

MINUTES

REGULAR MEETING OF APRIL 29, 2021 Incline Village General Improvement District

The regular meeting of the Board of Trustees of the Incline Village General Improvement District was called to order by Chairman Tim Callicrate on Thursday, April 29, 2021 at 6:02 p.m. This meeting was conducted virtually via Zoom.

A. PLEDGE OF ALLEGIANCE*

The pledge of allegiance was recited.

B. ROLL CALL OF TRUSTEES*

On roll call, present were Trustees Tim Callicrate, Sara Schmitz, Matthew Dent, Kendra Wong, and Michaela Tonking.

Also present were District Staff Members Director of Finance Paul Navazio, Director of Public Works Brad Underwood, Engineering Manager Nathan Chorey, Interim Director of Human Resource Erin Feore, Parks and Recreation Superintendent Shelia Leijon, and General Manager Diamond Peak Ski Resort Mike Bandelin.

No members of the public were present in accordance with State of Nevada, Executive Directive 006, 016, 018, 021, 026 and 029.

C. INITIAL PUBLIC COMMENTS*

Aaron Katz said that he has written statements to submit. The recent Rec Center bathroom fiasco that he and others have e-mailed the Board about is really emblematic of everything that is wrong with Staff and this rubber stamp Board. You need to learn from it. Unrealistically low use assignments for capital assets, unnecessary CIP's to keep Staff busy, poor execution, outrageous pricing, adding on to the costs with unreimbursed Staff time, failure to maintain our assets, failure to repair, lack of internal controls, it just goes on and on and it doesn't matter what we are talking about here at IVGID. These problems permeate everything, every time for decades and if you don't recognize it, you don't deserve to be on the Board. He asked the District General Manager to answer some bathroom questions so as to get the facts on the table, he refused because he knows the answers are incriminating and will prove the point he is trying to make. This is totally unacceptable and what do you do about it Board? You just sit there, looking out for the interests of Staff as you don't give a damn about the property owners that are paying the freight here, the ones that are your constituency. You need to grind everything to a halt here and start demanding accountability because we have got

nothing. I ask that you vote no on the additional funding for the bathrooms. The lack of funding will thankfully kill this project which is really what needs to happen. So let's go to the Burnt Cedar pool project. He doesn't see major cost reductions, do any of you? It is still nearly \$5 million for a pool. He doesn't see a scope of work. He doesn't see a guaranteed maximum price. He sees something about a percentage but he doesn't know what the price is and then there are contingencies. How can you have contingencies on a guaranteed maximum price? It is an absolute oxymoron. He doesn't see the cost to the CMAR. For his two cents, he sees \$37,500 we have already paid but he doesn't see what it is for. How has the CMAR saved us anything? And why are we reimbursing Staff for any costs? What is our Staff doing other than their jobs for which we are already budgeting salaries and benefits? And we are talking about \$175,000 of Staff for absolutely worthless management. We don't need unprofessional Staff and if this is an example you should outsource everything. The proposed CMAR contract is deficient.

Mike Abel said he noted with interest that the packet for this meeting was over 540 pages. Why 540 pages he asked himself. Well it is obvious to him that the intent is that it will be virtually impossible for a Trustee to read those pages, digest, and understand the material much of which is technical or legalese. So as usual, Trustees will blindly trust the staff to "do the right" thing and will blindly vote on the staff recommendations. With an abundance of brilliant retirees in our community, why is our staff and our trustees reluctant to exploit these real experts in adjunct committees to reinforce Board decisions? He recently played golf at The Desert Willow Golf Course in Palm Desert California. It is the #1 rated publicly owned course in the US. He has played there and it is super well managed, awesomely beautiful and deserves its ranking. It is managed by Kemper Sports of Northbrook, Illinois. Does anyone on our Board think for a minute that Palm Desert loses a dime on the Desert Willow courses? IVGID continues to deliver a mediocre product to our residents but will continue to tell us how great they are and what a good product that they deliver. Virtually every city in California that owns golf courses farms out management to experienced management companies. But IVGID continues to go it alone and reinvent the wheel every spring pouring another million down the rat hole annually. As we all know - insanity is the doing the same thing over and expecting different results. His final comments this evening focus on item J2, the insane proposal to spend about a quarter of a million dollars to renovate two modest upstairs bathrooms at the rec center which show little wear and might be in need of some minor repairs. With at least a dozen recreational projects crying out for attention, including the deplorable state of our Village Green, why is staff and our Board even considering this stupid proposal. It saddens him that our Chair allows proposals like this to even be brought up to the Board. If IVGID were professionally managed, there would be RESERVE STUDIES that would be updated regularly for projects like this. Even his tiny condo complex is required by

Nevada law to maintain a reserve study and reserve funding for all capital projects. But unfortunately, IVGID is run like a farcical firehouse comedy where any time the General Manager or the Engineering Manager get tickled by the staff they jump on foolish projects like this with little attention to finances, reserves, or the bigger picture.

Carole Black said she is resident of Incline Village along with her husband and that she wants to express support for Resolution 1884 for the summer of 2021. Ms. Black read her written statement as follows:

"We are residents of Incline Village. We are writing to express support for Resolution #1884 regarding IVGID Beach Access regulation for summer 2021. Kindly include in the meeting minutes and provide to the Trustees at today's meeting. We support Resolution 1884 as a timely intervention in the face of the Covid pandemic where data is still emerging, case rates continue to fluctuate and virus variant emergence and infection behavior/risk remain unclear. We have very much valued using the IVGID beach/waterfront area summers since we purchased property and moved here in 2013-14. Incline Village is our home/primary residence. Unfortunately, our use of the beach area was dramatically adversely impacted last summer when, despite regulations placed to address Covid, the beach areas became overcrowded and thus, we felt, unsafe re the pandemic. In fact, our only visits to the beach area were two - once to put our kayaks on racks in April and once to retrieve them in October because of safety concerns with the crowding we had seen. This was a sad situation indeed and we therefore applaud IVGID's proposed approach for this coming summer to better ensure safety for all in the face of a pandemic which, though trends are thankfully improving currently, remains a significant concern in view of vaccine hesitancy issues, vaccine impact questions over time and emerging virus variants."

We ask for your vote on Resolution 1884. This is for both her and her husband William Black.

Cliff Dobler said the 2021/2022 tentative budget presented at the last Board meeting was prepared with such a lack of professionalism it is hard to comprehend how it could have ever been on the agenda. To name the use of fund balance under a disguised name of funded capital resources and to bury the facility fee designated for venues capital projects and debt service as a transfer in is to do nothing else but confuse and mislead the reader. For example, the Champ course stated the facility fee as \$410,000 but in reality is \$1,070,000 as \$660,000 is designed as a transfer in. This is uncalled for and purely deceptive. Now here is one of the items in the tentative budget regarding engineering service measures

and the related budget which is on pages 43 and 87. Some simple facts – fully count equivalent people 5, an Engineering Manager, a Senior Manager, a Project Manager, an Associate Engineer and a Public Works Contracts Administrator; budgeted annual cost for the 5 employees per year for salaries and benefits \$906,000 or \$181,000 per person. Based on 52 weeks and 40 hours per week, the maximum hours would be 10,192 for all 5 people however over the next fiscal year only 8,320 hours will be worked leaving 382 hours per person not working or 9.6 weeks/2.5 months. Productive hours will only be 6,656 per year and billed out to various CIP projects leaving another 333 hours per person as unproductive. Another 8.3 weeks per person or over 2 months per year. So for \$181,000 in salaries and benefits per year, our Engineering Staff will work only 7.4 months per year. Employee fringe benefits are 47% of the cost of salaries. He did not make up these numbers, they are in the budget which the Trustees approve. Are they correct? Who knows. Errors are quite common in the IVGID world. Lastly, he truly believes that the pricing of the annual fees for Rec Center is discrimination when a single person should have to pay \$689 per year but if you join with someone else, as a couple, the extra person only has to pay \$397 or a 42.4% discount. How can that possibly be fair? It is just not right.

Margaret Martini said she recommends that the launching of the boats be limited to no more than 2 boats tied to each parcel and you can do that using the NV sticker and it would have to be arranged before they got a season pass and here are my 2 numbers for my 2 boats and that is the end of it and so that would take care of a lot of people using 9, 10, 15 boats to launch. The other issue is the bathrooms. How did we allow to have any deferred maintenance? Who is watching the ship here? There should not be any deferred maintenance in any of our venues because we spend a lot of money to try and fix them. And then 2 bathrooms – a half a million dollars? Maybe three quarters by the time IVGID is through. That is ridiculous and she wants that contract and she will find a contractor that can do an excellent job and she will keep the balance. This is an absolute travesty and how can we possibly trust Staff with the oversight and money management of the Burnt Cedar pool when you look at this bathroom debacle? That actually says a lot. Where is the Board oversight? We are not an unlimited piggybank; you have a fiduciary responsibility to spend our money wisely. What is wrong with this picture? And I fully support Resolution 1884 limiting the number of punch cards that can go with each parcel. She thinks it is wise to limit the access this year to picture card holders and punch card holders but it is only going to be effective if you limit the number of punch card holders.

Anne O'Keith said she is a resident since 2003 and that this is her first IVGID meeting. She totally supports limiting access to the beaches this summer for picture pass and punch cards and she hopes you truly limit them because she and

her husband didn't use the beach at all this past summer. Her other concern is that we have a kayak rack at the beach and you are increasing the rates, which she doesn't think is really appropriate because she doesn't think it costs any more money to maintain those racks and she is not really sure but she thinks that we have paid for those racks maybe more than once in the revenue that you are receiving from the kayak racks and that is a reasonable and not very expensive way to enjoy the lake which, being on a fixed income, she really appreciates.

