloch) and corrected the public record after they created and pushed false and misleading numbers this past year during the Board’s discussion on golf operations and rate setting. Despite being presented with the facts, neither of these Trustees has recanted their narrative in public. In my world, that is every bit as egregious as intentionally manipulating the underlying financial reporting of the District.
- I have pressed the Board more recently on the questionable ethics around the development of the “Frequently Asked Questions”, which I believe to be very politically motivated and devoid of hard facts. I feel very strongly that utilizing District resources and communication tools to defend the actions of individual Board members who are subject to a recall petition and potential recall election is a direct violation of Nevada’s ethics statutes.
- On two (2) separate occasions, I have had one Board member (Trustee Schmitz) twist my words in an attempt to call into question my knowledge, ethics, and integrity.
- Trustee Schmitz has also attempted to limit my ability to hold staff and trustees accountable for the dissemination of accurate information by making it more difficult for me to access underlying data. Trustee Schmitz told staff that they should not provide me with any information unless I file a public records request. This was in response to the data I compiled to correct the false golf financial narrative. It is completely unacceptable for any organization to limit information to its Audit Committee members, who are, after all, charged with helping to insure financial oversight.

While each of the above issues has been troubling, they pale in comparison to what played out during the Board meeting on August 9, 2023—more specifically, the process and ultimate Board decision to appoint Cliff Dobler to the Committee on Capital Investment. This item has two (2) underlying issues that I simply cannot abide by or be associated with. First is the blatant conflict of interest and influence peddling that played out. There is simply no accepted business or other organizational circumstances under which Chairman Dent should not have abstained from the vote to appoint Mr. Dobler. Despite what a state bureaucrat may or may not have told Chair Dent, the existence of a material personal loan from Mr. Dobler is, in fact, a material conflict of interest. Mr. Dent himself recently committed to Incline Village / Crystal Bay residents that he would abstain from any Board votes having to do with Mr. Dobler because of the existence of that loan (See Topic G.2. of the July 12, 2023, Board package). Second, Chair Dent, along with Trustees Schmitz and Tulloch, exacerbated this ethical violation by actively protecting Mr. Dobler, by

protesting and ultimately shutting down a completely valid and very relevant line of questions posed to Mr. Dobler by Trustee Noble. To make matters worse, those trustees seemed to completely ignore the lie told by Mr. Dobler on the public record during his interview that he never had his recreational privileges suspended, but that he “merely decided not to access them for 3 months.” I have seen three (3) separate letters to Mr. Dobler proving that he was in fact suspended. The only viable conclusion I can draw from these actions is that those three trustees (Dent, Schmitz, and Tulloch) shattered the mere appearance of a conflict of interest. They actively engaged in actions to protect a financial benefactor, demonstrating that the conflict of interest has played out in favorable treatment for Mr. Dobler. Further, in my opinion they have shown complete disrespect for the IVGID staff and residents of Incline Village / Crystal Bay by appointing Mr. Dobler to the Capital Investment Committee, despite Mr. Dobler’s repetitive, abusive, demeaning, and misogynistic behavior towards IVGID staff. I simply cannot, in good conscience, serve a Board that so openly violated ethical standards in appointing Mr. Dobler or that turned its back and figuratively raised a middle finger to its employees, who should be viewed as IVGID’s most important assets.

Also factoring into my decision to resign, though admittedly to a lesser extent, are recent public comments by IVGID’s Audit Committee Chair and a related social media post broadcasting those same comments. To first provide context, the role of the Audit Committee is to help the Board oversee the integrity of the financial reporting, along with the underlying controls and the broader ethical and compliance framework for the entity it serves. In doing so, the Audit Committee must remain neutral and unbiased. When potential issues are identified, the Audit Committee’s primary responsibility is to understand the issues and work with the Board to ensure corrective action is taken. Its actions must be fact driven. Above all, the Audit Committee acts as a fiduciary. Comments made by the Audit Committee’s Chair, Chris Nolet during the Board’s August 9, 2023, meeting and subsequently published in a local social media outlet, contained speculation and inuendo that were inflammatory, defamatory, and potentially libelous. Mr. Nolet’s comments inflamed a narrative pushed by members of the community, while doing nothing to fully understand and correct the underlying issues. Mr. Nolet has every right to give his opinions in public comments like any other resident of Incline Village / Crystal Bay. However, doing so under the banner of the Audit Committee Chair is unacceptable. Such comments by Mr. Nolet have the effect of politicizing the Audit Committee and violating his fiduciary responsibility to the District.

In summary, I view the role of the Audit Committee and my role as a member of that Committee to uphold not only the accuracy and integrity of the financial reporting of the District, but also to oversee the broader governance and compliance/ethics framework and the District’s adherence to that framework. I am simply not able to provide that oversight when multiple members of the Board are unwilling to live by those standards and so openly violate them. Further, I am not willing to let my professional reputation be damaged by continuing to serve a Board that, in my opinion, is not carrying out its basic fiduciary responsibilities in an ethical manner for the residents of Incline Village / Crystal Bay. Thus, I am regrettably forced to resign from the Audit Committee. At the same time, I would like to thank IVGID staff, both current and former, for all the work and time they invested in preparing me to take on the role and the assistance they provided me with during my tenure. Should the Board evolve in the future to one that operates in a manner consistent with my moral and ethical compass, I would be happy to serve again.

Regards,



Michael (Mick) Homan  
Incline Village

**Distribution**

Trustee Matthew Dent  
Trustee Dave Noble  
Trustee Sara Schmitz

Trustee Michaela Tonking  
Trustee Ray Tulloch

General Counsel Joshua Nelson  
Interim General Manager Mike Bandelin

*Carolyn Usinger*

I want to talk about the elephants in the room – that is the effect of the IVGID board and a group of overly demanding residents, on how they are undermining the ability of IVGID staff to get its work done.

First, I looked at the audit results from DavisFarr from 2021 and 2022. Guess what guys? There are no huge problems. Mr. Dobler likes to rant and rave that the sky is falling, but if you read the report, there is no “there” there.

What is in the past reports is that primarily Cliff Dobler, Aaron Katz and Frank Wright have submitted public record requests requiring 250 staff hours for 3 months alone this year. ---This is stealing time away from staff in doing their regular jobs. What’s amazing about the 250 hours is that some of these requests haven’t even been completed. Please take a look at their requests – they are ridiculously time consuming. How much more time will they steal from IVGID staff?

So, our friends mis-using the public record request system could be one reason that our Finance Department doesn’t have time to reconcile the IVGID checking account.

Now let’s talk about the hundreds of emails sent by certain board members to staff each month. Maybe I should submit a public record request to see how many hours you took from staff time. I know that a bunch of the projects on the priority list today were requested by the Board, Audit Committee or members of the public. I know that thanks to Sara Schmidt’s interference, a simple project I was doing with the Rec department has turned into a months long hassle.

Let’s talk about the effect the IVGID board, audit committee and a group of overly demanding residents have had on staff turnover, and the resulting reduction in available staff to do work.

The Audit Committee has acknowledged that some senior staff were underpaid. Amazing... they were willing to work for IVGID at lower pay when they could work with someone they liked – Indra Winquest – and when they had beach and ski benefits. Now, thanks to this board and the Audit Committee...virtually the entire top management has walked. And to replace them, we, the residents, get to pay more to people who will be willing to be insulted and micromanaged by the very unlikable Audit Committee, Board, and residents intent on finding “gotchas” everywhere they look. Frankly, paying them double isn’t enough for the aggravation.

I am going to save IVGID a lot of money today. You don’t have to hire any more auditors.... Everyone knows the problem – it’s the elephants in this room.... you and our fine friends who are managing you like puppets.

Please don’t pay consultants extra money to deal with your abuse. What you should do is let the staff do their jobs.... Stop micromanaging them... Keep all hostile players away from the staff.

The best is for the board to resign so that IVGID can actually recruit decent people. And please put all the requests from our friends Mr. Dobler, Katz, and Wright at the bottom of the to-do pile... to be completed in 2028 or so. Hopefully they’ll be playing shuffleboard at an old folks home and will no longer care.

**Policy 3.1.0, Subparagraph 0.4 – Report to the Board on Contracts Signed by the District General Manager**

See the attached report for February 2023.

**Public Records Requests**

Following are the public records requests from February 2, 2023 to March 1, 2023.

Date Requested	By Whom	Subject	Date Responded	Status/Comments
01/09/2023	Gumz, Joy	Payroll Information – CY 2022	02/28/2023	Complete
01/12/2023	Abel, Mike	Please provide by email: 1.unredacted invoices dated from Dec 2021 to Jan 10, 2023 from legal firm Thorndal Armstrong Delk Balkenbush Eisinger; 2. any emails, memorandum or other written materials related to the Scope of Services to be provided by Thorndal Armstrong Delk Balkenbush Eisinger per the engagement letter dated Dec 8, 2021 and accepted by General Manager Winquest Dec 20, 2021; 3. Any "work product" such as recommendations and/or opinion or report or legal definitions or other materials as the engagement letter dated Dec 9, 2021 stated opinion and recommendation were to be provided.	02/04/2023	Complete
01/26/2023	Katz, Aaron	Ski Resort and Burnt Cedar Beach	02/02/2023 02/08/2023 Complete	Burnt Cedar Beach items; Ski resort items.
01/26/2023	White, Lilly	E-Mails/Text Messages: All Trustees from 11/13 to present		Requester was advised that Staff is looking at a schedule to respond. 01/31/23: Trustees requested to provide information. 02/03/23: Trustee Noble's information sent and Requester advised of a 2/28 fulfillment. 02/17/23: Trustee Dent's information sent 02/08/23:Trustee Tulloch's information sent 02/28/23: Requestor advised of new delivery date of 3/24
01/27/2023	Wright, Frank	Balkenbush Invoices	02/04/2023	Complete
01/27/2023	Martini, Margaret	Balkenbush invoices, salary range, job description, Chateau invoice	02/06/2023	Complete
01/30/2023	Katz, Aaron	Line Item Budget	02/01/2023 02/07/2023	Complete Additional information sent Note: Line item budget posted to the IVGID website after the 02/22/2023 BOT meeting
01/30/2023	Miller, Judith	Recreational Privilege Document	01/31/2023	Complete

01/30/2023	Wright, Frank	Same items that he requested on 11/15/2022 and that he was provided/responded to on 11/18/2022	02/02/2023	Complete
02/06/2023	Katz, Aaron	Salary Range Grade Numbers and Monetary Ranges of 14 positions	02/07/2023	Complete
02/06/2023	Wright, Frank	The total compensations for employees for the years 2017, 2018, 2019, 2020, 2021 and 2022	02/08/2023	Complete
02/09/2023	Katz, Aaron	Unreimbursed Internal Services Staff Time expended in preparation of the 2/8/2023 Beach House Project presentation to the IVGID Board	02/16/2023	Complete
02/13/2023	Dobler, Cliff	Evidence of pre-approval of the State Treasurer's office for the \$52 million SRF loan	02/28/2023	Complete
02/13/2023	Katz, Aaron	IVGID's Electric Vehicle Charging Stations	03/01/2023	Complete
02/16/2023	Katz, Aaron	10-year CIP detail assigned to Ski		
02/17/2023	Wright, Frank	Name of the account assigned to the funds paying for Staff time for the Beach House	02/28/2023	Complete
02/22/2023	Gumz, Joy	Tyler: Project schedule for implementation and all status reports since 12/10/2022	02/28/2023	Requestor advised of a 3/24 completion date
02/22/2023	Wright, Frank	Job Posting, Job Description, etc. and Job titles and descriptions for all newly created Director positions as well as advertisements, etc. and salaries.		Note: These are the same items that he requested on 11/15/2022 and that he was provided/ responded to on 11/18/2022 and that were resent on 02/02/2023
02/23/2023	Wright, Frank	Copy of the document that Dr. Myles Riner submitted to the Board at the 2/22/2023 Board meeting	02/28/2023	Complete
02/25/2023	Gumz, Joy	Requesting an updated Chart of Accounts		
02/28/2023	Wright, Frank	Beach House Project – multiple items		
02/28/2023	Wright, Frank	Balkenbush invoices again	02/28/2023	Complete
02/28/2023	Gumz, Joy	P-Card (Jan 2022 – February 28, 2023)		



**Policy 3.1.0, Subparagraph 0.4 – Report to the Board on Contracts Signed by the District General Manager**

There were two contracts signed by the District General Manager; see attached.

**Public Records Requests**

Following are the public records requests from May 3, 2023 to June 6, 2023.

Date Requested	By Whom	Subject	Date Responded	Status/Comments
01/26/2023	White, Lilly	E-Mails/Text Messages: All Trustees from 11/13 to present	05/04/2023 05/17/2023	Complete
02/28/2023	Wright, Frank	Beach House Project – multiple items	02/28/2023 03/03/2023 03/17/2023	Responded on 2/28 and requester had follow up questions. Advised requester of response date of 3/31
03/12/2023	Dobler, Cliff	Effluent Pipeline & Lining Charges		
03/14/2023	Katz, Aaron	Procurement Card Purchases		
03/16/2023	Abel, Mike	PW Emails	04/10/2023	Complete
03/23/2023	Gumz, Joy	Employee Benefit Plan	04/07/2023	Complete
04/03/2023	Katz, Aaron	Summaries of all revenues and expenses assigned by staff to the following functions [Champ course range; bar cart sales; lessons, club rentals, pro shop merchandise sales; food, beer, wine and liquor sales at each golf course (in other words, NOT including those sales at the Grille Restaurant nor reported under facility sales); and, the Grille Restaurant] for the following fiscal years [July 1, 2018-June 30, 2019; July 1, 2019-June 30, 2020; July 1, 2020-June 30, 2021; July 1, 2021-June 30, 2022; and July 1, 2022-June 30, 2023 (at least to date)] separately for the District's Champ and Mountain golf courses		
04/17/2023	Dobler, Cliff	Please provide for my examination a listing of all charges to the Water Reservoir Coatings and Improvements (Capital Acct #2299D11204) for the period from fiscal year ending June 30, 2017 to June 30, 2021		
04/17/2023	Dobler, Cliff	Please provide for my examination a listing of all charges to the following Diamond Peak capital accounts (Lifts) for the fiscal years June 30, 2017 to June 30, 2022  Crystal Express - 3462HE1502 Lakeview - 3462HE1702 Lodge Pool - 3462HE1702 School House - 3462HE1602 Red Fox - 3462HE1712 Ridge - 3462HE1603		
04/28/2023	Katz, Aaron	1. All requests from Darren Howard to whomever else at the District for help with this snow removal since January 1, 2023; 2. Whatever Darren Howard agreed to pay or transfer to DP on behalf of both golf courses for the snow removal help he requested since January 1, 2023; 3. All snow removal work performed by non-golf personnel at both golf courses since January 1, 2023; 4. All billings to golf for the snow removal work performed since January 1, 2023; 5. All evidence of transfers or payments from golf to wherever for snow removal work performed since January 1, 2023; 6. All chart of account nos assigned by staff for each of the payments referenced in	05/12/2023	Complete

General Manager's Status Report  
 Prepared for the meeting of June 14, 2023

-6-

June 7, 2023

		paragraph 5 above; 7. Where in the current year's budget for both golf courses the costs associated with this snow removal were budgeted.		
04/28/2023	Wright, Frank	I would like all the records relating to payments made by Incline Village General Improvement district to the Northern California golf Association on behalf of our golf club members, members dues. Or any other payments to NCGA Or other golf associations, such as PGA for the last five years, including this year.	05/18/2023	Complete
05/19/2023		Also the financial accounting and payments made by golf club members paying reimbursement or other such payments for these fees for the last 5 years.	06/07/2023	Complete
04/29/2023	Dobler, Cliff	A listing of each and all equipment and vehicles as stated in the 2022 audited annual report. The total amount is \$529,561.		
05/02/2023	Dobler, Cliff	Provide for my examination or provide an explanation of the \$145,903 of "Interfund Charges" and the \$50,360 of "Sales and Fees" as Revenues in Schedule B-GENERAL FUND as stated in form 4404LGF (page 975 of 1020) of the April 12, 2023 Board Packet.		
05/02/2023	White, Lilly	I want to know how much IVGID's lawyer, or Firm, has charged IVGID since this new Board has come on. This is what I want to know: BBK's Invoices to IVGID from Jan. 1, 2023 through June 1, 2023 (or later depending on when they can seem to get this information together - my last request was extended because no one can get any answers). Descriptions of the invoices are requested. And as comparison, I want to see BBK's Invoices to IVGID for everything pertaining to the past Board from Jan. 1, 20222 through Dec. 31, 2022. Descriptions of the invoices are requested.	05/24/2023	Complete
05/08/2023	Katz, Aaron	I would like to examine the following IVGID records: 1. All fidelity bonds in effect for each current/immediate past IVGID trustee since July 1, 2018; 2. The precise terms and conditions of coverage under all fidelity bonds in effect for each current/immediate past IVGID trustees since July 1, 2018; 3. To the extent not included in the previously requested records above, the particulars for filing claims against all fidelity bonds in effect for each current/immediate past IVGID trustee since July 1, 2018. As well as specifically the mode of filing claims, applicable postal/e-mail addresses, and bond numbers. 4. I note that the Board Treasurer is required to post his/her fidelity bond. To the extent that these bonds differ from those for the remaining trustees, and to the extent not included in the previously requested records, evidence of: a) All fidelity bonds in effect for each current/immediate past IVGID Board treasurers since July 1, 2018; b) The precise terms and conditions of coverage under all fidelity bonds in effect for each current/immediate past IVGID Board treasurers since July 1, 2018; c) To the extent not included in the previously requested records above [items 4(a) and 4(b)], the particulars for filing claims against all fidelity	05/12/2023	Complete

		bonds in effect for each current/immediate past IVGID Board treasurers since July 1, 2018. As well as specifically the mode of filing claims, applicable postal/e-mail addresses, and bond numbers.		
05/10/2023	Gumz, Joy	Please provide by email a copy of the General Ledger for July 1, 2022 - to date. I realize the fiscal year is not complete, please provide a partial ledger for the financial transactions that have been posted to date for fiscal year 2023. Please provide all funds, all accounts.	05/30/2023	Complete
05/15/2023	Marshall, Alan	<p>1. The increases in salaries that account for \$350,000 in the new proposed budget by position.</p> <p>2. I am assuming that because I am required to play after 12pm. on Friday, Saturday, and Sunday as well as pay an 8% increase for the all you can play pass plus an additional 20% for my wife, that on those days that I will be afforded to play with the same accommodations as those who play earlier on those days. This includes full access to the practice greens, snack bar, bathrooms, and uninterrupted access to the 10<sup>th</sup> tee box and use of back tees. I should not be disrupted by non golfing activities that will inconvenience my playing experience at the expense of others. Therefore, I would like the signed consent forms from all weddings that have contracts stating that this will not happen. Otherwise, I will consider this unreasonable and excessive without proper accommodation for my needs.</p> <p>3. I would like assurance and documentation that no double bookings or squeeze times will be done at any time due to errors in reservations. By inserting additional players, this has a negative impact on all golfers playing after. Weekly reports from the director of golf will be provided showing all tee sheets and assigned times.</p> <p>4. I would like documentation that the policy for cancelation fees are being consistently enforced across the board. Including all Picture Pass Holders and Non Residents who are more than 10 minutes past their scheduled tee times and the fees that have been charged. Weekly reports will be provided by the director of golf for documentation.</p> <p>5. I would like a weekly report from the director of golf indicating the percentage of booked tees times in order to compare the proposed budget of 65% versus the actual percentage of used times that is being used to increase playing fees.</p>	<p>05/15/2023</p> <p>06/05/2023</p> <p>06/07/2023</p>	<p>Item 1. – Complete</p> <p>Items 2 – 5 - Complete</p>
05/15/2023	Fortgang, Tanner	2022 Payroll Information (Transparent Nevada)	05/15/2023	Complete
05/16/2023	Espi, Vince	Please provide the following: A list of all current employees including the following data points – First Name, Last, Position/Job Title, and Office/Work Location and Address	05/25/2023	Complete
05/16/2023	Dobler, Cliff	Please provide for my examination a listing of all charges made to IT Infrastructure #1213CO1505 from July 1, 2019 forward. The account name was changed to Sever Storage & Computing Hardware in fiscal year 2021	05/22/2023	Complete
05/16/2023	Dobler, Cliff	Please provide for my examination a listing of all charges to account # 1315CO1801 for the period beginning on July 1, 2020 forward to today	05/22/2023	Complete

05/16/2023	Dobler, Cliff	Please provide for my examination the contract with Golf Genius which is used by the Golf Clubs to set events and tee times.	05/22/2023	Complete
05/16/2023	Katz, Aaron	Wasn't Resolution 1480 the one that gave our GM the power to hire, fire, and fix compensation? Has it been repealed? If so when? If not, then why can't I find it on the web site? If you can point me in the right direction, it would be appreciated	05/17/2023	Complete
05/18/2023	Katz, Aaron	1. IVGID invoicing sent to private golf clubs since July 1, 2018 requesting reimbursement payment of NCGA fees IVGID has advanced for its members; 2. IVGID invoicing sent to individual members of private golf clubs since July 1, 2018 requesting reimbursement payment of NCGA fees IVGID has advanced for its members; 3. Evidence of payment of paragraph 1 above; 4. Evidence of payment of paragraph 2 above; 5. Documents evidencing the identity of and payment to IVGID by a non-private club member for membership in NCGA so the non-club member could participate in a tournament that IVGID subsequently paid to NCGA; 6. Evidence of payment of paragraph 5 above.	06/07/2023	Complete
05/19/2023	Macdonald, Al	This is a public records request for the same information that was provided to Frank Wright regarding payment of golf memberships. I think it was invoices.	05/19/2023	Complete
05/19/2023	Katz, Aaron	All forms filled out and transmitted to the NCGA since July 1, 2018.		
05/19/2023	Wright, Frank	Please provide under the public records act the following information for, "Incline Village GC" at 893 Southwood Blvd.: the Bylaws of the Incline Village GC; the list of officers; and records of the last 3 annual meetings		
05/22/2023	Jansen, John	Please provide documents sent to Frank Wright regards NCGA payments and payment process.	05/22/2023	Complete
05/24/2023	Gumz, Joy	Please provide the Fixed Asset List / Equipment List as of June 30, 2019 for the GOLF VENUES (champ/Mountain and Golf capital funds_ showing the Fund to which the Equipment is assigned, date of purchase, cost, current value, condition, description, Fixed Asset number, serial number.		Due date established as 6/16 – Requester notified on 5/30/2023
05/26/2023	Wright, Frank	The names of every member in every golf club that are given tee times and use of our championship course		
05/26/2023	Katz, Aaron	Information on Bob Wheeler Plaque at Burnt Cedar Beach	05/30/2023	Complete
05/26/2023	Katz, Aaron	ARPA Funding Information – Skate Park	06/07/2023	Complete
05/28/2023	Katz, Aaron	Finalized Resolution 1902	06/07/2023	Complete
05/30/2023	Miller, Judith	Salary Ranges effective 7/1/2023 in Excel		Sent requester an email that her request will be revisited in mid-July; information presently not available.
06/03/2023	Wright, Frank	Copies of all the golf clubs bylaws, a list of officers, each clubs rules and regulations for admission and the specific requirements each club has in order to be a club member. Also the number of golfers allowed in to each club	06/06/2023	Complete

**Report on the amount of Staff time has spent, to date, on processing public records requests.**

March 1, 2023 to May 30, 2023 (in hours):

Administration Staff .....	187.75
Human Resources Staff .....	5.00
Parks and Recreation Staff .....	11.00
Public Works Staff .....	15.00
Golf Staff .....	4.00
Finance Staff .....	28.00
<b>Total: .....</b>	<b>250.75</b>

**Contracts List**

Attached is an updated version of the Contracts List as an informational item.

2021



Davis Farr LLP  
18201 Von Karman Avenue | Suite 1100 | Irvine, CA 92612  
Main: 949.474.2020 | Fax: 949.263.5520

**Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards**

Board of Trustees  
Incline Village General Improvement District  
Incline Village, Nevada

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of Incline Village General Improvement District ("IVGID" or "The District"), as of and for the year ended June 30, 2021, and the related notes to the financial statements, which collectively comprise Incline Village General Improvement District's basic financial statements, and have issued our report thereon dated December 3, 2021.

**Internal Control Over Financial Reporting**

In planning and performing our audit of the financial statements, we considered Incline Village General Improvement District's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of Incline Village General Improvement District's internal control. Accordingly, we do not express an opinion on the effectiveness of Incline Village General Improvement District's internal control.

Our consideration of internal control was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and therefore material weaknesses or significant deficiencies may exist that were not identified. However, as discussed below, we identified certain deficiencies in internal control that we consider to be material weaknesses and other deficiencies that we consider to be significant deficiencies.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented or detected and corrected on a timely basis. We consider the following deficiencies in internal control to be material weaknesses:

**2021-001 Material Adjusting Journal Entries**

An important element of control over financial reporting is for management to identify adjustments necessary for financial statements to be fairly stated. Whenever possible, adjustments should be reflected in the accounting records prior to the start of the audit.

When this is not possible, management should identify and communicate to the auditors the potential areas of adjustment that may need to be addressed during the audit process. Auditing standards require the reporting of material adjustments identified through the audit process as weaknesses in an entity's internal control structure.

The following material adjustments detected as a result of the audit procedures:

- a) An entry to write off certain capital assets that either represented repairs and maintenance, master plans, and studies or were below the District's capitalization threshold. The effect of this entry resulted in a reduction of capital assets and associated accumulated depreciation for a net prior period adjustment of \$167,751.
- b) An entry to correct negative cash balances by recording transfers in and out between various funds totaling \$537,835.

Additionally, the underlying accounting records do not support the financial statements without significant adjustments to remove full accrual accounting transactions for the presentation of governmental fund types. We understand the District intends to modify the financial statement reporting in the future to conform to full accrual accounting.

#### Recommendation

We recommend that IVGID enhance its year-end closing procedures to include areas that resulted in audit adjustments.

#### Management's Response Regarding Corrective Action Taken or Planned

- a) Management is in the process of updating the Capitalization Policy for the District. This policy will include regular reviews of assets to ensure currently capital policies are being followed. The assets written off per auditor's recommendation were capitalized under previous capital policies and were not reviewed by staff in regards to the current capitalization policy.
- b) Management agrees to update the year-end closing procedure to include a review of the financial reports to identify and process any possible audit adjustments.

#### **2021-002 Capital Assets**

During our review of internal controls surrounding Capital Assets, as well as testing performed over the account balances of Capital Assets, we noted a number of deficiencies that resulted in the material adjustments. The underlying deficiencies are described below:

- a) All capital asset additions are run through the *Construction in Progress* accounts in the District's accounting system, regardless of whether or not the transactions represent construction activity. Capital assets acquired instead of constructed should be recorded as a capital asset at the time of the acquisition.
- b) As part of our tests over capital asset balances we reviewed a historical detailed listing of all capital assets held at year end. In reviewing this listing, we noted capital assets that did not meet minimum dollar thresholds for capitalization per the District's capitalization policy resulting in an audit adjustment.
- c) As part of our tests over capital asset balances we reviewed a historical detailed listing of all capital assets held at year end. In reviewing this listing, we noted capital assets recorded that represented repairs, maintenance, master plans or feasibility studies and should not have been capitalized per IVGID's capitalization policy resulting in an audit adjustment.

Given the combination of deficiencies noted as well as the resulting material adjusting entries recorded, we have considered this to be a material weakness in internal control over financial reporting.

#### Recommendation

We recommend that IVGID develop and implement procedures to ensure that *Construction in Progress* accounts are used only to record activity associated with construction projects. Best practice is to record capital asset activity in capital outlay expenditure accounts in the governmental fund financial statements and then to perform regular reviews of this activity for reclassification as either Capital Assets or repairs and maintenance expenditures. This process would reduce the risk of overstating the *Construction in Progress* accounts and capitalizing assets that do not meet the thresholds and definitions of capital assets per IVGID's capitalization policy.

#### Management's Response Regarding Corrective Action Taken or Planned

- a) Although our current financial systems setup requires all capital assets to run through the Construction-In-Process accounts, we have processes in place to ensure only projects in process remain in the account. As of July 1, 2022 the District is transitioning to a new financial software which will allow full GL account usage in projects, at which point projects will no longer be processed through the Construction-In-Process account.
- b) These assets below current threshold were capitalized under prior capital policies. It is not the current practice of the District to re-evaluate all assets each time the Capitalization Policy is updated.
- c) Management concurs that these items should be written off.

A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance. We consider the following deficiencies in internal control to be significant deficiencies:

#### **2021-003 Vendor Contracts**

During our audit, we obtained a listing of payments by vendor, made during the fiscal year under audit and judgmentally selected 7 vendor contracts to test for compliance with IVGID procurement policies. We noted two instances in which there was no documentation available to support the required competitive bidding process. We have summarized these exceptions below:

- a) *Jacobs Engineering Group, Inc. (aka CH2M)* – This vendor was contracted to perform various professional services under 4 task orders totaling \$228,000. Services included on-call technical support, engineering design and bid document preparation for aeration improvements at the Water Resources Reclamation Facility, Network Security Upgrades, and construction contract monitoring services. Expenditures incurred during the period under audit were \$132,440. No support was provided to document that competitive bids were advertised, received or evaluated by management as required by IVGID's purchasing policy for public works contracts in excess of \$100,000.
- b) *HDR Engineering, Inc.* – This vendor was contracted in January 2019, via an *Additional Services Addendum (ASA) to Short Form Agreement dated July 29, 1991* to perform project management and condition assessment data analysis on the Effluent Export Pipeline. The value of the ASA was not to exceed \$42,181, of which \$3,797 was expended during the period under audit. No support was available to document that IVGID solicited



bids from at least three properly licensed contractors, as required by IVGID's purchasing policy over public works contracts between \$25,000 and \$100,000.

Recommendation

The issues noted above are due to certain ambiguities in the purchasing policy surrounding the applicability of bidding requirements for service contracts that are associated with Public Works projects. We recommend that the District update its Purchasing Policy to clarify these ambiguities and that procedures are developed and implemented to ensure future adherence to the Purchasing Policy.

Management's Response Regarding Corrective Action Taken or Planned

Management believes current District policy and NRS 332.115 clearly state the Professional Services, such as engineering services, or data assessment analysis, do not require competitive bidding. However, the District is in the process of updating District Policies related to Capital Project planning and administration, and will incorporate clarifying language, per Board direction.

During our audit, we also became aware of the following deficiencies in internal control other than significant deficiencies or material weaknesses, and other matters that are opportunities for strengthening internal controls and operating efficiency:

**2021-004 Update Bank Signature Cards**

During our review of internal controls over cash disbursements, we noted that checks are printed with two signatures in accordance with the District's policies. The bank also has signature cards that, at times, contain authorized signatures of individuals that are no longer employed or associated with the District.

Recommendation

We recommend that management review and update the authorized signatories at District's banking institutions to remove employees and Board members no longer affiliated with the District at least annually, as well as anytime a signatory leaves the organization.

Management's Response Regarding Corrective Action Taken or Planned

Management concurs that bank records should be reviewed regularly to ensure proper authorization for all banking transactions. Management has reviewed all banking accounts and can assure that no unauthorized personnel are on any of the bank signature cards.

**2021-005 Temporary Meter Deposits**

During our review of internal controls surrounding utility billing procedures, we noted that temporary meter deposits received from utility customers are held, and not deposited, until the temporary meter is done being used. While these deposits are tracked using an excel spreadsheet, they should be deposited into the bank like all other cash receipts.

Recommendation

We recommend that temporary meter deposits received from customers be deposited into the District's bank account upon receipt and that the cash be offset by deposits payable in the financial accounting system until the funds are returned through the normal cash disbursements process.

#### Management's Response Regarding Corrective Action Taken or Planned

Management will review the recommendation provided by the auditors. Prior analysis of temporary meter deposit checks suggested that it was not cost effective to process the deposits, monthly statements and issuing refund checks for temporary meters since there was minimal risk associated with not receiving payment at the end of the rental period. The majority of the temporary meters are rented for the summer during the construction season. In addition, the District has never had a contractor not follow through with payment of the fees, even with equipment damage charges, when the meter was returned.

#### **2021-006 Review of User Accounts**

During our review of Information Systems internal controls, we noted that the District does not regularly perform a review of user accounts to sensitive systems, including access to the network (Active Directory & VPN) and financial software. The District did indicate there are informal reviews performed periodically, but it is inconsistent and does not include all sensitive systems.

#### Recommendation

We recommend that the District perform a periodic review of user access to sensitive systems, including active directory, financial system, and remote access. The review should be completed at a period (e.g., quarterly, semi-annually, annually) based on the risk of the system/data risk.

#### Management's Response Regarding Corrective Action Taken or Planned

District staff has implemented processes to address the recommendation presented in this finding. Per the disclosure provided to the auditors, employee hire and termination processes have been in place and are enacted for Active Directory and Remote Access via VPN with 2FA enabled. These are being performed periodically across all systems. Staff will continue to address this finding through proper account control processes including formally documenting the periodic review of accounts across all District critical systems.

#### **2021-007 Environmental Controls at the Administrative Facility Data Center**

During our review of Information Systems internal controls, we noted that the District could improve environmental controls in the Administrative facility data center (i.e., the server room). Specifically, we noted there is no automated fire suppression system to detect or prevent damage.

#### Recommendation

We recommend that the District perform a risk assessment and feasibility analysis to determine what environmental control improvements can be implemented in the server room, including a fire suppression system.

#### Management's Response Regarding Corrective Action Taken or Planned

Management understands the concerns brought forth in this finding; however, the Server Room or Datacenter in question is in a building that does not have fire suppression. Management believes implementation of an isolated suppression system for the Server Room without addressing the entire building's fire suppression would be cost-prohibitive, and in most cases, ineffective at controlling the breakout of a fire in the building. Moreover, the risk identified in this audit recommendation is largely mitigated through redundant back-up of files stored on equipment in this data center.

## **Compliance and Other Matters**

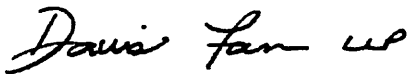
As part of obtaining reasonable assurance about whether Incline Village General Improvement District's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

## **District's Response to Recommendations**

The District's written response to the significant deficiencies and material weaknesses identified in our audit has not been subjected to the audit procedures applied in the audit of the financial statements and, accordingly, we express no opinion on it.

## **Purpose of this Report**

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.



Irvine, California  
December 3, 2021

December 5, 2022

Board of Trustees  
Incline Village General Improvement District  
Incline Village, Nevada

To Management and the Board of Trustees of Incline Village General Improvement District:

In planning and performing our audit of the basic financial statements of the Incline Village General Improvement District (IVGID) as of and for the year ended June 30, 2022 in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States, we considered IVGID's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we do not express an opinion on the effectiveness of IVGID's internal control over financial reporting.

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the Incline Village General Improvement District (District), as of and for the year ended June 30, 2022, and the related notes to the financial statements, which collectively comprise the District's basic financial statements, and have issued our report thereon dated November 30, 2022.

Our consideration of internal control was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in internal control that might be significant deficiencies or material weaknesses and therefore, significant deficiencies or material weaknesses may exist that have not been identified. However, as discussed below, we identified certain deficiencies in internal control that we consider to be significant deficiencies.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A material weakness is a deficiency, or a combination of deficiencies in internal control over financial reporting, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented or detected and corrected on a timely basis. A reasonable possibility exists when the likelihood of an event occurring is either reasonably possible or probable as defined as follows:

Reasonably possible. The chance of the future event or events occurring is more than remote but less than likely.

Probable. The future event or events are likely to occur.

A significant deficiency is a deficiency, or a combination of deficiencies, in internal control over financial reporting that is less severe than a material weakness, yet important enough to merit attention by those charged with governance. We consider the following deficiencies in IVGID's internal control to be significant deficiencies:

## **2022-001 Journal Entries Detected During the Audit**

An important element of control over financial reporting is for management to identify adjustments necessary for financial statements to be fairly stated. Whenever possible, adjustments should be reflected in the accounting records prior to the start of the audit.

When this is not possible, management should identify and communicate to the auditors the potential areas of adjustment that may need to be addressed during the audit process. Auditing standards require the reporting of material adjustments identified through the audit process as weaknesses in an entity's internal control structure.

The following material adjustments detected as a result of the audit procedures:

- (a) An entry to remove legal settlement liabilities in the General Fund in the amount of \$596,253 because long-term liabilities are not recorded in this fund type but instead included in the government-wide financial statements.
- (b) An entry to remove compensated absences from the General Fund in the amount of \$145,840 because long-term liabilities are not recorded in this fund type but instead included in the government-wide financial statements.
- (c) An entry to increase due from other governments in the General Fund in the amount of \$84,340.

In addition, we recorded an immaterial entry to record year end accruals of for unbilled receivables in the Utility Fund in the amount of \$475,546.

### Recommendation

We recommend that IVGID enhance its year-end closing procedures to include areas that resulted in audit adjustments.

### Management's Response Regarding Corrective Action Taken or Planned

Management agrees with the need to improve the year's end process to include the areas that resulted in audit adjustments. Management notes that these items were not flagged as issues in prior audits, and thus were recorded consistently with past practice. Management will be updating its year-end close process to address these items going forward.

## **2022-002 Physical Inventory Observation**

The District historically performs a physical inventory observation at year end. For the fiscal year ended June 30, 2022, the District staff did not perform a physical observation and count of inventory assets held at the Pro Shop and recorded in the Community Services Enterprise Fund. Although the inventory balance is not material to the financial statements, performance of a physical observation and count of inventory assets at year end is necessary to ensure the accuracy of inventory balances reported in the financial statements.

### Recommendations

We recommend that the District perform annual physical observation and counts of inventory on all assets held as inventory.

### Management's Response Regarding Corrective Action Taken or Planned

Management agrees that annual inventory counts are necessary to ensure accuracy of inventory numbers. The Pro Shop was the only area where physical inventory not performed this year. This was due to lack of staff at both the Pro Shop and the Accounting Division. We would highlight the auditor's reference to the balance of inventory assets in the Pro Shop as not material to the financial statements, which is why this task was not prioritized given our vacancies in key staff positions.

### **2022-003 Timely Preparation of Bank Reconciliations**

During our audit we noted that the District had not completed a bank reconciliation on its main operating account until October 12, 2022. Timely preparation of bank reconciliations allows for the prompt detection of errors in the accounting records and safeguarding of IVGID assets from misappropriation.

### Recommendations

We recommend that bank reconciliations should be performed on all bank accounts no later than 30 days following each month end.

### Management's Response Regarding Corrective Action Taken or Planned

Management agrees with the need to do timely bank account reconciliations. This year's reconciliation was began timely, but the accountant responsible for the bank reconciliation left the Accounting Division requiring this task to be re-assigned. Management would note that while we concur with this recommendation, once the reconciliation was completed, no discrepancies were noted.

The District's written response to the issued identified our audit has not been subjected to the auditing procedures applied in the audit of the financial statements and, accordingly, we express no opinion on it.

The purpose of this communication, which is an integral part of our audit, is to describe for management and those charged with governance the scope of our testing of internal control and the results of that testing. Accordingly, this communication is not intended to be and should not be used for any other purpose.

Irvine, California  
December 5, 2022

Angie Lalor

Incline Resident

Many of us have seen the 2020 letter reprimanding Cliff Dobler for inexcusable behavior leading to his 3 month suspension from IVGID rec facilities. That letter laid out incidents during which Mr. Dobler verbally berated staff, displayed inappropriate physical aggression and sexually harassed female staff. I'm horrified that 3 members of this board not only ignored the contents of the letter and appointed Dobler to the Capital Committee, but actively attempted to silence trustee Noble when he endeavored to question Mr. Dobler on how this type of behavior would impact his ability to serve with staff and peers on a committee.

Now you would assume that the 2020 reprimand and suspension would have prompted Mr. Dobler to do some self-reflection, recognize his mistakes and modify his behavior. However, I understand that multiple complaints have been made about further and very recent sexual harassment toward staff and that Mr. Dobler is once again under investigation. I have no doubt that these complaints will also be substantiated.

Trustees Dent, Schmitz and Tulloch – I hope you've never been the victim of sexual harassment. If so, count yourself lucky. Without question, it's the worst experience one can endure in a professional environment. I'm privileged to have been the Chief HR Officer for 2 Fortune 100 companies during my career and I've unfortunately seen a lot of people like Mr. Dobler. I've seen the lasting personal harm they've caused colleagues AND the liabilities, reputational damages and high-priced penalties they have burdened their companies with. Any professional entity with an ounce of wisdom and ethics would not only refuse to appoint someone like this to an important leadership position, they would fire them.

It is unfathomable to me that you would knowingly appoint a serial harasser to a committee that deals with employees, peers and the public. Why would you hold our district to a lesser standard than you or anyone in this audience would demand from their employer? It is reckless leadership on your part and puts the district in danger. And it certainly speaks volumes to your utter lack of concern for the engagement and well-being of our staff. It's not surprising that we are experiencing a significant increase in turnover and major challenges in filling key roles.

Your vote for Dobler is inexcusable. By his own actions, he showed us what kind of man he is...a misogynistic bully. Actively supporting him makes you no better. You've literally and figuratively sold yourself to support this man.

If anyone listening hasn't signed the recall and you care at all about our district operating with a basic level of decency and respect, I hope this incident will convince you to sign.



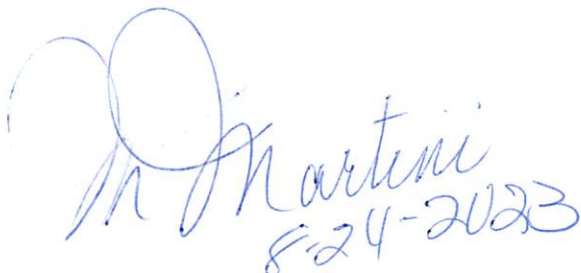
Public comment to be added to the minutes of the Meeting of 8-24-2023

Good Evening,

I would like to address Trustee Nobles comments at the meeting of 8-9-2023. His comments and reading of a correspondence that was not official, never executed and phony but was given credence by the fact that Mr. Nobel read it as a factually appropriate document when he knew, or should have known if he took the time to research the content that the correspondence was never received or acknowledged by the alleged recipient Mr. Dobler. Mr. Nobel actions were purposeful , unnecessary and a deliberate use of foul and inappropriate language to incite the public. As an attorney, Mr. Nobel should have known that before he used this correspondence against Mr. Dobler that complete and proper investigation of the receipt and opportunity for Mr. Dobler to comment on the correspondence SHOULD HAVE BEEN in order. Mr. Nobles inflammatory and positively rude reading of this unvetted correspondence is an example of his unworthiness to serve on this board as an unbiased board member. It is clear that he is being a minion to those who do not like Mr. Doblere's expertise that is needed on the committee. That is also made clear by the fact that a community member was given the correspondence to place on the public forum of Facebook...by someone who failed to verify that Mr. Dobler received the correspondence. Hmmm wonder who that was. Mr. Nelson, the board attorney agreed that the presentation of the correspondence was appropriate allowing Mr. Nobel to blather on as if the board was still under the control of former chair Tim Callicrate, just another example of ineptness of the hired attorney in not doing the research on the investigation if this correspondence was indeed a documented chain of events to all parties. No big surprise there. Another of Indra's minions acting inappropriately. The two attorneys involved, Mr. Nobel being an attorney, should have known the legal process and acted accordingly to protect this document. Mr. Nobel is a Trustee that has sunk to the lowest level of knowingly presenting a NON OFFICIAL IVGID DOCUMENT.

Sara, being the lady she is, called for a point of order in time to stop this complete debacle. Mr. Nelson, in his inept glory, did not recognize it. Thankfully Chair Dent acted appropriately and called a recess.

We have to thank the current audit committee and a few astute community members to turn the light on the current financial mess that is IVGID management and watch the cockroaches scatter. Good riddance to all those senior employees that have left like the cockroaches they are.



M. Martini  
8-24-2023

1 INCLINE VILLAGE  
 2 GENERAL IMPROVEMENT DISTRICT  
 3 BOARD OF TRUSTEES  
 4  
 5  
 6  
 7  
 8 TRANSCRIPT OF HEARING  
 9 PUBLIC MEETING  
 10 Live and Via Zoom  
 11  
 12 Held at 893 Southwood Boulevard  
 13 Incline Village, Nevada  
 14  
 15 Wednesday, August 30, 2023  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24 Reported by: Brandi Ann Vianney Smith  
 25 Job Number: IVGID 3

1 APPEARANCES  
 2  
 3 **BOARD MEMBERS PRESENT**  
 4 MATTHEW DENT, CHAIR  
 5 SARA SCHMITZ, VICE CHAIR  
 6 DAVE NOBLE, SECRETARY  
 7 RAY TULLOCH, TREASURER  
 8 MICHAELA TONKING, MEMBER (via Zoom)  
 9  
 10 **ALSO PRESENT**  
 11 ANNE BRANHAM, LEGAL COUNSEL (via Zoom)  
 12  
 13 -o0o-  
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 25

1 Incline Village, Nevada - 8/30/2023 - 6:00 P.M.  
 2 -o0o-  
 3  
 4  
 5 CHAIR DENT: All right. It is 6:00 P.M.,  
 6 we're going to call the Incline Village General  
 7 Improvement District regular meeting to order.  
 8 Today's August 30th, 2023. The meeting is being  
 9 held at 893 Southwood Boulevard, Incline Village,  
 10 Nevada, and via Zoom.  
 11 Item A is the Pledge of Allegiance.  
 12 A. PLEDGE OF ALLEGIANCE  
 13 (Pledge of Allegiance.)  
 14 CHAIR DENT: Item B is roll call of  
 15 trustees.  
 16 B. ROLL CALL OF TRUSTEES  
 17 CHAIR DENT: Trustee Tonking?  
 18 TRUSTEE TONKING: Here.  
 19 CHAIR DENT: Trustee Tulloch?  
 20 TRUSTEE TULLOCH: Here.  
 21 CHAIR DENT: Trustee Noble?  
 22 TRUSTEE NOBLE: Here.  
 23 CHAIR DENT: Trustee Schmitz?  
 24 TRUSTEE SCHMITZ: Here.  
 25 CHAIR DENT: And I'm Trustee Dent. All

5

1 five trustees are present. Item C is initial public  
 2 comments. You will be allowed three minutes for  
 3 your initial public comment.  
 4 C. INITIAL PUBLIC COMMENTS  
 5 MR. PRICE: My name is Steve Price. I  
 6 live at 170 Village Boulevard, number 30.  
 7 I suggest all who have not read 10th  
 8 August, article in Moonshine, Inc. on the  
 9 improvement of Incline General Improvement District  
 10 do so. It is factual and unbiased and deals with  
 11 the proposed \$26-million gym. It was written by  
 12 Alex Hoeft, that's H-O-E-F-T.  
 13 This board interpreted the original beach  
 14 deed six years ago and cut employ benefits. I  
 15 understand there's a lot going on with that beach  
 16 deed, but I guess this goal was for retention and  
 17 morale and hiring of new people. I'm not sure if  
 18 this was to save money, reduce our taxes, or both;  
 19 however, I do not see a great reduction in beach  
 20 attendance. In fact, I see more cars parked on our  
 21 streets than more on the beaches, especially during  
 22 the holidays.  
 23 I have two other observations, which are  
 24 instructive. Last week, I saw a bus from North Star  
 25 park in front of our beach, eight people got off and

6

1 went into the beaches. Obviously, they had passes.  
 2 About a month ago, a bus from Reno, RTC, dropped  
 3 people off at our beaches, and they seemed to have  
 4 passes to get into our beaches. I'm not sure that  
 5 we have as much control over our beaches as we think  
 6 we do.  
 7 Regarding cost reductions, we didn't have  
 8 any lifeguards on our beaches at Incline Beach this  
 9 summer, despite 12 drownings around the Lake this  
 10 year. The visibility of lifeguards is also  
 11 important. This year we had at least nine occasions  
 12 where our sheriff had to respond or remove our  
 13 out-of-control individuals. That's not acceptable.  
 14 There are examples of micromanaging our  
 15 beaches by at least one member of our board. For  
 16 example, for years, youth camps are held for three  
 17 groups of kids, and one of things they do is they  
 18 have water safety instruction from the fire  
 19 department. This member said that this could not  
 20 take place at Incline Beach, and they didn't have  
 21 the appropriate pass components. The result was the  
 22 kids had to go to Sand Harbor for training.  
 23 Our granddaughter has been a lifeguard for  
 24 four years, and she teaches swimming, runs day  
 25 camps, and is the coach for the swim team. She puts

7

1 in about 12 hours a day. This, for first time in  
 2 four years, she was verbally insulted by a  
 3 well-known member of our community at Burnt Cedar  
 4 Beach, insinuating that she did know what she was  
 5 doing. I understand --  
 6 (Expiration of three minutes.)  
 7 MR. CROWLEY: Again, Jim Crowley, Incline  
 8 Village.  
 9 On May 26th, Invest In Incline Advocacy  
 10 Network sent you all a letter suggesting democracy  
 11 would be served by defining and enforcing the code  
 12 of conduct for public comments. I'm pleased to see  
 13 this topic on the agenda, and I'd like to encourage  
 14 you to follow this path. Here's why:  
 15 The tone and tenor of too many public  
 16 comments is uncivil. Some would say down right  
 17 nasty. And there are consequences to that behavior.  
 18 It makes it extremely unpleasant to attend these  
 19 meetings. Our democracy works because of public  
 20 participation. Uncivil behavior reduces  
 21 participation.  
 22 It makes the trustees' jobs harder than  
 23 they need to be, and I believe it encourages  
 24 trustees to sometimes take on similar kinds of  
 25 behavior. It also sets a tone for our community,

8

1 and I believe for IVGID employees, making it harder  
 2 to find common ground and work out our differences.  
 3 But you have to choice. You don't have to  
 4 accept that kind of behavior. But some will say,  
 5 What about free speech?  
 6 Free speech is part of our national DNA,  
 7 but free speech doesn't allow us to say anything at  
 8 anytime. Yelling "fire" in a crowded room is not  
 9 allowed, along with a thousand other examples. Free  
 10 speech has limits. The only question is where you  
 11 draw the line.  
 12 Some will say IVGID has been reprimanded  
 13 by the Attorney General before for limiting speech.  
 14 And that's true, on at least two occasions. But  
 15 when you read the Attorney General's reasoning, it's  
 16 because the trustees made some mistakes in how they  
 17 applied the limits. The Attorney General did not  
 18 say that you can't have limits.  
 19 Your lawyer has written an opinion that  
 20 putting limits on public comments is risky,  
 21 difficult, and not recommended. Of course that's  
 22 their opinion. Lawyers are paid to find and avoid  
 23 all risk.  
 24 But you were elected to do hard things.  
 25 Legal opinions are just that, they're opinions. If

9

1 all elected officials had to do was just blindly  
 2 follow legal advice, we wouldn't need elected  
 3 officials. We could just put a bunch of lawyers in  
 4 charge of everything.

5           Each of you are in this position in part  
 6 because you said you want to help make our community  
 7 better. Here's one more chance you have to live  
 8 that out. I encourage you to do what's right.  
 9 Embrace that code of conduct and our community will  
 10 be better for it.

11           I've attached the letter -- the May 26th  
 12 letter to my comments so that anybody interested can  
 13 find them online as a part of the notes of this  
 14 meeting, and we'll have copies in the back of the  
 15 room as well.

16           Invest In Incline Advocacy Network is  
 17 here, and we were created to try and help our  
 18 community be better. We encourage you follow along  
 19 and do something about the behavior in these public  
 20 comments.

21           Thank you.

22           MR. SMITH: My name is Paul Smith, and I  
 23 live at 1437 Tirol.

24           No good deed goes unpunished. All  
 25 directors of my HOA just went through two

10

1 unsuccessful recalls driven by the economic  
 2 self-interest of the short-term rental industry.  
 3 The complaint, STRs wanted second and third parking  
 4 spaces not available to any other HOA homeowner.

5           As for IVGID, it's the same because after  
 6 looking out for Incline residents through protection  
 7 of the beach deed, the STR realtor Raley's business  
 8 conspiracy want to recall trustees Dent and Schmitz.  
 9 No good deed goes unpunished.

10           Restricting beach access has really burned  
 11 the STR realtor Raley's group. So now they conspire  
 12 to go after two trustees in an attempt to regain  
 13 beach access plus expand so that all IVGID  
 14 recreational facilities are for tourists first and  
 15 secondarily for you and me.

16           Incline Village General Improvement  
 17 District was established to provide key utility and  
 18 recreational services for residents, not to almost  
 19 700 rental businesses who run profit-oriented, small  
 20 hotels in residential neighborhoods and then  
 21 disguise themselves in testimony here as simple  
 22 local property owners with families trying to pay a  
 23 mortgage.

24           Make no mistake, to these business  
 25 interests, the Rec Center, the golf courses, Diamond

11

1 Peak, and even the beach are marketing tools they  
 2 want to advertise as rental amenities for \$200 a  
 3 night. These economic interests care zip about the  
 4 normal incline resident for whom the improvement  
 5 district exists.

6           Facts: There are 700 short-term rentals  
 7 just in Incline Village and Crystal Bay. STR  
 8 profits incentivize the conversion of long-term  
 9 rentals, reducing workforce housing in Incline.  
 10 Realtors love to manage STRs. STRs and realtors do  
 11 not care if tourists get priority over residents  
 12 since tourists bring money into Incline, while  
 13 residents just live here.

14           Raley's and realtors love to see 4,500 new  
 15 STR shoppers every week. Why else would Raley's  
 16 allow the recall table outside their door and permit  
 17 their name on the recall sign? It's all about the  
 18 money, not about Incline Village.

19           If you signed the recall petition,  
 20 immediately request your signature be removed or  
 21 count yourself among the greedy.

22           Tim Callicrate and his cronies ran IVGID  
 23 into a financial mess. And now they want to drive a  
 24 stake through the heart of the beach ownership and  
 25 recreational facilities access so they can capture

12

1 all of Incline Village for the tourist business.  
 2           A no vote on the recall will put Incline  
 3 Village residents first, not second fiddle to  
 4 residential hotel companies and their associated  
 5 business interests of Raley's and the realtor  
 6 community.

7           Thank you.

8           CHAIR DENT: We are going to take a  
 9 three-minute break and reboot our sound system.  
 10           (Recess from 6:12 P.M. to 6:13 P.M.)

11           CHAIR DENT: Apologies for the brief  
 12 delay. We will resume public comment.

13           MR. DALTON: Thank you. Jack Dalton, 980  
 14 (inaudible) Court. Incline resident for nine years.

15           Unfortunately, the way this community is,  
 16 we have a lack of public information. And the good  
 17 news is my understanding, from not the usual  
 18 suspects, that the IVGID page on Facebook has -- was  
 19 removed Monday morning. I can't verify that, but I  
 20 heard from people who were looking at it.

21           I think we can't -- we need to have an  
 22 access. So now comes, how can we get this access?  
 23 I can think that we can eliminate IVGID Magazine as  
 24 a paper, it costs a lot of money, it takes a lot of  
 25 effort on my part to get the newspapers. So why

13

1 don't we the magazine online, and why don't we open  
 2 it up?  
 3           There are comments here about, well,  
 4 what's public information? And I would like to have  
 5 public information. I would like the deliveries  
 6 edited in the sense of tone, but not the content.  
 7           Now, the content, if you don't like that,  
 8 what people are saying, you could look at the lady  
 9 who sued in Massachusetts because at a civil -- at  
 10 their -- in Massachusetts when they have the yearly  
 11 before the council, the trustees, she got kicked out  
 12 because she called one of them "hiller," and she  
 13 wasn't let back. But she went to the Massachusetts  
 14 Supreme Court and got it. I don't have -- I have an  
 15 issue, but not the content.  
 16           But some of the -- so if we can eliminate  
 17 IVGID Magazine, we can -- and allow it to open up to  
 18 public comment, it would be interesting what  
 19 information we get.  
 20           Now comes, what could we get? We didn't  
 21 have anything for the effluent pipeline. Now what  
 22 it is, the lowest rate is going to be seven percent,  
 23 not likely to go down in terms of the reading I get  
 24 in the newspapers. Second of all, do we have  
 25 competitive bids for things? I don't know. I can't

14

1 tell that.  
 2           Now comes -- now we have the water meters.  
 3 Make sense, people should pay for water. Might make  
 4 it a statement that certain segments of this  
 5 community don't pay for the water. I support paying  
 6 for the water. How many more water meters do we  
 7 need? We had a contamination of the water by  
 8 E.coli in November of last year. It was a week  
 9 notice that we people, not my neighborhood, I heard  
 10 it from friends that could not -- recommended not to  
 11 drink the water. So we now have 600 water meters.  
 12 How many more? What's the status? Let's hear about  
 13 the infrastructure for the water and sewage. Does  
 14 that have to be replaced? We took eight years to  
 15 replace the effluent pipeline.  
 16           MR. HOMAN: Mick Homan, Incline resident.  
 17           I'm responding to recent comments by  
 18 trustees and others about the extent of the  
 19 accounting issues at IVGID. To be clear, things are  
 20 not great. Half the accounting positions are  
 21 vacant, we're losing staff at an alarming rate, and  
 22 we can't fill open spots. It's become critical in  
 23 the last six to 12 months, and we're in the midst of  
 24 a complete systems conversion that's not going as  
 25 planned caused by systems design and staffing

15

1 issues. So it's a challenging time for IVGID staff  
 2 that's led to delays and monthly and year-end  
 3 reporting and minor clerical errors in some of the  
 4 board packages and budget forms.  
 5           But as of now, the narrative that we have  
 6 material account issues is unfounded. Here's some  
 7 perspective:  
 8           (1) In last week's board meeting, staff  
 9 and trustees both emphasized there's been no  
 10 evidence to date of any financial fraud or  
 11 malfeasance.  
 12           (2) Its internal general tasks and  
 13 reconciliations are not being completed. Some  
 14 caused by lax compliance; more recently caused by  
 15 staffing shortages. We just don't have enough  
 16 qualified accounting staff to perform the tasks. To  
 17 be clear, this isn't acceptable. But I also want to  
 18 be perfectly clear that failing to execute  
 19 underlying internal controls doesn't mean the  
 20 related accounting is wrong.  
 21           (3) Ledgers being out of balance by three  
 22 to four million. This may sound troubling, but we  
 23 need context. This relates to the systems  
 24 conversion. It's completely normal to have issues  
 25 in any systems conversion. Despite thorough

16

1 planning, not all balances or transactions  
 2 successfully migrate from the old system to the new.  
 3 That doesn't mean the accounting is wrong or funds  
 4 are missing; it usually means we haven't yet  
 5 reconciled glitches in the data transfer.  
 6           (4) We have an outspoken community member  
 7 writing dozens of memos to IVGID, claiming millions  
 8 of dollars of accounting errors. He does deserve  
 9 credit for uncovering past issues with capital  
 10 spending policies and procedures that resulted in  
 11 write off of capital assets. So when I joined the  
 12 Audit Committee, I penetrated those issues. I  
 13 talked to senior staff and reviewed the remediation  
 14 actions. Staff made progress. In fact, the special  
 15 engagement to audit compliance with the new capital  
 16 accounting policies was recently completed. It  
 17 found no issues.  
 18           We also spent significant time researching  
 19 and trying to resolve outstanding memos. We closed  
 20 out two-thirds of the memos. No significant  
 21 corrective actions were warranted for those memos.  
 22 The total amount is still up for review is less than  
 23 a million dollars.  
 24           (5) The District does have annual  
 25 financial statement audits. The fiscal '22 audit

17

1 received a clean opinion.  
 2 And (6), the acting finance director  
 3 provided an update last week. He mentioned that  
 4 with the added contract staffing, they're making  
 5 good progress in reconciling balances. No  
 6 significant issues were noted.  
 7 So let's take a deep breath. The trustees  
 8 and Audit Committee chair should retract comments  
 9 suggesting that we have significant errors or fraud  
 10 in our accounting. Such suggestions are  
 11 unwarranted. They're also reckless and breach of  
 12 their fiduciary duty to IVGID.  
 13 Creating an unsubstantiated narrative that  
 14 IVGID's financials can't be relied on could erode  
 15 the public and the lender's confidence in the  
 16 District, causing irreparable harm, including civil,  
 17 financial, and criminal exposure.  
 18 Thank you.  
 19 MR. CARS: I've resubmitted for the record  
 20 three letters to Mr. Dobler from former HR manager,  
 21 Dee Carey. These were submitted during the last  
 22 meeting, but were not posted as part of the minutes,  
 23 so they're being resubmitted this week.  
 24 Ms. Carey was advised by counsel that  
 25 these letters are not protected by any statute since

18

1 Cliff Dobler has been appointed by the Board to  
 2 participate in the Capital Improvement Committee.  
 3 In addition to these letters, there have  
 4 been numerous emails and public statements made  
 5 which clearly shows Mr. Dobler's pattern of  
 6 inappropriate verbal attacks, which the Board, so  
 7 far, has refused to stop. He should not be rewarded  
 8 for this poor behavior. I'll read just a few  
 9 comments from one of the letters. In an interchange  
 10 with Mr. Howard and Mr. Dobler, Mr. Dobler said, You  
 11 are a effing idiot. Expletive deleted.  
 12 On another occasion, HR was alerted to  
 13 investigate interactions between Mr. Dobler, the  
 14 golf staff, the head pro, and the merchandise  
 15 manager regarding Mr. Dobler walking on the course  
 16 without a tee time. During that interaction, it was  
 17 reported that Mr. Dobler was shaking a rolled up  
 18 paper at a female employee's face stating, "Lady,  
 19 you need to get out of here. Lady, you have no  
 20 right to talk to me. Lady, you're an employee, and  
 21 you don't get to talk to me if I don't tell you to."  
 22 Furthermore, an IVGID employee said, "Is  
 23 that what I have put up with? Is this right? I do  
 24 not feel safe around Mr. Dobler. I do not want to  
 25 interact with him, especially alone."

19

1 And, in fact, one employee heard him say  
 2 "You know I'm running the District." I kind of  
 3 wonder sometimes.  
 4 Anyway, I'm submitting these three letters  
 5 again for posting.  
 6 MS. CARS: Linda Cars. Good evening,  
 7 trustees.  
 8 Trustees Schmitz, Dent, and Tulloch, you  
 9 claim you are forces for fiscal responsibility, but  
 10 I can't find information anywhere that says fiscal  
 11 responsibility means hostility, micromanagement, and  
 12 lording yourself over IVGID staff and vendors.  
 13 These actions are fiscal and management  
 14 irresponsibility.  
 15 Let's look at what your interference in  
 16 IVGID operations has cost to date. According to a  
 17 built-in management website, the financial cost of  
 18 senior management turnover is 213 percent of their  
 19 salaries. So the GM, controller, financial  
 20 director, public works director, clerk, legal  
 21 counsel, and food and beverage manager alone, the  
 22 financial costs will be over \$2,075,000. Is this  
 23 fiscal responsibility?  
 24 What about your help demotivating our  
 25 hourly and seasonal staff by eliminating beach and

20

1 venue benefits? Terra Staffing says that employee  
 2 turnover in this area will cost IVGID \$3,500 per  
 3 person, 47 hours of training and \$1,886 of training  
 4 costs. How is causing long-term IVGID employees to  
 5 leave fiscal responsibility?  
 6 Then you won't provide requested resources  
 7 to support the interim general manager or the  
 8 director of finance. Fiscal responsibility? Not  
 9 when IVGID has lost so much staff and its essential  
 10 task to perform.  
 11 There is also the tremendous loss of  
 12 citizen volunteers such as Mick Homan of the Audit  
 13 Committee. Here is a man who wants to serve the  
 14 community, who has not bashed people along the way,  
 15 who resigned because he can't maintain his integrity  
 16 around Sara and others.  
 17 Fiscal responsibility? Keeping the Katz  
 18 and Dobler crew around, whose goal is to attack  
 19 IVGID whenever possible, while pushing people like  
 20 Homan out doesn't seem very responsible.  
 21 Just to remind the entire board, your  
 22 fiduciary duty is to protect and enhance IVGID, not  
 23 destroy it.  
 24 I request that you remove general business  
 25 item 1 of the strategic plan from today's agenda.

21

1 It contradicts the recommendations of item 9 of the  
 2 Moss Adams report, which shows serious weaknesses in  
 3 the existing plan and recommends creating a new one.  
 4 I request you remove G 11 regarding drafting letters  
 5 for various issues within the Incline community.  
 6 Whose idea was this? It was not on the long-range  
 7 calendar. These are suggestions for topics which  
 8 have nothing to do with IVGID trustee fiduciary  
 9 responsibilities. Aren't the leadership vacancies  
 10 that you've created enough for your to-do list?  
 11 Unless the IVGID Board is specifically  
 12 asked to participate, we don't need you to tell  
 13 everyone else in town how to do their jobs anymore.  
 14 Here's what you can do. Several weeks  
 15 ago, Trustee Tonking asked for a report on the exit  
 16 interviews and reasons for the high staff turnover.  
 17 Let's address the true problem with IVGID.  
 18 Thank you.  
 19 MS. WARREN: Hi. Good evening. Megan  
 20 Warren, 722 Country Club, Incline Village.  
 21 Trustee Schmitz, Dent, and Tulloch's  
 22 reasoning behind reducing the rec fee to zero was  
 23 because fund balance was so high. Why was the fund  
 24 balance so high? IVGID has a history of paying for  
 25 capital projects with cash instead of leveraging

22

1 debt. Mistake one, but I digress, the Diamond Peak  
 2 culvert, an asset that should last 40-plus years was  
 3 paid in cash.  
 4 So IVGID staff plans to pay cash for  
 5 capital projects, but then the Board value engineers  
 6 projects to reduce costs, thus increasing fund  
 7 balance. If you need references, you'll recall  
 8 decreasing the scope of the tennis center  
 9 renovation, and the Rec Center bathroom remodel. So  
 10 then why were rates increased at all the venues?  
 11 Well, Trustee Schmitz, Trustee Dent, and Trustee  
 12 Tulloch attribute this to the increase and inflation  
 13 in costs of providing services.  
 14 While this is true, since the fund balance  
 15 is so high according to them, rate increases were  
 16 not necessary. However, these three trustees failed  
 17 to understand how the recreation fee and charges for  
 18 services support all of recreation and community  
 19 services as a whole.  
 20 By viewing the rec fee and venue rates  
 21 separately, like they did through the entire budget  
 22 process, Trustees Schmitz, Dent, and Tulloch  
 23 demonstrate they don't have a clue how IVGID  
 24 operates, nor what the community wants. Please  
 25 listen to your constituents. You have every

23

1 opportunity to listen to what we're asking of you,  
 2 and you just pump the brakes on pushing through a  
 3 lot of these items. Listen to your community  
 4 because that's what we want is a community.  
 5 Thank you.  
 6 MS. WELLS: Kristy Wells, Incline Village  
 7 resident. I have a written statement and supporting  
 8 documents to be attached to minutes of this meeting.  
 9 Some believe that those wishing to recall  
 10 Trustees Schmitz and Dent lack commitment to fiscal  
 11 responsibility and accountability. This is simply  
 12 not true. We expect it. Additionally, we advocate  
 13 for treating IVGID staff respectfully and enabling  
 14 them to work without unwarranted interference.  
 15 Trustee overreach has led to valued staff  
 16 departing due to unhealthy, some say toxic,  
 17 atmosphere. We believe you can be fiscally  
 18 responsible and be a good human. These values are  
 19 not in conflict with one another.  
 20 I was not able to attend last week's  
 21 meeting, but I did email my concerns to all trustees  
 22 that same day. Ethical and moral decisions demand  
 23 attention. There's been a pattern of inappropriate  
 24 behavior from committee members and a consultant  
 25 that necessitates immediate action.

