

MINUTES

SPECIAL MEETING OF SEPTEMBER 14, 2022

Incline Village General Improvement District

The special meeting of the Board of Trustees of the Incline Village General Improvement District was called to order by Board Chairman Tim Callicrate on Wednesday, September 14, 2022 at 2:00 p.m. at the Boardroom, 893 Southwood 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, and Michaela Tonking. Trustee Kendra Wong joined the meeting at 2:27 p.m.

Members of Staff present were Project Manager Bree Waters, Diamond Peak Ski Resort General Manager Mike Bandelin, Director of Information Technology Mike Gove, and Engineering Manager Kate Nelson. Members of the public physically present were Andy Whyman, Gail Krolick, Cliff Dobler, Ray Tulloch, Judith Miller, Aaron Katz and others.

C. INITIAL PUBLIC COMMENTS*

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

Yolanda Knaak, IVGID candidate 2022, commented on the contract for the RFID. She stated she does not think there was any controversy regarding the RFID, but it was that the contract was not that great. She thinks the contract is greatly improved over the last one; she does have some comments though - on page 4 of 14, A, "schedule" has a period and a comma after it, so the period should be deleted; under B, on line 3, it should read the "settlement of service fees", instead of service being plural; under C, on line 7, invoice for "cost plus work", it would be clearer by saying "product cost plus labor"; on page 6, the paragraph above the "software service annual fees", it should read, "any reductions will be calculated and credited by March 1st"; on page 7, above the "self-service portal", and, "your call will be returned", she thinks you should add a time frame (i.e 24 hours, 25 hours); on page 10 of 14, after "rating", there should be a comma; and on page 10 of 14, E, subcontractors, at the end of the second line, it should be insure, rather than having it plural. These are her comments but it looks much better than it did last time.

Judith Miller read from a prepared statement that is attached hereto.

Aaron Katz provided written statements to be attached to the meeting minutes. He commented that he knows you do not want to hear it, but it is his familiar tune, your Staff is not honest and transparent. Please recognize it for once. First of all, they delay transmittal of the Board packet; no excuse at all. Why? They do not want the public and the Board to know the truth. Page 56 of the Board Packet, Staff represents that 8,680 square feet of the proposed expansion are devoted to Recreation Center. How much for new Recreation facilities and programs? He asked Staff to give me these numbers so he could talk intelligently, and what do you know, they have ignored him. He guesses it must just be coincidental, but if you do not have the facts, how can you answer? 7,625 square feet of dedicated gymnasium to store Duffield's gymnasium equipment. He asked Staff if the public would be able to use this equipment when it's not being used by the girl's gymnastics club. By the way, we do not have a boy's gymnastics club. Answer – no. So, not available for possible alternative programming, contrary to what Staff tells us. 6,551 square feet dedicated for the youth center – how much will be available for alternative programming? Answer – none. 3,555 square feet for wasted structure space. 7,600 square feet left over for Staff offices, conference rooms, copy/fax records storage, break room (ie: no recreation). What is left over for recreation? 1,080 square feet. Possibly a shared activity room. The other side of possibly, is possibly not, and that is what he will concentrate on. So, the public gets 1,080 square feet, possibly, out of 26,411. That is less than 5%; that is what this is really all about. What is in our interest to agree to a reduction of 20% of what we all agreed to June 29th? Answer – nothing. This letter they've got you wanting to sign is demeaning as heck. Why do we need to sign a letter? Why are we humbling ourselves for anything? Why is Trustee Wong's signature to be affixed when she is not even at the Board meeting? It would be an open meeting violation. He resents the fact that the letter speaks for the community, speak for yourselves; don't speak for him. Trustees Dent and Schmitz, please, refuse to sign the letter. Let it go to TRPA with missing signatures.

Mindy Carbajal, Chief Executive Officer of the Boys and Girls Club in North Lake Tahoe, said she is sorry she could not be there in person today; she is out of town for a meeting. She wanted to call and offer support of the modified facility proposal and say the Boys and Girls Club looks forward to a continued conversation about a partnership that could bring additional opportunities for Incline youth at this facility. Looking at the proposed expansion, there is so much opportunity to provide very unique recreational and wellness programs for kids especially middle school and high school aged youth. As an organization, we are excited to continue this conversation with the proposed modifications and hope we have the opportunity to do that.

Andy Whyman commented he was not sure if he was going to say anything today, but he is going to say something today. He and his wife have supported the Boys & Girls Club for a long time, financially and otherwise. It is a wonderful organization and we thoroughly support and encourage the continuation of efforts to expand the Boys & Girls Club. Having said that, he has listened to a number of the comments by other folks about whether this is an appropriate use of the community's space for such a program. He did read this letter of September 14, 2022, which is supposedly going to be signed by all members of the Board. Just reading the letter does trouble him, frankly and he then quoted several sentences from the letter that was in the packet. He would like to know more about what this miscommunication is about, and frankly, he is troubled by the tone of this letter. It could be interpreted as the Board being mesmerized by people who have an enormous amount of money and an enormous amount of potential influence in the lives of those around them and in the community around them. That is particularly true in small communities, when extremely wealthy people move into those communities and volunteer to provide some of their great wealth to that community. The question really becomes, is the willingness to provide all that money, is that going to benefit the community in its entirety, certain select parts of the community or only small parts of the community. He would ask this Board to debate this issue openly and sincerely before coming to any conclusion. He confesses that he has not been at many Board meetings so he does not know how openly all this has been discussed in the past, but he would submit, that to move forward, without having had that discussion, in which all the issues are on the table, would be a dereliction of your duty.

Ray Tulloch commented he must admit he was in two lanes about whether to speak today or not. He could have taken the easy path out just like the other candidates for IVGID Trustees like himself, sit back and do nothing because rather than touch what possibly could be a third rail. However, as he has stated in all of his presentations and all of his speaking with members of the community, he is here to represent all of the community and not just special interest groups. If he was just a politician, he would sit back and say nothing like others. He thinks it is important to go on the record here and if he is asking people to vote for him, people want to know what their candidates represent, it is important that they hear from them. He does find it difficult that we have now seen a dramatically revised proposal for the Recreation Center expansion that drops a large part of the Community Master Plan requirements. This was put together at the last minute and he thinks that is unfair to the public. He thinks for something as major as this and important to the community, and something that changes the Community Master Plan, it is important that the community have enough time to review and discuss that. He does have a major concern that going ahead just now with a

suddenly revised plan at the last minute, would dramatically limit our future options for expanding the Community Recreation Center. He thinks that would be a severe mistake. Board Chairman Callicrate has previously said on record, he made a mistake when they did the Chateau, they cut back on things just to save money and it came back to bite them afterwards. Let us make sure we do not do the same thing here. Let us not rush into changes that limit our future expansion and make future expansion much more expensive. It is much cheaper to actually incorporate these other things at the moment. If we are going to go ahead with this, we should incorporate as much as possible at the same time. Yes, this will cost more money. We should then revisit the Master Plan and the expansion plan. There are plenty of projects in the CIP that could be easily delayed to move money about. He thinks having an additional gymnasium and additional space would be a much bigger benefit to the community than just going ahead and then finding that we cannot do this afterwards. So he would ask the Board to consider, not just rushing into this, let us make sure we come up with something that represents all of the community and desires of all of the community.

D. APPROVAL OF AGENDA (for possible action)

Board Chairman Callicrate asked for any changes to the agenda; there were none and Board Chairman Callicrate indicated the agenda is approved as submitted.

