

## MINUTES

### **REGULAR MEETING OF SEPTEMBER 9, 2020 Incline Village General Improvement District**

The regular meeting of the Board of Trustees of the Incline Village General Improvement District was called to order by Chairman Tim Callicrate on Wednesday, September 9, 2020 at 6:00 p.m. This meeting was conducted virtually via Zoom.

#### **A. PLEDGE OF ALLEGIANCE\***

The pledge of allegiance was recited.

#### **B. ROLL CALL OF THE IVGID BOARD OF TRUSTEES\***

On roll call, present were Trustees Tim Callicrate, Sara Schmitz, Matthew Dent, Peter Morris, and Kendra Wong.

Also present were District Staff Members Director of Finance Paul Navazio, Director of Public Works Joe Pomroy and Engineering Manager Nathan Chorey.

No members of the public were present in accordance with State of Nevada, Executive Directive 006, 016, 018 and 021.

Director of Information Technology Mike Gove went over the new Zoom participation rules.

#### **C. PUBLIC COMMENTS**

Dick Warren said General Business Item G1 – this has been brought up before, what will be the price tag for the pool? Is it going to be around \$5.6M? If so, how are you going to pay for it? You cannot start this project unless the funds are available, so can we discuss funding now? And by the way it has never been shown how the Terracon estimate of around \$1.2M is now approaching \$5.6M. This certainly was a project designed by a Committee. General Business Item G2 – he finds it interesting that there is not one option to totally eliminate punch cards, period. Issue only picture pass cards, and set a rate for guests. If one did that, overcrowding at the beaches would disappear overnight. Which would make the locals happy. Why do we have a problem making the locals happy? Aaron Katz's September 8<sup>th</sup> email to the Board and the Audit Committee concerning NCGA invoices is another good reminder why Internal Controls should be coordinated/directed by an outside expert. And when will these kinds of fiascos

Minutes

Meeting of September 9, 2020

Page 2

upset the Board sufficiently so that they demand immediate resolution? There is definitely a “sense of urgency” lacking in all aspects of Internal Controls. And Paul Navazio is not the kind of Manager that will jump all over something like this. Thank you.

Linda Newman said proper accounting and reporting does not exist in a vacuum. It is anchored by compliance with Generally Accepted Accounting Principles and all relevant State and Federal laws. The District’s reporting of punch card utilization violates all three. First, the District reports the total Rec and Beach Facility Fees as revenues in their respective funds. In exchange for these fees any combination of 5 picture passes and/or punch cards can be obtained whether or not they are used. When picture passes or punch cards are used at the Beaches or any Community Services venue, there are NO ADDITIONAL REVENUES received at these venues and NO ADDITIONAL REVENUE should be reported. Secondly, the Recreation Facility Fees collected for Community Services can only be used for the operations, capital projects and debt service for the Community Services Venues. The same is true for the Beaches. Community Services cannot legally transfer money to the Beaches and it cannot fail to report these unlawful transfers to the State. By creating fictitious revenues at the Community Services and Beach venues and reporting these fictitious revenues and contra revenues in our financial statements is considered fraudulent under Federal law. Remember, our bondholders rely upon our financial statements –and misrepresenting the financial condition of our Funds to our creditors is considered FRAUD by the Securities and Exchange Commission. To comply with GAAP, State and Federal law, the District must end double booking of revenues, contra revenues and sales allowances NOW. It must also return the money transferred to the Beaches from Community Services to the payers of the Rec Fee who do not have beach access. These transfers not only trample upon State and Federal law they are morally reprehensible as property owners who cannot legally access the beaches are paying for beach expenses. As for Staff’s representation that punch cards pay guest fees and buy down venue rates –these statements are factually incorrect. Punch cards pay for nothing! NO REVENUES are received at the venues when punch cards are presented. Punch cards are prepaid with the Rec and Beach Fees. They are assigned a finite value of 1/5 of the total Rec or Rec and Beach Fees paid that allows the holder to pay the resident rate. Not with the punch card, but with cash or a credit card. The holder can only use the punch card a limited amount of times to pay the resident rate. The punch card value is reduced by the difference between the guest rate and the resident rate each time the punch card is used. It is time to account and report the Community Services and Beach Funds in accordance with GAAP and all relevant laws. And to bring an independent expert

in to correct the irregularities and disarray in the District's General Ledger and Chart of Accounts.

Aaron Katz said that he is submitting a number of written statements. He has asked for evidence for all third party organizations we are paying membership fees on and he is still going through them and that he has gone through 14 of them. The District has spent over \$22,000 in membership fees and this is where your rec fee goes and it has nothing to do with our recreation. Punch cards – the time has come to eliminate them because of the notion that they are attempting to create some sort of value; never intended to create value. They were only supposed to include and provide a mechanism if a beach holder has a legitimate guest and didn't want to pay for a guest. It came from a coupon which is the only purpose of the punch card. The District has attempted to use them for other purposes and it is has had unintended consequences. One of them is beach access - there are all sorts of people who don't deserve to be there and there are accounting problems as well as others. There is a black market for punch cards and now he understands that the District has hired an employee whose job it is to monitor social media to make sure there isn't a black market so let's call a spade a spade. The real problem of punch cards is the refusal to have a legitimate policy for guests at the beaches which no Board has undertaken because they are afraid to turn off a segment of the public, well, you will turn off a segment no matter what you do. Once we have a legitimate guest policy, there is no need for a punch card except how do we get a guest onto the beaches without paying and we can eliminate that by loading a picture pass with some predetermined value to only cover guests for a legitimate guest and that is what we should do.

Judith Miller said that she has an overarching concern with the punch cards that doesn't delve into the specifics that you are going to consider under General Business. It might have been helpful for the community to have some before the Board had to give direction on the topic but Staff will soon start working on next year's budget and she realizes that they need to have some answers now. Our community has known about over tourism for years and that non-hosted short term rentals were making our beaches uncomfortably crowded. She makes no secret of the reason that she is opposed to having punch cards at least for purposes of accessing our beaches. They allow the tens of thousands of so called guests that are packed into short rentals each year to access what was supposed to be private beaches. Of course, daily beach passes, guest access passes and other Staff inventions like the exchange passes don't help. Over the past decade, it seems IVGID has catered to the interest of the short term rental owners and property managers. With a 1,000 STR's that's still a minority of property owners and residents but not for much longer if we don't act soon to stem the tide. Washoe

County has been dragging their feet on regulations for short term rentals and has made it clear that they are not very sympathetic to our problems. They seem to look at the dollar signs instead of the livability index. The beaches are the only leverage we have to keep our community intact. If we don't find a way to get control over beach access the crowds will only get bigger as more homes are converted to STRs using their recreational privileges for a commercial purpose not a community one. All the issues we have seen with over tourism will continue to multiple – trash, traffic, inability to safely evacuate, lack of parking, higher rents, less workforce housing. If we want to stem the beach overcrowding and all the other STR related problems, we have to make this small sacrifice of actually accompanying guests to the beach. The golfers have treated unaccompanied punch card holders differently for years. The golf courses demand a higher fee for those without a picture pass holder. The beaches should not give access to anyone if they are not accompanied by a picture pass holder. Punch cards are an unmanageable commodity. It will take some education but the community will appreciate the decision. Either get rid of punch cards altogether or at least don't let them be used for beach access. And when it comes time to determining facility fees, there needs to be a conversation about distinguishing the burden placed on our facilities of a normal household compared to a quasi-hotel.

Frank Wright said that he is a candidate for the Board. Every week, there are issues that are discussed over and over again and this is kicking the cans down the road and nothing gets resolved. Punch cards are on the table and the Ordinance 7 meeting, will answer questions hopefully. There are so many things we don't do right, yet we keep doing it, and ten years ago, he was the only one pointing this stuff out and now it has come to the front table. Now we have a choice, do something about it, report our financials, get internal controls, and get someone in here to keep an eye on all of that stuff. This is a great community. People are mad because there are short term renters everywhere without regulations. Washoe County cancelled their meeting because people were upset and that should set the tone for IVGID. There are people who are paying for the venues and there are people who are using them, who are overrunning them and they are overcrowded. Somewhere you have to draw the line and say at the Board meeting that's what you are here so why are we talking about the same thing? About the pool, we have a design but no contract in the Board packet which means that this item was not done properly. The Board needs to take control and run this place for the parcel owners who are paying all the bills. Keep kicking the cans down the road so you need to resolve some of this stuff.

Margaret Martini said she doesn't know how you can approve a contract for Schematic Design of the new Burnt Cedar pool without a contract to approve. All



Minutes

Meeting of September 9, 2020

Page 5

you have in the packet is a proposal. Even the GM's report calls it a proposal, yet the agenda item asks you to approve an unseen contract. Review the proposal, make your modifications, if any and approve a contract that you can see. On other outstanding matters, along with hearing the attorney update on the Smith litigation, please provide our citizens with the total amount of legal fees we have paid and to be paid to date on defending IVGID, Trustee Wong and now former counsel Guinasso in this litigation. Also, we haven't received an update on the Katz filing with the Supreme Court and the public money you have spent to counter his Writ to the Supreme Court. She is unaware of the Board approving all the funds for the Smith litigation or the latter, and would like to know who had the authority to spend public money on all these legal actions without the Board budgeting and approving these fees in a public meeting. As the utility fund finances and our vital water and sewer infrastructure is of paramount concern, could we have a more definitive time line for all the consultants we need for the utility rate and reserve study, the replacement of the failing 6 miles of effluent pipeline and lining for the emergency effluent storage pond; and any written reports from our Federal lobbyist Marcus Faust on the availability of Federal Funding for the effluent projects? She would also like to see this Board prioritize effective internal controls. Each day that passes casts a shadow over all of the District's operations and financial reporting as there appears to be no checks and balances to ensure the efficiency of our operations and an accounting of the proper use and expenditure of our tax, rate and fee payer public money.

Yolanda Knaak said that she is candidate for the Board and in looking at the information on the pool, it says it is not subject to competitive bidding as stated in the Nevada Revised Statutes but she doesn't understand the benefit of not bidding the pool.

Cliff Dobler said that he is on Advisory Committee for the Burnt Cedar pool and that he has extensive experience in the legal aspects of design and construction projects. On August 28, 2020, the District General Manager and the Engineering Manager and he reviewed the August 25, 2020 proposal for a schematic design from TSK and determined that several items should be included along with clarification on several other items. The purpose of the meeting was to incorporate and include as many unknowns as possible in order to solidify proper estimates. The Engineering Manager delivered the changes to TSK and a new proposal is included in tonight's packet. The requested changes increased the proposal by \$6,000 for a total of \$68,000. Keep in mind that this is only a proposal. Without a doubt, it is poorly written but contains most items we need to know however a few conflicts will need further clarification in a contract. As I told the General Manager and Engineering Manager, contract clarity to the scope of work should be done by

IVGID staff and reviewed in detail by an attorney with knowledge of contract law. The contract should not be reviewed an attorney with only workmen's compensation experience such as happened in the past. Historically, the scope of work document prepared by a consultant becomes a scope of work in a contract without any review by anyone thus we rely on the limited abilities of a General Manager with experience in running community programs and an engineer without any legal background. It makes common sense that a consultant prepared scope of work would be written favorably on behalf of the consultant's interest. If you, as a Board, are approving TSK's scope of work as part of a contract without any review by anyone than there is certainly a giant hole in the bucket – dear Lisa, dear Lisa. You need a contract draft review by a legitimate attorney before any approval of spending \$68,000 is accomplished. On another matter, our General Manager is not complying with Board policies or approvals. On June 26, 2020, a construction contract was approved with Cruz Construction for \$423,433 and also a change order was approved for an additional \$50,000. According to the General Manager's report, the change orders are now \$63,485 which violates the limits under Board Practice 13.2.3.7 which gives the General Manager authority to only issue change orders cumulatively exceeding 10% of the original contract or \$50,000. Obviously, there is no attention paid to Board directions. Sad to work hard to establish some forms of accountability and then just ignore it.

**D. APPROVAL OF AGENDA (for possible action)**

Chairman Callicrate asked for changes, none were received and the agenda was approved as submitted.

**E. DISTRICT STAFF UPDATE (for possible action)**

**E.1. District General Manager Indra Winquest**

District General Manager Winquest went over his submitted report. In responding to Mr. Dobler's public comment regarding the wash pad, there has been \$64,000 in change orders which includes the \$50,000 change order that was approved by the Board thus Staff is in compliance. Back when the Board approved the project, Staff could have increase the overall project cost but we did it with a change order. He wanted to clarify that because Mr. Dobler brought it up through public comments. District General Manager Winquest then gave an update on the effluent pipeline and talked about the next steps. Director of Public Works Pomroy gave an overview of the CMAR process for this effort. District General Manager Winquest asked for questions or clarifications; none were received. District General Manager

Winqest continued his of his submitted written report and announced the General Manager's Ordinance 7 Committee members; they are as follows:

- ✓ Mary Danahey
- ✓ Denise Davis
- ✓ Frank Wright
- ✓ Margaret Martini
- ✓ Kristen Ferrell
- ✓ Karen Viel
- ✓ Ken Viel
- ✓ Hal Paris
- ✓ Trevor Smith
- ✓ Diane Becker
- ✓ Bruce Townsend
- ✓ Scott Hill
- ✓ Tim Callicrate – Board Representative
- ✓ Indra Winqest – District General Manager
- ✓ Kari Ferguson – Administrative Support
- ✓ Susan Herron – Administrative Support

District General Manager Winqest said that the first meeting will be held at the end of this month and that it will be a three to four-month process. He is hoping for a community meeting to gather information and share concepts. There are no personal agendas as it is extremely important to work together to make sure that what we are doing is a great project for the community. We have been copying all the Board members and posting on the website all the information provided. Chairman Callicrate said that he and District General Manager Winqest worked closely to put together a really good cross section of community members as well as newer folks and from all different aspects of the community. The list of members will be shared so that everyone has it so everyone can reach out to these folks. He has received e-mails from several folks who were interested and it was opened up to the entirety of the community. The last time we discussed it, things went sideways. We will take all the community input and this is a great opportunity to work with this team and tackle these issues and it hasn't been done in a vacuum. District General Manager Winqest asked for questions; none were received. District General Manager Winqest continued the overview of his submitted written report. Trustee Sara Schmitz said that the water tank project won't be finished until mid-November; is that acceptable? Director of Public Works Pomroy said that undoubtedly we wanted them to get this project accomplished sooner and that they have a COVID-19 related

issue within their company so they asked for a 60-day extension which was a legitimate reason to extend but that we definitely wanted it completed earlier but we will work around it. Trustee Schmitz said at some point is there the potential decision to do this in the spring and the potential that you may see this in the future. Director of Public Works Pomroy said yes, we saw that last year as they couldn't complete everything last year and that they are starting with the highest tanks with the most difficult access; Staff will plan to their very best of their abilities to get this project accomplished. Trustee Schmitz said that she did speak with the Director of Golf/Community Services Howard today and that he indicated that in the future we will have some additional financial information, with revenues and expenses, to show what we make on a round of golf and what it costs to put on a round of golf.

#### **E.1.a. Review of the long range calendar**

District General Manager Winqest went over the long range calendar. Trustee Dent said that there will be an Audit Committee meeting on September 30 and that the due dates for materials are September 18 to him and then September 21 to the District Clerk. District General Manager Winqest asked to change the October 28 meeting to either Tuesday, October 27 or Thursday, October 29. Trustee Dent said that he is out of town that week, Trustees Schmitz, Morris, Wong and Callicrate are fine with October 27; the meeting was officially rescheduled to October 27. The Board of Trustees also rescheduled their November 11 meeting to November 18 and cancelled the November 25 meeting. Trustee Schmitz said that she would like to pull out of the parking lot the Trustee handbook, which overlaps with Policy 3.1, and that she is in the process of updating it so she would like to submit it on September 30. Trustee Schmitz said she has also begun drafting the General Manager's goals and objectives and she would like that to be added to the September 30 agenda. Public correspondence remains an open item and isn't a topic that has been completed and it is not in the parking lot or on the long range calendar. Chairman Callicrate said that he has reached out to District General Counsel to get the appropriate feedback from him. He thought there was an email that had gone out that pertained to the open meeting law complaint but he was wrong. He is trying to get that clarified so that when we do bring it back that we are compliant with the open meeting laws as being as transparent as we do have to take issue with somebody who is being libelous or slanderous as that could set up the District for a lawsuit which was a concern that was

brought forth by our former and current attorneys. We will get a handle on that as he wants to get it concluded and get the Board policy together. District General Manager Winquest said that Staff will follow the lead from the Board. Trustee Dent said that Policy/Practice 7.1 and 7.2 can be put into the parking lot for right now.

## **E.2. District General Counsel Josh Nelson**

### **E.2.a. Verbal update on outstanding litigation cases: Mark Smith v. IVGID and Aaron Katz v. IVGID**

District General Counsel Nelson said, regarding the Katz case, that the plaintiff has filed a request with the United States Supreme Court to entertain an appeal, IVGID filed a response to that request which was consistent with the direction from the Board of Trustees, the plaintiff filed a reply and the case is fully briefed and sitting before the United States Supreme Court. It is teed up for the end of this month and we should receive notification in October. If it is not taken, then he will come back to the Board and if it is taken, he will come back to the Board on how to proceed. On the Smith case, a special master has been appointed and that appointment was made at the end of June. He is reviewing the e-mails assigned and we are waiting to hear an update. The court recently, on August 10, dismissed Mr. Guinasso as a defendant in the case. Trustee Schmitz asked District General Counsel Nelson if it would be possible, in your reports, to include financial information. District General Counsel Nelson said yes, he will have that for future updates. Chairman Callicrate said that when you have that information, will you please send it out to the Board for our records and make it so it is not attorney/client privileged. District General Counsel Nelson said he can do that.

## **F. REPORTS TO THE IVGID BOARD OF TRUSTEES\***

### **F.1. Board Treasurer Sara Schmitz**

Board Treasurer Schmitz said that she has been working with the Director of Finance and that right now their priority has been the deliverables for the annual audit so she hasn't been able to sit down with him or anyone on his team and go over a number of issues as she has been reviewing the bill pays and on the procurement cards. Potential for policies to be developed - this is something that she looks forward to working on and right now the focus is on the delivery of those documents as the Audit Committee is

interested in those as well. Board Treasurer Schmitz then asked the Director of Finance if we are near completion. Director of Finance Navazio said, regarding the delivery of documents and requests, earlier this week we submitted the draft financials, we are feeding information on a daily basis as they are reviewing different aspects, and the big push should wrap up this week. He hopes to have the draft reports this week and that he is holding off on posting until we receive your feedback.

## **F.2. Audit Committee Chairman Matthew Dent**

Audit Committee Chairman Dent said that they held their last meeting on September 1 and there were three items on the agenda. We are moving forward with the consultant about the questions on the CAFR and they are focused on 4 questions. The other 2 items were communications received by the Audit Committee; Dillon's Rule – a response is coming to us from District General Counsel and then the ad valorem taxes and that Staff addressed that at the meeting. Their next meeting is on September 30.

## **G. GENERAL BUSINESS (for possible action)**

### **G.1. Review, discuss and possibly approve a Schematic Design Services Contract for the Burnt Cedar Swimming Pool Improvement Project – Fund: Beaches; Project 3970BD2601. Vendor: TSK Architects in the amount of \$68,104 (Requesting Staff Member: Engineering Manager Nathan Chorey)**

District General Manager Winquest said that the contract will be reviewed by working group and District General Counsel to ensure a thorough review. Engineering Manager Nathan Chorey gave an overview of the submitted materials. Trustee Schmitz said, as it relates to this proposal letter, who is responsible for managing the subcontractors and paying them. Engineering Manager Chorey responded TSK Architects. Trustee Schmitz said so they are responsible for making sure of delivery. Engineering Manager Chorey said yes. Trustee Schmitz said that the proposal is not a well written document and that she hopes that their services are better. It is fraught with typos and it doesn't reflect well on their work. On the work schedule and deliverables, third party cost estimates begin on November 11 and is two weeks an acceptable amount of time? We want to make sure that we end up with good information and she is concerned with two-week time frames. Engineering Manager Chorey said that is yet to be determined as it could be CMAR or another contractor. Two weeks is a bit accelerated and it could

take up to three weeks with the Board meeting movement; it is appropriate at this level. Trustee Schmitz said she wants to be clear that if we are using this proposal letter as part of the contract and is that something we are going to do going forward or transition away from. Chairman Callicrate said it is a very valid question and that he had that question as well as it is a tight time frame and schedule. He also spoken with Mr. Dobler and others regarding this and that the scope of work that we have needs to be incorporated into a legal document or a contract. Mr. Dobler worked closely with Staff and TSK and he assured him that most of what he wanted has been incorporated which is the more important of the two so attention to detail is critical. We want to make sure that any documents are thoroughly reviewed. Staff will reach out to District General Counsel per what it says on the agenda and that there is no contract, per say, and asked if the pages of the letter be incorporated into the contract itself with the proviso that Staff makes certain that everything meets the District needs. District General Counsel Nelson said that the motion could be captured that way and he would do an approval as to form to make sure that the risk is appropriate, etc. District General Manager Winquest said if you look back over the past several months, Staff has included the contracts in the packet and that he does think that is the best practice and Staff will utilize that moving forward. For years, there has been a lot of concern with the residents and the Board with putting agenda items for authorization to proceed with the contracts subject to General Manager and General Counsel review. He agrees with including the contracts and he will make that happen moving forward. It will go through a thorough legal review and e-mailing out to the Board. Trustee Schmitz said thank you for that clarification and that response as she really appreciates it and it is the right direction to go. Something that she has talked with the Engineering Manager and District General Manager is that she wants to make sure things are in writing. Agenda packet page 21 has the scope of work for Aquatics Design and it includes the uses of the pool and, by default, excludes the wading pool. On the next page, which includes the pool, there is no reference to the wading pool and no wet play features so she wants to make sure that the wading pool is included, all the mechanical components are included, and that the wet play features are included. We want to make sure that when we are designing the mechanical room that it includes the wading pool. Chairman Callicrate said that he is looking at 4.; read the description. Trustee Schmitz said item c., Aquatics Design, it only has confirmation of the size of the pool and on the next page with the details, #2, references Option 1 which doesn't have anything about the wading pool like it does for the swimming pool. Chairman Callicrate said that he felt, in his reading of it, it was automatically included so if it isn't specific, it could be



overlooked. Engineering Manager Chorey said that he spoke to Trustee Schmitz earlier and that he can guarantee that it is included and, to her point, let's get it in writing. Chairman Callicrate said it is a critical component so we want to make that it is not left out. Engineering Manager Chorey said that he will make that change.

Trustee Morris made a motion to authorize a Schematic Design Services Contract for the Burnt Cedar Swimming Pool Improvement Project – Fund: Beaches; Project 3970BD2601; Vendor: Vendor: TSK Architects in the amount of \$68,104. and authorize Staff to execute the contract documents upon a satisfactory legal review. Trustee Wong seconded the motion. Chairman Callicrate asked for further comment.

Trustee Schmitz said that she wanted to clarify that she is really disappointed with the quality of this document as she expected a higher quality deliverable from an architectural firm and that she finds it disappointing.

Hearing no further comments, Chairman Callicrate called the question and the motion passed unanimously.

At 7:32 p.m. Chairman Callicrate called for a break; the Board reconvened at 7:45 p.m.

**PUBLIC COMMENT WILL BE TAKEN ON AGENDA ITEM G.2.**  
Limited to a maximum of three (3) minutes in duration

- G.2. Board of Trustees Workshop: A workshop with the Board of Trustees on Punch Card utilization and accounting and provide direction to Staff for both short-term and long-term modifications to current practices which were introduced to the Board of Trustees on June 30, 2020 (Requesting Staff Member: Director of Finance Paul Navazio)**

Director of Finance Navazio gave an overview of the submitted materials. Trustee Schmitz said that this is one of the items that is being part of the Audit Committee external review and that is how this is being handled so she thinks that input will be important as part of all of this and this presentation as well. Director of Finance Navazio said it is more than contra revenue and that will provide meaningful and helpful information as the



Board navigates the future of the punch cards within the District. Director of Finance Navazio continued his presentation. Trustee Schmitz said, referencing agenda packet page 43, the middle example, example 2, right hand column, where you have golf and the charges of services, that this is for someone who has beach access and is using a punch card at the golf course. In this example, it is saying that charges for services is \$175 and the punch card is used for \$40 with the net being \$135 but if one is using a punch card, so she is a little confused as it is her understanding that they are only paying \$75 which is paying the resident rate and this doesn't show that. Do you see what she is saying and do you understand what her question is? Director of Finance Navazio said yes, what is confusing here is that in the example there are four funds that are impacted and if you go to the far right, all funds, net impact is \$75 paid. The sale at the cash register is recorded at \$175, punch card is recorded at \$100 and only pay \$75 in cash. Trustee Schmitz said so what she missed is you have got \$40 in Community Services and \$60 in Beaches because you are only actually collecting \$75? Director of Finance Navazio said \$175 is the transaction, \$100 is paid with a punch card and \$75 is paid in cash and the golf fund show \$175 in revenue with various fund oversets. Trustee Schmitz said she understands it now – recognize \$175 when \$75 is what we are taking in and then we are doing contra revenue using \$100 in punch card value. Director of Finance Navazio suggested going to example 1 and this is a picture pass player. \$100 parcel allowance is reflected in the golf fund, they will pay \$75, the sale is recognized at \$175 and then there is a parcel owner allowance and in this case, the golf fund shows \$75. This is the way it has been set up and worked for a number of years. Trustee Schmitz said when the Director of Golf/Community Services does his report, the average is \$80 something per round, so is he using \$175 or the net of this – do you know? Director of Finance Navazio said it does show the net however there is a different net where the residents are using picture passes versus the net. He will double check that with the Director of Golf/Community Services, our Accounting Team and the point-of-sales team. Chairman Callicrate said that say that the Board of Trustees decides to say “no more punch cards” which would get rid of contra revenue accounting; does all the nightmare go away? Director of Finance Navazio said it depends on what it is replaced with. Chairman Callicrate said that contra revenue is the biggest bug-a-boo. The Board of Trustees just raised the beaches to \$500 to cover everything so could that be an opportunity to simplify all of this? Director of Finance Navazio said yes and at the end, we can look at the options. There is ample opportunity to simplify however a holistic look might be beneficial. Director of Finance Navazio continued with his presentation. Chairman Callicrate said thanks for

## Minutes

Meeting of September 9, 2020

Page 14

putting this together as it is a lot of information to reabsorb. It seems to him that we keep coming back to contra revenue accounting which has caused a lot of discussion by the Board of Trustees and the community. He knows that the Audit Committee is looking at this and that we should consider picking the lowest hanging fruit so as to immediately quell the fires as our first step. With the General Manager's Ordinance 7 Committee starting up by the end of the month, that presents an opportunity to work very closely with the Board, community, etc. He thinks that simpler is better – resident member rate, guest rate, and a visitor rate. Keeping it as simple as possible, if that is possible, is the way to go and that is his gut feeling. It is just a little muddled so let's make it easier for your team and the people at the rec counter and if we can do it simply, that would be the goal. General Manager Winquest said he doesn't like contra revenue accounting either and until punch cards go away, simple will be better. We can't eliminate punch card accounting in the middle of a budget year and it would be undoing something that this community is used to and that they have been doing for decades. We have to give the community an ample amount of time to adjust to the new normal and work through this. The GM's Ordinance 7 Committee will be making recommendations to him which will inform what we do District-wide. It will be a process that we will move through and spending time on moving through it and into the future. It is not realistic to think we can snap our fingers and the punch cards will go away. Contra revenue is one item that needs to be tackled but there is so much that needs to be done. Trustee Schmitz said, referring to agenda packet page 46, that she thinks we all understand the challenges of the punch cards at the beaches and in looking at agenda packet page 46, she sees the other uses of the punch cards are at Diamond Peak and the Mountain Golf Course so how are they using them there? Do we feel like this should be while accompanying picture pass holders? Do we have a feel for how they are being used such as having a picture pass holder present and how do we make the next step forward? District General Manager Winquest said that on agenda packet page 46, the two dollar amounts were a result of the punch card promotion that we were offering. In 2018, we didn't offer it at Tennis and then it jumped up and it looks different this year because we didn't do that promotion. The Golf Team could give us a better idea as it is a mixed bag. We could give them a family and friends pass to use and then use them while present. Staff can certainly identify as that does help inform what we do with the punch cards. District General Manager Winquest then shared his experience when he worked at the rec counter and the confusion which was a lot and it is really both types of usage on the punch cards. Trustee Wong said that the issue that she has is that the accounting follows the operational practice and the problem is we

are trying to create an accounting solution to a severe operational problem. Let's fix the underlying operational issues and then the accounting will follow. Staff has highlighted the usage and we have had several conversations about this and one of the most elegant was to treat all punch cards as gift cards and then charged accordingly. It would be used as a stored value and we need to solve it and that there is no good way to solve this until we fix the operational issue related to punch cards. Chairman Callicrate said that there has been a lot of talk within the community that when you pay your fees, at the beginning of the year and that is allotted to the District, and with the whole contra revenue, that it is double entering revenue when it has already been paid for. Trustee Wong said that deferred revenue is very different from contra revenue. Contra revenue sits as a liability, we have collected the cash, and no one has used it and no allocation has been made. Chairman Callicrate said he gets that explanation and we need to simplify whenever we can. We need to do so with the rates. Access to the beaches should be that you have to be a property owner or a guest to really have legal access to the beaches. For the other venues, there has to be some way to do it operationally and if we get the operations figured out, then the accounting will follow. We are all grappling with this and we have a community that wants to weigh in. There is no magic bullet but there may be some opportunity to get rid of contra revenue to clear up that aspect. Then, how do we do our pricing to keep it as simple as possible with golf being the most complicated. It is going to take us a few opportunities to get it right as this has been ongoing for over 20 years. Trustee Schmitz said that she has a clarifying question; understands what Trustee Wong is saying but in the end, when we budget, we allocate how the Recreation Fee is divided up between the venues. If we went and had something as deferred, it creates other issues. In the end, it comes down to we have fees, and we budget and allocate accordingly. We make those decisions so does it matter or is it something we want to track such as where are our users and how they use it? If we do it with deferred, we already allocated it and it is still sitting there and we are shifting things around so she doesn't know the purpose. Trustee Wong said that the budget is very different than your actual accounting so she doesn't understand Trustee Schmitz' question. We prepare the budget on what the estimates are. When it comes to the use of the punch cards at venues, it gets allocated, and it doesn't matter what the budget is. Trustee Schmitz said didn't we allocate it to fund our operations? Director of Finance Navazio said we allocate the Recreation Fee and one of the things that complicates this is the nine special revenue funds that we allocate this Recreation Fee to. By going back to enterprise fund accounting, we will simplify within the funds and thus minimize this issue. Do we care if people

## Minutes

Meeting of September 9, 2020

Page 16

are using their punch cards differently – it is all in one fund and we have the Recreation Fee that makes it all work. It does get simpler versus \$4 to Mountain Golf Course because we think that is the level of subsidy needed to break even when in reality it is never that number. The allocation of the Recreation Fee is much more granular than it needs to be. If you add capital and debt, we have 27 funds. If we do pricing, etc. most of the problems go away. Chairman Callicrate said that he likes the simplification, it is more complicated than it needs to be, and we are going to enterprise fund accounting which will alleviate all of this. This is an opportunity for the Board to simplify and do what we can and realize that everything has a consequence. We will not solve all the problems this evening but we can give some kind of direction tonight and that he wants to hear from Board members before going out to public comment. Trustee Morris said when we talk about the fund accounting, a problem is that we solve one problem by creating another; when it goes to one fund and then we create a profit and loss for each venue, that is another problem. He is compelled by what Trustee Wong said and that was what problem are we trying to solve. He would say giving access to those who should have it and how do we account for it and then the accounting follows that. However inelegant the solution we do have, it does work. There isn't double accounting going on rather it is just a laborious effort. Let's solve the operational problem and then look at the accounting. It is going to take a bit of time, he wants to keep it moving forward; make sure it is for the right reasons and that it doesn't give us unintended consequences further down the line. On punch cards, in general, we have received different comments about them such as do away with them all together, etc. and that he wants to be able to give his guests or family a pass so they can go enjoy whatever venue and so that he can go about his business without being present with them. Let's think about the operational processes and then change the number away from punch card. Then, let's have an identification system, at the right price, and at that venue, is what we want to solve. As to guidance to Staff, we don't have a solution but we have to keep talking about it and we have to understand it which is a good thing. By solving our operational problem and providing the right access to the people who should have it, the rest should flow from that. Chairman Callicrate said that he thinks that any decision will have consequences and all hopefully will be good; we are getting there. Trustee Dent said he would be in line with you and getting rid of the contra revenue and that he is having some connection issues so he didn't hear all the comments. We have a long way to go with this. We have a committee who is going to look into Ordinance 7 and so we should wait and hear from them. When it comes to punch cards, we should get away from a system that we

can conform to such as gift cards or pre-loaded cards and find a technology that makes it easier. He doesn't know how much time is wasted to recharge or renew and then have folks to manage that process. We need to find a system that better conforms to the way we account for it and manage the process. He is not saying get rid of punch cards rather just have a better technology than we have been using. Chairman Callicrate said that is a good point about the technology and that the District's Information Technology is in good hands. Ideally, it will be something that can talk throughout all of our venues and then use a card throughout our District at all venues. Trustee Schmitz said that right now we have many good activities going on, before we make any changes, wait until get the information from the Ordinance 7 committee as well as have the Moss Adams review, and we will have both of these things in the next few months. She would hate for our Accounting Department to make changes in the next few months that will cause additional work so we should stay in status quo until we get the results of these two activities. Chairman Callicrate said that point is well taken. Chairman Callicrate opened the matter to public comment.

