

1
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 the Boardroom
14 893 Southwood Boulevard
15 Incline Village, Nevada
16
17 Wednesday, February 14, 2024
18
19
20
21
22
23
24 Reported by: Brandi Ann Vianney Smith
25 Job Number: IVGID 23

1 APPEARANCES
2
3 **BOARD MEMBERS PRESENT**
4 SARA SCHMITZ, CHAIR
5 MATTHEW DENT, VICE CHAIR
6 MICHAELA TONKING, SECRETARY (via Zoom)
7 RAY TULLOCH, TREASURER (via Zoom)
8 DAVE NOBLE, MEMBER
9
10
11 **ALSO PRESENT**
12 SERGIO RUDIN, LEGAL COUNSEL
13 HEIDI WHITE, DISTRICT CLERK
14
15 -o0o-
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1 Incline Village, Nevada - 2/14/2024 - 6:00 P.M. 4
2 -o0o-
3
4
5 CHAIR SCHMITZ: Good evening. I'd like to
6 call the meeting to order of the Incline Village
7 General Improvement District regular meeting at 6:00
8 p.m. on February 14th, here at the Boardroom, 893
9 Southwood Boulevard in Incline Village, Nevada.
10 We will begin with the Pledge of
11 Allegiance.
12 A. PLEDGE OF ALLEGIANCE
13 (Pledge of Allegiance.)
14 CHAIR SCHMITZ: Thank you. On to the roll
15 call of trustees.
16 B. ROLL CALL OF TRUSTEES
17 CHAIR SCHMITZ: Trustee Tonking?
18 TRUSTEE TONKING: Here.
19 CHAIR SCHMITZ: Trustee Tulloch?
20 TRUSTEE TULLOCH: Here.
21 CHAIR SCHMITZ: Trustee Dent?
22 TRUSTEE DENT: Here.
23 CHAIR SCHMITZ: Trustee Noble?
24 TRUSTEE NOBLE: Here.
25 CHAIR SCHMITZ: And Trustee Schmitz, here.

5

1 We have a quorum. We will then move on to initial
 2 public comments. We'll start with the public
 3 comments here in the room and then move to the Zoom.
 4 C. INITIAL PUBLIC COMMENT
 5 MS. USINGER: Caroline Usinger, 582
 6 Jackpine.
 7 I've been thinking about 2024 compared to
 8 2023, and I always hope that the world gets a little
 9 bit better every year. This year, I'm not too sure.
 10 \$350,000 spent on an unwarranted audit.
 11 \$50,000 to find a new general manager, only for
 12 their findings to be thrown out. \$350,000 to have
 13 people not work. \$800,000 for consultants and
 14 attorneys. Destroying long-term, strong financials
 15 by switching from community-based recreation funding
 16 to individual venue fee-based services. No
 17 improvements for tennis center, no improvements for
 18 golf, no improvements for Diamond Peak, no
 19 improvements for beaches, no improvements to the Rec
 20 Center. Demotivating the entire IVGID staff. No
 21 dog park. The reserve fund wiped out. Saying no to
 22 a \$25 million donation.
 23 I am left to wonder whether this is
 24 incompetence or a planned effort to destroy IVGID.
 25 So I'm going to go back again: \$350,000

6

1 for an unwarranted audit. \$50,000 to find a general
 2 manager and then not use their proposals. \$350,000
 3 to have people not work. \$800,000 for consultants
 4 and attorneys. Destroying long-term, strong
 5 financials by switching from community-based
 6 recreation funding to individual venue fee-based
 7 services. The reserve fund wiped out. Is this
 8 incompetence or a planned effort to destroy IVGID?
 9 I fear terribly for the year 2024 that
 10 this list will just be added to. And what can I
 11 say? Is this incompetence or a planned effort to
 12 destroy IVGID? We're watching and we will vote you
 13 out.
 14 MR. CARS: Bill Cars, full-time resident.
 15 Good evening, Trustees and fellow residents.
 16 During the January 31st meeting, the IVGID
 17 board of directors sanctioned an allocation of
 18 another \$7,900 for the utilization of FlashVote, a
 19 survey service to administer six surveys across the
 20 Incline Village and Crystal Bay community.
 21 The decision to commission a series of
 22 surveys raises inquires regarding the specific
 23 objectives sought by the Board and the IVGID staff
 24 particularly, given the substantial history of a
 25 previous community surveys.

7

1 The questions have emerged regarding the
 2 four and/or slanted survey questions, also the
 3 utilization of data accumulated from prior surveys
 4 and the translation of the results into actionable
 5 measures for community enhancement. With the
 6 Board-slanted commitment to prudent financial
 7 stewardship, some stakeholders have expressed
 8 reservations about the process leading to this
 9 expenditure. Suggestions have been made for a more
 10 methodical approach, involving collaboration between
 11 the staff and the trustees to ascertain the precise
 12 data requirements and also to determine the optimal
 13 number of surveys needed and select the most
 14 appropriate survey tool.
 15 In addition, the District needs to ensure
 16 that the survey is sent to all residents and/or
 17 property owners, and not just a small,
 18 non-representative sampling composed of FlashVote
 19 enrollees. And while FlashVote has been chosen to
 20 conduct the surveys, alternative options were not
 21 thoroughly explored or at least presented.
 22 You have spent a lot of money on this
 23 service and what additional data do you need that
 24 requires this budgeted item? Surely, you already
 25 have enough to get you through the next year or two

8

1 of decision-making.
 2 Thank you.
 3 MS. WELLS: Kristie Wells, Incline Village
 4 resident. Good evening, Board.
 5 Item F 5 on the agenda tonight is a
 6 \$50,000 request for a contract to McDonald Carano
 7 for a review of client policies on restricted access
 8 beaches in Incline Village and IVGID beaches.
 9 Trustee Schmitz has not provided in the board packet
 10 any indication of what questions need to be answered
 11 that requires us to spend another \$50,000.
 12 We doubt that you're actively working to
 13 find a way to give employees access to the IVGID
 14 beaches again, so what exactly are you asking this
 15 law firm to review? The community needs to know
 16 what your intentions are well in advance of this
 17 item showing up on an agenda.
 18 Speaking of McDonald Carano, it appears
 19 there's a potential conflict of interest here, as
 20 Joshua Hicks, the attorney representing the firm in
 21 this engagement, was retained by both Trustee Sara
 22 Schmitz and Matthew Dent to represent them,
 23 personally, in their attempts to block the recall
 24 efforts just about six months ago. Documents
 25 supporting this statement will be attached to my

9

1 comments, submitted to the clerk.

2 This \$50,000 could easily be seen as

3 reward or a quid pro quo for Mr. Hicks' support of

4 you both in the recall efforts. Which is a reminder

5 to the community it's still active and remains in

6 review by the Secretary of State.

7 You don't think this community's paying

8 attention, but we are. And you need to confirm that

9 neither this firm nor Mr. Hicks is representing

10 either one of you currently for interests related to

11 the recall campaign.

12 Moving to item G 1, one of your

13 recommendations is to develop a two-year contract

14 that appoints Bobby Magee as the general manager. A

15 two-year agreement for someone who has finance

16 experience but has never managed a district before,

17 how is this even an option? If you really believe

18 in Bobby's ability -- he's an amazing finance guy as

19 I understand it -- why not start with a ten-month

20 agreement through the end of this year and make sure

21 he can actually do this job?

22 Not to mention, Bobby doesn't even live in

23 this district full time, as best as I understand it,

24 nor does he live in Washoe County. Not sure how

25 he's going to be responsive to a 24/7, 365-day

10

1 emergency management protocol that you were so clear

2 in making sure was set in your contract review a

3 couple of weeks ago.

4 This board is going to look quite

5 different come January, and you would be committing

6 this district to a path that the future board will

7 not be willing to tread. I highly suggest you

8 reconsider these contract terms if this is the path

9 that you're choosing.

10 So, this evening I'm going to ask the

11 Board three things: Be open and transparent about

12 why you want more legal work for Ordinance 7. Be

13 open and transparent about your relationship with

14 Mr. Hicks and his firm. And don't make a long-term

15 commitment to an unproven general manager.

16 Thank you.

17 MS. CARS: Linda Cars, Incline Village

18 resident. Good evening, Board.

19 I have done a financial summary of the

20 funds spent for the past calendar year, and I was

21 shocked that it totaled over \$1.8 million. \$1.8

22 million. Even more so that only \$74,500 was spent

23 on an unnecessary capital improvement called, quote,

24 Beach Gate Access.

25 Taking the remaining monies, the District

11

1 has spent over \$900,000 on personnel costs, which

2 weren't budgeted, and this includes payments to

3 employees for severance arrangement and a paid leave

4 of absence. This leaves approximately \$800,000 in

5 consultant fees.

6 The Board majority, Schmitz, Dent, and

7 Tulloch, along with the interim Director of Finance

8 have appeared to have engaged in gross, gross

9 mismanagement of IVGID resources by allocating funds

10 towards various expenditures such as FlashVote

11 surveys, investigations, consultant fees without

12 tangible results for the community members. This is

13 a huge, huge, huge problem.

14 Why did they spend 1.8 million this year?

15 Well, a small amount in comparison to the consulting

16 expenses, they spent over \$30,000 for FlashVote and

17 didn't even use the service to its fullest. This is

18 a waste of precious money as the IVGID staff can

19 reach five to six times more residents with better

20 focus survey.

21 Did you know they are paying for people

22 not to work? Susan Herron was paid on leave, still

23 on leave, Indra Winquest was given severance at a

24 cost to the community of over \$350,000 for both

25 them, including benefits.

12

1 Money wasted in the finance area to

2 investigate fraud and hire consultants like Moss

3 Adams and RubinBrown. But, wait, according to the

4 Nevada Department of Taxation, we were doing fine

5 with our past five audits. And by the way, audits

6 are supposed to find something, and they did, but we

7 were doing fine.

8 What have they accomplished, Schmitz,

9 Dent, and Tulloch? Nothing for the facilities and

10 everything to put IVGID on a path towards

11 bankruptcy.

12 So here we are today watching your \$4.5

13 million budget augmentation due to this

14 overspending. We must point out the gross

15 negligence and ignorance by moving Parks from

16 community service to the general fund. This, in

17 addition the wild, superfluous spending, is another

18 cause for the budget augmentation.

19 It was ludicrous, ludicrous, Sara, to move

20 Parks, as this action did draw down, unnecessarily,

21 resources from the general fund. It should be moved

22 back to community services immediately.

23 In closing, 1.8 million of our money was

24 spent on their pet projects and not where it should

25 have been: investing in our facilities and community

13

1 assets.

2 Thank you.

3 MR. KATZ: Good evening. Aaron Katz,

4 Incline Village. I've given several written

5 statements to be included in the minutes of the

6 meeting to Heidi.

7 I want my public records. Pages 6 through

8 7 of the board packet indicate they were provided to

9 me; they were not.

10 Rather than going off the deep end when I

11 saw this in the board packet, I reached out to Heidi

12 to indicate this fact and again asked for the

13 records. I received no response back. Then I sent

14 the board members an email on February 13, where I

15 set forth to truth. My written statement now has

16 the documents to back up the truth.

17 I want the statements directed to my -- if

18 I don't get them, since it's criminal, I'm going to

19 file a criminal complaint with the AG tomorrow. So

20 I hope you'll give the records.

21 Business as usual. The truth to the

22 public and to the Board is rarely given because our

23 employees want to protect their own. Okay. Let's

24 talk about some more of these clean employees, and I

25 gave the Board an opportunity on this one. Tim

14

1 Buxton is an employee in Public Works. His job is

2 to inspect the backflow prevention devices and then

3 to repair them. He charges a fee for IVGID to do

4 it.

5 Well, I've discovered he has his own

6 competing business. What's the business? They

7 inspect backflow prevention devices. So here you

8 have an employee competing with his employer, who

9 should know better, there shouldn't even be a policy

10 on it, and yet he's allowed to continue.

11 When this came to the Audit Committee,

12 their decision was, oh, well, it's okay for him to

13 do it because Joe Pomroy told him he could do it.

14 No, it's not all right. But it's not just

15 Mr. Buxton.

16 Let's go to Tim Kelly in the Rec Center.

17 He's got another job with the school district where

18 he uses IVGID time to go work for them. In fact,

19 I'm informed he's leaving IVGID, Friday, to go to

20 West Wendover to represent his other employer to our

21 detriment. No, you can't do this during our IVGID

22 time. You don't need a policy to know you can't do

23 this.

24 So I want you to take some action, tell

25 him: Either work for us or work for your employees,

15

1 but not the two of you.

2 I'm against the giveaway of the Rec Center

3 to Vitalant. I did a written statement on it.

4 Insofar as McDonald Carano, if there is a

5 potential conflict, please disclose it.

6 Thank you.

7 CHAIR SCHMITZ: Seeing no other public

8 comments in the room, we'll shift to online.

9 MR. DOBLER: Cliff Dobler, 995 Fairway.

10 While I appreciate the efforts of

11 Mr. Bandelin's GM reports to have each venue manager

12 provide a report on activities, the reports have

13 little meaning without reasons for large variances

14 or conclusions.

15 For an example, look at the 2024 estimated

16 results for facilities and events and focus on

17 weddings. During the past three years, weddings

18 averaged 49 per year, this year only 31 is

19 projected, a 37 seven percent decline. Aspen Grove

20 is worse, with only seven weddings projected, when

21 the previous three years averaged 17, a 55 percent

22 decline.

23 No discussion on monetary impacts, yet at

24 the same time, the 2024 budget was to hit revenues

25 out of the park, but would still have a loss. The

16

1 2024 revenue budget was 1.9 million, with a loss of

2 \$157,000.

3 Weddings are the only profitable venue.

4 Services for golf, community, corporate, social, and

5 intercompany are losers when full accounting is

6 applied. What will be the actual losses expected in

7 fiscal 2024?

8 As an excuse, the memo indicates that

9 consecutive smoke and unsafe air quality existed in

10 the summer of 2023. The statement is untrue. There

11 was little smoke last summer.

12 Bandelin indicates that Diamond Peak has a

13 new special use permit and has been signed by the

14 Forest Service, but no indication of any changes

15 from the previous permit. Has IVGID assigned it?

16 The permit requires Board approval.

17 The Rec Center comprehensive facilities

18 maintenance list has been fine-tuned, but to data is

19 presented. It has it been completed?

20 Aquatics is disturbing that only

21 three kids participated in the swim team, and only

22 five kids participated in the youth swim clinic.

23 Are these programs staffed full time? What did the

24 Parks maintenance team do during January? The memo

25 indicates some drivers' training and fire alarms

17

1 were done. How many people are on the staff? There
 2 is no lawn mowing or irrigation during the winter,
 3 so how do they keep busy?
 4 Where is the DOWL report on the utility
 5 infrastructure master plan? The contract is close
 6 to \$500,000, was issued 16 months ago, and was due
 7 in November last year.
 8 The general fund reserve shortage occurred
 9 because of adding the Parks expenses and the
 10 explosion in high-priced, general administrative
 11 expenses. It can only be cured by increasing the
 12 central service cost billing to recreational venues
 13 and the utilities, expect more rec fees to cover
 14 costs, making less available for capital projects.
 15 Let's face it, this is been a game of
 16 Chinese checkers. The devil --
 17 (Expiration of three minutes.)
 18 DR. RINER: Dr. Myles Riner, Incline
 19 Village resident.
 20 Forty-seven minutes into the January 31st
 21 IVGID board meeting, Trustee Schmitz made an
 22 interesting comment when missing the inability to
 23 find more qualified applicants for the general
 24 manager position and to have two who did initially
 25 apply and then backed out. She out pointed to the

18

1 fact that this is, quote, An opportunity for all of
 2 us to take a look in the mirror because if the
 3 candidate for GM were to Google our community right
 4 now, it doesn't have a very friendly appearance.
 5 I'm not sure you could say that Incline
 6 Village and Crystal Bay don't come across as
 7 friendly, but it is certainly true that a candidate
 8 for GM who does a little digging would easily
 9 discover that the majority of the Board has not been
 10 very friendly to IVGID management and staff.
 11 Several members of our community, the
 12 angry eight, the perpetually aggrieved, have made
 13 disparaging comments and hurled unfounded
 14 accusations of fraud and malfeasance and
 15 incompetence at IVGID at just about every board
 16 meeting, three IVGID trustees have made and continue
 17 to make life difficult for several IVGID senior
 18 managers, two trustees are facing recall, a forensic
 19 audit witch hunt is underway, and many, many IVGID
 20 staff members and managers have bailed on the
 21 District over the last few years, often citing a
 22 toxic work environment. If that doesn't give
 23 potential GM candidates pause, perhaps they might
 24 not be the right person for this job.
 25 The folks that really need to take a good,

19

1 hard look in the mirror are not, quote, all of us in
 2 the community, unquote, but the small number of
 3 citizens who abuse the right to express their
 4 concerns at public meetings, displaying their often
 5 inappropriate and tasteless and occasionally mean
 6 and vile invective at the people who serve on or
 7 behalf and the three trustees who have enabled and
 8 even facilitated this abuse.
 9 Tim Crowley and I attempted to get these
 10 trustees to adopt a code of conduct policy,
 11 consistent with Nevada Open Meeting Law, which would
 12 allow the Board to curb this abusive, disruptive,
 13 and uncivil behavior at board meetings. The
 14 suggestion fell of deaf ears, but it should be
 15 revisited.
 16 Today the Board is considering spending
 17 upwards of \$400,000 a year for an underqualified
 18 candidate for GM who, along with these three
 19 trustees, have dug the District into a financial
 20 hole.
 21 The Nevada Department of Taxation concedes
 22 concerns throughout this mess, and so should we. As
 23 a result, the majority of this board will saddle us
 24 with a GM the new board in November will likely not
 25 want to have serve for another two years.

20

1 Look in the mirror, Sara, Matt, and Ray,
 2 and you will see an easily understood explanation
 3 for the struggle to find candidates for the GM
 4 position.
 5 Thank you.
 6 MS. KNAAK: Hi. Yolanda Knaak, full-time
 7 resident here in Incline Village.
 8 Wow, it sounds like the angry eight is now
 9 the recall people. It's very disappointing.
 10 I think that if we do go with the
 11 different head hunter, that the candidates' names
 12 should be withheld from the community after what
 13 happened this last time.
 14 As far as Bobby Magee, I think that there
 15 should be like an evaluation after a few months, and
 16 if need be, have someone that is a consultant -- I
 17 know he's a consultant, but he's more on the
 18 financial piece. So, have a consultant come in to
 19 work with him. I think that would be important.
 20 Also, thank you to the trustees for
 21 FlashVote. I think it's a great tool, and I
 22 actually like FlashVote. I think it's important to
 23 hear from the community.
 24 And I just want that say thank you to our
 25 Board. I think they're doing a great job. Thank

21

1 you very much. Bye.

2 MS. HUSSONG-JOHNSON: Good afternoon,

3 Trustees. This is Sarah Hussong-Johnson, 785 Mays

4 Boulevard. I'm a full-time resident here in

5 Incline.

6 I'm compelled to call in tonight, wish I

7 could be there in person. But as I reviewed the

8 latest agenda published on the website, I was

9 certainly concerned to see the status of our

10 recruitment for a new general manager here at the

11 District.

12 As I looked into the public comment on

13 this call, I can certainly understand why we find

14 ourselves in this situation. And I call in today as

15 an extremely concerned resident, with much care and

16 much pride for our community.

17 First of all, I would like to thank

18 Ms. Linda Cars for her articulate comments. I think

19 her summary of expenditures does a good job of kind

20 of highlighting concerns of how money is being spent

21 in our district right now. I appreciate her

22 attention to detail on the expenditures relative to

23 legal services and consultants versus capital

24 projects.

25 I eagerly look forward to the agenda each

22

1 month with hopes of updates on many of our critical

2 capital projects that benefit the essential services

3 that IVGID was formed for, which I think we should

4 all be reminded as to what those are. That's clean

5 drinking water for fire protection -- or clean water

6 for drinking and fire protection, the collection and

7 treatment of sewage, and recreation services. This

8 is what our district was formed for, and I wish that

9 this is what we could spend more of our time

10 focusing on instead of the current business.

11 As I listened to the other public

12 comments, I think of the existing staff that is

13 currently remaining here and dedicated to the

14 District, our long-term employees that I hear under

15 attack, and I ask us all to remember the fact that

16 since our previous general manager separation in

17 June of 2023, we have also suffered the loss of a

18 director of public works, a director of finance, a

19 director of food and beverage, a director of golf, a

20 director of administrative services that has been on

21 paid leave since November of 2023.

22 I can't even calculate the tenure of these

23 employees and the loss of institutional knowledge to

24 the District that they represent. I know just the

25 Director of Administrative Services alone, I

23

1 believe, is a 23-year employee.

2 So, again, I'm calling in today as a

3 concerned citizen. Very interested in seeing our

4 district refocus its efforts on our core essential

5 services of clean drinking water, clean water for

6 drinking and protection, for the collection and the

7 treatment of sewage, and for recreational services

8 for which it was formed. And I would ask that our

9 board members consider this at --

10 (Expiration of three minutes.)

11 MR. WRIGHT: Frank Wright, Crystal Bay.

12 Couple things. First of all, the blood

13 drive, I'd like the community to understand that

14 we're giving up our recreation center for a whole

15 day for a blood drive from a corporation company

16 that's located outside the Basin. It has nothing to

17 do with the citizens here. We give our blood, they

18 sell it to the hospitals, they don't make a lot of

19 money. We get nothing in return for it, nothing

20 ever comes back to us. Sure it's a nice gesture,

21 but you're giving up the Rec Center for a whole day.

22 All the employees are going to be sitting around

23 picking their noses, and we're paying for it.

24 The Parks and Rec director somehow has

25 gotten herself into believing that our facilities

24

1 are to be given away to outside venues for free, and

2 we get to pay all the costs for drawing up

3 contracts, her involvement. It's unbelievable.

4 Leave that as it may, throw that thing away, get rid

5 of these people, and we don't give them a year

6 contract or give them any kind of contract.

7 The second thing is the Beach Deed.

8 Believe me, I understand the Beach Deed inside and

9 out. Hiring an attorney to review and go over the

10 Beach Deed does no good. It's worthless. The

11 attorney's opinion is the attorney's opinion. You

12 can get a janitor to do the same thing.

13 The thing is you need to get a judicial

14 review, then you find out exactly what the Beach

15 Deed is capable of doing. So unless we do that,

16 then you're just wasting your time and wasting a lot

17 of our money.

18 As far as Riner, Wells, Cars, Usinger,

19 your hand-picked financials, that's nice. I'm glad

20 that someone is looking into these things, but you

21 only pick certain things.

22 Let's pick Mr. Winquest's promotion, of

23 all these people, costs us \$2 million in added

24 employee costs. Why didn't you point that out? You

25 seemed to skip that.

25

1 As far as the three people that we had
 2 that we're going to interview for the general
 3 manager position, all three of them were not capable
 4 of doing the job. That came from your selection of
 5 a company to go out and screen these people.
 6 Obviously they didn't do a very good job of
 7 screening them. Why would you want to hire any one
 8 of the three?
 9 And as far as the people that have left
 10 here, most of them took off because they knew all
 11 the crap was going to come to an end.
 12 Wells, Cars, Usinger, Riner, I offered an
 13 olive branch to you guys. Call, we'll talk about
 14 all this stuff. I'm more than happy to share with
 15 you what I know. But you don't. You just make up
 16 you own numbers, your own facts, your own figures,
 17 and then you sit here and spout them out.
 18 As far calling people "the angry eight,"
 19 the disgruntled human beings of community, look at
 20 you guys. You caused a mess with your recall.
 21 It's -- you spent thousands of dollars trying to
 22 take it and get rid of two trustees. You --
 23 (Expiration of three minutes.)
 24 MATT: That was our final comment on Zoom,
 25 Chair.

27

1 MR. BANDELIN: As stated, the report
 2 begins on page 4 of your packet materials. The
 3 report includes and contains the public -- the
 4 records request log dating back several months, we
 5 also include the January venue department status
 6 reports as well, and the quarterly disclosures of
 7 external energy reports.
 8 I'll note that staff has developed a
 9 closeout report for the effluent export pipeline,
 10 GMP1, and I didn't get it in the packet materials in
 11 time to deliver, so I'll include that in a future
 12 board meeting, and also we'll provide a couple other
 13 closeout reports for construction projects and so
 14 forth.
 15 I think what staff's intention to do is
 16 develop a new kind of form and get some board input
 17 on really a nice form that would identify all the
 18 financials in the report and other items, such as
 19 what we learned from the particular project, what
 20 went right, what went wrong.
 21 I do have a copy of the Burnt Cedar pool
 22 closeout report. I was at that board meeting, and I
 23 don't recall it being received very well. I think
 24 our intention here in next few meetings with these
 25 closeout reports of capital projects is, one,

26

1 D. APPROVAL OF AGENDA
 2 CHAIR SCHMITZ: Moving on to approval of
 3 the agenda, the Board has been informed that agenda
 4 item F 4 has been removed, requested to be removed
 5 by staff, so that is one change to the agenda.
 6 Are there any other requests for
 7 modifications?
 8 TRUSTEE NOBLE: I'd like to move F 5 to
 9 general business, please.
 10 CHAIR SCHMITZ: F 5, we will move that to
 11 general business 0, then, if that's all right. Any
 12 other changes?
 13 Seeing none, we will --
 14 Counsel, do I have to take a motion or a
 15 vote on that or are we able to just move forward if
 16 there aren't any other comments?
 17 MR. RUDIN: In terms of moving the agenda,
 18 no, you don't have to take a motion.
 19 CHAIR SCHMITZ: Thank you.
 20 Moving on, then, to reports to the board.
 21 REPORTS TO THE BOARD
 22 E 1. General Manger's Monthly Status Report
 23 CHAIR SCHMITZ: Beginning with the interim
 24 General Manager's monthly status report for January,
 25 found on pages 4 through 35 of the board packet.

