

1
2 INCLINE VILLAGE
3 GENERAL IMPROVEMENT DISTRICT
4 BOARD OF TRUSTEES
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9 TRANSCRIPT OF HEARING
10 PUBLIC MEETING
11 SPECIAL MEETING
12 Live and Via Zoom
13
14 Held at the Boardroom
15 893 Southwood Boulevard
16 Incline Village, Nevada
17
18 Wednesday, March 6, 2024
19
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22
23
24 Reported by: Brandi Ann Vianney Smith
25 Job Number: IVGID 27

1 APPEARANCES
2
3 **BOARD MEMBERS PRESENT**
4 SARA SCHMITZ, CHAIR
5 MATTHEW DENT, VICE CHAIR
6 MICHAELA TONKING, SECRETARY
7 RAY TULLOCH, TREASURER
8 DAVE NOBLE, MEMBER
9
10
11 **ALSO PRESENT**
12 SERGIO RUDIN, LEGAL COUNSEL (via Zoom)
13 HEIDI WHITE, DISTRICT CLERK
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1 INDEX 3
2 PAGE
3 A. PLEDGE OF ALLEGIANCE 4
4 B. ROLL CALL OF TRUSTEES 4
5 C. INITIAL PUBLIC COMMENTS 5
6 D. APPROVAL OF THE AGENDA 23
7 E. REPORTS OF THE BOARD
8 F. CONSENT CALENDAR 24
9 G. GENERAL BUSINESS
10 G 1. General Manager Position Appointment 24
10 G 2. Fiscal year 2024/2025 BOT Retreat 52
11 I. FINAL PUBLIC COMMENTS 104
12 J. ADJOURNMENT 105
13
14 -o0o-
15
16
17
18
19
20
21
22
23
24
25

1 Incline Village, Nevada - 3/6/2024 - 3:30 P.M. 4
2 -o0o-
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5 CHAIR SCHMITZ: I'd like to call to order
6 a special meeting of the Incline Village General
7 Improvement District at 3:30 on March 6th, located
8 at the Boardroom at 893 Southwood Boulevard in
9 Incline Village, Nevada.
10 We'll begin with Pledge of Allegiance.
11 A. PLEDGE OF ALLEGIANCE
12 (Pledge of Allegiance.)
13 CHAIR SCHMITZ: Moving on, we'll do the
14 roll call of trustees.
15 B. ROLL CALL OF TRUSTEES
16 CHAIR SCHMITZ: Trustee Tonking?
17 TRUSTEE TONKING: Here.
18 CHAIR SCHMITZ: Trustee Tulloch?
19 TRUSTEE TULLOCH: Present.
20 CHAIR SCHMITZ: Trustee Noble?
21 TRUSTEE NOBLE: Here.
22 CHAIR SCHMITZ: Trustee Dent?
23 TRUSTEE DENT: Here.
24 CHAIR SCHMITZ: And myself, Sara Schmitz.
25 We're all in attendance.

5

1 Moving on to initial public comments,
 2 we'll begin with comments here in the room, limited
 3 to three minutes, and then we'll go to online.
 4 C. INITIAL PUBLIC COMMENTS
 5 MS. CARS: Good afternoon, Trustees.
 6 My comments are two-fold. We need a
 7 general manager who devotes their whole working
 8 time, skill, experience, knowledge, and ability
 9 exclusively to IVGID's business and affairs. We
 10 need confirmation that Mr. Magee has terminated all
 11 other consulting gigs.
 12 He's expected to be available at all
 13 times. Section 1.7 of the Employment Contract
 14 states that the GM shall be present in the Incline
 15 Village area, shall be present in the Incline
 16 Village area and to be available to attend all BOT
 17 meetings.
 18 This is important as we've been told that
 19 Mr. Magee works part time in California at his other
 20 jobs, and more importantly that he does not intend
 21 to change his residency in Southern California.
 22 The community needs confirmation that with
 23 the salary and benefits exceeding \$300,000, that
 24 Mr. Magee will be working full time in the area, and
 25 that Trustees Dent and Schmitz will not try to amend

6

1 the agreement after it is signed.
 2 The general manager is specifically
 3 excluded from participating as a volunteer in the
 4 established boundaries of Incline Village/Crystal
 5 Bay in volunteer activities. This is unheard of to
 6 stop someone from volunteering in their community.
 7 If anyone thinks this GM is serving the community,
 8 they could be incorrect. He seems to be serving
 9 maybe Sara Schmitz and Matthew Dent and Ray Tulloch,
 10 who we assume drew up or approved this contract.
 11 In section 6.5, as Mr. Magee is so new to
 12 the District, his severance should be 50 percent of
 13 the time that he's on the job as general manager.
 14 If he serves nine months, he should get 50 percent
 15 of the time he serves as GM. A former GM was part
 16 of this district for 20 years. A year's severance
 17 for someone who has worked with the District since
 18 June is nonsensical.
 19 Switching gears, I would like to share a
 20 quick update on the recall. Against all odds and
 21 with the valiant efforts and tireless work of
 22 several hundreds of volunteers, the recall efforts
 23 came 54 votes short for Schmitz and 13 votes short
 24 for Dent.
 25 Sara Schmitz and Matthew Dent should not

7

1 be celebrating, but should listen to the voices of
 2 the community and focus their efforts to build up
 3 our facilities, stop using these meetings to demean
 4 the hard-working IVGID staff. Unfortunately so far,
 5 they have shown all they care about is making
 6 themselves look good at everyone else's expense.
 7 We are waiting important legal analysis of
 8 the Secretary of State's appeal decision, as there
 9 does remain issues surrounding signatures and
 10 potential voter suppression.
 11 We know that we have a moral victory, if
 12 not in the long run, an actual legal victory. We
 13 move on to the very important June primary and
 14 November election where three seats on this Board
 15 will be up for the community to decide who shall
 16 fill them. And we have some very good candidates
 17 which we are excited about.
 18 Thank you.
 19 MS. MILLER: Good afternoon, Trustees.
 20 I fully support the appointment of Bobby
 21 Magee as our general manager. I hope we can work
 22 out the details, so I'm going to talk about
 23 something else.
 24 Last year, on June 6th, I sent a very
 25 specific public records request for the table of

8

1 salary ranges, usually included in the budget
 2 presentation. I was told the information would be
 3 made available after the union contracts were
 4 finalized, likely in July. I never heard anything
 5 further. But on December 2nd, 2023, I reminded
 6 staff about the request. I also requested the table
 7 containing the budgeted positions with their salary
 8 grade and class. I did receive the table of salary
 9 ranges, but never got the table of budgeted
 10 positions.
 11 So on February 19th, 2024, I made the same
 12 request, this time using the NextRequest. On
 13 February 28th, a little past the five-day deadline,
 14 I was told it will take some time, but instead of an
 15 estimate on the time, all I got was an estimated
 16 date when an estimated time would be given. "Update
 17 by Thursday March 7th, 2024, for an update on the
 18 fulfillment of your request."
 19 I don't believe this comports with the
 20 Nevada Public Records Act. I've seen other
 21 responses like this in the past, and I don't agree
 22 with them. Please ask the attorney to advise staff
 23 on the requirements in NRS 239.0107, C 1.
 24 Moving on to my other outstanding requests
 25 on NextRequest. On February 20, I asked for records

9

1 evidencing any and all financial contributions from
2 either Washoe County, RTC, or NDOT for the senior
3 transportation program. Instead I received a
4 voluminous amount of reports related to the program,
5 but none of them indicated any payment. And the
6 request was listed as closed. I sent a follow-up
7 message through the system asking for records, again
8 evidencing some financial payment from the agencies
9 who, according to IVGID website, collaborate with
10 IVGID to provide the service. To date, I still
11 don't have any response to that. The request is
12 closed.

13 The District has a history of not
14 responding properly to public records requests and
15 being sued by citizens for this failure since our
16 statutes don't give them any other option. Please
17 address the continued lack of responsiveness to
18 public records requests, even simple ones like mine.

19 And please -- I looked at the reports and
20 I'll send you an email, but the reports were
21 horribly out of date, they had expense reports that
22 were based on salaries from years ago. We know
23 those salaries have increased, but we don't know
24 what the program costs.

25 Thank you.

11

1 keep coming to these board meetings and giving you
2 examples, and here we have another one.

3 This is time it's out of the Rec Center.
4 Tim Kelley and Pandora Bowman. Mr. Kelley is
5 charging the District to be a full-time, benefited
6 employee when he's working for somebody else. And
7 his supervisor is letting him do this with a wink
8 and a nod. And I object to it if nobody else does.

9 I tried to get written evidence before I
10 come to the Board that demonstrates this. All I can
11 do is a Public Records Act request, which I do. And
12 all I'm asking for is requests by Mr. Kelley to take
13 vacation time, if he took any vacation time, so that
14 he has a justification for working for someone else
15 and not being at the Rec Center.

16 Rather than give me the simple documents,
17 we've gone through a whole thing: Oh, well, that's
18 confidential information. Oh, we can't share it
19 with you. Oh, it's going to frustrate your attempt.

20 And it's wrong. The Board of Trustees
21 needs to compel staff to turn over the records I
22 have requested to prove we don't have people who are
23 taking from us improperly. It's all in my written
24 statement I've pointed out.

25 Please do the right thing. If the Board

10

1 MR. KATZ: Good afternoon. Aaron Katz,
2 Incline Village. I have several written statements
3 to be attached to the minutes of the meeting.

4 Two subjects I'd like to speak to. The
5 first one shows that Judy is not my mouthpiece,
6 because insofar as Bobby Magee's new contract is
7 concerned, I'm against it, and here's why:

8 This is a thinly concocted attempt to
9 handcuff the next board in its effort to find a
10 replacement, permanent general manager because that
11 will be Indra, so at least two board members here
12 have come up with a poison pill to frustrate that
13 effort. And what it is is the \$300,000-plus
14 severance package to Bobby Magee if he's terminated
15 in less than two years.

16 Please vote no to kill this maneuver. I
17 am certain Trustees Tonking and Noble will do the
18 right thing. I'm talking to you, Ray, please do the
19 right thing and vote no.

20 Now my second item, again it goes to
21 public records requests, something entirely
22 different. We have an evil amongst us, and it's
23 called our wonderful employees. I know there's a
24 bunch of people that think all our employees are
25 wonderful, ethical, honest. Well, they're not. I

12

1 doesn't, you're just as bad as staff.

2 MR. HOMAN: Mick Homan, Incline Resident.
3 I'm reading a letter from Michelle
4 Jezycki, another Incline resident. Michelle's on a
5 plane right now so couldn't be here in person.

6 Michelle was raised in Incline and had a
7 very successful career in the HR profession, most
8 recently as the head of HR for the U.S. Senate. She
9 has impeccable credentials, particularly related to
10 the subject matter of this letter.

11 "Dear IVGID Board of Trustees,
12 "I'm writing to express my deep concerns
13 regarding the proposed contract to hire Mr. Magee as
14 our next general manager. After careful
15 consideration of the terms of the candidate's
16 qualifications as presented, I believe the decision
17 is not in the best interest of the community for
18 several reasons.

19 "Offering a full-time position to someone
20 whose experience does not fully align with the
21 general manager's role seems misguided. The job's
22 complexities demand a candidate with a strong track
23 record in similar capacities.

24 "Additionally, Mr. Magee's residency in
25 Southern California and the proposal of a full-time

13

1 contract raises questions about fiscal
 2 responsibility and the efficient use of District
 3 resources.
 4 "It's crucial for the leadership roles to
 5 be filled by individuals whose skills meet the
 6 community's needs, including residing nearby to
 7 address our concerns directly. Otherwise what comes
 8 next? The creation of an assistant GM role to fill
 9 the void created by the GM not living in the area?
 10 Again, fiscally irresponsible. Let's get this right
 11 from the beginning while we still have the chance.
 12 "Mr. Magee's financial acumen has been
 13 beneficial as the interim Finance Director, however,
 14 his lack of experience in the GM role poses risks to
 15 IVGID's operational effectiveness and financial
 16 health. Committing to a two-year contract at this
 17 juncture, especially with a new board incoming,
 18 seems premature, reckless, and irresponsible.
 19 Considering the critical nature of the GM's position
 20 and the reported challenges in finding qualified
 21 candidates, a more cautious approach is warranted.
 22 "Extending Mr. Magee an interim GM role
 23 would allow us to evaluate his performance without
 24 the financial burden of a long-term commitment.
 25 This approach would be fair both to Mr. Magee and

14

1 the community, providing flexibility to affirm his
 2 suitability for the role or to conduct a more
 3 thorough search if needed. Therefore, I urge the
 4 Board to consider an interim period for Mr. Magee.
 5 "This decision would demonstrate fiscal
 6 prudence allowing the necessary time to assess his
 7 impact as GM. If successful, we will benefit from
 8 his leadership without premature commitment. If
 9 not, we can seek a candidate with the necessary
 10 experience and vision for IVGID's future.
 11 "Thank you."
 12 Signed Michelle Jezycki.
 13 CHAIR SCHMITZ: Seeing no other public
 14 comments in the room, do we have any online?
 15 MR. DOBLER: Cliff Dobler here, resident
 16 of Incline Village.
 17 Historically, IVGID staff has been unable
 18 to provide residents the cap projects budgeted
 19 each year. As such, cash reserves have grown to
 20 three times the amount required. In fiscal year
 21 2023, 52 projects were planned for community
 22 services in beaches, however, 31 were not completed
 23 and only 50 percent of the budget was spent.
 24 So the question is: Are there adequate
 25 resources to accomplish the capital plan for the

15

1 community services and beaches for 2025?
 2 The proposed plan presented tonight calls
 3 for 10.9 million spread over 47 projects.
 4 Now to some short history. At the
 5 beginning of fiscal 2023, cash was 24.7 million, of
 6 which 8 million must be set aside for reserves. 6.3
 7 million in rec fees were added to the stash in
 8 fiscal 2023. There were no rec fees assessed in
 9 2024.
 10 In fiscal 2023, only 3.8 million was
 11 spent, and again, 3.8 million was carried over into
 12 fiscal 2024. Now, in fiscal 2024, 8.3 million was
 13 budgeted, that being said, at least 6.5 million
 14 consisting of 8 projects will be carried forward in
 15 fiscal 2025, 78 percent of the budget.
 16 As such, at the end of 2024, the cash
 17 position for community services and beaches, after
 18 reserves and deducting previously budgeted projects,
 19 will be reduced to approximately 7 million.
 20 It is currently unknown what operating
 21 losses have been incurred in fiscal 2023 and 2024,
 22 but one could make a reasonable bet the losses will
 23 be between 1 and 2 million per year. The actual
 24 losses for '23 and '24 will not be known for at
 25 least another six months, so the District will be

16

1 flying blind not know what's up.
 2 This ambitious approach to capital
 3 planning is not appropriate as neither the staff nor
 4 the Board could take on 55 projects and spend 17.4
 5 million in the upcoming fiscal year. More rec fees
 6 of about 4 million would be required.
 7 Why doesn't everyone just sit back, breath
 8 in some fresh air, and become realistic on abilities
 9 to perform?
 10 At the Investment Committee two days ago,
 11 Ms. Nelson indicated that contractors could not be
 12 found and the staff is understaffed. Let's try to
 13 become realistic on performance rather than wishing
 14 for miracles.
 15 Thank you very much.
 16 DR. WYMAN: This is Andrew Wyman.
 17 I'm tempted not to say anything because of
 18 a few of the other comments about Mr. Magee, and
 19 this set of comments is premised on what I believe
 20 is the Board majority's decision to hire him for a
 21 two-year contract and that's what they plan to do.
 22 So, my thoughts are appoint Mr. Magee for
 23 one year. If it's working out, extend his contract.
 24 Making this choice might help to quell some of the
 25 dissension and hostility in the community.

17

1 Also, appoint an assistant who knows staff
 2 and the community well and can act on his behalf
 3 when he's not on site. This might help to alleviate
 4 his half-time-on-site proposal. Better still
 5 actually, instead of a one-year contract, make his
 6 contract month to month, much as his current
 7 contract reads. To go on, please correct any
 8 factual errors I make in this statement now so that
 9 the community can better understand this situation.
 10 I might also add as an aside that I find
 11 it a bit peculiar that not long ago Mr. Magee,
 12 acting in his capacity as the interim financial
 13 chief, indicated he needed an assistant. As soon as
 14 that assistant was hired, he is then being moved by
 15 the Board majority the general manager position.
 16 This sounds to me to be a bit confusing, if not
 17 contradictory.
 18 Thank you.
 19 UNIDENTIFIED SPEAKER: I would like to draw
 20 the Board's attention to Ordinance 7, IVGID Policy
 21 2.5A3B, disciplinary actions for misconduct.
 22 Cliff Dobler recently asked for a public
 23 records request for his IVGID HR files after
 24 assaulting my husband at the District offices in
 25 October, 2023. In those files, I found eight dates

18

1 from 2018 to 2020, where written statements from
 2 IVGID employees were sent to HR, not including '21,
 3 '22, or 2023 when another allegation of verbal
 4 sexual harassment surfaced by another female IVGID
 5 employee.
 6 It appears that Dobler is four for five on
 7 the list of infractions under the policy which
 8 suspends IVGID recreational privileges. Number one,
 9 physical abuse. He assaulted my husband on IVGID
 10 property and plead guilty in court. The penalty is
 11 a three-month to three-year suspension.
 12 Threatened physical abuse. IVGID employee
 13 states in the file, "His demeanor changed
 14 immediately. He turned to me with rolled up paper,
 15 shaking his arm at me very aggressively." His
 16 penalty, one month to one year suspension.
 17 Verbal attack. A litany of documented
 18 verbal attacks against IVGID employees in the files.
 19 Penalty for third time, one year to three years
 20 suspension.
 21 Chronic rule breaking. In the files, I
 22 found that Mr. Dobler feels he can go out on the
 23 golf course without a tee time, without a cart, and
 24 go to any hole he pleases. Penalty, two weeks to
 25 one month suspension.