Cliff Dobler said he just can't resist this so the Director of Finance embarked on a 54 page Powerpoint extravaganza of columns and numbers and this and that and that and this. Now, if you actually read the printed agenda it states to be a workshop on the practice of punch card utilization and accounting instead the agenda was an array of different subject matters leaving one to believe that it might be similar to a Ringling Brothers and Barnum and Bailey Circus. So what is the circus agenda with the Director of Finance as the ring leader? The opening acts – Ordinance 7, recreation, beach and facility fees, accounting for rec passes or picture passes, rack rates, splits, access, special rates. Then the clowns came out into the ring – the second act – recreational standby and service charges, financing community programs, charges for services, fund transfers, contra revenues, face values, forms of payments, timings, buy down, navigations. Then more clowns came out and we got some popcorn and we are only on page 24. The third act – District pricing, pricing structures, base rates, non-residents rate, prepaid cards, impacts, allowances, discounts. More clowns and he now needs an aspirin and a jolt of caffeine. The final act – options, discussions, and next steps. But wait, the circus tent is empty, the spectators have all left. He decided rather than listen to the Director of Finance anymore, he is going to turn on Netflix and see if he can locate the Abbott and Costello routine of who's on first. This agenda item is nothing more than a brazen and successful circus act to confuse everybody and to ensure that nothing gets done so the law, Generally Accepted Accounting Principles,

Board Policies and Practices will continue to be violated. He makes this public comment in fun only because it is appropriate; try to keep it simple. By the way, Ringling and Barnum and Bailey Circus went defunct on May 21, 2017. All of you have a good evening, thank you.

Judith Miller said yes, she could certainly use some of that caffeine as this is the third time that she has been through the presentation by the Director of Finance but anyway she just wants to reiterate that punch cards are an archaic device and we definitely need to do something different. She is still not in favor of this contra revenue as it is a circus. It is not a measure of a venue's success to know how many use something when it is prepaid or free to them or you can buy it down so the user thinks it is more affordable than it really is. It doesn't tell the property owner that they have gotten any special value. They can see the value of their punch card and compare it to the \$166 that they prepaid. She talked to the golf course staff today, at the Championship Golf Course, and to Trustee Schmitz question about are people using their punch cards with a picture pass card holder or just by themselves and when it comes to golf, and when you consider that the rack rate for a weekend is \$220 and the guest rate is \$120 and the resident rate is \$95 and most assuredly would want to go with a picture pass holder because then you would only pay \$25 for your round of golf because you are with a resident because otherwise you would take up more than an entire punch card just to have one round of golf so she thinks it is pretty easy to see that most people would choose to somehow play with a resident if they are going to use a punch card at least at the golf courses. She will say it once again; we have been catering to the short term rentals. They are not our guests or motel or hotel guests and per the District's own policies, they cannot be assigned or sold recreation privileges yet she believes that is what is happening, they are being sold privileges. Ordinance 7 – punch cards - doesn't say access, it is used as payment, not necessarily to gain access. There is a lot for our Ordinance 7 committee to do and she is looking forward to hearing their comments and conversations.

Frank Wright said he is a candidate for the Board and a member of the Ordinance 7 committee. Mr. Dobler put this in the circus mentality and he would take it one step further to One Flew Over the Cuckoo's Nest as this is the way this has evolved and the different ways of getting around things. These recreational venues are funded by a Recreation Fee who is funded by the parcel owners. The parcel owners should have first serve all the way and forget about the tourists and the short term rentals. Hopeful when we get on this committee, others will understand. There is an easy way to

resolve this and that is to throw it all out the window and start over with a simplified system. The community will support anything because it will be based on the parcel owners getting what they deserve finally. Hopefully, we will have a good committee to work through this with good ideas and follow State laws and accounting laws. Take a simple fact for the punch card – if you are not using it at the beaches, you are getting nothing elsewhere except that the punch card gives their guests a reduced rate. The punch cards have to go and we need to come up with a better system that caters to the parcel owner.

Michaela Tonking said she is a candidate for Trustee and that she agrees with addressing the punch card issue. Look into a way of simplifying the punch cards however is punch card utilization consistent across the board? Hopefully, it can be addressed and made much clearer.

Margaret Martini said that she tried very hard to read and process all 54 pages of this agenda item. Unless she is mistaken, much of this is filler to distract from the real issue of the District's failure to comply with Generally Accepted Accounting Principles and Nevada law. After years of our citizens documenting the unlawful transfers of money from the Community Services Special Revenue Fund to the Beach Special Revenue Fund, it should be clear to all that the District's accounting and reporting of punch card utilization is improper. So here's a novel idea, stop double booking revenues, stop the contra revenues and sales allowances to offset them, stop the unlawful transfers of money and START NOW by complying with Nevada law and follow Generally Accepted Accounting Principles to account and report the Community Services and Beach Financial Statements properly! Just as there is no solid accounting foundation to support most of the District's accounting and reporting beginning with reporting Community Services and the Beaches as Governmental rather than Enterprise Funds, there also appears to be no understanding of punch cards. To claim that they are a form of payment is wrong. A statement such as this one, brings into question the validity of many of the other pronouncements. She finds this unacceptable and you should too -because if you are making decisions based upon this information, you are setting us all up for deep trouble ahead. The discussion of any changes to Ordinance 7 should begin with the Citizen Committee we've been told would be established months ago. Hopefully, it will be soon. As our elected officials, you should hear from your voters first on what works and doesn't work in Ordinance 7. You should also be apprised of ALL the administrative actions that have no Board approved policy or practice or representation in Ordinance 7. These include special



discounts for the Hyatt and other commercial businesses, exchange passes, day passes, white passes and other staff determined special privileges that she is still learning about. Please use this time to address proper accounting and reporting-and leave recommendations on recreational and beach privileges and pricing structures to our property owners who pay for the availability of ALL these Recreational and Beach venues and subsidize ALL the costs of providing these facilities to our community and our visitors.

Aaron Katz said that he wanted to echo what Mr. Dobler and Mr. Wright said except he has a different term – gobbledygook. What is the problem – Trustee Morris said he wants to be able to giveaway access to his kids and relatives, none of which are his guests, so substitute that for short term renter. Keep it simple – give a resident discount as only paying \$75 for a round of golf is phony revenue. Listen to the Director of Finance, ask him if he is not accurate, the picture pass holder goes to play, declare the full rate and then declare contra revenue to bring it down. If you think it is going to go away, you are crazy. You can solve the problem by eliminating the punch cards. As to the guest rate, there is not guest rate other than at the golf course. So how come when we are at the golf course, it is reduced at the golf course? The picture pass is reduced and the punch card is worthless. Adopt a guest policy, give the community 6-months' notice, and get rid of the punch card.

Yolanda Knaak said that she is very glad the committee is going to look at Ordinance 7 as it is very confusing what people are saying that punch cards are being sold to residents and then someone said sold to non-residents; she would like clarification.

Hearing no further public comments, Chairman Callicrate brought the matter back to the Board and said that the most prudent way to move forward is to empanel the Ordinance 7 committee and then have the Moss Adams report. District General Manager Winqest said everyone agrees that we don't like contra revenue, hit the pause button with Ordinance 7, and that we are awaiting the Moss Adams report; Staff is clear on what's going on. He will formalize it in an e-mail to the Board and give the Board one more opportunity to come back to him. Director of Finance Navazio said that he thinks that is fine. There is an opportunity to have one intermediate step and that is not booking it month to month and have another check in. Contra revenue is the easiest thing and that he would encourage the momentum for looking at the issues and waiting until more discussion has occurred with the Audit Committee and the Moss Adams report. Staff is working on the



audit for this year's financial statements and we would like to stay on this path. Trustee Schmitz said she said hit the pause button and that the reason is we don't want to go down one path and have the Ordinance 7 committee come back and reverse things. She just wanted to be clear on why she made that statement because of the amount of work to start making changes and if you know that we have an Ordinance 7 committee looking at this that it is important for them to weigh in. Stop the contra revenue, which is easily done, is a good first step in this process, for her, and in thinking about the long term and where we are going and what we want to accomplish and addressing something for the immediate and not the long term of the District. Chairman Callicrate said that he thinks it is all there so he would like to ask the District General Manager to summarize everything that you have heard and get it out to the Board in an e-mail and then we can weigh in and that's a good way to go tonight. As to the contra revenue suggestion by the Director of Finance, it is one easy doable item to work on in the next couple of weeks. Trustee Schmitz said that the other thing that might be worth looking at is booking at rack rate versus discount however she doesn't know if that can be easily changed? Director of Finance Navazio said he thinks it is because of the budget and point of sale. While we have time, we need to be moving forward, and in contemplation of that change, Staff will be starting our process in a couple of months, and that work should be done quickly. Chairman Callicrate said that is not the impression rather it is to move forward judiciously and do things that are appropriate.

**H. APPROVAL OF MINUTES (for possible action)**

**H.1. Meeting Minutes of August 12, 2020**

Chairman Callicrate asked for any changes to the submitted minutes. Trustee Schmitz said that she found a couple of typographical errors which are minor changes. Chairman Callicrate asked Trustee Schmitz to send those to our Board Clerk after the meeting and then approved the minutes with minor changes from Trustee Schmitz.

**I. BOARD OF TRUSTEES UPDATE (NO DISCUSSION OR ACTION) ON ANY MATTER REGARDING THE DISTRICT AND/OR COMMUNITIES OF CRYSTAL BAY AND INCLINE VILLAGE, NEVADA\***

There were no Board of Trustees updates at this time.

**J. PUBLIC COMMENTS\* - Limited to a maximum of three (3) minutes in duration.**

Cliff Dobler said that he thinks the problem that you people need to understand is whatever you want to do with Ordinance 7 and the accounting needs to be done in accordance with GAAP; when it comes to the accounting, you have to do it in accordance with GAAP. Tying them together is not correct. You can eliminate the contra revenue whenever you want to and the markups because at the end of the day, it must be in accordance with GAAP. Director of Finance and District General Manager say you can't do one without the other which gives you the ability to do nothing. He doubts seriously anything will be done to eliminate punch cards. You have to look at the accounting which is done separately and keep it in accordance with the law. Stay away from the mental gymnastics. It is like sheep – keep going down the range and eating the grass. These are separate and are not to be conflated.

Frank Wright said, one, let's talk about public correspondence. Every citizen has the right to freedom of speech and that he is glad that no one said that is not a legal problem. Nobody is at risk and that this is something that is so ludicrous when it is very simple to x it out. We have a right to have public correspondence because the public has information that is vital to the Board who needs to study it and so others can see it. Taking it away is just wrong so go ahead and do it and don't worry about it; put the public correspondence back into the Board packet. One more thing on Ordinance 7 and punch cards, everything can be worked out and we are going to get a lot done.

**K. ADJOURNMENT (for possible action)**

The meeting was adjourned at 9:37 p.m.

Respectfully submitted,

Susan A. Herron  
District Clerk

**Attachments\*:**

\*In accordance with NRS 241.035.1(d), the following attachments are included but have neither been fact checked or verified by the District and are solely the thoughts, opinions, statements, etc. of the author as identified below.

Submitted by Aaron Katz: Written statement to be included in the written minutes of this September 9, 2020 regular IVGID Board Meeting – Agenda Item G(2) – Director to Staff for adoption of a future punch card utilization and accounting policy

Submitted by Aaron Katz: Written statement to be included in the written minutes of this September 9, 2020 regular IVGID Board Meeting – Agenda Item C – Public comments – For the nth time the time, I request the Board rescind Policy Resolutions 1492, 1493, 1619 and 1701, the Recreation Center’s community programming scholarship program, and any other similar policies

Submitted by Aaron Katz: Written statement to be included in the written minutes of this September 9, 2020 regular IVGID Board Meeting – Agenda Item C – Public Comments – The tens of thousands of dollars of our Recreation (“RFF”) and Beach (“BFF”) facility fees or sewer or water rates, tolls or charges which are needlessly spent on membership dues in all sorts of third party organizations – here the Reno Tahoe Territory

Submitted by Aaron Katz: Written statement to be included in the written minutes of this September 9, 2020 regular IVGID Board Meeting – Agenda Item C – Public Comments – The tens of thousands of dollars of our Recreation (“RFF”) and Beach (“BFF”) facility fees or sewer or water rates, tolls or charges which are needlessly spent on membership dues in all sorts of third party organizations – here the North Tahoe Business Association

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organizations – here the Northern Nevada Consortium for Cooperative Purchasing

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Submitted by Aaron Katz: Written statement to be included in the written minutes of this September 9, 2020 regular IVGID Board Meeting – Agenda Item C – Public Comments – The tens of thousands of dollars of our Recreation (“RFF”) and Beach (“BFF”) facility fees or sewer or water rates, tolls or charges which are needlessly spent on membership dues in all sorts of third party organizations – here the National Golf Foundation

Submitted by Aaron Katz: Written statement to be included in the written minutes of this September 9, 2020 regular IVGID Board Meeting – Agenda Item C – Public Comments – The tens of thousands of dollars of our Recreation (“RFF”) and Beach (“BFF”) facility fees or sewer or water rates, tolls or charges which are needlessly spent on membership dues in all sorts of third party organizations – here Ski California

Submitted by Aaron Katz: Written statement to be included in the written minutes of this September 9, 2020 regular IVGID Board Meeting – Agenda Item C – Public Comments – The tens of thousands of dollars of our Recreation (“RFF”) and Beach (“BFF”) facility fees or sewer or water rates, tolls or charges which are needlessly spent on membership dues in all sorts of third party organizations – here the National Ski Areas Association

**WRITTEN STATEMENT TO BE INCLUDED IN THE WRITTEN MINUTES OF THIS SEPTEMBER 9, 2020 REGULAR IVGID BOARD MEETING – AGENDA ITEM G(2) – DIRECTION TO STAFF FOR ADOPTION OF A FUTURE PUNCH CARD UTILIZATION AND ACCOUNTING POLICY**

**Introduction:** Here staff ask for Board direction to modify current punch card utilization and accounting practices in accord with those allegedly introduced at the Board’s June 30, 2020 meeting. But the simple fact of the matter is that the District’s current practices are either expressly set forth in Ordinance 7<sup>1</sup>, or they don’t exist<sup>2</sup>. Which means what staff are really asking for, is direction to either modify or repeal Ordinance 7, and if the latter, to replace it with some new policy resolution. And that’s the purpose of this written statement.

**The Board’s July 22, 2020 Meeting:** The subject of punch cards was most recently agendized for the Board’s July 22, 2020 meeting<sup>3</sup>. Take a look at the Board packet in support of that agenda item<sup>4</sup>. Now compare it to the staff memorandum and supporting documentation in the current meeting’s Board packet<sup>5</sup>. It’s essentially a re-write of the same staff material which was prepared in anticipation of the Board’s July 22, 2020 meeting. The only major difference is a table which allegedly “summarizes the issues and concerns identified in the earlier Board presentation.”<sup>6</sup>

At that meeting I submitted a written statement which addressed the various issues surrounding punch cards as I saw, and currently see them<sup>7</sup>. I reiterate those issues as well as my responses. But before I do, let’s go back to the Board’s June 30, 2020 meeting.

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<sup>1</sup> “An Ordinance Establishing Rates, Rules and Regulations For Recreation Passes And...Punch Cards” (go to [https://www.yourtahoeplace.com/uploads/pdf-ivgid/rec\\_ordinance\\_7\\_1998.pdf](https://www.yourtahoeplace.com/uploads/pdf-ivgid/rec_ordinance_7_1998.pdf)).

<sup>2</sup> ¶72 of Ordinance 7 makes clear that *only* “amendments to this ordinance subsequently adopted by the Board (shall act to)...modif(y)...the recreation privileges issued under this ordinance.” In other words, to the extent staff’s current punch card utilization and accounting practices differ or expand upon what appears in Ordinance 7, they simply *don’t exist!*

<sup>3</sup> See agenda item H(2) at page 2 of the packet of materials prepared by staff in anticipation of the Board’s July 22, 2020 meeting [“the 7/22/2020 Board packet” ([https://www.yourtahoeplace.com/uploads/pdf-ivgid/0722\\_-\\_Regular\\_-\\_Searchable.pdf](https://www.yourtahoeplace.com/uploads/pdf-ivgid/0722_-_Regular_-_Searchable.pdf))].

<sup>4</sup> See pages 68-90 of the 7/22/2020 Board packet.

<sup>5</sup> See pages 30-83 of the packet of materials prepared by staff in anticipation of this September 9, 2020 meeting [“the 9/9/2020 Board packet” ([https://www.yourtahoeplace.com/uploads/pdf-ivgid/0909\\_-\\_Regular\\_-\\_Searchable.pdf](https://www.yourtahoeplace.com/uploads/pdf-ivgid/0909_-_Regular_-_Searchable.pdf))].

<sup>6</sup> See page 32 of the 9/9/2020 Board packet.

<sup>7</sup> See pages 142-153 of the packet of materials prepared by staff in anticipation of the Board’s August 12, 2020 meeting [“the 8/12/2020 Board packet” ([https://www.yourtahoeplace.com/uploads/pdf-ivgid/0812\\_-\\_Regular\\_-\\_Searchable.pdf](https://www.yourtahoeplace.com/uploads/pdf-ivgid/0812_-_Regular_-_Searchable.pdf))].

**The Board's June 30, 2020 Meeting:** The subject of punch cards was agendaized for the Board's June 30, 2020 meeting<sup>8</sup>. Take a look at the Board packet in support of that agenda item<sup>9</sup>. Now compare it to the staff memoranda and supporting documentation in the 7/22/2020<sup>4</sup> and the current<sup>5</sup> meetings' Board packets. They're essentially re-writes of the same staff material which was prepared in anticipation of both meetings<sup>10</sup>.

**Take a Look at the Beach Deed<sup>11</sup>. There's No Mention Whatsoever of Punch Cards:**

**Take Another Look at the Beach Deed<sup>10</sup>. There is Mention of a Guest Policy:** It appears at page 1, line 28 through page 2, line 6, and it reads as follows:

*"It is hereby covenanted and agreed that the (beaches)...and any improvements now or hereafter located thereon, shall be held, maintained and used by (IVGID)...only for the purpose of recreation by, and for the benefit of, property owners and their tenants...and, as the Board...may determine, the guests of such property owners."*

**Take Another Look at the Beach Deed<sup>10</sup>. There's Nothing Which Prohibits IVGID From Charging a Property Owners' Guests a Fee to Access and Use IVGID's Recreation Facilities in General, and the Beaches in Particular:** In fact to the contrary, express authority appears at page 2, lines 15-16, and it reads as follows:

The "Board...shall have authority to levy assessments and charges as provided by law."

**Does Any Property Owner With Beach Access Want His/Her Family Members and Legitimate Guests to Accompany Him/Her on the Beaches?** Of Course he/she does!

**Does Any Property Owner With Beach Access Want to Be Charged a Fee in Addition to His/Her Beach Facility Fee ("BFF") For His/Her Family Members and Legitimate Guests to Accompany Him/Her on the Beaches?** Of Course he/she does not!

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<sup>8</sup> See agenda item F(3) at page 1 of the packet of materials prepared by staff in anticipation of the Board's June 30, 2020 meeting ["the 6/30/2020 Board packet" ([https://www.yourtahoeplace.com/uploads/pdf-ivgid/0630\\_-\\_Regular\\_-\\_Searchable\\_.pdf](https://www.yourtahoeplace.com/uploads/pdf-ivgid/0630_-_Regular_-_Searchable_.pdf))].

<sup>9</sup> See pages 27-49 of the 6/30/2020 Board packet.

<sup>10</sup> See the attachments noted at page 33 of the 9/9/2020 Board packet: 1) (7/22/2020)...Modifying Punch Card Utilization and Accounting...Presentation;" 2) "Copy of June 30, 2020 Board Presentation...Background Information."

<sup>11</sup> Go to [https://www.yourtahoeplace.com/uploads/pdf-ivgid/Beach\\_Deed.pdf](https://www.yourtahoeplace.com/uploads/pdf-ivgid/Beach_Deed.pdf).

**So Now You Hopefully Understand the *Real* Purpose of Punch Cards:** Not to give the family and guests of local property owners with beach access, access to and use of the beaches. But rather, to ensure that they're *not* charged guest fees<sup>12</sup>.

**Notwithstanding I and Others Have Been Demanding a Guest Policy Insofar as Access to and Use of the Beaches Are Concerned, Staff and Past Boards Have Adamantly Refused:**

**And Because Staff and Past Boards Have Refused, Local Property Owners With Legitimate Beach Access Have Suffered Having to Deal With Massive Beach Overcrowding by Outsiders:**

**Thus We Eliminate the Massive Beach Overcrowding Issue by the Board Adopting a Beach Guest Policy:** A policy, which in part, mandates that all guests of a picture passholder ("PPH") be physically accompanied by the PPH. This was the official policy right from the beginning of beach access<sup>13</sup>. When IVGID acquired the beaches because the Recreation Association lacked the financial wherewithal to acquire the beaches from Incline Village's real estate developer, this policy for guest access to the beaches was continued (according to long time Incline Village property owners and residents). Until approximately thirty-five (35) years ago when access was allowed with "coupons" (the predecessor to punch cards). *Why did it change?* Whatever the answer, there is nothing which prevents the Board from adopting a guest policy which requires beach guests to be physically accompanied by an Incline Village property owner with beach access.

**The Notion of Requiring "Guests" to be Physically Accompanied by a Local Property Owner Who Pays the RFF/BFF is Neither a "New" Notion, Nor is it a Nouvelle One:** "Guest rates" are not provided for at any other IVGID recreation facility than golf<sup>14</sup>. And insofar as golf is concerned, such

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<sup>12</sup> This is precisely what I argued at page 146 of the 8/12/2020 Board packet.

<sup>13</sup> At the Board's July 24, 2018 meeting I submitted a written statement [see pages 283-313 of the packet of materials prepared by staff in anticipation of the Board's August 27, 2018 meeting {"the 8/27/2018 Board packet" ([https://www.yourtahoeplace.com/uploads/pdf-ivgid/8-27-18\\_-\\_Item\\_H.1\\_-\\_Minutes\\_-\\_07242018.pdf](https://www.yourtahoeplace.com/uploads/pdf-ivgid/8-27-18_-_Item_H.1_-_Minutes_-_07242018.pdf))}] I asked be attached to the minutes of that meeting wherein I provided a history of IVGID's acquisition of the beaches. In that written statement I outlined how initially, the beaches were going to be an Incline Village homeowners' association amenity available to local property owners (see page 288 of the 8/27/2018 Board packet). I referenced a May 15, 1964 letter from attorney McDonald to Recreation Association Members [see fn. 41 at page 288 of the 8/27/2018 Board packet (that letter is attached as Exhibit "A" to this written statement)]. In that letter Mr. McDonald reminded each purchaser of property that "as part of the consideration for the purchase of (his/her Incline Village) property, every purchaser" became a member of a Recreation Association which was to own the beaches. Mr. McDonald went on to announce that "the following (beach) regulations have been adopted. 1. *No person may use any of the facilities of the community beaches in Incline Village unless personally accompanied by (an homeowners' association) member;*" (and) 2. For each guest, accompanied by a member, the following charges w(ould) be collected and paid into the general fund of the Recreation Association..."

<sup>14</sup> Go to <https://www.yourtahoeplace.com/golf-incline/rates-specials/ivgid-pass-rates>.



golfers must be the guest of an active IVGID Picture Pass holder *at the time of play* to qualify for these rates." In other words, he/she must be physically accompanied by an active IVGID PPH. None of this punch card in lieu. So *if good enough for golf, why not more than good enough for the beaches which are not public?*

**And We Eliminate the Need For Punch Cards by Only Allowing Beach Access With a Picture Pass, or as a Legitimate Guest of a PPH:** That's right. No Picture Pass, no beach access unless you're a legitimate guest who is physically accompanied by a PPH.

**And We Eliminate the Need For Punch Cards as a Means of Paying For Beach Access For Family or Legitimate Guests by Loading Their Equivalent Value Onto Picture Passes in Lieu:**

**Which Means We *Eliminate* Punch Cards<sup>15</sup>:**

**Unless You Want to Turn Punch Cards Into Something Other Than What They Were Ever Intended to Be; "Value" Passes:** And therein lies the problem.

**What's So Magical About a Parcel Owner Being Entitled to Five (5) PPHs or Punch Cards?** *Nothing.* The number could just as easily be two (2) or ten (10).

**So What Do Empty Nesters Get For Their RFF/BFF Compared to What John Eppolito's Family of Six (6) Gets?** Is it any wonder then that empty nesters cry foul?

**What Do Second Homeowners or Vacation Rental Owners Get For Their RFF/BFF Compared to the Full Time Resident Parcel Owner?** Given staff tell us that ⅓ of all parcel owners are largely absentee owners, is it any wonder they cry foul?

**So For *Political Reasons*, Past Boards Came Up With the Idea Punch Cards Should Offer "Value:"** If Mr. Eppolito's family can get five (5) PPHs, why can't the empty nester's family of two (2) also get five (5) somethings? So past Boards decided to let each parcel owner get some combination of five (5) PPHs and/or Punch Cards. And let's load punch cards with some "value;" 20% of the BFF and/or RFF.

**Now That Punch Cards Have Some "Value," What Can it Be Spent On?** Originally beach access, primarily for a parcel owner's guests. But that wasn't good enough! So someone came up with the idea its built in value could be used to reduce user fees at the district's recreational facilities to "buy down" the retail rack rate, to the preferred resident rate.

But that wasn't good enough either. So someone came up with the idea its built in value could be used to pay boat launch fees at Ski Beach.

But that wasn't good enough either. So someone came up with the idea its built in value could be used to pay for play and season passes at the Mountain Golf Course.

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<sup>15</sup> Just as I argued on July 22, 2020 (see page 147 of the 8/12/2020 Board packet).

But that wasn't good enough either. So the tennis players in our community demanded the same benefits as Mountain course golfers. And now they can use the built in value of punch cards towards tennis memberships.

**Are You Getting the Picture? The Purpose For Punch Cards Has Changed to Not Just Paying For a Parcel Owner's Guest's Access to and Use of the Beaches, But Now Some Debit Card "Value" at the District's Other Recreational Facilities:**

**We Eliminate the Need For Punch Cards by Eliminating Their "Value" Aspect:**

**Or We Create Two Types of Punch Cards; One to Pay For Our Legitimate Guest's Access to and Use of the Beaches, and Another to Evidence the So Called "Value" We Get For Involuntary Payment of the RFF/BFF:**

**And if Punch Cards Are Going to Evidence "Value," That Value Should Extend Across the Board to ALL District Owned Recreational Facilities:** not just the Mountain Course and the Tennis Center.

**And if the Board is Not Willing to Do This, Then We Should Eliminate Punch Cards Altogether:**

**Conclusion:** Because staff are attempting to accomplish too many extraneous endeavors with punch cards (like perpetuating the propaganda of "value" in exchange for forced payment of the RFF/BFF), and not all parcel owners within the District are entitled to beach access, staff have created an administrative and financial reporting nightmare which simply can't be reconciled. The simple solution to this nightmare is to eliminate punch cards altogether. After all, if a punch card has a "value" of one-fifth of the RFF/BFF combined, and this value can be redeemed at the Mountain Golf Course, Tennis Center, and for water craft launching at Ski Beach, *why isn't a picture pass* loaded with the *same* allocated value? If one must be an owner of a parcel which is located within IVGID's June of 1968 boundaries in order to secure beach access, why is it someone who is not even an owner can gain that same beach access simply because he/she is in possession of a punch card? Punch cards should be eliminated, and this should be the recommendation to the Board. And as a consequence, let's come up with some means of not charging a picture pass holder's legitimate guests who accompany him/her onto the beaches which as I have demonstrated was the real purpose for punch cards when they were created.

And to those asking why our RFF/BFF are as high as they are, and never seem to go down, now you have another example of the reasons why.

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

**EXHIBIT "A"**

**Incline Village Recreation Association**

10000 W. WILSON BLVD.  
INCLINE VILLAGE, NEVADA

May 15, 1964

*Handwritten notes:*  
Incline Village  
Recreation Association  
Office

**TO RECREATION ASSOCIATION MEMBERS:**

As many of you probably already know, the new Olympic-size pool and bath house on the Burnt Cedar Community Beach have been completed and will be in operation May 30. In addition, picnic tables are being purchased and the entire area is being irrigated so it can become a luxurious green expanse for your enjoyment. This is all being financed as far as possible by the property owners at Incline Village. All these improvements have been financed by monies advanced to the Recreation Association from the Crystal Bay Development Co.

To recap for those who may have forgotten some of the details, two large beach areas in Incline Village have been set aside for the use of the Recreation Association. These two beaches have a total lake frontage of about 2000 feet, over one-half mile. As part of the consideration for the purchase of property, every purchaser at Incline Village has contracted to pay yearly dues sufficient to purchase, improve, and maintain these community beaches, but such dues are not to exceed \$50.00 per year.

Since the members of the Recreation Association are providing the financial wherewithal, it is only proper that the use of these facilities be limited to its members. In accordance, the following regulations have been adopted.

1. No person may use any of the facilities of the community beaches in Incline Village unless personally accompanied by a member.
2. For each guest, accompanied by a member, the following charges will be collected and paid into the general fund of the Recreation Association. Adults \$1.50. Children \$.75.

These regulations have been set up on a trial basis and are subject to change. It is planned to have a meeting of the entire membership about July 15. By this time it is hoped that any possible kinks will have been worked out. At that time a full report on finances and operations will be available and suggested changes in operations can be considered. Also at this meeting, discussions can be held concerning election of officers.