28

1 identify what constitutes a report, maybe not
 2 procurement items, but what dollar amount or is it
 3 construction or is it -- kind of what is it? That
 4 might be an item that we bring to the Board that
 5 just talks about what would the Board like to see in
 6 the closeout report that would suffice the needs of
 7 the community and the Board as well.
 8 Also just wanted to touch on a couple
 9 items. It almost kind of relates to a couple of the
 10 calls that we heard this evening, but if I could
 11 just get your attention to the venue facilities and
 12 status report on page 8 and 9 of that section. The
 13 Board had asked, and we brought together a venue
 14 status report for the facilities and events within
 15 this fiscal year, to date. We identified kind of
 16 the different groups of events that you would see at
 17 The Chateau facility, and then we provided like a
 18 narrative of those different characteristics of
 19 events.
 20 What I wanted to point out is if I was a
 21 board member, you would probably ask, well, we talk
 22 about -- like towards of each sentence, we talk
 23 about the revenue per guest, and the question there
 24 would be: What was the cost of each one of those
 25 guests?

29

1 I can tell you, our finance department is
2 working really hard. We're going to get there, and
3 we are going to -- these particular venue status
4 reports are not financial reports, and we hear quite
5 a bit during public comments over the course of
6 these months and meetings that -- we're getting
7 there. I can tell you that the finance department
8 is working diligently. We're looking at the past,
9 we're looking at the future, we're looking at
10 internal controls. We're going to get there to
11 where we'll have financial reports, they'll be
12 separate from the venue status reports, because the
13 venue status reports are updates on the venue, not
14 particularly all the financial pieces of it.

15 Also, we'll bring you a report on Your
16 Tahoe Place web redesign and rebuild of that
17 project. I got a small report from Paul Raymore,
18 the lead of the instrumental piece of working
19 through that project, and I'll provide that in our
20 next meeting, an update on how that project is
21 going.

22 Then, I guess, I'll hit on the public
23 records a little bit. Why don't I take some
24 questions first, and then I'll have a couple more
25 comments.

31

1 October 27th request with regards emails, does that
2 one, then, it's not complete at this point? I'm
3 just wondering.

4 MR. BANDELIN: I'm looking at the District
5 Clerk, but I know correspondence, we did today, with
6 Mr. Homan on that particular request that we're
7 asking -- we were getting to inform that particular
8 person that we need an extension to be able to
9 complete that item.

10 TRUSTEE NOBLE: Okay. So then just if
11 that could be corrected, because I know there was
12 another one that said "extended."

13 And then the one that Caroline Usinger
14 submitted on October 2nd, do you know -- if you
15 could update whether it was extended or was in fact
16 completed.

17 MR. BANDELIN: I don't know the answer to
18 that one. But we'll reflect this to be updated with
19 the -- maybe it's a different column or something.
20 Maybe we should talk to staff or the Board if
21 there's another column that says we're working it or
22 we provide an extension or ask for an extension.

23 CHAIR SCHMITZ: May I just interject
24 really quickly because I had the same question on
25 that. I know I asked it, but I couldn't remember

30

1 TRUSTEE NOBLE: On page 5 of the board
2 packet on public records request log, there's two
3 items. One was requested on October 2nd, the other
4 on October 27th. In the first column, that status
5 says they're complete, however, on the date
6 completed or due date, they're blank. I was
7 wondering if you could provide any information on
8 the status of those.

9 MR. BANDELIN: I can. With this new
10 platform, NextRequest, we're still working through,
11 I would say, some formatting or relaying information
12 on completed or when they were requested. And then
13 we're also working with counsel on kind of the
14 procedure or the best way to -- the harder ones for
15 us to do right now is to do a query of when we have
16 a statement of a records request for particular
17 emails, we're working through some processes to be
18 able to be able to do that, and then be able to
19 provide that to legal counsel to be able, then,
20 forward on to the requester themselves.

21 I'll be the first to admit that we're not
22 quite there with our processes and procedures, but
23 we're working towards being very proficient with the
24 NextRequest platform.

25 TRUSTEE NOBLE: With regards, then, to the

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1 what the answer was.

2 The ones that are prior to the ones that
3 have those little green checkmarks, the ones with
4 the little green checkmarks and with the hours in
5 the columns, the first two columns, that has been
6 since Heidi has taken over, and these are in
7 NextRequest. And the ones that are above it with
8 the old process and Heidi didn't have the date
9 information on those.

10 So, everything that is here is now out in
11 NextRequest. You can view it by going out to the
12 public records page on our website, and if you click
13 on where it's a logo for NextRequest, you can
14 actually pull up this entire list and view things.

15 But those two, why they don't have dates,
16 is just because it was done by Ms. Herron prior to
17 Heidi's taking over.

18 TRUSTEE NOBLE: Then what interim General
19 Manger Bandelin has said that the one from
20 October 27th is not actually completed at this
21 point, so just on the next agenda for 28th, that
22 those could be updated.

23 MS. WHITE: That item specifically from
24 Mr. Homan has been given a new NextRequest number,
25 so it is further down the line. You could find

33

1 Mr. Homan's number in there. I have recently
 2 corresponded with him to let him know that between
 3 legal and IT, I will have that information or at
 4 least a date to him on when information will be
 5 available.

6 TRUSTEE TONKING: I think my question
 7 Heidi just answered, because it looks like there's
 8 duplicates in there, and I think that answered my
 9 question with the Mr. Homan one.

10 And I just -- as soon as we can get an
 11 updated date, I see a lot of these have dates of
 12 yesterday and today, and so I just want to make sure
 13 that we could get an updated form as soon as you
 14 have one.

15 TRUSTEE TULLOCH: You got the heart of my
 16 questions on the venues as well, because while these
 17 reports are very well and good telling us how many
 18 people we had, the danger is sometimes if we're
 19 losing money on them, we're actually making it worse
 20 by increasing volumes.

21 Do you have an estimate of time of when
 22 we'll actually see some financial reports to support
 23 these? Obviously with the budget cycle coming up,
 24 it's important that we understand whether these
 25 activities are actually supporting us or whether

34

1 they're actually draining funds. And with
 2 facilities, there's one, there's several questions
 3 brought up during the last budget cycle by the
 4 projections.

5 Having an average revue of 145 bucks or
 6 something doesn't really help if the average cost is
 7 165. Do you have an estimate when we'll actually
 8 see some financial reports along with these?

9 MR. BANDELIN: I will confer with the
 10 finance director and the assistant finance director,
 11 and we'll provide some information on when we can
 12 start seeing some financial reports for the venues.

13 TRUSTEE TULLOCH: Following up on public
 14 records requests, I'm disappointed to see that we've
 15 unearthed former finance director Navazio's
 16 four-point font again. Can we put these in
 17 landscape format so they're actually readable by my
 18 old eyes?

19 The other question, I understood with the
 20 new system it would save us staff time responding
 21 again to the same question, but I've heard
 22 complaints from the community that while we file the
 23 answers, if the file's supplied along with the
 24 answers, they're not viewable, so the same question
 25 has to be asked again.

35

1 Is that correct? Is that a feature or is
 2 that a flaw?

3 MS. WHITE: Inside of the system, every
 4 request that is in there currently, if the answer
 5 has been released to the requester, it is public for
 6 anybody within this community to view. The only
 7 time is it not viewable is when staff is still
 8 working on it or legal is still working on
 9 redaction.

10 CHAIR SCHMITZ: I suggest that, as board
 11 members, we have a quick tutorial on how to use the
 12 system. I went through it with Heidi yesterday, and
 13 it is very informative, it's very easy to find
 14 things, but we need to make sure people are
 15 understanding how to look for things and where to
 16 look for things, and that includes all of us.

17 I will ask that we all undergo that
 18 training as well.

19 TRUSTEE TULLOCH: Can I just clarify,
 20 Heidi, if there's a spreadsheet supplied to the
 21 original request, that spreadsheet is also viewable
 22 by anyone else in the public? You know, last time I
 23 looked a month ago, I found some situations where I
 24 couldn't access the spreadsheet.

25 MS. WHITE: After this evening, after we

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1 go through this specific log, which is currently
 2 available to anybody in the community here in this
 3 building, it will be posted on the website.

4 I was waiting for Kari and Paul Raymore to
 5 find a place on our website to place it on a regular
 6 basis, and it will be there as well.

7 CHAIR SCHMITZ: Trustee Tulloch, you're
 8 unaware, but here in the room, yesterday when I was
 9 going through this with our District Clerk, she was
 10 kind enough to create and populate a spreadsheet
 11 that is larger in font and, in addition, it is
 12 resized to include all of the text that is contained
 13 in every individual public records request so that
 14 instead of just the first sentence, we can see the
 15 entire thing. That has made it much more helpful as
 16 well.

17 We will have this new format in all board
 18 packets and posted on the website. Again, you can
 19 go in an view them individually as well as -- it's
 20 more interactive than looking at the spreadsheet.

21 TRUSTEE TULLOCH: We're talking about two
 22 different spreadsheets. I'm not taking about the
 23 spreadsheet of the listing.

24 CHAIR SCHMITZ: What spreadsheet are you
 25 referring to?

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1 TRUSTEE TULLOCH: The response to the
 2 inquiry includes a file attachment. I looked at of
 3 some these, and I was not able to open the
 4 attachment. That's why I want to make sure -- my
 5 understanding is that should be viewable by
 6 everyone, and I just wanted to check that that was
 7 the case.

8 CHAIR SCHMITZ: Yes, that is the case.

9 TRUSTEE DENT: On page 15, I don't know if
 10 that's an appropriate place to get an update on the
 11 DOWL report that was mentioned in the public
 12 comment.

13 And then page 20, I had a couple of
 14 questions. One refers to, a couple of meetings
 15 back, we asked -- requested the Rec Center
 16 maintenance list to be brought to the Board, and we
 17 haven't seen that yet.

18 I think we also, last meeting, discussed
 19 there was a \$3 million potential appropriation for
 20 tennis, and I want to get an update on what is going
 21 on there with the tennis courts.

22 And dog park, I think, has kind of fallen
 23 off the long range calendar.

24 Also, just a comment, because you brought
 25 this up earlier as it relates to prior section as

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1 far as just listings revenues, page 20, we list just
 2 revenues, such as swim team, three kids, \$218
 3 revenue. And I'm just curious if we're just picking
 4 certain -- or how we're going about selecting these?

5 A few years ago, we had no reporting on
 6 programs, and it seems like the youth programs have
 7 kind of fallen off. I know we do make decent money
 8 on some of the programs from having one of my kids
 9 in the programs, seeing what we pay, and what they
 10 do.

11 It would be just interesting to get a more
 12 comprehensive report in the near future, especially
 13 since we're going into the budget season, and it
 14 seems like we have been left in the dark for the
 15 last year.

16 CHAIR SCHMITZ: I have a couple of
 17 questions, seeing that -- my question is there was a
 18 comment made by Mr. Katz about a public records
 19 request that we have not fulfilled, but it sounds
 20 like we have fulfilled, would you like to clarify
 21 that, please?

22 MS. WHITE: With Mr. Katz's request, he
 23 asked specific questions of Public Works, interim
 24 Public Works Director Kate Nelson, and we provided
 25 the information. And with as many as our other

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1 requests have been, new questions, because there was
 2 a twist to the wording, came back, and this was not
 3 what he asked for.

4 So, I requested some backup and some
 5 information from Ms. Nelson, and she feels the same
 6 way, that this was not the same request.

7 And so until I could get that response, I
 8 was holding on responding back to Mr. Katz. And he
 9 will get an email once I have more information on
 10 how to handle this type of request, because they do
 11 tend to change the question with a small twist and
 12 say: This is not what I was requesting.

13 There needs to be more clarification in
 14 these requests, a more-pointed request on exactly
 15 what document you are actually looking for.

16 CHAIR SCHMITZ: Okay. Thank you.

17 TRUSTEE DENT: I was just going to ask:
 18 Are we requesting the requesters use the form?
 19 Isn't that the intent, to get a little bit more
 20 pointed with questioning rather than having pages of
 21 an email?

22 MS. WHITE: We are requesting, but, by
 23 law, they are not required to to fill those form
 24 out. And inside of the NextRequest system, there's
 25 also that same specific information. But, again, we

40

1 are not requiring that they use or system. By law,
 2 we cannot.

3 TRUSTEE DENT: Understood. I'm just
 4 trying to help the requesters.

5 CHAIR SCHMITZ: And I think if a
 6 request -- we fulfill a request and feel that we've
 7 fulfilled it, if a new question comes back, my
 8 feeling is we open a new public records request and
 9 it gets processed that way.

10 So we will just continue to work on this.
 11 I appreciate all of the effort. And I would
 12 encourage people go out to the public records
 13 request page and click on that large NextRequest,
 14 and you can view the status of everything as
 15 requests are being completed. It is a very nice
 16 user interface.

17 The other question I have, Mr. Bandelin,
 18 is related to the U.S. Forest Service contract. Is
 19 there action that the Board needs to take with that
 20 extension of the lease from the U.S. Forest Service
 21 at Diamond Peak?

22 MR. BANDELIN: I don't believe so, unless
 23 the Board would like me to bring it to them for
 24 viewing. But I don't believe -- there's no
 25 particular district policy that says that would have

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1 been approved by the Board, but we can certain bring
2 it forward.

3 CHAIR SCHMITZ: I was just curious. But,
4 yeah, that's fine. I'm happy that you were so
5 proactive and you got it taken care of and it's
6 still skiable terrain.

7 I wanted to make sure that we get on our
8 long range calendar these closeout reports from
9 Public Works.

10 And I, too, notice that tennis has just
11 disappeared. It's not listed on the Public Works
12 status report, and it's not listed -- there's no
13 reference from the Director of Parks and Rec, so I'm
14 a bit puzzled because I know we've asked for that.
15 And we asked for it again at our last meeting with
16 the change of the budget.

17 But I agree with Trustee Dent that our
18 Parks and Rec report, we need to be all
19 encompassing, and youth programs seem to be not
20 included in this, and I think that's a very
21 important aspect of the services we provide to our
22 community.

23 Thank you. I do like where you're headed
24 with these monthly reports, and I appreciate the
25 time it takes to put them together. They are

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1 Assistant Director of Finance. I asked Mr. Cripps
2 to really take charge of the budget process, and
3 this team has really hit the ground running.
4 They've taken off, and we've gotten very positive
5 feedback from the departments.

6 We felt this was a very appropriate
7 question that was asked by the Board at the last
8 meeting when we made the recommendation to fund some
9 of the activities that we had talked about. And so
10 given some of the items that are on the agenda later
11 tonight, I asked Mr. Cripps to be in attendance
12 tonight.

13 And with permission from the Chair, I'd
14 like to turn it over to Mr. Cripps and allow him to
15 make the presentation tonight.

16 CHAIR SCHMITZ: Please. Thank you,
17 Mr. Cripps.

18 MR. CRIPPS: Good evening. As Bobby
19 mentioned, my name is Adam Cripps, and I am the
20 Assistant Director of Finance here at the District.

21 To jump right into it, at the meeting of
22 January 31st, '24, the Board approved the
23 augmentation to the general fund in order to fund
24 the steps the Board has taken to right the
25 financials of the District.

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1 informative, not only for us, but for the public as
2 well.

3 TRUSTEE DENT: I was going to make a
4 comment. We are making huge strides forward, and
5 just, like, echoing what Trustee Schmitz said.
6 Thank you. I still think there's some work to be
7 done, but that the reporting is much better than
8 it's been in the past.

9 CHAIR SCHMITZ: With to other questions,
10 we'll move on to E 2.

11 E 2. General Fund Reserves

12 CHAIR SCHMITZ: Report to the Board, a
13 verbal report, from the Director of Finance on the
14 department's strategy for returning the general fund
15 reserves to be in compliance with Board Policy 7.1,
16 section 2.1. Requesting staff is interim Director
17 of Finance Bobby Magee, page 36 of the board packet.

18 MR. MAGEE: Several months ago, I made a
19 recommendation to the Board to build out the budget
20 team within the finance department, and the Board
21 ultimately accepted that recommendation. And one of
22 those positions was the assistant director of
23 finance.

24 Tonight, I would like to introduce to the
25 Board Mr. Adam Cripps, who is our permanent

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1 At that meeting, Trustee Tonking stated a
2 valid concern of the fund balance in the general
3 fund and meeting the Board's set requirements of
4 fund balance. Fund Balance Policy 7.1.0, which
5 directs staff to meet the target general fund
6 reserve level of 15 percent of annual budgeted
7 expenditures, less transfers and debt.

8 So, to rectify any shortcomings with the
9 fiscal year '25 budget, the finance department has
10 taken approach of running a zero dollar-based budget
11 cycle. Through this methodology, a full analysis of
12 each budget line will be completed. Revenue
13 estimates which apply to the general fund are due
14 from the State mid-March. A reassessment will be
15 completed once those estimates are received.

16 Starting with the fiscal year '25 budget
17 cycle, staff will no longer recommend any additional
18 inter-fund transfers from the general fund.

19 Progress and expectations toward meeting
20 fund balance compliance will be presented to the
21 Board throughout the remaining budget workshops. It
22 is not an attempt to increase CAP contributions; it
23 is an exercise of living within our means. To set
24 expectations, this actually could become a
25 multi-year approach.

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1 With that, I am happy to answer any
2 questions you may have.
3 CHAIR SCHMITZ: Are there any questions?
4 TRUSTEE TONKING: I have two questions.
5 In terms of zero-based budgeting, are you only doing
6 that in the general fund?
7 MR. CRIPPS: No. That's going to be
8 district wide.
9 TRUSTEE TONKING: Great.
10 And I'm guessing you're pretty far in that
11 process? Because it does take a long time, and
12 we're getting close to May.
13 MR. CRIPPS: That is correct. We've
14 already established opening up the '25 budget, as
15 well as given it to the departments to begin entry.
16 TRUSTEE TONKING: Great.
17 And then I am -- when you were talking
18 about -- I guess one of my concerns is I think in
19 some areas, our budget is already pretty lean. Do
20 you have a plan B for when we still can't increase
21 reserves? Because I'm not sure just inter-fund
22 transferring -- we shouldn't be inter-fund
23 transferring at all anyway because we no money and
24 we will be in violation of NRS.
25 But my bigger concern is: How are we

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1 compliance benchmarks?
2 So, it's not just a one-and-done approach
3 to it where we enter the budget, we take it to a
4 budget workshop. There's actually reviews that are
5 done with management throughout the entire district
6 to make sure: What levels of reserve do we have?
7 Are we using fund balance? Are we meeting
8 compliance benchmarks? And we don't take it just as
9 the status quo anymore.
10 TRUSTEE TONKING: Okay. I think, maybe,
11 we're talking about two different things.
12 I think my question for you is -- and
13 maybe I can frame this a little differently -- what
14 plan do we have in place if some sort of emergency
15 or something comes up, in terms of our general fund,
16 when we only have roughly \$100,000 left before we
17 are in violation of NRS? I'm less even concerned
18 about Policy 7.1.0 at this point.
19 MR. CRIPPS: So, you're talking about
20 contingencies looking forward?
21 TRUSTEE TONKING: Yes. Because we're very
22 close to that four percent threshold now. I think
23 we're at 5.6 percent, and I could have my math
24 wrong.
25 MR. CRIPPS: With that, what -- so that's

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1 going to build them up? Because I have a fear that
2 zero-based budgeting isn't going to get us all the
3 way there. I've done this in a lot of different
4 places, and it's not always as successful as people
5 hoped to increase reserves.
6 Do we have any other plans in mind to
7 increase them?
8 MR. CRIPPS: Well, it's a multi-faceted
9 approach. What you do is you start off with a
10 zero-based budget, and then you have your bottom
11 line. Once you have a bottom line, how far off
12 target are you? And, then, can you make adjustments
13 within those budgets at that time?
14 So, you've gone through your analysis and
15 through the zero base, you give yourself, okay,
16 here's my starting point, what metrics are we trying
17 to hit?
18 Just suspending any kind of inter-fund
19 transfers, that's just an approach for a
20 temporary until we get fund balance more in order
21 and under compliance.
22 But what you do is you take steps and you
23 take several cracks at: How many times are we going
24 to review the budget? How long will it take us at
25 this point with the resources we have to meet

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1 what the budget cycle in the zero-based budget is
2 going to do for us this year. How close are we to
3 meeting compliance, and not just NRS compliance,
4 Board compliance?
5 So just because at this point in time
6 we're, maybe, one percent away from NRS compliance,
7 that doesn't meaning taking a look at the fiscal '25
8 budget, that will also be that low.
9 In '24, and what we've accomplished
10 through the budget augmentation, we anticipate
11 several of those items being a one-time cost. There
12 are going to be definitely some ongoing costs that
13 are included with that, but not all of it.
14 TRUSTEE TONKING: That's totally fair.
15 I guess my question is do we have any
16 concerns between now and June 30th of 2024 that we
17 will become out of compliance with NRS before we do
18 the 2025 budget? I guess I'm not being very clear,
19 and I don't know how rephrase it to make sense.
20 MR. MAGEE: I can take this question
21 because I've actually looked at this one
22 specifically.
23 We did take a look at the NRS, and the
24 four percent is -- it's not an actual hard cap.
25 What it is is it's a cap that, if we were to fall

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1 below that at the end of the fiscal year, that,
 2 then, the local Committee on Government Finance
 3 through the State would have the opportunity to
 4 bring this in front of their board and to discuss
 5 whether a fiscal emergency exists.
 6 And so I've been working with the budget
 7 team on this, and as of right now, we do not have
 8 any concerns that we will fall below that threshold.
 9 As Mr. Cripps has indicated, we're going
 10 to be looking at this budget line by line and
 11 figuring out what was one-time costs and what are
 12 things -- recommendations for various budget
 13 solutions that we can bring forward to the Board in
 14 order to start to bolster those reserves back up to
 15 come into Board compliance, which is obviously far
 16 greater than the NRS requirement.
 17 I hope that answers your question.
 18 TRUSTEE TONKING: Yeah, that does answer
 19 my question.
 20 So then my guess is even for some reason
 21 we were to fall below, if we talked to the local
 22 committee, they -- our budget for '25 is looking
 23 like we've made those proper adjustments, it would
 24 probably be less of a concern.
 25 MR. MAGEE: That is correct.

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1 I've already disclosed to the State where
 2 we're at with our current projections. And, as
 3 Mr. Cripps indicated, we will be doing some
 4 estimated actuals on this year's budget as we move
 5 through the process.
 6 We'll have a little better of an
 7 understanding around end of March, mid-April on
 8 where we think this budget is going to finish
 9 this year.
 10 TRUSTEE TULLOCH: I'm pleased to hear that
 11 we're going down to zero-based budgeting. I think
 12 that has been long overdue.
 13 I do echo Trustee Tonking's point, it does
 14 take a lot of time and effort. I do believe it's
 15 worth it because we've just historically built up
 16 budgets, once something gets in as a budget line
 17 item, it tends to stay there. And I know during
 18 last year's budget cycle, the trustees were having
 19 to do almost random picks of certain line items,
 20 which is not the most effective way to do it. I'm
 21 happy to hear we're moving forward.
 22 How far down are you going to go to each
 23 individual line item?
 24 MR. CRIPPS: Yes, every single line item,
 25 district wide.

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1 TRUSTEE TULLOCH: Excellent. Thank you.
 2 And any way we can help, feel free to reach out.
 3 CHAIR SCHMITZ: Any other questions?
 4 TRUSTEE DENT: This has been a request of
 5 trustees for years. We were told it was impossible,
 6 couldn't happen, take too long. So, sounds like you
 7 may have a path through that, so maybe you guys know
 8 what you're doing, so I appreciate that.
 9 One area of focus -- and I stressed it
 10 quite a bit last year and in year's past -- is the
 11 capital improvement projects. We're constantly
 12 overbudgeting what we need for our projects. And so
 13 we tell the community that we're going to be
 14 building these projects that we never get to, and
 15 then it becomes a carryover.
 16 And ever year, it seems like there's at
 17 least a million dollars of projects that either fall
 18 off or don't happen. And I would just like us to
 19 try and get a little bit more accurate with that
 20 number. If we have the bandwidth to perform those
 21 projects, let's collect the money, and let's do
 22 them.
 23 But it sounds like the last year's budget,
 24 we didn't have the bandwidth to perform several of
 25 these projects, such as the Beach House, such as the

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1 skate park; two projects we all thought were
 2 starting this year, and now another year out because
 3 capacity for staff.
 4 So I think we should be looking at taking
 5 a deep dive into the projects, and it sounds like
 6 you guys will get there.
 7 Thank you both.
 8 CHAIR SCHMITZ: I concur with the
 9 comments. Thank you for going to zero-based
 10 budgeting. It's lot of work. And I agree with
 11 Trustee Dent because when we budget for capital
 12 improvement projects and then we don't deliver them,
 13 we're impacting the pricing structure that we're
 14 passing on to our ratepayers, be it through a rec
 15 fee or be it through a user fee.
 16 And so we need to be realistic and say,
 17 yes, we're going to get these projects done.
 18 Because it's too many years that we go, year
 19 after year, and don't get something accomplished. I
 20 think that's really important.
 21 The other thing I wanted to just ask about
 22 is as you're going to through this process, are you
 23 also evaluating -- one of the issues that Moss Adams
 24 identified was that we had sort of an antiquated and
 25 outdated central services cost allocation model.