19

1 The files contain written statements by
 2 IVGID employees. Keep in mind with all the
 3 redactions we are not getting the complete story.
 4 These are the words of the IVGID
 5 employees: "He always has something to say, and
 6 it's not positive." "I adjust when I see him, if
 7 not physically then mentally." "He is consistently
 8 condescending in his interactions. He feels as if
 9 he owns us, like he can talk to us this way."
 10 "Cliff's entire demeanor completely changed. He
 11 puffed up his chest, clenched his jaw, and his face
 12 became red. He became aggressive in his tone
 13 towards her, telling her things like 'Lady, you have
 14 no right to be in this conversation. Lady, you are
 15 not even present in the situation I'm talking about,
 16 so you need to sit down and be quiet. Lady, I was
 17 not talking to you, and when I do talk to you then
 18 you can respond. Lady, have you ever heard of
 19 freedom of speech? I can say whatever I want
 20 whenever I want to whoever I want. Lady, you need
 21 to know your place as an employee around here.' He
 22 made it very clear that he's far more important than
 23 any other resident in town, and beyond that, the
 24 fact that I've heard him, directly from his mouth
 25 say, 'You know what? I'm running this district.'"

20

1 Human resources states in the files
 2 consistently conversations with Mr. Dobler are
 3 peppered with profanity and are not only destructive
 4 but impactful to staff around him, their ability to
 5 perform their duties.
 6 It is my opinion that Dobler is a
 7 liability to the District, the three majority
 8 trustee have not done enough to protect the IVGID
 9 employees and residents. If my husband had been
 10 seriously injured, we'd likely be in court right
 11 now.
 12 Dobler says he got the three majority
 13 trustees elected and that you three report to him.
 14 I'm starting to believe that.
 15 Why hire Bobby Magee when it appears
 16 you've allowed Dobler to be the de facto GM for this
 17 district?
 18 Please follow Ordinance 7, IVGID Policy
 19 2.5A3B and hold --
 20 (Expiration of three minutes.)
 21 CHAIR SCHMITZ: For the record, I believe
 22 that caller was Trish McKowen.
 23 MR. McKOWEN: Good evening. Kevin
 24 McKowen, Incline Village.
 25 I believe my wife has summarized

21

1 Mr. Dobler's behavior over multiple years, verified
 2 in the public records, and culminating in assault
 3 charges on October 25th.
 4 I would like, however, to address the most
 5 important topic we're facing today, which is who
 6 will take over as our new general manager.
 7 Mr. Magee seems to be, for many reasons, a default
 8 selection. I'm sure he's acted as a confident
 9 financial consultant, however, this a far different
 10 role.
 11 Overall, in my almost-50-year business
 12 career, I've hired hundreds of managers including
 13 top executives. I have never considered an
 14 executive for any key position without the matching
 15 skill set and experience required to successfully do
 16 the job, and especially to manage hundreds of
 17 people.
 18 I find it beyond belief that the
 19 controversial three members of the Board are
 20 considering hiring a person who does not have the
 21 matching qualifications as our general manager, and
 22 agree to pay him a package in excess of \$300,000.
 23 Most disturbing, though, is that he is a
 24 nonresident, living hours away, apparently with no
 25 plans on moving to Incline. He wants to work

22

1 remotely. Are you kidding me? Would we consider a
 2 nonresident as a board member living hours away,
 3 working remotely from another state?
 4 I also find the support by the Board for
 5 this decision shocking because of previous
 6 conversations I'm aware of regarding Indra living
 7 30 minutes away and considered unacceptable.
 8 Mr. Magee will be a part-time individual
 9 spending only two weeks a month here and not looking
 10 at the entirety of the village and the welfare of
 11 its residents simply for an outrageous payday.
 12 Another uninformed and incompetent decision made by
 13 the Board.
 14 Our GM needs to be on property one hundred
 15 percent, with a commitment of working hand in hand
 16 with hundreds of IVGID employees and interfacing
 17 with managers who will be reporting directly to him.
 18 That person will also be the face of our village
 19 representing it's valued history and vision.
 20 Full-time interaction is a must. No way this is a
 21 part-time position.
 22 I also understand there were multiple,
 23 qualified candidates, but when finding out about
 24 IVGID's function of this board and our community,
 25 decided to pass and walk away. We also lost our

23

1 recruiting firm. I have never, ever heard of that.
 2 Ever. This is beyond incomprehensible.
 3 Our community deserves better. We live in
 4 one of the most beautiful places in the world, and
 5 we're supposed to believe you can't find anyone in
 6 the United States to jump at the opportunity to be
 7 its GM, and most importantly move here as resident?
 8 It beckons the question: What's really going on
 9 here?
 10 In conclusion, I'm asking on behalf of the
 11 overwhelming majority of the community to continue
 12 to search for an outstanding, qualified candidate.
 13 Do not compromise and settle. This is too important
 14 to all of us --
 15 (Expiration of three minutes.)
 16 MATT: Chair, that was our last public
 17 comment on Zoom.
 18 CHAIR SCHMITZ: That closes out agenda
 19 item C. Moving on.
 20 D. APPROVAL OF AGENDA
 21 CHAIR SCHMITZ: Any requests related to
 22 the agenda?
 23 Seeing none, the agenda is approved as is.
 24 E. REPORTS TO THE BOARD
 25 CHAIR SCHMITZ: This item, we do not have

24

1 today.
 2 F. CONSENT CALENDAR
 3 CHAIR SCHMITZ: The consent calendar is
 4 not applicable today.
 5 G. GENERAL BUSINESS
 6 G 1. General Manager Position Appointment
 7 CHAIR SCHMITZ: General business item
 8 number one is to consider the appointment of Bobby
 9 Magee to the general manager position, and review,
 10 discuss, and approve proposed employment agreement
 11 between Bobby Magee and IVGID. Requesting staff
 12 member Director of HR Erin Feore. Found on pages 3
 13 through 16 of your board packet.
 14 MS. FEORE: I've submitted to you the
 15 Board memo asking the Board to consider the
 16 appointment of Bobby Magee and the acceptance of the
 17 employment contract that was included in the packet.
 18 I'll leave the floor open to questions,
 19 concerns, feedback.
 20 CHAIR SCHMITZ: Would the Board like to
 21 discuss or have Mr. Magee step up for answering any
 22 questions?
 23 TRUSTEE TULLOCH: I think Mr. Magee, I'd
 24 like to see Mr. Magee step. That would be the
 25 appropriate thing.

25

1 CHAIR SCHMITZ: Mr. Magee, you heard some
2 of the public comments summarizing the perception
3 that you are not full time but are part time, how
4 you, perhaps, had roles of similar nature, so if you
5 could touch on some of those comments and concerns
6 that we identified in public comments, I think that
7 would be great. Then I will allow the other
8 trustees to ask any questions that they might have.
9 Go ahead, Mr. Magee.
10 MR. MAGEE: Thank you.
11 I will start by saying that from my
12 perspective when we entered into COVID, governments
13 all over the United States learned very quickly that
14 we had to adapt. And I think that we learned
15 quickly that business can be done part time, remote,
16 it can be done over Zoom.
17 And even to this day when I'm on-site
18 here, I routinely interact with other directors here
19 at IVGID via Zoom from my office. And so I think
20 that we found that it works, and we are able to
21 govern efficiently and handle these situations very
22 effectively organization wide. It's not just me,
23 it's -- we had meetings with Public Works today over
24 Zoom, we had meetings with IT today over Zoom. And
25 the intention, obviously, is not to work part time.

27

1 For almost ten years I was assigned to
2 numerous departments, and so I worked with the
3 directors of each department every single day. The
4 directors reported, essentially, to our office which
5 was me. I was assigned to parks and recreation. I
6 was assigned to special districts, which is very
7 similar in California to what a general improvement
8 district is in Nevada. I had direct operational and
9 fiscal oversight of approximately 109 special
10 districts as well as 56 budgets there, that included
11 public works, utilities, water, wastewater, garbage
12 service.
13 The special districts which included parks
14 and recreation, sewer districts, utilities
15 districts, lighting districts, and was truly an
16 executive-level position where I oversaw numerous
17 aspects of the county and what its operations were.
18 And so it was definitely not a narrowly
19 tailored job. It was very similar to what the
20 general manager role of IVGID is.
21 In that role, I had approximately 5,000
22 employees that were directly under my sphere of
23 influence that included full time, part time, and
24 subcontracted employees as well. And about half a
25 billion-dollar budget at that time. And it really

26

1 I am a full-time employee. I do work far in excess
2 of 40 hours every week, and I routinely take phone
3 calls from members of the Board or other directors
4 or staff members that need assistance at all hours
5 of the day. I am available and I am certainly
6 committed to doing that in the future.
7 And whether I am physically on site every
8 single day or not, the reality of it is I spend a
9 great deal of my time in meetings and working on
10 projects that I wouldn't be out in the community
11 anyways. It's a little bit of a different role when
12 you're part of the executive leadership team.
13 And if the Board would like, I'd be happy
14 to talk about my background and experience as well.
15 Totally up to you.
16 CHAIR SCHMITZ: If you could please expand
17 on your experience in similar types of roles as far
18 as the types of organizations, the amount of staff,
19 I think that would be helpful.
20 MR. MAGEE: So I started my career in
21 government with San Joaquin County. I came on as an
22 assistant fleet manager, actually, and I was there
23 for a very, very short time in public works and they
24 asked me to move into the county administrator's
25 office, which is the executive office of the county.

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1 touched on areas all over the entire county
2 operations.
3 When I decided to leave there, I
4 started -- I'd been primarily consulting since then,
5 and one of the positions I took was a job with
6 Veolia Transportation, the management company for
7 Foothill Transit. The board at Foothill Transit
8 wanted to convert that agency into a governmental
9 agency, and so they needed somebody with experience
10 like mine to assist them with developing
11 organization-wide policies and procedures and really
12 gaining an understanding of what it meant to be a
13 governmental agency.
14 Since then, obviously I tend to market
15 myself as a finance and procurement expert because I
16 found that's what most agencies, that's where
17 they're looking for most of their help, and so I've
18 served in the capacity of interim procurement
19 manager and finance director for a number of
20 different agencies now, as well as assistant city
21 manager, really stepping up and taking on the role
22 in a number of different agencies.
23 When I left my most recent place, I was at
24 the City of San Bruno operating as the interim
25 finance director there for over a year, and when

29

1 they found their new finance director, that was the
2 end of my tenure there. And it had been just a
3 couple of days before I heard from IVGID, and I
4 agreed to step up and take this position. And now
5 I'm very honored that the Board is considering me
6 today to step and take another position. I'm quite
7 happy to help out, that's why I'm here today. I
8 want to help the District and help the staff here.

9 CHAIR SCHMITZ: I'll open it up to
10 questions from fellow trustees.

11 TRUSTEE TULLOCH: Perhaps you can explain
12 to us how you see the role of the general manager.

13 MR. MAGEE: Yes. I see the role of the
14 general manager as kind of a dual role. First of
15 all, it is the role of the general manager to take
16 direction from the full Board, and not any
17 individual member of the Board, and to provide equal
18 service and an equal voice to each board member as I
19 interact with them. That would be the intention.

20 It is also the role of the general manager
21 to accept policy direction from the full Board, and
22 then to make sure that staff, organization wide,
23 carries it out. There needs to be a level of trust
24 among the Board members that when the Board directs
25 something, it happens, it gets done.

31

1 so I'm glad we're aligned on that.

2 Thank you.

3 TRUSTEE DENT: Thank you, Mr. Magee. You
4 did answer several questions I had written down
5 before the meeting.

6 Adding onto Trustee Tulloch's question
7 with the role of GM being someone that isn't to
8 write policy, what would you do if, let's say,
9 there's a policy that you think could be handled or
10 be rewritten or staff isn't following it because of
11 how it is written?

12 MR. MAGEE: We are doing that currently,
13 actually, in the finance department. We've seen a
14 number of policies that we believe need to be
15 revised, and we've been working on those and we will
16 continue to work those.

17 When I hear from individual board members
18 that this policy doesn't make sense to me, then it
19 is certainly something that we'll go take a look at.
20 And I sometimes hear that from one board member, and
21 that's one opinion. And if we believe that as staff
22 that it certainly merits a revision and Board
23 consideration, we will absolutely move that forward.
24 That's some of the stuff we're working on in the
25 finance department right now.

30

1 And I think that the second part of this
2 job is assisting staff with making sure that the
3 recommendations which come to the Board are sound
4 recommendations, they make sense, we thoroughly
5 vetted these items before we make recommendations,
6 and to make solid recommendations to the Board and
7 not drop items in the Board's lap and say, what do
8 you want to do?

9 Staff needs to do the research, staff
10 needs to make the recommendation to the Board and be
11 able to explain why the recommendation is being
12 made.

13 TRUSTEE TULLOCH: That aligns with my view
14 of it. You don't see your job as going off and
15 developing policy on your own?

16 MR. MAGEE: Absolutely not. I don't think
17 it is staff's role to create policy; I believe it is
18 the Board's role to set policy and for staff to
19 carry out that direction.

20 TRUSTEE TULLOCH: I appreciate that
21 because listening to some of the public comment, it
22 seems there's some confusion that this role is some
23 sort of community organizer. I hear phrases like
24 "vision for the District," "welfare of the
25 residents," I don't see that in the job description,

32

1 We do intend to bring a number of policies
2 forward for ultimate Board consideration for
3 revisions in the near future.

4 TRUSTEE DENT: Who hired you as the
5 interim Director of Finance?

6 MR. MAGEE: That's a good question. I'm
7 not exactly sure who hired me.

8 When I interviewed here, I interviewed
9 with four members of the IVGID team. And so I was
10 initially contacted by former director of finance
11 Paul Navazio to ask if I was interested in
12 interviewing for the position, and I said I'm
13 available, absolutely, I'm interested.

14 So interviewed with Paul Navazio, it was
15 Trustee Tonking, it was Vice Chair Dent, and the
16 former chair of the Audit Committee, Chris Nolet.
17 All four of those people interviewed me, and then
18 ultimately it was Mr. Navazio that contacted me and
19 asked me to work with the human resources department
20 on coming on board as a temporary employee.

21 TRUSTEE DENT: You are correct, former
22 director of finance Navazio did hire you. The
23 committee that interviewed you wasn't involved in
24 that process.

25 I don't have any other questions for

33

1 Mr. Magee at this time, Chair.
2 CHAIR SCHMITZ: Thank you. Any other
3 questions?
4 TRUSTEE TONKING: I have more questions
5 for Director of HR Feore about the contract.
6 So my first question is when I look at
7 this contract, if we look at section 4.1, we have:
8 The general manager shall be entitled to a payment
9 of an allowance of \$1,423.07 per pay period if they
10 elect to not -- if they decline the coverage for
11 health, dental, and vision insurance.
12 Is this a common practice across the
13 District for other employees who are on their
14 spouse's or other people's health insurance?
15 MS. FEORE: Not at this time, no.
16 TRUSTEE TONKING: Thank you. So that is
17 one concern of mine since it's not a common practice
18 across the District.
19 My other question is when we look at
20 section 9, Reimbursement of Expenses, is the
21 candidate responsible for covering travel expenses
22 since he will be coming up and down from -- or are
23 we covering these expenses?
24 MS. FEORE: We don't have a separate -- I
25 want to make sure I'm answering this correctly. We

35

1 providing that service, but for those staff who can
2 work remotely, yes, we do have that capability
3 throughout.
4 TRUSTEE TONKING: Then I just have one
5 more question around the process. I was looking
6 back at prior meeting minutes and the process when
7 we elected -- or when the prior board selected GM
8 Winquest to be to GM, there was an interview
9 process.
10 Is there a reason why we didn't go through
11 an interview process with this model or is there
12 nothing we have in policy and practice to do
13 something like that?
14 MS. FEORE: That's a great question.
15 We -- with the -- well, this is tricky.
16 I can tell you what we do with District
17 staff, but this particular position is an employee
18 with an employment contract, and this is the only
19 position that holds an employment contract, so there
20 is room for -- the Board can make the decision to
21 interview, can make the decision to appoint.
22 Similarly -- this is probably not going to be stated
23 very well -- with Mike Bandelin, for example, he was
24 appointed to the interim role as example as opposed
25 to going through the interview process.

34

1 don't -- currently with Mr. Magee, in his current
2 role, we don't pay him separately for his travel
3 expenses.
4 TRUSTEE TONKING: And in the new role,
5 would we pay or he would cover his own travel
6 expenses?
7 MS. FEORE: Yes.
8 TRUSTEE TONKING: How many employees do we
9 currently allow to work remotely?
10 MS. FEORE: It's on an as-needed basis.
11 We don't have any employees who consistently work
12 remotely. We don't have any employees who only work
13 remotely.
14 We have definite hybrid based on needs and
15 availability. So, obviously, and this latest storm
16 is a great example because it was so significant, so
17 many of us who are able to work from home did.
18 And then, for example, in our finance
19 department we may have staff who, through
20 coordination with other staff, may work days of the
21 week remotely. I don't mean to step on any of your
22 staff's toes, but I believe that it's -- yeah, we
23 have that scattered throughout the District.
24 Obviously there are staff members who can
25 never work remotely because they have to be

36

1 I apologize. I have not been with the
2 District long enough to know if there have been
3 circumstances in the past in which a general manager
4 was appointed not through the interview process.
5 And so, I'm sorry, I can't -- I don't think I can
6 answer your question.
7 TRUSTEE TONKING: That's absolutely okay.
8 CHAIR SCHMITZ: Thank you for that. And
9 the other thing is that this came forward as staff's
10 recommendation, this direction that we're going, so
11 that --
12 MS. FEORE: Yes. So staff made the
13 recommendation based on the very urgent need and
14 also based on Mr. Magee's extensive background in
15 the public arena.
16 TRUSTEE TONKING: Great.
17 And then I have a couple questions for
18 you, Mr. Magee. My first question is how often,
19 like how many days a month do you plan on being in
20 the District?
21 MR. MAGEE: I disclosed to a couple of
22 members of the Board the reasons why I could not
23 move up here immediately. I'd love to. I'd love to
24 be able to. That is not possible right now.
25 And so what I have done is I'm typically

37

1 up here a minimum of every other week, and then
 2 anytime there's a special meeting I've come up as
 3 well. So I think this is the fourth time in the
 4 eight months that I've been here that I've come up
 5 three times over the month. And if there's a
 6 special meeting, special circumstances, emergencies,
 7 whatever it is, I can make arrangements to get up
 8 here and I absolutely will.

