

1 INCLINE VILLAGE
2 GENERAL IMPROVEMENT DISTRICT
3 BOARD OF TRUSTEES

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8 TRANSCRIPT OF HEARING
9 PUBLIC MEETING - TOWN HALL
10 Live and Via Zoom

11
12 Held at The Chateau at Incline Village
13 955 Fairway Boulevard
14 Incline Village, Nevada

15
16 Wednesday, October 11, 2023
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23
24 Reported by: Brandi Ann Vianney Smith
25 Job Number: IVGID 8

1 APPEARANCES

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3 **BOARD MEMBERS PRESENT**
4 MATTHEW DENT, CHAIR
5 SARA SCHMITZ, VICE CHAIR
6 RAY TULLOCH, TREASURER

7
8 **ALSO PRESENT**
9 JOSH NELSON, LEGAL COUNSEL
10 HEIDI WHITE, DISTRICT CLERK

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1 Incline Village, Nevada - 10/11/2023 - 6:00 P.M.

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5 CHAIR DENT: All right. Folks, we're
6 going to go ahead and get started, so take your
7 seats.

8 All right. I'd like to to call the town
9 hall forum of Incline Village General Improvement
10 District Trustees Board of Trustees to order. It's
11 6:00 P.M. The time of this meeting will end at
12 8:30. Today is October 11th, 2023. We are located
13 in the Chateau, at 955 Fairway Boulevard, Incline
14 Village, Nevada.

15 Item A is the Pledge of Allegiance.

16 A. PLEDGE OF ALLEGIANCE
17 (Pledge of Allegiance.)

18 B. ROLL CALL OF TRUSTEES
19 CHAIR DENT: Trustee Schmitz?

20 TRUSTEE SCHMITZ: Here.

21 CHAIR DENT: Trustee Tulloch?

22 TRUSTEE TULLOCH: Here.

23 CHAIR DENT: Trustee Noble?

24 TRUSTEE NOBLE: Here.

25 CHAIR DENT: I'm Trustee Dent. Trustee

5

1 Tonking let us know she would not be able to make it
 2 this evening. That will close out item B. Moving
 3 on to Item C.
 4 C. INITIAL PUBLIC COMMENT
 5 CHAIR DENT: We do have seven public
 6 comments we have received. Is there anyone else
 7 that wants to make a public comment this evening?
 8 Four. Okay.
 9 You're going to have one minute for your
 10 public comment because this is a meeting -- has a
 11 time limit to end. You will have the full two
 12 minutes at the end of meeting to make your public
 13 comments.
 14 MS. MORRIS: Hi. From the perspective of
 15 someone who was retired from about 20 years of work
 16 in municipal government, I would like to commend
 17 Trustees Dent and Schmitz for identifying many of
 18 the long-standing problems that IVGID had had, and,
 19 in effect, causing IVGID management and staff to
 20 finally begin wrestling with these problems with the
 21 view of solving them.
 22 And this -- we are trying to confront and
 23 solve these problems only because Trustees Schmitz
 24 and Dent were elected to the Board, and I would like
 25 to commend them.

6

1 Thank you very much.
 2 MS. CARS: Good evening. I am here on
 3 behalf of Gail Krolick. She asked me to let the
 4 community know that of her 33 years of this
 5 community that she will not -- not -- run for an
 6 open seat or wish to be appointed to any vacancy on
 7 the Board. Although she believes she could step
 8 right in and help IVGID, it is time to put community
 9 first. It's all about the greater good. She wants
 10 the community to heal and become what it should be.
 11 We are blessed to live in a god's
 12 creation.
 13 So Gail will not be running, and all
 14 community citizens, if that was a concern, there's
 15 some much better people who will be up there and
 16 will be incredible for the community.
 17 Thank you.
 18 MR. PRICE: This meeting demonstrates an
 19 ongoing attempt to transfer our community into a
 20 structure that, in my opinion, violates the original
 21 intent of our founder: A community with first-class
 22 recreations facilities and a governing board that
 23 would protect them.
 24 Now we have a board that has decided that
 25 we do not need to abide by that principle. Without

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1 those first-class facilities, we are just another
 2 Tahoe community. We need to have a board that knows
 3 the Village's history of failures at such attempts.
 4 We don't need a transformation driven by budget. We
 5 need to recognize that quality comes at a cost, just
 6 ask your real estate broker if second-rate
 7 facilities will increase property values. Saving
 8 \$780 will not compensate for lost property value.
 9 It's time for the Board and other
 10 community members who agree with them to change
 11 course. Let our managers run the venues, not Board
 12 members that have limited experience. I would add
 13 that this Board has managed to drive away all middle
 14 management.
 15 MR. WANG: Thank you and good evening. I
 16 submitted my comments earlier. I will read a couple
 17 of them now. One, has the Board defined expected
 18 revenue for each of the recreational facilities so
 19 that performance against objectives -- or
 20 performance against plan evaluated? Without
 21 expected metrics, it's unclear how performance can
 22 be accurately and fairly defined.
 23 Second one, has the Board and its counsel
 24 evaluated how the current agenda format limits
 25 public participation by virtue of having public

8

1 comment before the agenda item is opened? The
 2 current format has for many interested parties
 3 significantly limited public participation because
 4 reports from Board and staff have been embargoed
 5 until the topic is open. And an example, the April
 6 meeting of the Board of Trustees where the report
 7 outlining golf operations and possible changes was
 8 not released to interested parties.
 9 MR. HOMAN: Mick Homan, Incline.
 10 Since I doubt this meeting will facilitate
 11 truth, I want to dispel a few likely untruths in
 12 advance.
 13 Sara made public comments that she and the
 14 Board don't micromanage staff. That only the Board,
 15 acting as a board, can direct the GM. So why
 16 doesn't she comply?
 17 Some examples: She directed rec staff to
 18 stop issuing punch cards to LLCs, and directed beach
 19 staff to remove the recall table from the beach.
 20 Now we've heard she actually lied to beach staff
 21 telling them general counsel informed her the recall
 22 table should be removed. Is it a coincidence he
 23 gave his resignation notice shortly after learning
 24 this?
 25 Chair Dent stated on local TV that the

9

1 Board had no choice but to remove employee beach
2 access, that nothing was ever written or documented
3 granting them access. False. I have Board
4 Resolution 15.68 from 1988 that granted beach access
5 to employees. The specific wording of that wording
6 was approved by legal counsel.

7 Per Trustee Schmitz, Nevada statutes
8 forced the Board to sharply reduce rec fees. False.
9 The State informed us they're unaware of any statue
10 preventing collection, even if we have excess funds.
11 But we don't. Current balances only cover about
12 half of the five-year capital plan.

13 MS. CARDINALE: Good evening, Lynette
14 Cardinale.

15 I would like to commend the Board for
16 looking at the master plan and making residents
17 first within the community. Everything they have
18 done has been to reduce STR crowding and to give
19 residents a voice in this community. Which is long
20 lost and kicked down the road by the past boards.

21 I really believe that this is a preemptive
22 endeavor to do this at this time. That this is
23 could have waited for a campaign run. We are in a
24 state of affairs here where we are being owned by
25 Washoe County. This Board has done what other

11

1 available?

2 MS. KNAAK: Yolanda Knaak, Martis Peak,
3 Incline Village.

4 I just wanted to reiterate what I've said
5 before. When I first heard about the recall, I
6 said, "It's going to cost a lot of money," and I
7 said, "I don't recommend it, because it will cost us
8 a lot of money."

9 If they do have enough signatures that are
10 qualified, then they're going to hire someone to
11 write the ballot. They will mail out, snail mail,
12 sample ballots. Then they will have to mail out
13 regular ballots. And this whole election could cost
14 upwards of \$150,000.

15 Again, like I've said many times before,
16 it's too much money, let's not do it. Matt is going
17 to be termed out next year, and Sara's up for
18 reelection next year.

19 MS. MARTINI: Good evening. Making
20 informed decisions requires information, not gossip
21 and innuendoes. Accusing people for things that
22 have not happened without getting the information
23 that you need is juvenile.

24 Accurate information is available through
25 public information requests. Please request

10

1 boards have not done in the past is follow the
2 directive of the master plan.

3 I really regard that picking up of this by
4 a gentleman a fascism. I have given this as a --
5 (Expiration of one minute.)

6 MR. KATZ: Good evening. My name is Aaron
7 Katz. I have a written statement to be submitted to
8 the minutes of the meeting.

9 Most people have no idea what a GID is,
10 nor how it differs from other forms of local
11 government, nor the limited power it may permissibly
12 exercise, nor the remedies available should a GID
13 threaten to exercise or actually exercise any such
14 property.

15 So where do you go to get to answers to
16 these questions? And if you don't know the answers,
17 how do you know what IVGID can legitimately do?

18 I have raised these question in the hope
19 they will be shared with the public and
20 substantively and accurately answered at this
21 meeting. Questions like: What are GIDs? What
22 powers are GIDs authorized to exercise? How do the
23 powers of GIDs differ from those of counties and
24 cities? What powers have been granted to IVGID? Is
25 IVGID exceeding those powers? What remedies are

12

1 documented information before spreading unfounded
2 rumors that are mostly untrue when you read some of
3 the documentation. Documentation is always
4 available through IVGID, through public information
5 requests.

6 So if you have a question, do your
7 homework, look at it, look at what it says before
8 going off on some tangent.

9 MR. DALTON: Jack Dalton, 980 Cart Court.

10 And reiterate some of things that some
11 people -- oh, I got a minute. Okay. That's more
12 than I need.

13 But how we don't have information. It's
14 very hard to get here. Very hard. So now I got the
15 thing that just bugs me because I know all about the
16 -- no, I don't know all about the county. I've
17 heard about it for six years, and I'm really upset
18 because nobody's given me the answers and maybe we
19 got the answers now. But now I have the issue.

20 One of trustees here, Trustee Noble
21 sitting there, he's a lawyer, and he picked up and
22 delivered paper from IVGID. Now, I don't know the
23 sequence, but I was there at the meeting. As far as
24 I know, that was potentially illegal, but definitely
25 unethical, and he should have known better.

13

1 Thank you.

2 MS. MCKOWEN: Trish McKowen.

3 I will be directing my comments to Trustee

4 Schmitz. As a long-time resident, dating back to

5 1968, I find it exasperating that you cannot fully

6 understand how your micromanagement has adversely

7 affected IVGID staff. Having reached out personally

8 to many current staff members, as well as those who

9 have left, many have shared negative interactions

10 with you, overstepping your role as board member is

11 at the heart of the toxic work environment that they

12 deal with every day, which has led to the lowest

13 employee morale in the history of the District.

14 You often refer to it as "oversight," but

15 it truly is micromanagement. I should know, as I

16 recently spoke during public comment at the Audit

17 Committee meeting last week, and the next day, I

18 received an email from Trustee Schmitz attempting to

19 micromanage my public comments from the night

20 before.

21 Micromanagement is a counterproductive

22 management style, characterized by such behaviors of

23 obsessive focus on observing controlling

24 subordinates and obsession with detail.

25 Micromanagement is generally considered to have a

14

1 negative connotation suggesting a lack of freedom

2 and trust in the workplace and excessive focus on

3 details.

4 MS. WELLS: Hi. Christy Wells.

5 For over the last six months, we've heard

6 there are red flags in the IVGID finance department

7 that could be signs of fraud. However, over the

8 past two months, the interim Director of Finance,

9 Trustee Tulloch, and the Audit Committee chair have

10 said no evidence of fraud has been found. Yet here

11 we are looking to do a forensic audit that I

12 guarantee will cost a lot more than any recall

13 committee or campaign election (inaudible) will ever

14 do.

15 We have an internal auditor, the Audit

16 Committee, and Trustee Schmitz, as I understand, has

17 oversight over any expenditure of 5,000 or more.

18 Why do we need a forensic audit? It seems like an

19 unnecessary expenditure that's going to cost this

20 community more money than any recall campaign would

21 ever do.

22 This forensic audit seems to be been

23 championed by Cliff Dobler, their benefactor. The

24 interim Director of Finance has said he recommended

25 it because the community demanded it. I don't know

15

1 anybody in this community who has demanded a

2 forensic audit. I would rather we spend our money

3 on modernizing and expanding the recreational

4 facilities.

5 Thank you.

6 DR. WYMAN: Andrew Wyman, 170 Village.

7 I hope that tonight's meeting will be fair

8 and balanced. I hope that all of you are going to

9 be civilly (inaudible) and civilly answer. I am

10 concerned that this may not happen. Why? The Board

11 chose to call this special meeting before the recall

12 process is completed. The Board minority wanted the

13 meeting postponed until all board members could be

14 present. This was overruled by the Chair, who

15 called the meeting time and chose the people he

16 wanted to run the meeting.

17 Rather than use the meeting to explore

18 particular issues in detail, the Chair chose a

19 question and answer format, a format that could be

20 easily manipulated to benefit the current board

21 majority. We shall see.

22 I would also like to add in my next ten

23 seconds that I don't think the cheering is helpful.

24 I personally would like you to tell people we're not

25 here for a sporting event.

16

1 Thank you.

2 MR. DOBLER: Cliff Dobler, 998 Fairway.

3 This is a plea. Back in August 21st, 2021, I saw

4 that there were big problems in contract

5 administration, and I contacted Indra and he wrote

6 me back: The District has a public works contract

7 administrator. The problem has been that she was

8 not being managed, mentored, or provided the proper

9 direction, training, and resources to be successful.

10 Okay. So, we needed a contract manager.

11 And I think it's been pretty well spelled out over

12 the last five years or six years that we made

13 tremendous mistakes in contracts, and as such, has

14 cost us many hundreds of thousands of dollars.

15 I plea that we get a contract

16 administrator. Certain contracts are just not being

17 adhered to, they just fall through cracks, and it's our

18 obligation to make sure if we have a contract with

19 somebody that we're following up and honoring the

20 contract.

21 Thank you very much.

22 MR. CARS: Bill Cars, 625 Lariat Circle.

23 I want to address three things: the

24 absence of Trustee Tonking, spending on audits and

25 rehires, and employee morale and retention.

17

1 The absence of Trustee Tonking could have
 2 been prevented, as you all knew that she was not
 3 going to be available on this date. It makes me
 4 wonder what are the other arrangements or plans to
 5 limit or guide responses.
 6 Second, hopefully today will understand
 7 why we all need to pay for a forensic audit,
 8 although there's no indication of any illegal
 9 activity. Yet IVGID plans to spend hundreds of
 10 thousands to replace the GM and numerous other
 11 positions which have resigned or otherwise been
 12 encouraged to leave due to an unwelcoming work
 13 environment.
 14 And third, the Board should be very
 15 concerned about low employee morale and how IVGID
 16 will address the retention issue. We hope to hear
 17 more about this tonight.
 18 MS. MASTERS: Sherry Masters. I live at
 19 699 Hogan Court.
 20 I feel like the IVGID Board is working for
 21 the loud and not the majority. They do not want to
 22 hear from the majority. They don't want us to speak
 23 on anything that they have on their agendas, and
 24 they set up the agenda with their own twist.
 25 From what I believe, our recreation

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1 department, all the recreation facilities should
 2 work as whole, not trying to say, well, we're going
 3 to make golf this profit and ski this profit and
 4 beach this profit. Some years skiing is great, some
 5 years it's not. Some years golf is great, some
 6 years it's not. If we look at it as a whole instead
 7 of individual pieces, it makes a lot more sense.
 8 And I believe that we have enough problems
 9 with workforce here, and when a lot of the people
 10 are being taken away because they aren't elite
 11 enough to live in this town and taken away because
 12 they're not allowed to use the facilities, they're
 13 going to go work somewhere near home.
 14 CHAIR DENT: And that is our final public
 15 comment period for our initial public comment
 16 period. That will close out item C.
 17 I just wanted to ask our intake desk over
 18 there, how are we doing with gathering up all the
 19 questions that came preprinted on the colorful
 20 cards?
 21 MR. LYONS: The good news is, we've got a
 22 ton of questions.
 23 CHAIR DENT: We got one more public
 24 comment.
 25 MR. ROBINSON: So I get one minute. Okay.

19

1 Matt, really? Seriously, you guys have been the
 2 shame of Incline Village. The shame.
 3 Been here since the beginning, and now you
 4 infectious disease come here and try and change
 5 something for your -- I don't know what. I feel for
 6 you. I got one minute, and all I gotta say is shame
 7 on both of you guys. I know you both. You know
 8 better.
 9 CHAIR DENT: That will close out our
 10 public comment.
 11 D. GENERAL BUSINESS
 12 G 1.
 13 CHAIR DENT: Mr. Lyons, how are we doing
 14 over at the -- gathering up all the questions?
 15 MR. LYONS: Sorry. Yeah, so, we have a
 16 ton of questions. This is great. We have the
 17 pre-submitted questions, digitally. The original
 18 plan was to answer all the questions, get them all
 19 digitally. But that is going to be impossible.
 20 To answer one of the questions, will each
 21 question submitted to this town hall be responded
 22 to? Well, not tonight. We've got way too many
 23 questions. There's a chance we will cover all the
 24 topics. I'm trying to group them by topic and by
 25 redundancy.

20

1 I assume there will be a break at some
 2 point. If you're concerned about you question not
 3 being asked, please come up and just tell me, make
 4 sure, if you're listening for your question or your
 5 topic. I'm going to do my best to make sure we do
 6 cover all the stuff here. We are biased toward
 7 shorter questions, public interest questions,
 8 broader interest because there's a lot of people
 9 here. And that's basically how I'm going to try to
 10 sort them.
 11 Appreciate your patience with the process,
 12 but we've got about 30 questions to start with.
 13 CHAIR DENT: Okay. All right. Before we
 14 go to our questions, Mr. Bandelin, do you want to
 15 introduce our moderator?
 16 MR. BANDELIN: Yeah. Thank you all for
 17 coming this evening. My name's Mike Bandelin,
 18 interim General Manager of the District.
 19 We're fairly excited about something new
 20 in the District is having town hall meetings to be
 21 able to do questions and answers with the community
 22 and the trustees.
 23 There is no staff here tonight, except for
 24 Heidi White, our District Clerk and myself. I take
 25 this opportunity to say thank you.

21

1 And then we brought in, I would say, a
2 couple experts in the field to help moderate this
3 event this evening, and I would like to introduce
4 them to you now.

5 MS. MILLER: I'm Kristin Miller. I'm an
6 employee of the District as well. I work over in
7 the recreation department. Mike asked me to
8 moderate this tonight, so I will be the question
9 asker.

10 I've worked for the District, gosh, doing
11 a communications project back around 2015. Kevin
12 Lyons and I worked on communications plan for the
13 District. Since then, I've been over teaching group
14 fitness classes at the Rec Center and personal
15 trainer and rec desk and life guarding over there as
16 well. I also work with outside television. I host
17 TV shows in South Shore, so this is kind of my bag:
18 interviewing.

19 That is basically what it is tonight, a
20 question and answer forum with our Board of
21 Trustees. Kevin's been working hard over there. We
22 have the questions here on the screen, and maybe
23 we'll just get going.

24 Kevin, tell everybody a little bit about
25 you. You've worked with the District. You've got a

23

1 MS. MILLER: All right. Thank you guys
2 for being here tonight. And thank you all for being
3 here tonight.

4 I know the questions came in by the
5 truckload. What Kevin has been doing is sorting
6 over there, trying to sort questions into subject
7 matters, issue matters.

8 So, Kevin, should we get rolling? We're
9 going to put questions on the screen, so you be able
10 to see them, we'll be asking the Board members these
11 questions here, and having them answer them. So
12 just, yeah, like Kevin said, quick word of advice,
13 if you want to submit a question, just, like, put it
14 in a shorter form.

15 Here we go. Here are the initial topics.
16 These questions here came in via email. There were
17 about 30 of them, and we'll start with those. Let's
18 start with some golf.

19 There have been rumors regarding the
20 closure of the Mountain Course. What are the
21 current views of the trustees regarding the Mountain
22 Course?

23 TRUSTEE TULLOCH: Anyone that listened to
24 me on the campaign trail, I'll say I'm a huge
25 advocate for the Mountain Course. It's probably the

22

1 citizen's something coming up. Let's hear a little
2 bit about that.

3 MR. LYONS: Yeah. My name is Kevin Lyons.
4 I lived in the District 19 years, full time. So
5 becoming an old fogie, slowly. Love it up here.
6 I actually work with local governments
7 around the country, internationally as well, about
8 30 states right now, helping local governments make
9 good decisions with better data, better training.
10 Was recently hired by the District to do some
11 training for the Board and staff.

12 And as part of that, we'll also be doing a
13 citizen academy. There might be a few questions
14 where maybe Josh and I actually chime in on some
15 answers, kind of local government-y questions.

16 And tonight I'll be sorting through all
17 these questions. And there was another question,
18 you or someone else pre-screening the submitted
19 questions, and if you ask why and that's me, to sort
20 through and make sure we don't have redundancy, but
21 make sure we cover all the topics. So that's my
22 goal.

23 Again, appreciate your patience. And let
24 me know if I'm missing your question or your topic.
25 Thanks very much.

24

1 true community course. It's the more affordable
2 course. I think, to me, it's -- I know the golfers
3 here will hate me, I think it's a nicer course than
4 that Championship Course. Last thing I want to do.

5 There's no rumors at all. There's nothing
6 been said. There's no plans to close the Mountain
7 Course.

8 MS. MILLER: You can all chose to answer
9 questions, whatever you're comfortable with.

10 TRUSTEE SCHMITZ: For a number years,
11 we've been talking about the Mountain Course, and we
12 actually fund and subsidize the Mountain Course and
13 it's because we do view it as the community's golf
14 course.

15 It's an important asset to the District.
16 And that's why we're working on improving the cart
17 paths out there right now. So there's absolutely no
18 intention of closing the Mountain Course.

19 TRUSTEE NOBLE: Just because the question
20 asks the trustees, I have no intention, no interest
21 in closing the Mountain Course at all. Never
22 crossed my mind. If anybody brought that up, I
23 would shut it down right away, at least from my
24 perspective.

