

1
2 INCLINE VILLAGE
3 GENERAL IMPROVEMENT DISTRICT
4 BOARD OF TRUSTEES
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9 TRANSCRIPT OF HEARING
10 PUBLIC MEETING - SPECIAL MEETING
11 Live and Via Zoom
12
13
14 Held at the Boardroom
15 893 Southwood Boulevard
16 Incline Village, Nevada
17
18 Wednesday, January 16, 2025
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22
23
24 Reported by: Brandi Ann Vianney Smith
25 Job Number: IVGID FINAL

1 APPEARANCES
2
3 **BOARD MEMBERS PRESENT**
4 MICHAELA TONKING, CHAIR (via Zoom)
5 MICHELLE JEZYCKI, VICE CHAIR
6 DAVID NOBLE, SECRETARY
7 MICK HOMAN, TREASURER
8 RAY TULLOCH, MEMBER
9
10 **ALSO PRESENT**
11 SERGIO RUDIN, LEGAL COUNSEL
12 HEIDI WHITE, DISTRICT CLERK
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1 Incline Village, Nevada - 1/16/2025 - 3:30 P.M. 4
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4
5 VICE CHAIR JEZYCKI: I'd like to call to
6 order the special meeting of the Incline Village
7 General Improvement District Board of Trustees, held
8 here at 893 Southwood Boulevard, Incline Village,
9 Nevada, also being held by Zoom. It is 3:30, so we
10 will commence.
11 A. PLEDGE OF ALLEGIANCE
12 (Pledge of Allegiance.)
13 B. ROLL CALL OF TRUSTEES
14 VICE CHAIR JEZYCKI: As for roll call of
15 Trustees, Chair Tonking?
16 CHAIR TONKING: Here.
17 VICE CHAIR JEZYCKI: Trustee Tulloch?
18 TRUSTEE TULLOCH: Present.
19 VICE CHAIR JEZYCKI: Treasurer Homan?
20 TRUSTEE HOMAN: Here.
21 VICE CHAIR JEZYCKI: Secretary Noble?
22 TRUSTEE NOBLE: Here.
23 VICE CHAIR JEZYCKI: And myself, Michelle
24 Jezycki.
25 We will begin with public comments.

5

1 C. INITIAL PUBLIC COMMENTS
 2 MS. KNAACK: Hi. For the record, Yolanda
 3 Knaack.
 4 Unfortunately, IVGID's finances have been
 5 in bad shape for a long time. Washoe County was
 6 even considering taking them over. Subcommittee
 7 meeting last week went very well, they were very
 8 impressed at how well General Manager Walrack has
 9 progressed with strengthening -- was straightening
 10 out our financials in such a short time.
 11 We also need General Manager Walrack
 12 because of his expertise in food and beverage. If
 13 you recall, every summer that we did our own food and
 14 beverage, we would lose over \$1,000 a day, or at
 15 least a \$1,000 a day, so we need his experience in
 16 area.
 17 Firing someone without cause has
 18 consequences. Keep in mind that General Manager
 19 Walrack's severance pay is \$250,000, and a lawsuit
 20 would cost us more than a million. Please do not
 21 fire General Manager Walrack.
 22 Thank you.
 23 MEMBER SWENSON: Good afternoon. Harry
 24 Swenson. I live on lower Tyner.
 25 When I read the agenda that came out on

6

1 Monday, I couldn't believe what I was reading. It
 2 reminded me of the first day of the Biden
 3 Administration attempting to undo everything of your
 4 predecessors. It looks like, instead of dealing
 5 with the real issues facing our community, you
 6 simply wish to poke the eye in the previous board.
 7 The first item was to fire our contracted
 8 general manager, who, based on all reasonable
 9 knowledge, is doing a bang-up job. He recently was
 10 given high marks by the state Committee on Local
 11 Government of Finance by making more progress in his
 12 first month at IVGID than has been made in the whole
 13 last year.
 14 The suggestion to make Mike Bandelin an
 15 acting GM belies the fact that he was appointed last
 16 year as acting GM, and due to doing both that job
 17 and managing Diamond Peak, it was an impossible set
 18 of tasks. Right now, Mike is doing a great job at
 19 Diamond Peak, and it needs his day-to-day handling
 20 to keep it running effectively and profitably.
 21 Also, the costs will be more, as Yolanda
 22 said, \$250,000, as well as loss of progress that Mr.
 23 Walrack has already made. If this is how you plan
 24 on treating members of the community that step up to
 25 help you, you will regret this decision.

7

1 The next item is the hiring of
 2 Mr. Harrison, who will cost more than \$75- to
 3 \$100,000 per year due to the requirement to move and
 4 live in the District. Also, based on his interview,
 5 he didn't appear to even understand what a GID is
 6 and thought we were a city. We are not a city and
 7 we need someone that can effectively guide, manage
 8 our recreation and utility businesses. This lack of
 9 knowledge and increased cost is something IVGID can
 10 ill afford.
 11 The third item is to revisit Ordinance 7
 12 in the Beach Deed again. This time -- the last
 13 time, we called upon the community, including
 14 several experienced legal professionals, to draft
 15 changes to the numerous issues such as overcrowding,
 16 routine unauthorized use, cost growth, and many
 17 others. This activity took close to a year of
 18 effort and thousands of hours of volunteer time by
 19 our community.
 20 The plan to assign the Board's legal
 21 counsel and Trustee Noble to do this work is
 22 ludicrous. Neither have the background or knowledge
 23 to accomplish this task.
 24 Our beaches are our most-valuable asset,
 25 and this risk should include significant community

8

1 input; not to mention Washoe County constructed a
 2 safety pier, which will eventually transition to a
 3 water transportation hub. No thank you.
 4 Why can't Washoe County use the Hyatt
 5 public pier, that's what it's for, it's a public
 6 pier? And how does this thing jump all our
 7 previously delayed capital improvement projects?
 8 Thank you.
 9 MS. MILLER: Good afternoon, trustees.
 10 Replacing our GM after he's already spent
 11 a month demonstrating his value, it appears to be a
 12 rather pompous act. And don't blame the prior
 13 board, you have no compelling reason to terminate
 14 this GM. He's already demonstrated that he can
 15 think out of the box to get much-needed help in
 16 addressing our messy financials.
 17 From his successful business career, we
 18 have no reason to doubt his ability to address, not
 19 just the financial aspects of our organization, but
 20 also the human aspects. IVGID's culture of loose
 21 controls requires both sensitivity as well as a firm
 22 hand.
 23 As for Mr. Harrison, his inability to
 24 secure another job offer after being fired by the
 25 City of Yakima a year ago -- almost a year ago,

9

1 makes us question why this board considers him their
 2 best candidate. We already have a plan and staff
 3 needed to address the Tyler fiasco. And judging
 4 from his interviews, Mr. Harrison is just as
 5 unfamiliar with the GID as others.

6 A GID bears little resemblance to cities,
 7 and certainly not something they call a "LID," a
 8 local improvement district, they have a different
 9 way of securing financing that is very unlike our
 10 so-called recreation facility fee. They're -- LIDs
 11 primarily fund infrastructure, not operations, and
 12 the assessments are usually based on benefit
 13 received, not one size fits, all like our facility
 14 fee.

15 In our GID, every dollar of loss has to be
 16 recouped in the form of facility fees. What IVGID
 17 lacks is a leader who knows what it takes to run a
 18 successful business and minimize those losses.
 19 IVGID's failed miserably when it comes to
 20 controlling costs.

21 In Yakima, Mr. Harrison's idea of cost
 22 cutting was to drastically cut police and fire. His
 23 suggestions from an August 8, 2023, Yakima city
 24 council workshop included 6 million in cuts, with
 25 nearly 4 million coming from police and fire.

10

1 We don't have police and fire, but we've
 2 seen what those cuts have done in cities like San
 3 Francisco and Los Angeles. Fortunately, the counsel
 4 rejected many of those cuts. Although IVGID doesn't
 5 have the power of public safety, these suggestions
 6 leave grave doubts as to his judgment in setting
 7 priorities.

8 Please don't waste taxpayer money by
 9 tossing aside our capable General Manager, Kent
 10 Walrack. Set some specific and realistic measurable
 11 goals and give him at least a year to accomplish
 12 them. I do have something to include -- and I hope
 13 I haven't made any objectionable, antagonistic --
 14 or, no, I think objective antagonistic remarks.

15 Thank you.

16 MR. EPPOLITO: Good afternoon. My name is
 17 John Eppolito. I have been a real estate broker
 18 here for 26 years, and I will not be discussing the
 19 hot issue. I'm pretty sure I have clients on both
 20 sides of this issue.

21 What I will talk about is the two
 22 meetings, I brought one up at the last meeting, the
 23 last general meeting, the Washoe County meeting
 24 talking about the new TRPA plan. And -- well, the
 25 first meeting, there was maybe 12 people there, or

11

1 so, and there was a presentation and there were a
 2 lot of questions. A lot of them were around
 3 evacuation in the event of a fire.

4 Then the county agreed to invite the TPRA
 5 to the next meeting because they couldn't answer
 6 some of the -- most of the questions, actually. And
 7 then the TRPA came to the next meeting, which was
 8 two days ago, Tuesday. They moved the venue from
 9 Raley's to the old library, and there were quite a
 10 few more people there, maybe 25 residents or so, but
 11 the meeting was totally different.

12 The meeting was was a group here, there
 13 was a group here, there was a developer here, and
 14 then there was some other private discussions going
 15 on around the room. The way one of the attendees
 16 summed it up was divide and conquer, which seemed
 17 appropriate.

18 By 15 minutes after it started, eight of
 19 us already left. It was kind of a joke, we didn't
 20 get anything out of it, we still don't know -- it
 21 seems like -- here's the issue: 65-foot buildings,
 22 that is part of the TRPA plan, and the
 23 hundred-percent coverage on the lots.

24 And -- I'm even -- I even hate to say this
 25 because I don't even think it's true but I'm pretty

12

1 sure it is. I mean -- I shouldn't say I don't
 2 think -- I find it hard to believe that some of
 3 these hundred-percent covered lots with 65-foot
 4 buildings wouldn't have any parking, but I'm pretty
 5 sure if they have certain type of deed-restricted
 6 properties on that property, they don't need
 7 parking. And this is what came up in Kings Beach,
 8 because I'm a real estate broker on the California
 9 side too, so I've been paying attention to what's
 10 going on in Placer County. I was shocked when I
 11 found that out.

12 There's one thing that doesn't come up
 13 enough besides -- the fire evacuation comes up all
 14 the time, they can't get us out of here in time if
 15 there's a major fire. We just saw what happened in
 16 Palisades, the other Palisades, not the one they're
 17 going to overdevelop right here close to us, the
 18 insurance -- as a real estate broker, this is
 19 becoming a real issue, and some of you might know
 20 that, some of you might live in complexes that are
 21 having these issues. What I'm concerned about is
 22 these new 65-foot buildings, they are going to be
 23 built to the new fire codes. However, their
 24 neighbors in the old buildings may have trouble
 25 getting fire insurance once the new buildings are

13
1 put in. That concerns me a lot because we already
2 have complexes in town that don't have a
3 hundred-percent coverage.
4 Thank you very much.
5 MR. WRIGHT: You new board members, your
6 legacy has just been planted. You move forward with
7 this agenda, which I find to be the most ridiculous
8 agenda I've ever seen in all the years I've been
9 coming to to these board meetings, there's no
10 justification for anything you're doing, the beaches
11 have been adjudicated, lawyers have looked at it,
12 they've gone through everything they needed to go
13 through, you don't need to bring it up again. If
14 the employees are on the beaches, you've lost the
15 beaches. I can guarantee they are gone. Gone. You
16 will not recover them. Because they live in Reno,
17 they don't have any kind of justification for being
18 on it, they violate the deed, the deed is over, and
19 don't let this guy sit here and try to tell you they
20 can. They can not.
21 You guys were not in the courtroom when I
22 was at the Ninth Circuit. It was very clear: If
23 any political activity is taking place on those
24 beaches, they're gone.
25 You didn't hear that dialogue in the

15
1 You go forward with this, and I'm
2 promising you, your legacy will be in place. You
3 will be viewed and deemed as probably one of the
4 dumbest boards we've ever had. I'm sorry to say
5 that because I live here, this is my community, and
6 you're screwing it up, for what reasons, I don't
7 know. What is behind this? What justifies your
8 first week on the job to try to turn everything
9 that's been done here over? What gives you the
10 right to spend our money like this? What gives you
11 right the steal from the people who live here for
12 your own self-serving purposes?
13 You're bad people.
14 MR. SCHERR: Good afternoon, Board. My
15 name is Peter Scherr, and I live on Pelton Lane.
16 I'm here for a couple, quick comments,
17 hopefully won't use my whole three minutes. First
18 of all, welcome to the two board members, glad to
19 see you here.
20 Second, with reference to the agenda item
21 regarding the General Manager, I just want to say
22 that I'm glad that you're considering, and that I
23 imagine you have, but if you haven't, I hope you'll
24 take an approach of thinking fast, thinking slow
25 about it. I know there's a lot of gut reaction and

14
1 papers that you read. If any outside resident is on
2 those beaches, they're gone, they become public.
3 You violate the Beach Deed, they're gone. So let's
4 just take that off the table and be a little
5 brighter than you're being right now.
6 As far as canning a guy who has been on
7 the job for one month and seems to be doing a pretty
8 good job, in a situation where you're going to put
9 on fiscal watch, you can him and you will be put on
10 fiscal watch, Mr. Noble.
11 This board won't be able to do a thing
12 because all their finances will be tied up for a
13 year to two years while the county and the state go
14 through every operation that takes place here. You
15 will not be able to bond, you will not be able to
16 spend, you will not be able to do anything except
17 listen to what they tell you you have to do with
18 your finances.
19 This is setting a red flag to how screwed
20 up this place really is. It's a shame. It's a
21 shame. And you new board members made promises
22 during your campaign, I was there, I was running
23 against you, everything you said is not true,
24 everything you did with was a lie, and it just came
25 out in this board meeting.

16
1 everybody's very concerned about it in one way or
2 another, so I hope you take some time to think
3 deeply about and not just jumping into making
4 decision.
5 I know that several of us did file
6 complaints with the AG's office after the meeting
7 where Mr. Walrack was hired, and that's not been
8 completed yet as far I understand. I have not
9 received anything else on that.
10 I would encourage, maybe, waiting until we
11 receive those results. It might provide additional
12 remedies or different venues for approaching this
13 situation with the General Manager. I don't know
14 what they might be, although I am an attorney, I
15 could probably think of a couple, but I don't want
16 to start overspeculating.
17 And then I just want to make a comment
18 about the general counsel and just what I've
19 observed a little bit here and there with regard to
20 the beach.
21 The meeting hiring Mr. Walrack, it seemed
22 as though we had a very docile general counsel who
23 was taking a lot of direction from the board, and I
24 would just caution against that. And having served
25 on some nonprofit boards, I would encourage you to

17

1 encourage your counsel to exercise a high level of
2 independence and flexibility and not just give you
3 the answers that you're hoping for.
4 That's all I have. Thank you so much for
5 your time.
6 MR. NOLET: Still breaking in my new Santa
7 Clause hip, so thank you for giving me an extra
8 second to get here. Chris Nolet, full-time
9 resident, Lakeshore Boulevard.
10 In one of the campaign platforms that the
11 new members had and that the recurring members had
12 was striving for a better HR environment, making
13 IVGID a preferred place to work, you know, an
14 employer of preference. I guess I don't see how
15 taking the action that's on the agenda tonight
16 accomplishes that.
17 I don't know Kent. I met him last week
18 for the first time. We talked 30 seconds. I have
19 no dog in this one. But here's a guy who hasn't
20 been given, to my understanding, any performance
21 feedback from any trustee, written or verbal. He's
22 been on the job six weeks, he's working with
23 incredibly modest talent pool, and he's getting
24 things done. He's not perfect.
25 I was one of the many that wrote the prior

19

1 other than my wife and I moving here about
2 five years -- I'm sorry. Dwight Zuck, up on Fairway
3 View Ct., right behind the first tee box.
4 When we came here, I wasn't even a golfer.
5 I joined TIGC, and my wife is also a member of
6 Mountain Niners and on the committees there. About
7 a year ago or so, Kent and I were paired in the same
8 cart, never knew him, and then you get to know
9 somebody and he starts to tell you where he's from.
10 He's from Fresno, and I said, "Oh, I spent a lot of
11 time down there as a technical rep for a global
12 industrial gas company." He said, "Lyons Magnus."
13 I said, "Oh, my gosh, really, I knew the old Bob
14 Smittcamp, your late CEO."
15 When you walked around Lyons Magnus, it
16 was a first-class operation. It was very
17 impressive. It has a 150-year history. It's in
18 many states across the country. No, it's not a
19 global company, it's family-owned, granted, but a
20 very solid one, and Kent's been there for over 32
21 years if you looked at LinkedIn.
22 Somebody doesn't stay that long if they're
23 not worth it. And you guys aren't even giving him a
24 chance here to prove his mettle that you all really
25 deserve and you need it, Mr. Noble. I don't know

18

1 board a letter saying don't do this, don't do this,
2 you're going to shackle the community with this
3 problem, and they did it anyway. Very unfortunate,
4 but here we are.
5 So no performance feedback, no performance
6 improvement program, Michelle, like the kinds of
7 things that I'm sure you're familiar with. Expenses
8 are not in the budget. Section 3 of Memo F 1 on the
9 financial impact looks to have a material
10 duplication in it. If I'm incorrect, you can
11 correct me during the board meeting.
12 So you guys have been in place 11 days,
13 you're striving with this action to exceed the
14 incredibly poor governance and financial stewardship
15 of the prior board, and you wonder why people don't
16 want to work here.
17 Take some time. Give Kent a chance.
18 Apparently his committee meeting last week with the
19 Department of Taxation was one of the better ones
20 we've had. I mean, we're going on in the right
21 direction.
22 Thank you.
23 MR. ZUCK: Thank you. I did only learn
24 about this meeting earlier this week, and it's a
25 little different spin. I don't know Kent very well,

20

1 why you're so against him or who is telling you to
2 be against him. It's almost like the Biden
3 Administration all over again, pulling the strings
4 -- somebody pulling the strings. I don't get it.
5 I just ask of you, you know, what can Mr.
6 Walrack bring? I heard there was a employee
7 recognition session up at Diamond Peak, and that was
8 well received because that's what the employees
9 need. I think that's something you guys all
10 support. Fundraisers, booby prizes, or whatever.
11 Anyway, I don't think you're doing the
12 right thing here by six weeks in, no performance
13 reviews, all the things Mr. Nolet said. It's really
14 embarrassing.
15 When we came in here five years ago, we
16 were in the middle of the recall. I thought, Is
17 this typical for Incline Village? They got rid of
18 one GM, hired another one, fired him already. Now
19 you've got a fourth one online that you're planning
20 to hire.
21 Stick with the third one you got right
22 here. This is a good choice right here. Please
23 support Kent Walrack to run this, to be your GM, and
24 let Mr. Bandelin keep his good operations going and
25 making money up there for us. He can't spread his

21

1 time down here too.

2 Thank you. I hope Kent's around for the

3 next year and we get our money's worth because we

4 don't have the money. Thank you.

5 MS. WELLS: Hope you can hear. Kristie

6 Wells. Good afternoon, Trustees. I'm here to

7 address the General Manager's contract and the

8 potential for termination.

9 During the November 27th meeting, the

10 outgoing board appointed Mr. Walrack as general

11 manager despite substantial opposition from Trustees

12 Tonking and Noble, as well as trustees-elect Homan

13 and Jezycki. All expressed serious concerns about

14 his candidacy, citing his lack of experience in key

15 areas critical to the GM's responsibilities. This

16 was not a minor disagreement, but a profound lack of

17 confidence in Walrack's ability to lead effectively.

