

## MINUTES

### **REGULAR MEETING OF MAY 26, 2022** 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 Board Chairman Tim Callicrate on Thursday, May 26, 2022 at 6:01 p.m. at the Chateau, 955 Fairway Boulevard, Incline Village, Nevada.

#### **A. PLEDGE OF ALLEGIANCE\***

The pledge of allegiance was recited.

#### **B. ROLL CALL OF TRUSTEES\***

On roll call, present were Trustees Tim Callicrate, Matthew Dent, Sara Schmitz. Trustees Michaela Tonking joined the meeting at 6:05 p.m. and Kendra Wong joined the meeting at 6:42 p.m.

Members of Staff present were District General Counsel Melissa Crosthwaite, Director of Finance Paul Navazio, Director of Public Works Brad Underwood, and Director of Golf and Community Services Darren Howard. Members of the public physically present were Cathy Colvin, Shirley Appel, Bradley Mindlin, Gail Krolick, Ali Warner, Natasha Warner, Cliff Dobler, Chris Nolet, Patrick Schmitz, Scott Hill, Susan Marelich, David Marelich, Hal Paris, Margaret Martini, Aaron Katz, Judith Miller, and others.

Board Chairman Callicrate made an opening statement about tonight's hearings and the protocol.

#### **C. INITIAL PUBLIC COMMENTS\***

Aaron Katz said it's nearly everything your Staff does that causes problems here and he thinks tonight you are going to at least 4 examples of it. You Board members refuse to watch and learn, you refuse to listen when members of the public call to your attention and ultimately, you are the ones that are responsible because you are our fiduciaries and the buck stops with you. The problem is not him, it is not Frank Wright, it is not the other people who are critical. So some of the things we have tonight – the boat storage operators - he provided you with written evidence from their own words where they admit, for 33 years, they have been violating the beach deed and they have been doing it with the assistance of Staff and now it has finally come to your attention and what are you going to do about it? The District General Manager tells us that he has these powers of discipline under Ordinance 7 and he intends to use them. He is asking the Board

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to use those powers to discipline the intentional disregard of our beach deed. Another favored collaborator, the motel owners who are demanding beach access for the occupants of all their hotel and motel rooms. He provided you with evidence that back in the very beginning of IVGID, Resolution 419, charged every guest hotel and motel room a rec fee and because that took place, the Board at the time drafted a beach deed that specifically gave their occupants access except in 1982, Staff decided to eliminate the rec fee to all of these hotel and motel rooms, wrongly he might add and now the operators are coming here demanding beach access. If you are going to consider beach access, you need to reinstitute the rec fee for every hotel and motel room. And next you are coming up with loopy goosey definition of a guest and back in the very beginning, a guest had to be accompanied by a parcel owner. Even today, if you are a guest of a golfer, you have to be accompanied by a parcel owner. If you are going to give access to guests, demand that they are accompanied by a property owner. Thank you very much and good luck this evening.

Judith Miller said that first of all she wants to say that she is delighted to see so many members of our community here tonight and she wishes it could be like that throughout the year as she doesn't think we would be in this situation if our residents and homeowners were here for at least a good portion of the meetings that are held. There is just way too much on the agenda but that's probably because IVGID, our once little GID, tries to do just too much. With over just 1,000 employees that is just a lot for taxes and fees from the property owners to support because obviously our user fees haven't been able to do that. Government has a hard time in being efficient in running business and just a little example of that is that she went to Ski Beach yesterday and she got to sample some of the offerings from our vendor, Incline Spirits, as well as now the new Incline Snack. She won't say that the items were exactly inexpensive but they were excellent and these people are professionals in what they do. She is not saying that IVGID's Staff isn't, she thinks the catering department does a good job but because they are government, they just aren't able to operate as efficiently. So she would encourage you to outsource as much as possible, lighten your load as well. You wouldn't have to be here hiring and looking for new employees as someone else would do that and do it much more efficiently. Onto some of the things on the agenda, she would really like to get a better understanding of why we are considering a transfer of IVGID land to a private party without going out to auction. She thought we went through this a few years back with the unbuildable lots. And why would IVGID consider making any kind of transfer without getting at least several appraisals? Having an easement is far less desirable than having ownership of a parcel. Please don't spend more Staff time on exploration of a lot line adjustment unless you are given much more convincing reasons why this should be in the best interest of the District. She is going to cut it off 30 seconds early because she sees we have a lot

of people and a lot of things on the agenda and she is delighted that she will be able to hear from other members of the community. Thank you.

Margaret Martini read from a submitted written statement.

Gail Krolick said she would like to talk to you about something that is not controversial - golf. She would like to bring your attention this evening that she was reviewing some memorandums between Staff and the Board of Trustees in previous packets and back on November 10, 2020, November 10, 2021, November 22, 2021, and July 6, 2021 and lastly, the Championship Golf Cart Replacement Project was written for the Board of Trustees meeting and that was dated October 13, 2021. They were all written by our Director of Golf and Community Services. All these memorandums, if you will recall, were on purchasing and/or leasing of the current golf course fleet. First and foremost, she is not a golfer. She likes to sit at the bar and drink and meet those after golf. With that, she recalls the Director of Golf and Community Services stating to this Board and to our community that our golf carts were in dire need of replacement. In fact, there was a lot of discussion on replacing golf carts or leasing golf carts and their terms and finally after discussions, it was voted upon, on July 6, after a Special Board meeting that was called and that the golf carts were in fact going to be purchased. As we sit here today, there are still no golf carts here. In fact, Staff and Director of Golf and Community Services, and she knows this because she asked him, again, she is not a golfer, so she asked him what could be better, what can we improve upon, etc. What he is doing right now, and she thinks the community needs to understand, is that he drives his Jeep with employees to drive up to the Mountain Golf Course so they can drive the Mountain golf carts down to the Championship Golf Course so there is enough for those playing here at our District golf course. Way beyond expectation if you ask her what an employee should do. She brings this to you because the Director of Golf and Community Services was hired by our District General Manager and she is sure there were many candidates and that the District General Manager hired the right candidate for the job and she thinks that the Director of Golf and Community Services proved himself. After all, he has 30 years' of experience in the golf industry but he has also opened 4 golf courses from scratch – no pun intended and she learned a new term today “scratch” in the golf world. But literally, thousands of dollars have been spent over the last 2 years and it didn't have to be. This Board could have made a decision, she believes, a lot quicker after all we have the professional who tells us what we should and should not do. She urges you to really listen to our professional Staff. Thank you.

Cliff Dobler read from a prepared statement which is attached hereto.

Bradley Mindlin said he is honored to have moved here to Incline Village and he is 1 of the 6 people running for IVGID Trustee and he is honored to be doing so. He moved here with his family a few years ago to get a little slice of heaven and paradise that everybody here lives in. Over the last month or so, he has met with a lot of people, and almost all of the opponents in the race; all really good people. He has met with people who have completely different views than he does but it was nice because we were able to discuss these views, as adults, and showing each other complete respect. One of the reasons he wanted to live here and move out of where he was living is because of how angry everybody is and was where he used to live. One of the things that will happen for him as he goes through his campaign is, he has said this before, he hopes he is victorious and he will run a race to win but most importantly, he wants the most competent, qualified person to be on our Board of Trustees and hopefully that will be him but if not, he wants us to remember we are all neighbors and we should treat each other as neighbors. Remember, the sentiment of the country and of our leaders doesn't start from the top down, it comes from the grassroots up. If we expect leadership everywhere to show everyone respect, let's start here at home. Thank you and thank you all for your hard work – he appreciates it.

Patrick Schmitz read from a prepared statement which is attached hereto.

Chris Nolet said quick comment on the Audit Committee action; he understands that Trustee Dent is not going to have the time to serve on the Audit Committee anymore, that's a loss, if he understands correctly. He would encourage the Board to seriously consider reappointing Sara Schmitz to the Audit Committee. Her dedication is unparalleled. As a big 4 audit partner for 39 years, there is probably no one in the community more qualified to comment than him on the work that she does for all of us. She is incredible, she does research, she reads, she is thoughtful and dedicated, she can fill a full term and some of the other Trustees can't, she is not involved in the treasury functions so that makes her more independent than some of the other trustees and he thinks she would be the ideal person to provide continuity to the Audit Committee. Thank you.

Yolanda Knaak said she is a 2022 IVGID Candidate and that she wants to say that Trustee Schmitz has done a great job on the Audit Committee and hopes she gets reappointed and that it is a loss to not have Trustee Dent on that committee. She also wanted to mention the importance of looking at the beach deed and working on Ordinance 7 is extremely important. Everyone she talks to loves living here and the biggest inconvenience is the overcrowding of the beaches.

Ray Tulloch said on Ordinance 7 that he would echo the sentiments said about dropping fairly substantial comments on the community at the last minute after a

committee spent 18 months looking at it and he will talk further about that on the next opportunity for public comment. More importantly, he would like to bring the public's attention to Item H.1. on the Consent Calendar. Frankly, he thinks this is another case of trying to drop something very substantial on the public at the last minute with no notice. He doesn't know how many in the public have actually read this as it basically gives the District General Manager the right to give away free access to our facilities up to \$50,000 of value every time without any prior Board approval or need for Board approval or any reporting of Board approval. He thinks this is the most disgraceful thing to try and sneak this thing through on the Consent Calendar just at the last minute and not to even open it up to discussion. Dillon's Rule was debated at the Audit Committee and some recommendations came forward. As it seems the case, a lot of these recommendations were ignored. We asked for legal guidance from Counsel, it didn't appear, and then suddenly this appears 3 or 4 days before hand just basically as a fait accompli. He would urge the Trustees to remove this from Consent Calendar tonight and move it back to discussion at the next meeting. This is far too important and far too valuable to just pass it through on the nod with no prior notification. So since he has some time left, he can comment on the varicosity or not of Mr. Schmitz' comments. If they are true, he finds it an incredible amount of hypocrisy from a Board where a couple of members two or three weeks ago at the last Board meeting suggested that perhaps his tone was not quite as nice as it should be on all occasions. To that, he finds this completely hypocritical and he thinks it is definitely time, and if he was Chair, and these accusations were leveled at him, he would be stepping down immediately or asking for an independent review of it. If it is true, it is terrible. He can't say it is true or not, he has no reason to disbelieve Mr. Schmitz and he does find it appalling. So thank God it is time for a change in the Board, he is running for the Board as an independent and as an honest broker and he thinks that the Board badly needs that. Thank you.

Mike Abel said his comments now are brief; he does want to echo Mr. Tulloch's comments, he is absolutely accurate about Item H.1. on the calendar that was slipped into this notice of meeting on a very, very short notice. It is outrageous and it is inappropriate. It should be withdrawn from the Consent Calendar as soon as we finish the public comments. The next thing he wanted to critique is the fact that Trustee Wong hasn't appeared in on this forum for 2 years now in person. Does she really live in Incline Village? Is she really a resident here? She should be showing up at these meetings and should be appearing as all the other rest of you appear. He thinks it is ridiculous and he thinks she should be forced to show up for at least 1 or 2 meetings prior to the end of her term. Lastly, he wants to object to the fact that IVGID is trying to enforce some kind of foolish free speech area. This is public property, this entire facility is public property, anybody is entitled to say anything they want here, pass out any kind of literature they want provided they

are respectful of all the other people and that they do not interfere with rights or their free passage. Thank you.

John Eppolito said he has lived in Incline for about 24 years, Margaret Martini comments – he thinks he understood most of what she said and the parts he understood, he agrees with. Sara Schmitz – he too really appreciates having Sara on this Board, she does a lot of research so we don't have to; kind of the same way he stopped the international baccalaureate in this town - research. And this H.1. on the agenda, he doesn't know how that got snuck in at the last minute but he does agree with the two speakers who spoke about that. Thank you very much.

Fred Stahl said he recently learned of the potential sale of the IVGID land where the water reservoir is located that is in the pipes and he found it unusual that the matter was going to go out for bidding or should he say going out for sale without public bidding. We have been talking informally to IVGID Public Works for 8 years now on access issues on that land. While we could accept the fact that the land would be sold, we certainly, if our access were dealt with, we feel that we could support such an issue. In the alternative, we would like to see up for public sale rather than to just one potential buyer. Thank you.

Caller 8834 passed on their opportunity to speak.

Caller 3920 – there was no response from this caller.

Frank Wright said he would like to comment on H.1. He doesn't know where this came from. He doesn't where and how this community would allow something like this to happen but we have a problem here. It is rigging elections and this little item here gives the General Manager all kinds of ways to buy love and that is exactly what it is about. To give our public property and our money away to non-profits and people he can influence to vote the way he wants them to vote. He guarantees you this is illegal as this is public money that is supposed to be used for our recreation not for the government to buy votes and for to influence outside people to give away public property because they apply with the General Manager and ask him for all these freebies using our property, our money, our facilities and crowding our facilities with people who don't even belong here. This has got to come to an end. If you don't see it for what it is, he is sorry. It is illegal, it will be filed with the proper authorities, this has got to stop and as a Board, it is your responsibility to have oversight and not allow things like this to happen. This should be pulled from the Consent Calendar immediately. We can't even talk about it. Talk about sleazy behavior by a government official. Putting something like this on the Consent Calendar, which basically gives away our recreation money used for our

recreation through a forced tax called a recreation fee is just insane. Hopefully the Board will see through what this is and stop it in its tracks. Thank you.

Christie O'Hara passed on her opportunity to speak.

Jean Schwartz – there was no response from this caller.

Morgan Gallagher passed on her opportunity to speak.

Ronda Tycer passed on her opportunity to speak.

Diane Becker said she is a full time resident of Incline Village and that she has two quick comments that she wanted to make on Items H.3. and H.1. – with respect to H.1. if that would be determined that you are going to proceed. Board Chairman Callicrate responded that the determination has not yet been made. Ms. Becker then dropped off the call.

Jonathan Powell said he is not a politician and he is not an attorney; he just wants to tell a quick story. 18 years ago when he was deciding where he wanted his next home, he looked at Bend, Oregon, he looked at Vail, he looked at Durango, and he picked this place. Why? He loves the skiing, he loves the beaches and he loves the people. That is why he came here. Now, over the past 5 years, he sold his place in San Francisco, his kids grew up and they left the house. In 2008, his wife called his house up on Tyner the "Mouse House". He tore it to the studs and then he re-built the home he wanted to live in when he retired. For his 65<sup>th</sup> birthday last year, he had to go to the beach at 7:00 a.m. to set up a place for his 3 children, their wives, and his wife and pray that nobody got 6 feet in front of him to the water and just took it over. He was a captain on the Stanford swim team and he goes down, starting June 1 to September 15, and swim 5 days a week and then he invited anyone to join him. He came here 2 years before the coronavirus era and he had to park at 4 in the afternoon halfway to Raley's to walk to his beach. What the hell is that? Come on guys and he is figuring with this Chapter 7 thing, he has never been to one of these meetings. A neighbor of his sent him this and he was like he has to come here and talk. He will be hanging out with Rodeo Joe walking down from Raley's getting more exercise walking from Raley's to the beach and being able to swim at the beach he pays for. It's not ok. You guys think it is ok? It is not ok. He has been paying taxes for 18 years here. He loves the people, he loves the skiing and he loves the beach. He hopes to continue to love it. Thanks for listening to him.

**D. APPROVAL OF AGENDA (for possible action)**

Board Chairman Callicrate asked for any changes to the agenda; Trustee Dent said he would like to remove H.1. and H.2. from the Consent Calendar and move both to General Business. Trustee Schmitz said she would like to combine H.3. with I.3. as they are both related to the Audit Committee. As it relates to H.1., she agrees with removing it from the Consent Calendar to General Business as it is not a time critical item she would like to request that H.1. be moved to our next meeting as a General Business item. Part of this request is because there was no background information included therefore the public isn't understanding the background of this item so let's move this item to the next meeting and include all the reference materials. District General Counsel Nelson said it is the Board's discretion. Board Chairman Callicrate said that Consent Calendar Item H.1. is moved to the next business Board of Trustees meeting. District General Counsel Nelson said he won't be here for the next Board meeting so can we move to last Board meeting? Board Chairman Callicrate said that is fine and noted that Consent Calendar Item H.1. is removed in its entirety from the agenda and will be brought back to the Board of Trustees at their last meeting in June. Consent Calendar Item H.2. will be discussed at the same time as General Business Item I.3. Board Chairman Callicrate approved the agenda as revised.

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

**E.1. District General Manager's Report**

District General Manager Winqest asked for any questions; none were received from the Board.

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

District General Manager Winqest went over the long range calendar. Trustee Schmitz asked from the last meeting – requested a strategy for the various lobbyists – put that in the parking lot; need to put on the list Resolution 1575 and if it isn't being used anymore, we need to remove that from the books; requested an Ordinance 7 review in February 2023; and Item M. – we should discuss what type of materials we do and don't want in our Board packets. District General Manager Winqest said that he will reach out on the lobbyist item, Resolution 1575 is obsolete, and Ordinance 7 review is slated for November 9. Trustee Schmitz said thank you for pointing that out. District General Manager Winqest said Staff is trying to make it easier and does include the Audit Committee meetings. Trustee



Schmitz said maybe we need to keep them intertwined as the Board has to take action.

**G. PUBLIC HEARINGS (for possible action)**

**G.1. REQUIRED PUBLIC HEARING ON THE DISTRICT'S OPERATING AND CAPITAL IMPROVEMENT PROGRAM BUDGETS, FISCAL YEAR 2022/2023 (this public hearing will be held no earlier than 6:00 p.m. and as soon thereafter as practicable)**

Trustee Dent made a motion to open the public hearing. Trustee Tonking seconded the motion. Board Chairman Callicrate called the question and the motion was passed unanimously. Board Chairman Callicrate then asked Staff if the hearing was properly noticed; Staff responded yes. Director of Finance Paul Navazio gave an overview of the submitted materials. Board Chairman Callicrate then open the matter for public comments.

