

1 INCLINE VILLAGE
 2 GENERAL IMPROVEMENT DISTRICT
 3 BOARD OF TRUSTEES
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 7
 8 TRANSCRIPT OF HEARING
 9 PUBLIC MEETING
 10 Live and Via Zoom
 11
 12 Held at 893 Southwood Boulevard
 13 Incline Village, Nevada
 14
 15 Wednesday, August 30, 2023
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 22
 23
 24 Reported by: Brandi Ann Vianney Smith
 25 Job Number: IVGID 3

1 APPEARANCES
 2
 3 **BOARD MEMBERS PRESENT**
 4 MATTHEW DENT, CHAIR
 5 SARA SCHMITZ, VICE CHAIR
 6 DAVE NOBLE, SECRETARY
 7 RAY TULLOCH, TREASURER
 8 MICHAELA TONKING, MEMBER (via Zoom)
 9
 10 **ALSO PRESENT**
 11 ANNE BRANHAM, LEGAL COUNSEL (via Zoom)
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1 Incline Village, Nevada - 8/30/2023 - 6:00 P.M.
 2 -o0o-
 3
 4
 5 CHAIR DENT: All right. It is 6:00 P.M.,
 6 we're going to call the Incline Village General
 7 Improvement District regular meeting to order.
 8 Today's August 30th, 2023. The meeting is being
 9 held at 893 Southwood Boulevard, Incline Village,
 10 Nevada, and via Zoom.
 11 Item A is the Pledge of Allegiance.
 12 A. PLEDGE OF ALLEGIANCE
 13 (Pledge of Allegiance.)
 14 CHAIR DENT: Item B is roll call of
 15 trustees.
 16 B. ROLL CALL OF TRUSTEES
 17 CHAIR DENT: Trustee Tonking?
 18 TRUSTEE TONKING: Here.
 19 CHAIR DENT: Trustee Tulloch?
 20 TRUSTEE TULLOCH: Here.
 21 CHAIR DENT: Trustee Noble?
 22 TRUSTEE NOBLE: Here.
 23 CHAIR DENT: Trustee Schmitz?
 24 TRUSTEE SCHMITZ: Here.
 25 CHAIR DENT: And I'm Trustee Dent. All

5

1 five trustees are present. Item C is initial public
 2 comments. You will be allowed three minutes for
 3 your initial public comment.
 4 C. INITIAL PUBLIC COMMENTS
 5 MR. PRICE: My name is Steve Price. I
 6 live at 170 Village Boulevard, number 30.
 7 I suggest all who have not read 10th
 8 August, article in Moonshine, Inc. on the
 9 improvement of Incline General Improvement District
 10 do so. It is factual and unbiased and deals with
 11 the proposed \$26-million gym. It was written by
 12 Alex Hoeft, that's H-O-E-F-T.
 13 This board interpreted the original beach
 14 deed six years ago and cut employ benefits. I
 15 understand there's a lot going on with that beach
 16 deed, but I guess this goal was for retention and
 17 morale and hiring of new people. I'm not sure if
 18 this was to save money, reduce our taxes, or both;
 19 however, I do not see a great reduction in beach
 20 attendance. In fact, I see more cars parked on our
 21 streets than more on the beaches, especially during
 22 the holidays.
 23 I have two other observations, which are
 24 instructive. Last week, I saw a bus from North Star
 25 park in front of our beach, eight people got off and

6

1 went into the beaches. Obviously, they had passes.
 2 About a month ago, a bus from Reno, RTC, dropped
 3 people off at our beaches, and they seemed to have
 4 passes to get into our beaches. I'm not sure that
 5 we have as much control over our beaches as we think
 6 we do.
 7 Regarding cost reductions, we didn't have
 8 any lifeguards on our beaches at Incline Beach this
 9 summer, despite 12 drownings around the Lake this
 10 year. The visibility of lifeguards is also
 11 important. This year we had at least nine occasions
 12 where our sheriff had to respond or remove our
 13 out-of-control individuals. That's not acceptable.
 14 There are examples of micromanaging our
 15 beaches by at least one member of our board. For
 16 example, for years, youth camps are held for three
 17 groups of kids, and one of things they do is they
 18 have water safety instruction from the fire
 19 department. This member said that this could not
 20 take place at Incline Beach, and they didn't have
 21 the appropriate pass components. The result was the
 22 kids had to go to Sand Harbor for training.
 23 Our granddaughter has been a lifeguard for
 24 four years, and she teaches swimming, runs day
 25 camps, and is the coach for the swim team. She puts

7

1 in about 12 hours a day. This, for first time in
 2 four years, she was verbally insulted by a
 3 well-known member of our community at Burnt Cedar
 4 Beach, insinuating that she did know what she was
 5 doing. I understand --
 6 (Expiration of three minutes.)
 7 MR. CROWLEY: Again, Jim Crowley, Incline
 8 Village.
 9 On May 26th, Invest In Incline Advocacy
 10 Network sent you all a letter suggesting democracy
 11 would be served by defining and enforcing the code
 12 of conduct for public comments. I'm pleased to see
 13 this topic on the agenda, and I'd like to encourage
 14 you to follow this path. Here's why:
 15 The tone and tenor of too many public
 16 comments is uncivil. Some would say down right
 17 nasty. And there are consequences to that behavior.
 18 It makes it extremely unpleasant to attend these
 19 meetings. Our democracy works because of public
 20 participation. Uncivil behavior reduces
 21 participation.
 22 It makes the trustees' jobs harder than
 23 they need to be, and I believe it encourages
 24 trustees to sometimes take on similar kinds of
 25 behavior. It also sets a tone for our community,

8

1 and I believe for IVGID employees, making it harder
 2 to find common ground and work out our differences.
 3 But you have to choice. You don't have to
 4 accept that kind of behavior. But some will say,
 5 What about free speech?
 6 Free speech is part of our national DNA,
 7 but free speech doesn't allow us to say anything at
 8 anytime. Yelling "fire" in a crowded room is not
 9 allowed, along with a thousand other examples. Free
 10 speech has limits. The only question is where you
 11 draw the line.
 12 Some will say IVGID has been reprimanded
 13 by the Attorney General before for limiting speech.
 14 And that's true, on at least two occasions. But
 15 when you read the Attorney General's reasoning, it's
 16 because the trustees made some mistakes in how they
 17 applied the limits. The Attorney General did not
 18 say that you can't have limits.
 19 Your lawyer has written an opinion that
 20 putting limits on public comments is risky,
 21 difficult, and not recommended. Of course that's
 22 their opinion. Lawyers are paid to find and avoid
 23 all risk.
 24 But you were elected to do hard things.
 25 Legal opinions are just that, they're opinions. If

9

1 all elected officials had to do was just blindly
 2 follow legal advice, we wouldn't need elected
 3 officials. We could just put a bunch of lawyers in
 4 charge of everything.

5 Each of you are in this position in part
 6 because you said you want to help make our community
 7 better. Here's one more chance you have to live
 8 that out. I encourage you to do what's right.
 9 Embrace that code of conduct and our community will
 10 be better for it.

11 I've attached the letter -- the May 26th
 12 letter to my comments so that anybody interested can
 13 find them online as a part of the notes of this
 14 meeting, and we'll have copies in the back of the
 15 room as well.

16 Invest In Incline Advocacy Network is
 17 here, and we were created to try and help our
 18 community be better. We encourage you follow along
 19 and do something about the behavior in these public
 20 comments.

21 Thank you.

22 MR. SMITH: My name is Paul Smith, and I
 23 live at 1437 Tirol.

24 No good deed goes unpunished. All
 25 directors of my HOA just went through two

10

1 unsuccessful recalls driven by the economic
 2 self-interest of the short-term rental industry.
 3 The complaint, STRs wanted second and third parking
 4 spaces not available to any other HOA homeowner.

5 As for IVGID, it's the same because after
 6 looking out for Incline residents through protection
 7 of the beach deed, the STR realtor Raley's business
 8 conspiracy want to recall trustees Dent and Schmitz.
 9 No good deed goes unpunished.

10 Restricting beach access has really burned
 11 the STR realtor Raley's group. So now they conspire
 12 to go after two trustees in an attempt to regain
 13 beach access plus expand so that all IVGID
 14 recreational facilities are for tourists first and
 15 secondarily for you and me.

16 Incline Village General Improvement
 17 District was established to provide key utility and
 18 recreational services for residents, not to almost
 19 700 rental businesses who run profit-oriented, small
 20 hotels in residential neighborhoods and then
 21 disguise themselves in testimony here as simple
 22 local property owners with families trying to pay a
 23 mortgage.

24 Make no mistake, to these business
 25 interests, the Rec Center, the golf courses, Diamond

11

1 Peak, and even the beach are marketing tools they
 2 want to advertise as rental amenities for \$200 a
 3 night. These economic interests care zip about the
 4 normal incline resident for whom the improvement
 5 district exists.

6 Facts: There are 700 short-term rentals
 7 just in Incline Village and Crystal Bay. STR
 8 profits incentivize the conversion of long-term
 9 rentals, reducing workforce housing in Incline.
 10 Realtors love to manage STRs. STRs and realtors do
 11 not care if tourists get priority over residents
 12 since tourists bring money into Incline, while
 13 residents just live here.

14 Raley's and realtors love to see 4,500 new
 15 STR shoppers every week. Why else would Raley's
 16 allow the recall table outside their door and permit
 17 their name on the recall sign? It's all about the
 18 money, not about Incline Village.

19 If you signed the recall petition,
 20 immediately request your signature be removed or
 21 count yourself among the greedy.

22 Tim Callicrate and his cronies ran IVGID
 23 into a financial mess. And now they want to drive a
 24 stake through the heart of the beach ownership and
 25 recreational facilities access so they can capture

12

1 all of Incline Village for the tourist business.
 2 A no vote on the recall will put Incline
 3 Village residents first, not second fiddle to
 4 residential hotel companies and their associated
 5 business interests of Raley's and the realtor
 6 community.

7 Thank you.

8 CHAIR DENT: We are going to take a
 9 three-minute break and reboot our sound system.
 10 (Recess from 6:12 P.M. to 6:13 P.M.)

11 CHAIR DENT: Apologies for the brief
 12 delay. We will resume public comment.

13 MR. DALTON: Thank you. Jack Dalton, 980
 14 (inaudible) Court. Incline resident for nine years.

15 Unfortunately, the way this community is,
 16 we have a lack of public information. And the good
 17 news is my understanding, from not the usual
 18 suspects, that the IVGID page on Facebook has -- was
 19 removed Monday morning. I can't verify that, but I
 20 heard from people who were looking at it.

21 I think we can't -- we need to have an
 22 access. So now comes, how can we get this access?
 23 I can think that we can eliminate IVGID Magazine as
 24 a paper, it costs a lot of money, it takes a lot of
 25 effort on my part to get the newspapers. So why

13

1 don't we the magazine online, and why don't we open
 2 it up?
 3 There are comments here about, well,
 4 what's public information? And I would like to have
 5 public information. I would like the deliveries
 6 edited in the sense of tone, but not the content.
 7 Now, the content, if you don't like that,
 8 what people are saying, you could look at the lady
 9 who sued in Massachusetts because at a civil -- at
 10 their -- in Massachusetts when they have the yearly
 11 before the council, the trustees, she got kicked out
 12 because she called one of them "hiller," and she
 13 wasn't let back. But she went to the Massachusetts
 14 Supreme Court and got it. I don't have -- I have an
 15 issue, but not the content.
 16 But some of the -- so if we can eliminate
 17 IVGID Magazine, we can -- and allow it to open up to
 18 public comment, it would be interesting what
 19 information we get.
 20 Now comes, what could we get? We didn't
 21 have anything for the effluent pipeline. Now what
 22 it is, the lowest rate is going to be seven percent,
 23 not likely to go down in terms of the reading I get
 24 in the newspapers. Second of all, do we have
 25 competitive bids for things? I don't know. I can't

14

1 tell that.
 2 Now comes -- now we have the water meters.
 3 Make sense, people should pay for water. Might make
 4 it a statement that certain segments of this
 5 community don't pay for the water. I support paying
 6 for the water. How many more water meters do we
 7 need? We had a contamination of the water by
 8 E.coli in November of last year. It was a week
 9 notice that we people, not my neighborhood, I heard
 10 it from friends that could not -- recommended not to
 11 drink the water. So we now have 600 water meters.
 12 How many more? What's the status? Let's hear about
 13 the infrastructure for the water and sewage. Does
 14 that have to be replaced? We took eight years to
 15 replace the effluent pipeline.
 16 MR. HOMAN: Mick Homan, Incline resident.
 17 I'm responding to recent comments by
 18 trustees and others about the extent of the
 19 accounting issues at IVGID. To be clear, things are
 20 not great. Half the accounting positions are
 21 vacant, we're losing staff at an alarming rate, and
 22 we can't fill open spots. It's become critical in
 23 the last six to 12 months, and we're in the midst of
 24 a complete systems conversion that's not going as
 25 planned caused by systems design and staffing

15

1 issues. So it's a challenging time for IVGID staff
 2 that's led to delays and monthly and year-end
 3 reporting and minor clerical errors in some of the
 4 board packages and budget forms.
 5 But as of now, the narrative that we have
 6 material account issues is unfounded. Here's some
 7 perspective:
 8 (1) In last week's board meeting, staff
 9 and trustees both emphasized there's been no
 10 evidence to date of any financial fraud or
 11 malfeasance.
 12 (2) Its internal general tasks and
 13 reconciliations are not being completed. Some
 14 caused by laxed compliance; more recently caused by
 15 staffing shortages. We just don't have enough
 16 qualified accounting staff to perform the tasks. To
 17 be clear, this isn't acceptable. But I also want to
 18 be perfectly clear that failing to execute
 19 underlying internal controls doesn't mean the
 20 related accounting is wrong.
 21 (3) Ledgers being out of balance by three
 22 to four million. This may sound troubling, but we
 23 need context. This relates to the systems
 24 conversion. It's completely normal to have issues
 25 in any systems conversion. Despite thorough

16

1 planning, not all balances or transactions
 2 successfully migrate from the old system to the new.
 3 That doesn't mean the accounting is wrong or funds
 4 are missing; it usually means we haven't yet
 5 reconciled glitches in the data transfer.
 6 (4) We have an outspoken community member
 7 writing dozens of memos to IVGID, claiming millions
 8 of dollars of accounting errors. He does deserve
 9 credit for uncovering past issues with capital
 10 spending policies and procedures that resulted in
 11 write off of capital assets. So when I joined the
 12 Audit Committee, I penetrated those issues. I
 13 talked to senior staff and reviewed the remediation
 14 actions. Staff made progress. In fact, the special
 15 engagement to audit compliance with the new capital
 16 accounting policies was recently completed. It
 17 found no issues.
 18 We also spent significant time researching
 19 and trying to resolve outstanding memos. We closed
 20 out two-thirds of the memos. No significant
 21 corrective actions were warranted for those memos.
 22 The total amount is still up for review is less than
 23 a million dollars.
 24 (5) The District does have annual
 25 financial statement audits. The fiscal '22 audit

17

1 received a clean opinion.
2 And (6), the acting finance director
3 provided an update last week. He mentioned that
4 with the added contract staffing, they're making
5 good progress in reconciling balances. No
6 significant issues were noted.
7 So let's take a deep breath. The trustees
8 and Audit Committee chair should retract comments
9 suggesting that we have significant errors or fraud
10 in our accounting. Such suggestions are
11 unwarranted. They're also reckless and breach of
12 their fiduciary duty to IVGID.
13 Creating an unsubstantiated narrative that
14 IVGID's financials can't be relied on could erode
15 the public and the lender's confidence in the
16 District, causing irreparable harm, including civil,
17 financial, and criminal exposure.
18 Thank you.
19 MR. CARS: I've resubmitted for the record
20 three letters to Mr. Dobler from former HR manager,
21 Dee Carey. These were submitted during the last
22 meeting, but were not posted as part of the minutes,
23 so they're being resubmitted this week.
24 Ms. Carey was advised by counsel that
25 these letters are not protected by any statute since

19

1 And, in fact, one employee heard him say
2 "You know I'm running the District." I kind of
3 wonder sometimes.
4 Anyway, I'm submitting these three letters
5 again for posting.
6 MS. CARS: Linda Cars. Good evening,
7 trustees.
8 Trustees Schmitz, Dent, and Tulloch, you
9 claim you are forces for fiscal responsibility, but
10 I can't find information anywhere that says fiscal
11 responsibility means hostility, micromanagement, and
12 lording yourself over IVGID staff and vendors.
13 These actions are fiscal and management
14 irresponsibility.
15 Let's look at what your interference in
16 IVGID operations has cost to date. According to a
17 built-in management website, the financial cost of
18 senior management turnover is 213 percent of their
19 salaries. So the GM, controller, financial
20 director, public works director, clerk, legal
21 counsel, and food and beverage manager alone, the
22 financial costs will be over \$2,075,000. Is this
23 fiscal responsibility?
24 What about your help demotivating our
25 hourly and seasonal staff by eliminating beach and

18

1 Cliff Dobler has been appointed by the Board to
2 participate in the Capital Improvement Committee.
3 In addition to these letters, there have
4 been numerous emails and public statements made
5 which clearly shows Mr. Dobler's pattern of
6 inappropriate verbal attacks, which the Board, so
7 far, has refused to stop. He should not be rewarded
8 for this poor behavior. I'll read just a few
9 comments from one of the letters. In an interchange
10 with Mr. Howard and Mr. Dobler, Mr. Dobler said, You
11 are a effing idiot. Expletive deleted.
12 On another occasion, HR was alerted to
13 investigate interactions between Mr. Dobler, the
14 golf staff, the head pro, and the merchandise
15 manager regarding Mr. Dobler walking on the course
16 without a tee time. During that interaction, it was
17 reported that Mr. Dobler was shaking a rolled up
18 paper at a female employee's face stating, "Lady,
19 you need to get out of here. Lady, you have no
20 right to talk to me. Lady, you're an employee, and
21 you don't get to talk to me if I don't tell you to."
22 Furthermore, an IVGID employee said, "Is
23 that what I have put up with? Is this right? I do
24 not feel safe around Mr. Dobler. I do not want to
25 interact with him, especially alone."

20

1 venue benefits? Terra Staffing says that employee
2 turnover in this area will cost IVGID \$3,500 per
3 person, 47 hours of training and \$1,886 of training
4 costs. How is causing long-term IVGID employees to
5 leave fiscal responsibility?
6 Then you won't provide requested resources
7 to support the interim general manager or the
8 director of finance. Fiscal responsibility? Not
9 when IVGID has lost so much staff and its essential
10 task to perform.
11 There is also the tremendous loss of
12 citizen volunteers such as Mick Homan of the Audit
13 Committee. Here is a man who wants to serve the
14 community, who has not bashed people along the way,
15 who resigned because he can't maintain his integrity
16 around Sara and others.
17 Fiscal responsibility? Keeping the Katz
18 and Dobler crew around, whose goal is to attack
19 IVGID whenever possible, while pushing people like
20 Homan out doesn't seem very responsible.
21 Just to remind the entire board, your
22 fiduciary duty is to protect and enhance IVGID, not
23 destroy it.
24 I request that you remove general business
25 item 1 of the strategic plan from today's agenda.

21

1 It contradicts the recommendations of item 9 of the
 2 Moss Adams report, which shows serious weaknesses in
 3 the existing plan and recommends creating a new one.
 4 I request you remove G 11 regarding drafting letters
 5 for various issues within the Incline community.
 6 Whose idea was this? It was not on the long-range
 7 calendar. These are suggestions for topics which
 8 have nothing to do with IVGID trustee fiduciary
 9 responsibilities. Aren't the leadership vacancies
 10 that you've created enough for your to-do list?
 11 Unless the IVGID Board is specifically
 12 asked to participate, we don't need you to tell
 13 everyone else in town how to do their jobs anymore.
 14 Here's what you can do. Several weeks
 15 ago, Trustee Tonking asked for a report on the exit
 16 interviews and reasons for the high staff turnover.
 17 Let's address the true problem with IVGID.
 18 Thank you.
 19 MS. WARREN: Hi. Good evening. Megan
 20 Warren, 722 Country Club, Incline Village.
 21 Trustee Schmitz, Dent, and Tulloch's
 22 reasoning behind reducing the rec fee to zero was
 23 because fund balance was so high. Why was the fund
 24 balance so high? IVGID has a history of paying for
 25 capital projects with cash instead of leveraging

22

1 debt. Mistake one, but I digress, the Diamond Peak
 2 culvert, an asset that should last 40-plus years was
 3 paid in cash.
 4 So IVGID staff plans to pay cash for
 5 capital projects, but then the Board value engineers
 6 projects to reduce costs, thus increasing fund
 7 balance. If you need references, you'll recall
 8 decreasing the scope of the tennis center
 9 renovation, and the Rec Center bathroom remodel. So
 10 then why were rates increased at all the venues?
 11 Well, Trustee Schmitz, Trustee Dent, and Trustee
 12 Tulloch attribute this to the increase and inflation
 13 in costs of providing services.
 14 While this is true, since the fund balance
 15 is so high according to them, rate increases were
 16 not necessary. However, these three trustees failed
 17 to understand how the recreation fee and charges for
 18 services support all of recreation and community
 19 services as a whole.
 20 By viewing the rec fee and venue rates
 21 separately, like they did through the entire budget
 22 process, Trustees Schmitz, Dent, and Tulloch
 23 demonstrate they don't have a clue how IVGID
 24 operates, nor what the community wants. Please
 25 listen to your constituents. You have every

23

1 opportunity to listen to what we're asking of you,
 2 and you just pump the brakes on pushing through a
 3 lot of these items. Listen to your community
 4 because that's what we want is a community.
 5 Thank you.
 6 MS. WELLS: Kristy Wells, Incline Village
 7 resident. I have a written statement and supporting
 8 documents to be attached to minutes of this meeting.
 9 Some believe that those wishing to recall
 10 Trustees Schmitz and Dent lack commitment to fiscal
 11 responsibility and accountability. This is simply
 12 not true. We expect it. Additionally, we advocate
 13 for treating IVGID staff respectfully and enabling
 14 them to work without unwarranted interference.
 15 Trustee overreach has led to valued staff
 16 departing due to unhealthy, some say toxic,
 17 atmosphere. We believe you can be fiscally
 18 responsible and be a good human. These values are
 19 not in conflict with one another.
 20 I was not able to attend last week's
 21 meeting, but I did email my concerns to all trustees
 22 that same day. Ethical and moral decisions demand
 23 attention. There's been a pattern of inappropriate
 24 behavior from committee members and a consultant
 25 that necessitates immediate action.

24

1 Sara did respond to my email -- thank you
 2 -- and tried to discount my returns -- no thank
 3 you -- which were audit chair Chris Nolet has made
 4 continuous damaging remarks about former director of
 5 finance Paul Navazio. Nolet insinuates intentional
 6 wrong doing, implying Navazio's departure was linked
 7 to fraud. This breaches contact standards as it
 8 disparages IVGID staff.
 9 Sara's response downplayed this and
 10 Nolet's statement was unfounded. Nolet should no
 11 longer chair the Audit Committee. Please remove
 12 him.
 13 I've also raised concerns about Cliff
 14 Dobler's multiple instances of inappropriate
 15 behavior toward IVGID staff, especially women.
 16 Sara's assertion is there are no current incidents,
 17 that it's false, but I'm in possession of an email
 18 dated August 16th that details a recent incident
 19 issue involving Dobler and a young woman at a golf
 20 course. It was sent to all five trustees. Sara's
 21 response to me actually included, and I quote,
 22 "Cliff Dobler had past behavior issues that were
 23 brought to his attention in 2020." Which directly
 24 conflicts with Mr. Dobler's statement that he did
 25 not know why his privileges were suspended at that

25

1 time.

2 I appreciate you confirming that for the

3 record, Sara.

4 The statement also confirms that you did,

5 in fact, know about these issues before, despite you

6 claiming otherwise. You and Trustee Dent owe

7 Trustee Noble and this community an apology.

8 Related, you should probably resign.

9 Dobler should be removed from the Capital

10 Investment Committee and banned from my role that

11 requires direct interaction with IVGID staff. This

12 should happen immediately.

13 Lastly, my worry about the Board's

14 contract with Kevin Lyons remains. His contentious

15 nature and past altercation with IVGID staff can't

16 be disregarded. In 2019, Mr. Lyons received an

17 extended four-month court order for protection

18 against stalking, aggravated stalking, or harassment

19 of an IVGID employee, which banned him from the

20 IVGID offices and a home.

21 Accountability applies to your words and

22 actions, and those of committee members and your

23 consultants. The facts that are known, current

24 instances of misconduct that are being ignored by

25 this board are shameful.

27

1 ours? How many rely upon a disingenuous rec fee and

2 then lie about it? How many have a slew of

3 residents, like that 81-year-old woman in the back,

4 who think they represent the majority, and blame

5 truth tellers rather than the bunch who've gotten us

6 into this mess? How many have filed recall

7 petitions, ever, for their trustees? The takers in

8 our community will claim, well, we're different or

9 we're special. I say we've seen the enemy and it's

10 them.

11 Our true governance is the county and not

12 IVGID. If IVGID goes, we still have the county, and

13 all the services the county provides and is

14 obligated to provide will be available to us. Since

15 we don't need IVGID for anything, we eventually get

16 to the point where we need to have a serious

17 discussion about what we do with the beaches,

18 because, really, that's what we have at our core.

19 I submit that when you can't retain senior

20 staff, nor hire enough people to operate your four

21 lost businesses, nor operate your commercial

22 businesses competently, nor make a buck on any of

23 them, and you spend your time skewing our financials

24 because you afraid to share ugly truth, and you

25 burden 80 percent or more of your citizenry to

26

1 MR. KATZ: Good evening. Aaron Katz, PO

2 Box 3022. I have several written statements to

3 submit to be attached to the minutes of meeting.

4 Our general improvement district should

5 work for us, rather than we working for it.

6 Unfortunately, that's not where we're at. Things

7 are imploding all around us. It's not the current

8 board's fault. This has been building for sometime.

9 Thank you, Mr. Polly Wolf, (inaudible), Jim Hamerold

10 (phonetic), Peter Morris, Tim Callicrate, Kendra

11 Wong, Steven Pinkerton, Brad Johnson, Joe Pomeroid

12 (phonetic), the list just goes on. And because of

13 all of this, you need to stop and smell the coffee,

14 Mrs. Bueller.

15 Look at the other 83 or more GIDs in the

16 state. How many own and operate a ski area, publish

17 magazines that give away all the advertising

18 revenue, operate restaurants that loose \$2,000 a

19 day, spend a million dollars or more annually on

20 marketing, maintain a PR department, which we call

21 "communications," employee over a 1,000 employees

22 annually, as many as Carson City, pay their GMs

23 \$200,000 annually, not the \$500,000 we're about to

24 pay ours, have finance directors and pay them

25 \$100,000, let alone the \$250,000 we're about to pay

28

1 subsidize money-losing golf and the realtors, the

2 problem's not me, Frank Wright, nor Cliff Dobler,

3 you've crossed over the line, that's it, we're

4 there.

5 Thank you.

6 MR. LYON: Good evening. Jim Lyon, 1999

7 Northwood Boulevard, Third Creek.

8 The last meeting in public comments, I

9 mentioned that it's possible to recall -- or take

10 your name off the recall if you've already signed

11 it, but I also encouraged people that haven't yet

12 signed it to get into details of what's written in

13 the recall statement.

14 I went through -- I've not only read it,

15 but I went through this time and highlighted the

16 issues that I think are either misstatements,

17 innuendo, misleading and/or issues that are taken

18 out of context without explanation of what happened.

19 And people that don't come to these meetings and

20 don't pay close attention, don't know all the

21 details, and so they see a comment on Neighborhood

22 or Facebook or the local golf club or whatever, and

23 they take that as being truth.

24 And as I went through -- I'm going to show

25 this to the camera. I don't know if they can see

29

1 it. All the yellow are things that I think are
 2 either inflammatory, misleading, or they don't have
 3 any substance and there's no justification. They're
 4 just a lot of inflammatory remarks, adverbs,
 5 adjectives, that have nothing to do with statement
 6 of fact. And an example, micromanaging, that's a
 7 subjective issue. As a manager, you have to do your
 8 job, and if you have to get down into some details,
 9 some people call it micromanaging, but it's part of
 10 your job as a manager.

11 There's another thing was there's a
 12 statement in here says "it was incessant
 13 micromanaging." Incessant means without ceasing,
 14 and there's nobody that I know of that does
 15 micromanaging or even managing incessantly.

16 One of biggest issues has to do with the
 17 Ordinance 7, and people don't understand or don't
 18 care or they choose not to pay any attention to the
 19 fact that if we don't follow the deed and follow
 20 Ordinance 7 and enforce it the way it should be, we
 21 will lose or beaches, and we'll have all the people
 22 from Northern California coming up and using our
 23 beaches.

24 If by eliminating or prohibiting children
 25 from doing something on the beach, even if it was

30

1 educational and wonderful, if it would violate the
 2 beach deed, then we have a chance of losing our
 3 beaches.

4 I also attribute many of the things --
 5 just like Mr. Katz just said, many of our problems,
 6 if not most, come from previous general managers and
 7 the board that was supposed to supervising and
 8 overseeing them, and the general managers, by not
 9 doing their job, created a lot of these problems and
 10 they weren't exposed to the board.

11 Thank you.

12 MS. USINGER: This is about item G 9 for
 13 tonight, the current Moss Adams report, which I call
 14 questionable lipstick used by a pig. The Moss Adams
 15 report of August 2023 does basically one thing: It
 16 demotes Susan Herron's administrative director
 17 position to executive assistant. Our friends
 18 Mr. Dobler and Mr. Katz want her gone because she
 19 handles all their public information requests.

20 To start, I question the legality of the
 21 Moss Adams contract. Where's the contract? Who
 22 requested it? Who approved it? What's the cost?
 23 Frankly, I don't think the Board as the authority to
 24 approve anything without a valid contract, and it
 25 should be completely removed from today's

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1 discussion.

2 But suppose I'm wrong, there's still three
 3 questionable things: The report says staff and
 4 board members were interviewed in July and August.
 5 During that time, the interim general manager had
 6 been on the job for one week, and there was no
 7 finance manager, no public works manager. And then
 8 the report suggests getting rid of the
 9 administrative services manager. I'm wondering
 10 whether this report is really a rubber stamp from
 11 the IVGID board rather than a balanced evaluation.

12 Surprisingly, the report didn't mention
 13 the community recall for two of five board members,
 14 nor did it mention the tremendous staff
 15 dissatisfaction from lost benefits, IVGID's
 16 inability to recruit, and its inability to maintain
 17 staff levels. It was seen that this would have a
 18 tremendous impact on the report's happy talk of
 19 creating a long-term strategy working with staff and
 20 working with the community.

21 Why is it that two weeks ago after so many
 22 IVGID staff had resigned or been pushed out, that
 23 suddenly Susan Herron is bashed at an IVGID meeting
 24 by Michael Able? Is the goal to get rid of everyone
 25 on the IVGID staff? Well, apparently so.

32

1 Susan Herron was the IVGID point person
 2 against Aaron Katz' lawsuit, and quote "spends a
 3 large majority of her time responding to endless
 4 public information requests by Katz."

5 When ruling against Katz in 2015, I
 6 believe, maybe 2017, Judge Flanagan said, "Neither
 7 courts nor the laws of Nevada exist so that those
 8 who detest their local governments can bully them
 9 into submission." Apparently Katz and his buddies
 10 want to use the current IVGID board to change that.

11 So end this bullying. Protect Susan
 12 Herron and the remaining staff and reclaim Incline
 13 Village. Sign the recall petitions, please.

14 MS. MCKOWEN: Good evening. Trish
 15 McKowen, 335 Ski Way.

16 I'm going to be reading from a social
 17 media post from Genevieve Thornberg, the female
 18 IVGID employee who reported verbal sexual harassment
 19 by Cliff Dobler in 2020. She writes:

20 "The part of the letter Noble was
 21 able to read is only the tip of
 22 iceberg. Please get that letter
 23 out to as people as possible. The
 24 comments that are documented in it
 25 only get worse. I should know,

33

1 the comments were directed at me.
 2 "And after his last verbal attack
 3 on me, they claimed he was
 4 suspended from IVGID for three
 5 months, but he was still allowed
 6 at the different facilities. He
 7 continued to harass employees, and
 8 he was placed on a committee that
 9 would have allowed him to ask for
 10 meetings with employees to discuss
 11 the finances.
 12 "I refused to be alone with him,
 13 and I was told I had to leave the
 14 building when he was there, like
 15 they were protecting him from us.
 16 Total insanity.
 17 "I loved working and living in
 18 Incline, but I can say with the
 19 way things were headed, the best
 20 decision I ever made was moving."
 21 Now, I'm gong to talk about a second
 22 incident that was reported to the Board on
 23 August 16th from a golf resident who reported a
 24 female family member's unwanted interactions with
 25 Mr. Dobler. Here is that email:

35

1 down the 10 fairway.
 2 "Many of these occurrences have
 3 been reported to golf course
 4 management, and how this man is
 5 allowed anywhere near the golf
 6 course baffles me. That said,
 7 what kind of message are you
 8 sending when you allow Cliff
 9 Dobler to act as a representative
 10 of our community. If this was
 11 your daughter or family member,
 12 would you continue to give this
 13 man a forum in our community? I
 14 would hope not.
 15 "Get some spine, please, and do
 16 the right thing."
 17 And that's from the golf resident whose
 18 niece had to go through all of that.
 19 Trustee Schmitz and Dent and Tulloch are
 20 putting the District at financial risk by allowing
 21 Mr. Dobler to remain on the Capital Investment
 22 Committee. Here is your wake-up call for the Board
 23 of Trustees.
 24 The Equal Employment Opportunity
 25 Commission reports that the most-easily calculated

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1 "After the events of the recent
 2 board meeting, I feel both
 3 disgusted and obligated to respond
 4 with additional facts regarding
 5 Mr. Cliff Dobler's behavior around
 6 IVGID staff, and specifically
 7 young women.
 8 "Our niece has worked at the golf
 9 course this summer, and on more
 10 than one occasion, Cliff Dobler
 11 has made inappropriate comments
 12 directly to my niece and behind
 13 her back to other golfers
 14 regarding how she looks, her body,
 15 and wishing he could see her at
 16 the beach.
 17 "My daughter worked at the golf
 18 course for two years and
 19 experienced the same type of
 20 behavior.
 21 "All of the staff is aware.
 22 Mr. Dobler even went so far as to
 23 ask my 19-year-old niece to drive
 24 him home from the golf course one
 25 evening, though he lives 200 yards

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1 costs for employers and probably the most
 2 asked-about costs when it comes to handling sexual
 3 harassment claims in the workplace are the legal
 4 bills.
 5 Assuming that the claim is settled out of
 6 court, the average harassment claim will typically
 7 run an organization anywhere from \$75,000 to
 8 \$125,000. Now, if it goes to court, employers are
 9 offering double those numbers or even tripling those
 10 numbers just for legal fees alone. And if the
 11 employer is found liable in the case --
 12 (Expiration of three minutes.)
 13 MS. McKOWEN: I'm going to submit these
 14 for the record.
 15 CHAIR DENT: Can we go to Zoom?
 16 MR. McKOWEN: Good evening. My name is
 17 Kevin McKowen, 335 Ski Way.
 18 Well, the drama continues in what has been
 19 our peaceful and friendly village. We essentially
 20 have three board members who I will now refer to as
 21 the "untrustees," working not for the community as a
 22 whole, but rather for the subculture group known as
 23 "the angry eight."
 24 Having worked for over 40 years, we
 25 returned to my wife's childhood home to retire here,

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1 never imagining that life in this beautiful Sierra
 2 Mountains with such splendor and spirituality would
 3 fall prey to the angry eight.
 4 If that's not bad enough, we also have
 5 three board members who were bought and paid for by
 6 Cliff Dobler, a card-carrying member of the angry
 7 eight clan. This is not rumor, and it's been
 8 confirmed many times in conversations around town
 9 with mentioning to random people that he runs the
 10 District, and that he single-handedly got Schmitz,
 11 Dent, and Tulloch elected, and worse of all, they do
 12 whatever he tells them to do.
 13 This has been substantiated as fact, not
 14 hearsay, by many people, including IVGID employees
 15 and our director of golf and food and beverage.
 16 The word we use to describe their role
 17 with IVGID is "trustees." Maybe more appropriately
 18 are untrustees. What we expect from these people is
 19 character, integrity, ethical behavior, and honesty.
 20 We seem to have come to a point where there is no
 21 trust in these three trustees, specifically Schmitz
 22 and Dent.
 23 We need to rebalance the Board to get back
 24 to common sense and fairness and a genuine concern
 25 for residents and our valued IVGID employees.

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1 do so at Raley's. Every signature counts.
 2 MR. DOBLER: Cliff Dobler, 995 Fairway.
 3 On August 18th, 2021, the Audit Committee
 4 recommended to the then-general manager, Indra
 5 Winquest, to seek a contract manager to be in charge
 6 of administrating and be in compliance under all and
 7 contracts. This recommendation was based on several
 8 errors and noncompliance and poor writing of the
 9 contract.
 10 As a response, Winquest stated, three days
 11 later in an email, quote:
 12 "The District has a public works
 13 contract administrator. Problem
 14 has been that she was not being
 15 managed, mentored, or provided the
 16 proper direction, training, and
 17 resources to be successful. We
 18 have been doing some restructuring
 19 of responsibilities and
 20 expectations internally, and there
 21 has been a noticeable difference,
 22 in my opinion, in overall contract
 23 management and the attention
 24 given. Our new project manager
 25 and our new principal engineer

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1 I've also shockingly uncovered that the
 2 outside counsel who was hired to work with these
 3 three committees and untrustee Schmitz had two
 4 recommendations. Option one, you have the 50-year
 5 precedent allowing your IVGID employees to continue
 6 to have access to the beaches, keeping in mind that
 7 of all the people going to the beaches, only
 8 1.7 percent are IVGID employees. They also
 9 recommended to the committee a vote of the entire
 10 community to find out if the residents wants to
 11 allow the employs to keep this benefit. That was
 12 never done.
 13 They went with option two, which removed
 14 nonresident IVGID employees from stepping on to our
 15 beaches.
 16 My wife and I were at a golf dinner at the
 17 Chateau last night, and we met and spoke with
 18 several amazing IVGID employees, one of whom has
 19 been with the District for two years, and told us
 20 that he lives in Kings Beach and has never had the
 21 opportunity to even go to our beaches, a benefit
 22 that many senior managers have felt helped the
 23 District retain employees.
 24 If you haven't signed the petition for the
 25 recall yet, please stand up. We ask you to please

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1 both will be starting this fall,
 2 and they both have quite a bit of
 3 experience with contract
 4 management.
 5 "As you are probably aware, the
 6 entire engineering department has
 7 flipped over the past 18 months.
 8 New staff, appropriate
 9 expectations, and new culture in
 10 process.
 11 "Additionally, we have legal
 12 counsel reviewing all contracts.
 13 This is how we will proceed over
 14 the next year or so.
 15 "If I feel there are still gaps, I
 16 will address appropriately."
 17 So what did we get the past two to four
 18 years? (Inaudible) contracts and excessive
 19 available resources for the new Burnt Cedar pool
 20 violating NRS. We overpaid \$300,000 to PICA on
 21 assessment of the effluent pipeline. No contract
 22 administration for almost 20 years with Washoe
 23 County to maintain two small parts of the east and
 24 west ends of Lakeshore Drive and no escalations were
 25 provided. No annual report from Parasol. No fair

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1 exchange with Washoe County on plowing Ski Way from
2 Diamond Peak to Diamond Peak in exchange for traffic
3 control by sheriffs at Diamond Peak, which has not
4 been done.

5 Over two years, IVGID failed to perform a
6 mandate to relocate a small section of the effluent
7 pipeline so NDOT could install a flood control
8 culvert. There may be fines involved. Failure to
9 realize with simple logic that design was not
10 practical for the large waste water pond wasting
11 350,000.

12 Recently, we discovered that the contract
13 with Granite Construction does not have a CMAR
14 percentage to be charged on top of the direct cost,
15 so the contract is invalid.

16 Project managers and project engineers are
17 not contract managers, as Winquest suggested. He
18 simply ignored Audit Committee recommendations.

19 We need a contract manager.
20 Thank you.

21 MR. WRIGHT: Frank Wright.
22 Boy, after listening to the comments
23 tonight by -- I'm going to have to call them "the
24 gringe mob," who refer to the people that seem to
25 know what's going on are the angry eight, they're

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1 full of facts and figures, but they don't show them.
2 They have all documentation, but they don't know
3 where they got it from, they just heard it in town.

4 The one that just really shocks me is the
5 letters on Mr. Dobler. I've asked for them. I was
6 told they don't exist. But here they are in public
7 comments, and they're being submitted to the Board
8 as evidence that Mr. Dobler did something wrong. I
9 don't think he's ever seen them. He's never had any
10 kind of adjudication to find out the validity of
11 these things. He just has the gringe mob coming out
12 and making all these statements attacking his
13 character.

14 I wouldn't want to be part of that gringe
15 mob. If this does go further than I think it will,
16 you're putting yourself in a real weird position
17 making those comments without any proof or
18 documentation.

19 Those letters didn't come from IVGID. If
20 they did come from IVGID, they're protected, and Mr.
21 Nelson should have protected them, because I'll tell
22 you what, I don't think Mr. Dobler has ever had any
23 kind of adjudication on this issue. And if he
24 hasn't, you people are making all these comments and
25 all these accusations, it's really not good.

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1 Now, as far as Ms. McKowen, she dreams a
2 lot. She actually thinks that I would have the guts
3 to go out and stalk her. I don't know who she is,
4 never met, never talked to her, I don't think. I
5 wouldn't know where she works, I don't know what she
6 does, but she fantasizes that I was stalking her.
7 Well, good for you. I have no interest in stalking
8 you. I don't even know who you are.

9 So, you come to a board meeting, you make
10 up all statements and all these things that are not
11 true, you have no facts or information to back it,
12 you have these allegations of criminal activities,
13 report it to the cops. Let's get somebody
14 investigating it. If you can't, then shut up.

15 But right now, all I hear is a bunch of
16 people in this town raising all these issues, and
17 it's really funny because a lot of these people are
18 getting something from our district that they
19 shouldn't be getting: money, jobs, placements,
20 short-term rentals. Come on. Wake up.

21 The trustees are uncovering financial
22 misappropriation, hey, let's let them do their job.
23 Let's find out the truth. But, no, we got to go
24 back to the old way where we give everything away.
25 And as far as the beaches, please let one

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1 employee who lives in Reno on those beaches, just
2 one, because if you do, Crystal Bay is coming after
3 you, and then the rest of world is right behind.

4 Because I'll tell you what, I've lived here for 45
5 years, I'm a resident, I pay your rec fee, I don't
6 have access to the beaches. Why should some
7 resident who lives in Reno have access to our
8 beaches? If you don't get that and you're going to
9 violate the deed, you're not a really bright person
10 because you're giving up the deed. And I guarantee
11 you, I'll be in court the first time --

12 (Expiration of three minutes.)

13 MS. KROLICK: Good evening. Gail Krolick,
14 Incline Village.

15 I apologize. I was unable to attend the
16 meeting in person this evening, however, I do want
17 to bring something to the Board's attention, and
18 primarily for our community of Incline
19 Village/Crystal Bay as well. Something that I've
20 learned today.

