

1 INCLINE VILLAGE
 2 GENERAL IMPROVEMENT DISTRICT
 3 BOARD OF TRUSTEES
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 7
 8 TRANSCRIPT OF HEARING
 9 PUBLIC MEETING
 10 Live and Via Zoom
 11
 12 Held at 893 Southwood Boulevard
 13 Incline Village, Nevada
 14
 15 Wednesday, September 27, 2023
 16
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 21
 22
 23
 24 Reported by: Brandi Ann Vianney Smith
 25 Job Number: IVGID 6

1 APPEARANCES 2
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 3 **BOARD MEMBERS PRESENT**
 4 MATTHEW DENT, CHAIR
 5 SARA SCHMITZ, VICE CHAIR
 6 RAY TULLOCH, TREASURER
 7 MICHAELA TONKING, MEMBER (via Zoom)
 8
 9 **ALSO PRESENT**
 10 ANNE BRANHAM, LEGAL COUNSEL (via Zoom)
 11 HEIDI WHITE, DISTRICT CLERK
 12
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1 Incline Village, Nevada - 9/27/2023 - 6:00 P.M. 4
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 4
 5 (Zoom audio starts here.)
 6 B. ROLL CALL OF TRUSTEES
 7 CHAIR DENT: Trustee Tonking?
 8 TRUSTEE TONKING: Here.
 9 CHAIR DENT: Trustee Schmitz?
 10 TRUSTEE SCHMITZ: Here.
 11 CHAIR DENT: Trustee Noble?
 12 TRUSTEE NOBLE: Here.
 13 CHAIR DENT: And Trustee Tulloch?
 14 TRUSTEE NOBLE: Here.
 15 CHAIR DENT: I'm Trustee Dent. All five
 16 trustees are present. Moving on to item C.
 17 C. INITIAL PUBLIC COMMENT
 18 CHAIR DENT: You will be allowed
 19 three minutes.
 20 MR. DOBLER: Cliff Dobler, 995 Fairway.
 21 This written statement is to be made part
 22 of the meeting minute. I see under general
 23 business, item G 1, that possible action may be
 24 taken against former human resource director Dee
 25 Carey regarding retention and disclosure of

5

1 non-public IVGID documents. So what about that
2 current trustee, David Noble, obtaining and then
3 disclosing non-public information regarding an
4 internal draft letter written by Dee Carey, dated
5 October 1st, 2020, and addressed to me? The
6 disclosure occurred at Board meeting on August 9th
7 2023.

8 It is remarkable that Mr. Noble sought
9 approval from the outside attorney, Nelson, to
10 disclose to draft letter. Mr. Nelson provided a
11 false verbal statement to Mr. Noble that the draft
12 letter could be read because I provided a waiver of
13 my rights to determine character and competence for
14 my potential appointment to the IVGID Capital
15 Improvement/Investment Committee. Mr. Nelson simply
16 lied by stating the "character," which was not part
17 of the waiver.

18 This verbal statement paved the way for
19 Mr. Noble to jump on the opportunity to libel me by
20 reading certain sections of the draft letter, which
21 I never received. The allegation that I had a
22 conversation with a female staff in February of 2018
23 wasn't totally false.

24 I was Palm Desert from November 2017 to
25 May 2018. I lived there. As a side note, no golf

7

1 Nelson for mishandling non-public IVGID documents.
2 Thank you very much.

3 UNIDENTIFIED SPEAKER: Good evening.
4 I'd like to address the situation with the
5 premise of this recall, which is driven by
6 self-ambition, self-serving SRT owners and some
7 realtors who have profited by this financial
8 involvement in becoming a city of Incline. These
9 matters would have waited until the campaign in
10 2024. This is a diversion and a deflection,
11 purposely, not to become a city so that we cannot,
12 as residents, vote on what should happen in our
13 community.

14 For example, I went to the Candy Dance
15 festivities in Genoa, and I met up with a woman from
16 Zephyr Cove that was adamant in getting signatures
17 from everybody there to stop STRs in number
18 community. Everyone in the basin has a program to
19 stop them. But it seems like it is done by special
20 not to.

21 Cheryl Delahante (phonetic) who is to
22 representative of the realtors of Incline Village
23 supported the STRs, and said it would gather a
24 revenue for our city or for, actually, our village.
25 Our 28 has been rezoned for commercial

6

1 course in Incline Village is open in February.
2 Mr. Noble did not bother to check any facts prior to
3 reading the draft letter.

4 After all, Noble's intent was to smear me
5 to get at Trustee Dent and Schmitz over the recall
6 effort.

7 Subsequently at a later Board meeting, an
8 associate of Mr. Nelson clearly stated to the Board
9 that disclosure of non-public IVGID documents could
10 not be released to the public without Board
11 approval. So a single trustee and an incompetent
12 lawyer perpetrated a smear on my character by
13 breaking the law and reading false information about
14 a conversation which purportedly happened over
15 five years.

16 Within the few days after Mr. Noble
17 exposed the confidential information, the draft
18 letter was obtained by Mary Becker, a local
19 resident, and was posted on social media for the
20 world to see. The character assassination went
21 viral as to the alleged 2018 conversation.

22 As such, I respectfully request that a
23 general business item be included on the agenda for
24 the next Board meeting to review, discuss, and
25 possibly take action against David Noble and Joshua

8

1 multiuse, which those businesses are in jeopardy
2 from the US Bank all the way to Alder Avenue. We
3 are faced with code reds, we have no viable wildfire
4 exit, unsustainable tourism, and yet you have people
5 on Facebook that are promoting STRs and saying that
6 the anti recall people want to destroy IVGID. That
7 is nothing but a boldface lie.

8 I have posts here, a Chris Huer, who, I
9 believe is the husband of Cristy Wells that has an
10 STR, made quite an interesting post saying that the
11 anti recall people want and they seemingly are
12 corrupted members of the Board want to destroy IVGID
13 from within to cease control of the town and kick
14 out all STRs, lock down the beaches year round,
15 privatize our community assets, and keep the town
16 empty except for them, just like it was back in the
17 day.

18 In addition, Mary Kleingardner (phonetic),
19 who is on the recall committee, insists that, you
20 know, not interested in STRs, however, she writes in
21 an excerpt there: So, back in the day is five years
22 ago. They should all move out to the middle of
23 nowhere and start their own town. Only miserable,
24 grumpy conspiracy theorists allowed.

25 This is unreal. So I suggest that people

9

1 take their name off of the petition. You have a lot
2 of people that are new here and --
3 (Expiration of three minutes.)
4 MR. KATZ: Good evening. Aaron Katz. I
5 have several written statements I've given to the
6 clerk to be attached to the minutes of meeting.
7 I just took a little look around. Where
8 are all the haters? I guess there must be a meeting
9 at the Incliners tonight or something.
10 Please do not pass the proposed board
11 policy for advertising insofar as the IVGID magazine
12 is concerned. The policy amounts to censorship and
13 unconstitutional viewpoint discrimination.
14 Also, hopefully, we're going to be
15 terminating the magazine because it's nothing more
16 than if propaganda rag. And if we do, then we don't
17 need the policy.
18 The idea of coming up with a media kit
19 similar to Tahoe Donner to sell sponsorship for
20 everything we do is not the purpose of government,
21 and I find it a disgusting concept for us. And the
22 fact that Mr. Raymore doesn't understand this means
23 he should not be employed by us. Just showing the
24 rest of the haters that have left.
25 Let's talk about the alleged Dee Carey

11

1 together to take that look at the real haters in
2 your community. You're the reasons why Incline
3 Village may not be the right choice for those
4 considering our community.
5 Thank you.
6 MS. MILLER: Good evening, Trustee.
7 First, I want to share some bad news. I
8 lost -- we had to put down our 12-year-old Golden
9 Retriever, who absolutely loved to swim. And I've
10 been advocating for some time that we at least share
11 our beaches for a portion of the year so that dog
12 owners could take their swimmers down to the
13 beaches.
14 I know you're going to do a survey, and
15 I'm hopeful that as part of survey, you will ask how
16 many people would be interested in having their
17 dogs, at some limited hours, limited locations, give
18 them some beach access. She dragged me, she
19 literally tried to drag me across the street to the
20 beach the final week of her life, and I had to look
21 her in the eye and tell her, "No. I'm sorry. We
22 can't." Anyway, please consider.
23 Okay. Moving on to some wonderfully happy
24 topics.
25 Some are of the opinion that bigger

10

1 leak of confidential district materials. You need
2 to put Susan Herron on administrative leave, hire a
3 forensic IT professional to learn the truth as to
4 how these materials were removed from our computer
5 servers, and then take action based upon the
6 results.
7 Finally, I want to speak to the haters in
8 our community. No, not the angry eight or the nasty
9 nine, but the hundreds of recall advocates who are
10 the nastiest, ugliest, dirtiest, most hypothetical
11 and unethical people one can imagine. Aren't you
12 the ones who proclaimed we should all get along with
13 one another, respect each other's differences, be
14 more civil to one another? Well, now we see, they
15 were all lies.
16 When this recall thing is said and done,
17 our community will be more divisive than it has ever
18 been. Congratulations to you people.
19 I said it before, and I'm going to say it
20 again: I'm embarrassed to call you my neighbor.
21 And if you think you're not portraying
22 this behavior on social media, you're sadly
23 mistaken. I saw something on YouTube the other day
24 titled "Seven reasons why Incline Village may not be
25 for you." I would ask whoever put this piece

12

1 government is better, especially with it comes to
2 IVGID. IVGID is like no other entity -- government
3 entity I've come across. Even though it has limited
4 powers, it potentially has unlimited revenues in the
5 form of something they call a "facility fee." It
6 comes on your tax bill, so everyone assumes it's a
7 tax.
8 But in Nevada, property taxes have a cap.
9 IVGID's facility fee have to cap. If they were
10 called "taxes," they would exceed that limit.
11 The recall core promoters consist largely
12 of people with real estate interest and various axes
13 to grind, disgruntled former employee, and trustees.
14 They have distorted the truth with lies about losing
15 grants, closing venues, and increasing fees to stir
16 up and enlist several large, well-connected groups.
17 Independent residents and property owners
18 who only want transparency and accountability have
19 little means to communicate their viewpoints.
20 Sadly, there are few reliable sources of
21 information in our community. We no longer have a
22 paper with local news. The largest established
23 local Facebook groups are controlled by a one-sided
24 dictator, who immediately removes posts not in
25 keeping with his personal political views.

13

1 IVGID is notorious for giving glowing
 2 reports for all its activities instead of sharing an
 3 honest picture of its performance. Once the truth
 4 becomes more widely known, likely after a forensic
 5 audit, I believe few would still support the recall.
 6 We will all need time to heal from this
 7 horrific attack on our elected leaders.
 8 If you feel you've been misled, it's
 9 really not too late. Until the signature
 10 verification is completed, you can email
 11 electionsdepartment@WashoeCounty.gov. Give them
 12 your and address and state which petition or
 13 petitions you want your name removed from, be it the
 14 recall of Matthew Dent or the recall --
 15 (Expiration of three minutes.)
 16 MR. EPPOLITO: My name is John Eppolito.
 17 I've been a local real estate broker associate in
 18 both states for 25 five years.
 19 Regarding the recall, immediately after
 20 that Rec Center debacle, I spent time studying what
 21 happened and wrote this. I learned there were
 22 several missteps by staff long before Sara's no
 23 vote. I'll submit this for the record, and I have
 24 copies for anyone who's here.
 25 Back in October, I stated to this Board

14

1 that I did not agree with Sara's no vote. For a
 2 long time, there has been a small group of people
 3 who come to these meetings to berate, intimate, and
 4 bully this Board and former general managers.
 5 Now there is a small group of people on
 6 the, quote, other side who support the recall who do
 7 the same thing to the two board members here and on
 8 social media.
 9 In my opinion, the majority of the people
 10 who sign the petitions have honorable intentions.
 11 But, unfortunately, I believe the large group of
 12 petition signers have given the small group at these
 13 meetings and on social media the leverage to bully,
 14 intimidate, micromanage two members of this board.
 15 I don't know if Sara was overzealous with
 16 staff or people trying to get on to our beaches.
 17 All I know is I've never seen Sara or Matt be
 18 disrespectful to anyone. Even as people are rude
 19 and disrespectful to them, both -- here at these
 20 meetings and on social media, both of them have
 21 always shown decorum and respect for others.
 22 This is in director opposition to way some
 23 act. In particular, the realtor slash best friend
 24 of former board president who is leading the recall
 25 attempt. Recently, I've seen her disrupt two of

15

1 these meetings and be disrespectful and rude to
 2 current board members.
 3 It appears the goal of some people who
 4 support the recall is to replace polite, respectful
 5 people with someone who is rude and disrespectful.
 6 Recently in comments to this Board, I've
 7 question the subjective language in the petitions.
 8 Now in this article in the Nevada Globe, she says
 9 the language in the petitions may violate NRS
 10 306.21.
 11 Whether language in the petition is
 12 approved or not, I, for one, would like to see a
 13 community forum to discuss the issues on the
 14 petitions, plus the current financial status of the
 15 District.
 16 Thank you.
 17 MS. USINGER: Caroline Usinger, Jackpine
 18 Lane, Incline Village.
 19 I don't appreciate -- for all the people
 20 who have just called the recall people all those
 21 names, I do not appreciate it. And I do not
 22 appreciate being categorized as a realtor or any of
 23 other things. I am not and I am not misled.
 24 Tonight's agenda would be hysterical if it
 25 weren't so tragic. Tonight, we get to watch the

16

1 Board retaliate against Dee Carey for sins, while
 2 letting Cliff Dobler off from any public criticism
 3 for his nasty behavior towards IVGID staff, both in
 4 2019, and most recently, this year.
 5 Ms. Carey was simply trying to support
 6 IVGID staff from more toxic interactions with Cliff.
 7 Let's make sure we punish her hard for that.
 8 Let's turn to the Moss Adams' report. It
 9 says that the Board approved a contract in its
 10 May 1st, 2023 meeting. Too bad there was no IVGID
 11 board meeting on that day, and I can't find any
 12 evidence of contract. I'm wondering how much IVGID
 13 is paying for phase one, and what phase two will be
 14 about. I also question the entire report since
 15 recommendations to redo a strategic plan are
 16 irrelevant when IVGID has virtually no senior staff
 17 and is in the middle of a trustee recall. Nice use
 18 of IVGID funds.
 19 The Moss Adams report is hilarious in
 20 recommending that there be a community survey to
 21 determine it's needs and preferences, given that
 22 over one-quarter of the people who voted in 2020 are
 23 currently voicing their opinions in the current
 24 recall.
 25 I've been sitting in front of Raley's all

17

1 summer and can save IVGID a whole lot of money on
 2 this survey. The community wants the current board
 3 majority out. It wants IVGID staff treated like
 4 they are part of our community, not evil to be
 5 pushed out. It wants everything as it was before
 6 the current Board screwed it up, with the exception
 7 of working on a viable, non-drastic way to handling
 8 overcrowding on the beaches. And that does not mean
 9 putting walls around the beaches or making employees
 10 sit on streets to each their lunch.

11 But back to the Moss Adams report. What
 12 about Moss Adams's recommendation to have an
 13 employee survey? That will go over really well,
 14 given they're all being micromanaged with the threat
 15 of retaliation over their heads. Let's be sure to
 16 spend a lot of money on that one too.

17 What about their recommendation to change
 18 the management structure, conveniently demoting
 19 Susan Herron? This make a whole bunch of sense,
 20 give the report says there are no reported problems
 21 with the current system. So let's upend more things
 22 so we can pay Moss Adams to create new policies and
 23 procedures, shall we?

24 Particularly enjoyed Moss Adams'
 25 recommendation to pay \$25- to \$40,000 to set up an

18

1 onboarding training for the Board since they don't
 2 seem to understand their role. I can save everyone
 3 a bunch of money here too. Stop micromanaging the
 4 staff, stop sending endless emails to them, and let
 5 them do their job. There. Training done.

6 MR. WATSON: Hi. I'm Rob Watson, live on
 7 Country Club Drive, been here about six years.

8 I'm going to hand over a political
 9 platform for the recall committee so it's on the
 10 record. I've been a little stressed over a lot of
 11 other things right now, so I didn't have a lot of
 12 time to prepare for this.

13 I'm really here to support the thousands
 14 of members of our community are behind the recall.
 15 And I do social media. I believe anybody that does
 16 that is just whacked. But I've heard some things
 17 that have been posted on social media, and actually
 18 brought up in this meeting, by the, quote, angry
 19 eight.

20 Frank Wright believe that the gen fees are
 21 paid by IVGID in golf clubs. That's a complete lie.
 22 Show me the facts. That's just not true. Cliff
 23 Dobler, you lied to the Board about a suspension on
 24 August 8th. You've gone out there professed that
 25 you, quote, own this board. I mean, come on. I'll

19

1 talk Dee here in a minute. Judith Miller derates a
 2 top financial executive for a fortune 50 who
 3 volunteers his time to this community, and she has
 4 no financial experience. Pretty ignorant if you ask
 5 me.

6 Mr. Dent, I read the article where you
 7 talk about the beach deed and the plain language
 8 that we had to rule on because of a, quote, legal
 9 opinion. I've had a lot of lawyers work for me in
 10 business. You get ten of them in a room, and you'll
 11 get ten differing opinions. I question whether or
 12 not that had to be done to impact our employees.

13 Also, the comment about being on the Board
 14 for over eight years, and you see this turnover in
 15 senior management every two to three years. That's
 16 crazy. But I will say, because I'm running out of
 17 time, Mick Holman put a nice article together you
 18 all you Board members regarding G 1, so I hope you
 19 pay attention to that. It talks about
 20 whistleblower. And if you look at your Moss Adams
 21 report -- which I thought was very good, quite
 22 honestly -- we have a major gap in our whistle
 23 blower policy. We also have a full gap in our
 24 non-discrimination policy and anti-harassment
 25 policy.

20

1 Let's talk about observations that they
 2 made, and I'm not going to have enough time to go
 3 for it, but I really recommend everybody read that
 4 report. It talks about what a board is not supposed
 5 to do, and their not supposed to micromanage. And
 6 that is what observed six months ago when I was
 7 dealing with the golf stuff.

8 This Board made a decision on the
 9 cancellation policy, then they had to change it.

10 Sara, I guess we have a golf committee,
 11 you've already reached to golf committee members,
 12 you're not even the trustee from the Board, why are
 13 you reaching out to them? That's micromanagement.
 14 That's got to stop. That's why the recall is
 15 happening.

16 Thank you very much.

17 DR. WYMAN: Well, a first confession.
 18 Andrew Wyman, 170 Village.

19 I ran out of to door to come over here
 20 tonight. I took fifty paces and then realized I
 21 didn't put in my new hearing aids. So I had run
 22 home and them now, and now I'm ready.

23 To start, the Capital
 24 Improvement/Investment Committee met for their first
 25 meeting yesterday. I sat through the meeting, along

21

1 with one other community member, and found it --
 2 while I'm not an expert, I found it to be a really
 3 extraordinarily good effort. The people on that
 4 committee, presently, have no ax to grind, and they
 5 seem to be highly competent and good at what they
 6 do. So I'm looking forward to that committee being
 7 very helpful.

8 What I want to talk about tonight is
 9 bullying. The concept of bullying. Something
 10 that's widely acknowledged when it comes to kids.
 11 There's been a whole lot of research on that. And
 12 in recent years, there's also been a whole lot of
 13 research on bullying amongst adults and in
 14 organizational structures. I would commend the
 15 Board read some of that information.

16 A definition of bullying: Bullying seeks to
 17 harm, intimidate, or coerce somebody. It involves
 18 an individual misusing power over a person who feels
 19 unable to stop it from happening. It is frequently
 20 deliberate and repeated. Verbal bullying includes
 21 such things as name calling, insults, intimidation,
 22 or verbal abuse.

23 Peculiarly, the bully is frequently the
 24 last one to know what they're doing. Why? Because
 25 bullying is in some sense, particularly amongst

22

1 adults but also kids, a narcotic. A bully feels
 2 empowered. A bully feels strong. A bully does what
 3 they want to do until somebody stops the bully.

4 IVGID, as a community, has a long history
 5 of public bullying at these meetings. The impact of
 6 that: demoralization, disgust, withdrawal of
 7 community members and staff.

8 When staff are bullied, the outcome of
 9 that is a deficiency in morale and in performance.
 10 Both plummet. There's a great deal of research on
 11 that. There's a recent example of bullying just at
 12 the last meeting, one community member talked about
 13 a dirty public employee who was absolutely out of
 14 control, incompetent, and a liar, a cancer on the
 15 community, that person wanted employment terminated
 16 immediately.

17 I have more to say. I might wait until
 18 the end.

19 CHAIR DENT: Can we go to Zoom, please?
 20 DR. RINER: Dr. Myles Riner, Valerie
 21 Court, Incline Village.
 22 Chairman Dent, when you disclosed your
 23 loan from Mr. Dobler prior to voting on his
 24 appointment to the Capital Investment Committee, we
 25 all got the message from you that you had contacted

23

1 your friends on the Ethics Commission, and they
 2 advised you that if you disclosed your loan from
 3 Mr. Dobler you could feel free to vote on his
 4 appointment. This may not have been the message you
 5 intended to send, but it is the message we all
 6 received. We now know this would have been
 7 impossible because the Ethics Commission has a
 8 policy prohibited them from advising elected
 9 officials as to whether or not they need to abstain
 10 from voting on a measure.

11 In any case, when a representative of the
 12 Nevada Secretary of State's Office, paid to Incline,
 13 to educate the Board on ethics issues, she made it
 14 clear that trustees should recuse themselves
 15 whenever there is even the suggestion of a conflict
 16 of interest.

17 That is what you should have done. You
 18 may believe that this is a moot issue now that
 19 Mr. Dobler has withdrawn from this committee, and
 20 that might have been the case had you not chosen to
 21 consider taking action against Dee Carey for
 22 purportedly revealing the letter to Mr. Dobler
 23 rescinding his golfing privileges for three months
 24 because of appropriate interactions with IVGID
 25 staff.

24

1 Here's the problem: Considering the fact
 2 that certain trustees seem to take the question of
 3 conflict of interest when voting on committee member
 4 assignments lightly -- or committee appointments
 5 lightly, and that candidates are still, per the
 6 District's legal counsel, required to sign waivers
 7 allowing public discussion and consideration of
 8 their qualifications for appointment. And that
 9 Ms. Carey undoubtedly believed that the existence of
 10 this letter to Mr. Dobler and certain portions of
 11 the contents of the letter had already been made
 12 part of the public record while his appointment was
 13 being considered. The pursuit of action against
 14 Ms. Carey for disclosing what had already been
 15 disclosed will only come cross as vindictive and
 16 mean.

17 Everyone involved in the decision to
 18 appoint Mr. Dobler to the Capital
 19 Improvement/Investment Committee has something to be
 20 embarrassed about. Perhaps least of all, Ms. Carey.

21 If you must, remind everyone about keeping
 22 confidential documents confidential, and then for
 23 everyone's sake, move on. The greater question is
 24 how will this Board and this community be able to
 25 protect or IVGID staff, especially our younger

25

1 staff, from inappropriate interaction --
 2 (Expiration of three minutes.)
 3 MS. WELLS: Hi. Christy Wells, Incline
 4 Village resident.
 5 At the start of last week's meeting,
 6 Chairman Dent removed item G 4, the Dobler
 7 investigation, from the agenda. Everyone in this
 8 community knew what was going to happen next. And,
 9 of course, as expected shortly after the change was
 10 made, Mr. Dobler called in during the public comment
 11 period and resigned from the Capital
 12 Improvement/Investment Committee. While this should
 13 have happened two months ago, I will take this
 14 opportunity to say thank you for finally doing the
 15 right thing.
 16 The Board also discussed the need to
 17 create a new policy around the handling and
 18 distribution of confidential or non-public
 19 information. While it's clear that several members
 20 of this Board cared more about how these in these
 21 documents got out than what was actually in these
 22 documents, policy should be developed so that IVGID
 23 staff has clear guidelines around that handling and
 24 potential distribution of said materials.
 25 Item G 1 on tonight's agenda, this now

26

1 feels like an attempt to intimidate IVGID employees
 2 and staff from ever speaking up again. And if this
 3 is not intimidation, then it could be perceived as
 4 retaliation on behalf of Mr. Dobler.
 5 Ms. Carey should be commended for trying
 6 to protect other IVGID staff. You are trying to
 7 smear her name and discredit her knowledge. It's
 8 disgusting, and the community sees who you are.
 9 Chairman Dent and Trustee Schmitz, this is
 10 yet one more reason why we are asking you to resign,
 11 as you are putting items like this in an agenda
 12 while sweeping others under the rug. You are not
 13 acting to the benefit of the community, but simple
 14 for the benefit of a single community member. It's
 15 disgraceful.
 16 I would encourage you to remove this item
 17 from tonight's agenda and stop any attempt to
 18 tarnish this former employee's reputation.
 19 Thank you.
 20 MR. WRIGHT: Frank Wright, Crystal Bay.
 21 First of all, Mr. Watson, I provided
 22 documentation where we paid for PGA fees. It was
 23 given to me by the district.
 24 Second of all, listening to the people who
 25 are coming forward and spouting off without any

27

1 information or information that can be substantiated
 2 and attacking those people who have provided facts,
 3 documentation, information is just sick. But, you
 4 know, I can't stop you. You can say anything you
 5 want to say. It's a public forum.
 6 As far as the mess that we have with Dee
 7 Carey, let me make this very clear, Ms. Wells, she
 8 committed a crime. She took public documents home.
 9 She quit this district, she went someplace else, and
 10 she took IVGID property with her. That is a crime,
 11 and she should be prosecuted.
 12 As far as Trustee Noble, I have contacted
 13 the Washoe County board of commissioners, and I'm
 14 asking them to sanction Mr. Noble for his behavior as
 15 a licensed attorney, not knowing better, and reading
 16 something that was never to be provided to the
 17 public, something that was never adjudicated, he
 18 read it, and he did it one intent and that was to
 19 embarrass a community member. He was elected by
 20 this community to represent us, not to destroy us.
 21 The people that have come forward and have
 22 gone after Mr. Dobler since that was out -- and,
 23 yes, Mr. Wells, you're one of them -- really should
 24 look in your mirror and say, wait a minute, am I a
 25 good person? Do I have documentation that can prove

28

1 all these allegations? Or am just going to spout
 2 off and start saying things about Dr. Dobler that I
 3 think might be true?
 4 He's never had a hearing. He's never had
 5 due process. And the things that you're saying, I
 6 think, could be held against you could held for
 7 libel. All of you. Everyone one of you has posted
 8 on social media. Should look in the mirror and find
 9 out just where you are socially good. Are you a
 10 good person? I don't think so. I think this has
 11 got to come to an end. I think the District has to
 12 do something about these people, and find out the
 13 chain where this thing went.
 14 And Mr. Noble, you should resign. What
 15 you did is horrible. Absolutely horrible. I can't
 16 believe, as an attorney, you would even get involved
 17 in this stuff. I can't believe you did that. And
 18 now, hopefully, the Board will take action. And,
 19 hopefully, a sheriff will be going to Ms. Carey's
 20 house and getting the rest of the stuff that she
 21 probably has on other citizen in our community which
 22 hasn't has been adjudicated.
 23 Thank you.
 24 MS. WATSON: Thank you. My name is Maria
 25 Watson, and I happily married to Robert Watson.