Aaron Katz said thank you for the opportunity to speak and he has written comments that he has submitted for inclusion. This budget is useless unless you specify, in advance, what expenses are being approved. When you have general vague categories you open the door to the problem we have had from day one here and that is that your Staff spend the money on anything they want whether you have talked about it or not, approved it, want it, or don't want it and then your GM tells you well gee he's got the authority to make these decisions on his own up to \$50,000 – so why have a budget? It is an absolute waste and you know it. These are the consequences of not doing what he and others have asked you to do. Next, and this will be kind of eye opening he thinks to the public, we have excess fund balances in all of our major funds. Now how come we have got excess balances? The only way that can happen is if you putting too much into those funds and let's have an example of the General Fund. Do you realize that the revenues that you have assigned to the General Fund are not sufficient to cover the personnel costs of the General Fund? There is another \$2 million of expenses that you have assigned to the General Fund – where is the money going to come from? So you have invented this disingenuous transfer called a central services cost allocation transfer. Nobody knows what that is. And then you don't tell us the truth of what it really represents. You say to us oh gee well this is necessary to pay for the costs associated with the services provided by the General Fund. No they are not. We have in the Board packet where Staff admitted that it is intended to cover the deficiency between revenue and expenses. Ok, what kind of deficiencies? Well, if you get down and start looking you are going to see its stuff like attorneys' fees to defend

the Mark Smith litigation, it is our audit costs, it is hiring Dr. Bill to conduct therapy for the Board members, it is for paying for lobbying efforts with the State's legislature and on and on and on and where does the money come from for all of this? Well, it is a transfer of the Rec Fee, it is a transfer of the Beach Fee. The Rec Fee is supposed to be for our recreation, isn't it? Not for this garbage. The Beach Fee is supposed to be for our beaches, not this garbage.

Judith Miller said just a very brief comment about the budget and central services. As you know, she worked in government for more than 15 years, central services were nothing as simplistic as what IVGID uses. She didn't just make up that term as that is what Moss Adams said about our central services cost allocation. They just aren't based on any rational approach especially when you consider the part time employees take a lot more work than full time employees and yet we do it on full time equivalents. So when we have seasonal and beach employees and winter employees they all get charged out as if they were full time and really there is a lot more work involved when you have this constant turnover. The other thing about central services, Moss Adams also made the remark that, over time, they are supposed to be based on actual costs not budgeted. We know we start out at the beginning of the year with these huge figures for expenditures and then the projects aren't completed or not even started and yet central services are often based on those expenditures that never happen. So when are we going to finally base central services costs on actual expenses as opposed to the budgeted and that is what Moss Adams had also recommended.

Cliff Dobler read from a statement that is submitted.

Carole Black passed on her opportunity to speak.

Caller 3920 – there was no response.

Frank Wright said he wants the people in this town to know that the money you are blowing comes from out of our Recreation fee and it is paid for by the people who live here and it is for their recreation. A lot of the expenditures are going for things that have nothing to do with recreation. Why is he paying for the psychological balance of our Board? it is not his job nor anyone else in town and the money we pay for recreation should not be going to that nor should it go to lawsuits because we won't give up public records. Why are you hiding public records? Why are our beach and rec fees having to pay for things that have nothing to do with recreation? It is

time we put an end to this. It is time we become responsible. It is time to get a Board that understands all of this. Thank you.

Christie O'Hara passed on her opportunity to speak.

Jean Schwartz – there was no response

Fred Stahl passed on his opportunity to speak.

Mike O'Hara passed on his opportunity to speak.

Morgan Gallagher passed on her opportunity to speak.

Ronda Tycer passed on her opportunity to speak.

Stan Heirshberg passed on his opportunity to speak.

Board Chairman Callicrate said that there were some public comments that were made that you can speak to if you feel the need to. Director of Finance Navazio said that the overall budget summary is presented on pages 38, 39, 40 - \$88.7 million budget, \$44.7 million represents the capital and we have discussed some significant projects. He wanted to clarify that none of the Recreation or the Beach facility fees are being used to cover attorney fees or litigation or Dr. Mathis as those come from the General Fund and that are not part of the Central Services Allocation Plan. There is always room to refine the Central Services Allocation Plan and we do include a narrative, in response to Moss Adams, which is on pages 43 and 44 and that we are charging Central Services Allocation on actuals not the budgeted costs. The Utility Fund is worth highlighting as it has a \$27.6 million overall budget, contemplates significant spending down of fund balance particular for the effluent pipeline project, and that he would point to the memo on page 32, and based on several factors, including the rates approved by the Board at the end of April, and assuming that we spend every penny that is budgeted in there, which we rarely do, we will end the fiscal year with just under \$2.5 million in unrestricted, net position for the Utility Fund. The schedule that Mr. Dobler pointed out and he has had this conversation with Trustee Schmitz and others, we are very cognizant of the cash balance if these expenditures play out, and it getting very tight, and we are committed to managing that fund and advancing those projects. We have discussed a number of some decision points coming before the Board that will greatly assist those projects and ensuring we are not depleting those reserves completely. The Board did approve a new reserve and fund balance policy earlier this year

and we knew that then the Utility Fund would be below that policy and we have a plan to bring that fund up to that current policy by 2025 with the financing options that are going to be brought before the Board before we proceed with those projects. Will defer to the Board for questions and he would make the request that individual motions be made on each item and that he does have corrections on C. and D. on page 30. Trustee Dent said over the last year he has asked about transferring funds from the General Fund to the Utility Fund knowing that we cancel projects, etc. – where are we at in that process? It sounds like we can do it and can't do it and feels like it would be irresponsible to not put a little slush money in the Utility Fund. So why not take the money in the General Fund and put that money up for a project and then have a rainy day money? So his one question is what is stopping us from moving money from the General Fund to the Utility Fund? Director of Finance Navazio said the short answer is based on discussions with the State of Nevada Department of Taxation that it would not be allowed to transfer money to the Utility Fund reserve to shore up the reserves. As to a loan potential, because that is an option, the loan would be required to be repaid within the same fiscal year. Staff has had subsequent follow up with the Department of Taxation and for our Utility Enterprise Fund the mechanism is a capital contribution to a specific capital project as that could be allowed. Staff had asked that question about Community Services and we were told we wouldn't be able to make that capital contribution to the Community Services Enterprise Fund. We had that clarified by the State, and should the Board want to do that, they would like it at a capital contribution which is different to the Utility Fund because it is done under premises that the folks that are paying the taxes are the same that are paying for the services and it can be done at the Board's discretion tonight or at another time. Trustee Dent said that transferring a capital contribution is acceptable by the Department of Taxation: Director of Finance Navazio said that is correct. Trustee Schmitz said that we have had that conversation and that we have very expensive infrastructure. To have only \$354,000 to fall back on she thinks that the Board should make some sort of resolution from the General Fund to the Utility Fund for either the pipeline project or pond lining as that would be a help. Another thing we could do is to give the Utility Fund a holiday from the Central Services Allocation. Our General Fund has over \$5 million and the policy is below \$500,000 and it is irresponsible for us to have those funds sitting there without a project and a Utility Fund that is in dire need. She thinks the Board should transfer money from the General Fund and also contemplate giving a holiday to alleviate a \$560,000 expense to the Utility Fund in which the General Fund is in excessive fund balance position. Board Chairman Callicrate asked if we could do it in the future or can it be done this evening? Director of Finance

Navazio said it doesn't have to be done this evening and as we have said before after approved and filed and it would require a Board action and amendment, and given it is General Fund, it would be subject to a public hearing before doing the action – so it is at the Board's discretion. Trustee Schmitz said as it relates to the forms to the State, if we do not some type of capital transfer and therefore these budgets get filed showing a low balance, is it going to impact us getting a good rate for bonding? Director of Finance Navazio said he doesn't think so but it is a consideration, not sure that the State forms would be the concern rather the net revenues. The reserves and financial statements are all parts of a picture. Trustee Schmitz said we don't have a reserve and we are not in compliance with our policies so she would like to do it sooner rather than later. Director of Finance Navazio said that there are other factors that will come into play and those will be in the success of pursuing Federal funds and then the State Revolving Fund and he doesn't want to minimize the concern and stated that it is up to the Board.

Hearing no further discussion, Board Chairman Callicrate asked for a motion to close the public hearing. Trustee Dent made a motion to close the public hearing. Trustee Wong seconded the motion. Board Chairman Callicrate called the question and the motion was unanimously passed.

Board Chairman Callicrate, at 7:50 p.m., called for a 10-minute break; the Board reconvened at 8:01 p.m.

Trustee Schmitz made a motion that the Board of Trustees approve the Central Services Cost Allocation Plan for Fiscal Year 2022-2023 allocating an amount of yet to be determined to Community Services Funds and Beach Fund with the Utility Fund excluded. Trustee Dent seconded the motion.

Director of Finance Navazio said on page 45, there is \$568,189 allocated. Trustee Schmitz said she is fine with that amendment. Trustee Dent seconded the amendment. Director of Finance Navazio said, to clarify, that Staff is not recommending passing this motion.

Trustee Schmitz made a motion that the Board of Trustees approve the Central Services Cost Allocation Plan for Fiscal Year 2022-2023 allocating the amount of \$568,189 to Community Services Funds and Beach Fund with the Utility Fund excluded. Trustee Dent seconded the motion. Board Chairman Callicrate asked for further comments, hearing none, he called the question – Trustees Callicrate, Dent and

Schmitz voted in favor of the motion and Trustees Tonking and Wong voted against the motion. The motion passed.

Trustee Tonking made a motion to adopt the proposed FY2022-2023 Recreation Facility Fee of \$450 and Beach Facility Fee of \$330. Trustee Schmitz seconded the motion. Board Chairman Callicrate asked for further comments, hearing none, he called the question, the motion was passed unanimously.

Director of Finance Navazio said Staff will also be updating the form for the action in 1.A. Director of Finance Navazio said on agenda packet page 61, that he has two changes - Schedule S-2, top half is the full time staffing, line for subtotal will be added; and the second one is on page 91, Incline Spirits, only reflected the information for bar services and because the District recently executed the F&B contract that will be corrected. Also, Sand Harbor Water Sports, showed expired, that contract has just been executed and will be made valid for this fiscal year. Board Chairman Callicrate said so both of those documents will be updated? Director of Finance Navazio said yes. Trustee Schmitz said on agenda packet page 90, the termination date for Mr. Faust shows April 30, 2022 and that needs to be updated. Director of Finance Navazio agreed that change should be made.

Trustee Schmitz made a motion to approve the Incline Village General Improvement District's Final Budget for Fiscal Year 2022-2023 (Form 4404LGF as prescribed by the State of Nevada Department of Taxation) with modification of making a capital contribution of \$1 million from the General Fund to the Utility Fund and with the edits made tonight. This motion died for lack of a second.

Director of Finance Navazio said we may need the Board to designate a project. District General Manager Winqest asked if Staff can be delegated to decide the project? District General Counsel Nelson said he would look to Director of Finance for guidance. Director of Finance Navazio said his thought would be either effluent pipeline or pond lining because they are the two significant projects as his suggestions. Trustee Schmitz asked if the Director of Public Works had a preference? Director of Public Works Underwood said he had no preference. District General Manager Winqest said he would like it to be the effluent pipeline. Trustee Schmitz said so are those funds restricted? Director of Finance Navazio said for practical purposes it would be but wouldn't show up on the State form and not supplementing the funds.

Trustee Schmitz made a motion to approve the Incline Village General Improvement District's Final Budget for Fiscal Year 2022-2023 (Form 4404LGF as prescribed by the State of Nevada Department of Taxation) with modification of making a capital contribution of \$1 million from the General Fund to the Utility Fund specifically for the Effluent Pipeline Export Project and edits made tonight. Trustee Dent seconded.

Trustee Wong said she is going to vote no on this motion because this Board approved utility rates that didn't include this transfer and it's disingenuous. Trustee Tonking said she is going to vote in favor of this motion because she agrees with the forms but she is opposed to the transfer.

Hearing no further comments, Board Chairman Callicrate called the question – Trustees Callicrate, Dent, Schmitz, and Tonking voted in favor of the motion and Trustee Wong voted in opposition. The motion passed.

Trustee Schmitz made a motion to approve the authorized staffing levels and salary ranges for applicable full-time positions as presented. Trustee Tonking seconded the motion.

Director of Finance Navazio said on agenda packet page 53, there is a position in our revenue office that is being converted from a seasonal position to a full time, revenue office technician and still shows as a seasonal and that he would ask that it be made to a full time position and added to the listing.

Trustee Schmitz amended the motion to approve the authorized staffing levels and salary ranges for applicable full-time positions to include the revenue office technician. Trustee Tonking seconded the amended motion. Hearing no further comments, Board Chairman Callicrate called the question and the motion was passed unanimously.

Trustee Schmitz made a motion to approve the Incline Village General Improvement District's Capital Improvement Program Budget for Fiscal Year 2022-2023. Trustee Dent seconded the motion. Hearing no further comments, Board Chairman Callicrate called the question and the motion was passed unanimously.

**G.2. REQUIRED PUBLIC HEARING ON THE REPORT FOR COLLECTION OF RECREATION STANDBY AND SERVICE CHARGES, FISCAL YEAR 2022/2023 (this public hearing will be held no earlier than 6:00 p.m. and as soon thereafter as practicable)**

Trustee Schmitz made a motion to open the required public hearing. Trustee Wong seconded the motion. Board Chairman Callicrate called the question and the motion was passed unanimously.

Director of Finance Navazio confirmed that this hearing has been properly noticed to the public and gave a brief overview of the submitted materials and noted that 2 changes that will be made on the resolution – agenda packet page 230, paragraph 7., we should clarify that the Secretary will be changed to the District Clerk and it will be over her signature. District General Counsel Nelson said the header will also be updated to reflect the proper resolution.

Aaron Katz said he opposes the Recreation Fee and the collection as it is the cause of all the problems we have here. It passes for all the differences between funds and that's not what you tell us rather it is for the facilities. The facilities are available to everyone in the world so it is not just for us. When it comes to budgeting, you do the Rec and Beach fees first and then budget which is totally backwards and then Staff budgets more than it needs. Proof in the pudding is Community Services which has \$12 million and only needs \$7 million. The beach has \$5.28 million and you say that is \$4.2 million more than we need. How did it get it there and why are you passing another Rec and Beach fee? Asking you do a sunset for a year just like Trustee Schmitz wanted to do with the Utility Fund. How did you come up with all of these excess funds? Paid off the bonds and continued to collect and former Director of Finance came up with the smoothing concept and this slush fund for future expenses – two slush funds. Please do no and tell the truth.

Judith Miller said you are contemplating having a different guest access for the hotel guests well she would also like you to contemplate having a different facility fee for hotel and motels as they put a lot more burden on our facilities than our single family residents and yet they pay the same rec fee. The rec fee is what pays for all the capital costs through the years. Our user fees don't even cover the operating costs so why would you have a hotel that perhaps has hundreds of more times users than the single family dwelling because let's face it, the facility fee it serves people and it really doesn't serve parcels so the facility fee should really be based on the



number of people it's serving just like the utility rates, and the study said if you are putting more of a burden on the utilities, during certain peak periods, then you should pay more. Most of that consultants' recommendations were thrown away and we know that most of the residential users pay more than we should pay because things like irrigation and snowmaking aren't paying their fair share but she guesses we are supposed to gradually phase that in but this year, the homeowner is paying more for water. We are subsidizing golf and ski through our water fees. So it is the same principle here as you should have a fee based on intensities of use. HOA's are starting to do that with short term rentals and we can do that with the Rec Fee. Thank you.

Cliff Dobler read from a prepared statement attached hereto.

Carole Black passed on her opportunity to speak.

Caller 3920 passed on her opportunity to speak.

Ms. O'Hara Kissinger passed on her opportunity to speak.

Ms. Becker passed on her opportunity to speak.

Fred Stahl passed on his opportunity to speak.

Jean Schwartz – there was no response from this caller.

Mike O'Hara – there was no response from this caller.

Morgan Gallagher passed on her opportunity to speak.

Ronda Tycer passed on her opportunity to speak.

Stan Heirshberg passed on his opportunity to speak.

Director of Finance Navazio said he had nothing further to add. Trustee Schmitz asked, on agenda packet page 228, in the first whereas clause, it references Resolutions 419 and 420, just googled the active resolutions and neither of those are listed as active resolution. District General Manager Winqest said that is because they are not a policy resolution. Trustee Schmitz asked if they are active resolutions do they have to be on our website? District General Counsel Nelson said what Staff is communicating is that because they are not Policy Resolutions, they are not on our website. Further, the District Clerk has confirmed that they have not been superseded

therefore based on that information the Board can move forward this evening and we can circulate a copy to the Board. Trustee Schmitz said that she believes someone made a comment or a reference to them as pre-dating the beach deed and she wanted to take a look at them. Trustee Schmitz said, fourth whereas, it references Resolution 1891 and what is that resolution? Director of Finance Navazio said it was the preliminary approval of the Facility Fee resolution which also set the date and time of the public hearing. Trustee Schmitz asked if, on page 229, parcels assessed – assess parcels and dwelling units – important distinction here? Director of Finance Navazio said the assessment on the tax roll is the parcel number and the amount is on dwelling units. Trustee Schmitz said that what about 4.A. and how it relates to Ordinance 7 because that ordinance is about more than property owners? Director of Finance Navazio said it lays out why assessing. Trustee Schmitz said in B. all benefits, not the case in certain cases, because certain parcels don't have access to the beaches and asking about it being specified. Director of Finance Navazio said from his perspective, this is inclusive, the individual rec rolls are separate and distinct as we transmit one rec roll with access to the beach and one without beach access. District General Counsel Nelson said the report adds some specificity and referred to the top of agenda packet page 235. Trustee Schmitz said regarding excessive fund balance, she knows we are bringing back our 5-year capital plan, to deal with the excessive fund balance, we as a Board have talked about some of these major projects, is it appropriate when reviewing that 5-year budget, can we do set aside for the fund balance to specific projects as it has been a concern especially with a number of the significant projects in the next number of years. Board Chairman Callicrate said we are going to need to discuss that at another time and appreciate you bringing it up.

