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 2 INCLINE VILLAGE
 3 GENERAL IMPROVEMENT DISTRICT
 4 BOARD OF TRUSTEES
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 9 TRANSCRIPT OF HEARING
 10 PUBLIC MEETING
 11 Live and Via Zoom
 12
 13 Held at 893 Southwood Boulevard
 14 Incline Village, Nevada
 15
 16 Tuesday, September 19, 2023
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 22
 23
 24 Reported by: Brandi Ann Vianney Smith
 25 Job Number: IVGID 4

1 APPEARANCES 2
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 3 **BOARD MEMBERS PRESENT**
 4 MATTHEW DENT, CHAIR
 5 SARA SCHMITZ, VICE CHAIR
 6 RAY TULLOCH, TREASURER
 7 MICHAELA TONKING, MEMBER
 8
 9 **ALSO PRESENT**
 10 ANNE BRANHAM, LEGAL COUNSEL (via Zoom)
 11 HEIDI WHITE, DISTRICT CLERK
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1 Incline Village, Nevada - 9/13/2023 - 6:00 P.M. 4
 2 -o0o-
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 4
 5 (No audio during call to order.)
 6 A. PLEDGE OF ALLEGIANCE
 7 (Pledge of Allegiance.)
 8 CHAIR DENT: Thank you for that. Next
 9 item, item B, roll call of trustees.
 10 B. ROLL CALL OF TRUSTEES
 11 CHAIR DENT: Trustee Tonking?
 12 TRUSTEE TONKING: Here.
 13 CHAIR DENT: Trustee Schmitz?
 14 TRUSTEE SCHMITZ: Here.
 15 CHAIR DENT: Trustee Tulloch?
 16 TRUSTEE TULLOCH: Here.
 17 CHAIR DENT: And Trustee Noble has let us
 18 know, he will not be present for this evening's
 19 meeting. I'm Trustee Dent, so four out of the five
 20 trustees are present. We do have a quorum.
 21 Moving on to item C, initial public
 22 comment.
 23 C. INITIAL PUBLIC COMMENT
 24 CHAIR DENT: You will be allowed three
 25 minutes for your initial public comment. And before

<p style="text-align: right;">5</p> <p>1 we open it up to public comment, I just want to 2 mention that item G 4 has been removed from the 3 agenda. 4 I will open it up to public comment. 5 MR. WILSON: Good evening. My name is Don 6 Wilson. My wife and I are full-time residents of 7 Incline, and over the last few years have become 8 aspiring golfers. 9 I'd like to introduce myself tonight and 10 express my interest in being considered for the 11 at-large role on the Golf Committee. Thank you to 12 the Board of Trustees for your assistance and 13 consideration for this. 14 Our IVGID amenities are unique and 15 precious resources that should be protected and 16 nurtured. I am a strong advocate for community 17 service and support, and would welcome the chance to 18 apply my experience and passion toward this common 19 good. 20 Over the course of my career, I've been an 21 entrepreneur, corporate executive, board member, 22 volunteering in capacities ranging from 23 not-for-profit organizations to youth sports. That 24 experience has included P and L ownership with full 25 budgeting, operational and capital improvement,</p>	<p style="text-align: right;">6</p> <p>1 strategic planning. Experience ranging from 2 startups to \$100 million projects. I've spent my 3 career thinking outside the box to find innovative 4 paths to success. 5 I've reviewed the packets of the 6 candidates, and it is an impressive group. The 7 important question becomes: What makes me 8 different? 9 I believe there are three ways in which I 10 can complement the other members of the committee: 11 First, I focus on bringing people 12 together. I don't have any ulterior motives, other 13 than the best interest of our residents. I spent a 14 career building consensus, finding common ground, 15 and mutually beneficial wins. 16 In the corporate world, I've been 17 fortunate to be a part of companies who excel in 18 their culture and emphasize the how as much as the 19 what. I would bring a goal of operational 20 excellence, but more importantly, a desire to find 21 solutions that benefit all interested parties, and a 22 focus on the people and the how just as much as the 23 bottom line. 24 Second, my career experience in tackling 25 the toughest challenges and fining operational</p>
<p style="text-align: right;">7</p> <p>1 excellence across many industries. As a software 2 entrepreneur, a transformational executive in the food 3 industry, and with an operational excellence 4 concentration in business school, my goal has always 5 been finding ways to become better. Not just better 6 economically, but better holistically, finding wins 7 for all stakeholders. 8 Finally, diversity in perspective. I'm 9 relatively new to golf, if you count 40 rounds this 10 year as new, I'm still a beginner, and wholly 11 embrace it with a passion. This is a perspective 12 that I think is invaluable to reach that 13 demographic. Also, I'm still working. While 14 retirement will come one day, I do think the casual 15 golfer having to work around a work schedule is also 16 an important constituency. 17 Finally, I don't currently belong to a 18 golf club, with no plans to do so anytime soon, and 19 I believe the Golf Committee would be best served by 20 a well-rounded set of perspectives, members to 21 represent golf clubs, which are a vital component to 22 the culture and success of our courses, but also 23 members to represent the casual, aspiring golfer 24 with no additional ties. 25 Thank you all for the opportunity to be</p>	<p style="text-align: right;">8</p> <p>1 considered. 2 MS. McKOWEN: Trish McKowen. Incline 3 Village resident. 4 It's clear to many residents in town that 5 the board meeting that should have taken place last 6 Wednesday was moved to tonight for several reasons. 7 The Board has said it was because they missed the 8 posting time. You could have rescheduled the 9 meeting on another day that didn't disrupt multiple 10 events happening this evening, like the Incliner 11 event, and another large gathering at Ski Beach. 12 It's clear to me that Trustees Schmitz, 13 Dent, and Tulloch did not want any more public 14 comment prior to the submission of the petition 15 signatures. 16 I will be reading a public comment tonight 17 from Christy Wells, who could not attend this 18 evening because she's in charge of running an 19 Incliner event at Aspen Grove. Here is her public 20 comment: 21 "In reviewing tonight's agenda, I 22 see that Frank Wright has applied 23 for the Golf Committee. I 24 respectfully ask that you void his 25 application and ban him from</p>

9

1 applying from any future IVGID
 2 committees.
 3 "I'm submitting several recent
 4 interactions with Mr. Wright that
 5 he has had with community members
 6 on Nextdoor, all clearly showing
 7 he is not capable of having civil
 8 discussions about difficult
 9 topics. And please note this is
 10 just a small collection of posts
 11 that have taken place over the
 12 last month. There are hundreds
 13 more. And you can hear how he
 14 speaks about IVGID staff and
 15 community members every time he
 16 leaves a public comment.
 17 "I believe the Golf Committee
 18 would be faced with some tough
 19 challenges in the coming year, and
 20 I do not feel that Frank has the
 21 ability to keep his calm when
 22 interacting with IVGID staff or
 23 other community members.
 24 "I'm submitting these examples for
 25 the record and trust you will make

10

1 the right decisions for IVGID
 2 staff, fellow community members,
 3 and those in the community who
 4 regularly have to interact with
 5 him."
 6 "Thank you on behalf of Christy
 7 Wells."
 8 And she went ahead and she brought in some
 9 of these interactions he's had in the community, and
 10 she wants these in the public record.
 11 MS. HOLLAND: Good evening. I'm Katherine
 12 Holland. I live at 250 Pine Cone Road.
 13 And I'm also a candidate for the Golf
 14 Committee. I'm very disappointed that the
 15 interviews were not initially held two weeks ago.
 16 And then nothing happened again last week. And I'm
 17 disappointed that we're not going to have interviews
 18 tonight. I think it's really important to have
 19 two-way conversations with potential candidates
 20 because I think that's when you really find out the
 21 truth about people.
 22 But, nonetheless, I still remain a
 23 candidate. I'm very seriously concerned that we had
 24 the resignation of Darren Howard yesterday, our
 25 Director of Golf and Community Relations. I think

11

1 this is a very large loss for our community and our
 2 golf course. But I remain passionate about and
 3 committed to being a productive member of the Golf
 4 Committee, if I'm selected, and continuing the work
 5 that I did on the prior Golf Committee.
 6 Thank you.
 7 MS. MARTINI: Good evening. Margaret
 8 Martini.
 9 The reduction of the rec fee was required
 10 to comply with NRS. How many of those who signed
 11 the recall petition took the time to read the
 12 statute and understand the reason that the rec fee
 13 was reduced? This made it necessary to reduce the
 14 punch card value. Not a hard concept to grasp. You
 15 don't even have to be a math wizard to comprehend.
 16 You are not prohibited from bringing guests to the
 17 beach, and it does not cost one dollar more to do so
 18 by buying beach passes or accompanying them with
 19 your credit card.
 20 Beach crowding was number one in all the
 21 surveys and the loss of purchasing unlimited punch
 22 cards has eliminated the overcrowding. And the
 23 Picture Pass Card parking rule has made it more
 24 convenient for parking for property owners. Is that
 25 a bad thing?

12

1 Another disinformation incentive to sign
 2 the petition was accusing Sara of losing the
 3 Duffield grant money. I challenge any one of you
 4 that supported the recall to produce actual
 5 documentation that commits Duffield to that amount.
 6 In actuality, it was the reduction of the scope of
 7 project to include a women's gym, dedicated
 8 gymnastics room only for only women. The equipment
 9 needed for men is, of course, different and was not
 10 part of the plan as submitted.
 11 As a government, it is not possible to
 12 provide facilities to one gender. Staff informed
 13 Sara that adding on to the plan was not a very
 14 viable solution, so it was not part of the plan to
 15 accommodate a men's gym.
 16 So before you run with the outrageous idea
 17 that you have lost something, think about the
 18 legality of doing just the one planned women's gym.
 19 Put on your thinking cap and look at the legal
 20 ramification and the cost of such.
 21 The Secretary of State has dismissed the
 22 claims of violation regarding the loan between
 23 Matthew Dent and the Doblars. It was determined
 24 that Mr. Dent submitted the FDS in full compliance
 25 with Nevada law. There were no violations and

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1 allegations in the election integrity violation
 2 reports are dismissed. That horse has been beaten
 3 to death, unnecessarily, if those accusers had taken
 4 the time to read the Secretary of State
 5 determination.
 6 How many recallers have taken the time to
 7 research all of the false accusations or are they
 8 just following three uninformed initiators of the
 9 recall petition into the clueless pit screaming
 10 "recall" all the way? Sadly, not informing
 11 yourselves of the true facts has its pitfalls of
 12 classifying yourselves as total follow the leaders.
 13 MR. KATZ: Good evening. Aaron Katz. I
 14 have several written statements I've submitted to be
 15 added to the minutes of the meeting.
 16 I'm here to speak about how much more of
 17 Susan Herron does the public have to endure? She's
 18 a glorified secretary, paid like the Director of
 19 Human Resources. She uses the IVGID magazine as a
 20 propaganda tool, telling us the dignity and respect
 21 she allegedly has for us when her acts demonstrate
 22 she has none.
 23 She commits Open Meeting Law violation
 24 after violation. She couldn't post the agenda for
 25 the Board's September 13 meeting in a timely manner,

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1 so the meeting had to be canceled or another Open
 2 Meeting Law violation.
 3 And now she pulls a waiver stunt for
 4 tonight's meeting, insofar as character misconduct
 5 and professional competence is concerned, associated
 6 with our applicants for the Golf Advisory Committee.
 7 She tells applicants execution of the waiver is
 8 required. Then she drafts a document which recites
 9 that the waiver was voluntarily signed, and she
 10 knows this is untrue.
 11 She notices the agenda item to be for the
 12 selection of members to the Advisory Committee, then
 13 she turns it into a hearing on the character of
 14 applicants, which hasn't even been noticed. She
 15 knows she hasn't complied with the notice
 16 requirements of NRS 241.033, yet hypes this fact by
 17 coming up with these waivers instead.
 18 Who decided to turn this into an ambush
 19 hearing for members or applicants to the committee?
 20 Who decided there would be waivers? Where in the
 21 NRS does it talk about a waiver for a situation like
 22 this? It's just one thing after another after
 23 another. Her loyalties are with special interests,
 24 rather than the public.
 25 I ask Ms. Herron, resign. Resign like

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1 your fellow colleagues. Resign like Darren Howard.
 2 And if you refuse to resign, I ask the Board to
 3 agendize a meeting to terminate her employ after
 4 giving her proper notice and the opportunity to be
 5 heard.
 6 Thank you very much.
 7 MS. USINGER: Caroline Usinger, Incline
 8 Village.
 9 I'd like to reiterate that Mr. Katz' goal
 10 is to eliminate IVGID. He has said it on multiple
 11 occasions, his desires to get rid of the entire
 12 staff, so all of his comments should be put in that
 13 context.
 14 I wanted to talk today about the elephant
 15 in the room again. The elephant in the room today,
 16 and has been, is that IVGID has no real general
 17 manager, lost its finance manager, its controller,
 18 its food and beverage manager, public works, as of
 19 yesterday, the golf manager, even the attorneys, as
 20 well as countless other staff. And yet the meeting
 21 minutes today talk about protecting Mr. Dobler and
 22 the Golf Committee, which is a legitimate thing, but
 23 they don't talk about the item in the room, which is
 24 that no one wants to work for IVGID, and that's
 25 because it's a toxic organization. Nobody wants to

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1 work for you. Employees don't want to work for you.
 2 Senior managers don't want to work for you. Vendors
 3 don't want to work for you. Volunteers don't want
 4 to work for you. This has to be addressed or IVGID
 5 will not ever recover.
 6 You're talking about doing little things,
 7 which I call Band-Aids, but these are serious and
 8 needs operation. The operation needs to be that all
 9 of the hostility towards the staff has to be
 10 eliminated. You are shooting IVGID in the foot, and
 11 you are supposed to be protecting it. This is
 12 inexcusable.
 13 An operation is needed, not a Band-Aid.
 14 And the operation is the recall. And I'm sorry. I
 15 don't really want to go through a recall, but a
 16 Band-Aid won't help. Being nice to -- or having
 17 Mr. Dobler get off the committee because it will
 18 look better, will not help.
 19 What will help in the resignation of Sara
 20 Schmitz and Matthew Dent with a commitment by the
 21 remaining of the Board to take this operation, look
 22 at what it did to the employees, and make an
 23 absolute change.
 24 MR. EPPOLITO: Hi. My name is John
 25 Eppolito. I'm a resident of 27 years. Been a real

17

1 estate broker for 25 of those years.
2 The petition, I don't like how it's
3 dividing our community. No matter which side you're
4 on, it bothers me. I'm going to save the rest of
5 those thoughts for another day when I actually have
6 a chance to write them down because I don't want to
7 say anything wrong.
8 What I mostly wanted to talk about tonight
9 is the bigger issue that's going to affect everybody
10 in the region, and that's all the development.
11 I spent the day at Washoe County
12 Commissioners' meeting today, and they passed the
13 land bill, and that was passed three to two, imagine
14 that. You guys don't know what that's like, right?
15 And it was passed three to two. And the reason I
16 even went to the meeting is because one of the
17 Commissioners came into another meeting I was at the
18 other day and said it got rushed, and that person
19 wanted people to come speak.
20 The biggest thing that I got out of the
21 meeting is the economic development. There's
22 probably -- if this continues to go through, and
23 this comes from one of our Senators, Rosen. If this
24 continues to go through, there will probably be a
25 lot more land for development in Reno,

19

1 project. That's for that whole core. So I don't
2 know how many more -- and those units are between
3 \$2.5 and \$5 million, hardly low income or employee
4 housing, and that's what's going to happen. We're
5 going to have more of those -- Incline is going to
6 be a small part of it, but all the people close by,
7 plus all the big developments on the California
8 side, it's going to greatly impact us, and we're
9 going to have a heck of a time getting out of here
10 in case of a fire, especially if we have to go that
11 way. I think that's what we should be focusing on.
12 Thank you very much.
13 CHAIR DENT: Can we go to Zoom, please?
14 MR. DOBLER: Yes. (Inaudible) to obtain a
15 recall signature no matter what is false, what is
16 made, board policies are broken, NRS is violated,
17 and confidentiality is tossed aside.
18 Now about the Capital Investment
19 Committee. It was created because the engineering
20 staff simply continued to fail in all aspects of
21 their jobs. It would not follow board policies and
22 were unwilling to act in a responsible manner. A
23 few examples over the last two years:
24 In 2021, the staff awarded a contract for
25 Phase 1 of the Mountain Golf Course cart path rehab,

18

1 unfortunately. And the thing is is that is also
2 going to impact us.
3 Anyone who listened to Cindy Gustafson at
4 one of the meetings in Placer County, she said this
5 summer, that there's more people than ever within an
6 hour's drive of Lake Tahoe, which is part of our
7 issue in the summer. I believe she said a million
8 people within an hour drive of Lake Tahoe.
9 And the last two summers are the busiest
10 we've ever had. Kings Beach is worse than it is
11 over here, for now.
12 Not too long ago, I told Ann Nichols,
13 quote, "I used to think you we're crazy, Ann. Now
14 it's worse than you said it was going to be." End
15 quote. And that's because there's more developments
16 than -- Ann was initially fighting one development.
17 Now there's twelve large developments in process,
18 the north shore, west shore, and plus the 800 houses
19 in Martis Valley. That's what we should be
20 fighting; not fighting amongst each other over
21 silly -- I think that are silly things, but I'm not
22 going to get into that. That's what I think we
23 should be focusing on as a community.
24 The -- yeah, so we've already changed the
25 zoning here in town, but that's not just for the one

20

1 which was not in accordance with big documents. The
2 bike path park was never complete five years ago and
3 the permit expired leaving opened-up possibility of
4 liability. When the engineering design was
5 completed last year, the total budget was only
6 80,000, but the construction bid alone was over
7 750,000. The project is dormant.
8 The contract to remodel the Rec Center
9 locker rooms exceeded the 969,000 budget by 208,000,
10 21 percent. The Board was never informed and board
11 policies were violated.
12 The current project to remodel to Diamond
13 Peak kitchen and food service area was upside down
14 from the start. A 516,000 contract was awarded, but
15 the contractor forgot to include kitchen equipment.
16 A recent change order was issued for 298,000, a 58
17 percent increase, and the total was above the
18 original budget of 620,000. An additional 321,000
19 was slipped into the 2024 budget to cover the
20 kitchen equipment and additional work.
21 The latest is the CMAR contract with
22 Granite Construction, wherein the CMAR percentage
23 fee was left blank, but the engineering staff
24 continues to pay 14 percent of costs based on some
25 ambiguous conversation which took place one year

21

1 ago. It is against the law to pay a contractor for
 2 items not in a contract.

3 Project summaries for 2023/'24 have not
 4 been completed, yet the District is almost three
 5 months into the new fiscal year.

6 After careful consideration and based on
 7 the above examples, I have decided to step aside as
 8 a committee member. My views on how to perform
 9 capital projects differs too much with the
 10 approaches by IVGID staff. Please make this written
 11 statement part of the minute meetings.

12 Thank you.

13 MS. MILLER: Judith Miller for the record.

14 I regret I'm unable to attend in person
 15 this evening. I hope the Board will consider my
 16 application to be on their very first
 17 board-appointed venue advisory committee.

18 I'd like to briefly discuss the waiver. I
 19 haven't signed the waiver. It would force me to
 20 relinquish any right to privacy or fairness. If I
 21 were an employee, the Board could consider character
 22 and competence only in a closed session and only
 23 after proper notice.

24 I've been informed that this so-called
 25 voluntary waiver is required, allowing any false

22

1 accusation from any source to be discussed in a
 2 public meeting and without allowing me to be
 3 represented by an attorney or provide evidence.
 4 Even the most innocent lamb among us would be
 5 foolish to sign such a waiver. I hope the Board
 6 will recognize that this is uncalled for.

7 I've applied for and served on a number of
 8 public boards and committees. None required a
 9 waiver. All you need to do is avoid discussing our
 10 character and professional competence. You've got
 11 12 candidates, many of whom are personally known to
 12 you. If you truly believe this type of discussion
 13 had to take place, it should have been in a closed
 14 session, just like it is for employees. I trust
 15 you're going to do the right thing.

16 Moving forward, I'm ready to roll up my
 17 sleeves as a member of this committee. As I've
 18 demonstrated before, I'm a worker. I can do
 19 research, crunch numbers, delve into land use
 20 regulations, write survey questions and reports,
 21 make presentations, and even drive a tractor. But
 22 most important of all, I can work collaboratively.
 23 I believe I'll be an effective member of the Golf
 24 Committee.

25 On another agenda item, I fully support

23

1 the request by interim Director McGee. However, I
 2 would like you to consider a change in the reporting
 3 structure for the internal auditor position. The
 4 job announcement draft states the position reports
 5 to the GM. Best practices and my own personal
 6 experience in public administration requires this
 7 position report, functionally, to the Board directly
 8 or to the Audit Committee, and administratively to
 9 the GM. That's should be made clear in the
 10 announcement.

11 Here's a quote from a Pete Marwick audit
 12 committee publication: Internal audit has for all
 13 practical purposes a dual reporting relationship
 14 where the head of internal audit reports to
 15 executive management, ideally the CEO, or GM in our
 16 case, for assistance in establishing direction,
 17 support, and administrative matters, and to the
 18 audit committee for strategic direction,
 19 reinforcement, and accountability.

20 I think you will find similar
 21 recommendations in most other organizational
 22 guidelines. Please discuss this with staff and make
 23 the necessary modification to ensure the
 24 independence of this position.

25 Thank you.

24

1 MR. WRIGHT: Frank Wright. Crystal Bay.
 2 I'm not going to restate everything that
 3 Ms. Miller just stated on this waiver. It's
 4 horrible that this thing was delivered to me
 5 yesterday, and I was told to sign it. Then I had
 6 another one, and I was told to sign that and was
 7 required.

8 I don't think any board member knows
 9 anything about this waiver. It's not appropriate
 10 for a volunteer committee; it's more of a personnel,
 11 and I'm not even sure if it was appropriately
 12 handled. But let's skip through that because that's
 13 already been dealt with.

14 Let's talk about me, as a citizen of this
 15 community, and what I have done here. I have been
 16 here for 40 years, 40, four zero, plus, I have
 17 uncovered all kinds of things and exposed them to
 18 the District. And let's just talk about the Golf
 19 Committee. I exposed the tee times that were given
 20 out in February to private golf clubs on a public
 21 course. PGA fees paid for people in those private
 22 clubs that you and I can't enjoy because we're not
 23 qualified for their standards and their
 24 requirements. We had to pay for the PGA fees for
 25 out-of-town members that are members of these clubs.

25

1 And the members from out of town and the members of
 2 all these clubs, they got all the preferred tee
 3 times that we're paying with our rec fee and the
 4 losses on that golf course. These secret clubs have
 5 all kinds of rules and regulations.
 6 I served on the Ordinance 7 Committee for
 7 15 months. And I hate to tell you, but I'm the one
 8 that uncovered the fact that the employees cannot be
 9 on the beaches. Yes, I did. Margaret Martini and I
 10 kept pushing that issue. We finally got an attorney
 11 to give us a ruling. We saved the beaches. It's
 12 really ironic that somebody from Crystal Bay had to
 13 save Incline beaches.
 14 It's sad that we have to be in this
 15 situation with the recall. It's sad for a lot of
 16 things that are going on here. I have worked in a
 17 way to try to diffuse the people who are coming into
 18 our community and doing things that are very bad.
 19 The recall is very, very bad.
 20 Tonight we had Ms. McKowen get up. I
 21 don't know this lady. I don't know who she is, and
 22 she has a friend, Christy Wells, and these two work
 23 in concert. Tonight, she took a shot at me, and she
 24 has all these things that supposedly I said on
 25 Facebook. Well, if I said them on Facebook, they

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1 should be taken down if they're not right, but it's
 2 not part of my character. It's part of me trying to
 3 express to people that we got a bad element in this
 4 town.
 5 Because of all the things that are going
 6 on right now and the attack mode that these people
 7 are in, I am respectfully declining to serve on this
 8 Golf Committee. It would be beneficial to you if I
 9 did, but I think it's better that we put some new
 10 blood out there and do it. I'm just going to
 11 withdraw my application --
 12 (Expiration of three minutes.)
 13 MS. KNAAK: Yolanda Knaak, Martis Peak
 14 Drive.
 15 I just wanted to weigh-in on something
 16 that John Eppolito has mentioned, and we do have
 17 some serious concerns with zoning change for Area 1
 18 in our town. It's putting us over 56 (inaudible)
 19 risk, something we really need to take a stand on.
 20 Then also these land deals, it's
 21 practically impossible to get information. If I had
 22 known that it was going to be in the meeting today,
 23 the Washoe County Commissioners' meeting, I would
 24 have tried to weigh-in on it at that time.
 25 But this is something that, you know,

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1 taking -- having the federal government take our
 2 land is (inaudible) correct, is not what should be
 3 happening. So it's something we really need to
 4 oppose.
 5 Thank you so much.
 6 MS. CARS: Linda Cars.
 7 I just wanted to say that, twice, I
 8 submitted documents about Cliff Dobler that were
 9 part of the public domain, and they were not put
 10 into the record. I'm not going to repeat the
 11 horrible things and the interactions that he had,
 12 but I am only saying that I think the Board of
 13 Trustees should focus on -- not on what happened,
 14 but on the actions of the person.
 15 You seem to have the wrong priorities in
 16 terms of people that are on staff that have very,
 17 very bad interactions with staff. They should not
 18 be on committees.
 19 I also have been listening to all the
 20 comments, and it's just unfathomable the lies that
 21 Margaret Martini and all these people view about the
 22 recall committee. The recall, there's not a
 23 committee. The recall is a grassroots organization
 24 of hundreds and hundreds of people in this community
 25 from all walks of life. They are not representing

28

1 one topic at all. And they should be listened to.
 2 The people supporting the recall speak the facts,
 3 they don't tell lies. And the truth will come out.
 4 And we hope that Sara and Matthew will not
 5 put the community through a recall election and do
 6 the right thing and resign. The latest losses of
 7 the Director of Golf, the Golf Pro show how poorly
 8 you have been working with the community and the
 9 horrors you have created that you can't keep staff.
 10 Please do the right thing. Please spare us the
 11 agony of an election. But if you don't want to,
 12 there will be one.
 13 Thank you.
 14 MS. McKOWEN: Kevin McKowen. 335 Ski Way.
 15 You know, there's so many issues going on
 16 in town. No one likes the divisiveness. But, you
 17 know, after being in business for 45 years, what I
 18 find atrocious, if I had all my senior managers quit
 19 in a company ran, I would immediately find out who
 20 they reported to and get rid of them.
 21 So Sara and Matt, I mean, you're sitting
 22 back, you know the recall's going on, and I think
 23 the appropriate thing to do is to resign.
 24 Now as far as Frank Wright goes, Frank
 25 Wright's called my wife every name in the book.

