

MINUTES

SPECIAL MEETING OF OCTOBER 24, 2022

Incline Village General Improvement District

The special meeting of the Board of Trustees of the Incline Village General Improvement District was called to order by Board Chairman Tim Callicrate on Monday, October 24, 2022 at 5:30 p.m. at the Chateau, 955 Fairway Boulevard, Incline Village, Nevada.

A. ROLL CALL OF TRUSTEES*

On roll call, present were Trustees Tim Callicrate, Trustee Sara Schmitz, and Trustee Michaela Tonking. Trustee Matthew Dent joined the meeting at 6:03 p.m. Trustee Kendra Wong was absent.

Members of the public physically present were Aaron Katz, Judith Miller, Patrick Schmitz, Linda Smith, Harry Swenson, Frank Wright, Joseph Shultz, Cliff Dobler, Ellie Dobler, Yolanda Knaak, Chris Nolet, Diane Becker, Patricia Moser Morris, Stan Herschberg, Mike Abel, Myles Riner, Ray Tulloch, John Eppolito, Peter Morris, Gail Krolick, Dave Noble, and others.

District General Manager Winqest read a statement written to the public that was distributed by the District earlier in the day.

B. INITIAL PUBLIC COMMENTS*

Aaron Katz provided written statements to be attached to the meeting minutes. He commented that he did not know this was a fact finding hearing so he is going to talk about some facts. He stated he keeps hearing from the takers in the community that Staff is honest and forthcoming and when you have questions, you pick up the telephone and you get courteous, honest and straightforward answers. He continued that he has been here for 15 years and that has not been his experience. He stated that the District General Manager told the community that the Duffield's expressed their requirement that the Board vote unanimously in favor of their smaller version of the Recreation Center Expansion on September 7th at a meeting; he asked who was present at the meeting. He explained that one of the people present was the District's Project Manager and stated she prepared the Board packet for the September 14th agenda item; she shared the materials with Mr. Dugdale the day before she shared them with the Board and public. He continued the reason was so Mr. Dugdale could approve the Staff memo or proposed modifications prior to sharing it with the Board. He stated the materials said nothing about unanimous approval being required. He continued that on October 1st, the District General Manager sent Mr. Dugdale an email asking that he provide written corroboration that the subject of unanimous support consent

was discussed on September 7th and asked if he sought a similar corroboration from the Project Manager who was present – no. He stated that at the September 14th meeting, the District General Manager told the Board and public that all he is doing is trying to give the Board and community all the information so they can make a decision on whether or not to move forward, yet he fails to make any reference to a unanimous approval being required. He continued that he then turned the meeting over to the Project Manager and she said nothing about the unanimous approval being required. He asked “Do you know who wrote the letter of commitment in favor of the modified Recreation Center Expansion where we state how humbled we are by the Duffield’s generosity?” Answer - Project Manager. He asked “Do you know who sent the proposed letter to Mr. Dugdale for the Duffield’s advance approval prior to sharing it with the Board?” Answer - Project Manager. He then asked exactly who does the Project Manager work for, does she know she is a public employee and does she know that when you are a public employee, you are a fiduciary for the public. He continued that a fiduciary has a broad duty to carry out public responsibility in a manner that is faithful to the public trust and when you breach those duties, you are guilty of constrictive fraud.

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

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

Harry Swenson read from a prepared statement which is attached hereto.

Frank Wright commented that he hates to follow the people who have spoken, as they were very eloquent, knowledgeable and extremely informed. He stated that they are informed because they have the Board packet with the truth in it; they did not have the packet on September 14th or before then with all of the information. He stated this is a major project being financed by a local citizen without any documentation, no contracts, no set of rules, no negotiations involving the community and the Board, but rather inviting Staff behind closed doors without the Board knowing and changes made with the community finding out at the last minute. He continued that all of these things led to this mess but the thing that bothers him the most is the unprofessional behavior of the District General Manager, some of the Board Members and the pathetic behavior of candidates running for the Board who should have never said the things they said. He stated worst of all is the attack on Trustee Schmitz; trying to pin this on her is absolutely ludicrous and insane. He continued that members of the community that continue to say she was involved in this; she was not involved in this and had no knowledge. He stated that Board Chairman Callicrate, the District General Manager and Trustee Wong knew it was going forward; they sent an application to the TRPA on the 15th. He asked where and why the 4-1 stuff came from, and then stated it was

because someone was not being honest. He continued that someone is lacking integrity and did something bad to a person he should be working with; he does not think this person or the candidates for the Board are going to come forward and apologize to Trustee Schmitz. He commented that it is sad because in a community like this, you have to be bigger than that and have more integrity if you are going to be representing people in the community. He mentioned that this is a huge black eye to the community and he hopes they go home tonight and think about what they should do, and do it.

Joseph Schulz read from a prepared statement which is attached hereto.

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

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

Yolanda Knaack, IVGID candidate 2022, commented that if there would have been a contract, then the community could have went through the legal process where a cure could be provided such as a new vote. She reminded everyone that the first part of her platform is bringing people together through positive and respectful communication; vote Yolanda Knaack for IVGID Trustee.

Chris Nolet read from a prepared statement which is attached hereto.

Diane Becker read from a prepared statement which is attached hereto.

Patricia Moser Morris read from a prepared statement which is attached hereto.

Stan Heirshberg read from a prepared statement which is attached hereto.

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

Myles Riner read from a prepared statement which is attached hereto.

Ray Tulloch, IVGID candidate 2022, commented that it is unfortunate that we are here tonight, and like many other members of the community, he is disappointed that the Duffield's walked away from the project. He stated what saddens him much more is that some parties seem to be more interested in scoring political points against political rivals, instead of finding a way forward. He continued that the next few hours will be spent debating on who said what to who and when; since there is not an independent party adjudicating this as he requested at the last meeting, he suspects that nobody's mind will be changed tonight. He referenced a quote by William Shakespeare "*A plague on both your houses*" and stated the community

deserves better than this. He continued that there has been multiple failures of communication throughout the process - selective leaking of information to certain parties and friends of Trustees, rather than full and timely disclosure of all the information to the public as is required. He asked how to move forward from this and commented that it is time to move on and it is time for change. He continued that the new Board needs to be transparent and debate the public's business in public, not in back room deals. He stated his commitment to the community if elected, is that he will work with other Trustees to accelerate delivery of projects the community has requested. He continued that the community has sat on the Recreation Center expansion in the Community Master Plan for 4 years and has not budgeted anything for it. He stated it is time to accelerate that; the community deserves changes to the Recreation Center to meet community needs and that the last 2 Chairs have done nothing to move that forward. He stated he would be open, honest and transparent in all his actions; there is no hidden agenda, no back room deals, no special favors for special interest groups and no off the record discussions withheld from the public. He mentioned that "Transparency, Accountability and Value" is not just a slogan on his signs; it reflects his value system, so vote for Ray Tulloch for a focus on community to deliver results.

John Eppolito read from a prepared statement which is attached hereto.

Peter Morris commented that he wrote his notes before the IVGID announcement was read by the District General Manager this evening, and he really appreciates the collaboration effort behind the statement. He commented he was also pleased reading some of Trustee Schmitz's email that were handed out. He stated that he hopes his comments come across differently this time and noted that in the past he has criticized Trustee Schmitz and called into question her character. He continued that he knows he wears his emotions on his sleeve far too much and he realizes that is not the best way to do things, and not the way to achieve the best for the community. He continued that he knows that is what they both want, the best for the community. He stated he does not hate or dislike her and the right way to go about things is to refrain from personality and focus upon discussions and actions. He stated with regards to the agenda item and lost gift, he cannot pretend to know what was in Trustee Schmitz's mind or what her intent was, and she should know that he does not think she intended to scuttle the ground. He stated that he is sure that she never thought her vote would lose the community 26 million dollars but that is where we are; he suggested that she ensure the right thing is done for the community moving forward. He continued that maybe a combined and great team of Staff and Trustees could find some way somehow to bring the gift back to the community by demonstrating that there is truly unanimous support from the Board. He mentioned that he not asking for an apology from Trustee Schmitz or anyone; he asked Trustee Schmitz to initiate any action she can from her and her

colleagues on the Board to demonstrate unequivocally that the community is 100% in favor of support and request getting the gift back on track. He encouraged Trustee Schmitz by saying that she can do it with true significant respect and appreciation community wide and asked that she see what action she can take for the Board to help get this back on track; no more name calling and let us work together.

Helen Neff commented that many people spent countless hours on the project including the Board of Trustees, the District General Manager and IVGID Staff; she expressed her gratitude for everyone's work and dedication. She also expressed her gratitude for the support that the Duffield Foundation generously gives to the community. She stated that despite all good intentions, it is apparent from the information included in the Board packet material that there was serious missteps in the entire process, especially the simple step of making it clear in writing that a unanimous vote was required on both issues that were before the Board during the September 14th meeting. She continued that the requirement was not on the agenda or in the meeting packet materials. She stated that the meeting packet for tonight's meeting states that the requirement for a unanimous vote was communicated in 5 individual telephone conversations between the District General Manager and each Trustee over the course of 2 days and noted that written transcripts or recordings of those calls are not included in the packet for this meeting so the contents of those conversations cannot be verified. She mentioned that the minutes of the September 14th meeting include 10 pages of discussion between Trustees and Staff regarding the various design proposals and the costs, and there is no point referencing the unanimous vote requirement. She continued that there was no statement from the Board Chair that a unanimous vote was required before the vote was taken. She stated she would think this would be an appropriate procedure if the vote required anything other than a simple majority which is the norm for the Board. She continued that there was a mention that the second motion required unanimous support, and that was delivered. She mentioned the supplemental documents for tonight's meeting provide additional information and describe a chaotic situation. She encouraged everyone to read the supplemental documents including the official notice from IVGID that the motion passed and later, an email that read *"I guess we are all at fault for allowing one Trustee to vote no when we all "knew" the secret stipulation."* She asked what the secret stipulation was and stated that communication was deficient on many levels. She mentioned that she appreciates the statement that was made at the beginning of the meeting but it is also wrong to blame one person and it is wrong for a Trustee to call for a fellow Trustees' resignation based on emotion and not facts. She continued that apologies are due to Trustee Schmitz and stated let us heal, learn from the missteps, resolve to improve communication on all levels and be civil and respectful to all.

Ronda Tyser commented by asking who would deny that a 26 million dollar donation isn't worth the Trustees unanimous unqualified agreement to build whatever the Duffield's wanted. She continued that unless you understand that IVGID already planned to expand the Recreation Center as part of its 5 year plan. She stated now the expansion can proceed independently without outside constraints; IVGID's approved plan for the Recreation Center was based on a community prioritized list of amenities to be included in the expansion. She continued that now the Board can honor those priorities and now IVGID has basic plans and drawings for the Recreation Center expansion that can be modified to include the priority amenities including the multi-use gymnasium and warm water pool. She stated IVGID can take a vote of the community to expand the Recreation Center to include a teen center even though that was not specifically part of the expansion. She stated IVGID can ask for donations for the Recreation Center expansion, putting donors names on various parts of the facility. She continued that based on the enthusiasm for a teen center shown by many speakers at the meeting, many residents would be willing to donate funds. She commented that although the loss of the Duffield Foundation feels like a disaster, she has to acknowledge that it came with a lot of strings attached. She continued that it would undermined the Trustees' fiduciary duty to the community, it compromised the Recreation Center expansion the community wanted and it would have left Incline residents paying millions in future years to maintain an expanded Recreation Center that may have excluded the priority amenities. She stated she has raised questions that she hopes will be answered at this meeting; she trusts the IVGID Board to rise above the fray and show the sound judgement evidenced in past difficult decisions.

Trustee Schmitz clarified a public comment by stating there was confusion on the agenda as the agenda had 2 separate agenda items. The Board memorandum was incorrectly written and was not in alignment with the agenda; the agenda has to be followed because that is a requirement of open meeting law.

Board Chairman Callicrate provided a brief history of the Recreation Center. He stated it was in planning for 14 years and was opened in 1992; the building that is there now is roughly 50% of what was originally planned. The monies were collected in District 4B funds which were the Recreation funds for the District which was not inclusive of Crystal Bay. He stated that before it was opened and in 1991, there was considerable output from the community on what they wanted to see on the final vestige. The community lost the second gymnasium with the suspended track, warm water pool, teen center, free weight room, conference wing with kitchen and the relocated IVGID offices. This was all thanks to a small group of people called Our Town. The community had their own TRPA representative vote

against it because she was pressured by this small but effective group of people. Thirty years into the future, the community has a generous donor approach the District through the District General Manager.

C. APPROVAL OF AGENDA (for possible action)

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

INITIAL PUBLIC COMMENTS (continued)

Board Chairman Callicrate was made aware that the Board of Trustee Members did not have the opportunity to make public comments at the beginning of the meeting and as such, allowed the following:

Board Chairman Callicrate read a statement by Trustee Wong in her absence; which is attached hereto.

Trustee Dent stated that he knew Trustee Schmitz was going to vote no a day or two before the meeting because they talk quite often; there was no surprise that she was leaning against supporting the project given that she thought the community could do better. He stated that he knew they needed a unanimous support letter but he was unaware they needed to vote for item 2A and support that. He read an email that he sent to the Board Chairman, District General Manager and legal that stated, *"We had two separate items, with completely different asks. One was for unanimous support and one was not. The items and the memos did a good job of laying that out. We voted on a design option, didn't receive unanimous support (because it wasn't required) and not one Trustee tried to convince a dissenting Trustee to change their vote. We knew Trustee Schmitz wasn't going to support it before the vote and neither the Board or Staff said anything. I guess we are all at fault for allowing one Trustee to vote no when we all "knew" the secret stipulation. We then thanked the Duffield Foundation and moved on to the letter of unanimous support even though the deal was supposedly already dead."* He asked why did we do that, and stated the deal was supposedly dead. He continued that Staff then rushed off to submit the project to TRPA even though the deal was dead. He asked why would we waste time and public funds on submitting to TRPA if the deal was dead? He stated he had no doubt in his mind after the September 14th meeting that the community was moving forward with the Recreation Center expansion project; he thought the Board and Staff were all pleased with the outcome and everyone seemed excited. He stated the next day a member of the design team approached him and they understood his and Trustee Schmitz's stance on the design and they were excited the project was

moving forward and had unanimous support. He stated that when you look at the action of the Board of Trustees and Staff, the narrative out there is not aligned. He continued that this is another example of IVGID's inability to effectively communicate.

Trustee Schmitz thanked everyone for being there and caring about the community. She stated this was an important decision and situation and she is grateful for everyone trying to come and figure out what the truth is. She then read from a prepared statement; which is attached hereto.

D. GENERAL BUSINESS (for possible action)

1. SUBJECT: Recreation Center Expansion Project: An Overview/Outline of the timing of events – A Presentation by IVGID District General Manager Indra Winquest – Review and Discuss Presentation

District General Manager Winquest stated the journey on the project started 1-2 years ago, long before it was ever made a reality and brought to the Board of Trustees. He continued that it started with his relationship with the Duffields and their Foundation and the success they had with the Incline Park baseball field renovation and the most recent gymnastics equipment donation. He acknowledged that a 26 million dollar project is significantly larger. He stated for him and his Staff, there are lessons learned for everyone and he resents the fact that anyone would comment that he is placing blame on anyone else. He continued that there are certainly things that he wishes were done a little differently which will be discussed when going through the timeline. He mentioned there were negotiations over a long period of time with a family and a Foundation that want to make a difference in the community; they trusted the District and he mentioned he is disappointed that the community lost the opportunity. District General Manager Winquest stated the information is factual and noted that people can have a different interpretation of the discussions which is fine. He stated that other than one phone call he had regarding the potential termination of the project, he was never alone in any of the meetings; he had Staff with him and had members of the design team present and Trustee Tonking was present at a meeting. He continued that looking backwards, he would have preferred to have a Trustee involved in some of the meetings, that did not happen which is a lesson learned on Staff's part. District General Manager Winquest provided an overview of the timeline of events. Questions and answers were permitted during the overview of the timeline of events. Trustee Schmitz stated that she understands that Mr. Dugdale was new to

the Foundation and asked if he was the person who was involved starting June 10th, and when he joined, if he was briefed on the prior design because at that point, the Board of Trustees was talking about option B versus option A? She asked what background information he was provided when he on boarded and if he was then the person going through the entire process? District General Manager Winqest responded that Mr. Dugdale started with the Foundation on May 2nd and prior to that, he had a few meetings with him and Mr. Duffield, getting him up to speed as he was getting ready to start full time with the Foundation. He continued that he believes that Mr. Dugdale came on board at the time where he understood the 30% schematic design scope and worked very closely with Staff on the terms of the first stage of the grant agreement. Trustee Schmitz asked if Mr. Dugdale was always the person representing the Foundation or if there were other people from the Foundation that came and went? District General Manager Winqest responded that Mr. Dugdale was representing the Foundation. Trustee Tonking stated there was a meeting early on that Mr. Dugdale was a part of with the Engineering Staff and he was looking at the design and had some edits to it to make it more feasible from what he had seen with dealing with prior types of designs, especially ones that involved kids. She stated he was a part of it and had seen all designs. District General Manager Winqest continued providing an overview of the timeline of events. Trustee Dent asked exactly when the 25 million dollar amount was introduced? District General Manager Winqest explained the 25 million dollars was discussed with the donor but not solidified in writing; he confirmed the amount was introduced prior to April. Trustee Tonking stated it was mentioned in the meeting minutes of April 27th and reiterated several times by the District General Manager that this could be the amount. Trustee Schmitz asked if the designer was ever told there was a 25 million dollar cap? District General Manager Winqest stated it was never in the contract; there were discussions about the dollar amount being somewhere around 25 million dollars but he does not think anyone expected the estimate to come in that high. Trustee Dent asked why 3 different options were taken to the donor that exceeded the 25 million dollar amount? District General Manager Winqest stated he believes there were discussions with the Foundation about being able to show different options and the value for the dollars in the event that the Foundation ended up being comfortable with going higher than the 25 million dollars. District General Counsel Nelson provided a reminder that the open meeting law requires a special notice be sent to anyone when his or her professional competence or character is going to be discussed in a meeting; no such notice was provided as this was intended to be a full review of the timeline. He continued that it is appropriate to ask questions but there cannot be an investigation of why decisions were made

or who may or may not have been right. He stated it is important for Staff to go through their version of the timeline and for the Board of Trustees to ask clarifying questions. Trustee Dent stated the Foundation has said things that are in the newspaper about missteps and he was just asking when the dollar amount was known. He stated it seems like a misstep to him that the Foundation said their maximum was 25 million dollars and they were brought options with higher amounts. District General Manager Winquest stated the donor was comfortable with Staff providing options. Trustee Schmitz asked when it needed to go to the option that did not include the multi-use gym, if anyone acknowledged that it was no longer in compliance with the grant agreement? District General Manager Winquest stated no; the Board of Trustees approved the schematic design and it is typical that things in the design will change. He acknowledged it was a significant change but there was nothing in the grant agreement that required Staff to bring it back at that time. He continued that between the 12th and the 28th of August, other than the Foundation being comfortable moving forward with some of the work in the event that the donor would approve option D, and while maintaining the timeline, there was no approved donor project. He stated there would have been nothing to have a special meeting for, as there was no donor approved option or design at that point in time. He stated that moving forward, language should be included in the grant agreement or contract that would require that it be brought back to the Board of Trustees at that point and time, regardless if there is a donor approved option. He continued that the donor could reserve the right to not agree to that being in the agreement but if the donor would agree to that type of stipulation, the donor would have known about a significant change in the design and it would have been required to go back to the Board of Trustees for discussion at that time. Trustee Schmitz asked that when things were being changed on August 12th and the multi-use gym was removed and since it was part of the documented scope of the grant agreement, were people aware that this was changing so the grant agreement was no longer in compliance because then it would need to come back to the Board, and it did on September 14th? District General Manager Winquest stated Staff knew that it would need to go back to the Board of Trustees because of the change of scope once confirmation was received back from the donor. He continued that during that time, the donor was not responding as they were unavailable, Staff was doing everything they could to focus on moving the project forward. He stated that if the donor would have come back and indicated they were good with Option D on August 13th or 14th, it would have been placed on an agenda as soon as possible, but Staff did not receive confirmation from the donor until August 29th that they were comfortable with option D and the 25.6 million dollar estimate. Trustee Tonking stated she does not see that as a violation

of the grant agreement because there was still a multi-purpose gym. District General Counsel Nelson stated that when the revised grant agreement came back to the Board of Trustees, the change was to the square footage reflecting a smaller size of the gymnasium. District General Manager Winqest continued providing an overview of the timeline of events. Trustee Schmitz stated she had requested the project be agendaized because she felt there was a deviation from the grant agreement; she felt the Board needed to review and approve the new information and modify the grant agreement. She continued by stating that it was modified, and it was modified to remove the multi-use gym from the grant agreement. District General Manager Winqest continued providing an overview of the timeline of events. Trustee Dent asked what the asks of the Foundation were as far as what needed to be included in the project aside from the 25 million dollar budget and a dedicated gymnastic area? District General Manager Winqest responded that the preliminary discussions with the Foundation prior to initiation of the project were around dedicated gymnastics space and a youth and teen center. He stated the vision for them was to have a large gymnasium where some of it would be for dedicated gymnastics with the ability to do other types of programming and some additional gymnasium space for multi-use for youth. He continued the Foundation had no issue with moving the front counter and having Staff office space for the Boys and Girls Club. He stated this was never intended to be a Boys and Girls Club and that the Boys and Girls Club was going to simply be a partner with the District; the facility was going to be managed by IVGID and the Boys and Girls Club was going to provide supplemental programming for the community. Trustee Dent asked for confirmation that the asks from the Foundation were a dedicated gymnastic center, youth/teen center and multi-use gym? District General Manager Winqest responded yes. Board Chairman Callicrate stated there were several public comments that the District General Manager violated the open meeting law and asked if District General Counsel Nelson would like to address this. District General Counsel Nelson stated he would ask District General Manager Winqest clarify whether or not he asked any of the Trustees how they would vote or shared the views of any Trustees with any other Trustees and the nature of his conversations with each Trustee. District General Manager Winqest stated he is aware he cannot poll Trustees and he would never do that. He continued that he simply updated each of the Trustees on the status of the project and asked if they had any questions. He stated the discussions he had with each Trustee included updating them on the meeting with Mr. Dugdale which included what the expectations were and what was going to be brought to the Trustees at the upcoming meeting. District General Manager Winqest stated he is confident that he was clear that a unanimous