Trustee Dent made a motion to close the public hearing. Trustee Wong seconded the motion. Board Chairman Callicrate called the question and the motion was passed unanimously.

Trustee Tonking made a motion approve Resolution Number 1893 which approves the Report for Collection of Recreation Standby and Services Charges (also known as the Recreation Facility Fee and Beach Facility Fee) for Fiscal Year 2022/2023 with the amendments requested by Staff. Trustee Dent seconded the motion. Board Chairman Callicrate called the question and the motion was passed unanimously.

**G.3. REQUIRED PUBLIC HEARING ON ORDINANCE 7, AN ORDINANCE ESTABLISHING RATES, RULES AND REGULATIONS FOR IVGID RECREATION PASSES AND RECREATION PUNCH CARDS BY THE INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT (*this public hearing will be held no earlier than 6:00 p.m. and as soon thereafter as practicable*)**

Trustee Dent made a motion to open the public hearing. Trustee Schmitz seconded the motion Board Chairman Callicrate called the question and the motion was passed unanimously.

District General Manager Winquest gave a couple of brief opening comments which included thanking the General Manager's Ordinance 7 Committee as well as the Board of Trustees, both legal counsels and his staff that worked on it. Board Chairman Callicrate also thanked the committee and said that we tried to take a stab at this 24 years ago. A couple of points that we have all received – there has been a misunderstanding on what denotes a group and 25 seemed to be a good number and it came out that it was 25 guests per parcel and that is not anywhere close to what we decided. Then the Board asked if by restricting the number of punch card would help to control the seeming overcrowding at the beaches, the District General Manager said yes. We also talked about parking and there will be photo identification at certain times at Incline Beach and then at Burnt Cedar Beach it will include photo identification and punch card dependent on the time in the season. Unfortunate that the information got out there and we are here to discuss with the knowledge that we will come up with something good for the community. Let's be respectful in order to come up with a good solution.

Ali Warner read a prepared statement which is attached hereto.

Alex Tsigdinos said he would like to point out that the primary purpose should not to be to make this ordinance work for short term rentals and fractional ownership work rather it should be true to the deeded rights of the parcel owners. Limiting the number of guests is important and having a high number sounds more like a commercial enterprise, having excess right for some infringes on the rights of the many. He appreciates that you want to avoid unintended consequences but accounting for the one off has the consequences that we have seen with overcrowding at the beaches and with the parking.

Pamela Tsigdinos said she appreciates the work on this one as it is not an easy one. She is a homeowner since 2004 and she speaks today as one of the many homeowners that have been crowded out of the beaches over the last several

summers. She is very concerned with the number of short term rentals and visitors and guests descending into the Tahoe basin. She has written extensively about this in a number of op-eds and she thinks it is really important that you understand that as more and more people learn about Tahoe and come to Tahoe, they will want to get onto our beaches. If we do not have strong enforcement measures, really good ways to account for who is coming in and bringing a guest and she can imagine a teenager who has a pass and an Instagram account who says they are going to start an escort service and saying anyone who wants to come to the beach, come along as my guest and they will them on there. She has seen more large groups occupying huge footprints in the sand in the last several years, that have been very intimidating; she means it's like they have staked a claim and she doesn't see a lot of these people during the rest of the year. She walked down to the Hyatt today as she wanted to look at their beach. She saw a row of very expensive cabanas and she asked what it costs to get a cabana – it is \$1,000 a day to get lakefront access. She knows people that stay at Hyatt and then go to the Burnt Cedar Beach pool as it is too expensive and we are subsidizing and this isn't fair to the residents of the Incline Village.

Mike Abel read from a prepared statement which is attached hereto.

Gary Stewart left the meeting.

John Eppolito said he has lived here for 24 years, never as crowded as it is now, believes it is short term rentals, parking is brutal in the summer, and one can't park at the beach unless you get there early. We have to allow less people access to the beaches.

Ray Tulloch said he is a 15-year Incline resident and someone who tries to use the beaches and candidate for Trustee. One of the most common complaints is the ability to use the beaches, unless you use it at 8 a.m., comes back at 9 a.m. and it is covered in towels. We don't want to turn it into South Lake as we don't have the infrastructure for it. The committee came up with a lot of great recommendations and it has taken 24 years and then we come up with a clause 2 days before, which is disrespectful, and if we wait a little longer, it is not going to kill anyone. Paragraph 75 – there may be two of them and then paragraph 76 is in breach of 76. Groups – reduce it to 25 instead of ludicrous figure of 50 or 100. Each picture pass holder can bring up to 50 guests as there is nothing to stop two people and the number of 25 is ludicrous and it should be 10. The beaches are here for the owners and not for short-term rentals owners.

Aaron Katz said follow the beach deed strictly. Asking you to continue action on this matter as you didn't provide Board packet information until 2 days before this

hearing. This should be split into two ordinances - one for the beaches and the second should be other than the beaches. This is mixing things up and makes it a problem. Access to hotel and motels, and by the way, when you go to give access to Parkside Inn, it applies to the Hyatt, and that is 400 rooms. Resolution 419, which Trustee Schmitz doesn't have, everybody knew ahead of time and that there was a cost and it was the Rec fee per room and let's talk about a guest. With Crystal Bay Development, a guest had to be accompanied by a parcel owner. It should be that way now and that would cut down 50% of the overcrowding. Remove the GM's power to give access, simple to do, eliminate punch cards and they came into existence so an owner can over the guest fees. Whoever you decide is a guest, he has announced years ago that every parcel that doesn't have access and is within IVGID boundaries is his guest, so charge them the fee and give them access.

Judith Miller said about the Parkside Inn and how she personally feels about it - she used to operate a hotel on the West Shore, small motel, split lake front so we had beachfront access and we had our own pool. It all cost an arm and leg to support so she sold it and the seasons were short. Ski season is longer because of snowmaking and summer is longer because of climate change. There is a reason to for them to pay their fair share as they will make use of those facilities and we aren't talking about the beaches, and these are the ones that have been built, and are available to all their guests. Some equitable fee that they would be reasonable for and for use of our facilities.

Margaret Martini read from a prepared statement which is attached hereto.

Gail Krolick said she has lived here 31 years, raised 2 girls, have a business, a wonderful husband, and she is appalled by how we are treating one another. Think about the parents in Texas who are mourning their children; it is just appalling to her. Please she is asking each person to be neighborly. The Trustees are elected to serve, if you don't like it, run for the Board. Ms. Krolick then read a statement from the IVBR which is attached hereto.

Rew Goodenow and he represents Incline Boat and Storage and we have submitted a proposal for changes to the ordinance. We believe the amendment brings the parcel more into line with the deed. He will stick around to the answer any questions.

Susan Marelich said we understand about beach overcrowding and that our business provides a very valuable service. They have submitted a proposal on working with the District. They will have to close their business if this is passed. They have been told that we can easily replace those clients however our facility

can only hold 20' boats. There are a lot of people who have larger boats and we won't be able to replace those customers. Most of our customers don't use the beaches as they launch for the day. Many of their clients are elderly are they rely on their business to help them. We help others, and, if we are forced to close our business, there will be lots of boats parking on the streets as they don't know how to maintain or launch their boats. We urge to help us maintain our business and not close our doors.

Cliff Dobler said this is one of the few times doesn't have a prepared statement as he likes to be accurate. Followed this beach access from the deed all the way forward. We have politicians here, if you can get a boat, you give it to them. Where we started with this beach access, added more and more over the years, employees were guests, slipped in the guest fee, then non-profits and this and that, politicians will do that. He has been in litigation all his life because he was in distressed debt business and you need to stay within the four corners of the document. To get reduced use and to have an impact you have to have the owner go with their guest. People will find ways to get on to the beaches and hotel and motels have to pay for that access.

Chris Nolet passed on his opportunity to speak.

Paul Smith read from a prepared statement which is attached hereto.

Carole Black read from a prepared statement which is attached hereto.

Caller 3920 passed on their opportunity to speak

Called 2779 – there was no response from this caller.

Charley Miller said that this was a tough topic and IBS is also a tough one as they have been around for a long time, they are nice people, have a great business, and that he agrees that commercial beach business shouldn't apply. 25 people is too many and 10 people is a better number as it could be a lot. STR – we have to control that as there is an abuse there. Hotels – difficult one, Hyatt has their own beach. He agrees with Ms. Krolick that no matter what your opinion, it should be done in a respectful way and convey your message without being rude. Employees – give them the privileges they deserve.

Frank Wright said he is a member of the Ordinance 7 committee and the only member who doesn't have access. We spent months talking about people going down there and the General Manager has gone to great lengths to make sure the employees can go to the beaches. It is unlimited and they go in for free. Why not

Crystal Bay as we have paid those fees? Follow the deed as it is very specific and if you don't, you will open the doors and you will have the world's tourists on them. If you are an employee and have a gold or silver card, you can use it for free for life and you don't have to pay into. No one has been disrespectful, come on Mr. Krolick, and to tie it in with what is going on Texas is ridiculous and this lady is running for the Board.

Kyle Beach said consider how the current proposal provides preferential treatment to those that physically reside in Incline Village versus those that have a primary residence outside of Incline Village. Preference is given to those who physically reside here and he would like to know how these affect those of us who reside outside the village.

Christie O'Hara said she is support for ISB as they aren't taking up beach space and someone mentioned about taking their guests to the beach and her Mom is 87 and that wouldn't be feasible for her to take the grandkids to the beach.

Diane Becker said she is a full time resident of Incline Village and a member of Ordinance 7 Committee. She wants to address the addition of paragraph 75. She listened to the owner of Parkside Inn and he didn't threaten to litigate. Heard him say something about opening it up to litigation. Listen to and realize that we don't have to agree to paragraph 75 today as it gives access to the beaches per day and in total. All of the beneficiaries and members of the Board and others who are there, have been limited. She would urge that time would be spent with occupants of hotels and motels. Historically, starting in 1982, hotels and motels were treated as commercial parcels and they could give access to their guests. If not appropriate approach, we should look at it. You don't have to do it today. It is not a situation where only looking at the Hyatt, there are other businesses who rent rooms. She would request that paragraph 75 be sent back to the committee or a to a new committee. This could have handled differently had it been raised and to rush it is really a disadvantage.

Stan Heirshberg passed on his opportunity to speak.

Fred Stahl said passed on his opportunity to speak.

Morgan Gallagher said she is counsel for the Warner's who are the owners of the Parkside Inn and she asked that the hotels and motels not be ignored and incorporate the proposed language.

Michael O'Hara said his Mom and Dad used to work at Ponderosa Ranch and that he keeps his boat at IBS and he is very thankful. He thinks the ordinance will

restrict his Mom, as his Dad passed away two years ago, and that the ordinance would restrict her ability to use the beach. Thinks his sister spoke before and noted that there are some that don't have the wherewithal and can't afford the extra amenities.

Ronda Tycker said Trustees you have done a yeoman's job of getting to this point. She would ask for a few other adjustments – as have others – reduce the max number of guests as she thinks the number of 25 is too many. Define a hotel or motel occupant in the ordinance and she would like you to distinguish between that and residents and she thinks that a different rate structure would work just like golf. Please consider your decision about accompanying guests. Thank you for your time, energy and work that you have put and thank you to the community.

Caller 3920 – there was no response from this caller.

Board Chairman Callicrate called for a brief break at 9:30 p.m.; the Board reconvened at 9:41 p.m.

Trustee Dent made a motion to close the public hearing. Trustee Schmitz seconded the motion. Board Chairman Callicrate called the question and the motion was passed unanimously.

District General Manager Winquest gave an overview of the submitted material followed by a lengthy discussion by the Board of Trustees. The outcome was the following changes:

- ⇒ Page 316, paragraph 57., entire last sentence, Agent shall be a family member.... shall be deleted
- ⇒ Page 335, paragraph 103, sub B., third line, delete “..within affinity...” will now just say family tree.
- ⇒ Family tree – review is to be added to the Trustees long range calendar
- ⇒ Page 326, paragraph 88, sub c. and f. the number which is 25 will be replaced with 15.
- ⇒ 2<sup>nd</sup> proposed paragraph 75 will be with the additions made by Mr. Balkenbush.
- ⇒ Occupant fee - bring it back to the Board of Trustees for review and discussion.



- ⇒ Two number 31's which will be renumbered appropriately.
- ⇒ Minor tweaks to language that is not substantial.

Trustee Schmitz made a motion to approve Resolution Number 1894: A Resolution Approving Ordinance 7, An Ordinance establishing rates, rules and regulations for IVGID Recreation Passes and Recreation Punch Cards by the Incline Village General Improvement District including the aforementioned changes made this evening. Trustee Dent seconded the motion. Board Chairman Callicrate asked for further comment; none was received so he called the question and the motion was passed unanimously.

Board Chairman Callicrate said we have achieved a monumental task and it is a fair and equitable document and, at the end of the summer, we will be able to hash through the changes that need to be made.

#### **H. CONSENT CALENDAR (for possible action)**

- H.1. SUBJECT: Adopt Policy and Procedure No. 141/Resolution No. 1895 regarding complimentary and discounted use of District facilities and programs (Requesting Staff Member: District General Counsel Joshua Nelson) (*Removed in its entirety – rescheduled to June 29, 2022 meeting*)**
- H.2. SUBJECT: Approve amendments to Policy 15.1.0, Accounting, Auditing and Financial Reporting, Audit Committee Charter, to regarding commencing the process to fill vacancies (Requested by: District General Counsel Josh Nelson and Trustee Matthew Dent) (*Combined with General Business Item I.3.*)**
- H.3. SUBJECT: Approve a purchase order for the 2022 Update Camera Equipment Project – 2599SS2107 - Fund: Utilities; Division: Sewer; Vendor: WECO Industries, in the amount of \$50,383.26. (Requesting Staff Member: Director of Public Works Brad Underwood)**

Trustee Dent made a motion to approve Consent Calendar Item H.3. Trustee Wong seconded the motion. Board Chairman Callicrate called the question and the motion was passed unanimously.

**I. GENERAL BUSINESS (for possible action)**

**I.1. SUBJECT: Review, discuss and possibly proceed Lot Line Adjustment – Buchholz Trust (APN 126-273-04) and IVGID (APN 126-273-02) (Requesting Staff Member: Director of Public Works Brad Underwood)**

Director of Public Works Underwood gave an overview of the submitted materials. Trustee Dent said if we are going to be selling a parcel, he thinks we would put it up for bid. TRPA had restrictions and we would be helping them with getting around this restriction therefore he wants nothing to do with it. Trustee Schmitz said she agrees and doesn't want IVGID to help with this and assist someone who is trying to circumvent a TRPA restriction. Trustee Tonking said she agrees with her fellow Trustees. Trustee Wong said she is indifferent. Board Chairman Callicrate said he is indifferent as well. There were stipulations that were placed on this property and he understands what they are doing. The Board of Trustees does not want to move forward with this item and advised Staff of same.

**I.2. SUBJECT: Audit Committee: Review, discuss and possibly appoint two (2) Trustees to the Audit Committee (Requesting Trustee: Trustee Michaela Tonking)**

Trustee Tonking gave an overview of the submitted materials and said she is open to serving. Trustee Schmitz read a prepared statement and concluded by stating that she is volunteering to serve on the Audit Committee. Trustee Wong said she would be interested in serving with Trustee Tonking on the Audit Committee. Trustee Dent said he would be interested in not serving on the Audit Committee.

Trustee Tonking made a motion that Trustee Tonking and Trustee Wong serve on the Audit Committee. Trustee Wong seconded the motion. Board Chairman Callicrate asked for further comments, receiving none, he called the question – Trustees Callicrate, Wong, Tonking voted in favor of the motion and Trustees Schmitz and Dent voted opposed. The motion passed.

**H.2. SUBJECT: Approve amendments to Policy 15.1.0, Accounting, Auditing and Financial Reporting, Audit Committee Charter, to regarding commencing the process to fill vacancies (Requested by: District General Counsel Josh Nelson and Trustee Matthew**

**Dent) (Moved from the Consent Calendar in order to discuss in combination with General Business Item I.3.)**

Trustee Dent said he pulled it from the Consent Calendar so as to explain that there were some minor changes made and in that process of thinking it through and in meeting with the District General Counsel and the District General Manager and the fact that we had a Trustee that was missing, he wanted to add an administrative function regarding a Trustee vacating their position and that it be agendized by the Board Chair in the next 30 days. District General Counsel Nelson made some suggestions on agenda packet page 352, last paragraph. Trustee Wong said she is fine with the language that District General Counsel read off but doesn't necessarily agree with all the changes on page 354; she doesn't like the changes on pages 353 and 354 as they are overkill. When any vacancy occurs, we should do our best to fill the vacancy. Trustee Dent said the reason this came up is there was a vacancy on the Audit Committee and the Board never directed Staff to do anything. District General Manager Winquest said he does support the changes made by Trustee Dent and District General Counsel Nelson. Board Chairman Callicrate said he is ok with the changes and with moving forward.

Trustee Tonking made a motion to approve the changes to Policy 15.1.0 with the changes that were made at this meeting. Trustee Dent seconded the motion. Board Chairman Callicrate asked for further comments, receiving none, he called the question – the motion was passed unanimously.

**I.3. SUBJECT: Review, discuss and potentially provide direction regarding modifying the term of Audit Committee appointments to expire in February (Requesting Trustee: Trustee Sara Schmitz)**

Trustee Schmitz gave an overview of the submitted material. Trustee Dent said having sat on the Audit Committee for the past year, coming on in July, we are already behind, the change does make sense, and it falls in line with the cycle. Trustee Tonking said is this such that all appointments would be made February? District General Counsel Nelson said all terms would expire in February and the two new at-large members would expire in 2024. Trustee Wong said she wants Counsel's feedback on what ideal timing would be. Board Chairman Callicrate said he would like that too. District General Counsel Nelson said that there are two ways forward - agendize it again or bringing back potential edits to look at. Trustee Tonking said edits would be helpful for her. There was no action taken by the Board of Trustees on this matter.