On receipt of the information requested on the enclosed sheet, membership cards will be sent for each member of your immediate family and a sticker for your car or cars, will be furnished. It will be necessary to have these cards in your possession to obtain admittance to either beach. Also no cars will be permitted in the picnic or parking area without a sticker affixed to it.

Burnt Cedar Beach is located 3 blocks southeast of the junction of State Highways 27 and 28. The Incline Village Community Beach is near the Sierra Tahoe Hotel, and a boat launching ramp for members is being provided here. Hoping this is all satisfactory to the membership,

Sincerely yours,

INCLINE VILLAGE RECREATION ASSOCIATION

*Robert McDonald*  
Robert McDonald, President

65-968

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**WRITTEN STATEMENT TO BE INCLUDED IN THE WRITTEN MINUTES OF THIS SEPTEMBER 9, 2020 REGULAR IVGID BOARD MEETING – AGENDA ITEM C – PUBLIC COMMENTS – FOR THE NTH TIME THE TIME, I REQUEST THE BOARD RESCIND POLICY RESOLUTIONS 1492, 1493, 1619 AND 1701, THE RECREATION CENTER’S COMMUNITY PROGRAMMING SCHOLARSHIP PROGRAM, AND ANY OTHER SIMILAR POLICIES**

**Introduction:** At the Audit Committee’s September 1, 2020 meeting the District’s attorney, Josh Nelson, opined on *Dillon’s Rule*<sup>1</sup>. In response to complaints raised by local residents as to the authority of general improvement districts (“GIDs”) to donate public funds, public property, and partial/exclusive use of public facilities and programs, he stated this was a complaint he,

*“agree(d) with...IVGID does not have the same express authority (of counties and cities) to make donations...because if you look at the NRS, the NRS says cities and counties can make donations. (But) there’s no similar provision in NRS 318.”*<sup>2</sup>

So now that we have an opinion from our legal representative that for some time IVGID has been engaging in activities beyond its powers, isn’t it time the Board eliminates those activities? In other words, donating away public property the costs of which are involuntarily subsidized by those paying the Recreation (“RFF”) and Beach (“BFF”) Facility Fees? And that’s the purpose of this written statement.

**Resolution 1492**<sup>3</sup>: Allows unelected staff to “waive fees<sup>4</sup> for use of District-owned facilities (for)...1. a fundraising benefit for an Incline resident, provided...all proceeds go toward a major medical expense for a specific person, and not a group or organization; or 2. a meeting of a governmental agency.”

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<sup>1</sup> See pages 111-132 of the packet of materials prepared by staff in anticipation of the Audit Committee’s September 1, 2020 meeting [[https://www.yourtahoeplace.com/uploads/pdf-ivgid/0901\\_-\\_Audit\\_-\\_Searchable-1.pdf](https://www.yourtahoeplace.com/uploads/pdf-ivgid/0901_-_Audit_-_Searchable-1.pdf) (“the 9/1/2020 Audit Committee packet”)].

<sup>2</sup> IVGID livestreams its public meetings (<https://livestream.com/accounts/3411104>). See 1:20:23-1:20:49 of the September 1, 2020 Audit Committee livestream [“the 9/1/2020 Audit Committee livestream” (<https://livestream.com/ivgid/events/9282214/videos/210527115>)].

<sup>3</sup> This resolution appears at page 278 of the packet of materials prepared by staff in anticipation of the Board’s July 22, 2020 meeting [“the 7/22/2020 Board packet” ([https://www.yourtahoeplace.com/uploads/pdf-ivgid/0722\\_-\\_Regular\\_-\\_Searchable.pdf](https://www.yourtahoeplace.com/uploads/pdf-ivgid/0722_-_Regular_-_Searchable.pdf))].

<sup>4</sup> A nice way of saying “*donate*.”

**Resolution 1493**<sup>5</sup>: Allows unelected staff to make cash “donations” from public funds to local non-profits for unspecified “community programs and events.”

**Resolution 1619**<sup>6</sup>: Allows unelected staff to *donate* complimentary recreation privileges at the public’s recreational facilities<sup>4</sup> for third party fund raising, professional courtesy, trade-out, promotion, or dignitary purposes.

**Resolution 1701**<sup>7</sup>: Allows unelected staff to “donate” complimentary recreation privileges at the public’s recreational facilities to local non-profit, volunteer organization, national organization with a local chapter, or promoter of an activity based in or benefitting Incline Village/Crystal Bay, North Tahoe Region, government agency, or a local school” (whether or not public).

**But There’s More:** Did you know that our staff at the Recreation Center have initiated a policy of “financial assistance...for many of our programs. (Just) call (775) 832-1310 for more information?”<sup>8</sup> It’s called staff’s “scholarship program.” But if you call you will discover there are no “scholarships” *per se* available. Rather, there is a policy of user fee “waivers.” Again, a nice term for “donation” at local property owners’ expense. Yet the facts giving rise to scholarships do not comport with those in Resolution 1492, or 1493, or 1619 or 1701 which arguably justify fee waivers.

So, when it comes to the “Conversation Café” program, “breakfast (user fee) ‘scholarships’ are available.”<sup>9</sup> Similarly, when it comes to Shotokan Karate classes, user fee “scholarships are available.”<sup>10</sup> And I am certain that when it comes to any of the 100+ other programs which operate under the auspices of our Recreation Center, similar fee waivers are available. We know for instance, according to staff’s scholarship instruction form<sup>11</sup>, they apply to user fees for IVGID’s: Youth Basketball League, Girl’s Softball League, Kidz Club Before & After School Programs, Camp XTREME, Teen Adventure Trips, Recreation Center Totally Active, Youth Swim Lessons, Silver Star Swim Team, Tennis All Star Clinics, Tennis Youth Camps, Tennis Competitive Clinics, etc.

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<sup>5</sup> See pages 18-19 at [https://www.yourtahoeplace.com/uploads/pdf-ivgid/IVGID\\_Policy\\_and\\_Procedure\\_Resolutions.pdf](https://www.yourtahoeplace.com/uploads/pdf-ivgid/IVGID_Policy_and_Procedure_Resolutions.pdf).

<sup>6</sup> See pages 38-41 at [https://www.yourtahoeplace.com/uploads/pdf-ivgid/IVGID\\_Policy\\_and\\_Procedure\\_Resolutions.pdf](https://www.yourtahoeplace.com/uploads/pdf-ivgid/IVGID_Policy_and_Procedure_Resolutions.pdf).

<sup>7</sup> See pages 53-58 at [https://www.yourtahoeplace.com/uploads/pdf-ivgid/IVGID\\_Policy\\_and\\_Procedure\\_Resolutions.pdf](https://www.yourtahoeplace.com/uploads/pdf-ivgid/IVGID_Policy_and_Procedure_Resolutions.pdf).

<sup>8</sup> See “Scholarships Available” at <https://www.yourtahoeplace.com/parks-recreation/programs/registration>.

<sup>9</sup> Go to <https://www.yourtahoeplace.com/parks-recreation/programs/senior-programs>.

<sup>10</sup> Go to <https://www.yourtahoeplace.com/parks-recreation/programs/teen-programs> and <https://www.yourtahoeplace.com/parks-recreation/programs/youth-programs>.

<sup>11</sup> Attached as Exhibit “A” to this written statement is a past scholarship instruction form prepared by staff which outlines the parameters of this program.

And I am certain there are all sorts of other fee waiver/donation programs in effect that most of us are completely unaware of!

**Rescission of All of These Resolutions, Policies and Programs Are Long Overdue:** because public philanthropy is not an authorized GID power.

**Conclusion:** Like I said at the Board's June 23, 2020 meeting<sup>12</sup>, here we have examples staff's "feel good" resolutions and policies we see IVGID has no power to adopt, and which come at the direct expense of the owners of local parcels/dwelling units assessed the RFF/BFF (given they are funded/subsidized by both). For all of these reasons, I ask the Board to agendize formal repeal of Resolutions 1492, 1493, 1619 and 1701, as well as staff's recreation programming "scholarship program."

And to those asking why our RFF/BFF are as high as they are, and never seem to go down, now you have another example of the reasons why.

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

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<sup>12</sup> See page 276 of the 7/22/2020 Board packet.

**EXHIBIT "A"**





Incline Village Parks & Recreation Department  
980 Incline Way, Incline Village, NV 89451  
PH: 775.832.1310 FAX: 775.832.1380  
EMAIL: [parksandrec@ivgid.org](mailto:parksandrec@ivgid.org) On the Web: [www.inclinerecreation.com](http://www.inclinerecreation.com)

#### Scholarship Applicant:

1. Your IVGID Scholarship will expire on August 31. If you apply and are approved for a scholarship between August 1 and the first day of school, your scholarship will expire August 31 of the following year.
2. Scholarships are available to valid IVGID Photo ID Pass holders only.
3. In order to continue receiving your scholarship starting September 1, you must reapply. The application cannot be faxed because an original signature is required.
4. To complete the approval process, you must submit verification of gross income for the 30 day period prior to the date the application is signed.
  - a. Wages may be verified with pay stubs. If you have not been employed for 30 days, your employer may put in writing your hire date, the number of hours worked per week and the hourly rate of pay. This letter must be signed and include your employers phone number.
  - b. Child support may be verified with a copy of your court order, a bank statement or other financial statement showing the monthly amount or a signed letter from the spouse paying the support. A letter from the spouse paying the support must include the amount of payment and the payee's address and phone number.
  - c. Other income such as social security, pensions, etc must be verified with appropriate documentation.
  - d. Food stamps and/or housing assistance do not need to be verified.
5. Please submit your scholarship application and income verification to IVGID Parks & Recreation Department, Attention: Scholarship.
6. Processing time is up to 5 business days from the time we receive all required information (completed application and income verification). **BE SURE TO APPLY WELL IN ADVANCE OF REGISTERING FOR A PROGRAM.**

Please note scholarship co-payments (amounts) have changed. This will allow the IVGID Parks & Recreation Department to continue providing these services. Some customers may see an increase in costs effective August 1, 2011.

#### Scholarships apply to the following programs:

- Youth Basketball League
- Girls Softball League
- Kidz Club Before & Afterschool Programs
- Camp XTREME
- Teens Adventure Trips
- Recreation Center Totally Active
- Youth Swim Lessons
- IVGID Silver Stars Swim Team
- Tennis All Star Clinics\*
- Tennis Youth Camps\*
- Tennis Competitive Clinic\*

\*Restrictions Apply

If you have questions regarding IVGID's Scholarship Program, please call 775-832-1310.



Incline Village Parks & Recreation Department  
 980 Incline Way, Incline Village, NV 89451  
 PH: 775.832.1310 FAX: 775.832.1380  
 EMAIL: parksandrec@ivgid.org On the Web: www.inclinercreation.com

**Scholarship Application**

Please print. This is a two sided form and both sides must be filled out completely. Please do not leave any section blank. If a section does not apply, please enter "n/a." To be considered for scholarship assistance, you must attach proof of all income, school or training program enrollment and other income/public assistance for the past 30 days. Approved scholarships are effective for the school year, beginning the first day of school as determined by Washoe County School District and ending August 31 of the following year.

**Qualifications:**

- The application must be filled out completely, signed and dated.
- A valid IVGID Photo ID is required.
- 30 days worth of income verification must be turned in (30 days prior to date of the signed application).

Any questions, please call the IVGID Parks & Recreation Department at 775-832-1310.

**SCHOLARSHIP REQUESTS WILL NOT BE PROCESSED WITHOUT THE FOLLOWING INFORMATION.**  
**Please allow 10 business days for processing.**

Program(s)/Course(s) Requested: \_\_\_\_\_

Name of person(s) scholarship is requested for: \_\_\_\_\_

Parent/Guardian Name: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

Email Address: \_\_\_\_\_

Home Address (physical address only): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

List all people living in this household at this address including applicant:

Name	Relationship	Gender	Date of Birth

Verify Monthly Wage Income – This includes self-employment and odd jobs. If you have not been employed within the last 30 days, enter "NONE."

Name	Employer Name and Phone	Monthly Amount

Is the person(s) the scholarship program is requested on the National School Lunch Program (circle one): Yes / No

**OTHER HOUSEHOLD INCOME (check all that apply): All income received in the last 30 days must be listed and verified.**

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> 01 – Alimony/Child Support  | <input type="checkbox"/> 09 – Loans                      | <input type="checkbox"/> 17 – Social Security Retirement   |
| <input type="checkbox"/> 02 – Contributions/Gifts    | <input type="checkbox"/> 10 – Lump Sum Payments          | <input type="checkbox"/> 18 – Social Security Survivors    |
| <input type="checkbox"/> 03 – Dividends              | <input type="checkbox"/> 11 – Military Allotments        | <input type="checkbox"/> 19 – Supplemental Security Income |
| <input type="checkbox"/> 04 – Educational Assistance | <input type="checkbox"/> 12 – Pell Grants                | <input type="checkbox"/> 20 – TANF                         |
| <input type="checkbox"/> 05 – Food Stamps            | <input type="checkbox"/> 13 – Pensions/Trust             | <input type="checkbox"/> 21 – Temporary Disability         |
| <input type="checkbox"/> 06 – Foster Care Payments   | <input type="checkbox"/> 14 – Railroad Retirement        | <input type="checkbox"/> 22 – Tips                         |
| <input type="checkbox"/> 07 – Insurance Settlement   | <input type="checkbox"/> 15 – Royalties                  | <input type="checkbox"/> 23 – Unemployment                 |
| <input type="checkbox"/> 08 – Interest               | <input type="checkbox"/> 16 – Social Security Disability | <input type="checkbox"/> 24 – Veterans Benefits            |
|  |  | <input type="checkbox"/> 26 – Winnings                     |
| <input type="checkbox"/> Other: _____                |  | <input type="checkbox"/> 27 – Worker's Compensation        |

Income Type #	Amount	How Often is the Income Received	Who Receives the Income
<i>Example: 05</i>	<i>\$250.00</i>	<i>Monthly</i>	<i>Family</i>

**AUTHORIZATION/RESPONSIBILITY:** Consent is granted by this form to disclose or release information that is protected by the Privacy Act to appropriate Federal, State and Local agencies. This authorization includes, and is not limited to, the above statistical, income, employment, and educational information. I also understand that deliberate misrepresentation of information subjects the applicant to being disqualified for scholarship consideration. I hereby certify that all the above information is true and correct to the best of my knowledge and belief.

Parent/Guardian Signature: \_\_\_\_\_ Date: \_\_\_\_\_

<b>IVGID OFFICE ONLY:</b>			
Total Gross Monthly Income: _____		Household Size: _____	
<input type="checkbox"/> Approved	Initial _____	Level Scholarship Approved: Level 1 (57%) Level 2 (29%)	Expiration Date: _____
<input type="checkbox"/> Denied	Initial _____	Reason: _____	
Capstone Input Date: _____		Clerk Initial _____	
Approval Email/Phone Contact Made On (date): _____			

Verify Monthly Wage Income – This includes self-employment and odd jobs. If you have not been employed within the last 30 days, enter "NONE."

Name	Employer Name and Phone	Monthly Amount

Is the person(s) the scholarship program is requested on the National School Lunch Program (circle one): Yes / No

**OTHER HOUSEHOLD INCOME (check all that apply): All income received in the last 30 days must be listed and verified.**

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> 01 – Alimony/Child Support  | <input type="checkbox"/> 09 – Loans                      | <input type="checkbox"/> 17 – Social Security Retirement   |
| <input type="checkbox"/> 02 – Contributions/Gifts    | <input type="checkbox"/> 10 – Lump Sum Payments          | <input type="checkbox"/> 18 – Social Security Survivors    |
| <input type="checkbox"/> 03 – Dividends              | <input type="checkbox"/> 11 – Military Allotments        | <input type="checkbox"/> 19 – Supplemental Security Income |
| <input type="checkbox"/> 04 – Educational Assistance | <input type="checkbox"/> 12 – Pell Grants                | <input type="checkbox"/> 20 – TANF                         |
| <input type="checkbox"/> 05 – Food Stamps            | <input type="checkbox"/> 13 – Pensions/Trust             | <input type="checkbox"/> 21 – Temporary Disability         |
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| <input type="checkbox"/> 07 – Insurance Settlement   | <input type="checkbox"/> 15 – Royalties                  | <input type="checkbox"/> 23 – Unemployment                 |
| <input type="checkbox"/> 08 – Interest               | <input type="checkbox"/> 16 – Social Security Disability | <input type="checkbox"/> 24 – Veterans Benefits            |
| <input type="checkbox"/> Other: _____                |  | <input type="checkbox"/> 26 – Winnings                     |
|  |  | <input type="checkbox"/> 27 – Worker’s Compensation        |

Income Type #	Amount	How Often is the Income Received	Who Receives the Income
<i>Example: 05</i>	<i>\$250.00</i>	<i>Monthly</i>	<i>Family</i>

**AUTHORIZATION/RESPONSIBILITY:** Consent is granted by this form to disclose or release information that is protected by the Privacy Act to appropriate Federal, State and Local agencies. This authorization includes, and is not limited to, the above statistical, income, employment, and educational information. I also understand that deliberate misrepresentation of information subjects the applicant to being disqualified for scholarship consideration. I hereby certify that all the above information is true and correct to the best of my knowledge and belief.

Parent/Guardian Signature: \_\_\_\_\_ Date: \_\_\_\_\_

<b>IVGID OFFICE ONLY:</b>			
Total Gross Monthly Income: _____		Household Size: _____	
<input type="checkbox"/> Approved	Initial _____	Level Scholarship Approved: Level 1 (57%) Level 2 (29%)	Expiration Date: _____
<input type="checkbox"/> Denied	Initial _____	Reason: _____	
Capstone Input Date: _____		Clerk Initial _____	
Approval Email/Phone Contact Made On (date): _____			



Incline Village Parks & Recreation Department  
 980 Incline Way, Incline Village, NV 89451  
 PH: 775.832.1310 FAX: 775.832.1380  
 EMAIL: parksandrec@ivgid.org On the Web: www.inclinercreation.com

**Scholarship Application**

Please print. This is a two-sided form and both sides must be filled out completely. Please do not leave any section blank. If a section does not apply, please enter "n/a." To be considered for scholarship assistance, you must attach proof of all income, school or training program enrollment and other income/public assistance for the past 30 days. Approved scholarships are effective for the school year, beginning the first day of school as determined by Washoe County School District and ending August 31 of the following year.

**Qualifications:**

- The application must be filled out completely, signed and dated.
- A valid IVGID Photo ID is required.
- 30 days worth of income verification must be turned in (30 days prior to date of the signed application).

Any questions, please call the IVGID Parks & Recreation Department at 775-832-1310.

**SCHOLARSHIP REQUESTS WILL NOT BE PROCESSED WITHOUT THE FOLLOWING INFORMATION.**

Please allow 10 business days for processing.

Program(s)/Course(s) Requested: \_\_\_\_\_

Name of person(s) scholarship is requested for: \_\_\_\_\_

Parent/Guardian Name: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

Email Address: \_\_\_\_\_

Home Address (physical address only): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

List all people living in this household at this address including applicant:

Name	Relationship	Gender	Date of Birth

**WRITTEN STATEMENT TO BE INCLUDED IN THE WRITTEN MINUTES OF THIS SEPTEMBER 9, 2020 REGULAR IVGID BOARD MEETING – AGENDA ITEM C – PUBLIC COMMENTS – THE TENS OF THOUSANDS OF DOLLARS OF OUR RECREATION (“RFF”) AND BEACH (“BFF”) FACILITY FEES OR SEWER OR WATER RATES, TOLLS OR CHARGES WHICH ARE NEEDLESSLY SPENT ON MEMBERSHIP DUES IN ALL SORTS OF THIRD PARTY ORGANIZATIONS – HERE THE RENO TAHOE TERRITORY**

**Introduction:** On July 21, 2020 I made a public records request to examine records evidencing:

1. All third party group or organization wherein IVGID was a member in 2019;
2. To the extent not already included in paragraph 1 above, any IVGID department or venue which in 2019 was a member of a third party group or organization;
3. To the extent not already included in paragraphs 1 or 2 above, any IVGID employee which in 2019 was a member of a group or organization wherein IVGID paid or reimbursed the employee's membership dues in that group or organization;
4. The yearly membership dues paid or reimbursed by IVGID in each such group or organization identified in paragraphs 1, 2 and 3 above; and,
5. Any additional fees paid to or associated with in any manner whatsoever any such group or organization identified in paragraphs 1, 2 and 3 above, together with records evidencing the reasons for such payments. Examples but not limitations of such fees would extend to continuing education, meetings, conferences, lodging associated therewith, transportation associated therewith, food associated therewith, per diem associated therewith, etc.

My intent was to discover the dozens of third party organizations I believe IVGID is a member of, and for which the RFF/BFF are used to pay yearly membership fees and conference attendance.

On August 21, 2020 IVGID's Public Records Officer, Susan Herron, provided "the dues/subscriptions that (she had)...located, to date, in response to (my) request" which consisted of twenty-three (23) organizations she admittedly did "not feel...(wa)s complete." She stated she would "continue to work on (my) request."

As I go through the records provided, my intent is to share what I discover with the public. And here I share records pertaining to the sixth such organization; the Reno Tahoe Territory ("RTT"). These are the purposes of this written statement.



**The RTT<sup>1</sup>:** In response to my request Ms. Herron provided records evidencing that the RTT was one of the third party organizations in which IVGID is a member.

**What is the RTT?** According to its web site “the RTT (s) a territory of the Nevada Commission on Tourism” whose job is to promote “Reno/Sparks, Carson City, Carson Valley, Virginia City, North Lake Tahoe and South Lake Tahoe, Nevada (as)...tourism-rich destination(s)”<sup>1</sup> to the world’s tourists<sup>2</sup>. According to staff, the RTT is “an offshoot of the Nevada Commission on Tourism (made up of)... hospitality managers and tourism leaders...(who) meet once a month to...discuss trends and events.”<sup>6</sup>

**Does Any of This Sound Like an Appropriate Endeavor For a Limited Purpose State Governmental Subdivision<sup>3</sup>** which supposedly exists to provide services to local property owners [NRS 318.015(1)] Washoe County is unable or unwilling to provide<sup>4</sup>? We’ve had this discussion many times before. General improvement districts (“GIDs”) exist to *only* exercise those expressly enumerated powers in their initiating [see NRS 318.055(4)(b)] or supplemental (see NRS 318.077) ordinances as long as they are “one or more of those authorized in NRS 318.116, as supplemented by the sections of this chapter (NRS 318) designated therein,” *and none other* [see A.G.O. 63-61, p.102, p. 103 (August 12, 1963)]. And according to *Dillon’s Rule*, should there be “any fair, reasonable (or) substantial doubt concerning the existence (or lack of the existence) of power (it) is (to be) resolved...*against* the (municipal) corporation...(and) all acts beyond the scope of...powers granted are void” [*Ronnow v. City of Las Vegas* (1937) 57 Nev. 332, 343, 65 P.2d 133].

Take a look at NRS 318.116. Do you see anywhere that a GID is authorized to furnish for profit business enterprise facilities or services? Of course not! Are you aware of any such power having been granted to IVGID by the Washoe County Board of Commissioners in the former’s initiating ordinance? How about any subsequent supplemental ordinance? Again the answers are no and no.

Is membership in an offshoot of a state tourism organization whose mantra is to promote business, tourism and to encourage the world’s tourists to overwhelm the limited recreation facilities and services allegedly furnished for the primary benefit and use of the local residents of Incline Village/Crystal Bay in the best interests of local residents?

NRS 318.210 does state that a GID “board shall have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted in this chapter...to carry out

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<sup>1</sup> Go to <https://renotahoe.com/>.

<sup>2</sup> “We welcome visitors from across the globe to Reno-Tahoe Territory. Discover more in your native language by clicking here (<https://renotahoe.com/international-visitors/>).”<sup>1</sup>

<sup>3</sup> NRS 318.075(1) instructs that IVGID is “a governmental subdivision of the State of Nevada.”

<sup>4</sup> “The purpose of a general improvement district is to provide municipal-type services to an area which needs them, but which may not need or want the full range of services implied by incorporation” [see ¶III, page 1 of Legislative Counsel Bureau Background Paper 83-4, *General Improvement Districts* (<https://www.leg.state.nv.us/Division/Research/Publications/Bkground/BP83-04.pdf>)].

the purposes and intent of this chapter” (NRS 318). However, is becoming a member in a statewide tourism organization primarily made up of “for profit” businesses a “necessary” activity for a limited purpose governmental subdivision of the State of Nevada? Of course not!

Is the power to pay dues to join an offshoot of a statewide tourism organization primarily made up of private, commercial “for profit” businesses incidental to or to be implied from the express basic powers of NRS 318.116 which have been granted to IVGID by the Washoe County Board<sup>5</sup>? Of course not!

**Membership:** IVGID is a member, and the annual dues are \$150<sup>6</sup>. “Membership includes (a) listing on RenoTahoe.com.”<sup>6</sup>

**An Example of Staff’s Lack of Transparency and Deceit So You Wouldn’t Otherwise Learn of This Expense Were it Not For This Written Statement:** Staff revels in the notion they believe they are transparent in their financial reporting<sup>7</sup>. “In an effort to enhance transparency in financial reporting, IVGID...allows citizens to explore IVGID's financial data online.”<sup>7</sup> IVGID assigns a Chart of Account (“COA”) Name and Number to every one of its expenditures so they can be readily retrieved for financial reporting purposes. According to IVGID’s legend to its COA structure<sup>8</sup>, this expenditure has been assigned the following four COA numbers: 340.34.980.7685<sup>9</sup>. This series of numbers corresponds to: marketing dues & subscriptions associated with Diamond Peak. But wait a minute. What does this expenditure have to do with Diamond Peak? *NOTHING!*

**Why Would IVGID Staff Go Intentionally Out of Their Way to Assign an Expense to a Category Other Than What it Really Was?**

**This Expenditure Was Not Only *NOT* Necessary, it Was Improperly Paid For With the RFF Local Residents Pay:**

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<sup>5</sup> The powers to furnish facilities for water, sewerage, collection and disposal of garbage and refuse, and public recreation.

<sup>6</sup> See Exhibit “A.”

<sup>7</sup> Go to <https://www.yourtahoeplace.com/ivgid/financial-transparency>.

<sup>8</sup> This document is a useful tool to our Board of Trustees, Staff, and our public. This legend...is a useful tool to our Board of Trustees, staff, and our public (and it)...includes four elements – Fund, Department, Division, and Object. This legend (is)...especially helpful in understanding the coding on our...Payment of Bills located on our website” (see <https://www.yourtahoeplace.com/ivgid/financial-transparency/legend-of-our-account-structure>).

<sup>9</sup> This number appears on staff’s Accounts Payable Check Request attached to RTT’s May 28, 2018 membership fee invoice #230. This check request and invoice are attached as Exhibit “A” to this written statement.



**Now My Question to the IVGID Board: WHY DIDN'T YOU UNCOVER THIS TOTALLY IMPROPER EXPENSE WHEN YOU APPROVED THE LATEST 2020-21 BUDGET?**

**Now My Question to Paul Raymor, Our Marketing Manager: WHY DIDN'T YOU TELL THE BOARD AND THE PUBLIC ABOUT THIS TOTALLY IMPROPER EXPENSE WHEN YOU WHEN YOU PRESENTED YOUR LATEST PROPOSED EXL MEDIA CONTRACT?**

**Since This is the Sixth of What I Suspect Will be a Series of Additional Similar Inappropriate Third Party Membership Expenses, Let's Continue the Tally:**

Organization	Yearly Dues	Running Total
North Tahoe Bus Ass'n	\$ 300	\$ 300
SnoCountry	\$ 1,215	\$ 1,515
T-NT Transport Mgmt Ass'n	\$ 2,000	\$ 3,515
BEAR League	\$ 250	\$ 3,765
NLT Conv & Visitors Bureau	\$ 4,050	\$ 7,815
Reno Tahoe Territory	\$ 150	\$ 7,965

**Conclusion:** Limited purpose political subdivisions like IVGID have no power to engage in for profit business enterprises as if they were private entrepreneurs. And they certainly have no power to join or financially support third party organizations which have been created to promote, enhance, reinvigorate, coordinate and direct tourism for the economic betterment of the North Lake Tahoe Region. Yet here IVGID staff contend otherwise. It's called improper government action or waste<sup>10</sup>! And they're dragging us along for the ride with their need for financial subsidies.

I ask the Board to direct staff to discontinue expenditures such as this one, and to reduce the RFF/BFF by a like amount.

And to those asking why our RFF/BFF or sewer/water rates are as high as they are, and never seem to go down, now you have another example of the reasons why.

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

<sup>10</sup> NRS 281.611(1) defines "improper governmental action" as "any action taken by a...local governmental officer or employee in the performance of the officer's or employee's official duties...which is: (a) in violation of any state law or regulation...(c) an abuse of authority...or (e) a gross waste of public money."

**EXHIBIT "A"**



PO Box 6777  
 Stateline, NV 89449  
 www.RenoTahoe.com

# Invoice

Date	Invoice #
5/28/2018	230

<b>Bill To</b>
Diamond Peak Ski Resort/Incline Village Attn: Eric Kertzman 893 Southwood Blvd. Incline Village, NV 89451

<b>Terms</b>
Net 30

Description	Amount
Full Voting Member - Annual Membership Dues [Includes Listing on RenoTahoe.com] July 1, 2018 to June 30, 2019	150.00
<p>Questions? Contact Sue Barton, Chair 530-544-5050 x 224 or sue@LTVA.org</p>	
<b>Total</b>	<b>\$150.00</b>

# Accounts Payable Check Request

Please print or type all information.



This form is to be used for (check all that apply):

- Out-of-Cycle Check Requests
- When no invoice will be available
- Advances for business expenses

1. Vendor Information	
Vendor/Employee #:	Reno Tahoe Territory 2794
Name:	Sue Barton
Street Address:	PO Box 6777
City, State & Zip:	89449
*Please Complete Vendor/Employee # & Address info	

2. Special Instructions
Date Check Needed By:
<input type="checkbox"/> Next Check Run
<input checked="" type="checkbox"/> Other: 7.15.18

3. Reason for Out-of-Cycle Check:
<input type="checkbox"/> Discount <input type="checkbox"/> Contract <input type="checkbox"/> Avoid Penalty
<input type="checkbox"/> Other, explain:

4. Description of Purchase or Date of Travel for Advance
July 1, 2018 - June 30, 2019 Reno Tahoe Territory Membership. An offshoot of the Nevada Commission on Tourism. This group of hospitality managers and tourism leaders from Northern Nevada, Reno & Tahoe, meet once a month to notify and discuss trends and events.
Commission on Tourism. This group of hospitality managers and tourism leaders from Northern Nevada, Reno & Tahoe, meet once a month to notify and discuss trends and events.