21 I received a phone call today, at
22 approximately 4:00 P.M., that actually kind of
23 shocked me. And this individual -- I will not say
24 his/her/they, whatever, but this individual
25 explained that they were contacted by Trustee Sara

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1 Schmitz, and Trustee Schmitz had asked why she had
2 signed, and he and they had signed the recall
3 petition, and that they didn't understand exactly
4 what was going on.
5 Well, this individual felt very
6 uncomfortable with Trustee Schmitz calling her, and
7 ended the phone conversation rather quickly.
8 Well, I'm here to say, Trustee Schmitz, if
9 you haven't listened to your community by now, you
10 never will. And you can hire your PR firm that you
11 may be hiring with you and Trustee Dent, et cetera,
12 and try and help to fix your persona or yourself,
13 but this community heard from you loud and clear,
14 and that is, Trustee Schmitz, you don't care about
15 this community. You turned down \$26 million for our
16 community members, for our children, that will not
17 be forgotten. You have endlessly micromanaged --
18 and micromanaged to me is the definition of talking
19 to beach staff and asking them where they live, how
20 do they do things, et cetera.
21 But I can assure you, this community has
22 spoken, and we are together and not afraid -- the
23 grunge mob, as Mr. Wright explains to this
24 community. The grunge mob is not afraid of you,
25 we're not afraid of your words, we're not afraid of

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1 reject the comments that have to do with his
2 behavior. That's very problematic. You must, at
3 least, look into those comments, and decide for
4 yourself, all five of you, whether they have any
5 validity.
6 If they're made up and they're outrageous,
7 previous comments, that's one thing. But if they
8 are accurate or partly accurate, you have a duty to
9 do something about that. And keeping him on the
10 Board in a committee assignment is a declaration
11 that you don't take that very seriously. So you
12 need to look at that very carefully.
13 One of the Board members said to me after
14 the last meeting, "Are you saying that Mr. Nolet and
15 Mr. Dobler are overqualified?"
16 And, no, I was not saying that. What I
17 was saying is that their respective behaviors
18 disqualify them from serving on these committees,
19 because both have them declared their specific
20 interests, which objectively means that they can't
21 look at the data sincerely and simply report on what
22 the data shows, which is your job if you're sitting
23 on the Audit Committee or you're sitting on the
24 Capital Improvement Committee.
25 If you have a preconception of where

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1 your lawsuits coming forward, but at the end of the
2 day, myself and thousands of other community members
3 are asking again, Trustee Schmitz and Trustee Dent,
4 for your resignations.
5 Thank you.
6 CHAIR DENT: Any more Zoom comments?
7 MR. GOVE: There are not, Chair.
8 DR. WYMAN: 170 Village.
9 I'm going to take a deep breath here, and
10 hopefully start all over. I have a very serious
11 suggestion for the Board, and that is that if
12 individuals from the audience make public comment
13 and they can't finish in three minutes, which
14 happened to me a last time, that if they're over 80
15 and have been married for over 50 years, they
16 deserve another thirty seconds.
17 So, moving on to try and complete what I
18 was saying the last meeting -- well, I'm going to
19 change the focus for a second. The Board really has
20 a problem here. And I don't know how you're going
21 to handle it.
22 In particular, comments were made about
23 Mr. Dobler tonight in this meeting. It appears that
24 this Board accepts his comments when they have to do
25 with finances and operations, but it appears they

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1 you're going, of what the problems are, you're not
2 going to look accurately on the data.
3 Thank you.
4 CHAIR DENT: That will close out --
5 TRUSTEE SCHMITZ: This is a question for
6 legal counsel. I just would like the opportunity to
7 correct some misunderstands, and if -- I'd like the
8 rest of the Board to confirm my corrections. I'd
9 like everyone to understand things the same way.
10 CHAIR DENT: Sure.
11 TRUSTEE SCHMITZ: Is that acceptable?
12 CHAIR DENT: Annie, can you weigh-in on
13 that?
14 MS. BRANHAM: Yeah, you can briefly
15 respond to some comments. I would try to keep it to
16 just a minute or so and not go into any specific
17 matters.
18 TRUSTEE SCHMITZ: It's very, very quick.
19 And I'll ask my board to correct me, because if
20 misspeak, I'm just going from memory.
21 But as it relates to pricing, it was a 5/0
22 vote, that all five trustees approved the pricing
23 for golf. It is my recollection that the only
24 trustee who did not approve the pricing was Trustee
25 Tulloch as it related to Diamond Peak. I believe

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1 that is a true statement. And I believe that all of
 2 us voted in favor of this year's budget.
 3 Thank you.
 4 CHAIR DENT: All right. Thank you for
 5 that.
 6 All right. That will close out item C,
 7 initial --
 8 TRUSTEE TONKING: I also just wanted to
 9 correct the record. IVGID's profile is back up and
 10 the running. Communication on Facebook is up
 11 running. It was not taken down, which was said in a
 12 public comment.
 13 CHAIR DENT: Got that. Thank you.
 14 TRUSTEE TULLOCH: Couple of other
 15 corrections to make in public comment.
 16 There was a claim made that there was no
 17 contract in place for Moss Adams. This is
 18 completely wrong. There's a contract out there that
 19 can be found on the website. It can be found from
 20 the board packet. It's completely wrong.
 21 I also heard comment this week and last
 22 week that benefits -- venue benefits have been
 23 removed from employees. I'm not aware of my venue
 24 benefits being removed from employees. Beach
 25 access, in terms of the beach deed -- and just for

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1 clarification, the beach deed is not an IVGID
 2 document. It was a document written by the donor to
 3 to IVGID. It's not IVGID's property to change it.
 4 Thank you.
 5 CHAIR DENT: All right. Moving on to item
 6 D.
 7 D. APPROVAL OF AGENDA
 8 CHAIR DENT: Approval of the agenda.
 9 TRUSTEE SCHMITZ: I have a few requests.
 10 I would like to -- on the consent calendar, I would
 11 like to pull for a very brief discussion F 1,
 12 because I did have a conversation with legal
 13 counsel, and I wanted to make sure that my fellow
 14 trustees were up to date with that.
 15 I would like to remove from the agenda F 2
 16 and F 3.
 17 And I would like to remove item G 4 at --
 18 that was at the request of the director of finance.
 19 CHAIR DENT: Correct.
 20 TRUSTEE SCHMITZ: And then if possible,
 21 if -- I would like to move item 9, which is the Moss
 22 Adams report. I would like that to be first on our
 23 agenda.
 24 CHAIR DENT: Okay. Since you were the
 25 first item, I'm not opposed to putting this one in

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1 front of you. The other item I heard to have
 2 removed was item G 7, because it relates to item G
 3 4. Everyone okay with those changes? And that was
 4 coming from Director of Finance Magee.
 5 TRUSTEE TONKING: Are we just removing the
 6 consent ones that you named from consent or
 7 completely moving them from the agenda?
 8 TRUSTEE SCHMITZ: I was recommending that
 9 they be removed from tonight's agenda, with
 10 exemption of F 1, if we could move that to general
 11 business for a very brief discussion. The meeting
 12 minutes remain.
 13 CHAIR DENT: Item F 2, item F 3, item G 4,
 14 and item G 7 will be removed. Item G 9 will now
 15 become item G 1.
 16 Everyone okay with that -- changes?
 17 TRUSTEE TONKING: I was wondering why we
 18 were moving F 3, but that's fine.
 19 CHAIR DENT: Which item did you say?
 20 TRUSTEE TONKING: F 3.
 21 CHAIR DENT: Correct. Item F 2, item F 3,
 22 item G 4, item G 7 are being removed. Item G 9 will
 23 become item G 1.
 24 TRUSTEE TONKING: Okay.
 25 CHAIR DENT: Okay. So we're good.

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1 Everybody's good with the agenda. The agenda is
 2 approved as stated. That will close out item D.
 3 Moving on to item E.
 4 E. REPORTS TO THE BOARD
 5 E 1.
 6 CHAIR DENT: Reports to the board. Item E
 7 1, report to the Board on opinion of probable
 8 construction costs for GMP2, and total project costs
 9 of the effluent pipeline project. Requesting staff
 10 member acting Director of Public Works Kate Nelson.
 11 Can be found on pages 6 through 22 of your board
 12 packet.
 13 MR. KLEIN: Hudson Klein, interim
 14 Engineering Manager.
 15 I'll just quickly open with an update on
 16 GMP1. We did return this week for some preliminary
 17 work to set up for next week. We will be full monty
 18 excavation and pipe install, which does have us on
 19 track for the 5,500 feet of new pipeline to be
 20 brought online by mid October, and we will have
 21 reinstatement complete shortly after that.
 22 So that's exciting news for those of us in
 23 engineering, and I think the rest of community,
 24 other than the wait.
 25 Getting to the report, in the board packet

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1 this evening is the opinion of probable costs. To
2 back up just for that quick timeline, in January of
3 2023, we presented a 90 percent design level opinion
4 of probable cost, and fast forward to April 1, we
5 awarded the contract for GMP1. That cost for GMP1
6 indicated that there would be an increase overall to
7 that total project cost, and we were requested to
8 return the following month with some revised costs
9 to see if that is the case. That was borne out. We
10 did see a substantial increase in that time.
11 However, that was based only on the bid opening
12 results that we had from the GMP1 process, the
13 negotiation and the bid portion of the CMAR
14 completed.

15 Since that time in May that that was
16 presented, we've had the two full months of
17 construction and have had an opportunity to apply
18 some lessons learned to the information that's in
19 your packet now. And we are soon to start with
20 negotiations for -- I guess I could say final
21 negotiations for GMP2, and soon have the opportunity
22 for the competitive bid of that portion of that
23 process to start next month.

24 And we do have some additional
25 investigations that we are hoping to use to further

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1 rationale is, their rationale is for keeping it when
2 the 14 percent was originally just on the
3 preconstruction services.

4 MR. KLEIN: Yep. I'll do what I can.

5 The 14 percent was agreed as part of the
6 preconstruction services, and it was through a
7 selection process that members of the Board, IVGID
8 staff were involved in. It was a collaborative
9 process that that was agreed on.

10 That 14 percent was also part of the
11 scoring that informed the selection of Granite
12 Construction over their competitors. So, in their
13 case, the reason it stands is they stood to lose the
14 job on the basis of that 14 percent; however, that,
15 because they were scored, that did make up a part of
16 the scoring metric for selection, so they put that
17 out there, knowing that it could just as easily cost
18 them the job. However, it didn't because the rest
19 of their presentation and approach to the job was
20 deemed superior to their competitors at that time.
21 And NRS does stipulate that it would typically carry
22 on through that we are required to negotiate as part
23 of preconstruction services to go into a
24 construction contract negotiation, that is the stage
25 that awarded GMP1.

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1 refine that costs in GMP2, that we will present as
2 and when we have that complete, and probably have
3 some interim meetings with the trustees as
4 requested.

5 With that, I'll turn it back over to you,
6 Chairman Dent, and any questions, I'll do my best to
7 answer.

8 CHAIR DENT: Any questions, comments?

9 TRUSTEE TULLOCH: I think the big
10 concern -- the big concern in the community still is
11 the level of the CMAR fee from Granite. Just on a
12 quick calculation of the latest update, we're going
13 to be handing Granite something like 9 million bucks
14 just as their CMAR fee. This is on top of them
15 getting about 30 million bucks of construction
16 business for their business as well.

17 It's certainly -- put 9 million bucks in
18 context, it's probably two years' worth of facility
19 fees, it's two new lifts at Diamond Peak in terms of
20 that. It certainly seems -- compared to the
21 industry standard of eight to ten percent, it
22 certainly seems very high.

23 We've talked before about the basis of the
24 justification of the 14 percent, perhaps you could
25 just give the community a quick update on what their

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1 We were hoping to -- we will proceed with
2 GMP2. That negotiation and that 14 percent where
3 they stand on it, certainly Granite, is that they
4 had something to lose on the basis of that, however,
5 that is how their business is structured. They are
6 entitled to the level of profit they can earn. That
7 is how they operate. Their business is always going
8 to be different than anyone else's. And if that
9 process was built into their scoring criteria that
10 they were selected on, the current state is that
11 it's fair, that they carry on with that cost
12 throughout the construction contract.

13 TRUSTEE TULLOCH: Thank you. It's good to
14 clarify. There's been a lot of comments in the
15 community about why Granite are walking away with
16 nearly ten million bucks plus a whole bunch of
17 business. It's quite as simple as that.

18 Obviously, the 14 percent was based on a
19 project that was estimated between 10 and 20
20 million, I think, not 60 million; is that correct?

21 MR. KLEIN: Yep. That's correct.

22 TRUSTEE TULLOCH: And stress that neither
23 yourself nor director Nelson were involved in these
24 negotiations; these took place previously to joining
25 the District as well.

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1 MR. KLEIN: That's correct as well.

2 TRUSTEE TULLOCH: Would I be correct in

3 assuming there is an option for us just to go out

4 for alternative bid if Granite's proposal is not

5 acceptable?

6 MR. KLEIN: I wouldn't be the person

7 answer to that question, certainly not tonight in

8 this forum.

9 TRUSTEE TULLOCH: Correct.

10 MR. KLEIN: If any of our counsel has a

11 quick answer on that, I'll turn over to counsel.

12 TRUSTEE TULLOCH: I don't think any of us

13 have it at the moment, but thank you.

14 Also having been involved in a couple of

15 the meetings with you as well, I think you've done a

16 good job in getting it down from the 72 million

17 that's there. I think there's still, hopefully,

18 room for improvement. Hopefully, Granite realizes

19 that there is, you know, it just doesn't look good

20 in terms of taking 9 million from a job that's

21 turned out to be relatively straightforward as well.

22 That's just a personal view.

23 Thank you.

24 MR. KLEIN: Yep. I suppose what I can say

25 is thus far, as well through the process, both

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1 years ago, and it was project that was about a

2 \$25-million project. And while the costs have gone

3 up, the scope of the project really hasn't changed.

4 So, I think if there's some way that we

5 can find some compromise and find a way to continue

6 to do the good work together, I think that would be

7 for the benefit of all of us.

8 I just wanted to say thank you and

9 appreciate the effort. I know you worked hard to

10 get this put together.

11 MR. KLEIN: Thank you, Trustee Schmitz.

12 There's still quite a bit work. I do that

13 as well. We're not there yet. The cost you do have

14 front of you, again, is just an opinion of costs,

15 where we stand today. There is some further work to

16 go, both on our end and Granite's.

17 CHAIR DENT: When you're referring to

18 that, are you talking about the nearly 9 million

19 dollars in the risk reserve or just decisions that

20 still need to be made and assessment that need to

21 happen to lower that risk?

22 MR. KLEIN: Short answer, yes. In

23 addition to some of the construction rates that

24 live, quote, above the line in that contract. I

25 think there is still some room for negotiation

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1 construction and looking forward to GMP2, they have

2 been extremely collaborative, it has been a very

3 positive working relationship. The results on the

4 ground, thus far, they have a very clean safety

5 record, which, to me, is probably going to be more

6 important than they dollar value we ever put to this

7 project.

8 And so I would just like to state for the

9 record that Granite does have my support in terms of

10 their ability and collaborative nature thus far and

11 what I would see to complete the job.

12 TRUSTEE TULLOCH: I agree with that.

13 That's good sentiments. If I had 9 million at stake

14 as well, I would be looking very carefully at it. I

15 am just putting this out there for the record so

16 people understand where these numbers are coming

17 from as well.

18 TRUSTEE SCHMITZ: Thank you for your

19 effort to try to figure out where and how we can

20 have some cost reductions. I appreciate that. And

21 if you can continue to do that good work, we would

22 all be grateful.

23 I, too, have a similar sentiment -- and we

24 discussed this one-on-one -- is that when this

25 project was bid and went out to bid, it was a few

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1 relative again to lessons learned thus far.

2 And we will also have some bidding that

3 goes out to subcontractors that will work under

4 Granite, that is still a questions mark. Depending

5 on how those rates come, we input those, and we'll

6 have the opportunity to work around anything that

7 sits outside those subcontract numbers by direct,

8 self-performed work within Granite. I think there

9 is some opportunity there.

10 And within the risk reserve, what I'll say

11 as well, we've completed some preliminary

12 investigation that has proven valuable. It's

13 confirmed some locations of route in GMP1. Thus

14 far, we've been fortunate. We've not run into a lot

15 of bedrock. Anyone familiar with 28, understands

16 that there's large outcrops everywhere. Granite

17 does have quite a bit of history down there, which

18 has been invaluable in informing this process.

19 But going forward in this next month, we

20 are doing some additional work, working within our

21 current risk reserve to identify the extents of

22 those routes and the likely costs, and more

23 importantly, schedule impact to completion of GMP2,

24 which would be the subsequently 25,000 feet of pipe.

25 And depending on the outcome of that, we

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1 hope to be able to refine that number further,
2 ideally in the decreased direction. There is some
3 very hard rock that we've discovered thus far, and
4 we're going to break some of that now so that we can
5 use that information to apply directly to forward
6 works and make sure that we don't miss the mark
7 going forward.

8 CHAIR DENT: How much investigative work
9 did we do at the angles or at the transition points
10 as it -- I mean, what we were told is some of the
11 freeway is segmented now and everything's been
12 renamed a couple times. But there's a large chunk
13 -- a large portion of the project that has a
14 lifespan of somewhere of 10 to 15 years left, that
15 are our concerns with at the joints or at the angles
16 that, I think, as they go into the pump stations.
17 Were we able to attain some of that data through
18 this investigative process?

19 MR. KLEIN: We've -- where we were able to
20 get additional information to what had been gathered
21 in the past was, at the time, just north of where
22 the Thunderbird Lodge is and we tied in 2,000 feet
23 of the pipe that is now operational around the NDOT
24 work that required the relocation of that pipe, we
25 camera-ed, used our internal resources to camera

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1 investigations.

2 And so the risk is you've got
3 400-and-something pounds of pressure pushing on that
4 hole, right next to the either a steep embankment
5 next to the Lake, under a publicly traveled highway.
6 So the question becomes: What's the cost benefit?
7 We might be able to save some more money,
8 but we also might have a very costly pipe failure
9 that could cause damage, not only to physical
10 property, but could result in serious injury, to
11 personal injury.

12 So in that regard, we're not comfortable
13 reducing that section of work relative to that risk
14 profile. And I think we further reinforce that that
15 risk is very real and in the best interest of the
16 District and the public, basically in general, to
17 replace that pipe, rather than roll that dice.

18 CHAIR DENT: Thank you for that response.
19 And in your response, it just made me think that --
20 Mr. Bandelin, I think we have the right
21 person speaking to us when it comes to this project.
22 You can tell he's actively engaged in it and
23 passionate about it.

24 We appreciate your efforts. Thank you.
25 That will close out this item. We are

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1 that existing portion of pipe, and before it went
2 completely under water, what we saw was two things.
3 One, was the barrel of pipe in very competent
4 condition, however, the nature of the construction
5 of that pipe is a butt weld orientation where two
6 steel pipes were butted up face to face, and then
7 welded from the outside.

8 And at those locations, what we saw was
9 the cement mortar lining that protects the inside of
10 the pipe from corrosion, it might result from the
11 presence of the treated effluent, that was not in a
12 perfect seal, you could say, and so even the section
13 that we cut out, we were able to put or head inside.
14 And you can see very clearly the seam where that
15 weld was and the cement -- protective, cement mortar
16 lining is compromised, and you might see pieces of
17 corrosion, active corrosion, visible on the surface
18 of the interior of the pipe about the size of the
19 head of this microphone or so.

20 And where -- there's a bit of a risk
21 judgment that has to be input to that because we've
22 got hundreds of joints in that 5,000 feet of pipe
23 where everything we have seen, even most recently,
24 indicates that there are weak points that haven't
25 been quantified accurately from previous

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1 going to take a three- to five-minute break while IT
2 reboots or system again.

3 (Recess from 7:21 P.M. to 7:29 P.M.)
4 CHAIR DENT: Okay. We're going to resume
5 the meeting. It is 7:30. We're going to go back to
6 item E 2.
7 E 2.

8 CHAIR DENT: Presentation on regulating
9 public comment. Requesting counsel Josh Nelson.
10 And, Anne, you're going to be filling in
11 today. It's my understanding you put the memo
12 together. This can be found on pages 23 through 26
13 of your board packet.

14 MS. BRANHAM: Yes. So, as you all know,
15 public comment can be contentious from time to time.
16 This item is intended to provide an overview of
17 options you have, restrictions that exist, and what
18 our suggestion is. The Board, of course, is free at
19 that point to take that suggestion, discuss other
20 options, give us direction to come back with
21 variations on this policy.

22 But I'll start with what the policy
23 actually says, what we're intending to, potentially,
24 have the policy say.
25 So, the bedrock here is the First

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1 Amendment, but there are also protections in the
2 Nevada Constitution, as well as the Federal
3 Constitution, for the right of free speech. You
4 don't leave your free speech rights at the door when
5 you attend a public meeting. In fact, there's a
6 specific term for public meetings that courts have
7 developed, they are limited public forums which
8 means you can, essentially, impose reasonable time,
9 place, and manner regulations, as long as they are
10 content neutral, narrowly tailored to serve a
11 significant government interest, which in this case
12 would be peaceful meetings, and as long as you're
13 ensuring you're leading open alternative channels of
14 communication.

15 That's all kind of the fancy legalese of
16 saying it. The gist that we're trying to get across
17 here is it can be really difficult to tell the
18 difference between public comment that is legitimate
19 criticism of public officials or employees, that's
20 permitted under the First Amendment. There's a lot
21 of case law out there that specifically talks about
22 that being permitted. Things like silent Nazi
23 salutes have specifically been upheld.

24 So, the real test, I think, of when a
25 public comment crosses that line is if it's actually

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1 be cut off or asked to leave the meeting for the
2 nature of their speech because there's a suspicion
3 that it's irrelevant. If there's any way they could
4 tie it to district business, then, you know, all of
5 a sudden, you've sort of crossed that line. Again,
6 it's a permissible prohibition, but it can be
7 difficult to apply in reality.

8 And then, similarly, prohibitions on
9 actually disruptive behavior as determined by the
10 chair. So the common examples of this would be
11 yelling from the audience, or if they continued to
12 speak well outside of the close of the three-minute
13 window. Those are clearly disruptive procedures
14 that you could at that point ask that person to stop
15 speaking. And if they were not in a position to
16 stop speaking, then you could have them removed from
17 the meeting.

18 It's -- you get into tricky situations
19 when the reason for cutting off speech has to do
20 with disagreement with the views or statements
21 expressed by the speaker. So we never recommend
22 that any kind of restriction be content based.
23 Everything should be applied neutrally to all
24 speakers. Something like a time limit on public
25 comment is easily applicable to all public

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1 disruptive to the meeting. That's the test that
2 several courts have drawn, and that's kind of our
3 principle that we go by.

4 We do take a pretty conservative approach
5 on this, as legal counsel, but I think that's in
6 your best interest to know that we advise all of our
7 public clients similarly that letting someone talk
8 has never resulted in a lawsuit, but closing of
9 people's rights to public comment in any way can,
10 sometimes, create situations where folks get upset,
11 and we have seen lawsuits over that kind of thing.

12 So, the Open Meeting Law and Attorney
13 General opinions have specifically recognized some
14 permissible regulations. These might include things
15 like time limits. So, of course, you already have
16 your three-minute time limit. That's something that
17 you may consider modifying, if you were interested.

18 There is, technically, the ability to
19 prohibit unduly repetitious or irrelevant speech.
20 The issue again here is being able to differentiate
21 between what is unduly repetitious or irrelevant and
22 what is, in fact, relevant to the District's
23 business. As you know, that's a pretty broad
24 concept, so it can be difficult to, in the moment
25 especially, drill down into whether someone should

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1 commenters equally. I just say that to give an
2 example.

3 And then what I've done in this report is
4 provided, based on case law, a series of what is
5 allowed, what is not allowed. This doesn't cover
6 everything, of course. Oftentimes, you don't get
7 specific guidance from courts until a challenge is
8 brought. And so I just provide these as
9 illustrative examples. For example, profanity in
10 and of itself is not a reason to cut someone off
11 from public speech. That's a First Amendment right.
12 Criticism of District or Board policies, that is
13 permitted under the First Amendment.

14 Something that is not is specific,
15 credible threats to the Board any other members of
16 the public or to themselves. No speaking from the
17 audience, you've got to wait your turn and be called
18 on first. Inciting violence using fighting words.
19 These are kind of bedrock principles that we know
20 are not, in fact, protected by the First Amendment.

21 With all that said, the concern becomes
22 how to navigate that fine line between what is
23 protected under the First Amendment and state law,
24 and what is not protected and can be cut off in a
25 public comment setting.

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1 Again, our recommendation is going to be
 2 conservative. It's going to be to stick with the
 3 status quo as things are, currently. That is the
 4 same advice we give over and over to all of our
 5 clients.

6 And so I'll stop there. I'll see what
 7 questions you have and where you're thinking about
 8 going with this item.

9 CHAIR DENT: Any questions, comments for
 10 counsel?

11 TRUSTEE TULLOCH: Couple of questions.
 12 You say you can stop repetitious comments. We've
 13 seen situations where you get 20 different callers
 14 or attendees all reading the same speech off the
 15 same piece of paper that's been photocopied to try
 16 and, basically, astro turf it.

17 By the time it gets to the 15th person,
 18 can we stop them or we've still got to let everybody
 19 to go on with the same thing?

20 MS. BRANHAM: No. That's a really great,
 21 clear example of a problematic situation. What I
 22 would say is two things:

23 One, you are going to want to change the
 24 front page of the agenda, however you adjust this
 25 public comment window. It does have to be clearly

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1 stated, up front, on the agenda. Right now, you
 2 have the thing about the three-minute time limit.

3 What you could do for something like that
 4 is put on your agenda, just so you're covering that
 5 base, repetitious comments of the same content are
 6 prohibited -- not only discouraged, but prohibited.

7 And then the difficult thing is to make sure that
 8 there's not minor changes. If it's what you're
 9 talking about, which is a directly photocopied
 10 statement that everyone gets on and reads 20 of the
 11 same thing over and over, that is the kind of thing
 12 that we can cut off, as long as we put it in the
 13 agenda clearly.

14 Where it can difficult, and I think you
 15 will see a running theme here, is if people are
 16 getting on and they're saying very, very similar
 17 things, but not exactly the same thing, each of
 18 those people has their own, individual First
 19 Amendment right.

20 So, it can be difficult unless it's really
 21 clear that they are just reading off the same page,
 22 in which case, yes, you can ask them -- maybe you
 23 hear one, two, three, four of those, and then you
 24 can say something like, "Who else is here to read
 25 this same comment?" And maybe just get a feel for

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1 it, and say on the record, "Okay. We understand
 2 there are 10, 12, 15 you who were hoping to read
 3 that same comment. We have received the comment, we
 4 ask that you not make repetitious comments." And,
 5 hopefully, that dissuades some of those people.

6 TRUSTEE TULLOCH: I think it's -- there
 7 also appears to be confusion between, you know,
 8 everyone has their own definition of what they don't
 9 like, and a lot of the complaints about uncivil
 10 behavior seem to come from people that seem to have
 11 no concern if it supports their interest in terms of
 12 that. That's, to me, I think you spelled that out
 13 here. I think that's perfectly legitimate.

14 One thing about -- I'm a strong believer
 15 in First Amendment rights, I'm also a strong
 16 believer in robust debates, and if you look at some
 17 of the British Parliamentary system, you understand
 18 what real robust debate there is.

19 A question: While everyone has a First
 20 Amendment right to speak here, there's still -- it's
 21 not protected space, they're still subject to normal
 22 liable laws; is that correct?

23 MS. BRANHAM: Yes, that is correct.

24 Not to beat a dead horse, I think the
 25 comment on our end is that it can be really

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1 difficult in the moment to make that assessment.
 2 It's a high bar, as I'm sure you know, to establish
 3 that something is defamatory or libelous.

4 And so the problem with putting any kind
 5 of blanket restriction on public comment based on
 6 that concept is that in the moment, it can be really
 7 difficult to tell whether a court would agree that
 8 it, in fact, rises to that level.

9 TRUSTEE TULLOCH: I wouldn't suggest that
 10 the Board did that. But, you know, it's obviously
 11 if individuals are being slandered or libelous of
 12 others, there's information that's being spread that
 13 is incorrect that cast out on whoever it may be,
 14 it's -- that's not up to the Board, it's up to the
 15 individual if it's slander.

16 Thank you.

17 CHAIR DENT: Any other questions?

18 No. Any direction for counsel?

19 TRUSTEE SCHMITZ: I feel like -- I
 20 understand the concern, and I understand the
 21 perspective of wanting people to speak respectfully.
 22 I clearly understand that.

23 But when you start trying to put rules in,
 24 people do have First Amendment rights, and what one
 25 reasonable person as myself sees as offensive or

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1 inflammatory may not be to someone else. So I think
 2 it's difficult.

3 I would like a level of decorum and
 4 civility and treating people with respect, but I
 5 don't know how you actually administer that. And I,
 6 too, agree and I want changes, but oftentimes we
 7 have people speaking uncivilly about people speaking
 8 uncivilly, and I just don't know how you maintain
 9 First Amendment and at the same time deal with such
 10 subjective situations on the fly.

11 TRUSTEE TULLOCH: Would it be helpful if
 12 we just included this policy and this cheat sheet,
 13 if you like, in the board packet as a reference to
 14 it, as a reference to it in the agenda?

15 CHAIR DENT: I'm not -- I have no
 16 opposition to that. Any concerns with that?

17 None. Okay. There we go. There's some
 18 direction to general counsel.

19 Thank you, Annie. We appreciate your
 20 overview on this item.

21 We will close out item E 2. Moving on to
 22 item F 4 because item F 1 has now been pulled. That
 23 is now G 1, I guess. And item F 2 and F 3 are being
 24 pushed to next meeting, so item F 4.
 25

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1 found on page 27 through 54 of your board packet.
 2 Trustee Schmitz, you requested pulling
 3 this item. Floor's yours.

4 TRUSTEE SCHMITZ: I just wanted to share
 5 with my fellow trustees some very minor things that
 6 general counsel indicated they were going to make
 7 for changes to this.

8 So I will quickly walk through them. If
 9 you turn to the red-lined version of the document,
 10 beginning on page 42 of our board packet, in the
 11 first blue text where it says, "The District will
 12 prepare and provide," legal counsel is going to
 13 provide more information to where those items are
 14 provided. That it's going to be specifically
 15 identified that it's on the District website, and
 16 that it can be obtained from staff.

17 Over in the next on page 43, item 3, we
 18 have a lot of questions and people not understanding
 19 this five-day requirement. So my suggestion was
 20 right on the middle of this paragraph, there's
 21 actually three things that are to be done within the
 22 five days. The first one is to give the requester
 23 the anticipated date. The second one is to inform
 24 the requester that the District doesn't have the
 25 public records. And the third one is to say that we

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1 F. CONSENT CALENDAR
 2 F 4.

3 CHAIR DENT: Subject is approve meeting
 4 minutes for August 9th, 2023, found on page 62
 5 through 172 of your board packet.

6 Is there a motion approve.

7 TRUSTEE TONKING: I move that the Board
 8 approve the consent calendar.

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

11 TRUSTEE TULLOCH: I'll second.

12 CHAIR DENT: Motion's been made and
 13 seconded. All those in favor, state aye.

14 TRUSTEE TONKING: Aye.

15 TRUSTEE TULLOCH: Aye.

16 TRUSTEE NOBLE: Aye.

17 TRUSTEE SCHMITZ: Aye.

18 CHAIR DENT: Aye.

19 Motion passes, 5/0. That closes out the
 20 consent calendar. Moving on to item G 1, formerly F
 21 1.

22 G 1.

23 CHAIR DENT: Review, discuss, and
 24 potentially adopt policy and procedure number 137,
 25 resolution number 1905, regarding public records,

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1 will not be providing them.

2 Those are the three things that are
 3 required to happen in the five days.

4 So I spoke with Mr. Nelson, and he agreed
 5 that enumerating those and clarifying that these are
 6 the three things would help to clear up some of the
 7 confusion.

8 Then on page 45, I had proposed that the
 9 paragraph that is in -- still in back text, right in
 10 the middle of the page, that says, "Fees for all or
 11 portions of the costs incurred may be waived by
 12 staff," by sort of discussing how this is now
 13 becoming a guideline and not a policy, so it was
 14 legal counsel that said, "Well, why don't we just
 15 strike that paragraph."

16 So, those were the things that were
 17 discussed, and Mr. Nelson thought that those were
 18 reasonable adjustments.

19 CHAIR DENT: Any discussion?

20 TRUSTEE TULLOCH: Can I suggest just some
 21 formatting? I love the idea of making sure that
 22 these are clarified, if you can put them in as
 23 bullet points or an itemized list, it would read
 24 much better and simpler to understand.

25 I would also ask, on page 45, on new

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1 number 5, where it says, "The recent public record
 2 requests and District responses," I would add to
 3 that, "And all supporting documents and information
 4 provided." Because we've seen is we're seeing a
 5 response is provided, but we're not seeing all --
 6 necessarily all the documentation that's gone with
 7 it. I think if we're publishing it, we should
 8 provide all the information that's been sent to the
 9 requester. And that was the intention of our policy
 10 that we passed in January.

11 CHAIR DENT: That is a good point. That
 12 is correct. Any additional comments for this?

13 TRUSTEE NOBLE: I mentioned this a couple
 14 months ago, I still think we should have a fee for
 15 extraordinary requests similar to what Washoe
 16 County, City of Las Vegas have, that once it gets to
 17 a certain number of hours, that it should be charged
 18 at staff time.

19 Those entities provide a cutoff at ten
 20 hours; that's already over a whole day of staff
 21 time. I think that's more than reasonable that if
 22 it takes more than a full day of staff time to
 23 comply with the requests and provide that
 24 information, that the requester should be paying
 25 those costs.

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1 pretty nice deal. A lot of the times, you have to
 2 pay if it's just not a document that's readily
 3 available.

4 So if it's something that has to do with
 5 -- what they call a "data request," something they
 6 have to create, you are usually charged.

7 And I think it's a good way to think about
 8 how -- what your requests are and knowing that those
 9 requests do take a little time. I also think
 10 there's never really, like, outrageous fees for it,
 11 but it just some form of fees. So you're not
 12 necessarily cutting off access, but you're just
 13 making people think about what exactly they're
 14 asking.

15 TRUSTEE TULLOCH: On the face of it, that
 16 sounds like a perfectly reasonable suggestion. The
 17 issue, then, becomes how do we justify whether
 18 ten hours is somebody working a hundred miles an
 19 hour or somebody working at normal pace or a lesser
 20 pace?

21 Do we also include the time spent by staff
 22 debating whether or not they should actually provide
 23 that information or not?

24 The policy we passed in January was that
 25 we should have a default position of providing all

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1 Otherwise, this is essentially a service
 2 that's being provided for free. And while some
 3 government agencies do that, I don't think that's a
 4 good policy for this agency, especially considering
 5 what we've seen with the finance department get
 6 bogged down with requests in the past and have lost
 7 track of their ability to do day-to-day business.

8 I think this would be helpful in not only
 9 covering some of our agency's costs, but also it
 10 might help fine-tune the requests that are made by
 11 the public and help reduce the actual amount of
 12 time.

13 When we -- at the PUC, when we would get
 14 these extraordinary requests, we would let parties
 15 know that what was going to cost, and they would
 16 usually go back, sharpen their pencils, and really
 17 fine-tune exactly what they were looking for. And
 18 that was helpful all around.

19 CHAIR DENT: Thank you.

20 TRUSTEE TONKING: I was going to build on
 21 that. That's a common practice across the country
 22 when you're trying to get a public record.

23 I know, firsthand, when I'm trying to get
 24 them from school districts, I expect to be paying
 25 that. Or from states. And actually ten hours is a

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1 the information wherever possible. We still seem to
 2 spend an inordinate amount of time discussing
 3 whether or not information should be provided.

4 That's one of the most common complaints I get from
 5 the community, well, what happened to you guys? You
 6 passed this policy to get public information, and we
 7 keep getting told it's going to take six months or
 8 something to get it. Then what we get is something
 9 completely different.

10 If we're going to charge people for time,
 11 we need to make sure that we have a proper policy to
 12 make sure that they are actually getting the
 13 information as requested. Not there's any
 14 attempt -- what looks like an attempt at times to
 15 withhold information. I think we need to decide
 16 what we're going to do.

17 MS. BRANHAM: Yeah. I just wanted to
 18 provide a little more context.

19 I think part of the issue that we've
 20 identified with the, quote/unquote, extraordinary
 21 staff time is that was something that specifically
 22 appeared in the state law up until, I think, 2019
 23 that was affirmatively taken by the legislature.

24 So it used to say you can charge your
 25 actual costs and additional costs for extraordinary

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1 staff time, which would be something like -- I think
2 that's where the ten-hour thing came from. Everyone
3 kind of decided ten hours of staff time, after that
4 would be extraordinary.
5 So, that's what you're seeing in those
6 policies. They may not have updated their policies,
7 per say, even though the law changed in 2019.
8 We did pull a bunch of cases. No one has
9 challenged that specific issue yet in those other
10 jurisdictions as to whether something was an
11 extraordinary -- what was claimed as an
12 extraordinary staff time expense was, in fact,
13 chargeable under the PRA. So it has not been
14 challenged yet.
15 But I just wanted to give you a little
16 context. It's no longer in the law, and, in fact,
17 it used to be and was taken out. So our
18 recommendation, again from the conservative legal
19 standpoint, is just to charge your actual costs and
20 not for extraordinary time staff, but we did include
21 those examples in the staff report just so you had
22 them.
23 TRUSTEE NOBLE: And this would be just a
24 clarification. So the restriction on charging only
25 for extraordinary requests, now that's been removed.

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1 a second?
2 TRUSTEE TULLOCH: I'll second that.
3 CHAIR DENT: Motion's been made and
4 seconded. Any further discussion by the Board?
5 Seeing none, I'll call for question. All
6 those in favor, state aye.
7 TRUSTEE TONKING: Aye.
8 TRUSTEE TULLOCH: Aye.
9 TRUSTEE NOBLE: Aye.
10 TRUSTEE SCHMITZ: Aye.
11 CHAIR DENT: Aye.
12 Motion passes, 5/0. All right. That
13 closes out item G 1. Moving on to item G 2,
14 formerly G 1.
15 G 2.
16 CHAIR DENT: Review, discuss, and possibly
17 -- oh, no, no, no.
18 TRUSTEE SCHMITZ: Moss Adams.
19 CHAIR DENT: Yeah. Moving on to item G 2,
20 formerly G 9.
21 G 9.
22 CHAIR DENT: Review, discuss, and possibly
23 accept the Moss Adams report. Requesting trustee
24 Trustee Tulloch and Trustee Tonking. Can be found
25 on page 342 of your board packet.

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1 And if you just didn't have any type of
2 limit, it would just be actual time going forward.
3 So even if it was an hour or two of staff time, the
4 law would allow for that; is that correct?
5 MS. BRANHAM: No. I apologize. I don't
6 think I explained that correctly.
7 The idea before was you couldn't charge
8 except until you hit that extraordinary time
9 threshold. By the removal of that, the
10 interpretations has been that they intended to make
11 it so all you can charge for is actual costs, like
12 paper, postage, printing, but no staff time at all.
13 Or these other jurisdictions only charge
14 staff time at the 10-plus hour level.
15 TRUSTEE NOBLE: With that then, I'll
16 rescind the recommendation right now and look into
17 it further myself.
18 CHAIR DENT: Okay. Any additional
19 discussion?
20 TRUSTEE TONKING: I move that the Board of
21 Trustees adopt policy procedure number 137,
22 resolution number 1905, regarding public records,
23 with the edits brought up by Trustees Schmitz and
24 Tulloch.
25 CHAIR DENT: Motion's been made. Is there

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1 TRUSTEE TULLOCH: I'd like to welcome
2 Ms. Favreau. I'll get it right from Moss Adams, who
3 has been leading the project.
4 Just for clarification as well, because
5 I've been asked by other trustees, well, we haven't
6 completed deliverables yet. That's correct. Myself
7 and Trustee Tonking encouraged Moss Adams to bring
8 forward this report as soon as possible, given that
9 we are doing a recruitment phase among other things.
10 So there is still final work to complete on it in
11 terms of cost, and that should be forthcoming,
12 hopefully, in the next week.
13 But, yeah, I'll take full responsibility
14 for that. I asked to bring it forward sooner. I
15 thought it was important to bring it to the Board.
16 And as I stated at the end of public comment, yes,
17 there is a contract in place, and it's fully
18 available to the public as well.
19 MS. FAVREAU: I'm a senior manager with
20 the Moss Adams team. My colleagues, Jessie Lenhardt
21 and Chelsea Ritchie, have also joined on the line in
22 case there is questions for the specific areas of
23 work that they oversaw.
24 I'm going to share a quick presentation
25 here. That will work. Let's see.

<p>1 What I would like to cover is just a brief 2 overview of the background, the scope of this work, 3 as well as our project methodology so you understand 4 how we got where we got. And then I will share an 5 overview of the results as well. I won't get into 6 all of it, but definitely want to hit some of the 7 high points for you.</p> <p>8 In terms of our scope of work, we were 9 brought on to look at very specific elements of the 10 leadership environment. That includes the strategic 11 plan and that is the content of the strategic plan, 12 its format, but also how is that plan developed and 13 how is that plan actively being used today and how 14 that compares with best practice. We also looked at 15 the senior management team's organizational 16 structure and job descriptions. And, finally, we 17 did a full review of a lot of the different policies 18 and procedures that you have in place, specifically 19 the Board policies, the District policy and 20 procedure resolutions, and some of the financial 21 operating procedures as well.</p> <p>22 And all of this work is really ment to be 23 done in a constructive manner to identify where 24 there are opportunities to improve the efficiency or 25 the effectiveness of your work environment.</p>	85	<p>1 In terms of our methodology, we have four 2 phases for our work. We kick it off with start up 3 and project management. This is when we met with 4 the two board representatives to confirm the overall 5 scope of work and the work plan. Then we moved into 6 fact finding. At that point, we had significant 7 document requests that we shared so that we could 8 ensure that we had all of the most update-to-date 9 information. We also did interviews with all of the 10 members of this board, as well as the senior 11 management team who were available to us at that 12 time. And, finally, based on what we were 13 analyzing, we conducted additional best practice 14 research.</p> <p>15 Finally then, when we moved into the 16 analysis phase where we brought together the 17 information that we had gathered, put that into this 18 report, and then shared a draft of this report with 19 the Board representatives as well. That's primarily 20 to validate facts and make sure that we're on the 21 right track in terms of the relevance of the 22 recommendations. Now we're here at this point in 23 the project.</p> <p>24 So the first piece I would like to go 25 through in terms of the results of this work is the</p>	86
<p>1 strategic plan assessment. You can see here in 2 terms of our observation, we have a pretty 3 significant section in the report itself where we 4 talk about the current conditions, but really 5 focusing on how is the plan developed, how is the 6 plan formatted, and how is it utilized, and we 7 identified some opportunities for improvement there.</p> <p>8 The first, in terms of our 9 recommendations, is really that we would recommend 10 going through a new strategic plan development 11 process, and specifically focusing on making that 12 process collaborative, so that you're actively 13 bringing in senior management team, the Board, 14 employees, as well as community stakeholders. It's 15 critical that, not that the strategic plan is going 16 to be a wish list from every one of those groups, 17 but rather it should reflect priorities and 18 expectations from each one of those groups.</p> <p>19 The second recommendation is around 20 restructuring the plan. Right now as it currently 21 is, it's a little difficult to navigate. So we have 22 a recommendation just to streamline it and make it a 23 little bit more aligned with what we typically see 24 in terms of content for a strategic plan.</p> <p>25 Most critically, I think, that is the</p>	87	<p>1 addition of strong performance measures so that this 2 group has a good framework for identifying, are we 3 making progress on the goals that we have set?</p> <p>4 We also recommend extending the project or 5 the planned timeline to a five-year period. That's 6 a pretty common period for public agencies, and that 7 allows to both deal with emergent issues, but also 8 create a sense of continuity as there may be people 9 coming on and off the board or maybe in and out of 10 your senior management team.</p> <p>11 Our third recommendation is making sure 12 that the next strategic plan is well aligned with 13 all the District's other plans and vice versa. 14 Really, the strategic plan should be the umbrella 15 under which all the other work sits. And right now 16 we recognize that there are -- as the plans are 17 currently set up, for example, the CIP, absolutely 18 references things that are in the current strategic 19 plans. There's alignment in that sense, but it's 20 not totally clear from some of the other planning 21 documents when they are specifically referencing 22 something in the strategic plan, which makes it 23 difficult to spot that alignment. So that would be 24 a key piece to add on the next process there.</p> <p>25 The fourth recommendation down here is</p>	88

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1 thinking about, how this board gets to actually
 2 utilize this plan? You want this to be something
 3 that is actively used by management and this as the
 4 governing body of the District. And a key
 5 recommendation here is just making sure that when
 6 staff are bringing forward projects and initiatives
 7 and new areas of work, that it is very linked and
 8 described and documented how that project or new
 9 area of work is related to the strategic plan, so
 10 that you all can have a good understanding of when
 11 those projects are coming in, are they actually
 12 being done in support of this work.

13 Going to be down the list here, and we
 14 have a long one, the next one here is thinking
 15 about, how do you use the strategic plan to set
 16 annual priorities? So we have some recommendations
 17 around how the management team and the Board could
 18 collaborate to on an annual basis, go through the
 19 plan, select out the key priorities from the plan
 20 that you would like to focus on in the next year,
 21 and then align that with your budgeting process.

22 Second to last one, is thinking about the
 23 when you actually revise the strategic plan. So,
 24 some organizations will set as a five-year strategic
 25 plan and have it run that entire period. Others

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1 sometimes will come back and revise the strategic
 2 plan at a one-year mark, a two-year mark, a
 3 three-year mark. It's very dependent on how quickly
 4 your operating environment is shifting. If you have
 5 seen a major, major shift in your operating
 6 environment, you would want to be revising the plan
 7 probably sooner rather than later.

8 So the recommendation here is that this
 9 group should agree on what will the process be to
 10 trigger a revision of that plan. Are we going to
 11 set, for example, return to it every three years, or
 12 are we just going to have a discussion about it
 13 every year to determine whether it's an appropriate
 14 time to revise the plan?

15 Then our final one here is just
 16 considering implementing a statistically significant
 17 representative community survey. That can be a
 18 really, really helpful tool as you're going through
 19 a strategic planning process to be able to identify,
 20 when we're looking at across the community, where is
 21 there very general broad consensus in terms of
 22 priorities, where are there are areas where your
 23 community might be quite split, have very different
 24 opinions. This is important information for you all
 25 to have, and if you do this on an annual basis, year

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1 over year, it also gives you good insight into
 2 trends and changes over time as your community's
 3 needs shift.

4 So that is the high-level overview of the
 5 strategic plan assessment.

6 I'm going to roll us through here to the
 7 senior management team structure and staffing
 8 assessment overview. There are four primary
 9 recommendations here that I want to highlight.

10 The first is looking at the senior
 11 management team structure itself. And first and
 12 foremost, I want to say that when we were doing
 13 interviews, we certainly heard from staff that the
 14 current structure is sufficient to meet needs. So
 15 that's an excellent place to be starting from. We
 16 did identify a few areas that could be further
 17 clarified, additional support built in to make sure
 18 that you have very strong roles and
 19 responsibilities and sufficient leadership capacity.

