

1
2 INCLINE VILLAGE
3 GENERAL IMPROVEMENT DISTRICT
4 BOARD OF TRUSTEES
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9 TRANSCRIPT OF HEARING
10 PUBLIC MEETING
11 Live and Via Zoom
12
13 Held at the Boardroom
14 893 Southwood Boulevard
15 Incline Village, Nevada
16
17 Wednesday, August 28, 2024
18
19
20
21
22
23
24 Reported by: Brandi Ann Vianney Smith
25 Job Number: IVGID 52

1 APPEARANCES
2
3 **BOARD MEMBERS PRESENT**
4 SARA SCHMITZ, CHAIR (via Zoom)
5 MATTHEW DENT, VICE CHAIR
6 MICHAELA TONKING, SECRETARY
7 RAY TULLOCH, TREASURER
8 DAVE NOBLE, MEMBER
9
10
11 **ALSO PRESENT**
12 SERGIO RUDIN, LEGAL COUNSEL
13 HEIDI WHITE, DISTRICT CLERK
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1 Incline Village, Nevada - 8/28/2024 - 6:00 P.M. 4
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3
4
5 TRUSTEE DENT: I'd like to call the
6 regular meeting of Incline Village General
7 Improvement District meeting to order. It is 6:00
8 p.m. We're located at 893 Southwood Boulevard. We
9 will start with item A, Pledge of Allegiance.
10 A. PLEDGE OF ALLEGIANCE
11 (Pledge of Allegiance.)
12 TRUSTEE DENT: Thank you for that.
13 Item B, roll call of the trustees. I will start
14 with Trustee Noble.
15 B. ROLL CALL OF TRUSTEES
16 TRUSTEE NOBLE: Here.
17 TRUSTEE DENT: Trustee Tulloch?
18 TRUSTEE TULLOCH: Here.
19 TRUSTEE DENT: Trustee Tonking?
20 TRUSTEE TONKING: Here.
21 TRUSTEE DENT: Trustee Schmitz?
22 CHAIR SCHMITZ: Here.
23 TRUSTEE DENT: And I'm Trustee Dent. All
24 five of us are present. Moving on to item C,
25 initial public comment.

5

1 C. INITIAL PUBLIC COMMENT
 2 MS. MILLER: Good evening, everyone.
 3 With the urgent matters facing the
 4 District, I believe the items for the pricing policy
 5 and Ordinance 7 should be deferred. But in case you
 6 choose to keep Ordinance 7 on the agenda, please set
 7 up another citizen's committee to go over the needed
 8 changes. The committee led, I think, in large part
 9 by one of the other guests here tonight, Diana
 10 Hershberg, I think she showed how much that citizen
 11 input's needed. And the pricing policy should
 12 certainly be a consideration for any new GM, knowing
 13 they'll be expected to deal with our horrific
 14 losses.
 15 And I guess I must have been on vacation
 16 the last time the ordinance was updated because I
 17 noticed some things now that I definitely would
 18 change. I thought we were supposed to get a report
 19 back from staff about what was the impact of the
 20 changes that were made, and I don't remember hearing
 21 one, but maybe there was.
 22 I really don't agree with some of the
 23 provisions for penalizing Picture Pass holders when
 24 if you violate one of IVGID's rules and you're just
 25 passed through, there's no penalty for them, so why

6

1 would you punish the people who support the District
 2 more than a person who is just here for a one-day
 3 visit?
 4 I also find it a waste of IVGID's
 5 resources to get involved in disputes between
 6 customers. There's county codes that deal with some
 7 of the items. And now this addition of regulating
 8 bad language. If you've ever rode a lift with
 9 anyone under the age of 50, you've probably heard
 10 hundreds of four-letter words every time you ride
 11 the Crystal Peak chair. Is that chronic profanity?
 12 And I hope our new acting director will forgive me,
 13 but I'm sure I'd be called "Karen," if I filed an
 14 incident report.
 15 I think both items need to be greatly
 16 simplified, and I think it has to do with the punch
 17 cards and the discounts that they provide. If we
 18 just had Picture Pass holders and we got a certain
 19 percentage off the price across the boards, it would
 20 be even, it would limit -- maybe an upper limit of
 21 how much you can accrue in a year, but it would just
 22 do away with so many of these ridiculous rules and
 23 regulations for punch cards.
 24 If we just charge a facility after the
 25 voters approve a bond for new expanded or

7

1 replacement facilities, and then let the venue
 2 managers figure out and set the user fees to balance
 3 their budgets without a facility fee.
 4 Thank you.
 5 MR. KATZ: Good evening. Aaron Katz,
 6 Incline Village. I have a number of written
 7 statements to be included the minutes of the
 8 meeting.
 9 We all know the District is in trouble.
 10 Its sustainability is in doubt. We're on the
 11 Titanic sinking, and your staff is in denial.
 12 Rather than dealing with our real problems, staff
 13 are setting the sinking tables for dinner, like
 14 modifications to Ordinance 7 and the Policy 6.01.
 15 We're buying a couple of Public Works vehicles for a
 16 new snow groomer. We have real problems. Get real
 17 and deal with them.
 18 When a trustee requests were going to
 19 contact the county for help, you know we have a real
 20 problem, and we do. We don't have a GM again,
 21 there's no leadership in finance, there's no one in
 22 golf. We have a puppet in Parks and Rec who
 23 disingenuously is Susan Herron's mouthpiece. We
 24 lack competence in Public Works. We have an
 25 attorney who protects the bad guys versus the public

8

1 and charges us \$61,000 a month. Can it get any
 2 worse? Good news, yes.
 3 So, yesterday staff revealed a treasure's
 4 report for June, and included therein are revenue
 5 and expense summaries year to date for our various
 6 funds. So stupid me starts examining them, and I
 7 look in internal services and I see that staff has
 8 spent 645,000 more than actuals realized. How can
 9 this be given internal services has no reserves?
 10 It means our general fund has made another
 11 secret loan to internal services. And our wonderful
 12 people in finance didn't even tell the Board about
 13 it. Except the NRS instructs staff can't do this
 14 without board action after a public hearing. And
 15 it's an unlawful act, to go with everyone else.
 16 Face the facts, we're not capable of
 17 proper management. Stop trying to dig us out of the
 18 black hole and return us to the county. It's the
 19 only realistic alternative, otherwise this whole
 20 place is going to dissolve.
 21 Thank you.
 22 MR. MEYER: Gordon Meyer, Incline Village,
 23 Nevada.
 24 I've been a resident here in Incline for
 25 25 years, and I've seen so many changes go on, but

9

1 the worst changes have been over the last two,
 2 three, four years.
 3 The biggest concern I have is with the
 4 continuing idea that we should outsource our
 5 management of the facilities, our general manager,
 6 and so on to an outsource firm who does not have the
 7 experience to manage our water, our garbage, or
 8 facilities by any stretch of imagination.
 9 I don't know what the Board really wants
 10 from this. I don't know why they are choosing to go
 11 down to this path. If it saves us millions of
 12 dollars, okay, fine. I don't believe that will be
 13 the case. I'd like to have some kind of fiscal
 14 understanding on why we're going down this path,
 15 because I, myself, and many people in this town have
 16 no clue why we're doing this or why you guys keep
 17 going after it, and why you're doing it within a
 18 three-week period for an RFP. To me, that's
 19 absolutely ridiculous for something that's this
 20 monumental.
 21 And, of course, I don't have a written
 22 statement, I always speak off the cuff, because
 23 that's what -- I don't have time to write things up.
 24 Anyway, that's my statement. And I know
 25 there's so many other things -- and I know this is

10

1 coming at the end of the meeting and I stay for it,
 2 but G 8 is what I'm most concerned about. And if
 3 it's just to go ahead and use this outsourcing firm
 4 as like a head hunting or a recruiting company to
 5 find a general manager, okay, fine, but we also at
 6 the last meeting last week, there were 24
 7 applicants, some of course didn't qualify, but there
 8 were some very good ones, supposedly.
 9 I don't know why we're going down this
 10 path, unless, again, it's saving the District
 11 millions of dollars. It doesn't make sense. To me,
 12 the outsource firm would ruin this community, and I
 13 don't want to see it keep going down the drain.
 14 Thank you.
 15 MS. GURSKY: Hello. I'm back.
 16 I want to apologize for referring to you
 17 as a school board last time I was here. I guess my
 18 32 years of teaching and working with school boards
 19 was the reason that happened, so I apologize for
 20 that.
 21 I'm again reaching out to you because I
 22 don't know how to be heard. What is the process for
 23 making changes to Ordinance 7 so our family is not
 24 punished because of the abuse of other people? Who
 25 is reviewing Ordinance 7? How can my input be

11

1 considered?
 2 As of now, I feel that my appeal has not
 3 been recognized. Only one board member has replied
 4 to my emails or reached out to me, and I thank you,
 5 Michaela, for that. I also spoke to Karen just a
 6 couple of days ago, and she was very great on the
 7 telephone and really listened to my concerns. And I
 8 feel like I do have somebody that has my back right
 9 now.
 10 I did approach Sara at the Conversation
 11 Cafe a couple of weeks ago, and I was very
 12 discouraged after talking to her. She stated that
 13 decisions have been made and that the road is closed
 14 for our family.
 15 Please give me suggestions on how to reach
 16 out to the person or the people who have influence
 17 over Ordinance 7 rules. I know there will be a
 18 public hearing in October, but proposals for changes
 19 will have already been made. I wish that I could
 20 have been able to dialogue with people that are
 21 recommending the changes. It's very disappointing
 22 that I was not given the opportunity to participate
 23 in discussions.
 24 And a little review, our grandkids, oldest
 25 was 2 when we came into this community, she will be

12

1 21 in December, and every one single one of our
 2 grandkids will be 18 and vote in the first
 3 presidential election.
 4 I don't have a problem with the five
 5 Picture cards with the golf access. We've had this
 6 the whole time we've been here, which is over
 7 18 years, so this is not a problem. The problem
 8 comes with the Picture Pass and the other Picture
 9 cards that we can obtain, because the Picture cards
 10 do not allow us to bring guests into the beach. So
 11 if I'm staying at my house, here in Incline, I can't
 12 walk down to the beach with my grandchild and get
 13 her into the beach.
 14 We can have -- so we have three of these
 15 cards, and then we have two of the punch cards.
 16 What I -- my suggestion is you take off no beach
 17 access on these other cards that we have so that we
 18 can pay for guests to come in. And I also suggest
 19 that you look at your punch cards and think if
 20 there's a way that they can be renewed, because they
 21 can't be renewed now. And then if all else fails,
 22 please have an appeals process. We're not all the
 23 time here.
 24 TRUSTEE DENT: Matt, do we need to reboot
 25 the mics?

13

1 MR. BELOTE: If you would like to,
2 three to five minutes.

3 TRUSTEE DENT: Let's do that. We're going
4 to take a three-minute break while we reboot the mic
5 system.

6 (Recess from 6:13 p.m. to 6:17 p.m.)

7 TRUSTEE DENT: All right. Thank you guys
8 for that. We're going to resume our meeting with
9 public comment.

10 MR. WARNER: I guess I get to test the
11 mics. It's nice to see all of you. Good evening,
12 members of the Board of Trustees. My name is Ollie
13 Warner, and my family and I live full time in
14 Incline Village, and we're the owners of a 38-key
15 hotel, The Incline Lodge. Some of you have visited.
16 If you haven't, we'd love to you show you the space.

17 We have reviewed the draft changes to
18 Ordinance 7 that were issued this week, and have
19 some suggested language to the hotels and motels
20 section to ensure there's no violation of the Beach
21 Deed. The additional language simply reads, quote,
22 in a manner that would not limit access of the
23 beaches by hotel or motel occupants.

24 We have submitted a letter capturing these
25 changes to the appropriate parties, and we will

15

1 corrected in subsequent years. Most were never
2 done.

3 I joined the Audit Committee in 2020,
4 along with two trustees and two outside members. We
5 went to work exploring Dillon's Rule, accounting
6 issues, and material weaknesses in and internal
7 controls. The committee made a recommendation to
8 the Board to charge off over 4.8 million in
9 capitalized expenses, resulting in three years of
10 prior period adjustments to the financials.

11 During the three years, an investigation
12 was done. Mr. Navazio did not comply with board
13 policies and stonewalled the committee at every
14 turn.

15 In late 2020, IVGID decided to install new
16 software for HR payroll and accounting systems.
17 Over the five years, the cost would be 2.2 million.
18 Derrek Aaron, a committee member with vast
19 experience in conversions, begged the Board that
20 Tyler should set forth a work plan and become
21 actively involved. The begging was ignored. Now
22 what did we get? We all know.

23 With committee members Aaron and Dent
24 exiting, the other members' terms expiring, Trustee
25 Wong and Tonking were appointing for a brief time

14

1 submit this letter again tonight as part of the
2 public record. While it's not part of this
3 statement, I should mention that we have established
4 a very good relationship with IVGID staff. We have
5 a process that works for everybody to access the
6 beaches, and I'm very thankful to be able to
7 collaborate and make that seamless.

8 I'll close by saying we love being part of
9 this community, and we feel grateful to be
10 neighbors, so thank you.

11 MR. DOBLER: Cliff Dobler, CPA.
12 That Ordinance 7 seems to have more
13 amendments than our U.S. Constitution, quite
14 amazing.

15 In reference to IVGID's bad accounting,
16 how did get we get here? As far back as 2015, I
17 noticed, along with other residents, many
18 deficiencies in the financial reporting of IVGID.

19 Over the next five years, I provided 24
20 memorandums to the Board and Audit Committee about
21 the deficiencies, but the memos were ignored. In
22 2020, the Board engaged Moss Adams to review four
23 improprieties and provide recommendations for
24 corrections. The remaining 20 memos were reviewed
25 and found to have deficiencies but could be

16

1 and nothing was accomplished.

2 Over two years I continued to explore and
3 write memos on capitalization issue, but Trustee
4 Wong removed them from the agendas. Over 30 memos
5 piled up and were not heard. At least Trustee
6 Tonking pulled the memos under one roof, but nothing
7 happened. Mr. Nolet and Mr. Homan became Audit
8 Committee members, reviewed the memos, nothing
9 happened, and they soon resigned. It was apparent
10 that the 2023 financial statements would be
11 completely improper.

12 With the existing turmoil and a poor Tyler
13 conversion, progress on correcting financial
14 statements were halted and things got worse. The GM
15 and many department heads resigned.

16 It's become quite clear that the
17 financials needed extensive investigations which
18 were conducted by Moss Adams and RubinBrown. The
19 reports have confirmed the mess, which has grown
20 into a catastrophe. Washoe County must be brought
21 in.

22 Thank you.

23 MS. BECKER: Diane Becker, full-time
24 resident of Incline Village. I'm also a member of
25 the Citizen Advisory Board and the County Manager's

17

1 Advisory Board.

2 I'm here to talk about G 1, the proposed

3 amendment to Ordinance 7, and to request that it be

4 taken off of calendar and that there be an

5 opportunity for -- for at least for me to meet with

6 the department of recreation -- Parks and

7 Recreation. We do have a meeting scheduled for

8 Thursday.

9 I'd like to remind you, I'm a retired

10 attorney and volunteer, and I was the person who was

11 on the Ordinance 7 committee who drafted all the

12 initial draft amendments to the 1998 ordinance. I

13 worked directly with the attorney who was the beach

14 attorney, the specialist you hired, and we drafted

15 many of the provisions with lots and lots of

16 discussion and negotiation between the two of us and

17 also Mr. Nelson.

18 We have a document that was drafted by

19 three attorneys with quite extensive experience. I

20 had 43 years, among them being chief legal officer

21 for a \$500-million company, so that is my area of

22 expertise.

23 And I will tell you that having reviewed

24 these, the majority of the proposed changes make a

25 lot of sense, they get rid of some duplication, but

18

1 some of the language is very inappropriate, and I'll

2 give you some examples.

3 The definition of commercial use, that was

4 one of the most-hotly discussed and negotiated

5 language between the three lawyers. And it has now

6 been suggested that it be changed to saying that --

7 exchange of economic value between two or more

8 entities. We aren't talking about exchange between

9 two or more entities; we're talking about, maybe, an

10 individual and an entity, maybe two individuals.

11 But, certainly, these kind of changes,

12 which sound all right to a non-lawyer, have

13 tremendous implications on what we would be

14 drafting.

15 Another just example is the change from

16 five passes per parcel to five passes to every --

17 for every facility fee paid. Well, we all know that

18 the ADUs are going to be absolutely passed by the

19 county, they are already being passed for the rest

20 of the county, our commissioner is pushing it, so

21 it's going to be passed for up here. That's going

22 to dramatically increase the number of passes that

23 are going to be granted because each of those is

24 going to have, essentially, a separate fee. That's

25 what's going to happen.

19

1 You've changed that the IVGID may request

2 supporting documents from shell requests, and so

3 there's no confirmation whether people really have a

4 right to some of the family tree passes.

5 I do have a lot of other comments, and I

6 look forward to my meeting.

7 MR. KLEIN: Good evening. I know you guys

8 have a long night ahead of yourselves, so I will try

9 to be quick here.

10 In regards to agenda item E 2 and looking

11 at the supplemental item E 2, there's a table that

12 details the budgeted facility per parcel for the

13 last ten years up to 2023. In simple terms, it

14 shows how much and where our facilities fees go to.

15 There is a line item of 18 items, most of

16 them are venues and programs here. And I'll tell

17 you, I was stunned to see that out of those 18 line

18 items, our annual fees collected for property taxes

19 for 2023 and 2022 went to only two places, and that

20 was the beaches, and it says recreation, but I

21 assume that is Recreation Center, the Rec Center.

22 So, apparently nothing, not a single

23 dollar out of my fees or anyone else, per parcel,

24 went to parks, tennis, the golf courses, youth,

25 adult programs reserved for recreation facilities,

20

1 et cetera. Now this in itself isn't necessarily

2 wrong, but as I said, I was quite surprised.

3 I'd love to hear some discussion as to why

4 this is so, and what our plans are for the future

5 regarding allocation and disbursement of the

6 facilities fee that we all pay.

7 I'm John Klein. I live 321 Ridge Way.

8 Thank you.

9 MR. GURSKY: Gary Gursky, 16-year,

10 part-time owner, but a very passionate grandfather.

11 We need to review the ability of our

12 grandchildren access to the beaches. The current

13 system is not satisfactory in that, as my wife said,

14 they are all going to be between 18 and 21. We

15 purchased this property as a legacy property for our

16 family, we have extraordinary memories here, as do

17 the children.

18 As a simple solution -- as they become

19 adults and grandparents are still living, we have --

20 they don't want to come up here with grammie and

21 papa with their friends. So a solution that I see,

22 I can recall filling out a very extended family tree

23 form, why in this digital age can we not have a

24 grandparent or a member of the five Picture Passes

25 flash on face time at the gate, show our ID? It

21

1 wouldn't take any longer than scanning that card as
2 a person driving in, the kids could get a copy of
3 the family tree, their personal ID, and they would
4 be able to come up here, bring their college-aged
5 friends from time to time. Four of the six are
6 going to school out of state, they are working
7 summers, but if they were to come out here on a
8 break, I am sure they would like to bring their
9 friends, as one of the grandchildren did this last
10 week, bringing roommates from Minnesota.
11 It's very frustrating for us to not be
12 able to accommodate their future enjoyment of the
13 lake. They've developed all kinds of hobbies from
14 mountain biking to sail boarding, you name it. They
15 love and enjoy the lake, their memories are here,
16 and we would like to be able for them to enjoy it in
17 the future.
18 Thank you very much.
19 MR. HERMAN: Hello, everybody. My name is
20 Stuart Herman. I'm an Incline Village resident.
21 I'd like to speak you, apparently you guys
22 are sole sourcing a management company to take over
23 Incline Village. No? Maybe I'm wrong. Okay.
24 That's fine. I was just going to say a couple
25 things. I heard a bunch, but not read up a lot.

23

1 to get management in there. They may put them at
2 \$200,000. It really increases the cost to
3 everybody.
4 An open RFP is available out there, and
5 there's a possibility and there's a lot of companies
6 out there that can do this type of work. And that's
7 all I really -- sorry.
8 You just need to take some time and do it.
9 And make sure that the company you pick has done all
10 aspects of this or are teaming with another company
11 that specializes in it. Everybody says they can do
12 everything, but then if you get somebody in there,
13 you never get rid of them, it's a long process.
14 And so it's really vital to get a good,
15 qualified company that's out there. And there are
16 quite a few of them around the United States. They
17 are small businesses, and we should be helping small
18 businesses, disabled vets, all that other stuff.
19 If you have any other questions, I can
20 give you data. Have a good night.
21 MR. WRIGHT: Frank Wright, candidate for
22 the board.
23 Let's pretend that you look in your wallet
24 once a month, and every time you looked in your
25 wallet, money was missing and you didn't know where

22

1 There's a lot of companies out there that
2 do do this type of work. I'm a government
3 contractor with the United States Government for
4 40 years. I specialize in grounds maintenance on
5 military installations around the U.S.
6 There are numerous companies out there
7 that do base support operations, they maintain the
8 whole military base from the roads to the fueling to
9 every aspect of a military base. These companies
10 are service to disabled vets, HUD zone companies,
11 small business.
12 I've been participating in RFPs for a long
13 time, and I heard somewhere there was like
14 three weeks to do this. Even to look at an RFP just
15 looking at the grounds maintenance to look at the
16 equipment that the company that you guys are
17 supplying and everything, it takes a little bit
18 longer than three weeks.
19 Also it is vital -- if you're going to
20 sole source it, which the United States Government
21 does not participate in unless it's an emergency for
22 long term, that that really is a way to steal. It's
23 like people inflate their numbers, they basically --
24 they know that on their bottom line that they're
25 going to add 20, 30 percent in profit, so they want

24

1 it went. Well, that's the same thing that's going
2 on here at IVGID. We have a thing called
3 "procurement cards," which I brought to the Board's
4 attention a long time ago, and I asked for a
5 reconciliation of all those procurement cards, how
6 many were out, how the money was being spent. I got
7 a half-assed printout that I have never been able to
8 figure out how many there were. We heard lately
9 that there's 86 or 90 out of 150 full-time
10 employees. Nobody has ever reported back to the
11 public how many of those procurement cards are still
12 out there or what the District has done to reconcile
13 that problem. I have no idea. I don't know if the
14 Board has an idea.
15 Our finances are obviously a mess.
16 Tomorrow's a deadline for the Committee on Local
17 Government, we are supposed to be reporting to them
18 about what Mr. Magee said he had already done, but
19 now Mr. Magee isn't anywhere around. So who is
20 going to be down there speaking to that? I guess
21 our treasurer is going to have to do down there
22 unarmed, because, I'm sure, the finance department
23 hasn't provided him all the necessary information to
24 present to them, which they asked for.
25 What is going on? Why are we in this

25

1 position? For 12 years I've been raising these
 2 issues, asking questions, and I get a barrage of
 3 people who have no idea what's going on, yelling and
 4 screaming that I'm a bad person. Well, I'm not a
 5 bad person any longer, am I? Thanks to RubinBrown,
 6 they found out that everything I was saying was
 7 true.

8 We have a problem, a serious problem, and
 9 the problem is our finances are screwed up. I don't
 10 know if we're ever going to fix them. I don't know
 11 if I get elected as a trustee, that I can sit down
 12 and clean them up in a year. Two years, maybe, with
 13 the work and the help of other people, yeah, we
 14 could probably do it, but it's going to take some
 15 real, real gut-wrenching decisions. And if you're
 16 not ready to make those gut-wrenching decisions,
 17 we're just going to keep going right in the same
 18 opposite direction we're going right now.

19 As far as the beaches, I was on the
 20 Ordinance 7 Committee. Let me make it clear: The
 21 beaches are owned by the residents who were here in
 22 1968. You don't need a pass to get on the beaches.
 23 You own them, you have an easement to the beaches.
 24 The gig is IVGID took control of them, and they give
 25 you five punch cards. If you're a guest and you're

26

1 a resident, you go on in. You don't have to pay,
 2 just go on in. It says in the deed: Residents and
 3 their guests.

4 Thank you.

5 MR. EPPOLITO: Hi. My name is John
 6 Eppolito. I've live in Incline for about 25 years.
 7 I wanted to talk about, briefly, what
 8 Diane Becker spoke about, this Ordinance 7. You
 9 know, she said a few really important things, and I
 10 don't think this stuff should be changed just
 11 willy-nilly.

12 She said this document was written by
 13 three attorneys. And as I recall, that Ordinance 7
 14 Committee met for over a year, and I don't think you
 15 guys should just be changing things, one or two
 16 sentences here and there. People need to know
 17 what's going on. Hopefully Diane will still
 18 volunteer and will still be involved and some of the
 19 same people will be there. I heard three things, I
 20 think she ran out of time, and since I don't know
 21 all the details, I'm just going to repeat what I
 22 heard Diane say.

23 She said the commercial use definition
 24 would be changed. I'm not sure why you would do
 25 that without attorneys and the people that did spend

27

1 a year of their life doing. Five passes per parcel
 2 to five passes to facility fee is what I heard Diane
 3 say. And then IVGID, something in the language
 4 changed from "shall" to "may."

5 These are big changes. I think there's
 6 other things, and I think you should listen to Diane
 7 and get her back involved.

8 Thank you very much.

9 TRUSTEE DENT: Go to live stream.

10 MEMBER SWENSON: Good evening. This is
 11 Harry Swenson. I'm currently a candidate for
 12 trustee of Incline Village, and I'm a ten-year,
 13 full-time resident here at Lower Tyner.

14 I come to the Board to express my views on
 15 the request for proposal for the management firm.
 16 As I read the August 20th version of the RFP, it
 17 appeared to be a watered-down consulting contract.
 18 The last thing this community needs is another
 19 ignored consulting report.

20 It was discussed on the August 6th meeting
 21 as an open RFP. It was supposed to provide the
 22 general manager with continuing access to consulting
 23 and execution from the awarded firm. This was to be
 24 written by Director of Human Resources and Trustee
 25 Noble.

28

1 The August 20th version completely missed
 2 on both counts. There is a slight enhancement to
 3 the current version to at least mention the general
 4 manager, but it doesn't contain any real
 5 requirement. And as a lawyer, I believe Trustee
 6 Noble should have recognized this problem.

7 I am a retired NASA scientist and
 8 executive. I have created and evaluated and awarded
 9 dozens of multi-million-dollar RFPs and contracts.
 10 If I was asked to review this one, I would have sent
 11 it back to the original authors with the following
 12 high-level recommendations: Build the RFP around
 13 the GM's job responsibilities and functions. If you
 14 feel that the existing GM responsibilities and
 15 functions are not sufficient, create a task
 16 detailing them from a Board trustee review. Fill
 17 the consulting functions around multiple tasks
 18 selected by the GM with trustee approval. The first
 19 task should be a general, high-level review, like
 20 what is shown in the current RFP. The second,
 21 third, and subsequent tasks to be priority driven,
 22 detailed review, and enhancement of each of your ten
 23 business units. Each of these tasks should be at
 24 the discretion of the GM and trustees as needed.
 25 The RFP should also include evaluation

29

1 criteria and methodology. You could grade the
 2 proposal based on qualitative or quantitative
 3 metrics. This would greatly reduce the time for
 4 your selection and get you what you need.

5 Many people are very concerned with the
 6 multi-year, fixed term of the contract. This is
 7 very fixable if you scoped it as a one year initial
 8 period of performance with two to four years of
 9 options. If the GM or company cannot perform, this
 10 allows you to cancel after the first year without
 11 any financial consequences. This is true as well
 12 for subsequent years also.

13 Also, a series of previous consulting
 14 reports are referenced describing numerous
 15 deficiencies. I would suggest highly that you
 16 provide some level of priority on these deficiencies
 17 to allow the potential bidders to focus their
 18 proposal.

19 Finally, the lack of clearly defined
 20 metrics should be addressed. I suggest you include
 21 a metric for financial sustainability with a
 22 reduction of 50 percent of our budget deficit for
 23 the first year, followed by a complete deficit
 24 elimination over the next two years without --
 25 (Expiration of three minutes.)

30

1 MS. KNAAK: Hi. Yolanda Knaak. Full-time
 2 resident here in Incline Village.

3 I just wanted to address the appointment
 4 of an interim general manager. I -- one idea I had
 5 was to bring Chris Nolet on as a consultant and
 6 perform the interim duties of the general manager,
 7 and then have him stay on and help be a consultant
 8 for the new general manager that is appointed. The
 9 other option is Trustee Dent would do an excellent
 10 job as well.

11 Thank you so much.

12 MR. MILLER: Thank you. Charlie Miller,
 13 Incline resident, former Incline engineering
 14 manager.

15 I wanted to express my disinterest in this
 16 management firm approach. It seems like just an
 17 enormous waste of money, especially at a two-year
 18 term. I think that what the District has lost over
 19 the last handful of years is so much institutional
 20 knowledge from the entire Public Works department,
 21 across the board. We pay the general manager for a
 22 no-cause agreement for a year. We've had Susan
 23 Herron, we paid her for three months and heard
 24 nothing about it, but paid her to not work and never
 25 heard a report of why. We've lost Sheila Lejion.

31

1 So right there is 60-some years of staff that you've
 2 just alienated.

3 I want to turn a new leaf with this board,
 4 and move into the next year looking for a long-term
 5 general manager, building long-term staff, embracing
 6 our staff. So I don't feel like a management firm
 7 is the way to go at all.

8 And on a final note, Sheila brought to the
 9 Board an item for an ice rink that the ice rink
 10 foundation in town was going to donate and was
 11 looking for a venue. Ultimately, I've worked on
 12 plans at The Chateau, on the driving range,
 13 regrading, and it's really going to enhance it.
 14 That's a long-term approach, but I think that it
 15 could be done at the ball fields. That needs to
 16 start now if that's going to happen next winter.

17 Thank you for your time. Appreciate it.

18 MS. JEZYCKI: Good evening. This is
 19 Michelle Jezycki. I am an Incline resident as well
 20 as a candidate for IVGID trustee.

21 The timer on the video didn't start, so I
 22 guess I'm --

23 TRUSTEE DENT: Go ahead.

24 MS. JEZYCKI: Thank you.

25 I'm just calling in to reiterate the

32

1 importance of stopping the rush to contract out what
 2 is ultimately the Board's responsibility, in the
 3 hope of -- pull the RFP. I know a lot of time and
 4 effort has been put into this. Now that we have, at
 5 least, an acting interim, we no longer need a head
 6 hunter as, apparently, we have went from not having
 7 anyone who wants to work here in Incline to
 8 apparently a healthy number of applicants after
 9 posting in proper sites.

10 The District has paid an inordinate amount
 11 of money for audits, studies, and reports, and those
 12 reports could and should serve as a roadmap for this
 13 next GM. I would recommend even getting those into
 14 the performance plan of the next GM. Let's start
 15 with Tyler Munis, get that migration completed
 16 properly, which will take care of many of the
 17 internal audit control issues that were brought up
 18 in the latest report, the RubinBrown report, and
 19 then identify other such needs as they arrive or as
 20 they are identified.

21 This will, all the while, help us save our
 22 village thousands upon thousands of dollars, while
 23 maintaining control and responsibility for our
 24 district.

25 I'm also hoping that can get and keep an

33

1 interim GM through the end of the year without
 2 rushing to fill the full-time position without
 3 completing the due diligence necessary. Again, we
 4 saw how that turned out last time, and it didn't end
 5 up so well. Hopefully we can take our time, handle
 6 this responsibly and professionally, and come out
 7 with the right person at the end of the day, with a
 8 roadmap that's already half way laid out (inaudible)
 9 implemented.

10 Thank you and I wish you a productive
 11 meeting.

12 MS. CARS: Linda Cars, Lariat Circle.
 13 I want to repeat what I've said before is
 14 that hiring a management company to manage the
 15 District's resources is not what Incline Village
 16 needs right now. I believe that if the decision is
 17 made to go forward by the majority of the trustees,
 18 they should recuse themselves from a decision
 19 because two of them will not be here next year, and
 20 they are doing an unfair decision-making for the
 21 rest of the community.

22 The decisions that have been made
 23 this year with the loss of so many personnel over
 24 the past 20 months is abhorrent. And they should
 25 look in the mirror, see what they have done, and

34

1 give the citizens of Incline Village a break.
 2 So with that, I hope that they will listen
 3 to most of the public comments, which are against
 4 hiring a management firm. And if you decide it's
 5 something you really have to consider, then have a
 6 public forum at The Chateau, and let the public
 7 speak to this proposition.

8 Thank you.

9 MR. BELOTE: That was our last comment the
 10 queue.

11 TRUSTEE DENT: Thank you.
 12 That will close out item C. Moving on to
 13 item D.

14 D. APPROVAL OF THE AGENDA

15 TRUSTEE DENT: Any issues, concerns with
 16 the agenda?

17 TRUSTEE TONKING: I would like G 6
 18 removed, since for transparency sake, we were not
 19 informed that people had signed disclosure
 20 agreements, so we were not informed on who we could
 21 speak about and not speak about.

22 TRUSTEE DENT: Okay. Anyone want to weigh
 23 in on G 6?

24 TRUSTEE TULLOCH: I would support that
 25 request from my colleague.

35

1 TRUSTEE DENT: Chair, do you have concerns
 2 about that?

3 CHAIR SCHMITZ: I raised my hand because I
 4 had other agenda items I wanted to have switched.
 5 We can, potentially, defer this. And we
 6 have Karen as acting General Manager. If the Board
 7 chooses to defer this, we do have an acting General
 8 Manager, so I just wanted to bring that to
 9 everyone's attention.

10 I had other suggestions on the agenda.
 11 TRUSTEE DENT: All right. Let's hold on
 12 to the other suggestions.

13 TRUSTEE NOBLE: I'm fine with deferring
 14 that, as long as when it goes on the next one that
 15 we are notified -- the entire Board's notified of
 16 who we can discuss.