24

1 Sara did respond to my email -- thank you  
 2 -- and tried to discount my returns -- no thank  
 3 you -- which were audit chair Chris Nolet has made  
 4 continuous damaging remarks about former director of  
 5 finance Paul Navazio. Nolet insinuates intentional  
 6 wrong doing, implying Navazio's departure was linked  
 7 to fraud. This breaches contact standards as it  
 8 disparages IVGID staff.  
 9 Sara's response downplayed this and  
 10 Nolet's statement was unfounded. Nolet should no  
 11 longer chair the Audit Committee. Please remove  
 12 him.  
 13 I've also raised concerns about Cliff  
 14 Dobler's multiple instances of inappropriate  
 15 behavior toward IVGID staff, especially women.  
 16 Sara's assertion is there are no current incidents,  
 17 that it's false, but I'm in possession of an email  
 18 dated August 16th that details a recent incident  
 19 issue involving Dobler and a young woman at a golf  
 20 course. It was sent to all five trustees. Sara's  
 21 response to me actually included, and I quote,  
 22 "Cliff Dobler had past behavior issues that were  
 23 brought to his attention in 2020." Which directly  
 24 conflicts with Mr. Dobler's statement that he did  
 25 not know why his privileges were suspended at that

25

1 time.

2 I appreciate you confirming that for the

3 record, Sara.

4 The statement also confirms that you did,

5 in fact, know about these issues before, despite you

6 claiming otherwise. You and Trustee Dent owe

7 Trustee Noble and this community an apology.

8 Related, you should probably resign.

9 Dobler should be removed from the Capital

10 Investment Committee and banned from my role that

11 requires direct interaction with IVGID staff. This

12 should happen immediately.

13 Lastly, my worry about the Board's

14 contract with Kevin Lyons remains. His contentious

15 nature and past altercation with IVGID staff can't

16 be disregarded. In 2019, Mr. Lyons received an

17 extended four-month court order for protection

18 against stalking, aggravated stalking, or harassment

19 of an IVGID employee, which banned him from the

20 IVGID offices and a home.

21 Accountability applies to your words and

22 actions, and those of committee members and your

23 consultants. The facts that are known, current

24 instances of misconduct that are being ignored by

25 this board are shameful.

27

1 ours? How many rely upon a disingenuous rec fee and

2 then lie about it? How many have a slew of

3 residents, like that 81-year-old woman in the back,

4 who think they represent the majority, and blame

5 truth tellers rather than the bunch who've gotten us

6 into this mess? How many have filed recall

7 petitions, ever, for their trustees? The takers in

8 our community will claim, well, we're different or

9 we're special. I say we've seen the enemy and it's

10 them.

11 Our true governance is the county and not

12 IVGID. If IVGID goes, we still have the county, and

13 all the services the county provides and is

14 obligated to provide will be available to us. Since

15 we don't need IVGID for anything, we eventually get

16 to the point where we need to have a serious

17 discussion about what we do with the beaches,

18 because, really, that's what we have at our core.

19 I submit that when you can't retain senior

20 staff, nor hire enough people to operate your four

21 lost businesses, nor operate your commercial

22 businesses competently, nor make a buck on any of

23 them, and you spend your time skewing our financials

24 because you afraid to share ugly truth, and you

25 burden 80 percent or more of your citizenry to

26

1 MR. KATZ: Good evening. Aaron Katz, PO

2 Box 3022. I have several written statements to

3 submit to be attached to the minutes of meeting.

4 Our general improvement district should

5 work for us, rather than we working for it.

6 Unfortunately, that's not where we're at. Things

7 are imploding all around us. It's not the current

8 board's fault. This has been building for sometime.

9 Thank you, Mr. Polly Wolf, (inaudible), Jim Hamerold

10 (phonetic), Peter Morris, Tim Callicrate, Kendra

11 Wong, Steven Pinkerton, Brad Johnson, Joe Pomeroid

12 (phonetic), the list just goes on. And because of

13 all of this, you need to stop and smell the coffee,

14 Mrs. Bueller.

15 Look at the other 83 or more GIDs in the

16 state. How many own and operate a ski area, publish

17 magazines that give away all the advertising

18 revenue, operate restaurants that loose \$2,000 a

19 day, spend a million dollars or more annually on

20 marketing, maintain a PR department, which we call

21 "communications," employee over a 1,000 employees

22 annually, as many as Carson City, pay their GMs

23 \$200,000 annually, not the \$500,000 we're about to

24 pay ours, have finance directors and pay them

25 \$100,000, let alone the \$250,000 we're about to pay

28

1 subsidize money-losing golf and the realtors, the

2 problem's not me, Frank Wright, nor Cliff Dobler,

3 you've crossed over the line, that's it, we're

4 there.

5 Thank you.

6 MR. LYON: Good evening. Jim Lyon, 1999

7 Northwood Boulevard, Third Creek.

8 The last meeting in public comments, I

9 mentioned that it's possible to recall -- or take

10 your name off the recall if you've already signed

11 it, but I also encouraged people that haven't yet

12 signed it to get into details of what's written in

13 the recall statement.

14 I went through -- I've not only read it,

15 but I went through this time and highlighted the

16 issues that I think are either misstatements,

17 innuendo, misleading and/or issues that are taken

18 out of context without explanation of what happened.

19 And people that don't come to these meetings and

20 don't pay close attention, don't know all the

21 details, and so they see a comment on Neighborhood

22 or Facebook or the local golf club or whatever, and

23 they take that as being truth.

24 And as I went through -- I'm going to show

25 this to the camera. I don't know if they can see



29

1 it. All the yellow are things that I think are  
2 either inflammatory, misleading, or they don't have  
3 any substance and there's no justification. They're  
4 just a lot of inflammatory remarks, adverbs,  
5 adjectives, that have nothing to do with statement  
6 of fact. And an example, micromanaging, that's a  
7 subjective issue. As a manager, you have to do your  
8 job, and if you have to get down into some details,  
9 some people call it micromanaging, but it's part of  
10 your job as a manager.

11 There's another thing was there's a  
12 statement in here says "it was incessant  
13 micromanaging." Incessant means without ceasing,  
14 and there's nobody that I know of that does  
15 micromanaging or even managing incessantly.

16 One of biggest issues has to do with the  
17 Ordinance 7, and people don't understand or don't  
18 care or they choose not to pay any attention to the  
19 fact that if we don't follow the deed and follow  
20 Ordinance 7 and enforce it the way it should be, we  
21 will lose or beaches, and we'll have all the people  
22 from Northern California coming up and using our  
23 beaches.

24 If by eliminating or prohibiting children  
25 from doing something on the beach, even if it was

31

1 discussion.

2 But suppose I'm wrong, there's still three  
3 questionable things: The report says staff and  
4 board members were interviewed in July and August.  
5 During that time, the interim general manager had  
6 been on the job for one week, and there was no  
7 finance manager, no public works manager. And then  
8 the report suggests getting rid of the  
9 administrative services manager. I'm wondering  
10 whether this report is really a rubber stamp from  
11 the IVGID board rather than a balanced evaluation.

12 Surprisingly, the report didn't mention  
13 the community recall for two of five board members,  
14 nor did it mention the tremendous staff  
15 dissatisfaction from lost benefits, IVGID's  
16 inability to recruit, and its inability to maintain  
17 staff levels. It was seen that this would have a  
18 tremendous impact on the report's happy talk of  
19 creating a long-term strategy working with staff and  
20 working with the community.

21 Why is it that two weeks ago after so many  
22 IVGID staff had resigned or been pushed out, that  
23 suddenly Susan Herron is bashed at an IVGID meeting  
24 by Michael Able? Is the goal to get rid of everyone  
25 on the IVGID staff? Well, apparently so.

30

1 educational and wonderful, if it would violate the  
2 beach deed, then we have a chance of losing our  
3 beaches.

4 I also attribute many of the things --  
5 just like Mr. Katz just said, many of our problems,  
6 if not most, come from previous general managers and  
7 the board that was supposed to supervising and  
8 overseeing them, and the general managers, by not  
9 doing their job, created a lot of these problems and  
10 they weren't exposed to the board.

11 Thank you.

12 MS. USINGER: This is about item G 9 for  
13 tonight, the current Moss Adams report, which I call  
14 questionable lipstick used by a pig. The Moss Adams  
15 report of August 2023 does basically one thing: It  
16 demotes Susan Herron's administrative director  
17 position to executive assistant. Our friends  
18 Mr. Dobler and Mr. Katz want her gone because she  
19 handles all their public information requests.

20 To start, I question the legality of the  
21 Moss Adams contract. Where's the contract? Who  
22 requested it? Who approved it? What's the cost?  
23 Frankly, I don't think the Board as the authority to  
24 approve anything without a valid contract, and it  
25 should be completely removed from today's

32

1 Susan Herron was the IVGID point person  
2 against Aaron Katz' lawsuit, and quote "spends a  
3 large majority of her time responding to endless  
4 public information requests by Katz."

5 When ruling against Katz in 2015, I  
6 believe, maybe 2017, Judge Flanagan said, "Neither  
7 courts nor the laws of Nevada exist so that those  
8 who detest their local governments can bully them  
9 into submission." Apparently Katz and his buddies  
10 want to use the current IVGID board to change that.

11 So end this bullying. Protect Susan  
12 Herron and the remaining staff and reclaim Incline  
13 Village. Sign the recall petitions, please.

14 MS. MCKOWEN: Good evening. Trish  
15 McKowen, 335 Ski Way.

16 I'm going to be reading from a social  
17 media post from Genevieve Thornberg, the female  
18 IVGID employee who reported verbal sexual harassment  
19 by Cliff Dobler in 2020. She writes:

20 "The part of the letter Noble was  
21 able to read is only the tip of  
22 iceberg. Please get that letter  
23 out to as people as possible. The  
24 comments that are documented in it  
25 only get worse. I should know,

33

1 the comments were directed at me.  
2 "And after his last verbal attack  
3 on me, they claimed he was  
4 suspended from IVGID for three  
5 months, but he was still allowed  
6 at the different facilities. He  
7 continued to harass employees, and  
8 he was placed on a committee that  
9 would have allowed him to ask for  
10 meetings with employees to discuss  
11 the finances.  
12 "I refused to be alone with him,  
13 and I was told I had to leave the  
14 building when he was there, like  
15 they were protecting him from us.  
16 Total insanity.  
17 "I loved working and living in  
18 Incline, but I can say with the  
19 way things were headed, the best  
20 decision I ever made was moving."  
21 Now, I'm gong to talk about a second  
22 incident that was reported to the Board on  
23 August 16th from a golf resident who reported a  
24 female family member's unwanted interactions with  
25 Mr. Dobler. Here is that email:

35

1 down the 10 fairway.  
2 "Many of these occurrences have  
3 been reported to golf course  
4 management, and how this man is  
5 allowed anywhere near the golf  
6 course baffles me. That said,  
7 what kind of message are you  
8 sending when you allow Cliff  
9 Dobler to act as a representative  
10 of our community. If this was  
11 your daughter or family member,  
12 would you continue to give this  
13 man a forum in our community? I  
14 would hope not.  
15 "Get some spine, please, and do  
16 the right thing."  
17 And that's from the golf resident whose  
18 niece had to go through all of that.  
19 Trustee Schmitz and Dent and Tulloch are  
20 putting the District at financial risk by allowing  
21 Mr. Dobler to remain on the Capital Investment  
22 Committee. Here is your wake-up call for the Board  
23 of Trustees.  
24 The Equal Employment Opportunity  
25 Commission reports that the most-easily calculated

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1 "After the events of the recent  
2 board meeting, I feel both  
3 disgusted and obligated to respond  
4 with additional facts regarding  
5 Mr. Cliff Dobler's behavior around  
6 IVGID staff, and specifically  
7 young women.  
8 "Our niece has worked at the golf  
9 course this summer, and on more  
10 than one occasion, Cliff Dobler  
11 has made inappropriate comments  
12 directly to my niece and behind  
13 her back to other golfers  
14 regarding how she looks, her body,  
15 and wishing he could see her at  
16 the beach.  
17 "My daughter worked at the golf  
18 course for two years and  
19 experienced the same type of  
20 behavior.  
21 "All of the staff is aware.  
22 Mr. Dobler even went so far as to  
23 ask my 19-year-old niece to drive  
24 him home from the golf course one  
25 evening, though he lives 200 yards

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1 costs for employers and probably the most  
2 asked-about costs when it comes to handling sexual  
3 harassment claims in the workplace are the legal  
4 bills.  
5 Assuming that the claim is settled out of  
6 court, the average harassment claim will typically  
7 run an organization anywhere from \$75,000 to  
8 \$125,000. Now, if it goes to court, employers are  
9 offering double those numbers or even tripling those  
10 numbers just for legal fees alone. And if the  
11 employer is found liable in the case --  
12 (Expiration of three minutes.)  
13 MS. McKOWEN: I'm going to submit these  
14 for the record.  
15 CHAIR DENT: Can we go to Zoom?  
16 MR. McKOWEN: Good evening. My name is  
17 Kevin McKowen, 335 Ski Way.  
18 Well, the drama continues in what has been  
19 our peaceful and friendly village. We essentially  
20 have three board members who I will now refer to as  
21 the "untrustees," working not for the community as a  
22 whole, but rather for the subculture group known as  
23 "the angry eight."  
24 Having worked for over 40 years, we  
25 returned to my wife's childhood home to retire here,

37

1 never imagining that life in this beautiful Sierra  
 2 Mountains with such splendor and spirituality would  
 3 fall prey to the angry eight.  
 4           If that's not bad enough, we also have  
 5 three board members who were bought and paid for by  
 6 Cliff Dobler, a card-carrying member of the angry  
 7 eight clan. This is not rumor, and it's been  
 8 confirmed many times in conversations around town  
 9 with mentioning to random people that he runs the  
 10 District, and that he single-handedly got Schmitz,  
 11 Dent, and Tulloch elected, and worse of all, they do  
 12 whatever he tells them to do.  
 13           This has been substantiated as fact, not  
 14 hearsay, by many people, including IVGID employees  
 15 and our director of golf and food and beverage.  
 16           The word we use to describe their role  
 17 with IVGID is "trustees." Maybe more appropriately  
 18 are untrustees. What we expect from these people is  
 19 character, integrity, ethical behavior, and honesty.  
 20 We seem to have come to a point where there is no  
 21 trust in these three trustees, specifically Schmitz  
 22 and Dent.  
 23           We need to rebalance the Board to get back  
 24 to common sense and fairness and a genuine concern  
 25 for residents and our valued IVGID employees.

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1           I've also shockingly uncovered that the  
 2 outside counsel who was hired to work with these  
 3 three committees and untrustee Schmitz had two  
 4 recommendations. Option one, you have the 50-year  
 5 precedent allowing your IVGID employees to continue  
 6 to have access to the beaches, keeping in mind that  
 7 of all the people going to the beaches, only  
 8 1.7 percent are IVGID employees. They also  
 9 recommended to the committee a vote of the entire  
 10 community to find out if the residents wants to  
 11 allow the employs to keep this benefit. That was  
 12 never done.  
 13           They went with option two, which removed  
 14 nonresident IVGID employees from stepping on to our  
 15 beaches.  
 16           My wife and I were at a golf dinner at the  
 17 Chateau last night, and we met and spoke with  
 18 several amazing IVGID employees, one of whom has  
 19 been with the District for two years, and told us  
 20 that he lives in Kings Beach and has never had the  
 21 opportunity to even go to our beaches, a benefit  
 22 that many senior managers have felt helped the  
 23 District retain employees.  
 24           If you haven't signed the petition for the  
 25 recall yet, please stand up. We ask you to please

39

1 do so at Raley's. Every signature counts.  
 2           MR. DOBLER: Cliff Dobler, 995 Fairway.  
 3           On August 18th, 2021, the Audit Committee  
 4 recommended to the then-general manager, Indra  
 5 Winquest, to seek a contract manager to be in charge  
 6 of administrating and be in compliance under all and  
 7 contracts. This recommendation was based on several  
 8 errors and noncompliance and poor writing of the  
 9 contract.  
 10           As a response, Winquest stated, three days  
 11 later in an email, quote:  
 12           "The District has a public works  
 13 contract administrator. Problem  
 14 has been that she was not being  
 15 managed, mentored, or provided the  
 16 proper direction, training, and  
 17 resources to be successful. We  
 18 have been doing some restructuring  
 19 of responsibilities and  
 20 expectations internally, and there  
 21 has been a noticeable difference,  
 22 in my opinion, in overall contract  
 23 management and the attention  
 24 given. Our new project manager  
 25 and our new principal engineer

40

1           both will be starting this fall,  
 2 and they both have quite a bit of  
 3 experience with contract  
 4 management.  
 5           "As you are probably aware, the  
 6 entire engineering department has  
 7 flipped over the past 18 months.  
 8 New staff, appropriate  
 9 expectations, and new culture in  
 10 process.  
 11           "Additionally, we have legal  
 12 counsel reviewing all contracts.  
 13 This is how we will proceed over  
 14 the next year or so.  
 15           "If I feel there are still gaps, I  
 16 will address appropriately."  
 17           So what did we get the past two to four  
 18 years? (Inaudible) contracts and excessive  
 19 available resources for the new Burnt Cedar pool  
 20 violating NRS. We overpaid \$300,000 to PICA on  
 21 assessment of the effluent pipeline. No contract  
 22 administration for almost 20 years with Washoe  
 23 County to maintain two small parts of the east and  
 24 west ends of Lakeshore Drive and no escalations were  
 25 provided. No annual report from Parasol. No fair

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1 exchange with Washoe County on plowing Ski Way from  
2 Diamond Peak to Diamond Peak in exchange for traffic  
3 control by sheriffs at Diamond Peak, which has not  
4 been done.

5 Over two years, IVGID failed to perform a  
6 mandate to relocate a small section of the effluent  
7 pipeline so NDOT could install a flood control  
8 culvert. There may be fines involved. Failure to  
9 realize with simple logic that design was not  
10 practical for the large waste water pond wasting  
11 350,000.

12 Recently, we discovered that the contract  
13 with Granite Construction does not have a CMAR  
14 percentage to be charged on top of the direct cost,  
15 so the contract is invalid.

16 Project managers and project engineers are  
17 not contract managers, as Winquest suggested. He  
18 simply ignored Audit Committee recommendations.

19 We need a contract manager.  
20 Thank you.  
21 MR. WRIGHT: Frank Wright.  
22 Boy, after listening to the comments  
23 tonight by -- I'm going to have to call them "the  
24 gringe mob," who refer to the people that seem to  
25 know what's going on are the angry eight, they're

42

1 full of facts and figures, but they don't show them.  
2 They have all documentation, but they don't know  
3 where they got it from, they just heard it in town.  
4 The one that just really shocks me is the  
5 letters on Mr. Dobler. I've asked for them. I was  
6 told they don't exist. But here they are in public  
7 comments, and they're being submitted to the Board  
8 as evidence that Mr. Dobler did something wrong. I  
9 don't think he's ever seen them. He's never had any  
10 kind of adjudication to find out the validity of  
11 these things. He just has the gringe mob coming out  
12 and making all these statements attacking his  
13 character.

14 I wouldn't want to be part of that gringe  
15 mob. If this does go further than I think it will,  
16 you're putting yourself in a real weird position  
17 making those comments without any proof or  
18 documentation.

19 Those letters didn't come from IVGID. If  
20 they did come from IVGID, they're protected, and Mr.  
21 Nelson should have protected them, because I'll tell  
22 you what, I don't think Mr. Dobler has ever had any  
23 kind of adjudication on this issue. And if he  
24 hasn't, you people are making all these comments and  
25 all these accusations, it's really not good.

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1 Now, as far as Ms. McKowen, she dreams a  
2 lot. She actually thinks that I would have the guts  
3 to go out and stalk her. I don't know who she is,  
4 never met, never talked to her, I don't think. I  
5 wouldn't know where she works, I don't know what she  
6 does, but she fantasizes that I was stalking her.  
7 Well, good for you. I have no interest in stalking  
8 you. I don't even know who you are.

9 So, you come to a board meeting, you make  
10 up all statements and all these things that are not  
11 true, you have no facts or information to back it,  
12 you have these allegations of criminal activities,  
13 report it to the cops. Let's get somebody  
14 investigating it. If you can't, then shut up.

15 But right now, all I hear is a bunch of  
16 people in this town raising all these issues, and  
17 it's really funny because a lot of these people are  
18 getting something from our district that they  
19 shouldn't be getting: money, jobs, placements,  
20 short-term rentals. Come on. Wake up.

21 The trustees are uncovering financial  
22 misappropriation, hey, let's let them do their job.  
23 Let's find out the truth. But, no, we got to go  
24 back to the old way where we give everything away.  
25 And as far as the beaches, please let one

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1 employee who lives in Reno on those beaches, just  
2 one, because if you do, Crystal Bay is coming after  
3 you, and then the rest of world is right behind.  
4 Because I'll tell you what, I've lived here for 45  
5 years, I'm a resident, I pay your rec fee, I don't  
6 have access to the beaches. Why should some  
7 resident who lives in Reno have access to our  
8 beaches? If you don't get that and you're going to  
9 violate the deed, you're not a really bright person  
10 because you're giving up the deed. And I guarantee  
11 you, I'll be in court the first time --  
12 (Expiration of three minutes.)  
13 MS. KROLICK: Good evening. Gail Krollick,  
14 Incline Village.  
15 I apologize. I was unable to attend the  
16 meeting in person this evening, however, I do want  
17 to bring something to the Board's attention, and  
18 primarily for our community of Incline  
19 Village/Crystal Bay as well. Something that I've  
20 learned today.  
21 I received a phone call today, at  
22 approximately 4:00 P.M., that actually kind of  
23 shocked me. And this individual -- I will not say  
24 his/her/they, whatever, but this individual  
25 explained that they were contacted by Trustee Sara

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1 Schmitz, and Trustee Schmitz had asked why she had  
2 signed, and he and they had signed the recall  
3 petition, and that they didn't understand exactly  
4 what was going on.  
5 Well, this individual felt very  
6 uncomfortable with Trustee Schmitz calling her, and  
7 ended the phone conversation rather quickly.  
8 Well, I'm here to say, Trustee Schmitz, if  
9 you haven't listened to your community by now, you  
10 never will. And you can hire your PR firm that you  
11 may be hiring with you and Trustee Dent, et cetera,  
12 and try and help to fix your persona or yourself,  
13 but this community heard from you loud and clear,  
14 and that is, Trustee Schmitz, you don't care about  
15 this community. You turned down \$26 million for our  
16 community members, for our children, that will not  
17 be forgotten. You have endlessly micromanaged --  
18 and micromanaged to me is the definition of talking  
19 to beach staff and asking them where they live, how  
20 do they do things, et cetera.  
21 But I can assure you, this community has  
22 spoken, and we are together and not afraid -- the  
23 grunge mob, as Mr. Wright explains to this  
24 community. The grunge mob is not afraid of you,  
25 we're not afraid of your words, we're not afraid of

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1 reject the comments that have to do with his  
2 behavior. That's very problematic. You must, at  
3 least, look into those comments, and decide for  
4 yourself, all five of you, whether they have any  
5 validity.  
6 If they're made up and they're outrageous,  
7 previous comments, that's one thing. But if they  
8 are accurate or partly accurate, you have a duty to  
9 do something about that. And keeping him on the  
10 Board in a committee assignment is a declaration  
11 that you don't take that very seriously. So you  
12 need to look at that very carefully.  
13 One of the Board members said to me after  
14 the last meeting, "Are you saying that Mr. Nolet and  
15 Mr. Dobler are overqualified?"  
16 And, no, I was not saying that. What I  
17 was saying is that their respective behaviors  
18 disqualify them from serving on these committees,  
19 because both have them declared their specific  
20 interests, which objectively means that they can't  
21 look at the data sincerely and simply report on what  
22 the data shows, which is your job if you're sitting  
23 on the Audit Committee or you're sitting on the  
24 Capital Improvement Committee.  
25 If you have a preconception of where

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1 your lawsuits coming forward, but at the end of the  
2 day, myself and thousands of other community members  
3 are asking again, Trustee Schmitz and Trustee Dent,  
4 for your resignations.  
5 Thank you.  
6 CHAIR DENT: Any more Zoom comments?  
7 MR. GOVE: There are not, Chair.  
8 DR. WYMAN: 170 Village.  
9 I'm going to take a deep breath here, and  
10 hopefully start all over. I have a very serious  
11 suggestion for the Board, and that is that if  
12 individuals from the audience make public comment  
13 and they can't finish in three minutes, which  
14 happened to me a last time, that if they're over 80  
15 and have been married for over 50 years, they  
16 deserve another thirty seconds.  
17 So, moving on to try and complete what I  
18 was saying the last meeting -- well, I'm going to  
19 change the focus for a second. The Board really has  
20 a problem here. And I don't know how you're going  
21 to handle it.  
22 In particular, comments were made about  
23 Mr. Dobler tonight in this meeting. It appears that  
24 this Board accepts his comments when they have to do  
25 with finances and operations, but it appears they

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1 you're going, of what the problems are, you're not  
2 going to look accurately on the data.  
3 Thank you.  
4 CHAIR DENT: That will close out --  
5 TRUSTEE SCHMITZ: This is a question for  
6 legal counsel. I just would like the opportunity to  
7 correct some misunderstands, and if -- I'd like the  
8 rest of the Board to confirm my corrections. I'd  
9 like everyone to understand things the same way.  
10 CHAIR DENT: Sure.  
11 TRUSTEE SCHMITZ: Is that acceptable?  
12 CHAIR DENT: Annie, can you weigh-in on  
13 that?  
14 MS. BRANHAM: Yeah, you can briefly  
15 respond to some comments. I would try to keep it to  
16 just a minute or so and not go into any specific  
17 matters.  
18 TRUSTEE SCHMITZ: It's very, very quick.  
19 And I'll ask my board to correct me, because if  
20 misspeak, I'm just going from memory.  
21 But as it relates to pricing, it was a 5/0  
22 vote, that all five trustees approved the pricing  
23 for golf. It is my recollection that the only  
24 trustee who did not approve the pricing was Trustee  
25 Tulloch as it related to Diamond Peak. I believe

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1 that is a true statement. And I believe that all of  
 2 us voted in favor of this year's budget.  
 3 Thank you.  
 4 CHAIR DENT: All right. Thank you for  
 5 that.  
 6 All right. That will close out item C,  
 7 initial --  
 8 TRUSTEE TONKING: I also just wanted to  
 9 correct the record. IVGID's profile is back up and  
 10 the running. Communication on Facebook is up  
 11 running. It was not taken down, which was said in a  
 12 public comment.  
 13 CHAIR DENT: Got that. Thank you.  
 14 TRUSTEE TULLOCH: Couple of other  
 15 corrections to make in public comment.  
 16 There was a claim made that there was no  
 17 contract in place for Moss Adams. This is  
 18 completely wrong. There's a contract out there that  
 19 can be found on the website. It can be found from  
 20 the board packet. It's completely wrong.  
 21 I also heard comment this week and last  
 22 week that benefits -- venue benefits have been  
 23 removed from employees. I'm not aware of my venue  
 24 benefits being removed from employees. Beach  
 25 access, in terms of the beach deed -- and just for

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1 clarification, the beach deed is not an IVGID  
 2 document. It was a document written by the donor to  
 3 to IVGID. It's not IVGID's property to change it.  
 4 Thank you.  
 5 CHAIR DENT: All right. Moving on to item  
 6 D.  
 7 D. APPROVAL OF AGENDA  
 8 CHAIR DENT: Approval of the agenda.  
 9 TRUSTEE SCHMITZ: I have a few requests.  
 10 I would like to -- on the consent calendar, I would  
 11 like to pull for a very brief discussion F 1,  
 12 because I did have a conversation with legal  
 13 counsel, and I wanted to make sure that my fellow  
 14 trustees were up to date with that.  
 15 I would like to remove from the agenda F 2  
 16 and F 3.  
 17 And I would like to remove item G 4 at --  
 18 that was at the request of the director of finance.  
 19 CHAIR DENT: Correct.  
 20 TRUSTEE SCHMITZ: And then if possible,  
 21 if -- I would like to move item 9, which is the Moss  
 22 Adams report. I would like that to be first on our  
 23 agenda.  
 24 CHAIR DENT: Okay. Since you were the  
 25 first item, I'm not opposed to putting this one in

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1 front of you. The other item I heard to have  
 2 removed was item G 7, because it relates to item G  
 3 4. Everyone okay with those changes? And that was  
 4 coming from Director of Finance Magee.  
 5 TRUSTEE TONKING: Are we just removing the  
 6 consent ones that you named from consent or  
 7 completely moving them from the agenda?  
 8 TRUSTEE SCHMITZ: I was recommending that  
 9 they be removed from tonight's agenda, with  
 10 exemption of F 1, if we could move that to general  
 11 business for a very brief discussion. The meeting  
 12 minutes remain.  
 13 CHAIR DENT: Item F 2, item F 3, item G 4,  
 14 and item G 7 will be removed. Item G 9 will now  
 15 become item G 1.  
 16 Everyone okay with that -- changes?  
 17 TRUSTEE TONKING: I was wondering why we  
 18 were moving F 3, but that's fine.  
 19 CHAIR DENT: Which item did you say?  
 20 TRUSTEE TONKING: F 3.  
 21 CHAIR DENT: Correct. Item F 2, item F 3,  
 22 item G 4, item G 7 are being removed. Item G 9 will  
 23 become item G 1.  
 24 TRUSTEE TONKING: Okay.  
 25 CHAIR DENT: Okay. So we're good.

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1 Everybody's good with the agenda. The agenda is  
 2 approved as stated. That will close out item D.  
 3 Moving on to item E.  
 4 E. REPORTS TO THE BOARD  
 5 E 1.  
 6 CHAIR DENT: Reports to the board. Item E  
 7 1, report to the Board on opinion of probable  
 8 construction costs for GMP2, and total project costs  
 9 of the effluent pipeline project. Requesting staff  
 10 member acting Director of Public Works Kate Nelson.  
 11 Can be found on pages 6 through 22 of your board  
 12 packet.  
 13 MR. KLEIN: Hudson Klein, interim  
 14 Engineering Manager.  
 15 I'll just quickly open with an update on  
 16 GMP1. We did return this week for some preliminary  
 17 work to set up for next week. We will be full monty  
 18 excavation and pipe install, which does have us on  
 19 track for the 5,500 feet of new pipeline to be  
 20 brought online by mid October, and we will have  
 21 reinstatement complete shortly after that.  
 22 So that's exciting news for those of us in  
 23 engineering, and I think the rest of community,  
 24 other than the wait.  
 25 Getting to the report, in the board packet

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1 this evening is the opinion of probable costs. To  
 2 back up just for that quick timeline, in January of  
 3 2023, we presented a 90 percent design level opinion  
 4 of probable cost, and fast forward to April 1, we  
 5 awarded the contract for GMP1. That cost for GMP1  
 6 indicated that there would be an increase overall to  
 7 that total project cost, and we were requested to  
 8 return the following month with some revised costs  
 9 to see if that is the case. That was borne out. We  
 10 did see a substantial increase in that time.  
 11 However, that was based only on the bid opening  
 12 results that we had from the GMP1 process, the  
 13 negotiation and the bid portion of the CMAR  
 14 completed.

15           Since that time in May that that was  
 16 presented, we've had the two full months of  
 17 construction and have had an opportunity to apply  
 18 some lessons learned to the information that's in  
 19 your packet now. And we are soon to start with  
 20 negotiations for -- I guess I could say final  
 21 negotiations for GMP2, and soon have the opportunity  
 22 for the competitive bid of that portion of that  
 23 process to start next month.

24           And we do have some additional  
 25 investigations that we are hoping to use to further

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1 refine that costs in GMP2, that we will present as  
 2 and when we have that complete, and probably have  
 3 some interim meetings with the trustees as  
 4 requested.

5           With that, I'll turn it back over to you,  
 6 Chairman Dent, and any questions, I'll do my best to  
 7 answer.

8           CHAIR DENT: Any questions, comments?  
 9           TRUSTEE TULLOCH: I think the big  
 10 concern -- the big concern in the community still is  
 11 the level of the CMAR fee from Granite. Just on a  
 12 quick calculation of the latest update, we're going  
 13 to be handing Granite something like 9 million bucks  
 14 just as their CMAR fee. This is on top of them  
 15 getting about 30 million bucks of construction  
 16 business for their business as well.

17           It's certainly -- put 9 million bucks in  
 18 context, it's probably two years' worth of facility  
 19 fees, it's two new lifts at Diamond Peak in terms of  
 20 that. It certainly seems -- compared to the  
 21 industry standard of eight to ten percent, it  
 22 certainly seems very high.

23           We've talked before about the basis of the  
 24 justification of the 14 percent, perhaps you could  
 25 just give the community a quick update on what their

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1 rationale is, their rationale is for keeping it when  
 2 the 14 percent was originally just on the  
 3 preconstruction services.

4           MR. KLEIN: Yep. I'll do what I can.  
 5           The 14 percent was agreed as part of the  
 6 preconstruction services, and it was through a  
 7 selection process that members of the Board, IVGID  
 8 staff were involved in. It was a collaborative  
 9 process that that was agreed on.

10           That 14 percent was also part of the  
 11 scoring that informed the selection of Granite  
 12 Construction over their competitors. So, in their  
 13 case, the reason it stands is they stood to lose the  
 14 job on the basis of that 14 percent; however, that,  
 15 because they were scored, that did make up a part of  
 16 the scoring metric for selection, so they put that  
 17 out there, knowing that it could just as easily cost  
 18 them the job. However, it didn't because the rest  
 19 of their presentation and approach to the job was  
 20 deemed superior to their competitors at that time.  
 21 And NRS does stipulate that it would typically carry  
 22 on through that we are required to negotiate as part  
 23 of preconstruction services to go into a  
 24 construction contract negotiation, that is the stage  
 25 that awarded GMP1.

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1           We were hoping to -- we will proceed with  
 2 GMP2. That negotiation and that 14 percent where  
 3 they stand on it, certainly Granite, is that they  
 4 had something to lose on the basis of that, however,  
 5 that is how their business is structured. They are  
 6 entitled to the level of profit they can earn. That  
 7 is how they operate. Their business is always going  
 8 to be different than anyone else's. And if that  
 9 process was built into their scoring criteria that  
 10 they were selected on, the current state is that  
 11 it's fair, that they carry on with that cost  
 12 throughout the construction contract.

13           TRUSTEE TULLOCH: Thank you. It's good to  
 14 clarify. There's been a lot of comments in the  
 15 community about why Granite are walking away with  
 16 nearly ten million bucks plus a whole bunch of  
 17 business. It's quite as simple as that.

18           Obviously, the 14 percent was based on a  
 19 project that was estimated between 10 and 20  
 20 million, I think, not 60 million; is that correct?  
 21           MR. KLEIN: Yep. That's correct.  
 22           TRUSTEE TULLOCH: And stress that neither  
 23 yourself nor director Nelson were involved in these  
 24 negotiations; these took place previously to joining  
 25 the District as well.

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1 MR. KLEIN: That's correct as well.

2 TRUSTEE TULLOCH: Would I be correct in

3 assuming there is an option for us just to go out

4 for alternative bid if Granite's proposal is not

5 acceptable?

6 MR. KLEIN: I wouldn't be the person

7 answer to that question, certainly not tonight in

8 this forum.

9 TRUSTEE TULLOCH: Correct.

10 MR. KLEIN: If any of our counsel has a

11 quick answer on that, I'll turn over to counsel.

12 TRUSTEE TULLOCH: I don't think any of us

13 have it at the moment, but thank you.

14 Also having been involved in a couple of

15 the meetings with you as well, I think you've done a

16 good job in getting it down from the 72 million

17 that's there. I think there's still, hopefully,

18 room for improvement. Hopefully, Granite realizes

19 that there is, you know, it just doesn't look good

20 in terms of taking 9 million from a job that's

21 turned out to be relatively straightforward as well.

22 That's just a personal view.

23 Thank you.

24 MR. KLEIN: Yep. I suppose what I can say

25 is thus far, as well through the process, both

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1 years ago, and it was project that was about a

2 \$25-million project. And while the costs have gone

3 up, the scope of the project really hasn't changed.

4 So, I think if there's some way that we

5 can find some compromise and find a way to continue

6 to do the good work together, I think that would be

7 for the benefit of all of us.

8 I just wanted to say thank you and

9 appreciate the effort. I know you worked hard to

10 get this put together.

11 MR. KLEIN: Thank you, Trustee Schmitz.

12 There's still quite a bit work. I do that

13 as well. We're not there yet. The cost you do have

14 front of you, again, is just an opinion of costs,

15 where we stand today. There is some further work to

16 go, both on our end and Granite's.

17 CHAIR DENT: When you're referring to

18 that, are you talking about the nearly 9 million

19 dollars in the risk reserve or just decisions that

20 still need to be made and assessment that need to

21 happen to lower that risk?

22 MR. KLEIN: Short answer, yes. In

23 addition to some of the construction rates that

24 live, quote, above the line in that contract. I

25 think there is still some room for negotiation

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1 construction and looking forward to GMP2, they have

2 been extremely collaborative, it has been a very

3 positive working relationship. The results on the

4 ground, thus far, they have a very clean safety

5 record, which, to me, is probably going to be more

6 important than they dollar value we ever put to this

7 project.

8 And so I would just like to state for the

9 record that Granite does have my support in terms of

10 their ability and collaborative nature thus far and

11 what I would see to complete the job.

12 TRUSTEE TULLOCH: I agree with that.

13 That's good sentiments. If I had 9 million at stake

14 as well, I would be looking very carefully at it. I

15 am just putting this out there for the record so

16 people understand where these numbers are coming

17 from as well.

18 TRUSTEE SCHMITZ: Thank you for your

19 effort to try to figure out where and how we can

20 have some cost reductions. I appreciate that. And

21 if you can continue to do that good work, we would

22 all be grateful.

23 I, too, have a similar sentiment -- and we

24 discussed this one-on-one -- is that when this

25 project was bid and went out to bid, it was a few

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1 relative again to lessons learned thus far.

2 And we will also have some bidding that

3 goes out to subcontractors that will work under

4 Granite, that is still a questions mark. Depending

5 on how those rates come, we input those, and we'll

6 have the opportunity to work around anything that

7 sits outside those subcontract numbers by direct,

8 self-performed work within Granite. I think there

9 is some opportunity there.

10 And within the risk reserve, what I'll say

11 as well, we've completed some preliminary

12 investigation that has proven valuable. It's

13 confirmed some locations of route in GMP1. Thus

14 far, we've been fortunate. We've not run into a lot

15 of bedrock. Anyone familiar with 28, understands

16 that there's large outcrops everywhere. Granite

17 does have quite a bit of history down there, which

18 has been invaluable in informing this process.

19 But going forward in this next month, we

20 are doing some additional work, working within our

21 current risk reserve to identify the extents of

22 those routes and the likely costs, and more

23 importantly, schedule impact to completion of GMP2,

24 which would be the subsequently 25,000 feet of pipe.

25 And depending on the outcome of that, we



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1 hope to be able to refine that number further,  
2 ideally in the decreased direction. There is some  
3 very hard rock that we've discovered thus far, and  
4 we're going to break some of that now so that we can  
5 use that information to apply directly to forward  
6 works and make sure that we don't miss the mark  
7 going forward.

8 CHAIR DENT: How much investigative work  
9 did we do at the angles or at the transition points  
10 as it -- I mean, what we were told is some of the  
11 freeway is segmented now and everything's been  
12 renamed a couple times. But there's a large chunk  
13 -- a large portion of the project that has a  
14 lifespan of somewhere of 10 to 15 years left, that  
15 are our concerns with at the joints or at the angles  
16 that, I think, as they go into the pump stations.  
17 Were we able to attain some of that data through  
18 this investigative process?

19 MR. KLEIN: We've -- where we were able to  
20 get additional information to what had been gathered  
21 in the past was, at the time, just north of where  
22 the Thunderbird Lodge is and we tied in 2,000 feet  
23 of the pipe that is now operational around the NDOT  
24 work that required the relocation of that pipe, we  
25 camera-ed, used our internal resources to camera

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1 investigations.

2 And so the risk is you've got  
3 400-and-something pounds of pressure pushing on that  
4 hole, right next to the either a steep embankment  
5 next to the Lake, under a publicly traveled highway.  
6 So the question becomes: What's the cost benefit?  
7 We might be able to save some more money,  
8 but we also might have a very costly pipe failure  
9 that could cause damage, not only to physical  
10 property, but could result in serious injury, to  
11 personal injury.

12 So in that regard, we're not comfortable  
13 reducing that section of work relative to that risk  
14 profile. And I think we further reinforce that that  
15 risk is very real and in the best interest of the  
16 District and the public, basically in general, to  
17 replace that pipe, rather than roll that dice.

18 CHAIR DENT: Thank you for that response.  
19 And in your response, it just made me think that --  
20 Mr. Bandelin, I think we have the right  
21 person speaking to us when it comes to this project.  
22 You can tell he's actively engaged in it and  
23 passionate about it.

24 We appreciate your efforts. Thank you.  
25 That will close out this item. We are

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1 that existing portion of pipe, and before it went  
2 completely under water, what we saw was two things.  
3 One, was the barrel of pipe in very competent  
4 condition, however, the nature of the construction  
5 of that pipe is a butt weld orientation where two  
6 steel pipes were butted up face to face, and then  
7 welded from the outside.

8 And at those locations, what we saw was  
9 the cement mortar lining that protects the inside of  
10 the pipe from corrosion, it might result from the  
11 presence of the treated effluent, that was not in a  
12 perfect seal, you could say, and so even the section  
13 that we cut out, we were able to put or head inside.  
14 And you can see very clearly the seam where that  
15 weld was and the cement -- protective, cement mortar  
16 lining is compromised, and you might see pieces of  
17 corrosion, active corrosion, visible on the surface  
18 of the interior of the pipe about the size of the  
19 head of this microphone or so.

20 And where -- there's a bit of a risk  
21 judgment that has to be input to that because we've  
22 got hundreds of joints in that 5,000 feet of pipe  
23 where everything we have seen, even most recently,  
24 indicates that there are weak points that haven't  
25 been quantified accurately from previous

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1 going to take a three- to five-minute break while IT  
2 reboots or system again.

3 (Recess from 7:21 P.M. to 7:29 P.M.)  
4 CHAIR DENT: Okay. We're going to resume  
5 the meeting. It is 7:30. We're going to go back to  
6 item E 2.  
7 E 2.

8 CHAIR DENT: Presentation on regulating  
9 public comment. Requesting counsel Josh Nelson.  
10 And, Anne, you're going to be filling in  
11 today. It's my understanding you put the memo  
12 together. This can be found on pages 23 through 26  
13 of your board packet.

14 MS. BRANHAM: Yes. So, as you all know,  
15 public comment can be contentious from time to time.  
16 This item is intended to provide an overview of  
17 options you have, restrictions that exist, and what  
18 our suggestion is. The Board, of course, is free at  
19 that point to take that suggestion, discuss other  
20 options, give us direction to come back with  
21 variations on this policy.

22 But I'll start with what the policy  
23 actually says, what we're intending to, potentially,  
24 have the policy say.  
25 So, the bedrock here is the First

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1 Amendment, but there are also protections in the  
2 Nevada Constitution, as well as the Federal  
3 Constitution, for the right of free speech. You  
4 don't leave your free speech rights at the door when  
5 you attend a public meeting. In fact, there's a  
6 specific term for public meetings that courts have  
7 developed, they are limited public forums which  
8 means you can, essentially, impose reasonable time,  
9 place, and manner regulations, as long as they are  
10 content neutral, narrowly tailored to serve a  
11 significant government interest, which in this case  
12 would be peaceful meetings, and as long as you're  
13 ensuring you're leading open alternative channels of  
14 communication.

15 That's all kind of the fancy legalese of  
16 saying it. The gist that we're trying to get across  
17 here is it can be really difficult to tell the  
18 difference between public comment that is legitimate  
19 criticism of public officials or employees, that's  
20 permitted under the First Amendment. There's a lot  
21 of case law out there that specifically talks about  
22 that being permitted. Things like silent Nazi  
23 salutes have specifically been upheld.

24 So, the real test, I think, of when a  
25 public comment crosses that line is if it's actually

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1 be cut off or asked to leave the meeting for the  
2 nature of their speech because there's a suspicion  
3 that it's irrelevant. If there's any way they could  
4 tie it to district business, then, you know, all of  
5 a sudden, you've sort of crossed that line. Again,  
6 it's a permissible prohibition, but it can be  
7 difficult to apply in reality.

8 And then, similarly, prohibitions on  
9 actually disruptive behavior as determined by the  
10 chair. So the common examples of this would be  
11 yelling from the audience, or if they continued to  
12 speak well outside of the close of the three-minute  
13 window. Those are clearly disruptive procedures  
14 that you could at that point ask that person to stop  
15 speaking. And if they were not in a position to  
16 stop speaking, then you could have them removed from  
17 the meeting.

18 It's -- you get into tricky situations  
19 when the reason for cutting off speech has to do  
20 with disagreement with the views or statements  
21 expressed by the speaker. So we never recommend  
22 that any kind of restriction be content based.  
23 Everything should be applied neutrally to all  
24 speakers. Something like a time limit on public  
25 comment is easily applicable to all public

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1 disruptive to the meeting. That's the test that  
2 several courts have drawn, and that's kind of our  
3 principle that we go by.

4 We do take a pretty conservative approach  
5 on this, as legal counsel, but I think that's in  
6 your best interest to know that we advise all of our  
7 public clients similarly that letting someone talk  
8 has never resulted in a lawsuit, but closing of  
9 people's rights to public comment in any way can,  
10 sometimes, create situations where folks get upset,  
11 and we have seen lawsuits over that kind of thing.

12 So, the Open Meeting Law and Attorney  
13 General opinions have specifically recognized some  
14 permissible regulations. These might include things  
15 like time limits. So, of course, you already have  
16 your three-minute time limit. That's something that  
17 you may consider modifying, if you were interested.

18 There is, technically, the ability to  
19 prohibit unduly repetitious or irrelevant speech.  
20 The issue again here is being able to differentiate  
21 between what is unduly repetitious or irrelevant and  
22 what is, in fact, relevant to the District's  
23 business. As you know, that's a pretty broad  
24 concept, so it can be difficult to, in the moment  
25 especially, drill down into whether someone should

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1 commenters equally. I just say that to give an  
2 example.

3 And then what I've done in this report is  
4 provided, based on case law, a series of what is  
5 allowed, what is not allowed. This doesn't cover  
6 everything, of course. Oftentimes, you don't get  
7 specific guidance from courts until a challenge is  
8 brought. And so I just provide these as  
9 illustrative examples. For example, profanity in  
10 and of itself is not a reason to cut someone off  
11 from public speech. That's a First Amendment right.  
12 Criticism of District or Board policies, that is  
13 permitted under the First Amendment.

14 Something that is not is specific,  
15 credible threats to the Board any other members of  
16 the public or to themselves. No speaking from the  
17 audience, you've got to wait your turn and be called  
18 on first. Inciting violence using fighting words.  
19 These are kind of bedrock principles that we know  
20 are not, in fact, protected by the First Amendment.

21 With all that said, the concern becomes  
22 how to navigate that fine line between what is  
23 protected under the First Amendment and state law,  
24 and what is not protected and can be cut off in a  
25 public comment setting.

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1           Again, our recommendation is going to be  
 2 conservative. It's going to be to stick with the  
 3 status quo as things are, currently. That is the  
 4 same advice we give over and over to all of our  
 5 clients.

6           And so I'll stop there. I'll see what  
 7 questions you have and where you're thinking about  
 8 going with this item.

9           CHAIR DENT: Any questions, comments for  
 10 counsel?

11          TRUSTEE TULLOCH: Couple of questions.  
 12 You say you can stop repetitious comments. We've  
 13 seen situations where you get 20 different callers  
 14 or attendees all reading the same speech off the  
 15 same piece of paper that's been photocopied to try  
 16 and, basically, astro turf it.

17          By the time it gets to the 15th person,  
 18 can we stop them or we've still got to let everybody  
 19 to go on with the same thing?

20          MS. BRANHAM: No. That's a really great,  
 21 clear example of a problematic situation. What I  
 22 would say is two things:

23          One, you are going to want to change the  
 24 front page of the agenda, however you adjust this  
 25 public comment window. It does have to be clearly

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1 stated, up front, on the agenda. Right now, you  
 2 have the thing about the three-minute time limit.

3           What you could do for something like that  
 4 is put on your agenda, just so you're covering that  
 5 base, repetitious comments of the same content are  
 6 prohibited -- not only discouraged, but prohibited.

7 And then the difficult thing is to make sure that  
 8 there's not minor changes. If it's what you're  
 9 talking about, which is a directly photocopied  
 10 statement that everyone gets on and reads 20 of the  
 11 same thing over and over, that is the kind of thing  
 12 that we can cut off, as long as we put it in the  
 13 agenda clearly.

14          Where it can difficult, and I think you  
 15 will see a running theme here, is if people are  
 16 getting on and they're saying very, very similar  
 17 things, but not exactly the same thing, each of  
 18 those people has their own, individual First  
 19 Amendment right.

20          So, it can be difficult unless it's really  
 21 clear that they are just reading off the same page,  
 22 in which case, yes, you can ask them -- maybe you  
 23 hear one, two, three, four of those, and then you  
 24 can say something like, "Who else is here to read  
 25 this same comment?" And maybe just get a feel for

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1 it, and say on the record, "Okay. We understand  
 2 there are 10, 12, 15 you who were hoping to read  
 3 that same comment. We have received the comment, we  
 4 ask that you not make repetitious comments." And,  
 5 hopefully, that dissuades some of those people.

6          TRUSTEE TULLOCH: I think it's -- there  
 7 also appears to be confusion between, you know,  
 8 everyone has their own definition of what they don't  
 9 like, and a lot of the complaints about uncivil  
 10 behavior seem to come from people that seem to have  
 11 no concern if it supports their interest in terms of  
 12 that. That's, to me, I think you spelled that out  
 13 here. I think that's perfectly legitimate.

14          One thing about -- I'm a strong believer  
 15 in First Amendment rights, I'm also a strong  
 16 believer in robust debates, and if you look at some  
 17 of the British Parliamentary system, you understand  
 18 what real robust debate there is.

19          A question: While everyone has a First  
 20 Amendment right to speak here, there's still -- it's  
 21 not protected space, they're still subject to normal  
 22 liable laws; is that correct?

23          MS. BRANHAM: Yes, that is correct.

24          Not to beat a dead horse, I think the  
 25 comment on our end is that it can be really

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1 difficult in the moment to make that assessment.  
 2 It's a high bar, as I'm sure you know, to establish  
 3 that something is defamatory or libelous.

4           And so the problem with putting any kind  
 5 of blanket restriction on public comment based on  
 6 that concept is that in the moment, it can be really  
 7 difficult to tell whether a court would agree that  
 8 it, in fact, rises to that level.

9          TRUSTEE TULLOCH: I wouldn't suggest that  
 10 the Board did that. But, you know, it's obviously  
 11 if individuals are being slandered or libelous of  
 12 others, there's information that's being spread that  
 13 is incorrect that cast out on whoever it may be,  
 14 it's -- that's not up to the Board, it's up to the  
 15 individual if it's slander.

16          Thank you.

17          CHAIR DENT: Any other questions?

18          No. Any direction for counsel?

19          TRUSTEE SCHMITZ: I feel like -- I  
 20 understand the concern, and I understand the  
 21 perspective of wanting people to speak respectfully.  
 22 I clearly understand that.

23          But when you start trying to put rules in,  
 24 people do have First Amendment rights, and what one  
 25 reasonable person as myself sees as offensive or

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1 inflammatory may not be to someone else. So I think  
 2 it's difficult.  
 3 I would like a level of decorum and  
 4 civility and treating people with respect, but I  
 5 don't know how you actually administer that. And I,  
 6 too, agree and I want changes, but oftentimes we  
 7 have people speaking uncivilly about people speaking  
 8 uncivilly, and I just don't know how you maintain  
 9 First Amendment and at the same time deal with such  
 10 subjective situations on the fly.  
 11 TRUSTEE TULLOCH: Would it be helpful if  
 12 we just included this policy and this cheat sheet,  
 13 if you like, in the board packet as a reference to  
 14 it, as a reference to it in the agenda?  
 15 CHAIR DENT: I'm not -- I have no  
 16 opposition to that. Any concerns with that?  
 17 None. Okay. There we go. There's some  
 18 direction to general counsel.  
 19 Thank you, Annie. We appreciate your  
 20 overview on this item.  
 21 We will close out item E 2. Moving on to  
 22 item F 4 because item F 1 has now been pulled. That  
 23 is now G 1, I guess. And item F 2 and F 3 are being  
 24 pushed to next meeting, so item F 4.  
 25

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1 found on page 27 through 54 of your board packet.  
 2 Trustee Schmitz, you requested pulling  
 3 this item. Floor's yours.  
 4 TRUSTEE SCHMITZ: I just wanted to share  
 5 with my fellow trustees some very minor things that  
 6 general counsel indicated they were going to make  
 7 for changes to this.  
 8 So I will quickly walk through them. If  
 9 you turn to the red-lined version of the document,  
 10 beginning on page 42 of our board packet, in the  
 11 first blue text where it says, "The District will  
 12 prepare and provide," legal counsel is going to  
 13 provide more information to where those items are  
 14 provided. That it's going to be specifically  
 15 identified that it's on the District website, and  
 16 that it can be obtained from staff.  
 17 Over in the next on page 43, item 3, we  
 18 have a lot of questions and people not understanding  
 19 this five-day requirement. So my suggestion was  
 20 right on the middle of this paragraph, there's  
 21 actually three things that are to be done within the  
 22 five days. The first one is to give the requester  
 23 the anticipated date. The second one is to inform  
 24 the requester that the District doesn't have the  
 25 public records. And the third one is to say that we

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1 F. CONSENT CALENDAR  
 2 F 4.  
 3 CHAIR DENT: Subject is approve meeting  
 4 minutes for August 9th, 2023, found on page 62  
 5 through 172 of your board packet.  
 6 Is there a motion approve.  
 7 TRUSTEE TONKING: I move that the Board  
 8 approve the consent calendar.  
 9 CHAIR DENT: Motion's been made. Is there  
 10 a second?  
 11 TRUSTEE TULLOCH: I'll second.  
 12 CHAIR DENT: Motion's been made and  
 13 seconded. All those in favor, state aye.  
 14 TRUSTEE TONKING: Aye.  
 15 TRUSTEE TULLOCH: Aye.  
 16 TRUSTEE NOBLE: Aye.  
 17 TRUSTEE SCHMITZ: Aye.  
 18 CHAIR DENT: Aye.  
 19 Motion passes, 5/0. That closes out the  
 20 consent calendar. Moving on to item G 1, formerly F  
 21 1.  
 22 G 1.  
 23 CHAIR DENT: Review, discuss, and  
 24 potentially adopt policy and procedure number 137,  
 25 resolution number 1905, regarding public records,

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1 will not be providing them.  
 2 Those are the three things that are  
 3 required to happen in the five days.  
 4 So I spoke with Mr. Nelson, and he agreed  
 5 that enumerating those and clarifying that these are  
 6 the three things would help to clear up some of the  
 7 confusion.  
 8 Then on page 45, I had proposed that the  
 9 paragraph that is in -- still in back text, right in  
 10 the middle of the page, that says, "Fees for all or  
 11 portions of the costs incurred may be waived by  
 12 staff," by sort of discussing how this is now  
 13 becoming a guideline and not a policy, so it was  
 14 legal counsel that said, "Well, why don't we just  
 15 strike that paragraph."  
 16 So, those were the things that were  
 17 discussed, and Mr. Nelson thought that those were  
 18 reasonable adjustments.  
 19 CHAIR DENT: Any discussion?  
 20 TRUSTEE TULLOCH: Can I suggest just some  
 21 formatting? I love the idea of making sure that  
 22 these are clarified, if you can put them in as  
 23 bullet points or an itemized list, it would read  
 24 much better and simpler to understand.  
 25 I would also ask, on page 45, on new

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1 number 5, where it says, "The recent public record  
2 requests and District responses," I would add to  
3 that, "And all supporting documents and information  
4 provided." Because we've seen is we're seeing a  
5 response is provided, but we're not seeing all --  
6 necessarily all the documentation that's gone with  
7 it. I think if we're publishing it, we should  
8 provide all the information that's been sent to the  
9 requester. And that was the intention of our policy  
10 that we passed in January.

11 CHAIR DENT: That is a good point. That  
12 is correct. Any additional comments for this?

13 TRUSTEE NOBLE: I mentioned this a couple  
14 months ago, I still think we should have a fee for  
15 extraordinary requests similar to what Washoe  
16 County, City of Las Vegas have, that once it gets to  
17 a certain number of hours, that it should be charged  
18 at staff time.

19 Those entities provide a cutoff at ten  
20 hours; that's already over a whole day of staff  
21 time. I think that's more than reasonable that if  
22 it takes more than a full day of staff time to  
23 comply with the requests and provide that  
24 information, that the requester should be paying  
25 those costs.

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1 pretty nice deal. A lot of the times, you have to  
2 pay if it's just not a document that's readily  
3 available.

4 So if it's something that has to do with  
5 -- what they call a "data request," something they  
6 have to create, you are usually charged.

7 And I think it's a good way to think about  
8 how -- what your requests are and knowing that those  
9 requests do take a little time. I also think  
10 there's never really, like, outrageous fees for it,  
11 but it just some form of fees. So you're not  
12 necessarily cutting off access, but you're just  
13 making people think about what exactly they're  
14 asking.

15 TRUSTEE TULLOCH: On the face of it, that  
16 sounds like a perfectly reasonable suggestion. The  
17 issue, then, becomes how do we justify whether  
18 ten hours is somebody working a hundred miles an  
19 hour or somebody working at normal pace or a lesser  
20 pace?

21 Do we also include the time spent by staff  
22 debating whether or not they should actually provide  
23 that information or not?

24 The policy we passed in January was that  
25 we should have a default position of providing all

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1 Otherwise, this is essentially a service  
2 that's being provided for free. And while some  
3 government agencies do that, I don't think that's a  
4 good policy for this agency, especially considering  
5 what we've seen with the finance department get  
6 bogged down with requests in the past and have lost  
7 track of their ability to do day-to-day business.

8 I think this would be helpful in not only  
9 covering some of our agency's costs, but also it  
10 might help fine-tune the requests that are made by  
11 the public and help reduce the actual amount of  
12 time.

13 When we -- at the PUC, when we would get  
14 these extraordinary requests, we would let parties  
15 know that what was going to cost, and they would  
16 usually go back, sharpen their pencils, and really  
17 fine-tune exactly what they were looking for. And  
18 that was helpful all around.

19 CHAIR DENT: Thank you.

20 TRUSTEE TONKING: I was going to build on  
21 that. That's a common practice across the country  
22 when you're trying to get a public record.

23 I know, firsthand, when I'm trying to get  
24 them from school districts, I expect to be paying  
25 that. Or from states. And actually ten hours is a

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1 the information wherever possible. We still seem to  
2 spend an inordinate amount of time discussing  
3 whether or not information should be provided.

4 That's one of the most common complaints I get from  
5 the community, well, what happened to you guys? You  
6 passed this policy to get public information, and we  
7 keep getting told it's going to take six months or  
8 something to get it. Then what we get is something  
9 completely different.

10 If we're going to charge people for time,  
11 we need to make sure that we have a proper policy to  
12 make sure that they are actually getting the  
13 information as requested. Not there's any  
14 attempt -- what looks like an attempt at times to  
15 withhold information. I think we need to decide  
16 what we're going to do.

17 MS. BRANHAM: Yeah. I just wanted to  
18 provide a little more context.

19 I think part of the issue that we've  
20 identified with the, quote/unquote, extraordinary  
21 staff time is that was something that specifically  
22 appeared in the state law up until, I think, 2019  
23 that was affirmatively taken by the legislature.

24 So it used to say you can charge your  
25 actual costs and additional costs for extraordinary

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1 staff time, which would be something like -- I think  
2 that's where the ten-hour thing came from. Everyone  
3 kind of decided ten hours of staff time, after that  
4 would be extraordinary.  
5 So, that's what you're seeing in those  
6 policies. They may not have updated their policies,  
7 per say, even though the law changed in 2019.  
8 We did pull a bunch of cases. No one has  
9 challenged that specific issue yet in those other  
10 jurisdictions as to whether something was an  
11 extraordinary -- what was claimed as an  
12 extraordinary staff time expense was, in fact,  
13 chargeable under the PRA. So it has not been  
14 challenged yet.  
15 But I just wanted to give you a little  
16 context. It's no longer in the law, and, in fact,  
17 it used to be and was taken out. So our  
18 recommendation, again from the conservative legal  
19 standpoint, is just to charge your actual costs and  
20 not for extraordinary time staff, but we did include  
21 those examples in the staff report just so you had  
22 them.  
23 TRUSTEE NOBLE: And this would be just a  
24 clarification. So the restriction on charging only  
25 for extraordinary requests, now that's been removed.

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1 a second?  
2 TRUSTEE TULLOCH: I'll second that.  
3 CHAIR DENT: Motion's been made and  
4 seconded. Any further discussion by the Board?  
5 Seeing none, I'll call for question. All  
6 those in favor, state aye.  
7 TRUSTEE TONKING: Aye.  
8 TRUSTEE TULLOCH: Aye.  
9 TRUSTEE NOBLE: Aye.  
10 TRUSTEE SCHMITZ: Aye.  
11 CHAIR DENT: Aye.  
12 Motion passes, 5/0. All right. That  
13 closes out item G 1. Moving on to item G 2,  
14 formerly G 1.  
15 G 2.  
16 CHAIR DENT: Review, discuss, and possibly  
17 -- oh, no, no, no.  
18 TRUSTEE SCHMITZ: Moss Adams.  
19 CHAIR DENT: Yeah. Moving on to item G 2,  
20 formerly G 9.  
21 G 9.  
22 CHAIR DENT: Review, discuss, and possibly  
23 accept the Moss Adams report. Requesting trustee  
24 Trustee Tulloch and Trustee Tonking. Can be found  
25 on page 342 of your board packet.

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1 And if you just didn't have any type of  
2 limit, it would just be actual time going forward.  
3 So even if it was an hour or two of staff time, the  
4 law would allow for that; is that correct?  
5 MS. BRANHAM: No. I apologize. I don't  
6 think I explained that correctly.  
7 The idea before was you couldn't charge  
8 except until you hit that extraordinary time  
9 threshold. By the removal of that, the  
10 interpretations has been that they intended to make  
11 it so all you can charge for is actual costs, like  
12 paper, postage, printing, but no staff time at all.  
13 Or these other jurisdictions only charge  
14 staff time at the 10-plus hour level.  
15 TRUSTEE NOBLE: With that then, I'll  
16 rescind the recommendation right now and look into  
17 it further myself.  
18 CHAIR DENT: Okay. Any additional  
19 discussion?  
20 TRUSTEE TONKING: I move that the Board of  
21 Trustees adopt policy procedure number 137,  
22 resolution number 1905, regarding public records,  
23 with the edits brought up by Trustees Schmitz and  
24 Tulloch.  
25 CHAIR DENT: Motion's been made. Is there

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1 TRUSTEE TULLOCH: I'd like to welcome  
2 Ms. Favreau. I'll get it right from Moss Adams, who  
3 has been leading the project.  
4 Just for clarification as well, because  
5 I've been asked by other trustees, well, we haven't  
6 completed deliverables yet. That's correct. Myself  
7 and Trustee Tonking encouraged Moss Adams to bring  
8 forward this report as soon as possible, given that  
9 we are doing a recruitment phase among other things.  
10 So there is still final work to complete on it in  
11 terms of cost, and that should be forthcoming,  
12 hopefully, in the next week.  
13 But, yeah, I'll take full responsibility  
14 for that. I asked to bring it forward sooner. I  
15 thought it was important to bring it to the Board.  
16 And as I stated at the end of public comment, yes,  
17 there is a contract in place, and it's fully  
18 available to the public as well.  
19 MS. FAVREAU: I'm a senior manager with  
20 the Moss Adams team. My colleagues, Jessie Lenhardt  
21 and Chelsea Ritchie, have also joined on the line in  
22 case there is questions for the specific areas of  
23 work that they oversaw.  
24 I'm going to share a quick presentation  
25 here. That will work. Let's see.

<p>1           What I would like to cover is just a brief 2 overview of the background, the scope of this work, 3 as well as our project methodology so you understand 4 how we got where we got. And then I will share an 5 overview of the results as well. I won't get into 6 all of it, but definitely want to hit some of the 7 high points for you.</p> <p>8           In terms of our scope of work, we were 9 brought on to look at very specific elements of the 10 leadership environment. That includes the strategic 11 plan and that is the content of the strategic plan, 12 its format, but also how is that plan developed and 13 how is that plan actively being used today and how 14 that compares with best practice. We also looked at 15 the senior management team's organizational 16 structure and job descriptions. And, finally, we 17 did a full review of a lot of the different policies 18 and procedures that you have in place, specifically 19 the Board policies, the District policy and 20 procedure resolutions, and some of the financial 21 operating procedures as well.</p> <p>22           And all of this work is really ment to be 23 done in a constructive manner to identify where 24 there are opportunities to improve the efficiency or 25 the effectiveness of your work environment.</p>	85	<p>1           In terms of our methodology, we have four 2 phases for our work. We kick it off with start up 3 and project management. This is when we met with 4 the two board representatives to confirm the overall 5 scope of work and the work plan. Then we moved into 6 fact finding. At that point, we had significant 7 document requests that we shared so that we could 8 ensure that we had all of the most update-to-date 9 information. We also did interviews with all of the 10 members of this board, as well as the senior 11 management team who were available to us at that 12 time. And, finally, based on what we were 13 analyzing, we conducted additional best practice 14 research.</p> <p>15           Finally then, when we moved into the 16 analysis phase where we brought together the 17 information that we had gathered, put that into this 18 report, and then shared a draft of this report with 19 the Board representatives as well. That's primarily 20 to validate facts and make sure that we're on the 21 right track in terms of the relevance of the 22 recommendations. Now we're here at this point in 23 the project.</p> <p>24           So the first piece I would like to go 25 through in terms of the results of this work is the</p>	86
<p>1 strategic plan assessment. You can see here in 2 terms of our observation, we have a pretty 3 significant section in the report itself where we 4 talk about the current conditions, but really 5 focusing on how is the plan developed, how is the 6 plan formatted, and how is it utilized, and we 7 identified some opportunities for improvement there.</p> <p>8           The first, in terms of our 9 recommendations, is really that we would recommend 10 going through a new strategic plan development 11 process, and specifically focusing on making that 12 process collaborative, so that you're actively 13 bringing in senior management team, the Board, 14 employees, as well as community stakeholders. It's 15 critical that, not that the strategic plan is going 16 to be a wish list from every one of those groups, 17 but rather it should reflect priorities and 18 expectations from each one of those groups.</p> <p>19           The second recommendation is around 20 restructuring the plan. Right now as it currently 21 is, it's a little difficult to navigate. So we have 22 a recommendation just to streamline it and make it a 23 little bit more aligned with what we typically see 24 in terms of content for a strategic plan.</p> <p>25           Most critically, I think, that is the</p>	87	<p>1 addition of strong performance measures so that this 2 group has a good framework for identifying, are we 3 making progress on the goals that we have set?</p> <p>4           We also recommend extending the project or 5 the planned timeline to a five-year period. That's 6 a pretty common period for public agencies, and that 7 allows to both deal with emergent issues, but also 8 create a sense of continuity as there may be people 9 coming on and off the board or maybe in and out of 10 your senior management team.</p> <p>11           Our third recommendation is making sure 12 that the next strategic plan is well aligned with 13 all the District's other plans and vice versa. 14 Really, the strategic plan should be the umbrella 15 under which all the other work sits. And right now 16 we recognize that there are -- as the plans are 17 currently set up, for example, the CIP, absolutely 18 references things that are in the current strategic 19 plans. There's alignment in that sense, but it's 20 not totally clear from some of the other planning 21 documents when they are specifically referencing 22 something in the strategic plan, which makes it 23 difficult to spot that alignment. So that would be 24 a key piece to add on the next process there.</p> <p>25           The fourth recommendation down here is</p>	88

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1 thinking about, how this board gets to actually  
 2 utilize this plan? You want this to be something  
 3 that is actively used by management and this as the  
 4 governing body of the District. And a key  
 5 recommendation here is just making sure that when  
 6 staff are bringing forward projects and initiatives  
 7 and new areas of work, that it is very linked and  
 8 described and documented how that project or new  
 9 area of work is related to the strategic plan, so  
 10 that you all can have a good understanding of when  
 11 those projects are coming in, are they actually  
 12 being done in support of this work.