9 But I also think the reality of it is I
 10 spend so much of my day in meetings and answering
 11 emails and on the phone with various interested
 12 parties that it would be unrealistic to think that
 13 I'm out on the golf course playing golf with
 14 constituents. I just don't think I would have time
 15 for that.

16 TRUSTEE TONKING: And I don't think that's
 17 truly the concern. I think my concern is this
 18 community within and of itself is a niche, and
 19 becoming and integrating it and since you, A, have
 20 never been in the community really and then you're
 21 taking on this role and by default have to be part
 22 time, my concern is how do you start to learn about
 23 those intricacies?

24 IVGID is a government agency that
 25 represents and provides -- quasi governmental --

39

1 don't care if it's over Zoom, we can do it on an off
 2 week. Either way, I'm more than happen to listen to
 3 all the voices.

4 TRUSTEE TONKING: Then I just have two
 5 comments for the Board. My first comment is, as we
 6 know, I'm not a big fan of thinking of a two-year
 7 contract. I just don't feel like that's the right
 8 choice for the community at this time.

9 My other thought is when looking at
 10 Section 6, my thought is creating some form of
 11 probationary period, whether it's six months,
 12 five months, something in there to see how this even
 13 works because I do have concerns that it could be a
 14 little different logistically, and I'd like an
 15 opt-out method.

16 That's how I'm feeling and that's where I
 17 sit. Those are just more term issues than the
 18 issues as a whole. And then my other issue is 4.1,
 19 because it's not something that we do for everybody
 20 else in the District, and I find that a little bit
 21 off putting.

22 CHAIR SCHMITZ: Are there any other
 23 comments or questions?

24 TRUSTEE TULLOCH: I'll disagree with my
 25 esteemed colleague here. I think two is correct. I

38

1 provides services for the community acrossed in a
 2 bunch of different ways, and so how do you -- and
 3 how do you feel like you're going to be able to
 4 engage staff and the community because you still
 5 have to because we provide service that, that is our
 6 role, we provide service for the community.

7 MR. MAGEE: That's a very fair question.
 8 And I think that is a big part of what the general
 9 manager's role is to listen to all of the voices.

10 And so obviously elected officials are
 11 here to represent the constituency and they hear
 12 from the constituency a lot, and I need to be
 13 scheduling weekly meetings with you to make sure --
 14 with each of you to make sure that I'm hearing those
 15 concerns.

16 In addition, I've already met with a
 17 number of members of the community, and I continue
 18 to reach out to people that have expressed interest
 19 in meeting with me. I'm more than happy to meet
 20 with anyone that wants to sit down and express their
 21 opinion. I'm working on getting one scheduled right
 22 now. I will be on-site every other week at a
 23 minimum.

24 And so the intention is if you wish to
 25 meet with me on-site, I'm happy to do it. If you

40

1 think it's impossible to go into the -- we've heard
 2 people talk of it, wanting vision and leadership
 3 coming from the new general manager, and we want to
 4 put him on probation so month to month you don't
 5 know whether to move forward with things or not.

6 I think it's -- having served in a lot of
 7 these leadership positions, it's perfectly normal to
 8 have a contract of that period. I think it gives a
 9 time to get things done and actually move things
 10 forward. Otherwise, four- or five-month period is
 11 very easy, and I've seen it happen before where the
 12 new general manager just gets squeezed out by people
 13 exercising a pocket veto and just trying to obstruct
 14 everything. I'm not suggesting that would happen
 15 here.

16 I think it's important to have security of
 17 tenure in terms of that, and I agree with a two-year
 18 period.

19 One thing I would actually say in the
 20 contract, I think in terms of the -- when I look at
 21 6.4, would you be adverse to changing that? I think
 22 it's also important that this is semi-symmetrical.
 23 Would you be adverse to changing the 90-days notice
 24 to you to 120 days?

25 Obviously, we've seen how long it's taken

41

1 to get a new general manager on this occasion. I
 2 think 120 days would actually give us a bit more
 3 breathing space. Any objections to that?
 4 MR. MAGEE: No. I watched how this
 5 process has played out, and I certainly understand
 6 the concern. I'm perfectly fine with changing that
 7 section to 120 days. I'm fine with that.
 8 TRUSTEE NOBLE: So Mr. Magee and I have
 9 talked a few times. I do support him becoming the
 10 GM at this time.
 11 My concern is the contract and the length
 12 of the contract given that he is going to be on-site
 13 part time. And we've discussed that with COVID
 14 things have changed and it's become much more
 15 doable. And he has been extremely responsive to any
 16 of my requests, and anytime I've reached out to him
 17 he's been readily available, and I very much
 18 appreciate that.
 19 With that said, this position, GM, to me
 20 is different. And if we're going to try this, I
 21 would like to have a trial period. That's why I
 22 requested I believe at the last meeting to consider,
 23 at least consider a one-year contract.
 24 And so presented with a the two-year
 25 contract, I'm going to be voting no on it. It has

43

1 period, then would you guys be open to a two-year
 2 agreement? Or would it still be a one-year
 3 agreement?
 4 TRUSTEE NOBLE: With a six-month trial, we
 5 would come back in six months and decide whether or
 6 not to continue it then for two years at that point?
 7 TRUSTEE DENT: Correct. I'm asking it
 8 because both of you had said the term is the issue
 9 and that we should do a trial period.
 10 And so I'm saying if we did a trial period
 11 for three months, six months, I don't know what that
 12 number is, would going into a two-year contract at
 13 that time or something within this contract that
 14 makes it turn into a two-year contract, would that
 15 be something that you guys would be open to? Just
 16 curious based on your comments.
 17 TRUSTEE NOBLE: I would consider that. I
 18 think, though, you've already got in this the Board
 19 evaluation on December 31st, that that will be the
 20 other opportunity that you can extend it for another
 21 year past that. So whether it's six months or now
 22 we're looking at nine months, I don't know if it
 23 really makes any difference.
 24 TRUSTEE TULLOCH: Thank you to my other
 25 esteem colleague for reminding me of my remarks. I

42

1 nothing to do with his qualifications for what the
 2 job is. Based on the fact that if we had two
 3 identical candidates, one could be on-site two weeks
 4 out of the month, and the other could be on-site
 5 every week of the month, I would absolutely go with
 6 the one who could be on site all four weeks of
 7 month.
 8 With that said, I will do everything I can
 9 to support Mr. Magee in the hopes that he is
 10 successful in the position and prove me wrong that
 11 we did not need to have -- my concerns of this are
 12 unjustified and unwarranted and we can move forward
 13 with that.
 14 I am a bit surprised that Trustee Tulloch
 15 is in agreement with the two-year contract given at
 16 the June 23rd meeting last year, when I had proposed
 17 that we do a one-year extension with GM Winquest's
 18 contract, he stated that he didn't see any need for
 19 doing anything like that. If anybody's interested,
 20 it's the transcript at page 99 on that.
 21 But other than that, I have nothing else
 22 at this time.
 23 TRUSTEE DENT: I guess regarding the trial
 24 period, how would that change the term? I'm just
 25 asking my colleagues, if we did a six-month trial

44

1 didn't bother looking at that there. I'm looking at
 2 the current situation, a different situation.
 3 I think the difficulty -- it sounds
 4 wonderful, let's put him on a six-month probation to
 5 see what's happening, and let's micromanage -- since
 6 the community seems to think that you get
 7 micromanaged by the Board here, let's micromanage
 8 his every move so every time he did something
 9 somebody in the community doesn't like, they can
 10 express feigned outrage on social media, this has
 11 got to stop, this man has got to go, and things. It
 12 just makes it almost impossible to do the job
 13 because there will be some hard decisions and things
 14 required, and not necessarily everyone in the
 15 community will like some of these decisions
 16 regardless of what they are.
 17 I think it's important that you have the
 18 stability of the two-year period to do this. As has
 19 also been pointed out, there's an evaluation on
 20 December the 31st, so I don't fail to see the value
 21 of an evaluation period unless we then spend another
 22 two meetings deciding the rules for the evaluation,
 23 what you're going to be evaluated on, and what
 24 improves it.
 25 I think we have the same options to make

45

1 changes regardless, so I'm not in favor. I don't
 2 think a trial period for this worthwhile because
 3 there's no point having somebody that's walking on
 4 egg shells all the time, which part of the community
 5 am I going to upset this time?
 6 It makes it very hard to express
 7 leadership and move the District forward, and that's
 8 what we really need to do this stage.
 9 TRUSTEE TONKING: I was going to address
 10 Trustee Dent's question. I'm fine with a six-month
 11 trial period or doing something that allows like
 12 after first evaluation, something that says like --
 13 again, Mr. Magee, we've had differences at the
 14 beginning, we've talked about it. I feel like he's
 15 done a great job in a lot of the role as a financial
 16 director. I have not seen him in this role at all
 17 and I don't know his complete understanding of the
 18 District, and I just want some time to see that. I
 19 feel like that's the right decision for this
 20 community, personally, and I could go for a six
 21 month or until evaluation is fine.
 22 I'm saying to give us an opportunity to
 23 think about it and see how it goes because this is
 24 very different than what we've been talking about
 25 for the last year.

46

1 TRUSTEE DENT: Trustee Tonking, my
 2 question was would you be willing to sign on to a
 3 two-year contract after that six month or three
 4 month or whatever, nine-month trial period?
 5 TRUSTEE TONKING: Yes, but not after three
 6 months. But yes. I feel like three months is too
 7 short to decide something.
 8 CHAIR SCHMITZ: Any other comments or
 9 questions?
 10 I will share my thoughts. We have the
 11 opportunity before us today to be appointing a
 12 candidate that we've already had six months of
 13 working with. We've all had six months of working
 14 with him, and he has been very supportive and
 15 instrumental to the interim General Manager,
 16 Mr. Bandelin, during this time.
 17 We could have potentially had a candidate
 18 who we've never worked with before, and there's no
 19 way someone would accept coming in on a trial basis.
 20 This is a commitment, and a commitment that is very
 21 important to our community.
 22 I think that Mr. Magee has already proved
 23 his three or six months of value to this
 24 organization, and I don't think it's wise to put
 25 someone on a probationary period. I don't think you

47

1 would find any candidate who would be willing to
 2 accept that type of an employment agreement.
 3 So I think that we have the benefit here
 4 of having had the opportunity to work with you for
 5 six, seven months now, and we've all seen your
 6 dedication to the District, we've seen your
 7 dedication to the staff, we've seen the dedication
 8 to trying to deal with very, very difficult
 9 situations, and you've shown that you don't shy away
 10 from those.
 11 I can't -- I just don't think it's right
 12 or fair or even equitable because I think we would
 13 not have had those types of conditions on a
 14 candidate that we potentially would hire. And I
 15 think two years is an amount of time that you can
 16 sufficiently impact the District in a positive
 17 manner.
 18 I think that you've encountered so far
 19 some great challenges. It's going to take time and
 20 energy to work through those challenges, and I
 21 personally believe it's probably going to take you
 22 two-plus years to confront some of the challenges
 23 that you've already identified.
 24 So with that, I'm interested in what the
 25 Board -- what action the Board would like to take at

48

1 this point.
 2 TRUSTEE TULLOCH: I would echo those
 3 comments. I think we share the same thoughts on
 4 that, as you put it so eloquently.
 5 Mr. Magee has been working very diligently
 6 here. I've had the opportunity to work very close
 7 with him. We've made some tremendous strides.
 8 I think people forget, I hear these
 9 comments, this board has done nothing, this board's
 10 done nothing.
 11 This board has got the effluent pipeline,
 12 the first section built, we've got commitment to
 13 build the rest of it. We've now commissioned the
 14 effluent storage tank. We're moving forward in the
 15 beach building. These are all significant things
 16 for community, very important, welfare and
 17 everything of the community that previous boards
 18 have sat on for seven or eight years. We've
 19 actually moved them forward in the last six,
 20 nine months.
 21 Mr. Magee has been part of actually moving
 22 that forward, so I'm very happy with what I've seen
 23 so far. I don't think a probationary period is
 24 appropriate at all. I think it's time we voted on
 25 the two-year contact as per the recommendation.

49

1 CHAIR SCHMITZ: Would you like to make
 2 that motion?
 3 TRUSTEE TULLOCH: I usually rely on
 4 Michaela for that. Okay, I'll make a recommendation
 5 that the Board of Trustees make a motion to approve
 6 the general manager's employment agreement, subject
 7 to change on 6.4, change the notice of termination
 8 by the general manager from 90 days to 120 days.
 9 TRUSTEE DENT: I'll second.
 10 CHAIR SCHMITZ: Motion's been made and
 11 seconded. Is there any further discussion?
 12 TRUSTEE TONKING: I will be voting no on
 13 this, not because I don't believe that Mr. Magee
 14 will do a good job, I just don't believe that we
 15 have the proper information, and I would push back
 16 and say in the beginning we would have had an
 17 interview, so I would have got to see multiple
 18 candidates instead of just one. And I also am in
 19 disagreement with benefits section 4.1.
 20 That's why I will be voting no,
 21 contractually, but I am excited to see how it goes
 22 for you.
 23 CHAIR SCHMITZ: Any other discussion?
 24 TRUSTEE DENT: Yeah. I'll just say I
 25 think having vacant positions over the last six

50

1 months, nine months, a year, I think it is important
 2 to fill those roles. And having a general manager
 3 that is going to be in a position for two years,
 4 just like any other general manager that would be
 5 hired, creates consistency for the District,
 6 something that is needed.
 7 I will be supporting this.
 8 TRUSTEE TULLOCH: I would follow up on
 9 Trustee Dent's comments. We've got various vacant
 10 positions and keep seeing all this fury on social
 11 media that the Board's not filling anything. No, we
 12 haven't been able to fill those positions because we
 13 need to get the general manager in position first.
 14 We've been putting off all sorts of important
 15 decisions for that. I think this is the opportunity
 16 to start moving forward further.
 17 We've achieved a whole lot in the interim,
 18 but we can achieve a whole lot more once we have
 19 some stability and certainty at the top, so I shall
 20 be voting for the motion.
 21 CHAIR SCHMITZ: Any further discussion?
 22 Seeing none, I'll call for the vote. All
 23 those favor?
 24 TRUSTEE TULLOCH: Aye.
 25 TRUSTEE DENT: Aye.

51

1 CHAIR SCHMITZ: Aye.
 2 Opposed?
 3 TRUSTEE NOBLE: No.
 4 TRUSTEE TONKING: No.
 5 CHAIR SCHMITZ: Motion passes three to
 6 two.
 7 Mr. Magee, you heard from all five of us.
 8 We appreciate your efforts, we will support your
 9 efforts, and I'm grateful, on behalf of the
 10 District, that you're interested in taking up this
 11 additional position of general manager.
 12 TRUSTEE TULLOCH: I echo your comments. I
 13 think it's also -- I think also acting General
 14 Manager Bandelin, huge thanks for the work he's done
 15 over the six months of standing in. I know how
 16 stressful a job it's been, running Diamond Peak as
 17 well as this.
 18 I'd like to express my personal thanks,
 19 and I'm sure the rest of Board would as well.
 20 CHAIR SCHMITZ: Thank you for bringing
 21 that forward.
 22 Yes, we are all very grateful. You have
 23 done a fabulous job, and I am sure that Mr. Magee
 24 will still continue to lean on your expertise and
 25 your knowledge of the District as he moves forward.

52

1 Thank you very much for being willing to step up and
 2 fill this void. It's been a challenging time and
 3 you have done a stellar job in addition to keeping
 4 Diamond Peak running smoothly. Thank you so much.
 5 MS. FEORE: I just wanted to let you know
 6 that I will have this contract with the change
 7 updated and ready for your signature following the
 8 end of this board meeting.
 9 CHAIR SCHMITZ: Thank you.
 10 **Congratulations and thank you.**
 11 G 2. Fiscal year 2024/2025 BOT Retreat
 12 CHAIR SCHMITZ: Moving on to general
 13 business G 2, the fiscal 2024/2025 Board of Trustee
 14 capital budgeting and five-year planning.
 15 Requesting member is our newly appointed General
 16 Manager and Assistant Director of Finance Adam
 17 Cripps.
 18 MR. MAGEE: And would like to, first of
 19 all, just take a brief moment to recognize Mike
 20 Bandelin also. He's been a great influence to me,
 21 and I really appreciate everything that he's done
 22 for the District and for me personally.
 23 And moving on on to this item, I had asked
 24 Assistant Director of Finance, Mr. Cripps, to really
 25 take the lead on this. So I personally am

53

1 incredibly proud of the work that he and his team
 2 have done. I thought they did a fantastic job in
 3 putting together today's presentation.
 4 And so at this point, I'd like to turn it
 5 over to him to guide the discussion today, and
 6 hopefully the Board finds it as valuable as we did
 7 in putting this together.
 8 MR. CRIPPS: Good afternoon, Chair,
 9 members of the Board. As we continue rolling
 10 forward with the preparation of the fiscal year
 11 '24/'25 budget, a major component of planning is
 12 capital.
 13 Before us today is a document that
 14 encompasses projects that have been identified for
 15 the upcoming fiscal year and beyond. What the
 16 intention of this presentation is today is to help
 17 staff define what projects, along with their
 18 priorities, align with that of the Board.
 19 So a little bit of housekeeping is in
 20 order. I would like to bring attention to the
 21 supplemental fleet schedule. This replaces the
 22 schedule at the end of the packet. I would like to
 23 note that while the entire summary down to the
 24 individual departments originally tied together,
 25 that was based on the outdated fleet schedule that

54

1 we had at print of this item.
 2 Another note, there may be a few projects
 3 identifying a priority that may not have been
 4 updated by the time of printing. So this is the
 5 first round at this. We did have a lot of moving
 6 parts. We did identify a couple after another
 7 review that there may have been some priorities
 8 identified in the packet that may have been moved
 9 already.
 10 So back on the item at hand. While this
 11 document indicates items to be placed within a
 12 certain fiscal year, I would like to state that at
 13 this stage, this is a flexible capital plan. After
 14 review of the projects and prioritization alignment,
 15 staff will still need to take the data back in order
 16 to complete the capital component of budget
 17 planning. With the finalization of the budget
 18 entry, a full analysis will be done with respects to
 19 resources available for these projects.
 20 Currently, ongoing projects will continue
 21 on with the highest priority after the available
 22 resources analysis and internal management level
 23 budget review takes place to better identify if new
 24 projects for the upcoming fiscal year are, in fact,
 25 viable.