20 So the first piece is considering the
 21 creation of either an assistant general manager
 22 position or incorporating some AGM responsibilities
 23 into another role on the senior management team.
 24 The reason for that is really making sure that if
 25 you have a general manager who either needs to take

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1 time off or steps away from the organization, that
 2 you have good backup support and cross training to
 3 really step into that role. It's also helpful in
 4 succession planning.

5 The other piece there, though, is making
 6 sure that if you're not able to set this up as a
 7 fully separate role, which you may not be able to, I
 8 know there was some concerns just in terms of what
 9 that would cost the District, and that's an
 10 absolutely fair question there. But if you're not
 11 able to set up that additional role, being really
 12 thoughtful about how are you incorporating those AGM
 13 responsibilities into which other position on the
 14 senior management team, because especially if you
 15 have some of those director roles that are
 16 overseeing really broad scopes of work right now,
 17 that will be challenging to add additional
 18 responsibilities to that position.

19 The second piece we looked at was the
 20 administrative services director role. And this is
 21 an interesting situation where this role is kind of
 22 in a limbo space. As the job description is
 23 currently written, it sounds much, much more like an
 24 executive assistant role.

25 So the recommendation here is we need to

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1 clarify it. We need to move this position either
 2 fully to an executive assistant role and call it
 3 what is described in the job description, or move
 4 this position fully into that department director
 5 role, and make sure that the job description matches
 6 what would be appropriate for level of a position as
 7 well.

8 The last recommendation is related to the
 9 marketing sales and food and beverage teams. The
 10 piece here that we identified is that this team,
 11 depending on the time of year, is overseen by one
 12 director or another. It flip-flops back between ski
 13 and golf. That movement has created some
 14 operational challenges and some continuity and
 15 consistency challenges for those teams, and it can
 16 be very difficult to ensure that a team like
 17 marketing, which really should support the whole
 18 organization, is actively doing that. That's a
 19 challenge that you can run into there.

20 So there's plenty of different ways to
 21 resolve that issue. If you do hire an AGM position,
 22 then, potentially, those teams, that could be
 23 overseen by that role, it could be overseen by a
 24 singular director, there may be others that you
 25 would discover there.

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1 So our recommendation is just waiting
 2 until you have that next GM position in place, and
 3 then making a decision about the best way to resolve
 4 the issue of the change in director leadership
 5 there.

6 The second observation is related to the
 7 job description. So we went through and all the job
 8 descriptions have been recently updated, which is
 9 good, but there are some inconsistencies and
 10 opportunities to standardize these.

11 So our recommendation really focuses on,
 12 how can we make sure that they are all standardized,
 13 that we have the right roles and responsibilities
 14 called out?

15 The other piece -- and I should clarify
 16 that compensation was not in scope for what we were
 17 looking at, but we did note that you have different
 18 department directors that oversee very different
 19 scopes of work, which is absolutely to be expected,
 20 but you also have a pretty broad range in terms of
 21 salaries there. So as you're going through
 22 revisiting roles and responsibilities for each of
 23 these positions, this would be an excellent time to
 24 to a salary and compensation study to unsure that
 25 there is equity there, but also that it's meeting

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1 industry standards for each of those roles.

2 Our third recommendation really looks at
 3 succession planing. So, there's a lot of active
 4 work happening already on succession planning. The
 5 senior management team is well aware that this is a
 6 priority, the HR team is engaged in this work
 7 already.

8 Our recommendation is mostly just to
 9 continue that work and to formalize that work so
 10 that you have the right resources and tools and
 11 documentation in place to continue this work moving
 12 forward.

13 And then our fourth observation is around
 14 the Board and senior management relationship. As
 15 there have been transitions on the Board, as there
 16 have been transitions in senior management, what
 17 we're hearing, from basically both sides, is that
 18 there is a lack of alignment, a lack of clarity at
 19 times, about what is the Board role and what is the
 20 management team's role here.

21 As you are bringing on your next general
 22 manager, this is an excellent opportunity to kind of
 23 have a reset on that, and make sure that everybody's
 24 on the same page around what is appropriate for each
 25 of those teams to be doing, so that both of those

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1 teams can be working productively with each other.

2 All right. Then the last area of work I
 3 want to touch on is internal controls and policies
 4 assessment. So as I mentioned before, we went
 5 through and reviewed the Board policies, District
 6 policy and procedure resolutions, and, finally, the
 7 financial operational procedures, which are very
 8 tactical. Those are really in that, how are we
 9 taking some of these high-level financial policies
 10 and putting them into practice?

11 In the report itself, we have included
 12 tables of these policies that list the policy name,
 13 the gap type, and the risk level. I'll talk a
 14 little bit more about those on the next slide. But
 15 we have also separately provided a full spreadsheet
 16 that has all the recommendations that are specific
 17 to each policy in terms of the gaps that we
 18 identified and are recommendations for updating any
 19 of those policies.

20 In terms of gap type and risk level that I
 21 just mentioned, gap type is really related to, do
 22 you have a policy in place or not? That's the first
 23 one. So if you don't have a policy in place, that
 24 would be considered a full gap, versus a major gap
 25 or a minor gap where you might have a good policy in

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1 place, but it might be missing a key piece of
 2 information or an area that should be developed
 3 further.

4 In terms of the risk levels, two things I
 5 wanted to call out here was that risk really relates
 6 to how quickly we believe the District should be
 7 updating these policies. This work can take a
 8 really long time, so we find it helpful to say, if
 9 you only have this much capacity, here's the highest
 10 risk areas that you should be looking at.

11 However, you will see some policies on
 12 this list that are in topic areas, like finance,
 13 which are inherently a high-risk area to begin with,
 14 but if when we looked at that policy, the gap type
 15 was -- maybe it was a minor gap type or we just
 16 don't think that the gap in that policy has that big
 17 of an impact to the District, we may have rated that
 18 low risk. So I just wanted to flag that for you as
 19 you're going through there as well.

20 In addition to all of the policies
 21 individually that we looked at, we also saw some
 22 common themes across, basically, your full policy
 23 environment. And first is that there is
 24 inconsistent formatting. And I think that
 25 especially comes up with the District policy and

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1 procedure resolutions. Those look very different
 2 from each other in terms of the type of information,
 3 the layout, some of items. So that's an opportunity
 4 to standardize and make that easier to read and pick
 5 up.

6 The second piece is policy versus
 7 procedure delineation. So, ideally we want the
 8 policy to be something that is very high level, that
 9 is guidance from this board, and the procedure
 10 information often will be much more tactical, much
 11 more operational.

12 And in many of the current policies, those
 13 are mixed together. And we, ideally, would like to
 14 separate them because the policies often will not
 15 change over time, but your procedures may need to
 16 change because they are much more related to your
 17 operations. So that's one of the benefits of
 18 separating those out. And we have noted which
 19 policies we think would particularly benefit from
 20 that.

21 The third area we looked at was policy
 22 compliance. And there's kind of two different
 23 pieces that I want to bring up there.

24 First and foremost, we looked at policies
 25 like ethics policies, for example, should have a

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1 compliance mechanism built into the policy itself.
 2 So if there's a violation of the policy, there
 3 should be a procedure that says, this is what
 4 happens, here's how we will hold each other
 5 accountable, here's what that looks like.

6 So we've noted any of the policies that
 7 could benefit from that type of compliance
 8 mechanism, if it isn't already included. Now, you
 9 don't need that in every policy for sure, but there
 10 are some that really benefit from that.

11 The other piece that we've highlighted is
 12 that we heard very strongly in interviews both at
 13 the Board level and at the senior management team
 14 level that there have been challenges in terms of
 15 compliance, holding people accountable to actually
 16 implementing the policies as set.

17 And so this is again another opportunity,
 18 as you bring your next general manager on, ideally
 19 that person is going to be your primary point of
 20 contact to discuss when policies or if policies are
 21 not being complied with, and really using their role
 22 to ensure that policy compliance is in place, and if
 23 it's not, that becomes a performance issue,
 24 essentially.

25 The last piece is pretty tactical, but

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1 just we want to see policies being updated or
 2 reviewed at least every five years. Many, many of
 3 your policies have been updated in the past
 4 five years, which is great, but there are certainly
 5 some that are longer term than that, and so we would
 6 recommend just putting a mechanism in place to
 7 handle that.

8 The last piece I want to touch on is
 9 implementation planning. We provided a lot of
 10 recommendations here. Obviously, you may choose to
 11 move forward with one or none of these, but if you
 12 did chose to move forward with the recommendations,
 13 we've called out five, some major areas of work.

14 First and foremost, developing that new
 15 strategic plan and taking into account the various
 16 recommendations I mentioned earlier. And then the
 17 other high priority would be updating policies and
 18 procedures, starting with the highest-risk policies.
 19 Third on the list, restructuring the senior
 20 management team, establishing the formal succession
 21 planning framework. And, finally, updating job
 22 descriptions.

23 We ranked these in priority order here.
 24 We've established general timelines that we would
 25 expect to see for this type of work. We've also

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1 recommended, there's two areas in particular that we
 2 think could benefit from an external resource
 3 helping to support this work.
 4 The first is the strategic plan
 5 development, that is often really benefited by
 6 having an external facilitator who can bring the
 7 management team and the Board and the community
 8 together in a productive and constructive way.
 9 And then policies and procedures, this one
 10 is often outsourced in public agencies just because
 11 it's very difficult to make time to do this kind of
 12 tedious work and get your day-to-day job done. And
 13 so that's another area where we think that the
 14 District could really benefit from bringing in some
 15 external resources.
 16 In terms of next steps, obviously this
 17 group will be discussing the recommendations here,
 18 deciding what you're interested in moving forward
 19 with either tonight or at another meeting. But in
 20 order to support that conversation, we will be doing
 21 a follow-up memo, as Ray mentioned earlier, that
 22 will account for costs estimates for the senior
 23 management team changes that we have recommended
 24 here, the external facilitation for the strategic
 25 planning, as well as the policy and procedure

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1 development, broken down by high level, medium
 2 level, and low risk policies.
 3 So, that was a lot of information. I'm
 4 going stop sharing my screen now. Looking forward
 5 to any questions or comments.
 6 CHAIR DENT: Mr. Gove, are we still good
 7 with the mics? Do you want to reset them right now?
 8 MR. GOVE: We'll wait for a break.
 9 TRUSTEE TULLOCH: First off, I've got a
 10 few points, but I will pass it over to my colleagues
 11 first, since we've had lots of conversations
 12 already.
 13 TRUSTEE SCHMITZ: Could you put the screen
 14 up with your timeline again? Because I -- first,
 15 let me back up and ask a question.
 16 So, there was a comment made in public
 17 comment about when you had conducted the interviews,
 18 and who you were able to speak with and who you were
 19 not able to speak. At this point in time, do you
 20 feel it would be beneficial to go back and do --
 21 conduct the interviews with the interim General
 22 Manager Mr. Bandelin and also our interim Director
 23 of Finance? Do you feel that that would be
 24 something that would be informative?
 25 MS. FAVREAU: That's a great question. At

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1 this point, given the focus of our recommendations,
 2 I don't know whether doing additional interviews
 3 would change very much about the recommendations.
 4 That being said, I think actively
 5 involving the management team in any plans to
 6 actually implement these recommendation are going to
 7 be incredibly critical.
 8 On that note, I will highlight, for
 9 example, that the policy and procedure that detailed
 10 recommendations, the spreadsheet that we shared, we
 11 were not able to go through that fully with the
 12 management team, and in particular, when it comes to
 13 those financial operational policies and procedures,
 14 we called that out in the report, that's a very,
 15 very critical step that we would absolutely want to
 16 do with all of the finance staff, essentially.
 17 So I think if we can make sure that they
 18 are actively brought on developing any additional
 19 work plans to implement these pieces, that would be
 20 my recommendation.
 21 MS. LENHARDT: I was responsible for
 22 conducting a lot of the work related to the senior
 23 management team review. I can confirm that we were
 24 able to interview interim director Bandelin, and I
 25 was able to also meet with the interim, the finance

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1 director on a separate occasion.
 2 And so I have included any rows in that,
 3 so I thought I would mention to you all that their
 4 input was provided for this to review.
 5 TRUSTEE SCHMITZ: And I do appreciate that
 6 there's things that we should hit the pause button
 7 on, per say, as it relates to taking action after we
 8 have a general manager on staff, on site.
 9 But I think that there might be some
 10 things that would be beneficial for us to
 11 potentially get started. And in the strategic plan,
 12 one of the things that you had said is doing some
 13 sort of a community survey to really understand what
 14 are today's priorities, because we do have a number
 15 of community -- we have a number of master plans,
 16 but they've been created years ago. I think that
 17 that is something that we could move forward on, as
 18 a board, that would be helpful, and then a future
 19 general manager can take that and run with it.
 20 The other thing was the salary and
 21 compensation review, because I, too, have expressed
 22 concern about the variation in the senior level. In
 23 the senior management team, there's not only
 24 differences in salary and compensation, but there's
 25 also differences, pretty substantially, in what

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1 their pay grade is even as well. I think that would
2 be something that we could potentially move forward
3 with, which are just parts of these components, but
4 I think we could move it forward so that we're ready
5 to go.

6 My feeling is is that right now where we
7 are, we are probably not familiar, but much of what
8 you identified here will be helpful for the Audit
9 Committee to potentially draft a scope for a
10 forensic audit because you've identified,
11 specifically, areas of high risk and gap as it
12 relates to the financials.

13 So I think this report will be
14 instrumental in helping us do other work, but I do
15 see that updating of the policies and procedures,
16 given these gaps, to me, are an immediate need
17 because they're mission critical, they're day-to-day
18 operational gaps.

19 And I think we -- given the meeting we had
20 last week on the finances and given this report, I
21 think -- while I agree we need to do our strategic
22 plan, I feel like we're right now in a bit of a
23 tactical mode, and I think that we could potentially
24 move forward on more of these tactical things, and
25 allow, when we have the new general manager, to move

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1 forward with the new strategic plan.
2 I appreciate this. I think it was very
3 informative. And the only question I really have is
4 I saw this -- the description of what you said
5 industry standard is for a director of
6 administrative services. I was trying to sort of
7 understand how that industry standard job
8 description was different than the industry standard
9 job description for an assistant general manager.
10 So that's my one question.

11 MS. LENHARDT: What is the difference
12 between an administrative director versus an
13 assistant general manager? That's an excellent
14 question.

15 Typically in an administrative director,
16 you're looking at really the operational components
17 related to kind of the function of the District. So
18 that really includes a lot more of the -- it also
19 could be considered to be a chief of staff position,
20 versus an assistant general manager really starts to
21 look at kind of a comanagement of the entire
22 district and its operation.

23 And so when you are looking at the level
24 of oversight and responsibilities between those two
25 roles, an AGM typically is at a higher level of

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1 authority than an administrative director, and is
2 typically responsible for a lot of backup activities
3 that would be part of the scope of a general manager
4 role, compared to an administrative director, which
5 really would be kind of overseeing a lot more of the
6 tactical operational work related to that division's
7 area, compared to more of strategic oversight.

8 Any follow-up there?

9 MS. FAVREAU: I would agree with that.

10 And I think as you are considering where put to the
11 assistant general manager roles and
12 responsibilities, whether that would be a new
13 position or part of another position, I think that
14 that's absolutely something that would be fair to
15 consider in terms of, could that be, potentially,
16 added into that role? We really commonly see that
17 added into director or finance or CFO roles as well.
18 So I think that there's some options there as you
19 are considering that.

20 But Jessie's description of the general
21 difference those roles, I would absolutely agree
22 with.

23 TRUSTEE NOBLE: Your recommendation is to
24 wait until the general manager's hired to consider
25 whether to centralize oversight of marketing

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1 sales and food and beverage. And I'm wondering why
2 you aren't making that same recommendation for an
3 assistant GM and/or reclassifying the ASG to an
4 executive assistant or expanding that role?

5 MS. FAVREAU: Those first two
6 recommendations are really based on best practice
7 and what we've seen other entities, versus, for some
8 of those internal food and beverage, marketing
9 sales, that's really particular to this
10 organization, and I think the solution is going to
11 have to be particular to this organization as well.

12 TRUSTEE TULLOCH: The work in the
13 strategic plan is very good. I think it's huge. I
14 think you've highlighted a lot of the issues.
15 There's a few huge concerns you raised. I mean, I
16 saw that the previous board had said that they
17 didn't want to have performance reporting in the
18 plan, which is -- seems kind of weird because that's
19 an essential part of it.

20 I think, also, you captured very well the
21 plethora of items we have in the strategic plan. We
22 have strategic priorities, we have the strategic
23 initiatives, we have long-range principles. And
24 I'll be very upfront, every time I see an
25 expenditure proposal come forward and it's based on

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1 a long-range principle, well, frankly the long-range
2 principle as currently written are so vague you can
3 justify anything based on them. I don't think
4 that's helpful because that just leads to shock and
5 approach on things.

6 I think it's very clear we need a complete
7 reset. Since I've joined the Board, I've been
8 seeing in the previous general manager's reports
9 every month that, yes, staff are looking at the
10 strategic plan. The strategic plan needs to be
11 owned by the Board, staff, and the community as a
12 whole. It's -- as some others have referred to,
13 we've had long-range plans, we've had master plans,
14 we've had all sorts of things, and none of them are
15 tied together, none of them are integrated.

16 To me, this is a great opportunity to
17 reset and pull everything together to give us a very
18 clear roadmap for the next five years of the plan,
19 rather than just whatever project seems to be topic
20 of the day or whichever special interest group is
21 pushing a thing. We need to integrate it across the
22 whole operations. To me, that's a critical part of
23 it to make sure our policies are all integrated,
24 rather than have a capital plan that bears no
25 relationship to the strategic plan, whenever the

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1 strategic plan was developed, most of it goes back
2 to 2016 or something, which is beyond the tenure of
3 most of us.

4 I think that the -- in terms of AGM role,
5 I think it's -- if I look at the graphic in your
6 report showing the AGM role, it basically looks like
7 you've got an AGM that's almost the GM, and then the
8 GM is that's really just community services
9 director. To me, that -- it, structurally and
10 accountability-wise, that doesn't really, to me,
11 that doesn't really hang together looking at it.

12 And I think, again, if we look at the
13 scale with 110, 112 full-time employees, I think
14 it's important to put it into that context that we
15 don't start completely overloading -- you identified
16 that we already have a higher number of direct
17 reports than would be normal. I think the last
18 thing we need to do is add another one.

19 I think when you look at the food and
20 beverage operations, your suggestion is it's best
21 practice to pull them together. In a classic
22 municipal situation, that might be true, but here,
23 the majority of food and beverage operations are
24 supported by either golf or ski. And I know from
25 working in the ski industry -- and just for the

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1 ethics commission if anyone asks, full disclosure, I
2 work at Mt. Rose as head coach. I'm not involved in
3 the food and beverage at all. I'll make that clear
4 disclosure just in case anyone's wanting to pick up
5 on that.

6 But in ski industry, food and beverage is
7 a key part of the operation. It can't really be
8 outsourced to somebody else when we're holding the
9 general manager of ski responsible for running his
10 operation on a commercial basis.

11 And similar on golf. We heard from the
12 community over the year that the golfers wanted the
13 profits from food to help subsidize golf, and I
14 think that's fair, since the majority of our food
15 and beverage operations are either directly related
16 to golf or ski. To me, it makes sense that they
17 become an integral part of that.

18 There may well be one senior figure giving
19 some strategic advice, but I think if we're being
20 fair, if we're asking our venue directors to be
21 responsible for the P&L and the performance there, I
22 think it's, to me, fair they have it rather than it
23 being outsourced to a separate group that doesn't
24 have the same linkage. That was the key part of
25 that I found.

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1 Otherwise, I think when it comes to the
2 policies and procedures, when I look at the
3 spreadsheet and I go into the financial tab, wow,
4 it's scary. We have 12 major gaps, six full gaps.
5 We have a huge number of gaps. And the procurement
6 policies. Yet I seem to recall that we had
7 consultants working for about six -- I seem to
8 recall that it's not that long since we had
9 consultants working that seemingly came up with a
10 new procurement policy. I see all the major gaps
11 identified in the procurement processes there.

12 And I think particularly worrying, I see
13 all these things where some of these procedures are
14 just suggested in things like segregation of duties,
15 which are absolutely critical in cash management and
16 all these areas. I think, to me, that's got to be a
17 priority, top, these things, all these policies
18 should be "shall." It's not "may." That just
19 doesn't hang together to me.

20 So I think it's -- I recommend all my
21 colleagues to really read in depth and look in depth
22 at the spreadsheet. There's a whole lot of meat
23 there as well. I think they have done a tremendous
24 job. I see some policies go back to 1985. And I
25 think that the recommendation that we're -- we have

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1 myself a regular review of these things is critical
2 that keep up with it.
3 That's my thoughts. I'll pass it back to
4 my colleagues.
5 TRUSTEE TONKING: I think there's some
6 things, to Trustee Tulloch's point, that I also
7 don't necessarily agree with. And I think those are
8 going to be key discussions for us, as a board, to
9 have when we get to each of those. A lot if it's
10 the structure.
11 I think there was a really good point
12 about let's start with policy. Let's get there. I
13 think once we start to have a GM and all that, we
14 can really go into the strategic plan and start
15 mastering that.
16 Yeah, I mean, I think a lot of my pushback
17 is I just feel like there should be even some
18 better, like, examples in here. I think a lot of
19 this tells us things we knew, and I would like a
20 little bit more in depth in some areas, but I do
21 understand where you're coming from.
22 And I think some of these are just
23 discussions we, as a board, have to have.
24 TRUSTEE SCHMITZ: What I would propose,
25 one of things -- I discussed this with Trustee

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1 get everyone involved in that, to me, that's
2 something -- it's not something that's starting the
3 preparatory work for it, it's going to be impacted
4 by appointing a general manager. I think if we look
5 to the run-up to that, there's a lot of setup work,
6 there's a lot of prep work that can get done that
7 doesn't effect the policy outcomes, but it does give
8 us a running start.
9 MS. FAVREAU: So then -- go ahead.
10 TRUSTEE SCHMITZ: I have a question,
11 because the next agenda item is to review the goals
12 and the strategic plan budgeted initiatives that
13 haven't yet been completed. I don't know whether
14 that has been shared with Moss Adams, but I wanted
15 this before that agenda item because, to me, this is
16 really the driving game plan, and if there's things
17 from the incompleted goals and tasks that we want
18 Moss Adams to just, maybe, weigh-in on and provide
19 that as part of their recommendation, I feel like we
20 shouldn't go on two different paths.
21 CHAIR DENT: Understood. Okay.
22 MS. FAVREAU: I was going to say, in terms
23 of that follow-up memo, it sounds like what would be
24 most helpful is if we take the implementation plan
25 as it is and really pull out, what are those items

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1 Tulloch this morning. One of the deliverables that
2 was to come out of this was a scope of work for an
3 implementation plan, and I would like for us, as a
4 board, to see that.
5 But I would like for you to specifically
6 identify things that you think we would put on hold
7 until we have a full-time GM, but the things that
8 you feel like we could and should move forward with
9 now to get things moving, and what the cost
10 estimates would be for services to do that and a
11 timeline relative to that.
12 That's my suggestion.
13 CHAIR DENT: I just want to piggyback on
14 that. Trustee Tulloch, I agree with the suggestions
15 you brought up. And my question was going to be,
16 what are the next steps? So jumping on back of what
17 Trustee Schmitz just said, I welcome seeing what
18 those next steps are and that plan as we move
19 forward.
20 TRUSTEE TULLOCH: One thing -- yeah,
21 that's a good idea, prioritizing them.
22 I think with regard to the strategic plan,
23 there is a lot of setup work to do there. I think
24 the sooner we start on that, because just getting
25 everything in place and making sure we involve -- we

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1 that we can pull out and really use as independent
2 streams of work and be able to dive into those a
3 little bit more deeply, we can add what could be
4 done before or after a general manager is hired as
5 well as the cost estimates, which was originally
6 part of the plan there.
7 Does that sound like that will meet the
8 needs?
9 CHAIR DENT: I think we're all on the same
10 page with that.
11 Any further discussion on this item?
12 No. That will --
13 MR. GOVE: Chair, I apologize for the
14 interruption. I need to let you know, it looks like
15 Livestream just crashed. We will just let those
16 folks know who are watching Livestream now know that
17 we will re-upload that video by tomorrow evening.
18 CHAIR DENT: You've let them know. Are we
19 going to reboot the mics right now?
20 MR. GOVE: Yeah, if I could have a five,
21 just a little bit longer --
22 CHAIR DENT: Okay. We're going to take a
23 five-minute break to reboot our mics. This closes
24 out item G 2.
25 (Recess from 8:33 P.M. to 8:38 P.M.)

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1 CHAIR DENT: Welcome back. We just closed
 2 out item G 2, formerly G 9. We're going to move on
 3 to item G 3, formerly G 1.
 4 G 3.
 5 CHAIR DENT: Review, discuss, and possibly
 6 prioritize and provide direction to staff for
 7 incomplete goals identified by the prior board of
 8 trustees, and budgeted initiatives from the '21
 9 through '23 strategic plan. Requesting trustee
 10 Trustee Schmitz. This can be found on pages 173
 11 through 205 of your board packet.
 12 TRUSTEE SCHMITZ: Thank you. The
 13 documents that you see in front of you, this was put
 14 together for a prior board packet, so we did not
 15 have this report from Moss Adams, we did not have
 16 last week's meeting with Mr. Magee.
 17 So from my perspective, I think that this
 18 is informational. It's nothing more than
 19 documenting what items on either the general
 20 manager's goals for this last fiscal year were not
 21 completed or -- and things from the strategic plan
 22 that had not been completed. Some of them were in
 23 progress.
 24 But I feel that at this point with the
 25 Moss Adams report and direction and also the

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1 initiatives that are moving forward with Mr. Magee,
 2 I feel that this is informational, and should,
 3 perhaps, be incorporated. But I don't feel that
 4 where we are right now today that we should spend a
 5 whole lot of time going through this in a great
 6 level of detail.
 7 One of the things I do want to point out,
 8 though, is that one of the items on Mr. Magee's list
 9 was central services cost allocations. That was
 10 something that was identified by Moss Adams in their
 11 report in January of 2021, that they felt we needed
 12 to make or central services costs allocations more
 13 industry standard, more robust. I did see it on
 14 Mr. Magee's list, and it was something in the plan
 15 that has not been completed, so I think that is a
 16 priority.
 17 The other thing that -- after I was
 18 discussing the public records request policy with
 19 General Counsel Nelson, we started talking, I asked
 20 about, Do we have our documents and our public
 21 records all digitized? Do we have everything
 22 electronically searchable, what have you?
 23 Given where we are with some of the other
 24 lapse of public records that we've seen happen,
 25 perhaps also digitizing of our public records might

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1 be another project that the Board might want to
 2 consider.
 3 But at this point, unless you have
 4 questions, it's nothing other than what was still
 5 outstanding from either the goals or the strategic
 6 plan.
 7 CHAIR DENT: I do not have any questions.
 8 I like the idea of passing along this information to
 9 Moss Adams. We do have two trustees, Trustee
 10 Tulloch leading that along with Trustee Tonking.
 11 And I think passing along this information to them
 12 to make sure it gets incorporated. They can ask
 13 questions if questions come to Moss Adams.
 14 TRUSTEE TULLOCH: I think that's a great
 15 idea. That's one of the reasons -- and I apologize
 16 to the Board for bringing Moss Adams forward without
 17 the full deliverables, but I felt because we had
 18 this work going on, it was important to try and get
 19 this out there and make sure -- I can't ask for an
 20 integrated strategic plan if we're not integrating
 21 the run-up to it and things.
 22 I think that's excellent. I'll pass it to
 23 Moss Adams as well.
 24 CHAIR DENT: Any other discussion on this
 25 item?

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1 All right. Seeing none, this will close
 2 out item G 3. Moving on to item G 4.
 3 G 4 and G 5.
 4 CHAIR DENT: Review, discuss, possibly
 5 approve the salary range and additional items, such
 6 as housing allowance, moving stipend, et cetera, as
 7 to provide with recruitment of a new district
 8 general manager. Requesting staff member Human
 9 Resources Director Erin Feore. It can be found on
 10 pages 207 through 212 of your board packet.
 11 And item G 5, review, discuss and --
 12 review and select from proposed executive search
 13 firm agencies and authorize director of human
 14 resources and interim general manager to engage with
 15 the said agency for general manager recruitment
 16 services into a not-to-exceed amount of \$50,000.
 17 Requesting staff member Director of Human Resources
 18 Erin Feore. Can be found on pages 213 through 278
 19 of your board packet.
 20 MS. FEORE: So we're going start with the
 21 salary; is that correct? Okay.
 22 So I did just an informal salary survey to
 23 comparative agencies throughout, something that I've
 24 used pretty consistently, and then put together a
 25 recommendation based on some of the changes we're

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1 doing with the leadership and like with finance.
 2 And so really it was just the starting point for us
 3 to start the conversation as to the salary range,
 4 because we can't start the conversation with the
 5 executive search firms until we come up this
 6 particular data.
 7 So, really just kind of something for you
 8 guys to consider and give me direction on.
 9 CHAIR DENT: Questions, comments from the
 10 Board?
 11 TRUSTEE SCHMITZ: I just have a question
 12 on page 207, you are saying that the recommendation
 13 is a minimum of 270, but not to exceed 300, but then
 14 on page 212, I'm seeing this range of the 242 to the
 15 288. I'm just wondering if you could clarify that.
 16 MS. FEORE: Yeah. I just did an average
 17 of the salaries based on the information pulled.
 18 And the recommended salary was taking into
 19 consideration a couple of things. Again, some of
 20 the increases that we're doing with the finance
 21 team, and the CFO -- well, the director of finance
 22 position.
 23 And then also there's a little bit of a
 24 concern that the person who is going to join our
 25 district who has to live in Incline Village, it's a

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1 little more expensive to live up here, so I just
 2 wanted to give the executive search firm something
 3 to have to propose to folks, because we're limiting
 4 where they can live. If they're coming in with
 5 families, and they prefer to live in Reno because
 6 there are more schools and things like that, it's
 7 just limiting. So, I just wanted to give us a
 8 little more buying power, ultimately. I will
 9 support what you recommend.
 10 TRUSTEE SCHMITZ: Forgive me if I'm
 11 speaking out of turn, but I'm thinking in the Moss
 12 Adams report that it stipulated that was an unusual
 13 requirement to have someone living in the community.
 14 And I think that from our perspective, living in the
 15 community, it's a very different climate up here
 16 compared to somewhere else, and there is an element
 17 of you want someone to feel your joy.
 18 But I'm just curious, given what was in
 19 the Moss Adams report, if that's a mistake or
 20 something that the Board should reconsider?
 21 MS. FEORE: I see both sides of it. When
 22 you have somebody who is living up here, they're --
 23 there's a chance that they're going to feel more
 24 invested in the initiatives of the community. But I
 25 really feel like somebody at the general manager

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1 level is going to have -- I mean, the success of
 2 this community is directly related to their success
 3 as a general manager, so they've got that motivation
 4 to really make sure that they're doing what they
 5 need to do.
 6 Limiting them to living in Incline Village
 7 and/or Crystal Bay, again, it's just -- depending on
 8 the person that comes in, it could limit some of
 9 their resources that they have available in some of
 10 the bigger communities like Carson or Reno.
 11 So, yeah, that's a tough one. It's hard
 12 because I do see both sides.
 13 TRUSTEE TULLOCH: I mean, my recollection,
 14 and it's probably my senior advancing years. My
 15 recollection is, what we discussed at the Board
 16 previously was that we strongly preferred them
 17 living here. I didn't think -- I wasn't sure we
 18 made it an absolute requirement.
 19 MS. FEORE: It was ultimately -- if I
 20 remember, I'll have to go back and look as well.
 21 But I believe that it was the consensus that we
 22 would have this person living here. I do believe
 23 that, because there is a section in the job
 24 description that specifically states residency.
 25 I do think -- if I -- I do think that if

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1 there is an opportunity to consider allowing the
 2 person to live outside of this area, I think it does
 3 change what the recommendation would be from a
 4 salary standpoint.
 5 TRUSTEE TULLOCH: I'm looking at the
 6 comparators and a lot of these comparators are from
 7 California with a ten, 12, 15 percent state tax rate
 8 as well, so I think that needs to be taken into
 9 account.
 10 I'm not comfortable with the range of 270
 11 to 300. I think looking at numbers, I think would
 12 be happier to see it at 240 to 300 so there is some
 13 wiggle room. If they bring forward candidates and
 14 start negotiating, any good candidate that can
 15 negotiate properly would negotiate pretty close to
 16 the top of the range already.
 17 I think it makes more sense for a broader
 18 range there. That leaves flexibility for the search
 19 firms, and also leaves sufficient upside for the
 20 right candidates as well.
 21 It might also expand the range of
 22 candidates because having worked for search firms in
 23 the past, if somebody does not think they're at
 24 sufficient salary level to meet the new minimum,
 25 they will just reject them.

1 I'm open to keeping the wider salary range
2 there, rather than just doing it -- that leaves
3 scope going forward.
4 CHAIR DENT: What would be the negative of
5 having a wider salary range or even dropping it even
6 more down to 220 through 300?
7 MS. FEORE: If you get it down as low as
8 220, you're butting the GM salary up against some of
9 our other senior leaders, so there would be -- I'd
10 recommend going a little bit higher than that.
11 CHAIR DENT: Understood.
12 MS. FEORE: I absolutely agree that the
13 wider range gives more opportunity for
14 consideration. I do think that, what I've seen now,
15 I have not -- I'm going to admit this fully, I have
16 not recruited at this level before. Most of the
17 recruitment I have done has been more the senior
18 level and down. And so I think whoever we partner
19 with can probably provide some great clarity and
20 clarification and/or feedback on the salary range as
21 well.
22 I think if we set the wider range, talk
23 with whichever firm is selected, and they say, well,
24 I kind of like you guys going with this direction, I
25 think we're going to be able to find somebody pretty

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1 somebody's like, hey, don't you, and I'm, like, I
2 gotta run down to Carson.
3 CHAIR DENT: You just have to wear a hat
4 and nobody will recognize you. It works for me
5 every time.
6 So, I would -- I mean, Trustee Schmitz
7 brought it up. I think the three of you have all
8 touched on it. As far as making it preferred, I
9 think we're aligned on that.
10 TRUSTEE TONKING: I'm good.
11 CHAIR DENT: Then we will -- it looks like
12 we can get past that. As far as the salary range, I
13 think we've already settled on that item.
14 Is anyone -- any questions regarding the
15 not-to-exceed 10,000 for reimbursement for
16 relocation? Any issues with that?
17 No. And then do we need to discuss the
18 housing stipend, given that we've allowed
19 flexibility with area, location to live?
20 I don't think so either.
21 MS. FEORE: If it comes back that the
22 person would prefer to live here -- I mean, this is
23 something that can come back if it becomes an issue.
24 And I think our executive search firm that we work
25 with is going to help guide on something like that,

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1 suitable in this range.
2 It might be worth having that greater
3 range so they know what they're working with.
4 TRUSTEE NOBLE: I do like expanding the
5 range down to 240 so that we just have more wiggle
6 room there. And I also agree -- or I would
7 recommend having the perspective GM, while it's
8 preferable that they would live in Incline
9 Village/Crystal Bay, I wouldn't want to make it
10 mandatory. I would think -- especially if there's
11 somebody in the grater Reno/Tahoe area, Carson
12 Valley area, that's already established down there,
13 they would be hesitant to pull up stakes and move up
14 here, but there's still -- I feel that anybody who
15 is going to be GM is going to have their pulse on
16 this community anyways, given how much time they're
17 going to be spending up here and interacting with --
18 and they may actually want a break from the rest of
19 us, and not have to go Raley's and be accosted by 20
20 people every time they step out and are not actually
21 working.
22 Just my suggestion.
23 MS. FEORE: I can tell you as an employee,
24 though I'm not as visible as senior leadership,
25 there have been times when I've been at Raley's and

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1 so I think we would be fine.
2 Just to be clear, I'm going to mark the
3 salary range as 240 to 300. I'm going to change the
4 job description under residency to preferred, but
5 not required.
6 CHAIR DENT: Correct.
7 TRUSTEE TULLOCH: Before we go to that.
8 Just on page 209, at the bottom of the page
9 "education experience," again, I think this one
10 slipped through the cracks because it doesn't quite
11 reflect what we discussed before. If I look at the
12 bottom of the page, the last sentence "experience
13 with a municipal government based organization," et
14 cetera, it's helpful. I think we should add there,
15 "but some private sector experience equally
16 applicable."
17 Otherwise, we're starting to limit it
18 again.
19 MS. FEORE: So feel like saying experience
20 with -- you know, within a municipal governmental is
21 helpful. We're saying that if you have
22 nongovernmental, it's fine, but this kind of bumps
23 you up in the order of selection.
24 I mean, I'm happy to add that in. To me,
25 it's understood, because we're saying that, on top

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1 of everything else, this part would be helpful.
2 It's not required, but it would be helpful. If you
3 prefer clarity, I can add something.
4 TRUSTEE TULLOCH: I prefer clarity there.
5 I think we need to make clear that we're open to --
6 this is a rather different organization than a
7 typical local government.
8 CHAIR DENT: I would agree with that. I
9 don't want to limit this search to typical local
10 government position, given how many businesses and a
11 wide range of businesses that this local government
12 runs is a lot different than most other entities.
13 TRUSTEE SCHMITZ: I just noticed this now.
14 Underneath the leadership and supervisory
15 responsibilities, it left off of ski. We can't
16 forget ski. But it's missing ski. I think it has
17 everything else.
18 MS. FEORE: Not intentional. My
19 apologies.
20 I will add in language, then, that speaks
21 to private experience being something that would be
22 helpful. I'll play with the language a little bit.
23 I'll update this and send it out.
24 CHAIR DENT: I just want to make sure that
25 private experience is not lesser than government

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1 Annie.
2 MS. BRANHAM: I think that's related
3 enough to this item.
4 MS. FEORE: I do believe the position
5 title matches kind of industry standards, but we can
6 look at it. Yeah.
7 CHAIR DENT: Moving us along, it is nine
8 o'clock, I'll entertain a motion for G 4.
9 TRUSTEE TONKING: I move that the Board of
10 Trustees approve the discussed salary range and
11 discussed revisions to the GM description in terms
12 of recruitment for the new district general manager
13 position.
14 CHAIR DENT: Motion's been made. Is there
15 a benefit second?
16 TRUSTEE TULLOCH: I'll second it.
17 CHAIR DENT: Motion's been made and
18 seconded. Any further discussion by the Board?
19 All right. Seeing none, I'll call for the
20 question. All those in favor, state aye.
21 TRUSTEE TONKING: Aye.
22 TRUSTEE TULLOCH: Aye.
23 TRUSTEE NOBLE: Aye.
24 TRUSTEE SCHMITZ: Aye.
25 CHAIR DENT: Aye.

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1 experience -- public experience when it comes to
2 this. I don't want to limit our field.
3 MS. FEORE: Right. And I will make sure
4 that our executive search firm is a -- the selected
5 executive search firm is well aware of that as well.
6 I believe there will be an opportunity for
7 the Board to interface with the person that we -- or
8 the agency that we work with.
9 TRUSTEE TULLOCH: It might be worth
10 reminding the agency that almost 80 percent of our
11 revenues comes from user fees and commercial user
12 fees, which does put quite a different complexion on
13 it as well in some respects.
14 I don't know if I am out of order here.
15 Something I forgot to mention in the Moss Adams
16 report, and since you talked about ski.
17 I think there's a recommendation in the
18 Moss Adams report that it should be director of ski,
19 but I know General Manger Bandelin -- certainly for
20 the resorts around here the general manager title
21 more commonly used in ski. I mean, I'm happy either
22 way, but I think it's certainly something
23 Mr. Bandelin should look at in terms of that. It's
24 important he's seen the same as one of his peers.
25 Apologies if I've veered off script,

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1 Motion passes, 5/0. Thank you. That will
2 close out item G 4. Moving on to item G 5. We've
3 already discussed that.
4 MS. FEORE: So, our talent acquisition
5 specialist, Lisa Hoops, and I had reached out to a
6 handful of agencies regarding their services. Some
7 of the agencies, kind of overwhelmed, as is the
8 market right now, so they didn't have the capacity
9 to work with us. And a couple of the agencies, we
10 didn't get the feedback we were looking for.
11 Three of agencies that we did talk to
12 submitted proposals. Of those three agencies, there
13 were two agencies that had very similar structures.
14 I do want to mention that I did not invite
15 any of these agencies to this meeting because I
16 thought this was more about choosing that, but I
17 would be remiss in not mentioning that one the folks
18 from one of the agencies that's being proposed is
19 here. So, ultimately, if this is the selected
20 agency, there may be is somebody here who can speak
21 to you if you have questions.
22 Separate from that, I also received, just
23 this afternoon, from that particular agency a
24 timeline of what their search would go look like and
25 some of the benchmarks that they would be thinking.

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1 This is something that I will be able to scan and
 2 email to the Board and provide that information as
 3 well.
 4 Really the Board memo kind of lays out
 5 what my recommendations are. The two agencies that
 6 we felt most favorable about were Bob Hall and
 7 Associates and Koff and Associates.
 8 I should mention that Koff and Associates,
 9 the District did partner with back in 2016, I think,
 10 for a compensation survey, and we had positive
 11 feedback with them. So they are a larger
 12 organization.
 13 With Bob Hall and Associates, they are a
 14 little bit smaller, but my personal opinion, I felt
 15 that there was more relative experience. Granted,
 16 of course, this somebody who works also with
 17 municipalities, and understanding that we're going
 18 beyond just that, I also felt like there's a little
 19 more of a personal touch there. And so
 20 communication, I believe, would be really strong.
 21 So, we've got two great agencies for you
 22 to consider, and I'm happy to take your
 23 recommendations.
 24 CHAIR DENT: I'll open it up to the Board.
 25 TRUSTEE NOBLE: Looking at backgrounds for

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1 the two agencies -- or associates, I think both
 2 would do an excellent job. I do agree, though, with
 3 looking at Bob Hall and Associates. It's more of a
 4 boutique company, and that individual attention and
 5 their more-recent help with other agencies is more
 6 in line with we're doing, so, to me, that just tips
 7 it a little bit more towards them.
 8 But I think either one would be -- do a
 9 good job.
 10 TRUSTEE SCHMITZ: I'll make a motion that
 11 we give direction to the director of human resources
 12 to work with Bob Hall, and move forward with an
 13 expedient and cost-effective partnership with
 14 recruitment services for the general manager
 15 position currently open with the District. The
 16 anticipated not-to-exceed amount for this effort is
 17 \$50,000, which is currently on budgeted.
 18 CHAIR DENT: Motion's been made. Is there
 19 a second?
 20 TRUSTEE TULLOCH: Can I propose an
 21 amendment to that, just based on Director Feore's
 22 comments, subject to Bob Hall and Associate
 23 demonstrating they do have sufficient expertise and
 24 experience from the private sector as well, so we're
 25 not limited?

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1 CHAIR DENT: Are you okay with the amended
 2 motion?
 3 TRUSTEE SCHMITZ: Yes, I am.
 4 MS. FEORE: Can I clarify? You're looking
 5 for proven expertise?
 6 TRUSTEE TULLOCH: Yeah, just confirmation
 7 that they do have a network that spreads well beyond
 8 just purely municipal.
 9 MS. FEORE: I will tell you that in the
 10 day and age of electronic recruiting, your ability
 11 to focus on any industry is really available,
 12 granted, I believe, that Mr. Hall's background in
 13 public entities is helpful. But I believe that
 14 their search firm, we tell them what we're looking
 15 for, and they are going to go and find it.
 16 I really feel very confident in their
 17 abilities.
 18 TRUSTEE TULLOCH: Thank you. I'll
 19 withdraw my amendment, then. We'll take that as
 20 read.
 21 CHAIR DENT: Motion's been made. Is there
 22 a second?
 23 TRUSTEE NOBLE: Second.
 24 CHAIR DENT: Motion's been made and
 25 seconded. Any further discussion by the Board?