Paul Steinberg said he has got to warn you that he has nothing foul or negative to say before he starts. He is a little shocked what he has heard so far but he is calling about item J.3. the conversion of the tennis court to 4 pickleball courts. He sent you all a letter about that and he is the USA Pickleball Ambassador for Incline Village and he represents pickleball and his mission statement is to increase the amount of people that play pickleball and to help develop venues to play pickleball. The amazing thing about changing one tennis court that might be used by 2 to 4 people to 4 pickleball courts is that we can now get 16 people onto 1 tennis court so there is a greater opportunity for much higher usage. Last summer, the pickleball crowds outgrew the 8 courts we had and we frequently had 10 to 20 people waiting for the 8 courts that were being played. Pickleball is growing at a phenomenal rate, faster than any other sport in the United States and he doesn't see that there is going to be any stop to it. It will do great things for this town, attract people to the sport, attract more people to get more exercise and it will attract more visitors to this town solely because they can play pickleball on their vacations. He has one other comment and he sent you all a letter about it earlier today and that is that the town, in the last 2 years, has been inundated by the increase in boat traffic caused by the pandemic and people turning to outdoor sports. The boat traffic has caused an incredible increase in the amount of trailers around town and he knows that this has been brought up before but he thinks it is really time to look at it and he wrote you all a letter about that earlier and there is a Facebook post that he made on the Incline Village page today and a lot of people are very for it. He didn't see any real negative comments yet but that is that we use some of the IVGID property like the overflow parking lot for people to put their trailers so we can get them off the roads and the streets and put them in those parking lots at essentially no cost. He thinks we should have a test one summer and see how it goes. Maybe this could have a minimal charge or a one-time fee they can park their trailer for the entire summer in a lot that is otherwise unused all summer.

Frank Wright said in listening to the last commenter, who said he had nothing negative to say, and then he went into the boat parking which is a yearly travesty here that has never fixed or solved so it probably won't be but he doesn't want to be negative. The other thing that he really has a concern with is that he has listened to people over and over and over address the Board and bring some very, very

pertinent information that is necessary to the Board to do their job and to date, and he knows you don't talk back, you only listen, but some of these questions need further study or analysis. When you have the guy on the line, you might want to ask him some questions but you don't and it is just a one-way travesty that has gone on for way too long and he would like to see that changed. He would like to see the Board be more interactive with the community. There are a lot of things going on here that need to be addressed, they are not addressed, and he listened to the Audit Committee today and they were going on for almost an hour about whistleblower and going around and around in a circle. The end result was that they were going to give IVGID management and oversight to the General Manager and Human Resources – unbelievable. You don't have a whistleblower program unless you have an outside independent person to go to where everybody feels comfortable and then you have some way in which somebody is going to do something and that has not happened. It hasn't happened since he has been living here and he has been here for 45 years. So maybe it is time to change the way you do things. Maybe it is time to listen to the people who bring these things up every week and we stop all this stuff and we turn this town back to where it used to be.

Lynn Whetstone said she totally supports the resolution to restrict the access to the beaches and for the exact same reason, she believes this is the wrong year to add new pickleball courts. An earlier caller talked about the huge number of people that the pickleball courts have brought and as a result, many of the tennis players didn't feel comfortable on the tennis court and did not play. We need to get past the pandemic to see how many new tennis players are in Incline as a result of more people living here permanently. Tennis, nationally, increased 22% last year, so this is not the year to do something that will bring even more people to the tennis courts and she did send an email earlier that she would like attached to these minutes. Her other issue has to do with the kayak storage rates. An earlier caller experienced some of her same concerns. While she supports the change to a year round rate, you are talking about a 60% increase in fees for those that will be affected by that. You really should be going back and doing a cost based analysis because it appears that this is being used as a profit center, which according to the budget workshop, did not seem to be IVGID's goal to get profits from its residents as that was supposed to be visitors. There are more racks so there should be a lesser amount of fixed costs to be paid by each renter. She would suggest, given where we are, you do a two phased approach and do away with the summer only rate but do no increase to the annual rate and then over the next year, really do a cost based analysis and hopefully the rates could go down.

Tina Montoya said she was an Incline Village resident and that she wanted echo the other callers that called regarding the rates for the kayak and paddleboard

racks and that she too would love to see a cost benefit analysis. She also wants to know if there is anything else that comes with it besides the rack storage? Last year, she had several days where people had stored their boards such that it didn't allow her to get her board out and she had a hard time getting ahold of the right person at the Rec Center and it was never resolved as there was no enforcement or follow up. Why is she paying a higher rate when there is absolutely no additionally benefit?

D. APPROVAL OF AGENDA (for possible action)

Chairman Callicrate asked for changes to the agenda; Trustee Dent asked that General Business Item J.2. as this would have been a perfect project that could have been deferred when we did that review last year. It should be pulled as it is a very expensive project, he is not sure what we are getting and not getting, and that we should start with the design before approving the contracts. Trustee Schmitz said she would like to support Trustee Dent's request. She then asked that everyone take a look at agenda packet page 464, Practice 13.2, and stated that this is how capital projects are to be managed and that paragraph 13.8.7, per our policy, we should be at 13.8.6, as the Trustees haven't reviewed a design, reference is to agenda packet page 463, the Trustees are responsible for the review of the design and Staff has leapt over the design review, planning and giving feedback and now we are ahead and it doesn't appear this is following our practices on agenda packet pages 463 and 464. Therefore, she would like Staff to bring this back and show the design specifications, etc. for our feedback. Trustee Schmitz concluded by stating that she supports the removal and this item being brought back with the design specifications. Trustee Wong said she understands about not voting on it however she would like to have some discussion on this item and create the if and how and that we need to discuss that at the agenda item. Trustee Schmitz said that the drawings and specifications are not included, reference Policy 3.1.0, and that Staff is not following how projects are to progress so the Trustees and public can review the design. Chairman Callicrate asked if this has to go to a vote. District General Counsel Nelson said that a vote is required given there is no consensus. District General Manager Winquest said Trustee Schmitz is correct because the design was within his authority and within the budget. The Board should discuss this and he agrees with Trustee Wong. In lieu of the policy and the authority, Staff didn't need to come to the Board therefore it is unfair to state that Staff was negligent because this design contract was within District General Manager's authority. He is fine with moving it but that was why design contract didn't come before this Board. Trustee Tonking asked if the Board can discuss the item without voting on the item itself. District General Counsel Nelson said yes and that it is his recommendation to leave the item as is and leave it as a discussion as it doesn't require action. Chairman Callicrate asked the Board

if they were okay with this General Business item being for discussion only. Trustee Dent said yes, that he is ok with discussion. Chairman Callicrate asked Trustee Schmitz if she was okay with discussion only, Trustee Schmitz said she is ok with discussion. Chairman Callicrate said that the agenda is approved as submitted except that General Business Item J.2. will be discussion only.

E. DISTRICT GENERAL MANAGER'S UPDATE (for possible action)

District General Manager Winqest went over the submitted report. Trustee Schmitz said that these rates for golf should have been included in our discussion on golf rates because what they are paying per round is \$50 and if her memory is correct, the cost per round for operational expenses is \$97.36 per round so she said that she thinks that this should have been included in our rate discussion for golf. District General Manager Winqest said that those aren't actually rates but rather special rates that were created for this tournament. He did talk to Golf Staff about where they got that rate and noted that this tournament was during the last week of the golf season. District General Manager Winqest continued his overview and updated that he had a meeting on Monday, facilitated by Washoe County Commissioner Hill, that the United States Forest Services has incorporated the IVGID request on the parcel across from the high school in the work plan for a special use permit. Finally, this meeting is Engineering Manager Chorey's last Board meeting and he wanted to thank Mr. Chorey for his work and noted that we have not been fully staffed, in Engineering, since he has been the District General Manager. We are in the process of hiring a new Engineering Manager and will make that announcement at the appropriate time. Chairman Callicrate said thank you to Mr. Chorey for his work. Engineering Manager Chorey said thank you, that he learned a lot, and that everyone has been welcoming for the time he has been here. Chairman Callicrate wished Mr. Chorey well on his next endeavor.

F. REVIEW OF THE LONG RANGE CALENDAR (for possible action)

District General Manager Winqest went over the long range calendar. Trustee Schmitz said that there is an item to develop a process for soliciting/hiring professional services which hasn't been completed so she would like to get that on the radar. The report on audit of selected parcels which she asked about some time ago and that she believes is done and complete so when does Staff think that will get to the Board? In reviewing this Board packet, we need to put on our agenda some sort of discussion from Board members, what we want in our memos to the Board, as she thinks a reference to the Board policies and practices would be helpful. Also, she has been asking for financial analysis and some of our callers were asking for cost based analysis, which is very important, so she would like it if we, as a Board, could discuss what we want to see in memorandums. District

General Manager Winqest said that he will follow up with the Director of Finance on the parcels as well as follow up on professional services. Yes, it is beneficial for Staff to know what the Board would like to see in the memorandums as that would help Staff to get that feedback. Trustee Dent said he likes that idea and that he has three items to be added to the long range calendar that are coming through Audit Committee – meeting minutes of 3/11/2021 - page 89, consultant re: employee benefits; page 91, price all venues for non-profits; and then an item that was passed at today’s meeting – interviews dates and times for next Audit Committee member appointment which will be for a two-year term. Trustee Wong said she thought we needed to reschedule one of the May meetings. District General Manager Winqest said we are going to keep the May 26 meeting because of noticing, etc. of the public hearing.