55

1 To note, while prior projects continue to
 2 move forward, it is still recommended that new
 3 projects are budgeted as it affords staff the
 4 ability to move on with other projects as
 5 opportunities arise. These new projects remain
 6 contingent on available staff and funding resources.
 7 To help guide readers, as this is a new
 8 format, a key has been included to help identify the
 9 different sections of the project sheets. In these
 10 sheets, the staff has made their recommendations in
 11 which for the Board to make their own
 12 recommendations as to the priorities.
 13 To further help, I'd like to explain the
 14 project sheets. In the beginning, you have what we
 15 have as an introduction, and what it does is it
 16 actually defines how to use this document. We've
 17 numbered these items -- and I will also refer to a
 18 page that I pulled out of the packet there, we label
 19 it as page 41 of your packet, but also 23 in the
 20 bottom of the sheet of the project.
 21 What you'll see is you'll have your title,
 22 you'll have your descriptive picture of the
 23 project -- and we fully intend on the ones going
 24 into the budget will have a photograph -- the
 25 project number, the department or division -- which

56

1 could be a subunit of the department so it's more
 2 specific to the ask that will be used -- the project
 3 manager, the project category. And with the
 4 categories, we have further defined what those mean.
 5 There's a list also going down regarding where this
 6 asset would fit or this capital project would fit.
 7 And then we've given it a priority, a
 8 description of the project, the purpose of the
 9 project, what expenditure phase, because you may see
 10 some projects that extend over multiple
 11 fiscal years. And then at the bottom we've
 12 identified funding sourcings, so that way we can be
 13 fully transparent with what we intend on using for
 14 funding sources.
 15 But, again, this is just at glance what we
 16 intend on doing. This is not the actual budget that
 17 we're looking at today or we have prepared for you
 18 today.
 19 I would like to move this item forward by
 20 inviting staff and giving them the opportunity to
 21 speak directly on some of these projects while I
 22 will remain available to answer questions along the
 23 way with respects to the upcoming budget.
 24 If I could, I'll invite interim Public
 25 Works Director Kate Nelson, as she'll have a number

57

1 of projects she wish to discuss, and then we'll open
 2 it up to the Board to also discuss some projects
 3 that we would like to get their priorities on.
 4 CHAIR SCHMITZ: Could you hold for just
 5 one second?
 6 TRUSTEE TULLOCH: Just before we move into
 7 depth and the individual projects, unfortunately,
 8 Adam, this is one of my sweet spot areas, one of my
 9 concern areas.
 10 I think this is a great start on some of
 11 these things. I would say I see some things, I'm
 12 sure it's just not completed yet. When I look at
 13 the project sheet, I don't see anything about
 14 operational savings, I don't see anything about what
 15 the savings anticipated from projects are, which is
 16 an important part.
 17 I also see lots of them here saying it's
 18 just to prevent failure without prevention of
 19 failure. I'll assume that is just because it's only
 20 an interim document at the moment.
 21 I also see others saying it's justified
 22 because of a cost benefit analysis without any cost
 23 benefit analysis. I would encourage to add these
 24 things to the sheet so we actually know what we're
 25 actually doing, because if we're expending capital

58

1 and major investment, whether it's to increase
 2 productivity and that, we should be showing what
 3 these savings are. To me, that's a critical part of
 4 it. I've run several capital investment committees,
 5 that's always a critical part of it, so let's make
 6 sure we understand that so we understand what the
 7 justification for the project is because -- and we
 8 also make sure that we deliver the savings because
 9 if a project is going to deliver savings, we need to
 10 identify what budget that comes out of, otherwise,
 11 it's not actually any saving.
 12 It just -- I think this is a great start,
 13 and just before we go into depth, I just wanted to
 14 give an overview on that perspective, how we can
 15 actually improve that and think about it going
 16 forward.
 17 MR. CRIPPS: If I may kind of address
 18 that, what these are designed to do is give us an
 19 overview as to why we consider them for the budget.
 20 When it does come to the actual project itself,
 21 there would be a study that entails those exact
 22 details.
 23 By design, it's really -- we want to give
 24 it an overview as to why these would be included on
 25 this budget versus a budget in two years or three

59

1 years, and we have a five-year outlook on this.
 2 We did build this year as more of an
 3 overview, and that's why you don't see those types
 4 of details in it.
 5 TRUSTEE TULLOCH: Understood. But,
 6 obviously, it helps us understand if a priority is
 7 accurate, if it's something that's going to produce
 8 significant operating savings for the District. To
 9 me, that's one of the critical aspects of it: Why
 10 are we spending this money?
 11 And also the other thing, what are the
 12 increased operational costs associated with these
 13 projects, because that's always the other knock on
 14 part of it. Some of them don't produce savings,
 15 some we have to do, but then they also add onto
 16 operating costs.
 17 To me, that's an important aspect of
 18 prioritizing them as well.
 19 MR. CRIPPS: Understood. Thank you.
 20 CHAIR SCHMITZ: May I just dovetail on
 21 that also is that good point about the operating
 22 costs. But there are things in here that say "it's
 23 going to reduce the costs," so return on investment
 24 is part of the decision-making and prioritizing.
 25 Going back to our board training, and

60

1 maybe this is where we can tie some of our board
 2 training into this, is to clearly identify what
 3 problem are we trying to solve. And if some of the
 4 problem is we're trying to reduce operational
 5 expenses, that would be, potentially, something to
 6 include as to why this project is important. What
 7 is the problem? How big is it? How many people are
 8 being impacted by it? How much is it costing us?
 9 That's kind of a tie-in to some of our
 10 board training. We can talk about that offline, but
 11 this is an excellent cleanup to, I think, what we've
 12 had in the past.
 13 Getting back on track. Sorry about that.
 14 MS. NELSON: From my perspective, all
 15 water sewer projects are a priority. We aren't out
 16 there digging up good infrastructure just to replace
 17 it because we can. We're out there to make sure
 18 we're providing the best infrastructure to provide
 19 health and safety for community.
 20 I'm not going to bore you with any of our
 21 great projects, but I do want to touch on one
 22 specifically, and Adam used this one as an example.
 23 And I think I can actually walk you through our
 24 thought process on this, and it is page 41 of our
 25 board packet. This is a HHW prefab chemical storage

61

1 building.

2 Currently the Waste Not section of Public

3 Works offers a service to the community of

4 collecting the household hazardous waste throughout

5 the community. This is a no-charge service because

6 we actually get reimbursed from the Waste Management

7 contract for a portion of this. We're getting to

8 the point where the park's leftover storage

9 container that we've been utilizing for hazardous

10 storage is delapidated, it's leaking, it's no longer

11 safe, in my opinion, to be holding hazardous waste.

12 What we've done is we've gone out and

13 solicited what does a new container cost? What does

14 a self-contained container cost? And when I say

15 "self-contained," it has fire suppression. The

16 current container, of course, does not have fire

17 suppression, in addition to the leaks. So we have

18 those costs that's presented in the equipment costs

19 of \$120,000 for a self-contained unit.

20 We are also experiencing, like everything

21 else, the cost of disposal are going up, so the

22 amount that we're receiving from our Waste

23 Management contract is not going to cover the

24 service that we're providing. So we are looking at

25 shortening the service schedule, making it start

62

1 after Memorial Day and go to like a week or two

2 beyond Labor Day. We're going to reduce the number

3 of days, but we're going to extend the schedule. We

4 would take more appointments in that day, but we

5 wouldn't be offering it multiple times a week, so

6 we're looking in reducing the hours that are being

7 served.

8 And then, currently, we also have a

9 request for proposal out advertised for outsourcing

10 of this. So that would look like a company comes in

11 after the day of collection, takes everything away

12 that day. If that is more cost effective, we don't

13 need the chemical storage building.

14 By Adam talking to you about this being a

15 flexible document, this project may go away because

16 we're going to outsource it. Those proposals won't

17 be due back until the end of the month. That's why

18 we're still evaluating this.

19 That's our process of how we're coming to

20 you, saying: This is a need, it's been identified,

21 and here's the information we know today.

22 CHAIR SCHMITZ: Questions?

23 TRUSTEE TULLOCH: Should we put some of

24 these alternative approaches there so it saves us

25 having to ask at board meetings for -- you've

63

1 identified what might be a very effective proposal

2 instead. I don't want to extend the sheet too much,

3 I've already asked for stuff on it, but it would be

4 nice to have some of these alternatives so we don't

5 waste time at board meetings telling you to go back

6 and look at other alternatives.

7 It would be nice to see it coming in on

8 one.

9 CHAIR SCHMITZ: I have a question on this

10 one, and that is why isn't it Waste Management's

11 responsibility and why are we always trying to

12 reduce the hours while we're increasing the cost? I

13 don't understand why we're doing it like this, and

14 are we really providing the valuable service because

15 having it shorter from -- only from Memorial Day to

16 Labor Day, there's a lot of time of the year that

17 isn't being used.

18 Why isn't this being handled by Waste

19 Management?

20 MS. NELSON: First I'll address the

21 schedule. Right now, we would normally open at the

22 beginning of April and extend it through November.

23 We aren't open during the wintertime for obvious

24 reasons.

25 The way I understand it is this is part of

64

1 the Waste Management contract that we're in

2 currently and is not due to renegotiate for a

3 few years. This is what we're dealing with today,

4 what we've dealt with throughout the contract terms,

5 so we're just trying to make sure that we are

6 providing the service to the community within the

7 means that we are being reimbursed through the

8 contract.

9 CHAIR SCHMITZ: So what are terms of the

10 contract? What's the requirement that we have to

11 fulfill?

12 MS. NELSON: That, I don't have handy with

13 me, and I don't know that we want to get off topic

14 that much today. But I will take those comments

15 under advisement, and I'll get you the answers.

16 CHAIR SCHMITZ: Yeah. Just hazardous

17 waste is year round. I don't know why we -- yes, we

18 plow, we plow our parking lots, we plow things, so I

19 don't quite understand why we don't have a service.

20 And this has been a question of mine for quite some

21 time. I don't mean to go into weeds on our budget

22 discussion, but if we're going to be expending

23 \$120,000, we need to understand contractually where

24 we are and is that a wise investment for the

25 District.

65

1 TRUSTEE DENT: Without getting into the
 2 weeds, but using this as an example. I just want
 3 to -- have we talked to Waste Management about them
 4 taking it on besides going out to an RFP? We've
 5 gone back to Waste Management and asked them?
 6 MS. NELSON: No, we haven't. We've just
 7 gone out to RFP to see -- we did it last year and it
 8 came in over budget, and we're doing it again
 9 this year. We've actually gotten more interest
 10 this year.
 11 TRUSTEE DENT: The only reason -- I mean,
 12 given that that's what they do is handle this stuff,
 13 it might be the most cost-effective way to handle
 14 this and efficient way to handle this is to allow
 15 the people that handle this type of material to take
 16 it on. I would just at least ask.
 17 As far as all the decision points, I'm
 18 just trying to understand where this item goes. The
 19 priorities and stuff, I just want to make sure
 20 that -- I like the new format, I think this is
 21 helpful. I think when this comes back to us at a
 22 later time, I think it would be easier to prioritize
 23 if we have all the information, some of the
 24 priorities as far as some of these projects.
 25 CHAIR SCHMITZ: But you see just by

66

1 talking about one how we don't have information, and
 2 so we do get into the weeds and start asking a lot
 3 of questions. Why are we doing this? What are the
 4 alternatives to doing this?
 5 MS. NELSON: That's the purpose of the
 6 workshop is to not necessarily get into every single
 7 project, but get a feel of where staff is and get a
 8 feel of where the Board is and see if we can't get
 9 those aligned.
 10 CHAIR SCHMITZ: Makes sense.
 11 TRUSTEE TONKING: I think the other thing
 12 I would like, just as like a cheat sheet, is listing
 13 all the ones that are priority one to three, just so
 14 I can skip back and forth, because there's a few
 15 that -- like for example, The Chateau one is a
 16 priority one and a bunch of the work in there, which
 17 I agree, but I also have this concern that The
 18 Chateau has a lot of other issues, and I don't know
 19 if we've thought about the alternative of what else
 20 we need to do with that building. If there's a lot
 21 more, maybe it makes sense revamping that whole
 22 thing.
 23 I saw a lot of The Chateau in there, and
 24 they were priority ones, but I wasn't sure -- that's
 25 why I liked Trustee Tulloch's idea of alternatives,

67

1 like did we also think about we may need to rebuild
 2 part of that place if there's some issues.
 3 So, I guess that's kind of where I would
 4 like to see, oh, what is this priority? Because I
 5 saw it was later, but it's also kind of high up
 6 there so then it becomes more of a concern for me.
 7 Just having that cheat sheet would great,
 8 it would be really helpful. And I love this format.
 9 It's really, really a great. Thank you for all the
 10 time you put in this.
 11 TRUSTEE TULLOCH: I echo Trustee Tonking's
 12 comments there.
 13 And it also comes back to what we
 14 discussed at the January board meeting when the wish
 15 list from the Rec Center was coming forward. I
 16 think it would be helpful to kind of find some way
 17 to collate these together so we don't just see a
 18 priority one, priority one, and a priority one for
 19 each individual job -- Trustee Tonking's point -- so
 20 we can actually make the right decision rather than
 21 throwing good money after bad.
 22 Like spending the five or six million we
 23 spent on the pipeline while we've delayed building
 24 it, which is just going to be written off over the
 25 next two years and things now.

68

1 The more we can look at it holistically
 2 enough on either a building basis or a division
 3 basis, it makes it much more effective to do it.
 4 In fact -- and this is maybe slightly off
 5 topic -- I just noticed in the description, we
 6 describe the department as the premiere part and the
 7 division as the smaller part, which is completely
 8 backasswards compared to normal convention.
 9 Normally, the division would be the larger part, the
 10 department would be the individual part of the
 11 division. It's just a minor point. I see General
 12 Manager Magee smiling at that as well.
 13 It's something to think about so we
 14 understand what we're talking about. The
 15 department, I think of it as a much smaller unit.
 16 CHAIR SCHMITZ: If you could help us to
 17 understand, let's step back for a second, how do you
 18 want to go about this? What is it you're wanting to
 19 accomplish?
 20 Because I don't want to go and spend an
 21 hour and be doing it unproductively, so how would
 22 you like to orchestrate this discussion?
 23 MR. CRIPPS: If I may. What this is
 24 designed to do is really just provide an overview of
 25 what we're going to take a look at during this

69

1 budget process. And with the priorities what it is
 2 is staff, through each department, has identified
 3 what they believe to be a priority, however, that
 4 doesn't mean that the resources are available for
 5 it.

6 This isn't just an all-encompassing wish
 7 list of any sort; what this is is really just giving
 8 us an opportunity to see what the budget is going to
 9 look like. Once we have that budget, the review
 10 begins to recognize whether the resources are
 11 available.

12 What we're actually looking for today is
 13 with staff prioritizing these, which we would be
 14 including in our first run of the budget before we
 15 start to analyze to make sure that the resources are
 16 available, we would like to make sure that the
 17 Board's priorities align with staff's.

18 So if the Board does have some of these
 19 projects that they would like to make sure --
 20 because when we do the analysis and if it comes to
 21 maybe there's projects that we have to move on to
 22 further down the road a fiscal year or two priority,
 23 is that the Board's priority or is it staff's
 24 priority? We want to make sure those two things
 25 align.

70

1 CHAIR SCHMITZ: With that, to Trustee
 2 Tonking's point, is that it would be very helpful
 3 for us to then have: These are priority ones.
 4 These are priorities twos.

5 Otherwise, we're going through page by
 6 page, and they're organized in a way based on
 7 priority. And if you're asking for alignment
 8 between Board priority and staff priority, that
 9 would be a helpful resource to have the projects
 10 grouped by prioritization category rather than by
 11 this is parks, this is rec. Maybe those things but
 12 then by priority.

13 For me, I think that as it relates to
 14 fleet decisions, I think those decisions should be
 15 made by venue managers. And I think venue managers,
 16 they're responsible for the budget and the costs,
 17 and if they don't feel there's a need to replace
 18 some equipment, I think they should be making that
 19 call because so many of these things in here appear
 20 to be -- because its useful life, I don't know what
 21 the definition of "its useful life," is that its
 22 depreciated value?