25 CHAIR DENT: And I would agree with all

25

1 three of my colleagues sitting up here when it comes
2 to this rumor about the Mountain Course. The
3 Mountain Course is the only golf course I play in
4 town. My wife goes and plays it often, and so does
5 our four year old.
6 I don't think there is a plan at all. I
7 think that's nothing more than just a rumor.
8 MS. MILLER: All right. Thank you very
9 much.
10 Is it true that some or any of the members
11 of the Board of Trustees have discussed elimination
12 of organized golf clubs that currently use the
13 Incline Village golf courses. If so, why?
14 TRUSTEE NOBLE: I haven't discussed the
15 elimination of any organized golf clubs. I feel
16 that, as part of the IVGID Board, as a government
17 agency, we should not be getting people's business
18 on how they want to organize, and they can freely
19 use our golf courses.
20 And I have no interest in getting into
21 their bylaws or membership or anything like that, as
22 long as they follow the rules established for
23 playing golf at our facilities.
24 TRUSTEE SCHMITZ: So something that I
25 just -- it's a global question here, is that as

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1 and possibly changes to some of the extensive
2 changes to our All You Can Play Passes for the golf
3 course?
4 And then it goes on from there,
5 particularly the unreasonable rates and couple's
6 pass costs, very limited play on weekends for All
7 You Can Play Passes.
8 CHAIR DENT: I will take this first.
9 In short, I will just say possibly.
10 Every year, we request recommendations that come
11 from staff, and then the Board has, sometimes,
12 options, and they make decisions.
13 One thing that this board worked on was
14 putting together the Golf Advisory Committee, so
15 we're hoping they're -- any changes that need to
16 happen as it relates to operations, potentially
17 pricing, that that is something that comes through
18 the Golf Committee and makes its way to the Board.
19 TRUSTEE NOBLE: Once a season ends, what
20 I'd like to do is look at the financials and the
21 numbers with regards to tee times. Were we filling
22 everything? The number of Play Passes that were
23 sold this year versus last year. And then I like to
24 talk to folks that actually didn't buy the passes
25 and what problems did they actually see with what

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1 trustees, we do not discuss anything behind closed
2 doors. All of our discussions are done at a public
3 meeting. That's to comply with Nevada Open Meeting
4 Law.
5 So, it's unfortunate that things are being
6 said that have never transpired in a board meeting,
7 and we have never discussed the Mountain Course
8 closing or eliminating golf clubs.
9 I encourage people to attend meetings,
10 watch on live stream, read the materials because,
11 unfortunately, rumors happen and know that we cannot
12 discuss -- there's no secret meetings, and we have
13 not discussed this or had any intention of
14 eliminating golf clubs.
15 TRUSTEE TULLOCH: I do echo the comments
16 of my colleagues and point out the obvious that the
17 clubs are separate entities. IVGID has no control
18 over the actual golf clubs themselves, they are
19 separate entities.
20 I'll ascribe to Groucho Marx, I wouldn't
21 be a member of any club that invited me.
22 But the golf clubs are completely
23 separate, standalone entities. They're not IVGID
24 entities.
25 MS. MILLER: Will there be some revisiting

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1 was offered this year or any recommendations for
2 next year, whether we keep it the same, go back to
3 what it was before, or do something in between.
4 TRUSTEE TULLOCH: Yeah. I think it's --
5 most people are aware, there's been a new Golf
6 Committee selected to help the Board with this going
7 forward. I point out, again, it's -- the rates
8 decided on come from recommendations from staff, and
9 hopefully in the future, from the Golf Committee as
10 well. They need to be realistic rates.
11 I did get one suggestion from somebody on
12 the community earlier this year that we should --
13 people should be able to pay an initiation fee.
14 Personally, I don't support that. This is a public
15 golf course. I don't support the idea of
16 individuals paying 2,000 bucks a year just for
17 initiation fee, or 3,000 bucks for couples. I think
18 that's wrong.
19 It's a public golf course, it's a
20 community golf course, I expect to see it to run
21 that way. It's not a private golf club.
22 MS. MILLER: Next question. We are on to
23 number 4 out of 30 sent in beforehand. There seems
24 to be some statements around golf clubs, members
25 getting special play. We'll go right to the bold in

29

1 these question, the highlights.
 2 Have golf club members been getting
 3 special play pricing that is better than Picture
 4 Pass holders?
 5 TRUSTEE TULLOCH: I think the short answer
 6 is no. Some people get -- reduce their costs per
 7 round because they by Play Passes. The cost per
 8 round, it's a standard rate for residents and
 9 Picture Pass holders at golf. Any member of the
 10 public who buys a Play Pass can obviously reduce the
 11 cost if they utilize the Play Pass.
 12 MS. MILLER: Trustee Schmitz, this is
 13 directed at you.
 14 Why did you propose a hundred percent cost
 15 recovery target for the Champ Course when many
 16 residents besides golfers use the course, especially
 17 in the offseason, for many other activities?
 18 As you can see there on your screen.
 19 TRUSTEE SCHMITZ: I don't know when I ever
 20 requested a hundred percent cost recovery.
 21 The only thing I can think of is that,
 22 perhaps, this comes from when we did -- Mr. Navazio
 23 and myself and Darren Howard put together the chart
 24 for the financials of the golf courses. And we were
 25 showing where the breakeven was, and where the cost

30

1 recovery for operational expenses landed. And it
 2 has been the goal of prior boards and this board to
 3 try to achieve costs recovery of our operating
 4 expenses across all of the different customers of
 5 the Championship Course. That includes guests, that
 6 includes non-residents. So that was at the counsel
 7 of a prior Golf Committee. And I think that we do
 8 try to cover the operational costs.
 9 But we do, as a board, typically budget
 10 the capital improvements out of, usually, our fund
 11 balance or out of other revenues, perhaps from
 12 Diamond Peak. But I don't really know what that is.
 13 And understand, again, we operate as a
 14 board, we make decisions as a board. No one trustee
 15 dictates anything about the direction of where we go
 16 with our pricing on our venues.
 17 MS. MILLER: Thank you very much. We're
 18 at facility management.
 19 What's the status of the Recreation Center
 20 remodel or expansion?
 21 CHAIR DENT: So the Recreation Center
 22 remodel, over the last couple of years we have
 23 remodeled the bathroom upstairs. We recently just
 24 remodeled both the locker rooms. We've redone the
 25 basketball courts. I would say that touches on any

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1 remodel.
 2 As far as expansion, that's something that
 3 we can address in a five-year plan, and something
 4 that we look to potentially include in the budget,
 5 if that is where the community wants to go and the
 6 feedback we hear from the community.
 7 TRUSTEE SCHMITZ: One of things that came
 8 out of the Moss Adams report, and we decided as a
 9 board that we are going to be doing a community
 10 survey. It's my expectation that when we do this
 11 community survey, we're going to be seeking your
 12 assist in helping us to prioritize, at the
 13 various -- not only the Recreation Center, but
 14 Diamond Peak, the golf courses what types of
 15 enhancements, expansions you as community members
 16 are in support of.
 17 I think that that's something that us, as
 18 a board, have talked about, you know, soliciting
 19 your input on.
 20 TRUSTEE NOBLE: And I'll talk to surveys.
 21 People know this, I think surveys are not very
 22 useful. I was voted into this position to make hard
 23 decisions. I feel that I can do that. I don't need
 24 to rely a survey to tell me what and when I can't
 25 do.

32

1 My experience in Incline is that everybody
 2 is very tribal when it comes to the facilities that
 3 they use. While somebody may be a skier, they're
 4 focused on skiing, they don't necessarily use or
 5 care about the other facilities, and so when you do
 6 a survey, it very often shows a minority of the
 7 community wants something done at a particular
 8 facility.
 9 The problem is if we have a suite of
 10 facilities that all need to be kept up to first-rate
 11 status so that they are available to all members of
 12 community, and I don't need a survey to tell me
 13 that.
 14 MS. MILLER: All right. That brings us to
 15 this building that we're in right now.
 16 Is the Chateau undergoing a process of
 17 remodel or expansion?
 18 CHAIR DENT: I don't think so. I'm not
 19 aware of any remodels or expansions, other than the
 20 typical capital improvement projects that we
 21 approve, just to maintain our current facilities.
 22 MS. MILLER: Is it true that some or any
 23 of the members of the Board of Trustees or their
 24 staff have discussed the possibility of selling any
 25 of the IVGID recreational venues to private

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1 investors or private operators? If so, why, when,
 2 and in what context.
 3 CHAIR DENT: I'll just say no, it's not
 4 true.
 5 TRUSTEE NOBLE: Because that question asks
 6 have any members, I have not had any of those
 7 conversations with any members, and I would not
 8 entertain any discussion with that.
 9 I have no interest in selling any of our
 10 venues to any private investors or private op- --
 11 when it comes to operators, there are opportunities
 12 to contract with vendors to run, such as food and
 13 beverage down at the beaches, that is different from
 14 selling recreational facilities. I want to make
 15 that distinction.
 16 TRUSTEE TULLOCH: I think -- agree with my
 17 colleagues. There's been absolutely no discussions
 18 or no proposals. There's absolutely no intentions
 19 anywhere to do that. I would see no reason for
 20 that.
 21 It's a popular rumor that's being spread
 22 around, but there's absolutely no truth to it
 23 whatsoever.
 24 TRUSTEE SCHMITZ: Isn't that part of why
 25 we all live here, our fabulous recreational venues?

35

1 What's the correct term, Josh? Is it
 2 quasi-municipal organization? I'll pass that to
 3 you.
 4 But, yes, we have limited powers. We're
 5 not an HOA. It's not just done by popular vote.
 6 There's only certain things the GID can do.
 7 I'll pass it to Josh.
 8 MR. NELSON: Yeah. And as kind of noted
 9 on the slide, there are -- I mean, technically a GID
 10 is a quasi-municipal corporation or like a city.
 11 Stated simply, a GID is a type of local government
 12 which is formed to provide specific services in a
 13 local community.
 14 CHAIR DENT: Thank you, Josh.
 15 And for those who don't know, Josh Nelson
 16 is our general counsel.
 17 TRUSTEE SCHMITZ: So from my perspective,
 18 in layman's terms, as it relates to what Josh just
 19 said is that we have only the authority that the
 20 legislature has allowed us to have.
 21 In the GID 318, there are lots of
 22 different categories like street lights and
 23 electricity. We don't have that power. We are
 24 limited to water, sewer, trash, and recreation. The
 25 only exception to that is senior transportation,

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1 Whether you like to golf, you like to ski, there's
 2 something for everyone here. That is what makes our
 3 community different than any other community in the
 4 basin.
 5 So, there's has never been a discussion
 6 about this. And we actually did a FAQ and this was
 7 one of the questions that we answered on the FAQ.
 8 It's what makes our community. It's what holds our
 9 property values. These venues are vital. We need
 10 to maintain them, we need to improve them, and we
 11 need to enjoy them.
 12 MS. MILLER: All right. Going in to
 13 general improvement district law, IVGID, obviously.
 14 What exactly is a general improvement
 15 district, a GID? Not the verbiage, like in layman's
 16 terms.
 17 TRUSTEE TULLOCH: I'll defer to general
 18 counsel to describe the legal terms. What GID is
 19 not, it's not an HOA, it's not -- I've heard public
 20 comment stated earlier, this isn't what the founding
 21 fathers envisioned.
 22 I'm pretty sure the founding fathers
 23 probably didn't envision a GID. It's back beyond my
 24 residency here, which is relatively long compared to
 25 some. The -- we are a --

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1 which Washoe County has the authority to delegate to
 2 us, and they did do that. So that's the only thing
 3 that is beyond what is set forth by the Legislature.
 4 MS. MILLER: How exactly do GIDs differ
 5 from other governmental subdivisions in the State of
 6 Nevada?
 7 CHAIR DENT: Mr. Lyons, do you want to
 8 answer that for us?
 9 MR. LYONS: Sure. Yeah, just to what Josh
 10 said.
 11 So there's a general jurisdiction local
 12 government, which we're familiar with, like a city
 13 or county. And so they have kind of and open ended
 14 set of things they can do. And GID is like special
 15 districts in California and other states around the
 16 U.S. are given very specific tasks and specific
 17 geographies over which to do those tasks, which may
 18 or may not overlap at all with cities and counties.
 19 And those are the two big ways that they
 20 differ in what they do and where they do it.
 21 MS. MILLER: All right. Then what powers
 22 do GIDs possess, and how are they limited by
 23 Dillon's Rule?
 24 Maybe explain what Dillon's Rule is.
 25 CHAIR DENT: We -- I think the Audit

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1 Committee took this up at one point a couple years.
 2 I'll pass it to legal counsel.
 3 MR. NELSON: So Dillon's Rule is actually
 4 a legal sort of presumption that comes from a case,
 5 I think in Iowa initially, but has been adopted by
 6 almost every state.
 7 And the basic idea is that if a state
 8 follows Dillon's Rule in its local governments which
 9 Dillon's Rule applies can only do those things that
 10 are specifically identified by statute.
 11 Nevada is a Dillon's Rule state, so under
 12 Dillon's Rule, IVGID and other GIDs can only do
 13 what's permitted by NRS 318 and other laws
 14 specifically. And as the Chair mentioned, we did do
 15 a pretty deep dive into this at the Audit Committee,
 16 and then ultimately at the Board.
 17 For interested members of community,
 18 there's more references available on the Audit
 19 Committee agendas from 2020, including a
 20 November 2020 memo, which kind of lays out Dillon's
 21 Rule and how it applies to IVGID. And then we did a
 22 series of workshops with the Board in 2021, which
 23 looked at Dillon's Rule and how it addressed some
 24 issues we were looking at at that time.
 25 MS. MILLER: I think that -- let's see,

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1 on.
 2 TRUSTEE TULLOCH: As Chair Dent said,
 3 sometimes we walk a fine line, and sometimes we get
 4 all these suggestions: Well, couldn't IVGID do
 5 this? Well, that's for us, couldn't IVGID do that?
 6 If it's functions, it's already delegated
 7 to Washoe County or a different body, we can't just
 8 jump in and decide what we would like to do. We
 9 are -- Dillon's Rule governs us fairly tightly. We
 10 do push it to its limits at times, but we need to be
 11 very careful we don't overstep our powers.
 12 MS. MILLER: All right. Let's move on to
 13 employees of the District.
 14 What's the status of the search for the
 15 IVGID general manager, and what's the targeted date
 16 for onboarding the successful candidate? The
 17 community would like updates periodically.
 18 TRUSTEE TULLOCH: The search is underway.
 19 Rather than having a target date and just meeting
 20 that date, it's important that we get the right
 21 candidate.
 22 I'd like to commend interim General
 23 Manager Bandelin for doing a great job in the
 24 interim. As everyone has seen, everything is kept
 25 moving. The faucets still run. The toilets still

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1 how do those powers differ from those exercised by
 2 other general governments?
 3 MR. LYONS: I think that's been covered
 4 now.
 5 MS. MILLER: Yeah.
 6 Where does one go to get answers to these
 7 questions, other than reading the whole NRS for him
 8 or himself?
 9 MS. NELSON: So I have one, who is looking
 10 for something to help put them asleep, but does a
 11 really good job of kind laying out the issues, the
 12 Nevada Legislature actually did a background paper
 13 on GIDs from 1983. I know it's a little dated now,
 14 but it still is a very good overview of the issues.
 15 If you just Google general improvement
 16 district's background paper, '83-'84, it'll pop up.
 17 MS. MILLER: All right. Checks and
 18 balances.
 19 Is IVGID exceeding its permissible powers?
 20 If so, what remedies exist to address IVGID's
 21 exercise of excess permissible powers?
 22 CHAIR DENT: I would say IVGID is not
 23 exceeding its permissible powers. However, I think
 24 it's something that we just always need to be aware
 25 of and something we need to be constantly checking

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1 flush. All our venues are still operating.
 2 It's important that we get the right
 3 candidate. The Board is being updated as and when
 4 candidates come, and we will continue to provide
 5 updates to the community.
 6 MS. MILLER: Please state the open
 7 management positions that have not yet been filled
 8 with full-time employees. List of dates that each
 9 position came open, give us an update on the current
 10 status of applicants in the process for each of
 11 these open positions.
 12 CHAIR DENT: This would be a question that
 13 HR or the General Manager will have to answer. And
 14 there's lot of details that are needed there, and we
 15 obviously don't have those.
 16 MS. MILLER: Those are questions we will
 17 do our best to follow up with these. You know, town
 18 halls, we want to continue having these, so these
 19 are the parts of the conversation that can keep
 20 going at other times with the correct departments.
 21 This is an HR question.
 22 Next one: Performance and planing, what's
 23 the status of the preparation of the District's
 24 strategetic plan for period of 2023/'24 through
 25 '24/'25, and is it intended to be completed prior to

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1 the appointment of a new GM or subsequent to his or
2 her onboarding?
3 TRUSTEE TULLOCH: Yes. I think the
4 preparation of the District's strategetic plan is
5 not just for one year. One of the very strong
6 recommendations that come out of the recent Moss
7 Adams' report, and which the Board has fully
8 endorsed, is that we need to revisit our strategic
9 plan. Currently, our strategic plan dates back to
10 about 2016 or '17, I believe, and it's not really
11 been updated.
12 We've -- people -- we see things appearing
13 on the capital budget for out years that have never
14 come to the Board that kind of mention some of our
15 policies. We're now moving forward to implement a
16 lot of the recommendations from the Moss Adams plan,
17 and am very excited about revisiting the strategic
18 plan, getting -- unlike my colleague, I don't
19 believe in just telling the community what they
20 should get. I believe in canvassing the views of
21 the community. I think whether it's through a town
22 hall type forum like this or through just a show and
23 tell with some suggestions, I think it's important
24 to get -- to set that strategic plan for the next
25 several years.

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1 MS. MILLER: Has the Board defined
2 expected revenues for each of the recreational
3 facilities so that the performance against
4 objectives, performance against plan can be
5 evaluated? Without expected metrics, how can
6 performance be accurately and fairly defined?
7 CHAIR DENT: I will take this one.
8 One of the big things we focused on during
9 the last budget cycle, we focused on not
10 over-budgeting, whether that was from an expense or
11 a revenue side. The District, for many years, has
12 had issues with its over-budgeting, and by doing
13 that, we end up with massive surpluses at end of the
14 year where we could have a million dollars that we
15 had planned to do when it comes to capital
16 improvement projects we didn't get to or we would
17 have operating expenses that we just didn't need.
18 So, that was one of the big focuses -- one
19 of the big areas we focused on was reducing the
20 over-budgeting that had been going for a long time.
21 We rely on senior staff, we rely on the general
22 manager to bring forward their revenue projections,
23 and along with the expenses that they're going to
24 need. We don't get into the level of where revenue
25 should be as it relates to that. That's their job,

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1 TRUSTEE SCHMITZ: I agree with what
2 Trustee Tulloch is saying. One of the
3 recommendations -- so we recently had a management
4 consulting analysis done, and it covered four
5 different things. And one of the topics was a
6 strategic plan.
7 And Moss Adams came back to us and told us
8 the format and the method that we were using for our
9 strategic planning really wasn't best practices.
10 And they had some recommendations for us. And one
11 of the things that we, as a board, decided to do was
12 move forward with the components that we're able to.
13 But some of these, as it relates to a
14 strategic plan, we want the engagement and the
15 involvement of our new general manager. But one of
16 the first steps in that strategic planning process
17 was to do a community survey to get updates, because
18 so many of our master plans are considerably old,
19 back to 2015. So their recommendation was to dust
20 that off and get some fresh information.
21 So we can embark on that and at least
22 start the process for the strategic plan, but we
23 really do want the new general manager to really be
24 driving that effort forward and be doing it with
25 best practices.

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1 and we allow them to bring the recommendations to
2 us.
3 MS. MILLER: Financials.
4 I understand there are a couple of
5 financial audits either being conducted or
6 contemplated based on details provided by the acting
7 Director of Finance regarding the state of IVGID
8 finances. What's the status and any interim
9 findings of these efforts?
10 CHAIR DENT: I will hand this question and
11 the following question off to the General Manager.
12 Given our interim Director of Finance, Bobby Magee,
13 this was direction from him. So I feel like it's
14 appropriate for staff that respond to that.
15 MR. BANDELIN: Yes. I just wanted to
16 comment on the question that we know that -- staff
17 really listens to the community and takes kind of an
18 approach where as we listen, we make recommendations
19 to the Board.
20 And so what you had here, we heard loud
21 and clear from the community and deemed it
22 appropriate to make that recommendations to the
23 Board of Trustees to conduct a forensic due
24 diligence audit. So, this came from staff, through
25 a recommendation process notifying the Board.

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1 And then moving through the process,
 2 developed a request for proposal, which we delivered
 3 through a recommendation process to the Board in
 4 recent meetings. And we hope to come back, probably
 5 in the first part of November, with the results from
 6 the request for proposal and qualifications from the
 7 folks -- or the firms that would have submitted it.

8 TRUSTEE TULLOCH: Yes. This was brought
 9 forward, the proposal, by the interim finance
 10 director. It's not a proposal. Those of you that
 11 were around here in 2018 will remember that the
 12 leader of the recall campaign, Tim Callicrate,
 13 actually campaigned in demanding a forensic audit
 14 not so long ago. Some people may not remember that.

15 I've also heard the comments, well,
 16 there's no evidence of fraud, there's nothing there,
 17 so why are we doing that?

18 Well, just from somebody who has done some
 19 multiple management audits, if fraud is evident, it
 20 would jump out. If you look at Bernie Madoff,
 21 Douglas County, City of Bell, California, nobody
 22 knew fraud was going on.

23 Nobody is suggesting there's fraud going
 24 on. I think it's important for staff, though, to
 25 know that there is no evidence there. I think it's

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1 important. You can't have a multi-million-dollar
 2 operation and just assume that everything is all
 3 right.

4 As Board members, we would be responsible
 5 if it turned out there was something there and we
 6 hadn't done our due diligence.

7 TRUSTEE SCHMITZ: I just want to make a
 8 clarification of something that was said in public
 9 comment and even here. There is a difference
 10 between a forensic audit and forensic due diligence
 11 audit. We are not doing a forensic audit. We are
 12 doing a forensic due diligence audit, and we're
 13 going to be very specific. And our interim Director
 14 of Finance will be identifying the specific areas
 15 that he has the most concern about. And they'll be
 16 doing just -- it's just a bit deeper of an audit.

17 So it's not the same thing as, truly, a
 18 forensic audit. And we don't know what the costs --
 19 that's partially what we will learn through this RFP
 20 process.

21 TRUSTEE NOBLE: Personally, I think
 22 Trustee Tulloch and Trustee Schmitz have been a bit
 23 flippant with regards to how they describe the
 24 financial status of IVGID, and as a result, I think
 25 it has brought into question IVGID's finances.

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1 Unfortunately, I feel that at this point,
 2 we've been pushed into going down this road. I
 3 never thought that we -- it's been necessary, but at
 4 this point, hopefully, this will put to rest all the
 5 rumors and innuendos that there have been emanating
 6 around the community with regards to IVGID's
 7 finances, and we can put this to rest finally.

8 So this is -- we've had multiple audits,
 9 they make recommendations, there's been no evidence
 10 whatsoever of fraud, theft, or embezzlement. This
 11 is a deeper dive. So be it.

12 TRUSTEE TULLOCH: Thank you, Trustee
 13 Noble. I'd also like to just follow up with a point
 14 on that.

15 In last year's annual audit or external
 16 audits, it turned out that we had never reconciled
 17 the bank balance over the whole course of the
 18 financial year. It was finally reconciled in
 19 October of last year. And one of the audit
 20 recommendations with it was that going forward, it
 21 should be done monthly, as it should be.

22 We've now found ourselves in a similar
 23 situation for the past year. We again went the full
 24 financial year without any bank reconciliation.
 25 That means none of our -- while we've published most

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1 of our monthly financial reports, it does mean
 2 they're not substantiated.

3 Again, a deck of my colleagues, it was not
 4 suggested, embezzlement or fraud or something, but
 5 we need to know what's there. I don't want to be on
 6 the Board or the treasurer when, perhaps, an
 7 employee paycheck bounces or something because it
 8 turns out the money we expected to be in the bank is
 9 not there.

10 This is all just good financial practice.
 11 And as Trustee Noble says, it's putting all these
 12 rumors to rest.

13 MS. MILLER: Going hard copy, baby.
 14 Bringing up the recall. Next subject.

15 Will Washoe County charge us for the cost
 16 of the recall -- of the recall special election?

17 CHAIR DENT: Yes.
 18 (Inaudible public comment.)

19 CHAIR DENT: Point of order. Point of
 20 order. Please stop interrupting the meeting. Thank
 21 you.

22 MR. NELSON: So we won't be talking
 23 tonight about whether there should be a recall or
 24 shouldn't be a recall. That's a political issue.
 25 It's beyond the scope of this meeting.