G. DISTRICT GENERAL COUNSEL UPDATE (for possible action)

There is no District General Counsel update for this agenda.

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

H.1. Audit Committee Chairman Matthew Dent – Verbal Report on Audit Committee Meeting of April 29, 2021

Audit Committee Chairman Dent said that the Audit Committee reviewed the whistleblower program draft and that we are getting there. This item will be coming back to us in June and then it will be forwarded to the Trustees. On internal controls, we are making a little progress, Audit Committee At-Large Member Derrek Aaron is the liaison and that he has just started on this effort and that there was no update as he wasn’t present for today’s meeting. We also had the engagement letter with Davis Farr and the Audit Committee had a discussion with Jennifer Farr and we are awaiting an audit work plan. The next Audit Committee meeting is scheduled for June 9, 2021 at 4 p.m.

I. CONSENT CALENDAR (for possible action)

There are no Consent Calendar items for this agenda.

J. GENERAL BUSINESS (for possible action)

J.1. Review, discuss, and possibly authorize or approve:

- (A) Four contracts for the Burnt Cedar Swimming Pool and Site Improvement Project - Fund: Beaches; Project 3970BD2601. Vendor: CORE Construction in the amount of \$3,845,865 which includes adding alternates #1, #2, #3, #4, Tri-Sage Consulting in the amount of \$69,500, Reno Tahoe Geo Associates, Inc. in the amount of \$21,000, TSK Architects in the amount of \$105,680;**
- (B) Resolution Number 1886 authorizing a budget augmentation of \$1,000,000 from available funds within the Beach Capital Fund (Fund 590) in support of the Burnt Cedar Swimming Pool Renovation Project**

(Requesting Staff Member: Engineering Manager Nathan Chorey)

District General Manager Winqest said we got guidance from the Department of Taxation that is why we had the change to this item. Engineering Manager Chorey introduced CORE Construction representatives Travis Coombs and Daniel Salego, who gave a brief overview of the submitted material. Engineering Manager Chorey gave an overview of the submitted materials. Trustee Schmitz said, on agenda packet pages 167G and 167H, related to CMAR contingency, will any savings or approved value engineering be added to the contingency? On agenda packet 167G, it says CORE has say on the use and does the District have a change order process so we have some control as it says it is used at CORE's discretion so she is asking to have that modified so the District has more decision making on some of those things. Director of Public Works Brad Underwood said we have had that decision with CORE and there is an approval process so that oversight is included and that yes, we can have some modification to that language. Trustee Schmitz asked District General Counsel Nelson if that change could be made; District General Counsel Nelson said yes, we can make that change. Trustee Schmitz said on agenda packet page 21, on the cost sheet, there is a line item in the amount of \$175,000. It talks about it being reserves however it appears to be for things outside the construction project. Can this potentially be removed from this project because this is supposed to be about the pool? The painting of the building is part of maintenance and the fact that it says reserves, well, she needs clarification please. Engineering Manager Chorey said all the funds are for this project as we don't want to paint the building but the Tahoe Regional Planning Agency (TRPA) is requiring us to improve the value and it is a direct requirement of this project by TRPA. Trustee Schmitz said so it is not reserves but it is for other construction costs. Trustee Schmitz said

she does have questions about financing. We have to set aside the funds for the entire project and that she is concerned about what our fund balance is and are we still in compliance or below for our policy relative to the beach fund? Trustee Dent said agenda packet page 201 says it is time and material with a not-to-exceed – is that correct? Engineering Manager Chorey said yes, that is correct, time and material with a not-to-exceed. Trustee Schmitz asked if the bid sheets were acceptable from a contract perspective? Look at agenda packet page 192, used as a basically scope of work statement, other pages are letters, agenda packet page 199, that should have Exhibit A on the top of it is a letter, is this acceptable for a contract as well as legally acceptable to protect the District as far as a scope of work goes? District General Counsel Nelson said yes and that he is working with the Public Works team on updating and that it is very consistent with past District practice. Trustee Wong said thank you to Engineering Manager Chorey for fostering this project along and that it has been a pleasure to work with you; it is extremely exciting to vote on this project after all this work. Trustee Schmitz asked if the Director of Finance will be addressing the financial question? Director of Finance Navazio said regarding funds and fund balance question – as proposed, the project budget is built into next year's budget and one of the actions items tonight is to advance those funds. With this project, this year's budget, and what is proposed for next year, the Beach Fund is projected to end, next fiscal year, with a fund balance that continues to meet the current fund balance policy in the Beach Fund and to be clear, it is close. Also, this project is not dipping into the fund balance. Trustee Schmitz said she would like clarification as we can't talk about future funds, we can only talk about the funds that we have in this fiscal year's budget and so her question is in this fiscal year, she doesn't believe we have the funds to appropriate \$4.7 million to this and in addition what does it do to this fiscal year's fund balance? Director of Finance Navazio said we have been collecting monies this year through the increase in the beach fees, there is sufficient funds available in the fund balance, we are not asking nor is it required that the Board appropriate the entire amount of the contract, this is an early opening and that is what we clarified with the State of Nevada Department of Taxation just earlier this week so the funding plan is to advance no more than \$1 million that would be spent on this contract, and the small risk that the Board absolutely needs to be aware of is that the recommendation to proceed with the contract tonight presumes that the Board is going to approve next year's capital budget that will include the balance of the funding that is needed for the project. From a cash flow standpoint – we have the funds available, from a budget appropriations standpoint, the resolution that is part of this packet would provide the budget authority for the contractor's charges before the end of the fiscal year, we

would have the remaining portion, \$3.35 million, included in next year's budget, based on our estimates and at the end of the project, the Beach Fund is able to support the project and not dip into the operating reserve, and the current recommendation in front of the Board provides appropriate budget authority consistent with Nevada Revised Statutes (NRS) related to this kind of project. Trustee Schmitz said so this is something that you reviewed with the Department of Taxation and how this is being presented is all acceptable per NRS and the Department of Taxation? Director of Finance Navazio said correct, we explained the situation to the State and they are comfortable with the revised resolution. Trustee Dent asked if Staff will have the breakdown for this at the next meeting? Director of Finance Navazio said the budget workshop next Wednesday will include forecasts and projections for each of the major funds, including the Beach fund, as well as projections on ending this fiscal year and that he is not sure about the additional breakdown. Trustee Dent asked if we have enough time to update this information such that we aren't getting an addendum to the packet? Director of Finance Navazio said yes. Trustee Schmitz said on page 167, I., it talks about what is excluded and it talks about lifeguard chairs, reels lane markers, and such so are all those types of things included in our estimated project budget? Engineering Manager Chorey said yes those items are included in our reserves because IVGID can procure those items less expensively ourselves. Trustee Schmitz said on page 167D, it talked about carpentry, interior, etc. what is that for? Engineering Manager Chorey said we are going into the mechanical room for the pool and we are going to have to totally reorient that room. Trustee Schmitz said if we approve this as it states with all the alternatives or will the alternatives come back up for discussion at a later date and time. Engineering Manager Chorey said we are recommending approval tonight and you are welcome to discuss them. The concrete color will be discussed further as there is a small sample that is forthcoming that we are going to review and approve. Trustee Schmitz said the concrete is sort of a Tahoe color and that is the color of our rocks. Engineering Manager Chorey said that is why we are having them pour a standard concrete sample next to the color concrete square, solicit feedback and make a decision.

Trustee Wong made a motion to:

1. Award a guaranteed maximum price construction contract to CORE Construction in the amount of \$3,749,404, consisting of a \$3,508,440 base contract and \$240,964 for CMAR Contingency and allowances, for construction of the Burnt Cedar Swimming Pool and Site Improvement Project.

2. Award add alternates #1, #2, #3 and #4 to CORE Construction in the amount of \$96,461 for the Burnt Cedar Swimming Pool and Site Improvement Project.
3. Authorize Chair and Secretary to execute the contract based on a review by General Counsel and Staff.
4. Authorize Staff to approve all change orders associated with the contract and the CMAR contingency and allowances.
5. Authorize Staff to utilize construction reserves for additional work, permit fees, and District furnished material/Furniture, Fixtures and Equipment (FFE) up to \$160,000.
6. Authorize Staff to enter into a Short Form Agreement with Tri-Sage Consulting in the amount of \$69,500 for services during construction of the project.
7. Authorize Staff to enter into an Additional Services Addendum with Reno Tahoe Geo Associates, Inc. in the amount of \$21,000 for services during construction of the project.
8. Authorize Staff to enter into an Additional Services Addendum with TSK Architects in the amount of \$105,680 for services during construction of the project.
9. Approve Resolution Number 1886 authorizing a budget augmentation of \$1,000,000 from available resources within the Beach Capital Fund (Fund 590) in support of the Burnt Cedar Swimming Pool Renovation Project.

Trustee Tonking seconded the motion. Chairman Callicrate asked for further comments, receiving none, he called the question – the motion was passed unanimously.

Chairman Callicrate called for a break at 7:33 p.m., the Board reconvened at 7:47 p.m.