23 But I think that these venue managers who
 24 are responsible for the financial performance, they
 25 should be ones working with fleet, getting the

71

1 information from fleet, but it should be their
 2 decision.

3 MR. CRIPPS: To the point, if I may
 4 address that. That's part of why this document
 5 isn't really like to solidify what our capital
 6 budget is, especially with that fleet management.
 7 What it does is really helps us identify what
 8 components of the fleet should be reviewed
 9 this year. And if those assets are still in play
 10 and they are still very satisfactorily operating,
 11 then by no means do we need to replace.

12 It is a venue manager's decision, but what
 13 this does is allows us, affords us the opportunity
 14 to really realize what could be coming up, and at
 15 that point when we do address the budget
 16 specifically, then the fleet managers are asked to
 17 make sure that these are on deck to be replaced, is
 18 it true that they need to be replaced. And if they
 19 do not, then that continues to move down the road.

20 So it's not going to be that they're
 21 budgeted this year just because they're on a
 22 schedule, each asset is reviewed in that aspect.

23 CHAIR SCHMITZ: I think on that point, one
 24 of the things were the golf carts at The Chateau. I
 25 think that we didn't receive them until the end of

72

1 2021 or the beginning of 2022.

2 TRUSTEE TONKING: The first season we used
 3 them was this golf season.

4 CHAIR SCHMITZ: Yeah. And when we decided
 5 to purchase them, part of the reason why is we felt
 6 that based on how fleet maintains things, that we
 7 would get at least eight years, and I'm seeing the
 8 replacement of those golf carts in this five-year
 9 plan, which doesn't align with how we made the
 10 decision and when they went into service.

11 That's something I think should be looked
 12 at.

13 TRUSTEE NOBLE: I'd like to echo Chair
 14 Schmitz' comments in that the prioritization, I
 15 think it's a distinction between what is operational
 16 maintenance costs that the manager is going to be in
 17 charge of. As Ms. Nelson stated, all water and
 18 sewer projects are priority.

19 I would hope that the Board's not going
 20 get in there and say, well, we think you should
 21 delay that water main replacement for a couple of
 22 years. We're getting way over the tips of our skis
 23 on that, and that's, I think, a bad practice of the
 24 Board meddling into those types of issues.

25 Same thing with ski lift maintenance and

73

1 upgrade. I don't want get into Mr. Bandelin's
 2 business and start making decisions that might
 3 reducing the integrity and ability of those lifts to
 4 actually run safely and properly.

5 And then I don't know if you want this
 6 point, there's one or two things as far as
 7 priorities that I've --

8 CHAIR SCHMITZ: Go ahead.

9 TRUSTEE NOBLE: Okay.

10 I'm looking under ski, page 26 of 191.
 11 And I look at proposed fiscal year '27/'28, have
 12 both the parking lot reconstruction as well as
 13 Snowflake Lodge in those same years. I just don't
 14 think that's going to be workable. I think each is
 15 going to be a major project on its own.

16 I think, to me, the Snowflake Lodge -- and
 17 I would ask other Board members to weigh in. The
 18 Snowflake Lodge is the main priority from the Board
 19 perspective for Diamond Peak, and I would like to
 20 see it moved up a year, and the parking lot
 21 reconstruction move back a year.

22 With that said, there's a \$6 million
 23 placeholder, and I've spoken with Mr. Bandelin where
 24 that dollar figure came up with and essentially it
 25 is a placeholder. I'll guarantee it's not going to

74

1 be six million. I don't know if it's above or
 2 below, it's probably going to be higher, especially
 3 when you consider that not only do you have the
 4 lodge, but you're also going to need to upgrade the
 5 Lakeview chair, as well as regrade Ridge Run, which
 6 should probably be done the year prior before the
 7 construction, because having to do -- there's no way
 8 you can, I think, that you can physically regrade
 9 Ridge Run as well as construct Snowflake in the same
 10 season because it's going to be incredibly difficult
 11 to even construct Snowflake in one construction
 12 season.

13 And we don't have a bridging document yet.
 14 I know that there's been money set aside to
 15 basically build on what was in the Diamond Peak
 16 master plan, just a specific piece dealing with
 17 Snowflake, not everything else. There's a lot of
 18 other pieces, and I don't want anybody thinking that
 19 I'm that proposing Disneyland here. It is strictly
 20 the Snowflake Lodge and what do we do with that.

21 Those were 2015 figures, we are now
 22 nine years removed from that and a lot of things
 23 have changed in both the community and what possibly
 24 are the needs of Diamond Peak, and so those numbers
 25 and the direction with regard Snowflake need to be

75

1 updated.

2 I believe Mr. Bandelin is working towards
 3 using those monies to figure out how to develop a
 4 bridging document so we can do Snowflake in a very
 5 concerted, methodical manner.

6 That was a long-winded explanation of
 7 these two items.

8 CHAIR SCHMITZ: Did you have others?

9 TRUSTEE NOBLE: No. I circled other ones
 10 because they're big-ticket ones, but those were the
 11 only -- those were the ones that I felt I wanted to
 12 speak to.

13 TRUSTEE TULLOCH: I thought Trustee Noble
 14 makes a lot of good points there.

15 I'm trying to step back a little bit from
 16 this, look at it from some ways because this
 17 continues -- one of the major issues that we've
 18 discussed for a long time, things get snuck in in
 19 the out years, and then when the out year appears,
 20 it's, oh no, we've got to do it because it's in the
 21 budget.

22 Which is completely wrong. A lot of these
 23 things go in. And some of this documentation will
 24 help hold that back a bit. We've created this state
 25 of mind where, oh, it's in next year's budget, so

76

1 we've got to do it, without really assessing the
 2 overall whether it's part of the priority.

3 I think another issue I have looking at
 4 this, a lot of this capital budgeting, yes, we do
 5 need to do it in a five- and even sometimes in a
 6 ten-year projection, but we've got a lot of small
 7 projects in here. I'm thinking we should have some
 8 sort of de minimis that we should not be trying to
 9 put it in a five-to-ten-year capital plan. It makes
 10 absolutely no sense, especially a lot of these are
 11 still really op ex projects. I see we still haven't
 12 weeded out the op ex projects. We still got
 13 operational -- O and M projects in the CIP, which
 14 again is just fundamentally wrong because it sends
 15 the wrong message that there's free capital, we can
 16 do this op ex work just under capital. I'm trying
 17 not to push back on that except when it's worthwhile
 18 because we get return on capital.

19 But maybe we should be looking at it
 20 slightly differently and splitting up this. Looking
 21 at the five-to-ten-year plan for the big projects,
 22 the things like Snowflake Lodge, the pipeline, and
 23 all these things where we do need to start looking
 24 at how we finance them going further out.

25 When we've got 30,000, 40,000, 50,000 in

77

1 vehicle purchases, do we really need to be
2 identifying these all out? Because all that does is
3 then it's continuing this trend, well, this
4 vehicle's due to be replaced in five years, we'll
5 get it replaced in five years.
6 Every vehicle replaced, we should be
7 looking at whether we actually need that vehicle
8 anymore, not whether it's due for replacement. Like
9 General Manager Magee, I've spent part of my career
10 running fleets as well. And I found in the utility
11 business, fleet costs was probably our second
12 biggest cost after labor. It always surprised
13 people, but managers and departments are always
14 (inaudible) to get rid of vehicles, and the
15 expensive vehicles are the ones that are sitting
16 there that are not necessary, they're there just in
17 case.
18 I agree with Trustee Schmitz, I don't
19 think we should be producing something like this,
20 this is how we're going to replace them because it
21 gives an automatic thing. We should maybe be
22 putting a provisional number in, year by year, for
23 what fleet replacement might cost. But then we
24 should be looking at every replacement individually,
25 whether it's still required, if there's a solid

79

1 talks about how long things have been there. Like
2 ski did a really good job of this is a 41-year-old
3 counter weight cable, or this is a -- it just says
4 when things are 1960-purchased something, like the
5 fire hydrant said that. And so just kind of know
6 either where we are in these for life, I can better
7 understand why they're ranked better just for my own
8 help. If you could tell us how long we've had
9 something or that kind of thing, I think that would
10 be really helpful if at all possible.
11 And just to understand this document a
12 little bit more, and I trust staff's decision on
13 this, I'm looking at page 46 of 191, and this is a
14 reservoir roof replacement, and you have it as
15 priority three, but says it overflows and all these
16 things have happened, yet we don't need it for up to
17 five years.
18 So I'm just curious how those logics went
19 into it.
20 MS. NELSON: I will have to say that, yes,
21 the roof structurally has been damaged. It's not
22 impacting the function on the tank. That tank is
23 difficult to maintain.
24 So, yeah, there is a story behind some of
25 these things, but, yes, it does need to be done.

78

1 business case for it. Is there a business case for
2 a smaller vehicle?
3 This is great here, but I go through this
4 and I see all these things appearing in the out
5 years. What are they? Where have they come from?
6 We saw earlier this year, a request for 6
7 million for the tennis courts in this budget year
8 because, well, it's never come to the Board, but
9 it's in the budget, so we've got 6 million to spend
10 on it. I think we need to look more realistically,
11 particularly the high-ticket items, and then also
12 start using a shorter time frame and batch buckets
13 to cover some of the smaller items, which we can
14 actually move forward on a year-by-year basis.
15 Just my thoughts.
16 TRUSTEE TONKING: I just have some
17 questions looking through this document.
18 So my first thing is do you think it would
19 be possible, I'm looking at page 80 of 191, and it
20 is -- this was just the first example I found of it
21 -- it is driving range improvements. And in it, it
22 says, "The purpose of this project is to replace the
23 hitting mats on a four-year rotation," which, okay,
24 whatever, surface use, blah, blah, blah.
25 If I look at page 105, for example, it

80

1 Does it need to be done today? No. The tank is
2 functioning as is, but it does need to be addressed.
3 TRUSTEE TONKING: I was just curious on
4 how some of the logic went into some of them where I
5 was like, oh, I would put that priority one reading
6 it, but that makes sense, and I trust what you all
7 decide.
8 TRUSTEE TULLOCH: I think you picked an
9 excellent example.
10 If it's hitting mats for the driving
11 range, they only have a four-year life, why are we
12 capitalizing them? It's an operating cost. Let's
13 just replace a portion of it every year, it's
14 straight cost of the operation. You're claiming all
15 the revenues that come in from it as operating
16 revenue, why are we capitalizing things like that?
17 MR. CRIPPS: What this document is is it's
18 not a document saying what we intend on capitalizing
19 or not. What this is is to really open the doors of
20 what we're budgeting for so when you see items like
21 the golf mats, it's really to show the people of the
22 District what some of these funds are going towards.
23 So when they see improvements, it's not
24 that we're going to capitalize those, that's not
25 what these pages are indicating, it's really to open

81

1 the doors from what's behind the budget, and that's
 2 why we wanted to include the photos and really tell
 3 a story of what we're spending this year's budget on
 4 and why we're looking forward a couple years.
 5 Yeah, they do have a useful life, and
 6 maybe after four years, we may not need to
 7 replacement them, we might get another year out of
 8 them. But if we can show the citizens of what we're
 9 actually doing and that they can see that we have
 10 budgeting and they can expect probably during this
 11 fiscal year that they're going to have new mats on
 12 the driving range. I think that would be more
 13 exciting for them when it comes to the budget
 14 preparation, the budget book, and what they're
 15 actually reading.
 16 TRUSTEE TULLOCH: Understood. Again,
 17 maybe we can start splitting out the capital
 18 projects as opposed to what's actually operating
 19 expenses that are going through the CIP.
 20 I think I've made my views known in that
 21 over the whole time I've been on the Board, because
 22 it's a weird process to understand.
 23 TRUSTEE DENT: I want to touch on two
 24 things.
 25 One is the \$6.3 million paving project,

82

1 that is just a placeholder number, and at the time I
 2 think there were like five or six options from like
 3 a million bucks up to like \$8 million. So there
 4 were several options there, so I think it would be
 5 helpful for the Board to maybe discuss or prioritize
 6 which project we think would be important, and then
 7 we can actually put in a three-, five-year number
 8 that's actually accurate.
 9 Because at the time, the Board thought it
 10 was a lot of money to be spending on a paving
 11 project when we didn't know what the problem was we
 12 were trying to solve, couldn't figure that out, and
 13 so why spend 7, \$8 million on something that there
 14 was an option. We were going to go and reconstruct
 15 that whole thing, but then we were going to lose
 16 some parking spots, we were going to gain some
 17 parking spots, we were going to lose part of one the
 18 runs. So there was a lot of stuff changing there,
 19 and we said, okay, is there a safety issue we're not
 20 aware of? What's the problem we're trying to solve?
 21 I think it's important for a big legacy
 22 project like that that we, before it goes into a
 23 budget and even a five year, within this chart it
 24 says: 2024, the Board decided that priority, the
 25 number three level of this project, and that's why

83

1 we're budgeting it.
 2 So everyone kind of has an idea of why we
 3 have 6.3 million in there when maybe this board only
 4 wants to spend a million bucks. Once again, we
 5 don't know what the problem is we're trying to
 6 solve.
 7 My number one priority when it comes to
 8 capital improvement budget process is to budget and
 9 then actually go out and build the projects. I have
 10 not been on the board one year, this is my ninth or
 11 tenth year going through this budget process, and
 12 we've never done that. We always had a million --
 13 this year it sounds like millions of dollars -- in
 14 carryforward, and so I would rather have open early
 15 than have all these projects we're telling the
 16 community we're going to go and do and we're
 17 budgeting to do, such as the skate park, such as
 18 Incline Beach House. You can run through this list,
 19 we've already approved the funds we want to move
 20 forward, but we're just not doing it.
 21 So, don't bring us stuff that can't get
 22 done in a year. I'd rather open early, we have
 23 plenty of fund balance, pull from the fund balance,
 24 let's start another project, we're able to handle
 25 it. And we know we have a shortage of resources

84

1 when it comes to staff to be able to handle some of
 2 these, so priority number one for me is to put a
 3 budget together that we can actually meet and
 4 execute on, not to over-budget again.
 5 That's all I have to say on that.
 6 CHAIR SCHMITZ: I concur. We end up
 7 trying to plan things, and we never seem to get what
 8 the priorities are done.
 9 I'm very concerned about this skate park
 10 because this skate park, my misunderstanding is, it
 11 has to be done by 12/31 of this year. The fact that
 12 it's showing up in a '24/'25 budget is concerning to
 13 me. It was supposed to be getting done, this year,
 14 it has to be finished in order to receive our grant
 15 is my understanding. If I'm wrong -- but to have it
 16 in a '24/'25 when we know darn well, yes, it is part
 17 of the '24/'25 budget, but let's just understand
 18 what we have to be delivering on, and we're falling
 19 behind all the time.
 20 The Board has identified Snowflake
 21 Lodge -- and the community. The Board and the
 22 community have identified Snowflake Lodge as a
 23 priority. I know that this past -- the current
 24 fiscal year we're in right now, we did spend money
 25 to do a survey up there in preparation for this. So

85

1 to not have anything in a budget that tapers into a
2 major construction project, it isn't realistic.
3 If we're wanting to literally do Snowflake
4 Lodge and whether it's '26/'27 or '27/'27, there's
5 costs that have to be incurred in this fiscal year,
6 and if we don't budget for it and we don't commit to
7 it, then it's not going to happen in '27/'28. You
8 have to have a plan, a financial plan that gets you
9 to that goal.
10 So for Snowflake Lodge, just to have a
11 placeholder out there in '27/'28, it's not realistic
12 in how you actually deliver on a project, so we need
13 to have something in '24/'25 that starts continuing
14 on from the survey and doing a plan of how would you
15 do this if there's other things that need to be
16 done. So, to me, to have it just one lump, it's not
17 realistic.
18 The other thing that the Board and the
19 community have identified is looking at the
20 Recreation Center. Does the Recreation Center need
21 to be expanded? Does it need to be redesigned so
22 that it now fits the needs of the community? And
23 the things that are in here for the Rec Center
24 really seem to be more than just maintenance,
25 operational, buying new equipment, what have you.

87

1 Some of it, I just think that it needs to
2 be looked at from a bigger perspective to say what
3 is it we're trying to accomplish and does it all fit
4 together and does it make sense? And I point out
5 the playgrounds because I was sitting there going,
6 well, how many playgrounds? Because they're
7 expensive. And are they different? I don't know.
8 I think having the Rec Center and
9 Snowflake Lodge and delivery on the Incline Beach,
10 realistically, that's a lot to try to accomplish in
11 five years.
12 MS. NELSON: As far as the skate park
13 goes, the budget actually should be in the '23/'24
14 budget, and not another 500 this year.
15 We will be bringing forward the -- up to
16 the 30 percent design, I think that had to move out
17 to April 10th, since we don't have a board meeting
18 at the end of the month. So that one is moving
19 forward.
20 Washoe County has to expend the funds by
21 '26, December of '26. We requested an extension
22 through next construction season, so I fully
23 anticipate that we'll receive that. When I talked
24 with their grant administrator, she didn't seem to
25 have an issue with that. I just want to put that at

86

1 But there really is a need to evaluate what is it
2 that we need at the Rec Center, and can we
3 reconfigure what we have or do we need to plan an
4 expansion? And that isn't in this plan.
5 So I think between Snowflake Lodge, the
6 Rec Center, now Incline Beach -- we're in the works
7 with that -- I, too, agree wholeheartedly with
8 Trustee Dent is that if we can't do it, if we don't
9 have the capacity to start evaluating alternatives
10 for Snowflake Lodge in this fiscal year, then don't
11 just plug it in. Be realistic. I'm just pointing
12 out that to just have numbers that plug in really
13 doesn't build, it doesn't correlate with how you go
14 about delivering on a significant project.
15 I think that those things, and from a
16 board perspective, I think we're trying to look at
17 the things that the community is asking for and how
18 can we fit those things in and how do we prioritize.
19 One thing, I don't have the page
20 numbers and my memory might not be perfect, but
21 suddenly I start seeing \$500,000 here and there for
22 playground equipment. There's one at Ridgeline Park
23 and then Preston Park. How many playgrounds are we
24 going to be funding, and for what reason and what
25 location?

