

**MEMORANDUM**

**TO:** Board of Trustees

**FROM:** Sara Schmitz, Chair

**SUBJECT:** Review, discuss and accept the submitted responses to the Townhall questions

**DATE:** January 1, 2024

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**Recommendation:**

The board makes a motion to accept the submitted responses to the Townhall questions.

**Background:**

The board responded to several questions submitted by members of our community at the Townhall meeting held in October 2023. The board received far more questions than could be responded to in the time allotted for the Townhall. Therefore, the board committed to responding to the remaining unanswered questions. The attached document contains the combined responses from the Trustees who chose to respond. This completes the activity related to the Townhall questions.

# IVGID Town Hall Questions

## Answered by the Board of Trustees

- 1) Trustee Noble – is your service on this Board what you thought it would be when you were elected? If yes, how so. If no, please elaborate.
  - **Trustee Noble:** Opting not to respond.
- 2) Trustee Tulloch – your sense of humor has been found to be offensive – what are you doing to correct this behavior?
  - **Trustee Tulloch:** I am unaware of any such “finding” so unable to comment.
- 3) At least 7 senior manager jobs have been vacated in a year. Why are we investigating fraud, when the apparent reason is micromanagement by Trustee Schmitz and Tulloch?
  - **Trustee Schmitz:** The senior managers departed in 2023 were the General Manager, who chose not to have his public performance review and instead accepted a separation agreement, the Director of Finance, the Director of Public Works and the Director of Golf. It is not uncommon for senior management change when the CEO/GM level person departs.
- 4) Trustee Schmitz – is it true that you authorized the purchase of pickle-ball ball tossing machine that wasn't in the budget for this year?
  - **Trustee Schmitz:** I have no authority to authorize any purchase. Only the board, at a public meeting, has the ability to direct staff. As the Pickleball Liaison, I updated Interim GM Bandelin about the committee's ROI analysis of the pickleball machine. If anything has been authorized, it would have been at the request of Interim GM Bandelin. Given, based on the ROI analysis, the revenue from the machine rental will surpass the cost of the purchase resulting in an increase to the bottom line financials within one fiscal year.
- 5) How can Ms. Schmitz tout her fiscal responsibility when she loses a 25.9 million dollar grant, she's looking to spend half a million dollars in hiring a new GM, and she's complaining that the recall may cost the District \$100,000.00? Resign already!

- **Trustee Schmitz:** There was never a \$25M grant. There was never a vote on a \$25M grant. The MOU dated January 2022 stated there was no financial commitment nor a commitment to complete the project. The only grant was for \$2.4 for design and preconstruction services with no commitment to complete the project. The contract had a termination clause that stated the board could “cure” any issues, however the Board took no action. The details of the project can be read in the meeting minutes from October 24, 2022.

The District is not paying \$.5M to hire a new GM. At the board meeting on August 30<sup>th</sup>, the board approved a not-to-exceed budget for the GM recruitment of \$50,000.

- 6) Trustee Schmitz please tell us about your plans for the Recreation Center expansion and how you plan on putting together a funding source?
  - **Trustee Schmitz:** This is a board decision. The first step, which is in progress, is for the board to conduct a community survey. This is needed to determine if priorities identified in the 2019 Master Plan are still the priorities of the community today. The District has over \$12M in EXCESS Community Services fund balance and could use some or part of this and/or the board could decide to bond an expansion project. The expansion would be for community priority needs such as the possibility of an additional gymnasium, expanded weight room, expanded cardio/fitness space, etc.
- 7) Why did Vice-Chair Schmitz unilaterally shut down the months of work by the Dog Park Committee and choose the Village Green for the preferred sight for the Park which was in direct conflict with a large majority of the Community?
  - **Trustee Schmitz:** This is a board decision. At the board meeting, the dog park committee was heading down the path of conducting a survey and making plans for a property the District does not own. It remains unclear if or when the US Forest Service land across from the high school will ever be transferred to the District. If the committee’s goal is to build a dedicated dog park, the District shouldn’t spend money and develop plans on property the District doesn’t control.
- 8) Why does Vice-Chair Schmitz continue to engage in the daily operational activities at the Beaches and various other venues of the District when her job as Trustee is to provide input to the General Manager through the Board deliberative process? No Trustee has the authority to demand reports, dictate operations or interfere in the day-to-day activities of the District.

- **Trustee Schmitz**: No Trustee has any authority to direct anything, I regularly visits the beaches which is why I was appointed as the Beach Liaison.
- 9) In recent audit meeting, Trustee Schmitz acknowledged that board involvement in staff work was not allowed. Yet she continually does it. What is the remedy?
- **Trustee Schmitz**: Trustees speak with staff and at times have a responsibility to speak with staff when it pertains to upcoming board decisions. Chair Dent has explained the process in another question. I participate in many District activities such as Conversation Café, the Veterans Club, Incliners, pickleball and various programs at the Rec Center and volunteer to ski instruct as part of the Seniors Programming at Diamond Peak.
- 10)**Question for Sara Schmitz**: Why do you think there has been a mass exodus of senior IVGID management during the past 12 months under your tenure as a board member?
- **Trustee Schmitz**: (See Question #3)
- 11)**Question for Sara Schmitz**: You are known for “Micromanaging IVGID Staff”. Have you had the opportunity to reflect on how your actions have adversely affected IVGID staff? Do you take responsibility for your actions and how your excessive micromanagement has contributed to the lowest employee morale and the emergence of a toxic work environment for IVGID employees?
- **Trustee Schmitz**: As stated by Chair Dent, the work environment is the responsibility of the senior management team. The board does not get involved with the management, oversight nor leadership of staff. If there were issues with a Trustee, the Chair and Legal Counsel would address the issue.
- 12)**Question for Sara Schmitz**: You continually say that you don’t know that you had to vote yes on both initiatives regarding the David Duffield Foundation Grant. Why do you continue to deflect this? In the last Channel 4 News report it was clear that GM Winquest spoke to every trustee reiterating that the donation required unanimous support. Will you ever take responsibility for the loss of the \$26 million dollar grant?
- **Trustee Schmitz**: There was never a \$25M grant. See Question #5
- 13)**Question for Sara Schmitz**: Trustee Schmitz, you alone are responsible for the loss of the \$26 million dollar grant from the Duffield Foundation. You and Trustees Dent and Tulloch spearheaded a campaign to remove GM Winquest. Which is costing the district \$250,000 to pay out his remaining contract. If we