decision was required for both the letter and the modified scope of design; however, after having conversations with 2 of the Trustees, they did not walk out of the conversations with the clear picture like he had thought. He stated that this is something that he has learned; that he needs to double check that it is fully understood what he is explaining and in retrospect, put it in writing. He continued that sometimes in these types of situations, there are certain things you don't necessarily put in writing, but he should have followed up with each of the Trustees with an individual email recapping the conversations. He stated there was no open meeting law violation and it is not uncommon for him to have conversations with Trustees about agenda items and answer questions they may have. He continued that his job is to ensure that each of the Trustees are comfortable with what is in the Board packet. Trustee Schmitz stated it is important for everyone to understand that on September 8th when they had these conversations, the agenda had not been published yet and that's when some of the communication from Trustee Dent and herself came in, because when they talked about it, they were talking about the letter of unanimous support. She continued that the agenda was not created yet and distributed until September 9th and the confusion came in with the agenda that had 2 different items. She stated there was not a follow up discussion regarding there being 2 separate agenda items. District General Manager Winquest clarified he discussed with the Trustees what they could see for the upcoming meeting. Board Chairman Callicrate agreed and mentioned that it was one agenda item with two parts. District General Manager Winquest stated when he wrote the memo, it was his understanding there would be 2 actions wrapped into one motion. Board Chairman Callicrate asked District General Counsel Nelson if that is true. District General Counsel Nelson stated it is difficult to recall exactly what was said at that time, but that is his understanding based on the way the Staff report was put together. Trustee Schmitz asked how/why there were 2 agenda items? Trustee Tonking stated there was not, but there were sub items, and the Board of Trustees voted on these type agenda items in prior meetings. She continued that there were agenda items that were voted on that were combined previously, and this first time in 2 years that the agenda items were split up. Trustee Tonking asked Trustee Schmitz about why she did not call the District General Manager if she was confused when she saw the agenda? Trustee Schmitz stated she did not have any confusion and she saw 2 separate agenda items; she knew there was a letter of unanimous support. District General Counsel Nelson mentioned that the Trustees are getting into the relative credibility of individuals involved and he would not recommended continuing this. Board Chairman Callicrate mentioned he remembers looking at the agenda and it had the 2 items under the 1 heading. Trustee Dent stated there have been times where there are

multiple votes associated with a similar item and sometimes there are items with one vote and sometimes there are multiple votes, it just depends on what the Board of Trustees wants to do at the time. He stated it is usually mentioned in the agenda packet what needs to happen; it is written in there and the Board knows the rules and if the rules are not written down, you do not know how to play the game. He continued that the rules were not written down and the Staff and Board of Trustees messed up; if unanimous support was needed, it should have been written down and then everyone would have been clear about it. District General Manager Winqest mentioned that no one understood more than he did what the expectations were and how important the project was to the community. He stated in his personal opinion, the letter was what laid out the unanimous support for the modified scope, but he knows there are disagreements there. District General Manager Winqest continued providing an overview of the timeline of events. Trustee Schmitz asked if there was a reason why the email that Mr. Dugdale wrote on September 19th wasn't shared with the Trustees? District General Manager Winqest responded that it was not shared because Staff did not have anything formally signed by the Foundation yet. He stated he thought that sending correspondence to the Board of Trustees notifying them of the termination was thorough enough but he now understands that at least one Trustee did not understand that the project was indeed being terminated. Trustee Schmitz stated she noticed there was not a cause and had she seen the email on September 19th, she would have perhaps suggested the Board of Trustees get together to fix the issue. District General Manager Winqest mentioned that the Foundation did not think they needed to include that information in the letter, which was to satisfy the terms of the agreement. District General Counsel Nelson mentioned that the Foundation made it very clear that they were not interested in moving forward and when the District asked if that could be changed, it was very clear that it could not be. He continued that it was imperative at that time they made sure all existing contracts were honored and he looks forward to finalizing those contracts. District General Manager Winqest added that there was also discussion about Mr. Dugdale going back to the donors to make sure there was not anything additional that they needed, which is why he waited until September 26th. District General Manager Winqest continued providing an overview of the timeline of events. Trustee Schmitz stated the Trustees did not have information that it was actually in writing until the email they received on September 28th and when she went back to read the email, it did not indicate that there was anything signed. She continued that when Trustee Wong's email came out, she was not informed that there was actually something in writing. District General Manager Winqest stated that he did not notify any of the Trustees that he had the

letter in writing and just let the Trustees know that Staff met with the Foundation and they were formalizing terms of termination. Trustee Tonking stated she did not receive a signed letter but it was clear in the email that it was terminated. Board Chairman Callicrate agreed and mentioned he was fully convinced but he did one last ditch effort by sending a message to the Duffield Foundation on September 27th. He stated he wanted to give it one more try and was speaking as one member of the Board and a 37 year resident of the community. He continued that he was hopeful there might be an opportunity before the meeting on September 28th where the Foundation would have had time to think about it, but that did not happen. He stated that Mr. Dugdale thanked him and gave him the statement that he read at the September 28th meeting. District General Manager Winquest commented that he thought it was important for the Chair to have the conversation with Mr. Dugdale because there were people accusing him of lying about the situation. Board Chairman Callicrate clarified that he had a verbal conversation with Mr. Dugdale after he sent the email out and before the September 28th meeting to give it one last try. District General Manager Winquest stated that there are things he could have done differently; he does not know if it would have changed the outcome. He continued that if he would have communicated the preliminary estimate when it came out, the Board of Trustees would have at least known at that time that Staff was working closely with the Foundation to try to get them to approve the project. He mentioned that he and the Staff did everything they could to keep the project in motion, although it was not perfect, and in the end there was a 25.6 million dollar project with option D agreed upon with a reduced and modified scope; the project was going to be designed in a way where there would be a phase 2. He stated for their own reasons, they were not comfortable with partnering with the District financially. He stated he can walk away from this knowing Staff handed the Board of Trustees an option for a 25.6 million dollar project that checked a tremendous amount of boxes and he did not think there would be a no vote and therefore, he did not follow up with Trustees prior to the meeting. He apologized to the community and the Duffield Foundation about things he could have done better; he thinks there are a lot of reasons why the project is not moving forward. Trustee Tonking thanked the Staff, community, the Duffields and her fellow Board Members and stated she knows the time and energy spent has been exhausting. She continued that this is a huge loss for the community as this is something that has been discussed since she was a kid. She mentioned they have yet to put anything in the 5 year Capital Improvement Plan related to the Recreation Center. She stated that 25.6 million dollars has been lost such that the community will now have to spend which is a lot of money and mentioned that money could have been used on other things such as a new

lift at Diamond Peak, boat launch, tennis courts, etc. She stated she reviewed meeting minutes and thought of areas where the Board of Trustees did not do a great job, including herself. She referenced past minutes where the Board of Trustees may have come across as standoffish towards spending any money. She continued that if the Foundation watched the meetings and then later found out the District was interested in funding it, they probably would have thought, there is no way. She stated one area she is concerned with is how the Board of Trustees decides what is for the betterment of the community at large; she thinks the youth gets lost many times and this was the opportunity to provide something that was youth and young family focused. She continued that for her that is the betterment of the community at large, which could be different from what other think. She clarified that she was not one of the Trustees who requested that the District fund more money at that time; she was updated on the request at a subsequent meeting when the District General Manager informed her on what was going on. She continued that the request for the District to fund was denied before attending the special meeting. She stated it was concerning that it was brought up again at that meeting which was frustrating because the Board of Trustees already had an answer. She stated she did not know Trustee Schmitz was going to vote no. She continued that throughout the meeting, she tried to spend time convincing her but she feels that perhaps the Trustees should have spent more time knowing it was to be a unanimous vote. She referenced an email from District General Manager Winquest and mentioned he did a great job of trying to be supportive of the Board of Trustees, validate Trustee Schmitz, and acknowledge the points that she made in the meeting. She continued that Trustee Schmitz did say she supported the project but that she could not move forward with the scope; she thinks she did a good job at trying to give that argument to the Duffields. She stated she sent an email to the Duffields after the meeting in grave concern that the District would not get the project; she noted that she was frustrated when she left the meeting and not many of the Trustees looked happy and she apologized for that. She continued that she sent the email in hopes that it would show there is support and noted that 3 out of 5 Trustees sent an email at that time. She stated the Trustees were apprised of the information 2 days after the Board of Trustees meeting where the District General Manager asked them to keep it confidential in hopes that it would move forward. She commented that in some ways it makes sense that the Duffield's pulled the project because the only people guaranteed to be on the Board of Trustees is herself, Trustee Dent and Trustee Schmitz, and with one voting no, there is a fear that by January, they could have spent money and the project could be turned down, so she can see why that would be alarming to them. Trustee Tonking

referenced a request for a signed letter of unanimous support and mentioned she went back to review the letter again. She stated the letter refers to unanimous support of the project; it is hard for her to understand how the Board can be in unanimous support of the project with each of their signatures but not actually vote for it. She thanked Trustee Schmitz for sending a letter to the Foundation. She stated the Trustees had different beliefs as to when they received information and what information was received; she learned that the Board needs to be careful on how they speak to Staff and each other. She continued that she felt like she had all the information the whole time and she understands that there may have been confusion but she walked into the meeting knowing it had to be a unanimous vote and she walked out pretty sure the project was lost but was holding on to hope. Trustee Dent thanked the District General Manager, Trustee Schmitz and District General Counsel Nelson for orchestrating the meeting that led to the letter that was read earlier in the meeting. He stated that the takeaway for him was to learn the timeline of events to figure out what the lessons learned are so there is not a repeat of what happened. He continued that it sounds like it comes down to communication and suggested a policy so that this does not happen again in the future, especially if a vote does require a 5-0 vote; this could be put in the Board packet or Board memo just so it is clear. Trustee Schmitz thanked everyone and stated it was an incredible amount of work to put this together and she looks forward to getting back to productive work; this has been productive because it has given the opportunity to reflect. She continued that the Board of Trustees missed the opportunity early on to talk about what if; what if the estimates come in higher than what the donors limit is, etc. She stated she thinks the reason why there was confusion comes down to needing to have clear, complete and accurate Board packets so the Board can clearly understand what they are doing. She continued that if something requires a unanimous vote, it should be communicated for the Board members and public. She stated that she was not worried about the agenda item at all; there was A and B, she knew unanimous support was needed, she was not concerned about A, she was trying to encourage her fellow Trustees to financially support something. She continued that it would have been helpful if District General Manager Winqest made a telephone call to say we have two different agenda items and here is the asks, but he didn't, and it was not in the materials and the fact that there was 2 agenda items but the memo combined them together, was an opportunity for confusion. District General Manager Winqest asked Trustee Schmitz if she understands why the Duffield Foundation would not want to move forward knowing that one of the Trustees does not support the modified scope of the project? Trustee Schmitz stated that if there was clear communication on what the

expectation was for the Foundation, she would have voted for it; she did not have that information and she voted as she did. She continued that the letter was all encompassing and included the design changes and unanimous support, so she was not concerned at all because it included the modified design. She stated she saw a bigger picture of how the Duffield Foundation could have become frustrated and now that she has seen the timeline and what happened in August, she can see how much work was put in by Staff and the Foundation to try to figure out a way forward. She continued that to have her and Trustee Dent offer another alternative, she can see how the Foundation would find that extremely frustrating. She continued that there were missed steps along the way and it might have gotten to the point where this was just another indication that there was a lack of communication between the Board of Trustees and the team working on it, which was a moment of disappointment. District General Manager Winquest repeated the question. Trustee Schmitz stated she thinks it was a bigger decision than one particular vote. Trustee Tonking asked District General Counsel Nelson if they are allowed to put unanimous consent required on the agenda. He responded that there was no legal requirement that it be a unanimous vote and there's nothing in the NRS or Grant Agreement that required a unanimous vote. He continued that the Foundation required unanimous support from the Board of Trustees and that's why it was presented to the Board of Trustees in that fashion, but it was not necessarily a legal requirement. Trustee Tonking referred to bonding, and noted that they do put that on the agenda, because it is required by NRS. District General Counsel Nelson agreed and stated that the critique that it should have been placed in the Staff Report is well taken. He stated that there has been a fair amount of soul searching by all Staff members involved. Trustee Dent clarified that he brought up bonding as an example earlier because the donor required that it be unanimous support and that would be a rule. He stated there was no other time other than July 27th where the Board of Trustees discussed this; he feels like there was not an opportunity to have a discussion about potentially supporting the project other than the meeting on September 14th. He continued that in the future, there should be 3 items; one of them being a discussion item, if that's what's needed; the Board of Trustees needs to be able to have a discussion and work through items. He mentioned that Trustee Tonking stated at the meeting she wished there could be the multi-use gym but that it was too late to go in that direction; there were 3 Trustees that wished they could have gone in different directions; however, there was no time to have that discussion other than that meeting on September 14th. Trustee Tonking stated she did think it would be great to have the additional gym but what she meant is that they were too late in the timeline, given the timeline that was required by the

Foundation. She continued that this was never brought up by the Trustees as a Capital Improvement Project and the Board of Trustees never took any initiative throughout all of the conversations to add funds. District General Manager Winquest stated during that timeframe Staff did not have an approved option to bring back to the Board of Trustees to discuss or he would have done that. He acknowledged it would have been beneficial to have that, but is not sure that would have changed the outcome. He stated he asked the Foundation if they would have had the conversation in early August, if it would change the outcome and they responded with no; they would have needed to have that conversation when they started working on the project. Board Chairman Callicrate stated he was clear that there needed to be unanimous support of the project and noted that they were asked to split up the motion during the meeting. He then read an email from District General Manager Winquest to Mr. Dugdale that read *"There seems to be some question within the community surrounding the circumstances as to why the Foundation withdrew support for the RC Expansion Project. Can you clarify that the expectation from the foundation was unanimous support for both the modified design and the letter of support from the Board/District as discussed in our meeting on Wednesday, September 7th?"* Mr. Dugdale responded with *"yes, that is correct."* Board Chairman Callicrate thanked the Staff, the District General Manager and Board of Trustees for having this meeting. He thanked the community and acknowledged this has been a cantankerous issue; he stated most of the preponderance in the community has been correct and personal bias can sometimes cloud interpretations of what was put out. He continued that he appreciates going through the timeline of events and he is hopeful that this Board and future Boards will put into place necessary strictures. He stated it is unfortunate that the community lost the project that was giving 90% of what was wanted and the community could have had a phase 2, but is now left with nothing and will need to go back to the drawing board. He thanked the Duffield Foundation for everything they have done and continue to do; they have been the largest philanthropist in the community ever, donating close to 100 million dollars in the years they have lived here which is substantial. He continued that Mr. Dugdale has been doing a great job trying to communicate the best he can; a private foundation is different from a public operation.

E. FINAL PUBLIC COMMENTS*

Gail Krolick commented that she appreciates the timeline; a lot of effort and work has gone into this and she stated a lot more makes sense to her now with the timeline. She commented that she found a comment by Trustee Dent to be interesting earlier in the meeting and referred to his statement that he knew

Trustee Schmitz was going to vote no before the meeting; she thought that was good that the 2 were communicating, but she also wondered if Trustee Schmitz reached out to District General Manager Winquest to let him know she was not comfortable and that she was voting no. She continued that now she understands why Trustee Schmitz requested that the particular agenda item to be split; her and Trustee Dent knew ahead of a time what her vote was going to be. She stated that what also concerns her is learning that the Project Engineer met with Trustee Schmitz to review the plans and the Project Engineer explained that option D is the only option that the donor is willing to approve, and if the Board of Trustees does not approve this option, there will be no project. She stated that she heard earlier from the District General Manager that he thought he was very clear with all Trustees that the unanimous vote was needed. She continued that she does not understand how 3 Trustees understood it was unanimous but yet it is not clear to 2 others when Staff and 3 other Trustees are aware. She mentioned that District General Manager spoke with Trustee Schmitz for 93 minutes and she cannot imagine him not sharing with her that the project needs to be approved unanimously or it will not go forward. She continued that she does not think this meeting changed anyone's mind but it solidified some points for her. She stated there are elections coming up and it seems like District General Manager Winquest has 2 Trustees saying he did not tell them what he told others, and that would concern her.

Cliff Dobler commented he is a 75 year old man and he has been around the deal-making business for many years and he's probably put together over a billion dollars in transactions. He stated that if you're passionate about something, you're going to make sure the deal gets done; he believes that if Mr. Duffield is truly behind the Boys and Girls Club, he will find another location and the Boys and Girls Club will be put together. He continued that it does not make any sense to give up on something over a vote and he knows too many guys that would not do that. He stated he's not so sure they were very interested in this project. He stated that he did not particularly like the design at all but more importantly, he does not think any of the Trustees looked at the master plan that was done in 2018; it was well-thought-out and there was nothing about a youth center or gymnastics area. He stated it was thought out to where they would be able to do pieces of it like pods, so there would be the administrative building and everything would have been together and it would have been a great campus. He continued that it was tossed out because someone raised 25 million dollars so therefore forget the master plan. He stated that money comes and goes and sometimes it just isn't right. He mentioned that he thinks Trustee Schmitz was asking a legitimate question; where was it in the master plan; there was no discussion about adjusting the master plan quite seriously by adding 2 things that were nowhere in the original master plan that District General Manager Winquest was in charge of. He continued that

someone waved some money and you say screw it all. He stated if you really think about it, what are we really getting that the kids won't have, they will have it.

Yolanda Knaak, IVGID candidate 2022, thanked everyone for working so hard on figuring the time line out; she thinks it was an excellent learning situation. She stated Trustee Schmitz actually did not split the vote, but it was actually the Board packet because there were 2 items in the Board packet, so they had to be voted on separately. She stated vote for Yolanda Knaak, IVGID Trustee Candidate.

Dr. Myles Riner stated he is seeking clarification from District General Counsel Nelson on something. He stated that there were 2 elements of the motion that were proposed by Trustee Tonking and those 2 elements were combined into a single motion. He asked if there is any reason why you could not take 2 elements like that where both were referencing a request for approval of option D, one of which mentioned the need for a unanimous vote, and combine them into a single motion the way that they were originally? He continued that Trustee Schmitz split that into 2 separate votes and her objective was to vote no on option D, as she indicated that's what she would likely do and as Trustee Dent indicated he knew she was going to do. He continued that vote had the vote not been split into 2, then the only option for her would have been to vote no on both elements or to vote yes on both elements; if she would have voted yes on both elements, we would not be here today.

Harry Swenson commented that Mr. Dobler hit the nail on the head because he has had experience with big people and big money. He stated that when he was at NASA, he put together half a billion dollar programs; public private multi agency programs. He stated with those experiences, you know that money is the big thing and if it was 25 million dollars that was the offered, and you give them something that is over that, they will ask who they are working with. He continued that they won't tell you that directly and you'll have to make the mistakes that you have made. He commented that with that 25 million dollar amount, there should have been 1 that came in at that level to really understand what it was all about. He continued that this situation was amateur; they were given options that were well beyond their original ask, and then the District scrambled around after he was already upset and he was already losing interest because he had his other building. There are people narrowing down on who said what to whom and when during this timeline and people need to understand when you're working with big donors and companies, they have their limitations and they usually tell you them up front. He stated that if you ignore that, you get what you get, and here where is where we are. He stated he appreciates going through this investigative exercise but this is the key element that needs to be understood for future endeavors of this kind. He continued if he's providing the money, he is going to tell you exactly how

you're going to do it; he dealt with this at Stanford a lot. He mentioned that they will tell you who's going to build it and how it's going to be built and what the timeline will be. He continued that this is all part of what they do to get what they want; they are willing to give you something, but in return you have to accept that the constraints, and if it doesn't make sense, then walk away.

Peter Morris commented that he promised to refrain from any personal character discussion and he will continue to do so. He addressed Trustee Tonking, Trustee Dent, Board Chairman Callicrate and District General Manager Winquest and thanked them for their approach and discussion about the timeline and numerous times where they offered points for lessons learned to take into the future; he appreciates the collective approach as it was a collective matter. He stated it was not just one person and something that can be learned by the Board and Staff. He stated he needs to address Trustee Schmitz and her discussion, comments and actions she made. He continued that in all of the discussion tonight, he did not see any attempt by her to take any ownership about how she, as part of the Board, might have contributed to the overall loss of the gift. He commented that he felt that all of the other Trustees did this in one way or another; he would appreciate it if she would take some sort of ownership and say the Board screwed up. He stated this is a disappointment and an issue that he asks her to look inwards upon herself and see that there is not an ounce of Ownership on her part. He continued that he thinks all humans are fallible and he can't believe that she is not fallible also; this no fault position that she takes does seem to be too often for her and asked for her to give some collectivity by taking some ownership. He stated there is no action to take tonight but he does believe the community will be looking at what action she takes next to quickly ask for an agenda item to change her vote on the project. He stated it may only be symbolic but it would be a huge win for the community to see that the Board is or was unanimous about this; correcting the record is important. He asked Trustee Schmitz to publicly denounce the few commentators who attacked the District General Manager and Staff as they don't deserve it.

Diane Becker read from a prepared statement which is attached hereto.

John Eppolito commented that he has lived here and been a real estate broker for 23 years in the community; he agrees with what Harry Swenson and Diane Becker had to say. He thanked District General Manager Winquest for his candor. He stated there was nothing in writing about the 25 million dollar limit and this was acknowledged tonight. He continued that once the bid came in for 33 million dollars, it was acknowledged that it was not taken to the Board. He stated that 2 of the Trustees did not come away with the belief that both votes on September 14th needed to be unanimous. He asked if all of the options were brought to the Donor on August 2nd above the 25 million dollar price limit, or just most of them. He stated

he does not blame the donor for getting frustrated and mentioned that when someone says they would like to look at houses up to 2 million dollars, he shows them houses up to 2 million dollars, not up to 3 million dollars. He continued that after listening tonight, it becomes crystal clear that Trustee Schmitz was not the only one to blame for this debacle; many of the people in the community appreciate her research and attention to detail. He stated that what she had to endure at the September 28th meeting still bothers him, and he acknowledges that the District General Manager also has to sit through that at meetings. He referenced Trustee Wong's inappropriate and unprofessional email asking people to show up at the September 28th meeting and make public comments showing their dissatisfaction with Trustee Schmitz's vote and/or call for her resignation. He stated that Trustee Schmitz did not deserve the witch-hunt that the lynch mob mentality Trustee Wong's email caused, and in his opinion, many people owe her an apology, including 2 people currently running for IVGID. He continued that David and Gail joined the mob scene and asked for her resignation with incomplete or inaccurate information. He stated the community needs leaders who can work productively with others, and not people who will join the mob scene from September 28th; hopefully Dave and Gail will publicly apologize to Trustee Schmitz.

Dave Noble, IVGID candidate 2022, commented that he will not apologize for his comments on September 28th; he stands by those comments. He stated that given the information that was provided tonight, it is still very clear that the community lost the 25 million dollar commitment by the Duffield's because of Trustee Schmitz's no vote. He continued that he does not understand how 3 Trustees were very clear that a 5-0 vote was required and 2 did not; he concludes that it was a lack of understanding on their part. He continued that everyone has all of the facts to make an informed decision about who they should vote for this election; please vote for Dave Noble.

Joe Schulz thanked everyone for their work, time and effort and stated that there has been some incredible lessons learned through this exercise. He mentioned that the behavior of the Trustees (past, present, future) have a real bearing on the way the community respects their decisions. He stated Trustees can disagree on decisions, but at least have some respect for each other as an individual; this should be the minimum to expect from each Trustee. He continued that when he listens to a Trustee tearing down another, it gives little confidence that the workings of a government is in good hands. He asked each Trustee to tone down the rhetoric, behave as adults and carry on with business that needs to be done.