J.2. Review and discuss and possibly authorize or approve: (revised at the start of the meeting – Approval of the Agenda)

- (A) Two contracts for the Recreation Center Upstairs Lobby Restrooms Remodel - 2020/2021 Capital Improvement Project: Fund: Community Services; Division: Water; Project 4884BD1902. Vendor: Avail Construction in the amount of \$159,832.40 and Ward-Young Architecture in the amount of \$20,487;**
- (B) An additional \$52,556 be authorized from the Community Services Fund Balance to increase the project budget; and**
- (C) Resolution Number 1885 authorizing a budget augmentation of \$52,556 from available resources within the Community Service Capital Fund (550) Fund Balance to augment the Recreation Center Restroom Remodel project budget**

Requesting Staff Member: Engineering Manager Nathan Chorey

Engineering Manager Chorey gave an overview of the submitted materials. Trustee Schmitz said, if we go to agenda packet pages 463 and 464 of the Board packet, this is the process for doing our capital expenditures, on agenda packet page 463, it highlights the Trustee's responsibility to design and specification. It was within some spending authority, but the Trustees have the oversight for design specifications, etc. and we are in the same place with locker room project and the Trustees haven't been involved with the design, prioritization or anything that so let's take these projects and back them up a bit and see if the Board agrees with the projects and design specifications and look forward to agenda packet page 464 – acquisition – it is the Trustees' responsibility to award contracts, and we got ahead of ourselves as the spending authority doesn't supersede the process for capital projects. Chairman Callicrate said that Trustee Schmitz makes good points. We need to get to where we can live and breathe under our policies and that this is a little bit of the cart before the horse. Trustee Schmitz said that is why we should discuss them. Go to agenda packet page 204, it talks about the strategic plan and that if we are really here to abide by our policies and practices. Chairman Callicrate said to that point, the Board needs to be more clear and concise to Staff and that this has been issue for the last several years. There have been inconsistencies in our Board policies, so postponing it to the next meeting so we can be abiding by our Board policies is the right thing as we are in a conundrum right now. Trustee Dent said Trustee Schmitz is spot on as we haven't seen this so it is the cart before the horse. Also, and this is a technicality, the fund is water. Engineering Manager Chorey said that is a mistake. Trustee Dent said he didn't have time to go by there and see why this is so expensive for how small that space

is – what is the square feet? He can't understand how the price got to where it is. It would be nice to have a complete package and that has been a part of a previous budget so we understand what we are getting into and a priority for the District. Is this needed now – don't know? Is it worth paying \$200,000 for a couple of restrooms – seems expensive and we don't know the square footage. District General Manager Winquest said he is not discounting Trustee Schmitz, but that this is a problem and our Board policies make it extremely difficult for Staff to do our jobs. He should have the authority to do this design project. When the packet came out, Staff let the Board members know that they can come by and look at it; none took us up on that offer. Trustee Dent said to refer to it as just a couple of restrooms is an insult to the public as these are 30 year old bathrooms. He understands the frustration with not seeing the design, there was a good job done with the design, and that he has no problem with not seeing the design specifications and validate that. District General Manager Winquest said he is frustrated as we keep running into these issues and that as Staff, we need clear direction so we don't have to go through this process. Frustrated because our policies just make it really challenging to sort through and do our jobs. Chairman Callicrate said he knows that the terminology used and that this is why policies need a thorough reviewing and vetting. We need best management practices and what makes sense for 2021. We still have valid points, and that these have been added to, subtracted from, and cobbled together so we need consistency. Trustee Wong said one, understanding from our Staff, they have laid out the ideal timeline, and given the holidays during the summer and not starting construction, what are the implications for delaying and what is the drop dead date for making this decision and then a comment that we are getting so caught up on how policies and procedures are written and that we are not making good governance decisions. We all know that we have problems with policies and procedures but we need to make good governance decisions. There is an issue with those bathrooms so let's not hamstringing ourselves from making good decisions. Engineering Manager Chorey said we scheduled 50 calendar days for construction, so depending on review, 50 days beyond on that. The two projects cannot happen concurrently rather they have to follow each other. We have to sit down with the team to see what the peak season is. District General Manager Winquest said if we are going to push or cancel, we will work through it. The idea was to get it done prior to us getting us back to 100% open early summer. We will make it work if you want to delay the project. Trustee Tonking said thank you for doing this and that those bathrooms are tight and that is a little concerning. Yes, the bids are high but we are doing something for the next 30 years and we should be doing something that will last that long and not shorting that effort. In the

community, the infrastructure in the Recreation Center is a big complaint and we need to make sure that we are moving it along on the correct path. Trustee Schmitz said to address both General Manager Winqest's comment and Trustee Wong's comment about hamstringing or that the General Manager is talking about that this is always happening; this is the first time that this has ever happened. We have, as this Board, since she has been on this Board, we have used the design process, even with the CMAR project, we have talked about design then we go to construction so she doesn't think it is anything unusual or abnormal or difficult to provide the Board an opportunity to weigh in on design and to make sure that it fits in with prioritization efforts. She thinks the issue we have been having with Board packets is that they have been missing materials and she doesn't think that in this case, since she has been on the Board, we have ever had a situation where we are approving a construction contract and we have not seen a design. She doesn't think that this is always happening and that she thinks this is a one off and that it might have been anxious because it needs to be done. She did go over and reviewed the restrooms situation and the locker room situation so she doesn't appreciate of kind of being accused that she didn't. District General Manager Winqest apologized as he was not aware that you went over. Trustee Schmitz continued by stating that she did go over there and to her, she and the District General Manager have talked about the locker rooms for quite some time and she truly sees a need in the locker rooms and if costs are so high and we get a really high bid for the locker room it may be that, as a Board, we potentially could maybe decide to defer this once we understand what it is we are designing and what is the scope of it. So she thinks what is being asked is reasonable and it is realistic and she doesn't see anything wrong with saying that the Board of Trustees should weigh in on the design of projects and that if there is potentially some definition needed about how big the project is or some dollar value of the project that if those refinements need to be made, based on feedback from the General Manager, well then we can revise our policies. But she thinks, in some regards, doing those restrooms construction in the middle of summer when it is very, very busy over at the Recreation Center, it might be better for the general community to not have it being done at the peak season over at the Recreation Center with people coming in relative to summer activities. So, she just wanted to share her thoughts. District General Manager Winqest said he wants to apologize to Trustee Schmitz as he wasn't aware that she over and thank you for going over at taking a look at the restrooms. The summer is the slow season because everyone is outside doing their exercise and there is no good time to do the locker room project. Trustee Schmitz said that's okay and maybe it won't be so busy because we are limiting punch card purchases and that she is remembering

the line out the door. Engineering Manager Chorey said on June 9, we were asking for authorization for the locker room project and the Slott Peak waterline project so should be of those be agendized to review the design? Should utility projects be included as he just wants to be clear on direction? Director of Public Works Underwood said that is his concern as he thinks the General Manager is just trying to make it easier on the Board and Staff because if he goes back to 3.8.6 as pointed out by Trustee Schmitz, he would read it a little bit differently because general oversight of the project design specifications doesn't mean we bring it back to you, happy to do that if that is what you would like us to do. That means more to him that the Board is approving the budget, seeing the project sheets, and that is really the responsibility and then you read the next step down and that is that the General Manager who ensures the design and specifications correlates to the capital projects and that if you want to move the General Manager duties up to the Trustees duties, we can do that and bring it back to you before we bid the project and it would be nice for all of us to know what the process is so we can follow it and not having this discussion. Trustee Dent said when it is Recreation that is when we look at design stuff, and that what he remembers is discussing the effluent pipeline and that those are more questions than anything and that he thinks it is more about Recreation and he thinks of the Tennis Center, Incline Beach House, and the Mountain Golf Clubhouse and that all of those the Board weighed in on the design and maybe we could put a dollar threshold to it because a little paver replacement project out in front of the Recreation Center, he doesn't think that any of the Board members want to see your design for that and that it is more of the stuff that we are going to get questions about and he feels like the restrooms down at Ski Beach, same thing, right, so all of those things have come back to the Board and he doesn't know if it is necessarily needs to cross the lines to Utilities but that is just his input on it. Trustee Schmitz said that is exactly what she was going to say and that in all of our policies, Utilities is not thought about so she thinks that the Engineering Manager's question was a really good one and that when we review these policies we need to be clear of whether we are talking about Utilities or Community Services and the beach or all of the above so she agrees with Trustee Dent's comment. District General Manager Winquest said that he agrees with Trustee Dent as well and that the reason the Board saw those is because the design costs were above the General Manager's authority. Chairman Callicrate said that talking about wastewater, waste, etc. isn't the most exciting to most people whereas a new building, pool, or whatever usual gets a little bit more attention. Also, in the public works arena, those projects come in at quite a large price notwithstanding that the Burnt Cedar pool is at a certain level. We have quite a discussion about this discussion only item

and what we should do is bring it back to our next meeting which will postpone it for two weeks and that we need to get it on an aggressive schedule and then being on a proactive schedule with our venues/amenities.