**J. MEETING MINUTES (for possible action)**

**J.1. Meeting of April 27, 2022**

Board Chairman Callicrate asked for changes, none were provided, the meeting minutes of April 27, 2022 were approved as submitted.

**K. FINAL PUBLIC COMMENTS\***

Yolanda Knaak said she is a 2022 IVGID candidate and thanks all for their hard work on Ordinance 7 and that she hopes it helps with the overcrowding. She is still concerned and hopes that you evaluate it.

**L. ADJOURNMENT (for possible action)**

The meeting was adjourned at 11:10 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.

Submittals attached are by:

Diane Heirshberg  
Gayle Holderer  
Incline Boat Storage & Marine  
Patrick Schmitz  
IVR by Gail Krolick  
Mike Abel  
Ali Warner  
Clifford Dobler  
Aaron Katz (3)  
Margaret Martini  
Alex Tsigdinos

## Susan A. Herron

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**From:** Diane Heirshberg <dbheirshberg@gmail.com>  
**Sent:** Thursday, May 26, 2022 10:05 AM  
**To:** Tim Callicrate; Matthew Dent; Michaela Tonking; kendrawong@gmail.com; Sara Schmitz  
**Cc:** Susan A. Herron; Indra Winquest  
**Subject:** New Paragraph 75 of Ordinance 7 Should Be Bifurcated from the Balance of Ordinance 7; It is Inequitable to Give One Beneficiary Priority Over Others

Dear Trustees,

This is my public comment in opposition to either alternative in new paragraph 75 related to occupants of hotels and motels. I request you bifurcate this issue from the vote on the balance of Ordinance 7.

### I. IT IS NOT EQUITABLE TO OTHER BENEFICIARIES IF OCCUPANTS OF HOTELS AND MOTELS ARE NOT LIMITED IN THEIR ACCESS BY A REASONABLE MAXIMUM NUMBER OF VISITS PER DAY AND IN TOTAL LIKE OTHER BENEFICIARIES HAVE BEEN

The Ordinance 7 Committee made its recommendations with respect to Beach access to address beach overcrowding, by putting reasonable limitations on how many people can come into the beach in a manner that is consistent with the Beach Deed and **in a manner that treated all of the Parcels equitably and gave each Parcel the opportunity for the same amount of Beach access.** I respectfully submit that the demand by a hotel/motel which is a single Parcel that pays one recreation (beach) fee, to treat all occupants of all hotels and motels differently from other beneficiaries is not reasonable, as more fully explained below. **Equitable treatment of Beneficiaries is critical to support the proposed amendment to Ordinance 7.**

### II. WHO ARE THE BENEFICIARIES?

The Beach deed says at page 1 line 28 – page 2 line 7: "It is hereby covenanted and agreed that the real property above described...shall be held, maintained and used by grantee...only for purposes of recreation by and **for the benefit of, property owners and their tenants (specifically including occupants of motels and hotels)** within the Incline Village General Improvement District as now constituted, and, as the Board of Trustees of said District may determine, the guests of such property owners..." (underlining added)

As you can see by looking at the Beach Deed, it makes "occupants of motels/ hotels" a subset of tenants and gives motels/hotels no greater or different rights than it gives to property owners or to tenants. Tenants in order to get IVGID recreation privileges need 6 months leases or longer under IVGID procedures and policies so tenants do not get unlimited access. (Also there is a legal argument to be researched under Nevada Revised Statutes 118A.170 both factually in IVGID historical documents and legally, that statute states that occupants of hotels for 30 days or less are NOT a tenant and therefore they are not a subset of tenants under the Beach deed at all but occupants for 30 days or more are. See Nevada Revised Statutes 118A.170.)

### III. THE DISTRICT CAN REASONABLY RESTRICT ALL BENEFICIARIES BEACH ACCESS INCLUDING HOTEL OCCUPANTS

Page 2 lines 14 – 19 of the Beach Deed gives the District the authority to make reasonable rules when it states: "...provided however, that said Board of Trustees shall have authority to levy assessments and charges as provided by law, and to control, regulate, maintain and improve said property as in its sole discretion it shall

deem reasonable and necessary to effectuate the purposes herein mentioned....” (underlining added)  
How can you think it’s fair to only have one class of potential beneficiaries (occupants of hotels and motels) who are not limited in number since every other beneficiary is limited? How can the District justify this action to the other beneficiaries?

As a committee this is what we attempted to do and we limited access for all groups of beneficiaries, consistent with the documentation and information we received. We strove to give each Beneficiary equitable access, but each group of beneficiaries was restricted. As a property owner you were greatly restricted. The equitable restrictions would have been a reasonable control by the Board of Trustees under the Beach Deed. BUT NOW AT THE LAST MINUTE A SUBGROUP OF BENEFICIARIES, OCCUPANTS OF HOTELS AND MOTELS ARE PROPOSED TO BE GIVEN AN AMOUNT OF BEACH ACCESS THEY DID NOT PREVIOUSLY HAVE (see below) AND ARE GIVEN NO RESTRICTIONS ON NUMBER PER DAY OR IN TOTAL. This is inequitable and unfair to all other beneficiaries who were restricted.

#### IV. UNLIMITED BEACH ACCESS FOR HOTEL OCCUPANTS IS NOT THE CURRENT RULE

1. **Currently, the other Hotel, the Hyatt pays three Parcel Recreation Fees and has done so since the 1980s.** The Hyatt gets recreation privileges (beach access) for only three parcels, not unlimited beach access for all of its guests. The Hyatt’s hotel occupants will legally have unlimited District beach access if paragraph 75 comes in. We aren’t asking the Hyatt to agree in writing to not have this unlimited access because we know they won’t. Just because the Hyatt said he doesn’t want his guests drinking on the IVGID beaches doesn’t mean the occupants won’t just want to come. Watch how fast that fence comes down between the district beach and the Hyatt beach. And what about Hyatt Residence Club, Chaparell and others which are all listed as hotels in all the travel websites and rent daily rooms to people. This expansion of recreation privileges will be argued by the Hyatt as its right, and likely by others.

2. The history of hotels under the Ordinance shows that it was never the historical understanding of the District that the occupants of hotels had unlimited access. The District minutes from 2-25-1982 that were given to the Ordinance 7 Committee which shows at VIII.b. that the Recreation Director "recommended that the recreation charge policy remain the same, with the exception that commercial parcels would be added to the roll on a per-parcel basis, hotel/motel would be classified in a commercial category and assessed on a per parcel basis and coupons would be eliminated." The vote passed her on page 1821. It is clear that the hotel/motels never received unlimited access, and at that time there were not day passes.

3. The Board did not approve reinstating daily beach tickets, which was contrary to the beach deed. In any event there have been no daily tickets for 2 years and now they have been or are being discontinued.

Finally to understand what a huge issue this is, consider that the new Tahoe Area Plan adopted by the Tahoe Regional Planning Agency and Washoe County, allows hotel/motels to be built on the large vacant lots along the highway 28 corridor and in other tourist areas that are 5 stories high (instead of the lower previous height limitations), with greatly reduced lot coverage requirements and increased density allowances, because TRPA wants Nordstar like hotels to be built here in Incline. Limitations on hotel occupants need to be considered with future hotel construction in mind in a considered process, not in a panic.

Paragraph 75 is the wrong decision for among other reasons, because it is NOT consistent with historical practise or with equitable treatment of beneficiaries or the result of a thorough analysis.

Respectfully submitted

Diane Becker  
805-290-2779

Sent from my iPhone

**Susan A. Herron**

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**From:** Gayle Holderer <gayletahoe1@yahoo.com>  
**Sent:** Thursday, May 26, 2022 12:47 PM  
**To:** Susan A. Herron  
**Subject:** COMMENTS RE TONIGHT'S BOT MEETING  
**Attachments:** IVGID\_BEACH\_2-25-2021.doc

Ms. Herron:

Attached please find my comments re the Beach Deed and the BOT meeting tonight, May 26, 2022.

Please include me comments/letter not only in the board packet, but please also distribute it to the Board of Trustees as well as the district legal counsel, and Ordinance 7 members.

Thank you for advance for your anticipated cooperation.

Kind Regards,

Gayle Holderer  
Incline Village Resident



## Gayle Holderer

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P. O. Box 3629 • Incline Village, Nevada 89450  
(775)772-4698 • gayletahoe1@yahoo.com

May 27, 2022

To: Callicrate, Tim

Cc: [isw@ivgid.org](mailto:isw@ivgid.org), Dent, Mathew, Wong, Kendra, Schmitz, Sara, Tonking, Michaela.  
Ordinance 7 Committee Members

Chairperson Callicrate and Other Honorable Members of the IVGID Board and  
Ordinance 7 Committee -

I have been a resident of Incline Village for 44+ years. It used to be that going to the beach was very easy any time of day. However, as time has progressed, one only must see the packed beach parking lots and cars parked in every direction and on every street in high season. It seems like the rate payors **PAY** and the **OUTSIDERS PLAY**. IVGID keeps wanting to expand our Beach Deed, but none of our beached are expanding with the many perks, fringes, exceptions, and other miscellaneous.

The BOT and IVGID management team/staff has a **FIDUCIARY DUTY** to the rate payers of this community and part of that duty is to honor this Beach Deed and the restrictions therein.

It is well known that Lake Tahoe adds a great deal of **Value** to the real property in Incline Village. The more the beaches are diluted the less desirable our property could become. As a new buyer in Incline Village, I would think twice about purchasing property here if I had a look at the beach situation in July and knew that the GM had the decision-making powers.

Additionally, making last minute changes/additions to Ordinance 7 on the eve of a BOT meeting on such a passionate issue shows nothing more than disdain and disrespect for the community. Rate payors I know are tired of paying for things they cannot use. This includes the beaches.

I believe the rate payors have been led astray by management and multiple BOT's for quite some time. Now is the time to cure the problem, protect our assets including the beaches for the benefit of the rate payors. In my opinion, this **FIDUCIARY DUTY** does not include giving away our assets to non-residents. Nowhere in the Beach Deed does it state, "NON-RESIDENT EMPLOYEE", or talk about perks, fringes, freebees, etc.

Thank you – Gayle Holderer

Incline Village, Full-time Resident

# INCLINE BOAT STORAGE & MARINE



A Close Corporation

David P. Marelich, President  
Susan G. Marelich, Secretary/Treasurer

*Enclosed & Secured*

May 24, 2022

Chairman	Tim Callicrate	<a href="mailto:callicrate_trustee@ivgid.org">callicrate_trustee@ivgid.org</a>
Vice Chairman	Matthew Dent	<a href="mailto:dent_trustee@ivgid.org">dent_trustee@ivgid.org</a>
Treasurer	Michaela Tonking	<a href="mailto:tonking_trustee@ivgid.org">tonking_trustee@ivgid.org</a>
Trustee	Sara Schmitz	<a href="mailto:schmitz_trustee@ivgid.org">schmitz_trustee@ivgid.org</a>
Trustee	Kendra Wong	<a href="mailto:wong_trustee@ivgid.org">wong_trustee@ivgid.org</a>
General Manager	Indra Winquest	<a href="mailto:indra_winquest@ivgid.org">indra_winquest@ivgid.org</a>
District Clerk	Susan Herron	<a href="mailto:susan_herron@ivgid.org">susan_herron@ivgid.org</a>

Dear IVGID Trustees and General Manager:

We would like to propose some ways IVGID and Incline Boat Storage & Marine can work together enabling us to keep the non-resident tenants we've served for so many years.

It has been suggested to us that we should easily be able to replace the 85 non-residents as we've had a waiting list for years. Unfortunately, the waiting list is for boats that are 24' to 38' long which won't fit into our storage area. When we built the boat storage 34 years ago, the average size boat was 20'. Whenever an existing customer leaves, we accept the smaller boats; however, as you're probably aware, most Incline residents only want larger boats.

One idea is that we personally are able to find and purchase commercial property in Incline in order to build a facility that can accommodate large boats. As I'm sure you're aware, the permit process with TRPA and Washoe County is very difficult, but perhaps IVGID could assist us with these agencies to get the proper permits.

The following are some examples of possible solutions that may aid in our situation while limiting commercial use at Ski Beach:

- A monitoring system could be set in place to prevent our non-residents from coming through the Ski Beach gate and walking onto the beach. New staff positions could be created, or even go to the extreme of enclosing the ramp area entirely, or a combination of both to lesser extents. Perhaps something as simple as a colored band indicating only ramp access with no beach access.
- Contract commercial activity only to commercial property owners or to business owners with more than say 100 vessels stored in their facility. This is similar to what TRPA will be heading towards in the near future to reduce commercial boating activity.

875 Oriole Way • P.O. Box 5446 • Incline Village, NV 89450 • Tel. No. (775) 831-5625 • Fax (775) 831-5672  
[inclineboatstorage@sbcglobal.net](mailto:inclineboatstorage@sbcglobal.net)

- **As is the current process for beach bars and concessions, allow bidding each season for a ramp use permit, similar to what Lake Forest did in 2021 (see attached) or what Sand Harbor does when their ramp is operational.**
- **Restrict IBS&M from taking on any future non-resident tenants.**
- **Restrict our non-residents from using the ramp during peak days or limit the number of launches per season.**

**There are probably more viable options or combinations of options which can be used to keep our established business open to serve the residents of Incline Village. Our business will then continue to bring revenue to our facilities and other tourist-dependent businesses in town. Implementation of such options should be tested and evaluated before the Board makes a final decision regarding our situation.**

**The Board has already determined that the recommended changes to Ordinance 7 with regards to pass allotment will be reported on and adjusted at a later date, if necessary. So why not enforce smaller changes to commercial boating (in the forms of the different suggestions proposed here or other solutions), and monitor and adjust those going forward? IVGID saw a big decrease in illegal commercial activity and rental overload when they simply started requiring evidence of business licenses and sufficient insurance coverage. So why not increase restrictions without an umbrella condemnation and see what happens then?**

**Please remember again that our tenant base has not changed in 17 years. The across-the-board changes proposed by IVGID are very much disapproved by popular opinions as witnessed by responses you've received recently. Rewording the Ordinance to allow us to continue operating as we have done for 33 years will only serve to benefit the community and increase ramp safety and efficiency. Again, please consider that in order to stay in business if the proposed changes stay as presented at the May 11 meeting, we will be directly impacting Incline residents with a huge increase in our rates to accommodate the loss of income from our non-residents.**

**We are hoping you can meet with us prior to May 26 to discuss our suggestions.**

**Sincerely,**

**David, Susan and Mark Marelich**

**Attachment**

# Lake Forest Boat Ramp

## Commercial Boat Launch Season Pass FAQ Sheet

### Who should purchase a Commercial Vessel Season Pass?

Any business or private boat owner renting watercraft to the general public.

### How much is a Commercial Vessel Season Pass?

\$1,000 per vessel.

### Do I need a Season Pass per vessel?

Yes. Current vessel registration information must be provided for each motorized boat or vessel and a separate boat launch pass must be purchased for each vessel. A vessel is classed as either a ski boat, pleasure boat, sailboat, Jet Ski and/or any other vessel.

### Why can't I purchase a day pass?

Required documentation must be verified by the District Office prior to any vessel being launched for commercial use.

### What documents are required by the TCPUD before I can receive my Vessel Season Pass?

The following documentation must be submitted and verified before a Commercial Season Pass can be issued:

- Placer County Business License
- General Liability Insurance
- Commercial Marine Liability Insurance
- Automobile Liability Insurance
- Worker's Compensation Insurance
- Copy of Commercial Operator's customer waiver showing required TCPUD language

### How long does it take to issue a Commercial Vessel Season Pass?

Passes are processed during District business hours (Mon-Fri, 8am-4:30pm). **Once all of the required documentation has been received by the District it typically takes a minimum of three business days to process.** We do not process season passes on weekends or District holidays.

### How do I receive my Commercial Vessel Season Pass?

Passes can be mailed to you or picked up at the Lake Forest Boat Ramp Kiosk.

### What language do I need to add to my waiver?

- Commercial Operators must provide a copy of their waiver that each customer, volunteer, subcontractor or agent utilizing the LFBR launch will sign, showing the language required as follows:

**Waiver of Liability and Indemnification:** The Tahoe City Public Utility District is not responsible for accidents, injuries, or loss of property. All users understand that use of the LFBR launch includes the potential risk of damage or injury, and all users are voluntarily choosing to use the LFBR launch. By signing this form, users, on behalf of themselves, their employees, agents, customers and contractors, are voluntarily releasing and forever discharging the Tahoe City Public Utility District (TCPUD), its agents, officials, officers, employees, and volunteers from any liability related to use of the LFBR boat launch and for any injury, death, illness or disease,

and damage. Users waive any and all rights that they may have to make a claim against, or to sue, the TCPUD for any loss or damage that may accrue against the TCPUD, its agents, officials, officers, employees, and volunteers, arising out of the use of the LFBR launch by reason of negligence or otherwise. Users further agree to indemnify and save free and harmless the TCPUD from any claims, liability, or loss occasioned to the TCPUD as the result of injury or death to persons or damage to property arising out of the use of the LFBR launch pursuant to the reasons for this waiver by reason of negligence or otherwise. Users shall include waiver and indemnity language consistent with this section in contracts, liability waivers and similar documents from all customers, volunteers, subcontractors, and agents, which shall be subject to TCPUD's prior review and approval. A waiver and indemnity shall be obtained from each customer, volunteer, subcontractor, or agent utilizing the LFBR launch.