17 I did reach out to our general counsel to
 18 see if anybody had signed the waivers and he
 19 provided that answer today, but it would be nice to
 20 have that list of people when the board materials go
 21 out --

22 TRUSTEE DENT: Fair.
 23 G 6 has been removed. Any other -- acting
 24 General Manager?

25 MS. CROCKER: Yes. I would like to pull

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1 item G 2, and bring this back to the Board at the
 2 September 25th meeting. The reason why is it is not
 3 complete, and we want to bring back recommendations
 4 regarding 6.2. Thank you.

5 TRUSTEE DENT: Thank you. Item G 2 has
 6 been pulled.

7 TRUSTEE TULLOCH: I'd like to move item F
 8 2 from the consent calendar to general business.

9 TRUSTEE DENT: Okay. F 2 to general
 10 business. Understood.

11 CHAIR SCHMITZ: I would request that G 11
 12 be moved to G 1, and G 8 then be moved to G 2.
 13 These are very important topics this evening, and
 14 I'd like for us to be as fresh as we can when we're
 15 discussing these.

16 TRUSTEE DENT: Okay.

17 TRUSTEE TONKING: Would you be willing to
 18 do it as items G 2 and G 3? Only because G 1 is
 19 Ordinance 7 and there's a lot of people in this room
 20 here to listen to it.

21 CHAIR SCHMITZ: Yeah. I don't know who is
 22 in the room, so, yeah, that's fine. I can't see the
 23 room. So, yeah, that's fine.

24 TRUSTEE DENT: Okay. And then I was going
 25 to request item G 3, we just got new materials like

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1 an hour and a half ago. I don't know if we can
 2 postpone that to the next meeting, given that we
 3 just received a bunch of paper.
 4 Anyone have concerns over item G 3?
 5 TRUSTEE NOBLE: This is the sole source
 6 procurement contracts, and my understanding is this
 7 is something that's -- we've had some problems over
 8 the last two weeks with this.
 9 I would want to know from staff what would
 10 be the ramifications for deferring this again?
 11 MS. CROCKER: At this time, I would like
 12 to call up Sue Griffith regarding those questions to
 13 answer. But I can share that we need to pay our
 14 bills, that is one of the issues.
 15 TRUSTEE DENT: Understood. We just -- I
 16 haven't had time to review it. We just got all this
 17 paperwork dropped on us an hour before the meeting,
 18 and so I'm just asking for more time on that. We do
 19 have a process in place for emergency approval that
 20 does go through general counsel and approval of the
 21 Chair.
 22 And so I'm fine deferring my approval to
 23 them to act and not slow things down. And I do
 24 understand the concern and was brought into the
 25 process of not having this item approved. I just

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1 feel like if we haven't had time to look at it, we
 2 shouldn't be approving it.
 3 TRUSTEE NOBLE: I want to hear from staff.
 4 MS. GRIFFITH: My name is Susan Griffith.
 5 I go by Sue. There's a lot of Sues at IVGID, I've
 6 learned. I joined the District in mid-May, and we
 7 are struggling to weed out what we can pay, what we
 8 can't pay in accounting and finance, and we have
 9 complete gridlock in the department because we can't
 10 execute the normal blanket purchase order process
 11 that we've done in years past.
 12 And we are trying desperately to work with
 13 staff and the different venues to get pricing sheets
 14 and get things pulled together from the F and B
 15 portion of that agenda item, you'll see a listing of
 16 the different vendors. There's also different
 17 things going on for Public Works as well.
 18 But in our situation, we would ask if the
 19 Board would consider directing General Manager to
 20 have approval when we get the packets pulled
 21 together from folks and then give them to her and we
 22 can execute the blanket purchase orders and then
 23 bring it back as a report item to you the next
 24 month. And we will just keep updating you with
 25 those.

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1 It's simply just having staff, making an
 2 order, printing it out, and uploading that and being
 3 able to use that for the fiscal year, my
 4 understanding, is what we need to do.
 5 Right now, we have to do everything twice.
 6 We start from square one, we're entering the
 7 requisitions, then it needs to go out to the
 8 workflows for folks to approve it. And then it
 9 comes back and we then have to receive it and put it
 10 through the payable process.
 11 I've personally had over 36 hours in the
 12 course of two and a half days of entering in
 13 invoices into Excel so we can get it approved.
 14 Chair and Vice Chair was, thankfully, able to help
 15 us get those approved, but we could only enter it
 16 for a certain amount, and we had to make sure that
 17 the purchase order was just for those items we
 18 entered.
 19 So, in conclusion, we can't finish closing
 20 fiscal '24, we can't catch up on adjusting entries,
 21 weren't able to do the allocations that we need to
 22 make, and we're also trying to prepare for the
 23 audit. I'm pleading our case for the department.
 24 Thank you for your time.
 25 CHAIR SCHMITZ: I would like legal counsel

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1 to help us to potentially understand what some of
 2 the situation is because I think some of it is
 3 coming from legal counsel feeling that we don't have
 4 proper contracts in place.
 5 So could we also hear from legal counsel
 6 on this issue?
 7 MR. RUDIN: Yeah, I mean, the blanket
 8 purchase orders have pretty standard form terms and
 9 conditions the District uses for purchasing.
 10 Looking through what has been added to the agenda
 11 packet, it looks like the fuel delivery contracts
 12 and the chemical procurements have additional
 13 insurance requirements related to environmental
 14 liability and pollution.
 15 Prior to these being put together, my
 16 understanding is we didn't have a terms and
 17 conditions for procurement for a lot of these
 18 purchases, so that was an important step forward for
 19 protecting the District.
 20 So, you know, if the Board doesn't feel
 21 comfortable approving these without time to review,
 22 I can understand and appreciate that. There is the
 23 process that is in Board Policy 3.01 that talks
 24 about procurement and approval of contracts by the
 25 Board Chair in -- when it is not possible to bring a

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1 contract to the Board, and that can be used for
 2 intermittent procurements until these can come back.
 3 So, yeah, that is an option that staff do
 4 have to take things to the Board. But, ultimately,
 5 I think it is a good idea and a best practice for
 6 the District to be having solid -- I mean, purchase
 7 orders are contracts, there's no real legal
 8 restriction, so we should be having comprehensive
 9 documents that establish what the terms are for
 10 buying these goods and services and that protect the
 11 District.
 12 CHAIR SCHMITZ: The other thing that I had
 13 I asked for was that we could have a comparison to
 14 what was '23/'24, because we don't know how
 15 significant -- how significant are those increases,
 16 so I didn't see that.
 17 But I think that when we get materials at
 18 4:15 in the afternoon, it is not realistic for any
 19 of us to have had an opportunity to actually review
 20 it. If this is something that the Board wants to
 21 delegate authority to the acting General Manager and
 22 legal counsel to ensure that it is being handled
 23 properly, that might be an alternative.
 24 TRUSTEE DENT: Thank you.
 25 TRUSTEE NOBLE: I would not support

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1 deferring. I think this is too important to put off
 2 again. If board members need a half hour, hour, two
 3 hours to review these tonight, I'm fine taking a
 4 break so we can do that and address this item and
 5 move on.
 6 TRUSTEE TULLOCH: I'm split on this. I
 7 understand the views on both sides. I know the
 8 finance team are really under pressure of this, and
 9 it's not a good way to go about doing business. On
 10 the flip side, I recall the original memo presented
 11 to the Board saying we should go with these
 12 suppliers for the contracts because we've always
 13 used them.
 14 And a common complaint I get from vendors
 15 is, well, we're not going to bid for IVGID because
 16 it's always going to go to the same people. I think
 17 we owe it to the community to get the best value.
 18 Can I suggest that we approve these for a
 19 three-month period at the moment to let staff get
 20 through the current situation, let's find out where
 21 we're going, and that gives the Board time to review
 22 and everything as well.
 23 TRUSTEE TONKING: I feel like we're just
 24 leading to a discussion on this, so let's just keep
 25 it on the agenda and talk about it when we get to

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1 it.
 2 TRUSTEE DENT: Sounds good.
 3 Chair, you okay with that?
 4 CHAIR SCHMITZ: Yes, that's fine.
 5 I have -- as it relates to agenda, I have
 6 one other question and this is for legal counsel.
 7 And if you -- it's a consent calendar item, and I
 8 don't know whether it needs to be pulled or it can
 9 be dealt with. Am I allowed to touch on that and
 10 explain what the question is?
 11 MR. RUDIN: Yeah, I'm not sure what the
 12 question is, but please ask it.
 13 CHAIR SCHMITZ: Okay. On page 327 of the
 14 board packet, this is for the consent -- it's a
 15 small dollar amount, \$9,600. Okay? But on
 16 page 372, it says that the price is \$9,600 for
 17 project management. It is not the scope of project
 18 management. So it is the scope for -- it is a
 19 fixed-price quote based on the scope described
 20 above, which is not project management. So we need
 21 to do a better job of determining what we're paying
 22 for, and we're not paying \$9,600 for project
 23 management and that's what it states on the price
 24 line of page 2 of 3 and on page 327 of the board
 25 packet.

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1 And this is just a small situation, but
 2 this is another example of having contracts and
 3 having things that are prescriptive and are accurate
 4 and are correct. And it should be \$9,600 for the
 5 scope of work described above, not for project
 6 management.
 7 Does that have to get pulled?
 8 MR. RUDIN: The Board can approve the
 9 contract with that modification.
 10 CHAIR SCHMITZ: But it's on the consent
 11 calendar, so does it have to be pulled?
 12 MR. RUDIN: Yeah, it should.
 13 CHAIR SCHMITZ: Then I request F 3 be
 14 pulled from consent calendar, and we can put it at
 15 the end of the evening.
 16 TRUSTEE DENT: Okay. F 3 and F 2, so F 2
 17 and F 3 will become F 10 and 11.
 18 CHAIR SCHMITZ: G 2 was pulled.
 19 TRUSTEE DENT: Yeah, will be G 1. G 2's
 20 been removed. G 2 becomes G 4. G 4 becomes G 5. G
 21 1 becomes G 1. G 10 -- yeah, G 11 becomes G 2. G 8
 22 becomes G 3. G 3 becomes G 4. G 4 becomes G 5. G
 23 5 comes G 6. G 7 is G 7. G 9 becomes G 8. G 10 is
 24 G 9. And F 2 becomes G 10. F 3 becomes G 11.
 25 You guys okay with that?

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1 TRUSTEE TONKING: That sounds great.

2 TRUSTEE DENT: Agenda's approved. Moving

3 on to Item E.

4 E. REPORTS TO THE BOARD

5 E 1. Forensic Due Diligence Report

6 TRUSTEE DENT: Receive and review final

7 report, forensic due diligence audit from

8 RubinBrown. It can be found on pages 7 through 81

9 of your board packet.

10 TRUSTEE TULLOCH: We've provided the final

11 report from RubinBrown, no substantive changes. We

12 added some of the things that were requested by the

13 Board, like breaking down between the years, over

14 the three years, in the different areas identified.

15 We also added, which is the most important, what the

16 definition of fraud being used in the report was.

17 We still have -- I've agreed with

18 RubinBrown because I've had requests from some

19 various board members for some breakdowns of the

20 data being used, so I have an open request into

21 RubinBrown for that. I repeat my email to trustees,

22 please send your list of any data requests you have,

23 what you're looking for data breakdown.

24 Otherwise, I'm open to questions.

25 TRUSTEE TONKING: Is RubinBrown going to

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1 come back? That was one of my requests, we

2 originally received this with such short notice,

3 because I do still have few questions for them. But

4 I do appreciate all the work that was put into this

5 final draft.

6 TRUSTEE TULLOCH: Mia culpa. I had

7 forgotten that request. That's my fault. I shall

8 speak with them on that. Assuming we can do it by

9 Zoom?

10 TRUSTEE DENT: Any other questions

11 regarding that item?

12 That will close out item E 1. Moving on

13 to item E 2.

14 E 2. Defensible Space

15 TRUSTEE DENT: Defensible space revenue

16 collected versus expenses verbal update from our

17 Director of Public Works.

18 MS. NELSON: I was asked to bring this

19 back to the Board to show you, basically, the

20 revenue collected over the last five years, and then

21 the expenses incurred associated with the defensible

22 space. This is supplemental item E 2.

23 Basically, it starts in fiscal year

24 2020. The utility side of the District collects

25 about 100,000 through the utility bill, and then

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1 community services collects the other 100,000.

2 Generally, it was collected through the facility fee

3 up until 2019, and then after that it's been funded

4 through the rec admin fund.

5 You can see on the spreadsheet that,

6 each year, we've got the expense broken down by

7 where it's charged to. It's broken up by sewer and

8 water and then the rec admin. In 2020, there was a

9 little over 101,000 collected through the utility,

10 100,000 was budgeted through community services, and

11 total spent on the defensible space was \$195,751.94.

12 As you go through each fiscal year, you

13 can see, basically, where the money has gone between

14 the water, sewer, and the rec admin funds.

15 At this time, I'll turn it over to the

16 Board for any questions.

17 TRUSTEE DENT: Any questions?

18 TRUSTEE TULLOCH: I'm looking at the FY

19 '24 numbers, I'm assuming that's '23/'24. What

20 jumps out at me is there's two round numbers there

21 for the expense. Have we just written them a check

22 for the 50,000, 100,000? I was under the

23 understanding we paid the defensible space as of

24 when the fire service actually did work for us.

25 MS. NELSON: That's correct. And that

48

1 does not look correct. I believe accounting

2 probably needs to dive into those number a little

3 bit more.

4 But at the first pull of the report,

5 that's what it's coming out as.

6 TRUSTEE TULLOCH: Okay. It looks kind of

7 like the budget numbers, I suspect, so if we can

8 correct that, that would be helpful.

9 I'm not sure, am I allowed to comment on

10 the rest of the thing? I didn't think so. Okay.

11 Thank you.

12 TRUSTEE DENT: Any other questions on this

13 item?

14 That will close out item E 2. Moving on

15 to item E 3.

16 E 3. Water and Sewer CIP Analysis

17 TRUSTEE DENT: Water and Sewer CIP

18 analysis verbal update.

19 MS. NELSON: This is a quick update. I am

20 working with accounting to get all of the expenses

21 associated with the capital projects on both the

22 water and sewer side. We have on the utility side

23 an accurate account of revenues just because we have

24 that billing software in house, so we know those

25 numbers. But we need to get with accounting and get

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1 the expenses and just verify that everything has
 2 been put in the correct spot.
 3 That is the report I have for you this
 4 evening. I will probably be bringing this back on
 5 September 11th with those numbers from accounting.
 6 TRUSTEE DENT: Thank you for that update.
 7 Any questions?
 8 TRUSTEE TULLOCH: We discussed during the
 9 CIC meeting how we were delineating expenses and
 10 capital projects. And also speaking with the
 11 finance team yesterday, I understood that we're not
 12 using Tyler for it at the moment.
 13 Can you clarify for the Board, it would be
 14 helpful to hear some of the details you provided at
 15 the CIC meeting? Because it's one of the sources of
 16 mail I get from the community, why were required to
 17 capitalize things and why we're not controlling
 18 capital projects.
 19 You have put new processes in place,
 20 perhaps you can give us a very brief description for
 21 the community here. I think that would be helpful.
 22 MS. NELSON: Sure. Currently the capital
 23 projects from this fiscal year moving forward are
 24 being entered into the Tyler project central module.
 25 The previous projects have been entered in, but

50

1 because of the way it was set up, not all of the
 2 functions are working on it. Moving forward, it
 3 should work correctly.
 4 I did verify with accounting that there is
 5 a way that they can do a subaccount within the
 6 project central, so each project could have an
 7 expense line and a capital line. Any item within
 8 that project that would be expensed would be charged
 9 to that expense line. It would be clearly
 10 delineated within the project central, and that's
 11 where everything is stored: all of the invoices, all
 12 of purchase orders associated with the projects are
 13 in project central, staff time that is billed
 14 against that project is also in there.
 15 And so hopefully as we move forward, all
 16 of that will be built out and it will self-contained
 17 for each project.
 18 TRUSTEE TULLOCH: That's helpful. It's a
 19 good start. I think we've still got a long way to
 20 go, but my main concern is that we properly
 21 delineate so we don't just throw lump sums into
 22 capital to start that balance sheet further.
 23 MS. NELSON: Correct.
 24 TRUSTEE DENT: Any other questions?
 25 All right. That will close out item E 3.

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1 Moving on to item E 4.
 2 E 4. Treasurer's Report
 3 TRUSTEE DENT: Treasurer's report, June
 4 2024 activities District treasury report to include
 5 July monthly financials report and district budget
 6 performance.
 7 TRUSTEE TULLOCH: I'll continue on my
 8 favorite topic. As you can see, again, we have
 9 pretty consistently throughout the year, we've
 10 overshot on our monthly payroll. It's gone way over
 11 budget. We also -- jumped to page 4 -- you see the
 12 overall picture. I'll include year to date on the
 13 next version. You can see year to date for the full
 14 financial year, we've overshot our payroll budget
 15 by 1.1, 1.2 million. No surprises. I've been
 16 highlighting this all the way through. I think --
 17 as we expressed during the budget cycle this year,
 18 don't expect to see that happening, but I'll comment
 19 on that when we look at July financials as well.
 20 Not much else. There's some -- in the
 21 interest of time, just dive through the investments
 22 and things because for the accounts payable, we have
 23 no budget number to see against. I don't know if
 24 it's good or bad.
 25 Jumping to page 8, the cost center

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1 revenues versus expenses, again you can see here,
 2 we've consistently overshot expenses and undershot
 3 on revenues. The beaches look good on revenues, but
 4 bear in mind it's because we're collecting a large
 5 amount of capital for the beach house. That's the
 6 only reason it looks like it's good there. Even ski
 7 is barely exceeding the expenses this year. So
 8 the days of ski providing several million dollars to
 9 support other venues, don't think we can expect that
 10 to continue indefinitely.
 11 Page 9, again you see -- it shows the
 12 different expense categories for each of the venues.
 13 Again, the graphs are pretty much self-explanatory.
 14 Appendix A shows all the disbursements
 15 over 50,000. Again, for some of these things like
 16 NV Energy, there's also further check payments there
 17 shown in Appendix B.
 18 Appendix B is the total check register.
 19 And I would draw your attention to -- there was no
 20 page numbers, but you'll see it and in something
 21 that was also brought to my attention, something
 22 I've raised some other concerns, we see a lot of
 23 expenses for food and beverage just shown as
 24 unclassified. And basically my discussions with the
 25 finance team within food and beverage, we're not

53

1 allocating these expenses to any particular
2 department, so we are just throwing it all into a
3 huge bucket, and then wonder why we're making a loss
4 or we think we're making a loss. We don't know what
5 we're actually doing in terms of food and beverage.
6 If all we're doing is throwing all these
7 expenditures in and not attributing them to
8 anything, I find that very concerning, particularly
9 when we're supposedly trying to run commercial
10 businesses and actively trying to recruit external
11 business. We have no way of knowing whether we're
12 actually making a profit on it because we have no
13 way of knowing where we're allocating food expenses.
14 That's certainly a concern.

15 I think it's something we've asked for
16 before to -- the Board has been asking for
17 several months if not over a year for more detailed
18 and more break down for food and beverage, and it
19 still seems to be missing.

20 Finally -- I see Trustee Tonking's just
21 got a question, just bear with me -- on the
22 procurement cards, I do have some details. We've
23 reduced them -- we heard in the RubinBrown report,
24 there was 93 procurement cards. And now showed to
25 be 43 procurement cards in circulation.

55

1 they had brought that up to me year ago. I had
2 brought it up to our formal general manager, and he
3 was supposed to do it and get with our finance
4 director at the time to fix the chart of accounts so
5 they could allocate correctly.

6 I do want to say that they had that on
7 their radar. I'm hoping that can be something that
8 gets addressed in finance. I know finance staff is
9 stressed, but I do know that food and beverage has
10 cited that a big concern of theirs as well.

11 TRUSTEE TULLOCH: Understood. And
12 maybe -- understanding the pressure in finance at
13 the moment, and hopefully, yes, it'll be treated as
14 a priority.

15 I would suggest that food and beverage
16 staff can, perhaps, do some back-of-the-envelope
17 stuff themselves. That's the normal way most small
18 businesses run, a lot of these things are done, back
19 of the envelope, at least with some allocation.

20 The fact they have no allocations leaves
21 us not knowing where we're going. It could mean
22 we're taking on external business and actually
23 making a loss on it to drive revenues, actually
24 losing money.

25 If we've increased the targets for

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1 Mr. Wright, I can assure you I've been
2 pestering finance director since I've been on the
3 Audit Committee about use of procurement cards and
4 getting better controls on them. We are doing some
5 work on that. I'm pushing on. We've reduced the
6 numbers. I think they can still be reduced further.
7 There's a full listing, as every month, on each of
8 the purchases on that.

9 I'll take questions from the Board on
10 that, and then we will move to the sources and uses
11 numbers.

12 TRUSTEE TONKING: On page 4 of your
13 report, you do the year-to-date expenses looking at
14 payroll and then accounts payable. Can you do a
15 total one for us too? That's a nice chart to look
16 at, it would be nice to see overall in that budget.

17 TRUSTEE TULLOCH: Yes. I hope to do that.
18 I've been trying to give the finance department a
19 little space.

20 TRUSTEE TONKING: No rush.

21 TRUSTEE TULLOCH: I agree. Let's do it in
22 graphical bar charts so it's easier to read as well.

23 TRUSTEE TONKING: Then the other thing I
24 was going to say, with that food and beverage
25 concern, I did want to advocate for F and B staff,

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1 facilities and functions, we need to be able to get
2 some control over that. We need to know if we're
3 actually making money or should pull out of that
4 business.

5 CHAIR SCHMITZ: Trustee Tulloch, if Matt
6 is able to bring up as an example page 29 of your
7 report, it's just a page that, as he was scrolling
8 past, it says "unclassified." To me, is that one of
9 the issues relative to internal controls, is that we
10 have the ability to make payments for things and
11 have them unclassified.

12 Is this something that, in Tyler, has to
13 be changed as an internal control?

14 TRUSTEE TULLOCH: As I understand it, it's
15 partially an internal control, but as I understand
16 it, all these invoices are just coming into food and
17 beverage and then they are divvied up between
18 different departments. They're not divvied up
19 further down. They may go to golf or ski, but they
20 are not divvied for, let's say, the beaches for the
21 cost of goods sold that we're being given just a
22 straight percentage of revenues, and we have no idea
23 of knowing if these things -- how correct these
24 things are.

25 So we're doing very, very rough numbers

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1 that don't let us run a business. And anyone that's
2 worked in food and beverage knows that the margins
3 are so small, you need to be on top of these. If
4 you're not allocating your costs correctly, you have
5 no idea if you're going to stay in business or not.
6 CHAIR SCHMITZ: Following up on the
7 internal control question, I noticed that some
8 procurement cards were being approved by various
9 people, and it didn't seem, perhaps, as though the
10 approver was someone who was part of the department,
11 what have you.
12 So have there been internal controls put
13 in place as it relates to to P card approvals to
14 ensure that there's the appropriate organizational
15 reporting structure?
16 TRUSTEE TULLOCH: The internal controls
17 are basically -- the policy on P cards, there is a
18 policy, it just seems to be -- it doesn't seem to be
19 getting enforced on a lot of occasions.
20 Yeah, I saw that as well. I saw several
21 procurement cards for a lower down organization been
22 approved by Mr. Magee. It seems slightly strange.
23 But there is a very clear policy on the
24 requirements for procurement cards. And RubinBrown
25 highlighted several issues with P cards, which are

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1 things.
2 I agree, it needs to be treated as a
3 priority, as do so many other things in the
4 RubinBrown report.
5 CHAIR SCHMITZ: I'm just going to throw
6 something out for us to potentially talk about
7 later, and that is sometime ago we talked about
8 having an internal auditor with some of these things
9 in order to follow up and ensure that things are
10 being changed and are being addressed and followed.
11 It might be something that is a position within
12 finance that, perhaps, the Board wants to actually
13 move forward.
14 TRUSTEE TULLOCH: That would be one of the
15 things you would expect an internal auditor to do,
16 whether we outsource it or whether we have somebody
17 in house.
18 But, again, that's further down the line.
19 I think the first line of action is always for
20 managers, but act in accordance with their
21 requirements.
22 CHAIR SCHMITZ: And the acting General
23 Manager has the authority to ensure those things are
24 happening.
25 TRUSTEE TULLOCH: That's my understanding.

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1 basically where the policy is being ignored. I
2 think that's -- the policy by itself is -- provides
3 the internal controls, but I think we do need some
4 random audits on it or just remind management staff
5 that are signing off on these what the requirements
6 are.
7 CHAIR SCHMITZ: This is something in
8 RubinBrown, and from my perspective, RubinBrown's
9 report identified gaps, identified areas that were
10 considered risk. It's not a roadmap or a recipe of
11 how to fix things at all.
12 And I think that's where, perhaps, acting
13 General Manager Crocker could work with staff to
14 identify what is the roadmap to addressing these
15 issues, and having proper P card approvals and
16 proper assignment of expenses seems to be top of the
17 list. And it's something that, as board members,
18 we're seeing it in your report.
19 TRUSTEE TULLOCH: Obviously the roadmap --
20 I think there's some suggestions in RubinBrown, but
21 the roadmap is really down -- we have a policy in
22 place. I think the initial stages is certainly to
23 make sure that our management staff are following
24 the policy, not just signing off against a receipt
25 with no breakdown or not an itemized invoice and

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1 The monthly financial summary is showing
2 the year-to-date actuals. This is basically the
3 first cut of year, the year-end results across all
4 the different venues. I'd like to say I put my
5 shocked face on, but I'm sure you know from my
6 previous comments, when I go through all the --
7 basically all the departments, all the venues,
8 there's a consistent theme: We've overspent
9 significantly in some areas of salaries and
10 benefits, yet we way underspent in most areas on
11 services and supplies.
12 Yet during the budget process, we were
13 told by various department heads that they couldn't
14 do repairs, they couldn't carry out the work they
15 were supposed to do because it didn't have budget
16 for it. Yet most of that budget was in the services
17 and supplies, and this year we actually allocated
18 additional money to catch up on stuff that had not
19 been done.
20 As I stated during the budget process, it
21 looks -- when I look through these numbers at first
22 glance, it looks like we've had the money there, but
23 it's been moved to other budget areas.
24 Again, I would certainly request that we
25 make sure directors and managers are actually

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1 following their payroll budgets, because there's big
 2 variances, which I've seen already in some of the
 3 July numbers. We need to understand why they're
 4 there.

5 I think too another area of concern is
 6 when I look at the internal services fund, as
 7 mentioned in public comment as well, after giving
 8 the internal services fund a half million-plus loan
 9 from the general fund last year, I see the general
 10 fund -- the internal services fund this year is,
 11 again, under by 600,000. I just had an update from
 12 finance staff prior to the meeting that there's some
 13 revenue not come in yet against building services.
 14 But were' still over half a million bucks in the
 15 hole on internal services.

16 Now, the justification for doing internal
 17 services internally is that it's the cheapest way to
 18 do it. But if we're not recovering our costs,
 19 again, that's another area that we should be looking
 20 at it, it sounds like either the costs -- there's
 21 only two ways it's going, either costs are not under
 22 control or we're not -- the recharges to departments
 23 are insufficient. In which case, we start skewing
 24 all the results.

25 I think that's another critical area to

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1 look at because we're basically now out -- the
 2 general fund is out over a million bucks to internal
 3 services. And my understanding of the NRS, I think
 4 we're in a slightly awkward position with that as
 5 well. I'm not an expert on that, but I have been
 6 advised that we need to look at how we're doing
 7 this. I don't think we did it properly last year,
 8 is my understanding.

9 Thank you to finance staff as well. I
 10 know they've pulled this together with the draft
 11 July numbers. There's still things missing,
 12 obviously, but we're still getting up to date on,
 13 because it's showing the current month budget as the
 14 annual budget.

15 Just a few things jumped out. If I look
 16 at some venues, I saw one area where we spent 23
 17 percent of the staff budget in July. I think --
 18 assuming it's a four-month season, that should be
 19 okay.

20 Again, I also see areas, if I look at
 21 facilities, we're showing revenues of \$3,700 for the
 22 month, but we're showing expenses of 95,000. I know
 23 facilities had a budget target of 2.1 million, and
 24 if we're only showing 3,000 in revenues this month,
 25 some of this may be timing, but I think, again,

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1 let's make sure we're on top of that. The time to
 2 take corrective action is at the start of the year,
 3 not in month 11 when we find that we're way out of
 4 whack.

5 Any questions following up on that?
 6 Thank you. Hopefully there's some
 7 messages there for the management team.

8 TRUSTEE DENT: Closes out item E 4.
 9 Moving on to item E 5.

10 E 5. Picture Pass and Punch Card Report
 11 TRUSTEE DENT: Receive and review Picture
 12 Pass and punch card report.

13 MS. CROCKER: The item before you this
 14 evening is a follow-up from July 10th board meeting
 15 regarding the District Picture Pass and punch card
 16 report. This follow-up report identifies the number
 17 of Picture Passes and punch cards that have been
 18 issued to individual parcels.

19 The data changes on a daily basis due to
 20 renewals, so, therefore, the data before you this
 21 evening was taken as of August 8, 2024. For privacy
 22 reasons, the parcel numbers are not identified on
 23 this report. I would like to acknowledge that staff
 24 member Chad Smith has retrieved all of the data for
 25 this report and it had taken awhile, as you can see,

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1 all of the pages that were individually done per
 2 parcel.

3 As a summary of our parcels there were --
 4 as of August 8th, there was 9,237 parcels in the
 5 District's Capstone database. Out of these 9,237
 6 parcels, 7,419 parcels paid both the annual
 7 recreation fee and the beach fees. And then out of
 8 the 9,237, 444 parcels pay only the recreation fee.
 9 And then there was 1,374 -- there was a typo, it's
 10 not 372, it's 374 parcels -- do not pay any fee.
 11 These parcels are owned by IVGID, Washoe County,
 12 and/or the State of Nevada.

13 And then on the second page, we have a
 14 summary of Picture Passes and punch cards issued to
 15 parcel owners. And with that, there was 7,160
 16 parcels had at least one active pass on August 8th.
 17 Then there were the total of 33,878 active passes
 18 were issued, 21,567 Picture Passes with beach
 19 access, and then there was 740 Picture Passes
 20 without beach access. 9,528 punch cards. 1,641
 21 punch cards that were purchased. And then 86 punch
 22 cards without beach access.

23 So, again, this is just a summary of what
 24 the board had requested as a follow-up regarding
 25 each individual parcel. And so attached, you can

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1 see that each parcel, without that number, is
2 identified in the report.
3 TRUSTEE DENT: Any follow-up questions?
4 TRUSTEE TONKING: This is a great report.
5 thank you for the information. And, Chad, for
6 putting together all those pages. It was a lot.
7 I do think it would be awesome, as a next
8 step and maybe it will be faster when you do this
9 time, to show some graphics of that data and some
10 different ways to visualize it, that would be a
11 great next step.
12 CHAIR SCHMITZ: I just have a question on
13 the heading. On the page that has the information
14 and even where you're talking about them, is it
15 correct to say that additional IVGID -- so the
16 heading that says "Additional IVGID," is that
17 supposed to say "Additional IVGID with no guests
18 access"?
19 And with purchased punch cards, do they in
20 fact say "no golf"? Because the headings don't
21 reflect what, I believe, is actually on the card.
22 But I'm jumping to a conclusion, so can you clarify
23 that?
24 MS. CROCKER: Where are you looking at?
25 CHAIR SCHMITZ: The headers of the raw

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1 MR. SMITH: No, not really.
2 CHAIR SCHMITZ: It was an audit that you
3 didn't find any abnormalities?
4 MR. SMITH: I typically do an audit once a
5 month on all the passes that are sold, so I
6 typically catch it then. I did find three that were
7 sold incorrectly while I was doing this, and I made
8 the corrections to it at that time.
9 CHAIR SCHMITZ: Thank you so much for your
10 attention to detail on that.
11 TRUSTEE DENT: Any other further
12 questions?
13 TRUSTEE TULLOCH: Couple of questions.
14 If I look at number 1 where there's 75 rec
15 fees paid on parcel, is this a condominium block or
16 something?
17 MR. SMITH: That's correct. I can show
18 that on property later.
19 TRUSTEE TULLOCH: So all these were
20 multiple rec fees paid on the parcel. It's
21 typically multifamily, condominium.
22 MR. SMITH: It's typically multiple units
23 on that property.
24 TRUSTEE TULLOCH: And following up on one
25 of Trustee Schmitz' questions, what is the

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1 data and even up in the descriptions, my
2 understanding, based on Ordinance 7, the heading
3 that says "Additional IVGID," my understanding is
4 that they are supposed to be "Additional IVGID no
5 guests," but it doesn't say that.
6 And then when it says "Purchased punch
7 card," my understanding per the ordinance is that
8 those are cards that would say "no golf," but yet
9 it's not referenced here.
10 I'm asking the question --
11 MS. CROCKER: I'm going to ask Mr. Smith
12 to go ahead and answer that.
13 MR. SMITH: That is correct. I just did
14 it or left that title out in the interest of saving
15 space because it made it a lot bigger once I started
16 blowing it up, so people could read it.
17 CHAIR SCHMITZ: Thank you for that. I
18 just wanted to clarify because we had public comment
19 this evening about how some of the cards were, and I
20 just wanted to confirm that is being done fairly and
21 consistently.
22 Thank you for the time and effort. I know
23 this was very time consuming. I'd like to know from
24 staff's perspective, were there things that you
25 realized and you saw that you didn't expect to see?