J.3. Review, discuss and possibly approve an emergency resolution (Resolution Number 1884) that temporarily limits access to the beaches, located in Incline Village, Nevada known as Incline Beach, Burnt Cedar Beach, Ski Beach and Hermit Beach, provides for possible occupancy limits, provides discretion to limit, restrict, and/or cancel any and all group picnic reservations, place a limit on the purchase of punch cards, and provides for a method to make necessary and immediate changes with a communication process to the Board of Trustees – Effective Date April 29, 2021; End Date December 31, 2021 (Requesting Staff Members: District General Manager Indra Winqest and Parks & Recreation Superintendent Shelia Leijon)

District General Manager Winqest gave an overview of the submitted materials. Chairman Callicrate said thanks for taking the data and it is the right thing to do and error on the side of caution and look after our property owners, residents and guests so they can have a safe and enjoyable experience. He likes the idea of capping the punch cards, majority of the community is in full support of the restrictions in the resolutions as well as the cap on the punch cards, and the cashless payments. Thanks for addressing it now and tightening it up. Trustee Wong said she supports this and we need to figure out how to make some of these things permanent. Can one reload the punch cards, with the cap, and how are we going to treat the reloads? District General Manager Winqest said we can't reload the cap rather we issue a new card. We are having the discussions with the General Manager's Ordinance 7 Committee and shifting to additional guest access and another card. The parcel owner gets five issuances, punch card is 1/5 of the Recreation Fee, remember that a lot of people don't use them just for the beaches as they use them for other venues, people are going to have make a decision on where they use them, and if you cap them, you won't be able to bring guests to golf or beaches which triggered the credit card payment of guests. Prior to last year, a resident could buy as many daily access tickets to the beaches and we are recommending eliminating them. Trustee Wong said what about limiting the beach access card, etc.? District General Manager Winqest said he doesn't know if we could do that but we can look at it with the General Manager's Ordinance 7 Committee. Trustee Wong said punting it to the future is fine. Trustee Dent said he is in favor of this resolution and making the adjustment to last year. He is also

excited about the work that the Ordinance 7 Committee is doing. We have learned about the silver and gold cards over the past 6 months so we should limit access to employees; that should also be done and he is favor of adding that to the resolution. Trustee Tonking said she is in favor of this as it is a good way to contemplate to keep our beaches safe and well as our community. On average, how many punch cards were purchased? Parks and Recreation Superintendent Shelia Leijon said there were 158 in 2018, 180 in 2019, and over 2,000 in 2020. Trustee Tonking said she knows that the Ordinance 7 Committee is looking at this. To Trustee Dent's point, she is not sure how comfortable she is in restricting employees and that it is not the time with recruitment challenges. She is not sure with that aspect at this moment without further research. Trustee Schmitz said relative to Trustee Dent's point, it is a valid point. There are two issues – keep people safe and limit access. We are doing a lot of changing for our parcel owners, parcel owners have been understanding, it has been identified the importance of abiding to our beach deed, and limiting our silver and gold employees who are non-residents, and not only residents, but employees. Agenda packet page 388, paragraph 7., allows the General Manager make amendments with the Chair of the Board. As the General Manager mentioned, he gets pressure. The beach deed says that the Board of Trustees have the ability to limit so paragraph 7. should be stricken because it conflicts with the beach deed and it will reduce the pressure on the General Manager. We don't have any other ordinances or policies that the General Manager can amend. It is her recommendation, as she is fully in support of this, to add Trustee Dent's modification about silver and gold cards and that paragraph 7. be removed. Chairman Callicrate said that there is nothing in here about gold and silver cards or being too narrow with the resolution and that we don't want to get an Open Meeting Law complaint so he would like District General Counsel to weigh in. District General Counsel Nelson said, consistency with the beach deed and being consistent with Ordinance 7 itself, while the District General Manager can't do anything that is inconsistent, the Board can delegate to the District General Manager and that is what that language references. He will need to get back to you on gold and silver cards. Trustee Wong said that the COVID is extremely fluid and the Board is just giving the authority in consultation with our Chair and that she trusts them both to make directions especially how fluid the situation is and how the changes are occurring. District General Counsel Nelson said that the agenda item does allow occupancy limits so it is within the scope of the agenda item. Chairman Callicrate said it is still a work in progress and that he would defer to the General Manager's Ordinance 7 Committee as there is more to it. These people got these privileges and then to have them taken away, well, he doesn't want to be too presumptive by acting as he knows that we have deed

restricted beaches that are for property owners and guests. Is this opening up a potential situation legally? District General Counsel Nelson said we have been looking at this issue in preparation of an upcoming agenda item, and it is not an entitlement or property right, it can be removed, the point is well taken and he is not prepared and there is already an agenda item set for May 12 and that it can be addressed at that time. Chairman Callicrate said we are all in support of the resolution and to Trustees Dent and Schmitz point's, bring it back on May 12 and we can modify it then as he is trying to be really careful on this and wants to be restrictive but doesn't want to set us up for a legal issue. Trustee Schmitz said she just wants to point out that she agrees with all of the statements made and that the same concerns can be turned around to parcel owners as we are asking for changes with parcel owners so she wanted to point out that those same assumptions pertain to parcel owners. Chairman Callicrate said that they are not mutually exclusive, he doesn't want to act rationally in one area and then back up. Trustee Schmitz said that this coin has two sides, that we are all in this together, and that it is multi-faceted and all need to be making some concessions. District General Manager Winquest said District General Counsel will be presenting all the background material, up to this point, and that he is a non-resident employee and if you are worried about silver and gold card access it was about 30 employees last year and employees were less than 2% of the visits. Worried about silver and gold passes, he thinks they are residents and that they can use those passes as he doesn't want the community to think we get a lot of visits. Trustee Schmitz said then it is an easy gesture and a compromise all the way around.

Trustee Wong made a motion to that the Board of Trustees makes a motion to adopt Resolution 1884 – an emergency resolution that temporarily limits access to the beaches, located in Incline Village, Nevada known as Incline Beach, Burnt Cedar Beach, Ski Beach and Hermit Beach, provides for possible occupancy limits, provides discretion to limit, restrict, and/or cancel any and all group picnic reservations, place a limit on the purchase of punch cards, and provides for a method to make necessary and immediate changes with a communication process to the Board of Trustees – Effective Date April 29, 2021; End Date December 31, 2021. Trustee Tonking seconded the motion.

Trustee Schmitz said she thought that we were bringing this back to include the things that Trustees Dent and Schmitz wanted. Chairman Callicrate said he has asked for a legal opinion, this would be an additional to, and Counsel is bringing back an opinion, and then that would be put into this resolution

for operations; that was his direction. Trustee Wong said that she concurs. Trustee Tonking said she concurs and then we amend and act at the next meeting. Chairman Callicrate said we need to get this place and then do any additional tweaking when we will have that legal opinion on May 12. Trustee Tonking said this gives us time to amend it going forward with the relative information. District General Counsel Nelson said we can bring a draft amendment on May 12. Chairman Callicrate restated the information to date. Trustee Schmitz said she doesn't feel paragraph 7. is in alignment with any other policies and the beach deed specifically says it is the Board that controls the beaches. We have Zoom and technology so it is not difficult to schedule an emergency meeting, so it is paragraph 7. that is her concern right now. Chairman Callicrate said our legal counsel answered that and what our beach deed states and how we delegate our authority to the General Manager and that he doesn't know where the misunderstanding is and our legal counsel made it clear that the language is clear and consistent with Ordinance 7. District General Manager Winqest said that is the reason it is in there and asked Trustee Schmitz what is her concern and is it about decision making? Trustee Schmitz said she is concerned with compliance with our policies and that the Board approves policies. She is trying to adhere to what our policies are and that she is not trying to make trouble. One of the issues within Ordinance 7, and it has always had this problem, is that the Board is the decision maker and to suddenly go and delegate it, it puts pressure on the General Manager. It is an element of this, it is the policy, and the Board of Trustees is the body that oversees it. She has no issues with the General Manager and Chair, as you can't make changes, and that is for the Board to decide. We need to tighten up and adhere to our ordinances. District General Counsel Nelson said there may be some miscommunication as we only adopt rules that the Board has set up. The language from Ordinance 7, sort of what is the appropriate level, etc., and there will be little things that come up and this language allows him to do that sort of stuff. Trustee Dent said he would fine supporting this resolution given that we are bringing back the gold and silver passes and the non-resident employees and having a resolution prepared; he is in favor of it.

Hearing no further comments, Chairman Callicrate called the question and the motion was passed unanimously.

- J.4. Review, discuss and possibly approve recommended Beach Venue Rates to include Adult Beach Guest Access, Kayak Storage, Paddleboard Storage, Daily Boat Launch Fee, Season Pass Watercraft Launch Fee, and review, discuss and possibly approve revisions to the Season Watercraft Launch Pass Form**

(Requesting Staff Members District General Manager Indra Winquest and Parks & Recreation Superintendent Shelia Leijon)

District General Manager Winquest gave an overview of the submitted materials. Trustee Schmitz said if you have a policy, you have a policy. The ramp privileges should say "...will be revoked" and if residents are abusing this privilege then it is a recreation privilege violation so what do we do? In pricing, we haven't really done a cost analysis. We are hitting our parcel owners with higher fees and why we are doing it? She would like to have some discussion as a \$2 increase is 10%. Every time we launch a boat, there is manual labor, pay a launch fee and move on. District General Manager Winquest said regarding the season pass, users scan, launch and they go which is an efficient way to move them through the ramp. As to the increase in pricing, we have already paid for the racks. Staff just needs clear direction and it's just about having an understanding of what is the expectation. A lot of people are really irritated about being on a waiting list. We have found people who are subletting their spots which is hard to catch. We have people who aren't using them but they are subletting them to someone else who has access. These situations don't give an opportunity to another who has been waiting. Staff is fine with grandfathering and that is a good compromise. No one has purchased a winter rental. Staff understands the program and in talking with everyone and what we are bringing is in the best interest of the District and the majority of the community. Whatever we do, no one is going to be 100% happy, however there has to be some compromise, decisions have to be made, and Staff fully understands that these are difficult items to bring forward as we know there is some division. Trustee Dent said he is fine with most of the rates, however, in the future, please do a little bit better job of tying to the costs, re-evaluating every year, and updating. When it comes to the annual boat launch pass and in comparing that to the paddleboard pass, it just seems there are more costs with launching a boat than someone who walks in and places a paddleboard into the water; it just seems a lot more expensive with boat launches. District General Manager Winquest said yes, you are correct there are more costs with the boat ramp as compared to paddleboards and Staff is trying to go with incremental price increases. Trustee Dent said he would like to see that rate increased to \$250 as it would be interesting to see where that tipping point is. He understands and is just curious to see where we push that rate to and either users are paying or residents are paying. Chairman Callicrate said if commercial businesses are doing what they are doing on a residential pass, well, it is 2021, and we have to buckle down as the community has spoken and they are not happy with 30% of our boat launches going to commercial. We all know them and they are all great

people. The community is subsidizing or the users are taking on more of the burden – kayak and paddleboard. If someone is subletting their space, we don't want to get to that. It has gone on and it is hard to oversee and with this going on and a 5-year waiting list, we are not charging enough and incremental increases are good.