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1 Frank Wright has two aliases on Nextdoor, everybody
 2 knows it. He is just a thorn in this community and
 3 this town's side.
 4 So look, we have a lot of people in town
 5 that would be great on the IVGID board. Here's why
 6 they will not run, which hurts us all. It's because
 7 of the angry eight. Most of them would rather shoot
 8 themselves in the face than deal with all the angry
 9 eight, Frank Wright, you know, all the people,
 10 right? Katz and Martini. They are all lovely
 11 people, I'm sure, but I don't know why they stay in
 12 town when they just can't stand it here. I mean,
 13 just leave. And create the harmony that we all
 14 moved here for, whether we retired here.
 15 The other thing I liked Mr. Eppolito
 16 saying, yeah, there is an issue of us granting
 17 rights to multimillion dollar condos being built
 18 when Reno and Carson has great jobs, why can't we
 19 get people? Why do the several restaurants in town
 20 open three or four nights? Gee, I'll tell you why:
 21 They can't find help. Why? Because people can't
 22 afford to live here, and they're not coming up from
 23 Reno and Carson, especially in the winter, with the
 24 weather.
 25 Darren Howard's a great guy. He and Nick

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1 TRUSTEE TULLOCH: I'd like to move item F
 2 1 from the consent calendar to the general business.
 3 I made a request previously that we had details of
 4 why this payment was due. This is, I understand,
 5 something going back to the previous board, but
 6 there's still no explanation of it, just that
 7 somehow we're due 7,200, so I'd like to move this to
 8 general business, please.
 9 CHAIR DENT: Does anyone have an issue
 10 with moving that to general business?
 11 TRUSTEE TONKING: (No microphone.)
 12 CHAIR DENT: Regarding that item?
 13 TRUSTEE TONKING: Yeah.
 14 CHAIR DENT: We can have a discussion on
 15 that item at that point, if you're opposed to moving
 16 that, now would be the time to bring that up.
 17 TRUSTEE TONKING: My only concern with
 18 removing it, and I think Annie would have to speak
 19 to this, because it was discussed in a legal
 20 nonmeeting, how much of it can we disclose?
 21 MS. BRANHAM: Yeah. To the extent your
 22 question, Trustee Tulloch, are going to relate to
 23 what's in the staff report or if staff can clarify
 24 what's in the staff report, that would be okay.
 25 But it's a good point by Trustee Tonking,

30

1 Holligan both resigned today. These are great --
 2 Nick is from Scotland, he's got an A-plus record.
 3 What is going on? And Kyle. Kyle and I have been
 4 friends for years. Kyle left because of the Board.
 5 Dee left because of the Board. Bill left because of
 6 the Board.
 7 It seems like we are taking crazy pills.
 8 We got to get back sanity. Look, the recall, in the
 9 all documents they had, we're factual.
 10 Now Sara is knocking door to door, calling
 11 people, asking them to recant on their signature,
 12 which is abysmal, I think, because when you sign a
 13 document, that means you know clearly and you're
 14 sane in signing the document that you know what
 15 you're signing. And she's going, "I want you just
 16 to withdraw your name." What? I mean, what is
 17 going on? Sara, look --
 18 (Expiration of three minutes.)
 19 CHAIR DENT: Anyone else on Zoom?
 20 MATT: That was our final comment on Zoom.
 21 CHAIR DENT: All right. That'll close out
 22 public comment. Moving on to item D.
 23 D. APPROVAL OF AGENDA
 24 CHAIR DENT: Any questions or concerns
 25 with the agenda? We've already removed item G 4.

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1 we should probably limit the discussion to what has
 2 been provided by staff and brief answers to any
 3 questions that you might have. But we should be
 4 careful not to delve in to anything that could be
 5 considered legal in nature.
 6 CHAIR DENT: Thank you for the reminder on
 7 that.
 8 Any other questions or concerns with the
 9 agenda?
 10 All right. The agenda is approved. We
 11 will move item F 1, that will become item G 1.
 12 Moving on to reports to the board.
 13 E. REPORTS TO THE BOARD
 14 E 1.
 15 CHAIR DENT: Report E 1 and E 2. Report E
 16 1 is interim General Manager's monthly status
 17 report. Can be found on pages 4 through 34 of your
 18 board packet.
 19 MR. BANDELIN: With the interest of
 20 providing and improving communication, staff has
 21 provided a different look to the General Manager's
 22 report within your packet. Staff will be providing
 23 a monthly venue status report for key venues and
 24 operations to the Board of Trustees and the
 25 community. Looking for some feedback on those

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1 particular reports this evening. Do not have staff
 2 to, like, actually answer any questions on the
 3 reports this evening. They are not here, but
 4 certainly looking for some feedback on how to
 5 improve as we continue to provide a different look.
 6 These reports will be prepared for public
 7 works, parks and recreation, finance and accounting,
 8 human resources, IT, and ski and the golf, when
 9 they're in season, or possibly other times when
 10 there is relevant information from those venues to
 11 report on.
 12 Not really in the report, but I thought it
 13 might be a good opportunity -- if I can expand on
 14 this a little bit next month in the Diamond Peak
 15 report, I just wanted to share where we are with the
 16 Diamond Peak special use permit application. This
 17 application is nearly complete. I've been working
 18 with the U.S. Forest Service administrator for the
 19 Lake Tahoe Basin Unit, and a couple more things to
 20 do. And I would imagine by the end of next week
 21 that this application process will kind of be
 22 forwarded to the actual Forest supervisor with the
 23 Lake Tahoe Basin Management Unit for review and
 24 acceptance. And then I can bring back the special
 25 use permit to the Board of Trustees.

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1 I might say that if there's been any kind
 2 of misconception about the acreage of the special
 3 use permit, that the -- all the infrastructure,
 4 including lifts, facilities, snow pipe, trails and
 5 so forth, all the constructed trails, those are all
 6 within District private property. So, the special
 7 use permit is really just the related ski area, ski
 8 terrain, what we call the "Solitude Canyon area" of
 9 about 296 acres, and then Golden Eagle Bowl, about
 10 96 acres.
 11 So, even if they're -- in the future, if
 12 there were concerns about the permit, the permit is
 13 for ten years, that it doesn't really affect the
 14 actual facility or the District-owned property.
 15 Just a couple of updates: Starting at the
 16 end of this week and through next week, we will be
 17 doing pavement maintenance, a lot of the community
 18 services venue. The Mountain Golf Course cart path
 19 project is nearly complete. Construction work
 20 schedule to be completed by the end of October.
 21 Then returning in the spring for the slurry sealing
 22 project. Phase 1(b), is we're calling it, of the
 23 effluent export line replacement project of 2,200
 24 linear feet is also scheduled to be completed within
 25 the last week of October.

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1 So, again, kind of a different look to the
 2 GM report. We just want to continue to be kind of
 3 precise and accurate. I think in the future,
 4 working with the Director of Finance, getting caught
 5 up a little bit, that we will see a lot more
 6 financials within the report, even sources and uses
 7 and acquisition. Then be able to eventually work
 8 with the Capital Improvement/Investment Committee,
 9 and kind of report on capital projects in a little
 10 bit more financial way versus just narratives.
 11 CHAIR DENT: Any follow-up questions from
 12 my colleagues?
 13 TRUSTEE SCHMITZ: I find the report much
 14 easier to read.
 15 The one thing I would just request, could
 16 we, going forward, as it relates to golf, there's
 17 nothing in here that see I that relates to food and
 18 beverage or events. And I think those are two
 19 essential components of our business, and I would
 20 like them to be included in the report.
 21 As far as questions, I will follow up with
 22 individual staff related to questions, given your
 23 suggestion this evening.
 24 TRUSTEE TULLOCH: Refreshing change. A
 25 report we can actually read and actually contains

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1 information. I think it's a great start.
 2 I do have a question on page 13 with
 3 regard to the Dog Park Committee. I'm a little bit
 4 confused. It just doesn't seem to align with what
 5 the previous direction from the Board. I'd also be
 6 concerned if there's a community survey going out
 7 and a community forum just been hosted purely by the
 8 Dog Park Committee, I don't think that was the
 9 intention of the Board. I don't think that was the
 10 direction from the Board previously.
 11 And I see statements like continued
 12 community support for a dedicated dog park. I think
 13 that was one of the reasons for the survey going
 14 out, to see if we did have that support.
 15 I can take it up with Director Leijon, if
 16 that's easier.
 17 MR. BANDELIN: Just consider that noted,
 18 and I'll follow up.
 19 TRUSTEE SCHMITZ: On that same subject, I
 20 didn't realize that the area that they were
 21 intending to encroach upon that goes toward the
 22 stream area in that upper area, that is in the disc
 23 golf. So that would have an impact on that.
 24 So, you know, there were things that I
 25 don't think we clearly understood. And I agree with

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1 the comments made by Trustee Tulloch that I thought
 2 we were going to be doing a community survey, and
 3 then also surveying the dog owners.
 4 I was hoping that maybe we would have some
 5 of that analysis already done. But we'll sit tight.
 6 TRUSTEE TONKING: I was just going to say
 7 I think my understanding is that there was a
 8 community survey, and we talked about possibly
 9 having at one of our community forms, the topic be
 10 the dog park. I think that's where that's coming
 11 from.
 12 I think we gave direction to -- from the
 13 Board to start doing the survey. But if not, do we
 14 need to bring the item back to make sure we can give
 15 that direction? Just so we can put it on the
 16 agenda.
 17 CHAIR DENT: If that's something that
 18 needs to come back at the next meeting, let's get it
 19 on the agenda this week.
 20 Any further discussion or comments? I,
 21 too, like the new format, so thank you for that. It
 22 is a little bit more clear to have everything broken
 23 down by department.
 24 TRUSTEE SCHMITZ: I do recall that we
 25 clearly gave direction to do a community survey.

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1 E 2.
 2 TRUSTEE TULLOCH: Just on page 35 of the
 3 packets, shows the major bill payments done per
 4 month:
 5 3.18 million paid out, a large part of it,
 6 to Granite Construction for the pipeline, the major
 7 one's just over 2 million and a quarter of a million
 8 to Granite Construction.
 9 NV Energy, our regular one.
 10 Western Nevada Supply, 81k.
 11 Mike Menath Insurance, our annual
 12 insurance premium, 225k.
 13 Geotechnical Environmental Services, 112k.
 14 I believe that was also for the pipeline.
 15 Clark Equipment, Dell, for IT equipment,
 16 and Dell, again, for their --
 17 I would also like to say that I've been
 18 working with interim Director of Finance, I think
 19 next month's treasurer's report is going to be a lot
 20 more informative, a lot more effective. We've been
 21 developing a financial report that should be --
 22 actually meaningful and tells us what is happening.
 23 I'd love to say it tells us what is in the bank, but
 24 we still haven't reconciled the bank account, so
 25 it'll give an approximation.

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1 And also there was direction that was given by, I
 2 believe, Director of Parks and Rec, that she wanted
 3 to do some informal surveying of the dog owners.
 4 So, that direction was given. I would
 5 like to see it on our calendar to see the results of
 6 that.
 7 TRUSTEE TONKING: We don't need to approve
 8 the survey or anything; correct?
 9 CHAIR DENT: I think we already gave
 10 direction --
 11 TRUSTEE TONKING: No. I just mean we
 12 don't have to approve the actual survey itself?
 13 CHAIR DENT: We've never approved a
 14 survey, so no.
 15 TRUSTEE TONKING: Okay. I just know that
 16 the last Dog Park Committee, we brought it back to
 17 be approved, so I just wanted to clarify.
 18 CHAIR DENT: General Manger Bandelin,
 19 perhaps you could get back to us offline regarding
 20 this item. Appreciate it. Thank you.
 21 Any other comments or questions regarding
 22 the General Manager's report?
 23 Seeing none, that will close out item E 1.
 24 Moving on to item E 2, the treasurer's report,
 25 payment of bills.

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1 But, yes, I think you'll find a material
 2 change in next month's treasurer's report.
 3 TRUSTEE SCHMITZ: Annie, I promise not to
 4 go off script.
 5 I just wanted to bring to the Board's
 6 attention that we all received an email from a
 7 constituent expressing concerns about the CMAR
 8 contract with Granite.
 9 And I did take time and reviewed all of
 10 those contracts, and I do have some questions in
 11 regards to it. And if we want to talk about that
 12 any further, we can do that at the end of the
 13 meeting with our update section.
 14 CHAIR DENT: Any other questions or
 15 comments for our treasurer?
 16 All right. Seeing none, that will close
 17 out item E 2. Moving on to item F.
 18 F. CONSENT CALENDAR
 19 CHAIR DENT: We have removed item F 1. We
 20 do have the approval of the regular meeting minutes
 21 for July 26th, we have the approval of the special
 22 meeting minutes from August 24th, and we have the
 23 approval of the regular meeting minutes for August
 24 30th.
 25 I'll entertain a motion.

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1 TRUSTEE TONKING: I move the Board of
 2 Trustees approve the consent calendar.
 3 CHAIR DENT: A motion's been made. Is
 4 there a second?
 5 TRUSTEE SCHMITZ: Second.
 6 CHAIR DENT: Motion's been made and
 7 seconded. Any further discussion by the Board?
 8 All those in favor, state aye.
 9 TRUSTEE TONKING: Aye.
 10 TRUSTEE TULLOCH: Aye.
 11 TRUSTEE SCHMITZ: Aye.
 12 CHAIR DENT: Aye.
 13 Motion passes, 4/0. Thank you. That will
 14 close out the consent calendar. Moving on to item G
 15 1, formerly F 1.
 16 G. GENERAL BUSINESS
 17 G 1.
 18 CHAIR DENT: Approve and final payment in
 19 the amount of \$7,200 to Erickson, Thorpe and
 20 Swainston for legal services in the Smith vs. IVGID
 21 lawsuit. This can be found on pages 37 through 38
 22 of your board packet.
 23 Trustee Tulloch, you did pull this item.
 24 Did you want to ask a question of legal counsel?
 25 TRUSTEE TULLOCH: I just -- the reason I'm

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1 asking is, obviously, this contract predates me on
 2 the Board. And I was under the impression the
 3 previous board approval for amount of this had all
 4 been settled. That's just -- I'm curious with how
 5 we're suddenly faced with another \$7,200 for
 6 something that -- a contract I believed to be
 7 previously settled. That was the reason -- I think
 8 I expressed this last time this was on the agenda.
 9 That's why I asked for some further information.
 10 CHAIR DENT: Annie, do you mind speaking
 11 to this?
 12 MS. BRANHAM: Sure. My understanding of
 13 the situation is that there was a final invoice for
 14 the services provided by that firm. I don't know if
 15 it was that it just wasn't paid at the time, and
 16 everyone didn't realize until many months had
 17 passed, and that's why it came back up so late. Or
 18 if it was something where they weren't aware that
 19 they hadn't billed for certain work they had done
 20 and finalized.
 21 I think what happened, whatever that
 22 discussion was, resulted in the settlement
 23 discussion in the amount that they were originally
 24 claiming was over \$10,000, so part of the settlement
 25 was to say, okay, we're going to reduce that by

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1 approximately 5,000, and then we'll consider the
 2 claim settled.
 3 But I don't think there's any dispute that
 4 the services were actually provided on behalf of the
 5 Board. I think it's probably just one of those
 6 wrinkles of when the invoice was actually mailed or
 7 if it fell between the cracks or something like
 8 that. But I think the work itself was under
 9 contract.
 10 CHAIR DENT: I just want to add to this,
 11 and since you were part of the negotiations, if
 12 there's something that you would like to speak to
 13 regarding that, you're welcome to, interim General
 14 Manager.
 15 As it relates to this item and having sat
 16 on that board, it's my understanding former general
 17 manager and former board chair reached an agreement
 18 with this law firm, and we were not going to be
 19 paying anything further, given that we cannot find
 20 anything in writing in any documentation of that.
 21 It has since come to our -- I guess, we
 22 have since been noticed by the law firm that we
 23 still owe them a bill.
 24 So, I think we all thought this was behind
 25 us; however, there's nothing that has been

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1 documented, and now it's something that the interim
 2 General Manager been tasked with figuring out.
 3 Any further discussion?
 4 TRUSTEE SCHMITZ: I have a clarification
 5 question: Do we know whether this was within
 6 budget, and do we know that this work that was
 7 requested was approved by the board?
 8 MR. BANDELIN: I can't answer that.
 9 TRUSTEE SCHMITZ: Thank you.
 10 TRUSTEE TULLOCH: That clears it up. It
 11 was my understanding that project had been closed,
 12 and they authorized an amount to be spent.
 13 I just wanted some clarification.
 14 Appreciate that.
 15 CHAIR DENT: I'll entertain a motion on
 16 this.
 17 TRUSTEE TULLOCH: I'll make a motion that
 18 we approve the settlement as per the \$7,200 to be
 19 paid to Erickson, Thorpe and Swainston in settlement
 20 for the work conducted in Smith vs. IVGID.
 21 CHAIR DENT: Motion's been made. Is there
 22 a second?
 23 TRUSTEE TONKING: Second.
 24 CHAIR DENT: Motion's been made and
 25 seconded. Any further discussion by the Board?

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1 Seeing none, all those in favor, state
 2 aye.
 3 TRUSTEE TONKING: Aye.
 4 TRUSTEE TULLOCH: Aye.
 5 TRUSTEE SCHMITZ: Aye.
 6 CHAIR DENT: Aye.
 7 Motion passes, 4/0. That will close out
 8 item G 1, formerly F 1. Moving on to item G 2.
 9 G 2.
 10 CHAIR DENT: Review, discuss, and possibly
 11 appoint members of the community to the Board
 12 Advisory Committee on Golf. This can be found on
 13 pages 586 through 633 of your board packet. The
 14 applicants are: Armand Simon, Seven Ross, Robert
 15 Watson, Elyse Gut, John Johnson, Polly Wolf,
 16 Katherine Holland, Robert Riccitelli, Harry Swenson,
 17 Judy Miller, Todd Wilson, and, finally, Frank
 18 Wright.
 19 Trustee Tonking, this is your item, so I
 20 will go ahead and pass this to you.
 21 TRUSTEE TONKING: I believe Frank Wright
 22 has removed his name, just as an update.
 23 And then in terms of -- as you all know,
 24 this has been a long process. We had it scheduled,
 25 we moved it because we felt like there should be

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1 a recommendation to follow that statute.
 2 You can either provide notice, in advance,
 3 by personal service or by mail in advance to the
 4 person. In that case, you don't need a signature,
 5 you don't need the waiver, you don't need anything
 6 like that. The waiver is an alternative to that
 7 option. So if you send the wavier out, you let the
 8 person know we're going to be discussing your
 9 character, your competency, things like that, at
 10 this meeting as it relates to the Golf Committee,
 11 then they can sign the waiver voluntarily, return
 12 it, and then we don't have to worry about the notice
 13 procedures.
 14 It's always been our recommendation to
 15 notice people. I understand we have a couple
 16 examples of people who have joined a committee and
 17 said, Well, I don't remember receiving notice or
 18 signing a waiver.
 19 Apologies if that's not been done in the
 20 past. It's -- we have documentation that we've
 21 always advised that the wavier be signed or, at the
 22 very least, that the notice be given in accordance
 23 with the statute. So, anything that's been done in
 24 the past is not something we're discussing tonight.
 25 But we did try to get all the candidates

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1 alternatives for people who could not be here. From
 2 there, then we had it scheduled, but due to the
 3 meeting changes, I had more than half of the
 4 candidates not be able to show up, so we felt it
 5 made sense to add -- to have them answer the
 6 questions from the committee and do that with the
 7 opportunity to speak during public comment. So that
 8 was the process that took place. Chair Dent and I
 9 had those discussions.
 10 And then my one concern, Annie, is I have
 11 one waiver that has not been signed. Does that
 12 matter? Is there a way we can work around if we
 13 aren't talking about character?
 14 MS. BRANHAM: Yes. I will give you the
 15 conservative legal advice. I'll kind of explain
 16 what the statute says and what's been done
 17 historically, then, ultimately, you can make the
 18 finally call, but I will give you a couple of
 19 options that I would recommend.
 20 It's always been our recommendation since
 21 we've been counsel that there are ways under NRS
 22 241.033 that you can open up a discussion like this
 23 for discussion of someone's competency/character,
 24 you know, that term is pretty broad, it's been
 25 interpreted pretty broadly, which is why it's always

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1 to sign those waivers so that you guys could have an
 2 open and frank discussion about the qualifications
 3 of the committee members. Given that one of the
 4 candidates who, you know, one withdrew, didn't sign
 5 the waiver, we have one remaining who didn't sign
 6 the wavier, our recommendation, two parts, is either
 7 to postpone this again so that we can provide
 8 them -- she doesn't have to sign a waiver, but we
 9 could provide her the notice and that way you can
 10 have a full and open discussion of that candidate as
 11 well. Or just to remove that candidate from the
 12 pool of potential applicants so that you don't have
 13 to worry about the violation.
 14 But our recommendation is not necessarily
 15 to go forward with a full discussion of every
 16 candidate, including the one who didn't sign the
 17 waiver, just over concern that section of the OML
 18 would be violated.
 19 TRUSTEE TONKING: I have another question,
 20 actually. Is there a way around that if we don't
 21 feel the need to talk about a candidate's character
 22 right now?
 23 MS. BRANHAM: It's a gray area, I'll say.
 24 We don't have a lot of guidance on what it means to
 25 talk about character or competency. Our advice on

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1 that point tends to be broad because it's not
2 entirely clear what a court would feel falls under
3 the category of character or competency.
4 As you're discussing the qualifications of
5 someone for a committee, I think it's difficult to
6 say you're not falling within the broad category of
7 competency, just to choose one of the words. That's
8 our thinking on it, that it's difficult to have a
9 discussion about a candidate without discussing
10 their competency.
11 TRUSTEE TONKING: Okay. I was just going
12 to say, personally, I don't feel like there's a need
13 to talk about any candidate's competency. But if
14 people feel differently, that they want to have a
15 robust discussion, then I do believe we remove that
16 one candidate. But if people don't feel the need, I
17 think we can leave it. I don't know how others
18 feel.
19 CHAIR DENT: I'm very much in line with
20 you as it relates to this. We've never had to go
21 through this process before as it relates to
22 noticing people, and this is a fairly new thing that
23 we are practicing, I guess, at the District. And
24 I've asked legal counsel to brief all of us on this,
25 and it could be outside of this meeting because

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1 have time to notice them on.
2 TRUSTEE TONKING: Perfect.
3 So there is 11 candidates. I believe that
4 Chair Dent sent us all an email to send to Annie or
5 her email address so we could send her with our
6 choices. Does anyone want to have a discussion?
7 TRUSTEE SCHMITZ: I just want to say thank
8 you for all the qualified applicants. This is not
9 an easy decision to narrow this down. I was sort of
10 saying, Maybe we should pick a few so that when we
11 all put our votes in, there's names that will pop
12 up.
13 But just -- I want to acknowledge the
14 wonderful community members who have applied for
15 this committee. There's a field that are very, very
16 well qualified, so if you're not selected, please
17 don't take anything personally.
18 CHAIR DENT: Next steps would be we're
19 emailing Annie.
20 TRUSTEE TONKING: Then I'm guessing if
21 there's a bunch on the cusp, then we'll keep doing
22 this process.
23 CHAIR DENT: Yeah. One thing maybe we do
24 is let's do -- we have four.
25 TRUSTEE TONKING: We have five.

