

MINUTES

REGULAR MEETING OF JANUARY 11, 2023

Incline Village General Improvement District

The regular meeting of the Board of Trustees of the Incline Village General Improvement District was called to order by Board Vice Chairman Matthew Dent on Wednesday, January 11, 2023 at 6:00 p.m. at the Boardroom, 893 Southwood Boulevard, Incline Village, Nevada.

A. PLEDGE OF ALLEGIANCE*

The pledge of allegiance was recited.

B. ROLL CALL OF TRUSTEES*

On roll call, present were Trustees Raymond Tulloch, Matthew Dent, David Noble and Sara Schmitz. Trustee Michaela Tonking did join the meeting at 6:38 p.m.

Members of Staff present were Director of Public Works Brad Underwood and Director of Finance Paul Navazio. Members of the public physically present were Chris Nolet, Judith Miller, Aaron Katz, Diane Becker, Michael Abel, Jack Dalton, Frank Wright and others.

C. INITIAL PUBLIC COMMENTS*

Chris Nolet commented that it is a fantastic view from where he is sitting to see the slate of Trustees; he noted that Trustee Tonking is absent but he is saying it for her as well. He continued that it is an exciting day for Incline Village and turning a page with a chance to do things differently with far more transparency than they have benefited from in the past. He commented God speed to each of the Trustees. He stated that the Audit Committee section of the agenda indicates that Trustee Wong's position is being extended through February 23, 2023 as a Trustee and he thinks she should be At-Large.

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

Aaron Katz provided written statements to be attached to the meeting minutes. He asked where Mr. Callicrate is; he emailed him when he was still the Chair and he said he would be involved, attend the meetings, give public comment and exercise his first amendment. He asked where he is and commented he does not see him and that he is just like all the other jokers; the minute they are off the Board, they lose interest in the community even though they have been saying how interested they are. He commented that he has written to the Board of Trustees about a couple of recommendations for the public and asked that public comment be

restored before each General Business item in addition to the beginning and end of the meeting so that there is sufficient time for the public to give input on these important matters. He continued by asking if the meetings could be held at the Chateau again and commented that he does not know why the community has the Chateau; it is certainly not to subsidize use by takers in the community. He continued that he thought it was the community's place for their meetings and asked that the meetings be returned there. He commented that he wants to talk about an email that he sent today that dealt with Kevin Lyons and his Flashvote proposal, which he is against because it is being paid for by the Recreation Fee. He continued that the District budgets to overspend in all of the funds, asked where the money comes from to subsidize the overspending, and commented that at the end of the day, it is the Recreation Fee and Beach Fee. He commented that he is told that these fees are for the availability of recreation and the beaches, when they are really not; they are for the availability of people like Kevin Lyons who can get paid \$9,900.00 to do a couple of surveys and Staff training; that's not the purpose of the Recreation Fee. He continued that then they are going to tell him there is no money to pay for it and stated that is great and not to do it then. He commented that it is not just Kevin Lyons; he suggested looking at every expenditure and ask what it has to do with the Recreation Fee because when it has nothing to do with it, kill it or get Staff to start reducing expenses.

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

Michael Abel (on behalf of Cliff Dobler) read from a prepared statement, which is attached hereto.

Jack Dalton commented that he wants to reiterate what Ms. Becker said; he thinks it is very important that the Board of Trustees and designated people look at what the Washoe County Commissioners are doing. He referred to the 947 Tahoe parcel and TRPA and stated what they want to do with the reconnection is unfortunate and should not happen. He continued that this was only one year ago, and there is nobody here, not only the people that do not work here, but the people that live here had to leave. He commented that unfortunately the Board and Washoe County Commissioners made the decision about the old elementary school, which would have been a nice site, but that did not happen. He commented that after each one of the agenda items, there should be community input; he is not saying 5 or 15 minutes is needed, but maybe 1 or 2 minutes. He commented that when he found out about the water issues in Incline Village, a friend of his had sent him an email asking if he had heard anything about it. He continued that he responded that he had not heard anything; he then commented about IVGID handing out door hangers and stated that is not a very good way of communicating. He commented that the issue is that this is a real public health issue and IVGID

should have been involved; the response was unfortunate that they did not have better advice. He continued that he knows somebody that had e-coli; unless they do the genomic profile, it may just be risk factors, but people die from e-coli. He commented that he spoke with someone today and they said IVGID water is chlorinated and referred to a chlorine smell test; the response from IVGID initially and on December 14 is inadequate and dangerous.

Frank Wright commented that a new day has just landed and launched in Incline Village; he was listening to another person speak and noticed the silent majority have disappeared and most of them were recruited. He continued that the roldex buffoon's were recruited by Management and were sent here to tell us how many years they have lived here, how wonderful this place is, how excellent all the amenities are and how wonderful the District General Manager is. He commented that after a while, you notice that these guys did not come in on their own, they were brought in, and they are not here tonight. He continued that in the next couple of years, there will be some great changes; there are intelligent people on this Board of Trustees, who understand finances and understand that this place is for the people who live here and pay the Recreation Fee. He continued that this place is not for people who live in Reno; overpaid and compensated employees. He commented it is for the people who live here; the money that funds this place comes from the people who pay the parcel fee who have made this their home and who have been taken over by a bunch of people who really did not know what they are doing. He continued that they have run the bills up and the Board of Trustees is going to have to figure out the budget to solve all the problems that these people have caused. He commented that some of these people are still here and they are probably plotting the next two years on how to get rid of you people who are talented and get the people back on the Board of Trustees who have no talent, that listen to everything that is told to them and make decisions based on what Management tells them to do. He continued that this has been going on way too long and he has been screaming way too long that this has been going on. He welcomed the new Board of Trustees and commented that he hopes Trustee Noble understands what is taking place, what has taken place and that he becomes a productive member of the group because he can. He continued that he listened to Trustee Noble at the last meeting and he raised excellent points; he thinks he is engaged and can make a real positive force in the community. He commented that he hope he does not fall into what has been going on and that he works with the Trustees in a positive way and a new way; it has been 12-14 years that he has been screaming bloody murder about what was going on. He continued that now it will be fixed and he will probably disappear, as he does not have to be present anymore.

D. APPROVAL OF AGENDA (for possible action)

Vice Chairman Matthew Dent asked for any changes to the agenda; there were none and Vice Chairman Matthew Dent indicated the agenda is approved as submitted.

E. REPORTS TO THE BOARD*

E.1. District General Manager's Report

District General Manager Winquest congratulated and welcomed Trustees Noble and Tulloch and stated he looks forward to working with them. He mentioned that Robert Olmer, a 30+ year resident of the community, passed recently. He was a very active member of the community and had extensive experience in both hospitality and ski resort management; he was also a Diamond Peak Ski Instructor for 2 years and was selected by the previous District General Manager to be on the steering committee for Diamond Peak. He stated that this is sad news but he wanted to highlight everything he has done for the community. He mentioned that he spoke to the General Manager of the Hyatt and learned that they were not able to procure their permitting from TRPA for the first phase of their project, so the first phase will not begin until the spring of 2024; he will continue to communicate with him and pass along any updates as he receives them. He mentioned that he reported on the water issue at the last meeting and then provided a recap of what was shared at the last meeting. District General Manager Winquest reviewed the submitted report. Trustee Tulloch referenced the new dog park and the comment about doing a community survey and asked if the Flashvote services would be used for the survey if that item were approved. District General Manager Winquest stated that the current plan would be to use the internal software, which is the same survey software that was used for Ordinance 7, which worked out very well. He continued that if the Board of Trustees would like to use Flashvote for this survey, Staff would take that direction. He stated he does not think it is necessary and Staff is well versed on how to manage the internal software and survey. Trustee Tulloch stated it would add consistency to use Flashvote. Trustee Tulloch referenced construction contract review and the CMAR contract being sent to Granite Construction for the design build contract and noted that he does not recall that being approved by the Board of Trustees. Director of Public Works Brad Underwood responded that Staff has a draft from the outside attorney that has been sent to Granite Construction for their review before it is brought to the Board of Trustees for review and approval. Trustee Tulloch stated he knows it has been a good snow year but when he looks at the numbers for

Diamond Peak, it is down about 45% and stated that all of the operation costs are going up; he asked if Staff is expecting a shortfall in the budget. Diamond Peak Ski Resort General Manager Mike Bandelin stated not at this particular time; there are still quite a few days of operation left. He continued that the numbers were down as reported, due to the weather in the Bay Area, where most of the clients come from; he has a strong confidence that the shortfall will be made up with in visits and he can come back to the Board of Trustees with a financial report update. Trustee Tulloch referenced financial transparency and noted he went to the IVGID website and looked at OpenGov; he saw that the last numbers posted were for 2021-2022 and asked for an update on current financials. District General Manager Winquest stated that Staff is engaged with OpenGov and most of this has to do with the switch over to Tyler. He continued the version of OpenGov needs to be upgraded to accommodate the integration; Staff is doing everything they can to get this remedied so that everything on the website can be updated. Director of Finance Paul Navazio explained that Staff is wrapping up the December closing reports and expect to be caught up next week with posting the completed monthly reports, which is through December. He continued that Staff is meeting with OpenGov tomorrow to finalize some of the scope of work issues and stated that what was supposed to be a minor transition, from Enterprise to Tyler, is turning into a full reintegration of the OpenGov platform for Tyler. He stated that Staff will have the monthly reports on the website next week, and as they progress with OpenGov, they will provide updates. Trustee Tulloch asked if reports against budget could be posted to the website in the meantime. Director of Finance Navazio stated yes and explained that the part of OpenGov that will be lagging is the real time daily update of line item details; it will be in summary form of budget to actual for all funds, accounts and venues. Trustee Tulloch asked if Staff could also get caught up on posting weekly bill pays, etc. Director of Finance Navazio stated yes. Trustee Schmitz referenced the financial transparency and stated her understanding was that OpenGov provided the ability to see the line item detail and noted that the monthly reports do not include the line item detail. She asked that the line item budget be posted on the website because the Trustees do not have any line item information and it is not available. She continued that if this could be posted, it would be helpful. Director of Finance Navazio clarified that the line item budget is on the website and the budget to actual activity is not. Trustee Schmitz stated that she could not find it and if it is on the website, to make sure that the Trustees know where it is. Director of Finance Navazio stated he believes it is with the adopted budget information but he will double check. Trustee Schmitz stated there are some items that are still not posted on the website such as the ACFR, debt management reports, bill pay, etc. and suggested making

sure that the pages on financial transparency are updated on the website as much of the information is outdated. Trustee Schmitz asked if there is an estimated date of when the RFID will be implemented? Diamond Peak Ski Resort General Manager Bandelin responded that he is happy to report that yesterday and today, the access technicians were onsite putting together the printers and peripheral equipment, as well as outside connections in the power data boxes. He continued that they are now okay to move forward with test mode; once all peripheral equipment has been installed, they will go into product building and then start testing the media to ensure that all products are tested and work the way they are designed. He stated that he would be able to provide some feedback to the Board of Trustees within the next week or so with an actual launch date; there are currently over 7,500 passes for both non-resident and picture pass holders that Staff will build and make an attempt of delivering those passes to the community. He continued they would move forward with the launch of people purchasing on the calendar for future dates; a lot of work has been completed over the past 2 days with the access technicians. Trustee Schmitz referenced the public records requests and stated she wants to make sure the intent was to have everything that was outstanding; she is unsure if this is everything that is outstanding because it is labeled requests from a certain date. District General Manager Winqest stated there has been several that were open ended and there were some requests that have come in after the report was published but outside of that, the requests have been fulfilled. Trustee Schmitz stated that the heading in the District General Manager's report says purchase orders and asked if it is both purchase orders and contracts. District General Manager Winqest responded that it is purchase orders that come to his queue that he is responsible for approving within his spending authority. Trustee Schmitz referenced "the status of converted" and asked if that is regarding Tyler? Director of Finance Navazio responded with yes; he explained the converted terminology and what the new process will be in Tyler for purchase orders. Trustee Schmitz stated that some of the findings with Davis Farr indicated that purchase orders were being approved for an amount higher than the contract value, so this would be something to keep an eye on to ensure it is not a number that is different than the approved contract. Director of Finance Navazio agreed and noted that Tyler does not make a distinction between purchase orders and contracts so there is a comprehensive list as contracts come through. Trustee Schmitz referenced the Ponderosa Athletics and stated she does not understand what is happening and what the plan is. District General Manager Winqest responded that it has been some time since he has brought this up; he stated that Mr. Duffield and his family and the Ponderosa Athletics started the process 3 years ago as far as the permitting with TRPA. He continued that

they are building a facility for advanced gymnastics; the facility was initially intended to bridge the gap until the facility that was going to be built opened up at the current Recreation Center site. He stated that due to some of the permitting restrictions with TRPA and the allowances, they are only able to operate the facility certain days and times of the week because it is in the area of the shore pathway, parking concerns, traffic, etc. He continued that the goal would be to bring an agreement back to the Board of Trustees that would bring the existing advance gymnastic program from the Recreation Center over to that facility which includes 14-16 children. He noted that there is a maximum amount of individuals allowed onsite at one time per the permit, and by bringing that program out of the Recreation Center and over to that facility, assuming that there will be a joint use agreement, will free up some time for other programs and/or allow members to be able to use the gymnasium. He continued that Staff believes it will alleviate some congestion and lack of availability and is signaling to the Board of Trustees that Staff is working with Ponderosa Athletics; specifically with Mr. Dugdale. Trustee Tulloch asked if there is a cost associated with renting the space. District General Manager Winqest stated that Ponderosa Athletics has indicated the District Staff would manage the program and there would be no other costs; it would be a turnkey facility set up for advance gymnastics that the program could be transferred over to. Trustee Tulloch inquired about liability issues and asked who is carrying the insurance. District General Manager Winqest responded that there is insurance in place for all of the programming but this is one thing that Staff is looking at as far as bringing the program to another facility.

E.2. Treasurer's Report (Requesting Trustee: Treasurer Michaela Tonking)

Treasurer Michaela Tonking reported that there has not been an Audit Committee meeting. She extended the same offer as Director of Finance Navazio provided as far as people who want to learn more about Tyler Technology and how it works.

E.3. LSC Traffic Study at the IVGID Beaches – A brief presentation to the Board of Trustees regarding the study of ingress/egress at the beaches by Director of Public Works Brad Underwood and LSC Staff

Director of Public Works Brad Underwood introduced District Principal Engineer Hudson Klein, whom provided a brief introduction of himself and proceeded to introduce Gordon Shaw with LSC Transportation Consultants,

Inc. Mr. Shaw provided a presentation regarding the study of ingress/egress at the beaches. Trustee Noble referenced the issue of back-up with vehicles accessing the beaches and asked if there was an idea how many vehicles are being turned away; he stated he is guessing it would be expensive to re-engineer and have dedicated turn lanes and suggested that the backups could be reduced by having signage and prevent people from getting in line. He continued that in his experience, those are the people that sometimes take the longest because they are arguing and don't understand why they can't access it and they are confused; he stated if this could be prevented with some signage, it might be cheaper and something to try first before going down the road with the dedicated turn lanes. Mr. Shaw stated that the percentage of cars being turned away at Ski Beach is 31%, Incline Beach is 29% and Burnt Cedar is 27%. He stated that the time it takes to tell someone they cannot come in and send them away is shorter than the time it takes for the people who are being allowed in. He continued that most of the activity of people being turned away comes from the East, which is why there is a sign out on NV-SR-28. He stated that perhaps more could be done with this but he suspects that there would still be a substantial number of people who think it does not apply to them. He noted that there is about 70% of people who are legitimately trying to come into the beaches and the need to be accommodated. Trustee Tulloch stated he agrees with Trustee Noble, as someone whom visits Incline Beach 4-5 times per week during the summer; it's the people that don't have access that take up far more time at the gate. He continued that he does not know whether to believe the numbers shown or his own eyes; he prefers to go with his own eyes. He referenced the survey responses and mentioned there was over 100,000 beach visits per year but there was only 184 responses to the online survey and 228 responses in person; he stated this does not seem like much of a sample. Mr. Shaw stated that their rule of thumb is if they can get to 200 survey responses, no matter the size of the universe that you are sampling, you are plus or minus 5% on the response rate. He continued that he feels that the survey is adequate for the purpose of what people's perception is of the conditions, and in terms of the engineering, they are focusing on the counts that they have seen. Trustee Tonking asked if they aim to obtain a percentage of residents to respond to the survey. Mr. Shaw stated that they were limited with how much time was put into doing the survey and mentioned there was a robust effort to get the word out asking people to take the survey. He continued that the purpose is to try to identify where people see the biggest issues and address those issues; it was discovered that they see this to be a serious issue and it warrants the improvements that were identified. Trustee Tonking stated that she thinks the improvement recommendations were well thought out and go along with what she has

seen with her own experience. She asked if there were intensive conversations with Staff who spend a lot of time witnessing this happening on their day to day. Mr. Shaw responded with yes, there were 3 different meetings over the course of the study and they walked all of the sites. He continued that Staff is on top of things; there was good insight on how things work now and how these improvements can improve their job and ability to do their job. Trustee Noble stated that when the Board of Trustees gets to the discussion of automated versus non-automated access, and considering the costs and cost benefits involved, the Trustees might want to consider picking a beach such as Incline Beach to concentrate everyone there. He continued that in the wintertime, he sees almost nobody accessing Burnt Cedar Beach for any type of activities and most of the activities that they could do, could be done at Incline Beach, and perhaps if Burnt Cedar is closed for the season, it may help reduce the cost if they go down the automated access route. He stated he is not taking a position one way or another on whether he thinks it is a good or bad thing at this point, but wanted to put this out there to think about as the Board of Trustees move forward. Trustee Schmitz stated she agrees that the first step is signage, to reduce the 30% and to reduce the traffic that is backing up. She continued that it is creative to think about Burnt Cedar but the residents that live near Burnt Cedar might want to have a walk-in gate and perhaps there could be a card reader for a walk-in gate that would allow residents to access it. She stated that she feels there needs to be control in the off-season because she is there a lot during the off-season and she saw a great deal of holiday festivities there by non-residents; the beach deed needs to be protected. She clarified that Ski Beach does need access in the wintertime, at least through a pedestrian gate because that is still the winter dog park right now. She stated that the thing that is most concerning to her is the reconfigurations that have crosswalks being used as a queue; there are queues every day at the beaches and Staff does a good job of trying to separate the traffic from the human beings but to change this configuration and do it with a cross walk and have people queuing up across the exit lane is not a safety enhancement. She continued that there is more work to be done to identify a method of better separation of the pedestrian access and vehicle access to keep vehicles flowing at the same time there are pedestrians coming in safely, and not interfering with cars coming in or going out. Trustee Tulloch stated he gets concerned when he sees something about a RFID gate and noted that a lot of time has been spent trying to reduce the unauthorized access and as soon as you go to an RFID gate, there will be the opportunity to use anyone's card. He continued that you would have to go to a turn style that only allows one person in and at time. He suggested not to improve access like that by overcrowding the beaches.