13           Going to be down the list here, and we  
 14 have a long one, the next one here is thinking  
 15 about, how do you use the strategic plan to set  
 16 annual priorities? So we have some recommendations  
 17 around how the management team and the Board could  
 18 collaborate to on an annual basis, go through the  
 19 plan, select out the key priorities from the plan  
 20 that you would like to focus on in the next year,  
 21 and then align that with your budgeting process.

22           Second to last one, is thinking about the  
 23 when you actually revise the strategic plan. So,  
 24 some organizations will set as a five-year strategic  
 25 plan and have it run that entire period. Others

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1 sometimes will come back and revise the strategic  
 2 plan at a one-year mark, a two-year mark, a  
 3 three-year mark. It's very dependent on how quickly  
 4 your operating environment is shifting. If you have  
 5 seen a major, major shift in your operating  
 6 environment, you would want to be revising the plan  
 7 probably sooner rather than later.

8           So the recommendation here is that this  
 9 group should agree on what will the process be to  
 10 trigger a revision of that plan. Are we going to  
 11 set, for example, return to it every three years, or  
 12 are we just going to have a discussion about it  
 13 every year to determine whether it's an appropriate  
 14 time to revise the plan?

15           Then our final one here is just  
 16 considering implementing a statistically significant  
 17 representative community survey. That can be a  
 18 really, really helpful tool as you're going through  
 19 a strategic planning process to be able to identify,  
 20 when we're looking at across the community, where is  
 21 there very general broad consensus in terms of  
 22 priorities, where are there are areas where your  
 23 community might be quite split, have very different  
 24 opinions. This is important information for you all  
 25 to have, and if you do this on an annual basis, year

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1 over year, it also gives you good insight into  
 2 trends and changes over time as your community's  
 3 needs shift.

4           So that is the high-level overview of the  
 5 strategic plan assessment.

6           I'm going to roll us through here to the  
 7 senior management team structure and staffing  
 8 assessment overview. There are four primary  
 9 recommendations here that I want to highlight.

10           The first is looking at the senior  
 11 management team structure itself. And first and  
 12 foremost, I want to say that when we were doing  
 13 interviews, we certainly heard from staff that the  
 14 current structure is sufficient to meet needs. So  
 15 that's an excellent place to be starting from. We  
 16 did identify a few areas that could be further  
 17 clarified, additional support built in to make sure  
 18 that you have very strong roles and  
 19 responsibilities and sufficient leadership capacity.

20           So the first piece is considering the  
 21 creation of either an assistant general manager  
 22 position or incorporating some AGM responsibilities  
 23 into another role on the senior management team.  
 24 The reason for that is really making sure that if  
 25 you have a general manager who either needs to take

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1 time off or steps away from the organization, that  
 2 you have good backup support and cross training to  
 3 really step into that role. It's also helpful in  
 4 succession planning.

5           The other piece there, though, is making  
 6 sure that if you're not able to set this up as a  
 7 fully separate role, which you may not be able to, I  
 8 know there was some concerns just in terms of what  
 9 that would cost the District, and that's an  
 10 absolutely fair question there. But if you're not  
 11 able to set up that additional role, being really  
 12 thoughtful about how are you incorporating those AGM  
 13 responsibilities into which other position on the  
 14 senior management team, because especially if you  
 15 have some of those director roles that are  
 16 overseeing really broad scopes of work right now,  
 17 that will be challenging to add additional  
 18 responsibilities to that position.

19           The second piece we looked at was the  
 20 administrative services director role. And this is  
 21 an interesting situation where this role is kind of  
 22 in a limbo space. As the job description is  
 23 currently written, it sounds much, much more like an  
 24 executive assistant role.

25           So the recommendation here is we need to



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1 clarify it. We need to move this position either  
 2 fully to an executive assistant role and call it  
 3 what is described in the job description, or move  
 4 this position fully into that department director  
 5 role, and make sure that the job description matches  
 6 what would be appropriate for level of a position as  
 7 well.

8           The last recommendation is related to the  
 9 marketing sales and food and beverage teams. The  
 10 piece here that we identified is that this team,  
 11 depending on the time of year, is overseen by one  
 12 director or another. It flip-flops back between ski  
 13 and golf. That movement has created some  
 14 operational challenges and some continuity and  
 15 consistency challenges for those teams, and it can  
 16 be very difficult to ensure that a team like  
 17 marketing, which really should support the whole  
 18 organization, is actively doing that. That's a  
 19 challenge that you can run into there.

20           So there's plenty of different ways to  
 21 resolve that issue. If you do hire an AGM position,  
 22 then, potentially, those teams, that could be  
 23 overseen by that role, it could be overseen by a  
 24 singular director, there may be others that you  
 25 would discover there.

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1           So our recommendation is just waiting  
 2 until you have that next GM position in place, and  
 3 then making a decision about the best way to resolve  
 4 the issue of the change in director leadership  
 5 there.

6           The second observation is related to the  
 7 job description. So we went through and all the job  
 8 descriptions have been recently updated, which is  
 9 good, but there are some inconsistencies and  
 10 opportunities to standardize these.

11           So our recommendation really focuses on,  
 12 how can we make sure that they are all standardized,  
 13 that we have the right roles and responsibilities  
 14 called out?

15           The other piece -- and I should clarify  
 16 that compensation was not in scope for what we were  
 17 looking at, but we did note that you have different  
 18 department directors that oversee very different  
 19 scopes of work, which is absolutely to be expected,  
 20 but you also have a pretty broad range in terms of  
 21 salaries there. So as you're going through  
 22 revisiting roles and responsibilities for each of  
 23 these positions, this would be an excellent time to  
 24 to a salary and compensation study to unsure that  
 25 there is equity there, but also that it's meeting

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1 industry standards for each of those roles.

2           Our third recommendation really looks at  
 3 succession planing. So, there's a lot of active  
 4 work happening already on succession planning. The  
 5 senior management team is well aware that this is a  
 6 priority, the HR team is engaged in this work  
 7 already.

8           Our recommendation is mostly just to  
 9 continue that work and to formalize that work so  
 10 that you have the right resources and tools and  
 11 documentation in place to continue this work moving  
 12 forward.

13           And then our fourth observation is around  
 14 the Board and senior management relationship. As  
 15 there have been transitions on the Board, as there  
 16 have been transitions in senior management, what  
 17 we're hearing, from basically both sides, is that  
 18 there is a lack of alignment, a lack of clarity at  
 19 times, about what is the Board role and what is the  
 20 management team's role here.

21           As you are bringing on your next general  
 22 manager, this is an excellent opportunity to kind of  
 23 have a reset on that, and make sure that everybody's  
 24 on the same page around what is appropriate for each  
 25 of those teams to be doing, so that both of those

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1 teams can be working productively with each other.

2           All right. Then the last area of work I  
 3 want to touch on is internal controls and policies  
 4 assessment. So as I mentioned before, we went  
 5 through and reviewed the Board policies, District  
 6 policy and procedure resolutions, and, finally, the  
 7 financial operational procedures, which are very  
 8 tactical. Those are really in that, how are we  
 9 taking some of these high-level financial policies  
 10 and putting them into practice?

11           In the report itself, we have included  
 12 tables of these policies that list the policy name,  
 13 the gap type, and the risk level. I'll talk a  
 14 little bit more about those on the next slide. But  
 15 we have also separately provided a full spreadsheet  
 16 that has all the recommendations that are specific  
 17 to each policy in terms of the gaps that we  
 18 identified and are recommendations for updating any  
 19 of those policies.

20           In terms of gap type and risk level that I  
 21 just mentioned, gap type is really related to, do  
 22 you have a policy in place or not? That's the first  
 23 one. So if you don't have a policy in place, that  
 24 would be considered a full gap, versus a major gap  
 25 or a minor gap where you might have a good policy in

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1 place, but it might be missing a key piece of  
 2 information or an area that should be developed  
 3 further.

4           In terms of the risk levels, two things I  
 5 wanted to call out here was that risk really relates  
 6 to how quickly we believe the District should be  
 7 updating these policies. This work can take a  
 8 really long time, so we find it helpful to say, if  
 9 you only have this much capacity, here's the highest  
 10 risk areas that you should be looking at.

11           However, you will see some policies on  
 12 this list that are in topic areas, like finance,  
 13 which are inherently a high-risk area to begin with,  
 14 but if when we looked at that policy, the gap type  
 15 was -- maybe it was a minor gap type or we just  
 16 don't think that the gap in that policy has that big  
 17 of an impact to the District, we may have rated that  
 18 low risk. So I just wanted to flag that for you as  
 19 you're going through there as well.

20           In addition to all of the policies  
 21 individually that we looked at, we also saw some  
 22 common themes across, basically, your full policy  
 23 environment. And first is that there is  
 24 inconsistent formatting. And I think that  
 25 especially comes up with the District policy and

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1 procedure resolutions. Those look very different  
 2 from each other in terms of the type of information,  
 3 the layout, some of items. So that's an opportunity  
 4 to standardize and make that easier to read and pick  
 5 up.

6           The second piece is policy versus  
 7 procedure delineation. So, ideally we want the  
 8 policy to be something that is very high level, that  
 9 is guidance from this board, and the procedure  
 10 information often will be much more tactical, much  
 11 more operational.

12           And in many of the current policies, those  
 13 are mixed together. And we, ideally, would like to  
 14 separate them because the policies often will not  
 15 change over time, but your procedures may need to  
 16 change because they are much more related to your  
 17 operations. So that's one of the benefits of  
 18 separating those out. And we have noted which  
 19 policies we think would particularly benefit from  
 20 that.

21           The third area we looked at was policy  
 22 compliance. And there's kind of two different  
 23 pieces that I want to bring up there.

24           First and foremost, we looked at policies  
 25 like ethics policies, for example, should have a

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1 compliance mechanism built into the policy itself.  
 2 So if there's a violation of the policy, there  
 3 should be a procedure that says, this is what  
 4 happens, here's how we will hold each other  
 5 accountable, here's what that looks like.

6           So we've noted any of the policies that  
 7 could benefit from that type of compliance  
 8 mechanism, if it isn't already included. Now, you  
 9 don't need that in every policy for sure, but there  
 10 are some that really benefit from that.

11           The other piece that we've highlighted is  
 12 that we heard very strongly in interviews both at  
 13 the Board level and at the senior management team  
 14 level that there have been challenges in terms of  
 15 compliance, holding people accountable to actually  
 16 implementing the policies as set.

17           And so this is again another opportunity,  
 18 as you bring your next general manager on, ideally  
 19 that person is going to be your primary point of  
 20 contact to discuss when policies or if policies are  
 21 not being complied with, and really using their role  
 22 to ensure that policy compliance is in place, and if  
 23 it's not, that becomes a performance issue,  
 24 essentially.

25           The last piece is pretty tactical, but

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1 just we want to see policies being updated or  
 2 reviewed at least every five years. Many, many of  
 3 your policies have been updated in the past  
 4 five years, which is great, but there are certainly  
 5 some that are longer term than that, and so we would  
 6 recommend just putting a mechanism in place to  
 7 handle that.

8           The last piece I want to touch on is  
 9 implementation planning. We provided a lot of  
 10 recommendations here. Obviously, you may choose to  
 11 move forward with one or none of these, but if you  
 12 did chose to move forward with the recommendations,  
 13 we've called out five, some major areas of work.

14           First and foremost, developing that new  
 15 strategic plan and taking into account the various  
 16 recommendations I mentioned earlier. And then the  
 17 other high priority would be updating policies and  
 18 procedures, starting with the highest-risk policies.  
 19 Third on the list, restructuring the senior  
 20 management team, establishing the formal succession  
 21 planning framework. And, finally, updating job  
 22 descriptions.

23           We ranked these in priority order here.  
 24 We've established general timelines that we would  
 25 expect to see for this type of work. We've also

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1 recommended, there's two areas in particular that we  
 2 think could benefit from an external resource  
 3 helping to support this work.  
 4           The first is the strategic plan  
 5 development, that is often really benefited by  
 6 having an external facilitator who can bring the  
 7 management team and the Board and the community  
 8 together in a productive and constructive way.  
 9           And then policies and procedures, this one  
 10 is often outsourced in public agencies just because  
 11 it's very difficult to make time to do this kind of  
 12 tedious work and get your day-to-day job done. And  
 13 so that's another area where we think that the  
 14 District could really benefit from bringing in some  
 15 external resources.  
 16           In terms of next steps, obviously this  
 17 group will be discussing the recommendations here,  
 18 deciding what you're interested in moving forward  
 19 with either tonight or at another meeting. But in  
 20 order to support that conversation, we will be doing  
 21 a follow-up memo, as Ray mentioned earlier, that  
 22 will account for costs estimates for the senior  
 23 management team changes that we have recommended  
 24 here, the external facilitation for the strategic  
 25 planning, as well as the policy and procedure

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1 development, broken down by high level, medium  
 2 level, and low risk policies.  
 3           So, that was a lot of information. I'm  
 4 going stop sharing my screen now. Looking forward  
 5 to any questions or comments.  
 6           CHAIR DENT: Mr. Gove, are we still good  
 7 with the mics? Do you want to reset them right now?  
 8           MR. GOVE: We'll wait for a break.  
 9           TRUSTEE TULLOCH: First off, I've got a  
 10 few points, but I will pass it over to my colleagues  
 11 first, since we've had lots of conversations  
 12 already.  
 13           TRUSTEE SCHMITZ: Could you put the screen  
 14 up with your timeline again? Because I -- first,  
 15 let me back up and ask a question.  
 16           So, there was a comment made in public  
 17 comment about when you had conducted the interviews,  
 18 and who you were able to speak with and who you were  
 19 not able to speak. At this point in time, do you  
 20 feel it would be beneficial to go back and do --  
 21 conduct the interviews with the interim General  
 22 Manager Mr. Bandelin and also our interim Director  
 23 of Finance? Do you feel that that would be  
 24 something that would be informative?  
 25           MS. FAVREAU: That's a great question. At

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1 this point, given the focus of our recommendations,  
 2 I don't know whether doing additional interviews  
 3 would change very much about the recommendations.  
 4           That being said, I think actively  
 5 involving the management team in any plans to  
 6 actually implement these recommendation are going to  
 7 be incredibly critical.  
 8           On that note, I will highlight, for  
 9 example, that the policy and procedure that detailed  
 10 recommendations, the spreadsheet that we shared, we  
 11 were not able to go through that fully with the  
 12 management team, and in particular, when it comes to  
 13 those financial operational policies and procedures,  
 14 we called that out in the report, that's a very,  
 15 very critical step that we would absolutely want to  
 16 do with all of the finance staff, essentially.  
 17           So I think if we can make sure that they  
 18 are actively brought on developing any additional  
 19 work plans to implement these pieces, that would be  
 20 my recommendation.  
 21           MS. LENHARDT: I was responsible for  
 22 conducting a lot of the work related to the senior  
 23 management team review. I can confirm that we were  
 24 able to interview interim director Bandelin, and I  
 25 was able to also meet with the interim, the finance

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1 director on a separate occasion.  
 2           And so I have included any rows in that,  
 3 so I thought I would mention to you all that their  
 4 input was provided for this to review.  
 5           TRUSTEE SCHMITZ: And I do appreciate that  
 6 there's things that we should hit the pause button  
 7 on, per say, as it relates to taking action after we  
 8 have a general manager on staff, on site.  
 9           But I think that there might be some  
 10 things that would be beneficial for us to  
 11 potentially get started. And in the strategic plan,  
 12 one of the things that you had said is doing some  
 13 sort of a community survey to really understand what  
 14 are today's priorities, because we do have a number  
 15 of community -- we have a number of master plans,  
 16 but they've been created years ago. I think that  
 17 that is something that we could move forward on, as  
 18 a board, that would be helpful, and then a future  
 19 general manager can take that and run with it.  
 20           The other thing was the salary and  
 21 compensation review, because I, too, have expressed  
 22 concern about the variation in the senior level. In  
 23 the senior management team, there's not only  
 24 differences in salary and compensation, but there's  
 25 also differences, pretty substantially, in what

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1 their pay grade is even as well. I think that would  
2 be something that we could potentially move forward  
3 with, which are just parts of these components, but  
4 I think we could move it forward so that we're ready  
5 to go.

6 My feeling is is that right now where we  
7 are, we are probably not familiar, but much of what  
8 you identified here will be helpful for the Audit  
9 Committee to potentially draft a scope for a  
10 forensic audit because you've identified,  
11 specifically, areas of high risk and gap as it  
12 relates to the financials.

13 So I think this report will be  
14 instrumental in helping us do other work, but I do  
15 see that updating of the policies and procedures,  
16 given these gaps, to me, are an immediate need  
17 because they're mission critical, they're day-to-day  
18 operational gaps.

19 And I think we -- given the meeting we had  
20 last week on the finances and given this report, I  
21 think -- while I agree we need to do our strategic  
22 plan, I feel like we're right now in a bit of a  
23 tactical mode, and I think that we could potentially  
24 move forward on more of these tactical things, and  
25 allow, when we have the new general manager, to move

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1 forward with the new strategic plan.  
2 I appreciate this. I think it was very  
3 informative. And the only question I really have is  
4 I saw this -- the description of what you said  
5 industry standard is for a director of  
6 administrative services. I was trying to sort of  
7 understand how that industry standard job  
8 description was different than the industry standard  
9 job description for an assistant general manager.  
10 So that's my one question.

11 MS. LENHARDT: What is the difference  
12 between an administrative director versus an  
13 assistant general manager? That's an excellent  
14 question.

15 Typically in an administrative director,  
16 you're looking at really the operational components  
17 related to kind of the function of the District. So  
18 that really includes a lot more of the -- it also  
19 could be considered to be a chief of staff position,  
20 versus an assistant general manager really starts to  
21 look at kind of a comanagement of the entire  
22 district and its operation.

23 And so when you are looking at the level  
24 of oversight and responsibilities between those two  
25 roles, an AGM typically is at a higher level of

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1 authority than an administrative director, and is  
2 typically responsible for a lot of backup activities  
3 that would be part of the scope of a general manager  
4 role, compared to an administrative director, which  
5 really would be kind of overseeing a lot more of the  
6 tactical operational work related to that division's  
7 area, compared to more of strategic oversight.

8 Any follow-up there?

9 MS. FAVREAU: I would agree with that.  
10 And I think as you are considering where put to the  
11 assistant general manager roles and  
12 responsibilities, whether that would be a new  
13 position or part of another position, I think that  
14 that's absolutely something that would be fair to  
15 consider in terms of, could that be, potentially,  
16 added into that role? We really commonly see that  
17 added into director or finance or CFO roles as well.  
18 So I think that there's some options there as you  
19 are considering that.

20 But Jessie's description of the general  
21 difference those roles, I would absolutely agree  
22 with.

23 TRUSTEE NOBLE: Your recommendation is to  
24 wait until the general manager's hired to consider  
25 whether to centralize oversight of marketing

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1 sales and food and beverage. And I'm wondering why  
2 you aren't making that same recommendation for an  
3 assistant GM and/or reclassifying the ASG to an  
4 executive assistant or expanding that role?

5 MS. FAVREAU: Those first two  
6 recommendations are really based on best practice  
7 and what we've seen other entities, versus, for some  
8 of those internal food and beverage, marketing  
9 sales, that's really particular to this  
10 organization, and I think the solution is going to  
11 have to be particular to this organization as well.

12 TRUSTEE TULLOCH: The work in the  
13 strategic plan is very good. I think it's huge. I  
14 think you've highlighted a lot of the issues.  
15 There's a few huge concerns you raised. I mean, I  
16 saw that the previous board had said that they  
17 didn't want to have performance reporting in the  
18 plan, which is -- seems kind of weird because that's  
19 an essential part of it.

20 I think, also, you captured very well the  
21 plethora of items we have in the strategic plan. We  
22 have strategic priorities, we have the strategic  
23 initiatives, we have long-range principles. And  
24 I'll be very upfront, every time I see an  
25 expenditure proposal come forward and it's based on

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1 a long-range principle, well, frankly the long-range  
2 principle as currently written are so vague you can  
3 justify anything based on them. I don't think  
4 that's helpful because that just leads to shock and  
5 approach on things.

6 I think it's very clear we need a complete  
7 reset. Since I've joined the Board, I've been  
8 seeing in the previous general manager's reports  
9 every month that, yes, staff are looking at the  
10 strategic plan. The strategic plan needs to be  
11 owned by the Board, staff, and the community as a  
12 whole. It's -- as some others have referred to,  
13 we've had long-range plans, we've had master plans,  
14 we've had all sorts of things, and none of them are  
15 tied together, none of them are integrated.

16 To me, this is a great opportunity to  
17 reset and pull everything together to give us a very  
18 clear roadmap for the next five years of the plan,  
19 rather than just whatever project seems to be topic  
20 of the day or whichever special interest group is  
21 pushing a thing. We need to integrate it across the  
22 whole operations. To me, that's a critical part of  
23 it to make sure our policies are all integrated,  
24 rather than have a capital plan that bears no  
25 relationship to the strategic plan, whenever the

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1 strategic plan was developed, most of it goes back  
2 to 2016 or something, which is beyond the tenure of  
3 most of us.

4 I think that the -- in terms of AGM role,  
5 I think it's -- if I look at the graphic in your  
6 report showing the AGM role, it basically looks like  
7 you've got an AGM that's almost the GM, and then the  
8 GM is that's really just community services  
9 director. To me, that -- it, structurally and  
10 accountability-wise, that doesn't really, to me,  
11 that doesn't really hang together looking at it.

12 And I think, again, if we look at the  
13 scale with 110, 112 full-time employees, I think  
14 it's important to put it into that context that we  
15 don't start completely overloading -- you identified  
16 that we already have a higher number of direct  
17 reports than would be normal. I think the last  
18 thing we need to do is add another one.

19 I think when you look at the food and  
20 beverage operations, your suggestion is it's best  
21 practice to pull them together. In a classic  
22 municipal situation, that might be true, but here,  
23 the majority of food and beverage operations are  
24 supported by either golf or ski. And I know from  
25 working in the ski industry -- and just for the

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1 ethics commission if anyone asks, full disclosure, I  
2 work at Mt. Rose as head coach. I'm not involved in  
3 the food and beverage at all. I'll make that clear  
4 disclosure just in case anyone's wanting to pick up  
5 on that.

6 But in ski industry, food and beverage is  
7 a key part of the operation. It can't really be  
8 outsourced to somebody else when we're holding the  
9 general manager of ski responsible for running his  
10 operation on a commercial basis.

11 And similar on golf. We heard from the  
12 community over the year that the golfers wanted the  
13 profits from food to help subsidize golf, and I  
14 think that's fair, since the majority of our food  
15 and beverage operations are either directly related  
16 to golf or ski. To me, it makes sense that they  
17 become an integral part of that.

18 There may well be one senior figure giving  
19 some strategic advice, but I think if we're being  
20 fair, if we're asking our venue directors to be  
21 responsible for the P&L and the performance there, I  
22 think it's, to me, fair they have it rather than it  
23 being outsourced to a separate group that doesn't  
24 have the same linkage. That was the key part of  
25 that I found.

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1 Otherwise, I think when it comes to the  
2 policies and procedures, when I look at the  
3 spreadsheet and I go into the financial tab, wow,  
4 it's scary. We have 12 major gaps, six full gaps.  
5 We have a huge number of gaps. And the procurement  
6 policies. Yet I seem to recall that we had  
7 consultants working for about six -- I seem to  
8 recall that it's not that long since we had  
9 consultants working that seemingly came up with a  
10 new procurement policy. I see all the major gaps  
11 identified in the procurement processes there.

12 And I think particularly worrying, I see  
13 all these things where some of these procedures are  
14 just suggested in things like segregation of duties,  
15 which are absolutely critical in cash management and  
16 all these areas. I think, to me, that's got to be a  
17 priority, top, these things, all these policies  
18 should be "shall." It's not "may." That just  
19 doesn't hang together to me.

20 So I think it's -- I recommend all my  
21 colleagues to really read in depth and look in depth  
22 at the spreadsheet. There's a whole lot of meat  
23 there as well. I think they have done a tremendous  
24 job. I see some policies go back to 1985. And I  
25 think that the recommendation that we're -- we have

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1 ourself a regular review of these things is critical  
2 that keep up with it.  
3 That's my thoughts. I'll pass it back to  
4 my colleagues.  
5 TRUSTEE TONKING: I think there's some  
6 things, to Trustee Tulloch's point, that I also  
7 don't necessarily agree with. And I think those are  
8 going to be key discussions for us, as a board, to  
9 have when we get to each of those. A lot if it's  
10 the structure.  
11 I think there was a really good point  
12 about let's start with policy. Let's get there. I  
13 think once we start to have a GM and all that, we  
14 can really go into the strategic plan and start  
15 mastering that.  
16 Yeah, I mean, I think a lot of my pushback  
17 is I just feel like there should be even some  
18 better, like, examples in here. I think a lot of  
19 this tells us things we knew, and I would like a  
20 little bit more in depth in some areas, but I do  
21 understand where you're coming from.  
22 And I think some of these are just  
23 discussions we, as a board, have to have.  
24 TRUSTEE SCHMITZ: What I would propose,  
25 one of things -- I discussed this with Trustee

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1 get everyone involved in that, to me, that's  
2 something -- it's not something that's starting the  
3 preparatory work for it, it's going to be impacted  
4 by appointing a general manager. I think if we look  
5 to the run-up to that, there's a lot of setup work,  
6 there's a lot of prep work that can get done that  
7 doesn't effect the policy outcomes, but it does give  
8 us a running start.  
9 MS. FAVREAU: So then -- go ahead.  
10 TRUSTEE SCHMITZ: I have a question,  
11 because the next agenda item is to review the goals  
12 and the strategic plan budgeted initiatives that  
13 haven't yet been completed. I don't know whether  
14 that has been shared with Moss Adams, but I wanted  
15 this before that agenda item because, to me, this is  
16 really the driving game plan, and if there's things  
17 from the incompleted goals and tasks that we want  
18 Moss Adams to just, maybe, weigh-in on and provide  
19 that as part of their recommendation, I feel like we  
20 shouldn't go on two different paths.  
21 CHAIR DENT: Understood. Okay.  
22 MS. FAVREAU: I was going to say, in terms  
23 of that follow-up memo, it sounds like what would be  
24 most helpful is if we take the implementation plan  
25 as it is and really pull out, what are those items

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1 Tulloch this morning. One of the deliverables that  
2 was to come out of this was a scope of work for an  
3 implementation plan, and I would like for us, as a  
4 board, to see that.  
5 But I would like for you to specifically  
6 identify things that you think we would put on hold  
7 until we have a full-time GM, but the things that  
8 you feel like we could and should move forward with  
9 now to get things moving, and what the cost  
10 estimates would be for services to do that and a  
11 timeline relative to that.  
12 That's my suggestion.  
13 CHAIR DENT: I just want to piggyback on  
14 that. Trustee Tulloch, I agree with the suggestions  
15 you brought up. And my question was going to be,  
16 what are the next steps? So jumping on back of what  
17 Trustee Schmitz just said, I welcome seeing what  
18 those next steps are and that plan as we move  
19 forward.  
20 TRUSTEE TULLOCH: One thing -- yeah,  
21 that's a good idea, prioritizing them.  
22 I think with regard to the strategic plan,  
23 there is a lot of setup work to do there. I think  
24 the sooner we start on that, because just getting  
25 everything in place and making sure we involve -- we

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1 that we can pull out and really use as independent  
2 streams of work and be able to dive into those a  
3 little bit more deeply, we can add what could be  
4 done before or after a general manager is hired as  
5 well as the cost estimates, which was originally  
6 part of the plan there.  
7 Does that sound like that will meet the  
8 needs?  
9 CHAIR DENT: I think we're all on the same  
10 page with that.  
11 Any further discussion on this item?  
12 No. That will --  
13 MR. GOVE: Chair, I apologize for the  
14 interruption. I need to let you know, it looks like  
15 Livestream just crashed. We will just let those  
16 folks know who are watching Livestream now know that  
17 we will re-upload that video by tomorrow evening.  
18 CHAIR DENT: You've let them know. Are we  
19 going to reboot the mics right now?  
20 MR. GOVE: Yeah, if I could have a five,  
21 just a little bit longer --  
22 CHAIR DENT: Okay. We're going to take a  
23 five-minute break to reboot our mics. This closes  
24 out item G 2.  
25 (Recess from 8:33 P.M. to 8:38 P.M.)

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1 CHAIR DENT: Welcome back. We just closed  
 2 out item G 2, formerly G 9. We're going to move on  
 3 to item G 3, formerly G 1.  
 4 G 3.  
 5 CHAIR DENT: Review, discuss, and possibly  
 6 prioritize and provide direction to staff for  
 7 incomplete goals identified by the prior board of  
 8 trustees, and budgeted initiatives from the '21  
 9 through '23 strategic plan. Requesting trustee  
 10 Trustee Schmitz. This can be found on pages 173  
 11 through 205 of your board packet.  
 12 TRUSTEE SCHMITZ: Thank you. The  
 13 documents that you see in front of you, this was put  
 14 together for a prior board packet, so we did not  
 15 have this report from Moss Adams, we did not have  
 16 last week's meeting with Mr. Magee.  
 17 So from my perspective, I think that this  
 18 is informational. It's nothing more than  
 19 documenting what items on either the general  
 20 manager's goals for this last fiscal year were not  
 21 completed or -- and things from the strategic plan  
 22 that had not been completed. Some of them were in  
 23 progress.  
 24 But I feel that at this point with the  
 25 Moss Adams report and direction and also the

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1 initiatives that are moving forward with Mr. Magee,  
 2 I feel that this is informational, and should,  
 3 perhaps, be incorporated. But I don't feel that  
 4 where we are right now today that we should spend a  
 5 whole lot of time going through this in a great  
 6 level of detail.  
 7 One of the things I do want to point out,  
 8 though, is that one of the items on Mr. Magee's list  
 9 was central services cost allocations. That was  
 10 something that was identified by Moss Adams in their  
 11 report in January of 2021, that they felt we needed  
 12 to make or central services costs allocations more  
 13 industry standard, more robust. I did see it on  
 14 Mr. Magee's list, and it was something in the plan  
 15 that has not been completed, so I think that is a  
 16 priority.  
 17 The other thing that -- after I was  
 18 discussing the public records request policy with  
 19 General Counsel Nelson, we started talking, I asked  
 20 about, Do we have our documents and our public  
 21 records all digitized? Do we have everything  
 22 electronically searchable, what have you?  
 23 Given where we are with some of the other  
 24 lapse of public records that we've seen happen,  
 25 perhaps also digitizing of our public records might

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1 be another project that the Board might want to  
 2 consider.  
 3 But at this point, unless you have  
 4 questions, it's nothing other than what was still  
 5 outstanding from either the goals or the strategic  
 6 plan.  
 7 CHAIR DENT: I do not have any questions.  
 8 I like the idea of passing along this information to  
 9 Moss Adams. We do have two trustees, Trustee  
 10 Tulloch leading that along with Trustee Tonking.  
 11 And I think passing along this information to them  
 12 to make sure it gets incorporated. They can ask  
 13 questions if questions come to Moss Adams.  
 14 TRUSTEE TULLOCH: I think that's a great  
 15 idea. That's one of the reasons -- and I apologize  
 16 to the Board for bringing Moss Adams forward without  
 17 the full deliverables, but I felt because we had  
 18 this work going on, it was important to try and get  
 19 this out there and make sure -- I can't ask for an  
 20 integrated strategic plan if we're not integrating  
 21 the run-up to it and things.  
 22 I think that's excellent. I'll pass it to  
 23 Moss Adams as well.  
 24 CHAIR DENT: Any other discussion on this  
 25 item?

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1 All right. Seeing none, this will close  
 2 out item G 3. Moving on to item G 4.  
 3 G 4 and G 5.  
 4 CHAIR DENT: Review, discuss, possibly  
 5 approve the salary range and additional items, such  
 6 as housing allowance, moving stipend, et cetera, as  
 7 to provide with recruitment of a new district  
 8 general manager. Requesting staff member Human  
 9 Resources Director Erin Feore. It can be found on  
 10 pages 207 through 212 of your board packet.  
 11 And item G 5, review, discuss and --  
 12 review and select from proposed executive search  
 13 firm agencies and authorize director of human  
 14 resources and interim general manager to engage with  
 15 the said agency for general manager recruitment  
 16 services into a not-to-exceed amount of \$50,000.  
 17 Requesting staff member Director of Human Resources  
 18 Erin Feore. Can be found on pages 213 through 278  
 19 of your board packet.  
 20 MS. FEORE: So we're going start with the  
 21 salary; is that correct? Okay.  
 22 So I did just an informal salary survey to  
 23 comparative agencies throughout, something that I've  
 24 used pretty consistently, and then put together a  
 25 recommendation based on some of the changes we're

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1 doing with the leadership and like with finance.  
 2 And so really it was just the starting point for us  
 3 to start the conversation as to the salary range,  
 4 because we can't start the conversation with the  
 5 executive search firms until we come up this  
 6 particular data.  
 7 So, really just kind of something for you  
 8 guys to consider and give me direction on.  
 9 CHAIR DENT: Questions, comments from the  
 10 Board?  
 11 TRUSTEE SCHMITZ: I just have a question  
 12 on page 207, you are saying that the recommendation  
 13 is a minimum of 270, but not to exceed 300, but then  
 14 on page 212, I'm seeing this range of the 242 to the  
 15 288. I'm just wondering if you could clarify that.  
 16 MS. FEORE: Yeah. I just did an average  
 17 of the salaries based on the information pulled.  
 18 And the recommended salary was taking into  
 19 consideration a couple of things. Again, some of  
 20 the increases that we're doing with the finance  
 21 team, and the CFO -- well, the director of finance  
 22 position.  
 23 And then also there's a little bit of a  
 24 concern that the person who is going to join our  
 25 district who has to live in Incline Village, it's a

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1 little more expensive to live up here, so I just  
 2 wanted to give the executive search firm something  
 3 to have to propose to folks, because we're limiting  
 4 where they can live. If they're coming in with  
 5 families, and they prefer to live in Reno because  
 6 there are more schools and things like that, it's  
 7 just limiting. So, I just wanted to give us a  
 8 little more buying power, ultimately. I will  
 9 support what you recommend.  
 10 TRUSTEE SCHMITZ: Forgive me if I'm  
 11 speaking out of turn, but I'm thinking in the Moss  
 12 Adams report that it stipulated that was an unusual  
 13 requirement to have someone living in the community.  
 14 And I think that from our perspective, living in the  
 15 community, it's a very different climate up here  
 16 compared to somewhere else, and there is an element  
 17 of you want someone to feel your joy.  
 18 But I'm just curious, given what was in  
 19 the Moss Adams report, if that's a mistake or  
 20 something that the Board should reconsider?  
 21 MS. FEORE: I see both sides of it. When  
 22 you have somebody who is living up here, they're --  
 23 there's a chance that they're going to feel more  
 24 invested in the initiatives of the community. But I  
 25 really feel like somebody at the general manager

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1 level is going to have -- I mean, the success of  
 2 this community is directly related to their success  
 3 as a general manager, so they've got that motivation  
 4 to really make sure that they're doing what they  
 5 need to do.  
 6 Limiting them to living in Incline Village  
 7 and/or Crystal Bay, again, it's just -- depending on  
 8 the person that comes in, it could limit some of  
 9 their resources that they have available in some of  
 10 the bigger communities like Carson or Reno.  
 11 So, yeah, that's a tough one. It's hard  
 12 because I do see both sides.  
 13 TRUSTEE TULLOCH: I mean, my recollection,  
 14 and it's probably my senior advancing years. My  
 15 recollection is, what we discussed at the Board  
 16 previously was that we strongly preferred them  
 17 living here. I didn't think -- I wasn't sure we  
 18 made it an absolute requirement.  
 19 MS. FEORE: It was ultimately -- if I  
 20 remember, I'll have to go back and look as well.  
 21 But I believe that it was the consensus that we  
 22 would have this person living here. I do believe  
 23 that, because there is a section in the job  
 24 description that specifically states residency.  
 25 I do think -- if I -- I do think that if

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1 there is an opportunity to consider allowing the  
 2 person to live outside of this area, I think it does  
 3 change what the recommendation would be from a  
 4 salary standpoint.  
 5 TRUSTEE TULLOCH: I'm looking at the  
 6 comparators and a lot of these comparators are from  
 7 California with a ten, 12, 15 percent state tax rate  
 8 as well, so I think that needs to be taken into  
 9 account.  
 10 I'm not comfortable with the range of 270  
 11 to 300. I think looking at numbers, I think would  
 12 be happier to see it at 240 to 300 so there is some  
 13 wiggle room. If they bring forward candidates and  
 14 start negotiating, any good candidate that can  
 15 negotiate properly would negotiate pretty close to  
 16 the top of the range already.  
 17 I think it makes more sense for a broader  
 18 range there. That leaves flexibility for the search  
 19 firms, and also leaves sufficient upside for the  
 20 right candidates as well.  
 21 It might also expand the range of  
 22 candidates because having worked for search firms in  
 23 the past, if somebody does not think they're at  
 24 sufficient salary level to meet the new minimum,  
 25 they will just reject them.



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1 I'm open to keeping the wider salary range  
 2 there, rather than just doing it -- that leaves  
 3 scope going forward.  
 4 CHAIR DENT: What would be the negative of  
 5 having a wider salary range or even dropping it even  
 6 more down to 220 through 300?  
 7 MS. FEORE: If you get it down as low as  
 8 220, you're butting the GM salary up against some of  
 9 our other senior leaders, so there would be -- I'd  
 10 recommend going a little bit higher than that.  
 11 CHAIR DENT: Understood.  
 12 MS. FEORE: I absolutely agree that the  
 13 wider range gives more opportunity for  
 14 consideration. I do think that, what I've seen now,  
 15 I have not -- I'm going to admit this fully, I have  
 16 not recruited at this level before. Most of the  
 17 recruitment I have done has been more the senior  
 18 level and down. And so I think whoever we partner  
 19 with can probably provide some great clarity and  
 20 clarification and/or feedback on the salary range as  
 21 well.  
 22 I think if we set the wider range, talk  
 23 with whichever firm is selected, and they say, well,  
 24 I kind of like you guys going with this direction, I  
 25 think we're going to be able to find somebody pretty

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1 suitable in this range.  
 2 It might be worth having that greater  
 3 range so they know what they're working with.  
 4 TRUSTEE NOBLE: I do like expanding the  
 5 range down to 240 so that we just have more wiggle  
 6 room there. And I also agree -- or I would  
 7 recommend having the perspective GM, while it's  
 8 preferable that they would live in Incline  
 9 Village/Crystal Bay, I wouldn't want to make it  
 10 mandatory. I would think -- especially if there's  
 11 somebody in the grater Reno/Tahoe area, Carson  
 12 Valley area, that's already established down there,  
 13 they would be hesitant to pull up stakes and move up  
 14 here, but there's still -- I feel that anybody who  
 15 is going to be GM is going to have their pulse on  
 16 this community anyways, given how much time they're  
 17 going to be spending up here and interacting with --  
 18 and they may actually want a break from the rest of  
 19 us, and not have to go Raley's and be accosted by 20  
 20 people every time they step out and are not actually  
 21 working.  
 22 Just my suggestion.  
 23 MS. FEORE: I can tell you as an employee,  
 24 though I'm not as visible as senior leadership,  
 25 there have been times when I've been at Raley's and

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1 somebody's like, hey, don't you, and I'm, like, I  
 2 gotta run down to Carson.  
 3 CHAIR DENT: You just have to wear a hat  
 4 and nobody will recognize you. It works for me  
 5 every time.  
 6 So, I would -- I mean, Trustee Schmitz  
 7 brought it up. I think the three of you have all  
 8 touched on it. As far as making it preferred, I  
 9 think we're aligned on that.  
 10 TRUSTEE TONKING: I'm good.  
 11 CHAIR DENT: Then we will -- it looks like  
 12 we can get past that. As far as the salary range, I  
 13 think we've already settled on that item.  
 14 Is anyone -- any questions regarding the  
 15 not-to-exceed 10,000 for reimbursement for  
 16 relocation? Any issues with that?  
 17 No. And then do we need to discuss the  
 18 housing stipend, given that we've allowed  
 19 flexibility with area, location to live?  
 20 I don't think so either.  
 21 MS. FEORE: If it comes back that the  
 22 person would prefer to live here -- I mean, this is  
 23 something that can come back if it becomes an issue.  
 24 And I think our executive search firm that we work  
 25 with is going to help guide on something like that,

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1 so I think we would be fine.  
 2 Just to be clear, I'm going to mark the  
 3 salary range as 240 to 300. I'm going to change the  
 4 job description under residency to preferred, but  
 5 not required.  
 6 CHAIR DENT: Correct.  
 7 TRUSTEE TULLOCH: Before we go to that.  
 8 Just on page 209, at the bottom of the page  
 9 "education experience," again, I think this one  
 10 slipped through the cracks because it doesn't quite  
 11 reflect what we discussed before. If I look at the  
 12 bottom of the page, the last sentence "experience  
 13 with a municipal government based organization," et  
 14 cetera, it's helpful. I think we should add there,  
 15 "but some private sector experience equally  
 16 applicable."  
 17 Otherwise, we're starting to limit it  
 18 again.  
 19 MS. FEORE: So feel like saying experience  
 20 with -- you know, within a municipal governmental is  
 21 helpful. We're saying that if you have  
 22 nongovernmental, it's fine, but this kind of bumps  
 23 you up in the order of selection.  
 24 I mean, I'm happy to add that in. To me,  
 25 it's understood, because we're saying that, on top

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1 of everything else, this part would be helpful.  
 2 It's not required, but it would be helpful. If you  
 3 prefer clarity, I can add something.  
 4 TRUSTEE TULLOCH: I prefer clarity there.  
 5 I think we need to make clear that we're open to --  
 6 this is a rather different organization than a  
 7 typical local government.  
 8 CHAIR DENT: I would agree with that. I  
 9 don't want to limit this search to typical local  
 10 government position, given how many businesses and a  
 11 wide range of businesses that this local government  
 12 runs is a lot different than most other entities.  
 13 TRUSTEE SCHMITZ: I just noticed this now.  
 14 Underneath the leadership and supervisory  
 15 responsibilities, it left off of ski. We can't  
 16 forget ski. But it's missing ski. I think it has  
 17 everything else.  
 18 MS. FEORE: Not intentional. My  
 19 apologies.  
 20 I will add in language, then, that speaks  
 21 to private experience being something that would be  
 22 helpful. I'll play with the language a little bit.  
 23 I'll update this and send it out.  
 24 CHAIR DENT: I just want to make sure that  
 25 private experience is not lesser than government

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1 experience -- public experience when it comes to  
 2 this. I don't want to limit our field.  
 3 MS. FEORE: Right. And I will make sure  
 4 that our executive search firm is a -- the selected  
 5 executive search firm is well aware of that as well.  
 6 I believe there will be an opportunity for  
 7 the Board to interface with the person that we -- or  
 8 the agency that we work with.  
 9 TRUSTEE TULLOCH: It might be worth  
 10 reminding the agency that almost 80 percent of our  
 11 revenues comes from user fees and commercial user  
 12 fees, which does put quite a different complexion on  
 13 it as well in some respects.  
 14 I don't know if I am out of order here.  
 15 Something I forgot to mention in the Moss Adams  
 16 report, and since you talked about ski.  
 17 I think there's a recommendation in the  
 18 Moss Adams report that it should be director of ski,  
 19 but I know General Manger Bandelin -- certainly for  
 20 the resorts around here the general manager title  
 21 more commonly used in ski. I mean, I'm happy either  
 22 way, but I think it's certainly something  
 23 Mr. Bandelin should look at in terms of that. It's  
 24 important he's seen the same as one of his peers.  
 25 Apologies if I've veered off script,

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1 Annie.  
 2 MS. BRANHAM: I think that's related  
 3 enough to this item.  
 4 MS. FEORE: I do believe the position  
 5 title matches kind of industry standards, but we can  
 6 look at it. Yeah.  
 7 CHAIR DENT: Moving us along, it is nine  
 8 o'clock, I'll entertain a motion for G 4.  
 9 TRUSTEE TONKING: I move that the Board of  
 10 Trustees approve the discussed salary range and  
 11 discussed revisions to the GM description in terms  
 12 of recruitment for the new district general manager  
 13 position.  
 14 CHAIR DENT: Motion's been made. Is there  
 15 a benefit second?  
 16 TRUSTEE TULLOCH: I'll second it.  
 17 CHAIR DENT: Motion's been made and  
 18 seconded. Any further discussion by the Board?  
 19 All right. Seeing none, I'll call for the  
 20 question. All those in favor, state aye.  
 21 TRUSTEE TONKING: Aye.  
 22 TRUSTEE TULLOCH: Aye.  
 23 TRUSTEE NOBLE: Aye.  
 24 TRUSTEE SCHMITZ: Aye.  
 25 CHAIR DENT: Aye.

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1 Motion passes, 5/0. Thank you. That will  
 2 close out item G 4. Moving on to item G 5. We've  
 3 already discussed that.  
 4 MS. FEORE: So, our talent acquisition  
 5 specialist, Lisa Hoops, and I had reached out to a  
 6 handful of agencies regarding their services. Some  
 7 of the agencies, kind of overwhelmed, as is the  
 8 market right now, so they didn't have the capacity  
 9 to work with us. And a couple of the agencies, we  
 10 didn't get the feedback we were looking for.  
 11 Three of agencies that we did talk to  
 12 submitted proposals. Of those three agencies, there  
 13 were two agencies that had very similar structures.  
 14 I do want to mention that I did not invite  
 15 any of these agencies to this meeting because I  
 16 thought this was more about choosing that, but I  
 17 would be remiss in not mentioning that one the folks  
 18 from one of the agencies that's being proposed is  
 19 here. So, ultimately, if this is the selected  
 20 agency, there may be is somebody here who can speak  
 21 to you if you have questions.  
 22 Separate from that, I also received, just  
 23 this afternoon, from that particular agency a  
 24 timeline of what their search would go look like and  
 25 some of the benchmarks that they would be thinking.

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1 This is something that I will be able to scan and  
 2 email to the Board and provide that information as  
 3 well.  
 4 Really the Board memo kind of lays out  
 5 what my recommendations are. The two agencies that  
 6 we felt most favorable about were Bob Hall and  
 7 Associates and Koff and Associates.  
 8 I should mention that Koff and Associates,  
 9 the District did partner with back in 2016, I think,  
 10 for a compensation survey, and we had positive  
 11 feedback with them. So they are a larger  
 12 organization.  
 13 With Bob Hall and Associates, they are a  
 14 little bit smaller, but my personal opinion, I felt  
 15 that there was more relative experience. Granted,  
 16 of course, this somebody who works also with  
 17 municipalities, and understanding that we're going  
 18 beyond just that, I also felt like there's a little  
 19 more of a personal touch there. And so  
 20 communication, I believe, would be really strong.  
 21 So, we've got two great agencies for you  
 22 to consider, and I'm happy to take your  
 23 recommendations.  
 24 CHAIR DENT: I'll open it up to the Board.  
 25 TRUSTEE NOBLE: Looking at backgrounds for

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1 the two agencies -- or associates, I think both  
 2 would do an excellent job. I do agree, though, with  
 3 looking at Bob Hall and Associates. It's more of a  
 4 boutique company, and that individual attention and  
 5 their more-recent help with other agencies is more  
 6 in line with we're doing, so, to me, that just tips  
 7 it a little bit more towards them.  
 8 But I think either one would be -- do a  
 9 good job.  
 10 TRUSTEE SCHMITZ: I'll make a motion that  
 11 we give direction to the director of human resources  
 12 to work with Bob Hall, and move forward with an  
 13 expedient and cost-effective partnership with  
 14 recruitment services for the general manager  
 15 position currently open with the District. The  
 16 anticipated not-to-exceed amount for this effort is  
 17 \$50,000, which is currently on budgeted.  
 18 CHAIR DENT: Motion's been made. Is there  
 19 a second?  
 20 TRUSTEE TULLOCH: Can I propose an  
 21 amendment to that, just based on Director Feore's  
 22 comments, subject to Bob Hall and Associate  
 23 demonstrating they do have sufficient expertise and  
 24 experience from the private sector as well, so we're  
 25 not limited?

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1 CHAIR DENT: Are you okay with the amended  
 2 motion?  
 3 TRUSTEE SCHMITZ: Yes, I am.  
 4 MS. FEORE: Can I clarify? You're looking  
 5 for proven expertise?  
 6 TRUSTEE TULLOCH: Yeah, just confirmation  
 7 that they do have a network that spreads well beyond  
 8 just purely municipal.  
 9 MS. FEORE: I will tell you that in the  
 10 day and age of electronic recruiting, your ability  
 11 to focus on any industry is really available,  
 12 granted, I believe, that Mr. Hall's background in  
 13 public entities is helpful. But I believe that  
 14 their search firm, we tell them what we're looking  
 15 for, and they are going to go and find it.  
 16 I really feel very confident in their  
 17 abilities.  
 18 TRUSTEE TULLOCH: Thank you. I'll  
 19 withdraw my amendment, then. We'll take that as  
 20 read.  
 21 CHAIR DENT: Motion's been made. Is there  
 22 a second?  
 23 TRUSTEE NOBLE: Second.  
 24 CHAIR DENT: Motion's been made and  
 25 seconded. Any further discussion by the Board?

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1 Seeing none, I'll call for the questions.  
 2 All those in favor, state aye.  
 3 TRUSTEE TONKING: Aye.  
 4 TRUSTEE TULLOCH: Aye.  
 5 TRUSTEE NOBLE: Aye.  
 6 TRUSTEE SCHMITZ: Aye.  
 7 CHAIR DENT: Aye.  
 8 Opposed? Motion passes 5/0. Thank you.  
 9 MS. FEORE: Real quick, now that we have  
 10 selected the agency, I did want to mention that the  
 11 person that is here is Mr. Bob Hall. If there are  
 12 questions, you know, I don't know if it would --  
 13 probably not because it's not been agendized. I  
 14 didn't want to be remiss in saying he's not here.  
 15 CHAIR DENT: Thank for that. I think  
 16 we're good.  
 17 TRUSTEE SCHMITZ: Would it be acceptable  
 18 to ask him if he has any questions of us while he's  
 19 here? That acceptable, Anne?  
 20 MS. BRANHAM: The agenda item is pretty  
 21 narrow, it's just selection of the firm. I would  
 22 say, maybe, if you want to reach out to him  
 23 directly, that may be appropriate, or we could have  
 24 him come back or on Zoom for the next meeting.  
 25 CHAIR DENT: All right. That closes out G

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1 5. Moving on to item G 6.  
 2 G 6.  
 3 CHAIR DENT: Review, discuss, and approve  
 4 sole source finding, and review, discuss, and  
 5 approve an equipment purchase and installation  
 6 services agreement for snow-making infrastructure  
 7 replacement. Capital improvement project, fund  
 8 community services, division ski. The vendor is  
 9 TechnoAlpin in the amount of \$413,169.22.  
 10 Requesting staff member interim General Manager Mike  
 11 Bandelin. Can be found on pages 290 through 310 of  
 12 your board packet.  
 13 TRUSTEE TULLOCH: Just to satisfy the  
 14 ethics committee, just everyone knows here that I  
 15 work at Mt. Rose as head coach there. I have had no  
 16 involvement in selecting snow making or general  
 17 management of the District. But the ethics  
 18 committee asked me to just clarify (inaudible) in my  
 19 bio and everything, and it's well known. I've  
 20 appeared here in uniform.  
 21 The ethics committee has also clarified  
 22 that I'm not prohibited from voting on those things.  
 23 MR. BANDELIN: For the record, Mike  
 24 Bandelin. As stated in your packet beginning on  
 25 page 290, this project aligns itself with District's

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1 long-range principle number 5, assets and  
 2 infrastructure.  
 3 I think I'll take a minute to ask the  
 4 Board maybe to consider at a future time, not within  
 5 this agenda, we would like to reorganize the items  
 6 that were spoke about during the Moss Adams  
 7 presentation, that maybe we wouldn't include some of  
 8 our long-range principles in the future. Just give  
 9 that some consideration.  
 10 This particular delivery of the  
 11 recommendation, staff has listed the applicable  
 12 District policies and practices that we abided by.  
 13 I think to save a little bit of time, I probably  
 14 won't reread what the Chair read with what the staff  
 15 report is eluding to for approval.  
 16 I will note that the District staff has  
 17 always worked really hard at -- we don't seek items  
 18 to purchase that might be perceived as easier by  
 19 going to non-competitive solicitation as in a sole  
 20 source. We work hard to try and achieve that. That  
 21 happened several years ago where ski staff, and  
 22 mostly myself, was asked by the community not to --  
 23 to go out to bid more often for items.  
 24 It just so happens that on this particular  
 25 agenda, we have four items within the District, and

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1 one of them we removed from the item for certain  
 2 reasons this evening, but that's not the intent  
 3 of -- we work really hard to be able to list the  
 4 findings associated with the NRS 332.115.1 and then  
 5 the associated items that go with that, that we have  
 6 the items meet sole source.  
 7 I did meet within counsel and talk a  
 8 little bit about a different way to present the  
 9 findings within the memorandums or the staff reports  
 10 to be able to show that. I just wanted to kind of  
 11 speak to the fact that if there's any perception  
 12 that we're not still trying to get -- we're trying  
 13 to get the best equipment for the District, and  
 14 sometimes that aligns itself by using a sole source  
 15 finding.  
 16 CHAIR DENT: Thank you.  
 17 TRUSTEE NOBLE: Director Bandelin, the  
 18 operational delays that you reference on page 291  
 19 that you're hoping to address with this work, could  
 20 you expand on what has happened in the past that  
 21 you're trying to rectify with regards to operational  
 22 delays?  
 23 MR. BANDELIN: I can. It's -- the  
 24 equipment, I wrote in the staff report that it was  
 25 like a little bit of background when it started in

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1 1999/2000. What we're trying to do is just  
 2 really -- it ties back to infrastructure. We're  
 3 replacing a portion of the asset within the ski area  
 4 snow-making water pump house that over time, over  
 5 the 20-some-odd years that this equipment's been  
 6 place, this plan that's before you this evening  
 7 would help be able to rectify some of the  
 8 idiosyncrasies that's grown since original  
 9 installation and/or new, modern equipment would  
 10 change in piping schematics and different types of  
 11 valves and a newer process control would eliminate  
 12 some of the operational downtime that we've seen  
 13 develop with the system as it's aged.  
 14 TRUSTEE NOBLE: And with the finite amount  
 15 of time that you have available for actual snow  
 16 making, these operational delays can really actually  
 17 impact operations at the ski area; is that correct?  
 18 MR. BANDELIN: Yes. The industry is  
 19 becoming more and more dependent on snow making.  
 20 And this is purely my opinion, but the cost or the  
 21 expense to operate a ski area has grown  
 22 substantially. We charge substantially more than we  
 23 have in the past for the use of the product, and the  
 24 more product that you can build and/or make with  
 25 machines, the better your product's going to be and

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1 the better outcome you're going to have on  
 2 supporting expenses to revenue or charges for  
 3 service.  
 4           Snow making works on wet, cold  
 5 temperature, how we monitor it, so there's a finite  
 6 number of hours and/or days, in our case from  
 7 November or late October until January, that you  
 8 want to be able to have a system that maximizes run  
 9 time efficiency to be able to make snow whenever  
 10 possible when it's cold enough.  
 11           TRUSTEE TULLOCH: I totally understand the  
 12 sole source here because last thing you want is a  
 13 combination of different manufactures and system,  
 14 because as soon as something goes wrong, you get  
 15 fingers pointing. And as Trustee Noble eluded and  
 16 you said yourself, when we get snow-making  
 17 temperatures, we got to move with it quickly. We  
 18 can't afford downtime. Particularly, we're in the  
 19 banana belt here. So, yes, I believe it's there.  
 20           I'd also like to thank you for, page 293,  
 21 where you've set out the further investment coming  
 22 over the next few years, I think that's excellent.  
 23 I would encourage all the directors to do that when  
 24 they're coming forward with proposals when there's  
 25 knock-on expenditures as well. That's very helpful

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1 to the Board.  
 2           Can I ask you to buy the '26/'27 fun guns  
 3 now since they seem to be substantially cheaper?  
 4           MR. BANDELIN: I'm sorry?  
 5           TRUSTEE TULLOCH: The '26/'27 fun guns  
 6 seem to be a lot cheaper. I think there's a zero  
 7 missing.  
 8           CHAIR DENT: I'll entertain a motion.  
 9           TRUSTEE TONKING: I move that the Board of  
 10 Trustees --  
 11           MR. BANDELIN: I have one more comment.  
 12 Within the agreement, I presented an agreement that  
 13 was vetted and approved by our counsel, but there  
 14 are some errors in the language. I can point them  
 15 out, or what we're going to do is go back -- I'll  
 16 give you an example, in section 2 Item A, the fourth  
 17 sentence down, where it says: Section 2 will be  
 18 deemed to be defective materially for purpose of O.  
 19           That's a mistake my part that that wasn't  
 20 filled in. I'm going to work with counsel. And  
 21 that will be referencing another section within the  
 22 actual agreement itself.  
 23           And then I have another one that I made a  
 24 mistake on, which would be under section 4,  
 25 warranty. There's another item there that says:

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1 Under zero or O.  
 2           That will reference another section within  
 3 the document.  
 4           And then two more, on page 3, 297 of the  
 5 packet, section E -- section 4, item E, there's two  
 6 mistakes that I made in there that will reference  
 7 different sections in the agreement.  
 8           I just wanted to point that out that upon  
 9 the recommendation for a motion, that those will be  
 10 fixed prior to signatures.  
 11           CHAIR DENT: Great points. Thank you for  
 12 that.  
 13           Trustee Tonking, we'll entertain a motion.  
 14           TRUSTEE TONKING: I move that the Board of  
 15 Trustees award of the equipment purchases  
 16 installation services agreement for a snow-making  
 17 infrastructure replacement is exempt from  
 18 competitive solicitation for the following reasons:  
 19 NRS 332.115.1 (b)(h).  
 20           Approve the award of the equipment  
 21 purchase and installation service agreement for  
 22 snow-making infrastructure replacement, 2023/2024  
 23 capital improvement project, fund community  
 24 services, division ski, project number 3464F11002,  
 25 vendor TechnoAlpin, in the amount of \$413,169.22.

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1           Authorize staff to execute change orders  
 2 for additional work for ten percent of the  
 3 construction contract in the amount of \$41,317.  
 4           Authorize staff to perform construction  
 5 services and inspection as required, not to exceed  
 6 \$41,317.  
 7           Authorize the interim general manager to  
 8 execute the contract in substantially the form  
 9 presented and with the edits mentioned in this item.  
 10           CHAIR DENT: Motion's been made. Is there  
 11 a second?  
 12           TRUSTEE TULLOCH: I'll second.  
 13           CHAIR DENT: Motion's been made and  
 14 seconded. Any further discussion by the Board?  
 15           Seeing none, I'll call for the question.  
 16 All those in favor, state aye.  
 17           TRUSTEE TONKING: Aye.  
 18           TRUSTEE TULLOCH: Aye.  
 19           TRUSTEE NOBLE: Aye.  
 20           TRUSTEE SCHMITZ: Aye.  
 21           CHAIR DENT: Aye.  
 22           Motion passes, 5/0. That closes out item  
 23 G 6. The time is 9:18. Moving on to item G 7.  
 24           G 7.  
 25           CHAIR DENT: Review, discuss, and possibly

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1 approve a sole source finding, and review, discuss,  
2 and possibly authorize an equipment purchase  
3 agreement for replacement PistenBully snow grooming  
4 vehicle in the amount of \$562,938. Can be found on  
5 pages of 311 through 326 of your board packet.  
6 MR. BANDELIN: I'd like to point out  
7 immediately on page 311, I made an error within the  
8 recommendation. Item 2, authorize equipment  
9 purchase agreement with Kassbohrer All-Terrain  
10 Vehicles, Inc., including a total of 567,938. That  
11 should read: 562,938.  
12 Again, this is a sole source finding  
13 review that would be approved by the Board. I would  
14 like to draw your attention to a chart that I  
15 included in the attachments. I believe it is in the  
16 very back packet, page 326 of your packet.  
17 This list just goes back to the early 80s.  
18 I'm not going to say is completely auditable and  
19 super accurate on the expense side. This is just a  
20 list that I've made, going back through some assets  
21 sheets that we had. But most all of these, except  
22 for, I believe, one that I did in 2002 and 2003, all  
23 of these were sole sources, and the District has  
24 really endured the long tenure of working with the  
25 sole source manufacturer of PistenBully and

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1 I think are probably most pertinent for the Board to  
2 know about or a particular procurement project, to  
3 be able to just kind of highlight those particular  
4 areas, and not so much on the story.  
5 I might elude to little bit of how I think  
6 we like to be able to work in the Board of Trustees  
7 in the future more during budget workshops or  
8 planning session on the capital side or procurement  
9 side, allowing you to have more time for agendizing  
10 or me to have more time to talk about the projects  
11 at the onset, while budgeting, more so than you  
12 hearing about the project now when we're actually  
13 trying to approve the agreement. Take the time in  
14 the early time of the year when -- before the  
15 budget's approved, talk about the projects, really  
16 more about the purpose and justification at that  
17 point, versus later on.  
18 CHAIR DENT: Love that approach. It's a  
19 good change.  
20 Any questions, comments, concerns, praise?  
21 TRUSTEE TULLOCH: I love this  
22 presentation. We can see it clearly laid out, what  
23 expenditure and things is, and what the future is.  
24 Just to make sure, are you going to be  
25 able to get the machine for this year?

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1 Kassbohrer, so I just wanted to kind of point that  
2 out.  
3 And then it just kind of shows how our  
4 plan works of snowcat replacement of usually  
5 ten years or 10,000 hours. With the five cats, you  
6 can see in some particular areas there that we had  
7 back-to-back purchases, and that really kind of  
8 eluded to a different style and a different  
9 management and probably a different capital plan. I  
10 just wanted to point that out.  
11 The memo does kind of speak to kind of  
12 like the financial impact of the entire '22/'23  
13 fiscal year capital improvement plan, which is  
14 within the financial impact section on page 313 of  
15 your packet. I thought I would just kind of bring  
16 it forward to be able to see how this particular  
17 piece of equipment, the replacement, is involved  
18 with the entire fiscal year of the capital plan.  
19 I'm kind of going off what I learned a  
20 little bit that we were going to be talking about  
21 later in some training. I kind of started adding  
22 these in the comment section, but that's just the  
23 way our civic clerk agendas are laid out, but I'm  
24 going try to practice, like, this more of kind of a  
25 conclusion or checklist, if you will, of just items

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1 MR. BANDELIN: I'll wait until the motion  
2 is approved. And then I will say, yes, mostly, I  
3 would say, late November or early December.  
4 TRUSTEE TULLOCH: Okay. And just for the  
5 benefit of others, this one is particularly critical  
6 since it's a wintercat, and it's the only one of  
7 that we have in that in the fleet. So it becomes  
8 really critical. We can't afford to have this one  
9 breaking down.  
10 MR. BANDELIN: Correct statement.  
11 TRUSTEE TONKING: I move that the Board of  
12 Trustees make the following finding: The District  
13 purchase a replacement PistenBully snow grooming  
14 vehicle and associated fleet management system from  
15 the Kassbohrer All-Terrain Vehicles, Inc., and is  
16 exempt from competitive solicitation for the  
17 following reasons: NRS 332.115.1 (a)(b)(d).  
18 Authorize the equipment purchase agreement  
19 with Kassbohrer All-Terrain Vehicles, Inc. totaling  
20 \$562,938.  
21 Authorize interim general manager to  
22 execute the contract in substantially the form  
23 presented.  
24 CHAIR DENT: Motion's been made. Is there  
25 a second?