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1 Now, the question asked was: If the
2 recall moves forward, who pays for the election?
3 And it was answered.
4 CHAIR DENT: Yes. The District will be
5 paying for the costs of the election.
6 MS. MILLER: With the current turmoil
7 created by the recall process hopefully concluding,
8 what are the next steps? And if the vote is
9 unfortunately for recall, what are the selection
10 process for new board members?
11 CHAIR DENT: Having appointed two board
12 members -- or been through that process, I would say
13 the process is very similar to what you've seen when
14 we appoint to a committee.
15 There will be candidates that are
16 requested to put their name forward, there will be
17 public interview, and then Board members will decide
18 who they believe would be the next trustee.
19 MS. MILLER: Moving on to the NV Energy
20 project. We've all seen the helicopters around.
21 What environmental impact study was
22 submitted by NV Energy or conducted by IVGID prior
23 to approving the project?
24 TRUSTEE NOBLE: On this one, I have to
25 abstain and recuse myself from it based on my

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1 were, but I have requested it come before the Board
2 so that we can review this contract and determine if
3 it is going to remain, get modified, or be
4 terminated. So that will be coming up shortly.
5 CHAIR DENT: I will add to that. There is
6 a 90-day termination clause, I believe, in there.
7 So we would have to give a 90-day notice to get out
8 of this next year.
9 MS. MILLER: So noise limitations within
10 Incline Village or -- sorry. I'm having a tough time
11 seeing what's on the screen.
12 TRUSTEE TULLOCH: Just to give some
13 background as well. Most of time when NV Energy
14 were flying, they were actually flying from a
15 location just opposite the entrance to Mt. Rose.
16 They had to stop that just two or three weeks ago
17 because NDOT was also flying helicopters from the
18 summit of Mt. Rose in the new avalanche Gazex
19 control guns. So it's got worse in the last couple
20 weeks.
21 When this came to the Board originally
22 back in April/May, we did express concerns. We also
23 asked NV Energy to do outreach to all the people
24 that would be affected. That doesn't appear to have
25 happened.

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1 previous work with the Utilities Commission. I was
2 the chief staff, lead staff attorney on NV Energy's
3 Natural Disaster Protection Plan application. And
4 then after retiring from that, a year and a half
5 ago, in the last months or so, I now am doing
6 contract work with NV Energy, not on the NVPP, but
7 on other stuff. So I won't be answering this
8 question.
9 TRUSTEE SCHMITZ: I'll answer, but I'll
10 look to my fellow trustees to keep me honest here.
11 I don't believe there was ever an
12 environmental impact study or even a noise study.
13 And a constituent brought this to my attention
14 today, asking about the noise regulating. And TRPA
15 does have noise guidelines.
16 The work is done. The helicopters are not
17 flying anymore this season, and I have requested the
18 Board Chair and Mr. Bandelin actually put this
19 contract and have a representative from NV Energy
20 come to our board meeting so that we can discuss
21 this because I, as one trustee, did not understand,
22 and I looked at the postcards, it did not have this
23 extensive amount of time.
24 So I don't know what happened and why
25 these helicopters were flying for as long as they

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1 The one bright point about it, and I know
2 it's no consolation to people that are actually
3 indirectly affected, but NV Energy has been doing a
4 lot of vegetation control. They have been taking
5 out a lot of timber under the mainline there,
6 hopefully improve the reliability of the service,
7 and it also greatly reduces the fire risk.
8 I've also been inadvertently -- I should
9 have perhaps declared at the start, I put in an IT
10 system for NV Energy 15 years ago. I don't think
11 that's a conflict now, but I'll just declare it
12 anyway.
13 MS. MILLER: Since noise limitations with
14 Incline Village are governed by TRPA Code of
15 Ordinances, Chapter 28, what noise impact report was
16 submitted by NV Energy to IVGID? Specifically, what
17 noise levels were projected and what noise
18 monitoring equipment is currently operational to
19 ensure TRPA limitations are met?
20 CHAIR DENT: So let's -- I think we
21 answered that question.
22 MS. MILLER: Yeah. Okay.
23 Was IVGID provided with a safety risk
24 analysis by NV Energy?
25 CHAIR DENT: Mr. Bandelin, do you know the

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1 answer to that question?

2 MR. BANDELIN: Maybe I can just help

3 conclude some of these questions.

4 When staff brought to the Board a

5 recommendation to review, discuss, and possibly

6 approve the agreement with NV Energy related to the

7 Natural Disaster Preparedness Plan or prevention

8 plan, through NV Energy of ensuring that the power

9 lines within the District and all over across Nevada

10 are treated with groves or new poles or new

11 equipment and new lines on the poles, that when we

12 brought that recommendation to the Board, we did not

13 bring all the environmental impact studies, we did

14 not bring all the TRPA permits and regulations.

15 NV Energy went through -- I'm going to

16 tell you -- the correct process of any sort of

17 flight patterns, flight safety, noise analysis,

18 otherwise, the site wouldn't have been deemed

19 usable.

20 So, the Board did not have all that

21 information. I just specifically brought the

22 agreement to the Board.

23 MS. MILLER: Has the Board and its counsel

24 evaluated how the current agenda format limits

25 public participation by virtue of having public

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1 comment before an agenda item is raised?

2 Now we're moving on to, like, the other

3 section of questions submitted before the meeting

4 tonight.

5 CHAIR DENT: I want to say, like

6 eight years ago when I was on the board, I think for

7 a little while we had that originally where you had

8 public comment at each agenda item. And because of

9 how -- we had people that would be coming to a

10 meeting, and if you had ten items, they would be

11 speaking for 30 minutes.

12 So, the change was made back then to move

13 to this format where you have public comment at the

14 beginning and the end of the meeting, and that's

15 what we have been doing.

16 And I want to say, Sara, since you've been

17 on the Board it's been that way. And I think it's

18 been like that for over eight years.

19 TRUSTEE SCHMITZ: I do remember speaking

20 with then-chair Callicrate about this issue. And it

21 was to deal with the length of the meetings.

22 But I believe that Chair Dent has been

23 open and said if there are agenda items that people

24 want to speak to during the meeting, I believe that

25 you have expressed some openness and flexibility in

55

1 doing so.

2 CHAIR DENT: I would say that is correct.

3 It is the discretion of the chair. And so we have

4 had that happen in the past where there have been

5 agenda items that we noticeably had individuals that

6 wanted to comment, and we have opened up public

7 comment at that time.

8 MS. MILLER: On the Incline Village

9 Facebook page, do you remember one of the biggest

10 issues we've had on that page ever: When do we get

11 our chairs back at the beach?

12 Can't make this stuff up, this question, I

13 gotta ask it.

14 CHAIR DENT: I'll just say the Board's not

15 involved in taking away chairs. If there is a

16 budget that is needed, then that is on staff to

17 bring that forward, and the Board will pass that

18 process so we can buy new chairs at the beaches.

19 MS. MILLER: Why do whistleblower

20 complaints get submitted to the Audit Committee?

21 TRUSTEE TULLOCH: The whistleblower

22 complaints go to the Audit Committee chair. They

23 don't go through the whole Audit Committee, they go

24 to the Audit Committee chair. The process was done

25 that way to allow people to submit the complaints

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1 anonymously.

2 Something that was brought up at the Audit

3 Committee last week, saying staff can't make

4 complaints about working conditions or something

5 under the whistleblower comment process.

6 Whistleblower policy is not design for staff.

7 There's HR policies for that. Staff can go to HR.

8 The whistleblower policy is designed to

9 present any evidence of wrong doing, malfeasance,

10 financial mismanagement, anything like that. It's

11 not designed -- and it's explicitly in the

12 whistleblower policy, it's not designed to deal with

13 HR complaints and things like that. Staff is still

14 got every right and every confidential source to go

15 to HR if they have issues.

16 TRUSTEE SCHMITZ: I'm going to disagree

17 just a little bit. The whistleblower process, I'm

18 going from memory, it's out on the District's

19 website. It's underneath the Board policies and

20 practices. The process can be initiated by anyone

21 from the website. But there is -- the process does

22 identify how employees can escalate. If an employee

23 has a concern and isn't comfortable going to their

24 immediate supervisor, then it says they can go to

25 the HR person. They have the ability to come to the

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1 Board Chair. So there's different ways at which
 2 employees are given the escalation process.
 3 But when a whistleblower complaint comes
 4 in from the public related to public issues, those
 5 go directly to the Audit Committee chair with legal
 6 counsel so that those -- they can decide how best to
 7 handle the issues, whether it goes back to
 8 management to deal with or whether there needs to be
 9 outside resources to investigate, they have the
 10 authority to make those decisions and take action as
 11 necessary.

12 MS. MILLER: How do you decide what
 13 investments should be bonded versus paying cash?

14 CHAIR DENT: It's a good question. In the
 15 past, we would just pay as we would go. And I would
 16 say over the last couple of years, the Board has
 17 shifted to being open to bonding some of the
 18 recreational improvements.

19 When it comes to the long, five-year,
 20 \$80 million effluent pipeline project, obviously,
 21 that's something that needs to be bonded, and it
 22 will be around for 50, 75, 100 years, some aspects
 23 of it. So it doesn't make sense for us to pay as we
 24 go.

25 TRUSTEE NOBLE: I think that any

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1 way to spread those costs out over the life of the
 2 asset.

3 TRUSTEE TULLOCH: Yes, I agree with my
 4 colleague here. It's -- we've seen the folly of
 5 trying to collect cash, up front, for the effluent
 6 pipeline for a facility that's going to serve
 7 residents over the next 50 years. We tried to
 8 collect it from existing customers.

9 As somebody who has spent most of my
 10 career in the utility sector, managing large capital
 11 investments and how to do them, no utility in the
 12 world tries to collect the money, upfront, from
 13 existing customers to pay for something like that.

14 As a result, we've seen the cost go from
 15 an estimated 14 million to somewhere north of
 16 60 million now. And a lot of money that will be
 17 collected in between has been spent elsewhere in the
 18 process. We've also spent extra money maintaining
 19 the existing facility.

20 I think, yes, for long-term assets like
 21 that, bonding is the correct answer.

22 I think we also need to honest with the
 23 public as well. In the past, we've raised bonds for
 24 particular capital projects, and we assured the
 25 public we've added the cost of these bonds to the

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1 significant investment into our facilities, we
 2 should look seriously at bonding. And the reason
 3 for that, I look back at my experience with the
 4 Utilities Commission. When Utility would be
 5 investing a billion dollars in a generation
 6 facility, Ray Pears (phonetic) didn't pay that
 7 billion dollars right then and there. They would
 8 pay for that over the life of the asset. That way,
 9 you don't have existing customers paying for
 10 something that's going to be used and useful 30,
 11 40 years down the road.

12 And so for any major investment into our
 13 facilities, I think we should seriously look at
 14 bonding because I certainly don't want to spend \$10
 15 million on a beach house, and all the residents pay
 16 for that up front right now, and then everybody for
 17 the next 40 years, rides the coat tails of everybody
 18 that paid for that.

19 If we were habitually investing \$5 million
 20 every year, year in/year out, I could see paying,
 21 because everybody then has skin in the game. But
 22 these projects, for lack of better word, are chunky,
 23 and they have these long, useful lives.

24 And so if they're going to be used for 25,
 25 30, 40 years, it makes sense to look at bonding as a

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1 rec fee. We've assured the public these bonds that
 2 have been issued would be removed from the rec fee
 3 once the bond was paid off, and that wasn't done for
 4 several bonds in recent years.

5 So I think we need to be honest about what
 6 we're doing with bonding as well.

7 MS. MILLER: Next question: Do you treat
 8 all staff members with respect?

9 CHAIR DENT: Yes.

10 TRUSTEE TULLOCH: Yes.

11 TRUSTEE NOBLE: Always.

12 TRUSTEE SCHMITZ: Of course. They're
 13 here. They serve all of us every single day.

14 MS. MILLER: Thank you very much.

15 What is an enterprise fund? It says:
 16 Please be detailed as possible.

17 But in the interest of time, let's answer
 18 as detailed as possible, but concisely as well. And
 19 it's okay to say we'll get to this later as well.

20 TRUSTEE SCHMITZ: An enterprise fund is
 21 just a different method of accounting compared to
 22 governmental fund accounting. And the difference is
 23 is that you're fully depreciating assets.

24 And we used to report as enterprise funds
 25 in our operational venues, like community services

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1 and also in our utilities. But a few years go, it
 2 was changed to governmental. I don't really know
 3 why, the reason why they changed it.
 4 At the recommendation of Moss Adams back
 5 in early January 2021, they recommended, because we
 6 are running these as business, that they recommended
 7 that we go back to the enterprise fund accounting.
 8 MS. MILLER: You want to chime in, Kevin?
 9 MR. LYONS: The real simple difference
 10 between what's an enterprise fund, an enterprise
 11 fund is designed to do accounting for a
 12 business-like service. So think of a service that
 13 has fees associated with it, paid by individual
 14 users, that's operated by a government.
 15 And a general fund is designed to be
 16 usually paid by taxes or general charges to
 17 everyone.
 18 TRUSTEE TULLOCH: Kevin, keep me correct,
 19 the money is also ring fenced within the enterprise
 20 fund. You can't move money out of the enterprise
 21 funds into, say, the general fund.
 22 MR. LYONS: So, yes. It is a separate
 23 fund, separate collection. Funds are supposed to go
 24 to do that. The rules vary by state.
 25 But any movement -- there's generally

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1 you aren't following the code of conduct. I mean,
 2 really, the real option that's in there, I would
 3 say, other than a discussion by the Board members or
 4 one-on-one, maybe the Chair and that individual
 5 Board member, that is pretty much the only thing
 6 that can happen behind the scenes. And then if
 7 there's something that needs to happen out in
 8 public, that would be having that public discussion
 9 and potentially a censure of that individual.
 10 MS. MILLER: Okay. Thank you.
 11 Was your latest training session with the
 12 Government Sciences posted? Any reason why the
 13 public wasn't -- and why wasn't the public invited?
 14 What practices from your training have you put to
 15 use?
 16 CHAIR DENT: I will just say I believe all
 17 of our meetings are noticed, and I think the public
 18 is welcome to attend.
 19 MS. MILLER: It says "training session."
 20 CHAIR DENT: We're still -- and maybe our
 21 district clerk can fill us in on that, but when
 22 there is a training, I believe we're still --
 23 there's still a notice that goes out for that.
 24 Josh, do you want to answer that?
 25 MR. NELSON: Yeah. Some of the trainings

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1 restrictions on moving funds to or from an
 2 enterprise fund, but any movement has to be very
 3 explicit and public and transparent, of course.
 4 CHAIR DENT: So what Sara's saying is we
 5 have four funds. We have three -- excuse me -- one
 6 general fund and three enterprise funds.
 7 MS. MILLER: Okay. Go ahead.
 8 CHAIR DENT: Do you guys want to keep
 9 going? Do you guys want to take a five-minute
 10 break? Okay. Keep going. In five minutes? Okay.
 11 We're going to go for five more minutes, and then
 12 we'll take a five-minute break.
 13 MS. MILLER: When trustees are
 14 overstepping their boundaries, and there are
 15 boundaries within the Board of Trustees, what
 16 actions are taken to remedy the situation?
 17 Does the Board police itself, basically.
 18 How does the Board police itself within the
 19 boundaries?
 20 CHAIR DENT: So, the Board does now have a
 21 code of conduct. I believe that was approved
 22 last year. And with that, it lays out rules that
 23 the Board members should follow.
 24 And I would say we could probably do a
 25 better job as to the consequences or steps for when

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1 were noticed when they were going to involve a
 2 discussion of items that could come before a future
 3 board meeting.
 4 I believe some of the trainings which
 5 dealt with general government practices were not
 6 agendized because they didn't qualify as meetings
 7 under the Open Meeting Law.
 8 MS. MILLER: All right.
 9 You have been accused of wanting to change
 10 this community into a vacation destination without
 11 regard to the model that Incline was successfully
 12 built on. Do you deny it, and have you received
 13 community support of such an action?
 14 CHAIR DENT: Can you repeat the question?
 15 MS. MILLER: So, changing this community
 16 into a vacation destination without regard to the
 17 original model that Incline was successfully built
 18 on.
 19 TRUSTEE SCHMITZ: I'm going to read into
 20 that a little bit. Yeah, I'm going to read into
 21 that a little bit, and I might not hit the issue.
 22 But, as a board, we put or residents
 23 first. We put our residents first when we're
 24 talking about pricing, when we're talking about
 25 expansion, when we're talking about taking care of

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1 our venues.

2 This term of "the model," none of us have

3 ever -- I don't know what people are referring to

4 about changing the model. There's been no model

5 changing. We still look at our venues as a basket

6 of venues. They're underneath the community

7 services fund. They're all under one umbrella. And

8 we look at the venues -- yes, we manage budgets and

9 things individually, but as whole, we have a basket

10 of community services venues for our residents.

11 I don't think any of us have talked about

12 putting tourists first or minimizing our residents.

13 I think all time when we're talking about things,

14 we're looking at it from a resident's perspective.

15 We live here, we interact with people, and we use

16 these venues too.

17 So, I don't know if that's what -- if

18 that's a valid answer to the question, but I tried.

19 MS. MILLER: I think it's a big question.

20 TRUSTEE TULLOCH: Yes, I'm happy to chime

21 in.

22 Incline was never built as a vacation

23 resort. We're not geared up to be a vacation

24 resort. I believe any of us support that. I've

25 lived here full time since 2007. I didn't move here

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1 as a vacation resort; I moved here as a -- it is a

2 village. I don't run STRs. I don't support STRs.

3 I think the STRs have unfortunately -- STRs and the

4 influx of people during the COVID crisis have

5 certainly changed some things in the village.

6 But we're not geared up here to be a

7 vacation village or a destination resort. We're not

8 South Lake Tahoe.

9 CHAIR DENT: This was a, I would say, hot

10 topic back in 2015 when we approved the Diamond Peak

11 master plan. There were aspects of the Diamond Peak

12 master plan, I think it was Phase 1A and 1B that had

13 to do with having the mountain coaster and a few

14 other things, as it relates to being a tourist

15 destination.

16 And the one thing we heard from the

17 community was that they did not want that, so no

18 board that I've been a part of over the last

19 eight-plus years has been interested in turning this

20 into a tourist destination.

21 MS. MILLER: What does supporting staff

22 look like to you?

23 TRUSTEE NOBLE: So for me, I'll start with

24 meetings, when we get staff memos, and so I'm

25 reading through those. If I've got questions, I

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1 will send my questions -- I don't do it on the

2 weekends because I don't want staff responding on

3 weekends, and we get the Board materials usually

4 Friday afternoon. So Monday morning, around 6:30,

5 7:00, I'll send my emails to staff to get that

6 information that I need so that I can make a

7 better-informed decision in my mind with regards to

8 the matters on Board meetings.

9 And then with regards to supporting staff

10 overall, I mean, they are our biggest asset.

11 Without them, we don't function. And so whenever I

12 see or feel that there's something where we need to

13 support staff, whether it's in regards to benefits,

14 or just the overall -- I'm not looking to staff to

15 score points or anything like that.

16 So when I'm at meetings, I'm very

17 cognizant of what I'm saying and how it can be

18 perceived by staff because I need them a lot more

19 than they need me. And so I'm trying to do

20 everything professionally, but still get the

21 information I need to make an informed decision.

22 So it's a bit of a rambling answer, but

23 I'm just -- I'm trying to support them. And if I

24 disagree with something, I'll let them know, and

25 I'll let them know why, but I'm not -- it's not

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1 going to be personal, and it's not going to be

2 something that I'm going to go over and get a gotcha

3 moment and score points for -- perceived points in

4 somebody's mind.

5 To me, we've got a job to do. They've got

6 a job to do. And the more I can support them in

7 getting their job done, I think we get to a better

8 place.

9 CHAIR DENT: And Dave touched on

10 individual trustees and supporting. And I would do

11 it, I'll say from the Chair level. I think it's

12 important when items are brought in front of us at

13 meetings and there's long discussion and a lot of

14 time that goes into preparing those packets, to

15 thank staff once we, we, achieve moving an item

16 forward.

17 It's not staff set out to do something

18 because they think that's the best thing for the

19 District. It's we, the District, are moving in this

20 direction. This is where we think we should go.

21 I think, publicly, thanking staff -- and

22 if you've been to our meetings in the last

23 few months, you'll see that's what we do.

24 TRUSTEE TULLOCH: Yeah. I would agree

25 with my fellow trustees. I think, to be very clear,

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1 staff are responsible for running the operations of
 2 the District in line with the policies agreed by the
 3 Board.
 4 For all those that's been sending the
 5 Board emails about you should promote so and so, you
 6 should replace this diving board, or whatever, the
 7 Board doesn't make these decisions. These decisions
 8 are made by the venue managers and staff.
 9 And as far as possible, staff should be
 10 left to get on with that. As Trustee Noble says,
 11 when we see the Board packet, if we have questions,
 12 we typically speak to whoever is putting the paper
 13 forward and find out that -- it's more important
 14 that we find out beforehand.
 15 Similarly, some of the committees we've
 16 set up, like with the Investment Committee, part of
 17 the driver behind that is to be able to streamline
 18 the process for making investment decisions. That
 19 can be soul destroying for staff to spend a couple
 20 of months working a proposal, bring it to the Board,
 21 and find that something's been missed out.
 22 One of the drivers for the Investment
 23 Committee is to try and make sure that we can iron
 24 these things out beforehand so it doesn't get
 25 bounced back and forth and then we lose a

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1 construction season.
 2 Yes, I mean, it's -- I think it's very
 3 clear. Staff are there to run the operations, the
 4 Board sets policy, and we support staff in doing
 5 that.
 6 TRUSTEE SCHMITZ: I think there's
 7 different perspectives. And I think, as a trustee,
 8 our only employee is the general manager. That's
 9 it. Every other employee is an employee of the
 10 general manager and his staff. So, you know, we
 11 have no authority. We do not give any direction.
 12 I think that it is important, as trustees,
 13 when we are conducting meetings -- and I'm grateful
 14 for Chair Dent because we had this recent training,
 15 and one of the things that were we talking about is
 16 how to do Board memorandums more effectively so that
 17 us, as a board, can more quickly reach a decision,
 18 that we have all of the information in front of us.
 19 So I think that was a great training session. And I
 20 think it will bring positive, not only for staff,
 21 but for the Board and for the length of our
 22 meetings.
 23 I also think in support of staff, are our
 24 policies. Our policies are there to give staff a
 25 backdrop, a safety net. They have something to lean

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1 on. So by us putting in place policies, it actually
 2 is there to protect staff.
 3 We also implemented, last year,
 4 refinements to Ordinance 7. And Ordinance 7, one of
 5 the things that we enhanced in there was the process
 6 for dealing with misbehavior, because staff
 7 shouldn't have to deal with misbehavior. They
 8 shouldn't have to deal with being harassed at the
 9 gates at the beaches or at the golf courses.
 10 They're not here to be harassed by anyone. I mean,
 11 we actually put cameras in the beach booths because
 12 we wanted to protect staff. So we do do things to
 13 protect staff and to support staff.
 14 Lastly, I think it's important to have
 15 adequate levels of pay. It's very competitive, and
 16 we had been unsuccessful -- the prior director of
 17 finance had been unsuccessful hiring a controller,
 18 and the interim Director of Finance said the pay
 19 scale isn't market driven, we need to make a change.
 20 We supported the change because that was his
 21 recommendation. And guess what? We had highly
 22 qualified candidates and hired a controller. That
 23 hadn't been accomplished for, I think, over six
 24 months.
 25 So between policies, pay, and supporting

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1 respect and making some changes even in how we do
 2 our board memos and board meetings, I think all of
 3 those things worked to enhance the working
 4 relationship and be supportive of the staff we need
 5 here to run our venues.
 6 MS. MILLER: All right. We have about
 7 only six feet more of index cards to get through.
 8 We're going to take a five-minute break.
 9 (Recess from 7:35 P.M. to 7:47 P.M.)
 10 MS. MILLER: Next question: Why are so
 11 many of our senior leaders departing, to the best of
 12 your knowledge?
 13 CHAIR DENT: I will just say that in my
 14 tenure on the Board, this wave of senior staff
 15 leaving has happened at least two times, and it
 16 happens periodically every few years.
 17 I would -- haven't been a part of the exit
 18 interview with the senior staff members, but people
 19 can chose to leave for a number of reasons. There
 20 could be reasons that some staff members left
 21 because they specifically wanted to work for the
 22 former general manager. And that's fine.
 23 I think there's a lot of reasons, and I
 24 don't know we have all those answers.
 25 TRUSTEE TULLOCH: Yeah. I think that's --

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1 senior positions change over all the time.