Male caller thanked everyone and commented that he appreciates the transparency provided. He stated he knows it is tough as he has been in this situation before. He stated that the donor wanted certain specific things; he wanted

to come into the community's house and paint it a certain color and change the rooms a certain way. He continued that maybe that was not going to work for the community long term and he knows that is tough, because 25 million dollars is a lot of money, and we don't want to turn those types of donations away, but the community also has to consider what it does to the community. He referenced a comment by Mr. Dugdale in the newspaper that the expectation was a unanimous vote, not just today, but in the future. He continued that they do not have that kind of control over an elected official, so maybe this was not going to work out. He stated he knows there were a lot of folks in the community that were thinking the money was thrown away so this may be an inflection point. He commented that the Board of Trustees truly need to be united; it does create division in the community. He stated that it has been mentioned that Trustee Schmitz did not make her point of why she did not vote in favor of option D; he thought on September 14th, she was very clear that there were constituents that wanted more than what was being provided in option D.

Trustee Schmitz asked if District General Counsel Nelson could clarify a public comment made earlier. District General Counsel Nelson stated the Board of Trustees could have split the agenda items or could have voted on them in one motion. He stated there was not discussion at the Board Meeting on whether that was an option or not so he won't get into why it was split or not split; the short answer is the Board of Trustees has the flexibility to go either way.

F. ADJOURNMENT (for possible action)

The meeting was adjourned at 8:52 p.m.

Respectfully submitted,

Melissa N. Robertson
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: Written statement to be attached to and made part of the written minutes of the IVGID Board's special October 24, 2022 meeting – Agenda item D(1) – Staff's dog and pony show presentation of time line giving rise to the Rec Center Expansion project fiasco – Who's the liar? And who's really responsible?

Submitted by Judith Miller

Submitted by Linda Smith

Submitted by Harry Swenson

Submitted by Joe Schulz: Recreation Center Expansion Project: An Overview/Outline of the timing of events

Submitted by Cliff Dobler: These comments are to be made part of the meeting minutes. By Cliff Dobler

Submitted by Ellie Dobler: These comments are to be made part of the meeting minutes. By Ellie Dobler

Submitted by Chris Nolet

Submitted by Diane Becker

Submitted by Patricia J. Moser Morris

Submitted by Stan Heirshberg

Submitted by Michael Abel

Submitted by Myles Riner

Submitted by John Eppolito

Submitted by Trustee Wong

Submitted by Trustee Schmitz

Submitted by Diane Becker (#2)

**WRITTEN STATEMENT TO BE ATTACHED TO AND MADE A PART OF THE WRITTEN
MINUTES OF THE IVGID BOARD'S SPECIAL OCTOBER 24, 2022 MEETING –
AGENDA ITEM D(1) – STAFF'S DOG AND PONY SHOW PRESENTATION OF
TIME LINE GIVING RISE TO THE REC CENTER EXPANSION PROJECT
FIASCO – WHO'S THE LIAR? AND WHO'S REALLY RESPONSIBLE?**

Introduction: At the Board's July 27, 2022 meeting trustees unilaterally approved entrance into a "Grant Agreement" with the Duffield Foundation ("Duffield") for the latter's conditional payment of "final design and pre-construction services"¹ associated with a proposed 33,000 square foot expansion of the Rec Center². Duffield entered into that agreement on August 2, 2022³. ¶18 of that agreement expressly recited that it "constitute(d) the entire agreement between the Parties relating to the subject (matter)...(it) supersede(d) all previous agreements, promises, representations, understandings and negotiations, whether written or oral...with respect to the subject matter (t)hereof;" ¶7 of that agreement expressly recited that "neither Party commit(ted) to the construction of the (proposed) Expansion (and that)...any agreement between the Parties related to reimbursement for costs of (construction of) the Expansion shall be documented in an amendment to this Agreement or a separate agreement;" and, ¶16 of that agreement expressly recited that although it could "be amended at any time, that amendment would only take place) by mutual (written) agreement of the parties." In other words, "the overall size of the...Recreation Center Expansion w(ould)...be approximately 33,000 gsf,"⁴ and there was no agreement whatsoever that Duffield would ever donate \$26 million or any other amount towards actual construction of the proposed expansion. *NONE!*

Apparently three (3) or more weeks prior to September 7, 2022⁵ the Duffields changed their minds to pay for design and pre-construction services associated with an approximate 33,000 square foot Rec Center expansion allegedly because of its inflated estimated cost. "As a result, the Foundation requested the (IVGID design) team develop a (smaller) footprint that reflected a (cost) estimate closer

¹ See page 061 of the packet of materials prepared by staff in anticipation of the Board's September 14, 2022 meeting [go to <https://www.yourtahoeplace.com/uploads/pdf-ivgid/0914.pdf> ("the 9/14/2022 Board packet")].

² See pages 177-178 of the packet of materials prepared by staff in anticipation of the Board's August 31, 2022 meeting [go to https://www.yourtahoeplace.com/uploads/pdf-ivgid/0831_-_Part_2.pdf ("the 8/31/2022 Board packet")].

³ See pages 060-068 of the 9/14/2022 Board packet.

⁴ See page 066 of the 9/14/2022 Board packet.

⁵ The Tahoe Daily Tribune quotes Jim Dugdale, "Executive Director of the Duffield Foundation," as stating that "on September 7 (he) met with Indra and his (design) crew" demanding the District agree with the proposed scaled back footprint (see <https://www.tahodailytribune.com/news/ivgid-meeting-moved-to-monday-duffield-foundation-discusses-grant-termination/>).

to...\$25,000,000. The team, both A&E and CORE, quickly developed an alternative⁶ to meet the Foundation's request, which resulted in a (smaller) modified footprint."⁷ And "the Foundation...agreed to move forward with Option D."⁸ But "when the (Board) vote came in" on Duffield's proposed Grant Agreement modification⁹, Mr. Dugdale allegedly wasn't satisfied because "one of the trustees voted against it."⁵ So he decided to "withdraw (from) the project."⁵ And by withdrawing, Mr. Dugdale failed to execute the proposed grant Agreement modification. And by failing to execute that modification, regardless of what the IVGID Board did or didn't do insofar as the proposed modification were concerned, it was of no force nor effect. Which means the Grant Agreement continued to remain in full force and effect. And therefore Duffield's express termination pursuant to section 6¹⁰ had nothing to do with Trustee Schmitz nor her September 14, 2022 vote.

Notwithstanding, according to the Daily Tahoe Tribune Mr. Dugdale "told Winquest (that) the (Board) vote (on the proposed Grant Agreement amendment) must be unanimous." And according to GM Winquest, "at a meeting on September 7, 2022 between the Executive Director of the Foundation, District General Manager, Director of Public Works, District Engineering Manager and the District Project Manager, the Executive Director of the Foundation communicated that the Donors were requiring unanimous support for both the modified design as well as a unanimous letter of support for the "newly designed project."¹¹ According to Trustees Schmitz¹² and Dent, this requirement wasn't shared with them either. Moreover, **staff have produced no writings whatsoever which corroborate the statement attributable to Mr. Winquest.** And on October 24, 2022 at 9:09 A.M., in response to my public records request, staff admit that *none exist*. Regardless, **this material fact was never shared with the public!**

⁶ At the Board's September 14, 2022 meeting engineer Kate Nelson testified that notwithstanding her knowledge of the parties' agreement to design an approximate 33,000 square foot expansion, she and her design team had worked feverishly for the previous three (3) weeks to come up with a smaller proposed footprint which satisfied Duffield's requirements.

⁷ See page 056 of the 9/14/2022 Board packet.

⁸ See page 057 of the 9/14/2022 Board packet.

⁹ See pages 069-073 of the 9/14/2022 Board packet.

¹⁰ Mr. Dugdale's termination e-mail of September 19, 2022 states it is based upon the authority of section 6 of the Grant Agreement. How could it be based upon said section or any other portion of the Grant Agreement if it no longer existed?

¹¹ See page 003 of the packet of materials prepared by staff in anticipation of the Board's October 24, 2022 meeting [go to https://www.yourtahoeplace.com/uploads/pdf-ivgid/1024_special.pdf ("the 10/24/2022 Board packet")].

¹² See Trustee Schmitz's September 30, 2022 e-mail to the Duffields which is attached as Exhibit "B" to this written statement.

Therefore the issue isn't what Trustee Schmitz did or did not do on September 14, 2022. It's what our GM and his crew did between September 7-14, 2022. Or stated differently, *WHO'S THE LIAR?* For the reasons which follow, it's our GM and his crew of misfits¹³. The very same persons who over the District's fifty (50) year life have been the liars! And these are the purposes of this written statement.

My October 19, 2022 E-Mail to the Board: Before staff ever came up with their alleged timeline of truth¹⁴ insofar as the subject fiasco were concerned, I came up with mine. Mine was not based upon secret made up facts. Rather it was based upon public record. This e-mail is attached as Exhibit "A" to this written statement, and the reader can examine it for him/herself.

My e-mail concluded that prior to September 14, 2022 no one knew that the Duffield's consent to consider possible funding of construction of the Rec Center expansion was conditioned upon the IVGID Board's unanimous support for both the modified design as well as the newly designed project (aka Option "D"). Now we know the date to be no earlier than September 7, if not September 14.

Through and Including September 14, 2022 There Never Was a Requirement That the IVGID Board Unanimously Support the Modified Scope of the Rec Center Expansion Project, Option D, and Letter of Support and Commitment For the Project and its Modified Scope: In addition to my e-mail of October 19, 2022 (Exhibit "A"), the additional facts revealed by staff below lead to this inescapable conclusion.

On August 31, 2022 at 5:38. P.M. Our GM Sent the Board¹⁵ an August 29, 2022 Internal Memorandum: setting forth an "Update (of) the Rec Center Expansion Project."¹⁶ The Memorandum explained that "CORE Construction was brought onto the team and...three (new design) options... were presented to the Foundation (for its approval). In turn, the Foundation requested that the team develop a (fourth)...smaller footprint...that reflected a (cost) estimate closer to \$25,000,000...Option D...The Foundation has agreed to move forward with Option D." Notably, *nowhere did Mr. Winquest inform members of the Board that their unanimous approval of this design modification and a letter of support would be required as a condition to the Foundation moving forward with this project.*

Twenty-two (22) minutes later, the Board's August 31, 2022 meeting begins. Page 007 of the packet of materials prepared by staff in anticipation of that meeting¹⁷ is the portion of the GM's "Status Report" dealing with the "Recreation Center Youth Expansion Project Updated 8/24/22." Where does Mr. Winquest inform the Board and the public that for the previous three (3) weeks staff

¹³ Got that bootlickers Gail Krolick and Dr Miles Riner? IVGID staff?

¹⁴ See pages 005-013 of the 10/24/2022 Board packet.

¹⁵ See page 007 of the 10/24/2022 Board packet.

¹⁶ See pages 083-091 ("Attachment H") of the 10/24/2022 Board packet.

¹⁷ This page is attached as Exhibit "C" to this written statement.

have been directing the design team to change the Rec Center expansion design to remove nearly twenty percent (20%) of square footage approved in the Grant Agreement? Mr. Winqest will probably answer because staff did not obtain the Duffield's formal approval of these modifications until shortly before commencement of the meeting. Fair enough. So ***why didn't he mention any of this during his verbal report to the Board?*** If one examines the livestream of this meeting¹⁸, one will discover Mr. Winqest didn't mention a word!

On September 1, 2022 at 8:38 P.M. Staff Project Manager, Bree Waters, Sends Duffield Foundation Executive Director, Jim Dugdale, an E-Mail: informing him that "an internal memo was written and delivered to the Board¹⁶ ...to inform them that the footprint of the expansion of the Rec Center had...decreased...Two Board members voiced concerns with the removal of the multipurpose gymnasium and the decrease in the building footprint's square footage...We are required...to bring significant changes to them for review and possible approval...(Consequently,) we are holding a special Board Meeting on or around Sept. 14...to bring this option (D) to them for approval."¹⁹

On September 5, 2022 at 9:45 A.M. a telephone conversation allegedly takes place between GM Winqest and Jim Dugdale: whereby the latter stated that "due to the latest set of potential plan changes, the project is on hold as the Donors need to reconsider participation."²⁰ Notably, ***nowhere does GM Winqest tell us that Mr.Dugdale informed him the Board's unanimous approval of the design modification nor a letter of support therefore would be required as conditions to the Foundation moving forward with this project.***

On September 7, 2022 at 8:00 A.M., at a meeting...between" GM Winqest, Jim Dugdale, Brad Underwood, Bree Waters and Kate Nelson¹¹: Mr. Dugdale allegedly "explain(ed) that...the Donors (we)re extremely unhappy with the process and (for this reason they were)...requiring both unanimous support from the Board of the modified scope of the project, Option D, and a letter of support and commitment for the project and modified scope."²¹ The only documents staff have been able to produce in response to my public records request which corroborate the above-statement allegedly attributed to Mr. Dugdale, are an October 1, 2022 CYA e-mail sent by GM Winqest, and Mr. Dugdale's October 2, 2022 e-mail confirming the same²².

On September 9, 2022 at 4:19 P.M. Bree Waters sent Mr. Dugdale a "PDF containing the Board Memo, Amended Grant Agreement, Original Grant Agreement and the Support and Commitment

¹⁸ The District livestreams its Board meetings (go to <https://livestream.com/accounts/3411104>). The livestream of the Board's August 31, 2022 meeting ("the 8/31/2022 livestream) appears at <https://livestream.com/ivgid/events/10601676/videos/232756703>.

¹⁹ See pages 094-095 ("Attachment J") of the 10/24/2022 Board packet.

²⁰ See page 009 of the 10/24/2022 Board packet.

²¹ See page 010 of the 10/24/2022 Board packet.

²² Copies of both e-mails are attached as Exhibit "D" to this written statement.

Letter:" as confirmed by Ms. Herron in her October 24, 2022 e-mail at 9:15 A.M., *all* included in the Board packet²³ "for...the...meeting...set for Wednesday (September 14, 2022) at 2:00 pm." In her attached e-mail (a copy was sent to GM Winquest and Kate Nelson), she invited Mr. Dugdale to "reach out with any questions."²⁴ ***Notwithstanding none of these materials made any mention of the fact the Duffields required both unanimous support from the Board of the modified scope of the project, and a letter of support and commitment for the project and modified scope, Mr. Dugdale did not contact Ms. Waters with "questions." Nor did anyone else (how about GM Winquest or Kate Nelson?) correct the attached materials sent to the Board and shared with the public! Why not?***

Because unanimous support from the Board of the modified scope of the project, and a letter of support and commitment for the project and modified scope, were never required. These "so called" requirements were fabricated after-the-fact!

And why exactly did public employee Bree Waters send Mr. Dugdale a copy of the Board packet on this agenda item nearly a day before it was made available to the Board and the public²¹? ***Could it have possibly have been to secure the Duffields' advance approval?***

On September 12, 2022 at 11:04 A.M. Mr. Dugdale in Essence Acknowledged Receipt and Approval of the Matter Contained in Ms. Water's September 9, 2022 .PDF:" where he asks to be notified when "original signatures (are) on the letter."²⁵ What's notable here, is that Mr. Dugdale voices no objection to the materials contained in the .pdf notwithstanding they nowhere make ***mention of the fact the Duffields require unanimous support from the Board of the modified scope of the project.***

On September 14, 2022 at 2:00 P.M. the District Board Meeting Took Place: Agenda Item E(2)(a) sought approval of an amendment to the Grant Agreement with the Duffields modifying the scope of the Recreation Center Expansion Project²⁶ downwards from approximately 33,000 square feet to 26,411 square feet. And Agenda Item E(2)(b) sought approval and sending of a letter of support to the Duffields for the proposed modified scope of the Recreation Center Expansion Project²⁷. Like most agenda items, these two were preceded by a staff Memorandum of support²⁸

²³ Understand that this portion of the Board packet was not made available to the Board nor the public until September 10, 2022 at 11:40 A.M., nearly a day after it was made available to Mr. Dugdale!

²⁴ That e-mail without attachments is attached as Exhibit "E" to this written statement.

²⁵ That e-mail is attached as Exhibit "F" to this written statement.

²⁶ See pages 051-073 of the 9/14/2022 Board packet.

²⁷ See page 074 of the 9/14/2022 Board packet.

²⁸ Mr Winquest's recommendation was for the Board to approve: submittal of the letter of support and commitment to the Foundation; the proposed revised scope of work from a 33,000 SF addition to a 26,411 SF addition; and, the proposed Amended Grant Agreement between the District and the

authored by GM Winquest²⁹. If “unanimous (Board) support for both the modified design as well as a unanimous letter of support for the ‘newly designed project’” were required by Duffields as a pre-condition to possibly funding construction of the project, why were these material facts omitted from the Memorandum? ***Because these alleged requirements were never mentioned at the September 7, 2022 meeting*** (see above)!

At the Board's September 14, 2022 meeting our GM gave a prefatory verbal description of this agenda item to allegedly disclose all material facts, and be as completely transparent as possible so the Board could make an informed decision on staff's various requests. Listen to Mr. Winquest's comments at the livestream of this meeting³⁰: “All I'm doing is trying to give the Board and the community ***ALL the information that we have so that we can make a decision on whether or not we want to move forward...*** I hope I've been able to set the table” (see 1:04:25-1:04:42 of the 9/14/2022 live-stream). Yet nowhere and at no time did Indra share with the Board or the public that “unanimous (Board) support for both the modified design as well as a unanimous letter of support for the ‘newly designed project’” were required by Duffields as a pre-condition to possibly funding construction of the project. So did Indra “give the Board and the community all the information” he had? Of course not! And why? ***Because these alleged requirements were never mentioned at the September 7, 2022 meeting*** (see above)!

After Indra had made his verbal comments, he turned further presentation of this agenda item (“I'm just going to pass it on”) to Kate Nelson and Bree Waters³¹. Ms. Waters volunteers quite a bit of information concerning progression of the project. And she answers a number of questions posed by trustees. Again, listen to the 9/14/2022 livestream. Where does Ms. Waters tell the Board OR THE PUBLIC “all the information;” i.e., that “unanimous (Board) support for both the modified design as well as a unanimous letter of support for the ‘newly designed project’” were required by the Duffields as a pre-condition to possibly funding construction of the project? NOWHERE! And why not? ***Because these alleged requirements were never mentioned at the September 7, 2022 meeting*** (see above)!

Ms. Nelson feels the need to interrupt Ms. Waters to interject more information about the project. Again, listen to the 9/14/2022 livestream. Where does Ms. Nelson tell the Board OR THE PUBLIC “all the information;” i.e., that “unanimous (Board) support for both the modified design as well as a unanimous letter of support for the ‘newly designed project’” were required by the Duffields

Duffields for design and preconstruction services for the Recreation Center Expansion Project (see page 051 of the 9/14/2022 Board packet).

²⁹ See pages 051-059 of the 9/14/2022 Board packet.

³⁰ The livestream of the Board's September 14, 2022 meeting (“the 9/14/2022 livestream”) appears at <https://livestream.com/ivgid/events/10614529/videos/232921377>.

³¹ According to Mr. Winquest, these public employees were present at the September 7, 2022 meeting where Mr. Dugdale allegedly disclosed that the Duffields required “unanimous (Board) support for both the modified design as well as a unanimous letter of support for the ‘newly designed project.’”

as a pre-condition to possibly funding construction of the project? NOWHERE! And why not? ***Because these alleged requirements were never mentioned at the September 7, 2022 meeting*** (see above)!

At 49:10 of the 9/14/2022 livestream, one can see PW Director Brad Underwood³⁰ walking to and sitting down on a seat in the first row of public seating. And after listening to all of the above, where does he interject that the presentation by his colleagues is misleading and deceitful because no mention is made of the Duffields' alleged requirement of "unanimous (Board) support for both the modified design as well as a unanimous letter of support for the 'newly designed project?'" NOWHERE! And why not? ***Because these alleged requirements were never mentioned at the September 7, 2022 meeting*** (see above)!

But there's more with our Mr. Underwood. Later that evening (September 14, 2022) at 5:54 P.M, a Representative of Consultant Exline & Co., Melissa Bickenbach, sent GM Winquest, Brad Underwood, Bree Waters, Kate Nelson, Mssrs. Dugdale and Duffield, and others an E-Mail³²: informing all that "the Rec Center expansion...project application ha(d) been successfully submitted to TRPA." So what was staff's response to this news, and Mr. Underwood's in particular? More than half an hour later, at 6:35 P.M., he responded "great work!" In other words, ***our Public Works Director was under the impression unanimous support from the Board of the modified scope of the project was never required***. Because if it were, why would Mr. Underwood congratulate the team for something not warranting congratulation? And doesn't this fact demonstrate that at the September 7, 2022 meeting where Mr. Underwood was present²⁹, ***Mr. Dugdale did not explain that unanimous support from the Board of the modified scope of the project, and a letter of support and commitment for the project and modified scope, were required?***

Finally, 103:41-46 of the 9/14/2022 livestream discloses that "we did notify Trustee Tonking³⁰ [about the scaled back modifications to the proposed Rec Center expansion and presumably the Duffields' requirement that "unanimous (Board) support for both the modified design as well as a unanimous letter of support for the 'newly designed project'" as a pre-condition to possibly funding construction] who was working with our group with us." And after listening to all of the above, where does she interject that the presentation by her colleagues is misleading and deceitful because no mention is made of the Duffields' alleged requirement of "unanimous (Board) support for both the modified design as well as a unanimous letter of support for the 'newly designed project?'" NOWHERE! And why not? ***Because these alleged requirements were never mentioned at the September 7, 2022 meeting*** (see above)!

On September 14, 2022 at 5:23 P.M, after the Board Meeting Approving the Modified Scope of the Rec Center Expansion Project, GM Winquest Sent Mssrs. Dugdale and Duffield an E-Mail³³: informing both that "the board unanimously approved...issuance of the letter of support (and)...voted 4-1 to

³² That e-mail is attached as Exhibit "G" to this written statement.

³³ That e-mail (Attachment "K" to the 10/24/2022 Board packet) is attached as Exhibit "H" to this written statement.

approve the (proposed) modifications to the design (and therefore the design was)...approved and ready to go forward." In other words, ***our GM was under the impression unanimous support from the Board of the modified scope of the project was never required.*** Because if it were, why would Mr. Winquest conclude the proposed design change were approved? And why would he share his "appreciation for) this opportunity to do something great for the community?"