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1 TRUSTEE TULLOCH: I'll second.  
 2 CHAIR DENT: Motion's been made and  
 3 seconded. Any further discussion by the Board?  
 4 TRUSTEE SCHMITZ: I have a question.  
 5 What's being done with the equipment that's being  
 6 replaced? Are we keeping it?  
 7 MR. BANDELIN: It's identified in the  
 8 staff report that that would be a trade-in, and  
 9 there's a value of the trade-in.  
 10 CHAIR DENT: Any further discussion?  
 11 Seeing none, I'll call for the questions.  
 12 All those in favor, state aye.  
 13 TRUSTEE TONKING: Aye.  
 14 TRUSTEE TULLOCH: Aye.  
 15 TRUSTEE NOBLE: Aye.  
 16 TRUSTEE SCHMITZ: Aye.  
 17 CHAIR DENT: Aye.  
 18 Motion passes, 5/0. That will close out  
 19 item G 7. Moving on to item G 8.  
 20 G 8.  
 21 CHAIR DENT: Review, discuss, and possibly  
 22 approve a sole source finding, and review, discuss,  
 23 and possibly approve the procurement of water meter  
 24 registers and transponders for 600 residential units  
 25 from the '23/'24 capital expense project. The

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1 vendor is Ferguson Waterworks in the amount of  
 2 \$119,400. Requesting staff member actor Director of  
 3 Public Works Kate Nelson. Can be found in pages 337  
 4 through 341 of your board packet.  
 5 MS. NELSON: The board memo is fairly  
 6 comprehensive on why we're doing this project.  
 7 These transponders have a battery that's  
 8 encapsulated in them, and they are connected to the  
 9 register. They have started to completely die. And  
 10 it's our ten -- they have about a ten-year life, so  
 11 we are starting, this year, to replace up to 600 of  
 12 them.  
 13 Just so you're aware, the new system  
 14 actually has a waterproof connection between the  
 15 transponder and the meter register, so the next time  
 16 in ten years when you have to do this, it's just  
 17 replacing the transponder.  
 18 Also, if you were following my math, it's  
 19 based on a ten-hour day, not an eight-hour day.  
 20 CHAIR DENT: Any questions?  
 21 I'll entertain a motion.  
 22 TRUSTEE TONKING: I move that the Board of  
 23 Trustees make the following finding: The District  
 24 purchase of the water meter registers and  
 25 transponders is exempt from competitive bidding for

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1 the following reasons: NRS 332.115.1 (d)(i)(j).  
 2 Authorize the procurement of the water  
 3 meter registers and transponders for 600 residential  
 4 units from the Ferguson Waterworks in the amount of  
 5 \$119,400.  
 6 CHAIR DENT: Motion's been made. Is there  
 7 a second?  
 8 TRUSTEE NOBLE: Second.  
 9 CHAIR DENT: Motion's been made and  
 10 seconded. Any further discussion by the Board?  
 11 I'll call for question. All those in  
 12 favor, state aye.  
 13 TRUSTEE TONKING: Aye.  
 14 TRUSTEE TULLOCH: Aye.  
 15 TRUSTEE NOBLE: Aye.  
 16 TRUSTEE SCHMITZ: Aye.  
 17 CHAIR DENT: Aye.  
 18 Motion passes, 5/0. That closes out item  
 19 G 8. Moving on to item G 9.  
 20 G 9.  
 21 CHAIR DENT: Review, discuss, and provide  
 22 direction to staff on the presented request for  
 23 proposal for district legal counsel services.  
 24 Requesting staff member interim General Manager Mike  
 25 Bandelin. This can found on pages 343 through 350

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1 of your board packet.  
 2 MR. BANDELIN: I kind of wanted to go  
 3 through the request for proposal to see if I could  
 4 get some insight from the Board of Trustees on any  
 5 changes that we wanted to make to that, as we get  
 6 ready to be able to provide this proposal out to  
 7 possible legal services for the District's legal  
 8 counsel.  
 9 TRUSTEE SCHMITZ: I just have one  
 10 suggestion. On page 346, which is about IVGID,  
 11 under number 2, where it talks about the  
 12 organization, it says: 112 full-time staff.  
 13 But I think it's very important to  
 14 identify how much part time and seasonal staff, so  
 15 that they understand that's a component of it, and  
 16 it's a large component. And they will be asked to  
 17 assist us with, you know HR-related issues and what  
 18 not for the seasonal part time. So it's much larger  
 19 than just 112 full-time people.  
 20 MR. BANDELIN: Noted. Thank you.  
 21 TRUSTEE TULLOCH: I have a question that  
 22 goes back to January when we made some changes in  
 23 the policy regarding our general counsel.  
 24 In January, I brought up concept of why we  
 25 had a combined role for the general counsel since

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1 there's almost two distinctive roles. There's a  
2 general counsel advising the board, and then there's  
3 the day-to-day operational, legal support for staff.  
4 I would like bring that thought for  
5 consideration by the Board because we're basically  
6 paying on an hourly basis, and the skill sets  
7 required can be distinctly different for the type  
8 problems.  
9 A lot of the day-to-day staff, previous GM  
10 Winquest and myself debated this at the time, a lot  
11 of normal staff requirements are more day to day,  
12 operational guidance personnel matters, various  
13 different things like that. Whereas the general  
14 counsel for the Board should really be providing  
15 strategic advice to the Board, make sure we're not  
16 contravening any of our policies and things like  
17 that like.  
18 I would like the Board to think of it,  
19 spot -- potential separation again of whether we  
20 restructure the RFP to offer both options.  
21 TRUSTEE SCHMITZ: That's a great  
22 suggestion. The skill sets might be different. And  
23 I think that from staff's perspective, from the  
24 director of human resources' perspective, we may  
25 want to have an attorney that focuses on HR law, and

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1 Trustee Tulloch, I know he enjoys going through the  
2 RFP process.  
3 So, if you're interested, besides General  
4 Manager Bandelin, the two of you can tackle that for  
5 us.  
6 MR. BANDELIN: I would just -- I've  
7 been -- I would note that, in case you don't know,  
8 we spend quite a bit of time now on a weekly basis  
9 working with counsel, BB&K, and specifically, Anne.  
10 And we're learning and understanding and  
11 providing -- getting opinions on contracts and  
12 agreements. And we will probably spend a lot more  
13 time in the future with the firm on that. And  
14 that's pretty important, besides just the -- to me  
15 at least, as we struggle and work towards getting  
16 really proficient at agreements and contracts with  
17 vendors, besides just the HR portion of it, that  
18 staff would really entertain good counsel that would  
19 help us move that process forward to where we gain a  
20 lot of trust from the Board and/or the community on  
21 contract review, agreement review, and negotiating.  
22 CHAIR DENT: I would agree with you that  
23 that is a huge piece of the needs of the District.  
24 And I think Trustee Schmitz was just  
25 saying it would be nice to have more -- I would say,

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1 that's very different than Open Meeting Law and  
2 other aspects of board-related work.  
3 So, maybe it is worth while to sort of  
4 separate it out and see what type of responses we  
5 get.  
6 TRUSTEE TULLOCH: It could also be with  
7 the same firm, but with separation of duties with  
8 different advisers.  
9 CHAIR DENT: I don't see an issue with  
10 that. I do like -- I mean, they are completely  
11 separate roles and tasks, and given it is all  
12 hourly, I don't see much of a change.  
13 I do like the idea of going in that  
14 direction.  
15 TRUSTEE SCHMITZ: One other clarification  
16 is that I think, as a board, we should decide who  
17 the questions and who the responses go to. And my  
18 suggestion is is that they would go to the general  
19 manager.  
20 So, I think that would be a requested  
21 change I would make.  
22 CHAIR DENT: Okay. I'm fine with that.  
23 General manager and I had a conversation about that  
24 prior to meeting, and I would even nominate a  
25 trustee to be involved in that process, if need be.

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1 right now, we have a special legal counsel that has  
2 an HR background, but it would be nice to have  
3 someone on staff that you guys could just go to  
4 directly.  
5 TRUSTEE TULLOCH: Yeah. Can I suggest  
6 that we modify the RFP to open to firms that -- we  
7 clarify these range of services that may be with  
8 different providers so offer the option for firms to  
9 bid on one part of it or both of it, in terms of  
10 that, so we get full review.  
11 And I think that gives us, potentially,  
12 more scope to make sure correct we get the correct  
13 services. Fully agree that contract legislation,  
14 it's a special skill in itself.  
15 CHAIR DENT: Do any of my colleagues have  
16 any issue with that?  
17 Okay. Any further discussion on this  
18 item? I will entertain a motion.  
19 TRUSTEE TONKING: I don't think there was  
20 a motion, really, with this, other than just to give  
21 direction. I can make a motion.  
22 CHAIR DENT: Thank you. No, we don't need  
23 to.  
24 General Manager Bandelin, do you need --  
25 can you repeat back to us the direction we've given



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1 you? Do you need further direction?  
 2 MS. BRANHAM: I was taking notes as well.  
 3 If you need me to fill in any gaps, just let me  
 4 know.  
 5 CHAIR DENT: Do you want to give a  
 6 high-level review for us, general counsel?  
 7 MS. BRANHAM: Sure.  
 8 My understanding is that you would like to  
 9 (a) add reference to part-time workers as well as  
 10 the full-time staff, just to make clear the scope of  
 11 employees. And then (b) divide the discussion of  
 12 the role that the general counsel will play. So  
 13 maybe have a section that talks about board  
 14 operations, have a section that talks about, I'll  
 15 call it day to day for now, we might wordsmith that,  
 16 but under day to day would be things like contract  
 17 administration, HR assistance, anything that's not  
 18 board related, specifically.  
 19 And then we'll make a change so that the  
 20 proposals and questions are addressed to the GM and  
 21 to Trustee Tulloch.  
 22 And then we will open up the option for  
 23 firms to bid for all or some of the needed  
 24 responsibilities, rather than just all or nothing.  
 25 CHAIR DENT: You nailed it. Thank you.

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1 Any further discussion on this item?  
 2 We're good. That will close out item G 9.  
 3 All right. Moving on to item G 10.  
 4 G 10.  
 5 CHAIR DENT: Discuss and possibly give  
 6 direction for drafting of letters to various  
 7 agencies related to, but not limited to, the  
 8 evacuation plan, the possible mobility hub, and  
 9 possibility of the closure of the middle school.  
 10 The Board could decide to take a position  
 11 on these or other matters provided by various  
 12 agencies with impact to our community. Requesting  
 13 trustee Trustee Schmitz. This can be found on page  
 14 351 of your board packet.  
 15 TRUSTEE SCHMITZ: All of these issues are  
 16 outside the scope and outside the jurisdiction of  
 17 IVGID.  
 18 But we receive emails from community  
 19 members asking for us, as a board, to potentially  
 20 take positions on some of these initiatives to try  
 21 to demonstrate what the overall wishes are of our  
 22 community.  
 23 It's been something that we've talked  
 24 about for quite some time. And so we had the  
 25 evacuation plan and the evacuation exercises that

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1 the District participated in.  
 2 So, I'm just bringing forward things that  
 3 have been brought to our attention by the community.  
 4 They've asked for us, in some cases, to make --  
 5 write letters and say, this is what the Board  
 6 recommends.  
 7 The District has done that in the past.  
 8 They did it relative to, I believe, the support of  
 9 the sale or the purchase of the land for the new  
 10 elementary school, I believe, in the past, to try to  
 11 get congressional support for that land transfer.  
 12 So it has been done in the past.  
 13 I'm just bringing it forward for us to  
 14 discuss and to decide. And if there's certain  
 15 issues that certain trustees have a passion for and  
 16 have some in-depth knowledge. But the intent would  
 17 be to draft something up, do some research,  
 18 formulate what you feel is the community's desire,  
 19 bring it before the Board for us, as a board, to  
 20 discuss before any letters were sent.  
 21 So, we can do nothing, or we can do  
 22 something, but it's just before us for discussion.  
 23 CHAIR DENT: Appreciate that overview.  
 24 TRUSTEE NOBLE: Yeah. I think it's a good  
 25 idea where there is some connection to our

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1 jurisdiction and what we're doing. And there might  
 2 be elements, like the mobility hub at one point,  
 3 there was an opportunity for IVGID to purchase that  
 4 parcel, and I think absolutely that's where we  
 5 should be engaged.  
 6 When it's wholly outside of our  
 7 jurisdiction, but community members want us to  
 8 engage, there -- the problem I have with that is  
 9 we're going outside of our jurisdiction, our  
 10 authority. But if there is a way to tie it into  
 11 what we're doing and make that connection, I'm fine  
 12 with that.  
 13 But just what the Board thinks, but it has  
 14 -- we -- it has no connection to what we're -- our  
 15 authority is, that's where I would have a problem.  
 16 But, again, it's one of those  
 17 I-don't-know-until-I-see-it and what the language of  
 18 the letter would be.  
 19 TRUSTEE TULLOCH: I would agree with  
 20 Trustee Noble on that. I also agree with Trustee  
 21 Schmitz, it is an important idea.  
 22 My view is the last thing we want is to  
 23 actually get dragged into every single issue, which  
 24 may be a one-person issue or two-person issue. I  
 25 think the -- major issues like this, it's not so

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1 much making recommendations, but I think it's fair  
2 for the Board to make comments of the impact of  
3 these things on the community as a whole, rather  
4 than actually just saying, well, you can't close the  
5 middle school or whatever.  
6 I think we need to be a little bit more  
7 dispassionate about it and just make it the same way  
8 and clear it's a recommendation coming from the  
9 Board, not from the District as a whole. There's an  
10 important distinction there.  
11 I think -- I'll take advice from Anne in  
12 terms of that, but I think we do have an opportunity  
13 for us to express concerns about the impacts of  
14 these things as a board. That, to me, would be the  
15 fine line.  
16 MS. BRANHAM: I think that makes sense.  
17 The idea Trustee Noble brought up about a nexus  
18 between the District's operations and the subject of  
19 the letter is a good test for whether it's  
20 appropriate or not. But also makes sense that you  
21 will know it when you see it.  
22 I don't have an issue with, maybe,  
23 bringing back the draft letters, if any of you are  
24 interested in writing them, and then the Board could  
25 decide at that point whether there is that nexus or

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1 colleagues. I think it's a fine line.  
2 But I do like the idea of speaking on  
3 behalf of our constituents. And I think we, as a  
4 board, if we were to put a letter together, I think  
5 on behalf of community, it does carry a little bit  
6 of a clout.  
7 I think it's something I would be willing  
8 to consider. It just depends on the issue and how  
9 we draft up the letter.  
10 TRUSTEE TULLOCH: Yeah. I think that's  
11 right. My colleagues have eluded to, we should know  
12 it when we see it. We shouldn't just use it for  
13 every single tiny issue that comes up in public  
14 comment or whatever.  
15 We do it on the main issues. And what  
16 we're basically doing is providing commentary as if  
17 we're Switzerland. Just providing a neutral view  
18 just of, not opinion, but comments of what the  
19 impacts are. To me, that's the most effective way.  
20 CHAIR DENT: Agreed. Any further  
21 discussion on this item?  
22 TRUSTEE SCHMITZ: So the question is: Do  
23 any of us trustees have particular interest in  
24 something that they would be willing to take an  
25 attempt and draft something for our review?

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1 whether their too far afield.  
2 CHAIR DENT: Understood. Thank you for  
3 weighing-in on that.  
4 TRUSTEE TONKING: So, I have kind of some  
5 concerns on this because we do represent the whole  
6 community, as a whole, and so I think it's a little  
7 difficult to probably weigh-in on the whole issue.  
8 But I think to Trustee Tulloch and Trustee  
9 Noble's point is there are parts of it that do  
10 effect, so maybe if even saying "neutral," but also  
11 telling, like, here are the things that affect IVGID  
12 and affect the District from the Board's perspective  
13 with these changes.  
14 And I think, like, the mobility hub's a  
15 good one. I think you talked about the middle  
16 school, and, like the land that's owned by us or by  
17 the county and what does that mean to what they put  
18 on it. There's a lot of different moving pieces  
19 that I think could affect IVGID.  
20 But I don't think we can take an  
21 overarching stance on the issue as a whole, but I  
22 think we could, maybe, take a stance on a component  
23 or be neutral and just say how that affects IVGID's  
24 operations.  
25 CHAIR DENT: I would agree with my

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1 CHAIR DENT: Which item would you like to  
2 draft a letter for?  
3 TRUSTEE SCHMITZ: I'll do the mobility  
4 hub.  
5 CHAIR DENT: Okay. Anyone else want to  
6 weigh-in on this?  
7 TRUSTEE TONKING: I can take a look at the  
8 mobility hub, but it might not be welcome if it  
9 comes from me, just because I already do that for my  
10 real job, so there's a lot of other inside.  
11 But I can look and see what affects IVGID  
12 in it, and put a draft together.  
13 TRUSTEE SCHMITZ: Thank you, Chair. I  
14 have a question for Trustee Tonking.  
15 My recollection is that you spent a lot of  
16 time understanding the evacuation plan. Is that  
17 something that you think that you actually could  
18 potentially take a look at? Because I know it's a  
19 huge concern for the community, and that is a  
20 community issue for all of us.  
21 But I'm just recalling that you've  
22 mentioned that you've had a few meetings with the  
23 Fire District and what have you. Is that something  
24 that you would be comfortable taking?  
25 TRUSTEE TONKING: That's fine. I can do

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1 that. Not a problem.

2 CHAIR DENT: Any more discussion on this

3 item?

4 No. All right. That closes out item G

5 10. Moving on to item H, item H 1.

6 H. REDACTIONS FOR PENDING PUBLIC RECORDS REQUESTS

7 H 1.

8 CHAIR DENT: Review, discuss, and provide

9 direction on redactions for pending public records

10 requests, found on page 352 through 354 of your

11 board packet.

12 MS. BRANHAM: This is a recurring item. I

13 know you know how it goes. This one is a bit unique

14 for reasons that have been eluded to in this

15 meeting.

16 We did provide, from a legal perspective,

17 guidance that the letter in question that, I think,

18 was read out loud during the August 9th meeting.

19 Before that time, it had come in as a public records

20 (inaudible) request. There is a legal basis for

21 having withheld it, but I think the horse is out of

22 the barn a bit at that point.

23 We're going through the motions here.

24 This is the item that comes before you on public

25 records redactions. We did advise that this is the

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1 mixed up. There seems to be all sorts of different

2 messages here.

3 MS. BRANHAM: Yeah. What I'll say in

4 response to that is there are always two sides -- or

5 typically, there are two sides of a document; right?

6 The District will hold one copy of it, and if

7 someone received another copy of it that's a member

8 of public, they're within their right to release as

9 much or as little of that document as they want.

10 I think -- again I don't have a perfect

11 insight here, but I think that what happened is that

12 the document was not released through District

13 channels, because our advice when we received the

14 public records (inaudible) request was to withhold

15 the letter on the basis -- purely on the NRS, not on

16 any policies internally or anything like that, but

17 purely on the basis that it contained identifying

18 information. There was an applicable exception in

19 the NRS for the PRA withholding.

20 So, that was one piece of it. But what

21 the other person on the other side of the

22 transaction does with the document, I think there's

23 -- we can't control that.

24 So whether it was an employee file, if

25 they had access to their own file, and those that

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1 section, NRS 239.0105, because of the identifying

2 information of a natural person in the letter, that

3 it could be withheld on that basis. But up to you

4 at this point whether you want take a position at

5 this meeting that the letter should be released.

6 But, my understanding, the letter, for all intents

7 and purposes, has been released.

8 CHAIR DENT: Okay. Trustee Tulloch wants

9 to give a question.

10 TRUSTEE TULLOCH: It's -- looking at it,

11 we seem to have some mixed-up policies here. We're

12 trying to apply personnel policies. We have the HR

13 director trying to apply personnel policies to

14 members of the public. And I think -- would the

15 public be so sanguine about releasing these letters

16 if it was a personnel file of an employee? We need

17 to be consistent. To me, there's some mix messages

18 here. It's okay to release if it's somebody that we

19 don't like, but if it's an employee, we can't do it.

20 And it's nothing to do with any

21 individual, but then hear that we can't find these

22 records, but then members of the public seem to have

23 them.

24 The whole thing seems to be mixed up,

25 shall we say. I think I'll be polite here. It's

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1 chose to make that public, that would be different

2 than the District agreeing to release it.

3 So at this point, our official position

4 was, not that the document didn't exist, but that

5 the document was not subject to disclosure under the

6 PRA for the exemption cited in the staff report.

7 TRUSTEE TULLOCH: Okay. Thank you for

8 that clarification.

9 I think we're walking a very fine line

10 here, and I'm not supporting one side or another.

11 I'm trying to be Switzerland in terms of that. I

12 just think we need to make sure that we're doing it.

13 And having read the letter, it appears

14 that we didn't -- we violated our own Ordinance 7

15 policy from the time we didn't follow the procedure

16 in Ordinance 7.

17 So, yes, I start to have all sorts of

18 concerns. If we have policies, but we have no

19 penalties for non-compliance, and I think we need to

20 make sure that we are compliant with these policies.

21 I've read the Ordinance 7 policy, and I'm still

22 confused as to why this letter came from the

23 personnel director, why the personnel director was

24 involved since there's nothing that's not mentioned

25 in Ordinance 7.

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1 MS. BRANHAM: Understood. We can have  
2 that discussion.

3 CHAIR DENT: I guess my concern with this  
4 is there's a draft document, we're -- as of a week  
5 ago, Trustee Schmitz was told that three documents  
6 that were sitting over here and posted on social  
7 media didn't exist, but they're sitting over here on  
8 our counter. And trustees can't even get this stuff  
9 because it didn't exist.

10 I don't know if we're just jumping the gun  
11 a little bit here, given that there's an  
12 investigation underway regarding these records. It  
13 might be a little bit better to hold on this process  
14 until we've figured out what's going on, why the  
15 records are just not here but somewhere else, and  
16 the Board doesn't have access to them but people in  
17 the community do.

18 I think when we get those questions  
19 answered, maybe we decide the next steps for this,  
20 but I think we got a lot of questions that we need  
21 to have answers to.

22 TRUSTEE SCHMITZ: And adding on that, this  
23 document, this draft document was actually shared as  
24 a Word document. And that document has traces of  
25 modifications being made to it.

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1 Typically when staff reaches out to us,  
2 it's just to confirm or to check whether there's an  
3 applicable exception. And so that's what happened  
4 here. We provided the basis for an exemption.

5 But I think these are, maybe, larger  
6 questions that we should bring as an item to discuss  
7 the records policy, the records management  
8 practices.

9 TRUSTEE SCHMITZ: There are corrective  
10 actions that we need to take immediately to stop the  
11 sharing of, potentially, inappropriate documents,  
12 because if you're not reviewing them and they're  
13 being shared, if they are priveleged documents, how  
14 is this happening?

15 And I think that -- I'm not expecting you  
16 to answer this, but I think this is really serious,  
17 and I think that we need to take swift and decisive  
18 action to protect the liability to the District.

19 MS. BRANHAM: Understood.

20 CHAIR DENT: It's my understanding,  
21 Trustee Schmitz, we will have an item on the  
22 September 13th agenda, and it will -- it's my  
23 understanding we'll get an update on what's going on  
24 as it relates to timelines and records and areas to  
25 improve.

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1 So, why in the world was a Word document  
2 being shared as it was a redacted document when it  
3 was a Word document that is modifiable and was  
4 modified. I've never been given a Word document.  
5 We're always given PDFs.

6 The other question is at the last meeting,  
7 I believe it was in public comment, I believe it was  
8 by Mr. Mick Homan, he made a reference that he had  
9 read three certified letters that had been sent to  
10 Mr. Dobler. I don't understand -- I don't see a  
11 public records request for that. I'm not sure that  
12 is a public record.

13 So, I'd like some understanding and some  
14 clarification of where these documents are  
15 being provi- -- where they're being provided to  
16 people, because there are things, in some cases,  
17 that us trustees haven't had access to.

18 MS. BRANHAM: And if it's helpful, I think  
19 those particular questions that you just raised are  
20 probably better directed to the records manager,  
21 because typically our involvement in the process is  
22 limited to -- well, first of all, we don't get  
23 involved with every public records act response.  
24 Some of them, I think, are more mundane, routine,  
25 they can just be handled without our involvement.

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1 And General Manager Bandelin is very aware  
2 of the seriousness of this issue. So I'm hoping we  
3 can figure out what is going on.

4 Any further questions or discussion on  
5 this item?

6 TRUSTEE TULLOCH: I think just to preempt  
7 public comment, this is not an attempt to cover up  
8 anything. This is just an attempt to make sure that  
9 we have a fair and open process, not kangaroo court  
10 and public opinion, however much that might help  
11 people trying to attract votes. I think we need to  
12 make sure that we stick with the constitution that  
13 people are innocent until proven guilty.

14 And if it's documents that claim to be  
15 certified or privileged documents, I think having  
16 seen these -- never having seen these as a board  
17 member, but yet being castigated because I haven't  
18 reacted to them, I'm not going to react to something  
19 I haven't seen and have no knowledge of in terms of  
20 that.

21 I think we need to be seen to be open and  
22 above board on this. I know that won't be popular,  
23 but that's -- I still believe in the constitution in  
24 terms of that.

25 TRUSTEE SCHMITZ: I concur with that.

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1 This is not an effort to try to withhold  
 2 information. This is intentional protection of  
 3 liability to the District, because documents are  
 4 restricted and privileged for a reason, for a legal  
 5 reason.  
 6 And especially when we are uninformed  
 7 about things and say things don't exist, and then  
 8 suddenly they do exist, that's a real problem. And  
 9 we need to get to the bottom of it.  
 10 CHAIR DENT: For the record, can you just  
 11 let us know how privileged gets released by the  
 12 Board? Just so the community's aware.  
 13 MS. BRANHAM: Yeah. So the way this works  
 14 is this item will appear. So the response is  
 15 already been made. Again, this was kind of a unique  
 16 situation because there are two parties who might  
 17 own a document, and it's up the other party what  
 18 they do with their document.  
 19 But in general terms, we will make this  
 20 report. It will reflect the determination that was  
 21 already made, and then the Board can elect, if it  
 22 wishes, to waive the privilege that was asserted and  
 23 release the document.  
 24 But this way, you have the information,  
 25 the document has remained protected up until this

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1 point, and this it's up the Board whether to waive  
 2 that privilege under the PRA.  
 3 CHAIR DENT: So it's a board decision to  
 4 waive the privilege. It's not an employee's  
 5 decision or former employee's decision?  
 6 MS. BRANHAM: That's right.  
 7 CHAIR DENT: All right. Thank you.  
 8 Any other discussion on this item?  
 9 All right. That will close out item H 1.  
 10 Moving on to item I.  
 11 I. LONG RANGE CALENDAR  
 12 CHAIR DENT: Long-range calendar. It can  
 13 be found on pages 355 through 359 of your board  
 14 packet.  
 15 MR. BANDELIN: I'm going to need to meet  
 16 with staff and get a kind of -- I can't update the  
 17 long-range calendar as we sit here tonight, as some  
 18 of the items that we pulled off of the agenda until  
 19 I meet with staff and concur when we can insert  
 20 them.  
 21 CHAIR DENT: That's fine.  
 22 MR. BANDELIN: And then I thought it might  
 23 be a good idea for some consideration from the Board  
 24 if I send this out to you to be able to insert any  
 25 items. Like I just of heard one that I might not

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1 have known to put on the 13th meeting.  
 2 But my intention would be to be able to  
 3 get this updated for the next three or four meetings  
 4 with some solid agenda items on there that I can't  
 5 do this time.  
 6 CHAIR DENT: That's fine. We can work  
 7 through that offline before this goes out in the  
 8 next packet.  
 9 Just curious, the Mountain Golf Course  
 10 clubhouse roof, do you have any -- do you know what  
 11 that is? Because I thought we put a roof on the  
 12 Mountain Golf Course clubhouse about three years ago  
 13 or four years ago.  
 14 MR. BANDELIN: I do. A brief explanation  
 15 is we had damage from snow season last winter that  
 16 we need to make repairs and replace the roof. Some  
 17 other items within that, but --  
 18 CHAIR DENT: I wish us luck on that.  
 19 Finding roofers in 2024 is tough, let alone 2023.  
 20 Any other items or discussion on this?  
 21 TRUSTEE SCHMITZ: I would like to add on  
 22 September 30th that we also be provided a report on  
 23 the Dabler complaints. Where are they? Are there  
 24 complaints? What action is being taken? Because,  
 25 as a board, we do need to understand that as it

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1 relates to the assignment to the committee.  
 2 So, I want us to be informed, and I want  
 3 the community to be informed on that.  
 4 MS. BRANHAM: You mean at the September  
 5 27th meeting, Trustee Schmitz? I think you said the  
 6 30th.  
 7 TRUSTEE SCHMITZ: I was actually saying  
 8 the 13th.  
 9 MS. BRANHAM: My apologies.  
 10 CHAIR DENT: Any other items to add?  
 11 All right. Seeing none, we'll work  
 12 through long-range calendar offline. That will  
 13 close out item I. Moving on to item J.  
 14 J. BOARD OF TRUSTEES UPDATE  
 15 J 1 and J 2.  
 16 CHAIR DENT: Board of Trustees' updates.  
 17 The FlashVote survey results are in here for the  
 18 summer activities, found on page 360 through 375 of  
 19 your board packet.  
 20 And then item -- that was item J 1. Item  
 21 J 2, is community forum, town hall, page 376 of your  
 22 board packet. Trustee Tonking?  
 23 TRUSTEE TONKING: Yeah. I just wanted us  
 24 to try to think about when we wanted to start doing  
 25 these -- if we want to start them, and how we want

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1 to start doing them, just so it doesn't get lost in  
 2 the mix of all the other things we have going on.  
 3 CHAIR DENT: Good --  
 4 TRUSTEE TONKING: My suggestion was we  
 5 would do it either like once a month or once every  
 6 other month, and either do it before a board meeting  
 7 or something. And then we could just pick topics  
 8 and one of us could, like, listen and have them open  
 9 and talk about it. So we can all alternate choosing  
 10 a topic.  
 11 CHAIR DENT: Yeah. We got to just be -- I  
 12 guess if we're agendizing it and it's at a board  
 13 meeting, then we can talk about future items  
 14 together. But if we're --  
 15 (Inaudible cross talk.)  
 16 CHAIR DENT: Yeah, we can if it's at a  
 17 board meeting and it's an actual agendized item, we  
 18 can.  
 19 I think we need to figure out -- we've  
 20 kicked around the idea of just being here a half  
 21 hour early. And if that's something we want to do  
 22 and open it up to answering questions, or do we want  
 23 to have something a little bit more formal?  
 24 And, I guess, what do you envision that  
 25 being because we haven't done, in my tenure,

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1 anything like that, so I'm open to ideas.  
 2 TRUSTEE TONKING: I'm into the idea of us  
 3 maybe just trying a half hour early and trying at  
 4 every meeting and answering some questions. I don't  
 5 know how that works, though, if we just answer it  
 6 separately as we hang out, or if we, like, answer  
 7 that formally.  
 8 The other idea is a town hall could be  
 9 helpful, and maybe this is something that only  
 10 happens when there's, like, bigger issues. But  
 11 let's think, like, dog park, for example. Like,  
 12 that could be, like, a town hall meeting, where we  
 13 bring this area and we get community input. The  
 14 strategic plan, we mentioned doing some town halls  
 15 for that in the Moss Adams report.  
 16 So, maybe the town halls are less often  
 17 and just for bigger specific things than we just  
 18 come 30 minutes early. I don't know that part would  
 19 look. I don't know the rules behind discussion and  
 20 in that arena.  
 21 CHAIR DENT: Understood.  
 22 General counsel, have you seen other  
 23 agencies do anything like this as far as come prior  
 24 to a meeting to discuss issues?  
 25 MS. BRANHAM: Yeah. I talked about this a

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1 bit with Josh earlier. I think it will take some  
 2 finessing, but it helps to know what the idea is.  
 3 Because you'll agendize it, you'll kind of  
 4 try, to the extent possible, to specify what the  
 5 topics might be. But if it's just general  
 6 questions, then we can wordsmith it and come up with  
 7 something that is an agenda item that just lets  
 8 people know, come and ask questions.  
 9 And the idea would be that you would not  
 10 be deliberating toward or taking any final action on  
 11 anything. It's more of an informational  
 12 question/answering session.  
 13 So, we should be clear on that front. We  
 14 will treat it as a workshop, essentially, but it  
 15 will just be the brief period between when the  
 16 meeting starts. Yeah, we can come up with, maybe, a  
 17 template kind of standing agenda item for that, and  
 18 then see what you all think of that.  
 19 CHAIR DENT: Okay. That would be it's own  
 20 separate meeting, or it would be part of the agenda  
 21 for the meeting? Like, would be starting with the  
 22 roll and Pledge of Allegiance or this would start  
 23 prior to that?  
 24 MS. BRANHAM: Up to you if that would be  
 25 your preference. If you would rather treat it as an

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1 informal thing, then we can have all of the standard  
 2 meeting opening items start at 6 still, and maybe  
 3 just have this be a cover page to the agenda that  
 4 says: 5:30 to 6:00, informal workshop.  
 5 And then however we want to frame that as  
 6 an actual agenda item.  
 7 CHAIR DENT: Yeah, I think that is the  
 8 intent that Trustee Tonking is going for. And I  
 9 think --  
 10 Is anyone opposed to starting something  
 11 like that? Trustee Noble, you're gone at the next  
 12 meeting. Do we want to start that for the meeting  
 13 on to the 27th? Is that something we would want to  
 14 entertain? Everyone be here, say, start our  
 15 informal workshop at 5:30. And Trustee Tonking and  
 16 I can work through what that informal discussion's  
 17 going to be about.  
 18 TRUSTEE TULLOCH: I suggest for the first  
 19 one maybe we start at 5 rather than 5:30, just to  
 20 make sure -- yep.  
 21 CHAIR DENT: Yeah, I think that's good.  
 22 Half hour is not very much time.  
 23 Trustee Tonking, is there anything else  
 24 you would like to get out of this Board of Trustees  
 25 update?

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1 TRUSTEE TONKING: Nope.

2 TRUSTEE SCHMITZ: Trustee Tonking, were

3 you finished?

4 TRUSTEE TONKING: Yeah.

5 TRUSTEE SCHMITZ: I just wanted to make

6 sure that the Board was comfortable -- this is

7 something that Trustee Tonking and myself have been

8 meeting with the pickleball group. And I've taken

9 up pickleball, and I'm starting to be a regular over

10 there.

11 And the committee had asked if I would be

12 willing to be their board liaison. They spoke with

13 Trustee Tonking about it, and I spoke with general

14 counsel and his statement was, As long as the Board

15 and Trustee Tonking and myself, everyone was fine

16 with it, we didn't have to agendize anything.

17 So, I'm bringing it up for conversation

18 and ensuring that Trustee Tonking and myself are on

19 the same page.

20 CHAIR DENT: I spoke with interim Director

21 of Finance Magee earlier, and one thing he -- I want

22 to give you guys an update on this, but he said we

23 were receiving a lot of qualified applicants after

24 we made the tweaks to the controller position. So,

25 I thanked him and HR director for bringing those

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1 changes forward.

2 And so it seems like we have some very

3 qualified applicants that they have been working

4 through that process on. So, I think that's a win

5 for staff.

6 Anything else for Board of Trustee

7 updates?

8 That will close out item J. Moving on to

9 item K.

10 K. FINAL PUBLIC COMMENTS

11 CHAIR DENT: Final public comments. You

12 will have three minutes for your public comment.

13 MR. LYON: Jim Lyon, Third Creek.

14 First, I would like to apologize. This

15 should only take about 30 seconds. Earlier this

16 evening after some of the discussion and public

17 comment, several of us were out on the porch and

18 discussing one of the issues. And we came up what

19 we thought would be -- something that would be a

20 recommendation or something for you, the Board, to

21 think about or consider.

22 And that would be in the composition of

23 the contracts, Capital Investment Committee, it

24 might be something you might want to consider to

25 have one person be prohibited from interfacing

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1 directly with staff. They could participate with

2 all the discussion and workings of the committee,

3 'cause he's really excellent, I mean, he's got all

4 the qualifications and skills, but it would

5 eliminate the interpersonal issues that people are

6 concerned about, and so it might put a little cold

7 water on a hot issue.

8 Thank you.

9 CHAIR DENT: Seeing no other public

10 comment in the room, we will go to Zoom.

11 MR. WRIGHT: Frank Wright.

12 After listening to the Board's discussion

13 about public records or internal documents that have

14 been released or have gotten into the public's

15 hands, the lady who read tonight from some public

16 comments that they submitted to the Board, where did

17 they come from? They should have been stopped

18 immediately and asked, what do you have there?

19 Where did you get it? How did you acquire these

20 documents? Because it sounds to me like they were

21 taken, they were stolen, they're theft, they should

22 be arrested. And the District has just exposed

23 themselves again to even more liability by allowing

24 this person to read from those documents.

25 I put a public records request in. I

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1 couldn't get them. I was told everything is

2 privileged.

3 Well, if it's only privileged to those

4 people who request them or privileged to the Board

5 members -- they can't even get them -- how can a

6 citizen in the community read them at a board

7 meeting and have them entered into the board packet?

8 And those documents were never given to person that

9 they're about. The person has no defense. This is

10 horrible. Legal should have stopped in its tracks.

11 Those things should never be made public.

12 But what's happened is the grunge mob now

13 has unloaded on this poor guy, and he hasn't done

14 anything wrong. He's never been found guilty of

15 anything. They're making stuff up now even more

16 than they did before.

17 I don't understand how a district can

18 allow this to happen with a legal counsel sitting

19 there. It should have been stopped. Those

20 documents should be squashed (phonetic) now. They

21 should be -- this should all be stopped.

22 But why is it continuing on? An

23 investigation, all you have to do is ask Mr. Noble,

24 our wonderful trustee, where the heck he got this

25 stuff. He started all this. And he's exposed the

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1 District, himself, to libel lawsuits that are just  
2 incredible. It's not hard to document, especially  
3 when I can't get them in a public records request.  
4 So if they're privileged, what is he doing  
5 reading them and where did he get them?  
6 Somebody has broken the law. They should  
7 be arrested. Someone gave them to them. They were  
8 taken, illegally, from district's offices. You need  
9 to do more than just investigate, you need to start  
10 arresting people.  
11 Thank you.  
12 MR. DOBLER: Yeah, this is Cliff Dobler.  
13 Regarding finding a new set of general  
14 counsel for the District, Anne, you almost had it  
15 right, but we really have three segments here. We  
16 have the municipalities aspects of counsel, you have  
17 HR, like they said, but we're leaving out one big  
18 thing that Mike Bandelin brought up and I've been  
19 bringing up for five years, is a contract lawyer.  
20 Now, we all know -- or maybe we don't  
21 know, I know, that most lawyers now are specialists.  
22 They can't handle a broad range of these ideas  
23 because the law is very, very complicated, a lot of  
24 case law, and it takes a person that's worked in a  
25 field that is very, very familiar with it. But

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1 MR. GOVE: There are not.  
2 CHAIR DENT: That will close out item K,  
3 final public comment.  
4 L. ADJOURNMENT  
5 CHAIR DENT: It is 10:13. We're  
6 adjourned.  
7 (Meeting adjourned at 10:13 P.M.)  
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1 trying to roll it up into one person, you'll never  
2 find good people.  
3 So, what I'd like -- when you said that  
4 were going to work on HR and municipalities, but the  
5 most important thing are the contracts. We need a  
6 lawyer that is familiar with contracts, that's  
7 worked in it for 20 years, that's the only ones I  
8 ever hired. They were expensive, but they could  
9 pick up a contract, they can pick out the difference  
10 in no time at all, and you would be able to have a  
11 good document.  
12 So thank you very much. I hope you guys  
13 listen. I hope you guys change it. And let's make  
14 it work this time around. You may have one to three  
15 lawyers. And that's okay, because the only thing  
16 the contract lawyer would be doing is looking at  
17 contracts. HR, looking at HR, and the municipal  
18 aspects, another attorney. And that would be the  
19 best way to do it.  
20 But trying to roll it up into a guy like  
21 Nelson was really not fair to him, and, of course,  
22 we got pretty poor work.  
23 Thank you very much.  
24 CHAIR DENT: Any additional public  
25 comments?

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1 STATE OF NEVADA )  
2 COUNTY OF WASHOE ) ss.  
3  
4 I, BRANDI ANN VIANNEY SMITH, do hereby  
5 certify:  
6 That I was present on August 30, 2023, at  
7 the Public Meeting, via Zoom, and took stenotype  
8 notes of the proceedings entitled herein, and  
9 thereafter transcribed the same into typewriting as  
10 herein appears.  
11 That the foregoing transcript is a full,  
12 true, and correct transcription of my stenotype  
13 notes of said proceedings consisting of 188 pages,  
14 inclusive.  
15 DATED: At Reno, Nevada, this 9th day of  
16 September, 2023.  
17  
18 /s/ Brandi Ann Vianney Smith  
19  
20 BRANDI ANN VIANNEY SMITH  
21  
22  
23  
24  
25



# INVOICE

**BAVS SM-LLC**  
brandiavsmith@gmail.com  
United States

**BILL TO**  
**Incline Village General Improvement  
District**  
Susan Herron

775-832-1218  
AP@ivgid.org

**Invoice Number:** IVGID 3

**Invoice Date:** September 9, 2023

**Payment Due:** September 30, 2023

**Amount Due (USD): \$1,478.00**

Items	Quantity	Price	Amount
<b>Appearance fee</b> August 30, 2023 BOT meeting	1	\$350.00	\$350.00
<b>Per page fee</b> August 30, 2023 BOT meeting	188	\$6.00	\$1,128.00

**Subtotal:** \$1,478.00

**Total:** \$1,478.00

**Amount Due (USD): \$1,478.00**

**Charge to 100-11-100-6030**

**S. Herron 09-11-2023**



## Invest in Incline Proposes Code of Conduct for Public Speakers

The following letter was sent to the IVGID Board of Trustees on May 26, 2023 from the Invest in Incline Advocacy Network. We have never received a response to this letter, but the issue is now on the Board's agenda for the August 30, 2023 meeting. We have also provided a link to a legal opinion from IVGID's legal counsel, Mr. Nelson, for this agenda item in response to a request from the Trustees. **If you support this effort, please send an email to the IVGID Trustees at [info@ivgid.org](mailto:info@ivgid.org) encouraging them to adopt a Code of Conduct for Public Speakers at Board Meetings, or provide public comment in support of this code of conduct at the August 30 meeting.**

link to Mr. Nelson's legal opinion: [https://www.yourtahoepace.com/uploads/pdf-ivgid/E.2.\\_-Reports\\_-\\_Regulating\\_Public\\_Comments.pdf](https://www.yourtahoepace.com/uploads/pdf-ivgid/E.2._-Reports_-_Regulating_Public_Comments.pdf)

letter to the Trustees from the Invest in Incline Advocacy Network:

Dear IVGID Trustees,

Democracy depends on the active participation of its citizens. We believe that as elected representatives of our community, one of your goals should be to do whatever you can to encourage, nurture and foster public involvement in IVGID affairs. One of the most obvious opportunities for public involvement in IVGID governance is the public comments section of regular Board of Trustee meetings.

We are sure you recognize that too many of the public comments are disrespectful or inappropriate. More often than not, this uncivil and inappropriate behavior comes from a relatively small number of our neighbors, and has occurred on a regular basis for many years. These personal attacks, slanders, and rude behavior have negative consequences, such as:

- - Making it unbearably unpleasant for people to attend meetings, therefore discouraging participation.
  - Undermining the morale of IVGID staff, resulting in more turnover, more challenging hiring, and defensive behavior.
  - Setting a negative tone for these meetings, and failing to restrain this behavior makes it appear that the Trustees condone, and even endorse, these extreme departures from civil discourse.
  - Actively discouraging people from running for IVGID Trustee.

Does this habitual misbehavior at public comments have to be tolerated? Is there ANYTHING you can do as elected officials to improve this situation?

Nevada State Open Meeting Law requires that citizens be able to make public comments. But just like the 1st Amendment of our Constitution, there are reasonable limits. According to the Open Meeting Law Manual, from the NV Attorney General's office, a public agency has the right to limit such comments: ([https://ag.nv.gov/uploadedFiles/agnv.gov/Content/About/Governmental\\_Affairs/OML\\_Portal/omlmanual.pdf](https://ag.nv.gov/uploadedFiles/agnv.gov/Content/About/Governmental_Affairs/OML_Portal/omlmanual.pdf)), "A public body's restrictions must be neutral as to the viewpoint expressed, but the public body may prohibit comment if the content of the comments is a topic that is not relevant to, or within the authority of, the public body, or if the content of the comments is willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational or amounting to personal attacks or interfering with the rights of other speakers."

We also recognize that in the past an IVGID Board and Chair were cautioned by the NV OAG for not allowing public comments from two residents who filed a complaint about being censored because the Chair felt that the comments were false. (see OAG File # AG File No. 11-024 referenced in the attached Addendum B )

The right to make such false comments is clearly something that some commenters at IVGID Board meetings feel quite comfortable taking advantage of; and we have NO interest in asking for this right to be infringed upon. There are a number of legal considerations and court opinions that address the ability of government officials to tackle the issues around public comments during public meetings, and we have referenced several of these in the attached Addendum B.

In the past, the Board has adopted guidelines for public comments (see agendas from Feb 2017). The NV Attorney General admonished the IVGID Board in an Oct 17, 2017 action, for incorrectly stating that the Board's legal counsel can cut off public comments. However, it did reinforce the fact that a Public Body may appropriately limit public comments. "The interpretation and enforcement of rules during public meetings are highly discretionary functions. A Public Body may impose restrictions on public comments that are repetitious, irrelevant, or disruptive comments."

[https://ag.nv.gov/uploadedFiles/agnv.gov/Content/About/Governmental\\_Affairs/OML\\_AGO\\_13897-224\\_and\\_226.pdf](https://ag.nv.gov/uploadedFiles/agnv.gov/Content/About/Governmental_Affairs/OML_AGO_13897-224_and_226.pdf)

It would therefore be prudent and necessary for the Board to get an opinion from legal counsel regarding the ability of the Board to safely navigate these waters. Limiting comments would be challenging, and should be done with care. But you were elected to do hard things.

As an example of what might be possible, we'd suggest you create and approve an official "Code of Conduct" for public commenters. We've attached a sample of what might work below (Addendum A). Additionally, you may want to create a standard, repeatable process for determining when a commenter has violated the Code of Conduct, and the actions you will take when that happens. We've also attached a sample process below.

Again, as elected officials, part of your job is to encourage, nurture and foster public participation in governance. The existing behavior of some at board meetings is a hindrance to that goal. You could choose to do something about that. We encourage you to be bold; take action; make your board meetings better.

With a sincere desire to help make our community better,  
Dr. Myles Riner  
Jim Croley

## **Addendum A Code of Conduct**

### **Sample Code of Conduct for Public Comments at IVGID Board Meetings**

- 1) Ensure your comments are an honest attempt to improve IVGID, whether it's positive or negative feedback.
- 2) Be civil by refraining from comments which are:
  - a. Personal attacks: an abusive remark on or relating to somebody's person or character instead of providing evidence when examining another person's claims, comments, or behavior
  - b. Inflammatory: arousing or intending to arouse anger or violent feelings
  - c. Slandering: making a false spoken statement damaging to a person's reputation
  - d. Offensive: causing someone to feel deeply hurt or abused.
- 3) Treat others with respect (due regard for the feelings, wishes, rights, or traditions of others).
- 4) You may not make comments on the competency of public employees.
  - a. Treat others with respect (due regard for the feelings, wishes, rights, or traditions of others)
  - b. You may not make comments on the competency of public employees.

This Letter  
and the **Sample Meeting Process**  
and the **Findings and Opinions Related to Restrictions on Public Comments**

Can be found here;  
<https://investinincline.org>

## IVGID BOARD OF TRUSTEE'S MEETING

30 AUGUST 2023

My name is Paul Smith and I live at 1437 Tirol.

### **No good deed goes unpunished.**

All directors of my HOA just went through two unsuccessful recalls driven by the economic self-interest of the short-term rental industry. The complaint: STR's wanted second and third parking spaces not available to any other HOA homeowner.

As for IVGID it's the same because, after looking out for Incline residents through protection of the beach deed, the STR/Realtor/Raelys business conspiracy want to recall **Trustee's Dent and Schmitz**.

### **No good deed goes unpunished.**

Restricting beach access has really burned the STR/Realtor/Raleys group so now they conspire to go after two trustee's in an attempt to regain beach access plus expand so that all IVGID recreational facilities are for tourists first and secondarily for you and me.

Incline Village General Improvement District was established to provide key utility and recreational services for residents; not to almost 700 rental businesses who run profit oriented small hotels in residential neighborhoods and then disguise themselves in testimony here "as simple local property owners with families trying to pay a mortgage".

Make no mistake: To these business interests the rec center, the golf courses, Diamond Peak, and even the beach are marketing tools that they want to advertise as rental amenities for \$200+ a night.

These economic interests care zip about the normal Incline resident for whom the improvement district exists.

### FACTS:

- there are 700 short term rentals (STR's) just in Incline Village and Crystal Bay;
- STR profits incentivize the conversion of long-term rentals reducing Incline workforce housing;
- Realtors love to manage STR's;
- STR's and realtors do not care if tourists get priority over residents since tourists bring money into Incline while residents just live here;
- Raleys and realtors love to see 4,500 new STR shoppers every week – why else would Raleys allow the recall table outside their door and permit their name to be on the recall signs.
- Its all about the money not about Incline Village/Crystal Bay owners!!

If you signed the recall petition; immediately request your signature be removed or count yourself among the greedy.

Tim Calicrate and his cronies ran IVGID into a financial mess and now they want to drive a stake through the heart of beach ownership and recreation facility access so they can capture all of Incline Village for the tourist business.

A no vote on the recall will put Incline Village residents first .... not second fiddle to residential hotel companies and their associated business interests of Raleys and the realtor community.

Thank you.

***Ref: Item 10 on the Agenda since a new legal counsel will need to know what groups are littering our streets with illegal signs as an harassment to duly elected Trustee's.***

## Resident Aaron Katz's Prophetic Words to Go Into the Annals of IVGID Forever

### August 30, 2023 IVGID Board Meeting

Our General Improvement District ("GID") should work for us, rather than we working for it. Unfortunately that's not where we're at.

Things are imploding all around us. It's not the current Board's fault. This has been building for some time thank you Mr. Polly Wolfe, Bruce Simonian, Jim Hammerhill, Peter Morris, Tim Callicrate, Kendra Wong, Steve Pinkerton, Brad Johnson, Joe Pomroy.

And because of this, you need to stop and smell the coffee Mrs. Bueller.

Look at the other 83 or more GIDs in the state. How many own/operate a ski area?

Publish magazines and give away all the advertising revenue?

Operate restaurants that lose \$2K/day?

Spend \$1 million or more annually on marketing?

Maintain a PR department (aka "communications")?

Employ over 1,000 employees annually – as many as Carson City?

Pay their GMs \$200K annually (<sup>let alone</sup> not \$500K like what we're about to do)?

Have finance directors, and pay them \$100K annually (<sup>let alone</sup> not \$250K like what we're about to do)?

How rely upon a disingenuous a Rec Fee? And then lie about it?

How many have a slew of residents like that 81 year old lady in the back who think they represent the majority and blame truth tellers rather than the bunch who've gotten us into the mess we face?

How many have filed recall petitions, EVER, to recall their trustees?

The takers in our community will claim because we're "different" or "special."

I say we've seen the enemy, and it's <sup>them</sup> us.

Our true governance is the county and not IVGID. If IVGID goes, we still have the county.

And all the services the county provides and is obligated to provide to its other citizens will be made available to us because now the county cannot rely upon IVGID to do its job.

Since we don't NEED IVGID for anything, we eventually get to a point where we need to have a serious discussion about what we do with the beaches because really, that's what is at our core.

I submit that when you can't retain senior staff,

Nor hire enough people to operate your commercial "for loss" businesses,

Nor operate your commercial business enterprises competently

Nor make a buck on any of them,

And you spend your time skewing our financials because you're afraid to share the ugly truth with your citizenry,

And you burden 80% or more of your citizenry to involuntarily subsidize money losing golf to appease for the vocal few,

And the realtors,

The problem's not me. Nor Frank Wright. Nor Cliff Dobler!

You've crossed over the line! That's it.

We're there!

It's time to agendize the discussion of how we get out of this mess and save our beaches.

Aaron Katz

**WRITTEN STATEMENT TO BE INCLUDED IN THE WRITTEN MINUTES OF THIS AUGUST 30, 2023 REGULAR IVGID BOARD MEETING – AGENDA ITEM G(2) AND G(3) – RECOMMENDED INCREASE IN SALARY RANGE FOR A NEW GENERAL MANAGER (“GM”) WHICH WHEN BENEFITS, A RELOCATION ALLOWANCE AND EXECUTIVE SEARCH FIRM FEES ARE ADDED TO THE MIX, WE’RE LOOKING AT NEARLY \$500,000 ANNUALLY. FOR THE HEAD OF THE EQUIVALENT OF A GLORIFIED MOSQUITO DISTRICT**

**Introduction:** Here our H.R. Director recommends a new, increased salary range and relocation fees for a new GM. When these sums are added to the fees an executive search firm will assess, we’re looking at nearly \$500K or more annually; just for a GM! In my opinion if that’s what we have to deal with as a GM, then it’s time to throw in the towel. That’s it! Because our General Improvement District (“GID”) should work for us, rather than we working for it. And for these reasons, I submit this written statement.

**My E-Mail of August 27, 2023:** On August 27, 2023 I e-mailed the IVGID Board<sup>1</sup> urging members address the real elephant in the room rather than matter of factly increasing the salary and benefits of our GM because we’re required to compete with the salaries and benefits offered to counties and true municipalities. Rather than regurgitating my concerns, I direct interested readers to the contents of Exhibit “A” itself.

**Conclusion:** If we had the money to pay this outrageous amount of compensation, that would be one thing. BUT WE DON’T. And because we don’t, the Board is putting more and more financial pressure upon local parcel owners by involuntarily assessing our properties with this evil called the Rec Fee. And that’s why you keep hearing criticism from me<sup>2</sup>. Look at the other 83 or more GIDs in the state. How many own/operate a ski area? How many publish magazines? How many operate restaurants open to the public? How many have a marketing department? How many have a PR department (aka “communications”)? How many hire over 1,000 employees each year? How many pay their GMs \$200K or (not \$500K but just \$200K) more annually? How many have a Rec Fee? So for IVGID to be contemplating the expenditure of this amount of money on a GM, IMO is totally OUTRAGEOUS.

My business partner has rightly informed me that IVGID should work for we the people, not we working for IVGID. Our community can survive quite nicely without IVGID. Our true governance is the county and not IVGID. If IVGID goes, we still have the county. And all the services the county provides

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<sup>1</sup> That e-mail is attached as Exhibit “A” to this written statement.

<sup>2</sup> Paying \$500K annually or more on a new GM has nothing to do with making the District's recreational facilities available to my property to be used by my property as an alleged standby charge (this is what you tell us the Rec Fee represents which we all know is a lie).

and is obligated to provide to its other citizens should be made available to us because now the county cannot rely upon IVGID to do its job.

Since we don't NEED IVGID for anything, we eventually get to a point where we need to have a serious discussion of what we do with the District. And I submit that when you can't retain senior staff, nor hire enough people to operate your commercial "for loss" businesses, you can't operate your commercial business enterprises competently and you can't make a buck at any of them, you have to rely upon 80% or more of your citizens to involuntarily subsidize money losing golf for a few, and you have to pay a GM the equivalent of \$500K annually, you've crossed the line! That's it.

And you wonder why your Recreation ("RFF") and/or Beach ("BFF") Facility Fee(s) which pay for mistakes such as these go up and up without delivering special benefit to you the payor? I've now provided more evidence.

Respectfully submitted. Aaron Katz (Your Community Watchdog), Because Only Now Are Others Beginning to Watch and Understand!



## August 30, 2023 IVGID Board Meeting - Agenda Items G(2) and G(3) - Proposed Enhanced Salary Range For GM After Spending \$50K With an Executive Search Firm

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**From:** <s4s@ix.netcom.com>  
**To:** "Dent Matthew" <dent\_trustee@ivgid.org>  
**Cc:** "Schmitz Sara" <schmitz\_trustee@ivgid.org>, "Tonking Michaela" <tonking\_trustee@ivgid.org>, "Tulloch Ray" <tulloch\_trustee@ivgid.org>, "Noble Dave" <noble\_trustee@ivgid.org>  
**Subject:** August 30, 2023 IVGID Board Meeting - Agenda Items G(2) and G(3) - Proposed Enhanced Salary Range For GM After Spending \$50K With an Executive Search Firm  
**Date:** Aug 27, 2023 5:20 PM

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Chairperson Dent and Other Honorable Members of the IVGID Board -

Here our HR Director is proposing a minimum annual salary range for a new GM of \$270K-\$300K. And if the Board requires the GM to reside in IV, he/she should be offered a \$10K relocation bonus to boot (which I can imagine could easily be \$25K or more if the right candidate simply asked). And in order to find this person, Ms. Fiore is recommending an expenditure with an executive search firm of \$50K. And this \$50K doesn't include the presumable \$50K or more that will be necessary recruiting a Director of Finance.

Our HR Director states that "as the District General Manager is the employee of the Board of Trustees, Staff welcomes any thoughts or recommendations...at this meeting." Okay Ms. Fiore. Here are my thoughts and recommendations.

Now take a step back.

I don't care what you want to call us. At the end of the day, we're nothing more than a glorified mosquito district. That's it a mosquito district. We're not a county. Nor a city. Nor an unincorporated town. We're what is supposed to be a limited purpose special district.

Much of the garbage we engage in which expands our footprint and cost, is voluntarily incurred. We're our own worst enemy. Things like the IVGID Magazine. Hiring a lobbyist to influence legislation. Spending \$1M annually on marketing. Operating a restaurant at a \$2K/day LOSS. Disingenuously stating that our operational costs for food and beverage system wide are offset by revenues when we're not including the costs of our facilities in the mix to juice the numbers. Hiring over 1,000 employees. Creating a CIP plan over the next five years of \$125M or more.

If we eliminated these voluntary costs, we'd be far closer to what we're supposed to be. A glorified mosquito district.

But because we won't, we're going to be required to spend close to \$500K annually, on compensation, benefits, and ancillary matters on a new GM. I'm sorry. I find this to be absolutely OUTRAGEOUS!

Now if we had the money to pay this outrageous compensation, that would be one thing. BUT WE DON'T. And because we don't, you're putting more and more financial pressure on local parcel owners by involuntarily assessing their properties with this evil called the Rec Fee. And that's why you keep hearing criticism from me. By the way, paying \$500K annually or more on a new GM has nothing to do with making the District's recreational facilities available to my property to be used by my property (this is what you tell us the Rec Fee represents which we all know is a lie).

Look at the other 83 or more GIDs in the state. How many own/operate a ski area? How many publish magazines? How

many operate restaurants open to the public? How many have a marketing department? How many have a PR department (aka "communications")? How many hire over 1,000 employees? How many pay their GMs \$200K or (not \$500K but \$200K) more annually? How many have a Rec Fee?

So for IVGID to be contemplating the expenditure of this amount of money on a GM, IMO is totally OUTRAGEOUS.

Our community can survive quite nicely without IVGID. Our true governance is the county and not IVGID. If IVGID goes, we still have the county. And all the services it provides to its other citizens should be made available to us because now the county cannot rely upon IVGID to do its job. Insofar as trash disposal is concerned, all IVGID does is outsource to Waste Management. The county can do this just as easily as can IVGID. And at a lower cost because the county won't charge Waste Management a 10% franchise fee, as does IVGID, which ultimately gets passed on to us.

Insofar as water and sewer services are concerned, IVGID can remain for these two functions or again, we can simply turn them over to the county. Again, we don't need IVGID.

I realize the few core golfers in our community will complain. Well I say TOO BAD! You want your own private country club? Purchase our golf courses from IVGID. Or if you won't, go golf somewhere else. There are plenty of other options within short driving distance. It's not like you don't have options.

To the skiers in our community, I have the same answer. Having to drive 12 minutes to Mt Rose versus paying \$500K or more annually for a new GM, get in your vehicle and drive! Or if you want to drive a bit farther, ski Squaw, Northstar or Heavenly. It's not like you don't have options.

To the handful of tennis players in our community, use the courts at the high school for free!

To those who want a Rec Center, join High Altitude Fitness.

To those who want to swim, build a pool in your backyard. Or if you have beach access, use the Burnt Cedar Pool.

That leaves the beaches. I've said this many times before and I will repeat myself. IVGID's acquisition of the beaches was based upon fraud. The beaches were supposed to have been deeded to a HOA to be managed for the benefit of local parcel owners. After all, if you read the beach deed, you will find that IVGID is not the equitable owner of our beaches. Rather, it holds title supposedly for the benefit of we local parcel owners. Not IVGID employees or dignitaries or special interests or WCSO or NLTFPD for their public service pier. Local parcel owners. So transfer the beaches to our HOA and then we need IVGID for NOTHING.

Since we don't NEED IVGID for anything, we eventually get to a point where we need to have a serious discussion of what we do with the District. And I submit that when you can't retain senior staff, when you can't hire enough people to operate your commercial businesses, when you operate commercial business enterprises and you can't make a buck at any of them, when you have to rely upon 80% or more of your citizens to subsidize money losing golf for a few, and you have to pay a GM the equivalent of \$500K annually, you've crossed the line!

Finally, the so called experts Ms. Fiore has come up with are losers. All of them. Consider the following:

At page 216 of the Board packet Bob Hall submits a cover letter which accompanies his firm's proposal. He DOESN'T even understand what we are! Just listen: "We appreciate the opportunity to be considered to aid in the search for the City Manager vacancy." I guess this explains where Mr. Hall's expertise lies given he tells us that "recent recruitments by Hall & Associates include the Cities of Manteca, Tracy, Morro Bay, San Bernardino, Laguna Hills, Fountain Valley, American Canyon, (and) Laguna Niguel" (ALL in California). We're NOT a city Bob. And this isn't Kansas!

Similarly, we're not a HOA. So why are you telling me that recent recruitments...include...San Clemente, Laguna Woods Village and Rancho Santa Fe Association(s)?"

And if you can't figure it out right from the get go, how am I supposed to have confidence that you will be able to set your recruits straight?

Hall & Associates (see page 218 of the Board packet - recent engagements), Koff & Associates (see page 228-230 of the Board packet - recent successful recruitments), and Korn Ferry (see page 275 of the Board packet - Representative Engagements) all tout how experienced they are in finding PUBLIC (cities and districts) CEOs/their equivalent. And primarily in California no less. But really, that's not what we are. I keep hearing from staff that we're only "quasi public." So why do we want to hire a firm which is UNEXPERIENCED in the "quasi public" field?

And I keep hearing that 78% of our revenues come from operating commercial "for profit" businesses. Municipalities by-and-large don't operate commercial for profit businesses. They don't have marketing departments. They don't market their facilities and services to the world's tourists (although Reno and Las Vegas may through tourist districts). So why are they going to solicit experienced public CEOs? And how are they going to be able to attract the type of CEO that we require? And for a measly \$300K annually to boot!

It's time to throw in the towel and just say no! Please put your feet down and just say no. Return us to what a GID should be which doesn't require a GM with an annual cost of \$500K or more. And let's start the discussion which is the real elephant in the room - what to do with the District!

Respectfully, Aaron Katz

**WRITTEN STATEMENT TO BE INCLUDED IN THE WRITTEN MINUTES OF THIS AUGUST 30, 2023 REGULAR IVGID BOARD MEETING – AGENDA ITEM C – PUBLIC COMMENTS – HOW MUCH MORE IMPROPER BEHAVIOR DO YOU NEED TO SEE BEFORE YOU FIRE SUSAN HERRON? HERE IT’S HER OPEN MEETING LAW VIOLATION INSOFAR AS NRS 241.033 IS CONCERNED**

**Introduction:** Well here it's Susan Herron again. Who holds the title “Director of Admin Services” with no job description which sets forth nearly everything she does. Such as being a mole. Exercising 100% loyalty to outsiders rather than the District. Costing the District hundreds of thousands of dollars in litigation/other costs. Or violating the Public Records Act (“PRA”) nearly every day of the week. Or as here, violating the Open Meeting Law (“OML”). Let me explain.

Judy has volunteered to serve as an “at-large member of (the District’s) Golf Committee. Apparently the IVGID Board<sup>1</sup> will be considering her applicants’ appointment to this committee (“the hearing”) at its September 13, 2023 meeting (see Ms. Herron’s August 28, 2023 e-mail). Well Ms. Herron has committed at least two OML violations with respect to the hearing. And she has committed additional improprieties. And that’s the purpose of this written statement.

**The Notice and Publication:** On August 18, 2023 as well as August 25, 2023, if not before, Ms. Herron caused publication in the Tahoe Daily Tribune Newspaper, soliciting applicants to the Golf Committee<sup>2</sup>. This publication was pursuant to the District’s announcement on its web site wherein it sought applicants to the Committee<sup>3</sup>. *Nowhere* did the notice nor publication inform applicants that their “character, alleged misconduct, professional competence, or physical or mental health” would be considered by the Board. And *nowhere* did the notice nor publication inform applicants that they would be compelled to waive the provisions of NRS 241.033<sup>4</sup>, in writing, as a condition of being considered for appointment to the Committee.

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<sup>1</sup> Note that in Exhibit “A” to this written statement the public is told that the IVGID “Board of Trustees (rather than unelected staff) is seeking interested candidates who wish to serve...on the Golf Committee.”

<sup>2</sup> That publication is attached as Exhibit “A” to this written statement.

<sup>3</sup> This notice is attached as Exhibit “B” to this written statement.

<sup>4</sup> NRS 241.033(1) states as follows: “1. Except as otherwise provided in subsection 7, a public body shall not hold a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of any person...unless it has: (a) Given written notice to that person of the time and place of the meeting; and (b) Received proof of service of the notice. NRS 241.033(2)(c) states as follows: “The written notice required pursuant to subsection 1...(c) Must include: (1) A list of the general topics concerning the person that will be considered by the public body during the closed

**Ms. Herron's August 28, 2023 E-Mail:** Judy Miller has applied to be appointed to the Committee. Thus on August 28, 2023 Ms. Herron sent Judy an e-mail<sup>5</sup> advising her of a date (September 13, 2023) and time for the meeting of the Board whereat applicants to the Committee would be appointed, and including a waiver Ms. Herron requested be executed and returned no later than September 5, 2023 at 9 A.M. Insofar as the waiver were concerned, note that the accompanying e-mail states that execution of the waiver is "required."

**Ms. Herron Has Not Informed Ms. Miller That The Purpose of The Board's September 13, 2023 Meeting Will Be to Consider Her "Character, Alleged Misconduct...Physical or Mental Health:"** Therefore there is nothing to waive. So why the waiver?

**Ms. Herron Has Not Informed Ms. Miller That The Purpose of The Board's September 13, 2023 Meeting Will Be to Consider Her "Professional Competence:"** Instead Ms. Herron has stated that "professional competence" may become an issue insofar as a meeting "to consider...advisory committee volunteer service." Therefore there is nothing to waive. So why the waiver?

**OML Violation No. 1: Because Ms. Herron Did Not Informed Ms. Miller That The Purpose of The Board's September 13, 2023 Meeting Would Be to Consider Her "Character, Alleged Misconduct, Professional Competence or Physical or Mental Health,"** she committed an OPM violation. §6.02 of the OML Manual instructs that agendas of meetings must be "clear and complete." Although this requirement is typically applied to formal notices of agendas of meetings published to the public, there is no reason to not extend this same requirement to the notices of matters in essence included in agendas public bodies are required to provide pursuant to NRS 241.033(1). And here the notice Ms. Herron provided was insufficient.

**Ms. Herron's Accompanying Waiver:** purports "to allow (the) Board...to consider (Judy's) character, misconduct, or competence related to advisory committee volunteer service" at the meeting<sup>6</sup>. I find it noteworthy that the last sentence of the waiver, if executed, acknowledges that

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meeting; and (2) A statement of the provisions of subsection 4, if applicable." Although NRS 241.033(2)(b) states as follows: "The written notice required pursuant to subsection 1...(b) May, with respect to a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of a person, include an informational statement setting forth that the public body may, without further notice, take administrative action against the person..." according to §8.04 the Office of the Attorney General's Open Meeting Law Manual ("the OML Manual), "as a practical matter, a notice pursuant to NRS 241.033 should contain the informational statement regarding administrative action under NRS 241.033(2)(b). See § 6.09 and § 6.10 supra.

<sup>5</sup> That e-mail is attached as Exhibit "C" to this written statement.

<sup>6</sup> This waiver is attached as Exhibit "D" to this written statement.

Judy has “knowingly and voluntarily waive(d her) rights to all written notice requirements under... NRS 241.033(1),” notwithstanding the waiver itself acknowledges the contrary; that is, that “by signing below, I knowingly and voluntarily waive my rights to all written notice requirements under...NRS 241.033(1).” Where I come from, this is called “liar, liar, pants on fire” Ms. Herron.

**OML Violation No. 2: Ms. Herron’s Waiver Was Not “Clear And Unambiguous, (Proffered) Voluntarily, And Intended (by Judy) to Relinquish a Known Statutory Right:”** At §5.09 of the OML Manual, our OAG “recommend(s) that the waiver be obtained in writing expressing: (1) the voluntary nature of the waiver; (2) the applicant’s knowledge about the statutory right; and (3) the applicant’s intention to relinquish that right (see Attorney General Letter Opinion to Jerry Higgins, Nevada Board of Professional Engineers and Land Surveyors, dated October 28, 1993).” Moreover, the waiver did not make it clear that if executed, Judy would be waiving notice to a hearing to consider her “character, alleged misconduct...or physical or mental health” rather than her “professional competence.” Since here there was none of this, Ms. Herron committed an OML violation.

**Although Ms. Miller Has The Statutory Ability to Waive Closure of The Meeting, She Does Not Have The Statutory Ability to Waive The Notice Requirements of NRS 241.033(1):** NRS 241.030(2) states the following: “a person whose character, alleged misconduct, professional competence, or physical or mental health will be considered by a public body during a meeting *may waive...closurer of the meeting and request that the meeting or relevant portion thereof be open to the public.*” But it states *nothing* insofar as waiving the notice provisions of NRS 241.033(1). Nor does any other NRS. So who came up with this one?

