

**In the Matter Of:**

Incline Village General Improvement District Board of Trustees Meeting

**HEARING (PUBLIC MEETING)**

*May 25, 2023*

*Job Number: 989394*

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INCLINE VILLAGE  
GENERAL IMPROVEMENT DISTRICT  
BOARD OF TRUSTEES

TRANSCRIPT OF HEARING  
PUBLIC MEETING  
Live and Via Zoom

Held at 893 Southwood Boulevard  
Incline Village, Nevada  
Thursday, May 25, 2023

24 Reported by: Brandi Ann Vianney Smith  
25 Job Number: 989394

1 A P P E A R A N C E S

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, TRUSTEE

9

10 ALSO PRESENT

11 JOSH NELSON, LEGAL COUNSEL

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1 INCLINE VILLAGE, NEVADA -- MAY 25, 2023 -- 6:00 P.M.

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5 CHAIR DENT: All right. I'd like to call  
6 the regular meeting of the Incline Village General  
7 Improvement District to order. It's being held at  
8 6:00 P.M., May 25th, 2023, in the board room at 893  
9 Southwood, Incline Village, Nevada.

10 Item A is the Pledge of Allegiance.

11 A. PLEDGE OF ALLEGIANCE

12 (Pledge of Allegiance.)

13 CHAIR DENT: Item B, roll call of  
14 trustees.

15 B. ROLL CALL OF TRUSTEES

16 CHAIR DENT: Trustee Schmitz?

17 TRUSTEE SCHMITZ: Here.

18 CHAIR DENT: Trustee Tonking?

19 TRUSTEE TONKING: Here.

20 CHAIR DENT: Trustee Tulloch?

21 TRUSTEE TULLOCH: Present.

22 CHAIR DENT: And Trustee Noble?

23 TRUSTEE NOBLE: Here.

24 CHAIR DENT: I'm Trustee Dent. We do have  
25 a quorum, all five trustees are present.

1 Moving on to Item C, initial public  
2 comment.

3 C. INITIAL PUBLIC COMMENT

4 CHAIR DENT: I will remind everyone, we  
5 have four public comments tonight. This is our  
6 initial public comment. You do have three minutes  
7 for it. Our clock is broken, so Trustee Noble has  
8 volunteered to operate the clock.

9 MR. NOLETT: Thank you. I'll be  
10 remarkably brief for a change. Chris Nolett  
11 (phonetic), 765 Lakeshore, and I'm also the chair of  
12 the audit committee here at IVGID.

13 First, I want to report to the board the  
14 audit committee has just received a number of  
15 whistleblower complaints pursuant to our, reasonably  
16 new, whistleblower policy implemented January 23.

17 Some of these matters have also been  
18 mentioned in various public comments during board  
19 meetings early this calendar year.

20 The audit committee as already began to  
21 work on the most prominent of these issues, where  
22 plans are being developed and topics have been  
23 assigned for review to various audit committee  
24 members.

25 Lastly, I want to note that there is a new

1 whistleblower page on the IVGID website, and it's  
2 really quite robust. If you type in whistleblower  
3 in the search bar, it will take you to an entire  
4 page that describes the policy, how it works, how  
5 you should use it, how employees and members of  
6 community should use it.

7 I would just encourage you, however, if  
8 you think you've got a concern or issue, reach out  
9 to staff, I know they're a little thin right now,  
10 but they'll -- I think they'll meet with you,  
11 they'll explain why they did what they did, and if  
12 you still have a concern, by all means, submit a  
13 written complaint.

14 But, ideally, I think a little more  
15 dialogue, based upon my experience, would limit the  
16 number of things that make it into the whistleblower  
17 mailbox.

18 My second point is for those of you who  
19 live streamed the first audit committee meeting from  
20 March 30th, we discussed our approach to a very  
21 large undertaking, specifically being a review and  
22 impact assessment of close to 30 accounting or  
23 (inaudible) for reporting matters that some  
24 considered to be open from prior years' audits,  
25 plural.

1 As described in our March 30th meeting, we  
2 have accumulated inventory of every such matter  
3 known to us. And that's the collective, royal us,  
4 including staff.

5 That inventory's been validated by the  
6 owners of each matter authored.

7 We've had to put that project on hold for  
8 a while. We got a great start, but then we put it  
9 on hold, frankly, in recognition of the workload on  
10 staff with respect to the extended budget and golf  
11 discussions.

12 Now that those are about to conclude  
13 tonight, we'll be able to put that project back in  
14 motion pretty quick.

15 And then at a later date, of course, we'll  
16 update the board and the community as to our  
17 findings.

18 Thank you.

19 CHAIR DENT: Thank you. Next up, Linda  
20 Cars (phonetic).

21 MS. CARS: We have one hundred percent  
22 satisfaction with the IVGID operations, the Rec  
23 Center, Diamond Peak, the Chateau, the beaches.  
24 We've just been really happy people here since we  
25 moved.



1 We the love the community as it is. And,  
2 naturally, as in any community, there are  
3 modifications that need to be made, any time, all  
4 the time.

5 We, along with other concerned citizens  
6 are watching the board actions, and we are hopeful  
7 there have not been vendettas taken against any  
8 staff and that all decisions are based on verifiable  
9 facts and reasonable conclusions.

10 Sometimes it feels like there's hidden  
11 agendas. We've been here for a couple of years  
12 watching the meetings, but we can't quite put or  
13 fingers on it.

14 In April 2022, there were ethics  
15 complaints filed. We have done research, and it  
16 appears that these complaints were unfounded and the  
17 ethics commission has not taken jurisdiction.

18 If there were any ethics violations, it  
19 would have been on the website. There have been no  
20 ethics violations found, that we could find, by the  
21 commission.

22 For past several months, we have  
23 experienced distasteful, rude comments by some  
24 citizens, and we feel there is an undue amount of  
25 negativity on the part of some board members toward

1 some IVGID staff. This is how we feel and what we  
2 hear.

3           Having run a business for 35 years, it is  
4 the obligation and professional protocol of  
5 management, and in this case IVGID trustees, for  
6 polite and respectful treatment of staff all the  
7 time.

8           We appreciate the work that the GM has  
9 done.

10           We are concerned that possibly the new  
11 IVGID board -- because you're all new this  
12 January -- is not aware of the inherent value Indra  
13 and his staff bring to the community.

14           The strong leadership team he has  
15 developed, his multi-year investments in the  
16 community and IVGID, due to the many roles he has  
17 assumed throughout the years, his ability to work  
18 with the ever-changing demands of the boards, as GM,  
19 he has worked with several boards.

20           This current, which started in January,  
21 has set expectations and standards that we see  
22 appear to be significantly different from what we  
23 observed in the past two years. Not saying that is  
24 a negative.

25           His ability to constantly bring new

1 projects to the table, the Recreation Center, at the  
2 top of the list, the ability to manage and find  
3 funding sources for the utility project, 5.7 million  
4 from the Army Corps of Engineers. These are just a  
5 few examples that we have research and observed in  
6 the quality of work done by his staff.

7           When you assess someone with all the  
8 responsibilities that a GM carries, it is important  
9 to see the forest from the trees. Please keep this  
10 in mind as you do Indra's review. I'm serious.

11           We strongly urge you to be mindful over  
12 everything he brings to the table and the support he  
13 receives from the community, not just through a few  
14 vocally rude people.

15           CHAIR DENT: Thank you. Moving on to  
16 Mr. Swenson.

17           MR. SWENSON: Good evening and thank you.

18           I'd like to comment on the access to the  
19 public pier in front of the Hyatt Hotel. My name is  
20 Harry Swenson. I live full time in Incline Village.

21           Over the last few years, the Hyatt beach  
22 has become more and more restricted. I can remember  
23 when the Hyatt beaches and Incline beaches used to  
24 be accessible to our community just a few years ago.

25           Over the last few years, the Hyatt has

1 been posting signs and barriers indicating  
2 restrictions to their beach.

3           The concern I have is the Hyatt has the  
4 only pier located in the area that has to be  
5 accessed through either over the barriers at the ski  
6 beach or Hyatt beach or through the Hyatt property.

7           I recently walked through the Hyatt bar,  
8 which was closed at the time, to access the pier. I  
9 was informed that unless I was a Hyatt guest, I  
10 could not transit their property to access the pier,  
11 even to await a friend that was picking up on a  
12 boat.

13           This concerned me deeply, and I told the  
14 person who attempted to stop my transit I was going  
15 to a public pier, at which time they again indicated  
16 that I could not go to the pier or they would call  
17 security.

18           Of course I ignored them and walked to the  
19 pier and my friend picked me up and I left.

20           But as the summer is starting in earnest,  
21 I'm very concerned and confused about the Hyatt's  
22 restriction and if this is an adherence with their  
23 participation in the beach, or are they just making  
24 it up.

25           So my question to the board is what is the

1 IVGID view on IVGID resident access to the only  
2 public pier in the area, and whether the Hyatt has  
3 the right to block our access to the pier.

4           And if the Hyatt does have the right to  
5 block our transit of a public pier, I suggest we  
6 either begin to explore -- which I'm sure is  
7 outrageously expensive -- building our own pier or  
8 explore our local codes and provide a right-of-way  
9 through the Hyatt property or begin a legal  
10 challenge to the Hyatt's current restriction.

11           Thank you for your consideration.

12           CHAIR DENT: Next up, Ms. Krolick  
13 (phonetic).

14           MS. KROLICK: Gail Krolick, 1410 Tirol  
15 Drive, Incline Village.

16           I'm here this evening to discuss a few  
17 issues that was posted on Incline Village politics  
18 page.

19           I've been traveling a lot and I'm back  
20 now, so I'm getting involved again.

21           The first posting, I believe was about two  
22 weeks ago, was why wasn't the director of  
23 administration, Ms. Herron, not present to take the  
24 board minutes, and instead a court reporter was  
25 being paid to do what Ms. Herron had done for over

1 two decades.

2           Trustee Schmitz stated on this particular  
3 web page that it was the Chairman's call, among  
4 other comments, and that board has been discussing  
5 whether or not a court reporter be utilized or  
6 continue as the District had been for years.

7           I don't recall this discussion being  
8 discussed in public.

9           And to the last board meeting when Trustee  
10 Schmitz stated that the minutes did not reflect  
11 everything that she spoke about and it was important  
12 for her information to to reflected.

13           One could go and read the IV politics page  
14 and review the remarks, such as, give it a rest,  
15 directly to former trustee Kendra Wong, but you  
16 won't find it because all these statements are now  
17 removed.

18           I am asking that a public records be  
19 requested, and I will also write a public record  
20 request to the District. I would like to know how  
21 much this is now costing the District, since we no  
22 longer have a clerk or a director of administration  
23 here to take minutes, et cetera.

24           Secondly, my post regarding the beach post  
25 last night. This certainly brought a lot of remarks

1 today.

2           It's been said over and over that the  
3 board creates policy not staff. Yet members of our  
4 community believe there is a policy in place for  
5 increment weather, temperatures, AQI, et cetera.

6           The board never made policy for when the  
7 beaches should be closed or closed at all. Instead,  
8 it was Director Shelia Lejion who took leadership  
9 during the wildfires several years back to ensure  
10 employees were not in danger with the high air  
11 quality readings.

12           I will give credit where credit is due,  
13 and that is where Ms. Miller pointed out, why didn't  
14 the previous boards ensure a written policy was in  
15 place. I concur with her.

16           So, I'm asking this board to make it a  
17 priority for a clear and concise written policy for  
18 beach hosts and for the community to know when the  
19 beaches will be closed.

20           And, oh, by the way, when the beach was  
21 closed last night, it was 48 degrees.

22           Thirdly, I find it interesting that  
23 Trustee Schmitz, who, in my opinion, derailed the  
24 last general manager evaluation and now oversees it.

25           To me, it's a bit shady: The trustee who

1 gave him the worst grade last year is now conducting  
2 the evaluation process.

3           Apparently, according to some, I am a  
4 ringleader, so I will ensure that the silent  
5 majority of this community comes in support of our  
6 general manager, and the board just doesn't hear  
7 from the angry few.

8           Lastly and most importantly, I want to  
9 publicly state how grateful I am to the Lara  
10 Gabriella (phonetic) family. Four brothers who have  
11 worked for this District for over 20 years taking  
12 care of our Championship Golf Course. The four  
13 brothers, as you may or may not know, were in a  
14 terrific auto accident.

15           CHAIR DENT: Thank you.

16           Next up, Mr. Katz (phonetic).

17           MR. KATZ: Good evening. Aaron Katz, PO  
18 Box 3022. I have written statements to be attached  
19 to the minutes of meeting. Trustee Tulloch said to  
20 put them there, so said that's where they are.

21           You know, Chris, you say if you got  
22 questions, just call up the staff. My experience  
23 has been the staff refused to communicate. And  
24 we're going to talk about one of those staff  
25 members, Brie Waters, and her little skate board



1 park.

2           In the memo she says, oh, gee, originally  
3 we had a budget of \$199,000, now I want to bump it  
4 to \$500,000, and part of the reason I want to bump  
5 it is because I have an estimated increase in the  
6 cost of construction.

7           Okay. Where is it? Why isn't it in the  
8 board packet? Don't we have a policy that you can't  
9 have a matter on the agenda unless all of the  
10 documentation is there? Well, it ain't there.

11           So I asked Brie Waters and Indra, give me  
12 a copy of the estimate, and they ignore me. They're  
13 worthless. The two of them are worthless.

14           Then Brie Waters says, oh, well, gee, we  
15 got phases of this construction and maybe there will  
16 be a phase two later.

17           Okay. Give me evidence of the phases.  
18 Nothing. They just keep it to themselves.

19           I am requesting and I've requested of you  
20 board members that Brie Waters be terminated.  
21 She's -- this is second time she's pulled a stunt  
22 like this on a major project. The first one was the  
23 Rec Center expansion.

24           We don't need employees like that, and  
25 you, as a board, need to put your foot down and send

1 a message so we put an end to this garbage, because  
2 it's garbage.

3           Okay. Also I'll talk a little bit about  
4 the central services plan. I wrote to you, board  
5 members, about it. NAC 354.867 tells you what  
6 you're supposed to consider before you adopt a plan.

7           None of those matters, none of them, have  
8 been presented to the board for consideration, let  
9 alone approval.

10           All they've done is said, gee, here's a  
11 bunch of costs, divided by FTEs, and we got a  
12 number.

13           Well, that's not what 354.867 says. So  
14 you don't have grounds to approve that plan, and  
15 it's staff's fault.

16           I have other comments on the budget and  
17 the rec fee, but I am going to wait until you call  
18 the public hearing on that.

19           Thank you very much.

20           CHAIR DENT: Thank you.

21           Next up, Ms. Miller.

22           MS. MILLER: Good evening, trustees.

23 First, I want to make a correction. I did not say  
24 what Ms. Krolick claimed that I said. I did not  
25 say, why didn't the last board make a policy.

1           Here's what she said, and here's my  
2 response. Sorry to take your time with this, but I  
3 don't like people lying.

4           This is from Gail: I brought this very  
5 issue up two years ago regarding a policy on AQI  
6 temperatures, et cetera. The board choose to do  
7 nothing. Dent and Schmitz, who have been on the  
8 board for a long time, did nothing. Director  
9 Lejion -- and then she continues to say what  
10 Director Lejion did.

11           My response: Hmm, seems to me two years  
12 ago the board was controlled by a majority  
13 consisting of Calecrate (phonetic), Wong, and  
14 Tonking. Calecrate and the GM controlled the  
15 agenda. Why couldn't you get them to put your  
16 request on an agenda, or did I somehow miss it?

17           Okay. So much for that.

18           Now, next thing, I think you guys have a  
19 tremendous workload with this budget and have had  
20 over the past several months.

21           Noticed now we are going to have, not just  
22 an audit committee, but also a capital improvement  
23 program committee.

24           I would strongly suggest that you form --  
25 the board forms a budget committee. This is done in

1 many other jurisdictions that have so much on their  
2 plates.

3           You really don't have the time to delve  
4 into the budget as it should be examined. I think  
5 this would be a tremendous help.

6           And then on a lighter note, yes, I have  
7 been for a long time interested in at least getting  
8 a portion of one of our beaches available to dogs.

9           Last weekend I was trying to find a place  
10 to take my 12-year-old Golden, and I thought, oh,  
11 I'll just head down to the East Shore Trail, pay the  
12 money for the parking. It's a little bit of a hike  
13 for her, but it's still manageable.

14           I got there and the parking was completely  
15 filled, so I had to drive -- it was more than a half  
16 an hour to a spot where I know dogs are allowed.

17           And I thought, why is it, here we are in a  
18 community where we have so many households with  
19 dogs. I think it's time to reconsider. I put this  
20 out on social media. There was a lot of interest.  
21 I think a lot of this community would support that,  
22 so I'm going to be working on it.

23           CHAIR DENT: Thank you.

24           Are there any other speakers for public  
25 comment in the room?

1           Seeing none, can we go to caller 1996.

2           MR. WRIGHT: Frank Wright. Crystal Bay.

3           What I'm going to say right now needs to  
4 be really paid attention to by this District, the  
5 board, the employees.

6           I have gotten 107 names of golfers who  
7 have TGA fees paid by IVGID. We haven't gotten a  
8 reconciliation of how much money was actually  
9 collected, but we do know this: Of the 107 names  
10 that had their PPA fees paid for by our District, 52  
11 percent are not parcel owners. We don't see any --  
12 they may be guests, but they're not a parcel owners,  
13 they may have relatives -- 52 of those golfers don't  
14 live here.

15           Now we're taking about tee times that our  
16 community members can't get, but these golfers from  
17 other places, and some have been verified to come  
18 from Minden, Carson, Reno, they're getting tee times  
19 at our courses in front of the residents because  
20 that's how we work here.

21           I suggest this board get every golfer  
22 that's in every club and ask for their names, and  
23 have that list cross-checked against the Washoe  
24 County assessors office to find out how many of  
25 those people really live here. How many of these

1 golfers are coming up here, mooching off our  
2 society, off our parcel fees, coming up here and  
3 using our golf courses in front of our golfers.  
4 It's horrible.

5           Second thing, every week we got somebody  
6 coming out of the woodwork to start telling us how  
7 wonderful our GM is. Our GM's horrible. He's  
8 horrible.

9           The stuff he does and the people he gets  
10 to come in here and tell us how wonderful he is and  
11 how the nasty nine, the vocal minority, that's all  
12 garbage, the statements that they make.

13           The problem we have is that there's a lot  
14 of people here that don't get their voices heard,  
15 that sit back and watch what's going on, and these  
16 loudmouths come in here and say they're the  
17 majority. They're not. They're not in any size,  
18 shape, or form the majority of anything.

19           Kohler (phonetic), she's not a majority of  
20 anybody. How can she make that statement? Has she  
21 gone out and polled everybody? No way.

22           How do those other people who come  
23 forward, who have no information, all they have --

24           CHAIR DENT: Thirty seconds remaining.

25           MR. WRIGHT: Thank you.

1           These people come in and start screaming  
2 that they're the majority, they're not.

3           And you know what, they really caused a  
4 problem because they go after the people with facts  
5 and figures. The people with facts and figures have  
6 done their research. Me included.

7           Now, if they have any other information  
8 that's different than mine, you bring it forward.  
9 Don't attack my personality. Don't attack me.  
10 Don't attack anybody else in this community that  
11 brings --

12           CHAIR DENT: Thank you, Mr. Wright.  
13           Next public comment, please.

14           MR. DOBLER: Yeah, Cliff Dobler. 995  
15 Fairway. This written statement is made part of the  
16 meeting minutes.

17           A few comments on tonight's agenda.  
18 IVGID's budgeting and cost for capital projects are  
19 like runway freight trains with no braking power to  
20 stop the train, which ends up in fire.

21           A few examples: Consent item number 3,  
22 sewer pump station number 1. In 2018, with a mere  
23 budget of \$155,000 was established, and it was  
24 suddenly bumped by \$300,000.

25           Design was done by Jacobs for 45 grand in

1 2019, and it sat dormant.

2 In the summer of 2019, a single bid of  
3 \$875,000 was rejected as too expensive.

4 Staff decided to look for cost savings,  
5 but again bumped the budget by another \$655,000;  
6 then the total budget was 1.1 million.

7 Defying logic, in 2023, the budget was  
8 bumped again by another \$500,000; no reason was  
9 given.

10 So, tonight, staff wants to hire a new  
11 company for \$42,000, who will repackage documents  
12 and throw Jacobs overboard because they provided an  
13 undocumented repackaging price of \$73,000, almost  
14 twice the original design amount.

15 Does this make any sense? Apparently  
16 because repackaging, then it scaled down the design,  
17 so why was the logic of increasing the budget by  
18 \$500,000?

19 This is pure gamesmanship by IVGID's staff  
20 inflating budgets for no reason, and when new bids  
21 are received, they will be lower than the budget.

22 Look at the past two bids on water  
23 projects. The pipeline, of course, is another  
24 matter.

25 General business number 1, the effluent



1 pipeline and the odious Seymore contract is a  
2 runaway freight train. Estimates continue to go up,  
3 up and away in a beautiful balloon.

4           After three years of running down the  
5 tracks, the freight costs have increased from 23  
6 million to 72 million.

7           The new razzle-dazzle update does not  
8 include the waste created over the past ten years of  
9 5.1 million for assessments, the future abandonment  
10 of temporary repairs required by NDOT, abandoning  
11 air pressure relief valves, staff time, and a  
12 portion of pipe purchase which is not accounted for.  
13 Easy to forget that number.

14           Lastly, general business item G 2, skate  
15 parks. Add 300,000 of freight was added to the  
16 runaway train. No plan, no estimate, no compliance  
17 with board policy.

18           The business impact, however, is to  
19 attract visitors, skate borders from other  
20 communities, and provide a boost for local business.  
21 Is that the mission?

22           Thank you very much.

23           CHAIR DENT: Thank you.

24           That will close out our Zoom participants  
25 for initial public comment. Moving on to --

1           You want to do a public comment?

2           TRUSTEE NOBLE: Dave Noble, 739 Champagne.  
3 I would like to respond to the comments of Aaron  
4 Katz going after certain staff members.

5           And I would hope any staff that are  
6 listening, just realize that I think you're doing an  
7 excellent job. It's a difficult position to be in,  
8 especially when you've got that garbage that is  
9 being spewed by Mr. Katz.

10           I fully expect him to go after me now.  
11 I'd love him to prove me wrong and not go after me,  
12 but I don't think he can control himself.

13           Staff, I think you do a great job and keep  
14 up the good work.

15           CHAIR DENT: All right. Thank you,  
16 Trustee Noble.

17           That will close out item C, initial public  
18 comment. Moving on to item D, approval of agenda.

19 D. APPROVAL OF THE AGENDA

20           CHAIR DENT: I have heard that item F 1 --  
21 we do need to pull item F 1 from the consent  
22 calendar.

23           We will -- we're removing item F 3 from  
24 the consent calendar and from the agenda. We'll  
25 bring that back at another time.

1 And then the last request was item F 6,  
2 removing that from the consent calendar.

3 Are there any other items that anyone  
4 would like to pull from the consent calendar?

5 TRUSTEE TONKING: Did you say F 6 as well?

6 CHAIR DENT: Yes. F 1, F 3 is being  
7 removed. We're going to table that for another  
8 meeting. So, F 1 and F 6.

9 All right. So we're all good with those.  
10 As far as removing item F 1 and F 6, do we have an  
11 issue with putting those at top of general business?

12 TRUSTEE TULLOCH: I would suggest we put  
13 them at the end of general business. If I --

14 CHAIR DENT: Just wait a second.

15 Anyone have any issues with moving those  
16 items to the end of general business? Seeing none,  
17 we're just going to move those consent calendar  
18 items to the end of general business. They will be  
19 items 11 and 12.

20 TRUSTEE TULLOCH: I think the most  
21 important thing for our residents here is probably  
22 this evening's budget meeting and setting the rec  
23 fee.

24 I would like to move these to the top of  
25 the agenda. I believe it's the most important thing

1 for our residents here.

2 I do believe we should move that forward  
3 so we're not trying to run at eleven o'clock at  
4 night trying to wade our way through the budget  
5 numbers. We've seen that before. I'd like to move  
6 that to the top of the general business.

7 CHAIR DENT: Okay.

8 TRUSTEE SCHMITZ: I don't disagree with  
9 that.

10 However, I'd like to move general business  
11 number 1 in front of it because it's a decision  
12 about the skate park, and that has an impact -- that  
13 decision has an impact on our budget.

14 So, I would like to request that.

15 CHAIR DENT: General business number 2?

16 TRUSTEE SCHMITZ: Yes.

17 CHAIR DENT: Okay.

18 TRUSTEE SCHMITZ: And if we move the  
19 budget and the rec fee, do we have the ability to  
20 first discuss the budget and then discuss the rec  
21 fee? Right now, on the agenda, it's the other way  
22 around.

23 CHAIR DENT: We can have a discussion.

24 And, counsel, please jump in if I'm  
25 incorrect with this.

1 We can have a discussion, but before any  
2 decision is made, we definitely need to have a  
3 public hearing for both.

4 And if there's a flexible -- if there's a  
5 motion for a flexible agenda along with this  
6 process, then we can have both those discussions.

7 But the idea is we're setting the rec fee  
8 through rec roll process before we are taking action  
9 on the budget.

10 MR. NELSON: That is correct, Chair.

11 Thank you.

12 CHAIR DENT: Thank you.

13 TRUSTEE TULLOCH: I agree with the -- I  
14 would vote for a flexible agenda.

15 I would also suggest general business G 1,  
16 it's -- when I go through the write-up for G 1, I'm  
17 as shocked as I am sure a lot of the public are.  
18 The huge increases in costs and for us, the CMAR  
19 contract, CMAR is supposed to be working on our  
20 behalf but is taking 14 percent, yet we get lined  
21 with all the costs.

22 I would like to remove this item from  
23 general business from tonight. I think we still  
24 need to do further investigation on this when I see  
25 things like 7 million bucks for traffic control

1 suddenly feeling -- and if the cost is going up 15,  
2 16 million just since January when it was supposed  
3 to be a firm price, I would like to remove it this  
4 evening and move it back to a future board meeting.

5 CHAIR DENT: Okay.

6 TRUSTEE NOBLE: I would just have a  
7 question. Is there any downside to, with regards to  
8 negotiations or anything like that, with regards to  
9 removing item G 1 tonight?

10 MR. WINQUEST: I do not believe that  
11 there's any urgency for this matter, other than it's  
12 on the general because it was requested.

13 But I don't feel there's any urgency to  
14 move forward with this this evening.

15 CHAIR DENT: Okay. Does anyone have any  
16 concerns about hearing G 1 tonight? Otherwise, we  
17 can push that to another meeting.

18 All right. Seeing none, item G 1 will be  
19 removed from the agenda.

20 General Manager Winquest or Director  
21 Underwood, could you guys notify Granite  
22 Construction, please? Thank you.

23 So how about this: Item G 7, 8, and 9  
24 would become -- I would say those would become 2, 3  
25 and 4. Does that work with you guys? Item G 2

1 would become G 1?

2           Okay. And then items G 4, 5, and 6 would  
3 become 5, 6, and 7. Everyone okay with that?

4           Item B 3 would become G 8. Item G 10  
5 would become item G 9. And consent calendar item F  
6 1 would become G 10. And consent calendar F 6 would  
7 become G 11.

8           Does that flow work for everybody?

9           MR. NAVAZIO: I was just going to note  
10 your comment about also retaining the flexibility so  
11 that the order matches what was discussed as long as  
12 there's a public hearing on the rec roll prior to  
13 action on it. But we'll make sure when we get to  
14 that.

15           CHAIR DENT: Yeah. Please, if for some  
16 reason we're running into any issues -- I've already  
17 talked to legal counsel about. You guys are aware  
18 of it. The board is aware of it, based on my  
19 earlier comments. But we definitely need to have  
20 both public hearings before we take any action.

21           I would entertain a motion to accept the  
22 agenda for a flexible agenda with the changes.

23           TRUSTEE TONKING: I move we have a  
24 flexible agenda with the mentioned changes.

25           TRUSTEE TULLOCH: I'll second that.

1 CHAIR DENT: Okay. Motion's been made and  
2 seconded. Any further discussion by the board?  
3 Seeing none, all those in favor, state  
4 aye.

5 TRUSTEE TONKING: Aye.

6 TRUSTEE TULLOCH: Aye.

7 TRUSTEE NOBLE: Aye.

8 Aye.

9 CHAIR DENT: Aye.

10 Motion carries 5/0. All right. Closes  
11 out approval of the agenda.

12 E. REPORTS TO THE BOARD

13 E 1.

14 Moving on to item E, reports to the board  
15 item E 1, fiscal year 2022/'23, third quarter  
16 budget. Director of Finance Paul Navazio. This can  
17 be found on pages 6 through 56 of your board packet,  
18 and then also item E 2, fiscal year '22, '23, third  
19 quarter CIP popular status reporting, Director of  
20 Finance Paul Navazio. This can be found on page 57  
21 through 65 of your board packet.

22 MR. NAVAZIO: As noted, this is our  
23 quarterly companion budget updates in this case, the  
24 third quarter budget updates with results through  
25 March 31st.



1           The first one has a short cover memo that  
2 summarizes revenue and expenditures collected and  
3 recorded through the first nine months of the fiscal  
4 year. I'm just going to summarize real briefly, and  
5 then any questions that the trustees may have.

6           As noted in the memo, revenues through  
7 March were recorded at 41.9 million, which is 80  
8 percent of the total revenue in our amended budget.

9           The expenditures through the first nine  
10 months was 34.7 million, which is 45 percent of the  
11 amended fiscal year budget.

12           There's also, we've noted in here, several  
13 of the budget amendments that the board has approved  
14 since the adoption of the budget, essentially a year  
15 ago, beginning also with the carryover  
16 appropriations and then several budget amendments as  
17 various projects have come forward to the board;  
18 most recently is your meetings just last month.

19           There's a summary of the District-wide  
20 sources and uses shown on table one on page 7 of the  
21 packet, and this summarizes the revenues and  
22 expenditures across each of the major funds.

23           District-wide summary, there's also the  
24 statement provided in the proprietary funds in terms  
25 of the statement income expenses, changes in net

1 positions.

2           Generally speaking across the board, the  
3 net revenues and expenses for each of our major  
4 funds is performing favorable relative to the  
5 budget. We'll have more discussion about the  
6 implications of that when we get into the budget  
7 discussion.

8           I would note that staff has gone through  
9 and provided -- prepared estimates for year-end  
10 projections for revenue and expenditures across all  
11 the funds and all the venues.

12           That is information contained in the  
13 budget agenda item later on, but if it's relevant,  
14 we can answer any questions on that as part of this  
15 item.

16           So, I think I'll just wrap up the comments  
17 on this first one, then I can take up the popular  
18 status report, but that's the second report.

19           Again, this is an informational item  
20 largely consistent with how we've prepared them  
21 through the first two quarters.

22           CHAIR DENT: Thank you, Mr. Navazio.

23           Any questions?

24           TRUSTEE TULLOCH: If I look at page 12,  
25 can you explain why we're so far behind on revenues

1 into the general fund? Top line.

2 MR. NAVAZIO: Yeah, well, I'll go to the  
3 detail for the general fund, which is going to be  
4 shown of page 16 of the packet.

5 And so relative to the annual budget, we  
6 receive most of our general fund revenues through  
7 quarterly installments of alarm tax and consolidated  
8 tax. So what you'll see there is at least receipts  
9 through the third quarter on alarm taxes is 1.2  
10 million compared to budget of 1.6.

11 I may need to look at this a little more  
12 closely, but the revenues don't necessarily come in,  
13 you know, 25 percent each quarter, so there is some  
14 quirks in terms of how those revenues flow in.

15 I will say that in our projections, based  
16 on what's received to date and how the revenues have  
17 come in historically, I believe we're actually  
18 projecting to end the year close to the budget on  
19 both of those line items.

20 But I will do a little bit of digging to  
21 make sure that's the case.

22 TRUSTEE TULLOCH: Okay. We just want to  
23 see that we're basically still at 35 percent of  
24 revenues to come in, and we're getting close with  
25 one month left.

1           Obviously, this isn't updated, but it's  
2 concerning.

3           Similarly, if I look at page 13, I see  
4 almost all our venues, we're consistently well  
5 behind on our revenues.

6           I mean, that concerns me -- we'll talk  
7 about that in the budget as well, but when I see  
8 huge increases projected in so many revenues and  
9 then I see, this year, we're well behind most of  
10 them, that raises some concerns for me.

11           MR. NAVAZIO: Yeah. And the other thing I  
12 will check, because I don't have this off the top of  
13 my head, is, because we get the quarterly payments,  
14 you know, the March payment comes in in April, and  
15 so there's a little lag on that.

16           But good question. We'll look those.

17           CHAIR DENT: Any additional questions?

18           TRUSTEE SCHMITZ: Prior boards for a  
19 number of years now have been requesting that the  
20 facility fee be removed from our financial reports  
21 from the sources so that we can better understand  
22 and better see what the net profit loss is without  
23 the facility fee.

24           Is there some reason why we continue to  
25 ask for this and it hasn't been changed?

1 MR. NAVAZIO: I guess the best answer I  
2 can give you is as we've been going through the  
3 whole budget discussion since very early in that  
4 process, we have endeavored to address that concern  
5 in the budget work we're doing for the next fiscal  
6 year.

7 As it relates to this fiscal year, all I  
8 can say is there's no reason why we can't do that.  
9 What we would be doing is, basically, editing or  
10 adjusting the reports reflected that way.

11 In this particular context, this report  
12 reflects the results relative to the budget that was  
13 approved by the board for the fiscal year. The  
14 budget was then filed with the State and how we  
15 report it, so this, I would say, is sort of the  
16 official reporting of the revenue expenditures.

17 If we could add a supplement page --  
18 unless -- I know we've gotten direction, and I don't  
19 want to be obstinate on this, but absent board  
20 action to, sort of, amend the budget in that regard,  
21 we would be providing that as a supplement, so  
22 that's probably where there's a little disconnect.

23 TRUSTEE SCHMITZ: So what do we need to do  
24 as a board so that we can finally get these facility  
25 fees moved down below so that we can see what our

1 venues are operating at? What does this board need  
2 to do in order to accomplish that?

3 MR. NAVAZIO: Again, best answer I can  
4 provide is that for the venues where the facility  
5 fee applies, community services and beaches, were in  
6 enterprise funds, there's two sets of reports here,  
7 the sources and uses is just revenues, expenses.  
8 The statement of income expense and change of net  
9 position is where, sort of, the profit and loss  
10 statement.

11 So on that one, I would say we could -- we  
12 would, in approving this next budget, include board  
13 direction to remove the -- either remove the  
14 facility fee entirely and show it without it, or  
15 we've talked before, just facility fee from an  
16 operating revenue to a non-operating revenue.

17 That is inconsistent with how our -- and  
18 an auditor has looked at that issue, it's  
19 inconsistent with how the State has asked us to  
20 report it, but if that's how the board wants to see  
21 it, when we file this budget, and then hopefully  
22 we'll get it approved tonight, we will move the  
23 facility fee down into a non-operating, and then  
24 discuss how you want to see your monthly quarterly  
25 reports, either removing it entirely or showing it

1 as a non-operating.

2 Best answer I can give you.

3 TRUSTEE TULLOCH: Yeah, certainly I do  
4 agree with Trustee Schmitz. I think it has to be  
5 removed, and hopefully next year's budget, we still  
6 got to keep going the same way.

7 My understanding, I don't think the  
8 auditors said we can't report it the other way; I  
9 don't think the auditor said that I don't think  
10 there's any audit objection to actually reporting it  
11 the other way. I think all that was said that the  
12 way we're reporting is one possible way of doing it.

13 I don't think there is any restriction,  
14 unless it's an illegal action, not consistent with  
15 the gap or anything, there's no reason -- the board  
16 can make the decision what way they'd like to see  
17 it.

18 MR. NAVAZIO: Yeah. I've had various  
19 conversation with the auditor on it.

20 What I would say also is -- I think I can  
21 say this is -- as was noted in public comment  
22 earlier, this is one of the open issues that the  
23 audit committee is looking at.

24 So, either we can, kind of, bring that  
25 conversation to the audit committee for their

1 recommendation and/or -- but I do think the auditor  
2 has some thoughts on this, but I'm not going to  
3 speak for her.

4 TRUSTEE TULLOCH: I think my recollection  
5 from the time on the audit committee is that the  
6 auditor had no reason to not do it the other way. I  
7 don't think -- it's not a prohibition. I don't  
8 think, at the end of the day, the audit can welcome  
9 a recommendation from the audit committee.

10 Again, it wouldn't be the first time this  
11 board has rejected an audit committee  
12 recommendation.

13 I think the board has made their feeling  
14 -- some of us have made their feelings quite clear  
15 on this.

16 MR. NAVAZIO: I would just say duly noted,  
17 I will make a note to circle back on this very topic  
18 when we get to the agenda item later this evening.

19 So, if that's something we want to  
20 incorporate in the final budget and in the forms, we  
21 can go ahead and do that and go from there.

22 CHAIR DENT: Any further discussion on  
23 item H 1 -- or E 1. Excuse me.

24 Okay. Let's move on to item E 2.

25 E 2.



1 MR. NAVAZIO: So item E 2, I believe,  
2 starts on page 57 of the board packet.

3 Again, this summarizes the, kind of, the  
4 subset of the information provided in the previous  
5 report, and this is specific to results for expenses  
6 relative to the capital budget, which includes both  
7 the capital projects subject to capitalization,  
8 depreciation, as well as a list of projects that are  
9 in the capital plan but do not rise to the level or  
10 don't meet the criteria of resulting in capital  
11 assets.

12 Summarizing it again briefly, through the  
13 first nine months of the fiscal year, capital  
14 expenditures totaled just over 5 million, against an  
15 amended budget of 31.6, which has been amended down  
16 to reflect the de-appropriation primarily of the Rec  
17 Center expansion project that was in the original  
18 budget, as well as several reductions for projects  
19 where the board has made amendments to the budget  
20 when we awarded contracts that did not require the  
21 full budget amount.

22 There's a table at the bottom of page 57  
23 that summarizes this, and thanks to Trustee Schmitz  
24 in our review that I neglected to update the heading  
25 in the column that still showed expenditures through

1 12/31; these are, in fact, expenditures through  
2 March 31st of '23 the first nine months of the  
3 fiscal year.

4           We summarized some of the budget  
5 amendments on that page. Have some narrative  
6 regarding some projects that we wanted to highlight,  
7 and then the attachments, which make up, really, the  
8 meat of the quarterly CIP popular status report  
9 beginning on page 60 of the packet, 60 through 62 is  
10 a list of capital projects, and it reflects the  
11 original budget, the amended budget, revisions and  
12 expenditures to date.

13           And then beginning on page 63 and 64 of  
14 the packet, there's a supply of, again, the projects  
15 that do not meet the criteria for capitalization.

16           We also endeavor in this report to provide  
17 an update, brief as it is, as to the project status,  
18 which is included, and again, I will note that there  
19 are a few projects where the status was not updated  
20 and remaining blank.

21           I also had this conversation with Trustee  
22 Schmitz, generally speaking for those projects, if  
23 there's no expenditure, typically it hasn't  
24 commenced yet, so the status is still pending, but  
25 there are a couple where there are some expenditures

1 noted, and therefore, I guess in progress, even  
2 though we hadn't touched on that.

3           With that, I'll answer any questions that  
4 the board may have.

5           CHAIR DENT: Thank you.

6           Any questions?

7           TRUSTEE TULLOCH: This helps. To clarify,  
8 at the page top of page 58, this is the capital  
9 budget expenditures through third quarter, not the  
10 second quarter?

11           MR. NAVAZIO: Yes. March 31st. Yeah.  
12 It's also at the bottom of page 57.

13           TRUSTEE TULLOCH: So, we've spent 5  
14 million, 16 percent, in the first three quarters.  
15 What is the projection for the year-end? How much  
16 are we projecting to spend for the year-end? Best  
17 case?

18           MR. NAVAZIO: Let me look at that real  
19 quick. It's actually in the budget packet  
20 information.

21           So, I'm looking ahead at page 509. We  
22 have projection of spending 29.6 million against the  
23 budget of 44. What doesn't include is -- and,  
24 again, this is touches on something that we  
25 discussed in some meetings and the conversation with

1 Trustee Schmitz. This is the estimated expenditure,  
2 29.6 million. There's also, likely included in the  
3 budget report, you'll see estimated carryover.

4           So there will be projects that will not be  
5 expended through year-end, money moves the fund  
6 balance at June 30, we will be coming back to the  
7 board to request your action on carryovers for  
8 projects where we are under contract this year and  
9 the budget was put in place to award the contract,  
10 pipeline is a great example, we won't be spending  
11 the 14 million.

12           I'll stop there because I think I answered  
13 your question.

14           TRUSTEE TULLOCH: Yeah. Actually my  
15 question was how much are we actually going on  
16 spend?

17           MR. NAVAZIO: We're projecting 29.6.

18           TRUSTEE TULLOCH: So we're going to spend  
19 24 million in the final quarter?

20           MR. NAVAZIO: Well, this is the  
21 construction season. Again, this is the results  
22 through March. We've already spent, I would say,  
23 several million dollars between March 30th and May  
24 25th.

25           And then we will see -- in fact, we're

1 publishing the April results online tomorrow.

2           So, if it's okay, I'll follow up with you  
3 on April and our projection through the year-end.

4           TRUSTEE TULLOCH: We can guess what the  
5 real number will be. It's seeming slightly  
6 implausible for that, sir.

7           MR. NAVAZIO: Okay.

8           TRUSTEE TULLOCH: If I go to community  
9 services at the bottom of page, we've spent 1.1  
10 million on the Rec Center expansion. Has that been  
11 expensed? Under community services at the bottom of  
12 page 58.

13           MR. NAVAZIO: Yeah. There's no asset  
14 being created through that expenditure.

15           So, whether it's been expensed, it will be  
16 expensed in our -- it will not be capitalized in our  
17 financial statements.

18           CHAIR DENT: Any additional questions?

19           TRUSTEE SCHMITZ: It would helpful for all  
20 of us if we had a column that indicated contractual  
21 commitment and the dollar value because, otherwise,  
22 sometimes it's not easily understood.

23           So if we could, can we please add a  
24 contractual commitment so that we know that we are  
25 engaged for a certain dollar amount.

1           And I think that on Mountain Course, it  
2 appears as though the available budget has not  
3 reflected the reduction for Mountain Cart Path  
4 Project that was reduced in dollar value.

5           So, will that be updated?

6           MR. NAVAZIO: So on that one, we have  
7 endeavored to update, and you'll see several  
8 projects where the board took specific action.

9           I went and looked at this after our  
10 discussion, and I believe on the Mountain Cart Path,  
11 the action to award the contract and the board memo,  
12 just two meetings ago, noted that there's dollars  
13 that will not be spent.

14           There was no formal action to reduce the  
15 project budget, but we did note in the board memo,  
16 and, I think, discuss it at the meeting, that those  
17 dollars are not going to be needed -- here we are at  
18 the end of May. They're not going to be carried  
19 over, so they're going to fund balance.

20           So, there was formal action to reduce that  
21 amount, but we noted that those are appropriations  
22 that are not going to be required in this fiscal  
23 year, nor will they be needed to carried over.

24           TRUSTEE SCHMITZ: If we can, going  
25 forward, when we reduce a project scope and we

1 reduce what we think, I would request that we change  
2 it in your project summary so it isn't inconsistent  
3 with the board reduction of the scope and the  
4 reduction of budget.

5 I think it should be updated in the  
6 report, so please do that going forward.

7 MR. NAVAZIO: We have been doing that on  
8 several projects. This one was, like, okay, if you  
9 award a project late in the fiscal year.