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1 Seeing none, I'll call for the questions.
 2 All those in favor, state aye.
 3 TRUSTEE TONKING: Aye.
 4 TRUSTEE TULLOCH: Aye.
 5 TRUSTEE NOBLE: Aye.
 6 TRUSTEE SCHMITZ: Aye.
 7 CHAIR DENT: Aye.
 8 Opposed? Motion passes 5/0. Thank you.
 9 MS. FEORE: Real quick, now that we have
 10 selected the agency, I did want to mention that the
 11 person that is here is Mr. Bob Hall. If there are
 12 questions, you know, I don't know if it would --
 13 probably not because it's not been agendized. I
 14 didn't want to be remiss in saying he's not here.
 15 CHAIR DENT: Thank for that. I think
 16 we're good.
 17 TRUSTEE SCHMITZ: Would it be acceptable
 18 to ask him if he has any questions of us while he's
 19 here? That acceptable, Anne?
 20 MS. BRANHAM: The agenda item is pretty
 21 narrow, it's just selection of the firm. I would
 22 say, maybe, if you want to reach out to him
 23 directly, that may be appropriate, or we could have
 24 him come back or on Zoom for the next meeting.
 25 CHAIR DENT: All right. That closes out G

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1 5. Moving on to item G 6.
 2 G 6.
 3 CHAIR DENT: Review, discuss, and approve
 4 sole source finding, and review, discuss, and
 5 approve an equipment purchase and installation
 6 services agreement for snow-making infrastructure
 7 replacement. Capital improvement project, fund
 8 community services, division ski. The vendor is
 9 TechnoAlpin in the amount of \$413,169.22.
 10 Requesting staff member interim General Manager Mike
 11 Bandelin. Can be found on pages 290 through 310 of
 12 your board packet.
 13 TRUSTEE TULLOCH: Just to satisfy the
 14 ethics committee, just everyone knows here that I
 15 work at Mt. Rose as head coach there. I have had no
 16 involvement in selecting snow making or general
 17 management of the District. But the ethics
 18 committee asked me to just clarify (inaudible) in my
 19 bio and everything, and it's well known. I've
 20 appeared here in uniform.
 21 The ethics committee has also clarified
 22 that I'm not prohibited from voting on those things.
 23 MR. BANDELIN: For the record, Mike
 24 Bandelin. As stated in your packet beginning on
 25 page 290, this project aligns itself with District's

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1 long-range principle number 5, assets and
 2 infrastructure.
 3 I think I'll take a minute to ask the
 4 Board maybe to consider at a future time, not within
 5 this agenda, we would like to reorganize the items
 6 that were spoke about during the Moss Adams
 7 presentation, that maybe we wouldn't include some of
 8 our long-range principles in the future. Just give
 9 that some consideration.
 10 This particular delivery of the
 11 recommendation, staff has listed the applicable
 12 District policies and practices that we abided by.
 13 I think to save a little bit of time, I probably
 14 won't reread what the Chair read with what the staff
 15 report is eluding to for approval.
 16 I will note that the District staff has
 17 always worked really hard at -- we don't seek items
 18 to purchase that might be perceived as easier by
 19 going to non-competitive solicitation as in a sole
 20 source. We work hard to try and achieve that. That
 21 happened several years ago where ski staff, and
 22 mostly myself, was asked by the community not to --
 23 to go out to bid more often for items.
 24 It just so happens that on this particular
 25 agenda, we have four items within the District, and

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1 one of them we removed from the item for certain
 2 reasons this evening, but that's not the intent
 3 of -- we work really hard to be able to list the
 4 findings associated with the NRS 332.115.1 and then
 5 the associated items that go with that, that we have
 6 the items meet sole source.
 7 I did meet within counsel and talk a
 8 little bit about a different way to present the
 9 findings within the memorandums or the staff reports
 10 to be able to show that. I just wanted to kind of
 11 speak to the fact that if there's any perception
 12 that we're not still trying to get -- we're trying
 13 to get the best equipment for the District, and
 14 sometimes that aligns itself by using a sole source
 15 finding.
 16 CHAIR DENT: Thank you.
 17 TRUSTEE NOBLE: Director Bandelin, the
 18 operational delays that you reference on page 291
 19 that you're hoping to address with this work, could
 20 you expand on what has happened in the past that
 21 you're trying to rectify with regards to operational
 22 delays?
 23 MR. BANDELIN: I can. It's -- the
 24 equipment, I wrote in the staff report that it was
 25 like a little bit of background when it started in

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1 1999/2000. What we're trying to do is just
 2 really -- it ties back to infrastructure. We're
 3 replacing a portion of the asset within the ski area
 4 snow-making water pump house that over time, over
 5 the 20-some-odd years that this equipment's been
 6 place, this plan that's before you this evening
 7 would help be able to rectify some of the
 8 idiosyncrasies that's grown since original
 9 installation and/or new, modern equipment would
 10 change in piping schematics and different types of
 11 valves and a newer process control would eliminate
 12 some of the operational downtime that we've seen
 13 develop with the system as it's aged.
 14 TRUSTEE NOBLE: And with the finite amount
 15 of time that you have available for actual snow
 16 making, these operational delays can really actually
 17 impact operations at the ski area; is that correct?
 18 MR. BANDELIN: Yes. The industry is
 19 becoming more and more dependent on snow making.
 20 And this is purely my opinion, but the cost or the
 21 expense to operate a ski area has grown
 22 substantially. We charge substantially more than we
 23 have in the past for the use of the product, and the
 24 more product that you can build and/or make with
 25 machines, the better your product's going to be and

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1 the better outcome you're going to have on
 2 supporting expenses to revenue or charges for
 3 service.
 4 Snow making works on wet, cold
 5 temperature, how we monitor it, so there's a finite
 6 number of hours and/or days, in our case from
 7 November or late October until January, that you
 8 want to be able to have a system that maximizes run
 9 time efficiency to be able to make snow whenever
 10 possible when it's cold enough.
 11 TRUSTEE TULLOCH: I totally understand the
 12 sole source here because last thing you want is a
 13 combination of different manufactures and system,
 14 because as soon as something goes wrong, you get
 15 fingers pointing. And as Trustee Noble eluded and
 16 you said yourself, when we get snow-making
 17 temperatures, we got to move with it quickly. We
 18 can't afford downtime. Particularly, we're in the
 19 banana belt here. So, yes, I believe it's there.
 20 I'd also like to thank you for, page 293,
 21 where you've set out the further investment coming
 22 over the next few years, I think that's excellent.
 23 I would encourage all the directors to do that when
 24 they're coming forward with proposals when there's
 25 knock-on expenditures as well. That's very helpful

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1 to the Board.
 2 Can I ask you to buy the '26/'27 fun guns
 3 now since they seem to be substantially cheaper?
 4 MR. BANDELIN: I'm sorry?
 5 TRUSTEE TULLOCH: The '26/'27 fun guns
 6 seem to be a lot cheaper. I think there's a zero
 7 missing.
 8 CHAIR DENT: I'll entertain a motion.
 9 TRUSTEE TONKING: I move that the Board of
 10 Trustees --
 11 MR. BANDELIN: I have one more comment.
 12 Within the agreement, I presented an agreement that
 13 was vetted and approved by our counsel, but there
 14 are some errors in the language. I can point them
 15 out, or what we're going to do is go back -- I'll
 16 give you an example, in section 2 Item A, the fourth
 17 sentence down, where it says: Section 2 will be
 18 deemed to be defective materially for purpose of O.
 19 That's a mistake my part that that wasn't
 20 filled in. I'm going to work with counsel. And
 21 that will be referencing another section within the
 22 actual agreement itself.
 23 And then I have another one that I made a
 24 mistake on, which would be under section 4,
 25 warranty. There's another item there that says:

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1 Under zero or O.
 2 That will reference another section within
 3 the document.
 4 And then two more, on page 3, 297 of the
 5 packet, section E -- section 4, item E, there's two
 6 mistakes that I made in there that will reference
 7 different sections in the agreement.
 8 I just wanted to point that out that upon
 9 the recommendation for a motion, that those will be
 10 fixed prior to signatures.
 11 CHAIR DENT: Great points. Thank you for
 12 that.
 13 Trustee Tonking, we'll entertain a motion.
 14 TRUSTEE TONKING: I move that the Board of
 15 Trustees award of the equipment purchases
 16 installation services agreement for a snow-making
 17 infrastructure replacement is exempt from
 18 competitive solicitation for the following reasons:
 19 NRS 332.115.1 (b)(h).
 20 Approve the award of the equipment
 21 purchase and installation service agreement for
 22 snow-making infrastructure replacement, 2023/2024
 23 capital improvement project, fund community
 24 services, division ski, project number 3464F11002,
 25 vendor TechnoAlpin, in the amount of \$413,169.22.

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1 Authorize staff to execute change orders
 2 for additional work for ten percent of the
 3 construction contract in the amount of \$41,317.
 4 Authorize staff to perform construction
 5 services and inspection as required, not to exceed
 6 \$41,317.
 7 Authorize the interim general manager to
 8 execute the contract in substantially the form
 9 presented and with the edits mentioned in this item.
 10 CHAIR DENT: Motion's been made. Is there
 11 a second?
 12 TRUSTEE TULLOCH: I'll second.
 13 CHAIR DENT: Motion's been made and
 14 seconded. Any further discussion by the Board?
 15 Seeing none, I'll call for the question.
 16 All those in favor, state aye.
 17 TRUSTEE TONKING: Aye.
 18 TRUSTEE TULLOCH: Aye.
 19 TRUSTEE NOBLE: Aye.
 20 TRUSTEE SCHMITZ: Aye.
 21 CHAIR DENT: Aye.
 22 Motion passes, 5/0. That closes out item
 23 G 6. The time is 9:18. Moving on to item G 7.
 24 G 7.
 25 CHAIR DENT: Review, discuss, and possibly

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1 approve a sole source finding, and review, discuss,
2 and possibly authorize an equipment purchase
3 agreement for replacement PistenBully snow grooming
4 vehicle in the amount of \$562,938. Can be found on
5 pages of 311 through 326 of your board packet.
6 MR. BANDELIN: I'd like to point out
7 immediately on page 311, I made an error within the
8 recommendation. Item 2, authorize equipment
9 purchase agreement with Kassbohrer All-Terrain
10 Vehicles, Inc., including a total of 567,938. That
11 should read: 562,938.
12 Again, this is a sole source finding
13 review that would be approved by the Board. I would
14 like to draw your attention to a chart that I
15 included in the attachments. I believe it is in the
16 very back packet, page 326 of your packet.
17 This list just goes back to the early 80s.
18 I'm not going to say is completely auditable and
19 super accurate on the expense side. This is just a
20 list that I've made, going back through some assets
21 sheets that we had. But most all of these, except
22 for, I believe, one that I did in 2002 and 2003, all
23 of these were sole sources, and the District has
24 really endured the long tenure of working with the
25 sole source manufacturer of PistenBully and

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1 I think are probably most pertinent for the Board to
2 know about or a particular procurement project, to
3 be able to just kind of highlight those particular
4 areas, and not so much on the story.
5 I might elude to little bit of how I think
6 we like to be able to work in the Board of Trustees
7 in the future more during budget workshops or
8 planning session on the capital side or procurement
9 side, allowing you to have more time for agendizing
10 or me to have more time to talk about the projects
11 at the onset, while budgeting, more so than you
12 hearing about the project now when we're actually
13 trying to approve the agreement. Take the time in
14 the early time of the year when -- before the
15 budget's approved, talk about the projects, really
16 more about the purpose and justification at that
17 point, versus later on.
18 CHAIR DENT: Love that approach. It's a
19 good change.
20 Any questions, comments, concerns, praise?
21 TRUSTEE TULLOCH: I love this
22 presentation. We can see it clearly laid out, what
23 expenditure and things is, and what the future is.
24 Just to make sure, are you going to be
25 able to get the machine for this year?

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1 Kassbohrer, so I just wanted to kind of point that
2 out.
3 And then it just kind of shows how our
4 plan works of snowcat replacement of usually
5 ten years or 10,000 hours. With the five cats, you
6 can see in some particular areas there that we had
7 back-to-back purchases, and that really kind of
8 eluded to a different style and a different
9 management and probably a different capital plan. I
10 just wanted to point that out.
11 The memo does kind of speak to kind of
12 like the financial impact of the entire '22/'23
13 fiscal year capital improvement plan, which is
14 within the financial impact section on page 313 of
15 your packet. I thought I would just kind of bring
16 it forward to be able to see how this particular
17 piece of equipment, the replacement, is involved
18 with the entire fiscal year of the capital plan.
19 I'm kind of going off what I learned a
20 little bit that we were going to be talking about
21 later in some training. I kind of started adding
22 these in the comment section, but that's just the
23 way our civic clerk agendas are laid out, but I'm
24 going try to practice, like, this more of kind of a
25 conclusion or checklist, if you will, of just items

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1 MR. BANDELIN: I'll wait until the motion
2 is approved. And then I will say, yes, mostly, I
3 would say, late November or early December.
4 TRUSTEE TULLOCH: Okay. And just for the
5 benefit of others, this one is particularly critical
6 since it's a wintercat, and it's the only one of
7 that we have in that in the fleet. So it becomes
8 really critical. We can't afford to have this one
9 breaking down.
10 MR. BANDELIN: Correct statement.
11 TRUSTEE TONKING: I move that the Board of
12 Trustees make the following finding: The District
13 purchase a replacement PistenBully snow grooming
14 vehicle and associated fleet management system from
15 the Kassbohrer All-Terrain Vehicles, Inc., and is
16 exempt from competitive solicitation for the
17 following reasons: NRS 332.115.1 (a)(b)(d).
18 Authorize the equipment purchase agreement
19 with Kassbohrer All-Terrain Vehicles, Inc. totaling
20 \$562,938.
21 Authorize interim general manager to
22 execute the contract in substantially the form
23 presented.
24 CHAIR DENT: Motion's been made. Is there
25 a second?

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1 TRUSTEE TULLOCH: I'll second.
 2 CHAIR DENT: Motion's been made and
 3 seconded. Any further discussion by the Board?
 4 TRUSTEE SCHMITZ: I have a question.
 5 What's being done with the equipment that's being
 6 replaced? Are we keeping it?
 7 MR. BANDELIN: It's identified in the
 8 staff report that that would be a trade-in, and
 9 there's a value of the trade-in.
 10 CHAIR DENT: Any further discussion?
 11 Seeing none, I'll call for the questions.
 12 All those in favor, state aye.
 13 TRUSTEE TONKING: Aye.
 14 TRUSTEE TULLOCH: Aye.
 15 TRUSTEE NOBLE: Aye.
 16 TRUSTEE SCHMITZ: Aye.
 17 CHAIR DENT: Aye.
 18 Motion passes, 5/0. That will close out
 19 item G 7. Moving on to item G 8.
 20 G 8.
 21 CHAIR DENT: Review, discuss, and possibly
 22 approve a sole source finding, and review, discuss,
 23 and possibly approve the procurement of water meter
 24 registers and transponders for 600 residential units
 25 from the '23/'24 capital expense project. The

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1 vendor is Ferguson Waterworks in the amount of
 2 \$119,400. Requesting staff member actor Director of
 3 Public Works Kate Nelson. Can be found in pages 337
 4 through 341 of your board packet.
 5 MS. NELSON: The board memo is fairly
 6 comprehensive on why we're doing this project.
 7 These transponders have a battery that's
 8 encapsulated in them, and they are connected to the
 9 register. They have started to completely die. And
 10 it's our ten -- they have about a ten-year life, so
 11 we are starting, this year, to replace up to 600 of
 12 them.
 13 Just so you're aware, the new system
 14 actually has a waterproof connection between the
 15 transponder and the meter register, so the next time
 16 in ten years when you have to do this, it's just
 17 replacing the transponder.
 18 Also, if you were following my math, it's
 19 based on a ten-hour day, not an eight-hour day.
 20 CHAIR DENT: Any questions?
 21 I'll entertain a motion.
 22 TRUSTEE TONKING: I move that the Board of
 23 Trustees make the following finding: The District
 24 purchase of the water meter registers and
 25 transponders is exempt from competitive bidding for

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1 the following reasons: NRS 332.115.1 (d)(i)(j).
 2 Authorize the procurement of the water
 3 meter registers and transponders for 600 residential
 4 units from the Ferguson Waterworks in the amount of
 5 \$119,400.
 6 CHAIR DENT: Motion's been made. Is there
 7 a second?
 8 TRUSTEE NOBLE: Second.
 9 CHAIR DENT: Motion's been made and
 10 seconded. Any further discussion by the Board?
 11 I'll call for question. All those in
 12 favor, state aye.
 13 TRUSTEE TONKING: Aye.
 14 TRUSTEE TULLOCH: Aye.
 15 TRUSTEE NOBLE: Aye.
 16 TRUSTEE SCHMITZ: Aye.
 17 CHAIR DENT: Aye.
 18 Motion passes, 5/0. That closes out item
 19 G 8. Moving on to item G 9.
 20 G 9.
 21 CHAIR DENT: Review, discuss, and provide
 22 direction to staff on the presented request for
 23 proposal for district legal counsel services.
 24 Requesting staff member interim General Manager Mike
 25 Bandelin. This can found on pages 343 through 350

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1 of your board packet.
 2 MR. BANDELIN: I kind of wanted to go
 3 through the request for proposal to see if I could
 4 get some insight from the Board of Trustees on any
 5 changes that we wanted to make to that, as we get
 6 ready to be able to provide this proposal out to
 7 possible legal services for the District's legal
 8 counsel.
 9 TRUSTEE SCHMITZ: I just have one
 10 suggestion. On page 346, which is about IVGID,
 11 under number 2, where it talks about the
 12 organization, it says: 112 full-time staff.
 13 But I think it's very important to
 14 identify how much part time and seasonal staff, so
 15 that they understand that's a component of it, and
 16 it's a large component. And they will be asked to
 17 assist us with, you know HR-related issues and what
 18 not for the seasonal part time. So it's much larger
 19 than just 112 full-time people.
 20 MR. BANDELIN: Noted. Thank you.
 21 TRUSTEE TULLOCH: I have a question that
 22 goes back to January when we made some changes in
 23 the policy regarding our general counsel.
 24 In January, I brought up concept of why we
 25 had a combined role for the general counsel since

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1 there's almost two distinctive roles. There's a
2 general counsel advising the board, and then there's
3 the day-to-day operational, legal support for staff.
4 I would like bring that thought for
5 consideration by the Board because we're basically
6 paying on an hourly basis, and the skill sets
7 required can be distinctly different for the type
8 problems.
9 A lot of the day-to-day staff, previous GM
10 Winquest and myself debated this at the time, a lot
11 of normal staff requirements are more day to day,
12 operational guidance personnel matters, various
13 different things like that. Whereas the general
14 counsel for the Board should really be providing
15 strategic advice to the Board, make sure we're not
16 contravening any of our policies and things like
17 that like.
18 I would like the Board to think of it,
19 spot -- potential separation again of whether we
20 restructure the RFP to offer both options.
21 TRUSTEE SCHMITZ: That's a great
22 suggestion. The skill sets might be different. And
23 I think that from staff's perspective, from the
24 director of human resources' perspective, we may
25 want to have an attorney that focuses on HR law, and

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1 Trustee Tulloch, I know he enjoys going through the
2 RFP process.
3 So, if you're interested, besides General
4 Manager Bandelin, the two of you can tackle that for
5 us.
6 MR. BANDELIN: I would just -- I've
7 been -- I would note that, in case you don't know,
8 we spend quite a bit of time now on a weekly basis
9 working with counsel, BB&K, and specifically, Anne.
10 And we're learning and understanding and
11 providing -- getting opinions on contracts and
12 agreements. And we will probably spend a lot more
13 time in the future with the firm on that. And
14 that's pretty important, besides just the -- to me
15 at least, as we struggle and work towards getting
16 really proficient at agreements and contracts with
17 vendors, besides just the HR portion of it, that
18 staff would really entertain good counsel that would
19 help us move that process forward to where we gain a
20 lot of trust from the Board and/or the community on
21 contract review, agreement review, and negotiating.
22 CHAIR DENT: I would agree with you that
23 that is a huge piece of the needs of the District.
24 And I think Trustee Schmitz was just
25 saying it would be nice to have more -- I would say,

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1 that's very different than Open Meeting Law and
2 other aspects of board-related work.
3 So, maybe it is worth while to sort of
4 separate it out and see what type of responses we
5 get.
6 TRUSTEE TULLOCH: It could also be with
7 the same firm, but with separation of duties with
8 different advisers.
9 CHAIR DENT: I don't see an issue with
10 that. I do like -- I mean, they are completely
11 separate roles and tasks, and given it is all
12 hourly, I don't see much of a change.
13 I do like the idea of going in that
14 direction.
15 TRUSTEE SCHMITZ: One other clarification
16 is that I think, as a board, we should decide who
17 the questions and who the responses go to. And my
18 suggestion is is that they would go to the general
19 manager.
20 So, I think that would be a requested
21 change I would make.
22 CHAIR DENT: Okay. I'm fine with that.
23 General manager and I had a conversation about that
24 prior to meeting, and I would even nominate a
25 trustee to be involved in that process, if need be.

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1 right now, we have a special legal counsel that has
2 an HR background, but it would be nice to have
3 someone on staff that you guys could just go to
4 directly.
5 TRUSTEE TULLOCH: Yeah. Can I suggest
6 that we modify the RFP to open to firms that -- we
7 clarify these range of services that may be with
8 different providers so offer the option for firms to
9 bid on one part of it or both of it, in terms of
10 that, so we get full review.
11 And I think that gives us, potentially,
12 more scope to make sure correct we get the correct
13 services. Fully agree that contract legislation,
14 it's a special skill in itself.
15 CHAIR DENT: Do any of my colleagues have
16 any issue with that?
17 Okay. Any further discussion on this
18 item? I will entertain a motion.
19 TRUSTEE TONKING: I don't think there was
20 a motion, really, with this, other than just to give
21 direction. I can make a motion.
22 CHAIR DENT: Thank you. No, we don't need
23 to.
24 General Manager Bandelin, do you need --
25 can you repeat back to us the direction we've given

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1 you? Do you need further direction?
 2 MS. BRANHAM: I was taking notes as well.
 3 If you need me to fill in any gaps, just let me
 4 know.
 5 CHAIR DENT: Do you want to give a
 6 high-level review for us, general counsel?
 7 MS. BRANHAM: Sure.
 8 My understanding is that you would like to
 9 (a) add reference to part-time workers as well as
 10 the full-time staff, just to make clear the scope of
 11 employees. And then (b) divide the discussion of
 12 the role that the general counsel will play. So
 13 maybe have a section that talks about board
 14 operations, have a section that talks about, I'll
 15 call it day to day for now, we might wordsmith that,
 16 but under day to day would be things like contract
 17 administration, HR assistance, anything that's not
 18 board related, specifically.
 19 And then we'll make a change so that the
 20 proposals and questions are addressed to the GM and
 21 to Trustee Tulloch.
 22 And then we will open up the option for
 23 firms to bid for all or some of the needed
 24 responsibilities, rather than just all or nothing.
 25 CHAIR DENT: You nailed it. Thank you.

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1 Any further discussion on this item?
 2 We're good. That will close out item G 9.
 3 All right. Moving on to item G 10.
 4 G 10.
 5 CHAIR DENT: Discuss and possibly give
 6 direction for drafting of letters to various
 7 agencies related to, but not limited to, the
 8 evacuation plan, the possible mobility hub, and
 9 possibility of the closure of the middle school.
 10 The Board could decide to take a position
 11 on these or other matters provided by various
 12 agencies with impact to our community. Requesting
 13 trustee Trustee Schmitz. This can be found on page
 14 351 of your board packet.
 15 TRUSTEE SCHMITZ: All of these issues are
 16 outside the scope and outside the jurisdiction of
 17 IVGID.
 18 But we receive emails from community
 19 members asking for us, as a board, to potentially
 20 take positions on some of these initiatives to try
 21 to demonstrate what the overall wishes are of our
 22 community.
 23 It's been something that we've talked
 24 about for quite some time. And so we had the
 25 evacuation plan and the evacuation exercises that

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1 the District participated in.
 2 So, I'm just bringing forward things that
 3 have been brought to our attention by the community.
 4 They've asked for us, in some cases, to make --
 5 write letters and say, this is what the Board
 6 recommends.
 7 The District has done that in the past.
 8 They did it relative to, I believe, the support of
 9 the sale or the purchase of the land for the new
 10 elementary school, I believe, in the past, to try to
 11 get congressional support for that land transfer.
 12 So it has been done in the past.
 13 I'm just bringing it forward for us to
 14 discuss and to decide. And if there's certain
 15 issues that certain trustees have a passion for and
 16 have some in-depth knowledge. But the intent would
 17 be to draft something up, do some research,
 18 formulate what you feel is the community's desire,
 19 bring it before the Board for us, as a board, to
 20 discuss before any letters were sent.
 21 So, we can do nothing, or we can do
 22 something, but it's just before us for discussion.
 23 CHAIR DENT: Appreciate that overview.
 24 TRUSTEE NOBLE: Yeah. I think it's a good
 25 idea where there is some connection to our

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1 jurisdiction and what we're doing. And there might
 2 be elements, like the mobility hub at one point,
 3 there was an opportunity for IVGID to purchase that
 4 parcel, and I think absolutely that's where we
 5 should be engaged.
 6 When it's wholly outside of our
 7 jurisdiction, but community members want us to
 8 engage, there -- the problem I have with that is
 9 we're going outside of our jurisdiction, our
 10 authority. But if there is a way to tie it into
 11 what we're doing and make that connection, I'm fine
 12 with that.
 13 But just what the Board thinks, but it has
 14 -- we -- it has no connection to what we're -- our
 15 authority is, that's where I would have a problem.
 16 But, again, it's one of those
 17 I-don't-know-until-I-see-it and what the language of
 18 the letter would be.
 19 TRUSTEE TULLOCH: I would agree with
 20 Trustee Noble on that. I also agree with Trustee
 21 Schmitz, it is an important idea.
 22 My view is the last thing we want is to
 23 actually get dragged into every single issue, which
 24 may be a one-person issue or two-person issue. I
 25 think the -- major issues like this, it's not so

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1 much making recommendations, but I think it's fair
 2 for the Board to make comments of the impact of
 3 these things on the community as a whole, rather
 4 than actually just saying, well, you can't close the
 5 middle school or whatever.
 6 I think we need to be a little bit more
 7 dispassionate about it and just make it the same way
 8 and clear it's a recommendation coming from the
 9 Board, not from the District as a whole. There's an
 10 important distinction there.
 11 I think -- I'll take advice from Anne in
 12 terms of that, but I think we do have an opportunity
 13 for us to express concerns about the impacts of
 14 these things as a board. That, to me, would be the
 15 fine line.
 16 MS. BRANHAM: I think that makes sense.
 17 The idea Trustee Noble brought up about a nexus
 18 between the District's operations and the subject of
 19 the letter is a good test for whether it's
 20 appropriate or not. But also makes sense that you
 21 will know it when you see it.
 22 I don't have an issue with, maybe,
 23 bringing back the draft letters, if any of you are
 24 interested in writing them, and then the Board could
 25 decide at that point whether there is that nexus or

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1 whether their too far afield.
 2 CHAIR DENT: Understood. Thank you for
 3 weighing-in on that.
 4 TRUSTEE TONKING: So, I have kind of some
 5 concerns on this because we do represent the whole
 6 community, as a whole, and so I think it's a little
 7 difficult to probably weigh-in on the whole issue.
 8 But I think to Trustee Tulloch and Trustee
 9 Noble's point is there are parts of it that do
 10 effect, so maybe if even saying "neutral," but also
 11 telling, like, here are the things that affect IVGID
 12 and affect the District from the Board's perspective
 13 with these changes.
 14 And I think, like, the mobility hub's a
 15 good one. I think you talked about the middle
 16 school, and, like the land that's owned by us or by
 17 the county and what does that mean to what they put
 18 on it. There's a lot of different moving pieces
 19 that I think could affect IVGID.
 20 But I don't think we can take an
 21 overarching stance on the issue as a whole, but I
 22 think we could, maybe, take a stance on a component
 23 or be neutral and just say how that affects IVGID's
 24 operations.
 25 CHAIR DENT: I would agree with my

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1 colleagues. I think it's a fine line.
 2 But I do like the idea of speaking on
 3 behalf of our constituents. And I think we, as a
 4 board, if we were to put a letter together, I think
 5 on behalf of community, it does carry a little bit
 6 of a clout.
 7 I think it's something I would be willing
 8 to consider. It just depends on the issue and how
 9 we draft up the letter.
 10 TRUSTEE TULLOCH: Yeah. I think that's
 11 right. My colleagues have eluded to, we should know
 12 it when we see it. We shouldn't just use it for
 13 every single tiny issue that comes up in public
 14 comment or whatever.
 15 We do it on the main issues. And what
 16 we're basically doing is providing commentary as if
 17 we're Switzerland. Just providing a neutral view
 18 just of, not opinion, but comments of what the
 19 impacts are. To me, that's the most effective way.
 20 CHAIR DENT: Agreed. Any further
 21 discussion on this item?
 22 TRUSTEE SCHMITZ: So the question is: Do
 23 any of us trustees have particular interest in
 24 something that they would be willing to take an
 25 attempt and draft something for our review?

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1 CHAIR DENT: Which item would you like to
 2 draft a letter for?
 3 TRUSTEE SCHMITZ: I'll do the mobility
 4 hub.
 5 CHAIR DENT: Okay. Anyone else want to
 6 weigh-in on this?
 7 TRUSTEE TONKING: I can take a look at the
 8 mobility hub, but it might not be welcome if it
 9 comes from me, just because I already do that for my
 10 real job, so there's a lot of other inside.
 11 But I can look and see what affects IVGID
 12 in it, and put a draft together.
 13 TRUSTEE SCHMITZ: Thank you, Chair. I
 14 have a question for Trustee Tonking.
 15 My recollection is that you spent a lot of
 16 time understanding the evacuation plan. Is that
 17 something that you think that you actually could
 18 potentially take a look at? Because I know it's a
 19 huge concern for the community, and that is a
 20 community issue for all of us.
 21 But I'm just recalling that you've
 22 mentioned that you've had a few meetings with the
 23 Fire District and what have you. Is that something
 24 that you would be comfortable taking?
 25 TRUSTEE TONKING: That's fine. I can do

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1 that. Not a problem.

2 CHAIR DENT: Any more discussion on this

3 item?

4 No. All right. That closes out item G

5 10. Moving on to item H, item H 1.

6 H. REDACTIONS FOR PENDING PUBLIC RECORDS REQUESTS

7 H 1.

8 CHAIR DENT: Review, discuss, and provide

9 direction on redactions for pending public records

10 requests, found on page 352 through 354 of your

11 board packet.

12 MS. BRANHAM: This is a recurring item. I

13 know you know how it goes. This one is a bit unique

14 for reasons that have been eluded to in this

15 meeting.

16 We did provide, from a legal perspective,

17 guidance that the letter in question that, I think,

18 was read out loud during the August 9th meeting.

19 Before that time, it had come in as a public records

20 (inaudible) request. There is a legal basis for

21 having withheld it, but I think the horse is out of

22 the barn a bit at that point.

23 We're going through the motions here.

24 This is the item that comes before you on public

25 records redactions. We did advise that this is the

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1 mixed up. There seems to be all sorts of different

2 messages here.

3 MS. BRANHAM: Yeah. What I'll say in

4 response to that is there are always two sides -- or

5 typically, there are two sides of a document; right?

6 The District will hold one copy of it, and if

7 someone received another copy of it that's a member

8 of public, they're within their right to release as

9 much or as little of that document as they want.

10 I think -- again I don't have a perfect

11 insight here, but I think that what happened is that

12 the document was not released through District

13 channels, because our advice when we received the

14 public records (inaudible) request was to withhold

15 the letter on the basis -- purely on the NRS, not on

16 any policies internally or anything like that, but

17 purely on the basis that it contained identifying

18 information. There was an applicable exception in

19 the NRS for the PRA withholding.

20 So, that was one piece of it. But what

21 the other person on the other side of the

22 transaction does with the document, I think there's

23 -- we can't control that.

24 So whether it was an employee file, if

25 they had access to their own file, and those that

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1 section, NRS 239.0105, because of the identifying

2 information of a natural person in the letter, that

3 it could be withheld on that basis. But up to you

4 at this point whether you want take a position at

5 this meeting that the letter should be released.

6 But, my understanding, the letter, for all intents

7 and purposes, has been released.

8 CHAIR DENT: Okay. Trustee Tulloch wants

9 to give a question.

10 TRUSTEE TULLOCH: It's -- looking at it,

11 we seem to have some mixed-up policies here. We're

12 trying to apply personnel policies. We have the HR

13 director trying to apply personnel policies to

14 members of the public. And I think -- would the

15 public be so sanguine about releasing these letters

16 if it was a personnel file of an employee? We need

17 to be consistent. To me, there's some mix messages

18 here. It's okay to release if it's somebody that we

19 don't like, but if it's an employee, we can't do it.

20 And it's nothing to do with any

21 individual, but then hear that we can't find these

22 records, but then members of the public seem to have

23 them.

24 The whole thing seems to be mixed up,

25 shall we say. I think I'll be polite here. It's

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1 chose to make that public, that would be different

2 than the District agreeing to release it.

3 So at this point, our official position

4 was, not that the document didn't exist, but that

5 the document was not subject to disclosure under the

6 PRA for the exemption cited in the staff report.

7 TRUSTEE TULLOCH: Okay. Thank you for

8 that clarification.

9 I think we're walking a very fine line

10 here, and I'm not supporting one side or another.

11 I'm trying to be Switzerland in terms of that. I

12 just think we need to make sure that we're doing it.

13 And having read the letter, it appears

14 that we didn't -- we violated our own Ordinance 7

15 policy from the time we didn't follow the procedure

16 in Ordinance 7.

17 So, yes, I start to have all sorts of

18 concerns. If we have policies, but we have no

19 penalties for non-compliance, and I think we need to

20 make sure that we are compliant with these policies.

21 I've read the Ordinance 7 policy, and I'm still

22 confused as to why this letter came from the

23 personnel director, why the personnel director was

24 involved since there's nothing that's not mentioned

25 in Ordinance 7.

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1 MS. BRANHAM: Understood. We can have
2 that discussion.

3 CHAIR DENT: I guess my concern with this
4 is there's a draft document, we're -- as of a week
5 ago, Trustee Schmitz was told that three documents
6 that were sitting over here and posted on social
7 media didn't exist, but they're sitting over here on
8 our counter. And trustees can't even get this stuff
9 because it didn't exist.

10 I don't know if we're just jumping the gun
11 a little bit here, given that there's an
12 investigation underway regarding these records. It
13 might be a little bit better to hold on this process
14 until we've figured out what's going on, why the
15 records are just not here but somewhere else, and
16 the Board doesn't have access to them but people in
17 the community do.

18 I think when we get those questions
19 answered, maybe we decide the next steps for this,
20 but I think we got a lot of questions that we need
21 to have answers to.

22 TRUSTEE SCHMITZ: And adding on that, this
23 document, this draft document was actually shared as
24 a Word document. And that document has traces of
25 modifications being made to it.

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1 Typically when staff reaches out to us,
2 it's just to confirm or to check whether there's an
3 applicable exception. And so that's what happened
4 here. We provided the basis for an exemption.

5 But I think these are, maybe, larger
6 questions that we should bring as an item to discuss
7 the records policy, the records management
8 practices.

9 TRUSTEE SCHMITZ: There are corrective
10 actions that we need to take immediately to stop the
11 sharing of, potentially, inappropriate documents,
12 because if you're not reviewing them and they're
13 being shared, if they are privileged documents, how
14 is this happening?

15 And I think that -- I'm not expecting you
16 to answer this, but I think this is really serious,
17 and I think that we need to take swift and decisive
18 action to protect the liability to the District.

19 MS. BRANHAM: Understood.

20 CHAIR DENT: It's my understanding,
21 Trustee Schmitz, we will have an item on the
22 September 13th agenda, and it will -- it's my
23 understanding we'll get an update on what's going on
24 as it relates to timelines and records and areas to
25 improve.

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1 So, why in the world was a Word document
2 being shared as it was a redacted document when it
3 was a Word document that is modifiable and was
4 modified. I've never been given a Word document.
5 We're always given PDFs.

6 The other question is at the last meeting,
7 I believe it was in public comment, I believe it was
8 by Mr. Mick Homan, he made a reference that he had
9 read three certified letters that had been sent to
10 Mr. Dobler. I don't understand -- I don't see a
11 public records request for that. I'm not sure that
12 is a public record.

13 So, I'd like some understanding and some
14 clarification of where these documents are
15 being provided -- where they're being provided to
16 people, because there are things, in some cases,
17 that us trustees haven't had access to.

18 MS. BRANHAM: And if it's helpful, I think
19 those particular questions that you just raised are
20 probably better directed to the records manager,
21 because typically our involvement in the process is
22 limited to -- well, first of all, we don't get
23 involved with every public records act response.
24 Some of them, I think, are more mundane, routine,
25 they can just be handled without our involvement.

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1 And General Manager Bandelin is very aware
2 of the seriousness of this issue. So I'm hoping we
3 can figure out what is going on.

4 Any further questions or discussion on
5 this item?

6 TRUSTEE TULLOCH: I think just to preempt
7 public comment, this is not an attempt to cover up
8 anything. This is just an attempt to make sure that
9 we have a fair and open process, not kangaroo court
10 and public opinion, however much that might help
11 people trying to attract votes. I think we need to
12 make sure that we stick with the constitution that
13 people are innocent until proven guilty.

14 And if it's documents that claim to be
15 certified or privileged documents, I think having
16 seen these -- never having seen these as a board
17 member, but yet being castigated because I haven't
18 reacted to them, I'm not going to react to something
19 I haven't seen and have no knowledge of in terms of
20 that.

21 I think we need to be seen to be open and
22 above board on this. I know that won't be popular,
23 but that's -- I still believe in the constitution in
24 terms of that.

25 TRUSTEE SCHMITZ: I concur with that.

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1 This is not an effort to try to withhold
2 information. This is intentional protection of
3 liability to the District, because documents are
4 restricted and privileged for a reason, for a legal
5 reason.
6 And especially when we are uninformed
7 about things and say things don't exist, and then
8 suddenly they do exist, that's a real problem. And
9 we need to get to the bottom of it.
10 CHAIR DENT: For the record, can you just
11 let us know how privileged gets released by the
12 Board? Just so the community's aware.
13 MS. BRANHAM: Yeah. So the way this works
14 is this item will appear. So the response is
15 already been made. Again, this was kind of a unique
16 situation because there are two parties who might
17 own a document, and it's up the other party what
18 they do with their document.
19 But in general terms, we will make this
20 report. It will reflect the determination that was
21 already made, and then the Board can elect, if it
22 wishes, to waive the privilege that was asserted and
23 release the document.
24 But this way, you have the information,
25 the document has remained protected up until this

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1 have known to put on the 13th meeting.
2 But my intention would be to be able to
3 get this updated for the next three or four meetings
4 with some solid agenda items on there that I can't
5 do this time.
6 CHAIR DENT: That's fine. We can work
7 through that offline before this goes out in the
8 next packet.
9 Just curious, the Mountain Golf Course
10 clubhouse roof, do you have any -- do you know what
11 that is? Because I thought we put a roof on the
12 Mountain Golf Course clubhouse about three years ago
13 or four years ago.
14 MR. BANDELIN: I do. A brief explanation
15 is we had damage from snow season last winter that
16 we need to make repairs and replace the roof. Some
17 other items within that, but --
18 CHAIR DENT: I wish us luck on that.
19 Finding roofers in 2024 is tough, let alone 2023.
20 Any other items or discussion on this?
21 TRUSTEE SCHMITZ: I would like to add on
22 September 30th that we also be provided a report on
23 the Dabler complaints. Where are they? Are there
24 complaints? What action is being taken? Because,
25 as a board, we do need to understand that as it

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1 point, and this it's up the Board whether to waive
2 that privilege under the PRA.
3 CHAIR DENT: So it's a board decision to
4 waive the privilege. It's not an employee's
5 decision or former employee's decision?
6 MS. BRANHAM: That's right.
7 CHAIR DENT: All right. Thank you.
8 Any other discussion on this item?
9 All right. That will close out item H 1.
10 Moving on to item I.
11 I. LONG RANGE CALENDAR
12 CHAIR DENT: Long-range calendar. It can
13 be found on pages 355 through 359 of your board
14 packet.
15 MR. BANDELIN: I'm going to need to meet
16 with staff and get a kind of -- I can't update the
17 long-range calendar as we sit here tonight, as some
18 of the items that we pulled off of the agenda until
19 I meet with staff and concur when we can insert
20 them.
21 CHAIR DENT: That's fine.
22 MR. BANDELIN: And then I thought it might
23 be a good idea for some consideration from the Board
24 if I send this out to you to be able to insert any
25 items. Like I just of heard one that I might not

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1 relates to the assignment to the committee.
2 So, I want us to be informed, and I want
3 the community to be informed on that.
4 MS. BRANHAM: You mean at the September
5 27th meeting, Trustee Schmitz? I think you said the
6 30th.
7 TRUSTEE SCHMITZ: I was actually saying
8 the 13th.
9 MS. BRANHAM: My apologies.
10 CHAIR DENT: Any other items to add?
11 All right. Seeing none, we'll work
12 through long-range calendar offline. That will
13 close out item I. Moving on to item J.
14 J. BOARD OF TRUSTEES UPDATE
15 J 1 and J 2.
16 CHAIR DENT: Board of Trustees' updates.
17 The FlashVote survey results are in here for the
18 summer activities, found on page 360 through 375 of
19 your board packet.
20 And then item -- that was item J 1. Item
21 J 2, is community forum, town hall, page 376 of your
22 board packet. Trustee Tonking?
23 TRUSTEE TONKING: Yeah. I just wanted us
24 to try to think about when we wanted to start doing
25 these -- if we want to start them, and how we want

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1 to start doing them, just so it doesn't get lost in
 2 the mix of all the other things we have going on.
 3 CHAIR DENT: Good --
 4 TRUSTEE TONKING: My suggestion was we
 5 would do it either like once a month or once every
 6 other month, and either do it before a board meeting
 7 or something. And then we could just pick topics
 8 and one of us could, like, listen and have them open
 9 and talk about it. So we can all alternate choosing
 10 a topic.
 11 CHAIR DENT: Yeah. We got to just be -- I
 12 guess if we're agendizing it and it's at a board
 13 meeting, then we can talk about future items
 14 together. But if we're --
 15 (Inaudible cross talk.)
 16 CHAIR DENT: Yeah, we can if it's at a
 17 board meeting and it's an actual agendized item, we
 18 can.
 19 I think we need to figure out -- we've
 20 kicked around the idea of just being here a half
 21 hour early. And if that's something we want to do
 22 and open it up to answering questions, or do we want
 23 to have something a little bit more formal?
 24 And, I guess, what do you envision that
 25 being because we haven't done, in my tenure,

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1 anything like that, so I'm open to ideas.
 2 TRUSTEE TONKING: I'm into the idea of us
 3 maybe just trying a half hour early and trying at
 4 every meeting and answering some questions. I don't
 5 know how that works, though, if we just answer it
 6 separately as we hang out, or if we, like, answer
 7 that formally.
 8 The other idea is a town hall could be
 9 helpful, and maybe this is something that only
 10 happens when there's, like, bigger issues. But
 11 let's think, like, dog park, for example. Like,
 12 that could be, like, a town hall meeting, where we
 13 bring this area and we get community input. The
 14 strategic plan, we mentioned doing some town halls
 15 for that in the Moss Adams report.
 16 So, maybe the town halls are less often
 17 and just for bigger specific things than we just
 18 come 30 minutes early. I don't know that part would
 19 look. I don't know the rules behind discussion and
 20 in that arena.
 21 CHAIR DENT: Understood.
 22 General counsel, have you seen other
 23 agencies do anything like this as far as come prior
 24 to a meeting to discuss issues?
 25 MS. BRANHAM: Yeah. I talked about this a

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1 bit with Josh earlier. I think it will take some
 2 finessing, but it helps to know what the idea is.
 3 Because you'll agendize it, you'll kind of
 4 try, to the extent possible, to specify what the
 5 topics might be. But if it's just general
 6 questions, then we can wordsmith it and come up with
 7 something that is an agenda item that just lets
 8 people know, come and ask questions.
 9 And the idea would be that you would not
 10 be deliberating toward or taking any final action on
 11 anything. It's more of an informational
 12 question/answering session.
 13 So, we should be clear on that front. We
 14 will treat it as a workshop, essentially, but it
 15 will just be the brief period between when the
 16 meeting starts. Yeah, we can come up with, maybe, a
 17 template kind of standing agenda item for that, and
 18 then see what you all think of that.
 19 CHAIR DENT: Okay. That would be it's own
 20 separate meeting, or it would be part of the agenda
 21 for the meeting? Like, would be starting with the
 22 roll and Pledge of Allegiance or this would start
 23 prior to that?
 24 MS. BRANHAM: Up to you if that would be
 25 your preference. If you would rather treat it as an

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1 informal thing, then we can have all of the standard
 2 meeting opening items start at 6 still, and maybe
 3 just have this be a cover page to the agenda that
 4 says: 5:30 to 6:00, informal workshop.
 5 And then however we want to frame that as
 6 an actual agenda item.
 7 CHAIR DENT: Yeah, I think that is the
 8 intent that Trustee Tonking is going for. And I
 9 think --
 10 Is anyone opposed to starting something
 11 like that? Trustee Noble, you're gone at the next
 12 meeting. Do we want to start that for the meeting
 13 on to the 27th? Is that something we would want to
 14 entertain? Everyone be here, say, start our
 15 informal workshop at 5:30. And Trustee Tonking and
 16 I can work through what that informal discussion's
 17 going to be about.
 18 TRUSTEE TULLOCH: I suggest for the first
 19 one maybe we start at 5 rather than 5:30, just to
 20 make sure -- yep.
 21 CHAIR DENT: Yeah, I think that's good.
 22 Half hour is not very much time.
 23 Trustee Tonking, is there anything else
 24 you would like to get out of this Board of Trustees
 25 update?

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1 TRUSTEE TONKING: Nope.

2 TRUSTEE SCHMITZ: Trustee Tonking, were

3 you finished?

4 TRUSTEE TONKING: Yeah.

5 TRUSTEE SCHMITZ: I just wanted to make

6 sure that the Board was comfortable -- this is

7 something that Trustee Tonking and myself have been

8 meeting with the pickleball group. And I've taken

9 up pickleball, and I'm starting to be a regular over

10 there.

11 And the committee had asked if I would be

12 willing to be their board liaison. They spoke with

13 Trustee Tonking about it, and I spoke with general

14 counsel and his statement was, As long as the Board

15 and Trustee Tonking and myself, everyone was fine

16 with it, we didn't have to agendize anything.

17 So, I'm bringing it up for conversation

18 and ensuring that Trustee Tonking and myself are on

19 the same page.