**Although NRS 241.033(1)’s Notice Provisions Can Be “Except(ed) as Otherwise Provided in Subsection 7,” Nowhere in That Subsection Does it Recognize The Ability to Waive Those Provisions as Ms. Herron Has Attempted to Compel:** So who came up with this one which attempts to circumvent the protections of NRS 241.033(1)?

**Where is The NRS 241.033(2)(b) Informational Statement Ms. Herron Should Have Sent to Ms. Miller?** Is there a consequence to Ms. Herron for this failure?

**Where is The NRS 241.033(2)(c)(1) “List of...General Topics Concerning (Judy’s) Character, Alleged Misconduct, Professional Competence, or Physical or Mental Health That W(ould) be Considered by The (IVGID Board) During The...Meeting?”** Is there a consequence to Ms. Herron for this failure?

**Who Directed Ms. Herron to Require Applicants to The Committee to Execute Her Form of Waiver as a Condition of Applying For Service?**

**Who Directed Ms. Herron to Ask Attorney Josh Nelson to Craft a Form of Waiver For Her Use That Waives All “Rights to All Written Notice Requirements Under...NRS 241.033(1)?”** when the meeting, at best, will consider rights to notice with respect to professional competence only?

**Who Directed Mr. Nelson to Craft a Form of Waiver For Ms. Herron to Use That Waived All “Rights to All Written Notice Requirements Under...NRS 241.033(1)?”** I thought Mr. Nelson was directed that his client was the Board rather than staff? Since the subject matter of the waiver was of direct importance to the Board, where did Mr. Nelson get off assistance staff in circumventing the notice provisions of NRS 241.033?

**Who Authorized Ms. Herron to Require All Applicants Who Volunteer to Serve on The Committee to Execute Her Form of Waiver as a Pre-Condition to Application?**

**The OAG OML Manual<sup>7</sup>:** Since I have referred to the same, let’s provide direct access.

**Conclusion:** This episode is one of many dozens involving Ms. Herron which conflict with law. Who came up with this garbage? Who authorized Ms. Herron to come up with this garbage? Where in Ms. Herron's job description, even though we see that it is the equivalent of a glorified secretary, do we see where what she has done is one of her assigned duties? Who's running the show here? And when are board members going to put your collective feet down and declare that's it? Ms. Herron is out of here?

And you wonder why your Recreation (“RFF”) and/or Beach (“BFF”) Facility Fee(s) which pay for wasteful stuff such as this which have little if any benefit to glorified districts such as IVGID, and which go up and up without delivering special benefit to you the payor? I’ve now provided more evidence. Please vote no.

Respectfully submitted. Aaron Katz (Your Community Watchdog), Because Only Now Are Others Beginning to Watch and Understand!

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<sup>7</sup> Go to [https://ag.nv.gov/uploadedFiles/agnv.gov/Content/About/Governmental\\_Affairs/2019-03-26\\_OML\\_12TH\\_AGOMANUAL.pdf](https://ag.nv.gov/uploadedFiles/agnv.gov/Content/About/Governmental_Affairs/2019-03-26_OML_12TH_AGOMANUAL.pdf).

## **EXHIBIT "A"**



## INVESTMENT CORNER

# Is a financial advisor worth the Fee?

Investing is a crucial part of building wealth and achieving financial goals. Most investors tend to focus on market trends, asset allocation and investment strategies. However, many investors often overlook the significant role that investment fees play in determining overall performance. Investment fees, while seemingly inconspicuous, can have a profound impact on the returns an investor ultimately receives. Understanding these fees and their implications is essential for making informed investment decisions.

There are various types of investment fees that investors may encounter, each affecting the performance of their investments



Larry Sidney

differently. Some common types include:

- **Expense Ratio:** This represents the annual cost of managing a mutual fund or exchange-traded fund (ETF). It's expressed as a percentage of the total assets under management. The only way to completely avoid this fee is by buying individual stocks and bonds, but that can reduce the diversification in your portfolio. If you've read my previous articles, that is something you do not want

to do!

- **Sales Load:** Also known as a sales charge, this fee is associated with certain mutual funds and is typically paid when buying or selling fund shares. Some financial advisors are using ETFs more and mutual funds less to reduce these fees. In exchange for a larger ongoing fee financial advisors may also have access to Institutional Share Classes of certain mutual funds, which can eliminate or reduce the sales load for the client. 12b-1 fees are a form a 'load' which are paid every year the investor holds the fund that has this kind of fee.

- **Transaction Costs:**

SIDNEY, 26

## Drivers should anticipate periodic traffic delays as Mt. Rose Highway avalanche control system is replaced

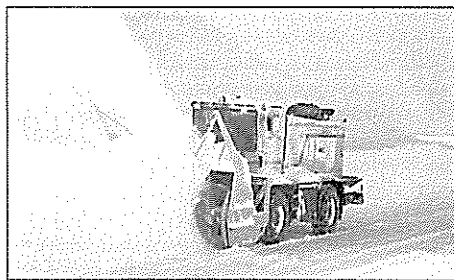
Submitted to the Tribune

CARSON CITY, Nev. – The Nevada Department of Transportation is advising Mt. Rose Highway commuters to anticipate upcoming brief traffic delays and stoppages as the avalanche control system located at the Mt. Rose Highway (State Route 431) summit is replaced.

Beginning in late August through October, Mt. Rose Highway commuters can anticipate intermittent weekday traffic delays and stoppages near the Mt. Rose Highway summit during installation of the new system. The periodic traffic delays are anticipated to be less than 30 minutes as a helicopter delivers components for the project.

While NDOT will work to advise drivers in advance of the brief traffic closures via the media and NVRoads.com web site, some brief traffic stoppages may take place without advance notice as required by weather and construction schedules.

Since 1992, NDOT has housed a remote-controlled avalanche control system near the summit of Mt. Rose Highway. When snow build up, NDOT briefly



PROVIDED / NEVADA DEPARTMENT OF TRANSPORTATION

-This summer and fall, NDOT will install a new avalanche control system to replace the aging system which has served the highway for decades.

stops traffic away from the area and activates the system to send shock waves which shake loose snow toward the highway. NDOT plow operators then remove the snow and safely reopen the road. These controlled releases of snow can help prevent the unpredictable and potentially dangerous snow slides that could bury vehicles and motorists on the highway.

This summer and fall, NDOT will install a new avalanche control system to replace the aging system which has served the highway for decades. The new system will use advanced avalanche control technologies to further ensure the

safety and connectivity of highway travelers.

Also on the Mt. Rose Highway summit, the U.S. Forest Service is repairing restrooms, sidewalks, curbs and walkways, as well as repaving and striping the parking lot at Mt. Rose Trailhead: Humboldt-Toiyabe National Forest - News & Events (usda.gov)

Additional state highway information is available at [dot.nv.gov](http://dot.nv.gov) or by calling (775) 888-7000. Also follow @NevadaDOTRenov on Twitter for traffic and project updates in northern Nevada, and @nevadadot on Twitter, Facebook, and Instagram for updates from across the state.



The Incline Village General Improvement District Board of Trustees is seeking interested candidates who wish to serve as an At-Large Member on the Golf Committee. The goal of board appointed committees is to engage and leverage the skills and expertise of community members to assist the board in moving initiatives forward. Committees shall comprise of up to 4 At-Large community members appointed by the Board of Trustees. The Board appointed Trustee is Michaela Tonking and she will be the Committee Chair who will formulate meeting agendas and schedule. Should vacancies occur, the Board may solicit applicants and make appointments. Appointments are for up to 2 years, or the Board's determined/expected duration of the committee, whichever is less. A committee may be an ongoing committee, or a duration/project specific committee. All meetings are subject to Open Meeting Law. At-Large members are to have relevant professional experience for their specific committee.

**Responsibilities/Authority** – All committees are advisory to the Board. The committees shall review all relevant information and make recommendations to the Board, in alignment with the District's Strategic Plan, any applicable District master plans, and Board identified priorities. They are to identify the financial impacts of all of their recommendations, identify how recommendations align with the budget, and if applicable, how they affect the 5-year capital plan. The Board can set timelines and committee goals and expectations. Committee Trustees shall report monthly on the progress of the committee.

### Proposed Objectives

**Golf Committee** – Discuss and review operational service levels, financial sustainability, formulate community focused recommendations in alignment with board policies and identify necessary capital investments. Identify if any related District policy revisions are needed.

**Goal** – To formulate recommendations for the board's consideration related to optimizing all aspects of the golf operations, including revenue growth opportunities, cost efficiency optimization and expanding passholder participation. Provide input on current and the 5-year plans to improve sustainability in alignment with policies that provide fairness and equity to all recreation passholders and protect the golf course assets for future generations.

Any interested candidate should submit a letter of interest and a resume. These two documents can be submitted either via U.S. Mail addressed to Director of Administrative Services Susan Herron, IVGID, 893 Southwood Boulevard, Incline Village, Nevada 89451; or hand delivered to the aforementioned address; or submitted via e-mail ([sah@ivgid.org](mailto:sah@ivgid.org)). It is the interested candidate's responsibility to ensure that their documents have been received for consideration. All submittals must be received no later than Tuesday, September 5, 12 noon (PST).

Further, all interested candidates should be available to be interviewed (either in person or via Zoom) during the Incline Village General Improvement District Board of Trustees meeting tentatively scheduled for September 13, 2023 at 6:00 p.m. If this is not possible, there are three (3) options to take advantage of and they are (1) Trustee Tonking can interview the applicant via Zoom, which would be recorded, and then it is played during the day of the Board of Trustees meeting; (2) the applicant answers the sample questions and those answers are added as part of your application; and (3) the applicant meets with each Trustee, individually, and they can ask any questions they have. During this meeting, the Board of Trustees may make their final decision. If you have any questions regarding this matter, please contact Susan Herron, Director of Administrative Services, IVGID, at (775) 832-1207 or via e-mail at [sah@ivgid.org](mailto:sah@ivgid.org).

# BOARD OF TRUSTEES- AT-LARGE MEMBER ON THE GOLF COMMITTEE

The Incline Village General Improvement District Board of Trustees is seeking interested candidates who wish to serve as an At-Large Member on the Golf Committee. The goal of board-appointed committees is to engage and leverage the skills and expertise of community members to assist the board in moving initiatives forward. Committees shall comprise of up to 4 At- Large community members appointed by the Board of Trustees. The Board appointed Trustee is Michaela Tonking and she will be the Committee Chair who will formulate meeting agendas and schedules. Should vacancies occur, the Board may solicit applicants and make appointments. Appointments are for up to 2 years, or the Board's determined/expected duration of the committee, whichever is less. A committee may be an ongoing committee or a duration/project-specific committee. All meetings are subject to Open Meeting Law. At-Large members are to have relevant professional experience for their specific committee.

[Click here for the information](#)

**All submittals must be received no later than Tuesday, September 5, 12 noon (PST)**

## **EXHIBIT “C”**

## Fwd: Waiver of Notice (Required)

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**From:** Judith Miller <pupfarm1@gmail.com>  
**To:** Aaron Katz <s4s@ix.netcom.com>  
**Subject:** Fwd: Waiver of Notice (Required)  
**Date:** Aug 30, 2023 11:56 AM  
**Attachments:** Waiver of Notice (required) - Miller.docx NRS 241.033.docx

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----- Forwarded message -----

From: **Susan A. Herron** <[sah@ivgid.org](mailto:sah@ivgid.org)>  
Date: Mon, Aug 28, 2023 at 12:55 PM  
Subject: Waiver of Notice (Required)  
To: Judith Miller <[pupfarm1@gmail.com](mailto:pupfarm1@gmail.com)>

Good Afternoon Ms. Miller,

In anticipation of the September 13 Board of Trustees meeting and possible appointments to the Board Advisory Golf Committee, would you please be so kind as to sign the attached waiver and return to me no later than Tuesday, September 5 at 9 a.m. PST. You can either sign, scan and email or sign and deliver the hard copy to our offices at 893 Southwood.

Thank you,  
Susan

Susan A. Herron, CMC  
Director of Administrative Services  
IVGID  
893 Southwood Boulevard  
Incline Village, NV 89451  
[sah@ivgid.org](mailto:sah@ivgid.org)  
775-832-1207 (Office Ph#)

## **EXHIBIT “D”**

WAIVER OF NOTICE REQUIRED UNDER NRS 241.033(1)  
TO ALLOW  
BOARD OF TRUSTEES TO CONSIDER CHARACTER,  
MISCONDUCT, OR  
COMPETENCE RELATED TO ADVISORY COMMITTEE  
VOLUNTEER SERVICE

The Board of Trustees of the Incline Village General Improvement District will be considering your application to serve on an advisory committee at its September 13th meeting. Pursuant to NRS 241.033(1), in order to consider the professional competence of an individual, notice is provided to that person of the time and place of the meeting in compliance with such statutory provisions.

By signing below, I knowingly and voluntarily waive my rights to all written notice requirements under to NRS 241.033(1).

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Judith Miller

**WRITTEN STATEMENT TO BE INCLUDED IN THE WRITTEN MINUTES OF  
THIS AUGUST 30, 2023 REGULAR IVGID BOARD MEETING – AGENDA ITEM  
G(9) – WHAT DO WE DO WITH THE FINAL MOSS ADAMS REPORT**

**Introduction:** Here the final Moss Adams report<sup>1</sup> is presented to the Board with the question what do we do with its recommendations? The report basically assesses three areas of possible improvement: AN UPDATED STRATEGIC PLAN ASSESSMENT; a SENIOR MANAGEMENT TEAM STRUCTURE AND STAFFING ASSESSMENT; and, an INTERNAL CONTROLS REVIEW AND POLICY ASSESSMENT. Because I agree with the recommendations for the latter two assessments, but not the first, I submit this written statement.

**My E-Mail of August 29, 2023:** On August 29, 2023 I e-mailed the IVGID Board urging that they not adopt the report's recommendations insofar as creating an updated strategic plan<sup>2</sup>. Rather than regurgitating my opposition, I direct interested readers to the contents of Exhibit "A" itself. .

**Conclusion:** The report recommends<sup>3</sup> that the Board:

Update the District's policies and procedures;

Restructure the District's senior management team; and,

Establish succession planning framework.

I agree with all of these recommendations.

However insofar as the report's recommendation that the Board develop a new strategic plan, for the reasons stated in the attached e-mail, I must respectfully disagree. It's a waste for a glorified mosquito district like IVGID.

And you wonder why your Recreation ("RFF") and/or Beach ("BFF") Facility Fee(s) which pay for overpriced plans such as these which look great in a vacuum, but have little benefit to glorified districts such as IVGID, and which go up and up without delivering special benefit to you the payor? I've now provided more evidence.

Respectfully submitted. Aaron Katz (Your Community Watchdog), Because Only Now Are Others Beginning to Watch and Understand!

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<sup>1</sup> See supplemental pages 003-067 to the packet of materials prepare in anticipation of this meeting [go to [https://www.yourtahoeplace.com/uploads/pdf-ivgid/Moss\\_Adams\\_Agenda\\_Item\\_-\\_All.pdf](https://www.yourtahoeplace.com/uploads/pdf-ivgid/Moss_Adams_Agenda_Item_-_All.pdf) ("the supplemental 8/30/2023 Board packet")].

<sup>2</sup> That e-mail is attached as Exhibit "A" to this written statement.

<sup>3</sup> See page 0037 of the supplemental 8/30/2023 Board packet.

## **EXHIBIT "A"**



## Re: August 30, 2023 IVGID Board Meeting - .Agenda Item G(9) - What to Do With the Moss Adams Report's Recommendations

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**From:** <s4s@ix.netcom.com>  
**To:** Dent Matthew <dent\_trustee@ivgid.org>  
**Cc:** Schmitz Sara <schmitz\_trustee@ivgid.org>, Tonking Michaela <tonking\_trustee@ivgid.org>, Tulloch Ray <tulloch\_trustee@ivgid.org>, Noble Dave <noble\_trustee@ivgid.org>  
**Subject:** Re: August 30, 2023 IVGID Board Meeting - .Agenda Item G(9) - What to Do With the Moss Adams Report's Recommendations  
**Date:** Aug 29, 2023 11:28 AM

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Chairperson Dent and the Other Honorable Members of the IVGID Board -

So here we have the Moss Adams Report which addresses three major areas to increase the effectiveness and efficiency of operations in alignment with industry best practices.

- I. STRATEGIC PLAN ASSESSMENT (supplemental pages 007-014 to the Board packet).
- II. SENIOR MANAGEMENT TEAM STRUCTURE AND STAFFING ASSESSMENT (supplemental pages 015-028 to the Board packet).
- III. INTERNAL CONTROLS REVIEW AND POLICY ASSESSMENT (supplemental pages 029-036 to the Board packet).

I do not take issue with items II and III above. However, I do with respect to our Strategic Plan and the recommendation it be trashed and we start out anew with a replacement. Although we're not given an estimated cost, I am betting it would be \$100K or so. And for what? Thus this subject is the focus of my comments insofar as this agenda item is concerned.

In my opinion, strategic plans for quasi mosquito districts like IVGID ARE AN ABSOLUTE WASTE! So for the reasons below, I oppose Moss Adams' recommendation to create a new Strategic Plan. I hope each of you will as well.

Unlike budgets and audits, the NRS does not mandate local governments adopt strategic plans. Yet "when it comes to getting things done as a local government, (we are told that) two of the most critical variables are budgets and time frames. Thus to be as efficient as possible, (we are told that our local government)...need(s) an ironclad strategic plan...that showcases how (it will) spend (its) local budget(,) and (its)...subcontractors will meet timeframe deliverables on public projects." Thus "a local government('s) strategic plan is the process of assessing and addressing the current situations in (one's) area as they pertain to critical physical infrastructure, regional natural disasters, government technology, cyber-security, the health of (its) constituents, and other variables that...have a direct impact on (one's) neighborhood and constituents.

In Nevada GIDs are *limited purpose* special districts. Meaning their powers are *limited* to those expressly provided by statute and *none* others. And if you examine the powers which have actually been granted to IVGID, one of the ones you *won't* find is engaging in "for profit" commercial business enterprises. So why the need for a "Strategic Plan (which by definition) focus(s)...on five critical questions that all organizations must ask? In other words: 1. What is our Vision and Mission? 2. What Services do (we) provide? 3. Who are our Customers and what do they value? 4. What have been our Results? 5. What's our Go-Forward Plan?"

**So why the need for a strategic plan?** And why the need for any of the following key components to a government's Strategic Plan? So let's examine those components:

**The District's "Vision Statement:"** "With passion for quality of life and our environment, Incline Village General Improvement District will enhance the reputation of our community as an exceptional place to live, work, invest, and play." Really? Isn't Incline Village/Crystal Bay a "hidden gem?" Why

then do we want to spread the word to the uninformed so they can overwhelm our community and the limited services it is capable of providing? In other words, for whom does IVGID exist?

**The District's "Mission Statement:"** 'The Incline Village General Improvement District delivers exemplary recreational experiences and provides the highest level of water, sewer, and solid waste services while striving for fiscal and environmental sustainability.' Really? Rather than you telling us how exemplary your services are, how about you let the public figure this out for themselves? You don't think we're smart enough?

**The District's "Value Statement:"** "We are dedicated people providing quality service, for our community and environment, with integrity and teamwork." Really? Quality of service? Integrity? Insofar as quality of service is concerned, how about you let the public figure this out for themselves as well? And insofar as integrity is concerned, this organization is known by its *lack* of integrity!

**The District's "Mantra:"** "One Division. One Team:" Right! Tell this to our Crystal Bay residents who are denied beach access and use!

**Your Tahoe Place:** This one isn't one of the "key components." But it communicates the same message. Do a google search for ivgid.org and see what you get. The Incline Village General Improvement District. Now do a google search for yourtahoeplace.com and see what you get. The Incline Village General Improvement District. Several years ago our IVGID staff got the bright idea they could quietly market the District's recreational facilities to the world's tourists by making them believe Incline Village/Crystal Bay is really *their* "Tahoe place" even though they don't live here. Again, subliminal messaging and why do we want to spread the word to the uninformed so they can overwhelm our community and the limited services it is capable of providing?

**Remember. All of The Above is *Not* What The District Strives For. It's The Message The District Sends to The Public!**

**These "Key" Components Have Turned Into Seven (7) Long Range Principles:**

**LONG RANGE PRINCIPLE #1 – SERVICE:** The District will strive to "initiat(e) and maintain...effective practices of environmental sustainability for a healthy environment, a strong community and a lasting legacy. (It) will provide superior quality service through responsible stewardship of District resources and assets with an emphasis on the parcel owner and customer experience."

**LONG RANGE PRINCIPLE #2 – RESOURCES AND ENVIRONMENT:** The District will strive to "initiat(e) and maintain...effective practices of environmental sustainability for a healthy environment, a strong community and a lasting legacy."

**LONG RANGE PRINCIPLE #3 – FINANCE:** "The District will (strive to) ensure fiscal responsibility and sustainability of service capacities through prudent fiscal management and maintaining effective financial policies for internal controls, operating budgets, fund balances, capital improvement and debt management."

**LONG RANGE PRINCIPLE #4 – WORKFORCE:** The District will strive to "attract, maintain and retain a highly qualified, motivated and productive workforce to meet the needs of district venues, facilities, services and operations."

**LONG RANGE PRINCIPLE #5 – ASSETS AND INFRASTRUCTURE:** "The District will (strive to) practice perpetual asset renewal, replacement and improvement to provide safe and superior long term utility services and recreation venues, facilities, and services."

**LONG RANGE PRINCIPLE #6 – COMMUNICATION:** "The District will (strive to) engage, interact and educate to promote understanding of the venues, facilities, services, and ongoing affairs."

**LONG RANGE PRINCIPLE #7 – GOVERNANCE:** "The District is a local agency that delivers exemplary recreational experiences and provides the highest level of water, sewer, and solid waste

services while striving for fiscal and environmental sustainability through collaboration, civic participation, and transparency.”

**Like We Need a Strategic Plan to Tell Us *Any* of This? Bueller? Bueller?**

**Moreover, What Does Any of The Above Have to Do With IVGID's *Raison d'être*/Its Permissible Powers?**

**Propaganda, Propaganda:**

In CoralBridge Partners' February 3, 2015 letter agreement with the District, it represented that the strategic plan it would assist in creating would consist of “a shared vision and establish a strategic plan of operations which emphasize manageable and achievable goals.” So take a look at the above-key components. Do any of you believe they represent “a strategic plan of operations which emphasize...manageable and achievable goals?” Or do they represent spoon fed propaganda?

Now return to doing a google search for “the Incline Village General Improvement District” and see what you get: “The Incline Village General Improvement District is a fiscally responsible community partner which provides superior utility services and community oriented recreation programs and facilities. With a passion for quality of life and our environment, IVGID strives to continually enhance the reputation of our community as an excellent place to live, work, recreate, visit and invest.” And that's the point. A regurgitation of the propaganda which has been inserted into the District's Strategic Plan. In other words, the District's Strategic Plan is nothing more than one of a number of propaganda pieces insofar as less knowledgeable members of the public are concerned. Instead of telling the world how wonderful you are, how about allowing we the residents who live here to come to our own conclusion?

**Conclusion:** So now you know! And as I have observed so many times before, another expensive and worthless assemblage of paper. And you want to replicate the process all over again? How about solving the genesis of the problem which eliminates the need for a strategic plan. GET OUT OF YOUR SEVERAL COMMERCIAL FOR PROFIT BUSINESSES. Do not implement Moss Adams' recommended strategic plan modifications by employing an external facilitator (like CoralBridge Partners) to guide the process, synthesize information, and help to ensure that the work is reflective of both management and board input, developing a new strategic plan using a robust and collaborative process.

Respectfully, Aaron Katz

**WRITTEN STATEMENT TO BE INCLUDED IN THE WRITTEN MINUTES OF  
THIS AUGUST 30, 2023 REGULAR IVGID BOARD MEETING – AGENDA ITEM  
G(10) – RECOMMENDED MODIFICATION TO RFP FOR LEGAL SERVICES**

**Introduction:** Here Trust Schmitz recommends a form of Request For Proposals (“RFP”) for legal services. Our attorneys have told us that they do not intend to continue providing legal services to the District when their current agreement ends at the end of this year. So we want to get things right. But I do not think that they are. And as a result, I submit this written statement.

**My E-Mail of August 27, 2023:** On August 27, 2023 I e-mailed the IVGID Board<sup>1</sup> urging members not adopt the form of RFP submitted in the Board packet<sup>2</sup>. Rather than regurgitating my opposition, I direct interested readers to the contents of Exhibit “A” itself. .

**Conclusion:** I thought the Board had finally addressed one of our biggest problems by engaging the services of an attorney before this. But now I think Trustee Schmitz is taking a step backwards. The attorney should be the Board’s attorney. Not staff’s. Because otherwise, we have a conflict of interest. Which is exactly what we will get if the RFP is not modified, and responders actually believe what’s included therein. Please adopt my proposed modifications.

And you wonder why your Recreation (“RFF”) and/or Beach (“BFF”) Facility Fee(s) which pay for mistakes such as these go up and up without delivering special benefit to you the payor? I’ve now provided more evidence.

Respectfully submitted. Aaron Katz (Your Community Watchdog), Because Only Now Are Others Beginning to Watch and Understand!

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<sup>1</sup> That e-mail is attached as Exhibit “A” to this written statement.

<sup>2</sup> See pages 346-350 of the packet of materials prepared by staff in anticipation of this meeting [go to [https://www.yourtahoeplace.com/uploads/pdf-ivgid/G.10.\\_-\\_General\\_Business\\_-\\_Draft\\_RFP\\_for\\_Legal\\_Counsel\\_Services.pdf](https://www.yourtahoeplace.com/uploads/pdf-ivgid/G.10._-_General_Business_-_Draft_RFP_for_Legal_Counsel_Services.pdf) (“the 8/30/2023 Board packet”)].

## **EXHIBIT "A"**

## August 30, 2023 IVGID Board Meeting - Agenda Item G(10) - RFP For Legal Services - It Needs Cleaning Up

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**From:** <s4s@ix.netcom.com>  
**To:** Dent Matthew <dent\_trustee@ivgid.org>  
**Cc:** Schmitz Sara <schmitz\_trustee@ivgid.org>, Tonking Michaela <tonking\_trustee@ivgid.org>, Tulloch Ray <tulloch\_trustee@ivgid.org>, Noble Dave <noble\_trustee@ivgid.org>  
**Subject:** August 30, 2023 IVGID Board Meeting - Agenda Item G(10) - RFP For Legal Services - It Needs Cleaning Up  
**Date:** Aug 27, 2023 9:50 PM

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Chairperson Dent and Other Honorable Members of the IVGID Board -

Here Trustee Schmitz proposes a form of RFP to publish for legal services. I take issue with some of the RFP. It sends the wrong message to recipients. Especially since they likely don't have a clue because rarely do they deal with GIDs. And that's the purpose of this e-mail.

Paragraph I(1) of the RFP states: "District Overview: The District is a General Improvement District, established under Nevada Revised Statutes (NRS) Chapter 318 and chartered to provide..."

A) We're NOT chartered to provide anything. We have been granted the basic power to furnish facilities for water, sewer, garbage disposal and public recreation facilities. And per NRS 318.100(2) we're empowered to "furnish services pertaining to any such basic power which the district may exercise." There are a couple of other generic powers included in NRS 318 like NRS 318.210 ("The board shall have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted in this chapter. Such specific powers shall not be considered as a limitation upon any power necessary or appropriate to carry out the purposes and intent of this chapter"), but that's it.

Continuing, according to the RFP "Within the limits of the NRS, IVGID is empowered to determine what facilities and services it should offer that will preserve or enhance the general health, safety and welfare of the community."

A) IVGID has no power to furnish facilities or services which "will preserve or enhance the general health, safety and welfare of the community." These are commonly known as municipal police powers. And simply stated, limited purpose special districts like IVGID possess no such powers. None. In contrast, counties, incorporated cities and unincorporated towns possess such police powers.

I believe Trustee Schmitz is a bit confused because of the following language in NRS 318.015(1): "It is hereby declared as a matter of legislative determination that the organization of districts having the purposes, powers, rights, privileges and immunities provided in this chapter will serve a public use and will promote the health, safety, prosperity, security and general welfare of the inhabitants thereof and of the State of Nevada." But this doesn't mean IVGID possesses the power to adopt services or acquire facilities which will preserve or enhance the general health, safety and welfare of the community. Whether or not facilities and services preserve or enhance the general health, safety and welfare of the community, the IVGID Board has the power to furnish those which have been granted to them by the county (as long as expressly enumerated in NRS 318.116), or exist on a stand alone basis in NRS 318.

Continuing, paragraph II(1) of the RFP states: "Services to be provided regularly...advice to the Board of Trustees *and District Management Staff* on matters of law including, but not limited to, the Open Meeting Law, NRS 318, Ethics Law, conflict of interest issues, the Public Records Act, and parliamentary procedures."

A) No. We don't want legal to provide advice to District Management Staff. Just the Board of Trustees. Isn't what is being proposed the very problem (i.e., conflict of interest) we recently addressed with Josh and staff? So why repeat the mistake?

Paragraph II(7) of the RFP States: "Services to be provided regularly...advice to the Board of Trustees and District Management Staff on commencement or defense of litigation..."

A) See paragraph II(1) above. We don't want the Board's attorney providing advice to District Management Staff on the commencement or defense of litigation, or anything else for that matter. We want our attorney to owe 100% of his/her loyalty to the Board.

Paragraph II(10) of the RFP States: "Services to be provided regularly...Research and interpret laws, court decisions and other authorities in order to prepare legal opinions to advise the Board and staff on legal matters pertaining to District interests."

A) See paragraph II(1) above. We don't want the Board's attorney providing legal opinions or to advise District Staff on legal matters, or anything else for that matter. We want the attorney to owe 100% of his/her loyalty to the Board.

Paragraph II(12) of the RFP States: "Services to be provided regularly...Consult with Board and staff on personnel, labor relations, retirement, forced staff reductions, litigation, worker's compensation, and other matters concerning District business as requested."

A) See paragraph II(1) above. We don't want the Board's attorney consulting with staff on legal matters, or anything else for that matter. We want the attorney to owe 100% of his/her loyalty to the Board.

Paragraph II(13) of the RFP States: "Services to be provided regularly...legal assistance and consultation to the Board and staff as requested on matters of property acquisition, eminent domain, property rights and property management, trespass, encroachment, lease agreements, lessee obligations, easements, and access."

A) See paragraph II(1) above. We don't want the Board's attorney providing legal assistance and consultation to staff, as requested, on legal matters, or anything else for that matter. We want the attorney to owe 100% of his/her loyalty to the Board.

Paragraph II(14) of the RFP States: "Services to be provided regularly...Coordinate and attend weekly meetings with District Staff to provide guidance on contracts and other legal items."

A) See paragraph II(1) above. We don't want the Board's attorney attending weekly staff meetings and providing guidance on any legal matters. We want the attorney to owe 100% of his/her loyalty to the Board. If staff require the services of an attorney for whatever reasons, management should create an employee position for this purpose. Or retain one as a consultant like it would retain any other outsourced vendor.

Can we be accurate in our descriptions so candidates are the types we're looking for? Can we understand who we are and assure ourselves that our attorney won't have a conflict of interest with staff? Please incorporate the proposed changes in any RFP.

Thank you. Respectfully, Aaron Katz

**WRITTEN STATEMENT TO BE INCLUDED IN THE WRITTEN MINUTES OF THIS AUGUST 30, 2023 REGULAR IVGID BOARD MEETING – AGENDA ITEM G(11) – POSSIBLE ADOPTION OF A POLICY WHICH ENCOURAGES THE DISTRICT TO “CHIME IN” ON MATTERS HAVING NOTHING DIRECTLY TO DO WITH ITS LIMITED PURPOSE FOR BEING**

**Introduction:** Here we have Trustee Schmitz again proposing more and more for the District to do, when it has no power. And increases the District’s footprint. And increases the costs staff incur which ultimately require subsidy by local parcel owners. And for these reasons, I submit this written statement.

**My E-Mail of August 27, 2023:** On August 27, 2023 I e-mailed the IVGID Board urging that they not adopt the proposed policy rather than allowing it to creep well out of its lane<sup>1</sup>. Rather than regurgitating my opposition, I direct interested readers to the contents of Exhibit “A” itself.

**Conclusion:** Board members just don’t get it; especially Trustee Schmitz. IVGID is not all things to all people. It’s not here to legislate. And it’s not here to furnish services which benefit the health, safety and welfare of the public as a whole. Rather its powers are limited to those expressly provided in NRS 318, and none others. And for local parcel owners. And according to *Dillon’s Rule*, should there be any doubt as to whether the District does or does not have the power, that doubt is to be resolved *against* the assumption of power.

So why do we chime in on the war in Vietnam? Or Ukraine? Or short term rentals? Or planning matters such as a mobility hub? These are all matters that are the concern of our governance. And our governance is Washoe County. Not IVGID.

And the more IVGID does, the bigger its footprint, and the more money required to fund its overspending. And who ends up paying?

And you wonder why your Recreation (“RFF”) and/or Beach (“BFF”) Facility Fee(s) which pay for services such as these which look great in a vacuum, but have little benefit to glorified districts such as IVGID, and which go up and up without delivering special benefit to you the payor? I’ve now provided more evidence. Please vote no.

Respectfully submitted. Aaron Katz (Your Community Watchdog), Because Only Now Are Others Beginning to Watch and Understand!

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<sup>1</sup> That e-mail is attached as Exhibit “A” to this written statement.



## **EXHIBIT "A"**

## August 30, 2023 IVGID Board Meeting - Agenda Item G(11) - Whether the Board Should Send Letters to Various Agencies Regarding Issues of Which We Have No Legitimate Concern

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**From:** <s4s@ix.netcom.com>  
**To:** Dent Matthew <dent\_trustee@ivgid.org>  
**Cc:** Schmitz Sara <schmitz\_trustee@ivgid.org>, Tonking Michaela <tonking\_trustee@ivgid.org>, Tulloch Ray <tulloch\_trustee@ivgid.org>, Noble Dave <noble\_trustee@ivgid.org>  
**Subject:** August 30, 2023 IVGID Board Meeting - Agenda Item G(11) - Whether the Board Should Send Letters to Various Agencies Regarding Issues of Which We Have No Legitimate Concern  
**Date:** Aug 27, 2023 9:35 PM

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Chairperson Dent and Other Honorable Members of the IVGID Board -

Here Trustee Schmitz has agendized whether the Board shall give direction to one or more of its Trustees to review and draft letters for board approval and submission to various third party agencies, like: 1.The location of a potential mobility hub in Incline Village; 2.The possible closure of the Incline Middle School; 3.The evacuation plan.

Common problem! That keeps repeating itself. How many times? When will you learn?

You guys don't understand what a GID is. Still you don't. Hasn't Kevin Lyons instructed you with his fancy training? Do you need me to instruct you (for free by the way)? I can guide you step by step so you can see what I am talking about. If you're interested.

Getting back to the matter at hand, you don't understand what limited powers a GID may legitimately exercise. You don't understand how your powers differ from those of counties, municipalities and unincorporated towns. And when you don't understand, and you go off half uncocked like what Trustee Schmitz is doing here, why are you surprised when the citizens of this community don't understand either? And why they're bugging you to do things you have no legitimate authorization to do?

Your powers are limited by those expressly stated in NRS 318, and nothing more. And if there be any doubt, you simply don't have the power. Pure and simple. This is Dillon's Rule, isn't it?

So where does NRS 318 say you can chime in on local issues such as 1.The location of a potential mobility hub in Incline Village; 2.The possible closure of the Incline Middle School; 3.The evacuation plan? Or ending the war in Vietnam? Or discontinuing aid to Ukraine? These are matters OUT OF YOUR LANE. Our true governance is the County. So matters such as they should legitimately exercised by the County, if at all. That's what providing for the general health, safety and welfare of your citizenry is. And you don't have these powers. So if the county refuses, TOO BAD. These citizens should be directed to the county. Just like for snow plowing.

If you think it's acceptable for the Board to chime in on matters such as these, WHAT DO WE NEED THE COUNTY FOR? Come on. You don't have a problem with duplicity such as this? Recognize who you are for once.

The more and more of garbage like this staff and the Board get involved with, the more uninformed members of our community demand more and more from IVGID. Which is what they do. And which ends up expanding our footprint and the accommodation costs. And who pays for those enhanced costs? Local parcel owners with their Rec Fee. Again!

Wrong, wrong and wrong! Please don't fall into the trap. I'm not saying Sara has fallen into the trap maliciously. Never the less, she has fallen. And I hope the rest of you will not. You Board members need to educate our citizens that when they have concerns such as these that are beyond the jurisdiction of IVGID, they need to bring them to the attention of our source of governance; the County. Pure and simple. Please REJECT this endeavor altogether.

Thank you. Respectfully, Aaron Katz

**WRITTEN STATEMENT TO BE INCLUDED IN THE WRITTEN MINUTES OF THIS AUGUST 30, 2023 REGULAR IVGID BOARD MEETING – AGENDA ITEM F(3) – PAYMENT TO FORMER ATTORNEYS FOR WHAT BASED UPON THE NEGOTIATIONS OF INCOMPETENTS OPERATING FAR OUT OF THEIR LANES. WHEN DOES IT END?**

**Introduction:** Here our crack negotiator Susan Herron, IVGID’s version of MacGiver, urges the Board to enter into a settlement with our former attorneys and for what? If you as Board members don’t know for what, then how can you possibly approve this matter? And why does it appear on the District’s Consent Calendar? For these reasons, I submit this written statement.

**My E-Mail of August 27, 2023:** On August 27, 2023 I e-mailed the IVGID Board urging members to reschedule or move this matter to the General Business Calendar<sup>1</sup>. I complained that material documents not included in the Board packet for this matter render the matter not in compliance with Policy 3.1.0. Rather than regurgitating my opposition, I direct interested readers to the contents of Exhibit “A” itself.

**Conclusion:** I didn’t realize one of the job duties for our Director of Admin Services is to negotiate settlement of attorney’s bills. Especially given the fact these duties are not included in her job description. But don’t bore me with the details. Ms. Herron needs to keep busy to earn her keep. And what’s the justification for paying these attorneys anything more? And for what? This agenda item should be rejected.

And you wonder why your Recreation (“RFF”) and/or Beach (“BFF”) Facility Fee(s) which pay for stuff such as this which have little if any benefit to glorified districts such as IVGID, and which go up and up without delivering special benefit to you the payor? I’ve now provided more evidence. Please vote no.

Respectfully submitted. Aaron Katz (Your Community Watchdog), Because Only Now Are Others Beginning to Watch and Understand!

---

<sup>1</sup> That e-mail is attached as Exhibit “A” to this written statement.

## **EXHIBIT "A"**

**Re: August 30, 2023 IVGID Board Meeting - Agenda Item F(3) - More Unexplained Costs Negotiated By Someone (Ms Herron) Who REFUSES TO STAY IN HER LANE - Payment to ETS - RESCHEDULE Because Staff Have Not Explained For What? P.S.**

---

**From:** <s4s@ix.netcom.com>  
**To:** "Dent Matthew" <dent\_trustee@ivgid.org>  
**Cc:** "Schmitz Sara" <schmitz\_trustee@ivgid.org>, "Tonking Michaela" <tonking\_trustee@ivgid.org>, "Tulloch Ray" <tulloch\_trustee@ivgid.org>, "Noble Dave" <noble\_trustee@ivgid.org>  
**Subject:** Re: August 30, 2023 IVGID Board Meeting - Agenda Item F(3) - More Unexplained Costs Negotiated By Someone (Ms Herron) Who REFUSES TO STAY IN HER LANE - Payment to ETS - RESCHEDULE Because Staff Have Not Explained For What? P.S.  
**Date:** Aug 27, 2023 7:55 PM

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Chairperson Dent and Other Honorable Members of the IVGID Board -

Sorry for the P.S.

This item is included on the Consent Calendar. I object to this item being on the Consent Calendar. I ask that at least one of you remove this item to the General Business Calendar, if not rescheduled as earlier requested. Policy 3.1.0 instructs that when an agenda item is placed on the Consent Calendar, staff is required to discuss why it's proper to place the item on this calendar?

Where has MacGiver Herron discussed why it's proper to have placed this matter on the Consent Calendar? So again, another example of staff failing to comply with Board Policy.

Please remove this matter from the Consent Calendar and have it either rescheduled, rejected, or transferred to the General Business Calendar where it can be discussed.

Thank you for your cooperation. Aaron Katz

-----Original Message-----

**From:** <s4s@ix.netcom.com>  
**Sent:** Aug 27, 2023 6:43 PM  
**To:** Dent Matthew <dent\_trustee@ivgid.org>  
**Cc:** Schmitz Sara <schmitz\_trustee@ivgid.org>, Tonking Michaela <tonking\_trustee@ivgid.org>, Tulloch Ray <tulloch\_trustee@ivgid.org>, Noble Dave <noble\_trustee@ivgid.org>  
**Subject:** August 30, 2023 IVGID Board Meeting - Agenda Item F(3) - More Unexplained Costs Negotiated By Someone (Ms Herron) Who REFUSES TO STAY IN HER LANE - Payment to ETS - RESCHEDULE Because Staff Have Not Explained For What?

Chairperson Dent and Other Honorable Members of the IVGID Board -

Well now we're back to business as usual. It doesn't matter whatever it is. Incompetence.

Read the staff memo on this one. "There was an outstanding amount owed, pending negotiation, to Erickson, Thorpe

and Swainston LLC."

Okay. What was owed? And for what? And why wasn't the billing resolved by Indra or brought to the Board before he left?

So "after the departure of the former District General Manager, Counsel reached out and asked for a settlement meeting." What counsel? Was it Mr. Beko and company? So if our current senior management ISN'T CAPABLE OF NEGOTIATING MUCH OF ANYTHING, why would it participate in such a meeting unrepresented? Or represented by our version of MacGiver, Susan Herron? Bueller? Bueller?

Continuing, "Acting District General Manager Mike Bandelin and Director of Administrative Services Susan Herron met with Counsel." WHAT IS THIS GARBAGE WITH SUSAN HERRON? This is part of her job description as Director of Admin Services? This is included in her job description (no it isn't)? This is more evidence she never, never, never should have been promoted to a directorship. NEVER!

Continuing, "and negotiated a final payment for services rendered. The amount owed was \$10,277.60 and the settlement amount has been lowered to \$7,200.00." Doesn't Policy 3.1.0 dictate that ALL relevant materials be included in a Board packet in support of an agenda item and where as here it is not, the matter shall be rescheduled? So where is the evidence \$10,277.60 was owed? And for what? Do you Board members know for what? If not, then HOW CAN YOU INTELLIGENTLY VOTE IN FAVOR OF THIS AGENDA ITEM? The Board packet is not complete. RESCHEDULE this matter until staff presents a complete Board packet in accordance with Policy 3.1.0.

Haven't we paid enough to ETS? Could this outstanding claim be for services rendered in Mark Smith's litigation? You mean our global cost was really closer to \$175K than the \$160K or more we incurred (exclusive of that valuable internal services staff time billed out at \$130/hour or more)? Could it be that these amounts were unnecessarily incurred as "churning?" Of course we don't know at this point but I suspect that's exactly the case. So let's blow another \$7.2K of local parcel owners' Rec Fee on this garbage!

Or how about taking a stand for once? MacGiver Herron (she wrote the staff memo) gives as an alternative: "Decline this request and assume that this law firm will proceed with legal actions." Proceed with legal actions over \$7.2K? Burn your bridges for another payday thanks to IVGID? I don't think so.

And while we're at it, TERMINATE Ms Herron's employ (because she is a mole and devotes 100% of her loyalty to persons other than IVGID or the IVGID Board) or demote her to the job she really has (with a commensurate reduction in compensation). Admin secretary to our interim GM.

Respectfully, Aaron Katz

**WRITTEN STATEMENT TO BE INCLUDED IN THE WRITTEN MINUTES OF THIS AUGUST 30, 2023 REGULAR IVGID BOARD MEETING – AGENDA ITEMS G(6) AND G(7) – WASTEFUL EXPENDITURES SUCH AS THESE DEMONSTRATE THAT DIAMOND PEAK ISN'T THE “CASH COW” TRUSTEE SCHMITZ KEEPS TELLING US IT IS**

**Introduction:** Here staff ask the Board to approve purchase of a PistenBully snowplow with an excessively priced GPS option, and a totally unnecessary 14 passenger shuttle van. When does it end? And when these purchases are added to the additional DP CIPs to be paid for this fiscal year, it's clear Diamond Peak is not the “cash cow” Trustee Schmitz keeps representing it is. And for these reasons, I submit this written statement.

**My E-Mail of August 27, 2023:** On August 27, 2023 I e-mailed the IVGID Board urging members to modify the features of the PistenBully snowplow staff proposes be purchased, and to reject purchase of the proposed 14 passenger shuttle van<sup>1</sup>. Rather than regurgitating my opposition, I direct interested readers to the contents of Exhibit “A” itself.

**Conclusion:** When I own a business, and the business makes money, I share in the profits. When I own a restaurant and my employees eat their meals for free, so do I. But not so here. The more money our commercial business enterprises make, the more we plow into increasing our overhead. And hiring more employees to operate vehicles like these. And giving away our positive cash flow to other money losing ventures such as golf and tennis. And it never ends.

I ask you members to put your collective feet down and just say no for once. GPS on a snowplow is a luxury a class “C” ski area simply can't afford. And an expansion of the fleet of vehicles for shuttling customers to Diamond Peak is another expenditure we can't afford.

And you wonder why your Recreation (“RFF”) and/or Beach (“BFF”) Facility Fee(s) which pay for wasteful stuff such as this which have little if any benefit to glorified districts such as IVGID, and which go up and up without delivering special benefit to you the payor? I've now provided more evidence. Please vote no.

Respectfully submitted. Aaron Katz (Your Community Watchdog), Because Only Now Are Others Beginning to Watch and Understand!

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<sup>1</sup> That e-mail is attached as Exhibit “A” to this written statement.



## **EXHIBIT "A"**

## August 30, 2023 IVGID Board Meeting - Agenda Items G(6) and G(7) - Purchase of PistenBully Snowplow and 14 psgr Diamond Peak. Shuttle Van

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**From:** <s4s@ix.netcom.com>  
**To:** "Dent Matthew" <dent\_trustee@ivgid.org>  
**Cc:** "Schmitz Sara" <schmitz\_trustee@ivgid.org>, "Tonking Michaela" <tonking\_trustee@ivgid.org>, "Tulloch Ray" <tulloch\_trustee@ivgid.org>, "Noble Dave" <noble\_trustee@ivgid.org>  
**Subject:** August 30, 2023 IVGID Board Meeting - Agenda Items G(6) and G(7) - Purchase of PistenBully Snowplow and 14 psgr Diamond Peak. Shuttle Van  
**Date:** Aug 27, 2023 6:15 PM

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Chairperson Dent and the Other Honorable Members of the IVGID Board -

Well here we go again.

And you don't get it...again.

All I keep hearing is how wonderful Diamond Peak is. And what a cash cow it is (assuming you believe the financials which have been coming out of Finance the last several years - something which is now suspect according to the red flags recently identified by Chris Nolet and Bobby MaGee). Well it's not the cash cow you think it is...Sara. Even if you believe these financials. And here's more evidence.

When you own/operate a ski area, the capital improvement requirements are massive (the same is true with golf courses). That was the case before we purchased the Ski Incline from Japan Golf Promotions in 1976. And it's the case today.

Here we are presented with spending roughly \$767K on a snowplow and shuttle van. And an additional \$504K on snowmaking upgrades. For a total of \$1.27M. And all of this in this fiscal year! And let's not forget the \$700K+ being spent on a new refrigerator for the Food Court at Diamond Peak. Now we're at \$2M. In a single year! So how much are we going to net at DP after all expenses are paid this year? And how much after we spend an additional \$1.3M over the next two years for additional DP vehicles and snowmaking upgrades that are projected! And of course that looming albatross known as the reconstruction of Ski Way which I predict is going to cost \$1.5M or more. Yeah. Real cash cow Sara.

Agenda item G(6) addresses the proposed purchase of a super, duper, top of the line snowcat at a cost of \$626K or so (before trade-in). Do you understand that we're paying about \$100K more for this cat because it features the GPS package? In other words we can purchase the same quality product without the GPS upgrade for \$100K less! Sure in a vacuum the GPS is great. But the only ski areas which purchase this version of snowcat are the largest in this industry. In the Lake Tahoe Basin, Squaw (aka Palisades), Heavenly and Northstar. Not light weights like Homewood or Diamond Peak. But why not DP? We deserve the best, don't we? Because we're Incline Village! Forget the cost. Or the necessity. Or the merits of an expenditure like this.

And agenda item G(7) addresses a 14 passenger shuttle van for use at Diamond Peak at a cost of roughly \$142K [not to worry though because according to the project summary "this van can also be used during the off season for youth programs and special events during the summer months." In other words, it's all about the kids man! And we really don't need the vehicle for what staff says we do. So since the van will be under utilized, let's come up with another potential use whether or not it is financially warranted] with an additional \$353K estimated to be spent on other marginally

warranted vehicles (like the two prehistoric trams) in the next two years!

"The proposed (14 passenger van) vehicle purchase project is described as an additional shuttle van to the current inventory of customer transportation vehicles at the ski venue, which includes two (2) 36-passenger shuttle buses and two (2) parking lot passenger trams towed by two (2) 4wd trucks." In other words, we're not replacing our current inventory. But rather, we're adding to it. Creating a bigger footprint. Bigger and bigger at a higher and higher cost which ultimately gets paid for with our Rec Fee. And for whom? And why?

According to staff "the proposed purchase allows Diamond Peak staff to accommodate the pickup and return of customers via the daily Village shuttle routes with a smaller shuttle vehicle versus the large capacity shuttle busses during mid-week periods." What? You already have larger shuttle buses to do the job. Why do we need more? Because they're smaller? Because we don't have to recruit more employees with commercial vehicle licenses - we just have to recruit more employees? You mean it was a mistake to purchase two 36 passenger vehicles? We shouldn't have purchased them in the first place so let's double down?

And to add insult to injury, staff proposes we make this purchase without going out to competitive bid! And its justification is that "the project is a sole source purchase from Creative Bus Sales, and (for this reason) staff did not seek competitive bids for the proposed vehicle." THIS IS A LIE! It's like saying we need to purchase a GMC SUV from Champion Chevrolet because no one else is capable of providing a Champion Chevrolet vehicle than Champion Chevrolet.

Creative Bus Sales is NOT the only source of 14 passenger vans. From the picture provided, this particular van sits on a Ford frame/power train. What about other manufacturers of similar vans?

So I ask you REJECT staff's request for a sole source finding for this vehicle and if you deem this purchase is necessary, which I do not believe it is, make staff go out for a RFP! Let's have a competitive bid.

And of course these expenditures don't include Agenda item G(5). \$504K for snowmaking upgrades which unbelievably, include nearly \$42K for construction management services BY OUR INCOMPETENT IN-HOUSE PERSONNEL. You know. In house engineering for which we budget no revenues but rather rely upon them to generate OVER PRICED billings for marginally necessary work to other departments so they can earn their keep.

And of course this doesn't include another \$960K estimated to be spent on snowmaking system upgrades in the next two years!

The mentality surrounding these purchases is a familiar staff one. More and more, greater and greater, more expensive and more expensive, wasteful and more wasteful, and who cares about the local parcel owners who are made to involuntarily pay for this stuff! Right?

Why are we facing all of this? Because we own and operate recreational facilities which are operated as commercial for profit business enterprises for the benefit of the world's tourists rather than facilities available to just those parcel owners who are paying for them. And these are the kinds of expenses you incur when you operate businesses such as these. Like over \$100K for "uniforms."

But we're a limited purpose local government. And we shouldn't be operating businesses like these which put local parcel owners/taxpayers at risk (financially). If you have a choice to make a buck or minimize the risk to local parcel owners, you vote AGAINST making a buck. And if that means you need to cut 50%-75% of the services you provide, that's what you do. And if you still can't break even financially, you go out of the commercial for profit enterprise business.

When are you going to put an end to all of this?

Let's start with rejecting the proposed purchases of the snowcat and shuttle van.

Respectfully, Aaron Katz

**WRITTEN STATEMENT TO BE INCLUDED IN THE WRITTEN MINUTES OF  
THIS AUGUST 30, 2023 REGULAR IVGID BOARD MEETING – AGENDA ITEM  
F(2) – ADOPTING A PROPOSED POLICY FOR PERMISSIBLE ADVERTISING IN  
THE DISTRICT’S IVGID MAGAZINE**

**Introduction:** I keep telling you it’s everything this organization does. Everything! Dig deep enough, pull away the various layers of façade, and ultimately one gets to an ugly core. Lies, deceit, waste, financial irresponsibility, lack of transparency, and an arrogance because staff are of the opinion they are immune from outside supervision or oversight. And here we have a product of all of this again. Adopting a policy which limits the type of paid advertising in the District’s IVGID Magazine. In other words, censorship (aka viewpoint discrimination).

One would think that since we have an elected board of resident trustees, they would take charge and right this failing ship. But alas, they’ve been convinced that they exist to do nothing more than set policy. Because of Board Policy and Procedure 105, Resolution No. 1480<sup>1</sup>, and notwithstanding the clear language of NRS 318.175<sup>2</sup>, 318.180<sup>3</sup>, and 318.185<sup>4</sup>, all past Boards I have studied have steadfastly refused to be pro-active and bring about real change. Great news for our less than competent, less than ethical, and over compensated and over benefited staff who continuously seem to be the ones hired. But bad news for local parcel/dwelling unit owners who are compelled to involuntarily pay for this state of affairs.

In the past I have documented how our wonderful little *IVGID Magazine*<sup>5</sup> (formerly known as *IVGID Quarterly Magazine*) is costing local parcel/dwelling unit owners \$100,000 or more annually<sup>6</sup>. Now we see how our staff are using and propose continuing to use this public viewpoint vehicle to

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<sup>1</sup> Go to [https://www.yourtahoeplace.com/uploads/pdf-ivgid/IVGID\\_PolicyAndProcedure105\\_Resolution1480.pdf](https://www.yourtahoeplace.com/uploads/pdf-ivgid/IVGID_PolicyAndProcedure105_Resolution1480.pdf).

<sup>2</sup> Which instructs that “the board shall have the power: 1. To manage, control and supervise *all* the business and affairs of the district(; and,) 2. To acquire, improve, equip, operate and maintain *any district project.*”

<sup>3</sup> Which instructs that “the board shall have the power to hire and retain agents, employees, servants, engineers and attorneys, and any other persons necessary or desirable to effect the purposes of this chapter.”

<sup>4</sup> And insofar as our one thousand and twelve (1,012) or more employees (see <https://transparentnevada.com/salaries/2019/incline-village-general-improvement-district/>) are concerned, it is “the board (which) shall have the power to prescribe the duties of (its) officers, agents, *employees* and servants, and (to) fix their compensation.”

<sup>5</sup> Go to <https://www.yourtahoeplace.com/ivgid/resources/ivgid-quarterly>.

<sup>6</sup> See pages 265-291 of the packet of materials prepared by staff in anticipation of the Board’s October 27, 2020 meeting [[https://www.yourtahoeplace.com/uploads/pdf-ivgid/L.1.\\_-\\_Meeting\\_Minutes\\_-\\_September\\_30\\_\\_2020.pdf](https://www.yourtahoeplace.com/uploads/pdf-ivgid/L.1._-_Meeting_Minutes_-_September_30__2020.pdf) (“the 10/27/2020 Board packet”)].

disparage segments of our community, and censor legitimate criticism. And that's the purpose of this written statement.

**My E-Mail of August 27, 2023:** On August 27, 2023 I e-mailed the IVGID Board urging that they refuse to adopt the proposed resolution in the Board packet<sup>7</sup> regulating advertising content in the *IVGID Magazine*<sup>8</sup>. Rather than regurgitating my opposition, I direct interested readers to the contents of Exhibit "A" itself. And given that e-mail makes reference to a prior written statement attached to the written minutes of the Board's December 14, 2022 meeting, I have attached that written statement as Exhibit "B" to this written statement.

**Conclusion:** So there you go! The *IVGID Magazine* is intended to serve as an additional propaganda tool for staff, especially inasmuch as a copy is mailed to every local parcel owner. Accordingly, staff have an interest in censoring the content of the advertising the magazine displays. And here staff have come up with a proposed policy resolution which formalizes staff's viewpoint discrimination. However, the exercise of this power is unconstitutional given it is intended to regulate the opinion or perspective of the speaker as the specific motivating ideology [see *Rosenberger v. Rectors and Visitors of the University of Virginia*<sup>9</sup>, 515 U.S. 819, 115 S.Ct. 2510 (1995)]. The proposed resolution should be summarily rejected.

And you wonder why your Recreation ("RFF") and/or Beach ("BFF") Facility Fee(s) which pay for this garbage go up and up without delivering special benefit to you the payor? I've now provided more evidence.

Respectfully submitted. Aaron Katz (Your Community Watchdog), Because Only Now Are Others Beginning to Watch and Understand!

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<sup>7</sup> See pages 58-59 of the packet of materials prepared by staff in anticipation of this meeting ["the 8/30/2023 Board packet" (go to [https://www.yourtahoeplace.com/uploads/pdf-ivgid/F.2\\_-\\_Consent\\_Calendar\\_-\\_PP143\\_-\\_Res\\_1904\\_-\\_Advertisements\\_for\\_IVGID\\_Magazine.pdf](https://www.yourtahoeplace.com/uploads/pdf-ivgid/F.2_-_Consent_Calendar_-_PP143_-_Res_1904_-_Advertisements_for_IVGID_Magazine.pdf))].

<sup>8</sup> That e-mail is attached as Exhibit "A" to this written statement.

<sup>9</sup> Go to <https://supreme.justia.com/cases/federal/us/515/819/>.

# EXHIBIT "A"

## August 30, 2023 IVGID Board Meeting - .Agenda Item F(2) - Adopting Policy (Resolution 1904) on Content of Advertising in the IVGID Magazine - On the Consent Calendar No Less!

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**From:** <s4s@ix.netcom.com>  
**To:** "Dent Matthew" <dent\_trustee@ivgid.org>  
**Cc:** "Schmitz Sara" <schmitz\_trustee@ivgid.org>, "Tonking Michaela" <tonking\_trustee@ivgid.org>, "Tulloch Ray" <tulloch\_trustee@ivgid.org>, "Noble Dave" <noble\_trustee@ivgid.org>  
**Subject:** August 30, 2023 IVGID Board Meeting - .Agenda Item F(2) - Adopting Policy (Resolution 1904) on Content of Advertising in the IVGID Magazine - On the Consent Calendar No Less!  
**Date:** Aug 27, 2023 11:27 PM  
**Attachments:** public.comments.12.14.2022.viewpoint.discrimination.doc

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Chairperson Dent and Other Honorable Members of the IVGID Board -

Here Chair Dent proposes adoption of this policy, ON THE CONSENT CALENDAR no less, which regulates advertising in the District's IVGID Magazine. In other words, CENSORSHIP!

Moreover, placement on the Consent Calendar violates Policy 3.1.0 which requires all matters placed thereon to be accompanied by the justification and compliance with District policies for placement on this calendar. Yet here there is none. Please one or more trustees REMOVE this matter from the Consent Calendar. Or better yet, remove this matter from this calendar altogether and reschedule it for a future date pre-conditioned upon compliance with Policy 3.1.0.

In case none of you will, this policy is premised on facts which are totally untrue. For instance, the staff memo represents that

1. "The District's primary purpose (in publishing the Magazine is in) generating revenue to benefit City services." Well first of all Josh, don't you know WE'RE NOT A CITY? Furthermore, the publishing of this magazine generates NO REVENUES WHATSOEVER to the District. Per our contract with CC Media, 100% of the advertising revenue generated BELONGS TO CC MEDIA! So why publish this propaganda piece? Bueller? Bueller?

2. Oh. Is it advertising stupid? To generate revenues at the public's recreational venues? If so the District has been lying to us for years. We have been told that the Magazine is intended to educate our local parcel owners (since a copy of the magazine is mailed to each parcel owner) of the facilities and services staff furnish (as if local parcel owners don't know). So why now the reliance upon another revenue producing endeavor which in reality only produces NEGATIVE REVENUE? Get your stories straight staff!

3. Moreover, the proposed "policy advances the advertising program's revenue-generating objective(s) by prohibiting advertisements that could detract from that goal." Well since that goal DOESN'T exist, how can there be any detraction therefrom? And what difference does it make if advertising "creat(es) substantial controversy, interfering with and diverting resources from transit or other City operations, and/or posing significant risks of harm, inconvenience, or annoyance to transit passengers, operators and vehicles, and other members of the public (and)...preserv(e) and enhanc(e) the security, safety, comfort and convenience of its operations?" I didn't realize the Magazine has something to do with transit passengers, operators and vehicles. What does this have to do with the District's alleged revenue generating objective? Furthermore, free speech is free speech. And here staff are pushing for a policy which recognizes CENSORSHIP! In their favor no less.



4. On one hand the proposed policy prohibits "ads that do not qualify as 'commercial speech' (i.e., only ads that propose commercial transactions, like buying/selling/economic exchanges)." Well I can tell you that this policy has NOT been the policy of the past. Favored collaborators have been allowed to place advertisements in the Magazine for charitable DONATIONS. Parasol and the Kids and Horses charity immediately come to mind. And what about political advertisements where a candidate for IVGID Trustee wants to promote him/herself? And if this type of political advertising is acceptable for candidates for IVGID Trustee, why not candidates for any political office? And if NON-commercial speech is permissible for these people, why not for everyone? Again, censorship.

5. In fact years ago I am aware of citizens who attempted to purchase advertising space in the Magazine to publicize their message because of the censorship propagated by staff. And they were refused. The alleged justification was that all advertisements had to be for commercial goods or services. And then the District allowed advertisements for charitable donations (see above). I.e., no commercial services were being advertised.

6. And unbelievably, now the proposed policy allows favored non-commercial speech. In other words, "advertisements from other local, state, or federal governmental agencies or legally affiliated entities relating to public programs, services, or events that do not otherwise qualify as Commercial Speech." If we're going to prohibit non-commercial speech, why create exceptions?

7. And what about District approved "editorial content?" The proposed policy suggests that District approved editorial content will be allowed. However, non-approved editorial content will not: "All advertisements published by the District shall be formatted in such a way as to not be confused with IVGID's editorial content." In other words, District censorship!

8. This policy is unconstitutional because it regulates free speech. It's called viewpoint discrimination. And our attorney should know this for several reasons. At the Board's December 14, 2022 meeting I gave public comment on this very issue and I submitted a written statement I asked be attached to the written minutes of that meeting. Each of you can read the statement as part of the Board packet in support of the Board's January 11, 2023 packet of materials (go to [https \(hrome-extension://efaidnbmnnnibpcajpcgiclfndmkaj/https://www.yourtahoeplace.com/uploads/pdf-ivgid/Mn20221214\\_-\\_6\\_p.m\\_Final1.pdf](https://efaidnbmnnnibpcajpcgiclfndmkaj/https://www.yourtahoeplace.com/uploads/pdf-ivgid/Mn20221214_-_6_p.m_Final1.pdf) (www.yourtahoeplace.com/uploads/pdf-ivgid/Mn20221214\_-\_6\_p.m\_Final1.pdf)). Josh was present at the meeting. Did he have his hearing aid in the off position? If so, another copy of the written statement is attached to this e-mail for all to read.

9. Furthermore, the proposed policy recites that "the District...maintains such advertising space as a non-public forum." Yet it allows Tim Callicrate to publish his own version of public forum commentary where he praises the good things he and his comrades have allegedly done, and the bad things critics in our community have done. Like I said. CENSORSHIP. Or as my father used to say, "do as I say, not as I do!"

10. Here's another example of censorship. The proposed policy states that "Advertisements that imply or declare an endorsement by IVGID of any...point of view...will not be accepted...without prior written authorization from IVGID. Is not this censorship?

11. Here's another example of do as I say, not as I do. The proposed policy states that "Commercial Speech (includes)...speech that...is an expression related solely to the economic interests of the speaker and its audience." Okay. My economic interests are adversely affected by IVGID's Rec Fee. So I want to advertise my expression to my audience of fellow parcel owners because it impacts their economic interests as well. Is the District going to allow me to do this? Or is it going to exercise censorship?

12. And here's another example of do as I say, not as I do. The proposed policy states that "Advertisements that may be perceived as offensive to any religious, ethnic, racial, or political group will not be accepted." Okay. Political ads by

people like Tim Callicrate and Kendra Wong and Peter Morris and Bruce Simonian are offensive to me politically, and my political group. So does the District truly intend to prohibit advertisements from these or similar individuals? Why do I think not?

13. And wrapping up all of the above, what exactly is the penalty for a violation of this policy? If District staff allow advertisements in the Magazine which violate this policy, since the public won't know until after the edition of the magazine has been published and disseminated, what remedy will be available after the fact? Bueller? Bueller?

The memo in support suggests under paragraph IV. Alternatives that the Board "2. Decline to move forward at this time with this proposed amendment." That's what you should do. In fact, you should TERMINATE the magazine altogether for the reasons I and others have urged for some time. It's another money losing endeavor that takes so much unreimbursed staff time subsidized by the Rec Fee, and it's used by staff and has been used by Tim Callicrate and Kendra Wong as nothing more than a propaganda rag. North Korea all over again.

Respectfully, Aaron Katz

## **EXHIBIT “B”**

**WRITTEN STATEMENT TO BE INCLUDED IN THE WRITTEN MINUTES OF THIS DECEMBER 14, 2022 REGULAR IVGID BOARD MEETING – AGENDA ITEM C – PUBLIC COMMENTS – YOUR WONDERFUL BOARD AND STAFF ARE GUILTY OF USING PUBLIC ASSETS TO ADVANCE THEIR PROPAGANDA AKA VIEWPOINT DISCRIMINATION**

**Introduction:** I keep telling you it's everything this organization does. Everything! Dig deep enough, pull away the various layers of façade, and ultimately one gets to a core of lies, deceit, waste, financial irresponsibility, lack of transparency, and an arrogance because staff are of the opinion they are immune from any outside supervision or oversight. And here we have a product of all of this again.

One would think that since we have an elected board of resident trustees, they would take charge and right this failing ship. But alas, they've been convinced that they exist to do nothing more than set policy. Because of Board Policy and Procedure 105, Resolution No. 1480<sup>1</sup>, and notwithstanding the clear language of NRS 318.175<sup>2</sup>, 318.180<sup>3</sup>, and 318.185<sup>4</sup>, all past Boards I have studied have steadfastly refused to be pro-active and bring about real change. Great news for our less than competent, ethical over compensated and over benefited staff who continuously seem to be hired. But bad news for local parcel/dwelling unit owners who are compelled to involuntarily finance this state of affairs.

In the past I have documented how our wonderful little *IVGID Quarterly Magazine*<sup>5</sup> is costing local parcel/dwelling unit owners \$100,000 or more annually<sup>6</sup>. Now we see how our staff and Chairperson Callicrate are using this public viewpoint to disparage segments of our community, and censor legitimate criticism (aka viewpoint discrimination). And that's the purpose of this written statement.

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<sup>1</sup> Go to [https://www.yourtahoeplace.com/uploads/pdf-ivgid/IVGID\\_PolicyAndProcedure105\\_Resolution1480.pdf](https://www.yourtahoeplace.com/uploads/pdf-ivgid/IVGID_PolicyAndProcedure105_Resolution1480.pdf).