Vice Chairman Dent stated that all of the ideas mentioned today are a good step in the right direction; the beaches are currently open during the shoulder season and he loves the idea of having restricted access and going the technology route further allows access restriction at the beaches and allows the residents to use the beaches. He continued that having a combination of the pedestrian access at some beaches and closing the traffic at others is a good way to see if there is a demand there to build upon. Trustee Schmitz asked what the takeaway is and what decision and/or direction are the Trustees giving? Director of Public Works Underwood summarized that it is to look at the RFID access option through the wintertime and start with a signage program; Staff could come back with an enhanced effort on what that might look like and the costs associated. District General Counsel Nelson reminded everyone that this item is a report and not an action item so no action by the Board of Trustees is required; Staff can evaluate the options that were discussed and come back to the Board of Trustees. Trustee Tulloch stated he agrees with Trustee Schmitz and her suggestions with the signage. He stated he does not think a charge can be imposed for non-access but is in favor of doing something to reduce the unauthorized queuing. Director of Public Works Underwood suggested perhaps some kind of changeable message sign would work which may cost more, but would be better than the standard yellow signs on the road. He continued that it would be challenging to find a location with regards to ensuring the adjacent property owner is not affected by having the sign by their property. Vice Chairman Dent stated that in the interim, and since TRPA likely gets to weigh in on this, perhaps it is just a yellow sign so that signage does go up prior to something more expensive and time consuming. Director of Public Works Underwood agreed and stated Staff would have to work with Washoe County as well. Trustee Schmitz referenced the decorative signs at the beaches and she has thought for some years that they should say something additional. She asked her fellow Trustees if she was the only one concerned about the pedestrians coming across the walkway instead of being queued up as they are now? Trustee Noble stated he had the same concern but was not sure how else to address it unless there was a separate kiosk and that does not really work; there is no good answer he can see but it is a concern.

F. CONSENT CALENDAR (for possible action)

F.1. Approve increases to existing purchase orders in Fiscal Year 2022-2023 to cover current and anticipated overall purchases to annual fuel and chemical purchases (Requesting Staff Member: Director of Public Works Brad Underwood)

Trustees Schmitz stated she is assuming that Staff is working on ideas for reducing vehicle miles travelled and trips and that she hopes the District is being aggressive given the gas price increases. She continued that TRPA is always talking about reducing vehicle miles travelled and if the District could report how they have reduced vehicle miles travelled to TRPA, that would be wonderful. Director of Public Works Underwood stated Staff would look into this.

Trustee Schmitz made a motion to approve the Consent Calendar as presented; Trustee Noble seconded the motion. Vice Chairman Dent called the question and the motion passed unanimously.

G. GENERAL BUSINESS (for possible action)

G.1. SUBJECT: Election of Board of Trustees Officers for the 2023 Term – Effective January 11, 2023 - (Reference Policy 3.1.0, paragraph 0.8)

District Clerk Melissa Robertson conducted the election of the Board of Trustees officers for the 2023 term.

Trustee Tulloch nominated Trustee Dent as Chair, Trustee Schmitz as Vice Chair, Trustee Noble as Secretary and Trustee Tulloch as Treasurer. Trustee Schmitz seconded the proposed slate of officers

District Clerk Robertson asked if there were any other nominations or slates, hearing none, nominations were closed and a roll call vote on the slate was taken for the following slate:

Trustee Dent as Chair, Trustee Schmitz as Vice Chair, Trustee Noble as Secretary and Trustee Tulloch as Treasurer.

Trustee Tulloch voted yes, Trustee Dent voted yes, Trustee Noble voted yes, Trustee Schmitz voted yes and Trustee Tonking voted yes. District Clerk Robertson announced that this slate of officers passed unanimously and offered congratulations to the elected officers.

G.2. SUBJECT: Audit Committee Appointment for seat being vacated by Trustee Wong effective December 31, 2022 (the term will expire February 28, 2023) (see meeting minutes of June 29, 2022)

It was noted that Trustee Wong is no longer on the Board; she vacated her Board appointed position on the Audit Committee and there is a need to backfill the Board appointed position. It was also noted that there would be a recruitment to fill the upcoming At-Large position to take over on March 1st. for Trustee Tulloch's At-Large position on the Audit Committee. Trustee Tulloch asked as a Trustee, if he can still be an At-Large Member of the Committee? District General Counsel Nelson responded no, but he is eligible now to be appointed as a Trustee on the Committee.

Trustee Schmitz nominated Trustee Tulloch to fill the Audit Committee position as a Trustee; Trustee Tonking seconded the motion. District Clerk Melissa Robertson called the question and the motion passed unanimously.

G.3. SUBJECT: Receive a project update on the Effluent Pipeline Project, and review, discuss and possibly authorize approval of the project construction phasing plan for the Effluent Pipeline Project, Project: 2524SS1010 – Fund: Utilities; Division: Sewer. (Requesting Staff Member: Director of Public Works Brad Underwood)

Director of Public Works Brad Underwood provided an overview of the submitted materials. Chris Burke from Granite Construction provided a presentation regarding the phasing of the project. Trustee Tulloch mentioned that Granite Construction is hoping to do 3,500 feet and there is a drop-dead date for NDOT and Q&D to get in and do their work; he asked what the contingency is if the 3,500 feet does not get done? Mr. Burke responded that he would discuss the road closure of SR-28 which is one of the contingency plans around schedule recovery and schedule acceleration; this has not been a consideration for season one because of all the other work going on. He continued that the biggest risk is probably weather and noted that often times, they can double crew it from a resource standpoint. Trustee Tulloch asked if there is an alternative of a different cutover point if they are held up? Director of Public Works Underwood stated yes; they intend to watch where they are at and if a cutover is needed, they will do so to meet that date. Trustee Tulloch mentioned there is 2,500 feet shown for the NDOT deviation and he recalls from the 2020 application, it was 500 feet. Director of Public Works Underwood responded when Staff brought this to the Board of Trustees to collaborate with NDOT, it was 1,000 feet and at that time, NDOT did not have their final plans; the information before the Board of Trustees correlates with the plans received from NDOT. Trustee Tulloch asked if NDOT served a new notice for the extended number?

Director of Public Works Underwood stated no, Staff has been collaborating with them since June when the current Staff was handed the letter because they were not aware of it until then. Trustee Tulloch stated there is quite a difference from 500 feet to 2,500 feet. Director of Public Works Underwood stated they are not trying to do any more than what is needed but they are going to try to do the 3,500 feet because Granite Construction is there; as much work they can get into season one, makes sense. Trustee Tulloch referenced the second part of phase one and having 45 days maximum with TRPA and digging season, which is assuming Q&D and NDOT do not overrun their timelines; he asked what the cut off day is? Mr. Burke stated it is a good question and something they will need to put into the contingency plan; Granite Construction has experience with asking TRPA for extensions in the work season and depending on the scope of work, it is often approved. He continued that they do not have that figured out yet and noted that one of the important aspects of this is the ordering of the pipe and how much should be ordered. Trustee Tulloch stated he would like to see the cutover and contingency plan because there is no point in mobilizing and demobilizing for 10-15 days. Director of Public Works mentioned that IVGID has a good relationship with NDOT and has been collaborating and communicating with them. He continued that Staff has met with Q&D as well which is their contractor; they will be in contact with them throughout the summer so there is a vision ahead versus being surprised on September 1 that they are still there. Mr. Burke noted that while they would be taking a break during the heavy tourist season due to traffic concerns, there would be an opportunity to work combined operations there so if they are not done in the latter part of the season, Granite Construction should still be able to do work. Trustee Schmitz stated the reason why work is going to be done on segment 2 is because of a requirement from NDOT; she noted that segment 3 has been identified for many years as the priority and highest risk but this has to be done because of NDOT. She asked if Staff and the vendors are certain that the District cannot do anything and if NDOT is telling Staff and the vendors that it cannot be done due to the traffic situation. She also asked if this will be the end of the NDOT project and if there will be similar situations in subsequent years that just has not popped up yet. Mr. Burke stated that NDOT is not necessarily restricting them but they think it is a prudent plan and noted that NDOT typically has a 20/30 rule where it is 20 minutes stopped and 30 minutes closure. He continued that they recognize there is a lot of other work going on there and ideally, they would do 8,500 feet in a season and they think it is a 4-season project, although they are trying to make it a 3-season project if they can through this process. He stated the fact that they have not impacted the overall duration of the project by doing less is one of the reasons why they think this is opportune

planning and it's not committing to much while taking some of the variables that were asked earlier. Director of Public Works Underwood stated he sees it as a big risk if they are working out there and affecting the NDOT work; their work will take priority because it is their facility so if the District's work affects Q&D's ability to meet the 20/30 rule, he is certain they would shut the project down which would be a bigger risk and a financial risk for the District. He stated that the NDOT construction contract ends this fall for this work; they do have another project to resurface SR 28 but that will be done when the District's work is completed. Trustee Schmitz referenced doing a video of segment 2 and noted that the District has the PICA data, and it showed that the pipe had about 10-20 years. She continued that the Board of Trustees has been hearing that the issues on segment 2 have not been with the pipes but rather with the joints and asked if it is a prudent use of time and money to do the video when so much is known already and suggested perhaps spending the dollars someplace else. Director of Public Underwood stated the joint issues have actually been in segment 3 more so than segment 2 and there has been only one leak in segment 2 that he is aware of since he has been here. He continued that the challenge of getting it fixed is with the welded steel pipe; the crews have become good at fixing the ductile iron pipe in segment 3 so that's been one of the considerations. He stated he thinks it is prudent to video while it is opened up and noted that Staff has a camera to be able to go do that this in-house. He continued that the PICA data does not actually give the view of what is inside the pipe so this would provide another opportunity to assess the pipe condition. Trustee Schmitz asked if this is something that Staff is doing. Director of Public Works Underwood stated Staff may contract out one end because there is limited time to get things hooked back up and noted that it is not a great deal of cost to have a someone come up and spend the day or a few hours to complete the video; he thinks it is worthwhile. Trustee Noble asked when the results of the video would be available? Director of Public Works Underwood responded within the same day and it will be recorded. Trustee Noble asked if it would be brought back to the Board of Trustees? Director of Public Works Underwood stated it would be if needed and Staff will let the Trustees know either way what the results are; it may be in the form of a written report. Trustee Noble asked if there is something that gives Staff pause on the video and that might require revisiting the schedule in future years that it be brought back to the Board of Trustees. Director of Public Works Underwood responded with yes. Chairman Dent referenced discovery and knowing what's actually in the ground while working through phase one and asked what the plan is to go out and pothole certain locations so there is better data to be able to plan better for future phases? Mr. Burke stated this is part of the CMAR process and noted preconstruction work

packages often work really well for this exact thing, especially on underground projects where they're looking to identify those risks. He continued that they have been a big proponent of doing some ground penetrating radar; they could do some potholing, as well, but ground-penetrating radars have proven effective at trying to identify some of that. He stated that is one of the things they are trying to do in preconstruction services, which is in motion; they can potentially have some of that data before they provide a GMP. Chairman Dent stated that the more information they obtain and the quicker it is received, the better future phases can be planned. The presentation continued. Trustee Tulloch mentioned that the pipes went from 21 inches to 16 inches and asked where the 21 inch pipe came from and why it is going down to 16 inches? Director of Public Works Underwood responded that there has not been a change in pipe size; it is a 16 inch inside diameter when you have HDP pipe and it varies based on the pressure. He continued that there is a wall thickness so some of it is that and the outside diameter was 20 to 22 inches. He continued that the biggest change was the methodology that it will take Granite Construction and the production of what it would take to install the HDP pipe. Mr. Burke added that they have to open it up at the end of every week so it is more challenging. There was some additional discussion and the presentation continued. Trustee Tulloch referenced the funding of the first phase of the GMP1A and stated he assumes there are sufficient funds in the pipeline fund at the moment to fund it regardless of the SRF? Director of Public Works Underwood responded with yes, there is about 15 million dollars so it could be completed with those funds but he believes it is prudent to utilize the SRF loan that Staff will be bringing forward to the Board of Trustees.

Trustee Schmitz made a motion to approve Staff's and Granite Construction's recommended phasing. Trustee Noble seconded the motion. Chairman Dent called the question and the motion passed unanimously.

G.4. SUBJECT: Review, discuss and possibly approve a change in Board Policy and Practice for responding to Public Records requests to minimize redactions and to publish all such requests and responses (Requesting Trustee: Trustee Ray Tulloch)

Trustee Tulloch provided an overview of the submitted materials. Trustee Noble stated he likes where Trustee Tulloch is going with this and mentioned that in the 25 years he was at the PUC, he dealt with hundreds if not thousands of public records requests, as well as dealing with it in the General Counsel office. He referenced being the subject of public records requests and having to litigate some of those and noted that anywhere

where the District can provide finality or clarity to streamline the process is fantastic. He stated he has one concern on page 165 with regards to redactions, where it states that redactions would be subject to review and approval by the Board Chair in consultation with General Counsel. He stated that if there were redactions it is most likely dealing with personnel issues and/or attorney client privileged information; he would prefer it be reviewed and approved by the entire Board instead of it being just the Board Chair. He stated he is sure the Chair would do a fantastic job, but he would prefer it to be in consultation with the full Board on something like that. He acknowledged that it might actually increase the time to respond and that's the drawback so perhaps it could be that Counsel does the redactions and if there's a disagreement with the person who receives those, it can be brought to the Board of Trustees at that point so that all that information gets to the requester in time except for the redactions. He continued that if they still require the reasoning for the redactions or information on the redactions, it could be brought to the Board of Trustees who would decide that as a whole. Trustee Tulloch agreed and stated he does not object to that process. Trustee Tonking stated she finds this to be a good step forward and that Trustee Noble addressed one of her concerns with regards to the full Board reviewing and approving redactions. She asked for a point of clarification regarding whether it would be all public records requests or just the ones with redactions. She stated that sometimes people ask for things like emails from the past 10 years and she is wondering how to make sure that the public records are getting out in a timely manner. She continued that she would also like to discuss the cost associated with creating some of the public records because some of them are large asks and she knows that many organizations and governmental entities across the country and especially in Nevada charge for some of those. Trustee Tulloch stated this is something that could be looked into, but he believes the Board of Trustees should abide by the NRS with regards to providing public records. He stated that sometimes it is difficult for the Board of Trustees to decide whether the public records request is just purely spurious and the Board needs to be very careful in deciding which public records requests are a legitimate and which ones are not legitimate and need to work within the statute when it comes to that. He stated that deciding whether to charge is a slightly different issue and he thinks that the Board of Trustees needs to be careful not to overburden the public with huge charges. He continued that he has seen recent examples at other governmental organizations where they are trying to impose super huge charges to try to avoid having people submit requests, which have been overturned on appeal. Trustee Tonking stated she thinks the key is to ensure the public records requests are going out in a timely manner so perhaps they go out with a redacted version and the Board of

Trustees could review the redaction to determine if there is a need to remove it. She continued that NRS has a good code regarding charging for these requests; the Department of Education does this and she pays for them all of the time and it's not an extraordinary fee and it is just because she is asking for something that does not already exist. She stated that record requests are met in affordable manner and it is affordable to all people in the State, no matter the social economic status. Trustee Schmitz referenced the motion in 1.2 and the ending of this where it says "there is an agreed and overriding statutory legal reason" and stated she thinks it can be simplified and say "the Board shall agree that all legitimate public records shall be responded to within the statutory time frames in full and without redactions other than where the Board authorizes redaction". Trustee Noble stated he has a concern that if General Counsel believes that there should be a reduction, it needs to be agendaized and come to the Board of Trustees and that's going to be a delay in getting the rest of the information to the person making the request; whereas if everything that isn't redacted goes to the person immediately and anything that General Counsel believes should be redacted, then that itself would come before the Board of Trustees. Trustee Schmitz stated she is saying that it is the Board's decision and privilege; she is not getting into the process more than she is just being clear that this is the Board's decision. She noted that if the process is exactly what Trustee Noble described, that is completely acceptable. Trustee Noble referenced streamlining the process and ensuring that what IVGID has responded to is what the person wants and mentioned that for executive agencies in Nevada, there is a form that department administration provides; he thinks it is a fantastic template that people could be directed to for them to fill out. He continued that it could prevent something getting lost versus receiving a lengthy email; this is a CYA and the form impresses upon the requester that they are asking for public record, not a public explanation. He continued that if they want an explanation, they can contact a Trustee and they can work to get the information. He stated that a form was used at the PUC as an executive agency and when the requests come in, Staff can direct the requester to the form and people will figure out quickly. He referenced NRS 239.052 which allows government agencies to charge a reasonable fee and this does not mean actual costs; he found that this puts a little bit of a hurdle so somebody is not just flippant about throwing stuff out there. He stated he looked at Washoe County, the PUC, etc. and they are all over the board with charges; he saw some that were \$0.50/per page and stated that is ridiculous. He explained what charges he has seen and noted that much of it these days is electronically anyways. He added that most of the time agencies do not charge for the time it takes to create because that is a service that is already provided; however, it is not necessarily a service that

should be provided free. He continued that if there is an extraordinary request, that might take 10, 20, 30 hours, perhaps there is a benchmark of dollars per hour on that and mentioned that Washoe County is a perfect example as they have gone through that. He stated if it is an extraordinary request and it is going to be over \$25, you have to alert the person of the estimate and ask if they still want to move forward; they might fine-tune their request. He stated it is a slippery slope and but he thinks some sort of fee schedule is needed to acknowledge that it is something that does take time and effort and money to produce as a service to the community. District General Counsel Nelson stated there is flexibility to talk generally about costs but no action can be taken on this and clarified that the focus of this agenda item is on redactions. Trustee Tulloch stated he likes Trustee Noble's suggestion and stated he has talked about having a searchable facility on the website so the responses can be seen; he stated that could be tied to the standard template so people can submit in the standard template from the website. Trustee Schmitz stated she concurs and was going to suggest that the public records process be added to the long-range calendar, as the discussion has been good. District General Manager Winquest stated creating a page on the website and loading a public records requests is not a huge ask; he stated the form could be emailed to the requester and they could submit their request via email or they could go online and fill out a writable document to submit the request to the District Clerk. He stated that he does not think it is terribly cumbersome and does not know yet what it exactly will look like. He continued that Staff has been working with BB&K because there has been discussion in the past about them potentially screening public records; they have a portal template that they use that Staff has been working with District General Counsel on. He stated that if that is the direction, Staff could get started on it right away and then report back to the Board as far as what that will take to get that accomplished. Trustee Tulloch stated he does not see how it should be much of a problem publishing it to the website. District General Manager Winquest stated Staff could do this until the website is up and running if that is the direction. He mentioned that there has been discussion about fulfilling the request in the statutory time and he wants to make sure that the public understands that with some of the significant requests that come in, being in compliance also means letting someone know that it is going to take additional time to fulfill the request. He continued that Staff will do everything they can to them fulfilled within the 5 days but some of these are large records requests and he wanted to clarify that.