20 CHAIR DENT: I spoke with interim Director

21 of Finance Magee earlier, and one thing he -- I want

22 to give you guys an update on this, but he said we

23 were receiving a lot of qualified applicants after

24 we made the tweaks to the controller position. So,

25 I thanked him and HR director for bringing those

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1 changes forward.

2 And so it seems like we have some very

3 qualified applicants that they have been working

4 through that process on. So, I think that's a win

5 for staff.

6 Anything else for Board of Trustee

7 updates?

8 That will close out item J. Moving on to

9 item K.

10 K. FINAL PUBLIC COMMENTS

11 CHAIR DENT: Final public comments. You

12 will have three minutes for your public comment.

13 MR. LYON: Jim Lyon, Third Creek.

14 First, I would like to apologize. This

15 should only take about 30 seconds. Earlier this

16 evening after some of the discussion and public

17 comment, several of us were out on the porch and

18 discussing one of the issues. And we came up what

19 we thought would be -- something that would be a

20 recommendation or something for you, the Board, to

21 think about or consider.

22 And that would be in the composition of

23 the contracts, Capital Investment Committee, it

24 might be something you might want to consider to

25 have one person be prohibited from interfacing

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1 directly with staff. They could participate with

2 all the discussion and workings of the committee,

3 'cause he's really excellent, I mean, he's got all

4 the qualifications and skills, but it would

5 eliminate the interpersonal issues that people are

6 concerned about, and so it might put a little cold

7 water on a hot issue.

8 Thank you.

9 CHAIR DENT: Seeing no other public

10 comment in the room, we will go to Zoom.

11 MR. WRIGHT: Frank Wright.

12 After listening to the Board's discussion

13 about public records or internal documents that have

14 been released or have gotten into the public's

15 hands, the lady who read tonight from some public

16 comments that they submitted to the Board, where did

17 they come from? They should have been stopped

18 immediately and asked, what do you have there?

19 Where did you get it? How did you acquire these

20 documents? Because it sounds to me like they were

21 taken, they were stolen, they're theft, they should

22 be arrested. And the District has just exposed

23 themselves again to even more liability by allowing

24 this person to read from those documents.

25 I put a public records request in. I

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1 couldn't get them. I was told everything is

2 privileged.

3 Well, if it's only privileged to those

4 people who request them or privileged to the Board

5 members -- they can't even get them -- how can a

6 citizen in the community read them at a board

7 meeting and have them entered into the board packet?

8 And those documents were never given to person that

9 they're about. The person has no defense. This is

10 horrible. Legal should have stopped in its tracks.

11 Those things should never be made public.

12 But what's happened is the grunge mob now

13 has unloaded on this poor guy, and he hasn't done

14 anything wrong. He's never been found guilty of

15 anything. They're making stuff up now even more

16 than they did before.

17 I don't understand how a district can

18 allow this to happen with a legal counsel sitting

19 there. It should have been stopped. Those

20 documents should be squashed (phonetic) now. They

21 should be -- this should all be stopped.

22 But why is it continuing on? An

23 investigation, all you have to do is ask Mr. Noble,

24 our wonderful trustee, where the heck he got this

25 stuff. He started all this. And he's exposed the

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1 District, himself, to libel lawsuits that are just
2 incredible. It's not hard to document, especially
3 when I can't get them in a public records request.
4 So if they're privileged, what is he doing
5 reading them and where did he get them?
6 Somebody has broken the law. They should
7 be arrested. Someone gave them to them. They were
8 taken, illegally, from district's offices. You need
9 to do more than just investigate, you need to start
10 arresting people.
11 Thank you.
12 MR. DOBLER: Yeah, this is Cliff Dobler.
13 Regarding finding a new set of general
14 counsel for the District, Anne, you almost had it
15 right, but we really have three segments here. We
16 have the municipalities aspects of counsel, you have
17 HR, like they said, but we're leaving out one big
18 thing that Mike Bandelin brought up and I've been
19 bringing up for five years, is a contract lawyer.
20 Now, we all know -- or maybe we don't
21 know, I know, that most lawyers now are specialists.
22 They can't handle a broad range of these ideas
23 because the law is very, very complicated, a lot of
24 case law, and it takes a person that's worked in a
25 field that is very, very familiar with it. But

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1 MR. GOVE: There are not.
2 CHAIR DENT: That will close out item K,
3 final public comment.
4 L. ADJOURNMENT
5 CHAIR DENT: It is 10:13. We're
6 adjourned.
7 (Meeting adjourned at 10:13 P.M.)
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1 trying to roll it up into one person, you'll never
2 find good people.
3 So, what I'd like -- when you said that
4 were going to work on HR and municipalities, but the
5 most important thing are the contracts. We need a
6 lawyer that is familiar with contracts, that's
7 worked in it for 20 years, that's the only ones I
8 ever hired. They were expensive, but they could
9 pick up a contract, they can pick out the difference
10 in no time at all, and you would be able to have a
11 good document.
12 So thank you very much. I hope you guys
13 listen. I hope you guys change it. And let's make
14 it work this time around. You may have one to three
15 lawyers. And that's okay, because the only thing
16 the contract lawyer would be doing is looking at
17 contracts. HR, looking at HR, and the municipal
18 aspects, another attorney. And that would be the
19 best way to do it.
20 But trying to roll it up into a guy like
21 Nelson was really not fair to him, and, of course,
22 we got pretty poor work.
23 Thank you very much.
24 CHAIR DENT: Any additional public
25 comments?

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1 STATE OF NEVADA)
2 COUNTY OF WASHOE) ss.
3
4 I, BRANDI ANN VIANNEY SMITH, do hereby
5 certify:
6 That I was present on August 30, 2023, at
7 the Public Meeting, via Zoom, and took stenotype
8 notes of the proceedings entitled herein, and
9 thereafter transcribed the same into typewriting as
10 herein appears.
11 That the foregoing transcript is a full,
12 true, and correct transcription of my stenotype
13 notes of said proceedings consisting of 188 pages,
14 inclusive.
15 DATED: At Reno, Nevada, this 9th day of
16 September, 2023.
17
18 /s/ Brandi Ann Vianney Smith
19
20 BRANDI ANN VIANNEY SMITH
21
22
23
24
25

INVOICE

BAVS SM-LLC
brandiavsmith@gmail.com
United States

BILL TO
**Incline Village General Improvement
District**
Susan Herron

775-832-1218
AP@ivgid.org

Invoice Number: IVGID 3

Invoice Date: September 9, 2023

Payment Due: September 30, 2023

Amount Due (USD): \$1,478.00

Items	Quantity	Price	Amount
Appearance fee August 30, 2023 BOT meeting	1	\$350.00	\$350.00
Per page fee August 30, 2023 BOT meeting	188	\$6.00	\$1,128.00

Subtotal: \$1,478.00

Total: \$1,478.00

Amount Due (USD): \$1,478.00

Charge to 100-11-100-6030

S. Herron 09-11-2023



Invest in Incline Proposes Code of Conduct for Public Speakers

The following letter was sent to the IVGID Board of Trustees on May 26, 2023 from the Invest in Incline Advocacy Network. We have never received a response to this letter, but the issue is now on the Board's agenda for the August 30, 2023 meeting. We have also provided a link to a legal opinion from IVGID's legal counsel, Mr. Nelson, for this agenda item in response to a request from the Trustees. **If you support this effort, please send an email to the IVGID Trustees at info@ivgid.org encouraging them to adopt a Code of Conduct for Public Speakers at Board Meetings, or provide public comment in support of this code of conduct at the August 30 meeting.**

link to Mr. Nelson's legal opinion: https://www.yourtahoeplace.com/uploads/pdf-ivgid/E.2._-Reports_-_Regulating_Public_Comments.pdf

letter to the Trustees from the Invest in Incline Advocacy Network:

Dear IVGID Trustees,

Democracy depends on the active participation of its citizens. We believe that as elected representatives of our community, one of your goals should be to do whatever you can to encourage, nurture and foster public involvement in IVGID affairs. One of the most obvious opportunities for public involvement in IVGID governance is the public comments section of regular Board of Trustee meetings.

We are sure you recognize that too many of the public comments are disrespectful or inappropriate. More often than not, this uncivil and inappropriate behavior comes from a relatively small number of our neighbors, and has occurred on a regular basis for many years. These personal attacks, slanders, and rude behavior have negative consequences, such as:

- - Making it unbearably unpleasant for people to attend meetings, therefore discouraging participation.
 - Undermining the morale of IVGID staff, resulting in more turnover, more challenging hiring, and defensive behavior.
 - Setting a negative tone for these meetings, and failing to restrain this behavior makes it appear that the Trustees condone, and even endorse, these extreme departures from civil discourse.
 - Actively discouraging people from running for IVGID Trustee.

Does this habitual misbehavior at public comments have to be tolerated? Is there ANYTHING you can do as elected officials to improve this situation?

Nevada State Open Meeting Law requires that citizens be able to make public comments. But just like the 1st Amendment of our Constitution, there are reasonable limits. According to the Open Meeting Law Manual, from the NV Attorney General's office, a public agency has the right to limit such comments: (https://ag.nv.gov/uploadedFiles/agnv.gov/Content/About/Governmental_Affairs/OML_Portal/omlmanual.pdf), "A public body's restrictions must be neutral as to the viewpoint expressed, but the public body may prohibit comment if the content of the comments is a topic that is not relevant to, or within the authority of, the public body, or if the content of the comments is willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational or amounting to personal attacks or interfering with the rights of other speakers."

We also recognize that in the past an IVGID Board and Chair were cautioned by the NV OAG for not allowing public comments from two residents who filed a complaint about being censored because the Chair felt that the comments were false. (see OAG File # AG File No. 11-024 referenced in the attached Addendum B)

The right to make such false comments is clearly something that some commenters at IVGID Board meetings feel quite comfortable taking advantage of; and we have NO interest in asking for this right to be infringed upon. There are a number of legal considerations and court opinions that address the ability of government officials to tackle the issues around public comments during public meetings, and we have referenced several of these in the attached Addendum B.

In the past, the Board has adopted guidelines for public comments (see agendas from Feb 2017). The NV Attorney General admonished the IVGID Board in an Oct 17, 2017 action, for incorrectly stating that the Board's legal counsel can cut off public comments. However, it did reinforce the fact that a Public Body may appropriately limit public comments. "The interpretation and enforcement of rules during public meetings are highly discretionary functions. A Public Body may impose restrictions on public comments that are repetitious, irrelevant, or disruptive comments."

https://ag.nv.gov/uploadedFiles/agnv.gov/Content/About/Governmental_Affairs/OML_AGO_13897-224_and_226.pdf

It would therefore be prudent and necessary for the Board to get an opinion from legal counsel regarding the ability of the Board to safely navigate these waters. Limiting comments would be challenging, and should be done with care. But you were elected to do hard things.

As an example of what might be possible, we'd suggest you create and approve an official "Code of Conduct" for public commenters. We've attached a sample of what might work below (Addendum A). Additionally, you may want to create a standard, repeatable process for determining when a commenter has violated the Code of Conduct, and the actions you will take when that happens. We've also attached a sample process below.

Again, as elected officials, part of your job is to encourage, nurture and foster public participation in governance. The existing behavior of some at board meetings is a hindrance to that goal. You could choose to do something about that. We encourage you to be bold; take action; make your board meetings better.

With a sincere desire to help make our community better,
Dr. Myles Riner
Jim Croley

Addendum A Code of Conduct

Sample Code of Conduct for Public Comments at IVGID Board Meetings

- 1) Ensure your comments are an honest attempt to improve IVGID, whether it's positive or negative feedback.
- 2) Be civil by refraining from comments which are:
 - a. Personal attacks: an abusive remark on or relating to somebody's person or character instead of providing evidence when examining another person's claims, comments, or behavior
 - b. Inflammatory: arousing or intending to arouse anger or violent feelings
 - c. Slandering: making a false spoken statement damaging to a person's reputation
 - d. Offensive: causing someone to feel deeply hurt or abused.
- 3) Treat others with respect (due regard for the feelings, wishes, rights, or traditions of others).
- 4) You may not make comments on the competency of public employees.
 - a. Treat others with respect (due regard for the feelings, wishes, rights, or traditions of others)
 - b. You may not make comments on the competency of public employees.

This Letter
and the **Sample Meeting Process**
and the **Findings and Opinions Related to Restrictions on Public Comments**

Can be found here;
<https://investinincline.org>

IVGID BOARD OF TRUSTEE'S MEETING

30 AUGUST 2023

My name is Paul Smith and I live at 1437 Tirol.

No good deed goes unpunished.

All directors of my HOA just went through two unsuccessful recalls driven by the economic self-interest of the short-term rental industry. The complaint: STR's wanted second and third parking spaces not available to any other HOA homeowner.

As for IVGID it's the same because, after looking out for Incline residents through protection of the beach deed, the STR/Realtor/Raelys business conspiracy want to recall **Trustee's Dent and Schmitz**.

No good deed goes unpunished.

Restricting beach access has really burned the STR/Realtor/Raleys group so now they conspire to go after two trustee's in an attempt to regain beach access plus expand so that all IVGID recreational facilities are for tourists first and secondarily for you and me.

Incline Village General Improvement District was established to provide key utility and recreational services for residents; not to almost 700 rental businesses who run profit oriented small hotels in residential neighborhoods and then disguise themselves in testimony here "as simple local property owners with families trying to pay a mortgage".

Make no mistake: To these business interests the rec center, the golf courses, Diamond Peak, and even the beach are marketing tools that they want to advertise as rental amenities for \$200+ a night.

These economic interests care zip about the normal Incline resident for whom the improvement district exists.

FACTS:

- there are 700 short term rentals (STR's) just in Incline Village and Crystal Bay;
- STR profits incentivize the conversion of long-term rentals reducing Incline workforce housing;
- Realtors love to manage STR's;
- STR's and realtors do not care if tourists get priority over residents since tourists bring money into Incline while residents just live here;
- Raleys and realtors love to see 4,500 new STR shoppers every week – why else would Raleys allow the recall table outside their door and permit their name to be on the recall signs.
- Its all about the money not about Incline Village/Crystal Bay owners!!

If you signed the recall petition; immediately request your signature be removed or count yourself among the greedy.

Tim Calicrate and his cronies ran IVGID into a financial mess and now they want to drive a stake through the heart of beach ownership and recreation facility access so they can capture all of Incline Village for the tourist business.

A no vote on the recall will put Incline Village residents first not second fiddle to residential hotel companies and their associated business interests of Raleys and the realtor community.

Thank you.

Ref: Item 10 on the Agenda since a new legal counsel will need to know what groups are littering our streets with illegal signs as an harassment to duly elected Trustee's.

Resident Aaron Katz's Prophetic Words to Go Into the Annals of IVGID Forever

August 30, 2023 IVGID Board Meeting

Our General Improvement District ("GID") should work for us, rather than we working for it. Unfortunately that's not where we're at.

Things are imploding all around us. It's not the current Board's fault. This has been building for some time thank you Mr. Polly Wolfe, Bruce Simonian, Jim Hammerhill, Peter Morris, Tim Callicrate, Kendra Wong, Steve Pinkerton, Brad Johnson, Joe Pomroy.

And because of this, you need to stop and smell the coffee Mrs. Bueller.

Look at the other 83 or more GIDs in the state. How many own/operate a ski area?

Publish magazines and give away all the advertising revenue?

Operate restaurants that lose \$2K/day?

Spend \$1 million or more annually on marketing?

Maintain a PR department (aka "communications")?

Employ over 1,000 employees annually – as many as Carson City?

Pay their GMs \$200K annually (^{let alone} not \$500K like what we're about to do)?

Have finance directors, and pay them \$100K annually (^{let alone} not \$250K like what we're about to do)?

How rely upon a disingenuous a Rec Fee? And then lie about it?

How many have a slew of residents like that 81 year old lady in the back who think they represent the majority and blame truth tellers rather than the bunch who've gotten us into the mess we face?

How many have filed recall petitions, EVER, to recall their trustees?

The takers in our community will claim because we're "different" or "special."

I say we've seen the enemy, and it's ^{them} us.

Our true governance is the county and not IVGID. If IVGID goes, we still have the county.

And all the services the county provides and is obligated to provide to its other citizens will be made available to us because now the county cannot rely upon IVGID to do its job.

Since we don't NEED IVGID for anything, we eventually get to a point where we need to have a serious discussion about what we do with the beaches because really, that's what is at our core.

I submit that when you can't retain senior staff,

Nor hire enough people to operate your commercial "for loss" businesses,

Nor operate your commercial business enterprises competently

Nor make a buck on any of them,

And you spend your time skewing our financials because you're afraid to share the ugly truth with your citizenry,

And you burden 80% or more of your citizenry to involuntarily subsidize money losing golf to appease for the vocal few,

And the realtors,

The problem's not me. Nor Frank Wright. Nor Cliff Dobler!

You've crossed over the line! That's it.

We're there!

It's time to agendize the discussion of how we get out of this mess and save our beaches.

Aaron Katz

WRITTEN STATEMENT TO BE INCLUDED IN THE WRITTEN MINUTES OF THIS AUGUST 30, 2023 REGULAR IVGID BOARD MEETING – AGENDA ITEM G(2) AND G(3) – RECOMMENDED INCREASE IN SALARY RANGE FOR A NEW GENERAL MANAGER (“GM”) WHICH WHEN BENEFITS, A RELOCATION ALLOWANCE AND EXECUTIVE SEARCH FIRM FEES ARE ADDED TO THE MIX, WE’RE LOOKING AT NEARLY \$500,000 ANNUALLY. FOR THE HEAD OF THE EQUIVALENT OF A GLORIFIED MOSQUITO DISTRICT

Introduction: Here our H.R. Director recommends a new, increased salary range and relocation fees for a new GM. When these sums are added to the fees an executive search firm will assess, we’re looking at nearly \$500K or more annually; just for a GM! In my opinion if that’s what we have to deal with as a GM, then it’s time to throw in the towel. That’s it! Because our General Improvement District (“GID”) should work for us, rather than we working for it. And for these reasons, I submit this written statement.

My E-Mail of August 27, 2023: On August 27, 2023 I e-mailed the IVGID Board¹ urging members address the real elephant in the room rather than matter of factly increasing the salary and benefits of our GM because we’re required to compete with the salaries and benefits offered to counties and true municipalities. Rather than regurgitating my concerns, I direct interested readers to the contents of Exhibit “A” itself.

Conclusion: If we had the money to pay this outrageous amount of compensation, that would be one thing. BUT WE DON’T. And because we don’t, the Board is putting more and more financial pressure upon local parcel owners by involuntarily assessing our properties with this evil called the Rec Fee. And that's why you keep hearing criticism from me². Look at the other 83 or more GIDs in the state. How many own/operate a ski area? How many publish magazines? How many operate restaurants open to the public? How many have a marketing department? How many have a PR department (aka "communications")? How many hire over 1,000 employees each year? How many pay their GMs \$200K or (not \$500K but just \$200K) more annually? How many have a Rec Fee? So for IVGID to be contemplating the expenditure of this amount of money on a GM, IMO is totally OUTRAGEOUS.

My business partner has rightly informed me that IVGID should work for we the people, not we working for IVGID. Our community can survive quite nicely without IVGID. Our true governance is the county and not IVGID. If IVGID goes, we still have the county. And all the services the county provides

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

² Paying \$500K annually or more on a new GM has nothing to do with making the District's recreational facilities available to my property to be used by my property as an alleged standby charge (this is what you tell us the Rec Fee represents which we all know is a lie).

and is obligated to provide to its other citizens should be made available to us because now the county cannot rely upon IVGID to do its job.

Since we don't NEED IVGID for anything, we eventually get to a point where we need to have a serious discussion of what we do with the District. And I submit that when you can't retain senior staff, nor hire enough people to operate your commercial "for loss" businesses, you can't operate your commercial business enterprises competently and you can't make a buck at any of them, you have to rely upon 80% or more of your citizens to involuntarily subsidize money losing golf for a few, and you have to pay a GM the equivalent of \$500K annually, you've crossed the line! That's it.

And you wonder why your Recreation ("RFF") and/or Beach ("BFF") Facility Fee(s) which pay for mistakes such as these go up and up without delivering special benefit to you the payor? I've now provided more evidence.

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

August 30, 2023 IVGID Board Meeting - Agenda Items G(2) and G(3) - Proposed Enhanced Salary Range For GM After Spending \$50K With an Executive Search Firm

From: <s4s@ix.netcom.com>
To: "Dent Matthew" <dent_trustee@ivgid.org>
Cc: "Schmitz Sara" <schmitz_trustee@ivgid.org>, "Tonking Michaela" <tonking_trustee@ivgid.org>, "Tulloch Ray" <tulloch_trustee@ivgid.org>, "Noble Dave" <noble_trustee@ivgid.org>
Subject: August 30, 2023 IVGID Board Meeting - Agenda Items G(2) and G(3) - Proposed Enhanced Salary Range For GM After Spending \$50K With an Executive Search Firm
Date: Aug 27, 2023 5:20 PM

Chairperson Dent and Other Honorable Members of the IVGID Board -

Here our HR Director is proposing a minimum annual salary range for a new GM of \$270K-\$300K. And if the Board requires the GM to reside in IV, he/she should be offered a \$10K relocation bonus to boot (which I can imagine could easily be \$25K or more if the right candidate simply asked). And in order to find this person, Ms. Fiore is recommending an expenditure with an executive search firm of \$50K. And this \$50K doesn't include the presumable \$50K or more that will be necessary recruiting a Director of Finance.

Our HR Director states that "as the District General Manager is the employee of the Board of Trustees, Staff welcomes any thoughts or recommendations...at this meeting." Okay Ms. Fiore. Here are my thoughts and recommendations.

Now take a step back.

I don't care what you want to call us. At the end of the day, we're nothing more than a glorified mosquito district. That's it a mosquito district. We're not a county. Nor a city. Nor an unincorporated town. We're what is supposed to be a limited purpose special district.

Much of the garbage we engage in which expands our footprint and cost, is voluntarily incurred. We're our own worst enemy. Things like the IVGID Magazine. Hiring a lobbyist to influence legislation. Spending \$1M annually on marketing. Operating a restaurant at a \$2K/day LOSS. Disingenuously stating that our operational costs for food and beverage system wide are offset by revenues when we're not including the costs of our facilities in the mix to juice the numbers. Hiring over 1,000 employees. Creating a CIP plan over the next five years of \$125M or more.

If we eliminated these voluntary costs, we'd be far closer to what we're supposed to be. A glorified mosquito district.

But because we won't, we're going to be required to spend close to \$500K annually, on compensation, benefits, and ancillary matters on a new GM. I'm sorry. I find this to be absolutely OUTRAGEOUS!

Now if we had the money to pay this outrageous compensation, that would be one thing. BUT WE DON'T. And because we don't, you're putting more and more financial pressure on local parcel owners by involuntarily assessing their properties with this evil called the Rec Fee. And that's why you keep hearing criticism from me. By the way, paying \$500K annually or more on a new GM has nothing to do with making the District's recreational facilities available to my property to be used by my property (this is what you tell us the Rec Fee represents which we all know is a lie).

Look at the other 83 or more GIDs in the state. How many own/operate a ski area? How many publish magazines? How

many operate restaurants open to the public? How many have a marketing department? How many have a PR department (aka "communications")? How many hire over 1,000 employees? How many pay their GMs \$200K or (not \$500K but \$200K) more annually? How many have a Rec Fee?

So for IVGID to be contemplating the expenditure of this amount of money on a GM, IMO is totally OUTRAGEOUS.

Our community can survive quite nicely without IVGID. Our true governance is the county and not IVGID. If IVGID goes, we still have the county. And all the services it provides to its other citizens should be made available to us because now the county cannot rely upon IVGID to do its job. Insofar as trash disposal is concerned, all IVGID does is outsource to Waste Management. The county can do this just as easily as can IVGID. And at a lower cost because the county won't charge Waste Management a 10% franchise fee, as does IVGID, which ultimately gets passed on to us.

Insofar as water and sewer services are concerned, IVGID can remain for these two functions or again, we can simply turn them over to the county. Again, we don't need IVGID.

I realize the few core golfers in our community will complain. Well I say TOO BAD! You want your own private country club? Purchase our golf courses from IVGID. Or if you won't, go golf somewhere else. There are plenty of other options within short driving distance. It's not like you don't have options.

To the skiers in our community, I have the same answer. Having to drive 12 minutes to Mt Rose versus paying \$500K or more annually for a new GM, get in your vehicle and drive! Or if you want to drive a bit farther, ski Squaw, Northstar or Heavenly. It's not like you don't have options.

To the handful of tennis players in our community, use the courts at the high school for free!

To those who want a Rec Center, join High Altitude Fitness.

To those who want to swim, build a pool in your backyard. Or if you have beach access, use the Burnt Cedar Pool.

That leaves the beaches. I've said this many times before and I will repeat myself. IVGID's acquisition of the beaches was based upon fraud. The beaches were supposed to have been deeded to a HOA to be managed for the benefit of local parcel owners. After all, if you read the beach deed, you will find that IVGID is not the equitable owner of our beaches. Rather, it holds title supposedly for the benefit of we local parcel owners. Not IVGID employees or dignitaries or special interests or WCSO or NLTFPD for their public service pier. Local parcel owners. So transfer the beaches to our HOA and then we need IVGID for NOTHING.

Since we don't NEED IVGID for anything, we eventually get to a point where we need to have a serious discussion of what we do with the District. And I submit that when you can't retain senior staff, when you can't hire enough people to operate your commercial businesses, when you operate commercial business enterprises and you can't make a buck at any of them, when you have to rely upon 80% or more of your citizens to subsidize money losing golf for a few, and you have to pay a GM the equivalent of \$500K annually, you've crossed the line!

Finally, the so called experts Ms. Fiore has come up with are losers. All of them. Consider the following:

At page 216 of the Board packet Bob Hall submits a cover letter which accompanies his firm's proposal. He DOESN'T even understand what we are! Just listen: "We appreciate the opportunity to be considered to aid in the search for the City Manager vacancy." I guess this explains where Mr. Hall's expertise lies given he tells us that "recent recruitments by Hall & Associates include the Cities of Manteca, Tracy, Morro Bay, San Bernardino, Laguna Hills, Fountain Valley, American Canyon, (and) Laguna Niguel" (ALL in California). We're NOT a city Bob. And this isn't Kansas!

Similarly, we're not a HOA. So why are you telling me that recent recruitments...include...San Clemente, Laguna Woods Village and Rancho Santa Fe Association(s)?"

And if you can't figure it out right from the get go, how am I supposed to have confidence that you will be able to set your recruits straight?

Hall & Associates (see page 218 of the Board packet - recent engagements), Koff & Associates (see page 228-230 of the Board packet - recent successful recruitments), and Korn Ferry (see page 275 of the Board packet - Representative Engagements) all tout how experienced they are in finding PUBLIC (cities and districts) CEOs/their equivalent. And primarily in California no less. But really, that's not what we are. I keep hearing from staff that we're only "quasi public." So why do we want to hire a firm which is UNEXPERIENCED in the "quasi public" field?

And I keep hearing that 78% of our revenues come from operating commercial "for profit" businesses. Municipalities by-and-large don't operate commercial for profit businesses. They don't have marketing departments. They don't market their facilities and services to the world's tourists (although Reno and Las Vegas may through tourist districts). So why are they going to solicit experienced public CEOs? And how are they going to be able to attract the type of CEO that we require? And for a measly \$300K annually to boot!

It's time to throw in the towel and just say no! Please put your feet down and just say no. Return us to what a GID should be which doesn't require a GM with an annual cost of \$500K or more. And let's start the discussion which is the real elephant in the room - what to do with the District!

Respectfully, Aaron Katz

WRITTEN STATEMENT TO BE INCLUDED IN THE WRITTEN MINUTES OF THIS AUGUST 30, 2023 REGULAR IVGID BOARD MEETING – AGENDA ITEM C – PUBLIC COMMENTS – HOW MUCH MORE IMPROPER BEHAVIOR DO YOU NEED TO SEE BEFORE YOU FIRE SUSAN HERRON? HERE IT’S HER OPEN MEETING LAW VIOLATION INSOFAR AS NRS 241.033 IS CONCERNED

Introduction: Well here it's Susan Herron again. Who holds the title “Director of Admin Services” with no job description which sets forth nearly everything she does. Such as being a mole. Exercising 100% loyalty to outsiders rather than the District. Costing the District hundreds of thousands of dollars in litigation/other costs. Or violating the Public Records Act (“PRA”) nearly every day of the week. Or as here, violating the Open Meeting Law (“OML”). Let me explain.

Judy has volunteered to serve as an “at-large member of (the District’s) Golf Committee. Apparently the IVGID Board¹ will be considering her applicants’ appointment to this committee (“the hearing”) at its September 13, 2023 meeting (see Ms. Herron’s August 28, 2023 e-mail). Well Ms. Herron has committed at least two OML violations with respect to the hearing. And she has committed additional improprieties. And that’s the purpose of this written statement.

The Notice and Publication: On August 18, 2023 as well as August 25, 2023, if not before, Ms. Herron caused publication in the Tahoe Daily Tribune Newspaper, soliciting applicants to the Golf Committee². This publication was pursuant to the District’s announcement on its web site wherein it sought applicants to the Committee³. *Nowhere* did the notice nor publication inform applicants that their “character, alleged misconduct, professional competence, or physical or mental health” would be considered by the Board. And *nowhere* did the notice nor publication inform applicants that they would be compelled to waive the provisions of NRS 241.033⁴, in writing, as a condition of being considered for appointment to the Committee.

¹ Note that in Exhibit “A” to this written statement the public is told that the IVGID “Board of Trustees (rather than unelected staff) is seeking interested candidates who wish to serve...on the Golf Committee.”

² That publication is attached as Exhibit “A” to this written statement.

³ This notice is attached as Exhibit “B” to this written statement.

⁴ NRS 241.033(1) states as follows: “1. Except as otherwise provided in subsection 7, a public body shall not hold a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of any person...unless it has: (a) Given written notice to that person of the time and place of the meeting; and (b) Received proof of service of the notice. NRS 241.033(2)(c) states as follows: “The written notice required pursuant to subsection 1...(c) Must include: (1) A list of the general topics concerning the person that will be considered by the public body during the closed

Ms. Herron's August 28, 2023 E-Mail: Judy Miller has applied to be appointed to the Committee. Thus on August 28, 2023 Ms. Herron sent Judy an e-mail⁵ advising her of a date (September 13, 2023) and time for the meeting of the Board whereat applicants to the Committee would be appointed, and including a waiver Ms. Herron requested be executed and returned no later than September 5, 2023 at 9 A.M. Insofar as the waiver were concerned, note that the accompanying e-mail states that execution of the waiver is "required."

Ms. Herron Has Not Informed Ms. Miller That The Purpose of The Board's September 13, 2023 Meeting Will Be to Consider Her "Character, Alleged Misconduct...Physical or Mental Health:" Therefore there is nothing to waive. So why the waiver?

Ms. Herron Has Not Informed Ms. Miller That The Purpose of The Board's September 13, 2023 Meeting Will Be to Consider Her "Professional Competence:" Instead Ms. Herron has stated that "professional competence" may become an issue insofar as a meeting "to consider...advisory committee volunteer service." Therefore there is nothing to waive. So why the waiver?

OML Violation No. 1: Because Ms. Herron Did Not Informed Ms. Miller That The Purpose of The Board's September 13, 2023 Meeting Would Be to Consider Her "Character, Alleged Misconduct, Professional Competence or Physical or Mental Health," she committed an OPM violation. §6.02 of the OML Manual instructs that agendas of meetings must be "clear and complete." Although this requirement is typically applied to formal notices of agendas of meetings published to the public, there is no reason to not extend this same requirement to the notices of matters in essence included in agendas public bodies are required to provide pursuant to NRS 241.033(1). And here the notice Ms. Herron provided was insufficient.

Ms. Herron's Accompanying Waiver: purports "to allow (the) Board...to consider (Judy's) character, misconduct, or competence related to advisory committee volunteer service" at the meeting⁶. I find it noteworthy that the last sentence of the waiver, if executed, acknowledges that

meeting; and (2) A statement of the provisions of subsection 4, if applicable." Although NRS 241.033(2)(b) states as follows: "The written notice required pursuant to subsection 1...(b) May, with respect to a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of a person, include an informational statement setting forth that the public body may, without further notice, take administrative action against the person..." according to §8.04 the Office of the Attorney General's Open Meeting Law Manual ("the OML Manual), "as a practical matter, a notice pursuant to NRS 241.033 should contain the informational statement regarding administrative action under NRS 241.033(2)(b). See § 6.09 and § 6.10 supra.

⁵ That e-mail is attached as Exhibit "C" to this written statement.

⁶ This waiver is attached as Exhibit "D" to this written statement.

Judy has “knowingly and voluntarily waive(d her) rights to all written notice requirements under... NRS 241.033(1),” notwithstanding the waiver itself acknowledges the contrary; that is, that “by signing below, I knowingly and voluntarily waive my rights to all written notice requirements under...NRS 241.033(1).” Where I come from, this is called “liar, liar, pants on fire” Ms. Herron.

OML Violation No. 2: Ms. Herron’s Waiver Was Not “Clear And Unambiguous, (Proffered) Voluntarily, And Intended (by Judy) to Relinquish a Known Statutory Right:” At §5.09 of the OML Manual, our OAG “recommend(s) that the waiver be obtained in writing expressing: (1) the voluntary nature of the waiver; (2) the applicant’s knowledge about the statutory right; and (3) the applicant’s intention to relinquish that right (see Attorney General Letter Opinion to Jerry Higgins, Nevada Board of Professional Engineers and Land Surveyors, dated October 28, 1993).” Moreover, the waiver did not make it clear that if executed, Judy would be waiving notice to a hearing to consider her “character, alleged misconduct...or physical or mental health” rather than her “professional competence.” Since here there was none of this, Ms. Herron committed an OML violation.

Although Ms. Miller Has The Statutory Ability to Waive Closure of The Meeting, She Does Not Have The Statutory Ability to Waive The Notice Requirements of NRS 241.033(1): NRS 241.030(2) states the following: “a person whose character, alleged misconduct, professional competence, or physical or mental health will be considered by a public body during a meeting *may waive...closurer of the meeting and request that the meeting or relevant portion thereof be open to the public.*” But it states *nothing* insofar as waiving the notice provisions of NRS 241.033(1). Nor does any other NRS. So who came up with this one?

Although NRS 241.033(1)’s Notice Provisions Can Be “Except(ed) as Otherwise Provided in Subsection 7,” Nowhere in That Subsection Does it Recognize The Ability to Waive Those Provisions as Ms. Herron Has Attempted to Compel: So who came up with this one which attempts to circumvent the protections of NRS 241.033(1)?

Where is The NRS 241.033(2)(b) Informational Statement Ms. Herron Should Have Sent to Ms. Miller? Is there a consequence to Ms. Herron for this failure?

Where is The NRS 241.033(2)(c)(1) “List of...General Topics Concerning (Judy’s) Character, Alleged Misconduct, Professional Competence, or Physical or Mental Health That W(ould) be Considered by The (IVGID Board) During The...Meeting?” Is there a consequence to Ms. Herron for this failure?

Who Directed Ms. Herron to Require Applicants to The Committee to Execute Her Form of Waiver as a Condition of Applying For Service?

Who Directed Ms. Herron to Ask Attorney Josh Nelson to Craft a Form of Waiver For Her Use That Waives All “Rights to All Written Notice Requirements Under...NRS 241.033(1)?” when the meeting, at best, will consider rights to notice with respect to professional competence only?

Who Directed Mr. Nelson to Craft a Form of Waiver For Ms. Herron to Use That Waived All “Rights to All Written Notice Requirements Under...NRS 241.033(1)?” I thought Mr. Nelson was directed that his client was the Board rather than staff? Since the subject matter of the waiver was of direct importance to the Board, where did Mr. Nelson get off assistance staff in circumventing the notice provisions of NRS 241.033?

Who Authorized Ms. Herron to Require All Applicants Who Volunteer to Serve on The Committee to Execute Her Form of Waiver as a Pre-Condition to Application?

The OAG OML Manual⁷: Since I have referred to the same, let’s provide direct access.

Conclusion: This episode is one of many dozens involving Ms. Herron which conflict with law. Who came up with this garbage? Who authorized Ms. Herron to come up with this garbage? Where in Ms. Herron's job description, even though we see that it is the equivalent of a glorified secretary, do we see where what she has done is one of her assigned duties? Who's running the show here? And when are board members going to put your collective feet down and declare that's it? Ms. Herron is out of here?

And you wonder why your Recreation (“RFF”) and/or Beach (“BFF”) Facility Fee(s) which pay for wasteful stuff such as this which have little if any benefit to glorified districts such as IVGID, and which go up and up without delivering special benefit to you the payor? I’ve now provided more evidence. Please vote no.

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

⁷ Go to https://ag.nv.gov/uploadedFiles/agnv.gov/Content/About/Governmental_Affairs/2019-03-26_OML_12TH_AGOMANUAL.pdf.

EXHIBIT "A"

INVESTMENT CORNER

Is a financial advisor worth the Fee?

Investing is a crucial part of building wealth and achieving financial goals. Most investors tend to focus on market trends, asset allocation and investment strategies. However, many investors often overlook the significant role that investment fees play in determining overall performance. Investment fees, while seemingly inconspicuous, can have a profound impact on the returns an investor ultimately receives. Understanding these fees and their implications is essential for making informed investment decisions.

There are various types of investment fees that investors may encounter, each affecting the performance of their investments



Larry Sidney

differently. Some common types include:

- **Expense Ratio:** This represents the annual cost of managing a mutual fund or exchange-traded fund (ETF). It's expressed as a percentage of the total assets under management. The only way to completely avoid this fee is by buying individual stocks and bonds, but that can reduce the diversification in your portfolio. If you've read my previous articles, that is something you do not want

to do!

- **Sales Load:** Also known as a sales charge, this fee is associated with certain mutual funds and is typically paid when buying or selling fund shares. Some financial advisors are using ETFs more and mutual funds less to reduce these fees. In exchange for a larger ongoing fee financial advisors may also have access to Institutional Share Classes of certain mutual funds, which can eliminate or reduce the sales load for the client. 12b-1 fees are a form a 'load' which are paid every year the investor holds the fund that has this kind of fee.

- **Transaction Costs:**

SIDNEY, 26

Drivers should anticipate periodic traffic delays as Mt. Rose Highway avalanche control system is replaced

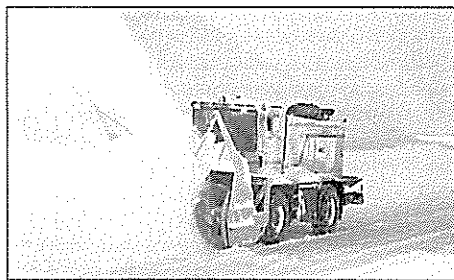
Submitted to the Tribune

CARSON CITY, Nev. – The Nevada Department of Transportation is advising Mt. Rose Highway commuters to anticipate upcoming brief traffic delays and stoppages as the avalanche control system located at the Mt. Rose Highway (State Route 431) summit is replaced.

Beginning in late August through October, Mt. Rose Highway commuters can anticipate intermittent weekday traffic delays and stoppages near the Mt. Rose Highway summit during installation of the new system. The periodic traffic delays are anticipated to be less than 30 minutes as a helicopter delivers components for the project.

While NDOT will work to advise drivers in advance of the brief traffic closures via the media and NVRoads.com web site, some brief traffic stoppages may take place without advance notice as required by weather and construction schedules.

Since 1992, NDOT has housed a remote-controlled avalanche control system near the summit of Mt. Rose Highway. When snow build up, NDOT briefly



PROVIDED / NEVADA DEPARTMENT OF TRANSPORTATION

-This summer and fall, NDOT will install a new avalanche control system to replace the aging system which has served the highway for decades.

stops traffic away from the area and activates the system to send shock waves which shake loose snow toward the highway. NDOT plow operators then remove the snow and safely reopen the road. These controlled releases of snow can help prevent the unpredictable and potentially dangerous snow slides that could bury vehicles and motorists on the highway.

This summer and fall, NDOT will install a new avalanche control system to replace the aging system which has served the highway for decades. The new system will use advanced avalanche control technologies to further ensure the

safety and connectivity of highway travelers.

Also on the Mt. Rose Highway summit, the U.S. Forest Service is repairing restrooms, sidewalks, curbs and walkways, as well as repaving and striping the parking lot at Mt. Rose Trailhead: Humboldt-Toiyabe National Forest - News & Events (usda.gov)

Additional state highway information is available at dot.nv.gov or by calling (775) 888-7000. Also follow @NevadaDOTRecon on Twitter for traffic and project updates in northern Nevada, and @nevadadot on Twitter, Facebook, and Instagram for updates from across the state.



The Incline Village General Improvement District Board of Trustees is seeking interested candidates who wish to serve as an At-Large Member on the Golf Committee. The goal of board appointed committees is to engage and leverage the skills and expertise of community members to assist the board in moving initiatives forward. Committees shall comprise of up to 4 At-Large community members appointed by the Board of Trustees. The Board appointed Trustee is Michaela Tonking and she will be the Committee Chair who will formulate meeting agendas and schedule. Should vacancies occur, the Board may solicit applicants and make appointments. Appointments are for up to 2 years, or the Board's determined/expected duration of the committee, whichever is less. A committee may be an ongoing committee, or a duration/project specific committee. All meetings are subject to Open Meeting Law. At-Large members are to have relevant professional experience for their specific committee.

Responsibilities/Authority – All committees are advisory to the Board. The committees shall review all relevant information and make recommendations to the Board, in alignment with the District's Strategic Plan, any applicable District master plans, and Board identified priorities. They are to identify the financial impacts of all of their recommendations, identify how recommendations align with the budget, and if applicable, how they affect the 5-year capital plan. The Board can set timelines and committee goals and expectations. Committee Trustees shall report monthly on the progress of the committee.

Proposed Objectives

Golf Committee – Discuss and review operational service levels, financial sustainability, formulate community focused recommendations in alignment with board policies and identify necessary capital investments. Identify if any related District policy revisions are needed.

Goal – To formulate recommendations for the board's consideration related to optimizing all aspects of the golf operations, including revenue growth opportunities, cost efficiency optimization and expanding passholder participation. Provide input on current and the 5-year plans to improve sustainability in alignment with policies that provide fairness and equity to all recreation passholders and protect the golf course assets for future generations.

Any interested candidate should submit a letter of interest and a resume. These two documents can be submitted either via U.S. Mail addressed to Director of Administrative Services Susan Herron, IVGID, 893 Southwood Boulevard, Incline Village, Nevada 89451; or hand delivered to the aforementioned address; or submitted via e-mail (sah@ivgid.org). It is the interested candidate's responsibility to ensure that their documents have been received for consideration. All submittals must be received no later than Tuesday, September 5, 12 noon (PST).

Further, all interested candidates should be available to be interviewed (either in person or via Zoom) during the Incline Village General Improvement District Board of Trustees meeting tentatively scheduled for September 13, 2023 at 6:00 p.m. If this is not possible, there are three (3) options to take advantage of and they are (1) Trustee Tonking can interview the applicant via Zoom, which would be recorded, and then it is played during the day of the Board of Trustees meeting; (2) the applicant answers the sample questions and those answers are added as part of your application; and (3) the applicant meets with each Trustee, individually, and they can ask any questions they have. During this meeting, the Board of Trustees may make their final decision. If you have any questions regarding this matter, please contact Susan Herron, Director of Administrative Services, IVGID, at (775) 832-1207 or via e-mail at sah@ivgid.org.

BOARD OF TRUSTEES- AT-LARGE MEMBER ON THE GOLF COMMITTEE

The Incline Village General Improvement District Board of Trustees is seeking interested candidates who wish to serve as an At-Large Member on the Golf Committee. The goal of board-appointed committees is to engage and leverage the skills and expertise of community members to assist the board in moving initiatives forward. Committees shall comprise of up to 4 At- Large community members appointed by the Board of Trustees. The Board appointed Trustee is Michaela Tonking and she will be the Committee Chair who will formulate meeting agendas and schedules. Should vacancies occur, the Board may solicit applicants and make appointments. Appointments are for up to 2 years, or the Board's determined/expected duration of the committee, whichever is less. A committee may be an ongoing committee or a duration/project-specific committee. All meetings are subject to Open Meeting Law. At-Large members are to have relevant professional experience for their specific committee.

[Click here for the information](#)

All submittals must be received no later than Tuesday, September 5, 12 noon (PST)

EXHIBIT "C"

Fwd: Waiver of Notice (Required)

From: Judith Miller <pupfarm1@gmail.com>
To: Aaron Katz <s4s@ix.netcom.com>
Subject: Fwd: Waiver of Notice (Required)
Date: Aug 30, 2023 11:56 AM
Attachments: [Waiver of Notice \(required\) - Miller.docx](#) [NRS 241.033.docx](#)

----- Forwarded message -----

From: **Susan A. Herron** <sah@ivgid.org>
Date: Mon, Aug 28, 2023 at 12:55 PM
Subject: Waiver of Notice (Required)
To: Judith Miller <pupfarm1@gmail.com>

Good Afternoon Ms. Miller,

In anticipation of the September 13 Board of Trustees meeting and possible appointments to the Board Advisory Golf Committee, would you please be so kind as to sign the attached waiver and return to me no later than Tuesday, September 5 at 9 a.m. PST. You can either sign, scan and email or sign and deliver the hard copy to our offices at 893 Southwood.