88

1 ease.
2 Also if you'll remember, Snowflake Lodge
3 there is \$250,000 in this year's fiscal budget that
4 has been approved, and that's what we're working on
5 talking -- addressing Trustee Noble's issues of
6 requesting for an RFP to help get those bridging
7 documents available and ready.
8 Some of those things you don't see because
9 we're talking about the '25 fiscal year, not the '24
10 that's in process and in motion.
11 CHAIR SCHMITZ: So we won't be spending
12 anything on Snowflake Lodge in this next
13 fiscal year? I mean, you see the issue I'm bringing
14 up.
15 MS. NELSON: Yes, I see what you're
16 saying. But we already have that budget and it's
17 moving forward. I know we're not talking about
18 carryforward projects anymore. That budget has been
19 set for this year, and it will be encumbered and
20 followed through.
21 MR. BANDELIN: I'll just remind the Board
22 that during the budget workshop meetings last year
23 when it was my turn to speak on behalf of the ski
24 venue, the executive summary, I pointed out and had
25 noted in the summary that were budgeting \$250,000

89

1 for a needs assessment for Snowflake Lodge.
2 We are in the process now, we have a team
3 put together, we're using our Mr. Noble, our Trustee
4 Noble as our liaison, and we're in the process of
5 meeting with -- putting together what we feel would
6 be a good needs assessment.
7 Not to be long-winded about it, although
8 there's a placeholder in there of probably \$1,800 a
9 square foot for a 2,000-square foot building is just
10 a thumbnail kind of placeholder for that, but we're
11 working on hopefully getting some -- I was talking
12 to the Capital Investment Committee about this,
13 bringing back something to the Board that shows that
14 we're working on this project using appropriated
15 funds within this fiscal year. So the project is
16 well on its way. I think we'll be moving here
17 faster in the near future.
18 But I just wanted to step up and elude to
19 the fact that it's not just that we haven't done
20 anything. We've approached the Board, we've
21 budgeted appropriations to work on the needs
22 assessment, we've had a couple meetings, and just
23 important to relay that information that at some
24 point, depending on how much information the Board
25 and how readily they would like information, our

91

1 proposals.
2 Kind of following the lead of the new
3 finance team and Mr. Cripps and Mr. Magee, there was
4 some comments about just numbers in the out years,
5 but I'm taking the lead -- staff is taking the lead
6 from the finance department they need to look at not
7 just year one as far as funding goes, but like a
8 five-year plan, if you will. And that's why I was
9 kind of excited to speak on some of those
10 big-picture items that Trustee Noble brought up.
11 And then this evening too, we typically in
12 the process of budgeting or prioritizing capital, we
13 did kind of want to ask the question, or I did
14 specifically, of could we get a feel from the
15 trustees, and a couple of you spoke to it, on what
16 are the priorities? We could take notes of those
17 priorities. We eluded to a little bit in the Moss
18 Adams report, how we were going to reach out to the
19 community in community meetings and so forth and
20 kind of an idea of what the flavor of the community
21 is for our community services projects.
22 And so it wouldn't be -- I think staff
23 would appreciate maybe just a little bit of a round
24 table on thoughts of priority projects, if this is
25 the time or not.

90

1 hopes would be that we would get community input on
2 the size of the building, what the needs would be of
3 the community, talk about some other aspects of the
4 pro forma of the particular facility itself, what
5 other items, as Trustee Noble spoke to, at the venue
6 should likely or would not likely be done in support
7 of that pro forma for the actual facility
8 replacement of the 1966 building.
9 CHAIR SCHMITZ: Thank you. And I wasn't
10 talking about things not being done. It's that we
11 need to budget so that we know we're going through
12 the process.
13 MR. BANDELIN: That's why I wanted to
14 speak to, I think maybe the Board had forgotten, but
15 I did speak in open session about how we funded that
16 particular dollar amount to be able to start to work
17 on that project.
18 I will also elude to the pavement
19 replacement, those are actually real numbers today
20 from a supplier or a vendor that would replace curb
21 and gutter and the asphalt in kind of what's there
22 now. I did write in the description or narrative on
23 the project that does not include any of the safety
24 initiatives or enhancement that we -- I think it was
25 2016 that we brought back those four different

92

1 And then on the priorities of the
2 projects, I mean, there's the finance idea of
3 priorities, and then there might be someone like me,
4 an operator, priorities might be health and safety,
5 maintenance, care, and condition of the assets, and
6 different types of wording for priorities.
7 And then, you're correct, you do see a lot
8 of maintenance, care, and condition items in the
9 report, but Mr. Cripps did a good idea of we just
10 wanted to be able to show this report as a whole.
11 And then I'll reiterate what kind of
12 address what the caller was saying on the report and
13 with Mr. Cripps saying when we say this is a draft
14 report, we want to show the board, then it's going
15 to go into the back room with staff. And when Adam
16 talks about resources, that's where we're talking
17 about not just the funding side, but bandwidth of
18 staff to be able to implement some of these.
19 A lot of them, we'll be sitting down,
20 we'll be looking at, okay, not just a priority, but
21 these are the procurement ones, which would just be
22 like following policy of goods and service
23 procurement. And then we have the bigger ones that
24 would take multiple months or years because of
25 entitlements or design and implementation.

93

1 So we have lots of work to do, but we
2 really wanted to come here this evening and be able
3 to start to show you the different process that
4 we're going to be doing in the budget.
5 CHAIR SCHMITZ: Thank you for that.
6 Before you leave just, one quick question.
7 In yours, the shuttle bus, my
8 understanding is we approved your purchase of your
9 bus. Is this another one, are you buying another
10 one?
11 MR. BANDELIN: This is a fleet project
12 that what the Board approved was what I would call
13 "a new initiative," and the new initiative was a
14 14-passenger shuttle van to be able to help
15 alleviate or the need to have the town community
16 shuttle with only a CDL operator. So that project
17 was a new initiative that was approved in the
18 budget.
19 And then these ones that you see are our
20 normal operating ones that we're using now, that
21 we've had in place since 2007, and these are up for
22 replacement. I'll speak a little bit to, real
23 quickly, about some of the comments from the Board
24 that we or venue managers like myself would practice
25 when that might be -- when it was purchased or

95

1 that we would have one in year three.
2 TRUSTEE TULLOCH: I think that's a good
3 point, some excellent points there, and that's
4 certainly the way it should be done. The venue
5 managers should be looking at it.
6 It's not like the one situation we had
7 where we would request to replace moors that are
8 five years old that already cost 19 bucks around
9 just from maintenance over the last five years.
10 That's where I believe we should be letting the
11 venue managers make their business decisions and
12 paying the price for it.
13 I think I would echo Trustee Dent's
14 comments. What would this look like if we did a
15 very realistic consideration of what projects we
16 could actually deliver this the next financial year,
17 also taking into account the ones that we've already
18 carried over, we're still trying to get there? I
19 mean, a realistic estimate that -- even allowing
20 maybe 30, 40 percent extra projects that we knew we
21 could fit in if we get planning delays or something
22 there?
23 At the moment, if I look at what's been
24 carried over, what's still extended, and I look at
25 the requests for next year's, we know already

94

1 depreciated, it may have had a 10-year life. So in
2 2017, I meet with the fleet manager, we looked at
3 the condition and the care that we've done on it, I
4 push those out several years, and now they're coming
5 back in.
6 CHAIR SCHMITZ: So you are going to be
7 buying another one? And it'll be not a van, it'll
8 be a bus, and you have need, the capacity need for
9 that?
10 MR. BANDELIN: Yes. And you'll see there,
11 that's the work that we'll continue to do on this
12 draft project list is we'll look to see, like those
13 were -- and I think Trustee Tulloch will know this
14 because he commented on it when were doing the van
15 -- both in the same year. And so we spread that out
16 a little bit because I think what I told the Board
17 in the staff report for the purchase of the shuttle
18 van was that need of the 32-passenger wouldn't be
19 Monday through Friday anymore because we would be
20 using the shuttle van because that's kind of our
21 demographic or our capacity during the Monday
22 through Friday period, so we could extend the life
23 out another year in the plan right now until we work
24 through it some more. We would spread that out
25 instead of making the purchase of two in year two

96

1 there's no chance in hell we could actually do all
2 that work. Why are we kidding ourselves? It's not
3 like we're trying to arrange borrowing for all these
4 projects as well. I saw somebody shaking his head
5 in the background, oh, no, mats are capital.
6 Bear in mind we're a government operation.
7 We get no real benefit from capitalizing these
8 things. There's no tax benefit for us, there's no
9 return on capital for it, and that's why we've
10 regarding capital as free and we've hidden it from
11 operating expenses. That's why I push to have these
12 things that are really just operating expenses,
13 let's classify them as that. Then that also drives
14 us to make the right cost decision because we're
15 replacing vehicles because they're ten years old,
16 not whether they necessarily need to be replaced,
17 but, oh well, we're going to get a new vehicle just
18 because it's capital so it's not really going to
19 cost me any more in my budget.
20 Let's make the correct cash decision on
21 it. I mean, basically we're running the District
22 currently on a cash basis. The only big borrowings
23 really we have are for the pipeline, which is
24 sensible, we're bonding that, it's a long-term
25 project. But most of the rest are capital we're

97

1 just funding from reserves and from the rec fee.
 2 So let's just be up front about it.
 3 Having come from the utility sector, oh, capital is
 4 free. No. I don't know about you guys, but every
 5 time I go to our bank manager and ask for free
 6 capital, he just laughs at me. There is no such
 7 thing. Capital is a cost. I believe all we're
 8 charging to operate venues is the depreciation.
 9 There's no costs of capital, there's no other costs
 10 associated it, so it's almost a no-brainer decision
 11 to capitalize things where you can, but it doesn't
 12 actually do anything for us as a district in terms
 13 of that.
 14 It would be nice to be able to spilt this
 15 out and see what is actually realistic before we
 16 approve 25, 30 million in capital or something, find
 17 that we can only deliver 10 million. Trustee Dent
 18 says it's been going on for years and years
 19 and years and we've just collected money for it and
 20 then we keep doing carryforwards and carryforwards
 21 and carryforwards, and we don't even know what --
 22 we're losing track of the carryforwards.
 23 I would certainly like to see a realistic
 24 estimate and then we start moving things to
 25 out years.

99

1 think that we have to look at it. And if it's a
 2 staffing constraint, are there other ways that we
 3 can tackle some of these projects? Can we outsource
 4 the management of certain projects?
 5 I think we have to be realistic and plan
 6 accordingly.
 7 TRUSTEE DENT: One other just general
 8 feedback regarding the, say, summary sheet. I don't
 9 know if it would be too much to put page numbers on
 10 here too. Or just do something with your individual
 11 project sheets that just by flipping the page,
 12 color, green green, or just something to quickly get
 13 us to there. I don't know. Just general feedback.
 14 CHAIR SCHMITZ: Color code the priorities.
 15 It will be very colorful.
 16 How would you like to move forward from
 17 here? Based on the discussion we have had, how
 18 would you like the next discussion to go? Do you
 19 have from the Board what you need? Has the Board,
 20 have we shared our comments? Where are we in this
 21 process?
 22 And if you want to take a five-minute
 23 break and come back, but this is your effort, and
 24 you've done a stellar job of taking something and
 25 making it easy to understand. Thank you for that.

98

1 CHAIR SCHMITZ: On that note, I have a
 2 suggestion, and I know that in budgeting it's not
 3 the time that you're looking at carryforwards. But
 4 when we're trying to look at what can we
 5 realistically get done in this next fiscal year, it
 6 might be helpful to have a column that says "these
 7 are the projects that we anticipate are going to be
 8 carried over," because then suddenly we can see it
 9 all and go, oh my gosh, we have all of these that
 10 are getting carried forward, how many more can we
 11 add?
 12 So it might be worthwhile to help us to do
 13 a good job of prioritizing and even budgeting for
 14 this next year is to know where are we with the
 15 volume of work that is going to be carried forward.
 16 The other suggestion that I would like to
 17 make, and this goes to prioritization, is on this
 18 color-coded page where we have the breakdowns
 19 by year, if you could add a column that just
 20 identified the priority, because then at least as
 21 we're looking through this, we know that this is --
 22 what priority it is.
 23 So I think the concern is taking on more
 24 projects and not taking into consideration what
 25 projects are going to be carried forward, and I

100

1 But my question is: How would you like to
 2 proceed?
 3 MR. CRIPPS: As the work continues
 4 forward-looking into the upcoming budget, we're
 5 still within a fiscal year that we're working
 6 currently. With part of that, we're working with
 7 the prior year's carryforward. And so this is a
 8 component of the budgeting cycle and the budget
 9 planning, and it is a component of the budget
 10 planning that I've talked with the departments about
 11 how are we going to approach it in this upcoming
 12 budget?
 13 I've asked for them to, if we have
 14 carryforward, that we're going to identify it this
 15 upcoming budget so that way we see that the
 16 resources are there, and that's going to be
 17 priority.
 18 Whereas these, now '25, the outlook that
 19 we see in the summary sheet is a guideline, more or
 20 less, to identify items that we've identified as a
 21 priority as prior one, two, or three, whatever they
 22 may be, and can they fit, resource-wise, staffing
 23 and/or funding in this upcoming budget?
 24 So it actually what I do believe kind of
 25 echos the sentiments that I've heard tonight and

101

1 this afternoon about what we're looking for is
2 regarding can we even accomplish those projects?
3 And the considerations are being taken with staff
4 reviews and when we go into management reviews.
5 So I hope that addressed the concern, but
6 I do believe I have taken -- of course, what has
7 been addressed today, I do like some of the ideas
8 with the sheets, some updates to come forward, but
9 beyond that with when we're talking about the actual
10 budget, then those considerations are already in
11 play.
12 We are operating in a current year, we are
13 operating with prior year carryforward, and we need
14 to continue what we have already. And then do we
15 have the resources to move forward with additional
16 items? And so those considerations are to be taken
17 in.
18 TRUSTEE TULLOCH: We've run up against a
19 conflict between the State of Nevada requirement to
20 file our budget, our financial year ending in the
21 end of June, and then we also have the Tahoe Basin
22 construction season.
23 So basically a large amount of this stuff
24 that's been asked for in the next financial year,
25 we'll not be able to complete it in that financial

103

1 But, yeah, I would certainly like to see
2 it rationalized. I'd also extend the offer that we
3 made at the CIC, we're happy to work with you and
4 help you try and streamline this. That probably
5 makes it easier to get things in a more manageable
6 state before it comes back to the Board.
7 We're happy to extend that offer again.
8 CHAIR SCHMITZ: Playing off of Trustee
9 Tulloch's comment, you know how I suggested in the
10 summary to have the priority, you also have this
11 project category that it's hazard elimination. That
12 might be helpful if we just had priority, what is it
13 on priority, and what is it for the project
14 category, so that it's really easy.
15 I agree wholeheartedly, maintaining our
16 venues, that is priority one to maintain the venues,
17 including the infrastructure. It is number one
18 priority. After that, I see it as the Board
19 projects, which the community has weighed in on, and
20 that is the Snowflake Lodge. Looking at what the
21 needs are of the Rec Center and the Incline Beach
22 House and the skate park. I mean, those are
23 significant projects.
24 It's sounds like from your perspective,
25 you've received what you're looking for from the

102

1 year. We know that now because planning
2 requirements and the limited construction period,
3 you basically have a two-month construction period
4 in the next financial year. There is just no way
5 we're going to complete a lot of these projects.
6 It's a conflict, and that's one of the
7 reasons that we end of up with some carryovers. I
8 think it's almost time to, look, let's call an
9 amnesty on these projects and let's just cut back
10 our wish list.
11 I think in terms of priorities for me,
12 priority one is health and safety of maintenance,
13 essential maintenance, and that's the more typical
14 one. New projects and new extensions and things are
15 my priority two, because the critical thing is that
16 we don't leave ourselves exposed.
17 The Board things we identify as priority
18 one projects, if something happens or there's any
19 incidents, it does leave us exposed. This has been
20 a priority one project and you haven't done anything
21 on it in five years. From a liability perspective,
22 that's not the most sensible thing to have out there
23 in terms of that. Again, this is just speaking from
24 a background and having gone through some of these
25 incidents.