10 But understood. We can do that to be  
11 consistent.

12 TRUSTEE SCHMITZ: This one was as after  
13 March 31st also?

14 MR. NAVAZIO: Well, then you asked if it  
15 would be reduced, so, yeah, we're good.

16 TRUSTEE SCHMITZ: Then my other question  
17 is for expense items, under sewer, which happens to  
18 be on page 63, we had a budget for this fiscal year,  
19 and we're also budgeting in this next fiscal year,  
20 \$100,000 for needed pipeline repair.

21 This report doesn't identify any funds  
22 that have been expended year to date, but I know  
23 that we have done some work year to date.

24 MR. NAVAZIO: Yes. I did talk to  
25 Mr. Underwood regarding your question.

1           And the way it was explained to me is that  
2 we have done some repair work, most of the repair  
3 work has been done by our staff and our crews, so  
4 that gets, essentially, recorded under our  
5 repair/maintenance generic, and would suggest that  
6 this allocation was in the event that we would be  
7 contracting work.

8           But Mr. Underwood is here and can clarify  
9 what --

10           MR. UNDERWOOD: We had two tow repairs  
11 earlier this year. We intend to bring on June 14th,  
12 a contract for paving of State Route 28, to  
13 rehabilitate the paving that was damaged. That will  
14 be slightly under \$50,000.

15           TRUSTEE SCHMITZ: So this budget will be  
16 used or is it underneath general R and M?

17           MR. UNDERWOOD: No. This budget will be  
18 used -- approximately \$50,000 will be used this  
19 year, yes.

20           TRUSTEE SCHMITZ: Okay. Thank you.

21           CHAIR DENT: Any other questions or  
22 comments?

23           TRUSTEE TULLOCH: Just a question of  
24 presentation, my favorite topic here.

25           If we're adding another column, can I ask,



1 perhaps, shrink some of these columns that are very  
2 rarely used? My eyes are getting older, and I think  
3 we're down to a six-point font at the moment, so I  
4 don't want to see it down to four point.

5 MR. NAVAZIO: Yeah. We're happy to do  
6 that. Maybe we can work on a format together. I  
7 inherited this format that was specifically laid  
8 out, but I think there's a way to, A, provide as  
9 much or more information and make it more legible.

10 I'm with you on that.

11 CHAIR DENT: Any other questions or  
12 comments?

13 All right. Seeing none, that will close  
14 out item E 2.

15 Moving on to item -- to the consent  
16 calendar.

17 F. CONSENT CALENDAR

18 CHAIR DENT: Is there a motion to accept  
19 the consent calendar as amended?

20 TRUSTEE SCHMITZ: I'll make that motion to  
21 accept the consent calendar as amended.

22 TRUSTEE TONKING: I second.

23 CHAIR DENT: Motion's been made and  
24 seconded. Any discussion by the board?

25 Seeing none, call for the question. All

1 those in favor, please state aye.

2 TRUSTEE TONKING: Aye.

3 TRUSTEE TULLOCH: Aye.

4 TRUSTEE NOBLE: Aye.

5 TRUSTEE SCHMITZ: Aye.

6 CHAIR DENT: Aye.

7 Opposed? Motion passes 5/0.

8 Moving on to item G 1, formerly G 2.

9 G. GENERAL BUSINESS

10 G 1.

11 CHAIR DENT: Review discuss and possibly  
12 approve an increase to the project budget for the  
13 skate park enhancement project in the amount  
14 determined by the board and currently estimated not  
15 to exceed \$500,000. Requesting staff member  
16 Director of Public Works Brad Underwood. This can  
17 be found on pages 440 through 443 of your board  
18 packet.

19 MR. WINQUEST: Obviously, I'm not  
20 Mr. Underwood. We have Ms. Waters, who I will hand  
21 it over to in a minute.

22 I'd like to kick this off and provide a  
23 brief explanation of what this is about.

24 First of all, the estimate for this  
25 project, \$190,000 original estimate, I believe was

1 developed in 2020/2021. Obviously, everything has  
2 changed since then.

3           As you're aware, we did receive -- we have  
4 received a \$250,000 non-competitive grant from  
5 Washoe County through Harper Funding, which we are  
6 using for this project.

7           So we -- to respond to public comment  
8 earlier, we haven't started this project yet. We  
9 don't have cost estimates.

10           What has kind of happened is once the  
11 engineering team got a hold of this, we met on site,  
12 starting talking about whether or not we were going  
13 to be able to achieve what we think is best for the  
14 skate park and for the community with \$250,000, and  
15 it was determined that we don't believe that that is  
16 enough funding.

17           So, what we simply were doing is we wanted  
18 to have a conversation with the board about where we  
19 are on this, that we do not think that the \$250,000  
20 will allow much in the way of enhancements and  
21 additions to the skate park.

22           We believe that the \$250,000 will likely  
23 would cover renovation of the existing park, the  
24 existing bowl, the coping, a lot of the cracking  
25 we're seeing. We're getting water bubbling up from

1 underneath in the bottom of bowl.

2           So, but the goal overall, and it has been  
3 since 2000 or whatever year it was that we actually  
4 built the skate park, was to enhance it. Add some  
5 street skating features, maybe a half pike, some  
6 things that we can do there to really make a nice,  
7 robust skate park.

8           So that is why this is in front of you  
9 today.

10           My recommendation -- because I understand  
11 that there's sensitivity, we knew there would be  
12 with the request for additional funding for  
13 finishing this project.

14           There's no way for us to know what this  
15 project's going to cost until we start the design  
16 process. Anything else is just an engineer's  
17 estimate or -- which is extremely hard these days to  
18 estimate these types of projects, based on  
19 escalating costs, the materials, labor, and  
20 everything that we're dealing with.

21           So, if the board is so inclined to  
22 consider the \$500,000 project, my recommendation  
23 would be to approve the \$500,000 in the budget, and  
24 I'll remind you that this is -- parks is now in the  
25 general fund, so these would be general fund dollars

1 coming from fund balance, and to augment the general  
2 fund is a lot different than the community services  
3 fund. We would have to do a public hearing and go  
4 through a pretty rigorous process.

5           So, furthermore, the recommendation would  
6 be, based on sensitivity around costs, to -- we're  
7 going to use Source Well, we would use -- this would  
8 be a design build project where we would bring in a  
9 skate board construction company, you know, a  
10 company, this is what they do.

11           My advice, if you're interested in  
12 increasing the project dollar amount, would be to  
13 start the conceptual design, get to a point where we  
14 can get some conceptual estimates for the project,  
15 bring that back to the board at that time, and then  
16 we can make a decision on what we want to do based  
17 on cost estimates, based on -- at that point in  
18 time, we'll have conceptual drawings of some of the  
19 features and some of things we would like to do.

20           If the board is not comfortable at that  
21 point in time, we can go down to a lower number or  
22 just utilize the \$250,000 that we are already  
23 receiving from the county.

24           I will remind that this is a board  
25 priority project, it's a second-tier project in the

1 community services master plan. And I personally  
2 would advocate for enhancement to the existing skate  
3 park rather than just renovating it.

4           So, I just want to give a little bit of an  
5 explanation. I understand there's some concern that  
6 there wasn't more information in the agenda item.  
7 Likely, we probably could have added some additional  
8 supporting information, but we don't -- there's no  
9 way that we can estimate what this project is going  
10 to cost right now. And I think you all on the board  
11 understand how that all works.

12           I'm going to go ahead and hand it over to  
13 Brie for comments she may have, and then we'll go  
14 ahead and start discussion with the trustees.

15           MS. WATERS: I just want to reiterate that  
16 this is a project. We've been asked to define what  
17 we're doing in the strategic plan. This is a  
18 long-range principle number 1, under service, for  
19 the long-term initiative to execute the strategy as  
20 it relates to District venues and facility master  
21 plan as a road map to the future. That's why it's a  
22 Board priority project.

23           There have been skate parks done. There  
24 was one done recently by the City of Reno, and that  
25 was an 11,500-square-foot skate park, and the

1 pricing on that in 2019 was about \$585,000.

2           What we've been seeing through our  
3 research of staff is that you're looking at \$75 to  
4 \$85 a square foot in terms of construction of a  
5 skate park.

6           And if you inflate the 2019, City of Reno  
7 to dollars in 2023/2024 construction pricing, it  
8 runs along those same lines of \$75 to \$85 a square  
9 foot.

10           So, what I can tell you is that if you  
11 would like to just approve the \$250,000 that we have  
12 through the grant funding of Washoe County, we'll be  
13 able to fix the safety concerns of the existing  
14 skate park, and possibly add, say, a small  
15 4,000-square-foot feature that would be a beginner  
16 feature.

17           If you like to approve more than that, we  
18 can back into that number and give you a larger  
19 project to look at, and you can look at a square  
20 foot number. For \$500,000, you take away the  
21 money -- we need a budget to give you a project,  
22 just like Indra said.

23           So, that's where we're coming from, and  
24 that's why it's not more detailed. But we kind of  
25 need advice and direction from the board to move

1 forward.

2 CHAIR DENT: Thank you.

3 TRUSTEE NOBLE: I think it's one of those  
4 things, we won't know until we know.

5 I'd like to move forward with this with  
6 approving as proposed with a conceptual design and  
7 construction as to be developed and brought back to  
8 the board for future approval.

9 TRUSTEE TULLOCH: I've already discussed  
10 with the general manager. I'm deeply disappointed  
11 here. We've got a request for \$250,000, an extra  
12 \$250,000.

13 Absolutely no indication -- this is the  
14 first time I've heard any about square footage.  
15 There's nothing in the memo here about that. The  
16 memo's long and detailing stuff to support tourism  
17 and things, which is not part of our remit.

18 There's nothing that tells me whether this  
19 is to renovate the existing skate park or to extend  
20 it. How many square foot we're talking about?

21 I've just heard now that for \$250,000, we  
22 can renovate the existing, plus add 4,000 square  
23 feet.

24 I'm not inclined to sign a blank check  
25 just for another \$250,000 so then we can come away



1 with it. The only thing that's missing from this is  
2 no suggestion of CMAR.

3 (Inaudible comment from unidentified  
4 speaker.)

5 CHAIR DENT: There's no motion.

6 (Inaudible comment from unidentified  
7 speaker.)

8 CHAIR DENT: No, there's no motion.  
9 Please don't interrupt.

10 Trustee Tulloch, anything further to say?

11 TRUSTEE TULLOCH: No. I think that's  
12 correct. I think this needed to go away and come  
13 back with some indication of what we're asking for  
14 the extra \$250,000 for. I'm sure there's a logical  
15 reason for it. There's absolutely no detail here  
16 what we're actually asking for or what we're  
17 proposing to do.

18 I'm not in the business of signing blank  
19 checks.

20 CHAIR DENT: Ms. Waters, do you have  
21 further comment?

22 MS. WATERS: Yeah, I would just like to  
23 reiterate that we're not asking for a blank check,  
24 that we do have square footage prices, that is an  
25 estimate that we keep getting hounded on for giving

1 you our estimates.

2 We're not asking to sign a blank check;  
3 we're asking for direction, and we're asking for an  
4 increase in the budget.

5 We'll come back to the board, with a  
6 project, and with a cost estimate when we have more  
7 information.

8 CHAIR DENT: Understood.

9 Just so we all have the same information,  
10 how many square feet is the current skate park?

11 MS. WATERS: The current skate park is  
12 8,000 square feet.

13 And I misspoke. So, the \$500,000 budget  
14 would give you a larger skate park, it would give  
15 you a 4,000 square foot, if you do the numbers of  
16 \$85 a square foot.

17 For the \$250,000, after you do the safety  
18 fixings to what's existing to the rails, to the  
19 concrete, you could build a smaller,  
20 40-by-40-square-foot pad, 1,600 square feet.

21 We have 5,600 square feet on the site that  
22 would be available for us to use, but we understand  
23 that would be a much larger project.

24 CHAIR DENT: Okay. Thank you.

25 TRUSTEE TONKING: My question for Brie is

1 what is the cost for you all to come with some  
2 design and conceptual ideas and all that? What does  
3 that look like for your time and work to do that?

4 MS. WATERS: It's really going to depend  
5 on how we move forward. A lot of these skate park  
6 projects are through Source Well, they're through  
7 companies that do this. American Ramp Company,  
8 they're the ones that built or bike park.

9 It's more of a design/build process where  
10 those designs are already out. We're obviously not  
11 experts in skate park design.

12 We can -- I mean, I don't really know the  
13 answer to your question. If we move forward, your  
14 general engineering administration costs are going  
15 to be about ten percent of the cost of the project.

16 TRUSTEE TONKING: It's more just asking to  
17 see if there's an amount we could approve to get  
18 some conceptual ideas and then go from there.

19 But, it sounds like it's not as easy as it  
20 sounded in my head.

21 I also do -- actually, I would say I feel  
22 a little bit different than my fellow trustee in the  
23 sense that I don't necessarily think we're signing a  
24 blank check, but I do think it is a little obscure,  
25 and it's a bigger issue to kind of deal with, and I

1 understand that it's no one in this District's  
2 expertise, and I appreciate the time and energy  
3 getting us to this point.

4 TRUSTEE NOBLE: I just going to respond to  
5 Trustee Tulloch that I didn't think we were  
6 approving a blank check here.

7 But it is a question for Ms. Waters, and I  
8 apologize for not thinking of this sooner. Would it  
9 be possible to come back with conceptual designs for  
10 both using \$250,000 versus \$500,000 so we could see  
11 the difference -- just what we would be getting for  
12 those types of monies?

13 MS. WATERS: Yes. I think that would be  
14 easy to do. That would be easy for our staff to do  
15 if it's just, almost a figure of what the existing  
16 skate park looks like with, say, a square next to it  
17 of what you would get for the concrete construction  
18 for, let's say, a \$250,000 project versus a  
19 \$500,000, I think we can do that.

20 CHAIR DENT: An idea just popped. Do we  
21 have a cost per square foot for repairs associated  
22 with this? It is a lot cheaper to make repairs than  
23 it is to build completely new.

24 And so in factoring in how much money we  
25 have to spend, that may be something to look into as

1 you're further discussing this with design  
2 consultants, just to have an idea of what that is.

3           Then we know how to budget our 250 grand  
4 versus, potentially, 500 grand.

5           TRUSTEE SCHMITZ: I think I heard you,  
6 sort of, ask us to clarify what the budget is for  
7 this project.

8           And I think that the budget was defined,  
9 it was \$250,000, and from my perspective and for  
10 what the District has always wanted to do and what  
11 out constituents are asking us to do is to maintain  
12 our facilities.

13           And if there are safety issues and  
14 maintenance issues that need to be addressed, those  
15 are first and foremost.

16           And so I would like to understand what are  
17 the costs related to dealing with our existing skate  
18 park and dealing with the safety issues, the  
19 infrastructure decay issues, and how do those costs  
20 come into our \$250,000 budget? Which was what the  
21 budget was.

22           If at that point in time there's  
23 alternatives that you would like to bring to our  
24 attention, I think that would be fine.

25           But at this point in time, I don't feel

1 comfortable increasing a budget for something that  
2 really is a bit ambiguous.

3           And I think that we need to, first and  
4 foremost, address the health and safety concerns and  
5 the infrastructure and decay concerns.

6           TRUSTEE TONKING: What I think I'm kind of  
7 hearing, and agree with, is that I think that we  
8 need to discuss our needs, as Trustee Schmitz said,  
9 what are the needs that need to be repaired. And I  
10 know that we, as a board, this is a priority project  
11 and you're following our direction of that.

12           I'd also like to say that we don't usually  
13 just pick our budget at like 250; it's usually of  
14 our scope and of what we want, and I think that is  
15 what we had told Ms. Waters and the team, that we  
16 wanted specific things done.

17           And then they came up with a budget of  
18 250, and now it had been raised because of all the  
19 price increases.

20           So, I think it's really important we list  
21 all the things we need done, and maybe get a series  
22 of options so we can come back as a board and decide  
23 which ones are important and the costs that's  
24 associated with them, if that's possible.

25           So, basically, looking at repairs and then

1 looking at what a \$250 million budget, like Trustee  
2 Noble said, and what a \$500 million budget looks  
3 like.

4 Is that possible?

5 CHAIR DENT: You caught us of guard  
6 because you said \$250 million and \$500 million  
7 budgets, and --

8 TRUSTEE TONKING: Sorry. Correct that.

9 CHAIR DENT: I'll give you a second to  
10 correct that.

11 TRUSTEE TONKING: Yes. Sorry. Thank you.

12 MS. WATERS: I can give you a great skate  
13 park for \$250 million.

14 I think what General Manager Winquest and  
15 we have discussed, which I'd like to bring back  
16 again is that we are not asking for a blank check;  
17 we're asking for an increase in the budget because  
18 of the Community Service Master Plan and what it has  
19 stated and the need for the enhancement of the skate  
20 park for the safety of the skaters.

21 And if you go back and you read the board  
22 memo, page 132 through 139 of the Community Service  
23 Master Plan, this is a second-tier priority project.  
24 It's part of the your strategic plan, and it's a  
25 part of us going to a roadmap of the future.

1 It's not like I came up with this idea and  
2 I want to build a \$500,000 skate park.

3 We just came to the conclusion that Kate  
4 Nelson went after the grant money and got it. And  
5 we thought it would be a great idea if the board  
6 could match that in the budget.

7 And if we can come back to you with, say,  
8 a \$250,000 and a \$500,000 project, and let the board  
9 discuss that, what we're asking you to do is  
10 increase the budget now so we don't have to have a  
11 hearing about it in the future.

12 We're not asking you to approve the  
13 project right now. We're not asking to write a  
14 blank check.

15 We're just asking to approve the budget  
16 increase so that in the future we can come back and  
17 you can decide then whether or not you want to do  
18 this project. And we can come back with those  
19 options.

20 TRUSTEE TULLOCH: I would point out the  
21 strategic plan -- not quite sure what the  
22 second-tier priority is, but I would point out that  
23 General Manager Winquest has been informing us that  
24 the strategic plan is coming under review, and if  
25 so, I look forward to that actually coming to the



1 board.

2 I think just to assume that a past  
3 strategic plan just automatically allows matching  
4 funds to grant monies, I think that's, perhaps, a  
5 misconception.

6 In terms of a blank check, I'll stand by  
7 what I said. I mean, we've been asked here to put  
8 another \$250,000 towards this project without any  
9 idea of what that \$250,000 is going to provide in  
10 terms of extra facilities, in terms of extending the  
11 skate park, whether it's adding additional features  
12 or just repairing the existing ones.

13 I mean, this is my conversation with  
14 General Manager Winquest yesterday.

15 It tells me absolutely nothing here. All  
16 I'm seeing is basically, give us another \$250,000,  
17 and we'll come up something.

18 My personal view is that before this came  
19 to the board, it should have had put what these  
20 options are, rather than just assuming we'll  
21 suddenly match the money.

22 There's lots of things; there's lots of  
23 first-year priorities in the strategic plan that  
24 haven't been addressed yet.

25 CHAIR DENT: When it comes to -- like, to

1 even come back, how much is it going to cost to even  
2 come back to us with designs?

3 I mean, because you're asking us to  
4 approve something, or at least approve a budget, but  
5 we don't know what the design costs are going to be,  
6 we don't know where this can go, and I think that's  
7 why everyone's questioning this.

8 Do we have any of idea if it's ten grand  
9 or five grand or if it's, literally, they just got  
10 pictures because this is all cookie-cutter stuff  
11 that these skate parks do regularly? Is there a --  
12 anymore information like that that we can have?

13 MS. WATERS: We have conceptual designs by  
14 some local, experienced skaters that host camps, and  
15 they're professional skaters in Incline. We do have  
16 conceptual pictures from them.

17 I think the best answer is that a \$250,000  
18 skate park and improvements to the safety is going  
19 to get you a very small, beginner enhancement. I  
20 can show you some small pictures on some papers, and  
21 can come back and talk about it again.

22 CHAIR DENT: I guess my question is with  
23 this is just it seems like how do we know \$500,000  
24 is enough? How do we not -- like, maybe we should  
25 be moving a million dollars and keeping a million

1 dollars in the general fund; right?

2 Like, we're just -- we have no clue.

3 We're just hoping based on some numbers that came in  
4 in Reno.

5 So, it just feels like there's not enough  
6 information here to truly make a good decision.

7 MR. WINQUEST: I just want to clarify the  
8 strategic plan compared to the Community Master Plan  
9 reference.

10 What Brie was saying is that in the Master  
11 Plan recommendations, the skate park was a tier-two  
12 priority project.

13 And in the strategic plan, and, again,  
14 this was crucial, when we were working with Moss  
15 Adams, one of their core recommendations was to  
16 leverage master planning.

17 And so what I've seen over the years is  
18 the District do to feasibility studies, do master  
19 planning, and for the most part, they sit on a shelf  
20 and a lot of it doesn't get accomplished. We need  
21 to get out of the habit of doing that.

22 I guess what I'm hearing is why haven't we  
23 gone out and done some preliminary design work.

24 So I guess what I would ask is if were to  
25 come to the board asking for \$10-, \$15,000 a month

1 ago or six weeks ago, would the board have actually  
2 approved that knowing that -- what I'm trying to say  
3 is it's mechanically very challenging.

4           So we go and spend money on preliminary  
5 design, then bring it back to the board, and then  
6 maybe that board isn't comfortable with the cost  
7 estimate or the design, project doesn't go forward  
8 and then that's money not well spent.

9           It's really hard, without a budget number  
10 or without the ability to say, hey, I know a lot of  
11 our projects, we do design in year one, and in  
12 construction in year two, and that does make it a  
13 lot easier because we have design funds that we can  
14 allocate, come back to the board and, kind of,  
15 determine what kind of project we're going to move  
16 forward with.

17           In this situation based on the grant  
18 funding and the timing, the requirement of  
19 completion, we're -- that's the situation we're in.

20           We fully understand that the board needs  
21 more information.

22           What we're trying to do is figure out how  
23 we can get the board the information you need to  
24 comfortably make a decision without having to  
25 augment the general fund.

1 I mean, you may say \$250,000 is fine. And  
2 there's nothing else that we really need to do, if  
3 we did not increase the budget to 500.

4 We can go ahead and we'll keep the  
5 \$250,000 in there, which would include design funds,  
6 go out, do some design work on it, preliminary  
7 design work, come back, let the board know what we  
8 can get for \$250,000, what we can get for \$500,000.

9 The only difference is if you want to move  
10 forward with the \$500,000 option, it would need to  
11 go through the process of augmenting the general  
12 fund budget.

13 TRUSTEE NOBLE: Again to reiterate, we  
14 don't know what we don't know. And until we go  
15 through that process and have that information,  
16 knowing whether or not \$250,000 addresses the needs  
17 of this community from a -- first and foremost, from  
18 a safety aspect. And safety aspect doesn't mean  
19 just fixing the stuff in that footprint there, it's  
20 actually expansion because it's too small right now  
21 for the existing users.

22 But knowing what we would get for  
23 \$500,000, I think would be fantastic information to  
24 have so we could make an informed decision on this,  
25 and we aren't just stuck with one option under the

1 250.

2 TRUSTEE SCHMITZ: I guess I think it's  
3 pretty simple. When you know you have a budget of  
4 \$250,000, you go out and you get estimates and you  
5 get bids for \$250,000.

6 Why would you pick \$500,000? Why not  
7 \$300,000, \$400,000?

8 I think it's pretty simple, you go and you  
9 get estimates and you know that you have a budget of  
10 \$250,000, and you potentially say, gosh, if there's  
11 other things a designer or that someone thinks that  
12 we should consider, you bring that forward to us as  
13 an option.

14 To me, that's just the process, and I  
15 don't know why it would be confusing.

16 MR. WINQUEST: That's exactly the process  
17 that we're recommending going through. The only  
18 different is is what it takes to augment the general  
19 fund budget. Otherwise, we would do it that way.

20 So that's the only -- if this was in the  
21 community services fund, it wouldn't be that kind of  
22 issue.

23 But we have opted to move parks into the  
24 general fund. And even prior to that, we had agreed  
25 that we would pay for this project from fund

1 balance, which I think is the prudent and right way  
2 to go.

3           And I'll remind you that if we didn't get  
4 the \$250,000 from the county, we would still be  
5 spending \$250,000, minimum, of our own money.

6           I really feel like we're in a unique and a  
7 good situation where we could -- if the project was  
8 \$500,000, and we all thought that it was a good  
9 project, we're still getting a project and we're  
10 only having to spend \$250,000 of District money.

11           So I feel like we're in a good situation.  
12 We can certainly go that way without putting it --  
13 increasing the budget to \$500,000, and at that point  
14 in time, we can make a decision on we want to do.

15           CHAIR DENT: Understood.

16           TRUSTEE TULLOCH: I think we've got to be  
17 very careful that we make a great song and dance,  
18 haven't we done really great, we've got \$250,000  
19 grant, so let's -- I think we're doing a disservice  
20 to the community to announce that.

21           It's a bit like the effluent pipeline.  
22 Yes, we got 5 million bucks here, but then,  
23 suddenly, the bill goes up another 12 million.

24           And this seems to be the same here: We  
25 got \$250,000 grant, so let's just still spend

1 \$250,000.

2 I think we've got to be careful about how  
3 we message this.

4 Much more important, though, what's not  
5 been mentioned anywhere here is what the timeline  
6 would take for any of these projects, given the  
7 limited construction season, this is probably going  
8 to shutdown the skate park for a full summer season.  
9 We need to understand that because that doesn't help  
10 to resume, it doesn't help businesses if the skate  
11 park closed for a year, two years, or whatever.

12 I think, to me, that's an important part  
13 that has to come back as well. It's -- again, it  
14 comes back to what this board has talked about  
15 before: Service levels and what we actually expect  
16 to get for money.

17 I think that's what is always missing me.  
18 We come asking for budget and then we overrun the  
19 budget -- well, if there's no budget augmentation,  
20 we do less.

21 I think that we need to make sure that --  
22 and this applies all across the capital budget, if  
23 we're asking for a capital budget for something,  
24 we've got to have clear expectations of what we're  
25 going to get for that.



1 I think we need to do that upfront. And  
2 this doesn't tell anything.

3 I have no objections to putting \$500,000  
4 in the budget for this, if that's the case. It  
5 would only be, subject to board resolution, not to  
6 go past \$250,000, not to just assume that because  
7 there's \$500,000 in the budget, we can spend  
8 \$500,000.

9 We saw a similar thing with the beach  
10 house. The board had suggested the number of 3  
11 million, and it comes back at 6 million. It's  
12 continual creep.

13 I think let's be realistic when there's a  
14 budget there, let's bring back something at that,  
15 and then if we want another \$250,000 for something  
16 to add things, I think the board can make a  
17 decision.

18 I can't make a decision on this. It may  
19 well be a wonderful idea, and I'm not necessarily  
20 opposed to it, but I've been asked to hand over  
21 another \$250,000 with no idea of what it's going to  
22 achieved.

23 MR. WINQUEST: Understood. I'll just say  
24 I wasn't trying to justify a \$500,000 project just  
25 because we got a \$250,000 grant. I would never do

1 that. Not saying you were insinuating that, but  
2 that's not what I was saying.

3 I completely understand the sensitivity to  
4 your comment about downtime for the skateboard park,  
5 great comment. We won't know that until we start  
6 going through this process.

7 Of course, if we knew that right now, then  
8 we wouldn't be sitting here today.

9 So, we fully understand that.

10 CHAIR DENT: One question: The safety,  
11 like, this isn't a true safety issue because if it  
12 was, nobody would be skating in the skate park right  
13 now; right?

14 So, but, I mean, we do write in here:  
15 These poor conditions along with the size of the  
16 skate park in relation to the number of users poses  
17 a safety risk to the users of the skate park.

18 Something -- us putting something like  
19 that in a memo as to poor conditions at the skate  
20 park, but then we're not stopping people from using  
21 the skate park, and we're not making this an  
22 emergency project to go fix it right away.

23 I feel like we should have approached this  
24 a lot differently from the liability standpoint  
25 associated with if this truly is safety risk.

1 I understand making improvements to make  
2 it better, but I still think we have a lot of work  
3 to do to truly figure out what that is and what that  
4 really costs, because I asked the question earlier:  
5 Do we know what it would cost to do the repairs?

6 And we know what it would cost for new  
7 construction; new repairs -- or repairs are  
8 typically significantly less than new construction  
9 because the infrastructure's already there.

10 So, in my mind, the repairs make come in  
11 underneath the 250 grand. We don't know. It's too  
12 early to assume.

13 I want a little clarification because I've  
14 heard two square footage numbers thrown around.

15 And, Brie, I just want to give you the  
16 opportunity to clarify. First you said 25 grand --

17 MS. WATERS: I apologize about that. When  
18 I was doing my numbers today and this last week  
19 preparing for this memo, our research shows that we  
20 can build a skate park for \$75 to \$85 a square foot.  
21 That's a concrete type of skate park that we have  
22 now on site.

23 For \$500,000, my estimate would be you  
24 that you would be able to add a  
25 4000-square-foot-type-of concrete structure like

1 there's out there now, 4,000 square feet.

2           And for \$250,000, after we do all the  
3 fixing of the cracked concrete -- I'm not a skater,  
4 so I don't know exactly what it needs. To answer  
5 your safety question, I don't know the answer to  
6 that.

7           But I know that there's cracked concrete,  
8 there's drainage problems. Once we fix all that,  
9 you might be able to get, maybe, a 1600-square-foot,  
10 concrete structure and understand that we need  
11 beginning facilities out there.

12           Apparently, the rail is one of the longest  
13 rails in the region. It's very popular, but there's  
14 no beginning facilities in our skate park.

15           And according to the community services  
16 master plan, it needs to be expanded because it is  
17 too small.

18           CHAIR DENT: Understood.

19           TRUSTEE TONKING: I have a couple  
20 questions and a statement.

21           This first thing is, this is a huge  
22 community place. I mean, growing up here, I can  
23 tell you there's only so many places you can go and  
24 so many activities you can do to entertain children  
25 before they find other activities that aren't as

1 beneficial for our community.

2           So, A, like, keeping the needs of our  
3 community in mind is key, and at what cost.

4           The other thing is we talk about safety  
5 issues in a bunch of our areas. We talked safety  
6 issue at the tennis courts. We talked about safety  
7 issues with Ski Way. We've talked about issues with  
8 the boat ramp.

9           I feel like we constantly talk about that  
10 and so we haven't done emergency issues so I don't  
11 know why this is much different than those types of  
12 safety issues, unless, for some reason, these safety  
13 issues are more extreme than the ones that we talk  
14 about at tennis with the decaying courts or what we  
15 talk about with the boat ramp issues or the merging  
16 at Ski Way.

17           But we all know those are going to be  
18 liabilities and are things that are going to come up  
19 at some point and become an issue that I feel like I  
20 say a lot when we talk about CIP that we need to  
21 deal with.

22           The other thing is I'm okay with repairs,  
23 but repairs only last so long. We've repaired the  
24 tennis courts so many times, and now they're a mess.

25           Like, I really need, like, I think it's

1 really important we try to think about repairs  
2 versus capital what does that mean?

3           Because if we spend a bunch of money in  
4 repair like we have with the tennis center, we could  
5 have just fixed it right the first time, it would  
6 have been way better.

7           Or the Chateau, that's another great  
8 example of a place that isn't holding up well.

9           I think, for me, like this is community  
10 project. This is what happens when we move parks  
11 out of community service, we move it into general  
12 fund, there needs to be huge changes and this  
13 changes how the budgeting process works.

14           I'm okay putting the \$500,000 in, going  
15 out to bid, not saying that the budget is \$500,000,  
16 we could even say the budget is around 300, or not  
17 even put it in the proposal, and then see what  
18 happens and what comes back.

19           But I think doing the 250 and having to do  
20 it with general fund is a much different budgeting  
21 change in the community service. And this is what  
22 happens when we make those kind of financial  
23 changes, is this longevity issues that occur with  
24 that.

25           TRUSTEE NOBLE: I still think that we

1 should bump it up to \$500,000; however, if this --  
2 if what we need to move forward is maintain it at  
3 250 and have staff come back with a proposal that  
4 shows what can be accomplished at 250 and what could  
5 be accomplished to meet the community's needs,  
6 whether that's under 250 or over 250, and if they  
7 think there's an in-between proposal too, I'm fine  
8 with that if that's what it takes to move this  
9 forward.

10           Because I do think addressing the needs of  
11 the community with regards to the skate park is a  
12 priority project, and we need to do something here.

13           TRUSTEE TULLOCH: Yeah. Funny enough, I  
14 actually agree with Trustee Noble in this.

15           I think we should be moving forward. My  
16 objection was just throwing let's put 250,000 on the  
17 table so then the only thing that comes back then is  
18 a \$500,000 proposal.

19           I think, yes, we've got to address the  
20 safety issues first.

21           I think all the master plans and all the  
22 community comment has been, yes, we want to maintain  
23 the existing facilities, not just willy-nilly great  
24 and expand them.

25           I think the follow-up question as well,

1 why is the skate park part of the parks, apart from  
2 the fact it actually sits in the parks?

3           When we talked about moving parks into the  
4 general fund, I think we all thought that parks was  
5 general park maintenance.

6           I mean, if this is a community facility,  
7 perhaps it's something we need to look at further  
8 going forward.

9           We're attributing some revenues to it, I'm  
10 not sure where the revenues actually come from. I  
11 don't know if we're actually leasing or what we do.  
12 I can follow that up later.

13           But, yeah, I mean, I believe most of us,  
14 certainly myself, I've been delinquent. I thought  
15 when this was moved from parks, we were talking  
16 about the general parks, and this is the particular  
17 facility.

18           And I concur with Trustee Tonking in that  
19 I'm okay with making the budget appropriate for  
20 \$500,000, but not just automatically assuming,  
21 great, we've got \$500,000 in the budget, and  
22 suddenly we find a \$750,000 project.

23           That may be what is required, but let's  
24 find out what is actually required. And  
25 particularly let's find out how much downtime is



1 coming.

2           What surprises me is there is only  
3 basically one company that does these things. I  
4 would have thought you should be able to go a couple  
5 of courts pretty easily without actually incurring  
6 any real costs. I think it's there.

7           I've done my research into what skate  
8 parks cost as well. It took me 15 seconds on  
9 Goggle, the average price to design and build a  
10 skate park is from \$50 to \$75 per square foot. Most  
11 projects around \$50 per square in total. Skate  
12 parks are rarely more than \$85 per square foot and  
13 can sometimes be as low as \$35 per square foot.

14           MR. WINQUEST: First of all, I believe  
15 moving the parks into the general fund is completely  
16 appropriate. These facilities are open to the  
17 general public, although, they primarily get used by  
18 our residents, but they are opened to the general  
19 public.

20           The revenue that was referenced, we do run  
21 skate board camps out there, so it's revenue; it's  
22 not a tremendous amount of revenue.

23           And then, so -- and I've done the research  
24 too. It seems like every time I do research like  
25 that, here in the basin, it just seems to cost 15 or

1 20 percent more. Actually, I think I saw the exact  
2 same Google that you looked up.

3 I assure you that I understand the  
4 concern. I understand there's been some past  
5 practice that would, maybe, trigger some of the  
6 concern, but I can assure you we've heard it loud  
7 and clear from the board that what we'd be bringing  
8 back to you is a scope of what we could do for  
9 \$250,000 and we could do for up to \$500,000.

10 We would bring that back to the board to  
11 make decision on how we want to proceed. It could  
12 end up being \$350,000 or \$200,000, depending on what  
13 we do.

14 I understand the concern around the  
15 language around safety issues. I would call this  
16 more preventive maintenance, preventing -- I mean,  
17 we have had safety issues over the past and had to  
18 come in and do repairs and stuff. Giant cracks in  
19 the bottom of bowl that our kids are falling into,  
20 stuff like that.

21 But it's just ongoing, preventive  
22 maintenance to ensure that the skate park is safe.  
23 And because it's 20-something years old, we have  
24 aging infrastructure out there. I think that would  
25 have been a more appropriate way of describing the

1 conditions of the existing park.

2 TRUSTEE SCHMITZ: How things ended up in  
3 parks, the differentiation is that they are open to  
4 the general public, as General Manager Winquest just  
5 clarified.

6 CHAIR DENT: Okay. Do we need to get some  
7 direction to staff or they have enough direction?

8 (Inaudible cross talk.)

9 CHAIR DENT: Approving is the 500,000 is  
10 action.

11 MR. WINQUEST: I believe we've gotten  
12 direction. Thank you. And I really appreciate the  
13 discussion and dialogue.

14 CHAIR DENT: Okay.

15 TRUSTEE TULLOCH: That subject to the  
16 250,000 being the maximum spend level.

17 CHAIR DENT: Yeah. That's been in the --

18 TRUSTEE TULLOCH: Just one other thing, if  
19 we are looking at that, particularly in view of  
20 downtime, if we're talking about expanding whether  
21 it can be done in phases as well, so we don't  
22 actually completely lose a facility for a year.

23 MR. WINQUEST: We will bring that  
24 information back and then, also, we will make sure  
25 we engage Trustee Tonking as the parks and

1 recreation liaison on this process.

2 TRUSTEE SCHMITZ: For the ARPA funding, do  
3 we have to have a contract in place at a certain  
4 time? And if we decide to phase it, does that have  
5 potential impact on the receipt of our ARPA funding?

6 MR. WINQUEST: To the first question, no  
7 concerns there. The second question, yes, there's a  
8 completion date.

9 Preliminarily, we don't believe this will  
10 take more than a summer seasons to get done. But,  
11 again, we'll find that out.

12 To answer your question, yes, there are  
13 deadlines as far as -- but we'll make sure that we  
14 package all that information when we bring it back  
15 so that the board has all the information you need  
16 to comfortably make a decision moving forward.

17 And also I'm going to be floating this  
18 project to a lot of my friends in the community,  
19 because I believe there maybe potential donors that  
20 may want to help out with this project, so we're  
21 always looking for other types of alternative  
22 funding as well.

23 CHAIR DENT: Thank you.

24 TRUSTEE TONKING: I was going to speak  
25 quickly about the ARPA funding. Right now, the

1 federal government has decided as long as you  
2 started the work, and it's a one-time expense,  
3 that -- and if it's delayed due to construction or  
4 materials or all that kind of stuff, they will --  
5 there's a list of reasons, like 40 different  
6 reasons, they will allow you to spend it past the  
7 deadline, as long as it's, like, under some form of,  
8 like, plan to help prevent some of that issue.

9 CHAIR DENT: All right. That will close  
10 out item G 1.

11 We're going to take a five-minute break.  
12 We will come back -- we're going to take an  
13 eight-minute break. We will come back at 7:55.

14 (Recess from 7:47 P.M. to 7:55 P.M.)

15 CHAIR DENT: We are back. We're going to  
16 move on to item G 7 or item G 2, formerly G 7.

17 G 2.

18 CHAIR DENT: Discussion of Incline Village  
19 General Improvement District final budget for fiscal  
20 year '23/'24, State of Nevada forms 4404 LGF, and  
21 related fiscal year '23/'24, central services cost  
22 allocation, recreation facility fee, beach facility  
23 fee, authorized staffing levels, and fiscal year  
24 '23/'24 capital improvement project budget.  
25 Requesting staff member Director of Finance Paul

1 Navazio. Can be found on pages 501 through 716 of  
2 your board packet.

3 MR. NAVAZIO: This item is the materials,  
4 discussion, and action intended to approve the  
5 fiscal year 2023/2024 fiscal year budget.

6 And as noted, there's -- in your agenda,  
7 there's a series of actions that will ultimately be  
8 required, and the order of those actions actually  
9 matters as we go through them.

10 And the way we thought to lay out the  
11 agenda is to allow for very brief presentation,  
12 board discussion, and then the required public  
13 hearing prior to formal action.

14 Then we talked about nesting this with the  
15 similar for the rec roll and the facility fee that  
16 requires its action.

17 Unless there's any questions in terms of  
18 the process, I would just say what we have  
19 prepared -- as we have prepared for you this evening  
20 is the packet that supports the actions that are  
21 before you, specifically included in this item,  
22 starting on pages 501 of the board packet is the  
23 information related to where we've landed thus  
24 far with the final budget, based on a lot of  
25 discussion with the board through a series of

1 workshops, and also formed by the discussion  
2 recently on things like golf rates and other venues,  
3 you have in your packet a summary of the  
4 District-wide budget, and we've included the history  
5 of not only some years of actuals, this year's  
6 budget, our estimates for this year, and then where  
7 we started with our baseline budget, the tentative  
8 budget approved on April 12th.

9           And we've made significant revisions to  
10 where we are today with the final budget based on  
11 board direction, general manager's directions, with  
12 really a goal to tighten the expenditures where we  
13 could, and we're prepared to answer any questions  
14 that you have on that.

15           There's a summary beginning on page 509 of  
16 the District-wide budget information. And then  
17 summaries for the general fund, utility fund,  
18 community services funds and the beach funds, and  
19 the internal services.

20           There's a section on the central service  
21 overhead allocation that's been updated, based on  
22 reductions that we've made in the general fund  
23 budget and reduce the allocations across to the  
24 venues as a result.

25           There's a section on the facility fees.

1           And then we've included the state forms  
2 that are required to be approved as part of the  
3 final budget.

4           We've including listings of the authorized  
5 budgeted positions, the year one capital plan, and  
6 then the supplemental information at the back of the  
7 packet, the capital plan and the current draft of  
8 the five-year plan.

9           The last thing before turning it back over  
10 to the board is we have provided, based on feedback  
11 received from board members since this packet was  
12 put out, two pieces of additional information that  
13 are on your dais. They were emailed earlier, but we  
14 provided hard copies. There's copies in the back  
15 for members of the public, and they're sitting on  
16 the website.

17           One is -- just note -- what I would call  
18 are some replacement pages. There were some areas  
19 that were identified that we went in and made some  
20 revisions to the material that's in your packet.  
21 The main one, I would say on that, there's a  
22 complete set of state forms that now includes the  
23 estimate for the current fiscal year, as opposed to  
24 the budget estimate that's in your packet.

25           The second handout is what I've titled



1 just "supplemental material," because it largely is  
2 additional information that was requested in our  
3 discussions with individual trustees to provide some  
4 additional information on the material that's in  
5 there. We can cover that as need be as we go  
6 through this.

7           But our goal and our hope this evening is  
8 to answer any questions that the board has, discuss,  
9 particularly, the rec fee, and any aspects of the  
10 budget that the trustees are interested in  
11 discussing or potentially modifying.

12           But our goal is to ultimately have board  
13 action to approve the fiscal year '23/'24 budget,  
14 approve the state forms to be filed with the State  
15 of Nevada, and if need be, as amended by action that  
16 you take this evening.

17           And then this will serve to then be the  
18 budget and the work plan for the District for the  
19 new fiscal year.

20           TRUSTEE TULLOCH: Point of clarification  
21 before we start going into detail is -- you can see  
22 from our discussions yesterday, I've got plenty of  
23 tabs marked here. Actually ran out of them.

24           At the bottom on page 505 and the top of  
25 page 506, it talks about 1.379 million in project

1 fund is included in the capital plan as identified  
2 as appropriately accounting for as operating  
3 expenses.

4           Has that 1.379 been moved into the  
5 budget -- into the operating budgets for each  
6 department? Is that still -- is this an extra  
7 expense?

8           MR. NAVAZIO: That is in the operating  
9 budget. It's in the services and supplies category,  
10 but we show it to itemize the projects that make  
11 that up.

12           But, yes, it is in the operating budget,  
13 not in the capital.

14           TRUSTEE TULLOCH: Thank you.

15           CHAIR DENT: Any questions? Any  
16 discussion by the board?

17           TRUSTEE SCHMITZ: I have a question. I  
18 had asked for information relative to the staffing  
19 plan, and to identify for the board any changes,  
20 because last year there were changes made that the  
21 board was unaware of.

22           So, I had requested that to be included,  
23 and I haven't yet seen it, unless it is shown in one  
24 of these green things here today.

25           MR. NAVAZIO: It is included in the

1 supplement information.

2 TRUSTEE SCHMITZ: Can you point out where  
3 the identified changes are for the staffing? Can  
4 you please point that out?

5 MR. NAVAZIO: Yeah. Basically, in this  
6 packet -- let me start that the staffing authorized  
7 positions was provided in the board packets,  
8 starting on page -- well, the title sheet's page  
9 548, and the list of authorized positions on page  
10 549 through 553.