E. GENERAL BUSINESS (for possible action)

- E.1. SUBJECT: Review, discuss and possibly award a procurement contract for installation of RFID – Software and Gantries – 2022/2023 Capital Improvement Project; Fund: Community Services; Division: Ski; Project#3499CE2201; Vendor: Axess; in the amount of \$351,528.10 (Requesting Staff Members: Director of Information Technology Mike Gove and General Manager Diamond Peak Ski Resort Mike Bandelin)**

Diamond Peak Ski Resort General Manager Bandelin reviewed the submitted materials. He then thanked District General Counsel Nelson for his services and time in regards to assembling the proposed agreement to the Board of Trustees. Trustee Schmitz asked if the passes, whether season passes or a day pass, for the RFID reader, are they re-loadable or are they expendable with every day use? Diamond Peak Ski Resort General Manager Bandelin explained that there are multiple different types of access media. They are called POS stations; passes can also be redeemed online, and are reloadable. He stated that the customer would take the card after a visit and can reload it for another day. Trustee Wong asked if we have thought about how this service could be used across other venues? She

stated that this is a large investment and she would love for one day there to be one pass that you use for everything. She asked if the technology can leveraged at other venues? District General District Manager Indra Winquest answered yes; there has been discussion with the vendor. He mentioned that it has been discussed to use this as a jumping off point to establish how we might be able to apply the technology to some of the other venues, particularly at the beaches and hopefully get to a point where we can secure the beaches year round including during the times where we are not staffed. District General Counsel Nelson stated he wanted to go through the contract and that he wanted to thank Staff for their hard work under tight timelines. He noted that this is agreement is not reflective of the type of agreement that would normally be brought to the Board of Trustees. He stated that we would normally try to shift as much risk to the vendor. In this case, there are certain risks that the vendor, Axess, is not willing to bear. There was a fair amount of back and forth to get the language and this is their bottom line. It is a bottom line that the Staff feels comfortable in moving forward with if the issues have been highlighted for the Board of Trustees consideration and ensure that everyone is on the same page. On packet page 7 above Section 1, definitions, there is a discussion about how the agreement interacts with the two annexes. Annex A is the order and Annex B is their standard terms and conditions. As a best practice, we want to make sure that the agreement is internally consistent. There are direct conflicts with what is in the agreement and what is in Annex B. As an example, we have Nevada law and a Nevada venue applying and the Annex has both Utah law and a Utah venue applying. The way we have handled this is that the text of the agreement controls over any conflicts in the general terms and conditions. If there was a dispute over venue, he stated he is confident that the venue would be in Nevada. A request to Axess was made to amend their general terms and conditions to eliminate the inconsistencies, they were unwilling to do that, and this was the middle ground we were able to reach; he is comfortable with moving forward with that. He noted that it does potentially introduce ambiguity in the document in the future if there is a dispute between the parties. On Section 2, second line, the proposal, it is good until tomorrow. He noted they are set up to move forward if the Board of Trustees approves the agreement tonight, to get it signed and back to the vendor to meet the timeline. On page 8, Section 5, the warranty period is now one year unless the manufacturer warranty is longer. He noted that the language is in a slightly different text and pointed out the statement *“unless such defects or inoperability are a result of improper care or equipment abuse resulting in premature wear and tear by the District.”* He stated that is a significant risk where some of the equipment is being used by members of the public. If it is our Staff, we can feel confident about being able to maintain things but as for members of the public using the equipment, that could be an issue. On page 9, Section 6, pricing, it indicates that all prices exclude taxes. He stated this is not an issue because what is being proposed is not taxed but notice in all of our

normal template agreements; we always shift the risk of any taxes that we may not be aware of back to the vendor. In this case, they were very firm that this risk is ours. This should not be an issue but if something does come up, it is a risk that the District will own. On page 10, Section 8, payments, there was some inconsistency as to when the final invoice is due. We will clarify that it will be due after the last 10% order value after commissioning and not simply delivery of the materials. On page 12, there is a discussion about a delivery address; the delivery address is specified in Annex A as Diamond Peak, which is where we want the materials to show up. The schedule for delivery date is before December 1st of 2022, but this date has very little affect; it is likely that the vendor would be able to identify an excuse if the delivery date is not met. Board Chairman Callicrate mentioned that the agreement has a date of December 1, 2023 and noted that it should say December 1, 2022. District General Counsel Nelson agreed and indicated this would be corrected. On page 17, Section 19, damages, we are waiving all claims for damages against Axess and the only remedy would be to go against the warranty. There is an exclusion for their willful misconduct or negligence but as a general rule, we are stuck with the warranty. District General Counsel Nelson stated this is a big deal and not the type of thing we would normally agree to. Trustee Tonking asked if this means that any defect that is not covered by the warranty, the District would have to pay to have it fixed? District General Counsel Nelson answered yes, including excessive wear and tear that was mentioned earlier. On page 17, Section 21B, if we do not pay them, there is a 10% of the amount owed as payment penalty. On page 18, Section 18D, because this is a multi-year contract, there is a non-appropriation clause to ensure compliance with NRS 354.626. On page 20, Section O, term of the agreement, there is an initial 5-year agreement for the software portion after the installation and an automatic renewal for 1-year periods. This is one of their standard terms and it will be important for us to calendar the renewal dates. Trustee Schmitz mentioned that she has suddenly become very concerned about the language in the contract. She asked if we are purchasing the software, there is an annual service fee, what is the warranty as it relates to the software components that produces the tickets and that we subscribe to on an annual basis? District General Counsel Nelson stated that the vendor does have an obligation to make sure the software works and if the software stopped working, we would have the ability to terminate the contract. We noted we may have limited recourse based on the damages as discussed earlier but we would not be stuck with them for the full term if this were to happen. Trustee Schmitz asked if references have been checked and if other venues have had issues that should draw additional concern about the language that is being identified? Diamond Peak Ski Resort General Manager Bandelin explained that Axess is the worldwide leader in the media and solution for RFID at ski operations. This is a small component of what the company represents. Other local resorts have chosen them to be their media provider. Trustee Schmitz asked if the local

resorts have used the same contract? District General Counsel Nelson responded that they are all private entities and they are not public documents. He mentioned that one of the challenges they have had with Axess is explaining that the District is very different than most of their customers because we are required to comply with items like public records and Nevada Law. Diamond Peak Ski Resort General Manager Bandelin noted he spoke to other operators that have been using Axess and there has not been any dissatisfaction with them. Trustee Tonking asked how Diamond Peak Ski Resort General Manager Bandelin feels about the warranty? Diamond Peak Ski Resort General Manager Bandelin responded that he is fine and the only components that the customer is using is a very small low voltage motor and robust pick up boxes. Other than that, it is software for Staff to use. He mentioned that he feels very comfortable.

Trustee Tonking made a motion to approve an equipment purchase agreement attachment one for installation of RFID Technology Software and Gantries – 2022/2023 Capital Improvement Project; Fund: Community Services; Division: Ski; Project#3499CE2201; Vendor: Axess America Inc.; in the amount of \$351,528.10 plus a 5% contingency in the amount of \$17,576.40 for a total amount of \$369,104.50. Trustee Schmitz seconded the motion. Board Chairman Callicrate asked for further comments, none were received so he called the question and the motion was passed unanimously.

E.2. SUBJECT: Recreation Center Expansion Project

- a. Review, discuss and possibly approve an amendment to the grant agreement with the Dave and Cheryl Duffield Foundation to modify the scope of the Recreation Center Expansion Project (Requesting Staff Members: District General Manager Indra Winquest, District General Counsel Joshua Nelson and Project Manager Bree Waters)**

District General Manager Indra Winquest stated he would like to respond to some of the public comment about this project and talk a bit about his experience with the District that he believes makes him qualified to make recommendations. He mentioned that the information on the Recreation Center expansion went out to the community on Saturday; it did not go out to the community with the rest of the packet. What is being proposed is not going to be a Boys & Girls Club. The Boys & Girls Club will be a partner to aid the District in programming for youth in the facility which is very much a model you will see in other communities between Parks & Recreation Departments and Boys & Girls Clubs. He noted that the narrative that was