29

1 I just want to share a couple of things.
 2 I'm a sideline. I do not have a dog in this fight.
 3 I don't need three minutes. And much like Ms. Katz
 4 and Ms. Dobler, I know what my husband stands for.
 5 I am not here to defend anything that has come out
 6 of his mouth. I am my own brain. But I will tell
 7 you this: I sat at recall tables at the beach, at
 8 Raley's, and the people that came up to thank me for
 9 being there. I'm not even active in this community.
 10 I have a day job. But these employees that
 11 identified themselves as IVGID employees thanked me,
 12 repeatedly.

13 And we need to understand if you don't
 14 think we have a case, go talk to the employees. I'm
 15 at the Rec Center every morning, working out every
 16 morning, and now I have seen a lot of the faces that
 17 go with the people that I watch in the Rec Center.
 18 We're all good people. But this community, this
 19 village that I love so much is going down the drain.
 20 We are allowed to opinions. That's America. We
 21 don't all have to agree, and we don't all have to
 22 call each bad people.

23 But this village better get a clue that
 24 our employees are gonna flee. They are not happy.
 25 They talk about being micromanaged. They talk to

30

1 me, and I'm nothing in the scope of all of this. I
 2 have no power, but I listen and I'm innocently
 3 caring about people that feel wronged. So let's get
 4 it right.

5 Thank you.

6 CHAIR DENT: Any other public comments?
 7 MATT: We do not at this time, Chair.
 8 CHAIR DENT: Okay. That'll close out item
 9 C, initial public comment. Moving on to item D.
 10 D. APPROVAL OF THE AGENDA
 11 CHAIR DENT: Any concerns, questions, or
 12 movement with the agenda?
 13 All right. Seeing none, we'll say the
 14 agenda is approved. Moving on to item E.
 15 E. REPORTS TO THE BOARD
 16 CHAIR DENT: No reports to the Board.
 17 Moving on to item F.
 18 F. CONSENT CALENDAR
 19 CHAIR DENT: Item F 1, review, discuss,
 20 and possibly enter into a short form construction
 21 contract between the District and Tahoe Works for
 22 exterior painting services at Diamond Peak Ski
 23 Resort facilities for a total amount \$64,708. This
 24 can be found on page 4 through 29 of your board
 25 packet.

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1 I'll entertain a motion to approve the
 2 consent calendar.

3 TRUSTEE SCHMITZ: I make a motion that the
 4 Board approve the consent calendar.

5 CHAIR DENT: Motion's been made. Is there
 6 a second?
 7 TRUSTEE TULLOCH: I'll second.
 8 CHAIR DENT: Motion's been made and
 9 seconded. Any further discussion by the Board?
 10 Call for the question, all those in favor,
 11 state aye.
 12 TRUSTEE TONKING: Aye.
 13 TRUSTEE TULLOCH: Aye.
 14 TRUSTEE NOBLE: Aye.
 15 TRUSTEE SCHMITZ: Aye.
 16 CHAIR DENT: Aye.
 17 Motion passes, 5/0.
 18 Moving on to item G 1.
 19 G. GENERAL BUSINESS
 20 G 1.
 21 CHAIR DENT: Receive a verbal report
 22 regarding non-public District documents being
 23 published on social media and provided to members of
 24 the public by a former IVGID staff.
 25 Review, discuss, and possibly take action

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1 against former human resources director, Dee Carey,
 2 regarding the retention and disclosure of non-public
 3 IVGID documents.
 4 Legal counsel, Anne, you are up.
 5 MS. BRANHAM: Yes. Erin could not be here
 6 this evening, so I will take this item, and it's
 7 just brief update for you tonight.
 8 Two things: One, we did provide notice to
 9 Ms. Carey that the meeting was going to be held
 10 tonight, so she had notice that she was welcome to
 11 attend.
 12 But, tonight, all I have to report is that
 13 on September 20th, we did send a letter demanding
 14 the return of any documents that she may still in
 15 her possession relating to her time at the District.
 16 That includes: paper files, electronic files,
 17 anything at all.
 18 So that letter is with her. We've asked
 19 her to return those documents. We have not heard
 20 anything back yet, but we did also note in the
 21 letter that we reserve all rights to pursue
 22 additional legal action as necessary.
 23 So, the update is that the letter is out
 24 there. The ball is in her court now. We're asking
 25 her to return any documents that she may have. And

33

1 that is all that I have for you at this time.

2 CHAIR DENT: What are the next steps as

3 far as following up or how much time did we give her

4 to respond to the request to return the documents

5 she took from us?

6 MS. BRANHAM: Yeah. I believe we asked

7 for a return within the month. And so Josh and I

8 will stay on top of monitoring the timeline and just

9 ensuring -- because we also asked for a

10 certification, a returned, signed document if she

11 says she doesn't have any documents, then we have a

12 copy of a signed form that says. So, that's what

13 we're asking for, either the return of any documents

14 or a certification that there are no documents to

15 return.

16 And then based on that, at that time we

17 can take next steps if there are still documents

18 we're aware are outstanding. Or if there are

19 documents that come out later when she said that she

20 didn't have any documents, then we'll have

21 certification of that fact.

22 CHAIR DENT: Okay. Thank you for that.

23 We've received a brief update on this

24 item. Any questions for legal counsel?

25 TRUSTEE SCHMITZ: I have a couple of

35

1 talk to Erin offline, I think that would be

2 appropriate.

3 But, generally speaking, yes, folks return

4 their goods that were related to their job place

5 when they leave.

6 TRUSTEE SCHMITZ: And I'm just curious,

7 one final follow-up on that, the timetable of a

8 month. I would think that the District is concerned

9 about what other documents she might have, what

10 might do with other documents that she may have.

11 So why -- I'm just curious why we would

12 allow that length of time, given the fact that she

13 has shown that she will share documents publicly

14 that she has in her possession.

15 MS. BRANHAM: Yeah, that's a good point.

16 There's no reason why we can't reach out of before

17 then. And nice to have a record in writing. So now

18 that we've sent the letter, let me talk to Josh.

19 I'll find out if there's something that we can do to

20 follow up in the meantime and see if we can get a

21 hold of her and talk about what that might look

22 like.

23 TRUSTEE SCHMITZ: Well, I'm just curious,

24 how did you come with the month? I'm assuming there

25 was some logic and reasoning behind that. I'm just

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1 questions. What is the District's policy relative

2 to District property upon separation to from the

3 District?

4 MS. BRANHAM: That's a question for Erin.

5 I'm sorry that she couldn't be here tonight.

6 I imagine it would be a personnel internal

7 policy. I don't want to speak out of turn and say

8 something that turns out to be inaccurate. I would

9 advise, maybe, reaching out to Erin and confirming

10 that with her.

11 But off the top, I don't know what that

12 this or if it's an internal policy.

13 TRUSTEE SCHMITZ: Would you say,

14 categorially, that it's pretty typical that property

15 not be taken from the District of any sort? Do we

16 know whether she has a computer, or do we have any

17 idea how many files she might have in her

18 possession?

19 MS. BRANHAM: I don't have any sense of

20 that. In the letter, we were broad, on purpose, to

21 ensure that there's no sort of loophole, you didn't

22 ask for X, so I didn't return X.

23 I don't believe she has any physical

24 property, but, again, that's kind of an intricacy

25 that I haven't been privy to. So, if you want to

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1 curious.

2 MS. BRANHAM: Just generally, even when

3 folks are engaged in litigation, which, of course,

4 is not the case here, but there's a certain amount

5 of time, even if you're asking them to turn over

6 documents to you, you have to give them enough time

7 to collect the documents. This all interplays with

8 the fact there may be a policy that I, at this time,

9 am not aware of.

10 So, I'll do some digging on my end. If

11 there's a way to expedite the process, then we can

12 certainly look into that. The idea is to give

13 someone process time to gather their things and

14 return them.

15 TRUSTEE TULLOCH: Just a couple of

16 clarifications. I would expect that a director of

17 human resources would have full knowledge of the

18 policies and what's -- what she can do and not do.

19 In that respect, you would expect a higher standard

20 of care from somebody there. And the same way if

21 it's a legal matter, you would expect a much higher

22 standard of care from somebody that claims to be an

23 attorney. Is that the case?

24 MS. BRANHAM: Yeah. I mean, I think

25 there's a certain amount of responsibility that

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1 comes with that position, responsibility to the
 2 District to be a good caretaker of their information
 3 and their documents.
 4 We, of course, have reserved the right to
 5 take whatever action we may need to take from a
 6 legal perspective if things are not done
 7 voluntarily. I want to assure you that nothing is
 8 closed off at this point, but if we can get any
 9 documents that may be out there back without any
 10 litigation, that would obviously be the goal.
 11 TRUSTEE TULLOCH: So a director of human
 12 resources would know very well that this is an
 13 untoward action. This is not -- it's not a
 14 legitimate action. And the same way, I'm sure, a
 15 lot of the people are complaining that this is a
 16 witch hunt, would be up in arms if Ms. Carey, as a
 17 hypothetical, let's say, released information saying
 18 that a general manager was in a performance plan or
 19 something, as a hypothetical. I'm sure everyone
 20 would be all -- people would be taking an opposite
 21 view here, but be that as it may.
 22 We've also heard claims that this,
 23 Ms. Carey, was being a righteous whistleblower.
 24 Now, correct me I'm wrong, but my understanding, a
 25 whistleblower would be only be applicable if there

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1 that allows an employee to then make public
 2 assertions about an unrelated person. I mean, that
 3 used to be called "tittle tattle," or something, or
 4 "clipping," or whatever. Whatever phrase you want to
 5 use not.
 6 I'm not aware of any circumstance where
 7 that would fall under a whistleblower statute.
 8 MS. BRANHAM: Yeah. Is that a question
 9 or?
 10 TRUSTEE TULLOCH: Yes, it's a question.
 11 Sorry.
 12 MS. BRANHAM: I mean, I don't want to say
 13 anything that might impact subsequent actions that
 14 we might have to take. I'm not trying to be
 15 obfusatory, I just want to make sure that we're
 16 preserving all of our arguments and our rights
 17 later, if we need them.
 18 So, rest assured that this is something
 19 that legal counsel is taking a look at, researching
 20 and compliance with the law, and that we've
 21 purposely retained the right to pursue any steps
 22 that we need to in the event that we don't get the
 23 result that we're looking for from the letter.
 24 TRUSTEE TULLOCH: Thank you.
 25 And to be clear, I was posing -- I was

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1 were disclosing information of fraudulent or
 2 misconduct behavior by IVGID. It's not a
 3 whistleblower, by my understand, by my legal advice,
 4 for a director of HR to then release possibly
 5 damaging information about community members.
 6 It's -- I don't understand that being covered by the
 7 whistleblower; is that correct?
 8 MS. BRANHAM: We do have a whistleblower
 9 policy in the District that is in compliance with
 10 state law, and so I would say to the extent the
 11 actions were not consistent with the whistleblower
 12 policy, that's how were handling the outcome of what
 13 happened here.
 14 So, we have the policy in place for a
 15 reason, and we want to make sure that we follow it.
 16 So all that is taking place behind the scenes,
 17 review of the policy and ensuring that we're
 18 following all the correct steps and taking the
 19 correct action.
 20 TRUSTEE TULLOCH: Understood. I'm
 21 actually quite familiar with the whistleblower
 22 policy, as I drafted a large part of it when I was
 23 on the Audit Committee. I'm actually pretty
 24 familiar with it.
 25 But I'm not aware of any whistleblower

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1 doing some musing posing some hypotheticals here
 2 from my understanding and from legal opinions that I
 3 have received on it.
 4 That was all. I'm not trying to put you
 5 on the spot. I'm just actually clarifying the
 6 situation, because you hear all these, well, we're
 7 being bad people because we're taking action against
 8 something.
 9 And I think that, if my hypothetical was
 10 the case, I think you'd see opposite opinions. So
 11 I'm just trying to make the associate clear. I
 12 mean, basically, this appears to have been theft of
 13 IVGID records and then improper use of it, but I'll
 14 leave that to the attorneys to sort out.
 15 Thank you.
 16 CHAIR DENT: I have a follow-up question
 17 for you. In your experience, how often do you come
 18 acrossed an issue like this? Where someone in a
 19 high-level position that has, you know, tons of
 20 access to personnel records, keeps them, and then
 21 leaks them after they've left an organization.
 22 MS. BRANHAM: Yeah, in my career,
 23 fortunately, that hasn't happened before. It is an
 24 unfortunate situation. I understand the
 25 frustration.

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1 So, no, I've never seen that before, and
 2 as was alluded to, I think that's part and parcel
 3 with the responsibility of being a director-level
 4 position, is an understanding of internal policies
 5 about document retention and things like that.
 6 So, yeah, it's not something I've gone
 7 through before.
 8 CHAIR DENT: Understood. Thank you.
 9 TRUSTEE NOBLE: Your letter to Ms. Carey,
 10 was it asking for original documents or copies of
 11 documents that she has, allegedly? And whether or
 12 not IVGID has those origins still?
 13 MS. BRANHAM: Yes. So we asked for any
 14 file in electronic format to be returned onto a
 15 flash drive or similar type of thing, and that the
 16 originals be destroyed. And that if there were
 17 original hard copies of anything, or any copies of
 18 the original, that all of that be returned and that
 19 she certify that these are all of the copies, this
 20 is all of the electronic documentation, and/or she
 21 has nothing, and she's certifying that there's
 22 nothing further. So, we tried to cover all the
 23 basis.
 24 But, yes, originals would be returned as
 25 part of the request.

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1 don't want to be shared.
 2 TRUSTEE NOBLE: Okay. And correct me if
 3 I'm wrong, but there's been no disclosure of any of
 4 IVGID personnel record; is that correct?
 5 MS. BRANHAM: That is my understanding.
 6 I'm not aware, I've not heard of anything like that.
 7 TRUSTEE NOBLE: Okay. And the information
 8 that allegedly has been disclosed, what is rationale
 9 for it being declared confidential or non-public?
 10 MS. BRANHAM: I think -- there's a couple
 11 of prongs of this. It relates to the Nevada Public
 12 Records Act, and it relates to the release of
 13 internal staff documents. So we made the
 14 determination that, if it had not already been made
 15 public, that it was not a disclosable document under
 16 the NRS. And, in addition, I understand there's
 17 some discussion of whether it was a draft or a final
 18 document. I'm not privy to all of the details of
 19 that, but if there are draft documents, our position
 20 has been that those are internal personnel
 21 documents, and they're not appropriate for release,
 22 especially not without the consent of the Board.
 23 TRUSTEE NOBLE: What about final documents
 24 that are not drafts?
 25 MS. BRANHAM: Yeah, there's still some

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1 TRUSTEE NOBLE: Okay. But with regards to
 2 copies of originals, is that -- does your letter
 3 include these as well?
 4 MS. BRANHAM: Yes.
 5 TRUSTEE NOBLE: And if those -- that
 6 material has already been put out in the public
 7 sphere, what is the purpose of that letter? Or are
 8 you trying to make sure that any information she has
 9 that hasn't been made public, whether or not she was
 10 the one that provided that information, is returned?
 11 MS. BRANHAM: Yeah, the latter. There's
 12 no putting the horse back in the barn for things
 13 that have already been released.
 14 So I think this is intended to capture
 15 anything that may not already have been made public,
 16 but which is her files -- may be in her files, and
 17 so there's not much that can be done at this point
 18 about something that was already posted, made the
 19 rounds publicly.
 20 There are, potentially, legal things that
 21 can be done about that, but there's nothing to be
 22 done from a document clawback standpoint, as far as
 23 I'm aware.
 24 So, this is intended to capture documents
 25 that are still, potentially, outstanding that we

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1 interplay with the Nevada PRA in that case, the
 2 Public Records Act. If a document is confidential
 3 under the Public Records Act, even if it's,
 4 quote/unquote, a final document, it may be
 5 privileged or withholdable on other grounds.
 6 But if a document is public, there's no
 7 basis for withholding, and it's a final document,
 8 typically that become a public record at that time.
 9 TRUSTEE NOBLE: And then the documents
 10 that are subject of this, is the NRS statute that's
 11 being asserted for non-disclosure, is that 239 or
 12 105?
 13 MS. BRANHAM: Yes, that's correct. And
 14 that should be in the reports that we make on Public
 15 Records Act withholdings to the Board.
 16 TRUSTEE NOBLE: Okay. I'm just going to
 17 let everybody know: I reviewed the enabling
 18 legislation for 239 and 105, that was AB 31 in 2005.
 19 And in reviewing the transcripts for the hearing
 20 before both the Assembly and Senate Committees for
 21 that legislation, the folks that were promoting it,
 22 various city governments, their concern was that
 23 personal identifying information for people who sign
 24 up for recreational leagues or groups that are
 25 offered by those governments would not be made

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1 public, because they are concerned about people --
 2 marketers going after them or unsavory folks going
 3 after them, and not having, say, somebody requests,
 4 I want all the names and addresses and medical
 5 information -- because it usually has medical
 6 information -- of every boy playing U10 soccer in
 7 the City of Las Vegas on such and such days.
 8 So with regards to -- I believe, the whole
 9 discussion here is with regards to the suspension
 10 letters for Mr. Dobler, that is well beyond, in my
 11 opinion, the umbrella that was meant to be captured
 12 by NRS 239.0105. So I think that with regards to
 13 all this, given that, not only is it a final
 14 document or final documents provided by IVGID to
 15 Mr. Dobler, but also under our own Ordinance 7,
 16 specifically paragraph 102, envisions a public
 17 process with regards to suspension of any
 18 recreational activities.
 19 So, I'm just putting that on the record.
 20 TRUSTEE TULLOCH: A question for Trustee
 21 Noble. He's stating this is in his opinion. Is
 22 this your legal opinion as a member of the Nevada
 23 bar, or just a member -- a lay member of the Board?
 24 TRUSTEE NOBLE: I'm only speaking as a
 25 member of the Board here today.

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1 TRUSTEE TULLOCH: Thank you. So it's not
 2 actually a legal opinion. A legal opinion will come
 3 from our counsel, as I understand.
 4 And in terms of Ordinance 7, my reading of
 5 Ordinance 7, the only time it becomes public if it
 6 goes through an appeal -- there is appeal processes
 7 when a person decides to make an appeal to the
 8 Board. It's not standard practice, but if Trustee
 9 Noble wants it to become a standard practice, well,
 10 maybe the Board should pass a resolution every time
 11 some member of the community commits, what's in some
 12 people's eye, a sin, they should be castigated in
 13 the public square, maybe we can bring back public
 14 floggings or something, but we should certainly take
 15 adverts in the Tahoe Tribune to highlight and -- to
 16 name and shame people in public. Is that what we're
 17 trying to do as a Board?
 18 TRUSTEE NOBLE: I don't think this is a
 19 joke. The Nevada State Bar, whenever somebody is
 20 reprimanded or suspended, it actually goes into the
 21 Nevada State Bar magazine. Perhaps, people would
 22 actually behave if they knew that their actions
 23 would be public -- part of the public forum.
 24 And you can say whatever you want, but I
 25 think it's disgusting that you're making a joke out

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1 of this.
 2 MS. BRANHAM: If I may, I just want to
 3 bring this back. The topic for tonight was the
 4 documents, I just want to keep us on track here.
 5 TRUSTEE TONKING: So, I have one question,
 6 and I just want to say that I understand the need to
 7 have our documents back, but I also think this is a
 8 much bigger issue, and we must be respectful to our
 9 employees. I'm just stating that before we derail
 10 this conversation anymore. It's kind of
 11 embarrassing as leaders.
 12 But my question is in terms of this is --
 13 this was not deemed at any point a confidential --
 14 or a privileged item; is that correct?
 15 MS. BRANHAM: So, the process was that I
 16 think after the document had already been made
 17 public, and my understanding is that it was made
 18 public, initially, by the release by Ms. Carey, we
 19 received a Public Records Act request, and that
 20 piece of it, there was the discussion of whether it
 21 was a public record under the Public Records Act.
 22 And because of the citation that Trustee Noble has
 23 put on the record, our finding at that time was that
 24 it was not releasable by the District under the
 25 Public Records Act. Because once the District

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1 releases something, then it can lose some of its
 2 claims of privilege or claims that it should have
 3 been withheld.
 4 And so regardless of what was happening
 5 elsewhere in the community with that document, we
 6 had -- our role was to the District to ensure that
 7 we're following the PRA, that we're handling each
 8 request as its own separate request. And so that
 9 determination was made. It came to the Board, the
 10 Board -- the opportunity to override that decision
 11 to withhold the document.
 12 I think there's kind of two different
 13 things happening here, which are employee retention
 14 of documents or District materials after separation,
 15 and then making Public Records Act findings, which
 16 we do have a very defined process for.
 17 I think this happened to be the
 18 convergence of two separate issues, so it's all kind
 19 of tangled up together. But I think those are the
 20 two issues as I see them.
 21 TRUSTEE TONKING: And you'll be giving us
 22 an update as we hear back on the record?
 23 MS. BRANHAM: Yes. This item tonight was
 24 just for handling, you know, an update on what we're
 25 doing as the legal team to ensure the District is

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1 protected on the document retention side,
2 separately.

3 But, yes, we will keep you updated. To
4 answer your question, yes.

5 TRUSTEE TONKING: Okay. Great.
6 I think, as I said, I would like -- I
7 understand the need for a document, but I also think
8 there's a much larger concern here, and it's
9 employee well-being.

10 TRUSTEE TULLOCH: Just for the record,
11 while I may seem sometimes to be somewhat frivolous
12 about things, I'm actually deadly serious here.

13 Trustee Noble quotes actions taken by the
14 Nevada Bar to name and shame their members. These
15 members have actually signed up for various
16 different things. Here, we're talking about naming
17 and shaming community members, and it seems on a
18 selective basis.

19 The point I'm making is if we're going to
20 do it, we need to be even handed, we do not need to
21 just use it to lynch political rivals or lynch
22 people that might object to our positions. As
23 trustees, we're meant to represent the community.

24 I think where these incidents take place,
25 Ordinance 7 covers the process for it. It only

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1 becomes public if it goes to the final stage. If we
2 follow Ordinance 7, none of the processes carried
3 out at that time followed Ordinance 7, as I've
4 stated here before.

5 So, if we're going to observe process and
6 we're going to be fair, we need to make sure we're
7 even handed in our actions. We don't just use it
8 selectively.

9 I'm not making any joke of this. I
10 understand the seriousness of the situation. But
11 what I'm pointing out is if we have processes and
12 policies, we need to make sure we follow them.

13 The Moss Adams report -- which was a
14 subject of a contract, just for the record --
15 pointed out that we don't seem to bother observing a
16 lot of our policies. And what's the point of having
17 them if they're optional to do there?

18 All I'm pointing out is that we have
19 policies, we should be following them, and we should
20 be following them in an even-handed manner. We
21 should not be expecting our community members to be
22 held to the same standards as the Nevada Bar.

23 Thank you.

24 TRUSTEE SCHMITZ: Just a quick follow-up.
25 I'm not getting into the discussion about what

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1 document, what was in it. That, to me, isn't the
2 point. The point is that we have a policy that upon
3 separation, you do not take District property with
4 you. And in this case, that policy was not adhered
5 to.

6 And as a board and as a management team --
7 as a board, we set policy; the management team sets
8 HR policy. And this is a case where our policy was
9 not adhered to, and we, as a board, should make sure
10 that policies are adhered to, and if there needs to
11 be a change for how things are handled at the time
12 of separation, then we need to look at that as well.

13 But I'm looking at this as policy
14 compliance. I'm not getting into the details about
15 this memo and where it was. To me, we don't know
16 what else Ms. Carey has taken with her, and we don't
17 know what else she will do with documents.

18 We need to get the documents back. They
19 are the property of the District.

20 TRUSTEE TULLOCH: Yes, I totally agree
21 with that. That's the crux of the matter. This is
22 not a case of being selective on things; it's making
23 sure that we actually observe a normal policy.

24 I do have another question for you, Anne.
25 It's my understanding Ms. Carey is still currently

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1 employed as a director of human resources with
2 another company. Now, obviously, if IVGID recruited
3 a director of human resources and then found out at
4 some point this had happened in her capacity here,
5 we would be concerned.

6 Does the District have any exposure if
7 Ms. Carey proceeds with similar actions at her
8 current employer?

9 MS. BRANHAM: No. So, this is handled
10 totally separately, and it is a good point, though,
11 which is why we wanted to bring this update to
12 reassure you that we're taking the steps that we can
13 to -- because as Trustee Schmitz mentioned, it's not
14 that there wasn't a policy about this, it's that you
15 can't always control the level to which someone
16 complies with your policies you set. Right?

17 And then at that point, it's just a matter
18 of disciplinary action and what's available to you.
19 Because she's no longer employed with the District,
20 you sort of lose to options that are available as an
21 employer.