18 In an effort to safeguard the District,

19 Tonking proposed a six-month severance clause, while

20 Noble advocated for no severance at all, making it

21 clear that once the new board was seated, he would

22 pursue termination.

23 Despite these clear warnings, Schmitz,

24 Dent, and Tulloch moved forward with the

25 appointment, including a 12-month severance clause,

22

1 justified by Walrack using reasons that really don't

2 withstand scrutiny.

3 Walrack cited relocation expenses and

4 recruitment challenges despite already residing in

5 the District and being retired at the time. These

6 justifications raise serious questions about the

7 transparency and the integrity of the hiring

8 process.

9 The interview process itself appeared

10 compromised, with Walrack's response suggesting

11 coaching, potentially by Tulloch, who seemed intent

12 on securing his business guy. Such conduct

13 undermines trust in our governance and the

14 credibility of this decision.

15 Additionally, Walrack's reliance on

16 Tulloch as his primary benefactor is likely to

17 create ongoing conflicts that would hinder the new

18 board's majority of efforts to implement strategies

19 aimed at improving our community. This dynamic is

20 not conducive to effective leadership or

21 collaboration.

22 The situation's not in the best interest

23 of the District or its parcel owners. Retaining the

24 wrong individual in a leadership role is far more

25 costly than addressing a severance agreement. If

23

1 this board determines that Walrack is not the right

2 fit, I fully support their fiduciary duty to take

3 corrective action.

4 That said, I also appeal directly to

5 Mr. Walrack. You accepted this role knowing there

6 was significant opposition and that termination was

7 probably an outcome. In light of this, demanding a

8 full severance package which showed disregard for

9 the trust and resources of this community.

10 Instead, I urge you to consider a

11 different path. With your extensive experience in

12 the food and beverage industry, you can make

13 meaningful contribution in that area, whether as a

14 department leader or a paid adviser. Such a move

15 would demonstrate your commitment to the District

16 while helping mitigate unnecessary financial strain.

17 Finally, to the 75 percent of voters who

18 elected Tonking, Homan, and Jezycki, I encourage you

19 to trust in their leadership. Alongside Trustee

20 Noble, they are committed to building a stronger,

21 more financially reasonable GID. Support them as

22 they work to make the best decisions for our

23 community, even if those decisions require difficult

24 financial considerations today.

25 Thank you.

24

1 MR. LYON: My name's Jim Lyon. I live in

2 Third Creek, Incline Village.

3 I can't believe the Board is considering

4 firing our newly appointed General Manager, who has

5 a legally binding contract, and violating your

6 fiduciary responsibilities. This is sheer madness

7 and direct contradiction to your campaign promises

8 to bring about normality to the Board. You aren't

9 even waiting for the GM's first performance review

10 to act, but are doing so at this first opportunity.

11 It's stupidity.

12 In the brief month Mr. Walrack has been

13 here, the State Committee on Local Government

14 Finance has said he has made monumental progress,

15 quote, to mitigate IVGID's financial disaster. He

16 is already demonstrating leadership on how to work

17 by being in the IVGID offices nine to ten hours a

18 day, changing the not-to-work-from-home culture that

19 has become prevalent over our last few years.

20 In record time, he has come up to speed in

21 our challenges and has been working diligently on

22 mitigation, as described in his January 8th report

23 to the Board of Trustees.

24 The agenda item that is considered today

25 is being pushed by Trustee Noble, who has been

25

1 declared by the Las Vegas Voice as being
 2 thin-skinned and heavily handed. I would now add,
 3 possibly vindictive. For two years I've come to
 4 your board meetings and heard few words out of
 5 Trustee Noble's mouth. I have watched apparent
 6 pouting about decisions made by the board without
 7 providing cogent, contrary views to be considered.
 8 He's appeared as an empty seat and now wishes to
 9 take this extremely heavy-handed action and is
 10 trying to co-op you and other trustees in this very
 11 short-sided decision.

12 Also this attempt to fire Mr. Walrack
 13 seems to be an outgrowth of Open Meeting violation,
 14 described by Trustee Jezycki, to the local media who
 15 subsequently said, "It was a mistake," at our last
 16 board meeting.

17 If, as I suspect, this action was
 18 discussed by trustees at this illegal meeting, then
 19 all of the trustees in attendance need to recuse
 20 themselves from this decision or further compound the
 21 seriousness of their violations.

22 Finally, the cost to IVGID of this action
 23 will cause backtracking of the State's expectation
 24 that we are moving in the direction to fix our
 25 financial malfeasance, and cost the District much

26

1 more than \$250,000, along with a possible wrongful
 2 termination joining the several other pending
 3 employee lawsuits.

4 In times like this when we are in such
 5 financial difficulties, the expenditure of our funds
 6 like this is absolutely absurd and fiducially
 7 neglect.

8 MR. SCHULTZ: Good afternoon and happy new
 9 year.

10 I'm concerned and discouraged by the
 11 proposals to be presented today in light of the
 12 rhetoric expressed by those seeking office and by
 13 those holdover trustees that this new board would
 14 start anew and work to the benefit of our community.
 15 Today's proposals would indicate otherwise.

16 The overriding question is: Are you
 17 representing Incline Village and Crystal Bay or just
 18 yourselves?

19 While all three of the finalists vying for
 20 the vacant GM position have the potential to be
 21 successful, one was hired. A minority of that board
 22 had another preferred candidate. Apparently the
 23 incoming elected new board members felt that their
 24 opinion should take precedence in that process, even
 25 though their term started in 2025. To expect that a

27

1 sitting, elected trustees defer to others is naive
 2 and without precedence.

3 Each of you are elected and expected to
 4 fulfill your obligations from day one to the last
 5 day of your term, not almost to the last day. How
 6 would this board react if you were asked -- or, no,
 7 demanded, that you cease actions and relinquish your
 8 responsibilities for a period of time?

9 Mr. Walrack, a current resident, was ready
 10 to work on day one. Reports are that he is engaging
 11 positively with the staff, acting to fill vacancies,
 12 and is dealing most successfully with the Washoe
 13 County on local government finances, which is
 14 looking into our financial mess. Indeed, he has
 15 received very positive feedback from that committee.
 16 According to some, that aspect of his background was
 17 a weakness, and yet he has already garnered grace.

18 Without any substantial reason, the effort
 19 to remove him seems ego-driven and vindictive. Mr.
 20 Walrack should be given at least one year to prove
 21 himself.

22 Many of you have experience in management.
 23 Is this how you would have acted in your previous
 24 positions if such a situation arose? Especially
 25 considering Mr. Walrack has performed, not only up

28

1 to, but beyond expectations. We've had a revolving
 2 door of individuals as general manager for two
 3 years. Since many on this board have described --
 4 decried the low morale, does it not occur to you
 5 that removing yet another GM who is making very
 6 positive progress will also affect staff as well as
 7 community morale? Has it not occurred to you that
 8 this unwarranted move would add to our expenses,
 9 generated by severance payouts approaching half a
 10 million, or is that somebody else's problem? Please
 11 table the proposal to remove Mr. Walrack.

12 When I read the proposal of revising the
 13 beach access, I thought we were back in 2023. This
 14 issue has been examined, in depth, twice already.
 15 In fact, the beach documents speak for themselves as
 16 to who is entitled to use our private beaches.

17 MS. CARDINALE: Lynette Cardinale.
 18 The firing of GM Walrack by this board
 19 would be a ruthless, self-serving, irrational action
 20 that can only be fostered through a psychotic
 21 malevolence that would undermine the integrity and
 22 viability of this community. It exposes the lack of
 23 credibility of their voters who would have expected
 24 they could place their trust in.

25 GM Walrack was timely appointed by the

29

1 previous board to use his qualifications and
 2 knowledge to offset and prevent the State from
 3 placing IVGID on fiscal watch by January 30th, 2025.
 4 From listening to the subcommittee's last report,
 5 they had nothing but high praises for Walrack's
 6 progression and in finding Jessica O'Connell to
 7 train the staff, who are progressing and praised as
 8 well in learning the system that has caused delays
 9 and confusion in meeting account-balancing
 10 expectations.
 11 Even so, this board desires to stop this
 12 progress, fire Walrack, appoint a temporary just to
 13 hire their choice to do as GM, costing the District
 14 unnecessary \$250,000, possible legal fees to secure
 15 another GM, and possible more dollars to secure yet
 16 another contract.
 17 In addition, yet again asking a third
 18 lawyer to find a loophole that two other lawyers
 19 warned against in employees of IVGID not to have
 20 beach passes, that -- by the deed for the parcel
 21 owners only, would compromise Ordinance 7, as I have
 22 placed copies for each of you in which Indra
 23 Winqest was also cc'd in 2023.
 24 More so compromising the beach deed,
 25 should they approve the emergency pier on Burnt

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1 were bids for the pond line, 3 million, 2 and 1.5.
 2 And now what is it, 75, 100? I don't know. I
 3 haven't heard any numbers, but that's money that has
 4 come out of our pocketbooks. Not to mention some of
 5 the other things that are going to cost us a lot.
 6 The other thing was is that we had --
 7 which was not discussed in this meeting, it was sort
 8 of glossed over, was the forensic accounting. I
 9 might mention that the prior board, now you say the
 10 last two years were by the board that should be
 11 replaced. Okay, well, that's your opinion. That's
 12 fine. But this all antedated that. This dated
 13 back -- I mean, I'm laughing because I've heard that
 14 this dated back 25, 30 years, it's not that, but the
 15 ones that I know of, it's in '17.
 16 And that they have the issues, they have
 17 the issues for the forensic accounting. What did
 18 the forensic accounting do? Well, 93 passes that
 19 were not authorized. There's a bunch of other
 20 things that weren't authorized. I think from what
 21 we have -- the Board, the golfing was a lot of
 22 money, and we have -- unbelievable -- somebody who
 23 successfully runs a business doesn't have to do HR?
 24 I think he does. But somebody who works in the
 25 cities don't run the private businesses.

30

1 Cedar for public transportation for the entire Tahoe
 2 basin on our restricted-deeded beach, giving
 3 opportunity, then, for the county to use it as they
 4 chose in the future. Is this board looking to make
 5 it public? Such compromises undermine the GID and
 6 parcel owners and surpass incompetence.
 7 In summary, I was correct in not voting
 8 for the policies you three that are newly elected
 9 that would bring to this community and everything I
 10 could never vote for. But you may be becoming
 11 everything your voters didn't expect.
 12 MR. DALTON: Jack Dalton. I'm a 10-year
 13 resident of Incline, and I've gone to lot of
 14 meetings.
 15 I support the continuation of employment
 16 of Kent Walrack. Now, people here have made their
 17 comments. Most of them are very powerful for him,
 18 but let me point out something that's not been
 19 discussed here.
 20 There's -- going back, if you remember, I
 21 went to the first trustee meetings in '17. I didn't
 22 go until somebody said, well, we should go. Then we
 23 had the effluent pipeline. What did the effluent
 24 pipeline cost then? Does any of you know? Well,
 25 right now, it was at 17, it was \$17 million. There

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1 I think we should continue with
 2 Mr. Walrack and then, maybe in year, decide what
 3 should be done. This town has spent a lot of money
 4 on a lot of different things which have not been
 5 useful for the town.
 6 Thank you.
 7 MR. BRIGGS: Hello. I'm Michael Briggs,
 8 582 Douglas Court. Welcome to the new trustees.
 9 When the Board of Trustees worked through
 10 its selection process for a new GM last year, I
 11 commented at a public meeting that I thought the
 12 process was flawed. I cite two reasons:
 13 One, it did not incorporate input from
 14 newly elected trustees. Two, the selection seemed
 15 to be based solely upon a cover letter, résumé, and
 16 two, one-hour public interviews, with each trustee
 17 given 10 to 12 minutes for questions.
 18 I saw no reference checks, I heard no
 19 public endorsements of candidates who know them,
 20 except for Mr. Walrack. How the Board of Trustees
 21 is supposed to hire a great GM with this process is
 22 beyond me, whether it's Mr. Harrison, Mr. Walrack,
 23 or someone else. However, the board did hire Mr.
 24 Walrack, and he started month ago.
 25 Now there's a motion to terminate his

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1 contract without stating any reason other than the
2 above chronology. I think the motion is outrageous
3 and should be soundly defeated.

4 Mr. Walrack is a talented, successful, and
5 civic-minded executive. He has shown he can build a
6 high-performing team and get results. He's a man of
7 integrity. His private-sector experience does not
8 prevent him from being a good GM. Our previous GMs
9 with government experience put us in our current
10 financial mess. We need someone with business
11 acumen to operate our many venues and, importantly,
12 the food and beverage operation. Certainly, the
13 absolute disaster at the Mountain Golf Course where
14 the vendor improperly replaced the cart paths would
15 not have occurred under Mr. Walrack's watch.

16 If the motion passes, what about
17 Mr. Walrack? Does he receive \$250,000 in severance
18 as provided in his contract? That would be a waste
19 of IVGID funds.

20 I have not seen evidence that Mr. Walrack
21 can be terminated for cause. Certainly, trying that
22 angle with Trustee Noble's declaration of his intent
23 to file this motion back in November would submerge
24 it into bad faith for breach of contract and
25 possible damages for the intentional infliction of

35

1 first choice? Okay. I can accept that, but that
2 doesn't mean he's not qualified.

3 The District has had 64 years of history,
4 and never, never in our history have we ever fired a
5 GM. And now all of a sudden after a month on the
6 job, Mr. Walrack becomes the first.

7 Let's move on to Mr. Harrison. And I hope
8 you're listening, Mr. Harrison, you're not
9 competent. You were terminated by the City of
10 Yakima. You've been looking for a new job for the
11 last year and haven't been able to find one.
12 Doesn't that tell us something? You were a finalist
13 for the city manager job at Salem, Washington, where
14 you were offered a salary of \$170,000, which was
15 acceptable to you. And now this board is
16 considering over 300,000?

17 Disingenuously, the Board wants
18 Mr. Walrack out because he has no government
19 experience. Well, we're not government.
20 Technically we are, but none of you recognize that
21 fact. According to you, we're only quasi
22 government, and what is quasi government? Well, I
23 guess you're government some of the time and you're
24 not government other parts of time.

25 A majority of you were -- realized, we

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1 emotional distress.

2 Mr. Walrack doesn't deserve to be treated
3 like this, and neither do the IVGID taxpayers. Do
4 the right thing, keep Mr. Walrack, and if
5 Mr. Harrison wants to move here, let's hire him as
6 the CFO.

7 Thank you.

8 MR. KATZ: Good afternoon. Aaron Katz,
9 17-year resident of Incline Village. I have written
10 statements here to be attached to the minutes of
11 this meeting.

12 I've made this observation before, I'm
13 going to make it again today, I'm embarrassed of my
14 neighbors that are on the Board now. Termination of
15 Mr. Walrack is irresponsible and a waste. Our
16 employment contract with him identifies what's
17 cause, and here we have none.

18 The lump-sum payment for severance to
19 Mr. Walrack is not 250, it's probably closer to
20 \$265,000. If the Board concocts a cause argument,
21 then GM Walrack can file a suit and our legal costs
22 to defend will ultimately push the costs well over
23 \$325,000, and we'll lose.

24 And why are we doing all of this? Because
25 Trustee Noble told us that Mr. Walrack wasn't his

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1 have here, is a series of commercial, for-profit
2 public recreation business enterprises which are
3 operated as such. Except Mr. Harrison doesn't have
4 any experience in that area, none at all, and yet
5 we're going to let him be our GM?

6 Thank you very much. Keep him.

7 MS. LEHR: My name is Kay Lehr, and I live
8 at 684 Saddlehorn Drive in Incline.

9 I would just like to reit- -- I am a no on
10 firing the new GM. I would like to reiterate all
11 the concerns that have already been brought up, the
12 financial issue, the legal issues, and also just how
13 having someone work for six months -- six weeks and
14 considering firing them does not make any sense.

15 I look around this room and I see a lot of
16 gray hair, and a lot of us have worked for
17 many years. I worked 45 in all of government,
18 ending up my career in Washington D.C. Never have I
19 seen anything so ridiculous as not wanting someone
20 who has only worked for six weeks.

21 The other thing that I would mention is
22 that whenever -- and in my lifetime of working, my
23 husband was an executive with AT&T, our best friend
24 was an executive with GM, when there was an issue,
25 even a small issue especially with someone as they

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1 first come on to job, they are given help, they are
 2 not threatened with termination. And I suspect that
 3 you have some issues here on the Board. You need to
 4 help the person that you have brought on to help
 5 IVGID.

6 This is a beautiful community. We all
 7 love living here, but we want our governance to do a
 8 better job. And we appreciate that you applied and
 9 became part of this board, please do a good job for
 10 the citizens of Incline Village.

11 VICE CHAIR JEZYCKI: That's the end of our
 12 in-person comments. Do we have any comments on
 13 Zoom?

14 MR. BELOTE: We do, Vice Chair.

15 MR. ABEL: Hi. Michael Able here,
 16 Southwood Boulevard.

17 Like a spoiled child on the playground
 18 taking the ball away from the others, Mr. Noble now
 19 proposes two absolutely crazy proposals for this
 20 meeting. It's interesting that Noble gives
 21 absolutely no reason for the initiative.

22 If successful, Noble's position of
 23 allowing IVGID to join the government of Los Angeles
 24 at top of the list of the worst governments in the
 25 United States. This initiative shows the cavalier

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1 disregard of the homeowners, taxpayers, and renters
 2 in our district, and will result in higher costs.

3 Two things. Number one, the firing of
 4 Walrack, who for first time in five years has shown
 5 both the Board and the State Department of Taxation
 6 that he actually knows how to organize IVGID's
 7 finances and run the District, his strong business
 8 background and ability to actually get things done
 9 apparently further rankles Trustee Noble. Walrack
 10 has shown a strong ability to organize and energize
 11 the staff to get the District moving in a positive
 12 direction.

13 Then Noble proposes hiring Harrison, who
 14 nobody else has decided to hire for the last three
 15 months. Maybe that says something about Harrison's
 16 qualifications. This move will set IVGID's finances
 17 back in the crapper for another six months, but
 18 apparently Noble doesn't care about spending the
 19 taxpayers' hard-earned dollars.

20 Then, number two, after beating the dead
 21 horse of the beach access for employees and wasting
 22 \$20,000 or more during '22/'23, Noble, for whatever
 23 reason, has decided to resurrect this dead horse.
 24 The private beaches of Incline Village are clearly
 25 owned by the residents of IVGID, and IVGID is

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1 only -- Incline Village, I should say -- and IVGID
 2 is only a trustee of those beaches. This was made
 3 clear in the prior attorney-rendered opinion.

4 Let's see now, what are the costs of these
 5 follies that the apparently deranged Noble proposes
 6 to voice to our community? Discharge of Walrack,
 7 quarter of a million dollars; attorney's fees
 8 associated with the firing, probably 50,000; new
 9 attorney opinion on the beaches, 25,000; possible
 10 hostile action from Walrack, \$25,000; and property
 11 owners' lawsuit over employee access to the beach, a
 12 sure thing if this proposal goes through, \$250,000.
 13 A total of \$600,000.

14 I guarantee that if this board opens our
 15 beaches, I will be the first to sign up and sue
 16 IVGID.

17 As I pointed out in my public comments
 18 last week, our facilities are in sad shape, an aging
 19 Rec Center, an ill-tended Village Green, ancient
 20 beach bathrooms at Burt Cedar, giant fire hazard on
 21 the Mountain Golf Course, rundown Snowflake Lodge,
 22 ancient ski lifts.

23 It has also come to my attention that the
 24 HVAC system at the Rec Center needs replacing to the
 25 tune of --

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1 (Expiration of three minutes.)