2 I think what I would like to do, though,

3 is give a shout-out to our staff that have stepped

4 up to step into these roles. It has given some of

5 our younger staff a terrific opportunity to

6 demonstrate what they can do in a non-threatening

7 environment. If they're in an interim role, it

8 gives them a huge opportunity to demonstrate their

9 capabilities. I think so far they've all done a

10 tremendous job.

11 I mentioned interim General Manager

12 Bandelin earlier, I think everything's kept going.

13 All our facilities still run. Public works still

14 runs. The effluent pipeline is on schedule. I

15 think it's -- we're doing a disservice to some of

16 the staff that have taken over these roles in not

17 recognizing their performance.

18 TRUSTEE NOBLE: Me, personally, I think

19 that senior staff's interactions with the Board has

20 been less than ideal, and so they found places where

21 they were more appreciated than this current board.

22 And we've lost a tremendous amount of institutional

23 knowledge, which will be very difficult for this

24 community to ever replicate.

25 TRUSTEE SCHMITZ: I won't sit up here and

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1 criticize my fellow trustees. That's a violation of

2 our code of conduct.

3 When senior managers leave, such as our

4 general manager, even in corporate America, it is

5 typical to have others depart because they have a

6 working relationship, what have you.

7 We have -- I agree with Trustee Tulloch,

8 we have great staff who has stepped in and is doing

9 a stellar job, and we should be grateful for that.

10 And we -- people make decisions for

11 different reasons, whether it's retirement or

12 whether it's a job closer to family, or what have

13 you. But change does happen. And it's an

14 opportunity for others in our organization, and we

15 have great people who have stepped up to the plate.

16 MS. MILLER: If a staff member has a

17 complaint about a trustee, what happens?

18 They go to Facebook.

19 CHAIR DENT: If there is a complaint, it

20 goes to HR. HR would look into it. Legal counsel

21 would look into it. And if it -- I would say, once

22 that -- those steps happen, the Chair of the Board

23 would be brought into it. And as an investigation

24 is underway, there's weekly meetings between the

25 general manager, myself, and legal counsel, and so

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1 at some point, that becomes a legal issue.

2 MS. MILLER: You've hired a number of

3 consultants. What's been the benefit of that to the

4 community? How does the community reap from -- what

5 has been the benefit -- try that again.

6 What's been the benefit that the community

7 has reaped from spending the spending of these

8 dollars by hiring a number of consultants?

9 CHAIR DENT: I would just say there's

10 areas where, potentially, staff or the Board need

11 training, need expertise, and if we don't have that

12 expertise in house, then you would reach out to a

13 consultant.

14 And so if the Board and staff are being

15 informed and new information is being brought to the

16 District, then that will ultimately help the

17 District and help the community.

18 TRUSTEE TULLOCH: Full disclosure: I'm a

19 consultant myself. I have never consulted for IVGID

20 in terms of that.

21 But there's a very simple reason. A lot

22 of cases, you require special skill sets for things.

23 IVGID is an organization, large for a GID. We can't

24 just keep loads of staff on board just for a thing

25 that may happen occasionally.

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1 Sometimes you also need an external view.

2 I think the most-recent Moss Adams' consultant study

3 was very good in jolting us into reality in terms of

4 where our strategic plan was, and our strategic plan

5 is almost ten years old and needs to be updated.

6 Things have moved forward a long way since then.

7 You bring in consultants and use them

8 sparingly. We also try to make sure that we use

9 consultants for things where we don't necessarily

10 have the skill set or resources internally.

11 One of the issues we've had with the new

12 financial system, the Tyler financial system, we

13 tried to do a whole bunch of the work internally,

14 and as a result, staff were diverted from other

15 duties and things dropped by the wayside.

16 As somebody that has managed major IT

17 implementations and things, you always bring in

18 consultants, you bring in people who understand the

19 system. You can't just suddenly get 16 hours of

20 work a day of staff when you still have eight hours

21 a day of work to do their normal job. Sometimes you

22 need to supplement your resources for things like

23 that.

24 MS. MILLER: All right. What makes a

25 trustee, an elected trustee, a good trustee?

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1 CHAIR DENT: I would say being the
2 fiduciary for the District. And as a trustee, it is
3 protecting the District's assets. It is creating
4 policy where policy is needed, and managing our one
5 employee, being the general manager.
6 So I think it's really simple. It just
7 comes down to our duties as an elected, and that's
8 to hear from the people of this community, to do
9 what the community wants us to do, and to manage our
10 one employee. And create policy and approve the
11 budget.
12 TRUSTEE TULLOCH: I think you summed up.
13 The primary duties as trustee are fiduciary and
14 stewardship of the assets. And as Matt says,
15 managing the one trustee.
16 I think it's important that none of us --
17 well, I can only speak for myself, I don't have any
18 personal hidden agenda anywhere. We're all trying
19 to do the best for the community as a whole.
20 And the community as a whole is not always
21 those that make the most noise or post the most
22 stuff. The community -- we look at the community as
23 a whole, and what the community as a whole is
24 looking for.
25 TRUSTEE SCHMITZ: I would agree with all

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1 But if you call me, most likely I'll pick
2 up or I will be calling you back. We get a ton of
3 emails. I, as the Chair, have not been as good as
4 responding to all the emails I receive as I used to
5 be as a trustee. But I do have quite a bit more --
6 or quite a bit less time than I had prior too.
7 TRUSTEE SCHMITZ: I grew up in a small
8 town. I grew up in a small, Midwestern farming
9 town. And I love running into the people. I love
10 chatting with people. So whether I'm out walking my
11 dog, riding my bike, I'm walking at the beach, or
12 I'm at the grocery store, I enjoy hearing from
13 people. I enjoy interacting with people.
14 Don't ever hesitate to call. I typically
15 pick up my phone. Sometimes I even pick it up when
16 I'm on a chair lift. It's part of -- I signed up
17 for this service. I signed for this, and I feel
18 that being easily accessible is important.
19 So don't ever hesitate. I actually really
20 enjoy talking with people and understanding
21 differences of perspective.
22 TRUSTEE TULLOCH: Yeah. I think that --
23 excellent views expressed by my colleagues. I think
24 that's the case for all of us. All our details are
25 there. We get probably several hundred emails a

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1 of that. And I would add to it to be listening to
2 our community members, and to be understanding, as
3 to the best of our ability, what the community's
4 sentiment is on subjects.
5 And I think that an important feature in
6 having a board is to not have everyone who thinks
7 the same way. And I respect the fact that we all
8 come from different backgrounds and have different
9 experience. And through that process, it helps us
10 to, hopefully, make the best decision possible. And
11 it's important that we work together, as a board,
12 and as fiduciaries and as community representatives.
13 And it's important that we are collaborative, and we
14 are supportive of each other.
15 MS. MILLER: I'd like to elaborate on that
16 just a little bit with a question, like a follow-up
17 question.
18 It shows on the website all your contact
19 information. How accessible are you all open to
20 being?
21 CHAIR DENT: My phone number is on the
22 website. My email address is on the website. I get
23 calls twice a week, being a dentist in town that I
24 am not. Google thinks I'm a dentist. Tell your
25 friends I'm not a dentist.

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1 week, it appears.
2 Also remember, we're not -- we don't work
3 this full time. Most of us -- a lot of us have real
4 jobs and things as well. If we don't just answer
5 your email within ten minutes, or if an email goes
6 to several of us, maybe some members of the Board
7 will respond to it than others. What there's no
8 point of doing is just responding to an email
9 saying: Thank you. We've got your email. We'll
10 look into it.
11 Normally, what I do to, I try to speak
12 with staff, whoever the department manager involved
13 is, and find out what's behind something that's
14 going on. That's why the all the helicopter noise
15 this week, I haven't just been sending out emails
16 saying, yes, I'll dive straight into it. I've been
17 trying to find out the full story behind it. I
18 think that's an important part of it.
19 Just sometimes sitting back, rather than
20 just hitting -- writing an email instantly and
21 hitting send, I think it's important that we sit
22 back and give a dispassionate view.
23 CHAIR DENT: I'll just add to this,
24 because you all, if you do email us, you will get an
25 email from Trustee Noble, and it's something along

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1 the lines of: Thank you for your email. The
 2 trustees will individually respond if they choose.
 3 Or something like that. And we decided to
 4 pivot and do something like that, do something a
 5 little differently, because in years past, there
 6 would be just sometimes silence from maybe a
 7 majority of the trustees. And sometimes not one
 8 trustee would reply to someone's email.
 9 So at the very least, we're saying, hey,
 10 you've been heard, and the individual trustees will
 11 decide how they're going to respond.
 12 TRUSTEE SCHMITZ: On that note, I would
 13 like to thank Trustee Noble for doing that, because
 14 there's instances where I don't receive the email,
 15 and it happened again today. And when Trustee Noble
 16 responds, I think he's correcting email addresses to
 17 ensure that we're all receiving it. So it's
 18 actually serving a fantastic purpose. And working
 19 with our IT director to see if there's a way that we
 20 can ensure that we receive all of our emails.
 21 And I think from -- I can speak from all
 22 of us, I think, that we would prefer be asked
 23 questions. We would prefer to get phone calls. We
 24 would prefer to get emails, as opposed to -- and
 25 answer question with facts, as opposed to all of

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1 those emails that are going around the community
 2 soliciting uproar over incorrect information.
 3 So, please, we are here, we are here to
 4 serve you, we are here to serve you and provide you
 5 with factual information. So I would encourage you
 6 to reach out.
 7 MS. MILLER: What changes can you make to
 8 the whistleblower policy to ensure IVGID employees
 9 can submit complaints without fear of retaliation?
 10 Another whistleblower question.
 11 CHAIR DENT: I think that's already
 12 accounted for in the whistleblower policy. I don't
 13 think we need to go there.
 14 MS. MILLER: Let's take it to the beaches.
 15 Why were there no lifeguards at the
 16 beaches in 2023? Did IVGID's insurance rates for
 17 the beaches increase?
 18 CHAIR DENT: It's been very difficult to
 19 find people that want to be lifeguards at the
 20 beaches the last several years. And this year, I
 21 believe it was the general manager's recommendation
 22 at the time that we wouldn't be staffing the beaches
 23 with lifeguards. And we had a heck of a time in the
 24 last two years doing that.
 25 IVGID has pivoted to not staffing -- or

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1 attempting to staff, and so we are very similar to
 2 all the beaches around Lake Tahoe now, with the
 3 exception of a few.
 4 TRUSTEE TULLOCH: I can also provide some
 5 feedback from somebody that is a lifeguard with
 6 IVGID, who pointed out to me that we're offering \$16
 7 an hour for a lifeguard when they can get 20 bucks
 8 an hour at 7-Eleven and things.
 9 It's just not competitive. I think it's
 10 an area, I believe, that we should look at again.
 11 People have come to expect lifeguards, and given
 12 it's a restricted beach, it probably makes a lot of
 13 sense. I think it's an area we should look at with
 14 HR, to see if we should be paying the market rate.
 15 MS. MILLER: I'll chime in on that. I am
 16 a lifeguard. And I would get the emails that would
 17 come out, can someone fill a shift? Can someone
 18 fill this shift?
 19 I love working at the recreation
 20 department. I love working under Gwen, the aquatics
 21 director, and all my director supervisors in all the
 22 departments that I work in. But there were several
 23 requests that went out this year. They are looking
 24 for lifeguards, and it was always and honor and a
 25 pleasure to step in and help out.

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1 But you're right. It does speak to
 2 staffing. And, yeah, you saw me a lot out there
 3 this summer at the pools.
 4 TRUSTEE SCHMITZ: And I'm hearing it's a
 5 national issue. It's not just here, it's a national
 6 issue with lifeguards.
 7 And I do believe that they did staff at
 8 the beaches during peak times. There were some
 9 lifeguards there. It wasn't completely devoid.
 10 MS. MILLER: Yes. And those lifeguards
 11 that staff the beaches do have extra training for
 12 open water. They're very particular, the aquatics
 13 staff, on the training and the safety that we offer.
 14 That is an ongoing thing, and they take it very
 15 seriously.
 16 Okay. Next question: There has been
 17 discussion to allow new senior management to work
 18 remotely in order to fill vacancies. What are the
 19 intangible costs of having remote executives? Why
 20 were no efforts made to retain existing executives?
 21 CHAIR DENT: I'm not aware of having,
 22 other than our interim Director of Finance, who is a
 23 consultant, I'm not aware of any other senior
 24 director position that is working remotely.
 25 I know we did, per the recommendation of

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1 the senior Director of Finance, Bobby Magee, we did
 2 change the job description when it came to the
 3 controller, to allow the controller to work
 4 remotely, and that was just to open it up and try
 5 and compete.
 6 Besides what Trustee Tulloch mentioned
 7 earlier, we did raise the wage, but to compete with
 8 others, we needed to change that job description of
 9 the controller to work remote.
 10 TRUSTEE SCHMITZ: As Board members, we
 11 don't make those decisions. Those decisions are up
 12 to the general manager.
 13 So if decisions were in the past or
 14 different than what's here today, those decisions,
 15 we're not making those at the Board level.
 16 MS. MILLER: Thank you very much.
 17 The Board of Trustees is responsible for
 18 the oversight over the District's financial reports
 19 and the systems internal controls. When do you hold
 20 yourself accountable for the issues happening within
 21 IVGID?
 22 TRUSTEE TULLOCH: Actually, I think that's
 23 incorrect. The responsibility for internal controls
 24 lies with the director of finance and the general
 25 manager. The Board does not get involved in

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1 day-to-day operations.
 2 I'm sure we'd hear loud cries of
 3 micromanagement if we were doing that. The Board is
 4 there to provide independent oversight. We don't
 5 provide day-to-day oversight. We rely on the
 6 reporting coming from staff.
 7 MS. MILLER: Back to financials.
 8 Are the IVGID bank accounts now reconciled
 9 through September 30th of this year? If not, what
 10 month are they reconciled through, and are there any
 11 outages?
 12 TRUSTEE SCHMITZ: At the Audit Committee
 13 meeting last week, interim Director of Finance said
 14 they have finally balanced at year-end of last year,
 15 and that they successfully closed one month, meaning
 16 that it was July 31st of last year. So that's where
 17 they currently are in the process.
 18 And he believes that once they get a
 19 better understand of what their issues have been, he
 20 feels that they will be able to close
 21 subsequent months quicker, but it's taken them an
 22 extensive amount of time to reconcile the year-end
 23 closing and the first month of this fiscal year.
 24 So, no, we have not closed.
 25 MS. MILLER: There have been issues

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1 delineating between the Board's role and what
 2 management team's roles and responsibilities are.
 3 What do you feel this Board's roles should be?
 4 TRUSTEE TULLOCH: I'll go back to my
 5 campaign speeches. The Board's role is to set
 6 policy and direction and provide oversight. It's
 7 the role of management to execute these policies in
 8 accordance with the Board and bring issues to the
 9 Board if management sees there is some problems with
 10 the policies.
 11 We do make adjustments as required, but at
 12 the end of the day, it's the responsibility of the
 13 Board to set policy and direction.
 14 CHAIR DENT: I'll just add to this a
 15 little bit.
 16 One issue that had been going on for too
 17 long and still is is contracts, and how that process
 18 is being handled. And so one thing that we did was
 19 we brought -- or we appointed a Board member to help
 20 in that process. We're still having issues.
 21 And so we're working -- or I should say,
 22 I'll be working with senior staff to try and address
 23 that and figure out, potentially, a new home for
 24 that, because what we've been doing thus far isn't
 25 working.

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1 When a contract is brought to the Board,
 2 the contract needs to be accurate, it needs to
 3 include everything it says should be included in the
 4 contract, such as the exhibit. Exhibits shouldn't
 5 be listed as exhibit zero of zero. They should
 6 actually be an exhibit. And it seems like every
 7 single contract that comes to the Board gets kicked
 8 back to staff or to legal counsel to redo, either at
 9 a meeting or prior to a meeting.
 10 And Trustee Schmitz, if you want, you can
 11 speak to that since you've been a lot closer to that
 12 situation.
 13 TRUSTEE SCHMITZ: In January of this year,
 14 the Board assigned me to be the emergency contract
 15 reviewer. So we implemented a policy in January
 16 that said: Any and all contracts needed to come
 17 before the Board.
 18 Because in the prior year -- well, let me
 19 back up. Prior to 2020, no contracts came to the
 20 board. Only a memo came to the board, and the board
 21 never saw the contract.
 22 Beginning in 2020, all contracts started
 23 coming to the board, and we started realizing that
 24 we were using vendor contracts, we were doing
 25 addendums on contracts that had been drafted in

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1 2009. And our legal counsel has created various
2 templates, and now our vendors use our contracts.
3 But we've still been having issues with
4 contracts. So we -- I have been tasked with
5 reviewing them and then reporting to the Board on
6 the issues. And it seems as though things are just
7 -- we're not getting things cleaned up as quickly as
8 I'd like. I would like to be out of this role that
9 was delegated to me.
10 But we will get there. We're working
11 together. We're working with staff. We're working
12 with legal counsel. And our contracts have
13 improved. We have made improvements. We just need
14 to get over that finish line.
15 TRUSTEE TULLOCH: I think another
16 important thing to add is that this Board has
17 appointed each Board member is a liaison to
18 different venues, different departments to provide a
19 soundingboard for that department. I was late to
20 the party, so all the fun ones, like golf and ski
21 were taken before I could put my hand up.
22 But, yeah, I think that's an important
23 part. It gives staff much more direct access to
24 bounce things off a particular board member before
25 putting things out in the public, and I think that's

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1 in knowing sort of what to bring to the Board and
2 that sort of thing, but it's leveraging the skill
3 set that he has.
4 I have a background in IT consulting, and
5 I've been lucky enough to be able to work with our
6 IT director on doing an RFP for the point of sales
7 system.
8 So, I think it's been very positive, and
9 it's an opportunity to be supportive of staff.
10 MS. MILLER: Speaking of supporting staff,
11 here is another question regarding that.
12 Why does this Board refuse to collect data
13 and then dismiss the passing issue of staff morale?
14 CHAIR DENT: Question about collecting
15 data?
16 MS. MILLER: Yeah, they're asking about --
17 this questions is: Why is the Board refuse to
18 collect data, and then dismiss the passing issue of
19 staff morale?
20 CHAIR DENT: I guess I'm not aware of us
21 refusing to collect data. I believe that would be
22 the role of the HR director. That's not our role as
23 the Board of Trustees, as individual trustees, to
24 get down to that level. If we have an issues, as it
25 relates to morale and there's funding that is needed

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1 been a very worthwhile practice.
2 CHAIR DENT: Just add to that too, kind of
3 pivoting or moving this question a little bit. As
4 far as the liaison to all the departments, we all
5 took -- I think we had training in December or
6 January of this year, and it was a good governance
7 training through Pool Pack. That was one of the
8 suggestions from Pool Pack. It's what good
9 governance did.
10 And they had specific trustees assigned to
11 different departments, so then you don't have three
12 or four trustees all asking the same question. You
13 have one trustees that's kind of in charge or in a
14 way is that filter and can be that knowledge, along
15 with the director for that program.
16 So I feel like, so far, that's been very
17 helpful. And it's been a change from the way the
18 Board has handled things in the past.
19 TRUSTEE SCHMITZ: The liaisons, it's been,
20 I think, a very positive and productive change that
21 we made.
22 And the other thing is that it gives
23 people -- like Trustee Dent has a background in
24 construction, so he's the liaison for construction
25 projects. And I think it not only helps the staff

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1 to address that, then I believe that's when it
2 becomes an issue for us to decide.
3 But at that level, it's the general
4 manager and the director of HR.
5 MS. MILLER: All right.
6 It's been (inaudible) in 2023 to fix those
7 tennis and pickleball courts?
8 TRUSTEE SCHMITZ: I don't know if this is
9 what the question is about, but since I review the
10 contracts, I know that we are presently in contract
11 with a vendor to do some geo analysis of the soil
12 underneath the tennis court to determine what needs
13 to be done. So, that's benefit of reviewing
14 contracts.
15 TRUSTEE NOBLE: My understanding is that
16 at least some preliminary analysis has been done,
17 and the base underneath some of the courts is less
18 than ideal.
19 And so if you play on some of the older
20 courts, you'll know that there are dead spots. And
21 so I would expect recommendations to come back on
22 what to do to rectify the quality of play on those
23 courts, and make sure that they don't get to a point
24 where we're completely replacing, if we're not
25 already there.