put in an article in the *Tahoe Tribune* was inaccurate. It is not true that the Boys & Girls Club will be managing all the programming. The IVGID Parks and Recreation Staff will be managing the partnership between IVGID and the Boys & Girls Club of North Lake Tahoe. He noted that the District would be working on an agreement with the Boys & Girls Club. Trustee Schmitz asked for clarification if the Boys & Girls Club will be operating a subset of youth programming and asked what the criteria is for when the Boys & Girls Club are operating versus when the District Staff is? District General Manager Indra Winqwest responded that this is an evolving process where the departments are working through how the facility will be programmed. He can say that what a normal day would look like is the Recreation Center opens in the morning, there is a multi-use facility that will be available primarily for gymnastics but will be available for other types programming to include different types of personal training where some of the equipment may be incorporated. He is not sure who said all of the equipment would be off limits but that is not necessarily true. There will be some equipment for gymnastics, which will not be available to use for other types of programming, but we will be able to use the facility in the mornings. The activity space, which is not related to the youth center, is there for classroom type programming which we do not currently have which consultants have recommended. Additionally, he stated he went through the 1999 Recreation Facilities Assessment where there are items referenced, like a teen center, which the District has not addressed. He noted that there are other types of Senior gathering spaces that can be used during the day and before the kids get out of school. There has been a lot of discussion about when Washoe County was talking about turning the old library into some type of community center where our Senior programming division can come in and program that area; that just never came to fruition and a lot of that can be done at the existing Recreation Center. The Boys & Girls Club would typically come in during the afternoons, around the time the kids are getting out of school, and they would provide supervised activities whether it is inside using the various youth areas, as well as outside spaces. There is a lot of space that the club would be utilizing and they would be doing so on their own dime. He mentioned that he has had serious discussions with Mindy Carbajal, Chief Executive Officer of the Boys and Girls Club in North Lake Tahoe, about them helping to pay for the ongoing maintenance and potential funds for future capital projects and custodial which is very similar to what they have over at the facility in Kings Beach. He stated they would come in during the afternoon/early evening to provide some programming and activities with supervision. All of the gymnastics programs and any other programs that are in the gymnasium and multi-use facility would be managed by our community programming division. There could be programming going on in

the facility that is managed by IVGID Parks and Recreation Staff and there could be programming going on in the facility simultaneously being supervised by the Boys & Girls Club. He noted that in the summer, they have a very robust day camp program that they will be able to operate out of that facility while IVGID Parks and Recreation Staff would continue to utilize the space for other programming. There are high-level recreation professionals that are creative in the space that we have. This is how we see the relationship working and, of course, this will continue to evolve and if this passes, we will bring back the 60% design, which will be a decision point for the Board of Trustees, as we will discuss potential tenant improvements to the existing center. There will be a lot more discussion about the programming side. Trustee Schmitz asked that at the 60% design, will we be seeing some draft language with the agreement on how the Boys & Girls Club relationship will go? District General Manager Indra Winqest states yes and that Mindy Carbajal, Chief Executive Officer of the Boys and Girls Club in North Lake Tahoe, is gathering some agreements that they have with some other agencies so we will be able to provide some templates and information. The goal is to have a draft agreement in place simultaneous to going out to bid for construction on the project. He noted that legal would be involved and the Board of Trustees would need to be comfortable with the agreement. District General Manager Indra Winqest mentioned he has spoken to the Boys & Girls Club about the before school program and whether it would be appropriate to operate out of that facility. It has been agreed that they would not be able to operate out of the expanded area and it makes more sense for them to continue to run that at the elementary school. Trustee Schmitz was thankful for the clarification that the before school program would remain intact at the school. District General Manager Winqest brought up that there was reference about members of the public having access to the facility. He then asked are youth and families considered members of the public? He stated that he worked 2 years managing the Recreation Center counter; he then was the Sports Supervisor Manager managing all of the youth and adult programming for several years, then Superintendent, and finally, Director of Parks and Recreation. He lived in that building for 17 years. He has coached kids in the community for 15 years at both the high school and middle school. He would hope that the Board of Trustees and community would trust that he is fully qualified to talk about this. He stated that nobody is trying to do anything disingenuous and that Mr. & Mrs. Duffield just simply wants to do something great for the youth, the families, and the entire community and this is the donation that they have pledged. With regards to the letter, he understands the concern and explained that the purpose of the letter is related to the donor and the foundation whom want to ensure that the District and the Board of Trustees

are supportive and committed to the project, considering that they are gifting the District and community \$26,000,000. He believes this request is viable and valid. With regards to the apology portion of the letter, it is hard when the private and the public sector try to mesh, so there was some confusion, miscommunication, and frustration about the process that we, as a government agency, need to go through. At the time that the preliminary cost estimate came out at \$33,000,000, we had to go back to the donor at that point and time. As the donor originally offered \$25,000,000, he asked if the project could be scaled back. He told the donor that we could do this and as soon as this is done and approved, it has to be brought back to the Board of Trustees to discuss and possibly approve the modifications to the design per Board of Trustees policy. There were timing issues and vacations so it took a few weeks to get the work done. We did notify Trustee Tonking who is working with our group on this. He apologized to Trustee Dent for not reaching out to him. He let the foundation and donor know that this was going to have to come before the Board of Trustees. Unfortunately, the information was not available until the day that the packet went out for the last meeting. He mentioned that he would be foolish to not bring this opportunity to the Board of Trustees and he is trying to give them and the community all the information so a decision can be made on whether to move forward with the project. Trustee Dent asked when there is a conflict in programming, how does that conflict get resolved? District General Manager Winqest responded that the District's Park and Recreation Staff will be managing this and will make sure that they try to alleviate as many as these types of conflicts before they become issues. He believes that the additional flexible gym space that had to be taken out of the design may have been helpful in some ways but the fact that we are able to build the multi-use gymnasium, it will alleviate a lot of the conflict that we currently have in the existing gymnasium. Additionally, with the ability to construct the tenant improvements, it will take care of the fitness center space that is in the Master Plan, as well as giving personal trainers other places to train such as the multi-use facility, the gymnastics facility, or upstairs Recreation Center when it is not being used. This will help alleviate the conflicts significantly. Trustee Dent asked what are the other conflicts that we will still run into? District General Manager Winqest stated that there would likely always be some unresolved conflict based on the level of use the facilities get. As of now, when children come over after school and if there are programs in the gymnasium, we never would have been able to move them out of the existing Recreation Center. They will now have areas in the youth center where they can go recreate, socialize, etc and not be yelled at for running around the hallways; we are going to have space for them. All of this combined will take away a lot of the conflict that we currently see at the

Recreation Center. Trustee Tonking said thank you for all of the time and energy everyone has put into this project. She stated she was also a bit concerned about the lack of extra gym space but there are many things that go on in the gym throughout the day that can move to the gymnastic area when it is not being used. She mentioned that the youth is a huge group in this community and as someone who grew up in the community; this is something she would have loved to have, as there are not a lot of places to go as kids. Her parents spent a lot of time trying to find other activities to do, so this is an incredible opportunity. She thinks that the youth sometimes are forgotten and she is a huge advocate for youth. She asked if we could come up with some way to use the classroom programming space for adults and Seniors? District General Manager Winquest answered yes and that District Project Manager Bree Waters was present to provide information and answer any questions. District Project Manager Waters stated that we are bringing back the Recreation Center Expansion Project to the Board of Trustees because there has been a modification to the scope of work due to budgetary concerns. It is being brought back for the approval of the modified scope. The original scope that was presented on June 29, 2022 was for a 33,000 square foot addition; this is being reduced or modified to 26,411 square feet, which has all been presented in the Board packet. Engineering Manager Kate Nelson mentioned that this opportunity checks off 2 boxes on the Community Services Master Plan and it opens up the avenue to check off a lot more within the tenant improvement portion. If we do not have this project, then we do not get to start checking those boxes. Trustee Schmitz stated she is confused because the original scope was Option A and it was not 33,000 square feet, it was 29,500 square feet. She believes the recommendation is Option C that is 30,225 square feet and that she is asking for clarification on these amounts? District Project Manager Waters explained that in April, the original scope of work was the original Memorandum of Understanding with the Duffield Foundation. The scope of work was Option A and it was a half size basketball court which half of would have been dedicated to a gymnastic facility. When the full budget analysis was done for Option A, it came in at \$29,900,000. We came to the Board of Trustees at the end of June with Option B and that came in at \$33,900,000 and it was the 33,000 square foot option. When we did a full budget analysis and took it to the Duffield Foundation, they asked us to do a reduced scope of work to get the project down to the \$25,000,000 that they had offered. This is what led to Option D for \$25,600,00 with 26,411 square feet which is the modified scope of work we are asking for approval on today. Trustee Dent asked if the gymnastic space shrunk with Option D? Project Manager Waters responded that the actual dedicated gymnastic area has not changed in size. The gymnasium size has changed but the gymnasium size