104

1 Board; is that correct?
2 MR. CRIPPS: At this time I do believe so.
3 CHAIR SCHMITZ: Any other comments or
4 questions about the process?
5 Seeing none, we'll call this complete, and
6 move on to --
7 I just want to say thank you for all of
8 your effort on this. This is very easy to
9 understand and yes there's going to be opportunities
10 to improve upon it, but what you've done and what
11 you've provided to us is helpful for us to
12 understand. And we really haven't -- last year at
13 all, I don't think we ever discussed our five-year
14 priorities and our five-year plan.
15 Thank you for your efforts on this.
16 Moving on to final public comments.
17 I. FINAL PUBLIC COMMENTS
18 MR. CARS: Bill Cars, full-time resident.
19 Once again the Board of Trustees has voted
20 three/two regarding the two-year agreement for
21 Mr. Magee. The Board already granted him the
22 ability to live outside the District, will pay him
23 separately for his benefits, and permitted
24 50 percent work from home. Now three trustees
25 extend the contract to two years with a sweetheart

1 severance perk.
 2 Well, the way I view it, once again the
 3 triumvir votes their desires regardless of the
 4 community feedback or even perceived logic or
 5 necessity.
 6 The community is listening, yet the Board
 7 attitude is we'll do it our way, we have
 8 three votes. Please know you to continue to
 9 reaffirm that loud and clear.
 10 CHAIR SCHMITZ: Do we have any online? We
 11 do not.
 12 J. ADJOURNMENT
 13 CHAIR SCHMITZ: With that, we will adjourn
 14 this meeting at 5:45.
 15 (Meeting adjourned at 5:45 p.m.)
 16
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 25

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 March 6, 2024, at
 7 the Board of Trustees Special Meeting, via Zoom, and
 8 took stenotype notes of the proceedings entitled
 9 herein, and thereafter transcribed the same into
 10 typewriting 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 106
 14 inclusive.
 15 DATED: At Reno, Nevada, this day of 17th
 16 day of March, 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 27

Invoice Date: March 17, 2024

Payment Due: April 6, 2024

Amount Due (USD): \$986.00

Items	Quantity	Price	Amount
Base fee March 6, 2024 BOT special meeting	1	\$350.00	\$350.00
Per page fee March 6, 2024 BOT special meeting	106	\$6.00	\$636.00

Subtotal: \$986.00

Total: \$986.00

Amount Due (USD): \$986.00

Linda Kahrs

Incline Village Resident

Good Evening Trustees, my comments tonight are two fold. We need a General Manager (GM) who:

1. Devotes their whole working time, skill, experience, knowledge, and ability exclusively to IVGID'S business and affairs; we need confirmation that Mr. Magee has terminated all other consulting gigs.
2. Expected to be available at all times. Section 1.7 of the employment contract states that the GM **shall be present** in the Incline Village area **and** available to attend all BOT meetings. This is important as we had been told that Mr. Magee works part-time in CA at his other jobs, and more importantly, that he does not intend to change his residency in Southern California. The community needs confirmation that with a salary and benefits exceeding \$300,000, that Mr. Magee will be working FULL TIME in the area and that Trustees Dent, Schmitz will not try to amend this agreement after it is signed.
3. The General Manager is specifically excluded from participating as a VOLUNTEER IN the established boundaries of Incline Village/Crystal Bay in volunteer Activities. This is unheard of to stop someone from volunteering in their community. If anyone thinks this GM is serving the community, they are incorrect. He is serving Sara Schmitz and Matt Dent

and Ray Tulloch who we assume drew up or approved this contract.

In F. SECTION 6.5: As Mr. Magee is so new to the District, his severance should be 50% of the time that he is on the job as General Manager. If he serves for 9 months, he should get 50% of the time he services as GM. Our former GM was part of this District for 20 years. A year's severance for someone who has worked in this District since June is nonsensical.

Switching gears, I would like to share a quick update on the Recall:

Against all odds, and with the valiant efforts and tireless work of several hundred volunteers, **the recall efforts came 54 votes short for Schmitz and 13 votes short for Dent.**

Sara Schmitz and Matthew Dent should not be celebrating, but should listen to the voices of the community, and focus their efforts to build up our facilities, and stop using these meetings to demean the hard working IVGID staff. Unfortunately, so far, they have shown all they care about is making themselves look good at everyone else's expense.

We are awaiting very important legal analyses of the Secretary of State's Appeal decision, as there remains issues surrounding signatures and potential voter suppression.

We know that we have a moral victory, if not in the long run an actual legal victory. We MOVE onto the very important June Primary and November Election where three seats on this Board will be up for the community to decide who should fill them.

**WRITTEN STATEMENT TO BE ATTACHED TO AND MADE A PART OF THE WRITTEN
MINUTES OF THE IVGID BOARD'S SPECIAL MARCH 6, 2024 MEETING – AGENDA
ITEM G(1) – THE POSSIBLE HIRING OF INTERIM FINANCE DIRECTOR BOBBY
MAGEE TO BE THE INTERIM GENERAL MANAGER FOR TWO (2) YEARS
VIA THE PROPOSED EMPLOYMENT CONTRACT DISCLOSED**

Introduction: Well here's yet "another one" as my friend DJ Kahled would say¹. More evidence wasteful and underhanded actions representing another flagrant disregard for the financial sustainability of the District. This time it's the hiring of interim Finance Director Bobby Magee to be the District's interim GM at a base salary cost of \$275,000 annually, plus benefits totaling at least \$75,000 or more, and including an unbelievable severance provision that pays Mr. Magee the equivalent of more than \$275,000, should he be replaced by a permanent GM within this two (2) year term. And that's the purpose of this written statement.

My March 1, 2024 E-Mail to The Board²: wherein I put the Board on notice of this inappropriate action and cost for an interim GM. Rather than me regurgitating everything I shared with the Board, I refer the reader to the exhibit attached instead.

Conclusion: So there you have it. History repeating itself. Doesn't an "interim" position suggest that in the interim, we will seek to find a permanent replacement? So if we're looking for a permanent General Manager over the next two (2) years, doesn't that mean that we will be substituting that person for interim GM Bobby Magee, if confirmed? And if that's what we do, won't we be responsible for paying Mr. Magee an additional \$275,000 or more in severance/its equivalent pay? Who came up with this stupid idea? And why? Did Mr. Magee tell us he'll only agree to the interim position if he is paid a \$275,000 severance fee? Or is this something HR Director Feore has voluntarily and gratuitously offered because that's the templet approved for previous permanent GM Indra Winquest? And why handcuff future BOTs from replacing Mr. Magee over the next two years? Isn't this really a clandestine effort to prevent a future BOT in the next year or less to bring back Mr. Winquest as permanent GM? So you see the more things change, the more they remain the same. The District is just as dirty and incompetently managed 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 syndicate³. Dirty players (including trustees) come and go. But in the end,

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

³ 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)."

this organization survives to engage again in racketeering! I ask a majority of the Board reject this agenda item request to put a stop to this wasteful and impermissible expenditure of taxpayer funds. We have functioned quite nicely without a permanent GM since Indra was "let go." Why the rush to come up with another interim GM at an outrageous expense of over \$350,000 annually plus what is destined to become an additional \$300,000 or more in severance payments?

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 will pay for these expenditures and you can see for yourselves 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"

March 6, 2024 IVGID BOT Meeting - Agenda Item G(1) - Possible Hiring of Bobby Magee as Interim General Manager

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>, <bma@ivgid.org>, "Bandelin Mike" <MLB@ivgid.org>
Subject: March 6, 2024 IVGID BOT Meeting - Agenda Item G(1) - Possible Hiring of Bobby Magee as Interim General Manager
Date: Mar 1, 2024 4:57 PM

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

I cannot believe any of you are in accord with what has been presented to the Board insofar as this one is concerned. Stupidity doesn't even start to describe what you've shared with the public.

Erin Feore recommends "that the Board of Trustees make a motion to approve the General Manager's Employment Agreement" as attached. She just doesn't present. SHE RECOMMENDS!

I haven't suggested this before about Ms. Feore, but now I will. She needs to be terminated. Just like the rest of our over compensated employees who revel in the culture we know as IVGID.

I'm sorry. If it takes \$400K annually in salary plus benefits to hire an INTERIM GM for a GID, then I'm sorry. The time has come to go out of the GID business. Simple, end of story. It's time to dissolve IVGID. That's what you Board members should be spending your time on. Something productive.

What you have here is that Ms. Feore has simply replicated Indra's old employment contract, and bumped the base salary from \$217K annually to \$275K annually. A nearly 27% increase! Are you stupid Board members? If you vote yes for this one, the public will know you members really are stupid. I know Trustees Tonking and Noble won't be stupid. Because they will be voting no. But insofar as the rest of you are concerned, stupid, stupid, stupid.

Let me share one simple example that supports my conclusions:

Let's start with section "3.1 IVGID agrees to pay General Manager an annual base salary for services rendered in the amount of \$275,000 (“Base Salary”)" plus "in accordance with Section 7 below, the Board of Trustees shall (pay)...performance incentives" aka bonuses. These typically run from 3%-5% of the GM's base salary. Here that translates into \$8,250-\$10,000.

With the above in context, let's now go to Section 6.5 Severance Benefit which states that "if General Manager is terminated by the Board of Trustees without cause, then General Manager shall receive a one-time, lump sum cash payment equivalent to the sum of (i) General Manager's then-current monthly salary multiplied by twelve (12), (ii) the cash value of General Manager's then-current monthly medical premiums multiplied by twelve (12) as of the effective date of termination of employment and (iii) the cash value of his Annual Vacation Pay balance."

Let's call all of these components totaling about \$350K+/-.

Who offers the GM of a GID severance pay? Who offer's a year's worth of salary (even the county manager is limited to 3 months worth of severance pay)? Bueller? Bueller?

Now let's examine section "2.1 . General Manager shall serve as the IVGID Manager...for a 24 month term."

Is Bobby going to be terminated in less than 24 months? You betchum! Let's go ten months into the future.

Trustees Schmitz and Dent will be gone. My prediction is they will be replaced by Linda Kahrs clones ("LKC's"). And since they're in love with Indra, who do you think these clones are going to want serving as our permanent versus interim GM? That's right. Indra.

So they will terminate Bobby for no cause, and then pay him \$350K+/- in severance pay.

And since we will be paying Bobby \$275K in salary plus benefits, what do you think we're going to have to pay Indra to return? You got it. \$275K plus benefits!

Let's assume for purposes of argument the new Board doesn't re-hire Indra. Let's assume they will be searching for and hiring a permanent GM. If they find one, will Bobby Magee's employment be permaturely terminated? You betchum again! And if this takes place, won't Bobby still be entitled to severance pay?

Are you reading this Bobby? If so my recommendation to you is that you BOOST your severance pay. Because that's what's coming!

And all of this happens because we're overpaying Bobby Magee, and giving him a 24 month term of employment.

These are the facts! And if you Board members vote yes on Ms. Feore's recommendation, let the public understand all of the above.

BTW, I submit IVGID doesn't require a GM. After all, there's nothing in NRS 318 which mandates we have a GM. A Public Works, Finance and Community Services Directors should do the trick. Don't you think? Putting aside the fact we don't even have a Community Services Director and our Public Works Director is incompetent, wouldn't you agree who needs a GM?

And we sure don't need an HR Director. Just look at the handful of less than competent applicants for GM she came up with a month or so ago. What is she doing to find a permanent Finance Director? What about a Food and Beverage Director? Now augmented by this proposal.

But how can we function without a permanent GM? And that's the point. If it takes \$400K annually in salary and benefits to hire an INTERIM GM for a GID, then I'm sorry, the time has come to go out of the GID business. Simple, end of story. It's time to dissolve!

Respectfully, Aaron Katz

WRITTEN STATEMENT TO BE ATTACHED TO AND MADE A PART OF THE WRITTEN MINUTES OF THE IVGID BOARD'S SPECIAL MARCH 6, 2024 MEETING – AGENDA ITEM D – PUBLIC COMMENTS – COMPEL STAFF TO TURNOVER PUBLIC RECORDS REQUESTED OF EMPLOYEE TIM KELLY'S VACATION/SICK LEAVE FROM WORK

Introduction: Well here's yet "another one" as my friend DJ Kahled would say¹. More evidence of staff theft, lack of oversight, lack of internal controls, and a flagrant disregard for the financial sustainability of the District. This time it's employee Tim Kelly's time off of work for which he is being paid without legitimate justification therefore. And that's the purpose of this written statement.

My March 6, 2024 E-Mail to The Board²: wherein I put the Board on notice of staff's concealment of my public records request addressing employee Tim Kelly's absence from work during the IVGID work day; my efforts to secure evidence of any justification therefore; and the cover up of said absence by Mr. Kelly's immediate supervisor(s), Sheila Leijon and/or Pandora Bahlman. Rather than me regurgitating everything I shared with the Board, I refer the reader to the exhibits attached instead. Exhibit "B" represents written evidence I obtained from HR Director Erin Feore concerning the District's "electronic time and attendance system," and Exhibit "C" represents staff's authority for refusing my public records request, allegedly based upon confidentiality.

Conclusion: So there you have it. History repeating itself. Possible theft at the hands of our beloved staff, staff's cover up of this wrongdoing, and the Board's refusal to do anything about it. And in addition to the foregoing, how much public money was wasted on obtaining this legal justification for asserting the "confidentiality" card? And who authorized staff to incur this expense? So you see the more things change, the more they remain the same. The District is just as dirty and incompetently managed 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 syndicate³. Dirty players come and go. But in the end, this organization survives to engage again in racketeering! I ask the Board take action against employees like Tim Kelly and Pandora Bahlman to put a stop to this wasteful, impermissible and unlawful expenditure of taxpayer funds.

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 That e-mail and its selective attachment(s) are attached as Exhibits "A" through "C" to this written statement.

³ 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 yourselves 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"

DAMN IT. DO SOMETHING! Incline Village GID, NV public records request #24-34. Staff;s Refusal to Share Public Records Establishing Employee Tim Kelly's Possible Theft From The District.

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>, Tulloch Ray <tulloch_trustee@ivgid.org>, Noble Dave <noble_trustee@ivgid.org>, Bandelin Mike <MLB@ivgid.org>, <bma@ivgid.org>
Subject: DAMN IT. DO SOMETHING! Incline Village GID, NV public records request #24-34. Staff;s Refusal to Share Public Records Establishing Employee Tim Kelly's Possible Theft From The District.
Date: Mar 6, 2024 1:03 PM
Attachments: [Additional Information to PRR 24-34.pdf](#) [EFeore to AKatz - 2.18.24.pdf](#) [TKelly - Accrual Rates for Time Off.pdf](#)

Chairperson Schmitz and Other Honorable Members of the IVGID Board -

Here we go again! You people are incredible. We have a bunch of incompetent, unethical, over compensated, and dirty employees. Essentially all of them in senior management positions. That's right. Down right dirty and unethical employees.

And they steal from us left and right. And when members of the public obtain evidence of this theft, they turn it over to you BOT members to do something. And you do nothing. Wonderful watchdogs for the public, wouldn't you say?

So here we have IVGID employee Tim Kelly. Mr. Kelly has at least two jobs. One for WCSD as the boys basketball coach, and the other for IVGID as who knows what working out of the Rec Center. Mr. Kelly takes last Thursday and Friday (Feb 29 and Mar 1) off from IVGID work so he can be with his WCSD team in a basketball competition in Reno. Then the week before (Thursday and Friday, Feb 22 and 23) he takes off IVGID work so he can be with his WCSD team in a basketfall competition in West Wendover (8 or more hours away by vehicle). And he probably took the Mon-Wed work days or portion thereof of both weeks off. Preparing for his WCSD team basketball competition. While his supervisors Sheila Leijon and/or Pandora Bahlman turned the other cheek. Or closed their eyes. And they asked local parcel owners to subsidize their money losing operations to the tune of \$1 million or more annually!

Now maybe Mr. Kelly didn't steal from the District. Maybe he used vacation time to take time off of IVGID work so he could work for his other employer? I and others I know sincerely doubt it. But maybe he did. So extending him the benefit of doubt, for the moment, I inquire of Erin Feore if there is a record of the vacation time taken by the District's employees. And she tells me there is. As you can see from the attachment, the employee makes a an electronic request of his/her supervisor, and the supervisor approves or rejects it. Just as NAC 284.539(1) ["an appointing authority shall determine the time when annual leave is taken after considering the needs of the agency and the seniority and wishes of the employee"] and NAC 284.539(2) ["a written request for annual leave (must be) submitted by an employee...(and it) must be approved or denied by the appointing authority, in writing"] instruct should happen.

All I want to know are the days when Mr. Kelly requested and received permission to take vacation time off IVGID work so he could work for his other employer. Exactly, Mr. "Kelly's requests/approval by his superior(s)..."for vacation time/sick leave since July 1, 2022. And most specifically for the last two weeks. I do not and did not care about his "usage or balance of his or her annual leave and sick leave" as NAC 284.718(1)(j)(3) allegedly deems confidential. In other words, **I did not seek confidential personnel matter.**

And if for some reason I didn't ask the right question, although I believed I did, I asked the District's Public Records Officer ("PRO") to help me frame my request. After all, NRS 239.0107(1)(c)(2) requires our PRO to "make a reasonable effort to assist the requester to focus the request in such a manner as to maximize the likelihood the requester will be able to inspect, copy or receive a copy of the public

book or record." So did I receive such assistance? Of course not! Because our staff are not here, to assist the public.

So I do a public records request for records evidencing the same to either prove or disprove Mr. Kelly has been paid by local IVGID parcel owners to work for someone else during the IVGID work day. AND LOOK AT THE RESPONSE I get (my request and the District response are included below. And they are in part included in the attachments to this e-mail).

You see, Mr. Rudin thinks his client is our District staff rather than the BOT. And he thinks his job is to protect our dirty employees rather than to provide impartial and truthful advice in the public's best interest. So he intentionally changes the records request I have made to make it conform to an alleged confidential privilege so he can disingenuously raise the privilege. And then he comes up with all of these legal reasons which support his opinion when in truth and in fact they have little if anything to do with supporting his opinion. For instance,

1. Notwithstanding Ms. Feore has told us that "there is no physical form an employee completes to formally request time off; rather, the request is submitted electronically through the District's time and attendance system;" "the time requested is either approved or denied by the employee's manager;" and, I didn't ask for a "physical form" of record (instead, I asked for records of **any kind** evidencing Mr. Kelly's requests for vacation time/sick leave since July 1, 2022, and his superior(s) approvals in whatever format they may exist); and, NRS 239.010(4) instructs that "a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium (where)... (a) the public record (1) was...created or prepared in an electronic format; and, (2) (it) is...available in an electronic format;" and, the District has the duty to make available for my examination its electronic "time and attendance system" which evidences the substance of my request; here it hasn't!

2. Furthermore, NRS 239.0107(1)(c)(2) instructs that the District is obliged to "make a reasonable effort to assist (a) requester to focus the request in such a manner as to maximize the likelihood the requester will be able to inspect, copy or receive a copy of the public book or record." Given here I asked for assistance in framing my request in a manner that would result in what I wanted to examine, if necessary, and here I received none, the District breached its duty to assist me in focusing my request in such a manner as to maximize the likelihood I would be successful in examining and receiving a copy.