Trustee Schmitz made a motion that the Board shall resolve that as a matter of policy, the District shall make every effort to be fully transparent and accountable to the community in all of its affairs and that the public's

business shall to the fullest extent possible, be conducted in public. Additionally, 1.2, the Board should agree that all legitimate public records request shall be responded to within statutory timeframes in full and without redactions other than where the Board authorizes redaction, 1.3, the Board shall agree that all public records request and all responses to such public records request shall be made publicly available on the District's website, 1.4, the Board recognizes that some time may be required to modify the District's website such that this information can be accommodated. The Board therefore agrees until such time as the website is modified, all public records requests and responses to all public records requests shall be published as an addendum to the board packet at the first board meeting following the provision of such responses. Trustee Tulloch asked if the motion should state that this will take effect immediately or if it takes effect immediately when the resolution is passed. District General Counsel Nelson stated that because there was no effective state specified, it would take effect immediately. Trustee Tulloch seconded the motion. Chairman Dent called the question, and the motion passed unanimously.

G.5. SUBJECT: Review, discuss and possibly approve the reporting structure for legal counsel as it relates to Policy and Procedure No. 105 – Resolution 1480 Personnel Management Policy (Requesting Trustee: Trustee Ray Tulloch)

Trustee Tulloch provided an overview of the submitted materials. Trustee Noble stated he has spent a lot of time on this issue given his experience at the PUC; he shared some of his experience. He stated that he absolutely agrees that no litigation should be initiated unless the District approves it and the fact that this happened in the past is astonishing to him. He stated he does get concerned looking at the fourth bullet point on 1.1; he is concerned that if there are multiple attorneys, there will be multiple and dueling opinions. He continued that there is usually two valid arguments. He stated that while this is meant to streamline the process, it might actually start increasing the amount of billable hours due to having 2 different attorneys looking at the same subject matter who might come up with different opinions. He referenced page 169, second paragraph, and mentioned he was confused with exactly how it would work if the District General Manager felt that he needed an attorney for something; he asked, if he cannot go to General Counsel, would he need to come to the Board to request to seek legal advice for whatever internal issue Staff may have. He continued that he does think District General Counsel should first and foremost be reporting to the Board but he also thinks that the District General

Manager and IVGID personnel need to have legal support. He stated that when it's all coming from one general counsel, especially who knows what the Board wants, that helps drive the decision making in a way that provides consistency and minimizes the potential of getting out of control legal bills with dueling attorneys. Trustee Tulloch stated he would like to avoid legal costs as well and explained that the intent of the motion is to make sure that General Counsel is advising the Board of policy. He continued that he understands not wanting to increase cost and keep things straightforward. He stated that in many situations, the Board of Trustees still needs to engage in special counsel for specialist tasks such as personnel and contracts. He stated that the attorney that is most familiar with the statutes and the requirements for the Board is not necessarily going to be a highly skilled contracts attorney and discussed the topic of different skill sets. Trustee Tonking stated she thinks the tone of the memo by Trustee Tulloch came across as harsh and she is hoping in the future, this does not occur. She referenced a comment made regarding direct legal expenses and stated she would like to remind everyone that a portion of those direct legal expenses come from a lot of the specialized services that were just mentioned. She continued that they were all requests that have come from the Board of Trustees or have been brought to forth by the public on things that they wanted to look into more. She referenced page 169, second paragraph, and asked if this implies that the Board does not want legal to look over the Board policies and practices; she stated she does not feel she is educated enough to talk about NRS or to know if she is in any violation of codes and policies. Trustee Tulloch stated he agrees and he wanted to make sure there is not a parallel track working on policies. He continued that the policies should be determined by the Board of Trustees and should not be a case of policies being debated elsewhere, and for the Board to be told what their policies are. He stated he is not suggesting that is happening but this to ensure the Board of Trustees is responsible for policy and Staff is responsible for execution of the policies. Trustee Tonking stated that she thinks that before a redline version of a policy is brought to the Board of Trustees; she would hope that the attorney could provide guidance. She stated she believes that the Board of Trustees is the one that should be directing the attorney but feels that the District General Manager also needs to be in communication with the attorney as well. She referenced 1.2 in the motion and stated she is hoping that the Board can see a redline version of that to see what is being changed before the policy goes into effect to really understand what changes are being made. Trustee Schmitz stated when she was working on the Trustee Handbook, General Counsel Nelson provided her with a description on the role of legal counsel. She mentioned that what she thinks Trustee Tulloch is trying to do with the agenda item is to just simply make a

modification that that the Board of Trustees are responsible for overseeing the work of the attorney. She stated that with regards to 1480, there are some changes that she thinks should be made globally and one of them is the use of the word guidelines; this should be changed to the word policy. She stated that there is a bullet point on page 176 that states that the District General Manager shall be responsible for coordinating the work, and this should be changed to the Board of Trustees are responsible for overseeing the work of the attorney. General Manager Winquest stated he does not believe the policy says that he manages the attorney; he believes it says the Board is responsible for the attorney and he coordinates the activity based on direction from the Board. He stated if the Board feels like he has acted outside of that, he would like to know. He stated that anytime something comes up that he feels the Board would not be comfortable with, he always goes to the Board and he makes it a practice to copy the Board Chair on every email he sends to legal. He continued that he is happy to continue doing that and he is happy to copy the entire Board if that is what would make the Board more comfortable. He mentioned the Smith case and noted that the policy stated at the time that the District General Manager cannot initiate litigation and that has been cleaned up. He stated that it was mentioned earlier that the Board is on the hook and noted that Staff is also on the hook if they violate policy. He continued that he has made a call to several other General Managers over the last few days and every single one of them has access to the attorney without having to get Board permission. He stated he agrees and is comfortable with never being able to make a decision on hiring special counsel without Board direction and without approval by the Board. He noted that there are times periodically where he or his Staff needs to reach out to General Counsel for clarification; without that ability or if he has to get permission from the Board each time, it will slow things down considerably and is not standard with governmental agencies. He continued that he is not saying he needs to be constantly talking to the attorney because he does not; he tries to meet with the attorney once a week. He stated that he had the Board Chair present to make sure that everything that was discussed was copacetic and he was not providing any direction to the attorney that would go against what the Board of Trustees directed. He stated that his only request is to ensure that the Board understands that there are times where Staff absolutely needs access to District Counsel such as emergency personnel matters and he does not want to have to tell Staff to hold off until he receives Board permission. He stated he understands the intent and he supports the intent; he fully understands that the attorneys report to the Board. He stated he wants to make sure that if the ability to access the attorney is eliminated, it could be very challenging and problematic. District General Counsel Nelson stated

there has been a fair amount of discussion about Staff or legal counsel initiating litigation without the Board's approval and that is no longer the case by Policy 3.1 and noted that all litigation requires Board approval. Trustee Tulloch stated that he is aware that the past litigation that was mentioned was not on General Counsel Nelson or District General Manager Winqwest's watch. He referenced the comparison to other governmental agencies and stated that a recently departed Trustee kept referring to IVGID as a quasi-legal organization and asked if it is a governmental agency or a quasi-legal organization? District General Counsel Nelson stated the phrase was a quasi-public agency that was used and that is not accurate. The confusion comes from NRS 318 which refers to the District as a quasi-municipal corporation or like a city effectively but IVGID is absolutely a public agency. Trustee Tulloch stated he agrees with the District General Manager and there will be times where Staff will need legal urgently for things like personnel, which is why he was making the very clear distinction between policy direction from General Counsel to the Board and overall legal support for Staff. He stated there has been discussion about having meetings in the past with the attorney and the Board Chair and he finds that somewhat surprising since there's nowhere in their constitution or makeup that the Chair has special responsibilities that other Trustees don't have; he is surprised that General Counsel Nelson allowed that to happen. He continued that the Chair does not have extra duties and all of the discussions and meeting should be shared with the rest of the Board of Trustees. He stated the last thing he wants to do is hamstring Staff in exercising their roles but this is something he feels strongly about. He stated that most municipalities do not just have one attorney; they have a team of attorneys. General Counsel Nelson stated those offices function as a single attorney providing advice to the entity; the same way he and his colleagues provide advice to the District. He continued that it would be a different situation if the Board decided to have separate Counsel for Staff versus the Board; it would be two different clients. Trustee Tulloch stated he has worked with teams of attorneys where the same firm is working on different sides of the deal but there is completely different teams and there are Chinese walls in place. He stated he is not suggesting there has been malpractice, but that there has been very strong feedback from the community that they believe that District General Counsel and the District General Manager are getting a lot of opposition over the Ordinance 7 special counsel and that is not fair to them. He stated he thinks that is why the Board needs to go above and beyond to quell some of the distrust in the community and sometimes you have to overreact to get the trust back. Trustee Schmitz stated that page 266 does not state that permission has to be granted and it is just simply clarifying reporting structure. She stated that the second bullet point on page 176

states that Trustees shall refrain from directing or attempting to supervise Staff and she proposes that it state that, individually Trustees, including the Board Chair do not have the authority to direct Staff; this makes it clear. District General Manager Winqwest stated that he feels it is important to sit down with Staff members that utilize the attorney to perhaps understand what the needs are and making revisions based on that that still allows Staff the access that they need but with perimeters. He stated that he is trying to come up with a way to achieve the goal but also make sure that Staff is not being hamstrung. He continued that he does sometimes need policy clarification from legal counsel; he is happy to start with the Board on that but he assumes that there will be times that even the Board will look to legal counsel for guidance. He stated he has always understood that he does not direct the attorney and he will continue to operate in that manner. Trustee Tulloch stated this is not designed to hamstring Staff; it is to remove any perception. He continued that it would be interesting to have a review of the advice that Staff does seek from legal counsel; he is confident 99% of it is basic operational general legal support as opposed to policy direction. He continued that he suspects that a lot of the legal advice required is specialized operational support; the District runs 3 businesses so there is going to be issues there. He stated that he stands by the need to demonstrate separation with attorneys. He continued that he agrees that the fourth bullet point under 1.1 is a little bit badly worded; it should be to provide guidance to the Board on work of external legal advisers and that is the type of service he would expect from General Counsel. Trustee Tonking stated she appreciates the comments that have been made so far and she is hoping that some of this can all be written out for review. Trustee Schmitz stated that she would like to make a motion regarding 1.2 because she thinks that 1.1 has some redundancy.

Trustee Schmitz made a motion that we shall make the necessary changes to Board Resolution 1480, Policy and Procedure Number 105 as adopted November 29th, 1984 with language changing the word guidelines to policies, adding the language that Trustees do not direct Staff as she had stated prior and regarding number 6 bullet on page 176, change the language to the Board of Trustees are responsible for overseeing the work of the attorney. There was no second to this motion.

Trustee Tulloch stated that it has been mentioned a redline version of Resolution 1480 is necessary, partly because there are several redundancies and inconsistencies that need to be corrected. Trustee Schmitz stated she was just trying to accomplish the agenda item, which is to clarify the role of Legal Counsel. General Counsel Nelson stated some of

the edits are slightly outside of the scope of the agenda item but they are important to make; if the Board is comfortable with the motion as is, he could bring back redlines with all the changes at a future meeting which will include all the edits and have the agenda item language broad enough to incorporate all the proposed edits to Resolution 1480. Trustee Noble stated he would be more comfortable with that and there seems to be a lot of moving parts; he is still not clear on how all of this is going to work, but if he could see it all together, it would certainly help him on deciding whether or not to support it. Trustee Tonking stated she agrees and feels she is on board with most of the language but would like to see it visually as it would be helpful. Chairman Dent stated he feels like the Board of Trustees has given direction and feels the paperwork needs to be fine-tuned. General Counsel Nelson stated he would put the edits together in a redline and bring it back to the Board of Trustees for consideration at the next meeting. Trustee Schmitz referenced the section about longevity where it states faithful service to the community and proposed changing it to strong job performance. General Counsel Nelson stated he would think of ways to report directly to the Board of Trustees to address some of the concerns that have been raised this evening. Chairman Dent stated there have been many unknowns that he has discovered over the past few weeks as acting Chair with regards to discussions and decisions that have taken place and the entire Board should understand what the process is so it is not siloed with one individual. He continued that there are 2 individuals who have been on the Board of Trustees for 8 years who don't know what is going on in the background, so the better the process, policy and the more understanding by Trustees, it will make a better than a Board for it. It was noted that there would not be a vote on this item and it would be continued to the next meeting.

G.6. SUBJECT: Review, discuss and possibly approve agreement for Flashvote Services in the not to exceed amount of \$9,900.00 (Requesting Trustee: Trustee Matthew Dent)

Chairman Dent provided an overview of the submitted materials. Trustee Tulloch stated that from what he has seen of Flashvote, they are certainly very professional in the way the questions are properly phrased. He stated you have to be very careful with surveys because you can always phrase the question to get the answers you want, the advantage of something like Flashvote is it is much more independent that way. He stated if this should be the normal method for surveys, the dog park one should be on the same basis. Chairman Dent stated he sees this more as a Board tool. He stated that other than in his personal capacity where he worked with Flashvote,

Staff had come up with the questions and were working through that process similar to what they do now with their own survey. He continued that there is a large database already established from the past, which would need to be cleaned up a bit. He stated that if there is overlap and the Board wants to ask similar or different questions, they have every right to ask those questions; if Staff wants to contribute and add questions on a topic that the Board is working on, it is a way to gain feedback from the community. There was some additional discussion on this issue. Trustee Tulloch agreed and said they need to properly take the pulse of the community. He stated he knows that there have been previous Flashvote surveys that have received more than 180 responses like there were on the beach access issue. He continued that he would hope many of the surveys would be two parts; one part being the question and then a follow-up question. He continued that they should first prioritize and then cost out the priorities. Chairman Dent said that he agreed and that he and the District General Manager had a discussion with Kevin Lyons from Flashvote about this. Trustee Tonking stated she appreciates the points made about the survey and the survey design; she agrees with Chairman Dent that this will be a great tool for the Board of Trustees to use. She stated she has done a lot of research on this and has used different surveys herself; this one seems much more like a poll system and less of a deep dive survey. She stated that it could be great for immediate pulse and that she thinks it is a good opportunity to do that. She continued that she thinks it would be best to have it budgeted out of the Trustee account item since it is an unbudgeted expense right now. She stated that she would like to make sure that this is brought up again and on the calendar before it automatically renews to ensure that the Board is utilizing it and to see if there is any feedback or any changes that might need to be made. She continued that she wants to make sure that there is a bilingual option for this as well and mentioned she does not need to see the results in Spanish, but she does want a survey to go out in Spanish to ensure that all of the survey is accessible to all of the community. Chairman Dent stated that he did have a conversation with Mr. Lyons regarding the translation option and what that process would look like and noted that there would be an additional fee; the Board could look at that and choose whether or not to move forward at a later time. He stated that Mr. Lyons confirmed that the questions would be in Spanish and the results would be in Spanish but there is also another component of the process that would have to be done with regards to getting the word out regarding the bilingual option whether it is through door hangers or other marketing campaigns. There was some discussion on why the bilingual option would need to come back before the Board at a later date and the way that the agenda item for tonight's meeting was phrased with a not to exceed amount. Trustee

Tonking asked that this item be brought back before the Board at a later meeting. Trustee Tulloch stated that as they are going down the road of budgeting he feels it is important to get started on these surveys to understand the community priorities. He stated in the past there were too many priorities based on particular special interest groups and he wants to listen to all of the community. Trustee Noble stated it appears that Flashvote provides a quality product and good training and noted that IVGID does have its own internal survey tool and he thought they did a good job with Ordinance 7, which was a difficult issue to go through. He referenced other training opportunities such as POOL/PACT, UNR and others; there are options that do not necessarily cost money. He stated that he has learned there was a bit of a testy relationship between Staff and Flashvote and there were some interactions that give him pause. He continued that there are different opinions of how things transpired but given his recent experience, he will have a hard time moving forward with Flashvote and will be voting no. Trustee Schmitz disclosed that in her personal capacity and being a member of a nonprofit, they used Flashvote a few years ago to do a parking survey; she asked if she would be able to participate on this agenda item? District General Counsel Nelson asked if the relationship is still ongoing. Trustee Schmitz stated no, it was just one time that the service was used. District General Counsel Nelson stated it was okay to proceed and thanked her for disclosing the information. Trustee Schmitz stated that the Board of Trustee needs to identify where the funding is coming from; she does not believe there is \$9,900.00 in the training budget remaining. She continued that there are other places in the budget where the funds can be made available but having appropriate funds prior to approval of a contract is important; she asked this question of Staff. She stated she loves the idea of Flashvote and would love to receive input from the community as it relates to each of the master plans, especially the Recreation Center as many people have stated they would like additional gymnasium space. District General Manager Winquest stated it is correct that on that particular line item, the budget would be exceeded; but there are dollars in other areas in the budget such as travel and conference and there is a way that the funds could potentially be re-allocated. Trustee Tulloch asked how much is remaining in the training line item budgeted amount and Trustee Schmitz responded with \$5,800.00. Trustee Tulloch asked if the training portion of the line item could be deleted so the focus can be on the surveys as they are more critical in terms of the budget process. Director of Finance Navazio discussed line items vs. categories within the budget and options to reallocate. He noted that there is also a professional services line item and mentioned he thinks there is flexibility to proceed but if the Board of Trustees feels that individual line items have to line up exactly with the amount, an

adjustment would need to be made for this. Trustee Tulloch stated he thinks individual line item should be managed; he agrees that the survey is not training and he would split it so \$2,000 comes from the training budget and the remaining is paid from professional services. Director of Finance Navazio stated he heard legal counsel state that the item would need to be brought back to the Board of Trustees for any amount above what was agendized; he noted that there is funding available in the Trustee budget to move forward as contemplated.