in Options A, B and C included a dedicated space for gymnastics, plus another multi use space. District General Manager Winquest asked Project Manager Waters to address the question of, if we proceed with Option D, how the expansion would be designed to accommodate any future addition of gymnasium space. Project Manager Waters stated that the architect and team have looked at the design and created a repetitive design and the design easily allows for the addition of a gymnasium at a future date. She notes that utilities and bathrooms would be coordinated for future use. Trustee Schmitz said thank you for all of Staff's time and effort, as well as the Duffield Foundation for this very generous gift and opportunity that has been put before us. She stated this is an opportunity that we can deliver on for the community. She reviewed the Community Services Master Plan and she noticed there were many things related to teen activities, which is really important. What it does not address is the need for gymnasium space and the Community Services Master Plan had identified that we had over use. She has been reaching out to community members and Staff members who use the personal training facilities and there has become an increase in demand because we have more full time residents and youth here. She went back and reviewed the Memorandum of Understanding that was approved and the grant agreement, and in both documents, including the amended one, it states there is a multi-use gym and it is not considering the dedicated gymnastics. She stated the multi-use is a component that is missing. She stated she greatly appreciates the generosity of the Duffield's in contributing \$25,000,000 to our District and she feels it is our duty as Board members to review the Community Services Master Plan, look at this opportunity and do it right and not miss the opportunity of incorporating a multi-use gym into the equation. She noted that the teen activities and teen area is right there and to have a multi-use gym right next to the youth center is optimal for the teen use. She mentioned to think that we are going to have personal trainers dragging things through the building to go on the other side, if we had the multi-use, it lessens the burden on the existing Recreation Center and it gives our tenant improvements more opportunity to address the identified needs in the Community Services Master Plan for expanding the fitness area. She stated that as a fiduciary, she wants to do this right and she would like to seek a win-win. She would like to keep the project moving forward but she would like to keep it moving forward with the opportunity to take advantage of building and construction consolidation and saving construction costs by doing it right the first time. She does not want it to be like the Chateau and have regrets. She stated that it is important to all of the community and she would like to, as a Board, partner with the Duffield Foundation and do our effort on the partnership and if there is additional funding to accommodate a multi-use gym, she would like for us to take that

on. Board Chairman Callicrate mentioned that he has a different take on that and that he thinks with the modifications that are before the Board of Trustees, and as the District General Manager said, we will free up the multi-use gymnasium that is currently there and he thinks it will free up a lot of conflict and provide us with the opportunity with taking care of aspects within the Community Services Master Plan. He stated that the 2016 Master Plan did not address everything that was in the 1999 Master Plan and in fact, it will have a dedicated teen center as well as a gymnastics facility and has other multi-purpose opportunities. With the tenant modification that we are going to put in this structure, we might be surprised that we do not necessarily need an additional gymnasium. He stated he does not know what the future is going to be for the community as far as growth and all of the other opportunities that will be out there. He stated he is ready to move forward with this so that we do not lose the opportunity with the Duffield Foundation. Trustee Schmitz stated she does not want to lose the opportunity with the Duffield Foundation and that is not the intention at all, it is to say, let us do this, and let us do this together. Trustee Tonking stated that she does agree, as a Board, we should have stated when this first came up, that we were willing to put an investment into this. She stated that not once, as a Board, did we show that we were willing to do that. She stated she does not think the Board of Trustees sold themselves very well in this situation. She stated that if the Board of Trustees was willing to do that, we should have had this conversation much earlier because now we are under a tight timeline. She noted that all of the questions that have occurred during these Board meetings on this Recreation Center project has been about the extremely tight timeline and now we are going to try to come up with something that we did not put in the budget this year and we are going to try to come up with a way to do it; this concerns her. She does not disagree that we should have thought about this earlier, but she is concerned about how this comes across now. Trustee Wong thanked the Duffield Foundation for their continued support. She agrees with Trustee Tonking's comments and mentioned that the Board had talked about tenant improvements within the scope of reconfiguring existing space to take advantage of the proposed expansion of the Recreation Center. She stated that she feels like starting to talk about tenant improvements, by way of a multi-purpose gym, is a much larger project than what we talked about to the community and the Duffield's and that this requires more conversation than the timeline will allow. She mentioned that it is important to keep moving forward and if you take a look at the proposed expansion of the Recreation Center that we are looking at today as well as the different renderings of potential mock ups of what an expanded Recreation Center would look like in our former Master Plan, it leaves an area within the boundaries of the plat of land the Recreation

Center is on to add other components of the Master Plan at a future date when we are able to have more conversations with the community. She thinks it would be a bit disingenuous for us to take on a \$5,000,000 project that we did not plan for right now. She mentioned it is possible, but there needs to be more community conversations around that. She is in support of moving forward with what is in front of the Board of Trustees today as well as continuing conversations in the community about what components of the Master Plan we take on next. Trustee Dent stated the question we should be asking is how to move this forward while looking at the entire situation and what is best for the District? He stated we did not have that conversation before because we did not know we needed to have that conversation because when it comes to the multi-use facility it was included in the plan that we saw. From that standpoint, Trustee Schmitz does bring up a good point when it comes to all the things he wishes were in here. This is the donor's money and there is a limit to that. With regards to the multi-use space and the programming, that is his biggest concern. If we are going to remove the multi-use gym, what will that do to the original plan we all signed up for? He stated what he has heard from Staff, and regarding the programming, he can get on board with it. He mentioned the community is very grateful to the Duffield's for this opportunity and we all want to move this project along. If there were a way for us to contribute, he would be open to investigating that further. He stated that it seems like what we are building will get us almost all the way there, so he feels like Trustee Schmitz brings up a valid concern with a multi-use gym. He is willing to support the design given what Staff has said even though it may not be what we originally thought. Trustee Dent had a question for District General Counsel Nelson as it relates to the proposed amendment grant agreement - do we need to remove the multi-use gym language that is in the amendment? District General Counsel Nelson noted that section is referencing the gymnastics area that is in both of the options and he believes we can move forward as is. He stated the important thing is in the amended Exhibit A as it reflects the reduced square footage. Trustee Schmitz stated that in the Memorandum of Understanding, the multi-use gym is not the equivalent of the dedicated gymnastics. District General Counsel Nelson clarified that the Memorandum of Understanding is no longer controlling and it is just the grant agreement for this portion of the work. There was an initial agreement to do the conceptual design that was funded through the Memorandum of Understanding and as far as the work, we did to fund up to the design that the Board approved in June and that work is all being funded through the grant agreement. Project Manager Waters clarified that the progressive grant agreement was approved at the end of July. Trustee Schmitz stated for clarification purposes, it should say it is for dedicated gymnastics

because it is not the multi-use gymnasium as reflected in Option A. District General Counsel Nelson said that this could be clarified if the majority of the Board would like to see this done. District General Manager Winquest stated it is worded that way because we will be getting some multi-use out of that gymnasium but this could be clarified so that everyone is comfortable. The primary use will be gymnastics but there will be some multi-use as well. District General Counsel Nelson stated that he sees no downside in modifying the language. Trustee Tonking agreed that it would be good to clarify this language. Trustee Schmitz stated that this is the first time the Board of Trustees has seen options and price tags. It is not as if we did not make decisions at an appropriate time. This is the first time we are seeing options and pricing. She stated when you are in the process of doing projects that is why we have these discussions at the design phase so that modifications can be made. A modification is being proposed which is Option D; that is the purpose of having discussions at a design phase because that is the time and opportunity to make adjustments and have the least financial impact. It is not as if anything was disingenuous or we did not offer anything. This is the first time, as a Board, we are seeing the numbers and the changes to the proposed plan. We had looked at Option A and then the gym got doubled in size with Option B which she didn't know why. This is the purpose of having a design review and that is to have conversations about costs, etc. She truly understands there is a timeline. We have the opportunity to potentially submit 2 sets of plans to the Tahoe Regional Planning Agency (TRPA) – one with Option A that has a larger footprint. Engineering Manager Nelson stated that submitting 2 projects to TRPA would not go well. She explained this qualifies as an EIP project so we are on a fast track for review. If we were to provide them with 2 projects for review, she does not see that meeting our permitting timeline. Trustee Schmitz asked if we put in a request with TRPA for a larger footprint, and then later on, reduce the footprint, is that less significant than trying to increase the footprint? She stated she feels like we are being a little bit rushed; she does not want to be rushed and then be regretful. She mentioned Option A, that included the smaller, but multi-use that gives us everything we have talked about needing and this is the first time we have discussed removing that component. She understands that the Duffield Foundation is gifting a very generous donation and she is grateful for it; she just wants to make sure we are incorporating the needs of everyone in the community and if we, as a Board, feel we are willing to potentially provide support, that is what the purpose of what a design discussion is about. She feels like it is truly the opportunity to win for our community. Project Manager Waters commented that submitting another design to TRPA will not go well and in addition, we have a design team and construction team that is stretched to its limit right now; there is no way to