make it to a special election the cost to the district will likely be \$100,000. Have you thought about resigning to save the district the additional expense?

- **Trustee Schmitz**: No. I was elected to serve and will continue to do so with integrity and transparency.

14) How did the Board handle the complaint by staff that Trustee Schmitz had inappropriately interfered with staff handling her neighbor's beach pass privileges?

15) Why Does Vice-Chair Schmitz continue to lie regarding the Duffield Foundation Grant when she, herself, admitted in hindsight, that she made a mistake when questioned by Channel 4?

- **Trustee Schmitz**: See Question #5

16) Sara, how did you come up with the girls' only gym? Totally wrong for the Duffield Donation.

- **Trustee Schmitz**: See Question #17

17) Sara – Why are you claiming the Duffield Donation was for a girl's only addition – Total fabrication of the generous offer you solely rejected?

- **Trustee Schmitz**: The TRPA audio from the meeting on August 4<sup>th</sup> 2022, when the gym at 1100 Ponderosa Ranch Road was approved for long term use, the representative for the project spoke only about 'girls'. I later obtained the detailed plans for the dedicated gymnastics room as part of the possible expansion project and discovered only women's equipment and space contained in the plan. Equipment for men's gymnastics is different than women's. Men's equipment includes still rings, parallel bars, high bar, and the pommel horse, none of which was in the plan nor layout. The District could never have provided a venue for a specific gender.

18) Question 18 was answered at the board meeting on 11/25.

19) Chair Dent, please explain why you did not think it was appropriate to recuse yourself from voting for Mr. Dobler's appointment to the Capital Committee.

- **Board Chairman Dent**: Already addressed this.

20) Why would Board Chair Dent refer to the recall as "fun and games" when questioned by the media? There is nothing fun or gam-like when addressing a recall of 2 Trustees!

- **Board Chairman Dent**: Yes, the recall effort was an attempt to undo the last election and politics is a game.

21) **Question for Matthew Dent:** Did you know ahead of time that Trustee Schmitz was going to vote no on the design of the Duffield project? If you did, why didn't you call for a recess, speak to the GM who in turn could have spoken to Trustee Schmitz to possibly save the \$26 million dollar donation from the Duffield Foundation.

- **Board Chairman Dent:** Please watch the October 24, 2022 meeting.

22) **Question for Matthew Dent:** When you were interviewed by Ben Margiott from Channel 4, can you tell me why you said, "It's nothing new, it's just the fun we like to have in Incline Village." Do you think it was fun when IVGID employees lost access to the beaches? Was it fun when the long term employees who must endure a toxic work environment and micromanagement?

23) **Question for Matthew Dent:** What are 3 objectives that you want to accomplish when you took office, and please share what exactly you have accomplished on each of them?

- **Board Chairman Dent:** When reelected in 2020, I wanted to improve financial reporting, internal controls, and fund burnt cedar pool, Incline Beach House, and start the Effluent pipeline project.

24) Trustee Dent – Where is the documentation from the Ethics Commission that you said you would submit to be included with the meeting minutes?

- **Chairman Dent:** Allegations were dismissed and this information was provided to the Audit Committee and reviewed during a previous meeting.

25) Question 25 was answered at the Townhall.

26) Question 26 was answered at the Townhall.

27) You have put a time certain adjournment on this agenda and did so at the last minute – why? What was your Fear? And why 8:30 p.m. when typical Board meetings go to 10 or 11 p.m.

- **Chairman Dent:** To provide expectations to my colleagues and community in advance.

28) Question 28 was answered at the Townhall.

29) Your Leadership, Chairman Dent, at meetings is deplorable as you never stop degrading comments towards Staff – Why?

- **Chairman Dent:** This was discussed a previous Board meetings and we follow legal counsel's guidance on this.

30) Trustee Schmitz – you have a rather colorful history with the Blackhawk community in Northern California – would you like to take this opportunity to enlighten us? Give us your side of the story?

- **Trustee Schmitz**: I have no idea what this question is about.

31) Why did Chair Dent refuse to honor the request of two of his fellow Trustees to delay the first Town Hall until five of the Trustees could be present? “Meeting dates are set on Wednesdays” is not an adequate answer as set dates have been changed by this Chair several times during his tenure.

- **Chairman Dent**: This was addressed at the Townhall.

32) Mr. Dent, do you have any respect or regard for your fellow trustees? What you have done scheduling this meeting is quite bothersome. We know this was Trustee Tonking’s idea that you stole to use for your political wellbeing which is a joke. Do you think it may have been more advantageous if you waited until the entire BOT was available, not only out of respect for your co-trustees but for your community members who you’ve been elected to SERVE? Do you think it was wrong to form by vote a golf advisory committee without trustee Noble there?