5. Purchase Order, please list Purchase Order Number:

6. Accounting Code (Fund-Dept-Div-Object) (example: 100-00-000-7415)		
Acct #	Amount	Description
340-34-980-7685	\$150.00	Membership Dues
- - - -		
- - - -		
- - - -		
- - - -		
Total:		\$ 150.00

7. Requested By:	Approved By:
Name: Eric Kertzman	Name: Paul Raymore
Full Signature:	Full Signature:
Department: Ski	Department: Ski

7.1.18

**WRITTEN STATEMENT TO BE INCLUDED IN THE WRITTEN MINUTES OF THIS SEPTEMBER 9, 2020 REGULAR IVGID BOARD MEETING – AGENDA ITEM C – PUBLIC COMMENTS – THE TENS OF THOUSANDS OF DOLLARS OF OUR RECREATION (“RFF”) AND BEACH (“BFF”) FACILITY FEES OR SEWER OR WATER RATES, TOLLS OR CHARGES WHICH ARE NEEDLESSLY SPENT ON MEMBERSHIP DUES IN ALL SORTS OF THIRD PARTY ORGANIZATIONS – HERE THE NORTH TAHOE BUSINESS ASSOCIATION**

**Introduction:** On July 21, 2020 I made a public records request to examine records evidencing:

1. All third party group or organization wherein IVGID was a member in 2019;
2. To the extent not already included in paragraph 1 above, any IVGID department or venue which in 2019 was a member of a third party group or organization;
3. To the extent not already included in paragraphs 1 or 2 above, any IVGID employee which in 2019 was a member of a group or organization wherein IVGID paid or reimbursed the employee's membership dues in that group or organization;
4. The yearly membership dues paid or reimbursed by IVGID in each such group or organization identified in paragraphs 1, 2 and 3 above; and,
5. Any additional fees paid to or associated with in any manner whatsoever any such group or organization identified in paragraphs 1, 2 and 3 above, together with records evidencing the reasons for such payments. Examples but not limitations of such fees would extend to continuing education, meetings, conferences, lodging associated therewith, transportation associated therewith, food associated therewith, per diem associated therewith, etc.

My intent was to discover the dozens of third party organizations I believe IVGID is a member of, and for which the RFF/BFF are used to pay yearly membership fees and conference attendance.

On August 21, 2020 IVGID's Public Records Officer, Susan Herron, provided "the dues/subscriptions that (she had)...located, to date, in response to (my) request" which consisted of twenty-three (23) organizations she admittedly did "not feel...(wa)s complete." She stated she would "continue to work on (my) request."

As I go through the records provided, my intent is to share what I discover with the public. And here I share records pertaining to the first such organization; the North Tahoe Business Association. These are the purposes of this written statement.

**The North Tahoe Business Association**<sup>1</sup> (“NTBA”): In response to my request Ms. Herron provided records evidencing that the NTBA was one of the third party organizations in which IVGID is a member.

**What is the NTBA?** According to its web site “the NTBA was founded in 1979 by business and community leaders responding to a need to represent the local business community and promote the North Shore as a vibrant community.”<sup>2</sup> “The mission of the NTBA is to improve the economic vitality and quality of life in the communities of North Lake Tahoe including Carnelian Bay, Crystal Bay<sup>3</sup>, Tahoe Vista, and Kings Beach as the commercial core. NTBA achieves its mission through leadership, communications, collaboration, advocacy, special events and marketing. In addition, NTBA assists members with marketing their businesses, acting as an information provider, and giving members an opportunity for voices to be heard. NTBA is working towards building a desirable place to live, work, play, visit, and do business.”<sup>4</sup>

**Does Any of This Sound Like an Appropriate Endeavor For a Limited Purpose State Governmental Subdivision**<sup>5</sup> which supposedly exists to provide services to local property owners [NRS 318.015(1)] Washoe County is unable or unwilling to provide<sup>6</sup>? We’ve had this discussion many times before. General improvement districts (“GIDs”) exist to *only* exercise those expressly enumerated powers in their initiating [see NRS 318.055(4)(b)] or supplemental (see NRS 318.077) ordinances as long as they are “one or more of those authorized in NRS 318.116, as supplemented by the sections of this chapter (NRS 318) designated therein,” *and none other* [see A.G.O. 63-61, p.102, p. 103 (August 12, 1963)]. And according to *Dillon’s Rule*, should there be “any fair, reasonable (or) substantial doubt concerning the existence (or lack of the existence) of power (it) is (to be) resolved...*against* the (municipal) corporation...(and) all acts beyond the scope of...powers granted are void” [*Ronnow v. City of Las Vegas* (1937) 57 Nev. 332, 343, 65 P.2d 133].

Take a look at NRS 318.116. Do you see anywhere that a GID is authorized to furnish for profit business enterprise facilities or services? Of course not! Are you aware of any such power having been granted to IVGID by the Washoe County Board of Commissioners in the former’s initiating ordinance? How about any subsequent supplemental ordinance? Again the answers are no and no.

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<sup>1</sup> Go to <https://northtahoebusiness.org/>.

<sup>2</sup> Go to <https://northtahoebusiness.org/about-ntba/>.

<sup>3</sup> Notably, there is no reference to Incline Village nor the Incline Village General Improvement District.

<sup>4</sup> Go to <https://northtahoebusiness.org/mission-and-strategy/>.

<sup>5</sup> NRS 318.075(1) instructs that IVGID is “a governmental subdivision of the State of Nevada.”

<sup>6</sup> “The purpose of a general improvement district is to provide municipal-type services to an area which needs them, but which may not need or want the full range of services implied by incorporation” [see ¶III, page 1 of Legislative Counsel Bureau Background Paper 83-4, *General Improvement Districts* (<https://www.leg.state.nv.us/Division/Research/Publications/Bkgground/BP83-04.pdf>)].

Is membership in a multi-state tourist organization whose mantra is to promote business and improve the economic vitality and quality of life in the best interests of local residents?

NRS 318.210 does state that a GID "board shall have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted in this chapter...to carry out the purposes and intent of this chapter" (NRS 318). Is becoming a member in a commercial business trade organization made up of over 200 private, commercial "for profit" businesses, overwhelmingly located in another state (i.e., California), a "necessary" activity for a limited purpose governmental subdivision of the State of Nevada? Of course not!

Is the power to pay dues to join a trade organization made up of over 200 private, commercial "for profit" businesses, overwhelmingly located in another state (i.e., California), incidental to or to be implied from the express basic powers of NRS 318.116 which have been granted to IVGID by the Washoe County Board<sup>7</sup>? Of course not!

**Membership Levels:** There are four levels of membership in the NTBA: basic, premier, elite and nonprofit<sup>8</sup>. IVGID staff have elected to join as a "premier" member. The yearly dues are \$300, and the benefits are as follows:

- Up to (a) 60-word description, logo, contact info, and URL link in (NTBA's) Business Directory;
- Event Calendar Listings;
- News, activities, events, deals & tip Online submissions;
- Job Listings with Link;
- Access (to) Online Member Portal;
- Local radio, print and online advertising discounts;
- Access to Seasonal & Collaborative Marketing Programs;
- Networking through NTBA's member network;
- Featured Business on NTBA's home page;
- Logo & link on NTBA's e-Newsletter;
- Submission of up to three e-Newsletter articles annually;
- 50% Discount on 'Passport to Dining' (NTBA's annual food & beverage tasting event) tickets;
- Collateral Distribution (of) business cards, rack cards and/or flyers at NTBA's office.

**An Example of Staff's Lack of Transparency and Deceit So You Wouldn't Otherwise Learn of This Expense Were it Not For This Written Statement:** Staff revels in the notion they believe they are transparent in their financial reporting<sup>9</sup>. "In an effort to enhance transparency in financial reporting,

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<sup>7</sup> The powers to furnish facilities for water, sewerage, collection and disposal of garbage and refuse, and public recreation.

<sup>8</sup> Go to <https://northtaoebusiness.org/member-portal/levels-and-benefits/#1516667066664-649e44b4-d8e311be-fa60>.

<sup>9</sup> Go to <https://www.yourtahoepace.com/ivgid/financial-transparency>.



IVGID...allows citizens to explore IVGID's financial data online."<sup>9</sup> IVGID assigns a Chart of Account ("COA") Name and Number to every one of its expenditures so they can be readily retrieved for financial reporting purposes. According to IVGID's legend to its COA structure<sup>10</sup>, this expenditure has been assigned the following four COA numbers: 200.28.990.7010<sup>11</sup>. This series of numbers corresponds to: a paid public utility advertising expense assigned to marketing associated with the Tahoe Water Supplier's Association ("TWSA"). But wait a minute. What does this expenditure have to do with public utilities? Or water? Or the TWSA? Or paid advertising? *NOTHING!*

**Let's Assume For Purposes of Argument This Expenditure Was Not For Membership in the NTBA But Rather, Was a Cash Donation to That Organization:** I only bring this subject up because Exhibit "A" says the invoice paid for "MOTB (Music on the Beach?) Fan Sponsorship." In other words, a cash *donation*.

The subject of "donations" was recently discussed by IVGID's attorney at the Audit Committee's September 1, 2020 meeting<sup>12</sup>. In response to complaints raised by local residents as to the propriety of GIDs to donate public funds, Mr. Nelson stated this was a complaint he,

*"agree(d) with...IVGID does not have the same express authority (of counties and cities) to make donations...because if you look at the NRS, the NRS says cities and counties can make donations. (But) there's no similar provision in NRS 318."*<sup>13</sup>

So if this expenditure was a cash donation to a NTBA event, it's even worse than membership in that organization.

**In Either Event, Why Would IVGID Staff Go Intentionally Out of Their Way to Assign an Expense to a Category Other Than What it Really Was?**

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<sup>10</sup> This document is a useful tool to our Board of Trustees, Staff, and our public. This legend...is a useful tool to our Board of Trustees, staff, and our public (and it)...includes four elements – Fund, Department, Division, and Object. This legend (is)...especially helpful in understanding the coding on our...Payment of Bills located on our website" (see <https://www.yourtahoeplace.com/ivgid/financial-transparency/legend-of-our-account-structure>).

<sup>11</sup> This number appears on the NTBA's May 1, 2019 membership fee invoice #3122. This invoice is attached as Exhibit "A" to this written statement.

<sup>12</sup> See pages 111-132 of the packet of materials prepared by staff in anticipation of the Audit Committee's September 1, 2020 meeting [[https://www.yourtahoeplace.com/uploads/pdf-ivgid/0901\\_-\\_Audit\\_-\\_Searchable-1.pdf](https://www.yourtahoeplace.com/uploads/pdf-ivgid/0901_-_Audit_-_Searchable-1.pdf) ("the 9/1/2020 Audit Committee packet")].

<sup>13</sup> IVGID livestreams its public meetings (<https://livestream.com/accounts/3411104>). See 1:20:23-1:20:49 of the September 1, 2020 Audit Committee livestream ["the 9/1/2020 Audit Committee livestream" (<https://livestream.com/ivgid/events/9282214/videos/210527115>)].



**This Expenditure Was Not Only *NOT* Necessary, it Was Improperly Paid For With the Water Rates, Tolls and Charges Local Residents Pay:**

**Now My Question to the IVGID Board: WHY DIDN'T YOU UNCOVER THIS TOTALLY IMPROPER EXPENSE WHEN YOU APPROVED THE LATEST 2020-21 BUDGET?**

**Now My Question to Joseph Pomroy, Our Director of Public Works: WHY DIDN'T YOU TELL THE BOARD AND THE PUBLIC ABOUT THIS TOTALLY IMPROPER EXPENSE WHEN YOU PRESENTED YOUR LATEST WATER RATE STUDY?**

**Since This is the First of What I Suspect Will be a Series of Additional Similar Inappropriate Third Party Membership Expenses, Let's Start Keeping a Tally:**

Organization	Yearly Dues	Running Total
North Tahoe Bus Ass'n	\$ 300	\$ 300

**Conclusion:** Limited purpose political subdivisions like IVGID have no power to engage in for profit business enterprises as if they were private entrepreneurs. And they certainly have no power to join or financially support third party organizations which have been created to promote those enterprises. Yet here IVGID staff contend otherwise. It's called improper government action or waste<sup>14</sup>! And they're dragging us along for the ride with their need for financial subsidies.

I ask the Board to direct staff to discontinue expenditures such as this one, and to reduce the RFF/BFF or our water/sewer rates, tolls or charges by a like amount.

And to those asking why our RFF/BFF or sewer/water rates are as high as they are, and never seem to go down, now you have another example of the reasons why.

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

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<sup>14</sup> NRS 281.611(1) defines "improper governmental action" as "any action taken by a...local governmental officer or employee in the performance of the officer's or employee's official duties...which is: (a) in violation of any state law or regulation...(c) an abuse of authority...or (e) a gross waste of public money."

**EXHIBIT "A"**

**North Tahoe Business Association**

PO Box 1023  
 Kings Beach, CA 96143  
 (530) 546-9000  
 www.NorthTahoeBusiness.org

**Invoice**

Date	Invoice #
5/1/2019	3122

Bill To
IVGID Madonna Dunbar

P.O. No.	Terms	Project

Quantity	Description	Rate	Amount
	2019 MOTB Fan Sponsorship	300.00	300.00
Thank you for your sponsorship!		<b>Total</b>	\$300.00

**WRITTEN STATEMENT TO BE INCLUDED IN THE WRITTEN MINUTES OF THIS SEPTEMBER 9, 2020 REGULAR IVGID BOARD MEETING – AGENDA ITEM C – PUBLIC COMMENTS – THE TENS OF THOUSANDS OF DOLLARS OF OUR RECREATION (“RFF”) AND BEACH (“BFF”) FACILITY FEES OR SEWER OR WATER RATES, TOLLS OR CHARGES WHICH ARE NEEDLESSLY SPENT ON MEMBERSHIP DUES IN ALL SORTS OF THIRD PARTY ORGANIZATIONS – HERE THE NORTH LAKE TAHOE CHAMBER OF COMMERCE/CONVENTION & VISITOR’S BUREAU/RESORT ASSOCIATION**

**Introduction:** On July 21, 2020 I made a public records request to examine records evidencing:

1. All third party group or organization wherein IVGID was a member in 2019;
2. To the extent not already included in paragraph 1 above, any IVGID department or venue which in 2019 was a member of a third party group or organization;
3. To the extent not already included in paragraphs 1 or 2 above, any IVGID employee which in 2019 was a member of a group or organization wherein IVGID paid or reimbursed the employee's membership dues in that group or organization;
4. The yearly membership dues paid or reimbursed by IVGID in each such group or organization identified in paragraphs 1, 2 and 3 above; and,
5. Any additional fees paid to or associated with in any manner whatsoever any such group or organization identified in paragraphs 1, 2 and 3 above, together with records evidencing the reasons for such payments. Examples but not limitations of such fees would extend to continuing education, meetings, conferences, lodging associated therewith, transportation associated therewith, food associated therewith, per diem associated therewith, etc.

My intent was to discover the dozens of third party organizations I believe IVGID is a member of, and for which the RFF/BFF are used to pay yearly membership fees and conference attendance.

On August 21, 2020 IVGID’s Public Records Officer, Susan Herron, provided “the dues/subscriptions that (she had)...located, to date, in response to (my) request” which consisted of twenty-three (23) organizations she admittedly did “not feel...(wa)s complete.” She stated she would “continue to work on (my) request.”

As I go through the records provided, my intent is to share what I discover with the public. And here I share records pertaining to the fifth such organization; the North Lake Tahoe Chamber of Commerce/Convention and Visitor’s Bureau/Resort Association (“NLTCVB”). These are the purposes of

this written statement.

**The NLTCVB**<sup>1</sup>: In response to my request Ms. Herron provided records evidencing that the NLTCVB was one of the third party organizations in which IVGID is a member.

**What is the NLTCVB?** According to its web site “the North Lake Tahoe Resort Association (“NLTRA”)...is a nonprofit public-benefit corporation...(and) the umbrella organization for the North Lake Tahoe Convention & Visitors Bureau and the North Lake Tahoe Chamber of Commerce...The... NLTRA...promote(s), enhance(s), reinvigorate(s), coordinate(s) and direct(s) tourism for the economic betterment of the North Lake Tahoe Region.”<sup>2</sup> “The North Lake Tahoe Chamber of Commerce promotes business, tourism and the economic, cultural and civic welfare of the community. Their mission complements the (NLTCVB’s) specific goals of promoting tourism, meetings & conventions, and securing North Lake Tahoe as one of the world’s greatest vacation destinations.”<sup>3</sup> “The North Lake Tahoe Chamber of Commerce and the North Lake Tahoe Visitors’ Bureaus are two organizations that have combined their talents, resources, and energies for the greater good of the region.”<sup>2</sup>

**Does Any of This Sound Like an Appropriate Endeavor For a Limited Purpose State Governmental Subdivision**<sup>4</sup> which supposedly exists to provide services to local property owners [NRS 318.015(1)] Washoe County is unable or unwilling to provide<sup>5</sup>? We’ve had this discussion many times before. General improvement districts (“GIDs”) exist to *only* exercise those expressly enumerated powers in their initiating [see NRS 318.055(4)(b)] or supplemental (see NRS 318.077) ordinances as long as they are “one or more of those authorized in NRS 318.116, as supplemented by the sections of this chapter (NRS 318) designated therein,” *and none other* [see A.G.O. 63-61, p.102, p. 103 (August 12, 1963)]. And according to *Dillon’s Rule*, should there be “any fair, reasonable (or) substantial doubt concerning the existence (or lack of the existence) of power (it) is (to be) resolved...*against* the (municipal) corporation...(and) all acts beyond the scope of...powers granted are void” [*Ronnow v. City of Las Vegas* (1937) 57 Nev. 332, 343, 65 P.2d 133].

Take a look at NRS 318.116. Do you see anywhere that a GID is authorized to furnish for profit business enterprise facilities or services? Of course not! Are you aware of any such power having been granted to IVGID by the Washoe County Board of Commissioners in the former’s initiating ordinance? How about any subsequent supplemental ordinance? Again the answers are no and no.

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<sup>1</sup> Go to <https://www.gotahoenorth.com/>.

<sup>2</sup> Go to <https://www.gotahoenorth.com/lake-tahoe/business-community/north-lake-tahoe-resort-association/>.

<sup>3</sup> Go to <https://www.gotahoenorth.com/lake-tahoe/business-community/>.

<sup>4</sup> NRS 318.075(1) instructs that IVGID is “a governmental subdivision of the State of Nevada.”

<sup>5</sup> “The purpose of a general improvement district is to provide municipal-type services to an area which needs them, but which may not need or want the full range of services implied by incorporation” [see ¶III, page 1 of Legislative Counsel Bureau Background Paper 83-4, *General Improvement Districts* (<https://www.leg.state.nv.us/Division/Research/Publications/Bkground/BP83-04.pdf>)].

Is membership in a multi-state tourist organization whose mantra is to promote business, tourism and to encourage the world's tourists to overwhelm the limited recreation facilities and services allegedly furnished for the primary benefit and use of the local residents of Incline Village/ Crystal Bay in the best interests of local residents?

NRS 318.210 does state that a GID "board shall have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted in this chapter...to carry out the purposes and intent of this chapter" (NRS 318). Is becoming a member in a commercial business trade organization primarily made up of "for profit" businesses, overwhelmingly located in another state (i.e., California), a "necessary" activity for a limited purpose governmental subdivision of the State of Nevada? Of course not!

Is the power to pay dues to join a trade organization primarily made up of private, commercial "for profit" businesses, overwhelmingly located in another state (i.e., California), incidental to or to be implied from the express basic powers of NRS 318.116 which have been granted to IVGID by the Washoe County Board<sup>6</sup>? Of course not!

**Membership:** IVGID is a member, and the annual dues, which "are determined by the number of full-time employees,"<sup>7</sup> are \$4,050<sup>8</sup>. Being a member "means (IVGID is)...connected to a team of skilled professionals...focused on enhancing business...and community connectivity within the North Tahoe region through business advocacy, economic development, visitor data, and educational trainings."<sup>9</sup>

**An Example of Staff's Lack of Transparency and Deceit So You Wouldn't Otherwise Learn of This Expense Were it Not For This Written Statement:** Staff revels in the notion they believe they are transparent in their financial reporting<sup>10</sup>. "In an effort to enhance transparency in financial reporting, IVGID...allows citizens to explore IVGID's financial data online."<sup>10</sup> IVGID assigns a Chart of Account ("COA") Name and Number to every one of its expenditures so they can be readily retrieved for financial reporting purposes. According to IVGID's legend to its COA structure<sup>11</sup>, this expenditure has

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<sup>6</sup> The powers to furnish facilities for water, sewerage, collection and disposal of garbage and refuse, and public recreation.

<sup>7</sup> Go to <https://www.nltra.org/membership/join-the-chamber/>.

<sup>8</sup> See Exhibit "A."

<sup>9</sup> Go to <https://www.nltra.org/membership/membership-benefits/>.

<sup>10</sup> Go to <https://www.yourtahoeplace.com/ivgid/financial-transparency>.

<sup>11</sup> This document is a useful tool to our Board of Trustees, Staff, and our public. This legend...is a useful tool to our Board of Trustees, staff, and our public (and it)...includes four elements – Fund, Department, Division, and Object. This legend (is)...especially helpful in understanding the coding on our...Payment of Bills located on our website" (see <https://www.yourtahoeplace.com/ivgid/financial-transparency/legend-of-our-account-structure>).

been assigned the following four COA numbers: 340.34.990.7340<sup>12</sup>. This series of numbers corresponds to: marketing dues & subscriptions associated with Diamond Peak. But wait a minute. What does this expenditure have to do with Diamond Peak? *NOTHING!*

**Why Would IVGID Staff Go Intentionally Out of Their Way to Assign an Expense to a Category Other Than What it Really Was?**

**This Expenditure Was Not Only *NOT* Necessary, it Was Improperly Paid For With the RFF Local Residents Pay:**

**Now My Question to the IVGID Board: WHY DIDN'T YOU UNCOVER THIS TOTALLY IMPROPER EXPENSE WHEN YOU APPROVED THE LATEST 2020-21 BUDGET?**

**Now My Question to Paul Raymor, Our Marketing Manager: WHY DIDN'T YOU TELL THE BOARD AND THE PUBLIC ABOUT THIS TOTALLY IMPROPER EXPENSE WHEN YOU WHEN YOU PRESENTED YOUR LATEST PROPOSED EXL MEDIA CONTRACT?**

**Since This is the Fifth of What I Suspect Will be a Series of Additional Similar Inappropriate Third Party Membership Expenses, Let's Continue the Tally:**

Organization	Yearly Dues	Running Total
North Tahoe Bus Ass'n	\$ 300	\$ 300
SnoCountry	\$ 1,215	\$ 1,515
T-NT Transport Mgmt Ass'n	\$ 2,000	\$ 3,515
BEAR League	\$ 250	\$ 3,765
NLT Conv & Visitors Bureau	\$ 4,050	\$ 7,815

**Conclusion:** Limited purpose political subdivisions like IVGID have no power to engage in for profit business enterprises as if they were private entrepreneurs. And they certainly have no power to join or financially support third party organizations which have been created to promote, enhance, reinvigorate, coordinate and direct tourism for the economic betterment of the North Lake Tahoe Region. Yet here IVGID staff contend otherwise. It's called improper government action or waste<sup>13</sup>! And they're dragging us along for the ride with their need for financial subsidies.

<sup>12</sup> This number appears on the NLTCVB's January 1, 2019 membership fee invoice #5170. This invoice is attached as Exhibit "A" to this written statement.

<sup>13</sup> NRS 281.611(1) defines "improper governmental action" as "any action taken by a...local governmental officer or employee in the performance of the officer's or employee's official duties...which is: (a) in violation of any state law or regulation...(c) an abuse of authority...or (e) *a gross waste of public money.*"

I ask the Board to direct staff to discontinue expenditures such as this one, and to reduce the RFF/BFF by a like amount.

And to those asking why our RFF/BFF or sewer/water rates are as high as they are, and never seem to go down, now you have another example of the reasons why.

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



**EXHIBIT "A"**



# north lake tahoe

Chamber | CVB | Resort Association

North Lake Tahoe Chamber/CVB/Resort Association  
P. O. Box 5459  
Tahoe City, CA 96145

## Invoice

Invoice No. 5170

Invoicing Date: 01/01/2019

JAN 03 2019

Mikey Whitaker  
Incline Village General Improvement District  
893 Southwood Boulevard  
Incline Village, NV 89451

Member ID: 1355  
Invoice Due: 01/01/2019

Description	Qty	Rate	Amount
Membership 01/01/2019 to 12/31/2019	1.00	4,050.00	4,050.00
<b>Total:</b>			4,050.00
<b>Amt Paid:</b>			0.00
<b>Balance Due:</b>			4,050.00

Dues or contributions to the North Lake Tahoe Chamber of Commerce are not tax deductible as charitable contributions for federal tax purposes. However, membership dues payments may be deductible by members as an ordinary and necessary business expense. Please consult your financial advisor for clarification. North Lake Tahoe Chamber of Commerce's Tax I.D. # is 93-1208751.

OK to pay  
340-3A-990-7340  
*[Signature]*

**Incline Village General  
Improvement District  
893 Southwood Boulevard  
Incline Village, NV 89451**

Member ID: 1355  
Invoice: 5170  
Due Date: 01/01/2019  
Total Due: 4,050.00

Payment Enclosed: \$ \_\_\_\_\_  
Make checks payable to:  
North Lake Tahoe Chamber/CVB/Resort Association  
P. O. Box 5459  
Tahoe City, CA 96145

Please verify address and provide corrections below:

Organization Name: \_\_\_\_\_

Primary Billing Person: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City, State, Zipcode: \_\_\_\_\_

Convenient online payment option at:  
<https://web.gotahoenorth.com/portal>

Charge:

VISA                       American Express

Mastercard

Card No. \_\_\_\_\_ Exp. Date \_\_\_\_\_

Signature \_\_\_\_\_ Sec. Code \_\_\_\_\_



**WRITTEN STATEMENT TO BE INCLUDED IN THE WRITTEN MINUTES OF THIS SEPTEMBER 9, 2020 REGULAR IVGID BOARD MEETING – AGENDA ITEM C – PUBLIC COMMENTS – THE TENS OF THOUSANDS OF DOLLARS OF OUR RECREATION (“RFF”) AND BEACH (“BFF”) FACILITY FEES OR SEWER OR WATER RATES, TOLLS OR CHARGES WHICH ARE NEEDLESSLY SPENT ON MEMBERSHIP DUES IN ALL SORTS OF THIRD PARTY ORGANIZATIONS – HERE THE BEAR LEAGUE**

**Introduction:** On July 21, 2020 I made a public records request to examine records evidencing:

1. All third party group or organization wherein IVGID was a member in 2019;
2. To the extent not already included in paragraph 1 above, any IVGID department or venue which in 2019 was a member of a third party group or organization;
3. To the extent not already included in paragraphs 1 or 2 above, any IVGID employee which in 2019 was a member of a group or organization wherein IVGID paid or reimbursed the employee's membership dues in that group or organization;
4. The yearly membership dues paid or reimbursed by IVGID in each such group or organization identified in paragraphs 1, 2 and 3 above; and,
5. Any additional fees paid to or associated with in any manner whatsoever any such group or organization identified in paragraphs 1, 2 and 3 above, together with records evidencing the reasons for such payments. Examples but not limitations of such fees would extend to continuing education, meetings, conferences, lodging associated therewith, transportation associated therewith, food associated therewith, per diem associated therewith, etc.

My intent was to discover the dozens of third party organizations I believe IVGID is a member of, and for which the RFF/BFF are used to pay yearly membership fees and conference attendance.

On August 21, 2020 IVGID's Public Records Officer, Susan Herron, provided "the dues/subscriptions that (she had)...located, to date, in response to (my) request" which consisted of twenty-three (23) organizations she admittedly did "not feel...(wa)s complete." She stated she would "continue to work on (my) request."

As I go through the records provided, my intent is to share what I discover with the public. And here I share records pertaining to the fourth such organization; the BEAR League. These are the purposes of this written statement.

**The BEAR League**<sup>1</sup>: In response to my request Ms. Herron provided records evidencing that the BEAR League was one of the third party organizations in which IVGID is a member.

**What is the BEAR League?** According to its web site, "in the fall of 1998, a beautiful mother bear (named Natalie) and one of her two young cubs were killed by a contract trapper for the California Department of Fish and Game ("DFG"). Her crime? Being in the wrong place at the wrong time. A big male bear had tried to get some improperly stored garbage from the cellar of a cabin where a tourist was renting. The tourist was afraid of bears and called the DFG to kill him. The death trap was set but it was Natalie who went in. One cub was captured and killed. The other cub stayed high in the trees, crying, and would not be captured so he survived and was cared for by the people in Homewood...There was a community rallying against a disrespectful tourist, a murdered mother bear and cub, and an orphaned cub. So it hit the news! People began calling the person who was trying to save Oliver's life, asking what they could do to help and what could be done to make sure such a thing never happened again? A few of these people arranged to meet, having not known each other previously, and the BEAR League was born."<sup>2</sup>

"The BEAR League is...committed to keeping bears safe and wild in their natural habitat."<sup>3</sup> Its mission is:

"Education...(to) teach the public about the true gentle nature of the black bear;"<sup>3</sup>

"Aversion...the BEAR League works with local law enforcement, Animal Control and DFG officers to keep bears out of places they do not belong;"<sup>3</sup>

"Response. The BEAR League hotline...is available to help anyone who has a problem with a bear...We will respond whether the bear is there or has gone;"<sup>3</sup>

"Community Involvement...Operating autonomously and built at the community level, the BEAR League is ready to come together when a situation arises where we need to reinforce our goals;"<sup>3</sup> and,

"Policy Development (aka political advocacy). The BEAR League works to make changes at the state and local levels where we see policies that are deleterious to the lives of bears...We...strive to be proactive in initiating programs that are based on our own research and common sense."<sup>3</sup>

**Does Any of This Sound Like Appropriate Endeavors For a Limited Purpose State Governmental Subdivision**<sup>4</sup>? We've had this discussion many times before. General improvement districts

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<sup>1</sup> Go to <http://www.savebears.org/>.

<sup>2</sup> Go to <http://www.savebears.org/about.html>.

<sup>3</sup> Go to <http://www.savebears.org/mission.html>.

<sup>4</sup> NRS 318.075(1) instructs that IVGID is "a governmental subdivision of the State of Nevada."

("GIDs") exist to *only* exercise those expressly enumerated powers in their initiating [see NRS 318.055(4)(b)] or supplemental (see NRS 318.077) ordinances as long as they are "one or more of those authorized in NRS 318.116, as supplemented by the sections of this chapter (NRS 318) designated therein," *and none other* [see A.G.O. 63-61, p.102, p. 103 (August 12, 1963)]. And according to *Dillon's Rule*, should there be "any fair, reasonable (or) substantial doubt concerning the existence (or lack of the existence) of power (it) is (to be) resolved...*against* the (municipal) corporation...(and) all acts beyond the scope of...powers granted are void" [*Ronnow v. City of Las Vegas* (1937) 57 Nev. 332, 343, 65 P.2d 133].

Take a look at NRS 318.116. Do you see anywhere that a GID is authorized to engage in educational and policy development efforts helping bears and people live peacefully in this world together? Of course not! Are you aware of any such power having been granted to IVGID by the Washoe County Board of Commissioners in the former's initiating ordinance? How about any subsequent supplemental ordinance? Again the answers are no and no.

Okay. NRS 318.210 states that a GID "board shall have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted in this chapter...to carry out the purposes and intent of this chapter" (NRS 318). Is becoming a member of a political advocacy group for bears a "necessary" activity for a limited purpose governmental subdivision of the State of Nevada? Of course not!

Is the power to pay dues to join a political advocacy organization made up of more than a thousand members<sup>2</sup>, incidental to or to be implied from the express basic powers of NRS 318.116 which have been granted to IVGID by the Washoe County Board<sup>5</sup>? Of course not!

**Membership:** The BEAR League has more than a thousand members<sup>2</sup>, and one of them is IVGID<sup>6</sup>. In fact, we are a "supporting sponsor"<sup>7</sup> and "Black Bear Club" members<sup>8</sup>. The yearly dues are \$250<sup>8</sup>. Membership includes a "membership card, BEAR League decals/sticker, Bear information, and ...a year's subscription of the *BEAR League Buzz*."<sup>8</sup>

**An Example of Staff's Lack of Transparency and Deceit So You Wouldn't Otherwise Learn of This Expense Were it Not For This Written Statement:** Staff revels in the notion they believe they are transparent in their financial reporting<sup>9</sup>. "In an effort to enhance transparency in financial reporting, IVGID...allows citizens to explore IVGID's financial data online."<sup>9</sup> IVGID assigns a Chart of Account

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<sup>5</sup> The powers to furnish facilities for water, sewerage, collection and disposal of garbage and refuse, and public recreation.