Trustee Schmitz made a motion that the Board of Trustees move forward with Flashvote services agreement not to exceed \$9,900 with \$2,000 coming out of the training budget and the remainder coming from the Trustees professional services budget. Trustee Tulloch seconded the motion. Chairman Dent called the question and the motion passed 3-2 with Chairman Dent, Trustee Tulloch and Trustee Schmitz in favor of the motion and Trustee Tonking and Trustee Noble opposed.

G.7. SUBJECT: Review, discuss and possibly approve proposed modifications to Policy 3.1 including identifying a Trustee for emergency contract approval, and possibly assign Trustees as various department liaisons (Requesting Trustees: Trustee Sara Schmitz and Trustee Matthew Dent)

Trustee Schmitz provided an overview of the submitted materials. Trustee Noble referenced the redline version on page 202, and using virtual technology so long as there's adequate internet service, the Trustees must be on camera to qualify for voting; he explained in his past career that many people did call in for the meetings. He asked for confirmation that this means that if you have internet service, you should be on camera but if you do not have internet service, it is okay to be on the phone. He then referenced page 206 with regards to the meeting highlights and stated his concern is trying to figure out what the highlights are; he sees it as creating more work and angst if someone feels there is something that should make it in the highlights that does not make it. He continued that he thinks the meeting minutes are great because you see everything and he sees the meeting highlights as being potentially problematic down the road. Trustee Tulloch stated that the meeting highlights go out almost immediately after the meeting and the problem is with the meeting minutes it could be that they come out almost a month after. He referenced page 199 where it states the Chair in cooperation with the District General Manager will place on the agenda any item requested by fellow Trustees and stated he does not understand why it takes two people to do that. He stated that the proposed

language does not seem to limit who can request that something be on the agenda and asked if it should be limited to residents and community members. Trustee Schmitz stated that this is language that former Chair Callicrate and she worked on a long time ago and the thought process was to open it up to the public so they can feel like they could interject if needed. She continued that they thought they might be bombarded with things but that has never happened. She stated it was just to try to be community orientated and open but if he would like to change it to say that they have to be paying parcel owners that is fine. Trustee Tulloch stated he thinks it should be limited to Incline Village residents and community members. He stated that he has a concern that the language proposes the District General Manager is this sole person to put things on the agenda and he thinks it should be the Board of Trustees. Trustee Schmitz clarified that it says the request would be submitted it to the District General Manager General Manager, but it is the District General Manager and the Board Chair who create the agenda. Chairman Dent clarified that the Board Chair can add or remove items from the agenda and in coordination with Staff because the District General Manager and District Clerk work together to get the agenda out. Trustee Tonking stated it looks like there has been a sentence removed that states the District General Manager or the Board Chair can decide not to put an item on the agenda which makes her feel like any request received has to go on the agenda. Trustee Schmitz stated that was removed for redundancy purposes and because there is a section that already states that the Chair and District General Manager control the agenda so it was just removed because it was deemed to be unnecessary language. Trustee Tulloch stated that the District allows 3 minutes for public comments yet vendors are invited and they are allowed to speak for as long as they like. He stated that there should be time limits on the presentations and it is not fair to the community. Chairman Dent stated he agrees and that he spoke to legal counsel earlier this week and one of the suggestions was to create Board rules, which could address these concerns. Trustee Tonking referenced page 200 where it states that the agenda and board packet material is to be posted on the District's website one calendar week prior to meetings and noted that this is longer than what NRS requires. She stated she is fine with doing that with the agenda, but her concern is that there is sometimes a fast turnaround between meetings and all of the meeting material may not be ready for the Board packet to be completed. She suggested making this a goal but not necessarily a requirement. She referenced page 203 and the review of the contract section; she asked how to ensure it is done in a timely manner and if it includes all contracts that are over \$100,000. Chairman Dent stated it has been the goal of previous Boards to have the Board packet completed 7 calendar days prior to the

meeting and he likes the idea of making that a rule. He continued that if the Board moves forward with the policy, they may want to discuss when that new rule would go into effect because there is a meeting in 2 weeks and the packet material would need to be submitted within 2 days to meet this new rule so he thinks Staff needs to be given more time. Trustee Schmitz stated as it relates to the contracts, the intent is to have all of the contracts that are pending or coming up on the Consent Calendar so the Board can see them; if there is anything that is of concern, the Trustees have the opportunity to address them. She stated that the language states if there is something that is needed expeditiously that the Board assign one Trustee to take that responsibility and they are then to report to the Board. She stated the reason being is that she has been reviewing many of the contracts and it is not about dollar value; it is about the contract and making sure, that it has a clear scope of work that when exhibits are called out, that they're actually identified. She continued that she has been reviewing things and finding errors and the goal is to work together as a Board and Staff to improve. Trustee Tonking stated she understands the intention behind it but she worries that it takes away from the purpose of having a spending authority and will slow things down, as the Board is an oversight Board and not operational Board; she stated this seems like an operational focus. Trustee Schmitz stated it is reviewing the contracts and it is the importance of the Board to have oversight. She stated that the Board is ultimately responsible and if there are contracts being signed and they do not have a clear scope of work or the scope of work commits the Board to doing more than what they really intended, then it's the Board's responsibility as they are the fiduciary. She continued that this is collaborative learning opportunity and it is not intended to slow anything down but she does not want to see contracts going through quickly that are not drafted properly because that is a legal risk to the Board of Trustees. Trustee Tonking stated having the Board review every single contract no matter the monetary value gets rid of the point of having spending authority. She stated she does not know if there is a way they can do a handful of them, but to do every single contract in an organization of this size like is unreasonable. Trustee Schmitz stated that the intent is not to do this forever and the intention is to do this so there could be improvement. Trustee Tonking asked that if the intention is not to do it forever, why it is being placed in the policy? Trustee Schmitz stated that it is worded to say until the policy is modified, as there is an intention to modify it and take this part out when there is an improvement. She continued that she thinks it is important that the Board, from an oversight perspective, take the responsibility and ensure that when they are entering into legal contracts, they are being done accurately. Trustee Tonking stated she does not disagree with that but she does not think it should be in this policy and

that perhaps it should be a procedure that is written to state that this is something that will be done temporarily. There was some additional discussion on this issue. Trustee Tonking referenced page 204, item I, and asked that it include that the Board of Trustees silence their phones from ringing. There was some additional discussion on this issue. Trustee Tulloch stated he believes that a rule should be that the Board positions shall change every two years, but that there be language added in the event that there is not any takers. He suggested adding that the Board shall change every 2 years as well because there have been two Chairs in the last 8 years and one of them was the chair for 6 years and he does not think that is healthy for the District. There was some additional discussion on this issue. Trustee Schmitz stated she agrees with Trustee Tulloch and it is a problem when there is a Chair that is long-standing. She continued that it is good to have change because it brings new ideas and new approaches. She stated that she thinks it should change at least every 2 years and that it is in the best interest of the Board and Staff. Trustee Tonking suggested adding language that states the Board positions shall change every 2 years unless nobody else volunteers. Chairman Dent said that was a good idea and should cover the issue. He asked the District General Manager to weigh in on the meeting highlights discussion. District General Manager Winquest stated he does not want full responsibility of what goes on the agenda so he appreciates keeping it the way it is. He mentioned that he gets a lot of requests from people out of the area who want to attend the Board Meetings and ask for funds or donations and he just tells them no. He asked for some clarification with regards to the meeting highlights. Chairman Dent responded that they are looking for a little bit more substance after each agenda item instead of just what the vote was for each agenda item. Trustee Tulloch suggested calling it a meeting synopsis rather than meeting highlights, as meeting highlights can be subjective. District General Manager Winquest stated that the District had never done this before and they mimicked what Washoe County does. He stated he would work with the communication team to come up with a better name rather than meeting highlights and this can be fine-tuned. He referenced packet production and suggested that the expectation is to have the agenda published one calendar week prior to the meeting and the packet 6 days before the meeting. He discussed the nature of putting a packet together and explained that the District is going to start utilizing a brand new software that will be used to produce agendas and Board packets called CivicClerk. He continued that there are going to be times where Staff does not receive pertinent documentation for the packet until the Friday before the meeting so there are times where getting the packet published a week before the meeting is going to be challenging. He stated that this is a good goal and Staff will work to move towards moving

the completion date up. He referred to the subject of presenters at meetings and stated that the requirement to provide materials in advance so that the Board has them in the packet will alleviate the length of the presentations because the Trustees will have the materials and Staff can let the presenter know in advance. Chairman Dent asked that Staff work with the presenters to inform them of the time limit before they present. District General Manager Winquest referenced a section about the Consent Calendar; he stated that the Board approves a capital budget and asked if an item has already been approved through the budget process, what the issue is with an item being brought forth under Consent unless the project has gone over budget or there's some other reason that the Board would need to deliberate over it. Trustee Schmitz stated that the language came from Washoe County and if you look at their Consent Calendar item, it is huge and it is all so that the Board is informed. She continued that she changed the dollar value because Washoe County was \$300,000 and she changed it to \$100,000. She stated that she likes Washoe County and how they do things and she felt that this was a good example. District Manager Winquest referenced the section about contract management and stated his only comment would be it has to be expeditious and explained there are going to be times where he will need whoever the Board delegates to be available; he suggested that there be a backup for whoever that person is. He stated that he believes Staff is making improvements and will get to the point where this is not needed anymore. He continued that legal counsel reviews every contract and agreement at his direction; he does not necessarily review scope of work and details but he does review everything else. He stated he would assume that this means that they would still get full legal review on all contracts and then there will be a secondary review by a Trustee on scope of work and deliverables. Chairman Dent stated it is to flush out things that have been experienced recently and make improvements. District General Manager referenced a section where it states that Board action may be scheduled for reconsideration if at least two Trustees approve this and he asked why this would not just remain a quorum. Trustee Schmitz stated she changed the language because three is a quorum and there is already a decision being made. She felt like anywhere where there were three, a decision is already being made and why would it be brought forward. She continued that if it is two, then there might be someone that be can be swayed. District General Manager Winquest stated there is no problem adding the meeting synopsis to the website and asked where on the site it should go. There were some additional discussion on this issue. Trustee Tulloch recommended that Trustee Schmitz be the Trustee assigned to reviewing contracts. Chairman Dent agreed. There were no objections to Trustee Schmitz being in charge of reviewing contracts and emergency approval.

Trustee Schmitz made a motion that the Board approve the proposed modifications to Board Policy 3.1 and identify Trustee Schmitz to review and approve the signing of contracts and to inform the Board of said action when time is of the essence, the modifications to the redline include on page one, the last paragraph is changed to say if a resident wishes to have a matter considered by the Board, page 2, paragraph 3, will say all attempts will be made to publish the agenda and Board packet materials posted to the website one week prior, the public hearings 21-day notice gets changed to a 30-day notice, she would suggest that instead of having a backup for contract review if she is not available, she will defer and identify to Staff if that is acceptable, on page 204 she will add an item J to say that during meetings phones should be silenced, .8 under officers of the Board, the redline will change to read roles shall change at least every 2 years unless no Trustee is interested in filling the roll, page 8., 0.12 strike the words that say a list of issues brought to the attention of the Board by the public, change the word highlights to synopsis. Trustee Tulloch second. Chairman Dent called the question and the motion passed unanimously.

G.8. SUBJECT: Review, discuss and provide direction to the District General Manager on the production of weekly report to the Board on pending matters. (Requesting Trustee: Trustee Matthew Dent)

Chairman Dent provided an overview of the submitted materials. Trustee Noble referenced an email that the District General Manager sent out to the Board of Trustees last Friday and asked if that was what Chairman Dent is looking for, but in a standardized format. He stated he would not want the District General Manager spending his whole week putting this together, and not being able to manage. Chairman Dent stated he agrees and that he is looking for more of a standardized format. He continued that it would be good to know what the District General Manager is focused on and what is and is not being done; he brought up an example of conversations happening quickly between the previous Chair and the District General Manager pertaining to the Recreation Center, that the rest of the Board of Trustees was not necessarily up to speed on. Trustee Tonking asked if this report would be part of a public record. Chairman Dent stated he does not see why it would not be and if there were something regarding personnel or litigation, it would be redacted. District General Manager Winquest stated he would not put anything in the report that would be privileged; he would do that separately as he does the internal memos for the Board of Trustees. District General Manager Winquest mentioned that he was actually getting ready to produce these reports bi-weekly and he thinks that would be more

appropriate; the way this is will take a tremendous more amount of his time. He stated he has no issues with the template; he noted that a lot of the same information goes in the District General Manager's report so there is some repetition. He continued that a lot of what he does is ongoing and some projects take anywhere from a few weeks to several months. Chairman Dent stated he does something similar to this on a daily, weekly, monthly and annual basis so with some of the larger goals, there are smaller goals along the way and you chip away at it. He stated that they are looking for things to move forward and progress. District General Manager Winqest reiterated that he would recommend bi-weekly and asked if the Board of Trustees wants highlights from other venues and other departments. He continued that those are designed to be items so the Board of Trustees is aware of information around the community and they are not caught blindsided by a member of the public asking a question. He continued that it does take away time from Staff, but they are happy to continue to do it. He stated that he thinks this reporting could evolve over time based on feedback from the Board of Trustees. Trustee Schmitz stated she likes the highlights because she tends to be out and about and she does not like not having answers for people. She stated that Chairman Dent specifically went back to look at the written District General Manager goals and language was taken from it; it is to help the District General Manager, and if the goals state it should be done weekly, share it with the Board of Trustees. She continued that it would not be more time consuming because it is time consuming to have a conversation 5 times over; she sees this as a way to have the Trustees equally informed at the same time and it should take less time than chatting with everyone. District General Manager Winqest stated he could try it and see how it works out; he believes that if it is weekly, it make actually take more time. Chairman Dent stated that if the Board of Trustees decides on weekly, to try it, and if there are issues, to correct course. He continued that this is a work in progress and they do not want to ask for reports that are not going to add value; this is a starting point. Trustee Tulloch stated in his professional experience, you provide update to the client; he thinks it is important to identify any risks that are coming up so there are no surprises. District General Manager Winqest referenced the proposed requirement to include verbal communications in the weekly report and stated that is a general statement and he provided examples of individuals he has verbal communication with; he asked if the expectation is for him to take notes on every single conversations. He stated that he wants to be transparent about what he is doing, but as the District General Manager, he should be authorized to manage the District. He continued that there should be some trust as to the information he is providing the Trustees. Chairman Dent stated it should be high-level and if the Trustees have questions, it will spark

a conversation. Trustee Tulloch stated it could also just include a note of which external agencies the District General Manager had conversations with during the week. There was some additional discussion on this issue. Trustee Tulloch stated that as a Trustee, it would give him a feel for who the District is working with and what the relationship is. He raised the subject of whether the Board should be taking public positions on things with external agencies and stated that it would be helpful to understand what agencies the District is involved with on a regular basis. District General Manager asked if this expectation is to start the reporting this Friday or next Friday. Chairman Dent responses with next Friday.

G.9. SUBJECT: Revisit, discuss and possibly approve the implementation of the Whistleblower policy as developed by the Audit Committee in accordance with item 2.8 of Board Policy 15.1.0 (Requesting Trustee: Trustee Ray Tulloch)

Trustee Tulloch provided an overview of the submitted materials. Trustee Schmitz stated she reviewed the email that legal counsel provided feedback on; she referenced page 227 where it says the Audit Committee Chair will review all concerns, General Counsel Nelson felt like it should be the Board of Trustees reviewing the concerns, but the Audit Committee Chair is still tracking and managing it. She proposed that it be changed to say the Board will review all concerns and that the options of actions for the Board would include the items below, which is delegating to the District General Manager but it would mean that the Board is taking that action, but the Audit Committee Chair is still the keeper of the log. She referenced the section that states that it's a concern under the whistleblower, the very last sentence, says the Audit Committee Chair; she thinks it would be better is to say the Board has the authority to take additional action it deems appropriate should they deem the investigation and corrective action; she thinks that was the gist of what General Counsel was suggesting. General Counsel Nelson stated that it should be discussed how the Board of Trustees would consider that and make a decision because most of these decisions are going to be discussed in an open meeting and that may not be appropriate to have some of the discussions as part of that. He stated that it might be appropriate to identify one Trustee who would take the lead on making those decisions. He stated that they could certainly make sure that before having to do something as dramatic as a third party investigator, the full Board make that decision, but at least if one Trustee could act in a screening capacity that might be helpful. Trustee Tonking asked if there is a hotline that people can call in, such as employees. Chairman Dent stated not at this time. Trustee Tonking stated she thinks that is something that should be considered,

especially when you think about the difference between something that may be a Human Resources issue versus something that is more of a Board/Audit Committee issue. Trustee Noble stated the Audit Committee has a heavy presence in this but they are just one Committee so he is wondering if there needs to be these references to the Audit Committee versus others. He stated that perhaps there is a reason why only the Audit Committee was highlighted but he does not know if it is necessary to have the Audit Committee referenced in this policy. Trustee Tulloch stated that this issue had been previously discussed and debated with General Counsel Nelson and a policy was developed. He stated they did come back to this because a large part of it was keeping out of the political arena and keeping it independent. There was additional discussion on this issue.

