

MINUTES

REGULAR MEETING OF FEBRUARY 12, 2020 Incline Village General Improvement District

The regular meeting of the Board of Trustees of the Incline Village General Improvement District was called to order by Chairman Tim Callicrate on Wednesday, February 12, 2020 at 6:00 p.m. at the Chateau located at 955 Fairway Boulevard, Incline Village, Nevada.

A. PLEDGE OF ALLEGIANCE*

The pledge of allegiance was recited.

B. ROLL CALL OF THE IVGID BOARD OF TRUSTEES*

On roll call, present were Trustees Peter Morris, Tim Callicrate, Sara Schmitz, and Kendra Wong. Trustee Matthew Dent was absent (he was out sick).

Also present were District Staff Members Director of Public Works Joe Pomroy, Director of Human Resources Dee Carey, Engineering Manager Nathan Chorey, Diamond Peak Ski Resort General Manager Mike Bandelin and Director of Golf/Community Services Darren Howard.

Members of the public present were Pete Todoroff, Michael Brothers, Denise Davis, Linda Newman, Mark Alexander, Wayne Ford, Steve Dolan, Joe Schulz, Aaron Katz, Judith Miller, and others.

(37 individuals in attendance at the start of the meeting which includes Trustees, Staff, and members of the public.)

Chairman Callicrate made several announcements regarding what this meeting is, protocol, ways to contact Staff, etc.

C. PUBLIC COMMENTS

Rowen Chapman said that he supports Protect Our Winters (POW) because he wants to keep skiing at Diamond Peak and because with climate change there isn't going to be as much snow to ski on.

Pete Todoroff said that next Friday is his community meeting and that at the last forum meeting, he had Tim Carlson come in. He is working with the Hyatt on workforce housing and while this is a small dent, he is the only person he has ever met that is addressing something that we need in this community. If we don't address it, we won't have workers. This is a major, major thing and he has been

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working with this gentleman for several years. He has good ideas so come to the forum and have a nice chat about it. This is something this community needs more than anything.

Courtney Wallpe said she is a resident of over twenty years and it is her understanding that Diamond Peak is thinking about becoming a member of POW. She is very concerned as she knows that our town is dependent on the skiing industry and while we have a phenomenal summer, we need the tourists to sustain the businesses, schools, population, etc. It is time for us to depoliticize climate change. We are passing out information about a bipartisan act which is less political so it is important to join and endorse that act.

Linda Newman read from a submitted written statement which is attached hereto.

Aaron Katz said he has four written statements to be submitted with the minutes. He is objecting to Item G.1. being on the Consent Calendar and is hopeful that it will be removed or deferred to another meeting. POW – it is a wonderful organization with wonderful ideas to save the planet however it has nothing to do with us. To say that it ties in with District's Strategic Plan is garbage. There is another problem related to the District's Strategic Plan, it needs a lot of work done on it. What is a general improvement district, what are its power, what are the powers of IVGID, and what are the things it can't do and shouldn't do. Our Staff has no clue and has no answer to any of these questions. Rather they go chasing after every Tom, Dick and Harry idea. He read the POW site and it is promoting a political change such as let's get people into office with democratic ideas for change. It is the same thing with STOKE and we are paying for this with our taxes and if aren't paying for it with our taxes then we are paying for it with the Recreation Fee which is supposed to be for our recreation and he has said it over and over again as we have the same problem. Let's hire a consultant to do an investigation on what is a GID, what are its powers, what we can do and can't do, etc. so we can educate our Staff.

Judith Miller said she would like to start on a positive note; she noticed that the Board packet is a searchable packet which makes life so much easier and said thank you to the Interim District General Manager and Board Chairman for doing as suggested. We are bringing more of our concerns to the Interim District General Manager as he has been very good and responsive. One of the things that she made a request for is using the audio visual equipment when we make public comment as she thinks that sometimes if the public was able to have a document or graph projected it would make it so much quicker when the Board could all see it in a second. If we could somehow bring a thumb drive or a PDF file that this would be something that is informative for the Board and easier to see. An example

of that would be, anticipating the going through the District's Strategic Plan, she made a document and put it into Word and she used Word's review feature to make redlines, etc. but the comments are so small that if she was able to give the Board a PDF and it could be blown up on the screen, it would make it easier for everyone. The general idea is for the audio visual and to see if that could be made available for the public to use. Washoe County has a slick gadget that we know how to use already and it is available for use by the public. It would good for Staff as the public would give you a PDF and then you would have that file so please give that some thought.

Kira Baker said that she has been a resident of Incline Village for three years and has worked at Diamond Peak for just as long. She is in support of the POW movement and thinks it would be a great opportunity for Diamond Peak to get involved with the climate change crisis. We need to cut out climate change as there is no snow and we need snow because we need snow to ski and support this town and because she would like to keep working at Diamond Peak.

Lauren Sandberg said that she has been in Incline Village for her entire life and that she has been on the Diamond Peak Ski Team for just as long as she has been skiing since she was two years old. She supports the POW Alliance and the act for Energy Innovation as it is very important to take more climate change action as she has been personally affected by climate change. The snow is melting at a fast rate and she loves skiing. She wants to keep skiing and wants the next generation to be able to do so thus it is very important to take action.

Zachary Wallpe said that he has lived in Incline Village his entire life and he loves it here. When people ask him where would he like to vacation, his answer is generally okay but that he really loves it here and doesn't want to ever leave. This year there have been things that he doesn't like. His family makes a sledding hill in their back yard and then that is where they have birthday parties, etc. This year, they haven't been able to have a sledding hill. He is also an employee at Diamond Peak and they have seen barely any snow; there is no snow on the roads or in the trees – this is not Tahoe in the wintertime. The POW Alliance is progressive and it shouldn't be politicized and we need to do something. We can take it or go ahead with nothing. It is really important to take those small steps and then better options will come along. He fully supports Diamond Peak teaming with the POW Alliance.

Caroline Sandberg said that she has been in Incline Village since she was two years old and that she has been skiing at Diamond Peak just as long. She is really proud to know that Diamond Peak is joining POW and the Energy Innovation. It is a real issue and we need to support it as it is really going to affect her generation. She loves to ski and she would love to see her kids ski but that won't happen if we

hold off. These are two things that are not too hard for Diamond Peak to do so push forward and show support for the climate crisis. Thank you so much and please consider.

Lesley Chapman said that she has been a resident for ten years and that she is really glad that Diamond Peak is connecting with POW as well as the Energy Innovation which is non-political. We have to be stewards of our environment and be an example for kids by taking action who want to do something for our earth and environment. We will be in big trouble if we don't do something now.

Rick Chapman said that he has lived here for ten years and that it is a wonderful place to live. He would like to make a general statement about climate change – he personally finds statements like save the world and roll of the eyes a little outdated because it is not where we are at. He does find great, great excitement in this world and one thing that can bring all of us together is the concern for climate change and he says that not from a perspective of ignorance. The universe and planets are ever evolving and we can see nature's evolution. Look to the science and listen about the rate that things are changing and seeing the evidence that we are having an impact and that the industrial revolution did indeed have an impact. Take action as a human being to slow down something that we have accelerated and really bond together. Diamond Peak is considering endorsing the Energy Innovation Act which is a bipartisan bill and it is very safe for an organization like Diamond Peak or IVGID to get behind as it is not political and it's smart so please read about it. On the POW issue, also endorse them in getting them connected and he does that only because it is a more liberal perspective; it is a good thing to read about.

Steve Dolan said that he has been here for thirty years and that there has been three topics that have come up. Regarding Mr. Carlson and the change of living space, it is a great idea. When he was in the Bay area, he did a lot of that and it is a great way to get higher density. One of the cautions he has, and he spoke minimally with Mr. Carlson, was how to deal with the short term rentals. If we want to allow higher density, then we should have some verbiage about subletting however he is hopeful that it will be banned. The second thing is hearing how expensive everything is and hiring a consultant to figure things out which is not the process. Lastly, he agrees with the speakers earlier that came in mass and he agrees with them one hundred percent. He believes in the theory so let's think globally and act locally by supporting POW; it is interesting that it sounds like powder and that is what we are all looking for.

Hearing no further public comments, Chairman Callicrate closed this item.

Chairman Callicrate said that it was refreshing to see new folks here and that it is so welcome especially with what is going on and in seeing your involvement. This is an opportunity for you to take part in your local government and he then thanked the parents for bringing them to the meeting. Hang in there as he has seen it much drier and much more dismal; thanks again.

Trustee Schmitz said that she would also like to commend the youth as you are our future and that she appreciates you being engaged and involved. This touches on a movement that is a global effort and there are things that can be done in our own backyard so e-mail her as she would love for all of you to be involved with the trash so e-mail her to help in addressing local issues.

D. APPROVAL OF AGENDA (for possible action)

Interim District General Manager Winquest said that he wanted to clarify something about the Strategic Plan and that is to apologize to the Board and the community. Staff did ask for a review and we have had a lot going on. Staff got no feedback and thus the item was put on the Consent Calendar. His recommendation is to pull it off of the Consent Calendar and pull it off of the agenda in its entirety and then wait until our new Director of Finance gets here and have a workshop at that time. Chairman Callicrate said that he missed that too and that a workshop sounds like a great idea – it is pulled, in its entirety, from the agenda.

Chairman Callicrate said that on General Business Item H.2. there has been some discussion on some of the words that were used and that is just a heads up. Also, at the last meeting, he went out for some public comment, and in the future, we will need to post what General Business items we will be taking public comment on so it will state where public comments will be solicited within the General Business Item so no one is caught by surprise.

Trustee Morris made a motion for a flexible agenda and remove item G.1. in its entirety. Trustee Wong seconded the motion. Chairman Callicrate called the question and the motion was passed unanimously.

E. DISTRICT STAFF UPDATE (for discussion only)

E.1. Interim District General Manager Indra Winquest

Interim District General Manager Winquest went over his submitted report.

Trustee Morris asked if the Interim District General Manager has settled on a pool advisory group and if you could let the Board know who is going to be on that group. Interim District General Manager Winquest said yes and that he is still reaching out to a couple of folks and that one Board member will be on that team.

Trustee Schmitz asked for a quick update on where we are with the USACE and the Diamond Peak lease situation. Interim District General Manager Winquest said that Staff has reached out to the USACE in the past few days and the agreement is with their Legal Counsel; Staff and Mr. Faust continue to be in touch.

Chairman Callicrate asked about the lease with the USFS. Trustee Wong said it is a special use permit. Interim District General Manager Winquest said, regarding the special use permit, we have re-engaged with the USFS staff and there hasn't been a lot of movement with their Staff as they are waiting for some documentation so he doesn't have much of an update. He will work with the Diamond Peak Ski Resort General Manager and will update the Board as conversations progress.

Trustee Wong asked what the District is proposing to do with POW or other agencies. Interim District General Manager Winquest said they do have some support in the community however he has not had the chance to review the information so he has put everything on pause. As we are a community owned ski resort, he thinks that whatever we want to do needs to be presented to the Board. Presently, he is working with Staff on making a decision about our involvement. Chairman Callicrate said that is a prudent way to move forward.

F. REPORTS TO THE BOARD OF TRUSTEES*

1. Verbal Report by the Audit Committee Chair *(to be elected at the 4:30 p.m. Audit Committee Meeting)*

Chairman Callicrate said that the Audit Committee met at 4:30 p.m. today and that they chose Trustee Dent as the Chairman.

Trustee Morris asked if there were any decisions or motions made at the Audit Committee meeting.

Chairman Callicrate said they do have some items that are moving forward and in discussion such as maybe revision Policy 15.1.0 and incorporating

the charter that Trustee Schmitz obtained from Washoe County. We are going to work through the charter to make certain the terminology is appropriate and we have a to do list to come back with any recommendations by February 19. There was also a discussion about the District's whistleblower program and working with our Director of Human Resources and Interim District General Manager so we have a whistleblower program that is conducive for anyone working within the District to be more transparent, tightening it up, getting it out there so all employees are aware of it, and then refreshing that as new employees come on board. The Interim District General Manager was very clear about ongoing training. There was also a discussion about how we are going to proceed with our auditing firm and determining what they are going to do about answering questions and adjunct to that is the scope of work for the upcoming audit for fiscal year ending 2020. We did discuss the five agenda items that were posted and we decided that we wanted to include our third member so we have tentatively scheduled March 4 for another Audit Committee meeting and if that doesn't work, then it would be March 11 before our next Board meeting.

District General Counsel Menchetti said that they also accepted the meeting minutes as presented as the District Clerk noted that there had been no objections to them so they were accepted. Chairman Callicrate said that the Audit Committee could not approve the minutes since none of them were a part of it but that the District Clerk said there had been no objections to them so we accepted them as submitted; we, as non-members, couldn't approve them.

G. CONSENT CALENDAR (for possible action)

G.1. Adoption of 2020/2022 District Strategic Plan *(removed from the agenda in its entirety)*

G.2. Set date and time for Public Hearing for the 2020/2021 Budget and Recreation Roll for Wednesday, May 27, 2020, 6:00 p.m.

Trustee Wong made a motion to approve the amended Consent Calendar; Trustee Morris seconded the motion. Chairman Callicrate called the question and the motion was passed unanimously.

Chairman Callicrate called for a break at 6:46 p.m., the Board reconvened at 6:55 p.m.

H. GENERAL BUSINESS (for possible action)

H.1. Review, discuss and possibly approve the Board Chairman to work with the Interim District General Manager on an employment contract that is mutually acceptable (Requesting Trustee: Chairman Tim Callicrate)

Chairman Callicrate said, referencing agenda packet page 30, that he would like to have the Board's blessing so to speak on moving forward to enter into contract negotiations that will have to be brought back to the Board after Counsel review.

Trustee Wong said that she supports this moving forward and that she would like to see some sort of retroactive pay with the former District General Manager leaving and working with our Controller to see what that delta is.

Trustee Morris said this is definitely something we should move forward with and that he has no negatives about this as it is time to do it.

Trustee Schmitz said that she agrees that we need to move forward with this and that she met with the Interim District General Manager today and one of the things that she thinks would be advantageous is to have one year of specific objectives so we have a focus of what we want to deliver such as the effluent pipeline, pond, Burnt Cedar pool, and internal controls and that she would encourage other Board members to bring that forward.

Trustee Wong said that typically the contract is for more than a year and the goals are done separately; if we want to set goals, she doesn't think the employment contract is where it goes.

Chairman Callicrate asked the Interim District General Manager if he had any thoughts he wanted to share.

Interim District General Manager Winqest said that he would agree with Trustee Wong as if the Board wants goals, they should be done separately as the contract is the contract. He would ask that the goals list not be too long.

Trustee Wong made a motion to appoint the Board Chairman to work with the Interim District General Manager on an employment contract such that the Board of Trustees would be able to hire the current Interim General Manager as the District's General Manager effective

on a date mutually acceptable to both parties. Trustee Morris seconded. Chairman Callicrate asked for any further comments; there were none so he called the question – the motion was passed unanimously.

H.2. Review, discuss and possibly approve the Interim District General Manager exploring the hiring of a consultant to perform three (3) tasks – perform a Utility Reserve Fund Study and set an appropriate fund balance; revise the Utility Fund Balance Board Policy, Policy 19.1.0 and Practice 19.2.0; and perform a Utility Rate Study (Requesting Trustee: Chairman Tim Callicrate)

Chairman Callicrate said that the term he should have used is net position instead of fund balance.

Interim District General Manager Winqest said that there does need to be some language clarification as it is not the utility fund balance rather it is the unrestricted fund balance. What is actually being requested is for a utility reserve fund study, rate study, and updated policies which need to be vetted through the Audit Committee and work that concurrently with the consultant to update or eliminate those policies and then bring those items back to the entire Board.

Trustee Wong said so it is a utility reserve fund study and the utility rate study.

Trustee Morris asked for clarification as he has a little bit of a concern because as he reads this it says to have the Interim District General Manager exploring these three tasks and getting a consultant to help us do this and not deciding the appropriate fund balance.

Trustee Wong said that the piece that needs to be removed is Policy 19.1.0 and Practice 19.2.0.

Trustee Morris asked about the balances.

Interim District General Manager Winqest said that the consultant can help us with the policies and that whoever we end up hiring for the study, they will give us recommendations on what items should be included. They will also give us a few options of how to get to that unrestricted net position. Getting that feedback on how we get there is important to add as part of the discussion so as to understand what the budget implications would be if we

were to keep the rates as is which is not his recommendation to do that. The Director of Public Works does have a memorandum prepared which is fine to be put off for a couple of weeks and Staff is available to ask questions about the implications. Staff would like to bring back the Utility Rate Study at the next meeting in order to make sure we are whole for the next budget year.

Trustee Wong said that she is all in favor of having these studies done and understanding that we have to have a budget approved by May. Her fear would be not having anything ready for this year and she did ask our Director of Public Works about the numbers and it is prudent to receive the entire Utility Rate Study and have a starting point so we are not behind.

Chairman Callicrate said it is a concern we all share as we don't want to leave ourselves below bare bones where we can't do anything as that is where we are in danger of being. Since we do have a couple of weeks, let's think through the presentation – does it need to be a full forty five minute presentation, no, rather let's say here is where we are at and if we do nothing or if we do this percentage, we will be here and if we do this percentage, we will be here as he would like to know where we are going with the rate study. Don't want to be putting something off or leave us short of money that we can't deal with. There are probably some areas we can work through and he is a little hesitant about raising numbers by some percentage because if we raise a certain number and do x, y, or z, it sends more shock waves through the community because we would be raising rates and collecting money for the effluent pipeline. He is not opposed to getting information from our Director of Public Works but it needs to have two or three prongs – do nothing, do a little bit, do a little more, etc. He would like to have an executive summary and a fifteen minute presentation. Further, he knows that Trustee Dent has specific questions he wants to ask.