- **Chairman Dent**: This was addressed at the Town hall.

33) Why would Board Chair Dent allow this meeting to take place when one of the Trustees, Tonking, was unavailable and had given prior notice over a month ago? And Trustee Tonking was a staunch advocate to hold Townhalls as evidence in her campaign literature.

- **Chairman Dent**: This was addressed at the Town hall.

34) Why are you holding this forum when Trustee Tonking is out of town and this was her item? Isn’t that rude and disrespectful?

- **Chairman Dent**: This was addressed at the Town hall.

35) Is resigning even a possibility?

- **Chairman Dent**: I was appointed in 2015 when Trustee Smith Resigned and we appointed Trustee Horan when Trustee Devine resigned. So yes, Trustees can and have resigned in the past.

36) This question is for Sara: How can you be so disrespectful of staff that have faithfully and proudly worked for IVGID longer than you’ve even lived here?

- **Trustee Schmitz**: I have no idea what this question is about.

37) Same question for Matthew and Ray. Why are you so disrespectful of staff?

38) Why are you so intent on fixing a community that isn’t broken?

39) Why do you continuously ignore most of the community members who are against what you are doing?

- **Trustee Schmitz:** Our cell phones and email address are on-line. When the board receives call or emails, individually we respond. It is unclear what is perceived as being ignored.

40) Do you thrive on power so much that you ignore how you hurt so many others?

- **Trustee Schmitz:** Staff issues are for the GM and his directors to address.

41) Question 41 was answered at the Townhall.

42) Why does Vice – Chair Schmitz continue producing her biased newsletter through her 501-(c)3 Community First Foundation and solicit for folks to remove themselves from the petitions which is in direct conflict with the rules of a non-profit engaging in political activities?

- **Trustee Schmitz:** As editor of the Incline Village Crystal Bay Community 1<sup>st</sup> posts and newsletter, the information shared is factual with links to agendas and documents for the public to review and determine their position on issues. The Mission Statement reads “[To objectively inform and educate the citizens of Incline Village/Crystal Bay for the purpose of uniting, engaging, and empowering citizens to ensure our local, county, and state governments are responsive and accountable to our community.](#)”

43) Question 43 was answered at the Townhall.

44) How did public outcry over ending the employee beach policy affect the Board’s thinking and future actions?

- **Trustee Schmitz:** Please see the letter from Special Legal Counsel at: <https://www.yourtahoeplace.com/uploads/pdf-ivgid/E.2. - Reports - Letter from Thorndal Armstrong re Beach Access.pdf>. IVGID is not a beneficiary of the beach deed. In fact, all governments are explicitly excluded per the beach deed resolutions 419 and 451 and Policy 16.1. This would be the same for Washoe County. Washoe County can’t invite their employees to the beach.
- **Trustee Tonking:** I believe the board must do a better job of including the community and making sure they understand board decisions and how the board gets there. That means some decisions may take more time than others to ensure the community is aware. Also, for me, we in general need



to do a better job of creating an environment where employees want to be and make sure we are explaining our rationale and decisions. Culture and environment come from the top.

45)How will the public outcry over putting Dobler on the long Term Assets Board affect your practices in the future?

46)Micromanagement seems to be a term that this Board doesn't understand – why not?

- **Trustee Schmitz:** It appears that “micromanagement” must mean to members of the public as holding staff accountable to implement the policies. This is oversight. Perhaps a definition should be created.

47)Where does community benefits fall in Board decisions – since many of the benefits IVGID used to provide – discounts to non-profits, access to the beach for water safety purposes, access to the golf courses for the high school golf team, ect. Have all been discontinued; who changed IVGID from community based to penny-pinching money and rules based? I don't think that was in any of the Board's campaign goals.

- **Trustee Schmitz:** There are policies that clearly provide staff direction for the use of venues by non-profits. The board was unaware of any problems administering the water safety program. The issue has been resolved and plans are in place for the water safety program in 2024.
- **Trustee Tonking:** I believe that the IVGID board should be making decisions that best address the needs and success of the community. The community and community support are vital for IVGID's existence and success.

48)Question answered at the Townhall.

49)Question answered at the Townhall.

50)Question answered at the Townhall.

51)Question answered at the Townhall.

52)The Mountain Niners are currently being “punished” due to what you conceive as a political statement, when it was intended to educate our members of the threat to golf and clubs in general. Where can we read where it says we can't inform our members about possible threats to the golf course and/ or golf groups?

- **Trustee Schmitz:** The District had no prior knowledge of the Golf Genius system email capability. This email capability and its use to promote a

political view became a concern. It is not legal to use government resources for the promotion of a political view. In addition, the District is responsible for providing public records upon request and the Golf Genius system doesn't provide the capability. Upon learning of this situation, IT and Legal Counsel changed the rules for its use. This is NOT a board decision, but one from staff.

53) Please explain the seasoning behind your decision to temporarily suspend the ability of one of the clubs to communicate with its membership. Was this a measure and rational means of displaying your disapproval or was it punitive and vindictive? Do you feel this is a good way to gain the support of a community that seems to have lost all respect for you?

- **Trustee Schmitz**: See Question #52

54) How were the Golf Advisory Committee members selected by the Board of Trustees, specifically, what was the criteria of each person?

- **Trustee Tonking**: The application requirement was placed in the newspaper. Each board member read resumes and cover letters and made the decision on who their top candidates are. The board was then asked to vote on their top candidates. When I selected my top list, I was very much looking to get a variety of viewpoints to enable a good conversations and debate. I wanted people both on and not on golf clubs, experience with both mountain and championship course, and operation and financial skills.