2 MR. McKOWEN: Good evening. This is Kevin
 3 McKowen, Incline Village.

4 I will start and preface my statement by
 5 saying I will not, now or ever, call board members
 6 liars, dumb, stupid, dishonest, or enter any other
 7 disparaging remarks.

8 I don't think this general manager
 9 situation really is about supporting whether the
 10 Board keeps Kent in his position or not. I think
 11 it's a matter of us yielding to allow the Board to
 12 make the decision that they choose as being best for
 13 the village. They won unanimously for a reason.
 14 They've made it clear from the beginning that they
 15 wanted to choose another candidate as general
 16 manager. This is no different than President Trump
 17 wanting a specific person for a cabinet position,
 18 but being told by an outgoing president that, no, he
 19 was going to appoint somebody else. That's
 20 ridiculous and absurd.

21 First thing, I think Kent is a great guy,
 22 and I'm in no position, really, to decide whether
 23 he's right for the position or not.

24 I will say, however, that he is a victim
 25 of being pushed into this mess by our friend, Sara,

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1 as a last gesture of giving the finger to the
 2 village. She also did so knowing that Kent would be
 3 facing this exact firestorm that is happening right
 4 now. And as she did so, she was in Minnesota
 5 driving a car with Minnesota personalized plates and
 6 turning her back on all of us, whoever had known
 7 about the general manager's position.

8 I do think, however, we also need to step
 9 back and take a look at why and how we got here.
 10 The previous board managed Indra Winqest out for no
 11 other reason than he would not go along with their
 12 continued bad decisions. That cost us \$250,000.

13 Most senior managers left and that cost us
 14 in far more ways than just money. Additionally, the
 15 accounting staff we lost cost us at least another
 16 \$200,000 when they had to hire contractors to fill
 17 in. They then voted for a forensic audit, even they
 18 told us there was never any fraud, and that cost us
 19 approximately another \$350,000. They also initiated
 20 a four-month witch hunt investigation, which, by the
 21 way, revealed nothing on Susan Herron, and that cost
 22 us probably another \$100,000.

23 Not mention the ice skating rink donated
 24 to us that Chair Schmitz did not even let the Board
 25 vote on. And then there was the ultimate brainless

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1 decision with the chair's no vote which lost \$25
 2 million from David Duffield. That, by the way, gave
 3 birth to the recall.

4 Okay. So where we are find ourselves is a
 5 gateway to a new tomorrow with a new board, new
 6 board members. We voted them in, we need to support
 7 the decisions they make. I know there are people,
 8 we've heard tonight and I totally respect without
 9 the disparaging name-calling, who think this is a
 10 bad decision, and I support and defend their right
 11 to be heard. I also know those people were --
 12 (Expiration of three minutes.)

13 MR. NOVAK: Hi. Jim Novak, 933 Northwood.
 14 How does everybody feel about their votes
 15 being marginalized? Essentially that's what
 16 happened. The prior board majority decided, knowing
 17 the future from the new board majority, that they
 18 wanted to go ahead and marginalize the vote of 75
 19 percent of the voters.

20 Voting is one of the principle rights of
 21 being American. Marginalizing our vote, it's
 22 un-American, it's not right.

23 Secondly, the current GM, I don't know, he
 24 could be a great guy. I've never met him. Bottom
 25 line, this is all about character. You can solve

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1 this problem right now for the Board by negotiating
 2 the proper severance. Do what's right, show
 3 character, be a hero. Or be looked upon as somebody
 4 who took money from the community. I don't think
 5 you want to do that.

6 Lastly, what is the cost of bad
 7 leadership? Well, down here in Los Angeles, we're
 8 seeing it. The fire department said the amount of
 9 damage from the fires could have been reduced by 50
 10 percent had the fire department and had the mayor
 11 invested in the proper resources for the fire
 12 department. The cost of bad leadership is Los
 13 Angeles is going to be over \$100 billion.

14 Let's have good leadership. Let's support
 15 the new board that 75 percent of the voters voted
 16 for. Let's let them make the decision. It's their
 17 team that they want to build, let them build our
 18 future. God bless everybody, and let's pull
 19 together and make IVGID the best town it could be.

20 Thank you very much.

21 MS. KNAAK: It's Yolanda Knaak. I already
 22 made public comment. Thank you.

23 MS. CARS: Hi. Linda Cars, 625 Lariat
 24 Circle.

25 I truly believe that the trustees have the

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1 right to assemble their own team. Sara, Matt, and
 2 Ray have taken away that right six weeks ago by
 3 putting in someone who they -- four out of the five
 4 trustees did not want.

5 The past team assembled their own team.
 6 They forced Indra out and they forced many
 7 long-term, senior employees out. That cost far
 8 exceeds the cost of them being able to make their
 9 own decisions.

10 I trust that Michelle, with her extensive
 11 background in HR, and Mick, with his extensive
 12 financial background, and Michaela, with her
 13 extensive background, really know what to do in the
 14 financial area.

15 Again, these new trustees had the right to
 16 assemble their own team. It's ridiculous to think
 17 that the new board can't do this. Seventy-five
 18 percent of the community voted for the current board
 19 majority.

20 Walrack may be capable, but no one knows
 21 that. He came from the private sector. I worked in
 22 government and I worked in the private sector, I
 23 worked in both areas, and I know it's very
 24 important, from a legal standpoint, to have that
 25 government experience.

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1 Please do the right thing and do what you
 2 think is best for the community, and the community
 3 should accept that decision.
 4 Thank you.
 5 MR. WATSON: Rob Watson, 361 Country Club
 6 Drive.
 7 I support, as 75 percent of our community
 8 did, brought on this new board. I mean, Jim Novak
 9 said it right: The voters spoke.
 10 If you want to blame people for a lot of
 11 problems in the past, it's the past board. For
 12 someone, board members that were leaving to not
 13 listen to the current board members coming on is
 14 completely ridiculous. The only reason why we're
 15 here is because that happened.
 16 I don't know the new GM, but I hope he
 17 does the right thing. He knew what he was walking
 18 into, and that's really all I have to say.
 19 MR. BELOTE: That was the last caller in
 20 the queue.
 21 VICE CHAIR JEZYCKI: That concludes
 22 initial public comment. We will move on, then, to
 23 the approval of the agenda.
 24 D. APPROVAL OF AGENDA
 25 VICE CHAIR JEZYCKI: Any requests to

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1 change any items on the agenda?
 2 TRUSTEE TULLOCH: I'll request we remove
 3 agenda item F 1.
 4 TRUSTEE NOBLE: And I would object to
 5 that.
 6 VICE CHAIR JEZYCKI: Any comments from
 7 other Board members?
 8 CHAIR TONKING: I think we just put it up
 9 for a vote.
 10 VICE CHAIR JEZYCKI: Okay. All in favor
 11 of removing item F 1 from the agenda?
 12 TRUSTEE TULLOCH: Aye.
 13 VICE CHAIR JEZYCKI: Aye.
 14 I'm sorry. I did not vote aye. I
 15 apologize. I retract that vote.
 16 Let me start that over. All those in
 17 favor of removing item F 1 from the agenda, please
 18 signify by stating "aye."
 19 TRUSTEE TULLOCH: Aye.
 20 VICE CHAIR JEZYCKI: Opposed?
 21 TRUSTEE NOBLE: No.
 22 CHAIR TONKING: No.
 23 TRUSTEE HOMAN: No.
 24 VICE CHAIR JEZYCKI: No.
 25 Motion passes -- or vote passes four to

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1 one.
 2 TRUSTEE NOBLE: The vote fails.
 3 VICE CHAIR JEZYCKI: Fails. My goodness.
 4 Any other changes or requests to the
 5 agenda?
 6 TRUSTEE HOMAN: Just a question. Normally
 7 we have a section at the end for updates from
 8 trustees on -- with respect to their assignments,
 9 committees whatever. It's not on this agenda. Can
 10 it be added or no?
 11 MR. RUDIN: I think at this point, no.
 12 TRUSTEE HOMAN: Okay. We'll work it in.
 13 VICE CHAIR JEZYCKI: Moving on to consent
 14 calendar.
 15 E. CONSENT CALENDAR
 16 VICE CHAIR JEZYCKI: Being that we don't
 17 have any items there, we'll move on to general
 18 business.
 19 F. GENERAL BUSINESS
 20 F 1. Termination of Ken Walrack, Appointment
 21 of Mike Bandelin
 22 VICE CHAIR JEZYCKI: Item F 1, review
 23 discuss, and consider the termination of Kent
 24 Walrack as IVGID general manager, consider possible
 25 appointment of Mike Bandelin as acting general

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1 manager following termination of District manager
 2 Kent Walrack. Requesting board member, Trustee
 3 David Noble. You'll find it in your board book's
 4 pages 3 through 12.
 5 TRUSTEE NOBLE: You have before you the
 6 memo for item F 1, but I'd like to expand on that.
 7 First off, I'd like to say we shouldn't
 8 be here. The past board did not listen to four of
 9 the five incoming board members and, instead,
 10 decided that it was in the best interest of this
 11 community to appoint Kent Walrack, over our
 12 objections, as the general manager. That is their
 13 right to do that. It is also our right to terminate
 14 him if we so choose.
 15 We also shouldn't be here because that
 16 vote should have been two/two, because one of the
 17 trustees, Sara Schmitz, was not a resident when she
 18 voted on that. I did not realize that until the
 19 next meeting when she arrived with personalized
 20 Minnesota license plates.
 21 When you do the research on what Minnesota
 22 requires for registering a vehicle when you become a
 23 resident, time-wise, as well as when you require --
 24 how long it takes to get personalized license plates
 25 and do the math, she wasn't a resident of Incline

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1 Village or Nevada when she voted for the GM
2 contract, she was a resident of Minnesota, which I
3 think was a fraud perpetrated by her onto this
4 community. But we're stuck with that. There's
5 really not a whole lot we can do about that at this
6 point.

7 I'd like to do a little of the history of
8 the GM, and especially the past board and how that
9 GM position has been treated and how we got to where
10 we are right now.

11 In 18 months, the past board basically ran
12 roughshod over the GM position, in my opinion. The
13 majority pushed out Indra Winquest, he was with the
14 District for over 20 years, in my opinion,
15 incredible leader for the District with great
16 institutional knowledge.

17 Then the board appointed Mike Bandelin as
18 the acting general manager, which then turned into
19 interim general manager, for seven months. No
20 person can do those two positions effectively.
21 That's why we have those two positions.

22 There was no effort to recruit for a GM,
23 and after seven months, the majority of the board
24 appointed the interim director of finance with --
25 and, again, we had -- expecting him to do the

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1 times, they failed every time that the previous
2 board dealt with the GM position, it basically ended
3 up in a failure of one form or another, and, to me,
4 it was no different in the last -- their last
5 actions in hiring Kent.

6 And this is nothing against Kent. My
7 understanding, he's a great guy, I hear that, I hear
8 that from friends, they keep hammering that on me
9 and stuff. His passion for food and beverage is bar
10 none, and his expertise in there is fantastic. I
11 would love to leverage that. But that's not why
12 we're here today.

13 It's whether or not Kent is the right
14 person for this district, long term, to be the GM,
15 and I don't think so. And the reasons why -- well,
16 actually before I get to that, I missed one.

17 The GM contract itself, which we are faced
18 with, and these -- the previous board decided that
19 an 18-month contract with a 12-month severance was
20 somehow rational and reasonable. And if anybody
21 cares to look at the transcript from that special
22 meeting on November 27th, I think it's at pages 68
23 to 70, you can see Mr. Walrack's explanation of why
24 he thought the 12 months' severance was appropriate.
25 In my opinion, somebody that already lives in the

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1 director of finance position as well as the GM while
2 also being remote for two weeks out of every month.
3 That is, in my opinion, physically impossible to do
4 and is a recipe for failure.

5 He eventually resigned. And then the
6 board appointed Karen Crocker as the acting GM,
7 which again transitioned into the interim GM. And,
8 likewise, I feel that it is impossible for any one
9 person to effectively do both positions.

10 Both Mike and Karen did the best they
11 could, but I think it's a disservice to the District
12 to not actively recruit for the GM position to fill
13 those positions, or the director-level positions if
14 we're going to be going that route, it's setting the
15 District up for failure.

16 Then two board members, Mathew and Sara,
17 went down that whole fiasco of trying to push Troon
18 to manage the District. And that, thankfully, fell
19 flat on its face with the remaining board members as
20 well as the community. And then, finally, we get
21 to, when that failed, a rush to fill the GM
22 position.

23 And so I heard time and again, insanity is
24 doing the same thing over and over again expecting a
25 different result. How could we expect that, six

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1 community and is retired, a 12-month severance makes
2 no sense, especially given the reasons that he
3 provided. Yet without further discussion, the
4 majority of the board went ahead and approved that,
5 which is, effectively, their attempt at a poison
6 pill.

7 That's where we are today, is facing the
8 prospect of whether or not we want to continue the
9 employment of Kent Walrack as GM, and whether a --
10 and if not, paying out a severance of in excess of
11 \$250,000, based on past actions.

12 However, whatever decision we make, that
13 is on us, and I fully realize that in bringing this
14 forward. I just hate having been put this position,
15 but that's the position that I've been put in.

16 So the concerns I had with Mr. Walrack was
17 his lack of government management and lack of
18 government finance background. And in any other
19 situation where we were not facing serious financial
20 issues, Mr. Walrack might be the best person for
21 this job. I do not think he's the best person for
22 this job right now. There was another candidate who
23 I think has the requisite skill set to take us
24 forward right now for what this district needs.

25 Mr. Walrack and I, we had one conversation

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1 right before the GM contract was approved. I think
 2 it was the day before, professional discussion, and
 3 he had asked my opinion on the state of IVGID and
 4 where I thought there were deficiencies and where I
 5 think we're doing well. It was civil and left it at
 6 that.

7 When the GM contract was approved, I said,
 8 okay, this is what we're faced with, so let's see
 9 how this works out. And there is nothing has
 10 transpired in the last five weeks that changes my
 11 mind.

12 In those five weeks, I expected that there
 13 would be dialogue back and forth, at least
 14 Mr. Walrack to reach out and say, okay, you're one
 15 of my five bosses, where are we going from here? It
 16 was radio silence. And maybe he has spoken to every
 17 everybody else, but he has not with me.

18 I understand you're new to the job, you're
 19 drinking from a firehose, you're getting pulled in a
 20 million directions, but this was during the holiday
 21 season, so things are actually slowing down.

22 Looking at the last meeting, it was
 23 concerning that Mr. Walrack had not reached out to
 24 Mick with regards to any help that he provide with
 25 the CLGF. Given Mick's background, that would -- if

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1 I was in the GM position, that would be the first
 2 person I would be reaching out to and leverage his
 3 expertise and knowledge to see what we could do.
 4 That didn't happen. In fact, it appeared to me that
 5 Mick basically had to insert himself in order to
 6 attend the CLGF subcommittee meeting last week.

7 I also saw that Michaela had asked Kent,
 8 had he reached out to staff to see whether or not
 9 they thought the liaisons were appropriate, and then
 10 found out that he had not done that, that he was
 11 very busy. The problem is that's a two-minute
 12 email, and to get a response.

13 And so it's even just little things like
 14 that I feel like there's red flags and there's
 15 nothing that shows to me that this is -- that Kent
 16 is the right person.

17 Again, it's nothing against Kent as an
 18 individual. I would love to leverage the food and
 19 beverage -- his food and beverage expertise because
 20 that's something that IVGID could definitely benefit
 21 from. However, if we end up having to pay a full
 22 severance as it is currently provided in the
 23 contract, that is completely off the table.

24 I would much rather see Kent contribute to
 25 this community rather than taking from this

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1 community, but that is in his lap.
 2 (Comments from audience.)
 3 VICE CHAIR JEZYCKI: Please.
 4 TRUSTEE NOBLE: That is in his corner to
 5 to decide what he wants to do with that.
 6 So those are the reasons why. My position
 7 has not changed since November, and there's nothing
 8 that, since then, that has led me to believe that he
 9 is the right person for job right now.

10 VICE CHAIR JEZYCKI: I'm going to ask that
 11 people please refrain from comments. If you need to
 12 make gestures and so forth, please go out to the
 13 lobby to do so.

14 Thank you.

15 TRUSTEE NOBLE: The other thing, I do want
 16 to put this in perspective. The severance is a
 17 tremendous amount of money, but looking at the big
 18 picture with a \$50-million budget, \$250 to
 19 \$261,631.42, that is one-half of one percent of our
 20 budget, and if we are trying to look out for -- in
 21 my opinion, looking out for the long-term, best
 22 interest of this district and this community, that
 23 is a small price to pay to get the right person into
 24 the position right now.

25 VICE CHAIR JEZYCKI: Any other feedback or

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1 comments from my fellow trustees?
 2 CHAIR TONKING: I have questions for
 3 Mr. Walrack, and some of my own thoughts on the
 4 matter.
 5 I think, for me, there's two real areas
 6 I'm worried about. The one is engagement with both
 7 staff as well as engagement with trustees. In terms
 8 of staff, I've heard from various individuals that
 9 your door is often closed, making it hard for
 10 engagement, and it's usually when you are in there
 11 by yourself, private meetings are occurring.

12 I'm just curious, how are you working on
 13 engaging with staff and learning more about this
 14 district and being an asset to them as a leader?

15 MR. WALRACK: My work strategy is is that
 16 I come in every day around 7:45 and through to about
 17 5:00, 5:15. I do have a lot of meetings -- or phone
 18 meetings that I do have to close my door.

19 But on the other hand, I have made
 20 one-on-one arrangements for meetings with the direct
 21 staff. We have our team meetings every Tuesday.
 22 Obviously, communication with email and phone calls
 23 and so forth are as needed.

24 It's been amazing to me in my -- it's
 25 actually my seventh week -- how much the general

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1 manager is needed to be on site here, you know,
2 those type of hours. I have staff walking in asking
3 me to sign various documents constantly. And so
4 when I've kind of looked at the history of IVGID and
5 thinking about how a general manager could manage
6 this from a remote perspective, there's just no way.
7 You gotta be on site here, you gotta be
8 available to your staff to answer any questions. I
9 would say, Michaela, that I have made myself
10 available. Everyone knows that I'm here, that I'm
11 going to be here. I've created that consistency for
12 this district because that really hasn't been the
13 case here, where the staff knows that they can rely
14 that you're going to be here. And when they need
15 something signed, that the job is going to get done.
16 CHAIR TONKING: Over the seven weeks, how
17 many one-on-ones have you had with each individual
18 direct staff members? For example, the Director of
19 Public Works or the Director of Ski, how often have
20 you had one-on-ones?
21 MR. WALRACK: We started the one-on-ones
22 right after January 1, so, I guess, two or three.
23 CHAIR TONKING: You've met some
24 individuals two to three times?
25 MR. WALRACK: Yes.