Interim District General Manager Winquest said that there is no way that Staff can get those tasks done prior to our upcoming budget. NTPUD did theirs and it took fifteen months to complete with HDR. The scope was bigger so he would fully expect that ours could take up to nine months and possibly longer. His recommendation is to bring back the Utility Rate Study original agenda item on February 26 with Staff bringing back a couple of different options.

Chairman Callicrate said that the Board was kind of straying out of the agenda item and asked District General Counsel for guidance on a motion.

District General Counsel Menchetti went over the stated items and said that the Board was asking the Interim District General Manager to pursue the matter and that he has heard what the Board has said.

Trustee Wong said that she would like to make one suggestion – when we have the consultant do the rate study, she would like them to look at this year's proposal and if our Staff is fairly spot on, they would say great work and if not, then have a conversation. Chairman Callicrate agreed that was a great idea.

Trustee Morris said that he agrees with everything that has been said and that we have been talking about two different things. Costs are only going to go up and not down. He is okay with the first two tasks and that the revision of the policies will come after the consultant study. He wants to give that direction when making the motion as in having heard the discussion, he wouldn't support a motion that includes Board policies and change to make a recommendation on the fund balance.

Trustee Schmitz said she has three questions – the language exploring the hiring – assuming that this is about obtaining some sort of cost estimate and when the reference was made to NTPUD, what dollar amount were they at and is there any budget for this engagement.

Interim District General Manager Winqest said that NTPUD paid between \$80,000 and \$85,000 to HDR, this is an unbudgeted item that isn't in the operating budget so it would come out of the unrestricted net position or it could be budgeted for in and commence after the next fiscal year. Trustee Schmitz asked for clarification on exploring the hiring – are you going to go out and solicit some bids. Interim District General Manager Winqest said Staff will go out to RFP on this item.

Trustee Wong said given the dollars we are talking about; she would like to see a cost benefit analysis as the question is are we going to come out somewhere similar. Every once in a while it is appropriate to do this and that the consultant could come back and say we are doing it correctly. Our Director of Public Works frequently references that giant book so there are multiple interpretations thus it is beneficial to have a cost benefit analysis from our Staff.

Chairman Callicrate asked District Legal Counsel about wording. District General Counsel said that the Board can do what they like and direct the

Interim District General Manager to review and explore the tasks as the Board address here tonight.

Trustee Wong made a motion to approve the Interim District General Manager to begin the hiring process of a consultant for a Utility Reserve Fund Study and perform a Utility Rate Study. Trustee Morris seconded the motion.

Aaron Katz asked to make public comments; Chairman Callicrate declined this request.

Steve Dolan asked to make public comments; Chairman Callicrate declined this request.

Chairman Callicrate said that he was in error in allowing public comment at the last meeting. District General Counsel Menchetti asked the Chairman to not debate with the public and stated that there is a motion and a second on the floor and that the Board can vote it down but this Board does have something in front of them to address.

Chairman Callicrate called the question – the motion was unanimously passed.

H.3. Review, discuss, and possibly provide direction for the next step in the process to revise Ordinance 7, An Ordinance Establishing Rates, Rules and Regulations for Recreation Passes and Recreation Punch Cards by the Incline Village General Improvement District which includes incorporating requested changes made by the Board of Trustees on December 11, 2019 and January 22, 2020 and possibly setting a public hearing date for March 25, 2020 (Requesting Staff Member: Interim District General Manager Indra Winquest)

Interim District General Manager Winquest gave a brief overview of the submitted material.

Trustee Morris said, referencing agenda packet page 52, fee schedule, are those the current amounts in the ordinance and we are not changing them in this exercise but making it so we can come back at a future point in time. Interim District General Manager Winquest said that Staff took them out of the ordinance so we can change them. As we move through the process, we will be evaluating these fees and if we need to change them, we will note

that. He will update the Board via the General Manager's Status Report so you don't have to wait. Trustee Morris said he would like to get this done so he is good.

Trustee Schmitz said she would like some clarification, on agenda packet page 41, proof of residency, she believes that the Board asked for d. and e. to be removed because that is not how Staff is currently handling the process. Interim District General Manager Winquest said we can remove e. however in the event we require supplemental proof, we should require the utility bill and that he talked to his Staff and at some point, they may need it; Staff is fine either way. Trustee Schmitz said it is her understanding that if they have to provide two things it is the lease, which gives the expiration date, and that is along with the written assignment of privileges. Interim District General Manager Winquest said if it is the property owner, it is the owner's assignment. Trustee Schmitz said this is specific for rentals and if that is the case, then a. and b. are both requirements so what about c., d. and e. Interim District General Manager Winquest said all three are required and that can be approved with these required revisions. Trustee Schmitz said that she is just trying to do a language clean up and not trying to do anything else. Trustee Schmitz then said, referencing agenda packet page 49, Administration, what about administrative procedures. Interim District General Manager Winquest said that is the way it was intended to be written and that Staff has the authority on administration of the ordinance and that Staff has never thought they had the authority to supersede it. Trustee Schmitz said she just wanted that clarified.

Trustee Wong made a motion to accept the redline version and the changes made tonight and setting a public hearing date and agenda item for a future meeting. Trustee Morris said he will second the motion and modified it such that the hearing date is set for March 25, 2020. Trustee Wong agreed to that modification. Chairman Callicrate asked for further comments, hearing none, called the question – the motion was unanimously passed.

I. APPROVAL OF MINUTES (for possible action)

i.1. Meeting Minutes of January 22, 2020

District Clerk Susan Herron said she made the minor changes as submitted by Trustee Schmitz. Chairman Callicrate said that the minutes were approved as amended.

J. REPORTS TO THE IVGID BOARD OF TRUSTEES*

J.1. District General Counsel: Law Firm of Hutchison & Steffen

A. Report on the Katz Case – Denial of Rehearing and Motion of En Banc Reconsideration

District Legal Counsel Menchetti said that the Board has the documents that have been filed in the packet. The request for rehearing was unanimously denied. As the law allows, Mr. Katz is asking for the entire Nevada Supreme Court to listen to his argument which he is entitled to do. Your counsel will respond to that and the Board will decide. Trustee Wong said that our Counsel being Mr. Beko and not Hutchison & Steffan.

K. BOARD OF TRUSTEES UPDATE (NO DISCUSSION OR ACTION) ON ANY MATTER REGARDING THE DISTRICT AND/OR COMMUNITIES OF CRYSTAL BAY AND INCLINE VILLAGE, NEVADA*

There were no Board updates at this time.

L. PUBLIC COMMENTS* - Conducted in accordance with Nevada Revised Statutes Chapter 241.020 and limited to a maximum of three (3) minutes in duration; see Public Comment Advisory Statement above.

Steve Dolan said, regarding several topics this evening and public comment that the Board Chairman is going to identifying as appropriate, we have been discussing this for over three years and his recommendation is that prior to the move for a vote, public comment comes before a motion is made as that would eliminate the problem that former Chair Wong faced. At the last meeting, District Legal Counsel recommended that the motion be removed so public comment could be heard. If you are going to schedule it, do it for all items that are going to be voted upon. With regards to the addenda to the General Manager's contract, that is pretty much impossible, inappropriate, and inordinate demands for a group that is dysfunctional. Have a standard contract and don't add the goals onto the contract and he is fully in favor of paying for the time he has been General Manager.

Aaron Katz said he is going to speak on two General Manager matters; the rate study, he thinks you need to make a distinction on the rates and how does it get allocated. He has been going to these rate studies for over ten years and the Board just rubber stamps the methodology presented by Staff. Staff keeps saying you as a user have to pay your fair share. Ok, so let's

talk about Diamond Peak who uses seven thousand times the amount of water that the median user uses. Does Diamond Peak pay seven thousand times the cost that the median user pays, no, that is not the case and it is grossly unfair. His second example is the excess water charges. It was added as an incentive to use less water. He uses twenty thousand gallons and then he gets dinged with excess water charges. Diamond Peak uses millions of gallons of water for snowmaking and that is not fair. Go through the whole thing and make it fair. On Ordinance 7, he objects it going to the public as it doesn't address the real problem. The number one problem is the guest policy. There are a lot of costs with going out to the public as you have to publish it in the newspaper and it is not addressing any of the issues which it needs to. Address paragraphs 68 and 69; he has a written statement which points out all the problems with the rate study.

Linda Newman said that she has a quick question – can a GID use public money to fund non-profits. There are a number of wonderful non-profits and she support them through her family foundation. Can a GID use our money to fund non-profits no matter how wonderful the causes. She is a supporter of national groups on the environment and POW sounds like a wonderful enterprise but shouldn't it be funded by our citizens and foundations rather than asking our local government to fund it. Our Interim District General Manager is someone who takes pride in performance and she would assume that he would like to see the goals that the Board would like to see him accomplish and then he provides the goals he wants to accomplish and do over a one or two year period.

Wayne Ford said he apologizes for his late public comment notice as he wants to speak on workforce and seasonal housing. Mr. Carlson is facing some challenges with Washoe County and that the codes need to start addressing this issue. IVGID is one of the largest employers and he knows the horror stories about people coming here and they end up living in an apartment with twenty people. Mr. Carlson is running into what Washoe County is refusing to do and that is that Washoe County codes have to look at things a little differently and because IVGID can probably encourage Washoe County to make adjustments in that code, they should. One small thing is that his proposal is requiring that he has a certain number of private garages. Many who come here don't have cars so he has more than enough parking spaces but he has to provide private garages like they are full time residents. Washoe County has to look at the codes for these types of rentals and he understands about short term rentals so it won't be a hotel. Mr. Ford concluded by asking IVGID to talk to Washoe County and get involved as one of the biggest employers.

Joe Schulz said he wanted to make a comment and an observation which may be premature; the Interim District General Manager has mentioned the new bocce ball courts being sited near the Recreation Center. He frequents the Recreation Center regularly and he finds the parking lot is very full much of the time. He had an occasion to observe a bocce ball center which was eighteen to twenty courts and they have forty to sixty people playing bocce at a particular time which was an amazing social time as there were kids to seniors so he sees this as becoming a very important and well attended activity so perhaps the District's Strategic Plan could be revisited on the number of courts planned and siting them at the Recreation Center might be introducing more issues with parking, etc.

Mark Alexander said that he dropped by the IVGID office and said that he would like to view the water flow chart. What he wants to see is the flow chart that lays out the water flow from Burnt Cedar to WPS 2-1 as covered in the IVGID Quarterly and how it provides water to Crystal Bay as he thought Crystal Bay serviced itself. Secondly, he has heard over the years, and he would like to look into this, that the District uses treated water to make snow. He would like to see if treated water is indeed used and stated that he can follow the process flow chart so he would like it noted where that requirement comes from. God doesn't use treated water.

M. REVIEW WITH BOARD OF TRUSTEES, BY THE INTERIM DISTRICT GENERAL MANAGER, THE LONG RANGE CALENDAR (for possible action)

Interim District General Manager Winquest reviewed the long range calendar with the following highlights:

- ✓ 2/26 – added the utility rate study.
- ✓ Move 4/8 meeting to 4/14, Tuesday – the Board acknowledged that works.
- ✓ 4/29 – cancel that meeting.
- ✓ Proposing to move the May 13 meeting to May 6
- ✓ Trustee Wong said she may have a conflict with the 2/26 and Trustee Schmitz said she will be calling in on 2/26.

Interim District General Manager Winquest asked the Board what they would like to do regarding the CIP tour. Trustee Schmitz said she would like to go through the tour with others as she would like to get more information. Trustee Morris said that he has been to each of them previously and that he

wouldn't be in attendance but they he will reach out to the Director of Public Works as he is interested in the alignment in the pipeline as it goes over Spooner so he will do a one-on-one with the team as that is his only need. Trustee Wong said she is looking at scheduling something separately. Chairman Callicrate said he is flexible. Interim District General Manager Winquest said he will reach out and see if we can come up with a date as it is important to let Staff know what you are interested in as we don't want to play the guessing game.

Trustee Schmitz asked if Staff would be moving the guest access ticket off to a different date. Interim District General Manager Winquest said yes as he wants to get some more feedback from the property managers/ stakeholders and that item will move to March 11.

Trustee Schmitz said on the review of Ordinance 7, can Staff incorporate Resolution 1575, the employee policy, and anything for the Hyatt. Interim District General Manager Winquest said Staff will tackle that in the second phase.

Trustee Schmitz asked about the Trustee Handbook; Interim District General Manager Winquest said that will be on the calendar for March 25.

N. ADJOURNMENT

The meeting was adjourned at 8:02 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 Aaron Katz (8 pages): Written statement to be included in the written minutes of this February 12, 2020 regular IVGID Board ("Board") meeting – Agenda Item G(1) – Adopting of Staff's proposed 2020-22 Strategic Plan, on the Consent Calendar no less!

Submitted by Aaron Katz (19 pages): Written statement to be included in the written minutes of this February 12, 2020 regular IVGID Board (“Board”) meeting – Agenda Item C – Public Comments – Understand the meaningless kinds of expenditures our Recreation Facility Fees (“RFFs”) are spent on which have zero to do with making our recreational facilities primarily available to be used by those who are involuntarily compelled to pay. And you wonder why our RFF is as high as it is and will never be reduced?

Submitted by Aaron Katz (15 pages): Written statement to be included in the written minutes of this February 12, 2020 regular IVGID Board (“Board”) meeting – Agenda Item H(2) – Hiring a third party professional to conduct an unbiased Utility Rate Study

Submitted by Aaron Katz (5 pages): Written statement to be included in the written minutes of this February 12, 2020 regular IVGID Board (“Board”) meeting – Agenda Item H(3) – Proposed revisions to Ordinance 7

Submitted by Linda Newman (1 page): 2-12-20 IVGID BOT Meeting Public Comments By Linda Newman – To be included with the Meeting Minutes

Submitted by Lauren Sandberg (6 pages): Energy Innovation and Carbon Dividend Act

WRITTEN STATEMENT TO BE INCLUDED IN THE WRITTEN MINUTES OF THIS FEBRUARY 12, 2020 REGULAR IVGID BOARD (“BOARD”) MEETING – AGENDA ITEM G(1) – ADOPTIONG OF STAFF’S PROPOSED 2020-22 STRATEGIC PLAN, ON THE CONSENT CALENDAR NO LESS!

Introduction: At the Board’s December 11, 2019 meeting, during Interim General Manager (“GM”) Winquest’s Status Report, he presented a proposed 2020-22 Strategic Plan in draft form¹ representing it would formally be presented to the Board at its first or second January 2020 meeting as a general business item for possible action². Board members were encouraged to “take their time” in reviewing it; no rush. Yet here the Board Clerk has placed this matter on the Consent Calendar simply because no Board member has provided her with observations or proposed modifications to the proposed Plan³ since December 11, 2019 when it was first presented by Mr. Winquest.

My objections to this agenda item are at least threefold. First, that this matter in its identical draft form appears on the Consent rather than General Business Calendar contrary to Indra’s December 11, 2019 representations. Second, that staff proposes its draft version be adopted in its current form without Board discussion or public comment. As the Board and the public will see the Plan proposes budgeting for a number of endeavors this Board has never agreed to appropriate. And finally, that we adopt a Strategic Plan at all. What exactly is the necessity? These are the purposes of this written statement.

Preparation of Agenda: According to Board Policy 3.1.0.08⁴ “the Board Chair...is responsible for preparing the agenda for each meeting.” Yet here I have been informed that our Board Chair didn’t even see the agenda until it had been completed/publicized to the public on February 5, 2020. Now both Board Clerk Susan Herron and interim GM Winquest have reached out to me to assure that our Board Chair in fact saw the agenda before it was publicized. Even if true, our Board Chair may not have realized the ramifications. And besides, who physically created the agenda prior to sharing it with our Board Chair? Who created the staff memo which admitted this agenda item had been placed on the Consent Calendar because no Board member had provided her with observations or proposed modifications³? The answers to all of these questions are certainly neither our Board Chair nor interim GM. Rather, the answers are the Board’s unofficial *de facto* chairperson, Susan Herron!

¹ See pages 9-28 of the packet of materials prepared by staff in anticipation of the Board’s December 11, 2019 meeting [“the 12/11/2019 Board packet” (https://www.yourtahoeplace.com/uploads/pdf-ivgid/BOT_Packet_Regular_12-11-2019.pdf)].

² See page 7 of the 12/11/2019 Board packet.

³ See page 8 of the packet of materials prepared by staff in anticipation of this meeting [“the 2/12/2020 Board packet” (https://www.yourtahoeplace.com/uploads/pdf-ivgid/BOT_Packet_Regular_2-12-2020.pdf)].

⁴ See page 4 at <https://www.yourtahoeplace.com/uploads/pdf-ivgid/IVGID-Board-Policies.pdf>.

This conclusion is worrisome inasmuch as I have argued before that Ms. Herron regularly initiates Board action without Board approval which puts Board members in the position of “rubber stamping” staff’s agendas⁵. And here we have another example. I object!

Removal From the Consent Calendar: Since interim GM Winqest represented this matter would be placed on the General Business Calendar, here there can be no discussion of matters placed on the Consent Calendar, and I request the Board discuss it, on February 10, 2020 I sent the Board an e-mail formally requesting this matter be transferred to the General Business Calendar for possible action⁶. I reiterate that request and hope the Board will engage in commentary on the matter.