11 What is included in the supplemental  
12 information, there are two pieces of supplemental  
13 information requested, and so, again, I'm looking at  
14 the supplemental handouts.

15 So this shows the same list of positions,  
16 cleaned up a little bit, and it shows the 2024 FTE  
17 list, next to it is 2023 FTE list with the changes.  
18 It will identify the changes between the two.

19 And then we can answer any questions for  
20 it. So, the net change in FTE, and then by  
21 classification.

22 I believe Trustee Tulloch had also  
23 requested information on showing the FTEs by venue  
24 and by fund, and how they're allocated, as opposed  
25 to just a list.

1           We had to play around with some formatting  
2 to see how that would work, so just behind that is  
3 the same list, but it'll show for each position,  
4 really starting with the general fund positions, but  
5 there were a couple, for instance revenue officer  
6 supervisor, that's allocated across venues, and then  
7 we get into utility funds positions.

8           But what we were able to do was show where  
9 there's a position that might be allocated across  
10 various funds.

11           So, it's really the same list we started  
12 with. We've added the change from prior year, and  
13 then we have a second list that shows the  
14 allocations across venues for each of the positions.

15           TRUSTEE SCHMITZ: I really appreciate all  
16 of the effort that you've put into this and your  
17 time.

18           I'll be honest, with this amount of  
19 updated material for every single form and the  
20 things we asked for, I cannot make a decision on  
21 this budget tonight because I've had no opportunity  
22 to review the 20 extra pages of material, which is  
23 what we had asked for, and the forms that were in  
24 the packet didn't have the correct information in  
25 them. They had budget instead of the projected

1 numbers.

2           So, I mean, I can't -- I can't vote for  
3 something that I've had no opportunity to actually  
4 take time and review these state forms before  
5 tonight's meeting, because I have reviewed these and  
6 I found errors. I reviewed them last year and found  
7 errors.

8           And until I have time to take the  
9 information that has been updated and provided to us  
10 and review them, I can't make a decision on a budget  
11 this evening.

12           MR. NAVAZIO: I understand that, Trustee  
13 Schmitz, and that's always, sort of, a risk that's  
14 associated with getting to the finish line.

15           I would say that -- I'm trying to think if  
16 there's actually any changes that were made to the  
17 proposed '23/'24 budget. There's a lot more  
18 background information that has been asked and we  
19 provided it.

20           I will tell you that the only change in  
21 the forms that impacts the '23/'24 budget, and we  
22 discussed this, was including the general fund  
23 carryovers that are recommended and proposed so that  
24 they're reflected in there.

25           But, I mean, other than that, we

1 continuously get requests for information. We do  
2 our best to respond to them, and I would hope that  
3 the trustees could at least have a discussion to get  
4 you to a comfortable place.

5 But that's entirely up to the board.

6 TRUSTEE SCHMITZ: I understand.

7 However, when we don't have it to review  
8 in advance and the projected numbers weren't in  
9 here, the carryovers weren't in here. I know that  
10 we have those numbers, but they weren't in the  
11 forms.

12 I haven't had a chance to review them, and  
13 that's what we're approving here tonight is these  
14 forms. And I have had no opportunity to review  
15 these forms after some significant modifications.

16 I just -- I understand and I really don't  
17 have questions beyond as it relates to the Mountain  
18 Golf Courses because the golf courses are projecting  
19 just phenomenal increases, and I've asked this  
20 question.

21 And I've asked the question about why our  
22 budget is increasing, how is our revenue increasing  
23 by 37 percent, and these numbers, I'm not just not  
24 comfortable that they're attainable. And I have not  
25 received any information to raise my level of

1 comfort.

2 But the bottom line is I know that a lot  
3 of work went into this and it's got a lot of great  
4 information in the budget.

5 But when it comes to us having to approve  
6 the state forms, the state forms have all been  
7 updated and are right here, and I can't review -- I  
8 can't approve those state forms because I haven't  
9 even had an opportunity to review them since they've  
10 had some significant modifications.

11 CHAIR DENT: Just so the public in the  
12 room and those watching at home know, we did receive  
13 this supplemental information -- or the revised 25  
14 pages at four -- after 4:00 o'clock today, so I  
15 haven't reviewed them either.

16 TRUSTEE TONKING: I'm going to push back a  
17 little on all of that.

18 I would say, A, these are some of the best  
19 forms I've seen, and I work with school districts  
20 across the country and other governmental  
21 organizations in Nevada trying to fill these forms  
22 out.

23 And I would want to congratulate our  
24 finance staff for all the work that they do.

25 I'm also looking at that staff form, and

1 I'm pretty impressed that we got staffing down by  
2 9.8 FTEs.

3 I would also say I don't think this  
4 information -- the added information -- I did have  
5 the opportunity to go through it, since I've been  
6 home sick.

7 But I would push back and say I don't  
8 think these were necessarily that significant of  
9 changes into the supplemental forms, and I  
10 understand, maybe, you need more time, and I'm fine  
11 doing that.

12 But I do want to say that staff did a very  
13 good job at preparing these kind of forms,  
14 especially in comparison to what the State receives.

15 MR. NAVAZIO: Well, thank you.

16 I would also note that the updates to the  
17 form in the form of estimates was nothing more than  
18 taking the information that you have in the board  
19 packet and transferring it to form.

20 So, there's no new information, taken as a  
21 whole, but I understand and appreciate your very  
22 detailed review of the formal documents that we have  
23 to submit.

24 But the forms, essentially, reflect the  
25 information that was provided in the packet. We



1 just didn't have time, my fault, when we put the  
2 original packet together, to get those into the  
3 state forms.

4 But there's no new information provided in  
5 that document.

6 TRUSTEE TULLOCH: I welcome back -- I'll  
7 raise the issue that I raised at a meeting  
8 yesterday.

9 Thank you, Trustee Tonking, for  
10 identifying it's 9.5 FTE reductions.

11 But if I go through and look at the  
12 actuals and for total personnel costs for 2019/'20,  
13 through to the projection for 2023/'24, we've  
14 increased the total cost, there's been a 35 percent  
15 increase.

16 I've just looked up the changed CPI  
17 increase since May, 2019, is 17.4949 percent, so  
18 there's a huge -- still a huge element of creep  
19 here.

20 I noticed that, obviously, the last year's  
21 budget was very generous in terms of that moving  
22 from 14 million, actually, the year before to 17.8,  
23 17.7 million in the budget.

24 I noticed this year we've undershot the  
25 budget quite significantly, but it's still a 35

1 percent increase in total personnel costs over four  
2 years; that's almost double the rate of inflation.

3 That's not consistent with the 9.5 FTE  
4 reduction. I think I'm having a hard time.

5 Trustee Schmitz said, "I got this at 4:15  
6 today. I haven't had time to go through the  
7 reductions and FTEs."

8 I understand most of them are Mr.  
9 Bandelin's reduction in seasonal staff at Diamond  
10 Peak.

11 But this tells me over the last four  
12 years, there's certainly been significant wage  
13 creep, well above the cost of living allowance.

14 And I also know elsewhere in the packet,  
15 the details, various different proposed grade  
16 adjustments because people are at the top of the  
17 scale, so let's increase the grades.

18 I mean, the grades, in my mind, should be  
19 related to job function, not just because somebody's  
20 reached the top of the their grade, we move them to  
21 the next grade so they don't get salary sticking.

22 It's certainly -- again, it is my major  
23 area of concern, cost creep.

24 My other major area of concern, I think  
25 we've got some very optimistic revenue numbers

1 there.

2           As we discussed yesterday, my money's on  
3 the -- we're going to undershoot these quite  
4 significantly, which makes a huge difference in the  
5 overall picture, unless we can significantly reduce  
6 expenses further.

7           And if we've gone through with a  
8 fine-tooth comb with the expenses so far, I'm not  
9 quite sure where it would take a lot money.

10           On the capital plan, I'm still a little  
11 bit confused by what we're projecting a huge capital  
12 requirement for next year when we know we won't be  
13 spending it.

14           Is that just to make sure that we have  
15 sufficient money in the budget to comply with  
16 contracts?

17           MR. NAVAZIO: That's primarily it,  
18 correct.

19           TRUSTEE NOBLE: Yeah, I'm prepared to move  
20 forward this evening, but a question for the two of  
21 you is if this board does not approve a budget  
22 tonight, what happens? Given the deadline that is  
23 fast approaching.

24           MR. WINQUEST: I spoke to the Department  
25 of Taxation this morning and asked this question.

1           Basically, based on the timing, we would  
2 not be able to schedule another meeting. The  
3 earliest we could schedule a meeting to approve  
4 budget forms would be next Thursday, which June 1st.  
5 I was told by the State that that would not suffice.

6           They also indicated that your board  
7 approved a tentative budget, which as a reminder,  
8 we're one of the only agencies in the state that  
9 actually brings the tentative budget for approval by  
10 the governing body; most of the time, they just  
11 submit it, because it's kind of a preliminary thing  
12 for the State to just make sure that we're on the  
13 right track, that the forms are filled out the right  
14 way.

15           I asked if there was an avenue to request  
16 for an extension of a few days, and I was told no.

17           I asked what would happen if we did not  
18 submit the budget by June 1st, and I was told that  
19 they had to clarify, but what I was told was that  
20 likely we would revert back to the current year  
21 budget, or there's a possibility, she said, because  
22 your board approved the tentative budget that it  
23 would revert back to the approved -- the tentative  
24 budget that this board approved.

25           So, I understand the concern from Trustee

1 Schmitz, but I also reiterate what Mr. Navazio just  
2 said, there are no significant changes to the budget  
3 forms.

4 I know you haven't had a chance to  
5 evaluate the estimated actuals, but they were  
6 actually in the budget, they were here. And so I  
7 realize that those are changing.

8 My recommendation, based on concerns -- if  
9 there's concerns from the board about making sure  
10 that the budget forms are accurate and reflect all  
11 of the directed revisions that may come out of this  
12 evening or things that we've already done, that the  
13 board allocate, I would recommend the board  
14 treasurer, naturally, but anyone to work with  
15 Mr. Navazio and I to make sure that the board is  
16 comfortable with the forms that are going to be  
17 submitted on June 1st.

18 So, if I would have known that there was  
19 going to be a desire to hold another meeting to  
20 approve the budget forms, I've never seen that in  
21 the District, but if I would have known that that  
22 was the case, we would have done that. I did not  
23 know that.

24 So, I apologize for that. I did not think  
25 that we were going to need to schedule a meeting

1 just to approve the actual forms after this meeting  
2 this evening.

3 MR. NAVAZIO: Just to add a piece of  
4 information. And I wanted to say, acknowledging  
5 that there's lot of questions and potential issues  
6 before a board will approve a budget, so it's not  
7 any one issue.

8 I will highlight again as it relates to  
9 the forms with the estimated -- I may have shared  
10 this with some of the trustees when we met, but I  
11 want to make sure everyone understood that the  
12 purpose of the estimated numbers in the state forms  
13 from the State's perspective is primarily or  
14 exclusively so that the State has confidence that  
15 between our projected fund balances at the end of  
16 this year and the new revenues for next year,  
17 they're sufficient to support the expenditure plan  
18 in the '23/'24 the budget.

19 And I'll just say -- because I had this  
20 conversation with the State on how important it was  
21 to do the estimates. I would say for every single  
22 fund and for every single part of the form, the  
23 estimated actuals is, no surprise, results in a  
24 larger ending fund balance at the end of this year  
25 than the budget.

1           So, our ability to support the '23/'24  
2 expenditure plan is actually better supported by the  
3 estimates than the budget numbers that were in  
4 there, and I would say there would be heightened  
5 concern if all of a sudden we updated the forms and  
6 provided information to the State that said we don't  
7 have the funding to support the plan.

8           That is the purpose of estimate actuals,  
9 at least from the State's perspective, and since we  
10 had this conversation with some of the trustees, I  
11 wanted to make sure that everybody was aware of that  
12 and for the record.

13           TRUSTEE TONKING: I just feel frustrated  
14 because this is what happens every single year. And  
15 yet every year when talk about budget workshops  
16 starting in October, someone on the board is like,  
17 well, I think we just need to do less budget  
18 workshops, we already do so many of them.

19           But then we get to this budget, and nobody  
20 can approve it. Like, we keep going down this  
21 vicious cycle.

22           I think I want to make it very clear that  
23 this is like a us-as-a-board issue that we're not  
24 good at this. Like, this has happened now every  
25 year I've been on the board.

1 I'm pretty frustrated with it.

2 TRUSTEE SCHMITZ: This is not a board  
3 issue. This is not having correct information in  
4 our board packet.

5 So, had we had correct information in the  
6 board packet, and I understand that we had -- in the  
7 board packet, we do have the estimate numbers.

8 But we are here to approve these state  
9 forms, and the state forms are now being modified.

10 I am okay, if our treasurer is okay with  
11 saying you are going to take the responsibility of  
12 working with staff to ensure that these forms are  
13 consistent with the numbers that are in our packet,  
14 because we have just had too many errors in the  
15 past.

16 So, this is just about the forms not being  
17 what the forms are that we need to submit.

18 So, if our treasurer is okay with that, I  
19 would be okay with that. But then I think there's  
20 things I would like to discuss as it relates to some  
21 of the numbers in the budget.

22 CHAIR DENT: Absolutely. That's where I  
23 wanted us to get going, because I understand the  
24 issue with the forms right now, and if does take a  
25 few days for a board liaison or the treasurer to



1 review the forms before they get submitted, I think  
2 that could be a path forward.

3 TRUSTEE TULLOCH: I'm prepare to take on,  
4 but I think I have a follow-up question.

5 What does the State do to us if we're late  
6 with the budget? Is there sanctions against us?  
7 And if we then change the budget after the budget is  
8 submitted to the State, what is the big deal?

9 MR. NAVAZIO: I'll try to give a partial  
10 answer.

11 Really, what the whole issue is the NRS  
12 requires that all local agencies submit and file a  
13 budget by June 1st, to the Department of Taxation.

14 And in the NRS it says that if the budget  
15 is not submitted by June 1st, I believe the language  
16 in the NRS says that the current-year budget,  
17 basically, is the de facto budget going forward.

18 The second part that -- no, I don't think  
19 there's any sanctions or penalties, as it was  
20 explained to me last year when I asked, I haven't  
21 asked recently.

22 The second part is if the board were then  
23 to subsequently take action to approve the final  
24 budget, which is filed after June 1st, that budget  
25 doesn't just automatically become the new budget.

1 You know, thank you for update. The State -- it has  
2 to go through a process and the State has to,  
3 effectively, approve the amending of the default  
4 budget, but it's just a process.

5           So, I wouldn't want to make it sound like  
6 anything terrible happens. The key is that there  
7 needs to be some spending authority proved or in  
8 place for the board and the District to continue to  
9 operate until the board's comfortable with the  
10 budget.

11           TRUSTEE NOBLE: Worse case, we'd be left  
12 with the tentative budget or last year's budget,  
13 doesn't make much difference, but the board can  
14 still subsequently change that and restrict spending  
15 and expenses on it.

16           But there's not a sanction. I don't think  
17 the FBI's going to be at our door.

18           MR. WINQUEST: I'd like to add that that  
19 should be an absolutely last resort. We've worked  
20 really hard to develop the reputation we have as an  
21 agency. I was told yesterday that we are one of the  
22 model agencies in the state, as far as our  
23 budgeting and everything we do.

24           And so if that's where it has to go, it's  
25 where it has to go.

1           But I don't -- based on the work that  
2 we've done, based on feedback that we've taken from  
3 the board, based on the direction that staff has  
4 taken from me, based on our discussions with board  
5 members this week, I believe that we should be able  
6 to work through the process, listen to what the  
7 concerns are with numbers, the existing numbers,  
8 take direction, identify revisions that need to be  
9 made, make those revisions, update the state forms,  
10 work with you, and hopefully get to the finish line.

11           I believe the staff has done a really good  
12 job. I understand some of the concerns that we've  
13 already talked about. It's not perfect and never  
14 will be.

15           CHAIR DENT: All right. Are there changes  
16 you guys want to see made to the budget? Talking  
17 about the forms doesn't get anywhere, and we have  
18 another two-and-a-half hours until this meeting is  
19 over, so let's get some of these items off our  
20 plate.

21           TRUSTEE SCHMITZ: I would specifically  
22 like to remove some of the budget from the Mountain  
23 Course.

24           It seems like in years past, if you  
25 remember the presentation that we did, it was

1 significantly over-budgeting for expenses.

2           And when we look at what the estimated  
3 actuals are, and then we're doing a budget increase  
4 of another 100,000, 100,000, about \$300,000, when we  
5 looked at Mountain Course specifically, we had  
6 noticed that there was about anywhere from a 3- to  
7 \$400,000 uptick on where the expenses were budgeted  
8 compared to actual.

9           And I think it's great that staff has  
10 brought the expenses down. I would like to just  
11 say, look, we need to bring the budget for those  
12 expenses down so that we're not over-budgeting yet  
13 again.

14           So, I would like to request about \$300,000  
15 come out of the operating expenses of Mountain  
16 Course. And I would just like to have confirmation  
17 that this charges for services for the Mountain  
18 Course is realistic. It's a 37 percent increase in  
19 revenue.

20           Now, if that's good, great, I commend  
21 them. I just want us to be realistic in our  
22 budgets. That's all. And realistic on forecast for  
23 revenue and better at estimating our budget for our  
24 expenses.

25           The other thing with the golf courses,

1 it's more about food and beverage.

2           Now we're going to take on food and  
3 beverages at the beaches, and now know that we have  
4 been losing significant dollars on food and beverage  
5 at the Champ Course, and I would like to know that  
6 we are taking corrective action and that when we're  
7 increasing these estimates of what we think we're  
8 going to be able to bring in revenue for food and  
9 beverage, that they are realistic numbers, and that  
10 we have addressed whatever issue there is of why  
11 we're losing so much money on food and beverage.

12           CHAIR DENT: Understood.

13           TRUSTEE TONKING: I had a question. I  
14 don't know how we can take \$300,000 out of a budget  
15 if we don't know where we're taking it out of. I  
16 feel like that's alarming to me.

17           Also my question is: Is food and  
18 beverage, as a whole -- it looks like it's making  
19 money as whole, it's just when we take it out  
20 separately? Food and beverage, overall, I believe  
21 is making money; is that correct?

22           MR. NAVAZIO: Yeah, I believe so. I'm  
23 going to -- Mr. Howard is here to address some of  
24 these questions.

25           I would say two things. One, in

1 aggregate, per the budget, absolutely. And I just  
2 will remind the board the same thing that we  
3 discussed during the golf discussion and maybe  
4 during the budget workshops is that I'm no expert in  
5 food and beverage, but over the last couple of  
6 years, it has been exceedingly challenging for food  
7 and beverage here at the District, and I would say  
8 any, kind of, food and beverage operation in  
9 general, with, you know, two years ago, limited  
10 capacity. Last year we had very new challenges in  
11 the staffing.

12           So, the difference between what you've  
13 seen in our actuals recently and what's in the  
14 budget is an assumption of returning to, more or  
15 less, normal operations consistent with what we've  
16 seen in prior years where the revenues were there.

17           The venues managed to break even, if not  
18 bring a profit, and we can have the discussion about  
19 with or without capital depreciation.

20           But the biggest difference, particularly  
21 in food and beverage, between our most-recent  
22 actuals and next year's budget is the assumption  
23 that we are going to be fully staffed. We're going  
24 to have folks frequently in our facilities and our  
25 food and beverage establishments, and that based on

1 how they operate under normal circumstances, there  
2 are margins built in that ensure that, and Darren  
3 and his staff also have the ability that when the  
4 revenues aren't coming in as expected, the ability  
5 to sort of dial down the staffing to do that. But  
6 it is a management challenge to do.

7 I will say last year and the year before  
8 that are not necessarily the benchmark for how we  
9 prepared this budget and what our expectations is  
10 for the financial performance of our venues going  
11 forward.

12 MR. HOWARD: I will echo a lot of what Mr.  
13 Navazio said. But I do have our Director of Food  
14 and Beverage, Bill Vandenberg, is ready to speak to  
15 why he thinks that we're on track to have a good  
16 year this year. I think we need to let him have a  
17 couple minutes.

18 MR. VANDENBERG: Good evening. And I'll  
19 echo what Director Navazio said.

20 In the 16 years that I've worked for the  
21 District, I've never been able to say we're actually  
22 one hundred percent staffed, and we're ready for one  
23 hundred percent capacity.

24 With that, that means that we can get as  
25 many people through the restaurant as possible, that

1 equates to checks, and that our check average is way  
2 up. I don't see how this budgeted number is  
3 unattainable.

4           The past two years have been incredibly  
5 difficult for staffing, COVID challenges, smoke,  
6 fires, all of that really have taken its toll on  
7 food and beverage.

8           CHAIR DENT: Any additional questions from  
9 the board?

10           TRUSTEE SCHMITZ: What is the definition  
11 of way up?

12           MR. VANDENBERG: As far as the check  
13 average?

14           CHAIR DENT: That's correct.

15           MR. VANDENBERG: Right now, we are  
16 trending at \$59 per check. And last year, it was  
17 49. And then also our checks, last year, we were at  
18 11,000, the year before, it was 9,600, the year  
19 before that, 8,000. But our best year was 15,000  
20 checks, and that was in 2018.

21           So our budgeted checks right now are  
22 16,500.

23           TRUSTEE TULLOCH: That's obviously pretty  
24 aggressive going from 11,000 checks with a 20  
25 percent increase in average check to 16,000. It's a



1 lot, and I'll come back to who is responsible for  
2 delivering on these.

3           With respect to, well, okay, it's good.  
4 Overall, we make a profit in food and beverage, I  
5 think -- I haven't gone through the deep dive in  
6 golf and having had golfers wanting to have food and  
7 beverage included in the revenues, I think I fully  
8 agree with that.

9           But this looks like now we're just looking  
10 for another subsidy in food and beverage and golf  
11 since we've been losing a thousand bucks a day in  
12 the past -- I think we need to understand what it  
13 is. I think in something like food and beverage,  
14 when we're charging 20 bucks for a cocktail and  
15 we're still losing huge money, there is --  
16 obviously, there's issues there.

17           My final question is actually for General  
18 Manager Winquest. Have each of these venue managers  
19 and these directors signed up for these targets so  
20 they know they're going to be held responsible for  
21 them?

22           MR. WINQUEST: The answer would be yes.  
23 In the event that they are trending to not meet  
24 these revenue projections, then my expectation would  
25 be that we would have the equivalent savings on the

1 expense side.

2           So, I understand -- and have I been a  
3 little nervous about some of these projections?

4 Yes. Have I pushed back on staff? Yes.

5           But I really want to trust the staff and  
6 what they think -- you just heard from Director  
7 Vandenberg, who's been here for 16 years, I think he  
8 understands the food and beverage operations here at  
9 the District.

10           And I'll just echo that everybody that I  
11 know in the food and beverage industry just got  
12 absolutely killed between '19, '20, '21, and '22.  
13 It's just what we've seen everywhere.

14           So, yes, I will hold my staff accountable  
15 if they can't meet these revenue projections or if  
16 they can't find the expenditure savings to offset  
17 that.

18           I understand the concern, but that's how  
19 I'm going to handle it.

20           TRUSTEE TULLOCH: I follow up on that.  
21 I'm assuming these will be written into each  
22 director's performance plan as well?

23           MR. WINQUEST: Financial performance is in  
24 their goals, that is correct. As you know, their  
25 evaluations are confidential, so I'm not going to

1 get into a lot of detail about how I work with my  
2 staff, but I can assure you that there will be  
3 accountability.

4           In particular, you can ask Mr. Howard and  
5 Mr. Vandenberg, I've made it extremely clear that I  
6 have deep concerns about financial performance of  
7 food and beverage at the Championship Course.

8           I will acknowledge that we've seen  
9 different results at some of the other venues that  
10 are encouraging.

11           So my hope is that -- when I look at food  
12 and beverage, what I'm focusing on is the Champ  
13 Course.

14           Of course, we'd like to see enhanced  
15 performance everywhere, but that's where my biggest  
16 concern is as well -- is The Grill as well as some  
17 of the snack bar activities there.

18           TRUSTEE TULLOCH: It hasn't actually  
19 answered my question.

20           Obviously, my prior question was that  
21 these directors and venue managers have signed up to  
22 these numbers. So if they've signed up to these  
23 numbers, I have assumed that these revenue  
24 projections would be a line item in their  
25 performance plan.

1 I think it's a fairly simple -- I see the  
2 human resources director nodding at that back, so  
3 it's a fairly straightforward question.

4 MR. WINQUEST: Financial performance at  
5 the venues that they manage is built into their  
6 evaluation goals.

7 TRUSTEE TULLOCH: Again, I said the  
8 revenue -- the projected revenues.

9 MR. WINQUEST: So, yeah. Financial  
10 performance includes revenue projections.

11 TRUSTEE TULLOCH: Okay. I would expect to  
12 see it specifically as a line item.

13 Follow-up on that for Director Navazio.  
14 Given that -- I think -- full disclosure, Director  
15 Navazio and I have a case of beer on this of whether  
16 the revenue projections come in correct or not.

17 How regularly can you give us updates and  
18 how quickly can you give the board updates?

19 I think you've heard it from several board  
20 members, we're all nervous about the projections.  
21 Even General Manager Winquest is nervous about the  
22 projections.

23 I would like -- typically in this type of  
24 venture, I would expect to see weekly revenue  
25 updates.

1           How quickly can you provide the board with  
2 updates?

3           MR. NAVAZIO: We could provide -- the  
4 revenues are recorded and posted every night for all  
5 the venues. We can figure out the mechanism by  
6 which we can provide revenue updates.

7           I would also just echo what the GM said  
8 that, as far as overall performance, personally, as  
9 director of financial, I do think, kind of, the  
10 bottom line is the bottom line, because there are  
11 situations where if you pick one line item, like  
12 revenues or things that are out of a director's  
13 control sometimes, and the focus at the staff level  
14 is based on these projections achieving the net  
15 results, and so there may be some variances in the  
16 revenues, and that's when managers are expected to  
17 make appropriate adjustments on the expenditure  
18 side. Again, they're not entirely in the control.

19           Revenues is an appropriate focus, but we  
20 would like to bring you the full picture.

21           To circle back to your question, if the  
22 board wants weekly revenue updates, we could do  
23 that. What I would also offer or suggest is, while  
24 we post reports monthly, we only come to the board  
25 formally on a quarterly basis, and I think it may be

1 appropriate to bring you monthly reports and have  
2 the discussion with the board, provided that we also  
3 produce those reports on a timely basis within a  
4 reasonable time at the end of month-end.

5           But clearly what we're hearing is more  
6 oversight and more communication with the board on  
7 the financial performance outside of our quarterly  
8 updates.

9           TRUSTEE TULLOCH: This is not just  
10 oversight. It's looking at the revenues since we've  
11 seen some very aggressive revenue numbers here.

12           We've apparently made a very aggressive  
13 reduction in expenses in this budget proposed, so if  
14 we undershoot revenues by 20 percent, that's -- I  
15 heard Trustee Tonking say, well, we can't take  
16 \$300,000 in costs out. So I don't think there is a  
17 capacity to reduce costs if we've done as good a job  
18 as you say here going through line by line and  
19 expenses.

20           I don't think it's necessarily possible to  
21 make up for reduction. Certainly in the initial  
22 stages of the next few months, I'd like to see  
23 revenue numbers weekly. Not just for oversight,  
24 just so the board can actually have some confidence  
25 in these things have been achieved.

1 I agree with you, it's the bottom line  
2 that is there. The revenue targets just seem off.  
3 I've reduced my expenses has not necessarily given  
4 me a bonus for it. I've been dinged for that when  
5 I've projected revenues I'm expected to make.

6 MR. WINQUEST: I guess I would add that as  
7 far as a lot of the costs reductions that you've  
8 seen, I believe a lot of those are a result of  
9 trends that we've seen with the unpredictability  
10 over the last few years of budgeting and what to  
11 expect and what are we going to be allowed to do per  
12 COVID.

13 I think over the course of those years,  
14 we've had some line items, especially in service and  
15 supplies that had gotten out of whack. So I think a  
16 lot of the reductions that you're seeing are  
17 actually reductions that we should have made, that  
18 we're identifying trends over the last several  
19 years.

20 So, I believe for the most part that the  
21 expense projections are tided to the revenue  
22 projections -- that is the discussion I've had with  
23 the venue managers is that don't put yourself in a  
24 situation where you're wound up so tight that you  
25 can't reduce expenses if you're not hitting your

1 revenue projections. Because, to me, that would be  
2 bad budgeting. So we'll monitor it closely.

3           And, certainly, if we can find a way to  
4 deliver weekly revenue updates on all the venues,  
5 that's fine, and we would love to do that to make  
6 sure the board is comfortable.

7           To your point, and we've been talking  
8 about quite a bit, is we're able to make adjustments  
9 at that point in time rather than going through a  
10 summer, looking back, and seeing that, wow, we were  
11 20 percent less in our revenue projections, and if  
12 we would have known that a little bit sooner, we  
13 could have been a little bit more aggressive with  
14 our cost reductions.

15           I have no issue with that request from the  
16 board.

17           TRUSTEE TULLOCH: Perhaps, if you could  
18 just give us a weekly report that included the  
19 weekly revenue in that, and then it can be a report  
20 to the board -- every board meeting as well, just to  
21 keep the public informed.

22           It might be suitable for just including in  
23 your weekly report to the board.

24           MR. WINQUEST: Try to include those in the  
25 weekly highlights.



1 Chair?

2 CHAIR DENT: Hold on. I'm just watching  
3 the time knowing we have many public comments and  
4 many agenda items to get through.

5 As far as the budget as it's presented,  
6 are there additional budgeted items that trustees  
7 want to have changed? This is our only opportunity  
8 in May to make those changes, so if you do have  
9 them, please put them forward.

10 Then at least we know what that looks like  
11 as we could potentially back into the rec roll,  
12 which is also an item we need to approve tonight.

13 So, I just want to make sure we're focused  
14 on that matter.

15 MR. WINQUEST: Trustee Schmitz brought up  
16 a \$300,000 deduction in Mountain Course.

17 My question on that is what -- when I look  
18 at the sources and uses, I could see where you're  
19 looking at labor. So, we're projecting \$614,000,  
20 we're projecting 501,000 estimated actuals, so I can  
21 understand why you have the concern there.

22 But then when I look down at services and  
23 supplies, we're projecting at 381,000. I realize  
24 that we're projected at 283 this current year, but  
25 then when you go back to '21/'22 actuals, we were at

1 \$345,000.

2 I've heard from Mr. Howard that petroleum  
3 projects have gone up 45 percent just in the last  
4 few years. Petroleum products, which is almost  
5 everything we use at the golf course.

6 So, I guess I'm just asking, where are we  
7 going to get that 300,000? I can understand a  
8 reduction in labor, but I just want to know where  
9 else you were looking?

10 TRUSTEE SCHMITZ: I was just stating that,  
11 as we have seen in our actuals versus --

12 MR. WINQUEST: Got it.

13 TRUSTEE SCHMITZ: -- we've had this huge  
14 gap. So, obviously, we're over-budgeting, and I'm  
15 not going to sit here and go, take it from here,  
16 take it from there.

17 But when we think back on what the golf  
18 for Mountain specifically looked like, it was  
19 significantly over-budgeted compared to actuals.

20 And all I'm trying to get at is to say  
21 let's close that gap. And it was anywhere from 3-  
22 to \$400,000.

23 MR. WINQUEST: I remember that.

24 MR. NAVAZIO: I'm just going to add that  
25 between baseline, were at 1.6, the tentative, we

1 were at 1.5, and then the final budget, we were at  
2 1.4.

3           So, I would just say that about \$200,000  
4 of that has already been reduced, and there may be  
5 more, but that is exactly the direction from the  
6 board, and that's what was put -- we're currently  
7 actually even lower than last year's budget but --

8           TRUSTEE SCHMITZ: It's not about budget,  
9 it's about --

10           CHAIR DENT: It was about last year's  
11 budget. Our last year -- and this is what we've  
12 been hitting on with all the venues, our budgets  
13 were so inflated. And that's all we're asking is  
14 just to reduce the budget knowing that we do have  
15 \$15 million in fund balance if we did need to go  
16 back.

17           We just wanted to reset the budgeted  
18 numbers that we're going after, and we've been  
19 asking for this entire budget process.

20           TRUSTEE NOBLE: I think this would have  
21 been a great conversation to have when the golf  
22 budget came up, but doing this at, not the eleventh  
23 hour, but the 11:45 hour, and just coming up,  
24 whether it's 100, 200, or 300,000, without allowing  
25 staff to dig into that to see if that's even doable,

1 given the reductions that have already been proposed  
2 and put before the board, I think it's just -- it's  
3 not the right time to be doing it this very last  
4 budget meeting.

5 TRUSTEE SCHMITZ: Just to be clear, I have  
6 been requesting this for many, many, many weeks.  
7 This is not a last-minute request. It has been  
8 something that, since that budget number came out, I  
9 have been asking and talking to staff about bringing  
10 those numbers closer together.

11 And it's not our job as a board to sit  
12 here and say, this line item should be changed, and  
13 this line item should be changed.

14 But when we look at it and we saw those  
15 reports, and it was such a significant gap, I have  
16 been asking staff to close that gap.

17 MR. NAVAZIO: We did that. Where we ended  
18 that conversation is that there's still a gap, and  
19 it was a conversation about the pyramid and  
20 everything else.

21 In terms of closing completely, I would  
22 just say that as a result of that discussion and  
23 with the work you did on the rates, Darren did  
24 reduce the budget by about \$165,000, and it's  
25 actually almost \$100,000 less than the prior year

1 budget.

2           And with the revenue adjustment, we think  
3 that we have made progress in addressing that gap.

4           It very well may be that even with a great  
5 season and lots of golfers up there that we will not  
6 spend this entire budget.

7           But I'm also looking at it that -- the  
8 insurance is what it is, the utilities is going up,  
9 you got the depreciation. The only place to reduce  
10 it is in services and supplies and personnel, and  
11 that's service levels.

12           So -- and that then has revenue impact.  
13 So, it's a little bit of a -- but we hear you loud  
14 and clear. I think the board's been consistent on  
15 it.

16           Just having worked on this with Indra and  
17 the staff, they've taken that to heart, and have  
18 worked really hard to reduce where they think it's  
19 prudent and appropriate.

20           And leave it at that.

21           TRUSTEE TONKING: I think you answered my  
22 question.

23           I've seen these cuts come up -- because  
24 this is a big concern for me as well, the gap and  
25 our actuals for a budget.

1           And I remember having this conversation  
2 with you and Director Navazio, and I have seen  
3 changes to that. It may not be perfect, and it's  
4 going to be hard this year to judge how perfect it  
5 was, given the snow and lateness of the season, and,  
6 hopefully, we don't have a fire season because  
7 there's so much moisture. Maybe it will end up  
8 being the same as it was from the past, season-wise.

9           But I do feel like I had asked for this as  
10 well. I asked to see what -- Trustee Schmitz had  
11 showed her charts, and I feel like you have  
12 addressed that issue in some extent. Maybe not the  
13 full \$300,000, but I do feel like the budget feels  
14 much more tighter and maybe not a little above what  
15 it should have been before. I would push back a  
16 little on that.

17           CHAIR DENT: Are other items the board  
18 would like to see adjusted?

19           TRUSTEE TULLOCH: I've -- I wouldn't say  
20 I'm totally with it. I think there's still --  
21 having spent years going through these and preparing  
22 them myself, I could put my finger on lots of  
23 things. I'm not going to do that here publically.

24           I think staff made a good effort. I think  
25 it's certainly an improvement of what we've seen in

1 the past.

2 I understand the concerns. I think it's  
3 -- we -- I think it's with all the budget. I mean,  
4 typically, when I've run similar operating  
5 businesses, it may be a budget, but I still --  
6 there's still an internal stretch target for  
7 directors and managers to actually under issue the  
8 expenses. To -- typically, I put a stretch target  
9 on top of that to make sure that when we short fall  
10 on revenues, we're actually -- we can still deliver  
11 the bottom line.

12 I'm sure General Manager Winquest has  
13 thought of that and put a five percent stretch  
14 target on every venue to reduce expenses by five  
15 percent wherever possible.

16 I think, particularly in golf, this --  
17 given the concern, I would suggest that this is  
18 something that we do put an internal stretch on it.  
19 There may be a budget there, but don't expect to  
20 spend it.

21 CHAIR DENT: Understood.

22 MR. WINQUEST: So, on the Mountain Course,  
23 Mr. Howard and I and staff are going to take another  
24 run through labor and services and supplies.

25 I can't imagine that we're going to be

1 able to find \$300,000, but we'll take another run  
2 through it.

3           Then we will let the board know as part --  
4 we will be tracking everything we're going to change  
5 as we update the forms. Trustee Tulloch, you'll be  
6 heavily involved in that.

7           Then we will report back on any additional  
8 reductions to the Mountain Course.

9           CHAIR DENT: Any further discussion by the  
10 board?

11           Okay. Seeing none. How about we'll take  
12 a little pause, and we'll open public comment with  
13 this item.

14           Item G 8, public comment.

15           G 3.

16           CHAIR DENT: There's going to be a  
17 three-minute public comment as it relates to the  
18 hearing on the budget. We do have one individual in  
19 the room that has put in for public comment.

20           MR. NELSON: Just, Chair, want to make it  
21 clear, it's the public hearing and not just the  
22 public comment. I know it's just a matter of form,  
23 but so there's no question for the record.

24           CHAIR DENT: That is correct. It's a  
25 public hearing on the budget. Thank you for the



1 correction.

2 G 3, formerly G 8. Thank you.

3 Mr. Katz, you have three minutes to speak.

4 If anyone else in the room would like to  
5 comment on this, this is your time. This is the  
6 budget hearing.

7 MR. KATZ: Thank you. Aaron Katz.

8 You know our goal -- listening to  
9 Mr. Navazio, let me tell you what his goal really  
10 is. The means justifying the ends.

11 This has been going on for 50 years. They  
12 intentionally over-budget expenses. \$7 million a  
13 year. They need to come up with the 7 million.  
14 Where are they going to get it? The means justify  
15 the ends, that's what it's all about. And it's  
16 garbage.

17 I was listening to all this stuff about  
18 marketing, well, one of its news circulars is: Food  
19 and Beverage Summary.

20 I see down here, minus \$872,000. Now, I  
21 haven't had a chance to go over this, but that  
22 doesn't sound to me like breakeven.

23 You want to start dropping some expenses,  
24 let's do it. Eliminate marketing, \$1.1 million.  
25 Eliminate the IVGID quarterly. Raymore told you

1 it's only costing us 2,000 an issue. He is wrong,  
2 wrong, wrong, wrong. It's at least \$50,000 maybe  
3 close to 100,000.

4 Here's another one: Eliminate internal  
5 services, 3.2 million.

6 Don't you understand you're budgeting no  
7 money to internal services to pay for expenses. The  
8 only way they get any money is when they come up  
9 here and speak at a public hearing and then bill us  
10 for coming to speak at a public hearing. We don't  
11 need that.

12 Food and beverage, I've just told you,  
13 here is a way to eliminate 800,000 of it. We  
14 shouldn't be in the food and beverage business.  
15 That's why we got the problem.

16 We got a problem with the rec fee. We're  
17 not following the law. Of course, staff doesn't  
18 care about it.

19 We got a problem with central services.  
20 We're not following the law. I already made the  
21 argument.

22 Staffing is totally out of control.  
23 That's one of the elements of the budget.

24 CIPs, we can eliminate -- I sent you an  
25 email on it, 5. -- was it? -- 13 million.

1           \$4 million for the beach house. We  
2 haven't decided to go forward with the beach house.  
3 Why are we budgeting 4 million?

4           A million for the dog park. Now we're not  
5 going to do the dog park over on the Village, what's  
6 the million for? You can eliminate 5 million  
7 instantly for it.

8           Operational expenses, everything they do  
9 wasteful. Brie Waters, I had to that listen to.  
10 Did she tell you we've already budgeting \$10,000  
11 this year for her to go get a design of the skate  
12 park. And what has she done? Nothing. And how  
13 much does she charge for what she has done? How  
14 much is she charging us tonight to do? And how much  
15 is she going to charge us in a month when she comes  
16 back with all the options?

17           It's waste, waste, waste. We need to put  
18 an end to it. Cut \$5 million out of the budget.  
19 You tell staff --

20           CHAIR DENT: Thank you, Mr. Katz.

21           Is there any additional comments regarding  
22 the budget hearing in the room?

23           MR. DOBLER: Cliff Dobler. This written  
24 statement should be made part of the meeting  
25 minutes.

1           The general fund two years ago had a fund  
2 balance of over 6 million. Based on state budget  
3 forms, there will be only 2.4 million at the end of  
4 June, 2024. The major cause is adding expenses and  
5 capital costs for the parks, which has a budget of  
6 2.7 million. Revenues only offset \$50,000 of these  
7 expenses.

8           By the end of 2025, the general fund will  
9 probably be upside down.

10           Thank goodness we don't have to think  
11 about a new office building.

12           The utility fund on pages 537 and 538  
13 illuminate several problems. On page 537, it  
14 indicates that only 51 million will be drawn on the  
15 maximum loan of 52.7 million clean water loan, but  
16 then on page 538, it indicates that the loan  
17 proceeds received in 2023 and '24 will be  
18 54,600,000, exceeding the maximum loan amount by a  
19 million 860, how this that possible?

20           On page 537, capital contributions and  
21 grants are shown separately but then combined on  
22 page 538 and labeled "capital contributions."  
23 Outside grants make up 7.1 million and should be  
24 listed separately.

25           I object to budgeting the entire pipeline

1 project in 2024 when it is planned to extend into  
2 2025 and 2026.

3           In addition, in entire loan proceeds are  
4 planned to be drawn down in 2024, which does not  
5 seem prudent and contrary to previous managements'  
6 statements and loan covenants.

7           There is no indication that \$1.6 million  
8 loan from the Federal Department of Environmental  
9 Protection as been addressed unless the amount is  
10 buried in larger pipeline loan.

11           For community services, it is good to see  
12 on paper that the operating budget, including  
13 depreciation, will only lose \$154,000.

14           The puny 2.4 million for capital projects  
15 involves 13 items with 55 percent used to buy  
16 (inaudible) and replace snow-making equipment. This  
17 is over a million dollars budgeted for the  
18 engineering department to run around and act busy.  
19 Where will they be charging their time?

20           At the end of fiscal year 2024, the fund  
21 will have more money than at the beginning of the  
22 year, so, of course, no (inaudible) is needed.

23           At the beaches, Navazio has decided that  
24 he can increase revenues by over \$1 million from the  
25 actual averages of 2023/'24, a 145 percent increase.

1 Fat chance of that happening.

2           Operations are budgeted to lose 721,000,  
3 but will lose much more.

4           The beach capital budget is 4.4 million; 4  
5 million of it, 91 percent, is for the beach  
6 building. The money has been set aside obtained  
7 from prior year facility fees. Currently, the fund  
8 has --

9           CHAIR DENT: Next public comment, please.

10          MR. WRIGHT: Frank Wright.

11          I would encourage one of you board members  
12 to ask Mr. Winquest who he spoke to at the  
13 Department of Taxation.

14          Then I would request that one of you board  
15 members pick the phone up and call that person at  
16 the Department of Taxation and find out exactly what  
17 he was told.

18          I'm guaranteeing you what he told you  
19 tonight is bullshit.

20          You just have to understand, Navazio,  
21 Winquest, they're nuts. The stuff that they say  
22 when you point a question at them to save money,  
23 they don't have answers. They don't have answers.

24          I'll tell you right now, they're losing a  
25 lot of money be every day, and they're not even

1 opened, because their over-staffed, over-budgeted  
2 with employees that are just not worth it.

3           Why do we pay these kind of salaries to  
4 people who work three or four months year?  
5 Unbelievable. You don't have to sell one hamburger.  
6 You're losing. There's no way they're going to  
7 cover these costs. Unbelievable.