Then at 9:55 P.M. Mr. Winquest Sent Mssrs. Dugdale and Duffield a 9:29 P.M. E-mail From Trustee Tonking: expressing thanks as if all were good and the required approvals had been obtained³⁴. In being "extremely thankful for th(e Duffields' alleged) gift," contrary to Mr. Winquest's representations as to what he allegedly told Trustee Tonking was actually required of the Board³⁵, ***"unanimous support...of the modified scope of the project, Option D," was never required.***

And at 12 midnight Mr. Winquest Sent Mssrs. Dugdale and Duffield a 11:45 P.M. E-mail Forwarded From Chairperson Callicrate: expressing thanks as if all were good and the required approvals had been obtained³⁶. In being grateful to the Duffields for their alleged "overwhelming gift to IVGID and our Community...to fully renovate ad enlarge the Recreation Center," contrary to Mr. Winquest's representations as to what he allegedly told Chairperson Callicrate was required of the Board³⁷, ***"unanimous support...of the modified scope of the project, Option D," was never required.***

And at 9:05 A.M. on September 15, 2022 Mr. Winquest Sent Mssrs. Dugdale and Duffield a 10:56 P.M. E-mail of September 14, 2022 Forwarded From Trustee Wong: expressing thanks as if all were good and the required approvals had been obtained notwithstanding "our vote on the Rec Center expansion was not unanimous tonight."³⁸ In volunteering to "do everything (she) can to move the project forward during the remainder of (her) term," contrary to Mr. Winquest's representations as to what was actually required of the Board³⁹, ***"unanimous support...of the modified scope of the project, Option D," was never required.***

³⁴ The e-mails of GM Winquest and Trustee Tonking are attached as Exhibit "I" to this written statement.

³⁵ See the three (3) minute September 7, 2022 entry at 9:00 A.M. at page 010 of the 10/24/2022 Board packet.

³⁶ The e-mails of GM Winquest and Chairperson Callicrate are attached as Exhibit "J" to this written statement.

³⁷ See the three (3) minute September 7, 2022 entry at 10:02 A.M. at page 010 of the 10/24/2022 Board packet.

³⁸ The e-mails of GM Winquest and Trustee Wong are attached as Exhibit "K" to this written statement.

³⁹ See the nine (9) minute September 7, 2022 entry at 10:11 A.M. at page 010 of the 10/24/2022 Board packet.

Exactly How Much Do You Need to See, in Document After Document, Before You Come to the Conclusion That Through and Including September 14, 2022 There *Never Was* a Requirement the IVGID Board Unanimously Support the Modified Scope of the Rec Center Expansion Project, Option D, and a Letter of Support and Commitment For the Project and its Modified Scope?

So Who Exactly is the Liar?

Breach of Duties by the Public's Fiduciaries: This discussion leads us to a far deeper issue than simply who's telling the truth. Let's assume for purposes of argument that during the September 7, 2022 meeting with Jim Dugdale (see above), Mr. Dugdale in fact communicated that the Donors were requiring unanimous support for both the modified design as well as a unanimous letter of support for the "newly designed project" as he confirms in his e-mail of October 2, 2022 (see Exhibit "C"). The fact that NONE of our public employees bothered to share these critical facts with either the Board or the public at the Board's September 14, 2022 meeting (see above), means ***THEY ALL NEED TO BE FIRED!*** Why?

Now let's assume for purposes of argument that during the September 7, 2022 meeting with Jim Dugdale (see above), there were no communications that the Donors were requiring unanimous support for both the modified design as well as a unanimous letter of support for the "newly designed project." This means that now that Mr. Winquest has told the Board and the public the exact opposite²⁰, he has committed actual fraud. And if Ms. Waters, Ms. Nelson and Mr. Underwood don't come forward to set the record straight, they are guilty of constructive fraud⁴⁰. Which again means that ***THEY ALL NEED TO BE FIRED!*** Why?

Because when you're a public employee, you are a fiduciary for the public which pays your salary. And as a fiduciary, regardless of whether specific rules of government ethics have been adopted, you have a broad duty to carry out your public responsibilities in a manner that is faithful to the public trust that has been reposed in you⁴⁰. And when you breach those duties, you are guilty of constructive fraud inasmuch you have: committed or concealed by omission of a material fact; which has breached a legal or equitable duty of trust or confidence⁴⁰.

Here our GM, Bree Waters, Kate Nelson and Brad Underwood all were and are fiduciaries who owe the utmost trust and confidence to the public. These duties extend to not omitting material facts they are privy to; facts each of them knew and know that absent disclosure, would mislead the Board and the public into acting in such a manner which fit their personal narrative(s). And given their intent is irrelevant⁴¹, these public employees are guilty of constructive fraud⁴⁰! So please don't tell me that three (3) of these valued employees are innocent because they didn't intend to commit fraud.

⁴⁰ Go to <https://dianalegal.com/fraud-i-breach-of-fiduciary-duty-what-is-constructive-fraud/>.

⁴¹ Go to <https://dianalegal.com/fraud-i-breach-of-fiduciary-duty-constructive-fraud-and-breach-of-fiduciary-duty-what-is-the-difference/>.

So what does an ethical government do with its employees who have breached their fiduciary duties owed to the public which are perpetrated by deceit? They're terminated. And this is what I and others I know request⁴². Please don't tell me that you as a Board have no power to terminate these public employees' employment. NRS 318.180 instructs the exact opposite: "The board shall have the power to hire and retain (*or not retain*)...employees...necessary or desirable to effect the purposes of this chapter." So Board members, do your jobs!

Nevada's Whistleblower Statutes: Please don't tell me I am expecting too much from poor public employees Waters, Nelson and Underwood. They're all protected by NRS 281.611, et seq. should they come forward and disclose improper local governmental action.

What Reasons Did Trustee Schmitz Have to Lie About Her Lack of Knowledge of the Duffields' Alleged Requirement That Board Members Vote Unanimously in Favor of Possible Modified Expansion of the Rec Center, Prior to September 14, 2022? NONE! Recall that on June 29, 2022 Trustee Schmitz voted in favor of the Grant Agreement which incorporated an approximate 33,000 square foot expansion of the Rec Center. According to GM Winquest, Trustee Schmitz had no idea the design team and the Duffields had been working on possible modifications to this size expansion until the evening of August 31, 2022¹⁵. It was then GM Winquest distributed an internal memo to the Board with "options, A, B, C and D along with the associated cost estimates" and "the Foundation('s)... agree(ment) to move forward with Option D." But there was no mention that the Donors required both unanimous support from the Board of the modified scope of the project, Option D, and a letter of unanimous support and commitment for the project and modified scope. Although Trustee Schmitz denies this requirement was ever communicated to her by anyone prior to September 15, 2022¹², Mr. Winquest asserts he mentioned the same to her after 9:39 A.M. on September 8, 2022²⁰.

What Reasons Did Trustee Dent Have to Lie About His Lack of Knowledge of the Duffields' Alleged Requirement That Board Members Vote Unanimously in Favor of Possible Modified Expansion of the Rec Center, Prior to September 14, 2022? NONE! He has no dog in this fight.

What Reasons Did the Duffields Have to Lie About Their Alleged Requirement That Board Members Vote Unanimously in Favor of Possible Modified Expansion of the Rec Center, Prior to September 14, 2022? Actually, quite a number!

⁴² In fact on October 4, 2022, when I first learned of what Bree Waters and Indra were up to, I sent the Board an e-mail asking that at least one Board member call a special meeting for purposes of possibly terminating these two employees (that e-mail is attached as Exhibit "L" to this written statement). Once I learned that this improper conduct extends to at least four (4) public employees, on October 23, 2022, I sent another e-mail to the Board asking the same treatment for all four (4) [that e-mail is attached as Exhibit "M" to this written statement]!

On November 24, 2021 the Duffields submitted their application to TRPA for approval to construct an approximate 5,000 square foot private gymnastics gymnasium at 1100 Tahoe Blvd⁴³. Now why submit such an application if the Duffields' intent were to donate the funds to construct a similar dedicated gymnasium as part of the possible Rec Center expansion?

On January 1, 2022 the Duffields submitted their letter to GM Winquest sharing their alleged interest in exploring a possible joint interest in a Rec Center expansion project⁴⁴. In retrospect, this interest was really nothing more than as a "back up" of plan "B" should their plan "A" not be approved by TRPA.

At the Board's June 29, 2022 meeting they approve entry into the Grant Agreement with the Duffields. This agreement is not signed by the Duffield's Executive Director, Jim Dugdale, until August 2, 2022⁴⁵.

At 4:10 P.M. on August 2, 2022, Bree Waters called Mr. Dugdale to inform him that the construction cost estimate for the previously agreed upon 33,000 square foot Rec Center expansion project came in at \$33M⁴⁶.

On August 4, 2022 the Duffields received conditional permit approval from TRPA with respect to their application to construct a private gymnastics gymnasium⁴⁴.

Almost immediately thereafter, prosecution of the proposed Rec Center expansion project slows down. And never before disclosed "road blocks" begin to surface. That afternoon a meeting takes place where Mr. Dugdale "requests that the A&E Team present the Donors with (scaled back Rec Center expansion) options...because the cost estimate...c(a)me in over...\$25M."⁴⁶ On August 9, 2022 IVGID's design "team develops three (3) options and presents the(m) to the Foundation" for their approval⁴⁸. That evening Mr. Dugdale "explains that the Donors want the project cost scope decreased to meet a \$25M scope of work. The Donor...states that he is not interested in doing this project if the (design) Team cannot get the (construction cost) estimate down to \$25M."⁴⁶

On August 12, 2022 "the A&E Team and CORE present(ed) Option D to" Mr. Dugdale. But Mr. Dugdale stated "the Donor(s) will likely not make a decision until late August because they are not available."⁴⁶

⁴³ Go to the TRPA.gov web site and search documents for the Duffield's application No.ERSP2021-1855.

⁴⁴ See page 127 of the packet of materials prepared by staff in anticipation of the Board's February 9, 2022 meeting [go to https://www.yourtahoeplace.com/uploads/pdf-ivgid/02-09_-_UPDATED.pdf ("the 2/9/2022 Board packet")].

⁴⁵ See page 065 of the 9/14/2022 Board packet.

⁴⁶ See page 006 of the 10/24/2022 Board packet.

On August 24, 2022 the Duffields received final permit approval from TRPA with respect to their application to construct a private gymnastics gymnasium⁴³. **At this point the Duffields no longer required the Rec Center expansion project as a back up or Plan B.** Thus they were motivated to exit from the project, and to deflect blame onto someone else. And they did.

What Reasons Did GM Winqest Have to Lie About the Duffields' Alleged Requirement That Board Members Vote Unanimously in Favor of Possible Modified Expansion of the Rec Center, Prior to September 14, 2022? Actually, quite a number!

Once the Duffields terminated their involvement in the subject project, GM Winqest and his team of misfits were motivated to come up with an excuse to deflect blame onto someone else. And they did.

So Who Exactly is the Liar?

Conclusion: How arrogant our staff are. And how stupid. Hopefully now each of you understands that Trustee Schmitz had nothing to do with the Duffield's decision to terminate its possible agreement to fund construction of a possible Rec Center expansion. She was thrown under the bus by GM Winqest and the Duffields to deflect scrutiny and blame which was and is otherwise attributable to our stupid staff.

But though this examination, we've learned that our problems with staff extend far deeper. They don't realize they are public employees, they don't realize who is their employer, they don't realize to whom they owe their loyalty, and they are more committed to special interest groups like the Duffields than we parcel owners who pay/subsidize their over compensation and over benefits. Although this may be "the IVGID way," it's not our way. So again I ask the Board to take charge and either: compel Ms. Waters, Ms. Nelson and Mr. Underwood to come forward and testify as to what really happened at the September 7, 2022 meeting (see above); or, simply terminate the aforesaid employees along with Mr. Winqest who as I have stated so many times before, are the cause of nearly all of our problems.

And You Wonder Why the Recreation ("RFF") and Beach ("BFF") Facility Fees Local Parcel Owners Are Forced to Involuntarily Pay Which Support Garbage Behavior Such as This is Out of Control? I've now provided more answers.

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

EXHIBIT "A"

October 24, 2022 IVGID Board Meeting - Agenda Item D(1) - Presentation by GM Winquest re Recreation Center Expansion Project: An Overview/Outline of the Timing of Events - The Alternative Truth!

From: <s4s@ix.netcom.com>
To: Callicrate Tim <tim_callicrate2@ivgid.org>
Cc: Indra Winquest <ISW@ivgid.org>, Dent Matthew <dent_trustee@ivgid.org>, Wong Kendra <kwong.ivgid@gmail.com>, Schmitz Sara <schmitz_trustee@ivgid.org>, Tonking Michaela <tonking_trustee@ivgid.org>, <sellingtahoe@sbcglobal.net>
Subject: October 24, 2022 IVGID Board Meeting - Agenda Item D(1) - Presentation by GM Winquest re Recreation Center Expansion Project: An Overview/Outline of the Timing of Events - The Alternative Truth!
Date: Oct 19, 2022 12:00 PM

Chairperson Callicrate and Other Honorable Members of the IVGID Board -

Well I didn't think Indra and Tim would be this stupid. They should have let sleeping dogs die and not perpetuate this Rec Center expansion fiasco.

But apparently they are this stupid. And as such, they both deserve what they're going to get! What I am referring to is the Board meeting scheduled for October 24, 2022.

As my friend DJ Khalid instructs, "here's (yet) another one1"

The comments which follow are not direct to the Board nor Gail Krolick who is cc'd to this e-mail and is absolutely clueless to everything that's going on around her. Because none of you care and it's a waste to attempt to enlighten any of you to anything. But it is directed to members of the public who may be reading this e-mail because it will be attached to a written statement to be attached to the minutes of this meeting. And thus survive forever.

First of all, let's be clear. The purpose of this agenda item and meeting are nothing more than DAMAGE CONTROL! Staff's and Chair Callicrate's propaganda intended to deflect blame rightfully attributed to the two of you, your lemming Board member followers, and your wonderful staff who a number of us know are anything other than wonderful.

Second of all, if Indra is doing the presentation, it is guaranteed to be founded upon UNTRUE facts. How do I know?

The faithful like Peter Morris, Gail Krolick and Charlie Miller state time after time that if any in our community want to know the truth about anything IVGID, all we need do is pick up the telephone and speak to our wonderful, helpful staff. Well I'm here to tell you the reader this is a whole lot of garbage. Time after time I and others have asked questions of staff and they're ignored. And because they're ignored, I and others are forced to push the issue by making formal public record requests. And then we get disingenuous responses from Ms Herron like those below that staff is working on our requests when in truth THEY'RE NOT!

And that they hope to provide a response to our requests rather than actual examination of the records we have requested as NRS 239.0107(1)(c)(1) instructs ["Not later than the end of the fifth business day after the date on which the person who has legal custody or control of a public book or record of a governmental entity receives a written or oral request from a person to inspect, copy or receive a copy of the public book or record, a governmental entity shall do one of the following, as applicable...Except as otherwise provided in paragraph (d), if the governmental entity is unable to make the public book or record available by the end of the fifth business day after the date on which the person who has legal custody or control of the public book or record received the request(, it shall) Provide to the person, in writing, notice of the fact that it is unable to make the public book or record available by that date and the earliest date and time after which the governmental entity reasonably believes the public book or record will be available for the person to inspect or copy or after which a copy of the public book or record will be available to the person."], by such and such a

date. NO THEY DON'T. This kind of response is intended to accomplish nothing more than causing the requester to go round and round in circles rather than securing examination of the public records he/she has requested to examine.

You see when Ms. Herron relies upon this provision of NRS 239 to delay examination of a requested public record, she is in essence admitting that the requested public record actually exists and it will be made available for the requester to inspect or copy by a specific date and time. But where those records do not exist, as they don't below, and thus cannot be produced for examination at any date or time, Ms. Herron is unable to rely upon this provision for a response. Yet does that stop her? Of course not. Send the requester round and round in circles, never providing the public record she suggests will eventually be provided.

Here I predict that many of the records requested below, will not be made available for inspection by the date(s) represented because they simply don't exist. After all, they should be produced for examination immediately. But that would be contrary to staff's interests. So let's disarm the requester until after the subject dog and pony show on October 24 is over.

Even when staff get around to providing a substantive response to a records request, it is incomplete, deceitful, and often conditioned upon Ms. Herron's regurgitation of what our requests allegedly were, when they were really something else. So at the end of the day, staff is anything OTHER THAN honest and transparent! Are you reading this Gail? Your wonderful staff are deceitful, dishonest, and non-transparent. Because the truth is embarrassing and staff are taught to hide the truth.

And we know this describes Indra's dog and pony show because he has refused to share public records I and others have requested which if shared, would either not exist or box him into a corner so tight, he wouldn't be able to breathe. And each of you know this. Because Indra speaks with forked tongue.

So to the public reading this e-mail, please understand that much of the critical information Indra will speak to on October 24 will not be truthful. It's going to be a pack of lies to deflect responsibility away from he and his wonderful staff, and onto their scapegoat Trustee Schmitz. The bootlickers in our community may fall for the deflection because they have been programmed to be so inclined. But those of us who know the truth won't. And neither should you the reader.

Consider the following truthful facts.

GM Winquest: Go back to the livestream of the Board's September 14 meeting. There you will hear where Indra has gone out of his way to allegedly disclose all the truth concerning the proposed Rec Center expansion so the Board is equipped to make a knowing decision. Yet he conveniently fails to disclose that the Duffields allegedly required the Board's decision on the subject agenda item to be unanimous. And why would Indra purposefully fail to disclose this material fact? Because the Duffields never, never communicated this fact ahead of time.

The Staff Memo in Support of This Agenda Item: The reader is asked to read this memo in anticipation of the Board's September 14 meeting very carefully. Nowhere will you see that staff have disclosed to the Board or the public that the Duffields allegedly required the Board's decision on the subject agenda item to be unanimous. Why again Indra? Because the Duffields never, never communicated this fact ahead of time.

Project Manager Bree Waters and Internal Services Engineer Kate Nelson: Go back to the livestream of the Board's September 14 meeting. After Indra goes out of his way to allegedly disclose all the truth concerning the proposed Rec Center expansion so the Board will be equipped to make a knowing decision, he turns the meeting over to project manager Waters and engineer Nelson. There each answers question after question by Board members and allegedly discloses all the truth so the Board will be equipped to make a knowing decision, Yet again, both conveniently fail to disclose that the Duffields allegedly required that the Board's decision on the subject agenda item had to be unanimous. And why? Because the Duffields never, never communicated this fact ahead of time.

Moreover, Kate Nelson tells us that for the three week period prior to September 14, the design team had been working feverishly on coming up with proposed scaled down versions of the originally approved 33,000 square foot Rec Center expansion to meet the Duffield's revised requirements. Three weeks prior to September 14 was August 24. Is it coincidental that August 24 was the date the Duffields secured final TRPA approval for their competing private gymnastics gymnasium building project? In other words, once the Duffields secured that final approval their job became coming up with disingenuous reasons justifying their retreat from possibly funding construction of the proposed Rec Center expansion. And one of the more obvious justifications, was that unanimous IVGID Board approval was required for the Duffields' scaled back version of the Rec Center expansion project.

Michaela Tonking: At the Board's February 9 meeting, Indra tells the Board that Trustee Tonking has been appointed to staff's Rec Center expansion committee team to represent the Board insofar as pre-construction design matters were concerned. At no time did Michaela disagree with this appointment characterization. Now let's move forward to the Board's September 14 meeting. There Michaela is listening to Indra's, Ms. Waters' and Ms. Nelson's descriptions of the project. And not onces does she interject that the Duffields allegedly required the Board's decision on the scaled back version of the project to be unanimous. And why? Because the Duffields never, never communicated this fact ahead of time to anyone.

Trustee Schmitz: denies she was ever informed prior to September 14 that the Board's decision on the subject agenda item had to be unanimous. And why? Because no one ever, ever communicated this fact ahead of time. Period!

Trustee Dent: denies he was ever informed prior to September 14 that the Board's decision on the subject agenda item had to be unanimous. And why? Because no one ever, ever communicated this fact ahead of time. Period!

The Duffields: On September 21 the Duffields send their Rec enter expansion e-mail announcing termination of the funding of the project. NOWHERE therein did the Duffields explain why the project was being terminated. And why? Because no one ever, ever communicated this fact ahead of time. Period!

Moreover, our proposed Rec Center expansion was never the Duffields' intent. Probably in 2020 or early 2021 they began work on their own privately owned gymnastics gymnasium to be constructed at 1100 Tahoe Blvd. Their decision to enter into a MOU with the District, which was suggested in their January 1, 2022 letter to the Board was nothing other than a back up or contingency plan should their real intent be unsuccessful. And of course once they received final TRPA approval, they discarded our proposed Rec Center expansion project like a hot potato! In other words, we were played like a cheap suit and our staff was too stupid to realize the truth.

Our staff cannot claim ignorance. After all in July of 2022 the Duffields made request to IVGID for a permit to connect water and sewer services to their 1100 gymnasium project. And shortly thereafter, the District entered into an agreement with the Duffields whereby we paid half the cost to upgrade the water supply connection line leading to that new building.

Then there is the high school. At the time the Duffields were planning their private gymnasium building on Tahoe Blvd., they were planning an expansion to the Incline High School which would be perfectly suited for a Boy's and Girl's Club. And why? Because once our proposed Rec Center expansion project died, the Duffields needed an alternative venue for their beloved Boy's and Girl's Club. Enter the high school

So again, we were played like a cheap suit and our staff was too stupid to realize the truth.

Chairperson Callicrate: admits that on September 27 he contacted Duffields' representative to learn the reasons why he had terminated funding of the project. Now why would Callicrate have to contact Duffield to learn of this reason if he already knew that unanimous Board approval was required? He wouldn't! Which means that no one ever, ever communicated this fact ahead of time. Period!

Trustee Wong: sent her invitation to riot e-mail to friends and neighbors the afternoon of September 27 after Chairperson had spoken to Duffield's representative and learned that termination had taken place because the IVGID Board had not unanimously approved the scaled down version of the project. The fact this is the first time Wong acknowledges this reason, it is evidence that beforehand, no one had ever, ever communicated this fact ahead of time.

Resident Cliff Dobler: makes a request to examine any and all records of communications between the Duffields and anyone at IVGID whereby the subject of unanimous approval by the IVGID Board of Duffields' scaled down version of the Rec Center expansion is mentioned as a pre-requisite to the Duffield's decision to move forward with their proposed construction financing donation. Within the statutory five (5) business day period, Ms. Herron fails to provide any response or record whatsoever. And why? Because no one on behalf of the Duffields ever, ever communicated this fact ahead of time. Period!

Resident Cliff Dobler makes another request to examine any and all records of communications between IVGID Board members and anyone at IVGID whereby the subject of unanimous approval by the IVGID Board to Duffields' scaled down version of the Rec Center expansion project is mentioned as a pre-requisite to the Duffield's decision to move forward with a proposed construction financing donation. Within the statutory five (5) business day period, Ms. Herron failed to provide any response or record whatsoever. And why? Because no one on behalf of IVGID staff ever, ever communicated this fact ahead of time. Period!