22 But what we can done is what we've done,
23 which is initiate contact to try to get back any
24 documents that are still out. Then should that not
25 go the way that it needs to go, then we've retained

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1 the option to pursue additional legal remedies,
 2 which is you unrelated to current employment.
 3 There may have been reference checks,
 4 things like that, but we as a district, our
 5 liability is being handled through our contact with
 6 her try to get those documents back.
 7 TRUSTEE TULLOCH: That was kind of my
 8 understanding. I just wanted to make sure we didn't
 9 have any legal exposure on it.
 10 Thank you.
 11 CHAIR DENT: I have a question for you as
 12 it relates to Dee Carey, topic of discussion
 13 tonight. It's alleged it came from Dee Carey. How
 14 do we know that?
 15 MS. BRANHAM: That's a good question, and
 16 not one that I'm equipped to answer. Yeah, I think
 17 you're talking about subpoenaing wherever it was
 18 that it was posted. If it's a Facebook issue,
 19 there's been -- as I'm sure you've seen in the
 20 past -- media reports about how difficult it could
 21 be to track down where information originates from.
 22 I don't know for sure, yeah.
 23 CHAIR DENT: Do any other trustees want to
 24 answer that question? Because we have gotten emails
 25 from an individual that received it from Dee Carey,

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1 diligence audit.
 2 Just to remind the Board a couple of
 3 things that we talked about previously. On August
 4 24th, 2023, the Board directed staff to develop this
 5 draft document and to bring it back for the Board to
 6 take a look at it before it was released to the
 7 public. And I do want to remind all the interested
 8 parties that this is not a fraud investigation, that
 9 is not what this document is. We have no evidence
 10 of fraud, no suspected evidence of fraud.
 11 However, the reason for doing a forensic
 12 due diligence audit is to have somebody take a
 13 deeper look at our financials, really dig in and see
 14 if there is any suspected evidence of fraud. And
 15 part two of this process would be to do a current
 16 state assessment to see where the potential for
 17 fraud may occur, if they were to find something.
 18 And so with that as a background, I wanted
 19 to just very briefly walk the Board through the
 20 request for proposals document and what this is and
 21 what it is not.
 22 And so this document is intended to find
 23 the highest-rated firm to do the work for the
 24 District. It is not intended to be comprehensive on
 25 what the final scope of work is, that's still to be

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1 is what they allege. That same individual has come
 2 to the meeting several times with her husband and
 3 asked to put it into public record.
 4 TRUSTEE TONKING: Can we get the legal --
 5 or the policy, do you have it or do I need email
 6 Erin to get a copy of the policy?
 7 MS. BRANHAM: For the personnel documents
 8 after separation?
 9 TRUSTEE TONKING: Yes, please.
 10 MS. BRANHAM: Yes, I would email Erin.
 11 That would be an internal HR policy, I believe.
 12 CHAIR DENT: Any further discussion on
 13 this item?
 14 All right. That will close out item G 1.
 15 Moving on to item G 2.
 16 G 2.
 17 CHAIR DENT: Review, discuss, and possibly
 18 approve the issuance of a request for proposal for
 19 financial forensic audit. The requesting staff
 20 member is interim Finance Director Bobby Magee.
 21 This can be found on page 30 through 38 of your
 22 board packet.
 23 MR. MAGEE: The item before you tonight is
 24 related to the simple request for proposals document
 25 for forensic auditing services for a forensic due

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1 negotiated, as well as agreed upon procedures on how
 2 they will be doing their work.
 3 And so you'll note in here that it's an
 4 incredibly compress timeline. The idea is to get
 5 through this process as quickly as possible, get
 6 somebody on board doing the work.
 7 And so one of the things I would like to
 8 point out is, in the scope of work, again, this is
 9 intended to be completely comprehensive. This is
 10 intended to communicate to the vendor community the
 11 types of activities that we would be looking for,
 12 and then we intend for the responses to solve our
 13 issues for us, which is what are your
 14 recommendations for moving forward through this
 15 process? And then we can negotiate that.
 16 And so, ultimately, a report will be
 17 issued, and, as I mentioned they will be doing a
 18 current state fraud risk assessment based on current
 19 operations. So, of course, they would be looking at
 20 internal controls, whether internal controls are
 21 being followed, our accounting procedures,
 22 theoretically, our IT procedures, and some
 23 operations items as well.
 24 And so I have talked to a couple of
 25 forensic audit professionals, and shared this draft

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1 scope of work with them, and said, "Am I on the
2 right track here?" And they have indicated that
3 they believe that this is something that their firms
4 could respond to appropriately if this is ultimately
5 deemed to be the final version.

6 One of the things that I did want to share
7 was the evaluation criteria on here. It is my
8 understanding that the Board had an interest in
9 finding the most-qualified firm to do the work, even
10 if that takes a little bit longer to make sure that
11 the work is done completely appropriately. And so
12 the way that I have recommended the evaluation
13 criteria is heavily weighted on qualifications and
14 experience.

15 Now, the reason that's important is that
16 communicates to the vendor community how they should
17 put their proposals together for, ultimately, the
18 RFP review team to make its recommendation. So if
19 the goal was expediency, we might change those
20 things a little bit, knowing that junior forensic
21 auditors may be working on this.

22 But given that I believe the Board has
23 asked me to find the most-qualified one, that's why
24 you see this heavily weighted toward qualifications
25 and experience.

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1 presented by the interview process itself and that
2 would be the final recommendation that come before
3 the Board.

4 And so with that, I'm happy to answer any
5 questions the Board may have.

6 TRUSTEE TONKING: How did you come about
7 this -- like, what did you use for a template to
8 create this RFP? Basically, how did you derive
9 this?

10 MR. MAGEE: Sure. So the document itself,
11 the request for proposals document itself is the
12 District's standard request for proposals template
13 that was developed by the District legal counsel.

14 And the scope of work, that was developed
15 by myself. I went out and did research on a number
16 of different other governmental agencies that have
17 issued similar types of scopes of work, and then I
18 started putting these things together, based on my
19 understanding of what the Board was looking for.
20 And then I reached out to a couple of my colleagues
21 in the consulting world, asked to make some contacts
22 with some potential forensic auditors, and I bounced
23 it off of them off them, am I on the right track
24 here with the scope of work that you might respond
25 to?

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1 The way the overall scoring will work is
2 that there will be an RFP review committee, which is
3 to be named at a later date, I will develop a vendor
4 section plan, and I will train the members of that
5 review committee on appropriate use of scoring using
6 this document.

7 And so when we go through that overall
8 process, those individuals will be held in
9 confidence, they should not be communicating with
10 each other on the various proposals, and they will
11 score them in a silo. And then, ultimately, they
12 can get together and have a discussion based on the
13 score -- the overall scoring, and they could choose
14 at that point to make a recommendation back to me --
15 I will be the project manager running the RFP
16 process -- to come back to the Board with their
17 final recommendation. They can also choose to
18 ask for interviews to get further information from
19 any one of the firms or all of the firms that are
20 within the competitive range of still winning a
21 contract.

22 And so if the committee decides to move on
23 to phase two, then the interviews would constitute
24 one hundred percent of the final scores, and they
25 would rescore the ultimate documents and as

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1 TRUSTEE TONKING: Right. We don't have
2 like what we see in other organizations put out for
3 RFP on this? Do you have any examples of that?

4 MR. MAGEE: Yeah. Honestly, I don't have
5 them handy. I did save a couple of them that I
6 found other agencies had done. I rewrote that into
7 my own words, base on my understanding of what this
8 Board was looking for you.

9 TRUSTEE TONKING: What would you say some
10 of the differences are that we have requested and
11 you've seen done in other agencies?

12 MR. MAGEE: Sure. If I'm being completely
13 candid, this is the first time I've been through
14 a process like this, and I have not seen this at any
15 other agencies.

16 But I did identify a couple of agencies
17 that did this, and I reach out to a couple of other
18 cities. In their cases, they actually had suspected
19 evidence of fraud, and they were asking a forensic
20 auditor to come in and uncover the fraud.

21 In our case, we don't have any suspected
22 evidence of fraud, but we're still going through
23 this process to see if there is any suspected
24 evidence of fraud.

25 TRUSTEE TONKING: Okay. What do you think

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1 this is going to cost?

2 MR. MAGEE: As I mentioned at the previous

3 board meeting, I would be hesitant to put a price on

4 this because I -- the proposals will ultimately come

5 back with some dramatically different prices. And

6 the reason for that -- that's one of reasons why I

7 put a price factor into the scoring is because we

8 want firms to sharpen their pencils and provide

9 their most effective -- what they believe would be

10 their most-effective proposal to do the work at the

11 lowest cost imaginable.

12 I have heard people say anything from

13 \$50,000 to a couple million dollars on these types

14 of audits, depending on how deep you want the scope

15 to go. Ultimately, that will be determined through

16 the contract negotiation process.

17 What I am recommending as part of this

18 document is for the auditors to look back

19 five years. I think that finding any documentation

20 past that would be incredibly difficult for us to

21 even come up with. Our document retention just,

22 realistically, wouldn't be that strong anywhere past

23 that.

24 In the range, I think we would be at the

25 lower end of those estimates that I received from

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1 minimum of few months, though. It takes time for

2 staff to even dig all these documents up, and for

3 them to do their due diligences in going through

4 them.

5 TRUSTEE TONKING: Great.

6 Can we ask -- and I might have missed on

7 the RFP. Can you make sure that we include in their

8 response some estimate of, like, their deliverable

9 timeline?

10 So, I know you asked for, like, an end

11 date, but, like, just some ideas of different, like,

12 benchmarking points and deliverables that we would

13 receive at those benchmarkings, would be great.

14 And then I also ran into two errors on it.

15 Just for consistency purposes, I would do a control

16 F on "city", and make sure you change that to

17 "IVGID." I think I've noticed it -- or "District,"

18 I think it was in there twice. One of them was on

19 page 35.

20 And then other thing I would do is,

21 there's date issues. So on page 37, it's says that

22 is needed to be submitted by 4:00 P.M., Pacific

23 Daylight Time, on October 27th, 2023. But then when

24 I was looking at page 33, it said that proposals are

25 due on the 17th. So I'm sure it is just a typo, but

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1 some of the other agencies that have gone through

2 this process.

3 TRUSTEE TONKING: Okay. Can you remind me

4 how much we have in the budget for this?

5 MR. MAGEE: There is not currently

6 anything in the budget for this. This was part of

7 what the Board directed staff to add to the ultimate

8 budget augmentation that will come back,

9 theoretically, in late January or February.

10 TRUSTEE TONKING: Great. So it's

11 unbudgeted.

12 And then can you tell me what you think

13 the timeline of this process will take?

14 MR. MAGEE: Sure.

15 TRUSTEE TONKING: Like, to actually do the

16 -- not the timeline of the RFP. Can you tell me the

17 timeline that you expect to see it proposed by,

18 contracted on this?

19 MR. MAGEE: Sure. It's -- so that is not

20 one of the items that I did ask any of the potential

21 vendors that I requested. My understanding is that

22 the Board would prefer to find the most-qualified

23 firm to do the work and make sure that they did a

24 thorough job.

25 I would anticipate that this would take a

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1 just so that nobody's confused when they're trying

2 to submit them, we don't let that go unseen.

3 MR. MAGEE: Sure. Thank you.

4 Just for the record, I did do a control F

5 on the city, because I had recycled that language

6 from another, and I don't see it here.

7 TRUSTEE TONKING: On page 35, I can

8 highlight it for you too. But on page 35 --

9 MR. MAGEE: Oh, got it.

10 TRUSTEE TONKING: -- it says "The city

11 expects that the forensic auditor," that part, yeah,

12 just change that to IVGID.

13 MR. MAGEE: Perfect. And just for

14 clarity, on the second, you said in the schedule of

15 events proposals due --

16 TRUSTEE TONKING: Yeah. So on the

17 schedule for events, you say the 17th, and then at

18 the very end, like at the end of the RFP, middle

19 section, you see no later than 4:00 P.M. on the

20 27th.

21 So I don't know which date it is, but just

22 making sure that those two align.

23 MR. MAGEE: Excellent catch. That's why

24 we have multiple sets of eyes look on this. Thank

25 you. I appreciate that.

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1 TRUSTEE TONKING: Then the last question I
2 have is how are you selecting members to be on this
3 interview committee?
4 MR. MAGEE: Sure. So my recommendation to
5 the general manager is that the RFP selection
6 committee would consist of at least one member of
7 the Audit Committee, at least one member of the
8 Board of Trustees, and one member of senior staff.
9 And those individuals, when they are
10 selected, if they agree to serve on the RFP Review
11 Committee, their identities would be held in
12 confidence until the process is completed, and
13 that's so that nobody makes an attempt to lobby any
14 of those individuals as they're going on through
15 their process.
16 TRUSTEE SCHMITZ: What are we trying to
17 accomplish with this process?
18 MR. MAGEE: Ultimately, I think that the
19 most important thing is in the scope of work, in the
20 second set of bullet points there, I think that
21 first bullet point is the most important thing that
22 we can get out of this process. It's to complete a
23 current state fraud risk assessment based on current
24 operations.
25 If there are -- if there is potential for

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1 that over the years.
2 Now, with respect to the SRF loan, I do
3 not believe that this process will put any of that
4 funding into jeopardy. That is something that I'm
5 actively working on right now. I don't have
6 definitive answer tonight on what the State would
7 expect to see from us, but that is something that
8 I'm definitely going to reach out to the State and
9 ask them: If the audit is not finalized, then what
10 would you want to see from us as we continue to go
11 through our due diligences in order to be in full
12 compliance with the statutory requirements and not
13 put the funding in jeopardy?
14 And I do believe, in talking with the
15 various parties throughout this process, that that
16 can be accomplished without putting the funding in
17 jeopardy.
18 TRUSTEE SCHMITZ: And then, just to
19 continue on with this train of thought a little bit,
20 is, my understanding of your experience is that you
21 have come in fulfilled a role of an interim director
22 of finance for other organizations that have been,
23 maybe, a little bit troubled. And you've helped
24 them right the ship, so to speak. You never
25 encountered another situation where you have taken

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1 fraud. If the elements of a fraud triangle are
2 present, we want to know. We want somebody to take
3 a look at that and say these are the loopholes that
4 should be looked at and should be closed.
5 And as part of the consultant's report,
6 they will certainly provide that type of information
7 to us.
8 TRUSTEE SCHMITZ: What, if any, impact
9 does potentially initiating this type of audit have
10 on our current audit and on our SRF loan?
11 MR. MAGEE: Those are both excellent
12 questions we've addressed this week with Davis Farr.
13 Davis Farr has indicated to us that if there is an
14 open fraud investigation, they would not be able to
15 sign off on their final document. And that's one of
16 the reasons I want to point out that this is not a
17 fraud investigation. This is a due diligence
18 investigation. And that's really what we're trying
19 to accomplish is is there any signs of suspected
20 evidence of fraud.
21 It's entirely possible that the report
22 will come back that there is none. It is entirely
23 possible that it may have happen and it was not
24 caught at various stages. A lot of agencies
25 throughout to United States have had to deal with

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1 this type action.
2 What is it that you're seeing that is
3 different that is making you bring this
4 recommendation to us?
5 MR. MAGEE: Sure. So, I think that in
6 this case, there is a lot of interest from the
7 community in seeing this type of activity looked at.
8 And that was a big driving force behind starting to
9 have these conversations on putting people's minds
10 at ease that just because we, the finance
11 department, say we don't see any evidence of fraud,
12 I think that we should -- it does not hurt at all to
13 take a deeper look at it. And if we have the
14 opportunity to close the loopholes that may exist,
15 then we should do that.
16 And given that the community has fairly
17 questioned us, I think that that's an excellent
18 recommendation for us to make at this time to take a
19 deeper look at this.
20 TRUSTEE SCHMITZ: Then can I touch on some
21 things in the document here?
22 MR. MAGEE: Absolutely.
23 TRUSTEE SCHMITZ: Unless there's other
24 questions.
25 CHAIR DENT: Go ahead.

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1 TRUSTEE SCHMITZ: So then is it okay,
2 could we narrow the scope of work and not go back
3 five years, but go back three years?
4 I'm concerned about costs. And if we
5 don't find anything in the last three years, then
6 doing five years is just adding more scope to the
7 project. So my recommendation is that we not do
8 five years, but do three years.
9 And then I want to make sure that we don't
10 have yet another consult redo work we've had other
11 consultants do.
12 So, I listed a few, but we had the
13 original Moss Adams, I think it was Moss Adams one,
14 that was deliverable in January of 2021. And that
15 was the one that looked at the accounting and
16 contract management. And management had -- in that
17 document, management had their responses.
18 And then last year, we engaged Davis Farr
19 to sort of audit those responses, and Davis Farr
20 came back with sort of exactly that same gap
21 analysis, which indicated that the recommendations
22 and the actions that were stated to be taken, hadn't
23 been taken.
24 So I don't want to go through another, for
25 the third time, to identify the same issues. So I

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1 "proposed compensation," it says it's a firm, fixed
2 bid, why wouldn't we want to say a not-to-exceed
3 amount based on time and materials? Is it because,
4 then, it makes it harder to evaluate one vendor
5 compared to another?
6 MR. MAGEE: That's exactly correct. And
7 so a not-to-exceed amount could theoretically be any
8 figure, and then how would I evaluate one proposal
9 against another?
10 And so the idea is, based upon the scope
11 that we've provided, what is your base pricing? And
12 then if you notice on the sheet that we're asking
13 the vendors to return, there's also some other items
14 that they could add a job title and an hourly rate
15 for any additional services that they may propose.
16 That would be part of the negotiation
17 process.
18 CHAIR DENT: Given that IVGID's business
19 has been pretty consistent the last five years, as
20 far as our model, and the amount of vendors we have
21 and the amount of invoices that come and go, would
22 it make more sense to get a price per year rather
23 than just capping it at three years or five years?
24 Because I feel like that's where Trustee Schmitz is
25 going, and I would hate to limit the timeframe or

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1 want to make sure that we provide that.
2 And lastly, provide the current Moss Adams
3 report because I don't want another consulting firm
4 to be doing all of this type of gap analysis if
5 we've already had it done. So I just want to make
6 sure we're doing that.
7 And then last thing I have with it, I
8 don't know why on page 36, which is page 5 of the
9 document it's says, this is 6 (a): Submit a
10 manpower loading matrix, (a) this section will not
11 include any estimates of cost.
12 I don't know why we would stipulate that.
13 MR. MAGEE: So, specifically what we do
14 not want -- the way this works, as a matter of best
15 practice, is we do not want the evaluators to see
16 the price. We want the RFP evaluators to evaluate
17 the proposals on their merits, and then the price is
18 actually a separately sealed envelope, or in this
19 case, it will be a separate electronic file.
20 TRUSTEE SCHMITZ: Okay. It's not that
21 you're not asking for cost, you are just saying
22 don't put the costs here.
23 MR. MAGEE: Correct.
24 TRUSTEE SCHMITZ: And then my last
25 question, under the -- below it, where it says

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1 the duration that we go back just based on us
2 thinking it might cost more. We know it's going to
3 cost more. It's probably the same out per year that
4 we go through.
5 So, I think, rather than changing it to
6 three or five years, give us some flexibility in
7 there where we could determine at a later time if we
8 want to go to three or five years. Because in my
9 mind, it's probably the cost, a certain amount per
10 year to do this, and it's probably going to be
11 pretty consistent.
12 MR. MAGEE: We can certainly do that.
13 What I would suggest is that we can change the scope
14 of work to say that the firm may do a due diligence
15 review of the books and records for fiscal years
16 '18/'19, and individual year through '22/'23, and
17 then ask for a per year price.
18 And then we can certainly bring that back
19 to the Board, and the Board can make its decision on
20 how many you would like to go back. We can
21 certainly do that, and it would absolutely be within
22 best practices still.
23 TRUSTEE TULLOCH: I hear some various
24 different things here. I think, let's be clear,
25 we've said there's no direct evidence of fraud.

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1 We can't say, categorically, there is no
 2 fraud. Bernie Madoff got away with it for 30 years.
 3 City of Bell, California, got away with it for three
 4 or four years under a very similar general manager
 5 model.
 6 So to say, let's speak very clear, because
 7 I see it stated all places, you've said there's no
 8 fraud. We can't say there's no fraud. We don't
 9 believe there is any obvious fraud, but absent a
 10 forensic audit, we cannot say that with confidence.
 11 We've heard even -- when we're discussing
 12 golf rates, we heard people saying that the numbers
 13 we're using, which came from IVGID budgets, were
 14 wrong. I think to be categorical with these things,
 15 all we can say is we haven't found anything.
 16 You see there's plenty of recent local
 17 evidence of things happening. Douglas County, only
 18 five or six years ago, where they admitted to over a
 19 million bucks of losses in fraud through the fleet
 20 department, subsequent to which they actually set up
 21 an audit committee. And their audit committee was
 22 composed entirely of at-large members, not even
 23 board members, to make sure it was there. And the
 24 fraud was parts, tires, et cetera, been sold off to
 25 staff member and things. It does occur. I'm sure

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1 currently trying to borrow 56 million from the State
 2 revolving fund, we've got about ten million of Army
 3 Corps of Engineers funding.
 4 Now, it's all very well for people to say,
 5 oh, well, it's okay. I'm sure the State will just
 6 happily give us it.
 7 I can say from my own finding from people,
 8 it's not a slam-dunk in terms of that. If I was a
 9 lender, dishing out 56 million to an entity who
 10 never borrowed anything of that level, and 56
 11 million is probably half our asset value, if our
 12 asset value is fairly stated, it's probably more,
 13 maybe, our complete asset value. So, it's a major
 14 loan. We've never taken on debt of this level
 15 before. Any lender would be looking at that, even
 16 if it's the State, even the State looks very
 17 carefully at that. To just assume, okay, it's not
 18 going to impact. It will. It will impact it.
 19 Let's be very honest.
 20 So, I think I would command my colleagues
 21 to move forward with this. I think it is a
 22 necessary evil, unfortunately. I think puts to rest
 23 a lot of claims made in the community on both sides
 24 of the debate. As the chair of the Audit Committee
 25 previously expressed, and as I expressed when we

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1 Douglas County thought there was no evidence of it
 2 there as well.
 3 This is not a duplication of previous Moss
 4 Adams-type audits or anything. This is a different
 5 type of audit. We've heard it expressed that all
 6 our Davis Farr audits and E Bailey before that, we
 7 have issues with internal controls. This should
 8 identify. It's not duplication. I can assure my
 9 colleagues, this is not meant as a duplication of
 10 it. This is not just a once-over, kick the tires,
 11 this is a much more in depth.
 12 And also what we discussed was the initial
 13 phase of it would be do a thousand-foot level, and
 14 then, depending on what's found, then the ten-foot
 15 level to discover that. The cost are going to vary
 16 depending on what we find there.
 17 If there is no evidence, which we all hope
 18 there is, then it can be truncated. But it is
 19 necessary to carry this out.
 20 We could also ask them to quote for
 21 three years and for five years. I believe it needs
 22 to go back -- should go back to five years, but I'll
 23 defer to the Board's vote in terms of of that.
 24 I think we just need to make sure that we
 25 are completely aboveboard in these things. We're

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1 held a special meeting of finances, while there is
 2 no immediate identification of it, there's three red
 3 flags there, in terms of what is happening
 4 process-wise. We would be remiss if we didn't
 5 follow up on that.
 6 Thank you.
 7 CHAIR DENT: I will entertain a motion on
 8 this item.
 9 TRUSTEE SCHMITZ: I'll make a motion that
 10 the Board approve the request for proposal for a
 11 financial forensic audit with modifications
 12 identified by Trustee Tonking, the consistency in
 13 the date, the removal of the words "the city,"
 14 replaced by "IVGID," and for a request for pricing
 15 by three and five year terms, with the option if
 16 they want to break it down by year, to give them
 17 that option, and to include for their review the
 18 identified prior reports.
 19 CHAIR DENT: Motion's been made. Is there
 20 a second?
 21 TRUSTEE TULLOCH: I second that.
 22 CHAIR DENT: Motion's been made and
 23 seconded. Any first discussion by the Board?
 24 I'll call for the question. All those
 25 favor, state aye.

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1 TRUSTEE TONKING: Aye.
 2 TRUSTEE TULLOCH: Aye.
 3 TRUSTEE NOBLE: Aye.
 4 TRUSTEE SCHMITZ: Aye.
 5 CHAIR DENT: Aye.
 6 Motion passes, 5/0 P. Thank you.
 7 All right. That will close out item G 2.
 8 Moving on to item G 3.
 9 G 3.
 10 CHAIR DENT: Review and discuss Moss Adams
 11 implementation proposals based on the Moss Adams'
 12 phase one assessment, and possibly agree and take
 13 action on the next steps. Requesting trustees
 14 Trustee Tulloch and Trustee Tonking. Can be found
 15 on pages 39 through 110 of your board packet.
 16 TRUSTEE TULLOCH: Thank you.
 17 Moss Adams brought the proposals in
 18 accordance with the contract, which was legally --
 19 quite legally issued and can found in the District
 20 website, I believe. They reported back to us
 21 four weeks ago now. These meetings blend in some
 22 respects. At the time they had to still complete
 23 their final recommendations for implementations,
 24 give us some guidance in their proposals for
 25 implementation. I think it's -- we all agree, it

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1 was a good report, lots of recommendations, and I'll
 2 pass it across to the Board based on that for
 3 progress.
 4 I believe should -- there's a lot of good
 5 work in it. I believe we should be moving forward
 6 with it as a whole, and deciding where it goes. But
 7 I stated to the Board at the time that we bring back
 8 the implementation thoughts. That's what we've
 9 done, it's included here.
 10 CHAIR DENT: Any questions, comments?
 11 TRUSTEE TULLOCH: I'll just add to that.
 12 I think there's, obviously, some of pricing seemed
 13 exceptionally high in some of the areas, in terms of
 14 implementation. I don't think this all needs to be
 15 done externally. A lot of this work can be done
 16 internally.
 17 I think we've identified lot of things in
 18 it, so I think as we move forward, we work identify
 19 what can be done internally and what could be done
 20 externally.
 21 TRUSTEE SCHMITZ: I just had a few
 22 questions. And, yes, I was surprised by the pricing
 23 of some of these things.
 24 Under the strategic plan, the 1 G where it
 25 says "Implement an annual representative community

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1 survey," for us to do. We have A lot of master
 2 plans, but they've grown a little bit of dust on top
 3 of them, and I think it would be important for us to
 4 do this, but 20- to \$40,000 seems like a pretty big
 5 number. But I do think that that's something that
 6 we should do sooner rather than later so that we can
 7 incorporate that into our five-year plan discussion.
 8 But then when you flip to the next page,
 9 same section, the second bullet, it says "Administer
 10 and open non-statistically significant community
 11 survey." I was confused as to how this tied to the
 12 other one, and why is it a non-statistically
 13 significant. And I also thought that we should
 14 incorporate staff, staff input into that as well.
 15 But I didn't know why is it sort of listed in two
 16 different places like that. I would assume it's the
 17 same thing.
 18 And with staffing 2 B, one of things that
 19 I'm recalling is that they felt that our job
 20 descriptions should be updated. I know that the
 21 director of HR has been doing a compensation study,
 22 or it's my belief she's been doing a compensation
 23 study. But my question is: Do we need to first
 24 have the job descriptions updated before we did
 25 anything like that?