Thank you,
Susan

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

EXHIBIT “D”

WAIVER OF NOTICE REQUIRED UNDER NRS 241.033(1)
TO ALLOW
BOARD OF TRUSTEES TO CONSIDER CHARACTER,
MISCONDUCT, OR
COMPETENCE RELATED TO ADVISORY COMMITTEE
VOLUNTEER SERVICE

The Board of Trustees of the Incline Village General Improvement District will be considering your application to serve on an advisory committee at its September 13th meeting. Pursuant to NRS 241.033(1), in order to consider the professional competence of an individual, notice is provided to that person of the time and place of the meeting in compliance with such statutory provisions.

By signing below, I knowingly and voluntarily waive my rights to all written notice requirements under to NRS 241.033(1).

Judith Miller

**WRITTEN STATEMENT TO BE INCLUDED IN THE WRITTEN MINUTES OF
THIS AUGUST 30, 2023 REGULAR IVGID BOARD MEETING – AGENDA ITEM
G(9) – WHAT DO WE DO WITH THE FINAL MOSS ADAMS REPORT**

Introduction: Here the final Moss Adams report¹ is presented to the Board with the question what do we do with its recommendations? The report basically assesses three areas of possible improvement: AN UPDATED STRATEGIC PLAN ASSESSMENT; a SENIOR MANAGEMENT TEAM STRUCTURE AND STAFFING ASSESSMENT; and, an INTERNAL CONTROLS REVIEW AND POLICY ASSESSMENT. Because I agree with the recommendations for the latter two assessments, but not the first, I submit this written statement.

My E-Mail of August 29, 2023: On August 29, 2023 I e-mailed the IVGID Board urging that they not adopt the report's recommendations insofar as creating an updated strategic plan². Rather than regurgitating my opposition, I direct interested readers to the contents of Exhibit "A" itself. .

Conclusion: The report recommends³ that the Board:

Update the District's policies and procedures;

Restructure the District's senior management team; and,

Establish succession planning framework.

I agree with all of these recommendations.

However insofar as the report's recommendation that the Board develop a new strategic plan, for the reasons stated in the attached e-mail, I must respectfully disagree. It's a waste for a glorified mosquito district like IVGID.

And you wonder why your Recreation ("RFF") and/or Beach ("BFF") Facility Fee(s) which pay for overpriced plans such as these which look great in a vacuum, but have little benefit to glorified districts such as IVGID, and which go up and up without delivering special benefit to you the payor? I've now provided more evidence.

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

¹ See supplemental pages 003-067 to the packet of materials prepare in anticipation of this meeting [go to https://www.yourtahoeplace.com/uploads/pdf-ivgid/Moss_Adams_Agenda_Item_-_All.pdf ("the supplemental 8/30/2023 Board packet")].

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

³ See page 0037 of the supplemental 8/30/2023 Board packet.

EXHIBIT "A"

Re: August 30, 2023 IVGID Board Meeting - .Agenda Item G(9) - What to Do With the Moss Adams Report's Recommendations

From: <s4s@ix.netcom.com>
To: Dent Matthew <dent_trustee@ivgid.org>
Cc: Schmitz Sara <schmitz_trustee@ivgid.org>, Tonking Michaela <tonking_trustee@ivgid.org>, Tulloch Ray <tulloch_trustee@ivgid.org>, Noble Dave <noble_trustee@ivgid.org>
Subject: Re: August 30, 2023 IVGID Board Meeting - .Agenda Item G(9) - What to Do With the Moss Adams Report's Recommendations
Date: Aug 29, 2023 11:28 AM

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

So here we have the Moss Adams Report which addresses three major areas to increase the effectiveness and efficiency of operations in alignment with industry best practices.

I. STRATEGIC PLAN ASSESSMENT (supplemental pages 007-014 to the Board packet).

II. SENIOR MANAGEMENT TEAM STRUCTURE AND STAFFING ASSESSMENT (supplemental pages 015-028 to the Board packet).

III. INTERNAL CONTROLS REVIEW AND POLICY ASSESSMENT (supplemental pages 029-036 to the Board packet).

I do not take issue with items II and III above. However, I do with respect to our Strategic Plan and the recommendation it be trashed and we start out anew with a replacement. Although we're not given an estimated cost, I am betting it would be \$100K or so. And for what? Thus this subject is the focus of my comments insofar as this agenda item is concerned.

In my opinion, strategic plans for quasi mosquito districts like IVGID ARE AN ABSOLUTE WASTE! So for the reasons below, I oppose Moss Adams' recommendation to create a new Strategic Plan. I hope each of you will as well.

Unlike budgets and audits, the NRS does not mandate local governments adopt strategic plans. Yet "when it comes to getting things done as a local government, (we are told that) two of the most critical variables are budgets and time frames. Thus to be as efficient as possible, (we are told that our local government)...need(s) an ironclad strategic plan...that showcases how (it will) spend (its) local budget(,) and (its)...subcontractors will meet timeframe deliverables on public projects." Thus "a local government('s) strategic plan is the process of assessing and addressing the current situations in (one's) area as they pertain to critical physical infrastructure, regional natural disasters, government technology, cyber-security, the health of (its) constituents, and other variables that...have a direct impact on (one's) neighborhood and constituents.

In Nevada GIDs are *limited purpose* special districts. Meaning their powers are *limited* to those expressly provided by statute and *none* others. And if you examine the powers which have actually been granted to IVGID, one of the ones you *won't* find is engaging in "for profit" commercial business enterprises. So why the need for a "Strategic Plan (which by definition) focus(s)...on five critical questions that all organizations must ask? In other words: 1. What is our Vision and Mission? 2. What Services do (we) provide? 3. Who are our Customers and what do they value? 4. What have been our Results? 5. What's our Go-Forward Plan?"

So why the need for a strategic plan? And why the need for any of the following key components to a government's Strategic Plan? So let's examine those components:

The District's "Vision Statement:" "With passion for quality of life and our environment, Incline Village General Improvement District will enhance the reputation of our community as an exceptional place to live, work, invest, and play." Really? Isn't Incline Village/Crystal Bay a "hidden gem?" Why

then do we want to spread the word to the uninformed so they can overwhelm our community and the limited services it is capable of providing? In other words, for whom does IVGID exist?

The District's "Mission Statement:" 'The Incline Village General Improvement District delivers exemplary recreational experiences and provides the highest level of water, sewer, and solid waste services while striving for fiscal and environmental sustainability.' Really? Rather than you telling us how exemplary your services are, how about you let the public figure this out for themselves? You don't think we're smart enough?

The District's "Value Statement:" "We are dedicated people providing quality service, for our community and environment, with integrity and teamwork." Really? Quality of service? Integrity? Insofar as quality of service is concerned, how about you let the public figure this out for themselves as well? And insofar as integrity is concerned, this organization is known by its *lack* of integrity!

The District's "Mantra:" "One Division. One Team." Right! Tell this to our Crystal Bay residents who are denied beach access and use!

Your Tahoe Place: This one isn't one of the "key components." But it communicates the same message. Do a google search for ivgid.org and see what you get. The Incline Village General Improvement District. Now do a google search for yourtahoeplace.com and see what you get. The Incline Village General Improvement District. Several years ago our IVGID staff got the bright idea they could quietly market the District's recreational facilities to the world's tourists by making them believe Incline Village/Crystal Bay is really *their* "Tahoe place" even though they don't live here. Again, subliminal messaging and why do we want to spread the word to the uninformed so they can overwhelm our community and the limited services it is capable of providing?

Remember. All of The Above is *Not* What The District Strives For. It's The Message The District Sends to The Public!

These "Key" Components Have Turned Into Seven (7) Long Range Principles:

LONG RANGE PRINCIPLE #1 – SERVICE: The District will strive to "initiat(e) and maintain...effective practices of environmental sustainability for a healthy environment, a strong community and a lasting legacy. (It) will provide superior quality service through responsible stewardship of District resources and assets with an emphasis on the parcel owner and customer experience."

LONG RANGE PRINCIPLE #2 – RESOURCES AND ENVIRONMENT: The District will strive to "initiat(e) and maintain...effective practices of environmental sustainability for a healthy environment, a strong community and a lasting legacy."

LONG RANGE PRINCIPLE #3 – FINANCE: "The District will (strive to) ensure fiscal responsibility and sustainability of service capacities through prudent fiscal management and maintaining effective financial policies for internal controls, operating budgets, fund balances, capital improvement and debt management."

LONG RANGE PRINCIPLE #4 – WORKFORCE: The District will strive to "attract, maintain and retain a highly qualified, motivated and productive workforce to meet the needs of district venues, facilities, services and operations."

LONG RANGE PRINCIPLE #5 – ASSETS AND INFRASTRUCTURE: "The District will (strive to) practice perpetual asset renewal, replacement and improvement to provide safe and superior long term utility services and recreation venues, facilities, and services."

LONG RANGE PRINCIPLE #6 – COMMUNICATION: "The District will (strive to) engage, interact and educate to promote understanding of the venues, facilities, services, and ongoing affairs."

LONG RANGE PRINCIPLE #7 – GOVERNANCE: "The District is a local agency that delivers exemplary recreational experiences and provides the highest level of water, sewer, and solid waste

services while striving for fiscal and environmental sustainability through collaboration, civic participation, and transparency.”

Like We Need a Strategic Plan to Tell Us *Any* of This? Bueller? Bueller?

Moreover, What Does Any of The Above Have to Do With IVGID's *Raison d'être*/Its Permissible Powers?

Propaganda, Propaganda:

In CoralBridge Partners' February 3, 2015 letter agreement with the District, it represented that the strategic plan it would assist in creating would consist of “a shared vision and establish a strategic plan of operations which emphasize manageable and achievable goals.” So take a look at the above-key components. Do any of you believe they represent “a strategic plan of operations which emphasize...manageable and achievable goals?” Or do they represent spoon fed propaganda?

Now return to doing a google search for “the Incline Village General Improvement District” and see what you get: “The Incline Village General Improvement District is a fiscally responsible community partner which provides superior utility services and community oriented recreation programs and facilities. With a passion for quality of life and our environment, IVGID strives to continually enhance the reputation of our community as an excellent place to live, work, recreate, visit and invest.” And that's the point. A regurgitation of the propaganda which has been inserted into the District's Strategic Plan. In other words, the District's Strategic Plan is nothing more than one of a number of propaganda pieces insofar as less knowledgeable members of the public are concerned. Instead of telling the world how wonderful you are, how about allowing we the residents who live here to come to our own conclusion?

Conclusion: So now you know! And as I have observed so many times before, another expensive and worthless assemblage of paper. And you want to replicate the process all over again? How about solving the genesis of the problem which eliminates the need for a strategic plan. GET OUT OF YOUR SEVERAL COMMERCIAL FOR PROFIT BUSINESSES. Do not implement Moss Adams' recommended strategic plan modifications by employing an external facilitator (like CoralBridge Partners) to guide the process, synthesize information, and help to ensure that the work is reflective of both management and board input, developing a new strategic plan using a robust and collaborative process.

Respectfully, Aaron Katz

**WRITTEN STATEMENT TO BE INCLUDED IN THE WRITTEN MINUTES OF
THIS AUGUST 30, 2023 REGULAR IVGID BOARD MEETING – AGENDA ITEM
G(10) – RECOMMENDED MODIFICATION TO RFP FOR LEGAL SERVICES**

Introduction: Here Trust Schmitz recommends a form of Request For Proposals (“RFP”) for legal services. Our attorneys have told us that they do not intend to continue providing legal services to the District when their current agreement ends at the end of this year. So we want to get things right. But I do not think that they are. And as a result, I submit this written statement.

My E-Mail of August 27, 2023: On August 27, 2023 I e-mailed the IVGID Board¹ urging members not adopt the form of RFP submitted in the Board packet². Rather than regurgitating my opposition, I direct interested readers to the contents of Exhibit “A” itself. .

Conclusion: I thought the Board had finally addressed one of our biggest problems by engaging the services of an attorney before this. But now I think Trustee Schmitz is taking a step backwards. The attorney should be the Board’s attorney. Not staff’s. Because otherwise, we have a conflict of interest. Which is exactly what we will get if the RFP is not modified, and responders actually believe what’s included therein. Please adopt my proposed modifications.

And you wonder why your Recreation (“RFF”) and/or Beach (“BFF”) Facility Fee(s) which pay for mistakes such as these go up and up without delivering special benefit to you the payor? I’ve now provided more evidence.

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

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

² See pages 346-350 of the packet of materials prepared by staff in anticipation of this meeting [go to https://www.yourtahoeplace.com/uploads/pdf-ivgid/G.10._-_General_Business_-_Draft_RFP_for_Legal_Counsel_Services.pdf (“the 8/30/2023 Board packet”)].

EXHIBIT "A"

August 30, 2023 IVGID Board Meeting - Agenda Item G(10) - RFP For Legal Services - It Needs Cleaning Up

From: <s4s@ix.netcom.com>
To: Dent Matthew <dent_trustee@ivgid.org>
Cc: Schmitz Sara <schmitz_trustee@ivgid.org>, Tonking Michaela <tonking_trustee@ivgid.org>, Tulloch Ray <tulloch_trustee@ivgid.org>, Noble Dave <noble_trustee@ivgid.org>
Subject: August 30, 2023 IVGID Board Meeting - Agenda Item G(10) - RFP For Legal Services - It Needs Cleaning Up
Date: Aug 27, 2023 9:50 PM

Chairperson Dent and Other Honorable Members of the IVGID Board -

Here Trustee Schmitz proposes a form of RFP to publish for legal services. I take issue with some of the RFP. It sends the wrong message to recipients. Especially since they likely don't have a clue because rarely do they deal with GIDs. And that's the purpose of this e-mail.

Paragraph I(1) of the RFP states: "District Overview: The District is a General Improvement District, established under Nevada Revised Statutes (NRS) Chapter 318 and chartered to provide..."

A) We're NOT chartered to provide anything. We have been granted the basic power to furnish facilities for water, sewer, garbage disposal and public recreation facilities. And per NRS 318.100(2) we're empowered to "furnish services pertaining to any such basic power which the district may exercise." There are a couple of other generic powers included in NRS 318 like NRS 318.210 ("The board shall have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted in this chapter. Such specific powers shall not be considered as a limitation upon any power necessary or appropriate to carry out the purposes and intent of this chapter"), but that's it.

Continuing, according to the RFP "Within the limits of the NRS, IVGID is empowered to determine what facilities and services it should offer that will preserve or enhance the general health, safety and welfare of the community."

A) IVGID has no power to furnish facilities or services which "will preserve or enhance the general health, safety and welfare of the community." These are commonly known as municipal police powers. And simply stated, limited purpose special districts like IVGID possess no such powers. None. In contrast, counties, incorporated cities and unincorporated towns possess such police powers.

I believe Trustee Schmitz is a bit confused because of the following language in NRS 318.015(1): "It is hereby declared as a matter of legislative determination that the organization of districts having the purposes, powers, rights, privileges and immunities provided in this chapter will serve a public use and will promote the health, safety, prosperity, security and general welfare of the inhabitants thereof and of the State of Nevada." But this doesn't mean IVGID possesses the power to adopt services or acquire facilities which will preserve or enhance the general health, safety and welfare of the community. Whether or not facilities and services preserve or enhance the general health, safety and welfare of the community, the IVGID Board has the power to furnish those which have been granted to them by the county (as long as expressly enumerated in NRS 318.116), or exist on a stand alone basis in NRS 318.

Continuing, paragraph II(1) of the RFP states: "Services to be provided regularly...advice to the Board of Trustees *and District Management Staff* on matters of law including, but not limited to, the Open Meeting Law, NRS 318, Ethics Law, conflict of interest issues, the Public Records Act, and parliamentary procedures."

A) No. We don't want legal to provide advice to District Management Staff. Just the Board of Trustees. Isn't what is being proposed the very problem (i.e., conflict of interest) we recently addressed with Josh and staff? So why repeat the mistake?

Paragraph II(7) of the RFP States: "Services to be provided regularly...advice to the Board of Trustees and District Management Staff on commencement or defense of litigation..."

A) See paragraph II(1) above. We don't want the Board's attorney providing advice to District Management Staff on the commencement or defense of litigation, or anything else for that matter. We want our attorney to owe 100% of his/her loyalty to the Board.

Paragraph II(10) of the RFP States: "Services to be provided regularly...Research and interpret laws, court decisions and other authorities in order to prepare legal opinions to advise the Board and staff on legal matters pertaining to District interests."

A) See paragraph II(1) above. We don't want the Board's attorney providing legal opinions or to advise District Staff on legal matters, or anything else for that matter. We want the attorney to owe 100% of his/her loyalty to the Board.

Paragraph II(12) of the RFP States: "Services to be provided regularly...Consult with Board and staff on personnel, labor relations, retirement, forced staff reductions, litigation, worker's compensation, and other matters concerning District business as requested."

A) See paragraph II(1) above. We don't want the Board's attorney consulting with staff on legal matters, or anything else for that matter. We want the attorney to owe 100% of his/her loyalty to the Board.

Paragraph II(13) of the RFP States: "Services to be provided regularly...legal assistance and consultation to the Board and staff as requested on matters of property acquisition, eminent domain, property rights and property management, trespass, encroachment, lease agreements, lessee obligations, easements, and access."

A) See paragraph II(1) above. We don't want the Board's attorney providing legal assistance and consultation to staff, as requested, on legal matters, or anything else for that matter. We want the attorney to owe 100% of his/her loyalty to the Board.

Paragraph II(14) of the RFP States: "Services to be provided regularly...Coordinate and attend weekly meetings with District Staff to provide guidance on contracts and other legal items."

A) See paragraph II(1) above. We don't want the Board's attorney attending weekly staff meetings and providing guidance on any legal matters. We want the attorney to owe 100% of his/her loyalty to the Board. If staff require the services of an attorney for whatever reasons, management should create an employee position for this purpose. Or retain one as a consultant like it would retain any other outsourced vendor.

Can we be accurate in our descriptions so candidates are the types we're looking for? Can we understand who we are and assure ourselves that our attorney won't have a conflict of interest with staff? Please incorporate the proposed changes in any RFP.

Thank you. Respectfully, Aaron Katz

WRITTEN STATEMENT TO BE INCLUDED IN THE WRITTEN MINUTES OF THIS AUGUST 30, 2023 REGULAR IVGID BOARD MEETING – AGENDA ITEM G(11) – POSSIBLE ADOPTION OF A POLICY WHICH ENCOURAGES THE DISTRICT TO “CHIME IN” ON MATTERS HAVING NOTHING DIRECTLY TO DO WITH ITS LIMITED PURPOSE FOR BEING

Introduction: Here we have Trustee Schmitz again proposing more and more for the District to do, when it has no power. And increases the District’s footprint. And increases the costs staff incur which ultimately require subsidy by local parcel owners. And for these reasons, I submit this written statement.

My E-Mail of August 27, 2023: On August 27, 2023 I e-mailed the IVGID Board urging that they not adopt the proposed policy rather than allowing it to creep well out of its lane¹. Rather than regurgitating my opposition, I direct interested readers to the contents of Exhibit “A” itself.

Conclusion: Board members just don’t get it; especially Trustee Schmitz. IVGID is not all things to all people. It’s not here to legislate. And it’s not here to furnish services which benefit the health, safety and welfare of the public as a whole. Rather its powers are limited to those expressly provided in NRS 318, and none others. And for local parcel owners. And according to *Dillon’s Rule*, should there be any doubt as to whether the District does or does not have the power, that doubt is to be resolved *against* the assumption of power.

So why do we chime in on the war in Vietnam? Or Ukraine? Or short term rentals? Or planning matters such as a mobility hub? These are all matters that are the concern of our governance. And our governance is Washoe County. Not IVGID.

And the more IVGID does, the bigger its footprint, and the more money required to fund its overspending. And who ends up paying?

And you wonder why your Recreation (“RFF”) and/or Beach (“BFF”) Facility Fee(s) which pay for services such as these which look great in a vacuum, but have little benefit to glorified districts such as IVGID, and which go up and up without delivering special benefit to you the payor? I’ve now provided more evidence. Please vote no.

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

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

EXHIBIT "A"

August 30, 2023 IVGID Board Meeting - Agenda Item G(11) - Whether the Board Should Send Letters to Various Agencies Regarding Issues of Which We Have No Legitimate Concern

From: <s4s@ix.netcom.com>
To: Dent Matthew <dent_trustee@ivgid.org>
Cc: Schmitz Sara <schmitz_trustee@ivgid.org>, Tonking Michaela <tonking_trustee@ivgid.org>, Tulloch Ray <tulloch_trustee@ivgid.org>, Noble Dave <noble_trustee@ivgid.org>
Subject: August 30, 2023 IVGID Board Meeting - Agenda Item G(11) - Whether the Board Should Send Letters to Various Agencies Regarding Issues of Which We Have No Legitimate Concern
Date: Aug 27, 2023 9:35 PM

Chairperson Dent and Other Honorable Members of the IVGID Board -

Here Trustee Schmitz has agendized whether the Board shall give direction to one or more of its Trustees to review and draft letters for board approval and submission to various third party agencies, like: 1.The location of a potential mobility hub in Incline Village; 2.The possible closure of the Incline Middle School; 3.The evacuation plan.

Common problem! That keeps repeating itself. How many times? When will you learn?

You guys don't understand what a GID is. Still you don't. Hasn't Kevin Lyons instructed you with his fancy training? Do you need me to instruct you (for free by the way)? I can guide you step by step so you can see what I am talking about. If you're interested.

Getting back to the matter at hand, you don't understand what limited powers a GID may legitimately exercise. You don't understand how your powers differ from those of counties, municipalities and unincorporated towns. And when you don't understand, and you go off half uncocked like what Trustee Schmitz is doing here, why are you surprised when the citizens of this community don't understand either? And why they're bugging you to do things you have no legitimate authorization to do?

Your powers are limited by those expressly stated in NRS 318, and nothing more. And if there be any doubt, you simply don't have the power. Pure and simple. This is Dillon's Rule, isn't it?

So where does NRS 318 say you can chime in on local issues such as 1.The location of a potential mobility hub in Incline Village; 2.The possible closure of the Incline Middle School; 3.The evacuation plan? Or ending the war in Vietnam? Or discontinuing aid to Ukraine? These are matters OUT OF YOUR LANE. Our true governance is the County. So matters such as they should legitimately exercised by the County, if at all. That's what providing for the general health, safety and welfare of your citizenry is. And you don't have these powers. So if the county refuses, TOO BAD. These citizens should be directed to the county. Just like for snow plowing.

If you think it's acceptable for the Board to chime in on matters such as these, WHAT DO WE NEED THE COUNTY FOR? Come on. You don't have a problem with duplicity such as this? Recognize who you are for once.

The more and more of garbage like this staff and the Board get involved with, the more uninformed members of our community demand more and more from IVGID. Which is what they do. And which ends up expanding our footprint and the accommodation costs. And who pays for those enhanced costs? Local parcel owners with their Rec Fee. Again!

Wrong, wrong and wrong! Please don't fall into the trap. I'm not saying Sara has fallen into the trap maliciously. Never the less, she has fallen. And I hope the rest of you will not. You Board members need to educate our citizens that when they have concerns such as these that are beyond the jurisdiction of IVGID, they need to bring them to the attention of our source of governance; the County. Pure and simple. Please REJECT this endeavor altogether.

Thank you. Respectfully, Aaron Katz

WRITTEN STATEMENT TO BE INCLUDED IN THE WRITTEN MINUTES OF THIS AUGUST 30, 2023 REGULAR IVGID BOARD MEETING – AGENDA ITEM F(3) – PAYMENT TO FORMER ATTORNEYS FOR WHAT BASED UPON THE NEGOTIATIONS OF INCOMPETENTS OPERATING FAR OUT OF THEIR LANES. WHEN DOES IT END?

Introduction: Here our crack negotiator Susan Herron, IVGID’s version of MacGiver, urges the Board to enter into a settlement with our former attorneys and for what? If you as Board members don’t know for what, then how can you possibly approve this matter? And why does it appear on the District’s Consent Calendar? For these reasons, I submit this written statement.

My E-Mail of August 27, 2023: On August 27, 2023 I e-mailed the IVGID Board urging members to reschedule or move this matter to the General Business Calendar¹. I complained that material documents not included in the Board packet for this matter render the matter not in compliance with Policy 3.1.0. Rather than regurgitating my opposition, I direct interested readers to the contents of Exhibit “A” itself.

Conclusion: I didn’t realize one of the job duties for our Director of Admin Services is to negotiate settlement of attorney’s bills. Especially given the fact these duties are not included in her job description. But don’t bore me with the details. Ms. Herron needs to keep busy to earn her keep. And what’s the justification for paying these attorneys anything more? And for what? This agenda item should be rejected.

And you wonder why your Recreation (“RFF”) and/or Beach (“BFF”) Facility Fee(s) which pay for stuff such as this which have little if any benefit to glorified districts such as IVGID, and which go up and up without delivering special benefit to you the payor? I’ve now provided more evidence. Please vote no.

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

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

EXHIBIT "A"

Re: August 30, 2023 IVGID Board Meeting - Agenda Item F(3) - More Unexplained Costs Negotiated By Someone (Ms Herron) Who REFUSES TO STAY IN HER LANE - Payment to ETS - RESCHEDULE Because Staff Have Not Explained For What? P.S.

From: <s4s@ix.netcom.com>
To: "Dent Matthew" <dent_trustee@ivgid.org>
Cc: "Schmitz Sara" <schmitz_trustee@ivgid.org>, "Tonking Michaela" <tonking_trustee@ivgid.org>, "Tulloch Ray" <tulloch_trustee@ivgid.org>, "Noble Dave" <noble_trustee@ivgid.org>
Subject: Re: August 30, 2023 IVGID Board Meeting - Agenda Item F(3) - More Unexplained Costs Negotiated By Someone (Ms Herron) Who REFUSES TO STAY IN HER LANE - Payment to ETS - RESCHEDULE Because Staff Have Not Explained For What? P.S.
Date: Aug 27, 2023 7:55 PM

Chairperson Dent and Other Honorable Members of the IVGID Board -

Sorry for the P.S.

This item is included on the Consent Calendar. I object to this item being on the Consent Calendar. I ask that at least one of you remove this item to the General Business Calendar, if not rescheduled as earlier requested. Policy 3.1.0 instructs that when an agenda item is placed on the Consent Calendar, staff is required to discuss why it's proper to place the item on this calendar?

Where has MacGiver Herron discussed why it's proper to have placed this matter on the Consent Calendar? So again, another example of staff failing to comply with Board Policy.

Please remove this matter from the Consent Calendar and have it either rescheduled, rejected, or transferred to the General Business Calendar where it can be discussed.

Thank you for your cooperation. Aaron Katz

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

From: <s4s@ix.netcom.com>
Sent: Aug 27, 2023 6:43 PM
To: Dent Matthew <dent_trustee@ivgid.org>
Cc: Schmitz Sara <schmitz_trustee@ivgid.org>, Tonking Michaela <tonking_trustee@ivgid.org>, Tulloch Ray <tulloch_trustee@ivgid.org>, Noble Dave <noble_trustee@ivgid.org>
Subject: August 30, 2023 IVGID Board Meeting - Agenda Item F(3) - More Unexplained Costs Negotiated By Someone (Ms Herron) Who REFUSES TO STAY IN HER LANE - Payment to ETS - RESCHEDULE Because Staff Have Not Explained For What?

Chairperson Dent and Other Honorable Members of the IVGID Board -

Well now we're back to business as usual. It doesn't matter whatever it is. Incompetence.

Read the staff memo on this one. "There was an outstanding amount owed, pending negotiation, to Erickson, Thorpe

and Swainston LLC."

Okay. What was owed? And for what? And why wasn't the billing resolved by Indra or brought to the Board before he left?

So "after the departure of the former District General Manager, Counsel reached out and asked for a settlement meeting." What counsel? Was it Mr. Beko and company? So if our current senior management ISN'T CAPABLE OF NEGOTIATING MUCH OF ANYTHING, why would it participate in such a meeting unrepresented? Or represented by our version of MacGiver, Susan Herron? Bueller? Bueller?

Continuing, "Acting District General Manager Mike Bandelin and Director of Administrative Services Susan Herron met with Counsel." WHAT IS THIS GARBAGE WITH SUSAN HERRON? This is part of her job description as Director of Admin Services? This is included in her job description (no it isn't)? This is more evidence she never, never, never should have been promoted to a directorship. NEVER!

Continuing, "and negotiated a final payment for services rendered. The amount owed was \$10,277.60 and the settlement amount has been lowered to \$7,200.00." Doesn't Policy 3.1.0 dictate that ALL relevant materials be included in a Board packet in support of an agenda item and where as here it is not, the matter shall be rescheduled? So where is the evidence \$10,277.60 was owed? And for what? Do you Board members know for what? If not, then HOW CAN YOU INTELLIGENTLY VOTE IN FAVOR OF THIS AGENDA ITEM? The Board packet is not complete. RESCHEDULE this matter until staff presents a complete Board packet in accordance with Policy 3.1.0.

Haven't we paid enough to ETS? Could this outstanding claim be for services rendered in Mark Smith's litigation? You mean our global cost was really closer to \$175K than the \$160K or more we incurred (exclusive of that valuable internal services staff time billed out at \$130/hour or more)? Could it be that these amounts were unnecessarily incurred as "churning?" Of course we don't know at this point but I suspect that's exactly the case. So let's blow another \$7.2K of local parcel owners' Rec Fee on this garbage!

Or how about taking a stand for once? MacGiver Herron (she wrote the staff memo) gives as an alternative: "Decline this request and assume that this law firm will proceed with legal actions." Proceed with legal actions over \$7.2K? Burn your bridges for another payday thanks to IVGID? I don't think so.

And while we're at it, TERMINATE Ms Herron's employ (because she is a mole and devotes 100% of her loyalty to persons other than IVGID or the IVGID Board) or demote her to the job she really has (with a commensurate reduction in compensation). Admin secretary to our interim GM.

Respectfully, Aaron Katz

WRITTEN STATEMENT TO BE INCLUDED IN THE WRITTEN MINUTES OF THIS AUGUST 30, 2023 REGULAR IVGID BOARD MEETING – AGENDA ITEMS G(6) AND G(7) – WASTEFUL EXPENDITURES SUCH AS THESE DEMONSTRATE THAT DIAMOND PEAK ISN'T THE “CASH COW” TRUSTEE SCHMITZ KEEPS TELLING US IT IS

Introduction: Here staff ask the Board to approve purchase of a PistenBully snowplow with an excessively priced GPS option, and a totally unnecessary 14 passenger shuttle van. When does it end? And when these purchases are added to the additional DP CIPs to be paid for this fiscal year, it's clear Diamond Peak is not the “cash cow” Trustee Schmitz keeps representing it is. And for these reasons, I submit this written statement.

My E-Mail of August 27, 2023: On August 27, 2023 I e-mailed the IVGID Board urging members to modify the features of the PistenBully snowplow staff proposes be purchased, and to reject purchase of the proposed 14 passenger shuttle van¹. Rather than regurgitating my opposition, I direct interested readers to the contents of Exhibit “A” itself.

Conclusion: When I own a business, and the business makes money, I share in the profits. When I own a restaurant and my employees eat their meals for free, so do I. But not so here. The more money our commercial business enterprises make, the more we plow into increasing our overhead. And hiring more employees to operate vehicles like these. And giving away our positive cash flow to other money losing ventures such as golf and tennis. And it never ends.

I ask you members to put your collective feet down and just say no for once. GPS on a snowplow is a luxury a class “C” ski area simply can't afford. And an expansion of the fleet of vehicles for shuttling customers to Diamond Peak is another expenditure we can't afford.

And you wonder why your Recreation (“RFF”) and/or Beach (“BFF”) Facility Fee(s) which pay for wasteful stuff such as this which have little if any benefit to glorified districts such as IVGID, and which go up and up without delivering special benefit to you the payor? I've now provided more evidence. Please vote no.

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

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

EXHIBIT "A"

August 30, 2023 IVGID Board Meeting - Agenda Items G(6) and G(7) - Purchase of PistenBully Snowplow and 14 psgr Diamond Peak. Shuttle Van

From: <s4s@ix.netcom.com>
To: "Dent Matthew" <dent_trustee@ivgid.org>
Cc: "Schmitz Sara" <schmitz_trustee@ivgid.org>, "Tonking Michaela" <tonking_trustee@ivgid.org>, "Tulloch Ray" <tulloch_trustee@ivgid.org>, "Noble Dave" <noble_trustee@ivgid.org>
Subject: August 30, 2023 IVGID Board Meeting - Agenda Items G(6) and G(7) - Purchase of PistenBully Snowplow and 14 psgr Diamond Peak. Shuttle Van
Date: Aug 27, 2023 6:15 PM

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

Well here we go again.

And you don't get it...again.

All I keep hearing is how wonderful Diamond Peak is. And what a cash cow it is (assuming you believe the financials which have been coming out of Finance the last several years - something which is now suspect according to the red flags recently identified by Chris Nolet and Bobby MaGee). Well it's not the cash cow you think it is...Sara. Even if you believe these financials. And here's more evidence.

When you own/operate a ski area, the capital improvement requirements are massive (the same is true with golf courses). That was the case before we purchased the Ski Incline from Japan Golf Promotions in 1976. And it's the case today.

Here we are presented with spending roughly \$767K on a snowplow and shuttle van. And an additional \$504K on snowmaking upgrades. For a total of \$1.27M. And all of this in this fiscal year! And let's not forget the \$700K+ being spent on a new refrigerator for the Food Court at Diamond Peak. Now we're at \$2M. In a single year! So how much are we going to net at DP after all expenses are paid this year? And how much after we spend an additional \$1.3M over the next two years for additional DP vehicles and snowmaking upgrades that are projected! And of course that looming albatross known as the reconstruction of Ski Way which I predict is going to cost \$1.5M or more. Yeah. Real cash cow Sara.

Agenda item G(6) addresses the proposed purchase of a super, duper, top of the line snowcat at a cost of \$626K or so (before trade-in). Do you understand that we're paying about \$100K more for this cat because it features the GPS package? In other words we can purchase the same quality product without the GPS upgrade for \$100K less! Sure in a vacuum the GPS is great. But the only ski areas which purchase this version of snowcat are the largest in this industry. In the Lake Tahoe Basin, Squaw (aka Palisades), Heavenly and Northstar. Not light weights like Homewood or Diamond Peak. But why not DP? We deserve the best, don't we? Because we're Incline Village! Forget the cost. Or the necessity. Or the merits of an expenditure like this.

And agenda item G(7) addresses a 14 passenger shuttle van for use at Diamond Peak at a cost of roughly \$142K [not to worry though because according to the project summary "this van can also be used during the off season for youth programs and special events during the summer months." In other words, it's all about the kids man! And we really don't need the vehicle for what staff says we do. So since the van will be under utilized, let's come up with another potential use whether or not it is financially warranted] with an additional \$353K estimated to be spent on other marginally

warranted vehicles (like the two prehistoric trams) in the next two years!

"The proposed (14 passenger van) vehicle purchase project is described as an additional shuttle van to the current inventory of customer transportation vehicles at the ski venue, which includes two (2) 36-passenger shuttle buses and two (2) parking lot passenger trams towed by two (2) 4wd trucks." In other words, we're not replacing our current inventory. But rather, we're adding to it. Creating a bigger footprint. Bigger and bigger at a higher and higher cost which ultimately gets paid for with our Rec Fee. And for whom? And why?

According to staff "the proposed purchase allows Diamond Peak staff to accommodate the pickup and return of customers via the daily Village shuttle routes with a smaller shuttle vehicle versus the large capacity shuttle busses during mid-week periods." What? You already have larger shuttle buses to do the job. Why do we need more? Because they're smaller? Because we don't have to recruit more employees with commercial vehicle licenses - we just have to recruit more employees? You mean it was a mistake to purchase two 36 passenger vehicles? We shouldn't have purchased them in the first place so let's double down?

And to add insult to injury, staff proposes we make this purchase without going out to competitive bid! And its justification is that "the project is a sole source purchase from Creative Bus Sales, and (for this reason) staff did not seek competitive bids for the proposed vehicle." THIS IS A LIE! It's like saying we need to purchase a GMC SUV from Champion Chevrolet because no one else is capable of providing a Champion Chevrolet vehicle than Champion Chevrolet.

Creative Bus Sales is NOT the only source of 14 passenger vans. From the picture provided, this particular van sits on a Ford frame/power train. What about other manufacturers of similar vans?

So I ask you REJECT staff's request for a sole source finding for this vehicle and if you deem this purchase is necessary, which I do not believe it is, make staff go out for a RFP! Let's have a competitive bid.

And of course these expenditures don't include Agenda item G(5). \$504K for snowmaking upgrades which unbelievably, include nearly \$42K for construction management services BY OUR INCOMPETENT IN-HOUSE PERSONNEL. You know. In house engineering for which we budget no revenues but rather rely upon them to generate OVER PRICED billings for marginally necessary work to other departments so they can earn their keep.

And of course this doesn't include another \$960K estimated to be spent on snowmaking system upgrades in the next two years!

The mentality surrounding these purchases is a familiar staff one. More and more, greater and greater, more expensive and more expensive, wasteful and more wasteful, and who cares about the local parcel owners who are made to involuntarily pay for this stuff! Right?

Why are we facing all of this? Because we own and operate recreational facilities which are operated as commercial for profit business enterprises for the benefit of the world's tourists rather than facilities available to just those parcel owners who are paying for them. And these are the kinds of expenses you incur when you operate businesses such as these. Like over \$100K for "uniforms."

But we're a limited purpose local government. And we shouldn't be operating businesses like these which put local parcel owners/taxpayers at risk (financially). If you have a choice to make a buck or minimize the risk to local parcel owners, you vote AGAINST making a buck. And if that means you need to cut 50%-75% of the services you provide, that's what you do. And if you still can't break even financially, you go out of the commercial for profit enterprise business.

When are you going to put an end to all of this?

Let's start with rejecting the proposed purchases of the snowcat and shuttle van.

Respectfully, Aaron Katz

**WRITTEN STATEMENT TO BE INCLUDED IN THE WRITTEN MINUTES OF
THIS AUGUST 30, 2023 REGULAR IVGID BOARD MEETING – AGENDA ITEM
F(2) – ADOPTING A PROPOSED POLICY FOR PERMISSIBLE ADVERTISING IN
THE DISTRICT’S IVGID MAGAZINE**

Introduction: I keep telling you it’s everything this organization does. Everything! Dig deep enough, pull away the various layers of façade, and ultimately one gets to an ugly core. Lies, deceit, waste, financial irresponsibility, lack of transparency, and an arrogance because staff are of the opinion they are immune from outside supervision or oversight. And here we have a product of all of this again. Adopting a policy which limits the type of paid advertising in the District’s IVGID Magazine. In other words, censorship (aka viewpoint discrimination).

One would think that since we have an elected board of resident trustees, they would take charge and right this failing ship. But alas, they’ve been convinced that they exist to do nothing more than set policy. Because of Board Policy and Procedure 105, Resolution No. 1480¹, and notwithstanding the clear language of NRS 318.175², 318.180³, and 318.185⁴, all past Boards I have studied have steadfastly refused to be pro-active and bring about real change. Great news for our less than competent, less than ethical, and over compensated and over benefited staff who continuously seem to be the ones hired. But bad news for local parcel/dwelling unit owners who are compelled to involuntarily pay for this state of affairs.

In the past I have documented how our wonderful little *IVGID Magazine*⁵ (formerly known as *IVGID Quarterly Magazine*) is costing local parcel/dwelling unit owners \$100,000 or more annually⁶. Now we see how our staff are using and propose continuing to use this public viewpoint vehicle to

¹ Go to https://www.yourtahoeplace.com/uploads/pdf-ivgid/IVGID_PolicyAndProcedure105_Resolution1480.pdf.

² Which instructs that “the board shall have the power: 1. To manage, control and supervise *all* the business and affairs of the district(; and,) 2. To acquire, improve, equip, operate and maintain *any district project.*”

³ Which instructs that “the board shall have the power to hire and retain agents, employees, servants, engineers and attorneys, and any other persons necessary or desirable to effect the purposes of this chapter.”

⁴ And insofar as our one thousand and twelve (1,012) or more employees (see <https://transparentnevada.com/salaries/2019/incline-village-general-improvement-district/>) are concerned, it is “the board (which) shall have the power to prescribe the duties of (its) officers, agents, *employees* and servants, and (to) fix their compensation.”

⁵ Go to <https://www.yourtahoeplace.com/ivgid/resources/ivgid-quarterly>.

⁶ See pages 265-291 of the packet of materials prepared by staff in anticipation of the Board’s October 27, 2020 meeting [https://www.yourtahoeplace.com/uploads/pdf-ivgid/L.1._-_Meeting_Minutes_-_September_30__2020.pdf (“the 10/27/2020 Board packet”)].

disparage segments of our community, and censor legitimate criticism. And that's the purpose of this written statement.

My E-Mail of August 27, 2023: On August 27, 2023 I e-mailed the IVGID Board urging that they refuse to adopt the proposed resolution in the Board packet⁷ regulating advertising content in the *IVGID Magazine*⁸. Rather than regurgitating my opposition, I direct interested readers to the contents of Exhibit "A" itself. And given that e-mail makes reference to a prior written statement attached to the written minutes of the Board's December 14, 2022 meeting, I have attached that written statement as Exhibit "B" to this written statement.

Conclusion: So there you go! The *IVGID Magazine* is intended to serve as an additional propaganda tool for staff, especially inasmuch as a copy is mailed to every local parcel owner. Accordingly, staff have an interest in censoring the content of the advertising the magazine displays. And here staff have come up with a proposed policy resolution which formalizes staff's viewpoint discrimination. However, the exercise of this power is unconstitutional given it is intended to regulate the opinion or perspective of the speaker as the specific motivating ideology [see *Rosenberger v. Rectors and Visitors of the University of Virginia*⁹, 515 U.S. 819, 115 S.Ct. 2510 (1995)]. The proposed resolution should be summarily rejected.

And you wonder why your Recreation ("RFF") and/or Beach ("BFF") Facility Fee(s) which pay for this garbage go up and up without delivering special benefit to you the payor? I've now provided more evidence.

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

⁷ See pages 58-59 of the packet of materials prepared by staff in anticipation of this meeting ["the 8/30/2023 Board packet" (go to https://www.yourtahoeplace.com/uploads/pdf-ivgid/F.2_-_Consent_Calendar_-_PP143_-_Res_1904_-_Advertisements_for_IVGID_Magazine.pdf)].

⁸ That e-mail is attached as Exhibit "A" to this written statement.

⁹ Go to <https://supreme.justia.com/cases/federal/us/515/819/>.

EXHIBIT "A"

August 30, 2023 IVGID Board Meeting - .Agenda Item F(2) - Adopting Policy (Resolution 1904) on Content of Advertising in the IVGID Magazine - On the Consent Calendar No Less!

From: <s4s@ix.netcom.com>
To: "Dent Matthew" <dent_trustee@ivgid.org>
Cc: "Schmitz Sara" <schmitz_trustee@ivgid.org>, "Tonking Michaela" <tonking_trustee@ivgid.org>, "Tulloch Ray" <tulloch_trustee@ivgid.org>, "Noble Dave" <noble_trustee@ivgid.org>
Subject: August 30, 2023 IVGID Board Meeting - .Agenda Item F(2) - Adopting Policy (Resolution 1904) on Content of Advertising in the IVGID Magazine - On the Consent Calendar No Less!
Date: Aug 27, 2023 11:27 PM
Attachments: public.comments.12.14.2022.viewpoint.discrimination.doc

Chairperson Dent and Other Honorable Members of the IVGID Board -

Here Chair Dent proposes adoption of this policy, ON THE CONSENT CALENDAR no less, which regulates advertising in the District's IVGID Magazine. In other words, CENSORSHIP!

Moreover, placement on the Consent Calendar violates Policy 3.1.0 which requires all matters placed thereon to be accompanied by the justification and compliance with District policies for placement on this calendar. Yet here there is none. Please one or more trustees REMOVE this matter from the Consent Calendar. Or better yet, remove this matter from this calendar altogether and reschedule it for a future date pre-conditioned upon compliance with Policy 3.1.0.

In case none of you will, this policy is premised on facts which are totally untrue. For instance, the staff memo represents that

1. "The District's primary purpose (in publishing the Magazine is in) generating revenue to benefit City services." Well first of all Josh, don't you know WE'RE NOT A CITY? Furthermore, the publishing of this magazine generates NO REVENUES WHATSOEVER to the District. Per our contract with CC Media, 100% of the advertising revenue generated BELONGS TO CC MEDIA! So why publish this propaganda piece? Bueller? Bueller?

2. Oh. Is it advertising stupid? To generate revenues at the public's recreational venues? If so the District has been lying to us for years. We have been told that the Magazine is intended to educate our local parcel owners (since a copy of the magazine is mailed to each parcel owner) of the facilities and services staff furnish (as if local parcel owners don't know). So why now the reliance upon another revenue producing endeavor which in reality only produces NEGATIVE REVENUE? Get your stories straight staff!

3. Moreover, the proposed "policy advances the advertising program's revenue-generating objective(s) by prohibiting advertisements that could detract from that goal." Well since that goal DOESN'T exist, how can there be any detraction therefrom? And what difference does it make if advertising "creat(es) substantial controversy, interfering with and diverting resources from transit or other City operations, and/or posing significant risks of harm, inconvenience, or annoyance to transit passengers, operators and vehicles, and other members of the public (and)...preserv(e) and enhanc(e) the security, safety, comfort and convenience of its operations?" I didn't realize the Magazine has something to do with transit passengers, operators and vehicles. What does this have to do with the District's alleged revenue generating objective? Furthermore, free speech is free speech. And here staff are pushing for a policy which recognizes CENSORSHIP! In their favor no less.