8           I just -- I listen to this stuff, and I  
9 go, these are professional people? These are people  
10 that are talking to a board who's asking some pretty  
11 poignant questions, and you don't have answers to  
12 them? And you want to approve this?

13           But the biggest thing is the salary  
14 increases. Why are you moving people up on the  
15 salary level? They're all incompetent.

16           Would you give anybody a raise in this  
17 district? They're losing tons of money. Tons and  
18 tons of money. The golf courses will probably make  
19 money if we made it fair for everybody that could  
20 play.

21           But you can't make money when you're  
22 giving away the farm. I'm sorry. It's just not  
23 going to happen.

24           Thank you.

25           CHAIR DENT: Any additional comments in

1 the queue?

2 MATT: There are not, Mr. Chair.

3 CHAIR DENT: Thank you.

4 That will close our public hearing.

5 Do we want to --

6 (Inaudible comment by unidentified  
7 speaker.)

8 CHAIR DENT: Josh, you want to weigh-in on  
9 that?

10 MR. NELSON: Yes. Absolutely, Trustee  
11 Schmitz, but I'd recommend we officially close the  
12 public hearing before we turn it back to the board,  
13 if that's okay.

14 CHAIR DENT: Is there a motion to close  
15 the public hearing?

16 TRUSTEE TONKING: I move we close the  
17 public hearing.

18 CHAIR DENT: Motion's been made. Is there  
19 a second?

20 TRUSTEE NOBLE: Second.

21 CHAIR DENT: Motion's been made and  
22 seconded. Any discussion by the board?

23 All those in favor, state aye.

24 TRUSTEE TONKING: Aye.

25 TRUSTEE TULLOCH: Aye.



1 TRUSTEE NOBLE: Aye.

2 TRUSTEE SCHMITZ: Aye.

3 CHAIR DENT: Aye.

4 Opposed? Motion passes 5/0.

5 All right. That closes out the public  
6 hearing. Do we want to continue our discussion --  
7 or move on to item G 4, formerly G 9, and continue  
8 our discussion, or do we want to jump over to item G  
9 5, formerly G 4, and have a discussion around the  
10 resolution as it's associated with the standby  
11 services charge?

12 TRUSTEE SCHMITZ: May I make a request to  
13 just have some follow-up based on some public  
14 comment?

15 CHAIR DENT: Go ahead.

16 TRUSTEE SCHMITZ: Just -- in one of  
17 packets, they're not really labeled, it's just  
18 something, I guess, supplemental information, Mr.  
19 Katz had referenced to the very last page, food and  
20 beverage, and I believe he might have misinterpreted  
21 the number at the bottom, which is a negative --  
22 it's reflecting it as a negative 873,000.

23 But on certain occasions, depending on the  
24 format of our financial information, if you look up,  
25 the revenue numbers are negative and expense numbers

1 are positive, so this is actually reflecting a  
2 positive, not a negative.

3 I just wanted to point that out.

4 Something else that was said in public  
5 comment, and it was actually something that I  
6 discussed with Director of Finance Navazio and  
7 actually the general manager as well, is that in  
8 this packet -- it's great that -- I appreciate that  
9 on page 650, when it relates to building services,  
10 they identify what percentage of their time is  
11 billed out.

12 But we don't have any data like that  
13 relative to the engineering department, and I feel  
14 that we should have that and that should be provided  
15 to us.

16 And I think there was a question about the  
17 loan draw down as well.

18 But I think that the engineering time, we  
19 should have that information to know what the budget  
20 is.

21 And I understand we need to do salary  
22 increases, but when you're increasing people in  
23 salary grades, it's not just about what their salary  
24 level is, it's about the job description and the  
25 responsibilities of the job.

1           And what isn't in here is anything that  
2 describes why these positions are being adjusted by  
3 two salary grades.

4           MR. WINQUEST: I did speak -- we did have  
5 that discussion. I did speak with our director of  
6 HR, and she's fully prepared to explain that if  
7 you'd like. We're talking about the salary grade.

8           I agree, we're not saying that that's not  
9 true, but she's prepared to justify --

10          CHAIR DENT: Do we want to bring that now  
11 or when we come back to the budget?

12          TRUSTEE SCHMITZ: I don't think we need  
13 that now.

14          I think what's important is the -- if  
15 there's more reason and justification, we should  
16 know that.

17          Because when you move people from salary  
18 grades, it's not just because the their salary has  
19 reached the top end of the range. It's because they  
20 have a job description that is mapped to a different  
21 clarification.

22          MR. WRIGHT: Yeah. And a couple of them  
23 were exactly the latter of what you just described.  
24 So, I completely understand.

25          I think what you're asking for is just

1 more description and executive summaries that give  
2 you that information.

3 CHAIR DENT: That's it.

4 MR. WRIGHT: Fully acknowledged.

5 CHAIR DENT: Okay. All right. Let's go  
6 to item --

7 TRUSTEE TULLOCH: Just also following up  
8 on something in public comment, and also some  
9 corrections from what we were told on marketing at  
10 the last board meeting.

11 We're told that the Incline quarterly or  
12 fifthly or whatever it is now, was only \$20,000.  
13 I've gone through the whole marketing spend here,  
14 and it's the first time we've actually been able to  
15 to see something.

16 I haven't had a time to study this since  
17 it came in at 4:15 this afternoon. I'm trying to  
18 read through the very small print.

19 Yeah, I mean, if we look at marketing, it  
20 says the marketing spend is 1.1 million. It's  
21 rather different than the claimed \$20,000.  
22 Obviously, there's part of the salaries and  
23 everything that goes into the IVGID quarterly.

24 I would ask Mr. Winquest to come back with  
25 some real costs on that.

1 MR. WINQUEST: On the IVGID magazine, it  
2 is -- the dollars that we spend, not including staff  
3 time, is around \$20,000.

4 But if you're asking me to project out  
5 staff time, we can try to do that. It's not going  
6 to happen right now. But if that's the granular  
7 level you want to get, we can get you that  
8 information. Projected.

9 TRUSTEE TULLOCH: Understood. It's just  
10 to correct the record when it was claimed to only  
11 cost us \$20,000. I mean, we know there's staff time  
12 involved.

13 CHAIR DENT: Moving on to item G 5,  
14 formerly G 4.

15 G 5.

16 CHAIR DENT: Discussion of the resolution  
17 1902: A resolution approving the report for  
18 collection of recreation standby and services  
19 charges for fiscal year 2023/2024. Requesting staff  
20 member Direct of Finance Paul Navazio. It's going  
21 to be found on pages 483 through 499 of your board  
22 packet.

23 MR. NAVAZIO: Again, this is one component  
24 of the budget, obviously the setting of recreation  
25 facility fee and the beach facility fee.

1           This item is intended to achieve two  
2 things: One is following discussion and a public  
3 hearing, the setting of the recreation and beach  
4 facility fee for fiscal year '23/'24, and the  
5 resolution and the approval of the report, which,  
6 again, will be amended based on where the board  
7 lands on the facility fees, is the means by which  
8 the fee is collected.

9           And as the board knows, the public is  
10 probably well aware that the fee has been  
11 historically collected through the property tax  
12 bills issued by Washoe County.

13           And so the resolution and the report and  
14 public hearing are required by the county in order  
15 for us prepare the roll, submit it to the county.

16           They also have a soft target date to  
17 receive the preliminary rec roll by June 1st, merely  
18 to make sure that all our parcel data matches up  
19 with the Washoe County data, finalize the roll by  
20 June 15th, and that allows for the county time to  
21 place it on the property tax bills.

22           Included in this agenda item, and the same  
23 information is also in the budget discussion, but  
24 beginning on pages 488 through 489, are some, not so  
25 much recommendations, by some alternatives or some

1 scenarios for the board to consider in the setting  
2 of the fees.

3           There was some supplemental information  
4 provided at the request of trustees that is in the  
5 supplemental information packet. It's the first  
6 section, which takes this information and adds a  
7 little bit relative to the impacts of the different  
8 potential levels for the fees on the fund balances  
9 for the various funds.

10           I think I'll turn it over to the trustees  
11 in part because we spoke to most of the trustees  
12 individually about the information and what was  
13 provided.

14           So with that, I'll just hand it back to  
15 the Chair for trustees' discussion.

16           CHAIR DENT: Any questions, comments,  
17 suggestions?

18           TRUSTEE TULLOCH: I'm trying to struggle  
19 with the print here. I'm not sure if these are new  
20 scenarios that's been introduced or different ones.  
21 We got these at 4:15 this afternoon. It's kind of  
22 hard to do.

23           We're also well aware we've been  
24 over-collecting for multiple years. We've been  
25 collecting money in the rec fee for bonds that have

1 been paid, years ago, after assuring the residents  
2 that when we added bond costs to the rec fee, these  
3 would cancel out.

4           That's one reason our budgets -- our fund  
5 balances are way over.

6           I think Mr. Katz has made a -- some very  
7 strong points about it in terms of the compliance to  
8 the NRS. I'll need to defer to Josh on that.

9           I don't think we should be continuing to  
10 over-collect. I think that's -- and I'm glad -- if  
11 we've got realistic budgets this year, we should not  
12 be over-collecting.

13           I'm trying to work through these, what we  
14 should be doing with no facility fees allocated to  
15 community services, I think, from what we've seen in  
16 the community services fund.

17           Then I see at the bottom the projected  
18 shortfalls. Perhaps you can explain what these  
19 shortfalls are at the bottom of the additional  
20 information -- supplemental information.

21           MR. NAVAZIO: Yes.

22           TRUSTEE TONKING: Could I hop in right  
23 before? I was the one who requested this  
24 information, so you can explain it. But that's why  
25 it's in here. I wanted a long-term impact.



1           It's on me why this information was added,  
2 and it was added late because I didn't talk to them  
3 until later yesterday, so I take responsibility for  
4 the delay.

5           CHAIR DENT: Understood.

6           MR. NAVAZIO: The first thing I'll say is  
7 we didn't add any scenarios. We just added, per  
8 request, some information as to the impacts of them.

9           So, I think your question was shortfalls.

10           Just what we did is, per board direction,  
11 there's no facility fee at this point built into the  
12 final budget.

13           Normally, as we go through the budget  
14 process and it's proven helpful to past boards in  
15 the discussion of the facility fee, we also maintain  
16 five-year forecasts for all of the funds.

17           So, what we -- all we did here is  
18 incorporated each of these scenarios, and maybe if I  
19 should -- I'm not going to go through all the  
20 detail. I'm just going to try to be specific to the  
21 question. I am going to share the screen so that  
22 the board and folks can follow along.

23           Under a scenario -- I think it's  
24 alternative C in the packet -- of a \$675 fee, what  
25 we did is if we put that into the community services

1 and beach fund, what result is for the current  
2 fiscal year in the terms of fund balances and what  
3 the current forecast, which assumes the five-year  
4 capital plan has currently consisted, basically,  
5 where the funds would be heading, but really what  
6 the requirements are going forward.

7           So, just on this scenario, and I'll just  
8 mention two of them, all this says is with a  
9 facility fee for the current year if it were set at  
10 a \$675 level, then you would be looking, assuming  
11 the capital plan that's in place, basically having  
12 to have another 2.9 million a year for the community  
13 services fund, and a million a year beach fund,  
14 averaging about a \$493 combined fee through '27/'28.

15           So it's really what would be required in  
16 future years to support the plan.

17           The last one that is alternative E, which  
18 is if the board were to choose to not charge a  
19 community services or recreation facility fee, only  
20 charge a beach facility fee to cover operation and a  
21 portion of the capital plan -- and we discussed this  
22 scenario with some of the trustees -- that's a \$455  
23 level, then over the next four years, through  
24 '27/'28, the community services fund would require,  
25 on average, 3.36 million, and the beach fund about a

1 million, so it's about 548 average annual facility  
2 fee.

3           And this was an attempt to answer the  
4 question, depending on where the board lands, what  
5 would be the need going forward in the facility fee.  
6 Again, it's entirely contingent on the board, where  
7 we land with the capital going forward, but that's  
8 what we put in here.

9           The last comment that I'll make, you  
10 mentioned one thing about the facility fee, and part  
11 of it was to pay for bonds for community service and  
12 beaches. That was the \$50 component.

13           We actually reduced the facility fee from  
14 830 to 780 in anticipation of that bond going away  
15 even before it went away.

16           There's clearly room to reduce the fee  
17 further, but that was the rationale for reducing the  
18 fee, I believe, in the prior year when it was  
19 reduced to 780.

20           TRUSTEE TULLOCH: It's a little bit  
21 disingenuous to say we reduced it 50 bucks. There's  
22 also 300 bucks a year in bonds -- expired bonds in  
23 the facility fee prior to your time here that were  
24 never removed as part of Mr. Winqest's  
25 predecessor's smoothing policy, which meant keeping

1 revenue up. It wasn't actually smoothing anything.

2           Again, this shortfall assumes that all  
3 this projected goes ahead. Yeah, this all assumes  
4 that we go ahead with full steam ahead, spending the  
5 capital, which we've never spent before.

6           I'm not in favor of continuing to keep  
7 over-collecting. We saw what happened with the  
8 effluent pipeline when we over-collected and then 5  
9 million just basically disappeared and the price  
10 went from 15 million, 20 million, to 72 million in  
11 the latest or probably near 100 million.

12           I'm not in favor of over-collecting monies  
13 just so we've got funds there. I think our fund  
14 balance -- we've seen them way over-collected.

15           CHAIR DENT: What would you be in favor of  
16 as it relates to the beach fee and the rec fee?

17           TRUSTEE TULLOCH: Well, I think  
18 quantification on the beach fee -- is the -- is  
19 this -- is the 455, looking at alternative E, is 455  
20 just collecting operating costs or is it collecting  
21 capital costs as well? And if it's capital cost,  
22 what are the capital costs it's collecting for?

23           MR. NAVAZIO: This is the last -- I  
24 can't -- on my computer there's a shared screen.

25           (Inaudible cross talk.)

1 TRUSTEE TULLOCH: Okay. Perhaps, you can  
2 clarify what the capital is since we've already  
3 provided for 4 million-plus and that we've already  
4 collected for the beach house.

5 MR. NAVAZIO: Well, we definitely have  
6 accumulated fund balance in the beach fund for, what  
7 I would say, the beach master plan.

8 And as was shown, and you can see it here,  
9 this is the operating piece, which is \$140. The  
10 capital component would collect \$2.4 million. The  
11 capital budget as currently put in the '23/'24, is  
12 4.4 million; 4 million of which is the beach house.

13 So this would collect \$2 towards the  
14 project, which is still to be defined and cost  
15 estimates to be updated.

16 To answer your question, it assumes that  
17 \$2 million of the beach capital plan would come from  
18 fund balance, and 2.4 million would come through  
19 collection of the facility fee.

20 TRUSTEE TULLOCH: I thought we already  
21 provided 4 million in this year's CIP plan for the  
22 beach house?

23 MR. NAVAZIO: It's in next year's.

24 TRUSTEE TULLOCH: You might want to check  
25 that. I'm pretty sure it was in this year's.

1 MR. NAVAZIO: We had design -- it is  
2 actually -- I will check that, but I'm pretty sure  
3 it's in next year's budget.

4 We've been collecting in anticipation of,  
5 not just of the beach, but the beach, the access  
6 improvements and others.

7 But in looking at capital plan, which is  
8 on page 16 of the budget, it is \$4 million in  
9 '23/'24.

10 TRUSTEE TULLOCH: I stand corrected. So  
11 this is collecting toward the beach house.

12 Again, I think I made clear, I'm against  
13 collecting in anticipation of something we may or  
14 may not do. I think we've been going that far too  
15 long.

16 When we talked with the capital budget  
17 spend earlier, we've spent 5 million in the first  
18 three quarters of a 29 million budget.

19 Yeah, it's obvious we're over-collecting.  
20 Let's keep things related to reality.

21 MR. WINQUEST: So, fully understand that.

22 As a reminder, that was at 6. I reduced  
23 it to 4, based on board discussion.

24 I also brought it up that there is a  
25 possibility -- a high possibility now that we won't

1 be able to issue a construction contract in the next  
2 fiscal year.

3           But after conferring with Mr. Chairman and  
4 then discussion this on the record, we had decided  
5 that we would have to money in there in the event  
6 that we can get through design and be ready to issue  
7 a contract, whatever that looks like, assuming the  
8 board wants to continue forward with the beach  
9 house.

10           That's why the 4 million is currently in  
11 the year one budget.

12           TRUSTEE TULLOCH: I apologize. I assumed  
13 that money was in this year's budget when it was  
14 presented to the board this year. That's my bad on  
15 that. That makes some sense and makes me feel a  
16 little bit better.

17           Again, I'm against collecting something  
18 for something that we may or may not do in the  
19 future. And just -- I think we've seen the impact  
20 of that on the effluent pipeline, and I don't want  
21 to see that repeated under my watch.

22           TRUSTEE NOBLE: I'm looking at page 489 of  
23 the packet, and alternative C, which is also the  
24 first page of the board meeting materials, the  
25 supplemental information.

1           And of those three examples, C, D, and E  
2 on page 489, I am inclined to support option C, one  
3 that utilizes \$2 million of fund balance, and I'd  
4 like to see that fund balance to come down.

5           But what it also does, when I'm looking at  
6 supplemental material that was requested, at the  
7 bottom where it shows the shortfall through fiscal  
8 year '27/'28, and it would require a combined \$498  
9 minimum in future combined fees, all else being  
10 equal.

11           And the reason I like that is -- and  
12 that's giving the exiting capital plan that's in  
13 place.

14           But let's be honest, with the dog park,  
15 beach house, additional proposals with regards to  
16 access to the beaches, Snowflake Lodge, and there  
17 are several other projects at the ski area that are  
18 coming down the pipeline that I can anticipate that  
19 capital plan and the need for funds to support that  
20 is going to go up. It may not go up, and then 493  
21 is great number.

22           But what I'm concerned with is if we go  
23 with D or especially E, we're going to see this  
24 whipsaw where we've set it low, and then as these  
25 capital projects come to fruition, it's all of a



1 sudden going to whipsaw in the other direction and  
2 we're going to -- it's going to be difficult to  
3 explain to folks why we dropped it so much early on  
4 and now we're increasing it substantially.

5           And so I'm looking for more stability over  
6 the long run on that, with eye towards -- if we do  
7 the 675 right now, all else being equal, it will be  
8 going down to less than 500, and I'm okay with that  
9 as long as we can still get these capital projects  
10 moving.

11           TRUSTEE TONKING: So, I asked for this  
12 because I understand the concern that has been  
13 brought up in the conversation that we don't want to  
14 be over-collecting. That is not the goal.

15           I'd ask for these forecasts because I also  
16 know it's a fiduciary responsibility to make sure  
17 that we're making, like, good budgeting decision and  
18 good financial decisions for our constituents.

19           And what I was really concerned about in  
20 the lens that I was looking at this through is,  
21 okay, do we want, like, a roller coaster where we,  
22 like, lower it and then all of a sudden increase it  
23 so we follow our reserve policies and all of that,  
24 and to meet the needs of our current capital plan.

25           I feel like safety, there's a lot of

1 safety needs we need to think about in the District  
2 as well. That's on my list of things that I think  
3 might come up.

4           For me, my lens was trying to make sure  
5 that we were not creating what I would call, like, a  
6 roller coaster of payment for our community members,  
7 and we would keep it flat.

8           For me, I am also in favor of alternative  
9 C. I feel like it meets our needs and give us time  
10 to take down some of that fund balance, which I  
11 don't agree needs to happen, but it also creates an  
12 opportunity for us to still have money going into  
13 community services, and it takes a little bit longer  
14 for us to become in a deficit without having to  
15 think about raising fees, if we keep capital going  
16 the way it is.

17           TRUSTEE TULLOCH: I agree.

18           I'm looking at the long term, and I'm also  
19 looking at our track record. I also believe that  
20 this is not a tax, we're not supposed to be  
21 over-collecting, this is a fee. I have an  
22 associated question with that, but, yeah, I think  
23 it's very appropriate. I think it sets parameters  
24 around requests for capital.

25           We don't say we've got 3 million for a

1 beach house and then bring back a proposal for 6  
2 million.

3           We don't just ask for another \$250,00 just  
4 in case and things.

5           I think it goes back to my comment about  
6 proper stretch targets and putting the proper  
7 parameters in place. It's very easy when you built  
8 up a big, huge -- you've over-collected and built up  
9 a big fund balance, it's very easy to say, well, it  
10 doesn't matter. What's another \$500,00 here, or  
11 what's another 15 million on the effluent pipeline.  
12 I think having proper controls there.

13           It also influences when people are bidding  
14 on our projects. When they know we've got big pots  
15 of money sitting there, bids come in much higher  
16 than they need to.

17           When I've been preparing bids for clients,  
18 the first thing you try to find out is what their  
19 budget is, and then you try and spent up to it and a  
20 little bit over it.

21           I think it's time that we put some  
22 controls around that, and I think -- like I'll turn  
23 to E, I think it is. Trying to read through this  
24 little print.

25           I think it's time that we fessed up that

1 we have been over-collecting. We've been building  
2 up the balances. We haven't been able to spend the  
3 capital that we're projecting.

4           So, I think it's -- I'm still looking to  
5 long term, but I think it still puts the proper  
6 controls in place for the long term.

7           The community has made it loud and clear  
8 in all the surveys, they just want us to maintain  
9 facilities at the current level, not just build a  
10 lot of expansions. Even this capital budget still  
11 -- it still has the money projected there first,  
12 Snowflake Lodge and various other things.

13           Personal view is that if Snowflake Lodge,  
14 if we hadn't been bleeding money off Diamond Peak to  
15 subsidize all the other venues, we -- Diamond Peak  
16 would have produced the money for this already.

17           So, I think it's -- that's why it's  
18 dangerous to just assume, oh, let's just  
19 over-collect in the short term.

20           But my background in capital investment,  
21 yeah, I'm looking at the long term, but also looking  
22 at putting the proper controls in place.

23           TRUSTEE SCHMITZ: A few things.

24           We have been intending to use fund balance  
25 for, I think, a few years now, and every single

1 year, including this year, we are going to be adding  
2 to fund balance.

3           We have been over-collecting, we have been  
4 intending to do projects and spend down the fund  
5 balance, and we don't deliver on that.

6           And from an NRS perspective, an enterprise  
7 fund cannot collect more than what it needs.

8           It can be on an annual basis, it can be in  
9 a longer-term perspective, but you have a plan.

10           And our plans, we have haven't executed  
11 on, and that's been demonstrated by our continued  
12 growth of the fund balance.

13           So, as we look at this budget also,  
14 community services does not need a facility fee in  
15 order to over its cash flow. It does not. And it  
16 hasn't for a few years, which is why we keep  
17 building up this fund balance.

18           But I have a question, because if, for  
19 example, we decide that we are not going to collect  
20 a facility fee for community services and only do it  
21 for beaches, which is E below, as it relates to  
22 finance and legality of separation of the beach fund  
23 and the community services fund, because those funds  
24 cannot be comingled, what is the impact of having a  
25 punch card that is solely funded by the beach fund,

1 and how does it impact the use of that punch card?

2 MR. NAVAZIO: I will just say that this is  
3 an interesting question.

4 As we've discussed before, I'm not sure  
5 the District has, sort of, been posed this question  
6 directly before. It is, sort of, the intersect  
7 between the budget, the setting of the facility fee,  
8 and your Ordinance 7 that governs the privileges.

9 I would just say that, historically,  
10 the -- while the beach facility fee and the  
11 recreation facility fee is set separately, it is  
12 charged as two separate line items on the property  
13 tax bill, and those revenues are collected and can  
14 only be used in the respective community service and  
15 beach fund. And I do think they're -- to me, the  
16 legal issue is we're not commingling the funds.

17 Historically, the value of the punch cards  
18 has been set at one-fifth of the total rec fee,  
19 especially for the properties that have beach  
20 access, but we have not -- the District has never  
21 restricted how much of your punch card value, or,  
22 frankly, even your picture card value, because  
23 there's also discounts that residents get by virtue  
24 of the Picture Passes because they pay the fee.

25 We've never -- the District has never

1 segregated how they can apply those discounts or how  
2 they can use those value of the punch card between  
3 community service venues and beach venues.

4           The non-legal answer is I believe that  
5 that's a board decision more so than a legal  
6 decision, but that's based on how it's been  
7 administered for a long time.

8           MR. WINQUEST: I'll just add, yeah, the  
9 District, we've never done this, so there is no  
10 precedent. I can't speak to what the legalities  
11 would be.

12           What this would mean, if we went with  
13 option E, meaning that the entirety of recreation  
14 facility fee would be to cover beaches.

15           That would technically mean that those who  
16 don't -- those parcels that don't have beach access  
17 are not paying a recreation facility fee, they would  
18 no longer get punch cards, or at least for this  
19 current year, they wouldn't get punch cards.

20           You may recall three or four years ago  
21 where it was a hundred dollars was the non-beach  
22 fee, and so a lot of Crystal Bay residents were  
23 calling the rec center, wow, my punch card's only  
24 worth \$20. It's like, well, that's because you rec  
25 fee was only \$100.

1           So, I think we're entering into uncharted  
2 territory, and that's not necessarily bad.

3           I will say that I've had -- there was a  
4 resident who reached out to me today who read the  
5 materials this afternoon, and it must have been  
6 about five o'clock, saying, well, you can't -- if we  
7 don't pay a rec fee, do we get access to the  
8 facilities at a discounted rate?

9           My comment to that would be, at least for  
10 this current year, again, there's no policy. This  
11 isn't written.

12           But I think absolutely, because we're  
13 actually using a tremendous amount of fund balance  
14 out of the community services fund, and those folks  
15 have been parcel owners during this time where we've  
16 accumulated that fund balance.

17           So, that is kind of the way I look at  
18 that.

19           Now, to the point as far as traditionally,  
20 we collect the recreation facility fee, punch card  
21 values are such, but they get used arbitrarily  
22 across all of the venues so that if you look at what  
23 the allocation to, say, golf or the Rec Center or  
24 wherever else, and then you look at the actual punch  
25 card utilization, it's not going to equate to how



1 it's allocated across all other venues.

2           So, I've never been told that that's a  
3 legal issue, per say, but it is something that we're  
4 discussing, and it's something that is going to be  
5 included in my analysis on punch cards, as far as  
6 what we do moving forward.

7           So, I'm not saying that we can't continue  
8 to do it the way we've been doing it as far as the  
9 actual punch card utilization matching the  
10 allocation of the rec fee across the different  
11 venues.

12           This is certainly something that we would  
13 need to dive into if this continues to be the trend  
14 moving forward.

15           Again, right now, if you went with option  
16 E, those -- the parcels who don't have beach access  
17 would not be paying a recreation facility fee, and,  
18 therefore, would not have punch cards.

19           TRUSTEE SCHMITZ: If you could please just  
20 back up. I wasn't sure I understood something  
21 correctly.

22           You were talking about someone called and  
23 asked about if this happened, what would be their  
24 punch card situation.

25           I'm not sure I understood exactly what you

1 were saying.

2 MR. WINQUEST: Yeah. It was actually they  
3 were saying that if we don't pay a rec fee, do we no  
4 longer get the use of Picture Passes, which would  
5 mean that they wouldn't be able to get the discount  
6 at Diamond Peak, the discount at rec, the discount  
7 at golf.

8 And my comment to that was at least in the  
9 current year, because we're using a tremendous  
10 amount of fund balance that was accumulated during  
11 the time that that parcel owner owned the parcel,  
12 that I think it would be unfair to say that they  
13 would not have assess to the Picture Passes.

14 TRUSTEE SCHMITZ: I'm going from memory in  
15 Ordinance 7, but it basically just states every  
16 parcel is eligible for up to five passes, Picture  
17 Pass or punch card.

18 It doesn't say anything about facility fee  
19 or anything. It says that is what they're eligible  
20 for, so it has nothing to do with it's fair, it's  
21 right.

22 That's how the ordinance reads. Every  
23 parcel gets five passes, and it doesn't have any  
24 stipulation on facility fee.

25 MR. NAVAZIO: When we looked at this

1 recently, it also doesn't necessarily say that the  
2 punch cards are, by edict, one-fifth of the value.  
3 It' actually says that those punch cards will have a  
4 the value as determined by the board.

5           So, the practice has been the one-fifth,  
6 but that's the second part to the Ordinance 7  
7 connection to this.

8           CHAIR DENT: Trustee Schmitz, as it  
9 relates to the alternative, is there an alternative  
10 that you lean towards when it comes to setting the  
11 beach fee and rec fee?

12           TRUSTEE SCHMITZ: Well, I think with the  
13 answer to this question, I feel more comfortable  
14 with E, because I was very concerned that suddenly  
15 there was going to be a dramatic change in how punch  
16 cards could be used.

17           And understand also, the \$455 is, for this  
18 year, set to the beaches because we're accumulating  
19 fund balance for a specific thing. That is over and  
20 done, so there's nothing to say that next year this  
21 same amount doesn't end up getting, maybe, shifted  
22 more over to community services because we're  
23 funding another project over there.

24           So, it's not as if it is a teeter-totter  
25 or it's going to be up and down, because it's still

1 \$455, and next we can allocate and determine how  
2 does that go, because we will not want to be putting  
3 \$455 in the beaches next year.

4 MR. NAVAZIO: Even at that level, when we  
5 looked at it based on the plan -- again, it doesn't  
6 have to be, but this contemplates only 138 needed in  
7 the next year for beaches, whether it's 410, it's  
8 all a function of community.

9 But that's the point is that you have the  
10 ability to allocate it, and it's not that  
11 significant of a swing.

12 TRUSTEE TULLOCH: We've already set the  
13 precedent in recent years where we had very little  
14 rec fee and value of the punch cards for those who  
15 didn't have beach access was accordingly reduced.

16 I think alternative E makes it very easy  
17 that the punch cards can only, basically, be used  
18 for beach then. I think, to me, that makes it  
19 better in what we're actually doing.

20 We've increased rates at golf and ski, but  
21 what we're doing here is we're letting the general  
22 public make their own decision by giving them 300  
23 bucks a year back. They can make their own decision  
24 where they want to spend the money.

25 We've all seen the posts: I don't use

1 ski, so I should get benefit in golf.

2           And: I don't use golf, so I should get  
3 benefits in ski.

4           I'm all for letting people -- giving  
5 people their own money back and letting them make  
6 the decision where they actually want to spend their  
7 money, and let them, basically, vote here.

8           It appears there's been much thought given  
9 into this. I've actually been doing quite a few  
10 back-of-envelopes and arrows. Certainly I would  
11 expect all our residents be able to get the Picture  
12 Pass Holder regardless of whether or not there's a  
13 rec fee.

14           I think Ordinance 7 says that residents  
15 have a choice of whether they take Picture Passes or  
16 punch cards.

17           If somebody without beach access wants to  
18 take a punch card that had no value, I don't think  
19 anyone would make that rational discussion, but  
20 there's nothing in Ordinance 7 that would actually  
21 stop that.

22           Under this scenario E, I would expect that  
23 the punch card would only have value at beaches and  
24 it would certainly clean up a lot of other things.

25           And we've given residents 300 bucks a year

1 back to actually use where they want to use it,  
2 whether they want to use it for three rounds of golf  
3 or something rather than having it everywhere else.  
4 It think it's a fairer system. It lets people spend  
5 it where they want.

6 TRUSTEE TONKING: If I'm understanding  
7 this, Paul, if you scroll down a little bit, what  
8 it's saying is this year we would charge \$455, and  
9 then we would have to go to \$548 next.

10 MR. NAVAZIO: That's just all things equal  
11 in terms of what the current capital plan is --

12 TRUSTEE TONKING: Yes. Okay.

13 Can you go up to D, please. It's kind of  
14 that in-between, where it's not going really be an  
15 increase, and we still have some value in the rec  
16 fee, which I think is actually a change from what  
17 this District has ever done. I think it is  
18 something that we should spend this year doing, some  
19 of our FlashVotes, and asking the community how they  
20 feel about changing something so drastically.

21 I was in favor of C. I could be on board  
22 with D. I'm not quite sure on E.

23 MR. NAVAZIO: I want to clarify, just --  
24 if I'm wrong -- part of the discussion we had on  
25 this one is this would provide slight facility fee

1 to fund capital projects and community services,  
2 except for at Diamond Peak, which would be fully  
3 funded.

4           But I think the point -- and the sound was  
5 a little muffled -- is that under this scenario,  
6 using the assumption in the plan, it would be a \$528  
7 fee, and the combined fee going forward on average  
8 is \$530.

9           So there was discussion about this being a  
10 significant reduction, providing some punch card  
11 value for non-beach parcels, and instead of dropping  
12 it and potentially bumping it up, admittedly, a  
13 little bit, it's more of a consistent allocation.

14           That was one of the things that came out  
15 of this analysis.

16           CHAIR DENT: I'll just weigh-in since I  
17 haven't, I see -- I appreciate the forecast that you  
18 put in here. I do see these as nothing more than  
19 just a cash flow analysis, not taking into account  
20 that we have discussed bonding some of those larger  
21 legacy projects, and in doing that, we would have a  
22 lot more cash available.

23           That being said, I'm completely confident  
24 that alternative E would be the right approach,  
25 given these options.

1           And I would say alternative E is where I  
2 think we should be. I definitely like the idea of  
3 not collecting extra cash with the standby services  
4 charges that we don't need, and given that the  
5 venues continue to spin off surplus cash and build  
6 up fund balance every year, I think alternative E is  
7 the winner in my mind.

8           TRUSTEE SCHMITZ: I have a question, and  
9 just humor me if you would, please. Because of how  
10 Ordinance 7 is written, where it says the punch card  
11 value is determined by the board, what would be the  
12 impact for the parcels that pay -- would pay nothing  
13 -- right? -- what would be the impact of giving them  
14 the opportunity for their five passes to have the  
15 option to pay \$100 per punch card they would be  
16 paying into community services because they don't  
17 have beach access, it would be additional revenue,  
18 in a sense, they're not paying a rec fee, and would  
19 that address the needs of people who have five  
20 passes and don't have some of them as punch cards?

21           I'm thinking a little out of the box and I  
22 don't really know what the ramifications are. We've  
23 never had this conversation before.

24           MR. WINQUEST: Just to make sure I'm clear  
25 on what you're saying, so, obviously, they could



1 take five Picture Passes if they want to. That  
2 would remain the same. And then we would give  
3 them -- if they wanted a punch card because they had  
4 use for a punch card for their guests or their  
5 family, we would allow them to purchase the punch  
6 card?

7 TRUSTEE SCHMITZ: I want to be really  
8 clear: I'm talking about the five, not the  
9 additional.

10 MR. WINQUEST: I get that, but it would  
11 act like the additional within the five.

12 TRUSTEE SCHMITZ: Within the five. So it  
13 would still have golf, it would still, well, have  
14 golf; right?

15 MR. WINQUEST: Yes.

16 TRUSTEE SCHMITZ: So my question is -- I'm  
17 just trying to think about the people who don't have  
18 beach access and that suddenly have nothing, is  
19 there a perceived benefit if we gave them that  
20 option? I'm not trying to throw a monkey wrench in  
21 things. I'm just trying to think about addressing  
22 different people's needs.

23 CHAIR DENT: Appreciate that.

24 MR. NAVAZIO: You would be talking about  
25 the first five cards, not giving -- not the option

1 of purchasing a card.

2           So, as you get into that discussion, the  
3 thought that comes to my mind is if you were to  
4 consider that, would you also need to consider  
5 suspending the Ordinance 7 provision that says that  
6 if a resident is delinquent on paying the rec fee,  
7 they lose their rec privileges, which is what would  
8 happen right now -- right? -- when we get the  
9 information folks aren't paying the rec fee, the rec  
10 privilege is suspended, so somebody isn't charged, a  
11 fee, by definition, would never be delinquent, so  
12 they're being treated a little bit differently than  
13 the folks that are being charged a fee that show up  
14 on the delinquency.

15           So, I'm just thinking of an equity issue  
16 on how we administer loss of rec privileges if  
17 you're not current on your fee. And I don't know if  
18 that's relevant to the discussion.

19           TRUSTEE TULLOCH: I'm not sure how they  
20 would actually be delinquent if they're not charged  
21 a fee.

22           The only value that -- the only thing that  
23 the Picture Pass lets you in for free is the beach.  
24 And by definition here, we'd be talking -- if we're  
25 talking about people that don't have beach access,

1 there's basically no value to -- there's no direct  
2 value to the Picture Pass.

3           Similarly, I'm hearing this, oh, well,  
4 people get use to -- like to have money on their  
5 punch card.

6           Well, basically all you're doing is giving  
7 them their own money back. I mean, I'm not sure why  
8 somebody would pay a few hundred bucks up front to  
9 load up punch cards, when they may as well just keep  
10 the cash in their pocket and use it at their whim.  
11 That would be, to me, the rational approach.

12           I'm assuming -- my working assumption to  
13 alternative E, which I believe is the right  
14 direction to go, is that the punch cards would only  
15 have value for beach access. At this level, it  
16 would still allow -- each punch card would probably  
17 allow for seven beach visits, so if people wanted to  
18 take a combination of punch cards for beach access,  
19 they've got the value there.

20           I'm not sure why people would pay money,  
21 up front, to load up money on a punch card that's  
22 only just -- the only value of the punch card is  
23 reducing the rate from the non-resident fee to the  
24 resident fee, so it's basically a wash.

25           I prefer to spend the money -- I think

1 most people would prefer to have money in their own  
2 pocket and make their own decision.

3 MR. WINQUEST: I think Trustee Schmitz was  
4 just referring to -- I don't want to put words in  
5 her mouth -- if they have guests that they want to  
6 send to the golf course and treat them to a  
7 discounted round of golf, that they could  
8 potentially buy a punch card.

9 I would say that if we did do it that way,  
10 you would treat the purchased punch card within the  
11 five the same way we do the additional punch cards  
12 where the revenue is recognized where it gets used,  
13 so there's no funny money involved in that on the  
14 back end. It could work that way.

15 Then in regards to the non-beach parcels  
16 and the five passes, a lot of them do have huge  
17 value in their Pictures Passes because that's what  
18 gets them a discounted rate over at Diamond Peak for  
19 ski passes.

20 So, you know, the challenge that you would  
21 have for those parcels is that for the folks that  
22 don't have any use for five Picture Passes, where  
23 are -- what other value are they getting?

24 But to your point, they're not paying a  
25 recreation facility fee, so they have cash on hand

1 that they can use for whatever they would like to  
2 do.

3           The challenge here is this is very  
4 different than anything we've ever done, so there  
5 would be some education to the public about this,  
6 this is what happens, et cetera.

7           Then we would need direction from the  
8 board to -- I understand that if it's all going to  
9 the beaches, that they can only use it at beaches,  
10 but that is -- it's been able to be used arbitrarily  
11 with -- we would need a direction that -- if we go  
12 with option E, direction to staff is that punch  
13 cards can only be used at the beaches.

14           TRUSTEE TULLOCH: We've highlighted  
15 before, the problems with all this contract kind of  
16 thing with punch cards. I suspect 80 percent of  
17 residents have no clue how you actually get the  
18 value out of punch cards.

19           I think alternative E, under my proposal  
20 actually makes it pretty straightforward.

21           If people want to treat their guests, I'm  
22 assuming we sell gift cards at the golf course, so  
23 people could buy a gift card that then has lasting  
24 value, rather than an expiring value, and they could  
25 treat their guests. That seems to make much more

1 sense than charging every resident an extra hundred  
2 bucks or something just to throw it into the general  
3 pot.

4 I much prefer the idea of letting people  
5 vote with their feet, and that way we see which  
6 facilities our residents actually value and where  
7 they want to see their subsidies going.

8 CHAIR DENT: Do we want to close out this  
9 item, move on to a public hearing, and then figure  
10 out next steps? Is everyone okay with that?

11 All right. We will be closing out of item  
12 G 5, formerly G 4, and then we're going to move on  
13 to item G 6.

14 G 6.

15 CHAIR DENT: Subject: Public hearing,  
16 fiscal year 2023/2024 recreation roll. This can be  
17 found on page 500 hundred of your packet.

18 I'll remind you that you do have three  
19 minutes to speak, and your topic needs to -- you  
20 need to stay on topic as it relates to the  
21 recreation roll.

22 I have one comment as it relates to this  
23 public -- is there a motion to open to public  
24 hearing?

25 TRUSTEE SCHMITZ: I make that motion.

1 CHAIR DENT: Motion's been made. Is there  
2 a second?

3 TRUSTEE TULLOCH: Second.

4 CHAIR DENT: Motion's been made and  
5 seconded. Any discussion by the board?

6 All 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 Opposed? Motion carries 5/0.

13 Public hearing is open. We do have one  
14 public comment in the room as it relates to the  
15 public hearing, and that is Mr. Katz.

16 MR. KATZ: Thank you. Arron Katz, PO Box  
17 3022.

18 I have to congratulate the board. There  
19 has never been a discussion like this about the rec  
20 fee since I've been here, and that's 13 years.  
21 Never. And you're now asking the right questions.

22 Except now I want to encourage you to go  
23 to the next step, and here's the next step.

24 All I heard today is revenue. Well, we  
25 need to have revenue from the rec fee. We need to

1 worry about the loss of revenue with the roller  
2 coaster. We need to worry about smoothing.

3 Everything is revenue, revenue, revenue.

4 I provided you with legal authorities.

5 The minute the rec fee becomes a means to create  
6 revenue, it's no longer a rec fee. It's a tax.

7 You're not here to pass a new tax to cover  
8 over-spending.

9 If this is a fee, keep it as a fee.

10 Number two, if this fee collects one  
11 dollar more than the cost this District incurs to  
12 provide the benefit offered by the rec fee, it's a  
13 tax. And not only is it a tax, the entire fee is a  
14 tax.

15 So you can't go back and say, oh, well,  
16 only one dollar of it was the tax, so we'll just  
17 charge the rest.

18 No. You lose it all. So treat this as a  
19 fee.

20 Now, what is the fee? They told you what  
21 the fee is. It's a charge for availability to  
22 access facilities by the entity that is paying the  
23 fee, in other words, property.

24 Tell me how property can take advantage of  
25 a discount on user fees at Diamond Peak. It can't.



1 And furthermore, I pointed out to you 197  
2 specifically says you can charge a charge for the  
3 availability of services.

4 It doesn't say anything about the  
5 availability of facilities. Staff made this up  
6 themselves. They decided to change the word  
7 "services" to facility. The problem is there's no  
8 authority in 318.197 for it, so whole thing is  
9 wrong.

10 Now, I wrote to you, what is fee? What is  
11 a standby charge? What is a tax? And if you answer  
12 all of those questions, they're not fees. So zero.  
13 Eliminate the rec fee.

14 Thank you.

15 CHAIR DENT: Are there additional comments  
16 regarding the hearing?

17 MR. DALTON: Jack Dalton, 980 Car Court.

18 I want to thank the board. There's new  
19 breath here, and I'm glad to see they're in the  
20 smoke too, and they can't see. And why can't they  
21 see? It's because they're not given the  
22 information. And why doesn't the community see  
23 anything? Because they're not given the  
24 information.

25 So now I have some proposals.

1           Number one, it was sometime ago when this  
2 new board started, they were supposed to be -- the  
3 board packet was supposed to come within seven days  
4 before. How often has that happened?

5           Second, the general manager said he was  
6 supposed have a weekly report or every other week,  
7 and he needed four weeks to do that. Has that  
8 report been given to the board? Why can't we see it  
9 as the community?

10           The community doesn't know anything.  
11 There's seven people here, besides the people that  
12 are obligated to be here. They don't know.

13           They don't know about the effluent  
14 pipeline. It was the end of November when -- \$70  
15 million, and I hear the board president didn't know,  
16 town doesn't know.

17           So why don't we -- since it was a  
18 suggestion that the revenue projections were very  
19 optimistic, they wanted to see it, why don't we  
20 see -- every week, let's see what the review is.  
21 Publicize it. Let's get this IVGID magazine, which  
22 we don't need -- nobody reads paper anymore. I have  
23 to go out of my way to get the Times and the Wall  
24 Street Journal, and it's expensive.