<sup>6</sup> See Exhibit "A."

<sup>7</sup> Go to <http://www.savebears.org/ourSponsors2.html>.

<sup>8</sup> Go to <http://www.savebears.org/member.html>.

<sup>9</sup> Go to <https://www.yourtahoeplace.com/ivgid/financial-transparency>.

("COA") Name and Number to every one of its expenditures so they can be readily retrieved for financial reporting purposes. According to IVGID's legend to its COA structure<sup>10</sup>, this expenditure has been assigned the following four COA numbers: 200.27.380.7340<sup>11</sup>. This series of numbers corresponds to: a public utility (solid waste) dues & subscription expense. But wait a minute. What does this expenditure have to do with public utilities in general or solid waste in particular? *NOTHING!*

**Let's Assume For Purposes of Argument This Expenditure Was Not For Membership in the BEAR League But Rather, Was a Cash Donation to That Organization:** I only bring this subject up because the BEAR League's web site says that it is "a 501(c)(3) volunteer based, non-profit organization,"<sup>8</sup> it accepts donations<sup>12</sup>, "contributions (are) 100% tax deductible,"<sup>8</sup> and IVGID is a "supporting sponsor."<sup>7</sup> In other words, a cash *donation*.

The subject of "donations" was recently discussed by IVGID's attorney at the Audit Committee's September 1, 2020 meeting<sup>13</sup>. In response to complaints raised by local residents as to the propriety of GIDs to donate public funds, Mr. Nelson stated this was a complaint he,

*"agree(d) with...IVGID does not have the same express authority (of counties and cities) to make donations...because if you look at the NRS, the NRS says cities and counties can make donations. (But) there's no similar provision in NRS 318."*<sup>14</sup>

So if this expenditure was a cash donation to the Bear League, it's even worse than membership in that organization.

**In Either Event, Why Would IVGID Staff Go Intentionally Out of Their Way to Assign an Expense to a Category Other Than What it Really Was?**

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<sup>10</sup> This document is a useful tool to our Board of Trustees, Staff, and our public. This legend...is a useful tool to our Board of Trustees, staff, and our public (and it)...includes four elements – Fund, Department, Division, and Object. This legend (is)...especially helpful in understanding the coding on our...Payment of Bills located on our website" (see <https://www.yourtahoeplace.com/ivgid/financial-transparency/legend-of-our-account-structure>).

<sup>11</sup> This number appears on an IVGID Accounts Payable Check Request approved by Joseph Pomroy on March 25, 2019. This check request and Bear League Membership Renewal Form are attached as Exhibit "A" to this written statement.

<sup>12</sup> See [https://www.paypal.com/donate/?cmd=\\_s-xclick&hosted\\_button\\_id=QSYZZ3WGVTR6J](https://www.paypal.com/donate/?cmd=_s-xclick&hosted_button_id=QSYZZ3WGVTR6J).

<sup>13</sup> See pages 111-132 of the packet of materials prepared by staff in anticipation of the Audit Committee's September 1, 2020 meeting [[https://www.yourtahoeplace.com/uploads/pdf-ivgid/0901\\_-\\_Audit\\_-\\_Searchable-1.pdf](https://www.yourtahoeplace.com/uploads/pdf-ivgid/0901_-_Audit_-_Searchable-1.pdf) ("the 9/1/2020 Audit Committee packet")].

<sup>14</sup> IVGID livestreams its public meetings (<https://livestream.com/accounts/3411104>). See 1:20:23-1:20:49 of the September 1, 2020 Audit Committee livestream ["the 9/1/2020 Audit Committee livestream" (<https://livestream.com/ivgid/events/9282214/videos/210527115>)].

**This Expenditure Was Not Only NOT Necessary, it Was Improperly Paid For With the Solid Waste Disposal Rates, Tolls and Charges Local Residents Pay:** Included in our solid waste rates, is a 10% “franchise fee” paid to IVGID<sup>15</sup>. Staff use the proceeds of this “fee” which is really another “tax” IVGID has no authority to assess, to make “Waste Not” expenditures. Membership in the BEAR League is another one of those expenditures.

**Now My Question to the IVGID Board: WHY DIDN'T YOU UNCOVER THIS TOTALLY IMPROPER EXPENSE WHEN YOU APPROVED THE LATEST 2020-21 BUDGET?**

**Now My Question to Joseph Pomroy, Our Director of Public Works: WHY DIDN'T YOU TELL THE BOARD AND THE PUBLIC ABOUT THIS TOTALLY IMPROPER EXPENSE WHEN YOU PRESENTED THE LAST SOLID WASTE FRANCHISE WITH WASTE-MANAGEMENT?**

**Since This is the Fourth of What I Suspect Will be a Series of Additional Similar Inappropriate Third Party Membership Expenses, Let's Continue the Tally:**

Organization	Yearly Dues	Running Total
North Tahoe Bus Ass'n	\$ 300	\$ 300
SnoCountry	\$ 1,215	\$ 1,515
T-NT Transp Mgmt Ass'n	\$ 2,000	\$ 3,515
BEAR League	\$ 250	\$ 3,765

**Conclusion:** Limited purpose political subdivisions like IVGID have no power to support political advocacy. Yet here IVGID staff contend otherwise. It's called improper government action or waste<sup>16</sup>! And they're dragging us along for the ride with their need for financial subsidies.

I ask the Board to direct staff to discontinue expenditures such as this one, and to reduce the RFF/BFF or our solid waste disposal rates, tolls or charges by a like amount.

And to those asking why our RFF/BFF or solid waste rates are as high as they are, and never seem to go down, now you have another example of the reasons why.

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

<sup>15</sup> See ¶12.1 at page 13 of the trash franchise ([https://www.yourtahoeplace.com/uploads/pdf-public-works/2016-10-01\\_Waste\\_Management\\_Franchise\\_Agreement\\_no\\_Exhibit\\_B.pdf](https://www.yourtahoeplace.com/uploads/pdf-public-works/2016-10-01_Waste_Management_Franchise_Agreement_no_Exhibit_B.pdf)).

<sup>16</sup> NRS 281.611(1) defines “improper governmental action” as “any action taken by a...local governmental officer or employee in the performance of the officer’s or employee’s official duties...which is: (a) in violation of any state law or regulation...(c) an abuse of authority...or (e) a gross waste of public money.”



**EXHIBIT "A"**

# Accounts Payable Check Request

Please print or type all information.



This form is to be used for (check all that apply):

Out-of-Cycle Check Requests

When no invoice will be available

Advances for business expenses

1. Vendor Information	
Vendor/Employee #:	
Name:	BEAR LEAGUE
Street Address:	PO BOX 393
City, State & Zip:	HOMWOOD CA 96141
*Please Complete Vendor/Employee # & Address info	

2. Special Instructions
Date Check Needed By:
<input checked="" type="checkbox"/> Next Check Run
<input type="checkbox"/> Other:

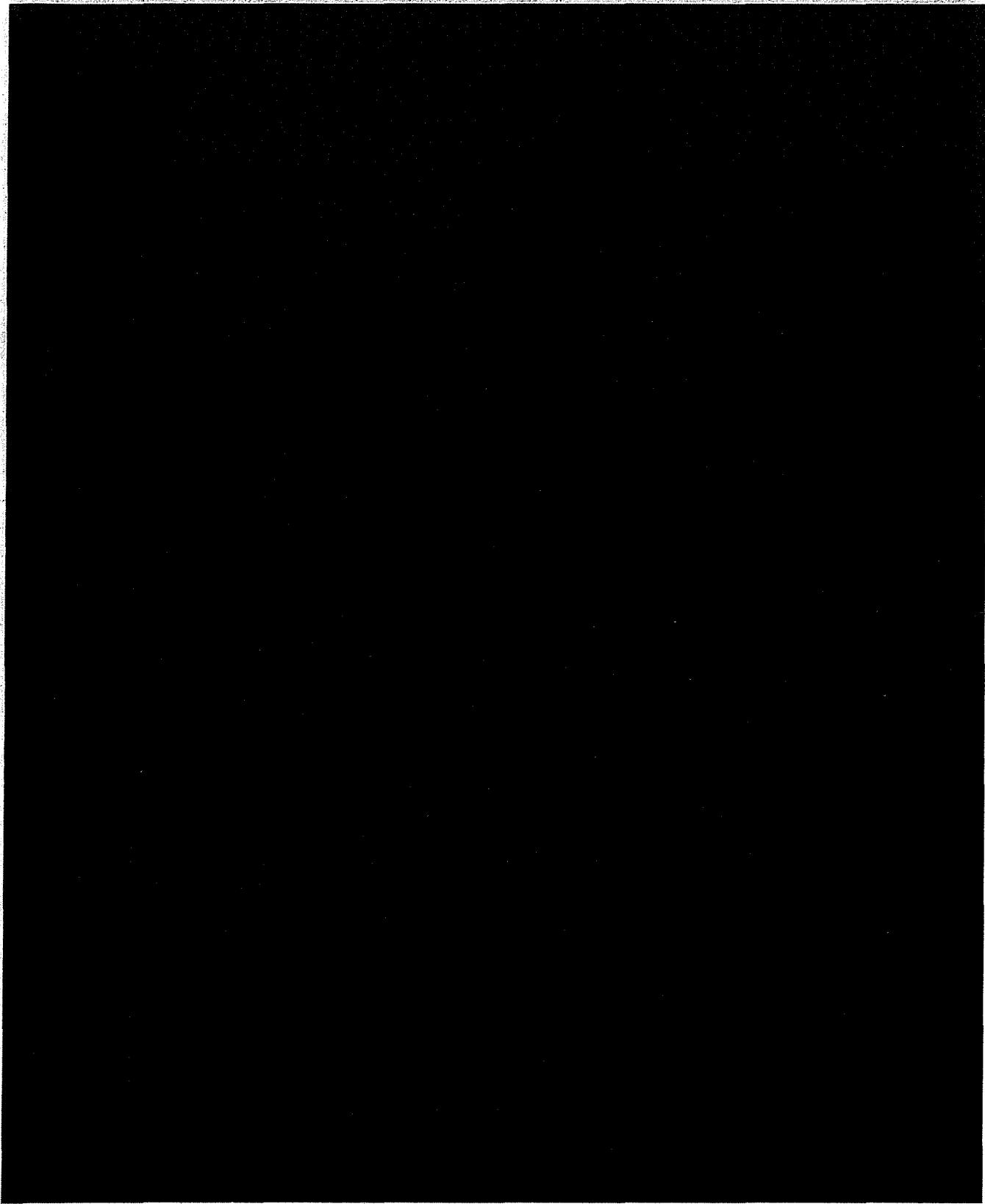
3. Reason for Out-of-Cycle Check:
<input type="checkbox"/> Discount <input type="checkbox"/> Contract <input type="checkbox"/> Avoid Penalty
<input type="checkbox"/> Other, explain:

4. Description of Purchase or Date of Travel for Advance
BUSINESS MEMBERSHIP

5. Purchase Order, please list Purchase Order Number.

6. Accounting Code (Fund-Dept-Div-Object) (example: 100-00-000-7415)		
Acct #	Amount	Description
200-27-380-7340	\$250.00	Black Bear category membership
- - -		
- - -		
- - -		
- - -		
- - -		
<b>Total:</b>		\$ 250.00

7. Requested By:	Approved By:
Name: MADONNA DUNBAR	Name: Joseph T. Pignone
Full Signature:	Full Signature:
Department: PW/WNOT	Department: PW
Date: 2-22-19	Date: 3/25/19



**WRITTEN STATEMENT TO BE INCLUDED IN THE WRITTEN MINUTES OF THIS SEPTEMBER 9, 2020 REGULAR IVGID BOARD MEETING – AGENDA ITEM C – PUBLIC COMMENTS – THE TENS OF THOUSANDS OF DOLLARS OF OUR RECREATION (“RFF”) AND BEACH (“BFF”) FACILITY FEES OR SEWER OR WATER RATES, TOLLS OR CHARGES WHICH ARE NEEDLESSLY SPENT ON MEMBERSHIP DUES IN ALL SORTS OF THIRD PARTY ORGANIZATIONS – HERE THE TRUCKEE-NORTH TAHOE TRANSPORTATION MANAGEMENT ASSOCIATION**

**Introduction:** On July 21, 2020 I made a public records request to examine records evidencing:

1. All third party group or organization wherein IVGID was a member in 2019;
2. To the extent not already included in paragraph 1 above, any IVGID department or venue which in 2019 was a member of a third party group or organization;
3. To the extent not already included in paragraphs 1 or 2 above, any IVGID employee which in 2019 was a member of a group or organization wherein IVGID paid or reimbursed the employee's membership dues in that group or organization;
4. The yearly membership dues paid or reimbursed by IVGID in each such group or organization identified in paragraphs 1, 2 and 3 above; and,
5. Any additional fees paid to or associated with in any manner whatsoever any such group or organization identified in paragraphs 1, 2 and 3 above, together with records evidencing the reasons for such payments. Examples but not limitations of such fees would extend to continuing education, meetings, conferences, lodging associated therewith, transportation associated therewith, food associated therewith, per diem associated therewith, etc.

My intent was to discover the dozens of third party organizations I believe IVGID is a member of, and for which the RFF/BFF are used to pay yearly membership fees and conference attendance.

On August 21, 2020 IVGID's Public Records Officer, Susan Herron, provided "the dues/subscriptions that (she had)...located, to date, in response to (my) request" which consisted of twenty-three (23) organizations she admittedly did "not feel...(wa)s complete." She stated she would "continue to work on (my) request."

As I go through the records provided, my intent is to share what I discover with the public. And here I share records pertaining to the third such organization; the Truckee-North Tahoe Transportation Management Association. These are the purposes of this written statement.

**The Truckee-North Tahoe Transportation Management Association<sup>1</sup> ("TNT/TMA"):** In response to my request Ms. Herron provided records evidencing that the TNTTMA was one of the third party organizations in which IVGID is a member.

**What is the TNT/TMA?** According to its web site "the TNTTMA is dedicated to fostering public-private partnerships and resources for advocacy and the promotion of innovative solutions to the unique transportation challenges of the North Lake Tahoe-Truckee Resort Triangle."<sup>1</sup> "The TNT/TMA... partner(s) with local and regional governments, businesses and resorts, local, state, and federal agencies, other community leaders and advocacy organizations, and elected officials at all levels (as) a forum for discussion, consensus, advocacy and action in support of transit, pedestrian, biking, and environmentally sound roadway infrastructure designed to increase access and reduce congestion throughout the Resort Triangle."<sup>1</sup>

**Does Any of This Sound Like an Appropriate Endeavor For a Limited Purpose State Governmental Subdivision<sup>2</sup>?** We've had this discussion many times before. General improvement districts ("GIDs") exist to *only* exercise those expressly enumerated powers in their initiating [see NRS 318.055(4)(b)] or supplemental (see NRS 318.077) ordinances as long as they are "one or more of those authorized in NRS 318.116, as supplemented by the sections of this chapter (NRS 318) designated therein," *and none other* [see A.G.O. 63-61, p.102, p. 103 (August 12, 1963)]. And according to *Dillon's Rule*, should there be "any fair, reasonable (or) substantial doubt concerning the existence (or lack of the existence) of power (it) is (to be) resolved...*against* the (municipal) corporation... (and) all acts beyond the scope of...powers granted are void" [*Ronnow v. City of Las Vegas* (1937) 57 Nev. 332, 343, 65 P.2d 133].

Take a look at NRS 318.116. Do you see anywhere that a GID is authorized to engage in TNT/TMA advocacy (to)...deliver transportation solutions for our communities and region<sup>1</sup>...designed to increase access and reduce congestion throughout the Resort Triangle? Of course not! Are you aware of any such power having been granted to IVGID by the Washoe County Board of Commissioners in the former's initiating ordinance? How about any subsequent supplemental ordinance? Again the answers are no and no.

Okay. NRS 318.210 states that a GID "board shall have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted in this chapter...to carry out the purposes and intent of this chapter" (NRS 318). Is becoming a member in a regional transportation advocacy organization a "necessary" activity for a limited purpose governmental subdivision of the State of Nevada? Of course not!

Is the power to pay dues to join a transportation advocacy organization incidental to or to be implied from the express basic powers of NRS 318.116 which have been granted to IVGID by the

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<sup>1</sup> Go to <https://tnttma.com/>.

<sup>2</sup> NRS 318.075(1) instructs that IVGID is "a governmental subdivision of the State of Nevada."

Washoe County Board<sup>3</sup>? Of course not!

**Membership:** “As a member of the...TNT/TMA (IVGID is)...contributing (to) the strength and success of a forum for discussion, consensus, advocacy and action in support of transit, pedestrian, biking, and environmentally sound roadway infrastructure designed to increase multi-modal mobility and reduce congestion throughout the region.”<sup>4</sup> “Based on (IVGID’s) size and transportation impact,”<sup>4</sup> its annual TNT/TMA dues are \$2,000<sup>5</sup>. And the gall. Based upon what IVGID has shared with the TNT/TMA, IVGID’s membership is as a “private” organization<sup>6</sup>.

**An Example of Staff’s Lack of Transparency and Deceit So You Wouldn’t Otherwise Learn of This Expense Were it Not For This Written Statement:** Staff revels in the notion they believe they are transparent in their financial reporting<sup>7</sup>. “In an effort to enhance transparency in financial reporting, IVGID...allows citizens to explore IVGID’s financial data online.”<sup>7</sup> IVGID assigns a Chart of Account (“COA”) Name and Number to every one of its expenditures so they can be readily retrieved for financial reporting purposes. According to IVGID’s legend to its COA structure<sup>8</sup>, this expenditure has been assigned the following four COA numbers: 100.11.100.7340<sup>9</sup>. This series of numbers corresponds to: “dues and subscriptions” assigned to the General Manager. But wait a minute. What does this expenditure have to do with dues and subscriptions pertaining to public utilities? Or water? Or sewer? Or public recreation? *NOTHING!*

**Would IVGID Staff Go Intentionally Out of Their Way to Assign an Expense to a Category Other Than What it Really Was?**

**This Expenditure Was Not Only *NOT* Necessary, it Was Improperly Paid For With Central Services Transfers from the Utility and Community Services (the RFF) and Beach (the BFF) Funds:**

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<sup>3</sup> The powers to furnish facilities for water, sewerage, collection and disposal of garbage and refuse, and public recreation.

<sup>4</sup> Go to <https://tnttma.com/tma-membership-2/>.

<sup>5</sup> See Exhibit “A.”

<sup>6</sup> Go to <https://tnttma.com/tma-members/>.

<sup>7</sup> Go to <https://www.yourtahoeplace.com/ivgid/financial-transparency>.

<sup>8</sup> This document is a useful tool to our Board of Trustees, Staff, and our public. This legend...is a useful tool to our Board of Trustees, staff, and our public (and it)...includes four elements – Fund, Department, Division, and Object. This legend (is)...especially helpful in understanding the coding on our... Payment of Bills located on our website” (see <https://www.yourtahoeplace.com/ivgid/financial-transparency/legend-of-our-account-structure>).

<sup>9</sup> This number appears on the NTBA’s July 1, 2018 membership fee invoice #17335. This invoice is attached as Exhibit “A” to this written statement.

**Now My Question to the IVGID Board: WHY DIDN'T YOU UNCOVER THIS TOTALLY IMPROPER EXPENSE WHEN YOU APPROVED THE LATEST 2020-21 BUDGET?**

**Now My Question to Indra Winquest, Our General Manager: WHY DIDN'T YOU TELL THE BOARD AND THE PUBLIC ABOUT THIS TOTALLY IMPROPER EXPENSE WHEN YOU PRESENTED THE LATEST 2020-21 BUDGET?**

**Since This is the Third of What I Suspect Will be a Series of Additional Similar Inappropriate Third Party Membership Expenses, Let's Continue the Tally:**

Organization	Yearly Dues	Running Total
North Tahoe Bus Ass'n	\$ 300	\$ 300
SnoCountry	\$ 1,215	\$ 1,515
T-NT Transp Mgmt Ass'n	\$ 2,000	\$ 3,515

**Conclusion:** Limited purpose political subdivisions like IVGID have no power to advocate and take action in support of transit, pedestrian, biking, and environmentally sound roadway infrastructure designed to increase multi-modal mobility and reduce congestion throughout the region. Yet here IVGID staff contend otherwise. It's called improper government action or waste<sup>10</sup>! And they're dragging us along for the ride with their need for financial subsidies.

I ask the Board to direct staff to discontinue expenditures such as this one, and to reduce the RFF/BFF or our water/sewer rates, tolls or charges by like amounts.

And to those asking why our RFF/BFF or sewer/water rates are as high as they are, and never seem to go down, now you have another example of the reasons why.

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

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<sup>10</sup> NRS 281.611(1) defines "improper governmental action" as "any action taken by a...local governmental officer or employee in the performance of the officer's or employee's official duties...which is: (a) in violation of any state law or regulation...(c) an abuse of authority...or (e) a gross waste of public money."



**EXHIBIT "A"**



# Invoice

DATE	INVOICE #
7/1/2018	17335

<b>BILL TO:</b>
Incline Village/GID Mr. Steven J. Pinkerton, General Manager 893 Southwood Blvd. Incline Village, NV 89451

DESCRIPTION	AMOUNT
Truckee-North Tahoe Transportation Management Association Membership 2018-19	2,000.00
<p><i>Susan,</i> <i>Please</i> <i>process.</i></p> <p><i>The,</i> <i>Am</i></p>	
<p><i>V# 3460</i> <i>ok to pay</i> <i>8/6/2018</i> <i>100.00 100.7340</i></p>	

Payments/Credits	\$0.00
<b>Balance Due</b>	<b>\$2,000.00</b>
<small>Payments made to Truckee North Tahoe Transportation Management Association are not deductible as charitable contributions for Federal income tax purposes.</small>	

**Mission Statement:**  
The Truckee North Tahoe Transportation Management Association is dedicated to fostering public-private partnerships and resources for the advocacy and promotion of innovative solutions to the unique transportation challenges of the Truckee-North Lake Tahoe Resort Triangle.



July 1, 2018

Steven Pinkerton  
IVGID  
893 Southwood Blvd  
Incline Village, NV 89451

Dear Steven Pinkerton,

The TNT/TMA was launched in 1990, born of spirited grass roots energy and a visionary professional recommendation. We have been proudly serving the North Lake Tahoe Truckee Resort Triangle ever since.

The TNT/TMA is dedicated to fostering public-private partnerships for the development and promotion of innovative solutions to our region's unique transportation challenges. We are a forum for discussion, consensus, advocacy and action in support of transit, pedestrian, biking and environmentally sound roadway infrastructure designed to increase multi-modal mobility and reduce congestion throughout the Triangle.

Transportation is truly at the heart of everything we do. It connects us to each other, our work, commerce, services, education, and recreation. Given the many agencies involved in transportation, a strong, experienced and consistent community voice is essential to help shape and support mobility options that meet all of our needs.

That voice is the Truckee North Tahoe Transportation Management Association (TNT/TMA).

We want to thank you for your continued support and your annual membership investment in the TNT/TMA. This investment strengthens our ability to remain an influential participant whenever and wherever decisions about transportation, public transit, trails, pedestrian walkability, and traveler safety are being made. We engage and partner with local and regional governments, businesses and resorts, community leaders, and other active citizens and organizations to ensure the transportation and mobility needs are being addressed. Our 13-member Board of Directors all serve as volunteers to help ensure our efforts are efficient and effective.

As part of expressing our appreciation, we have included with this letter a list of our most recent activities and accomplishments.

Thank you again for your continuing support.

Sincerely,

Handwritten signature of Jaime Wright in black ink.

Jaime Wright  
Executive Director

Handwritten signature of Julia Tohlen in black ink.

Julia Tohlen  
Program Manager

**WRITTEN STATEMENT TO BE INCLUDED IN THE WRITTEN MINUTES OF THIS SEPTEMBER 9, 2020 REGULAR IVGID BOARD MEETING – AGENDA ITEM C – PUBLIC COMMENTS – THE TENS OF THOUSANDS OF DOLLARS OF OUR RECREATION (“RFF”) AND BEACH (“BFF”) FACILITY FEES WHICH ARE NEEDLESSLY SPENT ON MEMBERSHIP DUES IN ALL SORTS OF THIRD PARTY ORGANIZATIONS – HERE SNOCOUNTRY**

**Introduction:** On July 21, 2020 I made a public records request to examine records evidencing:

1. All third party group or organization wherein IVGID was a member in 2019;
2. To the extent not already included in paragraph 1 above, any IVGID department or venue which in 2019 was a member of a third party group or organization;
3. To the extent not already included in paragraphs 1 or 2 above, any IVGID employee which in 2019 was a member of a group or organization wherein IVGID paid or reimbursed the employee's membership dues in that group or organization;
4. The yearly membership dues paid or reimbursed by IVGID in each such group or organization identified in paragraphs 1, 2 and 3 above; and,
5. Any additional fees paid to or associated with in any manner whatsoever any such group or organization identified in paragraphs 1, 2 and 3 above, together with records evidencing the reasons for such payments. Examples but not limitations of such fees would extend to continuing education, meetings, conferences, lodging associated therewith, transportation associated therewith, food associated therewith, per diem associated therewith, etc.

My intent was to discover the dozens of third party organizations I believe IVGID is a member of, and for which the RFF/BFF are used to pay yearly membership fees and conference attendance.

On August 21, 2020 IVGID's Public Records Officer, Susan Herron, provided "the dues/subscriptions that (she had)...located, to date, in response to (my) request" which consisted of twenty-three (23) organizations she admittedly did "not feel...(wa)s complete." She stated she would "continue to work on (my) request."

As I go through the records provided, my intent is to share what I discover with the public. And here I share records pertaining to the second such organization; SnoCountry. These are the purposes of this written statement.

**SnoCountry**<sup>1</sup>: In response to my request Ms. Herron provided records evidencing that the Sno Country was one of the third party organizations in which IVGID is a member.

**What is SnoCountry?** “A not-for-profit ski and snowboard conditions reporting entity [centered in New England (New Hampshire)]...SnoCountry provides snow conditions reports for alpine skiing, cross-country skiing, snowboarding, and snow tubing (venues throughout the country), along with resort information, to a vast array of media including a national network of radio (over 850 AM and FM stations and XM) and television stations as well as numerous web sites.”<sup>2</sup> According to its web site SnoCountry “is governed by a board of directors, representing ski resorts *nationwide*.”<sup>3</sup> The web site encourages readers to “sign up to receive a customized newsletter with snow reports, lift ticket and gear deals, latest resort news and a chance to win lift tickets to your favorite resorts.”<sup>4</sup>

**Does Any of This Sound Like an Appropriate Endeavor For a Limited Purpose State Governmental Subdivision**<sup>5</sup>? We’ve had this discussion many times before. General improvement districts (“GIDs”) exist to *only* exercise those expressly enumerated powers in their initiating [see NRS 318.055(4)(b)] or supplemental (see NRS 318.077) ordinances as long as they are “one or more of those authorized in NRS 318.116, as supplemented by the sections of this chapter (NRS 318) designated therein,” *and none other* [see A.G.O. 63-61, p.102, p. 103 (August 12, 1963)]. And according to *Dillon’s Rule*, should there be “any fair, reasonable (or) substantial doubt concerning the existence (or lack of the existence) of power (it) is (to be) resolved...*against* the (municipal) corporation...(and) all acts beyond the scope of...powers granted are void” [*Ronnow v. City of Las Vegas* (1937) 57 Nev. 332, 343, 65 P.2d 133].

Take a look at NRS 318.116. Do you see anywhere that a local GID is authorized to furnish for profit business enterprise facilities or services? Or to promote ski conditions at dozens if not hundreds of ski areas throughout the country. Let alone one centered on the opposite side of the country (here New Hampshire)? Of course not! Are you aware of any such power having been granted to IVGID by the Washoe County Board of Commissioners (“County Board”) in the former’s initiating ordinance? How about any subsequent supplemental ordinance? Do you think this expenditure of public moneys is what the Washoe County Board had in mind when it granted IVGID the power to furnish facilities for public recreation? Again the answers are no, no and no.

Okay. NRS 318.210 states that a GID “board shall have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted in this chapter...to carry out the purposes and intent of this chapter” (NRS 318). Is becoming a member in a commercial business

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<sup>1</sup> Go to <https://www.snocountry.com/>.

<sup>2</sup> Go to <https://en.wikipedia.org/wiki/Snocountry>.

<sup>3</sup> Go to <https://www.snocountry.com/about-snocountry>.

<sup>4</sup> Go to <https://www.snocountry.com/login-register>.

<sup>5</sup> NRS 318.075(1) instructs that IVGID is “a governmental subdivision of the State of Nevada.”

trade organization made up of dozens of private; commercial “for profit” businesses, overwhelmingly located other states, a “necessary” activity for a limited purpose governmental subdivision of the State of Nevada? Of course not!

Is the power to pay dues to join a trade organization made up of dozens of private, commercial “for profit” businesses, overwhelmingly located in states other than Nevada, incidental to or to be implied from the express basic powers of NRS 318.116 which have been granted to IVGID by the Washoe County Board<sup>6</sup>? Of course not!

**Membership:** Here the annual membership dues to be a member of SnoCountry total a whopping \$1,215. Notwithstanding, Diamond Peak *doesn't* even come up when one searches for snow reports and resort deals, assuming anyone from our region would even go to SnoCountry to learn of local ski conditions? For Nevada the only area that does is Lee Canyon which is apparently a cross-country ski area.

**An Example of Staff's Lack of Transparency and Deceit So You Wouldn't Otherwise Learn of This Expense Were it Not For This Written Statement:** Staff revels in the notion they believe they are transparent in their financial reporting<sup>7</sup>. “In an effort to enhance transparency in financial reporting, IVGID...allows citizens to explore IVGID's financial data online.”<sup>7</sup> IVGID assigns a Chart of Account (“COA”) Name and Number to every one of its expenditures so they can be readily retrieved for financial reporting purposes. According to IVGID's legend to its COA structure<sup>8</sup>, this expenditure has been assigned the following four COA numbers: 340.34.980.7010<sup>9</sup>. This series of numbers corresponds to: a paid Diamond Peak advertising expense assigned to marketing associated Diamond Peak. But wait a minute. What does this expenditure have to do with marketing Diamond Peak?

**This Expenditure Was Not Only *NOT* Necessary, it Was Improperly Paid For With the RFF:**

**Now My Question to the IVGID Board: WHY DIDN'T YOU UNCOVER THIS TOTALLY IMPROPER EXPENSE WHEN YOU APPROVED THE LATEST 2020-21 BUDGET?**

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<sup>6</sup> The powers to furnish facilities for water, sewerage, collection and disposal of garbage and refuse, and public recreation.

<sup>7</sup> Go to <https://www.yourtahoepace.com/ivgid/financial-transparency>.

<sup>8</sup> This document is a useful tool to our Board of Trustees, Staff, and our public. This legend...is a useful tool to our Board of Trustees, staff, and our public (and it)...includes four elements – Fund, Department, Division, and Object. This legend (is)...especially helpful in understanding the coding on our... Payment of Bills located on our website” (see <https://www.yourtahoepace.com/ivgid/financial-transparency/legend-of-our-account-structure>).

<sup>9</sup> This number appears on IVGID's weekly bill pays. SnoCountry's November 1, 2018 membership fee invoice #1386. This invoice is attached as Exhibit “A” to this written statement.