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1 there's a lot of questions that have come up as
2 we've gone through this process.
3 I am fine not talking about anyone's
4 character. I appreciate all the applicants and
5 their willingness to be a part of this process.
6 TRUSTEE TULLOCH: I think that's -- well,
7 I'll refrain from comment. I know when I previously
8 applied to committees, this was never something
9 involved, but be that as it may.
10 I would have thought that, given that
11 we're not able to interview the candidates in
12 question, as a member of the audience pointed out in
13 public comment, this is much more effective as a
14 two-way one, I think since we're not able to
15 actually do that, I think the only course of action
16 is to base or decisions based on forms returned.
17 We've told candidates that is going to be the modus
18 operandi, so I don't think it would be fair to
19 discuss candidates in any other form in the terms of
20 that. All we can do is select candidates based on
21 the returns and based on our knowledge of people.
22 CHAIR DENT: All right. Okay. Well, then
23 I think we are all on the same page that we're
24 fine moving forward, and we don't need to disqualify
25 someone for not signing the waiver that we didn't

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1 CHAIR DENT: Let's send our top five, and
2 that way it allows the process to move forward
3 without stopping. Let's do our top five.
4 TRUSTEE TULLOCH: Yeah, not sure how you
5 can do five at once.
6 MS. BRANHAM: If I could just jump in
7 really quick. I can give you kind of a procedural
8 what we were thinking. So you'll send me your top
9 five. The email itself that you send me will be a
10 public record after the meeting, so just keep that
11 in mind. It's for purposes of just aggregating so
12 that it's not clear who -- which specific trustee
13 voted for which specific person at this time.
14 If you send me your top five, I'll collect
15 them all, and then what I am planning to do to is
16 count and say this candidate got five total votes,
17 top number one or number two, or I'll go through and
18 say how many votes each person got. And then if we
19 need to rank further, we can.
20 CHAIR DENT: Okay. How about put them in
21 order one through five.
22 (Board sending emails to Ms. Branham.)
23 CHAIR DENT: We're going to take a
24 five-minute break. If you need the little bit more
25 time just let us know. Resume at 7:15.

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1 (Recess from 7:08 P.M. to 7:21 P.M.)
2 MS. BRANHAM: We had one person get four
3 votes, that was the top, so that was Mr. Wilson. We
4 had two people get three votes, that would be
5 Swenson and Riccitelli, apologies if I'm
6 mispronouncing any names. I think we've got one,
7 two, and three set on the committee.
8 Then we have a three-way tie with two
9 votes each. So I think you'll need to discuss how
10 to go about choosing of these candidates. So with
11 the three-way tie with two votes, we have
12 Mr. Johnson, Ms. Holland, and Mr. Simon for that
13 fourth spot.
14 TRUSTEE TULLOCH: Are you counting the
15 alternates in that?
16 MS. BRANHAM: Yes. I took all five that
17 everyone named and added -- did everyone name them
18 in the order they wanted them picked in?
19 TRUSTEE TULLOCH: Can I just make a point
20 of clarification? Because, theoretically, if you
21 just count the alternates in there, theoretically,
22 one -- five people could vote for the same
23 alternate, and you can get more votes than the four
24 that we selected.
25 TRUSTEE TONKING: Can you tell us without

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1 take Johnson and Simon and decide and send an email
2 or text to Annie.
3 CHAIR DENT: Correct.
4 Trustee Schmitz, do you need a few more
5 minutes before we vote?
6 (Inaudible response due to no mic.)
7 CHAIR DENT: All the candidates are good.
8 I would agree.
9 TRUSTEE TONKING: I do have a concern that
10 we might think about going forward, is that the only
11 woman is going to be myself on that committee. So
12 just a thought to think about if we need to think
13 about it going forward. I just realized that.
14 CHAIR DENT: Understand your concerns, but
15 I don't think that's one of the qualifications that
16 would -- yeah.
17 TRUSTEE TONKING: That if we want that
18 perspective, we do not have it.
19 CHAIR DENT: Annie, have you received a
20 response from all of us?
21 MS. BRANHAM: Just waiting on Trustee
22 Schmitz.
23 I have received the votes for the fourth
24 spot, and that will be Mr. Simon.
25 CHAIR DENT: Okay. So just to run through

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1 the alternate, and then just do the top four,
2 without people's alternate?
3 MS. BRANHAM: Yep. Sure can. Give me one
4 more second.
5 CHAIR DENT: We don't know. The question
6 was: Who was already selected?
7 You guys, turn your mics on when you're
8 talking, please.
9 MS. BRANHAM: Okay. That has narrowed it
10 down a bit. We have -- not counting alternate votes
11 this time, we have Mr. Wilson with four, he would be
12 the top vote getter, and then we have Swenson with
13 three, and then Mr. Riccitelli with three, so that
14 would be one, two, and three. Now we have a two-way
15 tie for Johnson and Simon. That narrowed it down by
16 one person.
17 CHAIR DENT: Johnson and Simon, this is
18 using the top four candidates. Okay. Committee
19 chair Tonking -- trustee Schmitz what's wrong?
20 (Inaudible response due to no mic.)
21 CHAIR DENT: Correct. We can have a few
22 minutes.
23 Trustee Tonking, do you want to discuss
24 the next steps?
25 TRUSTEE TONKING: Yeah, so I think then we

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1 those, we have Mr. Wilson, Mr. Swenson, Mr. Simon,
2 and Mr. Riccitelli; is that correct?
3 MS. BRANHAM: That's correct. That
4 matches my record as well.
5 CHAIR DENT: Thank you. We appreciate you
6 helping us through that process.
7 TRUSTEE TULLOCH: Yeah, based on that, I'm
8 assuming, Annie, then if somebody drops out, the
9 alternate would be Mr. Johnson?
10 MS. BRANHAM: Yes. As long as that works
11 for you all, if we get consensus on that, I'm fine
12 with that.
13 CHAIR DENT: I will entertain a motion on
14 this item.
15 TRUSTEE SCHMITZ: I make a motion to
16 nominate Mr. Wilson, Mr. Swenson, Mr. Riccitelli,
17 Mr. Simon, and Mr. Johnson as an alternate on to the
18 board-appointed Golf Committee.
19 CHAIR DENT: Motion's been made. Is there
20 a second?
21 TRUSTEE TULLOCH: I'll second.
22 CHAIR DENT: Motion's been made and
23 seconded. Any further discussion by the Board?
24 Seeing none, call for question, all those
25 in favor, state aye.

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1 TRUSTEE TONKING: Aye.
 2 TRUSTEE TULLOCH: Aye.
 3 TRUSTEE SCHMITZ: Aye.
 4 CHAIR DENT: Aye.
 5 Opposed? Motion passes 4/0. Thank you
 6 for that. And thank the committee members or our
 7 newly formed Golf Committee. We appreciate -- the
 8 folks that weren't selected, we appreciate you
 9 putting your name in the hat and thank all of you.
 10 That will close out item G 2 -- G 3. That
 11 will close out item G 3 -- G 2. Moving on to item G
 12 3.
 13 G 3.
 14 CHAIR DENT: Review, discuss the financial
 15 ratification of the Department of Finance's staffing
 16 increase and approval of recommended adjustments for
 17 consulting services. Requesting staff member
 18 interim Director of Finance Bobby Magee. This can
 19 be found on page 634 through 646 of your board
 20 packet.
 21 MR. MAGEE: Thank you, Chair Dent and
 22 members of the Board.
 23 This item tonight, while it's a new staff
 24 report and new item, this is a continuation of the
 25 discussion that the Board held on August 9th and

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1 that have been developed, they've been approved,
 2 administratively, by the interim General Manager,
 3 which is the normal process. We've included them
 4 into the Board's packet; however that is not a
 5 recommended actionable item for tonight because, as
 6 time moves on and these positions are recruited a
 7 second time or a third time, staff would need the
 8 flexibility in order to change a single word if they
 9 needed to, and if the Board were to approve it,
 10 staff would have to come back to the Board to make
 11 any change at all. So that's why we're including
 12 that as information only.
 13 At the August 24th meeting, the second
 14 item that the Board directed us to bring back was
 15 identifying any additional consulting services that
 16 may be needed for the future budget augmentation,
 17 which I'm anticipating will come sometime in late
 18 January, early February, once we get the final
 19 figures worked out.
 20 And so there were two items that we
 21 identified, and the first one is related to the
 22 audit and what is known as the ACFR, the annual
 23 comprehensive financial report, and actually putting
 24 that document together. That is a very
 25 labor-intensive process that, right now with so many

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1 August 24th, and just to recap very, very briefly,
 2 the actions the Board took at that time.
 3 On August 9th, the Board directed staff to
 4 create an internal auditor position, and so we have
 5 been working with the human resources director on
 6 developing that job scope. Then there were a number
 7 of other items that were approved that are there in
 8 the staff report.
 9 And then on August 24th, the Board
 10 conceptually approved the addition of two positions,
 11 one being an assistant director of finance, and the
 12 second one being a management analyst. And that was
 13 pending final approval by the Board at tonight's
 14 meeting. I know that the Board had an interest in
 15 looking at what the final title -- the recommended
 16 title of these positions was, the salary grade, and
 17 the job descriptions.
 18 And so just in the interest of full
 19 transparency, we have attached the job descriptions
 20 for all three of these positions; one has already
 21 been approved by the Board, two of them were
 22 conceptually approved by the Board pending final
 23 approval, so that's what we're recommending tonight
 24 is ratification of the remaining two positions.
 25 And I will say that the job descriptions

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1 vacancies in the finance department, we just don't
 2 have the staff to be able to do that. And so we
 3 reached out to Davis Farr. They indicated that they
 4 would -- they did have capacity to help us with
 5 putting that document together. The expected cost,
 6 they said, would be somewhere around \$8- to \$9,000.
 7 We're recommending 10 so there's a little bit of
 8 contingency money in there should anything go
 9 sideways on that project.
 10 And the second item that we're
 11 recommending has been completed in years past. My
 12 understanding is that previous director did one of
 13 these a few years ago, which is a long-range fiscal
 14 sustainability plan and a long-range financial plan.
 15 And essentially what this document is is it takes a
 16 look at the expected revenues over a ten year
 17 period, the expected operating expenses and known
 18 capital needs over that same period, and puts
 19 together a plan, a thoughtful plan, on whether we
 20 believe that budget solutions will be needed in
 21 order to balance the budget in future fiscal years,
 22 or if we believe that we're meeting the current
 23 demands.
 24 And I will say to the Board that this is
 25 more of a nice-to-have item tonight. There are a

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1 number of things that staff would need to complete
 2 before we could even issue an RFP for a long-range
 3 financial plan or fiscal sustainability plan.
 4 We would need to, for example, take a look
 5 and bring back to the Board some of the five-year
 6 capital improvement projects, make sure that we're
 7 all on the same page with what it is the Board's
 8 priorities are prior to us being able to issue this
 9 plan anyways.
 10 And so we were directed at the August 24th
 11 meeting to identify these types of things, and I do
 12 want to make it clear to the Board that if this item
 13 is ultimately approved tonight, this will very
 14 likely not be issued until the very end of the
 15 fiscal year, and it may even roll into the next
 16 fiscal year before an activity like this would be
 17 able to commence, given all the other work that
 18 needs to happen prior to this RFP for these types of
 19 services being issued.
 20 With that, I'm happy to answer any
 21 questions that the Board may have.
 22 CHAIR DENT: Thank you.
 23 TRUSTEE TULLOCH: I think, overall, this
 24 is a good approach. As we discussed in the
 25 long-range financial plan, I think the difficulty in

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1 everything went completely sideways. We believe
 2 that the ultimate ask for the budget amendment will
 3 be something less than that.
 4 Now, for example, the internal auditor
 5 position, that current estimated cost cell, that is
 6 the fully loaded cost and benefits salary of that
 7 position for the entire fiscal year. Obviously,
 8 it's already September 19th, so we know we're not
 9 going to spend that full amount.
 10 The reason we included into the table is
 11 we're currently using consultants to provide some of
 12 these services that we believe will ultimately be
 13 filled through that position, the assistant director
 14 of finance position, and the management analyst
 15 position.
 16 What actual saving are, I would hate to
 17 speculate. What I will tell you is these items are
 18 ready to go, the human resources director is
 19 listening tonight. If the Board ultimately ratifies
 20 these last two positions, all three positions will
 21 be floated within the next hour and out to the
 22 public, and we will start the recruitment
 23 immediately.
 24 TRUSTEE TULLOCH: Okay. Maybe I didn't
 25 make myself clear. Given that we have various

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1 trying to do that is, given that we're not a
 2 traditional government with just most of our
 3 revenues coming from tax revenues, given that 75 to
 4 80 percent of our revenues come from user fees, it
 5 becomes a bit more speculative.
 6 And also looking at the Moss Adams
 7 proposal, which I think we all recognized and need
 8 to revise the strategic plan, I think, yeah, I would
 9 park this until we improvise the strategic plan. I
 10 think it would be more effective then. I don't
 11 think it would show very much at the moment. I
 12 think we need to revise the strategic plan.
 13 And that would also need to integrate with
 14 the long-term -- the five-year capital plan that,
 15 hopefully, the Investment Committee is going to get
 16 to.
 17 Otherwise, I think, yes, I'm on board with
 18 this.
 19 One suggestion, you mentioned there will
 20 be salary savings. There's none of these savings
 21 shown here. Have you got an idea of what the level
 22 of salary savings you're expecting?
 23 MR. MAGEE: Yes. That's correct. And so
 24 of the items that are listed on the table here, we
 25 believe that that is the fully loaded cost if

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1 vacancies in the finance department at the moment,
 2 there will be commensurate salary savings there
 3 because we've authorized additional funds for all
 4 the consulting staff, haven't we?
 5 MR. MAGEE: That is correct. And that's
 6 one of the items that we will be looking at very
 7 closely before we come back with a final recommended
 8 budget augmentation, is that we know we have
 9 existing vacancies within the department now, such
 10 as the controller, the accounts payable technician,
 11 and the senior accountant position, for example.
 12 All of those are currently vacant. And those will
 13 be factored in.
 14 TRUSTEE TULLOCH: I'm not sure if we've
 15 confirmed it, but my understanding is we have a new
 16 controller starting soon?
 17 MR. MAGEE: Yes. I actually have
 18 wonderful news on that front. After the Board made
 19 the adjustments to the controller position in the
 20 way we advertised it and adjusting the salary grade
 21 slightly, on August 9th, we instantly received just
 22 a flood of highly qualified, highly educated
 23 candidates, and we immediately jumped on that.
 24 We were able to identify the top-rated
 25 candidate, and I'm exceptionally happy to announce

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1 that we expect her to start on October 9th, would be
 2 her start date. She is exceptionally well qualified
 3 for this position.

4 TRUSTEE TULLOCH: Thank you. That's
 5 important. The sky is not really falling, and the
 6 last I looked, toilets still flushed and faucets
 7 still run as well. That's good. And things are
 8 moving forward on the finance front.

9 One final point, I think there was an
 10 excellent point made in public comment, which I
 11 would fully support, with regard to the reporting
 12 structure for the internal auditor. I would ask you
 13 to think about that as we move forward as well. I
 14 think that would be commensurate with my views on it
 15 and my experience in these positions.

16 MR. MAGEE: Yes. Thank you.

17 For that, we did discuss that internally
 18 at the staff level on whether this position should
 19 report to the General Manager or directly to the
 20 Board. Obviously, we want this person to have a
 21 degree of autonomy in doing their work. And so here
 22 in the western United States, it's a very common
 23 structure to have the Board have one employee, which
 24 would essentially be the General Manager, and that's
 25 ultimately where we landed on this recommendation.

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1 If the Board wished to have a second
 2 employee, which would be the internal auditor, if
 3 the Board would provide that direction tonight, we
 4 can certainly make that change.

5 TRUSTEE TULLOCH: Yeah. I think the
 6 suggestion that was floated was, yes, it's basically
 7 reporting to the General Manager for wages and
 8 conditions, if you like, and just the general
 9 housekeeping, but also reporting line -- I think the
 10 suggestion made was the director of the Audit
 11 Committee, which I think it probably the safest
 12 place, rather than reporting to the Board. But
 13 that's just a personal view. I think that was the
 14 comment expressed in public comment.

15 TRUSTEE SCHMITZ: One of the things
 16 that -- in the job description for the internal
 17 auditor, one of the things that I thought the Board
 18 had given clear direction on is that we wanted the
 19 internal auditor to also review and assist in
 20 standard operating procedures, and I didn't see that
 21 listed in the summary of responsibilities. And so I
 22 wanted to ask if that can be something that's added,
 23 because I think that was the direction of the Board.

24 MR. MAGEE: Sure. We can certainly get
 25 that added.

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1 TRUSTEE SCHMITZ: Okay. Then this -- I
 2 spoke with Washoe County's internal auditor, but
 3 this was a long time ago when I was working on
 4 drafting the Audit Committee charter. And I am
 5 recalling that their internal auditor does report to
 6 the general manager, but I believe with the dotted
 7 line to the audit committee.

8 If that's not something that we feel
 9 comfortable with and, perhaps, there should be some
 10 sort of a dotted line to the Board. The whole
 11 reason behind it is to have assurance of
 12 independence and have the ability for someone to not
 13 be influenced one way or another, but to do their
 14 job independently. So, I think that's something
 15 that should be thought about.

16 The other thing from my perspective is
 17 that I still -- first of all, to back up, I concur
 18 with Trustee Tulloch's comment about the long range.
 19 I really like what you put in here, I thought it was
 20 great, and this is something that the District
 21 hasn't had and we really need it. It helps us to
 22 understand our long term, what we intend to have for
 23 a rec fee and that sort of thing, so I think it's
 24 good.

25 But I do agree with Trustee Tulloch that,

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1 given where we are and given what we found with the
 2 Moss Adams report, that, perhaps, we need to take
 3 that step first. So that will be on our long-range
 4 calendar, I believe, to make sure we take the next
 5 step with the Moss Adams report.

6 But as it relates to the assistant
 7 director of finance, I still -- I feel like you're
 8 building a great team, and I'm not sure that that's
 9 something that we need to actually act upon at this
 10 time.

11 I feel like we're maybe taking too much
 12 on, and I don't disagree with it in concept, but I
 13 think that now we're building a good accounting team
 14 and we've got the controller coming in and we need
 15 to work on these Moss Adams initiatives and we're
 16 working on bringing in an internal auditor, I think
 17 we should just take one step at a time. I would
 18 recommend that we sit tight on actively trying to
 19 recruit and trying to fill that particular position
 20 at this time.

21 TRUSTEE TONKING: I'm also in agreement
 22 with Trustee Schmitz and Trustee Tulloch on removing
 23 that long-range financial plan/fiscal sustainability
 24 plan until a later date, especially given the
 25 conversation you also mentioned that we might not

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1 even get into it until the next budget year. So
 2 maybe that's something we talk about during the
 3 budget.
 4 I was thinking in terms of the internal
 5 auditor, you could even just do, like, a line that
 6 says reports to GM, the Audit Committee, or Board of
 7 Trustees, given whatever is the safest, because I
 8 think Trustee Schmitz hit a good point that
 9 sometimes none of those are the right people to
 10 report to. So I just think adding all options is
 11 probably good.
 12 But in terms of the assistant director of
 13 finance position, I was opposed to this position
 14 until I sat down with interim Director Magee, and we
 15 spent a lot of time talking about this and then
 16 during our discussion at the end of the month. I
 17 feel like this position is there to help deal with
 18 that list of things that was brought to us, and I
 19 it's think really important we start getting through
 20 some that.
 21 So, I'm still in favor of that position.
 22 TRUSTEE TULLOCH: Yeah. Just, again,
 23 thinking out loud here, and I haven't discussed with
 24 Director Magee or HR or anything. Perhaps -- I hear
 25 what both Trustee Schmitz and Trustee Tonking is

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1 saying. Yeah, I'd also expressed concerns
 2 previously about it.
 3 Maybe the correct approach now is -- we
 4 have acting -- interim Director Magee -- interim
 5 Director of Finance doing there and moving things
 6 forward, maybe the option now is to go with this
 7 assistant director in the meantime, and start slow
 8 rolling, pull back on recruitment of the new
 9 director of finance in the short term, since interim
 10 Director Magee is covering things. I think he's put
 11 in place lots of good plans.
 12 Maybe that might be the sensible approach
 13 in the short term.
 14 TRUSTEE SCHMITZ: So are you suggesting
 15 recruiting for the assistant director of finance
 16 with the thought and expectation that that person
 17 would take over the role of the director of finance?
 18 TRUSTEE TULLOCH: Not necessarily at this
 19 stage, but I think we have -- we need some
 20 continuity here. I think interim Director McGee has
 21 been putting some really good plans together, but I
 22 think that might be an option, rather than bringing
 23 in an assistant director of finance, then suddenly
 24 we've got another director of finance starting at
 25 the same time, and we lose the continuity. I kinda

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1 like the direction that we're actually achieving at
 2 the moment.
 3 CHAIR DENT: I tend to agree with you on
 4 that.
 5 And to your point, Trustee Schmitz,
 6 perhaps the assistant director of finance does
 7 become the director of finance, and I think that is
 8 something we talked about a month or so ago when
 9 this item came up, and we were working through it.
 10 As it relates to the long-range financial
 11 plan, I'm fine putting that on hold for right now.
 12 And I think I align with all three of my other
 13 colleagues on the Board.
 14 There was one other item on here that I
 15 wanted to weigh-in on that you guys did. Drawing a
 16 blank. The assistant director -- nope. I don't
 17 know.
 18 I'll just say I think the discussion on
 19 this item was good. I do like that idea. I think
 20 that may be the right approach right now. I mean,
 21 if we do -- if we are recruiting for a director of
 22 finance, we find a well-qualified individual, high
 23 rating, and we bring them in, now we have two
 24 director of finance that are kind of competing.
 25 Right?

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1 I think the right approach is just to
 2 focus on that assistant director, potentially cool
 3 down the recruiting aspect when it comes to the
 4 director of finance, allow interim Director Magee to
 5 continue to move forward with the plan he has in
 6 place, and the plan he's implementing.
 7 Anyone else want to weigh-in on this item?
 8 TRUSTEE SCHMITZ: I will agree with you,
 9 if we are filling this position with someone who
 10 could potentially become a director of finance.
 11 Because I think with the efforts that are being put
 12 into play today, that the organization will be much
 13 more stable and much more refined, as far as having
 14 work processes, work procedures, that sort of thing.
 15 So I think what we're doing is laying a good bedrock
 16 for a solid finance department.
 17 And if we can recruit someone who
 18 potentially could be a director of finance, then I
 19 can support that.
 20 CHAIR DENT: Any further discussion on
 21 this item? Because I'll entertain a motion.
 22 TRUSTEE TONKING: I move that the Board of
 23 Trustees ratify the additional positions of
 24 assistant director of finance, grade 40, and
 25 management analyst, grade 28, to the Department of

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1 Finance that were conceptually approved by the Board
 2 at the August 24th, 2023, special board meeting,
 3 while cooling down recruitment of the director of
 4 finance.

5 I also move that the Board of Trustees
 6 approve the additional items identified by staff for
 7 consulting services and direct staff to add the
 8 items of future budget augmentation without the
 9 long -- or with the exception of the long-range
 10 financial plan and fiscal sustainability plan.

11 CHAIR DENT: A motion's been made. Is
 12 there a second?

13 TRUSTEE TULLOCH: I'll second.

14 TRUSTEE SCHMITZ: I have a question.

15 CHAIR DENT: Motion's been made and
 16 seconded. Further discussion by the Board?

17 TRUSTEE SCHMITZ: That motion didn't
 18 include anything about the internal audit position.

19 TRUSTEE TONKING: I'm fine modifying the
 20 motion to include adding some language around -- the
 21 language discussed within the Board about the
 22 internal auditor position.

23 CHAIR DENT: Motion has been amended.
 24 Second amended as well?

25 TRUSTEE TULLOCH: Second. Yep.

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1 clarification from you on that one. That would be
 2 my only concern. And I believe that's why we have
 3 recommended that the position report to the General
 4 Manager. I did do some research.

5 And, Trustee Schmitz, I did see that the
 6 internal auditor position with Washoe County does
 7 report to the management team there, but this is a
 8 unique position.