4. On one hand the proposed policy prohibits "ads that do not qualify as 'commercial speech' (i.e., only ads that propose commercial transactions, like buying/selling/economic exchanges)." Well I can tell you that this policy has NOT been the policy of the past. Favored collaborators have been allowed to place advertisements in the Magazine for charitable DONATIONS. Parasol and the Kids and Horses charity immediately come to mind. And what about political advertisements where a candidate for IVGID Trustee wants to promote him/herself? And if this type of political advertising is acceptable for candidates for IVGID Trustee, why not candidates for any political office? And if NON-commercial speech is permissible for these people, why not for everyone? Again, censorship.

5. In fact years ago I am aware of citizens who attempted to purchase advertising space in the Magazine to publicize their message because of the censorship propagated by staff. And they were refused. The alleged justification was that all advertisements had to be for commercial goods or services. And then the District allowed advertisements for charitable donations (see above). I.e., no commercial services were being advertised.

6. And unbelievably, now the proposed policy allows favored non-commercial speech. In other words, "advertisements from other local, state, or federal governmental agencies or legally affiliated entities relating to public programs, services, or events that do not otherwise qualify as Commercial Speech." If we're going to prohibit non-commercial speech, why create exceptions?

7. And what about District approved "editorial content?" The proposed policy suggests that District approved editorial content will be allowed. However, non-approved editorial content will not: "All advertisements published by the District shall be formatted in such a way as to not be confused with IVGID's editorial content." In other words, District censorship!

8. This policy is unconstitutional because it regulates free speech. It's called viewpoint discrimination. And our attorney should know this for several reasons. At the Board's December 14, 2022 meeting I gave public comment on this very issue and I submitted a written statement I asked be attached to the written minutes of that meeting. Each of you can read the statement as part of the Board packet in support of the Board's January 11, 2023 packet of materials (go to [https \(hrome-extension://efaidnbmnnnibpcajpcgiclfndmkaj/https://www.yourtahoeplace.com/uploads/pdf-ivgid/Mn20221214_-_6_p.m_Final1.pdf](https://www.yourtahoeplace.com/uploads/pdf-ivgid/Mn20221214_-_6_p.m_Final1.pdf) (www.yourtahoeplace.com/uploads/pdf-ivgid/Mn20221214_-_6_p.m_Final1.pdf)). Josh was present at the meeting. Did he have his hearing aid in the off position? If so, another copy of the written statement is attached to this e-mail for all to read.

9. Furthermore, the proposed policy recites that "the District...maintains such advertising space as a non-public forum." Yet it allows Tim Callicrate to publish his own version of public forum commentary where he praises the good things he and his comrades have allegedly done, and the bad things critics in our community have done. Like I said. CENSORSHIP. Or as my father used to say, "do as I say, not as I do!"

10. Here's another example of censorship. The proposed policy states that "Advertisements that imply or declare an endorsement by IVGID of any...point of view...will not be accepted...without prior written authorization from IVGID. Is not this censorship?

11. Here's another example of do as I say, not as I do. The proposed policy states that "Commercial Speech (includes)...speech that...is an expression related solely to the economic interests of the speaker and its audience." Okay. My economic interests are adversely affected by IVGID's Rec Fee. So I want to advertise my expression to my audience of fellow parcel owners because it impacts their economic interests as well. Is the District going to allow me to do this? Or is it going to exercise censorship?

12. And here's another example of do as I say, not as I do. The proposed policy states that "Advertisements that may be perceived as offensive to any religious, ethnic, racial, or political group will not be accepted." Okay. Political ads by

people like Tim Callicrate and Kendra Wong and Peter Morris and Bruce Simonian are offensive to me politically, and my political group. So does the District truly intend to prohibit advertisements from these or similar individuals? Why do I think not?

13. And wrapping up all of the above, what exactly is the penalty for a violation of this policy? If District staff allow advertisements in the Magazine which violate this policy, since the public won't know until after the edition of the magazine has been published and disseminated, what remedy will be available after the fact? Bueller? Bueller?

The memo in support suggests under paragraph IV. Alternatives that the Board "2. Decline to move forward at this time with this proposed amendment." That's what you should do. In fact, you should TERMINATE the magazine altogether for the reasons I and others have urged for some time. It's another money losing endeavor that takes so much unreimbursed staff time subsidized by the Rec Fee, and it's used by staff and has been used by Tim Callicrate and Kendra Wong as nothing more than a propaganda rag. North Korea all over again.

Respectfully, Aaron Katz

EXHIBIT “B”

WRITTEN STATEMENT TO BE INCLUDED IN THE WRITTEN MINUTES OF THIS DECEMBER 14, 2022 REGULAR IVGID BOARD MEETING – AGENDA ITEM C – PUBLIC COMMENTS – YOUR WONDERFUL BOARD AND STAFF ARE GUILTY OF USING PUBLIC ASSETS TO ADVANCE THEIR PROPAGANDA AKA VIEWPOINT DISCRIMINATION

Introduction: I keep telling you it's everything this organization does. Everything! Dig deep enough, pull away the various layers of façade, and ultimately one gets to a core of lies, deceit, waste, financial irresponsibility, lack of transparency, and an arrogance because staff are of the opinion they are immune from any outside supervision or oversight. And here we have a product of all of this again.

One would think that since we have an elected board of resident trustees, they would take charge and right this failing ship. But alas, they've been convinced that they exist to do nothing more than set policy. Because of Board Policy and Procedure 105, Resolution No. 1480¹, and notwithstanding the clear language of NRS 318.175², 318.180³, and 318.185⁴, all past Boards I have studied have steadfastly refused to be pro-active and bring about real change. Great news for our less than competent, ethical over compensated and over benefited staff who continuously seem to be hired. But bad news for local parcel/dwelling unit owners who are compelled to involuntarily finance this state of affairs.

In the past I have documented how our wonderful little *IVGID Quarterly Magazine*⁵ is costing local parcel/dwelling unit owners \$100,000 or more annually⁶. Now we see how our staff and Chairperson Callicrate are using this public viewpoint to disparage segments of our community, and censor legitimate criticism (aka viewpoint discrimination). And that's the purpose of this written statement.

¹ Go to https://www.yourtahoeplace.com/uploads/pdf-ivgid/IVGID_PolicyAndProcedure105_Resolution1480.pdf.

² Which instructs that "the board shall have the power: 1. To manage, control and supervise *all* the business and affairs of the district(; and,) 2. To acquire, improve, equip, operate and maintain *any district project*."

³ Which instructs that "the board shall have the power to hire and retain agents, employees, servants, engineers and attorneys, and any other persons necessary or desirable to effect the purposes of this chapter."

⁴ And insofar as our one thousand and twelve (1,012) or more employees (see <https://transparentnevada.com/salaries/2019/incline-village-general-improvement-district/>) are concerned, it is "the board (which) shall have the power to prescribe the duties of (its) officers, agents, *employees* and servants, and (to) fix their compensation."

⁵ Go to <https://www.yourtahoeplace.com/ivgid/resources/ivgid-quarterly>.

⁶ See pages 265-291 of the packet of materials prepared by staff in anticipation of the Board's October 27, 2020 meeting [https://www.yourtahoeplace.com/uploads/pdf-ivgid/L.1._-_Meeting_Minutes_-_September_30__2020.pdf ("the 10/27/2020 Board packet")].

What is the *Real Purpose of the IVGID Quarterly*? Now we see. Simply stated, it is a propaganda periodical created by IVGID staff to provide work for them to do, promote themselves, promote the largely meaningless jobs they perform, and justify the over compensation and over benefits they award themselves⁴. I understand you're going to get a different answer from IVGID staff, but what I've shared is the truth. Examine the latest edition (2021/22 Annual Report) of the IVGID Quarterly⁷. Look at me! I'm an IVGID employee. Look at all I have accomplished this last year. Look how wonderful a job I am doing. Look at the many reasons why I should be over compensated and over benefited. In other words, staff propaganda intended to boost *themselves*. After all, according to staff, they and their public employee colleagues "continue to be (the District's) most important and valued asset."⁸

Where Does the Money Come From to Fund Publishing and Distribution of the IVGID Quarterly? This propaganda comes with a cost. Each year the IVGID Board, at the direction of staff, budget to overspend in excess of \$6.5 million⁹. And where does this revenue deficiency come from? Two invalid special taxes against property¹⁰ [known as the Beach ("BFF") and/or the Recreation ("RFF") Facility Fee(s)] which are *involuntarily* levied against each Incline Village/Crystal Bay parcel/dwelling unit¹¹. Some of that over spending is assigned to publication and distribution costs associated with the IVGID Quarterly.

⁷ Go to https://www.yourtahoeplace.com/uploads/pdf-ivgid/IVGID_Qrtly_Oct2022.pdf.

⁸ See page 126 of the District's 2018-119 Budget [https://www.yourtahoeplace.com/uploads/pdf-ivgid/IVGID_Annual_Budget_FY2018-19_03122019.pdf ("the 2018-19 Budget")].

⁹ Take a look at Schedules B-12 B-14, C-15 to IVGID's latest budget sent to the Department of Taxation (go to pages 10, 12-15 and 17 at https://www.yourtahoeplace.com/uploads/pdf-ivgid/Final_Budget_State_Form_4404LGF_-_signed.pdf). In order to balance the District's Community Services (i.e., "recreation") Special Revenue Fund it relies upon the subsidy of a \$1,735,612 Recreation Facility Fee ("RFF"). To balance the District's Community Services Capital Projects Fund it relies upon the subsidy of a \$536,571 RFF. To balance the District's Community Services Debt Service Fund it relies upon the subsidy of a \$412,748 RFF. To balance the District's Beach Special Revenue Fund it relies upon the subsidy of a \$648,974 Beach Facility Fee ("BFF"). To balance the District's Beach Capital Projects Fund it relies upon the subsidy of a \$3,196,016 BFF. And to balance the District's Beach Debt Service Fund it relies upon the subsidy of a \$7,720 BFF. All told, \$6,537,641 in annual subsidies.

¹⁰ NRS 361.445 instructs that "the only basis for property taxation by any city, town, school district, road district or other district in that county...shall be...the assessment made by the county assessor and by the Department, as equalized according to law."

¹¹ If the reader wants to see how this involuntary levy takes place, each year, he/she is directed to https://www.yourtahoeplace.com/uploads/pdf-ivgid/G.2._-_Recreation_Standby_and_Service_Charges.pdf.

Staff's Attempts to Hide the Above-Truths From Those Who Are Involuntarily Assessed: Few in our community know the truths which have been shared herein. To discredit those who do, staff attack the messengers in our community rather than their message. And what better a vehicle than the IVGID Quarterly?

Chairperson Callicrate's IVGID Quarterly "Update:" The reader's attention is directed to page 6 of the latest edition of the IVGID Quarterly¹². There Mr. Callicrate is given space in the Quarterly to allegedly "recap some of this past year's accomplishments of the IVGID Board...and the District in general." Yet rather than limiting himself to these accomplishments, he uses this vehicle to trash those in our community critical of the same:

"It's truly unfortunate that a very small but strident chorus of the perpetually-aggrieved continue to hector and harangue our GM and his team on a daily basis because they don't like anything the District does...Perhaps a few more days at the beach or on the mountain will help them realize what a phenomenal place Incline Village/Crystal Bay is, and how lucky we are to call it home¹³!"

This language represents viewpoint discrimination which is prohibited by the U.S. and Nevada Constitutions.

"Viewpoint Discrimination: is a form of content discrimination particularly disfavored by the courts. When the government engages in content discrimination, it is restricting speech on a given subject matter...It is singling out a particular opinion or perspective on that subject matter for treatment unlike that given to other viewpoints. For example, if an ordinance banned all speech on the Iraq War, it would be a content-based regulation. But if the ordinance banned only speech that criticized the war, it would be a viewpoint-based regulation. Because the government is essentially taking sides in a debate when it engages in viewpoint discrimination, the Supreme Court has held viewpoint-based restrictions to be especially offensive to the First Amendment. (Therefore,) such restrictions are treated as presumptively unconstitutional."¹⁴

My Efforts to Seek Equal Access: When I first read the referenced viewpoint, made under governmental authority and at governmental expense, I e-mailed the IVGID Board and its GM¹⁵ on November 3, 2022 at 6:39 P.M. as follows:

¹² Go to https://www.yourtahoeplace.com/uploads/pdf-ivgid/IVGID_Qrtly_Oct2022.pdf.

¹³ What exactly did IVGID have to do with the mountains surrounding Incline Village/Crystal Bay, or the beaches abutting Lake Tahoe? Would this be just as phenomenal a place if there were no IVGID?

¹⁴ See <https://www.mtsu.edu/first-amendment/article/1028/viewpoint-discrimination>.

¹⁵ A copy of that e-mail is attached as Exhibit "A" to this written statement.

“Well Indra -

You and your bootlicker boy (Chairperson Callicrate) have finally crossed over the line of permissible conduct. It's page 6 of the latest edition ('2021/22 Annual Report') of the IVGID Quarterly.

And the purpose of this e-mail is to secure your agreement the field will be leveled in the next edition of the IVGID Quarterly. And if I don't receive that agreement by tomorrow at 5 P.M., and in writing, I will be filing complaint with the OAG as well as the Dep't of Justice.

There Mr. Callicrate tells us he has made the statement he has because he 'was asked to recap some of this past year's accomplishments of the IVGID Board...and the District in general.' Besides asking who is driving this bus (he has been asked? How about the Board does the asking and staff do the answering?), precisely what accomplishments? Mr. Callicrate tells us:

'It's truly unfortunate that a very small but strident chorus of the perpetually-aggrieved continue to hector and harangue our GM and his team on a daily basis because they don't like anything the District does. Oh well, perhaps a few more days at the beach...will help them realize what a phenomenal place IV/CB is, and how lucky we are to call it home!"

All from the guy who failed to pay his 2022-23 Rec Fee by the mandatory October 1 date - which means he has no recreation privileges ['all property taxes, special assessments and Recreation Fees on a Parcel must be paid for the current and prior years to maintain the Parcel's eligibility for Recreation Privileges. The District Recreation Fee must be paid by October 1 of the year billed in order to continue receiving Recreation Privileges' (see section 44 of Ordinance 7)].

Pure and simple this is nothing more than a disparaging propaganda piece. And according to page 4 of the magazine, since 'each IV/CB parcel owner receives one subscription to a domestic address,' the District has used public resources to spew its criticisms of members of our community. Which means it must make equal access in the magazine to those in our community who wish to share their opposite views. Hence this request. Otherwise, it's called viewpoint discrimination (see <https://www.mtsu.edu/first-amendment/article/1028/viewpoint-discrimination>).

Respectfully, Aaron Katz”

So what were our GM's/the Board's response(s)? *Nothing!*

Rosenberger v. Rectors and Visitors of the University of Virginia¹⁶, 515 U.S. 819 (1995): Here a public university used public money to subsidize publishing costs for nonreligious student groups. The university denied funds to a Christian student group that requested financial assistance to publish a newspaper that would “challenge Christians to live, in word and deed, according to the faith they proclaim and to encourage students to consider what a personal relationship with Jesus Christ means.” The group alleged that refusal to authorize payment of the printing costs of the publication, solely on the basis of its religious editorial viewpoint, violated their rights to freedom of speech and press, to the free exercise of religion, and to equal protection of the law.

The Supreme Court declared that: “when the government targets not subject matter but particular views taken by speakers on a subject, the violation of the First Amendment is all the more blatant. Viewpoint discrimination is thus an egregious form of content discrimination. *The government must abstain from regulating speech when the specific motivating ideology or the opinion or perspective of the speaker is the rationale for the restriction...*These principles provide the framework forbidding the State to exercise viewpoint discrimination, even when the limited public forum is one of its own creation...Based on the principles we have discussed, we hold that the regulation invoked to deny SAF support, both in its terms and in its application to these petitioners, is a denial of their right of free speech guaranteed by the First Amendment.”

This reasoning is identical here.

Conclusion: Moreover, when IVGID's trustees took office, each affirmed an oath of office as NRS 282.010(1) mandates¹⁷. That oath was that each “solemnly swear[ed] (or affirm[ed]) that (he/she would) ...support, protect and defend the Constitution(s)...of the United States, and the...State of Nevada... and that (he/she would)...bear true faith, allegiance and loyalty to the same...so help (him/her) God; (if an affirmation) under the pains and penalties of perjury.”¹⁸ Well now we see each breached his/her oath of office. So how do you intend to address this Board members? And assuming you don't, why exactly do you exist?

Aaron Katz (Your Community Watchdog), Because Only Now Are Others Beginning to Watch!

¹⁶ Go to <https://supreme.justia.com/cases/federal/us/515/819/>.

¹⁷ “All officers, executive, judicial and ministerial, shall, before entering upon the duties of their respective offices...take and subscribe to the official oath.”

¹⁸ See NRS 282.020.

Use of Public Resources to Advance Viewpoint Discrimination Financed With Our Involuntary Recreation ("RFF") and Beach ("BFF") Facility Fees

From: <s4s@ix.netcom.com>
To: <ISW@ivgid.org>
Cc: Callicrate Tim <tim_callicrate2@ivgid.org>, Dent Matthew <dent_trustee@ivgid.org>, Wong Kendra Trustee <wong_trustee@ivgid.org>, Schmitz Sara <schmitz_trustee@ivgid.org>, Tonking Michaela <tonking_trustee@ivgid.org>
Subject: Use of Public Resources to Advance Viewpoint Discrimination Financed With Our Involuntary Recreation ("RFF") and Beach ("BFF") Facility Fees
Date: Nov 3, 2022 6:39 PM

Well Indra -

You and your bootlicker boy (Chairperson Callicrate) have finally crossed over the line of permissible conduct. It's page 6 of the latest edition ("2021/22 Annual Report") of the IVGID Quarterly.

And the purpose of this e-mail is to secure your agreement the field will be leveled in the next edition of the IVGID Quarterly. And if I don't receive that agreement /by tomorrow at 5 P.M., and in writing, I will be filing complaint with the OAG as well as the Dep't of Justice.

There Mr. Callicrate tells us he has made the statement he has because he "was asked to recap some of this past year's accomplishments of the IVGID Board...and the District in general." Besides asking who is driving this bus (he has been asked? How about the Board does the asking and staff do the answering?), precisely what accomplishments? Mr. Callicrate tells us:

"It's truly unfortunate that a very small but strident chorus of the perpetually-aggrieved continue to hector and harangue our GM and his team on a daily basis because they don't like anything the District does. Oh well, perhaps a few more days at the beach...will help them realize what a phenomenal place IV/CB is, and how lucky we are to call it home!" All from the guy who failed to pay his 2022-23 Rec Fee by the mandatory October 1 date - which means he has no recreation privileges ["All property taxes, special assessments and Recreation Fees on a Parcel must be paid for the current and prior years to maintain the Parcel's eligibility for Recreation Privileges. The District Recreation Fee must be paid by October 1 of the year billed in order to continue receiving Recreation Privileges" (see section 44 of Ordinance 7)].

Pure and simple this is nothing more than a disparaging propaganda piece. And according to page 4 of the magazine, since "each IV/CB parcel owner receives one subscription to a domestic address," the District has used public resources to spew its criticisms of members of our community. Which means it must make equal access in the magazine to those in our community who wish to share their opposite views. Hence this request. Otherwise, it's called viewpoint discrimination (see <https://www.mtsu.edu/first-amendment/article/1028/viewpoint-discrimination>).

Respectfully, Aaron Katz

Good Evening Trish McKowen 335 Ski Way

Reading a social media post from Genevieve Thornburg the female IVGID employee who reported verbal sexual harassment by Cliff Dobler in 2020.

She writes...The part of the letter Noble was able to read is only the tip of the Iceberg! Please get that letter out to as many people as possible. The comments that are documented in it only get worse. I should know. The comments were directed at me. And after his last verbal attack on me they claim he was suspended from IVGID privileges for 3 months. But he was still allowed at the different facilities. He continued to harass employees. And he was placed on a committee that would have allowed him to ask for meetings with employees to discuss the finances. I refused to be alone with him. And I was told I had to leave the building when he was there. Like they were protecting him from us. Total Insanity. I loved working and living in Incline. But I can say with the way things are headed, the best decision I ever made was moving.

An 2nd incident was reported to the board on August 16th from a golf resident who reported a female family members unwanted interactions with Mr. Dobler

HERE IS THAT EMAIL

After the events of the recent board meeting, I feel both disgusted and obligated to respond with additional facts regarding Mr. Cliff Dobler's behavior around IVGID staff and specifically young women. Our niece has worked at the golf course this summer and on more than one occasion Cliff Dobler has made inappropriate comments directly to my niece and behind her back to other golfers regarding how she looks, her body, and wishing he could see her at the beach. My daughter worked at the golf course 2 years ago and experienced the same type of behavior. All of the staff is aware. Mr. Dobler even went so far as to ask my niece to drive him home from the golf course one evening even though he lives 200 yards down 10 fairway. Many of these occurrences have been reported to golf course management and how this man is allowed anywhere near the golf course baffles me. That said, what kind of message are you sending when you allow Cliff Dobler to act as a representative of our community. If this

was your daughter or family member would you continue to give this man a forum in our community I would hope not? Get some spine and please do the right thing...

Trustees Schmitz Dent and Tulloch are putting the district at a financial risk by allowing Mr. Dobler to remain on the Capital Investment Committee

Here is a wakeup call for the Board of Trustees the Equal Employment Opportunity Commission reports the most easily calculated cost for employers, and probably the most asked about cost when it comes to handling sexual harassment claims in the workplace, are the legal bills. Assuming that the claim is settled out of court, the average harassment claim will typically run an organization anywhere from \$75,000 to \$125,000. If it goes to court, employers are often looking at double those numbers, again in legal fees alone. And, if the employer is found liable in the case, well, that price tag can get pretty big in a hurry. The largest sum ever awarded in a sexual harassment case hit a whopping \$168 million in 2012 Sign the Recall Petition to Remove Trustees Schmitz and Dent!

=

8:02



<  **Incline Village** ...
 Peter Morris · 3d · 



Genevieve Thornburg
 The part of the letter Noble was able to read is only the tip of the iceberg! Please get that letter out to as many people as possible. The comments that are documented in it only get worse. I should know. The comments were directed at me. And after his last verbal attack on me they claim he was suspended from IVGID privileges for 3 months. But he was still allowed at the different facilities. He continued to harass employees. And he was placed on a committee that would allowed him to ask for meetings with employees to discuss the finances. I refused to be alone with him. And I was told I had to leave the building when he was there. Like they were protecting him from us. Total insanity. I loved working and living in Incline. But I can say with the way things are headed, the best decision I ever made was moving

 Comment as Mar...   

----- Forwarded message -----

[REDACTED]
Date: Fri, Aug 18, 2023, 6:14 PM
Subject: Fwd: Board Meeting response / Cliff Dobler
[REDACTED]

[REDACTED]... enjoyed golf today... Can you please forward the response from Sara to Mick for FYI. I couldn't find his email.

Sad response..... [REDACTED]

----- Forwarded message -----

From: **Sara Schmitz** <trustee_schmitz@ivgid.org>
Date: Wed, Aug 16, 2023 at 9:07 PM
Subject: Re: Board Meeting response / Cliff Dobler
To: Duane Mater <[REDACTED]>

[REDACTED],

Because it was not on the agenda. Per open meeting law, our discussion has to remain on topic. In addition, no others including us Trustees and the public had the information prior to being abruptly introduced by Noble. This is not how meetings are to be conducted, which is why it was stopped.

Hope that helps.

Sara

Sent from iPhone.
925-858-4384

From: Duane Mater <[REDACTED]>
Sent: Wednesday, August 16, 2023 3:02:33 PM
To: Sara Schmitz <trustee_schmitz@ivgid.org>
Subject: Re: Board Meeting response / Cliff Dobler

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

I would ask why similar complaints presented by Mr. Noble were not taken seriously during the board meeting and only now you wish to take action. Does not make sense and is very disappointing.

On Wed, Aug 16, 2023 at 2:32 PM Sara Schmitz

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

<trustee_schmitz@ivgid.org<mailto:trustee_schmitz@ivgid.org>> wrote:

[REDACTED]

Thank you for bringing this to my attention. I have sent your email to District Legal Counsel to take whatever action is appropriate.

Sara

Sara Schmitz

Incline Village General Improvement District Trustee and Vice Chair

893 Southwood Blvd.

Incline Village, NV 89451

925-858-4384

[

From: [REDACTED] >
Sent: Wednesday, August 16, 2023 2:14 PM
To: Dave Noble; Michaela Tonking; Sara Schmitz; Ray Tulloch; Matthew Dent
Subject: Board Meeting response / Cliff Dobler

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

After the events of the recent board meeting I feel both disgusted and obligated to respond with additional facts regarding Mr. Cliff Dobler's behaviour around IVGID staff

and specifically young women. Our niece has worked at the golf course this summer and on more than one occasion Cliff Dobler has made inappropriate comments directly to my niece and behind her back to other golfers regarding how she looks, her body, and wishing he could see her at the beach. My daughter worked at the golf course 2 years ago and experienced the same type of behaviour. All of the staff is aware. Mr. Dobler even went so far as to ask my niece to drive him home from the golf course one evening even though he lives 200 yards down 10 fairway. Many of these occurrences have been reported to golf course management and how this man is allowed anywhere near the golf course baffles me.

That said, what kind of message are you sending when you allow Cliff Dobler to act as a representative of our community. If this was your daughter or family member would you continue to give this man a forum in our community i would hope not? Get some spine and please do the right thing...



Linda Kahre 625 Loma Circle #1 Incline Village
Please put into the record

Trustees Schmitz, Dent & Tulloch – you claim you are forces for fiscal responsibility. But I can't find information anywhere that says fiscal responsibility means hostility, micromanagement, and lording yourself over IVGID staff and vendors. These actions are fiscal and management irresponsibility.

Let's look at what your interference in IVGID operations has cost to date:

According to ^{the} Built-In a management website, the financial cost of senior management turnover is 213%. *of their salaries*

So, with the GM, Controller, Financial Director, Public Works Director, Clerk, Legal Counsel, and Food and Beverage Manager alone, the financial cost will be over \$2,075,000. Is this fiscal responsibility?

And what about your help demotivating our hourly and seasonal staff by eliminating beach and venue benefits. Terra Staffing says that employee turnover in this area will cost IVGID \$3,500 per person, 47 hours of training and \$1,886 of training costs. How is causing long-term IVGID employees to leave fiscal responsibility?

Then, you won't provide requested resources to support the Interim General Manager or the Director of Finance. Fiscal responsibility? Not when IVGID has lost so much staff and has essential tasks to perform.

There is also the tremendous loss of citizen volunteers such as Mick Homan of the audit committee. Here is a man who wants to serve the community and who has not bashed people along the way, who resigned because he can't maintain his integrity around Sarah and others. Fiscal responsibility? Keeping the Katz and Dobler crew around – whose goal is to attack IVGID whenever possible - while pushing people like Homan out doesn't seem very responsible.

Just to remind the entire Board, your fiduciary duty is to protect and enhance IVGID – not destroy it.

I request that you remove General Business Item 1 on the Strategic Plan from today's agenda. It contradicts the recommendations of Item 9 of the Moss Adams

Report, which shows serious weaknesses in the existing plan and recommends creating a new one.

I request that you remove item G11 regarding drafting letters for various issues within the Incline Community. Whose idea was this? It was not on the long range calendar. These are suggestions for topics which have nothing to do with IVGID Trustee fiduciary responsibilities. Aren't the leadership vacancies that you've created enough for your to-do list? Unless the IVGID Board is specifically asked to participate, we don't need you to tell everyone else in town how to do their jobs.

Here's what you can do: Several weeks ago, Trustee Tonking asked for a report on the exit interviews and reasons for the high staff turnover. Let's address the true problems within IVGID.

Kristie Wells, Incline Village resident

I have a written statement and supporting documents to be attached to the minutes of this meeting

Some believe those wishing to recall Trustees Schmitz and Dent lack commitment to fiscal responsibility and accountability. This is simply not true. We expect it. Additionally, we advocate for treating IVGID staff respectfully, and enabling them to work without unwarranted interference. Trustee overreach has led to valued staff departing due to an unhealthy, some say toxic, atmosphere.

We believe you can be fiscally responsible, and be a good human. These values are not in conflict with one another.

I was not able to attend last week's meeting, either in person or on the phone, but I did email my concerns to all trustees that same day. Ethical and moral decisions demand attention. There's been a pattern of inappropriate behavior from committee members and a consultant that necessitates immediate action. **EXHIBIT A**

Sara responded to my email, and tried to discount my concerns, which were: **EXHIBIT B**

Audit Chair Chris Nolet has made continuous damaging remarks about former Director of Finance, Paul Navazio. Nolet insinuates intentional wrongdoing, implying Navazio's departure was linked to fraud. **EXHIBIT C**

- This breaches conduct standards as it disparages IVGID Staff.
- Sara's response downplayed this, and Nolet's statement was unfounded.
- Nolet should no longer chair the Audit Committee. Please remove him.

I also raised concerns about Cliff Dobler's multiple instances of inappropriate behavior towards IVGID staff, especially women.

- Sara's assertion there are no current incidents is false, as I am in possession of an email dated August 16th that details a recent issue involving Dobler and a young woman at the golf course. It was sent to all five trustees.
- Sara's response to me included "*Cliff Dobler had past behavior issues that were brought to his attention in 2020,*" which directly conflicts with Mr. Dobler's statement that he did not know why his privileges were suspended at that time. I appreciate you confirming this for the record Sara. This statement also confirms that you did, in fact, know about these issues before, despite you claiming otherwise. You and Trustee Dent owe Trustee Noble and this community an apology. Related, you should also resign.
- Dobler should be removed from the Capital Investment Committee and banned from any role that requires direct interaction with IVGID staff. This should happen immediately.

Lastly, my worry about the board's contract with Kevin Lyons remains. His contentious nature and past altercation with IVGID staff can't be disregarded.

- In 2019, Mr. Lyons received an extended four month court order for protection against stalking, aggravated stalking, or harassment of an IVGID employee, which banned him from the Southwood IVGID office, the Chateau, and a home.
- Sara's positive appraisal of his governance training doesn't excuse his transgressions.

Accountability applies to your words and actions, and those of the Committee members and consultants. The fact there are known, current, instances of misconduct that are being ignored by this board is shameful.

Make good conscience be your guide. The only clear path forward would be to end Mr. Nolet and Mr. Dobler's positions on these Committees and terminate the contract with Mr. Lyons.

This Board of Trustees should stand for IVGID employees and our community. Thank you for your time.



EXHIBIT A

Kristie Wells <kristiewells@gmail.com>

[Public] comment regarding the meeting on August 24, 2023

Kristie Wells <kristiewells@gmail.com>

Thu, Aug 24, 2023 at 2:06 PM

To: dent_trustee@ivgid.org, schmitz_trustee@ivgid.org, tonking_trustee@ivgid.org, noble_trustee@ivgid.org, tulloch_trustee@ivgid.org, info@ivgid.org

Please add this comment to the official minutes of the August 24, 2023 meeting.

I am not able to make a public comment either in person or on the telephone this evening as I have a schedule conflict. Which leads me to my first question.

Trustees, I would like to understand why this meeting was moved to Thursday, August 24th and not held on the originally scheduled date of Wednesday, August 23rd, based on the every other Wednesday cadence of these meetings?

Why hold this meeting on the same night a widely supported and well attended community event is taking place, the Taste of Incline, especially when the singular topic is around the financial status of the GID and the actions that are needed to resolve open issues?

You know this topic has generated an enormous amount of public comments in previous meetings and online in social media. You know community and Committee members have made unfounded claims of fraud and a failure of duty of IGVID staff, which has led to employees being disparaged and compounds the declining morale of all staff.

This is an incredibly important meeting that should allow more public comment. I can only assume your decision to move it on a night that competes with a big social event was to directly limit the audience and the community participation. This is another questionable decision being made by this board as this decision will limit visibility and community engagement, something you should actually be encouraging.

I would like to also stress my concerns that Trustees Schmitz and Dent continue to place Mr. Cliff Dobler on Committees supporting the Board when there are known infractions and past bad behavior that led to a short term suspension of his recreational privileges. Trustee Schmitz claims she did not know of the letter that was read by Trustee Noble in a recent meeting, when in fact, it has been confirmed by several past Trustees that all members of the Board received notice of this and knew the suspension took place.

I recommend the Board set a policy that requires you to do a background check with IVGID HR on every single candidate who applies for a Committee to see if there are any past claims about that person.

- Had you done so, I understand you would have found a fairly large file on Mr. Dobler.
- The fact that you now know about this and still refuse to remove him from the Capital Improvement Committee confirms you are not doing your duty to protect IVGID staff and community members.

I have also since learned there are concerns with Kevin Lyons, of Governance Sciences Group and FlashVote, someone the Board continues to engage for services, even against Trustee Tonking and Noble's requests.

- In January of 2017, IVGID cut ties with Kevin Lyons and his citizen governance system FlashVote due to the cloudiness around who owns resident data and the perceived manipulation of the questions being asked. It seems Mr. Lyons thought data he was hired to secure for IVGID was something he could use to his own personal benefit. This leads me to question his ethics here.
- On July 16, 2019, an Extended Order for Protection against Stalking, Aggravated Stalking, or Harassment was issued against Mr. Lyons following an altercation he had with IVGID staff. Another notch against Mr. Lyons.
- Somehow, Mr. Lyons was awarded a new FlashVote contract, which continues to run severely biased surveys, and now a new contract in the amount of \$20,400 to help train the Board of Trustees about "good governance." Surely there are other qualified consultants we can hire that do not have past transgressions with IVGID staff?

Lastly, the Chairman of the Audit Committee, Chris Nolet, made the following public statement in the August 9, 2023 meeting, a comment I believe breaks the Conduct Policy. The emphasis is mine and the sentence in red notes no infractions have been found to date though Mr. Nolet felt comfortable in inferring there may be fraud and disparages Mr. Navazio and IVGID staff:

"Contrary to the refrain "I quit because of the board", I find it rather obvious that Navazio [Paul C. Navazio, Director of Finance: 2020 to June 2023] quit because he knew these circumstances would finally catch up with him in the current year and close end related audit. More importantly, the presence of these circumstances in any organization has historically correlated to various financial frauds. While we've not seen any such specific circumstances. Sudden leadership resignations, unreconciled bank accounts, and our open and out of balanced GL are well known traits, all of which indicate that substantial skepticism and expanded audit scopes are warranted."

I would like to make a formal request that Chris Nolet, Cliff Dobler, Kevin Lyons, or any other Committee and Community members who have broken the Conduct policy not be allowed to sit on IVGID Committees or be hired as paid consulting resources to Support Special Projects as Prioritized by the Board.

Thank you,
Kristie Wells



EXHIBIT B

Kristie Wells <kristiewells@gmail.com>

[Public] comment regarding the meeting on August 24, 2023

Sara Schmitz <trustee_schmitz@ivgid.org>
To: Kristie Wells <kristiewells@gmail.com>

Fri, Aug 25, 2023 at 9:05 AM

Kristie,

I hope you enjoyed Tastes of Incline! We had others that attended and then attended the board meeting stating it was great.

Chris Nolet is highly skilled and experienced. His comments were not making accusations and were statements related to his past experience.

Kevin Lyons has worked with District Legal Counsel on other efforts and came recommended. His training, even as stated by Trustee Noble at a public meeting, have been educational and helpful for the board. He's training the board and senior management on good governance and it has been excellent.

Cliff Dobler had past behavior issues that were brought to his attention in 2020. During this same time and into 2021, he was on the GM's Burnt Cedar pool committee and the Audit Committee without any other action taken against him. To my knowledge, there have been no reported nor verified incidents since that time. If there are new allegations, it will be handled according to the misconduct procedure in Ordinance 7. The board will be notified if there are issues and take action accordingly. It is staff's responsibility to investigate and inform the board, if appropriate. I have confidence in staff and will allow them to do their jobs.

There is an investigation into the document that was shared. I will await their findings.

Hope this answers your questions.

Sara

Sara Schmitz

Incline Village General Improvement District Trustee and Vice Chair

893 Southwood Blvd.

Incline Village, NV 89451

925-858-4384

[https://lh4.googleusercontent.com/4oZZCbA3zNbR4_gljv067kdrC1i457NxnXGrommed48vAbJZcmfJoU4-mA2cew-xeDtrhd8DQeWFTaPUDQA7nECs7RN2g3BQyuEq3SDIBaDSGsNn12OQSXdluJ-Bw_-hZ91TlqXZ]

From: Kristie Wells <kristiewells@gmail.com>
Sent: Thursday, August 24, 2023 2:36 PM
To: Sara Schmitz

Subject: Re: [Public] comment regarding the meeting on August 24, 2023

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

I also hit send too soon.

Care to comment on the gross behavior noted in my email from several community members the board has engaged to represent our interests?

On Thu, Aug 24, 2023 at 2:13 PM Kristie Wells <kristiewells@gmail.com<mailto:kristiewells@gmail.com>> wrote: Thank you for your response. Still disappointing as many community members who would like to attend are committed elsewhere this evening.

I will watch it on demand.

On Thu, Aug 24, 2023 at 2:10 PM Sara Schmitz <trustee_schmitz@ivgid.org<mailto:trustee_schmitz@ivgid.org>> wrote: Ms. Wells,

Thank you for your comments. I don't think the meeting was intentionally scheduled to conflict. I understand it was changed from Wednesday due to a Trustee conflict.

Sara

Sara Schmitz

Incline Village General Improvement District Trustee and Vice Chair

893 Southwood Blvd.

Incline Village, NV 89451

925-858-4384

[https://lh4.googleusercontent.com/4oZZCbA3zNbR4_gljv067kdrC1i457NxnXGrommed48vAbJZcmfJoU4-mA2cew-xeDtrhd8DQeWFTaPUDQA7nECs7RN2g3BQyuEq3SDIBaDSGsNn12OQSXdIuJ-Bw_-hZ91TlqXZ<https://linkprotect.cudasvc.com/url?a=https%3a%2f%2flh4.googleusercontent.com%2f4oZZCbA3zNbR4_gljv067kdrC1i457NxnXGrommed48vAbJZcmfJoU4-mA2cew-xeDtrhd8DQeWFTaPUDQA7nECs7RN2g3BQyuEq3SDIBaDSGsNn12OQSXdIuJ-Bw_-hZ91TlqXZ&c=E,1,C7ixmreGWW2fDPcuoqBIIHLj1GlwsrMpi2ix0esXDd_GiOLBMzz14Ko8Vkt4X5JFRcKpJfdFYQ7KqEqSnwPDA23Y8u7TBBOFMXzGuuKAezJ7rVmua0rYk9PA&typo=1>]

From: Kristie Wells <kristiewells@gmail.com<mailto:kristiewells@gmail.com>>

[Quoted text hidden]

EXHIBIT C

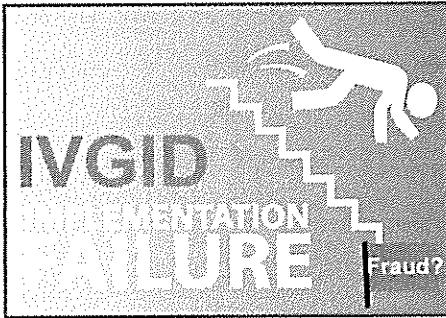
Chris Nolet's public comment during the August 9, 2023 meeting was also posted on the Our IVCB Voice website: <https://ourivcbvoice.com/audit-chair-nolet-ivgid-gross-mismanagement/>, on Facebook and on Nextdoor by various community members, thereby fueling unfounded rumors.

ourivcbvoice.com/audit-chair-nolet-ivgid-gross-mismanagement/

Home-->OTHER TOPICS-->IVGID Audit Committee Chair: "Gross mismanagement"

IVGID Audit Committee Chair: "Gross mismanagement"

August 11, 2023 admin



The following are public comments made during the Incline Village General Improvement District Board meeting on August 9, 2023. [CLICK FOR AUDIO RECORDING](#)

Chris Nolet, Lakeshore Boulevard, Audit Committee Chair

In three minutes, I can't possibly address the current state of complete disrepair faced by our Director of Finance, Bobby Magee, and his few team members. His memo to the board package tonight provided some insight into the rather frightening circumstances they face.

No bank reconciliations for one year, an out of balanced GL [General Ledger] that has not been closed for the past two months. An implementation system, which is months, if not years late and still incomplete in the aggregate. These circumstances represent an extremely daunting set of conditions, even for a GID [General Improvement District].

Contrary to the refrain "*I quit because of the board*", I find it rather obvious that Navazio [Paul C. Navazio, Director of Finance: 2020 to June 2023] quit because he knew these circumstances would finally catch up with him in the current year and close end related audit.

More importantly, the presence of these circumstances in any organization has historically correlated to various financial frauds. While we've not seen any such specific circumstances. Sudden leadership resignations, unreconciled bank accounts, and our open and out of balanced GL are well known traits, all of which indicate that substantial skepticism and expanded audit scopes are warranted.

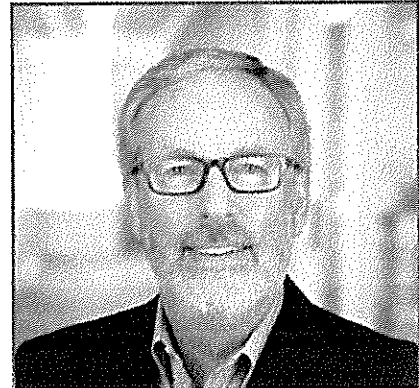


Exhibit C, Con't.

In the August 24, 2023 meeting, Trustee Tulloch shared the following slide in which he acknowledge that unfounded rumors, like those shared by Mr. Nolet, created fear across the community that IVGID was in dire straights, there was almost \$4,000,000 in missing money, and they contributed to the demoralization of the IVGID staff, especially those in the finance department. Mr. Nolet should be removed from his role on the Audit Committee.

Purpose and Objectives



- Review the scale and extent of financial issues identified
- Understand how we arrived at this situation
- Agree actions and priorities necessary to remediate issues
- Dispel fears that have been created in the community from unfounded rumors
- Identify changes in internal controls and operating procedures required to minimize risk of future recurrence
- Reduce the significant potential risk posed to effluent pipeline funding from unverified financials
- Ensure venue and department heads can access **up to date** financial information to be able to effectively operate their business

Ensure our financial reporting is timely, accurate and transparent

Megan P. Warren
722 Country Club, IV, NV 89457

Schmitz, Dent, and Tulloch's reasoning behind reducing the rec fee to zero was because fund balance was so high. Why was the fund balance so high? IVGID has a history of paying for capital projects with cash instead of leveraging debt. (Mistake 1, but I digress. The Diamond Peak culvert, an asset that should last 40+ years, was paid in cash!) So, IVGID staff plans to pay cash for capital projects, but then the Board "value engineers" projects to reduce costs thus increasing fund balance. (If you need references, you'll recall decreasing the scope of the Tennis Center renovation and the Rec Center bathroom remodel). So then why were rates increased at all the venues? Well, Schmitz, Dent, and Tulloch attribute this to the increase in inflation and the cost of providing services. While this is true, since the fund balance is so high, according to them, rate increases were not necessary. However, these 3 trustees fail to understand how the recreation fee and charges for services support all of recreation and community services as a whole. By viewing the rec fee and venue rates separately, like they did through the entire budget process, Schmitz, Dent, and Tulloch demonstrate they don't have a clue how IVGID operates nor what the community wants.

Schmitz, Dent, and Tulloch's reasoning behind reducing the rec fee to zero was because fund balance was so high. Why was the fund balance so high? IVGID has a history of paying for capital projects with cash instead of leveraging debt. (Mistake 1, but I digress. The Diamond Peak culvert, an asset that should last 40+ years, was paid in cash!) So, IVGID staff plans to pay cash for capital projects, but then the Board "value engineers" projects to reduce costs thus increasing fund balance. (If you need references, you'll recall decreasing the scope of the Tennis Center renovation and the Rec Center bathroom remodel). So then why were rates increased at all the venues? Well, Schmitz, Dent, and Tulloch attribute this to the increase in inflation and the cost of providing services. While this is true, since the fund balance is so high, according to them, rate increases were not necessary. However, these 3 trustees fail to understand how the recreation fee and charges for services support all of recreation and community services as a whole. By viewing the rec fee and venue rates separately, like they did through the entire budget process, Schmitz, Dent, and Tulloch demonstrate they don't have a clue how IVGID operates nor what the community wants.

Aug 30 2023 Public Comment

Mick Homan – Incline Resident

I'm responding to recent comments by Trustees and others about the extent of accounting issues at IVGID.

To be clear, things aren't great. Fully half the accounting positions are vacant. We're losing staff at an alarming rate and can't fill open spots.

It's become critical in the last 6-12 months.

And we're in the midst of a complete systems conversion that's not going as planned, caused by systems, design, and staffing issues.

So it's a challenging time for IVGID staff. It's led to delays in monthly and year-end reporting and minor clerical errors in some board packages and budget forms.

But as of now, the narrative that we have material accounting issues is unfounded. Here's some perspective:

- One - In last week's Board meeting, staff and trustees both emphasized **there's been no evidence to date of any financial fraud or malfeasance.**
- Two - It's true internal control tasks like reconciliations aren't being completed. Some caused by lax compliance. More recently, caused by staffing shortages.

We just don't have enough qualified accounting staff to perform the tasks.