25           So it costs us for nothing. Put it

1 online. Then we can put it online and let the  
2 community participate. Let them make comments.

3 Now, how you edit those comments if  
4 they're obscene or absolutely out of thin air, then  
5 there's a way of editing that. That does not make  
6 it very possible.

7 So we should have access to that. Not  
8 saying we don't want them.

9 Who makes that decision? The board can  
10 make that decision, potentially, but the community  
11 needs to know. That's the biggest thing. Then they  
12 can make their decision.

13 It's somewhat of a -- some of these  
14 arguments that are here, people just didn't know.  
15 There's stuff that I didn't know.

16 And so I would like to see the weekly  
17 stuff, things, and let's have the information out  
18 there. There's no venue here, in this town, just  
19 where that information is available easily.

20 Thank you.

21 CHAIR DENT: Can we go to Zoom?

22 MR. DOBLER: Cliff Dobler, 995 Fairway.  
23 This written statement is to be made part of the  
24 meeting minutes.

25 Let's get serious about this. There is no

1 need for any facility fees as I will explain.

2           According to the state budget on pages 539  
3 and 540, at the end of June, the community service  
4 fund will have a cash balance of 18.9 million.

5           Not addressed is an additional 2.3  
6 million, which exist from lower expenses during  
7 2023.

8           If the state form was done properly, the  
9 estimated current-year revenues and expenses would  
10 be reflected rather than reporting a stale, 12-month  
11 old budget.

12           So, actually, there's over 21 million.

13           Board policy states that the appropriate  
14 level of reserves should be around 7.6 million,  
15 leaving the tidy sum of 13.4 million waiting for a  
16 home. So where is the home?

17           According to capital plan, that towering  
18 new budget is only 2.4 million. Over half will be  
19 spent on equipment purchases. Big deal.

20           Page 539 looks good, as all expenses plus  
21 depreciation will be covered by revenues other than  
22 a lousy 154,000. Obviously, no facility fees are  
23 needed.

24           It's about time to wean the baby of  
25 dependency.

1 Now to the beaches. According to the  
2 state budget pages 549 and 542, at the end of June,  
3 the beach fund will have 6.7 million. Another  
4 600,000 should be available from the 2023 fiscal  
5 year which ends in June.

6 As stated before, management chose to use  
7 a stale, 12-month old budget.

8 In 2022 and '23, the cash was accumulated  
9 from charging facility fees to accomplish the  
10 Incline Beach building. Management is nowhere on  
11 this one.

12 The capital budget is \$4 million for the  
13 building, and represents 90 percent of the entire  
14 budget. Will it get done? Do you believe in magic?

15 Beach operations are intended to lose  
16 721,000, but will lose much more as Navazio thinks  
17 he can generate 1.7 in revenues, which is 245  
18 percent higher than the 2021/'22 -- 2022/'23  
19 averages. Will this mean more people on the beaches  
20 or will he use his magic wand?

21 CHAIR DENT: Thirty seconds.

22 MR. DOBLER: (Inaudible) cash value at the  
23 end of 2024 will be 2.1 million, which is almost  
24 three times higher than the appropriate levels of  
25 reserves. No beach facility fee is needed.

1 Thank you.

2 CHAIR DENT: Thank you.

3 MR. WRIGHT: Frank Wright. Crystal Bay.

4 What in the world do we get by paying that  
5 facility fee? Nothing. As Trustee Tulloch pointed  
6 out, nothing. Nothing. Zero. Zilch.

7 You just give us a bunch of punch cards so  
8 we can give to somebody else, but as far as the  
9 homeowner, we get nothing. Zero. Never have.

10 And the problem you have is you have a  
11 split community. As long as you continue to split  
12 community, you're going to have all kinds of  
13 problems. And that's horrible.

14 But more than that, the money that you're  
15 collecting from us isn't going for anything we're  
16 using. It's going to make up the deficits from  
17 poorly run venues, and the one that I pointed out  
18 tonight where you have a venue that gives people who  
19 don't live here, golfers, who are members of a  
20 private club, like I said at one of the board  
21 meetings, that none of you trustees can get into  
22 because you don't meet the qualifications that they  
23 want. You have to fill out a form, and if they  
24 accept you, you're in. But I don't think they'd  
25 accept you. They won't accept me. None of these

1 clubs would accept me.

2           So I'm paying for someone who lives in  
3 Reno to come up here and get preferred tee times,  
4 play at a reduced rate from whatever he's getting on  
5 the punch cards, or however he's working or she's  
6 working it. It's really sick. And it doesn't get  
7 any better.

8           But, like Ms. Katz just said, listening to  
9 you guys talk, it's the most intelligent board we've  
10 ever had. You get it. The same old past board  
11 members like Krolick who has no clue what is going  
12 on and would rubber-stamp anything Winquest gave  
13 her. It's really gotten sick.

14           But now we have a board that's seeing  
15 what's going on. You don't need a rec fee. You  
16 don't need it at all. Just give everybody a Picture  
17 Pass that lives here and their families and leave it  
18 at that. And they get into facilities, and that's  
19 the way it goes.

20           As far as out-of-towners and guests, make  
21 them pay the full amount. Why should we lose money  
22 on someone coming here? If I have a guest coming, I  
23 go pay the same full amount or whatever rate you  
24 give them. But this is just sick.

25           The rec fee, it's just a joke. And for

1 people that have a punch card so they can pay down  
2 somebody else's fund and gives a property owner  
3 nothing. Nothing. Nothing. You can eliminate the  
4 rec fee. It won't do any damage.

5 Thank you.

6 CHAIR DENT: Thank you.

7 Next comment, please.

8 CALLER 0824: (Inaudible), 615 Martis  
9 Peak.

10 I want to make a couple comments:

11 As far as the IVGID magazine, you could  
12 probably put one out once a year, and then just put  
13 flyers out after that for changes, when things are  
14 changed. And you could actually save a lot of money  
15 by putting it online. Have it online, but then,  
16 also, maybe, just one magazine a year. And then if  
17 changes are made for people that aren't online, you  
18 could just send out a flyer. It would be a lot less  
19 expensive.

20 Also, as far as facility fee, the yearly  
21 fees on our taxes, I think that we shouldn't be  
22 overcharged.

23 Thank you very much.

24 CHAIR DENT: Thank you.

25 Any other comments via zoom?



1 MATT: There are not.

2 CHAIR DENT: All right. Thank you.

3 We need to do a motion to close -- is  
4 there a motion to close public hearing?

5 TRUSTEE TULLOCH: I motion to propose we  
6 close the public hearing.

7 CHAIR DENT: Motion's been made. Is there  
8 a second?

9 TRUSTEE NOBLE: Second.

10 CHAIR DENT: Motion's been made and  
11 seconded. Any further discussion?

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 Thank you. Public hearing's been closed.

19 Let's take a five-minute break. We'll come back at  
20 10:15.

21 (Recess from 10:10 P.M. to 10:15 P.M.)

22 CHAIR DENT: We are back. It is 10:15,

23 and I'll just remind my colleagues that I have a

24 hard stop at 11:00, so you guys are welcome to

25 continue on with the rest of the meeting or we could

1 push something off to a future meeting.

2           Having just closed out the public hearing  
3 as it relates to recreation roll, do we want to jump  
4 into item G 7 or go back to the budget?

5           No comment. How about we stick on item G  
6 7, then, talk about the rec roll.

7           G 7.

8           CHAIR DENT: Is there a proposed motion  
9 when it comes to the rec roll?

10           TRUSTEE TULLOCH: I'm prepared to put  
11 forward a motion that we go with alternative E, with  
12 the proviso that the value applied to punch cards is  
13 only useable at the beach, and that way it keeps it  
14 clear. It saves the issue because the problem that  
15 was brought up before with boards was that, while we  
16 need to be able to give punch cards to our guests to  
17 enter the beach, if we allow the beach facility fee,  
18 the punch cards would only be used against the beach  
19 facility. It's -- those residents that don't have  
20 beach access can still make their point to get  
21 Picture Pass Holders.

22           I move we -- the board adopts Alternative  
23 E.

24           CHAIR DENT: Motion's been made for  
25 alternative E. Is there a second?

1 TRUSTEE SCHMITZ: I can't second it the  
2 way it was proposed.

3 May I offer an alternative?

4 TRUSTEE TULLOCH: Absolutely.

5 TRUSTEE SCHMITZ: I am in favor of option  
6 E. I understand -- I'm in favor of option E. I  
7 understand your point about the beaches; however, I  
8 feel it's a very dramatic change for our community,  
9 and I would prefer it's used to be maintained the  
10 way it has historically been.

11 TRUSTEE TULLOCH: I'm okay with that.

12 CHAIR DENT: So, a motion has been made.  
13 Is there a second?

14 TRUSTEE TULLOCH: I'll second that.

15 CHAIR DENT: Motion's been made and  
16 seconded. Any discussion?

17 TRUSTEE SCHMITZ: I have discussion,  
18 because when we pass this, are we also passing the  
19 language that is in this attached document? Because  
20 based on the research that has been done, the use of  
21 word "dwelling unit" is incorrect, and it needs to  
22 be modified.

23 I'm happy to work with staff to get that  
24 language corrected, but this word "dwelling unit" is  
25 not how the county actually collects it.

1 CHAIR DENT: Understood.

2 MR. NAVAZIO: I was going to make a  
3 comment that the way this is laid out that there's a  
4 motion on setting the fee, then there's a motion on  
5 the resolution in the report, so you can take them  
6 separately. That's all.

7 MR. NELSON: The way I understood the  
8 motion was that it would just be that the first  
9 issue just setting the facility fee and beach fee,  
10 then we can move to the resolution, assuming that it  
11 was approved.

12 CHAIR DENT: Understood.

13 TRUSTEE TULLOCH: Is there a reason that  
14 we get the county to collect this? Under the -- is  
15 there any reason that we shouldn't bill it directly?

16 My rationale is then our residents would  
17 understand what the county is charging, particularly  
18 when we're going through this, potentially, an  
19 opportunity of looking at becoming a city or town or  
20 whatever it is this week.

21 It's my -- to my mind, if people see this  
22 bill coming in directly from IVGID, they'd  
23 understand what they're paying towards instead of  
24 just disappearing in the county tax.

25 MR. NAVAZIO: I'm not sure of the history,

1 other than if it's somewhat efficient to do it that,  
2 but that's just administratively on the property tax  
3 bill, it is assessed on parcel owners and property  
4 owners, and we're charged a thousand dollars for  
5 their service.

6 MR. WINQUEST: Yeah, I would not -- I  
7 would recommend we keep as is.

8 However, if the board desires to look at  
9 that, that's something we would need to do over the  
10 next year to have prepared.

11 If we're going to take on billing and take  
12 on management of that and take on delinquent taxes,  
13 then we're going to need to look at what that looks  
14 like. We're going to need additional resources.

15 TRUSTEE TULLOCH: Understood. Just  
16 raising the question.

17 MR. NAVAZIO: Let me just suggest. I  
18 think one of issues that does come up is, by virtue  
19 of -- part of the reason why we do this process is  
20 not only for them to collect it for us, but for  
21 delinquencies, we have the ability to lien the  
22 property and then collect it that way. I am not  
23 sure if we'd have the authority to do that.

24 That would be a question to be worked out  
25 if the board wants us to look at it.

1 TRUSTEE TULLOCH: Probably not if it's a  
2 fee, not a tax.

3 CHAIR DENT: All right. Motion's been  
4 made and seconded. Any further discussion by the  
5 board?

6 Seeing none, I'll call for the question.  
7 All those in favor, state aye.

8 TRUSTEE TULLOCH: Aye.

9 TRUSTEE SCHMITZ: Aye.

10 CHAIR DENT: Aye.

11 Opposed?

12 TRUSTEE NOBLE: Opposed.

13 TRUSTEE TONKING: Opposed.

14 CHAIR DENT: Motion passes three to two.

15 All right. The second item is as it  
16 relates to resolution number 1902. Is there a  
17 motion?

18 TRUSTEE SCHMITZ: I make a motion that we  
19 approve resolution 1902 with modifications to the  
20 report correcting the language from "dwelling unit"  
21 to the language that is actually implemented, and  
22 I'm happy to work with staff to get that language  
23 updated.

24 MR. NELSON: Would you consider clarifying  
25 the motion that it would reflect the facility fees

1 approved by the Board in the prior motion?

2 TRUSTEE SCHMITZ: And it would reflect the  
3 facility fee that was passed in the prior motion.

4 MR. NAVAZIO: Your motion, or the thought  
5 behind it is to have the report reflect how we're  
6 currently administering the setting and allocation  
7 of the fee to parcels or whether the report would  
8 change how we administer the fee?

9 CHAIR DENT: I will speak to that. Yeah.  
10 We're changing the terminology that is  
11 used within the report to be accurate instead of  
12 something we shouldn't be using.

13 And we can discuss this offline.

14 MR. NAVAZIO: Fair enough.

15 CHAIR DENT: Okay.

16 TRUSTEE TULLOCH: If we're cleaning up the  
17 language, we need to also make sure that we're using  
18 language consistent with the NRS, so we're using  
19 whatever -- services language rather than facilities  
20 language, so we're consistent.

21 CHAIR DENT: Legal counsel?

22 MR. NELSON: Maybe we could have a  
23 conversation on that. I don't think that it's our  
24 position that we necessarily agree with public  
25 comment on that point.

1 TRUSTEE TULLOCH: I'm not suggesting -- it  
2 has not nothing to do with public comment, Josh,  
3 it's just making sure that we're reflecting the  
4 language in the NRS.

5 MR. NELSON: My request would be that we  
6 have the opportunity to kind of discuss that one,  
7 rather than trying to make it a change at the  
8 meeting right when we're adopting it. If you're  
9 comfortable with that.

10 TRUSTEE TULLOCH: Absolutely. I'm just  
11 making sure that we're consistent.

12 CHAIR DENT: Okay. So a motion has been  
13 made. Is there a second?

14 TRUSTEE TULLOCH: I'll second it.

15 CHAIR DENT: Motion's been made and  
16 seconded.

17 Any further discussion by the board?

18 TRUSTEE NOBLE: I'm going to oppose this,  
19 but only based on actual fee that's being collected  
20 for the reasons -- for my vote in the previous one.

21 I do support, though, the resolution as a  
22 vehicle for collecting the monies from parcel  
23 owners.

24 CHAIR DENT: Understood.

25 TRUSTEE TONKING: I'm on the same page as



1 Trustee Noble. It's not the resolution I'm opposed  
2 to; it's the fees in the resolution.

3 CHAIR DENT: All right. Any further  
4 discussion?

5 Motion's been made and seconded, no  
6 further discussion by the board, I'll call the  
7 question. All those in favor, state aye.

8 TRUSTEE TULLOCH: Aye.

9 TRUSTEE SCHMITZ: Aye.

10 CHAIR DENT: Aye.

11 Opposed?

12 TRUSTEE NOBLE: Opposed.

13 TRUSTEE TONKING: No.

14 CHAIR DENT: Motion passes three to two.

15 All right. That closes out item G 7.

16 Going on to item G 4 formerly G 9.

17 G 4.

18 CHAIR DENT: Adoption of Incline Village  
19 General Improvement District final budget for fiscal  
20 year '23/'24, State of Nevada forms 4404 LGF,  
21 related to fiscal year '23/'24 cental services, cost  
22 allocation, recreation facility fee and beach  
23 facility fee authorizing staffing levels and fiscal  
24 year '23/'24 capital improvement project budget.  
25 Requesting staff member Director of Finance Paul

1 Navazio. Page 501 through 716 of your board packet.

2 MR. NAVAZIO: I think we just pick up that  
3 discussion. I think the board is in a position to,  
4 perhaps, take motions and actions. I would just  
5 note that on recommendation B, you've already  
6 established that.

7 On item C, we would be amending that to  
8 reflect the decision on the facility fee. And there  
9 were a couple of notes that we took from earlier  
10 discussion specifically moving that facility fee  
11 from operating revenue to the non-operating.

12 But at this point, that's the only --  
13 there isn't a motion yet, but it would be good to  
14 get a motion and clear direction from the board on  
15 any revisions you want to the budget and the forms,  
16 other than putting in the beach fee that you just  
17 approved.

18 So if there's going to be any revisions to  
19 what's in front of you, we would like to have those  
20 clearly delineated.

21 CHAIR DENT: Understood.

22 MR. WINQUEST: I think there was a request  
23 from Trustee Schmitz for initially \$300,000, and I  
24 don't think that we're going to be able to reduce by  
25 that much, but we are going to take another pass

1 through.

2           So, if we can do it in that one, where  
3 it's flexible as far as the dollar amount that we  
4 reduce the budget, how ever we can make that happen,  
5 Josh, as far as the wording on that.

6           MR. NELSON: To a certain degree, it's  
7 going to be what the board's comfortable with. What  
8 we could say is that staff will reduce that line  
9 item to the extent possible if we're not able to  
10 give an estimate at this point.

11           TRUSTEE SCHMITZ: I would like to just  
12 amend that to also include that the board is giving  
13 direction to Trustee Tulloch to review all of these  
14 final forms before they are submitted.

15           The other thing that needs to be included  
16 is to provide the board with the engineering time  
17 charges percentage, because that excluded from the  
18 budget.

19           MR. NAVAZIO: We can provide that. I was  
20 going to comment that there's a lot going on that  
21 basically target -- and it's not in the executive  
22 summaries -- had been to charge out 80 percent of  
23 their time.

24           What we did in the current year budget is  
25 we transferred costs and provided an allocation in

1 the general fund for work that they do that's not  
2 directly chargeable to a funded project, so if  
3 they're doing exploratory work.

4           But we will get that to you. I just  
5 wanted to let you know that in general, they charge  
6 80 percent of their time billable to projects, and  
7 we provided them a funding source for 20 percent of,  
8 quote/unquote, non-billable time so that the other  
9 projects aren't subsidizing those projects.

10           CHAIR DENT: Understood.

11           TRUSTEE TULLOCH: Follow-up on that one.  
12 I'm assuming that that will also show us the  
13 internal charging rates as well.

14           MR. NAVAZIO: We can provide those too.

15           TRUSTEE TONKING: I was going to to a  
16 motion. But if you wanted more discussion, I can  
17 wait.

18           CHAIR DENT: Go for it. It's welcomed.

19           TRUSTEE TONKING: I move -- the only one I  
20 don't know how to do is engineering, so apologies on  
21 that last part.

22           I move that the board approve the central  
23 service cost allocation plan for fiscal year  
24 '23/'24, allocating a total of \$1,956,300 in costs  
25 from general funds to utility fund, community

1 services funds and beach funds.

2 Approve the Incline Village General  
3 Improvement District final budget for fiscal year  
4 '23/'24, form 4404 LGF, as prescribed by the State  
5 of Nevada's Department of Taxation, upon review of  
6 Trustee Tulloch and staff, as well a decrease in the  
7 Mountain Golf Course budget.

8 Approve fiscal year '23/'24, authorize  
9 staffing levels.

10 Approve the Incline Village General  
11 Improvement District's capital improvement plan  
12 budget for fiscal year '23/'24, and create a report  
13 looking at engineering staff time and allocation.

14 CHAIR DENT: Motion has been made. Is  
15 there a second?

16 TRUSTEE TULLOCH: Can I make an amendment  
17 to that? On item D, it should be: The approval of  
18 fiscal year 2023/'24, authorized staffing levels and  
19 positions as shown.

20 TRUSTEE TONKING: Perfect. I'm fine with  
21 that.

22 CHAIR DENT: She's amended her motion. Is  
23 there a second?

24 TRUSTEE TULLOCH: I'll second.

25 CHAIR DENT: Motion has been made and

1 seconded.

2 Any further discussion by the board?

3 All right. Seeing, none, I'll call for  
4 the question. All those in favor, state aye.

5 TRUSTEE TONKING: Aye.

6 TRUSTEE TULLOCH: Aye.

7 TRUSTEE NOBLE: Aye.

8 TRUSTEE SCHMITZ: Aye.

9 CHAIR DENT: Aye.

10 Opposed? Budget passes 5/0. Thank you  
11 all.

12 Okay. So, we're down to a few minutes  
13 left in this meeting. As far as priority items  
14 moving forward, we do have a flexible agenda. I'll  
15 just let you know, I definitely think we should have  
16 item G 9, it's a very quick item as it relates to  
17 the evaluation process of general manager.

18 (Inaudible cross talk.)

19 CHAIR DENT: Which one? That's a priority  
20 one?

21 (Inaudible cross talk.)

22 CHAIR DENT: Okay. All right. Well, I  
23 have a hard stop at 11:00. So if we continue on,  
24 you guys can go on.

25 It sounds like all the remaining items are

1 a priority.

2 MR. NELSON: Chair, I would defer to the  
3 board that the disclosure policy, we may be able to  
4 get that adopted in June, and it would still stand  
5 on the same timeline as proposed in the policy.

6 CHAIR DENT: Okay. That's fine. We can  
7 remove that one.

8 TRUSTEE SCHMITZ: It's a consent calendar  
9 item. Can we just please get it done? That policy?  
10 It's Josh's -- let's get it done so we can get it  
11 implemented.

12 CHAIR DENT: Okay. Let's leave it.

13 All right. That is item -- we have G 10  
14 formerly F 6. Which item would you guys like to  
15 start with?

16 TRUSTEE TONKING: Let's keep going in  
17 order. I think the GM's goals were next; right? Or  
18 is loaders next?

19 CHAIR DENT: Let's go with the loader. It  
20 sounds like that's a huge priority, and that is item  
21 number G 8, formerly G 3.

22 G 8.

23 CHAIR DENT: Review, discuss, and possibly  
24 approve rebuild of three Caterpillar 950 G loaders  
25 by Empire Southwest, and purchase the tire chains

1 from Silver State International. Requesting staff

2 member Director of Public Works Brad Underwood.

3 Found on pages 444 through 448 of your packet.

4 MR. UNDERWOOD: We have been kind of  
5 pushing this item down the road, at least since I've  
6 been here and a little longer.

7 I think the fleet manager has done a  
8 really good job of finding an alternative to keeping  
9 our equipment, but get it upgraded.

10 What would happen here is if this is  
11 approved, the vendor would take one loader at a  
12 time, get that rebuilt, return that loader, we're  
13 only out one loader at a time.

14 We believe that this vendor can -- if this  
15 is approved and we can get them going, all these  
16 rebuilds can be done prior to snow hitting us in the  
17 next snow season.

18 If there's any questions, I'll take them.

19 CHAIR DENT: Understood. Thank you.

20 Any questions by the board?

21 TRUSTEE TULLOCH: Just a follow-up. I met  
22 with Mr. Allen and Director Underwood last week. I  
23 think the proposal as presented is good. I think  
24 the decision -- I had some questions why we're going  
25 reconditioned rather than buying new, but then



1 looking at it, it keeps it a much simpler machine, a  
2 much more reliable machine.

3           The net cost is pretty much a wash, but I  
4 think it makes it much simpler operations.

5           I also spoke Mr. Bandelin. My only  
6 remaining question is just to confirm -- to get  
7 confirmation that we do need to do all three in the  
8 same year, whether this can be phased.

9           MR. UNDERWOOD: I think it's best for our  
10 staff to get them all reconditioned at the same  
11 time, both on the maintenance side and operator's  
12 side.

13           CHAIR DENT: I'll entertain a motion.

14           TRUSTEE TONKING: I move that the Board of  
15 Trustees approve a purchase order contract with  
16 Empire Southwest to the rebuild of three 2002, 950 G  
17 Caterpillar loaders in the total amount of \$675,000.

18           Authorize the insurance of a purchase  
19 order with Silver State International for the  
20 purchase of loader tire chains for three, 950 G  
21 loaders.

22           Authorize the transfer of funds in the  
23 amount of \$6,532.00 from CIP project number  
24 2097HE1729 to CIP project number 2097HE1725.

25           Authorize the transfer of funds in the

1 amount of \$3,426.00 from CIP project number  
2 3463HE1723 to CIP project number 3463HE1722.

3 Authorize the Director of Public Works to  
4 sign the purchase order contract in substantially  
5 the form presented.

6 CHAIR DENT: Motion's been made. Is there  
7 a second?

8 TRUSTEE TULLOCH: I'll second.

9 CHAIR DENT: Motion's been made and  
10 seconded. Any further discussion by the board?

11 No discussion. All those in favor, state  
12 aye.

13 TRUSTEE TONKING: Aye.

14 TRUSTEE TULLOCH: Aye.

15 TRUSTEE NOBLE: Aye.

16 TRUSTEE SCHMITZ: Aye.

17 CHAIR DENT: Aye.

18 Opposed? Motion passes 5/0.

19 All right that will close out item G 8,  
20 formerly G 3. Let's move on to item G 9, formerly G  
21 10.

22 G 9.

23 CHAIR DENT: Final review and discussion  
24 of the District general manager's evaluation process  
25 for the period of 2022/2023. Requesting trustee

1 Board Chairman Matthew Dent with the assistance of  
2 the Director of Human Resources Erin Feore. Pages  
3 718 through 765 of your board packet.

4 MS. FEORE: This is just an opportunity to  
5 review the elevation process, as it was discussed  
6 and approved in a previous board meeting.

7 I've included the memo. I'm sure you all  
8 have had a chance to read through it, so, really,  
9 I'm just here to answer any final questions before  
10 we move forward.

11 Then I think we were going to formally  
12 discuss the date that we were going to potentially  
13 be moving the evaluation to.

14 CHAIR DENT: Any questions?

15 TRUSTEE NOBLE: I appreciate the  
16 additional information on pages 720 to 722, because  
17 when I went through the form, it didn't have all  
18 this information on there; it was literally just the  
19 first five or six words. It was difficult to  
20 understand in totality.

21 With regards to the goals, I think it  
22 would be helpful having a synopsis from General  
23 Manager Winquest of what he has done to achieve or  
24 not achieve those goals to this point. I'm not  
25 familiar enough with all these to know where every

1 single item is at.

2           So, that would be just another point of  
3 reference that I think would be helpful for me, and  
4 I would assume the board, so we all have the same  
5 information and make judgment calls from there based  
6 on our own personal experiences, delving into the  
7 information, to just have that as another point of  
8 reference in conducting the -- filling out the  
9 evaluation forms.

10           TRUSTEE TONKING: The other question I  
11 have is in regards to -- I apologize. I totally  
12 forgot what I was going to say.

13           TRUSTEE TULLOCH: Isn't the text that's  
14 been added to on page 728, isn't that what you're  
15 asking? Isn't this the GM's comments? In red and  
16 green and yellow.

17           MS. FEORE: Yes. I just included a copy  
18 of the strategic plan.

19           TRUSTEE TULLOCH: So why are we asking for  
20 the addition input?

21           CHAIR DENT: Regarding the goals, Trustee  
22 Noble asked for a synopsis as it relates to every  
23 item on the goal list, just to help steer the --

24           Trustee Noble?

25           TRUSTEE NOBLE: And those goals are

1 delineated on pages 720 to 722.

2 TRUSTEE TULLOCH: Okay. My bad.

3 TRUSTEE TONKING: So, in terms of -- we  
4 had talked about possibly doing a 360. I know that  
5 we've received some staff input.

6 Are we still doing a 360, which means we'd  
7 also be getting past trustees and community partner  
8 input?

9 MS. FEORE: That was discussed originally,  
10 and it was determine that would we leave the 360s  
11 with just the senior leadership team.

12 TRUSTEE TONKING: I think it would be nice  
13 to hear from community partners as well, because I  
14 know the GM spends a lot of time with them.

15 Maybe that's something we can look for  
16 going forward.

17 CHAIR DENT: Okay. Any other questions or  
18 requests?

19 And then the second part of your question  
20 was the date to do this, and I believe we had this  
21 as a June 14th long-range calendar, I think.

22 MS. FEORE: That was discussed at the last  
23 meeting, so I just wanted to confirm if that date  
24 was to remain, and in which case, the deadline -- I  
25 would ask that the deadline to submit your

1 evaluations would be no later than June 5th or 6th,  
2 just to give me --

3           So the packet for the June 14th meeting  
4 would need to go out or be assembled no later than  
5 the 7th or 8th. If it's possible, I can get your  
6 evals no later than the 5th or 6th.

7           TRUSTEE NOBLE: Understood. Any  
8 additional questions?

9           MS. FEORE: If I could just clarify then,  
10 for the synopsis from the general manager on his  
11 goals, is this something that the trustees in total  
12 would like to receive?

13           TRUSTEE NOBLE: I would.

14           TRUSTEE TONKING: You can just put it in  
15 the packet at the end, if the GM feels that's fine  
16 too, as board material too, at the very end.

17           CHAIR DENT: Well, I don't think that's  
18 helpful to have it --

19           TRUSTEE TONKING: No. What I'm saying is  
20 if we all received it, we would have to make it a  
21 public record at some point. So I was just saying  
22 that I would like to receive it.

23           CHAIR DENT: Understood. Okay.

24           MS. FEORE: I will do that. Thank you.

25           CHAIR DENT: All right. That closes out

1 item G 9, formerly G 10.

2 Let's get this one off the list. Item G  
3 10.

4 G 10.

5 CHAIR DENT: Review, discuss, and  
6 potentially approve policy 22.1.0, disclosure of  
7 community groups. Requesting staff member District  
8 General Counsel Josh Nelson. Found on pages 171  
9 through 176 of the board packet.

10 And Trustee Noble asked to have this  
11 removed so he wouldn't be voting against it, but if  
12 you can go ahead and speak or voting it into the  
13 consent calendar.

14 TRUSTEE NOBLE: I would simply reiterate  
15 my concerns and the reason for voting against this  
16 as expressed in the previous two meetings where this  
17 matter has come before us.

18 CHAIR DENT: Understood. Any further  
19 discussion by the board?

20 TRUSTEE SCHMITZ: Disclosures are to  
21 protect people, are intended to ensure there is no  
22 conflict of interest, that everyone is informed, and  
23 they are somewhat standard in the industry.

24 The only thing I had discussed with  
25 Mr. Nelson was the paragraph that is on page 173

1 that says: Reports shall be made quarterly.

2 I would like to add at the end of  
3 sentence: And included in the subsequent Board of  
4 Trustees' packet.

5 So that the information is readily  
6 available.

7 CHAIR DENT: Understood.

8 MR. NELSON: I had some language just in  
9 case -- just to clarify where were it would be  
10 included in the packet. Can I read that and just  
11 see if it meets your intent?

12 So, at the same spot, after October 15th,  
13 and it would say: And shall be included in the  
14 general manager's report or similar item in the next  
15 regularly scheduled Board of Trustees' meeting after  
16 such dates.

17 CHAIR DENT: Is there a motion?

18 TRUSTEE SCHMITZ: I make a motion that the  
19 board approve policy 22.1, disclosure of community  
20 groups, with the amended language as stated by our  
21 legal counsel.

22 CHAIR DENT: Motion's been made. Is there  
23 a second?

24 TRUSTEE TULLOCH: I'll second.

25 CHAIR DENT: Motion's been made and



1 seconded.

2 Trustee Tonking, this is our opportunity  
3 for further discussion. Did you have something you  
4 wanted to say?

5 TRUSTEE TONKING: I will be voting no on  
6 this, given the reason I have every time it's come  
7 up.

8 CHAIR DENT: Understood. All right. No  
9 further discussion by the board -- Trustee Tulloch?

10 TRUSTEE TULLOCH: The memo just talks  
11 about disclosure of community groups. That was  
12 expanded now, so, perhaps, we might need to change  
13 the title.

14 TRUSTEE SCHMITZ: It's just the -- oh, I  
15 see what you're saying, change the title in this?

16 TRUSTEE TULLOCH: Correct.

17 MR. NELSON: We initially had -- I think  
18 it was community non-profits, and we changed that at  
19 the last meeting to community groups to recognize it  
20 was broader.

21 But if the board would like to broaden --  
22 to modify that, we can as well.

23 TRUSTEE TULLOCH: I think we need to  
24 because we've also included business entities and  
25 things as well.

1 CHAIR DENT: All right. Is there an  
2 amendment to the motion?

3 TRUSTEE SCHMITZ: I'll amend the motion to  
4 entitle the policy: Disclosure of external entity  
5 involvement.

6 CHAIR DENT: Okay. Motion's been made and  
7 now amended. Is there a second to the amendment?

8 TRUSTEE TULLOCH: I'll second it.

9 CHAIR DENT: Okay. Any further discussion  
10 by the board?

11 Call for the question, all those in favor,  
12 state aye.

13 TRUSTEE TULLOCH: Aye.

14 TRUSTEE SCHMITZ: Aye.

15 CHAIR DENT: Aye.

16 Opposed?

17 TRUSTEE TONKING: No.

18 TRUSTEE NOBLE: No.

19 CHAIR DENT: Motion passes three to two.

20 All right that closes out item G 10,  
21 formerly F 6.

22 What's our next item?

23 TRUSTEE TONKING: NV Energy.

24 CHAIR DENT: What item is that?

25 MR. NELSON: Former consent item F 1, now

1 G 11.

2 G 11.

3 CHAIR DENT: Thank you. Review, discuss,  
4 and possibly approve a site use license agreement  
5 with NV Energy. Requesting staff member Director of  
6 Public Works Brad Underwood. Found on pages 66  
7 through 73 of your board packet.

8 MR. UNDERWOOD: NV Energy contacted us  
9 about use of the ski resort facility for lay down  
10 area and other needs for a few projects that they're  
11 doing that benefit the ski resort and residents in  
12 our community.

13 So, we worked with them and our attorney  
14 to come up with an agreement that is before you. We  
15 looked at costs recovery for staff time, basically,  
16 and I can pretty much guarantee that we won't spend  
17 \$24,000 worth of staff time. We did not look at  
18 this as a revenue generator.

19 I don't know if Mike wants to make any  
20 comments at this time.

21 But also on Zoom still, is Steven Laini  
22 with NV Energy if there are any questions for them.

23 TRUSTEE NOBLE: I will be reusing myself  
24 from any participation in or vote on item G 11,  
25 which involves NV Energy.

1 I was the lead attorney who reviewed the  
2 Natural Disaster Protection Plan prepared by NV  
3 Energy back in 2020, as part of my former employment  
4 with the Public Utilities Commission of Nevada, and  
5 I currently contract with NV Energy for consulting  
6 services on other regulatory matters.

7 CHAIR DENT: Understood.

8 TRUSTEE TULLOCH: Full disclosure as well,  
9 I actually did work for NV Energy in 2008 and 2009,  
10 putting in a work management system, but I don't  
11 think that creates any conflict.

12 I have several concerns about this in  
13 terms of NV Energy is a commercial enterprise.  
14 We're paying them something like 5 or 6 million  
15 bucks a year.

16 We're charging them a thousand bucks per  
17 month for a premium staging area. NV Energy, I'm  
18 fairly sure, will be using a contractor for this, so  
19 we're already into third-party involvement in this  
20 actually carrying it out. I think we should be  
21 charging a proper commercial rate for this.

22 Equally, I don't believe we should just be  
23 doing an assessment at end year at the start of year  
24 one, which we're paying for, and then a final  
25 assessment four years down the line, which we are

1 also paying for.

2 I'm trying to work out the degradation and  
3 the impact there. I would have thought we should be  
4 doing it every year. I thought when I read the  
5 thousand bucks, it was per week.

6 We've seen in the proposal for the  
7 effluent pipeline because NDOT are not giving us  
8 staging facilities, it's going to cost us an extra  
9 half million on the contract.

10 I think the thousand bucks per month is  
11 way, way light in terms of this.

12 I'm all for helping NV Energy get there,  
13 but, again, this is a contract project. They get  
14 their return on it, it goes into their rate base,  
15 it's for their reinforcement. I think it should be  
16 a commercial arrangement, a proper arm's length  
17 arrangement.

18 And I do believe that the degradation  
19 should be getting charged every year. I think  
20 waiting four years down the line and finding out  
21 there's a whole lot of damage and then having to  
22 argue with a third party as well as NV Energy, I  
23 think is crazy. I think we should do it on an  
24 each-year basis, fairly straightforward, with  
25 photographs and things.

1 Then all the parties know what's been  
2 charged.

3 CHAIR DENT: Any further discussion by the  
4 board?

5 TRUSTEE SCHMITZ: I had similar sentiments  
6 relative to what we're charging.

7 The other concern I had is the residents  
8 who live in Bitterbrush and Tyrolian Village and the  
9 impact to them for the summer of having helicopters  
10 taking off and landing in that parking lot on a  
11 somewhat frequent basis.

12 MR. UNDERWOOD: I have notified those  
13 individual HOAs, so they do have that information.

14 TRUSTEE TULLOCH: I think it's one thing  
15 knowing it's there, but basing that we're doing this  
16 on a peppercorn rent and a non-commercial basis,  
17 then we're imposing the noise levels on residents.

18 The NV Energy, perhaps, they are paying  
19 200 to 250 bucks an hour, plus -- it's a heavy-duty  
20 helicopter, so it's more like 400 bucks an hour  
21 they're paying for that. And then it's a thousand  
22 bucks a month for the staging unit.

23 There's no compensation for the residents  
24 for having their peace during the summer disturbed  
25 in term of this.

1 I think -- that's also a fairly popular  
2 parking lot for mountain bikers that do the Tyrolian  
3 downhill, as I understand.

4 I understand it is a good staging area in  
5 terms of that, but I think NV Energy should be  
6 paying proper recompense for it.

7 MR. UNDERWOOD: When we starting working  
8 with NV Energy on this project, that was the  
9 farthest thing from my thought process, what the fee  
10 would be, because it's a nominal impact.

11 We have had several projects there during  
12 summer, either utility line replacement or screening  
13 dirt, or, back in the 90s, we had helicopters there  
14 doing logging up in the Third Creek, Second Creek,  
15 First Creek area to get rid of the White Furs that  
16 were dying off, and the helicopter flew daily with  
17 no impact because they knew it was a community  
18 project that would enhance the forest.

19 And so back to my point, when we started  
20 working this project, I was not really concerned  
21 about the impact of NV Energy with the neighbors;  
22 more so having a collaborative working relationship,  
23 as one of the phases of the project is going  
24 underground from one Sweetwater substation up  
25 through the Duffield property to the Snowflake, and

1 then down through the District property, which has  
2 quite an infrastructure underneath.

3 I was more involved in helping -- and  
4 we're still making decisions on me providing  
5 information on changing alignment, the setting of  
6 the location of the JEs, the pole stations, and so  
7 forth. I was more looking at how to work  
8 collaboratively with NV Energy to make a seamless  
9 excavation cut through the District property.

10 And so I wasn't really thinking about the  
11 fee; more to be able to work collaboratively with  
12 them and have a seamless project that the District  
13 benefited from as we're going through the entire  
14 underground infrastructure at the ski resorts.

15 TRUSTEE TULLOCH: I appreciate that. And  
16 hopefully, perhaps, NV Energy will work  
17 collaboratively with us and give us a ten percent  
18 discount on our energy bills as well since we're  
19 working collaboratively.

20 I think the issue there, this will be done  
21 with contractors, it would not necessarily be NV  
22 Energy staff, and then we get into three parties  
23 involved and everyone pointing fingers at each  
24 other, whose fault it is. That's a major concern of  
25 mine, having been involved in these situations



1 before.

2           Again, it should properly reflect the  
3 commercial costs and the commercial costs of doing  
4 it.

5           If it was something like a thousand bucks  
6 per week, that starts making some sense, given the  
7 impact on residents and things.

8           But, still, I think the collaborative work  
9 and going with pursuing the route and alignment, I  
10 would expect that to happen regardless, whether we  
11 were providing a staging area or not.

12           MR. UNDERWOOD: If I could -- NV Energy is  
13 trying to get this project going, so if I could ask  
14 the board to recommend something that would change  
15 in the agreement, and then we can go -- hopefully  
16 they would be favorable to that.

17           I know Steven is still is there. He may  
18 or may not be able to weigh-in that motion.

19           But I think it would be nice to have that  
20 in so that we could move this forward, if they were  
21 in favor.

22           CHAIR DENT: Understood.

23           TRUSTEE TULLOCH: Yeah, I think that's  
24 right. My initial thought was a thousand bucks a  
25 week, seems a sensible term on it.

1 I'd also like to understand what NV Energy  
2 is going to do to reach out to the community members  
3 that are going to be subject to this noise.

4 My opening pitch would be a thousand bucks  
5 per week there, but that's me being me. I'm open to  
6 suggestions from other board members as well.

7 MR. UNDERWOOD: Yeah, we can add some  
8 language in the agreement that would require them to  
9 make some notifications to the residents nearby.

10 I've already reached out to the HOA person  
11 involved, but we can require that as well if you  
12 wanted that language added.

13 TRUSTEE TULLOCH: Yeah. I think it's more  
14 than just notifications; it's -- just giving a  
15 notification or sticking a postcard through the  
16 door, oh, you're going to have a lot of noise for  
17 the next four months because we're flying  
18 helicopters several trips a day, and there's going  
19 to be a pile of materials there.

20 I think we need to be sensitive to that in  
21 terms of the residents, especially if we're not even  
22 covering the costs, we're not making, actually,  
23 anything out of that.

24 I'm sure NV Energy can come up with some  
25 way of actually ameliorating that with the residents

1 themselves. I'm sure Steven's got previous  
2 experience of doing these.

3           From my past life, you've had to do that.  
4 You've had to reach out and support the community.

5           As I say, I think also the degradation  
6 should be done each year. I think that makes way  
7 more sense. Leave it at four years, it's impossible  
8 to tell.

9           MR. UNDERWOOD: I will say that staff is  
10 doing that review of the facility, so it's not  
11 really costing us too much money to do that. So, we  
12 could do that.

13           I will also state that our own project is  
14 using that area as well. So, Granite Construction  
15 is using that as a lay down area as well. That,  
16 hence, the 25 percent of the degradation versus 50  
17 or 75 or whatever.

18           But, yeah, we can look at it every year  
19 and keep track of it.

20           MR. LAINI: Thank you for allowing me to  
21 speak. I did want to add, our helicopter use is  
22 going to be for two weeks total, after Labor Day.

23           And we worked really hard to try to  
24 mitigate any nuisance and impact on the residents.

25           Also noticing will be taking place, which

1 is a requirement of some of the permitting agencies.  
2 I can provide additional information regarding that  
3 as well.

4 I would also like to add that the goal for  
5 us was to make an agreement that's fair. So if you  
6 don't feel like the rent or any language is fair, we  
7 want to talk about it and work something out.

8 CHAIR DENT: Are you a decision maker?

9 MR. LAINI: I am not, but I can make  
10 recommendations.

11 CHAIR DENT: Understood.

12 Trustee Tulloch, you made a recommendation  
13 of, like, \$16,000, roughly, a year. You said \$1,000  
14 a week; right?

15 TRUSTEE TULLOCH: Yes. I threw that out  
16 there as a figure, and then, you know, a settlement  
17 on the degradation each year so we know exactly what  
18 we're paying for and what the degradation is.

19 I'm open to suggestions from the board.

20 CHAIR DENT: Anyone else want to weigh-in  
21 on this?

22 TRUSTEE SCHMITZ: It is possible to have  
23 the helicopter use schedule actually included in the  
24 contract so that we clearly all know what the plan  
25 and the expectations are? That would be one

1 request.

2           Then as it relates to the degradation, I,  
3 too, agree that we -- if there's issues that are  
4 created at Diamond Peak, we're going to be forced to  
5 have to repair them because we need to keep the  
6 parking lot in serviceable condition.

7           So, can we state that on an annual basis  
8 that the District would be -- that this would be  
9 reviewed so that the parking lot can be repaired as  
10 necessary for Diamond Peak?

11           MR. UNDERWOOD: Yeah, we can definitely do  
12 that. I don't know that that would be an  
13 objectionable revision to NV Energy, I don't  
14 believe.

15           TRUSTEE TONKING: I agree that those are  
16 really good insights, especially about any damage  
17 that could be done.