**Now My Question to Paul Raymore, Our Marketing Manager: WHY DIDN'T YOU TELL THE BOARD AND THE PUBLIC ABOUT THIS TOTALLY IMPROPER EXPENSE WHEN YOU PRESENTED YOUR LATEST PROPOSED EXL MEDIA CONTRACT?**

**Since This is the Second of What I Suspect Will be a Series of Additional Similar Inappropriate Third Party Membership Expenses, Let's Continue the Tally:**

<b>Organization</b>	<b>Yearly Dues</b>	<b>Running Total</b>
North Tahoe Bus Ass'n	\$ 300	\$ 300
SnoCountry	\$ 1,215	\$ 1,515

**Conclusion:** Limited purpose political subdivisions like IVGID have no power to engage in for profit business enterprises as if they were private entrepreneurs. And they certainly have no power to join or financially support third party organizations which have been created to promote those enterprises and a nationwide industry. Yet here IVGID staff contend otherwise. It's called improper government action or waste<sup>10</sup>! And they're dragging us along for the ride with their need for financial subsidies.

I ask the Board to direct staff to discontinue expenditures such as this one, and to reduce the RFF by a like amount.

And to those asking why our RFF/BFF are as high as they are, and never seem to go down, now you have another example of the reasons why.

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

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<sup>10</sup> NRS 281.611(1) defines "improper governmental action" as "any action taken by a...local governmental officer or employee in the performance of the officer's or employee's official duties...which is: (a) in violation of any state law or regulation...(c) an abuse of authority...or (e) a gross waste of public money."



**EXHIBIT "A"**

SnoCountry, Inc  
10 Water Street, Suite 250  
Lebanon, NH 03766 US  
(603) 443-8801  
billing@snocountry.org  
www.snocountry.com



# INVOICE

**BILL TO**  
Diamond Peak  
1210 Ski Way  
Incline Village, NV 89451

**INVOICE #** 1386  
**DATE** 09/27/2018  
**DUE DATE** 11/01/2018  
**TERMS** Due November 1st

**SALESPERSON**  
Rob Werner

ACTIVITY	AMOUNT
Membership for the 2018-2019 Season	1,215.00

BALANCE DUE **\$1,215.00**

COA # 340.34.980,7010

**WRITTEN STATEMENT TO BE INCLUDED IN THE WRITTEN MINUTES OF THIS SEPTEMBER 9, 2020 REGULAR IVGID BOARD MEETING – AGENDA ITEM C – PUBLIC COMMENTS – THE TENS OF THOUSANDS OF DOLLARS OF OUR RECREATION (“RFF”) AND BEACH (“BFF”) FACILITY FEES WHICH ARE NEEDLESSLY SPENT ON MEMBERSHIP DUES IN ALL SORTS OF THIRD PARTY ORGANIZATIONS – HERE THE NEVADA LEAGUE OF CITIES & MUNICIPALITIES**

**Introduction:** On July 21, 2020 I made a public records request to examine records evidencing:

1. All third party group or organization wherein IVGID was a member in 2019;
2. To the extent not already included in paragraph 1 above, any IVGID department or venue which in 2019 was a member of a third party group or organization;
3. To the extent not already included in paragraphs 1 or 2 above, any IVGID employee which in 2019 was a member of a group or organization wherein IVGID paid or reimbursed the employee's membership dues in that group or organization;
4. The yearly membership dues paid or reimbursed by IVGID in each such group or organization identified in paragraphs 1, 2 and 3 above; and,
5. Any additional fees paid to or associated with in any manner whatsoever any such group or organization identified in paragraphs 1, 2 and 3 above, together with records evidencing the reasons for such payments. Examples but not limitations of such fees would extend to continuing education, meetings, conferences, lodging associated therewith, transportation associated therewith, food associated therewith, per diem associated therewith, etc.

My intent was to discover the dozens of third party organizations I believe IVGID is a member of, and for which the RFF/BFF are used to pay yearly membership fees and conference attendance.

On August 21, 2020 IVGID's Public Records Officer, Susan Herron, provided "the dues/subscriptions that (she had)...located, to date, in response to (my) request" which consisted of twenty-three (23) organizations she admittedly did "not feel...(wa)s complete." She stated she would "continue to work on (my) request."

As I go through the records provided, my intent is to share what I discover with the public. And here I share records pertaining to the fourteenth such organization; the Nevada League of Cities & Municipalities. These are the purposes of this written statement.

**The Nevada League of Cities**<sup>1</sup>: In response to my request Ms. Herron provided records evidencing that the Nevada League of Cities was one of the third party organizations in which IVGID is a member.

**What is the Nevada League of Cities?** According to its web site<sup>2</sup>, “the Nevada League of Cities and Municipalities was originally incorporated...on October 30, 1959...(Its) original goals and objectives (which)...remain true today (are) ‘to foster periodical conferences of city officials; dissemination of knowledge of municipal affairs and government; to circulate publications on municipal affairs; to secure harmony of action among cities; and to render technical information and other services to... cities.’”

The League’s mission statement is to “serve...as the state’s primary champion of local government (by)...promot(ing) positive and continuous community development through public policy formulation, advocacy, shared data and timely communication.”

**Membership in the League:** Today the League is comprised<sup>3</sup> of representatives from nineteen (19) cities<sup>4</sup>, and four (4) “affiliate” GIDs<sup>5</sup>.

**But IVGID is Neither a City Nor Municipality:** True enough. However, in 1995 the League(’s) by-laws were amended to include membership from affiliates such as unincorporated towns, general improvement districts (“GIDs”), and other municipalities. (And two years later)...the general membership adopted the name, ‘NEVADA LEAGUE OF CITIES AND MUNICIPALITIES’ to incorporate League representation of affiliate members.”

**Friends of the League:** Recently the League has opened up membership to essentially any organization. “This program provides an option for ‘Friends’ to choose the level and corresponding benefit package that works best for them.”<sup>6</sup> Currently, there are nine (9) such “friends.”<sup>6</sup>

**Does Any of This Sound Like an Appropriate Endeavor For a Limited Purpose State Governmental Subdivision**<sup>7</sup>? We’ve had this discussion many times before. General improvement districts (“GIDs”) exist to *only* exercise those expressly enumerated powers in their initiating [see NRS 318.055(4)(b)] or supplemental (see NRS 318.077) ordinances as long as they are “one or more of

<sup>1</sup> Go to <http://nvleague.com/>.

<sup>2</sup> Go to <http://nvleague.com/about>.

<sup>3</sup> Go to <http://nvleague.com/site-page/board-directors>.

<sup>4</sup> Boulder, Carson City, Caliente, Carlin, Elko, Ely, Fallon, Fernley, Gardnerville, Henderson, Las Vegas, Lovelock, Minden, Reno, Sparks, Wells, West Wendover, Winnemucca and Yerington.

<sup>5</sup> Gardnerville Ranchos, Incline Village, Indian Hills, and Kingsbury.

<sup>6</sup> Go to <http://nvleague.com/site-page/friends-league>.

<sup>7</sup> NRS 318.075(1) instructs that IVGID is “a governmental subdivision of the State of Nevada.”

those authorized in NRS 318.116, as supplemented by the sections of this chapter (NRS 318) designated therein," and none other [see A.G.O. 63-61, p.102, p. 103 (August 12, 1963)]. And according to *Dillon's Rule*, should there be "any fair, reasonable (or) substantial doubt concerning the existence (or lack of the existence) of power (it) is (to be) resolved...against the (municipal) corporation...(and) all acts beyond the scope of...powers granted are void" [*Ronnow v. City of Las Vegas* (1937) 57 Nev. 332, 343, 65 P.2d 133].

Take a look at NRS 318.116. Do you see anywhere that a local GID is authorized to spend public moneys to serve as the state's primary advocacy group for local government? What about to disseminate knowledge of municipal affairs and government when GID's are not even municipalities? What about to assist cities insofar as technical information and other services are concerned?

Are you aware of any such powers having been granted to IVGID by the Washoe County Board of Commissioners ("County Board") in the former's initiating ordinance? How about any subsequent supplemental ordinance? Do you think this expenditure of public moneys is what the Washoe County Board had in mind when created IVGID? Again the answers are no, no and no.

Okay. NRS 318.210 states that a GID "board shall have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted in this chapter...to carry out the purposes and intent of this chapter" (NRS 318). Is becoming a member in a third party organization made up of dozens of true municipalities to act as an advocacy group for local government a "necessary" activity for a limited purpose governmental subdivision of the State of Nevada? Of course not!

Is the power to pay dues to join an organization made up of mostly cities to act as an advocacy group for local government, incidental to or to be implied from the express basic powers of NRS 318.116 which have been granted to IVGID by the Washoe County Board<sup>8</sup>? Of course not!

**Membership:** Here IVGID's annual membership dues in the League, based upon population, totals \$3,967.67<sup>9</sup>. And what does IVGID get for its membership in the League?

**An Example of Staff's Lack of Transparency and Deceit So You Wouldn't Otherwise Learn of This Expense Were it Not For This Written Statement:** Staff revels in the notion they believe they are transparent in their financial reporting<sup>10</sup>. "In an effort to enhance transparency in financial reporting, IVGID...allows citizens to explore IVGID's financial data online."<sup>10</sup> IVGID assigns a Chart of Account ("COA") Name and Number to every one of its expenditures so they can be readily retrieved for

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<sup>8</sup> The powers to furnish facilities for water, sewerage, collection and disposal of garbage and refuse, and public recreation.

<sup>9</sup> This number appears on the League's June 12, 2019 membership fee invoice. This invoice is attached as Exhibit "A" to this written statement.

<sup>10</sup> Go to <https://www.yourtahoeplace.com/ivgid/financial-transparency>.

financial reporting purposes. According to IVGID’s legend to its COA structure<sup>11</sup>, this expenditure has been assigned the following four COA numbers: 100.11.110.7340<sup>12</sup>. This series of numbers corresponds to: an ordinary dues & subscriptions expense assigned to “trustees.” But wait a minute: What does this expenditure have to do with an ordinary trustees’ subscription? After all, the League *isn’t* the League of GIDs.

**Thus This Expenditure Was NOT Necessary:**

**Since This is the Fourteenth of What I Suspect Will be a Series of Additional Similar Questionable Third Party Membership Expenses, Let’s Continue the Tally:**

Organization	Yearly Dues	Running Total
SnoCountry	\$ 1,215	\$ 1,215
STOKE	\$ 700	\$ 1,915
T-NT Transport Mgmt Ass’n	\$ 2,000	\$ 3,915
BEAR League	\$ 250	\$ 4,165
No Nev Consort For Coop Purch	\$ 30	\$ 4,195
Nev Rural Water Ass’n	\$ 343	\$ 4,538
North Tahoe Bus Ass’n	\$ 300	\$ 4,838
NLT Conv & Visitors Bureau	\$ 4,050	\$ 8,888
Reno Tahoe Territory	\$ 150	\$ 9,038
Nevada League of Cities	\$ 3,968	\$ 13,006
Nat’l Ski Areas Ass’n	\$ 4,876	\$ 17,882
Ski California	\$ 4,578	\$ 22,460
Nat’l Golf Foundation	\$ 250	\$ 22,710
U.S. Golf Ass’n	\$ 150	\$ 22,860

**Conclusion:** Limited purpose political subdivisions like IVGID have no power to engage in advocacy for local governments, the majority of which may be cities. Yet here IVGID staff contend

<sup>11</sup> This document is a useful tool to our Board of Trustees, Staff, and our public. This legend...is a useful tool to our Board of Trustees, staff, and our public (and it)...includes four elements – Fund, Department, Division, and Object. This legend (is)...especially helpful in understanding the coding on our...Payment of Bills located on our website” (see <https://www.yourtahoeplace.com/ivgid/financial-transparency/legend-of-our-account-structure>).

<sup>12</sup> This number appears on STOKE’s April 4, 2019 membership fee invoice #DP-6. This invoice is attached as Exhibit “A” to this written statement.

otherwise. It's called improper government action or waste<sup>13</sup>! And they're dragging us along for the ride with their need for financial subsidies.

I ask the Board to direct staff to discontinue expenditures such as this one, and to reduce the RFF/BFF which indirectly pay for these expenditures<sup>14</sup> by a like amount.

And to those asking why our RFF/BFF are as high as they are, and never seem to go down, now you have another example of the reasons why.

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

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<sup>13</sup> NRS 281.611(1) defines "improper governmental action" as "any action taken by a...local governmental officer or employee in the performance of the officer's or employee's official duties...which is: (a) in violation of any state law or regulation...(c) an abuse of authority...or (e) *a gross waste of public money.*"

<sup>14</sup> Through allocated central services cost transfers.



**EXHIBIT "A"**



Nevada League of Cities & Municipalities  
520 S. Curry Street  
Carson City, NV 89703  
(775) 822-2121

Annual Membership Dues FY 2019-20  
Invoice # 72019-01

June 12, 2019

Attention: Mr. Steve Pinkerton  
General Manager  
Incline Village GID  
893 Southwood Blvd.  
Incline Village, NV 89451

A handwritten signature in black ink, appearing to be "SP".

ok to pay  
6/20/2019

Description	Amount
Annual Membership Dues FY 2019-20	
Base Assessment	\$1,290.68
Per Capita Assessment 8,777 @ 0.305	\$2,676.99
Total	\$3,967.67

**WRITTEN STATEMENT TO BE INCLUDED IN THE WRITTEN MINUTES OF THIS SEPTEMBER 9, 2020 REGULAR IVGID BOARD MEETING – AGENDA ITEM C – PUBLIC COMMENTS – THE TENS OF THOUSANDS OF DOLLARS OF OUR RECREATION (“RFF”) AND BEACH (“BFF”) FACILITY FEES WHICH ARE NEEDLESSLY SPENT ON MEMBERSHIP DUES IN ALL SORTS OF THIRD PARTY ORGANIZATIONS – HERE STOKE**

**Introduction:** On July 21, 2020 I made a public records request to examine records evidencing:

1. All third party group or organization wherein IVGID was a member in 2019;
2. To the extent not already included in paragraph 1 above, any IVGID department or venue which in 2019 was a member of a third party group or organization;
3. To the extent not already included in paragraphs 1 or 2 above, any IVGID employee which in 2019 was a member of a group or organization wherein IVGID paid or reimbursed the employee's membership dues in that group or organization;
4. The yearly membership dues paid or reimbursed by IVGID in each such group or organization identified in paragraphs 1, 2 and 3 above; and,
5. Any additional fees paid to or associated with in any manner whatsoever any such group or organization identified in paragraphs 1, 2 and 3 above, together with records evidencing the reasons for such payments. Examples but not limitations of such fees would extend to continuing education, meetings, conferences, lodging associated therewith, transportation associated therewith, food associated therewith, per diem associated therewith, etc.

My intent was to discover the dozens of third party organizations I believe IVGID is a member of, and for which the RFF/BFF are used to pay yearly membership fees and conference attendance.

On August 21, 2020 IVGID's Public Records Officer, Susan Herron, provided "the dues/subscriptions that (she had)...located, to date, in response to (my) request" which consisted of twenty-three (23) organizations she admittedly did "not feel...(wa)s complete." She stated she would "continue to work on (my) request."

As I go through the records provided, my intent is to share what I discover with the public. And here I share records pertaining to the thirteenth such organization; STOKE. These are the purposes of this written statement.

**STOKE<sup>1</sup>:** In response to my request Ms. Herron provided records evidencing that STOKE was one of the third party organizations in which IVGID is a member.

**What is STOKE?** According to its web site<sup>2</sup>, “sustainability.” And according to its web site<sup>2</sup> (listen to this gobbledygook, if you will,) “sustainability means installing moorings instead of dropping anchors on your favorite reef break<sup>3</sup>. Or leaving an old-growth forest intact instead of clear-cutting it for a new mogul field<sup>4</sup>...(Or,) supporting like-minded businesses in supply chains and incorporating nuances of local culture rather than creating homogenous cookie-cutter experiences.”

***Given We Have TRPA, Do We Really Need STOKE?***

**THE IVGID Board’s February 12, 2020 Meeting:** The subject of the propriety/lack thereof of membership in STOKE came up at this Board meeting. I submitted a written statement on the subject<sup>5</sup> wherein I made the case that this expenditure was totally inappropriate for a Nevada local government like IVGID which is *not* empowered to provide for the health, safety and welfare of its inhabitants. Rather than making the case again, I refer the reader to pages 266-269 of the 3/11/2020 Board packet.

**Does Any of This Sound Like an Appropriate Endeavor For a Limited Purpose State Governmental Subdivision<sup>6</sup>?** We’ve had this discussion many times before. General improvement districts (“GIDs”) exist to *only* exercise those expressly enumerated powers in their initiating [see NRS 318.055(4)(b)] or supplemental (see NRS 318.077) ordinances as long as they are “one or more of those authorized in NRS 318.116, as supplemented by the sections of this chapter (NRS 318) designated therein,” *and none other* [see A.G.O. 63-61, p.102, p. 103 (August 12, 1963)]. And according to *Dillon’s Rule*, should there be “any fair, reasonable (or) substantial doubt concerning the existence (or lack of the existence) of power (it) is (to be) resolved...*against* the (municipal) corporation...(and) all acts beyond the scope of...powers granted are void” [*Ronnow v. City of Las Vegas* (1937) 57 Nev. 332, 343, 65 P.2d 133].

Take a look at NRS 318.116. Do you see anywhere that a local GID is authorized to spend public moneys on a “sustainable Tourism Operator’s Kit for...ski tourism operators (and) destinations”<sup>1</sup>

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<sup>1</sup> Go to <https://www.stokecertified.com/>.

<sup>2</sup> Go to <https://www.stokecertified.com/about>.

<sup>3</sup> TRPA will let you “drop anchors” in Lake Tahoe. But they won’t allow you to “install moorings.”

<sup>4</sup> Given most of Diamond Peak sits on private IVGID property rather than U.S. Forest Service lands, try getting a TRPA permit to “clear-cut” a forest for a Diamond Peak mogul field.

<sup>5</sup> See pages 262-280 of the packet of materials prepared by staff in anticipation of the Board’s March 11, 2020 meeting [“the 3/11/2020 Board packet” ([https://www.yourtahoeplace.com/uploads/pdf-ivgid/3-11-2020-BOT\\_Packet\\_Regular.pdf](https://www.yourtahoeplace.com/uploads/pdf-ivgid/3-11-2020-BOT_Packet_Regular.pdf))].

<sup>6</sup> NRS 318.075(1) instructs that IVGID is “a governmental subdivision of the State of Nevada.”

which promotes its founders' vision of "creating demand for sustainability from within the riding community (which)...catalyze(s) and enable(s) operators to implement innovative sustainable practices so our culture will continue to thrive and overcome the environmental, socio-cultural, and economic challenges of the future?"<sup>2</sup>

Are you aware of any such power having been granted to IVGID by the Washoe County Board of Commissioners ("County Board") in the former's initiating ordinance? How about any subsequent supplemental ordinance? Do you think this expenditure of public moneys is what the Washoe County Board had in mind when it granted IVGID the power to furnish facilities for public recreation? Again the answers are no, no and no.

Okay. NRS 318.210 states that a GID "board shall have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted in this chapter...to carry out the purposes and intent of this chapter" (NRS 318). Is becoming a member in a third party organization made up of dozens of private, commercial "for profit" businesses, overwhelmingly located in states other than Nevada, a "necessary" activity for a limited purpose governmental subdivision of the State of Nevada? Of course not!

Is the power to pay dues to join a trade organization made up of dozens of private, commercial "for profit" businesses, overwhelmingly located in states other than Nevada, which promotes environmental, socio-cultural, and economic challenges of the future"<sup>2</sup>, incidental to or to be implied from the express basic powers of NRS 318.116 which have been granted to IVGID by the Washoe County Board<sup>7</sup>? Of course not!

**Membership:** Here the annual membership dues to be a sustained member of STOKE, based upon the gross receipts of Diamond Peak, total \$700<sup>12</sup>. And listen to what IVGID gets for its membership:

"Access to (an)...electronic Sustainable Tourism Operators Guidebook;"

"Member Profile on (STOKE's) website;"

Use of the "STOKE Membership Logo;"

"Sustainability Management System Template;"

"Supply Chain Analysis Tools;"

"Self-benchmarking Tool(s);"

"Customer Satisfaction Surveys;" and,

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<sup>7</sup> The powers to furnish facilities for water, sewerage, collection and disposal of garbage and refuse, and public recreation.

“Stakeholder Engagement Resources”<sup>8</sup> for “sustainability” which “contribut(e) to environmental conservation”<sup>9</sup> and “local cultural activities and community events.”<sup>9</sup>

**An Example of Staff’s Lack of Transparency and Deceit So You Wouldn’t Otherwise Learn of This Expense Were it Not For This Written Statement:** Staff revels in the notion they believe they are transparent in their financial reporting<sup>10</sup>. “In an effort to enhance transparency in financial reporting, IVGID...allows citizens to explore IVGID’s financial data online.”<sup>10</sup> IVGID assigns a Chart of Account (“COA”) Name and Number to every one of its expenditures so they can be readily retrieved for financial reporting purposes. According to IVGID’s legend to its COA structure<sup>11</sup>, this expenditure has been assigned the following four COA numbers: 340.34.990.7415<sup>12</sup>. This series of numbers corresponds to: an ordinary paid operating expense assigned to Diamond Peak. But wait a minute. What does this expenditure have to do with operating Diamond Peak? *NOTHING!*

**Thus This Expenditure Was Not Only *NOT* Necessary, it Was Improperly Paid For With the RFF:**

**But Wait; There’s More:** Even more bothersome than IVGID membership in STOKE, consider that staff (rather than the IVGID Board) have gone so far as to create a “sustainability coordinator” position [staffed by Joseph A. Hill, a public works intern since August of 2015<sup>13</sup> and a former Parasol sponsored Americorps “volunteer” (and rather than volunteered,) paid for by IVGID of course) before then<sup>14</sup>], at a cost to local parcel/dwelling unit owners of in excess of \$40,000 annually<sup>15</sup>, to prosecute

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<sup>8</sup> Go to <https://www.stokecertified.com/certification/snow/>.

<sup>9</sup> Go to <https://www.stokecertified.com/certification/events/>.

<sup>10</sup> Go to <https://www.yourtahoeplace.com/ivgid/financial-transparency>.

<sup>11</sup> This document is a useful tool to our Board of Trustees, Staff, and our public. This legend...is a useful tool to our Board of Trustees, staff, and our public (and it)...includes four elements – Fund, Department, Division, and Object. This legend (is)...especially helpful in understanding the coding on our...Payment of Bills located on our website” (see <https://www.yourtahoeplace.com/ivgid/financial-transparency/legend-of-our-account-structure>).

<sup>12</sup> This number appears on STOKE’s April 4, 2019 membership fee invoice #DP-6. This invoice is attached as Exhibit “A” to this written statement.

<sup>13</sup> Go to <https://www.linkedin.com/in/joseph-hill-b7b414153>.

<sup>14</sup> See <https://www.sierrasun.com/news/announcements/newest-amicorps-team-begins-work-at-lake-tahoe/>.

<sup>15</sup> Go to <http://transparentnevada.com/salaries/2017/incline-village-general-improvement-district/joseph-a-hill/>.

this "vital" initiative<sup>16</sup> [i.e., "taking a proactive role in changing human behavior"<sup>17</sup> (see IVGID Resolution 1836)]. Insofar as we residents of Incline Village/Crystal Bay are concerned, aren't those duties owed by Washoe County rather than IVGID? Why then are we paying for them?

**Now My Question to the IVGID Board: WHY DIDN'T YOU UNCOVER THIS TOTALLY IMPROPER EXPENSE WHEN YOU APPROVED THE LATEST 2020-21 BUDGET?**

**Now My Question to Paul Raymore, Our Marketing Manager: WHY DIDN'T YOU TELL THE BOARD AND THE PUBLIC ABOUT THIS TOTALLY IMPROPER EXPENSE WHEN YOU PRESENTED YOUR LATEST PROPOSED EXL MEDIA CONTRACT?**

**Since This is the Thirteenth of What I Suspect Will be a Series of Additional Similar Inappropriate Third Party Membership Expenses, Let's Continue the Tally:**

Organization	Yearly Dues	Running Total
SnoCountry	\$ 1,215	\$ 1,215
STOKE	\$ 700	\$ 1,915
T-NT Transport Mgmt Ass'n	\$ 2,000	\$ 3,915
BEAR League	\$ 250	\$ 4,165
No Nev Consort For Coop Purch	\$ 30	\$ 4,195
Nev Rural Water Ass'n	\$ 343	\$ 4,538
North Tahoe Bus Ass'n	\$ 300	\$ 4,838
NLT Conv & Visitors Bureau	\$ 4,050	\$ 8,888
Reno Tahoe Territory	\$ 150	\$ 9,038
Nat'l Ski Areas Ass'n	\$ 4,876	\$ 13,914
Ski California	\$ 4,578	\$ 18,492
Nat'l Golf Foundation	\$ 250	\$ 18,742
U.S. Golf Ass'n	\$ 150	\$ 18,892

<sup>16</sup> Here we have another example that IVGID staff do not understand what IVGID really is. Listen to its description of its sustainability program: "the purpose of...IVGID('s) Sustainability Program is to responsibly manage resources under IVGID's care, protect public health, and balance its social and environmental duties to the citizens and community while providing cost-effective services to rate-payers. Sustainability holds importance to Incline Village Public Works in terms of environmental, social and economic security" (go to <https://josephahill.com/adventures/work-experience/ivgid-waste-not/>). IVGID is nothing more than a limited purpose [NRS 308.010(2)] special district [NRS 308.020(2)]. Because it is *not* a municipality with general police powers, it possesses no community "social" nor "environ-mental" duties. Insofar as the residents of Incline Village/Crystal Bay are concerned, those duties are owed by Washoe County rather than IVGID.

<sup>17</sup> See IVGID Resolution No. 1836 [item ¶J(6) at [https://www.yourtahoeplace.com/uploads/pdf-ivgid/BOT\\_Regular\\_Meeting\\_4-29-2015.pdf](https://www.yourtahoeplace.com/uploads/pdf-ivgid/BOT_Regular_Meeting_4-29-2015.pdf)].



**Conclusion:** Limited purpose political subdivisions like IVGID have no power to engage in for profit business enterprises as if they were private entrepreneurs, nor to use public funds supporting the “environmental, socio-cultural, and economic challenges of the future.”<sup>2</sup> Yet here IVGID staff contend otherwise. It’s called improper government action or waste<sup>18</sup>! And they’re dragging us along for the ride with their need for financial subsidies.

I ask the Board to direct staff to discontinue expenditures such as this one, and to reduce the RFF by a like amount.

And to those asking why our RFF/BFF are as high as they are, and never seem to go down, now you have another example of the reasons why.

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

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<sup>18</sup> NRS 281.611(1) defines “improper governmental action” as “any action taken by a...local governmental officer or employee in the performance of the officer’s or employee’s official duties...which is: (a) in violation of any state law or regulation...(c) an abuse of authority...or (e) *a gross waste of public money.*”

**EXHIBIT "A"**



From **STOKE, SPC**  
4826 Utah St  
San Diego, CA 92116

Invoice For **Diamond Peak**  
Incline Village General Improvement  
District  
1220 Sweetwater Rd, Incline Village,  
NV 89451

Invoice ID **DP-6**  
Issue Date **04/24/2019**  
Due Date **05/24/2019 (Net 30)**  
Subject **DPSR - STOKE Snow Membership Dues 2019**

*340-34-990-7415*  
*ok to pay*  
*[Signature]*

Item Type	Description	Quantity	Unit Price	Amount
Service	STOKE Snow Annual Membership Dues	1.00	\$700.00 USD	\$700.00 USD
			<b>Amount Due</b>	<b>\$700.00 USD</b>

**WRITTEN STATEMENT TO BE INCLUDED IN THE WRITTEN MINUTES OF THIS SEPTEMBER 9, 2020 REGULAR IVGID BOARD MEETING – AGENDA ITEM C – PUBLIC COMMENTS – THE TENS OF THOUSANDS OF DOLLARS OF OUR RECREATION (“RFF”) AND BEACH (“BFF”) FACILITY FEES OR SEWER OR WATER RATES, TOLLS OR CHARGES WHICH ARE SPENT ON MEMBERSHIP DUES IN ALL SORTS OF THIRD PARTY ORGANIZATIONS – HERE THE NEVADA RURAL WATER ASSOCIATION**

**Introduction:** On July 21, 2020 I made a public records request to examine records evidencing:

1. All third party group or organization wherein IVGID was a member in 2019;
2. To the extent not already included in paragraph 1 above, any IVGID department or venue which in 2019 was a member of a third party group or organization;
3. To the extent not already included in paragraphs 1 or 2 above, any IVGID employee which in 2019 was a member of a group or organization wherein IVGID paid or reimbursed the employee's membership dues in that group or organization;
4. The yearly membership dues paid or reimbursed by IVGID in each such group or organization identified in paragraphs 1, 2 and 3 above; and,
5. Any additional fees paid to or associated with in any manner whatsoever any such group or organization identified in paragraphs 1, 2 and 3 above, together with records evidencing the reasons for such payments. Examples but not limitations of such fees would extend to continuing education, meetings, conferences, lodging associated therewith, transportation associated therewith, food associated therewith, per diem associated therewith, etc.

My intent was to discover the dozens of third party organizations I believe IVGID is a member of, and for which the RFF/BFF are used to pay yearly membership fees and conference attendance.

On August 21, 2020 IVGID's Public Records Officer, Susan Herron, provided "the dues/subscriptions that (she had)...located, to date, in response to (my) request" which consisted of twenty-three (23) organizations she admittedly did "not feel...(wa)s complete." She stated she would "continue to work on (my) request."

As I go through the records provided, my intent is to share what I discover with the public. And here I share records pertaining to the twelfth such organization; the Nevada Rural Water Association ("NVRWA"). These are the purposes of this written statement.

**The NVRWA<sup>1</sup>:** In response to my request Ms. Herron provided records evidencing that the NVRWA was one of the third party organizations in which IVGID is a member.

**What is the NVRWA?** The “NVRWA is a nonprofit membership organization that provides water, wastewater...solid waste training and technical assistance programs statewide...and... networking assistance with other systems and vendors...(According to the NVRWA,) by joining together, small systems (like IVGID’s can) realize big benefits.”<sup>1</sup>

**Unlike Many of the Other Organizations I Have Brought to the Board’s and the Public’s Attention Which I Have Questioned, This One Sounds Like an Appropriate Endeavor For a Limited Purpose State Governmental Subdivision<sup>2</sup> Like IVGID:** Although staff keeps telling the Board and the public how “professional” they are, experience has demonstrated otherwise. Given the furnishing of water/sewer services are at the core of IVGID, in the opinion of myself and others, it can use all the help it can get. And if it can secure this help for only \$343 annually (see below), in a vacuum it seems like a good thing. And since GID Boards are authorized to “acquire any improvement appertaining to any such basic power which the district may exercise” [see NRS 318.100(1)], “to operate, maintain and repair the improvements acquired by the district...and all facilities of the district relating to any basic power which the district is authorized to exercise” (see NRS 318.145), “project and improvement each means any structure, facility, undertaking or system which a district is authorized to acquire, improve, equip, maintain or operate” [see NRS 318.020(6)], and NRS 318.210 grants GID boards the power to “exercise all rights and powers necessary or incidental to or implied from the specific powers granted in this chapter...to carry out the purposes and intent of this chapter,” it seems to me that joining this organization for the benefits it proposes (see discussion below) is an appropriate thing to do.

**Membership:** IVGID is a member in the NVRWA, and annual dues total \$343<sup>3</sup>. According to the NVRWA, membership benefits include:

“Formal classroom education or hands-on-training;”

“An annual conference;”

“Up to three discounted conference registrations;”

“Most...conference sessions are approved through NDEP-BSDW for...license renewal” purposes;

“On-site technical assistance to water and wastewater systems;”

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<sup>1</sup> Go to <https://www.nvrwa.org/>.