The grant agreement: entered into by both the IVGID Board and the Duffields as of August 2 makes no mention whatsoever of unanimous Board approval being required for anything. Moreover it clearly recites that there shall be no amendment nor modification of any of its provisions short of a subsequent writing executed by both parties. Never, never was there such a writing because the Duffields refused to sign one. Thus there never was an agreement nor requirement that unanimous Board approval of the Duffields' proposed scaled back version of the Rec Center expansion was a pre-requisite to their decision to move forward with a proposed construction financing donation.

Summary: So here you see fact after fact after fact which supports the conclusion that there never was a requirement that unanimous Board approval of the Duffields' proposed scaled back version of the Rec Center expansion was a pre-requisite to the their decision to move forward with their proposed construction financing donation. And ZERO facts to even suggest that unanimous Board approval was in fact a pre-requisite. ZERO!

Yet Indra intends to make a presentation relying upon heretofore undisclosed facts to make the opposite case. That is, that he told all trustees prior to the September 14 meeting that if they did not unanimously support the Duffields' scaled back version of the Rec Center expansion project, there would be no agreement to move forward with their proposed construction financing donation. SO WHO ARE YOU GOING TO BELIEVE? Well we know who Callicrate, Wong, Tonking, Krolick and Noble will believe. But what about the rest of us?

The blame for this fiasco sits squarely at the feet of Indra and his band of misfit staff. Had they been competent and done their jobs in a professional manner, they would have firmed up the Duffield's proposed donation commitment ahead of time before starting down this road. And the fact they didn't, speaks volumes. BE MEN AND ADMIT THAT EACH OF YOU IS OUT OF YOUR LEAGUE AND ARE THE ONES WHO SCREWED UP. But of course you never, never will. So you have to find a scapegoat to throw under the bus. And that scage goat became and is poor Trustee Schmitz.

You people are pathetic. And I am embarrassed to point to any of you as being the professional staff of IVGID. Embarrassed. And you will get what you deserve. Which is nothing! And the blame should be placed squarely at Indra's/staff's/the Board's feet.

Respectfully, Aaron Katz

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

From: Susan A. Herron <sah@ivgid.org>

Sent: Oct 17, 2022 4:04 PM

To: 's4s@ix.netcom.com' <s4s@ix.netcom.com>

Cc: Indra Winqest <ISW@ivgid.org>

Subject: RE: Records Request - Request From Duffield Foundation For Letter of Support For Sep 14, 2022 Option D Rec Center Expansion

Mr. Katz,

Staff is working on your request and we hope to have it filled no later than October 28.

Susan

From: s4s@ix.netcom.com <s4s@ix.netcom.com>

Sent: Monday, October 10, 2022 8:10 AM

To: Susan A. Herron <sah@ivgid.org>

Cc: Indra Winqest <ISW@ivgid.org>

Subject: Re: Records Request - Request From Duffield Foundation For Letter of Support For Sep 14, 2022 Option D Rec Center Expansion

Hello Ms Herron -

Another records request.

In Indra's staff memo in support of the Sep 14 Rec Center amendment agenda item, he asks the Board approve a proposed letter to demonstrate their full support for the amended project. I would therefore like to examine all written communications from anyone associated with the Duffield Foundation and anyone at IVGID or the IVGID Board wherein:

1. Duffield made request for such a letter;
2. Duffield provided the form of the such letter;
3. Duffield provided approval or denial of any aspects of such a letter prior to the Sep 14, 2022 meeting;
4. IVGID staff provided proposed versions of such a letter to Duffield soliciting the latter's approval prior to the Sep 14, 2022 meeting.

These records should have been included in the Board packet for the Sep 14, 2022 meeting. But they weren't. And since they should be very readily available, how about making them available for my inspection prior to the upcoming Board meeting on October 12, 2022? It might be nice to be able to quote the particulars to the Board during public comment.


Thank you for your cooperation. Aaron Katz

EXHIBIT "B"

From: Sara Schmitz
Sent: Friday, September 30, 2022 4:57 PM
To: jim@dcdfoundation.org
Subject: Please forward to Mr. & Mrs. Duffield and others as identified - thank you

Dear Mr. and Mrs. Duffield and the Trustees of the Dave and Cheryl Duffield Foundation,

I am writing this letter to you to express my profound sadness at the decision of the Dave and Cheryl Duffield Foundation to not proceed with the generous grant to IVGID to build the teen gymnastics facility and teen/youth center, and to humbly request that the Foundation reconsider its decision.

The General Manager and several Trustees have told me that the Foundation's decision to withdraw from the project was made because of my vote on the project design at the September 14, 2022 Board of Trustees meeting, wherein I expressed the desire that IVGID fund an additional portion of the project to include a multi-purpose gymnasium. The Board was presented 4 options for consideration. I was completely unaware that my vote on the design would have a negative impact you and the gift from the Foundation. 

After the Board votes and makes a decision, all Board members align themselves with that decision. I therefore gladly voted in approval and signed the letter of support for the project and its design approved by the Board.

I have and do fully appreciate your Foundation's generosity, and I fully support the project as approved by the Board at the September 14th meeting. When I learned for the first time on August 29 that the gymnasium was no longer included the project, I thought that the Trustees should discuss the possibility for IVGID to fund the gym portion of the project and I asked that that discussion occur at a Board meeting to be scheduled as promptly as possible.

I am inquiring as to whether there is anything that I can do to change your decision, including any further letter or public statement concerning my full and unconditional support of the project.

I thank you in advance for kind consideration and also for all of your past generosity.


Sara

Sara Schmitz

Incline Village General Improvement District Trustee and Secretary
893 Southwood Blvd.
Incline Village, NV 89451
925-858-4384



EXHIBIT "C"

Utility Rate Study	Completed	Director of Finance Navazio/Director of PW Underwood	Complete
 Recreation Center Youth Expansion Project <i>*updated 8/24/22</i>	Winter 2024	GM Winquest/DPM Waters	Contracts for the A&E design team, CORE Construction, and Exline Consulting were approved by the Board on June 29, 2022. The Progressive Grant Agreement was approved by the Board on July 27, 2022. The design team is moving quickly to prepare final design documents. Biweekly CMAR Team project meetings are held to keep the project moving forward. IVGID has received the geotechnical report and preliminary survey. The CMAR Team has held meeting with TRPA and Washoe County Planning and are preparing the necessary documentation required by each entity.

IVGID Golf Courses Update

Golf Operations July Update - Championship Course

July once again has been a good month financially. Much of this is due to the incredible condition the golf course has been in all season long under the direction of Golf Course Superintendent Jeff Clouthier. Golfers have been raving about the condition of the course all season and this is a credit to he and his staff. The average dollar per round continues to increase over last year and some of the increases can be attributed to Guest and Non-Picture Pass Holder rates increasing this season. Food and Beverage has been operating with a skeleton crew all season. Staffing for the season has been very challenging, which results in limited ability to fully staff the Grille Restaurant and fully open all F&B Outlets. Facilities (Banquets & Weddings), has not been fully vetted yet, but according to our Facilities Sales & Events Coordinator Lauren Iida, the season has been very good to date and that department should finish ahead of revenue projections. Round totals are very close to budget and hopefully with no fires in the area, play will continue to be on pace. Merchandise sales and Profit Margins still continue to finish higher than budgeted. Overall, expenses should be under budget for the season due to lack of staff and being able to operate at our normal capacity.

EXHIBIT "D"

From: James Dugdale <jim@dcdfoundation.org>
Sent: Sunday, October 2, 2022 12:35 PM
To: Indra Winqest
Subject: RE: RC Expansion

Indra, yes, that is correct.


Best, Jim

Jim Dugdale
Executive Director
Dave & Cheryl Duffield Foundation
Jim@dcdfoundation.org
Office 775.461.2707

DAVE & CHERYL
DUFFIELD
FOUNDATION

From: Indra Winqest <ISW@ivgid.org>
Sent: Saturday, October 1, 2022 9:18 PM
To: James Dugdale <jim@dcdfoundation.org>
Subject: RC Expansion

Hi Jim –

 There seems to be some question within the community surrounding the circumstances as to why the Foundation withdrew support for the RC Expansion Project. Can you clarify that the expectation from the foundation was unanimous support for both the modified design and the letter of support from the Board/District as discussed in our meeting on Wednesday, September 7th ?

Thanks, Indra

Indra Winqest
General Manager
Incline Village General Improvement District
893 Southwood Blvd, Incline Village NV 89451
P: 775-832-1206
F: 775-832-1380
isw@ivgid.org
<http://www.yourtahoeplace.com>



EXHIBIT "E"

From: Bree Waters
Sent: Friday, September 9, 2022 4:19 PM
To: James Dugdale
Cc: Indra Winquest; Kate Nelson
Subject: Board Memo and Attachments
Attachments: Recreation Center Expansion Board Memo 14Sept22_Final.pdf

Jim,

Please find the attached PDF containing the Board Memo, Amended Grant Agreement, original Grant Agreement and the Support and Commitment Letter. As Indra indicated previously, if you are not comfortable with the changes made to the letter today, we can replace the letter with the one that Mr. Duffield reviewed yesterday.

★ Have a great weekend and please reach out with any questions. The Board Meeting has been set for Wednesday at 2:00 pm.

Thank you,

Bree A. Waters
District Project Manager

Incline Village General Improvement District
Public Works Department
1220 Sweetwater Road
Incline Village, NV 89451
775.832.1372 D
775.413.4525 C

EXHIBIT "F"

From: Indra Winqest
Sent: Monday, September 12, 2022 11:05 AM
To: James Dugdale; Bree Waters
Cc: Chris Watts
Subject: RE: Letter Included in 9/14 IVGID BOT Special Meeting


Will do. Thanks Jim.

Indra Winqest
General Manager
Incline Village General Improvement District
893 Southwood Blvd, Incline Village NV 89451
P: 775-832-1206
F: 775-832-1380
isw@ivgid.org
<http://www.yourtahoeplace.com>



From: James Dugdale <jim@dcdfoundation.org>
Sent: Monday, September 12, 2022 11:04 AM
To: Bree Waters <baw@ivgid.org>; Indra Winqest <ISW@ivgid.org>
Cc: Chris Watts <Chris.Watts@nevadapacific.com>
Subject: Letter Included in 9/14 IVGID BOT Special Meeting

Bree and Indra:

 Once you've received all the original signatures on the letter to Dave and Cheryl, please let me know and I'll pick it up (and I understand that there may be several signature pages as some of the Trustees are not in Incline). Thanks much and I hope your 9/14 special BOT meeting goes well. Best, Jim

Jim Dugdale
Executive Director
Dave & Cheryl Duffield Foundation
jim@dcdfoundation.org
Office 775.461.2707

DAVE & CHERYL
DUFFIELD
FOUNDATION

EXHIBIT "G"

From: Brad Underwood
Sent: Wednesday, September 14, 2022 6:35 PM
To: Phil O'Keefe; Melissa Bickenbach
Cc: Bree Waters; Jeff Klippenstein; Shelia Leijon; Indra Winquest; Kate Nelson; kurtparriott@coreconstruction.com; Susan A. Herron; Travis Coombs; danielsalego@coreconstruction.com; michaelkeller; jim@dcdfoundation.org; tesszinio@coreconstruction.com; Nick Exline; Molly Armanino
Subject: Re: Rec Center Expansion - Progress Mtg.

★
Great work!

Get Outlook for Android

From: Phil O'Keefe <phil@hkarchitects.com>
Sent: Wednesday, September 14, 2022 6:14:22 PM
To: Melissa Bickenbach <melissa@exlineandcompany.com>
Cc: Bree Waters <baw@ivgid.org>; Jeff Klippenstein <Jeff@hkarchitects.com>; Brad Underwood <BBU@ivgid.org>; Shelia Leijon <sal@ivgid.org>; Indra Winquest <ISW@ivgid.org>; Kate Nelson <ksn@ivgid.org>; kurtparriott@coreconstruction.com <kurtparriott@coreconstruction.com>; Susan A. Herron <sah@ivgid.org>; Travis Coombs <traviscoombs@coreconstruction.com>; danielsalego@coreconstruction.com <danielsalego@coreconstruction.com>; michaelkeller <michaelkeller@coreconstruction.com>; jim@dcdfoundation.org <jim@dcdfoundation.org>; tesszinio@coreconstruction.com <tesszinio@coreconstruction.com>; Nick Exline <nick@exlineandcompany.com>; Molly Armanino <molly@exlineandcompany.com>
Subject: Re: Rec Center Expansion - Progress Mtg.

Woohoo!

Phil O'Keefe, AIA
H+K Architects

Sent from iPhil

On Sep 14, 2022, at 5:54 PM, Melissa Bickenbach <melissa@exlineandcompany.com> wrote:

★
Good Afternoon,
The Rec Center Expansion EIP project application has been successfully submitted to TRPA.

As a reference, you may access the [TRPA submittal packet](#) via the link.

Thank you,
Melissa Bickenbach
Senior Planner
Exline & Company, Inc.
P.O. Box 16789
South Lake Tahoe, CA 96151

On Sep 13, 2022, at 7:50 AM, Bree Waters <haw@ivgid.org> wrote:

We are going to cancel the meeting tomorrow. I am out of town this week and the team is scrambling to get the TRPA submittal in. Kate and I think it's best for everyone not to have to drive to the meeting.

Please let us know if there is anything outstanding that needs to be discussed.

Thank you!

Bree

Rec Center Expansion - Progress Mtg.

Scheduled: Sep 15, 2022 at 2:00 PM to 3:00 PM, PDT

Location: Public Works Conference Room

Invitees: Jeff Klippenstein, Brad Underwood, Public Works Conference Room, Shelia A. Leijon, Indra Winquest, Kate Nelson, Kurt Parriott, Susan A. Herron, Travis Coombs, Daniel Salego, Melissa Bickenbach, Phil O'Keefe, Michael Keller, Nick Exline, James Dugdale, Tess Zinio

Bree Waters

IVGID

District Project Manager

(C) 775.413.4525

EXHIBIT "H"

From: Indra Winquest
Sent: Wednesday, September 14, 2022 5:23 PM
To: James Dugdale
Cc: Dave Duffield
Subject: Special Board Meeting today

Hi Jim & Dave –

We had the special board meeting today. The trustees had a lot of discussion and based on comments, it's clear that the board is in support of the project and very thankful for the generosity of the foundation. As I have mentioned, the government process can be challenging and the board had a lot of discussion and questions about how we would be able to program the facility without the additional flexible gym space. I feel that we did a good job of explaining that we would be fine and that we really need to focus on the rest of the project that meets the needs of the community in particular youth and families. As Trustees, it is their fiduciary responsibility to ask hard questions and discuss these issues as they represent the community.



The board unanimously approved the issuance of the letter of support with one requested edit. They feel that the apology should come from the entire district not just the board which is the way I would have preferred the letter be drafted initially because I believe that staff could have been a bit more detailed in discussions as well. The intent is that the District as a whole should be unanimously behind this project not just the trustees. I do not think this weakens the letter at all so hopefully you do not feel this way.



The board voted 4-1 to approve the modifications to the design so its approved and ready to go forward. Trustee Sara Schmitz voted no although she at multiple times expressed her support for the project but felt without the ability to discuss whether or not the district should actually consider contributing to the project because she feels that the additional gym space is something that the community has asked for and would benefit IVGID and the Boys and Girls Club. Note that Mindy Carbajal did call in to express the clubs support of moving forward with the modified design.

Board dynamics is always challenging as they have to answer to the community which is where I think Sara was struggling to determine how she would proceed. She has requested the opportunity to meet with the foundation to discuss how she supports the project but also her point of view as an elected official and why she feels strongly about exploring IVGID contributing. I truly hope you know how much the community is behind this as well as staff. Additionally, the fact that all five voted in favor of submitting the letter should also indicate they support the project. I realize the decision by Trustee Schmitz is a little odd but I think she feels like she is doing her due diligence as an elected official. There have been other agenda items where she has approached the same way.

Truly appreciate this opportunity to do something great for the community and I will personally apologize for anything that has made this challenging or frustrating. Certainly not the intention and as I have said, I am in a very difficult situation in a very challenging job. Let me know if you would like to get on a call to discuss further or in person.

With much respect,
Indra

Indra Winquest
General Manager
Incline Village General Improvement District
893 Southwood Blvd, Incline Village NV 89451
P: 775-832-1206

F: 775-832-1380

isw@ivgld.org

<http://www.yourtahoeplace.com>



EXHIBIT "I"

From: Indra Winquest
Sent: Wednesday, September 14, 2022 9:55 PM
To: Dave Duffield Ridgeline; James Dugdale
Subject: Fwd: Letter to Mr. and Mrs. Duffield

Hi Dave & Jim -

See below email correspondence sent to me by IVGID Trustee (Treasurer) Michaela Tonking requesting i forward.

Cheers, Indra

Begin forwarded message:

From: Michaela Tonking <tonking_trustee@ivgid.org>
Date: September 14, 2022 at 9:29:57 PM PDT
To: Indra Winquest <isw@ivgid.org>
Subject: Letter to Mr. and Mrs. Duffield

Dear Mr. and Mrs. Duffield,

I have not had the opportunity of meeting you personally; however, you have had and continue to have a huge impact on the community I have been able to call home for the last 30 years. Your generous donation to expand the Recreation Center is an incredible gift for this community, especially the youth. I can say while growing up here, IVGID and the Rec Center, raised many of us by providing us with a place to learn and grow in a variety of activities, develop sportsmanship, and find our passions. However; there has always been a lack of structured space for teenagers to enjoy after school and your generous donation meets this need and is something so many of wish we had while growing up here.

As a member of the IVGID board, I am extremely thankful for this gift. This is an incredible opportunity for the community and will have a lasting impact on current and future families. I wanted to thank you and tell you I am full support of this project.

Thank you,

Michaela

Michaela Tonking

Trustee and Treasurer

Incline Village Improvement District

893 Southwood Blvd. Incline Village, NV 89451

775-225-0748



EXHIBIT "J"

From: Indra Winquest
Sent: Thursday, September 15, 2022 12:00 PM
To: Dave Duffield Ridgeline; James Dugdale
Subject: Fwd: Letter to Dave and Cheryl Duffield

Hi Dave and Jim -
See below an email from Chairman Tim Callicrate.

Cheers, Indra

Begin forwarded message:

From: Tim Callicrate <callicrate_trustee@ivgid.org>
Date: September 15, 2022 at 11:45:29 AM PDT
To: Indra Winquest <isw@ivgid.org>
Subject: Letter to Dave and Cheryl Duffield

Hi Indra,

could you please forward this letter to the Duffields?

Thanks!

Tim

Dear Dave and Cheryl,

Words can hardly express the tremendous gratitude we, the Board of Trustees, and by extension the entire District have regarding your overwhelming gift to IVGID and our Community in excess of \$25 million dollars to fully renovate and enlarge the Recreation Center!!

In my 37+ years as a full-time, year-round resident Incline has never received such an offer, or anything close to it. Your generosity is endless and all of us in Incline Village and Crystal Bay so appreciate your philanthropy.

Please realize that the majority of the Board, and more importantly, the entirety of our Community, recognize and appreciate your never-ending commitment to improving the experiences for our youth and attendant populations.

I wanted to reach out to you both and hopefully ameliorate any misunderstandings from tonight's meeting. Four of us voted to support the amended scope of project. Unfortunately, one trustee did not. That being said, our Board and the District fully support moving forward on this exciting project and truly appreciate your foundation's generosity in seeing it through.

I want to thank you again for your vision, commitment and, most importantly, your financial backing in gifting a spectacular addition to our District's facilities!!!

Please accept this email with the best intentions. I, and 8,100+ other parcel owners, truly appreciate your generosity and goodwill!

Again, Thank you and your foundation!

With warmest regards,

Tim

Tim Callicrate

Chairman, Board of Trustees

Incline Village General Improvement District

893 Southwood Blvd.

Incline Village, NV 89451

Cell: 775-336-9925



EXHIBIT "K"

From: Indra Winquest
Sent: Thursday, September 15, 2022 9:04 AM
To: Dave Duffield; James Dugdale
Subject: FW: Today's Meeting

Hi Dave & Jim –

See below an email from Trustee Kendra Wong offering her full support for the project. Kendra has been a Trustee for 8 years.

Thanks, Indra

Indra Winquest
General Manager
Incline Village General Improvement District
893 Southwood Blvd, Incline Village NV 89451
P: 775-832-1206
F: 775-832-1380
isw@ivgid.org
<http://www.yourtahoeplace.com>



From: Kendra Wong <Wong_trustee@ivgid.org>
Sent: Wednesday, September 14, 2022 10:56 PM
To: Indra Winquest <ISW@ivgid.org>
Subject: Today's Meeting

Hi Indra,

I am disappointed our vote on the Rec Center expansion was not unanimous tonight. Was hoping you could pass along this message to the Duffields and the foundation.

Dear Mr. and Mrs. Duffield and the Dave and Cheryl Duffield Foundation,

First of all, thank you for your generous donations to our community.

I am writing this because I feel like the Board's actions tonight were contradictory. On one hand, the Board unanimously approved a letter of support (with revisions) for the project, but on the other, we did not unanimously vote to support the revised project. I wholeheartedly support the Rec Center expansion and will do everything I can to move the project forward during the remainder of my term. I am grateful our staff and your team were able to negotiate a design that accomplishes a majority of the community needs and allows for future expansion.

Again, thank you for your contributions to the community and if I can help in any way (beyond my duties as a Trustee), please do let me know.

EXHIBIT "L"

Because of Rec Ctr Expansion Project Manager Bree Water's and GM Winquest's Admissions at the Board's Sept 14 Meeting, Insofar as Their Wrongful Conduct, BOTH Should be Terminated as IVGID Employees!

From: <s4s@ix.netcom.com>
To: Callicrate Tim <tim_callicrate2@ivgid.org>
Cc: Dent Matthew <dent_trustee@ivgid.org>, Wong Kendra Trustee <wong_trustee@ivgid.org>, Schmitz Sara <schmitz_trustee@ivgid.org>, Tonking Michaela <tonking_trustee@ivgid.org>, <ISW@ivgid.org>
Subject: Because of Rec Ctr Expansion Project Manager Bree Water's and GM Winquest's Admissions at the Board's Sept 14 Meeting, Insofar as Their Wrongful Conduct, BOTH Should be Terminated as IVGID Employees!
Date: Oct 4, 2022 11:19 PM

Chairperson Callicrate and Other Honorable Members of the IVGID Board -

Before I discuss my request, please understand that NRS 318.180 instructs that "the board shall have the power to hire and retain...employees...necessary or desirable to effect the purposes of this chapter." Given NRS 318.210 instructs that "the board shall have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted in this chapter," the power to "retain" necessarily implies the power to terminate. And that's what I am discussing here. Now on to the Sep 14, 2022 meeting.

I was SHOCKED to hear Bree Waters' admission that as Rec Center Expansion project manager, and for three or more weeks prior to the Board's Sep 14, 2022 meeting, she directed staff and outside consultants to work on the project and rack up additional inappropriate fees as if Option D in the Sep 14, 2022 Board packet had been approved by the Board. And she knowingly did this WITHOUT BOARD KNOWLEDGE OR APPROVAL. And why? Because her REAL CLIENT, the Duffield Foundation, told her to do so!