meet the timeline we are on right now. It is not easy to add another design right now, as there is a domino effect. Trustee Schmitz clarified she is not trying to create a different design; she is saying let's move forward with Option A. Engineering Manager Nelson explained that the application that goes into TRPA is not a schematic drawing; it is architectural renderings, elevations of all sides of the building, materials, etc. She stated that it is a lot of work on our consultant's part to prepare the design package, which they have been preparing for 3 weeks. Trustee Schmitz asked, so in other words, Staff and consultants moved forward with Option D without our Board making a decision, is that she is hearing? Engineering Manager Nelson responded that we are putting together the package that is associated with Option D. Project Manager Waters stated that is the only option that the donor is willing to agree to. Trustee Schmitz stated she understands that but with all due respect, we, as a Board, have never had this opportunity to have this discussion; these are important decisions and she feels that progress has moved forward without having Board direction. Board Chairman Callicrate disagreed with that comment. Trustee Tonking stated she agrees and understands what Trustee Schmitz is saying. She knows that we are on a tight timeline and that is the problem. She commented that she does not know if we have had conversations with the donor about what our contribution would look like. Her fear is that we could get some more push back than what we expect to get. She thinks we could contribute and we should. She stated we should take into consideration what came up during public comment about how there are other parts of the Community Services Master Plan that maybe the community would like; maybe it is not the multi-use gym but maybe it is the warm water pool or some other space for more workout space. If we are willing to start to allocate some of our money, maybe we can look into where we can make it more of a community engagement project. Trustee Schmitz commented that she is sorry and she is saddened that we are at a point where Option D is what has been pursued for the past few weeks. She understands it was done to meet a timeline but Option D was not what the Board had approved with their prior discussions. She is saddened by that but she understand that is where we are. District General Manager Winquest stated the challenge that we have is that Option D is the only option that the donor approved. We gave the donor all options. The donor was aware that there was some interest on our part; he was taken aback by that. If the Board does not approve this option, we would basically consider the project not moving forward at this time until we are able to go back and hopefully negotiate a different project or route that we would take back to the Duffield Foundation. Yes, we had to continue with what the donor was comfortable with but we were fully prepared to stop the process if the Board is not comfortable with this option and go back to the donor. He

understands that it is not the ideal situation. Trustee Schmitz stated that she personally feels that the Duffield's are so community oriented and are so generous; she does not think this would be a problem. She feels like she is being backed into a corner and not being able to fulfill her responsibilities as it relates to her fiduciary duty as it relates to her constituents. Trustee Tonking stated she understands where Trustee Schmitz is coming from but she thinks we have heard it is the donor's choice and it is a bit of a conflict. Trustee Schmitz stated she has never spoken to them so she does not know. Board Chairman Callicrate thanked everyone for the presentation and the hard work that the team has been putting into this.

Trustee Tonking made a motion to approve the amendment to the grant agreement with the Dave and Cheryl Duffield Foundation to modify the scope of the Recreation Center Expansion Project with the grant agreement being Option D and the above mentioned changes to the word gymnasium; Trustee Wong seconded the motion. Board Chairman Callicrate asked for further comments, none were received so he called the question and the motion passed with Trustees Tim Callicrate, Matthew Dent, Michaela Tonking and Kendra Wong voting in favor of the motion and Trustee Sara Schmitz voting opposed to the motion.

b. Review, discuss and possibly approve the sending of a letter of support to the Dave and Cheryl Duffield Foundation for the modified scope of the Recreation Center Expansion Project (Requesting Staff Members: District General Manager Indra Winquest and Project Manager Bree Waters)

Trustee Schmitz commented that per public comment, she does not know that the Board is apologizing for miscommunication; she does not know that the Board has miscommunicated. She does not feel that the Board has and asked if it would be acceptable to say the District apologizes? District General Manager Winquest stated he would make the request to the Duffield Foundation. Trustee Tonking asked if it could say the Board and District? Trustee Schmitz stated she does not understand the statement. District General Manager Winquest stated that if the Board approves the letter with the change; it would go to the Foundation with the change. District General Counsel Nelson clarified that this is the Board of Trustees letter, so whatever the majority of the Board approves will be sent. Trustee Dent stated he was confused and taken back by the sentence, given that the Board of Trustees has not met regarding this issue. If we can change the word Board to District, it is more appropriate as this is the first time the Board has met.

Trustee Tonking made a motion to approve sending of a letter of support to the Dave and Cheryl Duffield Foundation for the modified scope of the Recreation Center Expansion Project with the change to the letter (last sentence change "Board" to "District". Trustee Wong seconded the motion. Board Chairman Callicrate asked for further comments, receiving none, he called the question and the motion was passed unanimously.

F. FINAL PUBLIC COMMENTS*

Gail Krolick, IVGID candidate 2022, commented that as she was watching this meeting earlier on Zoom, she felt several feelings that she had not quite felt before. First, it was astonishment, then anger, then absolute disappointment. It was not how the members of the Board were interacting, in fact, she thinks the Board interacted quite well and she is very proud to see the Board seemingly come together and have great discussions. It was with our community once again. First, we had an individual pointing out a comma should be in a contract or if a word should be plural/not plural; she did not realize such minutia we are looking at as community members. This astonished her and then she got angry. It was directly called out that our Staff was dishonest and not transparent; that really angered her. She will call Staff out when Staff is doing wrong but she can assure you that this Staff that she has had the pleasure of working with for the last 31 years, 4 years as a Trustee and acting Chair of the Board, Staff has never been dishonest or not loyal to this community. That is where the anger came in. Then the disappointment, trying to figure out, how did we get like this? Why are we like this? If you do not like it here, great, she will make a pledge right now – she will sell your house and she will take her commission off for you. Please go. If you are that angry with this community and the job that the Trustees are trying to do so we can move forward, please leave. She will sell your house, commission off the hook. Lastly, we have an incredible donor; \$26,000,000 is nothing to sneeze at. A lot of great discussion today but if she were the Duffield Foundation, she would question it myself. To have such discussion on such an incredible gift to our community is unbelievable to her. By the way, she has been to the Recreation Center at various times of day and there has been people of all ages; young infants, children, middle-aged folks such as myself and those folks above eighty. That is all members of our community and you know what, she prays that the youth of this community come back to this community and help support this community in the future. What she is hearing from those in the community who can vote and cannot vote is why Gail, would you even run when they clearly do not care about us? Members of the community, please, get your acts together.

Yolanda Knaak, IVGID candidate 2022, commented that she just wanted to thank the Duffield's and Duffield Foundation for the generous donation. She disagrees; she thinks our documents should have good grammar.

Andy Whyman commented that he would like to thank the Board for a thoughtful, spirited, knowledgeable commentary about this whole project. He is impressed with people's passion and their understanding of what the issues are here. He does not see enough of that sometimes but this was a wonderful meeting. District General Manager – you are fully qualified to do the job. The question that comes up sometimes is that the community needs to know all the details as well. At least this member of the community needs to know all the details. No one needs to question your qualifications. It is simply that when you move forward on something, people in the community would like to know what are the details. Sometimes we don't know what they are, understanding what this issue is today, that a lot of this information that you are all talking about is new to you, that's fine. When you get into situations like this with a very wealthy donor who wants to do something for the community, you have to do your due diligence. It seems to him you did that today and he is proud of all of you for doing that. His daughter was an Olympic gymnast back in the day before she broke her back. In gymnastics, you need some real expertise as the trainers, as the people who are going to teach their kids gymnastics. Maybe there have been people in the community who have been identified or self-identified as having that capacity. These folks have to be really good if the kids are going to become really good. One of the members of our community mentioned that, in the Master Plan, part of the plan involves moving this facility over to the Recreation Center and doing some workforce housing. He does not know if that is an accurate statement. Assuming it is an accurate statement, he thinks you should put that at the top of your agenda.