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1 Is that something that you're also
 2 tackling through this process?
 3 MR. CRIPPS: One of the items that we will
 4 be looking to add into this year's upcoming budget
 5 will be an updated version of a cost allocation
 6 plan.
 7 What they're going to do is a full-blown
 8 study on every metric that can possibly fit into
 9 what a cost allocation should be, and we do
 10 anticipate including that in the budget.
 11 CHAIR SCHMITZ: Okay. Thank you. That's
 12 been long overdue as well. Thank you for taking on
 13 these really difficult issues and moving them
 14 forward.
 15 TRUSTEE TULLOCH: One other follow-up
 16 question. Obviously the zero-based budgeting is
 17 going to help us look at the cost angle.
 18 But given that so much of our funding
 19 comes from user revenues, are we confident that
 20 we're going to have accurate-enough summations and
 21 assessments of potential revenues based on this
 22 year's -- are we going to be able to get the numbers
 23 out timely, in a timely manner, so we can actually
 24 look at what's happening on the revenue side?
 25 MR. CRIPPS: Yes, I am confident with

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1 that. What the budget team is doing is working side
 2 by side with the departments almost on a daily
 3 basis. We're really taking into consideration their
 4 perspective and how they operate, and we can see the
 5 financials that are coming in with that, so I'm
 6 confident in that.
 7 TRUSTEE TULLOCH: And there's going to be
 8 a sanity check on these as well?
 9 CHAIR SCHMITZ: They just chuckled, so I
 10 guess that's a yes.
 11 MR. CRIPPS: Yes, there will be.
 12 TRUSTEE DENT: I thank both of you, but
 13 thank your staff as well. I know a lot of changes
 14 have happened over the last six months, and we
 15 appreciate the implementation of new processes.
 16 Thank you.
 17 MR. MAGEE: I appreciate that. We will
 18 definitely pass that message along to staff, and I
 19 know they're very appreciative when they receive
 20 comments like that from the Board.
 21 Thank you.
 22 CHAIR SCHMITZ: Seeing no further
 23 comments, we'll close the agenda item. Moving on to
 24 item F.
 25

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1 F. CONSENT CALENDAR
 F 1. Meeting Minutes Approval
 2 F 2. Board Policies Numerical Sequence
 3 F 3. Whistleblower Procedure Modifications
 4 CHAIR SCHMITZ: The items that remain on
 5 the consent calendar are items 1 through 3, 4 was
 6 removed, and 5 was moved to general business. Do I
 7 hear a motion for approval of the consent calendar?
 8 TRUSTEE TONKING: I move we approve the
 9 consent calendar.
 10 CHAIR SCHMITZ: Do I hear a second?
 11 TRUSTEE DENT: I'll second.
 12 CHAIR SCHMITZ: All those in favor?
 13 TRUSTEE TONKING: Aye.
 14 TRUSTEE TULLOCH: Aye.
 15 TRUSTEE NOBLE: Aye.
 16 TRUSTEE DENT: Aye.
 17 CHAIR SCHMITZ: Aye. Motion passes
 18 five to zero.
 19 Moving on, then, to general business.
 20 G. GENERAL BUSINESS
 21 G 0. McDonald Carano - Beach Deed
 22 CHAIR SCHMITZ: General business item G 0
 23 to is review, discuss, and possibly approve an
 24 agreement with McDonald Carano for legal services as
 25 it relates to the Beach Deed and Incline Village

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1 General Improvement District beaches in an amount
 2 not to exceed \$50,000.
 3 I was the requesting trustee on that, and
 4 the impetus behind this is that last March, the
 5 Board had approved an amount to -- not to exceed for
 6 any questions that came up during the year related
 7 to policies, what have you, that pertained to the
 8 Beach Deed.
 9 We did not use more than about \$6,000 of
 10 that budgeted fund. And we had been recently --
 11 when reaching out and asking for some assistance
 12 with reviewing Policy 16.1, existing legal counsel
 13 had advised myself to seek alternatives. Those
 14 alternatives were sought out, and it was the
 15 recommendation -- the recommendation is to move
 16 forward with McDonald Carano.
 17 McDonald Carano has a history with the
 18 District. They were the District's legal counsel
 19 for many years in the past. They also are legal
 20 counsel for the effort surrounding the interest in
 21 pursuing a city of Incline Village and Crystal Bay.
 22 And one of the first issues that the group pursuing
 23 the city investigated was issues pertaining to the
 24 Beach Deed and the legalities of the Beach Deed, so
 25 it was a natural fit.

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1 We reached out, and they did a conflict of
 2 interest research and background and came to the
 3 conclusion that they felt comfortable that they
 4 would be able to answer questions as they would come
 5 up.
 6 It's not to go and spend this amount; it
 7 is to retain legal services for the Board so that as
 8 we have questions related to ordinance changes, what
 9 have you, policies that have an impact to the
 10 beaches for special legal counsel review.
 11 That's the background of that. I'll open
 12 it up to questions.
 13 TRUSTEE NOBLE: This would be on page 175
 14 of the board packet, and it would just be something
 15 to clarify, under number 2, hourly rates for
 16 personnel, under the associate Eric Duhon. It's
 17 \$475 per hour, but when I look at associates
 18 three lines down, it's 300 to 425 per hour. And
 19 so just would want a clarification on which is it,
 20 and is Eric Duhon an exception to the general
 21 associates or is it -- that dollar amount, it just
 22 doesn't match.
 23 And the other thing, just for full
 24 transparency, and this was last spring, I believe,
 25 Todd Lowe, who you had referenced, had reached out,

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1 what else they have been reviewing, but I put my
 2 trust in Mr. Hicks. If he -- given my knowledge of
 3 his professionalism, if he doesn't believe that
 4 there's a conflict, then I will put my faith in
 5 that. It would be just nice to verify that.
 6 I did see that there was one public
 7 records request that he had submitted back on
 8 September 11th, with regards to Golf Genius. It's
 9 not -- these are two separate issues, and so I can
 10 see that. And Northern Nevada is a very small legal
 11 community, and it is difficult to get proper counsel
 12 without some sort of crossover.
 13 At this point, I am fine with that.
 14 TRUSTEE TULLOCH: I'm just a (Zoom drop).
 15 CHAIR SCHMITZ: You might have to turn
 16 your camera off. It's seeming that you might not
 17 have sufficient bandwidth.
 18 TRUSTEE TULLOCH: I wanted to confirm that
 19 McDonald Carano will have sufficient background
 20 information so we should be able to respond to a lot
 21 of these queries very quickly without going and
 22 having to do extensive research (Zoom drop) because
 23 we already have the knowledge.
 24 TRUSTEE DENT: I'll just disclose that I
 25 did work with McDonald Carano in a private capacity

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1 who's been exploring the prospects of incorporating
 2 Incline Village, and reached out to the Board and
 3 asked if we wanted to talk to Josh Hicks to query
 4 him on their research with regards to beach access.
 5 It was determined that a minority of the Board could
 6 do that, and so Trustee Schmitz and myself met with,
 7 I believe it was Josh Nelson, Indra Winquest --
 8 TRUSTEE DENT: Point of order. Since it
 9 was a nonmeeting legal meeting --
 10 CHAIR SCHMITZ: We can't be --
 11 TRUSTEE NOBLE: I wasn't going to disclose
 12 what we were going to -- just that it took place.
 13 Sorry, and thank you for that.
 14 Just it was -- and we queried Mr. Hicks
 15 with regards to beach access. I thought that his --
 16 it was very clear that they had done a tremendous
 17 amount of research, and he is very professional.
 18 And that carries on to my previous
 19 interactions with Mr. Hicks over the last 15, 20
 20 years, mainly with the PUC and the Governor's
 21 office, and he's always been a consummate
 22 professional. With that regards, I'm fine with
 23 that.
 24 It's a little bit difficult with regards
 25 to the conflicts of waivers, because I don't know

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1 as for a, I guess, previous recall campaign thing,
 2 but that all ended.
 3 CHAIR SCHMITZ: Are there any other
 4 questions or comments?
 5 I appreciate the discussion on this. I
 6 think this discussion, potentially, answered
 7 concerns that were raised during public comment as
 8 well. Thank you for that.
 9 Would anyone care to make a motion?
 10 TRUSTEE TONKING: I move that the Board of
 11 Trustees approve an agreement with McDonald Carano
 12 for legal services as it relates to the Beach Deed
 13 and IVGID beaches in the amount not to exceed
 14 \$50,000, replacing the existing agreement with
 15 Thorndal Armstrong.
 16 TRUSTEE DENT: I'll second.
 17 CHAIR SCHMITZ: I'd like to just clarify
 18 that I heard Trustee Noble's question about the
 19 associate's rate, and I will inquire about that and
 20 I will get clarification on that. So that being
 21 said, are there any other discussion?
 22 All those in favor?
 23 TRUSTEE TONKING: Aye.
 24 TRUSTEE TULLOCH: Aye.
 25 TRUSTEE NOBLE: Aye.

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1 TRUSTEE DENT: Aye.
2 CHAIR SCHMITZ: Aye.
3 5/0. Thank you.
4 Moving on to G 1.
5 G 1. General Manager Recruitment Process
6 CHAIR SCHMITZ: Review and possibly
7 approve the action plan for the general manager
8 recruitment process based on staff's recommendation.
9 Requesting staff member is Director of Human
10 Recourses Erin Feore, pages 183 through 188 of the
11 board packet.
12 MS. FEORE: You've all probably had a
13 chance to read through my memo.
14 Just to give you a quick little update, I
15 have reached to a number of executive search firms,
16 and one from two weeks ago replied back late last
17 night, so I haven't had a chance to pull their
18 information and take a look at it. I can if so
19 directed at a future board meeting.
20 But that's one of the reasons -- and I
21 noted that in my notes on background -- we just
22 struggled with finding some folks who have the
23 capability of working with us at this time.
24 Additionally, I strongly suspect we're
25 going to run into the same delays and/or concerns

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1 MS. FEORE: Yeah, I haven't received any
2 feedback from any of the firms that I reached out
3 to, which is kind of part of the concern or part of
4 the delay on this one. Nobody has reached out to
5 say: I don't want to work in the District.
6 They just haven't reached out at all, so
7 I'm at a little bit of loss there.
8 I did get feedback from Bob Hall and
9 Associates. I spoke with a representative there,
10 and they basically said that there's no point in
11 defining insanity by doing the same thing over and
12 over again and expecting a different outcome. They
13 thought that for the best results for the District
14 would be to, potentially, work with another outside
15 firm to provide us with the information that we need
16 and the services that we need.
17 TRUSTEE TONKING: When you first reached
18 out to firms back when we began this process, did
19 you get a faster response from them?
20 MS. FEORE: Yes, I did. I received
21 response within a couple of days. The responses --
22 like I said, I sent out information following our
23 last board meeting, and like I said, I just heard
24 back from one today.
25 TRUSTEE TONKING: Okay. Thank you.

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1 with engaging with a direct placement service.
2 And so the staff is recommending that the
3 Board consider appointing current interim Director
4 of Finance Bobby Magee into the general manager
5 role, and direct me to work with general counsel on
6 a contract however that may look.
7 I'll leave it to you.
8 CHAIR SCHMITZ: I'm going to take a pause
9 because Trustee Dent isn't here. And I apologize.
10 Usually I'm the one asking for a break. I guess
11 when I'm behind the mic, I'm forgetting. Trustee
12 Tonking and Trustee Tulloch, are you okay if we just
13 continue with this agenda item once Trustee Dent
14 comes back? Yes. Okay.
15 So, Trustee Dent, we're at the point of
16 taking any questions from Director of Human
17 Resources. Are there questions, things that anyone
18 would like to comment on this point?
19 TRUSTEE TONKING: So, thank you for all
20 your efforts in this. We're -- is there any
21 insight, even in the future, of what we need to do
22 as a board in order to ensure that we can start
23 working with these types of partners? Any feedback
24 you received from the firms that would be helpful
25 for us?

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1 TRUSTEE TULLOCH: We've heard a lot in
2 public comment about the (Zoom drop) of contractors
3 being proposed. Can you confirm -- I seem to recall
4 the most recent general manager's appointment, he
5 was given a three-year contract; is that correct?
6 MS. FEORE: I believe, and perhaps Sergio
7 can assist with this one, but I believe in the State
8 of Nevada -- if I remember right, it was originally
9 requested to be three years, but then it was
10 determined, per NRS statutes, that you can only go,
11 potentially, up to two years. I think it was
12 brought back after that.
13 MR. RUDIN: Under NRS Chapter 354, there's
14 an exception to the requirement that you not expend
15 unappropriated funds, and one of those exceptions is
16 employment agreements for professional services for
17 two years or less.
18 CHAIR SCHMITZ: For two years or less.
19 TRUSTEE TULLOCH: (Zoom drop), so the two
20 years (Zoom drop).
21 MS. FEORE: I'm not sure if you can still
22 hear us, but I couldn't -- it was very choppy. I
23 couldn't hear what you were asking.
24 TRUSTEE TULLOCH: I'm just pointing out
25 that despite the (Zoom drop) collections, the

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1 previous general manager was initially appointed on
 2 a three-year contract, it was incorrect, it was
 3 reduced (Zoom drop) years, so we're just following
 4 precedent in that respect.
 5 MS. FEORE: Okay.
 6 TRUSTEE DENT: I don't know if I have a
 7 question, but I guess I, last meeting, suggested
 8 staff come back with some recommendations, so thank
 9 you for doing that.
 10 Number 3 caught me off guard a little bit
 11 from the standpoint of didn't think about that. But
 12 having been the chair over the last -- in the tenure
 13 that Bobby has been here, I know how integral of a
 14 piece he's been to the puzzle to make things happen
 15 and continue to move things forward, so it makes a
 16 lot of sense.
 17 But, yeah, thank you for bringing forward
 18 the recommendations.
 19 CHAIR SCHMITZ: Any other comments or
 20 questions?
 21 TRUSTEE NOBLE: Going to page 185 of the
 22 recommendation with regards to the length of the
 23 contract of two years, given that Mr. Magee, for
 24 reasons outside of his control, won't be here always
 25 on a daily basis, and that's unique relative to past

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1 position.
 2 I am a lot more hesitant on this
 3 recommendation for a few reasons. I would prefer a
 4 one-year trial period, and then the option to renew
 5 for three years or two years, but I sound a little
 6 bit more extreme than Trustee Noble is on this.
 7 I just think this person really has to
 8 have a pulse on the community and know what's going
 9 on, and being here 50 percent of the time is really
 10 hard. I also am unsure about his qualifications in
 11 this field and having not really seen him that long
 12 within the District or him being at all integrated
 13 in our community, I fear that there could be some
 14 pushback.
 15 That's just my thoughts right now.
 16 CHAIR SCHMITZ: I have had the opportunity
 17 to work very closely with interim director Magee
 18 over the past few months, with it being more intense
 19 since becoming Board Chair. And I have been
 20 impressed by his ability to take very complicated,
 21 very mixed up situations and make sense of them.
 22 And he's not afraid to tackle the really difficult
 23 issues, as I think we've already seen him
 24 demonstrate.
 25 I think it's in the best interest of the

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1 GM's over the last decade or two, the two-year
 2 length of the contract gives me pause, just because
 3 it's such a unique circumstance, and so what I'd
 4 like to see is a one-year contract with an option to
 5 extend it to a second, given that it's unique and
 6 we're in transitional period.
 7 That would be my recommendation with that.
 8 I would support hiring Mr. Magee at this point, but
 9 the two-year length of the contract, all else being
 10 equal, gives me pause.
 11 TRUSTEE TONKING: I have some similar
 12 concerns about the 50 percent time in person, and I
 13 understand that is out of his control. I just have
 14 a concern about that.
 15 And I also am a little bit concerned about
 16 losing our financial director right when we just
 17 started putting all this money into finances. So it
 18 makes me a little nervous in that sense.
 19 And I think it's probably not an
 20 apples-to-apples comparison to compare the term
 21 length of how long the interim financial director
 22 had been here to our prior GM. Our prior GM had
 23 been with the District for 17 years before and had
 24 been serving as interim GM for 18 months, so we got
 25 a good trial period before he was appointed to his

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1 District that we keep the momentum going. He's
 2 integrated well with the Board, he's integrated well
 3 with staff, and he has more knowledge than anyone
 4 from the outside has about what going on, what
 5 challenges we face, and I'm appreciative of his
 6 interest and willingness to step up to those
 7 challenges.
 8 I think he's the right person, with right
 9 demeanor, and the right capabilities and educational
 10 background to do -- have a positive impact on the
 11 District, not only the staff, but the residents as
 12 well, by getting all of these issues of the past
 13 resolved.
 14 I think it's great to hear my fellow
 15 trustees being supportive of staff's recommendation
 16 with moving this forward. I do hear that there's
 17 some concerns to be addressed about time in the
 18 office and duration of the contract. And I would be
 19 willing to work with Mr. Magee and director of
 20 finance Feore to come back to the Board with a
 21 proposed contract for the Board's consideration.
 22 I think that we're making really good
 23 progress, and I think that the best way to keep the
 24 progress moving is to go forward with Mr. Magee.
 25 I feel that we have learned so much about

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1 what is missing and what needs to be cleaned up,
 2 from HR policies to contracts, to our finances, it's
 3 going to take us a couple of years to get all this
 4 in order.
 5 And so I personally would like to see it
 6 with a two-year commitment, because I think it's
 7 going to take that amount of time to work through
 8 from one issue to the other. But that's something
 9 that we could bring back after review and for board
 10 discussion.
 11 That's my recommendation. And I just
 12 wanted to say thank you to all of the effort that
 13 has been put into this and all thought that's been
 14 put into this and the willingness of staff to work
 15 together and find a solution.
 16 Thank you all for working together and
 17 coming up with a solution.
 18 TRUSTEE TONKING: I have one more
 19 question. Trustee Schmitz, what are you thinking on
 20 a timeline for this?
 21 CHAIR SCHMITZ: I know you had told me
 22 this morning that you were going to be gone, right?
 23 TRUSTEE TONKING: Yes.
 24 CHAIR SCHMITZ: So my thought process was
 25 to take your recommendation and either attempt to

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1 bring it back for our special meeting on the 6th.
 2 That would be what I would target.
 3 TRUSTEE TONKING: Okay. I was just
 4 confirming timeline. Thank you.
 5 CHAIR SCHMITZ: Does that sound
 6 acceptable?
 7 Do I need to have a motion to move this
 8 forward, counsel, or do we have direction?
 9 MR. RUDIN: If you want the Board to
 10 designate you as the person responsible for working,
 11 I think a motion would be appropriate.
 12 CHAIR SCHMITZ: Okay. Thank you.
 13 Would anyone care to make a motion?
 14 MR. RUDIN: And also a motion would help
 15 us in terms of knowing what to put in the contract,
 16 if the Board has further direction.
 17 TRUSTEE DENT: As far as what to put in
 18 the contract?
 19 MR. RUDIN: Yes. In terms of term length.
 20 Additionally, the Board was presented with a draft,
 21 sort of placeholder agreement, so if there are any
 22 other directions that the Board would like to
 23 provide on contract terms, this is the best time to
 24 do so.
 25 TRUSTEE DENT: I will elaborate a little

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1 further before I make a motion. I would say one of
 2 the concerns that I've learned in what HR has to go
 3 through when hiring new employees is are they going
 4 to be a good fit? Are they going to work, you know
 5 like our community be, put up with our community,
 6 whatever you want to call it.
 7 And given that Mr. Magee has been here
 8 six, seven months and is saying yes to this, we're
 9 not -- there's already been a trial run, and we
 10 talked about an interim director position for 18
 11 months. It seems like Mr. Magee's jumped in and is
 12 running with it.
 13 Appreciate your leadership. Since you've
 14 been here, you've tackled a lot of things that
 15 either the Board's been oblivious to, unaware of, or
 16 just sat shelf for too long because we couldn't do
 17 it. There's a lot of stuff coming off that list. I
 18 appreciate your efforts.
 19 When I think of the duration associated
 20 with -- or the term associated with this sort of
 21 contract, to me, stability is the most important
 22 thing, especially through a transition like this,
 23 and having an interim general manager in the role
 24 for seven, eight months, I think, another general
 25 manager in a role for another year doesn't really do

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1 it.
 2 There's a lot of things that have been
 3 moving and changing, and I think it's important to
 4 have stability. I would be in favor of the two-year
 5 agreement, per staff's recommendation.
 6 And then also given Mr. Cripps'
 7 presentation this evening, it seems very
 8 knowledgeable, very confident, very impressive. I
 9 think we're in good hands having Mr. Magee as, say,
 10 his lead in helping bring him up to speed, I feel
 11 like it answers the call to what we were looking for
 12 back in the hiring process.
 13 And we talked, there was concern by the
 14 Board of hiring an assistant director of finance and
 15 adding more staff and questions brought up: Is this
 16 someone that's going to be able to move into that
 17 role? There's was some back and forth, and it
 18 sounds like we found to right person.
 19 I definitely would be in favor of this.
 20 TRUSTEE TULLOCH: I would echo (Zoom
 21 drop).
 22 CHAIR SCHMITZ: Trustee Tulloch, you're
 23 muted right now. And, perhaps, you could actually
 24 call -- try it again.
 25 MATT: Trustee Tulloch, there should be a

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1 phone number on your Zoom invite that you might have
 2 better success with.
 3 CHAIR SCHMITZ: Why don't we just take a
 4 brief break, five-minute break, allow Trustee
 5 Tulloch --
 6 If you can hear us, if you could please
 7 exit the Zoom and use the dial-in phone number.
 8 We will reconvene at 7:45. Thank you.
 9 (Recess 7:40 p.m. to 7:45 p.m.)
 10 CHAIR SCHMITZ: Trustee Tulloch, I think
 11 you were trying to make some comments and we
 12 couldn't understand, so go ahead.
 13 TRUSTEE TULLOCH: I would just like to
 14 echo the comments made by Trustee Dent. I think
 15 having also worked very closely with interim Finance
 16 Director Magee over the last six months, and as we
 17 uncovered so many issues on the finance side, start
 18 making movement to get these corrected, Trustee Dent
 19 is correct, it needs a two-year term to get -- carry
 20 through all these things.
 21 I think also the revelation tonight that
 22 we're going to be able to move to zero-based
 23 budgeting, which many of us have campaigned for for
 24 years, it's a huge step forward as well.
 25 I would echo Trustee Dent's sentiment, and

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1 and make sure that if this isn't a good fit, we
 2 still have the opportunity to figure that out,
 3 especially given the difference that has occurred
 4 from any other GM that we have where they're
 5 spending 50 percent of their time not here,
 6 physically.
 7 CHAIR SCHMITZ: Understood. This would
 8 not -- what this would be is directing us to come
 9 back to the Board for the Board's review of the
 10 details. So that's what it would be. That would
 11 happen at the meeting on the 6th.
 12 The other thing that I would like to
 13 include is clarification as to time in the office so
 14 that we all are clearly understanding what the
 15 expectations are. And I would like Mr. Magee to
 16 come back at the March 6th meeting with his vision
 17 of an organizational chart.
 18 Because we, as Trustee Tonking stated,
 19 don't want to lose any of the momentum that we have
 20 had for the efforts in the finance department. And
 21 so I think that he needs to make sure that all of us
 22 are comfortable with his organization, and that
 23 we're not going to be missing a beat on all of these
 24 very timely and important efforts that they're
 25 undertaking.

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1 we should move forward on a two-year contract basis.
 2 CHAIR SCHMITZ: Back to the question:
 3 Would anyone care to make a motion to give clarity
 4 to the direction being given?
 5 TRUSTEE DENT: I'll move that we accept
 6 staff's recommendation number 3 for -- yeah, as
 7 written, and allow for Chair Schmitz to be the
 8 liaison through this process.
 9 CHAIR SCHMITZ: There's a motion. Is
 10 there a second?
 11 TRUSTEE TULLOCH: I'll second.
 12 CHAIR SCHMITZ: Any discussion?
 13 TRUSTEE NOBLE: I think there are two
 14 trustees that expressed some reservations with the
 15 regards to the two-year contract at least at this
 16 point.
 17 I would request that the motion and the
 18 second be amended to allow Chair Schmitz to take
 19 that into consideration when she's negotiating the
 20 final terms of the proposed contract with Mr. Magee
 21 and bring it back. And that we can decide at that
 22 point what is -- if it is, in fact, appropriate.
 23 TRUSTEE TONKING: I was just going to say
 24 that I support that amendment. But also I just feel
 25 like we need to practice some of our due diligence

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1 With that amendment, go ahead, Trustee
 2 Dent.
 3 TRUSTEE DENT: I just accepted -- or I
 4 move that we accept option 3 of staff's
 5 recommendation, and everything you just said, I feel
 6 like it's in line with option 3.
 7 CHAIR SCHMITZ: Is there a second?
 8 Trustee Tulloch seconded. Okay.
 9 The motion has been made, it's been
 10 seconded, so all those in favor, please state aye.
 11 TRUSTEE TULLOCH: Aye.
 12 TRUSTEE DENT: Aye.
 13 CHAIR SCHMITZ: Aye.
 14 Opposed?
 15 TRUSTEE TONKING: No.
 16 TRUSTEE NOBLE: No. Because with the
 17 two-year contract element, I'm still not clear
 18 whether or not that is in play or it's a hard
 19 two years. So with without that clarification, I'm
 20 a no.
 21 CHAIR SCHMITZ: Okay. All right. Thank
 22 you.
 23 So the motion passed three to two. We
 24 will come back at the March 6th meeting with a draft
 25 of a contract and a draft of a proposed

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1 organizational structure.

2 And that will be on the meeting of March

3 the 6th, the special meeting. Trustee Tonking will

4 not be available for a meeting at the end of

5 February, and we agree that it's important for all

6 of us to be partaking in this discussion.

7 H. REDACTIONS FOR PENDING PUBLIC RECORDS REQUESTS

8 CHAIR SCHMITZ: Moving on to redactions, I

9 don't believe we have any.

10 I. LONG RANGE CALENDAR

11 CHAIR SCHMITZ: Moving on, then, to the

12 long range calendar, can be found on page 189

13 through 188 -- I'm sorry -- 90. The numbers are a

14 little off here.