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1 difference between a punch card beach and a
2 purchased punch card? If it's a punch card
3 purchased with no beach access, if I look at number
4 9 here, it's showing five punch cards to the beach
5 and six punch cards no beach, is that correct?
6 MR. SMITH: Punch card, and then it would
7 be -- you said number 9?
8 TRUSTEE TULLOCH: Yeah. Number 9 there.
9 I'm trying to understand a punch card beach and a
10 purchased punch card.
11 MR. SMITH: One is issued with the
12 original five, and then the other one is purchased
13 with the \$90, so they would be able to buy three.
14 But because they have two rec fees on there, they
15 can purchase six total.
16 TRUSTEE TULLOCH: Okay. Yeah. I see
17 that, yep.
18 Can I suggest next time maybe we save 223
19 pages and save a couple of trees, and, perhaps, just
20 move this into a graph showing how many properties
21 we have. We can do it on one page then, otherwise,
22 I don't see much there.
23 TRUSTEE DENT: That will close out item E
24 5. Moving on to item F.
25 F. CONSENT CALENDAR

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1 F 1. Burnt Cedar Water Disinfection Inspection
 2 F 4. SR28 Mill and Overlay Project
 3 TRUSTEE DENT: We have items F 1 and F 4
 4 remaining. Is there a motion to approve the consent
 5 calendar?
 6 TRUSTEE TONKING: I move the Board approve
 7 the consent calendar.
 8 TRUSTEE DENT: Motion's been made.
 9 TRUSTEE TULLOCH: I'll second.
 10 TRUSTEE DENT: Motion's been made and
 11 seconded. All those favor?
 12 TRUSTEE TONKING: Aye.
 13 TRUSTEE TULLOCH: Aye.
 14 TRUSTEE NOBLE: Aye.
 15 TRUSTEE DENT: Aye.
 16 CHAIR SCHMITZ: Aye.
 17 TRUSTEE DENT: Passes, 5/0.
 18 Moving on. General business item G 1.
 19 G. GENERAL BUSINESS
 20 G 1. Ordinance 7
 21 TRUSTEE DENT: Review, discuss, and
 22 provide direction related to potential edits to
 23 Ordinance 7 and make a motion to set a public
 24 hearing date on October 9, 2024.
 25 MS. CROCKER: The item before you is to

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1 review and discuss potential recommendations
 2 regarding edits to Ordinance 7.
 3 Ordinance 7 was adopted on November 21,
 4 1987, and has been amended six times since adoption.
 5 The last updated and approved changes to Ordinance 7
 6 was on May 26, 2022.
 7 The proposed changes that are being
 8 presented include adding updated language, removing
 9 redundancies, conduct policies, and general use
 10 regulations, standards and enforcement. The
 11 highlighted areas in yellow are recommended for new
 12 language, and the redlined areas are recommended to
 13 be removed or moved to another area in the actual
 14 document.
 15 One of reasons that staff is bringing this
 16 is regarding some of the conduct. We've had -- at
 17 our recreation center and our other venues have had
 18 an increase of inappropriate conduct between
 19 participants to participants, and then as well as
 20 participants to staff regarding abusive language,
 21 fighting. There's been times we've had to call the
 22 Sheriff's Department to come out. And so that was
 23 one of the main reasons to put something in our
 24 policy regarding consequences for that
 25 over-and-above type of behavior.

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1 And staff welcomes comments and
 2 suggestions regarding any changes to this ordinance
 3 through the public hearing process. Staff has
 4 received some comments from the public already and
 5 some calls, so we are looking at all of these
 6 comments regarding any changes to this ordinance.
 7 And working with our legal counsel as well to make
 8 sure that this is the proper language.
 9 At this time, if the Board has any
 10 comments, any questions, I'd be more than happy to
 11 answer them. Again, we are looking at opening this
 12 up as a public hearing to get public comments, and
 13 then bring it back on October 9th for a public
 14 hearing.
 15 TRUSTEE DENT: Understood. Thank you for
 16 that.
 17 I will go to Chair Schmitz.
 18 CHAIR SCHMITZ: This -- the reason and the
 19 motivation for making modifications to the
 20 ordinance, from what prior director of parks and rec
 21 Shelia Leijon brought to my attention, it had to do
 22 with the timeline and the way that process works for
 23 dealing with situations where there's inappropriate
 24 behavior. I'm not talking about language or what
 25 have you, but we did have a paragraph, 102, on

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1 disciplinary action.
 2 And it was brought to my attention, and I
 3 was engaged with staff, with Mr. Smith, and also
 4 with Adia, I don't recall her last name, and what
 5 they wanted changed was the timeline for going
 6 through the process of how things were handled. And
 7 we had great discussion. And I was under the
 8 impression that this language was going to be
 9 closely tied with our internal policy, because
 10 there's also an internal policy about conduct and
 11 what have you.
 12 But if you look on 397, this is the
 13 beginning of that paragraph, it's paragraph 102, and
 14 it doesn't talk at all about employees. And one of
 15 the things that, I guess from my perspective as just
 16 one board member, I don't feel that our staff should
 17 be subject to abusive behavior.
 18 And so the whole premise of what I thought
 19 this was going to be about seems to have been a
 20 little bit lost. And so I'm not sure what it is
 21 we're trying to accomplish. And I thought it was
 22 this timeline of how to deal with disciplinary
 23 action, but it seems like it's a little bit vague
 24 still. And we must have the timeline. There must
 25 be times.

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1 And so on page 30, I don't have a paper
2 copy, on page 30, it starts -- again, it doesn't use
3 a timeline, it just says they need to do something
4 in a timely fashion. It's within a reasonable time,
5 and they redlined no more than seven days. And we
6 have to have some sort of a timeline so that things
7 are handled quickly, efficiently, and corrective
8 action is taken because we don't want someone who is
9 behaving inappropriately to continue that behavior.

10 But to also, then, the point made in
11 public comment is, well, what about the general
12 public? This is all about Picture Pass card holders
13 and what have you, there should be some expectations
14 of what the general public's behavior is expected
15 and what would happen.

16 So, I'm bit puzzled as to why some of the
17 language was changed, especially about commercial
18 use. So I, too, have concerns and questions about
19 what it is that we're trying to accomplish here,
20 what problem are we trying to solve, because I'm not
21 sure we solved the problem.

22 I would like staff to clearly identify
23 what is the objective of some of these changes and
24 to engage other people who were intimately involved
25 with the drafting of this, such Mrs. Becker, to

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1 how this came about in paragraph 102, Chair Schmitz,
2 and bringing up staff, I think that was missed.

3 I do want to say the other things that I
4 think were missed is Adia, I also don't know her
5 last name, presented us with a list of
6 recommendations, and I don't see a lot of those
7 incorporated in this document and those were big
8 hits from the experience from the last two years.
9 I'd make sure she's in that room of some those
10 discussions.

11 And then I think there needs to be a
12 catch-all for the fact that there are different
13 things that families face, especially like I talked
14 to a gentleman who has six kids, how do they deal
15 with these things. We have to think about how we
16 deal with some of these outliers.

17 And then the other thing, and I think
18 paragraph 76, we heard a public comment on that
19 today. I'm guessing when counsel reviews this, they
20 will have a better understanding of some of these
21 changes and if they are applicable or not.

22 It helps me to know that legal counsel had
23 not reviewed it, and that there should be some more
24 precise language that needs to be changed, as well
25 as making sure that we include staff in paragraph

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1 bring something back to the Board that has a bit
2 more clarity as to why these proposed changes are
3 being recommended.

4 MS. CROCKER: Thank you. And we will do
5 that.

6 TRUSTEE DENT: I have a question for you
7 just based on what you were saying. The discussions
8 you had, was any of this -- this was ran by --
9 Sergio, you reviewed this before it came into the
10 board packet?

11 MR. RUDIN: I reviewed this -- not this
12 version, I have provided different comments to
13 staff.

14 TRUSTEE DENT: Okay. Then has special
15 counsel reviewed this? Because that's the reason we
16 have special counsel for Ordinance 7.

17 MR. RUDIN: I don't believe they have.

18 TRUSTEE DENT: Okay. We'll continue on.

19 TRUSTEE TONKING: My main question was who
20 has reviewed all this before we saw it? Before that
21 next version, I would love both you and special
22 counsel to have looked at it so that we're not
23 asking a bunch of questions that may be irrelevant
24 in language form.

25 Thank you for bringing up that issue on

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1 102. I feel like that was a large miss.

2 TRUSTEE NOBLE: Both my items have been
3 covered, but I will still reiterate real quickly.

4 Paragraph 102, the biggest thing I saw
5 that staff was not -- staff is, by and large, the
6 ones that are subjected to the verbal and physical
7 threats, and they absolutely need to be included.

8 And the other one was paragraph 76 with
9 regards to occupants of hotels/motels. Mr. Warner
10 had referenced language that he had submitted that
11 I'm not privy to, and I know the last time around,
12 Mr. Warner's counsel worked very closely with our
13 general counsel and special counsel, and I would
14 hope that offer would extend again because there are
15 two essential hotel/motels and they spent a lot of
16 time on that language, so any changes start to make
17 me a little nervous.

18 MR. RUDIN: And their counsel has already
19 reached out to me. We've had conversations on this
20 topic.

21 TRUSTEE TULLOCH: I'm little bit confused.
22 If the primary purpose and most of the modifications
23 here are around disciplinary action, should that not
24 be a separate, completely separate document,
25 separate policy covering all IVGID properties,

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1 venues, employees, guests, et cetera, rather than
 2 diluting and making Ordinance 7 even more complex by
 3 adding all these things in? We could just reference
 4 that policy within Ordinance 7. To me, that makes a
 5 whole load more sense.

6 And I'm particularly concerned that some
 7 of these, oh, just minor changes that have been
 8 stuck in that could completely change it. It's not
 9 that long that we suddenly found we were issuing
 10 exchange cards, we're selling day passes to the
 11 beach at the Rec Center. We're doing all sorts of
 12 things because we basically let go of any oversight
 13 of it, and the beaches were just almost unusable.

14 I'm very concerned that we're just rushing
 15 in and making some of the changes there without a
 16 full -- particularly given the work that went into
 17 it there.

18 I would recommend that we look at a policy
 19 of discipline as a separate item. Let's not dilute
 20 the two so they are linked that way. I think it
 21 should apply to all. We've had members of the
 22 audience standing up here just last year calling the
 23 board members scum. Now they have right to have
 24 free expression, freedom of speech, then we had lots
 25 of people clapping. Any of us use free speech to

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1 Ordinance 7 can be complex enough to start with.
 2 I'd certainly like to see it as a separate document.

3 TRUSTEE DENT: I just want to add to that,
 4 I think it's important that we do have a separate
 5 document for that. The last thing we want to do is
 6 have to open up Ordinance 7 and make some change to
 7 that.

8 In the past, because we had a document
 9 that had not been changed so much, that's what
 10 helped us in past legal cases. I definitely want to
 11 have outside legal counsel weigh in to taking this
 12 approach, having a separate policy or procedure that
 13 then ties back to this from a disciplinary action.
 14 You might be able to put a sentence in or two that
 15 can be on a completely different policy or procedure
 16 that you can change anytime and not have to open up
 17 the ordinance.

18 And then the other thing, Ms. Becker
 19 volunteered her time. She was instrumental in this
 20 whole process, working with former general manager a
 21 couple years ago, and I think it would be important
 22 to have her institutional knowledge as we work
 23 through this process and bring her back into the
 24 mix. It sounds like she's willing.

25 That's my two cents.

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1 call staff names or something, people would be up in
 2 arms.

3 This should cover all our venues, the
 4 disciplinary process.

5 MR. RUDIN: We can't have a separate
 6 ordinance for disciplinary process that deal with
 7 suspension of recreation privileges.

8 Covering all of the venues, I would be
 9 concerned about having it cover ski in the exact
 10 same manner, in part because they sell passes to
 11 people who are non-residents, typically, their
 12 enforcement mechanisms are going to be contractual,
 13 revocation of a pass, so they have different -- I'm
 14 assuming they have different programs and policies
 15 in place for dealing with ski-related issues.

16 TRUSTEE TULLOCH: Normally, you pull
 17 passes and things at ski.

18 You're saying we can't have a disciplinary
 19 separate from Ordinance 7?

20 MR. RUDIN: I think we can. I am just
 21 saying as we are drafting that separate process, we
 22 need to be mindful that not all our venues are the
 23 same.

24 TRUSTEE TULLOCH: Absolutely. I think it
 25 could make much more sense, rather than -- you know,

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1 CHAIR SCHMITZ: I think it's good
 2 discussion, and I think that having a separate
 3 disciplinary, it makes sense. But I think we do
 4 need to address the employee issue, and that was my
 5 understanding of why we were doing this. I was a
 6 bit puzzled why it wasn't changed in that manner.

7 There are some other things, paragraph 63
 8 suddenly talks about additional privileges. I don't
 9 know what those are.

10 And I agree with the other comment that
 11 Ms. Becker made, and that was on paragraph 46, where
 12 it no longer was referring to single family parcels,
 13 different than multiple resident parcels or
 14 condominiums, and it did open the door to say, oh
 15 gosh, it looks like you can pay an additional
 16 facility fee and get more cards. And I think the
 17 way that language was changed in paragraph 46 was
 18 quite troublesome.

19 I think we need to understand why this
 20 language was being proposed, and as suggested, have
 21 special legal counsel and district counsel review
 22 these changes.

23 I would like to defer having -- setting a
 24 public hearing. I would like to give staff
 25 appropriate time and counsel appropriate time, and I

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1 don't think that October is probably realistic,
 2 given all of the other demands that are being placed
 3 on management at the District right now given the
 4 RubinBrown results, but that's my perspective.
 5 TRUSTEE DENT: Everyone okay with not
 6 taking any further action at this time? We've all
 7 given feedback to general counsel and to our acting
 8 General Manager.
 9 TRUSTEE TULLOCH: Do we need a motion to
 10 go ahead with drafting the separate section for
 11 disciplinary?
 12 TRUSTEE DENT: No, I don't think we need a
 13 motion. I think we just -- we gave direction to
 14 staff and they will bring it back to us. I'll look
 15 into it with outside legal counsel, more
 16 importantly.
 17 Is eight o'clock. We will take a
 18 five-minute break and be back at 8:05.
 19 (Recess from 8:00 p.m. to 8:05 p.m.)
 20 TRUSTEE DENT: All right it's 8:05. We're
 21 going to resume our meeting. We're now on item G 2,
 22 formerly G 11.
 23 G 2. Director of Finance Recruitment
 24 TRUSTEE DENT: Review, discuss, and
 25 possibly direct staff to begin the recruitment of

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1 the director of finance and/or contact Washoe County
 2 seeking assistance in filling positions in the
 3 finance department. Requesting staff member is
 4 Trustee Tulloch. You can find this on page 517 of
 5 your board packet.
 6 TRUSTEE TULLOCH: As we're aware, we've
 7 had the director of finance has been unfilled for
 8 sometime. We've had -- Mr. Cripps has now submitted
 9 his resignation, and we're also finding that a lot
 10 of positions that the Board has been approved to be
 11 filled in have not been filled.
 12 We are under review by the CLGF. It's
 13 long overdue. We need to get a director of finance
 14 in place urgently. Obviously that process probably
 15 could take two to three months. I think it's
 16 important that we get a director of finance with --
 17 that's got suitable government experience,
 18 particularly with NRS. And some people might be
 19 surprised to hear me say that, but there's another
 20 ulterior motive for it. I think that's the most
 21 important area.
 22 If we're looking at a broader range of
 23 candidates for general manager, I think it's
 24 important having a blend there of a general manager
 25 from external, having a director of finance who

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1 understands local government finance, we'd make a
 2 very good team that way. I can only offer that as
 3 comment.
 4 I think it's -- the finance team are under
 5 huge pressure at the moment, and they are actually
 6 doing an exceptional job. We've identified some of
 7 the things, the issues they're facing at the moment.
 8 We need to get some leadership in there,
 9 professional leadership in there quickly.
 10 As it was suggested that we approach the
 11 county to see if they can find an interim resource,
 12 and I have no objections to doing that. If the
 13 Board would like to do that, I think that could be a
 14 good, if they can offer us a suitable resource for
 15 maybe a three-month period while we do a recruitment
 16 for a director of finance, I think that's also good.
 17 We really need some reinforcement as we're finding
 18 we've lost senior staff in recent months in some of
 19 the most critical areas of the business. We are
 20 stretched thin. To me, the most critical need at
 21 the moment is get a director of finance on board so
 22 we can get things cleared up. We can get internal
 23 controls in place, we can follow the roadmaps that
 24 we have from these consultants, and we can get the
 25 whole thing moving.

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1 This is not something that's just suddenly
 2 has happened in the last six months or something.
 3 The more we dig, the more we find. We saw a lot in
 4 the RubinBrown report, the more we dig into things,
 5 the more we find that there's been huge issues
 6 for years. We weren't told -- the previous finance
 7 director that we were way understaffed in finance.
 8 We've put a lot of effort and money into it in the
 9 last financial year to strengthen it. We need to
 10 keep this moving.
 11 TRUSTEE DENT: Thank you.
 12 TRUSTEE TONKING: Well, I will do
 13 something I don't usually do, I'm not going to argue
 14 with Trustee Tulloch, and I agree that we should do
 15 this.
 16 I think, A, we need a director of finance.
 17 I think what savings we will receive from the
 18 assistant director, that will be helpful. And I do
 19 think using the county as a resource could also be a
 20 helpful opportunity for us as we move forward for
 21 the next few months, especially given some of the
 22 issues we're having with the Department of Tax, et
 23 cetera, shows that we are actively working.
 24 TRUSTEE DENT: Yep. And I believe we did
 25 start actively recruiting for a director of finance?

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1 MS. CROCKER: We're going to open it up
 2 tomorrow. Our human resources department has gotten
 3 the flier and we're ready to go.
 4 TRUSTEE DENT: I see or Director of Human
 5 Resources online. Did you want to say anything?
 6 MS. FEORE: Just to reiterate what acting
 7 General Manager just said, working with the staff,
 8 we've got the flier ready to go. We were just
 9 waiting for the approval or the direction by the
 10 Board to move forward. We're ready to go.
 11 We've got some great resources for posting
 12 this job, so I think we're going to be able to cast
 13 a very wide net. We're ready to go.
 14 As soon as you guys say go, we're off to
 15 the races.
 16 TRUSTEE DENT: Understood. Go.
 17 TRUSTEE TULLOCH: Director Feore, can we
 18 see the flier first, please?
 19 MS. FEORE: Certainly. I can make sure
 20 that, once the final touches are made, I will ask
 21 our talent acquisition specialists get it to acting
 22 General Manger to send out to the Board.
 23 I'm on vacation this week so I don't have
 24 immediate access to all of these things, but I will
 25 make sure they get done.

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1 TRUSTEE TULLOCH: If we could get it to
 2 the Board as priority so we can make sure if there's
 3 any changes we want to suggest before it goes out,
 4 rather than changing it after it's gone out.
 5 MS. FEORE: You should have it before
 6 end-of-day tomorrow.
 7 CHAIR SCHMITZ: I see this as staff's
 8 responsibility. This is one of the roles of the
 9 acting General Manager is to fill the staffing that
 10 she needs to have and she believes we need.
 11 I don't think it's just a director of
 12 finance. I would ask from staff to understand, what
 13 we need the Board to do as it relates to Tyler
 14 Munis? Because I understand that Washoe County does
 15 not have experience with Tyler Munis. Do we need to
 16 bring back to the Board another agenda item on our
 17 long range calendar to touch on Tyler Munis
 18 resources and potentially ask the county, not only
 19 for a director of finance, but I believe we're also
 20 short an accountant, do we need to request an
 21 accountant in the interim? Because I believe that
 22 position is also being recruited at the moment.
 23 MS. FEORE: It's not at the moment. I've
 24 have not been given that direction for the third
 25 accountant.

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1 I will tell you that controller Vicky and
 2 I and Sue Griffith, who you've met this evening,
 3 have been working very closely with our IT director,
 4 Mike Gove, on getting some resources directly from
 5 Tyler. I believe Sue may be able to to speak to
 6 this a little bit more. I've heard it kind of
 7 anecdotally, so they are already looking at what
 8 some of those resources are that are available.
 9 We're kind of on that side of it already.
 10 CHAIR SCHMITZ: I'm a little bit confused
 11 because I believe I received an email from
 12 then-General Manager Magee that he had given
 13 direction to begin recruiting for that third
 14 accountant position immediately, and that was a
 15 couple of weeks ago.
 16 MS. FEORE: I did not receive that
 17 direction. And I think that -- I know that there
 18 had been some emails going back and forth and there
 19 was some confusion about the director of finance:
 20 Was it budgeted, was it not budgeted, what was
 21 available?
 22 And that's when I found that the third
 23 accountant position had not been budgeted, so we
 24 were waiting to -- again, I think Sue might be able
 25 to speak to this -- take a look at what savings we

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1 were going to have from a salary standpoint based on
 2 the vacant general manager position, assistant
 3 director of finance. We were looking to see what
 4 kind of resources we had available before we moved
 5 forward.
 6 But, no, that position has not yet been
 7 recruited.
 8 CHAIR SCHMITZ: So my feeling is is that
 9 we need to -- we, as the Board, need to be
 10 supportive of what the finance department needs. We
 11 have -- I think rather than spending time and
 12 analyzing, I think that's something that the acting
 13 General Manager will have to just figure out.
 14 But with everything, with the internal
 15 controls issue, all of the catch-up work, and the
 16 fact that we still don't quite have things ready for
 17 our audit, we, as a board, I believe need to be just
 18 saying: What does the finance department need?
 19 And tell us what you need, and, I guess,
 20 it will be the acting General Manager's
 21 responsibility to figure out how to make that
 22 happen. But we can't be expecting huge improvements
 23 in a department that isn't staffed effectively.
 24 So if we need to ask for Washoe County for
 25 an interim accountant, I think we should add that to

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1 the list.

2 MS. FEORE: Yeah. And, again, I know

3 Sue's at the table, she can kind of speak to this,

4 in talking with Vicky and Sue a lot this past week,

5 we talked about the third accountant position and

6 did it make sense to have someone at that level? Is

7 it possible that we need somebody who is working

8 directly with our accounts payable person? Someone

9 who can kind of float between two positions?

10 We're actively looking at this. And, Sue,

11 I don't know if you wanted to chime on any of this.

12 MS. GRIFFITH: Actually, we've been doing

13 a lot of meetings this week, as you can probably

14 imagine, and were going to get together with HR and

15 roll up our sleeves and see where are our talents,

16 what do we need to fill, how can we go about it?

17 We had a long meeting with IT today to

18 see -- we have a nice little list of what we need

19 from Tyler, where are our immediate urgencies that

20 we need to address so we can be functioning normally

21 as well as implementation down the road after we get

22 through the audit cycle as well.

23 To let you know, we are actively trying to

24 solve this problem as best we can, and staff's

25 rolling up their sleeves and picking up anything

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1 Sue's the keeper of the list regarding what we need

2 for Tyler, regarding integration, there's some

3 integration issues. And so as soon as that is

4 final, which I think it almost is, then we're going

5 to have Mike Gove go ahead and get a proposal from

6 Tyler.

7 Hopefully we can bring a contract back to

8 the Board within the next month. That is our goal.

9 We need to get that going.

10 TRUSTEE TULLOCH: Yeah. Thank you. Yes,

11 we had a very good meeting. It was very helpful in

12 understanding some of the things there.

13 With regard to Tyler, let's make sure we

14 have a comprehensive plan, let's make sure we

15 identify all the things we need to do, not just an

16 emergency one. Let's phase it and let's make sure

17 we address all these things.

18 One of things that flabbergasted me was

19 the fact that we're still having to do manual entry

20 of all these invoices and things. There's no

21 automation, there's no CR, that's killing us in

22 terms of that, particularly when I found that some

23 areas, some of our vendors were sending us an

24 invoice for every single item we purchased, like a

25 \$2 screw, we get another invoice for it. I've given

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1 that we can and trying -- always re-prioritizing.

2 We had a great meeting with Trustee Tulloch as well,

3 so he's understanding what we're faced with and that

4 we have a plan. We are just needing to execute and

5 a few more meetings so we can say we think this

6 would be the best way going forward.

7 We did meet with Washoe County. We had a

8 great Zoom conversation with our liaison and their

9 CFO. And the CFO informed us that there's nobody

10 nearby that does Tyler.

11 We're kind of hesitant at this point

12 because we're going in fifth gear, and to have new

13 faces and we need to train them on everything when,

14 right now, we're just willing to roll up our sleeves

15 and do the extra work that it takes to try and keep

16 the bills paid and get through these tight points

17 during the season right now.

18 Did I cover everything that was talked

19 about?

20 MS. CROCKER: What I was going to say, as

21 Sue mentioned, we've been meeting every day, and

22 just trying to move forward regarding our budget,

23 getting bills paid.

24 And I did want to share with the Tyler

25 Munis, when I met with IT, our goal is that finance,

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1 a few suggestions that maybe we can get around that.

2 Let's make sure in Tyler that we identify

3 all of the things we need to do, because we heard

4 Director Nelson say that there's still a lot of work

5 to be done in the capital module, and that's very

6 critical. Let's get the balance sheet sorted out

7 properly.

8 TRUSTEE NOBLE: I support the moving

9 forward with the accelerated recruitment process for

10 the department of finance. I also support what

11 staff has been doing up to this point and has

12 elaborated on what they are planning on doing moving

13 forward with regards to Tyler and positions.

14 Whatever you need to -- whatever items you

15 need to bring back to the Board, bring back as soon

16 as possible. Things that you don't need board

17 approval for, I would defer to Ms. Crocker to carry

18 those or allow the people that need to take action,

19 take action.

20 And then my only request is with the

21 individual trustee's review of the job posting for

22 director of finance, if we just have a maximum of a

23 one-day turnaround so it doesn't languish. And that

24 if there is a response from one or more trustees at

25 that time, that's it. Take what you got and move

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1 forward.

2 TRUSTEE TULLOCH: Can you clarify, Sue, do

3 we want to get a temporary director of finance from

4 Washoe County or not? I was a little confused by

5 some of the comments on that. Make sure I am still

6 kept on track. I have senior moments from time to

7 time.

8 MS. GRIFFITH: I'm powering on a lot of

9 caffeine, so I probably rattled a little fast.

10 We're suggesting to decline help in that

11 regard. I think we have a plan that we can stay on

12 track, that we wouldn't want to have to be slowed

13 down bringing somebody in at this point in time. It

14 will slow us all down.

15 TRUSTEE TULLOCH: Thank you. That was

16 what I wanted to clarify that. Appreciate that.

17 And, yeah, echo my colleagues comments,

18 you guys are doing a great job at the moment under

19 tough circumstances. And I totally agree, one day

20 maximum, let's say 5:00 p.m. tomorrow night,

21 perhaps, for any comments coming back to you on the

22 advert?

23 MS. FEORE: Yes. And I would ask that

24 those comments come back to me. I will work with

25 staff on site to work with our recruiter to get the

95

1 going to help us once we are able to hit go with

2 Tyler Munis.

3 MS. FEORE: I wanted to mention real quick

4 that in working with Sue and Vicky, we have talked

5 about bringing in some temps to help, even if it's

6 just strictly from a data entry to help the team get

7 caught up on some of these other things. And so

8 that's something that we had talked about as well,

9 reaching out to other resources to see if we can

10 bring in an internal temp to have someone -- or two

11 -- to help the team get caught up.

12 That's also on our list of things to

13 discuss.

14 TRUSTEE DENT: Understood. And that's how

15 I see Washoe County as a resource too. That's the

16 only reason I was bringing that up.

17 CHAIR SCHMITZ: Couple of questions.

18 My recollection is is that Baker Tilly

19 didn't necessarily finish the work but ran out of

20 their contract dollars, so do we potentially need to

21 reengage with Baker Tilly to do additional services

22 as well?

23 MS. FEORE: We actually do have two folks

24 who were with Baker Tilly that have continued on as

25 temp employees, and so they have been assisting.

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1 information out. I will coordinate all of this so

2 we can get this done rapidly.

3 And with luck, get the recruitment out as

4 early as Friday.

5 TRUSTEE TULLOCH: Thank you.

6 TRUSTEE DENT: I do have a concern by

7 not -- I get staff's recommendation right now, not

8 bringing in a director of finance from Washoe County

9 because we have to get them up to speed, but we're

10 really short in the department and we need a lot of

11 help, need resources because we don't have them. So

12 whether it's other accountants or anyone that can

13 understand our ask and can fill in, perhaps where we

14 go, if we're not going to get a director of finance.

15 I feel like we do have a lot of areas to

16 maneuver, especially seeing these budget numbers,

17 and maybe it isn't a director of finance, but it is

18 a senior finance expert that we need, along with

19 people to do, maybe, some more of the data entry or

20 whatever it is to get us up to speed. Especially if

21 we are going to be bringing consultants in to help

22 with the Tyler Munis, we're still going to have to

23 do some of that work.

24 So, I feel like getting someone on board

25 and up to speed sooner rather than later is only

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1 One is specifically working with our audit so that

2 it alleviates a little of that for both Vicky and

3 Sue who can kind of get in there and manage the day

4 to day.

5 Remind me again, Sue, Kim --

6 MS. GRIFFITH: Kim helps with processing

7 and approving invoices and journals as well. And

8 actually we discussed today, considering when we

9 meet with you the next week, the idea of seeing if

10 they are willing to work more hours with us, this

11 interim as well, as they're already familiar with

12 our operations and software.

13 MS. FEORE: Especially with one of the

14 ladies who has been working through the audit, she's

15 very familiar about the District as a whole, and the

16 District's operations as it relates to finance.

17 Very familiar with Tyler, so we kind of got some

18 built-in help already.

19 I think, yes, that's part of our

20 conversation is is there an opportunity to increase

21 those hours that we budgeted for those two folks?

22 CHAIR SCHMITZ: Then a follow-up question.

23 Do we have in the job description of the director of

24 finance that they have to have experience and

25 knowledge with the Tyler Munis system? Is that a

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1 job -- a requirement for our director of finance
 2 position?

3 MS. FEORE: Let me just get the job
 4 description open. We didn't have that before, but
 5 typically we leave those systems out of a job
 6 description simply because they can change. But it
 7 is a requirement from a short sampling.

8 When we go to interview folks, that's
 9 going to be a considering factor, so we would need a
 10 director of finance to have Tyler Munis experience.

11 CHAIR SCHMITZ: So we're going to put
 12 Tyler Munis experience over other criteria for the
 13 director of finance position, is that what I'm
 14 hearing?

15 MS. FEORE: Not necessarily over.
 16 Obviously if somebody has strong experience but are
 17 not as familiar with Tyler, those are trainable
 18 tools. I mean, those are things that we can train
 19 that staff member on, but if they come with Tyler
 20 experience, it's going to be preferable.

21 When we do our advertisement and tell the
 22 candidates what we're looking for, that's one of the
 23 things we add in.

24 CHAIR SCHMITZ: Does the director of
 25 finance get involved in a lot of the details related

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1 to specific systems such as Tyler Munis? I guess I
 2 am not aware of that.

3 MS. FEORE: Well, what I can tell you
 4 going back to the last two -- not to discount Bobby
 5 Magee, but going back further back from Bobby Magee,
 6 the last two directors of finance, they were in the
 7 accounting system quite often, specifically for
 8 reports, analytics, and all of the things that the
 9 systems do.

10 I think it would be helpful, if somebody
 11 has that experience, they could be preferred over
 12 other candidates that don't. But I think it's
 13 ultimately going to come down to background,
 14 education, experience.

15 CHAIR SCHMITZ: Okay. I think that it's
 16 great that staff is pulling together and working
 17 together. I know they've had a tremendous backlog
 18 of work for an extended period of time.

19 I feel that by reaching out to Washoe
 20 County if they have a director of finance who does
 21 have knowledge and experience with NRS, with
 22 governmental accounting, with governmental financial
 23 reports, dealing with questions that come from the
 24 public relative to how we're doing our accounting
 25 and following procedures, I guess I would see that

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1 as only being additional resources to help dig us
 2 out of this hole that we're in relative to internal
 3 controls, et cetera. I think it would give us a
 4 jump start. So, I guess still would encourage that
 5 to be examined as additional support for staff.

6 And when and if we hire a director of
 7 finance, that may be months, it might be, a couple
 8 of months to going through the posting time, the
 9 interview time, and then someone giving notice and
 10 coming on board.

11 Realistically, would you say that's a
 12 realistic timetable is a few months?

13 MS. FEORE: It's a very realistic
 14 timetable.

15 The other thing, too, is I have heard from
 16 some of our regional partners that there are a few
 17 other directors of finances or lead finance
 18 positions that are coming open in the next
 19 six months, so we're going to have some competition.

20 The good thing is that if we get out there
 21 ahead of the competition, we may get the cream of
 22 the crop, but it could also hamper our recruitment
 23 efforts as well and could extend the period of time.

24 CHAIR SCHMITZ: I guess I would say I
 25 think we should at least do what we can to reach out

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1 to Washoe County to at least pursue the opportunity
 2 to have some additional resources helping staff,
 3 because if it is a longer period of time, our staff
 4 just can't go week after week after week constantly
 5 sort of swimming upstream a bit.

6 We I think that we should at least reach
 7 out to Washoe County and request the resources and
 8 see what comes of it and see what comes of our
 9 recruitment effort.

10 But, again, I think, perhaps, a parallel
 11 path is in the best interest of staff.

12 TRUSTEE TULLOCH: I think we've got a new
 13 place of plan here. I might suggest some
 14 modifications.

15 I've listened to finance, and I think --
 16 thank you to my colleagues for all supporting us and
 17 getting additional warm bodies in place since that's
 18 one of the key requirements. I think -- what I
 19 would suggest from the Washoe County perspective is
 20 let's -- rather than reaching out for a director of
 21 finance, let's reach -- why don't we reach out to
 22 them for some advisory support, some higher-level
 23 advisory support, because that would also help
 24 embellish with the CLGF what we're doing, it
 25 wouldn't necessarily distract from it, from our

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1 efforts.

2 The key thing, as Sue has described, is

3 actually getting bodies on the ground, worker bees,

4 if you like, whatever you want to call them, but

5 actually getting the work done.

6 And if we could get some higher-level

7 advisory support and just a contact person even from

8 Washoe County just to help smooth things over at

9 senior level, it would demonstrate we're actually

10 doing it and actually give us the best of both

11 worlds, I think.

12 TRUSTEE NOBLE: What I'm hearing from

13 staff is that reaching out to the county may not be

14 the best thing.

15 After listening to the discussion here and

16 everything that you know and are looking for, I

17 would expect that if you feel that the county is a

18 good option, go for it, and if it's not, you feel

19 that your time and efforts would be better spent in

20 a slightly different direction, I would recommend

21 doing that.