To be clear - this isn't acceptable. But I also want to be perfectly clear that failing to execute underlying internal controls doesn't mean the related accounting is wrong.

- Three - ledgers being out of balance by \$3-4 million. This may sound troubling, but we need context. This relates to the systems conversion. **It's completely normal to have issues in any systems conversion.**

Despite thorough planning, not all balances or transactions successfully migrate from the old system to the new.

That doesn't mean the accounting is wrong or funds are missing. It usually means we haven't yet reconciled glitches in the data transfer.

- Four - We have an outspoken community member writing dozens of memos to IVGID claiming millions of dollars of accounting errors. He does deserve credit for uncovering past issues with capital spending policies and procedures that resulted in write-offs of capital assets.

So when I joined the Audit Committee, I penetrated those issues. I talked to senior staff and reviewed remediation actions. Staff made significant progress. In fact, a special engagement to audit compliance with new capital accounting policies was recently completed. **It found NO issues.**

We also spent significant time researching and trying resolve the outstanding memos. We closed out 2/3 of memos.

No significant corrective actions were warranted for those memos.

The total amount still up for review is less than \$1 million.

- Five - **The District has annual financial statement audits. The fiscal 2022 audit received a clean opinion.**
- And 6 - The acting finance director provided an update last week. He mentioned that with the added contract staffing, they're making good progress in reconciling balances. **No significant issues were noted.**

So let's take a deep breath.

The Trustees and the Audit Committee Chair should retract comments suggesting we have significant errors or fraud in our accounting.

Such suggestions are unwarranted. They're also reckless and a breach of their fiduciary duty to IVGID.

of the Creating an unsubstantiated narrative that IVGID's financials can't be relied on could erode the public's and lender's confidence in the District, causing irreparable harm and leading to civil, financial and criminal exposure.

On May 26th, Invest in Incline Advocacy Network sent you all a letter suggesting democracy would be served by defining and enforcing a code of conduct for public comments. I'm pleased to see this topic on the agenda and I'd like to encourage you to follow this path. Here's why.

The tone and tenor of too many public comments is uncivil; some would say downright nasty. There are consequences to this type of behavior:

- It makes it extremely unpleasant to attend these meetings. Our democracy works because of public participation; uncivil behavior reduces participation.
- It makes the trustees jobs harder than they need to be; and I believe it encourages trustees to sometimes take on similar behavior.
- It sets a tone for our community, and I believe for IVGID employees, making it harder to find common ground and work out differences.

But you have a choice. You don't have to accept this kind of behavior. But some will say what about free speech? Free speech is part of our national DNA, but FREE SPEECH doesn't allow us to say anything at any time. Yelling FIRE in a crowded room is not allowed, along with a thousand other examples. Free speech has limits, the only question is where you draw the line.

Some will say "IVGID has been reprimanded by the Attorney General before for limiting speech." That's true, on at least 2 occasions. But when you read the Attorney General's reasoning, it's because the trustees made some mistakes in HOW they applied the limits, the Attorney General did NOT say you can't have limits.

Your lawyer has written an opinion that putting limits on public comment is RISKY, DIFFICULT, and NOT RECOMMENDED. Of course that's their opinion. Lawyers are paid to find and avoid all risk. But you were elected to do hard things. Legal opinions are just that, opinions. If all elected officials had to do was blindly follow legal advice, we wouldn't need elected officials, we'd just put a bunch of lawyers in charge of everything.

Each of you are in your position in part because you said you want to make our community better. Here's one more chance for you to live that out. I encourage you to do what's right; embrace a code of conduct. Our community will be better for it.

I have attached our original May 26th letter to these comments so anyone interested can read it as part of this meeting's official record. We've also got copies in the back of the room for anyone interested tonight.

Dear IVGID Trustees,

May 26, 2023

Democracy depends on the active participation of citizens. As elected representatives of our community, one of your goals should be to do whatever you can to encourage, nurture and promote public involvement in IVGID affairs. One of the most obvious opportunities for public involvement in IVGID governance is the public comments portion of regular Board of Trustee meetings.

We are sure you recognize that too many of the public comments are disrespectful or inappropriate. More often than not, this uncivil behavior comes from a relatively small number of our neighbors, and has occurred on a regular basis for many years. These personal attacks, slanders, and rude behavior have negative consequences, such as:

- Making it unbearably unpleasant for people to attend meetings, therefore discouraging participation.
- Undermining the morale of IVGID staff, resulting in more turnover, more challenging hiring, and defensive behavior.
- Setting a negative tone for these meetings, and failing to restrain this behavior makes it appear that the Trustees condone, and even endorse, these extreme departures from civil discourse.
- Actively discouraging people from running for IVGID Trustee.

Does this habitual misbehavior in public comments have to be tolerated? Is there ANYTHING you can do as elected officials to improve this situation?

Nevada State Open Meeting Law requires that citizens be able to make public comments. But just like the 1st Amendment of our Constitution, there are reasonable limits. According to the Open Meeting Law Manual, from the NV Attorney General's office, a public agency has the right to limit such comments:

(https://ag.nv.gov/uploadedFiles/agnvqgov/Content/About/Governmental_Affairs/OML_Portal/omlmannual.pdf),

"A public body's restrictions must be neutral as to the viewpoint expressed, but the public body may prohibit comment if the content of the comments is a topic that is not relevant to, or within the authority of, the public body, or if the content of the comments is willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational or amounting to personal attacks or interfering with the rights of other speakers."

We also recognize that in the past an IVGID Board and Chair were cautioned by the NV OAG for not allowing public comments from two residents who filed a complaint about being censored because the Chair felt that the comments were false. (see OAG File # AG File No. 11-024 referenced in the attached Addendum B)

The right to make such false comments is clearly something that some commenters at IVGID Board meetings feel quite comfortable taking advantage of; and we have NO interest in asking for this right to be infringed upon. But “false” is not the same as “uncivil.” There are a number of legal considerations and court opinions that address the ability of government officials to tackle the issues around public comments during public meetings, and we have referenced several of these in the attached Addendum B.

In the past, the Board has adopted guidelines for public comments (see agendas from Feb 2017). The NV Attorney General admonished the IVGID Board in an Oct 17, 2017 action, for incorrectly stating that the Board’s legal counsel can cut off public comments. However, it did reinforce the fact that a Public Body may appropriately limit public comments. “The interpretation and enforcement of rules during public meetings are highly discretionary functions. A Public Body may impose restrictions on public comments that are repetitious, irrelevant, or disruptive comments.”
https://ag.nv.gov/uploadedFiles/agnvqgov/Content/About/Governmental_Affairs/OML_AGO_13897-24_and_226.pdf

It would therefore be prudent and necessary for the Board to get an opinion from legal counsel regarding the ability of the Board to safely navigate these waters. Limiting comments would be challenging, and should be done with care. But you were elected to do hard things.

As an example of what might be possible, we’d suggest you create and approve an official “Code of Conduct” for public commenters. We’ve attached a sample of what might work below (Addendum A). Additionally, you may want to create a standard, repeatable process for determining when a commenter has violated the Code of Conduct, and the actions you will take when that happens. We’ve attached a sample process below. In correspondence with the NV Attorney General’s office, while their lawyers could not give an official opinion, it did appear that this is entirely possible.

Again, as elected officials, part of your job is to encourage, nurture and promote public participation in governance. The existing behavior of some at board meetings is a hindrance to that goal. You could choose to do something about that. We encourage you to be bold; take action; make your board meetings better.

With a sincere desire to help make our community better,

Dr. Myles Riner
Jim Croley

Addendum A Code of Conduct

Sample Code of Conduct for Public Comments at IVGID Board Meetings

1. Ensure your comments are an honest attempt to improve IVGID, whether it's positive or negative feedback.
2. Be civil by refraining from comments which are:
 - a. Personal attacks: an abusive remark on or relating to somebody's person or character instead of providing evidence when examining another person's claims, comments, or behavior
 - b. Inflammatory: arousing or intending to arouse anger or violent feelings
 - c. Slandering: making a false spoken statement damaging to a person's reputation
 - d. Offensive: causing someone to feel deeply hurt or abused.
3. Treat others with respect (due regard for the feelings, wishes, rights, or traditions of others).
4. You may not make comments on the competency of public employees.

Sample Meeting Process

Any Trustee, during an individual's comments, can:

1. Ask the commenter to stop.
2. Ask the meeting secretary to stop the clock.
3. Request the chair to check on adherence to the Code of Conduct.
4. The Chair either accepts or denies the request.
5. If the Chair denies, the clock and commenter resume at once.
6. If the Chair accepts the request:
 - a. The Chair asks the requesting Trustee to state their reasons for believing a breach of the Code of Conduct has occurred.
 - b. The Chair asks the other Trustees for their input.
 - c. When the Chair decides there has been enough discussion, the Chair asks the Trustees to vote for one of the following actions:
 - i. No action needed; the clock and commenter resume.
 - ii. Cancel the rest of the commenter's time; the commenter is told they cannot finish and must return to their seat.
 - iii. Warn the commenter that if there is a subsequent breach their comment period will be canceled; the clock and commenter resume.

You may need additional process steps if you discover that rules are broken in the last 15 seconds of a comment when it's too late to enforce the rules.

Addendum B Findings and Opinions Related to Restrictions on Public Comments

1. The OML Manual says that: “Moreover, government officials performing discretionary functions are entitled to qualified immunity where they reasonably believe their actions to be lawful. *Id.* (citing *Saucier v. Katz*, 533 U.S. 194, 202 (2001)). The interpretation and the enforcement of rules during public meetings are highly discretionary functions. *Id.* (citing *White v. City of Norwalk*, 900 F.2d 1421, 1426 (9th Cir.1990) (“[T]he point at which speech becomes unduly repetitious or largely irrelevant is not mathematically determinable. The role of a moderator involves a great deal of discretion.”)).

2. Additionally, the NV Attorney General’s office has ruled the following: 2001-22/AG File No. 00-047

https://ag.nv.gov/uploadedFiles/agnv.gov/Content/About/Governmental_Affairs/OML_Portal/Opinions/omlo2001.pdf

Finally, a public body may place limitations on caustic personal attacks made by members of the public during the public comment period. “When a person does initially engage in protected First Amendment speech on matters of a public concern, they may not use this protection, in the guise of public concern, to also level personal attacks.” *Smith v. Cleburne County Hospital*, 870 F.2d 1375, 1383 (8th Cir. 1988); see *Dunn v. Carroll*, 40 F.3d 287, 293 (8th Cir. 1994). A rule against personal and slanderous remarks, like other rules of decorum, serves the important governmental interest of preventing disruptions to its meetings. *Scroggins v. City of Topeka*, 2 F. Supp. 2d 1362, 1373 (D. Kan. 1998). “Emotionally charged personal attacks could antagonize and even incite others and . . . a rule restricting such attacks is both a rational and reasonable means” for achieving a public body’s orderly, efficient, effective, and dignified meetings. *Id.*; see also *Jones v. Heyman*, 888 F.2d 1328 (11th Cir. 1989).

Accordingly, a restriction placed by a public body in Nevada that limits public comment to a particular purpose, i.e. subjects within the public body’s scope of authority, should be considered a legitimate viewpoint neutral restriction. Such a restriction should be considered legitimate because it reasonably serves to “preserve the limits” of an open meeting. For the same reason, a restriction that requires public comments to refrain from making personal attacks should be considered constitutionally sound.

With respect to whether a public body can limit public comment if the comment is disruptive, the Open Meeting Law provides that a willfully disruptive person may be removed from an open meeting. NRS 241.030(3)(b). Accordingly, it would be reasonable for a public body to restrict a person's participation in a public comment period if that person's comments are offensive, potentially inflammatory, irrational, or otherwise disruptive to maintain order in a public meeting. See *Dunn v. Carroll*, 40 F.3d 287 (8th Cir. 1994); *Jones v. Heyman*, 888 F.2d 1328 (11th Cir. 1989); *Smith v. Cleburne County Hospital*, 870 F.2d 1375 (8th Cir. 1988); *Scroggins v. City of Topeka*, 2 F. Supp. 2d 1362 (D. Kan. 1998).

3. Also, the NV Attorney General has ruled the following with regard to limiting public comments on the competence of public employees: 2001-07/AG File No. 01-005 https://ag.nv.gov/uploadedFiles/agnv.gov/Content/About/Governmental_Affairs/OML_Portal/Opinions/omlo2001.pdf

A public body shall not hold a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of any person unless it has given written notice to that person of the time and place of the meeting. Except as otherwise provided in subsection 2, the written notice must be: (a) Delivered personally to that person at least 5 working days before the meeting; or (b) Sent by certified mail to the last known address of that person at least 21 working days before the meeting. A public body must receive proof of service of the notice required by this subsection before such a meeting may be held.

Thus, pursuant to NRS 241.033(1) you were correct in advising the Board of County Commissioners to terminate any discussion regarding the professional competence of a county employee. You represented that the requisite notice to the county employee had not been provided. Failure to provide the requisite notice (5 days via personal delivery or 21 working days via certified mail) precludes discussion on matters regarding the professional competence of an individual. To proceed with a discussion without proper notification would have resulted in a violation of the open meeting law. Moreover, there was no Agenda item description that delineated the professional competence of any county employee. Thus, in addition to the notice deficiencies listed above, the matter had not been agendaized and any discussion in that regard would be inappropriate.

FILED

2019 JUL 17 AM 8:36

1 Case No. IHS19-00006
2 Dept. No. 1

INCLINE VILLAGE
JUSTICE COURT
E. ALAH TIRAS. JUSTICE

3
4 **IN THE JUSTICE COURT OF INCLINE VILLAGE – CRYSTAL BAY TOWNSHIP**
5 **COUNTY OF WASHOE, STATE OF NEVADA**

6
7 **SUSAN A. HERRON,**
8 **Applicant,**

**EXTENDED ORDER FOR
PROTECTION AGAINST
STALKING, AGGRAVATED
STALKING, OR HARASSMENT
(NRS 200.591)**

9 **vs.**

10 **KEVIN JAMES LYONS,**
11 **Adverse Party.**

**Date Issued: 07-16-19
Expiration Date: 11-16-19**

12 **YOU, THE ADVERSE PARTY, ARE HEREBY NOTIFIED that ANY INTENTIONAL**
13 **VIOLATION OF THIS ORDER IS A CRIMINAL VIOLATION** and can result in your immediate
14 **arrest or issuance of an arrest warrant. Unless a more severe penalty is prescribed by law for the act that**
15 **constitutes the violation of the order, a violation of an Extended Order for Protection Against Stalking,**
16 **Aggravated Stalking or Harassment is a category C felony which is punishable by imprisonment in the**
17 **state prison for not more than five (5) years, and a fine of not more than \$10,000.00.**

18 **PURSUANT TO NRS 193.166, a person who commits a felony in violation of an Order for Protection**
19 **Against Stalking, Aggravated Stalking or Harassment shall be punished by imprisonment in the state**
20 **prison for a term equal to and in addition to the term of imprisonment prescribed by statute for that felony.**

21 **YOU ARE FURTHER NOTIFIED that you CAN BE ARRESTED even if the person who obtained**
22 **the order invites or allows you to contact them. You have the sole responsibility to avoid or refrain from**
23 **violating the terms of this order. Only the Court can change the order upon written application.**

24 **WARNING: Possession of a firearm or ammunition while this order is in effect may constitute a**
25 **felony under federal law punishable by a fine of up to \$250,000 and/or a prison sentence of up to ten**
(10) years.

This order meets the Full Faith and Credit provisions of the Violence Against Women Act and is
enforceable in all 50 states, the District of Columbia, U.S. Territories and Indian Nations. All other
Courts and law enforcement with jurisdiction within the United States and all Indian Nations shall
give full faith and credit to this order pursuant to 18 U.S.C. Sec. 2265.

Violation of the order may subject you to federal charges and punishment pursuant to 18 U.S.C.
Sec. 2261(a)(1) and (2) and 2262(a)(1) and (2).

1
2 The Court having considered the filings, testimony (if applicable) and evidence
3 presented at hearing, and the Court having found that the Adverse Party(s) received notice of
4 hearing at which such person(s) had an opportunity to participate and was present, and the
5 above-named Applicant(s) was present, and the Court having proper jurisdiction over the
6 parties and this subject matter, and it appearing to the satisfaction of the Court that the
7 Adverse Party (s) has committed and/or is committing or remains a threat to commit stalking,
8 aggravated stalking, or harassment, and an Extended Order is warranted.

9 The Court enters an Extended Order, and as a result:

10 YOU ARE PROHIBITED, either directly or through an agent, from contacting,
11 intimidating, using, attempting to use, or threatening the use of physical force, or otherwise
12 interfering in any way with the Applicant(s) and/or the following persons:

13 SUSAN A. HERRON, including, but not limited to, in person, by telephone, through the
14 mail, through electronic mail (e-mail), facsimile (fax), or through another person;

15 1. YOU ARE ORDERED to stay away from the following places:

- 16 Residence(s): 573 CHICO COURT, INCLINE VILLAGE, NV 89451
17 Place(s) of Employment (Name & Address): INCLINE VILLAGE
18 GENERAL IMPROVEMENT DISTRICT, 893 SOUTHWOOD BLVD.,
19 INCLINE VILLAGE, NV 89451; AND THE CHATEAU, 955
20 FAIRVIEW BLVD., INCLINE VILLAGE, NV 89451.

21 School(s):

22 Other:

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2. YOU ARE FURTHER ORDERED:

- a. Nothing herein shall be deemed to prevent Adverse Party from conducting business with the Incline Village General Improvements District, including Applicants' office, through an attorney at law retained by Adverse Party and licensed in the State of Nevada, rather than in person, during the pendency of this Order.**
- b. Any requests for IVGID records by Adverse Party during the pendency of this Order must be made via email to Incline Village General Improvement District Counsel Jason Guinasso, Esq. rather than to Applicant.**
- c. Nothing herein shall be deemed to prevent Adverse Party from attending any regularly-scheduled meeting of the Incline Village/Crystal Bay Citizen Advisory Board at 893 Southwood Boulevard, Incline Village NV during the pendency of this Order, as Applicant will make arrangements to be away from that location during those times.**
- d. Nothing herein shall be deemed to prevent Adverse Party from being at The Chateau, 955 Fairview Blvd., Incline Village NV during the pendency of this Order solely for the purposes of golfing or attending social functions. This exception does not permit Adverse Party to attend IVGID meetings held at The Chateau during the pendency of this Order. If Adverse Party desires to provide input at any IVGID meeting during the pendency of this Order, Adverse Party may do so only by submitting written comments to via email to Incline Village**

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General Improvement District Counsel Jason Guinasso, Esq. rather than by appearing in person.

- e. Not to contact, intimidate, threaten, interfere, or harass in any way each other, directly or indirectly, in person, through an agent, or by telephone, texting, email, internet or other communications device or method.
- f. In addition to the foregoing, Adverse Party is expressly prohibited from knowingly being within 50 feet of the protected persons and places at all times during the pendency of this Order.

THIS ORDER WILL REMAIN IN EFFECT UNTIL 11:59 P.M. ON THE DATE SET FORTH ON PAGE 1 UNLESS THE COURT ORDERS OTHERWISE.

IT IS FURTHER ORDERED that the Clerk of the Court shall transmit a copy of this Order together with the application, to the Washoe County Sheriff's Office and/or the Incline Constable and/or any other appropriate law enforcement agency.

IT IS FURTHER ORDERED that said law enforcement agency will promptly attempt to serve this Order upon the Adverse Party, without charge to the Applicant, and upon service file a return of service with the Court by the end of the next business day after service is made.

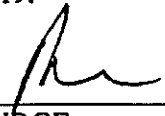
NOTICE TO LAW ENFORCEMENT

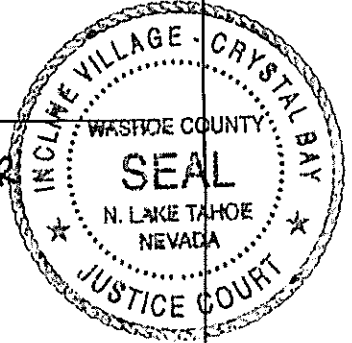
Any law enforcement officer, with or without a warrant, may arrest and take into custody the Adverse Party, when the law enforcement officer has probable cause to believe that (a) an Order has been issued pursuant to NRS 200.591 against the Adverse Party; (b) the Adverse Party has been served with a copy of the Order; and (c) the Adverse Party is acting or has acted in violation of the Order. This arrest may occur regardless of whether the violation occurred in the officer's presence.

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Any law enforcement agency in this state may enforce a Court Order issued pursuant to NRS 200.591, without regard to the county in which the Order is issued.

IT IS SO ORDERED this 16th day of July 2019.


JUDGE
ROBERT E. VINSON, JR.
PRO TEM



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PROOF OF SERVICE UPON ADVERSE PARTY

I, the undersigned, personally served the Adverse Party above named with a copy of this Extended Order for Protection Against Stalking, Aggravated Stalking or Harassment on the date set forth below.

Signature

Print Name

Date of Service

1 Case No. IHS _____ - _____
2 Dept. No. 1

3 **IN THE JUSTICE COURT OF INCLINE TOWNSHIP**
4 **COUNTY OF WASHOE, STATE OF NEVADA**

7 **Susan A. Herron**

8 **Applicant(s),**

9 **vs.**

10 **Kevin J. Lyons**

11 **Adverse Party(s),**

**APPLICATION FOR ORDER FOR
PROTECTION AGAINST STALKING,
AGGRAVATED STALKING,
OR HARASSMENT (NRS 200.591)**

12
13 **STALKING** - A person commits the crime of stalking when, without lawful authority, that person willfully or maliciously engages in a course of conduct that would cause a reasonable person to feel terrorized, frightened, intimidated or harassed, and that actually causes the victim to feel terrorized, frightened, intimidated or harassed. (NRS 200.575 (1))

14 **AGGRAVATED STALKING** - A person commits the crime of aggravated stalking when that person commits the crime of stalking and, in conjunction therewith, threatens the person with the intent to cause him to be placed in reasonable fear of death or substantial bodily harm. (NRS 200.575 (2))

15 **HARASSMENT** - A person commits the crime of harassment when (a) that person, without lawful authority, knowingly threatens: (1) to cause bodily injury in the future to the person threatened or to any other person; (2) to cause physical damage to the property of another person; (3) to subject the person threatened or any other person to physical confinement or restraint; or (4) to do any act which is intended to substantially harm the person threatened or any other person with respect to his physical or mental health or safety; and (b) the person by words or conduct places the person receiving the threat in reasonable fear that the threat will be carried out. (NRS 200.571)

18
19 **PLEASE TYPE OR PRINT CLEARLY.**

20 **COMPLETE THE APPLICATION TO THE BEST OF YOUR KNOWLEDGE.**

21 I am applying for protection (check all that apply):

22 For Myself

23 On behalf of another person(s)

1 Applicant states the following facts under penalty of perjury:

2 I reasonably believe that the Adverse Party has committed and/or is committing the
3 crime of stalking, aggravated stalking or harassment as defined above. The acts occurred as
4 follows:

5 ***(NOTE: BE SPECIFIC AS TO WHO COMMITTED WHAT ACT OR ACTS, AGAINST
6 WHOM, WHEN, WHERE, WHETHER COMMITTED OR THREATENED; INDICATE
7 APPROXIMATE DATE(S) AND LOCATION(S).)***

8 **THIS FORM IS A PUBLIC RECORD**

9 **5.20.2019: I went to the Community 1st Meeting, as I have done in the past, as a resident of IV. I intro-**
10 **duced myself as a resident. Shortly after introductions, Mr. Lyons and his wife arrived at the meeting. He**
11 **missed introductions. He started his harassment with statements such as "Susan is here, let's get her**
12 **answer" which I repeated tried to ignore. As the meeting was breaking up, Mr. Lyons told me to prepare**
13 **myself as he was going to refresh his public records request tomorrow. I told him he was rude and he**
14 **said I was a felon (in front of about 15 people) and I said I was tired of him making false accusations and**
15 **that I was going to the Sheriff's and getting a TRO. Mr. Lyons said great because he was going to have me**
16 **arrested for being a felon. Let's go he said and lead the way out of the library. I walked straight to my car**
17 **and he stopped and said "come on everyone, let's go". Linda Newman stopped him and I went to the**
18 **Sheriff's station, called dispatch and told them I was at the Incline substation and that I needed to speak**
19 **to a Sheriff as someone was threatening me. Dispatch took my name and phone number and said some-**
20 **one would be out to speak with me. Misty Moga and Peter Morris arrived and then two Sheriff's came**

21 ***NOTE: PLEASE DO NOT WRITE ON THE BACKS OF ANY PAGES;
22 CHECK BOX IF YOU ARE USING ADDITIONAL PAGES.***

23 ***Check if you use a continuation page (to be incorporated by reference)***

24 This matter does not have to be reported to law enforcement; however, has a report ever been
25 filed? Yes No

1 If yes, approximate date(s):

2 10-31-2018 (see attached recap)

3 Name of law enforcement agency:

4 Washoe County Sheriff - Incline Substation

5 Case/Event number if known:

6 (NOTE: IT IS NOT NECESSARY TO FILE A LAW ENFORCEMENT REPORT,
7 BUT IF YOU HAVE ONE AVAILABLE, PLEASE ATTACH A COPY OR BRING IT
8 TO THE COURT HEARING.)

9 For purposes of this form, a "TPO Action" is defined to include the following **Justice Court**
10 actions:

- 11 (1) An Order for Protection Against Stalking and Harassment (NRS 200.591);
- 12 (2) An Order for Protection of Children (NRS 33.400);
- 13 (3) An Order for Protection Against Harassment in the Workplace (NRS 33.270). A

14 "TPO Action" is also defined to include the following **Justice/Family/District Court** action:

- 15 (a) An Order for Protection Against Domestic Violence (NRS 33.020)

16 **Please Check the Appropriate Box Below:**

17

18 In the last 2 years, Applicant or any party seeking protection has not filed a TPO
19 action against the Adverse Party anywhere in the State of Nevada, and the Adverse
20 Party has not filed a TPO action against Applicant or any party seeking protection
21 anywhere in the State of Nevada.

22

23 In the last 2 years, the following TPO action(s) in the State of Nevada have been filed
24 involving Applicant and the Adverse Party:

25 Case # (if known)	Court (Justice/Family)	Place of Filing	Approx. Date Filed	Outcome (TPO granted, denied, rescinded, etc.)

26 *Applicant must be at least 18 years of age. If not 18 years of age, consult with the Clerk.*

27 1. a) Applicant's Name Age

28 Herron Susan Ann 61

29 (Last) (First) (Middle)

out and I shared my story with them and they told me to go to the Incline Village courthouse tomorrow and doing so early to fill out the paperwork. They said to call if I have any problem tonight. Misty, Peter and I walked away, to our cars, and Misty sent to me an audio recording that she had made. I then drove home and arrived at about 8:30 p.m.

This is not the first incident with Mr. Lyons as he has gone to the Sheriff's station and asked them to arrest me for not producing public records. Mr. Lyons has a concealed weapon permit, which I respect as his constitutional right, however when Mr. Lyons was a participant in an incident at my workplace, Incline Village General Improvement District, and the Sheriff was called so we could file a report, the Sheriff advised us/me of this fact. Because Mr. Lyons becomes easily aggravated, I do fear for my life knowing the fact that he carries a concealed weapon.

1 b) Applicant's relationship to Adverse Party: Acquaintance

2 c) Provide names below of those for whom you are seeking protection, including
3 yourself, minors or household members that need this protection. Indicate the relationships of
4 all persons listed to yourself and to the Adverse Party (e.g., spouse, intimate partner, friend,
5 roommate, neighbor, relative, acquaintance, co-worker, stranger):
6

7 NAME	8 AGE	9 RELATIONSHIP TO APPLICANT	10 RELATIONSHIP TO ADVERSE PARTY
11 Susan A. Herron	12 61	13 Self (if applicable)	14 Acquaintance
15	16	17	18
19	20	21	22
23	24	25	26
27	28	29	30

31 Explain why protection is needed for the individuals listed above:

32 _____
33 _____
34 _____

35 **(NOTE: YOUR APPLICATION WILL NOT BE DENIED BASED UPON A PARTICULAR RELATIONSHIP. HOWEVER, DEPENDING UPON YOUR RELATIONSHIP, YOU MAY ALSO BE ELIGIBLE TO APPLY FOR AN ORDER OF PROTECTION AGAINST DOMESTIC VIOLENCE PURSUANT TO NRS CHAPTER 33.)**

36 2. Has the Adverse Party ever lived with any Party listed above? Yes No

37 If so, for how long? _____

38 3. Is anyone listed above living with the Adverse Party now? Yes No

39 If so, who? _____

1 4. Date of separation (if applicable): _____

2 5. Are there children involved? Yes No If so, how are they involved?

3 _____
4 _____

5 6. Has the Adverse Party ever been involved in any other relevant Court actions (e.g.,
6 eviction, divorce, custody, criminal, etc.)?

7 Yes No If yes, please explain: Mr. Lyons firm, GSGL, and IVGID were parties to
8 a lawsuit in which there was a no disparaging remarks clause about each other or their firms
9 which concluded in April 2019.
10 _____

11 7. Residence(s) where protection is needed:

12 CONFIDENTIAL (*If confidential, check and move to the next question*) or,

13 If not confidential, list address, city, state and zip code:
14 573 Chico Court, Incline Village NV 89451
15 _____

16 8. Place(s) of employment where protection is needed:

17 CONFIDENTIAL (*If confidential, check and move to the next question*) or,

18 If not confidential, list name, address, city, state and zip code:
19 Incline Village General Improvement District, 893 Southwood Boulevard, Incline Village NV 89451
20 _____

20 The Chateau, 955 Fairway Boulevard, Incline Village NV 89451
21 _____

21 9. Location of school(s) where protection is needed:

22 CONFIDENTIAL (*If confidential, check and move to the next question*) or,

23 If not confidential, list name, address, city, state and zip code:
24 Not applicable
25 _____

1 10. Other specific locations frequented where protection is needed (i.e., sports, extra-
2 curricular activities, church, employment, after-school activities, etc.):

3 CONFIDENTIAL (*If confidential, check and move to the next question*) or,

4 If not confidential, list name, address, city, state and zip code:
5 _____
6 _____

7 11. If there are persons other than those listed on page 4 that the Adverse Party should be
8 directed not to contact, please name the individuals and explain why these precautions
9 are needed: _____
10 _____

11 12. If there are any other safety concerns that the Court should know (e.g., firearms, etc.),
12 please briefly explain:

13 **Mr. Lyons has a concealed carry weapon permit**
14 _____
15 _____

16 **RELIEF REQUESTED**

17 **THEREFORE, I REQUEST** that a Temporary Order be issued against the Adverse
18 Party requiring the Adverse Party to refrain from contacting, intimidating, threatening or
19 otherwise interfering with me and/or other persons identified in this application, either
20 directly or through an agent.

21 **I FURTHER REQUEST** that the Court require the Adverse Party to stay away from
22 the places listed above.
23
24
25

1 I FURTHER REQUEST the following other conditions:

2 _____
3 _____
4 _____

5 I FURTHER REQUEST that this Court set a hearing date for an Extended Order as
6 soon as possible.

7 Yes No


8 (NOTE: IF GRANTED AND SERVED, A TEMPORARY ORDER MAY BE ENFORCED
9 FOR UP TO 30 DAYS, EXCEPT THAT IF AN EXTENDED ORDER IS REQUESTED, THE
10 TEMPORARY ORDER REMAINS IN EFFECT UNTIL THE HEARING ON THE
11 EXTENDED ORDER IS HELD BY THE COURT. IF GRANTED AND SERVED, AN
12 EXTENDED ORDER MAY BE ENFORCED FOR UP TO ONE YEAR.)

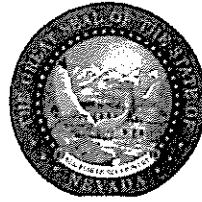
13 I ACKNOWLEDGE that an Extended Order may only be granted after notice of the petition for the
14 Order and of the Hearing thereon is served upon the Adverse Party pursuant to the Rules of Civil
15 Procedure, and a hearing is held on the petition.

16 **DECLARATION**
17 **(NRS 53.045)**

18 I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAW OF THE STATE OF
19 NEVADA THAT: (1) I AM THE APPLICANT HEREIN, (2) I HAVE READ THE STATEMENTS
20 CONTAINED HEREIN OR HAVE HAD THEM READ TO ME, (3) I BELIEVE THESE
21 STATEMENTS TO BE TRUE, AND (4) THE REQUESTED ORDER IS NEEDED.

22 Dated: May 21, 2019

23 
24 APPLICANT'S SIGNATURE
25 Susan A. Herron
PRINT NAME



CONFIDENTIAL Instructions for serving legal papers.
Type or Print clearly and fill out all applicable information

Person filling out these instructions: Susan A Herron Phone: 775-846-6158

Plaintiff (applicant): Susan A Herron

Mailing Address: P.O. Box 3490

Physical Address: 573 Chico Ct. IV

Phone Number(s): 775-846-6158

Person(s) to be Served: Kevin J. Lyons

Mailing Address: PO Box 5417

Physical Address: 703 Tignor Ave. IV NV

Phone Number(s): _____

Physical Description: Male/Fem. M Ethnic White Hgt 5'10 Wgt 175 Hair Black Age 50ish

Other Identifying Notes: _____

Employer: Self-Employed Address: _____

Work hrs: _____ Days Off: _____

Vehicle Description: Toyota 4Runner

Additional Information or Comments to Assist Enforcement Agency (Places Frequented, Outstanding Warrants, Criminal Record, Attitude toward Law Enforcement, Mental State, Drug or Alcohol Problems, Weapons and Locations, Violent Temper):

Herron, Susan

Subject: Appt with Mr. Lyons
Start: Wed 10/31/2018 3:00 PM
End: Wed 10/31/2018 4:00 PM
Recurrence: (none)
Organizer: Herron, Susan

At 3:10 p.m. Kevin Lyons came to Admin for our appt. We greeted each other cordially and shook hands. I then showed him to the Boardroom where we set down and Mr. Lyons acknowledged receipt of his flash drive (Clark e-mails). He then said that he was here to inspect the 150 e-mails. I repeated to him that his public record request was for 150 e-mails. He said that this was the same as his October 10, 2018 request. I told him that I had responded to that request. He countered that I hadn't. We discussed it further with Mr. Lyons repeatedly cutting me off from finishing whatever I was saying. I told Mr. Lyons that as someone who had worked with IVGID before that he had our e-mail addresses as he knew our naming convention of using our first name, underscore, last name. Mr. Lyons then said he wanted 150 records and I asked him if he was looking for 150 pieces of paper with each e-mail address written upon it. Mr. Lyons said that I had this listing in my computer and that he wanted to inspect my computer. I declined his request. Mr. Lyons asked me if I was denying his request, I said I was denying his request to inspect my computer. Mr. Lyons said he would show me where the list was. I again declined his request. Mr. Lyons said that I no right to decline his request. I again repeated that I had responded to his record request already and Mr. Lyons said I hadn't and called me a liar. I then told him that the conversation was over, that he was being a bully and disrespectful. Mr. Lyons raised his voice and I again said the conversation was over. I got up and walked out to our lobby and asked Mary McCormick to please call the Sheriff. Ms. McCormick was already on the phone with the Sheriff as she was listening to our conversation and the escalation prompted her to call the Sheriff of her own accord. Mr. Lyons followed me out of the Boardroom and said "Good, call the Sheriff because there is going to be an arrest for concealment of records". Lisa Hoopes got between myself and Mr. Lyons and said that was enough and asked that I go through the employee door which I did. Mr. Lyons departed the building thereafter. Ms. McCormick was still on the phone with the Sheriff and hung up shortly and said that the Sheriff was on the way over. Mr. Lyons went to the Sheriff's office and had a conversation with them. The Sheriff called me (I don't recall the caller's name) and stated that Mr. Lyons was there and wanted my side of the story. I gave him a brief rundown concluding with that Mr. Lyons knew his remedy was through the legal system. The Sheriff told me that this was above his pay grade and that was the end of the conversation. Lori Parsons and Erin Feore, both IVGID employees, were listening to our whole conversation. Afterwards, Ms. Parsons came to my office and apologized for my having to go through that experience. Ms. Feore said that she found the experience unbelievable and apologized for my having to go through it. I asked all four HR employees if there was anything I should have done differently, they all said no and that I handled it professionally.

Mick Homan
Incline Resident

Here's my letter of resignation from the IVGID Audit Committee. I want it attached to the minutes.

I've come to the conclusion I can no longer serve this Board when its present leadership demonstrates a complete disregard for ethical behavior.

The letter lays out some of the ethical issues I've seen and tried to correct.

On multiple occasions, Trustee Schmitz responded to this work by twisting my words, attempting to call into question my knowledge and integrity.

She also tried to limit my ability to hold trustees accountable - by telling staff they shouldn't provide me with information unless I file public records requests.

As an Audit Committee member, this is offensive.

But my breaking point was appointing Cliff Dobler to the Capital Investment committee on August 9.

We witnessed a blatant conflict of interest and influence peddling.

My background made me an expert on ethics and compliance.

Despite what Chair Dent said he discussed with a state bureaucrat, his material loan from Dobler is, in fact, a material conflict of interest.

He should have abstained from voting.

He and Trustees Schmitz and Tulloch doubled down on that ethics violation by actively protecting Mr. Dobler

They protested and shut down relevant questions from Trustee Noble – despite advice from legal counsel that the questions were acceptable.

These trustees shattered the mere appearance of a conflict of interest.

Their actions protected their financial benefactor.

They also ignored Dobler's lie - on the public record - that his recreation privileges weren't suspended.

I've seen the registered letters to him laying out the suspension.

And they showed complete disrespect for IVGID staff and residents by appointing Dobler despite his serial, abusive, demeaning, and misogynistic behavior.

I also can't abide by Audit Committee Chair Nolet's recent public comments and editorial.

The Audit Committee's role is to help the Board oversee the integrity of financial reporting, underlying controls and ethics

It must be neutral, unbiased and fact driven.

It facilitates corrective action to issues identified.

Above all, it acts as a fiduciary.

His comments contained speculation AND inuendo that were inflammatory, defamatory, and potentially libelous.

He politicized the committee by inflaming a narrative.

To me, this violates his fiduciary responsibility to IVGID.

And now we have today's special agenda, in large part due to a staffing crisis caused by individual Trustees.

The only item that should be acted on is approving funds to hire staffing.

That's the critical need – you were derelict in not approving it at the last meeting.

Nothing can be done about the other items without staffing to do the work.

Unfortunately, we'll need contractors since nobody wants to work for this board.

There was no Audit Committee input, but it does appear to have Dobler's fingerprints all over it, in particular the forensic audit suggestion.

Despite the bluster, we've seen no evidence of any malfeasance justifying such action.

In summary - I'm not able to provide audit committee oversight when individual Board members won't live by basic ethical standards and openly violate fiduciary responsibilities.

Nor will I allow my professional reputation, built over four decades in public accounting and the controllership profession, to be tarnished by actions of, or association with those Board members.

I'd be happy to serve in the future if the Board evolves to one that's more consistent with my moral and ethical compass.

Board of Trustees
 Incline Village General Improvement District
 893 Southwood Boulevard
 Incline Village, NV 89451

Re: Letter of Resignation – Mick Homan
 Audit Committee

This letter serves as my notice of resignation from the Audit Committee of the Incline Village General Improvement District (“IVGID” or “District”). It is regrettable that I have been forced to make this decision. I joined the Audit Committee out of a deep desire to help IVGID and the Board of Trustees (“Board”) move forward with key priorities, to improve its overall accounting and finance capabilities and its compliance/ethical culture. However, I have come to the unfortunate conclusion that I cannot serve this Board when the present Board leadership demonstrates what I consider to be a complete disregard for ethical behavior. I simply cannot allow my professional reputation, which was built over the past four (4) decades in the public accounting and controllership profession, to be sullied by the actions of members of the Board.

During my tenure on the Audit Committee, there have been several ethical issues with Trustees I have spoken up about. While individually, those past issues have been troubling, they have not risen to a critical level to warrant severing my ties with the Board. Some of those issues were as follows:

- I have been vocal with members of the Board (Trustees Schmitz and Tulloch) and corrected the public record after they created and pushed false and misleading numbers this past year during the Board’s discussion on golf operations and rate setting. Despite being presented with the facts, neither of these Trustees has recanted their narrative in public. In my world, that is every bit as egregious as intentionally manipulating the underlying financial reporting of the District.
- I have pressed the Board more recently on the questionable ethics around the development of the “Frequently Asked Questions”, which I believe to be very politically motivated and devoid of hard facts. I feel very strongly that utilizing District resources and communication tools to defend the actions of individual Board members who are subject to a recall petition and potential recall election is a direct violation of Nevada’s ethics statutes.
- On two (2) separate occasions, I have had one Board member (Trustee Schmitz) twist my words in an attempt to call into question my knowledge, ethics, and integrity.
- Trustee Schmitz has also attempted to limit my ability to hold staff and trustees accountable for the dissemination of accurate information by making it more difficult for me to access underlying data. Trustee Schmitz told staff that they should not provide me with any information unless I file a public records request. This was in response to the data I compiled to correct the false golf financial narrative. It is completely unacceptable for any organization to limit information to its Audit Committee members, who are, after all, charged with helping to insure financial oversight.

While each of the above issues has been troubling, they pale in comparison to what played out during the Board meeting on August 9, 2023—more specifically, the process and ultimate Board decision to appoint Cliff Dobler to the Committee on Capital Investment. This item has two (2) underlying issues that I simply cannot abide by or be associated with. First is the blatant conflict of interest and influence peddling that played out. There is simply no accepted business or other organizational circumstances under which Chairman Dent should not have abstained from the vote to appoint Mr. Dobler. Despite what a state bureaucrat may or may not have told Chair Dent, the existence of a material personal loan from Mr. Dobler is, in fact, a material conflict of interest. Mr. Dent himself recently committed to Incline Village / Crystal Bay residents that he would abstain from any Board votes having to do with Mr. Dobler because of the existence of that loan (See Topic G.2. of the July 12, 2023, Board package). Second, Chair Dent, along with Trustees Schmitz and Tulloch, exacerbated this ethical violation by actively protecting Mr. Dobler, by

protesting and ultimately shutting down a completely valid and very relevant line of questions posed to Mr. Dobler by Trustee Noble. To make matters worse, those trustees seemed to completely ignore the lie told by Mr. Dobler on the public record during his interview that he never had his recreational privileges suspended, but that he “merely decided not to access them for 3 months.” I have seen three (3) separate letters to Mr. Dobler proving that he was in fact suspended. The only viable conclusion I can draw from these actions is that those three trustees (Dent, Schmitz, and Tulloch) shattered the mere appearance of a conflict of interest. They actively engaged in actions to protect a financial benefactor, demonstrating that the conflict of interest has played out in favorable treatment for Mr. Dobler. Further, in my opinion they have shown complete disrespect for the IVGID staff and residents of Incline Village / Crystal Bay by appointing Mr. Dobler to the Capital Investment Committee, despite Mr. Dobler’s repetitive, abusive, demeaning, and misogynistic behavior towards IVGID staff. I simply cannot, in good conscience, serve a Board that so openly violated ethical standards in appointing Mr. Dobler or that turned its back and figuratively raised a middle finger to its employees, who should be viewed as IVGID’s most important assets.

Also factoring into my decision to resign, though admittedly to a lesser extent, are recent public comments by IVGID’s Audit Committee Chair and a related social media post broadcasting those same comments. To first provide context, the role of the Audit Committee is to help the Board oversee the integrity of the financial reporting, along with the underlying controls and the broader ethical and compliance framework for the entity it serves. In doing so, the Audit Committee must remain neutral and unbiased. When potential issues are identified, the Audit Committee’s primary responsibility is to understand the issues and work with the Board to ensure corrective action is taken. Its actions must be fact driven. Above all, the Audit Committee acts as a fiduciary. Comments made by the Audit Committee’s Chair, Chris Nolet during the Board’s August 9, 2023, meeting and subsequently published in a local social media outlet, contained speculation and inuendo that were inflammatory, defamatory, and potentially libelous. Mr. Nolet’s comments inflamed a narrative pushed by members of the community, while doing nothing to fully understand and correct the underlying issues. Mr. Nolet has every right to give his opinions in public comments like any other resident of Incline Village / Crystal Bay. However, doing so under the banner of the Audit Committee Chair is unacceptable. Such comments by Mr. Nolet have the effect of politicizing the Audit Committee and violating his fiduciary responsibility to the District.

In summary, I view the role of the Audit Committee and my role as a member of that Committee to uphold not only the accuracy and integrity of the financial reporting of the District, but also to oversee the broader governance and compliance/ethics framework and the District’s adherence to that framework. I am simply not able to provide that oversight when multiple members of the Board are unwilling to live by those standards and so openly violate them. Further, I am not willing to let my professional reputation be damaged by continuing to serve a Board that, in my opinion, is not carrying out its basic fiduciary responsibilities in an ethical manner for the residents of Incline Village / Crystal Bay. Thus, I am regrettably forced to resign from the Audit Committee. At the same time, I would like to thank IVGID staff, both current and former, for all the work and time they invested in preparing me to take on the role and the assistance they provided me with during my tenure. Should the Board evolve in the future to one that operates in a manner consistent with my moral and ethical compass, I would be happy to serve again.

Regards,



Michael (Mick) Homan
Incline Village

Distribution

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Trustee Dave Noble
Trustee Sara Schmitz

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General Counsel Joshua Nelson
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