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1 I'm sort of siting here trying to figure
 2 out, okay, what do we need to do first? Because I
 3 think that the compensation study is very important,
 4 and I think we can start working on that before --
 5 this says "wait for," or "in tandem of a new general
 6 manager," but I feel like the community survey and
 7 the job descriptions and compensation study, that
 8 could be something that is moving forward before we
 9 have the general manager.
 10 And notice on the very last page, 110,
 11 staffing 2 A, that's where it talks about updating
 12 the job descriptions. But my feeling that has to
 13 happen before you do the compensation review.
 14 So I think there's little bit of
 15 organization of how would these things, from a
 16 timing perspective, be rolled out.
 17 TRUSTEE TONKING: I talked to him also
 18 about prices, and I was like, I'm very concerned
 19 about them.
 20 I think a lot of these things, if we
 21 decide to do them not internally, we should think
 22 about putting them out to RFP because I think some
 23 of these prices are a little high, personally.
 24 But I agree with Trustee Schmitz, I think
 25 the community survey needs to be done soon. And in

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1 the actual, like, report done by Moss Adams, they
 2 say that that survey will tell us -- it was like one
 3 of the first steps of the strategic plan. So I
 4 think we need to start that immediately.
 5 Do I think we need to be spending 40
 6 grand? No. I also do surveys for my job, and I'm
 7 not going to say -- hopefully no one's watching my
 8 meeting, but we don't charge 40 grand. But I think
 9 that's definitely a first step.
 10 I looked at the timeline, and I don't know
 11 if this helps at all, it's on page -- I don't really
 12 know what of our board packet, but it's on page 11
 13 of the very end of the report. And breaks it out
 14 into, like, developing a new strategic plan, that's
 15 like quarter one. Then it says "Update policies and
 16 procedures," and then it says "Restructure senior
 17 management team," then it says from there, "Update
 18 job descriptions," and then the last one is
 19 succession planning and framework.
 20 So it kind of laid out it out to us in the
 21 quarter system. And I think the idea was you do
 22 your strategic plan and you do your policies and
 23 procedures, and then from there you, you can decide
 24 how you want the organizational chart to look. And
 25 then from there, once you've created that org chart,

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1 you're able to update your job descriptions,
 2 probably deal with your salaries. And then from
 3 there, come up with your succession planing for all
 4 new, like, not new, but through this org chart.
 5 So I was kind of recommending we try to
 6 follow that process.
 7 TRUSTEE TULLOCH: Trustee Schmitz, I think
 8 if you look at the implementation, if you look at
 9 the timing against the different things, they're not
 10 just -- they're not laid out sequentially in the
 11 grid. If you look at the last item, staffing 2 A,
 12 that shows us two months. It's not a case of going
 13 through them per the grid; it's all sequential.
 14 I think a lot of these things can happen
 15 in parallel, and I think Trustee Tonking made a good
 16 point. Some of these things where they look pretty
 17 spendy, we should be looking at going to RFP on it.
 18 Let's be honest, if I put my consultant's
 19 hat on as well, if you don't put these proposals
 20 before the customer, the customer is not going to
 21 suggest them normally. It doesn't necessarily mean
 22 they're essential. It a case of if you don't ask,
 23 you're not going to get any of it.
 24 CHAIR DENT: Do we want to -- I guess, as
 25 far as next steps, would we want to make a motion to

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1 accept the implementation of the -- excuse me.
 2 Accept the Moss Adams plan and proposal that they
 3 put in front of us, as far as next steps, and then
 4 allow our employee, interim General Manager
 5 Bandelin, to review this and take the next steps as
 6 he sees fit, based on what's in this report and how
 7 our employee is seeing how he can tackle the list?
 8 TRUSTEE TULLOCH: Yes, that was my
 9 proposal. That's why I've drafted the memo this. I
 10 think it's -- I think it's -- I think -- that is my
 11 view. We should accept the report, and then
 12 Mr. Bandelin to start taking the lead on that.
 13 A lot of these things we have discussed
 14 previously, particularly as Trustee Schmitz said,
 15 the strategic plan is more than just gathering dust.
 16 The grass is growing over it now in terms of that.
 17 That's a very clear message to make sure that we're
 18 actually doing -- we're initiating the projects that
 19 align with the community now, not something aligned
 20 with the community in 2015 or something in terms of
 21 that.
 22 There's a lot there, but, yes, my view is
 23 I'm happy to propose a motion along these lines.
 24 CHAIR DENT: I'll entertain a motion.
 25 TRUSTEE TONKING: I move the Board of

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1 Trustees accept the Moss Adams report and memo, and
 2 give direction to Mike Bandelin to move forward if
 3 he sees fit.
 4 CHAIR DENT: Motion's been made. Is there
 5 a second?
 6 TRUSTEE TULLOCH: I'll second that.
 7 CHAIR DENT: Motions's been made and
 8 seconded. Any further discussion by the Board?
 9 TRUSTEE SCHMITZ: Could we at least
 10 identify for the interim General Manager what the
 11 priority one is? And it sounds like, based on our
 12 discussion, that's the community survey.
 13 TRUSTEE TONKING: While moving forward
 14 with ideas around the community survey. I'll amend
 15 my motion.
 16 TRUSTEE TULLOCH: I'll second the amended
 17 motion.
 18 CHAIR DENT: Motion and second has been
 19 amended. Any further discussion?
 20 Seeing none, I'll call for the question.
 21 All those in favor, please state aye.
 22 TRUSTEE TONKING: Aye.
 23 TRUSTEE TULLOCH: Aye.
 24 TRUSTEE NOBLE: Aye.
 25 TRUSTEE SCHMITZ: Aye.

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1 CHAIR DENT: Aye.
 2 Motion passes, 5/0. That closes out item
 3 G 3. Can we -- let's take a seven-minute break. We
 4 will resume at 7:55.
 5 (Recess from 7:48 P.M. to 7:55 P.M)
 6 CHAIR DENT: All right. We are moving on
 7 to item G 4.
 8 G 4.
 9 CHAIR DENT: Review, discuss, and possibly
 10 approve a format for the Board of Trustees to an
 11 informal conversation with the public or have a
 12 structured conversation with the public on a
 13 specific topic presented by staff member with the
 14 Board of Trustees in attendance and possibly set a
 15 date, time, venue, and/or specific topic depending
 16 on the selected option. Requesting trustee, Trustee
 17 Tonking. Can be found on page 111 of your board
 18 packet.
 19 TRUSTEE TONKING: This is follow up to the
 20 past conversations we just had on the forum, as well
 21 as the meetings before that Chair Dent had spoke a
 22 lot about, and I just move forward with discussing
 23 them.
 24 In this board packet, it is totally an
 25 example, of how I was thinking it work where two

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1 trustees -- I believe that's all we can have run the
 2 forum -- would be assigned to a topic, and then we
 3 just alternate working with different people. So,
 4 Ray, at some point, you'll have to work with me.
 5 And so we'll go through each of those,
 6 like, forums. And so for example, you pick a date
 7 and time, you'd pick a topic for the two of you to
 8 talk about, and then people can come and give us
 9 feedback on the topic. In this, I just gave an
 10 example using the beach house, the date, and then,
 11 like, some conversations that it could be around.
 12 That was really all I was thinking on how
 13 to run these. I don't know of that makes sense to
 14 others or what others are thinking. This is truly
 15 to suggest -- get the ball moving.
 16 CHAIR DENT: Okay. Any comments,
 17 suggestions, where do you guys want to go with it?
 18 TRUSTEE TULLOCH: Just some thoughts, not
 19 that I'm opposed to working with Trustee Tonking,
 20 quite happy to tag team with her in terms of that.
 21 I think the difficulty with the open
 22 forum, if there's only two trustees present, given
 23 the inevitable timeline between of meetings, I think
 24 it drags out over a long period, and I think -- I
 25 don't think it really gives a very good perspective.

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1 If there's just two trustees' perspectives there, it
 2 makes it seem that the Board may be going in even
 3 different directions in terms of that. It's -- I'm
 4 not in favor of that one.
 5 As to sitting or standing around a table,
 6 it becomes a bit like an election again. I'm not
 7 quite sure how that works. It's -- I confess, I
 8 don't have any alternative ideas. I did like the
 9 idea of a mixer before -- an hour before the
 10 meetings, all trustees can be present, and the
 11 public don't need to come out twice and can actually
 12 raise issues then.
 13 I think the difficulty is to try to set
 14 out as a formal setting, you run into so may
 15 difficulties between Open Meeting Laws and different
 16 perspectives and limited perspectives and things
 17 being taken the wrong way, some people hearing one
 18 thing, some people hearing another thing. I think
 19 it becomes very difficult. I think we all need to
 20 be -- unless you're aware of all sides of
 21 conversation, it's very difficult for these things
 22 to be successful.
 23 TRUSTEE TONKING: That makes a lot of
 24 sense.
 25 And I, by no means, am married to this

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1 idea. Again, it was just something we talked about
 2 as ways to create Board communication. I'm fine if
 3 we just start with the informal meetings at
 4 beginning and see how those go. And maybe forums
 5 could be something that -- on bigger issues, for
 6 example. So, like, getting feedback on the beach
 7 house or the dog park or maybe stuff like that. And
 8 we could discuss if that's more applicable, because,
 9 as you said, being held to Opening Meeting Law is a
 10 hard situation.
 11 But I'm fine to start with just the
 12 mixers.
 13 CHAIR DENT: When -- I just think back to
 14 when -- I think we've tried something like this one
 15 time in the past, and I believe it was more of a
 16 workshop. There were some informative displays,
 17 learn about your trash and a few other things, and
 18 the trustees were welcome to sit down around their
 19 little table and answer any individual questions.
 20 All five trustees were welcome to do. I can't
 21 recall, it was so long ago, if all five trustees
 22 were present. I don't really think that matters as
 23 much.
 24 But, Anne, feel free to correct me on
 25 this, but as long as we notice it, we can do

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1 something like that if it is more of a
2 meet-and-greet, that's, I believe, how we had it set
3 up before was more just a meet-and-greet.
4 I like this idea and I think we can we
5 build upon it a little bit, and I would say if we
6 could have three trustees there or five trustees
7 there, whoever can make it, can make it.
8 And as we know from going to dinner or a
9 couple of dinners that we attended earlier this
10 year, I think one meeting we might have had three or
11 four. Both of have them might have had four. We
12 weren't all five of us able to get in the same room
13 together, given our schedules.
14 So we could do something where it is super
15 informal, similar to, maybe, what happen at a
16 candidate forum. Have -- instead of sitting at this
17 board table and these really nice comfy chairs, we
18 can actually have some comfy chairs, all of us could
19 have a mic, we could have an intake where questions
20 are asked, put up on the screen, and the trustees
21 that want to answer them, can answer them. Or a
22 trustee that was asked a question can answer the
23 question. I think that serves the purpose of
24 allowing the community to have their questions
25 answered.

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1 could, potentially, answer their questions.
2 CHAIR DENT: There would probably be a lot
3 of similar questions, so I think it is good to have
4 people write them down and submit them.
5 TRUSTEE TULLOCH: I agree with that. I
6 like that idea. We've done that candidate forum
7 where somebody is correlating the questions as well
8 so we don't get multiple iterations of the same
9 question. To me, that makes a lot more sense.
10 It's interesting that you mentioned the
11 workshops, because that's something that came up in
12 our committee meeting yesterday. It was -- in terms
13 of as when we're developing projects, we used to
14 have a lot more workshops, as I recall, just as a
15 member of the public before I got pulled into more
16 depth. When I had a life.
17 But, yeah, I think we should not rule out
18 the idea of workshops as well, particularly as we
19 develop some of these projects. For the beach
20 house, as we get to final designs, it's something we
21 should bear in mind.
22 TRUSTEE TONKING: I was going to try to
23 recap what everyone had said to then try to work to
24 come up with a proposal. Go ahead.
25 TRUSTEE SCHMITZ: When we get to the point

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1 If we want to get more, I guess,
2 intentional about a specific topic, then I think it
3 would be good to have staff there, answering
4 questions, a presentation, and then we can answer
5 some questions.
6 It's my understanding, as long as we
7 notice it, we can notice that meeting to be about
8 all topics IVGID or all topics -- really, anything
9 we can answer. As long as we notice that, there's
10 no issue.
11 I like the idea, and it should be
12 something we do a couple of times a year or try to
13 do it every four months. We have lot of other
14 things on our calendar, but if you spread it out
15 like that, we'd probably get to a point where more
16 and more, we would be able to do it in a room like
17 this rather, than in the a room at the Chateau.
18 Anyone else want to weigh-in?
19 TRUSTEE SCHMITZ: I'm recalling a few
20 years back that there was something at Chateau, and
21 there was a moderator, probably Misty, maybe, where
22 you could submit questions on a card. And I think
23 that that would be a good way to handle something so
24 that people can ask their questions, but they have
25 to -- someone else could read their question, and we

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1 where it's workshops, I'm recalling -- this goes
2 back a few years -- at the Chateau, that they did
3 have, like, clickers or a method on your cell phone
4 where you could answer survey question. And if
5 we're going to have something like the beach house,
6 that would be a nice way to get some instantaneous
7 community feedback as well.
8 TRUSTEE TONKING: All right. Listening to
9 what every one said, so coming up with some form of
10 forum that occurs once a quarter, and then working
11 with legal to kind of talk about how to have all
12 five us there, and also making sure that it's not
13 turning -- because we kept saying like a campaign
14 forum, and I just want to be careful that we don't
15 use the terminology. It's also election year, so we
16 do not want to using -- so just making sure to word
17 it correctly. I will work with legal on that. And
18 have it, like, every three months, and it be like a
19 community forum of question and answer. And however
20 many people we can get there, we can do it that way.
21 And also coming up with some language
22 around, like, what workshoping would look like.
23 Just having those two.
24 And then, maybe, I guess I have a
25 clarifying question. When do we want to start those

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1 community, like, the beginning of meeting hours,
 2 social hours? Are we doing that? Do you want to
 3 write a little blurb on that those three or is that
 4 already moving forward?
 5 CHAIR DENT: I'd say let's do -- let's
 6 come to the meeting, I guess, a half, an hour
 7 before, and we could do that at the last meeting of
 8 all the month. Will that work?
 9 TRUSTEE TONKING: Okay. Perfect.
 10 CHAIR DENT: And it could just be super
 11 informal. And I'll work with legal counsel on that,
 12 because I believe as long as we -- I'll work with
 13 legal counsel on how to approach that so we handle
 14 that in a manner that doesn't violent Open Meeting
 15 Law.
 16 One -- your agenda item in improving
 17 that -- or approving the agenda to go out, almost
 18 two weeks ago, now, it got me thinking, and I was a
 19 little proactive on this process in working with
 20 staff and just asking the question of: What does
 21 the Chateau look like next week, the first week of
 22 October as far as availability?
 23 And just seeing where this could go and
 24 really having town hall, because we have been
 25 talking about this probably since middle of year or

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1 early in the spring.
 2 And then it came up, and talking with the
 3 General Manager earlier this week, that the agenda
 4 for October 11th meeting is pretty much dead,
 5 however, we've all set time aside and plan to be at
 6 that meeting on the 11th.
 7 So, we could -- Trustee Tonking I know
 8 you're not in town for that meeting or not going to
 9 be available for that meeting. We could set
 10 something up for one of three or four that we're
 11 going to try and do annually, I would say more than
 12 two. And we could set something up where we do a
 13 trial run on this we where we actually sit up there
 14 and answer some questions, and then with the
 15 commitment of doing another one this year.
 16 As we get into November and December,
 17 those months, seems like there's not a lot to do,
 18 typically, on the agenda. It usually starts off
 19 strong in January and kind of tapers off as the year
 20 goes on. And then we repeat everything we did the
 21 year prior.
 22 We could definitely do that if the Board
 23 wants. October 11th is a Wednesday, two week from
 24 now. The Chateau is available. I believe the
 25 Chateau is available at 6:00 P.M., and staff looked

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1 into that, so that is something in lieu of having
 2 the meeting or potentially could be an agenda item
 3 that we do start off, folks can submit their
 4 questions while we're working through our general
 5 business, in a maybe little less formal setting, and
 6 then continue on to the -- we'll call the town hall
 7 for a couple hour or two and a half hours.
 8 Anyone want to weigh-in on that idea?
 9 TRUSTEE SCHMITZ: I'm fine with that idea.
 10 And I think that, given, as you mentioned, our
 11 calendar's were a little bit light, it's the
 12 opportune time for us to start planning for projects
 13 that we want to begin implementing come next season.
 14 Because we have to have lead time for construction.
 15 So it's prior to our budgeting. It seems
 16 like sometimes we're trying to do project planning
 17 at the same time as budgeting, and it gets to be
 18 really burdensome. And if we could start doing some
 19 of that project planing, in the fall, in this later
 20 part of the year, I might make that budgeting
 21 process easier, and it would be a great opportunity
 22 to hear from the community in October too.
 23 TRUSTEE NOBLE: I think, given that is
 24 going to be the first one, I'd like to see all five
 25 trustee there, and the fact we know that Trustee

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1 Tonking is not going to be there, I'd push it to
 2 either the last one in October or the first one in
 3 November.
 4 TRUSTEE TONKING: I would also like to be
 5 there for the first one. This is something that
 6 I've pushing for. Again, I'm in Thailand, so it's
 7 impossible for me to join. And I've let you all
 8 know for a while now.
 9 CHAIR DENT: Understood.
 10 TRUSTEE TULLOCH: I don't agree with going
 11 to the second meeting in October because then we'd
 12 be expected to dress up in Halloween costumes as
 13 well.
 14 CHAIR DENT: The second meeting in October
 15 is fully booked. Everything that was supposed to be
 16 at this first meeting is now pushed to the second
 17 meeting in October. And there's timeliness
 18 associated with it and then the agenda is going out
 19 sooner and a few other things that are pushing
 20 forward staff's preparation time.
 21 TRUSTEE TONKING: Can we find a time,
 22 then, that works -- I get back on the 13th, so the
 23 13th or on?
 24 CHAIR DENT: I would say we could. Is the
 25 13th, that's a Friday?

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1 TRUSTEE TONKING: I mean, not that night.
 2 I land at, like, 8:00 P.M.
 3 CHAIR DENT: Okay. Yeah. I don't know.
 4 Once again, it's reaching out to Heidi, and then
 5 it's having Heidi reach out to golf, and reach out
 6 to the folks in charge of booking over there. And
 7 sometimes it takes a little while to figure out that
 8 information. I'll work with staff. And, I mean,
 9 the reason why I said the 11th is just because Mike
 10 let us know we could have that night off. I would
 11 like to have everyone there, we've discussed that in
 12 the past, but sometimes it just doesn't work out.
 13 And if we were to move forward and say,
 14 Trustee Tonking, you weren't able to be there, we
 15 would make sure we'd have another one, say, early
 16 move, so then we're getting two out of way, and
 17 we've kind of tackled that right out of the gate.
 18 TRUSTEE TONKING: I feel like this is the
 19 exact opposite of what you said, holding one every
 20 quarter, and now putting two within a two-week span.
 21 So I think, if that's the difference, let's just
 22 throw it sometime in the next three weeks so we can
 23 all be there.
 24 CHAIR DENT: It would be two within a
 25 month, but I was trying -- saying we could

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1 prioritize to do it because I might not be able to
 2 be or Ray may not or David or Sara. So I just -- I
 3 know our schedules are tight, we commit to the
 4 Wednesday nights, and just trying to move forward
 5 this idea.
 6 What's the Board want to do?
 7 TRUSTEE TULLOCH: I'm happy to leave it to
 8 you, Chair Dent.
 9 One thing I would echo, Trustee Schmitz's,
 10 though, because it reflects some of the things that
 11 came in the investment committee as well, being able
 12 to move faster and move earlier on some of the
 13 project proposals and things. I'm very conscious,
 14 this year during the budget process, we kind of got
 15 railroaded into very short timelines on a lot of the
 16 capital proposals, and that's certainly something
 17 that was mentioned, came through loud and clear.
 18 So the more further ahead we can get in
 19 that, the better.
 20 CHAIR DENT: All right. No more comments
 21 about investment committee, and stay on topic.
 22 TRUSTEE NOBLE: I would just say that
 23 given that golf is winding down, that there should
 24 probably be times that the Chateau is open in the
 25 evening where all five of us can be available, at

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1 least for the first one.
 2 CHAIR DENT: Okay. I will work with
 3 staff, and we will send out an email and coordinate
 4 the timing of our first town hall. And then we will
 5 get that sent out through the IVGID channels to
 6 market that.
 7 Any other discussion on this item?
 8 All right. That closes out item G 4.
 9 Moving on to item G 5.
 10 G 5.
 11 CHAIR DENT: Review, discuss, and
 12 potentially adopt a Policy and Procedure number 143,
 13 Resolution number 1904, regarding advertisements in
 14 the IVGID magazine and other District publications
 15 at District-owned venues and District-sponsored
 16 events. Requesting staff member Marketing Manager,
 17 Paul Raymore and, I guess, through legal counsel.
 18 And Anne is here to represent legal counsel. This
 19 can be found on pages 112 through 143 of your board
 20 packet.
 21 MR. RAYMORE: Thank you, Chair Dent and
 22 fellow members of the Board of Trustees.
 23 As Chair Dent mentioned, on pages 112
 24 through 143 in the board packet tonight, is a memo
 25 including a proposed District-wide advertising

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1 policy, along with some additional materials
 2 designed to foster a discussion on whether you would
 3 like staff to explore expanding the scope of the
 4 District's advertising and events sponsorship
 5 programs.
 6 The proposed District-wide advertising
 7 policy, attached as pages 118 through 121, was
 8 drafted by our legal team at BBK at the behest of
 9 our interim General Manager. If you'll remember,
 10 the policy was originally drafted to pertain just to
 11 the IVGID Magazine, but has been expanded in scope
 12 to cover the District's advertising programs more
 13 holistically at the Board's request.
 14 So, staff is requesting that you review,
 15 discuss, and potentially adopt the District-wide
 16 advertising policy, and then, in addition, staff is
 17 hoping to get direction from the Board tonight on
 18 whether you would like us to look into possibly
 19 expanding the scope of the District's paid
 20 advertising and sponsorship programs.
 21 To be very clear, staff is not advocating
 22 for such an expansion, however, as you'll see in the
 23 packet with the example materials from the Tahoe
 24 Donner Association, there's a potential to generate
 25 additional revenue for the District by formalizing

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1 and expanding the scope of event sponsorships and
 2 other advertisements at District venues and on
 3 District platforms, should there be a desire by the
 4 Board to do so.

5 I am happy to answer any questions you
 6 might have on either of those topics.

7 CHAIR DENT: Any questions, comments?
 8 TRUSTEE TULLOCH: I'll kick off.

9 Perhaps you can clarify for me what the
 10 purpose of the IVGID Magazine is? I go through it,
 11 and it's a weird mix of advertorials for preferred
 12 partners, it's primarily driven by realtors and
 13 things, and then it has editorials by different
 14 staff members and it has details of staff that have
 15 been promoted. It seems to be a really weird mix
 16 between a complete mishmash of an advertising
 17 product and something that should be an internal
 18 staff newsletter almost, in terms of promotions and
 19 things.

20 Who is it targeted at, and what's the
 21 purpose of it.

22 MR. RAYMORE: I would say that the purpose
 23 of IVGID Magazine is to, primarily, inform our
 24 residents and stakeholders in the community of all
 25 the programs, services, and venues available to

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1 them. News and updates going on at those venues,
 2 events happening at those venues. Programs like
 3 children's camps during the summertime, if you look
 4 in the current edition, you look into our
 5 fall/winter programs. Updates from those venue
 6 managers. Updates from Darren Howard in this
 7 current one. A whole list of programs for active
 8 adults, senior programs, other segments of the
 9 community. Recaps of things like our youth camps
 10 that we did.

11 It's certainly meant to inform our
 12 community on all of what IVGID offers, mostly parks
 13 and recreation oriented, and those recreation
 14 venues.

15 And then we do include some other updates
 16 from staff, certainly from the public works team and
 17 Waste Not, especially any events they have.

18 We try to cover few a updates on major
 19 capital improvement projects and progress that's
 20 been made on those.

21 And it's limited in scope. We can't cover
 22 everything that IVGID does, IVGID is. The magazine
 23 evolved out of what called "The Activity Guide,"
 24 which was an in-house produced, multipage pamphlet
 25 that was strictly, you know, the parks and rec

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1 department and other venues, the activities, the
 2 camps, the programs that were upcoming, and it's
 3 evolved from there.

4 TRUSTEE TULLOCH: Okay. Now, a lot of the
 5 stuff that appears there is public works put a
 6 newsletter out with the utility bill every month. I
 7 get an update from public works. We see various
 8 other things.