22 I would not go with the county just to go

23 with the county if it's actually going to hinder

24 staff.

25 TRUSTEE DENT: Any other further

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1 discussion on this item, clear direction, clear as

2 mud?

3 MR. RUDIN: Yes.

4 If you want the county's assistance,

5 you're going to need to vote because you have to

6 submit a request in writing, outlining exactly what

7 kind of assistance you're looking for.

8 TRUSTEE TULLOCH: Sue, would it be helpful

9 just having some high level from Washoe County just

10 to give you a body to reach out to, if need be, and

11 some clarification? Would it hinder you? Would it

12 be helpful to providing some coverage at CLGF level

13 and things?

14 I'm not thinking a full-time role, just

15 some on-call advisory if need be.

16 MS. GRIFFITH: Actually, we did have the

17 Zoom call and we have resources now. Any questions

18 we have or help we need, we have that dialogue now.

19 We will definitely reach out and do

20 another Zoom call after we meet next week and get

21 some ideas and see what they think about that as

22 well, if that would be agreeable, we will bring them

23 into the fold.

24 TRUSTEE TULLOCH: I'm good with that. I

25 just want to make sure that we've got support and

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1 that we can demonstrate externally that we're doing

2 it. Thank you for that.

3 I support Trustee Noble. That's twice in

4 two meetings now.

5 TRUSTEE DENT: All right. Any further

6 discussion on this item?

7 All right. Seeing one, I'll close out

8 item G2. It's 8:30, we have eleven items, yeah,

9 eleven items. We're probably not going to get

10 through all of them. Do we want to look at the

11 agenda again and make sure we have them in order

12 that we need?

13 (Cross talk.)

14 TRUSTEE DENT: Okay. So we will move on

15 to Item G 3, formerly G 8. And while we're doing

16 that, our acting General Manager will look through

17 the items and help us prioritize the ones that can,

18 maybe, get tabled for this meeting.

19 G 3. Management Firms RFP

20 TRUSTEE DENT: Review, discuss, and

21 possibly approve the request for proposal for

22 management firms with the ability to fill the

23 general manager's position, and also supply services

24 to assist the District in addressing the issues

25 identified by various consultant reports. Pages 482

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1 through 482 of your board packet.

2 We have Director of Human Resources on the

3 line, and I believe she's worked with Trustee

4 Tulloch.

5 MS. FEORE: I want to apologize to the

6 Board. My memo subject line was written well in

7 advance of the agenda being published, so I didn't

8 get a chance to update the subject line, so I

9 apologize to the Board for that. That was changed

10 kind of at the last minute.

11 As we discussed at our last board meeting,

12 I was to work with Trustee Tulloch on this project

13 on creating the new draft of the RFP. Thank you,

14 Trustee Tulloch, for your time and the conversation

15 that we had.

16 We have -- while some of the language

17 mirrors the language that was listed before, we have

18 added -- I say "we," it was working with Ray, who

19 had some phenomenal suggestions, so all credit goes

20 to him. We added in some additional language.

21 For example, bullet point number 1,

22 obviously, provide potential experience business

23 operations candidates from the respondent for the

24 vacant general manager position. And throughout the

25 document, there was some additional language that

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1 was noted as well.

2 Trustee Tulloch, my -- I'm so sorry. My

3 laptop is freezing and I can't open the document so

4 I don't have it in front of me. Can I ask you to

5 speak to the document? I apologize. It's frozen.

6 TRUSTEE TULLOCH: Just to clear up a few

7 misconceptions from public comment, I think some

8 people seem to be reading a previous document. This

9 is certainly not a sole source, as suggested,

10 procurement. It's also not sort of any done deal.

11 And also to save any embarrassment for Trustee Noble

12 and clarify, yes, I drew in some of his suggestions

13 and modified the RFP a bit further, and also widened

14 the scope of it. It was necessarily prescriptive.

15 I think as we're experiencing at the

16 moment, we're short of skilled resources. I've

17 tried to write the RFP in a way that is inviting

18 suggestions, proposals from people that provide a

19 range of services. I haven't tried to make it

20 prescriptive.

21 I think what we've got to remember is our

22 role here to ensure we deliver quality services cost

23 efficiently. It's not -- we should not be fixed,

24 necessarily fixed on an idea that we are the only

25 people who can do it. If there's better ways of

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1 doing it or getting suggestions externally to do it,

2 we should certainly be looking at these.

3 Again, I'll stress before I get lots of

4 more hate mail, I'm not suggesting one way or the

5 other. All I'm doing is throwing out some

6 suggestions. Some respects, it's testing the market

7 to see what things that are out there. We've heard

8 some various areas that our staff are under stress

9 and we're struggling with things there.

10 I tried to write the RFP in a way to

11 attract interest and see if there are areas that are

12 of interest to the Board. It's certainly not a done

13 deal or anything. It's not an attempt to outsource

14 everything, as some people seem to have concern

15 about. It's an attempt to see what opportunities we

16 have out there to get services to actually help us.

17 TRUSTEE NOBLE: Building on the last two

18 meetings and my objections to moving forward with

19 either Troon or moving forward with this RFP, I

20 think we should be focused on the GM search. And

21 Director Feore let us know at the last meeting that

22 there was robust interest, at least as of a week

23 ago, in that position. And I still think that's the

24 right way to go.

25 If the majority of the Board does feel it

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1 is necessary to move forward with this RFP, I still

2 think it should be delayed.

3 If you look at the links to the reports,

4 what's missing is the staff responses, at least the

5 RubinBrown, we had an informal staff response, and I

6 thought we were going to get a formal staff response

7 for this agenda, and I looked at the long range and

8 don't see that, but I know Mr. Magee had referenced

9 34 of the 41 observations had either been addressed

10 or were in the process of being address, and so

11 would help narrow the scope and maybe focus anybody

12 that's responding.

13 And also with the food and beverage --

14 response to the food and beverage report, I believe

15 that's going to be presented at the September 11

16 meeting. Again, that would be something I would

17 think that would be helpful to anybody that is

18 responding to it.

19 Although I will reiterate, I don't think

20 we should be issuing this RFP.

21 TRUSTEE TULLOCH: Appreciate that. And

22 again, I fail to see the harm in it. I think the

23 problem with the delaying and delaying and delaying

24 is we run into issues and then suddenly find

25 ourselves like we are at the moment, a situation

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1 where we have no bench. We're going through the

2 critical period for some of major revenue generators

3 and things. I don't see any harm in putting this

4 RFP out and seeing what responses we get out there.

5 Nobody's saying we have to accept them. And I also

6 support the GM recruitment going on in parallel.

7 I don't think we automatically have the

8 best answers here. I think -- depending on what

9 responses we get, there may be some areas of

10 interest that can actually support us. It's not --

11 Director Feore will clarify, under NRS, we can't

12 just simply outsource things and get rid of staff.

13 We can bring in support services to help us,

14 actually help us with execution. My emphasis has

15 always been on actually execution here, not just

16 more consulting reports that don't really help us

17 down the line.

18 I think this is a good opportunity to

19 reach out and to see what else is available out

20 there as well. I'm not sure I see the harm in it.

21 If we find there are better ways of doing

22 things and we can deliver better services at a

23 better price to our community, I think we have a

24 fiscal responsibility as well, and a more moral

25 responsibility to do the best thing for the

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1 community.

2 CHAIR SCHMITZ: I think that there's

3 nothing to say that there couldn't actually end up

4 being a hybrid of both situations. And I think that

5 we have so many challenges before us that need to be

6 addressed that these firms -- I think that the

7 question that should be asked is for these firms to

8 tell us what services they offer that would expedite

9 improvements to our gaps and internal controls, our

10 point of sales system challenges, and culture

11 development because that is, to me, in a nutshell

12 what the bulk of the RubinBrown report is.

13 So I feel like we just need to be a bit

14 more clear of what we're looking for. And we're

15 looking for a firm who could expedite improvements

16 in our gaps, internal controls, point of sales

17 systems, and culture development.

18 In the RFP, as an example, bullet point

19 number 2, it says, "utilizing." You know, the

20 consulting reports provide recommendation,

21 implementation, and resource plan, but, to me, it

22 should say "including cost estimates." To me, I

23 think this should be a bit more of a la carte.

24 And I think the third bullet point on

25 working on a strategic plan, I feel like we've got

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1 so many tactical challenges identified in the

2 subsequent bullet points, I don't want us to get

3 lost and suddenly to be spending lots of time

4 working on strategic plans when we have -- we're

5 looking for leading practices and how we can better

6 manage the District.

7 And I think these bullets points are okay,

8 but I think we need to be more clear about what

9 we're looking for. Yes, we're looking to see do

10 they have a general manager but, additionally, do

11 they have a backdrop of additional resources that is

12 going to help us to get from where we are today to

13 an improved state more rapidly. And I think that's

14 what we're looking for.

15 My suggestion is that we tweak this a bit

16 further. To Trustee Noble's point, if we go both

17 ways, we might be introduced to a firm that maybe we

18 don't go with who they have for a general manager,

19 but we might go with them to help us move things

20 forward.

21 I am in support of the RFP, but I think it

22 needs to have some refinements to be more specific.

23 TRUSTEE TONKING: I have a few thoughts.

24 I think if we go with a hybrid approach, I want to

25 be really cognizant about the time and energy. I

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1 guarantee you, the people that are going to apply to

2 this, they have looked and watched our board

3 meetings, and here we are saying, well, we may go

4 with your GM, we may not. We're going to look at

5 this.

6 I would not, as a consultant, spend any

7 time filling out an RFP for this, because I feel

8 like it's a lose/lose-type situation.

9 I think we need to have a better strategic

10 plan, and so I think, to be honest, we should go a

11 little bit further down this GM route, see where

12 that brings us, and if then if you need a

13 supplemental, go that way. But I don't think you

14 can do them concurrent with this same list of

15 services that you have in here.

16 TRUSTEE DENT: Sergio, can you speak to

17 the RFP process and evaluating on cost?

18 MR. RUDIN: This is a professional

19 service. You're not required to award on the basis

20 of lowest responsive, responsible bidder the way

21 that you are in Public Works contracts. You're

22 evaluating qualifications and you're looking for

23 best value.

24 So, I mean, there will be -- often times

25 in an RFP, there will be some sort of scoring

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1 criteria in terms of what you're looking for. And

2 staff or whoever is doing your first pass of review

3 to figure out if someone's qualified to even bother

4 bringing any sort of further evaluation to the Board

5 is usually setting forth what they are looking for

6 in terms of evaluating the proposals to help the

7 consultants prepare something that's meaningful.

8 TRUSTEE DENT: As far as this item, I

9 mean, do we need 20 pages, do we shorten it to try

10 to get more people to respond?

11 TRUSTEE TULLOCH: Actually -- as having

12 done hundreds of RFP responses, actually, it's

13 harder to shorten it and it's more difficult. I've

14 cut down from 50 to 20 so they can actually get

15 enough information. Responding to these, limiting

16 pages, you have to pull all sorts of stupid stunts,

17 and the formatting look terrible.

18 Twenty pages is enough to get across, but

19 it's not excessive, because typically half of that

20 is going to be boilerplate that you use in almost

21 all your bids as well. I think 20 pages is a pretty

22 good compromise.

23 TRUSTEE DENT: What are your thoughts on

24 incorporating what Trustee Schmitz said? I mean,

25 she kind of said the crux of this is what services

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1 to do, offer to help us with out internal controls,
 2 point of sales system, and culture. That seems like
 3 something we can easily add to this without a lot of
 4 time.

5 TRUSTEE TULLOCH: Certainly. And there's
 6 not an issue in doing that. I turned this around in
 7 24 hours from the last board meeting based on the
 8 request from the Board there. Culture's a new one.
 9 I haven't heard that one discussed before.

10 I tried to take the best of that. I think
 11 we can add some of these things in, but I have
 12 deliberately kept it open in terms of that. Really,
 13 some of this is seeing what the market has to offer.
 14 It's not ruling out people because they don't have
 15 one thing. If they can offer services in a
 16 particular area, it would be helpful. To me, that's
 17 always the best way to do it.

18 I've heard it said, well, maybe this
 19 should be an RFI. And an RFI wouldn't normally have
 20 pricing. We're also trying to give some estimate
 21 for pricing. The community's quite rightly
 22 identified in public comments, we could loose our
 23 shirts by using something like this.

24 Similarly, it's not going into a hundred
 25 pages of detail in terms of that because all that

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1 would be encapsulated in the contract. Any direct
 2 contract this direction would take quite a while to
 3 work through to get a proper contract.

4 I know as a consultant, yeah, 20 pages is
 5 no real problem to put together.

6 TRUSTEE DENT: And we talked about
 7 lowering it from the 50 it was before. Thank you
 8 for making that change. And thank you for doing to
 9 24-hour turnaround. I completely forgot about that.

10 CHAIR SCHMITZ: The reason why I bring the
 11 culture development is because the RubinBrown report
 12 stated that it was a loose culture and that the
 13 culture needed to be changed from the top down, so
 14 that's an element of organizational change
 15 management that needs to be instituted. That is
 16 where and why that comes about.

17 And I think that on your bullet point
 18 number 4 -- wished they were numbered -- it's says,
 19 "Review the current service and supplies contracting
 20 practices to implement improvements," it's not just
 21 compliance with state and local laws; it's
 22 compliance with our policies and as well. I think
 23 that needs it to say "and policies."

24 And I think we have to be careful about
 25 how much evaluating. We're looking for them to come

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1 in with an action plan to address the gaps and in
 2 the RubinBrown report, and think that if we can be
 3 very clear of what it is -- what problem we're
 4 trying to solve. I understand you're trying to cast
 5 a wide net, but we also want to be clear in what
 6 we're actually looking for. And I feel it is to
 7 expedite improvements related to the gaps that were
 8 identified in the RubinBrown report.

9 MS. FEORE: If I can real quick. In
 10 speaking with some of the folks from the Troon
 11 organization, one of things they had communicated
 12 with me was, although we have some very detailed
 13 consultant reports, so much of it is going to depend
 14 on their own personal evaluation based on changes
 15 that have occurred since those reports have been
 16 made.

17 That's why I had recommended the word
 18 "evaluate," because I think a lot of the management
 19 companies are going to want to do their own
 20 evaluation so that they are giving you their
 21 recommendation and/or giving the general manager
 22 their recommendation to move to implement.

23 I just wanted to clarify that.

24 CHAIR SCHMITZ: And that make sense. I'm
 25 sensitive because we've had so much consulting

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1 assessments, we need to start doing implementation.
 2 That's all.

3 TRUSTEE DENT: Do you have a motion to
 4 move this forward?

5 CHAIR SCHMITZ: I appreciate you asking.
 6 Trustee Tulloch, are you comfortable with making
 7 some of additions that I referenced? Do you think
 8 it would be helpful to the process?

9 TRUSTEE TULLOCH: If you can send them
 10 through and do that. With regard to -- if you look
 11 at the proposal content and requirements, number 3
 12 is really the key part of it there. Their approach
 13 to implementing and managing services to deliver
 14 successful results, that was really the catch-all
 15 there, including how the consultants shall meet the
 16 stated goals within the proposed schedule time. To
 17 me, that's the key part. If I was reviewing a
 18 proposal, that's areas I'd be looking at to
 19 highlight in my response.

20 If you send me suggestions, I can fit them
 21 in there. And I'll number the bullet points rather
 22 than just using bullets.

23 CHAIR SCHMITZ: Is that acceptable with
 24 the rest of Board?

25 Then I'll make a motion that the Board

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1 moves forward with the RFP with some additional
 2 refinements that I had stated on the record this
 3 evening.
 4 TRUSTEE DENT: I'll second that.
 5 Motion's been made and seconded. Any
 6 further discussion by the Board?
 7 MS. FEORE: Board, I wanted to let you all
 8 know that I am currently out of the office, and I'm
 9 not back until the 9th. If you are able to get
 10 changes in, I can work with some of my colleagues to
 11 see if they can assist to get the RFP posted. Yeah,
 12 after tomorrow morning, I'm pretty MIA.
 13 I don't normally like to drop a project
 14 that I'm in the middle of, but I'm heading out of
 15 town.
 16 TRUSTEE DENT: And we do have our acting
 17 General Manager here to too to assist in that
 18 process. Thanks for the heads-up.
 19 Motion's been made and seconded. No
 20 further discussion --
 21 TRUSTEE TULLOCH: Can you just clarify
 22 that if I make these modifications that the motion
 23 will -- then I can just pass it across and work with
 24 Director Feore to get this out.
 25 And, again, to address some of the issues,

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1 is to punt or push out -- and again I'm going off of
 2 the meeting agenda because there was so much
 3 confusion with G 8.
 4 I'm looking at the notice meeting
 5 number 7, regarding the RubinBrown report, however,
 6 I just want to share with the Board that as the
 7 acting General Manager, I'm already starting to look
 8 at these items and implement them. As an example,
 9 we've talked earlier regarding the P cards and that
 10 type of process. So I've already started doing
 11 that.
 12 Then also my recommendation, again, is not
 13 to -- is to push out number 9 as well as number 10,
 14 unless the Board feels that those are urgent items.
 15 I would like to recommend that we continue
 16 with G 3, as well as G 4 and G 5. I just don't want
 17 to hold up any operations from departments.
 18 TRUSTEE DENT: Yeah. And then we have
 19 also have former F 2 and F 3, now G 10 and 11. I
 20 think there was some points of clarification on
 21 those.
 22 Chair Schmitz, did you have a question?
 23 CHAIR SCHMITZ: I just wanted to say that
 24 I don't think we can push off -- I'm looking at the
 25 agenda also, so I don't know how it was renumbered,

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1 the concerns expressed by my colleagues. This is
 2 not -- I don't see this as any sort of done deal.
 3 To a certain extent, this is finding out what is
 4 there so we do have some things. If we appoint a
 5 new general manager, we also have some resources we
 6 know we can go to if they are suitable. And I think
 7 the two actually complement each other that way.
 8 TRUSTEE DENT: Understood and agreed.
 9 Okay. Motion's been made and seconded.
 10 No further discussion by the Board. I'll call for
 11 question. All those in favor, state aye.
 12 TRUSTEE TULLOCH: Aye.
 13 TRUSTEE DENT: Aye.
 14 CHAIR SCHMITZ: Aye.
 15 TRUSTEE DENT: Opposed?
 16 TRUSTEE TONKING: No.
 17 TRUSTEE NOBLE: No.
 18 TRUSTEE DENT: Motion passes three to two.
 19 That closes out item G 3, formerly G 8.
 20 Acting General Manager Crocker, have you
 21 assessed the agenda for this evening? Do we have
 22 any recommendations, I guess, between you and the
 23 Chair as to which items are required and which we
 24 can postpone?
 25 MS. CROCKER: Yes. And my recommendation

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1 but G 7 which is the RubinBrown report, because
 2 Trustee Tulloch, I believe, has to report back to
 3 the Committee on Local Government Finance later this
 4 week, and I think that we should at least discuss as
 5 a board what's being shared.
 6 TRUSTEE DENT: Yep. That's fair.
 7 TRUSTEE TULLOCH: Yeah, if I can clarify.
 8 There's not a meeting of the CLGF, but ex-General
 9 Manager Magee had committed to give them a response,
 10 you know, what we're following up on these items by
 11 the 29th. We need to have something fairly
 12 definitive. I can waffle a little bit if need be,
 13 but I think it's -- we need to meet that commitment.
 14 TRUSTEE DENT: All right. G 7 stays.
 15 Any other concerns with any of the other
 16 items?
 17 Okay. Do we -- is anyone opposed to
 18 moving G 7 to item G 4, just so we get that one done
 19 right now, and then we'll continue on with
 20 everything else. Work for everyone?
 21 TRUSTEE TULLOCH: We're dropping 9 and 10?
 22 TRUSTEE DENT: Yes.
 23 TRUSTEE TULLOCH: That's fine.
 24 TRUSTEE DENT: Former items G 9 and 10
 25 will be removed from -- postponed, tabled, whatever

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1 you want to call it, until the next meeting.
2 We're going to move on to item G 4.
3 G 4. RubinBrown Report
4 TRUSTEE DENT: Review, discuss, and
5 possibly direct staff regarding the status of each
6 observation in the RubinBrown report, including
7 dates for expected completion of observations not
8 yet resolved and the most recent bank
9 reconciliations. It can be found on page -- no. It
10 doesn't have it listed. Oh, we would be going back
11 to page 7 through 81, the forensic report. There is
12 no information in the packet. And we do have Sue
13 here in front of us.
14 MS. GRIFFITH: Thank you.
15 I would just like to offer a few bits, I
16 know the hour is late, in regards to RubinBrown.
17 The department did put together some responses to
18 some of the observations, and we will be meeting
19 with GM Crocker to catch her up to speed on those
20 items.
21 In particular, I do want to share with you
22 that in observation number 1, bank reconciliations
23 were completed by Baker Tilly through March of 2024.
24 Staff continues to onboard a new employee in this
25 process. Part of this process includes analysis of

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1 all of the things we're working on now.
2 And, yes, we will make sure it's within a
3 reasonable amount of materiality.
4 TRUSTEE TULLOCH: Yeah. No, the response
5 tomorrow is due to the CLGF, not Davis Farr.
6 MS. GRIFFITH: Yes. They will be getting
7 them by Friday.
8 TRUSTEE TULLOCH: If I can see that memo
9 before it goes out. I gave my assurances as well.
10 MS. GRIFFITH: I misunderstood because
11 inaccurate information has been reported in multiple
12 locations.
13 TRUSTEE TULLOCH: No worries. I
14 appreciate it. Thank you for getting up to speed so
15 quickly on it.
16 Yeah, if we can get that response so we
17 can get it out CLGF tomorrow. Then we can detail
18 some of the things we've agreed tonight as well.
19 Okay. Friday.
20 TRUSTEE DENT: Can you guys get us a copy
21 of that once it goes out?
22 TRUSTEE TULLOCH: Absolutely. You'll get
23 it at the same time.
24 TRUSTEE DENT: Perfect.
25 CHAIR SCHMITZ: The other thing that

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1 the operating account and identifying a larger,
2 unreconciled differences in the consultant's
3 reconciliation.
4 An update to that as well as the
5 controller is in communication with the folks over
6 there, and we anticipate that they will be
7 receiving -- may -- by Friday. And then we're
8 coordinating a schedule with them to follow up for
9 the remainder ones that they want to take a look at
10 so we comply and make them feel comfortable that
11 we're on top of it now, as well as closing out
12 fiscal 2024. That will also help try to identify
13 where some unexplained variances are.
14 TRUSTEE DENT: Understood.
15 Questions?
16 TRUSTEE TULLOCH: Just to clarify, the
17 bank balance reconciliations, I mean, we already
18 told the -- we actually misstated to the committee a
19 few weeks ago that we'd actually reconciled up to --
20 yep, up to date, but our auditor pointed out we
21 hadn't. We can assure them, based on the discussion
22 yesterday, that they are reconciled within the
23 limits of materiality.
24 MS. GRIFFITH: We've been very honest with
25 Davis Farr on what is going on and the status with

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1 Mr. Magee -- he committed to two other things.
2 One was to have the detailed RubinBrown
3 findings with not only what was complete, but
4 anything that was tagged as in progress or in
5 process, they wanted an ETA of when it's going to be
6 completed. And one of the examples that I brought
7 up a few times is the issues with the point of sales
8 system.
9 We don't have a new point of sales system
10 on our radar, so some of these things, while they
11 were reported in by Mr. Magee that were in progress
12 or being worked on, some of these, I mean, the point
13 of sales is a perfect example, it might be a year or
14 two out. I don't know if that's going to be
15 sufficient.
16 So know that he committed to timelines,
17 and he also committed to receiving what the Board's
18 feedback was on staff's report, and we don't have it
19 so we can't give any feedback.
20 Those are the deliverables.
21 TRUSTEE DENT: He's verbally told us that
22 we reconciled the \$7-million difference, but do we
23 know what happened there?
24 MS. GRIFFITH: We've dug through the GL
25 and looked at the -- the general ledger gives you a

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1 running balance for the cash account that we're
 2 talking about. And we believe that RubinBrown
 3 received an unfinished cake, if you will. We hadn't
 4 finished posting everything for the fiscal year,
 5 still working on period 13 adjustments, and closing
 6 out the books.

7 They receive a snapshot in time of that we
 8 had at that point. We had not finished closing out
 9 the year. My understanding is they never circled
 10 back to say, Can we see what the finished GL is for
 11 that item? And that didn't happen.

12 So there really wasn't any missing
 13 7 million. It's just it was a snapshot, it was not
 14 fully explained, and we've been working with Trustee
 15 Tulloch on giving him the supporting information so
 16 that he better understands, maybe, what happened
 17 behind the scenes with that issue.

18 TRUSTEE DENT: We just don't want to do
 19 that again. Awesome. Thank you for that.

20 TRUSTEE TONKING: Just a point of
 21 clarification.

22 So you're saying that, for example, they
 23 got your snapshot at like August 1, and you had not
 24 done all your closing entries, you had not done any
 25 year-end closing adjustments, anything like that,

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1 and so then they never circled back for when you
 2 closed the books.

3 So when Davis Farr got it to begin the
 4 audit, it would have been reconciled with your --
 5 any adjustments that needed to occur, year-end
 6 adjustments as well as month-end adjustments; is
 7 that correct?

8 MS. GRIFFITH: Yes. We actually had Pam
 9 with Baker Tilly at the time taking care of that for
 10 us, and made sure that everything reconciled.

11 TRUSTEE TONKING: So it was just a timing
 12 issue of when this ended versus what would have gone
 13 to our auditors and that's why it was never flagged?

14 MS. GRIFFITH: Yes, that is correct.
 15 That's my understanding.

16 TRUSTEE TULLOCH: If I can just clarify.
 17 I don't believe the report said there was a missing
 18 7 million. I think that's been a popular -- we've
 19 got members of the community rushing around turning
 20 over stones looking for 7 million.

21 I think, as Trustee Tonking said, some of
 22 it is timing, some of it is we seem to have a whole
 23 lot of parking accounts where money sits for an
 24 inordinate amount of time, which is something else
 25 we can dig into.

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1 And what I asked staff to do, and Sue
 2 probably hasn't had time to look at it yet, is to
 3 provide the proper audit trail to make sure --
 4 because it's very easy just to do general ledger
 5 journal entries to say, oh, 2 million here and 2
 6 million there, because Baker Tilly, I've asked to
 7 have a full audit trail to make sure these are
 8 properly done.

9 I mean, RubinBrown correctly pointed out
 10 there's a discrepancy between what we're showing the
 11 bank and what was actually in the bank at the time,
 12 but the word "missing" was never actually used
 13 except in public comments.

14 TRUSTEE DENT: Unreconciled difference.
 15 Chair, did we have anything else
 16 additional on this item?

17 CHAIR SCHMITZ: No. All the Board is
 18 going to see the response?

19 Okay. No, that's great. Thank you for
 20 your efforts on this.

21 TRUSTEE DENT: We appreciate it. Thank
 22 you.

23 MS. GRIFFITH: It was a team effort. I
 24 will pass the thank yous along.

25 TRUSTEE DENT: That closes out item G 4,

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1 formerly G 7. Moving on to item G 5, formerly G 3.
 2 G 5. Sole Source Procurement of Water

3 TRUSTEE DENT: Approval of the sole source
 4 of water and wastewater treatment chemicals from
 5 Univar in the amount not to exceed 120,000, and from
 6 Olin the amount not to exceed 170,000. Approve
 7 procurement of fuel through state contract pricing
 8 under NRS 32.195, with Pilot Thomas Logistic, LLC,
 9 in the amount not to exceed 190,000. Can be found
 10 on pages 419 through 447 of the board packet.
 11 Requesting staff member, departement of finance.

12 MR. RUDIN: If I may interject, it's come
 13 to my attention that we have a potential Open
 14 Meeting Law issue with this item in terms of the
 15 supplemental materials in that those purchase orders
 16 and materials that are not actually named in the
 17 subject line of the agenda item.

18 Your agenda item references four specific
 19 purchase orders, whereas your supplemental materials
 20 are beyond the scope of that.

21 TRUSTEE DENT: Awesome. Then we will go
 22 back to plan B as far as the emergency approval for
 23 this item?

24 MR. RUDIN: Yeah. Those items are small
 25 dollar and could potentially be approved under the

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1 urgent purchasing process and the Board policy,
 2 because they do fall under the General Manager's
 3 authority and they can be approved by the Board
 4 Chair.
 5 You can still act to vote on these four
 6 specific purchase orders, which I have reviewed,
 7 while they've been in the packet, and I'm relatively
 8 comfortable with.
 9 TRUSTEE TULLOCH: That was my concern, the
 10 blankets there, but if we can do these out here.
 11 TRUSTEE TONKING: I move the Board of
 12 Trustees approve the four transactions listed in the
 13 recommendation.
 14 TRUSTEE DENT: Motion's been made.
 15 TRUSTEE NOBLE: Second.
 16 TRUSTEE DENT: Motion's been made and
 17 seconded. Any further discussion by the Board?
 18 Seeing none, I'll call for the question.
 19 All those in favor, state aye.
 20 TRUSTEE TONKING: Aye.
 21 TRUSTEE TULLOCH: Aye.
 22 TRUSTEE NOBLE: Aye.
 23 TRUSTEE DENT: Aye.
 24 CHAIR SCHMITZ: Aye.
 25 TRUSTEE DENT: Motion passes 5/0.

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1 All right. Let's figure out where we're
 2 going next. Moving on to G 6, formerly G 4.
 3 G 6. Purchase of Three Trucks
 4 TRUSTEE DENT: Review, discuss, and
 5 approve the purchase of three trucks, Public Works,
 6 utilities, and in the amount of 137,340.75.
 7 Requesting staff member Director of Public Works
 8 Ms. Nelson. Can be found on page 448 through 465 of
 9 your board packet.
 10 MS. NELSON: This item is for the purchase
 11 of three trucks for the Public Works utilities
 12 shared division. We are replacing three trucks.
 13 And then the three trucks that we're replacing, two
 14 of them will be sent to golf, and one will be sent
 15 to buildings. And the trucks that are being
 16 replaced in golf and buildings will then be sent to
 17 auction.
 18 If you do move this forward, I do have a
 19 modification to the recommendation, item number 2,
 20 so I'll let you ask any questions you may have, and
 21 then I can provide that language for you, if you so
 22 choose.
 23 TRUSTEE DENT: Any questions?
 24 TRUSTEE TULLOCH: Director Nelson, you can
 25 confirm there's three trucks that are going as well,

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1 not just two? Three coming in and three going?
 2 MS. NELSON: Correct.
 3 TRUSTEE TULLOCH: Okay. If you bear with
 4 me a minute, I'm just looking through something here
 5 in the procurement card purchases, which concerns me
 6 a little bit when I see this proposal for purchasing
 7 new trucks coming to the Board and -- where did I
 8 have it?
 9 I see two procurement card purchases, bed
 10 cover for new vehicle and tool storage for new
 11 vehicle for Mr. Allen, one for \$1,731, and one for
 12 \$1,732. Now, if we're putting forward a request for
 13 new vehicles, we should be including these in the
 14 cost as well. These should not be coming through
 15 separately.
 16 This is for the same vehicles?
 17 MS. NELSON: No. Those were for purchases
 18 last fiscal year.
 19 We tend to source those from different
 20 places because they are less expensive than buying
 21 them from Champion Chevrolet.
 22 TRUSTEE TULLOCH: I understand that, and I
 23 do the same myself.
 24 But if this is adding another 2,000 bucks
 25 to the price of each of these trucks, we should be

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1 disclosing that in the initial purchase order so we
 2 know what we're actually doing. Otherwise, here's
 3 just another 3.5, 4 grand just disappeared under P
 4 card, and it's probably not getting capitalized
 5 then. If it's legitimate at the time of purchase,
 6 if we buy these at the same time to capitalize it
 7 and then we see the proper costs, we see the real
 8 costs.
 9 TRUSTEE DENT: Any further questions?
 10 TRUSTEE NOBLE: I believe Ms. Nelson had a
 11 clarification on number 2.
 12 MS. NELSON: Correct. The wording should
 13 say "authorize the execution of sale agreements
 14 based on the sample form for the three vehicles in
 15 the amount totaling \$137,340.75, and omit item
 16 recommendation number 3."
 17 TRUSTEE TULLOCH: Just one follow-up with
 18 the vehicles that are being disposed of, will the
 19 asset register be updated? And can you just provide
 20 a supplemental report to the Board on the disposal
 21 values and things as well so we can complete the
 22 cycle?
 23 It's something that has been brought up
 24 before that vehicles are being disposed of and we
 25 don't know if anything's happening with them. It

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1 would be helpful to just provide an update to the
 2 Board when they go through disposal, be sure they've
 3 actually been disposed of legitimately.
 4 MS. NELSON: I'll probably just include
 5 that in the General Manager's report when it
 6 happens.
 7 TRUSTEE TULLOCH: Okay. Yep. Just
 8 provide details of sale prices and things.
 9 TRUSTEE DENT: Good idea.
 10 I'll entertain a motion -- Chair Schmitz?
 11 CHAIR SCHMITZ: I just wanted to express
 12 my concern about what Trustee Tulloch just brought
 13 up about how P card is being used.
 14 This is a real problem because it's not
 15 being transparent with the Board of what the costs
 16 are. And I don't quite understand how that would
 17 comply with Board policy, so I'll look for staff to
 18 maybe explain to the Board how this is working
 19 because I find that might be quite problematic.
 20 TRUSTEE DENT: Any further discussion?
 21 I'll entertain a motion.
 22 TRUSTEE TONKING: I move that the Board
 23 approve the motion with the edits given by Director
 24 Nelson.
 25 TRUSTEE DENT: Motion's been made.