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1 switchover, there really hasn't been communication
2 coming my way in any way, shape, or form, with the
3 exception of a few emails here and there.
4 The one situation where, you know, the
5 liaison project that I was asked to do and,
6 unfortunately, I didn't meet that deadline for your
7 board meeting, but after that meeting, I scheduled a
8 team meeting to go over it.
9 What was described is this was a simple
10 task of a couple of emails turned into one heck of a
11 spreadsheet that we finished with team and got all
12 the accurate data that we wanted to get to Michaela.
13 Then I sent it to Michaela in follow-up, and I was
14 proud of the work that we did there to give her the
15 exact information she needed for her to make her
16 decisions on how she might want to operate in the
17 future.
18 But it certainly needed that kind of
19 dedicated time by the whole staff to really to go
20 through that particular project. What some people
21 may think is just a simple request, it's not always
22 the case with regards to actually executing a
23 project that is professional, complete, and answers
24 all the questions that need to be answered.
25 CHAIR TONKING: I guess for me my issue

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1 CHAIR TONKING: My other area is similar
2 to something that Trustee Noble brought up in
3 regards to communication with trustees.
4 I found it disheartening, after your
5 appointment, I did not hear from you at all to gage,
6 A, because I at the time was a current board member,
7 and then still a board member, still had not heard
8 from you to gage my thoughts on the District, to
9 gage where we are.
10 I'm kind of curious, like, how would you
11 rate yourself with your response to working with the
12 Board thus far in the last seven weeks?
13 MR. WALRACK: As everybody knows, I've
14 experienced two different boards with regards to my
15 work strategy here. And in the General Manager
16 role, you have the five trustees that you report to,
17 you're managing your staff, and then you have public
18 contact and you -- all the time as well. So it's an
19 immense responsibility in managing all three of
20 those entities, time is a very, very precious
21 commodity.
22 And it's a two-way street with the
23 trustees and communication. In my first experience,
24 the experience with all the trustees that I was
25 working with at the time was intense. Since the

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1 is, really, that the communication has not been
2 there from my perspective, and maybe it's been with
3 everyone else and I'm an anomaly in that.
4 And then even on the tasks that are asked
5 for, I understand the task was complete and that is
6 helpful, but it wasn't complete in time for a board
7 meeting in which the item was agendized and I'd
8 asked about it in the prior week to that meeting to
9 see if this was something that was feasibly done and
10 how we could approach it, just for clarity in that
11 area.
12 And I do find it is really important that
13 you are our only employee and we are your boss to
14 make sure that you are communicating with us with
15 where you're going, especially since I feel as
16 though you're into a brand-new area that you've been
17 in.
18 Right now, for me, I think it's really
19 hard for two reasons. I think the performance, I
20 was hoping would be better. I am one who is more
21 than willing to be, like, I made the wrong choice by
22 voting no originally, and I just haven't seen that
23 yet. I would say that there's been some strides in
24 the finances, but that was really due to some
25 incredible finance department and people who had

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1 applied to the job prior to you taking it on.
2 Those are some areas. I think one of my
3 other concerns is I'm willing -- the idea of giving
4 time, I think that's a very valid argument and
5 something we should consider, but the problem is we
6 spend the \$250,000 because -- due to the contract
7 that you negotiated, no matter what.
8 I could get a year into your contract and
9 your performance isn't quite there, the way the
10 contract's negotiated, the severance is still 250k
11 at that date. That, I think, is where that time
12 issue becomes harder for me.
13 But another area is I really feel like
14 this finance and government is something that you
15 would need more assistance and to work on, and I am
16 curious if you had any thoughts on renegotiating
17 some of that contract to work with, like, to get --
18 so we can have funding to get a trainer or to think
19 about a different type of grouping of positions, if
20 that would be at all a consideration?
21 MR. WALRACK: Well, from a perspective of
22 the government finance and the subcommittee and the
23 Department of Taxation work that we've had to do,
24 it's been an incredible amount of work with regards
25 to trying to get this whole situation straightened

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1 As far as the contract is concerned that
2 we executed that Sergio and myself and a few others
3 all signed, it is what it is from a perspective of
4 what we signed and what's in place, and that's how
5 we're operating today.
6 CHAIR TONKING: I want to point out that I
7 am grateful for you being able to talk to the
8 Department of Tax, but it is nothing renowned in
9 sense that this is not recreating the wheel. I
10 would say former-director Navazio had done a lot of
11 that too, and we were able to get extensions from
12 the Department of Tax.
13 (Comments from audience.)
14 VICE CHAIR JEZYCKI: Again, please, with
15 the comments and noises.
16 CHAIR TONKING: I give it back to you,
17 Vice Chair.
18 VICE CHAIR JEZYCKI: Thank you, Chair
19 Tonking.
20 TRUSTEE HOMAN: Yeah, so I received a lot
21 of comments from the public on this over the last
22 week, and I would say they were mixed. I'm going to
23 be very transparent as to where I am right now. And
24 right now, I am in the camp of voting to terminate,
25 and I want to explain my reasoning.

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1 out. And one of our biggest problems in the past is
2 that our communication with these entities has all
3 been centered around what we were going to do in the
4 future, and then that future would happen and we
5 never met one of the deadlines.
6 And so when I studied this whole situation
7 and looked at it at how we were going to resolve it,
8 and in dealing with people, you know, people can
9 take bad news as long as they know it up front.
10 And so I used the approach: Let's go to
11 these entities and let's show them the work that
12 we've done, what we have left to do, and date
13 assignments of when we're trying to get them
14 accomplished.
15 And by taking that approach, I just got
16 such a great response from the subcommittees and as
17 well as the Department of Taxation that it really
18 shed a great light on IVGID from a perspective of:
19 We're addressing the problems, we're communicating,
20 there's not going to be any more just show up, let's
21 show them a plan for the next months on everything
22 that we're going to do, and then six months goes by
23 and we haven't achieved any of them.
24 So, anyway, that answers that particular
25 question.

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1 I've done a lot of due diligence over the
2 last couple of weeks as I thought about this. I've
3 taken a lot of notes, forgive give if I'm looking
4 down and referring to them, because I don't want to
5 miss anything.
6 This is not about whether I'm for or
7 against Kent. That has nothing to do with it. I
8 went into this with the thought process of: Is Kent
9 the right person to lead the District at this time?
10 And this is a very critical time.
11 Michaela brings up an excellent point. If we're
12 going to -- the 250 is there over the length of the
13 contract, so I'm not -- I'm inclined to act, I'm not
14 inclined to wait if I think things need to get done,
15 because waiting could be more costly.
16 As a lot of people pointed out, I did not
17 have a vote when Kent was hired, and I was not on
18 the board. So, that's right, I didn't have a vote.
19 Like many people in the community, I
20 looked at their résumés, I looked at their cover
21 letters, I did Google searches, and I listened to
22 the interviews. To me, it was very clear who the
23 right choice was, and I was very transparent with
24 both the board and the community on who I thought
25 the best choice was. And the outgoing board

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1 obviously felt different and rushed to make an
2 appointment.
3 Let me kind of turn a little bit to my due
4 diligence, my observations, and so forth. And,
5 frankly, let me start with some observations of the
6 GM that I found a little bit troubling.
7 He took a role, he took the most-senior
8 CEO role for a company knowing that the board did
9 not think he was the right candidate. Maybe I still
10 have more to learn about the government sector, but
11 in the private sector, that's just unheard of. You
12 would never knowingly step in as a CEO knowing that
13 the board did not want you there. He demanded a
14 contract that was a 12-month severance versus a six.
15 The board ignored legal and HR counsel on what was
16 appropriate and apparently what is fairly standard
17 in the industry by, essentially, folding to a
18 12-month contract. And when I listened -- I was at
19 the meeting, when I listened to Kent's rationale for
20 that, he talked about the high risk in taking a job
21 like this. You need to relocate a family, you need
22 to potentially quit your job, and that's a high-risk
23 situation.
24 Well, that's interesting, but it was
25 completely irrelevant. Kent was retired, he lives

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1 bit surprising, to me, borderline negligent, if I'm
2 being honest, with respect to a new CEO walking
3 into -- and for those of you that want to correct
4 me, I know it is not a corporation, but I'm using
5 CEO because, effectively, he's the CEO of our
6 district. Please give me some leeway there.
7 I also, over the last couple weeks, have
8 met with every single member of senior leadership
9 team. I met with them because I wanted to
10 understand their issues, I wanted to understand
11 their priorities because I thought that would help
12 me be a more-effective trustee. But as part of
13 those meetings, I also asked for feedback about
14 Mr. Walrack and how he was doing, and I heard very
15 consistent feedback.
16 Everyone thinks he's a great guy and he
17 gets along well with people. We've heard that
18 tonight. But I also heard very consistently: Staff
19 feels he's in over his head.
20 With the possible exception of food and
21 beverage, I heard consistently: Little or no
22 knowledge of how any of our recreation or Public
23 Works venues operate. No knowledge of how
24 government agencies operate. No knowledge of the
25 unique aspects of operating under NRS that restrict

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1 in the community, none of that applied to him, so I
2 was troubled by that. And even more so knowing that
3 the board didn't view him as their top candidate and
4 knowing, frankly, that money's going to come out of
5 the resident's pocket, it raised some red flags to
6 me with respect to him, and it led to one of two
7 conclusions, either he was a willing participant in
8 the board's actions or he was innocently used by the
9 prior board in carrying out their agenda. And if
10 the later was the case, then, there is a naivete
11 there that I'm concerned about.
12 Moving on and hearing some fairly
13 consistent feedback, he was selected almost two
14 months ago, he's been in the role for a month, I
15 would have expected an active outreach from a newly
16 appointed GM. I would have thought that the new GM
17 would want to solicit the views and inputs from, not
18 only the current board, but the incoming board on
19 what they thought the significant issues were, what
20 their priorities were, and so forth.
21 We had -- he didn't do that, at least with
22 me. We had some conversations where I walked into
23 his office and I talked to him about some things
24 that I thought were important, but, you know
25 two months, didn't reach out. I found that a little

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1 how he can operate. No knowledge of the systems,
2 government accounting or budgeting.
3 And I've also been hearing from folks that
4 they think it's about 12 months to get him up to
5 speed, and I think that puts IVGID in a very
6 dangerous position.
7 I've also heard from a number of people
8 that they feel that there's a real leadership vacuum
9 and that other senior leaders are stepping in to
10 fill that void, they're running the meetings.
11 Staff, frankly, made it clear that they don't have
12 the resources or the time to bring him to speed, and
13 I agree. We've got real issues and challenges
14 staring us in the face and we need an experienced
15 leader to guide the organization through those
16 challenges.
17 Apparently he even realized some of those
18 shortcomings. Staff has indicated to me that he's
19 suggested hiring consultants to look at various
20 aspects of our operations so the consultants could,
21 in turn, give him a better understanding of those
22 areas. I'm sorry, but that just demonstrates poor
23 judgment, and it would be a gigantic waste of staff
24 time and district funds to bring consultants in to
25 do that. We don't have the luxury of being able to

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1 invest that time and money to train him for a job
2 that we need someone to be able to step up and
3 function at that level on day one.
4 Finally, I've got some concerns about
5 taking credit for the work of others. He's been
6 very public about he personally found a needle in
7 the haystack when he found and hired our new finance
8 director. Well, the fact of the matter is staff had
9 already gone through all the applications from the
10 candidates and identified Ms. O'Connell as their top
11 choice before Kent was even appointed to the board.
12 With respect to -- there's been a lot of
13 discussion about the progress at the State, and yes,
14 we have made great progress. That great progress is
15 on the backs of the accounting and finance staff
16 that's doing an incredible job trying to pull that
17 together. Things were broken and they've been doing
18 a great job of fixing them. I give credit a lot of
19 credit to Susan and Vicky and the team and Jessica.
20 In the short time that she's been here, has really
21 done a fantastic job, first, in getting Tyler Munis
22 understanding and penetrating that and figuring out
23 where we're at and how we need to fix things. But
24 also I had a fairly lengthy discussion with her
25 yesterday about the state of finances and how things

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1 is not enough.
2 I've considered the cost to terminate, and
3 it's unfortunate that the prior board leadership has
4 put us in that situation, but I've also considered
5 the exposure that the District has if we continue
6 with an unproven leader, not only with delaying what
7 could be an inevitable termination payment that is
8 not going to decrease over time, but also the
9 exposure that we're going to have for getting the
10 things done that we need to get done. And I've
11 considered the cost and time to fully onboard and to
12 train Kent to get him to where he needs to be.
13 I've also considered the value that we can
14 derive from hiring a leader who has what we need,
15 the skills, the traits, the background, the ability
16 to jump right in to deal with the regulators who has
17 the knowledge.
18 And on balance, I think we're better off
19 moving in that direction. I think it's in the best
20 interest of the Board, the staff, and the community.
21 I know it's not going to be a very -- I know it's
22 not going to be popular with a chunk of the
23 community, but, hey, that's why we get paid 2 bucks
24 an hour to do what we do.
25 TRUSTEE TULLOCH: Am I the only person

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1 were going.
2 By the way, just so the rest of the Board
3 knows, we have filed for a third extension on our
4 audit. And after talking to her, I absolutely think
5 that's the right to do. She has identified
6 additional issues that we need to clean up, in the
7 three days that she's been in that role, and I fully
8 support and agree with her --
9 MR. RUDIN: Board member, if we can stick
10 to the agenda topic because I think we're going a
11 little afield on there.
12 TRUSTEE HOMAN: All right.
13 But my point there is that the staff is
14 doing great work, and it's, from what I can tell,
15 yes, Kent is having meetings and keeping track of
16 where things are at but the staff is doing it.
17 Where this all flushes out to me, we have
18 major challenges ahead. I think to navigate, we
19 need a leader with the relevant skills and
20 experience who is -- not only has those skills and
21 experiences, but has demonstrated that they can
22 apply those traits to deliver results so that they
23 can come in and really step in to help us navigate.
24 Being a good guy who people get along with, it's
25 great and it's an important part of the job, but it

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1 here that feels like they're living in Bizzaro
2 World? I didn't think so.
3 Here we have motion driven not by logic or
4 rationale, but it's more reminiscent of the classic
5 textbook, Who Moved My Cheese? For those that are
6 familiar with that text, we've got an attempt to go
7 back to the past.
8 We keep hearing a lot about, well, the
9 incoming board members didn't get a chance to select
10 the GM. I'm feeling hard done by when I joined the
11 board, I wasn't given the opportunity to say that I
12 can go and select the general manager I wanted.
13 And it's strange to me, coming from the UK
14 before I became a U.S. citizen, in the UK, when an
15 election takes place, the new government moves in
16 straightaway. I didn't form the U.S. Constitution,
17 but it's very clear we're elected for a term of
18 two years, we still have that responsibility to make
19 the decisions. I'm not aware of anything in state
20 law or federal law, election law, that says, well,
21 the new board can be voting members before they are
22 sworn in. I may be mistaken not coming from these
23 parts, but I don't believe I am.
24 We look at wording in the motion that he
25 was rejected by two of the trustees-elect. Well,

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1 again as I've just explained, I don't believe the
 2 trustees-elect had any voting power at that stage,
 3 whether we like it or not.
 4 Knowing the political leanings of several
 5 of my fellow board members, I suspect they're
 6 visibly cheering on President Biden as he tries his
 7 best to put poison pills in the way of the incoming
 8 president, I'm pretty sure of that. To me, that's
 9 just rancor -- but they want a different situation
 10 here.
 11 CHAIR TONKING: Probably just --
 12 (Comments from audience.)
 13 TRUSTEE TULLOCH: I would love some quiet
 14 in the audience, no gestures.
 15 VICE CHAIR JEZYCKI: If we can keep on
 16 topic, that would be most appreciated.
 17 CHAIR TONKING: Point of order.
 18 TRUSTEE TULLOCH: Absolutely. This is all
 19 perfectly on topic, because I never raised the issue
 20 of the new board having votes.
 21 We keep -- the complaint against
 22 Mr. Walrack was he had no government experience. As
 23 was mentioned in public comment, IVGID is basically
 24 a bunch of diverse, customer-facing operations
 25 wrapped in a government wrapper. Mr. Walrack has

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1 getting further down the line, further down the
 2 line. We're applying for extensions, and the board
 3 didn't even know about these applications for
 4 extensions.
 5 Mr. Walrack, I'm not suggesting he did all
 6 the donkey work, that he completed all the work, he
 7 looked at all the tasks himself, but he was on top
 8 of it. He actually had a system to make sure that
 9 we're actually moving forward on all these things.
 10 The work was actually getting done.
 11 I think the praise that came from the CLGF
 12 was well deserved because, for once, we'd actually
 13 delivered on some of the things that were actually
 14 promised. And, again, as the CLGF had remarked at a
 15 previous meeting, these issues had gone back
 16 for years and years and years with IVGID, these were
 17 not new issues.
 18 Part of the duty of a board, and Mr. Homan
 19 should be well aware of this, all his experience on
 20 boards, there's a collegiate responsibility. Once
 21 you vote on something, whether you agree with it or
 22 not, you agree with it as a board and that becomes
 23 your board policy.
 24 We're getting all sorts of insinuations
 25 thrown against Mr. Walrack now, well, he hasn't

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1 demonstrated he can very quickly get to grasp with
 2 the government finance.
 3 We've heard very similar comments from
 4 different board members, all preach the same theme,
 5 let's try to find a reason to fire him for cause so
 6 we don't have to pay the agreed contract. And the
 7 agreed contract also states here that staff agreed
 8 to a contract for 6-months severance. Staff had
 9 not; staffed had proposed a contract with six-months
 10 severance. Whereas previous general managers had a
 11 12-months severance. In fact, at one stage
 12 Mr. Winquest had been offered a 3-year contract with
 13 12-month severance, so there's inaccuracies in the
 14 motion in terms of that.
 15 Mr. Walrack had not -- staff had not
 16 agreed to a 6-month termination; they proposed that.
 17 Mr. Walrack, quite rightly, came back asking for the
 18 same as previous members of that position had had,
 19 and that was what the board agreed to -- the board,
 20 the properly elected board.
 21 We've heard he has no government finance
 22 experience. We've heard that staff have done this
 23 work to get everything passed the CLGF. Well,
 24 funnily enough, staff had been working on that for
 25 two months before we were getting nowhere. We were

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1 contacted me. I've been in office for a month.
 2 I've been used as well, the sainted Indra Winquest,
 3 I was four months in office, and he never contacted
 4 me once. It's not something usual, it's not
 5 something I take offense to that.
 6 We heard a lot talk about management, but
 7 now we have the Chair of the Board telling the
 8 general manager who he must speak to, how often he
 9 must speak to people and things. It seems pretty
 10 like micromanagement to me.
 11 So Mr. Walrack, he's -- I think he's
 12 delivered tremendously in the seven weeks he's been
 13 here, despite all the opposition given to him. He's
 14 moved forward, he's got us back in good graces with
 15 the CLGF, and I'm pretty sure there will be
 16 consequences from the CLGF if we suddenly now just
 17 spend another 250, 260 grand upon getting rid of
 18 something that's actually been making progress that
 19 they've seen, he's actually delivered what they've
 20 asked for. I think the chances of us going on
 21 fiscal watch are very real.
 22 He's got things moving forward. He's
 23 brought on board a new finance director, which is
 24 really where the key part of the government finance
 25 is there, but now we're being asked to terminate

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1 him.

2 One of things we had in our board training

3 in past years was when you're taking an action,

4 what's the problem you're trying to solve? What are

5 you trying to address? Here, we're trying to

6 address the issue of terminating Mr. Walrack because

7 some board members don't like the actions of the

8 previous board, and that's legitimate, but they are

9 spending 250, 260,000 taxpayer funds.

10 We heard it's like .005 percent or

11 something of the total budget. It's actually

12 \$250,000 of, approximately, \$6 million general fund.

13 This is not something that should be paid for from

14 community fees, this is not something that should be

15 covered by rec fees.

16 And they want to bring on board somebody

17 that, as was pointed out in public comment, a city

18 manger. He's got great experience as a city

19 manager. Yeah, he was let go 11 months ago, and in

20 11 months, he's -- nobody's wanted to recruit him so

21 far. And that, to me, is fairly telling.

22 But equally important, we're not a city.

23 As I said, we're a bunch of commercial operations,

24 and we depend on these operations to be run

25 efficiently so we're not consisting going back to

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1 and doesn't even -- the proposed candidate doesn't

2 even understand our method of financing, maybe he'll

3 come up with money for his parking structure.

4 How does this motion serve the community?

5 How does this get us back on track? It just knocks

6 us back off track again. What is the problem we're

7 trying to solve? Are we just doing this out of

8 vindictiveness, as somebody suggested in the

9 audience?