9 You put it in a magazine coming out every
 10 two and a half months or something. It's almost out
 11 of date by the time it comes out, and most of the
 12 stuff is also available on the website.

13 Again, I'm confused to who it's targeted
 14 at. Just targeted at residents, why are we putting
 15 copies out everywhere in the Tahoe Tribune and
 16 things like that? And are we trying to sell venues?
 17 Are we trying to sell access? What are we trying to
 18 do? Because the clear message that comes to me from
 19 the community is that we should be focusing on
 20 members first, not trying to advertise it
 21 externally.

22 And be I'm being serious. I'm not being
 23 flippant or anything. I'm just trying to understand
 24 what we're trying to target with it and what -- for
 25 the purpose.

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1 I would have thought that we have -- all
 2 the venues has guides as to what is coming up. The
 3 programs, it's all on the website. I'm not quite
 4 sure what we're actually achieving with it, apart
 5 from burning more paper. And there's no revenue
 6 that comes to the District from it. There's a cost
 7 associated with it. And a lot of it is just
 8 duplicating information that's already been put out
 9 there.

10 MR. RAYMORE: As the marketing manager, I
 11 can say that we try to communicate with our
 12 residents our stakeholders and our community in
 13 multiple different ways. Certainly, coming of age
 14 in the internet age, we try and keep that website
 15 updated, first and foremost, so we hope that you'll
 16 find always the most-current information on our
 17 website. But we also know that there are a lot of
 18 people this community -- and let's face it, Incline
 19 Village is an older-than-normal community who prefer
 20 paper. They trust do prefer reading things in a
 21 magazine format, on a flyer. There are folks that
 22 go into the Rec Center and get their news by
 23 chatting with folks in the lobby and talking to
 24 folks at the front desk.

25 And so from a communications standpoint,

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1 we try to make sure that we are communicating in all
2 those different forums, all those different
3 channels.
4 So I feel like the magazine serves a
5 niche. Certainly, there are those who know our
6 website well, get all the information they need from
7 there. And you're right, this magazine shouldn't
8 contain anything new that's not on the website. We
9 publish a digital copy of this on there, so all the
10 articles are online and available.
11 As we mentioned, this latest edition,
12 there are those who say that they don't want to
13 receive a mailed copy anymore, and we're giving them
14 a chance to opt out of that. Because we are
15 certainly not trying waste anybody's resources, we
16 don't want to add junk mail to anyone's mailboxes.
17 So if you don't want to pay for a copy, we're more
18 than happy to oblige. That being said, there's also
19 a lot of folks who say they appreciate it.
20 It is mailed to all of our parcel owners,
21 and a lot of those, you know, are second-home owners
22 and don't live in this community, so they don't
23 necessarily get their news through word of mouth
24 here town. So that see that as an important way to
25 keep in touch with the District, the programs and

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1 revenue from advertising. I don't think that's
2 anywhere in our charter or anywhere -- that's
3 something that's been stated by the Board.
4 Again, I'm just trying to open the
5 discussion here because I think it's -- there's an
6 assumption that we will just drive down this
7 direction. I'm certainly concerned about the
8 commercialization of that, of a government
9 operation.
10 MR. RAYMORE: If I can respond. Again,
11 like, staff does not have a dog in this fight. We
12 are merely bring the expansion before you as option
13 and for discussion. And we are looking for your
14 input.
15 If there's interest in it, then we are
16 very happy to step away. I just felt like we were
17 having this discussion on the District-wide
18 advertising policy, which I do believe will be very
19 helpful to us, especially in, you know, we have this
20 magazine, we do allow advertisements in it, and we
21 can give that policy to CC Media, our publishing
22 partner, and make sure that there's a Board-approved
23 policy in place.
24 The other discussion, again, is one
25 hundred percent, I just wanted to bring it to your

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1 activities that are available to them when they come
2 up and enjoy everything we have here at Incline.
3 TRUSTEE TULLOCH: I probably fall in that
4 category. I am able to look at websites, a lot of
5 people are, and I understand some people want to
6 look at there.
7 Again, I come back to it seems have turned
8 into more an advertising vehicle for people that get
9 no revenue from. If it's to update the community,
10 perhaps, a slimmed down version. Why are we chasing
11 all sorts of advertising?
12 And look through some of the advertising
13 proposals here and it seems to be selling Tahoe --
14 or, sorry, no, that's somebody else's phrase
15 already. I see things like a realtor wants to
16 sponsor all our events and things, and I think we
17 need to be very careful about that. Are we just
18 selling out? We're a government organization.
19 We're not an HOA. We're not -- I don't think you
20 can compare us to Tahoe Donner in terms of that. I
21 get concerned when I see this let's just go out,
22 mass advertising and things. And then we could have
23 banners hanging all over the place.
24 I'm not quite sure what we're achieving
25 when it talks about our purpose is to generate

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1 attention, this is an option. There's a very
2 similar organization, granted it's an HOA; we're a
3 government agency. I understand the difference.
4 But they have a more holistic advertising model. It
5 generates, what they have said, is significant
6 revenue for them. So I figured I would bring it
7 before you guys for a discussion. I see a million
8 ads every day, and so I'm not necessarily saying we
9 should bring more into Incline Village.
10 But, again, I just figured I would bring
11 it to you guys as an option, show you what's out
12 there, and get your feedback and move forward.
13 TRUSTEE TULLOCH: Thank you. I've got
14 some other points I'll come back on, but I will pass
15 it to my colleagues. Appreciate that.
16 MR. RAYMORE: One more thing to touch on,
17 the advertisements in the magazine, again, those are
18 handled by CC Media, other than we have within the
19 contract with CC Media told them we don't want t see
20 things like advertisements for competing venues,
21 like cannabis products, anything like that. Who
22 chooses to advertise in the magazine is basically up
23 to those advertisers, and they get the information
24 on where it distributed.
25 So, yeah, it's a lot of realtors. We're

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1 looking to outreach to our stakeholders, our
 2 community, a lot of local business that provide
 3 services. Again, that's nothing we have control
 4 over or much say over.

5 CHAIR DENT: I like the line of
 6 questioning. I've heard it two or three times
 7 tonight, and it goes back to our board training this
 8 afternoon. And it's what's the public opportunity
 9 or public problem we're trying to solve? Where are
 10 we going with this? And then another good one from
 11 the starting point that goes along with what we are
 12 discussing is how do we measure the results from it?
 13 Like, what are we trying to achieve from doing this?

14 And so if you start with us trying to
 15 understand what it is we're trying to solve and how
 16 we're measuring it, then we kind of know who it's
 17 working, how it's not.

18 So, what does success looks like? I guess
 19 is appropriate question that we should be asking
 20 ourselves with that, and that's what I -- I feel
 21 like the underlying questions that are coming up
 22 stems from our overall -- is a guide to good
 23 decision-making for our good governance training we
 24 earlier today. And I feel like if we approach all
 25 of out items that way, then, truly, we are serving

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1 the public.

2 So I just think it's a good line of
 3 questioning.

4 TRUSTEE SCHMITZ: I just have a couple of
 5 clarifying questions. Do we -- as it relates --
 6 because I know we have banners different places. Do
 7 we have a pricing policy that we have implements
 8 across the District relative to banners in the Rec
 9 Center or banners on the fields or tennis court or
 10 anything?

11 MR. RAYMORE: Not that I'm aware of. I
 12 don't believe there's any kind of District-wide
 13 pricing policy or advertising policy, which, as I
 14 put in the notes in the memo, leaves us kind of in a
 15 situation where different venues are doing different
 16 things. Most venues -- mostly it's around either
 17 event sponsorships where we're bringing in outside
 18 partners to help sponsor and defray some of the
 19 costs of events. Something like the Incline Open
 20 Tennis Tournament, for example, or the Trail of
 21 Treats or the Tahoe Little League, that hangs little
 22 league sponsor banners at our fields during the
 23 little league season.

24 And so, right now, it is bit disjointed,
 25 which is another reason to either potentially look

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1 at expanding the scope or just developing a little
 2 bit of a full-fledged District policy around
 3 banners, sponsorships, that kind of thing. And
 4 staff is happy to do either of those to whatever
 5 degree the Board would like.

6 TRUSTEE SCHMITZ: One of the things that I
 7 liked in the Tahoe Donner was that they had then an
 8 element of consistency. And the consistent -- there
 9 was a consistent look, it had the logo, you know
 10 this is an IVGID event, that sort of thing.

11 From that perspective, I really liked that
 12 idea about there would be an element of consistency
 13 and management across the venues.

14 Then as it relates to the IVGID quarterly,
 15 do you have a feel of how the survey results are
 16 coming in at this point? It seems like that survey
 17 has been open for quite a long time, and I had
 18 mentioned to interim General Manager Bandelin that I
 19 was hoping that you could give us a perspective on
 20 what those survey results are looking like so far.

21 MR. RAYMORE: I'm not prepared tonight to
 22 give you too much of an overview, other than what is
 23 actually published in this current IVGID Magazine,
 24 which I tried to summarize just a couple key points.
 25 But my goal was to leave the survey open

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1 through a couple of different magazine cycles so
 2 that readers of the magazine have plenty of
 3 opportunity to weigh-in. So we promised that we
 4 would leave the survey open through October 31st. I
 5 worry that it's, maybe, premature to summarize
 6 anything before we truly close that survey. But
 7 there the a kind of preliminary data I shared that
 8 shows what I would say is strong readership, decent
 9 appreciation for it's. Again, that was based as of
 10 mid-August, so I really haven't looked into the
 11 survey since that time.

12 TRUSTEE SCHMITZ: Here's just a suggestion
 13 people. The people who don't open the IVGID
 14 Magazine then done participate in the survey. It
 15 really would be nice to email it out to people so
 16 that the people who don't look at it, at least are
 17 providing why don't they look at it. Why are they
 18 not opening it up open. Because if someone doesn't
 19 open it up and look at it, they're not participating
 20 in the survey.

21 MR. RAYMORE: We have. District emails,
 22 shared on social media as well. I'm almost
 23 positive -- I mean, some of our emails are fairly
 24 long, and if you don't scroll all the way to the
 25 bottom.

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1 TRUSTEE SCHMITZ: I did get it.
2 MR. RAYMORE: We will continue our reach
3 through all of our communication channels as we get
4 closer to that deadline. And we're hoping to get
5 everyone's feedback, whether they read the magazine
6 or don't.
7 TRUSTEE SCHMITZ: I did get it. And I
8 think I didn't complete it because it was asking for
9 too much personal information, and I didn't want
10 something to say Trustee Schmitz said this.
11 Anyway, this is a little bit of a sidebar,
12 just curious on perspective. In curious, I'm
13 assuming that you have been working with Mike Gove
14 on the website redevelopment type initiatives. From
15 your perspective, do you think that enhancing and
16 making some of the changes Mike Gove is wanting to
17 make to our website, and you're probably working
18 very closely with him, do you think it will enhance
19 the method of communication with our community from
20 what we have today?
21 MS. BRANHAM: We're a little outside the
22 scope of the --
23 TRUSTEE SCHMITZ: It is.
24 MS. BRANHAM: -- policy specifically, but
25 would be happy to bring it back at a future meeting.

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1 some parameters around third parties? Are they
2 supposed to be 501(c)3s? If they have an MOU, do
3 they need to be in compliance?
4 So I think that -- I think this is good,
5 but I think there's some things that we should, as a
6 board and as an entity and as working with, you
7 know, partnering with staff, we should just make
8 sure we're clearly understanding what we're
9 including and what we're excluding and what is the
10 definition of an acceptable third party.
11 So were just some of my thoughts relative
12 to it.
13 MS. BRANHAM: I just quick note, which is
14 that you look at part 1, A and B, in the policy
15 itself. So pages 119 and 120. We do carve out
16 specifically advertisements from other local state
17 or federal governmental agencies or legally
18 affiliated entities relating to public programs and
19 services and things like that.
20 Even if those were not otherwise
21 commercial speech, we did want to carve out things
22 like allowing the county to still advertise local
23 events. It's just a minor thing, but I wanted to
24 point that out.
25 TRUSTEE SCHMITZ: Thank you.

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1 TRUSTEE SCHMITZ: Okay. I would like to
2 just understand how we're communicating. And with
3 the new website, is it going to be an improvement.
4 I know those little flyers that you talked about,
5 the activity guide, those are really handy.
6 But back to the topic. One of the things
7 that concerns me with the IVGID Magazine is the
8 amount of waste. And I try to support Waste Not,
9 and I just get bothered with I see them stacked
10 everywhere and knowing and watching that they just
11 get swapped out. I don't want us wasteful. And I
12 don't want to waste natural resources. It's just
13 one of my things.
14 But as it relates to the policy, something
15 that I wanted to make sure that we all understood is
16 that this policy would mean there's no Washoe
17 County. I think Alexis Hill puts an ad in. That
18 would be not allowed. The IBCBA advertising would
19 not be allowed. And think that there's just some
20 general community attributes that would be excluded
21 because this is saying it's commercial only. And if
22 it's then for banners also, then it's commercial
23 only.
24 I just -- it talks about advertising
25 sponsorships of third parties. Do we need to have

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1 One other thing, down in 7, can I ask a
2 clarifying question?
3 MS. BRANHAM: Of course.
4 TRUSTEE SCHMITZ: It's about churches.
5 Why couldn't local churches advertise any program
6 available to anyone in the community? I don't know
7 why we have to have it specific to summer or camps
8 for children. Why couldn't we allow -- as long as
9 their saying they're open to anyone, I don't know
10 why we would restrict that.
11 MS. BRANHAM: Yeah. That's just a matter
12 of preference. If the Board's direction is to
13 adjust that, the important thing to keep in mind is
14 that it's applied even-handedly and that it's
15 content neutral. If it were something where we were
16 sure that we were only accepting advertisements
17 everyone in the community was welcome, then that
18 would be totally fine.
19 TRUSTEE NOBLE: I actually like the IVGID
20 Magazine. I also use the website. So I think it's
21 just another avenue to reach out to parcel owners
22 and residents and guests in the area, as well as
23 those who live outside the area, but own property in
24 the area. A lot of times, I'll thumb through the
25 IVGID Magazine quickly, see something, and then do a

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1 deeper dive on the website.

2 With regards to expanding advertising, I

3 think having more just a consistent policy across

4 venues would be appropriate. I see, especially ball

5 fields in communities all over the place, there's

6 all sorts of advertisements. If it's a way to

7 defray costs on venues where we're actually -- that

8 are not necessarily making money, I think that's a

9 great way to do it. Again, though, how much is too

10 much? If every single spot on the fence on the back

11 of the upper field at the middle school is plastered

12 with advertising, that might be too much. But it's

13 one of those don't know until we try it, and I'd

14 rather us try it and see how that works out. We can

15 always scale it back or dial it back at a later

16 point if it becomes too much or just not what we

17 thought -- the benefits they are not what we thought

18 they were.

19 Those are my initial thoughts at this

20 point.

21 TRUSTEE TULLOCH: A couple follow-up

22 questions on that. We talk about defraying revenue,

23 but we don't see any numbers on that. About the

24 only place I've seen a lot of banners posted on the

25 tennis center. Then I look at the tennis center

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1 revenue numbers, and it doesn't seem to reflect much

2 in the way of defraying revenue.

3 We also went through a period several

4 years ago where we were just selling access passes

5 to the beach willy-nilly, and we were using the

6 wrong metric because people were considering, well,

7 we've done really good, we've made all this revenue

8 from the beach, but we destroyed the customer

9 experience because we have too many people on the

10 beach because we're selling passes to anyone and

11 everyone, basically. So I think we need to be very

12 careful in terms of that make sure that we're not

13 destroying the customer experience on some of that.

14 Again, I'd like to to see some numbers for

15 what we're actually getting paid in terms of revenue

16 for some of these things, whether it is actually

17 substantial or not.

18 In terms of the survey, given that we're

19 sending out a copy of the magazine to everyone, so

20 we know what the denominator should be. We should

21 be measuring the percentage of responses based on

22 the denominator. If we sent out 8,000 copies, we

23 should be -- we shouldn't be just saying, well, 85

24 percent of the people have replied to this said they

25 like the magazine. That 85 percent should be

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1 quantified as the numerator over the denominator to

2 get a real answer. Otherwise, we're just getting an

3 answer -- it becomes a skewed survey. If we've sent

4 it out to everybody, to every parcel holder, that's

5 approximately 8,000, to me, that becomes the

6 denominator.

7 And as Trustee Schmitz pointed out --

8 response basically it tells you what to think of

9 that. I don't recall seeing the email on it in

10 terms of that, but it's quite possible I missed

11 that. I don't know.

12 I think, equally, need to be careful. Do

13 we have a way of making sure that people are not

14 making multiple responses?

15 MR. RAYMORE: We will -- we look into the

16 back end and will investigate any suspected multiple

17 responses from the same IP address. We didn't want

18 to make this survey so restrictive that you to type

19 in so much personally identifiable information to

20 make it that secure. There was a balance of do you

21 want security so that we know everyone takes it once

22 or do we want it to be open and accessible to all

23 and look like we're big brother looking for

24 everybody's information.

25 TRUSTEE TULLOCH: I mean, the

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1 counterargument to that is that you could just be --

2 people could be trying to get results. I don't

3 think we can place a lot of faith in it if we

4 haven't filtered the results. If they're only

5 filtering them if we suspect fraud in a case, I

6 think it's very difficult to say with confidence

7 that, yes, we've has a mass response one way or

8 another. If we're not monitoring it scientifically,

9 it becomes meaningless. It becomes an opinion poll

10 on how many times you can click the button.

11 Particularly if we're leaving it open for four

12 months. That destroys most of the statistical

13 validity in a survey. That's why I'm asking.

14 The other thing here I see we're not going

15 to allow defamatory, false and deceitful ads. So

16 we're back to malinformation and disinformation. I

17 take a very simple view of it. We have information.

18 People are born with a brain to decide whether

19 information is true or false themselves.

20 What gives us the guidance to decide

21 what's false information, what's not correct? Are

22 we entering into censorship here, depending on who

23 happen to hold the reigns and who happens to be

24 doing there? I get very concerned when I see this.

25 When I see arbitrary decisions on what should be

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1 allowed and what shouldn't be allowed in terms of
2 what goes by some individuals' opinions in terms of
3 that. I think we need -- as I said earlier, I think
4 we need to be fair and balance in all these
5 respects. If we're going to allow adverts from
6 preferred partners, shouldn't we also allow adverts
7 from non-preferred partners? If it's an open forum,
8 I think we need to be careful that we're not trying
9 to sensor things that we don't like.

10 MS. BRANHAM: If I may, I just have one
11 quick note on that. In the agenda report, we kind
12 of discuss how -- the idea here is not to create an
13 open forum, and so the rules are a bit different,
14 and I don't want to get into all of the case law
15 behind this and things like that, but I tried to set
16 that out in the report.

17 It is impossible to come up with a policy
18 that's always going to be applied exactly the same in
19 situations like this because advertisements are, by
20 their nature, tend to be subjective. But the idea
21 here is to put guardrails in place. So you will
22 notice, for example, it says: clearly defamatory,
23 grossly misleading.

24 We try and qualify, to the extent that we
25 can, so it's a little easier to make that decision.

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1 what is the problem we're trying to address here?
2 And are we just creating another knock on from the
3 same thing?

4 TRUSTEE TONKING: I'm excited to see the
5 survey results. I was easily able to access the
6 survey. I received it my public -- my parks and rec
7 email. I can send to you all too if you did not get
8 it. It went to both my trustee and personal
9 account.

10 I'm going to push back a lot on that
11 survey comment that Trustee Tulloch had said because
12 if that's the case, then we shouldn't be trusting
13 any of our FlashVote surveys either. So if that's
14 how we feel about surveys, then we shouldn't be doing
15 them. That may be an outside board discussion to
16 have.

17 Anne, I have a question for you in terms
18 of advertisement. Do you feel like this policy in
19 any way -- well, my first question is did you review
20 this policy?

21 MS. BRANHAM: Yes. I helped write it.

22 TRUSTEE TONKING: In any way, do you feel
23 like this policy is providing any form of
24 censorship?

25 MS. BRANHAM: No. Yeah, it's a good

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1 I understand where you're coming from. I think the
2 policies intended to set guardrails for
3 advertisement that may come in that are clearly
4 outside the scope of this policy.

5 We always welcome staff to confer with
6 counsel if they have questions about things like
7 that.

8 TRUSTEE TULLOCH: I think the difficulty
9 becomes who decides it's grossly misleading. I
10 mean, some people believe everything they read on
11 social media is true in terms of that. It depends.
12 A lot of that is influenced by the individual that's
13 actually judging it. That's why I struggle with it.
14 I do believe in first amendment rights in terms of
15 that.

16 But what is misleading to one person,
17 somebody else's freedom of expression in terms of
18 that. And what you think is misleading might be
19 different from what I think is misleading, which
20 might be different from what Paul Raymore thinks is
21 misleading. And that's why we start getting into
22 very subjective areas there.

23 I appreciate you've tried to put some
24 guardrails, but a lot of these guardrails then raise
25 other issues. To come back to Chair Dent's point,

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1 question. I understand that. It's a little bit of
2 a convoluted area because there's a difference
3 between truly open public forums in constitutional
4 law and limited public forums, which are kind of a
5 middle level, and then what we're aiming for here is
6 a non-public forum, and by that, what we mean is
7 it's not a traditionally -- it's not a board office
8 where you're having a public meeting, it's District
9 property. If you're talking about events where
10 there might be banners up or the magazine is put out
11 by the District, so the District is entitled to set
12 its own parameters on speech that's occurring,
13 specifically with respect to non-public forums.

14 So, what we say in this report is the
15 intent here is not to create a public forum, but
16 you're allowed to set reasonable restrictions on
17 advertisements on District property because the
18 District is acting as its own speaker in that
19 instance, if that makes sense. The District is
20 allowed to say this is what we want and this is what
21 we do not want in terms of what's allowed.

22 So, we've tried to -- it does have to be
23 viewpoint neutral. I think that might have been
24 brought up in comments, but that -- this policy is
25 that it's not saying we will only accept one certain

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1 type of religious advertisement. It's saying it's
 2 all or none and it has to be open to the community.
 3 And so that was the goal with this. We can makes
 4 tweaks to the extent that the Board has ideas for
 5 adjustments that are still compliant with
 6 constitutional law. If you would like we can do
 7 something like we've done with the non-public
 8 information policy where -- I got, for example,
 9 comments from Trustee Schmitz, and then I can input
 10 those into a new draft of the policy and bring it
 11 back if you feel you need more time to look at it
 12 and put some actual substantive comments in. That's
 13 just one idea that I had.

14 TRUSTEE TONKING: Okay. I have another
 15 question, or a statement and a question. I do want
 16 to bring up again Trustee Schmitz' point about the
 17 county non-profits. I want to make sure that we are
 18 not excluding anyone because of the specific
 19 language in the policy.

20 And then the other things is if there ads
 21 that the staff has decided to remove for a series of
 22 time, legal can also help in that process to ensure
 23 that there's no idea that there's some form of
 24 sponsorship. I feel like I'm not very worried about
 25 this issue and what staff is going to do, but it

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1 feels like others on the Board may be. I think
 2 that's a nice happy medium, if you're willing to do
 3 that.

4 MS. BRANHAM: We would welcome staff
 5 questions. If there's ever something on the fence
 6 or -- as loosely as staff wants to interpret that
 7 offer to be involved, I'm always happy to be asked
 8 questions like that. Feel free.

9 CHAIR DENT: Question regarding the
 10 overall, I guess, content or direction of the
 11 magazine -- going back to what's the problem we're
 12 trying to solve? -- as far as who's the spokesman
 13 for IVGID, it just kind of seems like we flip a coin
 14 and decide who's going to be written up in that.
 15 Sometimes it's the general manager, sometimes it's
 16 the chair, sometimes it's other staff members, it
 17 may be a director.

18 Like, I know where talking about the
 19 policy as it relates to the advertising, but should
 20 we have a policy as it relates to the magazine, or
 21 just some just clear direction to staff as it
 22 relates to the magazine? If we truly don't know
 23 what the problem is we're trying to solve, we don't
 24 know how we're measuring it, then, like, understand
 25 some folks do get something out of this and

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1 appreciate it. That's great, but should we have a
 2 consistent message from the Board that's going into
 3 the magazine as well? Here are the quarterly
 4 highlights of areas where the Board had direction
 5 this quarter. Here's the Board's priorities moving
 6 forward. Should we actually use it as an
 7 advertising for the Board and advertising as to here
 8 are our achievements, here's our plan, here's where
 9 we're going. Or is it strictly just advertising and
 10 marketed for realtors and other folks in town,
 11 non-profits and such that -- businesses as well.
 12 Elevators, I see a lot of elevator advertisements in
 13 there.

14 But I really think we're kind of hitting
 15 on this as far as a policy. Here's our advertising
 16 policy, what's the District's policy as it relates
 17 to the magazine?

18 MR. RAYMORE: If I can address that and
 19 then I'll turn it over to Mike.

20 There is a big separation between the
 21 advertising and that is what we really do want and
 22 need a policy from you tonight, hopefully, on.
 23 There is a timeliness aspect to this in that we have
 24 another edition coming out in October, and
 25 advertisers are asking if they can advertise right

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1 now. So, the policy is important for that aspect.
 2 On the editorial side, which is what I
 3 head up, we are very open to the Board and the rest
 4 of IVGID's desires in terms of what content they
 5 want to see in the magazine. So if there's desire
 6 by the Board for more input, as long as you guys
 7 promise you can make deadlines, then I am very, very
 8 happy to include it.

9 What I would suggest is let's -- once we
 10 get -- we once we close that readership survey, get
 11 a little bit more data from what our readers are
 12 saying they want to see in terms of content, then
 13 let's have that discussion. And I'll bring you back
 14 all those data points from the survey as well as all
 15 the comments, and then I'm very open to any content
 16 that guys want to see in the magazine. Ultimately,
 17 you guys represent the District, and we will in what
 18 direction you guys want to see it go.