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1 replacement PistenBully snow grooming vehicle in the
 2 amount of \$550,000. This can be found on pages 466
 3 through 479 of your board packet.
 4 MR. BANDELIN: Staff will note that within
 5 the report, the project replaces a 2014 snow
 6 grooming vehicle that has operated for 11 seasons
 7 and has 10,125 operating hours on it. The project
 8 is funded with \$550,000 in appropriations within the
 9 ski venue fiscal year capital budget.
 10 The report speaks to how the procurement
 11 of the grooming vehicle is exempt from competitive
 12 solicitation. Staff included a table in the report
 13 that identifies the projects in the total capital
 14 appropriations at the ski venue for the fiscal year
 15 2025.
 16 Staff will also note that District counsel
 17 worked the vendor's counsel to ensure the equipment
 18 purchase agreement protects the District.
 19 And important to note that staff presented
 20 this item for review and received approval from the
 21 Capital Investment Committee at their meeting on
 22 August 20, 2024.
 23 Happy to answer any question from the
 24 Board.
 25 TRUSTEE DENT: Any questions?

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1 TRUSTEE NOBLE: Second.
 2 TRUSTEE DENT: Motion's been made and
 3 seconded. Any further discussion by the Board?
 4 TRUSTEE TULLOCH: Can I add to the motion
 5 that we get clarification from fleet and from Public
 6 Works all the other equipment being added that's not
 7 been included here so we have a full picture of the
 8 cost?
 9 TRUSTEE TONKING: That's fine.
 10 TRUSTEE NOBLE: Yes.
 11 CHAIR SCHMITZ: All right. Motion's been
 12 made, seconded, modified. All those in favor, state
 13 aye.
 14 TRUSTEE TONKING: Aye.
 15 TRUSTEE TULLOCH: Aye.
 16 TRUSTEE NOBLE: Aye.
 17 TRUSTEE DENT: Aye.
 18 CHAIR SCHMITZ: Aye.
 19 TRUSTEE DENT: Motion passes 5/0.
 20 All right moving on, item G 7, formerly G
 21 5.
 22 G 7. PistenBully Snow Grooming Vehicle
 23 TRUSTEE DENT: Review, discuss, and
 24 approve a sole source finding, and review, discuss,
 25 and possibly authorize the equipment purchase for a

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1 I'll entertain a motion.
 2 TRUSTEE TONKING: I move that the Board
 3 approve this item as written in the memo.
 4 TRUSTEE DENT: Motion's been made.
 5 TRUSTEE NOBLE: Second.
 6 TRUSTEE DENT: Motion's been made and
 7 seconded. Any further discussion by the Board?
 8 Seeing none, I'll call for the question.
 9 All those in favor, please state aye.
 10 TRUSTEE TONKING: Aye.
 11 TRUSTEE TULLOCH: Aye.
 12 TRUSTEE NOBLE: Aye.
 13 TRUSTEE DENT: Aye.
 14 CHAIR SCHMITZ: Aye.
 15 TRUSTEE DENT: Motion passes 5/0.
 16 TRUSTEE TULLOCH: I also thank General
 17 Manager Bandelin for bringing that the Capital
 18 Investment Committee. I think it was a good
 19 example, I think the committee worked well. It
 20 cleared up a few things prior to bringing it
 21 forward.
 22 So hopefully you find it helpful, Mike.
 23 MR. BANDELIN: I sure did. Thanks.
 24 TRUSTEE DENT: I think that's good to
 25 hear. That was the intent of even setting that up

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1 so we can have more items like this that have
 2 already been vetted. Thank you guys for working
 3 through that process.
 4 All right. Moving on to item G 10,
 5 formerly F 2.
 6 G 10. Alder Avenue Water Main Replacement
 7 Project
 8 TRUSTEE DENT: Review, discuss, and
 9 approve change order number 1 for the Alder Avenue
 10 water main replacement project. This is for
 11 Gerhardt & Berry Construction, \$52,913.35, which
 12 exceeds the Board-approved 10 percent contingency by
 13 \$4,413.35. Can be found on pages 313 through 321 of
 14 your board packet.
 15 MS. NELSON: You summarized the item very
 16 well. I would just like to itemize the change
 17 order. This is the one and only change order we
 18 have on this project.
 19 We had to add an additional air relief
 20 valve. We had an additional 2,359 square feet of
 21 pavement restoration. An additional 600 square feet
 22 of 2-inch mill-and-overlay. And then we had to
 23 increase a service size from 3 inch to 4 inch.
 24 All of it totaled -- actually we had to
 25 delete bid item number 12, the Northwood Boulevard

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1 reinstated.
 2 TRUSTEE TULLOCH: With regard to the item
 3 that was canceled, was that a bid costs, was there
 4 cost associated with that, was there saving from the
 5 removing that item?
 6 MS. NELSON: There was. It was about
 7 \$6,000-some dollars.
 8 TRUSTEE TULLOCH: The change -- your
 9 requested change here includes that 6,000 --
 10 MS. NELSON: Deduction, yes.
 11 TRUSTEE TULLOCH: That's been deducted
 12 from the payment to the contractors?
 13 MS. NELSON: Yep.
 14 TRUSTEE TULLOCH: With regard to the fact
 15 that originally you requested \$1.2 million for that,
 16 where is the other 500k going?
 17 MS. NELSON: Back to fund balance.
 18 TRUSTEE TULLOCH: It's not just getting
 19 spent this year?
 20 MS. NELSON: Nope.
 21 TRUSTEE DENT: Any other questions?
 22 I'll entertain a motion.
 23 TRUSTEE TONKING: I move that the Board
 24 approve this recommendation as written in the memo.
 25 TRUSTEE DENT: Motion's been made. Is

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1 main abandonment, because we were not able to find
 2 an existing valve to shut that section down. We're
 3 not sure if that valve even exists or if our
 4 as-built maps are correct.
 5 The additions and the deletions total
 6 \$52,913.35, and staff was approved for the 10
 7 percent contingency, which was \$48,500.
 8 TRUSTEE DENT: Any questions by my
 9 colleagues?
 10 TRUSTEE TULLOCH: Just to clarify, because
 11 I've seen a lot of emails floating around saying why
 12 are we paying this? This is fixed-price contract.
 13 My understanding, the contract price was
 14 for a 3,200 square feet of reinstatement; is that
 15 correct? The contract -- and I'll look to counsel
 16 as well -- did allow them to charge for the
 17 additional, it wasn't part of fixed price, you have
 18 to put it in?
 19 MS. NELSON: Correct. The bid schedule
 20 itemizes which items are unit price and which items
 21 are a fixed fee. When they are unit price, then the
 22 contractor is paid for what they actually install.
 23 Due to large boulders that we encountered
 24 in the alignment of the new waterline, a lot more
 25 pavement had to come out and then had to be

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1 there a second?
 2 TRUSTEE NOBLE: Second.
 3 TRUSTEE DENT: Motion's been made and
 4 seconded. Any further discussion by the Board?
 5 I'll call for the question. All those in
 6 favor, state aye.
 7 TRUSTEE TONKING: Aye.
 8 TRUSTEE TULLOCH: Aye.
 9 TRUSTEE NOBLE: Aye.
 10 TRUSTEE DENT: Aye.
 11 CHAIR SCHMITZ: Aye.
 12 TRUSTEE DENT: Motion passes 5/0. Thank
 13 you.
 14 Moving on to item formerly F 3, now G 11.
 15 G 11. Public Works Billing Software
 16 Replacement
 17 TRUSTEE DENT: Review, discuss, and
 18 approve an agreement for Public Works billing
 19 software replacement. This is for the Harris
 20 Computer Corporation, Data West in the amount of
 21 \$9,600. It can be found on page 322 through 348 of
 22 your board packet.
 23 MS. NELSON: I believe I'll turn it over
 24 to Trustee Schmitz, and she had the clarification
 25 question.

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1 CHAIR SCHMITZ: In reviewing this, it
 2 appears as though pages 326 and 327 and 328 are the
 3 current contract, and the price, which is listed on
 4 page 2 of 3, states it's \$9,600 for project
 5 management when it's actually \$9,600 for the scope
 6 of work, which is described above, which is far
 7 different and more than project management. There
 8 is an aspect of it that's project management, but
 9 shouldn't be saying it's \$9,600 for project
 10 management. It's \$9,600 for the scope of work.
 11 So I would request that change.
 12 TRUSTEE DENT: Okay. Can we make that
 13 change, Sergio?
 14 MR. RUDIN: Yeah. The Board can move to
 15 approve the contract with the deletion of the phrase
 16 "for project management."
 17 TRUSTEE DENT: Perfect. Is there a
 18 motion?
 19 CHAIR SCHMITZ: I'll make a motion to
 20 approve this contract, but changing the definition
 21 of price from \$9,600 for project management to say
 22 "\$9,600 for the scope of work."
 23 TRUSTEE DENT: Thank you. Motion's been
 24 made. Is there a second?
 25 I'll second.

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1 Motion's been made and seconded. Trustee
 2 Tulloch, do you have something to add?
 3 TRUSTEE TULLOCH: Absolutely. I was not
 4 going to break my record in terms of that.
 5 On page 322, the financial impact in
 6 budget. It's was 20,000 allocated in financial year
 7 2023/'24, has this been carried over or is this --
 8 MS. NELSON: Yes, it has been carried
 9 over.
 10 TRUSTEE TULLOCH: And this is an expense?
 11 MS. NELSON: Correct.
 12 TRUSTEE TULLOCH: How do we carry over
 13 expense funds?
 14 MS. NELSON: That's a good question.
 15 It was a capital project. The original
 16 budget was for \$200,000. The current staff has been
 17 working with the Harris product. They do not see
 18 the need to modify that at this time. However, they
 19 did identify the need for this portal to enhance the
 20 customer service side of the system.
 21 And so the budget was reduced, I believe,
 22 in the last fiscal year to \$20,000. It was still in
 23 the capital plan, and it's remained in the capital
 24 plan.
 25 If it needs to be expensed, I think

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1 accounting can handle that on their end.
 2 TRUSTEE TULLOCH: Yeah, that's fine. Just
 3 clearing it up. I couldn't quite understand how
 4 we're carrying it over otherwise. But, yeah, you
 5 can clear it up with accounting.
 6 TRUSTEE DENT: Just update us on the
 7 General Manager's report when that happens, or have
 8 accounting, that way you know when it's done. Is
 9 that fair?
 10 TRUSTEE TULLOCH: Yep.
 11 TRUSTEE DENT: All right. Motion's been
 12 made and seconded. Any other discussion on this
 13 item?
 14 I'll call for the question. All those in
 15 favor, state aye.
 16 TRUSTEE TONKING: Aye.
 17 TRUSTEE TULLOCH: Aye.
 18 TRUSTEE NOBLE: Aye.
 19 TRUSTEE DENT: Aye.
 20 CHAIR SCHMITZ: Aye.
 21 TRUSTEE DENT: Motion passes 5/0.
 22 All right. The next item on the agenda,
 23 item I.
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1 I. LONG RANGE CALENDAR
 2 TRUSTEE DENT: Page 519 through 522 of
 3 your board packet.
 4 We did have item G 8 and 9 -- or item G 9
 5 and 10 removed from this meeting. And, Chair, are
 6 we going to be bringing those forward at the next
 7 meeting?
 8 (Inaudible response.)
 9 TRUSTEE DENT: Okay. Any other additions
 10 to September 11th, the next board meeting? Anything
 11 we need to pull forward to that or push out?
 12 All right. Hearing none, then we will --
 13 Chair, we will allow you to work with our acting
 14 General Manager to bring forward the agenda in the
 15 next few days.
 16 That will close out the long range
 17 calendar. Moving on to item J.
 18 J. BOARD OF TRUSTEE UPDATE
 19 TRUSTEE DENT: Any updates for the Board?
 20 CHAIR SCHMITZ: I don't have -- oh, I
 21 would like to just -- I missed it. I review the
 22 invoices and approve the invoices paid for legal
 23 counsel. And in public comment, Mr. Katz stated
 24 that we paid BBK \$61,000 a month. We do not pay BBK
 25 \$61,000 a month. I should have clarified that

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1 earlier.

2 TRUSTEE DENT: Understood. Thanks for

3 that clarification.

4 Any other updates?

5 TRUSTEE TULLOCH: I'm working with Davis

6 Farr at the moment to finalize the engagement

7 letter. Just an update from the Audit Committee.

8 TRUSTEE DENT: Okay. Have we figured out

9 who is signing the engagement letter?

10 TRUSTEE TULLOCH: No idea yet.

11 TRUSTEE DENT: Keep us posted.

12 All right. That will close out item J.

13 Moving on to item K.

14 K. FINAL PUBLIC COMMENTS

15 TRUSTEE DENT: Any final public comments

16 in the room?

17 All right. Seeing none, let's go to Zoom.

18 MS. KNAAK: Yolanda Knaak, full-time

19 resident, Incline Village.

20 It was a good meeting. That's about all I

21 have to say. Thank you.

22 MR. DOBLER: Yeah, this is Cliff Dobler.

23 It looks like you're each getting this

24 accounting a little bit in order. But I would

25 recommend -- and of course it's free of charge --

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1 that whoever is going to prepare the financial

2 statements to deliver to the auditor, that I sit

3 down with somebody and tell them about the close to

4 60 memorandums that were never addressed by the

5 Audit Committee, and maybe we can weed out a lot of

6 mistakes that haven't been corrected over the years.

7 And also, it might be good to be -- because it will

8 turn around and inform these people of what they

9 should be aware of in the future.

10 You got to remember, this is over

11 five years of work for me, and I didn't do it

12 overnight; I did it over a long period of time. My

13 work is very accurate, and it's -- it would be good

14 to know. I think I sent you guys out probably six

15 or eight memorandums over the last couple of months

16 based on the 2023 audit and the mistakes that were

17 made there.

18 So I don't know who is going to do the

19 preparation of the actual financial statements, but

20 it would probably be good to have input from me.

21 And if you don't want to, go about your own merry

22 ways.

23 Thank you very much.

24 MR. BELOTE: That was the last public

25 comment in the queue.

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1 TRUSTEE DENT: With that, we will close

2 out public comment.

3 L. ADJOURNMENT

4 TRUSTEE DENT: It is 9:31, and we are

5 adjourned. I want to thank everybody.

6 (Meeting ended at 9:31 p.m.)

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1 STATE OF NEVADA)

2 COUNTY OF WASHOE) ss.

3

4 I, BRANDI ANN VIANNEY SMITH, do hereby

5 certify:

6 That I was present on August 28, 2024, at

7 the of the Board of Trustees public meeting, via

8 Zoom, and took stenotype notes of the proceedings

9 entitled herein, and thereafter transcribed the same

10 into typewriting as herein appears.

11 That the foregoing transcript is a full,

12 true, and correct transcription of my stenotype

13 notes of said proceedings consisting of 148 pages,

14 inclusive.

15 DATED: At Reno, Nevada, this 19th day of

16 September, 2024.

17

18 /s/ Brandi Ann Vianney Smith

19

20 BRANDI ANN VIANNEY SMITH

21

22

23

24

25

CHAIR SCHMITZ: [52]
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44/10 44/13 44/18 56/5
57/6 58/7 59/5 59/22
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67/9 69/16 71/18 80/1
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MEMBER SWENSON:
[1] 27/10
MR. BANDELIN: [2]
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MR. BELOTE: [3] 13/1
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MR. DOBLER: [2]
14/11 145/22
MR. EPPOLITO: [1]
26/5
MR. GURSKY: [1] 20/9
MR. HERMAN: [1]
21/19
MR. KATZ: [1] 7/5
MR. KLEIN: [1] 19/7
MR. MEYER: [1] 8/22
MR. MILLER: [1] 30/12
MR. RUDIN: [14] 40/7
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MR. WARNER: [1]
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MR. WRIGHT: [1]
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MS. BECKER: [1]
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MS. CARS: [1] 33/12
MS. CROCKER: [10]
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MS. FEORE: [17] 85/6
85/19 86/5 86/23 87/16
89/2 93/23 95/3 95/23
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38/4 89/12 93/8 96/6
102/16 121/14 122/24
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MS. GURSKY: [1]
10/15
MS. JEZYCKI: [2]
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MS. KNAAK: [2] 30/1
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MS. MILLER: [1] 5/2
MS. NELSON: [21]
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4/23 12/24 13/3 13/7
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36/5 36/9 36/16 36/24
37/15 41/24 43/2 44/16
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38/3 41/25 69/14 76/2
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132/10 134/1 134/10
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42/23 45/1 45/25 54/12
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110/23 118/16 125/20
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139/8 139/11 139/14
139/18 140/8 142/3
142/10 142/12 143/2
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145/10
\$
\$1,731 [1] 131/11
\$1,732 [1] 131/12
\$1.2 [1] 139/15
\$137,340.75 [1] 132/15
\$195,751.94 [1] 47/11
\$2 [1] 91/25
\$20,000 [1] 142/22
\$200,000 [2] 23/2
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\$3,700 [1] 62/21
\$4,413.35 [1] 137/13
\$48,500 [1] 138/7
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INVOICE

BAVS SM-LLC
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United States

BILL TO
**Incline Village General Improvement
District**
Susan Herron / Heidi White

775-832-1218
AP@ivgid.org

Invoice Number: IVGID 52

Invoice Date: September 19, 2024

Payment Due: September 28, 2024

Amount Due (USD): \$1,238.00

| Items | Quantity | Price | Amount |
|--|----------|----------|----------|
| Base fee August 28, 2024 BOT meeting | 1 | \$350.00 | \$350.00 |
| Per page fee August 28, 2024 BOT meeting | 148 | \$6.00 | \$888.00 |

Total: \$1,238.00

Amount Due (USD): \$1,238.00

Diane Becker
805-290-2779
dbecker8891@gmail.com

August 28, 2024

Re: IVGID 8/28/2024 Meeting, Agenda Item G.1, Proposed Amendment to Ordinance 7

Dear Trustees Schmitz, Dent, Tulloch, Tonking and Noble, and Ms. Crocker,

I apologize in advance for the length of this email.

As most of you know, I am a retired attorney, and as a volunteer, I drafted the revisions to the 1998 Ordinance 7, incorporating the recommendations of the Ordinance 7 Committee and the then General Manager, and drafted the revisions directed by the Trustees (excluding the last year) which were then reviewed, edited, and approved by both special beach counsel who handled the 2011 litigation over the Beach Deed, and the then IVGID counsel, Josh Nelson.

I have also received and reviewed virtually all the IVGID Minutes and Resolutions, revisions of Ordinance 7 and internal IVGID communications on Ordinance 7, and available litigation documents concerning the Beach deed, which were not privileged by the attorney client privilege, since 1967.

I believe that many or most of the proposed changes are well drafted and do not impact the Beach Deed or the historical documents or the important work of the Ordinance 7 Committee and the Trustees. However, I have several comments on the proposed revisions and urge that further action occur before the process of amendment of Ordinance 7 begins. I am available to meet with Ms. Crocker to explain the issues that I am raising briefly below and to help to address the issues that she is attempting to address.

Based on my quick review this morning, I believe **proposed revisions to Paragraphs 18, 39, 45, 46, 52, 72, 77 and 79 need to be changed or deleted:**

1. Paragraph 18. This revision only applies to commercial use between “two or more entities,” and this not would include actions between two or more persons, two or more entities, a person, and an entity, etc. The language in old paragraph 18 was repeatedly revised to be in compliance with the concept of the Beach deed language that the use was “only for the purposes of recreation by, and for the benefit of, property owners.....” That is why the second sentence in the current version excludes certain written contracts by the Board, but the last sentence in the proposed revision allows “an approved agreement as authorized by the Board” that is not limited to agreements with a third party to provide services or work at the Beaches.” The prior Ordinance 7 clause was added by two lawyers and a retired lawyer with 43 years of drafting experience, working to have the language meet the Beach Deed and I urge that that change not be incorporated.
2. Paragraphs 39 and 45. The proposed deletion of the clause related to the residency requirement for a commercial Owner or tenant to get Beach privileges is a change in past practices and earlier versions of Ordinance 7. Originally commercial tenants received no privileges and whether they should have beach privileges was addressed in or about 1982 by giving commercial properties limited access. Paragraphs 26, 29 and 43 of the 3/25/1998 version of Ordinance 7 limited this access to the commercial property principles, officers, and owners

and later it was expanded to tenants, but with the residency requirement. It was determined that voting within the District was the way to determine the residency requirement. Deleting the requirement is a change in practices that should be looked at with more consideration before implementing this change.

3. Paragraph 46. Allowing 5 passes to every facility fee paid, rather than every parcel is contrary to past practices and will allow every ADU, etc. to increase the number of passes. This was discussed and rejected during the Ordinance 7 Committee meetings, and there should be significant discussion before making this change.

4. Paragraph 52. The prior version required that documents be submitted to verify affinity and consanguinity, but the revised draft merely says the District “may “request supporting documents. This leaves too much discretion to Staff, to the detriment of the community desire to limit beach access

5. Paragraphs 72 & 77. The language of old paragraph 72 and 77 should not be combined. Paragraph 77 needs to be a stand-alone paragraph as it is a policy that has been followed since the first annexation of properties which did not pay for the original transfer of the beaches to IVGID to settle a lawsuit filed by the then residential owners in the village.

6. Paragraph 79(ii)(iii). A commercial business under (ii) and (iii) should get a permit from IVGID and comply with minimum insurance requirements, to protect IVGID and Pass Holders.

There are several additional areas that have been reserved at the time of the 2022 Ordinance 7 revision and last few years for further discussion, and I believe that **these additional issues should be considered and potentially addressed** by the Director of Parks and Recreation and General Manager before Ordinance 7 is amended now:

A. **Residential Tenants of Apartment Properties/Single Family Residential:** How to get Tenants with Leases of 6 months or more to receive Recreation Privileges for the residential units they are renting. I do not have personal knowledge, but there are complaints from residential tenants that they do not get passes and the passes are given by owners to their friends/guests. Can/should regulations be put in on this subject and if not, a marketing campaign to Property Owners to “Help Support a Sustainable Workforce for Incline Village” by giving Recreation Privileges to Long Term Tenants.

B. **Hotel Properties:** There has been concern expressed in the community about the number of hotel guests who could access the beaches due to the rumors that despite the representations by the prior General Manager that the Hyatt had limited the passes they would get to 3 parcels, supposedly now the Hyatt plans to make greater use of the IVGID beaches. Also, do Hotels both receive 5 Recreation Privileges (Cards) as a Commercial Parcel and the Passes Per Hotel Room for Occupants as of 2022 which is contrary to all historical documents? This change just occurred for the first time at the last days of the amendment of Ordinance 7, when one hotel owner threatened suit.

C. **Recent and Upcoming Further Changes in Zoning in Commercial Town Centers:** Washoe County just voted to allow High Rise Multi-Family Condominium Units to be built in formerly commercial areas in Special Area 1 on Tahoe Blvd. Will a property that now receives 5 passes as a commercial property be allowed to obtain up to 10 passes per residential condominium unit for 40 condominium units (i.e. 400 passes). The Commercial property will not have paid for facilities over the years to justify this, and commercial properties were excluded and not a part

of the beach deed when the beach deed was added. How will this be handled? Will there be a pay back to IVGID for all the improvements to date?

D. **Auxiliary Dwelling Units (ADUs):** Currently ADUs are only allowed on properties over 1 acre, but ADUs are proposed to be allowed in Washoe County for all residential parcels in Incline Village/Crystal Bay. If the ADU Ordinance is approved for IVCB many many parcels will have ADUs and could pay additional parcel fees for homes that build an ADU. Does each ADU get an added 10 passes?

E. **Value on Punch Cards.** During the Ordinance 7 Committee meetings it was recommended by the Committee members that **the value on Punch cards (not Additional Punch Cards) could be used to buy down venue access** or services or used for things other than just beach access fees, so that all Property owners, especially Crystal Bay residents, could get full value. The Committee and the BOT were told two years ago that this would be looked at by Staff to investigate implementation and accounting issues. If this is approved by the Board, it would need to be incorporated into the amendment to Ordinance 7 that you are reviewing. I don't know the facts as to what happened on this.

F. **Group Use Policy.** During the 2022 Board Meetings discussing Ordinance 7, it was discussed that the Group Use Policy would be reviewed by Staff and recommendations would be made by Staff as to whether to update the group use policy as a standalone policy or incorporated into Ordinance 7. Did this occur?

G. **IT Tracking Card Usage.** During the Ordinance 7 Committee meetings, the **Committee recommended two things** that could not be tracked in the District's computer software in 2022 and the Board packets of April 27 and May 11, 2022 stated that these would **need computer program customization which we understood would be undertaken before summer 2023:** (i) the computer system would be upgraded to track the **total number of guests that could be brought per day on Picture Passes and tie the number of guests to the specific Parcel** rather than just to a single Picture Pass Holder. This is important because tying the number of guests to a Picture Pass could allow more than the maximum number of guests to be brought in per day per parcel; and (ii) that there would be consideration/recommendation of how to track **Punch Cards and Additional Punch Cards so that they would only be given to actual guests of the Property Owner** to whom the Punch Cards and Additional Punch Cards were issued, and not just given to other parcel owners to give to the guests of other parcel owners. At the Ordinance 7 Committee meetings it was recommended that the District consider **issuing new Cards with Parcel numbers or addresses on the Punch Cards and Additional Punch Cards that could tie the Punch Cards and Additional Punch cards to specific properties** to avoid sharing with other properties. It was said that this would be looked at for summer 2023. The Fall of 2024 is also a good time for consideration of adoption of this process, unless this has been done.

H. **How Many Guests Per Picture Pass?** Neither the former General Manager nor the Ordinance 7 Committee made the recommendation that each Picture Pass Holder be allowed to bring in up to 15 accompanied guests per day (per parcel). During the 2022 Ordinance 7 Board meetings former Chair Callicrate suggested this number and the Board discussed that the **number of Guests to accompany a parcel owner would be looked into by the Board after the data was in** for summer 2022 and hopefully this will be done as there is fuller additional data. Recall that in the Beach Survey 74.5% of the responders stated that they would like to see 9 or less guests per parcel per day, and this high number surprised many in the community. I do not know if the records show this as an issue.

I. **Is This Covered?** I cannot see where it says that Residential and Commercial Tenants who receive an IVGID Recreation Pass cannot bring Guests . Shouldn't that be included in paragraph 89 or somewhere as it was the prior practice and in prior versions of the Ordinance. If it is in the current version, I apologize because I missed it, and I am rushing to get this out.

I know this email is too long and has been written in a rush due to the meeting being tonight, but I hope that it is helpful.

Respectfully submitted

Diane Becker, full time Incline Village resident

IVGID Trustee Regular Meeting August 28, 2024
Public Comments from Harry Swenson at 664 Tyner Way
Item G8 Management Firm RFP

Good evening, I am Harry Swenson, currently a candidate for trustee for the Incline Village Crystal Bay community. I am a ten-year full-time resident and live on lower Tyner.

I come to the board to express my views on the Request for Proposal for the “Management Firm”. As I read the August 20th version of the RFP it appeared to be a watered-down consulting contract. The last thing this community needs is another ignored consulting report. What was discussed at the August 6th meeting was an open RFP that was supposed to provide a General Manager with continuing access to consulting and execution from the awarded firm. This was to be written by Director of Human Resources and Trustee Noble. The August 20th version completely missed on both counts. There is a slight enhancement in the current version to at least mention a General Manager, but doesn’t contain any real requirements, as a lawyer trustee Noble should have recognized.

I am a retired NASA scientist and executive, and have created, evaluated, and awarded many multi-million-dollar RFPs and contracts. If I was asked to review this one, I would have sent it back to the original authors with the following high-level recommendations.

- 1) Build the RFP around the GM’s responsibilities and job functions. If you feel that the existing GM responsibilities

are not sufficient, create a task detailing and defining them for trustee review.

- 2) Build the consulting functions around multiple tasks selected by the GM with trustee approval. The first task should be a general high-level review, like what is shown in the currently drafted RFP. The second, third, and subsequent tasks should be a priority driven, detailed review and enhancement of each of your 10 business units. Each of these tasks should be at the discretion of the GM and trustees as needed.
- 3) It should also include both evaluation criteria and methodology. You could grade the proposals based on qualitative or quantitative metrics; this would greatly reduce time for your selection.
- 4) Many people are very concerned with a multi-year fixed term of the contract. This is very fixable if you set the scope as a one-year initial period of performance with 2-4 years of options. If the GM or company cannot perform, this allows you to cancel after the first year without any financial consequences. This is true as well as subsequent years.
- 5) Also, A series of previous consulting reports are referenced describing numerous deficiencies. I would highly suggest that you provide some level of priority on the deficiencies to allow potential bidders to focus their proposal.
- 6) Finally, there is a lack of clearly defined metrics. I suggest that you include a metric for our financial sustainability such as a reduction in 50% of our budget deficit in the first year followed by complete deficit elimination over the next two years without increasing our parcel fee. I would also

suggest something regarding our capital improvements and elimination of deferred maintenance items.

As a potential candidate, who may be stuck with this selecting approach for a new General Manager, I think addressing these items would alleviate some of my concerns regarding this “out of the box,” hiring procedure.

Thank-you for your time.

Harry Swenson

**WRITTEN STATEMENT TO BE ATTACHED TO AND MADE A PART OF THE
WRITTEN MINUTES OF THE IVGID BOARD'S SPECIAL AUGUST 28, 2024
MEETING – AGENDA ITEM G(11) – THE REQUEST FOR ASSISTANCE
FROM WASHOE COUNTY TO ADDRESS OUR FINANCIAL MESS –
EVIDENCE OF ANOTHER UNDOCUMENTED AND UNLAWFUL
INTERFUND LOAN FROM THE GENERAL FUND TO THE
INTERNAL SERVICES FUND**

Introduction: Well here's yet "another one" as my friend DJ Kahled would say¹. More evidence of staff incompetence, lack of knowledge and professionalism, and a flagrant disregard for the financial sustainability of the District. This time it's evidence that our wonderful Internal Services Fund staff have been spending more than the revenues they're able to generate. Resulting in a forced \$644,997 interfund loan from the General Fund. And that's the purpose of this written statement.

Supplemental Financials Evidencing Variances From Current Year to Budget Comparisons: Yesterday, these supplemental materials were provided by staff. Buried therein were year-to-date² sources and uses statements for our various funds, including specifically, our Internal Services Fund. These funds seem to evidence the following:

1. Our staff have expended \$644,997 more than the \$3,064,431 in revenues they've been able to generate³;
2. \$313,195 of this overspending has come from Engineering⁴; and,
3. \$358,278 of this overspending has come from Buildings⁵.

There's only one place to my knowledge from which this overspending has been covered. And that's from our General Fund. Either as an undocumented loan or gift!

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

² Essentially the entire 2024 fiscal year.

³ Evidence of this overspending comes from the sources and uses summary attached to this written statement as Exhibit "A."

⁴ Evidence of this overspending comes from the sources and uses summary attached to this written statement as Exhibit "B."

⁵ Evidence of this overspending comes from the sources and uses summary attached to this written statement as Exhibit "C."

NRS 354.6118: instructs that “before making an interfund loan...the governing body of the local government that wishes to make the loan must:

1. Determine at a public hearing that:

- (a) A sufficient amount of money is available for the loan and that money is not restricted as to its use; and,
- (b) The loan of...money will not compromise the economic viability of the fund from which the money is loaned; and

2. Establish at the public hearing conducted pursuant to subsection 1:

- (a) The amount of time the money will be on loan from the fund;
- (b) The terms and conditions for repaying the loan; and,
- (c) The rate of interest, if any, to be charged for the loan.”

NAC 354.290(1): instructs that “the governing body of a local government may make a temporary interfund loan if:

- (a) The governing body complies with the provisions of NRS 354.6118;
- (b) Any money for the loan which is obtained from the proceeds from the sale of a bond is used only for the purposes set forth in the bond ordinances;
- (c) The loan is not made from any debt service fund or from any fund established or maintained as a fund dedicated to the payment of bonded debt and interest;
- (d) The resolution authorizing the loan specifies whether interest will be charged and the rate thereof, if any;
- (e) It is agreed in writing that the loan must be repaid within 1 year after the date on which the loan was made;
- (f) A copy of the resolution authorizing the loan (must be) filed with the Department; and,
- (g) The governing body agrees to notify the Department when the loan has been repaid.”

My August 28, 2024 E-Mail to The Board⁶: Because none of the above has taken place, on August 28, 2024 I sent the Board an e-mail wherein I outlined the deficiency and asked that the Board notice the public hearing and take the action required by NRS 354.6118 and NAC 354.290. Rather than recounting the substance of my comments, I refer the reader to said Exhibit “D.”

Conclusion: This staff behavior just keeps happening over and over and over again. Unqualified, incompetent and over compensated, and deceitful staff get replaced by even more

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

unqualified, more incompetent and more over compensated, and more deceitful staff. Engaging in activities having nothing directly to do with furnishing facilities for public recreation, yet costing local parcel owners dearly insofar as their Recreation ("RFF") and Beach ("BFF") Facility Fees are concerned. All because the ends justify the means. As I've pointed out so many times before, these examples are all the "red flags" of a criminal syndicate⁷. And you wonder why your RFF and BFF continue as involuntary subsidies, and are as high as they are? Now I've provided more evidence.

Besides forthwithly taking the action requested, I must ask when is the Board going to put members' collective feet down and put an end to these practices? Given NRS 318.515(1) states that where the: "(a) district...is not being properly managed; (or, its) (b) board of trustees (for the)...district is not complying with the provisions of...any...law;" when will the Board notify the Washoe County Board of Commissioners to hold a hearing to consider whether to: (a) adopt an ordinance (substituting)...the board of county commissioners, *ex officio*, as the board of trustees of the district; (b) adopt an ordinance providing for the merger, consolidation or dissolution of the district...(c) file a petition in the district court...for the appointment of a receiver... or, (d) determine by resolution that management and organization of the district will remain unchanged?" Don't you think the time has come to become fiscally responsible by having the county assume supervision and jurisdiction over the district?

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

⁷ NRS 207.370 instructs that "criminal syndicate means any combination of persons, so structured that the organization will continue its operation even if individual members enter or leave the organization, which engages in or has the purpose of engaging in racketeering activit(ies)."