And remember, this is in light of the fact Ms Waters KNEW that the Board had approved a completely different expansion project option at its June 29, 2022 meeting (the Grant Agreement).

Remember. Neither the Board nor the public had a clue, and she did NOTHING to share this behavior with either. Thank you vaunted public employee Waters.

I'm sorry. This behavior warrants immediate termination. For years I have pointed to the despicable IVGID Culture which permeates this place. A culture where our public employees care more about themselves, their public employee colleagues, and their various special interests of the month. And here we have evidence of this culture at work. Since here staff's real employer was the Duffield Foundation, they took unfettered direction from Duffield. And since staff DON'T consider the Board to be their real employer, they elected to hide the truth from the Board and the public because they had an agenda to complete.

And unbelievably, Indra became a very willing conspirator. And why? Because he was told by Mr. Duffield that if the District didn't go along with Option D, the Rec Center expansion project was dead. In other words, rather than sharing this information with the Board and allowing the Board to make the ultimate decision as to what to do, Indra chose to BREACH HIS FIDUCIARY DUTIES and excise the Board from the process altogether.

This DISGUSTING behavior has been going on around here for decades. It helps to describe everything that's wrong, and everything that requires fixing around here. And ultimately, that's what each of you was elected to do. SO DO YOUR DAMN JOBS for once!

How dare you trustees Wong, Callicrate and Tonking blame trustee Schmitz for the death of this project. And you too trustee candidates Krolick and Nobel. It was dead the moment Ms. Waters and Indra took matters into their own hands and then hid what they were doing from the Board and the public. It was dead because staff can't negotiate their way out of an open bag. Had they had some real competence, they would have negotiated an iron clad agreement with Duffield right from the start that wouldn't have allowed him to wiggle out of his "so called" representations. But they didn't. And once again, the public pays the price.

The only people who should resign or be terminated are Bree Waters and Indra Winquest. And you as a Board have the power to do this. An example needs to be made to the rest of our public employees because if it isn't,

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this crap is going to continue. And each of you knows this. And we will repeat every mistake staff make which is the District's m.o. over the last fifty or more years.

I ask the Board call a special meeting for the purpose of possibly terminating these two employees. DO IT NOW!

Respectfully, Aaron Katz

EXHIBIT "M"

Bree Waters, Kate Nelson and Brad Underwood are All Guilty of Constructive Fraud and Deserve to be Fired! Indra Winquest, is Guilty of Either Actual or Constructive Fraud, and Deserves the Same Fate!

From: <s4s@ix.netcom.com>
To: Callicrate Tim <tim_callicrate2@ivgid.org>
Cc: Dent Matthew <dent_trustee@ivgid.org>, Wong Kendra Trustee <wong_trustee@ivgid.org>, Schmitz Sara <schmitz_trustee@ivgid.org>, Tonking Michaela <tonking_trustee@ivgid.org>, <ISW@ivgid.org>, <sellingtahoe@sbcglobal.net>
Subject: Bree Waters, Kate Nelson and Brad Underwood are All Guilty of Constructive Fraud and Deserve to be Fired! Indra Winquest, is Guilty of Either Actual or Constructive Fraud, and Deserves the Same Fate!
Date: Oct 23, 2022 4:11 PM

Chairperson Callicrate and Other Honorable Members of the IVGID Board -

At page 003 of the Board packet for the upcoming October 24, 2022 Board special meeting, our GM admits that

"At a meeting on September 7, 2022 between the Executive Director of the Foundation (Jim Dugdale), District General Manager (Indra Winquest), Director of Public Works (Brad Underwood), District Engineering Manager (Kate Nelson) and District Project Manager (Brianna Waters), the Executive Director of the Foundation communicated that the Donors (the Duffields) were requiring unanimous support for both the modified design as well as a unanimous letter of support for the "newly designed project."

If true, this means that on September 14, 2022, the day of the Board meeting to secure approval for modification to the Grant Agreement approved June 29, 2022, ALL of these individuals knew that "unanimous (Board) support for both the modified design as well as a unanimous letter of support for the "newly designed project" were required as a pre-condition to the Duffields following through on their suggestion that they possibly might fund construction of a Rec Center expansion.

If not true, then our GM is guilty of actual fraud; a misrepresentation of fact intended to deflect responsibility for himself and the Duffields for the Rec Center expansion fiasco.

Let's concentrate on constructive fraud.

Our GM's Memorandum in Support ["Staff recommends the Board approve the submittal of the letter of support and commitment to the Foundation, approve the revised scope of work from a 33,000 SF addition to a 26,411 SF addition. Staff also recommends approval of the Amended Grant Agreement between the District and the Foundation for design and preconstruction services for the Recreation Center Expansion Project" (see page 059 of the Board packet)] of "an amendment to the grant agreement with the Dave and Cheryl Duffield Foundation (Foundation) to modify the scope of the Recreation Center Expansion Project (Project), and approve the sending of a letter of support to the Dave and Cheryl Duffield Foundation for the modified scope of the Recreation Center Expansion Project" (see page 051 of the Board packet) in anticipation of the Board's September 14, 2022 meeting.

So take a long look in the Memorandum. NOWHERE does our GM tell the Board NOR THE PUBLIC that "unanimous (Board) support for both the modified design as well as a unanimous letter of support for the "newly designed project" were required by Duffield as a pre-condition to possibly fund construction of the project. NOWHERE! This was and is deceit (omission of a material fact) by a fiduciary who was bound to truly and ethically disclose all material facts (see discussion below).

As if the foregoing weren't sufficient, at the Board's September 14, 2022 meeting our GM gave a prefatory verbal description of this agenda item to allegedly disclose all material facts and be completely transparent so the Board could make an informed decision on staff's various requests (see above). Listen long and hard to the livestream of this meeting: "All I'm doing is trying to give the Board and the community ALL the information that we have so that we can make a decision on whether or not we want to move forward...I hope I've been able to set the table" (see 1:04:25-1:04:42 of the livestream of this meeting). So did Indra "give the Board and the community all the information" he had? Did he tell the Board OR THE PUBLIC that "unanimous (Board)

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support for both the modified design as well as a unanimous letter of support for the “newly designed project” were required by Duffield as a pre-condition to possibly fund construction of the project? Of course not!

At this September 14, 2022 meeting Indra thereafter turned presentation of this agenda item ("I'm just going to pass it on") to Kate Nelson and Bree Waters. Ms. Waters volunteers a lot of information concerning progression of the project, and answers a number of questions posed by trustees. Again, listen long and hard to the livestream of this meeting. Where does Ms. Waters tell the Board OR THE PUBLIC "all the information;" i.e., that "unanimous (Board) support for both the modified design as well as a unanimous letter of support for the “newly designed project” were required by Duffield as a pre-condition to possibly fund construction of the project? NOWHERE!

At this September 14, 2022 meeting engineer Kate Nelson is present and feels the need to interrupt Ms. Water to interject more information about the project. Again, listen long and hard to the livestream of this meeting. Where does Ms. Nelson tell the Board OR THE PUBLIC "all the information;" i.e., that "unanimous (Board) support for both the modified design as well as a unanimous letter of support for the “newly designed project” were required by Duffield as a pre-condition to possibly fund construction of the project? NOWHERE!

Finally at this meeting, the livestream documents (see 49:10) that PW Director Brad Underwood is present because he is seen walking to and sitting down on the first row of public seating. And after listening to all of the above, where does he interject that the presentation by his colleagues is deceitful because NOWHERE does Mr. Underwood tell the Board NOR THE PUBLIC that "unanimous (Board) support for both the modified design as well as a unanimous letter of support for the “newly designed project” were required by Duffield as a pre-condition to possibly fund construction of the project? NOWHERE!

And if the foregoing weren't sufficient, Mr Winquest discloses that "we did notify Trustee Tonking [about the scaled back modifications to the proposed Rec Center expansion and presumably the Duffields' requirement that "unanimous (Board) support for both the modified design as well as a unanimous letter of support for the “newly designed project” were required by Duffield as a pre-condition to possibly fund construction of the project] who was working with our group with us" (see 103:41-46 of the livestream for this meeting). After listening to all of the above, where does Ms. Tonking interject that staff's presentation was deceitful because NOWHERE is the Board NOR THE PUBLIC informed that "unanimous (Board) support for both the modified design as well as a unanimous letter of support for the “newly designed project” were required by Duffield as a pre-condition to possibly fund construction of the project? NOWHERE!

These are all people who Indra claims were present at the September 7, 2022 meeting with Jim Dugdale where Mr. Dugdale allegedly communicated that the Donors were requiring unanimous support for both the modified design as well as a unanimous letter of support for the “newly designed project. And NONE of them bothered to share with the Board or the public this material and critical fact. And this is after Indra intentionally misrepresents that he has shared ALL relevant and material information with the Board so it is equipped to make a decision. And you don't have a problem with this?

Let's assume for purposes of argument that during the September 7, 2022 meeting with Jim Dugdale he allegedly communicated that the Donors were requiring unanimous support for both the modified design as well as a unanimous letter of support for the “newly designed project. The fact that NONE of our public employees bothered to share this critical fact with either the Board or the public means THEY NEED TO BE FIRED!

1. When you're a public employee, you hold a position as a fiduciary for the public which pays your salary. As a fiduciary, and regardless of whether specific rules of government ethics have been adopted, you have a broad fiduciary duty to carry out your public responsibilities in a manner that is faithful to the public trust that has been reposed in you. And when you breach those duties as a fiduciary, you are guilty of constructive fraud inasmuch as the elements of constructive fraud are: 1. Commission or concealment by omission of a material fact; 2, Where the Defendant's act or omission breaches a legal or equitable duty of trust or confidence; and, 3. The wrongful action results in damages or injury (go to <https://dianalegal.com/fraud-i-breach-of-fiduciary-duty-what-is-constructive-fraud/>).

2. Here our GM, Bree Waters, Kate Nelson and Brad Underwood were all fiduciaries who owed the utmost trust and confidence to the public. These duties extended to not omitting material facts they were privy to; material facts they knew that absent disclosure, would mislead their audience into acting in such a manner which fit their narrative. Given intent is irrelevant, these public employees are guilty of constructive fraud. In fact Indra may be

guilty of actual fraud inasmuch as he affirmatively represented that he had shared ALL the information available on this subject when he had not. Regardless, constructive fraud occurs when a person or entity gains an unfair advantage over another through unjust or improper means, usually by lying (i.e., making a false representation of material fact) or omitting important details (i.e., Failing to disclose a material fact). Unlike a general cause of action for actual fraud, Notably, constructive fraud does not require intent or actual knowledge of the lie or omission" (go to <https://dianalegal.com/fraud-i-breach-of-fiduciary-duty-constructive-fraud-and-breach-of-fiduciary-duty-what-is-the-difference/>). So please don't tell me that these valued employees didn't intend to commit fraud.

What does an ethical element of government do with its employees who have breached their fiduciary duties owed to the public perpetrated by deceit (are you listening Gail Krolick)? They're terminated. And again, this is what I and others I know request? And don't tell me that you as a Board have no power to terminate these public employees' employment. NRS 318.180 instructs the exact opposite: "The board shall have the power to hire and retain (or not retain)...employees... necessary or desirable to effect the purposes of this chapter." So do your jobs!

On October 4, 2022 I made a similar request of Board members based upon less compelling evidence than that shared herein. I reiterate the request.

We the public don't need employees like the ones described herein. Because as you can see, their loyalties lie with themselves, their public employee co-workers, and their special interests like the Duffields rather than we the public for whom they are supposed to serve. So make a statement and start cleaning up our employee pool. Otherwise all the wrongs which have been described above are destined to be repeated. Over and over and over again.

Respectfully, Aaron Katz

Submitted by Judith Miller

Why wasn't the Board informed on Aug. 2 (the same day the foundation signed the Grant agreement) that the design the Board had approved was going to cost \$8M more than the foundation wanted to pay?

Instead, staff worked feverishly for nearly a month to come up with a significantly reduced design acceptable to the donor. Mr. Winquest prepared a memo dated 8/29 – an update informing the Board that there were new plans which he finally sent on August 31 via email just 22 minutes before the Board meeting. The project wasn't on the agenda, so there could be no discussion by the Board. The GM update included in the meeting packet did not have any reference to the cost estimate or scope reduction. There was no mention of the email by any Board member, so it's likely no one even had time to read it before the meeting began. It appeared Mr. Winquest had no intention of asking the Board for any approval before submitting the TRPA application (September 1 was the target date). The only entry in the Board's long range calendar for this project was an update in mid-October at the 60% design review. By that time, it would already have been submitted to TRPA and much too late to revise.

But the next morning Sara Schmitz, who recognized this was a major change, emailed the GM and requested that he immediately schedule a Board meeting. Trustees Schmitz and Dent both wanted to salvage the plan staff had thrown in the circular file by having IVGID fund the deficit with already collected rec fee fund balance. A Board meeting was set for 9/14. This wasn't going to fit in with the donor's timeline, especially since the TRPA application had already been prepared for Option D.

It still has not been explained why the Foundation needed an apology for miscommunication by the Trustees, when they had no official communication with the donor.

On 9/14 Trustee Schmitz did what she thought was right based on the information provided to her – go on record that she did not support cutting the gymnasium out of the plan; but once the majority voted to proceed with option D, she registered her support for the letter and the design the other 4 trustees had voted to accept. She maintains that no one told her she had to vote yes on both agenda items. Given the subsequent actions, apparently no one had told anyone about the required votes. Callicrate took the vote on the second item and thanked the Foundation for their generous gift. The application packet with the Option D plan was submitted to TRPA that same afternoon. And the 3 trustees who claimed they knew about the 5-0 vote on the design approval item all sent thank you emails to the Foundation.

How did we get in this situation? How could Mr. Winquest not recognize that a \$8M cost reduction would ~~not~~ result in a major design change that required Board approval, as well as an immediate update for such a time-sensitive project? I do not see anything in the packet to explain why the Board was not informed for nearly a month about the higher cost estimate and need for either more money or a major reduction in scope. Staff's duty, first and foremost is to the public and their elected representatives. There is no excuse for this incredible sequence of events.

**STATEMENT TO THE INCLINE VILLAGE
GENERAL IMPROVEMENT DISTRICT
BOARD OF TRUSTEES**

October 24, 2022

**Submitted by Linda L. Smith
1437 Tirol Drive**

I want to read to you General Manager Winqest's own words about what happened on Sept 14th. This is from his e-mail to Dave Duffield and Jim Dugdale sent right after the Trustee's special meeting. If you want to follow along, please turn to Attachment K in your Board packet.

[Read e-mail]

Balance of e-mail is about how difficult Indra finds his job. The key point is this e-mail exonerates Trustee Schmitz, confirms that everyone thought the project approvals met the Foundation's requirements and was moving forward. It is unfortunate the e-mail made it sound like the vote on the unanimous letter of support came before the vote on the design, but this doesn't change Indra's opening line "the board is in support of the project."

I hope those who accused Trustee Schmitz of sabotaging the project will apologize to her.

Thank you.

From: [Indra Winquest](#)
To: [James Dugdale](#)
Cc: [Dave Duffield](#)
Subject: Special Board Meeting today
Date: Wednesday, September 14, 2022 5:23:17 PM

Hi Jim & Dave –

We had the special board meeting today. The trustees had a lot of discussion and based on comments, it's clear that the board is in support of the project and very thankful for the generosity of the foundation. As I have mentioned, the government process can be challenging and the board had a lot of discussion and questions about how we would be able to program the facility without he additional flexible gym space. I feel that we did a good job of explaining that we would be fine and that we really need to focus on the rest of the project that meets the needs of the community in particular youth and families. As Trustees, it is their fiduciary responsibility to ask hard questions and discuss these issues as they represent the community.

The board unanimously approved the issuance of the letter of support with one requested edit. They feel that the apology should come from the entire district not just the board which is the way I would have preferred the letter be drafted initially because I believe that staff could have been a bit more detailed in discussions as well. The intent is that the District as a whole should be unanimously behind this project not just the trustees. I do not think this weakens the letter at all so hopefully you do not feel this way.

The board voted 4-1 to approve the modifications to the design so its approved and ready to go forward. Trustee Sara Schmitz voted no although she at multiple times expressed her support for the project but felt without the ability to discuss whether or not the district should actually consider contributing to the project because she feels that the additional gym space is something that the community has asked for and would benefit IVGID and the Boys and Girls Club. [Note that Mindy Carbajal did call in to express the clubs support of moving forward with the modified design.]

Board dynamics is always challenging as they have to answer to the community which is where I think Sara was struggling to determine how she would proceed. She has requested the opportunity to meet with the foundation to discuss how she supports the project but also her point of view as an elected official and why she feels strongly about exploring IVGID contributing. I truly hope you know how much the community is behind this as well as staff. Additionally, the fact that all five voted in favor of submitting the letter should also indicate they support the project. [I realize the decision by Trustee Schmitz is a little odd but I think she feels like she is doing her due diligence as an elected official.] There have been other agenda items where she has approached the same way.

Truly appreciate this opportunity to do something great for the community and I will personally apologize for anything that has made this challenging or frustrating. Certainly not the intention and as I have said, I am in a very difficult situation in a very challenging job. Let me know if you would like to get on a call to discuss further or in person.

With much respect,
Indra

IVGID Special Meeting October 24, 2022
Public Comments from Harry Swenson at 664 Tyner Way

Good Evening and thank-you for this opportunity to comment on this contentious issue facing our community.

My name is Harry Swenson, I have lived in Incline Village full-time since my NASA retirement about 10 years ago. I had a distinguished 33-year career as a researcher, manager and executive receiving the NASA Exceptional Technology Achievement medal and the Outstanding Leadership medal along with over 40 other NASA awards for my technical and management acumen. I understand the complexities of managing financial and technical objectives while practicing good stewardship of the public trust. My career has included the management of over ½ billion dollars for a highly complex multiagency research program that included many public/private partnerships including those between NASA and other government agencies. I also have been coming to this Alpine jewel with my family since the late 1960s. Thus, I have seen the community grow from an eclectic outpost in the mountains to its current mountain wonderland.

I have been interested in this Recreation Center enhancement since I heard rumors last spring and thought it was potentially a game changer for our community. I, as many others, are shocked by what appears to be an amateurish approach to its fruition by the General Manager and Staff. As well as the sophomoric behavior by both members of the current board and candidates for the new board expressed when it blew up due to significant mis-management by all involved. I have read the board packages including the summary, timeline and attachments. I have many concerns that are raised from this documentation. I can only touch on a few major concerns and observations with my 3-minute time allowance based on both my professional experience and my residency within Incline Village.

First, I am very concerned with General Manager Winqest providing this public presentation! It is obvious from the documentation that he is a key principal in this debacle. I brought this up with Trustee Board Chairman Callicrate last week at Conversation Café, and his comment back to me was this was the only way to get this done quickly and he knew it wasn't a perfect approach "but nothing is perfect and we are in a very busy period with other matters on the board including the upcoming election." This confused me due to the fact that none of the existing board is running for re-election. I was under the impression that this meeting was set up to put this issue behind us due to the great consternation it has generated within our community. I agree with his urgency but would hope a goal of the meeting would be to understand the facts of the situation and allow future boards to develop practices and policies to never let it happen again. So, at the very minimum this presentation should have been provided by people not directly associated with this disaster. If that was not possible then possibly a presentation of the other side of the story which would provide the benefit of more complete transparency to the Board and the community. The documentation provided by GM Winqest appears to be one-sided and demonstrates violations with the Nevada Open Meeting Statutes, the most egregious are the serial meeting phone calls conducted on September 7-8 to build a consensus for an upcoming matter before the board for which he was encouraging a particular action or decision.

Beyond this flagrant violation that should be investigated further, and if members of the board didn't reject this way of conducting the public's business, they could also be unwitting members of this violation. It becomes apparent that GM Winquest knowingly violated the statute by the length of calls to three of the trustees being 3 minutes and then a ½ hour to 1.5 hours with two others. This demonstrates that these calls were not simply to convey facts to the trustees but was advocacy for a particular decision or action.

The timeline also brings up some other very curious questions. As example, when was it actually known when the \$25 million was the intended scope/limit of the Duffield Foundation generous offer? It was identified in the timeline as August 4th, after the preliminary designs exceeding \$33 million were provided to the Foundation. In my experience this scope information should have been known at the time of issuing the preliminary design contract, this is standard practice for all designs to allow the tradeoff between cost and features of the design. This demonstrates significant inexperience in accomplishing something of this size and complexity. I am sure with the experience on the board especially with Trustee Dent, this lack of cost scoping at the beginning of the design phase leads to failed designs. It should be known what was provided to the design contractors for this critical design element and if they even asked for it, if they were provided a "hypothetical" cost scope, I think the board needs to know what it was and where it originated.

Another curious issue coming from the timeline was the rejection of the proposed IVGID/Duffield Foundation partnership for a facility that would meet our community needs as identified in our IVGID Master Plan. This rejection seems spurious and suspect as a reason for withdrawing the Duffield Foundation participation. After driving past the old Ponderosa parking lot the other day, I saw what might be the real reason, with a new huge gymnasium looking building being built on Duffield property, thus the Foundation didn't need IVGID to get what they really wanted, a World Class gymnastics facility.

I see my time is up so in an effort for the board to learn something from this fiasco I leave the board with the following recommendations and advice.

- 1) Please use every effort to follow the Open Meeting Statutes of Nevada in the future especially when dealing with something as substantial as this current matter. It might take a few more days but it will avoid future debacles we are currently engaged.
- 2) If the board receives a similar potential offer of this size and complexity in the future, the board should engage an experienced negotiator or even use qualified members of our community to help make the deal. It is obvious from the documentation provided that the current GM or staff do not have the experience to accomplish an endeavor of this kind.
- 3) The new board should engage consultants to train the board on how to work more civilly and effectively not to mention professionally. I am sure that you can get some UNR professors in business and public administration to work with you for free or minimal cost. As the current board knows and this particular incident demonstrates your work is very difficult, so getting training to help is a no brainer.
- 4) As demonstrated in the documentation from this incident it is obvious that there are plenty of mea culpas to go around including with the Duffield Foundation. It appears that the lack of timely and effective communication is possibly at the heart of most of it. It

would be great if the Board could engage the Duffield Foundation since they have provided many generous grants throughout the North Tahoe area, and find out how common or standard practice for them to withdraw an offer to assist a worthy effort. The board needs a better understanding of their rejection at the end of September. This should come by direct communication with the Duffield Foundation executives and the Board, NOT GM Winquest.

Thank-you for your Attention

Oral Summary

Thank-you for the opportunity to comment on this contentious issue facing our community. This is an oral summary of my comments provided to the Trustees last night.

My name is Harry Swenson, I have lived in Incline Village full-time since my NASA retirement about 10 years ago and have been coming to this Alpine jewel since the late 1960s. I have seen the community grow from an eclectic outpost to its current mountain wonderland.