More Fundamental to the Inquiry, Why Exactly Do We Have a Strategic Plan? If one examines NRS 318, one will discover that *nowhere* is it mandated that the Board adopt a Strategic Plan. Notwithstanding, staff tell us the reason for its adoption is so “the District (will) become more strategic and less tactical.”⁷ But what exactly does this mean? According to staff,

The “identif(ication of) long range principles that align activities of the strategy of the District...A framework to ensure...a balanced approach toward addressing...District...objectives.”

I submit that this explanation is nothing more than gobbledygook!

Since the District Would and Will Get Along Quite Nicely Without a Strategic Plan, I Recommend it Simply *Not* be Adopted: This District doesn’t need more. Rather, it needs *LESS*!

Moreover, We Have No Business Adopting a Strategic Plan Until We First Understand What IVGID Really is, What Powers it May Legitimately Exercise, and What Powers it Has No Business – Exercising: I have made this argument many times before. Staff’s response has invariably been twofold: 1) That the District is not bound to the rules for other quasi municipalities because we’re somehow “special.” In other words, IVGID is only “quasi-public;”⁸ and, 2) unless expressly prohibited by the Nevada Revised Statutes (“NRS”), staff is free to fill in any void.

But contrary to staff’s representation that IVGID is only “quasi-public;”⁸ it is 100% government (i.e., a full fledged governmental subdivision⁹)! And contrary to staff’s representation that it is free to

⁵ An example of this assertion appears at pages 114-136 of the 2/12/2020 Board packet.

⁶ My e-mail making that request is attached to this written statement as Exhibit “A.”

⁷ See page 11 of the 2/12/2020 Board packet.

⁸ To justify the inappropriate conduct IVGID staff are so famous for engaging in, they misrepresent to other public agencies and the public that IVGID “is (only) a quasi-public agency” (<https://www.yourtahoeplace.com/ivgid/about-ivgid>). In other words, IVGID somehow has more powers than any other true municipality in the State.

⁹ See NRS 318.075(1).

fill in the voids of NRS 318, because Nevada has adopted *Dillon's Rule*¹⁰ [*Ronnow v. City of Las Vegas*, 57 Nev. 332, 341-43, 65 P.2d 133 (1937)], IVGID only possesses *limited* or “quasi municipal” powers¹¹. In other words, powers limited to those expressly enumerated as “one or more of those authorized in NRS 318.116” with the proviso those powers have actually been granted in IVGID’s initiating¹² and supplemental¹³ (if any) ordinance(s) “as (further) supplemented by the sections of...chapter (NRS 318) designated therein,”¹² *and none others*¹⁴.

And what are those limited basic powers? Furnishing: “streets and alleys;”¹⁵ “curbs, gutters and sidewalks;”¹⁶ “electric light and power;”¹⁷ and, “facilities for storm drainage or flood control;”¹⁸ “water;”¹⁹ “sewerage;”²⁰ “the collection and disposal of garbage and refuse;”²¹ and, public “recreation.”²² That’s it!

What Authority Then Does IVGID Have to Engage in Many of the Activities Promoted by the Proposed Strategic Plan: Take a look at NRS 318.116 and tell me where you see general improvement districts (“GIDs”) like IVGID can be granted basic powers to engage in “environmental sustainability”

¹⁰ *Dillon's Rule* declares “that a municipal corporation possesses and can exercise...those...powers ...granted in *express words*...those *necessarily* or *fairly implied* in or *incident* to the powers expressly granted (and)...those *essential* to the accomplishment of the declared objects and purposes of the corporation - not simply convenient, *but indispensable*...Any fair, reasonable, substantial doubt concerning the existence of power is resolved by the courts *against* the corporation, and...all acts beyond the scope of the powers granted are void” (*Ronnow, supra*, at 57 Nev. 343).

¹¹ “A municipal corporation possesses no powers or faculties not conferred upon it, either expressly or by fair implication, by the law which created it, or by other laws, constitutional or statutory, applicable to it” (*Ronnow, supra*, at 57 Nev 338).

¹² See NRS 318.055(4)(b).

¹³ See NRS 318.077.

¹⁴ See A.G.O. 63-61, p.103 (August 12, 1963) and *Ronnow, supra*, at 57 Nev. [“it is a general and undisputed proposition of law that a municipal corporation possesses and can exercise the...powers (specified above¹²), *and no others*”].

¹⁵ See NRS 318.116(7).

¹⁶ See NRS 318.116(8).

¹⁷ See NRS 318.116(9).

¹⁸ See NRS 318.116(10).

¹⁹ See NRS 318.116(15).

²⁰ See NRS 318.116(11).

²¹ See NRS 318.116(13).

²² See NRS 318.116(14).

(why then Long Range Principle #1 of the proposed Strategic Plan²³)? Or to participate “in external agency discussions where there may be an impact to...our community” (why then Long Range Principle #1 of the proposed Strategic Plan²⁴)? Or to budget any of staff’s initiatives identified in the Strategic Plan²⁵ before a formal budget has been approved by the Board? The answer is *nowhere*.

Moreover, Why Go to the Effort or Expense to:

1. Obligate us to assume “the services (and costs) of Association Director (to)...the Tahoe Water Suppliers Association” (“TWSA”)²⁶? Assumption of this endeavor requires we maintain a larger workforce and incur greater expenses than necessary which ultimately get paid by the District’s rate payers.

2. State Long Range Principle #2 of the Strategic Plan that “the District will ensure fiscal responsibility and sustainability...by maintaining effective financial policies?”²⁷ In a vacuum, isn’t this obviously a prudent thing to do? Then why do we need a “Strategic Plan” which says the same thing?

3. State Long Range Principle #3 of the Strategic Plan that the District will “maintain and retain a highly qualified...workforce to meet the needs of District venues?”²⁸ In a vacuum, isn’t this obviously a prudent thing to do? Then why do we need a “Strategic Plan” which says the same thing?

4. State Long Range Principle #4 of the Strategic Plan that the District will “provide superior...service and value to its customers?”²⁹ In a vacuum, isn’t this obviously a prudent thing to do? Then why do we need a “Strategic Plan” which says the same thing?

5. State Long Range Principle #5 of the Strategic Plan that the District will “practice perpetual asset renewal, replacement and improvement (of)...superior...utility services and recreation activities?”³⁰ In a vacuum, isn’t this obviously a prudent thing to do? Then why do we need a “Strategic Plan” which says the same thing?

6. State Long Range Principle #6 of the Strategic Plan that the District will communicate “to promote (an) understanding of (its) programs, activities, services, and...affairs?”²² In a vacuum,

²³ See page 11 of the 2/12/2020 Board packet.

²⁴ See page 24 of the 2/12/2020 Board packet.

²⁵ See pages 16-24 of the 2/12/2020 Board packet.

²⁶ See page 15 of the 2/12/2020 Board packet.

²⁷ See page 16 of the 2/12/2020 Board packet.

²⁸ See page 18 of the 2/12/2020 Board packet.

²⁹ See page 20 of the 2/12/2020 Board packet.

³⁰ See page 22 of the 2/12/2020 Board packet.

isn't this obviously a prudent thing to do? Then why do we need a "Strategic Plan" which says the same thing?

The Real Peril of a Strategic Plan, Like the One Staff Has Created and Presented For Adoption, is the Unbudgeted Projects Which Have Been Unnecessarily Inserted So if the Plan is Adopted, So Are These Programs. And For This Reason, I Formally Object to the Following Projects Being Included in the 2020-22 Strategic Plan; Especially Before a 2020-21 Budget Has Been Approved: The public needs to weigh in on all of these staff "wish-list" programs which are guaranteed to perpetuate and increase our the Recreation Facility Fee ("RFF"):

1. Use of the Solid Waste Franchise Fee to Underwrite Costs of Drop Off Hazardous/Electronic Waste³¹: What have we been using the fee for now? And what are the costs compared to the massive (nearly \$300,000) amount of revenue generated?

2. Continue Administration of the TWSA³²: Why do our rate payers have to pay the administrative costs associated with this organization?

3. Perpetuate Use of Facility Fee to Subsidize Overspending and Provide a Steady, Reliable Funding Source For Staff's Future Unidentified, Unappropriated, Unbudgeted "Wish-List Expenditures³³: We need to be weaned off the RFF so our recreation venues operate on a revenue neutral or positive basis. Where they don't, they need to be discarded.

4. Acquire a New HRIS/Payroll System³⁴: Staff have consistently demonstrated the inability to *responsibly* acquire software products. Oversight is required before we provide another blank check for a project such as this one. Moreover, isn't it time we investigated possible outsourcing of this task? The savings could be substantial.

5. Maintain Current Service Levels Whether or Not Warranted or Financially Prudent³⁵. We need a comprehensive investigation of all that staff does before we provide another blank check for service levels that primarily benefit the world's tourists rather than local property/dwelling unit owners.

6. Replacement of Facilities in Excess of Twenty (20) Years Old³⁵: We need a comprehensive investigation before we provide another blank check.

³¹ See item A at page 15 of the 2/12/2020 Board packet.

³² See item B at page 15 of the 2/12/2020 Board packet.

³³ See item C at page 16 of the 2/12/2020 Board packet.

³⁴ See item E at page 19 of the 2/12/2020 Board packet.

³⁵ See item B at page 22 of the 2/12/2020 Board packet.

7. **Continue Prosecution of the Diamond Peak Master Plan**³⁶: It's time to put an end to this boondoggle of a program which a majority of our community is against. It has been seven (7) years since we started down this road and we're no closer, notwithstanding the appropriation of \$800,000 or more, than we were back then.

8. **Plan For Reconstruction of Ski Way**³⁷: This directly benefits the Tyrolean Village PUD, to the north of Diamond Peak, yet its property owners pay *nothing*. It's time to divert the cost to those who are most directly benefited.

9. **Adopt an IVGID Code**³⁸: The costs to allegedly "codify" the policies and procedures we already have been outrageous. It's time to put an end to this boondoggle. Besides, GIDs have no power to create laws or pass legislation. At best they have the power to adopt by-laws "for carrying on the business, objects and affairs of the board and of the district," and "regulating the use or right of use of any project or improvement," not in conflict with the Constitution and laws of the State: (see NRS 318.205).

10. **Continuation of Public Relations Services Which Include "Timely (Press) Releases:"**³⁹ The continued expenditure of \$4K/month to support staff propaganda, which is what this expenditure represents, needs to come to an end.

Conclusion: Had members of the public not asked the Board to intervene to not adopt staff's proposed 2020-22 Strategic Plan, staff would have argued this Board had approved the ten (10) projects identified above to which I and others object. Isn't this a deceitful thing to do? And who is it who initiated this hoped for outcome? We don't need a Strategic Plan; we don't need the projects included therein to which I have objected; and we don't need approval of this Strategic Plan. I urge this agenda item be transferred to the General Business Calendar, and then formally disapproved.

And you wonder why *the RFF is as High as it is*? I've now provided more reasons.

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

³⁶ See item C at page 22 of the 2/12/2020 Board packet.

³⁷ See item F at page 23 of the 2/12/2020 Board packet.

³⁸ See item B at page 24 of the 2/12/2020 Board packet.

³⁹ See item C at page 24 of the 2/12/2020 Board packet.

EXHIBIT "A"

Request to Transfer Agenda Item G(1) on the Board's February 12, 2020 Meeting Calendar From the Consent Calendar to General Business Calendar

From: "s4s@ix.netcom.com" <s4s@ix.netcom.com>
To: Callicrate Tim
Cc: Dent Matthew <dent_trustee@ivgid.org>, Sara Schmitz <schmitz_trustee@ivgid.org>, Morris Peter <morris_trustee@ivgid.org>, Wong Kendra Trustee <wong_trustee@ivgid.org>, Herron Susan <Susan_Herron@ivgid.org>, "ISW@ivgid.org" <ISW@ivgid.org>
Subject: Request to Transfer Agenda Item G(1) on the Board's February 12, 2020 Meeting Calendar From the Consent Calendar to General Business Calendar
Date: Feb 10, 2020 2:01 PM

To Chairperson Callicrate and the Other Honorable Members of the IVGID Board:

At the Board's December 11, 2019 meeting, during Interim General Manager Winqest's Status Report, he presented a proposed 2020-22 Strategic Plan in draft form representing it would formally be presented to the Board at its first or second January 2020 meeting as a general business item for possible action. Yet here the Board Clerk has placed this matter on the Consent Calendar because no Board member has provided her with observations or proposed modifications to the proposed Plan since December 11, 2019 when it was first presented. Moreover, I have been informed that although our Board Chair is charged with creating the agenda, he didn't even see the agenda until it had been completed/publicized to the public on February 5, 2020. If this is true, then the agenda was improperly prepared by the Board's unofficial de facto chair, Susan Herron!

Given there can be no discussion of items placed on the Consent Calendar, I ask that at least one Board member ask this item be placed on the General Business Calendar and that the public be permitted to comment. Moreover as you consider this proposed Plan, consider I object to 2020-22 funds be budgeted for the following endeavors expressly identified in the proposed Plan:

1. Use of the Solid Waste Franchise Fee to Underwrite Costs of Drop Off Hazardous/ Electronic Waste. What have we been using the fee for now? And what are the costs compared to the amount of revenue generated?
2. Continue Administration of the TWSA. Why do our rate payers have to pay the administrative costs associated with this organization?
3. Perpetuate Use of Facility Fee to Subsidize Overspending and Provide Funding Source For Future Unidentified, Unappropriated, Unbudgeted Expenditures. We need to be weaned off the Recreation Facility Fee ("RFF") so our recreation venues operate on a revenue neutral or positive basis.
4. Acquire New HRIS/Payroll System. Staff has demonstrated the inability to responsibly acquire software products. Oversight is required before we provide another blank check. Moreover, isn't it time we investigated possible outsourcing? The savings could be substantial.
5. Maintain Current Service Levels Whether or Not Warranted or Financially Prudent. We need a comprehensive investigation before we provide another blank check.
6. Replacement of Facilities in Excess of Twenty (20) Years Old. We need a comprehensive investigation before we provide another blank check.
7. Continue Prosecution of the Diamond Peak Master Plan. It's time to put an end to this program which a majority of our community is against.
8. Plan For Reconstruction of Ski Way. This directly benefits the Tyrolean Village PUD yet they pay nothing. It's time to divert the cost to those who are most directly benefited.
9. Adopt IVGID Code . The costs to allegedly "codify" the policies and procedures we already have been outrageous. It's tie to put an end to this boondoggle.
10. Continuation of Public Relations Services Which Include "Timely (Press) Releases." The continued expenditure of \$4K/month to support staff propaganda needs to come to an end.

Thank you for your consideration of this request and your hopeful positive action.

WRITTEN STATEMENT TO BE INCLUDED IN THE WRITTEN MINUTES OF THIS FEBRUARY 12, 2020 REGULAR IVGID BOARD (“BOARD”) MEETING – AGENDA ITEM C – PUBLIC COMMENTS – UNDERSTAND THE MEANINGLESS KINDS OF EXPENDITURES OUR RECREATION FACILITY FEES (“RFFs”) ARE SPENT ON WHICH HAVE ZERO TO DO WITH MAKING OUR RECREATIONAL FACILITIES PRIMARILY AVAILABLE TO BE USED BY THOSE WHO ARE INVOLUNTARILY COMPELLED TO PAY. AND YOU WONDER WHY OUR RFF IS AS HIGH AS IT IS AND WILL NEVER BE REDUCED?

Introduction: I was disappointed to read in the latest February 2020 edition of the IVGID Quarterly¹ that Diamond Peak has joined another “feel good” alliance of ski areas [the Protect Our Winters² Alliance (“POW”)] *which does nothing to make available recreational facilities for local property/dwelling unit owners’ primary benefit and use*³, that relies upon the RFF for funding. In case you didn’t see the article in the Quarterly, I have printed out page 24 from that edition and it is attached as Exhibit “A” to this written statement.

“As the newest member of (a handful⁴ of)...POW Resort Alliance(s),” we’ve now agreed to “work with POW to mobilize the community to be a part of the solution to (can you believe) **THE CLIMATE CRISIS!**” I guess “Save the Lake” wasn’t good enough. Now IVGID staff believe their mission is to save the planet!

All of this comes with a cost. Even if it didn’t involve dollars (although it does), it involves tens of thousands of dollars worth of unreimbursed staff time. And space in the IVGID Quarterly. And use of Diamond Peak’s Loft Bar on February 29, 2020 at 4:30-6:00 P.M. for a “POW Mixer & Panel” (see Exhibit “A”), and Diamond Peak’s race course on March 28, 2020 for a SkiMo Race. And unreimbursed staff time to write articles in the IVGID Quarterly and coordinate events such a POW Mixer. And more unreimbursed staff time to coordinate with POW personnel.

This is just another small example of why IVGID has the need for nearly 1,000 employees⁵ if not in excess of this number, and why it requires all of the staff infrastructure and support⁶ that comes with a work force of this size. These are the purposes of this written statement.

¹ Go to https://www.yourtahoeplace.com/uploads/pdf-ivgid/ivgid_Quarterly_Feb2020.pdf.

² Go to <https://protectourwinters.org/>.

³ The represented justification for assessment of the RFF [see ¶I at page 259 of the packet of materials prepared by staff in anticipation of the Board’s May 22, 2019 meeting {“the 5/22/2019 Board packet” (https://www.yourtahoeplace.com/uploads/pdf-ivgid/BOT_Packet_Regular_5-22-19.pdf)}].

⁴ Go to <https://protectourwinters.org/our-network/brand-partners/>.

⁵ Go to <https://transparentnevada.com/salaries/2018/incline-village-general-improvement-district/>.