10 And to Ms. Wells' comment, I have no

11 affiliation to Mr. Walrack, I've never even spoken

12 to him before the interview. I most certainly not

13 in the habit of giving interviewees the questions

14 beforehand. I think it should have obvious from my

15 questioning at the two interviews. I have no ties,

16 financial or otherwise, to Mr. Walrack. I simply

17 think he was the best-qualified candidate for the

18 position. That's the argument I made.

19 I've have not been involved in any

20 discussions with other board members about this.

21 I've not come up with exactly the same points, and I

22 would think, could be coordinated. I'm sure they

23 were not, but when you listen to them, listen to the

24 transcript again, I'm pretty sure you'd think the

25 same.

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1 residents saying, look, we've lost our shirts, we've

2 lost 2,000 bucks a day in food and beverage, we'll

3 just add it on the rec fee, don't worry about it.

4 These operations should be running

5 effectively. His commercial expertise to help us

6 improve these operations is going to be invaluable.

7 I think it's pretty insulting to say, well, if you

8 play ball with us and just let us appoint somebody

9 else in your position, we'll maybe offer you a

10 contract as a consultant. I think that's pretty

11 insulting.

12 I think it's just indicative of how the

13 some of the current board just think, well, we can

14 play games with this and we'll just do whatever we

15 can. We'll try and come up with some BS reasons to

16 try and claim it's dismissal for cause. I think

17 that's -- I mean, Trustee Noble, as an attorney, we

18 all know, the fact that he made the statement, I'm

19 going to fire you at the first meeting afterwards,

20 gives a line to any claim that it's for cause.

21 Terminate him now, 250,000, plus probably

22 300,000, plus potential legal costs. Complete

23 disruption to district operations, we're just coming

24 into budget season. If we bring on a new general

25 manager now that still knows nothing about the place

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1 So, again, what are we trying to achieve

2 for the community? And let's think of the wider

3 question, you keep hearing from everyone, I'm doing

4 this for the community. What are we describing as

5 the community?

6 Too often when you hear these claims, I'm

7 doing this for the community, it's, no, people are

8 doing it for their own small sector of the

9 community, their own small voting base.

10 I'll be voting no on this issue. I don't

11 believe we should be spending 250,000, 300,000

12 possibly, to bring in a less-competent candidate,

13 who demonstrated that -- who had theft going on

14 under his watch in his previous position, who was

15 let go from his previous position.

16 I totally agree, the last thing we want to

17 do -- we're hearing conflicting views from board

18 members, well, we don't want Mr. Bandelin doing two

19 jobs, he can't possibly do two jobs, but we want to

20 put him in as interim general manager at the moment,

21 right bang in the middle of the ski season. Where

22 is the logic and rationale there?

23 So for the community, and I talk about the

24 whole community not just the wealthy sections of the

25 community, I do think about all the rest of the

81

1 community as well, why are we doing this, what are
 2 we trying to achieve?
 3 Thank you.
 4 VICE CHAIR JEZYCKI: Thank you, Trustee
 5 Tulloch.
 6 Before I share sort of my comments, I just
 7 want to make a couple of points of clarification,
 8 and then I will go to you, Trustee Homan.
 9 I think it's very important to know that
 10 the CLGF, the Committee on Local Government Finance,
 11 made it clear, at least a certain member of the
 12 committee made it clear, that they had great
 13 concern, and they had mentioned this to the Board
 14 back in October, you can hear it on the November
 15 27th meeting, that hiring Mr. Walrack, who has no
 16 government experience, government management, or
 17 government finance, would materially increase the
 18 chances of IVGID being put on fiscal watch.
 19 Now, I agree with my colleague, Trustee
 20 Homan, that Sue Griffith, Vicky Nye, Jessica
 21 O'Connell, and the team have done a great job. We
 22 were getting updates, just as info only, to show
 23 that they were getting the work done behind the
 24 scenes.
 25 We are in better graces with them right

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1 now; however, we are not out of the woods. I want
 2 to make sure that we are not just blanket sweeping
 3 because there is pressure and this same concern has
 4 been called out.
 5 Another thing I would like to clarify, and
 6 he has been noticed -- correct? -- Mr. Harrison.
 7 MR. RUDIN: Yeah. Mr. Harrison provided
 8 waiver of notice.
 9 VICE CHAIR JEZYCKI: Thank you. We can
 10 speak about this.
 11 We keep talking about municipality, city
 12 managers, and so forth, anybody who has any
 13 understanding of that process knows we are a
 14 nonpartisan entity; places like Yakima are not. And
 15 it's like other forms of government, when a new
 16 board comes in -- I'm not saying that's what we're
 17 doing because that's not what we're doing, but
 18 you're saying that he hasn't found a job in so many
 19 months -- when that party changes, they bring in
 20 their own team. I just want to make sure that
 21 people understand that.
 22 Trustee Homan was next and then I'll go
 23 back to you.
 24 TRUSTEE TULLOCH: Chair made the point
 25 that she was getting regular updates from staff on

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1 the progress with the CLGF and with the audit.
 2 VICE CHAIR JEZYCKI: Correction. That is
 3 not what I said.
 4 TRUSTEE TULLOCH: Well, I think that it
 5 was along these lines.
 6 I would also like to point out that there
 7 was a six-week period where all my requests for
 8 information were met with: I'm too busy with the
 9 audit. I'm working on the audits. I'm not reading
 10 emails.
 11 VICE CHAIR JEZYCKI: There were updates
 12 posted and you were on them, Trustee Tulloch.
 13 MR. RUDIN: If we may get back to the
 14 agenda item.
 15 VICE CHAIR JEZYCKI: Please.
 16 TRUSTEE HOMAN: Yeah, I just wanted to
 17 provide, full disclosure, when I mentioned earlier
 18 that I read the résumés, I did my own Google search,
 19 I listened to the interviews, each of the outside
 20 candidates also called me directly as part -- when
 21 they were interviewing before I was in office.
 22 They were not interviews, but they did
 23 want to share with me their background, their
 24 résumé, and so forth, and they wanted a feel for
 25 what my priorities were. I neglected to mention

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1 that, despite the fact I was going through my notes.
 2 I would also like to just clarify that,
 3 unless I missed something, I don't think anybody up
 4 here, with the exception of Trustee Tulloch, is
 5 talking about termination for cause. I think we're
 6 just talking about termination, and we haven't
 7 gotten past that at this point.
 8 VICE CHAIR JEZYCKI: Any other comments
 9 before I share some of my thoughts?
 10 Obviously, this is not an easy or
 11 comfortable discussion or decision to make, and it's
 12 not one that's being taken lightly. I can tell you,
 13 no one is interested in blowing through \$250,000.
 14 We can go back and say, you know, the
 15 process was flawed. The process could even be
 16 illegal at some points, I'm not convinced that the
 17 OML hasn't been violated at the beginning of the
 18 contract meeting, hasn't been violated in this
 19 process. At the very least, ethics have. Just as a
 20 note of -- just reminder, that even conversations in
 21 public restrooms, we might want to be careful with.
 22 Mr. Walrack was not in the initial cut for
 23 the position, and I'm looking at this through HR
 24 lense to see how the process went. Somebody from
 25 the public commented on, it was not a good process,

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1 I agree a hundred percent. It was a flawed process
2 from the beginning, of no fault of yours, Mr.
3 Walrack.

4 Two of the trustees showed interest in
5 non-municipal or non-government applicants and
6 wanted a business option as well. While the résumés
7 had been separated -- and I think this is helpful
8 information -- that was taken -- his résumé was
9 taken and put into the "let's interview" pile, I had
10 mentioned from the beginning that it was unfair to
11 our community as well as to Mr. Walrack, given this
12 process, and the details that have not set Mr.
13 Walrack up for success, nor has it set up the
14 District for success.

15 There were numerous opportunities to avert
16 this messy situation. Instead of doing that, we add
17 insult to injury by not only making the selection
18 of, just a couple of weeks prior, having a different
19 candidate be the number one candidate to now
20 bringing in Mr. Walrack. Insult to injury in that
21 we're then doubling the severance package,
22 handcuffing, not just the board, but the community
23 with this decision.

24 This conversation I've been really looking
25 forward to because we are not allowed to be talking

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1 bringing Jessica O'Connell in, some the comments
2 were that he hired -- he found, he hired this
3 person, we're up and running now, we're in a much
4 better place. Jessica O'Connell is a great hire,
5 I'm thrilled that she's part of our IVGID team, that
6 position, she's now the Director of Finance, and she
7 was brought in, if you'll remember, as an advisory
8 prior to that -- or an advisor prior to that.

9 The timeline was back in -- October 6th of
10 2024, she applied. She was identified by our
11 internal team to be picked number one of the five.
12 Then even our county assistant, I would say, at
13 Washoe County on November 20th agreed and confirmed
14 that that selection was a strong one. That position
15 was not originally budgeted by the previous board,
16 so it wasn't filled immediately.

17 And, also, the board decided to wait -- I
18 don't remember what the date of the meeting was, to
19 wait for the new GM to be seated so that he or she
20 could select their own director of finance, which I
21 thought was quite appropriate.

22 As for Tyler Munis, many of the
23 RubinBrown-identified internal control issues
24 stemmed from the incomplete implementation of the
25 software purchased by IVGID. It was suggested in

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1 about this, and I wanted to hear what my colleagues
2 had to say about what their thoughts were, what is
3 their justification, as I'm coming through mine to
4 see where I might vote.

5 I've since learned that previous GMs, one
6 had no severance, and in the HR world, you look at
7 the length of the contract as it pertains to the
8 length of the severance. So when you see a contract
9 for three years, which was then changed to two
10 years, one person's given 12 months, this was an
11 18-month contract with a 12-month severance, so
12 we're talking two-thirds of the severance.

13 I had mentioned that the comments of the
14 State Department of Taxation and the concerns there.
15 I've been on the phone and on emails or in emails,
16 like I'm sure the rest of us have, for the past
17 three days since this agenda was released.

18 And like you, Mick, I found that there was
19 a good mix of feedback, and I really value that
20 feedback. Those of you who took the time to reach
21 out, I thank you for that.

22 One thing that I did find was that there
23 was some misinformation, and I think this is
24 important in this decision-making to clarify and to
25 dispel the swarm of rumors. The timeline for

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1 June that a Tyler Munis professional would come back
2 and help right these wrongs. November 12th was the
3 first kickoff, December 16th was the first session
4 with finance, and there are trainings now through
5 December and January and HR is in February.

6 I do have concerns over instances of -- in
7 addition to the lack of government experience and
8 government accounting, which is -- I know my
9 colleague does not agree with and I respect that,
10 but after looking and hearing of some of these
11 things, I remain concerned, having worked with
12 public and private sector myself. I think there's
13 been instances of demonstrated lack of judgment or
14 understanding, and some of that emphasizes the lack
15 of understanding between the operations in the
16 private industry, private sector verses the public
17 sector. Not following up, communication, those
18 types of things, not responding to requests are of
19 concern.

20 They do not rise to the occasion of cause,
21 I fully understand that. It is an early pattern,
22 but a pattern, nonetheless. When you have to look
23 at the big picture, you have to see how this
24 learning curve is going to be flattened, and that
25 will take time, that will take resources, and those

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1 resources include legal costs, staff costs with them
 2 not been taken away from their work to help the GM
 3 understand government accounting. We need somebody
 4 who is going to be able to walk in and go to the
 5 CLGF, before we even get there, know the questions
 6 to ask to make sure that our staff have even done it
 7 correctly. We need that other layer of
 8 understanding.

9 This is our one employee that we are
 10 directly responsible for. You would expect -- well,
 11 we talked about the requests and the communication,
 12 regardless of where this goes from today, I think
 13 that that could obviously improve.

14 This big learning curve does come at a
 15 great cost and inherent risk to get the GM up to
 16 speed. I'm concerned that -- largest concern is
 17 that we don't have the luxury of that time. We have
 18 state and committees breathing down our necks, and
 19 now we're being told that there's been another
 20 extension. On top of someone saying: You do this
 21 and you're basically showing us that you're not
 22 taking this role seriously.

23 In a normal year for IVGID, we would have
 24 the time for more on-the-job training and being able
 25 to help flatten that learning curve. This is far

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1 from a normal year. We have senior-level positions
 2 that are not filled. We have other positions in the
 3 accounting office that are desperately needing
 4 filled. We have our director of golf position and
 5 food and beverage also unfilled.

6 To take the time and resources from
 7 others, I think, is not a very realistic use of
 8 their time or an affordability factor on ours. I
 9 think this whole decision is more about ensuring
 10 that we have the right people in the right
 11 positions, even if it means shifting chairs on the
 12 deck.

13 In the November 27th meeting, Chair
 14 Schmitz mentioned the reason to push this item, the
 15 GM contract approval, through on the eve of
 16 Thanksgiving rather than waiting for the next week
 17 after the holiday season was that Mr. Walrack was
 18 excited about having a positive impact on the
 19 District, community, and staff as soon as possible.
 20 I appreciate that.

21 And I appreciate the way that you have
 22 jumped in and that that passion exists.

23 My concern is I think we should be
 24 considering another option. We're not -- I don't
 25 hear anybody up here saying that we have cause, that

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1 we have -- we're looking for that other needle in
 2 the hay stack, because that's not the case. I think
 3 what we're looking at is what is the best for this
 4 organization? What is the best for this community?
 5 And given the tight timelines that we have, what can
 6 we do to plug and play at a greater rate?

7 I see it as two ways: On one end, we have
 8 costs and expenses from the training, the legal
 9 expertise and so forth, and the liability of having
 10 something done unbeknownst to somebody who doesn't
 11 know the parameters of the position and the
 12 governmental or the private sector or public sector
 13 part of it. Or we have an expense that will
 14 continue to grow.

15 That's what we have to balance, which is
 16 more palatable at this time? To say we're going to
 17 go six months and give you a meaningful plan,
 18 because that's another thing that wasn't set up
 19 properly in this process, there are no meaningful
 20 objectives, the objectives that were brought to the
 21 meeting, and it was, you know, this is what I'm
 22 going to do, were more of meet and greets, it was
 23 not a meaningful and measurable plan.

24 Let's say we did that for months and we're
 25 paying at this rate for months, and as Chair Tonking

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1 said, then we decide, what the fear is from day one,
 2 that given this pattern that we're seeing already,
 3 now six months later, if we cut ties, I'm not even
 4 talking for cause, then there's still the additional
 5 \$250,000.

6 It's been said that we mention in our
 7 community that people are so talented and that we
 8 should be using and utilizing them to tap into those
 9 skills. I agree and I've been one of those people
 10 that said that. But I really think it should be
 11 done in an appropriate manner, tapping into the
 12 skills that they already have and not putting them
 13 in situations that are further outside of their
 14 wheelhouse.

15 I would agree that we have a huge need in
 16 this district, and that need is in food and beverage
 17 and with golf. I understand you're quite the
 18 golfer. And, clearly, your résumé and what you've
 19 already been helpful with with food and beverage is
 20 great, your input.

21 I would like to see the Board consider
 22 another option with Mr. Walrack and utilize his
 23 bailiwick and his skills from his retired career in
 24 food and beverage, that we look to, at least, have a
 25 conversation with him about rearranging some of

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1 those seats on the deck -- or those chairs on the
 2 deck.
 3 Again, these conversations are for exactly
 4 this purpose, to put out what our concerns are, to
 5 discuss our commonalities and our differences, where
 6 we agree and don't agree.
 7 I think at the end of the day, keeping the
 8 goal of the focus of this community, I don't know
 9 about you, but I don't want the Department of
 10 Taxation running or finance office. We talk about
 11 morale, what a ship sinker that would be to have
 12 somebody come in because we couldn't do it
 13 ourselves. We need to get right people in the right
 14 positions.
 15 Any further comments?
 16 TRUSTEE TULLOCH: Thank you. I'm not
 17 quite sure where the start there. You've given me
 18 plenty of places to comment.
 19 You talked about general manager that only
 20 had a two-year contract and didn't have a severance.
 21 You omitted to mention that was a rolling two-year
 22 contract for Mr. Winqest.
 23 I can also go back further -- I can also
 24 go further back to a previous general manager who a
 25 board, sitting here in approximately 2011/2012, this

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1 much that is costing us, 2,000 thousand bucks a day
 2 over a 200-day period is 400,000, that's fairly
 3 serious money. It may not be for some of the wealth
 4 in this community that spend more than that in a bar
 5 bill, as was famously quoted by a past trustee.
 6 I think we've got -- we talk about the big
 7 picture. Yes, we've got to look at the big picture:
 8 Where do our revenues come from?
 9 They don't come from parking structures,
 10 they don't come from joining the Rotary Club, they
 11 don't come from going around and speaking to all the
 12 business owners when economic development is not
 13 part of our remit.
 14 They don't come from ignoring reality,
 15 that we're heavily dependent on Diamond Peak and
 16 actually bailing most of the rest of the venues.
 17 And Diamond Peak is going to require huge
 18 investments, but don't worry, we'll bond it. And,
 19 yes, and we don't let these bonds expire, we'll keep
 20 collecting the money. Let's -- yes, I agree, let's
 21 look at the big picture, and let's look at who can
 22 deliver the most improvements for us.
 23 I think it's pretty insulting to say to
 24 Kent, well, we'd love to have you come back and do
 25 our food and beverage and do golf because you could

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1 general manager, no severance clause in his
 2 contract, but the board at the time or the chair of
 3 the board at the time decided to offer him a really
 4 super sweetheart deal with 18-months severance. And
 5 surprise, surprise, two months later, he handed in
 6 his notice.
 7 I mean, there would be no requirement to
 8 do this, but -- and then, of course, instead of
 9 working his notice, he decided, well, he didn't
 10 really want to work his notice, so he's allowed to
 11 go much earlier, he sold his IVGID vehicle at a
 12 totally rock-bottom price.
 13 We also hear about the need to have the
 14 right people. Eighty percent of our revenues come
 15 from our so called "commercial operations," and
 16 probably a large part of our losses come from these
 17 as well. How long is it going to take to get my
 18 colleague's preferred candidate, who experience is
 19 all in city management? How much time and effort
 20 are we going to spend to get him up to speed on
 21 that?
 22 We're losing 2,000 bucks a day last year
 23 at golf and at The Grille, where does managing city
 24 government running police and fire help them solve
 25 that issue? I'd be much more concerned about how

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1 do a really good job. Who in their right mind would
 2 trust board members like that that came up with
 3 something like that, that wanted to renege on a
 4 legally binding contract and then wanted to offer
 5 him a job based at a lesser level? Who in their
 6 right mind from the private world of government
 7 would actually take an offer like that? I certainly
 8 wouldn't. I don't believe Mr. Walrack would either.
 9 I think it's insulting to try and make that offer.
 10 I think this board has demonstrated their
 11 colors. I don't think Mr. Walrack would be prepared
 12 to trust them in that. I'll leave that decision up
 13 him, but I can only give my own view.
 14 And speaking of giving my own view, we
 15 heard a lot of earnest words from Trustee Noble.
 16 Almost everyone prefaced by "In my opinion," or "I
 17 think," no facts. We also heard Vice Chair Jezycki
 18 saying, well, I wanted to listen to all my
 19 colleagues' questions, but she's got three pages of
 20 a typed speech there. So, yes, she's listened to
 21 comments and already made the decision. I think
 22 that speaks for itself.
 23 TRUSTEE HOMAN: I appreciate your views,
 24 Ray. I just -- excuse me -- Trustee Tulloch. I
 25 just wish that if you're going to make arguments,

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1 you would use facts. Okay?

2 The \$2,000 a day that keeps being repeated

3 is -- it's fiction. Okay? It -- if you continue to

4 think that that's because you have not asked the

5 questions.