55) There are at least 200 woman golfers in golf clubs in Incline Village, how is it that not one woman was selected to the golf advisory board?

- **Chairman Dent**: This was addressed at the town hall, Trustee Tonking is on the golf advisory committee.
- **Trustee Tonking**: This is and was a huge concern for me.

56) Who is protecting staff from retaliation – and how – if they signed the 2023 recall petitions, since Trustee Schmitz has the list?

- **Trustee Schmitz**: The petitions are available to the public. Anyone may obtain the list. Anyone may review the financial disclosures of those whom donated to the recall effort. This is all public information. There is a no-retaliation policy within the District.
- **Trustee Tonking**: retaliation is unethical and illegal. I hope if employees ever feel they are being treated this way it is reported to HR, Legal, GM, and/or audit committee. Wherever, the staff member feels the most comfortable

57) It appears to the public that Trustee Schmitz has personal vendettas against certain employees – would you care to comment?

- **Trustee Schmitz:** There can be no ‘vendettas’ as this would violate policy.

58) Trustee Schmitz – how many times, on average, do you communicate with the Interim General Manager Bandelin?

- **Trustee Schmitz:** I communicate with Mr. Bandelin as needed. A few times a week, depending.

59) Trustee Tulloch – how many times, on average, do you communicate with the Interim General Manager Bandelin?

- **Trustee Tulloch:** Typically 1-2 times/week depending on meeting agendas/ issues raised.

60) If the wealthy on Lakeshore Drive can invite groups as guests on their property without sacrificing their property rights, why can't IVGID invite their employees?

- **Trustee Schmitz:** Please see the letter from Special Legal Counsel at: <https://www.yourtahoeplace.com/uploads/pdf-ivgid/E.2. - Reports - Letter from Thorndal Armstrong re Beach Access.pdf>. IVGID is not a beneficiary of the beach deed. In fact, all governments are explicitly excluded per the beach deed resolutions 419 and 451 and Policy 16.1. This would be the same for Washoe County. Washoe County can't invite their employees to the beach. Any property owner may bring guests to the beach, in compliance with Ordinance 7. It has nothing to do with anyone's address or financial status.

61) Why was a \$50,000 contract to give legal opinion on employee beach access signed over a month after the policy was announced to employees? And why would one legal opinion cost \$50,000?

- **Chairman Dent:** The cost was not \$50,000. The Board followed previous Boards in contracting with special counsel.
- **Trustee Tonking:** The legal firm was hired to assist in advising on various issues in regards to ordinance 7.

62) Regarding the beach deed what EXACT question was posed to special legal counsel that resulted in this new and different determination?

- **Trustee Schmitz:** Is IVGID or its employee beneficiaries of the beach deed? The answer was no.
- **Trustee Tonking:** Legal needs to address this.

63)What is this Board doing about replacing beach access that you took away from employees? And why did you do away with a terrific recruiting tool?

- **Trustee Schmitz:** The HR Director has not reported to the board any issues related to recruiting. The HR Director has also been surveying employees regarding benefits that are important to them. The board has not heard any specific requests or recommendations.
- **Trustee Tonking:** The board was presented with what I believe were a lot of great ideas from the HR Director. The board, however, gave instruction at the time to not move forward with the additional benefits given the benefit package already offered. I personally believe the board needs to reassess employee benefits due to the number of openings the district has and to stay competitive in this climate.

64)What was the intention of the Board to overturn the previous legal decision made to grant non-resident IVGID employee's beach access when it was already determined it did not violate the beach deed?

- **Trustee Schmitz:** I have no intention of placing our beaches at legal risk. They are assets to our community and their restricted access is essential to our property values.

65)In California, businesses with high value property that is sometimes used by the public, take one day a year to close off their property to protect their private property rights. Why can't IVGID simplify the beach deed problem and do the same thing? Were any discussions of alternative methods, other than banning employees from the beaches, made?

- **Trustee Schmitz:** The board cannot make changes to the beach deed.

66)Have you researched Kevin Lyons background in Governance before hiring his firm?

- **Chairman Dent:** Yes
- **Trustee Tonking:** Yes

67)When the Community speaks, do you listen?

- **Chairman Dent:** Yes
- **Trustee Tonking:** Yes
- **Trustee Schmitz:** Yes

68)Why is Trustee Tonking's request for an investigation into the high IVGID turnover rate being ignored?

- **Chairman Dent:** This is for HR to address and I am not sure what is being ignored.

- **Trustee Tonking:** I will make sure this ends up on the Long Range Calendar,

69)What is your knowledge of the 2018 Master Plan? Why would you need a survey regarding the community service's needs, when you already have this through the master plan?

- **Trustee Schmitz:** Because 2018 was a long time ago and the board should 'check in' with the community and not assume priorities from 2018 are still valid.
- **Trustee Tonking:** There has been a lot of change in our community since the 2018 Master Plan. I think it will be beneficial to ensure the community still feels the same, especially after COVID.

70)The Moss – Adams report recommended that the GM Job be split into 2 positions. Trustees from the 2022 GM evaluation continually mentioned that the GM had too little staff and too much to do. In 2022, only Sara Schmitz gave the GM and evaluation under 7. Coincidentally, Sara Schmitz was embarrassed because she caused the loss of the \$25 million Duffield Grant in the fall of 2022. How did we go from these facts to pushing out the GM, paying for an extra year's salary for him, paying a recruitment company \$50,000 and approving an Assistant for the GM? Why did the Board Allow Sara to retaliate against the GM at these huge costs to IVGID community?