<sup>2</sup> Which instructs that "the board shall have the power: 1. To manage, control and supervise *all* the business and affairs of the district(; and,) 2. To acquire, improve, equip, operate and maintain *any district project*."

<sup>3</sup> Which instructs that "the board shall have the power to hire and retain agents, employees, servants, engineers and attorneys, and any other persons necessary or desirable to effect the purposes of this chapter."

<sup>4</sup> And insofar as our one thousand and twelve (1,012) or more employees (see <https://transparentnevada.com/salaries/2019/incline-village-general-improvement-district/>) are concerned, it is "the board (which) shall have the power to prescribe the duties of (its) officers, agents, *employees* and servants, and (to) fix their compensation."

<sup>5</sup> Go to <https://www.yourtahoeplace.com/ivgid/resources/ivgid-quarterly>.

<sup>6</sup> See pages 265-291 of the packet of materials prepared by staff in anticipation of the Board's October 27, 2020 meeting [[https://www.yourtahoeplace.com/uploads/pdf-ivgid/L.1.\\_-\\_Meeting\\_Minutes\\_-\\_September\\_30\\_\\_2020.pdf](https://www.yourtahoeplace.com/uploads/pdf-ivgid/L.1._-_Meeting_Minutes_-_September_30__2020.pdf) ("the 10/27/2020 Board packet")].

**What is the *Real Purpose of the IVGID Quarterly*?** Now we see. Simply stated, it is a propaganda periodical created by IVGID staff to provide work for them to do, promote themselves, promote the largely meaningless jobs they perform, and justify the over compensation and over benefits they award themselves<sup>4</sup>. I understand you're going to get a different answer from IVGID staff, but what I've shared is the truth. Examine the latest edition (2021/22 Annual Report) of the IVGID Quarterly<sup>7</sup>. Look at me! I'm an IVGID employee. Look at all I have accomplished this last year. Look how wonderful a job I am doing. Look at the many reasons why I should be over compensated and over benefited. In other words, staff propaganda intended to boost *themselves*. After all, according to staff, they and their public employee colleagues "continue to be (the District's) most important and valued asset."<sup>8</sup>

**Where Does the Money Come From to Fund Publishing and Distribution of the IVGID Quarterly?** This propaganda comes with a cost. Each year the IVGID Board, at the direction of staff, budget to overspend in excess of \$6.5 million<sup>9</sup>. And where does this revenue deficiency come from? Two invalid special taxes against property<sup>10</sup> [known as the Beach ("BFF") and/or the Recreation ("RFF") Facility Fee(s)] which are *involuntarily* levied against each Incline Village/Crystal Bay parcel/dwelling unit<sup>11</sup>. Some of that over spending is assigned to publication and distribution costs associated with the IVGID Quarterly.

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<sup>7</sup> Go to [https://www.yourtahoeplace.com/uploads/pdf-ivgid/IVGID\\_Qrtly\\_Oct2022.pdf](https://www.yourtahoeplace.com/uploads/pdf-ivgid/IVGID_Qrtly_Oct2022.pdf).

<sup>8</sup> See page 126 of the District's 2018-119 Budget [[https://www.yourtahoeplace.com/uploads/pdf-ivgid/IVGID\\_Annual\\_Budget\\_FY2018-19\\_03122019.pdf](https://www.yourtahoeplace.com/uploads/pdf-ivgid/IVGID_Annual_Budget_FY2018-19_03122019.pdf) ("the 2018-19 Budget")].

<sup>9</sup> Take a look at Schedules B-12 B-14, C-15 to IVGID's latest budget sent to the Department of Taxation (go to pages 10, 12-15 and 17 at [https://www.yourtahoeplace.com/uploads/pdf-ivgid/Final\\_Budget\\_State\\_Form\\_4404LGF\\_-\\_signed.pdf](https://www.yourtahoeplace.com/uploads/pdf-ivgid/Final_Budget_State_Form_4404LGF_-_signed.pdf)). In order to balance the District's Community Services (i.e., "recreation") Special Revenue Fund it relies upon the subsidy of a \$1,735,612 Recreation Facility Fee ("RFF"). To balance the District's Community Services Capital Projects Fund it relies upon the subsidy of a \$536,571 RFF. To balance the District's Community Services Debt Service Fund it relies upon the subsidy of a \$412,748 RFF. To balance the District's Beach Special Revenue Fund it relies upon the subsidy of a \$648,974 Beach Facility Fee ("BFF"). To balance the District's Beach Capital Projects Fund it relies upon the subsidy of a \$3,196,016 BFF. And to balance the District's Beach Debt Service Fund it relies upon the subsidy of a \$7,720 BFF. All told, \$6,537,641 in annual subsidies.

<sup>10</sup> NRS 361.445 instructs that "the only basis for property taxation by any city, town, school district, road district or other district in that county...shall be...the assessment made by the county assessor and by the Department, as equalized according to law."

<sup>11</sup> If the reader wants to see how this involuntary levy takes place, each year, he/she is directed to [https://www.yourtahoeplace.com/uploads/pdf-ivgid/G.2.\\_-\\_Recreation\\_Standby\\_and\\_Service\\_Charges.pdf](https://www.yourtahoeplace.com/uploads/pdf-ivgid/G.2._-_Recreation_Standby_and_Service_Charges.pdf).

**Staff's Attempts to Hide the Above-Truths From Those Who Are Involuntarily Assessed:** Few in our community know the truths which have been shared herein. To discredit those who do, staff attack the messengers in our community rather than their message. And what better a vehicle than the IVGID Quarterly?

**Chairperson Callicrate's IVGID Quarterly "Update:"** The reader's attention is directed to page 6 of the latest edition of the IVGID Quarterly<sup>12</sup>. There Mr. Callicrate is given space in the Quarterly to allegedly "recap some of this past year's accomplishments of the IVGID Board...and the District in general." Yet rather than limiting himself to these accomplishments, he uses this vehicle to trash those in our community critical of the same:

"It's truly unfortunate that a very small but strident chorus of the perpetually-aggrieved continue to hector and harangue our GM and his team on a daily basis because they don't like anything the District does...Perhaps a few more days at the beach or on the mountain will help them realize what a phenomenal place Incline Village/Crystal Bay is, and how lucky we are to call it home<sup>13</sup>!"

This language represents viewpoint discrimination which is prohibited by the U.S. and Nevada Constitutions.

**"Viewpoint Discrimination:** is a form of content discrimination particularly disfavored by the courts. When the government engages in content discrimination, it is restricting speech on a given subject matter...It is singling out a particular opinion or perspective on that subject matter for treatment unlike that given to other viewpoints. For example, if an ordinance banned all speech on the Iraq War, it would be a content-based regulation. But if the ordinance banned only speech that criticized the war, it would be a viewpoint-based regulation. Because the government is essentially taking sides in a debate when it engages in viewpoint discrimination, the Supreme Court has held viewpoint-based restrictions to be especially offensive to the First Amendment. (Therefore,) such restrictions are treated as presumptively unconstitutional."<sup>14</sup>

**My Efforts to Seek Equal Access:** When I first read the referenced viewpoint, made under governmental authority and at governmental expense, I e-mailed the IVGID Board and its GM<sup>15</sup> on November 3, 2022 at 6:39 P.M. as follows:

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<sup>12</sup> Go to [https://www.yourtahoeplace.com/uploads/pdf-ivgid/IVGID\\_Qrtly\\_Oct2022.pdf](https://www.yourtahoeplace.com/uploads/pdf-ivgid/IVGID_Qrtly_Oct2022.pdf).

<sup>13</sup> What exactly did IVGID have to do with the mountains surrounding Incline Village/Crystal Bay, or the beaches abutting Lake Tahoe? Would this be just as phenomenal a place if there were no IVGID?

<sup>14</sup> See <https://www.mtsu.edu/first-amendment/article/1028/viewpoint-discrimination>.

<sup>15</sup> A copy of that e-mail is attached as Exhibit "A" to this written statement.

“Well Indra -

You and your bootlicker boy (Chairperson Callicrate) have finally crossed over the line of permissible conduct. It's page 6 of the latest edition ('2021/22 Annual Report') of the IVGID Quarterly.

And the purpose of this e-mail is to secure your agreement the field will be leveled in the next edition of the IVGID Quarterly. And if I don't receive that agreement by tomorrow at 5 P.M., and in writing, I will be filing complaint with the OAG as well as the Dep't of Justice.

There Mr. Callicrate tells us he has made the statement he has because he 'was asked to recap some of this past year's accomplishments of the IVGID Board...and the District in general.' Besides asking who is driving this bus (he has been asked? How about the Board does the asking and staff do the answering?), precisely what accomplishments? Mr. Callicrate tells us:

'It's truly unfortunate that a very small but strident chorus of the perpetually-aggrieved continue to hector and harangue our GM and his team on a daily basis because they don't like anything the District does. Oh well, perhaps a few more days at the beach...will help them realize what a phenomenal place IV/CB is, and how lucky we are to call it home!"

All from the guy who failed to pay his 2022-23 Rec Fee by the mandatory October 1 date - which means he has no recreation privileges ['all property taxes, special assessments and Recreation Fees on a Parcel must be paid for the current and prior years to maintain the Parcel's eligibility for Recreation Privileges. The District Recreation Fee must be paid by October 1 of the year billed in order to continue receiving Recreation Privileges' (see section 44 of Ordinance 7)].

Pure and simple this is nothing more than a disparaging propaganda piece. And according to page 4 of the magazine, since 'each IV/CB parcel owner receives one subscription to a domestic address,' the District has used public resources to spew its criticisms of members of our community. Which means it must make equal access in the magazine to those in our community who wish to share their opposite views. Hence this request. Otherwise, it's called viewpoint discrimination (see <https://www.mtsu.edu/first-amendment/article/1028/viewpoint-discrimination>).

Respectfully, Aaron Katz”

So what were our GM's/the Board's response(s)? *Nothing!*

***Rosenberger v. Rectors and Visitors of the University of Virginia***<sup>16</sup>, 515 U.S. 819 (1995): Here a public university used public money to subsidize publishing costs for nonreligious student groups. The university denied funds to a Christian student group that requested financial assistance to publish a newspaper that would “challenge Christians to live, in word and deed, according to the faith they proclaim and to encourage students to consider what a personal relationship with Jesus Christ means.” The group alleged that refusal to authorize payment of the printing costs of the publication, solely on the basis of its religious editorial viewpoint, violated their rights to freedom of speech and press, to the free exercise of religion, and to equal protection of the law.

The Supreme Court declared that: “when the government targets not subject matter but particular views taken by speakers on a subject, the violation of the First Amendment is all the more blatant. Viewpoint discrimination is thus an egregious form of content discrimination. *The government must abstain from regulating speech when the specific motivating ideology or the opinion or perspective of the speaker is the rationale for the restriction...*These principles provide the framework forbidding the State to exercise viewpoint discrimination, even when the limited public forum is one of its own creation...Based on the principles we have discussed, we hold that the regulation invoked to deny SAF support, both in its terms and in its application to these petitioners, is a denial of their right of free speech guaranteed by the First Amendment.”

This reasoning is identical here.

**Conclusion:** Moreover, when IVGID's trustees took office, each affirmed an oath of office as NRS 282.010(1) mandates<sup>17</sup>. That oath was that each “solemnly swear[ed] (or affirm[ed]) that (he/she would) ...support, protect and defend the Constitution(s)...of the United States, and the...State of Nevada... and that (he/she would)...bear true faith, allegiance and loyalty to the same...so help (him/her) God; (if an affirmation) under the pains and penalties of perjury.”<sup>18</sup> Well now we see each breached his/her oath of office. So how do you intend to address this Board members? And assuming you don't, why exactly do you exist?

Aaron Katz (Your Community Watchdog), Because Only Now Are Others Beginning to Watch!

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<sup>16</sup> Go to <https://supreme.justia.com/cases/federal/us/515/819/>.

<sup>17</sup> “All officers, executive, judicial and ministerial, shall, before entering upon the duties of their respective offices...take and subscribe to the official oath.”

<sup>18</sup> See NRS 282.020.



## Use of Public Resources to Advance Viewpoint Discrimination Financed With Our Involuntary Recreation ("RFF") and Beach ("BFF") Facility Fees

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**From:** <s4s@ix.netcom.com>  
**To:** <ISW@ivgid.org>  
**Cc:** Callicrate Tim <tim\_callicrate2@ivgid.org>, Dent Matthew <dent\_trustee@ivgid.org>, Wong Kendra Trustee <wong\_trustee@ivgid.org>, Schmitz Sara <schmitz\_trustee@ivgid.org>, Tonking Michaela <tonking\_trustee@ivgid.org>  
**Subject:** Use of Public Resources to Advance Viewpoint Discrimination Financed With Our Involuntary Recreation ("RFF") and Beach ("BFF") Facility Fees  
**Date:** Nov 3, 2022 6:39 PM

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Well Indra -

You and your bootlicker boy (Chairperson Callicrate) have finally crossed over the line of permissible conduct. It's page 6 of the latest edition ("2021/22 Annual Report") of the IVGID Quarterly.

And the purpose of this e-mail is to secure your agreement the field will be leveled in the next edition of the IVGID Quarterly. And if I don't receive that agreement /by tomorrow at 5 P.M., and in writing, I will be filing complaint with the OAG as well as the Dep't of Justice.

There Mr. Callicrate tells us he has made the statement he has because he "was asked to recap some of this past year's accomplishments of the IVGID Board...and the District in general." Besides asking who is driving this bus (he has been asked? How about the Board does the asking and staff do the answering?), precisely what accomplishments? Mr. Callicrate tells us:

"It's truly unfortunate that a very small but strident chorus of the perpetually-aggrieved continue to hector and harangue our GM and his team on a daily basis because they don't like anything the District does. Oh well, perhaps a few more days at the beach...will help them realize what a phenomenal place IV/CB is, and how lucky we are to call it home!" All from the guy who failed to pay his 2022-23 Rec Fee by the mandatory October 1 date - which means he has no recreation privileges ["All property taxes, special assessments and Recreation Fees on a Parcel must be paid for the current and prior years to maintain the Parcel's eligibility for Recreation Privileges. The District Recreation Fee must be paid by October 1 of the year billed in order to continue receiving Recreation Privileges" (see section 44 of Ordinance 7)].

Pure and simple this is nothing more than a disparaging propaganda piece. And according to page 4 of the magazine, since "each IV/CB parcel owner receives one subscription to a domestic address," the District has used public resources to spew its criticisms of members of our community. Which means it must make equal access in the magazine to those in our community who wish to share their opposite views. Hence this request. Otherwise, it's called viewpoint discrimination (see <https://www.mtsu.edu/first-amendment/article/1028/viewpoint-discrimination>).

Respectfully, Aaron Katz

Good Evening Trish McKowen 335 Ski Way

Reading a social media post from Genevieve Thornburg the female IVGID employee who reported verbal sexual harassment by Cliff Dobler in 2020.

**She writes...**The part of the letter Noble was able to read is only the tip of the Iceberg! Please get that letter out to as many people as possible. The comments that are documented in it only get worse. I should know. The comments were directed at me. And after his last verbal attack on me they claim he was suspended from IVGID privileges for 3 months. But he was still allowed at the different facilities. He continued to harass employees. And he was placed on a committee that would have allowed him to ask for meetings with employees to discuss the finances. I refused to be alone with him. And I was told I had to leave the building when he was there. Like they were protecting him from us. Total Insanity. I loved working and living in Incline. But I can say with the way things are headed, the best decision I ever made was moving.

An 2<sup>nd</sup> incident was reported to the board on August 16<sup>th</sup> from a golf resident who reported a female family members unwanted interactions with Mr. Dobler

**HERE IS THAT EMAIL**

After the events of the recent board meeting, I feel both disgusted and obligated to respond with additional facts regarding Mr. Cliff Dobler's behavior around IVGID staff and specifically young women. Our niece has worked at the golf course this summer and on more than one occasion Cliff Dobler has made inappropriate comments directly to my niece and behind her back to other golfers regarding how she looks, her body, and wishing he could see her at the beach. My daughter worked at the golf course 2 years ago and experienced the same type of behavior. All of the staff is aware. Mr. Dobler even went so far as to ask my niece to drive him home from the golf course one evening even though he lives 200 yards down 10 fairway. Many of these occurrences have been reported to golf course management and how this man is allowed anywhere near the golf course baffles me. That said, what kind of message are you sending when you allow Cliff Dobler to act as a representative of our community. If this

was your daughter or family member would you continue to give this man a forum in our community ..... I would hope not? Get some spine and please do the right thing...

Trustees Schmitz Dent and Tulloch are putting the district at a financial risk by allowing Mr. Dobler to remain on the Capital Investment Committee

**Here is a wakeup call** for the Board of Trustees the Equal Employment Opportunity Commission reports the most easily calculated cost for employers, and probably the most asked about cost when it comes to handling sexual harassment claims in the workplace, are the legal bills. Assuming that the claim is settled out of court, the average harassment claim will typically run an organization anywhere from \$75,000 to \$125,000. If it goes to court, employers are often looking at double those numbers, again in legal fees alone. And, if the employer is found liable in the case, well, that price tag can get pretty big in a hurry. The largest sum ever awarded in a sexual harassment case hit a whopping \$168 million in 2012 Sign the Recall Petition to Remove Trustees Schmitz and Dent!

=

8:02



<  **Incline Village** ...

 Peter Morris · 3d · 



**Genevieve Thornburg**

The part of the letter Noble was able to read is only the tip of the iceberg! Please get that letter out to as many people as possible. The comments that are documented in it only get worse. I should know. The comments were directed at me. And after his last verbal attack on me they claim he was suspended from IVGID privileges for 3 months. But he was still allowed at the different facilities. He continued to harass employees. And he was placed on a committee that would allowed him to ask for meetings with employees to discuss the finances. I refused to be alone with him. And I was told I had to leave the building when he was there. Like they were protecting him from us. Total insanity. I loved working and living in Incline. But I can say with the way things are headed, the best decision I ever made was moving

 Comment as Mar...   

----- Forwarded message -----

[REDACTED]  
Date: Fri, Aug 18, 2023, 6:14 PM  
Subject: Fwd: Board Meeting response / Cliff Dobler  
[REDACTED]

[REDACTED]... enjoyed golf today... Can you please forward the response from Sara to Mick for FYI. I couldn't find his email.

Sad response..... [REDACTED]

----- Forwarded message -----

From: **Sara Schmitz** <trustee\_schmitz@ivgid.org>  
Date: Wed, Aug 16, 2023 at 9:07 PM  
Subject: Re: Board Meeting response / Cliff Dobler  
To: Duane Mater <[REDACTED]>

[REDACTED],

Because it was not on the agenda. Per open meeting law, our discussion has to remain on topic. In addition, no others including us Trustees and the public had the information prior to being abruptly introduced by Noble. This is not how meetings are to be conducted, which is why it was stopped.

Hope that helps.

Sara

Sent from iPhone.  
925-858-4384

[REDACTED]  
Sent: Wednesday, August 16, 2023 3:02:33 PM  
To: Sara Schmitz <trustee\_schmitz@ivgid.org>  
Subject: Re: Board Meeting response / Cliff Dobler

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I would ask why similar complaints presented by Mr. Noble were not taken seriously during the board meeting and only now you wish to take action. Does not make sense and is very disappointing.

On Wed, Aug 16, 2023 at 2:32 PM Sara Schmitz

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

<trustee\_schmitz@ivgid.org<mailto:trustee\_schmitz@ivgid.org>> wrote:

[REDACTED]

Thank you for bringing this to my attention. I have sent your email to District Legal Counsel to take whatever action is appropriate.

Sara

Sara Schmitz

Incline Village General Improvement District Trustee and Vice Chair

893 Southwood Blvd.

Incline Village, NV 89451

925-858-4384

[

From: [REDACTED] <[REDACTED]>  
Sent: Wednesday, August 16, 2023 2:14 PM  
To: Dave Noble; Michaela Tonking; Sara Schmitz; Ray Tulloch; Matthew Dent  
Subject: Board Meeting response / Cliff Dobler

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

After the events of the recent board meeting I feel both disgusted and obligated to respond with additional facts regarding Mr. Cliff Dobler's behaviour around IVGID staff





and specifically young women. Our niece has worked at the golf course this summer and on more than one occasion Cliff Dobler has made inappropriate comments directly to my niece and behind her back to other golfers regarding how she looks, her body, and wishing he could see her at the beach. My daughter worked at the golf course 2 years ago and experienced the same type of behaviour. All of the staff is aware. Mr. Dobler even went so far as to ask my niece to drive him home from the golf course one evening even though he lives 200 yards down 10 fairway. Many of these occurrences have been reported to golf course management and how this man is allowed anywhere near the golf course baffles me.

That said, what kind of message are you sending when you allow Cliff Dobler to act as a representative of our community. If this was your daughter or family member would you continue to give this man a forum in our community ..... i would hope not? Get some spine and please do the right thing...



Linda Kahre 625 Loma Circle #1 Incline Village  
Please put into the record

Trustees Schmitz, Dent & Tulloch – you claim you are forces for fiscal responsibility. But I can't find information anywhere that says fiscal responsibility means hostility, micromanagement, and lording yourself over IVGID staff and vendors. These actions are fiscal and management irresponsibility.

Let's look at what your interference in IVGID operations has cost to date:

According to <sup>the</sup> Built-In a management website, the financial cost of senior management turnover is 213%. *of their salaries*

So, with the GM, Controller, Financial Director, Public Works Director, Clerk, Legal Counsel, and Food and Beverage Manager alone, the financial cost will be over \$2,075,000. Is this fiscal responsibility?

And what about your help demotivating our hourly and seasonal staff by eliminating beach and venue benefits. Terra Staffing says that employee turnover in this area will cost IVGID \$3,500 per person, 47 hours of training and \$1,886 of training costs. How is causing long-term IVGID employees to leave fiscal responsibility?

Then, you won't provide requested resources to support the Interim General Manager or the Director of Finance. Fiscal responsibility? Not when IVGID has lost so much staff and has essential tasks to perform.

There is also the tremendous loss of citizen volunteers such as Mick Homan of the audit committee. Here is a man who wants to serve the community and who has not bashed people along the way, who resigned because he can't maintain his integrity around Sarah and others. Fiscal responsibility? Keeping the Katz and Dobler crew around – whose goal is to attack IVGID whenever possible - while pushing people like Homan out doesn't seem very responsible.

Just to remind the entire Board, your fiduciary duty is to protect and enhance IVGID – not destroy it.

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I request that you remove General Business Item 1 on the Strategic Plan from today's agenda. It contradicts the recommendations of Item 9 of the Moss Adams

Report, which shows serious weaknesses in the existing plan and recommends creating a new one.

---

I request that you remove item G11 regarding drafting letters for various issues within the Incline Community. Whose idea was this? It was not on the long range calendar. These are suggestions for topics which have nothing to do with IVGID Trustee fiduciary responsibilities. Aren't the leadership vacancies that you've created enough for your to-do list? Unless the IVGID Board is specifically asked to participate, we don't need you to tell everyone else in town how to do their jobs.

Here's what you can do: Several weeks ago, Trustee Tonking asked for a report on the exit interviews and reasons for the high staff turnover. Let's address the true problems within IVGID.

Kristie Wells, Incline Village resident

*I have a written statement and supporting documents to be attached to the minutes of this meeting*

Some believe those wishing to recall Trustees Schmitz and Dent lack commitment to fiscal responsibility and accountability. This is simply not true. We expect it. Additionally, we advocate for treating IVGID staff respectfully, and enabling them to work without unwarranted interference. Trustee overreach has led to valued staff departing due to an unhealthy, some say toxic, atmosphere.

We believe you can be fiscally responsible, and be a good human. These values are not in conflict with one another.

I was not able to attend last week's meeting, either in person or on the phone, but I did email my concerns to all trustees that same day. Ethical and moral decisions demand attention. There's been a pattern of inappropriate behavior from committee members and a consultant that necessitates immediate action. **EXHIBIT A**

Sara responded to my email, and tried to discount my concerns, which were: **EXHIBIT B**

Audit Chair Chris Nolet has made continuous damaging remarks about former Director of Finance, Paul Navazio. Nolet insinuates intentional wrongdoing, implying Navazio's departure was linked to fraud. **EXHIBIT C**

- This breaches conduct standards as it disparages IVGID Staff.
- Sara's response downplayed this, and Nolet's statement was unfounded.
- Nolet should no longer chair the Audit Committee. Please remove him.

I also raised concerns about Cliff Dobler's multiple instances of inappropriate behavior towards IVGID staff, especially women.

- Sara's assertion there are no current incidents is false, as I am in possession of an email dated August 16th that details a recent issue involving Dobler and a young woman at the golf course. It was sent to all five trustees.
- Sara's response to me included "*Cliff Dobler had past behavior issues that were brought to his attention in 2020,*" which directly conflicts with Mr. Dobler's statement that he did not know why his privileges were suspended at that time. I appreciate you confirming this for the record Sara. This statement also confirms that you did, in fact, know about these issues before, despite you claiming otherwise. You and Trustee Dent owe Trustee Noble and this community an apology. Related, you should also resign.
- Dobler should be removed from the Capital Investment Committee and banned from any role that requires direct interaction with IVGID staff. This should happen immediately.

Lastly, my worry about the board's contract with Kevin Lyons remains. His contentious nature and past altercation with IVGID staff can't be disregarded.

- In 2019, Mr. Lyons received an extended four month court order for protection against stalking, aggravated stalking, or harassment of an IVGID employee, which banned him from the Southwood IVGID office, the Chateau, and a home.
- Sara's positive appraisal of his governance training doesn't excuse his transgressions.

Accountability applies to your words and actions, and those of the Committee members and consultants. The fact there are known, current, instances of misconduct that are being ignored by this board is shameful.

Make good conscience be your guide. The only clear path forward would be to end Mr. Nolet and Mr. Dobler's positions on these Committees and terminate the contract with Mr. Lyons.

This Board of Trustees should stand for IVGID employees and our community. Thank you for your time.



EXHIBIT A

Kristie Wells &lt;kristiewells@gmail.com&gt;

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**[Public] comment regarding the meeting on August 24, 2023**


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Kristie Wells &lt;kristiewells@gmail.com&gt;

Thu, Aug 24, 2023 at 2:06 PM

To: dent\_trustee@ivgid.org, schmitz\_trustee@ivgid.org, tonking\_trustee@ivgid.org, noble\_trustee@ivgid.org, tulloch\_trustee@ivgid.org, info@ivgid.org

*Please add this comment to the official minutes of the August 24, 2023 meeting.*

I am not able to make a public comment either in person or on the telephone this evening as I have a schedule conflict. Which leads me to my first question.

Trustees, I would like to understand why this meeting was moved to Thursday, August 24th and not held on the originally scheduled date of Wednesday, August 23rd, based on the every other Wednesday cadence of these meetings?

Why hold this meeting on the same night a widely supported and well attended community event is taking place, the Taste of Incline, especially when the singular topic is around the financial status of the GID and the actions that are needed to resolve open issues?

You know this topic has generated an enormous amount of public comments in previous meetings and online in social media. You know community and Committee members have made unfounded claims of fraud and a failure of duty of IGVID staff, which has led to employees being disparaged and compounds the declining morale of all staff.

This is an incredibly important meeting that should allow more public comment. I can only assume your decision to move it on a night that competes with a big social event was to directly limit the audience and the community participation. This is another questionable decision being made by this board as this decision will limit visibility and community engagement, something you should actually be encouraging.

I would like to also stress my concerns that Trustees Schmitz and Dent continue to place Mr. Cliff Dobler on Committees supporting the Board when there are known infractions and past bad behavior that led to a short term suspension of his recreational privileges. Trustee Schmitz claims she did not know of the letter that was read by Trustee Noble in a recent meeting, when in fact, it has been confirmed by several past Trustees that all members of the Board received notice of this and knew the suspension took place.

I recommend the Board set a policy that requires you to do a background check with IVGID HR on every single candidate who applies for a Committee to see if there are any past claims about that person.

- Had you done so, I understand you would have found a fairly large file on Mr. Dobler.
- The fact that you now know about this and still refuse to remove him from the Capital Improvement Committee confirms you are not doing your duty to protect IVGID staff and community members.

I have also since learned there are concerns with Kevin Lyons, of Governance Sciences Group and FlashVote, someone the Board continues to engage for services, even against Trustee Tonking and Noble's requests.

- In January of 2017, IVGID cut ties with Kevin Lyons and his citizen governance system FlashVote due to the cloudiness around who owns resident data and the perceived manipulation of the questions being asked. It seems Mr. Lyons thought data he was hired to secure for IVGID was something he could use to his own personal benefit. This leads me to question his ethics here.
- On July 16, 2019, an Extended Order for Protection against Stalking, Aggravated Stalking, or Harassment was issued against Mr. Lyons following an altercation he had with IVGID staff. Another notch against Mr. Lyons.
- Somehow, Mr. Lyons was awarded a new FlashVote contract, which continues to run severely biased surveys, and now a new contract in the amount of \$20,400 to help train the Board of Trustees about "good governance." Surely there are other qualified consultants we can hire that do not have past transgressions with IVGID staff?

Lastly, the Chairman of the Audit Committee, Chris Nolet, made the following public statement in the August 9, 2023 meeting, a comment I believe breaks the Conduct Policy. The emphasis is mine and the sentence in red notes no infractions have been found to date though Mr. Nolet felt comfortable in inferring there may be fraud and disparages Mr. Navazio and IVGID staff:

**"Contrary to the refrain "I quit because of the board", I find it rather obvious that Navazio [Paul C. Navazio, Director of Finance: 2020 to June 2023] quit because he knew these circumstances would finally catch up with him in the current year and close end related audit. More importantly, the presence of these circumstances in any organization has historically correlated to various financial frauds. While we've not seen any such specific circumstances. Sudden leadership resignations, unreconciled bank accounts, and our open and out of balanced GL are well known traits, all of which indicate that substantial skepticism and expanded audit scopes are warranted."**

I would like to make a formal request that Chris Nolet, Cliff Dobler, Kevin Lyons, or any other Committee and Community members who have broken the Conduct policy not be allowed to sit on IVGID Committees or be hired as paid consulting resources to Support Special Projects as Prioritized by the Board.

Thank you,  
Kristie Wells



EXHIBIT B

Kristie Wells &lt;kristiewells@gmail.com&gt;

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**[Public] comment regarding the meeting on August 24, 2023**

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Sara Schmitz <trustee\_schmitz@ivgid.org>  
To: Kristie Wells <kristiewells@gmail.com>

Fri, Aug 25, 2023 at 9:05 AM

Kristie,

I hope you enjoyed Tastes of Incline! We had others that attended and then attended the board meeting stating it was great.

Chris Nolet is highly skilled and experienced. His comments were not making accusations and were statements related to his past experience.

Kevin Lyons has worked with District Legal Counsel on other efforts and came recommended. His training, even as stated by Trustee Noble at a public meeting, have been educational and helpful for the board. He's training the board and senior management on good governance and it has been excellent.

Cliff Dobler had past behavior issues that were brought to his attention in 2020. During this same time and into 2021, he was on the GM's Burnt Cedar pool committee and the Audit Committee without any other action taken against him. To my knowledge, there have been no reported nor verified incidents since that time. If there are new allegations, it will be handled according to the misconduct procedure in Ordinance 7. The board will be notified if there are issues and take action accordingly. It is staff's responsibility to investigate and inform the board, if appropriate. I have confidence in staff and will allow them to do their jobs.

There is an investigation into the document that was shared. I will await their findings.

Hope this answers your questions.

Sara

Sara Schmitz

Incline Village General Improvement District Trustee and Vice Chair

893 Southwood Blvd.

Incline Village, NV 89451

925-858-4384

[[https://lh4.googleusercontent.com/4oZZCbA3zNbR4\\_gljv067kdrC1i457NxnXGrommed48vAbJZcmfJoU4-mA2cew-xeDtrhd8DQeWFTaPUDQA7nECs7RN2g3BQyuEq3SDIBaDSGsNn12OQSXdluJ-Bw\\_-hZ91TlqXZ](https://lh4.googleusercontent.com/4oZZCbA3zNbR4_gljv067kdrC1i457NxnXGrommed48vAbJZcmfJoU4-mA2cew-xeDtrhd8DQeWFTaPUDQA7nECs7RN2g3BQyuEq3SDIBaDSGsNn12OQSXdluJ-Bw_-hZ91TlqXZ)]

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From: Kristie Wells <kristiewells@gmail.com>  
Sent: Thursday, August 24, 2023 2:36 PM  
To: Sara Schmitz



Subject: Re: [Public] comment regarding the meeting on August 24, 2023

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I also hit send too soon.

Care to comment on the gross behavior noted in my email from several community members the board has engaged to represent our interests?

On Thu, Aug 24, 2023 at 2:13 PM Kristie Wells <kristiewells@gmail.com<mailto:kristiewells@gmail.com>> wrote: Thank you for your response. Still disappointing as many community members who would like to attend are committed elsewhere this evening.

I will watch it on demand.

On Thu, Aug 24, 2023 at 2:10 PM Sara Schmitz <trustee\_schmitz@ivgid.org<mailto:trustee\_schmitz@ivgid.org>> wrote: Ms. Wells,

Thank you for your comments. I don't think the meeting was intentionally scheduled to conflict. I understand it was changed from Wednesday due to a Trustee conflict.

Sara

Sara Schmitz

Incline Village General Improvement District Trustee and Vice Chair

893 Southwood Blvd.

Incline Village, NV 89451

925-858-4384

[https://lh4.googleusercontent.com/4oZZCbA3zNbR4\_gljv067kdrC1i457NxnXGrommed48vAbJZcmfJoU4-mA2cew-xeDtrhd8DQeWFTaPUDQA7nECs7RN2g3BQyuEq3SDIBaDSGsNn12OQSXdIuJ-Bw\_-hZ91TlqXZ<https://linkprotect.cudasvc.com/url?a=https%3a%2f%2flh4.googleusercontent.com%2f4oZZCbA3zNbR4\_gljv067kdrC1i457NxnXGrommed48vAbJZcmfJoU4-mA2cew-xeDtrhd8DQeWFTaPUDQA7nECs7RN2g3BQyuEq3SDIBaDSGsNn12OQSXdIuJ-Bw\_-hZ91TlqXZ&c=E,1,C7ixmreGWW2fDPcuoqBIIHLj1GlwsrMpi2ix0esXDd\_GiOLBMzz14Ko8Vkt4X5JFRcKpJfdFYQ7KqEqSnwPDA23Y8u7TBBOFMXzGuuKAezJ7rVmua0rYk9PA&typo=1>]

From: Kristie Wells <kristiewells@gmail.com<mailto:kristiewells@gmail.com>>

[Quoted text hidden]

## EXHIBIT C

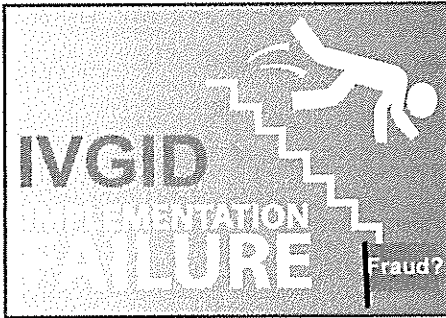
Chris Nolet's public comment during the August 9, 2023 meeting was also posted on the Our IVCB Voice website: <https://ourivcbvoice.com/audit-chair-nolet-ivgid-gross-mismanagement/>, on Facebook and on Nextdoor by various community members, thereby fueling unfounded rumors.

[ourivcbvoice.com/audit-chair-nolet-ivgid-gross-mismanagement/](https://ourivcbvoice.com/audit-chair-nolet-ivgid-gross-mismanagement/)

Home-->OTHER TOPICS-->IVGID Audit Committee Chair: "Gross mismanagement"

### IVGID Audit Committee Chair: "Gross mismanagement"

August 11, 2023 admin



The following are public comments made during the Incline Village General Improvement District Board meeting on August 9, 2023. [CLICK FOR AUDIO RECORDING](#)

\*\*\*\*\*

Chris Nolet, Lakeshore Boulevard, Audit Committee Chair

In three minutes, I can't possibly address the current state of complete disrepair faced by our Director of Finance, Bobby Magee, and his few team members. His memo to the board package tonight provided some insight into the rather frightening circumstances they face.

No bank reconciliations for one year, an out of balanced GL [General Ledger] that has not been closed for the past two months. An implementation system, which is months, if not years late and still incomplete in the aggregate. These circumstances represent an extremely daunting set of conditions, even for a GID [General Improvement District].

Contrary to the refrain "*I quit because of the board*", I find it rather obvious that Navazio [Paul C. Navazio, Director of Finance: 2020 to June 2023] quit because he knew these circumstances would finally catch up with him in the current year and close end related audit.

More importantly, the presence of these circumstances in any organization has historically correlated to various financial frauds. While we've not seen any such specific circumstances. Sudden leadership resignations, unreconciled bank accounts, and our open and out of balanced GL are well known traits, all of which indicate that substantial skepticism and expanded audit scopes are warranted.



Exhibit C, Con't.

In the August 24, 2023 meeting, Trustee Tulloch shared the following slide in which he acknowledge that unfounded rumors, like those shared by Mr. Nolet, created fear across the community that IVGID was in dire straights, there was almost \$4,000,000 in missing money, and they contributed to the demoralization of the IVGID staff, especially those in the finance department. Mr. Nolet should be removed from his role on the Audit Committee.

## Purpose and Objectives



- Review the scale and extent of financial issues identified
- Understand how we arrived at this situation
- Agree actions and priorities necessary to remediate issues
- Dispel fears that have been created in the community from unfounded rumors
- Identify changes in internal controls and operating procedures required to minimize risk of future recurrence
- Reduce the significant potential risk posed to effluent pipeline funding from unverified financials
- Ensure venue and department heads can access **up to date** financial information to be able to effectively operate their business

*Ensure our financial reporting is timely, accurate and transparent*

Megan P. Warren  
722 Country Club, IV, NV 89457

Schmitz, Dent, and Tulloch's reasoning behind reducing the rec fee to zero was because fund balance was so high. Why was the fund balance so high? IVGID has a history of paying for capital projects with cash instead of leveraging debt. (Mistake 1, but I digress. The Diamond Peak culvert, an asset that should last 40+ years, was paid in cash!) So, IVGID staff plans to pay cash for capital projects, but then the Board "value engineers" projects to reduce costs thus increasing fund balance. (If you need references, you'll recall decreasing the scope of the Tennis Center renovation and the Rec Center bathroom remodel). So then why were rates increased at all the venues? Well, Schmitz, Dent, and Tulloch attribute this to the increase in inflation and the cost of providing services. While this is true, since the fund balance is so high, according to them, rate increases were not necessary. However, these 3 trustees fail to understand how the recreation fee and charges for services support all of recreation and community services as a whole. By viewing the rec fee and venue rates separately, like they did through the entire budget process, Schmitz, Dent, and Tulloch demonstrate they don't have a clue how IVGID operates nor what the community wants.

Schmitz, Dent, and Tulloch's reasoning behind reducing the rec fee to zero was because fund balance was so high. Why was the fund balance so high? IVGID has a history of paying for capital projects with cash instead of leveraging debt. (Mistake 1, but I digress. The Diamond Peak culvert, an asset that should last 40+ years, was paid in cash!) So, IVGID staff plans to pay cash for capital projects, but then the Board "value engineers" projects to reduce costs thus increasing fund balance. (If you need references, you'll recall decreasing the scope of the Tennis Center renovation and the Rec Center bathroom remodel). So then why were rates increased at all the venues? Well, Schmitz, Dent, and Tulloch attribute this to the increase in inflation and the cost of providing services. While this is true, since the fund balance is so high, according to them, rate increases were not necessary. However, these 3 trustees fail to understand how the recreation fee and charges for services support all of recreation and community services as a whole. By viewing the rec fee and venue rates separately, like they did through the entire budget process, Schmitz, Dent, and Tulloch demonstrate they don't have a clue how IVGID operates nor what the community wants.

Aug 30 2023 Public Comment

Mick Homan – Incline Resident

I'm responding to recent comments by Trustees and others about the extent of accounting issues at IVGID.

To be clear, things aren't great. Fully half the accounting positions are vacant. We're losing staff at an alarming rate and can't fill open spots.

It's become critical in the last 6-12 months.

And we're in the midst of a complete systems conversion that's not going as planned, caused by systems, design, and staffing issues.

So it's a challenging time for IVGID staff. It's led to delays in monthly and year-end reporting and minor clerical errors in some board packages and budget forms.

**But as of now, the narrative that we have material accounting issues is unfounded.** Here's some perspective:

- One - In last week's Board meeting, staff and trustees both emphasized **there's been no evidence to date of any financial fraud or malfeasance.**
- Two - It's true internal control tasks like reconciliations aren't being completed. Some caused by lax compliance. More recently, caused by staffing shortages.

We just don't have enough qualified accounting staff to perform the tasks.

**To be clear - this isn't acceptable. But I also want to be perfectly clear that failing to execute underlying internal controls doesn't mean the related accounting is wrong.**

- Three - ledgers being out of balance by \$3-4 million. This may sound troubling, but we need context. This relates to the systems conversion. **It's completely normal to have issues in any systems conversion.**

Despite thorough planning, not all balances or transactions successfully migrate from the old system to the new.

**That doesn't mean the accounting is wrong or funds are missing.** It usually means we haven't yet reconciled glitches in the data transfer.

- Four - We have an outspoken community member writing dozens of memos to IVGID claiming millions of dollars of accounting errors. He does deserve credit for uncovering past issues with capital spending policies and procedures that resulted in write-offs of capital assets.

So when I joined the Audit Committee, I penetrated those issues. I talked to senior staff and reviewed remediation actions. Staff made significant progress. In fact, a special engagement to audit compliance with new capital accounting policies was recently completed. **It found NO issues.**

We also spent significant time researching and trying resolve the outstanding memos. We closed out 2/3 of memos.

**No significant corrective actions were warranted for those memos.**

The total amount still up for review is less than \$1 million.

- Five - **The District has annual financial statement audits. The fiscal 2022 audit received a clean opinion.**
- And 6 - The acting finance director provided an update last week. He mentioned that with the added contract staffing, they're making good progress in reconciling balances. **No significant issues were noted.**

So let's take a deep breath.

*The* Trustees and the Audit Committee Chair should retract comments suggesting we have significant errors or fraud in our accounting.

**Such suggestions are unwarranted. They're also reckless and a breach of their fiduciary duty to IVGID.**

*of the* Creating an unsubstantiated narrative that IVGID's financials can't be relied on could erode the public's and lender's confidence in the District, causing irreparable harm and leading to civil, financial and criminal exposure.

On May 26<sup>th</sup>, Invest in Incline Advocacy Network sent you all a letter suggesting democracy would be served by defining and enforcing a code of conduct for public comments. I'm pleased to see this topic on the agenda and I'd like to encourage you to follow this path. Here's why.

The tone and tenor of too many public comments is uncivil; some would say downright nasty. There are consequences to this type of behavior:

- It makes it extremely unpleasant to attend these meetings. Our democracy works because of public participation; uncivil behavior reduces participation.
- It makes the trustees jobs harder than they need to be; and I believe it encourages trustees to sometimes take on similar behavior.
- It sets a tone for our community, and I believe for IVGID employees, making it harder to find common ground and work out differences.

But you have a choice. You don't have to accept this kind of behavior. But some will say what about free speech? Free speech is part of our national DNA, but FREE SPEECH doesn't allow us to say anything at any time. Yelling FIRE in a crowded room is not allowed, along with a thousand other examples. Free speech has limits, the only question is where you draw the line.

Some will say "IVGID has been reprimanded by the Attorney General before for limiting speech." That's true, on at least 2 occasions. But when you read the Attorney General's reasoning, it's because the trustees made some mistakes in HOW they applied the limits, the Attorney General did NOT say you can't have limits.

Your lawyer has written an opinion that putting limits on public comment is RISKY, DIFFICULT, and NOT RECOMMENDED. Of course that's their opinion. Lawyers are paid to find and avoid all risk. But you were elected to do hard things. Legal opinions are just that, opinions. If all elected officials had to do was blindly follow legal advice, we wouldn't need elected officials, we'd just put a bunch of lawyers in charge of everything.

Each of you are in your position in part because you said you want to make our community better. Here's one more chance for you to live that out. I encourage you to do what's right; embrace a code of conduct. Our community will be better for it.

I have attached our original May 26<sup>th</sup> letter to these comments so anyone interested can read it as part of this meeting's official record. We've also got copies in the back of the room for anyone interested tonight.



Dear IVGID Trustees,

May 26, 2023

Democracy depends on the active participation of citizens. As elected representatives of our community, one of your goals should be to do whatever you can to encourage, nurture and promote public involvement in IVGID affairs. One of the most obvious opportunities for public involvement in IVGID governance is the public comments portion of regular Board of Trustee meetings.

We are sure you recognize that too many of the public comments are disrespectful or inappropriate. More often than not, this uncivil behavior comes from a relatively small number of our neighbors, and has occurred on a regular basis for many years. These personal attacks, slanders, and rude behavior have negative consequences, such as:

- Making it unbearably unpleasant for people to attend meetings, therefore discouraging participation.
- Undermining the morale of IVGID staff, resulting in more turnover, more challenging hiring, and defensive behavior.
- Setting a negative tone for these meetings, and failing to restrain this behavior makes it appear that the Trustees condone, and even endorse, these extreme departures from civil discourse.
- Actively discouraging people from running for IVGID Trustee.

Does this habitual misbehavior in public comments have to be tolerated? Is there ANYTHING you can do as elected officials to improve this situation?

Nevada State Open Meeting Law requires that citizens be able to make public comments. But just like the 1st Amendment of our Constitution, there are reasonable limits. According to the Open Meeting Law Manual, from the NV Attorney General's office, a public agency has the right to limit such comments:

([https://ag.nv.gov/uploadedFiles/agnvqgov/Content/About/Governmental\\_Affairs/OML\\_Portal/omlmannual.pdf](https://ag.nv.gov/uploadedFiles/agnvqgov/Content/About/Governmental_Affairs/OML_Portal/omlmannual.pdf)),

"A public body's restrictions must be neutral as to the viewpoint expressed, but the public body may prohibit comment if the content of the comments is a topic that is not relevant to, or within the authority of, the public body, or if the content of the comments is willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational or amounting to personal attacks or interfering with the rights of other speakers."

We also recognize that in the past an IVGID Board and Chair were cautioned by the NV OAG for not allowing public comments from two residents who filed a complaint about being censored because the Chair felt that the comments were false. (see OAG File # AG File No. 11-024 referenced in the attached Addendum B )

The right to make such false comments is clearly something that some commenters at IVGID Board meetings feel quite comfortable taking advantage of; and we have NO interest in asking for this right to be infringed upon. But “false” is not the same as “uncivil.” There are a number of legal considerations and court opinions that address the ability of government officials to tackle the issues around public comments during public meetings, and we have referenced several of these in the attached Addendum B.

In the past, the Board has adopted guidelines for public comments (see agendas from Feb 2017). The NV Attorney General admonished the IVGID Board in an Oct 17, 2017 action, for incorrectly stating that the Board’s legal counsel can cut off public comments. However, it did reinforce the fact that a Public Body may appropriately limit public comments. “The interpretation and enforcement of rules during public meetings are highly discretionary functions. A Public Body may impose restrictions on public comments that are repetitious, irrelevant, or disruptive comments.”  
[https://ag.nv.gov/uploadedFiles/agnvqgov/Content/About/Governmental\\_Affairs/OML\\_AGO\\_13897-24\\_and\\_226.pdf](https://ag.nv.gov/uploadedFiles/agnvqgov/Content/About/Governmental_Affairs/OML_AGO_13897-24_and_226.pdf)

It would therefore be prudent and necessary for the Board to get an opinion from legal counsel regarding the ability of the Board to safely navigate these waters. Limiting comments would be challenging, and should be done with care. But you were elected to do hard things.

As an example of what might be possible, we’d suggest you create and approve an official “Code of Conduct” for public commenters. We’ve attached a sample of what might work below (Addendum A). Additionally, you may want to create a standard, repeatable process for determining when a commenter has violated the Code of Conduct, and the actions you will take when that happens. We’ve attached a sample process below. In correspondence with the NV Attorney General’s office, while their lawyers could not give an official opinion, it did appear that this is entirely possible.

Again, as elected officials, part of your job is to encourage, nurture and promote public participation in governance. The existing behavior of some at board meetings is a hindrance to that goal. You could choose to do something about that. We encourage you to be bold; take action; make your board meetings better.

With a sincere desire to help make our community better,

Dr. Myles Riner  
Jim Croley

## **Addendum A Code of Conduct**

### **Sample Code of Conduct for Public Comments at IVGID Board Meetings**

1. Ensure your comments are an honest attempt to improve IVGID, whether it's positive or negative feedback.
2. Be civil by refraining from comments which are:
  - a. Personal attacks: an abusive remark on or relating to somebody's person or character instead of providing evidence when examining another person's claims, comments, or behavior
  - b. Inflammatory: arousing or intending to arouse anger or violent feelings
  - c. Slandering: making a false spoken statement damaging to a person's reputation
  - d. Offensive: causing someone to feel deeply hurt or abused.
3. Treat others with respect (due regard for the feelings, wishes, rights, or traditions of others).
4. You may not make comments on the competency of public employees.

### **Sample Meeting Process**

Any Trustee, during an individual's comments, can:

1. Ask the commenter to stop.
2. Ask the meeting secretary to stop the clock.
3. Request the chair to check on adherence to the Code of Conduct.
4. The Chair either accepts or denies the request.
5. If the Chair denies, the clock and commenter resume at once.
6. If the Chair accepts the request:
  - a. The Chair asks the requesting Trustee to state their reasons for believing a breach of the Code of Conduct has occurred.
  - b. The Chair asks the other Trustees for their input.
  - c. When the Chair decides there has been enough discussion, the Chair asks the Trustees to vote for one of the following actions:
    - i. No action needed; the clock and commenter resume.
    - ii. Cancel the rest of the commenter's time; the commenter is told they cannot finish and must return to their seat.
    - iii. Warn the commenter that if there is a subsequent breach their comment period will be canceled; the clock and commenter resume.

You may need additional process steps if you discover that rules are broken in the last 15 seconds of a comment when it's too late to enforce the rules.

## **Addendum B Findings and Opinions Related to Restrictions on Public Comments**

1. The OML Manual says that: “Moreover, government officials performing discretionary functions are entitled to qualified immunity where they reasonably believe their actions to be lawful. *Id.* (citing *Saucier v. Katz*, 533 U.S. 194, 202 (2001)). The interpretation and the enforcement of rules during public meetings are highly discretionary functions. *Id.* (citing *White v. City of Norwalk*, 900 F.2d 1421, 1426 (9th Cir.1990) (“[T]he point at which speech becomes unduly repetitious or largely irrelevant is not mathematically determinable. The role of a moderator involves a great deal of discretion.”)).

2. Additionally, the NV Attorney General’s office has ruled the following: 2001-22/AG File No. 00-047  
[https://ag.nv.gov/uploadedFiles/agnv.gov/Content/About/Governmental\\_Affairs/OML\\_Portal/Opinions/omlo2001.pdf](https://ag.nv.gov/uploadedFiles/agnv.gov/Content/About/Governmental_Affairs/OML_Portal/Opinions/omlo2001.pdf)

Finally, a public body may place limitations on caustic personal attacks made by members of the public during the public comment period. “When a person does initially engage in protected First Amendment speech on matters of a public concern, they may not use this protection, in the guise of public concern, to also level personal attacks.” *Smith v. Cleburne County Hospital*, 870 F.2d 1375, 1383 (8th Cir. 1988); see *Dunn v. Carroll*, 40 F.3d 287, 293 (8th Cir. 1994). A rule against personal and slanderous remarks, like other rules of decorum, serves the important governmental interest of preventing disruptions to its meetings. *Scroggins v. City of Topeka*, 2 F. Supp. 2d 1362, 1373 (D. Kan. 1998). “Emotionally charged personal attacks could antagonize and even incite others and . . . a rule restricting such attacks is both a rational and reasonable means” for achieving a public body’s orderly, efficient, effective, and dignified meetings. *Id.*; see also *Jones v. Heyman*, 888 F.2d 1328 (11th Cir. 1989).

Accordingly, a restriction placed by a public body in Nevada that limits public comment to a particular purpose, i.e. subjects within the public body’s scope of authority, should be considered a legitimate viewpoint neutral restriction. Such a restriction should be considered legitimate because it reasonably serves to “preserve the limits” of an open meeting. For the same reason, a restriction that requires public comments to refrain from making personal attacks should be considered constitutionally sound.

With respect to whether a public body can limit public comment if the comment is disruptive, the Open Meeting Law provides that a willfully disruptive person may be removed from an open meeting. NRS 241.030(3)(b). Accordingly, it would be reasonable for a public body to restrict a person's participation in a public comment period if that person's comments are offensive, potentially inflammatory, irrational, or otherwise disruptive to maintain order in a public meeting. See *Dunn v. Carroll*, 40 F.3d 287 (8th Cir. 1994); *Jones v. Heyman*, 888 F.2d 1328 (11th Cir. 1989); *Smith v. Cleburne County Hospital*, 870 F.2d 1375 (8th Cir. 1988); *Scroggins v. City of Topeka*, 2 F. Supp. 2d 1362 (D. Kan. 1998).

3. Also, the NV Attorney General has ruled the following with regard to limiting public comments on the competence of public employees: 2001-07/AG File No. 01-005 [https://ag.nv.gov/uploadedFiles/agnv.gov/Content/About/Governmental\\_Affairs/OML\\_Portal/Opinions/omlo2001.pdf](https://ag.nv.gov/uploadedFiles/agnv.gov/Content/About/Governmental_Affairs/OML_Portal/Opinions/omlo2001.pdf)

A public body shall not hold a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of any person unless it has given written notice to that person of the time and place of the meeting. Except as otherwise provided in subsection 2, the written notice must be: (a) Delivered personally to that person at least 5 working days before the meeting; or (b) Sent by certified mail to the last known address of that person at least 21 working days before the meeting. A public body must receive proof of service of the notice required by this subsection before such a meeting may be held.

Thus, pursuant to NRS 241.033(1) you were correct in advising the Board of County Commissioners to terminate any discussion regarding the professional competence of a county employee. You represented that the requisite notice to the county employee had not been provided. Failure to provide the requisite notice (5 days via personal delivery or 21 working days via certified mail) precludes discussion on matters regarding the professional competence of an individual. To proceed with a discussion without proper notification would have resulted in a violation of the open meeting law. Moreover, there was no Agenda item description that delineated the professional competence of any county employee. Thus, in addition to the notice deficiencies listed above, the matter had not been agendized and any discussion in that regard would be inappropriate.

FILED

2019 JUL 17 AM 8:36

1 Case No. IHS19-00006  
2 Dept. No. 1

INCLINE VILLAGE  
JUSTICE COURT  
E. ALAH TIRAS. JUSTICE

3  
4 **IN THE JUSTICE COURT OF INCLINE VILLAGE – CRYSTAL BAY TOWNSHIP**  
5 **COUNTY OF WASHOE, STATE OF NEVADA**

6  
7 **SUSAN A. HERRON,**  
8 **Applicant,**

9 **vs.**

10 **KEVIN JAMES LYONS,**  
11 **Adverse Party,**

**EXTENDED ORDER FOR  
PROTECTION AGAINST  
STALKING, AGGRAVATED  
STALKING, OR HARASSMENT  
(NRS 200.591)**

**Date Issued: 07-16-19  
Expiration Date: 11-16-19**

12 **YOU, THE ADVERSE PARTY, ARE HEREBY NOTIFIED** that ANY INTENTIONAL  
13 **VIOLATION OF THIS ORDER IS A CRIMINAL VIOLATION** and can result in your immediate  
14 **arrest or issuance of an arrest warrant.** Unless a more severe penalty is prescribed by law for the act that  
constitutes the violation of the order, a violation of an Extended Order for Protection Against Stalking,  
Aggravated Stalking or Harassment is a category C felony which is punishable by imprisonment in the  
state prison for not more than five (5) years, and a fine of not more than \$10,000.00.

15 **PURSUANT TO NRS 193.166,** a person who commits a felony in violation of an Order for Protection  
16 **Against Stalking, Aggravated Stalking or Harassment shall be punished by imprisonment in the state**  
prison for a term equal to and in addition to the term of imprisonment prescribed by statute for that felony.

17 **YOU ARE FURTHER NOTIFIED** that you **CAN BE ARRESTED** even if the person who obtained  
18 the order invites or allows you to contact them. You have the *sole responsibility* to avoid or refrain from  
violating the terms of this order. Only the Court can change the order upon written application.

19 **WARNING: Possession of a firearm or ammunition while this order is in effect may constitute a**  
20 **felony under federal law punishable by a fine of up to \$250,000 and/or a prison sentence of up to ten**  
**(10) years.**

21 **This order meets the Full Faith and Credit provisions of the Violence Against Women Act and is**  
22 **enforceable in all 50 states, the District of Columbia, U.S. Territories and Indian Nations. All other**  
**Courts and law enforcement with jurisdiction within the United States and all Indian Nations shall**  
give full faith and credit to this order pursuant to 18 U.S.C. Sec. 2265.

23 **Violation of the order may subject you to federal charges and punishment pursuant to 18 U.S.C.**  
24 **Sec. 2261(a)(1) and (2) and 2262(a)(1) and (2).**

1  
2 The Court having considered the filings, testimony (if applicable) and evidence  
3 presented at hearing, and the Court having found that the Adverse Party(s) received notice of  
4 hearing at which such person(s) had an opportunity to participate and was present, and the  
5 above-named Applicant(s) was present, and the Court having proper jurisdiction over the  
6 parties and this subject matter, and it appearing to the satisfaction of the Court that the  
7 Adverse Party (s) has committed and/or is committing or remains a threat to commit stalking,  
8 aggravated stalking, or harassment, and an Extended Order is warranted.

9 The Court enters an Extended Order, and as a result:

10 YOU ARE PROHIBITED, either directly or through an agent, from contacting,  
11 intimidating, using, attempting to use, or threatening the use of physical force, or otherwise  
12 interfering in any way with the Applicant(s) and/or the following persons:

13 SUSAN A. HERRON, including, but not limited to, in person, by telephone, through the  
14 mail, through electronic mail (e-mail), facsimile (fax), or through another person;

15 1. YOU ARE ORDERED to stay away from the following places:

- 16  Residence(s): 573 CHICO COURT, INCLINE VILLAGE, NV 89451  
17  Place(s) of Employment (Name & Address): INCLINE VILLAGE  
18 GENERAL IMPROVEMENT DISTRICT, 893 SOUTHWOOD BLVD.,  
19 INCLINE VILLAGE, NV 89451; AND THE CHATEAU, 955  
20 FAIRVIEW BLVD., INCLINE VILLAGE, NV 89451.

21  School(s):

22  Other:

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**2. YOU ARE FURTHER ORDERED:**

- a. Nothing herein shall be deemed to prevent Adverse Party from conducting business with the Incline Village General Improvements District, including Applicants' office, through an attorney at law retained by Adverse Party and licensed in the State of Nevada, rather than in person, during the pendency of this Order.**
- b. Any requests for IVGID records by Adverse Party during the pendency of this Order must be made via email to Incline Village General Improvement District Counsel Jason Guinasso, Esq. rather than to Applicant.**
- c. Nothing herein shall be deemed to prevent Adverse Party from attending any regularly-scheduled meeting of the Incline Village/Crystal Bay Citizen Advisory Board at 893 Southwood Boulevard, Incline Village NV during the pendency of this Order, as Applicant will make arrangements to be away from that location during those times.**
- d. Nothing herein shall be deemed to prevent Adverse Party from being at The Chateau, 955 Fairview Blvd., Incline Village NV during the pendency of this Order solely for the purposes of golfing or attending social functions. This exception does not permit Adverse Party to attend IVGID meetings held at The Chateau during the pendency of this Order. If Adverse Party desires to provide input at any IVGID meeting during the pendency of this Order, Adverse Party may do so only by submitting written comments to via email to Incline Village**



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**General Improvement District Counsel Jason Guinasso, Esq. rather than by appearing in person.**

- e. Not to contact, intimidate, threaten, interfere, or harass in any way each other, directly or indirectly, in person, through an agent, or by telephone, texting, email, internet or other communications device or method.
- f. In addition to the foregoing, Adverse Party is expressly prohibited from knowingly being within 50 feet of the protected persons and places at all times during the pendency of this Order.

**THIS ORDER WILL REMAIN IN EFFECT UNTIL 11:59 P.M. ON THE DATE SET FORTH ON PAGE 1 UNLESS THE COURT ORDERS OTHERWISE.**

**IT IS FURTHER ORDERED** that the Clerk of the Court shall transmit a copy of this Order together with the application, to the Washoe County Sheriff's Office and/or the Incline Constable and/or any other appropriate law enforcement agency.

**IT IS FURTHER ORDERED** that said law enforcement agency will promptly attempt to serve this Order upon the Adverse Party, without charge to the Applicant, and upon service file a return of service with the Court by the end of the next business day after service is made.


**NOTICE TO LAW ENFORCEMENT**

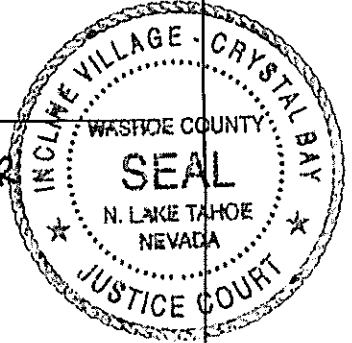
**Any law enforcement officer, with or without a warrant, may arrest and take into custody the Adverse Party, when the law enforcement officer has probable cause to believe that (a) an Order has been issued pursuant to NRS 200.591 against the Adverse Party; (b) the Adverse Party has been served with a copy of the Order; and (c) the Adverse Party is acting or has acted in violation of the Order. This arrest may occur regardless of whether the violation occurred in the officer's presence.**

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Any law enforcement agency in this state may enforce a Court Order issued pursuant to NRS 200.591, without regard to the county in which the Order is issued.

IT IS SO ORDERED this 16th day of July 2019.

  
JUDGE  
ROBERT E. VINSON, JR.  
PRO TEM



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**PROOF OF SERVICE UPON ADVERSE PARTY**

I, the undersigned, personally served the Adverse Party above named with a copy of this Extended Order for Protection Against Stalking, Aggravated Stalking or Harassment on the date set forth below.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date of Service

1 Case No. IHS \_\_\_\_\_ - \_\_\_\_\_  
2 Dept. No. 1

3 **IN THE JUSTICE COURT OF INCLINE TOWNSHIP**  
4 **COUNTY OF WASHOE, STATE OF NEVADA**

7 **Susan A. Herron**

8 **Applicant(s),**

9 **vs.**

10 **Kevin J. Lyons**

11 **Adverse Party(s),**

**APPLICATION FOR ORDER FOR  
PROTECTION AGAINST STALKING,  
AGGRAVATED STALKING,  
OR HARASSMENT (NRS 200.591)**

12  
13 **STALKING** - A person commits the crime of stalking when, without lawful authority, that person willfully or maliciously engages in a course of conduct that would cause a reasonable person to feel terrorized, frightened, intimidated or harassed, and that actually causes the victim to feel terrorized, frightened, intimidated or harassed. (NRS 200.575 (1))

14 **AGGRAVATED STALKING** - A person commits the crime of aggravated stalking when that person commits the crime of stalking and, in conjunction therewith, threatens the person with the intent to cause him to be placed in reasonable fear of death or substantial bodily harm. (NRS 200.575 (2))

15 **HARASSMENT** - A person commits the crime of harassment when (a) that person, without lawful authority, knowingly threatens: (1) to cause bodily injury in the future to the person threatened or to any other person; (2) to cause physical damage to the property of another person; (3) to subject the person threatened or any other person to physical confinement or restraint; or (4) to do any act which is intended to substantially harm the person threatened or any other person with respect to his physical or mental health or safety; and (b) the person by words or conduct places the person receiving the threat in reasonable fear that the threat will be carried out. (NRS 200.571)

18  
19 **PLEASE TYPE OR PRINT CLEARLY.**

20 **COMPLETE THE APPLICATION TO THE BEST OF YOUR KNOWLEDGE.**

21 I am applying for protection (check all that apply):

22  For Myself

23  On behalf of another person(s)

1 Applicant states the following facts under penalty of perjury:

2 I reasonably believe that the Adverse Party has committed and/or is committing the  
3 crime of stalking, aggravated stalking or harassment as defined above. The acts occurred as  
4 follows:

5 ***(NOTE: BE SPECIFIC AS TO WHO COMMITTED WHAT ACT OR ACTS, AGAINST  
6 WHOM, WHEN, WHERE, WHETHER COMMITTED OR THREATENED; INDICATE  
7 APPROXIMATE DATE(S) AND LOCATION(S).)***

8 **THIS FORM IS A PUBLIC RECORD**

9 **5.20.2019: I went to the Community 1st Meeting, as I have done in the past, as a resident of IV. I intro-**  
10 **duced myself as a resident. Shortly after introductions, Mr. Lyons and his wife arrived at the meeting. He**  
11 **missed introductions. He started his harassment with statements such as "Susan is here, let's get her**  
12 **answer" which I repeated tried to ignore. As the meeting was breaking up, Mr. Lyons told me to prepare**  
13 **myself as he was going to refresh his public records request tomorrow. I told him he was rude and he**  
14 **said I was a felon (in front of about 15 people) and I said I was tired of him making false accusations and**  
15 **that I was going to the Sheriff's and getting a TRO. Mr. Lyons said great because he was going to have me**  
16 **arrested for being a felon. Let's go he said and lead the way out of the library. I walked straight to my car**  
17 **and he stopped and said "come on everyone, let's go". Linda Newman stopped him and I went to the**  
18 **Sheriff's station, called dispatch and told them I was at the incline substation and that I needed to speak**  
19 **to a Sheriff as someone was threatening me. Dispatch took my name and phone number and said some-**  
20 **one would be out to speak with me. Misty Moga and Peter Morris arrived and then two Sheriff's came**

21 ***NOTE: PLEASE DO NOT WRITE ON THE BACKS OF ANY PAGES;  
22 CHECK BOX IF YOU ARE USING ADDITIONAL PAGES.***

23  ***Check if you use a continuation page (to be incorporated by reference)***

24 This matter does not have to be reported to law enforcement; however, has a report ever been  
25 filed?  Yes  No

1 If yes, approximate date(s):

2 10-31-2018 (see attached recap)

3 Name of law enforcement agency:

4 Washoe County Sheriff - Incline Substation

5 Case/Event number if known:

6 (NOTE: IT IS NOT NECESSARY TO FILE A LAW ENFORCEMENT REPORT,  
7 BUT IF YOU HAVE ONE AVAILABLE, PLEASE ATTACH A COPY OR BRING IT  
8 TO THE COURT HEARING.)

9 For purposes of this form, a "TPO Action" is defined to include the following **Justice Court**  
10 actions:

- 11 (1) An Order for Protection Against Stalking and Harassment (NRS 200.591);
- 12 (2) An Order for Protection of Children (NRS 33.400);
- 13 (3) An Order for Protection Against Harassment in the Workplace (NRS 33.270). A

14 "TPO Action" is also defined to include the following **Justice/Family/District Court** action:

- 15 (a) An Order for Protection Against Domestic Violence (NRS 33.020)

16 **Please Check the Appropriate Box Below:**

17

18 In the last 2 years, Applicant or any party seeking protection has not filed a TPO  
19 action against the Adverse Party anywhere in the State of Nevada, and the Adverse  
20 Party has not filed a TPO action against Applicant or any party seeking protection  
21 anywhere in the State of Nevada.