15 MR. BANDELIN: The District Clerk and I

16 took quite a few notes of the comments that were

17 brought up during the General Manager's report. I

18 think I would be safe to say that the Chair and I

19 have a really good working relationship with the

20 clerk, and I'll just note that -- if I could get

21 just some acceptance to be able to get this agenda

22 and the narratives of the agenda out to the Chair

23 and counsel for review earlier than that date that's

24 suggested of 2/16, the Chair and I and the clerk

25 will work on making sure we bring back all the items

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1 bringing to the Board, on March 13th,

2 recommendations related to clubs. She has that

3 agenda item for the 13th.

4 And just to let my fellow trustees know

5 that we have discovered that there's been a number

6 of things that sort of have fallen off this

7 calendar, so there's much that needs to be added

8 here that was on it at one point in time. We're

9 implementing a new process to ensure that things

10 don't disappear from our long range calendar because

11 this is our working template for the year.

12 I do have a question about on -- for the

13 28th, what is this survey, the Tennis Center? I

14 know that we did a geo-type study. Is this related

15 to coming back to the Board with recommendations on

16 tennis? I just didn't understand what this survey

17 was. It might just be a land survey?

18 MR. BANDELIN: I'll have to report back on

19 that in a future item.

20 CHAIR SCHMITZ: Okay. The other thing,

21 just to let my fellow trustees know, many of these

22 things for the 28th, from Public Works are small

23 dollar items. I had reached out to staff and said,

24 "If these things are budgeted and are part of our

25 plan, that they either will be on the consent

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1 that we mentioned in the General Manager's report.

2 I will tell you that the utility master --

3 or infrastructure master plan, there was an

4 amendment to that DOWL agreement with more work to

5 be done. It's not on the calendar, but I checked

6 today and it's slated to come, the April 10th

7 meeting, because of that amendment. I believe the

8 amendment was fire flows, and that amendment was

9 brought up in the last report we did on contracts,

10 so that's why it was pushed out for that additional

11 work that was done by the DOWL group.

12 The Chair and I and the District Clerk

13 will come up with the narrative for the agenda of

14 the Tennis Center reports.

15 I would -- and the Chair and I could talk

16 about -- I would just make a suggestion that the Rec

17 Center maintenance costs survey might be something

18 that we inform the Board, may be more in line with

19 our strategic budget planing workshop at the special

20 meeting, because that's just one venue where all

21 that list of all the items needs to be put in a

22 prior list. And we can talk about all the venues at

23 once, versus just one particular, as an agenda.

24 CHAIR SCHMITZ: One thing I just want to

25 inform the Board on is that Trustee Tonking will be

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1 calendar or perhaps staff will choose to utilize the

2 approval process that BBK has put together."

3 MR. BANDELIN: That's correct. They will

4 be following Policy 3.1.0. These are not emergency

5 projects, I would say. The policy really states to

6 emergency projects would go to Trustee Schmitz.

7 We just thought it would be like a kind of

8 little bit more transparent to bring in front of the

9 Board. And if they don't meet the criteria outlined

10 in Policy 3.1.0 by not being funded or budgeted for,

11 then they wouldn't meet the criteria and would be in

12 general business.

13 CHAIR SCHMITZ: Thank you for that

14 clarification.

15 TRUSTEE DENT: One recommendation on page

16 189 would be to group some of these, like for the

17 agreements, and if they're all Public Works, put

18 them all together. If you look through this, there

19 will be agreement, fifth one down is an agreement,

20 sixth one down's an agreement.

21 It just seems like all the agreements

22 would go together, and same with if it's all coming

23 from Public Works, maybe we could group Public Works

24 together rather than having ski in the middle.

25 MR. BANDELIN: That's exactly right.

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1 That's one of the tasks that the Chair and the clerk
 2 and I are working on, to make this calendar a little
 3 bit more pro.
 4 And then could we talk a little bit about
 5 the proposed date for the town hall meeting?
 6 CHAIR SCHMITZ: Sure.
 7 MR. BANDELIN: And time?
 8 CHAIR SCHMITZ: I want to back up, if I
 9 could, for one second.
 10 One of the items that fell off the long
 11 range calendar was an agenda item for Trustee
 12 Tulloch, and it was for the capital -- the Capital
 13 Investment Committee to come back to the Board with
 14 recommendations related to the capitalization
 15 policy.
 16 Trustee Tulloch, do you want to get back
 17 to me with a date that that should be included on
 18 our long range calendar?
 19 TRUSTEE TULLOCH: Let's shoot for March
 20 13th. We're having problems all the CIC committee
 21 members available on the same date.
 22 CHAIR SCHMITZ: Okay. That's fine.
 23 Then to segue, as we were taking about, we
 24 have penciled in a town hall on March 27. The
 25 Chateau is available, and I believe our District

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1 Clerk was checking to see if the IT staff had time
 2 to set that up at The Chateau.
 3 We can have it as an open forum, we can
 4 pick a topic, but we had talked about wanting to do
 5 this once a quarter, so we slated it in on our
 6 March 27th.
 7 I'll work with anyone if you want to just
 8 open it up like we did the last time with questions
 9 that the public can ask and answer. It seemed like
 10 that was a good approach. Or we could specifically
 11 say we'd like to hear community input on our
 12 five-year capital plan.
 13 What would we like to do?
 14 TRUSTEE DENT: I like the idea of the
 15 community asking questions. I think one thing,
 16 maybe a takeaway from the last, we didn't get
 17 through them all because people were showing up with
 18 50 notecards that were all questions. So maybe
 19 limit the amount of questions per person or
 20 something. That way, we can actually get real
 21 questions from folks and not a hundred questions
 22 from one person.
 23 CHAIR SCHMITZ: And I believe -- it's a
 24 good suggestion. And I believe last time we had
 25 Kevin Lyons and Kristin Miller as moderators. Would

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1 Kristin be available to be a moderator at that
 2 event?
 3 MR. BANDELIN: I'll report back on that
 4 now that we have a confirmed, approved --
 5 CHAIR SCHMITZ: I thought she did a great
 6 job. And I think that I don't want get into a
 7 situation like we had last time where we had all
 8 these unanswered questions. If there's a way that
 9 we can try to limit how many questions, like you
 10 suggested, I think that's a good attempt at least.
 11 Any other thoughts or comments on the town
 12 hall? We will solicit the community to ask
 13 questions, and hopefully we can do it in a format
 14 like last time. That was very nicely done.
 15 Any other comments on the long range
 16 calendar?
 17 Seeing none, we will move on.
 18 J. BOARD OF TRUSTEES UPDATE
 19 TRUSTEE DENT: I can report back to the
 20 Board, but working through any survey questions you
 21 may have or ideas for surveys, feel free to reach
 22 out. Been in contact with Mr. Lyons regarding a
 23 couple items, and don't have a finalized response
 24 yet.
 25 I'll report back on that. One has to do

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1 with the inquiry regarding the template and working
 2 with us on the template training, which we did do in
 3 a previous training, but working through a little
 4 bit of clarity on that or, potentially, observation
 5 by Mr. Lyons on what we put in our board packet at
 6 the last meeting, because I think that was the
 7 format we wanted to go. I forget which item it was.
 8 Then the other was we're working -- and
 9 I'll work the clerk on this -- fulfilling a part of
 10 our contract with Government Sciences from
 11 last year, and that was the community training,
 12 community outreach. We're working on trying to
 13 figure out a few dates that work with Mr. Lyons.
 14 And I'll loop in Heidi on that, because I know Heidi
 15 has reached on both those fronts.
 16 I'll have an update at the next meeting.
 17 CHAIR SCHMITZ: I have a question for you:
 18 Would it be something to consider to potentially,
 19 depending on how long this community outreach
 20 training lasts, if it's 15 or 20 minutes, would that
 21 be worthwhile to incorporate into our town hall?
 22 TRUSTEE DENT: Yeah, and it's -- I think
 23 one thing we didn't talk about tonight is how long
 24 do we want the town hall to be? And I think it's
 25 important to have the community members that have

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1 questions to be heard, rather than making them go to
 2 school.
 3 I think it is very important and it could
 4 kill two birds with one stone, so we can look into
 5 that.
 6 CHAIR SCHMITZ: My suggestion on the time
 7 is that we would go from 6:00 until 9:00. And I
 8 don't recall what timeline we gave last time.
 9 Two hours, so it was shorter than that.
 10 Does anyone have a strong feeling one way
 11 or another? Is 6:00 to 9:00 too long?
 12 TRUSTEE DENT: And a lot of that depends
 13 on public comment too, right? I think we shortened
 14 the public comment for everybody, just so we could
 15 get to questions, and then we had hundreds of
 16 questions we didn't get to.
 17 CHAIR SCHMITZ: All right. We'll do 6:00
 18 to 8:00, and we'll have condensed public comment.
 19 I have a couple. It was really
 20 interesting -- this is related to pickleball. The
 21 pickleball sort of self-appointed committee is
 22 working so hard. And they actually did a
 23 competitive analysis and produced it for the entire
 24 committee. And they actually discovered that some
 25 of the courts in the Tahoe Basin are able to offer

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1 free play because their tournaments generate so much
 2 revenue that it covers the costs of operating their
 3 pickleball centers.
 4 And they do these tournaments off peak,
 5 and the pickleball community is very interested in
 6 tournaments because it's an opportunity to entice
 7 outside play and to play with players they don't
 8 play with on a daily basis.
 9 So I think that when we're looking at
 10 budgeting and we're looking at our venues, we really
 11 should think about outside tournaments and how much
 12 would that help to fund our venues and, potentially,
 13 lower rates for our locals. I thought that was
 14 really interesting.
 15 And I wanted to just also update as it
 16 relates to contracts. General counsel reviewed the
 17 contract that was used for a charitable event up at
 18 Diamond Peak last week and noted that there were
 19 some deficiencies in the language of the contract.
 20 He's working with staff to update the language and
 21 ensure that the District is properly and legally
 22 protected. So, things with contracts continue to
 23 evolve.
 24 The last thing I just want to point out is
 25 that for the committee leaders, such as Trustee

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1 Tonking, Trustee Tulloch, it has been requested by
 2 our clerk that you inform staff at least a week
 3 before the meeting if they are to be providing
 4 materials for your meeting so that they have
 5 adequate time to prepare whatever it is that you're
 6 needing for your meetings.
 7 Just a reminder, you know, not to leave it
 8 until the three-day window of an agenda going out,
 9 but to be a bit proactive and let staff know if you
 10 have needs for them produce something for the
 11 meeting. Does that make sense?
 12 Great. If there's no other comments
 13 relative to Board of Trustees updates, we will go to
 14 final public comments.
 15 K. FINAL PUBLIC COMMENTS
 16 MS. JEZYCKI: Good evening. My name is
 17 Michelle Jezycki. I am a local here, full time.
 18 I'm also a product of Incline schools,
 19 grew up here. I also have 30 years of human
 20 resources experience, and hearing the dialogue this
 21 evening about the GM and the contracting drafted, I
 22 would just ask for great consideration of some of
 23 the comments that were made tonight.
 24 I think there are similar skill sets, but
 25 also varying skill sets that I think it's fair, not

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1 only to a candidate, not to just Mr. Magee, but I'm
 2 talking about other positions that I've been
 3 involved with in terms of executive searches and so
 4 forth, to look through both lenses, the lense of
 5 what's best for the person who is willing to take on
 6 a challenge like this, as well as what's best for
 7 the community.
 8 I do think the challenge of being here
 9 50 percent poses a very unique concern.
 10 Growing up here, I always heard Incline
 11 was so unique, even though we went to "income high
 12 school," people called us as we went to different
 13 towns across the state. But coming back as an
 14 adult, I see how unique Incline is.
 15 I would just ask that you give great
 16 consideration on behalf Mr. Magee as well the
 17 community in making that decision in drawing up the
 18 terms of a draft contract.
 19 Thank you.
 20 CHAIR SCHMITZ: Are there any public
 21 comments here in the room? Seeing none, we will
 22 move to online.
 23 MR. DOBLER: Cliff Dobler, 995 Fairway.
 24 I brought to your attention tonight that
 25 the contract between the Forest Service and IVGID

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1 regarding half of the land that Diamond Peak rests
 2 on is on a ground lease or a special use permit with
 3 the Forest Service. And that has been -- it expired
 4 in December. I assume now been it's done, but
 5 Mr. Bandelin's statement that there's no board
 6 policy to have the Board review that contract, which
 7 is the ten-year contract and provides for lease
 8 rentals of somewhere between 25- and 35-, 40,000
 9 a year would certainly exceed the \$100,000 where
 10 it's required to bring that contract to the Board.
 11 Now, when you have a ten-year-old lease
 12 and it's being updated after ten years, the odds are
 13 that there may be language changes within that
 14 contract, and yet five members of this Board doesn't
 15 even seem to be aware of it. And I doubt seriously
 16 if our lawyers even looked at the contract.
 17 So, the idea of just saying, well, we
 18 don't have a board policy, I don't know what the
 19 heck he's even talking about, Mr. Bandelin. I mean
 20 at \$30,000 a year for ten years, that's 300 grand.
 21 And I would think -- I'm certainly interested in
 22 knowing what changes might have been made to that
 23 original lease -- special use permit contract to
 24 know what we're getting ourselves into over the next
 25 ten years.

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1 charge homeowners for the beach facilities, rather
 2 than provide them with a homeowner's association,
 3 they represented to all purchasers they were going
 4 to do.
 5 Crystal Bay lobbied the legislature to
 6 have this new basic power possible for GIDs, and
 7 they were successful because they were represented
 8 by Mr. McDonald of McDonald Carano.
 9 Then IVGID petitioned the board, County
 10 Board, to secure that new power. And we had a
 11 public hearing, this is after formation. At the
 12 public hearing, IVGID board members represented to
 13 the County Board that no facilities would be
 14 acquired with this power except for the beaches.
 15 That the beaches would be paid for with ad valorem
 16 taxes, no rec fee, and that every other recreational
 17 facility would be privately owned, operated, and
 18 funded. This is or history. If we adhere to this
 19 history, we get out of the golf, ski, tennis,
 20 facilities rental, Rec Center, food and beverage,
 21 marketing, magazine publishing business. That's
 22 what you should do. And guess what? You'll find
 23 that we don't lose money anymore.
 24 Now, on my public record request, what
 25 Heidi told you is not accurate. I asked for A and

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1 This is too big of a deal just to brush
 2 aside. It's half of the land at Diamond Peak.
 3 Half. Okay? And to think this a will be slid under
 4 the table without any review by the Board makes
 5 absolutely to sense to me, and is one of the
 6 problems that you have at IVGID is everything is
 7 under cover and has to be pried away from the
 8 management to be able to get it to the Board so they
 9 can make appropriate decisions.
 10 I would like to see this brought to the
 11 Board and reviewed to see if any contract changes
 12 were made and what new rental rates may be. And I
 13 would appreciate it.
 14 Thank you very much.
 15 MR. KATZ: Hello. This is Aaron Katz.
 16 There was previous public comment, I think
 17 by Mrs. Johnson, stating what the purpose allegedly
 18 was of IVGID and how we should adhere to what the
 19 purposes were and nothing more. And then she
 20 recited it was water, sewer, and recreation. Well,
 21 I hope she's listening. She's wrong.
 22 When IVGID was formed, no GID had the
 23 power to furnish facilities for recreation, so that
 24 was not part of our original charter. And what
 25 happened here is Crystal Bay Development chose to

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1 staff responded with B. In other words, they didn't
 2 comply. I gave a detailed timeline in my email to
 3 the Board, it's all there. All you need to look.
 4 Bottom line, I had not gotten the records
 5 I asked for. I have not changed the request. It's
 6 concealment, they're making excuses up. I want the
 7 records. I am going to file tomorrow unless
 8 somebody tells me before I'm getting them.
 9 Thank you.
 10 MATT: That was our last public comment on
 11 Zoom.
 12 CHAIR SCHMITZ: Thank you. We have one
 13 additional public comment in the room.
 14 MR. SCHULTZ: Good evening. Joe Schultz,
 15 Putter Court.
 16 With regards to the town hall meeting, it
 17 was so well attended last, and despite the fact that
 18 there was an overwhelming number questions, it
 19 should seem obvious to everybody that the community
 20 is very interested in being able to ask questions
 21 and get a response.
 22 So in light of that, I would like to
 23 encourage you to think of a longer timeframe than
 24 two hours. I understand it's a burden on your time,
 25 and we do appreciate all the time you spend here.

1 And congratulations on a good meeting, despite the
 2 fact that some negativity was expressed during the
 3 first three minutes of talk, it was a very good
 4 meeting.
 5 Thank you.
 6 CHAIR SCHMITZ: That's the end of public
 7 comment.
 8 L. ADJOURNMENT
 9 CHAIR SCHMITZ: We will adjourn at 8:17.
 10 Thank you all.
 11 (Meeting ended at 8:17 p.m.)

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 February 14, 2024,
 7 at the Board of Trustees meeting, via Zoom, and took
 8 stenotype notes of the proceedings entitled herein,
 9 and thereafter transcribed the same into typewriting
 10 as 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 pages 94,
 14 inclusive.
 15 DATED: At Reno, Nevada, this day of 18th
 16 day of February, 2024.
 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 / Heidi White

775-832-1218
AP@ivgid.org

Invoice Number: IVGID 23

Invoice Date: February 18, 2024

Payment Due: March 14, 2024

Amount Due (USD): \$914.00

Items	Quantity	Price	Amount
Base fee February 14, 2024 BOT meeting	1	\$350.00	\$350.00
Per page fee February 14, 2024 BOT meeting	94	\$6.00	\$564.00

Subtotal: \$914.00

Total: \$914.00

Amount Due (USD): \$914.00

**WRITTEN STATEMENT TO BE ATTACHED TO AND MADE A PART OF THE WRITTEN
MINUTES OF THE IVGID BOARD'S REGULAR FEBRUARY 14, 2024 MEETING –
AGENDA ITEM E(2) – HOW TO FUND MINIMUM RESERVES AND GROSS
OVERSPENDING ASSIGNED TO THE DISTRICT'S GENERAL FUND**

Introduction: Here our interim Finance Director, Bobby Magee, deceitfully discusses the financial emergency we are in in our General Fund, and his soon to be announced means of addressing it. Specifically, take expenses out of the General Fund related to our public parks, and put them into our Community Services Fund which doesn't have the resources to pay for them, and increasing central services cost transfers from Community Services, Utility and Beach Funds, and depositing them into our General Fund. In other words, what I call the shell game fix, and the use of our Rec Fees for inappropriate purposes guided by the principle "the ends justify the means." Can it get any worse? Yes it can. And here's yet "another one" as my friend DJ Kahled would say¹. More evidence of staff deceit, lack of transparency, lack of ethics, lack of oversight, and a lack of internal controls. Wow! And that's the purpose of this written statement.

My February 10, 2024 E-Mail to The Board: wherein I put the Board on notice of the shell game and inappropriate increase in central services costs which were about to take place. This e-mail is attached as Exhibit "A" to this written statement. Rather than me regurgitating everything I shared with the Board, I refer the reader to the exhibit attached.

Conclusion: So you see the more things change, the more they remain the same. The District is just as dirty as it has always been. The characters and their attitudes may have changed. But at the end of the day, this place is as dirty as ever! And this is really the definition of a criminal syndicate². Dirty players come and go. But in the end, the organization survives to engage again in racketeering activities! Here to cheat local parcel owners out of money represented to pay for the availability to access and use public recreational and beach facilities, when in truth and in fact, staff want to use that money to pay for intentional overspending.

And now you the reader may have a better idea of what the District's Recreation ("RFF") and Beach ("BFF") Facility Fees really pay for which you can see for yourself have nothing to do with making public recreational and beach facilities available for local parcel owners' access and use.

¹ Go to <https://medium.com/cuepoint/the-old-people-s-guide-to-dj-khaled-5618a5aa52b1#:~:text=Another%20One%20%E2%80%94%20One%20of%20the,of%20shoes%2C%20or%20something%20else.>

² See NRS 207.370 which defines criminal syndicate as a "combination of persons, so structured that the organization will continue its operation even if individual members enter or leave the organization, which engages in or has the purpose of engaging in racketeering activit(ies)."

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

EXHIBIT "A"

February 14, 2024 IVGID BOT Meeting - Agenda Item E(2) - Increasing Transfers of Our RFF/BFF And Water/Sewer Charges to The General Fund to Cover The Enhanced Costs of Further Waste - Follow Upaip

From: <s4s@ix.netcom.com>
To: "Schmitz Sara" <schmitz_trustee@ivgid.org>
Cc: "Tonking Michaela" <tonking_trustee@ivgid.org>, "Dent Matthew" <dent_trustee@ivgid.org>, "Noble Dave" <noble_trustee@ivgid.org>, "Tulloch Ray" <tulloch_trustee@ivgid.org>, <bma@ivgid.org>
Subject: February 14, 2024 IVGID BOT Meeting - Agenda Item E(2) - Increasing Transfers of Our RFF/BFF And Water/Sewer Charges to The General Fund to Cover The Enhanced Costs of Further Waste - Follow Upaip
Date: Feb 10, 2024 9:02 AM

Chairperson Schmitz and the Other Honorable Members of the IVGID BOT -

This is a follow up to my e-mail of Feb 9 on this subject matter, where I predicted what Bobby Magee would be "reporting" about on this subject at next Wednesday's BOT meeting. You'll note I'm sending a copy of this e-mail just to keep Bobby in the loop. And maybe to suggest some "strategies" to implement since he and his team are working on them.

The Board packet is now out and we can see at page 36 what Bobby has in mind. And didn't I predict it? Wasn't I clairvoyant? Amazing. Don't you think?

The problem with Bobby is that he has decided to veer "out of his lane." Rather than fixing our many finance problems, Bobby has decided to take on Board policy. How to pay for all this "stuff." And since that policy starts out with the premise "the ends justify the means," rather than fixing the true genesis of our problem, Bobby suggests "games." Thinking members of the public are too stupid to see through his facade. Well news to Bobby. Although I and a growing number of others may have been born at night, it just wasn't LAST NIGHT.

So what does Bobby tell us at page 36? First of all, we're going to be out of money in the General Fund before July. Congratulations. BTW, thank you Michaela for publicizing this fact at the last Board meeting.

According to Bobby some of the factors contributing to this loss of funds are:

1. "The unanticipated one-time costs to maintain expected future workload levels" [more than offset by "ongoing costs to maintain expected future workload levels," right Bobby? If so, there is no "one-time cost." So why make us think there is?];
2. "Previous movement from the Community Services Fund to the General Fund" [the shell game you suggested at the last Board meeting Bobby. Remove these costs from the General Fund, and tack them back on in the Community Services Fund. Instead of eliminating the costs altogether].

What others Bobby?

Could it be Bobby's "one time" \$322K annual cost?

What about Sheila Leijon's year after year after year nearly \$200K just in salary as a "Director" of Parks and Recreation?
 What about the cost for a new GM?

What about Sheila Leijon's unauthorized expenditure with our attorneys to review the proposed Vitalant contract where according to her, we give away use of the Rec Center gymnasium floor for a day?

What about this same stunt Kate Nelson pulled recently when she incurred attorney's fees with our attorney to review a proposed HDR Engineering contract for an updated utility rate study, before the contract was ever approved by the Board?

What about the loss of income from the possible rent of our gymnasium to Vitalant?

What about the complimentary food and beverage we're going to spring for our friends at Vitalant? Just like we did for our friends at IVCBA? After all, Vitalant personnel are going to be there all day (9 AM - 4 PM). They're going to get hungry too!

What about another \$716 for a certified shorthand reporter to take minutes of the last Board meeting? Or this coming up one?

I hear Bobby has suggested Sheila cut costs. What a joke. Our staff isn't going to cut anything. And here we're talking MILLIONS OF DOLLARS that need to be cut. Where's that going to come from Bobby? Should Sheila turn the heat down at the Rec Center pool to save energy costs?

The problems we have here are the same we have everywhere. So please pay attention to the fix Board members because it is the same fix needed everywhere!

1. GIDs weren't envisioned by the Legislature to do all the things IVGID does. Because if they were, the funding source would have been provided as well. But in IVGIDville it doesn't exist. So we have to manufacture phony sources that essentially no other public agency realizes: the Rec Fee. Which for those of us who come from California, know this expense as a special tax against real property. Our facilities are available to be accessed and used by the world. But the only people who pay for their availability are local parcel owners. Which might be all right if they weren't charged user fees like the world's tourists, but unfortunately they are.

2. So our only legitimate sources of revenue for the General Fund are ad valorem and C-taxes. About \$4 million annually.

3. So that's your allowance kids! You can only spend \$4 million annually on expenses assigned to the General Fund. That's it!

4. But for fifty years your staff have refused. And stupid prior BOTs have gone along with the program. And for this fiscal year, you Board members have approved \$7.5 Million in expenses assigned to the General Fund.

5. So you either have to cut costs, cut services which translate into cut costs, or come up with phony sources of revenue to make up the deficiency. So what have you done? You have come up with phony sources of revenue. It's called "central services cost transfers." Really the General Fund's version of the Rec Fee. But bearing a different label so nobody should think the two charges are really the same.

6. Bobby tells us "the Finance department is currently evaluating options on how to return the General Fund Reserves to the target reserve level" of 15% of budgeted expenses. While you're at it Bobby, why don't you come up with options on how to pay to raze our outdated Admin Bldg and build a new spiffy replacement (what's the cost of this going to be Bobby? \$7 million? \$10 million?).

7. It doesn't take a rocket scientist to figure out you need to cut costs. So start cutting. For this year we need to cut \$3.5 million. Let's start with our GM. Since that's not enough, let's move to Bobby. Still not enough? Let's eliminate IT. And eliminate HR. And eliminate our alleged "wellness" program. And eliminate the IVGID Magazine. And withdraw our membership in the GFOA. And make sure we don't hire lobbyists (like Marcus Faust) to attempt to influence legislation. And how about eliminating each of your salaries? They're not mandatory BTW. And if you won't work for free, get out of the way and let others come forward who will!