- **Trustee Schmitz:** The board has not allowed anything inappropriate to transpire.

71)Why is the majority of this Board willing to spend close to \$500,000 in search and hire of a new GM, who will have zero knowledge of the District, when we had a very capable and well liked GM already in the position?

- **Trustee Schmitz:** The contract is not-to-exceed \$50,000, not \$500,000.

72)We have a community member who is verbally abusing staff. The Board is aware of it, so when is this Board going to address it, or are they just going to continue to ignore it and hope it goes away?

- **Trustee Schmitz:** This is the responsibility of Management.
- **Trustee Tonking:** The board needs to protect first amendment; however, we are also responsible in ensuring that our staff are working in safe environment. We need to continue to work with legal and address our policies.

73)The Board had a General Business item to appoint liaisons to the venues and then without a General Business item you “fire” Trustee Tonking and appoint Trustee Schmitz – I don’t think that was legal – would you care to comment?

- **Trustee Schmitz:** It was mutually agreed upon.

74)Has any Trustee filed a Voter Integrity Complaint in the last 6 months? If yes, was it more than one and what was the subject matter?

- **Trustee Schmitz:** I’m aware of none.
- **Trustee Tonking:** I have not

75)After the issues with the application and selection of the Capital Improvement Committee, why would the Board suggest any future committee could self-appoint and not follow the vetting process that the Board has previously approved?

- **Chairman Dent:** We suggested the CIC Chair to ask the next in line to join the committee. This follows previous Board practice with appointing Trustees or committee members.
- **Trustee Tonking:** I do not believe any board committee should be able to self-appoint. This would not allow equal access to the community to be involved.

76)How did the Board handle the resignation of Mr. Homan from the audit committee, where he cited ethical problems and interference by Trustee Schmitz?

- **Trustee Schmitz:** I am unaware of any ‘interference’.

77)Who decided to change 50 years of practice and not have the GM at the Board meeting with the Trustees – and when was it decided – since it was implemented before the new Board was installed and elected officers?

- **Chairman Dent:** This has been addressed at the town hall.
- **Trustee Tonking:** I am unsure how this decision was made. It was not a vote of the board but I believe it is a decision the Chair can make.

78)Since in 2021 & 2022 Trustees Tulloch, Schmitz, and Dent were all either Trustees, on the Audit Committee, why suddenly in 2023, is there a big problem with the Finance Department and the concern about fraud?

- **Chairman Dent:** There has been concern for many years about improper reporting.

- **Trustee Tulloch:** Several of the issues currently under review were previously raised by the Audit Committee but disregarded by the previous Board. It also appears now that information – such as the repeated failures to perform monthly banking reconciliations – were withheld from the Audit Committee and the Board
- **Trustee Schmitz:** The Audit Committee’s recommendations from this time were overruled by the Board.

79)How was the GM protected from retaliation by Trustee Schmitz for protecting employees from her ongoing interference?

- **Trustee Schmitz:** Answered with similar questions.

80)Some vocal parcel holders want to dismantle IVGID completely. Given the numerous management vacancies, continual micromanagement, and inability for staff to get things done, it seems like the Board is bringing this parcel holders wish to fruition. How do you respond to this concern?

81)What do you think the Public should think when Cliff Dobler boasts, “I own the Board”?

- **Trustee Schmitz:** No one “owns” anyone. People can make outrageous comments for which the board has no control nor responsibility for.

82)How did public outcry over the departure of the GM affect your actions in this event? How did you encourage him to stay?

- **Trustee Schmitz:** He was encouraged to stay and have his public performance review.

83)This question was answered at the Townhall.

84)This question was answered at the Townhall.

85)This question was answered at the Townhall.

86)The Board is Responsible for providing a Safe working environment for employees – and Board members are not allowed to interfere or involve themselves with the staff – but only interact with the GM. Why is it that employees continue to complain about inappropriate behavior by parcel holders and interference by certain board members and seemingly nothing is done?

- **Trustee Schmitz:** It is management’s responsibility to ensure policies are adhered to, to protect employees.

87)How is this Agenda item Clear and Complete, which is required by NRS? You are in direct OML violation by continuing.

- **Chairman Dent:** The agenda was approved by general counsel.

88)Why doesn't the Board talk about the ongoing IVGID management vacancies – but authorizes layer after layer of audits and consultants?

- **Trustee Schmitz:** The board and senior staff work together to determine priorities in an open, public meeting.

89)While the board has not discussed venue privatization and contracting out venues, people financially supporting your campaigns have. Board decisions also seem to have been made prior to any board meeting, indicating some back-door discussions are happening. How can the public be guaranteed that privatization or contracting out venues will not be done?

- **Trustee Schmitz:** There are no 'back door' discussions. That would violate OML. Two Trustees may discuss, however they cannot confer with a third Trustees if it pertains to any action to be taken by the board.

90)Why are we ignoring actual recreational needs, such as fixing the tennis courts and instead, spending so much money on audits, when there is no evidence of any problems except lack of staff?

- **Chairman Dent:** We are not ignoring recreational needs. Staff budgets priority projects each year, the tennis courts are on the 5 year CIP. We have a short season for construction and other projects are In front of the tennis courts currently.

91)This question was answered at the Townhall.

92)This question was answered at the Townhall.

93)This question was answered at the Townhall.

94)This question was answered at the Townhall.

95)This question was answered at the Townhall.