22

23 In the last 2 years, the following TPO action(s) in the State of Nevada have been filed  
24 involving Applicant and the Adverse Party:

25 Case # (if known)	Court (Justice/Family)	Place of Filing	Approx. Date Filed	Outcome (TPO granted, denied, rescinded, etc.)

26 *Applicant must be at least 18 years of age. If not 18 years of age, consult with the Clerk.*

27 1. a) Applicant's Name Age

28 Herron Susan Ann 61

29 (Last) (First) (Middle)

out and I shared my story with them and they told me to go to the Incline Village courthouse tomorrow and doing so early to fill out the paperwork. They said to call if I have any problem tonight. Misty, Peter and I walked away, to our cars, and Misty sent to me an audio recording that she had made. I then drove home and arrived at about 8:30 p.m.

This is not the first incident with Mr. Lyons as he has gone to the Sheriff's station and asked them to arrest me for not producing public records. Mr. Lyons has a concealed weapon permit, which I respect as his constitutional right, however when Mr. Lyons was a participant in an incident at my workplace, Incline Village General Improvement District, and the Sheriff was called so we could file a report, the Sheriff advised us/me of this fact. Because Mr. Lyons becomes easily aggravated, I do fear for my life knowing the fact that he carries a concealed weapon.

1 b) Applicant's relationship to Adverse Party: Acquaintance

2 c) Provide names below of those for whom you are seeking protection, including  
3 yourself, minors or household members that need this protection. Indicate the relationships of  
4 all persons listed to yourself and to the Adverse Party (e.g., spouse, intimate partner, friend,  
5 roommate, neighbor, relative, acquaintance, co-worker, stranger):  
6

7 NAME	8 AGE	9 RELATIONSHIP TO APPLICANT	10 RELATIONSHIP TO ADVERSE PARTY
11 Susan A. Herron	12 61	13 Self (if applicable)	14 Acquaintance

15 Explain why protection is needed for the individuals listed above:  
16  
17  
18

19 **(NOTE: YOUR APPLICATION WILL NOT BE DENIED BASED UPON A PARTICULAR RELATIONSHIP. HOWEVER, DEPENDING UPON YOUR RELATIONSHIP, YOU MAY ALSO BE ELIGIBLE TO APPLY FOR AN ORDER OF PROTECTION AGAINST DOMESTIC VIOLENCE PURSUANT TO NRS CHAPTER 33.)**

22 2. Has the Adverse Party ever lived with any Party listed above?  Yes  No

23 If so, for how long? \_\_\_\_\_

24 3. Is anyone listed above living with the Adverse Party now?  Yes  No

25 If so, who? \_\_\_\_\_



1 4. Date of separation (if applicable): \_\_\_\_\_

2 5. Are there children involved?  Yes  No If so, how are they involved?

3 \_\_\_\_\_  
4 \_\_\_\_\_

5 6. Has the Adverse Party ever been involved in any other relevant Court actions (e.g.,  
6 eviction, divorce, custody, criminal, etc.)?

7  Yes  No If yes, please explain: Mr. Lyons firm, GSGL, and IVGLD were parties to  
8 a lawsuit in which there was a no disparaging remarks clause about each other or their firms  
9 which concluded in April 2019.  
10 \_\_\_\_\_

11 7. Residence(s) where protection is needed:

12  CONFIDENTIAL (*If confidential, check and move to the next question*) or,

13  If not confidential, list address, city, state and zip code:  
14 573 Chico Court, Incline Village NV 89451  
15 \_\_\_\_\_

16 8. Place(s) of employment where protection is needed:

17  CONFIDENTIAL (*If confidential, check and move to the next question*) or,

18  If not confidential, list name, address, city, state and zip code:  
19 Incline Village General Improvement District, 893 Southwood Boulevard, Incline Village NV 89451  
20 \_\_\_\_\_

20 The Chateau, 955 Fairway Boulevard, Incline Village NV 89451  
21 \_\_\_\_\_

21 9. Location of school(s) where protection is needed:

22  CONFIDENTIAL (*If confidential, check and move to the next question*) or,

23  If not confidential, list name, address, city, state and zip code:  
24 Not applicable  
25 \_\_\_\_\_

1 10. Other specific locations frequented where protection is needed (i.e., sports, extra-  
2 curricular activities, church, employment, after-school activities, etc.):

3  CONFIDENTIAL (*If confidential, check and move to the next question*) or,

4  If not confidential, list name, address, city, state and zip code:  
5 \_\_\_\_\_  
6 \_\_\_\_\_

7 11. If there are persons other than those listed on page 4 that the Adverse Party should be  
8 directed not to contact, please name the individuals and explain why these precautions  
9 are needed: \_\_\_\_\_  
10 \_\_\_\_\_

11 12. If there are any other safety concerns that the Court should know (e.g., firearms, etc.),  
12 please briefly explain:

13 **Mr. Lyons has a concealed carry weapon permit**  
14 \_\_\_\_\_  
15 \_\_\_\_\_

16 **RELIEF REQUESTED**

17 **THEREFORE, I REQUEST** that a Temporary Order be issued against the Adverse  
18 Party requiring the Adverse Party to refrain from contacting, intimidating, threatening or  
19 otherwise interfering with me and/or other persons identified in this application, either  
20 directly or through an agent.

21 **I FURTHER REQUEST** that the Court require the Adverse Party to stay away from  
22 the places listed above.  
23  
24  
25

1 I FURTHER REQUEST the following other conditions:

2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_

5 I FURTHER REQUEST that this Court set a hearing date for an Extended Order as  
6 soon as possible.

7  Yes  No


8 (NOTE: IF GRANTED AND SERVED, A TEMPORARY ORDER MAY BE ENFORCED  
9 FOR UP TO 30 DAYS, EXCEPT THAT IF AN EXTENDED ORDER IS REQUESTED, THE  
10 TEMPORARY ORDER REMAINS IN EFFECT UNTIL THE HEARING ON THE  
EXTENDED ORDER IS HELD BY THE COURT. IF GRANTED AND SERVED, AN  
EXTENDED ORDER MAY BE ENFORCED FOR UP TO ONE YEAR.)

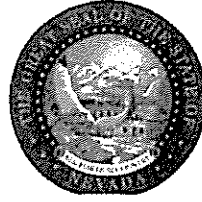
11 I ACKNOWLEDGE that an Extended Order may only be granted after notice of the petition for the  
12 Order and of the Hearing thereon is served upon the Adverse Party pursuant to the Rules of Civil  
Procedure, and a hearing is held on the petition.

13  
14 **DECLARATION**  
15 **(NRS 53.045)**

16 I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAW OF THE STATE OF  
17 NEVADA THAT: (1) I AM THE APPLICANT HEREIN, (2) I HAVE READ THE STATEMENTS  
18 CONTAINED HEREIN OR HAVE HAD THEM READ TO ME, (3) I BELIEVE THESE  
19 STATEMENTS TO BE TRUE, AND (4) THE REQUESTED ORDER IS NEEDED.

20 Dated: May 21, 2019

21   
22 APPLICANT'S SIGNATURE  
23 Susan A. Herron  
24 PRINT NAME  
25



CONFIDENTIAL Instructions for serving legal papers.  
Type or Print clearly and fill out all applicable information

Person filling out these instructions: Susan A Herron Phone: 775-846-6158

Plaintiff (applicant): Susan A Herron

Mailing Address: P.O. Box 3490

Physical Address: 573 Chico Ct. IV

Phone Number(s): 775-846-6158

Person(s) to be Served: Kevin J. Lyons

Mailing Address: PO Box 5417

Physical Address: 703 Tignor Ave. IV NV

Phone Number(s): \_\_\_\_\_

Physical Description: Male/Fem. M Ethnic White Hgt 5'10 Wgt 175 Hair Black Age 50ish

Other Identifying Notes: \_\_\_\_\_

Employer: Self-Employed Address: \_\_\_\_\_

Work hrs: \_\_\_\_\_ Days Off: \_\_\_\_\_

Vehicle Description: Toyota 4Runner

**Additional Information or Comments to Assist Enforcement Agency** (Places Frequented, Outstanding Warrants, Criminal Record, Attitude toward Law Enforcement, Mental State, Drug or Alcohol Problems, Weapons and Locations, Violent Temper):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Herron, Susan

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**Subject:** Appt with Mr. Lyons  
**Start:** Wed 10/31/2018 3:00 PM  
**End:** Wed 10/31/2018 4:00 PM  
**Recurrence:** (none)  
**Organizer:** Herron, Susan

At 3:10 p.m. Kevin Lyons came to Admin for our appt. We greeted each other cordially and shook hands. I then showed him to the Boardroom where we set down and Mr. Lyons acknowledged receipt of his flash drive (Clark e-mails). He then said that he was here to inspect the 150 e-mails. I repeated to him that his public record request was for 150 e-mails. He said that this was the same as his October 10, 2018 request. I told him that I had responded to that request. He countered that I hadn't. We discussed it further with Mr. Lyons repeatedly cutting me off from finishing whatever I was saying. I told Mr. Lyons that as someone who had worked with IVGID before that he had our e-mail addresses as he knew our naming convention of using our first name, underscore, last name. Mr. Lyons then said he wanted 150 records and I asked him if he was looking for 150 pieces of paper with each e-mail address written upon it. Mr. Lyons said that I had this listing in my computer and that he wanted to inspect my computer. I declined his request. Mr. Lyons asked me if I was denying his request, I said I was denying his request to inspect my computer. Mr. Lyons said he would show me where the list was. I again declined his request. Mr. Lyons said that I no right to decline his request. I again repeated that I had responded to his record request already and Mr. Lyons said I hadn't and called me a liar. I then told him that the conversation was over, that he was being a bully and disrespectful. Mr. Lyons raised his voice and I again said the conversation was over. I got up and walked out to our lobby and asked Mary McCormick to please call the Sheriff. Ms. McCormick was already on the phone with the Sheriff as she was listening to our conversation and the escalation prompted her to call the Sheriff of her own accord. Mr. Lyons followed me out of the Boardroom and said "Good, call the Sheriff because there is going to be an arrest for concealment of records". Lisa Hoopes got between myself and Mr. Lyons and said that was enough and asked that I go through the employee door which I did. Mr. Lyons departed the building thereafter. Ms. McCormick was still on the phone with the Sheriff and hung up shortly and said that the Sheriff was on the way over. Mr. Lyons went to the Sheriff's office and had a conversation with them. The Sheriff called me (I don't recall the caller's name) and stated that Mr. Lyons was there and wanted my side of the story. I gave him a brief rundown concluding with that Mr. Lyons knew his remedy was through the legal system. The Sheriff told me that this was above his pay grade and that was the end of the conversation. Lori Parsons and Erin Feore, both IVGID employees, were listening to our whole conversation. Afterwards, Ms. Parsons came to my office and apologized for my having to go through that experience. Ms. Feore said that she found the experience unbelievable and apologized for my having to go through it. I asked all four HR employees if there was anything I should have done differently, they all said no and that I handled it professionally.

Mick Homan  
Incline Resident

Here's my letter of resignation from the IVGID Audit Committee. I want it attached to the minutes.

I've come to the conclusion I can no longer serve this Board when its present leadership demonstrates a complete disregard for ethical behavior.

The letter lays out some of the ethical issues I've seen and tried to correct.

On multiple occasions, Trustee Schmitz responded to this work by twisting my words, attempting to call into question my knowledge and integrity.

She also tried to limit my ability to hold trustees accountable - by telling staff they shouldn't provide me with information unless I file public records requests.

As an Audit Committee member, this is offensive.

But my breaking point was appointing Cliff Dobler to the Capital Investment committee on August 9.

We witnessed a blatant conflict of interest and influence peddling.

My background made me an expert on ethics and compliance.

Despite what Chair Dent said he discussed with a state bureaucrat, his material loan from Dobler is, in fact, a material conflict of interest.

He should have abstained from voting.

He and Trustees Schmitz and Tulloch doubled down on that ethics violation by actively protecting Mr. Dobler

They protested and shut down relevant questions from Trustee Noble – despite advice from legal counsel that the questions were acceptable.

These trustees shattered the mere appearance of a conflict of interest.

Their actions protected their financial benefactor.

They also ignored Dobler's lie - on the public record - that his recreation privileges weren't suspended.

I've seen the registered letters to him laying out the suspension.

And they showed complete disrespect for IVGID staff and residents by appointing Dobler despite his serial, abusive, demeaning, and misogynistic behavior.

**I also can't abide by Audit Committee Chair Nolet's recent public comments and editorial.**

**The Audit Committee's role is to help the Board oversee the integrity of financial reporting, underlying controls and ethics**

**It must be neutral, unbiased and fact driven.**

**It facilitates corrective action to issues identified.**

**Above all, it acts as a fiduciary.**

**His comments contained speculation AND inuendo that were inflammatory, defamatory, and potentially libelous.**

**He politicized the committee by inflaming a narrative.**

**To me, this violates his fiduciary responsibility to IVGID.**

**And now we have today's special agenda, in large part due to a staffing crisis caused by individual Trustees.**

**The only item that should be acted on is approving funds to hire staffing.**

**That's the critical need – you were derelict in not approving it at the last meeting.**

**Nothing can be done about the other items without staffing to do the work.**

**Unfortunately, we'll need contractors since nobody wants to work for this board.**

**There was no Audit Committee input, but it does appear to have Dobler's fingerprints all over it, in particular the forensic audit suggestion.**

**Despite the bluster, we've seen no evidence of any malfeasance justifying such action.**

**In summary - I'm not able to provide audit committee oversight when individual Board members won't live by basic ethical standards and openly violate fiduciary responsibilities.**

**Nor will I allow my professional reputation, built over four decades in public accounting and the controllership profession, to be tarnished by actions of, or association with those Board members.**

**I'd be happy to serve in the future if the Board evolves to one that's more consistent with my moral and ethical compass.**

Board of Trustees  
 Incline Village General Improvement District  
 893 Southwood Boulevard  
 Incline Village, NV 89451

Re: Letter of Resignation – Mick Homan  
 Audit Committee

This letter serves as my notice of resignation from the Audit Committee of the Incline Village General Improvement District (“IVGID” or “District”). It is regrettable that I have been forced to make this decision. I joined the Audit Committee out of a deep desire to help IVGID and the Board of Trustees (“Board”) move forward with key priorities, to improve its overall accounting and finance capabilities and its compliance/ethical culture. However, I have come to the unfortunate conclusion that I cannot serve this Board when the present Board leadership demonstrates what I consider to be a complete disregard for ethical behavior. I simply cannot allow my professional reputation, which was built over the past four (4) decades in the public accounting and controllership profession, to be sullied by the actions of members of the Board.

During my tenure on the Audit Committee, there have been several ethical issues with Trustees I have spoken up about. While individually, those past issues have been troubling, they have not risen to a critical level to warrant severing my ties with the Board. Some of those issues were as follows:

- I have been vocal with members of the Board (Trustees Schmitz and Tulloch) and corrected the public record after they created and pushed false and misleading numbers this past year during the Board’s discussion on golf operations and rate setting. Despite being presented with the facts, neither of these Trustees has recanted their narrative in public. In my world, that is every bit as egregious as intentionally manipulating the underlying financial reporting of the District.
- I have pressed the Board more recently on the questionable ethics around the development of the “Frequently Asked Questions”, which I believe to be very politically motivated and devoid of hard facts. I feel very strongly that utilizing District resources and communication tools to defend the actions of individual Board members who are subject to a recall petition and potential recall election is a direct violation of Nevada’s ethics statutes.
- On two (2) separate occasions, I have had one Board member (Trustee Schmitz) twist my words in an attempt to call into question my knowledge, ethics, and integrity.
- Trustee Schmitz has also attempted to limit my ability to hold staff and trustees accountable for the dissemination of accurate information by making it more difficult for me to access underlying data. Trustee Schmitz told staff that they should not provide me with any information unless I file a public records request. This was in response to the data I compiled to correct the false golf financial narrative. It is completely unacceptable for any organization to limit information to its Audit Committee members, who are, after all, charged with helping to insure financial oversight.

While each of the above issues has been troubling, they pale in comparison to what played out during the Board meeting on August 9, 2023—more specifically, the process and ultimate Board decision to appoint Cliff Dobler to the Committee on Capital Investment. This item has two (2) underlying issues that I simply cannot abide by or be associated with. First is the blatant conflict of interest and influence peddling that played out. There is simply no accepted business or other organizational circumstances under which Chairman Dent should not have abstained from the vote to appoint Mr. Dobler. Despite what a state bureaucrat may or may not have told Chair Dent, the existence of a material personal loan from Mr. Dobler is, in fact, a material conflict of interest. Mr. Dent himself recently committed to Incline Village / Crystal Bay residents that he would abstain from any Board votes having to do with Mr. Dobler because of the existence of that loan (See Topic G.2. of the July 12, 2023, Board package). Second, Chair Dent, along with Trustees Schmitz and Tulloch, exacerbated this ethical violation by actively protecting Mr. Dobler, by



protesting and ultimately shutting down a completely valid and very relevant line of questions posed to Mr. Dobler by Trustee Noble. To make matters worse, those trustees seemed to completely ignore the lie told by Mr. Dobler on the public record during his interview that he never had his recreational privileges suspended, but that he “merely decided not to access them for 3 months.” I have seen three (3) separate letters to Mr. Dobler proving that he was in fact suspended. The only viable conclusion I can draw from these actions is that those three trustees (Dent, Schmitz, and Tulloch) shattered the mere appearance of a conflict of interest. They actively engaged in actions to protect a financial benefactor, demonstrating that the conflict of interest has played out in favorable treatment for Mr. Dobler. Further, in my opinion they have shown complete disrespect for the IVGID staff and residents of Incline Village / Crystal Bay by appointing Mr. Dobler to the Capital Investment Committee, despite Mr. Dobler’s repetitive, abusive, demeaning, and misogynistic behavior towards IVGID staff. I simply cannot, in good conscience, serve a Board that so openly violated ethical standards in appointing Mr. Dobler or that turned its back and figuratively raised a middle finger to its employees, who should be viewed as IVGID’s most important assets.

Also factoring into my decision to resign, though admittedly to a lesser extent, are recent public comments by IVGID’s Audit Committee Chair and a related social media post broadcasting those same comments. To first provide context, the role of the Audit Committee is to help the Board oversee the integrity of the financial reporting, along with the underlying controls and the broader ethical and compliance framework for the entity it serves. In doing so, the Audit Committee must remain neutral and unbiased. When potential issues are identified, the Audit Committee’s primary responsibility is to understand the issues and work with the Board to ensure corrective action is taken. Its actions must be fact driven. Above all, the Audit Committee acts as a fiduciary. Comments made by the Audit Committee’s Chair, Chris Nolet during the Board’s August 9, 2023, meeting and subsequently published in a local social media outlet, contained speculation and inuendo that were inflammatory, defamatory, and potentially libelous. Mr. Nolet’s comments inflamed a narrative pushed by members of the community, while doing nothing to fully understand and correct the underlying issues. Mr. Nolet has every right to give his opinions in public comments like any other resident of Incline Village / Crystal Bay. However, doing so under the banner of the Audit Committee Chair is unacceptable. Such comments by Mr. Nolet have the effect of politicizing the Audit Committee and violating his fiduciary responsibility to the District.

In summary, I view the role of the Audit Committee and my role as a member of that Committee to uphold not only the accuracy and integrity of the financial reporting of the District, but also to oversee the broader governance and compliance/ethics framework and the District’s adherence to that framework. I am simply not able to provide that oversight when multiple members of the Board are unwilling to live by those standards and so openly violate them. Further, I am not willing to let my professional reputation be damaged by continuing to serve a Board that, in my opinion, is not carrying out its basic fiduciary responsibilities in an ethical manner for the residents of Incline Village / Crystal Bay. Thus, I am regrettably forced to resign from the Audit Committee. At the same time, I would like to thank IVGID staff, both current and former, for all the work and time they invested in preparing me to take on the role and the assistance they provided me with during my tenure. Should the Board evolve in the future to one that operates in a manner consistent with my moral and ethical compass, I would be happy to serve again.

Regards,



Michael (Mick) Homan  
Incline Village

**Distribution**

Trustee Matthew Dent  
Trustee Dave Noble  
Trustee Sara Schmitz

Trustee Michaela Tonking  
Trustee Ray Tulloch

General Counsel Joshua Nelson  
Interim General Manager Mike Bandelin

**Questions to be asked of the Golf Committee Candidates**

1. What do you see as the role of the Golf Committee?
2. Why do you want to serve on the golf committee?
3. Have you ever served on a committee at any golf course before?
4. What are your top priorities for the Golf Venues?
5. How do work to build consensus?
6. Tell us about any budgeting experience you may have.
7. Tell us about any golf operations experience you may have.



The Incline Village General Improvement District Board of Trustees is seeking interested candidates who wish to serve as an At-Large Member on the Golf Committee. The goal of board appointed committees is to engage and leverage the skills and expertise of community members to assist the board in moving initiatives forward. Committees shall comprise of up to 4 At-Large community members appointed by the Board of Trustees. The Board appointed Trustee is Michaela Tonking and she will be the Committee Chair who will formulate meeting agendas and schedule. Should vacancies occur, the Board may solicit applicants and make appointments. Appointments are for up to 2 years, or the Board's determined/expected duration of the committee, whichever is less. A committee may be an ongoing committee, or a duration/project specific committee. All meetings are subject to Open Meeting Law. At-Large members are to have relevant professional experience for their specific committee.

**Responsibilities/Authority** – All committees are advisory to the Board. The committees shall review all relevant information and make recommendations to the Board, in alignment with the District's Strategic Plan, any applicable District master plans, and Board identified priorities. They are to identify the financial impacts of all of their recommendations, identify how recommendations align with the budget, and if applicable, how they affect the 5-year capital plan. The Board can set timelines and committee goals and expectations. Committee Trustees shall report monthly on the progress of the committee.

#### **Proposed Objectives**

**Golf Committee** – Discuss and review operational service levels, financial sustainability, formulate community focused recommendations in alignment with board policies and identify necessary capital investments. Identify if any related District policy revisions are needed.

**Goal** – To formulate recommendations for the board's consideration related to optimizing all aspects of the golf operations, including revenue growth opportunities, cost efficiency optimization and expanding passholder participation. Provide input on current and the 5-year plans to improve sustainability in alignment with policies that provide fairness and equity to all recreation passholders and protect the golf course assets for future generations.

Any interested candidate should submit a letter of interest and a resume. These two documents can be submitted either via U.S. Mail addressed to Director of Administrative Services Susan Herron, IVGID, 893 Southwood Boulevard, Incline Village, Nevada 89451; or hand delivered to the aforementioned address; or submitted via e-mail ([sah@ivgid.org](mailto:sah@ivgid.org)). It is the interested candidate's responsibility to ensure that their documents have been received for consideration. All submittals must be received no later than Tuesday, September 5, 12 noon (PST).

Further, all interested candidates should be available to be interviewed (either in person or via Zoom) during the Incline Village General Improvement District Board of Trustees meeting tentatively scheduled for September 13, 2023 at 6:00 p.m. If this is not possible, there are three (3) options to take advantage of and they are (1) Trustee Tonking can interview the applicant via Zoom, which would be recorded, and then it is played during the day of the Board of Trustees meeting; (2) the applicant answers the sample questions and those answers are added as part of your application; and (3) the applicant meets with each Trustee, individually, and they can ask any questions they have. During this meeting, the Board of Trustees may make their final decision. If you have any questions regarding this matter, please contact Susan Herron, Director of Administrative Services, IVGID, at (775) 832-1207 or via e-mail at [sah@ivgid.org](mailto:sah@ivgid.org).

# Armand Jay Simon Jr.

My name is Armand Jay Simon Jr. and this letter and attached resume constitute my interest in serving as an At-Large Member on the Golf Committee.

As reflected on my resume, I was a practicing CPA for 30 years and have relevant experience having served on the Board of Directors at Blackhawk Country Club in Madison, Wisconsin and on a less formal advisory capacity to the Men's Group at Troon North Golf Club in Scottsdale, Arizona.

I think it's important to summarize why I am applying for this position. For several years, the Championship Golf Course has been the center of not only my summer recreation, but more importantly the hub of our social life and lifelong friendships. I have a vested interest in seeing golf in Incline Village thrive and be the best it can be. Whatever I can contribute to that end I will gladly do.

Thank you for your consideration, Jay Simon

## From

Armand Jay Simon Jr.  
774 Golfers Pass Rd.  
Incline Village, NV, USA  
480-415-3587  
[ajmsn@aol.com](mailto:ajmsn@aol.com)

# ARMAND JAY SIMON JR.

IVGID Golf Committee

## DETAILS

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### ADDRESS

Incline Village, NV  
USA

### PHONE

480-415-3587

### EMAIL

ajsmsn@aol.com

## SKILLS

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Ability to Work in a Team

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Leadership Skills

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Excellent Communication Skills

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Analytical Thinking

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Highly Organized

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## HOBBIES

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I am an avid golfer and have been playing at the Championship Course for around 20 years. I am currently a member of Incline Village Golf Club and was previously a member of Tahoe Incline Golf Club where I served on the Board 2018-2020 and as President during the 2020 season. I am also an avid hiker and a member of the Tahoe Trampers where I occasionally act as a hike leader.

## PROFILE

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30 plus years in Public Accounting, including the last 20 as a Managing Partner and President of an International Group of Accounting Firms. As a lifelong golfer, I have also served on the Boards of various non-profits including private and public golf courses.

## EMPLOYMENT HISTORY

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Managing Partner/Risk Officer, Virchow,  
Krause & Company, LLP (now Baker Tilly)

Madison,  
Wisconsin

Jan 1998 — Dec 2011

Ran the Madison office (Firm Headquarters at that time) and served as a member of the Firm's Executive Committee 1999-2005. My role as Managing Partner of Madison was to oversee and manage over 200 accountants. My role on the Executive Committee was to assist the Firm's CEO in the merger of over 10 Public Accounting Firms, act as the Firm's representative to the International Association we were affiliated with, and to oversee Firm professional liability issues.

Managing Partner, Morton, Nehls & Tierney,  
S.C.

Madison,  
Wisconsin

Oct 1978 — Dec 1997

After leaving a large Chicago based CPA Firm in 1978, I joined a small Madison CPA firm where I became Managing Partner in 1986 and ultimately merged in to Virchow, Krause which ultimately became Baker Tilly, a billion dollar plus Accounting and Consulting Firm.

## EDUCATION

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Accounting and Finance, University of  
Wisconsin

Madison,  
Wisconsin

1972 — 1976

Graduated with a double major in accounting and finance in 1976. I became licensed as a CPA in 1977.

## **REFERENCES**

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References available upon request

**IVGID Trustee's  
July 27, 2023**

I am writing to express my interest in being a member of the golf advisory committee. I am an avid golfer and will be the incoming president of the Incline Village Golf Club. I have been a member of multiple association board of directors and have been involved in development of multiple five year plans for these statewide and national organizations. As a physician and surgeon who was the chairman of my department at the University of California at Irvine I have many years of experiance in working collaboratively across multiple disciplines. I hope you will consider my application.

Sincerely

Steven Ross  
714-348-7190

## CURRICULUM VITAE

Steven Douglas Knauer Ross, M.D.  
Clinical Professor and Interim Chairman  
Retired July 2017

DOB: February 13, 1951  
Bakersfield, California

Marital Status: Married

Office Address: 903 Tahoe Blvd Suite 80266  
Incline Village, NV 89451

### EDUCATION

Specialty Training Foot/Ankle with F. William Wagner, M.D., Professor Orthopaedics (LAC/USC) Medical Center, Los Angeles, California	1982-1984
Los Angeles County/University of Southern California Residency Orthopaedic (LAC/USC) Medical Center, Los Angeles, California	1978-1982
LAC/USC Medical Center Internship Surgical Los Angeles, California	1977-1978
USC Medical School, M.D. Los Angeles, California	1973-1977
Occidental College A.B. Chemistry Los Angeles, California	1969-1973

### LICENSES AND CERTIFICATIONS

California Medical License G 037046	1978
Diplomat, American Board of Orthopaedic Surgery	1984
California Dept. of Health Services: X-ray Supervisor and Operator Certification	1986

### PRINCIPAL POSITIONS HELD

UCI Medical Center, Orange, CA Department of Orthopaedic Surgery Health Science - Interim Chairman	December 2015- June 2017
UCI Medical Center, Orange, CA Department of Orthopaedic Surgery Vice Chairman	2002- December 2015
UCI Medical Center, Orange, CA Department of Orthopaedic Surgery Health Science - Clinical Professor	2000- June 2017
UCI Medical Center, Orange, CA Department of Orthopaedic Surgery Associate Clinical Professor	1994-2000



UCI Medical Center, Orange, CA Department of Orthopaedic Surgery Assistant Clinical Professor	1984-1994
UCI Medical Center, Orange CA Department of Orthopaedic Surgery Director, Orthopaedic Foot Clinic	1984- June 2017
St. Joseph Hospital Orange, CA Department of Orthopaedic Surgery Chairman	1994-1996
USC School of Medicine, Los Angeles CA Department of Orthopaedic Surgery Assistant Clinical Professor	1984-1994
Garden Grove Medical Center, CA Department of Surgery Chief	1987-1988
LAC/USC Medical Center, Los Angeles CA Department of Orthopaedic Surgery Chief, Orthopaedic Out Patient Services	1982-1984
LAC/USC Medical Center, Los Angeles CA Department of Orthopaedic Surgery Staff Physician	1982-1984
LAC/USC Medical Center, Los Angeles CA Department of Orthopaedic Surgery Associate Director Adult Orthopaedic Foot Service	1982-1984
USC School of Medicine, Los Angeles, CA Department of Orthopaedic Surgery Assistant Professor	1982-1984

#### ORTHOPAEDIC ASSOCIATIONS

Member AAOS Board of Directors	2011-2013
Past Chair AAOS Board of Specialty Societies	2014-2015
Chair AAOS Board of Specialty Societies	2013-2014
Chair-elect AAOS Board of Specialty Societies	2011-2012
Secretary position of the Board of Specialties of the AAOS (BOS)	2010-2011
Governing Council International Federation of Foot and Ankle Societies (IFFAS)	2008-2011
President American Orthopaedic Foot and Ankle Society	2007-2008
President Elect American Orthopaedic Foot and Ankle Society	2006-2007
Chair California Orthopaedic Assn Allied Health Committee	2008-Present
Member Council on Advocacy AAOS	2006-2008
Chairman Health Policy Committee AAOS-BOS	2006-2008
Member AAOS Board of Specialty Societies (BOS)	2005-2013
Vice President American Orthopaedic Foot and Ankle Assn	2005-2006
President, California Orthopaedic Association	2001-2002
First Vice President California Orthopaedic Association	2000-2001
Second Vice President California Orthopaedic Association	1999-2000
Secretary/Treasurer California Orthopaedic Association	1998
Director & Chairman, Program & Continuing Medical Education Committee California Orthopaedic Association, Annual Meeting Costa Mesa, CA	1997 1997
Board of Directors, AAOFAS	1997-2002
President, AAOFAS	2000-2002

Board of Counselors, AAOS	1996-2002
President, Western Orthopaedic Association Orange County Chapter	1992
Board of Directors California Orthopaedic Association	1991-2010
President Elect, Western Orthopaedic Association Orange County Chapter	1991
Vice President, Western Orthopaedic Association Orange County Chapter	1990
Secretary-Treasurer, Western Orthopaedic Association Orange County Chapter	1989
Delegate, AMA for AOFAS	2001-2008
Alternate Delegate, AMA for AOFAS	1999-2000, 2007-2010
Co-chair national task force on podiatry	2017-Present

**VISITING PROFESSORSHIPS**

Visiting Professor, Temple University Philadelphia Pennsylvania	10/2010
Visiting Professor, Albert Einstein School of Medicine Montifore Medical Center New York	9/21-9/22/10
Visiting Professor, University of California, San Francisco	March 2011
Visiting Professor, Brown University, Rhode Island	2/19 – 2/20/13
“Advocacy for Orthopaedics.”	

**AWARDS**

2017 Southern California Super Doctors (Los Angeles Magazine)	2017 (January)
California Orthopaedic Association, William W. Tipton Leadership Award.	2009

**SERVICE TO SCHOLARLY JOURNALS AND PUBLICATIONS**

Reviewer <i>Foot and Ankle International</i>	
Official Journal of the American Orthopaedic Foot and Ankle Society	1991-2017
Associate Editor Orthopaedics Today- Foot and Ankle section	2003-2011

**SCIENTIFIC POSTERS**

Jeff N Mercer MD, PhD*; Nathaneal D Heckmann MD; Lawrence C Wang BS; Michelle H McGarry MS; Steven DK Ross MD; Thay Q Lee PhD: <b>Biomechanical analysis of a flatfoot model and lateral column lengthening technique.</b> <i>Orthopaedic Biomechanics Laboratory, VA Long Beach Healthcare System and University of California, Irvine, CA</i>	2014
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**PRESENTATIONS AT SCIENTIFIC MEETINGS AND SOCIETIES**

COA Annual Meeting PRESENTATION: “Update on the Foot and Ankle – Hallux Valgus”	May 2016
AOFAS Annual Meeting. PRESENTATION:“Lateral Column Lengthening in Stage II Adult Acquired Flat Foot.”	July 17, 2015
COA Annual Meeting (Moderator). PRESENTATION: “Update on Foot and Ankle.”	April 23-26, 2015
Wilson-Bost Meeting, PRESENTATION: “Lateral Column Lengthening in Stage II Adult Acquired Flat Foot”.	March 2015
PRESENTATION: AAOS annual meeting Biomechanical Analysis of a Flatfoot Model and Lateral Column Lengthening Technique - Podium presentation	2014
Symposium Speaker “The Social and Economic Value of Orthopaedic Surgery” AAOS Annual Meeting	March 2013

Western Orthopaedic Association, Monterrey, CA PRESENTATION: "The Charcot Foot and Ankle"	August 7, 2010
Second International Symposium of Foot and Ankle Surgery, Chang ying China PRESENTATION: "Fractures of the Calcaneus"	September 11-13, 2009
Poster presentation at AAOS annual meeting "Talonavicular and Subtalar Joint Contact with Lateral Column Lengthening"	February 2009
American Orthopaedic Foot and Ankle Society, Denver, CO PRESENTATION: "Special Report: Highlights of the 24 <sup>th</sup> Annual Summer Meeting of the American Orthopaedic Foot and Ankle Society, Denver Colorado	June 26-28, 2008
Graduate Research Forum and Foot and Ankle Update. Presentation: "Update on Calcaneal Fractures"	June 6, 2008
Course Chairman – UCI Graduate Research Forum and Foot and Ankle Update	June 5-6, 2008
AAOS Annual Meeting Presentation by Keri Reese MD KINEMATICS OF TARSAL BONES IN FLAT FOOT DEFORMITY AND LATERAL COLUMN LENGTHENING USING DIFFERENT SHAPED BONE GRAFTS Keri A. Reese, MD, Steven D. Ross, MD, Michelle H. McGarry, MS, Thu-Ba Leba, BA, Thay Q. Lee, PhD	March 6, 2008
California State University, Fullerton PRESENTATION: "Common Foot and Ankle Problems"	October 28, 2003
UCLA, Grand Rounds Presentation, Los Angeles, CA PRESENTATION: "Fractures of the Calcaneus"	November 6, 2002
UCI Grand Rounds Presentation Irvine, CA PRESENTATION: "Structures of the AAOS and Other Associations"	June 14, 2001
AOFAS Regional Review, Los Angeles, CA PRESENTATION: "Fractures of the Calcaneus"	October 2000
UCI Grand Rounds Presentation Irvine, CA PRESENTATION: "Fractures of the Ankle and Calcaneus"	August, 3 2000
Orthopaedic Hospital, Los Angeles CA PRESENTATION: "Soft Tissue Injuries of the Foot and Ankle"	November 1999
Foot and Ankle Course COA Annual Meeting PRESENTATION: "Ankle Arthritis" "Diabetic Foot"	May 1999
UCI Grand Rounds Presentation Irvine, CA PRESENTATION: "Ankle Arthroscopy"	January 1997
American Orthopaedic Foot and Ankle Society, San Francisco, CA "AOFAS Review Course 1995" PRESENTATION: "Tendon Injuries" "Ankle Arthroscopy"	October 1995
American Orthopaedic Foot and Ankle Society: Treatment of the Foot and Ankle Review Course. Los Angeles, CA PRESENTATION: "Fracture of the Calcaneous"	Oct 24-28, 1994
Orthopaedics & Sports Medicine Update Forth Annual Symposium Mammoth Lakes, CA PRESENTATION: "Treatment of Calcaneous Fractures"	March 18, 1988

Orthopaedics & Sports Medicine Update Forth Annual Symposium  
Mammoth Lakes, CA  
PRESENTATION: "A New Type of Ankle Fusion" March 17, 1988

Orthopaedics & Sports Medicine Update Fourth Annual Symposium  
Mammoth Lakes, CA  
PRESENTATION: "Fracture Bracing Techniques" March 16, 1988

American Orthopaedic Foot and Ankle Society 3<sup>rd</sup> Annual Summer Meeting  
Santa Fe, New Mexico  
PRESENTATION: "Internal Compression Arthrodesis of the Ankle" July 18, 1987

American Orthopaedic Foot and Ankle Society 3<sup>rd</sup> Annual Summer Meeting  
Santa Fe, New Mexico  
PRESENTATION: "Preoperative Evaluation of Fractures of the Os Calcis" July 17, 1987

American Orthopaedic Foot and Ankle Society 16<sup>th</sup> Annual Meeting  
New Orleans, LA  
PRESENTATION: "Internal Compression Arthrodesis of the Ankle" Feb. 19-20, 1986

American Academy of Orthopaedic Surgeons 53<sup>rd</sup> Annual Meeting  
New Orleans, LA  
PRESENTATION: "Complex Fractures of the Femur Treated with Interlocking Nails" February 1986

Orthopaedics 1986 - A Symposium on the Current Trends in Lower Extremity Injuries: Workshop on INYP Nail Technique. Sponsored by the Northern INYO Hospital at the Mammoth Inn Mammoth Lakes, CA  
PRESENTATION:  
"A New Type of Ankle Fusion"  
"Treatment of Os Calcis Fractures" March 1985

Orthopaedics 1986 - Northern INYO Hospital & Richards Medical Company Mammoth Lakes, CA  
PRESENTATION: "Analysis of Normal Synovial Fluid" March 17, 1985

Orthopaedics 1986 - Northern INYO Hospital & Richards Medical Company Mammoth Lakes, CA  
PRESENTATION: "Fracture Bracing Techniques" March 16, 1985

Orthopaedic Trauma, Current State of the Art Rancho Mirage, CA  
PRESENTATION: "Fractures of the Os Calcis: Surgical versus Non-surgical Treatment"  
"Fracture of the Talus: Diagnosis, Treatment and Prognosis" December 1984

Ankle Fracture Symposium Mammoth Lakes, CA  
PRESENTATION: "Nonunion of Ankle Fractures and their Treatment" March 1984

Western Orthopaedic Association San Diego, CA  
PRESENTATION: "Grosse-Kemps Interlocking Nail for Fractures of the Femoral Shaft: Preliminary Results" March 1984

American Academy of Orthopaedic Surgeons Annual Meeting  
Atlanta, GA  
PRESENTATION: "Functional Bracing of Diaphyseal Tibia Fractures" February 1984

American Academy of Orthopaedic Surgeons, Palm Springs, CA  
PRESENTATION: "Fat Embolism: Fact and Fiction"  
"Fractures of the Os Calcis - Surgery versus Non-surgical Treatment"

“The Lauge-Hansen Classification of Ankle Fractures”  
“The Challenge of Forearm Fractures” December 1983

New Developments in Functional Fracture Management, Santa Monica, CA  
PRESENTATION: “Functional Bracing of Tibial Shaft Fractures”  
“Functional Bracing of Isolated Ulnar Fractures”  
“Functional Bracing of Femur Fractures”  
“Functional Bracing of Humeral Fractures” November 1983

USC Continuing Education Conference, Los Angeles, CA  
PRESENTATION: “The Open Treatment of Os Calcis Fractures” August 1983

Medical Center Series, Principals of Orthopaedic Trauma Los Angeles, CA  
PRESENTATION: “Fractures of the Os Calcis-Anatomy and Pathology” February 1983

Annual Orthopaedic Nursing Seminar, Santa Monica, CA  
PRESENTATION: “Degenerative Joint Disease” November 1982

American Academy of Orthopaedic Surgeons Annual Meeting, Anaheim, CA  
PRESENTATION: “Comparison of STH and Charnley THA” March 1982

#### PUBLICATIONS

1. Nathanael D. Heckmann MD<sup>1</sup>, Jeffrey N. Mercer MD, PhD<sup>2</sup>, Lawrence C. Wang MD<sup>3</sup>, Michelle H. McGarry MS<sup>3</sup>, Steven D.K. Ross MD<sup>2</sup>, Thay Q. Lee PhD<sup>2,3</sup>  
Biomechanical Evaluation of a Cadaveric Flatfoot Model and Lateral Column Lengthening Technique *The Journal of Foot and Ankle Surgery* April 2021

1. Ran Schwarzkopf, Duy Phan, Melinda Hoang, **Steven DK Ross**, D. Mukamel. “Do Patients with Income-Based Insurance have access to total joint arthroplasty?” *Journal of Arthroplasty* D. 29(6): 1083-6, 2014 June.

2. Ross, MD, Steven D.K. "Technical Tip: The Crescentic Shelf: A Modified Ludloff Osteotomy." *Foot & Ankle International* 32.4 (2011 April): 452-54.

3. Trepman, Elly, M.D., Thordarson, David B, M.D., **Ross, Steven DK**, M.D., Pinney, Stephen, M.D., “Special report: Highlights of the Twenty-Fourth Annual Summer Meeting of the American Orthopaedic Foot and Ankle Society, Denver, Colorado, June 26-28, 2008” *Foot and Ankle Surgery*, 15 (2009) 161-167.

4. **Ross, S.D.K.**, “Calcaneal fractures: Which patients are the best surgical candidates?” *Orthopedics Today*, Vol. 26(8):28-32, 2006.

5. **Ross, Steven DK**, M.D., Faux, J. Robert, M.D., “Surgical Treatment of the Unstable Lesser Metatarsophalangeal Joint” *Techniques in Foot and Ankle Surgery*, Vol. 3(2):106-112, 2004.

6. Jeffery A. Mann, MD, Loretta B. Chou, MD, **Steven D. K. Ross** MD *Foot and Ankle Surgery Chapter 9 in Current Diagnosis and Treatment in Orthopaedics* third edition Lange Medical books/McGraw Hill copy write 2003

7. Tehranzadeh, Stuffman, **Ross, S.D.K.**, “Partial Hawkins Sign in Fractures of the Talus: A Report of Three Cases” *American Journal of Roentgenology*, December 2003 181:1559-1563.

8. **Ross, S.D.K.**, “Comparison of Custom and Prefabricated Orthosis in the Initial Treatment of Proximal Plantar Fasciitis” *Foot and Ankle International* April 1999 Vol. 20 #4 p 214-221.

9. **Ross, S.D.K.**, “Calcaneal Fractures” *American Academy of Orthopaedic Surgeons, Orthopaedic Knowledge Update: Foot and Ankle*, Chap.15 pp. 227-240. 1994.

10. **Ross, S.D.K.**, “Intra-articular Fractures of the Calcaneous” *Current Practice in Foot and Ankle Surgery*. McGraw-Hill, Page 597 of 657

Inc. 1993.

11. **Ross, S.D.K.**, "Application of Healing Casts, Casts, Braces, and Appliances in the Lower Extremity" Sammarco Editor, Lea & Febiger, Foot and Ankle Manual, Chap 27 pp 339-349. 1991.

12. **Ross, S.D.K.**, "Complex Fractures of the Os Calcis" Techniques in Orthopaedics V. 2, No.3 1987, pp 50-70. Hindman.

13. **Ross**, and Sowerby, "Fractures of the Talus and Calcaneus : Evaluated by Computed Tomography" Complication in Orthopaedic Surgery, V.1 1986, Second Edition, pp 191-196.

14. **Ross** and Sarmiento, "Complications of Functional Fracture Bracing" Complication in Orthopaedic Surgery, V. 1, 1986, Second Edition, pp 127-148.

15. Baumgarten,, Bloebaum, **Ross**, et al. "Normal Human Synovial Fluid: Osmolality and Exercise Induced Changes" The Journal of Bone and Joint Surgery, December 1985, V 67-A No. 9 pp 1336-1339.

16. Sarmiento, **Ross**, et al. "Functional Fracture Bracing" Atlas of Orthotics, Biomechanical Principals and Applications, American Academy of Surgeons. Second Edition 1985, pp 358-370.

17. **Ross** and Sowerby, "The Operative Treatment of Fracture of the Os Calcis" CORR 199, October 1985, pp 132-143.

18. **Ross** and Matta. "Internal Compression Arthrodesis of the Ankle" CORR 199, October 1985, pp 54-60.

19. Sarmiento, Hoy, Sobol, **Ross**, et al. "Prefabricated Functional Braces for the Treatment of Fracture of the Tibial Diaphysis" Journal of Bone and Joint Surgery, V. 66-A, No 9. December 1984, pp. 1328-1339.

20. **Ross** and Wiss, "The Open Femoral Neck Fracture: Case Report" Orthopaedics, V. 7, No. 5 May 1984, pp 889-892.

Updated on: September 19, 2019

Dear IVGID Board of Trustees,

My name is Robert Watson and I am writing to express interest in volunteering as an AT-Large Member of the Golf Committee.

I have been an incline resident since August of 2017. I am an avid golfer with executive experience in many areas of business, including the golf business. As you can see from my attached resume, I believe I am qualified for this position.

I am currently retired and spend summer months( May thru October) at Incline and winter months in Hawaii.

I am a past board member and president of a private country club in southern California, Bermuda Dunes CC. I am currently a member of two private Country Clubs: Clearcreek Tahoe CC and Kohanaiki CC in Kailua-Kona HI. I am also a summer member of Tahoe Mountain CC, a semi private CC, with Grey's Crossing and Old Greenwood golf courses. I am a member of Incline Village Golf Club and serve as a board member to this club. I regularly play the Incline Village Championship Course both on my own and as a member of IVGC.

Having read the posting for candidates for this committee, I feel I have a combination of 1) the relevant general knowledge and experience in overseeing golf operations, 2) relevant general industry general management experience, and 3) knowledge and familiarity with the Incline Village golf venues, which combined will put me in an position to add significant value to this committee. I feel my contributions will be in alignment with the Proposed Objectives of the golf committee.

Thank you for your consideration,

Robert Watson  
361 Country Club Drive



**Resume for Robert Watson for volunteer position as an at Large Member of the IVGID Golf Committee**

**Graduate of UC Davis in 1980 with Bachelor of Science Degree in Agricultural and Managerial Economics**

**1980- 1986: worked for and climbed managerial ladder for Intel Corporation at newly opened Fab 1 in Santa Clara**

**1986 -1991: worked as independent Entrepreneur in Investment Real Estate in Silicon Valley eventually obtaining Real Estate Brokers license and forming Progressive Investments**

**1991-2012: Became President of Vitamin Research Products Inc.(VRP) led company through successful Chapter 11 reorganization, took over ownership of VRP. Successfully grew VRP after relocation from Silicon Valley to Carson City,NV. Sold company to employees via ESOP then resold company to Private Equity Group**

**2012- current: Retired and volunteer on many HOA boards, Golf Course boards, Private company Boards**

**Current Status: Chairman of Board for Incrediwear Holding Inc., Business advisor to the following startup companies: Beyond Futurecueticals, Advanced Medical Solutions and WellTwist. IVGC Board member.**

**Hobbies/Fun activities: Golf, Hiking, Boating, Traveling, Entertaining**

**Current Golf Memberships: ClearCreek Tahoe Country Club, Tahoe Mountain Club summer membership, Kohanaiki Country Club in Kailua-Kona, Incline Village Golf Club**

**Married with 2 daughters age 28 and 22**

## Susan A. Herron

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**From:** Elyse Gut <elyse.gut@gmail.com>  
**Sent:** Friday, July 28, 2023 2:04 PM  
**To:** Susan A. Herron  
**Subject:** Golf Advisory Committee  
**Attachments:** Resume-Letter.docx; Resume.pdf

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Susan:

I am interested in applying for the golf advisory committee with Trustee Tonking. I've attached my resume and letter of interest.

I am sorry to say I will not be available to attend the meeting on Aug. 9th. I have a house full of guests for the week.

If you have any questions, please don't hesitate to contact me.

Thank you.

--

Elyse Gut  
214.906.5454

TO: IVGID Board of Trustees  
FROM: Elyse Gut  
DATE: July 28, 2023  
SUBJECT: Golf Advisory Committee

Dear Trustees:

I am interested in serving on the Golf Advisory Committee with Trustee Tonking. Having lived in Incline Village for almost 30 years, 17 years as a full-time resident, I have a sincere vested interest in our community as a whole. Our community assets are so much a part of what makes this community so exceptional. Investment in these assets is critical to our residents, especially those who live, work and play here.

I have always been a believer in building my life on what I give. Non-profit organizations have been the center of the time and energy I give. Equality to all, regardless of ability or financial worth is what makes sense to me.

Learning how to play golf 8 years ago once joining the Mountain Niners was a welcomed addition to my health and wellbeing. Not only did I become addicted to the game, I also was fortunate enough to meet many outstanding women who greatly enrich my life every day in wonderful friendships.

I'd like to be given the opportunity to represent the Mountain Course, as our team of 160+ golfers provide what I would guess to be much of its income. In 2021, with approximately 120 golfers, we filled over 1400 slots during the season. It's a beautiful place to call home, while being a tougher than nails golf course.

Thank you for your time and consideration.

"Excellence is never an accident; it is the result of high intention, sincere effort, intelligent direction, skillful execution and the vision to see obstacles as opportunities."

# Elyse Gut

## Community Member

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### Summary

I have been a member of this community since 1994. During this time, I have served as a volunteer for Tahoe Family Solutions from 2005 to present. I served in the role of board member, then Board Chair in two separate years. I have served on the Board for the Mountain Niners Golf Club in the role of Treasurer since 2016. Currently, I am serving as Vice President and Treasurer, while managing many aspects of the golf club.

### Experience

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**1988-2005**

**Conference Manager / HR Southwest Human Resources Conference and Expedition, Dallas/Ft. Worth, TX**

Volunteer Event planner responsible for coordinating over 100 volunteers for this annual conference hosting over 3000 attendees, 300 exhibitors and over 100 educational session speakers and 3 keynote speakers.

**1982-1987**

**Human Resources Generalist / Steak and Ale Restaurant Corporation, Dallas, TX**

Responsible for many aspects of Human Resources including but not limited to hiring, employee retention, employee appreciation programs, health insurance, training, employee counseling.

**1987-1994**

**Human Resources Manager/Director/ Todays Temporary Dallas, TX**

Responsibilities were same as listed above for the company's 150 full time employees.

### Education

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**Batchelor's Degree  
Early Childhood Education  
Child Development**  
University of Pittsburgh

### Skills

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- Creativity
- Leadership
- Positive Attitude
- Ability to Multitask
- Organization
- Problem Solving
- Teamwork

### Contact

---

214-906-5454 (cell)  
elyse.gut@gmail.com

**JOHN E. JOHNSON, CFA**

PO Box 3087  
Incline Village, Nevada 89450  
john@johnejohnson.com

**Sent by email to: sah@ivgid.org**

July 28, 2023

Susan Herron  
IVGID  
893 Southwood Boulevard  
Incline Village, Nevada 89451

RE: Application for the Golf Committee

Dear Ms. Herron:

I am writing to apply for the at-large position of the IVGID golf committee. As instructed, I have attached my resume.

I want to serve on the golf committee because I want to help ensure that the golf in Incline Village is as good as it can be for all golfers, that the courses remain accessible to all and that the operations are financially stable. As you can see from the attached resume, my background is in finance and valuing closely-held businesses. What you don't see on my resume is that I have a strong background in accounting, which is required for my job.

What you also don't see on my resume is that I was an original appointee to the City of Lodi's Budget and Finance Committee, serving for several years including as the original chairman. This committee reported to and made recommendation to the Lodi City Council on all budget related items. So, I am very familiar with working on a committee that reports to a governing body and with how budgets come together.

In addition to my resume, here is a summary of other items.

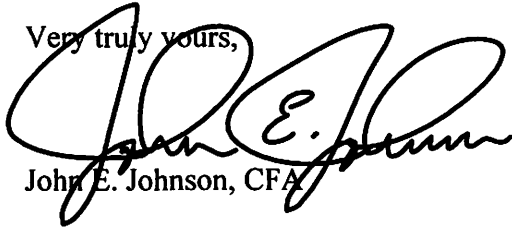
- My wife and I are full-time residents of Incline Village.
- I am an avid golfer. I have played golf throughout the United States and in Scotland.
- I have an advanced certificate in the rules of golf from the United States Golf Association (USGA).
- I volunteer as a golf rules official with the Northern Nevada Golf Association (NNGA), the Southern Nevada Golf Association (SNGA) and the American Junior Golf Association (AJGA).
- While I am an avid golfer and I have a good understanding of the rules, my first priority is that golf is fun and a great way to get outside.

- Before moving to Incline Village, I was a member of the Micke Grove Men's Golf Club in Lodi, California for 25 years including two years on the board of directors and one as handicap chairman.
- I was a member of the Northern California Golf Association (NCGA) for over 30 years.
- I believe that it is important for you to know that I am not a member of any of the golf clubs in Incline Village. As evidenced by the points directly above, I am not opposed to golf clubs at public courses.

I am available for the meeting and interviews on August 9, 2023 at 6pm.

I look forward to working with the IVGID board of trustees, the other members of the committee and the entire Incline community to ensure that the golf in Incline is as good as it can be for all and that it is financially stable for future generations.

Very truly yours,

A handwritten signature in black ink, appearing to read "John E. Johnson". The signature is fluid and cursive, with a large initial "J" and "E".

John E. Johnson, CFA

Attachments

## **JOHN E. JOHNSON, CFA**

**Chartered Financial Analyst**

Appraisal Services  
Litigation Support  
Investment Analysis

P.O. Box 3087  
Incline Village, Nevada 89450  
(209) 369-1451  
(775) 325-1411

### **AREAS OF SPECIALTY**

Experienced in the valuation of closely-held business and partnership interests for a variety of purposes, including ESOPs, estate and gift tax matters, litigation support and mergers and acquisitions. Expertise in the valuation of various investment instruments including general and limited partnership interests, common and preferred stock, stock options and various types of debt. Considerable background in determining discounts and premia for such things as control, lack of control, blockage and lack of marketability. Also experienced in valuing a variety of intangible assets including covenants not to compete, customer lists, patents, trade names and other intellectual property.

### **QUALIFIED BUSINESS VALUATION EXPERT**

California Superior Court of Merced County  
California Superior Court of Riverside County  
California Superior Court of Sacramento County  
California Superior Court of San Joaquin County  
California Superior Court of Stanislaus County  
United States Bankruptcy Court for the Eastern District of California.

### **PROFESSIONAL BACKGROUND**

Schultze, Wallace & O'Neil, Sacramento, Valuation Manager  
Arthur Andersen & Co., Los Angeles, Appraisal and Valuation Services Group

### **EDUCATION**

Bachelor of Science, Business Administration with an emphasis in Finance from the University of Southern California.  
Chartered Financial Analyst (CFA), CFA Institute  
Uniform Standards of Professional Appraisal Practice, American Society of Appraisers

### **PROFESSIONAL AND CIVIC AFFILIATIONS**

CFA Institute  
Past President of the Sacramento Society of Financial Analysts  
The National Center for Employee Ownership (NCEO)  
Estate Planning Council of Northern Nevada

## **PRESENTATIONS AND ARTICLES WRITTEN**

### **National Center for Employee Ownership (NCEO) National Conference**

- "ESOP Appraisal Basics" – 1995 through 2002, 2004 and 2008
- "Implementing an ESOP Plan" – 2005
- "Is An ESOP Right For You?" – 2006
- "Planning Issues For An ESOP Sale" – 2007
- "Communication in Employee Owned Companies" – 2009 and 2011 through 2013
- "S-Corporation ESOP Basics" – 2010
- "Valuation and Other Issues for Smaller Companies with ESOPs" – 2014
- "The Valuation Report Checklist – What Trustees Should Be Looking For" – 2015
- "When Is Aggressive Too Aggressive" – 2016
- "Valuation: What is it and How is it Done?" – 2017
- "Shifting the Focus: Would the ESOP Really Want to Buy Your Company?" - 2018
- "Considerations Involving ESOP Acquisition Transactions Following an Initial Transaction" – 2018
- "The New ESOP Roll-Out – Introducing Employee Ownership" – 2020

### **Other**

- "Valuation Issues for ESOPs" – NCEO Regional Events 1993, 1995 and 1996
- "Valuation for ESOP Purposes" – NCEO Webinar December 2011
- "Valuing Interests in Limited Partnerships," Stockton Estate Planning Council and Stanislaus County Estate Planning Council
- Co-author of "Preparing For a Valuation of Your Imaging Center," The RBMA Bulletin, June/July, 1994



Polly Wolfe  
515 Eagle Drive  
Incline Village, NV 89451  
925-216-9329

Trustee Michaela Tonking.

Enclosed please find my resume and interest in the Golf Advisory Position. I feel I can bring a wide variety of information about golf to this group as I didn't start playing golf til 2006 and have played with 3 different golf groups here in town. I can bring a measure of common sense and fairness to both this group and our current Board.

I am going to be out of town on August 9, and can do a zoom call but am wondering if it could happen at 5 P.M. instead of 6 as we have plans for the evening. I am also available on the 8<sup>th</sup> of August.

Thank you so much for your consideration.

Polly Wolfe

## Golf Experience:

2006- Teester Niners- having never played golf before I started taking lessons at the Champ course and at Old Brockway.

2009- Mountain Niners- along with a 10 other women, the Mountain Niners group was started from scratch, by-laws were written, budget was formed. This group serves new golfers, golfers who only want to play 9 holes, golfers who have a physical issue. The Niners now have a membership of 150 women.

2012- Incline Village Golf Group Ladies. I now play with this group twice a week. I have served on the board in different positions, membership, play day chair, enjoying both the game and the camaraderie.

## Non-Profits:

2005- Tahoe Family Solutions: formerly known as Children's Cabinet. I have been on this board since 2005, serving as Chair twice and volunteer in their Homework Help Club. I ran Brunch with Santa for 12 years, and have raised money for Camp Explore and their mental health program.

July 28, 2023

**IVGID Board of Trustees**

**I would like to be considered for one of the 4 At-Large community members of the Golf Committee. I have been a resident of Incline Village for 23 years and am an active golfer. I am passionate about our community which I chose to be my 'forever' home and will work tirelessly to help achieve the goals and objectives of the IVGID Board of Trustees.**

**As you will see from my attached resume, I have extensive business experience. I have worked with both governmental/public organization as well as private business on both a paid and volunteer basis. I have a proven track record of identifying and implementing efficiency and effectiveness initiatives and opportunities. I also a member of the 2021-2022 Golf Advisory Committee.**

**I look forward to the opportunity to meet with you as you consider candidate for these positions.**

**Sincerely,**

A handwritten signature in black ink, appearing to read "Katherine C. Holland". The signature is fluid and cursive, with a long horizontal flourish at the end.

**Katherine C. Holland  
250 Pine Cone Road  
Incline Village, NV. 89451**

# Katherine C. Holland

250 Pine Cone Road • Incline Village, NV 89451

E-Mail: [kholland@fearlesstraveler.com](mailto:kholland@fearlesstraveler.com)

Phone: 775-530-1574

## Summary

Katherine Holland has been a resident of Incline Village since May 2000. She has over 35 years of diverse experience in multiple industries and has extensive global experience as well as having lived in Europe, Asia, and the US. She has a proven track record as a leader in transforming businesses to achieve substantially higher performance as well as initiating and managing start-ups. Katherine is a golfer and has been a member of many clubs. She has been on many for profit and non-profit boards and advisory committees. She also has significant experience with governments & governmental agencies at all levels. Katherine is retired and married to a retired Professor of Finance.

## Business Experience

### International Business Machines Corp (IBM)

1997-2013

- IBM Senior State Executive and Senior Location (Reno, Incline Village & Las Vegas) Executive for the State of Nevada (2008-2013). In addition to her full time 'salaried' role, Katherine was responsible for Government Relations, Employee Relations, & Public Relations for the state of Nevada. In this role, Katherine met regularly with Federal Senators including Harry Reid as the Senate Majority leader and all Nevada Federal Congress representatives, as well as two Governors of Nevada. She led the formation of several Public/Private Partnerships between business, government, DRI and the IBM corporation to help bring new businesses/increase revenue to Nevada.
- Vice President & Global General Manager – Healthcare & Life Sciences Industry (2009-2013) Based out of Nevada. Managed the worldwide P&L and led the strategy, solutions development, sales, delivery and CRM for all IBM products and services to clients in the healthcare payer and provider industries and biotech, pharmaceutical, medical diagnostics, medical device and related industries. Grew revenue and profit over 250% to \$3B over 5 years. Exceeded plan in 18/20 quarters and led all industries in growth for 4 consecutive years. Member of the IBM Industry Academy, an elite group of 50 executives appointed by the Chairman and CEO.
- Vice President – IBM Americas Public Sector (2008) Based out of Nevada. Managed the sales organization for Canada, the US and Latin America for clients in the Government, Education, Life Sciences and Healthcare industries. Grew revenue for the first time in 3 years.
- Vice President & Managing Director – Proctor & Gamble (2007) Based in Cincinnati, OH. Managed the worldwide relationship with IBM's largest Consumer Products Client.
- Vice President & Managing Director – AstraZeneca (2002-2007) Based in London, UK. Managed the worldwide relationship with IBM's largest Life Sciences client. Grew revenues 300% to \$750M over 5 years, improved profit 700%, and improved client satisfaction from 2 to 9/10.

- **Vice President & General Manager – IBM Asia Pacific Communication Sector (1998- 2001) Based in Tokyo, Japan.**  
Managed consulting services, outsourcing services and product sales, delivery to clients across Asia Pacific in the Telecommunication, Utilities (electric, gas, water and waste) and Media & Entertainment industries. Grew revenue 400%, to \$5B and signed more than \$8B in contracts over 3 years.
- **Vice President – IBM Asia Pacific Strategy, Marketing & Business Development (1997-1998) Based in Tokyo, Japan.**  
Worked with the General Manager IBM Asia Pacific to develop and implement a new organization and support structure to enable the explosive growth in AP. Also developed the first ever marketing plan, managed Channels & Business Partners, Pricing, Contracts & Negotiation, Quality Assurance, and other support functions for the region.

**Exelon Corporation/PECO Energy Philadelphia, PA**

**1994-1997**

- **Senior Vice President – Business Services Group & COO**  
Created and managed the 7,000 employee, \$4B shared services organization that included: corporate strategy, accounting, HR, procurement, IT, legal, facilities, security, transportation, research, office administration, etc. Managed an operating budget of \$4B, capital budget of \$2B and revenue of \$250M.  
Managed all unregulated businesses of this large IOU nuclear/conventional electric generation and gas utility. Created, managed and/or served on the boards of a series of new businesses to counter the revenue loss due to deregulation including a Wireless Telecommunication Services company, Power Trading and power line maintenance management services company and a number of other start-ups and JV's.
- **Vice President – Business Transformation & Chief Information Officer**  
Recruited to assist the CEO in preparing the company for impending industry deregulation. Led the transformation of people, processes and systems of Customer Service, Electric Generation, ERP, HR, Finance, and various other functions. Served as the companies first CIO/VP of Information Systems and accelerated transformation of this critical support function by initiating and leading the industry's first IT outsourcing, worth \$500M

**SmithKline Beecham Corp (now GlaxoSmithKline) US & UK**

**1981-1994**

- **Director – Global Technology Services**  
Managed the integration and transformation of the IT organizations and infrastructure due to the merger of SmithKline Beckman and Beecham Group. Exceeded cost savings targets and completed project ahead of schedule.
- **Director – Special Projects**  
On loan to corporate strategy to work of the divestiture of Allergan and Beckman Corps and the acquisition of Beecham Corp.
- **Assistant to the President of SmithKline Clinical Labs**  
Supported the President in the hostile acquisition and integration of our largest competitor.

- **Director Systems and Operation & CIO**  
Transformed and managed the IT organization of the world largest commercial clinical laboratory company following a series of failed projects, operational issues, and major cost overruns. Moved from near last to Best in Class cost and service quality per the Benchmarking Institute and won the 'You're a Star' award for the highest customer satisfaction of all US IT organizations from the Customer Satisfaction Institute.
- **Director – Business Development and New Business Ventures**  
Reporting jointly to the President and the SVP of Sales and Marketing started up several new businesses to expand the products and services offered to Pharmaceutical Companies, hospital and physicians including a PC based diagnostic assistant system developed by leveraging data from Clinical Trials and Clinical Lab results.
- **Assistant to the Chairman & CEO SmithKline Corp**  
On an 18-month development assignment, led a diverse portfolio of projects for the Chairman.

SKF Industries Based in King of Prussia, PA	1979-1981
ARCO (now British Petroleum) Based in LA & Philadelphia, PA	1976-1979
Unocal (now Chevron) Based in Los Angeles, California	1975-1976

## Education

California State Polytechnic University	1975
BS – Business Administration, Information Systems	
Claremont Graduate School, Drexel University, University of Pennsylvania	1978, 1980, 1985, 2002
MBA courses and executive development programs	

## Golf Clubs Memberships

Incline Village Golf Club. Current member & board member as Tournaments and Casual Play Chair. Formerly President, Vice President, Treasurer, Playday Chair, Handicap & Rule Chair.

Red Rock Country Club, Las Vegas. Formerly board role as Handicap & Rules Chair.

Wentworth Golf Club, Surrey England, home of the European PGA

Tokyo American Club, Tokyo Japan.

Waynesborough Country Club, Paoli Pennsylvania. Formerly member Long Range Planning Committee

## **Boards & Volunteer Experience**

**Incline Village Golf Advisory Board 2021-2022**

**Pet Network Board Member**

**State of Nevada Sage Commission – governor appointed to identify opportunities for efficiency & effectiveness**

**State of Nevada Center of Excellence, Governor's Office of Economic Development – Board Member**

**Washoe County Schools – Superintendent Advisory Board**

**Cal Poly University – College of Business Advisory Board**

**Indus Group – Board Member, Chairman Audit Committee, Chairman Compensation Committee**

**ASI Business Solutions – Board Member**

**United Way of Southeastern Pennsylvania – Board Member**

**Oracle, PeopleSoft & IBM Customer Advisory Boards**

Robert A. Riccitelli  
950 Jennifer St  
Incline Village, NV 89451  
925-586-5635

**Education:**

M.A.S. Telecommunications Management & Policy  
University of Denver  
Denver, Colorado

B.S. Business Administration  
Syracuse University  
Syracuse, NY

A.A.S. Electronics Engineering Technology  
Ocean County College  
Toms River, NJ

**Employment History:**

**8/2018-5/2019: Adjunct Professor, Sierra Nevada College**  
Teaching assigned Business courses at the Incline Campus.

**4/2011-4/2018: Vice President Cloud Provider Vertical – Juniper Networks**

Report to: SVP Americas

Responsibility for: Cloud Vertical Segment

Key Role: Achievement of sales targets, Customer Satisfaction, Global Cloud Vertical leadership

Accomplishment: Top Juniper Sales Team in 2013, 2014, 2016

I led a team responsible for our Cloud Accounts including Facebook, Amazon, Google, Twitter, Equinix. The CAPEX Spending in this Customer Segment has grown at a CAGR of 35% while Juniper's Sales Achievement has grown at a CAGR of 56% gaining significant Market Share in this key Vertical.