8. What you're going to discover is that by the time you've cut the intentional overspending, you can't run IVGID according to your ideas of what IVGID is supposed to be. Which means it's time to end the charade. Got it? Game over.
9. I understand you don't like the options available, but they're reality. We've discussed this before. The quickest way to get out of a hole is to stop digging. STOP DIGGING! Because I and others I know don't want to go along with you for the ride. If the haters in our community do, then let them pony up!
10. You know this is what we must do Bobby. Right? So why are you telling us that instead, you "will present to the Board the strategies (you) intend...to employ during the upcoming budget process?" Springing them on us with our backs against the wall! Pretty saavy Bobby. Right? And BTW, how's that budgeting going? We're already two months into the season and we haven't even started. I guess it's time to incur some additional "one-time costs" to get the ball moving. Right?
11. Because there's ONLY two strategies you can come up with. And we don't have to wait for May to arrive. Right Bobby?
12. First, transfer costs assigned to the General Fund to other Funds that actually have a steady source of revenue to pay for them (that way we actually don't have to cust costs). Like the Utility Fund. You know. Let's pro-rate the cost of our audit to the Utility Fund. As if this fund is required by law to conduct an audit. And that \$2K lunch some of our employees charge to their procurement cards. Let's assign that cost to the Utility Fund as well. And when Utility complains that it's unfair to divert all of these costs to the Utility Fund, let's start parsing them out to Community Services and the Beaches. Even though neither of those funds requires the services represented by these costs to be pro-rated.
13. Second, increase "central services cost transfers" from our other funds that actually have a steady source of revenue. Like the Utility Fund. 10 years ago staff was making \$778K of money transfers annually. Now we're over \$3 million. And if we don't transfer Parks out of the General Fund, next year we'll be over \$4 million. Until we get up to \$7.5 million because we're spending \$7.5 million annually in the General Fund.
14. Okay. Now you've got the program. Let's extend this same "strategy" to our other money losing funds. Or wake up and smell the coffee as principle Rooney announced in Ferris Bueller's Day Off. This path is UNSUSTAINABLE! It's time to close shop. Since the beaches really belong to local parcel owners, transfer use of the beaches to US! We can do such a better job than you. And since we're paying for them already, we don't need you to make the hard decisions like spending another \$50K to get some attorneys to opine that the beaches are supposed to be private.
15. Okay, how do we transfer the beaches? Let's follow the Parasol model. You know. Enter into a 99 year lease with a non-profit HOA created for purposes of operating the beaches, at a rent of \$1 per year! We'll elect our own Board members, eliminate the BFF, and assess members HOA dues. And as a side benefit, for the first time in history the owners of all parcels assessed will be able to vote for Board members.
16. For utilities, continue to do the fine job you've been doing. And if you can't. Or don't want to. Turn them over to the county!
17. Now for the rest of what it is that you do, live within your financial means. Which means if your appetites are greater than your pocket books, downsize or go out of business. Sell the tennis courts to the pickel ballers. Sell the Champ golf course to the core golfers. Turn the Mountain golf course into employee housing. Sell the Rec Center to High Altitude Fitness. Sell the Village Green to AYSO. Sell Preston Field to Little League. Sell Diamond Peak to Mt Rose. Start charging user fees at our public parks.

18. Oh. And when you get finished selling all of these wonderful businesses, disburse the proceeds to those of us who have been paying for them for the last 50 or more years. It's what being a community is all about. Right Bobby?

Respectfully, Aaron Katz

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

From: <s4s@ix.netcom.com>

Sent: Feb 9, 2024 11:27 AM

To: Schmitz Sara <schmitz_trustee@ivgid.org>

Cc: Tonking Michaela <tonking_trustee@ivgid.org>, Dent Matthew <dent_trustee@ivgid.org>, Noble Dave <noble_trustee@ivgid.org>, Tulloch Ray <tulloch_trustee@ivgid.org>, <bma@ivgid.org>

Subject: February 14, 2024 IVGID BOT Meeting - Agenda Item E(2) - Increasing Transfers of Our RFF/BFF And Water/Sewer Charges to The General Fund to Cover The Enhanced Costs of Further Waste

Chairperson Schmitz and the Other Honorable Members of the IVGID Board -

Here we learn Bobby Magee is going to provide a report on his strategy for increasing the fund balance in the General Fund in compliance with Board Policy 7.1.0 (Appropriate Level of Reserves). The alleged purpose of this policy is to maintain prudent reserves for each of its major funds, consistent with best practices.

That means a targeted fund balance of 15% of annual budgeted expenditures. Of this amount, 5% is designated as a reserve for economic uncertainty in the event that general fund revenues received within the fiscal year fall short of the amounts assumed in the approved budget. An additional 10% is to be designated as an emergency reserve to cover unanticipated expenditures resulting from emergencies or unanticipated mandates. In no case shall the fund balance for the District's General Fund fall below 4% of expenditures.

So let's look at this year's budgeted expenditures assigned to the General Fund. Are you ready for this one? \$7.242 million (see schedule B-10)! And it's really \$666,700 more because you board members in your lack of wisdom agreed to modify the budget by this much for add'l vital personnel costs. So that puts budgeted expenditures at nearly \$8 million!

What's 15% of \$8 million? Another \$1.2 million. And remember, this is on top of the central services transfers which are made to the General Fund from our RFF/BFF and excessive utility rates to cover intentional overspending! And how much did we budget for those central services transfers? According to page 522 of the May 25, 2023 Board packet (when the current budget was approved), \$2.552 million is budgeted for central services transfers. And now we're going to increase this number first by the add'l \$666,700 referenced above, and \$1.2 million to be in compliance with Policy 7.1.0?

Are you people CRAZY? For a stupid equivalent of a mosquito district?

If it takes this kind of money to run a GID, you can't operate any facility or program at a break even or profit, your only other source of revenue is about \$4 million of taxes, and thus you have to come to local parcel owners to subsidize your intentional overspending, IT'S TIME TO HANG IT UP! END IT! We don't need it, and we can't afford it. Pure and simple. Remember, NRS 318.515(1) instructs that "Upon notification by the Department of Taxation or upon receipt of a petition signed by 20 percent of the qualified electors of the district, that:

(a) A district of which the board of county commissioners is not the board of trustees is not being properly managed;

(b) The board of trustees of the district is not complying with the provisions of this chapter or with any other law; or

(c) The service plan established for the district (surprise, we have no service plan) is not being complied with,

the board of county commissioners of the county in which the district is located shall hold a hearing to consider the notification or petition."

So what is Bobby Magee's message going to be? Play games by transferring public parks financial reporting out of the General Fund (to make it look like the General Fund is reducing its overspending), or increase central services transfers from the Community Services, Beach and Utility Funds. In other words, more of our RFF/BFF and excessive water/sewer rates. And for what? Total garbage. Let's see if I'm clairvoyant. And if I am, remember you didn't have to pay me \$322K annually to come up with the same message.

Respectfully, Aaron Katz

**WRITTEN STATEMENT TO BE ATTACHED TO AND MADE A PART OF THE WRITTEN
MINUTES OF THE IVGID BOARD'S REGULAR FEBRUARY 14, 2024 MEETING –
AGENDA ITEM F(5) – WASTING ADDITIONAL \$50,000 OF BEACH FEES
ON INTERPRETING THE BEACH DEED AND/OR ORDINANCE NO. 7
NOTWITHSTANDING BOTH HAVE BEEN INTERPRETED MANY
PREVIOUS TIMES**

Introduction: Can it get any worse? Yes it can. And here's yet "another one" as my friend DJ Kahled would say¹. Here our chairperson seeks approval to spend another \$50,000 on attorney's fees interpreting a deed which requires no further interpretation. And on the consent calendar no less. And that's the purpose of this written statement.

My February 11, 2024 E-Mail to The Board: wherein I put the Board on notice of my opposition to this proposed matter is attached as Exhibit "A" to this written statement. Rather than me regurgitating everything I shared with the Board in that e-mail, I refer the reader to the exhibit itself.

The MacDonald Carano Firm Has a Conflict of Interest: The details appear in the exhibit attached to this written statement.

Conclusion: Many years ago former Trustee Gene Brockman indicated that the beach deed had been interpreted at least three times. Somewhat recently, the beach deed has been interpreted at least one additional time. There's nothing left to interpret.

Similarly, Ordinance No. 7 has recently been interpreted, major modifications have been improved, and the wording of those modifications have been reviewed/approved by legal counsel. So what more needs to be approved?

Increasing the legal cost as outlined in the exhibit attached is unwarranted. And it is a waste. Whereas Ms. Parks required a retainer of \$0.00, MacDonald Carano requires \$20,000. That is no insignificant sum. I ask the Board reject this request.

And now you the reader may have a better idea of what the District's Recreation ("RFF") and Beach ("BFF") Facility Fees really pay for which you can see for yourself have nothing to do with making public recreational and beach facilities available for local parcel owners' access and use.

¹ Go to <https://medium.com/cuepoint/the-old-people-s-guide-to-dj-khaled-5618a5aa52b1#:~:text=Another%20One%20%E2%80%94%20One%20of%20the,of%20shoes%2C%20or%20something%20else.>

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

EXHIBIT "A"

February 14, 2024 IVGID BOT Meeting - Agenda Item F(5) - Spending Up to Another Wasteful \$50K On Attorneys Fees to Review Beach Access Policies Which Don't Exist

From: <s4s@ix.netcom.com>
To: Schmitz Sara <schmitz_trustee@ivgid.org>
Cc: Tonking Michaela <tonking_trustee@ivgid.org>, Dent Matthew <dent_trustee@ivgid.org>, Noble Dave <noble_trustee@ivgid.org>, Tulloch Ray <tulloch_trustee@ivgid.org>
Subject: February 14, 2024 IVGID BOT Meeting - Agenda Item F(5) - Spending Up to Another Wasteful \$50K On Attorneys Fees to Review Beach Access Policies Which Don't Exist
Date: Feb 11, 2024 10:09 AM

Chairperson Schmitz and the Other Honorable Members of the IVGID Board -

Well here's another stupid one. As I have observed many times before, essentially everything the Board does is stupid. And a waste of money. Just look at the agenda for this meeting. Is this the best you can come up with for the expense of a Board meeting? What expense? Well let's count the numbers.

1. An attorney at nearly \$300 per hour.
2. Transportation costs for the attorney from/to Sacramento at \$140 per hour.
3. An official certified shorthand reporter at anywhere from \$750-\$2,300.
4. Staff time and expense to create the staff memo and attachments associated with this agenda item.
5. Plus all the other costs we regularly incur with staff/otherwise.

And for what? What is so earthshaking and necessary on the agenda for this meeting? As I have noted so many times before, Bueller? Bueller?

And now this matter. On the consent calendar no less? At the initiative of our chairperson. Well I guess she forgot to read her own modified Policy 3.1.0 (the conduct of BOT meetings). So let me refresh her recollection:

"Each consent item shall be separately listed on the agenda, under the heading of 'Consent Calendar'. A memorandum containing all relevant information will be included in the packet materials for each Consent Calendar item. **The memorandum should include the justification as a consent item in the Background Section.**"

Okay. Let's examine the background section of the memorandum prepared by our chairperson in support of this agenda item (page 158 of the Board packet). **Where has Sara included the justification for this matter to have gone on the consent calendar?** Remember, here Sara is proposing that we: increase the hourly rate we pay our attorneys for this allegedly vital service from \$250 per hour to \$595-\$750 per hour. And we increase our up front retainer from \$0-\$20,000. Come on Sara.

Initially I ask that at least one of your Board members "request the removal of (this) particular item from the Consent Calendar, at the time of the agenda approval, (or beforehand), and that the matter shall be removed and addressed in the General Business section of the meeting." **Just as Policy 3.1.0 instructs.** Right Sara?

But there's a lot more to this agenda item that Sara/staff hasn't shared with the rest of you and the public. Given Policy 3.1.0 instructs that "a memorandum containing **all relevant information** (sha)ill be included in the packet materials for each Consent Calendar item," where's all the relevant information? I guess you're forcing me to fill in the blanks Sara. Thank you very much.

First, we have a financial emergency on our hands. Just look at what's happening in the General Fund. So disingenuously, our chairperson and staff are looking to another source of funds to pay for

this initiative (see page 168 of the Board packet). So to my detriment, and the detriment of all other local parcel owners with beach access, the staff memo tells us that "The Finance Department has confirmed that the Beach Fund has enough in available budgeted appropriations for the recommended action." What? You're going to use the equivalent of an excess fund balance in the Beach Fund for a garbage expenditure like this? Stop it Sara! I'm not involuntarily paying the BFF so you can blow the funds on this unnecessary expense. When are you going to begin being financially responsible?

Second, and this is the one that really gets me. Sara states we should spend up to another \$50K with "McDonald Carano...DUE TO THEIR EXTENSIVE RESEARCH...since they have provided considerable input related to the beaches and the beach deed TO THE GROUP WORKING TO DEVELOP A PLAN FOR INCLINE VILLAGE AND CRYSTAL BAY TO BECOME A CITY." Are you crazy Sara?

What do we care about the group working to develop a plan for IV/CB to become a city? Many of these "leaders" are the same haters in our community who led the recall charge against Trustees Schmidt and Dent. And now we're going to be manipulated by the same attorneys who are working so closely with these haters? Conflict of interest?

But here's the big one! Who are the attorneys who master minded everything that's wrong with our community nearly 60 years ago? That's right. The founders of McDonald Carano! Don't you understand this Sara?

I have stated several times before in the past that whoever concocted the current direction of the District and our phony Rec Fee, were pretty sharp cookies. And they didn't give a damn about the initial and current property owners of Incline Village. They cared about themselves and our beloved founders (Art Wood and Harold Tiller). So let's go back in memory, shall we?

Do you know who the "McDonald" is in McDonald Carano? Let's go back to the District's "History" page (<https://www.yourtahoeplace.com/ivqid/about-ivqid/history-of-ivqid>): "The Incline Village General Improvement District (IVGID) was created by Washoe County under State law (Nevada Revised Statute 318), effective June 1, 1961 (Washoe County Ordinance No. 97, Bill No. 57). NRS 318 authorized...five...Trustees to set up and run the District. The initial Board...**consisted of Robert L. McDonald**, Raymond Plunkett, Raymond M. Smith, Harold B. Tiller, and John H. Uhalde." That's right! Robert McDonald.

Mr. McDonald was founding partner in the firm of Bible, McDonald, Carano and Wilson (now known simply as McDonald Carano) of Reno, NV. "Bob McDonald and former United States Senator Alan Bible created the firm in 1949. Prior to its launch (1942-1950), Alan Bible served as Attorney General for the State of Nevada with Bob McDonald serving as his Deputy" Attorney General. And subsequent to its launch (1954-1974), Mr. Bible served as United States Senator for the State of Nevada. Thus is it any surprise that with Mssrs. McDonald's and Bible's governmental "connections" and "assistance," the State Legislature enacted Nevada's General Improvement District Law on April 30, 1959. That's right! These attorneys were instrumental in creation of the GID law.

Because GIDs were a new form of local government, and "there were no criteria to guide county commissioners insofar as to whether or not a (GID) should be created" (undoubtedly by design), residential real estate developers such as Crystal Bay Development Co. were free to use the artifice of a GID to transfer the financial and other obligations of constructing public infrastructure improvements (such as streets, gutters, storm drains, sewerage and water services) onto persons *other than* themselves. And that's exactly what happened in Incline Village! Thank you Bob McDonald.

And then when the Legislature was lobbied to modify the GID law to include public recreation as a new basic power, who was doing the lobbying? You've got it. McDonald and Bible.

And when the District formally asked Washoe County to grant it this new basic power, who did the asking on IVGID's behalf? Who represented the District in its formal public hearing before the Washoe County Board of Commissioners? Who assisted Harold Tiller in making the misrepresentations he made to the County Board which resulted in this new basic power being granted to IVGID? You've got it. McDonald and Bible.

And when a homeowners' association was created by Crystal Bay Development Co. to own and operate the beaches for local parcel owners' benefit, who was appointed president? You've got it! Robert McDonald.

And when Crystal Bay Development Co. balked at transferring the beaches to this HOA, who concocted the idea the HOA should actually pay for the privilege? Knowing full well it had no ability to assess local parcel owners for the funding required. You've got it. McDonald and Bible.

And then when the principals of Crystal Bay Development Co. decided to dissolve this HOA and enter into a settlement agreement whereby the IVGID Board influenced by Robert McDonald would purchase the beaches from the successor to Crystal Bay Development Co., who carried out this task on their behaves? You've got it. McDonald and Bible.

And who participated in the crafting of the very unusual language included in the beach deed which granted all local parcel owners an easement to access and use the beaches? You've got it. McDonald and Bible.

And then when the District had to come up with a revenue source to pay the premiums on revenue bonds whose proceeds were used to purchase the beaches, who concocted the Rec Fee? You've got it. McDonald and Bible.

So if you're looking for a firm which has extensive knowledge concerning the beach deed, who better than McDonald Carano? In other words, what better wolf to guard our hen house? Who I and others I know submit has a conflict of interest with the client it proposes serving for another up to \$50K?

Did you know all of this Sara?

So with this history as a back drop, let's continue.

Apparently in March of 2023 the Board agreed to hire attorney Katherine Parks, at \$250 per hour, "to provide legal services on several issues related to the...Beach Deed and Ordinance 7" (see page 181 of the Board packet). Now what issues were those? And how vital were and are they given nearly a year has elapsed and still, they either have or have not been addressed? And hasn't Ordinance 7 been revised so there's little chance we're going to be revising it yet again? Right Sara? In fact, didn't we pay tens of thousands of dollars to yet another law firm to assist with coming up with the language on modifying Ordinance 7 to today's format? If so, why do we need to pay yet another attorney to provide the same vital work? Bueller? Bueller?

Continuing, apparently somewhat recently, Ms. Parks notified our Board Chair that she could no longer perform services for the District. Which has led Sara to the McDonald Carano law firm. Which now wants \$575-\$750 per hour (see page 175 of the Board packet) with a retainer of \$20,000 (see page 171 of the Board packet) to "review...(unspecified) policies on restricted...beach...access" (see page 170 of the Board packet).

What beach policies require review Sara? How vital are they? And for \$575-\$750 per hour. From a law firm with an arguable conflict of interest? Are you people crazy? I and others I know resent deeply that our BFF is being spent on waste like this. And with a firm which many of us view was the architect of everything that's wrong here in Incline Village. And at twice the hourly rate quoted by Ms. Parks!

By the way. How are our finances doing under your tenure Sara? You've told us the General Fund will be out of money at the end of this fiscal year. And Bobby Magee has told us the District will have to come up with a new funding source to cover the \$3.5 million or greater deficiency for 2024-25. And he'll be telling us about what I and others already know about, during the 2024-25 budget process. And since I and others know that ultimately those funds are going to come from, in part, the BFF, come next year I predict the Beach Fund will essentially be out of money (assuming it isn't already out of money because of the funding of capital projects which will never be completed). Meaning **don't blow the proceeds of our BFF with up to \$50K of wasted attorney's fees with McDonald Carano.**

Finally, look at the "Alternatives" section of Sara's staff memo: **"DO NOTHING AND HAVE NO OUTSIDE SPECIAL COUNSEL TO ASSIST WITH BEACH DEED RELATED QUESTIONS AND/OR ISSUES."** Well now you've got it right Sara. That's exactly what you Board members should do. NOTHING. And save our \$50K for more pressing beach issues. Do I really have to come up with a laundry list?

Respectively, Aaron Katz

**WRITTEN STATEMENT TO BE ATTACHED TO AND MADE A PART OF THE WRITTEN
MINUTES OF THE IVGID BOARD'S REGULAR FEBRUARY 14, 2024 MEETING –
AGENDA ITEM E(4) – ANOTHER INAPPROPRIATE GIVEAWAY OF A PUBLIC
ASSET TO A FAVORED COLLABORATOR WHICH IS FINANCIALLY
SUPPORTED BY OUR REC FEES – THE REC CENTER GYM TO
VITALANT FOR BLOOD COLLECTION**

Introduction: Can it get any worse? Yes it can. And here's yet "another one" as my friend DJ Kahled would say¹. More evidence of staff incompetence, deceit, lack of transparency, lack of ethics, lack of oversight, lack of internal controls, and a flagrant disregard for the truth and financial sustainability of the District. Wow! How many unnecessary wastes am I and others required to share with the Board until you members get it? And do something about it And that's the purpose of this written statement.

My February 11, 2024 E-Mail to The Board: wherein I put the Board on notice of the many things our Director of Public Works was doing that were and are no in accordance with Board policy. This e-mail is attached as Exhibit "A" to this written statement. Rather than me regurgitating everything I shared with the Board, I refer the reader to the exhibit attached.

Conclusion: The cost of this giveaway is not "NO COST" as staff represents. It's plenty. And it's to an organization which is not a qualified non-profit according to our policies, and an organization which has hundreds of millions of dollars a year in revenues. So you see the more things change, the more they remain the same. The District is just as dirty as it has always been. The characters and their attitudes may have changed. But at the end of the day, this place is as dirty as ever! And this is really the definition of a criminal syndicate². Dirty players come and go. But in the end, the organization survives to engage again in racketeering activities! I ask the Board summarily reject this request and send a message to the similar takers in our community.

And now you the reader may have a better idea of what the District's Recreation ("RFF") and Beach ("BFF") Facility Fees really pay for which you can see for yourself have nothing to do with making public recreational and beach facilities available for local parcel owners' access and use.

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

¹ Go to <https://medium.com/cuepoint/the-old-people-s-guide-to-dj-khaled-5618a5aa52b1#:~:text=Another%20One%20%E2%80%94%20One%20of%20the,of%20shoes%2C%20or%20something%20else.>

² See NRS 207.370 which defines criminal syndicate as a "combination of persons, so structured that the organization will continue its operation even if individual members enter or leave the organization, which engages in or has the purpose of engaging in racketeering activit(ies)."

EXHIBIT "A"

February 14, 2024 IVGID BOT Meeting - Agenda Item F(4) - Give Away The Rec Center For FREE to Some Other Favored Collaborator to Make Money Off of We Local Parcel Owners - AND ON THE CONSENT CALENDAR NO LESS!

From: <s4s@ix.netcom.com>
To: Schmitz Sara <schmitz_trustee@ivgid.org>
Cc: Dent Matthew <dent_trustee@ivgid.org>, Tonking Michaela <tonking_trustee@ivgid.org>, Noble Dave <noble_trustee@ivgid.org>, Tulloch Ray <tulloch_trustee@ivgid.org>, Bandelin Mike <MLB@ivgid.org>
Subject: February 14, 2024 IVGID BOT Meeting - Agenda Item F(4) - Give Away The Rec Center For FREE to Some Other Favored Collaborator to Make Money Off of We Local Parcel Owners - AND ON THE CONSENT CALENDAR NO LESS!
Date: Feb 11, 2024 10:25 PM

Chairperson Schmitz and the Other Honorable Members of the IVGID Board -

Well here's another stupid one. Three for three just on this agenda! As I have observed so many times before, essentially everything the Board does is stupid. And that's because of the quality/lack thereof of our wonderful staff. And a waste of money. Just look at the agenda for this meeting. Is this the best you can come up with for the expense of a Board meeting? What expense? Well let's count the numbers.

1. An attorney at nearly \$300 per hour.
2. Transportation costs for the attorney from/to Sacramento at \$140 per hour.
3. An official certified shorthand reporter at anywhere from \$750-\$2,300.
4. Staff time and expense to create the staff memo and attachments associated with a stupid agenda item like this one.
5. Plus all the other costs we regularly incur with staff/otherwise.

And for what? What is so earthshaking and necessary on the agenda for this meeting? As I have noted so many times before, Bueller? Bueller?

And now this matter. On the consent calendar no less? At the initiative of our Director of Parks and Recreation. Who forgot to read the District's Policy 3.1.0 (the conduct of BOT meetings). So let me refresh her education. Which as a "Director" one would think she should be the one educating me.

"Each consent item shall be separately listed on the agenda, under the heading of 'Consent Calendar'. A memorandum containing all relevant information will be included in the packet materials for each Consent Calendar item. The memorandum should include the justification as a consent item in the Background Section."

Okay. Let's examine the background section of the memorandum prepared by Sheila Leijon in support of this agenda item (page 162-63 of the Board packet). Where has Sheila included the justification for this matter to have been placed on the consent calendar in the first place? Bueller? Bueller? Remember, here Sheila is proposing we: give away use of the Rec Center gymnasium area for free (allegedly at "No Cost"), and that we pay money with the BOT's attorney for his "review and proposed modification ["The (proposed) Draft Premise Use Agreement...has been reviewed and modified by IVGID's Legal Counsel" (see page 163 of the Board packet)] of the "Premises Use Agreement" (see pages 164-67 of the Board packet).

Initially I ask that at least one of you Board members "request the removal of (this) particular item from the Consent Calendar, at the time of the agenda approval, (or preferably beforehand), and that the matter...be removed and addressed in the General Business section of the meeting." Just as Policy 3.1.0 instructs. Right Sheila?

But there's a lot more to this agenda item that Sheila hasn't shared with the rest of you and the public. Notwithstanding Policy 3.1.0 instructs that **"a memorandum containing all relevant information (sh)ill be included in the packet materials for each Consent Calendar item."** You're forcing me to fill in the blanks Sheila. Thank you very much.

Let's start with the popaganda Sheila has gratuitously included in her staff memo. Look at the fonts of the language under the Background portion of Sheila's staff memorandum. Starting with the words "The coronavirus disease.." on page 162 of the Board packet through the words "'Becoming a Hero' makes you feel good" on page 163 of the Board packet, we have a different font! Now why is that Sheila? Could it be that you asked Vitalant to provide you with their propaganda so you could copy and paste it into the body of your staff memorandum? As if these were your words? And we're supposed to believe any of it as if it were coming from our staff? We won't be heros unless we agree to give away our facilities at no cost to a favored collaborator? Come on Sheila. I think we'll be heros if we terminate the employ of at least 30% of the staff under your supervision.