3. Mr. Rudin wrongly states that I "request(ed) review of (Mr. Kelly's) time off requests/approvals, and **usage of time off balances** between 7/1/22 and 2/17/24." I did not. I merely requested examination of records evidencing Mr. Kelly's "**requests/approval by his superior(s) ...for vacation time/sick leave since July 1, 2022.**" Now why has Mr. Rudin mis-stated my actual records request? So he can argue that it request confidential material when in truth it has not. In other words, he is acting as an advocate for staff so they can hide the truth, rather than providing impartial advice which we all know will require disclosure of that truth. Congratulations Mr. Rudin. And if you BOT members are dumb enough to fall for this behavior, I have some bridges here in IV you might want to purchase.

4. Continuing, Mr. Rudin wrongly states I have "requested records and information that are otherwise protected under Nevada Administrative Code section 284.718(1)(j), which states that information in a government **employee's personnel record** is, **for the most part**, confidential. And this includes, among other things, "the employee's usage or balance of his or her annual leave and sick leave" [NAC §284.718(1)(j)(3)]."

5. Let's examine NAC §284.718(1). It speaks to "the...types of (employment) information which are...confidential." NAC §284.718(1)(j)(3) in particular instructs that "**information in the record of employment** of a current or former employee which relates to...the employee's **usage or balance of his or her annual leave and sick leave.**" But I did not request to examine records of an employee's employment. Rather, I asked to examine records within the District's electronic "time and attendance system." Therefore, NAC §284.718(1)(j) is not applicable. And Mr. Rudin knows this! But admitting the truth does not fit Mr. Rudin's narrative. Which is designed to protect his "so called" client. You know. The one which pays his bills.

6. Moreover, I did not ask to examine records evidencing Mr. Kelly's actual "usage or balance of his...annual leave and sick leave." So again, NAC §284.718(1)(j)(3) is not applicable. And again Mr. Rudin knows this!
7. Moreover, what exactly do the words "for the most part" mean? After all, those were the words in Mr. Rudin's response. And where in NAC §284.718 do these words appear? Since the answer is nowhere, use of these words is evidence Mr. Rudin attempts to color his opinion to fit the narrative District staff wish to advance rather than impartially reporting the law. Good job Mr. Rudin!
8. Continuing, Mr. Rudin wrongly cites "additional...resources (which) include: NAC 284.718, NRS 239.001(2) [balancing of interests] and *Donrey of Nevada, Inc. v. Bradshaw*, 798 P.2d 144 (1990); 29 CFR section 825.500(g) [confidentiality regulations under the FMLA]; 29 CFR 1630.14(c)(1) [ADA confidentiality requirements]." Really? Let's examine each.
9. NAC 284.718(2)-(8): I have examined the remainder of NAC 284.718 and nowhere do I find any circumstance related to my records request. Do you Mr. Rudin? Since the answer is "no," none exists.
10. NRS 239.001(2): states that "the provisions of this chapter must be construed liberally to carry out this important purpose." But Mr. Rudin knows that this provision does *not* state that the District's claims of confidentiality shall be construed liberally. Rather, he knows that the public's right to examine public records **shall be construed liberally** to result in disclosure rather than concealment. In other words, the exact *opposite* of Mr. Rudin's alleged legal justification.
11. *Donrey of Nevada, Inc. v. Bradshaw*, 798 P.2d 144 (1990): Donrey and Reno Newspapers sought examination of an individual's "record of criminal history" aka police investigative report allegedly intended by the legislature to be confidential under NRS Chapter 179A. I say "allegedly" because the Court expressly found that "NRS 179A.070 does *not* expressly declare criminal investigative reports to be confidential." So the Court was asked to "determine to what extent the(se records we)re disclosable under NRS 239.010." So here are some important distinctions between *Donrey* and my case.
12. First, my request had nothing to do with Mr. Kelly's alleged criminal history. Second, according to the District, there *is* an express regulation which allegedly declares that certain aspects of an employee's employment history is confidential (NAC 284.718). So there's no need, as there was in *Donrey*, to "balanc(e)...the interests involved" (i.e., alleged confidentiality versus the public's right to know). Finally, because there was no "privacy or law enforcement policy justifications for nondisclosure (compared to) the general policy in favor of open government" in *Donrey*, the Court ordered the entire police investigative report in question produced for requesters' examination. So why is Mr. Rudin pointing to the *Donrey* as authority for the District's refusal to provide the non-confidential records requested?
13. Finally, assuming *arguendo*, a court would be required to balance the District's interests in alleged confidentiality versus the public's right to know, as the District suggests, NRS 239.001(3) instructs that "any exemption, exception or balancing of interests which limits or restricts access to public books and records by members of the public *must be construed narrowly*." In other words, "the provisions of... chapter (NRS 239) must be construed liberally to carry out this important purpose" [see NRS 239.001(2)]. But since this reality is contrary to Mr. Rudin's attempt, why rely upon it?
14. 29 CFR 825.500(g) [confidentiality regulations under the federal Family and Medical Leave Act ("FMLA")]: states that "records and documents relating to certifications, recertifications or medical histories of employees or employees' family members, created for purposes of FMLA, shall be maintained as confidential medical records in separate files/records from the usual personnel files." But my request has nothing to do with the FMLA. Moreover, I did not request records and documents pertaining to Mr. Kelly's "certifications, recertifications or medical histories...created for purposes of FMLA." In other words, this regulation has no application whatsoever to my request. And it has no application whatsoever to Mr. Kelly's vacation leave. And Mr. Rudin knows this. So why cite it as authority for confidentiality?
15. 29 CFR 1630.14(c)(1) [ADA confidentiality requirements]: states that "medical examination... information...regarding the medical condition or history of an... employee shall be...treated as a

confidential medical record." But my request had nothing to do with Mr. Kelly's medical condition or history. In other words, this regulation has no application whatsoever to my request. And Mr. Rudin knows this. So why cite it as authority for confidentiality

16. One final point to grant District staff every possibility to comply with the law. And that's NRS 239.010(3) which prevents the District from having denied my request because it allegedly includes confidential information where it "can redact, delete, conceal or separate...the confidential information from the information included in the public book or record that is not otherwise confidential." Assuming *arguendo* my request sought "review of time off requests/approvals, and usage of time off balances between 7/1/22 and 2/17/24" as Mr. Rudin intentionally mis-states, and the "usage of time off balances" is in fact confidential, the District could and can easily "redact...conceal or separate...the confidential information from the information included in the public book or record that is not otherwise confidential," and provide the remainder for my examination. Yet here the District has refused to do what the law instructs it is required to do. And why Mr. Rudin?

You see that your dirty staff and their accommodator Mr. Rudin, are doing everything in their power to hide the truth from the public. And that truth is that they and their colleagues are crooks. Mr. Kelly has been pulling this stunt for the last two years or more. And unless he took vacation time, he cheated the public. You can call it what you want. But I call it embezzlement. And all local parcel owners are paying for it with their Rec Fees.

And guess who turned a blind eye to Mr. Kelly's departure from his IVGID job during the IVGID work day? His dirty superior(s) Sheila Leijon and/or Pandora Bahlman. You as a BOT already know about Ms. Leijon's lack of cleanliness. And I'm going to get to Ms. Bahlman in a moment (see below).

So what's the fix?

Me arguing all of this with Ms. White or Mr. Rudin is a waste of time. Does anyone really think these arguments are going to result in staff's disclosure of the truth insofar as Mr. Kelly's time off of work from the District? Since the answer is "no," you need to agendize a matter to investigate into Mr. Kelly's departure from his District work during the IVGID workday. And his superior's alleged blind eye to this cheating of the public. And that means you drag them into a public meeting, with Erin Feore, to share the truth with the Board and the public. And you need to examine Tim Kelly and Pandora Bahlman, under oath, to get to the truth. Because the public needs to know that these employees are not crooks. Or maybe that's exactly what they are? And then the public needs to know this as well. After all, NRS 318.180 instructs that you the BOT are responsible for hiring and retaining District employees. And NRS 318.185 instructs that you the BOT are responsible for prescribing their duties, and fixing their compensation (including vacation time). And NRS 318.210 instructs that you the BOT have the power to terminate the District's employees - powers necessary or incidental to or implied from the specific powers granted in this chapter (i.e., the power to hire). You BOT members need to **do your jobs!**

Now let's get to Ms. Bahlman. Well Ms. Bahlman and her husband contributed to the recall of Trustees Schmitz and Dent. Although not unlawful, I and others I know find it improper and unethical for employees of the District to be getting directly involved in political matters such as these affecting their bosses. Because at the very least this behavior demonstrates they do not exercise 100% loyalty to the District.

I have been informed that apparently Ms. Bahlman brought one or more recall petitions to her work place (the Rec Center) so she could lobby her fellow employees to sign that petition. And then apparently she pressured her co-workers to sign that petition. During the IVGID work day and at the IVGID work place. In other words, using public facilities to campaign for what she was working to be a ballot measure. And I have been informed this information has been shared with Mr. Bandelin. And Trustee Schmitz. And yet who is getting to the truth to protect the public?

Don't believe me? Drag Ms. Bahlman into a public meeting, along with Mr. Kelly, and you BOT members conduct an examination **in public. To get to the truth.**

Don't you BOT members get it? We DON'T need employees like these. And since staff is losing \$1 million or more annually on expenses assigned to the Rec Center, I just identified two sources to instantly lower our losses. So why wouldn't you do what needs to be done?

Either the BOT instructs staff to turn over the electronic records I have requested involving Mr. Kelly, or you are forcing the public to file expensive and unnecessary litigation to get to the truth. So which is it going to be?

Respectfully submitted, Aaron Katz

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

From: Heidi White <hhw@ivgid.org>

Sent: Mar 4, 2024 5:02 PM

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

Cc: Info IVGID <info@ivgid.org>

Subject: RE: [Document Released] Incline Village GID, NV public records request #24-34

Good Afternoon Mr. Katz,

Thank you again for your patience regarding public records request 24-034.

Please note: The rate that employees earn vacation and sick leave is public information because it is part of compensation, but the usage of annual and sick leave is protected information. Per NAC 284.718, NRS 239.001(2) [balancing of interests] and *Donrey of Nevada, Inc. v. Bradshaw*, 798 P.2d 144 (1990); 29 CFR section 825.500(g) [confidentiality regulations under the FMLA]; 29 CFR 1630.14(c) (1) [ADA confidentiality requirements].

There are no non-confidential records responsive to your request.

I have attached the documents released in Next-Request System as provided by Staff.

Respectfully,

Heidi H. White
District Clerk

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



Email: info@ivgid.org

Office: (775)832-1268

Cell: (775)558-9500

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

Sent: Monday, March 4, 2024 3:21 PM

To: Heidi White <hhw@ivgid.org>

Cc: Info IVGID <info@ivgid.org>

Subject: Fw: [Document Released] Incline Village GID, NV public records request #24-34

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

You may think this is a great public records response system. I think it's garbage.

What does "all eligible records responsive to this request have been released to the next request system" mean? What is "the next request system?"

How about just here are your records.

Aaron Katz

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

From: <ivgid_24-34-requester-notes@inbound.nextrequest.com>

Sent: Mar 4, 2024 2:55 PM

To: <s4s@ix.netcom.com>

Subject: [Document Released] Incline Village GID, NV public records request #24-34

-- 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 #24-34 along with the following message:

Thank you for your request. All eligible records responsive to this request have been released to the next request system.

- [EFeore to AKatz - 2.18.24.pdf](#)
- [TKelly - Accrual Rates for Time Off.pdf](#)
- [Additional Information to PRR 24-34.pdf](#)

[View Request 24-34](https://ivgid.nextrequest.com/requests/24-34)
<https://ivgid.nextrequest.com/requests/24-34>

Document links are valid for one month. After April 4, you will need to sign in to view the document(s).



POWERED BY CIVICPLUS

Questions about your request? Reply to this email or sign in to contact staff at Incline Village GID, NV .
Technical support: See our [help page](#)

EXHIBIT "B"

Erin Feore

From: Erin Feore
Sent: Sunday, February 18, 2024 10:40 AM
To: 's4s@ix.netcom.com'
Cc: Mike L. Bandelin
Subject: RE: From Aaron Katz

Hello Mr. Katz,

Some of the information I can share with you...the other I'd have to confirm with the GM and/or Legal as to what has to be reported via PRR and/or what's permissible to provide. I'll reach out today to ask.

In the meantime, I *can* share with you how staff requests vacation (or non-medically related) time off. Typically, when an employee wants to take a vacation day off for pre-planned time off that's not related to medical/illness issues, they would first ask their manager if the time is approved. If verbally approved, the employee would be required to submit their request via the electronic time and attendance system. Prior to payroll processing, the manager will electronically approve the time off and the hours are then recorded via payroll as vacation time taken. There are rare instances when vacation time is approved after the fact; most involve sudden and personal emergencies that aren't medically related.

For Mr. Kelly, Shelia Leijon would be his primary approver, with Pandora Bahlman approving in her absence.

Again, I will speak with GM/legal as to what, if any, additional information can be released re: Mr. Kelly's time off and/or if it must be recorded via PRR.

Thank you,

Erin Feore

Director of Human Resources
Incline Village General Improvement District
893 Southwood Blvd.
Incline Village, NV 89451
Office: 775-832-1202

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

From: s4s@ix.netcom.com <s4s@ix.netcom.com>
Sent: Saturday, February 17, 2024 2:42 PM
To: Erin Feore <ekf@ivgid.org>
Subject: From Aaron Katz

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

Hello Erin -

I'm hoping you can help me out with some staff behavior rather than forcing me to go through the formal public records disclosure route. I ask for this help because I don't want to wrongly accuse one of your District colleagues for doing anything improper without evidence.

Here my question pertains to Tim Kelly.

I have been informed Mr. Kelly took off IVGID work this last Thursday and Friday. My question is whether he claimed these days off as vacation days? Or sick days? And if so, how would one of the District's employees go about claiming the same? Would he/she have to secure his/her immediate supervisor's (and who would that be for Mr. Kelly? Pandora Bahlman?) advance consent in order to take vacation time? If it were sick leave, would there have to be evidence of some writing evidencing the absence? And if so, what would that writing be called? And does it exist here?

If consent to take vacation time is required, would that consent be evidenced by some writing and if so, what is the writing called? And does such a writing exist for Mr. Kelly's absence from the IVGID work place?

Thank you for your cooperation. Aaron Katz

EXHIBIT "C"

Answers to Mr. Katz' PRR 24-34

There is no physical form an employee completes to formally request time off; rather, the request is submitted electronically through the District's time and attendance system. Further, the time requested is either approved or denied by the employee's manager.

Exception: When time off is required following an approved FMLA or ADA designation, that time is neither requested by the employee nor approved by his/her manager. Rather, that time is entered and managed by Human Resources to ensure full compliance with each of the regulations.

In response to Mr. Katz' request for review of time off requests/approvals, and usage of time off balances between 7/1/22 and 2/17/24, he has requested records and information that are otherwise protected under Nevada Administrative Code section 284.718(1)(j), which states that information in a government employee's personnel record is, for the most part, confidential. This includes, among other things, "the employee's usage or balance of his or her annual leave and sick leave." (NAC § 284.718(1)(j)(3).) As such, those records are not eligible for release. Additional cited resources include: NAC 284.718, NRS 239.001(2) [balancing of interests] and *Donrey of Nevada, Inc. v. Bradshaw*, 798 P.2d 144 (1990); 29 CFR section 825.500(g) [confidentiality regulations under the FMLA]; 29 CFR 1630.14(c)(1) [ADA confidentiality requirements].

Mick Homan - Incline Resident

I am reading a letter from Michelle Jezycki, another Incline Resident.

Michelle's on a plane right now so couldn't speak in person.

Michelle was raised in Incline Village and had a very successful career in the HR profession, most recently as the head of HR for the US Senate.

So she has impeccable credentials, particularly related to the subject matter of her letter.

Dear IVGID Board of Trustees,

I am writing to express my deep concerns regarding the proposed contract to hire Mr. Magee as our next General Manager. After careful consideration of the terms and the candidate's qualifications as presented, I believe this decision is not in the best interest of our community for several reasons.

Offering a full-time position to someone whose experience does not fully align with the General Manager's role seems misguided. The job's complexities demand a candidate with a solid track record in similar capacities.

Additionally, Mr. Magee's residency in Southern California and the proposal of a full-time contract raise questions about fiscal responsibility and the efficient use of district resources. It is crucial for leadership roles to be filled by individuals whose skills meet the community's needs, including residing nearby to address our concerns directly. Otherwise, what comes next? The creation of an assistant GM to fill the void created by the GM not living in the area?

Again, fiscally irresponsible. Let's get this right from the beginning, while we still have the chance.

Mr. Magee's financial acumen has been beneficial as Interim Finance Director. However, his lack of experience in a GM role poses risks to IVGID's operational effectiveness and financial health. Committing to a two-year contract at this juncture, especially with a new board incoming, seems premature, reckless, and irresponsible.

Considering the critical nature of the GM position and the reported challenges in finding qualified candidates, a more cautious approach is warranted. Extending Mr. Magee an interim GM role would allow us to evaluate his performance without the financial burden of a long-term commitment.

This approach would be fair to both Mr. Magee and the community, providing flexibility to affirm his suitability for the role or to conduct a more thorough search if needed.

Therefore, I urge the Board to consider an interim period for Mr. Magee.

This decision would demonstrate fiscal prudence, allowing the necessary time to assess his impact as GM.

If successful, we will benefit from his leadership without premature commitment. If not, we can seek a candidate with the necessary experience and vision for IVGID's future.

Thank you.

Michelle Jezycki