**11/2009-4/2011: Vice President & General Manager, Americas – Bytemobile**

Report to: CEO

Responsibility for: Sales and Support teams

Key Role: Order and Revenue growth in the Americas

Accomplishments: Won 4 new accounts in the US in less than 12 months.

Bytemobile supplied Data and Video Optimization Products for Wireless Operators. I joined Bytemobile in 2009 as vice president, Worldwide Sales Strategy and Operations.

**5/2007-10/2009: Vice President, Europe – RealNetworks**

Report to: COO

Responsibility for: P&L of the European B2B Business Unit (lived in Austria and London)

Key Role: Grow revenue from mobile operators and digital media companies.

Accomplishments: Built a solid multinational sales team winning major new orders from new customers in Europe

**1/2007-5/2007 Vice President, Sales – Azair Networks**

Report to: CEO

Responsibility for: Business Development in North America and Asia

Key Role: Develop a customer base through direct sales and channels

Accomplishments: LOI with Verizon for initial testing of the product

**8/2005-10/2006: Vice President, Enterprise Accounts, North America – Nortel Networks**

Report to: President, North America

Responsibility for: \$1.3B Annual Revenue

Key Role: Lead a team of 550 Sales Professionals

Accomplishments: Improved forecast accuracy and sales effectiveness

## **1978-2005 Nortel Networks**

Various positions of increasing responsibility including Installation/Repair Technician, Sales Engineer, Sales Representative, Sales Manager, Sales Director.

## **Volunteer Work:**

**First Tee of Northern Nevada**

**Incline Village Golf Club Board of Directors**

**SCORE (2019-20)**

Susan Herron  
Director of Administrative Services  
Incline Village General Improvement District  
839 Southwood Blvd.  
Incline Village, NV 89451

This is a letter of interest to serve as an At-Large Member of the Golf Committee. I am Harry Swenson and live at 664 Tyner Way, Incline Village NV. I have been a full-time resident of IV since 2014 and have owned our residence here since 2012. My family was introduced to this fabulous Alpine jewel in the early 1970s and have been vacationing here in Summer and Winter throughout the 1970-80s. My wife and I also had an opportunity to bring our children here on many Summer and Winter vacations using my wife's stepmother's home throughout the 2000s. During these summers our family would enjoy the Mountain course on every summer vacation visit.

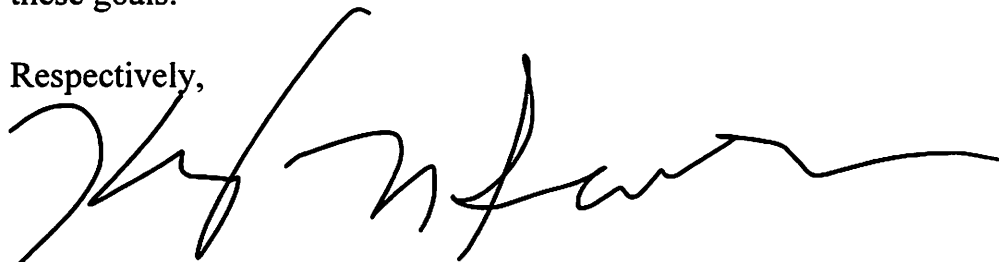
I am an avid golfer and a long-time user of both the Champion and Mountain courses. I fully retired about a year and a half ago which has allowed me the opportunity to utilize the golf venues several times a week during the golf season. I joined the Tahoe Incline Golf Club (TIGC) this season. My wife recently joined the Mountain Niners after her retirement about two golf seasons ago. This experience provides a unique view of the IV golf community as both an individual user as well as a new member of one of the IV golf clubs. I was also a long-term member of the Stanford University Golf Club and associated Men's Club providing insight into how a university manages their golf venues including a World-Class 18-hole golf course, club house grille, large practice and training areas. The experience as a Stanford Club member provided expertise and knowledge of the challenges for a university maintaining a golf course that had multiple types of users including club members, students, university staff and Men's and Women's championship caliber student golf teams. This experience is relevant to the challenges that our golf courses encounter by their user base including IGVID residents, Golf Clubs, vacationing public and both golf club and outside tournaments.

As can be seen in my resume I retired from NASA in 2014 after 32 years of service including positions a research engineer/scientist to management of World-Class Air Traffic Management laboratories including one in situ at the FAA Dallas-Fort Worth Air Traffic Control Facilities. My NASA experience also includes two executive positions running both a 100 million dollar 5-year project and the development and leadership of a 10-year 500-million-dollar program. These

programs include not only technical and financial leadership but also included the preparation and briefing of numerous oversight senior NASA executives, including the NASA Associate Administrator of Aeronautics Research Mission Directorate as well as independent Government review and science committees including the National Academy of Science. After 2014 I have worked for consulting firms for both NASA and the FAA. These management, executive and consulting positions provided me with vast experience in advocacy, technical and financial reviews, and program successes of my and my team's efforts. This experience should be very beneficial to the IVGID Trustees in bringing understanding to our Golf Courses' endeavor to fulfill its obligations to the District's Strategic and master plan including its effectiveness in its effect on the 5-year capital plan. I have the unique ability to review and understand the Golf venues capability and its progress to serve its multiple and diverse operational service levels. I understand that the golf courses financial transparency and sustainability is critically important to the IVGID Trustees. I know I can help and support the formulation, execution, development and if necessary, revision of community focused recommendations and trustee policies.

I believe we in Incline Village have world class golf venues that can be more fully utilized effectively by our community members but also needs relevant guidance and innovation for our golf services to find appropriate optimization and efficiency including the efficient management and growth of its revenue. I believe I can assist through the position of At-Large member of the Golf Committee to achieve these goals.

Respectively,

A handwritten signature in black ink, appearing to read "Harry N. Swenson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Harry N. Swenson

**NAME:** Harry N. Swenson

**EDUCATION:**

Stanford University, Master of Science, Aeronautics and Astronautics (concentration in Flight Dynamics and Control Systems), 1986

California Polytechnic State University in San Luis Obispo, Bachelor of Science, Aeronautical Engineering, 1982

MIT Slone School, Course work in "Managing Technical Professionals and Organizations," 2003

NASA Jet Propulsion Laboratory Short Course "Project Manager Roles and Responsibilities," 2005

**CLEARANCE:**

**EXPERIENCE**

Mr. Swenson is a world-recognized expert in the United States Air Transportation System and has authored 33 technical papers in the areas of advance flight control and air traffic control automation. He worked for NASA Ames Research Center and retired in November 2014 with 32 years of service, holding several senior technical and management positions during his career. Both NASA and the FAA have recognized him by numerous awards for his technical contributions and leadership including the NASA Exceptional Technical Achievement Medal in 2014, the NASA Outstanding Leadership Medal in 2004 and the FAA Excellence in Aviation Research in 2009. He led the development of two NASA inventions that have been, or are currently being, implemented in the Nation's Air Transportation System including the Traffic Management Advisor (TMA), fully implemented by the FAA throughout the National Airspace System (NAS) under the Free Flight and Time-Based Flow Management (TBFM) Programs and the Terminal Sequencing and Spacing (TSAS) system currently slated for implementation in the 2020s. He and the NASA TSAS team were also awarded the NASA Software of the Year (SOY) in 2017 for the TSAS system and was also an awardee for the 1998 NASA SOY for the development of the Center/TRACON Automation System. He is and expert in air traffic management systems (ATM), flight vehicle and ATM simulation dynamics and control including air transports and rotorcraft, cockpit automation systems procedures and supporting automation systems and advance NASA ATM technologies and research. He joined private industry and worked as the Air Traffic Management Chief Scientist for Human Solutions from 2014-2019 and joined Cavan Solutions in 2019.

**Cavan Solutions - Subject Matter Expert**

**05/2021 – Present**

- Led several UAS Traffic Management (UTM) projects supporting the FAA AJV, in collaboration with ANG, organization including ATC Notification of UTM Off Nominal Events and UAS Volume Reservations (UVR)
- These projects developed operational concepts, use cases, high-level architectures, data flows and high-level functional requirements delivered under tight time constraints  
Provides expert advice to the Cavan teams supporting the development of TSAS and sustainment of TBFM
- Providing project development and Air Traffic Management expertise to NASA, supporting the development of a large UAS cargo carrying operation
- Provides corporate support for technical development of proposals

**Human Solutions Inc. - Chief Scientist**

**11/2014 – 04/2019**

- Brought the foundational science to expand the HSI's operational and technical experience supporting the TBFM technologies for the FAA's Metroplex/OAPM program
- Conducted analyses, provided guidance and authored white papers on TBFM automation adaptation recommendations for ARTCC facilities at Denver, Oakland, Miami, Los Angeles, Atlanta and Cleveland
- Created a high-fidelity ATC/TBFM general engineering and Human-in-the-Loop simulation laboratory at HSI's Washington offices, emulating the laboratories he created at NASA for ATM research
- Laboratory supported the development, implementation and testing of Metroplex procedures at the Detroit Airport, as well as IR&D research for the implementation of the Terminal Sequencing and Spacing (TSAS) at Seattle and Denver
- Led the writing of the Technical Volume for HSI's successful bid of the FAA SE2025 contract, including authoring primary content, recruiting, integrating and editing of team member input and editing to support Red, Blue and Management team inputs

**NASA - Research Scientist for the NASA Ames' High Density Research Branch**

**2008– 2014**

- Responsible for formulating and conducting research in the area of highly automated control in the terminal

- area for increasing the throughput and environment efficiency for aircraft landing in extremely dense airspace
  - Developed the Terminal Area Precision Scheduling and Spacing (TAPSS) system which was adopted by the NASA ATM Technology Demonstration-1 (ATD-1) for accelerated development and technology transfer the FAA NextGen program
  - Led the integration of the TAPSS technologies into current FAA automation platforms of the Standard Terminal Automation Replacement System (STARS) and the Time-Based Flow Management (TBFM) systems supporting the wide-scale use of Performance- Based Navigation capabilities within dense terminal operations
  - NASA formally transferred these technologies, called by the FAA as the Terminal Sequencing and Spacing (TSS) system, to the FAA on July 14, 2014
  - Awarded the NASA Exceptional Technical Achievement Medal in 2014 and the NASA Software of the Year in 2017 and the FAA's Excellence in Aviation Research in 2009
- NASA - PI for NASA Next Generation Air Transportation System (NextGen) Airspace Project 2006 – 2008**
- Organized and led a NASA multi-center technical proposal planning team defining NASA's research and contributions in support of the JPDO NexGen vision while maintaining NASA's core aeronautics foundational sciences
  - Proposed and outlined and detailed the NASA efforts over a ten-year period resourced at over 500 million dollars and included 17 industry collaborations, which was validated authorized by the NASA Associate Administrator after a successful multi US governmental high-level stakeholder review
  - As the project's Principal Investigator planned and implemented the project details including: the awarding of over 40 cooperative agreements and contracts to Universities and Industry, the publication of over 120 technical publications, conducted highly successful National level reviews by both the National Research Council and a multi-agency review committee established by the NASA Associate Administrator and made significant technical and policy contributions to the JPDO NextGen plans in the areas of advance Air Traffic Control and Flight Deck automation.
- NASA - Joint Development and Planning Office (JPDO) 05/2014 – 04/2017**
- Provided expertise on modeling, simulation and technology for the National Airspace System. Assisted in the formulation and development of the processes used by the JPDO Evaluation and Analysis Division (EAD) for benefit and impact analyses of proposed NextGen concepts and technologies
  - Developments included: 1) a sequential capacity analyses that demonstrated the critical need for both airspace and runway capacity improvements, 2) an assessment of the impact of a security breach at a major airport on the rest of the National Airspace and 3) the transfer of analytical tools, metrics and techniques developed within the NASA Virtual Airspace Modeling and Simulation Project to the EAD
  - Data from these activities were included in both the National Plan for the Next Generation Air Transportation System and the 2005 progress report
  - Provided expertise to the JPDO Agile Air Traffic System Integrated Product team to develop the Aircraft Trajectory Based Operations roadmap development
- NASA - Project Manager for the Virtual Airspace Modeling and Simulation (VAMS) Project 2001 – 2006**
- Led the advocacy and management of the Virtual Airspace Modeling and Simulation (VAMS) project from its inception to completion in 2006
  - Developed the 5 year, 150 million dollar multi NASA Center VAMS project plan to: 1) identify and develop innovative concepts that have the potential of significantly increasing the capacity of the Nation's air transportation system; 2) develop simulation and modeling capabilities that will accurately predict the impact of these and other future concepts on the flow of traffic; and 3) develop methods that make use of the simulation and modeling capabilities for confidently assessing the performance of a future system
  - Guided the project formulation of an automated airspace concept capable of achieving 3X increase in airspace capacity, a concept for trajectory-based surface operations, a method for effectively assimilating convective weather into the decision process, and concepts for increasing airport capacities by better understanding of wake vortex behavior
  - Led the project to develop an agent based modeling and simulation toolbox, referred to as the Airspace Concept Evaluation System (ACES), which has the capability to analyze system wide impacts of concepts and technologies on the national airspace, eventually used by the JPDO EAD to guide the JPDO's vision of the Next Generation Air Transportation System and the FAA to guide the transition
  - Awarded both NASA's Outstanding Leadership and Exceptional Service Medals

- NASA - Chief of the Aviation Operation Systems Development Branch 1997 – 2001**
- Created and led the development of a unique, innovative and award-winning Aviation Operations Systems Development Branch that developed highly complex software air traffic management automation systems which required testing and validation in FAA and airline facilities
  - Led the developed air traffic management and automation simulation and testing laboratories at Ames Research Center as well as the unique collaboration with the FAA at the North Texas Research Site located at operational FAA and airline facilities in and around the Dallas/Ft. Worth Airport
  - Overall management responsibilities included: 1) software development including verification and validation; 2) operating the test facilities at Dallas/Ft. Worth; 3) transfer of software to the FAA contractor for deployment at other sites; and 4) assisting the FAA in taking responsibility for maintaining the NASA software for daily use at Dallas/Ft. Worth
  - Products developed included the Traffic Management Advisor, Final Approach Spacing Tool, Collaborative Airport Planner, User Preferred Routing and Direct-to tools
  - Received the NASA Software of the Year award, the Turning Goals Into Reality Administrator's Award and Ames' Supervisor of the Year award
- NASA - Principal Investigator for the Traffic Management Advisor (TMA) 1993 – 1997**
- Led the operational development of the TMA, an air traffic controller decision support tool that was developed to optimize the flow of arrival traffic into the terminal area
  - Led the transition of TMA from a laboratory prototype to an operational system involved the testing and evaluation of the laboratory version of TMA in an operational environment to understand the limitations and identify required enhancements before it could be used operationally.
  - Personally conducted the research to: 1) expand the trajectory predictions to include all types of flight operations, 2) define, develop and validate controller interfaces and procedures that are compatible with FAA and airline procedures; 3) adapted the design to account for ATC Host computer's processing capabilities and limitations; and 4) planned, conducted and led a multi-Agency team to validate the expected benefits in a full-scale operational evaluation at one of the World's largest and most complex airport during a 4-month period in 1996
  - Led the technology transfer to the FAA to including much of the software and supported the deployment throughout the United States which is currently the basis of the current Time-Based Flow Management Automation System
  - Awarded a FAA/DOT Acquisition Research Award, and NASA Ames' Engineer of the year in 1997
- NASA - Principal Investigator for the Automated Nap-of-the-Earth (ANOE) Flight project 1985 – 1993**
- Led the definition and development of optimal control algorithms, pilot displays, sensor fusion techniques for near-terrain automated helicopter flight
  - Led research providing an integrated approach for using precision navigation systems, digital terrain databases, terrain following radar systems, forward looking infrared imaging systems integrated into heads-up and helmet mounted display systems for precision, threat masked near-terrain flight
  - The research was of such high interest to the U.S. Army, it provided one of its most advanced research helicopters for testing and flight validation of the research technologies to meet its all-weather near terrain flight requirements
  - Led NASA's participation in a series of joint NASA/US Army flight test of the ANOE technologies integrated into the UH-60 System Testbed for Avionics Research (STAR) for successful flight evaluations at test ranges supported by the US Army Aviation Research and Development Activity (AVRADA) in New Jersey, Pennsylvania and Connecticut
- NASA - PI for the Helicopter Microwave Landing System Curved-Path Approach flight test 1982 – 1985**
- Designed, developed and conducted a joint NASA/FAA helicopter flight test to collect data and procedures to define terminal instrument procedures (TERPS) using the Microwave Landing System and advance avionics to conduct curved path precision approach and landing
  - Conducted hundreds of advance terminal landing procedures using the Advance NASA UH-1H Digital Control Research Vehicle with NASA, FAA, US Industry and International pilots at a highly instrumented testing facility at NASA Ames Research Center
  - Provided analyzed and raw data to the FAA Standards Office in support of TERPS criteria for MLS

## Letter of Interest

P O Box 3022  
Incline Village, NV 89450

August 10, 2023

IVGID Board of Trustees  
893 Southwood Blvd.  
Incline Village, NV 89451

Honorable members of the IVGID Board of Trustees,

I would like to apply to be an at-large member of your golf committee after noticing that the applicants are, for the most part, club members. I believe golfers who do not belong to clubs should also be represented.

Please find attached my resume, outlining my professional experience with government enterprise administration, including my 7 plus years as IT Manager for San Jose International Airport, reporting to the Airport Director and the Director of Finance.

I first played golf at the municipal course in San Jose. After I retired and moved to Incline Village, I learned more about the game at the Mountain Course and over the years have played on both IVGID courses. I joined the Mountain Niners. Unfortunately, their tee times did not fit in well with other commitments I had, so although I still enjoy golf, I am no longer a club member.

I have been working as a member of the GM's Dog Park Committee, so I believe I have shown that I can work effectively even with those who may have very differing opinions. Trustee Tonking has recently attended those meetings, so I'm hopeful she can attest to my efforts to contribute and my ability to "work well with others".

I trust my background in public service, specifically my years of work in IT, much of which was in financial management, qualifies me to better understand the financial side of IVGID's golf enterprises. As a non-club member golfer, I feel I can look objectively at the operational side of these public recreation amenities and help formulate and communicate recommendations that are in the best interests of the community as a whole.

Thank you for your consideration.

Sincerely,

Judith Miller

Attachment: Resume

Submitted via email to [sah@ivgid.org](mailto:sah@ivgid.org)



# Resume

Judith Lorraine Miller  
P O Box 3022, Incline Village, NV 89450

## Summary:

- 15 years of work experience in public sector financials/reporting as an IT Manager/systems analyst for agencies with both Proprietary and Governmental fund types.
- Demonstrated interest and participation in local government affairs.
- Knowledge of IVGID's OpenGov tool, its chart of accounts, and familiarity with financial reports shared with the public.
- Recent experience as a board member for both public and private organizations.
- 25 years of management experience of a Tahoe business.

## Work Experience:

Currently retired.

**1986 to 2001:** City of San Jose.

Accounting Division IT Manager at San Jose International Airport for 7 years, developed reports for accounts receivable, accounts payable, and management information system reports; knowledge of Oracle databases , SQL and various reporting tools for producing custom financial reports. Trained airport finance staff in use of Financial Management System.

IT Manager for the City of San Jose's Planning, Building and Code Enforcement Department for 5 years. Similar duties as above, in addition to assisting Departments staff in the use of the City's inhouse developed system to track building and planning permits, and fees.

Systems Analyst in the City's IT department for 3 years, assignments including finance, HR, business licenses.

**1968 to 1979:** Worked as a programmer, systems analyst and software engineer in the private sector.

**1970 to 1995:** Owned and managed the operation of a Tahoe West Shore motel

## Community involvement:

Current Member of the General Manager's Dog Park Committee

Past president of the Tahoe Nevada Branch of American Association of University Women.

Member of the Washoe County Incline Village/Crystal Bay Citizens Advisory Board 2015-2020.

Frequent guest editor in the Tahoe Daily Tribune (local newspaper) on local issues.

Member of the Diamond Peak Master Plan Steering Committee (2015).

**Education:** B.A. in Mathematics, San Jose State University

**Hobbies, interests:** Outdoor activities including skiing, golf, hiking, biking, kayaking. Dog lover, especially golden retrievers. Foreign languages, French, Spanish.

# Todd Wilson

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415-328-2346 | [ToddDWilson@gmail.com](mailto:ToddDWilson@gmail.com) | 697 Carson Ct., Incline Village, NV 89451

September 4, 2023

Dear Board of Trustees,

Please accept this letter as my interest in being considered to serve as an At-Large Member of the Golf Committee. As a fulltime resident of Incline Village, I am keenly aware of the valuable amenities IVGID provides its residents and understand the importance of protecting and nurturing them.

The Mountain Course provided a priceless respite for me, my wife, and our kids during the early days of the pandemic. Since then, we have created countless memories, with family and friends, on the Incline golf courses. Our first lesson with Ashley is as memorable as our inaugural tee shots from hole 15. I am invested in helping to create the same wonderful experience for current and future residents of Incline.

I have spent my career thinking outside-the-box to find innovative paths to success. As a software entrepreneur, a transformational executive in the food industry, and with an Operational Excellence concentration in business school, my goal has always been finding ways to become better. Not just better economically, but better holistically; finding wins for all stakeholders. I hope to do the same while serving on the Golf Committee.

Best regards,



Todd Wilson

# Todd Wilson

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415-328-2346 | [ToddDWilson@gmail.com](mailto:ToddDWilson@gmail.com) | <https://www.linkedin.com/in/todd-wilson-7734516/>

## Core Competencies

Purpose-driven Leadership – Organizational Transformation – Strategic Market Development – Operational Excellence – Advanced Analytics – Mergers & Acquisitions – Application Design & Development – Product Lifecycle Management – Sustainability – Information & Operations Technology

## Work Experience

### CEO | PREFERRED STRATEGIES, SOQUEL, CA | 2023 - PRESENT

- Leading high-growth enterprise software company after 5 years as board member.
- Establishing long-term strategic planning, key partnerships, and corporate development capabilities.
- Expanding product line to include advanced analytics, machine learning, additional customer segments, and new international markets.
- Managing a diverse, fully remote team providing mentorship, professional development through dynamic growth, operational efficiency, and a culture of innovation.

### EVP, ASIA PACIFIC & CIO | KIDS2, ATLANTA, GA | 2021 - 2023

#### EVP, MANAGING DIRECTOR, ASIA PACIFIC & CIO | HONG KONG | SEPTEMBER 2021 - PRESENT

- Managed Asia Pacific operations including all sales teams (15 markets including Australia, Japan, & China), market expansion, and back-office operations with dotted-line reporting for manufacturing and supply chain.
- Grew emerging China market 3x in one year while the overall market declined.
- Achieved highest growth margin of any region across the global organization.
- Established sustainability vision and strategy including adoption of Science-Based Targets (SBT) framework.
- Completed evaluation, due diligence, and integration of Summer Infant as part of core corporate development team - \$150MM complementary acquisition – and successfully realized synergies in first six months.

#### CHIEF INFORMATION OFFICER | HONG KONG | APRIL 2021 – PRESENT

- Responsible for all global technology and strategy – business applications, infrastructure & operations, analytics, service desk support, security, privacy, development operations, and offshore teams - PMO team; and Product Lifecycle program management team.
- Implemented Analytics Center of Excellence cross-functional team creating a competitive advantage by leveraging advanced analytics.
- Consolidated technology – software and hardware – saving \$1MM+.

- Leading system selection, design, development, and implementation of SAP S4/HANA to supersede legacy platforms.
- Transitioning internal development to low-code/no-code, agile methodology.
- Standardizing information silos across the organization into a searchable, trusted, single repository.
- Established SOP standards across the organization creating operational efficiencies in all departments including an overhaul of the product lifecycle structure and processes.

### **CIO & SVP, IT | CLIFBAR & COMPANY, EMERYVILLE, CA | 2013 - 2021**

- Responsible for all global technology (IT and OT) - business applications, network operations, analytics, PLC & IIoT integration, service desk support, security, privacy, and outsourced partners; and built PMO team.
- Implemented exhaustive, digital transformation across the organization while supporting high growth and realizing millions of dollars in operational efficiencies.
- Built internal direct-to-consumer platform and realized 5x revenue growth in the first year.
- Owned P&L for eCommerce channel including Amazon, DTC, and omnichannel.
- Led European expansion operations opening new growth markets in the EU.
- Designed, developed, and implemented end-to-end architecture design for a greenfield manufacturing facility and the transition of a co-manufacturing facility from SAP, including the development of new organizational capabilities to support advanced self-manufacturing.
- Migrated key corporate, manufacturing, and supply chain systems to cloud-based solutions.
- Led task force to build M&A capability as a key organizational strategy.
- Built widely adopted, best-in-class analytics capabilities with integrated, cross-functional Centers of Excellence, robust data governance, and self-service, democratized access.
- Executive champion for the strategic initiative to become a lean, high-performing organization while still adhering to the core, cultural values of the organization.

### **VP, KEY MARKETS | FAST SEARCH & TRANSFER, SAN FRANCISCO | 2006-2008**

- Led international strategic market business development for enterprise search and business intelligence solutions. Responsible for product integration, design and development of business performance and data analysis systems including offshore development teams, following the acquisition of Corporate Radar by FAST.
- Responsible for global ERP integration and data delivery strategies in the government and not-for-profit sectors including user adoption roadmaps and localization.
- Presented solutions to corporate executives, leading market analysts, and key partnerships and alliances.
- International enterprise solutions evangelist for customer base in Europe, South America, and Australia.

## **FOUNDER & CEO | CORPORATE RADAR (ACQUIRED BY FAST), SAN FRANCISCO | 2000-2006**

- Founded innovative, web-based, business intelligence, data integration and analytics software platform.
- Positioned company for successful acquisition (10x revenue) and managed sale and integration of company to FAST, Search, & Transfer, subsequently acquired by Microsoft.
- Led all aspects of the corporation including engineering, sales, and finance.
- Intricately involved in architecting, developing, and implementing Corporate Radar solutions for organizations of all sizes and across all market segments including Fortune 50 international corporations.
- Designed and built adaptors to all major data sources including SAP, JDE, and Oracle.

## **VP, BUSINESS SYSTEMS | MATTEL CORPORATION, SAN FRANCISCO, CA | 1994-2000**

- Headed business applications and systems group for Mattel Interactive, the educational and entertainment software division of Mattel Interactive, formerly The Learning Company.
- Responsible for all Mattel Interactive internal and external applications and systems.
- Managed eCommerce software development group and extensively collaborated with teams in Europe and Australia to localize.
- Architected and managed development and transition to new data warehousing system and sales reporting and analysis implementation.
- Managed due diligence process and business application and reporting integration of more than two dozen corporate acquisitions.
- Joined company as Accounting Manager and transitioned into lead architect for new data warehousing and SKU profitability reporting initiative.

## **Education**

### **WHARTON SCHOOL, UNIVERSITY OF PENNSYLVANIA, SAN FRANCISCO | 2017 | MBA**

- Concentrations: Executive Leadership & Operational Excellence

### **UNIVERSITY OF CALIFORNIA, BERKELEY, BERKELEY, CA | 2012 | BACHELOR OF ARTS**

- Major: History, with Honors

## **Board Experience**

### **BOARD MEMBER | PREFERRED STRATEGIES | 2018-PRESENT**

- High growth software company located in the San Francisco Bay Area

### **BOARD MEMBER, CHAIRMAN | RAFAEL NORTH PROPERTIES | 2019-PRESENT**

- Real Estate Investment company located in the San Francisco Bay Area

### **BOARD MEMBER, VICE CHAIRMAN | MARIN COVENANT | 2012-2017**

- 501(c)(3) Not-For-Profit located in the San Francisco Bay Area

### **BOARD MEMBER, CHAIRMAN | CORPORATE RADAR | 2000-2006**

- High growth software company located in the San Francisco Bay Area

## **Awards & Recognition**

- 2020 Bay Area CIO of the Year, a peer recognition awarded by InspireCIO
- 2020 AI & Analytics Excellence in Manufacturing, awarded by the National Association of Manufacturers
- 2017 Enterprise Technology Leadership in Manufacturing, awarded by the National Association of Manufacturers
- 2017 Executive MBA Leadership Profile, Poets & Quants for Executives

**From:** [Frank Wright](#)  
**To:** [Susan A. Herron](#)  
**Subject:** Fwd: Golf committee  
**Date:** Thursday, September 7, 2023 7:04:58 AM

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CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Here you go.  
Thank you,  
Frank

Sent from my iPhone

Begin forwarded message:

**From:** Frank Wright <alpinesportss@gmail.com>  
**Date:** August 14, 2023 at 11:45:57 AM PDT  
**To:** mlb@ivgid.org  
**Cc:** RayTulloch <ray@tulloch4ivgidtrustee.com>, Sara Schmitz <schmitz61@gmail.com>, Matthew Dent <trustee\_dent@ivgid.org>  
**Subject:** Golf committee

Application for IVGID Golf Committee:

Résumé for Frank L Wright

Education

Associate of arts degree Northeastern, junior, college Sterling, Colorado, 1968

Liberal arts

BA degree Western State University, Gunnison, Colorado, 1971

Liberal arts

Masters of Arts degree

Western State University Gunnison, Colorado, 1973

Educational administration and physical education

Post graduate work Cal State University, Northridge, 1980 through  
1983 Administration

Work experience:

William S Hart Union School

Teacher Government and History basketball coach, swim coach and  
golf coach 1973

College of the Canyons

Physical, education, teacher

Head basketball coach 1987

Tahoe Truckee unified school district teacher and head basketball  
coach 2007 to present.

Related experience:

Currently politically and community active.

Ran for the Nevada State Senate  
Candidate for Incline Village Board of Trustees.

Served on order the Ordinance 7 committee for 15 months

Conducted youth basketball camps for Incline Village, General  
Improvement district.



Recreational activities.

Lifetime golfer

Hiker

Tennis player

World traveler

Reason for applying for golf committee:

Being a parcel owner and full time resident I have a unique understanding of the needs of our community and being a golfer I understand the operation and necessities to make our golf courses profitable and beneficial to the residents living here. I understand what is needed to make those subsidizing the courses get the best value for their dollar.

Frank Wright  
Crystal Bay, Nevada  
818-601-1996

## MEMORANDUM

**TO:** Board of Trustees

**THROUGH:** Mike Bandelin  
Interim General Manager

**FROM:** Bobby Magee  
Interim Director of Finance

**SUBJECT:** Final Ratification of the Department of Finance Staffing Increase  
Approval of Recommended Adjustments for Consulting Services

**DATE:** September 13, 2023

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### **I. RECOMMENDATIONS**

That the Board of Trustees make a motion to:

Ratify the Additional Positions of Assistant Director of Finance (Grade 40) and Management Analyst (Grade 28) for the Department of Finance That Were Conceptually Approved by the Board at the August 24, 2023 Special Board Meeting.

That the Board of Trustees make a motion to:

Approve the Additional Items Identified by Staff for Consulting Services and Direct Staff to Add the Items to the Future Budget Augmentation.

### **II. DISTRICT STRATEGIC PLAN**

This action supports Long Range Principle #2, Finance; *“The District will ensure fiscal responsibility and sustainability of service capacities by maintaining effective financial polices for operating budgets, fund balances, capital improvement and debt management.”*

- *Comply with State and Federal regulations.*
- *Develop and maintain a long term plan to sustain financial resources.*

### **III. BACKGROUND**

#### Overview

On August 9<sup>th</sup> (Item F.5) and August 24<sup>th</sup> (Item C.3) the Department of Finance presented recommendations related to the department’s vacancy and recruitment

efforts, current status of annual audits, current status of various financial special projects, and the day-to-day operational aspects of the organization. As a result of these presentations, the Board directed staff to take a number of actions that will require a future budget augmentation hearing. At the August 9<sup>th</sup> meeting, among other items, the Board directed staff to add an Internal Auditor position to work on both financial and operational audits. At the August 24<sup>th</sup> Special Meeting, the Board conceptually approved adding an Assistant Director of Finance and a Management Analyst, pending final Board approval with actual job titles and salary ranges identified. Staff has created the necessary job descriptions and salary ranges commensurate with similar positions in neighboring agencies, and is recommending final ratification of the Assistant Director of Finance and Management Analyst positions. All three of the new position job descriptions and salary ranges have been reviewed by the Interim General Manager, Interim Director of Finance, and Director of Human Resources and collectively have been agreed upon under current administrative policies. If final ratification of the two conceptually-approved positions (Assistant Director of Finance and Management Analyst) is approved at this time, all three new positions (Internal Auditor, Assistant Director of Finance, and Management Analyst) will be released to the public for immediate recruitment on September 14, 2023.

*Items Approved by the Board Needing Future Appropriations Adjustments*

The table below demonstrates a majority of the items that were approved by the Board at both the August 9<sup>th</sup> and August 24<sup>th</sup> meetings, and also includes the items that were conceptually approved by the Board with caveats for future action. The table represents the expected maximum amount that staff will be recommending for final 2023-24 budget adjustment, anticipated to be presented to the Board in early 2024. As the department moves to hire staff, it is anticipated that some of these costs will be mitigated in the current fiscal year through expected salary savings, reduced need for consulting services, and final known costs for items sent out for Request for Proposals (RFP). Staff will keep the Board apprised on the activities below through periodic updates in the General Manager’s Report. As identified during the August 24<sup>th</sup> meeting, the Accounts Payable Tech was included in the budget but left unfunded. As a result this position is already under recruitment and final appropriation needs will be identified and included with the final appropriation adjustments.

<b>Item</b>	<b>Date(s) Approved</b>	<b>Current Estimated Cost</b>	<b>One Time / Ongoing Cost</b>
Contract with Baker Tilly	8/9/23 and 8/24/23	\$165,000	One Time
Internal Auditor	8/9/23	\$182,376	Ongoing

Contract with Tyler Technologies	8/24/23	\$16,000	One Time
Forensic Due Diligence Financial Audit	8/24/23	\$150,000	One Time
<b>Sub-Total (Approved Items)</b>		<b>\$513,376</b>	
Asst Director of Finance	8/24/23 (Conceptual)	\$267,435	Ongoing
Management Analyst	8/24/23 (Conceptual)	\$148,917	Ongoing
A/P Tech Funding	N/A	\$91,431	Ongoing
Annual Comprehensive Financial Report (ACFR) Preparation	Identified by Staff	\$10,000	One Time
Long Range Financial Plan / Fiscal Sustainability Plan	Identified by Staff	\$100,000	One Time
<b>Sub-Total (Conceptual and Identified Items)</b>		<b>\$617,783</b>	
<b>Estimated One-Time Costs</b>		<b>\$441,000</b>	
<b>Estimated Ongoing Costs</b>		<b>\$690,159</b>	
<b>Grand Total</b>		<b>\$1,131,159</b>	

Additional Consulting Items Identified by Staff (Action Item #2)

At the August 24<sup>th</sup> meeting, the Board directed staff to identify any other consulting needs that may be required to complete the Audit process or other special projects. Staff identified two items; assistance with the preparation of the ACFR, and a two-part RFP to be issued for both a Long Range Financial Plan and a subsequent Fiscal Sustainability Plan.

- Compilation of the ACFR was done in the previous year by in house Finance staff. It is a labor intensive activity that auditing firms are staffed for and routinely do for other clients. With a large vacancy rate currently existing in the Finance Department, it is recommended that this activity be shifted to

Davis Farr to complete. Their firm has indicated it has the capacity to perform the necessary activities, with a current estimated cost of \$10,000.

- The Finance Department wishes to engage with a professional firm to address the long range fiscal health of the entire District. This would be accomplished through a two-part process, which would include both a Long Range Financial Plan with a corresponding Fiscal Sustainability Plan (FSP). These items are explained further below:
  - **Long Range Financial Plan** - A long-range financial forecast (or fiscal model) is used by local governments to project future trends based on accurate historical information and reasonable assumptions to understand trends for the agency's fiscal health. In this case, IVGID will use financial forecasts to assist with projecting trends for both General and Enterprise funds. Typically fiscal models will include a 10-year horizon to understand impacts to known future changes such as debt service obligations, capital investment requirements, and development activity. While a fiscal model is not intended to accurately predict in finite detail future revenues, expenditures or reserves, they are able to give senior leadership and policy makers a view of the fiscal landscape, long-range impact of decisions regarding service levels or revenue decisions such as fees and charges, communicate the depth of any potential fiscal gaps that may exist, and a foundation for implementing budget strategies needed to live within the long-term baseline revenues. Governing boards can then make informed decisions and provide direction to staff to implement those decisions in a way that provide an opportunity to achieve fiscal sustainability while providing the services that the community expects.
  - **Fiscal Sustainability Plan** – An FSP represents a plan that includes a set of budget strategies to address a fiscal gap that is anticipated in future years. The FSP seeks to correct fiscal gaps through a combination of revenue enhancements and/or expenditure reductions such as expenditure controls, cost shifts, service delivery alternatives or service level reductions - to avoid a depletion of operating fund reserves and that could further lead to insolvency if not corrected. The cornerstone of any FSP is a long-range financial forecast (typically ten years) that is based on accurate historical financial information and uses reasonable and realistic revenue and expenditure assumptions to identify trends that may impact future reserves. Once this financial forecast is reviewed, understood, and accepted this forms the basis for understanding the various budget strategies that could be employed to correct any long-range gaps where revenues do not meet

long-range expenditure projections. Budget strategies are typically then reviewed and selected in a variety of scenarios ranging from revenue-centric, expenditure-reduction focused, and balanced approaches for governing board consideration. Agencies often find that independent perspectives from consulting firms with experience in addressing fiscal gaps are helpful to provide an external perspective in how the fiscal gap can be addressed.

## **VI. FINANCIAL IMPACT AND BUDGET**

The recommended actions have a maximum total effect to the overall budget of \$1,131,159 in fiscal year 2023-24. Of this amount, \$441,000 is one-time only funds. The actual amount that will be requested in early 2024 will be determined after staffing has been hired and actual consulting costs are better known. In addition, the Finance Department will provide a breakdown of expenditures by Fund when the final appropriation increase is recommended.

## **V. ALTERNATIVES**

The risk of delaying final ratification of the conceptually-approved positions would be to continue to place the Board-adopted financial priority list on hold. Absent a contract modification with Davis Farr to compile the ACFR, the document would likely not be ready for final publication by the State's January 31<sup>st</sup> deadline.

**Incline Village General Improvement District  
Job Description – DRAFT VERSION ONLY**

**Job Title:** Assistant Director of Finance  
**Job Number:** XXXXa  
**Salary Grade:** 40  
**Department:** Finance  
**Reports To:** Director of Finance  
**FLSA Status:** Exempt - Executive  
**Prepared By:** B. Magee/E. Feore  
**Prepared Date:** 09/11/2023  
**Approved By:** M. Bandelin  
**Approved Date:** 9/12/2023

**SUMMARY**

Under general guidance from the Director of Finance, this position supervises day-to-day functions of the Budget and Revenue office functions, advising Senior Leadership, District General Manager and, as requested, Board of Trustees with data related to budgetary and revenue statistics. Oversees special projects, coordinates information technology projects, and directs process improvement.

**ESSENTIAL DUTIES AND RESPONSIBILITIES**, not necessarily in order of priority, include the following. Assigned job tasks/duties are not limited to the essential functions.

1. Provides excellent customer service to customers and business partners.
2. May assist the Director of Finance with the oversight, coordination and preparation of reports that summarize and analyze District business activity and financial position in areas of revenue, expenditures and other sources and uses based on past, present and expected operations.
3. Recommends, establishes, and monitors accounting, reporting and internal controls, Board Policies and Practices and District Procedures related to District financials and budgets.
4. Ensures the integrity of the District's computerized financial accounting system by maintaining expertise on this system; troubleshoots and resolves system processing problems and responds to budget and revenue staff inquiries.
5. May assist the Director of Finance with the oversight, coordination and preparation of the District's annual consolidated operating and capital budgets for presentation to the Board, the public, and Department of Taxation. Ensures the District is following Federal regulations and guidelines.
6. May assist the Director of Finance with the coordination audits of the District's accounts as directed by the District Audit Committee, and serves as a representative of management with the auditors in meeting the Auditor's Professional Responsibility.
7. May assist the Director of Finance with the development and administration of annual operating budget and capital improvement budget for assigned areas of operational responsibility; monitors and controls budgets utilizing a computerized financial accounting system.
8. Coordinates the development of goals and objectives for the Revenue Office and Finance's budget staff.
9. Interfaces with other District staff to research and resolve a variety of accounting related issues, as requested by the Director of Finance.
10. As requested by the Director of Finance, in the event of an absence, may temporarily serve as a member of the Senior Management Teams; participates in formulating and administering District policies and developing long-range goals and objectives through the District's Strategic Plan.
11. Inputs and/or monitors employee time & pay records using an automated system. Ensures records are accurate each month.

## **SUPERVISORY RESPONSIBILITIES**

Manages supervisors in the Revenue Office and Budget Analyst staff. Is responsible for the overall direction, coordination, and evaluation of these units. Carries out supervisory responsibilities in accordance with the organization's policies and applicable laws. Responsibilities include interviewing, hiring, and training employees; planning, assigning, and directing work; appraising performance; rewarding and disciplining employees; addressing complaints and resolving problems.

**QUALIFICATIONS** To perform this job successfully, an individual must be qualified to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

## **EDUCATION and/or EXPERIENCE**

Bachelor's degree (BA or BS) in Accounting; and seven years related experience with automated financial and accounting systems, including five years supervisory experience; or equivalent combination of education and experience. Certification as a Certified Public Accountant (CPA) or MBA helpful but not required. Five years public sector experience preferred.

**KNOWLEDGE** Thorough knowledge of the principles, practices, and methods of current public sector accounting, auditing and budgeting methods; knowledge of insurance programs/principles and practices; knowledge of leadership, management and supervision; knowledge of FASB and GASB pronouncements and the rules and preparation of financial statement that comply; knowledge of methods and techniques of data collection, analysis and report preparation, knowledge of fixed rate instrument investing, knowledge of debt and lease financing, extensive knowledge of Microsoft Word, Excel, database and presentation applications for accounting records, budget preparation and financial analysis.

## **COMPREHENSION/COMMUNICATION SKILLS**

Ability to read, analyze, and interpret technical journals, financial reports, and legal documents. Ability to respond to inquiries or complaints from customers, regulatory agencies, or members of the community. Ability to develop presentations and write articles for publication that conforms to prescribed style and format. Ability to make effective speeches and presentations on controversial or complex topics to employees, management, public groups, and the Board of Trustees. Ability to facilitate working groups of employees, public and/or agencies including planning effective meetings and workshops. Ability to maintain composure when responding to inquiries or complaints. The duties and responsibilities of this position necessitate the use of a cellular phone for District business reasons.

## **MATHEMATICAL SKILLS**

Ability to work with mathematical concepts such as probability and statistical inference to review and analyze financial transactions and reports. Ability to apply concepts such as fractions, percentages, ratios and proportions to practical situations.

## **REASONING ABILITY**

Ability to define problems, collect data, establish facts, and draw valid conclusions. Ability to interpret an extensive variety of data and deal with several abstract and concrete variables.

## **CERTIFICATES, LICENSES, REGISTRATIONS**

Valid Driver's License. Certification as a Certified Public Accountant (CPA) or MBA are preferred. Successful completion State of Nevada/Federal background check through fingerprinting because position has unsupervised access to children, the elderly or individuals with disabilities and/or has access to their records. Pursuant to National Child Protection Act (NCPA) of 1993 as amended by the Volunteers for Children Act (VCA). It is the employee's responsibility to maintain all required certifications and licenses and to report any changes to the supervisor.

## **OTHER SKILLS OR ABILITIES**

Very good organizational, administrative, analytical, leadership, supervisory, and customer service skills; strong computer skills for word processing, spreadsheet and financial accounting applications; develop, mentor and supervise assigned staff; work effectively under pressure of deadlines and conflicting demands; establish, foster, and maintain effective working relationships with all levels of employees, elected officials and members of a diverse community; gain and maintain cooperation through discussion and education; effectively deal with conflict and changing circumstances. High level of initiative and independent judgment within areas of responsibility.



**PHYSICAL DEMANDS** The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. In compliance with applicable disability laws, reasonable accommodations may be provided for qualified individuals with a disability who require and request such accommodations. Applicants and incumbents are encouraged to discuss potential accommodations with the employer.

While performing the duties of this job, the employee is regularly required to sit and talk or hear. The employee frequently is required to use hands to finger, handle, or feel. The employee is occasionally required to stand; walk; reach with hands and arms; climb or balance; and stoop, kneel, crouch, or crawl. The employee must occasionally lift and/or move up to 25 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception and ability to adjust focus.

**WORK ENVIRONMENT** The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is occasionally exposed to fumes or airborne particle; risk of electrical shock. The noise level in the work environment is usually moderate.

I have read and understand this explanation and job description.

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Employee Name: \_\_\_\_\_

**Incline Village General Improvement District  
Job Description – DRAFT VERSION ONLY**

**Job Title:** Internal Auditor  
**Job Number:** XXXXA  
**Salary Grade:** 33  
**Department:** Administration  
**Reports To:** General Manager  
**FLSA Status:** Exempt - Professional  
**Prepared By:** B. Magee/E. Feore  
**Prepared Date:** 09/01/2023  
**Approved By:** M. Bandelin  
**Approved Date:** 9/12/2023

**SUMMARY**

With limited direction from the General Manager, this position audits Districtwide operations by evaluating the effectiveness of finances, risk management, control, and governance processes to improve operations and assist the organization in meeting objectives. Conducts independent and objective audits, financial audits, compliance audits, operational audits, and special research projects for the District.

**ESSENTIAL DUTIES AND RESPONSIBILITIES**, not necessarily in order of priority, include the following. Assigned job tasks/duties are not limited to the essential functions.

1. Plans, organizes and directs District internal audit functions; these include: performance, financial, compliance, operational, and special audits; plans multi-year audit schedules and determines high-level audit objectives.
2. Conducts compliance audits by assessing the District's compliance with State and local statutes, federal laws and regulations, departmental policies and administrative guidelines. Documents and reports areas of non-compliance, errors, waste, omissions, and conflicts of interest.
3. Conducts performance audits by comprehensively reviewing District's activities to determine how economically, effectively and efficiently its objectives are achieved.
4. Conducts financial related audits by analyzing the District's economic activity as measured and reported by District accounting methods. Reviews internal control mechanisms to ensure appropriate financial management and reporting, ensures clear audit trails, and separation of critical functions and duties.
5. Conducts special studies as requested by the Board of Trustees through direction of the General Manager.
6. Compiles information and conducts reviews through the use of questionnaires, statistical sampling, and interviews to determine if departments are complying with internal auditing control procedures.
7. Schedules periodic review of internal audit plans and District programs to ensure proper implementation of Board directives regarding internal controls; recommends changes to policies and procedures to improve internal controls.
8. Attends meetings and makes oral presentations to the Board of Trustees and citizen groups regarding audits to explain audit reports, procedures used, and to answer questions.
9. Engages, coordinates and monitors the services of public accountants, qualified management consultants or other professional experts necessary to assist Internal Audit in the discharge of its duties and ensures the audit processes are completed in a timely manner with minimal disruption to the subject department.

## **QUALIFICATIONS**

To perform this job successfully, an individual must be qualified to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

## **EDUCATION and/or EXPERIENCE**

Bachelor's degree (BA or BS) in Accounting or Business Administration or closely related field and minimum three years of full-time auditing experience; OR and equivalent combination of training and experience. Must have detailed knowledge of principles, practices and trends in public administration, organization and management, internal controls and organizational structures, audit planning processes and scheduling.

## **COMPREHENSION/COMMUNICATION SKILLS**

Ability to read, analyze, and interpret financial reports, and legal documents. Ability to be proactive and communicate effectively with the community, the Board of Trustees, District staff and others on matters relative to audits and processes. Make oral and written presentations to management during the conclusion of the audit, discussing deficiencies and recommending corrective actions. The duties and responsibilities of this position may necessitate the use of a cellular phone for District business reasons.

## **MATHEMATICAL SKILLS**

Ability to work with mathematical concepts such as probability and statistical inference to perform account analysis. Ability to apply concepts such as fractions, percentages, ratios, and proportions to practical situations.

## **REASONING ABILITY**

Ability to perform complex audits of District operations and programs. Ability to understand the organization and operation of the District and of regional agencies as necessary to assume assigned responsibilities and apply principles of logical or synthesis functions. Must have working knowledge of fiscal accountability in the public sector.

## **CERTIFICATES, LICENSES, REGISTRATIONS**

Valid Driver's License. CPA desirable but not required. Successful completion of State of Nevada/Federal background check through fingerprinting because position has unsupervised access to children, the elderly or individuals with disabilities and/or has access to their records. Pursuant to National Child Protection Act (NCPA) of 1993 as amended by the Volunteers for Children Act (VCA). It is the employee's responsibility to maintain all required certifications and licenses and to report any changes to the supervisor.

## **OTHER SKILLS OR ABILITIES**

Excellent organizational, administrative, analytical, interpersonal communication skills. Ability to maintain confidential data and information. Must plan and organize work to meet schedules and timelines.

## **PHYSICAL DEMANDS**

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. In compliance with applicable disability laws, reasonable accommodations may be provided for qualified individuals with a disability who require and request such accommodations. Applicants and incumbents are encouraged to discuss potential accommodations with the employer.

While performing the duties of this job, the employee is regularly required to sit; use hands to finger, handle, or feel; and talk or hear. The employee is occasionally required to stand; walk; reach with hands and arms; climb or balance; and stoop, kneel, crouch, or crawl. The employee must frequently lift and/or move up to 10 pounds and occasionally lift and/or move up to 25 pounds. Specific vision abilities required by this job include close vision, distance vision, peripheral vision, and ability to adjust focus.

**WORK ENVIRONMENT**

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. While performing the duties of this job, the employee is occasionally exposed to moving mechanical parts, outside weather conditions, and risk of electrical shock. The noise level in the work environment is usually moderate.

I have read and understand this explanation and job description.

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Employee Name: \_\_\_\_\_

**Incline Village General Improvement District  
Job Description – DRAFT VERSION ONLY**

**Job Title:** Management Analyst  
**Job Number:** 1225A  
**Salary Grade:** 28  
**Department:** Finance  
**Reports To:** Director of Finance  
**FLSA Status:** Exempt - Professional  
**Prepared By:** B. Magee/E. Feore  
**Prepared Date:** 08/31/2023  
**Approved By:** M. Bandelin  
**Approved Date:** 09/12/2023

**SUMMARY**

Under general direction from the Director of Finance, this position performs complex and varied technical and professional administrative and analytical duties in support of a broad range of District-wide operations. Responsible for performing a variety of special projects, research, and budgetary analysis. Provides information and assistance to the Assistant or Director of Finance for General Manager and/or Board reporting.

**ESSENTIAL DUTIES AND RESPONSIBILITIES**, not necessarily in order of priority, include the following. Assigned job tasks/duties are not limited to the essential functions.

1. Performs a variety of professional level research and analytical duties in support of assigned functions.
2. Evaluates organizational programs, policies and procedures to identify areas for improvement. Collects, compiles and analyzes complex information from various sources on District budgets.
3. Advises and assists department Directors and other identified staff in fiscal, organizational and procedural matters.
4. Participates in the preparation, review, and administration of departmental budgets and the capital improvement budgets.
5. Confers with representatives of other agencies or departments; coordinates projects; serves as liaison between departments and the Finance/Senior Leadership teams.
6. Assists with budget monitoring; provides detailed analysis on current budgetary compliance; notifies Assistant or Director of Finance with anomalies or errors with departmental reporting.
7. Conducts research on best practices and industry trends to inform decision-making for the Assistant or Director of Finance or Senior Leadership, as requested. May present data to Board of Trustees as directed by General Manager or Director of Finance.
8. Promotes, tracks, and measures compliance with program changes by creating and implementing appropriate data collection, reporting, and/or recordkeeping processes. Reviews results of implemented changes for efficacy; makes or recommends further adaptations as needed for continual improvement.

**QUALIFICATIONS** To perform this job successfully, an individual must be qualified to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

**EDUCATION and/or EXPERIENCE**

Bachelor’s degree (BA or BS) in Accounting or Business Administration and minimum two years of responsible managerial, fiscal, analytical, or governmental administrative and/or analytical work. MBA helpful but not required. Two years public sector experience preferred.

**COMPREHENSION/COMMUNICATION SKILLS**

Ability to read, analyze, and interpret, financial reports, and legal documents. Ability to respond to inquiries or complaints from customers, regulatory agencies, or members of the community. Ability to be proactive and communicate effectively with the community, District staff and others, in a positive manner, on matters relative to the General Manager, Trustees and or District business. The duties and responsibilities of this position may necessitate the use of a cellular phone for District business reasons.

**MATHEMATICAL SKILLS**

Ability to work with mathematical concepts such as probability and statistical inference to perform account analysis. Ability to apply concepts such as fractions, percentages, ratios, and proportions to practical situations.

**REASONING ABILITY**

Ability to define problems, collect data, establish facts, and draw valid conclusions.

**CERTIFICATES, LICENSES, REGISTRATIONS** Valid Driver's License. CPA desirable but not required. Successful completion State of Nevada/Federal background check through fingerprinting because position has unsupervised access to children, the elderly or individuals with disabilities and/or has access to their records. Pursuant to National Child Protection Act (NCPA) of 1993 as amended by the Volunteers for Children Act (VCA). It is the employee’s responsibility to maintain all required certifications and licenses and to report any changes to the supervisor.

**OTHER SKILLS OR ABILITIES**

Excellent organizational, administrative, analytical, interpersonal and customer service skills; computer skills for spreadsheet applications, word processing and financial accounting applications; and ability to operate 10-key calculator by touch.

**PHYSICAL DEMANDS**

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. In compliance with applicable disability laws, reasonable accommodations may be provided for qualified individuals with a disability who require and request such accommodations. Applicants and incumbents are encouraged to discuss potential accommodations with the employer.

While performing the duties of this job, the employee is regularly required to sit; use hands to finger, handle, or feel; and talk or hear. The employee is occasionally required to stand; walk; reach with hands and arms; climb or balance; and stoop, kneel, crouch, or crawl. The employee must frequently lift and/or move up to 10 pounds and occasionally lift and/or move up to 25 pounds. Specific vision abilities required by this job include close vision, distance vision, peripheral vision, and ability to adjust focus.

**WORK ENVIRONMENT**

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. While performing the duties of this job, the employee is occasionally exposed to moving mechanical parts, outside weather conditions, and risk of electrical shock. The noise level in the work environment is usually moderate.

I have read and understand this explanation and job description.

Employee Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Employee Name: \_\_\_\_\_

## MEMORANDUM

**TO:** Board of Trustees

**FROM:** Matthew Dent  
Chair

Josh Nelson  
General Counsel

**SUBJECT:** Review, discuss, and potentially adopt Board Policy 23.1.0 regarding access to confidential and non-public information

**RELATED STRATEGIC PLAN INITIATIVES:** Long Range Principle #6 Communication  
Long Range Principle #7 Governance

**DATE:** September 13, 2023

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### **I. RECOMMENDATION**

That the Board of Trustees review, discuss, and potentially adopt Board Policy 23.1.0 regarding access to confidential and non-public information.

### **II. BACKGROUND**

The District has a strong commitment to transparency. However, there is some information that must or should be kept private. Trustees must have access to this private information while still ensuring that it does not become public. The District has considered different approaches to balancing this tension. Historically, the District provided very limited information to Trustees upon request and treated most requests as public records requests. More recently, the District has provided this information upon request to Trustees. However, there is no formal policy on this matter.

At a recent Board of Trustees meeting, Chair Dent requested that the General Counsel prepare a policy to provide greater clarity around the requirements for providing private information to Trustees. Enclosed is a draft policy for the Board's consideration. Trustee Schmitz requested the opportunity to review and comment on the draft, and staff incorporated some of her suggestions.

Staff will provide an overview of the draft policy at the Board meeting. However, highlights include:

- Confidential vs. Non-Public Information: The policy defines and distinguishes between “Confidential Information” which must be private and should not be discussed in any forum without Board approval and “Non-Public Information” which are documents that are not public records. However, the underlying facts and circumstances of Non-Public Information may be discussed publicly. The policy outlines this distinction and requires staff to notify Trustees of the status of information.
- Procedures for Providing Information to Trustees: The policy outlines a process to provide information to Trustees upon request. Trustees would contact the General Manager and Counsel. Information would then be provided. The rest of the Board would be notified if a Trustee requested private information so other Trustees had the opportunity to view the same information. The policy also includes optional language in highlights brackets that would limit access to read only/view only copies. Staff would appreciate feedback on whether the Board wishes to include this limitation.
- Employee Access: The policy would require the General Manager to adopt personnel policies to implement the policy and that outline when and how employees may access Confidential and Non-Public Information.

### III. FINANCIAL IMPACT AND BUDGET

No direct impact by adoption of the policy.

### IV. ALTERNATIVES

Below are alternatives to the recommended action:

1. Adopt the proposed policy.
2. Decline to move forward at this time.
3. Suggest changes to the proposed policy and bring it back for discussion at the next meeting.



**V. BUSINESS IMPACT**

This item is not a "rule" within the meaning of Nevada Revised Statutes, Chapter 237, and does not require a Business Impact Statement.

**VI. ATTACHMENT**

Draft Policy 23.1.0



## **Access to Confidential and Non-Public Information Policy 23.1.0**

**0.1 PURPOSE.** The Incline Village General Improvement District is governed by a five-member Board of Trustees. The Board of Trustees has elected to manage IVGID under the “Board-manager” form of government. Under this form of government, the Board hires a General Manager who hires, disciplines, and otherwise manages IVGID personnel subject to Board oversight and District policies. The only other staff member that reports directly to the Board of Trustees is the General Counsel.

Board of Trustees deliberations and the maintenance of IVGID records are subject to the general rule that they are “the public’s business” and subject to a general obligation of transparency. However, the Board and IVGID staff also have a superior duty not to disclose some information, including, but not limited to attorney-client confidences and work product, matters of employment, and other recognized exceptions as set forth in this Policy. To ensure Trustees are informed and can effectively govern the District, they may receive Confidential and Non-Public Information that members of the public would not receive in response to a request for public records. This Policy outlines the terms and conditions applicable to Trustee and employee access of Confidential and Non-Public Information.

**0.2 CONFIDENTIAL AND NON-PUBLIC INFORMATION.** The following terms shall have the definitions below in this Policy:

- a. Confidential Information. Information and documents that are related to IVGID that are not disclosable publicly without the concurrence of a majority of the Board of Directors. This is information protected by the attorney-client communication or work product privileges, pending labor negotiations, matters discussed in a closed session, and other legally recognized protected or privileged information.
- b. Non-Public Information. Documents that are related to IVGID that are not Confidential Information and are not a public record under NRS 239. The facts and circumstances underlying Non-Public Information may be discussed publicly to the extent it is relevant to IVGID business but personally identifying information should not be disclosed to the extent possible. Non-Public Information shall not be provided to any third party. Examples of Non-Public Information include documents regarding recreational privileges or fees for individuals or parcels and draft documents.



## **Access to Confidential and Non-Public Information Policy 23.1.0**

**0.3 INFORMATION TO BOARD.** Confidential and Non-Public Information shall be provided by staff or legal counsel as necessary to inform the Board’s discussion, deliberation, or general oversight of IVGID matters. Staff shall ensure the Board understands the Confidential or Non-Public status of the information.

**0.4 INFORMATION UPON REQUEST.** Trustees may request access to Confidential or Non-Public Information by contacting the General Manager with a copy to General Counsel. Requests shall be based on a legitimate IVGID-related purpose and not for political, financial, or other personal reasons. Requests will be received and reviewed by the General Manager and General Counsel. The Director of Human Resources will be consulted regarding any requests for documents that are maintained by the Department of Human Resources. If the requested document is available for review, it will be provided [in a read only electronic format or in hard copy for viewing only. Appropriate staff or legal counsel will be present for document viewing, and no photos of documents are allowed. After viewing, staff is responsible for shredding of the materials reviewed.] Staff shall ensure that Trustees understand if a document is Confidential or Non-Public Information. The entire Board of Trustees will be promptly notified of any request under this subsection and provided an opportunity to review the provided document.

### **0.5 LIMITATIONS ON ACCESS.**

Notwithstanding the foregoing, individual Trustees may not access confidential documents held in employment or personnel files for staff reporting to the General Manager.

### **0.6 DUTY NOT TO DISCLOSE.**

Trustees must not disclose any Confidential Information unless permitted to do so by a majority of the Board. Trustees may not disclose copies or excerpts of Non-Public Information but may be entitled to discuss the underlying facts and circumstances. Trustees shall confer with the General Manager and General Counsel prior to discussing any underlying facts and circumstances of Non-Public Information with non-IVGID third parties.

### **0.7 EMPLOYEE ACCESS TO INFORMATION**

The General Manager shall adopt and implement personnel policies that implement this Policy and outline when and how employees may access Confidential and Non-Public Information.



## **Access to Confidential and Non-Public Information Policy 23.1.0**

### **0.8 RIGHT TO DISCLOSE UNDER APPLICABLE LAW**

This Policy shall not be interpreted or applied in a manner that prevents a Trustee from complying with or exercising his or her rights under applicable law to disclose information, including, but not limited to, whistleblower laws and policies. Disclosures shall be as limited as possible to ensure the compliance with or exercise of such legal rights.

### **0.9 REMEDIES FOR VIOLATIONS**

Violations of this Policy by Trustees shall be subject to discipline as set forth in the Code of Conduct. The Board may also enforce this Policy through other legally available remedies.

BOARD OF TRUSTEES LONG RANGE CALENDAR

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<b>September 27</b>	
	BOT Town Hall/Open Forum (needs more discussion)
PW	SPS #5 Contract Award and Approval (May push to 10/11)
PW	Lab Equipment Procurement
PW	Procurement of Golf Green Mowers
PW	Additional SRF Loan for the Effluent Pipeline
Legal	District Advertising Policy

<b>October 11 – No Trustee Tonking</b>	
Reminder	Contract Amendment Review – for District Janitorial Services For Alta Vista Cleaning Services and CC Cleaning Service
PW	Reservoir 3-1 WPS 4-2/5-1 Road – Approve & Award Design Contract
Legal	District Advertising Policy

<b>October 25</b>	
Reminder	Hyatt Sport Shop Agreement
Board	Discussion on creating a District policy on language i.e. Spanish, Italian, Polish, etc. (Tonking)
PW	Bond Resolution for SRF Funding
PW	Effluent Pipeline GMP 2 Award
PW	Rec Center HVAC – Contract Award & Approval for A&E Team
Finance	FY 2022/23 4 <sup>th</sup> Qtr. Budget Update & Expense Projects Report
Finance	FY 2022/23 4 <sup>th</sup> Qtr. CIP Popular Status Report
Finance	Capital Carry Forward Report
Board	Appointment to Audit Committee to fill vacancy (Homan)

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<b>November 8</b>	
Reminder	Flashvote contract review – expires 12/2023
<b>BOT</b>	All-you-can-play golf pass review
Reminder	OpenGov contract review – expires 11/30/2023
Finance, HR & IT	Project Closeout Report (within the GM Report) on the Tyler Project?
Board Advisory Golf Committee	Report on initial findings/recommendations (without financials)
<b>PW</b>	Skate Park Design-Build Award
<b>PW</b>	Incline Beach House Design-Build Award
<b>PW</b>	SPS #5 Easement
<b>PW</b>	SPS #1 Construction Contract Approval & Award

<b>December 13</b>	
Reminder	Contract Review – Parasol Tahoe Community Foundation (storage space), First Non Profit (Unemployment), USFS (DP Special Use), TRPA (watercraft inspection) – expires 12/31 Contract Review – Washoe County School District Joint Use Agreement (no expiration – annual review)
<b>PW</b>	Burnt Cedar Emergency Fuel Tank Replacement

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**PARKING LOT ITEMS**

<b>Date of Request</b>	<b>Item</b>	<b>Requester</b>	<b>Status/Notes</b>	<b>Date Completed</b>
1/18/21	Possible discussion on IVGID needs as it relates to potential land use agreement with DPSEF	Trustee Schmitz		
11/3/21	Request that the Board discuss a strategy for dealing with e-mails and correspondence that the Board receives. Need to have a strategy and approach on who responded – come up with a consensus by the Board on who responds.	Trustee Schmitz	Related to Policy 20.1.0. Follow up with District Counsel Nelson  <i>Trustee Noble is responding to each correspondence.</i>	
Unknown	Next step on Diamond Peak parking lot/Ski Way – Staff added reminder	GM DPSR Bandelin		
Unknown	Modifications to current budget to reflect grant funding and cost sharing on Effluent Tank	Director of Public Works		
Unknown	Liaisons with Washoe County	Trustee Schmitz		
2/8/23	Capitalization Policy	Trustee Schmitz		
2/8/23	Update on Snowflake Lodge	Trustee Noble		
2/8/23	Workforce Housing for Seasonal Employees	Trustee Noble		
4/5/23	Policy 16.1 – Recreation Roll	Trustee Schmitz		
4/5/23	Punch Card Recommendations	Trustee Schmitz		

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Date of Request	Item	Requester	Status/Notes	Date Completed
4/5/23	Review policy re: use of procurement cards	Trustee Tulloch		
5/25/23	Family tree (Ordinance 7) review	Trustee Schmitz		
5/25/23	Two (2) Policy 20.1.0 on the website	Trustee Schmitz	This is correct and it will be corrected when one of these policies comes before the Board	
5/25/23	Pyramid (within Practice 6.1.0) – The Board never discussed how our venues fit into the practice	Trustee Schmitz		
5/25/23	Do a survey for the IVGID Magazine to see if there is value in producing a paper copy and mailing	Trustee Schmitz	<i>The survey remains open – a report will probably be ready for the 2nd meeting in Sept.</i>	
06/14/23	Clarification on Scope #3 (IT) with Moss Adams	Trustee Schmitz	<i>RFP out; bids due back 10/4</i>	
06/14/23	Skate Park update	Trustee Schmitz	<i>Plan is to send the RFP out for skate park design build contractors in October and be able to go back to the Board for selection in December</i>	
06/14/23	Discuss the possibility of scheduling a community Town Hall or perhaps having a 30-minute social half hour before each Board meeting	Trustee Schmitz	<i>May hold on 9/27</i>	
Date of Request	Item	Requester	Status/Notes	Date Completed



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06/28/23	Review and Possible Approval of Revisions to Policy 2.1.0	GM Bandelin		
06/28/23	Review CIP Roles & Responsibilities (Policies 12.1, 13.1 and Practice 13.2)	GM Bandelin		
06/28/23	Chairman Dent to propose 2 days for a Trustee Forum	Chairman Dent		
06/28/23	Redactions – needs a legal non-meeting as a Trustee requested that the PE's be made public	Chairman Dent		
07/12/23	Waste Management	Trustee Schmitz		
07/12/23	Strategic Plan	Trustee Tulloch	October	
07/12/23	Writing a letter to schools regarding programs	Chairman Dent		
07/26/23	Update on Food and Beverage (from 7/26/2023 meeting)	GM Bandelin	<i>Will come before the Board before year end.</i>	
08/01/23	General Fund Augmentation (if needed) including public hearing	GM Bandelin/Interim Director of Finance Magee	Will be determined if it is needed	
08/09/23	5-year Capital Improvement Plan (CIP)	Trustee Schmitz/Tulloch		
08/09/23	UNR and Washoe County BOT's Additional Training	Trustee Tonking	<i>Date to be determined after 2<sup>nd</sup> training is rescheduled</i>	
08/09/23	Revise State Budget Forms (if needed)	GM Bandelin/Interim Director of Finance Magee	<i>Will be agendized at the appropriate time</i>	