9 I just wanted to make sure I wasn't
 10 misstating anything or misunderstanding the
 11 direction.

12 CHAIR DENT: Great questions. We
 13 appreciate you bringing those up. I will go to
 14 interim Director Magee. And then I think maybe the
 15 three or four of us give a little clarification on
 16 how we think that that individual should be
 17 reporting.

18 MR. MAGEE: My question is for counsel. I
 19 want to make sure that we -- when we were discussing
 20 this internally, we wanted to make sure that staff
 21 had the ability to modify job descriptions moving
 22 forward. And if the Board makes the recommendation
 23 to add this, then does that lock in this particular
 24 job description or just lock in that statement,
 25 even, on this particular job description?

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1 TRUSTEE SCHMITZ: Amended again.
 2 I will amend that again just to say that,
 3 in addition, the job responsibilities will be
 4 modified to include standard operating procedures as
 5 part of the responsibility of the internal auditor.

6 TRUSTEE TONKING: That's fine.

7 CHAIR DENT: Director Feore?

8 MS. FEORE: Can I ask a quick question
 9 regarding the direction from the Board on the
 10 internal auditor position? I overheard that the
 11 recommendation is is that this position possibly
 12 report to the General Manager and/or the Audit
 13 Committee chair. Did I understand that correctly?

14 CHAIR DENT: Great question. That's what
 15 I wanted to weigh-in on.

16 TRUSTEE TONKING: My understanding was
 17 reports to the general manager, Audit Committee
 18 chair or Board of Trustees, as the issue deems fair.

19 MS. FEORE: Okay. So my only question on
 20 that one that I just wanted to ask is if the Audit
 21 Committee chairperson is a volunteer, how does a
 22 District employee report to a volunteer? So that
 23 would just be something that we can speak offline
 24 about.

25 And/or, Annie, maybe I can get some

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1 Because we can certainly make that change
 2 without a formal motion, I believe, but if the Board
 3 has a level of comfort, we'll certainly accept that
 4 direction. I just would like some clarification on
 5 what the human resources director authority would be
 6 to modify this particular job statement moving
 7 forward.

8 MS. BRANHAM: I think the Board could,
 9 maybe, clarify specifically if their intent is to
 10 just include this specific statement in the
 11 document, and then allow staff to make additional
 12 changes in the future at their discretion, or if you
 13 want the whole description itself to come to the
 14 Board every time?

15 CHAIR DENT: It's my understanding from
 16 the discussion that was had at the Board that the
 17 Board has added that section to the job description
 18 to be included, per the discussion, the direction
 19 the Board has formerly -- or already given to staff.

20 So, there's no new action being taken by
 21 this board. We are just saying the Board has
 22 already directed staff to do this, and we're just
 23 asking that that be cleaned up and that description
 24 be modified to that prior direction the Board has
 25 given.

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1 Do we still have concerns?

2 MS. FEORE: Annie, I don't know if this is

3 something that you can speak on, but if the position

4 has a reporting responsibility to a committee

5 member, have you seen that in other agencies, and

6 how does that typically work?

7 MS. BRANHAM: No. I don't want to get out

8 over my (inaudible) and say for sure it is or it is

9 not permissible, but I'm happy to look into it if

10 the Board wants a specific paragraph in the job

11 description.

12 It may be that there are legal concerns

13 with one of these approaches. And so we may want to

14 double check that before we have a motion to

15 formally add a certain phrasing to the job

16 description.

17 CHAIR DENT: Okay. Continuing on with our

18 discussion.

19 TRUSTEE SCHMITZ: For clarification, I

20 don't think that the Board is indicating that they

21 want this job description to be the responsibility

22 and -- of the Board.

23 We were just giving feedback that had

24 already been provided, and so we would expect that

25 staff would just take that feedback and going

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1 forward, this is staff's -- staff has the authority

2 to change the job description. We just wanted to

3 add the one thing that we had requested prior. Does

4 make sense?

5 And as it relates to reporting to a

6 committee, I fully appreciate the concern. Perhaps

7 what we should suggest for assurance of independence

8 of the internal auditor, that they report to the

9 General Manager, and they have a dotted line to the

10 Board Chair. So that there is another path if that

11 internal auditor runs across something that they

12 feel needs to come to the Board.

13 TRUSTEE TULLOCH: Yes, I tend to concur

14 with Trustee Schmitz. I think it's important

15 that -- my view is that the internal auditor reports

16 to the General Manager for paying rations, for want

17 of a better phrase. But it's important -- it's

18 essential the internal auditor has independence.

19 The internal auditor should not need to go

20 through the whistle blower policy if something was

21 -- in the unlikely circumstance that something was

22 rejected or sat on by the General Manager.

23 So, I'm okay with that -- with the dotted

24 line reporting to the Board Chair, I think makes an

25 acceptable compromise.

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1 TRUSTEE TONKING: I'm fine with it, but

2 what do we do with this motion?

3 MS. BRANHAM: For clarity, we should

4 consider the previous motion dead, if we have a

5 consensus on that, and then, maybe, start over with

6 a new motion.

7 CHAIR DENT: The previous motion has

8 failed, and I will entertain another motion.

9 TRUSTEE TONKING: Trustee Schmitz, I may

10 need you to add the one thing about operations.

11 But -- okay.

12 So, I move that the Board of Trustees

13 makes a motion to ratify the additional positions

14 for assistant director of finance, grade 40, the

15 management analyst, grade 28, for the Department of

16 Finance that were conceptually approved by the Board

17 at the August 24th, 2023, special board meeting,

18 while cooling down recruiting for the director of

19 finance.

20 Additionally, I move that the Board of

21 Trustees make a motion to approve the additional --

22 the Board of Trustees approve the additional items

23 identified by staff for the consulting services and

24 direct staff to add the items to the future budget

25 augmentation without the long-range financial

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1 plan/fiscal sustainability report, to add a line

2 asking the internal auditor to report to the GM with

3 a dotted line to the Board Chair, as well as the

4 internal auditor, to be part -- overview the

5 operations.

6 CHAIR DENT: A motion's been made. Is

7 there a second?

8 TRUSTEE TULLOCH: I'll second it.

9 CHAIR DENT: Motion's been made and

10 seconded. No further discussion, I'll call for

11 question. All those in favor state, aye.

12 TRUSTEE TONKING: Aye.

13 TRUSTEE TULLOCH: Aye.

14 TRUSTEE SCHMITZ: Aye.

15 CHAIR DENT: Aye.

16 Motion passes, 4/0. All right. That will

17 close out item G 3. Moving on to item G 4, formerly

18 G 3.

19 G 4.

20 CHAIR DENT: Review, discuss, and possibly

21 adopt Board Policy 23.1, policy regarding access to

22 confidential non-public information. This can be

23 found on pages 647 through 652 of your board packet.

24 Annie, would you like to provide an

25 overview of this policy we're seeing for the a first

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1 time?

2 MS. BRANHAM: Yes. I would be happy to.

3 And thank you for saying that. What I was going to

4 kick off with was this is our first time considering

5 this policy. I understand, in particular, there's

6 still a highlighted portion, so there may be

7 discussion, this policy may need to come back. Just

8 putting that out there in the beginning, but let me

9 give you a brief overview of how we got here.

10 Historically, trustee access was more

11 restrictive, and I understand that trustees used to

12 have to put in public records requests to get access

13 to certain information, which doesn't always

14 contribute to a strong staff/leadership connection.

15 So, modern practice has been for trustees

16 to be able to access District documents and

17 information, with the exception of certain things,

18 which include personnel files for all employees,

19 other than the general manager. So there's not a

20 lot that you don't have access to, but what this

21 policy is intended to do is capture the range of

22 types of documents where you, as trustees, have

23 special access to those documents, they are not

24 necessarily public documents, and they should not be

25 disclosed as such. And there are a limited category

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1 of documents that even the trustees don't have

2 access to because you only employ the general

3 manager, and so personnel files go through the

4 general manager only, and/or, perhaps, human

5 resources.

6 So, a general, brief summation is that

7 there are four types of documents, which would be,

8 going from least restrictive to most, public

9 records, which anyone can access. Trustees have

10 free access to them, the public, if they put in a

11 public records request, has access to them.

12 Second, there are personnel files, other

13 than the GM, which trustees do not have access to,

14 the public does not have access to. So those are

15 pretty restricted documents.

16 And then there's the category that we're

17 calling "non-public and confidential." So, those

18 are documents to which some kind of privilege has

19 attached, and it would take a majority vote of the

20 Board to decide to waive that privilege and release

21 the documents anyway. So there's a layer of

22 additional protection there. Although the Board

23 itself is entitled to view those documents.

24 And then, fourth and finally, GM personnel

25 records, which the Board does have access to as the

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1 employer of the general manager.

2 So, that's kind of the brief

3 categorization. We've given some examples of those

4 types of documents in the policy itself, but I will

5 remain available for any questions that the Board

6 may have.

7 CHAIR DENT: Questions from my colleagues?

8 TRUSTEE TONKING: I just have two quick

9 questions.

10 Is this the type of policy you would see

11 in other organizations similar to this?

12 MS. BRANHAM: Yes. There's frequently --

13 it's not always entirely clear, and that's not on

14 this board, that is just in general, the way that

15 the law is. It's not always clear what trustees

16 have access to that is above or different than what

17 the public generally has access to, so it's not

18 uncommon to clarify by giving examples or by setting

19 up specific definitions of what those documents are,

20 when you have access to them, when you do not have

21 access to them, and how you can sort of override

22 claims of privilege to release them, regardless.

23 TRUSTEE TONKING: In terms of the

24 non-public information, how are we deciding that and

25 how are we making sure trustees are informed if

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1 something is non-public and making sure we're not in

2 violation of NRS 239?

3 MS. BRANHAM: Yeah. It's going to be a

4 case-by-case determination, as is the case for all

5 public records. So when we get -- one way that it

6 could happen, we might get a public records request

7 for a certain document from a member of the public,

8 and determine, through application of the law, that

9 it's not a public record. It doesn't meet the

10 criteria in some way, either it's privileged or it's

11 not ordinarily held by the District, it doesn't meet

12 the criteria in some way to be a public record.

13 That doesn't mean that the trustees do not

14 have access to that document. So that's intended to

15 capture the limited situation where, for some

16 reason, a document -- I think the example we give

17 here would be documents regarding recreational

18 privileges, which might come out from the HR

19 department, or fees. Documents involving fees, a

20 lot of times will have personal information related

21 to them, and so they're not public records, but you

22 would have access to them.

23 So, that's what that category is intended

24 to capture.

25 TRUSTEE TULLOCH: I think I understand the

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1 concepts behind this, Annie. I think there's -- to
2 your earlier statement, I think there's still a lot
3 of work to be done.
4 If I look at 0.6, I've got to say I'm kind
5 of confused by this. That's maybe not surprising.
6 But what's the point of trustees not disclosing
7 copies or excerpts if their entitled to discuss the
8 underlying facts and circumstances? Because then
9 it's affect, we're putting the whole thing out
10 there.
11 It's also -- it leads to ambushing of
12 trustees or of the public because it's only here the
13 trustees shall confer with the general manager and
14 general counsel, not with other board members.
15 If I look at employee access to
16 information, 0.7, there's no details for what's
17 there. The Board should not be finding these
18 confidential documents released on social media by
19 current or former staff members, that should not be
20 the first we're aware of them. I think it needs a
21 lot of work there. I think it needs to be very
22 carefully defined which documents we're talking
23 about, which staff are actually able to access
24 these, and there should be full logs of any access
25 to these. So I think that needs a lot of work there

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1 non-public information publicly, then why isn't that
2 a public record?
3 So, to me, the non-public information, we
4 may not be discussing this publicly. That's how I
5 see it. Otherwise, it just opens up a Pandora's
6 box, in my opinion.
7 So, that would be my suggestion that if
8 it's not a public document, it cannot be discussed
9 publicly. Period. Otherwise, it's a public
10 document.
11 Then over in the request for information,
12 in the yellow text, I appreciate the fact that you
13 highlighted this in yellow. Given what has
14 transpired in the past month or so, my feeling is
15 that it is -- anything to be provided should be --
16 go back to the old, hard copy with confidential
17 stamped on it, and we are able to review it, but
18 only in a printed hard copy that we don't take
19 pictures of, and it gets handed back to staff for
20 shredding. Because the minute you share something
21 electronically, you have the opportunity for
22 somebody, inadvertently, to suddenly share it
23 publicly, and that would be putting the District at
24 legal risk. So, that would be my recommendation.
25 And then in the duty not to disclose, it

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1 as well.
2 And I think in violations, it obviously
3 needs remedies for violations, both by trustees and
4 by staff.
5 TRUSTEE SCHMITZ: I think that this is a
6 good start. I want to back up a second because this
7 limitations on access, to me, it just is another
8 type of classification, and it should be
9 confidential and non-public. It should just state:
10 The trustees do not have access to HR files.
11 I mean, I just think that putting it here,
12 as opposed to being over categorically different, it
13 just lays it out. Okay? We have access to these
14 things; we don't have access to this.
15 From my perspective, when you look at the
16 confidential, when it says "non-public information,"
17 I don't think that -- I think, frankly, this
18 document, it should say "documents that are related
19 to IVGID that are not confidential, but are not
20 public record, that they should not be discussed."
21 I mean, I don't know how you can have
22 something that's not public information, and then
23 allow the trustees to discuss it publicly. Then
24 it's not non-public information.
25 So, if the trustees are allowed to discuss

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1 says, "The trustees should not disclose any
2 confidential or non-public information." That is
3 our duty. Otherwise, it's public information. So,
4 those are the things.
5 Then under 07, which Trustee Tulloch just
6 touched on, perhaps it should be added to say that
7 the general manager will implement policies for the
8 control and access of documents, because I think,
9 you know, that's part of it as well; it's not just
10 the access, it's control and the access. So, those
11 are my suggestions.
12 One other point, which is in the bottom of
13 .04, the very last sentence, it says "The entire
14 Board of Trustees will be promptly notified." I
15 would change to say "immediately notified of any
16 request under this subsection," so that we have the
17 opportunity to review the same materials.
18 Those are my comments and suggestions.
19 TRUSTEE TONKING: Do you think it would be
20 beneficial if we sent any of our edits to Annie and
21 Josh, and go from there? Because I also have some,
22 but I don't need to walk through them all.
23 CHAIR DENT: Correct. And I think we all
24 have -- there may be some similar ones, and so we
25 shouldn't be restating them.

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1 Are you guys okay with sending an email to
 2 Josh and Annie so the recommendations that you
 3 brought forward for changes then get added to the
 4 document, and it's brought back as a draft at a
 5 future meeting?
 6 TRUSTEE SCHMITZ: I have no problem, but I
 7 really would like to hear if there's other areas
 8 that Trustee Tonking wants to have thought about. I
 9 mean, we're here to discuss it, so I'd welcome that
 10 opportunity.
 11 TRUSTEE TONKING: I'm fine at this moment.
 12 CHAIR DENT: And I agree with a lot of
 13 things that Trustee Schmitz brought forward, and
 14 same with Trustee Tulloch. I don't need to repeat
 15 every single one of those.
 16 TRUSTEE TONKING: I guess what I'm saying
 17 is, like, there are some of the things that you said
 18 that I agree with; some I don't. And so then I'll
 19 just, like, add similar track changes along those
 20 lines. Then I think we can all talk about our track
 21 changes together, if that kinda makes sense, like
 22 we've done in the past policy reviews.
 23 CHAIR DENT: Yeah, I think that's fine.
 24 Annie, that's fine, as long as we -- none
 25 of us know what each other put -- our

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1 recommendations are until it's brought forward in a
 2 board packet; correct?
 3 MS. BRANHAM: Yes. Please send them,
 4 individually. It would be great if you could do
 5 them in track changes.
 6 And then what we will do on our end is try
 7 and look for areas where there is some kind of
 8 consensus, if we can phrase it in a way that seems
 9 to align multiple edits. If not, we'll kind of
 10 present any conflicting edits to you guys at the
 11 next meeting, and then, yeah, go from there.
 12 TRUSTEE TONKING: Annie, also in the past,
 13 we've done it -- or I guess, maybe, it was just
 14 Trustee Schmitz and I did it on one document. But
 15 we each had our, like, a combined version, and then
 16 our each, individual, track changes so we could walk
 17 through some of those too, which might be helpful
 18 for us all to see.
 19 MS. BRANHAM: You would like a version
 20 with all of the changes in, maybe, different colors
 21 or something like that?
 22 TRUSTEE TONKING: Or just, like, a
 23 separate section for each of us too. Like, you'd
 24 have your combined, and then you would just have --
 25 so that we don't forget what we had said, also.

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1 MS. BRANHAM: Yes, that can be done.
 2 TRUSTEE TULLOCH: You don't think about
 3 the boomers here.
 4 CHAIR DENT: Any further discussion on
 5 this item?
 6 Annie, we appreciate your overview, and we
 7 will be sending you an email. The turnaround for
 8 the next meeting is too short, so I'm assuming we
 9 can bring this back at the October 11th meeting.
 10 Would that be a goal we can shoot for?
 11 MS. BRANHAM: That works for me.
 12 TRUSTEE TONKING: I am in Thailand on the
 13 11th. So I will not be joining, due to the
 14 15-and-a-half-hour time difference.
 15 CHAIR DENT: Okay. So then -- and then
 16 Trustee Noble hasn't weighed-in on this either, so,
 17 Annie, if we could get his feedback on some of these
 18 changes or concerns with the policy as well.
 19 MS. BRANHAM: If you want to push it to
 20 the second meeting in October, that will be the one
 21 that I'm covering, so for continuity, it might be
 22 better anyway. That way -- I mean, Josh can
 23 obviously handle it as well. Just wanted to bring
 24 that up.
 25 CHAIR DENT: Any concerns by the Board?

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1 We'll shoot for the last meeting in
 2 October for bringing that back. Thank you.
 3 All right. That will close out item G 4.
 4 Moving on to item H.
 5 H. REDACTIONS FOR PENDING PUBLIC RECORDS REQUESTS.
 6 CHAIR DENT: Redactions. No action on
 7 this item. Moving on to item I.
 8 I. LONG RANGE CALENDAR
 9 CHAIR DENT: The long-range calendar can
 10 be found on pages 653 through 657 of your board
 11 packet.
 12 MR. BANDELIN: I'm all over the place with
 13 this long-range calendar. It's changed quite a bit.
 14 CHAIR DENT: Feel free to make the changes
 15 to this like you did with the GM report, and we
 16 could see what you come up with.
 17 MR. BANDELIN: Yeah, we're hoping to have
 18 packet material out tomorrow or early Friday
 19 morning.
 20 CHAIR DENT: Any concerns or questions
 21 with the long-range calendar?
 22 TRUSTEE TULLOCH: Yeah, for the September
 23 27th meeting, I'd like to add the Moss Adams -- the
 24 update from Moss Adams and potential action items.
 25 CHAIR DENT: If you would like to have

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1 that at the next meeting, then the packet material
 2 needs to be to the clerk first thing in the morning,
 3 and I need your agenda item, because it's on my desk
 4 for approval.
 5 TRUSTEE TULLOCH: Does the packet need to
 6 be for tomorrow morning? I can give the agenda
 7 item.
 8 CHAIR DENT: The agenda item needs to be
 9 for tomorrow. We could publish supplemental
 10 information at a later time.
 11 TRUSTEE TULLOCH: Yeah, I think -- yeah.
 12 CHAIR DENT: We could put that on the
 13 agenda for you guys, and then we can give you a
 14 couple extra days to think about it. But we have a
 15 quick turnaround.
 16 TRUSTEE TULLOCH: Yep.
 17 CHAIR DENT: Is that fair?
 18 TRUSTEE TULLOCH: Yep.
 19 CHAIR DENT: Okay.
 20 We just added another one to your list.
 21 TRUSTEE TONKING: I just had an item on
 22 here about additional training, which made me think
 23 about when we were scheduling our second training.
 24 CHAIR DENT: Good question. I will work
 25 with our district clerk. The General Manager and I

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1 had a conversation on that earlier today. The goal
 2 would be to schedule for next week and do something
 3 in the later afternoon. And we'll send an email
 4 for -- and it's more of a board training this time,
 5 using past examples of things.
 6 Any other questions?
 7 TRUSTEE SCHMITZ: On October 25th, with
 8 the carryforward, we have -- that was pulled from an
 9 agenda a meeting or so ago. If that is what this
 10 is, the carryforward, I'd like to make sure that we
 11 add the Diamond Peak van at the same time because
 12 that was an agenda item that was needed to carry
 13 over. So if we could please get that on the same
 14 agenda, that would be great.
 15 I think we should put on an agenda, in the
 16 near term, a community survey. I think that it's
 17 really important that we discuss our five-year plan.
 18 We have not had any discussion about our five-year
 19 plan. It was included in our budget, but we never
 20 discussed it. And I think that if we're going to be
 21 discussing a five-year plan, I think the first step
 22 is to do a broad community survey to get feedback on
 23 what community's priorities are so that we can
 24 incorporate that and have a discussion when talk
 25 about our five-year plan.

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1 I think that we need to make sure that we
 2 have on our agenda the RFP for the forensic due
 3 diligence.
 4 And I had spoken with you, when is that
 5 going to be on the agenda?
 6 TRUSTEE TULLOCH: I would like to add
 7 that -- I've been working with interim Director
 8 McGee. Our objective was to try and have that at
 9 the next meeting.
 10 TRUSTEE SCHMITZ: Which next meeting,
 11 September?
 12 CHAIR DENT: September 27th.
 13 TRUSTEE SCHMITZ: Okay.
 14 CHAIR DENT: I look forward to seeing your
 15 agenda item in the packet material in the morning.
 16 TRUSTEE TULLOCH: No pressure.
 17 TRUSTEE SCHMITZ: Okay. All right.
 18 And then I think that other thing is
 19 that I believe the utility master plan should be
 20 roughly coming to conclusion. I think we approved
 21 that, roughly, about a year ago, so I'd like to at
 22 least get on our long-range calendar, perhaps, in
 23 November, just at least to review it and see what it
 24 has to say.
 25 But I also think skate park that we have

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1 now pushed all the way to November 8th needs to be
 2 pulled in. We've been -- that was brought to the
 3 Board -- what? -- in April or May, and November is
 4 really pretty late. I want to make sure that we've
 5 got time to review it and if there's changes or what
 6 not, but it seems like that's been pushed into the
 7 future a bit far. And maybe it has to be there.
 8 The other thing that is not on our agenda
 9 that was supposed to be is that we were supposed
 10 hear back from staff about the winter beach
 11 operations, how they were recommending we handle
 12 winter beach operations, and that hasn't been put
 13 back onto our long-range calendar.
 14 And I think we also have to make some
 15 decisions about the dog park, and that those
 16 community surveys haven't gone out and I don't see
 17 on our calendar either.
 18 So those are things I think we need to not
 19 forget about.
 20 CHAIR DENT: Our clerk is taking notes
 21 over there, so I think cleaning up this long-range
 22 calendar and getting some of these items that we've
 23 had pushed off is very important.
 24 General Manager Bandelin, do you want to
 25 speak to the skate park item that's been pushed off?