Trustee Wong made a motion to:

1. That the Board of Trustees makes a motion to approve the following recommended rates for 2021-2022 Incline Beach Operations including:
 - Adult Daily Beach Guest Access - \$15 per adult (non-peak/peak)
 - Kayak Storage - \$275 – *beginning May 1, 2022*
 - Paddleboard Storage - \$195 – *beginning May 1, 2022*
 - Daily Boat Launch Fee - \$22 per launch
 - Season Watercraft Launch Pass Fee - \$195 per annual launch pass
2. That the Board of Trustees makes a motion to approve the 2021 Annual Watercraft Launch Pass form effective May 1, 2021.

Trustee Tonking seconded the motion.

Trustee Schmitz asked if the language on the form is being changed from “may” to “will”? Trustees Wong and Tonking both said yes. Trustee Dent said that he thinks that we are missing an opportunity when it comes to the annual boat launch pass pricing.

Chairman Callicrate called the question and Trustees Wong and Tonking voted in favor of the motion and Trustees Schmitz, Dent and Callicrate voted opposed to the motion. The motion failed.

Trustee Dent asked that the boat launch fee be increased to \$250. Trustee Schmitz said that is 11 launches. Trustee Tonking said that the average launches are 9.6 and that she would feel better going to \$225.

Trustee Tonking made a motion to:

1. That the Board of Trustees makes a motion to approve the following recommended rates for 2021-2022 Incline Beach Operations including:
 - Adult Daily Beach Guest Access - \$15 per adult (non-peak/peak)
 - Kayak Storage - \$275 – *beginning May 1, 2022*
 - Paddleboard Storage - \$195 – *beginning May 1, 2022*
 - Daily Boat Launch Fee - \$22 per launch
 - Season Watercraft Launch Pass Fee - \$225 per annual launch pass

2. That the Board of Trustees makes a motion to approve the 2021 Annual Watercraft Launch Pass form effective May 1, 2021 and that the word “may” will be changed to “shall”.

Trustee Dent seconded the motion. Chairman Callicrate, hearing no further comments, called the question – Trustee Schmitz voted opposed and Trustees Tonking, Wong, Dent and Callicrate voted in favor. The motion passed.

Chairman Callicrate called for a break at 9:30 p.m.; the Board reconvened at 9:40 p.m.

- J.5. Review, discuss, and possibly approve a new current year CIP Project (# 4588RS2101) to convert Tennis Court #9 to four dedicated Pickle Ball courts, to be funded from the reallocation of capital funding originally approved for Tennis Court Resurfacing (CIP #4588RS1401), in the amount of \$17,600. (Requesting Staff Members: District General Manager Indra Winqest and Parks & Recreation Superintendent Sheila Leijon)**

District General Manager Winqest gave an overview of the submitted materials. Chairman Callicrate said he is in support of accommodating more pickleball players and that it is nice to see the Tennis Center hopping up there. He would like to address a few of the concerns for the tennis players – one of the courts has cracks and dead spot – scheduled for resurfacing this year? Knows that because of the sun beating down on the courts. Is it possible to put a sunshade up there and how high up it would need to be – have we looked into that and making that court more accessible? He doesn't know how it would be done or what it would entail. He is sensitive to the concerns of the tennis community and understands the balance acting with

an unutilized facility. District General Manager Winqest said crack filling – courts 1-7 were built in the mid-70s, the foundation struggles, been talking to Staff about replacement, do get cracks every year and we do budget for crack filling on an annual basis. The same contractor that does the conversion will do this work, it will be done in late May/early June and yes, this year, Staff noticed some pretty big cracks. Sun and shade – with the current height of the fencing, we would have to do some structural work and those types of sunshades can get damaged during wind. Is it possible? Yes, we can look at it and the sun is hardcore at 6,200 feet. Chairman Callicrate asked if we can take an another look at that idea.

Trustee Wong made a motion to re-appropriate \$17,600 from 2020/21 Capital Project #4588RS1401, Resurface Tennis Courts 8 -11 budgeted at \$17,600 to a new Capital Project (CIP #4588RS2101) to convert court 9, at the IVGID Tennis & Pickle Ball Center, to four (4) dedicated Pickle Ball courts. Trustee Dent seconded the motion. Chairman Callicrate asked for any further comments, hearing none, he called the question – the motion was unanimously passed.

J.6. Review, discuss and possibly award Emergency Construction Contracts for Reconstruction of Sewer Pump Station #13 – Fund: Utilities; Vendor: San Joaquin Electric in the amount of \$89,500 and Burt and Burt, Inc. in the amount of \$12,000, and authorize budget augmentation of \$146,550 within the District’s Utility Fund (Fund 200), to support total project costs (Requesting Staff Member: Director of Public Works Brad Underwood)

Director of Public Works Brad Underwood gave an overview of the submitted materials. Trustee Schmitz asked if our insurance is covering this at 100 percent and have they approved these bids? Director of Public Works Underwood said he is not sure it is at 100 percent, they have approved the bids, and we will continue to provide information to them to get full costs. Trustee Schmitz asked if it is a full cost recovery? Director of Public Works Underwood said yes, working through with them as they have a concern about the upgrading of the equipment because it is old, and they are asking about the roofing. We are doing everything we can to get full cost recovery on this item.

Trustee Wong made a motion to:

1. Award Emergency Construction Contract for Reconstruction of Sewer Pump Station #13 – Fund: Utilities; Vendor: San Joaquin Electric in the amount of \$89,500.
2. Award Emergency Construction Contract for Reconstruction of Sewer Pump Station #13 – Fund: Utilities; Vendor: Burt and Burt, Inc. in the amount of \$12,000.
3. Authorize a budget augmentation of \$146,550. within the District's Utility Fund (Fund 200), anticipated to be fully-reimbursed by insurance proceeds, to support the reconstruction of Sewer Pump Station #13.
4. Authorize Staff to execute the contract documents.

Trustee Tonking seconded the motion. Chairman Callicrate asked for any further comments, hearing none, he called the question – the motion was unanimously passed.

J.7. Review, discuss and provide feedback on potential revisions to selected Board Policies and Practices:

- (A) Capitalization Policy - (Board Policies 8.1.0 and 9.1.0, and Board Practice 2.9.0)
- (B) Capital Planning, Capital Budgeting and Capital Expenditures (Board Policy 12.1.0 and 13.1.0 and Board Practice 13.2.0)
- (C) Fund Balance Policy - (Board Policy 7.1.0 and Board Practice 7.2.0)
- (D) Working Capital Policy - (Board Policy 19.1.0 and Board Practice 19.2.0), and
- (E) Central Services Overhead - (Board Policy 18.1.0 and Board Practice 18.2.0)

(Requesting Staff Member: Director of Finance Paul Navazio)

Director of Finance Navazio gave an overview of the submitted materials. Trustee Schmitz said tonight when we met with our new auditor, we were asking some questions related to this. It was very clear that they are not providing guidance or internal controls and all they can do is to assess or abide by those thus she is concerned about assistance from auditor. Director of Finance Navazio said that the context of her comments is that she won't

tell us what our policies will be. Everyone has been fairly generous in providing policies from their clients that they believe are robust templates and the other was filling in the amount. The auditors are not in a position to tell us what the threshold should be, however, they have been very generous in providing examples related to our existing policies. These things should never be considered in stone and with the Board's help, we can implement new policies and then update. The starting point is wipe slate clean and touch on issues that need to be done. Trustee Schmitz said on agenda packet page 469, that wasn't included here, is that something that is already completed as she is confused by that one. Director of Finance Navazio said we still have work to do, have a good start on it, we have updated some rates, this is an ongoing discussion, and will need to have a discussion about pricing. It is an ongoing effort and our feeling is have had good discussions and that needs to continue. Trustee Schmitz said that you will be incorporating the suggestions of Moss Adams on updating the formula etc. on the cost allocation determination? We need to have a more robust determination on what to allocate. Director of Finance Navazio said there are two parts to that update and one is having the mechanics and this is an area that we should and will be looking at. However, in the current budget process, have done a little bit of that, including what costs should be or shouldn't be included, and it really needs to mesh with that overhead recovery policy or take advantage of our General Fund not having an aggressive need and it is probably Phase 2. Trustee Wong said as you get into leases, let her know as she can assist. She can tell that a lot of work went into this. Trustee Tonking said thank you to the Director of Finance for all the work and it is a really good way to think through them. Chairman Callicrate said he agrees. Director of Finance Navazio said that there is still work to be done, there is a goal to have a formal review initially updated going into the new fiscal year, by taking it incrementally we will get there, and he hopes that the Board is supportive of coming back in May or June with some of these. Chairman Callicrate said yes and that he is looking forward to having better consistency.

K. APPROVAL OF MINUTES (for possible action)

K.1. Meeting Minutes of April 14, 2021

Chairman Callicrate asked for changes, none were received so the minutes were approved as submitted.

L. REPORTS* (Reports are intended to inform the Board and/or public)

There are no Reports for this agenda.

M. FINAL PUBLIC COMMENTS*

Margaret Martini passed on her opportunity to speak.