96)This question was answered at the Townhall.

97)This question was answered at the Townhall.

98)If the gymnastics structure were built in the future, what are the estimated costs for maintenance and upkeep?

- **Trustee Schmitz:** This information wasn't provided to the board.

99)How can you possibly say you are transparent when you do things that are so under the rug and secretive, only disclosing after the fact?

- **Chairman Dent:** Answered at the town hall.



100) Why did the Board of Trustees think they had a right to infringe on the 14<sup>th</sup> Amendment of the US Constitution by questioning LLC's as a legal of title? Isn't this discrimination and way outside of the Trustees purview and jurisdiction?

- **Trustee Schmitz:** Staff and legal counsel took a pause to review and ensure the process for card administration was in alignment with Ordinance 7.

101) This question was answered at the Townhall.

102) When a Trustee is overstepping their boundaries and there are boundaries, what actions are taken to remedy the situation?

- **Trustee Schmitz:** Already answered.

103) This question was answered at the Townhall.

104) The Chair should ensure the Board effectively governs IVGID and that trustees work well together. How does he think this is going?

- **Trustee Schmitz:** He's doing a great job through challenging times. The chair can't control other Trustees signing of a recall petition. The signing hasn't improved the working relationship between Trustees.

105) The Board had a General Business item to appoint the venues and then without a General Business item, you "fire" Trustee Tonking and appoint Trustee Schmitz – I don't think that was legal – Would you like to comment?

- **Trustee Schmitz:** This change was discussed and mutually agreed upon.

106) Why is the Board focus always on finances – not recreational benefits? For example, the Board recently bemoaned that the beach goers only spent \$2.50... as if the goal was for Beach goers to spend \$25. Isn't the purpose to let parcel holders use the beach, not for IVGID to extract the most money it can from us. Do any of the Board members actually use the facilities – or do you just see potential profit centers everywhere? What do you think the public should think when Cliff Dobler Boasts, "I own the Board"?

- **Trustee Schmitz:** The board has a fiduciary responsibility to oversee the District's finances. Your comment about \$2.50 and \$25 is unclear. The board hasn't talked about this, so it is unclear what you're referring to. No one owns anyone and we have no control over what others say.

107) Who decided to ignore the longstanding, pyramid policy for cost reimbursement, where pricing is based on 0, 25%, 50%, and 75% of cost based on community versus personal benefits? The practice has been that the basic \$650 annual recreation fee pays for most of the package of recreational venues, with additional charges added based on a pyramid approach. This approach is

how Incline properties have been marked=ted and sold since the early 1970's. Who decided to flip the pricing so the individual fees are first, with the basic annual fee optional?

- **Trustee Schmitz:** The pyramid is not being ignored. It has been in the past, however this board is working to bring clarity as to how it is applied consistently across the venues and programs for this upcoming budget.

108) This question was answered at the Townhall.

109) This question was answered at the Townhall.

110) Why are there no women on the Golf advisory committee?

- **Trustee Schmitz:** Trustee Tonking is the chair of the committee. As a board we can't discriminate based on gender and selected who the board felt had the best ability to move the District forward in a positive manner.

111) Why did the Board of Trustees select the Village Green as the location for a dedicated dog park without consulting the community?

- **Chairman Dent:** The GM's dog park committee selected this location given the limited locations in town.
- **Trustee Tonking:** There will be a community survey.

112) This question was answered at the Townhall.

113) This question was answered at the Townhall.

114) This question was answered at the Townhall.

115) This question was answered at the Townhall.

116) This question was answered at the Townhall.

117) It seems that in addition to making repetitive, generally negative comments at each board meeting, some parcel holders also submit endless public request documents, endless emails, make phone calls, have meetings with Board members, and finance campaign costs to push their point of view. This is happening while people who come and make statement at the public meeting seem to be ignored. How should this problem be resolved?

- **Trustee Schmitz:** You appear to be making many generalizations and assumptions. First, people have the right to free speech during public comment at meetings. To assume some are listened to and others isn't a valid assumption. In addition, the public has rights to obtain public documents. We have a new policy that if a request consumes time, they may be charged. Anyone can contribute to a campaign and it gives them no right or ability to control anything. Making assumptions and reaching a conclusion may not be valid.

118) This question was answered at the Townhall.

119) Are you or someone else prescreening the submitted questions and if yes, why?

- **Chairman Dent:** No, the questions were not altered.

120) This question was answered at the Townhall.

121) This question was answered at the Townhall.

122) This question was answered at the Townhall.

123) This question was answered at the Townhall.

124) This question was answered at the Townhall.

125) This question was answered at the Townhall.

126) This question was answered at the Townhall.

127) This question was answered at the Townhall.

128) This question was answered at the Townhall.

129) This question was answered at the Townhall.

130) This question was answered at the Townhall.

131) Townhall

132) Townhall

133) Townhall

134) The Board of Trustees is responsible for the oversight if the Districts financial reports and the systems of internal controls. When do you hold yourself accountable for the issues happening within IVGID?

- **Chairman Dent:** Internal Controls are the GM's job responsibility.

135) Townhall

136) Townhall

137) Townhall

138) Townhall

139) Townhall

140) There has been discussion to allow new senior managers to work remotely in order to fill vacancies. What are the tangible costs of having remote executives? Why were no efforts made to retain existing executives?

- **Chairman Dent:** Addressed this at the town hall.

141) Answered at 11-25 meeting.