Trustee Schmitz made a motion approve the whistleblower policy as developed by the Audit Committee in accordance with Board policy 15.1.0 and as originally presented to the Board at the August 10th, 2021, meeting with the suggested language change as stated earlier, whereby on page 227 it says The Board shall review all concerns and the options for action for the Board shall be and in the subsequent paragraph, last sentence, instead of saying the Audit Committee Chair, it says the Board has the authority to take additional action as it deems appropriate should they deem an investigation and creative corrective action is not being dealt within a timely manner. Trustee Tulloch seconded. Trustee Tulloch suggested that the policy be brought back to the Audit Committee for further refinement. He stated that his intention was to at least get the policy started. Trustee Schmitz stated she had no problem with this suggestion. Chairman Dent called the question and the motion passed unanimously.

G.10. SUBJECT: Discuss and possibly provide direction to legal counsel to formulate a policy and process for quarterly reporting of external organization involvement by the Board of Trustees and IVGID Staff (Requesting Trustee: Trustee Matthew Dent)

Chairman Dent provided an overview of the submitted materials. Trustee Tonking stated is in favor of disclosures especially in terms of Trustees because they vote on issues and are liable to disclose where there may be conflicts. She stated her concern is with Staff and the possible perverse incentive that comes along with this; she stated that many of the Staff does a lot for the community and she thinks that should be extremely celebrated. She continued that there are very few people that step up to do things for the community and she wants to thank the Staff for all that they do and the

fact that they are involved in the community. She stated she sees them doing many things throughout the community and as someone who grew up in Incline Village, she is thankful for Staff who have helped create who she is today through their other involvement. She stated that she is worried, as this does not seem like the Board of Trustees is celebrating Staff and in some ways, it almost sounds like they are being punished for being involved. She stated that she thinks the Board of Trustees needs to be aware of the perverse incentive it could create for Staff, and in this community, it is hard to get people to do stuff so she is worried about what this will create. Trustee Noble asked if this is for paid positions, volunteers, or both. There was some confusion and discussion on the question. Trustee Noble stated at the PUC you had to disclose or ask for permission to have outside employment but there was never a request to identify any other activities you are engaged in on a volunteer basis. He stated he is wondering if Washoe County has an example or their other government agencies that have something like this; he is concerned because this is a GID and government agency. He continued that it brings in some other issues with regards to first amendment, etc. He stated he would like to see some examples first and not have IVGID be an outlier if nobody else is doing this, especially in the state of Nevada. There was additional discussion on this issue. Trustee Schmitz stated that she thinks disclosure is important because disclosure helps the Board and Staff avoid potentially unknown or unthought of conflicts of interest and to Trustee Tonking's point, she would like to celebrate people's involvement. She stated this would give the Board the opportunity to actually do that with knowledge because the Trustees might not know some of the great things that that people are doing. She continued that she thinks a pay grade threshold should be selected because they are making financial decisions with the District. She stated that the Board should request that legal counsel provide guidance as to what that pay grade should be. She stated she has a nonprofit and people have expressed concern about it; she would be disclosing it and then publicly, there would be a decision on if it were a conflict or not. She continued that it should potentially be Trustees, Staff and legal counsel because before you onboard legal counsel, you ask for disclosure of conflicts of interests, so perhaps legal counsel should be added to the quarterly disclosure as well. Trustee Tulloch stated he thinks everyone needs to be careful when they are making social media comments and identifying themselves as a particular position with IVGID; it becomes unclear if they are speaking on behalf of IVGID or themselves. He continued that he feels the same when he sees a Trustee who is volunteering for something and they identify themselves as a Trustee. He stated the last thing he wants to do is discourage people from volunteering but there needs to be a clear distinction. He asked when Staff

speaks at public comments during the meeting, if they are speaking on behalf of IVGID or themselves. He stated he thinks it does make sense to have a cut off after a certain pay grade. He continued that it would be excellent to discover all of the Staff members who volunteer for the community. He referenced Staff, IVCBA, Director of Parks and Recreation Sheila Leijon as an example. There was additional discussion on this issue. District General Manager Winquest asked if there is a problem or something he is not aware of; he brought up examples such as Rotary, IVCBA and coaching sports as examples. He stated that community coaching is in his contract and he does not believe anyone should be able to tell him he cannot coach or be on a Board at his daughter's school; he clarified that the Board of Trustees has never done that and reiterated he is trying to understand what the issue. He stated if the Trustees decide to approve this, he recommends not going any lower than the senior management team; quite a few Staff members have already expressed concerns. He referenced social media and stated he is finicky with Staff about postings on social media and rarely posts anything on social media unless he is trying to squash false information he clarified that when he does this, he identifies himself as the District General Manager. He continued that he would not have a problem personally disclosing anything; he believes that elected officials should be held to the same standard. He asked who would decide what a conflict of interest is and provided some hypothetical situations pertaining to this; he stated he thinks that the policy needs to have specificity added to it. Chairman Dent stated that the intent of this is for transparency more than disclosure; he stated that they would want to start with senior Staff. He stated that as for a conflict of interest, the conflict lies with the individual; he noted that issues arise when decisions are being made and conversations are being had, and the Board may have a representative doing that and the Board does not realize that there is a potential for a conflict. He stated that the purpose is to have a discussion and have legal counsel dig deeper and come back with some examples; the Board of Trustees may decide it does not make any sense and they should not proceed, or, they could be the best local governmental ever and can be an example to others. District General Manager Winquest stated he is comfortable with that, as long as legal reviews and ensures that this is not infringing on the right of Staff or any other legal issues, in efforts to protect the District. District General Counsel Nelson stated he could do this and recommended that the Director of Human Resources be involved in the discussion, as there may be some HR and MOU issues involved. There was additional discussion on this issue. District General Counsel Nelson will bring this item back to the Board of Trustees.

G.11. SUBJECT: Review, discuss and provide direction to Staff regarding expectations on Board packets (Requesting Trustee: Trustee Sara Schmitz)

Trustee Schmitz provided an overview of the submitted materials. Trustee Noble referred to the meeting material and memo and asked what happens if the Board decides to do nothing on an agenda item and what are the consequences for that; for example, does construction costs go up, etc. He suggested ensuring that the Board of Trustees is aware of the consequences of inaction or not moving forward with a recommendation. Trustee Schmitz stated that sometimes Staff does indicate that the alternative is do nothing but it is not done constantly. Trustee Tulloch stated this is a good start; he referenced the first section about the related strategic plan initiative and stated the stuff that is put in there is meaningless. He continued that in addition to the finance impact and budget section, he would like to see the cost savings and associated cash flow so that the Director of Finance can understand the impacts are. He suggested that a separate section be added for business benefits. He referenced cost savings and stated he likes to see who is responsible for delivering and monitoring the savings. District General Manager Winquest stated the discussion is clear; he noted there might be times where there may be things on there that are not applicable to the item, which will be stated in the memo. He stated that Staff needs to work on pointing out the decision points that are needed from the Board of Trustees. He continued that Staff's job is to ensure that the Trustees are comfortable with the ability to take action on the agenda items. There was additional discussion on this item. Trustee Schmitz agreed to summarize the notes from this discussion, clean up the memo template and send it out. Trustee Tulloch suggested asking the person who is writing the memo to look at it as if they were being asked to invest their own money, and what questions they would expect to be asked. He then discussed the topic of return on investments.

G.12. SUBJECT: Revisit, discuss and possibly approve the modifications to the Board of Trustees Handbook (Requesting Trustee: Trustee Sara Schmitz)

Trustee Schmitz provided an overview of the submitted materials. Trustee Noble inquired about the additional role of the Secretary and stated that the part about formulating/receiving input from other Trustees concerns him with respect to the Open Meeting Law. He continued that he is okay with simply acknowledging receipt of correspondence; he just does not want to construct

a response and somehow provide a substantive acknowledgement. Trustee Schmitz stated she understands the concern about the Open Meeting Law; the Board of Trustees can discuss and decide what they want, if anything. Chairman Dent stated the response should be basic and acknowledging receipt of the email. There was some additional discussion on this issue.

Trustee Schmitz made a motion to approve the proposed modifications to the Trustee Handbook and request Staff update the policy resolutions and the table of contents; when completed, Staff is to update the website and distribute the final document to all Trustees. Trustee Tonking seconded the motion. Chairman Dent called the question and the motion passed unanimously.

G.13. SUBJECT: Review, discuss and provide direction to the Audit Committee as it relates to the Annual Report to the Board of Trustees and possibly expanding the Auditor's scope of work. (Requesting Trustee: Trustee Michaela Tonking)

Trustee Tonking provided an overview of the submitted materials. Trustee Tulloch referenced section 2 where it speaks to what Management has addressed and stated he would like to see more details on what was done so that there is a proper explanation of what action has been taken. He referenced section 3, second sentence, and stated he does not think it is a positive feature to state that it has been noted that it is the third consecutive year where there have been material weaknesses but there has been an improvement from last year's audit. He referenced section 3.2 and stated it was agreed that the Audit Committee would review past issues and the outstanding memorandums that have been submitted to the Committee. Trustee Tonking stated it is still outstanding because there has not been a meeting and she is working on a list to have it cross-checked with the responsible parties who have submitted the memorandums to ensure nothing is missing. She stated in terms of the statement made, she is not saying it is a positive thing, but it is better than previous years. There was some additional discussion on this issue. Trustee Schmitz stated she spent time on this and met with Staff; there were a number of things she found to be inconstant but the one that jumped out at her is a note on page 31 of the ACFR. She continued that she is bringing this to the Board of Trustees attention because it says the General Manager may authorize a budget adjustment provided the budget adjustment does not increase the level of Board approved appropriation by fund. She stated that is not how the District is operating, budgeting and managing; she believes clarification is needed because she does not think that the Board thinks that is a true statement to

say by fund because it is a big bucket of funds. She continued that in subsequent years that language needs to be removed because she does not believe that is how the budget is being managed by the Board of Trustees. She stated that the Trustees received a memorandum from Mr. Dobler, and he brought up some very valid questions and points; she would like the Audit Committee to take a look at this and provide the Board of Trustees an update. She continued that she does not wish to receive these types of things from Mr. Dobler and wants to figure it out so what needs to be done so that they stop because he is bringing up points that there might be errors and they need to be figured out. Trustee Tonking stated this is on the next Audit Committee agenda. Trustee Schmitz referenced the Davis Farr report that was received and stated it is disconcerting because some of the issues they brought up were things that the Audit Committee brought up in March of 2021, so she was shocked to see some of the comments and she would like the Audit Committee to dig into these things so that there can be improvement. There was additional discussion on this item.

G.14. SUBJECT: Review 2023-2024 budget calendar and timeline including possible direction by the Board of Trustees relating to budget workshops and budget reporting (Requesting Staff Member: Director of Finance Paul Navazio)

Director of Finance Paul Navazio provided an overview of the submitted material. Trustee Tulloch stated he would like to see the community services fund split up; he would like to see golf and ski removed from that fund, and become separate funds. He stated they should be separate funds so the Board of Trustees can see how they are performing commercially, especially because ski is going to require a major investment over the next few years. He referenced the CIP budget and stated there should be consideration on what to pull out of the budget that has been dormant for several years; it is still required, it should come back again as a proposal. He stated that he agreed with having a fleet replacement plan. He stated he noticed that there is a date for approval of the tentative budget but he does not see a date for review of the budget; he expects to have a timeline to review the tentative budget first. Director of Finance Navazio stated they can have a conversation about as many check-ins the Board of Trustees needs and noted that a tentative budget does not require an action item; it is providing an update to the State. He continued that there would be updates and Staff will likely be bringing the tentative budget to the Board of Trustees at the March workshop and any feedback received, will be incorporated into the tentative budget. Trustee Schmitz referenced the golf clubs and pickle ball clubs and asked that the venue managers get input from the clubs on things

they think they need and cost savings ideas; she stated the clubs are a valuable resource to the venue managers and she would like to see them leverage that. She stated she would like to see parks and any program that are available to the open general public, be in the general fund because they are not limited to the parcel owners who have privileges. She stated that she would like to see the venue managers present their budgets. She stated that the return on investment for some of the memberships should be reviewed, especially the League of Cities. She stated there should be a discussion as to whether value is being received or not and what the benefit is to the rec fee payers to be involved with these things; if they are not adding value, potentially it should be eliminated. She stated there should be a discussion on what the plan is for the Administration Building; she thinks it has been left untouched and it should be addressed. She stated that a contract purchasing manager type position and potentially an internal auditor position should be added to the budget. She continued that there should be an education budget for employees, including the District General Manager.

Trustee Tonking left the meeting at 12:07 a.m. on January 12, 2023.

Chairman Dent referenced the preliminary budget and stated it is important to follow the process through and make sure the Board of Trustees has reviewed it plenty of times before it is approved. He discussed a few other budget related items. Trustee Schmitz added that there should be an updated strategic plan that ties into the next fiscal year. She stated that the Board of Trustees wants to see all projects and asked that they be provided the Capital maintenance projects.

G.15. SUBJECT: Review, discuss and possibly approve a budget amendment for the Recreation Center Expansion Project (Requesting Staff Member: Director of Finance Paul Navazio)

Director of Finance Paul Navazio provided an overview of the submitted materials. Trustee Tulloch asked for confirmation that all payments have been received. Director of Finance Paul Navazio stated yes.

Trustee Tulloch made a motion that the Board of Trustees authorize Fiscal Year 2022-2023 budget amendment related to the Recreation Center Expansion Project (CIP# (CIP# B123350100) to reduce the appropriation provided for in the Fiscal Year 2022/2023 Capital Budget, Recreation Fund (350) in the amount of \$24,351,164 representing unexpended appropriations at project close-out; and reduce the estimated amount of grant revenue included in the Fiscal Year 2022/2023

Capital Budget, Recreation Fund (350) by \$24,298,699, representing grant revenue that will not be billed or collected as a result of termination of the project. Trustee Schmitz seconded. Chairman Dent called for the question and the motion passed unanimously.

Director of Finance Navazio noted that one of the reasons why he was hoping to have this on an earlier agenda is as Staff closes December, they will be bringing the mid-year report and the second quarter CIP popular status report which will be activity as of December 31st.

H. REVIEW OF THE LONG RANGE CALENDAR (for possible action)

Trustee Schmitz listed the items that need to be added to the long-range calendar and parking lot item list. District General Manger Winquest stated that the Capital Advisory Committee item that was brought to the Board of Trustees in November has been pulled because Staff is awaiting feedback from the Trustees on questions that were sent; the District Clerk will send a follow up email out. He stated there was also a decision to bring back Ordinance 7 revisions and set a hearing date at a later meeting, with the goal to make the revisions by the end of March. There was some additional discussion on this item. Chairman Dent referenced the Board liaison topic and stated it was missed earlier in the meeting; it was determined that this topic would be brought back at the February 8, 2023 meeting. He stated that the Flashvote item needs to be brought back to discuss adding the translation service, as well as the Board rules. District General Manger Winquest stated that there would be an update from Marcus Faust at the February 22, 2023 meeting. He also noted that a third budget workshop needs to be scheduled; the District Clerk will send an email to coordinate.

I. MEETING MINUTES

I.1. Meeting Minutes of December 14, 2022

Board Chairman Dent asked for any changes; none were received. Board Chairman Dent said that the meeting minutes were approved as submitted.

J. FINAL PUBLIC COMMENTS*

Jack Dalton commented that it is great to see something being done. He stated there was a discussion on meeting highlights and stated that the meeting on the 28th had about 5 paragraphs which he could read. He continued that one thing that was not included was not the effluent pipeline which all of the sudden became 65 million dollars. He commented that most people do not know what is going on; they

don't know what short term rentals are, who the Trustees are, etc. He thinks it is important that the meeting highlights say something useful. He commented that he expects to review contracts; he used to do that. He stated that there was a delay in signing the contract with the vendor for the ski passes (RFID) and commented it had to be done the next day because it was going to be installed by December 1st. He continued now it is January and there was no mention of when it was going to be done or what kind of penalties the vendor paid. He referenced the idea of looking at the contracts until people care or are competent; there has to be a culture where things are looked at.

Cliff Dobler commented about 6.5 hours and stated that's what happens with an overwhelming agenda all at one time. He commented about the budget workshop and having 2 years to get it done; he stated if action is not taken, it will never get done. He commented that the budget and number of pages could be cut down by using the same report to report the numbers; right now there are reports to the state, sources and uses of funds and executive summary. He continued that all of them have different numbers and nobody can follow them; he has been at this for 5-6 years and has never seen anything so disgusting in all his life. He asked why there is not one format that can be reviewed where you don't have to look at another one and try to add something and subtract something. He continued that it could be cut down by half or maybe 2/3; stop the nonsense of 3 different reports that serve no value. He commented that he does not think Director of Finance Navazio and District General Manager Winqest could tell you why there are 3 different reports with the same numbers and it is scrambled up like eggs so no one knows for sure which egg goes in which pot. He stated he has been asking for this for 3-5 years and it falls on deaf ears and stated to act responsible and do it properly with one report.

Tim Callicrate congratulated the new Board and commented that it was an incredible meeting; quite long but it sounds like a lot was accomplished. He continued that there is a lot ahead and he wishes everyone the best. He commented that it is a new day and he hopes that the Board of Trustees is able to continue the good work they did tonight. He commented that he looks forward to seeing them out and about and getting one on one feedback, especially from Trustee Noble and Trustee Tulloch; it is different when you are sitting up there versus sitting in the audience. He continued that it is really nice for him sitting on the other side of the table/screen. He thanked the Board of Trustees for their work and dedication; there is a lot on their plate, and the community has a lot to look forward to as well. He congratulated the Board of Trustees again on their first meeting and stated he hopes the next meeting is shorter but just as productive.

K. BOARD OF TRUSTEES UPDATE

There were no Board of Trustees updates.

L. ADJOURNMENT (for possible action)

The meeting was adjourned on January 12, 2023 at 12:33 a.m.

Respectfully submitted,

Melissa N. Robertson
District Clerk

Attachments*:

Submitted by Judith Miller

Submitted by Aaron Katz: Written Statement to be attached to and made a part of the written minutes of the IVGID Board's Regular January 11, 2023 meeting agenda item G(5) – Changing the reporting structure for the District's legal counsel.