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1 It was July, then August, October, and now November.
 2 MR. BANDELIN: That's staff's intention
 3 coming from our engineering and project management
 4 team, that the bandwidth that we're allowed right
 5 now is having the beach facility in there and the
 6 skate park. Just providing the information of how
 7 they've scheduled those particular meetings to come
 8 back and discuss those items.
 9 CHAIR DENT: Trustee Schmitz, it's my
 10 understanding they're bringing back proposals when
 11 they come back in November.
 12 MR. BANDELIN: Correct. So it's actually
 13 in the venue status report. And we have an
 14 agreement with the Incline Beach House design build
 15 award on November 8th. And also at that same
 16 meeting, November 8th, is the agreement skate park
 17 design build award.
 18 TRUSTEE SCHMITZ: One more. One more is
 19 that I know that -- I apologize, I should have the
 20 date. I don't have it. But we have RPP that is out
 21 for point of sales systems. And I believe that they
 22 were to be returned back to the District sometime in
 23 October, so I think that we should probably have
 24 that penciled in early November as well.
 25 MR. BANDELIN: That's correct. I think

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1 questions to be answered were the third week in
 2 September, from the people receiving the proposal,
 3 and then, I think, second or third week in October
 4 when they were due.
 5 TRUSTEE SCHMITZ: I'll defer to the
 6 General Manager when that needs to be scheduled. I
 7 just don't want it to be forgotten.
 8 MR. BANDELIN: Right.
 9 TRUSTEE TULLOCH: I see on October 25th,
 10 it's the effluent pipeline GMP2 award. My
 11 understanding was that the Board wanted to see what
 12 was happening on the CMAR fee, and it wasn't
 13 necessarily award, it was to decide whether we were
 14 going to go out to bid, or as opposed to just
 15 awarding it to existing contractor. Unless that's
 16 going to be one of the options presented to the
 17 Board at the time.
 18 MR. BANDELIN: I believe what you'll see
 19 is -- we talked about it when -- at the last meeting
 20 when we talked about the 90 percent GMP2 discussion
 21 with Mr. Klien, that were waiting for the other
 22 bidding opportunities for the third-party
 23 contractors to come up with a full GMP2 price, and
 24 then we would present that to the Board. And then
 25 there would be discussion at some level of -- on

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1 discussion of moving forward with the process.
 2 TRUSTEE TULLOCH: It's not actually award.
 3 It's just effluent pipeline GMP2 costings and
 4 things, rather than the actual award. I think
 5 that's probably the change.
 6 MR. BANDELIN: Okay.
 7 TRUSTEE TULLOCH: Thank you.
 8 MR. BANDELIN: Then if I might just add,
 9 to your question about beach access and staffing
 10 during the winter, I think that was addressed from
 11 the Director of Parks and Recreation in a GM report.
 12 I can pull it back. That was a conclusion made from
 13 talking with counsel Kathy Parks, I believe.
 14 And so let me respond back to that
 15 particular question in a narrative that was included
 16 in the General Manager report a few meetings back.
 17 CHAIR DENT: Okay. Just making sure there
 18 isn't action that needs to be taken on our part and
 19 something is not going to happen because we didn't
 20 plan to take action. So if you could get back to us
 21 offline regarding where we're at in that process,
 22 we'd appreciate it.
 23 Any additional questions regarding the
 24 long-range calendar?
 25 TRUSTEE SCHMITZ: From our last meeting, I

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1 had a note, and it said "IVGID survey. IVGID
 2 Magazine survey results," and I had the note under
 3 the September 27th, but I don't see it on the
 4 September 27th. So what was the plan with that?
 5 MR. BANDELIN: We will be bringing the
 6 District advertising policy to the Board on the
 7 September 27th meeting. And the survey is actually
 8 still open until the middle of October. But I'm
 9 sure Mr. Raymore might be able to give you a little
 10 preview of survey results at the September 27th
 11 meeting, in regards to the magazine users survey
 12 responses.
 13 CHAIR DENT: Anyone else, long-range
 14 calendar questions?
 15 That will close out item I 1. Moving on
 16 to item J.
 17 J. BOARD OF TRUSTEES UPDATE
 18 CHAIR DENT: Any updates for Board of
 19 Trustees?
 20 TRUSTEE TULLOCH: Just to say we're having
 21 the first meeting of Capital Improvement/Investment
 22 Committee on Tuesday, 2:00 P.M., so that's
 23 scheduled. We're having it in person and with Zoom
 24 access for some of the members that can't make it.
 25 I felt it was important for the first meeting to

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1 have it in person.

2 Thank you to Mr. Clark and General Manager

3 Bandelin for making the arrangements there.

4 TRUSTEE SCHMITZ: I have a few updates.

5 As it relates to contracts, we discovered

6 that there was an issue with actually converting

7 from Word to PDF that caused some errors. There's

8 been some technical analysis that has been done and

9 some additional review that is going to be done to

10 ensure that we don't have errors that are introduced

11 during that conversion process.

12 Also working with legal counsel and

13 staff -- I'm not working with them, but they are

14 working together to define the process for signing

15 because it appears that a contract was dated prior

16 to the fixes being made to the contract, so we're

17 reviewing that. So things are improving, but we're

18 still having some challenges.

19 And I will produce a formal written, you

20 know, my Excel spreadsheet, I'll get that updated.

21 I just hadn't had time before this meeting.

22 The thing I actually really enjoy about

23 reviewing the contracts is that I know what's going

24 on, I know we're doing the slurry sealing, I know

25 that we're doing the geotech on the tennis courts,

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1 so I'm in the know. I like that.

2 Then, as it relates to pickleball, I had

3 my first opportunity to meet with their

4 self-appointed committee and with the Director of

5 Parks and Rec and also the manager of the Tennis and

6 Pickleball Center. They're being very proactive,

7 and their next step is to conduct an elected group,

8 as opposed to a self-appointed group, and they

9 actually have drafted an informal charter. And once

10 they have their non-self-appointed but their elected

11 group, they will be bringing to the Board their

12 charter for us review. So I'm pretty excited about

13 that. It's a great group of people.

14 And then I also, as it relates to the

15 beach liaison, I wanted to just at least update the

16 Board. It was brought to our attention, if you

17 recall from public comment, that the water safety

18 class was not allowed to be conducted at our beaches

19 this year. And I was unaware of that because we had

20 discussed -- the Director of Parks and Rec and

21 myself had discussed a process of how the schools

22 would still have their opportunity to use the

23 beaches for their water safety.

24 But what I learned is that the Director of

25 Parks and Rec had been informed by the Washoe County

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1 School District that they would not allow the

2 elementary school to provide rosters that would

3 allow IVGID to verify beach access, and because of

4 Family Education Rights and Privacy Act -- I don't

5 know why this particular privacy act created an

6 issue for elementary school because I was informed

7 the middle school was able to access it, as was the

8 Lake Tahoe School, so there's some issue that needs

9 to be investigated as to why the elementary school

10 wasn't able to conduct their program at the beach.

11 So, I'm still learning. I don't know what

12 the fix is.

13 TRUSTEE TONKING: Maybe this goes back to

14 long range, but can we bring an item that discusses

15 this to the Board about Washoe County School

16 District and access to students? Because I've

17 (inaudible) it, and we probably can't discuss it

18 now.

19 And then I'd also like an item brought to

20 the Board that talks about what we're going to do

21 with committees that decide to be their own

22 committee versus board -- we just really need to,

23 like, hash that out.

24 So I would like both of those added to

25 long range to be addressed too. Thank you.

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1 MR. BANDELIN: Yeah, could there be

2 possible discussion on the Board of Trustees town

3 hall open forum? On the calendar on September 27th,

4 we were just asking if there might be some

5 discussion on what that forum looks like.

6 TRUSTEE TONKING: Yeah. I have a memo to

7 give you on that forum by tomorrow morning.

8 CHAIR DENT: Yeah. And we can talk about

9 that, because what we did talk about was we would be

10 here an hour before the meeting to have discussion

11 with our bosses, the community. I don't know if we

12 need a formal memo, but we could talk about that

13 offline.

14 TRUSTEE SCHMITZ: And I will share with

15 the Board the information that I was given from the

16 Director of Parks and Rec when I asked about this

17 situation, because we -- I thought we had a plan.

18 Obviously we didn't, and they ended up at Sand

19 Harbor.

20 So I will work to try to find some

21 additional information on this, and share it with

22 the Board.

23 CHAIR DENT: And then I do have an

24 announcement I'd like to make that the Secretary of

25 State has investigated my financial disclosure

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1 statement, per the two complaints they received, and
 2 they have closed out and dismissed the allegations
 3 against me. I'm happy to include the complaints, as
 4 well as the letter I received from the Secretary of
 5 State into the record for these meeting minutes.
 6 And I'll provide that to the district clerk.
 7 Any other questions, concerns, issues,
 8 trustee topics?
 9 All right. That will close out item J.
 10 Going on to item K.
 11 K. FINAL PUBLIC COMMENTS
 12 CHAIR DENT: Do we have any final public
 13 comment from those still in the room? Seeing none,
 14 let's go to Zoom.
 15 MS. KNAAK: Yolanda Knaak, Martis Peak
 16 Drive.
 17 I just wanted to congratulate those
 18 members of the Golf Committee. And, also, I wanted
 19 to thank the IVGID Board for all their hard work.
 20 Thank you.
 21 MR. DOBLER: Yeah, this is Cliff Dobler
 22 here.
 23 I'd like to have you pay attention for a
 24 couple of minutes. I'm not opposed to any staffing
 25 of the accounting department because I've told you

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1 over the last six years that it's been very
 2 deficient.
 3 But I really think you need to study this
 4 general fund and realize that what you're pulling on
 5 board and then also adding the parks to the general
 6 fund and then errors in the existing budget, you're
 7 going to be flat broke by the end of next year.
 8 So I don't know what you're planning on
 9 doing, but your revenue on the general fund is more
 10 or less fixed by just property taxes, personal
 11 property taxes, so they don't get any fees, other
 12 than these taxes.
 13 So I think this general fund should be
 14 looked at earlier than January, what Mr. Magee said,
 15 and then there ought to be something to tell the
 16 public that if you want to go with all this staff
 17 and keep the parks in the general fund, then you're
 18 going to have raise, substantially, the central
 19 service cost allocations, which mean more expenses
 20 will be going to the venues, which mean rates will
 21 have to go up at the venues, or it's going to have
 22 to be subsidized by the facility fees.
 23 But I don't know if this is something that
 24 should wait for the next three or four months. It's
 25 one fund, but you're whacking it. Last year, by the

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1 end of June, you had 5.3 million, and you're
 2 expecting to only have 2.6 million at the end of
 3 June, but you just added a 1.1 or 1.2 million, and
 4 then you have a half-a-million-dollar mistake. So
 5 you won't even meet board policy on reserves.
 6 And I really think you should maybe look
 7 at this. You talk about long-range calendars, I
 8 think this, a long range, is maybe a year, that that
 9 might be considered long range.
 10 So, you know, Tonking, you can pay
 11 attention or not, but at any rate, that's all I got
 12 to say. I think this is a serious problem that
 13 should be looked at.
 14 CHAIR DENT: That will conclude public
 15 comment. We will move on to item L.
 16 L. ADJOURNMENT
 17 CHAIR DENT: It is 8:35. I want to thank
 18 all my colleagues and staff. We are adjourned.
 19 (Meeting adjourned at 8:35 P.M.)
 20
 21
 22
 23
 24
 25

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1 STATE OF NEVADA)
 2 COUNTY OF WASHOE) ss.
 3
 4 I, BRANDI ANN VIANNEY SMITH, do hereby
 5 certify:
 6 That I was present on September 19, 2023,
 7 at the Public Meeting, via Zoom, and took stenotype
 8 notes of the proceedings entitled herein, and
 9 thereafter transcribed the same into typewriting as
 10 herein appears.
 11 That the foregoing transcript is a full,
 12 true, and correct transcription of my stenotype
 13 notes of said proceedings consisting of 108 pages,
 14 inclusive.
 15 DATED: At Reno, Nevada, this 25th day of
 16 September, 2023.
 17
 18 /s/ Brandi Ann Vianney Smith
 19
 20 BRANDI ANN VIANNEY SMITH
 21
 22
 23
 24
 25

INVOICE

BAVS SM-LLC
brandiavsmith@gmail.com
United States

BILL TO
**Incline Village General Improvement
District**
Susan Herron

775-832-1218
AP@ivgid.org

Invoice Number: IVGID 4

Invoice Date: September 25, 2023

Payment Due: October 19, 2023

Amount Due (USD): \$998.00

Items	Quantity	Price	Amount
Appearance fee September 19, 2023 BOT meeting	1	\$350.00	\$350.00
Per page fee September 19, 2023 BOT meeting	108	\$6.00	\$648.00

Subtotal: \$998.00

Total: \$998.00

Amount Due (USD): \$998.00

Charge to 100-11-100-6030

S. Herron 09-27-2023

WRITTEN STATEMENT TO BE INCLUDED IN THE WRITTEN MINUTES OF THIS SEPTEMBER 19, 2023 REGULAR IVGID BOARD MEETING – AGENDA ITEM G(1) – HOW MUCH MORE IMPROPER BEHAVIOR DO YOU NEED TO SEE BEFORE YOU TERMINATE SUSAN HERRON’S EMPLOYMENT WITH THE DISTRICT? HERE IT’S HER SECOND OPEN MEETING LAW VIOLATION INSOFAR AS NRS 241.033 IS CONCERNED

Introduction: Well here it's Susan Herron again. Who holds the title “Director of Admin Services.” With no job description which sets forth nearly everything she does. Such as being a mole. Exercising 100% loyalty to outsiders rather than the District. Costing the District hundreds of thousands of dollars in litigation/other costs. Violating the Public Records Act (“NPRA”) nearly every day of the week. Or as here, violating the Open Meeting Law (“OML”) a multiple number of times. Let me explain.

Frank Wright and Judith Miller have volunteered to serve as “at-large member(s) of (the District’s) Golf Advisory Committee.” The IVGID Board¹ will be considering their possible appointments to this committee at its September 19, 2023 meeting² (“the hearing”). Well Ms. Herron has committed a number of OML violations with respect to the hearing. And this is on top of the at least two similar OML violations Ms. Herron committed with respect to the same subject matter insofar as Ms. Miller is concerned in anticipation of the Board’s September 13, 2023 meeting³. These matters and what we do with another dirty public employee are the purposes of this written statement.

The Notice and Publication: On August 18, 2023 as well as August 25, 2023, if not before, Ms. Herron caused publication in the Tahoe Daily Tribune Newspaper, of an advertisement soliciting applicants to serve on the Golf Advisory Committee¹. This advertisement was published pursuant to the District’s announcement on its web site wherein it sought applicants for the Golf Advisory Committee⁴ (“the notice”). *Nowhere* did the notice nor the publication inform applicants that their “character, alleged misconduct, professional competence, or physical or mental health” would be considered by the Board. And *nowhere* did the notice nor the publication inform applicants that they

¹ See page 497 of the packet of materials prepared by staff in anticipation of this meeting (“the 9/19/2023 Board packet”).

² See Agenda Item G(1) to the agenda for this meeting (go to https://www.yourtahoeplace.com/uploads/pdf-ivgid/09192023_Agenda_Final_R1.pdf).

³ See pages 492-502 of the 9/19/2023 Board packet.

⁴ See page 498 of the 9/19/2023 Board packet.

would be compelled to waive the provisions of NRS 241.033⁵, in writing, as a pre-condition for being considered for appointment to the Golf Advisory Committee.

Ms. Herron's September 18, 2023 E-Mail: On September 18, 2023 Ms. Herron sent Mr. Wright⁶ and Ms. Miller⁷ separate e-mails advising both of the requirement (see "Waiver of Notice (required) - Wright.docx" and "Miller docs") they sign and return the form of waiver attached to both e-mails⁸. As the reader can see, the e-mails both stated execution of the waiver was "required."

Ms. Herron Has Neither Informed Mr. Wright Nor Ms. Miller That The Purpose of The Board's September 19, 2023 Meeting is to Consider Their "Character, Alleged Misconduct...Physical or Mental Health:" Just look at the two e-mails where the reader can see the subject wasn't addressed at all. In fact to the contrary, the agenda for this meeting² describes item G(1) as "Review, discuss and possibly appoint members of the community to the Board Advisory Committee on Golf." And the waiver⁸ describes this item as "consider(ation of Mr. Wright's and Ms. Miller's) application(s) to serve on an advisory committee at...the Board of Trustees'...September 19th meeting." Therefore, there's nothing to waive inasmuch as the pronounced purpose of the meeting is expressly *not* to consider either applicant's "character, alleged misconduct...physical or mental health." So why the waiver?

Ms. Herron Has Neither Informed Mr. Wright Nor Ms. Miller That The Purpose of The Board's September 19, 2023 Meeting is to Consider Their "Professional Competence:" Instead, both waivers⁸

⁵ NRS 241.033(1) states as follows: "1. Except as otherwise provided in subsection 7, a public body shall not hold a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of any person...unless it has: (a) Given written notice to that person of the time and place of the meeting; and (b) Received proof of service of the notice. NRS 241.033(2)(c) states as follows: "The written notice required pursuant to subsection 1...(c) Must include: (1) A list of the general topics concerning the person that will be considered by the public body during the closed meeting; and (2) A statement of the provisions of subsection 4, if applicable." Although NRS 241.033(2)(b) states as follows: "The written notice required pursuant to subsection 1...(b) May, with respect to a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of a person, include an informational statement setting forth that the public body may, without further notice, take administrative action against the person..." according to §8.04 the Office of the Attorney General's Open Meeting Law Manual ("the OML Manual), "as a practical matter, a notice pursuant to NRS 241.033 should contain the informational statement regarding administrative action under NRS 241.033(2)(b). See §6.09 and §6.10, supra.

⁶ That e-mail is attached as Exhibit "A" to this written statement.

⁷ That e-mail is attached as Exhibit "B" to this written statement.

⁸ The proposed waiver for Mr. Wright is attached as Exhibit "C" to this written statement. The proposed waiver for Ms. Miller is attached as Exhibit "D" to this written statement.

state that “professional competence” may become an issue insofar as the meeting “to consider... advisory committee volunteer service.” Again, there’s nothing to waive inasmuch as the pronounced purpose of the meeting is expressly *not* to consider either applicant’s “professional competence.” So why the waiver?

OML Violation Nos. 1 & 2⁹: Because Ms. Herron Did Not Inform Mr. Wright And Ms. Miller That The Purpose of The Board’s September 19, 2023 Meeting Was to Consider Their “Character, Alleged Misconduct, Professional Competence or Physical or Mental Health,” she committed an OML violation. §6.02 of the Office of the Attorney General’s (“OAG’s”) OML Manual¹⁰ instructs that agendas of meetings must be “clear and complete.”¹¹ Here the notice Ms. Herron provided was not clear and complete for the reasons stated above. Although this requirement is typically applied to formal notices of agendas of meetings published to the public, there’s no reason to not extend the same requirement to formal notices of matters in essence included in agendas public bodies are required to provide pursuant to NRS 241.033(1).

OML Violation Nos. 3 & 4⁹: Because Ms. Herron Did Not Inform Mr. Wright And Ms. Miller That The Purpose of The Board’s September 19, 2023 Meeting Was to Consider Their “Professional Competence,” she committed another OML violation. Because again the notice was not clear and complete.

OML Violation Nos. 5 & 6⁹: Ms. Herron’s Accompanying Waivers Were Not “Clear And Unambiguous:” because on one hand they recited that “by signing below, (the signer was) knowingly and voluntarily waiv(ing his/her) rights to all written notice requirements under...NRS 241.033(1),” yet on the other they were accompanied by e-mails which informed both applicants that they had no right to voluntarily waive their rights because execution was “required.” In other words, no voluntary waiver.

Moreover, the waivers did not make it clear that if executed, both applicants would be waiving notice to a hearing to consider their “character, alleged misconduct...or physical or mental health” rather than just their “professional competence.”

OML Violation Nos. 7 & 8⁹: Ms. Herron’s Accompanying Waivers Were Not Accompanied by a Writing Disclosing The Nature of The Rights She Expected Mr. Wright And Ms. Miller to Waive: At

⁹ One violation per aggrieved applicant.

¹⁰ Go to https://ag.nv.gov/uploadedFiles/agnv.gov/Content/About/Governmental_Affairs/2019-03-26_OML_12TH_AGOMANUAL.pdf.

¹¹ This instruction is based upon NRS 241.020(3)(d)(1) which states “written notice of all meetings must...include...a clear and complete statement of the topics scheduled to be considered during the meeting.”

§5.09 of the OML Manual, our OAG “recommend(s) that any waiver be obtained in writing expressing: (1) the voluntary nature of the waiver; (2) the applicant’s knowledge about the statutory right; and (3) the applicant’s intention to relinquish that right.”¹² Here no such expression was disclosed. Simply acknowledge that your waive was voluntary, when you were apprised of no facts to allow you make an informed and voluntary decision.

OML Violation Nos. 9 & 10⁹: Ms. Herron Attempted to Secure Waivers For Matters Not Statutorily Recognized: NRS 241.030(2) states the following: “a person whose character, alleged misconduct, professional competence, or physical or mental health will be considered by a public body during a meeting *may waive...closure of the meeting and request that the meeting or relevant portion thereof be open to the public.*” But that’s not what Ms. Herron’s waivers purported to address. Rather, her waivers purported to secure waivers of the notice provisions of NRS 241.033(1).

Although NRS 241.033(1)’s notice provisions can be “except(ed) as otherwise provided in subsection 7,” *nowhere* in that subsection does it recognize the ability to waive those provisions for the reasons advanced by Ms. Herron. Because there is nothing in the NRS which permits a waiver for the reasons advanced by Ms. Herron, she committed another two OML violations.

OML Violation Nos. 11 & 12⁹: Ms. Herron’s Failure to Provide Mr. Wright And Ms. Miller With The Informational Statements Described in NRS 241.033(2)(b): Is there a consequence to Ms. Herron for this failure?

OML Violation Nos. 13 & 14⁹: Ms. Herron’s Failure to Provide Mr. Wright And Ms. Miller With a “List of...General Topics Concerning (Their) Character, Alleged Misconduct, Professional Competence, or Physical or Mental Health That W(ould) be Considered by The (IVGID Board) During The...Meeting:” Is there a consequence to Ms. Herron for this failure?

Possible OML Violation No. 15: should discussion of Mr. Wright’s or Ms. Miller’s character, alleged misconduct, professional competence, or physical or mental health be discussed at the Board’s September 19, 2023 meeting. NRS 241.033(1)(a) instructs that “a public body shall not hold a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of any person...unless it has (first) given written notice” in accordance with NRS 241.033(2)(a). Given neither Mr. Wright nor Ms. Miller have been given the noticed required by NRS 241.033(2)(a), nor have they waived that notice, there should be no discussion of their character, alleged misconduct, professional competence, or physical or mental health in connection with tonight’s meeting. Nevertheless, should the subject come up the responsible person(s) will be responsible for another OML violation.

¹² See Attorney General Letter Opinion to Jerry Higgins, Nevada Board of Professional Engineers and Land Surveyors, dated October 28, 1993.

OML Violation Nos. 16 & 17⁹: Ms. Herron's Second Demand Mr. Wright¹³ and Ms. Miller¹⁴ Sign Her Proffered Waiver of The Notice Provisions of NRS 241.033(1): This is brow beating. First Ms. Herron drafts a form of waiver which recites it has been knowingly and voluntarily executed. And second when she doesn't get it back, she follows up with a brow beating "SECOND REQUEST" where she tells applicant that execution of her waivers are REQUIRED. When they're Not.

My September 18, 2023 E-Mail: On September 18, 2023 I sent an e-mail to the IVGID Board advising members of all of the above and asking they finally terminate Ms. Herron's employ¹⁵. Rather than regurgitating the contents of that e-mail, I direct the reader to its Exhibit "G" contents.

My September 19, 2023 E-Mail: On September 19, 2023 I sent an e-mail to the IVGID Board advising members of all of the above and asking for a second time they terminate Ms. Herron's employ¹⁶. Rather than regurgitating the contents of that e-mail, I direct the reader to its Exhibit "H" contents.

Who Determined That Ms. Herron's Waivers Are Required?

Who Directed Ms. Herron to Ask Attorney Josh Nelson to Craft a Form of Waiver For Her Possible Use Against Mr. Wright and Ms. Miller That Waives All "Rights to All Written Notice Requirements Under...NRS 241.033(1)?" Did she figure this out on her own? Or is she being used as a tool by the dark side members of our community including Trustee Noble? The Board needs to get to the truth.

Who Directed Mr. Nelson to Craft a Form of Waiver For Ms. Herron to Use That Waives All of Mr. Wright's and Ms. Miller's "Rights to All Written Notice Requirements Under...NRS 241.033(1)?" I thought Mr. Nelson was directed that his client was the Board rather than staff? Since the subject matter of this waiver is of direct importance to the Board, where did Mr. Nelson get off assisting staff in circumventing the notice provisions of NRS 241.033? The Board needs to get to the truth.

Who Authorized Ms. Herron to Require Mr. Wright And Ms. Miller to Execute Her Form of Waiver as a Pre-Condition to Applying For Selection to The Citizen's Golf Advisory Committee? The Board needs to get to the truth.

Who's Running This Show? The Board or Ms. Herron?

¹³ That "SECOND REQUEST" e-mail is attached as Exhibit "E" to this written statement.

¹⁴ That "SECOND REQUEST" e-mail is attached as Exhibit "F" to this written statement.

¹⁵ That e-mail is attached as Exhibit "G" to this written statement.

¹⁶ That e-mail is attached as Exhibit "H" to this written statement.

Conclusion: It's pretty clear to me and others that Ms. Herron's intent was and is to set the table so Mr. Wright and Ms. Miller can be ambushed at the Board's September 19, 2023 meeting the way resident Clif Dobler was ambushed at the public hearing where he was appointed to the citizen's capital improvement/investment committee¹⁷. And therefore, this episode represents one of many dozens involving Ms. Herron which conflict with law. When are you board members going to put your collective feet down and declare that's it with Ms. Herron?

And to those reading this written statement and wondering why your Recreation ("RFF") and/or Beach ("BFF") Facility Fee(s) which overpay for Ms. Herron and her wasteful endeavors such as those the subject hereof, and which deliver no special benefit to you the payor, I've now provided more evidence.

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

¹⁷ See Agenda Item G(4) for this meeting where the Board proposes "receiving a verbal report on the history of the District sanction issued against Cliff Dobler and the resulting actions, if any, of the recent reported allegation of misconduct by Mr. Dobler, and possibly take action regarding Mr. Dobler's appointment to the Capital Improvement/Investment Committee."