18           So, I think that's -- I agree with those  
19 to be included in the contract, as well as the  
20 helicopter schedule, so we're all on the same page.

21           I'm not -- I'm a little less concerned  
22 about the fee. I do understand. As I said, I'm  
23 less concerned.

24           Yes, it would be beneficial, but it's not  
25 going to lead to negotiations, I don't really want

1 to go down that road, but I'm also understand your  
2 insight and am on board if it's something that's  
3 feasible.

4 TRUSTEE TULLOCH: If I can just add a  
5 question for Steven: What's the total expenditure  
6 on this project?

7 MR. LAINI: Well, it's actually three  
8 individual projects, all with their own budgets.  
9 So, it's kind of a -- I'm doing financial dance with  
10 this agreement, pulling from each project.

11 I can speak with the PMs and get back to  
12 you.

13 TRUSTEE TULLOCH: Understood. But this is  
14 obviously and authorized project. You've got a  
15 capital budget for three projects. I'm just asking  
16 what the aggregate capital budget is for the three  
17 projects combined.

18 MR. LAINI: I don't have that information  
19 in front of me right now, unfortunately.

20 CHAIR DENT: I think that would be good  
21 information for us to know.

22 TRUSTEE TULLOCH: Absolutely. I suspect  
23 there's probably in the order of 8 to 10 million.

24 CHAIR DENT: As far as direction from the  
25 board?

1 MR. UNDERWOOD: Again, I think if there  
2 was amendments to this that I could take back to NV  
3 Energy, that way they could run it up the chain, and  
4 if they were in favor of it, whatever amendments the  
5 board wanted, we could move forward and get it  
6 signed.

7 So, I guess, that would be my request as  
8 far as a motion.

9 TRUSTEE SCHMITZ: Legal counsel, do you  
10 feel that the board has given ideas that are clear  
11 for you to work with staff on these modifications?

12 MR. NELSON: I do, but it's also a little  
13 late, so let me run through them real quick.

14 So, the rental rate increase would be  
15 increased to \$1,000 per week during the time period.

16 The pavement degradation analysis would  
17 occur annually.

18 Helicopter use would be specified with the  
19 contract.

20 And on an annual basis, the parking lot  
21 would be repaired as necessary at NV Energy's cost  
22 to ensure operation at Diamond Peak.

23 TRUSTEE SCHMITZ: Did you say \$1,000 a day  
24 or month?

25 MR. NELSON: I said \$1,000 per week.

1 MR. UNDERWOOD: I think the degradation  
2 fee would be 25 percent of -- they would pay 25  
3 percent of whatever the degradation was. That's  
4 what's in the agreement now.

5 I don't know that they would pay for the  
6 entirety, because we do have work going on there  
7 ourselves. There is normal wear and tear based on  
8 usage at the ski facility as well.

9 That was kind of a negotiating point that  
10 we made with NV Energy, because I think my first  
11 attempt was 50 percent.

12 CHAIR DENT: I think as long as you're  
13 capturing pictures at the beginning and end of their  
14 season, I think that -- who cares what happens  
15 during ski season because we know what happened  
16 during the four months they were there.

17 MR. BANDELIN: I'll inform the board that  
18 we've already done a flyover and have high  
19 resolution pictures of the staging area.

20 CHAIR DENT: Sounds good. Any further  
21 discussion on this item?

22 Moving forward, Josh, do we need a motion  
23 on this item?

24 MR. NELSON: We do if Mr. Underwood's  
25 looking for the ability to execute the contract if



1 we can reach an agreement.

2 CHAIR DENT: Okay. I'll entertain a  
3 motion.

4 TRUSTEE TONKING: I move that the board  
5 approves the agreement with NV Energy, upon  
6 negotiations with the amendments that legal counsel  
7 had mentioned.

8 CHAIR DENT: That works. Motion's been  
9 made. Is there a second?

10 TRUSTEE SCHMITZ: I'll second.

11 CHAIR DENT: Motion's been made and  
12 seconded. Any further discussion by the board?

13 Seeing none, I'll call for the question.  
14 All those in favor, state aye.

15 TRUSTEE TONKING: Aye.

16 TRUSTEE TULLOCH: Aye.

17 TRUSTEE SCHMITZ: Aye.

18 CHAIR DENT: Aye.

19 Opposed? And we have one recusal. So  
20 motion passes 4/0. That will close out that item.

21 I do have to leave. So, Trustee Schmitz,  
22 I'll be passing this off to you. You guys are on  
23 item H.

24 H. REDACTIONS FOR PENDING PUBLIC RECORDS REQUESTS

25 CHAIR DENT: Redactions for pending public

1 records requests. Page 766 through 769 of the board  
2 packet.

3 TRUSTEE SCHMITZ: Mr. Nelson, do you have  
4 anything you would like to share relative to this  
5 agenda item?

6 MR. NELSON: No. Given the time, it's in  
7 the packet, and I would be happy to answer any  
8 questions.

9 TRUSTEE SCHMITZ: Any questions?

10 Close out that agenda item. Go to  
11 long-range calendar. Pages 770 through 774.

12 I. LONG-RANGE CALENDAR

13 MR. WINQUEST: I'm going to roll through  
14 this quickly. Our next scheduled meeting is June  
15 14th.

16 After discussions with the Chair, we're  
17 looking at how we can balance out. Right now, we  
18 have a tremendous amount that's on the 14th. I  
19 don't -- not recommend trying to get all this done  
20 on the 14th.

21 As of right now, we're looking at moving  
22 review and possible approval or revisions to policy  
23 2.1.0 to the 28th.

24 Trustee Schmitz, if it's okay, moving the  
25 capital advisory committee discussion to the 28th.

1 I know that was your item.

2           The GM goals, I don't think we would be  
3 doing that on the same night as my evaluation, so I  
4 think we're looking at pushing that into July, maybe  
5 June 28th.

6           And then the formulate a board-appointed  
7 golf advisory committee and discuss other possible  
8 other board-appointed committees, I think we want to  
9 push that to the 28th.

10           And then the deep dive into F and B, we  
11 are targeting the 28th for that as well.

12           As you can see on the 28th, we currently  
13 have the presentation by Waste Management. It's  
14 scheduled for June 28th, targeted, but does not mean  
15 that it will occur on that date.

16           Then you can see there, July 12th, and so  
17 forth and so on. I won't go through any of those  
18 items.

19           We did add some additional items as far as  
20 contracting and those types of reviews that were  
21 discussed at the last meeting. And we are  
22 continuing to look at those and will continue to  
23 populate the long-range calendar.

24           TRUSTEE TULLOCH: We postponed the  
25 effluent pipeline GMP 2 from this evening. I'd like

1 to see that on June the 14th. I think it's  
2 important that we stay ahead of that.

3 MR. WINQUEST: We can do that. We're just  
4 -- a lot of these items will be on consent as well,  
5 but I just -- with the GM evaluation that evening, I  
6 just would gear-up for a really long meeting.

7 TRUSTEE SCHMITZ: It was discovered when  
8 we reviewed some live streams, that the family tree  
9 was to be added to the long-range calendar a year  
10 ago, and it seems to have fallen off. That needs to  
11 get put on a calendar.

12 We still have two policies, 20.1, out on  
13 our website. That needs to get fixed.

14 And in tonight's, we talked about the  
15 pyramid, and we've never, as a board, discussed how  
16 our various venue and programs fit into the pricing  
17 policy as it relates to the pricing pyramid, so I'd  
18 like to add that.

19 And I think we should discuss -- it's  
20 seems as though people are unaware that the IVGID  
21 quarterly magazine is available online.

22 I think we should do some sort of a survey  
23 or ask our customers, because this is a big expense  
24 in staff time and mailing.

25 And if it is available online, and I think

1 that the staff does a really great job of producing  
2 targeted email information to people who are  
3 interested in the various venues, such as golf or  
4 pickleball, and I'm not sure that this quarterly  
5 has, maybe, the value it did years ago. I think we  
6 should solicit some input.

7 MR. WINQUEST: That discussion of the  
8 board, that's fine.

9 TRUSTEE SCHMITZ: Anything else relative  
10 to long-range calendar?

11 With that, we will move on to Board of  
12 Trustees' updates.

13 J. BOARD OF TRUSTEE UPDATES

14 TRUSTEE SCHMITZ: Are there any updates  
15 from our liaisons or otherwise?

16 TRUSTEE TULLOCH: I can provide an update  
17 to the board. I met with Director Underwood and  
18 Ms. Dunbar of Waste Management last week.

19 Waste Management floated a proposal. They  
20 would like to extend the existing contract by  
21 another five years. It's still got three years to  
22 run. They'd like to extend it by another five years  
23 so they can invest money in the transfer station and  
24 get us different things there.

25 The claim was made it wouldn't cost us

1 anything, but of course the transfer station is  
2 owned by a different entity. It's an entity that we  
3 have contracted with, so it would be a pass-through  
4 cost.

5 I did raise several concerns with them,  
6 having gone through the existing Waste Management  
7 contract. I highlighted a number of areas with  
8 them.

9 They wish to speak to other board members  
10 individually as well, but I expressed my concerns as  
11 a board member of a lot of things, a lot of the  
12 areas there.

13 Obviously, I've promised them I'd provide  
14 some of my comments on the existing contract. I  
15 feel it is certainly not -- it's a pretty one-sided  
16 contract.

17 We find straightaway that they actually  
18 put the supposed rate of return is nine percent,  
19 it's actually ten percent the way it's calculated  
20 because they include the franchise fee, which is a  
21 pass-through, in their calculation of the rate of  
22 return, so there's no ceiling on their return.

23 I highlighted various issues there, based  
24 on my knowledge of the contract.

25 But they want to speak with other board

1 members as well. I've based most of comments on  
2 previous input from a lot of comments from members  
3 of public as well.

4 TRUSTEE TONKING: I have a clarification:  
5 Did you say it has three years remaining and they  
6 want another five years for a total of eight years?

7 TRUSTEE TULLOCH: That is correct.

8 TRUSTEE TONKING: I would love to talk to  
9 them too.

10 TRUSTEE TULLOCH: They're going to reach  
11 out to each of you.

12 TRUSTEE SCHMITZ: Trustee Tonking, do you  
13 have any trustee updates?

14 TRUSTEE TONKING: I don't think so.

15 TRUSTEE SCHMITZ: I have provided -- I  
16 printed out a hard copy for Trustee Tonking, and  
17 staff has been asked to place it on the website.

18 It is my report to the board on contracts  
19 that I have reviewed and the status of those. If  
20 you have questions about them, feel free to reach  
21 out to me. I'm happy to explain, sort of, what  
22 happened, what we did, that sort of thing.

23 So, as part of my responsibility, I am  
24 keeping this spreadsheet up to date and hoping it  
25 will be posted on the website.

1 That's my update.

2 Moving on public to final public comments.

3 K. FINAL PUBLIC COMMENTS

4 TRUSTEE SCHMITZ: Do we have any final  
5 public comments here in the room? Seeing none, do  
6 we have any online?

7 MR. WRIGHT: Frank Wright.

8 I just made a public records request which  
9 I'm going to inform the board about. I asked for  
10 every member of every private club that uses our  
11 facility, the golf course, Championship Golf Course,  
12 over the course of the summer. I want the name of  
13 every one of them.

14 I'll do the research. I'll find out how  
15 many are parcel owners, how they get on the course,  
16 and how they get in these clubs.

17 And what the percent rate is, of the 107  
18 that I got for the memberships in the PGA and other  
19 California golf associations, like I said, 52  
20 percent are not parcel owners, which is shocking to  
21 think that our golf courses are being monopolized by  
22 golf clubs and many of the members are not residents  
23 or full-time residents or parcel fee payers. I  
24 think that's just sick.

25 Until I get the exact number, I can't



1 really speak adequately about it, so I would like  
2 that request to be fulfilled.

3 I'm sure I'm going to get the privacy  
4 issue, which is garbage, because these people signed  
5 up at the golf course, they give their name, and it  
6 becomes part of public record.

7 So, I shouldn't have any problem getting  
8 those. When we have those, I will do the work, and  
9 I'll find out if they do, in fact, own parcels here.

10 As far as the meeting tonight,  
11 outstanding. I'm very proud of the three board  
12 members that seem to be in touch with the interest  
13 of the parcel owner, and the other two board  
14 members, you really need to get a clue.

15 It's kind of odd that somebody that  
16 doesn't pay parcel fees, doesn't own property here  
17 would be voting against those people who are paying  
18 all this -- these fees and subsidizing this place.

19 What else would you expect?

20 As we go forward, I think we really need  
21 to continue what you're doing. You're cleaning up a  
22 mess, and you're doing an outstanding job. And I  
23 thank you for doing that.

24 Good night.

25 TRUSTEE SCHMITZ: Next caller, please.

1 MR. DOBLER: Cliff Dobler. 995 Fairway.

2 First of all, I want thank the number of  
3 trustees, not all of them, that worked really hard  
4 on this budget because we're beginning to see some  
5 light at the end of the tunnel that finally we got  
6 the community service fund to literally break even,  
7 including the charge for depreciation, which is  
8 outstanding.

9 But I really do have a problem -- so by  
10 not charging a rec fee for the community services  
11 this year is, no doubt, the right thing.

12 But I have a little problem in the beaches  
13 because, according to the budget, the operations are  
14 planned to lose about \$700,000 a year. That's fine  
15 because most people get free access to the beach  
16 because that is the way we're set up.

17 But if we're losing \$700,000 a year for  
18 operations, and we already have 6.7 million, which  
19 is -- most of it will go to that beach building and  
20 entrance there at the beach, I don't understand why  
21 you vote \$455 bucks for 7,000 parcels, which is  
22 about 3.4 million.

23 So all we're doing is stacking money  
24 again.

25 I don't think any of you could figure out

1 how you would turn around and spend 2.6 million a  
2 year of the extra money for what projects.

3 We got the beach -- we got the pool done.  
4 We're going to have the beach building done, because  
5 that's already got money for it.

6 I don't got see why you would continue to  
7 have stacking money into the beaches. I just think  
8 it was wrong, and I think you might have real bad  
9 information there.

10 Anyways, I'm taking this information from  
11 the budget, and that's why I know I'm right on that.  
12 It's just doesn't make any sense.

13 Anyways, thank you very much for working  
14 hard on this. I appreciate it. Thank you.

15 And kudos to Ray for being a businessman  
16 and trying to get us a better deal than staff could  
17 ever get.

18 Thank you.

19 TRUSTEE SCHMITZ: Are there any other  
20 comments?

21 MATT: There are not.

22 L. ADJOURNMENT

23 TRUSTEE SCHMITZ: With that, we'll  
24 conclude the meeting an 11:25 P.M. Thank you.

25 (Meeting concluded at 11:25 P.M.)

1 STATE OF NEVADA            )  
   )  ss.  
 2 COUNTY OF WASHOE        )

3

4                    I, BRANDI ANN VIANNEY SMITH, do hereby  
 5 certify:

6                    That I was present on May 25, 2023, at the  
 7 Public Meeting via Zoom, and took stenotype notes of  
 8 the proceedings entitled herein, and thereafter  
 9 transcribed the same into typewriting as herein  
 10 appears.

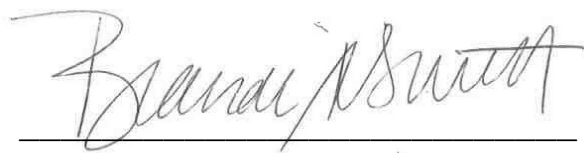
11                   That the foregoing transcript is a full,  
 12 true, and correct transcription of my stenotype  
 13 notes of said proceedings consisting of 235 pages.

14                   DATED: At Reno, Nevada, this 3rd day of  
 15 June, 2023.

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BRANDI ANN VIANNEY SMITH

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IVGID Trustee Meeting May 25, 2023  
Public Comments from Harry Swenson at 664 Tyner Way

Good Evening and thank-you I would like to comment on the access to the “Public Pier” located in front of the Hyatt.

My name is Harry Swenson, I live full-time in Incline Village. Over the last few years the “Hyatt Beach” has become more and more restrictive. I can remember when the Hyatt beaches and Incline beaches used to be accessible to our community just a few short years ago. Over the last few years the Hyatt has been posting signs and barriers indicating a restriction to their beach. The concern I have is the Hyatt has the only pier located in the area and has to be accessed either by crossing through over the barriers between Ski beach and the Hyatt beach or through the Hyatt property. I recently walked through the Hyatt bar (which was closed at the time) to access the pier. I was informed that unless I was a Hyatt guest, I could not transit their property to access the pier, even to await a friend that was picking me up on a boat. This concerned me deeply and I told the person that attempted to stop my transit that I was going to the public pier. At which time they again indicated that I could not go to the pier or they would call security. I ignored their commands and walked to the pier where my friend picked me up and I left.

As the summer is starting in earnest, I am very confused and concerned about the Hyatt’s restrictions and if this is adherence to their participation in the beach deed or they are just making it up.

So, my question to the board is, “what is IVGID’s view on IVGID resident access to the only public pier in our area and whether the Hyatt has the right to block access to the public to the pier?”

If Hyatt really has the right to block our transit to the public pier than I suggest that we either begin to explore the possibility of: 1) building of our own pier, 2) explore our local codes to provide a “right-of-way” through the Hyatt property or 3) begin a legal challenge to the Hyatt’s current restriction.

Thank-you for consideration of this concern.

Linda Kabis

We have 100% satisfaction with the IVGID operations, the rec center, Diamond Peak, Chateau, beaches....all services. We LOVE THE COMMUNITY AS IT IS. Naturally, there are also modifications that need to be made at any time.

We, along with other concerned citizens, are watching the board actions and we are hopeful that there are not vendettas taken against any staff and that all decisions are based on verifiable facts and reasonable conclusions.

It feels like there are hidden agendas.

In April, 2022 there were ethics complaints filed. We have done research and it appears that these complaints were unfounded and the Ethics Commission has not taken jurisdiction. If there were any ethics violations it would have been on the website. There have been no ethics violations found by the commission.

For the past several months, we have experienced distasteful, rude comments by citizens and what we feel is an undue amount of negativity on the part of some board members towards some IVGID Staff.

Having run a business for 35 years, it is the obligation and professional protocol of management, and in this case the IVGID TRUSTEES, for polite and respectful treatment of staff, all the time.

We appreciate the work that the GM, Indra, has done.

We are concerned that possibly the new IVGID BOARD is not aware of the inherent value Indra and his staff bring to the community.

- a. The Strong leadership team he has developed

- b. His multi-year investment in the community and Ivgid due to the many roles he as has assumed throughout the years
- C. His ability to work with the everchanging demands of the boards. As GM He has worked with several boards. This current board which started in January has set expectations and standards that appear to be significantly different from what we observed the past 2 years.
- d. His ability to constantly bring new projects to the table....the recreation center being at the top of the list
- e. The ability to manage and find funding sources for the utility project...5.7 million from the army corps of engineers.
- f. Indra and his staff were able to secure an SRF State Loan with a very favorable interest rate for the pipeline project.

There are just a few examples that we have researched and observed in the quality of work done by Indra and his staff.

When you assess someone with all the responsibilities that a GM carries, it is important to see the FOREST FROM THE TREES. Please keep this in mind as you do Indra's review.

We strongly urge you to be mindful of everything that Indra brings to the table and the support he receives from the community, not just the 3 or 4 vocally rude people.

We hear at meetings focus on MISTAKES. Let's get this community and Board focusing on the POSITIVES and when looking at errors or mistakes, focus on future improvements.

We would love to see more support for all the staff. This has been lacking in many of the trustee meetings.

**Incline Village is fortunate to have someone like Indra who is always willing to learn and make improvements for the betterment of this community.**

**WRITTEN STATEMENT TO BE ATTACHED TO AND MADE A PART OF THE WRITTEN  
MINUTES OF THE IVGID BOARD'S REGULAR MAY 25, 2023 MEETING – AGENDA  
ITEMS G(7), G(8), G(9) AND G(9)(4) IN PARTICULAR – APPROVAL OF STAFF'S  
PROPOSED 2023-24 BUDGET, AND ITS PROPOSED CAPITAL IMPROVEMENT  
PLAN ("CIP") WHICH IS AN INTEGRAL PART THEREOF**

**Introduction:** The Board is required to adopt a yearly budget<sup>1</sup>. In addition to an operational budget, the Board typically adopts a CIP. But because here the District relies upon financial subsidies because of its intentional overspending, to avoid those subsidies one must look at reducing costs. And where better to look at reducing costs than unnecessary CIPs which is the purpose of this written statement.

**My E-Mail of May 24, 2023:** As I've observed so many times before, IVGID is nothing more than a limited purpose special district. Yet it spends millions and millions of dollars each year on CIPs. For this year staff is proposing a CIP project budget of \$2,371,943 for the Community Services Fund, and \$2,442,500 for the Beach Fund<sup>2</sup>. Since staff refuse to curb their spending, the onus has fallen upon the public...Again.

On May 24, 2023, after viewing staff's proposed CIP, I sent the Board an e-mail<sup>3</sup> advising members of my objections, and my proposals to reduce \$5,318,000 of expenditures. Rather than again reciting those reasons therefore, the interested reader can read the e-mail for him/herself.

**Conclusion:** The Board hasn't approved many of the projects reflected by staff's proposed CIP. Yet they appear in staff's proposed budget and in amounts which will never be spent this upcoming fiscal year. Which means the amounts budget will further increase excess fund balance. Well that's not good enough for me. Isn't it about time unnecessary/unappropriated CIPs not be budgeted for?

**And You Wonder Why the Recreation ("RFF") and Beach ("BFF") Facility Fees Which Pay For All the Waste Local Parcel/Dwelling Unit Owners Are Forced to Involuntarily Pay For is Out of Control?** I've now provided more answers.

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

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<sup>1</sup> See NRS 354.598.

<sup>2</sup> See page 705 of the packet of materials prepared by staff in anticipation of this Board meeting ("the 5/25/2023 Board packet").

<sup>3</sup> That e-mail is attached as Exhibit "A" to this written statement.

**EXHIBIT "A"**

## Re: May 25, 2023 IVGID Board Meeting - Agenda Items G(7), G(8) and G(9) - Approval of Proposed CIP Plan - Two Proposed Projects Which Should be Deleted!

FIVE

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**From:** <s4s@ix.netcom.com>  
**To:** "Dent Matthew" <dent\_trustee@ivgid.org>  
**Cc:** "Schmitz Sara" <schmitz\_trustee@ivgid.org>, "Tonking Michaela" <tonking\_trustee@ivgid.org>, "Noble Dave" <noble\_trustee@ivgid.org>, "Tulloch Ray" <tulloch\_trustee@ivgid.org>  
**Subject:** Re: May 25, 2023 IVGID Board Meeting - Agenda Items G(7), G(8) and G(9) - Approval of Proposed CIP Plan - Two Proposed Projects Which Should be Deleted!  
**Date:** May 24, 2023 9:15 PM

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Chairperson Dent and Other Honorable Members of the IVGID Board -

So now I am examining staff's proposed CIP Plan. And see at least five (5) big red flags.

Flag 1: Beach Fund - \$4,442,500. See page 705 of the Board packet. \$4,000,000 - Beach House Restaurant (see page 716 of the Board packet). I thought the Board is against this kind of expenditure for the Beach House. And so is the public. So why do staff continue to prosecute the project and budget therefore? This item should be REMOVED from the CIP budget.

Flag 2: Community Services Fund, Ski Sub-Fund - \$1,780,443. See page 705 of the Board packet. \$250,000 - 2015 DP Master Plan ("DPMP") Phase II (see page 710 of the Board packet). The public does NOT want to move forward with the DPMP. So why are staff prosecuting the project and asking for money? Didn't the public tell staff we don't want new projects which expand the District's footprint? Rather, we merely wanted to maintain our existing facilities. This item should be REMOVED from the CIP budget.

Flag 3: Community Services Fund, Parks Sub-Fund (shouldn't this be reported under the General Fund?) - \$1,865,000. See page 705 of the Board packet. \$1,000,000 - Community Dog Park (see page 710 of the Board packet). At page 706 of the Board packet only \$355K of the \$1.865M budgeted is detailed. The remaining \$1.5M comes from the dog park and the skate board park (see below). I thought the Forest Service site across the street from the Pet Network on Village was dead. I understand the Village Green is being investigated as an alternative site, but there's nothing planned for the forthcoming year that requires \$1M of capital improvements. There's already parking and restrooms at the Village Green site. This item should be REMOVED from the CIP budget.

Flag 4: Community Services Fund, Parks Sub-Fund (shouldn't this be reported under the General Fund?) - \$1,865,000. See page 705 of the Board packet. \$500,000 - Skate Board Park (see page 710 of the Board packet). Here staff is pushing for a \$500K budget when the Board has only budgeted \$190K and there is already funding for up to \$250K. Staff's request for an additional \$250K funding for this project should be REMOVED from the CIP budget.

Flag 5: Community Services Fund, Champ Golf Sub-Fund - \$209,500. See page 705 of the Board packet. \$111,000 - Fleet (see page 708 of the Board packet). There is no breakdown of this \$111K figure, but I seem to recall that includes replacement of two (2) bar carts at a cost of \$34K/each. What a waste. And what a money losing proposition. We are constantly told that we're required to provide services such as these because our stakeholders demand it. Who is demanding bar cart service? Our core golfers who want all of the amenities of a private club without the obligation to pay for them? This is a very, very easy expenditure to stop without affecting the quality of our product saving \$68K in CIP costs. This item should be REMOVED from the CIP budget.

So there you go. \$5,318,000 of CIPs that should and can be REMOVED from the proposed CIP budget. Which would save local parcel owners approximately \$650/each on their facility fees. So how about doing the right thing and REMOVING these CIPs by the approved 2023-24 CIP budget?

Respectfully. Aaron Katz



**WRITTEN STATEMENT TO BE ATTACHED TO AND MADE A PART OF THE WRITTEN  
MINUTES OF THE IVGID BOARD'S REGULAR MAY 25, 2023 MEETING – AGENDA  
ITEMS G(7), G(8), G(9) AND G(9)(3) IN PARTICULAR – APPROVAL OF STAFF'S  
PROPOSED 2023-24 BUDGET, AND ITS PROPOSED STAFFING LEVELS  
WHICH IS AN INTEGRAL PART THEREOF**

**Introduction:** The Board is required to adopt a yearly budget<sup>1</sup>. And because here the District relies upon financial subsidies because of its intentional overspending, to avoid those subsidies, one must look at reducing costs. And where better to look at reducing costs than staffing levels which is the purpose of this written statement.

**My E-Mail of May 24, 2023:** As I've observed so many times before, IVGID is nothing more than a limited purpose special district. Yet it employs many more employees than many of the cities in the State. In fact, it employs as many employees as Carson City! Notwithstanding when it comes to the District's yearly budgets, staff throws in a list of positions which gets incorporated into a typical "rubber stamp" approved budget, the costs of which can then be appropriated. And here such a list has been incorporated into this proposed budget<sup>2</sup>.

On May 24, 2023, after viewing staff's proposed list, I sent the Board an e-mail<sup>3</sup> advising members of my objections, and my objections to proposed salary increases. Rather than again reciting those reasons therefore, the interested reader can read the e-mail for him/herself.

**Conclusion:** For years I have been asking for the hiring of a consultant to examine the positions of all of our employees, and to make recommendations for: scope of duties; reducing excess/not necessary staff; and, their compensation. But nothing ever seems to get done along these lines. And as can be seen from this list of personnel, something needs to be done yesterday.

**And You Wonder Why the Recreation ("RFF") and Beach ("BFF") Facility Fees Which Pay For All the Waste Local Parcel/Dwelling Unit Owners Are Forced to Involuntarily Pay For is Out of Control?** I've now provided more answers.

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

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<sup>1</sup> See NRS 354.598.

<sup>2</sup> See pages 549-553 of the packet of materials prepared by staff in anticipation of this Board meeting ("the 5/25/2023 Board packet").

<sup>3</sup> That e-mail is attached as Exhibit "A" to this written statement.

## **EXHIBIT "A"**

## Re: May 25, 2023 IVGID Board Meeting - Agenda Items G(7), G(8) and G(9) - Approval of Budget - 261.9 FTEs

---

**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>, "Noble Dave" <noble\_trustee@ivgid.org>, "Tulloch Ray" <tulloch\_trustee@ivgid.org>  
**Subject:** Re: May 25, 2023 IVGID Board Meeting - Agenda Items G(7), G(8) and G(9) - Approval of Budget - 261.9 FTEs  
**Date:** May 24, 2023 9:19 PM

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Chairperson Dent and Other Honorable Members of the IVGID Board -

Here staff seek to "sneak" into the budget a whole lot of unnecessary employee positions. Or positions which should really be part time/seasonal, rather than full time fully benefitted. And when you approve the budget, you will in essence be approving all of these positions. Which you SHOULDNT.

Resident Cliff Dobler has made the case that our problem is not revenue. It's expenses. And our number one expense is personnel. Since we budget each year for nearly \$7M in LOSSES assigned to the beaches and District owned recreation facilities, to eliminate the losses we must eliminate the number of employees. It's that simple!

So look at pages 549-553 and start asking yourself where we can reduce personnel costs. Because if you refuse, we're destined to make the same mistakes we have been making for decades. Now I'm not going to go through all of these employee positions, but let me throw out a few which are examples of what I am talking about.

Communications Coordinator - What a WASTE. This is nothing more than a propaganda specialist. A limited purpose special district which is what IVGID is, has no legitimate need for such a position. And certainly, we can't afford it.

Director of Admin Services - This is nothing more than a glorified secretary. And at an annual cost of \$160K or more plus benefits? This position has to go!

New HR/Recruitment Specialist - Full time yearly benefitted.

We need an IT Director but NOT with a salary increase from/to pay grade 36 to 38. This is what staff is recommending.

Sr HR Analyst/Safety Supervisor \* New position. With a Salary Grade increase from/to 28/31.

New Ski Operations Manager position - With a Salary Grade of 33..

Talent Acquisition Specialist - We have no talent. And this person obviously hasn't been doing her job because if she had, we'd have some talented employees. Notwithstanding, salary grade increase from/to 25/28.

Wetlands hunting Coordinator - Are you for real Indra?

Golf Director of Ops - This is Darren Howard. He's nothing more than a golf pro. In the private sector he would probably be paid minimum wage as a pro shop employee. And where the job is seasonal, he would be hired to a part time, seasonal, non-benefitted position. Instead he earns over \$200K annually in salary plus benefits.

Champ Golf 1st Ass't - Assuming arguendo this is a necessary position because it's not a fancy title to a concierge to our many private golf clubs, this is a part time, seasonal, non-benefitted position. NOT the full time fully benefitted position represented. Remember. Golf is LOSING nearly \$2M annually, and this position is one of the reasons.

Champ Golf Sr Head Professional - Assuming arguendo this is a necessary position because it's not a fancy title to a concierge to our many private golf clubs, this is a part time, seasonal, non-benefitted position. NOT the full time fully benefitted position represented.

Champ Golf Ass't Professional/Tournament Coordinator - This is nothing more than a fancy title for a concierge to our many private golf clubs. Moreover, it is a part time, seasonal, non-benefitted position. Our job is NOT to put on golf tournaments. If private golf clubs want to run their own tournaments, that's their decision. Why does the public get involuntarily dragged along and at their expense?

Champ Golf Teaching Professional - More bloated overhead.

Director of Parks and Recreation - We've already discussed this one.

Ashley Wood - I don't see her position here even though I know it exists. Another example of a part time, seasonal, minimum wage position that in IVGIDville has turned into a full time, fully benefitted position.

District Merchandiser - The job of a limited purpose special district is NOT to run a retail sales facility like the Champ Golf pro shop. So why do we have a full time, fully benefitted merchandiser? Who spends his time in the off season traveling at our expense to Orlando, FL. for a merchandise show. GIVE ME A BREAK.

Director of Food & Beverage - Again, we're a limited purpose special district. I thought we ELIMINATED our catering department. Well stupid me. We simply re-branded it as "Food & Beverage." So now we have an overpriced "director."

Food & Beverage Ass't Mgr - How many cooks does it take to prepare a meal? Especially full time, fully benefitted cooks.

Food & Beverage on Duty Supervisor - Bueller? Bueller?

Executive Chef - How many cooks does it take to prepare a meal? Especially full time, fully benefitted cooks.

Sous Chef - How many cooks does it take to prepare a meal? Especially full time, fully benefitted cooks.

6.9 Cooks - How many cooks does it take to prepare a meal? Especially full time, fully benefitted cooks.

Prep Cooks -

Child Care Leader -

Senior Child Care Leader -

Marketing Manager - We've discussed Mr. Raymore before. Here this is a fancy name for magazine publisher (The IVGID Quarterly). We don't need the magazine nor Mr. Raymore.

Marketing Coordinator - Ditto above.

Marketing Video/Photo Coordinator - Why don't we simply outsource for these services?

Hyatt Sport Shop Staff - We have no business running such a money losing retail sales facility. NO BUSINESS WHATSOEVER!

Lead Hyatt Sport Shoppe Staff - Ditto above.

I can go on and on and on. Why haven't we brought in a specialist to examine each of our employee positions, his/her duties/necessity, his/her compensation, etc. We obviously cannot rely upon our HR staff.

So you want to know why we're losing nearly \$7M annually on beach/recreation functions? I've just pointed to a very good portion of the reasons why. Please do NOT approve these bloated positions.

Respectfully, Aaron Katz

**WRITTEN STATEMENT TO BE ATTACHED TO AND MADE A PART OF THE WRITTEN  
MINUTES OF THE IVGID BOARD'S REGULAR MAY 25, 2023 MEETING – AGENDA  
ITEMS G(7), G(8), G(9) AND G(9)(1) IN PARTICULAR – APPROVAL OF STAFF'S  
PROPOSED 2023-24 BUDGET, AND ITS PROPOSED CENTRAL SERVICES COST  
PLAN WHICH IS AN INTEGRAL PART THEREOF**

**Introduction:** The Board is required to adopt a yearly budget<sup>1</sup>. And where it relies upon transfers or loans from enterprise funds, it is required by NRS 354.613(1) to adopt a Central Services Cost Plan<sup>2</sup>. That Plan is required to adhere to the requirements of NAC 354.867. Here staff's proffered Central Services Cost Plan for 2023-24 fails to adhere to the requirements of NAC 354.867. In fact, the staff memo in support neglects to even mention the required factual material, let alone provide evidence of compliance. So in the end the Board and the public are left with staff's conclusion without any facts in support that the proposed Central Services Cost Plan is just and reasonable and should be adopted. And that's the purpose of this written statement.

**My E-Mail of May 24, 2023:** On May 24, 2023 I sent the Board an e-mail<sup>3</sup> advising members of my objections to staff's proposed Central Services Cost Plan, and adoption of a proposed finding approving that Plan as just, reasonable and in compliance with the requirements of NAC 354.867. Rather than again reciting those reasons therefore, the interested reader can read the e-mail for him/herself.

**Conclusion:** Because staff refuse to curb overspending, each year they budget to plug the financial shortfall caused by that overspending in the General Fund with a series of Central Services Cost transfers from the Utility, Community Services and Beach Funds. And for 2023-24 staff are proposing \$1,956,300 of such transfers<sup>4</sup>. Because these transfers are intended to be a financial subsidy to the General Fund, to plug the shortfall between budgeted revenues and intentional overspending, just like the Recreation Facility Fee ("RFF") is to the Community Services Fund and the Beach Facility Fee ("BFF") is to the Beach Fund, there has been no effort to comply with NAC 354.867. Which means that the proposed Central Services Cost Plan **SHOULD BE REJECTED** by the Board.

**And You Wonder Why the RFF and the BFF Which Pay For All the Waste Local Parcel/  
Dwelling Unit Owners Are Forced to Involuntarily Pay For is Out of Control?** I've now provided more answers. Respectfully, Aaron Katz (Your Community Watchdog Because Nearly No One Else Seems to be Watching).

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<sup>1</sup> See NRS 354.598.

<sup>2</sup> Staff's proposed Central Services Cost Plan for 2023-24 appears at pages 520-522 of the packet of materials prepared by staff in anticipation of this evening's Board meeting ("the 5/25/2023 Board packet").

<sup>3</sup> That e-mail is attached as Exhibit "A" to this written statement.

<sup>4</sup> See page 522 of the 5/25/2023 Board packet.

**EXHIBIT "A"**

## May 25, 2023 IVGID Board Meeting - Agenda Items G(7), G(8) and G(9) - Approval of Central Services Cost Plan - The Impropriety of the District's Central Services Cost Plan

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**From:** <s4s@ix.netcom.com>  
**To:** "Dent Matthew" <dent\_trustee@ivgid.org>  
**Cc:** "Schmitz Sara" <schmitz\_trustee@ivgid.org>, "Tonking Michaela" <tonking\_trustee@ivgid.org>, "Noble Dave" <noble\_trustee@ivgid.org>, "Tulloch Ray" <tulloch\_trustee@ivgid.org>  
**Subject:** May 25, 2023 IVGID Board Meeting - Agenda Items G(7), G(8) and G(9) - Approval of Central Services Cost Plan - The Impropriety of the District's Central Services Cost Plan  
**Date:** May 24, 2023 8:41 AM

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Chairperson Dent and Other Honorable Members of the IVGID Board -

Here staff have presented a proposed 2023-24 budget for the Board to approve. One of the components of that budget is an allocated Central Services Cost Plan ("the Plan").- see agenda item G(9)(1). Since adoption of the Plan is mandated by NRS 354.613(1)(c) [the Board is required to approve a plan "for a cost allocation for employees, equipment or other resources related to the purpose of the enterprise fund (from which transfers are proposed to be made) which is approved by the governing body under a nonconsent item that is separately listed on the agenda for a regular meeting of the governing body"], here I discuss the IMpropriety of staff's Plan. That so called plan is discussed at pages 519-522 of the Board packet.

For you as a Board to approve staff's plan, you are required to make findings of fact in support. Because if you don't, it means your approval is the result of arbitrary and capricious action which is reversible.

Okay. So what are the facts you are required to adopt? They're not simply the costs of HR, Finance and IT divided by the number of FTEs which is what Mr. Navazio represents at pages 520-521 of the Board packet..

Instead, it's what NAC 354.867 instructs which is as follows:

1. The costs which may be allocated to an enterprise fund of a local government pursuant to paragraph (c) of subsection 1 of NRS 354.613 must be reasonable costs and include only the amounts remaining after the deduction of any applicable credits. The costs must also be:

- (a) Necessary and reasonable for the proper and efficient administration and performance of the enterprise fund;
- (b) Consistent with policies, regulations and procedures that apply uniformly to the enterprise fund and other activities of the local government;
- (c) Determined in accordance with generally accepted accounting principles; and
- (d) Documented adequately for independent verification.

2. In determining whether a cost is a reasonable cost for the purposes of subsection 1, consideration must be given to:

- (a) Whether the cost is of a type generally recognized as ordinary and necessary for the operation of the enterprise fund;
- (b) Whether the cost is consistent with sound business practices, the indicia of an arm's length transaction, and the requirements and restraints imposed by state laws and regulations;
- (c) The market prices for comparable services or property;
- (d) Whether the persons incurring the cost acted with prudence under the circumstances considering their



responsibilities to each pertinent governmental unit and its employees, and to the general public; and  
(e) Any significant deviations from the established practices of the local government that may have unjustifiably increased the cost.

Facts which support these findings are NEVER presented to the Board. And here the specifically have NOT been presented. And they must. Even the most cursory examination of the staff memo in support of this agenda item reveals that the so called General Fund expenses which are proposed to be assigned to the Utility, Community Services and Beach Enterprise Funds do NOT meet the above-requirements. Yet if I were to say nothing, you as a Board would go ahead and simply rubber stamp staff's proposed plan.

So my request of you is that you force staff to present evidence of all of the above facts or if they refuse or are incapable of providing the same, you simply NOT approve their proposed central services plan because you can't in good faith make the necessary findings. That way there can be no central services cost transfers from our Utility, Community Services and Beach Funds to the General Fund. And without those transfers, here we have another example of intentional overspending by staff with the expectation there will be an involuntary subsidy. Just like the RFF and BFF.

Stated differently, make staff prove the fact that nearly \$630K of central services are being provided by the General Fund to the 41.2 FTEs of the Utility Fund. Yet that nearly \$253K of central services are being provided by the General Fund to the 31.1 FTEs of the Champ Golf sub-fund (which is part of the Community Services Fund). Where is the adequate documentation necessary for independent verification? Where is the determination that whatever these services may be, they cannot be delivered to the District for LESS than what staff proposes charging? Remember, that both Public Works and Champ Golf have business offices where employees are assigned who I am guessing can furnish whatever services the General Fund proposes furnishing and for a whole lot less than the combined \$883K annually! staff proposes.

Until they do, and so far they haven't, you have no option other than to REJECT staff's proposed central services Plan.

Respectfully, Aaron Katz

**WRITTEN STATEMENT TO BE ATTACHED TO AND MADE A PART OF THE WRITTEN  
MINUTES OF THE IVGID BOARD'S REGULAR MAY 25, 2023 MEETING – AGENDA  
ITEM G(2) – EXPANSION OF SKATEBOARD PARK RENOVATION PROJECT**

**Introduction:** Well “here’s another one” according to my friend DJ Khaled<sup>1</sup>! I keep telling the IVGID Board and the public that the District is not being properly managed<sup>2</sup> and as a consequence, the facilities and services it furnishes can and should be more efficiently and fairly provided by another district<sup>3</sup>, or Washoe County, or more preferably, IVGID should simply be dissolved<sup>3</sup> altogether! However in the interim, and in order to provide evidence in support of dissolution, let’s examine another example of the waste, mismanagement, and an “ends justifying means” mentality which permeates the District and in the end costs local parcel/dwelling unit owners dearly. Here it’s staff’s unilateral decision to expand an already approved skateboard park renovation project resulting in a doubling or even more of the cost therefore. With the intent the augmented project be paid for by local parcel owners paying the Recreation Facility Fee (“RFF”). And that’s the purpose of this written statement.

**The Washoe County Grant:** On March 11, 2021 Congress passed the American Rescue Plan Act<sup>4</sup> (“ARPA”). The ARPA was intended to “deliver...direct relief to the American people, rescuing the American economy, and starting to beat the (COVID) virus,” and “support communities that are struggling in the wake of COVID-19.” This act established the Coronavirus State Fiscal Recovery Fund<sup>5</sup>

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<sup>1</sup> Go to <https://www.djkhaledofficial.com/>.

<sup>2</sup> NRS 318.515(1)(a) and 318.515(3)(a)-(d) instruct that “upon notification by the Department of Taxation or upon receipt of a petition signed by 20 percent of the qualified electors of the district, that...a district of which the board of county commissioners is not the board of trustees is not being properly managed...the board of county commissioners of the county in which the district is located shall hold a hearing to consider...(a) adopt(ion of) an ordinance constituting the board of county commissioners, *ex officio*, as the board of trustees of the district; (b) adopt(ion of) an ordinance providing for the merger, consolidation or dissolution of the district...(c) fil(ing) a petition in...district court for the...appointment of a receiver for the district; or, (d) determin(ing) by resolution that management and organization of the district...remain unchanged.”

<sup>3</sup> NRS 318.490(1)-(2) instruct that “whenever a majority of the members of the board of county commissioners...deem it to be in the best interests of the county and of the district that the district be merged, consolidated or dissolved, or if the board of trustees of a district, by resolution...agrees to such a merger, consolidation or dissolution, the board of county commissioners shall so determine by ordinance, (that)...(b) the services of the district are no longer needed or can be more effectively performed by an existing unit of government (or)...that the district should be dissolved, merged or consolidated.”

<sup>4</sup> See <https://www.whitehouse.gov/wp-content/uploads/2021/03/American-Rescue-Plan-Fact-Sheet.pdf>.

<sup>5</sup> Go to <https://budget.nv.gov/Services/CSFRF/>.