What Exactly is POW? According to its strategic plan, POW is an organization whose “mission is to turn...outdoor people into effective *climate advocates*.”⁷ Its stated “goal is to build national *political will* to enable meaningful *climate* policies, and shift cultural norms to make those policies durable.”⁸ In other words “culture change” through “education,”⁹ political “advocacy,”⁸ “lobbying”⁹ “decision makers,”¹⁰ “civic”⁹ and “voter engagement,”¹⁰ “voter information,”¹⁰ and most of all, *money*¹¹!

Now What Does Any of This Have to Do With IVGID? NOTHING! We’ve had this discussion before. IVGID is government (a governmental subdivision¹²). It’s not “quasi-public” as staff represent¹³, but rather, 100% government! Although government, it’s not government like a city or county. Because Nevada has adopted *Dillon’s Rule*¹⁴ [*Ronnow v. City of Las Vegas*, 57 Nev. 332, 341-43, 65 P.2d 133 (1937)], IVGID only possesses *limited* or “quasi municipal” powers¹⁵. In other words, its powers are limited to those expressly enumerated as “one or more of those authorized in NRS

⁶ Such as Human Resource and Finance Departments.

⁷ See page 3 at https://protectourwinters.org/wp-content/uploads/2019/12/POW-2020-strategic_plan.pdf.

⁸ See page 16 at https://protectourwinters.org/wp-content/uploads/2019/12/POW-2020-strategic_plan.pdf.

⁹ See page 12 at https://protectourwinters.org/wp-content/uploads/2019/12/POW-2020-strategic_plan.pdf.

¹⁰ See page 4 at https://protectourwinters.org/wp-content/uploads/2019/12/POW-2020-strategic_plan.pdf.

¹¹ See POW’s “action fund.”¹⁰

¹² See NRS 318.075(1).

¹³ To justify the inappropriate conduct IVGID staff are so famous for engaging in, they misrepresent to other public agencies and the public that IVGID “is (only) a quasi-public agency” (<https://www.yourtahoeplace.com/ivgid/about-ivgid>). In other words, IVGID somehow has more powers than any other true municipality in the State.

¹⁴ *Dillon’s Rule* declares “that a municipal corporation possesses and can exercise...those...powers ...granted in *express words*...those *necessarily* or *fairly implied* in or *incident* to the powers expressly granted (and)...those *essential* to the accomplishment of the declared objects and purposes of the corporation - not simply convenient, *but indispensable*...Any fair, reasonable, substantial doubt concerning the existence of power is resolved by the courts *against* the corporation, and...all acts beyond the scope of the powers granted are void” (*Ronnow, supra*, at 57 Nev. 343).

¹⁵ “A municipal corporation possesses no powers or faculties not conferred upon it, either expressly or by fair implication, by the law which created it, or by other laws, constitutional or statutory, applicable to it” (*Ronnow, supra*, at 57 Nev 338).

318.116” with the proviso they must actually have been granted in IVGID’s initiating¹⁶ and supplemental¹⁷ (if any) ordinance(s) “as (further) supplemented by the sections of...chapter (NRS 318) designated therein,”¹⁶ and no others¹⁸.

Take a look at NRS 318.116. Do you see where general improvement districts (“GIDs”) can be granted basic powers to engage in and fund political advocacy? What about climate change? What about lobbying? Or voter information and engagement? Given none of this is permitted, *why are we involved in any manner whatsoever with POW?*

According to staff, because a handful of other ski areas are involved. Well I’m sorry, that’s not good enough. Just because these kinds of activities are appropriate for privately owned commercial businesses doesn’t mean they are appropriate for government. And because IVGID staff are in denial that we’re government, inappropriate conduct like this continues to occur.

The Future of Skiing: Look at everything IVGID staff have gone out of their way to provide for POW that we know of today¹⁹. First, they coordinated, organized and provided the venue for a February 29, 2020 POW “meet & greet” at Diamond Peak Ski Resort’s Loft Bar labeled “The Future of Skiing: Tahoe’s Changing Winters & How You Can Help.”²⁰

Here staff propose diverting what would otherwise be alcohol beverage sales²¹ to a discussion of “the science of snow and how you can help protect your passion.” They have spent unreimbursed staff time assembling “experts from the University of Nevada²², Stoke Certified²³, Olympic Snowboarder Elena Hight”²⁰ and moderator “Ian Bolliger from UC Berkeley”²² to lead the discussion. Now do you think all of these experts have volunteered their time and out-of-pocket travel/lodging

¹⁶ See NRS 318.055(4)(b).

¹⁷ See NRS 318.077.

¹⁸ See A.G.O. 63-61, p.103 (August 12, 1963) and *Ronnow, supra*, at 57 Nev. [“it is a general and undisputed proposition of law that a municipal corporation possesses and can exercise the... powers (specified above¹⁵), and no others”].

¹⁹ I have made a number of records requests to learn of the extent of our philanthropy, however, a substantive response has not been provided as of the date of this written statement. So I can only share what I know so far. But I am certain our assistance extends far deeper.

²⁰ A flyer for this event which appears on the POW web site is attached as Exhibit “B” to this written statement.

²¹ In other words, a loss of revenue.

²² According to Diamond Peak’s Facebook page (<https://www.facebook.com/events/175342157147967/>), scientists Adrian Harpold and Elizabeth Koebele.

²³ As you will see another IVGID “favored collaborator” and Industry panelist Carl Kish²¹.

expenses to come to Incline Village and participate for free? What about the good folks at POW? Have their representatives volunteered their time and out-of-pocket travel/lodging expenses to come to Incline Village and participate for free? And what about each of these “experts” traveling partners?

But wait, there’s more. IVGID proposes raffling off one or more goodies²⁰ to those who attend! Now what do you think these goodies are going to be, and what is the lost revenue these items represent?

The Luggi Foeger Uphill/Downhill Festival: That there’s more. IVGID staff have put together a special POW “SkiMo Race” on March 28, 2020 at Diamond Peak where “benefits from the race (will go to) Protect Our Winters and (the) Tahoe Institute of Natural Science”²⁴ (“TINS”). Besides promoting this event, setting up/ tearing down a race course at Diamond Peak, and depriving patrons of the availability to use a portion of the mountain because it is being used for this event, unreimbursed IVGID staff time will be donated to selling tickets, collecting money, running that money through Diamond Peak’s bank charge card system, financially reporting and disbursing the net proceeds to POW and the TINS²⁵. Now what is the lost revenue/cost to local property/dwelling unit owners that all of these items represent?

Membership Dues in POW: That’s right. Once I learned of our affiliation with POW I began searching our weekly bill pays. And I discovered that on January 15, 2020 we paid \$1,000 to POW represented by check no. 773087. The bill pays identify this expenditure as “membership dues for the POW Resort Alliance.”²⁶ Now does anyone really believe this expenditure was actually budgeted by the Board? Assuming the answer is “no,” In order to get around the procedural consequence that answer creates, according to our Chart of Accounts²⁷ this expense (340-34-980-7010) was intentionally *MIS*-assigned to “paid advertising” for Diamond Peak. Now does membership in POW sound like paid advertising for Diamond Peak? Would one have ever discovered that this expense had been intentionally mischaracterized without an in depth investigation such as the one herein? ***How many other similar expenses have been intentionally mischaracterized by staff to get around the procedural bar²⁸ that they were never budgeted?***

²⁴ A flyer for this festival event which appears on the POW web site is attached as Exhibit “C” to this written statement.

²⁵ Another “feel good,” socially correct, non-profit which according to <http://www.tinsweb.org/> “seek(s)...to advance the natural history, conservation, and ecosystem knowledge of the Tahoe region through science, education, and outreach.”

²⁶ Go to https://www.yourtahoeplace.com/uploads/pdf-ivgid/IVGID_Check_Run_01.11.20_to_01.15.20.pdf.

²⁷ Go to https://www.yourtahoeplace.com/uploads/pdf-ivgid/Account_Structure-All_legend_7-1-19.pdf.

²⁸ NRS 354.626(1) makes it unlawful, with certain exceptions not applicable here, for any “officer, office, department or agency (of a)...governing body...to expend any money or incur any liability, or

I wish this were the only example of inappropriate staff conduct, however, it's not. Let's examine another similar "feel good" program called STOKE.

What Exactly is STOKE and its Certification for sustainability? The public first learned of this program in a June 1, 2018 article in the Tahoe Tribune publicizing Diamond Peak's receipt of STOKE certification for sustainability²⁹. A featured article in December 2018's edition of the IVGID Quarterly followed³⁰. Listen to IVGID's Marketing Manager Paul Raymore's touting of this certification:

"We are very excited to announce that we are the first ski resort in the Lake Tahoe region, and the second in the nation, to achieve STOKE Certification ...This certification is something we've worked very hard to achieve over the past three seasons, and it reflects our commitment to sustainability and transparency in our operations."²⁹

So what is STOKE certification? Basically a "sustainable Tourism Operator's Kit for...ski tourism operators (and) destinations"³¹ which promotes its founders' vision; "creating *demand for sustainability from within the riding community* (which)...catalyze(s) and enable(s) operators to implement innovative sustainable practices so our culture will continue to thrive and overcome the environmental, socio-cultural, and economic challenges of the future."³² What's in the "kit?"

"Access to (an)...electronic Sustainable Tourism Operators Guidebook;" a "Member Profile on (STOKE's) website;" use of the "STOKE Membership Logo;" a "Sustainability Management System Template;" "Supply Chain Analysis Tools;" "Self-benchmarking Tool(s);" "Customer Satisfaction Surveys;" and, "Stakeholder Engagement Resources"³³ for "sustainability" such as "supporting like-minded...local...businesses in supply chains and incorporating nuances of local culture rather than creating homogenous cookie-cutter experiences,"³² which "contribut(e) to environmental conservation"³⁴ and "local cultural activities and community events."³⁴

enter into any contract which by its terms involves the expenditure of money, in excess of the amounts (expressly) appropriated for that function."

²⁹ See <https://www.tahoeonline.com/news/sports/diamond-peak-ski-resort-achieves-stoke-certification-for-sustainability/>.

³⁰ See page 14 at https://www.yourtahoeplace.com/uploads/pdf-ivgid/ivgid-QrtlyDec_2018.pdf. A copy of this article is attached as Exhibit "D" to this written statement.

³¹ Go to <https://www.stokecertified.com/>.

³² Go to <https://www.stokecertified.com/about/>.

³³ Go to <https://www.stokecertified.com/certification/snow/>.

³⁴ Go to <https://www.stokecertified.com/certification/events/>.

And Like POW, What Does Any of This Have to Do With IVGID? Again, **NOTHING!** So why the STROKE certification?

I submit to **promote IVGID's employees associated with this social endeavor, and then to use STROKE certification as a propaganda tool³⁵ to make the Board and the public think the expenditure of staff time (over three or more years no less) and public moneys at local property/dwelling unit owners' expense was somehow justified.**

Even more bothersome, consider that staff (rather than the IVGID Board) have gone so far as to create a "sustainability coordinator" position [staffed by Joseph A. Hill, a public works intern since August of 2015³⁶ and a former Parasol sponsored Americorps "volunteer" (paid for by IVGID of course) before then³⁷], at a cost to local parcel/dwelling unit owners of in excess of \$40,000 annually³⁸, to prosecute this "vital" initiative³⁹ [i.e., "taking a proactive role in changing human behavior"⁴⁰ (IVGID Resolution No. 1836)]. Insofar as we residents of Incline Village/Crystal Bay are concerned, aren't those duties owed by Washoe County rather than IVGID? Why then are we paying for them?

STROKE Membership Dues: Once I learned of our affiliation with STROKE, I began searching for the costs associated with this program. Besides public employee Joseph Hill's annual salary and

³⁵ As part of STROKE certification, the recipient can permissibly plagiarize "certified press releases, digital and print media articles in endemic and non-endemic markets, and strategic, coordinated social media campaigns."³³

³⁶ Go to <https://www.linkedin.com/in/joseph-hill-b7b414153>.

³⁷ See <https://www.sierrasun.com/news/announcements/newest-amicorps-team-begins-work-at-lake-tahoe/>.

³⁸ Go to <http://transparentnevada.com/salaries/2017/incline-village-general-improvement-district/joseph-a-hill/>.

³⁹ Here we have another example that IVGID staff do not understand what IVGID really is. Listen to its description of its sustainability program: "the purpose of...IVGID('s) Sustainability Program is to responsibly manage resources under IVGID's care, protect public utility, and fulfill its social and environmental duties to the citizens and community while providing cost-effective services to ratepayers. Sustainability holds importance to Incline Village Public Works in terms of environmental, social and economic security" (go to <https://josephahill.com/adventures/work-experience/ivgid-waste-not/>). IVGID is nothing more than a limited purpose [NRS 308.010(2)] special district [NRS 308.020(2)]. Because it is *not* a municipality with general police powers, it possesses no community "social" nor "environ-mental" duties. Insofar as the residents of Incline Village/Crystal Bay are concerned, those duties are owed by Washoe County rather than IVGID.

⁴⁰ See IVGID Resolution No. 1836 [see item ¶J(6) at https://www.yourtahoeplace.com/uploads/pdf-ivgid/BOT_Regular_Meeting_4-29-2015.pdf].

benefits, I learned that STOKE’s tools/templates and marketing are based on a ski resort’s annual gross revenue⁴¹ (AGR):

AGR:	< \$499K	\$500K - 999K	\$1M - 4M	\$5M - 9M	\$10M - 19M	\$20M - 49M
Biennial Membership Dues:	\$350.00	\$500.00	\$750.00	\$1,000.00	\$1,250.00	\$1,500.00

Given Diamond Peak's AGR is in the \$5M-\$9M range, membership dues are \$1,000 commencing the year after initial certification. In addition, IVGID was charged around an additional \$1,000 for an independent evaluator to secure STOKE certification, which included his/her services (2-3 days) and travel expenses (driving from Truckee) plus meals and accommodations.

So What Other Ski Areas Have Seen the Value in Attaining STOKE Certification? Other than Ashland, Oregon, essentially none other than Diamond Peak⁴². Although China Peak Ski Area was “benchmarked” for certification⁴³ on July 14, 2015⁴⁴, certification still hasn’t been attained. And this is in spite of the fact that China Peak has allegedly been “striving to achieve certification by 2017.”³¹ I submit that China Peak cannot see the value and thus will not pay for this service. Although I doubt I am wrong, any cynic is free to contact China Peak directly to learn of their reasons.

And Now the Co-Founder of STOKE⁴⁵ Has Surfaced as an “Industry Expert” For POW’s Future of Skiing Event: on February 29, 2020. Coincidental or incestuous?

Conclusion: Both POW and STOKE programs reveal the wasteful expenditure of massive amounts of unreimbursed public employee time and public dollars on endeavors having little if anything to do with the legitimate purpose for IVGID’s existence and the assessment of its RFF (i.e., making public recreational facilities “available” to be used by local parcel/dwelling unit owners. Although both of these programs sound like good ideas from an environmentally conscious position, they do nothing financially for a ski resort other than to waste revenue. If our public employees were precluded from pursuing these meaningless self-promoting endeavors, and they were required to

⁴¹ Go to <https://www.stokecertified.com/pricing/>

⁴² Go to <https://www.stokecertified.com/members/>.

⁴³ Benchmarking consists of nothing more than submittal of an applicant’s “self-benchmark...to provide deeper insight into all of STOKE's criteria and compliance indicators (and to) efficiently assess (the applicant's)...current operations. After the benchmark is submitted and reviewed by the STOKE board for authenticity, (the recipient) receive(s) the 'STOKE Benchmarked' logo for use on (its) marketing materials and a STOKE Benchmarked profile on (the STOKE) website.”³⁵

⁴⁴ Go to <https://www.stokecertified.com/members/china-peak/>.

⁴⁵ See <https://www.stokecertified.com/team/>.

spend their time attempting to make our recreational facilities operate revenue neutral or positive, I predict we would need a whole lot *less* employees. But then that would be counter-productive to one of the major purposes for IVGID's existence⁴⁶; providing over compensated and over benefited employment⁴⁷ to persons *who mostly do not live in Incline Village/Crystal Bay*. Which explains why staff have associated themselves with both of these programs and suggests that there are many, many other programs like these that the Board and the public have no clue actually exist.

So now that you know the truth behind these and similar other programs, is it any wonder then that ***the RFF is as High as it is?***

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

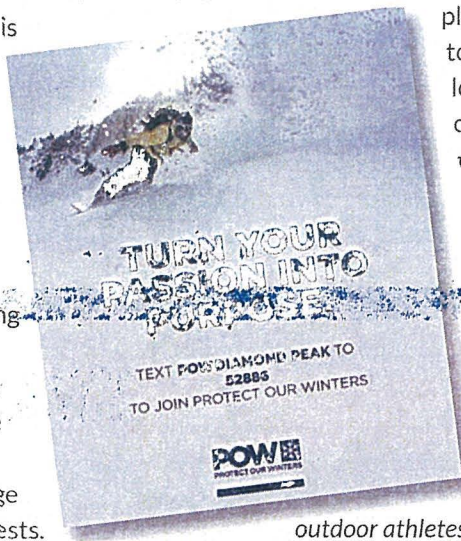
⁴⁶ At least insofar as our public employees are concerned.

⁴⁷ IVGID is Incline Village's largest employer.

EXHIBIT "A"

POW RESORT ALLIANCE

In accordance with IVGID's Long Range Principle #1 (Resources and Environment) and with the assistance of the IVGID Waste Not team, Diamond Peak is excited to be joining the POW Resort Alliance. As the newest member of the POW Resort Alliance, Diamond Peak will work with Protect Our Winters to mobilize the community to be a part of the solution to the climate crisis. The POW Resort Alliance is a network of resorts from around the world leveraging their businesses to create a carbon neutral future - one full of powder days. Through the Alliance, POW will provide the tools and opportunities to take meaningful action against climate change while helping Diamond Peak engage guests. Together we will build an emotional connection with the core of the snow sports culture who truly care about climate change.