**\* In no particular order the questions below were submitted on or before October 11, 2023, the night of the Town Hall and were previously addressed during the Town Hall/ Forum and during the Board of Trustees meeting of 11/25/2023 are noted.**

**\*Submitted via email**

1) Question for Trustee Schmitz

Trustee Schmitz, why did you propose a 100 cost recovery target for the Champ Course when many residents besides golfers use the course, especially in the off-season, for dog walking, cross country skiing, snowshoeing, sledding, and level-ground hiking; and when every property owner in IV/CB benefits in terms of maintaining their property values by having this course in our community?

GreenPlay, the inventors of the Cost Recovery Pyramid, would suggest that when a venue benefits such a wide swath of the community, and has a short operational window for revenue generation, the cost recovery target should be significantly less than 100%.

- 2) What exactly is a general improvement district ("GID")? Not the verbiage contained in NRS 318.075 (a "body corporate and politic and a quasi-municipal corporation") which few understand but rather, what exactly is it?
- 3) How exactly do GIDs differ from other "governmental subdivision(s) of the State of Nevada?"
- 4) What powers do GIDs possess, and how are they limited by Dillon's Rule, if at all?

- 5) How do those powers differ from those permissibly exercised by other general governments?
- 6) Where does one go to get answers to these questions other than reading the NRS for him/herself?
- 7) Is IVGID exceeding its permissible powers?
- 8) If so, what remedies exist to address IVGID's exercise of excess permissible powers?
- 9) What is the status of the search for the IVGID General Manager and what is the targeted date for onboarding the successful candidate? It would be helpful for the Board to periodically update the community as the process continues.
- 10) What is the status of the preparation of the District Strategic Plan for the period of 2023/2024 through 2024/2025 and is it intended to be completed prior to the appointment of a new General Manager or subsequent to his/her onboarding?
- 11) Has the Board defined expected revenue for each of the recreational facilities so that performance against objectives (Performance against Plan) can be evaluated? Without expected metrics, how can performance be accurately and fairly defined?
- 12) Has the Board and its counsel evaluated how the current agenda format limits public participation by virtue of having public comment before an agenda item is raised. The current format has, for many interested parties, significantly limited public participation because reports from Board and Staff have been embargoed until the agenda topic is opened. An obvious example is the April meeting of the BOT where the report outlining golf operations and possible changes was not released to interested parties despite having it ready at the sign-in table?
- 13) Is it true that some or any of the members of the Board of Trustees have discussed the elimination of the organized golf clubs that currently use the Incline Village golf courses? If so, why?
- 14) Is it true that some or any of the members of the Board of Trustees or their Staff have discussed the possibility of selling any of the IVGID recreational venues to private investors or private operators? If so, why, when and in what context?
- 15) There have been rumors regarding the closer of the Mountain Course. What are the current views of the Trustee' regarding the Mountain Course?

16)I understand that there are a couple of financial audits either being conducted or contemplated based on details provided by the Acting Director of Finance regarding the state of IVGID finances.

What are the status and any interim findings of these efforts?

17)With the current turmoil created by the recall hopefully concluding, what are the next steps, and if the vote is unfortunately for recall, what are the selection process for new board members?

18)Will Washoe County charge us for the cost of the recall special election?

19)What is the status of the Recreation Center, remodel, or expansion?

20)Is the Château undergoing a process of remodel or expansion?

21)Will there be some revisiting and possibly changes to the some of the extensive changes to our all-you-can play passes for the golf course?

Particularly the unreasonable increase in couples pass costs and very limited play on weekends for all-you-can-play passes.

22)"Given that members of the BOT, members of the Audit Committee, and the surviving IVGID finance people see no evidence of fraud, theft, embezzlement or malfeasance in IVGID's conduct, why in the world is the Board authorizing spending \$30,000 to \$150,000 for a forensic audit?"

I quote from investopedia.com

During a forensic audit, an auditor seeks to derive evidence that could potentially be used in court.

A forensic audit is used to uncover criminal behavior such as fraud or embezzlement.

23)There seems to be some statements made around golf club members getting special golf play pricing that is better than Picture pass holders. I believe this is not true. Please clear this up by either supporting or denying the above statement? **11-25 meeting**

24)Please state the open management positions that have not yet been filled with a full time employee. Please list the dates that each position became open. Please

give us (residents) an update on the current status of applicants in process for each of these open positions.

25)What Environmental Impact study was submitted by NV Energy or conducted by IVGID prior to approving this project?

26)Since noise limitations within Incline Village are governed by TRPA Code of Ordinances Chapter 28, what noise impact report was submitted by NV Energy to IVGID?

27)Specifically, what noise levels were projected?

28)What noise monitoring equipment is currently operational to ensure that TRPA limitations are met?

29)Was IVGID provided with a Safety Risk Analysis by NV Energy? (Such a study is standard within the aviation industry in order to identify operational risks and plan mitigations)

30)What was so compelling about the Diamond Peak site that led the IVGID Trustees to discount the adverse impact on adjacent homeowners in favor of a commercial agreement in favor of NV Energy?

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**\*SUBMITTED AT THE TOWNHALL/ FORUM**

142) Have you used the skate park? If so, when? **11-25 meeting**

143) Trustee Dent – What is the status of your \$800,000 loan with the Doblars?