EXHIBIT "A"

Fwd: Waiver of Notice (required) - Wright

From: Frank Wright <alpinesportss@gmail.com>
To: Aaron Katz <s4s@ix.netcom.com>
Subject: Fwd: Waiver of Notice (required) - Wright
Date: Sep 18, 2023 5:51 PM
Attachments: [Waiver of Notice \(required\) - Wright.docx](#)

Sent from my iPhone

Begin forwarded message:

From: "Susan A. Herron" <sah@ivgid.org>
Date: September 18, 2023 at 5:14:58 PM PDT
To: Frank Wright <alpinesportss@gmail.com>
Subject: **Waiver of Notice (required) - Wright**

Hello Mr. Wright,

Would you kindly mind executing the attached waiver once again? If you are traveling, I will gladly accept a return email saying that you agree to this waiver and for the District to please consider it signed as I am out of town right now. If you are planning on being present at the meeting, you may sign it prior to the meeting starting at the IVGID office.

Thanks,
Susan

Susan A. Herron, CMC
Director of Administrative Services
IVGID
893 Southwood Boulevard
Incline Village, NV 89451
sah@ivgid.org
775-832-1207 (Office Ph#)

EXHIBIT “B”



Judith Miller <pupfarm1@gmail.com>

Waiver of Notice (required) - Miller

1 message

Susan A. Herron <sah@ivgid.org>
To: Judith Miller <pupfarm1@gmail.com>

Mon, Sep 18, 2023 at 5:11 PM

Hello Ms. Miller,

Would you kindly mind executing the attached waiver once again? If you are traveling, I will gladly accept a return email saying that you agree to this waiver and for the District to please consider it signed as I am out of town right now. If you are planning on being present at the meeting, you may sign it prior to the meeting starting at the IVGID office.

Thanks,
Susan

Susan A. Herron, CMC
Director of Administrative Services
IVGID
893 Southwood Boulevard
Incline Village, NV 89451
sah@ivgid.org
775-832-1207 (Office Ph#)



Waiver of Notice (required) - Miller.docx
15K

EXHIBIT “C”

WAIVER OF NOTICE REQUIRED UNDER NRS 241.033(1)
TO ALLOW
BOARD OF TRUSTEES TO CONSIDER CHARACTER,
MISCONDUCT, OR
COMPETENCE RELATED TO ADVISORY COMMITTEE
VOLUNTEER SERVICE

The Board of Trustees of the Incline Village General Improvement District will be considering your application to serve on an advisory committee at its September 19th meeting. Pursuant to NRS 241.033(1), in order to consider the professional competence of an individual, notice is provided to that person of the time and place of the meeting in compliance with such statutory provisions.

By signing below, I knowingly and voluntarily waive my rights to all written notice requirements under to NRS 241.033(1).

Frank Wright

8

EXHIBIT "D"

WAIVER OF NOTICE REQUIRED UNDER NRS 241.033(1)
TO ALLOW
BOARD OF TRUSTEES TO CONSIDER CHARACTER,
MISCONDUCT, OR
COMPETENCE RELATED TO ADVISORY COMMITTEE
VOLUNTEER SERVICE

The Board of Trustees of the Incline Village General Improvement District will be considering your application to serve on an advisory committee at its September 19th meeting. Pursuant to NRS 241.033(1), in order to consider the professional competence of an individual, notice is provided to that person of the time and place of the meeting in compliance with such statutory provisions.

By signing below, I knowingly and voluntarily waive my rights to all written notice requirements under to NRS 241.033(1).

Judith Miller

EXHIBIT “E”

EXHIBIT "F"

Fwd: Waiver of Notice - SECOND REQUEST

From: Frank Wright <alpinesportss@gmail.com>
To: Aaron Katz <s4s@ix.netcom.com>
Subject: Fwd: Waiver of Notice - SECOND REQUEST
Date: Sep 19, 2023 3:35 PM
Attachments: [Waiver of Notice \(required\) - Wright.docx](#)

Sent from my iPhone

Begin forwarded message:

From: "Susan A. Herron" <sah@ivgid.org>
Date: September 19, 2023 at 3:21:09 PM PDT
To: Frank Wright <alpinesportss@gmail.com>
Subject: Waiver of Notice - SECOND REQUEST

Good Afternoon Mr. Wright,

Can you please review, sign and return the attached waiver OR advise if you plan to come into our offices and sign it prior to the meeting? This is a required document prior to tonight's IVGID Board of Trustees meeting.

Thank you,
Susan

Susan A. Herron, CMC
Director of Administrative Services
IVGID
893 Southwood Boulevard
Incline Village, NV 89451
sah@ivgid.org
775-832-1207 (Office Ph#)

EXHIBIT "F"



Judith Miller <pupfarm1@gmail.com>

Waiver of Notice - SECOND REQUEST

1 message

Susan A. Herron <sah@ivgid.org>
To: Judith Miller <pupfarm1@gmail.com>

Tue, Sep 19, 2023 at 3:21 PM

Good Afternoon Ms. Miller,

Can you please review, sign and return the attached waiver OR advise if you plan to come into our offices and sign it prior to the meeting? This is a required document prior to tonight's IVGID Board of Trustees meeting.

Thank you,

Susan

Susan A. Herron, CMC
Director of Administrative Services
IVGID
893 Southwood Boulevard
Incline Village, NV 89451
sah@ivgid.org
775-832-1207 (Office Ph#)

 **Waiver of Notice (required) - Miller.docx**
15K

EXHIBIT "G"

Sep 19, 2023 IVGID Board Meeting - Agenda Item G(1) - When Are You Going to Terminate Susan Herron's Employment? Now Another Two OML Violations She Has Subjected The District to? When is Enough, Enough?

From: <s4s@ix.netcom.com>
To: Dent Matthew <dent_trustee@ivgid.org>
Cc: Schmitz Sara <schmitz_trustee@ivgid.org>, Tonking Michaela <tonking_trustee@ivgid.org>, Tulloch Ray <tulloch_trustee@ivgid.org>, Noble Dave <noble_trustee@ivgid.org>
Subject: Sep 19, 2023 IVGID Board Meeting - Agenda Item G(1) - When Are You Going to Terminate Susan Herron's Employment? Now Another Two OML Violations She Has Subjected The District to? When is Enough, Enough?
Date: Sep 18, 2023 6:52 PM
Attachments: Waiver of Notice (required) - Wright.docx

Chairperson Dent and Other Members of the IVGID Board -

Well here's another one as my friend DJ Khaled would say. How much does it take? When are you members going to wake up and start doing your job? TERMINATE SUSAN HERRON's EMPLOY with the District! How many times do I and others have to ask?

I have attached to this e-mail an e-mail and waiver sent to Frank Wright by Ms. Herron with respect to agenda item G(1) at tomorrow evening's meeting. A similar e-mail and waiver was sent to Judy. This is in total violation of NRS 241.033. And Ms. Herron knows I'm right because this is the second time she has pulled this stunt and I responded at pages 492-502 of the Board packet for tomorrow's Board meeting. After all, didn't Ms. Herron attach this written statement to the proposed meeting minutes for approval? Read it for yourself. Two OML violations. And now this stunt becomes another two OML violations. By a Director? Complying with Board Policy?

Is this an example of the respect, dignity and compliance with the NRS Ms. Herron touts in her Welcome Message propaganda contained in the latest IVGID Magazine I have previously written to each of you about? The woman is a cancer on our community. It's time to treat her as such.

I will be filing at least two OML violations over this one. Frank may be filing a third. Note the civil penalties attached with a violation and the attorney's fees Ms. Herron will have forced the District to incur in its defense.

If anyone brings up candidates' character or prior acts of alleged misconduct or professional competence at tomorrow evening's meeting, he/she will have a fourth OML violation filed against him/her (are you reading Trustees Noble and Tonking?) because there has been no notice as NRS 241.033 mandates. Ms. Herron's e-mails are insufficient.

You members should agendize a future .0 public hearing to terminate Ms. Herron's employ for misconduct and lack of professional competence. And while you're at it, ask the following questions:

1. Who instructed Ms. Herron to make questions of candidates' character and professional competence relevant to this agenda item (the selection of golf committee candidates)? Or did she just figure this out on her own? Or maybe in concert with Tim Callicrate, Kendra Wong, Gail Krolick, whiner Riner?
2. Did Josh Nelson assist Ms. Herron in any manner in preparing the attached waiver and e-mail notifying Frank and Judy that their INVOLUNTARY execution was required? I thought the Board made it clear Josh doesn't work for staff. He works for the Board. So why is he assisting Ms. Herron in circumventing the provisions of NRS 241.033?
3. Did Ms. Herron send similar e-mails and waivers to all candidates for appointment to this committee? Or did she just "cherry pick" Frank and Judy? You need to ask all candidates this question so we get to the truth.

And when you get the answers to these questions, you may need to agendize the termination of employment of others retained by the District. We need to find out just how far this cancer has spread.

Thank you for your attention to this matter. Respectfully, Aaron Katz

From: "Susan A. Herron" <sah@ivgid.org>
Date: September 18, 2023 at 5:14:58 PM PDT
To: Frank Wright <alpinesportss@gmail.com>
Subject: Waiver of Notice (required) - Wright

Hello Mr. Wright,

Would you kindly mind executing the attached waiver once again? If you are traveling, I will gladly accept a return email saying that you agree to this waiver and for the District to please consider it signed as I am out of town right now. If you are planning on being present at the meeting, you may sign it prior to the meeting starting at the IVGID office.

Thanks,
Susan

Susan A. Herron, CMC
Director of Administrative Services
IVGID
893 Southwood Boulevard
Incline Village, NV 89451
sah@ivgid.org
775-832-1207 (Office Ph#)

EXHIBIT “H”

Fwd: Waiver of Notice - SECOND REQUEST - Sep 19, 2023 IVGID Board Meeting - Agenda Item G(1) - SECOND REQUEST - When Are You Going to Terminate Susan Herron's Employment? Now Another Two OML Violations She Has Subjected The District to? When is Enough, Enough?

From: <s4s@ix.netcom.com>
To: Dent Matthew <dent_trustee@ivgid.org>
Cc: Schmitz Sara <schmitz_trustee@ivgid.org>, Tonking Michaela <tonking_trustee@ivgid.org>, Tulloch Ray <tulloch_trustee@ivgid.org>, Noble Dave <noble_trustee@ivgid.org>
Subject: Fwd: Waiver of Notice - SECOND REQUEST - Sep 19, 2023 IVGID Board Meeting - Agenda Item G(1) - SECOND REQUEST - When Are You Going to Terminate Susan Herron's Employment? Now Another Two OML Violations She Has Subjected The District to? When is Enough, Enough?
Date: Sep 19, 2023 4:26 PM
Attachments: [Waiver of Notice \(required\) - Wright.docx](#)

Chairperson Dent and Other Honorable Members of the IVGID Board -

Look what your Susan Herron is doing (belwo)! She's absolutely out of control! And you need to put an end to her NOW! SECOND REQUEST (to use her terminology).

Frank just sent the e-mail and enclosure from Ms. Herron below. Regarding tonight's agenda item G(1) on the selection of community at large members to the Board's Golf Advisory Committee. Who does she think she is?

I've already shared with you that the OAG OML Manual precludes waivers such as these unless the recipient(s) are informed of their right NOT to waive the notice provisions of NRS 241.033(1), and nonetheless, they choose to voluntarily waive that right.

Now look at your Susan Herron. For the SECOND time she is brow beating at least one applicant into involuntarily signing the waiver that none of you would even have known about were it not for me. And then to prove her intent, she drafts a waiver document for Frank's signature which acknowledges his signature has been given voluntarily. When she knows there is nothing voluntary about it. She's attempting to cover her ass ("CYA").

Susan Herron. You are a liar.

You've told Mr. Wright that his INVOLUNTARY execution of your NRS 241.033(1) notice waiver is a requirement of this evening's meeting. Says who? Did the Board impose this requirement? Show me the minutes of the meeting where they did this.

Did Mike Bandelin so instruct you? Of course he didn't.

It was you. Your requirement. Probably in concert with Trustee Noble who apparently is making a career in going after members of our community like Clif Dobler.

Like I said. Liar.

You've now committed another OML violation. What do you intend to do if Mr. Wright refuses to sign your waiver? Disqualify him from selection to the Golf Committee? Under what authority Ms. Herron? And by the way, if you pull this stunt, you will have committed yet another OML violation. So we're watching!

And you're incompetent to boot. Incompetent? That's right.

First, you didn't post the agenda for the Board's September 13, 2023 meeting in a timely manner. Which forced Chair Dent to cancel the meeting or face another OML violation.

Second, because you know 21 days' certified mailing notice is required before a meeting concerning Frank Wright's character, alleged misconduct, or professional incompetence can take place and you've blown it, to CYA you're now brow beating Frank Wright and possibly others a SECOND TIME into INVOLUNTARILY waiving the notice provisions of NRS 241.033(1). But it isn't going to work.

And I wasn't going to share the third yet. But now I will!

Ms. Herron didn't present the minutes of the Board's July 26, 2023 meeting in a timely manner to the Board so they could be approved within the statutory 45 days. And this is in spite of the fact she was given the transcript of the minutes of that meeting on August 7, 2023. More than a month ago! OML Violation how many Ms. Herron?

Like I said incompetent. And notwithstanding the fact you hold the title of DIRECTOR of Admin Services. At a base salary of in excess of \$160K annually plus benefits. Outrageous.

To those in our community that Trustees Dent and Schmitz save our community and simply resign, I make the same request of Ms. Herron. RESIGN! TONIGHT!

In fact join your colleague Mr. Director of Community Services Darren Howard who I am informed will be resigning his position with the District in less than a month, and RESIGN.

Look at the steady loss of incompetent and grossly overpaid senior personnel. Join your colleagues Ms. Herron! And if you won't, what more do you Board members need to see before you terminate Ms. Herron's employ? Don't hesitate. TERMINATE! Agendize her possible employment termination for the next Board meeting.

Respectfully, Aaron Katz

From: "Susan A. Herron" <sah@ivgid.org>
Date: September 19, 2023 at 3:21:09 PM PDT
To: Frank Wright <alpinesportss@gmail.com>
Subject: Waiver of Notice - SECOND REQUEST

Good Afternoon Mr. Wright,

Can you please review, sign and return the attached waiver OR advise if you plan to come into our offices and sign it prior to the meeting? **This is a required document prior to tonight's IVGID Board of Trustees meeting.**

Thank you,
Susan

Susan A. Herron, CMC
Director of Administrative Services
IVGID
893 Southwood Boulevard
Incline Village, NV 89451
sah@ivgid.org
775-832-1207 (Office Ph#)

**WRITTEN STATEMENT TO BE ATTACHED TO AND MADE A PART OF THE WRITTEN
MINUTES OF THE IVGID BOARD’S REGULAR SEPTEMBER 19, 2023 MEETING –
AGENDA ITEM C – PUBLIC COMMENTS – WHY DO WE CONTINUE TO
ALLOW STAFF TO DISINGENUOUSLY USE THE IVGID MAGAZINE
FOR PROPAGANDA PURPOSES – HERE SUSAN HERRON’S
“WELCOME MESSAGE?”**

Introduction: The Board knows that for some time I and others have objected to continued publishing of the IVGID Magazine¹. It is nothing more than a propaganda piece used by staff to advance its narrative(s) to we less than informed local parcel owners². As another example of this principle, check out page 5 of the latest IVGID Magazine³. There Susan Herron, our Director of Admin Services, tells our less than knowledgeable local parcel owners how vital she and her colleagues are, and despite criticism why we should bow down to them because they’re really our most important asset. And that’s the purpose of this written statement.

My E-Mail of September 17, 2023: On September 17, 2023 I sent the Board an e-mail which pointed to Ms. Herron’s propagandization using the IVGID Magazine as her tool⁴. Rather than regurgitating the contents of my e-mail, I simply refer the reader to the contents of Exhibit “B.”

Conclusion: We have massive monetary problems on the horizon. Many are highlighted in companion written statements filed contemporaneously herewith. The time is now to address problems like these. And to make the hard decisions that must be made. GET OUT OF THE COMMERCIAL FOR PROFIT RECREATION BUSINESS! Stop operating money losing commercial businesses. Stop publishing and distributing money losing magazines like the subject IVGID Magazine. Terminate the position of Director of Admin Services. Terminate Susan Herron as a grossly overpaid and over benefited employee who only holds this position as a result of “pay back” by former GM Indra Winqest for her years of allegiance. Pure and simple.

And let me respond to a comment Trustee Noble recently made. And that is that “the Board is charged with continuing to operate these businesses” and presumably continuing publication of the IVGID Magazine. No it isn’t Trustee Noble. The District’s current operation is the product of a fraud. There’s nothing in the NRS which declares you or this Board is required to operate any commercial for

¹ Go to <https://www.yourtahoeplace.com/ivgid/resources/ivgid-quarterly>.

² Remember, staff “strive(s) to mail a copy of the magazine...to the mailing address on file...(of) all IVGID parcel owners” [see page 6 of the latest “Fall/Winter 2023” edition of the IVGID Magazine {go to https://www.yourtahoeplace.com/uploads/pdf-ivgid/IVGID_Magazine_Sept2023.pdf (“the latest IVGID Magazine”)}].

³ A copy of this page is attached as Exhibit “A” to this written statement.

⁴ That e-mail is attached as Exhibit “B” to this written statement.

profit business. Or to market it to the world's tourists. Or to publish a propaganda rag like the IVGID Magazine to promote the same. And it's certainly not required to involuntarily make its citizens business partners in these losses. Yet that's exactly what you are doing.

To those who may want this magazine, I have a suggestion. Determine its real costs and then charge those who want the magazine delivered to their mailbox the allocated costs. I'm guessing you'll get next to no one who is willing to pay this needless expense.

But in the meantime, you wonder what your RFF ("RFF") and Beach ("BFF") Facility Fee(s) actually pay for? I've now provided answers.

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

EXHIBIT "A"



Hello everyone!

As the Director of Administrative Services, I want to say that it has always been, and continues to be, an honor to be of service to the communities of Incline Village and Crystal Bay. It is also a pleasure to work with a group of people who are dedicated, talented and genuinely care about our community.

As a longtime resident of Incline Village - 25 years and counting - I am very proud to be an IVGID employee. When I arrived in Incline Village, I knew no one. Gradually, I began meeting people and became friends with a lovely IVGID employee named Ronnie Rector. I wasn't looking for a job as I had a wonderful job at the time, but Ronnie kept on saying to me "Come join IVGID - you will love it."

Well, it took almost five years before I joined the team, and every single day since I am glad I did (a big thanks to Ronnie!). I have made lifelong friends, got acquainted with a number of community members, and am happy to be of service to each and every one of them.

But public service is not without its challenges. There are some in the community who might not see the value of the service me and my co-workers provide. And to that point, I say it's ok - we will keep delivering services to you in a professional manner and strive to treat you like all of the District's customers, with respect and dignity.

The District's value statement is "We are dedicated people providing quality service, for our community and environment, with integrity and teamwork," and our Mantra is "One District - One Team."

Some would call them simply words on paper, but many in the community, myself included, understand that without dedicated people and quality services, this might not be a place worth living. And to the "One District - One Team" mantra, my teammates, every single one of them, come to work

with the attitude and mindset of doing a great job for everyone we serve.

We are creative individuals who partner - in compliance with the District's rules, regulations and statutes - with community agencies and organizations to deliver superior services that rival or surpass those of other communities. There have been times when the journey has been full of surprises, twists and turns, just like any good ride; but each and every time, the Staff of IVGID has remained steady, strong and constant.

Public service isn't for the faint of heart - it requires grit, determination and a supportive environment in which to thrive. We have recently lost key employees with a ton of history and knowledge who will be hard to replace; however, I remain hopeful that we will turn the corner to a kinder, more compassionate environment. And I know, when we replace harshness with kindness and gratitude, we discover which feels better.

Susan Herron,
Director of Administrative Services

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EXHIBIT "B"

The IVGID Quarterly is Nothing More Than a Staff Propaganda Piece - Chapter 3 - Susan Herron's Welcome Message Propaganda!

From: <s4s@ix.netcom.com>
To: Dent Matthew <dent_trustee@ivgid.org>
Cc: Schmitz Sara <schmitz_trustee@ivgid.org>, Tonking Michaela <tonking_trustee@ivgid.org>, Tulloch Ray <tulloch_trustee@ivgid.org>, Noble Dave <noble_trustee@ivgid.org>
Subject: The IVGID Quarterly is Nothing More Than a Staff Propaganda Piece - Chapter 3 - Susan Herron's Welcome Message Propaganda!
Date: Sep 17, 2023 9:22 PM

Chairperson Dent and Other Honorable Members of the IVGID Board -

So on September 15, 2023 I wrote to each of you concerning Paul Raymore's version of propaganda spewed in the latest edition (Fall/Winter 2023) of IVGID Magazine. Now I write to you concerning Susan Herron's.

As I've shared with you many times before, we should never, never, never be in the magazine publishing business! Especially at the real cost which is involuntarily subsidized by our Rec Fee. And especially when as here it's used for staff propaganda purposes! And now we have another example. Our revered Susan Herron.

I direct Board members to page 5 of the latest IVGID Magazine. There we have a "welcome message" from Susan Herron. As if WHO ASKED YOU Ms. Herron?

So let's examine what she says, shall we?

"There are some in the community who might not see the value of the service me and my co-workers provide." So now you're going to spoon feed us the value of your service? At a salary of over \$160K annually plus benefits? When you have one person working underneath you (the Board Clerk)? When you didn't even have a job description when you were promoted to this "pay back" position by our previous GM? Yes explain to me the value of your service for the cost local parcel owners must involuntarily pay.

"We will keep delivering services to you in a professional manner and strive to treat you like all of the District's customers, with respect and dignity." Really? Didn't you read the unbiased Yelp reviews of the Grille at the Chateau Restaurant I shared with the Board on September 15, 2023? Rudeness and contempt! Is that your description of "professional?" Or is it professional because you and your colleagues get paid to be rude and contemptuous?

And what about IVGID employee Mark Helleckson, former IVGID employee Jim Croley, and those unidentified hearsay attackers of local residents Cliff Dobler and Mike Abel who work for IVGID that we hear so much about on social media? And what about IVGID employee Bree Waters who wrongfully accused me of stalking, harrassing and bullying her? Are these your descriptions of respectful and dignified employees?

"We are creative individuals who partner – in compliance with the District's rules, regulations and statutes..." Really? How many times have we brought forward evidence that staff ignore Board policies because they know better? How about Ms. Herron's many OML violations? How about the most recent one which would have been committed had the Board Chair not rescheduled this meeting from September 13, 2023? And what about the one which will be committed this Tuesday that I haven't even told you about as of yet? Again, all at Ms. Herron's feet in violation of District rules, regulations and statutes!

"We...partner...with community agencies and organizations to deliver superior services that rival or surpass those of other communities?" Really? YOU'RE NOT HERE FOR THIS PURPOSE MS. HERRON! IVGID is not a "full service" general government. It's a limited purpose special district along the lines of a mosquito district. It's not here to partner with other community agencies and organizations. It's here to service local parcel owners. In other words, we're not here to give away the public's assets to private favored collaborators so they can use our assets to make money for their respective flavors of the month while we pick up the tab. And we're not here to give away the Village Green to the NLTFPD for its EMS helicopter landings/take offs under the guise of emergency health services. Nor are we here to permit the NLTFPD to be paid tens if not hundreds of thousands of dollars by their commercial customers who use this service. While we're paid nothing.

We're not here to assist the NLTFPD and WCSO in violating the beach deed so they get free access notwithstanding they're not local parcel owners paying the BFF. Yet according to Ms. Herron, that's what we're here for.

"As the Director of Administrative Services..." Look at me. I'm a DIRECTOR. Really? How many other local governments in the state do you think have a directorship position for admin services? Bueller? Bueller? Like I said, pay back.

"It is...a pleasure to work with a group of people who are dedicated, talented and genuinely care about our community." Really? I and others I know can point you to numerous employees/former employees who care more about themselves and their co-workers than the local parcel owners who pay their salaries and provide their benefits. After all, this is "the IVGID culture" and Ms. Herron's attestations to the contrary are her intent to propagandize the truth.

Let's move on to the nearly \$7M or more the district intentionally budgets to overspend each year and out refusal to put an end to this waste but NOT employing anyone as a glorified secretary with a Directorship job title.

Let's then go to the other 83 or more GIDs in the State and ask the question: How many have a Director of Admin Services? How many employ in excess of 1,000 employees? How many are in a series of commercial for profit business enterprises? How many hire lobbyists to influence state legislation? How many hire lobbyists to influence federal legislation?