The future of the ski industry depends on a stable climate, in order to create lasting action we need to not only reduce emissions at the resort but amplify the voices of the business, the employees and the customers to help protect these places we love to work and play. POW is excited to welcome Diamond Peak to the Alliance and looks forward to leveraging this incredible opportunity to ensure the employees' and customers' voices are heard. Ski resorts can make a difference and protect their bottom lines at the same time!

February 29: POW Mixer & Panel

Learn more about POW, Tahoe's changing winters and how you can help at Diamond Peak's Loft Bar from 4:30-6pm.

Founded in 2007 by professional snowboarder Jeremy Jones, Protect Our Winters activates outdoor athletes, creatives, scientists and responsible business leaders to advance non-partisan policies that turn a passion for the outdoors into action for climate.

TAHOE FOREST HOSPICE

Gift & Thrift

893 Tahoe Blvd, Ste 1500, Incline Village, NV

On the corner of Tanager Street and Enterprise Street next to the underground parking lot.

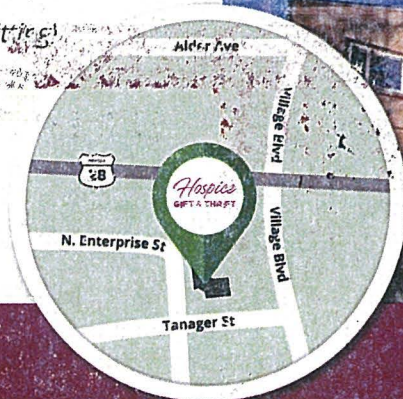
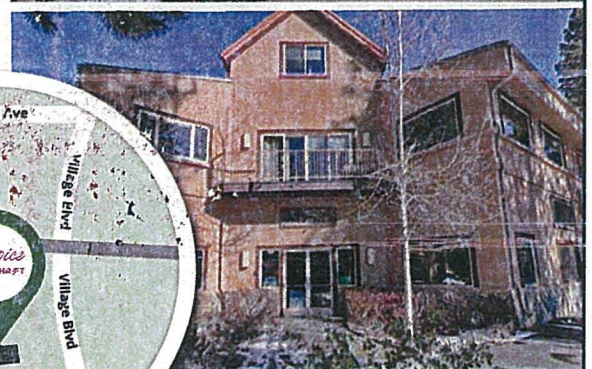
Shop: Mon - Sat, 10am - 5pm (closed 1-1:30 pm)

Donate: Mon - Sat, 10am-4pm (space permitting)

We accept clean, cared for clothing, shoes, accessories, household goods, and current books. We are unable to accept furniture or large items.

Contact: (775) 298-7901

Volunteer: Interested in volunteering?
Contact Ann Mazzini at (530) 582-3518.



TAHOE FOREST
HEALTH SYSTEM

tfhd.com

Store: (775) 298-7901

EXHIBIT "B"

THE FUTURE OF SKIING:

TAHOE'S CHANGING WINTERS & HOW YOU CAN HELP



Have you ever wondered what the future of winter looks like? Or about the science behind our snowpack? Diamond Peak is teaming up with Protect Our Winters to present a happy hour and discussion on the science of snow and how you can help protect your passion with experts from the University of Nevada, Stoke Certified, and Olympic Snowboarder Elena Hight. Join us!



DIAMOND PEAK SKI RESORT'S LOFT BAR

1210 SKI WAY, INCLINE VILLAGE, NEVADA

SATURDAY, FEBRUARY 29TH, 2020

4:30-5:00PM HAPPY HOUR MEET & GREET WITH ELENA HIGHT AND PANELISTS

5:00-6:00PM DISCUSSION, Q&A, AND RAFFLE



PHOTO COURTESY DIAMOND PEAK

+ GOOGLE CALENDAR

+ ICAL EXPORT

Details

Date:
February 29

Time:

Venue

Diamond Peak Ski
Resort's Loft Bar

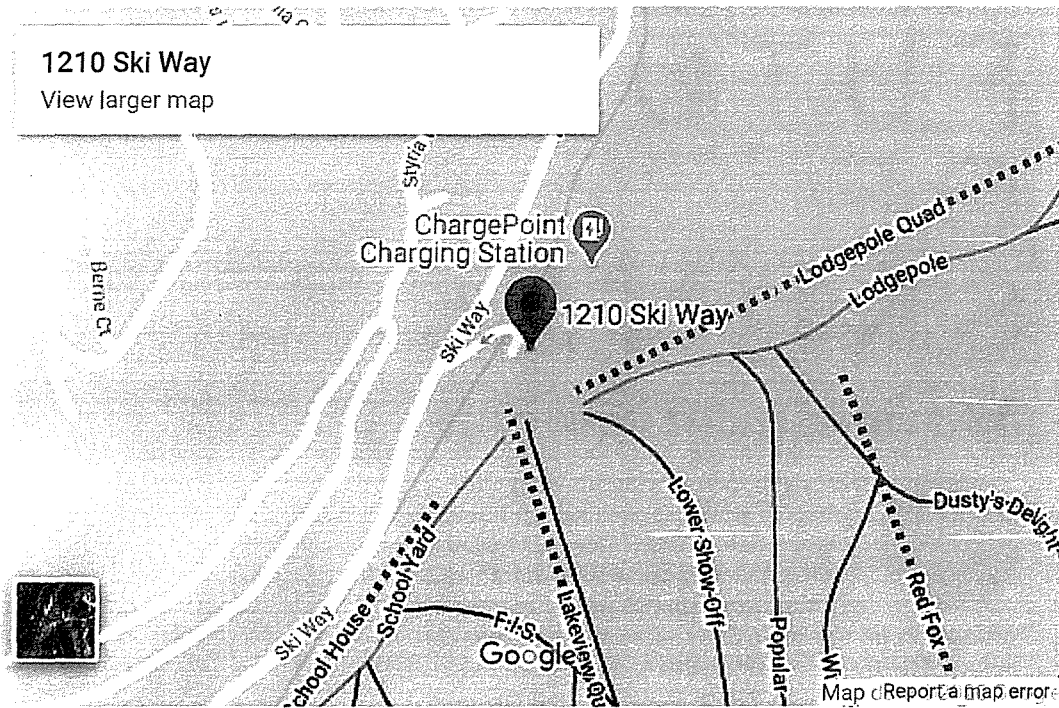
4:30 pm - 6:00 pm

1210 Ski Way

Incline Village, Nevada

Website:

<https://www.facebook.com/events/17534237147987/>



« Passion Into Purpose: How Sugarbush is Tackling Climate Change and Policy

The Luggi Foeger Uphill/Downhill Festival »

GET UPDATES

Every big adventure starts small. Solving our climate crisis is no different. Start your journey to climate advocacy with our newsletter.

EXHIBIT "C"

EVENTS

« All Events

The Luggi Foeger Uphill/Downhill Festival

March 28 @ 8:00 am - 5:00 pm

« The Future of Skiing: Tahoe's
Changing Winters & How You Can
Help

The Luggi Foeger Uphill/Downhill Festival and SkiMo Race takes place on Saturday, March 28, 2020. Competitors race to the top of the mountain using whatever human-powered method you prefer – skins, snowshoes, running shoes, etc. – then ski, snowboard, snowshoe, or run back down to the finish line. For those of a less competitive nature, a recreational course will be available.

Winners are awarded for both categories. The weekend will also include fun activities in the base area including ski boot races, live music, fun relays, and more! Costumes are strongly encouraged.

Benefits from the race go Protect Our Winters and Tahoe Institute of Natural Science.

DP_Poster20_LuggiFoegerFestival_11x17withsponors_1.31

+ GOOGLE CALENDAR + ICAL EXPORT

Details

Date:
March 28

Time:
8:00 am - 5:00 pm

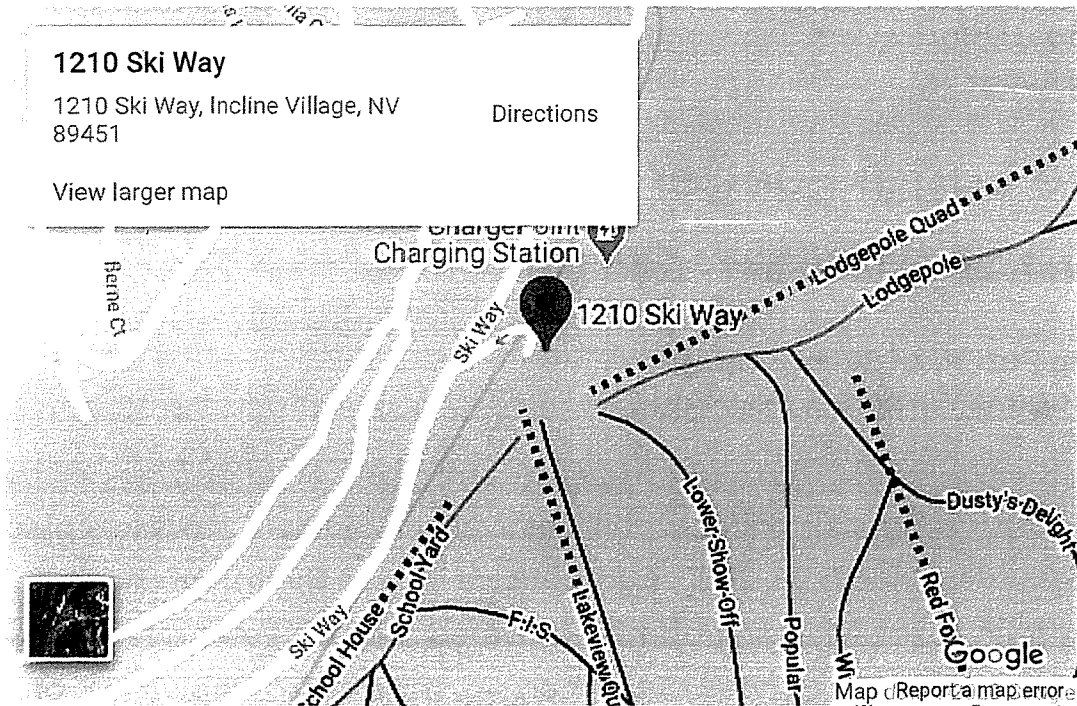
Website:
<https://www.diamondpeak.com/events/details/luggi-foeger-uphill-downhill-festival>

Venue

Diamond Peak Ski
Resort's Loft Bar

1210 Ski Way
Incline Village, Nevada

89451 + Google Map



« The Future of Skiing: Tahoe's Changing Winters & How You Can Help

GET UPDATES

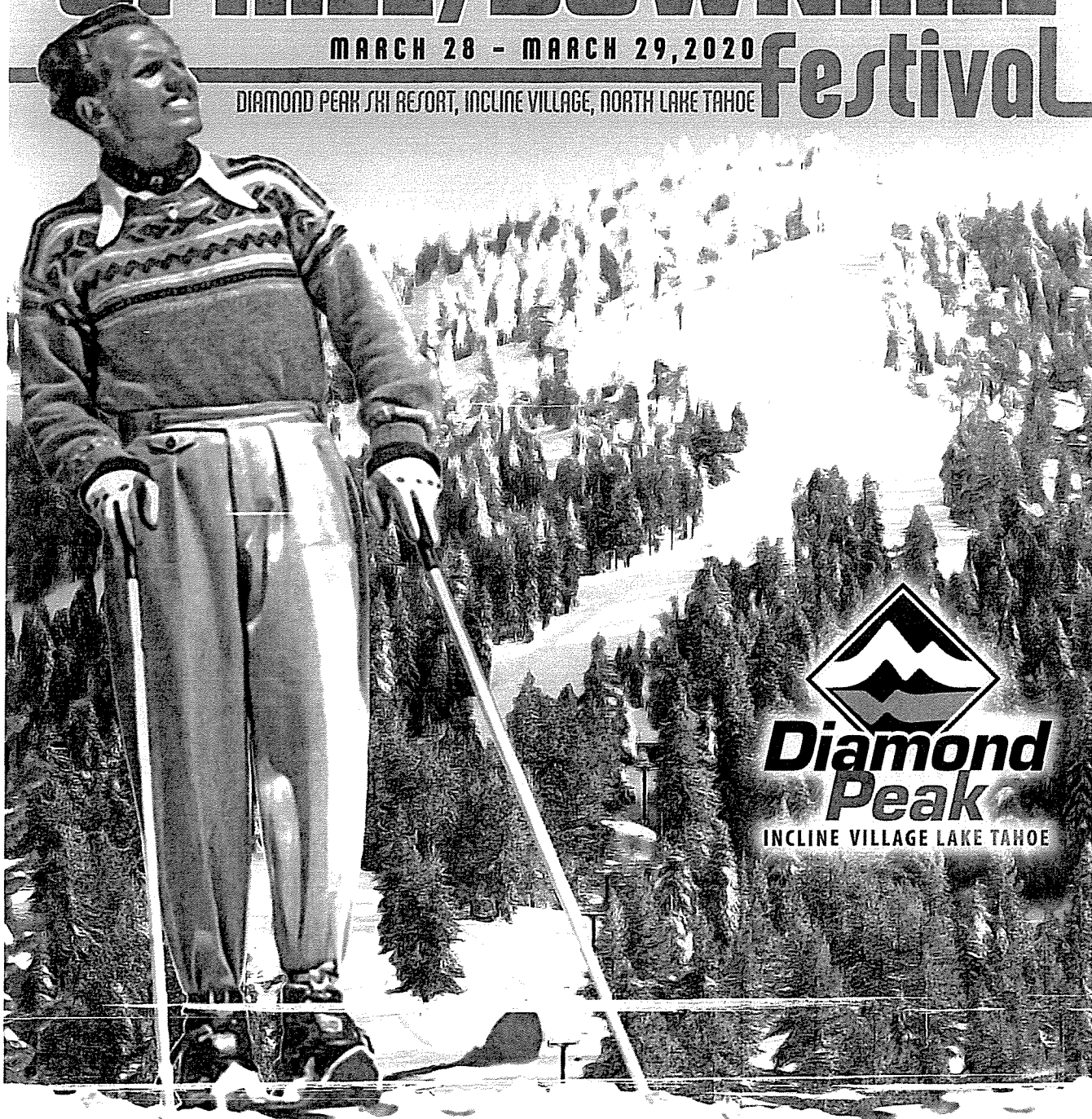
The Luggi Foeger

UPHILL/DOWNHILL

MARCH 28 - MARCH 29, 2020

DIAMOND PEAK SKI RESORT, INCLINE VILLAGE, NORTH LAKE TAHOE

Festival



Diamond Peak
INCLINE VILLAGE LAKE TAHOE

SPONSORS AND DETAILS

SATURDAY: DEMOS, MUSIC & UPHILL/DOWNHILL RACE

SUNDAY: SNOWSHOE HIKE, MUSIC & MORE

Visit diamondpeak.com/events for details & registration

PREMIER PARTNERS:



ARC'TERYX

STANFORD CENTER



patagonia

TAHOE MOUNTAIN SPORTS

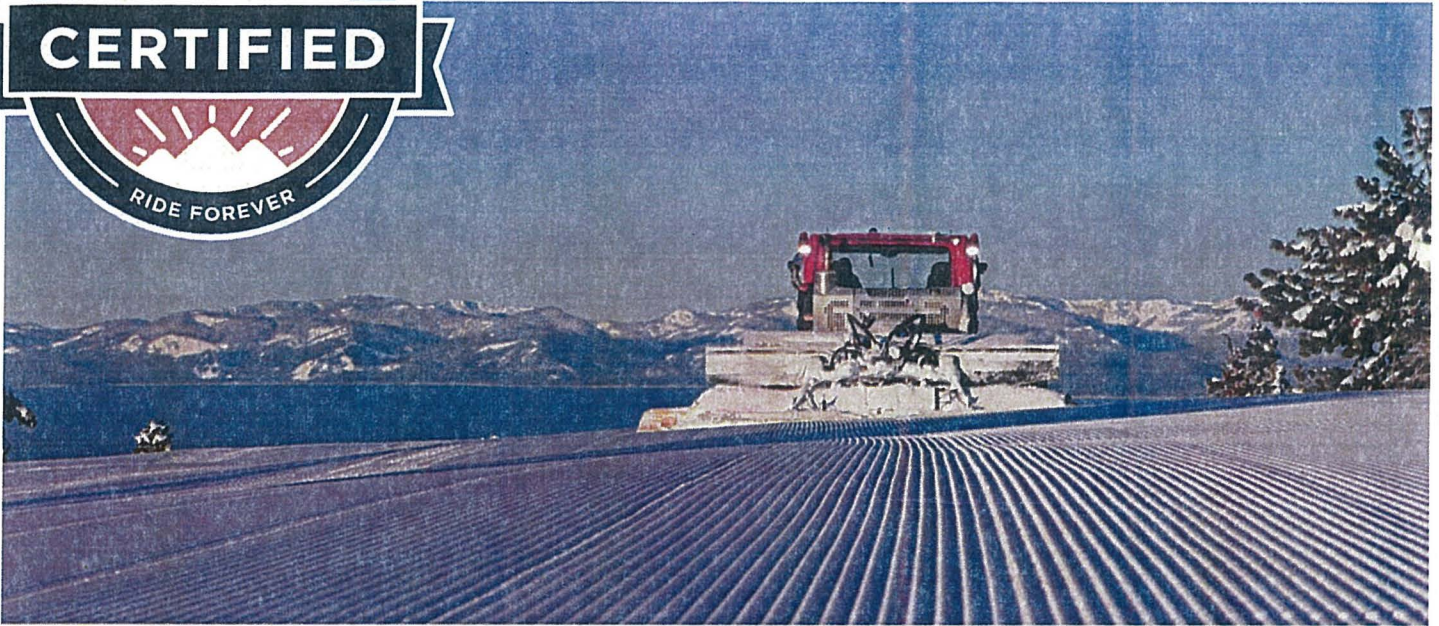
PARTNERS:



FESTIVAL BENEFITS:



EXHIBIT "D"



STOKE CERTIFICATION

Diamond Peak Ski Resort Achieves Stoke Certification For Sustainability

Renowned for its panoramic views of Lake Tahoe, Diamond Peak Ski Resort is now recognized for their sustainability initiatives as the first ski resort in Lake Tahoe to become STOKE Certified. As one of the early adopters of the STOKE Snow certification program during the 2015-16 season, the community-owned ski resort has been diligently following their Roadmap Report to achieve best practices in snowmaking, interpretation, waste diversion, and community development.