6 The reason that that showed up is because

7 someone set up a wrong cost allocation, so a hundred

8 percent of the food from everywhere in the District

9 during the summer was getting charged to The Chateau

10 Grille. That's why the \$2000-a-day loss shows up.

11 You need to understand what you're saying

12 before you throw out these wild facts. It's like

13 we're subsidizing golf to the tune of \$500 per

14 parcel -- okay? -- pure fiction. Please get your

15 facts right if you're going to make statements on

16 the record. I would appreciate it. We need to hold

17 ourselves, as a board, accountable to using factual

18 information if we're going to sit up here and make

19 points to the public. Okay?

20 I would appreciate it if we would all take

21 that seriously, use facts, and not try to throw out

22 figures that are half-baked to try to make a point.

23 TRUSTEE TULLOCH: Thank you, Mr. Homan.

24 Just for the record, if you can

25 demonstrate whether that information has been

99

1 with regards to food and beverage, will be -- as a

2 food and beverage consultant -- is it -- or some

3 sort of consulting or employment with regards to

4 food and beverage.

5 VICE CHAIR JEZYCKI: We have a motion. Do

6 we have a second?

7 TRUSTEE HOMAN: I'm not sure I understand

8 the motion. I understand the first part of the

9 motion clearly. I think it's getting muddled up

10 with a lot of lack of clarity on the second part.

11 I guess I would look to legal counsel here

12 to see: Do we need to do one specific motion or can

13 we, as part of that motion to terminate, also

14 provide direction to legal and the Chair or whoever

15 it needs to go to to have separate discussions with

16 Mr. Walrack about potentially offering him some role

17 that better utilizes his background, skills,

18 talents?

19 MR. RUDIN: I would recommend you make two

20 separate motions, just for clarity. And it sounds

21 like the second motion, you're looking to legal

22 counsel and staff or legal counsel and Board Chair,

23 whatever trustee you would like to designate, to

24 engage in discussions with Kent Walrack about

25 performing consulting services for the District for

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1 brought and presented to the Board, I'll quite

2 happily retract these statements. But you can't

3 because it's not come to the Board.

4 TRUSTEE HOMAN: It's not come to the Board

5 because the Board hasn't asked for it. This is not

6 on point, but I did ask, even though I wasn't on to

7 the board at the time. I was just a citizen, I went

8 and to talked to --

9 VICE CHAIR JEZYCKI: Gentlemen, this is

10 not aligned with the agenda item.

11 Any other comments or feedback?

12 When making the motion, I would also ask

13 to consider conversations with Mr. Walrack, if we

14 vote to proceed.

15 TRUSTEE NOBLE: I would move to terminate

16 Kent Walrack as the District's general manager and

17 appoint Mike Bandelin to serve as the acting general

18 manager, and -- I'm not sure how to word what you

19 had suggested.

20 VICE CHAIR JEZYCKI: In negotiating --

21 TRUSTEE NOBLE: In negotiating the

22 severance payment?

23 VICE CHAIR JEZYCKI: Yes.

24 TRUSTEE NOBLE: To discuss whether or not

25 there's an appetite to come up with an agreement

100

1 food and bev in lieu of the severance payment or

2 something similar.

3 (Comments from audience.)

4 VICE CHAIR JEZYCKI: I think it would be

5 more along the lines of offering an opportunity --

6 (Comments from audience.)

7 CHAIR TONKING: Point of order.

8 VICE CHAIR JEZYCKI: Excuse me.

9 Offering an opportunity to contribute to

10 the community in the food and beverage arena. I'll

11 end it there.

12 TRUSTEE NOBLE: I will revise my motion.

13 Number one, terminate Kent Walrack as the District's

14 general manager and appoint Mike Bandelin to serve

15 as the acting general manager.

16 VICE CHAIR JEZYCKI: We have a motion.

17 TRUSTEE HOMAN: Second.

18 VICE CHAIR JEZYCKI: Any further

19 discussion?

20 TRUSTEE TULLOCH: I would like to go on

21 the record here as saying this is the most -- one of

22 the craziest decisions I've ever seen from this

23 board. Over 17 years in the community, I've seen

24 some pretty crazy ones.

25 I think this is just pure pettiness.

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1 Certain trustees have a bar under our saddle,
 2 whatever you want to call it, and just set out this,
 3 the fact that we're now trying to find excuses,
 4 trying to find some ways to try and ameliorate the
 5 damage.
 6 Don't forget what they're doing is
 7 spending 260,000-plus of taxpayer money just to
 8 satisfy their own desires.
 9 Thank you.
 10 VICE CHAIR JEZYCKI: I couldn't disagree
 11 more, but I won't get into that.
 12 Any further discussion?
 13 All in favor?
 14 TRUSTEE NOBLE: Aye.
 15 CHAIR TONKING: Aye.
 16 VICE CHAIR JEZYCKI: Aye.
 17 TRUSTEE HOMAN: Aye.
 18 VICE CHAIR JEZYCKI: Opposed?
 19 TRUSTEE TULLOCH: Nay.
 20 VICE CHAIR JEZYCKI: Motion passes four to
 21 one.
 22 (Mr. Walrack left the dais.)
 23 MR. RUDIN: I would suggest a motion.
 24 VICE CHAIR JEZYCKI: For further
 25 discussion?

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1 MR. RUDIN: Yeah.
 2 VICE CHAIR JEZYCKI: Do we have a motion
 3 for the second part of this action to follow up to
 4 have --
 5 CHAIR TONKING: I'll try to make that
 6 motion. Mine is going to be broader.
 7 I move that legal and staff work with
 8 General Manager Walrack on severance and possible
 9 opportunities within the District.
 10 TRUSTEE NOBLE: Second.
 11 VICE CHAIR JEZYCKI: We have a motion, we
 12 have a second. Any further discussion?
 13 All in favor?
 14 TRUSTEE HOMAN: Aye.
 15 TRUSTEE NOBLE: Aye.
 16 CHAIR TONKING: Aye.
 17 VICE CHAIR JEZYCKI: Aye.
 18 Opposed?
 19 TRUSTEE TULLOCH: I shall abstain for the
 20 reasons I've already made.
 21 CHAIR TONKING: I'm actually going to ask
 22 legal on that. Are you allowed to abstain without a
 23 conflict of interest?
 24 MR. RUDIN: The law encourages, and
 25 strongly encourages, trustees to vote, but I do

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1 think that it is legal to abstain.
 2 CHAIR TONKING: Thank you.
 3 VICE CHAIR JEZYCKI: Motion carries four
 4 to one. I'm sorry. Four zero with Trustee Tulloch
 5 abstaining.
 6 We've been at this since 3:30, it's going
 7 on one six o'clock, anyone need a break?
 8 TRUSTEE TULLOCH: Chair, if I may seek
 9 your indulgence, the Board, I'm going to leave. I
 10 see no point in just participating in any further
 11 kangaroo court when I've got a very ill wife at
 12 home. I'm not going sit here and just listen to
 13 stuff that's all been predetermined. I shall be
 14 leaving this meeting at the moment.
 15 Thank you.
 16 TRUSTEE HOMAN: Legal, can I have an
 17 opinion on that?
 18 I completely understand if you've got a
 19 sick wife at home, you should absolutely go home to
 20 her.
 21 But to say that you're not going to
 22 participate because you don't like what's happening
 23 at the Board, is that grounds --
 24 (Comments from audience.)
 25 VICE CHAIR JEZYCKI: Again, please --

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1 TRUSTEE HOMAN: Legal?
 2 Ray, if you've got a sick wife, please go
 3 home and see her, but don't lay it on the kangaroo
 4 court.
 5 VICE CHAIR JEZYCKI: Trustee Tonking or
 6 counsel? Let's hear from counsel, please.
 7 Please take the conversation to the lobby.
 8 Thank you.
 9 MR. RUDIN: To answer Trustee Homan's
 10 question, I'm not aware of a mechanism by which the
 11 Board can force Mr. Tulloch to remain at the
 12 meeting.
 13 TRUSTEE HOMAN: I'm not looking to force
 14 him. I said if he's got a sick wife at home, he
 15 should absolutely go home and tend to that.
 16 I'm questioning the rationale he provided,
 17 which is the primary, he's not going to participate
 18 in this board because he doesn't believe it's
 19 working in the way that he wants it to work.
 20 TRUSTEE TULLOCH: Correction. I said I'm
 21 not going to participate in this meeting when all
 22 these decisions are already preordained and
 23 pre-decided.
 24 Thank you.
 25 VICE CHAIR JEZYCKI: I have a question for

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1 you, Trustee Tulloch, before you leave us. There
2 are other items that have nothing to do with the GM
3 position, including Policy 3.1.0, are you submitting
4 anything for the record to be considered or to be
5 recorded?
6 TRUSTEE TULLOCH: No.
7 VICE CHAIR JEZYCKI: Thank you.
8 Chair Tonking, you have a comment?
9 (Trustee Tulloch left the dais.)
10 CHAIR TONKING: I was just going to say I
11 take great offense to his comment that these were
12 predetermined, so I just wanted to state that also.
13 VICE CHAIR JEZYCKI: Okay. Moving along.
14 TRUSTEE HOMAN: For the record, I'm sorry,
15 but I just want to go on record to say that I come
16 from a very different world than this and maybe it's
17 just I need to learn, but for one of our colleagues
18 up here to essentially accuse his colleagues of
19 having preordained everything that's going to happen
20 on this agenda, I find unbelievably distasteful,
21 inappropriate, and offensive. And it's a shame
22 that -- I would tell Ray to his face if he was still
23 here, but I just want to be on the record that I had
24 no discussions or discussed where I'm going to be at
25 on any of these item with any of the other trustees.

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1 appeared that you were listening in on those.
2 I don't have anything to add other than I
3 think Robert Harrison is the right candidate for GM
4 for this district, given our needs at this time.
5 Be happy to hear anything else you'd like
6 to add.
7 VICE CHAIR JEZYCKI: Any questions or
8 comments from my colleagues?
9 I'll start with a question. Do we know
10 for sure that Mr. Harrison is not already committed,
11 and do we have any idea -- we're talking about the
12 resort being busy and how long will we have to rely
13 on GM Bandelin to cover those?
14 I have not had conversation with him, I
15 just want validation that we have a bit more
16 information.
17 TRUSTEE NOBLE: It's my understand that
18 Mr. Harrison is still available.
19 And if this board decides to appoint him
20 as general manager, I would want to direct staff to
21 work -- and legal to work with Mr. Harrison as
22 quickly and expeditiously as possible so that Mr.
23 Bandelin -- so that we can get a GM contract before
24 us at the next-available meeting to consider and get
25 Mr. Bandelin back focusing exclusively on his work

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1 I hold the Open Meeting Laws in the
2 highest esteem, I take my responsibilities
3 seriously, and I'm offended at his inference.
4 VICE CHAIR JEZYCKI: Noted.
5 Moving along, agenda item F 2.
6 F 2. Appointment of Robert Harrison
7 VICE CHAIR JEZYCKI: Review, discuss, and
8 consider appointment of Robert Harrison as IVGID
9 general manager. Discussion and direction to staff
10 and legal counsel regarding negotiation of
11 employment contract for the IVGID general manager
12 position. Requesting board member, Trustee Noble.
13 In our board books, it would be pages 13 through 27.
14 TRUSTEE NOBLE: You have before you the
15 memorandum for item F 2, which provides a historical
16 background with regards to the interviews that were
17 conducted in October and November before this board
18 that included Robert Harrison.
19 I believe Michaela and I were present and
20 participated in those interviews, and if
21 recollection serves me well, I believe both Michelle
22 and Mick were physically present at the October 30th
23 meeting, and I think you were at least observing the
24 November 13th meeting and provided public comments
25 on those items. Based on your public comments, it

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1 at Diamond Peak.
2 CHAIR TONKING: I'm going to have a
3 different view on this matter.
4 I think that we should put this back out.
5 I said this when we had the discussion back in
6 November and October that I didn't find that this
7 process included the community, this was a huge
8 decision, and that I felt like we needed more time
9 and to be in a more stable place to ensure that we
10 were including the correct people in the
11 interviewing committee.
12 I know that we are worried about GM
13 Bandelin's time, so I would ask that maybe we
14 discuss some additional staff members that could
15 take in the role of GM or division of duties while
16 we redo this time.
17 But I would like this to -- put this back
18 out.
19 TRUSTEE HOMAN: Is the Director of HR
20 present? It is appropriate to ask some questions?
21 VICE CHAIR JEZYCKI: Absolutely.
22 MS. FEORE: Good evening, trustees.
23 TRUSTEE HOMAN: A couple of questions
24 hitting on -- following up on these.
25 One, he's obviously signed a waiver, so he

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1 knows that we're talking about him.

2 MS. FEORE: He does.

3 TRUSTEE HOMAN: Have we had discussions

4 with him about his availability, his timing, and so

5 forth? That's the first question.

6 MS. FEORE: In speaking with him and

7 advising him that his name was going to be a topic

8 of conversation and that this was what was being

9 published in the agenda, I asked him how he was and

10 what he was doing, and he said that he still really

11 wants to be at Incline Village and he's absolutely

12 open to talking with the trustees and making it

13 happen.

14 He's not waived his enthusiasm for this

15 community.

16 TRUSTEE HOMAN: He's aware of it, but we

17 don't have any feel for -- or do we? -- what type of

18 a arrangement he would be open to in terms of, he

19 knows, it's very public, what the salary was that we

20 were paying, that we agreed to pay to the prior GM,

21 has he made any comments about the pay? He had made

22 very public comment -- I think he had -- someone

23 made comments during the interview process about

24 their thoughts on the separation provisions and what

25 would be prudent for a situation like ours. Has he

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1 made any comments along those lines?

2 MS. FEORE: He hasn't. If so directed,

3 I'm happy to have those conversations with him. But

4 I was trying to make sure that I wasn't overstepping

5 when I spoke with him.

6 TRUSTEE HOMAN: Got it.

7 VICE CHAIR JEZYCKI: I think we're getting

8 into part of directing staff and legal counsel to

9 complete the negotiation.

10 TRUSTEE HOMAN: Before we go there, I

11 think we need to decide -- we need a motion on

12 whether we would even move forward with working with

13 him. That's --

14 VICE CHAIR JEZYCKI: I'm just saying, it

15 feels like --

16 TRUSTEE HOMAN: I'm just trying --

17 VICE CHAIR JEZYCKI: -- we're getting

18 ahead of ourselves.

19 TRUSTEE HOMAN: But that's part of what I

20 need to think through in terms of if we move forward

21 if we open it up again.

22 To Chair Tonking's point, we've gone

23 through this very recently, you're obviously very

24 familiar -- I assume you're familiar with the pool

25 that's out there, the number of candidates that we

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1 got and so forth, what's your sense in terms of the

2 receptiveness, the reaction we would get if we went

3 out again? Do you think there's a larger pool out

4 there of qualified candidates that we would tap

5 into? You obviously went through a lot of them to

6 narrow it down to the four, I guess, that we talked

7 to.

8 MS. FEORE: It's hard to say. I will say

9 that the bulk of the recruiting efforts occurred

10 during a period of time when a lot of people may not

11 necessarily be looking for work because we were

12 coming in on a holiday season. For that reason

13 alone, it may open up some of the responses.

14 If we had an opportunity do it over again,

15 and I understand that the previous board had some

16 imposed time constraints, but had we had the

17 opportunity to do over again, I think that there

18 are -- I think that there is a part of this process

19 that could be done better.

20 Obviously, it's very complicated in what

21 the community can be involved with and what they're

22 advising the board and how it has to be done on the

23 record, but I would like to work more with this

24 board and with counsel to see what we can do to

25 expand this process so there is more feedback and

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1 buy-in from the community, if possible.

2 TRUSTEE HOMAN: What's your perspective on

3 how much time it would take us once we -- if we were

4 to start that trigger, how long would it take us to

5 hire someone from scratch?

6 MS. FEORE: I can devote all of my

7 resources to it, once I get just -- I just need to

8 get another week past the year end to help my

9 payroll staff with that, and then I can devote a lot

10 of resources to this.

11 If we had the position -- let's say we

12 have the position published and ready to go out

13 there in the world by the end of next week and we

14 set a hard deadline for 30 days, 60 days, I'm always

15 going to -- for this level of position, I'm always

16 going to want a little bit more than a little bit

17 less, but we can find that happy medium in between.

18 VICE CHAIR JEZYCKI: I think, given the

19 fact that it was just recently published and we had

20 so many applicants in, I would recommend that we

21 shorten that time period.

22 MS. FEORE: Yeah. And we may get a lot of

23 repeat applicants.

24 VICE CHAIR JEZYCKI: If we go this route,

25 that would be my recommendation.

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1 TRUSTEE HOMAN: I mean, my concern about
 2 opening it up again, we had just gone through it, we
 3 had a pretty wide group of candidates that you guys
 4 narrowed it down to, part of my rationale for voting
 5 the way I did on the termination was that we need to
 6 get someone in here today with the requisite skill
 7 sets that we need to help us get after these
 8 problems, solve them, and so forth.
 9 When I look through Mr. Harrison's resume
 10 and having listened to the resume and so forth, I
 11 think he's got those skills. And I would be very
 12 concerned about delaying this.
 13 And I appreciate that you're couching your
 14 response because -- I mean, the reality is we don't
 15 know how long it's going to take.
 16 MS. FEORE: We don't. And even in the
 17 best of scenarios, possibly two months, simply
 18 because once you've closed the application process,
 19 now you're doing all of the prescreening. Of
 20 course, with this community, my due diligence is
 21 exceptionally high in doing that prescreening, and
 22 that can delay it even further. Then your schedules
 23 and what's available for you.
 24 It feels -- this does feel like a critical
 25 time to be without a GM, but I'm open to what you

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1 decide.
 2 TRUSTEE HOMAN: Chair Tonking, I
 3 appreciate your thoughts, but I would be in a
 4 different spot. I think we've got a candidate
 5 that -- I can't speak for anybody else -- I was very
 6 impressed with, and I just don't think we have the
 7 luxury of whatever it would be, two to four months,
 8 to run this process again.
 9 I think we need someone in the chair as
 10 soon as we can get them in the chair with that
 11 experience.
 12 TRUSTEE NOBLE: I do appreciate, Chair
 13 Tonking, your position on that.
 14 I think in an ideal, perfect scenario, we
 15 go back to square one and we look. I just don't
 16 think we have the luxury of time, especially right
 17 now with -- we're in budget-building season now. If
 18 we're looking at minimum of 60 days and not sure how
 19 long after that, we have a -- what I think is an
 20 extremely good candidate here to consider, and one
 21 of my concerns is we go back out and the candidate
 22 pool that comes back is nowhere near what we were
 23 looking at in October. I just don't know.
 24 It's concern and, for lack of better word,
 25 fear of the unknown that gives me pause, and that's

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1 why I'm still of the position that I would like to
 2 move forward with this -- the appointment as I
 3 proposed in the memo this evening.
 4 VICE CHAIR JEZYCKI: Do I have a motion?
 5 TRUSTEE NOBLE: I would move to appoint
 6 Robert Harrison as IVGID general manager.
 7 VICE CHAIR JEZYCKI: Do we have a second?
 8 TRUSTEE NOBLE: And I guess with the
 9 direction -- and direct staff and legal counsel to
 10 complete the negotiation of the employment contract
 11 for the newly hired general manager.
 12 VICE CHAIR JEZYCKI: I'm going to back up
 13 for a second. I'm a little concerned in the word
 14 "appoint Robert Harrison as IVGID general manager,"
 15 rather than, maybe, "pursue," because there's
 16 obviously an acceptance factor which will come out
 17 in the part two of this.
 18 What do you think, general counsel?
 19 MR. RUDIN: I do agree with that. I would
 20 recommend you direct staff and legal counsel to
 21 complete negotiation of an employment contract for
 22 general manager and extend an offer of employment to
 23 Robert Harrison to serve as District General
 24 Manager.
 25 TRUSTEE NOBLE: I do. So moved.