144) This Board said a survey wasn't required for the dog park and now you have changed your direction and say it is. Is this going to be different from the community – wide survey OR standalone? **11-25 meeting**

145) Are you on the District's health insurance plan? If yes, how does that work?  
**11-25 meeting**

- 146) The Board is implementing line-by-line online financial disclosure, which will enable a small group of citizens to micromanage and question every IVGID expense, no matter how trivial. The goal of some who do this is to dismantle IVGID. How are you going to protect IVGID staff and the larger parcel – holding community from this massive interference? **11-25 meeting**
- 147) Why are District employees expected to take abuse, suffer slander and liable by certain community and board members without recourse while Trustees are allowed to take valuable taxpayer time and dollars to defend themselves for the same type of abuse on the record at Board meetings? **11-25 meeting**
- 148) Social Media is an important communication tool – do you agree or disagree, and how do you use it? Please be specific as to the platforms you are or are not on/ using. **11-25 meeting**
- 149) How do you think the community will react if you have to increase the recreation fee to pay for all the capital investments that need to be made? **11-25 meeting**
- 150) Is it true that both Trustee Schmitz and legal Counsel are now reviewing every single purchase/ contract, no matter how small or menial? Is this not micromanagement? And what about the added fees being billed by legal counsel – is that reasonable? **11-25 meeting**
- 151) Why does Trustee Schmitz approve all Purchase Orders, when she is not supposed to be involved in the daily operations of IVGID? **11-25 meeting**
- 152) Why do we need a forensic audit – with a current budgeted cost of \$150,000, plus a new position for Internal Auditor – plus the regular annual audit – plus an Assistant Finance Manager – when there is no indication of any fraud – and only evidence that a new computer system, too many special projects, and too little staff have caused the current financial backlog? This is wasting at least \$150,000 which could be used to fix the Tennis Courts, provide Spanish language services to the community survey tool, or any of the many projects that could actually benefit IVGID parcel holders.
- 153) Why was Dobler, who admitted to contributing to some of the Trustees' campaigns, put on the Long Term Capital committee when his behavior on the Audit Committee the prior year caused problems within the Committee and the Staff?



- 154) Bobbie McGee, the Interim Finance Consultant, has reported that in his opinion, IVGID's financial backlog issues are connected to implementing the new Tyler system and managing too many special requests, without enough staff. How does doing a forensic audit at the cost of \$150,000 to \$1 Million fix either of these?
- 155) If it is true that you want to eliminate the golf clubs please explain why. If that is not true then explain why you think keeping the golf clubs is in the community's best interest.
- 156) Are you going to dismantle the golf clubs? If so, how and when are you going to do it?
- 157) Do you think you are treating all of our golf clubs equally? If not, in what way or ways are they not being treated equally? And if they aren't being treated the same can you explain why?
- 158) What is it that you have against the golf clubs?
- 159) Do you believe this community's golf groups are a good revenue source?
- 160) Will eliminating golf clubs that guarantee substantial revenue be a positive or negative?
- 161) What do you, Sara, know about golf and how clubs operate?
- 162) Why do members of this Board keep inferring, through the Audit Committee, that fraud MAY have been committed with absolutely zero proof from the County or the State?
- 163) The volunteer dog geese patrol has been a great success. How is it that a dog member of that patrol, owned by a Board trustee, is blind, must remain on a leash, and walks the beach during non-patrol hours... while other parcel holders cannot walk their dogs on the beach?
- 164) What is the rationale behind locking down the beaches using gates when this doesn't seem to be a problem? Isn't signage enough?
- 165) Why are you not allowing the IVGID employees access to the beaches?

- 166) Has any trustee, in the past 6 months, requested a formal Advisory Opinion from the Nevada Commission of Ethics?
- 167) Do you think a blind Goose Patrol Dog can be effective? If so, why?
- 168) Can you speak to your plans to address the gaps, opportunities, and recommendations outlined in the Moss Adams report?
- 169) When will board members start supporting each other?
- 170) Question for Mathew Dent: why do you allow members of the angry 8 to continually be disrespectful, assaulting, slanderous, and unprofessional? This does not represent our community in any way. Why do you allow this and is there no decorum for public comments?
- 171) Will each question submitted at this Townhall be responded to?
- 172) You have been accused of wanting to change this community into a vacation destination without regard to the model that Incline was successfully built on. Do you deny it? Have you received community support of such an action?
- 173) Was your latest training session with Governance Sciences posted? And why wasn't the public invited?
- 174) What practices from your training have you put to use?
- 175) Why do whistleblower complaints get submitted to the Audit Committee?
- 176) How do you decide what investments should be bonded versus paying cash?
- 177) Do you treat all staff members with respect?
- 178) What is an Enterprise fund? Please be as detailed as possible.
- 179) What does supporting staff look like to you?
- 180) When a Trustee is overstepping their boundaries what actions are taken to remedy the situation?
- 181) Please provide us any examples where public input has affected a board decision during 2023.

- 182) What has been done in 2023 to fix the tennis and pickle-ball courts?
- 183) Why has this board refused to collect data instead of dismissing the pressing issue of staff morale?
- 184) There have been issues delineating between the boards role and what the management team's roles and responsibilities are. What do you feel this boards role should be?
- 185) Are the IVGID Bank accounts now reconciled through 09/30/2023? If not, what month are they recoiled through, and are there any outages?
- 186) Why were there no lifeguards at the beaches in 2023? Did IVGID's insurance rates for the beaches increase?
- 187) What Changes can you make to the whistleblower policy to ensure that IVGID employees can submit complaints without fear of retaliation?
- 188) What makes a Trustee a good Trustee? Details please.
- 189) You have hired a number of consultants – shat has been the benefit that the community has reaped from the spending of these dollars?
- 190) Why are so many of our Sr. Leaders departing?
- 191) If a staff member has a complaint about a trustee, what happens? Please be detailed. **11-25 meeting**