Submitted by Aaron Katz: Written Statement to be attached to and made a part of the written minutes of the IVGID Board's Regular January 11, 2023 meeting agenda item G(6) – Possible Entrance into a \$9,900.00 annual agreement for up to six unidentified/wasteful surveys with local resident Kevin Lyons' Flashvote

Submitted by Aaron Katz: Written Statement to be attached to and made a part of the written minutes of the IVGID Board's Regular January 11, 2023 meeting agenda item G(7) –Possible modification of Policy 3.1.0 insofar as placement of matters on consent calendar

Submitted by Aaron Katz: Written Statement to be attached to and made a part of the written minutes of the IVGID Board's Regular January 11, 2023 meeting agenda item E(1) –Our General Manager's status report – how much more evidence do we require before we perform an external audit of essentially all of our money losing "for profit" commercial business enterprises?

Submitted by Aaron Katz: Written Statement to be attached to and made a part of the written minutes of the IVGID Board's Regular January 11, 2023 meeting agenda item E(1) –Our General Manager's Status report – his secret

negotiations with the Duffield's intended to give more of the public's assets at local parcel/dwelling unit Owners' expense to a favored collaborator.

Submitted by Aaron Katz: Written Statement to be attached to and made a part of the written minutes of the IVGID Board's Regular January 11, 2023 meeting agenda item G(4) – Possible modification to the District's public records policy

Submitted by Aaron Katz: Written Statement to be attached to and made a part of the written minutes of the IVGID Board's Regular January 11, 2023 meeting agenda item G(5) – The recent proposed Recreation Center expansion fiasco that was supposed to have been financed by a donor ended up costing local parcel/dwelling unit Owners at least \$71,226.29

Submitted by Diane Becker

Submitted by Cliff Dobler – read by Mike Abel

I am so hopeful for this new board. I believe each of you really is committed to the community. Even though some may have strong associations with a particular group, I hope you will be mindful of your obligation to work for the benefit of the community as a whole.

Sadly, there has been a pattern for some Board members and staff to ignore well researched public comment and instead cave to the desires of special interest groups, with no data to guide their decisions. They did not leave their egos at the door, but thought they should determine priorities without ever surveying our community. I am excited to learn of the proposal by Mr. Lyons, both for surveys as well as for training on Good Governance. If you saw his presentation in September at the Parasol building, you would recognize that IVGID is often not clear on its role in serving the public and would benefit greatly from his training.

As Board members, you may feel obligated to fulfill your campaign promises. If those promises were to benefit the community as a whole, then I fully support your actions. If, on the other hand, you promised a special interest group some new amenity, please reflect on the purpose of government to serve the public as a whole. Even our Community Services Master Plan noted the trend in public recreation to build new facilities that were multi-purpose. If any new recreation facilities are contemplated, hopefully you will agree to survey the community with the costs of all the projects competing for our support, and let the community, not yourselves, determine priorities.

Please approve Mr. Lyons proposal for surveys and training.

Let's celebrate the beginning of a new spirit of cooperation, collaboration and even some compromise, among Board members, our staff and our citizens, even those pesky naysayers.

Let the Celebration begin! Happy New Year to you all.

Judith Miller

**WRITTEN STATEMENT TO BE ATTACHED TO AND MADE A PART OF THE WRITTEN
MINUTES OF THE IVGID BOARD'S REGULAR JANUARY 11, 2023 MEETING –
AGENDA ITEM G(5) – CHANGING THE REPORTING STRUCTURE FOR THE
DISTRICT'S LEGAL COUNSEL**

Well “here’s another one” according to my friend DJ Khaled¹! And this one I agree with.

Introduction: I keep telling the IVGID Board and the public that the District is not being properly managed² and as a consequence, the facilities and services it furnishes can be more effectively provided by another district³ or Washoe County. Or more preferably, IVGID should simply be dissolved³. This type of incompetence which takes place over and over and over again, demonstrates that the District is no longer necessary and should be dissolved. However in the interim, and in order to provide evidence in support, it’s time to examine the many extraneous matters the District engages in which ends up costing local parcel/dwelling unit owners even though it has nothing to do with their availability to recreation facilities and programs. And that’s the purpose of this written statement.

My E-Mail of January 8, 2023: On January 8, 2023, after reading the packet of materials prepared by staff in anticipation of the IVGID Board’s January 11, 2023 meeting⁴ (“the 1/11/2023 Board packet”), I sent the Board an e-mail⁵ agreeing with the proposed modifications⁶, and urging

¹ Go to <https://www.djkhaledoofficial.com/>.

² NRS 318.515(1)(a) and 318.515(3)(a)-(d) instruct that “upon notification by the Department of Taxation or upon receipt of a petition signed by 20 percent of the qualified electors of the district, that...a district of which the board of county commissioners is not the board of trustees is not being properly managed...the board of county commissioners of the county in which the district is located shall hold a hearing to consider...(a) adopt(ion of) an ordinance constituting the board of county commissioners, *ex officio*, as the board of trustees of the district; (b) adopt(ion of) an ordinance providing for the merger, consolidation or dissolution of the district...(c) fil(ing) a petition in...district court for the...appointment of a receiver for the district; or, (d) determin(ing) by resolution that management and organization of the district...remain unchanged.”

³ NRS 318.490(1)-(2) instruct that “whenever a majority of the members of the board of county commissioners...deem it to be in the best interests of the county and of the district that the district be merged, consolidated or dissolved, or if the board of trustees of a district, by resolution...agrees to such a merger, consolidation or dissolution, the board of county commissioners shall so determine by ordinance, (that)...(b) the services of the district are no longer needed or can be more effectively performed by an existing unit of government (or)...that the district should be dissolved, merged or consolidated.”

⁴ Go to https://www.yourtahoeplace.com/uploads/pdf-ivgid/1_11_-_Regular_Packet_-_Part_2.pdf.

⁵ That e-mail is attached as Exhibit “A” to this written statement.

⁶ See pages 167-177 of the 1/11/2023 Board packet.

contemporaneous modification of the current legal services agreement with Josh Nelson's law firm to make it clear Mr. Nelson's client is the Board rather than staff.

Conclusion: I reiterate my support and recommendations here.

And You Wonder Why the Recreation ("RFF") and Beach ("BFF") Facility Fees Which Pay For This and Other Similar Waste Which Local Parcel/Dwelling Unit. Owners Are Forced to Involuntarily Pay is Out of Control? I've now provided more answers.

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

EXHIBIT "A"

Re: January 11, 2023 IVGID Board Meeting - Agenda Item G(5) - Reporting Structure For Legal Counsel

From: <s4s@ix.netcom.com>
To: Dent Matthew <dent_trustee@ivgid.org>
Cc: Schmitz Sara <schmitz_trustee@ivgid.org>, <noble_trustee@ivgid.org>, <ISW@ivgid.org>, <tulloch_trustee@ivgid.org>, <ISW@ivgid.org>
Subject: Re: January 11, 2023 IVGID Board Meeting - Agenda Item G(5) - Reporting Structure For Legal Counsel
Date: Jan 8, 2023 12:13 PM

0To Honorable Current/Future IVGID Board Members -

Yes, yes, yes when it comes to the intent of this agenda item. Thank you!

But there's more. Although page 169 of the Board packet instructs that "Implementation of these (proposed) changes will require some changes to Board Resolution 1480/Policy and Procedure Resolution No. 105 including among others at page 4 of Appendix A," there's more which needs to be "changed." In particular, our legal services agreement with the Nelson law firm. That agreement identifies the "client" as IVGID. If the Board proposes that Josh report to the Board rather than any other portion of "IVGID," then shouldn't the legal services agreement be modified?" In particular, to clearly identify the IVGID Board as the "client?"

BTW, I think this agenda item as written is "clear and complete" enough to incorporate modifications to our legal services agreement with the Nelson law firm as suggested, because it accomplishes the same purpose. However if there is any doubt, why don't you ask Josh?

And not that I am in accord with Resolution 1480, however, if our GM feels the need to engage the services of an attorney, let him find his own attorney and enter into his own agreement with that attorney. Or, let him hire an attorney to be part of staff just like Mr. Navazio is part of staff. As stated in at page 169 of the Board packet, "Where District Management require legal resources for operational issues – such as Human Resources or contractual issues – **such support could be engaged separately from Legal Counsel.**"

Respectfully, Aaron Katz

**WRITTEN STATEMENT TO BE ATTACHED TO AND MADE A PART OF THE WRITTEN
MINUTES OF THE IVGID BOARD'S REGULAR JANUARY 11, 2023 MEETING –
AGENDA ITEM G(6) – POSSIBLE ENTRANCE INTO A \$9,900 ANNUAL
AGREEMENT FOR UP TO SIX UNIDENTIFIED/WASTEFUL SURVEYS
WITH LOCAL RESIDENT KEVIN LYONS' FLASHVOTE**

Well “here’s another one” according to my friend DJ Khaled¹!

Introduction: I keep telling the IVGID Board and the public that the District is not being properly managed² and as a consequence, the facilities and services it furnishes can be more effectively provided by another district³ or Washoe County. Or more preferably, IVGID should simply be dissolved³. This type of incompetence which takes place over and over and over again, demonstrates that the District is no longer necessary and should be dissolved. However in the interim, and in order to provide evidence in support, it’s time to examine the many extraneous matters the District engages in which ends up costing local parcel/dwelling unit owners even though it has nothing to do with their availability to recreation facilities and programs. And that’s the purpose of this written statement.

My E-Mail of January 8, 2023: On January 8, 2023, after reading the packet of materials prepared by staff in anticipation of the IVGID Board’s January 11, 2023 meeting⁴ (“the 1/11/2023 Board packet”), I sent the Board an e-mail⁵ objecting to its proposed entrance into a never ending/

¹ Go to <https://www.djkhaledofficial.com/>.

² NRS 318.515(1)(a) and 318.515(3)(a)-(d) instruct that “upon notification by the Department of Taxation or upon receipt of a petition signed by 20 percent of the qualified electors of the district, that...a district of which the board of county commissioners is not the board of trustees is not being properly managed...the board of county commissioners of the county in which the district is located shall hold a hearing to consider...(a) adopt(ion of) an ordinance constituting the board of county commissioners, *ex officio*, as the board of trustees of the district; (b) adopt(ion of) an ordinance providing for the merger, consolidation or dissolution of the district...(c) fil(ing) a petition in...district court for the...appointment of a receiver for the district; or, (d) determin(ing) by resolution that management and organization of the district...remain unchanged.”

³ NRS 318.490(1)-(2) instruct that “whenever a majority of the members of the board of county commissioners...deem it to be in the best interests of the county and of the district that the district be merged, consolidated or dissolved, or if the board of trustees of a district, by resolution...agrees to such a merger, consolidation or dissolution, the board of county commissioners shall so determine by ordinance, (that)...(b) the services of the district are no longer needed or can be more effectively performed by an existing unit of government (or)...that the district should be dissolved, merged or consolidated.”

⁴ Go to https://www.yourtahoeplace.com/uploads/pdf-ivgid/1_11_-_Regular_Packet_-_Part_2.pdf.

⁵ That e-mail is attached as Exhibit “A” to this written statement.

automatically renewing agreement with local resident Kevin Lyons' Flashvote for unidentified/ unnecessary surveys costing local parcel/dwelling unit owners a minimum of \$9,900 in the current fiscal year, and then \$7,900 annually thereafter⁶!

Conclusion: I reiterate my opposition here.

And You Wonder Why the Recreation ("RFF") and Beach ("BFF") Facility Fees Which Pay For This and Other Similar Waste Which Local Parcel/Dwelling Unit. Owners Are Forced to Involuntarily Pay is Out of Control? I've now provided more answers.

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

⁶ See pages 178-188 of the 1/11/2023 Board packet.

EXHIBIT "A"

January 11, 2023 IVGID Board Meeting - Agenda Item G(6) - Possible Entrance Into a NTE \$9,900 Agreement With Local Resident Kevin Lyon's Flashvote

From: <s4s@ix.netcom.com>
To: Dent Matthew <dent_trustee@ivgid.org>
Cc: Schmitz Sara <schmitz_trustee@ivgid.org>, <noble_trustee@ivgid.org>, <ISW@ivgid.org>, <tulloch_trustee@ivgid.org>
Subject: January 11, 2023 IVGID Board Meeting - Agenda Item G(6) - Possible Entrance Into a NTE \$9,900 Agreement With Local Resident Kevin Lyon's Flashvote
Date: Jan 8, 2023 11:06 AM

To Honorable Current/Future IVGID Board Members -

It's just more and more and more. AGAIN!

So why has this matter been agendized for possible Board action? And what exactly is it?

Let's start with the latter question first.

The memorandum in support tells the public that this item involves entrance into an agreement with Flashvote. The agreement purports to require a one time up front fee of \$2,000, and then a minimum of \$7,900/year thereafter (see page 183 of the Board packet) paid up front as well. And for what?

Up to six (6) unidentified surveys (see page 182 of the Board packet) within the year. Surveys for what? We don't know. Why do we need such surveys? We don't know. Why can't we conduct our own surveys assuming there's some reason to do so? We don't know. And what if we don't need six (6) surveys?

Furthermore, the District's history with surveys is not good. And why should we think it will be any better this time? Time after time after time staff deceitfully craft survey questions so respondents are disposed to come up with the responses staff seek. And then staff will use the survey results as a propaganda tool to make the case for the board action they want. Examples.

Rank the new recreation facilities and programs you want. But what about their cost? And where is the money going to come from to pay that cost? These important questions are not included in the survey question. And if they were, respondents might have different answers. Therefore, if you don't know their cost and source of funding, maybe you don't want any of these initiatives at all? But where are you given the option to just say no?

Let's talk about propaganda. Staff want a dedicated dog park on USFS lands across from the high school. So in support they will argue that in recent surveys, responders indicated this project was a preference. The surveys never disclosed local parcel owners would be likely looking at a \$3M or higher price tag to be paid by their Rec Facility Fees ("RFFs").

Let's move on with the former question.

1. Given our GM has spending authority to enter into this agreement without securing Board approval (see Policy 3.0.1), why has it been agendized? Why doesn't Indra just enter into the agreement if that be his decision?

2. At a time when the District should be doing less and less, and reducing rather than expanding its footprint, here again we're doing more. And why Indra?

3. Where is the money going to come from to pay for this endeavor? Although the memorandum in support tells us the District's General Fund (see page 178 of the Board packet), it's really our RFF and

Beach ("BFF") Facility Fees, as well as the higher than necessary utility charges we pay to the District. How can I make this statement?

For you Board members who don't know, every year staff and the Board budget to overspend in essentially all of our "funds," and the General Fund in particular. This over spending is subsidized by transfers from the Community Services, Beach and Utility Funds. Since staff and the district budget to overspend in the Community Services and Beach Funds, and Utility Fund expenses are paid for by the water/sewer rates we pay to the District, General Fund overspending is subsidized by transfers of the RFF, BFF and the utility rates we pay. These transfers are disingenuously labeled "central services cost" allocations. But they have little if anything to do with central services costs. And the subject proposed cost has zero to do with central services allegedly provided to the Community Services, Beach and Utility Funds. And staff know this! But don't bother me with the truth. We have an agenda to implement. The ends justify the means.

4. But there's more insofar as costs are concerned! Isn't our attorney going to have to review and approve Flashvote's proposed agreement? Or maybe he already has already performed these services? And what are his additional costs going to be on top of the \$9,900? And where have staff shared this little piece of the truth? Bueller? Bueller?

5. Moreover, we are told that there will be unreimbursed staff time involved insofar as each of the proposed surveys is concerned. And the way this time gets paid for is from hidden transfers from the departments which allegedly benefit from their services. And staff hide these costs. But believe me. They're there. And we pay for them. Making the cost more than \$9,900.

6. And it's not just a single year of services. Kevin's agreement provides it will automatically renew each year unless expressly cancelled thirty (30) or more days prior to renewal (see page 186 of the Board packet). Now why would you "trick" your GID Kevin to agree to a never ending automatic renewal of the agreement?

7. There's another reason to say no to this agenda item. Kevin Lyons has a conflict of interest. It's no secret Kevin's a principal in the effort to turn most of IVGID into a city. But rather than replacing IVGID with a city, Kevin proposes IVGID remain and co-exist with his new city. So as Kevin designs surveys on whatever, he is sure to craft them in such a manner which is most pleasing to creating a city while having IVGID co-exist. Many of us oppose the proposed new city expressly because IVGID continues rather than dissolves.

8. There's another reason to say no to this agenda item. Here we have another example of a member of our community seeking to "take" something personal for him/herself at the public's expense. Rather than giving something to the public at his expense. My public comments at the Board's December 14, 2022 meeting discussed this phenomena. Here it's no different than the Sheriff wanting to use our private Burnt Cedar Beach for a public safety pier. Or the Hyatt wanting us to pay it above market rent for its Sports Shop. Or local resident William Chastain wanting to use IVGID property for his geothermal electricity business. Or local resident Steve Docea wanting to use an IVGID water pumping station and the water it pumps for his bottled drinking water business. Or the golfers wanting the overwhelming majority of local parcel owners who don't play golf to subsidize the cost of their rounds of golf. Or the local non-profits wanting local parcel owners to subsidize the costs of their fund raising events by allowing them to rent use of public facilities at less than their cost.

In all of these cases, not what you can do for IVGID but rather, what IVGID can do for you!

9. Finally, if our staff are going to be involved insofar as these future surveys are concerned, why don't we let our staff deal with other commercially available services which cost next to nothing...like survey monkey? Or if they're not equipped to deal with matters such as these because of their lack of expertise, why don't we eliminate in house staff who aren't qualified? \$10K per year whether we use Flashvote or not and forever unless our agreement is terminated in advance of automatic renewal (see discussion below)...Are you people crazy?

Just say NO to this agenda item and send the message which in your hearts you know should be sent.