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1 MR. RUDIN: Sure.
 2 VICE CHAIR JEZYCKI: Do I have a second?
 3 TRUSTEE HOMAN: Second.
 4 VICE CHAIR JEZYCKI: All in favor?
 5 TRUSTEE NOBLE: Aye.
 6 TRUSTEE HOMAN: Aye.
 7 VICE CHAIR JEZYCKI: Aye.
 8 Opposed?
 9 CHAIR TONKING: I actually was trying to
 10 ask if we could -- there's no room for discussion,
 11 so I apologize. Can we go back to that?
 12 VICE CHAIR JEZYCKI: Yes. I'm sorry. I
 13 asked you if you had something and I didn't --
 14 CHAIR TONKING: Yeah. No, this actually
 15 had to do with what was just motioned.
 16 I was wondering if in that motion, we
 17 could ask -- or how people felt about proposing only
 18 a six-month severance in that, or lower, or if that
 19 is not at this time?
 20 TRUSTEE NOBLE: Would we discuss that
 21 after this as far as the direction?
 22 MR. RUDIN: Yeah. You can give further
 23 direction after that motion if you so choose.
 24 CHAIR TONKING: After. I just wanted to
 25 make sure that we could have a deeper conversation

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1 on it. Okay. Sorry.

2 VICE CHAIR JEZYCKI: No. Sorry. I should

3 have opened it up for discussion.

4 So we have a motion, we have a second.

5 All in favor?

6 CHAIR TONKING: Aye.

7 TRUSTEE HOMAN: Aye.

8 TRUSTEE NOBLE: Aye.

9 VICE CHAIR JEZYCKI: Aye.

10 Opposed?

11 The motion carries four to zero.

12 MR. RUDIN: I would suggest also, there

13 are number of standard, like, the District has --

14 the District board has previously presented it with

15 a standard contract template, which, unfortunately,

16 I think is not in the current agenda packet, but

17 there are a number of blanks in that typical

18 contract template which I, as well as staff, would

19 probably like some direction from the Board on.

20 That would likely include things like

21 severance, salary, -- anything else, Erin? -- time

22 off, benefits. Although, historically, I think the

23 District has just offered the same thing as senior

24 team.

25 So to the extent the Board wants offer

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1 something else, we would welcome your feedback on

2 that.

3 VICE CHAIR JEZYCKI: Okay.

4 TRUSTEE NOBLE: Just for direction, I

5 would suggest and would be for discussion, a

6 24-month contract with a six-month severance. And

7 as far as the -- I would mirror the senior team with

8 regards to the other benefits.

9 And I believe there may have been an issue

10 with regards to the wording of medical benefits on

11 that. In Mr. Rudin's and staff's opinion, what you

12 think is in the best interest of the District, I

13 would ask that you negotiate accordingly.

14 But defer also to fellow colleagues of

15 what they think about those initial terms, as well

16 as the salary of \$250,000.

17 TRUSTEE HOMAN: I was just going to say,

18 yeah, I would strongly push for a max of six-month

19 termination provision. With that in mind, whether

20 it's 18 months as was with the prior agreement, or

21 24 or months, I don't have a strong feeling on that

22 as long as we've got the right termination

23 provisions in there.

24 I would look to staff to tell us do we

25 have a feel for what is standard amongst these types

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1 of governmental leaders?

2 MR. RUDIN: I would suggest that, although

3 we have no inclination as to what the candidate's

4 position is on these things, typically most

5 employment agreements would be aligned the fiscal

6 year for termination. Additionally, you would

7 typically align any sort of performance review

8 periods to occur prior to tentative budget so that,

9 to the extent that any salary increases or changes

10 are necessary, you make those decisions and factor

11 them into your review of the tentative budget so

12 that they can be made according to your budget

13 cycle.

14 I think those are, sort of, the main

15 features of negotiating an employment agreement.

16 CHAIR TONKING: I was going to say no more

17 than six months, and I would like to stay at an

18 18-month contract, unless there's some form of trial

19 period that we could negotiate.

20 MR. RUDIN: In terms of a trial period,

21 the way that that would be structured is that they

22 would not be entitled to severance during that trial

23 period. I've seen it structured that way.

24 That's certainly a discussion we can

25 engage in with the candidate.

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1 TRUSTEE NOBLE: I'm fine with looking at

2 an 18-month contract and trying to mirror it with

3 the budget cycle.

4 VICE CHAIR JEZYCKI: As am I. And it also

5 brings us back into a bit of normalcy for severance,

6 historically, as well.

7 Now moving on.

8 MS. FEORE: Can I just ask a clarifying

9 question?

10 VICE CHAIR JEZYCKI: Sure.

11 MS. FEORE: Do we have a time frame as to

12 when you want us to bring this back? Does that need

13 to be decided?

14 VICE CHAIR JEZYCKI: Yesterday.

15 MS. FEORE: Exactly.

16 TRUSTEE NOBLE: I would suggest at the

17 next-available meeting that's currently scheduled.

18 If that's -- and if it can be done sooner and we're

19 available, we'd need to do a special meeting, I'm

20 fine with that too, but no later than the 29th.

21 TRUSTEE HOMAN: I agree. I don't want to

22 just wait until 29th. If we can get it done

23 quicker, assuming he's accepting, sooner we can get

24 him on the ground, the better.

25 VICE CHAIR JEZYCKI: Now moving on.

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1 F 3. Beach Deed

2 VICE CHAIR JEZYCKI: Review, discuss, and

3 consider having legal counsel review the Beach Deed

4 and provide a recommendation as it relates to one or

5 more of the following topics, (a) beach access for

6 IVGID employees, (b) construction of a safety pier,

7 (c) beach access for Hyatt guests and Hyatt Regency

8 club owners, and/or (d) beach access for North Lake

9 Tahoe Fire Department Protection District to conduct

10 water safety programs. Amount remaining in contract

11 is \$44,500. Requesting board member, Trustee Noble.

12 This can be found in our board books at pages 28 and

13 30.

14 TRUSTEE NOBLE: You have before you the

15 memorandum in item F 3, and I would just like to

16 provide a little bit more information.

17 When the majority of the board voted to no

18 longer provide beach access to District employees on

19 January 25, 2023, I had asked, as a professional

20 courtesy, to delay that vote because there was

21 additional information that was presented that I had

22 not been made aware of until, essentially, the last

23 minute. And there was no sense of urgency in my

24 mind because we don't start -- the District,

25 historically, had not started checking IDs for

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1 access until at least April. The board decided to

2 move ahead anyways.

3 One of the public commenters provided the

4 letter from Thorndal Armstrong with regards to the

5 beach access for employees. There's not a whole lot

6 there, and that's one of my concerns. I know

7 there's more research behind it, but it seemed very

8 -- in my opinion, it's very cursory.

9 We all received, I believe, an email from

10 Todd Lowe earlier today, who was part of the Incline

11 Village corporation, and in that email, he explained

12 that he spent a tremendous amount of money looking

13 at the Beach Deed and access and how it would relate

14 to any type of Incline Village incorporation, and

15 that was McDonald Carano, one of the law firms that

16 he used. He predominately used them.

17 They have done a tremendous amount of

18 background research and deep dive for his

19 organization. And they -- when IVGID reached out to

20 McDonald Carano to see if they would be our special

21 counsel with regards to the beach issues, they

22 reached out to Mr. Lowe because there's a potential

23 conflict of interest based on the subject matter.

24 And he informed McDonald Carano, please

25 let them enter into that engagement, because he

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1 thought it would be very beneficial to have that

2 knowledge that they developed in helping him to help

3 IVGID.

4 And so, yes, this has been looked at in

5 the past, but I think one of the top law firms in

6 Nevada, if not the top law firm, they have very good

7 attorneys, I've known Mr. Hicks for 20-plus years,

8 he was general counsel to one of our previous

9 governors. They are a top-notch law firm, and I

10 would expect we're going to get a very thorough and

11 deep dive analysis with regards to the four pieces

12 here.

13 Beach access for IVGID employees, that's

14 obvious, I'm pretty clear.

15 The construction of the safety piers.

16 I've gotten a few calls of what is that? So for

17 several years, the North Lake Tahoe Fire Protection

18 District, in conjunction with, I think, Washoe

19 County Sheriff's Office has been looking for a

20 location to site a public -- a public safety pier.

21 This is not open to the public; it is for their --

22 provide them access to speed up their response time

23 both on and off the water. And one of the only

24 places, in working with TRPA, that's actually viable

25 is on one of Incline's Village Crystal Bay --

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1 Incline Village's beaches.

2 And so before we even get a step further,

3 the question is, could we even do that? And I don't

4 know. I have a feeling -- I believe that with our

5 engagement letter, that this is the right law firm

6 to look into that issue.

7 The Hyatt has indicated they are going to

8 be closing their beach this summer due to

9 construction activities. According to the Beach

10 Deed and Ordinance 7, we must provide access to both

11 Hyatt guests and owners of the Hyatt Regency Club,

12 and I want to make sure we do this right, that we

13 are not overly restricted or under restrictive, if

14 that makes sense. We do what's right so that we

15 don't run afoul of the Beach Deed on this.

16 And then with regards beach access, the

17 water safety programs. Currently, North Lake Tahoe

18 Fire Protection District has to leave the District

19 to go do their training over at Sand Harbor.

20 They're taking their personnel out of the District

21 to conduct these activities, and this is all to

22 benefit the community members here.

23 I would to like know whether or not those

24 activities could take place on Incline beaches, or

25 if they have -- they used to, and then they were

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1 told they needed to go somewhere else. I just want
 2 to know whether or not those types of activities
 3 would be allowed under the Beach Deed because I
 4 think it's a tremendous benefit, asset to the
 5 community to allow them to do that right here, but I
 6 don't know whether we can under the Beach Deed.
 7 VICE CHAIR JEZYCKI: Any questions or
 8 comments?
 9 TRUSTEE HOMAN: Yeah. And I'll take these
 10 in pieces.
 11 I think the safety pier, I'm presuming
 12 that, to the extent that we're a workable option,
 13 that's not something IVGID is paying for. That's
 14 something that --
 15 TRUSTEE NOBLE: As it was presented to me,
 16 that is not a cost that would be borne by IVGID at
 17 all.
 18 TRUSTEE HOMAN: I think -- where I'm at on
 19 the safety pier and on the education programs, I
 20 think we would be -- I think it would be foolish to
 21 not consider things that IVGID can do to promote
 22 public safety for its residents.
 23 And -- you answered one of my questions
 24 because when I read the materials, it said Burnt
 25 Cedar was a viable alternative, but what you said,

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1 it is the viable alternative that they've come with
 2 to date?
 3 TRUSTEE NOBLE: To date, that is the
 4 viable alternative. They've looked other places,
 5 including Incline and Ski Beach, and they've been
 6 working with TRPA, my understanding, and TRPA has
 7 identified Burt Cedar as the spot right now.
 8 TRUSTEE HOMAN: In terms of the public
 9 safety piece of it, I would -- I'm going to come
 10 back to the affordability question later -- I would
 11 personally be in favor of seeing if we've got the
 12 flexibility, because that benefits all of our
 13 residents. Whether they are -- and I get that
 14 there's a Beach Deed issue here that we've got to
 15 look through, which is why you want to do this, but
 16 to the extent that we can do anything to help with
 17 the public safety of our residents, I would be in
 18 favor of investigating that.
 19 On the employee part of it, some of you
 20 have heard me say this before, I'm not an attorney,
 21 but in my prior life I have literally read thousands
 22 of legal opinions, and I read this a couple of years
 23 ago and had a chuckle. This is not a legal opinion;
 24 this is an engineered opinion.
 25 In my mind, this looks like a very

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1 engineered opinion to get an answer that somebody
 2 wanted. An opinion does not use words like "under
 3 the most prudent of circumstances," blah, blah,
 4 blah. It would say: should, could, probably,
 5 possible, remote. Those types of terms. It does
 6 not use those term.
 7 I think it's an incredible employee
 8 attraction and retention tool. We all have -- we
 9 all know now that it's not causing overcrowding. I
 10 think this deserves another look to see if there are
 11 other options out there, obviously, without
 12 jeopardizing the beach deed. A lot of public
 13 comments about we're going to lose the Beach Deed.
 14 We don't know. Until we do the work and until we
 15 investigate it, we don't know, and so I would also
 16 like to look at that.
 17 On the Hyatt, I think it's -- I agree,
 18 when I read Ordinance 7, they've got the rights.
 19 There is some question on the Hyatt Residence Club
 20 in terms of whether they kind of fall under the
 21 hotel-right provisions or the homeowner/parcel owner
 22 provisions, and I think that's something we need to
 23 get resolved.
 24 But I think it might be even broader than
 25 that. If you look at the development that is

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1 happening around the area, even in our town, we've
 2 got this new development going up at Southwood,
 3 Northwood Tahoe Boulevard. And in my mind, I've got
 4 questions in terms of can we just create a bunch of
 5 beach access out of this one -- or maybe it's two
 6 commercial parcels, and now we're going to have,
 7 however many, 40 different apartments in there? In
 8 my mind, that's a question I would like to have
 9 answered.
 10 I think, yeah, Hyatt Residence is an
 11 immediate item that we need to look at just to make
 12 sure, if nothing else, that staff knows how to
 13 handle that. But I think it might be broader than
 14 that.
 15 And just my final point is, yes, we have
 16 money still in the appropriation, but do we have it
 17 in the budget to be able to do this and how much of
 18 this now versus next fiscal?
 19 VICE CHAIR JEZYCKI: One quick question
 20 and then I'll turn it back over to you, Trustee
 21 Noble.
 22 I had a question too about the approved
 23 contract, has \$44,500 remaining, what contract is
 24 that and who is that with? Was it with a specific
 25 law firm, so are we changing law firms within that

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1 contract?

2 And then the other point I would just

3 make, rather than going in on my opinions on each of

4 the four, the motion is to give permission to

5 discuss options in each of these areas -- correct?

6 -- so I'm not going to get into each of those.

7 TRUSTEE NOBLE: The engagement letter is

8 with McDonald Carano. And what I will do -- if the

9 Board approves the motion as -- on this and directs

10 me to work with McDonald Carano, the first thing I

11 will do is see how much we have budgeted is

12 remaining. And if it does not look like that is

13 sufficient to successfully review all that

14 information, then I will be coming back with an

15 update of next steps.

16 TRUSTEE HOMAN: Just a watchout. This

17 work is all related to community services, I'd just

18 like to make sure that it's part of the community

19 service budget and not general fund. Or is it

20 general fund because it's the Beach Deed?

21 MR. RUDIN: I will note that I believe the

22 engagement letter had a \$20,000 retainer, which

23 means the District has already paid up front, and so

24 there should be, probably, a little bit under 15

25 grand of retainer left, which is already paid.

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1 I think we can -- acting General Manager

2 Bandelin can ask the finance department to look into

3 these particular questions.

4 CHAIR TONKING: I should have said this

5 earlier, I'm going to recuse myself from this vote

6 due to any possible conflict of interest I may have.

7 VICE CHAIR JEZYCKI: Noted. Thank you.

8 Is there a motion?

9 TRUSTEE HOMAN: One more clarification.

10 This is just a study, it's not to commit us to

11 anything?

12 TRUSTEE NOBLE: Correct. This is

13 literally to study it, bring back that information,

14 and then, yeah, we are not committing to a safety

15 pier, employee beach access, any of that. It is

16 just to determine whether or not those are even

17 viable paths.

18 VICE CHAIR JEZYCKI: I see it as a

19 exploratory exercise.

20 TRUSTEE NOBLE: Yes. Nothing more at this

21 point.

22 TRUSTEE HOMAN: And no money would

23 actually be expended until we have a chance to come

24 back and talk about how much it's going to cost to

25 look at specific items, potentially?

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1 VICE CHAIR JEZYCKI: I think what we're

2 looking at is the items -- the funds that would be

3 spent would be from that 44,500 to get opinions on

4 each of these categories; is that correct?

5 TRUSTEE NOBLE: It is. If the Board would

6 be more comfortable that I reach out to Josh Hicks

7 and get an estimate of what that would cost for each

8 of those items and then come back before actually

9 engaging with and asking them to provide legal

10 opinions on those, I can do that.

11 TRUSTEE HOMAN: Yeah. The point of my

12 question is I just want to make sure that, if we

13 have to make choices and prioritize between these

14 items, that we have a chance to do that.

15 Where I would be at is if in your

16 discussion you determine that you can get what we

17 need on this out of the budget money we have and the

18 appropriation that we have without having to make

19 choices, yes, but do we need a mechanism to kind of

20 come back to the Board if we have to prioritize

21 timing of these items.

22 TRUSTEE NOBLE: Mr. Rudin, I think with

23 that directive, I -- I would consider that a

24 directive based on conversation I've had with

25 Mr. Hicks.

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1 MR. RUDIN: Yes. At the end of the day,

2 this is the Board authorizing Trustee Noble to work

3 with McDonald Carano to provide legal advice to the

4 full board.

5 In terms of whether you want to take

6 action on that legal advice, you would need to

7 agendize that for discussion.

8 VICE CHAIR JEZYCKI: Understood. Thank

9 you.

10 Now may I have a motion?

11 TRUSTEE NOBLE: I would move to authorize

12 me to work with our special counsel at McDonald

13 Carano to review the Beach Deed and provide a

14 recommendation as it relates to beach access for

15 IVGID employees, construction of safety pier, beach

16 access for Hyatt guests and Hyatt Regency club

17 owners. With the knowledge that -- with regards to

18 the Hyatt Regency club owners, that information will

19 probably be applicable to other properties where

20 there's a potential expansion of number of units on

21 that parcel --

22 VICE CHAIR JEZYCKI: Careful. That's not

23 part of the motion. Why don't we start with a new,

24 clean motion please.

25 TRUSTEE HOMAN: I'm fine if you don't add

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1 that to the motion. I'm just making a point that at
 2 some point we may need to think more broadly about
 3 that item.

4 TRUSTEE NOBLE: I would move to authorize
 5 me to work to with special counsel as provided in
 6 the memo item F 1.

7 TRUSTEE HOMAN: Second.
 8 VICE CHAIR JEZYCKI: Any further
 9 discussion?

10 All in favor?

11 TRUSTEE HOMAN: Aye.
 12 TRUSTEE NOBLE: Aye.
 13 VICE CHAIR JEZYCKI: Aye.
 14 Opposed?

15 Motion passes three zero. Moving on to
 16 our final item on general business, that is, item F
 17 4.

18 F 4. Policy 3.1.0
 19 VICE CHAIR JEZYCKI: Review, discuss, AND
 20 possibly approve changes to Policy 3.1.0, Conduct of
 21 the Board of Trustee Meetings. Requesting staff
 22 members, Director of Admin Services Susan Herron and
 23 acting General Manager and GM of Diamond Peak Ski
 24 Resort Mike Bandelin. It's going to be found in our
 25 board books on pages 31 through 77.

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1 MS. HERRON: Before you, you have a draft,
 2 you have a conformed draft, and that conformed draft
 3 did contain some typos, for which I apologize. I
 4 want to let you know that we have taken care of the
 5 numbering and gotten that all squared away. There
 6 was some duplicate language up at the top, so that
 7 first line would now read, "This policy governs the
 8 conduct of all meetings of the Board," et cetera, et
 9 cetera, that was a change.

10 On item number 0.4, it was pointed out
 11 that there is interplay with paragraph 0.8, let me
 12 give you that title, "Motions to Reconsider." I
 13 would turn to counsel on this saying -- the question
 14 was asked: Could a single nay vote clog future
 15 agendas with motions to reconsider?