I have been interested in this Recreation Center enhancement and thought it a game changer for our community. I, as many others, are shocked by what appears to be an amateurish approach to its fruition by the General Manager and Staff. As well as the sophomoric behavior by both members of the current board and candidates for the new board when it blew up due to significant mis-management. I have read the board package including the summary, timeline and attachments. The documentation raises many concerns, I can only touch on a few with my time limit.

Firstly, I object to General Manager Winquest providing today's public presentation! It is obvious that he is a key principal in this debacle and as such his testimony should be considered suspect. The documentation demonstrates numerous apparent violations of Nevada Open Meeting Statutes. This meeting was supposedly set up to put this issue behind us. So, at the very minimum this presentation should have been provided by people not directly involved with this disaster.

The documentation indicates that \$25 million was the intended scope of the Duffield Foundation offer on August 4th. This was well after the preliminary designs exceeding \$33 million were developed. This makes no logical sense; a budget scope should have been provided to the Design team enabling tradeoffs between cost, schedule and features. This demonstrates significant inexperience in accomplishing a project of this size and complexity, leading to failure.

The documented rejection of a proposed IVGID/Duffield Foundation partnership for a facility that would meet our community needs seems suspect. But the answer might be the new huge gymnasium looking building being built on the Duffield property.

I leave you with the following recommendations and advice resulting from this fiasco.

- 1) Please use every effort to follow the Open Meeting Statutes of Nevada.
- 2) The board should engage an experienced negotiator for situations of this scope to make the deal. It is obvious from the documentation that the current GM and staff do not have the necessary experience.
- 3) The new board should engage consultants for training on how to work more civilly and effectively together.
- 4) The lack of timely and effective communication is possibly at the heart of this failure. Directly engage with the Duffield Foundation regarding the reasons for their rejection.

Thank-you

Special IVGID Board of Trustee Meeting Oct 24, 2022 Recreation Center Expansion Project: An Overview/Outline of the timing of events

January 1, 2022 The letter from the DD Foundation to IVGID's GM

The Foundation "...**intends to partner** with IVGID to effect these improvements..."
Including, but not limited to, a multi-use gym
"...this letter does not constitute a financial commitment..."

January 7, 2022 Letter of support from the Boy & Girls Club of North Lake Tahoe

January 12, 2022 Board of Trustee meeting discussed the offer of January 1,
voted (5-0) for Staff to work with the Foundation to develop a memorandum of understanding.

GM "We will reconvene our visioning committee...to come back to the Board with a MOU."
"...to include a conceptual design, cost estimate, maintenance costs, programming and business plan..."
"**We want to make sure that there is opportunity for the Board to weigh in on this entire process...**"
No committee identified.
No Board input described in the formulation of the MOU
"**The current design of the Rec. Center simply cannot...satisfy the...needs of the overall community.**"

February 9, 2022 Memorandum from GM

Community needs additional multi-use gymnasium and other space and programs
Duffield Foundation's vision includes expansion of the Rec. Center primarily to serve the youth and teens
The Foundation have formally communicated to the GM, they are fully committed (??) to a partnership
with IVGID to develop and implement the project and provide the financial resources...

February 9, 2022 Board of Trustee meeting to discuss the MOU

This MOU, as presented, was written by the "staff and legal counsel" and members of the Foundation
without any Board input.
MOU obliges the Foundation to fund ... the conceptual design.
MOU states that the IVGID shall develop the conceptual design with input from the Foundation
IVGID shall have the sole discretion and approval over the contents of the design."
MOU, under terms #3 "Upon completion of the (design), the parties shall confer whether to construct the
Expansion."
MOU, under Terms #4 "either party may terminate the MOU with or without cause..."
MOU, under Terms #14 "This MOU...supersedes all previous agreements...and negotiations...written or
oral..."
Community Services Master Plan includes "...an additional multi-use gym meeting, fitness, training
facilities; sports and recreation programs and storage."
MOU Priorities see Exhibit A "...a multi-use gym to include a dedicated space for gymnastics, and
additional...areas
The MOU was approved 5-0

April 27, 2022 Memorandum from GM

The District staff proposal of the project scope to include: gymnasium, youth center, storage,
entrance and parking; budget range and construction schedule.
The Selection Comm. Is 4 staff, 1 Board member, 1 from the B&G's Club, and the GM.
"...a preliminary construction estimate of up to \$25M..."

April 27, 2022 (2+ months later) Board of Trustee meeting

Approved 5-0 to accept design contract with H&K Architect.

June 29, 2022 Memorandum from GM

Recommend approval of various contracts for design, permits, & pre-construction services.
Develop a design and bid process ("Progressive Grant Agreement") with the DD Foundation

June 29, 2022 (another 2 months later) Board of Trustee meeting

Recommendations of the GM passed 5-0

July 27, 2022 Memorandum from GM

Background and "Staff recommends...(approval of) the Grant Agreement..."
Alternative: Approve the Grant Agreement with requested revisions."

July 27, 2022 Grant Agreement for Design and Preconstruction Services for the Rec. Center Expansion Project

Recitals: *IVGID interested in...Multiuse gym etc*

DCDF interested in funding...design and preconstruction services...

Terms:#1 IVGID shall prepare and complete the final design... NOT the DCDFoundation!

#3 *IVGID may include tenant improvements for the Rec. Center BUT DCDF is not responsible for them... Exhibit B*

#6 Either party may terminate this Agreement for cause with 15 days written notice. The defaulting party may avoid termination during the notice period or...

#7 Neither Party commits to the construction...

#15 *"The Parties agree to exercise reasonable efforts and good faith..."*

#18 *"This Agreement supersedes all previous agreements...and negotiations, whether written or oral..."*

Comments: No design should have been presented without a multiuse gym.

Why was multiuse gym NOT included under tenant improvements?

July 27, 2022 Board of Trustee meeting

Approved (5-0) the Grant Agreement for design and preconstruction services for the Recreation Center Expansion Project ...and allow Staff to execute all documents.

August 11, 2022 Letter CORE to staff:

"...plan revisions...including removing the gymnasium..."

August 22, 2022 Letter re: meeting between IVGID staff and Architects on the Scope of the Project

"The gymnasium has been deleted..." to reduce costs to almost 25.6M

August 2022 The DD Foundation had received *approval from TRPA* to proceed with building a gymnastic center on their own property.

September 1, 2022 Letter from Bree Waters to J. Dugdale (DDF rep.) requesting Board's desire to discuss IVGID's funding to for Option A.

Staff was then notified by the Executive Director of the Foundation that *the Donors were not interested in partnering with the District financially...*

the project is now on hold again *as the Donors are reconsidering their support for the project*

September 14, 2022 Memorandum from GM

Background and expansion options (A-D) presented to the Board

Option A \$29.9M 29,512 square feet

Option B \$33.9M 32,757 sq.ft.

Option C \$32.8M 30,225 sq.ft.

Option D \$25.6M 26,411 sq.ft. only one to NOT include a multiuse gym

The Foundation agreed to move forward with Option D

The tenant improvements will be discussed at the Board meeting on Nov 9.

The final design will be presented to the Board in January 2023 "for approval."

"A letter of has been drafted to ensure the Foundation that the Board...are dedicated to the Project."

September 14, 2022 Amendment to the Grant Agreement

Changes scope of the Rec.Center expansion project to 26,411 sq.ft.

Attachment 1 states "The Rec. Center Expansion will meet the space requirements as developed and approved to date..."

Comment: Staff did NOT support the needs of the Community but whole heartedly support the DD Foundation

September 14, 2022 Board of Trustee meeting

Board voted 5-0 to approve a letter of support to the Foundation for the Recreation Center Expansion Project.

Board voted 4-1 to approve the Amendment to the Grant Agreement with the Foundation to modify the scope of the Recreation Center Expansion Project with the grant agreement being Option D.

Foundation selected a design plan closer to that budgeted amount Option D

The Design team, without Board consent, offered a plan which eliminated the gym (Option D).

Foundation only agreed to the design of Option D. But this conflicts with MOU of Feb. 9th

Foundation had only agreed to fund the design work for Option D.

Four Trustees voted to support the Foundation's preferences over the community's priorities.

September 15, 2022 Letter from GM to Trustees

"The Foundation has stated that they are not comfortable moving forward with working with the district on the Recreation Center Expansion Project."

"They further stated that one trustee voted no against the modified design and therefore they did not receive the unanimous support they asked for."

September 19, 2022 Duffield Foundation informed the Board of Trustees via e-mail that they had terminated the project.

September 21, 2022 GM's status report includes that "the design team is moving quickly to prepare final design documents.

September 23,2022 Duffield Foundation informed the Board of Trustees via a signed email that they had terminated the project.

September 28, 2022 Board of Trustee meeting.

Board Chair states he spoke to the Foundation director on **Sept. 27** and was told the Foundation terminated the project due to the 4-1 vote to approve the design change.

The causes of the termination by the Duffield Foundation include:

Cross purposes of the Parties: The IVGID Board has duties to the community first to include certain spaces within the Rec. Center expansion. The DD Foundation's primary goal was to provide facilities for the B&G's Club.

Lack of good faith on the part of the DD Foundation: In August, they began construction of a gymnastic center on their own property. This competing facility was never mentioned. For want of one vote they unilaterally terminated the Project. IVGID had the ability to correct the default BUT that was never initiated (see Grant Agreement). They never considered the partnership with IVGID (as stated in their intent letter of Jan 1st) to add the gym as a tenant improvements.

The Board willingly abdicated their responsibilities to the Staff: Apparently no Board member played any role in the creation of documents. Trustee Tonkin participated in negotiation early on. Did she report to the Board as a whole? Staff signed agreements instead of the Board chair.

Willingness of the staff to subordinate its responsibilities to the Community to the demands of the donors: No plans should have been submitted for consideration without a multiuse gym. In the Amendment to the Grant Agreement, Attachment 1 states "The Rec. Center Expansion will meet the space requirements as developed and approved to date..." This is NOT TRUE but was included in the document. Apparently staff had already deleted the gym by August 11th.

Lack of transparency: The staff should not have presented any plans without a multiuse gym. If the Foundation demanded unanimous voting, it should have been stated and restated. The Foundation did not reveal plans for their own gymnastic center. Who comprised the Selection Comm. mentioned in April 27th minutes? Who wrote the Agreements? Why was a multiuse gym not included in tenant improvements on Sept. 14th? Why were design Options not provided to the Board before Sept. 14th?

Lack of written records: No evidence of a requirement for unanimous votes by the Board. In fact, the Grant Agreement of July 27 supersedes all previous agreements. The Foundation's termination was supposed to be a written document, not an e-mail.

Poor communications: The reduced footprint (deleting the gym) was integral to planning from August 11 although not revealed until; Sept 14th. The Board chair did not speak to the Foundation until 9 days after the termination e-mail. No response to the letter of September 2022 to request IVGID funding for Option A.

Failure to enforce contract provisions: There was a clause in the Grant Agreement of Jul 27th on correcting defaults. Why was this not utilized?

Public Comment by Cliff Dobler 10-24-2022 with attachment. To be included as part of the meeting minutes.

An old saying "When the debate is lost slander becomes the tool of the losers"

After my three minutes, Ellie's and I will pass out an e mail from Chairman Callicrate regarding his answer to my observations and question about giving the GM authority to issue contracts without Board approval.

Rather than answer my question he delves into hatred towards me and Trustee Schmitz.

Please accept the e mail, review it at your leisure or throw it in the trash. We will not interfere with other public comments.

Now to the subject of tonight

Remember the famous line in the 1967 movie "Cool Hand Luke" starring Paul Newman as an inmate and Strother Martin as the prison warden " What we have here is a failure to communicate"

First to clear the air there was no written \$25 million grant agreement and second there was no written requirement by Duffield for unanimous Board consent for the revised design.

According to the Tahoe Tribune, October 20th piece, Duffield's representative Dugdale stated Quote: "So on September 7, I met with Indra and his crew, and I explained to them: Look at this point we have an agreed upon budget and we have an agreed upon design and changing things is not what we agreed upon at this point".

So where is that agreement? Does it exist? Design was not approved by the Board until a week later. Nothing in tonight's packet.

So IVGID business can be conducted either by a hand shake, or a fist pump, or an elbow bump or maybe a hip check and apparently that type of agreement is acceptable.

Now to the most important item. The unanimous support letter. Could someone explain to me how it is good business to agree to support a project to the very end when a grant agreement and an operating plan have not even been drafted let alone approved? The handcuffs will be on. What are you supporting? How will cost overruns be handled? How will expenses be split? How will the Boys and Girls Club share space and what will be the lease terms? Does it comply with Dillon's rule.

On July 22, Mr. Dugdale provided some specific terms:

- 1) The expansion must be completed by the end of the 2024 calendar year.
- 2) The gymnastics space will be permanently dedicated for gymnastics
- 3) The gymnastics space will be a close replica of the gymnastics building at the Ponderosa Ranch.
- 4) Naming rights will be limited to Dave and Cheryl Duffield and also the Foundation.

Can you live with these unknowns and I am sure many other requirements? You do not have a choice.

I was from a very small poor town. There were six of us who wanted to play sandlot football all the time. Only one boy had a football, he would set the rules OR he would quit and take his football home. We agreed to the unfair rules and the five of us hoped we got on his team. His team would always win.

Tim Callicrate callicrate_trustee@ivgid.org

To cfdobler@aol.com cfdobler@aol.com, s4s@ix.netcom.com s4s@ix.netcom.com, Tim Callicrate callicrate_trustee@ivgid.org

Cc Matthew Dent dent_trustee@ivgid.org, Kendra Wong Wong_trustee@ivgid.org, Sara Schmitz trustee_schmitz@ivgid.org, Michaela Tonking tonking_trustee@ivgid.org, Indra Winqest ISW@ivgid.org, Susan A. Herron sah@ivgid.org, Joshua Nelson joshua.nelson@bbklaw.com

Date: Wed, Sep 28, 2022 12.15am

Really Mr Dobler?

You should ruminate upon your protege', Ms Schmitz, who just cost our District/Community \$25.8 MILLION dollars!! Yes, digest that tidbit for a moment. Hmmm?? Fiduciary responsibility and fiscal stewardship? Hardly!! Chicanery at its best and worst.

What a travesty you and your perpetually aggrieved cabal have foisted upon our Community!

Hopefully this will showcase the cancerous wretch that has infected Incline Village/Crystal Bay.

This Community deserves far more than your vapid and sophomoric sarcasms. When you are able to engage in constructive civility, perhaps you may broaden your sycophantic base of 12.

Until then, you should consider spending more time in the desert?!

Regards,
Tim Callicrate

PS...make sure all those you are blind copying get the entirety of this message. We wouldn't want anyone to misconstrue the intentions...

From: cfdobler@aol.com <cfdobler@aol.com>

Sent: Tuesday, September 27, 2022 11:56:55 PM

To: s4s@ix.netcom.com <s4s@ix.netcom.com>; tim_callicrate2@ivgid.org <tim_callicrate2@ivgid.org>

Cc: dent_trustee@ivgid.org <dent_trustee@ivgid.org>; wong_trustee@ivgid.org <wong_trustee@ivgid.org>; schmitz_trustee@ivgid.org <schmitz_trustee@ivgid.org>; tonking_trustee@ivgid.org <tonking_trustee@ivgid.org>

Subject: Re: Sep 28, 2022 IVGID Board Meeting - Agenda Item H(3) - Proposed Revisions to Policy 3.1.0 to Allow Our Unelected GM to Spend/Enter Into Any Contract on the Public's Behalf Up to \$100K on Any One Project Without First Obtaining Board Approval

Amazing. Many, many projects can be orchestrated into 3 or 4 contracts wherein a project may well be over \$100K but will never be brought to the Board. I remember Mr. Winqest stating he would bring all contracts to the Board for approval because he wanted to be "transparent". What happened? Actions speak louder than words.

Callicrate and Wong - You should start thinking about the monetary waste over the past eight years by not providing oversight.

Cliff Dobler

Oct. 24, 2022.

**Iljosa Dobler, 995 Fairway Blvd. Public Comment, BOT meeting
To be included in the minutes of this board meeting.**

At the Sept.14th 2022 BOT meeting, a modified design (Option D) was presented to the board for approval. Noting that the multipurpose gym was eliminated, Trustee Schmitz suggested that the board should consider contributing the differential in the estimate and keep the multipurpose gym in the design as it was originally intended. Since it was not an Agenda item, it could not be discussed.

Is everyone forgetting that the IVGID Recreation Center Expansion Project is on IVGID land, with IVGID coverage and IVGID parking? Yet The Duffield Foundation is saying that the IVGID board can't have any input and must accept the design changes as presented. Who is maintaining the building after construction? IVGID or The Duffield Foundation? That wasn't even brought up.

I've never seen a partnership conducted this way. So Trustee Schmitz's "crime" was making a recommendation on a substantial project? Unbelievable !

What the General Manager Indra Winquest failed to disclose was that he had already authorized staff to prepare the Option D plan for submittal to TRPA, before the Board even approved the design. He knew he had the majority votes to approve it, so Sara's concerns were immaterial.

**Same day (Sept. 14, 2022) at 5:54 PM Melissa Bickenbach wrote:
"The Rec Center Expansion EIP project application has been successfully submitted to TRPA.**

With respect to the Rec. Center Expansion project not moving forward, I have a few facts and observations to share that will hopefully help our community move on from this unfortunate outcome. I have carefully reviewed much of the contemporaneous, documented evidence pertaining to this matter, and I have also discussed many of my comments with 5 of the folks on the dais tonight.

There is plenty of “responsibility” to go around concerning the failed outcome of this project.

As for some of the lessons learned/to be learned so that we can successfully contract with the Foundation and others in the future, *I suggest the following:*

- 1) We NEVER had a contract for \$25+ million. We had a Design Preconstruction Agreement for \$2.4 million. We had a long road ahead of us in order to successfully be awarded a grant for the total project cost.
- 2) One should NEVER approach an important negotiation with only a single representative attending any key meeting.
- 3) A material change to the Grant Agreement executed on July 27th, like the new requirement for every Board vote to be unanimous, should have been clearly communicated to every Board member, and documented in writing in a timely manner. Further, this new requirement should have been reflected in the updated draft GA presented for Board approval on the 14th. None of this appears to have been done.
- 4) There were several obvious opportunities during the Board meeting on September 14th to effectively clarify the new voting requirement and successfully navigate this issue. None of these potential actions were taken. It has been asserted that “everyone knew about the unanimous voting requirement.” If true, why was there was NO mention during this meeting that a 4 to 1 Design Option vote would likely terminate the project.
- 5) The parties could have easily cured the default with a 30-minute meeting if they were so inclined. The District offered such an action, but the Foundation declined.
- 6) The email circulated by Trustee Kendra Wong on September 26th was simply naïve. Anyone with a reasonable degree of business acumen would realize that the success or failure on an effort like the expansion project did not solely rely on our GM OR on 1 Trustee. That email supported a largely false narrative that was the basis for many un-constructive comments made during the September 28th Board meeting.

- 7) No official IVGID public comment related this outcome was made from the Wong email of 9/26 until the posting on 10/21 of the materials for tonight's Board meeting. That is simply too much time to clarify the circumstances surrounding this important matter.

Public Comment by Diane Becker, 10/24/2022. Please make this a part of the public record.

Trustee Schmitz states that she was never told by the General Manager or anyone else that the Foundation required that all 5 Trustees had to vote yes on both agenda items 2A & 2B.

The facts show that all 5 Trustees were told by the General Manager that they all had to vote yes on agenda item 2B, approval of a letter to the Foundation stating unanimous support for the project and the new design. And they all did this by their vote on agenda item 2B and signing the letter of support.

Per the recent Tahoe Tribune article, Mr. Dugdale, Executive Director of the Foundation stated that he met with the General Manager and told him:

“I need a letter from you guys to the Foundation and to Mr. Duffield saying you’re sorry about making these changes and that you agree with the design. And I need it signed by all the Trustees because I want it to show the foundation and the community that this board is 100% behind their project which we’ll be funding.”

Mr. Dugdale further explained “We did get the letter back signed by all the Board of Trustees, which in it states that they are supportive of that design. And then obviously when the vote came, one of the Trustees voted against it which made it not unanimous, which is the reason we withdrew the project. ... And then there was a vote and that would undo the letter of support. “

The order of the vote was apparently misunderstood by the Foundation because Mr. Dugdale stated Trustee Schmitz approved the letter of support first “And then there was a vote and that would undo the letter of support.” It was the opposite order. The letter of support was approved second and in it Trustee Schmitz gave her unanimous full support for the project and new design.

It appears that this confusion may have been the result of 2 emails dated September 14, put online by IVGID today, one to the Foundation from Trustee Callicrate which stated in his thank you letter “Four of us voted to support the amended scope of project. Unfortunately, one trustee did not” or the thank you letter from Trustee Wong which stated “I feel like the Board’s actions tonight were contradictory. On the one hand, the Board unanimously approved a letter of support for the project, but on the other we did not unanimously vote to support the revised project.” Two Trustees added factually incorrect and unnecessary information to their letters of thanks to the potential donor likely caused the donor to misunderstand the vote.

The letter of support Trustee Schmitz signed gave her full support for the project as the letter stated **“Board of Trustees expresses its unanimous support for the Recreation Center Expansion Project (Project) with the Dave and Cheryl Duffield Foundation (Foundation). The generosity of the Foundation, along with the partnership of the district, will allow for the concept of an addition of a gymnastics facility, youth center as well as additional opportunities for community programming to come to fruition. The Board is humbled to accept the generous partnership made by the Foundat1on, and it would like to take this opportunity to pledge the support of the Project, as newly designed. The Board looks forward to a successful partnership, as there is a full commitment to take the Project through completion.”**

After the vote everyone at IVGID, all 5 Trustees, Staff, the public at the meeting, clearly thought the Foundation condition had been fulfilled and that the project would go forward. No one was concerned

that there was a 4-1 vote on agenda item 2a ***because no one understood a unanimous vote on that item was required. All of the*** Trustees and the GM clearly believed that since it only took 3 votes to amend the Grant Agreement on item 2A and since all 5 trustees expressed and voted their support for the project and the design in the vote on 2B, there was a donation forthcoming. The letters of thanks to the Foundation from Trustees and the General Manager after the meeting and the submission by the staff of the plan to TRPA after the meeting show this.

The General Manager 's timeline shows that he spoke with the 5 Trustees September 7 - 8, and the timeline says he orally gave the expectations of the Foundation, and even his description of what he said does not end with him stating "there is a requirement for a unanimous vote on both of the two agenda items or there will be no donation". If it was the General Manager's understanding that a unanimous vote on the 2 agenda items was required, he surely would have communicated that in this conversation with the 5 Trustees, commented during the Board meeting, highlighted this requirement in the Staff report and not presented 4 options in the staff report but instead would have presented one option and said vote yes or the project would die,...or if other Board members understood that was a requirement they should have communicated that to Trustee Schmitz and to the public at the Board meeting.