19 CHAIR DENT: The only reason I bring up my
 20 comment about who is the District's spokesperson or
 21 people, in speaking with legal counsel, IVGID has
 22 taken a very different approach as to comparing to
 23 what other agencies would do as it relates to their
 24 magazine or their pamphlet or whatever you call it,
 25 and there's always very similar people that are the

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1 spokespeople for the district, where we've kind of
 2 just anyone and everyone, it seems like, and I feel
 3 like we should have, if we are one team, we should
 4 have a consistent message coming from the District.
 5 And given that we could do much better when it comes
 6 to communication, using the IVGID Magazine to help
 7 communicate, these are the things we're working on,
 8 and this is what's on the long-range calendar for
 9 the Board. I think it's important to put in there
 10 if as many people are looking at our magazine, then
 11 they would be excited to know what we're working on
 12 because a lot of people say they don't know what
 13 we're doing, and we're just kind of doing things in
 14 a back room, when everything we can do is actually
 15 public, and it's sitting here at this board room
 16 with these nice comfortable chairs.

17 So, I really think we should have a
 18 spokesperson or a policy around that, and that's
 19 coming from legal counsel that that's what other
 20 agencies do. And I think it's important that we put
 21 some parameters around what this is and what it
 22 isn't, and who is going to be in there. Does
 23 general manager approve the writeup that goes in
 24 there ever single time by certain staff members? I
 25 don't know. I don't know the process.

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1 I know this is your wheelhouse. I don't
 2 want to get involved in it, but I think there is a
 3 piece of it, at a high level, that the Board should
 4 have some input on, and I really think using it to
 5 let the community know this is what we're working on
 6 next quarter, could be very helpful in communicating
 7 a message to them, as well as these were the
 8 priorities that we said we were going to do over the
 9 last quarter, and this is what we got done.

10 TRUSTEE TULLOCH: Yes, I think that's
 11 important. Because we've seen in some recent
 12 issues -- I recall not so long ago, our past chair
 13 used the forum of IVGID Magazine to make derogatory
 14 remarks, breaking the code of conduct against fellow
 15 trustees, and --

16 MS. BRANHAM: I just want to jump in and
 17 caution against any statements about particular
 18 people.

19 TRUSTEE TULLOCH: Let me say this is a
 20 hypothetical. And to come back to your point, Anne,
 21 you talk about it should be viewpoint neutral, yet
 22 we allow advertorials. So, we can't have
 23 advertorials if we're being viewpoint neutral as
 24 well because that's -- some of these things are
 25 couched as if it's been promoted by IVGID, when it's

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1 an external organization. So I think we need to be
 2 very careful in terms of that.

3 In terms of the survey, I mean, I will --
 4 heard Trustee Tonking saying we can't trust any.
 5 Well, actually FlashVote surveys do have guardrails
 6 to make sure you can't vote multiple times in terms
 7 of that. So I think that's an important difference.

8 Here, we're leaving a survey open for
 9 about four months, and we've got no real guardrails
 10 over how often people vote or who all can vote in
 11 it, whether it's somebody outside the District or
 12 not, and that's the point I was making. For it to
 13 have any statistical significance, we need to have
 14 some proper controls over it.

15 It's -- and equally, as Trustee Schmitz
 16 pointed out, it was attached to the bottom of our
 17 Rec Center email. I don't recall -- get emails from
 18 the Rec Center never, so I probably never received
 19 it in that respect.

20 But if this is so important, shouldn't we
 21 just be sending it out as a separate survey to each
 22 parcel holder in terms of that? Wouldn't that make
 23 it more effective?

24 MR. RAYMORE: We've tried, through all of
 25 our different communication channels, to promote the

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1 survey. We're actively seeking feedback from as
 2 many readers as possible, as well as any other
 3 District stakeholders who do not currently read the
 4 magazine. If you live in a bubble and your head
 5 buried in the sand and you don't know anything about
 6 IVGID, I don't know how we're going to get the
 7 survey in front of you, but we are certainly seeking
 8 information.

9 A lot of the survey is asking questions
 10 about what kind of content people enjoy and what
 11 more of. And so that's valuable feedback for us on
 12 the editorial team in terms of planning out that
 13 content, whether some questions are do they want to
 14 hear more updates from the Board of Trustees, do
 15 they want to hear more updates about capital
 16 improvement programs, do they only want to hear
 17 about beaches updates?

18 CHAIR DENT: Those are the questions you
 19 have in the survey?

20 MR. RAYMORE: Has nobody taken the survey
 21 here?

22 CHAIR DENT: I have not taken the survey.

23 MR. RAYMORE: Well, please do. It was as
 24 extensive as we could make it. I can send you guys
 25 all a personal invite tomorrow, via email, and

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1 hopefully you'll find --

2 CHAIR DENT: How many questions is the

3 survey?

4 MR. RAYMORE: There's some branching

5 logic, so depending on if you're willing to take the

6 whole thing, I believe it's 25 to 30. We're asking

7 to rate the value of certain content, on a 1 to 5

8 scale, whether you're more interested in the beaches

9 or parks and rec programs or Diamond Peak

10 information.

11 CHAIR DENT: Does it take five minutes to

12 do or 20 minutes?

13 MR. RAYMORE: Well, there's also options

14 to leave comments, and so it can take anywhere from,

15 I would say, three to four minutes, if you get

16 through it pretty quick, or you can spend an hour

17 typing.

18 CHAIR DENT: Will you just send it to the

19 Board tomorrow?

20 MR. RAYMORE: I will certainly do that.

21 TRUSTEE SCHMITZ: I would like to suggest

22 that we add to this list: no advertisement for

23 short-term rentals.

24 MS. BRANHAM: I wanted to point out before

25 we go any further, that is in number 9. And

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1 experience. And before we would go and embark on

2 anything, like they maybe did at Tahoe Donner, I

3 would want to find out: Do our golfers want to see

4 advertisement on their things or not?

5 Because I don't mean to do this only to

6 then think it's a great idea of revenue generation

7 but have our residents and our parcel owners not

8 liking the experience. So I think that -- I like

9 the idea. I think that we should just make sure

10 that we're going to do create a situation that we

11 think it's great for revenue generation, and then

12 the users at the Tennis Center or what have you

13 don't like it.

14 Under number four, I don't know why an

15 advertisement would be offensive to a political

16 group. So, I don't quite know why that would be

17 there. If there's not some reason, I'd like to just

18 strike that. We don't want it to be offensive to

19 anyone, but I don't understand why a political group

20 was listed.

21 And then in the area for 1 B where it

22 talks advertisements from local, state, or federal

23 governments, agencies, I would like to add also the

24 same the qualifying non-profit community

25 organizations. Because we do have them, and I

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1 short-term rentals and services will not be

2 accepted.

3 TRUSTEE SCHMITZ: Got it. Okay. Thank

4 you.

5 Then my suggestion is for 1 A and B, where

6 we talk about sponsorships with third parties. I

7 believe -- I'm going from memory, but I believe we

8 defined in a resolution, I don't remember what the

9 resolution is, but we defined what were acceptable

10 non-profits, I think. I think they were

11 specifically 501(c)3s that received discounted use

12 of our venues.

13 And I would suggest -- because we spent

14 the time to write that language, if we could lift

15 that and insert it here to define who is eligible to

16 do this sponsorships. Because I would think it

17 would be the same definition that we have in that

18 resolution, but I'm going from memory.

19 But I believe that we said they had to be

20 a 501(c)3, and they had to be a non-profit, and they

21 had to be community oriented. So I would just

22 suggest looking at that.

23 And I think that -- I like the idea of

24 what Tahoe Donner did. I like the idea of revenue

25 generation. My concern is our residents'

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1 believe they do currently advertise in the IVGID

2 quarterly. And I noticed that this would have

3 restricted it. And I think that whether it's Tahoe

4 Family Solutions, they do do commercial work, but I

5 think that we should make sure that we do have some

6 allowance in here for the community, qualified

7 non-profit 501(c)3 organizations.

8 That's my comments on the policy.

9 TRUSTEE TULLOCH: To follow-up on that.

10 Revenue generation always sounds great. Again,

11 let's be careful that we're not spending 20 grand to

12 generate 10 grand of revenue. It's back to using

13 the wrong metrics. I think the revenue generations

14 only become significant if it starts more than

15 covering the costs, and actually generating

16 something on top of it.

17 I think for the golfers, drive for sure,

18 pot for door. It's, yeah, I think let's not chase

19 revenue, but let's make sure it's revenue that's

20 actually worthwhile, actually generates some upside,

21 rather than just generating revenue and we hide the

22 costs elsewhere.

23 With regard to the survey, again, I come

24 back to my previous question, which wasn't actually

25 answered, why don't we just make this a proper

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1 scientific survey and send it out to everyone that
 2 we send the magazine to? Send it as a separate
 3 survey. You've just said you can send it to Board
 4 members. I don't want special treatment. I think
 5 we should be -- if we just send the survey out to
 6 everyone that receives the magazine, then it becomes
 7 a more scientific survey, and then we can actually
 8 be monitoring what's happening in it.

9 I'm sorry, but in the current format where
 10 it's open for four months, there's guardrails around
 11 it, there's no real monitoring of multiple responses
 12 and things, it doesn't really tell us anything.

13 So I would ask that we just send the
 14 survey out to each recipient of the magazine, and
 15 then we know it's sensible.

16 MR. BANDELIN: Just to clarify, the
 17 problem is that there was no policy for advertising
 18 content with the magazine. We agendized that at a
 19 previous meeting, and we were told, let's hold that
 20 item, bring it back with a District-wide advertising
 21 policy.

22 So, currently, all advertising wants or
 23 needs are approved by the general manager. I'm not
 24 going to do that. I have no qualifications to do
 25 that, so that is the problem with why this agenda

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1 item is here tonight.

2 And the other one would be we can
 3 certainly bring back an agenda item so you can have
 4 full discussion on what you think the fate of
 5 magazine is in the future, and we can provide ideas
 6 of content and the Board should weigh-in on what the
 7 magazine looks like in future, whether it's there or
 8 not or what it reads like.

9 CHAIR DENT: Thank you for that.

10 TRUSTEE SCHMITZ: Well, I've made a few
 11 suggestions on the language, and if my fellow
 12 trustees are okay with it, I'll attempt to make a
 13 motion.

14 But I would like to please ask that we put
 15 on our long-range calendar, a pricing policy related
 16 to across the venues, banners and things like that.
 17 And not for us to decide, but for us to receive
 18 staff's recommendations.

19 MS. BRANHAM: If you need assistance with
 20 the motion, let me know and I can recap how I
 21 understood.

22 TRUSTEE TULLOCH: General Manager
 23 Bandelin, that -- you followed up on my point.

24 I think we've got two separate issues
 25 here. We've got the fate of the magazine and we've

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1 got a more general advertising policy. Yes, the --
 2 I don't think it's appropriate to try to cojoin them
 3 all in one motion.

4 Equally, I think having gone through this
 5 and having -- I've got a lot of red ink, I've got a
 6 lot of score outs and comments on my copy. I don't
 7 think -- I don't believe we're ready to pass a
 8 motion on this. I think we should all be feeding
 9 back some information on it.

10 TRUSTEE SCHMITZ: I want to touch on one
 11 of Trustee Tulloch's concerns. When -- and it was
 12 about that advertising should not be, you know,
 13 basically incorrect.

14 When Trustee Dent and I went to place an
 15 ad in the Tahoe Daily Tribune, they had to
 16 investigate and prove that everything that we were
 17 putting in that was factual and accurate, and asked
 18 for backup documentation to ensure that our
 19 advertisement was not deceitful or anything like
 20 that.

21 To me, this policy is doing just the same.
 22 And I don't have a concern because I know that that
 23 is sort of an industry standard as it relates to
 24 advertising that there is an element of it needs to
 25 be factual. You can't just advertise deceit and

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1 false information.

2 TRUSTEE TULLOCH: If I can respond to
 3 that. We basically outsource monitoring of that to
 4 CC Media. The Board has no input in terms of that.
 5 And I think if something is demonstratively false,
 6 that's one thing, but most advertising is -- it's
 7 called "puff," I think. It is there as designed to
 8 influence you. It's not necessarily true. It's not
 9 necessarily untrue.

10 So how do we draw the line in terms of
 11 that? It's one thing making factual comments, but
 12 adverts are not making factual comments and such.

13 MR. RAYMORE: Most advertisements in the
 14 IVGID Magazine are for good and services that local
 15 businesses are providing. Whether that's a realtor
 16 or an elevator company, they do run a lot. And so,
 17 obviously, they are pretty clearly in that
 18 commercial-speech-type ballpark, and most of them
 19 are very noncontroversial. Whenever there is one
 20 that is on the line that CC Media feels like might
 21 be of issue, whether that's potentially a competing
 22 business or something like a bottled water company
 23 that wanted to advertise, they bring that to us, and
 24 ultimately that has always gone to the general
 25 manager to make a final decision, yes or no.

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1 As Mike has mentioned, we really do want a
 2 Board-approved policy to cover this.
 3 CHAIR DENT: I'll entertain a motion.
 4 TRUSTEE SCHMITZ: I make a motion that the
 5 Board approves Policy and Procedure number 143,
 6 Resolution 1904, with the following modifications:
 7 Number 4, to strike "or political group." Number 7,
 8 to strike "summer camp or similar" and "children,"
 9 pause for a second, that's just to say that the
 10 churches can advertise as long they're open for
 11 everyone. Okay. On my motion.
 12 That we define for the advertisements in 1
 13 A what a qualified third party is, and that, I
 14 believe, is a non-profit 501(c)3 in our community,
 15 as defined in our other practice. And include in 1
 16 B to also include "in addition to state, federal,
 17 and governmental agencies," to include "the
 18 qualifying non-profit 501(c)3 organizations."
 19 MS. BRANHAM: That matches what I had as
 20 well.
 21 TRUSTEE TONKING: I second.
 22 CHAIR DENT: Motion's been made and
 23 seconded. Any further discussion by the Board?
 24 TRUSTEE TULLOCH: I'd like to amend the
 25 motion to delay it to the next board meeting to

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1 allow time submit some further input. I mean, this
 2 is the first time we've seen this policy. I've got
 3 a lot of red lines on it. So my understanding was
 4 this was coming up must discussion, not for approval
 5 at this stage. And it's up to rest of Board to
 6 decide on that. I think we're rushing into this.
 7 We've seen this just for first time, I think it
 8 create a whole number issues.
 9 I prefer to see it delayed until we get
 10 some more input.
 11 TRUSTEE NOBLE: Question for Mr. Raymore.
 12 Given that the next quarterly magazine is coming out
 13 fairly soon, and you stated that you have
 14 advertisers that are asking whether or not they can
 15 advertise, do you need a decision tonight?
 16 MR. BANDELIN: Just to correct the record,
 17 this is the second time that advertising policy for
 18 the magazine has been on the agenda.
 19 TRUSTEE NOBLE: Then I'm ready to move
 20 forward tonight.
 21 TRUSTEE TULLOCH: I just -- we've talked
 22 about advertising policy in the magazine before, but
 23 this is a complete new District- wide advertising
 24 policy, and that's where I'm putting the caution on
 25 it. It's one thing we've talked about the magazine

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1 in the past, but this is a completely new policy.
 2 CHAIR DENT: Anybody else?
 3 I'll call for the question. All those in
 4 favor, state aye.
 5 TRUSTEE TONKING: Aye.
 6 TRUSTEE NOBLE: Aye.
 7 TRUSTEE SCHMITZ: Aye.
 8 CHAIR DENT: Aye.
 9 Opposed?
 10 TRUSTEE TULLOCH: Nay.
 11 CHAIR DENT: Motion passes, four to one.
 12 Thank you, Trustee Tulloch. I think you broke our
 13 5/0 streak. Moving on to trustees --
 14 MR. RAYMORE: Before we move on, just in
 15 terms of guidance on the second topic here. It
 16 didn't seem like we got any really firm direction
 17 other than the District would be served by a more
 18 comprehensive and real policy in terms of the
 19 current level of sponsorship and advertisement at
 20 district venues and other events. Happy to work on
 21 that.
 22 But I didn't hear any real interest in
 23 exploring more of Tahoe Donner style model. Unless
 24 you would like further -- I mean, I'm certainly
 25 happy to bring back a more detailed proposal, or

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1 not. I'm just looking for -- I don't -- I mean,
 2 we're getting into a very busy time for my
 3 department particularly, and I don't need to waste a
 4 lot of time running down a rabbit hole that you guys
 5 have no interest in.
 6 But happy to do it and bring back more
 7 information if there is interest in learning more.
 8 CHAIR DENT: I would just say, for me,
 9 just let's stay with what have for right now, and
 10 then we can have a further discussion as we approach
 11 the budget season, which is right around the corner.
 12 Anyone else want to weigh-in?
 13 TRUSTEE SCHMITZ: I actually like the
 14 idea, and I would like to know more about it. But
 15 back to the point of what is it going to cost versus
 16 generate, and I also want to work with the venue
 17 managers to understand what they're threshold or
 18 tolerance is. I think it's a good idea, and I think
 19 we should put it on our long range-calendar.
 20 And if you don't need a decision soon, I
 21 think we'll put it on our calendar. I appreciate
 22 you bringing it forward.
 23 TRUSTEE TULLOCH: I think we should take
 24 it one step at a time. Again, unless we have
 25 substantial excess capacity to sell -- not quite

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1 sure what we're trying to achieve by trying drive
 2 into a commercial model in yet another area.
 3 TRUSTEE TONKING: I'm good putting it on
 4 the long range and discussing a policy then. Or not
 5 policy, but a plan. Then we can put it out a little
 6 further, given that Paul's running into a tighter
 7 timeline for other work.
 8 CHAIR DENT: Okay. That closes out item G
 9 5. Moving on to item G 6.
 10 G 6.
 11 CHAIR DENT: Review, discuss, and possibly
 12 revise Board practices 6.2.0, community services and
 13 beach pricing before products and services.
 14 Requesting staff member, interim General Manager
 15 Mike Bandelin. Can be found on pages 144 through
 16 158 of your board packet.
 17 MR. BANDELIN: As noted, staff is
 18 providing this agenda item for review and discussion
 19 on the District's board practice 6.2.0, community
 20 services and beach pricing for products and
 21 services. The practice was last revised and
 22 approved by the trustees at your meeting on August
 23 31st, on 2022.
 24 And staff is not recommending really any
 25 action be taken on this item. Our intent was to

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1 bring this practice to your attention to review and
 2 possibly receive information from the trustees,
 3 including input for possible future changes to the
 4 practice. And I think you'll recall that this was
 5 in the parking lot on our long-range calendar, and I
 6 just saw an opportunity to bring this up on to the
 7 agenda and just provide you the open session
 8 discussion on the policy.
 9 And, again, I might just add that we all
 10 know this policy was kind of developed through
 11 approval of the Board from the finance director as
 12 we worked through not really having a good practice
 13 in place. So now with our interim Finance Director,
 14 hasn't really seen this policy or I haven't really
 15 had a chance to meet with him and discuss on how we
 16 came up with overhead or capital costs and so forth.
 17 Thought we take the opportunity bring it forward and
 18 maybe review and we can come later date or if you
 19 have some suggestions now, how you want to direct
 20 staff to look at the practice, that's why we're
 21 here.
 22 CHAIR DENT: Would direct staff to look at
 23 the practice. It was developed last year. And it
 24 sounds like going through some of the pricing and at
 25 some venues, we ran into some issues. And I would

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1 love to get interim Finance Director Magee's input
 2 on this.
 3 This was a response to, I believe,
 4 having -- yeah, I believe this was a response to
 5 having a rec fee that was just kind of out there,
 6 and try to abide by NRS by collecting more money
 7 than we should have been collecting, so I think it
 8 was a reaction.
 9 TRUSTEE SCHMITZ: Well, I had -- this was
 10 on the long-range parking lot for myself. And why I
 11 wanted this to be brought up for discussion is
 12 because when we were going through our budget
 13 process, we talked a lot about pricing and what
 14 level of pricing and what level of cost recovery was
 15 supposed to be achieved, and I felt like we weren't
 16 being consistent. And all I really wanted to talk
 17 about was the pyramid. And to make a conscious
 18 decision about what things are we going to -- what
 19 things are we going to subsidize and what level and
 20 do we have consistency acrossed all of the programs
 21 and whatnot. And so I wanted bring it forward for
 22 that reason.
 23 But I want point something out to all of
 24 you -- and I just noticed this while I was sitting
 25 here. The very last pages, page 157 and 158 of our

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1 board packet, this is a much more detailed
 2 description of the pyramid that is at the end of our
 3 pricing policy, but it has more descriptive language
 4 to it. But notice how the percentage costs
 5 recoveries, this is supposedly our budgeting and
 6 financial practice management, and it doesn't have
 7 the same cost recovery description as the one in our
 8 pricing policy. So I think we should get that
 9 consistent and get the language consistent because
 10 they aren't, and our budgeting process should match
 11 our pricing policy.
 12 But it was to talk about the various
 13 venues and programs and just consciously acknowledge
 14 we intend to subsidize these things, and here's how
 15 they fit. So I just wanted to bring it back and
 16 request that we have some discussion about
 17 classifying programs and classifying rates.
 18 One of things, if you remember, when we
 19 did golf pricing, and we talked about the Mountain
 20 Course, we actually were working and said, "What is
 21 the percent that we're subsidizing the Mountain
 22 Course?" And guess what, it came out to be that 33
 23 percent. And we talked about it as a board for past
 24 years that we felt, yes, we should be subsidizing
 25 the Mountain Course and that sort of thing.

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1 So I felt good about what we were bringing
 2 forward, and I mentioned that it fit with it. But
 3 we didn't have that discussion consistently with our
 4 programs and whatnot. That was sort of the reason
 5 why brought it forward.

6 And I want to also let you know that I did
 7 bring this to interim Director of Finance's
 8 attention this morning. And brought to his
 9 attention some of the language that I think we
 10 didn't -- the last board, I think I voted against
 11 this because the language, from a financial
 12 perspective, is somewhat ambiguous, and I'll give
 13 you an example: Capital costs are defined as
 14 depreciation.

15 Let's just use the word "depreciation."
 16 Let's not confuse it. So Mr. Magee did look at
 17 these things, and he reached the same conclusion and
 18 said that this was definitely a policy from the
 19 finance department perspective that needed to have
 20 language corrections so that it had more meaningful
 21 terms to our financial statements.

22 So with that, I just want to point out a
 23 couple of things that I noticed are missing.

24 Under the venue-specific pricing, we don't
 25 have, under golf, a discussion about rates for

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1 rentals and lessons like we do in ski. And I
 2 believe golf as lessons and rentals also. So I
 3 noticed that was missing under golf.

4 The other thing that was missing under
 5 golf was the acknowledgement of that the Mountain
 6 Course was being categorized as a community asset
 7 that was going to be operationally subsidized in
 8 addition to the capital improvement subsidy.

9 And the other thing that I just wanted to
 10 bring out is that we have parks, recreation, and
 11 tennis all in one. And, to me, those are very
 12 different things. And so I think that we should
 13 have them separated. And if you look this paragraph
 14 3.541, saying that the parks and Tennis Center and
 15 programs are open to residents, guests, and
 16 visitors, well, that's the case with all of our
 17 venues. So I just didn't even understand why that
 18 language was there.

19 So, I think that it's a good thing for us
 20 to review and discuss and to have some input from
 21 our Director of Finance. With that, that was the
 22 reason why I requested we bring it forward.

23 So, I'm just explaining why I requested
 24 this come forward, and I wanted us to have the
 25 discussion about it and potentially bring it back

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1 after some revisions or whatnot, but before we get
 2 into the budgeting because I think this is a tool
 3 that would help us with our budgeting.

4 TRUSTEE TULLOCH: I think, going through
 5 it, there's a whole lot of inconsistencies between
 6 venues. For instance, if I look parks, recreation,
 7 and tennis, it says: Will provide a discount to
 8 pass holders.

9 There's no target for what we're charging
 10 for visitors and things, whereas, other places, we
 11 ask for full cost recovery, and I think that's
 12 equally appropriate here.

13 I also see other areas where, well, we
 14 should charge, under venues: Consideration should
 15 be given to maintain facility rental and special
 16 event services competitive within the regional
 17 market place.

18 Does that mean we should sell them at a
 19 loss? Because if we've got -- if we're not
 20 competitive in the regional marketplace, should we
 21 be taking losses on that? Should we just be booking
 22 out the facilities to make the losses?

23 We talk about market-driven profit
 24 margins. Again, unless we're actually covering
 25 costs and making recoveries there, it's the same

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1 thing. I look at page 148, group rates: Access to
 2 and rental of venues for qualifying groups can be
 3 provided at a discount, providing the discounted
 4 pricing is set to cover the director costs of venue
 5 access.

6 So we're giving up slots that could be
 7 used by residents to groups to just cover the direct
 8 costs. There's no upside there, we're
 9 disadvantaging residents to let a group in without
 10 any upside from. Again, I think it's a lot of
 11 inconsistencies and understand it was made up on the
 12 fly a little bit last year, but, yeah, there's -- I
 13 think we need to be consistent across it.

14 And equally, as a board, we should not be
 15 making up prices on the fly, like suddenly saying,
 16 well, this should be 50 percent of the non-resident.
 17 We need to be consistent.

18 We did have some language at one stage
 19 that for visitors and guests, should be recovering
 20 the full costs, including the debt cost and the
 21 depreciation. That seems to have vanished.