Cliff Dobler commented that he does not have a written statement. The way he looks at this is we have some very high priced individuals working for us. This presentation of the expansion of the Rec Center is so poorly done it is incredible. He only have three minutes so he won't be able to explain it all but your color codes are wrong and you indicate one thing is something when it's actually listed as another thing. If you really think about it, if it is true that Duffield said you got one option and that option is D, then you don't have any other options. So it's not an option. The other stuff is worthless to even talk about. This is what he wants. The golden rule is the man that has the gold makes the rules. The question is when you turn around and say you, as a Board, did not discuss having the multi-use gym, how would you know about it? The packet came out on Monday. Therefore, you had 2 days. Did anyone ever say *"Hey Mr. Duffield, we don't mind throwing in \$4,000,000 for the multi-use gymnasium and what do you think about that?"* The District General Manager turns around here and says, *"Well, I have talked to him*

about it and he says absolutely not". That is not the way things are done. He has been around a long time, he has been with a lot of Boards and if we had something we thought we were going to get and a donor does not want to provide the money for it, the next step should be can we do it and if we can't do it, then we have to accept the final option. This is like a shotgun marriage; there is no doubt about it. Four of you jammed it through and now we are not going to have a multi-use gymnasium where we certainly had the money to do it. We are sitting with 11 to 12 million dollars of excess reserves. It is a shotgun. It was two weeks ago, it's in it and 2 days ago, it's out. The Board does not know anything about it and Trustee Tonking is sitting here saying "*Well, we did not do anything as a Board.*" Well, how could you. You didn't know about it. In other words, he thinks this was just very poorly done and he doesn't think you are representing the community very well at all. You don't need to rush through these things. We are talking big money and it needs thought.

G. ADJOURNMENT (for possible action)

The meeting was adjourned at 3:59 p.m.

Respectfully submitted,

Susan A. Herron
District Clerk

Attachments*:

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

Submitted by Cliff Dobler: Public Comments 9-14-2022 by Clifford F. Dobler to be included in Board meeting minutes

Submitted by Judith Miller: Public Comment 09/14/22 Special Meeting IVGID Board of Trustees

Submitted by Aaron Katz: Written statement to be attached to and made a part of the written minutes of the IVGID Board's regular September 14, 2022 meeting – Agenda Item E(2) – Proposed Recreation Center expansion modification

Public Comments 9-14-2022 by Clifford F. Dobler to be included in Board meeting minutes.

"Don't look a gift horse in the mouth" is an old saying meaning Don't be ungrateful when you receive a gift even if it's not exactly what you want.

Mr. & Mrs. Duffield are willing to provide a gift of up to \$25,000,000 to expand the Rec Center but the gift has strings attached. They want a dedicated space for gymnastics and a youth center to be constructed in the front of the existing Rec Center. The youth center is to be operated by the Boys and Girls Club of North Lake Tahoe.

So is this a gift or is it a method of obtaining IVGID land to satisfy the need of two donors to achieve their goal of establishing a Boys and Girls Center in Incline Village? In other words, if the Rec Center land was unavailable, would the donors seek another location?

A major concern is compliance with the 2018 Community Services master plan for expansion of the Rec Center to incorporate 4 elements 1) a more efficient entry/reception area, 2) expand the weight and fitness studio, 3) provide additional gym space and 4) provide additional multi-use meeting rooms, offices and storage. There was no mention for a dedicated gymnastic space or a youth center. The master plan was developed over two years with community surveys and workshops. The most important was additional gym space. This substantial change in the master plan should be presented to the community for input.

Some business and legal aspects.

1. Since the Duffield's indicated a portion of the new space is to be dedicated to the Boys and Girls Club then a lease would be required to overcome restrictions of Dillions rule. How the land lease would be priced can be found in the Board Practice 6.2.1. Will the Boys & Girls Club find the amount acceptable?
- 2) This proposed amended grant agreement and the February memorandum of understanding requires a new multi-use gymnasium but is not part of the plans.
- 3) An agreement must be included for a fair allocation of operating expenses chargeable to the Boys and Girls Club. I have been told that the Boys & Girls will actually manage all programming for IVGID. True or Not?
- 4) Is the Board required to provide support for the project without any knowledge of improvements to the existing building or potential reimbursements from Duffield?
- 5) Has the Board considered that the costs to improve the existing building does not have one thin dime in the 2022/2023 capital budget nor in the five year plan?

You are reviewing a half baked pie. Have a complete and comprehensive presentation for citizens to review and comment. Let's not have this unfinished pie jammed through by two exiting trustees who have no sense of fiduciary responsibility.

I have many questions and concerns about the rec center expansion option D. It doesn't align with the goals of the Community Services Master Plan for a number of reasons. The material in the board packet lacks specifics that the board needs to understand just what space will be available for public use. Square footage of various rooms doesn't even appear. However, one thing is clear, there will be no added gymnasium; also, the staff memo lists the dedicated gymnastics space as a "gymnasium" which it is not. Out of the 26,411 sq ft rec center expansion, the only "public" amenities are a 1080 sq ft activity room (noted on previous drawings), some restrooms, a new entry, a walkway and possibly some storage areas.

With the elimination of the gym, this expansion primarily addresses the needs of our young (the youth center and the gymnastics studio); unfortunately, it violates the deed restriction and goes beyond IVGID's limited powers if the Boys and Girls Club intends to offer its typical range of services.

The master plan clearly calls for emphasis on programs for both youth AND seniors. There are many residents here supporting our youth. Who is speaking for the needs of seniors, a large segment of our population?

I think I qualify to speak for many of them.

The master plan identified the need for a large multipurpose room with a floor that would accommodate a dance studio. I've seen a lot of tap dancing at these meetings, but not the kind this type of floor would allow. This is one form of dance many seniors love. The room could be multi-purpose and serve other needs as well. The master plan identified a need for a warm water pool. Although I see this as an amenity of broad appeal, it would be particularly important for the very young as well as our seniors.

Before you approve any expansion, please require a conceptual design that incorporates future amenities already identified in the master plan like the warm water pool, a dance studio and a second gymnasium. Can we really give up this much developable space for a gymnastics studio that only serves a very small percentage of our residents? Even if it is built with private funds, long term

maintenance is still a question. Perhaps there was no master plan when decisions were made to give away IVGID lands to IVCBVB and Parasol that left us without a place for a dedicated dog park. Now we have a master plan. Please defer this item until there is a more complete assessment how this project affects the District's ability to carry out that Plan.

Judith Miller

**WRITTEN STATEMENT TO BE ATTACHED TO AND MADE A PART OF THE WRITTEN
MINUTES OF THE IVGID BOARD'S REGULAR SEPTEMBER 14, 2022 MEETING –
AGENDA ITEM E(2) – PROPOSED RECREATION CENTER EXPANSION
MODIFICATION**

Introduction: So on June 29, 2022 the Board approved entrance into a grant agreement with the Duffield Foundation for a 33,000 square foot expansion of the Recreation Center. And now staff is proposing the Board agree to a modification of this expansion sub-surface water intrusion, by a negative twenty percent (20%) to 26,411 square feet. And why? Because Mr. Duffield doesn't want to fund what he allegedly was prepared to fund because estimated construction costs are nearly nineteen percent (19%) higher than originally estimated. And what exactly does this have to do with the public? Why is this our concern? Why does the public have to suffer with a less expansive expansion? What is the public getting out of this deal? The answers to all of these questions is the purpose of this written statement.

My Various E-Mails to the Board on This Subject: They're attached as Exhibit "A" to this written statement and set forth all that has happened to date.