And I didn't realize it was your job to be wing man/cheerleader for third party favored collaborators? I thought you owed your 200% loyalty to we the public?

Let's transition to POLICY AND PROCEDURE RESOLUTION NO. 141 RESOLUTION 1895. Shall we? "Community Focused Non-Profits shall be eligible for complimentary or discounted use of District facilities and recreational programs as set forth in applicable Board of Trustees Policies and Practices. **Eligible non-profits shall be a local non-profit, a national non-profit with a local chapter, or local government agency or school district providing services to the local community. Local shall be defined as the Incline Village/Crystal Bay community."**

Okay. Is Vitalant an Incline Village/Crystal Bay non-profit?
Is Vitalant a national non-profit with an Incline Village/Crystal Bay chapter?
Is Vitalant a local government agency?
Is Vitalant a school district?

Since the answers to these questions are no, no, no and no, why have you given Vitalant the time of day? Why didn't you just tell them no? And why have you caused this item to be placed on the BOT's agenda for possible approval? You ask members of our community to "contribute to our community? Or contribute to Vialant's bottom line (see discussion below)? You be the judge Board members.

WHY HAVE YOU PLACED THIS MATTER ON THE BOT'S CONSENT AGENDA? So hopefully approval will be slipped through with the other consent items? Sorry Sheila. Your motives are DIRTY insofar as I am concerned. The same dirt behavior that has plagued this District for years. I keep talking about our employees being dirty. And here's another example. If you as a Director, no less, can't even follow Board Policy, you shouldn't be a District employee. It's that simple. Got that Board?

But wait. There's more and it gets WORSE if you can believe. At page 163 of the Board packet you state Vitalant's proposed Premise Use Agreement "has been reviewed and modified by IVGID's Legal Counsel." Really Sheila? IVGID's Legal Counsel is the BOT's Legal Counsel. NOT YOURS. Don't you recall we made this so perfectly clear more than a year ago with Josh? So who asked Sergio to review the agreement? And modify the agreement? And incur a cost of nearly \$300 per hour which would be billed to the General Fund? You know. The Fund Bobby Magee has told us runs out of money this fiscal year. Wasn't it you Sheila? And if the answer is yes, WHO AUTHORIZED YOU TO INCUR THIS EXPENSE? Did you go to Mike Bandelin and get his approval ahead of time? Or did you just come up with the justification yourself? It's getting DIRTIER Board members. I know you're just so in love with Sheila and her crew. But take a step back and look at what's going on here. More crap like the stunt revered Kate Nelson pulled off with the propose HDR Engineering rate study update agreement. Stupid me did a records request to find out how much good ole Kate unnecessarily cost us. Also I wanted written confirmation of who asked Sergio to do this work. And how did staff respond? NO PUBLIC INFORMATION. And my request for e-mails between whoever asked Sergio to do this work and Sergio's staff's response was none of your business. This is privileged information between an attorney and his client (remember, Kate Nelson wasn't and isn't Sergio's client). So stonewalled again. Just like the good old days!

So if I ask for the same information between Sheila and Sergio, how do you think staff is going to respond? And this is acceptable. Damn it get the information and share it with the public. And if it's embarrassing to Kate Nelson or Sheila Leijon, too bad! And if they don't like it, or think I am bullying them, I've got a message for both. Go work for Brad Johnson like the rest of our loser past employees who jumped ship and went to work for Brad did.

I know you make a big deal about telling us this giveaway is at NO COST to the District. But how much was the cost with Sergio? Did he waive all of his fees because he believes the propaganda included in your staff memo? Or are we on "the hook" for this NO COST item? And assuming the latter, how much are we on the hook for Sheila? \$500? \$1,000? How much Sheila. And is this part of your definition of "NO COST?"

Let's look and the proposed agreement itself. Let's see the benefit we received from paying Sergio to represent our interests.

Although Sheila tells us use of our gymnasium will be between 11 AM - 3 PM (page 161 of the Board packet), ONLY MID-DAY, that's not what the agreement says. Section 1 - 9 AM - 4 PM. That's all day Sheila. Isn't it? And aren't your statements to the contrary deceptive as hell? Or what I would call...you got it. Dirty.

And I love this one. "This Agreement will have a term of one (1) year, beginning on the Effective Date." So "additional dates and times may be agreed upon by the parties during the Term which shall NOT require a written amendment to this Agreement." You mean this won't be a one time "NO COST" event? And you, Sheila, won't have to come to the Board next time to secure approval for future similar events? Bueller? Bueller?

How about this one at section 6 of the agreement? "Contractor (that's IVGID, right Sheila?) acknowledges that it may have access...to confidential information of VITALANT as a result of VITALANT's use of the premises." Really? What confidential information? Well how about the identities of and contact info for the donors giving away their blood to Vitalant. So Vitalant can hit them up for cash donations (yes Vitalant gladly accepts cash in addition to blood). So Vitalant requires us "to protect and maintain as confidential any such information, including, but not limited to, any and all donor(s)..." Wait a minute. Aren't OUR donors OUR confidential information? Shouldn't Vitalant be protecting our customers' confidential information? Oh. But we're being compensated for our covenant to protect Vitalant's confidential client information, right? No and no. It's "No Cost" stupid. Right Sheila?

Who reviewed this agreement on our behalf? And they charged us? So we could agree to bush league provisions such as these? Come on...

But wait. There's more. Really? Word has it Sheila has ALREADY signed the proposed use agreement with Vitalant even though the Board hasn't approved entrance into it. Is this true Sheila? And if so where have you gotten off doing something like this? Why have you even agendized this matter? As a formality after the fact? To make it look different than it really is? And you know, don't you, that Vitalant/you are already advertising this event? Well sure you do! Just go to: <https://www.yourtahoepace.com/events/incline-community-blood-drive>. Or look at the article in the Tahoe Tribune: <https://www.tahoedailytribune.com/news/blood-donations-urgently-needed-to-maintain-supply-for-patients-in-tahoe/>. It's a done deal. Right Sheila?

And why are we giving our recreational facility away for Vitalant's use? Why not Raley's Shopping Center or the Hyatt Hotel? Ooops! Apparently Vitalant held a blood drive at the Hyatt on February 8. Where our community members could become heros without having to wait around until February 26 to participate in your shindig. What exactly is par on being a hero in Incline Village? Bueller? Bueller?

But wait. There's more.

What do you know about Vitalant? Shouldn't you educate yourself before you jump hook, line and sinker into their propaganda? Assuming you know as much as you know about BOT policies, why are you opening your mouth with accolades as you have done in your staff memo?

Formerly known as Blood Systems, Inc., on Sep 24, 2018 - 10 blood center brands, research institute and specialty laboratory united as one cohesive brand under the new name Vitalant (<https://c212.net/c/link/?t=0&l=en&o=2243143-1&h=3778086531&u=http%3A%2F%2Fwww.vitalant.org%2F&a=Vitalant>). Unifying the combined capabilities and national (as opposed to local) presence of the organization's many brands, Vitalant brings together the benefits of a cohesive centralized support structure and enhanced research opportunities to advance transfusion care and reach people most in need. It also reflects a commitment to donors to ensure a consistent and seamless experience across all centers and blood drives. Vitalant's 127 nationwide donation centers and 30,000 mobile blood drives welcome more than 780,000 **volunteer blood donors** who supply 1.8 million donations per year. You mean our blood donors are volunteers? They don't get paid?

Cha cha ching (see below).

Then it turns out a former Spokane blood bank foundation leader filed a whistleblower complaint against Vitalant. Did you know about this one? "I want the public to be aware and want the attorney general and the state of Washington to understand **the greed and under-handedness that's happening**," she said. Greed and under-handedness? Is that word speak for it's what being a community is all about?

Continuing with the article, "I hope the attorney general will hold them (Vitalant) to being a grant-making private foundation." Read about it here Sheila and Board members: <https://www.spokesman.com/stories/2019/jan/08/former-blood-bank-foundation-leader-files-whistleb/>. What does this whistleblower want us to know? "Converting the nonprofit to a type 3 supporting organization, which has fewer regulations and restrictions and typically exists to fund one organization...(This) could give control of foundation assets to Vitalant, separating the foundation from its original mission instead of providing grants to the community." And you had the gumption Sheila to recommend this type of an operation to the good people of Incline Village/Crystal Bay?

How about this one Sheila? "Blood Donors Aren't Getting Paid, But Their Blood Is Being Sold." Although this article is about the Red Cross, I've been informed that the same business model has been plagerized by Vitalant. "We operate on a cost recovery basis, not profit...We supply approximately 40 percent of the nation's blood supply. In order to recover the cost of recruiting blood donors and testing of blood, we recover that cost by being reimbursed by hospitals." This sounds like re-selling to me. What about you? Continuing, this money is "spent...on recruiting donors, testing blood and paying staff." Read about it here: <https://otenews.com/blood-donors-arent-getting-paid-but-their-blood-is-being-sold/>. Right?

We know Vitalant pays NOTHING to the good people of Incline Village/Crystal Bay who will be donating blood because you told us. So what does it charge hospitals and others? I hear starting at \$160/unit. And going higher in price depending upon the type of blood being furnished. Have you determined yourself Sheila, what Vitalant charges? Have you examined the form 990 statement of finances for Vitalant? A summary for 2022 is published at <https://projects.propublica.org/nonprofits/organizations/860098929> and it discloses the following:

Revenues \$700 million;
 Total Assets \$811 million;
 Liabilities \$236 million; and,
 Expenses \$689 million (what else would you expect? It's a non-profit. Right?)

But only in name.

Let's start with revenues sources. I like this one. Apparently Vitalant can't label its sale of blood as the sale of blood (apparently outfits like Vitalant "operate on a cost recovery basis, not profit...In order to recover the cost of recruiting blood donors and testing of blood, we recover that cost by being reimbursed by hospitals"), so it calls this revenue source "program services." Kind of like IVGID calls revenues "sources" and expenses "uses."

Okay. How much in "program services" does it charge? Ready for this one? A whopping nearly \$624 million annually! That's million as in "money" Sheila. Cha cha ching! And you wonder why it costs so much to go to the hospital?

Now let's take a look at some of the notable expenses:

Executive compensation - \$7.56 million
Other salaries and wages - \$293.1 million

Key employees and officers:

President/CEO David Green - \$1.427 million
COO Rober Van Tuyle - \$777.7K
CMO Ralph Vassallo - \$701.8K

That's nearly 43% of revenue going to vital salaries and executive compensation! And they just can't seem to come up with a buck to pay us for use of our facilities. Pity!

And you have the gall Sheila to refer to these people as "our partners?" You play the guilt game of "community building," You play the "coronavirus disease card affecting millions of people." You tell us "there is little to no business impact." Really? Our community's "priceless donation" (all at page 162 of the Board packet).

Which apparently does have a price tag! It's nearly \$624 million!

How about this one Sheila? You promote the Rec Fee and state it pays for payors' availability to access and use the Rec Center gymnasium when they elect to use it. Right? Okay. I want to use the Rec Center gymnasium on February 26, 2024. Is it available to me? Assuming the answer is no, do I get a refund of my RFF? Of course not. Stupid me. And wonderful you Sheila. Right? Bueller?

Okay. This is an isolated incident. Right Sheila? Just this one incident. WRONGO. Didn't you pull the same stunt a month or so ago with your buddies at IVCBA? You remember. "NO COST" use of the Rec Center's parking lot for their "so called" job fair. You know the fair when IVCBA reportedly charged job seekers \$50 each to attend the fair? And the District provided free refreshments to attendees. How much did this "no cost" actually cost the District? About the same as this proposed event?

Okay. How many other undisclosed IVCBAs or Vitalants have you pulled this same stunt with? Are we really supposed to believe these are just the only two examples? I've said this before. Frank and I may have been born at night. Just not last night. And I say this to Bobby Magee. If you're looking where to go on your forensic audit, how about going to the Rec Center and having a little talk with Sheila Leijon?

We don't lose enough money at the Rec Center Sheila so we can lose a bit more giving away our recreational facilities FOR FREE? So this favored collaborator can make money off we local parcel owners using our facilities at "NO COST?" It's the IVGID way! It's what being a village is all about.

And then you throw in this gratuitous opinion: "For these reasons and many more, staff is requesting the BOT approve the Draft Premise Use Agreement." Really, Is this staff's opinion? Are you for real Sheila?

Stupid me. I have a couple of suggestions.

Under V. Alternatives, we're told the BOT can **"NOT approve the Draft Premise Use Agreement, and deny use of the Gymnasium."** Even though Sheila has allegedly already entered into it. This is the preferable option. Do not approve the proposed agreement, and deny Vitalant use of our Rec Center gymnasium.

Or, KILL THIS DEAL. Tell Vitalant they can't use our Rec Center. And to compensate them for the hidden promises Sheila apparently made to them, let's just write them a check for \$2,000. Kind of like "hush money" we pay disgruntled employees to keep their mouths shut. Just our way of saying "sorry." And this way least the real cost to us will be less than playing Sheila's little charade game.

Finally, let's agendize the termination of Sheila as a District employee? Just like you should have done with the many other dirty employees I have called to your attention. Do I really need to share more?

Thank you for your cooperation. Respectfully, Aaron Katz

WRITTEN STATEMENT TO BE ATTACHED TO AND MADE A PART OF THE WRITTEN MINUTES OF THE IVGID BOARD'S REGULAR FEBRUARY 14, 2024 MEETING – AGENDA ITEM C – PUBLIC COMMENT – WE HAVE A PUBLIC EMPLOYEE WHO IS RUNNING HIS OWN BUSINESS WHICH DIRECTLY COMPETES WITH HIS EMPLOYER. AND THERE'S NOTHING WRONG WITH THIS? AND WE HAVE ANOTHER PUBLIC EMPLOYER WHO IS BEING PAID TO WORK DOING THE IVGID WORKDAY AND HE'S WORKING FOR SOMEONE ELSE. AND THERE'S NOTHING WRONG WITH THIS?

Introduction: Can it get any worse? Yes it can. And here's yet "another one" as my friend DJ Kahled would say¹. More evidence of Board and staff incompetence, lies, deceit, a lack of transparency, a lack of ethics, a lack of oversight, and internal controls, and a flagrant disregard for the truth and financial sustainability of the District. Wow! Here we have long time Public Works employee Tim Buxton who set up his own business, out of his house in Incline Village, to directly compete with his employer insofar as mandatory backflow prevention device testing and repair. And we have Rec Center Tim Kelly who is working for someone else during the IVGID workday, while he gets paid by us. An both of these behaviors are supposed to be acceptable? And ethical? And what is our Board doing to put an end to this behavior? NOTHING! And that's the purpose of this written statement.

IVGID Public Works Employee Tim Buxton is Competing Directly With His Employer in The Business of Testing And Repairing Incline Village/Crystal Bay Backflow Prevention Devices: That's right! He and his wife set up a company, B&L Backflow Testing, which competes directly with IVGID insofar as backflow prevention device testing and repairs are concerned. Which means he's taking away revenue from his employer. Which is creating more net expenses which need to be covered by the utility rates, tolls and charges all local parcel owners are compelled to pay. And this is ethical? And acceptable? And I'm the problem person for exposing this wrongdoing to the Board and the public?

IVGID Recreation Center Employee Tim Kelly Has Another Job During the IVGID Workday While He Gets Paid by IVGID in Addition to His Other Employer: That's right! Tim is and for some years has been the head Boy's Basketball Coach for Incline High. He regularly leaves his IVGID job in the afternoons so he can coach the Incline High boy's basketball team. And when the team travels, Tim travels with them. Even if it means he must be absent from his IVGID job. Like this coming Friday (February 16, 2024) when he travels with the team to West Wendover. And even though Tim isn't at his IVGID job, he gets paid by us as if he were. And this is ethical? And acceptable? And I'm the problem person for exposing this wrongdoing to the Board and the public?

¹ Go to <https://medium.com/cuepoint/the-old-people-s-guide-to-dj-khaled-5618a5aa52b1#:~:text=Another%20One%20%E2%80%94%20One%20of%20the,of%20shoes%2C%20or%20something%20else.>

My February 14, 2024 E-Mail to The Board: wherein I put the Board on notice of these two wrongful acts is attached as Exhibit "A" to this written statement. Rather than me regurgitating everything I shared with the Board, I refer the reader to the exhibit attached.

Conclusion: So you see the more things change, the more they remain the same. The District is just as dirty as it has always been. The characters and their attitudes may have changed. But at the end of the day, this place is as dirty as ever! And this is really the definition of a criminal syndicate². Dirty players come or go. But in the end, the organization survives to engage in racketeering activities!

And now you the reader may have a better idea of what the District's RFF and BFF really pay for which you can see for yourself have nothing to do with making public recreational and beach facilities available for local parcel owners' access and use.

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

² See NRS 207.370 which defines criminal syndicate as a "combination of persons, so structured that the organization will continue its operation even if individual members enter or leave the organization, which engages in or has the purpose of engaging in racketeering activit(ies)."

EXHIBIT "A"

Can It Really Get Any Worse? You Betchum! February 14, 2024 BOT Meeting Agenda Item C - Public Comment - Our Revered Tim Buxton Competes With IVGID

From: <s4s@ix.netcom.com>
To: Schmitz Sara <schmitz_trustee@ivgid.org>
Cc: Bandelin Mike <MLB@ivgid.org>, <bma@ivgid.org>, Tonking Michaela <tonking_trustee@ivgid.org>, Dent Matthew <dent_trustee@ivgid.org>, Noble Dave <noble_trustee@ivgid.org>, Tulloch Ray <tulloch_trustee@ivgid.org>, <bma@ivgid.org>
Subject: Can It Really Get Any Worse? You Betchum! February 14, 2024 BOT Meeting Agenda Item C - Public Comment - Our Revered Tim Buxton Competes With IVGID
Date: Feb 14, 2024 10:34 AM

Chairperson Schmitz and the Other Honorable Members of the IVGID Board -

Well can you believe this one? I keep telling you that essentially everything that goes on here is (Judy won't let me use the word I want to use. But you know). And wrong. And unethical. And hidden from the Board and the public. As I've demonstrated to you BOT members so many times before, we're really nothing less than a criminal syndicate! Wake up and smell the coffee Mrs. Bueller. And you too Bobby Magee! Because if you think there's anything good and moral here, you're sadly mistaken.

I keep telling you that if you give me a subject of how wonderful IVGID is, and how wonderful our employees are, and I will dissect what you've given, get to the core of the onion, and expose the District and its employees for what they really are. And how we local parcel owners are being forced to involuntarily finance everything that's wrong in the District.

Don't believe me? Let's examine another one of our revered Public Works employees, Tim Buxton. This is after just today, I've again pointed you to our (I can't use the word) employees Kate Nelson, Sheila Leijon and Heidi White. That isn't enough for one meeting? Okay. Now we're going to add the "Timothys" who work for us. Buxton and Kelly.

You know Tim Buxton, don't you? He's one of our longest tenured employees. A compliance supervisor working out of Public Works. Being paid nearly \$10K per month in salary plus benefits costing the public a combined \$161K per year (according to transparentnevada.org).

So what work does Tim perform for us? Primarily, the inspection and repair of local parcel owners' backflow prevention devices as mandated by our water ordinance. You know. If you have an irrigation system, or the heat in your home is provided by a water boiler, or if you have sprinkler fire prevention system, you are required to have a separate backflow prevention device. And for every one of these devices you have, you are required to have it checked yearly for compliance adhering to the District's requirements. And the District provides this testing service, and charges each of us \$75 per device to inspect the same. Right?

So did you know we're not compelled to use IVGID and Tim to test our devices? We can go to any certified third party to perform the same work. And then that third party sends in its inspection report to...guess who...Tim Buxton...to satisfy that local parcel owner's backflow prevention device inspection requirement(s). Tim must insure that the person who performed the inspection is certified. Tim must review the inspection to insure it is complete. And then Tim must insert the particulars into the District's records.

Well do you know who these certified third parties are? Why don't you do a google search to learn for yourself? Type in the key words "backflow inspections incline village." And guess who's number 1 or 2 in response? B&L Backflow Testing (<https://bandlbackflow.com/>). What does this outfit do? According to its web site (<https://bandlbackflow.com/services>), "Annual Backflow Testing and Repair (to) ensure...the proper functionality of...Backflow Prevention Devices." Okay, who are the owners/officers of this outfit? According to the Secretary of State, under officer information, Timothy Buxton is the "managing member." Who is the agent for service of process? Linda Buxton, his wife. Where is this

outfit located? According to the Secretary of State, 472 WINDING WAY, INCLINE VILLAGE, NV, 89451, USA." Okay. Who owns this parcel? According to the County Assessor, Timothy and Linda Buxton. How long has B&L been in business? According to the Secretary of State, since February 21, 2002.

Okay. Does Tim's company perform backflow prevention device testing and repair in Incline Village/Crystal Bay? Yes it does! How do I know this? I know some local parcel owners who use B&L's services. Do I really have to come up with names? Why don't you ask Timmy how many of our customers he's ripped off for himself?

And when Tim's company sends in its inspections to Public Works so they can be confirmed by the District and their information entered into our records, who is the IVGID employee who is doing the examination and entry? You've got it. Timothy Buxton.

So here we have a valued employee who is actively competing with his employer in the business of his employer. And every time Tim's company performs a backflow prevention device inspection in Incline Village/Crystal Bay, he is depriving his employer of revenues which could result in lower water rates and charges for all of us! Thank you Timmy. And glad you shared all of this with the Board and the public before today.

Is there anything wrong with what Tim is doing and apparently has been doing since 2002? You know, your conscious mind knows many things about many subjects. But your sub-conscious mind just knows. What does your sub-conscious mind tell you about the ethics of what Tim is doing and has done? Do I really have to go any farther?

So it turns out what Tim is doing was turned over to our Audit Committee. For investigation in accordance with our whistleblower policy (<https://www.yourtahoeplace.com/ivgid/resources/ivgid-whistleblower-procedure>). You know. Our policy against "Misconduct and/or reasonable suspicions of misconduct in accordance with the District's Whistleblower Procedure...Misconduct means (a) questionable or improper accounting or auditing matters, (b) violations and suspected violations of federal, state, local laws, and (c) violations and suspected violations of IVGID Ordinances, Policies, Practices and Resolutions." Did you know about this one Board members? How about you Bobby Magee? Did you know about this one?

And what did our Audit Committee do? Well they turned the matter over to HR Director Feore, and our attorney for investigation and report. You know. Rather than turning the matter over to a fair and impartial source, we turned it over to the wolf guarding our hen house. And what the Committee apparently learned, is that Tim wasn't doing anything wrong. Even though he was using IVGID materials as part of his competing business. And why wasn't Tim doing anything wrong?

First and unbelievably, we have no specific policy (as if we need such a policy) that prevents what Timmy has been doing. And second, apparently Tim asked his former boss (Joe Pomroy) if his competing business was okay, and allegedly Mr. Pomroy told him yes. Can you believe this? Now why did Timmy ask Pomroy this question? Because in Timmy's heart of hearts, he knew that this was improper conduct. But he wanted to cover his behind, so he asked a co-worker who he knew had less ethics than he. Remember, you're sub-conscious mind just knows!

Well I'm sorry. I can't give Timmy and pass! And even if what Tim has been doing for 21 or more years is not impermissible and unethical insofar as his employer is concerned, today it is and the public demands that you Board members do something. Like what you're probably asking because you're incapable of thinking in an ethical manner? How about this one: Tim, according to former President George Bush, you need to choose if you want to work for us, or the terrorists. In other words, divest yourself of your competing business or terminate your employ with the District. Is this such a difficult thing to comprehend? And why hasn't interim GM Bandelin come up with this one? Why is it I have to be the one? Because none of you know the difference between right and wrong. And Erin Feore doesn't know the difference. And our attorneys don't know the difference because they're too busy trying to run interference for our unethical employees. But you the reader know what's right and wrong. And what Tim is doing is WRONG!

Well guess what. It's not just Tim Buxton. How about Timothy Kelly? Tim Kelly is another revered employee in our Parks Department. And according to transparentnevada, this "Tim" is being paid nearly \$99K annually in salary, and \$138K in salary and benefits. But like Timothy Buxton, Timothy Kelly doesn't beat his drum to a single master. He has a job with the WCSD as a head coach for the boys' basketball team. He gets paid a salary from IVGID, and a second salary from WCSD. He lets his WCSD team use IVGID's basketball facilities for no charge. Because it's what being a community is all about. He leaves his IVGID job on afternoons, to become the head coach for his WCSD boys' basketball team. Even though this is part of the IVGID work day, according to this Tim he is working on his "off time." Right!

And then this Tim takes off WCSD basketball team travel days, when he would and should otherwise be working for IVGID. And of course this isn't during his IVGID work day because he's going to work an extra hour for the next 14 weeks, at no additional pay, to make up for it. I'm sorry, in my mind, this is the same type of conflict of interest as the other Tim is guilty of. And no one has figured it out that thought that this Tim should be offered the same choice of working for the WCSD as a basketball coach, or working for the District? But not both?

Well where did Tim learn that he could work as unethically as the other Timmy? He looked to his boss' version of Joe Pomroy. Indra Winquest! Indra was pulling the very same stunt for years. I guess this Tim figured that if his boss could cheat the public and get away with it, so could he.

And this Tim had another valued colleague to look at for guidance. Do you remember we used to have a former employee by the name of Goddard who pulled the same stunt with his kids sports team?

And then we need to listen to that tennis pro coach who gave public comment at the last BOT meeting in favor of spending millions of dollars on new tennis courts. Remember? Didn't he tell us he gives tennis lessons to the kids on OUR tennis courts? And the kids pay nothing for use of our tennis courts. I got it. It's what being a community is all about.