(‘CSFRF’) and (the) Coronavirus Local Fiscal Recovery Fund (‘CLFRF’) which, combined, appropriated \$350 billion to provide payments to states and certain local governments; the District of Columbia and U.S. Territories and Tribal governments to assist with recovery and to continue navigating the impact of the COVID-19 outbreak. Nevada received approximately \$2.739 billion in CSFRF assistance to help Nevadans... The Department of Treasury appropriated approximately \$4.22 billion to Nevada from the CSFRF. A portion of the State’s total allotment was reserved for Nevada counties and local governments that have a population in excess of 50,000. As a result, approximately \$1.04 billion (was) to be paid directly to counties.”<sup>6</sup> “Washoe County received \$91,587,038 in Coronavirus State and Local Fiscal Recovery Funds (‘SLFRF’) to promote recovery and provide greater community resilience.”<sup>7</sup> It “can subgrant funds from its allocation of the SLFRF in accordance with the Treasury’s Final Rule and NRS 244.1505.”<sup>8</sup> IVGID made request to Washoe County for SLFRF funds for its effluent pipeline and effluent storage project. But in the summer of 2022 the District was notified that its request had been declined<sup>9</sup>. IVGID “staff...(then) requested consideration for any other District projects that m(ight) be available for APRA funding.” The County responded with an award of \$250,000 each for all “active GIDs in the County<sup>9</sup>...to carry out projects that (we)re of priority in their community.”<sup>8</sup> “After evaluating...projects, staff...identified the Board approved 2022/23 CIP skate (board) park improvement project.”<sup>9</sup> And the budget for this project was and is \$250,000<sup>10</sup>.

**Existing Skate Board Park Enhancement CIP Project:** As part of the District’s 2022/23 capital improvement plan (“CIP”) budget, the Board approved the expenditure in 2022/23 of \$10,000 towards Project #4378BD2202, enhancements to the existing skate board park<sup>11</sup>. The Project Summary sheet for this project instructs that the District proposes adding 5,638 square feet of flat area to “provide additional skate area and beginner elements to better suit the growing number of users.” The total estimated budget for this project is \$190,000 to be expended as follows: \$10,000 in 2023 to hire a design consultant “to evaluate the current skate park and make recommendation(s) for future improvements;” \$150,000 in 2024 to construct an additional 5,600 square foot concrete pad, \$20,000 in 2025 to install bolt-in skate features, and \$10,000 in 2026 to furnish the site with personal property<sup>12</sup>.

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<sup>6</sup> Go to <https://budget.nv.gov/Services/CSFRF/>.

<sup>7</sup> Go to <https://www.washoecounty.gov/ARPA/About%20ARPA.php>.

<sup>8</sup> Go to <https://www.washoecounty.gov/ARPA/files/BCC-10-25-2022-OCM-New-ARPA-Projects.pdf>.

<sup>9</sup> See page 088 of the packet of materials prepared by staff in anticipation of the Board’s December 14, 2022 meeting (“the 12/14/2022 Board packet”).

<sup>10</sup> See page 108 of the 12/14/2022 Board packet.

<sup>11</sup> See page 3 of the 2022/23 CIP budget.

<sup>12</sup> See page 56 of the 2022/23 CIP budget.

**Enter Bree Waters:** Ms. Waters is a staff engineer who apparently has been assigned to be the “District project manager” for this project<sup>13</sup>. Ms. Waters is apparently not content with the \$10,000 budgeted for the design of this project and an estimated total cost of \$190,000, And she is apparently not content with the \$250,000 which has been granted by Washoe County for this project. She wants the District to spend up to \$500,000!

How did we get from \$190,000 to \$500,000? Although Ms. Waters tells us “the updated project cost estimate for proposed renovations and enhancements is \$500,000<sup>14</sup>, *nowhere* does she provide any of the particulars. **AS USUAL**. Why not? So on May 24, 2023 I made an e-mail request upon Indra and Ms. Waters that they provide me with a copy of this estimate so I could prepare for tonight’s Board meeting. And how did they respond? **NOTHING!**

And now we learn there is a secret phase 2 to this project (“fund Phase 2 at a later date”)? Really. When did that occur? So on May 24, 2023 I made an e-mail request upon Indra and Ms. Waters that they provide me with a copy of this alleged Phase 2 so I could prepare for tonight’s Board meeting. And how did they respond? **NOTHING** again!

**My E-Mail of May 25, 2023:** The attitude of these people is reprehensible. They all deserve to be fired. YESTERDAY. So on May 25, 2023 I sent a follow up e-mail to the Board<sup>15</sup> advising members of Ms. Water’s refusal to back up her statements of fact with fact. I again asked they terminate Ms. Waters. The interested reader can read the e-mail for him/herself.

**My E-Mails of May 22 and 23, 2023:** On May 22, 2023 I sent the Board an e-mail<sup>16</sup> voicing my objections to Ms. Waters’ request the budget for the skate board project be more than doubled to \$500,000, and that the extra \$250,000 come from excess RFFs paid in the past, transferred to the General Fund as an alleged Central Services Cost, and now sitting in excess fund balance. I also asked that Ms. Waters be terminated as in my opinion, she is an example of the very public employee IVGID *doesn’t* need.

The next day I sent another e-mail to the Board<sup>16</sup> providing evidence of my request the subject of Exhibit “A.” I wanted the Board to know that if Ms. Waters and Indra ignored the request, that the Board should impose sanctions; the termination of Ms. Waters’ employ. I also wanted the Board to know that every time Ms. Waters “picks up a hammer” so to speak, my RFF is used to pay for her time as unreimbursed staff time charged to Internal Services. And at \$120 or more per hour! So I wanted

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<sup>13</sup> See page 440 of the packet of materials prepared by staff in anticipation of this May 25, 2023 Board meeting (“the 5/25/2023 Board packet”).

<sup>14</sup> See page 442 of the 5/25/2023 Board packet.

<sup>15</sup> That e-mail is attached as Exhibit “A” to this written statement.

<sup>16</sup> That e-mail is one of a string of e-mails collectively attached as Exhibit “B” to this written statement.

the Board to understand that this entire initiative of staff's, communicating with Washoe County to secure the subject grant, the estimate and revised estimate of the cost to complete this project, the time to prepare the staff memo in support of this item<sup>17</sup>, and the time Ms. Waters would spend at tonight's Board meeting making the case for a \$500,000 budget, was costing us thousands if not tens of thousands of *unnecessary* dollars. The interested reader can read these e-mails for him/herself.

**Conclusion:** Page 442 of the 5/25/2023 Board packet gives the Board the option of "not approv(ing) the recommendation to increase the budget (for this project to \$500,000) and us(ing) the the Washoe County Grant funding (of \$250,000) to renovate the existing skate (board) park. That's exactly what the Board should do.

It should then cross-examine Ms. Waters, in public, to learn why she went off on the tangent she did, and why she refused to share the updated cost estimates referenced in her staff memo. We need to get to the truth insofar as matters such as these. And we need to get to the truth insofar as Ms. Waters is concerned because this is not the first time something like this has happened involving her.

**And You Wonder Why the RFF and the Beach Facility Fee ("BFF") Which Pay For All the Waste Local Parcel/Dwelling Unit Owners Are Forced to Involuntarily Pay For is Out of Control? I've now provided more answers.**

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

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<sup>17</sup> See pages 440-443 of the 5/25/2023 Board packet.

**EXHIBIT "A"**

## May 25, 2023 Board Meeting - Agenda Items G(2) - Renovations to an Enhanced Skate Board Park - It's Time to Fire Bree Waters! - P.P.S.

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**From:** <s4s@ix.netcom.com>  
**To:** "Dent Matthew" <dent\_trustee@ivgid.org>  
**Cc:** "Sara Schmitz" <trustee\_schmitz@ivgid.org>, "Michaela Tonking" <tonking\_trustee@ivgid.org>, "Ray Tulloch" <tulloch\_trustee@ivgid.org>, "Indra Winquest" <ISW@ivgid.org>, "Brad Underwood" <BBU@ivgid.org>, "Bree Waters" <baw@ivgid.org>, "Noble Dave" <noble\_trustee@ivgid.org>  
**Subject:** May 25, 2023 Board Meeting - Agenda Items G(2) - Renovations to an Enhanced Skate Board Park - It's Time to Fire Bree Waters! - P.P.S.  
**Date:** May 25, 2023 8:48 AM

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

So as you can see below, I previously asked Indra, Bree Waters and Co. to share:

1. The alleged updated \$500K estimate for renovations to the skate board park project; and,
2. Records evidencing phase II of that project. Who knew there was a phase II?

And what have these people provided in response? NOTHING!

And that's okay?

Don't you Board members get it? The attitude of these people. ALL of them. The false claims of "transparency." The deceit. The lies. They're all here if you open your eyes and look. It's what defines IVGID and its band of thieves we call staff.

So now that I've had to open your eyes on your behaves, what are you going to do about it?

Bree Watrers NEEDS TO GO. Brad Underwood as Ms. Waters' supervisor NEEDS TO GO ON PROBATION. If he can't supervise then he needs to be demoted. Tonight staff's request that the budget for this project be more than doubled to \$500K and the extra \$250K be taken from past excess RFFs disingenuously called fund balance, should be rejected.

Please do your jobs. If you don't, stuff like this which supports everything that's wrong in our community will simply continue as usual. Which is what has been happening here for decades.

One final point. In response to Ms Herron's complaint that IVGID gets close to 170 public records requests annually whereas the typical gov't agency only gets a handful, now you're seeing why. When your staff hides, hides, hides, and lies, lies, lies, what other remedy does the public have? Eliminate the hiding and lying, and you eliminate the need for public record request after request.

Respectfully, Aaron Katz

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

**From:** Dave Noble <noble\_trustee@ivgid.org>  
**Sent:** May 25, 2023 6:19 AM  
**To:** s4s@ix.netcom.com <s4s@ix.netcom.com>

**EXHIBIT "B"**



## Re: May 25, 2023 Board Meeting - Agenda Items G(2) - Renovations to an Enhanced Skate Board Park - It's Time to Fire Bree Waters! - P.S.

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**From:** <s4s@ix.netcom.com>  
**To:** Dent Matthew <dent\_trustee@ivgid.org>  
**Cc:** Schmitz Sara <schmitz\_trustee@ivgid.org>, Tonking Michaela <tonking\_trustee@ivgid.org>, Noble Dave <noble\_trustee@ivgid.org>, Tulloch Ray <tulloch\_trustee@ivgid.org>, <ISW@ivgid.org>, Bree Waters <baw@ivgid.org>  
**Subject:** Re: May 25, 2023 Board Meeting - Agenda Items G(2) - Renovations to an Enhanced Skate Board Park - It's Time to Fire Bree Waters! - P.S.  
**Date:** May 23, 2023 9:19 PM

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Chairperson Dent and Other Honorable Members of the IVGID Board -

So I'm attempting to prepare for Thursday's meeting. And on this agenda item I read at page 442 of the 5/25/2023 Board packet where Ms. Waters asserts that "the updated project cost estimate for proposed renovations and enhancements (to the existing skate park CIP project #4378BD2202) is \$500,000," Yet nowhere does she provide any of the particulars of that estimate. **AS USUAL**. Nor how and why it has increased from \$190K barely a year ago (look at page 5 of the 5 Year CIP filed with the NDOT). I WANT TO SEE THIS ESTIMATE INDRA ASAP so I can adequately prepare for Thursday's meeting. Will you send it to me in short order? Or does it even exist?

And I am sending a copy of this request to Ms. Waters directly. Ms. Waters, **SEND ME THE COST ESTIMATE. AND DO IT NOW.**

Chairperson Dent, if staff doesn't provide me and the Board with a copy of this estimate prior to the Board meeting so we can see how this approved project has increased by more than 260% in estimated costs from \$190,000 less than a year ago when the 2022 five year CIP was approved, to \$500K, I ask that the budgeted cost increase to the \$250K granted by the County **AND NOTHING MORE.**

There's a second thing I'd like you and the Board to do Chair Dent with respect to this agenda item. As I've tried to explain to you before, Ms. Waters is an employee whose salary and benefit costs are assigned to internal services. Yet you as a Board have budgeted **NOTHING** to pay for the costs incurred which are assigned to internal services, including Ms. Waters' salary and benefit costs. So now you've created a conflict of interest between our staff and the public. Internal services needs to come up with a means of creating revenues so there's money to pay for expenses like Ms. Waters' salary. Since internal services has only one client (all of the other District departments), she bills for her services whether necessary or not, whether reasonable or not, and whether or not incurred. And she bills at in excess of \$120/hour because internal services needs to recoup the costs of Ms. Waters' dead time when she is performing no function which can legitimately be billed to another District department.

In the past when I've made public record requests to learn the details of billings such as these, I have been totally prevented by Ms. Herron. I want a description of the work Ms. Waters has performed on this CIP for which she has billed or will be billing the District. I want to know the dates she performed that work. I want to know the time she expended on the dates she advanced whatever work for this project on her description. I want to know the hourly rate applied. I want to know any out of pocket costs incurred apart from personnel which have been or will be added to Ms. Waters' billing.

Who prepared the Board packet staff memo? If it was Ms. Waters, how much is she charging the public for this service? And how does it compare to what the cost would be if an administrative person prepared the memo, rather than a professional engineer. I want to know how much Ms. Waters is charging the public to prepare for the May 25, 2023 public hearing. I want to know how much Ms. Waters will be charging the public to actually appear at the May 25, 2023 public hearing. **PLEASE ASK MS. WATERS TO ANSWER THESE QUESTIONS.** Because whatever the number turns out to be, I want

you Board members to look at the work product produced, its lack of necessity, and the cost assessed by our in-house Ms. Waters. Then I want you to ask whether **IT WAS WORTH IT?** Wouldn't we have been better off having an admin person prepare something for the consent calendar which simply increased the budgeted amount for this project from \$190K to \$250K (the amount of the County grant)? Can you do this?

One final observation. Hopefully you now see why you need to **ELIMINATE** internal services and the \$3.5M+ budgeted therefore (see page 652 of the 5/25/2023 Board packet). And we need to eliminate them for 2023-24! Whatever services they provide can easily be outsourced, and for a whole heck of a lot less money than what we're paying Ms. Waters and her team of unnecessarys. We sure don't need their construction management expertise. Isn't that what we pay a premium for a CMAR? We certainly don't need their construction estimating expertise. Haven't we seen time and time again **THEY HAVE NO EXPERTISE?** They can't put together a RFP or RFQ. And besides, many in the private sector can do this far more professionally and I'm certain for less money. We don't need Ms. Waters & Co. to draft memos like this one. And we sure as heck don't need our professional engineering staff turning into propagandists coming up with social sustaining justifications for black and white CIPs. We don't need Ms. Waters' and her internal services' colleagues' office space. We don't need her vehicle nor those of her internal services colleagues. We don't need to send her and her internal services' colleagues to wasteful week long Kaye Shackford seminars. The issue isn't whether we need to renovate the skate board park. Rather, it's what can be constructed for the \$250K to be provided by the County? That's it.

This contempt for the public just continues and continues. When are you as a Board going to put a stop to it?

Respectfully, Aaron Katz

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

From: <s4s@ix.netcom.com>

Sent: May 22, 2023 1:08 PM

To: Dent Matthew <dent\_trustee@ivgid.org>

Cc: Schmitz Sara <schmitz\_trustee@ivgid.org>, Tonking Michaela <tonking\_trustee@ivgid.org>, Noble Dave <noble\_trustee@ivgid.org>, Tulloch Ray <tulloch\_trustee@ivgid.org>

Subject: May 25, 2023 Board Meeting - Agenda Items G(2) - Renovations to an Enhanced Skate Board Park - It's Time to Fire Bree Waters!

Chairperson Dent and Other Honorable Members of the IVGID Board -

I cannot believe this agenda item. I'm sorry. This matter is Exhibit "A" in support of **TERMINATING BREE WATERS' EMPLOYMENT**. And placing Brad Underwood on probation because according to the staff memo, he is the requesting staff member. After all. Ms. Waters told us she wouldn't have taken the job here at IVGID if she knew she wasn't going to get free beach access. Well now you know Ms. Watters. How about doing us all a favor and leave to work for Brad Johnson?

Ms. Water was hired as an engineer. Her job is to perform engineering duties. But we sent her to Kaye Shackford's learn how to get along with people seminar. And at a cost to local parcel owners of \$4,500 plus the cost of her unreimbursed staff time for a week. And look what she has turned into? A spewer of propaganda. Just like the IVGID Quarterly. Just like our Communications Coordinator. And just like our marketing department. Propaganda, propaganda, propaganda! Just listen to her: "Renovating the skate park (FOR \$500K) will have economic benefits for our community." **WE'RE NOT HERE MS. WATERS TO PROVIDE ECONOMIC BENEFITS TO OUR COMMUNITY.** We're the equivalent of a limited purpose special district - utilities and recreation. **NOT** social causes. But I guess no one taught you this when you were hired because obviously, you have no clue what a GID is.

Listen to the rest of Ms. Watters' propaganda. "A renovated skatepark will attract visitors," "boost local businesses." and "bring more...revenue to our community." It will "promote physical activity and a healthy lifestyle." So our job, MS. WATERS, is to attract more visitors? And boost local

businesses? And bring more revenue to persons other than us because we don't charge user fees to use the skateboard park. And provide for the health and general welfare of the general public as a whole; "especially young people." WHO WROTE THIS CRAP? An engineer? I don't think so. AN INCOMPETENT! An engineer's job is not to skew a project description to get a result he/she results. It is merely to lay out the facts and let the Board decide for itself. But not here. And not with Ms. Watters.

And who's paying to attract these visitors and added revenues Ms. Watters? And pay for the health and general welfare of outsiders? Don't you understand that when you charge local parcel owners for purposes that benefit the general public as a whole, you've crossed over the line between a fee and a tax?

But of course you don't even understand that excess balance in the General Fund comes from excess past transfers from our enterprise funds (it's disingenuously called "central services"). And those transfers came from excess RFFs, BFFs, and utility rates paid for water and sewer services. Since these are all paid by local parcel owners, the extra \$250K you are proposing for this project will be paid by local parcel owners notwithstanding they realize no special benefit over that realized by the general public as a whole.

Then I have to listen to Ms. Watters' garbage argument that pulling \$250K from excess General Fund balance comports with "the Board's direction of transferring (the costs of) parks operations, maintenance (and) capital...to the General Fund." No that's not what the Board said. What the Board said was that they wanted the cost of existing parks and athletic field facilities where no user fees are charged, paid for out of the General Fund WITHOUT paying for it with excess fund balance, or disingenuously increasing central services cost transfers by a like amount from the RFF, BFF and the utility rates local parcel owners are charged. You've missed the boat entirely. But you know this, don't you? Or if you don't, now you do.

And \$500K? It's one thing to beg for a grant from the county, get \$250K and then create a \$250K CIP for skateboard park renovations. And to do all of the above and change the CIP to \$500K. Requiring a \$250K contribution from local parcel owners. Are you out of your minds? \$500K for a skateboard park which generates ZERO revenues is even more stupid than a \$5M Burnt Cedar Pool. Stupid, stupid, stupid. And the fact Ms. Waters doesn't recognize this is stupid is Exhibit "B" why she's stupid.

Moreover, don't you dare think for a moment this enhanced project is going to cost \$500K. According to Ms. Waters the previous master plan estimated a cost estimate of \$500K-\$1M in 2018 dollars. What do you think it's going to be in today's dollars? And given our staff's track record on estimating, I can very easily see this project ultimately costing \$2M or even more! And then where is the money going to come from Ms. Watters? Bueller? Bueller?

Let's return to Ms. Watters. Don't you recall we went through this garbage with Ms. Watters and the Rec Center expansion project fiasco? Here she was secretly conspiring with Duffield and Co. to change the project description approved by the Board? What a team player. And then we learned she was an internal services employee and her services were being billed out at \$120/hour. And for what? And now that Ms. Watters has gotten her dirty hands on this project, how much do you think she has racked up in unreimbursed staff time at \$120/hour that gets added on to the cost of this project? And how many more tens of thousands of dollars are we going to have to pay for Ms. Watters' wasteful efforts. THE WOMAN NEEDS TO GO! You as a Board need to send a message. You as a Board need to do your jobs under the NRS 318.210 to fire employees like Ms. Watters..

Keep the project at a \$250K maximum or DON'T DO IT AT ALL. The public has told the District it does not want to INCREASE its footprint throughout the district but rather, to simply maintain existing facilities. But I guess Ms. Waters didn't get the memo. I've suggested how to deliver that memo to her and the rest of her colleagues. If you had any guts, that's exactly what you would do. Ms. Watters is a typical employee hired by the District. Incompetent, insensitive, and way, way out of her league!

Respectfully, Aaron Katz

**WRITTEN STATEMENT TO BE ATTACHED TO AND MADE A PART OF THE WRITTEN  
MINUTES OF THE IVGID BOARD'S REGULAR MAY 25, 2023 MEETING – AGENDA  
ITEMS G(5) AND G(6) – APPROVAL OF PROPOSED RESOLUTION NO. 1902  
ADOPTING 2023-24 RECREATION (“RFF”) AND BEACH (“BFF”) FACILITY  
FEES AND ORDERING THEIR COLLECTION AGAINST THOSE “PARCELS  
OF REAL PROPERTY RECEIVING...SERVICES AND FACILITIES”**

**Introduction:** Well “here’s another one” according to my friend DJ Khaled<sup>1</sup>! I keep telling the IVGID Board and the public that the District is not being properly managed<sup>2</sup> and as a consequence, the facilities and services it furnishes can and should be more efficiently and fairly provided by another district<sup>3</sup>, or Washoe County, or more preferably, IVGID should simply be dissolved<sup>3</sup> altogether! However in the interim, and in order to provide evidence in support of dissolution, let’s examine another example of the waste, mismanagement, and an “ends justifying means” mentality which permeates the District and in the end costs local parcel/dwelling unit owners dearly. Here it’s staff’s presentation of a proposed resolution for the Board to adopt which is the product of numerous untruths and deceit. And that’s the purpose of this written statement.

**NRS 318.197(1):** Since here we’re dealing with fees the District is authorized to fix pursuant to a statute, let’s begin by examining that statute. NRS 318.197(1) recites the “rates, tolls and charges” general improvement districts (“GIDs”) may “fix.” And for purposes of this resolution, they include “service charges and standby service charges, for services or facilities furnished by the district, (and) charges for the availability of service.”

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<sup>1</sup> Go to <https://www.djkhaledofficial.com/>.

<sup>2</sup> NRS 318.515(1)(a) and 318.515(3)(a)-(d) instruct that “upon notification by the Department of Taxation or upon receipt of a petition signed by 20 percent of the qualified electors of the district, that...a district of which the board of county commissioners is not the board of trustees is not being properly managed...the board of county commissioners of the county in which the district is located shall hold a hearing to consider...(a) adopt(ion of) an ordinance constituting the board of county commissioners, *ex officio*, as the board of trustees of the district; (b) adopt(ion of) an ordinance providing for the merger, consolidation or dissolution of the district...(c) fil(ing) a petition in...district court for the...appointment of a receiver for the district; or, (d) determin(ing) by resolution that management and organization of the district...remain unchanged.”

<sup>3</sup> NRS 318.490(1)-(2) instruct that “whenever a majority of the members of the board of county commissioners...deem it to be in the best interests of the county and of the district that the district be merged, consolidated or dissolved, or if the board of trustees of a district, by resolution...agrees to such a merger, consolidation or dissolution, the board of county commissioners shall so determine by ordinance, (that)...(b) the services of the district are no longer needed or can be more effectively performed by an existing unit of government (or)...that the district should be dissolved, merged or consolidated.”

**For Purposes of This Written Statement, We Believe What Staff Tell Us:** And not what they think they have told us. So with that said...

**“Standby and Service Charges for...Fiscal Year 2023-2024 (for)...the Availability of the Use of IVGID's” Enumerated Recreation Facilities:** These are the charges ¶¶4 and 4(b) of proposed Resolution No. 1902 tells us the RFF/BFF represent.

**Yet There is Nothing in NRS 318.197(1) Which Recognizes Such a Charge:** Although NRS 318.197(1) recognizes “service charges and standby service charges, for services...furnished by the district, “service charges and standby service charges, for services...furnished by the district, and charges for the availability of service.” It does not recognize “standby and service charges for...the availability of facilities.”

**And Regardless, the District Does Not Furnish Recreation Facilities to Those Parcels of Real Property Which Are Involuntarily Assessed:** Given ¶4 of proposed Resolution No. 1902 “finds that each parcel assessed (the RFF/BFF)...is specially assessed” by “the availability of the use of IVGID’s” enumerated recreation facilities, please explain to us how? “Reduced rates for season passes and reduced daily rates...which inure to the owners of properties assessed” which is recited at ¶4(b) of proposed Resolution No. 1902 as a “special benefit,” by definition do not inure to those real properties which are assessed. How does real property access and use recreational facilities so that it can realize this “special benefit?”

**And Because of This Fact, the District Does Not Furnish the Availability of Recreation Facilities to Those Parcels of Real Property Which Are Involuntarily Assessed:**

**Statutory Construction:** Next, let’s review the relevant rules for interpreting statutes. Here we examine six (6) of particular relevance:

1. **“Plain Language:”** Nevada courts begin their inquiry with a statute’s “plain language.”<sup>4</sup> Thus where a statute’s language is plain and unambiguous on its face, it is *not* appropriate to resort to any ancillary construction aids<sup>5</sup>.

2. **The Insertion of Words or Terms Which Are Not There:** Because it is improper to “insert into statutes terms or provisions which are obviously not there,” courts are “reluctant to second-

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<sup>4</sup> See *Arguello v. Sunset Station, Inc.*, 127 Nev. 365, 370, 252 P.3d 206, 209 (2011).

<sup>5</sup> See *State Farm Mut. v. Comm’r of Ins.*, 114 Nev. 535, 540, 958 P.2d 733 (1998); *Erwin v. State of Nevada*, 111 Nev. 1535, 1538, 908 P.2d 1367, 1369 (1995) [quoting *Charlie Brown Constr. Co. v. Boulder City*, 106 Nev. 497, 503, 797 P.2d 946, 949 (1990)]; and, *Washoe Med. Ctr. v. Second Jud. Dist. Ct.*, 122 Nev. 1298, 1302, 148 P.3d 790, 792-793 (2006).

guess the wisdom of a statute and (for this reason they are)...unwilling to insert words...the court believes the Legislature left out, be it intentionally or inadvertently.”<sup>6</sup>

3. **Expressio Unius est Exclusio Alterius:** In other words, “the expression of one thing is (to) the exclusion of another.”<sup>7</sup> Thus “when a statute limits a thing to be done (to) a particular mode, it includes the *negative* (insofar as) any other mode”<sup>8</sup> is concerned.

4. **Had The Legislature Intended:** that which is not stated in a statute<sup>9</sup>, it certainly knew how to “express (those words)...in straightforward English.”<sup>10</sup> Thus where it doesn’t, it means the omission is *intentional*.

5. **Dillon’s Rule:** Given Nevada is a *Dillon’s Rule* State<sup>11</sup>, GID Boards “may exercise *only the following powers and no others*<sup>12</sup>: (a) Those...granted in express terms by the Nevada Constitution or statute; (b) Those...necessarily or fairly implied in or incident to...powers expressly granted; and, (c) Those...essential to the accomplishment of the declared objects and purposes of the...local government<sup>12</sup>...and not merely (those which are) convenient but indispensable.”<sup>13</sup> And *none* other<sup>14</sup>. And “if there is any fair or reasonable doubt concerning the existence of a power, that doubt is resolved *against* the (local government) and the power...*denied*.”<sup>15</sup>

6. **Judicial Decisions From Other Jurisdictions:** When a term is neither defined by a statute nor a local government’s highest judicial authority, because it “may have an accepted meaning in the area of law addressed by the statute...(or) it may have been borrowed from another statute under which it

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<sup>6</sup> See *Saint Alphonsus Reg’l Med. Ctr. v. Gooding Cty.*, 159 Idaho 84, 356 P.3d 377, 382 (2015).

<sup>7</sup> This maxim has been expressly recognized in Nevada in *SFR Invs. Pool 1, LLC v. U.S. Bank, N.A.*, 130 Nev. Adv. Op. 75, 334 P.3d 408, 414 (2014).

<sup>8</sup> See *Nunez v. Sahara Nevada Corp.*, 677 F. Supp. 1471, 1474 (D. Nev. 1988).

<sup>9</sup> Such as that general improvement districts (“GIDs”) be empowered to fix standby service charges for the availability of use of recreational *facilities* rather than the *services* it furnishes.

<sup>10</sup> See dissent of Justice Stevens in *FMC Corp. v. Holliday*, 498 U.S. 52, 66, 111 S.Ct. 403 (1990).

<sup>11</sup> “In Nevada’s jurisprudence, the Nevada Supreme Court has adopted and applied *Dillon’s Rule* to... *local governments*” [see NRS 244.137(2)].

<sup>12</sup> See NRS 244.137(1).

<sup>13</sup> See NRS 244.137(3).

<sup>14</sup> See A.G.O. No. 63-61, p. 102, p. 103 (August 12, 1963).

<sup>15</sup> See NRS 244.137(4).

had an accepted meaning<sup>16</sup>...or it may have had an accepted and specialized meaning at common law<sup>17</sup>, the accepted meaning governs and the word or phrase is considered a technical term or 'term of art.'"<sup>18</sup> And in the "absence of contrary direction (it) may be taken as satisfaction with widely accepted definitions, (and) not as departure from them."<sup>19</sup>

**My E-Mails of May 22, 2023:** On May 22, 2023 I sent the Board a series of e-mails<sup>20</sup> sharing my views that rather than the standby and service charges for the mere availability of use of the beaches and District owned recreational facilities represented by proposed Resolution No. 1902, the RFF/BFF represent invalid and unconstitutional taxes against real property.

**Conclusion:** We're losing nearly \$7 million annually on our beach and District owned recreation facility efforts. This overspending is directly subsidized by the RFF and BFF which are involuntarily levied against all non-exempt local parcels. Yet staff refuse to cut costs which perpetuates the need for this subsidy. And every year the Board goes along with their staff because members are afraid to put their feet down and make the hard decisions they were elected to make. Since staff refuse to cut costs, the burden shifts to those assessed parcel owners. Which explains why I am registering my opposition to proposed Resolution No. 1902.

NRS 43.100(1) instructs that a "governing body may file or cause to be filed a petition at any time in the district court in and for any county in which the municipality is located or any act or project is undertaken, wholly or in part, praying a judicial examination and determination of the validity of any power conferred or of any instrument, act or project of the municipality, whether or not such power has been exercised, such instrument has been executed or otherwise made or such act or project has been taken." In other words, there is a legal pathway to address the validity of the very matter I question. And it's subject to an expedited hearing process and judgment of finality. So why wouldn't a responsible board trustee want to pursue this remedy? Please agendize the issue of whether to file a NRS 43.100 (1) confirmation action to determine the validity of the RFF/BFF at the earliest opportunity. And then thereafter, please vote in favor.

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<sup>16</sup> In appropriate circumstances, courts will assume that "adoption of the wording of a statute from another legislative jurisdiction carries with it the previous judicial interpretations of the wording" [see *Carolene Products Co. v. United States*, 323 U.S. 18, 26, 65 S.Ct. 1 (1944)].

<sup>17</sup> See *Community for Creative Non-Violence v. Reid*, 490 U.S. 730, 739-740, 109 S.Ct. 2166 (1989).

<sup>18</sup> See pages 7-8 of the Congressional Research Service, Larry M. Eig, Specialist in American Public Law, *Statutory Interpretation: General Principles and Recent Trends* (September 24, 2014).

<sup>19</sup> See *Morissette v. United States*, 342 U.S. 246, 263, 72 S.Ct. 240 (1952).

<sup>20</sup> Those e-mails are attached as Exhibits "A" through "E" to this written statement. They are broken down into: 1) an Introduction; 2) Why the RFF/BFF are not "fees;" 3) Why the RFF/BFF are "taxes;" 4) Debunking the untruths of proposed Resolution No. 1902 unelected staff propagate; and, 5) What to do to resolve once and for all whether the RFF/BFF are the invalid and unconstitutional taxes I allege. Rather than restating its contents, the reader is encouraged to examine the same him/herself.

**And You Wonder Why the RFF and BFF Which Pay For All the Waste Local Parcel/Dwelling Unit Owners Are Forced to Involuntarily Pay For is Out of Control? I've now provided more answers.**

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



**EXHIBIT "A"**

## Re: May 25, 2023 Board Meeting - Agenda Items G(5) & G(6) - Approval of Resolution No. 1902 - Setting the 2023-24 RFF/BFF and Ordering its Collection on the County Tax Roll - Introduction - 1 of 5

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**From:** <s4s@ix.netcom.com>  
**To:** Dent Matthew <dent\_trustee@ivgid.org>  
**Cc:** Schmitz Sara <schmitz\_trustee@ivgid.org>, Tonking Michaela <tonking\_trustee@ivgid.org>, Noble Dave <noble\_trustee@ivgid.org>, Tulloch Ray <tulloch\_trustee@ivgid.org>  
**Subject:** Re: May 25, 2023 Board Meeting - Agenda Items G(5) & G(6) - Approval of Resolution No. 1902 - Setting the 2023-24 RFF/BFF and Ordering its Collection on the County Tax Roll - Introduction - 1 of 5  
**Date:** May 22, 2023 11:19 PM

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

This e-mail supersedes all previous partial e-mails on this subject matter. I apologize for any inconvenience or confusion this may have caused. With that said,

Trustee Schmitz complains that my written statement e-mails to each of you are unintelligible because I take on so many issues with so many arguments she can't see the forest from the trees. So in an effort to appease Trustee Schmitz, I will attempt to break up this subject into separate e-mail discussions. Hopefully this will make my arguments clearer and more logical. And here I offer the first - a general overview Introduction/understanding.

1. This is the most important action you will ever take as a trustee. Because without the subsidy of the RFF/BFF (and yes it is a subsidy), the District cannot afford to do much of what it does. Which means it won't get into the many, many "pickles" it generally gets into.

2. Stated differently, eliminate the RFF/BFF and you will solve essentially every problem we face here other than utilities (we can have a separate discussion about those if you'd like) and I want more and more paid for by someone else because it's what being a community is all about. Don't believe me? Come up with an issue or a problem other than a utility one. I can point to the RFF/BFF and demonstrate where it goes away or is solved by elimination or reduction of the RFF/BFF.

3. When you pass the RFF/BFF, you accept staff's word that you're permitted by the NRS to pass it. Stop listening to your staff. They are the problem as I have demonstrated so many times before (got that Gail and Riner the Whiner). Read the NRS and ask your attorney for advice, assuming you require it. I can name a dozen or even more knowledgeable local residents who agree with me. In fact, I think even at least one of you agrees with me. Or let's get the issue resolved once and before as I have suggested and again suggest in my last e-mail on this subject

4. So let's have a short primer. "As part of the annual budget process, the Board is **required** to approve a resolution which outlines the billing...process set forth in NRS 318.197 (establishing standby service charges for services and facilities furnished by the District)" - see page 484 of the Board packet. Why is the Board **required**? Is there something in NRS 318 which **requires** this? Then why the requirement? I will answer this question below. However, let's get back to the primer, shall we?

5. Since according to staff NRS 318.197 represents the statutory basis for adopting the RFF/BFF, do you know what it says? Do you know **exactly** what it says? Let's take a look: "The board may fix, and from time to time increase or decrease,...rates, tolls or charges other than special assessments, including, but not limited to,"standby service charges, for services or facilities furnished by the district, charges for the availability of service, annexation charges, and minimum charges,"

6. Which of the foregoing charges does staff want you to adopt as a result of Resolution 1902? Do staff tell you standby charges for services furnished? Or standby charges for facilities furnished? No

and No. Do they tell you charges for the availability of facilities?

I say "charges for the availability of **service**." Why do I say this? Let's first look at ¶4 of the Resolution (see pages 491-492 of the Board packet): "each parcel assessed...is specially benefited as follows... (for) the availability of the use of" the enumerated recreation facilities. Now look at ¶1 of the report expressly adopted by ¶6 of the resolution (see page 496 of the Board packet): "The following annual charges are for the availability of use of the recreational facilities above described." I say yes.

7. But wait a minutes. NRS 318.197(1) recognizes a charge for the availability of **service**. But not availability of facilities. Yet here staff want the Board to approve a charge for the availability of **facilities**. Probably because the District furnishes no recreation services. This is **not** a permissible charge under NRS 318.197(1). If you want me to pull out the legal authorities which state it is improper to add missing or subtract unnecessary words to a statute because I can if requested? So why is staff pushing the labeling of this charge? Because the ends justify the means. And the statute **almost** allows it (maybe no one will notice).

8. Moreover, since according to staff the RFF/BFF specially benefit each **parcel** which is assessed, please explain to me how a parcel as opposed to person can be specially benefited by use of a recreational facility? And once you're finished answering this question, please explain to me how a parcel can be specially benefited by the mere availability of use of a recreational facility?

9. So let's put aside the fact for a moment that the RFF/BFF represent charges for the availability of recreational **facilities**, when this is not a permissible fee under NRS 318.197. What are the just and reasonable costs the District is expected to incur to furnish this alleged special benefit? And what are the costs for the mere availability in favor of those parcels which are assessed? **Nowhere** does staff provide the answers. So this is the first question I suggest you ask staff. What are the costs the District expects to incur to make our recreation facilities merely available to be used by those parcels which are assessed! Let's see what they come up with.

10. In the meantime, let me demonstrate that the RFF/BFF staff proposes pays for the financial shortfall between revenues and 100% of overspending assigned by staff to the Community Services (insofar as the RFF is concerned) and Beach (insofar as the BFF is concerned) Funds, respectively. Let's start with ¶3 of Resolution 1902 (see page 491 of the Board packet) which tells us that the attached report "contains all properties...that will be benefited by being charged for the costs of "the acquisition, administration, operation, maintenance and improvement of the recreation facilities, including the improvements thereon, and of the servicing of bonds issued or **to be issued**" **in the future**. Let's look at ¶11 of the report (see page 497 of the Board packet) which is adopted pursuant to ¶6 of Resolution No. 1902: A sum not to "exceed \$6,400,682...is required for the fiscal year extending from July 1...through June 30...for the proper servicing of said identified bonds and for the administration, operation, maintenance and improvement of said real properties, equipment and facilities." So if this is the amount of money required for the proper servicing of said identified bonds and for the administration, operation, maintenance and improvement of said real properties, equipment and facilities, what lesser amount is required to make those facilities merely available to be used by those real properties which are assessed? **I say staff haven't told us. Nor you!**

11. And while you're coming up with the answer, what's the difference between costs for the proper servicing of said identified bonds and for the administration, operation, maintenance and improvement of said real properties, equipment and facilities, and the financial shortfall between revenues and overspending assigned by staff to the Community Services and Beach Funds, respectively? In other words, can you come up with an expense which could not properly be included in the proper servicing of said identified bonds and for the administration, operation, maintenance and improvement of said real properties, equipment and facilities? Of course you can't.

12. So you see, the RFF/BFF really represent the financial shortfall between revenues and expenses assigned to the Community Services and Beach Funds, respectively, rather than the costs to make those facilities merely available to be accessed and used by those parcels which are assessed. Just as I have represented.

13. Now let's return to the question I asked after reading that according to staff, each year standby service charges are **required** to be adopted. Here is the answer. These sums are required because staff intentionally budget to overspend, and they refuse to pare back cost cuts. This leaves a financial deficiency. And to plug the deficiency, some subsidy is **required**. That is, the RFF/BFF!

So now hopefully you're equipped to evaluate the objections which follow to Resolution No. 1902 and adoption of the RFF/BFF.

Respectfully submitted, Aaron Katz

## **EXHIBIT "B"**

## Re: May 25, 2023 Board Meeting - Agenda Items G(5) & G(6) - Approval of Resolution No. 1902 - Setting the 2023-24 RFF/BFF and Ordering its Collection on the County Tax Roll - What is a Fee? 2 of 5

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**From:** <s4s@ix.netcom.com>  
**To:** Dent Matthew <dent\_trustee@ivgid.org>  
**Cc:** Schmitz Sara <schmitz\_trustee@ivgid.org>, Tonking Michaela <tonking\_trustee@ivgid.org>, Noble Dave <noble\_trustee@ivgid.org>, Tulloch Ray <tulloch\_trustee@ivgid.org>  
**Subject:** Re: May 25, 2023 Board Meeting - Agenda Items G(5) & G(6) - Approval of Resolution No. 1902 - Setting the 2023-24 RFF/BFF and Ordering its Collection on the County Tax Roll - What is a Fee? 2 of 5  
**Date:** May 22, 2023 11:37 PM

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

This e-mail supersedes all previous partial e-mails on this subject matter. I apologize for any inconvenience or confusion this may have caused. With that said,

The legal authorities are clear (do you want me to fill up this e-mail with those authorities? If you want to know what they are, e-mail and ask. I will provide them): just because staff tell us the RFF/BFF are legitimate fees doesn't make it so. Staff has an agenda. And if the RFF/BFF don't fit their agenda, they can't be recommending adoption as they are recommending adoption here. Legitimate fees are dependent upon their incidence and effect rather than the label affixed. So you must determine that incidence and effect.

So what is a legitimate fee? Has anyone before me ever taken the time to share the truth? For the reasons which follow, the RFF/BFF are not legitimate "fees." And I can back up all of these statements with legal authority. So if any of you want that authority, please feel free to ask.

1. **Fees Are Charged in Exchange For Use of a Particular Governmental Service:** Here payment of the RFF entitles the payor to no particular governmental service whatsoever. Nor to the availability of a particular governmental service.
2. **In a Manner "Not Shared by Other Members of... Society:** Here the District's recreational facilities are just as available to be used by those who do not pay the RFF, as those who do.
3. **Fees Are Not Charged in Exchange For Access to And Use of The District's Recreational Facilities :** because there is nothing in NRS 318.197(1) which provides for such a charge. Staff have made this fee up by substituting the word "facilities" for "services." They must have figured no one would actually compare what they've represented to NRS 318.197(1).
4. **Moreover, Those Facilities Are Just as Available to be Accessed and Used by Those Who Do Not Pay the RFF/BFF, as Those Who Do:**
5. **So They Cannot Possibly be Charged in Exchange for the Mere Availability to Access and Use The District's Recreational Facilities:**
6. **Fees Are Not Charged in Exchange For Access to And Use of District's Beaches :** because those whose properties were within IVGID's June 4, 1968 boundaries are **already** entitled to beach access without payment of anything because of a deeded easement. **And staff know this!**

7. **To Be Legitimate, Fees Must Be "Allocated Directly to Defraying The Costs of Furnishing The Service(s) " For Which They Have Been Assessed. and *Nothing More*;** Not so here. Last meeting Trustee Schmitz admitted the District has been intentionally collecting **more** for some time. That makes the RFF/BFF taxes.

**8. Fees Must be "Reasonably Proportionate to The Benefit(s Arguably) Furnished:"** "The services for which the (RFF/BFF) are imposed (must be) sufficiently particularized as to justify distribution of the costs among a limited group (the 'users,' or beneficiaries of the services), rather than the general public" as a whole. Here because those services are equally available to the general public, and those whose properties are assessed are furnished no particular services nor facilities, there there is no proportionality to the benefits represented.

**9. The Primary Purpose of a Fee Cannot Be to Raise Revenues:** Yet here that's exactly the reason for the RFF's/BFF's adoption.

**10. A Legitimate Fee Can be Transformed Into a "Tax" Because of The Way They Are Expended:** See Clean Water Coalition, *supra*, at 127 Nev. 316-18. And that's exactly what has happened here.

**Conclusion:** *State v. Medeiros*, 89 Haw. 361, 973 P.2d 736, 742-745 (1999) holds that a governmental exaction is a fee where it: (1) applies to the direct beneficiary of a particular service; (2) is allocated directly to defraying the costs of providing th(at) service; and, (3) is reasonably proportionate to the benefit received. "If those criteria fit the charge, it is a fee." Otherwise, it is a tax [see *Clean Water Coalition v. M Resort*, 127 Nev. 301, 315, 255 P. 3d 247, 256 (2011)]. Here because the traits of the RFF/BFF do not fit the charge, regardless of whether they can be standby services charges, **they are taxes**. Please reject Resolution No. 1902.