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1 MS. MILLER: Do any of you guys play
 2 pickleball? Just out of curiosity. You do. Okay.
 3 Good. All right. Good to know.
 4 Please provide us any examples where
 5 public input has affected a board decision during
 6 2023.
 7 TRUSTEE TULLOCH: I think we need to be
 8 careful how we define public input. Public input,
 9 20 people reading the same script at a board meeting
 10 is not necessarily public input. I think we need to
 11 be very careful we don't just listen to the loudest
 12 voices. We do what's right for the community as a
 13 whole.
 14 CHAIR DENT: I would say there's where --
 15 bring you back to the FlashVote surveys that the
 16 District have had in the past, and asking the
 17 community and quickly polling 800 people within a
 18 couple days and getting a response with a scientific
 19 survey. I think that is us asking the community
 20 what we should do. We've done that a few times this
 21 year, and we plan to do a few others.
 22 TRUSTEE SCHMITZ: In May, the Board made a
 23 couple of decisions, I'm going to call it "on the
 24 fly," and it had to do with the golf cancellation
 25 policy. And the concern -- the reason why it was on

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1 the fly is because we were eliminating a
 2 reservation. But the Board shouldn't be making
 3 on-the-fly decisions. We should express our concern
 4 and then ask for staff to do their analysis.
 5 So we actually listened to community input
 6 feedback on that, and we made a change. We reverted
 7 back to the prior cancellation policy.
 8 The other thing that we did on the fly was
 9 also these All You Can Play Passes. And we had
 10 heard, loud and clear, early on that there was issue
 11 and a concern. I had suggested that it come back to
 12 the Board and be revisited, and the Director of Golf
 13 preferred to wait until the season-end and evaluate
 14 the situation and go forward.
 15 So we do listen, and we do recognize that
 16 those cases, we sort of took a little bit of a
 17 misstep. We don't always do everything right, but
 18 we're trying our best. We do listen and we do
 19 appreciate the input.
 20 We really appreciate the attendance here
 21 tonight. Thank you.
 22 TRUSTEE NOBLE: I'll just say with regards
 23 to community contact with me, email is always the
 24 best. And I actually read them all, and then I -- a
 25 lot of times, as the one designated to respond, I

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1 need to decide, on occasion, they're not actually
 2 talking to us, we just get cc'd, but it's not in our
 3 jurisdiction. And so I'm always reading through, is
 4 this in our jurisdiction even? Is this something
 5 appropriate to respond to? Or are they -- there are
 6 some unique ones also that just -- I make the
 7 independent decision just not to respond on those,
 8 and those get deleted.
 9 But with regards to the vast majority, I'd
 10 say 98, 99 percent of the emails that come in, I'm
 11 reading those. Those are becoming, then, part of my
 12 thought process that that information that I'm
 13 using.
 14 And whether that moves the needle on my
 15 position on stuff, I don't have anyone that comes to
 16 mind at the moment, but they're always in my mind as
 17 I'm going through it, because that's another
 18 perspective that may not align with me, but it's
 19 something that I take into consideration as I'm
 20 analyzing the issue.
 21 MS. MILLER: All right. Thank you very
 22 much.
 23 Rationale behind locking down the beaches
 24 using gates when this doesn't seem to be a problem.
 25 Isn't signage enough with our beaches?

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1 CHAIR DENT: That's a good question. The
 2 intent of previous boards was to have the restricted
 3 access beaches year around. And I want to say when
 4 I first got on the Board, we had three months where
 5 we had the restricted access beaches.
 6 Now we're starting as early as April and
 7 out into October. That's changed a lot over the
 8 last eight years.
 9 The -- as it relates to the restricted
 10 access beaches, what we're trying to this winter is
 11 testing out the RFID chip, and -- which soon will
 12 become your Picture Pass Cards or your punch cards.
 13 It's a way for us to try out the technology at the
 14 beaches and see if that works or not. And we won't
 15 know until we actually try it.
 16 MS. MILLER: Are RFID, are those gates
 17 you're going to try -- are those going to be --
 18 like, right now, I'm picturing how it works at, say,
 19 a ski resort. But there's still a lift key there
 20 making sure that that pass correlates -- the picture
 21 correlates with kid with the helmet and the goggles.
 22 You can't tell anyways, but there's someone there?
 23 CHAIR DENT: Yeah. The idea is to do this
 24 in the off season. And we are looking forward to
 25 having our director of rec come back and present to

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1 us what the plan is, so we know and the community
 2 knows, as we move forward.
 3 The construction is planned and underway,
 4 but as to when we're going to be manning the gates,
 5 when we're going to be closing the gates, when we're
 6 just going to be having the gates open like they
 7 have been in the off season, we don't know all of
 8 those answers right now, and we're waiting to hear
 9 back from staff.
 10 MS. MILLER: Why are not allowing the
 11 IVGID employees access to the beaches?
 12 TRUSTEE TULLOCH: We made the decision to
 13 disallow employee access based on our legal advice.
 14 We heard a lot in public comment about this Board
 15 should be protecting property values. The
 16 restricted parcel access to the beaches is one of
 17 the key property value components here.
 18 We took the advice for our attorneys, and
 19 we have -- I've heard and seen all these of, well,
 20 you should have looked at other ways to do a work
 21 around. The previous board spent six months looking
 22 at potential ways to work around it, and there
 23 wasn't one.
 24 So we took the advice of the attorney, as
 25 we should do. If we didn't take their advice, we

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1 leave ourselves very exposed to legal action against
 2 us.
 3 TRUSTEE NOBLE: I had come to a different
 4 conclusion when listening to the legal advice that
 5 we had been provided, and that's why I voted against
 6 that.
 7 TRUSTEE SCHMITZ: As property owners, one
 8 of our biggest impact to our property values are our
 9 restricted beaches. And as fiduciaries to parcel
 10 owners, we have to make decisions that protect and
 11 are for the benefit of our parcel owners. And the
 12 beach deed does not identify employees as being
 13 beneficiaries to the beach deed.
 14 And as a fiduciary, we have to do what is
 15 right to protect all of our parcel owners. And
 16 that's the decision that we had to make, and it was
 17 not an easy decision.
 18 And if people start trying to wiggle
 19 around the beach deed, it opens up the District to
 20 have the beach deed challenged, which if the beach
 21 deed were successfully challenged, these would
 22 become public beaches, and they would not, then, be
 23 the benefit and the value to our parcels and our
 24 properties that we have today.
 25 TRUSTEE TULLOCH: Yes. I mean, it's easy

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1 to say things that people are running for election
 2 or something to try to say that. Trustee Noble
 3 pointed out earlier, we are elected to make the hard
 4 decisions.
 5 I also hear comments, well, the Board can
 6 just change the beach deed.
 7 The Board can't change the beach deed.
 8 The beach deed was granted to the property owners.
 9 To change the beach deed, we would need to get the
 10 approval of the original grantee of the deed, and
 11 potentially the approval of all of the parcel owners
 12 as well. It's not something as simple as changing
 13 Ordinance 7. It's a legal deed that we need to
 14 abide by if we're going to preserve it.
 15 CHAIR DENT: We have another five minutes,
 16 and then we'll go to public comment.
 17 MS. MILLER: Why are there no women on the
 18 golf advisory board?
 19 CHAIR DENT: Trustee Tonking is a female,
 20 and she is on the golf advisory board. She's on the
 21 committee. She's the chair of the committee.
 22 MS. MILLER: Why did the Board of Trustees
 23 select the Village Green as the location for a
 24 dedicated dog park without consulting the community?
 25 CHAIR DENT: The Village Green has been

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1 the unofficial dog park location for 20 years. This
 2 board, and I would say, there hasn't been a prior
 3 board that chose that location.
 4 So, there is a Dog Park Committee that is
 5 working through that process. We've asked them to
 6 bring back additional information to us so we can
 7 learn more. The information that was presented to
 8 us, you're welcome to go view that online. But
 9 there were a lot of questions that came out of that
 10 meeting, and it seems like we got the cart before
 11 the horse.
 12 MS. MILLER: All right. Thank you very
 13 much.
 14 Has any trustee in the past six months
 15 requested a formal advisory opinion from the Nevada
 16 Commission on Ethics?
 17 CHAIR DENT: Josh, is this --
 18 MR. NELSON: Yeah. So no trustee is
 19 required to answer this question. If anyone would
 20 like to, they can. But those advisory opinions are
 21 not public until they are made public.
 22 TRUSTEE NOBLE: I have not requested an
 23 advisory opinion from the Nevada Ethics Commission.
 24 With regards to my recusal with regards to
 25 NV Energy, that's done -- I did that in consultation

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1 with Mr. Nelson.

2 CHAIR DENT: I don't -- I'll address this

3 too because I don't think I formally -- I don't

4 think I did anything formally with the Ethics

5 Commission when I have reached out to them a few

6 times.

7 I think it's a process. There's a form

8 you have to fill out, and it takes a little bit of

9 time to do that.

10 MS. MILLER: Okay. Thank you.

11 Do you think a blind goose patrol dog can

12 be effective? If so, why?

13 TRUSTEE SCHMITZ: My dog, he's not blind.

14 He just doesn't have great vision. And -- but what

15 the geese see is his bright orange vest. And the

16 bright orange vest is what scares the geese away

17 because the other Labradors and what have you chase

18 them into water. I could walk around in an orange

19 vest and it would probably do the same effect.

20 TRUSTEE TULLOCH: It's our duty as a board

21 and this community to make sure we look after --

22 take that account of disable access as well.

23 TRUSTEE SCHMITZ: I would like to say

24 thank you to all of the goose patrol dog owners.

25 Most of you don't realize, they have to do time

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1 reports, and they have to submit what beach, how

2 much time, and they put effort into this. And I

3 think that they are all rather proud of it.

4 So I just want to say thank you to all of

5 the goose patrol dogs, including my

6 less-than-great-vision dog.

7 MS. MILLER: Can you speak to plans to

8 address the gaps, opportunities, and recommendations

9 outlined in the Moss Adams report?

10 TRUSTEE TULLOCH: We're currently -- as

11 you're probably aware, the Board approved the Moss

12 Adams report at the last board meeting, and asked

13 staff to move forward with it. As a board, we're

14 looking at the various parts of it. There's a bunch

15 of recommendations in it.

16 We talked earlier about the strategic

17 plan, and updating the strategic plan. That's very

18 high up the priority list.

19 Moss Adams also made some very good

20 observations on our policies and procedures. A lot

21 of them are contradictory. A lot of them are

22 completely out of date and have never been revised

23 for umpteen years. I'm old, but I think some of

24 them are even older than me in terms of that.

25 But, yeah, we are moving forward on them.

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1 And had a request from the audience earlier that

2 they'd like to see more discussion of what we're --

3 the actions we're taking on them at a future board

4 meeting. We're going to add that to the agenda so

5 we do look at that.

6 There is a lot of meat in the report. I

7 think it's been a very worthwhile piece of work.

8 And we are moving forward with many of the

9 recommendations.

10 CHAIR DENT: A final question?

11 MS. MILLER: It's 8:29 and five seconds.

12 You want to keep going? Okay.

13 TRUSTEE SCHMITZ: The gaps that were

14 identified in the Moss Adams' report were partially

15 what drove us to say we need to do the forensic due

16 diligence audit because we had high risk,

17 significant high gaps in areas of -- I'm

18 remembering -- payroll, cash management. These were

19 really important categories.

20 So I think that Bobby Magee has taken

21 those reports and those gaps seriously, and he's

22 working to identify and close those gaps.

23 MS. MILLER: Final question of evening:

24 When will board members start supporting each other?

25 CHAIR DENT: That's a good question. I

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1 mean, it's -- I would say that is our job. That is

2 our role. When we disagree on something, we

3 disagree at the Board level over a decision, and

4 after that, we move forward with whatever that

5 decision is. You could have been on the two side of

6 it or the three side of it or the one and four side

7 of it, it doesn't matter.

8 What that decision is that the Board

9 makes, regardless if you agree or disagree, the

10 Board spoke, and that is really what you should do

11 moving forward is follow the Board's direction.

12 TRUSTEE SCHMITZ: Additionally, I think

13 that it's important that we recognize that we each

14 have differences, and we respect those differences.

15 We also need to respect the fact that if

16 we don't like the person, it really doesn't matter,

17 we were elected to serve together, and that means we

18 need to work together.

19 And so I think it's very important that

20 you set things aside and act as a professional. And

21 we collaborate, make decisions, and support each

22 other and support the decisions that the Board makes

23 as a whole.

24 CHAIR DENT: I'll just add to this too,

25 one thing that the community may know, but this is

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1 the first board I've been a part of where we've
2 actually gone out to dinner. So, we have gone out
3 to dinner outside of a board meeting, it's happened
4 twice, we're trying to build that collaboration
5 outside of a board meeting.
6 A lot of folks think that there is all
7 these meetings and discussion that happen outside of
8 a board meeting, we don't talk outside of the board
9 meeting. We can't get together and have a
10 discussion, other than something that is noticed,
11 something that has an agenda.
12 And so a couple times to try and to build
13 collaboration, separate from what prior boards have
14 done, we try to get together, have dinner, talk
15 about stuff that doesn't relate to IVGID.
16 TRUSTEE TULLOCH: Yes, I think that's a
17 key point. There's some impression at times that
18 somehow we get together as a cabal. Different
19 cabals get together and we agree on things.
20 It's actually one of the most frustrating
21 things as a Board member. We can't discuss ideas
22 with more than one other Board member. It's -- all
23 my other board experiences, you can take some
24 soundings from the rest of your board members so you
25 have an idea where people stand before you actually

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1 One last thing I just want to mention.
2 There's a question here about why do you allow
3 members of the public to be disrespectful,
4 assaulting, unprofessional? Also, public members
5 requesting documents, emails, things like that.
6 I'm going to make that a little bit of a
7 pitch for the citizen academy. It's kind of amazing
8 in local government that a lot of our instincts that
9 we get, like, in the real world, in the private
10 sector, when we carry those over to the government
11 context, they are almost completely backwards.
12 For example, like a tip in the private
13 sector is a bribe in the public sector. Making a
14 gift to a charity with no -- expecting no benefit in
15 return is wonderful as a private citizen, and it's
16 illegal as a government.
17 And so one of the things we will be
18 covering in the citizen academy is what are the
19 differences, you know, five myths about government
20 that almost everyone believes, to start with. And
21 also a list of things that will surprise you that
22 you can do in the private sector and you can't in
23 government. And things that you have to do in
24 government that are not intuitive to a private
25 citizen. Hopefully that will be a value to you.

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1 go to an open board meeting.
2 We're all very much bound by the Open
3 Meeting Laws, and we all observe them. It makes it
4 much more difficult because sometimes some things,
5 you can sort out issues, concerns of the Board
6 members beforehand with quiet conversations. You
7 can't do that. It makes it much more difficult. It
8 does mean the public's business is conducted in
9 public.
10 MS. MILLER: All right. I think one of
11 the big things this evening was that you are all
12 accessible. That was a big question. You have
13 questions for your board members, their emails, cell
14 phone numbers are online. And I think it's
15 important to ask questions directly.
16 I want to thank all of you for coming
17 tonight. I really appreciate your interest in being
18 involved. We're going to try to get to these --
19 Go ahead, Kevin.
20 MR. LYONS: Thanks for all the questions.
21 We do have all the questions, and we will be
22 submitting them to the clerk. They're accessible --
23 I think every trustee got insulted here a lot of
24 times with some questions, maybe they'll answer
25 those, actually.

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1 (Inaudible public comment.)
2 MR. LYONS: It's already paid for in the
3 training. It's included along with the training for
4 the board members.
5 (Inaudible public comment.)
6 MR. LYONS: So that's one of the
7 questions -- yep --
8 (Inaudible public comment.)
9 MR. LYONS: Yeah. So --
10 (Inaudible public comment.)
11 MR. LYONS: Yes. Well, it was never
12 stopped. Right? And this is going to be one of
13 those super surprising things.
14 So if I'm having a dinner party and
15 someone is being disrespectful, rude, racist,
16 hateful, if I don't step in and stop that person,
17 maybe kick them out, I'm kind of a jerk. Right?
18 I'm like really a jerk.
19 In the government context, in a limited
20 public forum, if you interfere with anyone's
21 criticism of the government, not only will you get
22 sued and lose, you'll pay for it out of your own
23 pocket. It's First Amendment law.
24 (Inaudible public comment.)
25 MR. LYONS: There's very little limited

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1 cases, yeah, in which you can stop someone. If
 2 they're off topic, if they're actually making a
 3 physical threat, there's about seven different
 4 things. And we will be going through that,
 5 actually, because it's surprising.
 6 Like, I've been through this training with
 7 professional government communicators, as a trainee
 8 and as a trainer, and it's shocking, the things you
 9 can say and you just have to do it because the
 10 government is not allowed to shut down citizen
 11 speech.
 12 MS. MILLER: Keep your eye our for that.
 13 It sounds like a great thing.
 14 I want to thank you guys for coming. We
 15 are going to open this back up to public comment.
 16 Thank you all for being here very much. Thank you.
 17 And, staff, thank you for being here as
 18 well. We do have IT here. We have General Manager
 19 Bandelin here. And it did take several staff
 20 members to put this on as well.
 21 CHAIR DENT: All right. That's going to
 22 close out item D 1. We're moving on to item E.
 23 E. BOARD OF TRUSTEES UPDATE
 24 CHAIR DENT: Are there any Board of
 25 Trustee updates?

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1 The terminology that was used was clearly forensic
 2 audit. And I think that had an impact on the
 3 external auditor. I was very concerned, but not
 4 surprised, about the auditor reaction. They
 5 indicated clearly that they're going to have to
 6 complete the forensic audit before they are going to
 7 be willing to issue any kind of an opinion of the
 8 financial statement audit.
 9 They also brought up the possibility of
 10 needing to resign because of the statements that
 11 were made and the potential fraud and the tone of
 12 the conversation about the fact that maybe fraud
 13 does exist.
 14 That would have a chilling effect.
 15 Selecting a new auditor would push back the year-end
 16 audit timing to sometime, at best, towards the end
 17 of the current fiscal year, which would put us
 18 dramatically late on our filing deadlines.
 19 It's unfortunate that we're here, but we are
 20 here.
 21 I wanted to mention the golf clubs, you
 22 mentioned there were no plans or discussions, then I
 23 would like to know why Ray indicated that they would
 24 like to reduce to one golf club, and Sara's been
 25 asking for bylaws. It kind of sounds like there's

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1 Seeing none, we're closing out item E and
 2 moving on to final public comment, item F.
 3 F. FINAL PUBLIC COMMENTS
 4 MR. HOMAN: Thanks. Just a couple things
 5 I wanted to follow up on from things that were said
 6 tonight.
 7 First is with respect to the forensic
 8 audit. I counseled against that when I was on the
 9 Audit Committee. As you know, that's something
 10 typically done when you have evidence or strong
 11 suspicion that fraud exists. And while we have
 12 plenty of issues, there was no evidence of fraud.
 13 We also just don't have the resources. This is
 14 going to divert resources away from critical tasks.
 15 Being short staffed and close to year-end, I just
 16 thought this was the wrong priority.
 17 Having said that, I do agree with what the
 18 trustees did say tonight, which is now that we've
 19 started it, we have no choice to complete it to put
 20 it behind us. And I think that will be good.
 21 Unfortunately, it is going to have a
 22 significant impact on the annual audit. I did
 23 listen to the Audit Committee meeting from last
 24 week. What was discussed in that meeting and the
 25 tone of that meeting was not a due diligence audit.

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1 been discussions and plans. Be interesting to find
 2 that out.
 3 MR. DELFER: Hi. I'm obviously Frank
 4 Delfer.
 5 My background is in business for large and
 6 small corporations. A CIO at AT&T. The audit
 7 absolutely prudent. It's what you do when you take
 8 over a new organization.
 9 I like what you've done with in beach
 10 deed. You don't need to be a lawyer to read the
 11 plain language of that deed. It's readily available
 12 online.
 13 I think the Board, in spite of itself, is
 14 doing a very good job. And I thank you for this
 15 town hall meeting. I've been seeking for the last
 16 couple of weeks to make a decision about the recall,
 17 and tonight put a fork in it. I think it's simply
 18 baseless.
 19 Thank you.
 20 MR. WYMAN: Well, two minutes sounds like
 21 an eternity. Andrew Wyman, 170 Village.
 22 I would sincerely compliment this board on
 23 a very professionally run meeting. However, you
 24 would never guess that most of the questions and
 25 most of the answers that the community has been on

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1 fire. I wonder why that sense did not infiltrate
 2 this meeting more.
 3 Could it be that the real purpose of the
 4 meeting, as I think the last speaker demonstrated,
 5 was to show that the Board, unlike prior boards, is
 6 thoroughly competent and working diligently and
 7 solely for the behest and the benefit of the
 8 community?
 9 Now, to go back for a minute, having made
 10 that statement, I asked a question before, and I
 11 think it was addressed but not answered, how has the
 12 Board -- why has the Board refused to discuss the
 13 pressing issue of staff morale? I believe that was
 14 not answered.
 15 Lastly, I want to make the following
 16 statement: I wish to again call the Board's
 17 attention to what I am provocatively calling "the
 18 Board's cowardliness" in refusing to call out or
 19 shut down scurrilous, inflammatory, slanderous,
 20 vicious, and/or offensive comments made in these
 21 meetings by about community members about staff?
 22 I'm well aware of your attorney's
 23 recommendation about the issues voiced at the
 24 August 3rd board meeting, as well as the comments
 25 made by Board members.

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1 Please rethink your position. The First
 2 Amendment does not provide limitless power to defame
 3 or destroy others. The Nevada Revised Statutes does
 4 provide specific board remedies. Your attorney
 5 mentioned one of these, there are others.
 6 MS. CARS: Well, I know I'm not going to
 7 get them all in, so I'm going to try.
 8 First, Trustee Tulloch, you know, when
 9 Mick Homan was making his presentation, you smiled
 10 and just were smirking, and he has to be one of the
 11 most-respected people in the community right now.
 12 So I would take what he says very seriously.
 13 So first point, you keep saying you have
 14 one employee, yet you have board liaisons. This
 15 doesn't make sense. Aren't the liaisons interacting
 16 as your liaisons? That's interacting with staff.
 17 What are you going to do -- okay. I'll
 18 have a minute. Okay.
 19 For anyone questioning the cost of the
 20 recall, the cost of a recall will be significantly
 21 less than that cost incurred by Schmitz, Dent, and
 22 Tulloch, based on their often unnecessary
 23 expenditures these past few months. Hiring a clerk
 24 for board meetings at a cost of over \$70,000, when
 25 we had a staff person on payroll to do this job.

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1 Legal fees of \$50,000 with an attorney to support
 2 your goal of removing IVGID staff from the beaches.
 3 The Moss study costing \$100,000, done over the
 4 summer without a majority of IVGID management who
 5 were forced out or resigned, due to the toxic
 6 environment. A board training conducted without
 7 notice to the community, but that was answered
 8 tonight.
 9 Not recalling Schmitz and Dent will cost
 10 our community so much more. So I hope that
 11 everybody will read that fact sheets that we handed
 12 out tonight. They aren't rumors, there's a lot of
 13 facts based on board minutes, and come to the
 14 sensible decision to vote yes on the recall.
 15 Thank you.
 16 MS. MARTINI: Thank you for your time,
 17 honesty, and professionalism. Your knowledge of the
 18 District affairs was exceedingly appropriate
 19 tonight. Your responses were accurate and succinct.
 20 The chance for the community to understand your
 21 honesty and care for the community affairs was very
 22 apparent this evening.
 23 Thank you for your excellent service to
 24 this community. Your honesty is certainly welcome.
 25 This board is more qualified to run IVGID, fiscally

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1 responsive with fiscal responsibility, a refreshing
 2 change from past boards.
 3 Thank you.
 4 CHAIR DENT: Any additional comments?
 5 All right, seeing none, we will close out
 6 public comment. Is there a clarification that is
 7 needed?
 8 TRUSTEE SCHMITZ: So a clarification
 9 related to public comment. The Board liaisons
 10 interact with staff, yes. We do not direct staff.
 11 We're there to be an interface. We're there to be
 12 an assistance. There is a big difference there.
 13 CHAIR DENT: Okay. We're closing out
 14 final public comment. Moving on to item G.
 15 G. ADJOURNMENT
 16 CHAIR DENT: I want to thank interim
 17 General Manager Bandelin. I would like to thank
 18 Brooke, who runs all the venue stuff over here at
 19 the Chateau. Our District Clerk, Heidi. IT staff,
 20 Mike and Matt, thank you, guys. Legal counsel,
 21 thank you for being here. And then I want to thank
 22 our moderator, Kristin, also is an IVGID employee.
 23 As well as Kevin. Thank you guys. We couldn't have
 24 done it without you.
 25 And thank you to the community.