It just goes on and on and on. It never ends. We never learn anything by our past mistakes. We continue to lose nearly \$7 million annually on intentional overspending, and you wonder why? We never put our feet down and say that's it. There's a new sheriff in town, and he/she isn't going to put up with this crap anymore.

Take charge and demand that both Tim's quit their jobs with the WCSD or alternatively, quit their jobs with us. And then adopt a formal policy which prevents garbage like this from happening. I can't believe that Board members have to fill out forms in accordance with their external entity involvement (see pages 23-35 of the Board packet), and yet Tim and Tim don't?

Thank you. Respectively, Aaron Katz

**WRITTEN STATEMENT TO BE ATTACHED TO AND MADE A PART OF THE WRITTEN
MINUTES OF THE IVGID BOARD'S REGULAR FEBRUARY 14, 2024 MEETING –
AGENDA ITEM E(1) – GM REPORTS – WHERE ARE MY RECORDS THAT
YOU INTENTIONALLY MIS-STATE WERE MADE AVAILABLE FOR
MY EXAMINATION/**

Introduction: Can it get any worse? Yes it can. And here's yet "another one" as my friend DJ Kahled would say¹. More evidence of staff incompetence, lies, deceit, lack of transparency, lack of ethics, lack of oversight, lack of internal controls, and a flagrant disregard for the truth and financial sustainability of the District. Wow! How much of this am I required to share with the Board until you members get it? And do something about it? For years Susan Herron concealed public records which were embarrassing to her fellow co-workers, and/or shielded them from the unlawful or unethical conduct which they were guilty of. And then this Board finally woke up and directed our interim GM to terminate her employ. And then we got a new employee to take over Ms. Herron's Public Records Officer duties; Heidi White. So it was curious to me how long it would take for Heidi to become totally seduced in her fellow co-worker's ways? What I call the IVGID culture. Well now we now. Because it's business as usual insofar as public record concealment is concerned. And that's the purpose of this written statement.

My February 13, 2024 E-Mail to The Board: wherein I put the Board on notice that our interim GM and our Board Clerk weren't and aren't being truthful with the Board and the public when they represent my public records request has been honored and completed. What I was trying to discover was the wasteful cost the public incurred when interim Public Works Director attempted to contract with HDR Engineering for an unnecessary updated water/sewer rate study. This e-mail is attached as Exhibit "F" to this written statement. Rather than me regurgitating everything I shared with the Board, I refer the reader to the exhibit attached.

Conclusion: So you see the more things change, the more they remain the same. The District is just as dirty as it has always been. The characters and their attitudes may have changed. But at the end of the day, this place is as dirty as ever! And this is really the definition of a criminal syndicate². Dirty players come and go. But in the end, the organization survives to engage again in racketeering activities!

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² See NRS 207.370 which defines criminal syndicate as a "combination of persons, so structured that the organization will continue its operation even if individual members enter or leave the organization, which engages in or has the purpose of engaging in racketeering activit(ies)."

And now you the reader may have a better idea of what the District's Recreation ("RFF") and Beach ("BFF") Facility Fees really pay for which you can see for yourself have nothing to do with making public recreational and beach facilities available for local parcel owners' access and use.

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

EXHIBIT "A"

Public Records Request Log

Friday, February 9, 2024

Due Today:	1
Overdue:	1

Log No.	Time Logged	Status	Date Requested	By Whom	Subject	Date Complete or Due by	Assignment to
		Complete	Monday, September 11, 2023	Katz, Aaron	NVEnergy replacement - helicopter charges	9/12/2023	
		Complete	Monday, September 11, 2023	Barth, Megan	Banking information, reconciliations, salaries and benefits, general ledger	9/12/2023	
		Complete	Monday, September 11, 2023	Hicks, Joshua	Golf Genius emails	10/24/2023	
		Complete	Tuesday, September 19, 2023	Becker, Mary	Employment Contracts for Dobler, Schmitz, Dent and Tulloch	9/19/2023	
		Complete	Wednesday, September 20, 2023	Dobler, Cliff	3 invoices: Granite Construction	9/21/2023	
		Complete	Thursday, September 21, 2023	Johnson, John	Vote Tally - Golf Advisory Committee	9/21/2023	
		Complete	Friday, September 22, 2023	Wright, Frank	Submittal by Trish McKowen read at the 09/19/2023 BOT meeting	9/27/2023	
		Complete	Monday, September 25, 2023	Dobler, Cliff	Invoices from Silver State Law	10/4/2023	
		Complete	Tuesday, September 26, 2023	Riner, Dr. Myles	Emails: Schmitz and Winquest during 09/11/2022 to 09/14/2022	9/26/2023	
		Complete	Tuesday, September 26, 2023	Dobler, Cliff	Correspondence between Granite and Silver State Law from 9/1/2022 to	9/26/2023	
		Complete	Wednesday, September 27, 2023	Katz, Aaron	Travel to Nat's Recreation and Parks Ass'n Convention in Dallas, TX in	10/2/2023	
		Complete	Monday, October 2, 2023	Usinger, Carolyn	Complaint Documentation from 7/12/2023 BOT Meeting		
		Complete	Monday, October 2, 2023	Usinger, Carolyn	Pricing Practice - Older Versions	10/2/2023	
		Complete	Thursday, October 5, 2023	Usinger, Carolyn	Personnel/HR Policies to include whistleblower anti-discrimination and	10/9/2023	
		Complete	Monday, October 8, 2023	Dobler, Cliff	Emails from Carey to Dobler between 8/1/2020 to 1/31/21	10/9/2023	
		Complete	Monday, October 9, 2023	Dobler, Cliff	Estimates - Engineering Department	10/26/2023	
		Complete	Thursday, October 12, 2023	Katz, Aaron	Senior Transportation	10/12/2023	
		Complete	Monday, October 16, 2023	Wells, Kristie	Emails - Schmitz to Golf Advisory Committee	10/23/2023	
		Complete	Friday, October 20, 2023	Katz, Aaron	TCF - Rockfest	11/1/2023	
		Complete	Tuesday, October 24, 2023	Becker, Mary	Emails - Schmitz and Krasner	10/25/2023	
		Complete	Tuesday, October 24, 2023	Courtney, Cindy	Agreement between IVGID and NVEnergy	10/24/2023	
		Complete	Thursday, October 26, 2023	Katz, Aaron	Lawn Mower service hours and service/maintenance records	10/26/2023	
		Complete	Friday, October 27, 2023	Homan, Mick	Emails on a variety of topics from 5/1/2023 to 8/1/2023		
		Complete	Friday, October 27, 2023	Dobler, Cliff	Listing of Kitchen Equipment from 8/9 Packet	10/30/2023	
		Complete	Friday, October 27, 2023	Katz, Aaron	P-Card: 1/1/2019 to present, Allen, Riley and Rau	12/13/2023	Accounting/ Finance
		Complete	Saturday, October 28, 2023	Dobler, Cliff	Brycon Contract and Amendment along with McCuen Construction bid	11/10/2023	
		Complete	Tuesday, October 31, 2023	Dobler, Cliff	Maintenance records for Championship Golf course equipment from 8/11	11/7/2023	
		Complete	Saturday, November 4, 2023	Katz, Aaron	Agreement for purchase/ sale of Sister Bay pool deck furniture (Burnt C	11/7/2023	Parks, Rec. & Beaches
23-099	4.5 hrs	Complete	Sunday, November 5, 2023	Gumz, Joy	Fixes asset Physical Inventory and general ledger sheets for each depart	11/6/2023	Accounting/ Finance
23-100	1.5 hrs	Complete	Sunday, November 5, 2023	Dobler, Cliff	Statement of qualifications from Byron and McCuen Construction RE: D	11/10/2023	Public Works
23-101	1.5 Hours	Complete	Thursday, November 9, 2023	Dobler, Cliff	Correspondence regarding 2018 conversation with Dobler and IVGID Em	1/25/2024	Human Resources
23-102	30 min	Complete	Saturday, December 23, 2023	Dobler, Cliff	Emails from Dobler to Herron stated in 10-01-2020 draft letter Dee Carey	1/25/2024	Human Resources
23-103	30 min	Complete	Thursday, November 9, 2023	Dobler, Cliff	request 10-06-2023 Dee Carey e-mails	1/25/2024	Human Resources
23-104	30 min	Complete	Thursday, November 9, 2023	Dobler, Cliff	Request file on Cliff Dobler	1/25/2024	Human Resources
23-105	1.5 hrs	Complete	Monday, November 13, 2023	Gumz, Joy	1) 12/15/2020 to 01/18/2022, Asset service records repair transaction cl	1/25/2024	Human Resources
23-106		Complete	Monday, November 13, 2023	Gumz, Joy	2) Attendance / timekeeping records for all employees for the calendar	Extended	Human Resources
23-107	30 Minute	Complete	Monday, November 13, 2023	Gumz, Joy	3) Labor distribution report for calendar year 2022 GL Detail	11/17/2023	Human Resources
23-108	30 Minute	Complete	Wednesday, November 22, 2023	Dobler, Cliff	IVGID Request for Qualifications DP Coolers and Prep Reconfiguration	11/22/2023	Public Works
23-109		Complete withdrawn	Monday, November 27, 2023	Wright, Frank	IVGID payments to IVCB Business Alliance (IVCBA) for the past three	11/28/2023	Parks, Rec. & Beaches
23-110	10 Minutes	Complete	Tuesday, November 28, 2023	Van Mittenburg, Jan Willem	Do PGA Members/ Professional golfers receive Reduced Green Fee	11/29/2023	Golf Course
23-111		Complete (withdrawn)	Wednesday, November 29, 2023	Frank Wright	Who Authorized the use of IVGID logo	12/05/2023	Interim General Manager
23-112		Complete (withdrawn)	Wednesday, November 29, 2023	Wright, Frank	Who gave permission to IVCBA to use the parking lot for Job Fair, who	12/5/2023	Interim General Manager
23-113		Complete (withdrawn)	Wednesday, November 29, 2023	Wright, Frank	who authorized our involvement and how much did it cost IVGID	12/5/2023	Interim General Manager
23-114		Complete (No record)	Wednesday, November 29, 2023	Gumz, Joy	Provide the Date(s) the fixed Asset Physical Inventories were performed	12/6/2023	Accounting/ Finance
23-115	1.5 hrs	Complete	Monday, December 4, 2023	Miller, Judith	Table of Approved Pesticides for FY 22-23 including grade & class	12/4/2023	Human Resources
23-116	1.0 hrs	Complete	Sunday, December 3, 2023	Dobler, Cliff	Executed Agreement between IVGID and Diamond Peak Ski Education	12/6/2023	Clerk
23-117	2.0 hrs	Complete	Sunday, December 3, 2023	Dobler, Cliff	provide Opinion of Probable Construction Costs (OPPC)- July 2023 - E	12/7/2023	Public Works

Public Records Request Log

Friday, February 9, 2024

The Today
Overdue

Log No.	Time Logged	Status	Date Requested	By Whom	Subject	Date Complete or Due	Assigned to
23-118	1.0 hrs	Complete	Sunday, December 3, 2023	Dobler, Cliff	Request - Agreement between IVGD and Federal Gov on the wetlands	12/9/2023	Public Works
23-119	1.0 hrs	Complete	Saturday, December 9, 2023	Wright, Frank	Request - Offer Letter to Ms. Heron for her promotion, signed by then G	12/15/2023	Human Resources
23-120	2.0 hrs	Complete	Sunday, December 17, 2023	Wright, Frank	Request - S. Heron's Bi-monthly paystub's records for pay periods 09-1	12/18/2023	Human Resources
23-121	0.5 hrs	Complete	Monday, December 18, 2023	Wright, Frank	Request - copy of all applications for Director of Administrative Services	12/20/2023	Human Resources
23-122	2.5 hrs	Complete	Monday, December 18, 2023	Wright, Frank	Names interview committee with time and date of interviews held for Ad	12/20/2023	Human Resources
23-123	4.0 hrs	Complete	Tuesday, December 19, 2023	Dobler, Cliff	NLTPFD - Amendment to cooperative Agreement with IVGD	1/9/2024	Accounting/ Finance
23-124	2.5 hrs	Complete	Tuesday, December 26, 2023	Tanking, Michaela	Provide all invoices from BBK Law - dates 01/01/2021 to present.	12/28/2023	Accounting/ Finance
23-125	2.5 hrs	Complete	Tuesday, December 26, 2023	Gumz, Joy	Attendance/ timekeeping records for All employees for CY 2023, 2021,	1/14/2024	Human Resources
23-126	30 minutes	Complete	Wednesday, December 27, 2023	Wright, Frank	All payments made to IVCBA and MOUs, Who provided authorization,	1/3/2024	Accounting/ Finance
24-001	1.0 hrs	Complete	Sunday, December 31, 2023	Dobler, Cliff	Please provide for my examination a listing of all charges to capital acco	1/8/2024	Parks, Rec. & Beaches
24-002	30 minutes	Complete	Wednesday, January 3, 2024	Kahrs, Linda	Please provide a copy of the contract and/or letter of agreement for whom	1/10/2023	Human Resources
24-003	30 minutes	Complete	Thursday, January 4, 2024	Kahrs, Linda	Please provide the Entity involvement reports have not included the Audit	1/15/2023	Clerk
24-004			Friday, January 5, 2024	Kahrs, Linda	I would like to receive the quarterly report prepared by the IGM on the V	2/14/2024	General Manager
24-005	1.5 hrs	Complete	Friday, January 5, 2024	Dobler, Cliff	According to sworn testimony by Kevin McKowen, an IVGD resident, I	1/25/2025	Human Resources
24-006	1.0 hrs	Complete	Friday, January 5, 2024	Dobler, Cliff	Please provide for my examination copies of the \$11,874 in charges an	2/1/2024	Human Resources
24-007	1.0 hrs	Complete	Saturday, January 6, 2024	Gumz, Joy	provide by email a copy of the General Ledger for July 1, 2022 - to date.	1/22/2024	Accounting/ Finance
24-008			Saturday, January 6, 2024	Wells, Kriabe	I would like to receive copies of all of the Director of Information Technol	2/13/2024	General Governance
24-009	30 Minutes	Complete	Monday, January 8, 2024	Katz, Aaron	1. Billings from BB&K re: review/approval proposed HDR Engineering co	1/12/2024	Public Works
24-010	30 Minutes	Complete	Monday, January 8, 2024	Dobler, Cliff	Request Granite IVGD correspondence Diamond Peak Walk in Cooler	1/17/2024	Public Works
24-011	10 Minutes	Complete	Thursday, January 11, 2024	Kahrs, Linda	Please send me pdf copy via email of the executed contract with Rubin	1/18/2024	Accounting/ Finance
24-012			Thursday, January 11, 2024	Wells, Kriabe	I would like copies of all of the Interim Director of Finance emails from 1	4/15/2024	General Governance
24-013			Thursday, January 11, 2024	Homan, Mick	Please provide all emails, texts and/or other documentation sent in/tra	2/14/2024	General Governance
24-014	1.1 hrs	Complete	Friday, January 19, 2024	Wright, Frank	Did Shelia Iejon have the authority to make payments to IVCB/BA on be	01/25/2024	Accounting/ Finance
24-015			Friday, January 12, 2024	Katz, Aaron	Kate Nelson's staff time billed to Public Works (to include date services	2/9/2024	Public Works
24-016	10 Minutes	Complete	Tuesday, January 16, 2024	Homan, Mick	Please provide me with the updated terms and conditions and/or scope	1/23/2024	Accounting/ Finance
24-017	1.5 hrs	Complete	Tuesday, January 16, 2024	Dobler, Cliff	Please provide for my examination any and all invoices and any and all	1/23/2024	Accounting/ Finance
24-018	10 Minutes	Complete	Tuesday, January 16, 2024	Dobler, Cliff	Please provide for my examination the contract and scope of work with	1/23/2024	Accounting/ Finance
24-019			Friday, January 19, 2024	Dobler, Cliff	Please provide for my examination the Incident report filed by Darren Ho	2/14/2024	Human Resources
24-020	10 Minutes	Complete	Sunday, January 21, 2024	Cat	Please email me a PDF copy of the negotiated scope of work AND high	1/28/2024	Accounting/ Finance
24-021	15 Minutes	Complete	Friday, January 19, 2024	Katz, Aaron	1. Writings originating from IVGD offering Bobby Magee's firm the pos	1/26/2024	Accounting/ Finance
24-022	10 Minutes	Complete	Tuesday, January 23, 2024	Cat	Please provide a PDF copy of the Notice to Proceed issued to Rubin/En	1/28/2024	Accounting/ Finance
24-023	10 Minutes	Complete	Monday, January 22, 2024	Gumz, Joy	Update and Explain 8 digit expense organization GL Code	1/29/2024	Accounting/ Finance
24-024	15 Minutes	Complete	Wednesday, January 19, 2023	Katz, Aaron	To Bobby Magee - What is your your firm's compensation and benefits	1/25/2024	Accounting/ Finance
24-025			Monday, January 29, 2024	Gumz, Joy	1. Audited Financial statements from fiscal year 1988, fiscal year 1989,	2/28/2024	Accounting/ Finance
24-026	15 Minutes	Complete	Tuesday, January 30, 2024	Brstcher, Becky	Copies of the Winning Statements of Qualification for the following 2 pro	2/8/2024	Public Works
24-027	10 Minutes	Complete	Wednesday, January 31, 2024	Cat	May I have the Baker Tilly invoice listed on the most recent Treasurers	2/1/2024	Accounting/ Finance
24-028	10 Minutes	Complete	Thursday, February 1, 2024	McKowen, Patricia	Human Resources Cliff Dobler File which is now public Record	2/8/2024	Human Resources

III. ATTACHMENTS

January 2024 Venue Status Reports

Policy 22.1.0 –Reporting for October 1 to December 31, 2023

EXHIBIT "B"

Public Records Request

From: <s4s@ix.netcom.com>
To: "White Heidi" <hhw@ivgid.org>
Cc: <info@ivgid.org>
Subject: Public Records Request
Date: Jan 12, 2024 3:00 PM
Attachments: Kate.Nelson.staff.time.billed.2.PW.re.updated.HDR.Engineering.water.sewer.rate.study.1.12.2024.pdf

Attached -

Form wouldn't accept date.

In case description cut off, it is replicated below:

Kate Nelson's staff time billed to Public Works (to include date services provided, amount of time, description of services, hourly rate applied, out of pocket costs incurred) associated with:

1. Communications with HDR Engineering pertaining to an update of last June's (2023's) water/sewer rate study;
2. Familiarity with and researching water/sewer rate studies in anticipation of her request the Board authorize an update to last June's water/sewer study;
3. Preparation of staff memo and attachments included in Board packet for January 10, 2024 meeting;
4. Preparation for presentation of this agenda item to the Board on January 10, 2024;
5. Actual presentation of this agenda item to the Board on January 10, 2024.

Thank you. Aaron Katz



PUBLIC RECORDS REQUEST

Hand Deliver to:
 893 Southwood Blvd.
 Incline Village, NV 89451
 Attn: Public Records Officer

E-Mail to:
 info@ivgid.org
 Subject: Public Records Request

Date of Request	
Requestor Contact Information	
Name:	Aaron Katz
Organization:	
Address:	P.O. Box 3022
City, State, Zip:	Incline Village, NV. 89450
Phone:	408.741.1008
E-mail:	s4s@ix.netcom.com

Records Requested:
Check one: <input type="checkbox"/> Paper copies <input checked="" type="checkbox"/> Electronic copies <input type="checkbox"/> Certified copies <input type="checkbox"/> Inspection (in person)
<i>Please be specific and include as much detail as possible regarding the records you are requesting.</i>
Kate Nelson's staff time billed to Public Works (to include date services provided, amount of time, description of services, hourly rate applied, out of pocket costs incurred) associated with:
1. Communications with HDR Engineering pertaining to an update of last June's (2023's) water/sewer rate study;
2. Familiarity with and researching water/sewer rate studies in anticipation of her request the Board authorize an update to last June's water/sewer study;

<i>To complete the request, the agency will need the following information:</i>			
<input type="checkbox"/> I will pick up	<input type="checkbox"/> Please FedEx <i>Fed Ex billing number:</i>	<input type="checkbox"/> Please send USPS	<input checked="" type="checkbox"/> E-mail (if format allows)

Office Use Only	
Request status:	
Date	
_____	Request received
_____	Receipt acknowledgement issued
_____	Request filled
_____	Estimated completion date
_____	Request denied in whole
_____	Other:

March 7, 2023

EXHIBIT "C"

PRR No.24-009 - RE: Public Records Request - BB&K Charges to Review Proposed HDR Engineering Agreement

From: <s4s@ix.netcom.com>
To: Info IVGID <info@ivgid.org>
Cc: Schmitz Sara <schmitz_trustee@ivgid.org>, Dent Matthew <dent_trustee@ivgid.org>, Tonking Michaela <tonking_trustee@ivgid.org>, Noble Dave <noble_trustee@ivgid.org>, Tulloch Ray <tulloch_trustee@ivgid.org>, Bandelin Mike <MLB@ivgid.org>
Subject: PRR No.24-009 - RE: Public Records Request - BB&K Charges to Review Proposed HDR Engineering Agreement
Date: Jan 12, 2024 2:45 PM

Thank you Heidi -

You are wrong. And so is your Sergio if he is the source of the information.

NRS 49.095 makes clear that ONLY "confidential communications" are privileged. And between a lawyer and his/her client. Here there was not and is not anything confidential. And your Sergio knows this!

Board members (I'm sending you a copy), this is the same garbage I brought to your attention with Sergio's last form of legal services agreement. The client is NOT IVGID. It does NOT include staff. It's the IVGID Board. Period.

Further, there was nothing privileged about Kate Nelson's request to the Board's attorney to examine a proposed contract with HDR Engineering. Not all communications between an attorney and a client are privileged. Only communications intended to be confidential are privileged. NRS 49.055 defines confidential as "a communication is confidential" if it is not intended to be disclosed to third persons other than those to whom disclosure is in furtherance of the rendition of professional legal services to the client or those reasonably necessary for the transmission of the communication." Nothing here was intended to be confidential. Presumably all Ms. Nelson asked was for the attorney to review and approve the contract. If Ms. Nelson/the attorney assert otherwise, disclose what was intended to be confidential.

Moreover, if Sergio disagrees, Ms. Nelson WAIVED the privilege! That's right. Take a look at Ms. Nelson's staff memo on this subject (page 274 of the Board packet for January 10, 2024's meeting). There she states "the proposed agreement between the District and HDR Engineering Inc. has been reviewed by District Legal Counsel." The implication is that it has been approved by legal counsel. Therefore the subjects of review and approval are neither confidential nor privileged.

Nor was the attorney's response to Kate Nelson intended to be confidential. Therefore it is not privileged. Replying back that the attorney reviewed and approves of the contract was neither intended to be privileged nor was it confidential.

And if by some chance there is anything confidential contained therein, you can simply redact it and provide the remainder for my examination.

The fact of the matter is Ms. Nelson had no authority to engage the attorney's services and as a result of her actions she has unnecessarily cost local parcel owners hundreds if not thousands of dollars.

So I want to examine the communications. And I am putting the Board on notice of my request and your response because this is the same crap which has plagued this District for decades. Transparency doesn't exist in staff's vocabulary. And here we have another example. Ms. Nelson had no authority to make this request of the Board's attorney. So I want evidence of it to share with the Board and the public. And then we can have a discussion about what we do with public employees which breach their duties owed to the public.

And this is not the first time with Ms. Nelson Board members!

But let's get the evidence before we start with any accusations. Thank you for your cooperation. Aaron Katz

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

From: Info IVGID <info@ivgid.org>

Sent: Jan 12, 2024 1:10 PM

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

Subject: PRR No.24-009 - RE: Public Records Request - BB&K Charges to Review Proposed HDR Engineering Agreement

PRR No. 24-009

Good Morning Mr. Katz,

Thank you again for your request PRA No. 24-009. Your request for email communications between IVGID and BB&K regarding the HDR agreement are confidential and not subject to disclosure pursuant to NRS 239.010 (1) and NRS 49.095 (attorney-client privilege). The District will make available information related to the total amount billed from BB&K related to review of the HDR agreement after redaction of attorney-client confidential information, once those bills are received by the District. At present the District has no records that are subject to disclosure.

Respectfully,

Heidi H. White
District Clerk

Incline Village General Improvement District
893 Southwood Blvd., Incline Village, NV 89451
Cell: 775-558-9500 hhw@ivgid.org

Email: info@ivgid.org
Office: (775)832-1268
Cell: (775)558-9500

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

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

Sent: Monday, January 8, 2024 1:56 PM

To: Heidi White <hhw@ivgid.org>

Cc: Info IVGID <info@ivgid.org>

Subject: Public Records Request - BB&K Charges to Review Proposed HDR Engineering Agreement

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

Attached.

Your form continues to not allow requesters to insert the date of their request.

Thank you, Aaron Katz

EXHIBIT "D"

Fw: Public Records Request - You're Late - AGAIN! - January 10, 2024 IVGID BOT Meeting - Agenda C - Public Comment

From: <s4s@ix.netcom.com>
To: White Heidi <hhw@ivgid.org>
Subject: Fw: Public Records Request - You're Late - AGAIN! - January 10, 2024 IVGID BOT Meeting - Agenda C - Public Comment
Date: Jan 22, 2024 1:06 PM
Attachments: [Kate.Nelson.staff.time.billed.2.PW.re.updated.HDR.Engineering.water.sewer.rate.study.1.12.2024.pdf](#)

Hello Heidi -

Where are my public records?

Today is **beyond** the five business day statutory limitation for providing the attached requested public records, and no response.

Don't you see? Whenever it comes to embarrassing or inappropriate matters, staff initiate their "stall" technique. And here we have it again. It's an example of what staff really mean by the word "transparency." Just so we all understand.