CANCEL THIS MEETING: As the reader can see from the attached e-mails, our wonderful staff were incapable of preparing a Board packet which clearly disclosed the particulars of the proposed modification in a timely manner. Staff's attitude is don't bother me with the particulars. We have an expansion which meets the requirements of Mr. Duffield to push through. Well if staff can't be upfront and transparent, in my view they have no standing to have anything on the agenda approved.

Because Staff Continue to Refuse to Share the Particulars of Their Proposed Amendment, Again They Don't Deserve to Have Any Modification Approved: Take a long look at the proposed modification. A dedicated gymnastics area for the girls' gymnastics club. Essentially no shared use by anyone other than the club.

A dedicated youth center for the Boys and Girls Club. Essentially no shared use by anyone other than the club.

Wasteful circulation and common space caused by relocation of the front desk portion of the Rec Center.

Office and peripheral space for staff and/or the Boys and Girls Club having zero to do with community recreation.

And what appears to be about 1,080 square feet of possible shared recreation space. This means that less than 5% of the proposed modified Recreation Center expansion has anything directly to do with enhanced recreation for local parcel owners! And staff are hiding the truth. Intentionally.

Conclusion: Deceit and a lack of transparency such as this keeps happening over and over again. When is the Board going to learn and start doing its job? It's time for you Board members to put your collective feet down and just say no!

And You Wonder Why the Recreation Facility Fee ("RFF") We're Forced to Pay is Out of Control? I've now provided more answers.

Respectfully, Aaron Katz (Your Community Watchdog Because No One Else Seems to be Watching).

Re: Where is the Board Packet For the Sep 14, 2022 Special Board Meeting? Third Update

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: Re: Where is the Board Packet For the Sep 14, 2022 Special Board Meeting? Third Update
 Date: Sep 12, 2022 6:22 PM

Chairperson Callicrate and Other Honorable Members of the IVGID Board.

For GOD's sake what more do you need to see?

First your beloved staff can't even get out a Board packet in a timely manner. Even though it consists of but ONE items.

Then Ms. Herron can't even get out a Board packet which includes the RFID agreement agenda item. So she says she will come Monday, today, and we should accept her apologies for the delay.

Well it's nearly 6:30 P.M. on Monday and NO RFID Board packet yet. Incompetence and more disgust. As DJ Khalid proclaims, "yet another one." When do you guys get it? You all think you're so intelligent. Well start acting as if you were!

You need to CANCEL this meeting. You need to teach your staff a lesson. If they can't perform professionally, then don't perform at all!

But I have another reason for asking the meeting be cancelled. And it goes to staff deception and lies.

I previously shared with each of you evidence of at least three (3) lies. Well now number four (4).

So staff tell us that the scaled back Option D for the Rec Center consists of 26,411 square feet. They tell us at page 056 of the Board packet that:

1. The gymnasium exclusively dedicated (that's right. How is anyone else going to be able to use this space for alternative programming?) for young girls' gymnasium equipment will consist of 7,625 square feet;
2. Mr Duffield's dedicated Boys and Girls Club disingenuously labeled "youth center" will consist of 6,551 square feet;
3. Structure in reality called wasteful circulation space will consist of 3,555 square feet; and,
4. Remaining "Rec Center" space will consist of 8,680. It's this latter figure which I fear is deceitful.

How much of this space will truly be available for additional recreation facilities and programming. Because if it's essentially nothing, then how can this project be for the benefit of we parcel owners?

So to learn the truth, this morning I reached out to project manager Bree Waters and GM Indra asking they share with me the square footage of every room in the proposed Option D. After all they had this information prior to June 29 and actually shared it with me after I requested. Well how about sharing it now?

Both Bree and Indra IGNORED my request. Not even an acknowledgment. Now why do you think? Well let me tell you what I think. When everything is said and done, I think we're going to discover about 1,200 square feet is left over for additional recreation. You can see it on page 058 of the Board

packet - it's colored green. In other words, the truth of the matter is that **LESS THAN 5% OF THIS EXPANSION IS DEDICATED TO ADDITIONAL RECREATION FOR PARCEL OWNERS!** It's all a gymnasium to store Mr. Duffield's gymnasium equipment, the Boys and Girls Club, and fancy digs for Rec Center staff. We'll throw the public a bone of another 1,200 or so square feet so staff can misleadingly represent to the County, TRPA and the public that this expansion is really for them!

Now I'm not going to jump to this conclusion because I want to examine the facts so I can see for myself. But if staff refuses, and your Board members don't care enough to get the answers yourself, we really have all the answers we need. Don't we?

CANCEL THIS MEETING!

Respectfully, Aaron Katz

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

From: <s4s@ix.netcom.com>

Sent: Sep 12, 2022 9:46 AM

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: Re: Where is the Board Packet For the Sep 14, 2022 Special Board Meeting? Second Update

Chairperson Callicrate and Other Honorable Members of the IVGID Board -

So now that I have had an opportunity to reflect further, at page 058 of the Board packet Indra tells us "a letter of support and commitment has been drafted to ensure the Foundation that the Board and the District are dedicated to the project." So why is such support and commitment required? Why is such "assurance" required? Didn't the Board enter into a grant agreement with the Foundation (see pages 061-068 of the Board packet) on June 29, 2022? Didn't the Board express its support and commitment in that agreement? So what more is required, and why?

Now let's go to Indra's embarrassingly SLOBBERING letter form of support and commitment (see page 074 of the Board packet). **HOW DARE YOU SPEAK FOR MEMBERS OF OUR COMMUNITY** without having first asked for our views. **YOU'RE ARROGANT Indra!** Please don't play this "dumb" routine. You're very intentional and very arrogant. I'm not the only one in our community who does not feel that this project as it continues to evolve (when exactly do we get to a design which is capable of being made final?) will greatly benefit our community. So how dare each of you Board members make a representation in writing to this effect as Indra proposes. You're free to speak for yourselves. But **DON'T SPEAK FOR ME!**

I feel the best thing Sara and Matt can do insofar as this letter is concerned is to **NOT SIGN IT!** Let Indra and Mr. Duffield attempt to use this document for their propagandist purposes conspicuously omitting the signatures of 40% of our IVGID Board! That will certainly demonstrate the lack of support Mr. Duffield requests.

Finally, if everyone was on board for an approximate 33,000 square foot Rec Center expansion on June 29, 2022, why would the Board possibly be in favor of a reduced version of the same (26,411 square feet) now? And what has the District received in consideration of the Board's sought for agreement to reduce the scope of this project by 20%?

As I have observed many times before, it doesn't matter what this staff and the Board do. Dig deep enough and you will eventually come to a core of deceit, wrong doing and evil. And here it has surfaced its ugly head yet again. Just like DJ Khalid instructs; "here's another one!"

Respectfully, Aaron Katz

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

From: <s4s@ix.netcom.com>

Sent: Sep 11, 2022 3:04 PM

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: Re: Where is the Board Packet For the Sep 14, 2022 Special Board Meeting? Update

Chairperson Callicrate and Other Honorable Members of the IVGID Board -

So let's update where we are. For the benefit of the public because you Board members don't give a damn.

And this story becomes another recurring theme of incompetence and disdain. As DJ Khalid instructs, "yet another one."

Before I start here's your summary. Mr. Duffield wants to reduce the size of his Rec Center project by about 20%. And why? Because it's going to cost more than he is willing to donate. So how much of the gymnasium area does Mr. Duffield propose eliminating? NONE!

Okay. How much of his Boys and Girls Club area does he propose eliminating? Actually, about 5%.

How much of the remainder of the proposed expansion that actually benefits local parcel owners? About 15%

And why exactly is this in the interests of local parcel owners? Exactly why is staff recommending the Board go along with this proposal? Bueller...Bueller...Bueller.

I don't understand how you people can possibly think that your staff is here for OUR benefit. But if you had any doubts, aren't they now resolved?

Okay. Continuing.

1. Ms Herron finally gave notice of her preparation of A PORTION of the Board packet for next Wednesday's special Board meeting (item E2 but BIT E1) Saturday afternoon at close to 12 noon (11:50 A.M. to be exact).