**WRITTEN STATEMENT TO BE ATTACHED TO AND MADE A PART OF THE WRITTEN
MINUTES OF THE IVGID BOARD'S REGULAR JANUARY 11, 2023 MEETING –
AGENDA ITEM G(7) – POSSIBLE MODIFICATION OF POLICY 3.1.0 INSOFAR
AS PLACEMENT OF MATTERS ON CONSENT CALENDAR**

Well “here’s another one” according to my friend DJ Khaled¹! And this one I agree with.

Introduction: I keep telling the IVGID Board and the public that the District is not being properly managed² and as a consequence, the facilities and services it furnishes can be more effectively provided by another district³ or Washoe County. Or more preferably, IVGID should simply be dissolved³. This type of incompetence which takes place over and over and over again, demonstrates that the District is no longer necessary and should be dissolved. However in the interim, and in order to provide evidence in support, it’s time to examine the many extraneous matters the District engages in which ends up costing local parcel/dwelling unit owners even though it has nothing to do with their availability to recreation facilities and programs. And that’s the purpose of this written statement.

My E-Mail of January 8, 2023: On January 8, 2023, after reading the packet of materials prepared by staff in anticipation of the IVGID Board’s January 11, 2023 meeting⁴ (“the 1/11/2023 Board packet”), I sent the Board an e-mail⁵ agreeing with the proposed modifications⁶. I also asked

¹ Go to <https://www.djkhaledofficial.com/>.

² NRS 318.515(1)(a) and 318.515(3)(a)-(d) instruct that “upon notification by the Department of Taxation or upon receipt of a petition signed by 20 percent of the qualified electors of the district, that...a district of which the board of county commissioners is not the board of trustees is not being properly managed...the board of county commissioners of the county in which the district is located shall hold a hearing to consider...(a) adopt(ion of) an ordinance constituting the board of county commissioners, *ex officio*, as the board of trustees of the district; (b) adopt(ion of) an ordinance providing for the merger, consolidation or dissolution of the district...(c) fil(ing) a petition in...district court for the...appointment of a receiver for the district; or, (d) determin(ing) by resolution that management and organization of the district...remain unchanged.”

³ NRS 318.490(1)-(2) instruct that “whenever a majority of the members of the board of county commissioners...deem it to be in the best interests of the county and of the district that the district be merged, consolidated or dissolved, or if the board of trustees of a district, by resolution...agrees to such a merger, consolidation or dissolution, the board of county commissioners shall so determine by ordinance, (that)...(b) the services of the district are no longer needed or can be more effectively performed by an existing unit of government (or)...that the district should be dissolved, merged or consolidated.”

⁴ Go to https://www.yourtahoeplace.com/uploads/pdf-ivgid/1_11_-_Regular_Packet_-_Part_3.pdf.

⁵ That e-mail is attached as Exhibit “A” to this written statement.

⁶ See pages 189-214 of the 1/11/2023 Board packet.

that two policies be removed (litigation and legislative matters) because they have nothing to do with the “conduct of (Board) meetings.”

Conclusion: I reiterate my support and recommendations here.

And You Wonder Why the Recreation (“RFF”) and Beach (“BFF”) Facility Fees Which Pay For This and Other Similar Waste Which Local Parcel/Dwelling Unit. Owners Are Forced to Involuntarily Pay is Out of Control? I’ve now provided more answers.

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

EXHIBIT "A"

Re: January 11, 2023 IVGID Board Meeting - Agenda Item G(7) - Possible Modification to Policy 3.1.0 Dealing With the Consent Calendar

From: <s4s@ix.netcom.com>
To: Dent Matthew <dent_trustee@ivgid.org>
Cc: Schmitz Sara <schmitz_trustee@ivgid.org>, Tonking Michaela <tonking_trustee@ivgid.org>, Tulloch Ray <tulloch_trustee@ivgid.org>, Noble Dave <noble_trustee@ivgid.org>, <ISW@ivgid.org>
Subject: Re: January 11, 2023 IVGID Board Meeting - Agenda Item G(7) - Possible Modification to Policy 3.1.0 Dealing With the Consent Calendar
Date: Jan 8, 2023 1:18 PM

Current and Future IVGID Board members -

Yes. But you haven't gone far enough.

This policy is labeled "Conduct Meetings of the Board of Trustees." What does this have to do with "claims" [see section 0.5(i)], "litigation" [see section 0.5(h)] or legislative matters" per se (see section 0.10)? Since the answers are/is "nothing," how about removing these matters from this policy and if they're appropriate, include them in some new policy to be adopted which correctly describes such policy?

Respectfully, Aaron Katz

**WRITTEN STATEMENT TO BE ATTACHED TO AND MADE A PART OF THE WRITTEN
MINUTES OF THE IVGID BOARD'S REGULAR JANUARY 11, 2023 MEETING –
AGENDA ITEM E(1) – OUR GENERAL MANAGER'S STATUS REPORT – HOW
MUCH MORE EVIDENCE DO WE REQUIRE BEFORE WE PERFORM AN
EXTERNAL AUDIT OF ESSENTIALLY ALL OF OUR MONEY LOSING
“FOR PROFIT” COMMERCIAL BUSINESS ENTERPRISES?**

Well “here’s another one” according to my friend DJ Khaled¹!

Introduction: I keep telling the IVGID Board and the public that the District is not being properly managed² and as a consequence, the facilities and services it furnishes can be more effectively provided by another district³ or Washoe County. Or more preferably, IVGID should simply be dissolved³. This type of incompetence which takes place over and over and over again, demonstrates that the District is no longer necessary and should be dissolved. However in the interim, and in order to provide evidence in support, it’s time for an audit of every one of our money losing commercial business enterprises by an outside/external auditor. And that’s the purpose of this written statement.

My E-Mail of January 8, 2023: On January 8, 2023, after reading the packet of materials prepared by staff in anticipation of the IVGID Board’s January 11, 2023 meeting⁴ (“the 1/11/2023 Board packet”), I sent the Board an e-mail pointing it to the General Manager’s (“GM’s”) status report where he tells us that the Recreation Center’s men’s and women’s locker room remodel ended up

¹ Go to <https://www.djkhaledoofficial.com/>.

² NRS 318.515(1)(a) and 318.515(3)(a)-(d) instruct that “upon notification by the Department of Taxation or upon receipt of a petition signed by 20 percent of the qualified electors of the district, that...a district of which the board of county commissioners is not the board of trustees is not being properly managed...the board of county commissioners of the county in which the district is located shall hold a hearing to consider...(a) adopt(ion of) an ordinance constituting the board of county commissioners, *ex officio*, as the board of trustees of the district; (b) adopt(ion of) an ordinance providing for the merger, consolidation or dissolution of the district...(c) fil(ing) a petition in...district court for the...appointment of a receiver for the district; or, (d) determin(ing) by resolution that management and organization of the district...remain unchanged.”

³ NRS 318.490(1)-(2) instruct that “whenever a majority of the members of the board of county commissioners...deem it to be in the best interests of the county and of the district that the district be merged, consolidated or dissolved, or if the board of trustees of a district, by resolution...agrees to such a merger, consolidation or dissolution, the board of county commissioners shall so determine by ordinance, (that)...(b) the services of the district are no longer needed or can be more effectively performed by an existing unit of government (or)...that the district should be dissolved, merged or consolidated.”

⁴ Go to https://www.yourtahoeplace.com/uploads/pdf-ivgid/1_11_-_Regular_Packet_-_Part_1.pdf.

costing local parcel/dwelling unit owners nearly \$1 million⁵! I called for an external audit of all District “for profit” (or in our case “for loss”) commercial business enterprise activities⁶.

Conclusion: I reiterate the request here.

And You Wonder Why the Recreation (“RFF”) and Beach (“BFF”) Facility Fees Which Pay For This and Other Similar Waste Which Local Parcel/Dwelling Unit Owners Are Forced to Involuntarily Pay is Out of Control? I’ve now provided more answers.

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

⁵ See pages 014-018 of the 1/11/2023 Board packet.

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

EXHIBIT "A"

January 11, 2023 IVGID Board Meeting - Agenda Item E(1) - GM's Status Report - Recreation Center Men's and Women's Locker Room Remodel - It's Time For Employment of an External Auditor!

From: <s4s@ix.netcom.com>
To: Dent Matthew <dent_trustee@ivgid.org>
Cc: Schmitz Sara <schmitz_trustee@ivgid.org>, Tonking Michaela <tonking_trustee@ivgid.org>, Tulloch Ray <tulloch_trustee@ivgid.org>, Noble Dave <noble_trustee@ivgid.org>, <sellingtahoe@sbcglobal.net>
Subject: January 11, 2023 IVGID Board Meeting - Agenda Item E(1) - GM's Status Report - Recreation Center Men's and Women's Locker Room Remodel - It's Time For Employment of an External Auditor!
Date: Jan 8, 2023 9:51 AM

Current and Future IVGID Board members -

Well did you pick up on this one in the GM's status report?

Nearly \$1M spent on a very basic and unnecessary Rec Center locker rooms renovation! After how much spent on a totally unnecessary (\$500K?) recent second floor Rec Center bathroom(s) renovation. After >\$5M having been spent on a Burnt Cedar pool renovation project. After over \$419K of add'l annual charges for District fuel [agenda item F(1)]. After nearly an add'l \$1M on beach access improvement [agenda item E(3)]. After what is destined to be a \$100M effluent export pipeline project (only phase II) when the original represented cost was \$23M. Etc., etc., etc.

You know if these wasteful expenditures were financed the way they are with your typical public agency (taxes and fees to those actually electing to receive and receiving special services), most of us wouldn't care. But here all of these expenditures are financed by our Rec ("RFF") and Beach ("BFF") Facility Fees. IVGID's taxes and fees are reserved for paying senior staff salaries and benefits (see the General Fund). And the ONLY limit is the amount of the RFF/BFF approved each year.

Ladies and gentlemen. The public needs an EXTRANEIOUS AUDIT. By an outside professional auditing firm which is independent of our deceitful staff (that's right Gail. Your slobberingly beloved staff are deceitful because their agendas differ from those of local parcel owners). Who should be directed to communicate directly with the Board rather than staff because the latter always (surprise) end up skewing the end results. Who should share the truth.

Every year we get a skewed year end golf course wrap up by Darren Howard which admits we've lost in excess of \$1M!

And a DP wrap up by Mike Bandelin which tells us how rosy financial operations were but hides little tidbits like a failing storm drainage system or Ski Way local parcel owners are expended to finance repair wise.

Well how about a wrap up of the REAL and complete financials related to:

1. The Grill Restaurant;
2. The Hyatt Sports Shop;
3. The Champ Golf Pro Shop;
4. The Mountain Golf Pro Shop;
5. The IVGID Quarterly;
6. Our Marketing Dep't headed by Paul Raymore;
7. The 100 or more programs operated under the auspices of the Rec Center;
8. The Rec Center itself;
9. All the parks and athletic fields operated under the auspices of "Parks;"
10. The Tennis/Pickle Ball Center;
11. Internal Services;
12. The beaches;

13. Facility Sales; and,
14. Catering sales at the Chateau and Aspen Grove disingenuously labeled "food and beverage" sales?

Let's get the truth out so we can start having some thoughtful conversations. Shall we? When we all see the massive losses your beloved staff are racking up year after year, which have nothing to do with my home's recreational facilities and programs, maybe we can start making changes?

Respectfully, Aaron Katz

**WRITTEN STATEMENT TO BE ATTACHED TO AND MADE A PART OF THE WRITTEN
MINUTES OF THE IVGID BOARD'S REGULAR JANUARY 11, 2023 MEETING –
AGENDA ITEM E(1) – OUR GENERAL MANAGER’S STATUS REPORT – HIS
SECRET NEGOTIATIONS WITH THE DUFFIELDS INTENDED TO GIVE
MORE OF THE PUBLIC’S ASSETS AT LOCAL PARCEL/DWELLING
UNIT OWNERS’ EXPENSE TO A FAVORED COLLABORATOR**

Well “here’s another one” according to my friend DJ Khaled¹!

Introduction: I keep telling the IVGID Board and the public that the District is not being properly managed² and as a consequence, the facilities and services it furnishes can be more effectively provided by another district³ or Washoe County. Or more preferably, IVGID should simply be dissolved³. This type of incompetence which takes place over and over and over again, demonstrates that the District is no longer necessary and should be dissolved. However in the interim, and in order to provide evidence in support, what’s up with what’s going on behind closed doors between our GM and favored collaborator David Duffield? Indra alludes to this in his status report⁴, but then won’t come clean sharing what’s really going on. And that’s the purpose of this written statement.

¹ Go to <https://www.djkhaledoofficial.com/>.

² NRS 318.515(1)(a) and 318.515(3)(a)-(d) instruct that “upon notification by the Department of Taxation or upon receipt of a petition signed by 20 percent of the qualified electors of the district, that...a district of which the board of county commissioners is not the board of trustees is not being properly managed...the board of county commissioners of the county in which the district is located shall hold a hearing to consider...(a) adopt(ion of) an ordinance constituting the board of county commissioners, *ex officio*, as the board of trustees of the district; (b) adopt(ion of) an ordinance providing for the merger, consolidation or dissolution of the district...(c) fil(ing) a petition in...district court for the...appointment of a receiver for the district; or, (d) determin(ing) by resolution that management and organization of the district...remain unchanged.”

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⁴ See page 011 of the packet of materials prepared by staff in anticipation of this Board meeting [“the 1/11/2023 Board packet” (https://www.yourtahoeplace.com/uploads/pdf-ivgid/1_11_-_Regular_Packet_-_Part_1.pdf)].

My E-Mails of January 8 and 9, 2023: On January 8, 2023, after reading the packet of materials prepared by staff in anticipation of the IVGID Board's January 11, 2023 meeting⁴, I sent an e-mail to GM Winquest and Trustee Tonking asking them to explain what exactly is going on between them and the Duffields regarding some possible joint use gymnastics agreement⁵. Since I didn't want to jump to conclusions, I wanted to give Indra every opportunity to explain. But he didn't.

So the next day I sent an e-mail to the Board sharing my fears for what Indra may be up to⁵. And if the reader reads what I fear, he/she will see again that our staff is using the public's assets at local parcel/dwelling unit owners' expense for the benefit of another one of the former's favored collaborator aka "taker." And I object.

Conclusion: When does this end Indra? You spend your time appeasing special interest groups in our community and at our expense, and then attempt to justify what you have done as some benefit to the community. I ask the Board to put a stop to this behavior and to recognize it for what is essentially is.

And You Wonder Why the Recreation ("RFF") and Beach ("BFF") Facility Fees Which Pay For This and Other Similar Waste Which Local Parcel/Dwelling Unit Owners Are Forced to Involuntarily Pay is Out of Control? I've now provided more answers.

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

⁵ That e-mail is part of the e-mail string attached as Exhibit "A" to this written statement.

EXHIBIT "A"

January 11, 2023 IVGID Board Meeting - Agenda Item E(1) - GM's Status Report - Possible Entrance Into a Use Agreement w/the Duffields and Their New Gymnastics Bldg Under Construction on Tahoe Blvd - What's This Crap Indra?.

From: <s4s@ix.netcom.com>
To: "Dent Matthew" <dent_trustee@ivgid.org>
Cc: "Schmitz Sara" <schmitz_trustee@ivgid.org>, "Tonking Michaela" <tonking_trustee@ivgid.org>, "Tulloch Ray" <tulloch_trustee@ivgid.org>, "Noble Dave" <noble_trustee@ivgid.org>, <sellingtahoe@sbcglobal.net>
Subject: January 11, 2023 IVGID Board Meeting - Agenda Item E(1) - GM's Status Report - Possible Entrance Into a Use Agreement w/the Duffields and Their New Gymnastics Bldg Under Construction on Tahoe Blvd - What's This Crap Indra?.
Date: Jan 9, 2023 12:01 PM

Honorable Current/Future IVGID Board members -

On January 8, 2023 I e-mailed Indra and the Board the e-mail below related to this subject matter:

"-----Original Message-----"

From: <s4s@ix.netcom.com>
Sent: Jan 8, 2023 8:52 AM
To: <ISW@ivgid.org>, Tonking Michaela <tonking_trustee@ivgid.org>
Cc: Dent Matthew <dent_trustee@ivgid.org>, Schmitz Sara <schmitz_trustee@ivgid.org>, <tulloch_trustee@ivgid.org>, <noble_trustee@ivgid.org>
Subject: How About Coming Clean For Once Indra and Michaela? January 11, 2023 IVGID Board Meeting - Agenda Item E(1) - Possible Entrance Into a Use Agreement w/the Duffields and Their New Gymnastics Bldg Under Construction on Tahoe Blvd

Honorable IVGID Board members and Indra -

Well, well, well. Surprise, surprise, surprise.

Did you board members and soon to be board members pick up on this one (see page 011 of the Board packet)? Kind of buried like a footnote in over 300 pages of meeting materials.

"Ponderosa Athletics, LLC – Advanced Girls Gymnastic Program District Staff is working with the Ponderosa Athletics, LLC team to effect the transfer of the Advanced Girls Gymnastic Program, consisting of 14-16 girls, over to the temporary built structure located on the Ponderosa Ranch property. The two teams are working out a use agreement that will be brought before the Board of Trustees in the near future."

And "Trustee Tonking is serving on the District team." Really.

Is this the same Trustee Tonking who served on the District team when the team that was pursuing Rec Center expansion designs DIFFERENT than those actually approved by the Board as a whole associated with this fiasco project? Regardless. This is why this e-mail is directed to you as well as Indra Michaela.

Before members of the public like me start speculating, how about the two of you coming clean? Or becoming "transparent" which is the label you constantly affix Indra. What's going on behind closed doors? IVGID already has a girl's gymnastics team, doesn't it? It already has one or two experienced coaches. Doesn't it? It already has spiffy gymnastics equipment, doesn't it? It already has a facility within which to operate this program (the Rec Center), doesn't it? Its revenues exceed its financial operational costs, don't they?

So why is Indra wasting his valuable IVGID time chasing this extraneous pie-in-the-ski endeavor? And since he has the authority to contract for up to \$100K of expenditures without obtaining board approval, are we to assume that whatever it is that's in the works is some sort of agreement involving in excess of \$100K of public monies?

Come clean Indra! And as the public's alleged Board watchdog, come clean Michaela!

What exactly is this all about?

Why is the Duffield's gymnastics bldg which is under construction only a "temporary built structure?"