**Are there any policies I should be aware of?**

- There are no refunds for Season Passes.
- If your boat is NOT TRPA sealed you will NOT be permitted to launch.
- Commercial Operator SHALL obey all TRPA noise and wake zone Ordinances.
- Commercial Operator SHALL NOT conduct any business transactions while on, or within, the properties of the LFBR Launch, including the beach and parking lots of LFBR.
- Commercial Operator SHALL NOT impact or interfere with the operation of LFBR Launch by District personnel or District concessionaires.
- Commercial Operator SHALL NOT park trailer or personal vehicles in the (2) prep lane parking spaces at the LFBR parking lot for a time exceeding the posted time limit of five (5) minutes.
- Commercial Operator SHALL NOT "set-up shop" or casually loiter at the LFBR Launch, which includes the beach area of LFBR.
- Refueling watercraft in the LFBR area, or LFBR parking lot is strictly prohibited.
- No garbage, trash, oil, fuel, debris or other material, liquid or solid, shall be deposited in the LFBR area, or within parking areas, except as specified in notices besides waste into the containers provided for that specific purpose.
- Commercial Operator shall moor their boats on TRPA-approved and permitted moorings or they shall remove their boats from the LFBR Launch daily.
- Commercial Operators shall be permitted to moor their boats at the LFBR courtesy docks for no more than ten (10) minutes at a time. Boats that are moored at the courtesy docks for more than ten (10) minutes will be subject to loss of launch privileges.
- No overnight parking is allowed on or in the vicinity of the courtesy or floating docks.
- The LFBR trailer parking area is for short-term (day use) parking only for visitors and guests using the LFBR Launch after they've launched their boats. Commercial Operators SHALL NOT be permitted to park loaded trailers in the LFBR parking lot overnight, while staging, or queuing for rentals.

**Susan A. Herron**

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**From:** peseps@aol.com  
**Sent:** Wednesday, May 25, 2022 10:40 AM  
**To:** Tim Callicrate; Matthew Dent; Kendra Wong; Sara Schmitz; Michaela Tonking  
**Cc:** Susan A. Herron  
**Subject:** Ordinance 7 comments  
**Attachments:** ORDINANCE 7 COMMENTS 26 May 2022.pdf

**Please note my attached comments on the public hearing related to Ordinance 7.**

**It is time this ordinance get updated and IVGID move closer to the beach protection for parcel owners that the deed demands.**

**I look forward to your positive action on these protection updates.**

**Paul E Smith**  
930 Tahoe Blvd.  
#802-557  
Incline Village, NV. 89451  
[peseps@aol.com](mailto:peseps@aol.com)  
775.833.2509

**IVGID ORDINANCE 7 COMMENTS FOR PUBLIC HEARING**

**26 MAY 2022**

**Punch cards:**

Each parcel owner gets five cards (picture and/or punch). Additional cards (up to five) should only be permitted if the number of persons using the cards qualify as members of the parcel owners family tree. Additional punch cards for non-family tree persons should not be allowed. The beach should be limited to parcel owners, period. The more cards issued; the more “guests” will be crowding the beaches.

**Guest Definition:**

Accept the drafted definition but be prepared for confusion. For example, is reimbursement to the parcel owner for punch card use the same as receiving compensation for using the beach or any other venue?

**Commercial operations at the beach:**

Strongly support this definition and its immediate implementation.

This definition will prohibit advertising of beach access as an inducement to rent or use a specific service provider.

Historically boat launch providers have given priority to their rental business and refused to service local parcel owners who keep their boats on their Incline parcel or at a local storage yard. This commercial operations definition will give parcel owners better access at the launch facility.

Perhaps IVGID might consider contracting (going out to bid) the launch of all craft to a contractor who can keep inexperienced water-craft owners from wasting time and being unsafe while launching their boat.

**Passes for IVGID employees:**

If an employee is not a parcel owner nor a resident of the IVGID beach qualified area; then no pass access (historic or future) should be allowed. Employee’s have access to the beach only for work related activities.

IVGID and beach access rules currently prohibit Crystal Bay owners from using the IVGID beaches and boat launch facilities. If our neighbors and friends in close by Crystal Bay cannot use the beach; then employee’s not living in Incline should also not be able to use the beach.

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Thank you for finally addressing the updating of Ordinance 7. Please make the proposed changes and especially those I support above. To delay further and to miss this summer season fails to honor your fiduciary responsibility to parcel owners in Incline Village. Efforts to dilute Ordinance 7 and expand access to our private beaches will only erode property values and destroy a deeded amenity.

**PAUL SMITH**

**1437 TIROL DRIVE**

**INCLINE VILLAGE, NV. 89451 775.688.9442**

## Susan A. Herron

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**From:** essesdon@gmail.com  
**Sent:** Monday, May 23, 2022 9:51 AM  
**To:** Tim Callicrate; Matthew Dent; Michaela Tonking; Sara Schmitz; Kendra Wong; Susan A. Herron  
**Cc:** 'Incline Boat Storage and Marine'  
**Subject:** Incline Boat Storage and Marine (IBSM)/Ordinance 7

May 23, 2022

To: Tim Callicrate, Matthew Dent, Michaela Tonking, Sara Schmitz, Kendra Wong, Susan Herron

Cc: Susan Marelich, David Marelich, Mark Marelich

Re: Incline Boat Storage and Marine (IBSM)/Ordinance 7

Dear IVGID Trustees,

I am writing this letter as a tenant and customer of Incline Boat Storage and Marine to express my concern over the recent May 11th ruling to make substantial changes to ramp/beach access through Ordinance 7.

First: Incline Boat Storage and Marine is a dying breed of world class, local family-owned businesses that is providing a unique service to the Incline Village community, the general boating community, and the Lake Tahoe area. Their business model of boat storage, maintenance/repair, and launch is a valuable service, and they do this with the highest trust, integrity, quality, and customer service. To potentially destroy this business seems like a loss to the community as well as the boating industry. Realistically, I don't see how IBSM can stay in business with a potential loss of 38% of their customer base due to this ruling. A loss of this business would not only affect the IBS residents who are tenants and rely on IBSM for launching/storage/service, but also the Incline Village residents that rely on IBSM for preventive and emergency mechanical services for their boats. I would imagine that a local business like IBSM is valuable in many ways to Incline Village, not to mention the tax revenues of their business and the local jobs they provide. Please take this into consideration.

Second: As a customer/tenant of IBSM, my plan is to launch and retrieve only once each season. The service they provide to me is for launch/retrieve only as I do not use the beach, and I take my boat to another location for use and storage. At one launch per year (similar to the other tenants in my situation), I don't see how this is putting stress on the launch facilities.

Third: Launching at any boat ramp can be chaotic and unsafe, as most of the general boating public lacks the skills and safety protocols needed when launching and retrieving boats. By having the experienced and skilled employees of IBSM doing the launching consistently for their customers (the majority who are Incline Village residents with beach access), this is a major benefit for the launch ramp facilities, and overall will make it safer and more efficient. If IBSM were forced to shut down due to this ruling, these Incline Village residents (138 boats) would not have access to IBSM launch services and would have to launch themselves at this ramp or find someone else to launch for them, and I believe this would be an overall negative impact on the launch facility.

Lastly: IBSM believes that they should be afforded the same consideration for their tenants concerning ramp/beach access as the mentioned hotels and motels in the original Deed which allow their "tenants" to have beach access. IBSM usage of the ramp is very small in comparison to the others, they are trained professionals, their launch customers are not using the beach, and they are performing a valuable service to Incline Village residents and tenants, as well as their positive impact as a business in the community.



Thank you for your time and consideration,

Regards,

Don Esses

858-869-5788

5/26/2022

Patrick Schmitz  
932 Lakeshore Blvd.

For the record, I am the spouse of sitting board member Sara Schmitz

To start, I would like to thank the current Board of Trustees for their service and dedication to the community. I know it is not an easy task.

As a spouse, I have first-hand knowledge of what it takes to be a valued board member. The hours of preparation, working with the community, taking calls at all hours, etc. is very disruptive to a person's life – I guess that is what you sign up for when you run for office. I have also learned what it means to be a spouse of a board member – supporting their commitment to the community, being patient and sitting by idly while their spouse navigates through various community issues and concerns. But there comes a time when a spouse can no longer sit idle and allow things to happen that they fiercely find inappropriate.

One of these occurrences took place last evening when the current sitting Board Chairman, Tim Calicrate, called my wife and fellow board member and in an assertive, loud voice that I could hear from across the room chastised her on how she was inappropriately filling the role as a board member, made unsubstantiated accusations, and tried to silence her communication to the community through her non-profit Incline Village/Crystal Bay Community First entity. I felt that this was a blatant attempt to stifle her voice and try to get her in-line. I feel that this bullying and intimidation behavior is unacceptable and frankly appalling.

Leadership is all about gaining and retaining respect. After last night's incident, I have lost all respect for the current sitting Board Chairman. The Incline Village/Crystal Bay Community deserves better!

Tim, please stop trying to stifle Sara. She does wonderful work for this community.

1335 (continued)

for the record, I am the author of the book "The American  
 To start, I would like to say that the book is a very  
 the community. I know it is not a very long  
 and I hope I have been able to help you in some way.  
 of a community where you can find a lot of things  
 that you need. I hope you will find it useful.  
 also found it useful. I hope you will find it useful.  
 to the community. I hope you will find it useful.  
 community. I hope you will find it useful.  
 and I hope you will find it useful.

of these communities. I hope you will find it useful.  
 I hope you will find it useful.

the community. I hope you will find it useful.  
 I hope you will find it useful.

I hope you will find it useful.  
 I hope you will find it useful.

I hope you will find it useful.  
 I hope you will find it useful.



Dear IVGID Trustees,

On behalf of the Incline Village Association of REALTORS®, we would like to issue a statement. IVR and the Incline Village General Improvement District have developed a very strong working relationship throughout the years based on sound policy and compromise. We are very proud of that relationship and wish to continue to work together on future projects. In regard to Ordinance 7, IVR has full confidence that our elected officials at IVGID will, to the best of their abilities, consider the ramifications of their changes and remain compliant with the beach deed of 1968 to provide the best service to residents of this community. Statements not expressly issued by the Incline Village Association of REALTORS® are not indicative of the Association as a whole and are the personal opinions of the individual. The Association is grateful IVGID is willing to hear community stakeholders' opinions on issues and is willing and excited to remain involved in future endeavors.

Sincerely,

Blane Johnson  
PPC Chair

Kendra Murray  
CEO of IVR

Why should I have to come here this evening to defend my family's property rights that are included in the beach deed.

The reason is that we have a feckless Chairman led around by the nose by a non-resident non-property owner General manager.

IVGID taxpayers paid \$19,000 to an attorney, who in cahoots with the two persons mentioned, has failed to delineate the illegal-status of employee beach access because he knows that IVGID employees have no rights to beach access and these people do not want that information given to property owners.

Our GM and Callicrate have artfully slipped into tonight's agenda two other anti-property-owner items that will benefit outsiders. First is the proposal for unlimited beach access by hotel guests and second is the proposal to allow outside non-profits to use IVGID facilities at the sole discretion of the GM.

I want the beach deed supported and enforced by our IVGID Trustees. The beach deed in abbreviate form says:

“that the real property above described (beaches), shall be held, maintained and used by grantee it successors and assigns, **only for purposes of recreation by and for the benefit of property owners and their tenants** (specifically including occupants of motels and hotels)

.....No other rights were granted to IVGID in the original Beach deed. (except access to the water treatment plant)

I do not want IVGID employees given free access to the beaches

I do not want commercial boat operators giving non-residents

beach access without a homeowner granting such access to a person who is the homeowner's guest.

I do not want unlimited beach access for hotel guests without payment of equitable fees like I pay.

I do not want to cater to STR owners by issuing more than 3 extra punch cards for any parcel beyond the maximum 5 max picture pass and/or punch card combination presently allowed.

If our Trustees do not support the property owners in Incline, should IVGID be removed as the manager of our private beaches? If they fail us, I propose that we property owners sue IVGID for VIOLATION OF THE BEACH DEED AND BREACH OF CONTRACT.

Mike Abel  
428

Esteemed members of the Board of Trustees

My name is Ali Warner. My family and I live full time in Incline Village, and we are the owners of a 38 key hotel called the Parkside Inn. The Parkside Inn is one of only two hotels in Incline Village and the only hotel that is not on beachfront property. Parkside Inn occupants have always had access to the Incline Beaches. Our vision for the hotel is to refresh the 38 keys and significantly enhancing the amenity areas to provide a community servicing locally owned hotel that everyone is proud of and excited to visit. Upon completion, the hotel will be aptly renamed "The Incline Lodge".

I'd like to start by thanking the Board of Trustees for their tireless effort to serve the community. I'd like to thank the IVGID staff who operate under a culture of care and go out of their way to make a positive difference. I'd also like to thank the community including all those in attendance tonight. It is so nice to be neighbors with all of you. We live in the most wonderful place in the world, and I am grateful we can share this experience together. Lastly, I would like to thank my wife Natasha who is in attendance tonight for the love she provides to our family and the care by which she has worked to plan a community serving hotel.

We understand the importance of the discussion taking place this evening and how vital it is to get this right. We also understand the three objectives in revising Ordinance 7 and that Hotels and Motels were not mentioned in the last Ordinance 7 document. That said the changes to Ordinance 7 from the prior draft now require language related to Hotels and Motels to be included in order not to violate the Beach Deed.

Why does this matter? The Beaches were granted to IVGID for ten dollars through the Beach Deed. The Beach deed is a very short and simple document and basically names property owners, tenants and occupants of hotels and motels as beneficiaries that are allowed to use the beaches for recreational use. By restricting one of the beneficiaries, it opens IVGID up to unlimited litigation risk by the impacted beneficiary (in this case the occupants of hotels and motels) and it also opens the real possibility of losing the private beaches for everyone by those seeking predatory reversion rights.

We are a small community serving hotel caught in a much bigger issue. We discussed this in detail with 40 community members over 48 hours and all supported inclusion of language related to Hotels and Motels into Ordinance 7. We have a community letter that we submitted with most of these signatures.

We are before you as residents of the community, business owners, neighbors, and friends. We appreciate living here and we are excited to do our part to make a positive difference in this community. – Thanks

These written comments should be made part of the minutes of this meeting.

I have followed the budgeting of IVGID for 8 years. There has been no consistency. ~~OR EFFORT~~

The main issue with the Budget is the inability of management and the Board of Trustee's to abide by policies and practices. ~~TO COMPLY~~

Let's center on the Utility Fund which handles all water, sewer and trash. According to IVGID staff the infrastructure replacement value is over \$600 million. Now anyone who owns or manages a business knows the necessity of having reserves for unforeseen circumstances and most municipalities have a rainy day stabilization fund. IVGID does not have one. More remarkable, IVGID has a policy and practice which demands reserves for the Utility Fund to be at a MINIMUM of \$5.8 million.

Yet go to page 79 and based on the 2022/2023 budget and see the reserves will only be \$354,744. In other works only 6% of what should and a shortage of \$5.4 million.

Now keep in mind, the budget calls for \$15.6 million in capital expenditures. History provides us information that nearly every project IVGID has ever done exceeds the estimate by 25% to 35%. Overages could be between \$4 to \$5 million. Where does those overages come from? the measly \$350K reserve? IVGID does not have any line of credit and can only draw from the general fund, which has minimal resources.

Now this is serious. It is reckless. It is uncommon for responsible people to act this way. These people are irresponsible.

This is not an overnight event. It has been going on for at least 8 years. To make matters worse, the Board also allowed money set aside for the effluent pipeline project to be used to prop up their recklessness on other projects. Now rather than having the money available \$40 million will have to be borrowed. An yet the reserves will not be in compliance with Board Policy or Practices.

The Utility rate study done at a cost of \$75K suggested utility rates be increased substantially, but because anything less than 20% just sounds better the Board reduced the recommended amounts.

I inquired of a Trustee, why the rates were reduced and was told that not that much money was needed for the budget. Untrue. The tentative budget sent to the State in had \$800K in reserves only to then be reduced so the Board could feel better about not asking for a 20% increase.

This Board has only 7 months to go. Let's hope we can stand this nonsense until the two, two term Trustees fade into their irresponsible sunset.

#1

Public Comment - Clifford F. Dobler - May 26, 2022 - Board of Trustee meeting

Written Statement to be made part of meeting minutes.

My name is Clifford F. Dobler and I have been a resident of Incline Village for 27 years. Over the past 8 years I have sliced and diced IVGID weaknesses in financial reporting and internal controls only to have the then current board do nothing. Along came Sara Schmitz and a proper audit committee was formed with three outside members and two trustees. Trustee Dent and Schmitz were the Trustees and I was one of the outside members. We sought outside professional help to provide guidance on 21 points of hazy financial reporting. A report was produced and the Board of Trustees accepted the report and recommendations. Lo and behold the audit of the financial statements for the past two fiscal years, prepared by two different audit firms, found that the IVGID Comprehensive Annual Financial Reports had Material weaknesses in financial reporting and internal controls. I also see that this fiscal year which ends on June 30, 2022 will be more of the same.

There will be a new audit committee effective July 1, 2022. I will not be a member, however, Ray Tulloch will remain and thank goodness we will have him.

Without proper financial reporting, readers, lenders and even the State will lose faith in IVGID's ability to function as a legitimate organization.

Late last year, on a 3-2 vote, the June 30, 2021 financials were approved for submittal to the state over the Audit Committee objections recommending restatement of certain material items to provide more accurate reporting.

Next week on June 1, 2022, the Audit Committee will again meet and again recommend to the Board to refine the financial reporting in certain area.

A disagreement with an Audit Committee is unheard of as the members are in charge of assuring that the reporting is fair and accurate and work hard to make that happen. Yet, three members of the Board chose to ignore the Audit Committee. Then the question is. Why have an audit committee.

IVGID is heading down a deep dark road. Substantial borrowing will be required for the effluent pipeline and I will say, lenders ~~to~~ not like bad financial reporting.