I want equal space in the next IVGID Magazine to counter Ms. Herron's un/mis-truths. Let's start with her outrageous salary. Let's continue on to her unidentified job duties. Remember I asked for her job description and was given a bunch of gobblegoop which basically said "we're working on a description" to fit the position? Remember she spent the IVGID work day recreating with at least four (4) of her co-workers at the local Justice Court when employee Bree Walters brought suit against me for allegedly stalking and harrassing her (I guess this is one of her job duties). Let's continue with her pay off for being a good soldier to Indra.

I will speak the truth. Ms Herron advances the staff narrative.

Board members. Kill the IVGID Magazine. Eliminate the worthless Director of Admin Services position. And let's continue the quest to fiscal responsibility.

Respectfully, Aaron Katz

**WRITTEN STATEMENT TO BE ATTACHED TO AND MADE A PART OF THE WRITTEN
MINUTES OF THE IVGID BOARD'S REGULAR SEPTEMBER 19, 2023 MEETING –
AGENDA ITEM C – PUBLIC COMMENTS – WHY DO WE CONTINUE TO
ALLOW STAFF TO DISINGENUOUSLY USE THE IVGID MAGAZINE
FOR PROPAGANDA PURPOSES – HERE “CHERRY PICKED”
POSITIVE YELP REVIEWS OF THE CHATEAU GRILLE?**

Introduction: The Board knows that for some time I and others have objected to continued publishing of the IVGID Magazine¹. It is nothing more than a propaganda piece used by staff to advance its narrative(s) to we less than informed local parcel owners². As another example of this principle, check out page 33 of the latest IVGID Magazine. There Paul Raymore promotes our money losing (according to staff, \$2,000 per day so far this year) Grille Restaurant. And that's the purpose of this written statement.

My E-Mail of September 15, 2023: I wouldn't be speaking on this subject were it not for the deceitful, “cherry picked,” 5-star Yelp reviews published to the right of Mr. Raymore's article. Who decided to include Yelp reviews? Who decided to include 5-star versus 1-star or 2-star reviews?” Who is the censor and who is the truth teller? Is the purpose of the Magazine to share the truth with local parcel owners, or is it intended to spew propaganda to advance staff's narrative?

So I took a look at Yelp reviews for the Chateau Grille Restaurant and discovered a very, very different picture. And I thought it necessary to share that picture with the Board, and to ask the questions I have insofar as the real purpose for the magazine is concerned. So on September 15, 2023 I sent the Board an e-mail shared this information and asked that both the magazine and Mr. Raymore's employment with the District be terminated³. Rather than regurgitating the contents of my e-mail, I simply refer the reader to the contents of Exhibit “A. To those who demand continued money losing operations like these, I say let them pay for them! But to compel their neighbors to involuntarily subsidize the costs of their endeavors with our Recreation Facility Fee (“RFF”) is wrong, wrong, wrong.

Conclusion: We have massive monetary problems on the horizon. Many are highlighted in companion written statements filed contemporaneously herewith. The time is now to address problems like these once and for all. And to make the hard decisions that must be made. GET OUT OF

¹ Go to <https://www.yourtahoeplace.com/ivgid/resources/ivgid-quarterly>.

² Remember, staff “strive(s) to mail a copy of the magazine...to the mailing address on file...(of) all IVGID parcel owners” [see page 6 of the latest “Fall/Winter 2023” edition of the IVGID Magazine {go to https://www.yourtahoeplace.com/uploads/pdf-ivgid/IVGID_Magazine_Sept2023.pdf (“the latest IVGID Magazine”)}}].

³ That e-mail is attached as Exhibit “A” to this written statement.

THE COMMERCIAL FOR PROFIT RECREATION BUSINESS. Stop operating money losing restaurants. Stop publishing and distributing money losing magazines. Terminate Pay Raymore's marketing department. Either outsource all of these businesses, operate them at a break even or positive cash flow, or shut them down. Pure and simple.

And let me respond to a comment Trustee Noble recently made. And that is that "the Board is charged with continuing to operate these businesses." No it isn't Trustee Noble. Your current operation is the product of a fraud. There's nothing in the NRS which declares you or this Board is required to operate any commercial for profit business. Or to market it to the world's tourists. Or to publish a propaganda rag to promote the same. And it's certainly not required to involuntarily make its citizens business partners in these losses. Yet that's exactly what you are doing.

And you wonder what your RFF and Beach ("BFF") Facility Fee(s) actually pay for? I've now provided answers.

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

EXHIBIT "A"

The IVGID Quarterly is Nothing More Than a Staff Propaganda Piece - Alleged 5 Star Reviews of The Grille Restaurant at The Chateau

From: <s4s@ix.netcom.com>
To: Dent Matthew <dent_trustee@ivgid.org>
Cc: Schmitz Sara <schmitz_trustee@ivgid.org>, Tonking Michaela <tonking_trustee@ivgid.org>, Tulloch Ray <tulloch_trustee@ivgid.org>, Noble Dave <noble_trustee@ivgid.org>, <sellingtahoe@sbcglobal.net>
Subject: The IVGID Quarterly is Nothing More Than a Staff Propaganda Piece - Alleged 5 Star Reviews of The Grille Restaurant at The Chateau
Date: Sep 15, 2023 7:29 PM

Chairperson Dent and Other Honorable Members of the IVGID Board -

So we received the latest edition (Fall/Winter 2023) of IVGID Magazine.

We should never, never, never be in the magazine publishing business! Especially at the real cost which is involuntarily subsidized by our Rec Fee. And especially when we've been losing \$2K/day operating this day care for employees.

But that's not what I am expressly writing to you about today.

Take a look at page 33 of the latest edition. Here our Paul Raymore does this piece on how wonderful The Grille Restaurant is. Had he stopped there, you wouldn't have heard from me. But then I had to read his CHERRY PICKED propaganda to the right of the article. Three (3) alleged 5-star Yelp reviews. An alleged indicia of what patrons should expect when eating at the Grille. Because you went over the line Mr. Raymore, now I will do the same.

All of you know I don't trust so many of our wonderful employees, let alone chief propagandist Paul Raymore. You know. The ones like Mark Helleckson and those unidentified hearsay attackers of local residents Cliff Dobler and Mike Abel. So I went to Yelp to learn of other less flattering reviews from the source (Yelp). And here's what I found (if you don't believe me, go look for yourself):

7/5/2018 - Diane T, Incline Village - "Service was horrible - our server had a bad attitude. It took 20 minutes to get drinks and place our order. It wasn't even that busy. We've been regular customers since we moved here. This place has really gone down hill. We're not dining here anymore. We waited 1 hour and still no food. Don't waste your time and money here to go Barjays instead. We should have." - 1 star.

7/5/2018 - Meredith M, San Francisco - "Really, really, really rude waitstaff. The...women waitresses were total bitches. I'm a 'please and thank you' person who has worked for years in the hospitality industry, and I am always astounded by rude service. Yes it takes a lot of patience, especially if it's been a long day, but you slap a smile on and deal with it...I hope the servers attitudes change, really ruined a nice afternoon we were having unfortunately." - 2 stars.

9/23/2018 - Doug K, Incline Village - "Living in Incline for 18 years we keep feeling we should give the Chateau another annual chance - you would think we would learn. The food is simply awful. My half sandwich came on stale bread, not toast as requested. Three processed pieces of turkey were on the bread, one paper thin slice of mostly green tomato and one soggy piece of lettuce rounded out the dish. Apparently, the condiment was water. Requested crispy fries were served cold and limp. There are better lunches pre-wrapped at the supermarket." - 1 star.

8/6/2019 - Brian A, Los Angeles - "Absolute horrible customer service! Brian the waiter should never work in hospitality! It got so bad I had to leave my food! I actually got the feeling that my food was tampered with!!" - 1 star.

6/29/2020 - Diego S, Oakland - "So disappointing after we've been there many times before...It was cold and windy so we chose to sit inside. We were only able to have a table right beside the open door

despite there being only 2 other tables occupied; the others supposedly reserved. Those tables were still empty when we left. With so few people being served we were hoping for good attention from the kitchen, sadly not the case. I ordered the cheesy broccoli soup so was surprised to see a bowl of chili...The three pieces of fish in the fish and chips looked like they had been cooked by three different people - one was nicely done, one was partly dried out on one side and the third was completely overcooked. If the kitchen struggles on a slow afternoon, I'd advise sticking to sandwiches and salads." - 2 stars.

5/22/2023 - Cindy, San Francisco - "This food was very mediocre. The fish tacos had rock hard tortillas with very dry fish. The chicken pesto sandwich was also dry and cold. The service was also very slow. I definitely would not recommend eating here." - 2 stars.

6/12/2023 - Muggsy W, SoMa San Francisco - "15\$ marg with brand marnier, had no grand marnier; turkey sand package sliced bent in half and plopped on bread; chicken sand, bare chicken chunk, cooked but no prep- no marinade, no grill marks just plain unimpressive taste." - 2 stars.

7/27/2023 - Steve B, Incline Village - "Sadly, most (but not all) of the wait staff are surly and seem to resent their customers. The concept of client service and 'ladies and gentlemen serving ladies and gentlemen' is foreign to them...If respectful and attentive wait staff is not a priority for you then give the Grille a shot." - 2 stars.

8/18/2023 - Jeri B, Incline Village - "Service continues to be slow slow and waiters unfriendly, most." - 2 stars.

This rag is publicly supported. As you can see it is full of lies intended to advance the narrative of staff as you can see. Who decides what goes in and does not go into the magazine? Who exercises the right to censor the truth because it is non-flattering or embarrassing to staff? And why do local parcel owners have to hear propaganda like this? From senior staff who don't have enough work to keep them busy in a full time benefited position, so they spend their off time on garbage like this.

Let's continue. At page 6 of the current edition we have to listen to Paul Raymore again! Now he's telling us that the purpose of the Magazine is to keep local parcel owners informed. Well how about keeping them informed of the truth Mr. Raymore? Not your colored version, but the truth? And while we're at it, how about keeping local parcel owners informed of the truth which is not so flattering?

And then we have to listen to Mr. Raymore interpret the results of a recent reader survey. Who crafted the survey questions Mr. Raymore? Why didn't you ask us if the magazine itself should be jettisoned, rather than whether it should continue but only be accessible online? Why didn't you emphasize the fact that nearly as many responders said they were not sure if they were interested in a published version or they were not interested in one at all, as those who responded the magazine way very important? Like I said. Cherry picking!

I've said this before and I will say it again. Paul Raymore is another of our worthless employees. In fact I deeply resent having to listen to his voice on the recorded message when I have to call Admin [(775) 832-1100] for public business. He heads a \$1M+ annual marketing department that consists of himself, a couple of helpers, and EXL Media. He has never been able to prove that we generate \$1 in recreation sales that we would not have otherwise generated were it not for his department's \$1M+ annual expenditure. In fact, I've made the point we should eliminate the marketing department and let's see if revenues drop by \$1M+ for the year. Even if they do, this experiment will result in a zero-sum result. \$1M+ in less expenditures, and \$1M+ less in revenues.

And now that we can all see that Mr. Raymore has a biased narrative to push insofar as The Grille Restaurant is concerned, IMO his employ should be terminated.

Let me close with one parting shot. Take a look at page 42 of the current edition of the Magazine where we have to read about "staff spotlights." New hires and unnecessary promotions. Is this a reason to continue publishing this propaganda piece? Local parcel owners have to pay \$100K or more annually from their Rec Fee to be informed of new hires and promotions? I know people like Paul Raymore, Gail Krolick and whiner Riner care about our wonderful staff. But there are a whole lot of us

who don't. And given the quality of our staff as reflected in the Yelp views above and the recent wholesale exodus of senior staff, the praise which is thrown on staff is oftentimes not worth it! Are you listening Gail?

Board members. Kill this rag. Eliminate our marketing department or at least demote Paul Raymore to the part time, seasonal, non-benefited position he should hold with the District.

Respectfully, Aaron Katz

**WRITTEN STATEMENT TO BE ATTACHED TO AND MADE A PART OF THE WRITTEN
MINUTES OF THE IVGID BOARD'S REGULAR SEPTEMBER 19, 2023 MEETING –
AGENDA ITEM C – PUBLIC COMMENTS – LESSONS TO BE LEARNED –
UNDERSTAND THAT OUR STAFF PARTNER WITH ALL SORTS OF
THIRD PARTIES TO FREELY PROMOTE THEIR PROGRAMS AND
SERVICES AT LOCAL PARCEL OWNERS' EXPENSE – BECAUSE
THAT'S WHAT BEING A COMMUNITY IS ALL ABOUT**

Introduction: It just never, never, ends. Wrongdoing after wrongdoing. Which is involuntarily paid for by local parcel owners. And another example is revealed at page 12 of the packet of materials prepared by staff in anticipation of this meeting¹. And in addition to NLTFPD's free use of our beaches and the lower Village Green². So what am I talking about?

¹ Go to https://www.yourtahoeplace.com/uploads/pdf-ivgid/0919-updated_Revision_1.pdf ("the 9/19/2023 Board packet").

² The subject of a companion written statement.

“Residents of the Second Creek are of Incline Village participated in an Evacuation Drill Simulation facilitated by local emergency respo(n)se teams, on Wednesday, August 16(, 2023) from 9:30 A.M. to noon. As part of the event, the Recreation Center hosted an Emergency Preparedness Fair³ comprised of representatives from NLTFPD⁴ (‘North Lake Tahoe Fire Protection District’), Red Cross⁵, CERT⁶, Team Rubicon⁷, WCRAS⁸, Sierra Avalanche Center⁹, Belfor¹⁰ and Washoe County Regional Animal Services⁸.”

³ “Washoe County Emergency Management, our first responding partners, and our community partners will be working together to test the Regional Evacuation, Shelter, and Mass Care Plan. We will use a simulation tool to PRETEND there is a fire on the mountains west of the Second Creek neighborhood. North Lake Tahoe Fire Protection District will respond their resources. Washoe County Sheriff’s Office and the CERT will knock on doors in the affected neighborhood to alert residents. Emergency Management will send an emergency alert to the neighborhood informing them of the exercise and the evacuation location, etc. Residents and the public will simulate evacuating to the Incline Village Recreation Center, where they can check in and attend a preparedness fair. Located at the Incline Village Recreation Center, 980 Incline Way, Incline Village, NV 89451. Vendors from Nevada & California will be present. Including the Red Cross, CERT (‘Community Emergency Response Team’), Team Rubicon, WCRAS, Sierra Avalanche Center, Belfor, and others. Red Cross will check people in and provide wristbands. Washoe County Regional Animal Services will be offering animal micro-chipping services. There will be information on how to best prepare yourself and your family for an evacuation event...Everyone is invited to the preparedness fair at Incline Village Recreation Center, 980 Incline Way, Incline Village, NV 89451” (go to https://www.washoecounty.gov/CABS/IVCB_CAB/2023/files/Incline-Village-Evacuation-Drill-FlyerFINAL_.pdf).

⁴ Go to <https://www.nltfpd.org/>. “Serving the Citizens of Incline Village & Crystal Bay, NV.”

⁵ Go to <https://www.redcross.org/>. “The American Red Cross prevents and alleviates human suffering in the face of emergencies by mobilizing the power of volunteers and the generosity of donors.”

⁶ “The Community Emergency Response Team (CERT) program educates volunteers about disaster preparedness for the hazards that may occur where they live...The CERT program offers a consistent, nationwide approach to volunteer training and organization that professional responders can rely on during disaster situations, allowing them to focus on more complex tasks...CERT trains volunteers in basic disaster response skills, such as: Fire safety; Light search and rescue; Team organization; Disaster medical operations” (go to <https://www.fema.gov/emergency-managers/individuals-communities/preparedness-activities-webinars/community-emergency-response-team#:~:text=The%20Community%20Emergency%20Response%20Team,Team%20organization>).

What does any of this have to do with IVGID's raison d'être as a limited purpose special utility and recreation district? Bueller? Bueller? That's the purpose of this written statement.

Look at What This Emergency Preparedness Fair Was All About³: "Residents and the public will simulate evacuating to the Incline Village Recreation Center, where they can check in and attend a preparedness fair. Located at the Incline Village Recreation Center...Vendors from Nevada & California will be present. Including the Red Cross, CERT, Team Rubicon, WCRAS, Sierra Avalanche Center, Belfor, and others." So what did the County pay the District for use of our Rec Center? What about for our unreimbursed staff time? What to reimburse Rec Center members because this facility was closed to its members while this Fair took place? What about to reimburse local parcel owners because the Rec Center was not available for their use notwithstanding their Recreation Facility Fee ("RFF") allegedly pays for the availability to access and use the District's recreation facilities?

I'm not saying events such as this one are not positive to our community. But I am saying that *THIS IS NOT OUR LANE*. And since it is the County's lane, it needs to reimburse the District for the financial losses referenced above. And if it won't, then I say find your own facility so you can check in fair attendees.

And What Kind of Community Attendance Was Realized as a Result of This Effort? A whopping "over 150 attendees participated."¹¹

Conclusion: Programs like these are simply fancy other names for PUBLIC PHILANTHROPY. We're giving away our public facilities and our public employees for endeavors advancing *other persons'* raison d'être. Local parcel owners are paying for these give aways, and we're not being reimbursed one iota therefore. And when I and others complain, we typically hear it's justified because it's what a community is all about. Or it's about the kids. Or the Lake. Or the fish. Or climate change. Or emergency services. Or whatever. But these people don't understand that we're not here

⁷ Go to <https://teamrubiconusa.org/>. "Team Rubicon is a veteran-led humanitarian organization that serves global communities before, during, and after disasters and crisis."

⁸ Go to <https://www.washoecounty.gov/animal/>. "Promoting responsible care of animals for a safe, pet friendly, community."

⁹ Go to <https://www.sierraavalanchecenter.org/>. "Sierra Avalanche Center's mission is to inform and educate the public about backcountry avalanche conditions in the greater Lake Tahoe area."

¹⁰ Go to <https://www.belfor.com/en/us>. "At BELFOR, we...restore property...(But we) are 'restoring more than property' – we are rebuilding homes and businesses destroyed by devastating losses."

¹¹ See page 11 of the 9/19/2023 Board packet.

for ANY of this. We're not a general government like a city or county. We're not charged with providing an array of services benefiting the health, safety and welfare of our community. We're not here for emergency services. All of those services are the responsibility of our governing government, Washoe County. So why do people make demands on us versus the County? And why do local parcel owners have to pay for these services when they should be provided for no additional sums from the *ad valorem* taxes we pay the County? And why do activities such as these repeat themselves over and over and over again?

And you wonder what your RFF and Beach Facility Fee ("BFF") actually pay for? And why they continue perpetually and but for the short run, never seem to go down or be eliminated? I've now provided answers.

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

**WRITTEN STATEMENT TO BE ATTACHED TO AND MADE A PART OF THE WRITTEN
MINUTES OF THE IVGID BOARD'S REGULAR SEPTEMBER 19, 2023 MEETING –
AGENDA ITEM E(1) – INTERIM GENERAL MANAGER'S ("GM'S") MONTHLY
STATUS REPORT – NORTH LAKE TAHOE FIRE PROTECTION DISTRICT'S
("NLTFPD'S") CONTINUED DEMANDS FOR FREE ACCESS TO THE DIS-
TRICT'S RECREATION AND BEACH FACILITIES BECAUSE THEY
ADVANCE THEIR RAISON D'ÊTRE TO THE DETRIMENT OF
LOCAL PARCEL OWNERS AND IVGID'S RAISON D'ÊTRE**

Introduction: At the Board's August 9, 2023 meeting I submitted a written statement to be attached to the minutes of that meeting wherein I discussed the NLTFPD's free use of our Hermit Beach and the Village Green to the detriment of local parcel owners¹. Now the NLTFPD Chief and a local parcel owner (Linda Kahn) have taken the issue to a higher level. And that's the purpose of this written statement.

NLTFPD's Free Use of Ski Beach and IVGID Aquatic Employees For its Summer Water Safety Program: Did you know that for decades the NLTFPD has used our Ski Beach for its Summer Water Safety Program(s)? This is in addition to the uses spelled out in my written statement attached to the minutes of the Board's August 9, 2023 meeting¹. It's all spelled out in resident Linda Kahn's written statement which appears at pages 180-182 of the packet of materials prepared by staff in anticipation of the Board's August 30, 2023 meeting². Just listen to Ms. Kahn and Kerrian Neu, a fifth grade teacher at Incline Elementary School:

"Since 1996 or before the NORTH LAKE TAHOE Fire Department has coordinated with the Public Schools...Our 3rd through 5th grade students walk down to Ski Beach (for)...a summer water safety program (where they)...learn about water safety from NLTFD and (IVGID) Life Guards."

NLTFPD is Not Entitled to Access And Use Our Beaches, Let Alone For Free: Is the NLTFPD a local parcel owner whose property was located within the boundaries of IVGID back on June 4, 1968? Actually, the answer to this question is yes! According to the Assessor, the NLTFPD owns six (6) such properties: 863 Tanager Street (APN 132-223-07), 875 Tanager Street (APN 132-223-14), 866 Oriole Way (132-223-06), 219 E. Enterprise (APN 132-223-02), 965 Mt. Rose Highway (APN 125-030-14), and 14 Calneva Drive (APN 123-044-08). Now take a look at the property tax breakdown for each of these properties. You will see that none is assessed a Recreation ("RFF") or Beach ("BFF") Facility Fee. Well

¹ See pages 164-172 of the packet of materials prepared by staff in anticipation of the Board's August 30, 2023 meeting [<https://www.yourtahoeplace.com/uploads/pdf-ivgid/0830.pdf> ("the 8/30/2023 Board packet")].

² This statement is attached as Exhibit "A" to this written statement.

that means none of these parcels nor their owner(s) thereof are entitled to beach or recreation privileges; doesn't it³? So how is it that NLTFPD personnel are allowed to access and use our beaches, let alone for any of its programs? And where does the NLTFPD get off demanding use of our beaches for free? When you and I must pay the BFF? Could it be that the NLTFPD thinks it is entitled to free access and use simply because it is a local government?

NLTFPD Just Doesn't Understand What IVGID Is. Nor Does it Care About the Beach Deed's Use Restrictions: IVGID's not your typical local government. It's a limited purpose special district. Its beaches and recreational facilities have not been paid for by IVGID. But rather, IVGID's local parcel owners. So when anyone other than local parcel owners use IVGID's beaches and recreational facilities, there's a cost to be recouped. No free lunch! But NLTFPD demands a free lunch. So it needs to negotiate with the local government with authority to govern Incline Village/Crystal Bay rather than IVGID. And that's Washoe County.

Nor Does NLTFPD Understand That The Village Green Does Not Exist as a Landing Zone ("LZ") For Care Helicopter Flights, Let Alone For Free: The NLTFPD's arrogance is actually, stunning. Listen how NLTFPD Chief Sommers tells Sheila Leijon what can be done with someone else's (i.e., IVGID's) Village Green and why given NLTFPD's needs and without regard to the District's needs⁴:

³ See ¶¶11, 43 and 73 of Ordinance No. 7 (go to https://www.yourtahoeplace.com/uploads/pdf-public-works/Ordinance_7_-_updated_August_1_2022_-_all_changes_accepted.pdf). ¶11 instructs that Beach Access is separate and distinct from other Recreation Privileges, and has additional rules, regulations, and restrictions as set forth in Article VII." ¶43 instructs that only those "District Parcel(s) which are assessed and ha(ve) paid in full the current Recreation Fee, (are) eligible to receive Recreation Privileges," and "only parcels which were located within the District as of June 4, 1968... which are assessed by the District and have paid and continue to pay a Recreation Fee which includes a Beach Facility Fee, are eligible to receive an IVGID Recreation Pass or Recreation Punch Card with Beach Access." And ¶73 (which is part of Article VII) instructs that only "IVGID Recreation Pass Holders with Beach Access have unlimited access to the beaches." The net effect of all of these provisions is that if a parcel owner doesn't pay the BFF, his/her parcel is not entitled to beach access.

⁴ See Chief Sommers' August 1, 2023 letter at page 15 of the packet of materials prepared by staff in anticipation of this meeting [https://www.yourtahoeplace.com/uploads/pdf-ivgid/E.1._-Reports_-_Interim_General_Managers_Monthly_Status_Report.pdf ("the 9/13/2023 Board packet")]. That letter together with Sheila Leijon's comments on that letter ["the letter outlines (NLTFPD's) requirements for the use of the lower Village Green"] which appear at page 13 of the 9/13/2023 Board packet, are attached as Exhibit "B" to this written statement.

“The lower “Village Green (field) has been a crucial p(lace for)...EMS helicopters (to b)e utilized 24 hours a day...When helicopters are lifting off or taking off from the Green, they need a direct path out to and over the water for the best lift with a patient on board...The lower part of the field provides the best transfer location for a patient and parking for our apparatus.”

And We Have Staff Who Bow to Outsiders Like Chief Sommers Rather Than We The Local Parcel Owners Who Pay Their Salaries And Benefits: That’s right. Listen to Sheila Leijon’s response to Chief Sommer’s letter⁴:

It “*outlines the requirements for the use of the lower Village Green*” which is owned by the District⁵.