EXHIBIT "A"

**INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT
STATEMENT OF SOURCES AND USES
INTERNAL SERVICES FUND**

CURRENT YEAR TO BUDGET COMPARISON

Fiscal Year 2024

JUNE 2024 - ***DRAFT***

| | Amended Budget | Current Month Budget | Current Month Actual | Month Budget Variance | YTD Budget | YTD Actual | YTD Budget Variance |
|-----------------------------|-------------------|----------------------------|----------------------------|-----------------------------|------------------|------------------|---------------------------|
| SOURCES | | | | | | | |
| Interfund Services | 3,584,623 | 286,285 | 148,366 | (137,919) | 3,584,623 | 3,062,440 | (522,183) |
| Investment Earnings | | | 323 | 323 | | 1,738 | 1,738 |
| TOTAL SOURCES | 3,584,623 | 286,285 | 148,689 | (137,596) | 3,584,623 | 3,064,431 | (520,192) |
| USES | | | | | | | |
| Salaries and Wages | 1,639,353 | 62,734 | 133,915 | (71,181) | 1,639,353 | 1,788,481 | (149,128) |
| Employee Fringe | 854,844 | 71,268 | 56,040 | 15,228 | 854,844 | 850,864 | 3,980 |
| Total Personnel Cost | 2,494,197 | 134,002 | 189,955 | (55,953) | 2,494,197 | 2,639,346 | (145,148) |
| Professional Services | 15,000 | 1,250 | 1,740 | (490) | 15,000 | 1,740 | 13,260 |
| Services and Supplies | 1,483,144 | 75,143 | 110,037 | (34,894) | 1,483,144 | 1,035,282 | 447,862 |
| Insurance | 19,500 | 1,625 | | 1,625 | 19,500 | 21,036 | (1,536) |
| Utilities | 9,700 | 812 | 1,999 | (1,187) | 9,700 | 11,587 | (1,887) |
| Cost of Goods Sold | | | | | | | |
| Capital Improvements | | | | | | 437 | (437) |
| TOTAL USES | 4,074,241 | 212,832 | 303,731 | (90,899) | 4,074,241 | 3,709,428 | 364,813 |
| SOURCES(USES) | (489,618) | 73,453 | (155,042) | (228,495) | (489,618) | (644,997) | (155,379) |

EXHIBIT "B"

**INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT
STATEMENT OF SOURCES AND USES
ENGINEERING**

CURRENT YEAR TO BUDGET COMPARISON

Fiscal Year 2024

JUNE 2024 ***DRAFT***

| | Amended Budget | Current Month Budget | Current Month Actual | Month Budget Variance | YTD Budget | YTD Actual | YTD Budget Variance |
|-----------------------------|-------------------|----------------------------|----------------------------|-----------------------------|------------------|------------------|---------------------------|
| SOURCES | | | | | | | |
| Interfund Services | 1,015,200 | 75,167 | -- | (75,167) | 1,015,200 | 770,258 | (244,942) |
| Investment Earnings | -- | -- | -- | -- | -- | -- | -- |
| TOTAL SOURCES | 1,015,200 | 75,167 | -- | (75,167) | 1,015,200 | 770,258 | (244,942) |
| USES | | | | | | | |
| Salaries and Wages | 626,560 | 25,440 | 51,091 | (25,651) | 626,560 | 719,599 | (93,039) |
| Employee Fringe | 287,427 | 23,955 | 18,681 | 5,275 | 287,427 | 306,309 | (18,882) |
| Total Personnel Cost | 913,987 | 49,395 | 69,772 | (20,377) | 913,987 | 1,025,908 | (111,921) |
| Professional Services | 15,000 | 1,250 | 1,740 | (490) | 15,000 | 1,740 | 13,260 |
| Services and Supplies | 110,392 | 3,669 | 6,328 | (2,659) | 110,392 | 43,969 | 66,423 |
| Insurance | 5,200 | 433 | | 433 | 5,200 | 5,610 | (410) |
| Utilities | 3,300 | 275 | 1,115 | (840) | 3,300 | 6,456 | (3,156) |
| Capital Improvements | -- | -- | -- | -- | -- | (230) | 230 |
| TOTAL USES | 1,047,879 | 55,022 | 78,954 | (23,932) | 1,047,879 | 1,083,452 | (35,574) |
| SOURCES(USES) | (32,679) | 20,144 | (78,954) | (99,098) | (32,679) | (313,195) | (280,516) |

EXHIBIT "C"

**INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT
STATEMENT OF SOURCES AND USES
BUILDINGS**

CURRENT YEAR TO BUDGET COMPARISON

Fiscal Year 2024
JUNE 2024 - ***DRAFT***

| | Amended Budget | Current Month Budget | Current Month Actual | Month Budget Variance | YTD Budget | YTD Actual | YTD Budget Variance |
|-----------------------------|------------------|----------------------|----------------------|-----------------------|------------------|------------------|---------------------|
| SOURCES | | | | | | | |
| Interfund Services | 1,004,646 | 82,054 | - | (82,054) | 1,004,646 | 589,927 | (414,719) |
| Investment Earnings | - | - | - | - | - | 13 | 13 |
| TOTAL SOURCES | 1,004,646 | 82,054 | | (82,054) | 1,004,646 | 589,940 | (414,706) |
| USES | | | | | | | |
| Salaries and Wages | 337,775 | 12,783 | 27,830 | (15,047) | 337,775 | 365,136 | (27,361) |
| Employee Fringe | 184,030 | 15,429 | 11,883 | 3,546 | 184,030 | 170,349 | 13,681 |
| Total Personnel Cost | 521,805 | 28,212 | 39,714 | (11,502) | 521,805 | 535,485 | (13,680) |
| Services and Supplies | 535,556 | 36,087 | 54,301 | (18,215) | 535,556 | 400,342 | 135,214 |
| Insurance | 7,400 | 617 | - | 617 | 7,400 | 7,983 | (583) |
| Utilities | 4,700 | 388 | 821 | (433) | 4,700 | 3,740 | 960 |
| TOTAL USES | 1,069,462 | 65,303 | 94,836 | (29,533) | 1,069,462 | 948,218 | 121,244 |
| SOURCES(USES) | (64,816) | 16,751 | (94,836) | (111,587) | (64,816) | (358,278) | (293,462) |

EXHIBIT "D"

UPDATE - Supplemental Material for Board of Trustees Meeting on August 28, 2024 - Item E.4. Treasurers Report for June 2024 - Another Undocumented and Unlawful Interfund Loan

From: <s4s@ix.netcom.com>
To: Schmitz Sara <schmitz_trustee@ivgid.org>
Cc: Dent Matthew <dent_trustee@ivgid.org>, Tonking Michaela <tonking_trustee@ivgid.org>, Noble Dave <noble_trustee@ivgid.org>, Tulloch Ray <tulloch_trustee@ivgid.org>, Mick <homan4ivgid@gmail.com>, Michelle <jezycki4ivgid@gmail.com>, harry <harryswenson4ivgidtrustee@gmail.com>
Subject: UPDATE - Supplemental Material for Board of Trustees Meeting on August 28, 2024 - Item E.4. Treasurers Report for June 2024 - Another Undocumented and Unlawful Interfund Loan
Date: Aug 28, 2024 2:10 PM

Chairperson Schmitz, Other Honorable Members of the IVGID Board, and Trustee Candidates Mick, Michelle and Harry -

On August 27, 2024 I wrote to each of you concerning irregular spending in the District's General Fund in our attorney's favor.

Subsequently, staff posted supplemental materials that included, in part, current year to date budget comparisons. And that's what I'd like to speak about now.

I direct your attention to marked page 21 which depicts the current year to budget comparison for our Internal Services Fund. Assuming I am reading it correctly, staff have spent \$644,997 **MORE** than the revenues they have actually realized for all of 2024. \$313,195 of this sum apparently comes from Engineering [thank you Kate Nelson (see page 23 of the report)], and another \$358,278 comes from Buildings (see page 24 of the report). How can this be given there is no positive net position in this fund? And for 2023 staff made an undocumented and unlawful \$585,843 loan to this fund?

The only answer I can come up with is that the General Fund has made another undocumented and unlawful \$644,997 interfund loan to the Internal Services Fund. If that's true, we're talking a combined \$1,230,840 in undocumented and unlawful loans!

I demand an immediate investigation into this matter and if my conclusion is correct, I ask that the BOT immediately notice the public hearing and take the required actions mandated by NRS 354.6118 and NAC 354.290.

Respectfully, Aaron Katz

**WRITTEN STATEMENT TO BE ATTACHED TO AND MADE A PART OF THE
WRITTEN MINUTES OF THE IVGID BOARD'S SPECIAL AUGUST 28, 2024
MEETING – AGENDA ITEM G(2) – PROPOSED REVISIONS TO POLICIES
6.1.0/6.2.0 WHILE OUR VERSION OF THE TITANIC IS SINKING!**

Introduction: Well here's yet "another one" as my friend DJ Kahled would say¹. More evidence of staff incompetence, lack of knowledge and professionalism, and a flagrant disregard for the financial sustainability of the District. This time it's someone's selection of an employee of but a handful of weeks to be the District's temporary General Manager, and propose major changes to Policies 6.1.0/6.2.0 while our version of the Titanic is sinking. Can this be for real? Yes it can. And that's the purpose of this written statement.

My August 28, 2024 E-Mail to The Board²: On August 28, 2024 I sent the Board an e-mail wherein I asked who was proposing changes to Board Policies 6.1.0/6.2.0 since our new Director of Parks and Recreation, only on the job for a handful of weeks, obviously did not have the history nor experience to be proposing the same. Rather than recounting the substance of my comments, I refer the reader to said Exhibit "A."

Conclusion: This behavior just keeps happening over and over and over again. Unqualified, incompetent and over compensated, and deceitful staff get replaced by even more unqualified, more incompetent and more over compensated, and more deceitful staff. Engaging in activities having nothing directly to do with furnishing facilities for public recreation, yet costing local parcel owners dearly insofar as their Recreation ("RFF")/Beach ("BFF") Facility Fees are concerned. As I've pointed out so many times before, these examples are all the "red flags" of a criminal syndicate³. And you wonder why your RFF and BFF continue as involuntary subsidies, and are as high as they are? Now I've provided more evidence.

When is the Board going to put members' collective feet down and put an end to these practices? Given NRS 318.515(1) states that where the: "(a) district...is not being properly managed; (or, its) (b) board of trustees (for the)...district is not complying with the provisions of...any...law;" when will the Board notify the Washoe County Board of Commissioners to hold a hearing to consider whether to: (a) adopt an ordinance (substituting)...the board of county commissioners, *ex officio*, as

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² That e-mail is attached as Exhibit "A" to this written statement.

³ NRS 207.370 instructs that "criminal syndicate means any combination of persons, so structured that the organization will continue its operation even if individual members enter or leave the organization, which engages in or has the purpose of engaging in racketeering activit(ies)."

the board of trustees of the district; (b) adopt an ordinance providing for the merger, consolidation or dissolution of the district...(c) file a petition in the district court...for the appointment of a receiver... or, (d) determine by resolution that management and organization of the district will remain unchanged?" Don't you think the time has come to become fiscally responsible by having the county assume supervision and jurisdiction over the district?

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



EXHIBIT "A"

August 28, 2024 IVGID BOT Meeting - Agenda Item G(2) - Proposed Revisions to Policy 6.1.0/6.2.0

From: <s4s@ix.netcom.com>
To: Schmitz Sara <schmitz_trustee@ivgid.org>
Subject: August 28, 2024 IVGID BOT Meeting - Agenda Item G(2) - Proposed Revisions to Policy 6.1.0/6.2.0
Date: Aug 28, 2024 8:49 AM

Chairperson Schmitz, Other Honorable Members of the IVGID Board, and Trustee Candidates Mick, Michelle and Harry -

So explain to me why we're dealing with matters like this one when we have so many more pressing matters to attend to.

Here we have an employee new to our district who has been on the job for barely a month. And someone (her boss Susan Herron?) has elevated her to General Manager because there's no one else left in our employ whose pay grade mirrors that of a GM (other than Susan Herron). And she's supposed to have the knowledge and expertise to be modifying a policy like this one? Come on! I might have been born at night. But just not last night! These proposed modifications appear to be the handiwork of our Wizard of Oz, Susan Herron. And again. **WHY?**

And our wonderful Susan Herron continues to advance staff's morbid view that our user fees should be set using the stupid, stupid pricing pyramid former GM Indra plagerized from the National Association of Recreation whatever. Which only exists to justify the operation of recreation facilities and programs **at less than their cost** to the public. The difference being involuntarily subsidized by our Rec Fee. Our financial situation is in such a state of decline that the last thing we should be doing is operating more and more, and at more and more losses; correct? Putting more and more pressure on local parcel owners to subsidize these money losing businesses.

Doesn't this District have so much more on its plate at the moment, so that stupid proposed revisions like these must take a back seat to far more pressing matters? All business like this should be deferred until the new Board takes office 4+ months from now. And the fact Susan Herron and company haven't gotten the memo, represents more evidence that the District is not being properly managed.

Remove this matter from the general business calendar! Concentrate on what's really at hand.

Respectfully, Aaron Katz

**WRITTEN STATEMENT TO BE ATTACHED TO AND MADE A PART OF THE
WRITTEN MINUTES OF THE IVGID BOARD'S SPECIAL AUGUST 28, 2024
MEETING – AGENDA ITEM G(1) – PROPOSED REVISIONS TO ORDIN-
ANCE 7 WHILE OUR VERSION OF THE TITANIC IS SINKING!**

Introduction: Well here's yet "another one" as my friend DJ Kahled would say¹. More evidence of staff incompetence, lack of knowledge and professionalism, and a flagrant disregard for the financial sustainability of the District. This time it's someone's selection of an employee of but a handful of weeks to be the District's temporary General Manager, and propose major changes to Ordinance 7 while our version of the Titanic is sinking. Can this be for real? Yes it can. And that's the purpose of this written statement.

My August 28, 2024 E-Mail to The Board²: On August 28, 2024 I sent the Board an e-mail wherein I asked who was proposing changes to Ordinance 7 since our new Director of Parks and Recreation, only on the job for a handful of weeks, obviously had not history nor experience to be proposing the same. Further, I objected to the jurisdiction our staff was exercising that no general improvement district ("GID") in the State exercises. Rather than recounting the substance of my comments, I refer the reader to said Exhibit "A."

Conclusion: This behavior just keeps happening over and over and over again. Unqualified, incompetent and over compensated, and deceitful staff get replaced by even more unqualified, more incompetent and more over compensated, and more deceitful staff. Engaging in activities having nothing directly to do with furnishing facilities for public recreation, yet costing local parcel owners dearly insofar as their Recreation ("RFF")/Beach ("BFF") Facility Fees are concerned. As I've pointed out so many times before, these examples are all the "red flags" of a criminal syndicate³. And you wonder why your RFF and BFF continue as involuntary subsidies, and are as high as they are? Now I've provided more evidence.

When is the Board going to put members' collective feet down and put an end to these practices? Given NRS 318.515(1) states that where the: "(a) district...is not being properly managed; (or, its) (b) board of trustees (for the)...district is not complying with the provisions of...any...law;" when will the Board notify the Washoe County Board of Commissioners to hold a hearing to consider

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² That e-mail is attached as Exhibit "A" to this written statement.

³ NRS 207.370 instructs that "criminal syndicate means any combination of persons, so structured that the organization will continue its operation even if individual members enter or leave the organization, which engages in or has the purpose of engaging in racketeering activit(ies)."

whether to: (a) adopt an ordinance (substituting)...the board of county commissioners, *ex officio*, as the board of trustees of the district; (b) adopt an ordinance providing for the merger, consolidation or dissolution of the district...(c) file a petition in the district court...for the appointment of a receiver... or, (d) determine by resolution that management and organization of the district will remain unchanged?" Don't you think the time has come to become fiscally responsible by having the county assume supervision and jurisdiction over the district?

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

EXHIBIT "A"

August 28, 2024 IVGID BOT Meeting - Agenda Item G(1) - Proposed Revisions to Ordinance 7

From: <s4s@ix.netcom.com>
To: Schmitz Sara <schmitz_trustee@ivgid.org>
Cc: Dent Matthew <dent_trustee@ivgid.org>, Tonking Michaela <tonking_trustee@ivgid.org>, Noble Dave <noble_trustee@ivgid.org>, Tulloch Ray <tulloch_trustee@ivgid.org>, Mick <homan4ivgid@gmail.com>, Michelle <jezycki4ivgid@gmail.com>, harry <harryswenson4ivgidtrustee@gmail.com>
Subject: August 28, 2024 IVGID BOT Meeting - Agenda Item G(1) - Proposed Revisions to Ordinance 7
Date: Aug 28, 2024 8:41 AM

Chairperson Schmitz, Other Honorable Members of the IVGID Board, and Trustee Candidates Mick, Michelle and Harry -

So explain to me who instructed staff to spend their time further tweaking our Ordinance 7? When we have so many more pressing matters to attend to.

Here we have an employee new to our district who has been on the job for barely a month. And someone has elevated her to General Manager because there's no one else left in our employ whose pay grade mirrors a GM. Other than Susan Herron.

And this new employee is supposed to have the knowledge and expertise to be modifying Ordinance 7? Come on! I might have been born at night. But just **not last night!** These proposed modifications appear to be the handiwork of our Wizard of Oz, Susan Herron. And again. **WHY?** Our problem here is not Ordinance 7. It's Susan Herron. Don't you people get it?

Look at the title of Ordinance 7. "An Ordinance Establishing Rates, Rules and Regulations for IVGID Recreation Passes and Recreation Punch Cards by the Incline Village General Improvement District." Are the onerous provisions Ms. Herron is tweaking with germane to Picture Passes and Punch Cards? Of course not!

Moreover, look at the first words of Ordinance 7: "**Be it ordained** by the Board of Trustees of the Incline Village General Improvement District, Washoe County, Nevada, as follows:" **We have no power whatsoever to ordain anything!** Take a deep dive into NRS 318. Where does it say GIDs have the power to "ordain" anything? Or pass any rules and regulations which are the equivalent of legislation? Where does Dillion's Rule open the door to proposed action such as this? The answer is nowhere! What you really need to do is rescind Ordinance 7 because GIDs have no jurisdiction to be taking actions such as these!

Or let me say it a bit differently. Take a look at the County Code when it speaks to inappropriate conduct at county facilities. Or county recreation facilities. Or county employees. The County has nothing even remotely similar to our Ordinance 7. And unlike us, the County has the power to legislate and pass laws for the general health, safety and welfare of its residents and guests! What the County provides is that if there is some violation of law taking place on county facilities, law enforcement shall be contacted and then it's up to them to issue citations and invoke the jurisdiction of our courts. But not here! We're trying to bypass all of these provisions and allow unelected venue managers to make up their own rules, and then mete discipline.

What type of society are we living in? When did we turn into Big Brother?

Moreover, Ms. Crocker's staff memo states that she is seeking approval "in accordance to the NRS 237." Who told her to come up with this one? NRS 237 has no application to this matter. Because NRS 237 addresses local governments involved in businesses, and pursuant to NRS 237.040(1), the term "business" means any trade or occupation **conducted for profit.** If you disagree Ms. Crocker, what precise provision of NRS 237 do you contend is applicable and appropriate here? If Ms. Crocker had been here for a while, she would realize that NONE of our businesses are conducted for profit. In

fact, isn't that what Whiner Riner told us? GIDs don't exist to make a profit! So why are you relying upon NRS 237? Bueller? Bueller?

Further, NRS 237.060(1)(a) defines "rule" as "an ordinance by the adoption of which the governing body of a local government **exercises legislative powers.**" But if Ms. Crocker had been here for a while, she would understand what a GID really is. A limited purpose special district that has no power to exercise legislative powers. Just look at NRS 318. Therefore, Ordinance 7 is not a rule!

And to demonstrate these provisions have no bearing to the matter at hand, listen to NRS 237.080(1): "Before a governing body of a local government adopts a proposed rule (here Ordinance 7), the governing body or its designee must make a concerted effort to determine whether the proposed rule will impose a direct and significant economic **burden upon a business or directly restrict the formation, operation or expansion of a business.** (Thus) the governing body of a local government or its designee must notify chambers of commerce, trade associations or owners and officers of businesses which are likely to be affected by the proposed rule that they may submit data or arguments to the governing body or its designee as to whether the proposed rule will: (a) Impose a direct and significant economic burden upon a business; or (b) Directly restrict the formation, operation or expansion of a business." Has Ms. Crocker notified chambers of commerce, trade associations or owners and officers of businesses which are likely to be affected? Assuming no, why is this matter before the Board? A knowledgeable GID Director would know this. **Wouldn't she?**

Finally, let me reference what I believe to be just a couple of stupid, stupid changes which warrant **disregard of all of this nonsense.**

Sec. 100: "While this Ordinance has been prepared primarily for IVGID's recreational facilities, **it is also applicable to its Public Works and Administrative facilities as well,** such that should an abuse occur that is defined below, at Public Works, and the customer and/or guest is a recreational pass holder, **their privileges may be suspended.**" Translation: say something abusive about one or more of our wonderful employees at a public Board meeting held at the admin building, and you're opening yourself up to the loss of your so called recreation privileges. What?

Sec. 102: "Profanity. The use of profanity (see Definitions below) demonstrates poor manners. And, although it is not in IVGID's purview to legislate manners, chronic profane language and/or gestures may negatively impact IVGID's customers' enjoyment. Therefore, chronic profane language and/or gestures made in the vicinity of IVGID's residents and/or guests who take offense at such language/gestures may result in a suspension of recreational privileges (maybe venue specific and/or all recreational venues i.e. golf, ski, parks, etc.)." Profanity? Poor manners? Are you for real? If someone doesn't like my gestures, behavior or speech, you're going to take away my public recreation access? And you're going to continue to charge me Rec Fees notwithstanding I no longer have recreation privileges available to me? **What's wrong with you people?**

Where is the "abuse...defined below?" I can't find it. Can you?

Where is the "profanity (see Definitions below)?" Again, I can't find it. Can you?

And let's assume for purposes of argument we can find abuse and profanity. And regulate its use. How come your wonderful staff don't incorporate applicable provisions of the NRS which provide for judicial review? That's right. After your wonderful staff complete the disciplinary review provisions of sec. 103(c)(2) or Ordinance 7 ("Within twenty (20) business days of the Alleged Violator's notice of appeal letter, the General Manager shall hear the Alleged Violator's appeal...The General Manager shall render his/her written decision...The General Manager shall advise the Alleged Violator...of the Alleged Violator's right to appeal the General Manager's decision to the District's Board of Trustees....The Board of Trustees shall hear the Alleged Violator's duly agendized appeal at the Board's next regularly scheduled public meeting...The Board shall render its decision at this hearing...**The Board's decision is final,**" it turns out the BOT's decision is **not final!**

I'm not going to go through every part of NRS 233B, but let me simply state that NRS 233B.130(1) states that "Any party who is: (a) Identified as a party of record by an agency in an administrative proceeding; and (b) Aggrieved by a final decision in a contested case, **is entitled to judicial review**

of the decision." Now why wouldn't you let aggrieved residents know that the Board's decision is **NOT** final. And that at the end of the day, a higher power will be reviewing the impermissible conduct of this GID?

This view of the District by Susan Herron must be eliminated forthwithly. How dare her. What you really should be doing is terminating her employ. Rather than entertaining this nonsense. Ms. Crocker cannot have these views having only been on the job for 4 weeks. Please. Please. Recognize what's going on here for what it really is, **AND KILL IT!**

Finally, and do I really need to remind the Board of this? This District has so much on its plate at the moment, that stupid proposed revisions to stupid "ordinances" when in truth and in fact are not ordinances at all, must take a back seat to far more pressing matters. All business like this should be deferred until the new Board takes office 4+ months from now. Especially given the fact Ordinance 7 deals with beach access and the beaches are about to close/be unstaffed for the remainder of the year. Irresponsible behavior like what I describe above is evidence of the fact **the District is not being properly managed.**

Remove this matter from the general business calendar and do not set it for public hearing!

Respectfully, Aaron Katz

**WRITTEN STATEMENT TO BE ATTACHED TO AND MADE A PART OF THE
WRITTEN MINUTES OF THE IVGID BOARD'S SPECIAL AUGUST 28, 2024
MEETING – AGENDA ITEM G(2) – GUESS WHO'S OUR GM NOW THAT
BOBBY MAGEE HAS BREACHED HIS EMPLOYMENT CONTRACT?**

Introduction: Well here's yet "another one" as my friend DJ Kahled would say¹. More evidence of staff incompetence, lack of knowledge and professionalism, and a flagrant disregard for the financial sustainability of the District. This time it's someone's selection of an employee of but an handful of weeks to be the District's temporary General Manager. Can this be for real? Yes it can. And that's the purpose of this written statement.

My August 25, 2024 E-Mail to The Board²: On August 25, 2024 I sent the Board an e-mail wherein I outlined how who was supposed to be our GM, Bobby Magee, had breached his employment contract and left the District high and dry so to speak, necessitating assignment of a new GM, and how someone unknown had undertaken this task. Welcoming new employee Karen Crocker as our new GM. Rather than recounting the substance of my comments, I refer the reader to said Exhibit "A."

Conclusion: This behavior just keeps happening over and over and over again. Unqualified, incompetent and over compensated, and deceitful staff get replaced by even more unqualified, more incompetent and more over compensated, and more deceitful staff. Engaging in activities having nothing directly to do with furnishing facilities for public recreation, yet costing local parcel owners dearly insofar as their Recreation ("RFF")/Beach ("BFF") Facility Fees are concerned. As I've pointed out so many times before, these examples are all the "red flags" of a criminal syndicate³. And you wonder why your RFF and BFF continue as involuntary subsidies, and are as high as they are? Now I've provided more evidence.

When is the Board going to put members' collective feet down and put an end to these practices? Given NRS 318.515(1) states that where the: "(a) district...is not being properly managed; (or, its) (b) board of trustees (for the)...district is not complying with the provisions of...any...law;" when will the Board notify the Washoe County Board of Commissioners to hold a hearing to consider whether to: (a) adopt an ordinance (substituting)...the board of county commissioners, *ex officio*, as

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

² That e-mail is attached as Exhibit "A" to this written statement.

³ NRS 207.370 instructs that "criminal syndicate means any combination of persons, so structured that the organization will continue its operation even if individual members enter or leave the organization, which engages in or has the purpose of engaging in racketeering activit(ies)."

the board of trustees of the district; (b) adopt an ordinance providing for the merger, consolidation or dissolution of the district...(c) file a petition in the district court...for the appointment of a receiver... or, (d) determine by resolution that management and organization of the district will remain unchanged?" Don't you think the time has come to become fiscally responsible by having the county assume supervision and jurisdiction over the district?

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

EXHIBIT "A"

August 28, 2024 IVGID BOT Meeting - Agenda Item G(2) - Guess Who's GM Now?

From: <s4s@ix.netcom.com>
To: Schmitz Sara <schmitz_trustee@ivgid.org>
Cc: Dent Matthew <dent_trustee@ivgid.org>, Tonking Michaela <tonking_trustee@ivgid.org>, Noble Dave <noble_trustee@ivgid.org>, Tulloch Ray <tulloch_trustee@ivgid.org>, Mick <homan4ivgid@gmail.com>, Michelle <jezycki4ivgid@gmail.com>, harry <harryswenson4ivgidtrustee@gmail.com>
Subject: August 28, 2024 IVGID BOT Meeting - Agenda Item G(2) - Guess Who's GM Now?
Date: Aug 25, 2024 11:51 AM

Chairperson Schmitz, other Honorable Members of the IVGID Board, and trustee candidates Mick, Michelle and Harry:

You just can't make this stuff up! **UNBELIEVABLE!**

So I begin reading this staff memo and what immediately jumps out? Our new Parks and Recreation Director, Karen Crocker, is now our "Acting District General Manager." **What?**

I'm going to have more to say about Ms. Crocker very soon, but she's only been on the job for barely a month! She likely doesn't even know the way to our Admin Bldg, and she's acting GM? With a commensurate increase in salary to over \$220K annually? Just look at pages 480-81 of the Board packet for this meeting and the words of wisdom coming from attorney Sergio: "Additional compensation is typically paid to employees performing work out of class. During the last period of time when the Board appointed an existing employee to serve as Interim General Manager for an extended period of time, the Board provided a temporary salary increase for the duration of service as the Interim General Manager, based on a \$220,000 annual salary figure (paid in installments). The Board should consider providing a similar increase in this instance." **Are you people crazy?** I know you are! But I'm giving you the opportunity to prove me wrong.

This women (who I now officially assign the name "Betty Crocker") knows nothing about our Ordinance 7 [see agenda item G(1)]. And she's pushing further modifications?

What happened to Bobby Magee? He's still our GM, isn't he? Until October 5? We haven't entered into a separation agreement with him. Right? What happened to Mr. Gough? I thought he was Bobby's handpicked successor?

"Betty" knows nothing about the many dwelling unit owners who are and are not paying the RFF/BFF, and she's giving you a report on punch cards [see agenda item E(5)] as if she knew something?

Look at agenda item G(3). An admitted **finance matter**, and who's presenting the staff memo? You got it! Parks and Recreation expert Betty Crocker! What happened to our Ass't Finance Director Adam Cripps? What about high school educated comptroller Vicky Nye (after all she was competent enough to sign an engagement letter with our proposed auditor. Right)?

And now chiming in on "Budgeting and Fiscal Management?" I wholeheartedly agree the District requires fiscal management. But coming from "Betty" who's only been on the job for barely a month? Can you all say along with me Bueller? Bueller?

And now this! What the heck is going on here? We all know what my friend DJ Kahled would tell us. Don't we?

Again I point to NRS 318.515. Does anyone really believe that the District is being professionally managed? If not, why won't your Board members notify the Washoe County Board of Commissioners that it's time to take over this "experiment" we know as IVGID?

**WRITTEN STATEMENT TO BE ATTACHED TO AND MADE A PART OF THE
WRITTEN MINUTES OF THE IVGID BOARD'S SPECIAL AUGUST 28, 2024
MEETING – AGENDA ITEM E(5) – STAFF'S PICTURE PASS AND PUNCH
CARD REPORT WHICH FAILS TO IDENTIFY THE HUNDREDS IF NOT
THOUSANDS OF LOCAL PARCELS/DWELLING UNITS WHICH ARE
ESCAPING THEIR FAIR SHARE OF RECREATION (“RFF”) AND
BEACH (“BFF”) FACILITY FEES**

Introduction: Well here's yet “another one” as my friend DJ Kahled would say¹. More evidence of staff incompetence, lack of knowledge and professionalism, and a flagrant disregard for the financial sustainability of the District. This time it's our staff's negligent report on Picture Passes and Punch Cards, and their associated parcel's/dwelling unit's failure to be assessed the RFFs/BFFs they should be assessed. Because of our inability to properly manage ourselves. And that's the purpose of this written statement.

My August 25, 2024 E-Mail to The Board²: On August 25, 2024 I sent the Board an e-mail wherein I outlined the many parcel types not being assessed their proper fair share of RFFs/BFFs that new employee Karen Crocker represented were not due because they were exempt parcels owned by IVGID, Washoe County, or the federal government. This was and are reasons why the District is not being properly managed. Rather than recounting the substance of my comments, I refer the reader to said Exhibit “A.”

Conclusion: This behavior just keeps happening over and over and over again. Unqualified, incompetent and over compensated, and deceitful staff get replaced by even more unqualified, more incompetent and more over compensated, and more deceitful staff. Engaging in activities having nothing directly to do with furnishing facilities for public recreation, yet costing local parcel owners dearly insofar as their RFF/BFF are concerned. As I've pointed out so many times before, these examples are all the “red flags” of a criminal syndicate³. And you wonder why your RFF and BFF continue as involuntary subsidies, and are as high as they are? Now I've provided more evidence.

When is the Board going to put members' collective feet down and put an end to these practices? Given NRS 318.515(1) states that where the: “(a) district...is not being properly managed;

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(or, its) (b) board of trustees (for the)...district is not complying with the provisions of...any...law;" when will the Board notify the Washoe County Board of Commissioners to hold a hearing to consider whether to: (a) adopt an ordinance (substituting)...the board of county commissioners, *ex officio*, as the board of trustees of the district; (b) adopt an ordinance providing for the merger, consolidation or dissolution of the district...(c) file a petition in the district court...for the appointment of a receiver... or, (d) determine by resolution that management and organization of the district will remain unchanged?" Don't you think the time has come to become fiscally responsible by having the county assume supervision and jurisdiction over the district?

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

EXHIBIT "A"

August 25, 2024 IVGID BOT Meeting - Agenda Item E(5) - Picture Pass and Punch Card Report

From: <s4s@ix.netcom.com>
To: Schmitz Sara <schmitz_trustee@ivgid.org>
Cc: Dent Matthew <dent_trustee@ivgid.org>, Tonking Michaela <tonking_trustee@ivgid.org>, Noble Dave <noble_trustee@ivgid.org>, Tulloch Ray <tulloch_trustee@ivgid.org>, Mick <homan4ivgid@gmail.com>, Michelle <jezycki4ivgid@gmail.com>, harry <harryswenson4ivgidtrustee@gmail.com>
Subject: August 25, 2024 IVGID BOT Meeting - Agenda Item E(5) - Picture Pass and Punch Card Report
Date: Aug 25, 2024 5:18 PM

Chairperson Schmitz, other Honorable IVGID Board members, and trustee candidates Mick, Michelle and Harry:

Here our new Director of Parks and Recreation, Karen Crocker, "identifies how many picture passes and punch cards have been issued per individual parcel owner," and sets forth "a summary of parcels which include Recreation and Beach Fees." Presumably to determine if everyone who should be paying a RFF/BFF is actually paying it.

I have elsewhere complained that this woman has been on the job at IVGID for barely a month, and already, she's speaking with an aura of authority she doesn't possess. Which renders her information not only **false**, but **useless!** And deceives the majority of local parcel owners. And unfortunately, here's another example as my friend DJ Kahled would say!

Ms. Crocker tells us that "as of August 8, 2024, there (we)re 9,237 parcels in the district's Capstone data base" (a database created by incompetents), and that "out of these 9,237 parcels, 1,372 parcels do not pay any fee. (And) **these parcels are (allegedly) owned by IVGID, Washoe County or the State of Nevada.**"

Well you're wrong Ms. Crocker. Which means you shouldn't be speaking with authority, when you really don't know what you're talking about.