STOKE Certified—the Sustainable Tourism Operator’s Kit for Evaluation—is the world’s first sustainability certification body with standards built specifically for surf and ski tourism operators. The organization was founded with a mission to assist resorts in developing systematic approaches to sustainability, environmental responsibility, customer loyalty, and staff retention.

“My love for snowboarding, and passion for protecting mountain playgrounds was born from my first turns above Lake Tahoe at Diamond Peak,” said STOKE Certified Co-Founder Carl Kish. “Ultimately, it’s what inspired me to create STOKE. This has come full circle for me and words cannot describe how grateful I am to Diamond Peak for believing in STOKE from day one and representing the program with integrity.”

During the 2017-18 ski season, Diamond Peak was evaluated against the 110 criteria in the STOKE Snow standard by an independent evaluator, Pete Blanchard. The ski area achieved

an overall compliance score of 78% across all four categories of sustainability performance, making it the second STOKE Certified ski area behind Oregon’s Mt. Ashland Ski Area.



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WRITTEN STATEMENT TO BE INCLUDED IN THE WRITTEN MINUTES OF THIS FEBRUARY 12, 2020 REGULAR IVGID BOARD (“BOARD”) MEETING – AGENDA ITEM H(2) – HIRING A THIRD PARTY PROFESSIONAL TO CONDUCT AN UNBIASED UTILITY RATE STUDY

Introduction: Here the interim General Manager proposes hiring a consultant to perform three (3) studies related to our utility rates. Here I address the third study – our utility rates. And that’s the purpose of this written statement.

For the Last Ten (10) or More Years I Have Attended “So Called” Utility Rate Studies Conducted by Our Director of Public Works, Joe Pomroy: In my opinion they were all flawed because Mr. Pomroy had, and currently has, a conflict of interest. Because he is an IVGID employee, Mr. Pomroy is incentivized to promote a methodology for establishing rates that is unjust, unfair and discriminatory¹ because it favors District owned business properties to the detriment of residential properties. Instead of concentrating on this methodology, we have been told meaningless factors such as how reasonable our rates allegedly are, compared to select competitive comparables. Consider the following examples of that discrimination:

Excess Water Charges: ¶2.24 of water ordinance no. 4² provides for excess water charges. These charges are defined as “that portion of the monthly billing to pay excess costs of supplying water above baseline amounts.” Excess water charges “are calculated in two steps: Tier 1 determines the cost for all water used greater than the gallon threshold set in the current Schedule of Service Charges³ (here 20,000 gallons) multiplied by (a) capacity adjustment factor⁴ (‘CAF’). Tier 2 determines

¹ As I have argued before, when water and sewer services are delivered by a publicly owned provider, just and reasonable rates cannot favor a service class nor be greater than the actual costs the provider incurs plus a reasonable reserve for anticipated emergency and capital expenditures [see the discussion under *Springfield Gas & Electric Co. v. City of Springfield*, 292 Ill. 236, 126 N.E. 739 (1920) [affirmed at 257 U.S. 66, 42 S.Ct. 24 below]. Moreover, NRS 704.040(2) instructs that “every unjust and unreasonable charge for service of a public utility is unlawful.”

² Go to https://www.yourtahoeplace.com/uploads/pdf-ivgid/Ordinance_4_-_04102019_Resolution_1867.pdf (“the water ordinance”).

³ That schedule appears at https://www.yourtahoeplace.com/uploads/pdf-public-works/Schedule_of_Service_Charges_-_2019_Resolution_1868.pdf, and a copy is attached as Exhibit “A” to this written statement.

⁴ The capacity adjustment factor is defined at ¶12.12 of the water ordinance as “the relative flow of each water service size as compared to that of a ¾ (inch) service.” In other words, the maximum capacity of water flowing through a 1” water line is 1.67 times that of a ¾” water line. That of a 2” water line is 5.33 times that of a ¾” water line. And that of a 10” water line is 76.65 times that of a ¾” water line. A more comprehensive comparison appears at page 10 of both the water and sewer ordinances, and a copy of that page from the water ordinance is attached as Exhibit “B” to this written statement.

the cost for all water used greater than the gallon threshold set in the current Schedule of Service Charges (here 60,000 gallons) multiplied by the " CAF².

So what do excess water charges translate into real dollars and cents? Under the current rate schedule³, each 1,000 gallons of water use is charged a variable cost of \$1.55. Each 1,000 gallons of water use between 20,000-60,000 gallons in a monthly billing period is charged \$2.48 (a 60% increase). And each 1,000 gallons of water use in excess of 60,000 gallons in a monthly billing period is charged \$3.82 (a 147% increase).

Approximately 120 residential water customers are assessed excess water charges for their consumption of more than 20,000 gallons of water in a monthly billing period. The remaining approximate 8,000 water customers escape excess water charges altogether, even though they may consume more than 20,000 gallons of water in a monthly billing period, for primarily three reasons.

First, they have no landscaping or a second/vacation homeowners and for these reasons do not consume in excess of 20,000 gallons of water in a monthly billing period.

Second, Mr. Pomroy has created a "Public Service Recreation" exemption ("accounts where the primary irrigation water use is for outdoor parks and recreation accessible to the public...These include parks and recreation facilities, golf courses, snowmaking, and school playgrounds and fields") for IVGID and its favored collaborators⁵ which permits them to consume as much water as they please, oftentimes well in excess of 20,000 gallons of water in a monthly billing period, without being assessed excess water charges.

Finally, Mr. Pomroy has created the CAF which primarily applies to commercial users which is intended to allow them to consume far more than 20,000 gallons of water in a monthly billing period, and far more than they can possibly ever consume. By way of example, let's assume a commercial user receives its water through a 2" water line. Given the CAF for a 2" water line is 5.33⁴, and thus this class of customer is allotted 5.33 times 20,000 gallons of water in a monthly billing period³, excess water charges do not begin to apply until this customer consumes in excess of 106,600 gallons of water in a monthly billing period. And given the CAF for a 10" water line⁶ is 76.65⁴, and thus this class of customer is allotted 76.65 times 20,000 gallons of water in a monthly billing period³, excess water charges do not begin to apply until this customer consumes in excess of 1,533,000 gallons of water in a monthly billing period.

Given Mr. Pomroy asserts that the purpose of excess water charges is to create a financial incentive for water customers to conserve water use, here we see the justification is nothing more than lip service. Discriminatory lip service to the District's commercial venues' benefit.

Excess Water Charges Should be Applied Uniformly to ALL Customer Classes, Regardless of Their CAFs, at the Same Tier 1 and Tier 2 Rates Assessed to Residential Customers:

⁵ See ¶12.40 of the water ordinance.

⁶ For Diamond Peak snowmaking assuming the Public Service Recreation exemption⁵ did not exist.

The Water Public Service Recreation Exemption⁵ Should be Eliminated Altogether Because it Represents an Unreasonable Preference Which Primarily Benefits IVGID – the Entity Which Has Adopted It:

Water Capital Improvement Charges (“CICs”): ¶15.01 of the water ordinance provides for CIC charges. These charges are supposed to “represent...each customer’s contribution to the overall capital improvement of the total utility infrastructure for replacement and upgrade.” However the way they are calculated is grossly preferential and discriminatory in IVGID’s favor.

Similar to excess water charges, each user’s CIC is calculated by multiplying a CIC by the CAF³. Thus the commercial water customer with a 1” water line pays a monthly CIC which is 1.67 times that of a residential customer with a ¾” water line. And the water customer with a 2” water line pays a monthly CIC which is 5.33 times that of a residential customer with a ¾” water line. And the water customer with a 10” water line pays a monthly CIC which is 76.65 times that of a residential customer with a ¾” water line.

Commercial Customers’ Water CICs Should be Increased Based Upon Their Actual Water Consumption Rather Than the Diameter of Their Water Lines: What are the water infrastructure requirements commercial customers like IVGID placed on the public’s water system? How about up to “40 million gallons of water for snowmaking use (just) in a season” of 2-3 months just at Diamond Peak⁷? Or IVGID’s two Lake Tahoe golf courses, each of which “typically uses 75 million gallons per year in irrigation water?”⁷ Or “water...pumps” capable of pumping “as much as 3,000 gallons (of water)/minute”⁷ (half of IVGID’s system wide capabilities from Lake Tahoe), just for Diamond Peak snowmaking? Or “water...tanks” capable of storing “as much as “3 million gallons” of water just for Diamond Peak snowmaking?”⁷ Or a water system that can feed sixty-five percent (65%) of the “4.6 million gallons used community wide...during (just one) 24-hour period (at) Diamond Peak for its snowmaking?”⁷ Or the staff coordination necessary for your Public Works “water staff to stay...in close contact with...Diamond Peak’s snowmaking staff?”⁷ If the Board compares these and the many other undisclosed requirements staff are well aware of yet do not share with the Board and the public to those of your median residential customer, it should come to the conclusion commercial customers’ demands on the public’s water system are legion compared to those of the median residential customer. Given the median residential customer uses 1,909 gallons of water per month in the winter season, and Diamond Peak uses 40,000,000 gallons in just 2-3 months for snowmaking, why is IVGID only being assessed a maximum of 76.65 times what the residential customer is charged for water CICs⁸? ***Is this an example of “balanc(ing) costs equitably among user classes”*** staff have represented to the Board and the public⁹?

⁷ See IVGID’s December 2018 Public Works Newsletter.

⁸ 40,000,000 gallons of water consumed over a 3 month period averages roughly 13,333,333 million gallons/month. Given the median residential water customer consumes 1,909 gallons of water/month during the same time of the year, ***Diamond Peak’s demands are nearly 7,000 times more than those of the median residential water customer.***

A New Water Customer Class (IVGID Recreational Venues) Should be Created Which More Fairly Apportions the Public's Costs to This Class of Users: Currently, the District only has two classes of customers; residential, and commercial. Because IVGID's commercial businesses create so much more demand on the public's water system, a new customer class should be created which more fairly apportions these business' water demands.

Defensible Space Charges: reimburse the District for the yearly cost it incurs with the North Lake Tahoe Fire Protection District ("NLTFPD") to create and maintain a protective "halo" in the forests surrounding Incline Village/Crystal Bay to protect these communities from a catastrophic fire such as the 2007 Angora Fire which devastated South Lake Tahoe. As such, they have nothing to do with a cost IVGID incurs to make water available to its water customers.

Moreover, IVGID has no power to levy fees to "eliminate fire hazards existing within the District," nor to "clear public highways and private lands of dry grass, stubble, bushes, rubbish and other inflammable material which in its judgment constitute a fire hazard" [see NRS 318.1181(2)(3)]. Only general improvement "districts created wholly or in part for the purpose of furnishing fire protection" are the only ones that can exercise these powers¹⁰.

Finally, local property owners are already paying the NLTFPD *ad valorem* taxes so it can provide defensible space services (check your tax bill). Why then require IVGID's water customers to pay the NLTFPD a second time under the label "defensible space?"

Notwithstanding all of the above, the water ordinance³ charges each user a monthly defensible space charge.

⁹ See page 29 of the packet of materials prepared by staff in anticipation of the Board's January 23, 2019 meeting ["the 1/23/2019 Board packet" (https://www.yourtahoeplace.com/uploads/pdf-ivgid/BOT_Packet_Regular_1-23-19.pdf)].

¹⁰ See NRS 318.116(17). Moreover, recall my discussion of *Dillon's Rule* in my written statement concerning Protect Our Winters ("POW") which is submitted contemporaneously herewith: "a municipal corporation possesses and can exercise...those...powers...granted in *express words* those necessarily or fairly implied in or incident to the powers expressly granted (and)...those *essential* to the accomplishment of the declared objects and purposes of the corporation - not simply convenient, *but indispensable*...Any fair, reasonable, substantial doubt concerning the existence of power is resolved by the courts *against* the corporation" [*Ronnow v. City of Las Vegas*, 57 Nev. 332, 343, 65 P.2d 133 (1937)]. Because IVGID has never been granted the basic power to "furnish...facilities for protection from fire, as provided in NRS 318.1181" or otherwise; and, GIDs can only assume those powers expressly granted by their County Board of Commissioners in their initiating [NRS 318.055(4)(b)] and supplemental [NRS 318.077] ordinance(s), *and no others* [A.G.O. 63-61, p.103 (August 12, 1963)]; IVGID has no power to provide defensible space services, let alone involuntarily. And if there be any fair, reasonable, substantial doubt concerning the existence of this power, it is to be resolved *against* IVGID.

Defensible Space Charges Should be Removed From Customers' Water Bills Altogether Inasmuch as They Have Zero to Do With the Cost IVGID Incurs to Provide Water Services to its Customers: Publicly owned utilities can only charge the public rates which are just, reasonable and neither preferential, "discriminat(ory nor)...exorbitant." In other words, rates which are "simply high enough to produce revenue sufficient to bear all costs of maintenance...operation...interest charges on bonds and...accumulation of a surplus...sufficient to (service) all outstanding bonds" [*Springfield Gas & Electric*¹¹, *supra*, at 126 N.E. 744 (1920)]. Since defensible space is not a legitimate cost associated with delivering water, it cannot be involuntarily charged to IVGID's water customers.

Water Administrative Charges: ¶2.02 of the water ordinance provides for an administrative charge "for administrative and customer service costs." Notwithstanding these same services are provided to all approximate 8,900 residential water users, administrative charges are only billed to each water account. Because most condominium and PUD water accounts service dozens if not hundreds of residential dwelling units, it turns out in excess of 4,500 dwelling units are not being charged water administrative and customer service costs. And they must.

Just Like Defensible Space Costs, Each Dwelling Unit Should be Charged Water Administrative Charges: The fact they are not is another reason why the schedule of water charges is unjust, unreasonable, inequitable and should be changed.

Variable Sewer Fees: ¶2.45 of the sewer ordinance¹² no. 2 provides "that (a) portion of the monthly billing...pays for the variable costs of (sewer) service (and that it)...is calculated based on water use." In other words, rather than the volume of effluent the District's sewer customers discharge into the public's sewer system, sewer charges are based upon the amount of water consumed¹³.

For This Reason Variable Sewer Charges Should be Eliminated Altogether Because IVGID Has No Means of Measuring Any Sewer Customer's Discharge Into the Public's Sewer System:

Sewer Capital Improvement Charges ("CICs"): ¶2.02 of the sewer ordinance provides for CIC charges. These charges are alleged to "pay for capital costs of service." And like water CICs, "commercial customers (are charged a fixed)...rate multiplied by the appropriate CAF for their Service Size."

Commercial Customers' Sewer CICs Should be Increased Based Upon Their Actual Effluent Discharges Into the Public's Sewer System, Rather Than the Diameter of Their Water Lines:

¹¹ Cited with approval by the Nevada Attorney General at A.G.O. 53-231 (February 9, 1953).

¹² Go to https://www.yourtahoeplace.com/uploads/pdf-ivgid/Ordinance_2_-_04102019_Resolution_1866.pdf ("the sewer ordinance").

¹³ The schedule of current sewer charges appears at https://www.yourtahoeplace.com/uploads/pdf-public-works/Schedule_of_Service_Charges_-_2019_Resolution_1868.pdf, and a copy is attached as Exhibit "C" to this written statement.

Sewer Administrative Charges: ¶2.02 of the sewer ordinance provides for an administrative charge “for administrative and customer service costs.” Notwithstanding these same services are provided to all sewer users, administrative charges are only billed to each water account. Because most condominium and PUD sewer accounts service dozens if not hundreds of residential dwelling units, it turns out in excess of 4,500 dwelling units are not being charged sewer administrative and customer service costs. And they must.

Just Like Defensible Space Costs, Each Dwelling Unit Should be Charged Sewer Administrative Charges: The fact they are not is another reason why the schedule of sewer charges is unjust, unreasonable, inequitable and should be changed.

Another New Customer Class (Treated Wastewater Users) Needs to be Created Which More Fairly Apportions the Public’s Costs to This Class of Users: Last year I learned that the District was providing treated sewer wastewater to at least two commercial customers in Douglas County. Yet Mr. Pomroy has never mentioned this fact in any of the utility rate studies I have attended over the last ten (10) or more years. Since this is a unique class of customer, a new customer class needs to be created and rates adopted which more closely align to the costs IVGID incurs to make this wastewater available to these customers.

The 225 or More Unimproved Lots Within IVGID’s Boundaries Are Not Charged “Standby Service Charges:” According to staff there are approximately 225 vacant lots in Incline Village and Crystal Bay which do not receive water or sewer services. Even though IVGID has incurred public moneys to construct water and sewer systems which are *available* for these 225 vacant lots to physically connect to and begin receiving water and sewer services, when they choose to do so, the current water and sewer rates do not charge the owners of these parcels “standby service charges.” I find this practice to be excessively disingenuous given IVGID’s Recreation (“the RFF”) and Beach (“the BFF”) Facility Fees represent the same type of “standby service charge” for the same *availability* to use the public’s recreational facilities that would extend to the public’s water and sewer systems. This is another reason why current water and sewer rates are unjust, unreasonable and inequitable.