22 Again, there's lots of room to tidy up. I
 23 agree with Trustee Schmitz, I think it's a good time
 24 to be looking at. Again, let's try and be
 25 consistent across the venues. It shouldn't be

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1 venue-specific on a lot of these. And when see
 2 market driven, we need to understand what we mean by
 3 that. Again, are we chasing revenue for the sake or
 4 revenue, but then making a loss on it? Or maybe we
 5 chase volume and we increase the losses by the
 6 volume.
 7 A lot of it is cleaning up language and
 8 being even around it.
 9 TRUSTEE SCHMITZ: And on that discount,
 10 again, there's no definition of the qualifying
 11 groups. And I think if we have somewhere that we're
 12 always referring back to, we can leverage that. So
 13 I had that flagged as well.
 14 The other in beaches, under beach pricing,
 15 it doesn't reference hotel occupants. And hotel
 16 occupants are part of Ordinance 7, and it was
 17 something. So I think that's something that's
 18 missing.
 19 And I think this is really -- it was a
 20 good start, but I think we have some cleanup to do.
 21 CHAIR DENT: Does anyone else want to give
 22 the interim General Manager some feedback on this
 23 policy so he can bring it back? Say, put on the
 24 log-range calendar for a few months out?
 25 Well, then if there's no more feedback,

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1 a couple of things that were said in public comment
 2 as part of a trustee update?
 3 MS. BRANHAM: I would keep it really,
 4 really brief.
 5 TRUSTEE SCHMITZ: Oh, yeah. It is really
 6 brief.
 7 I think that we need to, as a community,
 8 define what micromanagement is. Because when we, as
 9 a board, trustees as an individual, trustees have no
 10 authority, we know we have no authority. The only
 11 authority we have is when we act as a board in a
 12 public meeting. And we do not make decisions, give
 13 direction outside of these public meetings.
 14 And when you have people who apply for a
 15 golf committee, and it's on our agenda, it's part of
 16 my duty to reach out chat with people. That is not
 17 micromanagement, that is part of me doing my duty as
 18 a trustee when you're making appointments to a
 19 committee to actually interact with individuals,
 20 especially because we didn't have an interview
 21 process.
 22 And we are not building walls around our
 23 beaches. I don't think that has ever come up on our
 24 long-range calendar, nor has privatization of our
 25 venues ever been discussed, and cannot have

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1 Mike, you've got a lot of information, suggestions.
 2 We'd love to have your team look at it as well and
 3 provide a redline. Thank you.
 4 That'll close out item G 6. Moving on to
 5 item H.
 6 H. BOARD OF TRUSTEES UPDATES
 7 CHAIR DENT: Any updates by board members?
 8 TRUSTEE TULLOCH: I think I'll get a plug
 9 in again that we held the first Investment Committee
 10 yesterday. I think it was good, setting the stage
 11 for that. A lot of good feedback for it. Some
 12 other kind of exciting ideas, which I won't share
 13 with the Board at the moment, I need to do a little
 14 bit further investigation, but something that
 15 certainly help speed up our project process and
 16 things. It will involve some major change. I'm
 17 working with Finance Director Magee and with legal
 18 at the moment to make sure we can do some of these
 19 things.
 20 But, yeah, some very encouraging stuff
 21 came out of the Investment Committee. I think it's
 22 got -- we've got a good bunch of people on it. I
 23 think it will be very helpful.
 24 CHAIR DENT: Anyone else?
 25 TRUSTEE SCHMITZ: Am I allowed to clarify

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1 discussions outside of these meetings, they have to
 2 be discussed publicly, and I think we have people
 3 who have a perception otherwise thank you.
 4 TRUSTEE TULLOCH: Just a couple of
 5 clarifications to add to that on the Moss Adams
 6 contract, which is a legitimate contract, as stated
 7 at previous board meetings as well, yes the same
 8 claim was made again tonight. There is a proper
 9 contract in place that was approved by the Board.
 10 And I've also received several emails from
 11 people telling me to promote certain people to
 12 certain positions. Again, for clarification, the
 13 Board has no influence other these things. These
 14 decisions are made by the General Manager and the HR
 15 director.
 16 CHAIR DENT: Understood. We may have all
 17 gotten those same emails, so I was a little thrown
 18 off by it.
 19 Any other trustee updates? Seeing none,
 20 that will close out this item, item H. Moving on to
 21 item I.
 22 I. FINAL PUBLIC COMMENT
 23 MR. LYON: Jim Lyon. Two items related.
 24 One is I'd like to invite trustees and general
 25 public, if anybody's still listening, to Veteran's

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1 Club meeting tomorrow from 12 to 2 at the Chateau.
 2 Lunch is available. Free for members and guests,
 3 and non-members, it's \$7, it's pizza and salad. And
 4 guests is going to be Bob Nalin (phonetic) talking
 5 about his Haiti disaster relief experience.
 6 And the second item is I'd like to make a
 7 formal thank you to Trustee Schmitz and her husband,
 8 Patrick, for posting and maintaining the Veteran's
 9 Club sign that's out on the corner by the 7Eleven.
 10 They've been doing it for over a year, in the snow,
 11 when the snow is up to chest. And I just want it to
 12 be recognized that they've been doing, and they just
 13 volunteer as members of Veteran's Club.
 14 Thank you.
 15 CHAIR DENT: That will close out public
 16 comment in the room. We will go to Zoom.
 17 MR. DOBLER: This is Cliff Dobler again.
 18 In 1971, there was a Canadian rock group
 19 called the "Electric Band," and sun a song called
 20 "Sign, sign, everywhere a sign," and that's kind of
 21 where we are in Incline Village.
 22 Now, I came here 30 years ago to enjoy the
 23 forest, not to enjoy signs. There are signs
 24 everywhere. And now what you've done here -- and
 25 thank god you didn't pass the second part of it --

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1 in the works for 18 years, and we can't seem to find
 2 a site. I don't know if I walk from end to end, I
 3 think I can see every single parcel in Incline for a
 4 dog park, but they can't seem to get it done in 18
 5 years.
 6 So my biggest problem is I just wanted to
 7 put a very simply ad up saying: Our village voice,
 8 a site for transparency and honesty.
 9 And I can't get that done because I'm not
 10 selling anything. Well, I'm selling the truth, but
 11 I guess that doesn't qualify under the policy you
 12 just passed.
 13 Now, I don't know what you guys think
 14 about this advertising, but you got the website, you
 15 got the -- everybody's got an iPhone in the hind
 16 pocket, and now you have a magazine, and all it is
 17 is a promotion for how wonderful everything is going
 18 in River City, meanwhile, we got an accounting
 19 breakdown that's going to take a year to correct.
 20 And I would just think that the magazine should
 21 have, maybe, that all things aren't pretty in River
 22 City, and not being propaganda machine for how
 23 wonderful staff is because staff's got --
 24 (Expiration of three minutes.)
 25 CHAIR DENT: Anyone else on Zoom?

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1 we want to do more signs.
 2 Now regarding the magazine, so don't do
 3 anymore signs. We don't need -- we got recall
 4 signs, we got slow signs, we got fast signs, we got
 5 signs for everything. I don't want any more signs.
 6 I think a lot of people would think the same thing
 7 as I.
 8 Number two, the magazine is only a
 9 propaganda machine for IVGID staff. If you really
 10 think about it, everything is hunky-dory in River
 11 City. The financial, when they put them up, you
 12 could actually need a microphone -- a magnifying
 13 glass to be able to read see it, so, of course,
 14 nobody reads it because you can't see it, it's so
 15 small. Now, that's done intentionally, because they
 16 could use a page, of course make as small as you can
 17 so nobody can read it.
 18 And then I think what's really interesting
 19 is when things are really out of control, like the
 20 pipeline that went from 23 million to \$70 million,
 21 that somebody might want to do an editorial on that
 22 and say, you know, hey, this -- why this happened
 23 and this was the problem. But, of course, you don't
 24 see any of that.
 25 And then the idea that the dog park's been

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1 MATT: Currently, not.
 2 CHAIR DENT: All right. That will close
 3 out our final public comment. Moving on to item J.
 4 J. ADJOURNMENT
 5 CHAIR DENT: It is 9:36. I want to thank
 6 staff and thank my colleagues at the Board. We are
 7 adjourned.
 8 (Meeting ended at 9:36 P.M.)
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1 STATE OF NEVADA)
2 COUNTY OF WASHOE) ss.

3

4 I, BRANDI ANN VIANNEY SMITH, do hereby
5 certify:

6 That I was present on September 27, 2023,
7 at the Public Meeting, via Zoom, and took stenotype
8 notes of the proceedings entitled herein, and
9 thereafter transcribed the same into typewriting as
10 herein appears.

11 That the foregoing transcript is a full,
12 true, and correct transcription of my stenotype
13 notes of said proceedings consisting of 161 pages,
14 inclusive.

15 DATED: At Reno, Nevada, this 8th day of
16 October, 2023.

17

18 /s/ Brandi Ann Vianney Smith

19

20 BRANDI ANN VIANNEY SMITH

21

22

23

24

25

INVOICE

BAVS SM-LLC
brandiavsmith@gmail.com
United States

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

775-832-1218
AP@ivgid.org

Invoice Number: IVGID 6

Invoice Date: October 8, 2023

Payment Due: October 27, 2023

Amount Due (USD): \$1,316.00

Items	Quantity	Price	Amount
Appearance fee September 27, 2023 BOT meeting	1	\$350.00	\$350.00
Per page fee September 27, 2023 BOT meeting	161	\$6.00	\$966.00

Subtotal: \$1,316.00

Total: \$1,316.00

Amount Due (USD): \$1,316.00

Charge to 100-11-100-6030

S. Herron 10-09-2023

This written statement is to be made part of meeting minutes

I see under General Business G.1 that possible action may be taken against former Human Resources Director Dee Carey regarding retention and disclosure of non-public IVGID documents.

So what about the current trustee David Noble obtaining and then disclosing non-public information regarding an internal draft letter written by Dee Carey dated October 1, 2020 and addressed to me. His disclosure occurred at the Board meeting on August 9, 2023.

It is remarkable that Mr. Noble sought approval from outside attorney Nelson to disclose the draft letter. Mr. Nelson provided a false verbal statement to Mr. Noble that the draft letter could be read because I provided a waiver of my rights to determine "character" and competence for my potential appointment to the IVGID Capital Investment Committee. Mr. Nelson simply lied by stating the word "character" which was not part of the waiver. This verbal statement paved the way for Mr. Noble to jump on the opportunity to libel me by reading certain sections of the draft letter which I never received. The allegation that I had a conversation with a female staff member in February 2018 is totally false. I was in Palm Desert from November 2017 to May 2018. As a side note, no golf course in Incline is open in February. Mr. Noble did not bother to check facts prior to reading the draft letter.

After all, Noble's intent was to smear me to get at Trustee Dent and Schmitz over the recall effort. Subsequently at a later Board meeting, an associate of Mr. Nelson clearly stated to the Board that disclosure of non-public IVGID documents could not be released to the public without Board approval.

So a single Trustee and a incompetent lawyer perpetuated a smear on my character by breaking the law and reading false information about a conversation which purportedly happened over five years ago.

Within a few days after Mr. Noble exposed confidential information, the draft letter was obtained by Mary Becker, a local resident, and was posted on social media for the world to see. The character assassination went viral as to the alleged 2018 conversation.

As such, I respectfully request that a General Business item be included on the agenda for the next Board meeting to review, discuss and possibly take action against David Noble and Joshua Nelson for mishandling non-public IVGID documents.

Thank you.

**WRITTEN STATEMENT TO BE ATTACHED TO AND MADE A PART OF THE WRITTEN
MINUTES OF THE IVGID BOARD'S REGULAR SEPTEMBER 27, 2023 MEETING –
AGENDA ITEM G(5)(2) – PROPOSED ADOPTION OF A BROAD AND
SWEEPING BOARD POLICY WHICH ALLOWS FOR ADVERTISING
AT ANY OF THE DISTRICT'S RECREATION/OTHER FACILITIES**

Introduction: Here the District's Marketing Manager is pushing a new Board policy which allows staff to go into the advertising business; selling advertising at all of the District's recreation/ other facilities. And that's the purpose of this written statement.

My E-Mail of September 27, 2023: On September 27, 2023 I sent the Board an e-mail which made the point we should not allow staff to accept advertisements of all kinds at our recreation/ other facilities¹. Rather than regurgitating the contents of my e-mail, I simply refer the reader to the contents of Exhibit "A."

Conclusion: Government does not exist to sell sponsorship in the form of advertising at all of its recreational/other facilities. Yet why not according to staff? Because staff doesn't understand with general improvement districts ("GIDs") are. And what limitations there are on what they can do. This footprint expansion is dangers for the reasons stated in Exhibit "A" and should be stopped with a resounding no. Because if it isn't, Staff will hire more and more of their own, and lose more and more money. Which you and I will have to subsidize through our Recreation ("RFF") and Beach ("BFF") Facility Fees.

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

¹ That e-mail is attached as Exhibit "A" to this written statement.

EXHIBIT "A"

Sep 27, 2023 Board Meeting - Agenda Item G(5)(2) - Expanding The District's Advertising Programs Beyond Print Advertisements in The IVGID Magazine

From: <s4s@ix.netcom.com>
To: "Dent Matthew" <dent_trustee@ivgid.org>
Cc: "Schmitz Sara" <schmitz_trustee@ivgid.org>, "Tonking Michaela" <tonking_trustee@ivgid.org>, "Tulloch Ray" <tulloch_trustee@ivgid.org>, "Noble Dave" <noble_trustee@ivgid.org>
Subject: Sep 27, 2023 Board Meeting - Agenda Item G(5)(2) - Expanding The District's Advertising Programs Beyond Print Advertisements in The IVGID Magazine
Date: Sep 27, 2023 1:50 PM

.....
 Chairperson Dent and the Other Honorable Members of the IVGID Board -

Here our Paul Raymore seeks expansion of the District's footprint, beyond magazine publishing, to engage in activities having even less to do with IVGID's reason for being. By contracting with CC Media to sell advertising at essentially all of the District's recreation venues. And creating an onslaught that bombards local parcel owners with advertising from favored third party sponsors in our IVGID Magazine as if they were "fresh meat" which according to Mr. Raymore (see page 113 of the Board packet) is supposed to be: "the District's primary advertising purpose of bringing public awareness to important District issues and...public service objectives." What does commercial advertising have to do with "the District's primary advertising purpose of bringing public awareness to important District issues...(which advances the (District's)...public service?"

What a stupid, stupid and dangerous course to embark upon. In fact to prove my point, just look at the Tahoe Donner HOA's "media kit" Mr. Raymore includes at pages 122-143 of the Board packet. This is exactly the "partnership" he proposes for us with his favored collaborator, CC Media. Can you possibly imagine something like this created for IVGID? Just substitute IVGID and its demographics everywhere you see the Tahoe Donner HOA and its demographics. Creation of something like this will put us full fledged in the commercial advertising business for profit business! And can you imagine receiving an IVGID Magazine laden with third party commercial advertising having ZERO to do with IVGID's reason for being (public awareness)?

For the reasons which follow, I ask the Board send Mr. Raymore the message of summary rejection. In the loudest of terms:

1. First of all, who asked you Mr. Raymore? Do you not have enough to do so you have time left over to explore expanding the District's footprint so we can lose even more money than we currently lose (please don't tell me we make money because if we did, there would be no need for the Rec and Beach Fees. Right?)?
2. Second of all, let's take a stroll down memory lane, shall we? IVGID was created by the Washoe County Board of Commissioners ("County Board") in 1961. At that time no general improvement district ("GID") in the State had the power to furnish facilities nor services for recreation.
3. Because Crystal Bay Development Company's motives were not pure, it embarked upon a lobbying effort to have public recreation added as a new possible basic power which could be granted to GIDs by their County Boards. And surprise. It was successful. Why do I say surprise? The lawfirm doing the lobbying was the one handled by former U.S. Senator Alan Bible. And his Ass't Attorney General Bob McDonald when Senator Bible was the State's AG. And don't

forget Bob McDonald was one of the first appointees to the IVGID Board.

4. Almost immediately thereafter, the IVGID Board elected to seek this new basic power from the Washoe County Board. Surprise again. They were going to set up local parcel owners to pay for the beach access they thought they had already paid for with their purchase.

5. At the public hearing before the Washoe County Board at which IVGID sought the new basic power of public recreation, its Board through reverred Harold Tiller, testified that if the requested new basic power were granted it would NOT be used by the District to acquire, operate or finance ANY recreational facilities but for public parks and the beaches.

6. Naively, the Washoe County Board and the public believed Mr. Tiller. Because by a slim 3-2 vote, the requested new basic power was granted. It was used to purchase the beaches from Crystal Bay Development Co. using the proceeds of revenue bonds paid for by local parcel owners.

7. In 1976 the then IVGID Board demonstrated that the District's acquisition of public recreation powers was founded upon fraud. This occurred when the IVGID Board voted to purchase our two golf courses, the Chateau and Bowl Incline from Japan Golf Promotions (U.S.A.). Shortly thereafter the then IVGID Board doubled down on its fraud by voting to purchase Ski Incline [now known as Diamond Peak ("DP")] from Japan Golf Promotions.

8. Although these recreational facilities were allegedly purchased for the benefit and use of local parcel owners (why else would they be purchased?), IVGID staff at the time soon began operating them as commercial "for profit" business enterprises because IVGID did not otherwise have the financial revenue resources to pay the servicing costs on the revenue bonds issued for these recreational facilities' purchase. And notwithstanding the fact there's nothing in NRS 318 which allows GIDs to operate any facilities as commercial "for profit" business enterprises, that's what IVGID staff did.

9. Sometime in mid 2015, IVGID got the idea to expand its footprint again, and unilaterally go into the magazine publishing business. And the IVGID Quarterly was born to feed propaganda to local parcel owners, and market the District's public recreational facilities and the services offered thereat to the world's tourists. And this decision was made despite the fact no GID is authorized by NRS 318 to furnish facilities for the publication or distribution of a private advertising laden magazine. Moreover, the decision was made by staff without the Board's advance knowledge or consent.

10. Furthermore, the decision was made by staff to use this new magazine for unconstitutional "viewpoint discrimination" purposes. In other words, everything positive about IVGID while exercising censorship to prevent anything embarrassing or uncomplementary about the District. This type of discrimination is prohibited by the federal and State constitutions.

11. And to pay for this marketing, the District entered into a contract with CC Media's predecessor whereby CC Media was authorized to sell advertising in the magazine, and retain 100% of the revenues for itself.

12. Subsequently, the publishing of the magazine and the selling/collecting of advertising was assumed by CC Media.

13. Now under the guise of generating more revenue, Mr. Raymore proposes taking the District to a new impermissible level. Assumption of the new basic power of full bore commercial advertising notwithstanding there's nothing in NRS 318 which permits the assumption of such powers.

14. So what does your proposed expanded advertising have to do with the District's reason for being Mr. Raymore? Generate revenue?

15. Let's examine your titled job Mr. Raymore; Marketing Manager. Marketing what? Primarily DP. Who are you marketing to? Obviously not the local parcel owners for whom the District's recreational facilities have been acquired; right? And how many months of the year is DP operational? So what's the justification for making you a full time, benefited employee? Why aren't you seasonal, just for the season that DP is open?

16. Now let's look at your Marketing Department. Staff tell us that more than \$1.1 million is spent annually on marketing. Is this accurate? If so, don't you understand what we are Mr. Raymore? A limited purpose special district whose reason for being, is in part, to provide below market recreational facilities and services Washoe County refuses or is unwilling to furnish for the benefit of local parcel owners who allegedly pay for these facilities so they are available to be used by those parcel owners.

17. I submit there's no legitimate reason for our maintaining a marketing department. Nothing in NRS 318 states you can market our recreational facilities to the world's tourists. Yet that's your job.

18. Now let's look at your competency and honesty Mr. Raymore. Notwithstanding our expenditure of more than \$1.1 million annually, Mr. Raymore has never, never, never been able to demonstrate that we've earned \$1 of positive cash flow as a direct result of the expenditure of this \$1.1 million plus. Stated a bit differently, Mr. Raymore has never, never, never been able to demonstrate that if his department were disbanded and we saved the \$1.1 million or more annually we're spending on him, we'd lose more than \$1.1 million of revenues. In other words, we can afford to lose \$1.1 million annually because then the loss would be offset by the comparable expense we would be saving. Translation: no need for Mr. Raymore!

19. And notwithstanding all of the above, Mr. Raymore doesn't have enough work to keep him busy during the year. So first he created another money losing business to take up his time; publisher of the IVGID Magazine. I've demonstrated that our real cost for the magazine when everything is said and done is \$100K or more annually. And what money do we make on it? Absolutely NOTHING! What about all the advertising revenue? Don't you Board members know we keep NONE of that advertising revenue? That's right. CC Media covers the the production and printing costs for the magazine (look at the contract which has now been added to the District's web site as supplemental materials). And in consideration, it gets to keep 100% of the advertising revenue it is able to generate. What a sweet deal for CC Media, wouldn't you say Mr. Raymore? And who exactly exercised his/her negotiating skills to come up with this agreement which benefits CC Media?

Government is not here so private sponsors can plaster their names on publicly owned facilities as if we were talking about naming rights on football stadiums. Yet that's what Mr. Raymore wants to turn us into. You need to summarily reject Mr. Raymore's endeavor and insist he devote more time to his job; marketing DP.

Thank you for your cooperation. Aaron Katz

That the Board of Trustees discuss and provide guidance to Staff on the scope of advertising programs the District should engage in, and potentially expanding the District's formal advertising programs beyond print advertisements in the IVGID Magazine.

**WRITTEN STATEMENT TO BE ATTACHED TO AND MADE A PART OF THE WRITTEN
MINUTES OF THE IVGID BOARD'S REGULAR SEPTEMBER 27, 2023 MEETING –
AGENDA ITEM G(5)(1) – PROPOSED ADOPTION OF A BROAD AND
SWEEPING BOARD POLICY WHICH ALLOWS FOR ADVERTISING
IN DISTRICT PUBLICATIONS INCLUDING IVGID MAGAZINE**

Introduction: Here the District's Marketing Manager is pushing a new Board policy which allows staff to pick and choose what advertising can be published in IVGID Magazine, and what censorship of that advertising is appropriate. In other words, impermissible viewpoint discrimination. And that's the purpose of this written statement.

My E-Mail of September 26, 2023: On September 26, 2023 I sent the Board an e-mail which made the point we should terminate IVGID Magazine which would then obviate the need for a policy on the advertising contained therein¹. Rather than regurgitating the contents of my e-mail, I simply refer the reader to the contents of Exhibit "A."

Conclusion: Staff use IVGID Magazine as a viewpoint discrimination tool to spew their propaganda. And they prevent members of the public from accessing the same public tool so they can publicize their views of the truth. Part of this discrimination is picking who can and cannot advertise in the magazine. And another part of this discrimination is censoring the content of that advertising. This is wrong for government to do which is why I object to the proposed Board policy.

Also, there is no revenue realized as a result of this advertising because it flows 100% in favor of the publisher of the magazine, CC Media. So why continue it for any reason other than propaganda? And since there is no revenue realized, where do you think the monetary deficiency comes from? That's right. Your Recreation ("RFF") and Beach ("BFF") Facility Fees.

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

¹ That e-mail is attached as Exhibit "A" to this written statement.

EXHIBIT "A"

Sep 27, 2023 Board Meeting - Agenda Item G(5)(1) - Proposed Policy Permitting/Regulating Advertisements in District Publications And at District Venues

From: <s4s@ix.netcom.com>
To: "Dent Matthew" <dent_trustee@ivgid.org>
Cc: "Schmitz Sara" <schmitz_trustee@ivgid.org>, "Tonking Michaela" <tonking_trustee@ivgid.org>, "Tulloch Ray" <tulloch_trustee@ivgid.org>, "Noble Dave" <noble_trustee@ivgid.org>
Subject: Sep 27, 2023 Board Meeting - Agenda Item G(5)(1) - Proposed Policy Permitting/Regulating Advertisements in District Publications And at District Venues
Date: Sep 26, 2023 10:55 PM

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

Here the District's Marketing Manager, Paul Raymore, is pushing an unnecessary Board policy which ratifies the District's commercial sale of advertising in the IVGID Magazine and other District publications (and exactly what other publications would these be Mr. Raymore? What more do you propose subjecting us to just so you have a justification for a full time job?), at District-owned venues, and at District-sponsored events. In other words, according to Mr. Raymore, now we're going to take on yet another new commercial for profit (or what we experience - for LOSS) commercial business enterprises. Advertising!

We need to put a stop to this unnecessary and wasteful expansion of the District's activities. And we need to do this by telling Mr. Raymore and the rest of staff a big NO!

Here Mr. Raymore tells us that although the District publishes the worthless IVGID Magazine (I have previously provided evidence that the magazine is worthless for anyone other than CC Media and Mr. Raymore), the Board "has not adopted a formal policy regarding what is appropriate and acceptable for publication as an advertisement in the IVGID Magazine." And now he proposes coming to the rescue with his biased view of what represents acceptable and non-acceptable advertisements. And what doesn't. It's called censorship Mr. Raymore.

I and others have informed the Board so many times before that the propaganda laden IVGID Magazine needs to be terminated! I did this less than ten (10) days ago when I called out Susan Herron's "welcome" propaganda in the latest IVGID Magazine. And once termination takes place, there will be no need for a policy on acceptable advertising in that magazine. Right Mr. Raymore? So like I said, the Board should summarily reject Mr. Raymore's proposed policy.

When Mr. Pinkerton initiated the predecessor to today's IVGID Magazine, he didn't seek Board approval. He just did it! Well now is the time for the Board to just kill the magazine once and for all.

We can't rely upon Mr. Raymore to do the right thing. Because he's another one of our worthless and deceitful employees. Just look how he scatters now that we've shined the light on him. Let me give an example of how Mr. Raymore acts for third parties' interest rather than we local parcel owners.

At page 116 of the Board packet Mr. Raymore states that according to his program, "CC Media would handle all advertising/sponsorship sales for the District on a commission basis (except for the IVGID Magazine, which operates under a separate agreement)." IVGID Magazine operates under a separate agreement? What exactly is that agreement Mr. Raymore? And how come you haven't shared the particulars in the Board packet as Policy 3.1.0 mandates you do? And what does that agreement say about IVGID Magazine advertising? That CC Media keeps 100% of the advertising

revenue. That's right 100%! If this is true, why exactly do we care what advertisements are published in the IVGID Magazine? And who exists as the censor czar for that advertising? And how much of zero revenues do we make off this advertising?

Then Mr. Raymore tells us at page 113 of the Board packet that his proposed "policy (allegedly) advances the advertising program's revenue-generating...objectives (which)...achiev(e) increased revenue for the benefit of District services." Really Mr. Raymore? How exactly does the District benefit from your proposed increased revenue policy given CC Media keeps 100% of the advertising revenue for itself insofar as the IVGID Magazine is concerned? Bueller?