Aaron Katz said he found it very interesting how the General Manager got all frustrated when the subject came up about the bathroom remodels at the Rec Center and supposedly Staff didn't know what to do. The problem we have is Staff has its own agenda and they use the Board as nothing more than a rubber stamp and the moment there is any pushback or objection, Staff gets frustrated and that is exactly what we saw – pushback, frustration. And then he heard something very interesting and he hopes he got this right, Staff was talking about that we have already paid for the design on the locker room remodel project and it is currently out for bid and we wanted to coordinate the work with the bathrooms at the Rec Center. He could be mistaken but this Board hasn't approved the locker room remodel project, it is one of the projects on the tentative capital improvement budget that according to Staff is nothing more than a placeholder. This Board hasn't approved that project. So what is staff doing going out to spend money for design work? And what is Staff doing sending it out to get bids? This is just an example of they do what they want to do rather than what the Board directs and it is part of our frustration. He is also concerned about the fact that we have all these permanent projects that are out there that is just lining up - for the bathrooms, then the locker room, and that is just over \$1 million at the Rec Center. To quote our General Manager, looking at it as a business, what should we do? Well, in his opinion, we should just shut down the Rec Center, we can't afford it, these projects keep coming up year after year for millions and millions of dollars, running all of these at an operational loss, and at the end of the day, you are just coming back to the property owners to subsidize the losses and it is totally wrong. Take it to every business and at some point in time, you just have to say and you need to become fiscal responsible.

Cliff Dobler said at the beginning of today, he talked about that he thought the rates for couples versus single people was quite discriminatory because the couple rates give a substantial discount to the second person in the couple. Now first of all, he doesn't even know what a couple means. In today's world, that could be a wide range of a number of things – he could hold Tim Callicrate's hand and he would guess they would be a couple. But at any rate, what he found interesting during this whole evening was that he went through the four main venues and at the Rec Center, as he said, the

single rate is \$525 but there is a \$223 discount given to the second person of the couple which is 42% off the single rate. He doesn't understand why they would get that amount of a discount when they are using the same facilities that a single person is using. We going over to golf, and he is talking about the all play pass there and the single has to pay \$2,965, a couple, for that second person its \$1,150 or 38% off and then the Tennis Center is not as bad as the single person has to pay \$380, the couple gets \$30 off for the second person which is 8%. Now what is fascinating is that nothing is given at Diamond Peak for couples at all. In fact, there is no couples rate. So he would like to understand as they hit the same golf balls, they make the same number of divots and that he would say that woman have a few more divots then men, if that is a couple, and he doesn't understand how this can even happen because it is so discriminatory. His wife is a little older than he is and she doesn't use the facilities as much as he does and why should a couple that can use the facilities and use all of them be able to get such a large discount for the second person; he just doesn't understand why that would even be acceptable. The second thing he wanted to say is on the bathrooms, the General Manager said something very fascinating to him, he said well he has authority under the issuing of a contract under 3.1 because the design was less than \$50,000 so therefore he doesn't have to comply with 13.1.1 and 12.2 because somehow the contract that he was able to issue trumps the policies so therefore that's why we didn't do what we were supposed to do under the two policies and he thinks what he was trying to do was to conflate two different things.

Denise Davis said that she hopes that all of the Trustees have heard the news that the Washoe County Commissioners did not approve funds for the mobility hub proposed for the old elementary school site mainly due to a technicality. This is only a delay, not a defeat. Commissioner Hill announced Wednesday, at TRPA's Governing Board meeting, that the funding will again by on a Washoe County Commission agenda in May. General Manager Winquest has told Commissioner Hill and TTD District Manager Carl Hasty that one of the problems that this location poses for IVGID is our Staff dealing with even more public trying to access our private beaches. His comments seem to have fallen on deaf ears. She also wants to share that the vast majority of TTD discussion is about the Incline hub serving as "additional parking for Sand Harbor". When Sand Harbor gates are closed, where do you think those people will head? Why does Incline need to serve as a solution to a Nevada State Park problem? Be wary of promises to consider other locations for this hub. Mr. Hasty has already stated in public meetings that no other site meets his criteria for a hub. She urges the Board

to contact Commissioners Hartung, Herman and Lucey to explain the District's concerns directly.

Chairman Callicrate said he would just like to make a comment to what Mr. Dobler said – Mr. Dobler you won't be holding his hand because he isn't his type and he just wanted to clarify that right now. Trustee Wong said that she is glad that Chairman Callicrate is taking a lot more lightly than she is but she found his comments extremely sexist and racist and she is extremely offended and she is absolutely appalled that he is a member on our Audit Committee. Trustee Tonking said that she seconds that and that it is very offensive to many members on our own Board so she would like to make that very clear. General Manager Winquest said it was absolutely unacceptable that this man is on our Audit Committee. District General Counsel Nelson said you are allowed to briefly respond and to discuss items that came up during public comment but you can't deliberate and we are starting to trend towards a deliberation.

[Post Meeting Note: At the May 26, 2021 Board of Trustees meeting, District Clerk Herron stated that Trustee Wong had asked that the word "racist", in her comment above, be removed and replaced with the word "homophobic"; no Trustee objected to the change and the minutes were accepted as amended.]

N. ADJOURNMENT (for possible action)

The meeting was adjourned at 10:41 p.m.

Respectfully submitted,

Susan A. Herron
District Clerk

Attachments*:

*In accordance with NRS 241.035.1(d), the following attachments are included but have neither been fact checked or verified by the District and are solely the thoughts, opinions, statements, etc. of the author as identified below.

Submitted by Lynn Whetstone – E-mail dated April 28, 2021

Submitted by Aaron Katz – Written statement to be included in the written minutes of this April 29, 2021 regular IVGID Board Meeting – Agenda Item J(5) – Converting an unnecessarily budgeted Tennis resurfacing capital improvement project ("CIP") to an equally unnecessary pickle ball court conversation rather than returning the funds to the owners of the local parcel/dwelling units who were involuntarily assessed based upon Staff's representation of the former

Herron, Susan

From: LYNN WHETSTONE <lwhetstone@prodigy.net>
Sent: Wednesday, April 28, 2021 8:32 PM
To: Info_at_IVGID
Subject: Comments regarding Item J.5 on April 29th meeting agenda re: new pickleball courts

Follow Up Flag: Follow up
Flag Status: Completed

Dear IVGID Board Members,

I support IVGID's efforts to protect the health and safety of Incline residents on the beaches as described in Item J.3 of this agenda. However, the proposal contained in Item J.5 to build four additional pickleball courts this year is inconsistent with this goal of protecting residents' health and safety during the continuing pandemic. Because pickleball courts are used without a court reservation, there is no limit to the number of players who show up and wait on/near the court to play. Last summer most of the pickleball players waited without masks or social-distancing. The combination of large numbers of people playing pickleball and the remodeling of the Tennis Center caused many of the tennis players not to play at all, even though tennis CAN be one of the safest sports during a pandemic.

Therefore, good data does not currently exist regarding the potential demand for tennis courts at the IVGID Tennis Center. Nationally, according to an Associated Press article on February 11, 2021, recreational participation in tennis increased 22 percent last year. We did not see that in Incline for the reasons mentioned above. But we are also very recently seeing a greater number of full-time residents in Incline, many of whom are younger than the existing group of tennis players. Therefore, we really don't know what the potential demand for the tennis courts will be moving forward. Anecdotally, a friend who is putting together the roster for one of the ladies' league teams recently told me that half of her players are new to Incline and many of them played league tennis in their former towns.

For these reasons, any decision to permanently increase the number of pickleball courts should be delayed until there is good data about the demand for tennis and pickleball courts BY INCLINE RESIDENTS and the pandemic is no longer a factor. In the meantime, the funding budgeted for resurfacing tennis courts should be used to improve the condition of those courts which most need it, including Court 5, which has major cracks.

Thank you for considering my concerns.

Lynn Whetstone
1024 Apollo Way

WRITTEN STATEMENT TO BE INCLUDED IN THE WRITTEN MINUTES OF THIS APRIL 29, 2021 REGULAR IVGID BOARD MEETING – AGENDA ITEM J(5) – CONVERTING AN UNNECESSARILY BUDGETED TENNIS RESURFACING CAPITAL IMPROVEMENT PROJECT (“CIP”) TO AN EQUALLY UNNECESSARY PICKLE BALL COURT CONVERSION RATHER THAN RETURNING THE FUNDS TO THE OWNERS OF LOCAL PARCEL/DWELLING UNITS WHO WERE INVOLUNTARILY ASSESSED BASED UPON STAFF’S REPRESENTATION OF THE FORMER

Introduction: Local parcel/dwelling unit owners who are involuntarily assessed the Recreation (“RFF”) and Beach (“BFF”) Facility Fees have told staff and the Board time-and-time again that rather than using their RFFs/BFFs to improve and expand upon the District’s recreation venues, the moneys should be used simply to repair and maintain those existing facilities. Yet here staff propose “re-appropriating” unused funds for tennis court resurfacing for upgrading/converting one of the existing tennis courts at the District’s Tennis Center (court 9) to four (4) dedicated pickle ball courts¹ rather than returning these now proven unnecessary funds to those whose parcels/dwelling units which were unnecessarily levied. Given this is a prime example of one of the several things that are fundamentally wrong with the District and its ignorant staff, I object. And that’s the purpose of this written statement.