Trial lawyers are well aware of the misinformation and false memory effect in eyewitness testimony, and this is a good summary from a University I attended: "eyewitness memory can be corrupted by misinterpretations of events, conversations with co-witnesses, **and their own expectations for what should have happened. People can even come to remember whole events that never occurred.**"

There were mis-steps by the District throughout the project and for Trustee Wong to have blamed the loss of the donation solely on Trustee Schmitz was outrageous and disingenuous, in light of her email to the Foundation. No wonder Trustees Wong and Callicrate are so anxious to blame this fiasco on Trustee Schmitz.

I don't know why there were two agenda items and votes instead of one, or why 4 design options were presented instead of 1, or why the requirement for the Trustees to vote for both options was never put in writing or clearly articulated to the Trustees.

I respectfully urge that the public stop attacking Trustee Schmitz for her good faith vote, and that the Board stop wasting the time of the Board and the general manager on this.

Respectfully submitted,


Diane Becker

From: Indra Winqest
Sent: Thursday, September 15, 2022 9:04 AM
To: Dave Duffield; James Dugdale
Subject: FW: Today's Meeting

Hi Dave & Jim --

See below an email from Trustee Kendra Wong offering her full support for the project. Kendra has been a Trustee for 8 years.

Thanks, Indra

Indra Winqest
General Manager
Incline Village General Improvement District
893 Southwood Blvd, Incline Village NV 89451
P: 775-832-1206
F: 775-832-1380
isw@ivgid.org
<http://www.yourtahoeplace.com>


From: Kendra Wong <Wong_trustee@ivgid.org>
Sent: Wednesday, September 14, 2022 10:56 PM
To: Indra Winqest <ISW@ivgid.org>
Subject: Today's Meeting

Hi Indra,

I am disappointed our vote on the Rec Center expansion was not unanimous tonight. Was hoping you could pass along this message to the Duffields and the foundation.

Dear Mr. and Mrs. Duffield and the Dave and Cheryl Duffield Foundation,

First of all, thank you for your generous donations to our community.

I am writing this because I feel like the Board's actions tonight were contradictory. On one hand, the Board unanimously approved a letter of support (with revisions) for the project, but on the other, we did not unanimously vote to support the revised project. I wholeheartedly support the Rec Center expansion and will do everything I can to move the project forward during the remainder of my term. I am grateful our staff and your team were able to negotiate a design that accomplishes a majority of the community needs and allows for future expansion.

Again, thank you for your contributions to the community and if I can help in any way (beyond my duties as a Trustee), please do let me know.

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From: Indra Winquest
Sent: Thursday, September 15, 2022 12:00 PM
To: Dave Duffield Ridgeline; James Dugdale
Subject: Fwd: Letter to Dave and Cheryl Duffield

Hi Dave and Jim -
See below an email from Chairman Tim Callicrate.

Cheers, Indra

Begin forwarded message:

From: Tim Callicrate <callicrate_trustee@ivgid.org>
Date: September 15, 2022 at 11:45:29 AM PDT
To: Indra Winquest <isw@ivgid.org>
Subject: Letter to Dave and Cheryl Duffield

Hi Indra,

could you please forward this letter to the Duffields?

Thanks!

Tim

Dear Dave and Cheryl,

Words can hardly express the tremendous gratitude we, the Board of Trustees, and by extension the entire District have regarding your overwhelming gift to IVGID and our Community in excess of \$25 million dollars to fully renovate and enlarge the Recreation Center!!

In my 37+ years as a full-time, year-round resident Incline has never received such an offer, or anything close to it. Your generosity is endless and all of us in Incline Village and Crystal Bay so appreciate your philanthropy.

Please realize that the majority of the Board, and more importantly, the entirety of our Community, recognize and appreciate your never-ending commitment to improving the experiences for our youth and attendant populations.

11

I wanted to reach out to you both and hopefully ameliorate any misunderstandings from tonight's meeting. Four of us voted to support the amended scope of project. Unfortunately, one trustee did not. That being said, our Board and the District fully support moving forward on this exciting project and truly appreciate your foundation's generosity in seeing it through.

I want to thank you again for your vision, commitment and, most importantly, your financial backing in gifting a spectacular addition to our District's facilities!!!

Please accept this email with the best intentions. I, and 8,100+ other parcel owners, truly appreciate your generosity and goodwill!

Again, Thank you and your foundation!

With warmest regards,

Tim

Tim Callicrate
Chairman, Board of Trustees
Incline Village General Improvement District
893 Southwood Blvd.
Incline Village, NV 89451
Cell: 775-336-9925



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30367

Good evening, ladies and gentlemen of the Board of Trustees. I am Patricia Moser Morris, a resident and voter of Incline Village. I would like to comment on agenda item D. 1.

It was never clear to Trustee Schmitz (nor, I understand, to Trustee Dent) that the revised design for the Recreation Center Expansion Project had to be approved *unanimously* by the Board of Trustees. It *was* clear that the *letter of support* for the project had to be approved unanimously. General Manager Winquest states that on September 7th and 8th, he advised each of the trustees verbally that *both* the new design *and* the letter of support for the project as a whole had to be approved unanimously. If he in fact did this, GM Winquest violated Nevada's Open Meeting law by conducting public business in private with a quorum of the Board of Trustees. I believe that the legal term for this violation is that GM Winquest conducted a "serial meeting."

At the September 14th meeting, the design approval was broken out into a separate agenda item by staff, *not* by Trustee Schmitz. Trustee Schmitz did not know that design approval had to be unanimous, but did know that the new design (Option D) had not been submitted to the Board for public discussion previously; and was inconsistent with the Master Plan. Everything that had been submitted to the Board previously indicated that a multi-use gym would be included in the project, and since this new design had never been discussed publicly with the Board; didn't include what had previously been discussed and approved by the Board (a full gymnasium), and was also inconsistent with the Master Plan, Trustee Schmitz voted against the new design and in favor of the letter of support.

Furthermore, my understanding is that after the September 14th meeting, staff took follow-up actions that indicated that staff believed that that the project could and would still proceed; in other words that only the letter of support had to be unanimous. (See, for example, the progress report on the project included in the agenda packet for the September 28th BOT meeting.)

Trustee Schmitz has done nothing but her duty as a member of the Board of Trustees, and I commend her for it.

Patricia J. Moser Morris
Incline Village

Stan Heirshberg – Comments for IVGID Special Meeting Oct. 24, 2022

What has been happening in this community over the past several weeks regarding the Recreation Center Expansion is sad and outrageous and must stop tonight.

As Indra knows I have supported him and Staff in the past even when there were errors made in a project. I tried to work with Staff to help identify the problems and avoid them in the future. I apologize in advance if my comments here seem harsh but my focus is not to blame anyone but to highlight some of my observations from the public record in the hope that this is never repeated.

It is time for Staff to shoulder some if not all of the failures that occurred here. The GM chose to be the sole negotiator and contact with the donor and publicly and privately took credit for negotiating a \$25 M dollar donation. If you put yourself in this position then you must also stand up and take responsibility for the failures when the deal doesn't happen. Indra, please stop avoiding this responsibility by acquiescing to and even supporting the effort to blame Sara Schmitz, maybe you should have included at least two Trustees in every meeting possible or should have immediately informed the entire Board when you first found out that Duffield was losing interest in the Project. Staff clearly knew the Project was in trouble by August 2, to the point that the donor was asking for an apology. What happened to require an apology? Maybe it was for presenting the Donor with a project \$10 million over the gift offer with no plan to make up the shortfall. All of this is in the public record.

If the GM was so certain that a failure of a unanimous vote on both Agenda items 2A & 2B was required why was this not unequivocally stated in writing to both the Trustees and the public or at least clearly spelled out at the board meeting which would have eliminated all of the turmoil foisted upon this community. Off the record telephone calls alleging what was said and what someone else may or may not have understood are no way to handle such a critical matter and leaves no record of what happened.

Why did staff deviate from the Board approved Project without immediately seeking approval from the Board, which ultimately created an unnecessary time crunch? Why not present Option D as the only possible Option rather than include several irrelevant non- Options in the Board packet? Why didn't the Agenda items and backup make the necessity for a unanimous vote on both Agenda items unequivocally clear and why wasn't this requirement mentioned at the meeting by the GM or any Trustee?

Indra has stated that all of the Trustees knew, but what did they know? Based on Tim Callicrate's and others remarks at the end of the Sept. 14 Board meeting it is clear that all of the Trustees and the GM thought the Project was going forward. Why wasn't the Duffield Foundation asked to state their reason for pulling out and why wasn't there a 15 day period to cure as provided for in the Grant Agreement? Had this happened maybe Mr. Dugdale would have better understood that the Foundation actually did get the unanimous support that it was seeking rather than his apparent misunderstanding that one Trustee voted against the Project as he related to the Tahoe Tribune. Frankly, I don't blame any one person, but there were lots of errors along the way and I believe there is much more going on than meets the eye but Indra, as General Manager, should do the right thing and stand up and stop the divisiveness going on in the Board and in the community and acknowledge the many mistakes so that nothing like this ever happens again.

Blaming Trustee Schmitz for the loss of the donation is utterly unsupportable and ridiculous. The public record shows numerous errors being made by District Staff throughout this project that may have led to the cancellation.

It's clear some things went wrong during the project that upset the Foundation when the Foundation required that the letter of support also contain an apology. What was the apology for?

The Trustees were unaware at the September hearing, but the documents show that the Foundation was upset starting at least on August 2 when they received an email with attached cost estimate that was \$10million over the \$25 million gift offer. In early August the Foundation was upset and was losing interest in the project.

Staff then immediately begins work on a new estimate removing the gymnasium and sends a new design to the Foundation with a \$25 million budget on August 11, without ever telling the Trustees. Staff and the Foundation agree on a new design, with NO input from the Trustees and never tell the Trustees that the design is changed until August 29. Staff left Trustee Dent out of all of these meetings even though he is the Trustee assigned to the construction part of the project. Why did staff wait almost a month to disclose the problem to the Board, during which time Staff and the Board could have cooperatively worked on the issues?

Then the Board is never told in writing that each Board member must vote in favor of two agenda items, 2A and 2B, only that they each must vote in favor of the letter of support, which they do. If this was required where is the clear written communication between staff and the Trustees? Or why didn't the other Board members say wait a minute, Trustee Schmitz if you vote no on item 2A we'll lose the donation because a yes vote on the two agenda items is required by the Foundation.

One of the telephone logs in the public record today says that on September 6 and 7 there are conversations with the Foundation about canceling the project because of upset about the Board members wanting to have the District contribute to put the multi-use gym back in the project but the Trustees are not told this. Probably it really upset the Foundation when Trustee Schmitz unknowingly raised this issue and Trustees Dent and Tonking commented that they would like to pursue this at the September 14 Board meeting.

Then there is the issue of the termination letter. On September 15 the GM learns that the donors were upset that there was not unanimous support for option D and instead of looking at the termination clause in the Grant Agreement and asking for an opportunity to cure, nothing is said by the General Manager or counsel to the Trustees or the public about this clause and a termination apparently goes through. cause and there is an opportunity to cure. No one takes action to try to ask for the cause and to send a full explanation to Foundation to try to cure.

And finally, Trustee Wong sends an email trying to get Trustee Schmitz recalled or to resign blaming the fiasco on her and this circus of Board meetings to attack Trustee Schmitz is orchestrated.

There is lots of blame to go around here!

Michael Abel - 900 Southwood Blvd.

My comments tonight are going to take a somewhat different trajectory from what we have heard.

IVGID has \$40 million dollars in its various bank account - \$40 million.

Why do we not have a high speed quad lift at Diamond Peak?

Why do we not have the rec center that this community wants?

Why do we not have a decent launch ramp at Ski Beach for low water?

Why do we not have a decent snack bar at Incline Beach?

And, Why do we not have new east side bathrooms at Burnt Cedar Beach?

It is because this Board and our GM have failed us and do not have the bandwidth to do what they are supposed to do. They have frittered and wasted time on meetings like this.

This meeting without doubt sets the record for one of the more foolish things that Callicrate, Wong, and Tonking have foisted upon the IV/CB public.

I thought that the hiring of a head shrinker called Dr. Bill for \$56,000 was foolish, but Tim Callicrate and our GM have touched a new low with this meeting.

In a sad attempt to white-wash the Rec Center disaster, our GM and Chairman Callicrate have chosen a path to deflect attention from them on the disaster. My , My, you are all very silly people. When you mess up, fess up to it and move on. But I guess that that is not part of the IVGID DNA.

Wong and Callicrate have run a 6-month vendetta against Trustee Schmitz. I quote from his May email to Cliff Dobler where he says: referring to Sara Schmitz.....

*What a travesty you and your perpetually aggrieved cabal have foisted upon our Community!
Hopefully this will showcase the cancerous wretch that has infected Incline Village/Crystal Bay."*

Kendra Wong comes in with her fabricated email blaming Sara Schmitz for the Duffield disaster. Right out the playbook of Dr. Joseph Goebbels the minister of propoganda for Nazi Germany. He said and Wong has signed on to the theory that "If you repeat a lie often enough, people will believe it, and you will even come to believe it yourself."

Finally, like a cat covering dirt, Mr. Winquest who was the sole contact and negotiator with the Duffield Foundation will give us a Halloween tale this evening of how he is blameless in this debacle.

Myles Riner
411 Valerie Ct.

Sara's defenders would like to make this into a 'he said-she said' argument over whether she was informed that a unanimous vote was required for both motions on the Rec Center project. This is a bogus argument. The original single motion on Sept 14 was to agree to the amended grant agreement AND for sending a unanimous letter of support for Option D. There was no ambiguity here. This request for unanimous support of the amended plan was clearly stated in the draft language of the letter. It is difficult to imagine that, in a 92 minute phone call with Trustee Schmitz, Indra would fail to reinforce this fact, or deliberately obscure it, given how much he was counting on her vote.

I believe that Trustee Schmitz requested that the motion be split in two so that she could vote 'no' on Option D, to satisfy those supporters who opposed this project from the very beginning, and then vote 'yes' on Option D so she could duck responsibility should the Duffields point to the lack of unanimous Board support as the reason for withdrawing the donation. Sara's rationale was that, quote: "Trustees have a responsibility to get on board and align with and support the decision of the Board, and because the majority of the Board voted yes on the first motion, she decided to vote yes on the second motion." If 'getting on board' with the majority was her responsibility, why not just change her initial 'no' vote to a 'yes'?

Trustee Schmitz's biggest concern with Option D was that failing to build the multi-use gym with the rest of the Rec Center renovation did not meet ALL of the initial objectives of the project, and if the gym had to be added later it might lead to incremental increases in the cost of construction. Sara took a gamble that she could vote no on Option D but yes for the letter of support for Option D, and thus not have to accept responsibility if the donation was lost. The entire community lost a 26 Million dollar donation with this gamble. This was not exercising fiduciary responsibility, it was being penny wise and pound foolish.

If I decide to sign the petition asking Trustee Schmitz to resign, it will not be just because of the lost donation, or her reluctance to acknowledge her role in the loss; it will also be because Trustee Schmitz has failed to publicly discourage her supporters from continuing the onslaught of insults, character assassinations, innuendos, and assertions of malfeasance hurled at fellow Trustees, at Indra and his staff, and at the Duffields themselves. I believe all Trustees, and candidates for the Trustee position, have an obligation to try to discourage this kind of inappropriate behavior.

IVGID Board Meeting

10-24-2022

John Eppolito, Incline resident for 24 years

I'd like to THANK all the board members and Indra for their service; and the Duffields for their generosity!

I've purposely limited my contact with the trustees and Indra because, I wanted to look over the available information, see what everyone has to say tonight, and then draw my own conclusions.

While reviewing the package for tonight, a few things came up that I hope will be addressed.

I could almost understand why there ~~were~~ would be nothing in writing about a unanimous vote being necessary for the project to proceed.

What I can't reconcile, is that immediately after the 4 to 1 vote on Sept. 14th to approve Option D, the board seemed happy. I've watched the end of the meeting three times now. I encourage anyone who REALLY cares about what happened to tune in at the 1:49:00 minute mark to hear President Callicrate say QUOTE: "Thank you to Mr. and Mrs. Duffield for this generous donation that has never happened in our community...." END QUOTE.

To me and probably most watching it seemed like the project would proceed.

Then the board went on to vote for the Letter of Support for Option D, which passed with a 5 to 0 vote. If the board knew the project was dead, why was the second vote necessary?

The day after the votes, Sept. 15th, BOTH President Callicrate, and Trustee Tonking sent emails to Mr. Duffield (~~██████████~~). After reading

those “thank you” emails it sounds like the project was still moving forward.

Another thing - On August 2nd the costs came in higher than expected. For the month of August there were discussions between the Foundation and STAFF.

By August 12th the Foundation told Staff: QUOTE “they are comfortable with the team moving forward with the development of Option D.” END QUOTE

Finally, 19 days later (Aug. 31th), the Board was presented with Option D.

QUESTION: “Which board members, if any, knew what the staff was doing regarding this project for the month of August?”

Page 3 of the packet the first full paragraph starts with: QUOTE “On Sept. 1...” End Quote

The last sentence of that paragraph states: QUOTE “District Staff was told at this time that the project is now on hold AGAIN as the Donors are reconsidering their support for the project.” END QUOTE

QUESTION: “What date was Staff told the Donors were reconsidering the project AGAIN; was it Sept. 1st?” and a follow up question: “Was the board told the Donors were having second thoughts?”

I hope these issues, and much more ^{are} ~~be~~ addressed tonight.

Thank you

First of all, I want to again thank Dave and Cheryl Duffield and the Duffield Foundation for bringing this opportunity to us. You are true partners to the community and I am excited about all the other projects you are working on in town. I also want to thank our IVGID staff for working tirelessly on this project, especially Indra, Kate and Bree. I also want to express my extreme disappointment that we could not deliver for our community.

We all know why we lost the Rec Center expansion project – one trustee voted ‘no’ and the donor wanted a unanimous vote. The timeline seems plain as day to me. On August 31, the Board was notified the donors wanted to move forward with Option D. On September 1, Trustee Schmitz stated she can’t support the project. On September 7 and 8, General Manger Winquest had conversations with each trustee to ensure we knew the decision had to be unanimous. It took Chair Callicrate, Trustee Tonking, and I less than 10 minutes to understand the clarity of the message. GM Winquest’s conversation with Trustee Schmitz was OVER AN HOUR AND A HALF! An excuse I have been seeing on social media is that there was confusion as to whether or not the unanimous vote applied to the design scope for Option D or the letter of support to the Duffield Foundation. The original motion we were supposed to vote on September 14 was one motion to support the scope of design and support letter. So, I am not sure where this “confusion” is coming from.

At the September 14 meeting, four trustees, myself, Trustee Tonking, Trustee Dent, and Trustee Schmitz stated it would be great if IVGID could fund the additional amount for the multi-use gym. However, only three trustees recognized the huge hurdles in accomplishing this. First, committing \$5+ million to an unplanned, unbudgeted project takes time. We aren’t talking about opening up someone’s checkbook and spending money. We are talking about spending community money on a community project and that requires communication, conversation, and time. How many years have we talked about the Diamond Peak Master Plan and we haven’t even started anything! Suddenly deciding to spend millions of dollars on a new project would just be bad governance. So, the same people who are saying IVGID should have explored putting money into the project are the same people who would also be in here yelling that we spent money without community input. You can’t play both sides and think you’re going to come out on top. Second, the donor’s timeline for ribbon cutting at the end of 2023 required everything to move quickly and according to plan. So, even if IVGID wanted to contribute to the project, the timeline was just too tight.

In conclusion, whatever excuses people want to make for IVGID losing this generous donation are just that, excuses. There is absolutely no reason we should have lost this benefit to the community.

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In conclusion, whatever excuses people want to make for IVGID losing this generous donation are just that, excuses. There is absolutely no reason we should have lost this benefit to the community.

I have spent an incredible amount of time, requesting documents missing from the original board packet, re-reading board packets and meeting minutes and am so disappointed with the many instances of lack of communication, miscommunication and misunderstandings that I can completely understand why the DCDF decided to terminate the agreement, far beyond a single agenda item vote.

In reflection, I reiterate that the entire board and even some of staff did NOT know that a unanimous vote was needed on the September 14th Agenda Item E2.a. As you can see in the supplemental materials provided on the District website and in the handouts, materials that I requested and researched, that at a minimum Trustee Dent and I had no idea. Staff seemed to also be unaware and were cheering in emails after the meeting. Other Trustees sent emails to the Foundation with excitement about the project moving forward.

More importantly, if the Foundation had an expectation of a unanimous vote on both agenda items, it should have been contained in the board packet materials so that the board and the public had the same information. The public, as well as the entire board, should have all been informed of the Foundation's expectations, and they were not.

What I now understand, in hindsight, is where we, as a Board, made a mistake. We didn't clearly understand the dollar limit of the donation and when some of the design was for CS Master Plan initiatives, we didn't come forth and indicate that if the plans exceed the donor limit, we would be willing to discuss participating in cost sharing.

I feel we have learned a great deal and will work harder to ensure there are better, clearer, and more frequent communications. I look forward on strategizing how we can accomplish the goals of our community. Through this reflective and transparent review of the timeline, we will all better appreciate the importance of effective communication.

Thank you to the DCD Foundation for their generosity and for hopefully understanding we are all human, make mistakes, but in the end we are all striving for what is best for the community.

From: [Susan A. Herron](#)
To: [Melissa N. Robertson](#)
Subject: FW: Can you give this second public comment to Melissa
Date: Tuesday, October 25, 2022 1:09:14 PM

From: Diane Heirshberg <dbheirshberg@gmail.com>
Sent: Tuesday, October 25, 2022 12:49 PM
To: Susan A. Herron <sah@ivgid.org>
Subject: Can you give this second public comment to Melissa

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Melissa,

I know that you wanted to get the public comments made last night. I don't know how much I stuck to this, but this was my intended second public comment last night:

"Without public trust, the government doesn't work. The public is willing to delegate authority and sacrifice some freedoms in exchange for an orderly and civilized society, but only if it believes that government is acting in the public's best interest. Notions of civility and respect toward colleagues and the public also help ensure the public's trust in the efficiency and effectiveness of government. When animus is displayed by council members towards each other, it causes the public to wonder if private feuds are taking precedence over the common welfare.

When a Trustee goes into the community and says that he is going to force Trustee Schmitz to resign that loses the public trust.

When a Trustee sends an email urging the community to blame Trustee Schmitz for a failure of a donation caused by many reasons including errors by District Staff, failures of communications, and a donor's decision that loses the public trust.

When Board meetings are used as weaponized attacks on Trustee Schmitz that loses the public trust.

And when attacks on one Trustee by another Trustee based on animus spills over and hurts the General Manager that hurts the public trust and is so wrong.

This animus by two Trustees against Trustee Schmitz has no place in these Board meetings or your IVGID activities. You need to stop and let the General Manager turn to the work of IVGID. You need to stop and all 5 Trustees need to turn to the work of IVGID. Please remember, You 5 Trustees have been entrusted to do the work of IVGID. Thank you."

Best,

Diane