DD



**WRITTEN STATEMENT TO BE INCLUDED IN THE WRITTEN MINUTES OF THIS MAY 26, 2022 REGULAR IVGID BOARD MEETING – AGENDA ITEM H(1) – ADOPTION OF A NEW POLICY ON COMPLIMENTARY AND DISCOUNTED USE OF THE PUBLIC’S RECREATION/OTHER FACILITIES**

**Introduction:** Here our attorney, WHO SHOULD KNOW BETTER, proposes a revised policy for complimentary and discounted use of the public’s recreation/other facilities by favored community collaborators. For the reasons which follow I urge summary denial.

**The Board is Local Parcel Owners’ Fiduciary:** You members exist to provide facilities and programs local parcel owners want which Washoe County are unwilling to provide. You are not here for any other reasons. Do each of you understand this? And if so, why do you entertain garbage like this proposed resolution which grant preferences to special interests in our community at the expense of local parcel owners? Understand who you are, to whom you owe the highest fiduciary duties, and then start exercising those duties. And it all begins with refusal “to move forward at this time with this project” as staff recommend at page 347 of the packet of materials prepared by staff in anticipation of this May 26, 2022 Board meeting<sup>1</sup> (“the 5/26/2022 Board packet”).

**Why is This Matter on the Consent Calendar?** The Consent Calendar is resolved for routine matters requiring no discussion. Does this matter fit into that definition? Since it does not, why is it on the Consent Calendar? Who put it there? On May 24, 2022 I made e-mail request it be removed from this calendar and transferred to the General Business Calendar, and I reaffirm the request.

**It’s Time to Put an End to ALL Complimentary or Discounted Use of the Public’s Recreation/ Other Facilities:** The Board is involuntarily assessing local parcel/dwelling unit owners nearly \$7 million annually to provide financial subsidies that in part allow staff to give away the public’s recreation/ other facilities to anyone of their choosing. The time for continuing these giveaways must come to an end. They should be eliminated for all. Because when they’re not, it means that those who are involuntarily assessed end up subsidizing that use.

Are the people in this community so destitute that they cannot afford to pay for their own recreation? That they force their neighbors to involuntarily subsidize the costs of their recreation? Then why be in favor of this proposed resolution?

**My E-Mail of May 24, 2022:** On May 24, 2022 I sent an e-mail to Board members ask they remove this matter from the Consent Calendar, and that they vote NO! A copy of that e-mail is attached as Exhibit “A” to this written statement. For the reasons stated in the attached e-mail, I hereby reiterate the request.

**Vote to Rescind Prior Resolutions Giving Complimentary and Discounted Use of the Public’s Recreation/Other Facilities:** The last portion of Proposed Resolution 1895 at page 349 of the

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<sup>1</sup> Go to [https://www.yourtahoeplace.com/uploads/pdf-ivgid/05-26\\_-\\_Rev\\_1-1.pdf](https://www.yourtahoeplace.com/uploads/pdf-ivgid/05-26_-_Rev_1-1.pdf).

5/26/2022 Board packet asks that prior Resolution Nos. 1493, 1527, 1619, and 1701 be rescinded. I ask this is exactly what the Board should do.

**Conclusion:** One of the problems this District has is it thinks it exists to parse out free or discounted use of public facilities at the expense of local parcel owners who are involuntarily forced to pick up the tab. It happens over, and over, and over again. No other municipality I know does this, and there is nothing in NRS 318 which allows IVGID to do what it does. Be a fiduciary and just say no!

And to those asking why their Recreation ("RFF")/Beach ("BFF") Facility Fees are as high as they are, now you have another example.

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

**EXHIBIT "A"**

## Agenda Item H(1) - Complimentary and Discounted Use of the Public's Facilities - on the Consent Calendar no less!

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**From:** <s4s@ix.netcom.com>  
**To:** "Callicrate, Tim" <tim\_callicrate2@ivgid.org>  
**Cc:** <ISW@ivgid.org>, "Dent, Matthew" <dent\_trustee@ivgid.org>, "Wong, Kendra Trustee" <wong\_trustee@ivgid.org>, "Schmitz, Sara" <schmitz\_trustee@ivgid.org>, "Tonking, Michaela" <tonking\_trustee@ivgid.org>  
**Subject:** Agenda Item H(1) - Complimentary and Discounted Use of the Public's Facilities - on the Consent Calendar no less!  
**Date:** May 24, 2022 4:01 PM

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Chairperson Callicrate and Other Honorable Members of the IVGID Board -

I keep telling you it's essentially everything your staff does. And here we go again!

What don't you people not understand that government does not exist to provide freebies and discounted use of the public's facilities TO ANYONE! I don't care who you are, what your story is, what your socially redeemable cause of the month is, neither you nor your wonderful staff exist to be giving away any of the public's assets to anyone for any reason. PERIOD! And no, none of your favored collaborators are ENTITLED to any of this!

Instead, your staff want you to formalize a policy that allows them to give away the store to favored collaborators notwithstanding the people who are paying the freight are local parcel owners. And on the consent calendar no less? This is such a routine request that it doesn't warrant a public discussion? Are you out of your mind Indra?

I hope at least one of you will have the guts to pull this item from the consent calendar. To at least have a discussion. And then I hope a majority of you will do what in your heart you know you should do. And that's to simply SAY NO! To everyone of these requests. The staff memo states your alternative is to "decline to move forward at this time. So do what your staff suggest you do. Decline to move forward.

As long as you charge local parcel owners for all of your misadventures, you have no standing to be giving away anything to anyone any of the time. Once you eliminate the Rec and Beach Fees, and you want to give away public things using the taxes the public pays, we can have a discussion. But right now we can't.

Respectfully, Aaron Katz

**WRITTEN STATEMENT TO BE INCLUDED IN THE WRITTEN MINUTES OF THIS MAY 26, 2022 REGULAR IVGID BOARD MEETING – AGENDA ITEM I(1) – APPROVING A PROPERTY OWNER’S REQUEST THE DISTRICT ANNOUNCE ITS CONSENT TO SELL HIM PUBLIC LANDS AT FAR LESS THAN MARKET VALUE DISGUISED UNDER THE LABEL OF A SIMPLE LOT ADJUSTMENT**

**Introduction:** Here our dirty staff, Public Works Director Brad Underwood, proposes that the Board give the a local resident the approval for a sale and easement back of public property when no legitimate public purpose exists, simply so the resident can increase the value of his private property by millions of dollars. Because the Board does not exist for this purpose, and it is detrimental to the interests of the community, I urge summary denial of the request.

**The Board is Local Parcel Owners’ Fiduciary:** You members exist to provide facilities and programs local parcel owners want which Washoe County are unwilling to provide. You are not here for any other reasons. Do each of you understand this? And if so, why do you entertain garbage like this proposed agenda item which allows a local resident to advance his own private interests at the public’s expense? Understand who you are, to whom you owe the highest fiduciary duties, and then start exercising those duties. And it all begins with refusal to “allow the applicant to use IVGID property for purposes of achieving...divi(sion of) their property” with no benefit to the public as staff recommend at page 366 of the packet of materials prepared by staff in anticipation of this May 26, 2022 Board meeting<sup>1</sup> (“the 5/26/2022 Board packet”).

**How Did This Matter Get on the Calendar?** For years I have asked that matters of public interest be placed on the Board’s calendar for discussion and consideration. After all, the only persons who can vote on those matters are members of the Board. And since staff are the gatekeepers, matters don’t get on the calendar unless staff approve. It’s entirely discriminatory and unfair.

Yet people like the subject applicant some forward with schemes to benefit them at the expense of the public and staff open their arms. And they’re doing this as a means to buy support for them, their issues, or their approved candidates for IVGID Trustee. This is totally wrong, and this matter should be removed from the Board’s agenda because it never should have gotten there in the first place.

**Staff Have Attempted to Hide the Full Import of This Matter by Mis-Labeling it as a Lot Line Adjustment. In Truth it is a Sale of Public Property Combined With an Easement Back:** Make no mistake. This matter is not a “lot line adjustment.” It is the Buchholz’s purchase of public lands so a secondary accessory dwelling unit (“ADU”) can be located on a separate parcel, combined with an easement back to the public which allows IVGID and *NOT* the public to enter upon former public property. And for what? The difference in value between fee title and an easement which extends similar use?

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<sup>1</sup> Go to [https://www.yourtahoeplace.com/uploads/pdf-ivgid/05-26\\_-\\_Rev\\_1-1.pdf](https://www.yourtahoeplace.com/uploads/pdf-ivgid/05-26_-_Rev_1-1.pdf).

**What's the Public's Interest in a Scheme Such as This?** Right now this is public property which is used for hiking and water storage. What possibly is its interest in deeding away this property to anyone? And for exactly what? The answer is simple. NONE! We know what Mr. Buchholz's interest is and it's entirely pecuniary. But what is the public's?

**A Sale Like This Cannot Take Place Unless the Board Determines it's in the Public's Interest:** That's what NRS 318 instructs. Is the Board of the opinion the public interest is served by selling this property? Assuming no, the request should be summarily denied.

**Since Mr. Buchholz Doesn't Need Board Approval to Merely "Investigate and Refine Details" of a Sale and Easement Back, Why is it on This Agenda?** The applicant doesn't need Board approval to investigate and refine the details of its proposed purchase. He is free to do so without any help by IVGID. But what he really needs, is IVGID's consent on a TRPA application because without it, he has no standing to secure any consent.

**How Many Thousands of Public Dollars Have Already Been Spent on This Boondoggle That the Board Has Never Approved?** Every time our engineering staff do ANYTHING on matters like this, their time gets billed back to IVGID Departments benefitting from the matter. And the cost is outrageous. \$160/hour for Mr. Underwood's time, and \$130/hour for Ms. Nelson's. Given all the time and effort Mr. Underwood admits has been spent on this matter, the cost to the public has already been thousands of dollars. Plus there will be thousands of dollars in TRPA application and Washoe County fees. And for what? So the public can give up fee title to public lands and trade it for a lesser estate which won't allow the public to access and use this parcel? I have asked Indra for the costs but he has ignored my request. We all know why!

**My E-Mail of May 21, 2022:** On May 21, 2022 I sent an e-mail to Board members asking they remove this matter from the agenda, and that they vote NO! A copy of that e-mail is attached as Exhibit "A" to this written statement. For the reasons stated in the attached e-mail, I hereby reiterate these requests.

**Since Now We Have Evidence That Mr. Buchholz Has Two Homes on a Single Parcel Yet He is Only Paying One Rec/Beach Fee, the Time Has Come to Increase His Assessment Retroactive to 2009 When His Second Home Was Built:** Staff admit on page 365 of the 5/26/2022 Board packet that there are two homes on a single parcel. Why then isn't this property being assessed multiple dwelling units? Board members. DO YOUR JOB as fiduciaries!

**Conclusion:** One of the problems this District has is it believes it exists to parse out benefits to select special interests at the expense of the rest of us. And it's not fair. And Mr. Buchholz knows this. He built an ADU and as a condition, agreed his parcel could never be subdivided. Now he attempts to accomplish through the back door what he can't through the front door. Too bad! You knew this 13 years ago. So why do you suggest some foul now? And why is this the public's problem and not yours? Why do public funds and time have to be expended on an issue which has nothing to do with the

public? Furthermore, if our staff didn't waste their time on extraneous matters such as these, maybe they'd have the time to attend to their legitimate jobs. Please summarily deny this application.

And to those asking why their Recreation ("RFF")/Beach ("BFF") Facility Fees are as high as they are, now you have another example.

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

**EXHIBIT "A"**



## Agenda Item I(1) to the Board's May 26, 2022 BOT Meeting - Selling IVGID Land to Another Taker For Peanuts

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**From:** <s4s@ix.netcom.com>  
**To:** "Callicrate, Tim" <tim\_callicrate2@ivgid.org>  
**Cc:** "Dent, Matthew" <dent\_trustee@ivgid.org>, "Wong, Kendra Trustee" <wong\_trustee@ivgid.org>, "Schmitz, Sara" <schmitz\_trustee@ivgid.org>, "Tonking, Michaela" <tonking\_trustee@ivgid.org>  
**Subject:** Agenda Item I(1) to the Board's May 26, 2022 BOT Meeting - Selling IVGID Land to Another Taker For Peanuts  
**Date:** May 21, 2022 5:46 PM

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Chairperson Callicrate and Other Honorable Members of the IVGID Board -

Here we go again. Liar, liar, pants on fire! How many times do you as trustees need to see the same dirty thing play out before you put your foot down?

Either Mr. Underwood is outright stupid, he is intentionally deceitful to the core, or he's nothing more than a "yes man" blindly taking his marching orders from others who are intentionally deceitful.

Here he labels this agenda item as nothing more than a simple "lot line adjustment" request. No it isn't!

It's a request that the Board approve the sale of an IVGID parcel to a private party for next to nothing coupled with an exclusive easement back to IVGID (not a public easement given the public is currently entitled to use it for hiking or whatever, but an exclusive use so that the public will be deprived of the property's use). And what exactly is the public interest in this deceitfully presented concoction? And if its basically no harm, no foul, because in the end IVGID gets to use the parcel it can already use, why the heck are we a participant?

The "takers" in our community who have come up with this concoction (the Buchholzs) try to make it sound like the public is going to be paid money...a gargantuan amount of money. Really? Go watch the movie Ferris Bueller's Day Off; "wake up and smell the coffee Mr. Bueller!" I say if the Buchholzs are prepared to pay several multiple tens of millions of dollars which can be used to pay for replacement of our failing effluent pipeline that's one thing. But if it's going to be something like a nickel ninety-eight (which is precisely what I predict it will be), forget about it!

And what's worse is Mr. Underwood's admission that staff have have not only given the applicant the time of day to make its case, but they have "conferred with TRPA," drafted the staff memo which appears at pages 365-368 of the Board packet, and will be attending the BOT meeting to present this agenda item. Hours and hours of staff time that could be more productively devoted to important public projects.

Don't you realize that everything time Mr. Underwood engages in activities like these we're charged \$160/hour in internal staff time? And when he gets his colleague Ms. Nelson to help him out, we're charged an additional \$130/hour in internal staff time? And I'm certain that if anyone else in PW has devoted any effort whatsoever to this matter, even more has ultimately been billed to the public.

Don't believe me? Why don't you demand an accounting from staff and let's share that with the public. I predict it is already many thousands of dollars which is more than the Buchholzs propose paying for the public's lands.

I ask for a legitimate matter to be added to the agenda and your staff refuse. Yet a taker who wants something from the

public at our expense makes a request, and we open our arms widely to accommodate. Why? Because now staff have bought off the requester with a favor which can be called in when Indra and Co. need it. Or to vote for trustees supported by the machine we know as IVGID.

Isn't that what we did with the homeowner on Lakeshore who wanted to buy into recreation privileges without making retroactive payment? What about Marsha Bigler who was point person for a Crystal Bay parcel owner who wanted access to IVGID water for his bottled water business. What about the boat storage firms in town who for decades have been launching nonresident owner's boats on our restricted boat launch ramp? What about Mr. Duffield who is trying to buy use of the public's Rec Center for his private Boys and Girls Clubs which literally violates the property's CC&Rs against that use? What about Andy Wolf and Co. who want public lands for their DPSEF business (yes it's a business) at local parcel owners' expense? What about Gail Krolick and Co. who want all of us to pay for repair and repavement of their private ingress/egress access road to Tyrolean Village where she lives? What about IVGID's buying of Incliners' catered meals and seeking reimbursement from Incliner members after the fact to avoid paying sales tax? It just goes on and on and on.

Kendra Wong keeps telling us we have a professional staff and we should listen to their input. Well then, why didn't Mr. Underwood share with the Board that the concoction he champions is subject to NRS 318.512, et seq? NRS 318.5122(1) is clear that "before ordering the sale of any real property owned by the general improvement district, the board of trustees shall, in open meeting by a majority vote of the members, adopt a resolution...finding that the sale is in the best interest of the district." What exactly are IVGID's "best interests" being served by this proposed sale?

We know taker Buchholz's interests. Without this concoction they can't subdivide their parcel, sell one or more homes to Pacaso, and realize a multi-million dollar pay day! Why can't they subdivide? Because they represented to TRPA that if they were allowed to build a second home, they would never attempt to accomplish what they're currently attempting to accomplish. Now they want to circumvent the very restriction they agreed to and we're supposed to be a co-conspirator? And it's the public's responsibility to sell them public property and participate in a lot line adjustment when we get absolutely nothing out of it? I don't think so!

Don't approve this matter as part of the agenda. It doesn't deserve to have been put on it and each of you knows this!

One final matter. For years I have been asking staff and the Board to assess this parcel two Rec Fees because it consists of at least two dwelling units. And how have each of you responded? Now listen to Mr. Underwood. The parcel consists of two homes, one of which is an ADU. Two homes = two dwelling units = two Rec Fees. And yet you do nothing! Why not?

You're the public's fiduciaries. How about start acting as such?

Respectfully, Aaron Katz

**WRITTEN STATEMENT TO BE INCLUDED IN THE WRITTEN MINUTES OF  
THIS MAY 26, 2022 REGULAR IVGID BOARD MEETING – AGENDA ITEM  
G(3) – PROPOSED MODIFICATIONS TO ORDINANCE NO. 7**

**Introduction:** Ordinance No. 7 is one of the most important pieces of policy we have here in Incline Village. And yet Indra and Company are attempting to ram through its modification contrary to the interests of most local parcel owners, and to the benefit of a handful of special interests. For the reasons which follow I urge the Board “not approve recommended edits” and come back to the Board when all issues have been finally and fairly resolved.