Here you have an employee who is out of her league, and who is attempting to hide the truth. Which once revealed will help demonstrate why she is out of her league. So the balancing test. The truth in the name of transparency? Or let's hide the truth because we're trying to protect one of our own?

In other words, the more things change around here, the more they remain the same.

I'm sending a copy of this e-mail to the Board and our interim GM so they can both see for themselves. And since this now becomes evidence of public record concealment, I guess I should just forget about my request and simply file another complaint with the OAG. Right Heidi?

Or Board members. DO YOUR JOBS and compel staff to provide the requested public records. Which include the communications I requested between Ms. Nelson and our attorneys wherein I believe she asked our attorneys to review and approve the form of HDR Engineering contract for possible update of our last utility rate study; our attorneys communicated back that the contract as presented was approved; and the cost the District incurred with our attorneys therefore. Two of which staff responded represented confidential attorney-client communications. Even though there was nothing confidential in those communications, and Ms. Nelson was not and is not the client!

And while you're cogitating, cogitate on this one. According to the Tahoe Daily Tribune, at the Board's January 10, 2024 meeting "in the discussion about General Business Item 4 (G4), Interim Public Works Director Kate Nelson asked the Board to consider approving or declining a Professional Services Agreement between IVGID and HDR Engineering, Inc. to complete an updated Water and Sewer Rate Study for Fiscal Year 2024 for \$41,865. A prior utility rate study was completed in June 2023 and **Nelson (allegedly) recommended that they do not spend this money on a rate study this year**" (go to <https://www.tahoe-daily-tribune.com/news/ivgid-board-meeting-new-year-brings-talks-on-positions-and-contracts/>).

Now I want you to read this same Ms. Nelson's January 10, 2024 staff memo to the Board in support of this agenda item (https://www.yourtahoepace.com/uploads/pdf-ivgid/20240110_BOT_Item_G4_HDR_Sewer_Rate-Study_Agmt.pdf): "The purpose of this work is to provide staff with an update to the previously completed Utility Rate Study to ensure that current and future operating, capital expenses, and reserves remain adequately funded. (Because) current staff were not immediately involved in the prior rate study (they) **are requesting HDR perform the study again this year.**"

Who's telling the truth? Kayla Anderson who wrote the piece in the Tahoe Daily Tribune I have quoted and purportedly spoke to Ms. Nelson about her recommendations so they could be included in her article? Or Ms. Nelson herself in her own words? Why don't you Board members get to the truth? For once!

And why is this important? Because Ms. Nelson is one of our valuable employees who has a history of not sharing the truth with the Board and the public. I have provided you with prior evidence she didn't share the truth insofar as the Duffield Foundation's Rec Center expansion donation conditions (which she knew conflicted with prior Board action). And she didn't share the truth insofar as the appointed contractor's completion of the contract for phase I to the Mountain Golf Course cart pathway replacement project. And now this.

How many times does it take? How much is this woman costing local parcel owners? Is it more important to come up with "a body" to fulfill one of our employment positions as opposed to someone who is qualified, truthful and ethical? Don't we have a right to know? And yet District staff are fighting us! And this is supposed to be acceptable?

Respectfully, Aaron Katz

-----Forwarded Message-----

From: <s4s@ix.netcom.com>

Sent: Jan 12, 2024 3:00 PM

To: White Heidi <hhw@ivgid.org>

Cc: <info@ivgid.org>

Subject: Public Records Request

Attached -

Form wouldn't accept date.

In case description cut off, it is replicated below:

Kate Nelson's staff time billed to Public Works (to include date services provided, amount of time, description of services, hourly rate applied, out of pocket costs incurred) associated with:

1. Communications with HDR Engineering pertaining to an update of last June's (2023's) water/sewer rate study;
2. Familiarity with and researching water/sewer rate studies in anticipation of her request the Board authorize an update to last June's water/sewer study;
3. Preparation of staff memo and attachments included in Board packet for January 10, 2024 meeting;
4. Preparation for presentation of this agenda item to the Board on January 10, 2024;
5. Actual presentation of this agenda item to the Board on January 10, 2024.

Thank you. Aaron Katz

EXHIBIT "E"

Fw: [Document Released] Incline Village GID, NV public records request #24-15

From: <s4s@ix.netcom.com>
To: White Heidi <hhw@ivgid.org>
Cc: Bandelin Mike <MLB@ivgid.org>
Subject: Fw: [Document Released] Incline Village GID, NV public records request #24-15
Date: Jan 31, 2024 3:12 PM

Furthermore, I don't believe I asked to examine either of the docs described below.

Aaron Katz

-----Forwarded Message-----

From: <ivgid_24-15-requester-notes@inbound.nextrequest.com>
Sent: Jan 31, 2024 2:40 PM
To: <s4s@ix.netcom.com>
Subject: [Document Released] Incline Village GID, NV public records request #24-15

-- Attach a non-image file and/or reply ABOVE THIS LINE with a message, and it will be sent to staff on this request. --

Incline Village GID, NV Public Records

Documents have been released for record request #24-15:

- AWWA Certificate - Kate Nelson.pdf
- 20240110_BOT_Item_G4_HDR_Sewer_Rate-Study_Agmt.pdf

View Request 24-15

<https://ivgid.nextrequest.com/requests/24-15>

Document links are valid for one month. After February 29, you will need to sign in to view the document(s).

EXHIBIT "F"

Fw: Your Incline Village GID, NV public records request #24-15 has been closed - February 14, 2024 IVGID BOT Meeting - Agenda Item E(1) - GM Reports

From: <s4s@ix.netcom.com>
To: Schmitz Sara <schmitz_trustee@ivgid.org>
Cc: Bandelin Mike <MLB@ivgid.org>, <bma@ivgid.org>, Dent Matthew <dent_trustee@ivgid.org>, Tonking Michaela <tonking_trustee@ivgid.org>, Noble Dave <noble_trustee@ivgid.org>, Tulloch Ray <tulloch_trustee@ivgid.org>
Subject: Fw: Your Incline Village GID, NV public records request #24-15 has been closed - February 14, 2024 IVGID BOT Meeting - Agenda Item E(1) - GM Reports
Date: Feb 13, 2024 11:54 AM

Chairperson Schmitz and Other Honorable Members of the Board -

Well it just keeps happening over and over and over again. Doesn't it BOT members? It doesn't matter who the staff players are. The same wrongdoing just keeps happening. That's why the District is a criminal syndicate. Go look at the definition at NRS 207.370 of criminal syndicate: "any combination of persons, so structured that the organization will continue its operation even if individual members enter or leave the organization, which engages in or has the purpose of engaging in racketeering activit(ies)." Sound familiar?

Are you looking at this Bobby Magee? Because if you choose to become interim GM (agenda item G), and you're at the helm when your staff acts as our staff has acted in this circumstance, and you refuse to step in and compel your staff to comply with the law, as Mike Bandelin has failed to do, you'll become criminally responsible!

Continuing, so I call the wrong to your attention because staff refuses to do anything about it because they're more concerned with hiding the truth and protecting one or more of their own (i.e., fellow employees) than complying with the law and being transparent to our community (what I have labeled the "IVGID culture"). And what do you the Board do? What does our interim GM do? NOTHING. Which makes you as bad as your dirty employees. And it makes you BOT members as bad as your do nothing predecessors like Callicrate, Wong, Morris, etc., etc.

If you're concerned in any manner with your legacies, let the record reflect you're no better than the overwhelming majority of bums we've had as trustees for over five (5) decades!

Well here's your chance to atone.

Pages 6 and 7 of the Board packet for the upcoming BOT meeting tomorrow, includes a "Public Records Log since September 11, 2023 (I will be attaching a copy of this log to my written statement to be submitted on this subject - marked as Exhibit "A"). Let me first call your attention to Request #24-015 because that's the one referenced by staff's response below. According to the log, on January 12, 2024 I requested records evidencing Kate Nelson's staff time associated with negotiating a proposed updated water/sewer rate study with HDR Engineering ("HDR"), and presenting that matter to the Board at your meeting of January 10, 2024 [see agenda item G(4)] for approval.

Why don't you refresh your recollection by examining my January 7, 2024 e-mail to each of you on this subject? It is attached to a written statement I asked be included in the approved minutes of the BOT's January 10, 2024 meeting (see pages 137-140 of the Board packet for the BOT's January 31, 2024 meeting). There I complained, in part, that your revered Kate Nelson asked the Board's attorney to review and approve the proposed contract tendered by HDR, at a cost of many hundreds or thousands of wasteful public dollars. I also complained that since Ms. Nelson bills out all of her time to various District divisions which are the involuntary beneficiaries of her services (in other words, the public), at a cost in excess of \$130 per hour). Again costing the public many hundreds or thousands of additional wasteful public dollars.

I wanted to learn this hidden cost and then share it with the Board and the public so we could all see, in black and white, what this single employee is costing us because she lacks competence, training, and internal control. An example of similar behavior which takes place every day of the year throughout the District. And you wonder why we can't seem to make a buck doing essentially anything we do?

So on January 12, 2024 I made a formal records request (I will be attaching a copy of that request to my written statement to be submitted on this subject - marked as Exhibit "B"). I wanted to examine:

1. Communications reduced to writing or memorialized in writing between anyone at IVGID and the Board's attorneys, whereby our attorneys: were asked to review and approve HDR's proposed contract for an updated utility rate study; and, our attorneys responded;
2. Billings from the Board's attorney associated with communicating with staff insofar as paragraph 1 above was concerned, and reviewing HDR's proposed contract; and,
3. Kate Nelson's time and charges billed to Public Works associated with her research on this subject, agendizing on the BOT's calendar entrance into an updated water/sewer rate study contract with HDR, preparing her staff memorandum in support (that's right Kate, your support and not your opposition you after-the-fact represented), and presenting the matter to the Board for approval on January 10, 2024.

The public records log states that my request for our attorney's billings (paragraph 2 above) was the subject of Request #24-009, and that it was complied with and completed on January 12, 2024. The same day of my initial public records request.

The public records log states that my request for Ms. Nelson's billings to Public Works (paragraph 3 above) was complied with and completed on February 9, 2024.

And there is no disclosure insofar as staff's compliance with my paragraph 1 above.

So now let me share with each of you the truth:

4. Insofar as my request identified in paragraph 1 above, on January 12, 2024, the same day as my public records request, I received an e-mail from Heidi White advising that my request was attorney-client privileged and as a result, no requested records would be produced for my examination. Not even redacted records as NRS 239.010(3) mandates the District provide ("a governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential **if the governmental entity can redact**, delete, conceal or separate, including, without limitation, electronically, **the confidential information from the information included in the public book or record that is not otherwise confidential**"). I will be attaching a copy of staff's response to my records request and my follow up e-mail to the BOT on this subject to my written statement to be submitted on this subject - marked as Exhibit "C."

5. As a result I sent an e-mail to the BOT objecting to staff's response and behavior asking you members step in and compel release of the NON-privileged material requested. And you did NOTHING. So now we can't say with 100% accuracy who it was who unilaterally asked the Board's attorney to perform this work for which local parcel owners were charged. Even though we all know it was Kate Nelson. Congratulations Board members!

6. Insofar as my request identified in paragraph 2 above, look at the Request # referenced in staff's January 12, 2024 e-mail (paragraphs 4-5 above), and the corresponding number (#24-009) on the Board packet's public records log (Exhibit "A"). They're different. The log tells us the request was for BB&K's billings, and they were provided on January 12, 2024. Staff's e-mail tells us the request was for written communications between staff and our attorneys identifying who it was who requested the latter incur wasteful work and cost to the public. BB&K's billings have **NEVER BEEN PRODUCED**.

7. On January 22, 2024, not having received the records identified in paragraphs 2-3 above, I had to e-mail Heidi advising her that she had violated the Public Records Act. And I sent a copy to you BOT members (I will be attaching a copy of this e-mail to my written statement to be submitted on this subject - marked as Exhibit "D"). Now why does a requester even have to send a writing such as this one? Has not Heidi been trained so that she knows such requests must be responded to within five (5) business days? Is her work not overseen by our interim GM? Are there not internal controls in place? Bueller? Bueller?

8. In response, on January 31, 2024, staff attempted to belatedly respond. And this was by providing records never, never requested. Kate Nelson's AWWA certificate, and HDR's initial water/sewer rate study contract. I of course notified Heidi that these documents did not respond to my request. I will be attaching a copy of staff's document disclosure notice and my e-mail response to my written statement to be submitted on this subject - marked as Exhibit "E."

9. This means that the log's statement that Kate Nelson's time and charges billed to Public Works associated with her research, agendizing on the BOT's calendar, preparing her staff memorandum, and presenting that matter to the BOT for approval on January 10, 2024 (see paragraph 3), was in fact completed on February 9, 2024, **IS FALSE!**

10. Giving Heidi every benefit of doubt, yesterday I e-mailed her advising of the falsity of her statements. And I asked when I was going to receive the records requested that she claimed had been produced for examination that I never received? You can each see that request for yourselves below.

11. Now if Heidi were honest and ethical, she would have immediately responded and provided the records she had stated were actually provided. Wouldn't she? **BUT SHE DID NOTHING.** And now you're hearing about it! Just like I observed above, it doesn't matter "if individual members enter or leave the organization which engages in or has the purpose of engaging in racketeering activit(ies)...the organization...continue(s) its operation even (though) individual members (have) enter(ed) or le(ft) the organization."

When do I receive the records I requested? When do we learn how much Kate Nelson has unnecessarily cost local parcel owners? When do we take up the issue of when we're going to terminate Kate Nelson's employ because she's just as dirty as her predecessors? And now, when do we take up the issue of Heidi White's continued employ? Here I've demonstrated she can't comply with the Public Records Act. She conceals public records. And then she lies to the Board and the public that she has complied when in truth she hasn't.

But instead the haters in our community will chastise me. I'm the problem. I'm wasting staff's time. It's terrible I criticize our wonderful staff because they're leaving the District's employ because of the attention on their wrongful acts. No I'm not the problem.

I'm giving the BOT until tomorrow evening to step in and correct staff's intentional concealment of public records. Bring the subject up during each of your updates to the Board and the public. If you members don't, then I will file a criminal complaint with the OAG. Because, NRS 239.310 tells us that willful concealment of public records is criminal. And NRS 195.020 tells us that now that each of you know the truth, you, our interim GM Mike Bandelin, and our attorneys, are all co-principals and equally responsible! Congratulations!

Respectfully submitted, Aaron Katz

-----Forwarded Message-----

From: <s4s@ix.netcom.com>

Sent: Feb 12, 2024 2:33 PM

To: <ivgid_24-15-requester-notes@inbound.nextrequest.com>

Cc: <info@ivgid.org>, White Heidi <hhw@ivgid.org>

Subject: Re: Your Incline Village GID, NV public records request #24-15 has been closed.

Hello Heidi -

I have none of the records I requested.

Your detail for what it is that's closed includes "Document(s) released Kate.Nelson.staff.time.billed.2.PW.re.updated.HDR.Engineering.water.sewer.rate.study.1.12.2024.pdf 2024-01-12_Request_A.Katz_Email.pdf

I never received this.

I never received the attorney's fees billings incurred for the legal work Kate Nelson directed.

I never received redacted e-mails from whomever at IVGID and BBK attorneys asking for legal work to be performed insofar as the HDR contract for an updated rate study was concerned, and BBK attorneys response(s). You have a duty to redact confidential attorney communications rather than the entirety of communications and then produce them for examination. You never did this.

When do I receive what I requested?

Aaron Katz

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

From: <ivgid_24-15-requester-notes@inbound.nextrequest.com>

Sent: Feb 12, 2024 1:24 PM

To: <s4s@ix.netcom.com>

Subject: Your Incline Village GID, NV public records request #24-15 has been closed.

-- Attach a non-image file and/or reply ABOVE THIS LINE with a message, and it will be sent to staff on this request. --

Incline Village GID, NV Public Records

**Record request #24-15 has been closed.
The closure reason supplied was:**

This is not a public records request.

[View Request 24-15](#)

<https://ivgid.nextrequest.com/requests/24-15>

Public Comment, Bill Kahrs, Please put in the minutes of tonights BoT meeting

Good evening Trustees and fellow residents.

During the January 31st meeting, the IVGID Board of Trustees sanctioned an allocation of another \$7,900 for the utilization of FlashVote, a survey service, to administer six surveys across the Incline Village and Crystal Bay community.

The decision to commission a series of surveys raises inquiries regarding the specific objectives sought by the Board and IVGID staff; particularly given the substantial history of previous community surveys. Questions have emerged regarding poor and/or slanted survey questions, ^{ALSO} the utilization of data accumulated from prior surveys, and the translation of the results into actionable measures for community enhancement.

With the Board's stated commitment to prudent financial stewardship, some stakeholders have expressed reservations about the process leading to this expenditure. Suggestions have been made for a more methodical approach involving collaboration between IVGID Staff and Trustees to ascertain the precise data requirements, ^{ALSO to} determine the optimal number of surveys needed, and select the most appropriate survey tool.

Public Comment, Bill Kahrs, Please put in the minutes of tonights BoT meeting

In addition, the District needs to ensure that the survey is sent to all residents and/or property owners, and not just a small, non-representative sampling composed of FlashVote enrollees. While FlashVote has been chosen to conduct these surveys, alternative options were not thoroughly explored. *or presented.*

have spent
You ~~are spending~~ a lot of money on this service; what additional data do you need that requires this budget item? Surely you *ALREADY* have enough to get you through the next year or two of decision-making.
^

Kristie Wells
Incline Village Resident

Good evening Board.

Item F.5. on the agenda tonight is a \$50,000 request for a contract to McDonald Carano for a "review of Client's policies on restricted access beaches in Incline Village and IVGID Beaches." Trustee Schmitz has not provided in the Board packet any indication of what questions need to be answered that requires us to spend another \$50,000? We doubt you are actively working to find a way to give beach access back to IVGID employees, so what exactly are you asking this law firm to review? The community needs to know what your intentions are in advance of this Board meeting.

Speaking of McDonald Carano, it appears there is a potential conflict of interest here as Joshua Hicks, the attorney representing the firm in this engagement, was retained by Trustees Sara Schmitz and Matt Dent to represent them personally in their attempts to block the recall efforts just about six months ago. Documents supporting this statement will be attached to my comment submitted to the clerk.

This \$50,000 could easily be seen as a reward or quid pro quo for Mr. Hicks' support of you both in the recall efforts, which, as a reminder to the community, is still active and remains under review by the Secretary of State.

You don't think this community is paying attention. We are, and you need to confirm that neither this firm nor Mr. Hicks is representing either of you currently for interests related to the recall campaign.

Moving to item G.1. one of your recommendations is to develop a two-year contract that appoints Bobby Magee as the General Manager. A two-year agreement for someone who has finance experience, but has never managed a District before. How is this even an option? If you really believe in Bobby's ability, why not start with a 10-month agreement through the end of this year and make sure he can actually do this job? Not to mention, Bobby doesn't even live in this District full-time. This Board is going to look quite different come January, and you would be committing this District to a path that the future board may not be willing to tread. I highly suggest you reconsider his contract terms if this is the path you are choosing.

I'm asking this Board for three things tonight:

1. Be open and transparent about why you want more legal work for Ordinance 7.
2. Be open and transparent about your relationship with Mr Hicks and his firm.
3. Don't make a long term commitment to an un-proven General Manager.

SECTION 3.

COMPLAINT IS AGAINST

Please detail the nature of your complaint. Include the name and contact information (if known) of the individual, candidate, campaign, or group that is the subject of your complaint. Your complaint must also include a clear and concise statement of facts sufficient to establish that the alleged violation occurred. Any relevant documents or other evidence that support your complaint should be listed and attached. You may attach additional sheets if necessary.

See the attached letter dated 8/11/2023 from Joshua Hicks of McDonald Carano.

SECTION 4.

Sign and date this form. The Secretary of State's Office cannot process any unsigned, incomplete, or illegible complaints. In order to resolve your complaint, we may send a copy of this form to the person or group about whom you are complaining.

I am filing this complaint to notify the Office of the Secretary of State of the activities of a particular candidate, campaign, individual or group. I understand that the information contained in this complaint may be used to establish violations of Nevada law in both private and public enforcement actions. I authorize the Office of the Secretary of State to send my complaint and supporting documents to the individual or group identified in this complaint.

By signing my name below, I certify under penalty of perjury that the information provided in this complaint is true and correct to the best of my knowledge.

Sara Schmitz

Signature

08/11/2023

Date (mm/dd/yyyy)

Sara Schmitz

Print Name

McDONALD CARANO

Joshua Hicks, Esq., Partner
jhicks@mcdonaldcarano.com

Reply to Reno

August 11, 2023

Via Email to: nvelect@sos.nv.gov

Francisco Aguilar
Nevada Secretary of State
101 N. Carson St.
Carson City, NV 89701

Re: Election Integrity Violation Report against Committee to Recall IVGID Trustee Matthew Dent and Committee to Recall IVGID Trustee Sara Schmitz.

Dear Secretary Aguilar,

Our office represents IVGID Trustees Matthew Dent and Sara Schmitz. This letter is filed in support of the Election Integrity Violation Report ("Complaint") filed by Sara Schmitz dated August 11, 2023 against The Committee to Recall IVGID Trustee Matthew Dent ("Dent Committee") and The Committee to Recall IVGID Trustee Sara Schmitz ("Schmitz Committee").

As more fully explained below, both the Dent Committee and the Schmitz Committee have disseminated campaign materials throughout Incline Village in blatant violation of Nevada law, and have failed to appropriately disclose contributions and expenses required by Nevada law.

Campaign Material Disclosures

Pursuant to NRS 294A.348, any person (including a committee to recall a public officer) that expends more than \$100 to finance a communication expressly advocating against a clearly identified candidate must include a disclaimer on the communication informing the public as to the identity of the person that paid for the communication.

The Incline Village community has been blanketed with signs and flyers urging residents to recall both Matthew Dent and Sara Schmitz, expressly naming each of them in those communications. Copies and pictures of flyers and signs are included with the Complaint. Further, a review of the contribution and expense reports filed by the Dent Committee and Schmitz Committee indicate that each has reported well in excess of \$100 in expenses that are communication related. More specifically, both the Dent Committee and the Schmitz Committee

mcdonaldcarano.com

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2300 West Sahara Avenue • Suite 1200 • Las Vegas, Nevada 89102 • P: 702.873.4100

 MERITAS

reported \$530.50 to "Rainbow Printing" and \$500.43 to "Traffic Builders Inc. Signs and Graphics," among other expenses.

There is no question that the Dent Committee and the Schmitz Committee have spent over \$100 to finance communications expressly advocating for the recall of both Matthew Dent and Sara Schmitz. Such communications must include the disclaimer required by NRS 294A.348. Both the Dent Committee and the Schmitz Committee should be ordered to immediately take down and cease disseminating all communications in violation of Nevada law and be further subject to appropriate civil and criminal penalties.

Contribution and Expense Reports

Pursuant to NRS 294A.270, the Dent Committee and the Schmitz Committee are required to disclose contributions and expenditures.

On August 8, the Dent Committee filed a Recall Contributions and Expense Report stating the Dent Committee had \$735 in contributions, \$1,459 in expenditures and an ending fund balance of \$234.58. On August 8, the Schmitz Committee filed a Recall Contributions and Expense Report stating the Schmitz Committee had \$735 in contributions and \$1,459 in expenditures and an ending fund balance of \$234.58.

The math on each report doesn't add up. If the Dent Committee and Schmitz Committee truly had \$735 in contributions and \$1,459 in expenditures, the ending fund balance of each should be negative \$724. Clearly, the reports are inaccurate and/or fail to disclose all contributions and expenditures. Both the Dent Committee and Schmitz Committee should be investigated and required to explain the discrepancies on their contribution and expense reports.

Sincerely,



Joshua Hicks, Esq.

Linda Kahrs

Incline Village Resident

Good evening Board. I have done a financial summary of the funds spent for the past calendar year, and I was shocked that it totaled over \$1.8 million dollars. Even more so that ONLY \$74,500 was spent on an unnecessary capital improvement project called "beach access gate."

Taking the remaining monies, the District has spent over \$900,000 on personnel costs which weren't budgeted, and this includes payments to employees for a severance arrangement and paid leave of absence. This leaves approximately \$800,000 in consultant fees.

The board majority, Schmitz, Dent & Tulloch, along with the interim director of Finance have appeared to have engaged in gross mismanagement of IVGID resources by allocating funds towards various expenditures, such as FlashVote surveys, investigations, and consultant fees, without tangible results for the community. Community members, this is a HUGE problem.

What did they spend \$1.8 million on this year?

- While a small amount in comparison to the consulting expenses, they spent over \$30,000 for the FlashVote surveys, and didn't even use the service to its fullest. This is a waste of our precious money as the IVGID staff can reach 5 to 6 times more residents with better focused surveys.
- Did you know they are PAYING PEOPLE NOT TO WORK?! Susan Herron was placed on leave and Indra Winquist was given severance at a cost to the community of over \$350,000 (benefits included).

- Money wasted in the finance area to investigate fraud and hire consultants like Moss Adams and Rubin Brown. But wait, according to the Nevada Department of Taxation, we were doing just fine with our past five audits?

What have they accomplished? Nothing for the facilities & everything to put IVGID on a path towards bankruptcy.

So, here we are today watching your \$4.5 million dollar budget augmentation due to this overspending.

We must point out the GROSS NEGLIGENCE and IGNORANCE by moving Parks from Community Services to the General Fund. This, in addition to the wild, superfluous spending, is another cause for the budget augmentation. It was ludicrous to move Parks as this action did draw down unnecessarily resources from the General Fund. It should be moved back to Community Services, immediately.

In closing, \$1.8 million of our money was spent on their pet projects and not where it should have been, investing in our facilities and community assets.