<sup>2</sup> NRS 318.075(1) instructs that IVGID is “a governmental subdivision of the State of Nevada.”

<sup>3</sup> See Exhibit “A.”

Their “specialists can keep (us) up-to-date with ways to integrate GIS and asset management;”  
“Assist(ance) with various reports/compliance needs (and)...loan and grant applications;”  
“Subscription to (its) quarterly publication, *Water Logged*.”<sup>4</sup>

Actually with all of these benefits, I and others wonder why we even have a public works department.

**An Example of Staff’s Lack of Transparency and Deceit So You Wouldn’t Otherwise Learn of This Expense Were it Not For This Written Statement:** Staff revels in the notion they believe they are transparent in their financial reporting<sup>5</sup>. “In an effort to enhance transparency in financial reporting, IVGID...allows citizens to explore IVGID’s financial data online.”<sup>5</sup> IVGID assigns a Chart of Account (“COA”) Name and Number to every one of its expenditures so they can be readily retrieved for financial reporting purposes. According to IVGID’s legend to its COA structure<sup>6</sup>, this expenditure has been assigned the following four COA numbers: 200.22.240.7680<sup>7</sup>. This series of numbers corresponds to: training and education associated with water services under public utilities. Given membership *per se* in an organization differs from any services which may be obtained therefrom, I believe it has been improperly assigned this COA number.

**Since This is the Twelfth of What I Suspect Will be a Series of Additional Similar Third Party Membership Expenses, Let’s Continue the Tally:**

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<sup>4</sup> Go to <https://www.nvrwa.org/member-benefits/>.

<sup>5</sup> Go to <https://www.yourtahoeplace.com/ivgid/financial-transparency>.

<sup>6</sup> This document is a useful tool to our Board of Trustees, Staff, and our public. This legend...is a useful tool to our Board of Trustees, staff, and our public (and it)...includes four elements – Fund, Department, Division, and Object. This legend (is)...especially helpful in understanding the coding on our... Payment of Bills located on our website” (see <https://www.yourtahoeplace.com/ivgid/financial-transparency/legend-of-our-account-structure>).

<sup>7</sup> This number appears on the NVRWA’s December 4, 2018 membership fee invoice. This invoice is attached as Exhibit “A” to this written statement.

Organization	Yearly Dues	Running Total
SnoCountry	\$ 1,215	\$ 1,215
T-NT Transport Mgmt Ass'n	\$ 2,000	\$ 3,215
BEAR League	\$ 250	\$ 3,465
No Nev Consort For Coop Purch	\$ 30	\$ 3,495
Nev Rural Water Ass'n	\$ 343	\$ 3,838
North Tahoe Bus Ass'n	\$ 300	\$ 4,138
NLT Conv & Visitors Bureau	\$ 4,050	\$ 8,188
Reno Tahoe Territory	\$ 150	\$ 8,338
Nat'l Ski Areas Ass'n	\$ 4,876	\$ 13,214
Ski California	\$ 4,578	\$ 17,792
Nat'l Golf Foundation	\$ 250	\$ 18,042
U.S. Golf Ass'n	\$ 150	\$ 18,192

**Conclusion:** Unlike the overwhelming majority of other trade organization memberships, in a vacuum this one appears to be beneficial. So rather than criticize, this written statement merely documents another dues paying third party organization of which IVGID is a member.

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



**EXHIBIT "A"**

Nevada Rural Water Association  
 363 Fairview Drive  
 Carson City, NV 89701

Phone: (775) 841-4222  
 Fax: (775) 841-4243  
 E-Mail: marys@nvrwa.org




# Invoice

Bill To:

Incline Village GID PWS 0158  
 1220 Sweetwater Road  
 Incline Village, NV 89451

Date	Invoice #
12/4/2018	MR 2018-795

NvRWA has training available to all Nevada Public Water Systems regardless of size or ownership.

Description	Rate	Amount										
System 501 - 9,999 Membership Renewal 2019	343.00	343.00										
<b>APPROVED FOR PAYMENT</b> <table border="1" style="margin: auto;"> <tr> <td>PO or CIP</td> <td></td> </tr> <tr> <td>Account</td> <td>200-22-240-7680</td> </tr> <tr> <td>Amount</td> <td>\$ 343.00</td> </tr> <tr> <td>Signature</td> <td></td> </tr> <tr> <td>Date</td> <td>12/11/18</td> </tr> </table>			PO or CIP		Account	200-22-240-7680	Amount	\$ 343.00	Signature		Date	12/11/18
PO or CIP												
Account	200-22-240-7680											
Amount	\$ 343.00											
Signature												
Date	12/11/18											
<b>Total</b>		\$343.00										

NvRWA is an equal opportunity provider and employer

**WRITTEN STATEMENT TO BE INCLUDED IN THE WRITTEN MINUTES OF THIS SEPTEMBER 9, 2020 REGULAR IVGID BOARD MEETING – AGENDA ITEM C – PUBLIC COMMENTS – THE TENS OF THOUSANDS OF DOLLARS OF OUR RECREATION (“RFF”) AND BEACH (“BFF”) FACILITY FEES OR SEWER OR WATER RATES, TOLLS OR CHARGES WHICH ARE SPENT ON MEMBERSHIP DUES IN ALL SORTS OF THIRD PARTY ORGANIZATIONS – HERE THE NORTHERN NEVADA CONSORTIUM FOR COOPERATIVE PURCHASING**

**Introduction:** On July 21, 2020 I made a public records request to examine records evidencing:

1. All third party group or organization wherein IVGID was a member in 2019;
2. To the extent not already included in paragraph 1. above, any IVGID department or venue which in 2019 was a member of a third party group or organization;
3. To the extent not already included in paragraphs 1 or 2 above, any IVGID employee which in 2019 was a member of a group or organization wherein IVGID paid or reimbursed the employee's membership dues in that group or organization;
4. The yearly membership dues paid or reimbursed by IVGID in each such group or organization identified in paragraphs 1, 2 and 3 above; and,
5. Any additional fees paid to or associated with in any manner whatsoever any such group or organization identified in paragraphs 1, 2 and 3 above, together with records evidencing the reasons for such payments. Examples but not limitations of such fees would extend to continuing education, meetings, conferences, lodging associated therewith, transportation associated therewith, food associated therewith, per diem associated therewith, etc.

My intent was to discover the dozens of third party organizations I believe IVGID is a member of, and for which the RFF/BFF are used to pay yearly membership fees and conference attendance.

On August 21, 2020 IVGID's Public Records Officer, Susan Herron, provided "the dues/subscriptions that (she had)...located, to date, in response to (my) request" which consisted of twenty-three (23) organizations she admittedly did "not feel...(wa)s complete." She stated she would "continue to work on (my) request."

As I go through the records provided, my intent is to share what I discover with the public. And here I share records pertaining to the eleventh such organization; the Northern Nevada Consortium for Cooperative Purchasing ("NNCCP"). These are the purposes of this written statement.

**The NNCCP:** In response to my request Ms. Herron provided records evidencing that the NNCCP was one of the third party organizations in which IVGID is a member.

**What is the NNCCP?** I couldn't find a web site for the NNCCP. But what I did discover on the wcsd.net site was that the "Washoe County School District's Purchasing Department personnel were instrumental in establishing th(is organization) in 1984." The organization "operates as a...IRS 503(c)(6)...non-profit (and)...includes various governmental purchasing entities within the State of Nevada including...counties, cities, townships, political subdivisions, utilities, general improvement districts ("GIDs"), school districts and colleges(. It)...meets monthly...to promote the...electronically and cooperative...sharing of procurement knowledge, expertise, resources and information."<sup>1</sup>

**Unlike Many of the Other Organizations I Have Brought to the Board's and the Public's Attention Which I Have Questioned, This One Sounds Like an Appropriate Endeavor For a Limited Purpose State Governmental Subdivision<sup>2</sup> Like IVGID Which Employs No Purchasing Professionals:** Time and time again staff purchases seem to have been unnecessarily expensive. So IVGID needs help! And if it can secure this help for only \$30 annually (see below), in a vacuum it seems like a good thing. And since GID Boards are authorized to "acquire any improvement appertaining to any such basic power which the district may exercise" [see NRS 318.100(1)], acquisition means the "acquisition, extension, alteration, reconstruction, repair or other improvement by *purchase*, construction, installation, reconstruction, condemnation, lease, rent, gift, grant, bequest, devise, contract or other acquisition, or any combination thereof" [see NRS 318.020(1)], and NRS 318.210 grants GID boards the power to "exercise all rights and powers necessary or incidental to or implied from the specific powers granted in this chapter...to carry out the purposes and intent of this chapter," it seems to me that joining this consortium is an appropriate thing to do.

**Membership:** IVGID is a NNCCP member, and its annual dues are only \$30<sup>3</sup>.

**An Example of Staff's Lack of Transparency and Deceit So You Wouldn't Otherwise Learn of This Expense Were it Not For This Written Statement:** Staff revels in the notion they believe they are transparent in their financial reporting<sup>4</sup>. "In an effort to enhance transparency in financial reporting, IVGID...allows citizens to explore IVGID's financial data online."<sup>4</sup> IVGID assigns a Chart of Account ("COA") Name and Number to every one of its expenditures so they can be readily retrieved for financial reporting purposes. According to IVGID's legend to its COA structure<sup>5</sup>, this expenditure has

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<sup>1</sup> Go to <https://www.washoeschools.net/Page/784>.

<sup>2</sup> NRS 318.075(1) instructs that IVGID is "a governmental subdivision of the State of Nevada."

<sup>3</sup> See Exhibit "A."

<sup>4</sup> Go to <https://www.yourtahoeplace.com/ivgid/financial-transparency>.

<sup>5</sup> This document is a useful tool to our Board of Trustees, Staff, and our public. This legend...is a useful tool to our Board of Trustees, staff, and our public (and it)...includes four elements – Fund, Department, Division, and Object. This legend (is)...especially helpful in understanding the coding on our...

been assigned the following four COA numbers: 200.22.997.7340<sup>6</sup>. Besides the fact this expenditure was apparently *not* budgeted<sup>3</sup>, this series of numbers corresponds to: dues & subscriptions associated with water services under public utilities. Given I suspect this consortium deals with public purchasing other than public utility purchases, I believe it has been improperly assigned this COA number.

**Since This is the Eleventh of What I Suspect Will be a Series of Additional Similar Third Party Membership Expenses, Let's Continue the Tally:**

Organization	Yearly Dues	Running Total
SnoCountry	\$ 1,215	\$ 1,215
T-NT Transport Mgmt Ass'n	\$ 2,000	\$ 3,215
BEAR League	\$ 250	\$ 3,465
No Nev Consort For Coop Purch	\$ 30	\$ 3,495
North Tahoe Bus Ass'n	\$ 300	\$ 3,795
NLT Conv & Visitors Bureau	\$ 4,050	\$ 7,845
Reno Tahoe Territory	\$ 150	\$ 7,995
Nat'l Ski Areas Ass'n	\$ 4,876	\$ 12,871
Ski California	\$ 4,578	\$ 17,449
Nat'l Golf Foundation	\$ 250	\$ 17,699
U.S. Golf Ass'n	\$ 150	\$ 17,849

**Conclusion:** Unlike the overwhelming majority of other trade organization memberships, in a vacuum this one appears to be beneficial. However, I would be curious of the actual purchases made by staff going through the subject consortium. If none, why are we a member?

And to those asking why our RFF/BFF or sewer/water rates are as high as they are, and never seem to go down, now you have another possible example of the reasons why.

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

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Payment of Bills located on our website" (see <https://www.yourtahoeplace.com/ivgid/financial-transparency/legend-of-our-account-structure>).

<sup>6</sup> This number appears on the NNCCP's April 19, 2019 membership fee invoice. This invoice is attached as Exhibit "A" to this written statement.

**EXHIBIT "A"**

**Northern Nevada Consortium for  
Cooperative Purchasing**  
N.N.C.C.P.

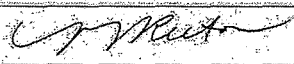
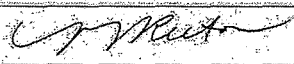
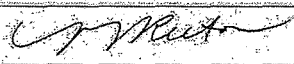
**INVOICE  
No. 916**

**REMIT TO:**

Pam Homentowski, Secretary  
c/o Washoe County School District Purchasing  
**14101 Old Virginia Road**  
**Reno, NV 89521**  
Phone 775-850-8031 Email: phomentowski@washoeschools.net

DATE: APRIL 19, 2019

To: **INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT**  
PURCHASING OFFICE  
893 SOUTHWOOD BOULEVARD  
INCLINE VILLAGE NV 89451

DESCRIPTION	AMOUNT										
2019 Membership Dues in NNCCP  January 1, 2019 - December 31, 2019  <div style="text-align: center;"> <p><b>APPROVED FOR PAYMENT</b></p> <table border="1"> <tr> <td>PO or CIP</td> <td>970 error in activity center - mew</td> </tr> <tr> <td>Account</td> <td>200-22-990-7340</td> </tr> <tr> <td>Amount</td> <td>\$ 30.00</td> </tr> <tr> <td>Signature</td> <td></td> </tr> <tr> <td>Date</td> <td>4/22/19</td> </tr> </table> </div>	PO or CIP	970 error in activity center - mew	Account	200-22-990-7340	Amount	\$ 30.00	Signature		Date	4/22/19	30.00
PO or CIP	970 error in activity center - mew										
Account	200-22-990-7340										
Amount	\$ 30.00										
Signature											
Date	4/22/19										
TOTAL	30.00										

**Make all checks payable to N.N.C.C.P.**

Payment is due by June 30, 2019.

If you have any questions concerning this invoice, contact Pam Homentowski, N.N.C.C.P. Secretary, at phomentowski@washoeschools.net

**Thank you for your Membership Renewal!**





Rector, Ronnie L. | Whitaker, Mikie  
RE: NNCCP coding

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Typo. Thanks.

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**From:** Whitaker, Mikie <[MEW@ivgid.org](mailto:MEW@ivgid.org)>  
**Sent:** Tuesday, April 23, 2019 1:36 PM  
**To:** Rector, Ronnie L. <[Ronnie\\_Rector@ivgid.org](mailto:Ronnie_Rector@ivgid.org)>  
**Cc:** Whitaker, Mikie <[MEW@ivgid.org](mailto:MEW@ivgid.org)>  
**Subject:** NNCCP coding

Ronnie:



There is not budget for 200-22-990-7340.

I looked back and we have budget and coding from last year to 200-22-970-7340.

Is this where we should code it?

Mikie Whitaker  
Accounting/Finance  
Incline Village General Improvement District  
Phone: 775-832-1218  
Fax : 775-832-1249  
Email: [mew@ivgid.org](mailto:mew@ivgid.org)

**WRITTEN STATEMENT TO BE INCLUDED IN THE WRITTEN MINUTES OF THIS SEPTEMBER 9, 2020 REGULAR IVGID BOARD MEETING – AGENDA ITEM C – PUBLIC COMMENTS – THE TENS OF THOUSANDS OF DOLLARS OF OUR RECREATION (“RFF”) AND BEACH (“BFF”) FACILITY FEES OR SEWER OR WATER RATES, TOLLS OR CHARGES WHICH ARE NEEDLESSLY SPENT ON MEMBERSHIP DUES IN ALL SORTS OF THIRD PARTY ORGANIZATIONS – HERE THE UNITED STATES GOLF ASSOCIATION**

**Introduction:** On July 21, 2020 I made a public records request to examine records evidencing:

1. All third party group or organization wherein IVGID was a member in 2019;
2. To the extent not already included in paragraph 1 above, any IVGID department or venue which in 2019 was a member of a third party group or organization;
3. To the extent not already included in paragraphs 1 or 2 above, any IVGID employee which in 2019 was a member of a group or organization wherein IVGID paid or reimbursed the employee's membership dues in that group or organization;
4. The yearly membership dues paid or reimbursed by IVGID in each such group or organization identified in paragraphs 1, 2 and 3 above; and,
5. Any additional fees paid to or associated with in any manner whatsoever any such group or organization identified in paragraphs 1, 2 and 3 above, together with records evidencing the reasons for such payments. Examples but not limitations of such fees would extend to continuing education, meetings, conferences, lodging associated therewith, transportation associated therewith, food associated therewith, per diem associated therewith, etc.

My intent was to discover the dozens of third party organizations I believe IVGID is a member of, and for which the RFF/BFF are used to pay yearly membership fees and conference attendance.

On August 21, 2020 IVGID's Public Records Officer, Susan Herron, provided "the dues/subscriptions that (she had)...located, to date, in response to (my) request" which consisted of twenty-three (23) organizations she admittedly did "not feel...(wa)s complete." She stated she would "continue to work on (my) request."

As I go through the records provided, my intent is to share what I discover with the public. And here I share records pertaining to the tenth such organization; the United States Golf Association ("USGA"). These are the purposes of this written statement.

**The USGA**<sup>1</sup>: In response to my request Ms. Herron provided records evidencing that the USGA was one of the third party organizations in which IVGID is a member.

**What is the USGA?** “The USGA produces and interprets the rules of golf. (It)...also provides a national handicap system for golfers, conducts 14 national championships...and tests golf equipment for conformity with regulations.”<sup>2</sup> Its stated mission is to “promote...and conserve...the true spirit of the game of golf as embodied in its ancient and honorable traditions...for the continued enjoyment of those who love and play it.”<sup>3</sup>

**Does Any of This Sound Like an Appropriate Endeavor For a Limited Purpose State Governmental Subdivision**<sup>4</sup> which supposedly exists to provide services to local property owners [NRS 318.015(1)] Washoe County is unable or unwilling to provide<sup>5</sup>? We’ve had this discussion many times before. General improvement districts (“GIDs”) exist to *only* exercise those expressly enumerated powers in their initiating [see NRS 318.055(4)(b)] or supplemental (see NRS 318.077) ordinances as long as they are “one or more of those authorized in NRS 318.116, as supplemented by the sections of this chapter (NRS 318) designated therein,” *and none other* [see A.G.O. 63-61, p.102, p. 103 (August 12, 1963)]. And according to *Dillon’s Rule*, should there be “any fair, reasonable (or) substantial doubt concerning the existence (or lack of the existence) of power (it) is (to be) resolved...*against* the (municipal) corporation...(and) all acts beyond the scope of...powers granted are void” [*Ronnow v. City of Las Vegas* (1937) 57 Nev. 332, 343, 65 P.2d 133].

Take a look at NRS 318.116. Do you see anywhere that a GID is authorized to support industry trade groups whose mantra is to set the rules of the sport? Of course not! Are you aware of any such power having been granted to IVGID by the Washoe County Board of Commissioners (“County Board”) in the former’s initiating ordinance? How about any subsequent supplemental ordinance? Again the answers are no and no.

NRS 318.210 does state that a GID “board shall have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted in this chapter...to carry out the purposes and intent of this chapter” (NRS 318). However, is becoming a member in an industry organization which sets the rules of the sport a “necessary” activity for a limited purpose governmental subdivision of the State of Nevada? Of course not!

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<sup>1</sup> Go to <https://www.usga.org/>.

<sup>2</sup> Go to [https://en.wikipedia.org/wiki/United\\_States\\_Golf\\_Association](https://en.wikipedia.org/wiki/United_States_Golf_Association).

<sup>3</sup> Go to <https://mediacenter.usga.org/overview>.

<sup>4</sup> NRS 318.075(1) instructs that IVGID is “a governmental subdivision of the State of Nevada.”

<sup>5</sup> “The purpose of a general improvement district is to provide municipal-type services to an area which needs them, but which may not need or want the full range of services implied by incorporation” [see ¶III, page 1 of Legislative Counsel Bureau Background Paper 83-4, *General Improvement Districts* (<https://www.leg.state.nv.us/Division/Research/Publications/Bkground/BP83-04.pdf>)].

Is the power to pay dues to join an industry organization which sets the rules of the sport incidental to or to be implied from the express basic powers of NRS 318.116 which have been granted to IVGID by the Washoe County Board<sup>6</sup>? Of course not!

**Membership:** IVGID is a "Club" member, and annual dues total \$150<sup>7</sup>.

**An Example of Staff's Lack of Transparency and Deceit So You Wouldn't Otherwise Learn of This Expense Were it Not For This Written Statement:** Staff revels in the notion they believe they are transparent in their financial reporting<sup>8</sup>. "In an effort to enhance transparency in financial reporting, IVGID...allows citizens to explore IVGID's financial data online."<sup>8</sup> IVGID assigns a Chart of Account ("COA") Name and Number to every one of its expenditures so they can be readily retrieved for financial reporting purposes. According to IVGID's legend to its COA structure<sup>9</sup>, this expenditure has been assigned the following four COA numbers: 320.31.990.7340<sup>10</sup>. This series of numbers corresponds to: marketing dues & subscriptions associated with the Championship Golf Course. But wait a minute. What does this expenditure have to do with marketing the Championship course? *NOTHING!*

**Why Would IVGID Staff Go Intentionally Out of Their Way to Assign an Expense to a Category Other Than What it Really Was?**

**This Expenditure Was Not Only *NOT* Necessary, it Was Improperly Paid For With the RFF Local Residents Pay:**

**Now My Question to the IVGID Board: WHY DIDN'T YOU UNCOVER THIS TOTALLY IMPROPER EXPENSE WHEN YOU APPROVED THE LATEST 2020-21 BUDGET?**

**Now My Question to Paul Raymor, Our Marketing Manager: WHY DIDN'T YOU TELL THE BOARD AND THE PUBLIC ABOUT THIS TOTALLY IMPROPER EXPENSE WHEN YOU WHEN YOU PRESENTED YOUR LATEST PROPOSED EXL MEDIA CONTRACT?**

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<sup>6</sup> The powers to furnish facilities for water, sewerage, collection and disposal of garbage and refuse, and public recreation.

<sup>7</sup> See Exhibit "A."

<sup>8</sup> Go to <https://www.yourtahoeplace.com/ivgid/financial-transparency>.

<sup>9</sup> This document is a useful tool to our Board of Trustees, Staff, and our public. This legend...is a useful tool to our Board of Trustees, staff, and our public (and it)...includes four elements – Fund, Department, Division, and Object. This legend (is)...especially helpful in understanding the coding on our... Payment of Bills located on our website" (see <https://www.yourtahoeplace.com/ivgid/financial-transparency/legend-of-our-account-structure>).

<sup>10</sup> This number appears on USGA's membership invoice due January 31, 2019. This invoice is attached as Exhibit "A" to this written statement.

**Since This is the Tenth of What I Suspect Will be a Series of Additional Similar Inappropriate Third Party Membership Expenses, Let's Continue the Tally:**

Organization	Yearly Dues	Running Total
North Tahoe Bus Ass'n	\$ 300	\$ 300
SnoCountry	\$ 1,215	\$ 1,515
T-NT Transport Mgmt Ass'n	\$ 2,000	\$ 3,515
BEAR League	\$ 250	\$ 3,765
NLT Conv & Visitors Bureau	\$ 4,050	\$ 7,815
Reno Tahoe Territory	\$ 150	\$ 7,965
Nat'l Ski Areas Ass'n	\$ 4,876	\$ 12,841
Ski California	\$ 4,578	\$ 17,419
Nat'l Golf Foundation	\$ 250	\$ 17,669
U.S. Golf Ass'n	\$ 150	\$ 17,819

**Conclusion:** Limited purpose political subdivisions like IVGID have no power to engage in for profit business enterprises as if they were private entrepreneurs. And they certainly have no power to join or financially support third party organizations which have been created to promote and enhance the sport of golf. Yet here IVGID staff contend otherwise. It's called improper government action or waste<sup>11</sup>! And they're dragging us along for the ride with their need for financial subsidies.

I ask the Board to direct staff to discontinue expenditures such as this one, and to reduce the RFF/BFF by a like amount.

And to those asking why our RFF/BFF or sewer/water rates are as high as they are, and never seem to go down, now you have another example of the reasons why.

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

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<sup>11</sup> NRS 281.611(1) defines "improper governmental action" as "any action taken by a...local governmental officer or employee in the performance of the officer's or employee's official duties...which is: (a) in violation of any state law or regulation...(c) an abuse of authority...or (e) a gross waste of public money."

**EXHIBIT "A"**



Respond now to start your  
USGA Club Membership.

# INVOICE

Return this portion with payment.

Please mark corrections if needed.

Due Date	1/31/2019
Account ID	47189238
Amount Due	\$150

Enclose check or provide credit card information on reverse.

**PLEASE MAKE CHANGE**

#BYNRJLD  
#47189238#  
The Golf Courses At Incline Village Champ. Course  
Attn: Mr. Michael McCloskey **KYLE THORNBURG, PCA**  
955 Fairway Blvd  
Incline Village, NV 89451-9006



THE GOLF COURSES AT INCLINE VILLAGE CHAMP. COURSE  
Club name to appear on Certificate of Membership

MR. MICHAEL MCCLOSKEY  
Primary Contact Name

cek@ivgd.org (775) 822-1125  
Email Phone

### IMPORTANT

Respond now to receive all the updated references  
2019 benefits will be mailed in January 2019

47189238 CCL181101110

**2019 Member Club dues for:**

The Golf Courses At Incline Village Champ. Course  
Attn: Mr. Michael McCloskey  
955 Fairway Blvd  
Incline Village, NV 89451-9006



**JAN 08 2019**

To pay by phone, call by 01/31/19:  
1-800-246-7967

*ok to pay  
320-31-990-7340  
K/W  
1/8/2019*

	AMOUNT
<b>2019 Club Membership</b>	<b>\$150.00</b>
<ul style="list-style-type: none"> <li>NEW The Player's Edition of the Rules of Golf</li> <li>NEW The Rules of Golf</li> <li>NEW The Official Guide to the Rules of Golf</li> <li>NEW Golf's New Rules: Key Changes Poster</li> <li>NEW Golf's New Rules: Key Changes cart stickers</li> <li>2019 Member Club Certificate suitable for framing</li> <li>Updated Member Club window decal</li> <li>Member Club Insider e-newsletter</li> <li>Access to USGA experts on Rules, pace of play, sustainability, handicap and course rating and course consultation service</li> </ul>	
<b>Receive Two US Open hats - your gifts when you respond today.</b>	
FED ID #13-1427105	<b>Total: \$150.00</b>

The USGA is committed to leading the future of golf by supporting programs and initiatives that enhance the golfer experience, drive participation by juniors, beginners and golfers with disabilities, reduce the consumption of critical resources and develop the next generations of leaders who will change the face of golf.



**WRITTEN STATEMENT TO BE INCLUDED IN THE WRITTEN MINUTES OF THIS SEPTEMBER 9, 2020 REGULAR IVGID BOARD MEETING – AGENDA ITEM C – PUBLIC COMMENTS – THE TENS OF THOUSANDS OF DOLLARS OF OUR RECREATION (“RFF”) AND BEACH (“BFF”) FACILITY FEES OR SEWER OR WATER RATES, TOLLS OR CHARGES WHICH ARE NEEDLESSLY SPENT ON MEMBERSHIP DUES IN ALL SORTS OF THIRD PARTY ORGANIZATIONS – HERE THE NATIONAL GOLF FOUNDATION**

**Introduction:** On July 21, 2020 I made a public records request to examine records evidencing:

1. All third party group or organization wherein IVGID was a member in 2019;
2. To the extent not already included in paragraph 1 above, any IVGID department or venue which in 2019 was a member of a third party group or organization;
3. To the extent not already included in paragraphs 1 or 2 above, any IVGID employee which in 2019 was a member of a group or organization wherein IVGID paid or reimbursed the employee's membership dues in that group or organization;
4. The yearly membership dues paid or reimbursed by IVGID in each such group or organization identified in paragraphs 1, 2 and 3 above; and,
5. Any additional fees paid to or associated with in any manner whatsoever any such group or organization identified in paragraphs 1, 2 and 3 above, together with records evidencing the reasons for such payments. Examples but not limitations of such fees would extend to continuing education, meetings, conferences, lodging associated therewith, transportation associated therewith, food associated therewith, per diem associated therewith, etc.

My intent was to discover the dozens of third party organizations I believe IVGID is a member of, and for which the RFF/BFF are used to pay yearly membership fees and conference attendance.

On August 21, 2020 IVGID's Public Records Officer, Susan Herron, provided "the dues/subscriptions that (she had)...located, to date, in response to (my) request" which consisted of twenty-three (23) organizations she admittedly did "not feel...(wa)s complete." She stated she would "continue to work on (my) request."

As I go through the records provided, my intent is to share what I discover with the public. And here I share records pertaining to the ninth such organization; the National Golf Foundation ("NGF"). These are the purposes of this written statement.

**The NGF<sup>1</sup>:** In response to my request Ms. Herron provided records evidencing that the NGF was one of the third party organizations in which IVGID is a member.

**What is the NGF?** According to its web site, the NNGF “is a 501(c)6 not-for-profit trade association founded in 1936...to promote golf -- particularly new golfers and golf courses.”<sup>2</sup> Today, “NGF...exists to foster the growth and vitality of the...business of golf (by)...provid(ing) members with the most accurate and objective insights on the game (of golf. It)...help(s) golf businesses better understand their market and grow their businesses.”<sup>3</sup>

**Does Any of This Sound Like an Appropriate Endeavor For a Limited Purpose State Governmental Subdivision<sup>4</sup>** which supposedly exists to provide services to local property owners [NRS 318.015(1)] Washoe County is unable or unwilling to provide<sup>5</sup>? We’ve had this discussion many times before. General improvement districts (“GIDs”) exist to *only* exercise those expressly enumerated powers in their initiating [see NRS 318.055(4)(b)] or supplemental (see NRS 318.077) ordinances as long as they are “one or more of those authorized in NRS 318.116, as supplemented by the sections of this chapter (NRS 318) designated therein,” *and none other* [see A.G.O. 63-61, p.102, p. 103 (August 12, 1963)]. And according to *Dillon’s Rule*, should there be “any fair, reasonable (or) substantial doubt concerning the existence (or lack of the existence) of power (it) is (to be) resolved...*against* the (municipal) corporation...(and) all acts beyond the scope of...powers granted are void” [*Ronnow v. City of Las Vegas* (1937) 57 Nev. 332, 343, 65 P.2d 133].

Take a look at NRS 318.116. Do you see anywhere that a GID is authorized to support industry trade groups whose mantra is to assist members in growing their businesses? Of course not! Are you aware of any such power having been granted to IVGID by the Washoe County Board of Commissioners in the former’s initiating ordinance? How about any subsequent supplemental ordinance? Again the answers are no and no.

NRS 318.210 does state that a GID “board shall have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted in this chapter...to carry out the purposes and intent of this chapter” (NRS 318). However, is becoming a member in an industry organization primarily made up of “for profit” businesses a “necessary” activity for a limited purpose governmental subdivision of the State of Nevada? Of course not!

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<sup>1</sup> Go to <https://www.ngf.org/>.

<sup>2</sup> Go to <https://www.ngf.org/who-we-are/our-history/ngf-history/>.

<sup>3</sup> Go to <https://www.ngf.org/who-we-are/>.

<sup>4</sup> NRS 318.075(1) instructs that IVGID is “a governmental subdivision of the State of Nevada.”

<sup>5</sup> “The purpose of a general improvement district is to provide municipal-type services to an area which needs them, but which may not need or want the full range of services implied by incorporation” [see ¶III, page 1 of Legislative Counsel Bureau Background Paper 83-4, *General Improvement Districts* (<https://www.leg.state.nv.us/Division/Research/Publications/Bkground/BP83-04.pdf>)].