**The Board is Local Parcel Owners’ Fiduciary:** You members exist to provide facilities and programs local parcel owners want which Washoe County are unwilling to provide. You are not here for any other reasons. Do each of you understand this? And if so, why do you allow staff to perpetuated preferences and special treatment to the special interests in town? The boat storage operators who admit that for over thirty (30) years they have violated the Beach Deed. Or the hotel/motel operators who demand beach access for each of their transient occupants without paying their fair share of the public’s cost. Or short term rental agents who advertise beach access to their transient occupants under the guise they are “guests” of the property owner rather than the business clients they are? Or nonresident staff not otherwise entitled to beach access under the guise they are “guests” of IVGID rather than the third parties they really are? Understand who you are, to whom you owe the highest fiduciary duties, and then start exercising those duties. And it all begins with refusal “to move forward at this time with this project” as staff recommend at page 241 of the packet of materials prepared by staff in anticipation of this May 26, 2022 Board meeting<sup>1</sup> (“the 5/26/2022 Board packet”).

**Continue the Hearing Because Staff Did Not Provide a Board Packet Until Nearly 6 P.M. on May 24, 2022:** Can you believe this one? The Agenda states that supporting materials will be provided prior to the public hearing. Well the proposed changes to Ordinance No. 7 weren’t even made available to the public until two days before the hearing! How can this be a sufficient time? The fact staff would do anything like this and the Board would go along with staff demonstrate neither have the public’s best interests in mind. CONTINUE this matter so the public has enough time to digest and comment upon the many important issues raised.

**My E-Mail of May 24, 2022:** The morning of May 24, 2022 I e-mailed the Board complaining that there was still no written materials on this agenda item for the Board or the public to consider. I asked the hearing be removed from the calendar and continued to a date in the future. But no response. My e-mail of that date is attached as Exhibit “A” to this written statement.

**Major Issue #1:** The occupants of hotel/motel rooms are not entitled to beach access until those hotels/motels start paying beach fees. Read all the reasons why in my May 12, 2022 e-mail to the Board on this subject which is attached as Exhibit “B” to this written statement.

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<sup>1</sup> Go to [https://www.yourtahoeplace.com/uploads/pdf-ivgid/05-26\\_-\\_Rev\\_1-1.pdf](https://www.yourtahoeplace.com/uploads/pdf-ivgid/05-26_-_Rev_1-1.pdf).

Now I learn staff concocted new language which extends rights to hotels/motels which has never been shared with the Board or the public before. Ram it through without a thorough review and discussion, right Indra? Everything that's wrong here! Grant special benefits to special interests in our community so you can call on them when you need them to further your agendas.

**Major Issue #2:** For over thirty (30) years the boat storage operators in town have been extending boat launching and beach access privileges to their nonresident clients. Can you believe? It's all explained in my e-mail of May 19, 2022 sent to the Board, which is attached as Exhibit "C" to this written statement. Rest assured that without strong prohibitory language, Indra is going to continue the gravy to this segment of our community for the same reasons outlined above.

**Major Issue #3:** Who is a guest? Pages 258-260 of the 5/26/2022 Board packet describe that currently, there is no definition. And now counsel has been used to create a definition which perpetuated this long standing problem. When beach access was first provided by Crystal Bay Development Co., no one was a guest of a property owner unless physically accompanied by the property owner. That's the way it should be today.

According to long term residents, until twenty (20) years ago you were not a guest of a property owner unless you were accompanied by a property owner. That's the way it should be today.

District pricing incorporates special pricing for "guests" at our golf courses. And simply stated, if you're not physically accompanied by a parcel owner, you're not a guest. That's the way it should be today.

**Major Issue #4:** Remove the GM's authority to grant beach access to whomever, whenever, for any reasons whatsoever! ¶105 at page 337 of the 5/26/2022 Board packet perpetuates this right. It needs to be terminated!

**Major Issue #5:** Eliminate punch cards! They are abused and give access to holders who have no right to access our beaches.

**Major Issue #6:** If you're going to allow any parcel owner to designate anyone as his/her guest, without physically accompanying the guest, you must instruct staff that they cannot deny beach access to my guests; any resident of Crystal Bay who identifies and proves him/herself as being such a resident, and pays the applicable beach guest fee.

#### **I Need More Time to Identify and Discuss Other Major Issues:**

**Conclusion:** Staff have proven they are now adequate stewards of our private beaches. Therefore they should be removed from the job. I have asked staff to agendize such a subject so we can explore transferring access to the beaches to a nonprofit domestic corporation whose members are local property owners with beach access. Staff refuse for obvious reasons. Which represents another argument why they should be removed. We can do a far better job of administering our beaches than staff.

And to those asking why their Recreation (“RFF”)/Beach (“BFF”) Facility Fees are as high as they are, the waste and incompetence I describe contribute as additional examples.

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

**EXHIBIT "A"**

## How About Doing the Right Thing and Continuing the Public Hearing on Proposed Ordinance No. 7 Modifications?

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**From:** <s4s@ix.netcom.com>  
**To:** "Callicrate, Tim" <tim\_callicrate2@ivgid.org>  
**Cc:** "Dent, Matthew" <dent\_trustee@ivgid.org>, "Wong, Kendra Trustee" <wong\_trustee@ivgid.org>, "Schmitz, Sara" <schmitz\_trustee@ivgid.org>, "Tonking, Michaela" <tonking\_trustee@ivgid.org>  
**Subject:** How About Doing the Right Thing and Continuing the Public Hearing on Proposed Ordinance No. 7 Modifications?  
**Date:** May 24, 2022 7:51 AM

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Chairperson Callicrate and Other Honorable Members of the IVGID Board -

So you have a public hearing on proposed modifications to Ordinance No. 7 scheduled for Thursday - LESS than two days away. And we STILL don't even have those proposed modifications to consider.

And the agenda states proposed materials for the Board and the public to consider will "be provided prior to the Board Meeting." And yet even as of now, there's NOTHING! This is totally, totally irresponsible and unprofessional.

I don't want to hear staff's excuses. The public's excuse is this is an example of the same problem we always have. STAFF!

You had no business noticing this public hearing before going through all of the preliminary materials necessary to justly consider this matter. And you've had plenty of time.

I'm not here blaming you for not having adequately prepared for the public hearing. But if you go forward with the hearing without having at least shared proposed modifications sufficiently in advance of the meeting (and that means well before now), then I am going to blame you. Because ultimately, that's where the blame lies.

Amend the agend to remove Item G(3) and continue it to a date sufficiently in advance to insure that all proposed modifications can be presented ahead of the meeting so the public and the Board can respond meaningfully. Or just remove it and re-notice it in the future when you're really ready to move forward.

You know I'm right so how about doing the right thing for once? Modifying Ordinance No. 7 after all of these years is far too important a matter to ram through without careful consideration and comment from the public.

Thank you for your cooperation.

Respectfully, Aaron Katz

**EXHIBIT "B"**



## A Little History on Why Hotel/Motel Guests Were Given Access to Our Beaches Under the Beach Deed

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**From:** <s4s@ix.netcom.com>  
**To:** "Callicrate, Tim" <tim\_callicrate2@ivgid.org>  
**Cc:** "Dent, Matthew" <dent\_trustee@ivgid.org>, "Wong, Kendra Trustee" <wong\_trustee@ivgid.org>, "Schmitz, Sara" <schmitz\_trustee@ivgid.org>, "Tonking, Michaela" <tonking\_trustee@ivgid.org>, <ISW@ivgid.org>  
**Subject:** A Little History on Why Hotel/Motel Guests Were Given Access to Our Beaches Under the Beach Deed  
**Date:** May 12, 2022 2:56 PM

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Chairperson Callicrate and Other Honorable Members of the IVGID Board:

Resolution 419 was adopted on October 5, 1967. Eight months PRIOR to the District's formal acceptance of the beach deed.

You can read it yourself, but for your convenience, it states, in part, as follows:

"WHEREAS, it is proposed that the District issue revenue bonds to provide funds to acquire Burnt Cedar Beach and the improvements thereon and to acquire and improve the area known as Incline Beach, and to pledge the net revenues to be derived from the rates, tolls and charges to be fixed for the services and facilities thereof; and

WHEREAS, it is necessary that said charges be fixed PRIOR to the adoption of a resolution providing for the issuance of said bonds.

NOW, THEREFORE, I T IS ORDERED, as follows...

2. Taking Effect. This resolution shall take effect upon the acquisition of title to either or both the Burnt Cedar Community Beach and the Incline Community Beach...

4. Description of Charges. (In addition to a funding source for acquisition of the beaches,) the rates, tolls and charges herein fixed are minimum annual charges for the services of the lands and facilities of the community beaches, and shall include...charges for the operation thereof for the furnishing thereof, for the furnishing of the services thereof, for the availability of the services thereof, and for the standby of said lands and facilities and the services and operation thereof...

7. Charges. The following rates, tolls and charges are prescribed and imposed for each fiscal year ending on June 30 commencing with July 1, 1968 for the various classifications as follows...(e) Hotel and Motel. \$15 for each room or unit intended for occupancy by a person or persons as a single unit within a hotel or a motel." This was subsequently increased to \$25 for each room or unit which was half the \$50 each residential parcel was assessed.

So do you really think that the District wasn't going to expressly give the transitory occupants of hotels and motels beach access after adopting a resolution which assessed each room or unit intended for occupancy by persons? Of course not!

Which now explains why the beach deed, which was approved 8 months afterwards, included language which expressly extended beach access to those room/unit occupants. That's what hotel/motel owners received in consideration of paying the RFF/BFF.

I have written to the Board several times advising that in anticipation of adopting a 1982-83 RFF (which included a BFF insofar as those with beach access were concerned), all of a sudden the separate charge per room or unit intended for occupancy assessable in hotels/motels was eliminated and instead, the hotel/motel itself was assessed but as a single parcel.

Now why did this take place? Given the District's checkered past, you can probably figure it out yourself. And now you're hearing a complaint from an owner of a motel whose occupants have by and large been denied beach access. And this motel owner is demanding you expressly follow the beach deed and afford his commercial guest occupants beach access.

The District's response should be, well if that's fair, how about paying your fair share of facility fees as was originally required? Isn't that what you represented you were happy to do as a new member of our community? Paying a BFF per each room or unit intended for occupancy is the consideration your predecessors agreed to pay as a condition to beach access. In other words, if the District is going to follow the language of the beach deed, it also needs to follow the language of Resolution 419 when it comes to assessing each hotel/motel room intended for occupancy a separate RFF/BFF.

And remember. Whatever you decide to do with the Parkside Inn, is going to have similar unintended consequences insofar as the Hyatt Hotel is concerned. Because what's fair is fair. Right?

While you're contemplating the above, I have five other matters for each of you to contemplate.

**Matter One:** Why didn't staff volunteer this history and facts when the subject arose? It's not my job. It's staff's! And what do you intend to do about it inasmuch as omissions like these by persons who are paid to know better, are far from isolated?

**Matter Two:** I have advised the Board and staff before that the Parkside Inn parcel (APN 130-163-31) not only consists of a motel, but a separate single family home as well! And this information appears on the Assessor's records (check it out for yourself. There are two "cards." One is for a 38 unit motel, and the other is for a 1,344 square foot two story single family residence). And how many RFFs is this parcel being assessed?

**ONE!**

We have a hearing coming up on the proposed 2022-23 RFF/BFF. You need to adopt a resolution which assesses this parcel and all similar ones (like the Hyatt), one RFF/BFF for the single family home on this parcel; and, 38 RFFs/BFFs for the 38 units intended for occupancy within its hotel/motel, just as Resolution 419 originally mandated. If you don't like doing this or the Hyatt/Parkside Inn don't like it, let them agree to removal of beach access under the beach deed.

**Matter Three:** Indra asserts that since IVGID owns real property entitled to beach access, staff is justified in granting beach access without a picture pass or punch card to all 1,000 or more of the District's employees and their family members not otherwise entitled to that access as IVGID's "guest."

Okay. Judy and I are owners of real property entitled to beach access. If Indra is permitted to grant beach access to District employees as his guests, without those employees having a picture pass or punch card, how is it I am not able to do the same thing insofar as my guests in Crystal Bay are concerned? And how come my guests have to pay guest fees whereas Indra's don't?

And how come my parcel has to pay a RFF/BFF, and the District's parcels do not? Stated differently, how come my parcel has to pay IVGID water/sewer fees and so do IVGID's parcels? If there's an exception for one kind of service,

then why isn't there another for every other kind of service? I remind each of you that there's no exception provided in NRS 318 and under Dillon's Rule, if it doesn't explicitly appear, it doesn't exist.

What's fair is fair. Just like the Parkside Inn demands.

Matter Four: UNR is about to acquire SNU. And it plans on building expanded student housing on campus. Word has it perhaps 1,000 or more students will be attending the former SNU campus, and residing on the subject parcel as well. So how many RFFs/BFFs does Indra propose assessing UNR (I'm guessing NONE)? How many UNR students aren't going to be happy campers once they learn they're not entitled to beach access? And what sort of plan do you think Indra is going to come up with which will circumvent this restriction? I suggest you start thinking about it right now because it is a ticking time bomb.

Matter Five: Just like you can't be a picture pass holder's guest at our golf courses unless you're physically accompanied by the picture pass holder, you shouldn't be able to be a parcel owner's/parcel owner's agent's/assignee's guest at our beaches unless physically accompanied by a parcel owner.

Moreover, history shows that for decades this was the case. I have previously provided the Board with a letter from the very first president of the beach homeowners' association created by Crystal Bay Development Co. (Robert McDonald). In no uncertain terms the letter evidences that in order to be a beach guest, you need to be physically accompanied by a parcel owner with beach access. That's the way it always was until about 20 years ago when staff changed things because they're not committed to the interests of local parcel owners. So it's time to revert back to our history. Just like we're reverting back insofar as inappropriate commercial use of our beaches.

Thank you for your hopeful cooperation. Aaron Katz

**EXHIBIT "C"**

**Fw: Fwd: \*\*CRITICAL NOTICE TO OUR CUSTOMERS\*\***

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**From:** <s4s@ix.netcom.com>  
**To:** Callicrate, Tim Trustee <callicrate\_trustee@ivgid.org>  
**Cc:** Dent, Matthew <dent\_trustee@ivgid.org>, Wong, Kendra Trustee <wong\_trustee@ivgid.org>, Schmitz, Sara <schmitz\_trustee@ivgid.org>, Tonking, Michaela <tonking\_trustee@ivgid.org>, <ISW@ivgid.org>  
**Subject:** Fw: Fwd: \*\*CRITICAL NOTICE TO OUR CUSTOMERS\*\*  
**Date:** May 19, 2022 10:03 AM

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Chairperson Callicrate and Other Honorable Members of the IVGID Board -

Have you seen the e-mail below?

Well this is an admission by Mr. and Mrs. Marelich that for at least the last 33 years, this local property owner with beach access has been arrogantly violating the beach deed's use restriction FOR PROFIT by launching or retrieving the boats of non-residents, as well as Incline Village/Crystal Bay parcel owners who don't have beach access.

Can you believe the arrogance?

And then I have to listen to Tim whimpering like a lost puppy - the hardest decision he has had to make in his soon to be 12 years of DIS-service as an IVGID Trustee.

Really. You didn't have a problem giving away the land underneath the Parasol Bldg for \$1/year for 99 years even though Parasol's use violated another use restriction obtained in a deed? Even though it is part of a parcel local property owners paid \$1.25M for?

You and your buddy Gayle the pale of didn't have a problem telling local property owners that if they approved a massive bond to renovate the Chateau, which required an increase in the Rec Fee to pay the servicing costs associated with that bond, you would roll back Rec Fee increases when those bonds were retired? And then when they were retired, and you were again on the Board, you in essence lied to the public by NOT voting to roll back those increases?

Notwithstanding the above, the real problem here is the same one that has plagued us for decades insofar as nearly everything in our District. Indra Winqest and his band of employees. How have these people (the Marelichs) been able to get away with this clear violation of the beach deed for all this time? The answer = staff who don't give a damn about those of us with beach access. Staff who owe the highest of their fiduciary duties to we property owners with beach access.

So how about doing something for once? How about setting an example for all to see? And here's what I propose.

Section 67 of Ordinance 7 provides for discipline where a parcel owner with beach access engages in misconduct such as conduct which violates beach deed access. Good ole Sheila Leijon (who I believe is in bed with the Marelichs and other boat storage operators who violate the beach deed) may determine that sufficient evidence of serious misconduct exists, and that adequate grounds exist for suspension or revocation of this parcel owner's beach privileges. And then we have a due process requirement which ultimately ends up in the Marelichs LOSING their beach privileges!

You've got the evidence. Now do something. Initiate the process to REVOKE this parcel owner's beach access privileges for as long as it admits it has been violating the beach deed - 33 years!

Unless you enforce the restrictions of the beach deed, you're not qualified to represent any of us with beach access. And if that's what takes place, deed the beaches back to we property owners who are qualified and capable to protect our beaches!

Respectfully, Aaron Katz

452

**From:** Incline Boat Storage and Marine <inclineboat@outlook.com>  
**Date:** May 18, 2022 at 5:41:27 PM CDT  
**To:** Incline Boat Storage and Marine <inclineboat@outlook.com>  
**Subject: \*\*CRITICAL NOTICE TO OUR CUSTOMERS\*\***

## CRITICAL NOTICE TO OUR CUSTOMERS

To Our Loyal Customers:

We're sure you've noticed that Incline's beaches have become overcrowded in the past years which has led the IVGID Board of Trustees to make substantial changes to ramp/beach access through Ordinance 7. The proposed changes were announced on May 11, 2022, to take effect on June 1, 2022. This will effectively prevent us from launching or retrieving our non-resident customers, as well as our Incline customers who don't have beach access.

What this means to you is that we'll lose approximately 40% of our current customers if we're unable to use the ramp for this group. We have been working with IVGID for many years to address the abuse of the ramp by new boat rental companies and similar types of businesses. The difference between these and our business, which we've had for 33 years, is that we own our commercial property with dedicated boat storage, and you are all considered our tenants as stated on Page 1 of our Storage Agreement.

The language in the original Beach Deed dated June 4, 1968, doesn't specifically address commercial boat storage facilities as there weren't any at that time. However, it is our belief that we should be afforded the same consideration for our tenants concerning ramp/beach access as the mentioned hotels and motels in the original Deed which allow their "tenants" to have beach access.