What’s wrong with our employees? The same thing which has plagued the District from the very beginning!

Local Resident Linda Kahn’s Demand Trustees Dent And Schmidt Resign Because They Refuse to Allow Free Access to Ski Beach to Elementary School Kids So They Can Participate in NLTFPD’s Summer Water Safety Program²: This is an example of how local residents are as ill-informed as Chief Sommers. IVGID is not here to furnish social programs like this one. Let alone at the expense of local parcel owners. So why chastise Trustees Dent and Schmitz Ms. Kahn? If you want the school district to furnish programs such as these, complain to the School District. Or the County. But not IVGID.

And What is This Garbage of Providing IVGID Personnel to Augment NLTFPD’s Summer Water Safety Program at Local Parcel Owners’ Expense? And you want to add insult to injury by compelling your neighbors to pay for IVGID aquatic personnel to become part of the NLTFPD’s program? What’s wrong with you Ms. Kahn? What does this expenditure have to do with making the District’s recreation or beach facilities available for local parcel owners’ use⁶? This is an example of probably dozens or hundreds of additional programs you and I don’t even know about which are involuntarily financed by local parcel owners. Wake up IVGID!

My E-Mail of September 9, 2023: On September 9, 2023 I sent an e-mail to the IVGID Board⁷ whereby I objected to staff’s buy-in to Chief Sommers’ letter⁴ where he attempts to direct what the District can and cannot do with the lower Village Green! As the reader can see, I asked the Board to put an end to this inappropriate behavior.

⁵ See Exhibit “B.”

⁶ Is this the District’s justification for the RFF/BFF?

⁷ That e-mail is attached as Exhibit “C” to this written statement.

Conclusion: In my e-mail to the Board⁷ I made the argument that “it never gets better. The deeper one digs, it always gets dirtier. When are we going to learn? When are we going to change our behavior? When are we going to right this wrong ship?”

We always get some “do good” or “feel good” answer to the question like it’s what a community is all about. Or it’s about the kids. Or the Lake. Or the fish. Or climate change. Or it’s for emergency services. Or whatever flavor of the month you’d like to insert. But these people don’t understand that we’re not here for ANY of this. We’re not a general government like a city or county. We’re not charged with providing an array of services which benefit the health, safety and general welfare of our community. We’re not here for the kids. Nor our seniors. Nor for their health care. We’re not here for emergency services. All of these are the responsibility of our governing government, Washoe County. So why do people keep making demands on us versus the County? And why do local parcel owners have to be the ones to pay for these services when they should be provided for no additional sums from the *ad valorem* taxes we pay to the County? Or NLTFPD inasmuch as we pay *ad valorem* taxes to it as well.

Local parcel owners have to pay for “the availability to access and use” District owned recreation and beach facilities. How come WCSO, NLTFPD, NDOW, Renown Hospital and others don’t have to pay for the same availability? When a NLTFPD helicopter makes an emergency landing or take off on the Village Green, does it not charge the user or benefactor of that landing/take off a fee? Even though it can be in the tens of thousands of dollars or more, how much does NLTFPD share with the District (the answer is nothing)? When the NLTFPD uses public streets to deliver a person in need of emergency health care to a hospital, does it not charge the user or benefactor of that service a fee? And even though those fees can be in the hundreds or thousands of dollars or more annually, how much does it share with the District? According to Ms. Herron, the answer is nothing? How come it’s always a “give and take relationship” between our third party partners and us whereby we’re always the givers and they’re always the takers? Bueller? Bueller?

And you wonder what your RFF/BFF actually pay for? I’ve now provided answers.

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

EXHIBIT "A"

*Linda Kahur
625 Lariat Circle*

SUMMER WATER SAFETY PROGRAM:

- **Since 1996 or before the NORTH LAKE TAHOE Fire Department has coordinated with the Public Schools a summer water safety program AT SKI BEACH in collaboration with the IVGID life guards.**
- **On April 18, 2023, at 11:58 Kerrian Neu, a fifth grade teacher at Incline Elementary School emailed Trustees Schmidt & Dent on April 18 the following:**

“Each end of the school year our 3rd through 5th grade students walk down to Ski Beach and learn about water safety from NLTFD and Life Guards. Students go for one hour each grade (3rd 10-11, 4th 11-12, 5th 12-1). Students learn for 30 minutes and then the Fire Department cooks a hot dog lunch. Teachers attend and watch groups. Starting last year, we have been asked to get passes or have punch cards donated to attend. Before this, we just went during our time. We understand Ordinance 7, and its importance, but our students are also just going to learn how to be safe at the beach and near water during the summer months.

Can you help us? We would love to keep attending and have our students learn from IVGID employees and the Fire Department without trying to get people to donate punch cards. Is it possible to get a waiver for this event only?"

- **On April 18, 7 minutes later, at 12:05, Trustee Scmitz responded:**

"Thank you for the question. As Trustees, we are obligated to protect the District's assets, and that includes our deed restricted beaches. Our beaches are restricted to those whom are beneficiaries of the beach deed, and that includes parcel owners and their guests. Punch cards are no longer transferrable except to a guest of a parcel owner, per Ordinance 7."

- **NLTFD went to STATE PARKS, got permission & in conjunction with State Parks, IVGID lifeguards there was a summer water safety program at Sand Harbor AND the school district had to pay to bus the children.**
- **The students could have been GUESTS of parcel owners but the process was too Cumbersome.**

Trustee Schmitz, you continue to show by your actions:

- a. **You don't care about your community schools**

**b. You don't PRIORITIZE the SAFETY EDUCATION of the children
in our COMMUNITY**

**As a member of this community, my husband and I find it abhorrible
that educating our children on water safety is a detriment to
maintaining the beach deed.**

**Your laser focus on BEACH DEED is shameful and Elitist. Once again,
your exclusive use objectives take precedence over educating students
for one hour on the beach. PLEASE RESIGN.**

**As a community, we should MUST EDUCATE the children. ALL OF
THEIR PARENTS SHOULD BE SIGNING THE PETITION AND DEMANDING
THAT YOU RESIGN.**

EXHIBIT “B”

BMP'S

TRPA's Watersheds & Water Quality Program Manager, IVGID Engineering and Parks and Parks & Rec staff met to assess required Best Management Practices (BMPs) for the Burnt Cedar Pool project and Beach. TRPA will provide guidance and details regarding erosion control and compliance measures for BMP recertification at Burnt Cedar.

Village Green Dog Park Updates:

TRPA's Watersheds & Water Quality Program Manager, IVGID Engineering and Parks and Parks & Rec staff met to evaluate and assess the upper Village Green and the forested area to the west of the Green as a potential site for a dedicated dog park. The preliminary discussion with TRPA on the location was favorable. TRPA's Environmental Improvement Program Senior Planner and IVGID's Director of Parks & Recreation are in discussion regarding the potential for the dog park project to qualify as Environmental Improvement Project (EIP). Incorporating water quality and recreation improvements as well as restrooms and parking for the Incline Way Recreation Corridor may provide the elements needed for EIP qualification.

Chief Ryan Sommers, NLTFPD provided written documentation confirming public safety comments made at the July 26, 2023 Board of Trustees Meeting dog park update. The letter outlines the requirements for the use of the lower Village Green as a LZ for Care Flight in the transport of local critical patients. (Exhibit A).

The Dog Park Committee intends to host a community forum and a community survey to gather input on topics which will include:

- a) The continued community support for a dedicated dog park
- b) Opening Ski Beach to dogs and their humans from October 15 through April 15 each year
- c) Level of interest in various dog park features
- d) Pricing appetite and funding options for the dedicated dog park

TENNIS PICKLEBALL CENTER

Season Ends October 22, 2023

Tennis:

- Black Eagle Consulting is currently assessing the safety and court infrastructure at tennis. Upon conclusion of the assessment, recommendations for improving the tennis courts will be provided to the Board.

Pickleball:

- Tennis court #8 was recently converted to three Pickleball Courts - two practice courts and one exhibition court - to help accommodate the growth of Pickleball. On courts 8, 9, 10 & 11, safety modifications were completed. Staff is currently working with industry experts to determine the best/safest option for court divider nets.

Five Year Beach Visit Comparison (to date)

	May 1 - Sept 7				
	2023	2022	2021	2020	2019
IVGID Recreation Pass Visits	137,056	130,305	109,657	121,958	98,126
Adults	43,070	47,291	46,089	45,189	68,680
Youth	12,305	13,857	13,053	16,838	22,569
Season Passes Sold	226	156	240	274	215
Season Passes Scanned	1,524	1,197	1,811	3,455	1,885
Daily Boat Launches	2,822	2,255	3,215	1,950	2,424

REC COUNTER

Communication regarding the consolidation and relocation of paddleboard racks on Ski Beach will begin in September. The ultimate goal is to relocate existing kayak racks away from the stream environmental zone in compliance with TRPA regulations.

The Recreation Pass audit continues ensuring all issuances are in compliance with Ordinance 7. Staff intends to provide Ordinance 7 recommendations to the Board of Trustees in November. These recommendations include a review of the family tree as it relates to grandchildren of the owner.

Exhibit A

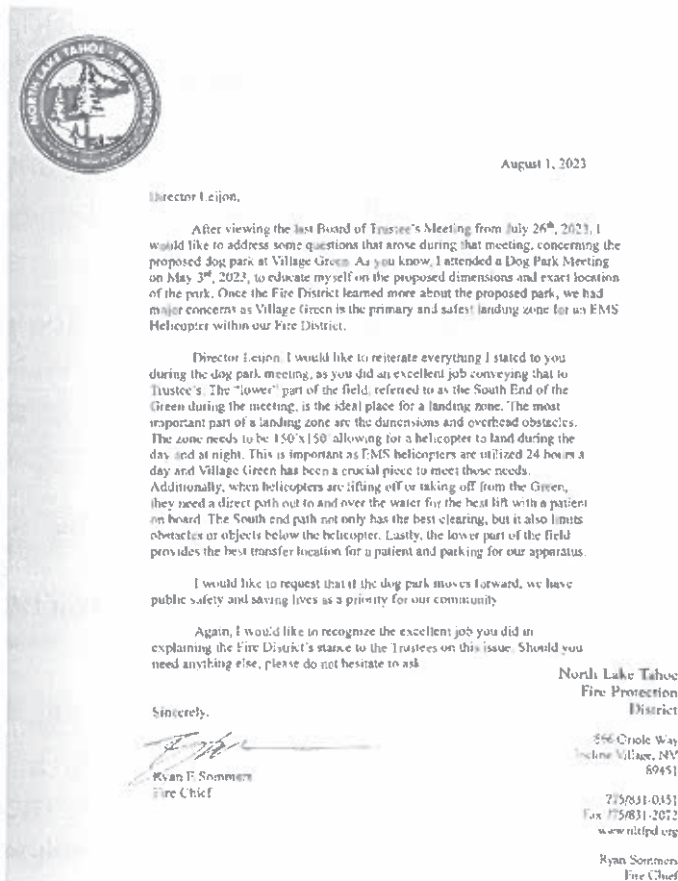


EXHIBIT "C"

Sep 13, 2023 Board Meeting - Agenda Item E(1) - Sheila Leijon's Update on Village Green - Chief Sommers' Demands on SOMEONE ELSE's Property

From: <s4s@ix.netcom.com>
To: "Dent Matthew" <dent_trustee@ivgid.org>
Cc: "Schmitz Sara" <schmitz_trustee@ivgid.org>, "Tonking Michaela" <tonking_trustee@ivgid.org>, "Tulloch Ray" <tulloch_trustee@ivgid.org>, "Noble Dave" <noble_trustee@ivgid.org>
Subject: Sep 13, 2023 Board Meeting - Agenda Item E(1) - Sheila Leijon's Update on Village Green - Chief Sommers' Demands on SOMEONE ELSE's Property
Date: Sep 9, 2023 4:24 PM

Chairperson Dent and Other Honorable Members of the IVGID Board -

Take a look at Sheila Leijon's Village Green "Update" at page 13 of the Board packet for Wednesday's meeting, as well as Chief Sommers' August 1, 2023 letter at page 15 of the Board packet for that meeting. Here Chief Sommers is in essence dictating to the District what we can and cannot do with our property. And Sheila being the powerhouse executive that she is, readily accedes: Chief Sommers' "letter outlines the requirements for the use of the lower Village Green as a LZ for Care Flight in the transport of local critical patients."

No I'm not against emergency helicopter service for Incline Village. But that's not what this is about. It's about you Board members taking charge and changing the way our facilities are used, by whom and for what.

The NLTFPD, WCSO, NDOW, TRPA, Washoe County, and whomever else, have their mandates. And we have ours. We don't tell these other political subdivisions what they can and cannot do to advance their mandates, especially on THEIR properties.

So where do you get off telling us what our mandates are, and on OUR properties no less? And where do sheepish we get off acting like Star Wars storm troopers responding "yes sir" to third parties like Chief Sommers who "suggest" what our answers should be? This has to end.

Look what happened with the disc golf course lands. We gave them away for nothing, and now we've handcuffed ourselves because we can't use them for a dog park. Thank you Kendra and staff!

Look what almost happened with the failed Rec Center expansion. Constructing what the Duffield Foundation wanted would have forever handcuffed us on our ability to further expand the Rec Center for OUR needs. Thank you Indra and your staff!

Look what happened with the Visitor's Center land. We gave away our lands for nothing, and now when we need to use them for what could be part of our required lands for a dog park, we can't because we've handcuffed ourselves forever.

Look what happened with the Parasol Building. Again we gave away our lands for nothing, and now when we need to use them for what could be a new admin building, we can't because we've handcuffed ourselves forever.

Now we have another possible location for a dog park, and we can't use our own property because someone else is telling us what we can and cannot do with our own property!

In all of these examples we're involved in give and take relationships. And in all, we're the givers and favored third party

collaborators are takers. But the difference here is that the District is dragging me and my fellow local parcel owners along for its ride, involuntarily, as its giver.

Who paid to acquire and improve the Village Green? Who pays to maintain it? Who paid to construct an adjacent parking lot so NLTFPD could use it for its apparatus? Who paid to construct restrooms so NLTFPD could use them associated with its use of our parking lot? What does any of this have to do with local parcel owners' recreation?

How much is NLTFPD contributing towards our costs? How much is NLTFPD reimbursing us for the costs we incurred to make this asset available for its use? How much does NLTFPD pay us insofar as Rec Fees are concerned associated with the six (6) local parcels it owns? Where in NRS 318 does it expressly state (Dillon's Rule) that IVGID has the power to exempt anyone from paying a rate, toll or charge it adopts? Tell me NLTFPD doesn't benefit like every other business in town from the recreational facilities we pay on their behaves? It's a recruiting tool, isn't it? And what are you paying for your fair share of that recruitment?

Finally, please understand that in this instance there's more. NLTFPD's EMS helicopter service is a commercial, for profit, business enterprise. That's right! A money making business. When conducting emergency services, does NLTFPD charge anyone for the helicopter services furnished? And if so, how much does it share with its IVGID partner who provided the location, parking and bathrooms necessary for its apparatus? Bueller? Bueller?

So here's my message to NLTFPD: If you need a helipad location for your EMS LZ For Care Helicopter take off and landing commercial business enterprise, go construct your own! On your own lands rather than ours. Don't be a taker like those in our community who demand that their neighbors involuntarily subsidize their recreation. Your "needs" are interfering with your neighbor's. So stop relying upon someone else to do your mandates. Or if you really, really want to be up front and honest about it, and lower Village Green is really the only ideal location in Incline Village, purchase it from IVGID. Let's have the land appraised and you can PAY US the FMV.

That is, assuming we want to sell. Because if we don't, you'll have to find your own heliport land.

When are we going to learn? When are we going to change our behavior? When are we going to right this wrong ship? We always get some answer like it's what a community is all about. Or it's about the kids. Or the Lake. Or the fish. Or climate change. Or emergency services. Or whatever. But we're not here for ANY of this. We're not a general government like a city or county. We're not charged with providing an array of services benefiting the health, safety and welfare of our community. We're not here for emergency services. All of those services are the responsibility of our governing government, Washoe County. Or possibly the NLTFPD. So why do people make demands on us versus the County? Why do our senior staff stupidly go along with the program? Why do local parcel owners have to pay for these services when they should be provided for no additional sums from the ad valorem taxes we pay the County? Or the NLTFPD (yes, we pay ad valorem taxes to them as well)?

Just like you took a stand on the beach deed, you need to do the same with NLTFPD and its use of our Village Green.

And while we're at it, "hey you get off of my" beach! It's okay to deny beach access to our employees because of the beach deed? And it's okay to deny that access to Crystal Bay parcel owners even though we're "one district, one team?" And it's okay to deny access to Kerrian Neu's fifth (5) graders? But it's not okay to deny access to NLTFPD. And WSCO. Do you need to get another legal opinion to politically support what in your heart you know is right?

Thank you for your cooperation. Aaron Katz

IVGID Meeting 09/19/2023

Trish McKowen, Incline Village resident

It's clear to many residents in town that the board meeting that should have taken place last Wednesday was moved to tonight for several reasons. The board has said it was because they missed the posting time. You could have rescheduled the meeting on another day that didn't disrupt multiple events happening this evening. Like the Inliner event and another large gathering on Ski Beach. It's clear to me that Trustees Schmitz, Dent and Tulloch did not want any more public comment prior to the submission of the petition signatures.

I will be reading a public comment tonight from Kristie Wells who could not attend this evening because she is in charge of running the Inliner event at Aspen Grove. Here is her public comment

I have a written statement and supporting documents to be attached to the minutes of this meeting

In reviewing tonight's agenda, I see that Frank Wright has applied for the Golf Committee. I respectfully ask that you void his application and ban him from applying for any future IVGID Committees.

I am submitting several recent interactions Mr. Wright has had with community members on Nextdoor, all clearly showing he is not capable of having civil discussions about difficult topics. And please note, this is but a small collection of posts that have taken place over the last month. There are hundreds more, and you can also hear how he speaks about IVGID staff and community members every time he leaves a public comment.

I believe the Golf Committee will be faced with some tough challenges in the coming year, and do not feel that Frank has the ability to keep his calm when interacting with IVGID staff or other community members.

I am submitting these examples for the record and trust you will make the right decision for IVGID staff, fellow Committee members and those in this community who regularly have to interact with him.

Thank you on behalf of Kristie Wells.

Example of Frank Wright's commentary on social media that should confirm he is not well suited to sit on an IVGID Committee.

- (1) Attacks community members, regularly. This time, he called pro-recall supporters "vermin." Classy, right?

https://nextdoor.com/p/KBtcCBmYy4j6?utm_source=share&extras=MjQ1Njk2OTI%3D (this post has since been deleted by Nextdoor admins for breaking guidelines).



Frank Wright

Incline Village/Crystal Bay • Edited 9 hr ago • 🌐



We got an infestation!

The "vermin" of Incline Village.

We all have been exposed to these little critters that show up out of the blue, never been seen before, never offering anything of value, but they're there.

Some have little pony tails, some live to be really old.

Some show up in pairs. Some are in big groups.

These little critters have some funny names, there is the "Whiner" vermin, known for just wondering aimlessly around.

Stay away from the really dangerous "Alice" Vermin, this critter is one of the most vicious, disgusting vermin known to man. This Alice "vermin" can make things disappear, it will chew a residents legs off.

Wear gloves, please protect yourself, the bite will kill you!

We just can't get rid of these dangerous little critters, seems like many are sneaking in from California.

If you get bitten by one of these little critters, seek phycological attention immediately.

I "Recall" they can't be exterminated, it's useless! They just lie, and wait like snakes in the grass!

Many have been seen running around our local grocery stores.

These Vermin are killing property values.

It is costing the residents thousands of dollars a day feeding the many habits of these Vermin.

Be the first to react



4 Comments



Share

(2) Continues to spread the rumor that the IVGID books were cooked.

https://nextdoor.com/p/Jmbth94GHF9c/c/1008957829?utm_source=share



Frank Wright • Incline Village/Crystal Bay • 6d



It is a lie, it's to continue ripping off our community by those who want residents to pay for those recalls recreation. Cooked books, theft, the list is endless, don't sign the petition. Let's keep our amenities safe!

(3) Blasting IVGID employees on social media

https://nextdoor.com/p/mmB5LJywrz9p?utm_source=share&extras=MjQ1Njk2OTI%3D



Frank Wright

Incline Village/Crystal Bay · 5 days ago · 🌐



Are all the streets in Incline one way?

So if a citizen confronts a valued employee, the citizen loses all recreational privileges without a hearing, and in some cases the citizen is never notified of the suspension.

The draft and unsigned letters have been in placed in a "citizen" permanent file to be released at a future date. This file according to Susan Herron is a privileged file!

Privilege to whom?

Somehow an over zealous trustee decides to read the file at a public board meeting. Then the next day the letter is posted all over social media. The socially correct community has a field day condemning this unfairly perceived member of our community.

Some of those doing the public attacks on social media are IVGID employees. Yes, our valued, never do anything wrong employees. This district "privileged file" has grown on social media. It is as if every poster on social media has more dirt to expose on this unruly citizen. And yes, some of it coming from our district employees. So we accept this double standard as gospel?

So it's acceptable for employees to harass citizens with unsubstantiated false claims on social media, but a citizen cannot confront an employee. One way streets? Biased community?

In the real world the employees partaking in this lunacy would be fired.

Does IVGID have internal oversight?

Be careful, every street in Incline is a one way street.

(4) Claims IVGID is hiding financial reports.

https://nextdoor.com/p/x63C8kp6MrN8?utm_source=share&extras=MjQ1Njk2OTI%3D



Frank Wright

Incline Village/Crystal Bay · 3 Sep · 🌐



I would let the financials play out, they really are a mess. Without Dent and Schmitz we are going to see the same old hide and seek!

It's scary to think we might have to possibly endure Wong, and Krolick again! Ouch!

(5) Claims IVGID employees are stupid for not reconciling the accounts and has a bias against certain trustees that would make it challenging to work alongside him.

https://nextdoor.com/p/W9r-Z-bWMhXH?utm_source=share&extras=MjQ1Njk2OTI%3D



Frank Wright

Incline Village/Crystal Bay • Edited 6 days ago • 



Has anyone figured out that the cringe mob would justify any and all stupid behavior, illegally releasing of privileged documents , phony financials, cost over runs, bank records not being reconciled for months, total mismanagement by the GM, violations of the beach deed, phony statements on a recall petition, violations of NRS 306.210,

a sitting trustee reading a privilege document at a public meeting which was stolen from the district and then giving it to social media.

A trustee, who thought he could run for a fourth term violating the term limits for the state of Nevada, same trustee that was convicted of drunk driving, and is a leader of the recall petition.

Saying things that are totally false at board meetings.

Saying that local businesses should be involved in politics, and it won't hurt their business , who are these residents and where did they come from?

Public comment Please add to the minutes of the meeting of 9-19-2023

From Margaret Martini, Incline Village

The reduction of the rec fee was required to comply with NRS. How many of those who signed the recall petition took the time to read the statute and understand the reason that the rec fee was reduced. This made it necessary to ~~to~~ reduce the punch card value. Not a hard concept to grasp and you don't even need to be a math wizard to comprehend. You are NOT prohibited from bringing guests to the beach and it does not cost one dollar more to do so by buying beach passes or accompanying them with your credit card. Beach crowding was #1 in all surveys and ^{disallowing} unlimited punch card purchases has eliminated the overcrowding...and the picture pass card parking rule has made it more convenient for parking for property owners. IS THAT A BAD THING??

Another disinformation incentive to sign the petition was accusing Sara of 'loosing' the Duffield grant monies. I challenge any one of you that support the recall to produce actual documentation that commits Duffield to that amount. In actuality, was the reduction of the scope of the project to include a WOMEN'S gym dedicated gymnastics room to serve only women. The equipment needed for men is, of course, different and was not part of the plan as submitted. As a government it is not possible to provide facilities to one gender. Staff informed Sara that adding on the plan was not very viable so was not part of the plan to accommodate a men's gym. So before you run with the outrageous idea that you have lost something think about the legality of doing just the one planned women's gym. Put on your thinking cap and look at the legal ramifications and the cost of such.

The Secretary of State has dismissed the claims of violation regarding the loan between Matthew Dent and the Doblars. It was determined that Mr. Dent submitted the FDS in full compliance with Nevada law. There were no violations and the allegations in these election integrity violation reports are dismissed. That horse has been beaten to death unnecessarily if those accusers had taken the time to read the SOS determination.

How many recallers have taken time to ~~to~~ research all of the false accusations...or are they just following the three uninformed initiators of the recall petition into the clueless pit screaming "recall" all the way !! Sadly not informing yourselves of the true facts has its pitfalls of classifying yourselves as total follow the leaders no matter what pit they lead you to.