First let's examine Board Policy 16.1.1. Here we are told that "the Board of Trustees has adopted th(is)...policy relating to the establishment...eligibility (**and responsibility**) to pay the Recreation Fee ('RFF') and, where applicable, the Beach Fee ('BFF')." Policy 16.1.1.1.0 tells us "the Incline Village General Improvement District will charge the prescribed Recreation Fee, and if applicable the Beach Fee, **to all qualifying real properties** in one of the following categories: **All dwelling units** on developed residential parcels; **All commercial parcels**; and **All undeveloped residential parcels** which are not designated as unbuildable."

Okay. So what is a "dwelling unit?" According to Policy 16.1.1.2.4, "any building or portion thereof, which contains living facilities with provisions for sleeping, eating, cooking, and sanitation." According to NRS 318.203(4)(a), "a structure that is designed for residential occupancy by one or more persons for living and sleeping purposes, consisting of one or more rooms, including a bathroom and kitchen..."

What is a "kitchen?" According to NRS 318.203(4)(b), "a room, **all or part of which is designed or used for storage, refrigeration, cooking and preparation of food.**"

There are no definitions for "commercial parcels" nor "buildable...undeveloped residential parcels."

So now I am going to give you a small sampling of the many, many parcels/dwelling units which are not paying the RFF/BFF which are **not** owned by IVGID, Washoe County or the State of Nevada as Ms. Cocker represents. BTW, I've shared many of these parcels with former Boards insisting they be charged their fair share which arguably would reduce my RFF/BFF. But being the incompetents they are, it has been like speaking to the wall. Notwithstanding prior boards instructed staff to perform an

audit of all parcels within the District's boundaries to ensure that every one or more was paying its fair share. And here, unlike Ms. Crocker, I'm going to share their owner's name(s) because there's nothing confidential insofar as the same is concerned.

1. 249 Village Blvd. APN 132-221-01. Owner Lamer Tahoe Holdings. Undeveloped buildable parcel (likely commercial). No RFF/BFF.
2. 895 Incline Way. APN 132-221-09. Owner Lamer Tahoe Holdings. Undeveloped buildable parcel (likely commercial). No RFF/BFF.
3. 0 Village Blvd. APN 132-221-11. Owner 36 Properties, LLC. Undeveloped buildable parcel (likely commercial). No RFF/BFF.
4. 775 Fairview Blvd. and 735 Eagle Dr. APN 126-273-04. Owner Donna Buchholz. Two separate SFRs. #1 - 8,947 sq. foot 6BD/5-1/2 BA. #2 - 1,196 sq. foot 2BD/2BA. Only 1 RFF/BFF.
5. 726 Champagne Rd. APN 126-263-04. Owners Charles and Gina Eggert. Two separate SFRs. #1 - 1,003 sq. foot 1BD/1BA. #2 - 3,883 sq. foot 3BD/4-1/2BA. Only 1 RFF/BFF.
6. 16 Calneva Dr. APN 123-041-11. Owners Jeff and James Kelly. Three separate SFRs. #1 - 1,031 sq. foot 2BD/2BA. #2 - 1,292 sq. foot 2BD/2BA. #3 - 1,126 sq. foot 2BD/1-1/2 BA. Only 1 RFF/BFF.
7. 1003 Tahoe Blvd. APN 130-163-31. Owner Rahn Shanti, LLC. 37 unit hotel/motel. Plus, 1,344 sq. foot SFR. Only 1 RFF/BFF.
8. 347 Cottonwood Ct. APN 124-921-22. Owner Ski to Lake Tahoe. Six-plex. 3-1BD, 1-2BD, 2 non-conforming studios. Only 4 RFF/BFF.
9. 120 Country Club Dr. #13. APN 130-180-13. Owner M&M Lake Tahoe, LLC. Commercial mixed/residential duplex. 2,088 sq. foot residence plus attached commercial unit below. Only 1 RFF/BFF.
10. 120 Country Club Dr. #29. APN 130-180-29. Owner M&M Lake Tahoe, LLC. Commercial mixed/residential duplex. 2,088 sq. foot residence plus attached commercial unit below. Only 1 RFF/BFF.
11. 1023 Tomahawk Trail. APN 130-081-05. Owner Kevin Jenkins. Residential attached duplex. In contrast to the above-units, 2 RFF/BFF.
12. 995 Lakeshore Blvd. APN 127-280-02. Owner Incline Hotel. 20,564 sq. foot commercial restaurant (Lone Eagle Grille) plus twelve - 2,656 sq. foot 4-plex "cottages," each with separate kitchenette and bathroom. Only 1 RFF/BFF.
13. 913 Harold Dr. APN 131-450-03. Owner Chadwick Norton. Townhouse condo illegally converted into a duplex with two attached dwelling units each with a kitchen/kitchenette and separate bathroom. Unit #1 - 1,300 sq. foot dwelling unit. Unit #2 - 416 sq. foot basement dwelling unit.

Is this enough for starters Ms. Crocker?

I could, if you paid me, identify hundreds of additional dwelling units which are not paying a RFF/BFF. And this ignores the fact that the very reason hotel/motel rooms were included in the beach deed, whose short term occupants had/have beach access, is because each hotel/motel room was charged a separate RFF/BFF. That is until 1982. When mysteriously, the entire Hyatt Hotel, Incline Lodge, Biltmore Hotel, Cal Neva Hotel were assessed one RFF/each, and where applicable, one BFF each. When you take away the one RFF/BFF each, you take away the right of short term occupants to claim recreation privileges. Including beach access.

Finally, I call your attention to NRS 318.203 which provides that,

1. If an(y)...person has a reasonable belief that a dwelling unit exists that is not currently being charged for services provided by a general improvement district in a county whose population is less than 700,000, the...person may submit an affidavit to the board of trustees of the district, setting forth the facts upon which the employee or other person bases his or her belief...
2. If a board of trustees receives an affidavit described in subsection 1, the board may set a date for a hearing to determine whether the unit referenced in the affidavit is being used as a dwelling unit...
3. If, after the hearing, the board determines that the unit referenced in the affidavit submitted pursuant to subsection 1 is being used as a dwelling unit, the board may adopt a resolution by the

affirmative votes of not less than two-thirds of the total membership of the board to charge the owner pursuant to NRS 318.197 for the services provided by the district to the dwelling unit."

In the past I have filed such affidavits with the BOT and **NEVER** has it done any of the above. Nor have our wonderful staff. **NEVER**. Because both don't care about doing the right thing. Or making everyone pay his/her fair share. Whatever the rationale in favor of the RFF/BFF, it applies equally to all of those who are escaping assessment/collection.

Your wonderful staff is costing us hundreds of thousands of dollars annually! And why?

So Ms. Crocker. Now you see that you have quite a bit to learn about our community. And the RFF/BFF which is allegedly assessed to cover the costs of the recreation facilities and services furnished under your supervision. And you have a glimpse into the dysfunctional place you recently decided to be your employer. Congratulations!

Respectfully, Aaron Katz

**WRITTEN STATEMENT TO BE ATTACHED TO AND MADE A PART OF THE
WRITTEN MINUTES OF THE IVGID BOARD'S SPECIAL AUGUST 28, 2024
MEETING – AGENDA ITEM G(11) – POSSIBLE RECRUITMENT OF A
NEW FINANCE DIRECTOR, AND ASKING WASHOE COUNTY TO
ASSIST IN THIS ENDEAVOR AT LOCAL PARCEL OWNERS'
EXPENSE**

Introduction: Well here's yet "another one" as my friend DJ Kahled would say¹. More evidence of staff incompetence, lack of knowledge and professionalism, and a flagrant disregard for the financial sustainability of the District. This time it's our belated search for a new Finance Director, and possible request for assistance from Washoe County. Rather than request for taking over the District because of our inability to properly manage ourselves. And that's the purpose of this written statement.

My August 26, 2024 E-Mail to The Board²: On August 26, 2024 I sent the Board an e-mail wherein I outlined the many reasons why the District is not being properly managed. Augmented by the fact that more than a year has lapsed since our last Finance Director (Paul Navazio) resigned, and yet we had done nothing to find his replacement. Rather than recounting the substance of my comments, I refer the reader to said Exhibit "A."

Conclusion: This behavior just keeps happening over and over and over again. Unqualified, incompetent and over compensated, and deceitful staff get replaced by even more unqualified, more incompetent and more over compensated, and more deceitful staff. Engaging in activities having nothing directly to do with furnishing facilities for public recreation, yet costing local parcel owners dearly insofar as their Recreation ("RFF") and Beach ("BFF") Facility Fees are concerned. As I've pointed out so many times before, these examples are all the "red flags" of a criminal syndicate³. And you wonder why your RFF and BFF continue as involuntary subsidies, and are as high as they are? Now I've provided more evidence.

When is the Board going to put members' collective feet down and put an end to these practices? Given NRS 318.515(1) states that where the: "(a) district...is not being properly managed; (or, its) (b) board of trustees (for the)...district is not complying with the provisions of...any...law;"

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when will the Board notify the Washoe County Board of Commissioners to hold a hearing to consider whether to: (a) adopt an ordinance (substituting)...the board of county commissioners, *ex officio*, as the board of trustees of the district; (b) adopt an ordinance providing for the merger, consolidation or dissolution of the district...(c) file a petition in the district court...for the appointment of a receiver... or, (d) determine by resolution that management and organization of the district will remain unchanged?" Don't you think the time has come to become fiscally responsible by having the county assume supervision and jurisdiction over the district?

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

EXHIBIT "A"

August 28, 2024 IVGID BOT Meeting - Agenda Item G(11) - Review, Discuss, and Possibly Direct Staff to Begin Recruitment of a Director of Finance, etc.

From: <s4s@ix.netcom.com>
To: Schmitz Sara <schmitz_trustee@ivgid.org>
Cc: Dent Matthew <dent_trustee@ivgid.org>, Tonking Michaela <tonking_trustee@ivgid.org>, Noble Dave <noble_trustee@ivgid.org>, Tulloch Ray <tulloch_trustee@ivgid.org>, Mick <homan4ivgid@gmail.com>, Michelle <jezycki4ivgid@gmail.com>, harry <harryswenson4ivgidtrustee@gmail.com>
Subject: August 28, 2024 IVGID BOT Meeting - Agenda Item G(11) - Review, Discuss, and Possibly Direct Staff to Begin Recruitment of a Director of Finance, etc.
Date: Aug 26, 2024 1:23 PM

Chairperson Schmitz, other Honorable members of the IVGID Board, and Trustee candidates Mick, Michelle and Harry:

Well this one is really comical. Actually, it's sickening. And yes, it's "another one" as my friend DJ Kahled would say!

Trustee Tulloch wants us to ask the County to assist us in procuring "an interim Finance director familiar with NRS Finance requirements." What he's really telling us is that unless the County provides a lifeboat for us, **THE DISTRICT IS DEAD!** Got that Mick, Michelle and Harry? **WE'RE DEAD!**

Listen to Trustee Tulloch's litaney of facts in support of this conclusion. And remember, these are (mostly) **HIS** words. **NOT** mine.

1. We lost our previous GM, Indra Winqest, **more than a year ago!** I think it was June of 2023;
2. Shortly thereafter, we lost our previous Director of Finance;
3. As a temporary stop gap measure, we secured an interim finance director, Bobby Magee;
4. Mr. Magee immediately discovered that our Finance Department was seriously understaffed, and in a woeful state of dysfunction;
5. Attempts to find a replacement GM were unsuccessful. Instead we relied upon a band aid "in house" fix;
6. Overspending assigned to finance went through the roof;
7. Mr. Magee was then convinced by our Board Chairperson to become our new GM;
8. Meanwhile, Mr. Magee hired a completely ill equipped and incompetent Ass't Finance Director, Adam Cripps. Mr. Cripps was and is incompetent for this role because of the following: a) his college education was obtained online, ala Trump University (no it wasn't Trump University, but it was the moral equivalent); b) he didn't even receive a degree in finance; c) yet his first post-degree job was with the City of Victorville where he had the very junior position of "finance technician;" d) and his boss was...surprise...Bobby Magee; e) after two years on the job, he was promoted to senior accountant; f) and then he was hired by Mr. Magee to come work here; g) without the benefit of a CPA, or any direct experience with the NRS or finance reporting requirements noted at NRS 354; h) while on the job he violated several NRS including the willful refusal to create a central service cost allocation plan to permit transfers to be made to our General Fund from our enterprise funds, and his willful refusal to attest our alleged central service cost allocation plan in the form mandated by the NAC; i) and when confronted with public criticism, he apparently elected to take a voluntary "leave of absence" rather than take the heat. After a scant several months on the job no less; j) and now he's apparently gone forever. He failed to attend a Committee on Local Government Finance ("CLGF") meeting which had agendized the District's failure to secure an audit for 2022. He failed to sign an engagement letter with our auditor for 2023; k) because now he's gone, there's no one in charge of our finance department;
9. Then after being on the job of GM for a matter of weeks, Mr. Magee tendered his resignation effective October 4 +/- . The reason being he knew our District was dysfunctional and in trouble before he took the job. He just didn't know how dysfunctional and how in trouble.
10. And now Mr. Magee has chosen to depart sooner than October 4. He's now essentially gone. Along with his sidekick;

11. Leaving a lowly controller in charge who has no knowledge nor skills to be running our finance department. And she's overwhelmed to boot;
12. Meanwhile we have "the urgent need to address the issues identified in the recent (RubinBrown) due diligence audit. Mr. Magee represented to the CLGF he would be filing a written response on August 29. But since he is gone, obviously, he won't be able to satisfy his representation;
13. And as aforesaid, we weren't able to secure an audit of our 2022 financials;
14. And it looks as if we won't be able to secure an audit of our 2023 financials, at the very least in a timely manner, notwithstanding Mr. Magee has misrepresented the contrary to the CLGF;
15. And as a result of the above, we've **lost** our prestigious Certificate of Excellence in Financial Reporting issued by the GFOA;
16. We still don't have an engagement letter signed with our auditor for the 2023 audit, and the odds are now very good that DavisFarr will **refuse** to perform our 2023 audit even if we sign that engagement letter;
17. All of this "creates a serious risk to the District without a qualified Director of Finance in place;"
18. And it turns out we haven't even budgeted for a replacement Director of Finance. "There is now some concern that this funding may not have been included in the final General Fund budget submitted to the State. This is still being investigated" according to Trustee Tulloch;
19. "Given the **urgent criticality** of this position, if this funding has not been provisioned it will be necessary to identify a source either through savings elsewhere in the General Fund or through a budget augmentation if this is allowed by the State. The projected fully loaded financial impact of this proposal is in the range of \$200-\$250K for the current FY;"
20. And this would be in addition to the fully burdened cost of a new Finance Director (which with benefits I would estimate at \$350K or more annually), plus an executive search firm to assist in finding this person (which I would estimate at a cost of \$50K or more). And where will the money come from given we intentionally budget to overspend in our General Fund?
21. "Even with an accelerated recruitment process to identify a Director of Finance candidate with the necessary skills and experience it is likely to take 2-3 months for the District to be able to fill this role which materially increases the risk exposure;"
22. Remember, our audited financials are due at the end of November and we haven't even signed an engagement letter;
23. And remember, we don't even have a GM! And we've in essence lost our Ass't Finance Director. And we don't have a Golf GM. Nor a Food and Beverage Director. Nor a Rec Center GM. **We're totally dysfunctional!**
24. And for this reason, "filling this role urgently is now **mission critical** to ensure financial compliance and **sustainability** of the District."

WOW!

Trustee Tulloch tells us "there is opportunity under NRS for the District to request Washoe County to provide assistance with an interim resource." He doesn't tell us the NRS, but I will! It's NRS 318.098 and here's what it says:

- "1. The board of trustees of any district may request, in writing, **assistance** from any elected or appointed officer of the county in which the district is located.
2. (But) the officer shall furnish the requested assistance, (only) **after an agreement has been reached** concerning the amount of money which the board of trustees shall pay for the assistance."

Do you people grasp the seriousness of all of the above?

Would you now agree with me that the "district of which the board of county commissioners is not the board of trustees **is not being properly managed?** If so, we've satisfied the pre-requisite of NRS 318.515(1)(a) to request corrective action from Washoe County!

So I say NO to NRS 318.098 assistance. It's not enough! NRS 318.515 instructs we need to "hold a hearing (before the County Board of Commissioners) to consider" whether to:

- "(a) Adopt an ordinance constituting the board of county commissioners, *ex officio*, as the board of trustees of the district;
- (b) Adopt an ordinance providing for the merger, consolidation or dissolution of the district pursuant to NRS 318.490 to 318.510, inclusive;
- (c) File a petition in the district court for the county in which the district is located for the appointment of a receiver for the district; or
- (d) Determine by resolution that management and organization of the district will remain unchanged."

Don't like these options? Well let's go full bore into NRS 318.490 which instructs:

That "1...whenever a majority of the members of the...board of trustees of a district, by resolution pursuant to subsection 3, agrees to such a merger, consolidation or dissolution, the board of county commissioners shall so determine by ordinance, after there is first found, determined and recited in the ordinance that: (a) All outstanding indebtedness and bonds of all kinds of the district have been paid or will be assumed by the resulting merged or consolidated unit of government. (b) **The services of the district are no longer needed or can be more effectively performed by an existing unit of government.**

2. The county clerk shall thereupon certify a copy of the ordinance to the board of trustees of the district and shall mail written notice to all property owners within the district in the county, containing the following:
- (a) The adoption of the ordinance;
- (b) The determination of the board of county commissioners that the district should be dissolved, merged or consolidated; and
- (c) The time and place for hearing on the dissolution, merger or consolidation.

NRS 318.500 instructs that "at the place, date and hour specified for the hearing...the board of county commissioners shall give full consideration to all protests which may have been filed and shall hear all persons desiring to be heard and shall thereafter adopt either the final ordinance of dissolution, merger or consolidation or an ordinance determining that it shall not be dissolved, merged or consolidated."

These are your options. I've been telling you Board members for some time that it's time to close shop and give all of our obligations and responsibilities to the County. And the reason why, in large part, are Mick's beloved core golfers. Don't believe me Mick? As my good friend Hulk Hogan says,

"So whatcha gonna do about (this mess now) brother?"

Respectfully, Aaron Katz

**WRITTEN STATEMENT TO BE ATTACHED TO AND MADE A PART OF THE
WRITTEN MINUTES OF THE IVGID BOARD'S SPECIAL AUGUST 28, 2024
MEETING – AGENDA ITEM F(2) – OUR PUBLIC WORKS DIRECTOR'S
IMPROPER AGENDIZING OF A CHANGE ORDER FOR THE ALDER
AVE. WATER MAIN PROJECT ON THE CONSENT CALENDAR,
COMBINED WITH THE INABILITY TO NEGOTIATE CREDITS
FOR UNNECESSARY DIGGING ASSOCIATED WITH
INSTALLATION OF AN ADDITIONAL AIR
RELEASE VALVE**

Introduction: Well here's yet "another one" as my friend DJ Kahled would say¹. More evidence of staff incompetence, lack of knowledge and professionalism, and a flagrant disregard for the financial sustainability of the District. This time it's our wonderful Public Works Director's failure to adhere to Board Policy, and demonstrating an inability to negotiate reasonable credits for the public associated with a project change order. And that's the purpose of this written statement.

My August 28, 2024 E-Mail to The Board²: On August 28, 2024 I sent the Board an e-mail wherein I recited how our Director of Public Works had ignored Board Policy 3.1.0, and had demonstrated an inability to negotiate necessary credits in a project change order as a result of less digging than originally contracted. And this wasn't the first instance of Ms. Nelson's less than competent behavior! Rather than recounting the substance of my comments, I refer the reader to Exhibit "A."

Staff's August 28, 2024 Response Attempting to Belatedly Provide The Missing Material Contract Documents: Staff must agree with me that Kate Nelson's placement of this matter on the Consent Calendar did not comply with Policy 3.1.0. Because at 12:02 P.M., the very afternoon of the subject Board meeting, I received an e-mail from the Board's Clerk advising me that the missing project contract had been added to the materials relevant to tonight's meeting³. As if this cured Ms. Nelson's violation of Board Policy. Which it didn't! Because said Policy instructs that "no matter shall be heard or acted upon **without all accurate and relevant materials being published with the initial publication of the Board Packet.** (And) if materials are inaccurate or missing, **(as they were here), the agenda item will be deferred (because) delayed and/or supplemental materials shall defer an agenda item.** Simply stated, staff's "Johnny-come-lately" response to Ms. Nelson's initial Policy 3.1.0 deficiencies, are too little, too late!

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

² That e-mail is attached as Exhibit "A" to this written statement.

³ That e-mail is attached as Exhibit "B" to this written statement.

Moreover, Consider That The Work Under The Proposed Change Order Has *Already* Been Completed: Which is important because ¶9.07 of the contract instructs that our “responsibilities with respect to Change Orders are set forth in Article 11.” So moving on to Article 11:09(B)(1), we see that our “contractor shall submit each Change Proposal to Engineer within 30 days after the start of the event giving rise thereto, or after such initial decision.” Whether or not this took place, the reader can see that such language was stricken from the contract.

But Article 11:09(B)(4) has not been stricken from the contract. And this Article states that “will conduct a full review of each Change Proposal and...either approve the Change Proposal in whole, deny it in whole, or approve it in part and deny it in part. Such actions must be in writing, with a copy provided to Owner and Contractor.” So **where is the writing?** Apparently that too has been omitted from the Board packet. Yet the work has apparently been completed. And even as of now, no change order has been entered into by staff. Isn't it a bit late to be asking for change order approval?

Conclusion: This behavior just keeps happening over and over and over again. Unqualified, incompetent and over compensated, and deceitful staff get replaced by even more unqualified, more incompetent and more over compensated, and more deceitful staff. Engaging in activities having nothing directly to do with furnishing facilities for public recreation, yet costing local parcel owners dearly insofar as their Recreation (“RFF”) and Beach (“BFF”) Facility Fees are concerned. As I've pointed out so many times before, these examples are all the “red flags” of a criminal syndicate⁴. And you wonder why your RFF and BFF continue as involuntary subsidies, and are as high as they are? Now I've provided more evidence.

When is the Board going to put members' collective feet down and put an end to these practices? Given NRS 318.515(1) states that where the: “(a) district...is not being properly managed; (or, its) (b) board of trustees (for the)...district is not complying with the provisions of...any...law;” when will the Board notify the Washoe County Board of Commissioners to hold a hearing to consider whether to: (a) adopt an ordinance (substituting)...the board of county commissioners, *ex officio*, as the board of trustees of the district; (b) adopt an ordinance providing for the merger, consolidation or dissolution of the district...(c) file a petition in the district court...for the appointment of a receiver... or, (d) determine by resolution that management and organization of the district will remain unchanged?” Don't you think the time has come to become fiscally responsible by having the county assume supervision and jurisdiction over the district?

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

⁴ NRS 207.370 instructs that “criminal syndicate means any combination of persons, so structured that the organization will continue its operation even if individual members enter or leave the organization, which engages in or has the purpose of engaging in racketeering activit(ies).”

EXHIBIT "A"

August 28, 2024 IVGID BOT Meeting, Agenda Item F(2), Proposed Approval of Change Order #1 for the Alder Avenue Water Main Replacement Project - On The Consent Calendar No Less!

From: <s4s@ix.netcom.com>
To: Schmitz Sara <schmitz_trustee@ivgid.org>
Cc: Dent Matthew <dent_trustee@ivgid.org>, Tonking Michaela <tonking_trustee@ivgid.org>, Noble Dave <noble_trustee@ivgid.org>, Tulloch Ray <tulloch_trustee@ivgid.org>, Mick <homan4ivgid@gmail.com>, Michelle <jezycki4ivgid@gmail.com>, harry <harryswenson4ivgidtrustee@gmail.com>
Subject: August 28, 2024 IVGID BOT Meeting, Agenda Item F(2), Proposed Approval of Change Order #1 for the Alder Avenue Water Main Replacement Project - On The Consent Calendar No Less!
Date: Aug 28, 2024 12:01 AM

Chairperson Schmitz, Other Honorable Members of the IVGID BOT, and trustee candidates Mick, Michelle and Harry -

Well here's another one as my friend DJ Kahled would say.

Here Kate Nelson tells us we need to approve a \$52,913.35 change order to a contract entered into on April 10, 2024 because unexpectedly, the contractor ran into underground boulders. Listen to Ms. Nelson: "During trench excavation, many large boulders were encountered within the pipe alignment that required removal to accommodate the new pipe. Removing these boulders resulted in increased trench dimensions, as the removal of the boulders undermined the existing road section and required significant widening of the trench. Boulders are considered typical within the Tahoe subsurface. However, the amount encountered on this project exceeded typical expectations" and for this reason, Ms. Nelson tells us this add on is permissible and "allowed for in the original contingency amount."

Okay. So wouldn't one want to refer back to the original contract to confirm the language providing for this change order? Giving Ms. Nelson the benefit of the doubt, **obviously she didn't!** Because if she had, she would have discovered at agenda item G(2) that this subject **wasn't** even discussed. In fact to the contrary, listen to the contractor's representations of fact:

"Contractor has considered the information...commonly known to contractors doing business in the locality of the site (and) information and observations obtained from visits to the site...based on the information and observations referred to (above)...**contractor agrees that no further examinations, investigations, explorations, tests, studies, or data are necessary for the performance of the work at the contract price**" (see page 255 of the Board packet for the April 10, 2024 meeting).

WOW! So what's the contractual justification for this \$52,913.35 change order? Bueller? Bueller?

In fact, staff asked for installation of an Additional Air Release Valve @ \$4,765/Assembly = \$4,765! Okay. What about the SAVINGS in less digging than bid because of installation of this additional valve? A complete absence of business and negotiating skills. Because she thinks and acts like an engineer. When she's in a job that requires her to manage a business and exercise negotiating skills.

Moreover, why isn't this contract included in the Board packet materials for this meeting? After all, doesn't Policy 3.1.0.4 instruct that "No matter shall be heard or acted upon **without all accurate and relevant materials being published with the initial publication of the Board Packet**. If materials are inaccurate **or missing**, the agenda item will be deferred."

Why hasn't this agenda item been deferred given **all relevant materials have not been included in the initial publication of the Board packet?**

Finally, this item is on the Consent Calendar. Accordingly, pursuant to Policy 3.1.0.4 again, "A memorandum containing all relevant information will be included in the packet materials for each Consent Calendar item. **The memorandum should include the justification as a consent item in the Background Section.**" Okay. So I went to the "background section" of the staff memo in support

of this agenda item and where is the justification for including this item on the Consent Calendar? Bueller? Bueller? It's **NOT THERE!**

Ms. Nelson is a Director. And she doesn't understand Board Policy on including items for action on the consent calendar? **What's wrong with you people?**

This isn't the first episode of Ms. Nelson's incompetence. Let's take a stroll down memory lane. As I brought to the BOT's attention on August 26, 2024,

1. Ms. Nelson was one of the participants in a meeting including Mr. Duffield's representative for the possible Rec Center expansion project. That was the meeting where Mr. Duffield's representative allegedly informed all present that unanimous approval of his boss' scaled back project plan revisions was a necessity for his boss' donation.
2. Yet at the public Board meeting which followed, where Indra asked Ms. Nelson to present **all** of the facts surrounding approval of Mr. Duffield's scaled back plan revisions, she conveniently failed to share with the Board and the public that Mr. Duffield required unanimous scaled back plan approval. Even though his foundation had already entered into a contract which required no scaled back plans.
3. We all know what happened afterwards. All because Ms. Nelson failed to satisfy her obligation to share these material facts with the Board and the public. This was intentional malfeasance. And IMO grounds for immediate termination.
4. Then we had the Mt Golf Course cart pathway replacement project fiasco. Ms Nelson was responsible for project management. The applicable construction contract required installation of a rock base. But Ms. Nelson didn't do her job. Again. She chose not to manage this aspect of the project as if who would be the wiser? Subsequently, a local resident discovered the required rock had not been installed. Ms. Nelson then worked with the engineer, **to her employer's detriment**, to secure approval to substitute ground up recycled asphalt for rock. And the public ended up paying the engineer's additional fees to boot!
5. Then we had the Diamond Peak Base Lodge kitchen remodel disaster. You'll recall that according to our contractor, he neglected to include the cost of appliances in his accepted bid. And rather than sticking to the four corners of the contract, just like Ms. Nelson neglected to do with the cart pathway replacement project referenced above, she argued the public should pay hundreds of thousands of dollars more! **To her employer's detriment**. Again!
6. On the agenda for this meeting, we see that Ms. Nelson has put in a change order request on the consent calendar, and not in compliance with Board Policy 3.0.1. And even if the merits of the change order request are present, she hasn't even negotiated a credit for the reduced digging which will be required to install an additional release valve. Again. **Zero business or negotiating skills**.
7. Then we have another Rec Center expansion project episode which just begs for Ms. Nelson's termination. Only after former GM Indra was able to get an agreement out of the County for a \$250K grant to be used on the only worthless project the County would agree to; renovation of the skateboard park, did this project show up on the CIP project for 2023-24. But the estimated budget amount was less than \$250K.

So days before the 2024-25 budget was approved by the BOT, Ms Nelson wastes more valuable resources agendizing a request the Board expand the project and the budgeted expense to a whopping \$500K. And how does the Board respond? With a polite **NO THANK YOU**. So how would you expect our employee to accept this "NO" and incorporate it into the budget submitted to the Board for approval? Again she demonstrated her arrogance by slipping the full \$500K she had requested thereinto. And while the BOT was running around like a chicken with it's head cut off to comply with the time limits for passing a budget, good ole Kate Nelson slipped in her \$500K augmented amount. And what is the consequence for this kind of behavior?

So now as the capital committee is considering implementation of this project, everyone is working under the assumption the Board has agreed to spend \$500K. When you see, it really never, never

knowingly agreed to spend more than \$250K. The \$250K which would allegedly be coming from a County grant.

8. Then we have the most recent episode where one of the employees she is charged with supervising was discovered driving recklessly on SR 395 during the IVGID workday. And when I asked for a clarification as to what this employee was doing, and why, she chose to ignore the request. Because it's none of our business.

How many episodes like these do you have to see before you do something? In fact, why was she even elevated to a directorship position? Around here the consequence for incompetence and arrogance is a promotion and pay raise!

And again we see, the District is not being properly managed. How much of this do we have to see before we get the picture? **Please, please turn the District over to the County.**

Respectfully, Aaron Katz

EXHIBIT "B"

Supplemental Material for Board of Trustees Meeting on August 28, 2024 - Supplemental Item F.2. Alder Avenue Water Main Replacement Agreement approved 04.10.2024

From: Heidi White <hhw@ivgid.org>
To: Heidi White <hhw@ivgid.org>
Subject: Supplemental Material for Board of Trustees Meeting on August 28, 2024 -Supplemental Item F.2. Alder Avenue Water Main Replacement Agreement approved 04.10.2024
Date: Aug 28, 2024 12:02 PM
Attachments: [image001.jpg](#)

*Please remember: Using the "reply all" feature in this email could constitute a violation of the Nevada Open Meeting Law.

Good Afternoon

I have provided a link to Supplemental Material for tonight's Board of Trustees Meeting, August 28, 2024. That adds the back-up documentation of the BOT Item G2 Water Main Replacement Agreement (approved at the April 10th board meeting. That way anyone can find the original construction contract as well as the board approvals for contingency etc.

Here is the link:

https://www.yourtahoeplace.com/uploads/pdf-ivgid/2024-0410_BOT_ItemG2_Water_Main_Replacement_Alder.pdf

Please let me know if you require this Supplemental Material to be printed as there are over 300 pages to this document. I will have a few copies printed and available for you and available at the meeting. If you would like to pick-up a physical copy before the meeting please let me know and I will make them available for you.

The Attached document will also be available on the District Website shortly.

Thank you and have a wonderful day.

Respectfully,

Heidi H. White
District Clerk

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



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

**WRITTEN STATEMENT TO BE ATTACHED TO AND MADE A PART OF THE
WRITTEN MINUTES OF THE IVGID BOARD'S SPECIAL AUGUST 28, 2024
MEETING – AGENDA ITEM C – PUBLIC COMMENT – OUR PUBLIC
WORKS DIRECTOR'S REFUSAL TO SHARE WITH THE PUBLIC
WHAT OUR EMPLOYEES UNDER HER WATCHFUL EYE
ARE DOING DURING THE IVGID WORK DAY WHICH
MAY BE WASTEFUL AS UNRELATED TO THEIR
PUBLIC JOBS ALL AT LOCAL PARCEL
OWNERS' EXPENSE**

Introduction: Well here's yet "another one" as my friend DJ Kahled would say¹. More evidence of staff incompetence, lack of knowledge and professionalism, and a flagrant disregard for the financial sustainability of the District. This time it's what our wonderful employees are doing during their IVGID workday which has been questioned by a member of our community. And that's the purpose of this written statement.

My August 26, 2024 E-Mail to The Board²: On August 26, 2024 I sent the Board an e-mail wherein I recited how our Director of Public Works, was refusing to share important information about our workforce, and how I was required to elevate the matter to the Board's attention. Rather than recounting the substance of my comments, I refer the reader to said Exhibit "A."

Conclusion: This behavior just keeps happening over and over and over again. Unqualified, incompetent and over compensated, and deceitful staff get replaced by even more unqualified, more incompetent and more over compensated, and more deceitful staff. Engaging in possible inappropriate activities having nothing directly to do with furnishing facilities for public recreation and utilities. As I've pointed out so many times before, these examples are all the "red flags" of a criminal syndicate³. And you wonder why your Recreation ("RFF") and Beach ("BFF") Facility and Utility Fees continue as involuntary subsidies, and are as high as they are? Now I've provided more evidence.

When is the Board going to put members' collective feet down and put an end to these practices? Given NRS 318.515(1) states that where the: "(a) district...is not being properly managed; (or, its) (b) board of trustees (for the)...district is not complying with the provisions of...any...law;"

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

² That e-mail is attached as Exhibit "A" to this written statement.