Respectfully, Aaron Katz

**EXHIBIT "C"**



## Re: May 25, 2023 Board Meeting - Agenda Items G(5) & G(6) - Approval of Resolution No. 1902 - Setting the 2023-24 RFF/BFF and Ordering its Collection on the County Tax Roll - What is a Tax? 3 of 5

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**From:** <s4s@ix.netcom.com>  
**To:** Dent Matthew <dent\_trustee@ivgid.org>  
**Cc:** Schmitz Sara <schmitz\_trustee@ivgid.org>, Tonking Michaela <tonking\_trustee@ivgid.org>, Noble Dave <noble\_trustee@ivgid.org>, Tulloch Ray <tulloch\_trustee@ivgid.org>  
**Subject:** Re: May 25, 2023 Board Meeting - Agenda Items G(5) & G(6) - Approval of Resolution No. 1902 - Setting the 2023-24 RFF/BFF and Ordering its Collection on the County Tax Roll - What is a Tax? 3 of 5  
**Date:** May 22, 2023 11:59 PM

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Chairperson Dent and Other Honorable Members of the IVGID Board -

This e-mail supersedes all previous partial e-mails on this subject matter. I apologize for any inconvenience or confusion this may have caused. With that said,

So what is a legitimate fee? What makes it a tax instead? Has anyone before me ever taken the time to share the truth? For the reasons which follow, since the RFF/BFF are not legitimate "fees," they are taxes. And I can back up all of these statements with legal authority. So if any of you want that authority, please feel free to ask.

The legal authorities are clear (do you want me to fill up this e-mail with those authorities? If you want to know what they are, e-mail and ask. I will provide them): Independently of the reasons provided in my previous e-mail which demonstrates what kind of monetary exactions are "fees," for the reasons which follow, the RFF/BFF are "taxes:"

1. **Their Purpose is to Raise Revenue:** rather than covering the cost of providing a particular governmental service which benefits the party who pays.
2. **They Are Imposed For The Benefit of *Others* Who Are *Not* Justly Bound to Contribute:** Taxes are spent on vital services which benefit the entire community and not just those who pay. It's what being a community is all about. And it's precisely what the RFF/BFF are spent on.
3. **They Are the Product of "Enforced Contribution:"** In other words, the payor is given no choice insofar as whether/not to pay.
4. **They Total *More* Than The Cost Government Incurs to Furnish The Service(s) Represented by Payment:** "(T)he crucial factor in determining whether a municipal charge for services constitutes a valid regulatory fee (or something else) is whether the charge is intended to cover the cost of administering a regulatory scheme or providing a service." But where as "the 'fee' unreasonably exceeds the value of the specific services for which it is charged[,] it will be held (to be) invalid" as a tax.
5. **Where a Legitimate "Fee" is Transformed Into a "Tax" Because of The Way its Proceeds Are Spent:** *Clean Water Coalition, supra*, at 127 Nev. 316-18 instructs that a legitimate fee can be transformed into an impermissible tax where it is spent for impermissible purposes. Here I have demonstrated a number of circumstances where payment of a "fee" has been transformed into a "tax."
6. **Whether or Not You Agree The RFF/BFF Are Taxes, "Fees" Are Transformed Into "Taxes" For Purposes of Article 4, Sections 20 And 21 of The Nevada Constitution Where as Here They Are The Product of The Equivalent of a Special or Local Law For The Assessment And Collection of Taxes:**

6(a). **Article 4, Section 20 of the Constitution:** instructs that "The legislature shall not pass local or special laws in any of the following enumerated cases...For the assessment and collection of *taxes* for state, county, and township purposes." Here the RFF/BFF are the product of the equivalent of "local or

special laws (which) address particular concerns that pertain only to the locality or to the part of the class affected by the laws, and *not* to statewide concerns." Therefore they have been "transformed into a local and special tax (and become)...a basis for determining unconstitutionality under Article 4, Section 20 as an "assessment and collection of taxes for state, county, and township purposes."

6(b). **Article 4, Section 21 of the Constitution:** instructs that because the RFF/BFF represent a "case...enumerated in the preceding section" (i.e., Article 4, Section 20), it can violate section 21. And thus here it does.

It can additionally represent a violation of section 21 because proposed Resolution No. 1902 is a general law of non-uniform operation throughout the State. NRS 318.197(1) is a general law given it defines the types of rates, tolls and charges all GIDs can fix. It can be made applicable to all GIDs throughout the State. But rather than "fix(ing)...service charges and standby service charges, for...the availability of (recreation) **service**" which is what NRS 318.197(1) expressly permits, proposed Resolution No. 1902 fixes "charges (for)...the availability of the use of" enumerated beach and recreation and **facilities**. This makes proposed Resolution No. 1902 the equivalent of a special law, and one of *non-uniform* operation throughout the State.

Moreover, ¶(D) of the report which is incorporated into proposed Resolution No. 1902 grants a series of RFF/BFF exceptions and exclusions to the District's favored collaborators *as well as itself*. But there is nothing in NRS 318.197(1) which permits a GID to except and exclude any person or property from a rate, toll or charge it has adopted which would otherwise apply. Nor is there anything in the Nevada Constitution. Although Article 10, section 8 of the Constitution allows the governing board of a political subdivision to "exempt by law property used for municipal, educational, literary, scientific or other charitable purposes" from *property taxation*, there is no similar exception and exclusion for the rates, tolls, charges or fees the District claims it will adopt. So here we have another example of a resolution the equivalent of a general law that can be made applicable to all GIDs throughout the State. Yet in lieu, it is a special law, and one of *non-uniform* operation throughout the State.

7. **Where a Portion of The Payment is a Tax, The Entire Charge Must be Declared a Tax:** because "a court *cannot* apportion the charge (n)or ascertain and allow (only) such portion as it may find reasonable." After all, that would be a legislative function, wouldn't it?

8. **If The RFF/BFF Are Deemed Taxes, NRS 361.445 and 318.225 Come Into Play:** NRS 361.445 is clear in instructing 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...the Department (of Taxation), as equalized according to law." NRS 318.225 is clear in instructing that the *only* taxes a GID "board shall have power and authority to levy and collect (are) general (*ad valorem*) taxes on and against all taxable property within the district." If the RFF/BFF are taxes, they're not the ones authorized by NRS 318.225.

Moreover, in overlapping or combined taxing districts (like IVGID), the Department of Taxation ("NDOT") is charged with equalizing maximum tax rates to comply with the statutory tax rate cap of \$3.64 per \$100 of assessed valuation. The current fiscal year's Red Book was prepared on June 27, 2022 by the NDOT. According to Schedule A-11, the combined *ad valorem* tax rate for fiscal year 2022-23 for the District is \$3.4778 per \$100 of assessed value. Adding the RFF/BFF on to the taxes we pay, will exceed the statutory maximum. Again, impermissible.

**Conclusion:** So there you go. More reasons why the RFF/BFF are taxes rather than fees! If the RFF/BFF were legitimate fees, then there would be nothing to stop the county from involuntarily assessing each of our properties for the mere availability to access and use the services offered at any of the county's public facilities (like city hall, or the sheriff's office, or the jails, or public parks, etc.) to the general public as a whole. Now why do you think the county has never availed itself of this revenue generating vehicle? Please reject Resolution No. 1902.

Respectfully, Aaron Katz

## **EXHIBIT "D"**

## Re: May 25, 2023 Board Meeting - Agenda Items G(5) & G(6) - Approval of Resolution No. 1902 - Setting the 2023-24 RFF/BFF and Ordering its Collection on the County Tax Roll - Lies - 4 of 5

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**From:** <s4s@ix.netcom.com>  
**To:** Dent Matthew <dent\_trustee@ivgid.org>  
**Cc:** Schmitz Sara <schmitz\_trustee@ivgid.org>, Tonking Michaela <tonking\_trustee@ivgid.org>, Noble Dave <noble\_trustee@ivgid.org>, Tulloch Ray <tulloch\_trustee@ivgid.org>  
**Subject:** Re: May 25, 2023 Board Meeting - Agenda Items G(5) & G(6) - Approval of Resolution No. 1902 - Setting the 2023-24 RFF/BFF and Ordering its Collection on the County Tax Roll - Lies - 4 of 5  
**Date:** May 23, 2023 12:19 AM

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Chairperson Dent and Other Honorable Members of the IVGID Board -

This e-mail supersedes all previous partial e-mails on this subject matter. I apologize for any inconvenience or confusion this may have caused. With that said,

Here your staff have crafted a resolution for your adoption which consists of a series of untruths as well as assertions of fact not supported by evidence (aka a reversible abuse of discretion). Now I'm hoping your answer is you would not. So please consider the untruths which follow. And when you verify that they are untrue, **refuse** to approve Resolution 1902.

**Untruth No. 1: The RFF/BFF Are "Standby Charges For...The Availability of" Enumerated Recreation Facilities** [see ¶¶4 and 4(b) of proposed Resolution No. 1902]: NRS 318.197(1) does not recognize a "standby (nor) service charge (for)...the availability of the use of...**facilities**." Rather, it recognizes a "charge...for the availability of **service**." So how can you make a factual recital founded in a fee for which no authorization exists? Moreover as you will see, it is a factually untrue statement. The RFF/BFF do not represent payment for those parcels which are assessed's availability to access and use the District's recreational facilities. Instead they represent the revenue which plugs intentional overspending assigned by staff to the Community Services and Beach Funds.

**Untruth No. 2: "Reduced Rates for Season Passes and Reduced Daily Rates, Are All Benefits... Provided to (Those) Properties" Which Are Assessed** [see ¶4(b) of proposed Resolution No. 1902]: How exactly does real property access and use a recreational facility? How do reduced user fees represent benefits provided to real property? And how does the availability for real property to access and use recreational facilities because of payment of reduced user fees represent a benefit worthy of the RFF/BFF?

**Untruth No. 3: It is Proper to Assess Real Property Notwithstanding People Are The Ones Benefited:** According to ¶4(a) of proposed Resolution No. 1902, "Ordinance No. 7 sets forth in detail the specifics of the benefits available to property owners (**i.e., people**) of all properties" assessed. According to ¶4(b) of proposed Resolution No. 1902, "the Board specifically finds that the availability of the use of IVGID's beaches; boat launch ramp; Championship golf course; Mountain golf course; tennis facilities; the Chateau and Aspen Grove; Diamond Peak Ski Resort, and Recreation Center, including reduced rates for season passes and reduced daily rates, *are all benefits which inure to the owners of properties (i.e., people)* assessed hereunder." According to ¶4(c) of proposed Resolution No. 1902, "the owners of the parcels (**i.e., people**) set forth herein are directly benefited." Yet according to ¶6 of proposed Resolution No. 1902, "all of the charges herein constitute a perpetual lien on and against each of the **parcels of property**...which lien is effective as of the date on which general taxes for the fiscal year 2023-2024 become a lien." In other words, those who are not directly benefited (**i.e., property**) are required to pay the charges for those who are directly benefited (**i.e., people**). But the legal authorities instruct that legitimate fees "are charged in exchange for a particular governmental service **which benefits the party paying the fee** in a manner not shared by other members of society." Since here we don't have the party paying the fee realizing the alleged benefit

furnished, yet the resolution declares the contrary ["such benefits are provided to said properties" - see ¶4(b) of proposed Resolution No. 1902]

**Untruth No. 4:** According to ¶11 of the Report "for Collection on the County Tax Roll of Recreation Standby and Service Charges which will be adopted pursuant to proposed Resolution No. 1902, **"The Amount of Moneys Required For The Fiscal Year Extending From July 1, 2023, to June 30, 2024, Has Been Determined to be Estimated to Not Exceed About \$6,400,680...Between the Recreation...and Beach Facility Fee(s):"** But according to ¶3 of proposed Resolution No. 1902 these amounts are expressly required "for the proper servicing of said identified bonds and for the administration, operation, maintenance and improvement of said real properties, equipment and facilities." This purpose is *different* than paying for "the (mere) availability of use of IVGID's" recreation facilities. So to the extent the resolution suggests that this is the amount required to make the District's recreational facilities merely available for use by those parcels which are assessed, it is *not* true. **And you know it is not true.**

There's another reason why this finding is not true. This is the same language which has been included in the reports attached to past resolutions fixing past RFFs/BFFs. And according to page 8 of the May 8, 2023 Board packet, Trustee Schmitz admits that "a combination of excess fund balance (created from previous years' excess RFFs/BFFs) and the Recreation Facility Fee have been utilized to cover capital and debt expenditures at the golf courses and other Community Services venues. (However,) excess Community Services Fund balance has been accumulating for years due to the **over collection of the Recreation Facility Fees** and delayed delivery of capital improvement projects." In other words, the Board has adopted excess RFFs/BFFs in the immediate past, and now proposes more excess RFFs/BFFs. So the number represented in the resolution is really not necessary for any reasons whatsoever. It's required to represent something else. Revenue.

**Untruth No. 5: Given The Primary Purpose of The RFF/BFF Are to Raise Revenues Rather Than to Defray The Costs The District Incurs to Furnish The Availability For Those Parcels Which Are Assessed to Access and Use The Beaches And District Owned Recreation Facilities, They Are "Taxes" Rather Than NRS 318.197(1) Charges:** This is what the legal authorities instruct. Refer to my companion e-mail on this subject. Here the RFF/BFF simply plug the financial shortfall between budgeted revenues and intentional overspending assigned to the District's Community Services (insofar as the RFF is concerned) and Beach (insofar as the BFF is concerned) Funds, respectively. In other words, the RFF/BFF are not the fees the Board represents. They're taxes.

**Untruth No. 6: Given Proposed Resolution No. 1902 Will Represent The Equivalent of a Special And Local Law For The Assessment And Collection of Taxes For GID Purposes, Whatever Legitimacy The RFF/BFF May Have Once Had Has Been Transformed Into Unconstitutional And Invalid Taxes:** Proposed Resolution No. 1902 is the equivalent of a local law because it operates over "a particular locality instead of over the whole territory of the State." It is a special law because it "pertain[s] to a part of a class as opposed to all of a class...For the assessment and collection of *taxes* for state." This is precisely what *Clean Water Coalition v. M Resort, LLC.*, 127 Nev. 301, 316-318, 255 P.3d 247 (2011) instructs insofar as tax transformation is concerned. So the resolution's statement to the contrary, is untrue.

**Untruth No. 7:** According to ¶5 of proposed Resolution No. 1902, **"The Rates Charged for Natural, Intrinsic And Fundamental Distinctions Are Reasonable in Their Relation to The Object of The Charges Imposed."** Do you know what any of this means? Assuming yes, what evidence will staff present in support of this finding they want the Board to make? Assuming the answer is **none** as I firmly believe will be the case, you have a classic example of an abuse of discretion. A decision to be made by each of you based upon reversible arbitrary and capricious action. Assuming like me you have no idea what this language means, why would you ever adopt it as a finding of fact?

**Untruth No. 8:** According to ¶5 of proposed Resolution No. 1902, **"Said Charges Have Been Apportioned in Relation to Said Natural, Intrinsic, Fundamental And Reasonable Distinctions Among Said Rates."** Do you know what any of this means? Assuming yes, what evidence will staff present in support of this finding they want the Board to make? Assuming the answer is **none** as I firmly believe will be the case, you have a classic example of an abuse of discretion. A decision to be made by each of you based upon reversible arbitrary and capricious action. Assuming like me you have no idea what this language means, why would you ever adopt it as a finding of fact?

**Untruth No. 9: The RFF is Calculated Correctly Based Upon 8,206 Parcels/Dwelling Units Assessed The RFF, And The BFF is Calculated Correctly Based Upon 7,748 Parcels/Dwelling Units Assessed The BFF:** See page 881 of the packet of materials prepared by staff in anticipation of the Board's April 12, 2023 meeting ("the 4/12/2023 Board packet"). As aforesaid, **"The Amount of Moneys Required For The Fiscal Year Extending From July 1, 2023, to June 30, 2024, Has Been Determined to be Estimated to Not Exceed About \$6,400,680...Between the Recreation...and Beach Facility Fee(s):"** So if we divide the amount of moneys required for the RFF by 8,206 parcels/dwelling units, we will come up with a per parcel/dwelling unit RFF. And if we divide the amount of moneys required for the BFF by 7,748 parcels/dwelling units, we will come up with a per parcel/dwelling unit BFF. What do you want to bet that the numbers combined do not turn out to total a RFF of \$450? But what do you want to bet that the numbers combined based upon the correct number of parcels subject to assessment, do not turn out to total a RFF of \$450? Or a BFF of \$330? One of the reasons being that there are **more** than 8,206 parcels/dwelling units which should be being assessed a RFF. And there are more than 7,748 parcels/dwelling units which should be being assessed a BFF. We don't know the correct number because staff have refused to conduct the audit they represented they would conduct two (2) years ago when I brought numerous mistakes in numbers to the Board's attention. This means that selecting a fixed fee like \$450 for the BFF or \$330 for the RFF is completely arbitrary and has no relation to the amount you're being asked to adopt. Which means that whatever number you come up with will be untrue. Which means you propose charging me *more* than you actually require. Which means the RFF/BFF are taxes.

**Conclusion:** Like I said, why would any of you want to approve a document full of untruths created by staff to advance their agenda? You have no alternative but to refuse to adopt proposed Resolution No. 1902. Please do just that.

Respectfully, Aaron Katz

**EXHIBIT "E"**

## **Re: May 25, 2023 Board Meeting - Agenda Items G(5) & G(6) - Approval of Resolution No. 1902 - Setting the 2023-24 RFF/BFF and Ordering its Collection on the County Tax Roll - So How Do We Resolve Whether the RFF/BFF Are Valid Fees or Invalid Taxes - 5 of 5**

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**From:** <s4s@ix.netcom.com>  
**To:** Dent Matthew <dent\_trustee@ivgid.org>  
**Cc:** Schmitz Sara <schmitz\_trustee@ivgid.org>, Tonking Michaela <tonking\_trustee@ivgid.org>, Noble Dave <noble\_trustee@ivgid.org>, Tulloch Ray <tulloch\_trustee@ivgid.org>  
**Subject:** Re: May 25, 2023 Board Meeting - Agenda Items G(5) & G(6) - Approval of Resolution No. 1902 - Setting the 2023-24 RFF/BFF and Ordering its Collection on the County Tax Roll - So How Do We Resolve Whether the RFF/BFF Are Valid Fees or Invalid Taxes - 5 of 5  
**Date:** May 23, 2023 12:25 AM

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

This e-mail supersedes all previous partial e-mails on this subject matter. I apologize for any inconvenience or confusion this may have caused. With that said,

So now you have before you credible challenges to the validity of the RFF/BFF. Are you going to rubber stamp proposed Resolution No. 1902 as presented because the ends justify the means? Because it's the easy thing to do?

Or are you going to do the right and ethical thing; get a determination from District Court?

Let me again remind you that NRS 43.100(1) instructs that "The governing body may file or cause to be filed a petition at any time in the district court in and for any county in which the municipality is located or any act or project is undertaken, wholly or in part, praying a judicial examination and determination of the validity of any power conferred or of any instrument, act or project of the municipality, whether or not such power has been exercised, such instrument has been executed or otherwise made or such act or project has been taken." In other words, there is a legal pathway to the very matter I suggest. And it's subject to an expedited hearing process and judgment of finality.

The Godfather of Incline Village was Harold Tiller. When the District sought recreation powers from the County, Mr. Tiller (who was then an IVGID Board member) represented to the County Board and the public that if his sought for powers were granted, IVGID would NOT use them to acquire any recreational facilities other than the beaches. He represented that all we have today would be privately owned, operated and financed. Yet look what you and your predecessors have done! To use the argument core golfers have recently used, the reason I moved to Incline was because its many recreational facilities would be privately owned, operated and financed and NOT owned and operated as commercial "for loss" business enterprises they way they're operated today. In other words, I wouldn't have to involuntarily subsidize their existence. Well I've been misrepresented to. And I'm not happy about it. And the fact you may be, would demonstrate your non-qualification to be a Board trustee for all of us. Is that what you are?

So for GOD's sake, let's resolve this issue once and for all so possibly we can move forward united. Do not pass proposed Resolution No. 1902, and agendize the filing of a NRS 43.100 confirmation action.

Respectfully, Aaron Katz



**WRITTEN STATEMENT TO BE ATTACHED TO AND MADE A PART OF THE WRITTEN  
MINUTES OF THE IVGID BOARD'S REGULAR MAY 25, 2023 MEETING – AGENDA  
ITEM C – PUBLIC COMMENT – EVIDENCE THAT THE DISTRICT CONTINUES TO  
PAY NORTHERN CALIFORNIA GOLF ASSOCIATION (“NCGA”) FEES ON  
BEHALF OF SOME PRIVATE CLUB MEMBERS AND OTHERS FOR  
WHOM WE SHOULD NOT BE PAYING WHICH ARE NOT  
BEING REIMBURSED**

**Introduction:** Well “here’s another one” according to my friend DJ Khaled<sup>1</sup>! I keep telling the IVGID Board and the public that the District is not being properly managed<sup>2</sup> and as a consequence, the facilities and services it furnishes can and should be more efficiently and fairly provided by another district<sup>3</sup>, or Washoe County, or more preferably, IVGID should simply be dissolved<sup>3</sup> altogether! However in the interim, and in order to provide evidence in support of dissolution, let’s examine another example of the waste, mismanagement, and an “ends justifying means” mentality which permeates the District and in the end costs local parcel/dwelling unit owners dearly. Here it’s staff’s continued payment of NCGA membership fees on behalf of private club members, non-members who want to play in club tournaments, and IVGID staff for whom we shouldn’t be paying any of this.

And that’s the purpose of this written statement.

**My E-Mails of May 18 and May 23, 2023:** Several years ago I discovered that the District was paying NCGA membership fees on behalf of a number of members of private golf clubs, and others, which were not being reimbursed to the District. Since NCGA only provides memberships to

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<sup>1</sup> Go to <https://www.djkhaledofficial.com/>.

<sup>2</sup> NRS 318.515(1)(a) and 318.515(3)(a)-(d) instruct that “upon notification by the Department of Taxation or upon receipt of a petition signed by 20 percent of the qualified electors of the district, that...a district of which the board of county commissioners is not the board of trustees is not being properly managed...the board of county commissioners of the county in which the district is located shall hold a hearing to consider...(a) adopt(ion of) an ordinance constituting the board of county commissioners, *ex officio*, as the board of trustees of the district; (b) adopt(ion of) an ordinance providing for the merger, consolidation or dissolution of the district...(c) fil(ing) a petition in...district court for the...appointment of a receiver for the district; or, (d) determin(ing) by resolution that management and organization of the district...remain unchanged.”

<sup>3</sup> NRS 318.490(1)-(2) instruct that “whenever a majority of the members of the board of county commissioners...deem it to be in the best interests of the county and of the district that the district be merged, consolidated or dissolved, or if the board of trustees of a district, by resolution...agrees to such a merger, consolidation or dissolution, the board of county commissioners shall so determine by ordinance, (that)...(b) the services of the district are no longer needed or can be more effectively performed by an existing unit of government (or)...that the district should be dissolved, merged or consolidated.”

individuals in legitimate golf clubs, the District's name was altered to "Incline Village GC" to allow the District to continue selling these memberships.

After learning of this inappropriate conduct I publicized the fact. And in response staff asserted those costs were reimbursed to the District by those whose NCGA memberships were paid for by the District. But when I followed up and asked for evidence of the alleged reimbursements, I was provided with no documentation whatsoever. Meanwhile Indra represented that this service on behalf of the private golf clubs would cease immediately.

It was therefore with dismay that I recently learned that the very same behavior continues today. And again the District is advancing NCGA fees to preferred private club golfers which are not being reimbursed by those private club members and others who are directly benefiting therefrom. So on May 18, 2023 I made a public records request<sup>4</sup> for evidence of those reimbursements and any invoicing for payment associated therewith. And on the same day I followed up asking for evidence of reimbursement from just two of those persons; loud mouths Joe Wolf<sup>5</sup>, and James Wieck<sup>6</sup>. I gave Indra until the following Tuesday, May 23, 2023 within which to provide the required public records no later than 12 noon on May 23, 2023<sup>4</sup>.

May 23, 2023 came and went and Indra provided nothing. Since in my mind that meant that there was no evidence of payment/reimbursement, I notified the Board via e-mail<sup>4</sup>.

**Conclusion:** Why are we paying for private individuals' NCGA membership fees? Why are we seeking reimbursement, assuming arguendo, we even are seeking reimbursement? Why are we misrepresenting ourselves to NCGA to be a golf club when we're a general improvement district? And why won't staff admit there is no reimbursement because if there were, staff would have evidence of the same to share with the public? Another dirty, fishy, untrue explanation the reader should be aware of.

**And You Wonder Why the Recreation ("RFF") and Beach ("BFF") Facility Fees Which Pay For All the Waste Local Parcel/Dwelling Unit Owners Are Forced to Involuntarily Pay For is Out of Control?** I've now provided more answers.

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

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<sup>4</sup> That request is part of the e-mail string between myself and District personnel which are attached as Exhibit "A" to this written statement.

<sup>5</sup> Mr. Wolf is a former IVGID Trustee and past president of Incline Village Golf Club aka "IVGC."

<sup>6</sup> Mr. Wieck represents himself to be the President of the Polo Golf Club.

**EXHIBIT "A"**

## RE: Recirds Evidencing Reimbursement of NCGA Fees From Private Club Members

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**From:** <s4s@ix.netcom.com>  
**To:** "Indra Winqest" <ISW@ivgid.org>  
**Cc:** "Dent Matthew" <dent\_trustee@ivgid.org>, "Schmitz Sara" <schmitz\_trustee@ivgid.org>, "Tonking Michaela" <tonking\_trustee@ivgid.org>, "Noble Dave" <noble4ivgid@gmail.com>, "Tulloch Ray" <tulloch\_trustee@ivgid.org>  
**Subject:** RE: Recirds Evidencing Reimbursement of NCGA Fees From Private Club Members  
**Date:** May 23, 2023 9:32 PM

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Hello Indra -

Well we're beyond the time limit I gave you and your staff to come up with the evidence that our two big mouths reimbursed the District for the 2022-23 NCGA membership fees the public advanced on their behalf. And NOTHING! So now I'm going to publicize this fact.

You could have done something very, very easy which would have resolved the issue once and for all. But you didn't. And let's be clear. The reason you didn't is because the individual private club members whose NCGA membership fees the public advances on their behaves are NEVER REIMBURSED. Got that Indra? NEVER.

And all the propaganda to the contrary, without any written documentary evidence whatsoever, are LIES!

Since a copy of this e-mail is going to the Board, I am going to ask this question again.

What do we do with a public employee who wastes public funds and then lies about it? You tell the public you were elected to "make the hard decisions." So now it's time for you to DO YOUR JOBS under NRS 318.210.

Pull Indra and Darren Howard into a public hearing and start cross-examining so we can get to the truth. You would know this Trustee Noble, wouldn't you?

Respectfully, Aaron Katz

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

**From:** <s4s@ix.netcom.com>  
**Sent:** May 18, 2023 7:02 PM  
**To:** Indra Winqest <ISW@ivgid.org>, Susan A. Herron <sah@ivgid.org>  
**Subject:** RE: Recirds Evidencing Reimbursement of NCGA Fees From Private Club Members

Well let's cut to the chase Indra. Let's prove staff's representations are not true. Without having to go through all of the records I have requested to examine.

There are two BIG MOUTH names of golfers whose 2022-23 NCGA fees were paid by IVGID. Joe Wolfe and James Wieck. According to you, Mr. Wolfe reimbursed the District the \$39 that the District advanced on his behalf plus your \$10 service fee. .According to you, Mr. Wieck reimbursed the District the \$49 that the District advanced on his behalf plus your \$10 service fee. .

Show me the evidence. And I'm going to give you until next Tuesday at 12 noon. Show me the bill to these two

individuals, and show me evidence where they were paid. And when. If you can't do this in 4-1/2 days,

Will you do this please?

And tell me about this one if you don't mind. Apparently the NCGA charged IVGID a late charge of \$112.38 on or about October 13, 2022. This was paid via Check #779597. So who reimbursed this one Indra? Did you send this bill to the private clubs? Or did we eat it? And how many other late charges did we pay to NCGA?

And when we go to the bill pay descriptions on the web site, isn't it interesting that insofar as this check is concerned, no mention whatsoever is made of a late fee? Because we don't want the public to know our staff is negligent and it's costing us. Right?

Respectfully, Aaron Katz

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

From:

Sent: May 18, 2023 12:46 PM

To: Indra Winquest , Susan A. Herron

Subject: RE: Records Evidencing Reimbursement of NCGA Fees From Private Club Members

Thank you Indra -

You don't understand. Or maybe you do.

Your Ms Herron never, never, never provided me with records evidencing reimbursement payment from anyone whose NCGA dues were paid by IVGID several years ago. I asked and received nothing. Sure I heard the narrative that such fees were reimbursed. But I never believed it and currently don't believe it. If the charges were reimbursed show me the evidence. If you won't or can't, then your narrative is false. It's that simple.

Now let's go to the current invoicing. Ms. Herron's description of alleged what happens applies to NON-club members. Not club members. Why is IVGID being invoiced for the NCGA fees of club members? Why don't they deal directly with NCGA? Why are we interjected into the process? And why do we lie to NCGA to make us look like a club when we're not simply to accommodate these private clubs? And why are we doing what we're doing to earn a couple of comp memberships? None of this makes sense.

So when you tell me the current records document that club members pay their own NCGA dues, this is not true. When you tell me IVGID pays those dues for them and then is reimbursed, I don't believe you. Show me the evidence.

So now you've pissed me off and I'm going to call NCGA and share the truth. And I'm going to share the truth with the public. Congratulations.

My records request remains Ms. Herron. Please provide for my examination the records requested.

Aaron

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

From: Indra Winquest

Sent: May 18, 2023 12:31 PM

To: s4s@ix.netcom.com , Susan A. Herron

Subject: RE: Records Evidencing Reimbursement of NCGA Fees From Private Club Members

Aaron -

What I told you back then was if I found out that IVGID was actually paying these dues and not the resident, I would stop it. As you found out then and now, the resident pays for this and we help administer hence the \$10 fee. I will continue to monitor.

Indra

Indra Winqest  
General Manager  
Incline Village General Improvement District  
893 Southwood Blvd, Incline Village NV 89451  
P: 775-832-1206  
F: 775-832-1380  
isw@ivgid.org  
<http://www.yourtahoeplace.com>

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

From: s4s@ix.netcom.com  
Sent: Thursday, May 18, 2023 12:22 PM  
To: Susan A. Herron  
Cc: Indra Winqest  
Subject: Records Evidencing Reimbursement of NCGA Fees From Private Club Members

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

Hello Ms. Herron -

So Frank has shared with me the Northern California Golf Ass'n ("NCGA") invoicing paid by IVGID you provided from 2019-2023. Which interesting to me is billed to the Incline Village Golf Club. An entity that DOES NOT EXIST. And you know does not exist. Since Indra is getting a copy of this e-mail, should I call NCGA Indra and clue them into the fact there is no such club? So why are they billing the same? And why is IVGID paying for an obligation of the IVGC?

Also we went through this episode several years ago Indra when I learned of our paying for club members' NCGA dues. And your representation at the time was that these payments would stop. And yet they haven't. Why not? Let these golfers make their own individual payments to NCGA. Why does the public have to be in the equation? And for a measly \$10/member? That won't even buy a cup of coffee at Starbucks.

Also, I see that the chart of account ("COA") number assigned for the payments we make is a fraud. If I'm reading it correctly, it is "admin & services - contractual services." This type of expenditure has NOTHING to do with the description provided, So some lay person would see an expense assigned to this COA number and be deceived into thinking it was a legitimate admin services expense. When it isn't. And I'm certain your staff pull this stunt for all sorts of other COA numbers. Which means we can't believe anything that appears in our financials. It's all corrupted.

And although how you describe the process for NON-club members, you provide no description for club members.

Frank tells me he asked to examine records evidencing reimbursement to IVGID from clubs or club members for these

dues paid to NCGA. Yet you provided nothing.

There is this narrative going around town that IVGID pays the fees and the clubs reimburse IVGID. Well I want to see written evidence of this alleged reimbursement. So I want to examine (this is a records request):

1. IVGID invoicing sent to private golf clubs since July 1, 2018 requesting reimbursement payment of NCGA fees IVGID has advanced for its members;
2. IVGID invoicing sent to individual members of private golf clubs since July 1, 2018 requesting reimbursement payment of NCGA fees IVGID has advanced for its members;
3. Evidence of payment of paragraph 1 above;
4. Evidence of payment of paragraph 2 above;
5. Documents evidencing the identity of and payment to IVGID by a non-private club member for membership in NCGA so the non-club member could participate in a tournament that IVGID subsequently paid to NCGA;
6. Evidence of payment of paragraph 5 above.

Thank you, Aaron Katz

**WRITTEN STATEMENT TO BE ATTACHED TO AND MADE A PART OF THE WRITTEN  
MINUTES OF THE IVGID BOARD'S REGULAR MAY 25, 2023 MEETING – AGENDA  
ITEM C – PUBLIC COMMENT – EVIDENCE THAT OUR CORE GOLFERS' CLAIMS  
THAT REVENUE FROM GOLF IS JUST ABOUT COVERING OPERATIONAL  
COSTS AT OUR TWO GOLF COURSES IS BOGUS BECAUSE SOME OF  
THOSE COSTS ARE NOT BEING ASSIGNED AS EXPENSES – HERE  
SNOW REMOVAL**

**Introduction:** Well “here’s another one” according to my friend DJ Khaled<sup>1</sup>! I keep telling the IVGID Board and the public that the District is not being properly managed<sup>2</sup> and as a consequence, the facilities and services it furnishes can and should be more efficiently and fairly provided by another district<sup>3</sup>, or Washoe County, or more preferably, IVGID should simply be dissolved<sup>3</sup> altogether! However in the interim, and in order to provide evidence in support of dissolution, let’s examine another example of the waste, mismanagement, and an “ends justifying means” mentality which permeates the District and in the end costs local parcel/dwelling unit owners dearly. Here it’s staff’s unilateral decision to order snow removal services for its two golf courses, furnished by Diamond Peak personnel, and not reimburse the Ski Fund for those costs. Thus skewing the financials for Golf and Ski to benefit favored core golfers. And that’s the purpose of this written statement.

**My E-Mail of May 23, 2023:** When I learned the District had a robust plan to use Diamond Peak snowplows and other related equipment, and Diamond Peak personnel to operate them, on our two golf courses, I wanted to learn whether those costs were being assigned to Golf and if so in what

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<sup>1</sup> Go to <https://www.djkhaledofficial.com/>.

<sup>2</sup> NRS 318.515(1)(a) and 318.515(3)(a)-(d) instruct that “upon notification by the Department of Taxation or upon receipt of a petition signed by 20 percent of the qualified electors of the district, that...a district of which the board of county commissioners is not the board of trustees is not being properly managed...the board of county commissioners of the county in which the district is located shall hold a hearing to consider...(a) adopt(ion of) an ordinance constituting the board of county commissioners, *ex officio*, as the board of trustees of the district; (b) adopt(ion of) an ordinance providing for the merger, consolidation or dissolution of the district...(c) fil(ing) a petition in...district court for the...appointment of a receiver for the district; or, (d) determin(ing) by resolution that management and organization of the district...remain unchanged.”

<sup>3</sup> NRS 318.490(1)-(2) instruct that “whenever a majority of the members of the board of county commissioners...deem it to be in the best interests of the county and of the district that the district be merged, consolidated or dissolved, or if the board of trustees of a district, by resolution...agrees to such a merger, consolidation or dissolution, the board of county commissioners shall so determine by ordinance, (that)...(b) the services of the district are no longer needed or can be more effectively performed by an existing unit of government (or)...that the district should be dissolved, merged or consolidated.”



amounts, so the public had an accurate depiction of the operational costs incurred at our two golf courses. So I made a public records request on April 28, 2023<sup>4</sup>. On May 12, 2023 Ms. Herron responded with a number of staff e-mails, and the following statement:

“We do not do any inter(nal) charging for this process so there are no billings (n)or...payments” to provide.

What I learned from the e-mails is that staff would utilize this equipment and personnel perhaps twice at the Champ Course, and 4-5 times at the Mountain Course. And that only Diamond Peak personnel who were certified to operate this equipment would be allowed to operate it. And an additional “spotter” person would also be required to gauge the depth of the snow to be removed.

As a result on May 23, 2023 I sent an e-mail to the Board<sup>4</sup> advising them of the foregoing and asking them order financial reporting modifications to reflect these costs attributable to Golf be financially reported as golf operational costs. Rather than regurgitating the contents of that e-mail, interested readers can read these e-mails for him/herself.

**Conclusion:** I’m tired of hearing the core golfers of our community complain that they are being treated unfairly when golf revenues allegedly cover all operational costs assigned to golf. And especially now that I’ve learned not all operational costs are actually assigned! I ask the public be made aware of these facts, and that in the future the District report for giveaways like these to golf at local parcel owners’ expense.

**And You Wonder Why the Recreation (“RFF”) and Beach (“BFF”) Facility Fees Which Pay For All the Waste Local Parcel/Dwelling Unit Owners Are Forced to Involuntarily Pay For is Out of Control?** I’ve now provided more answers.

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

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<sup>4</sup> That request is part of the e-mail string between myself and District personnel which are attached as Exhibit “A” to this written statement.

**EXHIBIT "A"**

## Records Request - Snow Removal Costs at Both Golf Courses Since January 1, 2023

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**From:** <s4s@ix.netcom.com>  
**To:** "Dent Matthew" <dent\_trustee@ivgid.org>  
**Cc:** "Schmitz Sara" <schmitz\_trustee@ivgid.org>, "Tonking Michaela" <tonking\_trustee@ivgid.org>, "Noble Dave" <noble\_trustee@ivgid.org>, "Tulloch Ray" <tulloch\_trustee@ivgid.org>  
**Subject:** Records Request - Snow Removal Costs at Both Golf Courses Since January 1, 2023  
**Date:** May 23, 2023 10:14 PM

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Chairperson Dent and Other Honorable Members of the IVGID Board -

So the e-mail string below addresses snow removal from our golf courses VOLUNTEERED by our Diamond Peak personnel at local parcel owners' expense. And here you see (based upon the e-mails Ms. Herron provided which I have omitted from this e-mail) that 1-2 days of DP staff time for two staff persons (a driver and a scout to evaluate the depth of snow) were spent at our Champ golf course, and 4-5 days of DP staff time for two staff persons were spent at our Mountain golf course, plowing snow from our various fairways and moving them to other out of the way places. And of course two specialized pieces of equipment including a \$475K snow plow were used. And then of course the equipment had to be delivered to the two golf courses which involved additional PW/DP employees and equipment. And then of course the operating expenses. And what was DP paid for all of these services? NOTHING.

I can already hear the one division, one team mantra. But that's not the point.

We're supposedly creating accurate financial records and reporting them accurately to the Board and the public. But we're not. Golf's operating expenses should be higher than reported. And DP's should be lower. So that when we're forced to hear core golfers come to Board meetings and whine about the fact that golf revenues are almost covering operational expenses, we will know this is not true. And why? Because staff hasn't accounted for all of the operational costs.

And if you think this episode was limited to snowplowing and our golf courses? I'm here to tell you you're crazy. This is just the tip of the iceberg. When our financial reporting is skewed, it prevents us from having the real type of discussion we need to have with our golfers. And that is to limit the forced subsidies (from the RFF).

So how do we get to the truth, nothing but the truth, so help me GOD? It's called an internal audit. Performed by outside unbiased personnel. When are we going to get one Board? That's your job!

Respectfully, Aaron Katz

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

**From:** Susan A. Herron <sah@ivgid.org>  
**Sent:** May 12, 2023 9:33 AM  
**To:** 's4s@ix.netcom.com' <s4s@ix.netcom.com>  
**Subject:** FW: Records Request - Snow Removal Costs at Both Golf Courses Since January 1, 2023

Mr. Katz,

Staff has provided the following response and attachments to your public records request:



We do not do any interco charging for this process so there are no billings or received payments for our part of their snow removal process. We were able to get a demo machine from Kassbohrer the snow cat manufacturer for us to use at Diamond Peak while the other machine was at the golf courses. When they delivered and picked up this demo machine Kassbohrer allowed us to utilize their transport truck and driver to haul our cat to and from golf free of charge.

Susan

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

From: s4s@ix.netcom.com

Sent: Friday, April 28, 2023 8:17 AM

To: Melissa N. Robertson

Subject: Records Request - Snow Removal Costs at Both Golf Courses Since January 1, 2023

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

Your form did not work so independently I am sending this public records request.

Go to: [https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.yourtahoeplace.com%2fnews%2fspring-golf-course-snow-removal&c=E,1,VceefcV3PGI96sGBh2zp6sdFlaqEFbWx5L7N2Nhse1XXz8M\\_Dy6l8sjGoNntbb0SqLj9CyNg8II0cwQdqgGI03BYMduZ-6l\\_fdtEj9BgIK8UiKA,&typo=1](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.yourtahoeplace.com%2fnews%2fspring-golf-course-snow-removal&c=E,1,VceefcV3PGI96sGBh2zp6sdFlaqEFbWx5L7N2Nhse1XXz8M_Dy6l8sjGoNntbb0SqLj9CyNg8II0cwQdqgGI03BYMduZ-6l_fdtEj9BgIK8UiKA,&typo=1)

There we are told of all the work DP employees/equipment are doing removing snow from our golf courses in anticipation of this season. And how it's continuous work and we will be kept advised of the progress.

So the question.

What costs have non-golf staff incurred in this removal process, and what evidence of reimbursement is there from golf? And not just labor costs. We're talking snow plows and othe equipment highlighted in the referenced web page. Stated differently, as if golf's operational costs weren't abhorrent enough, how much more abhorrent are they as a result of record snowfall removal?

I want to examine records evidencing:

1. All requests from Darren Howard to whomever else at the District for help with this snow removal since January 1, 2023;
2. Whatever Darren Howard agreed to pay or transfer to DP on behalf of both golf courses for the snow removal help he requested since January 1, 2023;
3. All snow removal work performed by non-golf personnel at both golf courses since January 1, 2023;
4. All billings to golf for the snow removal work performed since January 1, 2023;
5. All evidence of transfers or payments from golf to wherever for snow removal work performed since January 1, 2023;
6. All chart of account nos assigned by staff for each of the payments referenced in paragraph 5 above;
7. Where in the current year's budget for both golf courses the costs associated with this snow removal were budgeted.

Thank you for your cooperation. Aaron Katz

# INVOICE

1 of 1



151 Country Estates Circle  
Reno, NV 89511  
Phone: 800-330-1112  
litigationservices.com

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

Invoice No.	Invoice Date	Job No.
1624522	6/5/2023	989394
Job Date	Case No.	
5/25/2023		
Case Name		
Incline Village General Improvement District Board of Trustees Meeting		
Payment Terms		
Net 30		

ORIGINAL AND 1 CERTIFIED COPY OF TRANSCRIPT OF:  
Hearing (Public Meeting)

3,134.00

**TOTAL DUE >>>**

**\$3,134.00**

The LIT Group 079F

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

Charge to 100-11-100-6030  
\$500 Base Fee  
\$7.95 per page = 331.32 pages

S. Herron 06-06-2023

**Tax ID:** 20-3835523

*Please detach bottom portion and return with payment.*

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

Job No. : 989394 BU ID : RN-CR  
Case No. :  
Case Name : Incline Village General Improvement District Board of Trustees Meeting  
Invoice No. : 1624522 Invoice Date : 6/5/2023  
**Total Due : \$3,134.00**

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

<b>PAYMENT WITH CREDIT CARD</b>				
Cardholder's Name: _____				
Card Number: _____				
Exp. Date: _____		Phone#: _____		
Billing Address: _____				
Zip: _____		Card Security Code: _____		
Amount to Charge: _____				
Cardholder's Signature: _____				
Email: _____				