On May 27, 2020 The Board Represented to the Public That \$17,600 Was “Required” to Resurface Tennis Center Courts 8-11: The Board passed its CIP Budget on May 27, 2020². One of the CIPs budgeted was project #4588RS1401, the resurfacing of courts 8-9 and 10-11³. Moreover according to staff, the Board allegedly “re-affirmed (was a) select project...critical (to its)...priorities.”⁴ Since the District did not have the funds to pay for this project, as is essentially all of the time, its funding came from the 2020-21 RFF⁵.

¹ See page 399 of the packet of materials prepared by staff in anticipation of this April 29, 2021 Board meeting [“the 4/29/2021 Board packet” (https://www.yourtahoeplace.com/uploads/pdf-ivgid/0429_-_Regular_-_Searchable_-_Part_3.pdf)].

² Go to https://www.yourtahoeplace.com/uploads/pdf-ivgid/Current_Budget_Year__5_Year_Project_Summary_Book_APPROVED_5.27.2020.pdf (“the 2020-21 CIP Budget”).

³ See page 9 of the 2020-CIP Budget as well as page 96 of the 5/27/2020 Board packet (see below).

⁴ See page 17 of the packet of materials prepared by staff in anticipation of the Board’s May 27, 2020 Board meeting [“the 5/27/2020 Board packet” (https://www.yourtahoeplace.com/uploads/pdf-ivgid/BOT_Packet_Regular_5-27-2020.pdf)].

⁵ See page 32 of the 5/27/2020 Board packet [“Staff has prepared a revised budget for fiscal year 2020-21 that, upon final adoption, provides appropriations covering costs of operating, *capital* and debt in support of District activities. Consistent with Board direction...the final FY2020-21 budget has

Now I want you the reader to listen what the Board represented to the Board and the public when it adopted the 2020-21 RFF⁶:

“The amount of moneys required for the fiscal year extending from July 1, 2019, to June 30, 2020⁷, has been determined by this Board to be about \$5,783, 115 for the Recreation Facility Fee...for the proper servicing of said identified bonds and for the administration, operation, maintenance and improvement of said real properties, equipment and facilities.”

In other words, the \$17,600 budgeted for resurfacing of these four (4) tennis courts was not discretionary, but rather, *required*.

Now Staff is Telling the Board and the Public That the Funds Budgeted Were Really *NOT* “Required” to Resurface Tennis Center Courts 8-11: As evidence of this fact, listen to page 399 of the 4/29/2021 Board packet:

“After evaluating the court conditions coming off a low impact winter, the contractor has determined that based on the recent conversions of courts 10 and 11 and the current condition of both courts 8 and 9, the scheduled court resurfacing is not necessary this current year.”

In other words, the \$17,600 budgeted for resurfacing of these four (4) tennis courts was really *not required*.

So what do we do with monies involuntarily exacted from local parcel/dwelling unit owners under the premise they were “required,” when in-truth-and-in-fact they really weren’t required?

Since the District Obtained \$17,600 From Local Parcel/Dwelling Unit Owners Based Upon the Representation it Was “Required,” Yet it’s Not Required, Where Does Staff Get Off Keeping the Money and Simply Re-Purposing it Rather Than Returning it to Those Whose Parcels/ Dwelling Units Were Involuntarily Assessed? While you the reader are trying to come up with an answer, listen to NRS 205.300(1)⁸:

been revised to reflect a Recreation Facility Fee of \$330 to be collected from all properties within the District to support planned expenditures within the Community Services Fund” (see pages 30 and 103-104 of the 5/27/2020 Board packet)].

⁶ See ¶II at page 114 of the 5/27/2020 Board packet.

⁷ Notwithstanding the Report’s reference to fiscal year 2019-20, I presume the Board meant fiscal year 2020-21.

⁸ Go to <https://www.leg.state.nv.us/nrs/nrs-205.html#NRS205Sec300>.

“Any bailee of any money, goods or property...and any agent, manager or clerk of any person, corporation, association or partnership, or any person with whom any money, property or effects have been deposited or entrusted, who uses or appropriates the money, property or effects or any part thereof in any manner or *for any other purpose than that for which they were deposited or entrusted*, is guilty of embezzlement, and shall be punished in the manner prescribed by law for the stealing or larceny of property of the kind and name of the money, goods, property or effects so taken, converted, stolen, used or appropriated.”

Like I said, ***where does staff get off keeping the money and simply re-purposing it?***

Even Though Local Parcel/Dwelling Unit Owners Have Paid to Unnecessarily Resurface Tennis Courts 8-11, Staff Propose They be Assessed For the Same Thing a Second Time: Since presumably one or more of tennis courts 8-11 will require resurfacing in the future, why not simply hold onto the money already obtained so local parcel/dwelling unit owners won't have to be assessed a second time for the same project? Instead, listen to what staff propose at page 399 of the 4/29/2021 Board packet:

“Staff will work with the contractor to re-adjust the court resurfacing schedule for courts 8 through 11 in the multi-year Capital Improvement Program.”

Which means that the cost will be included in a future budgeted CIP funded by a future “deferred”⁹ RFF!

The Truth of the Matter is That the Subject Action is Being Proposed Because According to Staff, the RFF is Really a Tax: In other words, since the District has collected the money as if it were a tax, it's available to be used for any CIP or purpose of staff's choosing. So according to staff, all the Board need do is designate an alternate use. Listen to page 400 of the 4/29/2021 Board packet:

“The estimated cost of converting Tennis Court #9 to four Pickle Ball courts is approximately \$17,000. *No funding is currently provided in the FY2020/21 for this project*; however, the current year capital budget includes funding in the amount of \$17,600 for re-surfacing of tennis courts 8-11 (CIP # 4588RS2101), through Community Services Capital Fund (Fund 580) appropriations...Staff recommend(s)...establishment of a new capital project to convert Tennis Court #9 to four Pickle Ball courts through deferral of the funded Tennis Court resurfacing project, and reallocation of \$17,600 to the new Pickle Ball Court conversion project.”

⁹ See page 400 of the 4/29/2021 Board packet.

Or as an alternative, staff proposes using the money for some “new project in the 2021/22 Capital Program Plan.”⁹

Actually, Given Board Practice 13.2.0.2.4, I’m Surprised Our GM Has Agendized This Matter For Possible Board Action: Board Practice 13.2.0.2.4¹⁰ states as follows:

“The General Manager has the authority to redirect the design or specifications affecting up to an aggregate of \$50,000 if it does not exceed the total approved cost of the project.”

Given the subject re-direction involves the proposed expenditure of \$17,000⁹, our GM could have unilaterally decided to redirect the expenditure to pickle ball courts.

This Episode is a Prime Example of Staff’s Misuse of the RFF Because it Doesn’t Pay to Make the District’s Public Recreational Facilities Available to be Used by Those Parcels/Dwelling Units Which Are Involuntarily Assessed: Remember, according to the District the RFF pays for nothing more than a standby service charge for the mere availability to access and use public recreational facilities¹¹ conditioned upon payment of user fees at those venues where such fees are charged. Yet routinely, staff is able to accumulate *more* than what is merely necessary to make the public’s recreational facilities available to be used by those parcels/dwelling units which are assessed.

This behavior first became apparent when recreation bonds were retired in 2011. Although the servicing costs of those bonds were no longer required, and the resolution adopted by the Board explaining the reasons for the RFF declared that the RFF was required to pay for the servicing costs of outstanding bonds, the RFF did *not* decrease. In fact as I have previously demonstrated, staff misrepresented that those servicing costs continued! This financial reporting technique was coined “smoothing” by former Finance Director Gerry Eick.

Then what became less apparent was that budgeted CIPs were being intentionally budgeted at amounts higher than actually required. Meaning that if and when prosecuted, these projects would come in “under budget” creating an intentional surplus which translated into an higher fund balance.

Or if never prosecuted, these projects would simply be perpetually “carried forward” even though the monies necessary to pay for them were paid by local parcel/dwelling unit owners. Again creating an intentional surplus which translated into an even higher fund balance.

And now what the reader can see is a fourth means of creating a surplus and increasing the fund balance; budgeting for an unnecessary project and then after the monies have been received from the RFF, cancelling the project without refunding the money to those whose properties were assessed. In all four instances excess funds from the RFF are accumulated to create a “slush fund” available for future unbudgeted, unappropriated and unnecessary “pet projects” such as the very

¹⁰ Go to page 15 at https://www.yourtahoeplace.com/uploads/pdf-ivgid/IVGID_Board_Practices_762016.pdf.

¹¹ See ¶I at page 113 of the 5/27/2020 Board packet.

project now before the Board! And as evidence these techniques have been employed, all one need do is track the steady increases in fund balances!

Conclusion: The RFF/BFF aren't here to fund every whimsical expenditure staff can concoct. So just because staff can come up with some allegedly reasonable purpose for an expenditure, doesn't necessarily mean they can fund it with the RFF/BFF. Yet here we see that's not staff's mindset. Their view is that once they get their hands on the public's money, they will go to the ends of the earth to avoid giving it up regardless of the representations made to exact the money in the first place. So really, it's a "use it or lose it" mentality.

I and others I know feel otherwise. Putting aside the issue of whether it was appropriate in the first place to assess the RFF, and resurfacing of tennis courts was an appropriate expenditure based upon the representations giving rise to the RFF, the fact staff now admit that the money isn't required means it should be returned to those whose parcels/dwelling units were involuntarily assessed. And that's what I ask the Board to do what staff refuse. Deny staff's request and return the unnecessary monies to those who made payment in reliance upon representations *to the contrary*. If pickle ball is such a money-making proposition, let staff charge the users of this service the costs associated with converting one of the public's tennis courts into pickle ball courts.

And to those asking why our RFF/BFF are as high as they are and never seem to go down, now you have another example of the reasons why.

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