Not enough? Here are some additional factors to consider:

1. WHO ASKED YOU Mr. Raymore? It's not like the Board asked staff to come up with an advertising policy for the IVGID Magazine and now staff is responding. This is a pure staff initiative. Because Mr. Raymore is proposing the meting out of special benefits without going out to public bid. He has pulled the same stunt with EXL Media, hasn't he?
2. And how did this proposed advertising policy come about? Just listen to Mr. Raymore at pages 115-116 of the Board packet: "During initial conversations with CC Media, they expressed enthusiasm for expanding the scope of their advertising/sponsorship sales for IVGID to encompass more potential placements, including: Print ads in IVGID Magazine (ongoing/continuing)." You mean to tell us Mr. Raymore that you and CC Media sat around a beer or two and discussed how the latter can allegedly benefit from a policy to local parcel owners' detriment along the lines of the one you are advancing? Who are you working for Mr. Raymore? Favored third party collaborators? Or the local parcel owners you were hired to serve?
3. It's obvious from Mr. Raymore's attitude that he doesn't understand what IVGID is. And what its limitations are. And the fact that he is actually guilty of viewpoint discrimination! That's right. Viewpoint discrimination. When you are a public agency you cannot use public funds to publish biased viewpoints on public issues which favor staff's position to the detriment of opposing viewpoints. And if you do, you are required to provide equal access to those with differing viewpoints. It's called being viewpoint neutral.

Yet listen to Mr. Raymore: "In the District's experience, certain types of advertisements can interfere with the District's primary advertising purpose of bringing public awareness to important District issues...(Consequently, his proposed) policy (allegedly) advances the (District's)...public service objectives by prohibiting advertisements that could...creat(e) substantial controversy...and/or posing significant risks of harm, inconvenience, or annoyance to District stakeholders and other members of the public." In other words, censorship and VIEWPOINT DISCRIMINATION Mr. Raymore. Yet the guy is so mis-informed he announces his version of propaganda is "viewpoint neutral."

4. Mr. Raymore does not come before you as the Marketing Manager he is supposed to be. He comes before you as publisher of the IVGID Magazine. In other words, he is biased.
5. Thus this initiative is an admission on Mr. Raymore's behalf that he and his marketing department don't have enough work to warrant the full time benefited employment they currently realize. Marketing Diamond Peak is basically a 4-6 month seasonal job. But if he were compensated accordingly, his services would not be required for the rest of the year. But that would be detrimental to Mr. Raymore, wouldn't it? So to create financially detrimental "busy work" for Mr. Raymore, he volunteered to become publisher of the IVGID Magazine. Previously six (6) and now five (5) issues per year. That will keep him busy enough; right?

6. Wrong. Mr. Raymore needs even more work to do. Listen to page 115 of the Board packet: "The District has an interest in securing...advertisements in the IVGID Magazine (which) offset the design and printing costs associated with

that publication." What an untruth Mr. Raymore. And you know it's untrue. I've already demonstrated that the District realizes NO REVENUES WHATSOEVER from advertising placed in the magazine. So for whose benefit is this proposed policy Mr. Raymore? And how does more revenue offset the design and printing costs CC Media is responsible for incurring?

7. And now we get to the real genesis of Mr. Raymore's endeavor: "Currently, there is no central contact within or outside the District who can facilitate advertising/sponsorships across all District...publications. Because of this, the District may be missing out on bigger dollar sponsors...(But) CC Media already has a list of potential advertisers/sponsors and is able to attract larger sponsors...Plus, they have dedicated ad sales staff who specialize in selling advertisements." So Mr. Raymore disingenuously "seek(s) direction from the Board of Trustees on whether there is interest in EXPANDING THE SCOPE of our current advertising programs, and if so, if Staff should flesh out a potential District-wide advertising sales agreement with CC Media?" Without going out to bid by the way!

Translation: more revenue for another favored collaborator to realize to the District's detriment. And more "busy work" for Mr. Raymore to exercise to fill up the remainder of his "dead time" as marketing manager.

8. More "busy work?" That's right. As Mr. Raymore tells us "Tahoe Donner's Marketing Department is responsible for fulfillment of all advertising contracts, which allows them to have more creative control and quality control of the finished product." What he in essence is telling us is that if we go down the road Mr. Raymore suggests, his marketing department will be responsible for fulfillment of all advertising contracts and have more creative control and quality control of the finished product. In other words, more "busy work" having nothing directly to do with "marketing" which I thought was his job.

9. Instead of sticking to IVGID's stated reason for being (i.e., to provide quality, low cost recreational facilities for the benefit of the local parcels whose owners are involuntarily financially supporting them), its staff take on more and more and more. Thus expanding the District's footprint to far more than it was ever intended to flex. And here's yet another example of the principle.

10. And tied to this history of an ever growing footprint, our history demonstrates that our staff is incapable of generating a profit operating any of our various recreational/other facilities as a for profit commercial business enterprise. So what makes anyone think we're going to realize some huge pay day if we go down the road Mr. Raymore proposes? Are we going to be looking at a situation, similar to what we recently saw insofar as the Mountain Golf Course's pro shop and food and beverage net profits were concerned? Where at the end of the day we realize a measely \$7K of net revenue (assuming you believe the financials which were proffered in support of this conclusion which for very valid reasons I do not) after everything was said and done? Is it really worth subjecting the public to the massive expense staff routinely do, just to realize a possible extra \$7K of yearly revenues? Keep your \$7K Mr. Raymore.

11. And if you want another example which proves my point, listen to Mr. Raymore's reference to the Tahoe Donner HOA at page 115 of the Board packet: "The Tahoe Donner Association (it's called a homeowners' association Mr. Raymore) has a more holistic advertising/sponsorship program, which has become A SIGNIFICANT SOURCE OF REVENUE for the organization over the years. They work with CC Media (same vendor we work with on the IVGID Magazine) who handles all sales for Tahoe Donner's paid advertising and event sponsorship programs. See attached Media Kit and event sponsorship decks" (see pages 122-143 of the Board packet). Okay Mr. Raymore HOW MUCH SIGNIFICANT REVENUE does the Tahoe Donner HOA realize? Where are the numbers?

12. I see a series of proposed rates and charges for various types of advertising in the Tahoe Donner HOA's various publications and elsewhere. But nowhere do I see the alleged "significant revenue" generated to the HOA. An inadvertant omission from your staff memo Mr. Raymore? Or is the fact of the matter that the revenue generated is really not so significant?

13. Finally, look at this media kit. It's obvious to me that CC Media has vvvvcreated a full fledged advertising onslaught targeted to third party sponsors. Can you imagine something similar being created for IVGID? Substitute IVGID for the Tahoe Donner HOA in the attached media kit. Although this may be appropriate for a private party such as an HOA (which I personally do not think is appropriate), it's clearly NOT appropriate for a public agency like IVGID. What a disgrace! How dare you Mr. Raymore not understand the differences. How dare you come forward with a suggestion like this for IVGID.

14. In fact since you clearly don't understand the difference, maybe you Mr. Raymore should go to work for the Tahoe Donner HOA in their marketing department? Or maybe you should go to work for your favored collaborator, CC Media? Clearly you are ill placed as an IVGID employee.

So my conclusions insofar as this agenda item is concerned are as follows:

15. Mr. Raymore heads a worthless marketing department which is unnecessarily costing the District in excess of \$1.1 million annually.

16. Moreover, it's not appropriate for a public agency to use public funds to support a marketing department. Who else does this?

17. Moreover, IVGID does not exist to market its facilities and services to the world's tourists. And it's wrong to make local parcel owners involuntarily financially subsidize these endeavors.

18. And finally, Mr. Raymore is clearly ill-suited to be an IVGID employee. IMO he is the next senior manager that needs to go.

19. Moreover, his eentire marketing department needs to be terminated. This will immediately save the District at least \$1.1 million annually. And it will render Mr. Raymore proposed advertising policy unnecessary.

20. And it will immediately render Mr. Raymore's job unnecessary. Even if the District's marketing department is not terminated, Mr. Raymore is being paid as a full time, fully benefited employee when in truth and in fact he holds a seasonal, part time position. His position and compensation should be scaled back immediately.

Thank you for your consideration. Aaron Katz

**WRITTEN STATEMENT TO BE ATTACHED TO AND MADE A PART OF THE WRITTEN
MINUTES OF THE IVGID BOARD'S REGULAR SEPTEMBER 27, 2023 MEETING –
AGENDA ITEM G(1) – PROPOSED ACTION AGAINST FORMER HR DIRECTOR
DEE CAREY FOR THE REALEASE AND DISTRIBUTION OF CONFIDENTIAL
RECORDS CONCERNING RESIDENT CLIFF DOBLER**

Introduction: Here the Board proposes taking action against former HR Director Dee Carey for the release of private, confidential matters concerning local resident Cliff Dobler. But I don't believe Ms. Carey acted alone, nor that she may have acted at all. I believe the real culprit here is Susan Herron. And that's the purpose of this written statement.

My E-Mail of September 24, 2023: On September 24, 2023 I sent the Board an e-mail which made the point that the confidential records had to come from an IVGID computer(s) or server which Ms. Herron has access to, and Dee Carey probably does not. And that an investigation should take place and Ms. Herron placed on administrative leave in the interim¹. Rather than regurgitating the contents of my e-mail, I simply refer the reader to the contents of Exhibit "A."

Conclusion: I don't know what action the Board can take against a former employee. However, I do know that action can be taken against a current employee. Because here the finger of wrongdoing points to Ms. Herron, it's necessary the District hires a forensic IT professional who can learn the truth. Only then will the Board know what we're dealing with. But if it's what I suspect...

And you wonder what your RFF ("RFF") and BFF ("BFF") Facility Fee pay for? All of this and I've now provided answers.

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

¹ That e-mail is attached as Exhibit "A" to this written statement.

EXHIBIT "A"

Sep 27, 2023 Board Meeting - Agenda Item G(1) - Possibly Taking Action Against Former HR Director Dee Carey

From: <s4s@ix.netcom.com>
To: "Dent Matthew" <dent_trustee@ivgid.org>
Cc: "Schmitz Sara" <schmitz_trustee@ivgid.org>, "Tonking Michaela" <tonking_trustee@ivgid.org>, "Tulloch Ray" <tulloch_trustee@ivgid.org>, "Noble Dave" <noble_trustee@ivgid.org>
Subject: Sep 27, 2023 Board Meeting - Agenda Item G(1) - Possibly Taking Action Against Former HR Director Dee Carey
Date: Sep 24, 2023 9:18 PM

Dear Chairperson Dent and the Other Honorable Members of the IVGID Board -

I am a bit confused by this agenda item because there's no specification in the Board packet as to what possible action the Board proposes taking against former Human Resources Director Dee Carey insofar as her possible retention and disclosure of non-public IVGID documents. It seems to me that someone(s) has concluded: Dee Carey retained private/confidential records involving resident Cliff Dobler when she left IVGID's employ; and, she somewhat recently shared those private/confidential records with members of the public (Ms. Carrs?) so they could be used against Mr. Dobler and Trustee Schmtz. If this person or persons who conclude(s) intends to make this report to the Board, that's fine. However, I suspect that's not going to take place. And if it doesn't, I think Board members will be speculating.

So with the Board's permission, let me speculate. And let me recommend what I think the Board should be doing.

Although I have not seen the documents in question, I have been informed they include:

1. At least one letter to Mr. Dobler on IVGID letterhead signed by Dee Carey;
2. Evidence of the certified mailing of that letter by USPS to Mr. Dobler's residential physical address even though we all know USPS does not deliver to most physical addresses in Incline Village;
3. Evidence from the USPS of its inability to deliver that letter to Mr. Dobler at his residential physical address (surprise).

If I've got the above correct, then I submit to you that you're looking at the wrong person for possible action. Or at least only one of the relevant people. Rather, the person you should be looking at is Susan Herron. And here's why.

1. Assuming IVGID certified mailed the subject letter and retained evidence of that mailing, there are only two places that evidence of that mailing can exist. And both are under the custody and control of IVGID. The first would be a file (what I call a dossier) where the physical evidence of that mailing exists. Even today!

And the second would be one or more IVGID computers or servers where electronic/digital version(s) of that certified mailing exist. Even today!

2. If I am correct in this observation, it means Susan Herron had and probably currently has access to this evidence. One way or the other.

3. And whether or not I am correct in this observation, it means Dee Carey could only have gotten this evidence in one of two means. Either she copied it when she left IVGID's employ and she continues to have that copy today.

Or Susan Herron transmitted copies of this evidence to Dee Carey, and I suspect probably somewhat recently.

4. The same with evidence from the USPS of its inability to deliver that letter to Mr. Dobler. Assuming IVGID certified mailed the subject letter and retained evidence of the USPS' inability to deliver the same, there are only two places that evidence can exist and both are under the custody and control of IVGID. The first would be a file (what I call a dossier) where the physical evidence of that mailing and inability to deliver the subject letter exists. Even today!

And the second place would be one or more IVGID computers or servers where electronic/digital version(s) of that evidence of the inability to deliver exist. Even today!

5. If I am correct in this observation, it means Susan Herron had and probably currently has access to this evidence.

6. And whether or not I am correct in this observation, it means Dee Carey could only have gotten this evidence in one of two means. Either she copied it when she left IVGID's employ.

Or Susan Herron transmitted copies to Dee Carey and probably somewhat recently.

7. Did you know that when Dee Carey left IVGID's employ, she executed a severance or separate agreement with the District? Do you know that that agreement is presently in the possession of and under the control of IVGID? Which means Susan Herron currently has access to the same.

8. You Board members need to get a copy of that separation agreement for several reasons. The first being to determine if Dee Carey has breached the terms thereof and if so, what remedies does the District have against her.

9. Did you know that even today, there's a direct relationship between Susan Herron and Dee Carey? When Dee left IVGID's employ she was given employment by an academy (Davidson?) operated and administered by Susan Herron's husband? In fact I have been informed Ms. Carey is still employed there today. Making it very easy for Susan Herron to share documents like the ones we're talking about with Dee Carey. Ms. Herron wouldn't even have had to e-mail them to Ms. Carey. All she'd have to do is give them to her husband with instructions he turn them over to Ms. Carey in person.

10. So the first thing you Board members need to do is to place Susan Herron under immediate administrative leave barring her access to IVGID paper and electronic/digital evidence pertaining to these matters. Keep her away from IVGID's administrative offices.

11. The second thing you need to do is get your hands on Dee Carey's severance agreement. So it can be examined.

12. The third thing you need to do is get your hands on the dossier I believe exists on Cliff Dobler. As well on the former employee files which may exist of the person(s) who made complaint against Cliff Dobler which resulted in the suspension of his recreation privileges.

13. Then you Board members need to retain the services of a forensic IT professional. Such professional should be able to electronically determine when any of the documents I have described above, in electronic/digital form, was accessed from IVGID computer(s) or server(s) and by whom. I'm guessing that would be Susan Herron.

14. And, such professional should be able to electronically determine if any of those documents were attached to one or more e-mails originating from Susan Herron and transmitted to Dee Carey. I'm guess there very well may have been such e-mail(s).

15. And, such professional should be able to electronically determine if any of the e-mails identified in paragraph 14 above were deleted and if so when and by whom. Cover upon your wrongdoing Ms. Herron.

16. Finally, such professional should be able to electronically retrieve any of the deleted e-mails identified in paragraph 15 above. Let's see what they say, and what may have been attached.

It seems to me that unless and until the Board gets answers to the above-questions, and perhaps the documents themselves, can it really take action against anyone. And if the Board sits on this, it may be too late!

17. One final recommendation. As the story goes, Trustee Noble asked Ms. Herron for these documents so he could ambush Cliff Dobler. How did Trustee Noble know that such documents exist? The chairperson should cross-examine Trustee Noble, in public, to learn what he knew and how he learned of it.

It is my hope the Board takes action like this at its upcoming meeting. Let's get to the truth.

Respectfully, Aaron Katz

IVGID Meeting

Sept. 27th 2023

My name is John Eppolito I've been a local real estate broker associate in both states for 25 years.

Regarding the recall:

Immediately after the rec. center debacle I spent time studying what happened and I wrote this (hold up), I learned there were several missteps by staff long before Sara's no vote. I'll submit this for the record, I have copies for anyone who's here. Back in October, I stated to this board I did not agree with Sara's NO vote.

For a long time there has been a small group of people who come to these meetings to and berate, intimidate, and bully this board and former general managers. Now there is a small group of people, on the (quote) other side, who support the recall - who do the same thing to two board members here **AND** on social media.

In my opinion, the majority of people who signed the petitions have honorable intentions. But unfortunately, I believe the large group of petition signers have giving the small group, at these meetings and on Social, the leverage to bully, intimidate, (pause) **micro-manage** two members of this board.

I don't know if Sara was "**over-zealous**" with staff, or people trying to get onto our beaches.

All I know is, I've never seen of Sara, or Matt, be disrespectful to anyone, even as people are rude and disrespectful to them **BOTH** here at these meetings **AND** on social media. Both of them have always shown decorum, and respect for others.

This is in direct opposition to the way some act, in particular the realtor/best friend of the former board president who's leading this recall attempt. Recently I've seen her disrupt two of these meetings, and be disrespectfully and rude to current board members.

It appears the goal of some people who support the recall is to replace polite, respectful, people with someone who's rude and disrespectful.

Recently in comments to this to this board I've questioned the subjective language in the petitions. Now this article The Nevada Globe (hold up), says the language in the petitions may violate NRS 306.21.

Whether the language in the petition is approved or not; I for one would like to see a Community Forum to: discuss the issues on the petitions, plus the current financial status of the District!

Thank you

If we can do a community forum, I believe disruptive people on both sides need to be kept from interrupting the meeting!

Recreation Center Debacle - October 24th Special IVGID Meeting

<https://livestream.com/ivgid/events/10660550/videos/233471842>

Jim Dugdale Executive Director of The David & Chery Duffield Foundation told he Tahoe Daily Tribune there were, “several missteps in the project.” Having reviewed the pertinent documents and watching the [10/24/2022 special meeting](#) a few times here’s what I believe lead to the community losing the donation for recreation center expansion.

Strike 1: All three estimates from Core Construction were above the \$25 Million limit The Duffield Foundation allotted for the project.

August 2nd – The three options that were submitted to the Foundation, without board approval, were for \$30 M, \$32.9 M, and \$33.9 M. The Foundation quickly rejected all three options. At the [1:47:30 mark](#) Trustee Matthew Dent ask: “Why did we take three different offers to the Donor that exceeded the \$25 M?” General Manager Indra Winqest said, “that question I can’t answer definitively...” Then the attorney discouraged any further discussion on this issue.

Strike 2: From August 2 through August 31st Indra and Staff were in discussions with the Foundation, without direction from the board.

August 29th - Indra got word the Foundation would approve Option D for \$25.6 M.

August 31st - The Board was informed Option D was approved by the Foundation.

September 1st – Trustee Sara Schmitz sent an email to Indra that she could not support Option D because it did not include the multi-purpose gym. Indra spoke to both Matthew and Sara about agendizing a discussion about IVGID contributing additional funds for one of the more expensive options that included the multi-purpose gym.

September 1st – The Foundation was notified IVGID is interested in exploring paying the difference to add the multi-purpose gym. Mr. Dugdale had concerns based on the timeline and this being so late in the process, but he would bring it to the Donor.

September 5th - Mr. Dugdale informed Indra, due to the latest set of potential plan changes the project is “on hold.”

Strike 3: September 7th - Meeting between Indra, Staff, and Mr. Dugdale. Donor was extremely unhappy with process, adding the multi-purpose gym back into plan, and IVGID now wanting to contribute to project. Foundation informs they will proceed with Option D if there is unanimous support from the Board for both Option D, and a letter of support and commitment.

September 7th and 8th - Indra spoke to each board member individually and conveyed to all trustees that unanimous support was required for both Option D, and the letter of support and commitment. Go to the [2:10:50 mark](#) to hear Indra acknowledge that two board members did not receive his entire message. Both Matthew and Sara realized unanimous approval was required for the letter of support and commitment, but not for Option D. Indra acknowledged

that he should have followed up with an email to each trustee clarifying unanimous support was required for both items.

Strike 4: Matthew knew Sara was going to vote no on Option D. Indra didn't think there would be any no votes. At about the 2:18:00 mark Matthew said, if we needed unanimous support for both items it should have been written on the agenda. Later in the meeting the attorney said unanimous support for both items could have been added to the agenda.

September 14th Board meeting – First vote, Option D, 4 to 1 with Sara voting no. Second vote, letter of support and commitment, 5-0. Indra said he was pretty sure the project was dead, but he was holding out hope the Foundation would overlook the one no vote.

Strike 5: September 14th - An email from Indra to Dave Duffield and Jim Dugdale stated the two votes in reverse order. The email first mentions (the actual second vote) the vote for the letter of support and commitment which was unanimous; then goes on to mention (the actual first vote) the vote for Option D which was 4 to 1.

September 15th - Phone call from director of Foundation stating the Donor is withdrawing support for the project because there wasn't unanimous support for Option D.

September 16th - Email from Mr. Duffield expressing disappointment and thanking members of the board and Indra.

Political Platform of Recall Committee

BACKGROUND ON THE RECALL EFFORT - The Incline Village General Improvement District (IVGID), was established in 1961, and chartered to provide water, sewer, and trash services to Incline Village and portions of Crystal Bay. Over the next 60 years, its mission grew to support recreation services and recreation venues for the communities of Incline Village and Crystal Bay, Nevada.

Recent actions by a majority of the Board of Trustees (BOT) have taken IVGID on a path that is negatively affecting those who live and work in Incline Village. The Board majority has moved away from sound and proven policies of the last 50 years for governing financial planning, management of recreation facilities and employee relations, in favor of policies championed by a vocal minority, at the expense of the broader community. They've led a movement away from the successful model of managing recreational venues as a portfolio of mutually reliant and sustaining venues to a model where venues' operations must stand on their own, while at the same time, leaving their sustainability at risk by stripping many of these venues of much needed recreational fees for upkeep, improvement, and expansion. They have slashed employee benefits and micromanaged District staff, usurping the authority of seasoned professionals, eroding staff moral and creating a toxic work environment that has led to dangerous and unprecedented departures of senior staff across virtually all functions. They have made these moves despite feedback from the majority of community members who have expressed overwhelming pushback. This led to an effort to recall 2 of the offending Trustees (Trustees Sara Schmitz and Matthew Dent) who were eligible for RECALL given their election in 2020.

The Committee leading the Recall wants Incline Village to be governed for the benefit of those who work and live in the area. Not surprisingly, our overall mission statement is very consistent with the mission statement set forth on the home page of IVGID's web site. ***"We support fiscally responsible investment in and maintenance of superior utility infrastructure/services and community-owned recreational facilities and programs in order to make our community an attractive place to live, work and invest. We support the operating model for recreational facilities that has made the community successful over the past decades, one that manages the collection of venues for the benefit of the community as a whole."***

Below is a summary of the platform that supports this mission. We will vet potential Trustee candidates against this platform. We support:

- Proactive investment to maintain and improve the operating capacity and efficiency of our utility infrastructure. We have a bias for action as opposed to the paralysis we've seen from recent Trustees.
- A District operating model where Trustees operate in an oversight and guidance role. A model where the Board, acting through consensus decisions, are responsible for managing the general manager, working with the GM and his/her designees to develop clear annual and longer-term strategic priorities and plans, and then moving aside to allow the GM and the staff to execute against those priorities/plans.

- Fair and Equitable treatment of IVGID employees, including:
 - Compensation and benefits informed by market conditions. We will utilize access to our superior recreational facilities/programs as a tool to attract and retain talent, including engaging parcel owners in a transparent discussion and referendum to allow beach access to non-resident employees.
 - An environment free of harassment of any type, where offenders are held accountable and where consequences are clear and decisive.
- Proactive, smart investment in the recreational facilities owned and operated by the District that will enhance the quality of life of Incline residents and the attractiveness of Incline as a residential community. For example, we will prioritize the replacement of aged and dysfunctional dining facilities at Incline Beach and Diamond Peaks's Snowflake Lodge, expansion of the Rec Center, refurbishment/reconstruction of tennis and pickle ball courts, along with ongoing maintenance and improvements at the golf facilities to retain their premier status.
- The view that we are a common interest community, and as such, that the recreational venues and other assets owned and managed by the District are made available primarily for the benefit of the community as a whole. As such we support the return to an ongoing collection of a reasonable annual facility fee from all parcel holders that will provide the necessary level of investment needed for the venues. In addition, operating policies related to the venues (pricing, preferential access, etc.) should prioritize residents, their guests and our employees, with visitor pricing being informed by our competitive peer group.
- A "portfolio" approach to managing our recreational facilities that seeks to operate the recreational venues as a mutually reliant and sustaining set of venues at the total District level. We support the utilization of the facility fee, along with excess funds from the more commercially viable venues, to subsidize those venues that cannot generate sufficient funds on their own. We DO NOT support the view that each venue should stand on its own.
- A Board of Trustees that partners with and is accountable to the residents and other property owners of Incline Village. To demonstrate this, we support the following set of operating procedures:
 - Public release of ALL reports and presentations at least 7 working days BEFORE meetings to facilitate community input.
 - Seeking valuable input from the community through not only public comments, but also through on-going and ad-hoc committees comprised of informed and engaged parcel owners and residents to address crucial aspects of IVGID administration including capital and operating budgeting, employee relations/retention, utility and recreational infrastructure.
 - A responsive and responsible approach to public records requests that recognizes residents' right to access IVGID information but does so in a way that compensates IVGID for abusive behavior. Specifically, we support the development of a policy that allows all residents the ability to make a reasonable number of requests free-of-charge but institutes a cost recovery charge for requests that exceed a to-be-defined reasonable number of requests.
 - Adherence to Nevada Open Meetings rules including a process to facilitate monthly reports by the General Counsel summarizing conversations occurring between trustees outside of Board meetings on topics recently on or reasonably expected to be on, the Board Agenda within the next 90 days.