1 We are adjourned. It's 8:50. Thank you.
2 (Meeting ended at 8:50 P.M.)
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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 October 11, 2023, at
7 the Public Meeting - Town Hall, via Zoom, and took
8 stenotype notes of the proceedings entitled herein,
9 and thereafter transcribed the same into typewriting
10 as 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 118 pages,
14 inclusive.

15 DATED: At Reno, Nevada, this 18th day of
16 October, 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 8

Invoice Date: October 18, 2023

Payment Due: November 11, 2023

Amount Due (USD): \$1,058.00

Items	Quantity	Price	Amount
Appearance fee October 11, 2023 BOT meeting	1	\$350.00	\$350.00
Per page fee October 11, 2023 BOT meeting	118	\$6.00	\$708.00

Subtotal: \$1,058.00

Total: \$1,058.00

Amount Due (USD): \$1,058.00

Charge to 100-11-100-6030
S. Herron 10/19/2023

IVGID Townhall Questions

***SUBMITTED VIA EMAIL PRIOR TO THE TOWNHALL/ FORUM**

- 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 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) Will there be some revisiting and possibly changes to 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.

23) "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.

24) 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?

25) 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.

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

27) 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?

- 28) Specifically, what noise levels were projected?
- 29) What noise monitoring equipment is currently operational to ensure that TRPA limitations are met?
- 30) 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)
- 31) 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?
-

***SUBMITTED AT THE TOWNHALL/ FORUM**

- 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
- 2) Trustee Tulloch – your sense of humor has been found to be offensive – what are you doing to correct this behavior?
- 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?
- 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?
- 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!
- 6) Trustee Schmitz please tell us about your plans for the Recreation Center expansion and how you plan on putting together a funding source?
- 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?
- 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.
- 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?

- 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?
- 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?
- 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?
- 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?
- 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?
- 16) Sara, how did you come up with the girls’ only gym? Totally wrong for the Duffield Donation.
- 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?
- 18) Have you used the skate park? If so, when?
- 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.
- 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!
- 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.
- 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?
- 24) Trustee Dent – Where is the documentation from the Ethics Commission that you said you would submit to be included with the meeting minutes?
- 25) Trustee Dent – What is the status of your \$800,000 loan with the Doblars?
- 26) 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?
- 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.
- 28) Are you on the District’s health insurance plan? If yes, how does that work?
- 29) Your Leadership, Chairman Dent, at meetings is deplorable as you never stop degrading comments towards Staff – Why?
- 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?
- 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.
- 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?
- 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.
- 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?
- 35) Is resigning even a possibility?
- 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?
- 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?
- 40) Do you thrive on power so much that you ignore how you hurt so many others?
- 41) 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?
- 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?
- 43) 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?
- 44) How did public outcry over ending the employee beach policy affect the Board's thinking and future actions?
- 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?
- 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.
- 48) 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.
- 49) 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?
- 50) 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?
- 51) Why does Trustee Schmitz approve all Purchase Orders, when she is not supposed to be involved in the daily operations of IVGID?
- 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?

- 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?
- 54) How were the Golf Advisory Committee members selected by the Board of Trustees, specifically, what was the criteria of each person?
- 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?
- 56) Who is protecting staff from retaliation – and how – if they signed the 2023 recall petitions, since Trustee Schmitz has the list?
- 57) It appears to the public that Trustee Schmitz has personal vendettas against certain employees – would you care to comment?
- 58) Trustee Schmitz – how many times, on average, do you communicate with the Interim General Manager Bandelin?
- 59) Trustee Tulloch – how many times, on average, do you communicate with the Interim General Manager Bandelin?
- 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?
- 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?
- 62) Regarding the beach deed what EXACT question was posed to special legal counsel that resulted in this new and different determination?
- 63) What is this Board ding about replacing beach access that you took away from employees? And why did you do away with a terrific recruiting tool?
- 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?
- 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?
- 66) Have you researched Kevin Lyons background in Governance before hiring his firm?
- 67) When the Community speaks, do you listen?
- 68) Why is Trustee Tonking's request for an investigation into the high IVGID turnover rate being ignored?
- 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?

- 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?
- 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?
- 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?
- 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?
- 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?
- 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?
- 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?
- 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?
- 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?
- 79)How was the GM protected from retaliation by Trustee Schmitz for protecting employees from her ongoing interference?
- 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”?
- 82)How did public outcry over the departure of the GM affect your actions in this event? How did you encourage him to stay?

- 83) 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.
- 84) 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?
- 85) 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?
- 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?
- 87) How is this Agenda item Clear and Complete, which is required by NRS? You are in direct OML violation by continuing.
- 88) Why doesn't the Board talk about the ongoing IVGID management vacancies – but authorizes layer after layer of audits and consultants?
- 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?
- 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?
- 91) 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.
- 92) Are you going to dismantle the golf clubs? If so, how and when are you going to do it?
- 93) 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?
- 94) What is it that you have against the golf clubs?

- 95) Do you believe this community's golf groups are a good revenue source?
- 96) Will eliminating golf clubs that guarantee substantial revenue be a positive or negative?
- 97) What do you, Sara, know about golf and how clubs operate?
- 98) If the gymnastics structure were built in the future, what are the estimated costs for maintenance and upkeep?
- 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?
- 100) Why did the Board of Trustees think they had a right to infringe on the 14th 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?
- 101) 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?
- 102) When a Trustee is overstepping their boundaries and there are boundaries, what actions are taken to remedy the situation?
- 103) 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?
- 104) The Chair should ensure the Board effectively governs IVGID and that trustees work well together. How does he think this is going?
- 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?
- 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"?
- 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 marketed 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?
- 108) What is the rationale behind locking down the beaches using gates when this doesn't seem to be a problem? Isn't signage enough?
- 109) Why are you not allowing the IVGID employees access to the beaches?

- 110) Why are there no women on the Golf advisory committee?
- 111) Why did the Board of Trustees select the Village Green as the location for a dedicated dog park without consulting the community?
- 112) Has any trustee, in the past 6 months, requested a formal Advisory Opinion from the Nevada Commission of Ethics?
- 113) Do you think a blind Goose Patrol Dog can be effective? If so, why?
- 114) Can you speak to your plans to address the gaps, opportunities, and recommendations outlined in the Moss Adams report?
- 115) When will board members start supporting each other?
- 116) 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?
- 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?
- 118) Will each question submitted at this Townhall be responded to?
- 119) Are you or someone else prescreening the submitted questions and if yes, why?
- 120) 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?
- 121) Was your latest training session with Governance Sciences posted? And why wasn't the public invited?
- 122) What practices from your training have you put to use?
- 123) Why do whistleblower complaints get submitted to the Audit Committee?
- 124) How do you decide what investments should be bonded versus paying cash?
- 125) Do you treat all staff members with respect?
- 126) What is an Enterprise fund? Please be as detailed as possible.
- 127) What does supporting staff look like to you?
- 128) When a Trustee is overstepping their boundaries what actions are taken to remedy the situation?
- 129) Please provide us any examples where public input has affected a board decision during 2023.
- 130) What has been done in 2023 to fix the tennis and pickle-ball courts?
- 131) Why has this board refused to collect data instead of dismissing the pressing issue of staff morale?
- 132) 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?

- 133) Are the IVGID Bank accounts now reconciled through 09/30/2023? If not, what month are they recoiled through, and are there any outages?
- 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?
- 135) Why were there no lifeguards at the beaches in 2023? Did IVGID's insurance rates for the beaches increase?
- 136) What Changes can you make to the whistleblower policy to ensure that IVGID employees can submit complaints without fear of retaliation?
- 137) What makes a Trustee a good Trustee? Details please.
- 138) You have hired a number of consultants – shat has been the benefit that the community has reaped from the spending of these dollars?
- 139) Why are so many of our Sr. Leaders departing?
- 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?
- 141) If a staff member has a complaint about a trustee, what happens? Please be detailed.

WRITTEN STATEMENT TO BE INCLUDED IN THE WRITTEN MINUTES OF THIS OCTOBER 11, 2023 TOWN HALL/FORUM – AGENDA D(1) – SHARED TOPICS OF COMMUNITY INTEREST

Introduction: Here the Board has announced a community town hall/forum. The purpose allegedly being to discuss shared topics of community interest. Since the notice of this event strongly encourages participants to “submit...questions in writing before, at and during the meeting,” I did exactly that. And the discussion of my proposed topics is the purpose of this written statement.

My E-Mail of October 3, 2023: On October 3, 2023 I sent the Board Clerk an e-mail identifying 7 related questions on a topic I asked be addressed and answered¹. So let’s break down those questions/one’s responses.

What Are General Improvement Districts (“GIDs”)? See Exhibit “B” attached to this written statement.

What Powers Are GIDs Authorized to Exercise? See Exhibit “C” attached to this written statement.

How The Powers GIDs Are Authorized to Exercise Differ From Those of Counties and Incorporated Cities: See Exhibit “D” attached to this written statement.

What Powers Have Been Granted to The Incline Village General Improvement District (“IVGID”)? See Exhibit “E” attached to this written statement.

Is IVGID Exceeding The Powers it May Permissibly/Should Necessarily be Exercising? See Exhibit “F” attached to this written statement.

What Remedies Are Available to a GID Where There Are Questions as to Whether They Are Exceeding or Plan to Exceed Their Permissible Powers? See Exhibit “G” attached to this written statement.

What Remedies Are Available to The General Public Where There Are Questions as to Whether Their GID is Exceeding or Plan to Exceed Its Permissible Powers? See Exhibit “H” attached to this written statement.

¹ That e-mail and the Board Clerk’s acknowledgment are attached as Exhibit “A” to this written statement.

Conclusion: Attached to this written statements are one or more members of the public's answers to the questions I have raised. What will the Board's answers be assuming *arguendo* members are willing to take on the fundamental issues identified?

And to those reading this written statement and wondering why your Recreation ("RFF") and/or Beach ("BFF") Facility Fee(s) which pay for/subsidize the activities the District furnishes which are beyond its permissible powers, I've now provided more evidence.

Respectfully submitted. Aaron Katz (Your Community Watchdog), Because Only Now Are Others Beginning to Watch and Understand!

EXHIBIT "A"

RE: Proposed October 11, 2023 Town Hall Forum Questions re Topics of Community Interest

From: Heidi White <hhw@ivgid.org>
To: s4s@ix.netcom.com <s4s@ix.netcom.com>
Subject: RE: Proposed October 11, 2023 Town Hall Forum Questions re Topics of Community Interest
Date: Oct 9, 2023 10:06 AM

Thank you for you for your Town Hall submittal!

Your questions have been received and will be submitted to the moderator on the day of the event.

Respectfully,

Heidi H. White
 District Clerk

Incline Village General Improvement District
 893 Southwood Blvd., Incline Village, NV 89451
 Cell: 775-558-9500 hhw@ivgid.org



Email: hhw@ivgid.org
 Office: (775)832-1268
 Cell: (775)558-9500

From: s4s@ix.netcom.com <s4s@ix.netcom.com>
Sent: Tuesday, October 3, 2023 12:22 AM
To: Heidi White <hhw@ivgid.org>
Subject: Proposed October 11, 2023 Town Hall Forum Questions re Topics of Community Interest

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

Hi Heidi -

Here are my proposed questions for the aforesaid Town Hall. They're really all related to the basic subject matter:

1. What exactly is a general improvement district ("GID")? Not the verbage contained in NRS 318.075 (a "body corporate and politic and a quasi-municipal corporation") which few understand but rather, what exactly is it?
2. How exactly do GIDs differ from other "governmental subdivision(s) of the State of Nevada?"
3. What powers do GIDs possess, and how are they limited by Dillon's Rule, if at all?
4. How do those powers differ from those permissibly exercised by other general governments?
5. Where does one go to get answers to these questions other than reading the NRS for him/herself?
6. Is IVGID exceeding its permissible powers?



IVGID 101 IVGID PAST AND PRESENT ▾ EVENTS

What Are General Improvement Districts ("GIDs")?

Most people, even law makers, have no real idea what GIDs really are. Sure they know they are some form of local government. And yes they may know that the acronym stands for "general improvement district." But what do the words really mean? What type of local government are we talking about? What powers do GIDs have? How do those powers differ from those of a county or city? Where does the money come from to financially support their operations? And where does one go to learn the answers to these and other similar questions?

As elsewhere stated, in Nevada¹ GIDs are *limited purpose*² special districts³. Special districts exist to provide specific services along the lines of vector control (mosquitos), library, fire, water, sewer and cemeteries, as opposed to general municipal police powers⁴. And insofar as GIDs are concerned, these types of "special district" exist primarily to provide specific services to real property⁵ their county of formation (for IVGID it was Washoe County) is unable or unwilling to furnish⁶.

So now you know!

1. See NRS 318.010. ↩

2. See A.G.O. No. 63-61, p. 102, at p. 103 (August 12, 1963). ↩

3. See NRS 308.020(2) which defines the term "special district" to include "any...general improvement district, or... other quasi-municipal corporation organized under the local improvement and service district laws of this State." But what does this mean? "The subcommittee also learned that there is some confusion over the legal definition of a general improvement district. "The definition in NRS 308.020 (really) provides no assistance" (see page 28 at LCB Bulletin 77-11). ↩

4. Those incredibly broad powers related generally to "[p]ublic safety, public health, morality, peace and quiet, (and) law and order" [see *Berman v. Parker*, 348 U.S. 26, 32, 75 S.Ct. 98 (1954)]. ←
5. Take a look at NRS 318.116. This is the statute which expressly declares the basic powers a GID may exercise. To make the case GIDs furnish services "required by *the owners of...real property*" [see NRS 318.258(9)], consider the following basic powers they may furnish: electric light and power [NRS 318.116(1)]; streets [NRS 318.116(7)], curbs, gutters and sidewalks [NRS 318.116(8)]; street lighting [NRS 318.116(12)]; storm drainage and flood control [NRS 318.116(10)]; energy for space heating [NRS 318.116(18)]; water [NRS 318.116(15)]; sewerage [NRS 318.116(11)]; the collection and disposal of garbage and refuse [NRS 318.116(13)]; fencing [NRS 318.116(16)]; fire protection [NRS 318.116(17)]; the control of noxious weeds [NRS 318.116(20)]; and, the extermination and abatement of mosquitoes, flies, other insects, rats, and liver fluke or *Fasciola hepatica* [NRS 318.116(2)].

Moreover, consider the District Board's recognition that "each parcel assessed [the Beach ('BFF') and/or Recreation ('RFF') Facility Fee]...is specifically benefited" by the District's recreation facilities for which it is assessed [see ¶4 at page 229 of the packet of materials prepared by staff in anticipation of the Board's May 26, 2022 meeting ("the 5/26/2022 Board packet"). As well as ¶4(c) at page 230 of the the 5/26/2022 Board packet which recites that "the availability of the use of IVGID's (recreation facilities is a)...benefit...which inure(s) to said real properties"]. The fact real property is benefited means that those basic power(s) granted accrue to real property.

Moreover, consider that "all rates, tolls (and) charges (adopted for these services) constitute a perpetual lien on and against *the (real) propert(ies) served*" [see NRS 318.197(2)]. And, "the amount of...charges (elected to be collected on the tax roll)...constitute a lien *against (each) lot or parcel of land against which the charge has been imposed*" [see NRS 318.201(10)]. Therefore, "where a dwelling unit (*on a*)...*parcel of real property* upon which the unit referenced...exists...is not currently being charged for services provided...the board...of trustees...may adopt a resolution...to charge the owner...for the services provided" (see NRS 318.203).

Moreover, "all owners of *inhabited property* in the district (are compelled) to use (and pay for) the district's system for the collection and disposal of sewage, garbage and other refuse" [see NRS 318.170(1)(b)]. And, when a "board which has adopted rates pursuant to this chapter...elect(s) to have such charges...collected on the tax roll...it...cause(s) a written report to be prepared...which...contain(s) a description of *each parcel of real property receiving such services and facilities* and the amount of the charge *for each parcel* for such year" [see NRS 318.201(1)].

Take a look at the Incline Village General Improvement District's ("IVGID's") trash Ordinance No. 1, sewer Ordinance No. 2, and water Ordinance No. 4. Who does IVGID ultimately look to for payment of the services it provides or contracts with a third party collector to provide *to real property*? According to ¶5.9 of Ordinance No. 1, ¶14.05 of Ordinance No. 2, and ¶9.06 of Ordinance

No. 4, "all charges, fees and amounts due and payable *shall be billed to the owner of the premises*, whether or not the owner is also the occupant." What about IVGID's recreation Ordinance No. 7? Who does IVGID ultimately look to for payment for the mere availability to access and use the recreational facilities and services it provides? According to §28 of Ordinance No. 7, parcels of real property rather than the persons who are the ones eligible to access and use the District's recreation privileges. Accordingly, that access and use are pre-conditioned upon a real property's payment of "all property taxes, special assessments and recreation fees...for the current and prior years."

What about the beach facilities and services IVGID provides to those with beach access? Again, access is pre-conditioned upon payment of the BFF local property/dwelling unit owners are obligated to pay. What about the defensible space services IVGID provides? 50% of the cost is included in the water rates, tolls and charges local property owners are obligated to pay, and the other 50% is included in the RFF local property/dwelling unit owners are obligated to pay. What about when the assets of a GID are proposed to be merged into an incorporated city? It is the vote (i.e., "protest") of *local parcel owners* within the district which shall determine whether to complete dissolution, merger or consolidation [see NRS 318.495(2)]. What about voting for/against Board trustees [see NRS 318.0951(1)] or general obligation bonds [see NRS 350.020(1)]? At least up until 1977 (when the Legislature was under the mistaken belief it was unconstitutional for nonresident parcel owners to vote in elections notwithstanding their primary interest), local parcel owners (aka "taxpaying electors") were qualified to vote [see former NRS 318.09525]. In *all* of these examples, it is or was the owner of *real property* who is or was ultimately charged and ultimately protests or protested *all* the services and facilities IVGID provides or provided to *real property*. ←

6. See §11 at page 8 of Legislative Commission of the Legislative Counsel Bureau, State of Nevada ("LCB"), Bulletin No. 77-11, *Creation, Financing and Governance of General Improvement Districts*, September 1976 ("LCB Bulletin 77-11"). ←



IVGID 101 IVGID PAST AND PRESENT ▾ EVENTS

What Powers Are General Improvement Districts ("GIDs") Authorized to Exercise?

📅 February 26, 2023

Many residents, even law makers, are of the opinion that since the Incline Village General Improvement District ("IVGID") is a "local government,"¹ it is authorized to function just like and to exercise *all* powers every other form of local government can exercise. They argue IVGID "mirrors an official town...yet...(simply without a) Mayor."² Moreover because GIDs are "body corporate(s) and politic(s) and...quasi-municipal corporation(s),"³ proponents argue IVGID can engage in all sorts of activities few if any other non-quasi municipal forms of local government(s) can exercise⁴. That's the very narrative IVGID staff advance to the world⁵. And unsurprisingly, that's exactly what the world regurgitates. Just look at Washoe County's and Tahoe Regional Planning Agency's ("TRPA's") Tahoe Area Plan⁶. Or the dozens of other third parties who routinely re-publicize this falsehood⁷. Or the Incline Village/Crystal Bay Community and Business Association ("IVCBA") which describes IVGID as only a "quasi-municipality."² When one reads stuff like this coming from what one thinks are reputable public agencies/other resources, why would the lay resident think anything different? But these views are misguided and as you the reader will learn, they are *not* really the case. So with that said...

Prelude: Across the country local governments are primarily empowered with two (2) types of possible rule making power: *Home Rule* and *Dillon's Rule*. The question over which "Rule" applies "often arises when a county or municipality attempts to exercise a power, and... courts (are asked to)...determine whether authority exists under state law."⁸ So let's examine both, and their applicability to Nevada local governments and GIDs in particular.

Dillon's Rule⁹: declares that "local government powers are...*limited* and only extend to those...which are: 1) granted in *express words*; 2) necessarily implied or...incident to...powers expressly granted; and, 3) absolutely essential to the declared objects and purposes of the (municipal) corporation – not simply convenient, but *indispensable*."¹⁰ "The rule also states that any reasonable doubt...as to whether a power has been granted will be ruled *against* the local government."¹¹ In other words, in *Dillon's Rule* states "municipalities run by municipal codes (state laws) can only act where *specifically authorized by state law*."¹²

Home Rule: is an authority of a constituent part of a U.S. state to exercise powers of governance delegated to it by its state government."¹² It "allows municipalities and counties to determine the structure and authority of...local government...(And it) transfers authority over municipal matters from state law...to a local charter that's drafted, adopted, and amended by voters in the municipality...(Basically, it allows) a county or municipality (to) do *anything that's not specifically denied* by the state constitution, the General Assembly, or (its) charter...Bottom line *Home Rule* provides *local control*. It gives the municipal government the ability to craft ordinances and make decisions based on local needs, rather than having to follow a one-size-fits-all state code that's decided by state legislators."¹³

Nevada is One of Thirty-One (31) "Dillon's Rule" States¹⁴: The Nevada League of Cities identifies thirty-one "31...*Dillon's Rule* states, (ten) 10 states operate under *Home Rule*, and (nine) 9 states have *Dillon's Rule* only for certain types of municipalities."¹⁵ That is, except where expressly otherwise exempted¹⁶. The Rule is applied to county, city *and other types of local government(s)*¹⁷ across the state¹⁸. In other words, IVGID! In fact to cement the case *Dillon's Rule* is the mainstay in Nevada, one need only recognize the fact it has been formally embodied into the NRS¹⁹.

Application of Dillon's Rule: Since by its express words the Legislature has created the GID law²⁰, and the Incline Village General Improvement District ("IVGID") is a GID²¹, the District's powers are recognized/restricted by NRS 318.

Therefore The Need For Explicit Statutory Authority: "Against this backdrop, generations of Nevada lawyers have advised their local government clients to proceed with caution when it comes to the powers a governmental agency may exercise, relying upon *explicit*

statutory language.”¹⁰ So let’s examine that explicit statutory language insofar as GIDs are concerned.

Those Powers Recited in The GID’s Initiating Ordinance: “for which the district (wa)s proposed to be created [for instance, (and) by way of illustration...paving, curb and gutters, sidewalks, storm drainage and sanitary sewer improvements within the district]”²² with the *proviso* they “*must* be one or more of those (basic powers) authorized in NRS 318.116.”²³

“All Rights And Powers Necessary or Incidental to or Implied From The Specific Powers Granted in This Chapter”²⁴ (NRS 318):

Those Powers “As Supplemented by The Sections of This Chapter (NRS 318) Designated Therein:”²² Such as the power to: “levy and collect (*ad valorem*) taxes;”²⁵ “borrow money and issue...(a) short-term notes, warrants and interim debentures, (b) general obligation bonds, (c) revenue bonds, [and] (d) special assessment bonds;”²⁶ “defray...by special assessment...improvement(s) and...other lands;”²⁷ and, “eminent domain...to take any property necessary to the exercise of th(os)e powers granted.”²⁸

Those Powers in “Other Provisions Supplemental Thereto in This Chapter:”²⁹ such as a GID’s “implied powers” to “have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted in this chapter” NRS 318²⁴. Or its “power to operate, maintain and repair...improvements acquired by the district.”³⁰

Those Powers “Otherwise Provided by (Another) Statute:”³¹ *other than* NRS 318 such as the power: of “two or more political subdivisions of this State, (expressly) including...special districts³² (like IVGID, to) enter into...cooperative agreement(s) for the performance of any governmental function;”³³ to perform contracts³⁴ and make expenditures with and without³⁵ going out to public bid.