Why would there be a transfer of IVGID's girls gymnastics program to the Duffields' program?

Why is there reference to a Ponderosa Athletics, LLC team (i.e., program) when NO SUCH TEAM EXISTS (go ahead. Do a google search and show me where such a team or program exists)?

I and others I know want answers NOW and not sometime down the road after the expenditure of valuable unreimbursed staff time extending another public benefit to a favored collaborator in our community aka "payback."

Please provide these answers NOW. If I don't receive a substantive response by 12 noon tomorrow, Monday, January 9, 2023, I shall start speculating.

Thank you for your cooperation. Aaron Katz"

Since there has been no substantive response within the time limits provided (it's now after 12 noon on Monday), now I will speculate for the benefit of the rest of us.

Let's see if I understand this one correctly Indra.

1. We own \$20K+ of gymnastics equipment.
2. One of our most popular recreation programs is a girl's gymnastics team which benefits from supervised IVGID instruction.
3. This program takes place at the Rec Center.
4. The proposed Rec Center expansion would have created a dedicated area for placement of this equipment and the administration of this program.
5. But Mr. Duffield decided to pull out of possible financial support for the expansion (remember. I have demonstrated where it was Mr. Duffield who is the one who breached the agreement entered into with the District related to design). And instead, he's building his own gymnastics building on his Ponderosa Ranch property on Tahoe Blvd. which for him, accomplishes the same result.
6. And there's nothing "temporary" about Mr. Duffield's building. It's a permanent building. So why has Indra labeled it only "temporary built?" Bueller? Bueller?
7. Hasn't Indra come up with this descriptive term in an attempt to differentiate Mr. Duffield's building from the portion of the proposed Rec Center expansion which would have been devoted to dedicated use for the same had there been an expansion? Why both buildings for a single function? Because according to Indra, Mr. Duffield's building is only

"temporary." Temporary until when Indra? And then permanently what? Just so we're all on the same page Indra. Why the deceitful description?

8. Okay. So now Mr. Duffield needs gymnastics equipment. Why not use IVGID's?

9. And why not IVGID's instruction team? Since they were hand picked by Mr. Duffield in the first place, why not get them to instruct another Duffield team?

10. And Mr. Duffield needs participants to use his new gymnastics building because otherwise, there's no team. So why not IVGID's? Just change the name.

11. Voila. A use agreement where IVGID recreation uses Mr. Duffield's gymnastics building instead of the Rec Center, Mr. Duffield uses IVGID's gymnastics equipment rather than purchasing anew, Mr. Duffield uses the District's instructional staff, and maybe we can get the District to throw in some money to boot?.

12. And rather than staffing and administering Mr. Duffield's program, let's have IVGID do all of this at the public's expense?

13. And now it's really no longer an IVGID girl's gymnastics program, is it? It's really a Mr. Duffield program which is filled/possibly financially subsidized by IVGID clients/IVGID. Again, another example of what can IVGID do for the individual benefit of one of our community "takers?"

WARNING Board members! Do you see where this is going? Do you see the wasteful public-private partnership Indra is about to get us into? And who has a clue?

It's like I have said. It's essentially everything these people do. Peel away enough layers and you will discover a core of evil, deceit, waste, wrongdoing, etc. (are you reading Gail?). So why do we continue with an individual like Indra as our GM? And at the outrageous salary he is being paid?

Respectfully, Aaron Katz

**WRITTEN STATEMENT TO BE ATTACHED TO AND MADE A PART OF THE WRITTEN
MINUTES OF THE IVGID BOARD'S REGULAR JANUARY 11, 2023 MEETING –
AGENDA ITEM G(4) – POSSIBLE MODIFICATION TO THE DISTRICT'S
PUBLIC RECORDS POLICY**

Well “here’s another one” according to my friend DJ Khaled¹! And this one I agree with.

Introduction: I keep telling the IVGID Board and the public that the District is not being properly managed² and as a consequence, the facilities and services it furnishes can be more effectively provided by another district³ or Washoe County. Or more preferably, IVGID should simply be dissolved³. This type of incompetence which takes place over and over and over again, demonstrates that the District is no longer necessary and should be dissolved. However in the interim, and in order to provide evidence in support, it’s time to examine the many extraneous matters the District engages in which ends up costing local parcel/dwelling unit owners even though it has nothing to do with their availability to recreation facilities and programs. And that’s the purpose of this written statement.

My E-Mail of January 8, 2023: On January 8, 2023, after reading the packet of materials prepared by staff in anticipation of the IVGID Board’s January 11, 2023 meeting⁴ (“the 1/11/2023 Board packet”), I sent the Board an e-mail⁵ agreeing with the proposed modifications⁶. I also asked

¹ Go to <https://www.djkhaledofficial.com/>.

² NRS 318.515(1)(a) and 318.515(3)(a)-(d) instruct that “upon notification by the Department of Taxation or upon receipt of a petition signed by 20 percent of the qualified electors of the district, that...a district of which the board of county commissioners is not the board of trustees is not being properly managed...the board of county commissioners of the county in which the district is located shall hold a hearing to consider...(a) adopt(ion of) an ordinance constituting the board of county commissioners, *ex officio*, as the board of trustees of the district; (b) adopt(ion of) an ordinance providing for the merger, consolidation or dissolution of the district...(c) fil(ing) a petition in...district court for the...appointment of a receiver for the district; or, (d) determin(ing) by resolution that management and organization of the district...remain unchanged.”

³ NRS 318.490(1)-(2) instruct that “whenever a majority of the members of the board of county commissioners...deem it to be in the best interests of the county and of the district that the district be merged, consolidated or dissolved, or if the board of trustees of a district, by resolution...agrees to such a merger, consolidation or dissolution, the board of county commissioners shall so determine by ordinance, (that)...(b) the services of the district are no longer needed or can be more effectively performed by an existing unit of government (or)...that the district should be dissolved, merged or consolidated.”

⁴ Go to https://www.yourtahoeplace.com/uploads/pdf-ivgid/1_11_-_Regular_Packet_-_Part_2.pdf.

⁵ That e-mail is attached as Exhibit “A” to this written statement.

⁶ See pages 164-166 of the 1/11/2023 Board packet.

that the Board alter the current redaction policy by requiring all redactions to be approved by the Board rather than its chairperson.

Conclusion: I reiterate my support and recommendations here.

And You Wonder Why the Recreation (“RFF”) and Beach (“BFF”) Facility Fees Which Pay For This and Other Similar Waste Which Local Parcel/Dwelling Unit. Owners Are Forced to Involuntarily Pay is Out of Control? I’ve now provided more answers.

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

EXHIBIT "A"

Re: January 11, 2023 IVGID Board Meeting - Agenda Item G(4) - Proposed Changes to Public Records Policy

From: <s4s@ix.netcom.com>
To: Dent Matthew <dent_trustee@ivgid.org>
Cc: Schmitz Sara <schmitz_trustee@ivgid.org>, <noble_trustee@ivgid.org>, <ISW@ivgid.org>, <tulloch_trustee@ivgid.org>, <ISW@ivgid.org>
Subject: Re: January 11, 2023 IVGID Board Meeting - Agenda Item G(4) - Proposed Changes to Public Records Policy
Date: Jan 8, 2023 12:47 PM

To Honorable Current/Future IVGID Board Members -

Yes, yes, yes! And thank you.

Since this agenda item speaks specifically about redactions ["Should the District's default position be to provide responses to Public records Requests in full **without redaction**? This would support transparency by keeping the community fully informed and also better enable the community to hold the Board accountable through the electoral process" - see page 165 of the Board packet], I fully support the idea of "limit(ing) redactions in such responses to **only those necessary to comply with statutory, fiduciary and legal obligations such that the District is not put in legal jeopardy**. Redactions could include items such as protected personnel records or pending litigation."

Notwithstanding, I take issue with the suggestion "redactions **would be subject to review and approval by the Board Chair in consultation with General Counsel**." NRS 318 makes no distinction between the powers of a GID Board chairperson and any other Board trustee. They all have equal power. So why are we giving the Board chair the power to unilaterally decide on behalf of the Board what should and should not be redacted? **I don't want a Board chairperson like Tim Callicrate deciding what he thinks should and should not be redacted. So why provide for that possibility by incorporating this into a new Public Records Policy?**

I can fully understand that at first blush, sufficient time may not exist for the Board as a whole to decide what redactions should and should not be made to requested public records. However where such a circumstance presents itself, NRS 239.0107(1)(c) provides a simple and straightforward solution: "If the governmental entity is unable to make the public book or record available (for whatever reasons) 0by the end of the fifth business day after the date on which the person who has legal custody or control of the public book or record received the request: (1) Provide to the person, in writing, notice of the fact that it is unable to make the public book or record available by that date and the earliest date and time after which the governmental entity reasonably believes the public book or record will be available for the person to inspect or copy or after which a copy of the public book or record will be available to the person."

Agendize the Board as a whole's possible redaction of the public record in question, and notify the requestor of a date reasonably close to that meeting in accordance with NRS 239.0107(1)(c) of the "earliest date." Easy peezy!

Thank you. Respectfully, Aaron Katz

**WRITTEN STATEMENT TO BE ATTACHED TO AND MADE A PART OF THE WRITTEN
MINUTES OF THE IVGID BOARD'S REGULAR JANUARY 11, 2023 MEETING –
AGENDA ITEM G(5) – THE RECENT PROPOSED RECREATION CENTER
EXPANSION FIASCO THAT WAS SUPPOSED TO HAVE BEEN FINANCED
BY A DONOR ENDED UP COSTING LOCAL PARCEL/DWELLING UNIT
OWNERS AT LEAST \$71,226.29**

Well “here’s another one” according to my friend DJ Khaled¹! And this one I agree with.

Introduction: I keep telling the IVGID Board and the public that the District is not being properly managed² and as a consequence, the facilities and services it furnishes can be more effectively provided by another district³ or Washoe County. Or more preferably, IVGID should simply be dissolved³. This type of incompetence which takes place over and over and over again, demonstrates that the District is no longer necessary and should be dissolved. However in the interim, and in order to provide evidence in support, it’s time to examine the many extraneous matters the District engages in which ends up costing local parcel/dwelling unit owners even though it has nothing to do with their availability to recreation facilities and programs. And that’s the purpose of this written statement.

My E-Mail of January 8, 2023: On January 8, 2023, after reading the packet of materials prepared by staff in anticipation of the IVGID Board’s January 11, 2023 meeting⁴ (“the 1/11/2023

¹ Go to <https://www.djkhaledofficial.com/>.

² NRS 318.515(1)(a) and 318.515(3)(a)-(d) instruct that “upon notification by the Department of Taxation or upon receipt of a petition signed by 20 percent of the qualified electors of the district, that...a district of which the board of county commissioners is not the board of trustees is not being properly managed...the board of county commissioners of the county in which the district is located shall hold a hearing to consider...(a) adopt(ion of) an ordinance constituting the board of county commissioners, *ex officio*, as the board of trustees of the district; (b) adopt(ion of) an ordinance providing for the merger, consolidation or dissolution of the district...(c) fil(ing) a petition in...district court for the...appointment of a receiver for the district; or, (d) determin(ing) by resolution that management and organization of the district...remain unchanged.”

³ NRS 318.490(1)-(2) instruct that “whenever a majority of the members of the board of county commissioners...deem it to be in the best interests of the county and of the district that the district be merged, consolidated or dissolved, or if the board of trustees of a district, by resolution...agrees to such a merger, consolidation or dissolution, the board of county commissioners shall so determine by ordinance, (that)...(b) the services of the district are no longer needed or can be more effectively performed by an existing unit of government (or)...that the district should be dissolved, merged or consolidated.”

⁴ See page 019 at https://www.yourtahoepace.com/uploads/pdf-ivgid/1_11_-_Regular_Packet_-_Part_1.pdf.

Board packet”), I sent the Board an e-mail⁵ making the point that on top of everything else, local parcel/dwelling unit owners were stuck with nearly \$72K of expenditures associated with a project which supposedly was going to be financed by the Duffields. Great job staff!

Conclusion: I want the rest of the community to understand what this fiasco has cost. Hence this written statement.

And You Wonder Why the Recreation (“RFF”) and Beach (“BFF”) Facility Fees Which Pay For This and Other Similar Waste Which Local Parcel/Dwelling Unit. Owners Are Forced to Involuntarily Pay is Out of Control? I’ve now provided more answers.

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

⁵ That e-mail is attached as Exhibit “A” to this written statement.

EXHIBIT "A"

Re: January 11, 2023 IVGID Board Meeting - Agenda Item G(15) - 2021-2022 Budget Modification - Wake Up - This Modification Still Costs Local Parcel Owners At Least \$71,226.29!

From: <s4s@ix.netcom.com>
To: Dent Matthew <dent_trustee@ivgid.org>
Cc: Schmitz Sara <schmitz_trustee@ivgid.org>, Tonking Michaela <tonking_trustee@ivgid.org>, Tulloch Ray <tulloch_trustee@ivgid.org>, Noble Dave <noble_trustee@ivgid.org>, <ISW@ivgid.org>
Subject: Re: January 11, 2023 IVGID Board Meeting - Agenda Item G(15) - 2021-2022 Budget Modification - Wake Up - This Modification Still Costs Local Parcel Owners At Least \$71,226.29!
Date: Jan 8, 2023 1:38 PM

Current and Future IVGID Board members -

No I am not in opposition to this agenda item. But I send this e-mail because I want each of you to understand that the failed Rec Center expansion project, which was supposed to be financed in full by the Duffields, **ended up costing local parcel owners at least \$71,226.29!** See page 314 of the Board packet for confirmation of this fact if you don't believe me. And I say "at least" because I don't believe staff's reporting of unreimbursed internal services time. I think the number is higher. But even if it isn't, here we have another example of staff losses.

Respectfully, Aaron Katz

Welcome to our new IVGID Board members.

I would like to request that at a future Board of Trustees meeting, an agenda item be the subject of Assigning a Board member to keep the Board apprised of upcoming actions and proposed legislation at Washoe County that is relevant to IVGID. It would be similar to the provisions in the Trustee Handbook , at page 7 on "Appointments to Other Organizations" but I am thinking it would be a liaising and reporting to the IVGID Board position, rather than a Trustee being appointed to anything at the County. It would be similar to the Assignment of a Trustee to liaise with the League of Cities and keep the Board apprised.

I believe that it would be beneficial for the Board to become more engaged with the County as the County is often taking actions that effect IVCB in the areas of IVGID's authority and the health and safety of its workforce and no input is given by IVGID. If the Board knows that something is being discussed at the County, the Board can then decide as a Board if it is appropriate to send a letter to the County with IVGID's input.

For example at the upcoming January 17 BOC meeting there are two subjects that will potentially have an adverse impact on IVGID's workforce, and health and safety at its Recreation venues, etc.

First, there is a motion to amend the Tahoe Area Plan (TAP) for the benefit of the developers of 947 Tahoe Blvd. The TAP currently provides that Special Area 1 where the 947 project is located can only have commercial or multifamily affordable housing. The amendment will allow the developer to instead build a luxury condominium project with prices ranging from \$2.5 to \$5 million per unit. Once all of the properties in Special Area 1 are allowed to build luxury condos in addition to affordable housing, we cannot expect that affordable or workforce housing will be built anywhere in IVCB. As I understand it, IVGID used to have a large percentage of if employees live in IVCB, but now it is hiring employees from Reno and Carson, and IVGID even had problems hiring lifeguards last summer. So IVGID needs housing to be built for its employees so that they can live in IVCB. The incentive in the 2021 TAP for higher denser buildings, with reduced coverage requirements in the TAP was to support the construction of workforce housing in Special Area 1., not more luxury condominiums which already constitute 50% of the housing here.

training

*4/5/21 - 11
Board appointees*

Second, there is a motion to allow cannabis consumption lounges everywhere in the unincorporated County including IVCB. The justification is that tourists cannot smoke cannabis in their hotel rooms and strs and need to smoke cannabis in a public lounge. This Ordinance could adversely affect the operation of the IVGID recreation venues and the safety of IVGID employees.

I believe that it would be beneficial for the IVGID Board to give input to the County from time to time on areas of IVGID's authority and interests.

If the Board decides to do this then the Trustee Handbook would need to be updated.

Public comments on January 11, 2023 by Cliff Dobler - read by Mike Abel

I assume each of you, at one time or another has played pinball

Mr. Underwood's memorandums to the Board of Trustees regarding the Effluent Pipeline and the Effluent Storage Tank are somewhat similar to a pinball,

Bouncing around and never knowing where the pinball may end up.

On January 8, 2022, I sent a memorandum to each of you the false information Mr. Underwood has been able to spew out on the projects pretty much at each Board meeting over the past 18 months. You should try and read it, then ask yourself "Can I trust this person to provide proper information so I can make informed decisions".

Four things rub me wrong.

His false statements on where funding for the two projects is coming from.

In October, he bumped the estimated construction cost for the pipeline to \$64 million to install 25,000 Lf of 20" and 22" HDPE pipe of the 31,000 Lf to be replaced. This increase in pipe size, to my knowledge, was never discussed over the past 10 years.

So as of tonight by moving the pinball, the pipe size was reduced to 16" and, by magic, the estimated project cost was reduced by \$7 million. He will tell you it was the value engineering and he will thump his chest. What a deception.

Now 2 1/2 years ago, NDOT mandated IVGID to relocate a portion of the pipeline in 2020. He claims that no one knew about it, however, by a public records request, it can be seen that in May, he and his staff knew about the relocation but he failed to tell the Board anything. Instead he decided to bury it under the rug and tell the Board that Segment 2 needed to be done first because of pressure when in fact the NDOT relocation was all in segment 2 and it would cause delay work on Segment 3.

Then he tells you that next year Segment 3 will be done in its entirety as pressure excuse no longer seems to be at issue.

Then on the purchase of pipe, he states that a markup for the CMAR contractor is "standard in the industry" which is not the case. After being challenged by citizens no markup was paid.

Lastly in this current packet, he has unilaterally stated and decided that Granite Construction will be the CMAR contractor on the construction. Granite has no CMAR contract for construction and selection is a Board decision not his.

Should it be suggested by someone that the nickname for Mr. Underwood should be the pinball wizard.