Backflow Prevention Device Inspection/Testing¹⁴ Fees Should be Reduced to the District’s Actual Costs Rather Than the Profit Center it is Currently Administered as: Under the District’s current schedule of charges, a \$65 charge is assessed for the inspection of each backflow prevention device¹⁵. Moreover, putting aside the fact that the current fees exceed the District’s actual costs, where a customer has multiple devices installed on its property, it is assessed multiple inspection/testing fees.

Conclusion: The law mandates that IVGID’s water and sewer charges be just and reasonable. But they are not because Mr. Pomroy has adopted a methodology which favors IVGID’s commercial

¹⁴ Which is mandatory under ¶16.03(D) of the water ordinance.

¹⁵ The schedule of charges which evidences this charge³ is attached as Exhibit “D” to this written statement.

businesses to the detriment of local residential customer. A third party professional is required who can scrutinize the current methodology and recommend modifications which more fairly allocate the costs to operate and maintain the public's water and sewer systems to those who place the greatest demands upon those systems. Only by making the structural changes suggested, can the Board make its water/sewer rates just, fair, non-discriminatory and non-preferential. A third party professional without the conflict of interest Mr. Pomroy exhibits is necessary to accomplish this endeavor. This is more important than staff's "sky is falling warning" that "by holding...utility rates to the current amounts this **will have** operating, capital budget and Utility Fund Reserve impacts."¹⁶

And if you're an IVGID utility customer asking yourself why your utility rates have been increasing at such an alarming rate, I've just provided more evidence; the methodology for rate making under Mr. Pomroy, is systematically flawed.

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

¹⁶ See page 31 of the packet of materials prepared by staff in anticipation of this meeting ["the 2/12/2020 Board packet" (https://www.yourtahoeplace.com/uploads/pdf-ivgid/BOT_Packet_Regular_2-12-2020.pdf)].

EXHIBIT "A"



WATER - SCHEDULE OF SERVICE CHARGES

As Adopted on 4/10/19, Resolution No. 1868

Residential & 3/4" Service Rates (CAF = 1)	
Water Base x CAF x Users	\$11.97
Water Capital Improv x CAF x Users	\$15.10
Water Admin Fee per Account	\$3.97
Defensible Space x Users	\$1.05
3/4" Base Monthly Invoice	\$32.09
Water Use	\$1.55/1000 gallons
Water Tier 1 - Use above 20,000 gal	\$0.93/1000 gallons
Water Tier 2 - Use above 60,000 gal	\$1.34/1000 gallons
3/4" Water Connection	\$1,610
3/4" Water Retroactive Capital Improv	\$1,840

1.5" Service Rates (CAF = 3.33)	
Water Base x CAF x Users	\$39.86
Water Capital Improv x CAF x Users	\$50.28
Water Admin Fee per Account	\$3.97
Defensible Space x Users	\$1.05
1.5" Base Monthly Invoice	\$95.16
Water Use	\$1.55/1000 gallons
Water Tier 1 - Use above 66,600 gal	\$0.93/1000 gallons
Water Tier 2 - Use above 199,800 gal	\$1.34/1000 gallons
1.5" Water Connection	\$5,350
1.5" Water Retroactive Capital Improv	\$6,120

3" Service Rates (CAF = 10)	
Water Base x CAF x Users	\$119.70
Water Capital Improv x CAF x Users	\$151.00
Water Admin Fee per Account	\$3.97
Defensible Space x Users	\$1.05
3" Base Monthly Invoice	\$275.72
Water Use	\$1.55/1000 gallons
Water Tier 1 - Use above 200,000 gal	\$0.93/1000 gallons
Water Tier 2 - Use above 600,000 gal	\$1.34/1000 gallons
3" Water Connection	\$16,070
3" Water Retroactive Capital Improv	\$18,380

6" Service Rates (CAF = 33.33)	
Water Base x CAF x Users	\$398.96
Water Capital Improv x CAF x Users	\$503.28
Water Admin Fee per Account	\$3.97
Defensible Space x Users	\$1.05
6" Base Monthly Invoice	\$907.26
Water Use	\$1.55/1000 gallons
Water Tier 1 - Use above 666,600 gal	\$0.93/1000 gallons
Water Tier 2 - Use above 1,999,800 gal	\$1.34/1000 gallons
6" Water Connection	\$53,540
6" Water Retroactive Capital Improv	\$61,240

10" Service Rates (CAF = 76.65)	
Water Base x CAF x Users	\$917.50
Water Capital Improv x CAF x Users	\$1,157.42
Water Admin Fee per Account	\$3.97
Defensible Space x Users	\$1.05
10" Base Monthly Invoice	\$2,079.94
Water Use	\$1.55/1000 gallons
Water Tier 1 - Use above 1,533,000 gal	\$0.93/1000 gallons
Water Tier 2 - Use above 4,599,000 gal	\$1.34/1000 gallons
10" Water Connection	\$123,140
10" Water Retroactive Capital Improv	\$140,840

1" Service Rates (CAF = 1.67)	
Water Base x CAF x Users	\$19.99
Water Capital Improv x CAF x Users	\$25.22
Water Admin Fee per Account	\$3.97
Defensible Space x Users	\$1.05
1" Base Monthly Invoice	\$50.23
Water Use	\$1.55/1000 gallons
Water Tier 1 - Use above 33,400 gal	\$0.93/1000 gallons
Water Tier 2 - Use above 100,200 gal	\$1.34/1000 gallons
1" Water Connection	\$2,680
1" Water Retroactive Capital Improv	\$3,070

2" Service Rates (CAF = 5.33)	
Water Base x CAF x Users	\$63.80
Water Capital Improv x CAF x Users	\$80.48
Water Admin Fee per Account	\$3.97
Defensible Space x Users	\$1.05
2" Base Monthly Invoice	\$149.30
Water Use	\$1.55/1000 gallons
Water Tier 1 - Use above 106,600 gal	\$0.93/1000 gallons
Water Tier 2 - Use above 319,800 gal	\$1.34/1000 gallons
2" Water Connection	\$8,560
2" Water Retroactive Capital Improv	\$9,790

4" Service Rates (CAF = 16.67)	
Water Base x CAF x Users	\$199.54
Water Capital Improv x CAF x Users	\$251.72
Water Admin Fee per Account	\$3.97
Defensible Space x Users	\$1.05
4" Base Monthly Invoice	\$456.28
Water Use	\$1.55/1000 gallons
Water Tier 1 - Use above 333,400 gal	\$0.93/1000 gallons
Water Tier 2 - Use above 1,000,200 gal	\$1.34/1000 gallons
4" Water Connection	\$26,780
4" Water Retroactive Capital Improv	\$30,630

8" Service Rates (CAF = 53.33)	
Water Base x CAF x Users	\$638.36
Water Capital Improv x CAF x Users	\$805.28
Water Admin Fee per Account	\$3.97
Defensible Space x Users	\$1.05
8" Base Monthly Invoice	\$1,448.66
Water Use	\$1.55/1000 gallons
Water Tier 1 - Use above 1,066,600 gal	\$0.93/1000 gallons
Water Tier 2 - Use above 3,199,800 gal	\$1.34/1000 gallons
8" Water Connection	\$85,670
8" Water Retroactive Capital Improv	\$97,990

EXHIBIT "B"



<u>Water Service Size</u>	<u>Capacity Adjustment Factor (CAF)</u>
1"	1.67
1.5"	3.33
2"	5.33
3"	10.00
4"	16.67
6"	33.33
8"	53.33
10"	76.65

2.13 Capital Improvement Charge

That portion of the monthly billing to pay for capital costs of service. For billing purposes, commercial customers will be billed this rate multiplied by the appropriate capacity adjustment factor for their service size.

2.14 Contractor

An individual, firm, corporation, partnership or association duly licensed by the State of Nevada to perform the type of work to be done under the permit.

2.15 County

The County of Washoe, Nevada.

2.16 Cross-Connection

Any unprotected actual or potential connection or structural arrangement between a public or a consumers potable water system and any other source or system through which it is possible to introduce into any part of the potable water system any used water, industrial fluids, gas, or substance other than the intended potable water with which the system is supplied. Bypass arrangements, jumper connections, removable sections, swivel or change over devices and other temporary or permanent devices through which or because of which backflow can occur are considered to be "cross connections."

2.17 Customer

The person in whose name service is rendered, as evidenced by the signature on the application or contract for that service, or in the absence of a signed instrument, by the receipt and payment of bills regularly issued in his name regardless of the identity of the actual user of the service. In the case of single family or individually metered multiple family residences, the customer shall be the owner of the property served, but the billing for service may be sent to the owner in care of his agent with signed authorization from the owner.

2.18 Customer Service Line

All piping between the house piping and the service connections.

2.19 Customer Service Valve

The control valve downstream of the meter and meter box on the owner's property side of the service assembly.

EXHIBIT "C"



SEWER - SCHEDULE OF SERVICE CHARGES

As Adopted on 4/10/19, Resolution No. 1868

Residential & 3/4" Service Rates (CAF = 1)	
Sewer Base x CAF x Users	\$19.54
Sewer Capital Improv x CAF x Users	\$31.45
Sewer Admin Fee per Account	\$3.97
3/4" Base Monthly Invoice	\$54.96
Sewer Use*	\$3.20/1000 gallons
3/4" Sewer Connection**	\$3,230
3/4" Sewer Retroactive Capital Improv**	\$1,940

1" Service Rates (CAF = 1.67)	
Sewer Base x CAF x Users	\$32.63
Sewer Capital Improv x CAF x Users	\$52.52
Sewer Admin Fee per Account	\$3.97
1" Base Monthly Invoice	\$89.12
Sewer Use*	\$3.20/1000 gallons
1" Sewer Connection**	\$5,400
1" Sewer Retroactive Capital Improv**	\$3,240

1.5" Service Rates (CAF = 3.33)	
Sewer Base x CAF x Users	\$65.07
Sewer Capital Improv x CAF x Users	\$104.73
Sewer Admin Fee per Account	\$3.97
1.5" Base Monthly Invoice	\$173.77
Sewer Use*	\$3.20/1000 gallons
1.5" Sewer Connection**	\$10,770
1.5" Sewer Retroactive Capital Improv**	\$6,470

2" Service Rates (CAF = 5.33)	
Sewer Base x CAF x Users	\$104.15
Sewer Capital Improv x CAF x Users	\$167.63
Sewer Admin Fee per Account	\$3.97
2" Base Monthly Invoice	\$275.75
Sewer Use*	\$3.20/1000 gallons
2" Sewer Connection**	\$17,240
2" Sewer Retroactive Capital Improv**	\$10,350

3" Service Rates (CAF = 10)	
Sewer Base x CAF x Users	\$195.40
Sewer Capital Improv x CAF x Users	\$314.50
Sewer Admin Fee per Account	\$3.97
3" Base Monthly Invoice	\$513.87
Sewer Use*	\$3.20/1000 gallons
3" Sewer Connection**	\$32,340
3" Sewer Retroactive Capital Improv**	\$19,430

4" Service Rates (CAF = 16.67)	
Sewer Base x CAF x Users	\$325.73
Sewer Capital Improv x CAF x Users	\$524.27
Sewer Admin Fee per Account	\$3.97
4" Base Monthly Invoice	\$853.97
Sewer Use*	\$3.20/1000 gallons
4" Sewer Connection**	\$53,910
4" Sewer Retroactive Capital Improv**	\$32,380

6" Service Rates (CAF = 33.33)	
Sewer Base x CAF x Users	\$651.27
Sewer Capital Improv x CAF x Users	\$1,048.23
Sewer Admin Fee per Account	\$3.97
6" Base Monthly Invoice	\$1,703.47
Sewer Use*	\$3.20/1000 gallons
6" Sewer Connection**	\$107,790
6" Sewer Retroactive Capital Improv**	\$64,740

8" Service Rates (CAF = 53.33)	
Sewer Base x CAF x Users	\$1,042.07
Sewer Capital Improv x CAF x Users	\$1,677.23
Sewer Admin Fee per Account	\$3.97
8" Base Monthly Invoice	\$2,723.27
Sewer Use*	\$3.20/1000 gallons
8" Sewer Connection**	\$172,470
8" Sewer Retroactive Capital Improv**	\$103,590

10" Service Rates (CAF = 76.65)	
Sewer Base x CAF x Users	\$1,497.74
Sewer Capital Improv x CAF x Users	\$2,410.64
Sewer Admin Fee per Account	\$3.97
10" Base Monthly Invoice	\$3,912.35
Sewer Use*	\$3.20/1000 gallons
10" Sewer Connection**	\$247,890
10" Sewer Retroactive Capital Improv**	\$148,890

* **Residential Variable Sewer Costs:** Variable sewer costs for residential customers are based on monthly water use as follows: During the non-irrigation months (December through April), the variable sewer cost is calculated using the metered water use value. During irrigation billing months (May through November), the variable sewer cost shall be the lesser of the metered water use value or the non-irrigation months' average metered water use. The non-irrigation months' average shall not be set at a value less than 3,000 gallons.

** Sewer Connection and Sewer Retroactive Capital Improvement Charges are based on water service size for billing purposes.

EXHIBIT "D"



FEE SCHEDULE

As Adopted on 4/10/19, Resolution No. 1868

Fee Schedule	
Sewage Drop-off at Treatment Plant	\$75/per 1,000 gal
Backflow Inspections - up to 1 hr labor	\$65/per device
	Repairs at cost
Plan Check Fees	\$90/hour
Inspection Fees	\$90/hour
Upgraded Meter, Register or Transponder	Billed at cost
Service Calls - 1/2 hour minimum with equipment billed at cost	\$40/per half hour
Tampering with Equipment	\$100 minimum
	Repairs at cost
Water Waste Penalty	\$100
Hydrant Meter Rental Charges	\$1,000/deposit
	\$40/month
1.5" Meter Rental Charges	\$100/deposit
	\$20/month
3/4" Meter Rental Charges	\$100/deposit
	\$15/month
Bulk Water for Construction	\$1.55/per 1,000 gal
Violation of air-gap on truck fill-up	\$500
Returned Check Fee	\$25
Posting Service Charge	\$20
Mainline Tapping, if performed by IVGID	Cost plus 15%

WRITTEN STATEMENT TO BE INCLUDED IN THE WRITTEN MINUTES OF THIS FEBRUARY 12, 2020 REGULAR IVGID BOARD (“BOARD”) MEETING – AGENDA ITEM H(3) – PROPOSED REVISIONS TO ORDINANCE 7

Introduction: Here staff propose what I view as meaningless “administrative” revisions¹ to Ordinance 7 as a prelude to public hearing and adoption of March 25, 2020². My objection is that staff continues to ignore the number one problem with Ordinance 7; the failure to propose a guest policy which currently allows so many people to access and use our beaches that have no business being on our beaches because they are not legitimate “guests” of owners. Until we address the true root of the problem, bandaid fixes like the one presented by staff accomplish little. And that’s the purpose of this written statement.

The Duty to Adopt a “Guest” Policy: Let’s go back to the beach deed itself³. At page 1, line 28 through page 2, line 6, the beach deed expressly declares that:

The beaches “shall be held, maintained and used by (IVGID)...for the purposes of recreation by, and for the benefit of, property owners...their tenants...and, as the Board of Trustees...may determine...the guests of such property owners.”

Although the Board has never adopted a formal guest policy, as the reader will see, staff has.

When the Developer of Incline Village First Began Selling Lots With Access to and Use of the Beaches, it Mandated That Beach Guests Must be Accompanied by Property Owners: On May 15, 1964 one the principals of Crystal Bay Development Co., sent a letter to owners of property within Incline Village wherein he described the following beach regulation which had been adopted⁴:

“Since (Incline Village property owners)...are providing the financial wherewithal, it is only proper that the use of (beach) facilities be limited to (these individuals). In accordance, the following regulations have been adopted: 1. No person may use any of the facilities of the community beaches in Incline Village *unless personally accompanied by a” property owner with beach access.*

¹ Proof residency, terms of a picture pass, and the assessment of miscellaneous fees.

² See page 32 of the packet of materials prepared by staff in anticipation of this meeting [“the 2/12/2020 Board packet” (https://www.yourtahoeplace.com/uploads/pdf-ivgid/BOT_Packet_Regular_2-12-2020.pdf)].

³ Go to https://www.yourtahoeplace.com/uploads/pdf-ivgid/Beach_Deed.pdf.

⁴ See page 324 of the packet of materials prepared by staff in anticipation of the Board’s May 1, 2019 meeting [“the 5/1/2019 Board packet” (https://www.yourtahoeplace.com/uploads/pdf-ivgid/5-1-19_Item_J.1._-Approval_of_Minutes_-_March_28__2019.pdf)].

Moreover, I have heard longtime residents testify before the Board to the fact that up until approximately twenty (20) years ago, this policy continued to be the case. So I don't understand why this policy ever changed.

But Today Ordinance 7 Provides That *Anyone* With a Picture Pass or Punch Card May Secure Beach Access and Use, Whether or Not Accompanied by a Property/Dwelling Unit Owner With Beach Access: ¶25 of Ordinance 7 defines "recreation privileges...afforded to (picture) pass holders or (punch) card holders, including the privilege to provide admission (to the beaches) for guests."⁵ ¶46(a) of Ordinance 7⁶ defines the recreational privileges available to the holder of a picture pass: "free admission to all District-owned beaches." ¶54(a) of Ordinance 7⁷ defines the recreational privileges available to the holder of a punch card: "the difference between the resident...and...guest rate(s) for daily beach access...boat and jet ski launching." Given ¶22 of Ordinance 7 makes punch cards fully *transferable*, essentially everyone with a punch card can secure access to the beaches.