And If “There Be Any Fair or Reasonable Doubt: concerning the existence (or exercise) of a power,” since Nevada is *strictly a Dillon’s Rule* state¹⁵, it “is (to be) resolved *against* the (local government) and the power...*denied*.”¹¹

Moreover, Lest Not The Reader Forget That These Powers *Must Be* “**Strictly Construed And Limited**.”³⁶ because GIDs are public agencies endowed with *only* such attributes of a municipality as may be deemed necessary³⁷ for the performance of their *limited objectives*³⁸.

Conclusion: So there you have it! As a special purpose district³², IVGID’s basic powers are expressly *limited*¹⁰ as we have identified. And if there is any doubt as to the extent of those powers, it must be construed *against* the District and the power *denied*¹¹! Therefore as you the reader examine the powers the District actually exercises/has in the past actually exercised, we ask you hold it accountable insofar as the limits and restrictions discussed above are concerned.

And now you know.

-
1. NRS 354.474(1)(a) defines local governments as: “every political subdivision or other entity which has the right to levy or receive money from *ad valorem* or other taxes...and includes, without limitation...districts organized pursuant to chapter...318.” IVGID fits this description. ↩
 2. See page 4 at https://e.issuu.com/embed.html?d=lwpln_spr21&u=justimagine. ↩
 3. See NRS 318.075(1). ↩
 4. But this assertion represents the *improper* application of the term “quasi-public” to the nature of a GID’s existence. Rather, the term refers to the “quasi” or limited powers GIDs are authorized to exercise for the performance of their *limited objectives* compared to a county or city³⁶. Thus just like there can be nothing “quasi” about being pregnant, there can be nothing “quasi” about being a form of “government;” you either are or are not. ↩
 5. Consider the District’s “WATER QUALITY CONSUMER CONFIDENCE REPORT(S)” which accompany IVGID utility customers’ billing. Under “About IVGID” the public is schooled that the District “is a quasi-public agency established under Nevada Revised Statute, Chapter 318.” Or the District’s LinkedIn page: “The Incline Village General Improvement District, commonly referred to as IVGID, is a quasi-public agency established under Nevada Revised Statute, Chapter 318.” ↩
 6. See page 20 of the Plan where it describes IVGID as “quasi-public” insofar as its ownership of “publicly owned land within the planning area” is concerned; page 105 where it describes IVGID as the public entity which furnishes facilities and services within the planning area is concerned; and, page 106 insofar where it describes IVGID as a public utility. ↩
 7. Take a look at [pinterest.com](https://www.pinterest.com): “The Incline Village General Improvement District, commonly referred to as IVGID, is a quasi-public agency chartered to provide water, sewer, trash and recreation services for the communities of Incline Village and Crystal Bay, Nevada.” Or [crunchbase.com](https://www.crunchbase.com): “IVGID is a quasi-public agency, chartered to provide water, sewer, trash and recreation services for the communities.” ↩
 8. See https://ballotpedia.org/Home_rule#cite_note-nmml-1. ↩

9. Judge John Forrest Dillon served on the Iowa Supreme Court from 1863 to 1869 before being appointed to the Federal Eighth Judicial Circuit. He was also a noted legal scholar, publishing extensively on municipal law. In two opinions for the Iowa Supreme Court he laid out a rule of law which was subsequently adopted by other state supreme courts and eventually...the U.S. Supreme Court."¹² ↵
10. Go to https://www.nvbar.org/wp-content/uploads/NevLawyer_June_2013_Dillon's_Rule.pdf. Also, see NRS 244.137(3). ↵
11. See NRS 244.137(4). ↵
12. Go to https://en.wikipedia.org/wiki/Home_rule_in_the_United_States. ↵
13. Go to <https://why.org/articles/what-is-home-rule/>. ↵
14. In Nevada's jurisprudence, the Nevada Supreme Court has adopted *Dillon's Rule* [see *Tucker v. Mayor and Bd. of Alderman*, 4 Nev. 20, 26 (1868); *State ex rel. Rosenstock v. Swift*, 11 Nev. 128 (1876)]. ↵
15. See page 5 of *A Discussion of Home Rule in Nevada*, Committee to Study Powers Delegated to Local Governments (February 18, 2010). ↵
16. See NRS 244.137(6) and NRS 268.001(6) which both declare that to provide the governing bodies of counties and incorporated cities with the appropriate authority to address matters of local concern for the effective operation of government, *Dillon's Rule* is modified "so that if there is any fair or reasonable doubt concerning the existence of a power...it must be presumed...the governing body has the power unless the presumption is rebutted by evidence of a contrary intent by the Legislature." ↵
17. See *Waltz v. Ormsby County*, 1 Nev. 370, 376-377 (1865). ↵
18. Why don't we have a reported case which expressly declares that *Dillon's Rule* applies to GIDs? Because "the absence of cases involving special districts...most probably...stems from the fact (they) ...are created to carry out relatively narrow, statutorily specified purposes with the method of financing those activities also prescribed by the underlying statute. This is far different from the situation Nevada cities and counties face: an increasing myriad of functions imposed by the state or federal governments, with a taxing regime almost fully centralized and controlled by the state government."¹⁰ ↵
19. See NRS 244.137(2) and 268.001(2) which both state that "in Nevada's jurisprudence, the Nevada Supreme Court has adopted and applied *Dillon's Rule* to county, city and other local governments." ↵
20. See NRS 318.010. ↵
21. NRS 318.015(1) instructs that "each district organized pursuant to the provisions of this chapter shall be a body corporate and politic...quasi-municipal corporation" and general improvement district. ↵
22. See NRS 318.055(4)(b). ↵
23. NRS 318.116 instructs that "any one, all or any combination of the following basic powers may be granted to a district in proceedings for its organization, or...reorganization pursuant to NRS 318.077, and all provisions in this chapter [that is, "1. Furnishing electric light and power...2. Extermination and abatement of mosquitoes, flies, other insects, rats, and liver fluke or *Fasciola hepatica*...3. Furnishing facilities or services for public cemeteries...4. Furnishing facilities for swimming pools...5. Furnishing facilities for television...6. Furnishing facilities for FM radio...7. Furnishing streets and alleys...8. Furnishing curbs, gutters and sidewalks...9. Furnishing sidewalks...10. Furnishing facilities for storm drainage or flood control...11. Furnishing sanitary facilities for sewerage...12. Furnishing facilities for lighting streets...13. Furnishing facilities for the collection and disposal of garbage and refuse...14. Furnishing recreational facilities...15. Furnishing facilities for water...16. Furnishing fencing...17. Furnishing facilities for protection from fire...18. Furnishing energy for space heating...19. Furnishing emergency

- medical services...20. Control of noxious weeds...(and,) 21. Establishing, controlling, managing and operating an area or zone for the preservation of one or more species or subspecies of wildlife that has been declared endangered or threatened pursuant to the federal Endangered Species Act of 1973, 16 U.S.C. §§1531, et seq.] supplemental thereto. ↩
24. See NRS 318.210. ↩
25. See NRS 318.230(1). ↩
26. See NRS 318.275(1). ↩
27. See NRS 318.350(1). ↩
28. See NRS 318.190. ↩
29. See NRS 318.100(1). Similarly, NRS 318.116 states that in addition to "all or any combination of the...basic powers (designated therein)...a district...may be granted(, in part)...*all provisions in this chapter (NRS 318) supplemental thereto.*" ↩
30. See NRS 318.145. ↩
31. NRS 318.100(1) states that "the board shall have each of the basic powers enumerated in this chapter and...other provisions...otherwise authorized by law. ↩
32. As elsewhere stated, IVGID is a special district [see NRS 308.020(2)]. ↩
33. See NRS 277.045(1). ↩
34. See NRS 332.063, et seq. ↩
35. NRS 332.112, et seq. ↩
36. "To those expressly provided by the Legislature and *no others*" [see A.G.O. No. 63-61, p. 102, at p. 103 (August 12, 1963)]. ↩
37. GIDs are not true municipalities. Rather, they are "quasi-municipal" corporations. Hence their characterization as "quasi-municipal." ↩
38. See *City of Aurora v. Aurora Sanitation Dist.*, 112 Colo. 406, 411, 149 P.2d 662, 664 (1944); *Goodwin v. Thieman*, 74 P.3d 526, 528 (Colo. App. 2003). ↩

EXHIBIT “D”



IVGID 101 IVGID PAST AND PRESENT ▾ EVENTS

How The Powers General Improvement Districts ("GIDs") Are Authorized to Exercise Differ From Those of Counties And Incorporated Cities

📅 February 26, 2023

In a word (or series of words), the exercise of municipal police powers and the relaxation of limitations imposed by *Dillon's Rule*. What are municipal police powers? Let us respond with what they're not. They do "not specifically refer to the right of state and local governments to create police forces. (Rather, they refer to)...the authority...(of) states under the Tenth (10th) Amendment to the Constitution...to regulate local matters concerning (the) *health, safety, and morality* of state residents...(In other words,) the basic right of governments to make laws and regulations for the benefit of their communities."¹ Or stated differently, those laws and regulations providing general governmental services²/exercising general-purpose powers³.

Counties Have Been Granted The Power to Furnish General Governmental Services: NRS 244.137(6)(a) instructs that "to provide a board of county commissioners with the appropriate authority to address matters of local concern⁴ for the effective operation of county government, the provisions of NRS 244.137 to 244.146, inclusive...(it is) expressly grant(ed)...*all* powers necessary or proper...so that the board may adopt county ordinances and implement and carry out county programs and functions for the effective operation of county government."

Moreover, Counties Have Been Granted Powers Well in Excess of The Limitations of *Dillon's Rule*: NRS 244.137(6)(b) instructs that "to provide a board of county commissioners with the appropriate authority to address (those) matters...*Dillon's Rule* (is expressly)..."

modif(ied)...so that if there is any fair or reasonable doubt concerning the existence of a power of the board...it must be presumed that the board has the power unless th(at) presumption is rebutted by evidence of a contrary intent by the Legislature.”

Similarly, Incorporated Cities Have Been Granted The Power to Furnish General

Governmental Services: NRS 268.001(6)(a) instructs that “to provide the governing body of an incorporated city with the appropriate authority to address matters of local concern^{efn_note]}“Matter(s) of local concern mean...any matter(s) that (a) primarily affect... or impact,, areas located in the incorporated city, or persons who reside, work, visit or are otherwise present in areas located in the city, and does not have a significant effect or impact on areas located in other cities or counties,,The term (expressly) includes...public *health, safety and welfare* in the city” (see NRS 268.003).^[/efn_note] for the effective operation of city government...the governing body of an incorporated city (is)...expressly grant(ed)...*all* powers necessary or proper...so that the governing body may adopt city ordinances and implement and carry out city programs and functions for the effective operation of city government.”

Moreover, Incorporated Cities Have Been Granted Powers Well in Excess of The

Limitations of Dillon's Rule: NRS 268.001(6)(b) instructs that “to provide the governing body of an incorporated city with the appropriate authority to address (those) matters... *Dillon's Rule* as applied to the governing body of an incorporated city (is)...modif(ied)...so that if there is any fair or reasonable doubt concerning the existence of a power of the governing body to address a matter of local concern, it must be presumed that the governing body has the power unless the presumption is rebutted by evidence of a contrary intent by the Legislature.”

In Contrast GIDs Have Not Been Granted The Power to Furnish General Governmental

Services: As elsewhere discussed, GIDs are *limited purpose* special districts along the lines of vector control (mosquitos), library, fire, water, sewer and cemetery districts. They are creatures of statute, and in Nevada those statutes are set forth at Title 25 of Chapter NRS 318⁵. Take a long hard look at NRS 318. Do you the reader see any language which authorizes GIDs to provide for the health, safety or general welfare of its inhabitants? Legal maxims are “established principle(s) or proposition(s) of law, and a species of aphorism and

general maxim.”⁶ The legal maxim *Expressio Unius Est Exclusio Alterius* instructs that “the special mention of one thing operates as the exclusion of things differing from it.” As applied here, the fact NRS 318 fails to provide for the health, safety or general welfare of its inhabitants means it cannot exist by implication.

Nor Have They Been Granted Powers in Excess of The Limitations of *Dillon’s Rule*: Across the country local governments are primarily empowered with two (2) types of possible rule making powers: *Home Rule* and *Dillon’s Rule*. The question over which “Rule” applies “often arises when a county or municipality attempts to exercise a power, and...courts (are asked to)...determine whether authority exists under state law.”⁷ Given the Nevada Supreme Court has adopted *Dillon’s Rule* [see *Tucker v. Mayor and Bd. of Alderman*, 4 Nev. 20, 26 (1868); *State ex rel. Rosenstock v. Swift*, 11 Nev. 128 (1876); NRS 244.137(2)].^[efn_note], GIDs are subject to *Dillon’s Rule* insofar as their rule making powers are concerned. The reader may recall that *Dillon’s Rule* instructs that “local government powers are...*limited* and only extend to those: 1) granted in *express words*; 2) necessarily implied or...incident to...powers expressly granted; and, 3) absolutely essential to the declared objects and purposes of the (municipal) corporation – not simply convenient, but *indispensable*.”

Again, take a long hard look at NRS 318. Do you the reader see similar language which runs *contra* to the express language in *Dillon’s Rule*? No *you don’t!* And that’s because there are no modifications insofar as GIDs are concerned⁸. Which means that if there is any fair or reasonable doubt concerning the existence of a GID’s exercise of power *it must be presumed the Board has none*⁹.

Conclusion: So there you have it. *Unlike* true municipalities, the powers IVGID can exercise are expressly *limited*, far less than those of a county or incorporated city, and expressly do *not* extend to providing for the health, safety and general welfare of its inhabitants. Therefore as you the reader examine the powers IVGID actually exercises/has in the past exercised, we hope you will hold it accountable for the limits, restrictions and consequences discussed above. And remember the consequences should there be any doubt...

1. See <https://municipal.ushttps://municipal.uslegal.com/police-powers/legal.com/police-powers/>. ←

2. See https://www.census.gov/newsroom/cspan/govts/20120301_cspan_govts_def_3.pdf. ↵
3. See http://www.ca-ilg.org/sites/main/files/file-attachments/local_agency_powers_and_limitations.pdf. ↵
4. The term "matter(s) of local concern means (matters affecting) ...*public health, safety and welfare*" [see NRS 244.143(2)]. ↵
5. See Public Organizations for Community Service. ↵
6. See https://en.wikipedia.org/wiki/Legal_maxim. ↵
7. See https://ballotpedia.org/Home_rule#cite_note-nmml-1. ↵
8. See NRS 244.137(7)(a) and NRS 268.001(7)(a) which both declare that "the provisions of [NRS 244.137(7) and NRS 268.001(7)]...must *not* be interpreted to modify *Dillon's Rule* with regard to: *any* local governing body other than a board of county commissioners (or)...incorporated city." In other words, the Incline Village General Improvement District ("IVGID"). Therefore insofar as GIDs are concerned, the restrictions of *Dillon's Rule* continue. ↵
9. Go to https://www.nvbar.org/wp-content/uploads/NevLawyer_June_2013_Dillon's_Rule.pdf. ↵

EXHIBIT “E”



IVGID 101 IVGID PAST AND PRESENT ▾ EVENTS

What Powers Have Been Granted to The Incline Village General Improvement District ("IVGID")?

📅 February 26, 2023

As elsewhere discussed, GIDs are *limited purpose* special districts along the lines of vector control (mosquitos), library, fire, water, sewer and cemetery districts. They are creatures of statute, and in Nevada those statutes are set forth at Title 25 of Chapter NRS 318¹. By statute², those "basic power(s)...for which the district was proposed to be created (for instance, by way of illustration, 'paving, curb and gutters, sidewalks, storm drainage and sanitary sewer improvements within the district')" are set forth in their initiating ordinance(s) with the *proviso* "the(y)...must be one or more of those authorized in NRS 318.116, as supplemented by the sections of this chapter³ designated therein."²

So in addition to those powers: "as supplemented by the sections of *this Chapter* (NRS 318) designated therein;" in "other provisions supplemental thereto *in this Chapter*" (NRS 318); "otherwise provided by (*another*) statute;" and, "necessary or incidental to or implied from the specific powers granted in *this Chapter*"⁴ (NRS 318); what basic powers have been granted to IVGID by the Washoe County Board? The furnishing of facilities for: water⁵, sewer disposal⁶, streets and highways⁷, curbs, gutters and sidewalks⁸, storm drainage and flood control⁹, street lighting¹⁰, the collection and disposal of garbage and refuse¹¹, electric light and power¹², and public¹³ recreation¹⁴. That's it¹⁵!

So now you know.

1. See Public Organizations for Community Service. ↩

2. See NRS 318.055(4)(b). ↩

3. See NRS 318.077 which states that "the board may elect to add basic powers not provided in its formation, in which event (it)...shall cause proceedings to be had by the Washoe County Board of Commissioners ("County Board") similar, as nearly as may be, to those provided for the formation of the district, and with like effect." ↵
4. See our What Powers Are All GIDs Authorized to Exercise discussion. ↵
5. See NRS 318.116(15). The District was granted the predecessor to this basic power by the Washoe County Board on May 20, 1961 via County Ordinance No. 97, Bill No. 57. ↵
6. See NRS 318.116(11). The District was granted the predecessor to this basic power by the County Board on May 20, 1961 via County Ordinance No. 97, Bill No. 57. ↵
7. See NRS 318.116(7). The District was granted the predecessor to this basic power by the County Board on May 20, 1961 via County Ordinance No. 97, Bill No. 57. ↵
8. See NRS 318.116(8). The District was granted the predecessor to this basic power by the County Board on May 20, 1961 via County Ordinance No. 97, Bill No. 57. ↵
9. See NRS 318.116(10). The District was granted the predecessor to this basic power by the County Board on May 20, 1961 via County Ordinance No. 97, Bill No. 57. ↵
10. See NRS 318.116(12). The District was granted the predecessor to this basic power by the County Board on March 5, 1964 via County Ordinance No. 97, Bill No. 102. ↵
11. See NRS 318.116(13). The District was granted the predecessor to this basic power by the County Board on March 5, 1964 via County Ordinance No. 97, Bill No. 102. ↵
12. See NRS 318.116(1). The District was granted the predecessor to this basic power by the County Board on May 5, 1969 via County Ordinance No. 97, Bill No. 227. ↵
13. Note that initially the District was not granted the basic power to furnish facilities for *recreation*, but rather, to furnish facilities for *public* recreation (see sec. 21.5 of Chapter 413, SB 297, 1965 Statutes of Nevada, at page 1088). ↵
14. See NRS 318.116(14). The District was granted the predecessor to this basic power by the County Board on November 15, 1965 via County Ordinance No. 97, Bill No. 132. ↵
15. See A.G.O. No. 63-61, p. 102, at p. 103 (August 12, 1963). ↵

EXHIBIT “F”



IVGID 101 IVGID PAST AND PRESENT ▾ EVENTS

Is The Incline Village General Improvement District ("IVGID") Exceeding The Powers it May Permissibly/Should Necessarily Be Exercising?

📅 May 18, 2023

But for a judicial confirmation petition which "pray(s) for...judicial examination and determination of the validity of any power conferred or of any instrument, act or project of the municipality, whether or not such power has been exercised, such instrument has been executed or otherwise made or such act or project has been taken,"¹ and can be reduced to a "judgment and decree thereon,"² how does anyone really know what powers a GID may permissibly exercise? Or what programs it can offer? Does the State publish a manual³ whereby it provides answers to these questions?

As elsewhere discussed, the District's powers are severely *limited* compared to those of a true municipality (like a county, city or unincorporated association) with general powers. Yet IVGID staff and their collaborators/supporters do not prescribe to these limitations. Rather, they wrongly take the position that since IVGID "is a legally separate government," it is: "fiscally independent of...(and) not financially accountable (to) any other... governmental...entity,"⁴; and, "empowered to determine what facilities and services it should offer that will preserve or enhance the general health, safety and welfare of the community."⁵ But because GIDs "do not have the adequate size nor tax base to (financially) support the services"⁶ or facilities they typically furnish, hopefully the reader can see the conflict which has plagued this District from day one. And plagues it today!

And notwithstanding: the Nevada Department of Taxation ("NDOT") was created, in part, to "exercise general supervision and control over the entire revenue system of the State"⁷

[presumably to "protect (the) public health...safety" and general welfare of Nevada's citizens⁸]; it is "a state agency⁹...subject to the Nevada Administrative Procedure Act"¹⁰); and given this jurisdiction is to be broadly construed to allow the NDOT "to exercise...any necessary and proper power(s)" whether or not expressly enumerated¹¹; NDOT regurgitates the narrative advanced by District staff and their proponents¹². And similarly, Washoe County takes the same position¹³.

Therefore is it any surprise IVGID staff take the position that the District "is a legally separate government...fiscally independent of any other governmental entity...(and) not financially accountable (to) any other entity?"⁹ And based upon this narrative, staff have created a Trustee's Handbook which instructs trustees from staff's point of view, who runs the show in Incline Village/Crystal Bay. But as demonstrated elsewhere, this narrative is not warranted.

Nevada Constitution: We begin this discussion by examining the Nevada Constitution. Article 8, §8. It is the Legislature which shall provide for/restrict the powers of all general purpose governments. And since the Legislature has provided for general improvement districts ("GIDs") at NRS 318.010, their powers are similarly restricted. Moreover, as a *limited* purpose special district, a GID's powers are to be *strictly construed* and...*limited*¹⁴ to those: provided by the Legislature¹⁵ and nothing more¹⁶, with the *proviso* those powers are expressly conferred by its County Board of Commissioners ("County Board") in the GID's initiating ordinance¹⁷, as supplemented if at all by those "additional basic power(s) expressly) granted,"¹⁸ "sections of this chapter (NRS 318) designated (t)herein,"¹⁹ and, *none other*¹¹. So what basic powers has the Washoe County Board expressly granted to IVGID in its initiating and supplemental ordinances? As demonstrated elsewhere,

IVGID's Initiating Ordinance: granted the District the following basic powers: furnishing facilities for streets, alleys and public highways²⁰; curbs and gutters²¹; sidewalks²²; storm drainage and flood control²³; sanitary sewerage²⁴; as well as water²⁵.

IVGID's Limited Supplemental Ordinances: On March 5, 1964 the Washoe County Board supplemented these basic powers¹⁴ in the following particulars: it allowed IVGID to furnish

facilities for lighting public streets, ways and places²⁶; and, collect and dispose of garbage and refuse²⁷.

Then on November 15, 1965 the Washoe County Board again supplemented these basic powers¹⁴ in the following particulars: it allowed IVGID to furnish facilities for public²⁸ recreation²⁹.

And on May 5, 1969 the Washoe County Board further supplemented these basic powers¹⁴ in the following particulars: it allowed IVGID to furnish facilities for electric light and power³⁰.