³ NRS 207.370 instructs that "criminal syndicate means any combination of persons, so structured that the organization will continue its operation even if individual members enter or leave the organization, which engages in or has the purpose of engaging in racketeering activit(ies)."

when will the Board notify the Washoe County Board of Commissioners to hold a hearing to consider whether to: (a) adopt an ordinance (substituting)...the board of county commissioners, *ex officio*, as the board of trustees of the district; (b) adopt an ordinance providing for the merger, consolidation or dissolution of the district...(c) file a petition in the district court...for the appointment of a receiver... or, (d) determine by resolution that management and organization of the district will remain unchanged?" Don't you think the time has come to become fiscally responsible by having the county assume supervision and jurisdiction over the district?

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

EXHIBIT "A"

Re: Clarification Request - Kate Nelson - Update

From: <s4s@ix.netcom.com>
To: "Schmitz Sara" <schmitz_trustee@ivgid.org>
Cc: "Schmitz Sara" <schmitz_trustee@ivgid.org>, "Dent Matthew" <dent_trustee@ivgid.org>, "Tonking Michaela" <tonking_trustee@ivgid.org>, "Noble Dave" <noble_trustee@ivgid.org>, "Tulloch Ray" <tulloch_trustee@ivgid.org>, <ksn@ivgid.org>
Subject: Re: Clarification Request - Kate Nelson - Update
Date: Aug 26, 2024 6:00 PM

Chairperson Schmitz and Other Honorable IVGID Trustees -

Well I have been waiting patiently for Kate Nelson to respond with answers to my requests below. And surprise! NOTHING.

Maybe it was wrong of me to expect I would hear back from Ms. Nelson over the weekend. Because it was the weekend. But today? Obviously she has no intent to respond. Because she is an arrogant person who feels she owes the public she works for no explanations. Well I've got news for her. This is one of your job description obligations. It's called customer service. And if you aren't comfortable with fulfilling your job duties, I suggest you go work for Brad Johnson. Or someone like him.

If this were the only negative event surrounding Ms. Nelson, maybe I could give her a break. But it's systemic. And you as a Board won't do anything about it. In fact, you encourage her to act arrogantly because she has been promoted to a directorship. Even though she is not qualified. So to refresh your recollection:

1. Ms. Nelson was one of the participants in a meeting including Mr. Duffield's representative for the possible Rec Center expansion project. That was the meeting where Mr. Duffield's representative allegedly informed all present that unanimous approval of his boss' scaled back project plan revisions was a necessity for his boss' donation.
2. Yet at the public Board meeting which followed, where Indra asked Ms. Nelson to present all of the facts surrounding approval of Mr. Duffield's scaled back plan revisions, she conveniently failed to share with the Board and the public Mr. Duffield's unanimous scaled back plan approval.
3. We all know what happened afterwards. All because Ms. Nelson failed to satisfy her obligation to share these material facts with the Board and the public.
4. Then we had the Mt Golf Course cart pathway replacement project. Ms Nelson was responsible for project management. The applicable construction contract required installation of a rock base. But Ms. Nelson didn't do her job. She chose not to manage this aspect of the project. Subsequently, a local resident discovered the required rock had not been installed. Ms. Nelson then worked with the contractor, to her employer's detriment, in securing approval to substitute ground up asphalt for rock.
5. On the agend for the upcoming August 28, 2024 meeting, we see that Ms. Nelson put a change order request on the consent calendar, not in compliance with Board Policy.
6. And she exercised zero negotiating skills in securing a credit for contracted for digging which wasn't necessary.

I can probably come up with a series of additional examples of Ms. Nelson's less than professional behavior, but hopefully you've got the gist of my criticisms.

So here we have evidence that something inappropriate may be going on at Public Works. And rather than getting to the truth, this is the way she treats members of the public.

I am asking you as a Board get to the truth of the event, and that you report back to the public. You require Ms. Nelson to ferret out the truth, and to report it. And if inappropriate conduct is discovered, that you take action against Ms. Nelson.

This disrespect and arrogance on Ms. Nelson's behalf, should be unacceptable.

Thank you for your cooperation. Aaron Katz

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

From: <s4s@ix.netcom.com>

Sent: Aug 23, 2024 6:54 PM

To: <ksn@ivgid.org>

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

Subject: Clarification Request

Hello Ms. Nelson -

This afternoon during the IVGID workday, at approximately 1:35 P.M., I observed an individual driving an IVGID 4-DR truck on SR 395. The truck appeared to be a Public Works variety vehicle because of the attachments installed to the rear bed, and it had printed on the front door(s) the IVGID name/logo together with "for official use only." The license number of the vehicle was Nevada exempt #82895.

The vehicle was being driven in excess of the posted speed limit at between 75-80 mph. When the driver applied the vehicle's brake, the left rear brake light was not operational, whereas the right rear brake light was. The driver exited SR 395 at Second St., and made a right turn heading towards Sparks. Since we were making a left turn on Second St. heading towards Renown Hospital, I can't tell you where the driver went thereafter.

Please share with me what "official (IVGID) use" this driver was engaged in heading towards Sparks this afternoon. And was this use approved ahead of time by his superior?

Thank you for your cooperation. Aaron Katz

**WRITTEN STATEMENT TO BE ATTACHED TO AND MADE A PART OF THE
WRITTEN MINUTES OF THE IVGID BOARD'S SPECIAL AUGUST 28, 2024
MEETING – AGENDA ITEM E(4) – OUR TREASURER'S REPORT FOR
THE LAST MONTH WHICH REVEALS WE'RE PAYING THE BOARD'S
ATTORNEY \$61,378 PER MONTH FOR VITAL SERVICES SUCH
AS DRAFTING AN EMPLOYMENT CONTRACT WITH OUR
IMMEDIATE PAST GM WHICH PROTECTS HIM SHOULD
WE UNJUSTLY TERMINATE HIS EMPLOY, YET DOESN'T
PROTECT THE PUBLIC SHOULD OUR EMPLOYEE
COMMIT THE SAME WRONG**

Introduction: Well here's yet "another one" as my friend DJ Kahled would say¹. More evidence of staff incompetence, lack of knowledge and professionalism, and a flagrant disregard for the financial sustainability of the District. This time it's the attorney's fees we're spending with Sergio and Co. for such vital work as an employment agreement with GM Bobby Magee which we now see protected him to the nth degree, while providing no protection to the public. After only a handful of months on the job, and Mr. Magee's decision to terminate his employ. Without providing the minimum advance notice required by that contract. And that's the purpose of this written statement.

My August 27, 2024 E-Mail to The Board²: On August 27, 2024 I sent the Board an e-mail wherein I objected to the attorney's fees we've been paying attorney Sergio, and the less than professional services he has been providing – in particular the employment agreement he negotiated and drafted for former GM Bobby Magee. Rather than recounting the substance of my comments, I refer the reader to said Exhibit "A."

Conclusion: This behavior just keeps happening over and over and over again. Unqualified, incompetent and over compensated staff get replaced by even more unqualified, more incompetent and more over compensated staff. And now it's not just staff? It's the Board's attorney who is working for staff and excessively billing us for his efforts. No effort to eliminate wasteful expenditures like this one having nothing directly to do with furnishing facilities for public recreation and utilities. As I've pointed out so many times before, these examples are all the "red flags" of a criminal syndicate³. And

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

² That e-mail is attached as Exhibit "A" to this written statement.

³ NRS 207.370 instructs that "criminal syndicate means any combination of persons, so structured that the organization will continue its operation even if individual members enter or leave the organization, which engages in or has the purpose of engaging in racketeering activit(ies)."

you wonder why your Recreation ("RFF") and Beach ("BFF") Facility Fees continue as involuntary subsidies, and they are as high as they are? Now I've provided more evidence.

When is the Board going to put members' collective feet down and put an end to these practices? Given NRS 318.515(1) states that where the: "(a) district...is not being properly managed; (or, its) (b) board of trustees (for the)...district is not complying with the provisions of...any...law;" when will the Board notify the Washoe County Board of Commissioners to hold a hearing to consider whether to: (a) adopt an ordinance (substituting)...the board of county commissioners, *ex officio*, as the board of trustees of the district; (b) adopt an ordinance providing for the merger, consolidation or dissolution of the district...(c) file a petition in the district court...for the appointment of a receiver... or, (d) determine by resolution that management and organization of the district will remain unchanged?" Don't you think the time has come to become fiscally responsible by having the county assume supervision and jurisdiction over the district?

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

EXHIBIT "A"

August 28, 2024 IVGID BOT Meeting - Agenda Item C - Public Comment - Re: Supplemental Material for Board of Trustees Meeting on August 28, 2024 - Item E.4. Treasurers Report for June 2024 (Includes July Monthly Financial, and District Performance Reports)

From: <s4s@ix.netcom.com>
To: <cfdobler@aol.com>
Cc: Sara Schmitz <schmitz_trustee@ivgid.org>, Tulloch Ray <tulloch_trustee@ivgid.org>, Tonking Michaela <tonking_trustee@ivgid.org>, Matthew Dent <dent_trustee@ivgid.org>, Noble Dave <noble_trustee@ivgid.org>, Michelle <jezycki4ivgid@gmail.com>, Mick <homan4ivgid@gmail.com>, Harry <harryswenson4ivgidtrustee@gmail.com>
Subject: August 28, 2024 IVGID BOT Meeting - Agenda Item C - Public Comment - Re: Supplemental Material for Board of Trustees Meeting on August 28, 2024 - Item E.4. Treasurers Report for June 2024 (Includes July Monthly Financial, and District Performance Reports)
Date: Aug 27, 2024 11:14 PM
Attachments: [image.png](#)

It's called "churning" Cliff!

To Chairperson Schmitz, our Other Honorable Trustees, and trustee candidates Mick, Michelle and Harry:

Well it's another one as my friend DJ Kahled would say.

Sergio looks at what's going on around him, and he asks "what about me?"

So Kate Nelson can't fill in the blanks of a P.O. without Sergio giving his buck ninety-five.

And Paul Raymore can't authorize the purchase of meaningless media buys (like billboards on Highway 80) without Sergio giving his three ninety-five.

And look at what we have? Churning! I guess now we're in the dairy business.

Can it get any worse? Yes it can. Please listen to this one.

Sergio charged us how much to negotiate and draft the employment agreement with Bobby Magee? Why don't you take a look at his work product at agenda item G(1) of the March 6, 2024 BOT meeting Board packet? Let's concentrate on section 6 which addresses TERMINATION OF AGREEMENT & SEVERANCE. Termination by both parties. Let's assume we were to terminate Mr. Magee without cause. What would be the consequence?

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

How much did this one cost us insofar as former GM Indra was concerned?

Now let's assume Mr. Magee chooses to terminate his employ.

"6.4 Notice of Termination by General Manager. General Manager may voluntarily terminate employment at any time by giving not less than ninety (90) days' notice." Okay, what is the financial consequence? Bueller? Bueller?

NOTHING!

So here after a month or so on the GM job, Mr. Magee gives us notice of his decision to voluntarily terminate his employment with us. And after about 45 days or so, he decides he will voluntarily terminate his employ roughly 45 days sooner, effective August 22, 2024. Leaving us defenseless from a legal point of view at one of the most critical time periods in our history. It's called BREACH OF CONTRACT Board! Right Sergio?

So what's the protection you have negotiated and drafted for the public in Mr. Magee's employment contract? **NOTHING!**

Ladies and gentlemen, it's called **MALPRACTICE!** As Mike Abel would say, we're SOL. Mr. Magee can walk away scot free. And we've paid Sergio. The true winner. Again! And how much exactly did we pay him? I would ask, how much did Mr. Magee pay him? Because obviously, Sergio didn't have his client's (i.e., us) 100% loyalty and best interests in mind! He had Bobby Magee's 100% loyalty in mind!

Who presented this agreement to the BOT for approval? Our wonderful staff. Shame on them.

Who drafted this agreement? Sergio. Shame on you.

Who voted in favor of this agreement? Trustees Schmitz, Dent and Tulloch. The only reservation any of these three had was voiced by Trustee Tulloch: He would rather have had a 120 day notice provision imposed upon Mr. Magee versus the 90 days ultimately agreed upon. **Like that would have made a difference?**

Who voted against this agreement? Interestingly, Trustees Tonking and Nobel did not. Good job guys (don't say I never praise you when you've done the right thing)! You've been proven the wise ones.

But back to Sergio. As my friend Hulk Hogan would say, "watcha gonna do now, brother?"

We're screwed again! Just like we're always screwed. Again. And why? **Because we're not being properly managed.**

Please, please. **Turn us over to the County!**

Respectfully, Aaron Katz

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

From: cfdobler@aol.com <cfdobler@aol.com>

Sent: Aug 27, 2024 8:54 PM

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

Cc: Sara Schmitz <schmitz_trustee@ivgid.org>, Tulloch Ray <tulloch_trustee@ivgid.org>, Tonking Michaela <tonking_trustee@ivgid.org>, Matthew Dent <dent_trustee@ivgid.org>, Noble Dave <noble_trustee@ivgid.org>, Michelle <jezycki4ivgid@gmail.com>, Mick <homan4ivgid@gmail.com>, Harry <harryswenson4ivgidtrustee@gmail.com>

Subject: Re: Supplemental Material for Board of Trustees Meeting on August 28, 2024 - Item E.4. Treasurers Report for June 2024 (Includes July Monthly Financial, and District Performance Reports)

Sergio. appears to have taken on a full time job. at \$61K for a month and at an hourly fee of \$300, he racked up 204 hours over 20 working days or 10 hours a day. Do any of you grasp the magnitude of this. It is quite obvious that the District is not be managed properly to require this type of input from an attorney.

Cliff Dobler

On Tuesday, August 27, 2024 at 10:39:43 AM PDT, s4s@ix.netcom.com <s4s@ix.netcom.com> wrote:

Chairperson Schmitz, Other Honorable Members of the IVGID Board, and Trustee Candidates Mick, Michelle and Harry -

I've written to you about this before, and you've done nothing. Yet our financial reporting is going downhill rapidly. And here I'm speaking about the attorney's fees we're racking up with Sergio and Co.

For the month - a whopping \$61,378 (on an annualized basis nearly \$750,000).

We're not allowed to look at Sergio's billings because they're allegedly "attorney-client" protected. But he appears to be doing everything, and more.

We have Kate Nelson, Paul Raymore and Bobby Magee so paralyzed, that they refuse to do their jobs without interjecting Sergio into the mix. All at nearly \$300/hour.

Then we have him acting as a sixth unelected trustee, in submitting agenda items and staff reports at BOT meetings [see items G(6) and G(10) on the upcoming August 28, 2024 BOT meeting agenda].

I'm certain these fees will far exceed the amounts budgeted therefore. And for a limited purpose GID? We can't afford them.

Please intervene to put a stop to this unnecessary waste. If we really need an attorney, hire one was a full time employee. The costs will be immeasurably LESS and this person's availability will be enhanced.

Respectfully, Aaron Katz

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

From: Heidi White <hhw@ivgid.org>

Sent: Aug 27, 2024 8:45 AM

To: Info IVGID <InfoAtIVGID@ivgid.org>

Subject: Supplemental Material for Board of Trustees Meeting on August 28, 2024 - Item E.4. Treasurers Report for June 2024 (Includes July Monthly Financial, and District Performance Reports)

*Please remember: Using the "reply all" feature in this email could constitute a violation of the Nevada Open Meeting Law.

Good Morning

Please review the attached Supplemental Material for Board of Trustees Meeting on August 28, 2024. I will have this Supplemental Material printed and available for you and available at the meeting. If you would like to pick-up a physical copy before the meeting please let me know and I will make them available for you.

The Attached document will also be available on the District Website shortly.

Thank you and have a wonderful day.

Respectfully,

Heidi H. White
District Clerk

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



Email: hhw@ivgid.org

IN REGARDS TO ITEM E2, I SEE SUPPLEMENTAL ITEM E2, A TABLE DETAILING THE BUDGETED FACILITY FEES PER PARCEL FOR THE LAST TEN YEARS UP TO 2023.

IN PLAIN TERMS IT SHOWS HOW MUCH, AND WHERE OUR FACILITIES FEES GO TO.

I WAS STUNNED TO SEE THAT, OUT OF 18 LINE ITEMS, OUR ANNUAL FEES, COLLECTED THROUGH OUR PROPERTY TAXES IN 2023, AND 2022 WENT TO ONLY TWO PLACES

APPARENTLY, NOTHING WENT TO PARKS, TENNIS, THE GOLF COURSES, YOUTH , ADULT PROGRAMS, RESERVES FOR RECREATION, FACILITIES, ETC. LOOKING BACK AT THE PREVIOUS YEARS A PORTION OF OUR FEES WHEN TO ALMOST ALL OF THESE ITEMS EVERY YEAR.

AS I SAID I WAS QUITE SURPRISED AND I WOULD LIKE TO HEAR SOME DISCUSSION AS TO WHY THIS IS SO AND WHAT OUR PLANS ARE FOR THE FUTURE REGARDING THE ALLOCATION AND DISBURSEMENT OF THE FACILITY FEES THAT WE ALL PAY.

JOHN KLEIN
321 WOODRIDGE WAY

| | FY20 | FY21 | FY22 | FY23 | FY24 | |
|------------------------------|-------------------|-------------------|-------------------|-------------------|-------------------|---------------|
| Revenue - Utility | 101,326.05 | 101,380.65 | 101,427.90 | 101,099.25 | 101,128.65 | 20002297-4070 |
| Revenue - Community Services | | | | | | |
| Expense - Water Admin | 48,937.99 | 50,001.01 | 38,985.43 | 44,977.99 | 50,000.00 | 20002299-7560 |
| Expense - Sewer Admin | 48,937.96 | 49,999.98 | 38,984.03 | 44,977.99 | 23,495.71 | 20002599-7560 |
| Expense - Rec Admin | 97,875.99 | 100,000.02 | 77,969.90 | 89,956.03 | 100,000.00 | 30364999-7560 |
| TOTAL | 195,751.94 | 200,001.01 | 155,939.36 | 179,912.01 | 173,495.71 | |

The 2023 ACFR did show a break-out within the Budgeted Facility Fee for Defensible Space, COVERING 2019 AND PRIOR, but nothing from 2020 forward. see Budgeted Facility Fees Table below. HOWEVER, while it has not been broken out in the last five FY to include FY25, it has been budgeted in Rec Admin.

INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT

Budgeted Facility Fees per parcel, Last Ten Fiscal Years (unaudited)

| Program | 2013 | 2012 | 2011 | 2010 | 2009 | 2008 | 2007 | 2006 | 2005 | 2004 |
|---------------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| Sw | 1 | 1 | 100 | 41 | 29 | 13 | 36 | 13 | 127 | 20 |
| Tennis | - | - | 14 | 24 | 20 | 20 | 13 | 16 | 9 | 21 |
| Pool | - | - | 39 | 124 | 111 | 117 | 117 | 97 | 103 | 36 |
| Recreation | 450 | 100 | 342 | 233 | 262 | 261 | 269 | 197 | 241 | 204 |
| Championship Golf | - | - | 4 | 119 | 91 | 97 | 13 | 126 | 31 | 77 |
| Mountain Golf | - | - | 27 | 34 | 63 | 62 | 74 | 69 | 31 | 29 |
| Beaches | 330 | 690 | 500 | 125 | 125 | 125 | 100 | 100 | 100 | 100 |
| Youth | - | - | 26 | 27 | 27 | 26 | 26 | 24 | 21 | 20 |
| Senior | - | - | 23 | 21 | 21 | 20 | 20 | 19 | 12 | 19 |
| Adult Programs | - | - | - | - | - | - | - | - | 1 | 1 |
| Caregry | - | - | - | - | - | - | - | - | - | 13 |
| Furniture | - | - | 3 | 64 | 37 | 36 | 37 | 47 | 46 | 52 |
| Reserve for Recreation | - | - | - | - | - | - | - | - | - | 49 |
| Golf Tennis Sw Bonds | - | - | - | - | - | - | - | - | 33 | 33 |
| Sw Lodge Bond | - | - | - | - | - | 110 | 110 | 110 | 110 | 110 |
| Defensible Space | 2 | 2 | 2 | 2 | 12 | 12 | 12 | 12 | 12 | 12 |
| Contingency | - | - | - | - | - | - | - | - | - | - |
| Other Unallocated | - | - | - | - | - | - | - | - | - | - |
| Total | 130 | 130 | 130 | 130 | 130 | 130 | 130 | 130 | 130 | 130 |
| Total Collected (in 1000) | 6,110 | 6,019 | 6,169 | 6,741 | 6,751 | 6,746 | 6,747 | 6,746 | 6,746 | 6,742 |

Budgeted amounts represent a revenue that does not collect but rather puts back an amount per parcel into the total for other revenue to use the proceeds for operations.

The Facility Fee can be a revenue for operating expenses, debt service or capital purchases. It is set annually by the Board of Trustees.

SOURCE: Incline Village General Improvement District

Diane Becker
805-290-2779
dbecker8891@gmail.com

August 28, 2024

Re: IVGID 8/28/2024 Meeting, Agenda Item G.1, Proposed Amendment to Ordinance 7

Dear Trustees and Ms. Crocker,

As most of you know, I am a retired attorney, and as a volunteer, I drafted the revisions to the 1998 Ordinance 7, incorporating the recommendations of the Ordinance 7 Committee and the then General Manager, and drafted the revisions directed by the Trustees (excluding the last year) which were then reviewed, edited, and approved by both special beach counsel who handled the 2011 litigation over the Beach Deed, and the then IVGID counsel, Josh Nelson.

I have also received and reviewed virtually all the IVGID Minutes and Resolutions, revisions of Ordinance 7 and internal IVGID communications on Ordinance 7, and available litigation documents concerning the Beach deed, which were not privileged by the attorney client privilege, since 1967.

I believe that many or most of the proposed changes are well drafted and do not impact the Beach Deed or the historical documents or the important work of the Ordinance 7 Committee. However, I have several comments on the proposed revisions and urge that they not be made and that further action be continued so that the process of amendment of Ordinance 7 is not rushed. I am available to meet with Ms. Crocker to explain the issues that I am raising and to help to address concerns that she is attempting to address.

Based on my quick review this morning, I believe **proposed revisions to Paragraphs 18, 39, 45, 46, 52, 72, 77 and 79 need to be changed or deleted:**

1. Paragraph 18. This revision only applies to commercial use between "two or more entities," and this not would include actions between two or more persons, two or more entities, a person, and an entity, etc. The language in old paragraph 18 was repeatedly revised to be in compliance with the concept of the Beach deed language that the use was "only for the purposes of recreation by, and for the benefit of, property owners....." That is why the second sentence in the current version excludes certain written contracts by the Board, but the last sentence in the proposed revision allows "an approved agreement as authorized by the Board" that is not limited to agreements with a third party to provide services or work at the Beaches." The prior Ordinance 7 clause was added by two lawyers and a retired lawyer with 43 years of drafting experience, working to have the language meet the Beach Deed and I urge that that change not be incorporated.
2. Paragraphs 39 and 45. The proposed deletion of the clause related to the residency requirement for a commercial Owner or tenant to get Beach privileges is a change in past practices and earlier versions of Ordinance 7. Originally commercial tenants received no privileges and whether they should have beach privileges was addressed in or about 1982 by giving commercial properties limited access. Paragraphs 26, 29 and 43 of the 3/25/1998 version of Ordinance 7 limited this access to the commercial property principles, officers, and owners and later it was

expanded to tenants, but with the residency requirement. It was determined that voting within the District was the way to determine the residency requirement. Deleting the requirement is a change in practices that should be looked at with more consideration before implementing this change.

3. Paragraph 46. Allowing 5 passes to every facility fee paid, rather than every parcel is contrary to past practices and will allow every ADU, etc. to increase the number of passes. This was discussed and rejected during the Ordinance 7 Committee meetings, and there should be significant discussion before making this change.
4. Paragraph 52. The prior version required that documents be submitted to verify affinity and consanguinity, but the revised draft merely says the District “may “request supporting documents. This leaves too much discretion to Staff, to the detriment of the community desire to limit beach access
5. Paragraphs 72 & 77. The language of old paragraph 72 and 77 should not be combined. Paragraph 77 needs to be a stand-alone paragraph as it is a policy that has been followed since the first annexation of properties which did not pay for the original transfer of the beaches to IVGID to settle a lawsuit filed by the then residential owners in the village.
6. Paragraph 79(ii)(iii). A commercial business under (ii) and (iii) should get a permit from IVGID and comply with minimum insurance requirements, to protect IVGID and Pass Holders.

There are several additional areas that have been reserved at the time of the 2022 Ordinance 7 revision and last few years for further discussion, and I believe that **these additional issues should be considered and potentially addressed** by the General Manager before Ordinance 7 is amended now:

- A. **Residential Tenants of Apartment Properties/Single Family Residential:** How to get Tenants with Leases of 6 months or more to receive Recreation Privileges for the residential units they are renting. I do not have personal knowledge, but there are complaints from residential tenants that they do not get passes and the passes are given by owners to their friends/guests. Can/should regulations be put in on this subject and if not, a marketing campaign to Property Owners to “Help Support a Sustainable Workforce for Incline Village” by giving Recreation Privileges to Long Term Tenants.
- B. **Hotel Properties:** There has been concern expressed in the community about the number of hotel guests who could access the beaches due to the rumors that despite the representations by the prior General Manager that the Hyatt had limited the passes they would get to 3 parcels, supposedly now the Hyatt plans to make greater use of the IVGID beaches. Also, do Hotels both receive 5 Recreation Privileges (Cards) as a Commercial Parcel and the Passes Per Hotel Room for Occupants as of 2022 which is contrary to all historical documents? This change just occurred for the first time at the last days of the amendment of Ordinance 7, when one hotel owner threatened suit.
- C. **Recent and Upcoming Further Changes in Zoning in Commercial Town Centers:** Washoe County just voted to allow High Rise Multi-Family Condominium Units to be built in formerly commercial areas in Special Area 1 on Tahoe Blvd. Will a property that now receives 5 passes as a commercial property be allowed to obtain up to 10 passes per residential condominium unit for 40 condominium units (i.e. 400 passes). The Commercial property will not have paid for facilities over the years to justify this, and commercial properties were excluded and not a part of the

beach deed when the beach deed was added. How will this be handled? Will there be a pay back to IVGID for all the improvements to date?

- D. **Auxiliary Dwelling Units (ADUs):** Currently ADUs are only allowed on properties over 1 acre, but ADUs are proposed to be allowed in Washoe County for all residential parcels in Incline Village/Crystal Bay. If the ADU Ordinance is approved for IVCB many many parcels will have ADUs and could pay additional parcel fees for homes that build an ADU. Does each ADU get an added 10 passes?
- E. **Value on Punch Cards.** During the Ordinance 7 Committee meetings it was recommended by the Committee members that **the value on Punch cards (not Additional Punch Cards) could be used to buy down venue access** or services or used for things other than just beach access fees, so that all Property owners, especially Crystal Bay residents, could get full value. The Committee and the BOT were told two years ago that this would be looked at by Staff to investigate implementation and accounting issues. If this is approved by the Board, it would need to be incorporated into the amendment to Ordinance 7 that you are reviewing. I don't know the facts as to what happened on this.
- F. **Group Use Policy.** During the 2022 Board Meetings discussing Ordinance 7, it was discussed that the Group Use Policy would be reviewed by Staff and recommendations would be made by Staff as to whether to update the group use policy as a standalone policy or incorporated into Ordinance 7. Did this occur?
- G. **IT Tracking Card Usage.** During the Ordinance 7 Committee meetings, the **Committee recommended two things** that could not be tracked in the District's computer software in 2022 and the Board packets of April 27 and May 11, 2022 stated that these would **need computer program customization which we understood would be undertaken before summer 2023:** (i) the computer system would be upgraded to track the **total number of guests that could be brought per day on Picture Passes and tie the number of guests to the specific Parcel** rather than just to a single Picture Pass Holder. This is important because tying the number of guests to a Picture Pass could allow more than the maximum number of guests to be brought in per day per parcel; and (ii) that there would be consideration/recommendation of how to track **Punch Cards and Additional Punch Cards so that they would only be given to actual guests of the Property Owner** to whom the Punch Cards and Additional Punch Cards were issued, and not just given to other parcel owners to give to the guests of other parcel owners. At the Ordinance 7 Committee meetings it was recommended that the District consider **issuing new Cards with Parcel numbers or addresses on the Punch Cards and Additional Punch Cards that could tie the Punch Cards and Additional Punch cards to specific properties** to avoid sharing with other properties. It was said that this would be looked at for summer 2023. The Fall of 2024 is also a good time for consideration of adoption of this process, unless this has been done.
- H. **How Many Guests Per Picture Pass?** Neither the former General Manager nor the Ordinance 7 Committee made the recommendation that each Picture Pass Holder be allowed to bring in up to 15 accompanied guests per day (per parcel). During the 2022 Ordinance 7 Board meetings former Chair Callicrate suggested this number and the Board discussed that the **number of Guests to accompany a parcel owner would be looked into by the Board after the data was in** for summer 2022 and hopefully this will be done as there is fuller additional data. Recall that in the Beach Survey 74.5% of the responders stated that they would like to see 9 or less guests

per parcel per day, and this high number surprised many in the community. I do not know if the records show this as an issue.

- I. **Is This Covered?** I cannot see where it says that Residential and Commercial Tenants who receive an IVGID Recreation Pass cannot bring Guests . Shouldn't that be included in paragraph 89 or somewhere as it was the prior practice and in prior versions of the Ordinance. If it is in the current version, I apologize because I missed it, and I am rushing to get this out.

This is too long and too rambling, but I only had this morning to work on this and hope that it is helpful.

Respectfully submitted

Diane Becker, full time Incline Village resident

Good evening members of the Board of Trustees

My name is Ali Warner. My family and I live full time in Incline Village, and we are the owners of a 38 key hotel called The Incline Lodge.

We have reviewed the draft changes to Ordinance 7 that were issued this week and have some suggested language to the hotels and motels section to ensure there is no violation of the beach deed. The additional language simply reads:

“in a manner that would not limit access of the Beaches by hotel or motel occupants”.

We have submitted a letter capturing these changes to the appropriate parties and will submit this letter again tonight as part of the public record.

We love being part of this community and feel so grateful to be neighbors.

Thank you



Cox, Castle & Nicholson LLP
3121 Michelson Drive, Suite 200
Irvine, California 92612-5678
P: 949.260.4600 F: 949.260.4699

Morgan L. Gallagher
949.260.4674
MGallagher@coxcastle.com

File No. 106436

August 28, 2024

VIA EMAIL

IVGID Board of Trustees
c/o Sergio Rudin, Best Best & Krieger; Josh Hicks, McDonald Carano,
IVGID Legal Counsel

Re: Item G.1 – Potential Edits to Ordinance 7

Dear Members of the Board of Trustees:

I represent Ali and Natasha Warner, the proud owners of The Incline Lodge. The purpose of this letter is to request that you incorporate a slight revision to Staff's suggested edits to Paragraph 76 of Ordinance 7 at your August 28th Board meeting.

By way of background, the Warner family lives full time in Incline Village and is heavily involved and invested in the Incline Village community. For over 30 years, The Incline Lodge (formerly Parkside Inn and The Incline Motor Lodge) guests have respectfully enjoyed Incline Village's beaches and recreational facilities. The Incline Lodge has 38 keys and is the only hotel in Incline Village that does not sit on waterfront property.

The Incline Lodge is one of the beneficiaries of the Beach Deed that was recorded in 1968. The section of the Beach Deed that establishes hotels as a beneficiary of the Beach Deed is below for reference:

"It is hereby covenanted and agreed that the real property above described, and any and all improvements now or hereafter located thereon, shall be held, maintained and used by grantee, its successors and assigns, only for the purposes of recreation by, and for the benefit of, property owners and their tenants (*specifically including occupants of motels and hotels*) within the Incline Village General Improvement District as now constituted, and, as the Board of Trustees of said District may determine, the guests of such property owners, and for such other purposes as are herein expressly authorized."

In the last round of revisions to Ordinance 7 in May of 2022, the Warner family worked closely and collaboratively with Staff, IVGID's legal counsel, and the Board to carefully draft Paragraph 76 to protect the rights of hotel occupants that are established in the Beach Deed. For that reason, the Warner family is concerned with the addition of "as set by the board" in Staff's suggested edits to Paragraph 76. A "reasonable limitation" on hotel guest to be provided access to the beaches is

August 28, 2024

Page 2

the intended occupancy of a hotel (i.e., four guests for a double queen room and two guests for a king room). It would be unreasonable to limit daily beach access to anything less than the intended occupancy of a hotel and doing so would directly violate the Beach Deed.

To that end, if the Board adopts Staff's recommended language in Paragraph 76, we urge the Board to adopt the additional language underlined and bolded below:

“Occupants of Hotels & Motels shall be provided access to the Beaches, if any, consistent with the terms of the Beach Deed and through a District verification and administration process. This process, at a minimum, shall include the payment of an Hotel/Motel Occupant fee and include a reasonable limitation as set by the board **in a manner that would not limit access of the Beaches by hotel or motel occupants** on the maximum number of Hotel/Motel Occupant to be provided access per Hotel/Motel. Access shall be limited to occupants of the Hotel or Motel during the time that they are occupants, and not before check-in or after check-out from the hotel. Guests of Hotel/Motel Occupants are not allowed Beach Access.

Reserving all rights to reopen discussion on the topic at a later time and without waiving any objections, the Warner family is willing to voluntarily agree to limit access to the beaches to hotel occupants and not guests of hotel occupants. That said, it is imperative that all occupants of the hotel have the right to access the beaches every day. While the Beach Deed provides all hotel occupants with the right to access the beach and the Warner family will protect that right, it is noteworthy that in 2023, only 361 of the total 215,969 beach visits (less than 0.2%) were occupants of The Incline Lodge.

Since the passing of Ordinance 7, the Warner family has enjoyed a great partnership with IVGID Staff to ensure respectful access to the beaches. They provide all guests with a copy of the rules and regulations and work hard to convey the unique culture of Incline Village to everyone visiting. They appreciate the Board's consideration of the language above to protect the Beach Deed and look forward to continuing to be a partner with IVGID in the community.

Sincerely,

Cox, Castle & Nicholson LLP



Morgan L. Gallagher

Cc: IVGID Board of Trustees (Submission During Public Comment)

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