And Today Ordinance 7 Provides That *Anyone* With a Daily Beach Pass, Which is Sold by the District, is "Allow(ed) Entry Onto...District-Owned Beaches," Whether or Not Accompanied by a Property/Dwelling Unit Owner With Beach Access: ¶8 of Ordinance 7 so defines "beach passes." Those passes are available to anyone with a beach authorization form "to obtain a guest access ticket."⁸ The form grants "guest access" to the beaches, and can be given by owners of local properties with beach access, or their authorized agents. The form need not be presented in person, nor must the owner or authorized agent of a property/dwelling unit with beach access actually accompany the holder of such authorization form. In other words, anyone with the form, including his/her guests, can secure access to the beaches.

And Today Ordinance 7 Sets No Limit on the Number of Guests a Property/Dwelling Unit Owner Can Assign Beach Access: Since daily beach passes are beach "guest access tickets," and they are provided for in Ordinance 7, in essence Ordinance 7 encompasses a beach guest policy. But nowhere is there a limit as to the number of guest passes which can be purchased using the beach authorization form. In fact I recall one incident where Susan Herron and her husband brought 100 or more "guests" on to the beaches for an event.

⁵ See page 40 of the 2/12/2020 Board packet.

⁶ See page 44 of the 2/12/2020 Board packet.

⁷ See page 45 of the 2/12/2020 Board packet.

⁸ See https://www.yourtahoeplace.com/uploads/pdf-ivgid/Auth_Obtain_Guest_Access_Ticket_FILL-IN_5-16-2019.pdf. A copy of this form is attached as Exhibit "A" to this written statement.

Today Ordinance 7 Provides That Any Property/Dwelling Unit Owner With Beach Access May Purchase as Many Additional Picture Passes and/or Punch Cards of His/Her/its Choosing: This is what ¶169 of Ordinance 7⁹ provides.

Today Ordinance 7 Provides That Anyone IVGID Chooses to Allow on the Beach May Secure Beach Access and Use, Whether or Not Accompanied by a Property/Dwelling Unit Owner With Beach Access: Notwithstanding the beach deed instructs that IVGID is the beach steward and fiduciary for the benefit of local property owners with beach access, ¶168 of Ordinance 7⁹ provides that the District may issue beach privileges “to employees, former Board members, or anyone else (of its choosing)...past, present or future.” In the name of facility financial gain, this is something IVGID staff regularly do to local property/dwelling unit owners’ detriment.

The Primary Cause of Beach Overcrowding is Staff’s Lackadaisical “Guest” Policy: In our heart of hearts, we all know this to be the case. If legitimate guests of property/dwelling unit owners were required to be accompanied by an owner, I predict that half or more of those currently on the beaches would immediately be eliminated, as would beach overcrowding.

Staff Needs to Stop Accepting the Remaining Value of Punch Cards to Buy Down the Cost of Mountain Golf Course and Tennis Center Season Passes to Rates Lower Than the Resident Rate Unless Ordinance 7 is Modified Accordingly: This is a problem I have raised ever since staff began allowing the buy down of Mountain Golf Course and Tennis Center season passes to potentially zero. ¶122 of Ordinance 7 states that punch cards “can be used to pay the difference between the resident rate and the retail or nonresident rate for access to various District recreation facilities.”⁵ *Nowhere* does it state that the rate can be reduced to *lower* than the resident rate by using one or more punch cards. Unless ¶122 is modified, staff’s acceptance of punch cards to reduce the season pass rate at the Mountain Golf Course and the Tennis Center to less than the resident rate **violates Ordinance 7 and must stop!**

Conclusion: Until Ordinance 7 is modified to **DELETE ¶¶168-69** and to **create a guest policy which mandates that no alleged guest of a property/dwelling unit owner with beach access can secure beach access unless he/she/they is/are personally accompanied by the owner**, we’re wasting our time and money proposing administrative modifications. Anything short of this avoids the seminal causes of beach overcrowding, and staff knows this.

So now that you know the truth about beach overcrowding and Ordinance 7, is it any wonder why the Beach Facility Fee (“BFF”) **is as High as it is** (to fund guest amenities such as food and alcoholic beverage consumption), and many residents will no longer go to the beaches, especially during weekends and holidays?

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

⁹ See page 49 of the 2/12/2020 Board packet.

EXHIBIT "A"

**2019
Season**

AUTHORIZATION TO OBTAIN A GUEST ACCESS TICKET FOR IVGID BEACH & BOAT LAUNCH USE



This Authorization CANNOT be presented at Beach Gates for Entry
This Authorization form MUST be exchanged for a Guest Access Ticket
at the Parks & Recreation Department

Owner or Authorized Agent, Please Complete This Section:

Guest Name: _____

Number of Guests in Party: _____

Number of Tickets Requested: _____ Agent ID: _____

Property Owner Name: _____

Parcel # /APN: _____

Physical Address of Property: _____

Terms of Occupancy (max 14 days per ticket) From: _____ To: _____

Present this form at the Parks & Recreation Department to obtain a Guest Access Ticket, valid for the dates of stay.

I Authorize I am the Owner or Authorized Agent for this property.

Authorizing Owner/Agent Name: _____

Office Use Only – Phone Auth: Initial _____ Date _____

**Present this form at the Parks & Recreation Department Counter
to receive a Guest Access Ticket.**

**Print & Fax this form to Parks & Recreation, Fax: 775-832-1380 or
Save this form to your computer and send as an attachment to parksandrec@ivgid.org**

2019 DAILY BEACH RATES

Rates subject to change

Fees will apply at all beach gates with a Valid Guest Access Ticket

Adult: \$12 (\$15 June 29-Aug 11)

Youth (6-17 yrs): \$5

Single Boat Launch: \$18

HOLIDAY PRICING:

Daily Beach Admission Rates between July 1-4, 2019

Adult: \$15

Youth (6-17 yrs): \$6

Single Boat Launch: \$21

Please note there are no refunds for daily beach tickets

Incline Village Parks & Recreation Department, 980 Incline Way, Incline Village, NV 89451
Ph: 775-832-1310, Fax: 775-832-1380, parksandrec@ivgid.org,
www.inclinerecreation.com

2-12-20 IVGID BOT Meeting Public Comments

By Linda Newman – To be included with the Meeting Minutes

As we begin, what I hope to be a new era of honesty and good judgment, ethical conduct, transparency, professionalism and accountability that will benefit everyone who lives, works, recreates and invests in our community, I request that this Board and our General Manager rapidly engage the independent consultants we need to accelerate the immediate improvements to our Utility Infrastructure, our Accounting and Reporting Processes and Controls, our Information Technology and our deficits in senior staffing. In order to support the efforts of our Board, our General Manager and our Staff please also use the vast pool of citizens voluntarily and generously offering their time, talents, resources and expertise to improve our governance and our community. If we can share the same values, we can all work respectfully together to achieve them.

Please begin by removing the Strategic Plan from tonight's agenda and schedule it for a workshop. A **strategic plan** serves as a community's roadmap and is used to prioritize initiatives, resources, **goals**, and department operations and projects. Our Board and our citizens should ALL provide input to ensure we all agree on the priorities and we will work collaboratively to achieve its success.

I did take note of inaccuracies in the wording of Agenda Item H2 and appreciate Mr. Winquest and Chair Callicrate's immediate response to my concerns.

Overall, I greatly appreciate our new Board Chair's approach to conducting our public meetings and welcoming our citizens' participation. I also compliment the Trustees that have demonstrated their due diligence to master the issues as well as their timely responsiveness to our community's questions and concerns. Interim GM Winquest has shown his commitment to cleaning up the mess left by his predecessor and is demonstrating his determination to make corrections and build a solid foundation for our future.

I recognize the complexity of governing and operating our District and the important decisions that must be made in the coming months. If this is a new era of open communication with complete and accurate information, a professional Board and management leadership team willing to go the distance –we will succeed together in improving our financial sustainability, operational performance, vital infrastructure and recreational venues. We will also improve and unify our community.

Endorse at:

energyinnovationact.org/endorse

Energy Innovation AND Carbon Dividend Act

THE BIPARTISAN CLIMATE SOLUTION

H.R. 763

The Energy Innovation and Carbon Dividend Act will drive down America's carbon pollution and bring climate change under control, while unleashing American technology innovation and ingenuity. It's:



Effective

This policy will reduce America's emissions by at least 40% in the first 12 years. It's supported by economists and scientists as simple, comprehensive, and effective.



Good for people

This policy will improve health and save lives by reducing pollution that Americans breathe. Additionally, the carbon dividend puts money directly into people's pockets every month to spend as they see fit, helping low and middle income Americans.



Good for the economy

Will create 2.1 million new jobs, thanks to economic growth in local communities across America.



Bipartisan

Republicans and Democrats are both on board, cosponsoring this bill together. The majority of Americans support Congress taking action on climate change, including more than half of Republicans. Solving climate change is too urgent to get caught up in partisan politics.



Revenue Neutral

The fees collected on carbon emissions will be allocated to all Americans to spend any way they choose. The government will not keep any of the fees collected, so the size of the government will not grow.

Sources for statistics available at: energyinnovationact.org/data-sources

How it Works

1

Carbon Fee

This policy puts a fee on fossil fuels like coal, oil, and gas. It starts low, and grows over time.

2

Carbon Dividend

The money collected from the carbon fee is allocated in equal shares every month to the American people to spend as they see fit.

3

Border Carbon Adjustment

To protect U.S. manufacturers and jobs, imported goods will pay a border carbon adjustment, and goods exported from the United States will receive a refund under this policy.

4

Regulatory Adjustment

This policy preserves effective current regulations, like auto mileage standards, but pauses the EPA authority to regulate the CO₂ and equivalent emissions covered by the fee, for the first 10 years after the policy is enacted. If emission targets are not being met after 10 years, Congress gives clear direction to the EPA to regulate those emissions to meet those targets. The pause does not impact EPA regulations related to water quality, air quality, health or other issues. This policy's price on pollution will lower carbon emissions far more than existing and pending EPA regulations.

See Sponsors List & Learn More

Go to energyinnovationact.org to learn more about the Energy Innovation & Carbon Dividend Act.

Support the Bill

Go to cciusa.org/energy-innovation-act to contact your Congressional Representative

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~ Further Action ~

What can my company do in addition to endorsing the Energy Innovation and Carbon Dividend Act? We're glad you asked! We have some suggestions for you on how you can advocate for action on climate change:

- Write a letter to the editor or an OpEd in your local paper or in a ski/snowboard industry magazine or trade rag. We would be happy to help with drafting something for you to get you started.
- Bring up climate action in meetings with Congress. You could write to or call your member of congress or even better, visit them in person.
- Join your local Citizens' Climate Lobby chapter when they visit your member of congress either in Washington D.C. or at your congressperson's field office.
- Join with Ceres in calling for putting a price on carbon, and visit Washington with Ceres.
- Highlight your climate advocacy on your webpage, and encourage your clients to get involved. There are many more skiers and snowboarders than there are ski resorts, so encouraging your clients to make their voices heard is incredibly powerful.

If you have endorsed the Energy Innovation and Carbon Dividend Act, we would love for you to be more specific in your advocacy. In either case, thank you for all that you do to advocate for the climate!

Bill Barron and Matt Tucker
Citizens' Climate Lobby - Outdoor Industry Action Team

Energy Innovation AND Carbon Dividend Act

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Outdoor Industry Endorsements

National/International Organizations:

Polar Bears International*
Protect Our Winters*
Winter Wildlands Alliance*
Conservatives for Responsible Stewardship*
Shane McConkey Foundation*

Ski Associations:

National Ski Areas Association
Colorado Ski Country USA
Pacific Northwest Ski Areas Association
Ski New Mexico
Ski Utah
Ski California
Montana Ski Area Association

Ski Resorts:

Alterra Mountain Company (CA,CO,UT,VT,MI)
Boreal (CA)
Homewood Mountain Resort (CA)
Soda Springs (CA)
Squaw Valley/Alpine Meadows (CA)
Arapahoe Basin (CO)
Aspen Highlands (CO)
Aspen Mountain (CO)
Buttermilk (CO)
Snowmass (CO)
Telluride (CO)
Schweitzer (ID)
Crystal Mountain (MI)
Bridger Bowl Ski Area (MT)*
Taos Ski Valley (NM)
Mount Hood Meadows (OR)
Mount Hood Ski Bowl (OR)
Summit Ski Area (OR)
Timberline Lodge (OR)
Cooper Spur Mountain (OR)

Solitude Mountain (UT)
Sugarbush Resort (VT)

Outdoor Businesses

Precision Boatworks (AK)
Alaska Longline Fishermen's Association (AK)*
Alaskan Sailing Expeditions LLC (AK)
Wildland Trekking Co LLC (AZ)
California Fly Fisher Magazine (CA)
EcoRing (CA)*
Pacos Bike and Ski (CA)
Alpenglow Sports (CA)
The Backcountry (CA)
Jones Snowboards (CA)
Tahoe Waterman (CA)
Stoke Certified (CA)
Woodward at Tahoe (CA)
BikePartners: Folding Bike Shop (CA)
Yampa Valley Outdoor Products (CO)
Boulder Nordic Sport (CO)
22 Designs (ID)
Bivouac (MI)
Montana Angler Fly Fishing Inc (MT)
Bicycle Sport Shop (TX)
Discrete Clothing (UT)
Utah Mountain Adventures, Inc (UT)
Wild Bird Unlimited (VA)
Bluebird Snow (VA)
Endurance Enterprises Inc. (WI)
Bigtruck (CA)

*Non-profits

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Outdoor Industry Endorsements

Audubon Chapters:

Peace River Audubon Society (FL)*
Iowa Audubon (IA)*
Jayhawk Audubon Society (KS)*
Audubon Maryland-DC Chapter (MD)*
Grand Rapids Audubon Club (MI)*
Lehigh Valley Audubon Society (PA)*
Fond du Lac County Audubon (WI)*

Trout Unlimited Chapters:

New York State Council of Trout
Unlimited (NY)*
Mid Hudson Trout Unlimited (NY)*

Other Non-profit Groups:

Sitka Conservation Society (AK)*
California River Watch (CA)*
Lake Tahoe Waterman Association
(CA)*
Shane McConkey Foundation (CA)*
Emerald Coastkeepers (FL)*
Environmental Defenders of McHenry
County (IL)*
Conservation Agreement Fund (MD)*
Atlantic Salmon Federation (ME)*
Cool Planet (MN)*
Scenic Hudson (NY)*
Conserve Southwest Utah (UT)*
Wasatch Backcountry Alliance (UT)*
Salt Lake City, Utah
Craftsbury Outdoor Center (VT)*

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Pacific Northwest Ski Areas Association
Ski New Mexico
Ski Utah
Ski California
Montana Ski Area Association

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Boreal (CA)
Homewood Mountain Resort (CA)
Soda Springs (CA)
Squaw Valley/Alpine Meadows (CA)
Arapahoe Basin (CO)
Aspen Highlands (CO)
Aspen Mountain (CO)
Buttermilk (CO)
Snowmass (CO)
Telluride (CO)
Schweitzer (ID)
Crystal Mountain (MI)
Bridger Bowl Ski Area (MT)*
Taos Ski Valley (NM)
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Summit Ski Area (OR)
Timberline Lodge (OR)
Cooper Spur Mountain (OR)

Solitude Mountain (UT)
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Alaskan Sailing Expeditions LLC (AK)
Wildland Trekking Co LLC (AZ)
California Fly Fisher Magazine (CA)
EcoRing (CA)*
Pacos Bike and Ski (CA)
Alpenglow Sports (CA)
The Backcountry (CA)
Jones Snowboards (CA)
Tahoe Waterman (CA)
Stoke Certified (CA)
Woodward at Tahoe (CA)
BikePartners: Folding Bike Shop (CA)
Yampa Valley Outdoor Products (CO)
Boulder Nordic Sport (CO)
22 Designs (ID)
Bivouac (MI)
Montana Angler Fly Fishing Inc (MT)
Bicycle Sport Shop (TX)
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Bigtruck (CA)

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Outdoor Industry Endorsements

Triathletes:

Andrew Talansky

Rock Climbers:

Alex Honnold

Tommy Caldwell

Alpine Skiers and Snowboarders:

Angel Collinson (Big mountain skier)

John Collinson (Big mountain skier)

Julian Carr (Big mountain skier)

Julia Mancuso (Olympic alpine skier, 2014
Bronze, 2010 Silver x 2, 2006 Gold)

Anik Demers-Wild (X-games skier cross)

Ralph Backstrom (Professional
snowboarder)

U.S. Olympic Cross Country Skiers:

Jessie Diggins (2018 Gold)

Kikkan Randall (2018 Gold)

Lowell Bailey (World Champion)

Sadie Bjornsen

Rosie Brennan

Timothy Burke

Andrew Johnson

Julia Kern

Andrew Newell

Liz Stephen

Ida Sargent

August Schumacher

Peter Vordenberg (and coach)

Caitlin Gregg

Brian Gregg

Hannah Dreissigacker

Susan Dunklee

Simi Hamilton

Other Prominent Nordic:

Adam Martin

Elite Cross Country Skier

Peter Breu, President

NH Nordic Coaches Association

Jonathan Wiesel, President

Nordic Group International

Danny Kuzio, Managing Editor

Cross Country Skier Magazine

Ben Popp, Executive Director

American Birkebeiner Ski Foundation

*Non-profits