Is the power to pay dues to join an industry organization primarily made up of “for profit” businesses incidental to or to be implied from the express basic powers of NRS 318.116 which have been granted to IVGID by the Washoe County Board<sup>6</sup>? Of course not!

**Membership:** IVGID is a “standard” member, and the annual dues are \$250<sup>7</sup>. “Joining the NGF means connecting with a community of like-minded individuals who support the organization’s efforts that contribute to golf’s long-term success. Member dues and sponsor support underwrite the many research projects and publications that the NGF produces on the behalf of the industry.”<sup>8</sup>

**An Example of Staff’s Lack of Transparency and Deceit So You Wouldn’t Otherwise Learn of This Expense Were it Not For This Written Statement:** Staff revels in the notion they believe they are transparent in their financial reporting<sup>9</sup>. “In an effort to enhance transparency in financial reporting, IVGID...allows citizens to explore IVGID's financial data online.”<sup>9</sup> IVGID assigns a Chart of Account (“COA”) Name and Number to every one of its expenditures so they can be readily retrieved for financial reporting purposes. According to IVGID’s legend to its COA structure<sup>10</sup>, this expenditure has been assigned the following four COA numbers: 320.31.990.7340<sup>11</sup>. This series of numbers corresponds to: marketing dues & subscriptions associated with the Championship Golf Course. But wait a minute. What does this expenditure have to do with marketing the Championship course? *NOTHING!*

**Why Would IVGID Staff Go Intentionally Out of Their Way to Assign an Expense to a Category Other Than What it Really Was?**

**This Expenditure Was Not Only *NOT* Necessary, it Was Improperly Paid For With the RFF Local Residents Pay:**

**Now My Question to the IVGID Board: WHY DIDN’T YOU UNCOVER THIS TOTALLY IMPROPER EXPENSE WHEN YOU APPROVED THE LATEST 2020-21 BUDGET?**

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<sup>6</sup> The powers to furnish facilities for water, sewerage, collection and disposal of garbage and refuse, and public recreation.

<sup>7</sup> See Exhibit “A.”

<sup>8</sup> Go to <https://www.ngf.org/membership/>.

<sup>9</sup> Go to <https://www.yourtahoeplace.com/ivgid/financial-transparency>.

<sup>10</sup> This document is a useful tool to our Board of Trustees, Staff, and our public. This legend...is a useful tool to our Board of Trustees, staff, and our public (and it)...includes four elements – Fund, Department, Division, and Object. This legend (is)...especially helpful in understanding the coding on our...Payment of Bills located on our website” (see <https://www.yourtahoeplace.com/ivgid/financial-transparency/legend-of-our-account-structure>).

<sup>11</sup> This number appears on NGF’s December 31, 2018 membership notice invoice. This invoice is attached as Exhibit “A” to this written statement.

**Now My Question to Paul Raymor, Our Marketing Manager: WHY DIDN'T YOU TELL THE BOARD AND THE PUBLIC ABOUT THIS TOTALLY IMPROPER EXPENSE WHEN YOU WHEN YOU PRESENTED YOUR LATEST PROPOSED EXL MEDIA CONTRACT?**

**Since This is the Ninth of What I Suspect Will be a Series of Additional Similar Inappropriate Third Party Membership Expenses, Let's Continue the Tally:**

Organization	Yearly Dues	Running Total
North Tahoe Bus Ass'n	\$ 300	\$ 300
SnoCountry	\$ 1,215	\$ 1,515
T-NT Transport Mgmt Ass'n	\$ 2,000	\$ 3,515
BEAR League	\$ 250	\$ 3,765
NLT Conv & Visitors Bureau	\$ 4,050	\$ 7,815
Reno Tahoe Territory	\$ 150	\$ 7,965
Nat'l Ski Areas Ass'n	\$ 4,876	\$ 12,841
Ski California	\$ 4,578	\$ 17,419
Nat'l Golf Foundation	\$ 250	\$ 17,669

**Conclusion:** Limited purpose political subdivisions like IVGID have no power to engage in for profit business enterprises as if they were private entrepreneurs. And they certainly have no power to join or financially support third party organizations which have been created to promote, enhance, reinvigorate, coordinate and direct tourism for the economic betterment of the North Lake Tahoe Region. Yet here IVGID staff contend otherwise. It's called improper government action or waste<sup>12</sup>! And they're dragging us along for the ride with their need for financial subsidies.

I ask the Board to direct staff to discontinue expenditures such as this one, and to reduce the RFF/BFF by a like amount.

And to those asking why our RFF/BFF or sewer/water rates are as high as they are, and never seem to go down, now you have another example of the reasons why.

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

---

<sup>12</sup> NRS 281.611(1) defines "improper governmental action" as "any action taken by a...local governmental officer or employee in the performance of the officer's or employee's official duties...which is: (a) in violation of any state law or regulation...(c) an abuse of authority...or (e) a gross waste of public money."

**EXHIBIT "A"**



Your support is greatly appreciated as the only source of funding for the not-for-profit member research NGF conducts to inform those who make their living in golf.

Notice Date: 12/31/2018	
Member ID: 1034011	
Membership Type: Facility	
Period Covered: 3/1/2019 thru 2/29/2020	
Facility Membership	\$250.00
Total	\$250.00

Renew online at [www.ngf.org/MO](http://www.ngf.org/MO) or complete form and return with your payment.

**KYLE THORNBURG, PGA**  
 Michael McCloskey, PGA  
 The Golf Courses At Incline Village Championship Course  
 955 Fairway Blvd  
 Incline Village, NV 89451-9006

### Membership Notice

*ok to pay*  
*320-31-990-7340*  
*MWally*  
*1/8/2019*

**JAN 08 2019**

**Member Data Changes: Please print:**

Facility Name  
 The Golf Courses At Incline Village Championship Course

Mailing Address  
 955 Fairway Blvd

City Incline Village State NV Zip 89451-9006

Location Address (if different)

City State Zip

Phone  
 (775) 832-1146

Fax

Facility Email

Web Site

Management Company

**Facility Contacts:**

Primary Contact Person Michael McCloskey, PGA	Email
General Manager	Email
Owner	Email
Director of Golf	Email
Golf Course Superintendent	Email
Golf Professional	Email
Food & Beverage Director	Email

**Facility Type/Size:**

- Daily Fee/Semi-Private
- Municipal
- Private Equity
- Private Non-Equity

Total number of holes

**Convenient ways to pay your NGF Dues**

1. Online at [www.ngf.org/MO](http://www.ngf.org/MO)
2. Via Fax by credit card  
 Fax to: (561) 744-9085
3. Via Phone by credit card  
 Call: (888) ASK-4 NGF
4. Via mail by check or credit card.  
 Make checks payable in U.S. currency and mail to:  
 National Golf Foundation  
 501 N Highway A1A  
 Jupiter, FL 33477-4577

Check Enclosed  Bill my  Master Card  Visa  American Express

Card Number \_\_\_\_\_ Expiration Date \_\_\_\_\_

Cardholder (please print) \_\_\_\_\_

Signature \_\_\_\_\_

\* Contributions or gifts to the National Golf Foundation are not tax deductible as charitable contributions. However, they may be tax deductible as ordinary & necessary business expenses.

**WRITTEN STATEMENT TO BE INCLUDED IN THE WRITTEN MINUTES OF THIS SEPTEMBER 9, 2020 REGULAR IVGID BOARD MEETING – AGENDA ITEM C – PUBLIC COMMENTS – THE TENS OF THOUSANDS OF DOLLARS OF OUR RECREATION (“RFF”) AND BEACH (“BFF”) FACILITY FEES OR SEWER OR WATER RATES, TOLLS OR CHARGES WHICH ARE NEEDLESSLY SPENT ON MEMBERSHIP DUES IN ALL SORTS OF THIRD PARTY ORGANIZATIONS – HERE SKI CALIFORNIA**

**Introduction:** On July 21, 2020 I made a public records request to examine records evidencing:

1. All third party group or organization wherein IVGID was a member in 2019;
2. To the extent not already included in paragraph 1 above, any IVGID department or venue which in 2019 was a member of a third party group or organization;
3. To the extent not already included in paragraphs 1 or 2 above, any IVGID employee which in 2019 was a member of a group or organization wherein IVGID paid or reimbursed the employee's membership dues in that group or organization;
4. The yearly membership dues paid or reimbursed by IVGID in each such group or organization identified in paragraphs 1, 2 and 3 above; and,
5. Any additional fees paid to or associated with in any manner whatsoever any such group or organization identified in paragraphs 1, 2 and 3 above, together with records evidencing the reasons for such payments. Examples but not limitations of such fees would extend to continuing education, meetings, conferences, lodging associated therewith, transportation associated therewith, food associated therewith, per diem associated therewith, etc.

My intent was to discover the dozens of third party organizations I believe IVGID is a member of, and for which the RFF/BFF are used to pay yearly membership fees and conference attendance.

On August 21, 2020 IVGID's Public Records Officer, Susan Herron, provided "the dues/subscriptions that (she had)...located, to date, in response to (my) request" which consisted of twenty-three (23) organizations she admittedly did "not feel...(wa)s complete." She stated she would "continue to work on (my) request."

As I go through the records provided, my intent is to share what I discover with the public. And here I share records pertaining to the eighth such organization; Ski California. These are the purposes of this written statement.



**Ski California**<sup>1</sup>: In response to my request Ms. Herron provided records evidencing that the Ski California was one of the third party organizations in which IVGID is a member.

**What is Ski California?** According to its web site “Ski California [fka the California Ski Industries Association (“CSIA”)] began on December 31, 1969...to create a unified voice for the ski industry in California, and) to address issues that affected the industry as a whole...(Today it is) a 501(c)(6) non-profit trade association representing 29 ski resorts in California and Nevada...(which exists to) monitor ...existing and proposed legislation to ensure that national and state legislators hear and consider the industry perspective (i.e., lobbying<sup>6</sup>) on issues affecting mountain communities and businesses... through advocacy in government, relations, public policy, and collaborative guidance on industry principles...Ski California researches, analyzes, and pursues safety while preserving the integrity of mountain sports and the natural environment in which they are enjoyed by millions each year.”<sup>2</sup>

**Does Any of This Sound Like an Appropriate Endeavor For a Limited Purpose State Governmental Subdivision**<sup>3</sup> which supposedly exists to provide services to local property owners [NRS 318.015(1)] Washoe County is unable or unwilling to provide<sup>4</sup>? We’ve had this discussion many times before. General improvement districts (“GIDs”) exist to *only* exercise those expressly enumerated powers in their initiating [see NRS 318.055(4)(b)] or supplemental (see NRS 318.077) ordinances as long as they are “one or more of those authorized in NRS 318.116, as supplemented by the sections of this chapter (NRS 318) designated therein,” *and none other* [see A.G.O. 63-61, p.102, p. 103 (August 12, 1963)]. And according to *Dillon’s Rule*, should there be “any fair, reasonable (or) substantial doubt concerning the existence (or lack of the existence) of power (it) is (to be) resolved...*against* the (municipal) corporation...(and) all acts beyond the scope of...powers granted are void” [*Ronnow v. City of Las Vegas* (1937) 57 Nev. 332, 343, 65 P.2d 133].

Take a look at NRS 318.116. Do you see anywhere that a GID is authorized to furnish for profit business enterprise facilities or services? Of course not! Are you aware of any such power having been granted to IVGID by the Washoe County Board of Commissioners in the former’s initiating ordinance? How about any subsequent supplemental ordinance? Again the answers are no and no.

Is membership in a primarily California ski industry trade organization whose mantra is to support members in their pursuit of operating thriving and sustainable “for profit” businesses which encourage the world’s tourists to overwhelm the limited recreation facilities and services allegedly furnished for the primary benefit and use of the local residents of Incline Village/Crystal Bay in the

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<sup>1</sup> Go to <https://skicalifornia.org/>.

<sup>2</sup> Go to <https://skicalifornia.org/about-ski-california/>.

<sup>3</sup> NRS 318.075(1) instructs that IVGID is “a governmental subdivision of the State of Nevada.”

<sup>4</sup> “The purpose of a general improvement district is to provide municipal-type services to an area which needs them, but which may not need or want the full range of services implied by incorporation” [see ¶II, page 1 of Legislative Counsel Bureau Background Paper 83-4, *General Improvement Districts* (<https://www.leg.state.nv.us/Division/Research/Publications/Bkground/BP83-04.pdf>)].

best interests of local residents?

NRS 318.210 does state that a GID “board shall have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted in this chapter...to carry out the purposes and intent of this chapter” (NRS 318). Is becoming a member in a commercial business trade organization primarily made up of out-of-state (i.e., California) “for profit” businesses a “necessary” activity for a limited purpose governmental subdivision of the State of Nevada? Of course not!

Is the power to pay dues to join a trade organization primarily made up of private, commercial “for profit” businesses, primarily located in another state (i.e., California) incidental to or to be implied from the express basic powers of NRS 318.116 which have been granted to IVGID by the Washoe County Board<sup>5</sup>? Of course not!

**Membership:** IVGID is a Ski California member, and its annual dues, which are determined based upon a percentage of gross lift ticket and season pass receipts, are \$4,577.68<sup>6</sup>.

**An Example of Staff’s Lack of Transparency and Deceit So You Wouldn’t Otherwise Learn of This Expense Were it Not For This Written Statement:** Staff revels in the notion they believe they are transparent in their financial reporting<sup>7</sup>. “In an effort to enhance transparency in financial reporting, IVGID...allows citizens to explore IVGID’s financial data online.”<sup>7</sup> IVGID assigns a Chart of Account (“COA”) Name and Number to every one of its expenditures so they can be readily retrieved for financial reporting purposes. According to IVGID’s legend to its COA structure<sup>8</sup>, this expenditure has been assigned the following four COA numbers: 340.34.990.7340<sup>9</sup>. This series of numbers corresponds to: marketing dues & subscriptions associated with Diamond Peak as opposed to all of the District’s recreation facilities. But wait a minute. What does this dues expenditure have to do with Diamond Peak? *NOTHING!*

**Why Would IVGID Staff Go Intentionally Out of Their Way to Assign an Expense to a Category Other Than What it Really Was?**

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<sup>5</sup> The powers to furnish facilities for water, sewerage, collection and disposal of garbage and refuse, and public recreation.

<sup>6</sup> See Exhibit “A.”

<sup>7</sup> Go to <https://www.yourtahoeplace.com/ivgid/financial-transparency>.

<sup>8</sup> This document is a useful tool to our Board of Trustees, Staff, and our public. This legend...is a useful tool to our Board of Trustees, staff, and our public (and it)...includes four elements – Fund, Department, Division, and Object. This legend (is)...especially helpful in understanding the coding on our...Payment of Bills located on our website” (see <https://www.yourtahoeplace.com/ivgid/financial-transparency/legend-of-our-account-structure>).

<sup>9</sup> This number appears on Ski California’s January 9, 2019 membership fee invoice/letter. This invoice is attached as Exhibit “A” to this written statement.

**This Expenditure Was Not Only *NOT* Necessary, it Was Improperly Paid For With the RFF Local Residents Pay:**

**Now My Question to the IVGID Board: WHY DIDN'T YOU UNCOVER THIS TOTALLY IMPROPER EXPENSE WHEN YOU APPROVED THE LATEST 2020-21 BUDGET?**

**Now My Question to Paul Raymor, Our Marketing Manager: WHY DIDN'T YOU TELL THE BOARD AND THE PUBLIC ABOUT THIS TOTALLY IMPROPER EXPENSE WHEN YOU WHEN YOU PRESENTED YOUR LATEST PROPOSED EXL MEDIA CONTRACT?**

**Since This is the Eighth of What I Suspect Will be a Series of Additional Similar Inappropriate Third Party Membership Expenses, Let's Continue the Tally:**

Organization	Yearly Dues	Running Total
North Tahoe Bus Ass'n	\$ 300	\$ 300
SnoCountry	\$ 1,215	\$ 1,515
T-NT Transport Mgmt Ass'n	\$ 2,000	\$ 3,515
BEAR League	\$ 250	\$ 3,765
NLT Conv & Visitors Bureau	\$ 4,050	\$ 7,815
Reno Tahoe Territory	\$ 150	\$ 7,965
Nat'l Ski Areas Ass'n	\$ 4,876	\$ 12,841
Ski California	\$ 4,578	\$ 17,419

**Conclusion:** Limited purpose political subdivisions like IVGID have no power to engage in for profit business enterprises as if they were private entrepreneurs. And they certainly have no power to join or financially support third party organizations which have been created to promote, enhance, reinvigorate, coordinate and direct tourism for the economic betterment of the North Lake Tahoe Region. Yet here IVGID staff contend otherwise. It's called improper government action or waste<sup>10</sup>! And they're dragging us along for the ride with their need for financial subsidies.

I ask the Board to direct staff to discontinue expenditures such as this one, and to reduce the RFF/BFF by a like amount.

And to those asking why our RFF/BFF or sewer/water rates are as high as they are, and never seem to go down, now you have another example of the reasons why. Respectfully, Aaron Katz (Your Community Watchdog), Because Only Now Are Others Beginning to Watch!

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<sup>10</sup> NRS 281.611(1) defines "improper governmental action" as "any action taken by a...local governmental officer or employee in the performance of the officer's or employee's official duties...which is: (a) in violation of any state law or regulation...(c) an abuse of authority...or (e) a gross waste of public money."

**EXHIBIT "A"**



## Invoice

January 9, 2019

### Ski California 2019 Membership Dues

**Diamond Peak**  
(Total 2019 Dues: \$4,577.68)

January 2019 (70%) due now:

**\$3,204.38**

*OK to pay  
340.34.900.73AC  
Su [Signature]*

Please make checks payable to (NOTE NEW ADDRESS):

California Ski Industry Association  
1435 N. McDowell Blvd.  
Suite 104  
Petaluma, CA 94954

Tax ID# 23-7408119

- 2019 dues were approved by the Board on October 25, 2018, and are based upon revenue as reported to NSAA for the 2016-17 operating season for NSAA members, the method approved by the Board at the 2015 Annual Board Meeting. Please ensure accurate reporting to NSAA each season. For non-NSAA members, a fixed dues figure has been applied.
- Ninety-five percent (95%) of your membership dues may be deductible as a business expense under applicable codes, as five percent (5%) may be used for lobbying purposes. None of the dues are deductible as a charitable expense.
- We appreciate your prompt payment.
- Send questions to [michael@skicalifornia.org](mailto:michael@skicalifornia.org).

**WRITTEN STATEMENT TO BE INCLUDED IN THE WRITTEN MINUTES OF THIS SEPTEMBER 9, 2020 REGULAR IVGID BOARD MEETING – AGENDA ITEM C – PUBLIC COMMENTS – THE TENS OF THOUSANDS OF DOLLARS OF OUR RECREATION (“RFF”) AND BEACH (“BFF”) FACILITY FEES OR SEWER OR WATER RATES, TOLLS OR CHARGES WHICH ARE NEEDLESSLY SPENT ON MEMBERSHIP DUES IN ALL SORTS OF THIRD PARTY ORGANIZATIONS – HERE THE NATIONAL SKI AREAS ASSOCIATION**

**Introduction:** On July 21, 2020 I made a public records request to examine records evidencing:

1. All third party group or organization wherein IVGID was a member in 2019;
2. To the extent not already included in paragraph 1 above, any IVGID department or venue which in 2019 was a member of a third party group or organization;
3. To the extent not already included in paragraphs 1 or 2 above, any IVGID employee which in 2019 was a member of a group or organization wherein IVGID paid or reimbursed the employee's membership dues in that group or organization;
4. The yearly membership dues paid or reimbursed by IVGID in each such group or organization identified in paragraphs 1, 2 and 3 above; and,
5. Any additional fees paid to or associated with in any manner whatsoever any such group or organization identified in paragraphs 1, 2 and 3 above, together with records evidencing the reasons for such payments. Examples but not limitations of such fees would extend to continuing education, meetings, conferences, lodging associated therewith, transportation associated therewith, food associated therewith, per diem associated therewith, etc.

My intent was to discover the dozens of third party organizations I believe IVGID is a member of, and for which the RFF/BFF are used to pay yearly membership fees and conference attendance.

On August 21, 2020 IVGID's Public Records Officer, Susan Herron, provided "the dues/subscriptions that (she had)...located, to date, in response to (my) request" which consisted of twenty-three (23) organizations she admittedly did "not feel...(wa)s complete." She stated she would "continue to work on (my) request."

As I go through the records provided, my intent is to share what I discover with the public. And here I share records pertaining to the seventh such organization; the National Ski Areas Association ("NSAA"). These are the purposes of this written statement.

**The NSAA**<sup>1</sup>: In response to my request Ms. Herron provided records evidencing that the NSAA was one of the third party organizations in which IVGID is a member.

**What is the NSAA?** According to its web site “the (NSAA)...is a 501(c)(6) trade association serving ski areas, industry suppliers and other industry-affiliated members.”<sup>2</sup> It is “the trade association for ski area owners and operators. It represents over 300 alpine resorts that account for more than 90 percent of the skier/snowboarder visits nationwide. Additionally, it has more than 400 supplier members who provide equipment, goods and services to the mountain resort industry.

NSAA analyzes and distributes ski industry statistics; produces annual conferences and trade shows; produces a bimonthly industry publication and is active in state and federal government affairs (i.e., lobbying<sup>7</sup>). The association also provides educational programs and employee training materials on industry issues including OSHA, ADA and NEPA regulations and compliance; environmental laws and regulations; state regulatory requirements; aerial tramway safety; and resort operations and guest service.”<sup>3</sup>

Its mission statement is to “support members in their pursuit to operate thriving and sustainable businesses.”<sup>3</sup>

**Does Any of This Sound Like an Appropriate Endeavor For a Limited Purpose State Governmental Subdivision**<sup>4</sup> which supposedly exists to provide services to local property owners [NRS 318.015(1)] Washoe County is unable or unwilling to provide<sup>5</sup>? We’ve had this discussion many times before. General improvement districts (“GIDs”) exist to *only* exercise those expressly enumerated powers in their initiating [see NRS 318.055(4)(b)] or supplemental (see NRS 318.077) ordinances as long as they are “one or more of those authorized in NRS 318.116, as supplemented by the sections of this chapter (NRS 318) designated therein,” *and none other* [see A.G.O. 63-61, p.102, p. 103 (August 12, 1963)]. And according to *Dillon’s Rule*, should there be “any fair, reasonable (or) substantial doubt concerning the existence (or lack of the existence) of power (it) is (to be) resolved...*against* the (municipal) corporation...(and) all acts beyond the scope of...powers granted are void” [*Ronnow v. City of Las Vegas* (1937) 57 Nev. 332, 343, 65 P.2d 133].

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<sup>1</sup> Go to <https://www.nsaa.org/>.

<sup>2</sup> Go to [https://www.nsaa.org/NSAA/Media/Media\\_Home.aspx](https://www.nsaa.org/NSAA/Media/Media_Home.aspx).

<sup>3</sup> Go to <https://www.nsaa.org/NSAA/About/NSAA/About/home.aspx?hkey=e0281c80-8203-4b20-b4b6-84b042fc72c6>.

<sup>4</sup> NRS 318.075(1) instructs that IVGID is “a governmental subdivision of the State of Nevada.”

<sup>5</sup> “The purpose of a general improvement district is to provide municipal-type services to an area which needs them, but which may not need or want the full range of services implied by incorporation” [see ¶III, page 1 of Legislative Counsel Bureau Background Paper 83-4, *General Improvement Districts* (<https://www.leg.state.nv.us/Division/Research/Publications/Bkground/BP83-04.pdf>)].

Take a look at NRS 318.116. Do you see anywhere that a GID is authorized to furnish for profit business enterprise facilities or services? Of course not! Are you aware of any such power having been granted to IVGID by the Washoe County Board of Commissioners in the former's initiating ordinance? How about any subsequent supplemental ordinance? Again the answers are no and no.

Is membership in a global ski industry trade organization whose mantra is to support members in their pursuit of operating thriving and sustainable "for profit" businesses which encourage the world's tourists to overwhelm the limited recreation facilities and services allegedly furnished for the primary benefit and use of the local residents of Incline Village/Crystal Bay in the best interests of local residents?

NRS 318.210 does state that a GID "board shall have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted in this chapter...to carry out the purposes and intent of this chapter" (NRS 318). Is becoming a member in a commercial business trade organization primarily made up of worldwide "for profit" businesses, overwhelmingly located in other states, a "necessary" activity for a limited purpose governmental subdivision of the State of Nevada? Of course not!

Is the power to pay dues to join a trade organization primarily made up of private, commercial "for profit" businesses, overwhelmingly located in other states as well as the world, incidental to or to be implied from the express basic powers of NRS 318.116 which have been granted to IVGID by the Washoe County Board<sup>6</sup>? Of course not!

**Membership:** IVGID is a U.S. Ski Area member, and its annual dues, which are determined based upon a percentage of gross lift ticket and season pass receipts, are \$4,876<sup>7</sup>.

There are eight (8) levels of NSAA membership:

U.S. Ski Areas (active and operating ski areas located in the United States);

International Ski Areas (active and operating ski areas located outside of the United States);

Affiliated (ski areas in development, facilities with ropeway transport, ski and snowboard retailers, as well as snowcat and helicopter tour operators);

Industry Suppliers (companies providing products and/or services to ski areas and the industry);

Associated (non-profit associations which promote on-snow sports);

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<sup>6</sup> The powers to furnish facilities for water, sewerage, collection and disposal of garbage and refuse, and public recreation.

<sup>7</sup> See Exhibit "A."



Allied (educational institutions offering coursework in ski area management);

Law Firms (providing legal services in one or more practice areas to the resort industry); and,

Alumni (retired ski industry employees wishing to stay in touch)<sup>8</sup>.

**An Example of Staff's Lack of Transparency and Deceit So You Wouldn't Otherwise Learn of This Expense Were it Not For This Written Statement:** Staff revels in the notion they believe they are transparent in their financial reporting<sup>9</sup>. "In an effort to enhance transparency in financial reporting, IVGID...allows citizens to explore IVGID's financial data online."<sup>9</sup> IVGID assigns a Chart of Account ("COA") Name and Number to every one of its expenditures so they can be readily retrieved for financial reporting purposes. According to IVGID's legend to its COA structure<sup>10</sup>, this expenditure has been assigned the following four COA numbers: 340.34.990.7340<sup>11</sup>. This series of numbers corresponds to: marketing dues & subscriptions associated with Diamond Peak as opposed to all of the District's recreation facilities. But wait a minute. What does this dues expenditure have to do with Diamond Peak? *NOTHING!*

**Why Would IVGID Staff Go Intentionally Out of Their Way to Assign an Expense to a Category Other Than What it Really Was?**

**This Expenditure Was Not Only *NOT* Necessary, it Was Improperly Paid For With the RFF Local Residents Pay:**

**Now My Question to the IVGID Board: WHY DIDN'T YOU UNCOVER THIS TOTALLY IMPROPER EXPENSE WHEN YOU APPROVED THE LATEST 2020-21 BUDGET?**

**Now My Question to Paul Raymor, Our Marketing Manager: WHY DIDN'T YOU TELL THE BOARD AND THE PUBLIC ABOUT THIS TOTALLY IMPROPER EXPENSE WHEN YOU WHEN YOU PRESENTED YOUR LATEST PROPOSED EXL MEDIA CONTRACT?**

**Since This is the Seventh of What I Suspect Will be a Series of Additional Similar Inappropriate Third Party Membership Expenses, Let's Continue the Tally:**

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<sup>8</sup> Go to [https://www.nsaa.org/NSAA/Become\\_a\\_Member/NSAA/Join/home.aspx?hkey=b04e3337-8e5c-4ae7-a83c-dacc9fcf1444](https://www.nsaa.org/NSAA/Become_a_Member/NSAA/Join/home.aspx?hkey=b04e3337-8e5c-4ae7-a83c-dacc9fcf1444).

<sup>9</sup> Go to <https://www.yourtahoeplace.com/ivgid/financial-transparency>.

<sup>10</sup> This document is a useful tool to our Board of Trustees, Staff, and our public. This legend...is a useful tool to our Board of Trustees, staff, and our public (and it)...includes four elements – Fund, Department, Division, and Object. This legend (is)...especially helpful in understanding the coding on our...Payment of Bills located on our website" (see <https://www.yourtahoeplace.com/ivgid/financial-transparency/legend-of-our-account-structure>).

<sup>11</sup> This number appears on the NLTCVB's January 1, 2019 membership fee invoice #5170. This invoice is attached as Exhibit "A" to this written statement.

Organization	Yearly Dues	Running Total
North Tahoe Bus Ass'n	\$ 300	\$ 300
SnoCountry	\$ 1,215	\$ 1,515
T-NT Transport Mgmt Ass'n	\$ 2,000	\$ 3,515
BEAR League	\$ 250	\$ 3,765
NLT Conv & Visitors Bureau	\$ 4,050	\$ 7,815
Reno Tahoe Territory	\$ 150	\$ 7,965
Nat'l Ski Areas Ass'n	\$ 4,876	\$ 12,841

**Conclusion:** Limited purpose political subdivisions like IVGID have no power to engage in for profit business enterprises as if they were private entrepreneurs. And they certainly have no power to join or financially support third party organizations which have been created to promote, enhance, reinvigorate, coordinate and direct tourism for the economic betterment of the North Lake Tahoe Region. Yet here IVGID staff contend otherwise. It's called improper government action or waste<sup>12</sup>! And they're dragging us along for the ride with their need for financial subsidies.

I ask the Board to direct staff to discontinue expenditures such as this one, and to reduce the RFF/BFF by a like amount.

And to those asking why our RFF/BFF or sewer/water rates are as high as they are, and never seem to go down, now you have another example of the reasons why.

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

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<sup>12</sup> NRS 281.611(1) defines "improper governmental action" as "any action taken by a...local governmental officer or employee in the performance of the officer's or employee's official duties...which is: (a) in violation of any state law or regulation...(c) an abuse of authority...or (e) a gross waste of public money."

NATIONAL  
SKI AREAS  
ASSOCIATION



**DUES INVOICE**

Tax ID. # 13-1973926  
July 1, 2018

OK to pay 7/1E  
340-3A-990-73  
\$4,876-82

**Diamond Peak Ski Resort**

**100004**

Ski Area Membership dues for the year beginning July 1, 2018 and ending June 30, 2019.  
Please use the following formula to compute your dues payment.

Total gross winter lift receipts (GWLR), including season pass sales,  
for the 2017/2018 season (if below \$175,000, minimum dues are \$200)

4,217,442

.114% (.00114) x GWLR up to \$5,000,000

4,876

Plus, .057% (.00057) x GWLR in excess of \$5,000,000

Membership dues as calculated

4,876

**Dues over \$5,000 must be paid via check. To pay by check, remit dues in U.S. Funds to:**

National Ski Areas Association  
133 South Van Gordon Street, Suite 300  
Lakewood, CO 80228  
(303) 987-1111  
Fax (303) 986-2345

**To pay by credit card (Visa, MC, or Amex), complete below and email to [nгаа@nгаа.org](mailto:nгаа@nгаа.org) or fax to:  
(303) 986 - 2345**

Card Number: \_\_\_\_\_

Card Expiration Date: \_\_\_\_\_

Name on card: \_\_\_\_\_

Signature of Cardholder: \_\_\_\_\_

Contributions or gifts to the National Ski Areas Association (NSAA) are not tax deductible as charitable contributions for income tax purposes. However, they may be tax deductible as ordinary and necessary business expenses subject to restriction imposed as a result of association lobbying activities. The NSAA estimates that the non-deductible portion of your fiscal year 2017/2018 dues allocable to lobbying is 2.29%.

Annual membership dues include \$25 for each 1-year subscription to the *NSAA Journal* sent to your company.