2. So I picked up my packet Saturday evening at after 8 P.M. And guess what I discovered? There was no packet set out for Trustee Wong (because obviously she doesn't need one and doesn't want to be bothered with one), and there were four (4) separate packets left out for the other four (4) trustees. I was able to confirm this because their names were each written on each of the packets.

3. Which means that as of Saturday evening, NONE of the Board even had a clue insofar as the proposed amendments to Mr. Duffield's Rec Center expansion were concerned. In other words, they were so concerned that they wouldn't even take the time to study these proposed amendments over the weekend. Thank you for your DIS-service!

4. Conclusion public members. Just as I have accused your Board members, they are disgusting.

5. Moving on to the packet proper, now we see that Indra is a liar. Nobody likes calling his/her GM a liar, but if the shoe fits wear it damn it!

6. Unlike Indra who makes accusations without any facts to back them up, I will provide facts. Consider the following:

7. The author of the staff memo is Indra (see page 051 of the Board packet). Not any of his staff. But Indra proper. So whatever lies are set forth therein are HIS lies! So let's look for evidence of untruths.

8. Indra tells us that his recommendation is that the Board approve an amendment to the grant agreement with Mr. Duffield because of "Long Range Principal #1" - the execution of a strategy according to the roadmap allegedly set forth in our master plans and studies. Really?
9. He also tells us that his proposed amendment is supported by "Long Range Principal #5" - "implement(ation of) priorities identified in the various District venue and facility master plans and studies" we have commissioned. Really?
10. The proposed amendment seeks to REDUCE proposed Rec Center expansion square footage from the current approximate 33,000 (see page 066 of the Board packet) to an approximate 26,411 (see page 072 of the Board packet) square feet. An approximate 20% REDUCTION!
11. And why? BECAUSE OF MONEY! According to Indra "an early stage estimated cost of th(e original) design was \$28.563 million (see page 052 of the Board packet). But now the CMAR has prepared its "first detailed construction cost estimate" and the revised number has mushroomed to \$33,876,880 (see page 052 of the Board packet). An 18.6% INCREASE!
12. When faced with this reality, "the (Duffield) Foundation requested (Indra 20 mule team)...develop a footprint that reflected an estimate closer to the (proposed) grant of \$25 million" (see page 056 of the Board packet).
13. And rather than doing what's right for OUR community and local parcel owners, Indra's 20 team "quickly developed an alternative to meet the Foundation's request" (see page 056 of the Board packet). Not OUR needs. But Mr. Duffield's. And you Board members didn't even have a clue!
14. Take a look at staff's recommended proposed amended Option D (see pages 057 and 058 of the Board packet). Where do you see "the execution of a strategy according to the roadmap allegedly set forth in master plans and studies?" NOWHERE! Take a look at page 108 of the Community Services Master Plan. It recommends:
- "Provide additional stationary bike storage adjacent to the (existing) group exercise room." NOT here.
- "Improve lighting in the (existing) child watch room to make it more inviting." NOT here.
- "Consider an addition of 2,500-3,000 SF with movable partitions that will allow it to be segregated into three smaller classroom spaces." NOT here.
- "Construct a new gymnasium space as an addition to the Recreation Center." NOT here. In fact, the proposed new gymnasium has now been excised..
- "Construct additional space for the weights and fitness studio as part of any addition." NOT here.
- "The addition of a recreation pool." NOT here.
- "If closure of the IVGID administration office building takes place...provide an addition that would include space for expanded staff offices." Since this closure will not take place, NOT here.
- "Reorganize the retail sales area." Since this is NOT proposed in the proposed expansion, NOT here.
- "Renovate the existing reception desk." Not a "renovation" (which BTW took place 5 years ago) but rather an outright relocation. So maybe.

In other words, essentially nothing of what the Community wants and EVERYTHING that staff and Mr. Duffield want! That is a "youth center" for his Boys and Girls Club, and the "addition of a gymnastics facility" (see page 074 of the Board packet). PERIOD!

15. Then Indra throws in that additional opportunities for community programming will exist. Really? Here's Indra's third lie. The location in the proposed expansion that houses girls gymnastics equipment "is dedicated to gymnastics programming" (see page 056 of the Board packet). IVGID staff admitted to me this area and equipment would NOT be made available for public use when not being used by the gymnastic's club. So how possibly ("may") it be used for "other applicable programming...when not used for gymnastics" (see page 056 of the Board packet)? Remember, Option D offers NO NEW gymnasium area. Rather it's a segregated area dedicated to full time storage of girls gymnastics equipment. So where exactly can and will this "other applicable programming" take place?

16. Remember that Mr. Duffield has ALREADY agreed to pay for design of a 33,000 square foot Rec Center expansion! So why in the world are we agreeing to a 20% reduction simply because Mr. Duffield doesn't want to pay for it? Especially when the proposed expansion DOESN'T comply with the wants and desires of the Community Services Plan? In fact, why is this proposal even on the agenda?

I say JUST SAY NO and move forward with what has previously been approved.

17. Finally, I want to speak to the proposed "letter of support and commitment...to ensure the Foundation that the Board and the District are dedicated to (ITS) Project" (see page 074 of the Board packet). WHAT SLOBBERING CRAP! "The Board is humbled to accept the generous partnership made by the Foundation?" Are we getting down on our knees and hailing to King Duffield? What sort of people are you? Really?

18. Matt and Sara. PLEASE SAY NO. If Mr. Duffield doesn't want to pay for a full 33,000 square footage expansion, let him build his Boys and Girls Club in Kings Beach on Brad Johnson/NTPUD controlled property.

Respectfully, Aaron Katz

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

From: <s4s@ix.netcom.com>

Sent: Sep 10, 2022 6:43 AM

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: Where is the Board Packet For the Sep 14, 2022 Special Board Meeting?

Chairperson Callicrate and Other Honorable Members of the IVGID Board -

You people really, really are a piece of work. You blindly defer to your so called "professional" staff and they are disgusting. Got that Indra? Disgusting! Got that any member of the public that is reading? Not overworked, not negligent, not indifferent. Disgusting! Wake up and smell the coffee! It's all there right in front of your faces. If you choose to smell.

Indra and Co. send out an agenda for a special Board meeting. And they KNOW they can't prepare a packet of materials for Board members and the public in a timely manner. And there are only two general business matters on the calendar. TWO! And they really, really don't care. Got that Indra? You DON'T care!

And it's now after 7 A.M. On a Saturday morning. If your staff can't do their jobs in a professional manner why would you ever, ever notice a meeting? Other than you really don't give a damn about

sharing facts with the Board and the public because you have a different agenda that doesn't include us. Like I said, disgusting.

Or maybe your staff is secretly sharing these materials with the Board and intentionally excluding the public? If that's happening, please let me know Sara or Matthew. Because then it's an OML violation.

Mr. Duffield wants to CHANGE the agreement he negotiated. And you don't even know what he wants to change?

Mr. Duffield wants to CHANGE the design of his Boys and Girls Club Rec Center expansion. And you don't even know what he wants to change?

Give us a break. We might have been born at night. But not LAST night!

How about you start listening to the public? I thought we had a design? I thought we were spending more money for a complete design? And now we learn that we don't even have a design! Again. Don't bore me with the facts! We have a Boys and Girls Club to construct.

You know, this whole thing with Mr. Duffield & Co. is getting very old, very fast. If he wants to donate money to his "beloved" IVGID, that's fine. Make your donation and be done with it. But when you place conditions like he and Indra are placing, it's NO DONATION! It's a buy out. We don't want your buy out Mr. Duffield! Give it to Brad Johnson and build your Boys and Girls Club in Kings Beach. We don't need it!

And if any of you Board members don't think staff's behavior is disgusting, then I'm sorry. You're just as disgusting as your staff. Because obviously you don't care. Because if you did, you wouldn't put up with this garbage!

Cancel the meeting for Wednesday and if you want to hold it, schedule it AFTER you have materials available to share with the public and the Board at least a week in advance. Or how about this one? Let's just dispense with a Board packet altogether. Who needs it? Want to change designs? Just do it the evening of the meeting. Want to change contract terms? Just do it the evening of the meeting.

And to those of the public reading, remember what DJ Khalid said! It's yet another one.

Respectfully, Aaron Katz

EXHIBIT "A"