The Limited Supplemental Powers All GIDs May Exercise: again assuming they are actually granted by their individual GID's County Board(s). And they appear at NRS 318.116: "1. Furnishing electric light and power, as provided in NRS 318.117; 2. Extermination and abatement of mosquitoes, flies, other insects, rats, and liver fluke or *Fasciola hepatica*, as provided in NRS 318.118; 3. Furnishing facilities or services for public cemeteries, as provided in NRS 318.119; 4. Furnishing facilities for swimming pools, as provided in NRS 318.1191; 5. Furnishing facilities for television, as provided in NRS 318.1192; 6. Furnishing facilities for FM radio, as provided in NRS 318.1187; 7. Furnishing streets and alleys, as provided in NRS 318.120; 8. Furnishing curbs, gutters and sidewalks, as provided in NRS 318.125; 9. Furnishing sidewalks, as provided in NRS 318.130; 10. Furnishing facilities for storm drainage or flood control, as provided in NRS 318.135; 11. Furnishing sanitary facilities for sewerage, as provided in NRS 318.140; 12. Furnishing facilities for lighting streets, as provided in NRS 318.141; 13. Furnishing facilities for the collection and disposal of garbage and refuse, as provided in NRS 318.142; 14. Furnishing recreational facilities, as provided in NRS 318.143; 15. Furnishing facilities for water, as provided in NRS 318.144; 16. Furnishing fencing, as provided in NRS 318.1195; 17. Furnishing facilities for protection from fire, as provided in NRS 318.1181; 18. Furnishing energy for space heating, as provided in NRS 318.1175; 19. Furnishing emergency medical services, as provided in NRS 318.1185; 20. Control of noxious weeds, as provided in chapter 555 of NRS; and 21. Establishing, controlling, managing and operating an area or zone for the preservation of one or more species or subspecies of wildlife that has been declared endangered or threatened pursuant to the federal Endangered Species Act of 1973, 16 U.S.C. §§1531, et seq."

Dillon's Rule: These are the extent of the powers IVGID may legitimately exercise. And should there be any fair, reasonable, substantial doubt concerning the existence of any other powers, according to *Dillon's Rule*³²; to furnish "services pertaining to any such basic power which the district may exercise;"³³ and, to exercise "all rights and powers necessary or incidental to or implied from the specific powers granted in this chapter."³⁴

Legislative Counsel Bureau Bulletin No. 77-11: Because "there had never been a study of any kind...by the Legislature...of special districts...(the) much publicized fiscal difficulties of New York City...the potential for financial over extension or default among Nevada local governments (and)...problem areas in chapter 318 of NRS,"³⁵ in 1975 "the State Legislature directed a study...by the legislative commission...of the methods for creating, governing and financing GIDs in Nevada."³⁶ As a result, a commission subcommittee prepared a report which included its findings and recommendations³⁷ insofar as future legislation were concerned. And one of those findings was "that there (had been)...a number of districts created that...(we)re performing services that should be provided by counties,"³⁸ or not provided at all. According to the subcommittee one of the reasons why this phenomena was occurring was that "when approached by citizens requesting a service from the county, (commissioners) often suggest(ed) that a general improvement district...(wa)s the only way to provide the requested service (notwithstanding) such districts often d(id) not have the adequate size (n)or tax base to support (such) services...(Although) this practice was not found to be widespread in the State...it happen(ed) often enough to be of great concern."³⁹

But nearly fifty (50) years later, the concerns of the subcommittee represent the reality of IVGID today. Consider the following activities IVGID engages in, many in our community believe are well beyond the District's *limited* permissible powers⁴⁰. As the reader considers each of the powers and services which follow, ask yourself; does it represent:

1. A power expressly recognized by the Nevada Constitution⁴¹?
2. A basic power expressly enumerated in³³ Chapter NRS 318⁴² and if so, has that power been expressly granted to IVGID by the Washoe County Board^{10,11}?
3. A "power...*necessarily* or fairly implied ('*not* merely convenient but indispensable') in or incident to (other)...powers expressly granted?"⁴³

4. A "power...essential to the accomplishment of (a) declared object...and purpose?"³⁵
5. A power which "provide(s) a method for financing the costs of developing private property?"⁴⁴
6. An activity permitted by "sections of chapter (NRS) 318 (expressly) designated therein?"¹⁰
7. An activity which primarily benefits "the inhabitants...of (Incline Village, Crystal Bay) and of the State of Nevada?"⁴⁵
8. A "service...pertaining to a...basic power which the district (is expressly permitted to)... exercise?"²⁵
9. A public utility charge which is "just and reasonable?"⁴⁶
10. An alleged standby service charge for "the (mere) availability of...(public recreational) facilities?"⁴⁷
11. An alleged standby or service charge levied against a "parcel of real property" for services or facilities furnished to those parcels which are assessed rather than the occupants of those parcels?⁴⁸
12. And "if there (be) any fair or reasonable doubt concerning the existence (or nonexistence) of (that) power, (has) that doubt...(been) resolved *against* the (IVGID) board... and the power *denied*."²⁷

With that said (click on the links below to learn more insofar as the following activities the District engages in are concerned),

Lobbying Law Makers/Regulators to Advocate For/Against State of Nevada Legislation:

Lobbying Members of Congress/Regulators to Advocate For/Against Federal Legislation:

Membership in the Nevada League of Cities:

EXHIBIT "G"



Remedies [Available to a General Improvement District (“GID”)] Where There Are Questions as to Whether it is Exceeding or Plans to Exceed its Permissible Powers

📅 May 18, 2023

What remedies are available to a GID assuming one or more members of the public allege the former is exceeding its limited powers¹? The answer appears at NRS 43.100(1) which instructs that:

“The governing body...(of a)...municipality²...may file or cause to be filed a petition...in the district court in and for any county in which (it)...is located or any act or project is (to be) undertaken, wholly or in part, praying (for) a judicial examination and determination of the validity of any power conferred or of any instrument, act or project of the municipality, whether or not such power has been exercised, such instrument has been executed or otherwise made or such act or project has been taken.”

So there you go! Easy-peasy! But does anyone really think the IVGID Board would ever file such a petition? If so we have some bridges in Incline Village you might be interested in purchasing.

-
1. Remember that as elsewhere discussed, GIDs are *limited purpose* special districts along the lines of vector control (mosquitos), library, fire, water, sewer and cemetery districts. ↩
 2. For purposes of NRS 43.100, GIDs are municipalities [the term “municipality means...any...general improvement district...or any other body corporate and politic of the State of Nevada” (see NRS 43.080)]. ↩

EXHIBIT “H”



IVGID 101 | IVGID PAST AND PRESENT ▾ | EVENTS

Remedies (Available to The General Public) Where There Are Questions as to Whether a General Improvement District (“GID”) is Exceeding or Plans to Exceed its Permissible Powers

📅 May 17, 2023

What remedies are available to members of the general assuming one or more allege the District is exceeding its limited powers? The answer is simple. *There are none!* Some years ago a member of the public brought suit against the Incline Village General Improvement District (“IVGID”) challenging the propriety of a number of powers the latter had exercised. Listen to what former Judge Flanigan had to say about the member of the public’s right to sue:

“The relief (plaintiff) requests is *unavailable* under...NRS Chapter 318.”¹

Notwithstanding the law is clear that whenever “there is a wrong, there is a remedy,”² when it comes to IVGID apparently *there is no remedy*. So now you know!

1. See that judgment on the pleadings/dismissal granted in IVGID’s favor on August 22, 2012 in Nevada Second District Court Action No. CV11 – 01380. This judgment was affirmed on appeal to the Nevada Supreme Court.



2. “Th(is) maxim states that if any wrong has been committed, the law provides a remedy. In simple terms, the law specifies a remedy for every wrong...When a person’s right is denied, the law affords the remedy of an action for its enforcement. Thus, this right to a remedy includes a right of action. The maxim also states that the person whose right has been infringed has the right to enforce the infringed right through any action before the court” (see the maxim *Ubi Jus Ibi Remedium*). ↩

Heidi White

From: Mark & Peggy Meadows <mpmeadows@sbcglobal.net>
Sent: Wednesday, October 11, 2023 3:15 PM
To: Heidi White
Subject: Comments for Tonight's Meeting

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

To the District Clerk: Will you please share my comments/suggestions under agenda item D 1. ? I might not be available to participate by phone tonight.

1.) Punchcard Credit- We feel that up to \$100 per punchcard should be able to rollover for the following year's recreation charges. Use-it-or-lose-it is not community-oriented, and some summers don't end up getting as many visitors as expected (like when the smoke is bad from fires and activities are limited);

2.) Beach Chairs and Loungers- These helped attract us to living here. We often ride our bikes to the beach and it's unsafe for us to try and carry folding chairs on our backs while riding amongst walkers and vehicles. Maybe you don't need to supply as many as before, but at least half of what was there should be returned for our use;

3.) Tennis and Pickleball Fees- Looking at the proposed fees for 2024, I have come up with my own suggested schedule and adds a category for guest accompanied by an IVGID Picture Pass Holder:

Tennis		General Public	Guest Pass	IVGID PPH
	a.m.	\$15	\$12	\$10
	p.m.	10	7	5
	Season Pass (Includes P-ball)			
	Family			800
	Junior	300		200
	18-59	500		400
	60-79	450		350
	month	200		100
Pickleball				
	a.m.	15	12	10
	p.m.	10	7	5
	Season Pass			
	Junior	250		150
	18-59	400		300
	60-79	300		200
	month	150		75

Note: While allowing public use of our facilities, we feel there should be more of a benefit to IVGID taxpayers, in comparison to those who do not foot the annual tax bill and are less likely to volunteer to help keep these activities vibrant.

Thank you for considering these suggestions....,

Peggy Meadows, Juanita Drive, Incline Village, 775-298-2775

Mick Homan

Since I doubt this meeting will facilitate truth, I want to dispell a few likely untruths in advance.

1. Sara made public comments stating that she and the board don't micro-managed staff - that only the board, acting as a board, can direct the GM.

Why doesn't she comply?

Some examples - she directed rec staff to stop issuing punch cards to LLC's and directed beach staff to remove the recall table from the beach.

Now we've heard she actually lied to beach staff, telling them general counsel informed her the recall table should be removed.

Is it a coincidence he gave his resignation notice shortly after learning this?

2. Chair Dent stated on local TV that the board had no choice but to remove employee beach access - that nothing was ever written or documented granting them access. False.

Here's Board resolution 1568 from 1988 that granted Beach Access to employees.

The specific wording was approved by legal counsel.

3. Per Trustee Schmitz, Nevada statutes forced the board to sharply reduce rec fees. False. The State informed us they're unaware of any statute preventing collection, even if we have excess funds. But we don't.

Current cash balances only cover about half the 5-year capital plan.

So please stop lying and deflecting. Take responsibility for your actions.

Resolution No. 1568

**PERSONNEL POLICIES
Incline Village General Improvement District**

WHEREAS, the Board of Trustees has adopted Resolution No. 1505 (being Policy Resolution No. 112), establishing personnel policies for the District; and

WHEREAS, the Board of Trustees wishes to make changes in the personnel policies;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT, that it hereby amends Section 5.4 of the policies to read as follows:

5.4 **RECREATION PRIVILEGES**. All IVGID employees shall receive recreation privileges during the term of their employment. Seasonal management and multi-seasonal employees shall receive recreation privileges, year-round. Recreation privileges include:

Beach. *As guests of IVGID as a property owner, ~~Free~~ access to beaches; ~~Free~~ use of boat ramp.*

Alpine Skiing. Free skiing. Free equipment rental, except during peak periods and subject to availability. 50% discount on ski repair and tuning.

Nordic Skiing. Free track use. *Free on-site equipment rental, subject to availability.*

Tennis. Free court use. 20% discount on tennis lessons.

Other. 20% discount on most programs offered by IVGID's Parks and Recreation Department.

Hunting. *Free facility use, subject to availability.*

The following privileges shall be available to spouses and dependent children (under 18 years old) of IVGID employees:

Beach. Same as employee.

Alpine Skiing. 50% discount off the resident rate for a season pass. 50% discount off the full (non-resident) price of a daily lift ticket. 50% off equipment rental, except during peak periods and subject to availability.

Nordic Skiing. 50% discount off the resident rate for a season pass. 50% discount off the full (non-resident) price of the daily fee for track use. 50% off on-site equipment rental, except during peak periods and subject to availability.

Tennis. 50% discount off the resident rate for a season pass. 50% discount off the full (non-resident) price of the hourly and daily fee for court use.

Hunting. 50% discount off the resident rate for a season pass. 50% off the full (non-resident) price for daily use, subject to availability.

Gold Card. If the employee has at least twenty years of service at the time of termination, then the employee shall receive a gold card, entitling the employee to the following privileges after leaving IVGID, for life:

Beach. As guests of IVGID as a property owner, access to beaches; use of boat ramp.

Alpine Skiing. Free skiing. Free equipment rental, except during peak periods and subject to availability.

Nordic Skiing. Free skiing. Free on-site equipment rental, except during peak periods and subject to availability.

Tennis. Free court use.

Hunting. Free facility use, subject to availability.

Silver and Gold Card benefits may be changed at any time, without advance notice. Golf privileges will be offered to the extent they are available through agreement between IVGID and IVGID's golf course operator. The General Manager may distribute Silver and Gold Cards while employees are still employed, subject to the restriction that the employee shall

forfeit the card upon termination, if the employee is not in good standing at termination.

BE IT FURTHER RESOLVED that this resolution should take immediate effect.

* * * * *

I hereby certify that the foregoing is a full, true and correct copy of a resolution duly passed and adopted at a regularly held meeting of the Board of Trustees of the Incline Village General Improvement District on the 10th day of November, 1988, by the following vote:

AYES, and in favor thereof, Trustees: Bobbie Gang, Jane Maxfield, Greg McKay, Pam Wight

NOES, Trustees: None

ABSENT, Trustees: John Lillie

Pamela Wight
Secretary

MINUTES OF REGULAR MEETING OF THE
BOARD OF TRUSTEES OF THE INCLINE
VILLAGE GENERAL IMPROVEMENT DISTRICT

November 10, 1988

The regular meeting of the Board of Trustees of the Incline Village General Improvement District was called to order by Chairman Maxfield at the meeting place of the District at 893 Southwood Boulevard, Incline Village, Nevada, at 7:00 p.m. on Thursday, November 10, 1988.

A. ROLL CALL

On roll call, present were Trustees Bobbie Gang, Jane Maxfield, Greg McKay, and Pam Wight. Trustee John Lillie was absent. Also present were General Manager Rob Hunt, General Counsel Geno Menchetti, Director of Parks and Recreation Doug Doolittle, Marketing Director Lee Weber, Marketing Representative Vince Scott, Finance Director Roger Chandler, Recreation Secretary Judy Crocket, Ski Resort Manager Jim Bradshaw, Executive Secretary Anne Vorderbruggen, Risk Manager Mike Pennacchio, Mike Sommers of William Crandall Chartered, Marguerite Maxfield, Tom O'Connor, George Ricketts, Trustees-elect Bob Wolf, Joe Marson, and John Bevel, and others.

B. APPROVAL OF MINUTES

General Counsel Menchetti stated that the copy of Resolution No. 1567 included with the minutes of the meeting of October 27 does not accomplish the intent of the Board, which was to authorize the refunding of both the 1976 and 1983 bonds, either together or

separately at different times when the interest rates would meet the criteria to allow the refunding. Mr. Menchetti stated that the minutes could be approved as submitted, and that the Board allow changes to be made in Resolution No. 1567, subject to the approval of IVGID's bond counsel and general counsel.

On motion by Trustee McKay, seconded by Trustee Gang and unanimously carried, the minutes of the meetings of October 27 and October 28, 1988, were approved as submitted, and the appropriate changes to Resolution No. 1567 were authorized, subject to the approval of IVGID's bond counsel and general counsel.

C. APPROVAL OF AGENDA

There were no changes to the agenda and it was approved as published.

D. EMPLOYEE OF THE MONTH

Recreation Secretary Judy Crocket was presented with a plaque in recognition of being named employee of the month for November.

E.1 BURNT CEDAR POOL BUILDING - PRELIMINARY REPORT

Parks and Recreation Director Doug Doolittle noted that during the budget process the Board had approved the remodeling of the Burnt Cedar pool building, which was budgeted at \$125,000. Mr. Doolittle stated that Lundahl and Associates is preparing the plans, and has provided cost estimates amounting to \$159,030. Mr. Doolittle reviewed the options for the remodeling.

The Board requested that they be provided with more information on alternatives which might reduce the project cost, for consideration at their next meeting.

E.2 1988-89 SKI INCLINE MARKETING PROGRAM

Marketing Director Lee Weber reviewed Ski Incline's marketing program for 1988-89.

E.3 1987-88 IVGID AUDIT

Mike Sommers of William Crandall, Chartered presented IVGID's audit for fiscal year 1987-88. Mr. Sommers read the auditor's report letter, which stated that IVGID's financial statements conform to generally accepted accounting principles.

Mr. Sommers reviewed the schedules contained in the audit, noting that total assets have increased \$2,800,000, of which cash and

investments increased approximately \$780,000; the average annual yield on IVGID's investments of \$13,900,000 was 9%; total assets indicate a four to one ratio of assets to liabilities; and working capital increased from \$7.5 million to \$10 million during fiscal year 1987-88.

Mr. Sommers noted that there is a reserve of \$600,000 in the General Fund that was set up for the 1974-R special assessment. He stated that the reserve is now higher than the assets and obligations of the special assessment, and the Board may want to consider releasing some of the reserve. Mr. Sommers noted there is also a small reserve in the Washoe Sewer District No. 1 funds that the Board may want to consider releasing.

Mr. Sommers read the auditors report on compliance with the statutes and bond resolutions, which stated that IVGID is in compliance with the bond resolutions and that there were no violations of the statutes.

Trustee Wight moved that the auditor's report be accepted as presented. The motion was seconded by Trustee Gang and unanimously carried.

E.4 AMENDMENT TO RESOLUTION NO 1552 - GOLF COURSE IMPROVEMENT COMMITTEE

General Manager Hunt noted that under Resolution No. 1552, which established the Golf Course Improvement Committee, the terms of the present committee will end in December, and it has been suggested that the terms be increased and staggered. Mr. Hunt noted that a proposed amendment to the policy statement regarding the Golf Course Improvement Committee is included in the agenda packet.

Trustees Wight and Gang stated that they would like to see a more balanced representation on the GCIC. After discussion, it was the consensus of the Board that two members of the present GCIC should be replaced, and that the appointments to those positions should include a Teester, and someone who is not a member of the Polo Club or Men's Golf Club. The Board directed that staff immediately solicit for applicants for the GCIC, with the announced intention that at least one of the appointments will be a Teester, and that the appointments be made at the meeting of December 8.

Trustee Wight moved that Section 3.3 of the policy statement regarding the Golf Course Improvement Committee be amended as stated on page 23 of the agenda packet, to read as follows:

3.3 The initial terms of two GCIC members shall expire December 31, 1989. The initial terms of three GCIC members shall expire December 31, 1990. The initial terms of two

GCIC members shall expire December 31, 1991. After the initial terms, the term of each GCIC member shall be for three years, expiring on December 31 of each year.

The motion was seconded by Trustee Gang and unanimously carried.

E.5 MICROCOMPUTER HARDWARE - BID AWARD

Finance Director Roger Chandler reported that bids for micro-computers were opened on November 3, and the following minimum bids were received:

Computer House, Sparks, Nevada	\$13,164.00
WS Associates, Incline Village	\$19,068.00
Futronics, Inc., Sparks, Nevada	\$12,175.00
Certified Software Distributors, Inc. Incline Village	\$11,050.00
Community Computer Center, Inc.	\$11,335.59

Mr. Chandler reported that Computer Consultant Earl Davis has reviewed the bids, and all the bids meet IVGID's bid specifications. Mr. Chandler recommended that the contract be awarded to the low bidder, Certified Software Distributors, Inc.

On motion by Trustee Gang, seconded by Trustee McKay and unanimously carried, the contract for microcomputer hardware was awarded to the low bidder, Certified Software Distributors, Inc., in the amount of \$11,050.

E.6 SEWAGE PUMP STATION MODIFICATIONS - BID AWARD

Director of Utilities/District Engineer Joe Borgerding stated that bids were opened on October 4 for new pumps and variable frequency drives for sewage pump stations 1 and 8, and the results were reported to the Board in a memo dated October 4. Mr. Borgerding noted that only one bid was received for the pumps and three bids were received for the variable frequency drives. Since the pump bid contained many exceptions and was higher than anticipated, Mr. Borgerding recommended it be rejected. Mr. Borgerding stated the variable frequency drives and the pumps must work well together, and he therefore recommended that the variable frequency drive bids be rejected so that a decision on the drives could be postponed until a decision on the pumps is made. Mr. Borgerding stated that the specifications will be redesigned to allow the suppliers an option to bid on a dual stage system, instead of single stage as originally anticipated.

On motion by Trustee Wight, seconded by Trustee Gang and unanimously carried, the bids for the pumps and variable frequency drives for sewage pump stations 1 and 8 were rejected, as recommended by staff.

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E.7 RESOLUTION NO. 1568 - PERSONNEL POLICIES AMENDMENT

General Manager Hunt stated that Resolution No. 1568 would amend IVGID's Personnel Policies to include the portion of IVGID's new longevity program regarding recreation privileges for long-term employees after retirement, and update the recreation privilege provisions for current employees by adding references to nordic ski rental and the hunting program.

General Counsel Menchetti questioned whether the deed restrictions on the beaches would be violated by giving free access to non-property owners, and suggested that the wording of paragraphs 5.4 and 5.5 pertaining to the beaches should state that employees and silver and gold card holders would have access as guests of IVGID as a property owner.

Trustee Wight moved that Resolution No. 1568 be adopted, amending paragraphs 5.4 and 5.5 under "Beach" to read as follows:

Beach. As guests of IVGID as a property owner, access to beaches; use of boat ramp.

The motion was seconded by Trustee Gang and unanimously carried.

F.1 GENERAL MANAGER'S REPORT

General Manager Hunt reviewed the General Manager's report as contained in the agenda packet.

Lobbyist Contract. The draft contract with Kay Lee Nicholas for lobbyist services was discussed, and it was the consensus of the Board that the party named in the contract should be Nicholas and Nicholas, and that the contract should require that Nicholas and Nicholas report to IVGID the names of all clients handled by them either as a partnership or individually.

F.3 JANE MAXFIELD, INCLINE VILLAGE-CRYSTAL BAY ADVISORY BOARD

Chairman Maxfield reported that there were two variance requests at the last meeting of the Advisory Board, and there was a lengthy discussion regarding skateboarding. Chairman Maxfield reported that the Community Plan Committee has now met three times.

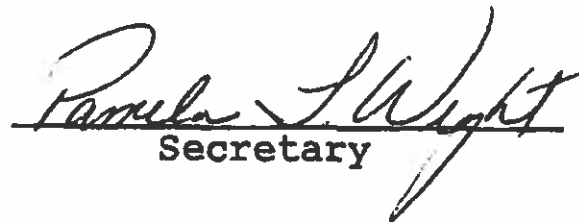
G. APPROVAL OF BILLS

On motion by Trustee Gang, seconded by Trustee Wight and unanimously carried, the bills in the total amount of \$410,132.63, of which \$365,440.66 was in checks exceeding \$2,500, were approved for payment.

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H. ADJOURNMENT

The meeting was adjourned at 10:18 p.m.


Pamela S. Wright
Secretary