IVGID's take on commercial boat operators is that everyone should be lumped into the same category. We don't feel this is the case as we own our commercial property and have tenants. If we are to lose 40% of our customer base, that means two things:

We may be **forced to close our doors** due to the loss of income from storage, services, mechanical repairs, fiberglass repairs, and gasoline services for approximately 40% of our customers. This means that more than 200 boats will be forced to park on Incline's roadways or somewhere else as there aren't any other storage options available in town. In addition to non-residents, this will affect our Incline Village residents who don't have beach access because of where their property is located.

The other possibility that could happen is that in order to keep our business running, we'll be forced to **increase our storage and services rates substantially** to our Incline residents who do have access to the ramp/beach to make up for the loss of 40% of our current tenants.

We have submitted written and oral presentations to the Board of Trustees regarding how the restriction of our tenants to ramp/beach access will affect us and the community as a whole. **At this time, if you feel strongly about the proposed changes to Ordinance as they relate**

**to Incline Boat Storage & Marine, I encourage you to email your concerns to the board members prior to May 26, 2022.**

The final approval of these changes will take place at the IVGID Board of Trustees' special meeting on May 26. You can watch the meeting via zoom: yourtahoeplace.com, board meetings, live feed. Also, if you're interested in the May 11 meeting where the Board passed its proposed changes to Ordinance 7, you can watch it through the same feed. At 2:38:15 into the meeting the Board talks about the changes they propose to take effect on June 1, 2022.

Chairman		Tim Callicrate
callicrate_trustee@ivgid.org		
Vice Chairman	Matthew Dent	dent_trustee@ivgid.org
Treasurer	Michaela Tonking	tonking_trustee@ivgid.org
Trustee	Sara Schmitz	schmitz_trustee@ivgid.org
Trustee	Kendra Wong	wong_trustee@ivgid.org

We are a family owned business and are extremely concerned about our ability to keep our business going. We are doing what we can to convince the Board to consider us separately from other boat businesses and make that distinction in the changes allowing us to continue as we have always operated.

We really don't want to be a part of "the new Incline attitude" where it's fine to charge exorbitant fees to our customers just because you won't have any other options, as well as not being able to serve our long-time non-resident customers. We care about you all and hope this situation is resolved quickly and satisfactorily.

David, Susan and Mark Marelich

5-26-2022

To: Ivgid BOT : Please include this in the minutes of the meeting of 5-26-2022

From: Margaret Martini

First I would like to thank Sara Schmidt for all of her community work in putting together the best website for information on what is happening in the village.

Community First is truly a gift to all of us and a lot of hard and time consuming work from Sara and contributors.

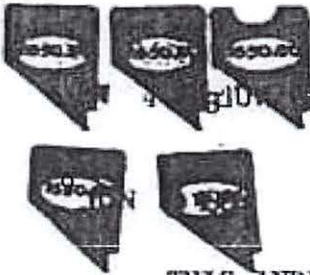
Second I would like to ask Indra, staff and the Board just why it has taken so long to determine beach access !!! Ord 7 was formed about 2 years ago...and here it is summer 2022 season and there is no clear determination of what is going to be the beach access parameters involving non-property owners, employees and past employees who no longer live here beach access. Seriously TWO years and no determinations. It says something about the lack of efficiency and competence in the whole district.

Now we have before us yet another debacle of incompetence in getting the job done. The addition of verbiage of two options on the eve of a BOT meeting on such an important issue shows disrespect and disdain for the public input on something to be voted on with NO INPUT from the public who are "not in the loop" to attain information that goes out with such impact on our beaches. These options which are proposed to be voted on tonight were not even included in the Board packet as of 5-21-. Which could be voted on at tonight's scheduled public meeting on this topic.

So it looks like the owner of the Local motel is pushing the board to make a decision at tonight's meeting to avoid a proposed lawsuit. I say let him sue and then perhaps we can get a determination from a court that we could not perfect in 2 years through the IVGID and BOT. We spent hundreds of thousand of \$\$ and time on the Mark Smith lawsuit and the topic was not even close to as important as this beach access is. The strategic timing of his threats, out of public view, and last minute demands must not be considered at tonight's meeting. The Trustees could vote to bifurcate the issue of beach access for hotel and motel from the rest of the ordinance and then work through IVGIDS deed provided ability to reasonably regulate the access to the beach.

It is unconscionable that highly restrictive access be applied to the general parcel owners who collectively pay the majority of the bills and that it would even be considered that unlimited access by hotel and motel guests would be permitted by this board to be an equitable option for all.





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THIS INDENTURE, made this 4~~th~~ day of June, 1968, between VILLAGE DEVELOPMENT CO., formerly known as CRYSTAL BAY DEVELOPMENT CO., a Nevada corporation, party of the first part, (hereinafter referred to as "Grantor"), and INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT, a quasi-municipal corporation organized and existing pursuant to the provisions of the General Improvement District Law, Chapter 318, Nevada Revised Statutes, party of the second part (hereinafter referred to as "Grantee"),

W I T N E S S E T H:

That the said party of the first part, for and in consideration of the sum of TEN DOLLARS (\$10.00), lawful money of the United States, to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does by these presents grant, bargain, sell and convey unto the said party of the second part, and to its successors and assigns, all that certain lot, piece or parcel of land situate in the County of Washoe, State of Nevada, more particularly described in Exhibit "A" attached hereto.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances, unto the said party of the second part, and to its successors and assigns forever.

It is hereby covenanted and agreed that the real property above described, and any and all improvements now or hereafter located thereon, shall be held, maintained and used by grantee,

it.

Mr. Edmund, Davis & Miller  
ATTORNEYS AT LAW  
200 SOUTH VIRGILIA ST.  
RENO, NEVADA 89501

BOOK 324 PAGE 192

BOOK 324 PAGE 193

1 its successors and assigns, only for the purposes of recreation  
2 by, and for the benefit of, property owners and their tenants  
3 (specifically including occupants of motels and hotels) within the  
4 Incline Village General Improvement District as now constituted,  
5 and, as the Board of Trustees of said District may determine, the  
6 guests of such property owners, and for such other purposes as  
7 are herein expressly authorized.

8 This covenant shall be in perpetuity, shall be binding  
9 upon the successors and assigns of grantee, shall run with and be  
10 a charge against the land herein described, shall be for the  
11 benefit of each parcel of real property located within the area  
12 presently designated and described as Incline Village General  
13 Improvement District and shall be enforceable by the owners  
14 of such parcels and their heirs, successors and assigns; provided,  
15 however, that said Board of Trustees shall have authority to levy  
16 assessments and charges as provided by law, and to control, regu-  
17 late, maintain and improve said property as in its sole discretion  
18 it shall deem reasonable and necessary to effectuate the purposes  
19 herein mentioned; and provided, further, the said District shall  
20 have the right to use the real property above described for the  
21 maintenance and operation of the water pumping facilities now  
22 located thereon and such other utility facilities necessary to  
23 the operation of the District.

24 Grantor, for the benefit of itself and its successors  
25 and assigns in the ownership of real properties located within the  
26 presently constituted boundaries of Incline Village General Improve-  
27 ment District, and for the benefit of all other owners of property  
28 located within said boundaries, and their respective successors  
29 and assigns in such ownership, hereby specifically reserves an  
30 easement to enter upon the above described real property and to

1 use said real property for the recreational uses and purposes  
2 specified herein. Said District shall have the authority to  
3 impose reasonable rules, regulations and controls upon the use  
4 of said easement by the owners thereof.

5 The easement hereby created and reserved shall be appur-  
6 tenant to all properties located within the Incline Village  
7 General Improvement District, as said District is now constituted.  
8 Such easement may not be sold, assigned or transferred in gross,  
9 either voluntarily or involuntarily, but shall pass with any  
10 conveyance of real properties within said District as now consti-  
11 tuted.

12 IN WITNESS WHEREOF, the said party of the first part  
13 has hereunto set its hand and seal the day and year first above  
14 written.

15  
16 ATTEST:

17 [Signature]  
18 Secretary

VILLAGE DEVELOPMENT CO.

19 By [Signature]  
20 President

21 ACCEPTED AND APPROVED:

INCLINE VILLAGE GENERAL IMPROVE-  
MENT DISTRICT

22 ATTEST:

23 [Signature]  
24 Secretary

25 By [Signature]  
26 President

27  
28  
29  
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-3-

BOOK 324 PAGE 194

23, 24, 25, 26, 27, 28, 29, 30  
ATTEST: [Signature]



1 STATE OF NEVADA }  
2 COUNTY OF WASHOE } 56

3 On this 24th day of June, 1968, before me, a Notary  
4 Public in and for said County and State, personally appeared  
5 George L. Sawyer and Lucille J. Henderson  
6 known to me to be the President and Secretary of INCLINE VILLAGE  
7 GENERAL IMPROVEMENT DISTRICT, the quasi-municipal corporation  
8 that executed the foregoing instrument, and upon oath, did depose  
9 that they are the officers of said corporation as above designated;  
10 that they are acquainted with the seal of said corporation and  
11 that the seal affixed to said instrument is the corporate seal  
12 of said corporation; that the signatures to said instrument  
13 were made by officers of said corporation as indicated after  
14 said signatures; and that the said corporation executed the said  
15 instrument freely and voluntarily and for the uses and purposes  
16 therein mentioned.

17 IN WITNESS WHEREOF, I have hereunto set my hand and  
18 affixed my official stamp at my office in said County and State,  
19 the day and year in this certificate first above written.

George L. Sawyer  
Notary Public  
DOROTHY E. LEBER  
Notary Public - State of Nevada  
Washoe County  
Commission Expires February 1, 1972

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DESCRIPTION

Situate in the County of Washoe, State of Nevada, as follows, to-wit:

PARCEL 1

A portion of Lots II, III and IV of Section 22, Township 16 North, Range 18 East, M.D.B. & M., more particularly described as follows:

Commencing at the Southwesterly corner of Lot 12 in Block N and the Northerly right of way line of Nevada State Highway No. 28, as said lot, block and Highway are shown on the map of Lakeview Subdivision, Washoe County, Nevada, filed in the office of the County Recorder of Washoe County, State of Nevada, on February 27, 1961; thence South 20°35'35" West 80.00 feet to a point in the Southerly right of way of said Highway; thence South 69°24'25" East 174.28 feet along the Southerly right of way line of said Highway to the true point of beginning of this description, said point of beginning also being the Northwest corner of that certain parcel conveyed to Crystal Bay Development Co. on September 30, 1963, under Filing No. 395633, Washoe County Records; thence continuing South 69°24'25" East 1251.79 feet along the Southerly right of way of said Highway to the Northwest corner of that certain parcel deeded to Pacific Bridge Company and Associates on October 23, 1963, under Filing No. 397736, Deed Records; thence South 20°35'35" West 574.75 feet, more or less, to Lake Tahoe; thence Westerly along Lake Tahoe to a point from which the true point of beginning of this description bears North 31°07'35" East; thence North 31°07'35" East to the true point of beginning of this description.

PARCEL 2

Beginning at the Southeasterly corner of Lot 24 in Block H of Lakeview Subdivision, Washoe County, Nevada, according to the map thereof, filed in the office of the County Recorder of Washoe County, State of Nevada, on February 27, 1961; thence South 15°11'27" East 111.13 feet to a point on the Southerly right of way line of Nevada State Highway 28 as it now exists and the true point of beginning of this description, said point of beginning being the Northwest corner of Lot 36 of Lakeshore Subdivision No. 1, as said Lot 36 is shown on the map of Lakeshore Subdivision No. 1, Washoe County, Nevada, filed in the office of the County Recorder of Washoe County, State of Nevada, on June 28, 1960, and being on a curve concave to the Northeast, having a central angle of 4°41'11", a radius of 5040.00 feet and a tangent which bears North 61°40'36" West 206.23 feet, thence Northwesterly along said curve and the Southerly boundary of said highway 28, an arc distance of 412.24 feet; thence continuing along the Southerly right of way line of said highway 28, North 56°59'25" West 907.76 feet; thence leaving said Highway 28, South 27°17'46" West 90.72 feet; thence South 00°50'05" West to Lake Tahoe; thence running Southeasterly along Lake Tahoe to a point from which the true point of beginning bears North 28°08'35" East (Lakeshore Subdivision No. 1 bearing North 27°16'00" East); thence North 28°08'35" East along the Westerly boundary of said Lakeshore Subdivision No. 1 to the true point of beginning of this description.

RESERVING FROM the above described parcel an easement for maintaining and operating an existing pumping plant and pipe lines.

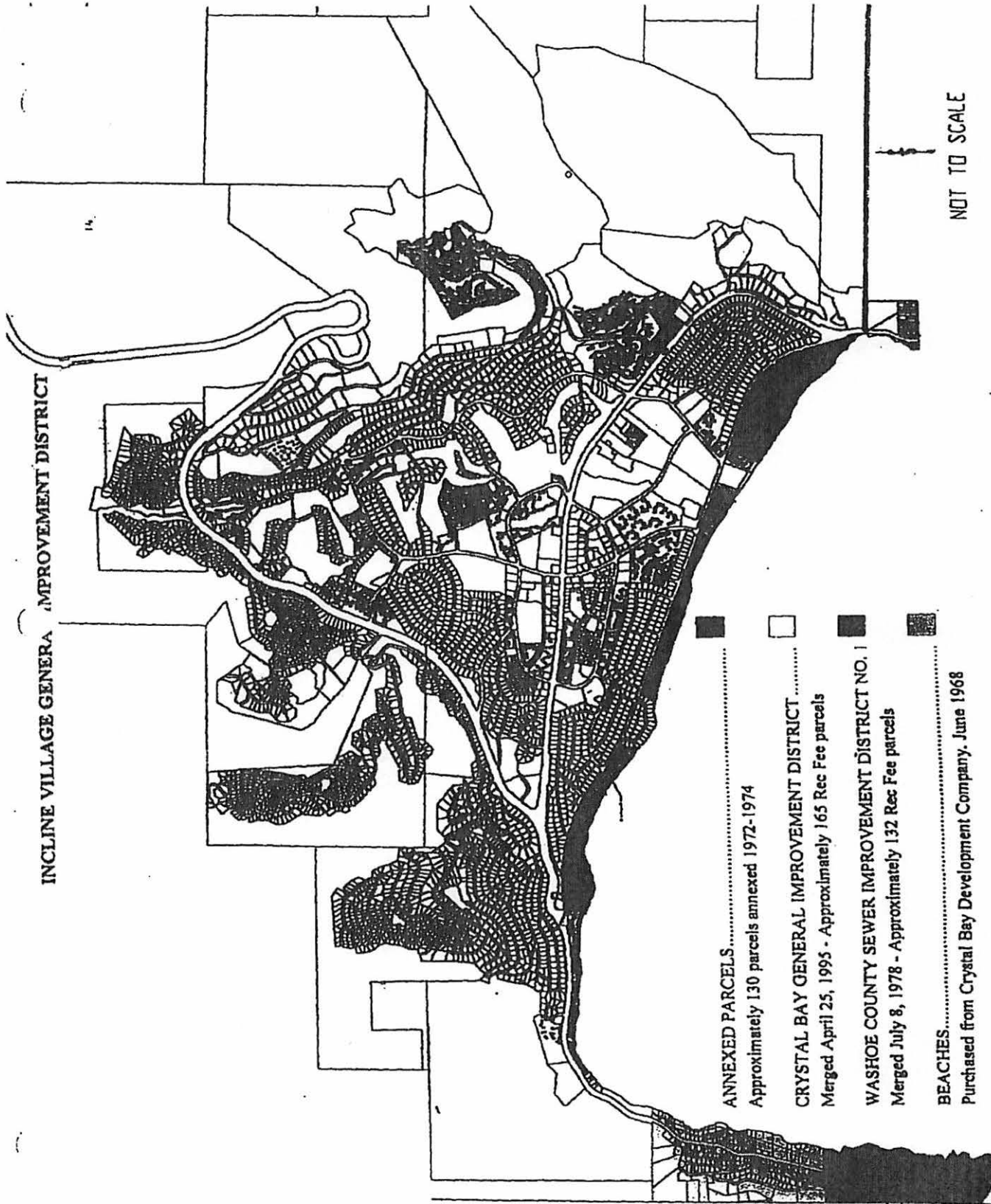
116713

Note of information: Basis of bearings, Lakeview Subdivision.

*[Handwritten signatures and initials]*  
46-286

BOOK 324-197

INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT



- ANNEXED PARCELS.....  
Approximately 130 parcels annexed 1972-1974
- CRYSTAL BAY GENERAL IMPROVEMENT DISTRICT .....  
Merged April 25, 1995 - Approximately 165 Rec Fee parcels
- WASHOE COUNTY SEWER IMPROVEMENT DISTRICT NO. 1  
Merged July 8, 1978 - Approximately 132 Rec Fee parcels
- BEACHES.....  
Purchased from Crystal Bay Development Company, June 1968

NOT TO SCALE

17.4 Commercial Tenant means an individual, trust, or corporation, limited liability company (or similar entity) who/which rents, or leases, a commercial Parcel ~~property~~ located within the District for the purposes of conducting business or commercial activity, for a term of six (6) months or more. A commercial Tenant with a Lease for less than six (6) months is not entitled to receive IVGID Recreation Pass(es). A commercial Tenant must present a written lease agreement in the name of the commercial Tenant, and an IVGID Assignment form signed by the Owner attesting to the fact that the lease is a valid and enforceable lease. Notwithstanding the foregoing, if a commercial Tenant's lease terminates, the Owner must immediately notify the District and the IVGID Recreation Pass(es) and Recreation Punch Card(s) must immediately be returned to the District for cancellation, upon notification of termination of tenancy.

32. Parcel means a single plot of land or a portion of an undivided plot of land, within the District, with or without a dwelling or commercial building on it, or a multi-family Parcel that contains more than one dwelling unit as defined by the District Recreation Roll, which is assessed and pays a Recreation Facility Fee.