16 And then on item 0.8, Motions to
 17 Reconsider: Following the conclusion of meeting,
 18 revisiting of an item may only occur subject to
 19 placement of the item on the agenda in accordance
 20 with NRS 2.41 -- NRS Chapter 241, that interaction
 21 shall be subject to debate.

22 I think there was some conflict there that
 23 I may need your guidance on how to resolve.

24 VICE CHAIR JEZYCKI: Can you give us a
 25 page number?

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1 MR. RUDIN: Page 48. So, yeah, the
 2 language on page 48 contains a typo that says, "If
 3 the motion to reconsider passes, the original motion
 4 shall be deemed void and the matter may shall be
 5 subject to debate." So it should be "shall be
 6 subject to debate."

7 This language, related to motions to
 8 reconsider, is pretty typical of parliamentary
 9 language. Ideally, you do not want to have board
 10 members have motions to reconsider at every single
 11 subsequent meeting. And usually the point of a
 12 motion to reconsider is if you have changed your
 13 mind about something and you vote is material, then
 14 you should be able to change your mind.

15 The issue is is that typically once
 16 meeting is concluded and all the votes are tallied
 17 and that meeting is over, one, you gotta to comply
 18 with Open Meeting law, two, if you've already
 19 approved a contract, there's usually no undo buttons
 20 for certain votes of consequence.

21 Again, the motion to reconsider, having it
 22 be limited to the meeting where the item is held,
 23 avoids issues with due process, contract claims, et
 24 cetera. Basically this procedure says once our
 25 meeting is over, our votes are final, which aligns

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1 with the need for finality, and it also aligns the
 2 expectations of parties when comes to contracting.

3 This rule would prohibit people who are in
 4 the minority of a vote for having a motion to
 5 reconsider, because if they reconsider, well,
 6 procedurally, it doesn't really matter, that would
 7 just pass even further, so why waste the Board time
 8 to make that adjustment. I mean, certainly those
 9 individual's can comment that they would like to
 10 change their vote, but -- so this is taken from
 11 parliamentary rules, from Rosenberg's Rules of
 12 Order, which is abridged rules from Robertson's.
 13 Robertson's is intended for very, very
 14 large bodies that don't typically address or take
 15 public comments. It's intended for legislatures.

16 You look like you have a question. I'm
 17 done, I'll take your question.

18 TRUSTEE HOMAN: I was the one that kind of
 19 pointed this out, and maybe I'm just reading it
 20 wrong.

21 When I look at 0.4, and the last sentence
 22 of the first paragraph, it says, "The Chair, in
 23 cooperation with the General Manger, will place on
 24 the agenda any item requested by a fellow trustee."
 25 So any individual trustee, when I read this, can

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1 force something on the agenda.

2 When I go back to motions to reconsider, I

3 get the part about reconsidering in the meeting, but

4 then the last sentence there, "Following the

5 conclusion of the meeting, revising of an item may

6 only occur subject to placement of an item on an

7 agenda in accordance with NRS 241."

8 My concern was if there's a three-to-two

9 vote or a four-to-one vote on an item, can someone

10 in the minority just keep clogging up the agenda by

11 bringin it back because it only takes one trustee to

12 put it back on the agenda under 0.4?

13 MR. RUDIN: So, yes, theoretically, that's

14 a possibility.

15 That language is basically intended, like,

16 when the Board puts a policy or contract, that

17 action is final, that policy's approved, that

18 contract is approved at the end of the meeting if

19 there's no vote to reconsider.

20 Now, in theory, if you have a rule that

21 says you shall not revisit items for six months --

22 right? -- so that sort of thing would have precluded

23 you from taking the action tonight. Now, obviously,

24 this is a rule of procedure, you can always vote to

25 suspend your rules of procedure.

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1 Even if we had something in here that

2 said, well, we're not going to revisit prior

3 actions, one, oftentimes there is an agency need to

4 to revisit a prior action, two, if you really needed

5 to, you can just suspend these rules.

6 I note your concern. I think, in

7 practice, there's no real way to address that, other

8 than to, at the beginning of the meeting, the Board

9 can vote to remove that item and not take it.

10 TRUSTEE HOMAN: But that takes up staff

11 time and everybody else's time and it's inefficient.

12 When I looked at that, my reaction was,

13 should it be a fellow trustee or two or more

14 trustees? And it can't be more than two because

15 then you're getting into Open Meeting Laws.

16 MR. RUDIN: And as a practical matter, the

17 way that a high-functioning board would address this

18 issue is you have a discussion of long range

19 calendar and placement of agenda items as an agenda

20 item, and you, as the Board, decide where you're

21 going to place items. If someone makes a request to

22 repeatedly see items, you can, as a board, decide,

23 well, we'll consider that in six months.

24 MS. HERRON: I'm not sure how we resolve

25 that. Do we leave it as written conformed? Yeah,

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1 we're good with that?

2 MR. RUDIN: I will defer to the Board if

3 you want to make further revisions.

4 TRUSTEE HOMAN: If you don't think it's an

5 issue in practicality, then I'm okay. I guess it's

6 just something to keep in mind if it does become an

7 issue.

8 MS. HERRON: We can always bring it back

9 and you can change it. I'm going to try and do this

10 a little slower.

11 If you turn to page 42, under "Initial

12 Public Comment," we have a request to change it to

13 read: Not to include comments on general business

14 items where such business have separate scheduled

15 public comment.

16 That's the fourth bullet point. I think

17 that is clarifying.

18 MR. RUDIN: Can you restate the page?

19 MS. HERRON: Sure. Page 42 of the

20 redlined, fourth bullet. It's just clarifying some

21 language there.

22 Then on page 44, under -- second bullet

23 point on that page. It says, "Reports are intended

24 to inform the Board and/or the public." We would

25 like to change that to read: Reports that are

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1 needed to inform the Board and/or the public.

2 I think that is making that item -- a good

3 change on that item so that if we need them, we add

4 them; if we don't, we don't put them on there. It's

5 just a clarifying one.

6 The more substantial one is on page 44,

7 it's listed as "A. Claims." It's now renumbered

8 correctly, will be F. We've had a request to define

9 claims or include a dollar threshold. "A. Claims,"

10 page 46.

11 MR. RUDIN: On page 46, the process

12 regarding claims and litigation, NRS Chapter 241 has

13 a provision that says the Board can delegate

14 authority to an officer, basically, to deal with

15 claims and/or deal with settlement of litigation or

16 initiation of litigation on behalf of the District.

17 If the Board doesn't expressly delegate

18 that authority, the Board reserves it. All the

19 decisions regarding settlement of claims and

20 initiation, defense, settlement of litigation would

21 have to to come before the Board, and, historically

22 they have.

23 By not -- the way this is drafted now, as

24 I understand it, is the General Manager can

25 negotiate a tentative settlement and basically say,

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1 well, this is what we're going to recommend and
 2 present to the Board for final approval. But,
 3 again, this is pretty clear that this is not binding
 4 on the District until it gets board approval.
 5 TRUSTEE HOMAN: Guilty party again.
 6 Sorry.
 7 The point of concern that I had was in the
 8 second to the last line, the last paragraph, "The
 9 Board of Trustees shall be kept informed about the
 10 status of any claims filed against the District and
 11 any significant developments."
 12 Any claim, you know, I go to The Chateau
 13 and I have a bad hamburger and I demand a
 14 replacement hamburger, is that a claim?
 15 MR. RUDIN: I would say no.
 16 TRUSTEE HOMAN: You would say no. I would
 17 say no. Someone might not.
 18 My only point is do we need to just -- any
 19 significant claim or define -- I don't know. I just
 20 worry that someone could read this, take a literal
 21 reading of it, and say that we're not in compliance
 22 with our policy because --
 23 MR. RUDIN: I mean, it's gonna be subject
 24 to the rule of reason. Any claim that we get for
 25 money damages, typically, they're taken in, they're

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1 tendered to Pool Pact, defense counsel is assigned,
 2 and then we would update the Board.
 3 TRUSTEE HOMAN: You're using your
 4 definition of a claim --
 5 MR. RUDIN: Yes, I am.
 6 TRUSTEE HOMAN: -- the rack down at the
 7 beach that's holding my paddle board collapsed, and
 8 I'm making a claim against the District for \$300 to
 9 fix my paddleboard. I don't think we want that
 10 coming to the Board.
 11 MR. RUDIN: I can appreciate that. And in
 12 most agencies, there is some sort of nominal
 13 authority granted to the general manager to settle
 14 claims under, say -- I mean, it depends on the
 15 public agency and their budget, but somewhere
 16 between 10- and \$50,000. Oftentimes, it's aligned
 17 with the general manager's spending authority, which
 18 for the District with the changes that are proposed
 19 in this policy, that would be \$100,000.
 20 Now, I do not -- yeah, so it's a decision
 21 for the Board if you want to delegate any settlement
 22 authority, what that appropriate threshold should
 23 be.
 24 Now, one thing that you could consider is
 25 whatever the materiality threshold is for your

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1 audit. If the auditors don't think it's a material
 2 claim, then you might consider having the general
 3 manager have authority to settle this.
 4 TRUSTEE NOBLE: Do you have a threshold
 5 that you'd --
 6 TRUSTEE HOMAN: I don't have a threshold.
 7 I just -- I would look to staff to tell me at what
 8 level do we have to establish a threshold to not
 9 have to deal with frivolous items, like the examples
 10 I gave you?
 11 MR. BANDELIN: \$25,000.
 12 MR. RUDIN: That change, to the extent
 13 you're suggesting it, is: The general manager and
 14 general counsel shall negotiate on behalf of IVGID
 15 in settling all property damage, personal injury, or
 16 liability claims. Final settlement of such claims
 17 must be approved by the Board, except for claims
 18 under \$25,000 may be approved by the general
 19 manager. For all other claims, the general manager
 20 may accept a tentative settlement, which shall not
 21 be final and binding upon IVGID unless and until
 22 approved by the Board of Trustees Board. The Board
 23 of Trustees shall be kept informed of the status of
 24 any claims above \$25,000 filed against the District
 25 and any significant developments.

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1 TRUSTEE HOMAN: I agree with the \$25,000
 2 in the second instance you used it. I don't want to
 3 necessarily put an amount in the first part.
 4 I'm reacting to the reporting that they're
 5 going to have go to the Board for any claim, and I
 6 would just like to give them the ability to not have
 7 to come to us with every frivolous item that they
 8 settle as a normal course of business.
 9 VICE CHAIR JEZYCKI: We've had Chair
 10 Tonking's hand up for quite a bit. Let's give her a
 11 chance to make some comment.
 12 CHAIR TONKING: I'm not sure this is as
 13 big of a deal as it reads now. I can't think of one
 14 instance in the four years before this was ever
 15 brought to us as something. I'm wondering if can,
 16 maybe, leave it in case, and then if we do start to
 17 see an influx, we put a monetary value.
 18 But I think, right now, unless staff feels
 19 differently that they've been having to report it
 20 and I don't remember correctly.
 21 MR. RUDIN: Statute requires the District
 22 keeps reports of claims. Pool Pact generally does
 23 that for the District and information about claims
 24 filed against the District or filed with the
 25 District Clerk by law.

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1 It's not a significant burden on the
 2 District to keep the Board informed. And, frankly,
 3 as a -- if there's litigation against the District,
 4 I have the ethical duties under the Nevada rules to
 5 keep the Board informed.
 6 TRUSTEE HOMAN: Can we just change it to
 7 report those items that are already reported under
 8 the Pool Pact process?
 9 CHAIR TONKING: I'm going to ask a
 10 different question, are we covered with the way it's
 11 currently written?
 12 MR. RUDIN: I think so, in terms of -- I
 13 don't know what you mean by "covered," but I think
 14 that currently we're just not problematic.
 15 VICE CHAIR JEZYCKI: Thank you.
 16 MR. RUDIN: I think the only question is
 17 is do you want to give settlement authority to the
 18 General Manager? Because that would be different
 19 change than your current process, and that's not
 20 contemplated in the language on page 46.
 21 TRUSTEE NOBLE: I would suggest keeping
 22 the language as proposed here, and then we see how
 23 it plays out. If it's -- that we find some problems
 24 as we move forward, then we can revisit this.
 25 VICE CHAIR JEZYCKI: I'm good with that.

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1 Chair Tonking, does that work for you as
 2 well?
 3 CHAIR TONKING: That's great. Thank you.
 4 MS. HERRON: Moving on to, I think it's
 5 our last, page 50, advisory committees, I believe
 6 that Trustee Homan pointed out that there may be a
 7 conflict with the Audit Committee charter which
 8 speaks to that an at-large member can be a chair.
 9 I believe that there was some conflict,
 10 and, perhaps, we could just insert some suggested
 11 language, maybe "except for the Audit Committee," or
 12 "except as identified in a different policy," this
 13 one doesn't take precedent, it's that committee
 14 policy that does.
 15 I will to defer to counsel on that.
 16 MR. RUDIN: Can you point me again to that
 17 page?
 18 MS. HERRON: Page 50, under "Advisory
 19 Committees," and it says, "If any trustee is
 20 appointed to serve on a committee, the trustee shall
 21 be chair of that committee unless other methods for
 22 selecting the chair have been approved by the Board
 23 of Trustees. If more than one trustee is appointed
 24 to serve on that committee, then the Board shall
 25 determine by motion which trustee shall serve as

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1 chair."
 2 The Audit Committee charter says that they
 3 hold elections for their chair, and so, therefore,
 4 the chair could be an at-large committee member.
 5 MR. RUDIN: I think just adding a caveat
 6 that says: Except for as provided by another
 7 policy.
 8 Or if you just want to specifically call
 9 out, add a sentence that says: This shall not apply
 10 to the Audit Committee.
 11 VICE CHAIR JEZYCKI: I think with the
 12 exception of the Audit Committee is sufficient.
 13 MS. HERRON: We have one more change, and
 14 that is under "Public Participation." That is on
 15 page 51.
 16 Vice Chair Jezycki, said that she would
 17 like to add to the agenda and I believe she would
 18 like it codified in here, she would like it like
 19 added into the agenda that at each meeting we read
 20 the following -- the Board Chair reads the following
 21 statement: Public comment is welcome during public
 22 comment periods and is limited to three minutes per
 23 person per public comment. Unused time may not be
 24 allotted to other speakers. A speaker's viewpoint
 25 will not be restricted, however, reasonable

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1 restrictions may be imposed upon the time, place,
 2 and manner of speech. Irrelevant statements, unduly
 3 repetitious statements, and personal attacks that
 4 would objectively antagonize or incite others are
 5 examples of speech that may be reasonably limited.
 6 MR. RUDIN: I think that this is fine to
 7 read aloud. Unfortunately, the NRS Chapter 241 says
 8 that any restrictions or rules for public comment
 9 also have to be posted in the agenda, so we need to
 10 comply with that.
 11 VICE CHAIR JEZYCKI: That was my intent,
 12 actually. I want to -- I would like it posted here,
 13 near the microphone, I would like it on the agenda
 14 itself. And it doesn't have to be verbatim, I would
 15 just recommend, it would be up to the Chair, to make
 16 some summary statement or reminder of this.
 17 I think, you know, we run for these
 18 offices, we're expected to be targets. I don't
 19 think it's realistic or fair to have staff and
 20 community members be berated and so forth in public.
 21 And this language comes consistently with the Washoe
 22 County School District and the County Commissioner
 23 meetings, it's the same version that they have.
 24 I just think it's a good reminder for our
 25 entire community.

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1 MR. RUDIN: I think it is a very good
 2 reminder, and civility is important in all board
 3 meetings. I will separately provide advice to the
 4 full board on the First Amendment implications of
 5 this and when and how they should be enforced.
 6 VICE CHAIR JEZYCKI: Enforcement would be
 7 -- guidance there would be greatly appreciated. Are
 8 we okay using the language of the school district
 9 and the County Commissioner meetings?
 10 MR. RUDIN: Yeah. I don't see any
 11 immediate red flags about this language being
 12 included in the agenda or in the policy. But,
 13 again, there are some caveats with regards how you
 14 carry out the enforcement that you should be mindful
 15 of.
 16 VICE CHAIR JEZYCKI: Absolutely.
 17 MS. HERRON: With those changes, we,
 18 staff, recommend adoption of this policy.
 19 VICE CHAIR JEZYCKI: Okay.
 20 CHAIR TONKING: I just have one minor
 21 question, thank you.
 22 Would this also be a place where we can
 23 address the formality meetings, or how do we change
 24 that culture, if the Board so desires?
 25 MR. RUDIN: Yes. Since this is a policy

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1 governing the conduct of your meetings, to the
 2 extent you want to discuss the level of formality,
 3 how department heads, general manager, trustees
 4 should be addressed, this is typically the sort of
 5 policy where you would see that language.
 6 TRUSTEE JEZYCKI: I would recommend in
 7 this to say that we use, like, a informal,
 8 first-name basis for everyone. But, again, open to
 9 ideas and suggestions. Or have it be an agenda item
 10 at the beginning of every new board to choose what
 11 they would like to do.
 12 TRUSTEE NOBLE: I would prefer the
 13 informality with regards to how we interact with
 14 each other in discussions.
 15 TRUSTEE HOMAN: I definitely feel that
 16 way, provided staff is okay with first-name basis on
 17 your part as well.
 18 MS. HERRON: Staff is fine with that.
 19 VICE CHAIR JEZYCKI: My take on it, I know
 20 it's a good way to avoid having to say my last name,
 21 I understand that, and I almost feel sorry for each
 22 of you before you have tried to say it in the past.
 23 I think we need to just keep it an
 24 optional thing. Whatever people are comfortable
 25 with, if it comes out, Trustee Homan or it comes out

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1 as Mick, I think that we're giving the nod to have
 2 it be an optional, formal or informal.
 3 MS. HERRON: Do you feel that this needs
 4 to be codified this policy, or would you just like
 5 to have the minutes reflect that that's what you've
 6 adopted at this point?
 7 CHAIR TONKING: I don't necessarily think
 8 it needs to be codified if the minutes can reflect
 9 that. Without a vote, I'm fine with that.
 10 MS. HERRON: Great. With that, that
 11 concludes our presentation of this item.
 12 VICE CHAIR JEZYCKI: There were two other
 13 policies in the back, 21.1 and so forth, are we
 14 covering those?
 15 MS. HERRON: We are not. Those are just
 16 provided as references in relation to the changes
 17 that we made to contracts.
 18 VICE CHAIR JEZYCKI: Thank you.
 19 Before we look for a motion, I would like
 20 to bring up a point that I think is very timely, and
 21 here we are talking about the conduct of meetings of
 22 the Board of Trustees. I believe there is conduct
 23 of board members at the board meetings. Is there
 24 not?
 25 MS. HERRON: There is a code of conduct.

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1 For the appointed board members, there is.
 2 VICE CHAIR JEZYCKI: I would like to bring
 3 that to the table and make sure that, at the very
 4 least, we're reminded of what's in that, if not,
 5 make some necessary changes to it, if we deem that
 6 necessary. I think those kind of go hand in hand,
 7 and I think it would be a good reminder for us all.
 8 MS. HERRON: We will take a look at that
 9 at the next meeting. Thank you.
 10 VICE CHAIR JEZYCKI: That said, do I have
 11 a motion?
 12 TRUSTEE HOMAN: I would make a motion that
 13 the Board of Trustees adopts all changes made to
 14 Policy 3.1.0, Conduct of Meetings of the Board of
 15 Trustees, as revised by Susan during the course of
 16 the meeting.
 17 VICE CHAIR JEZYCKI: Do I have a second?
 18 TRUSTEE NOBLE: And as revised during our
 19 discussion as well between the board members and
 20 Mr. Rudin.
 21 TRUSTEE HOMAN: Yes.
 22 TRUSTEE NOBLE: Second.
 23 VICE CHAIR JEZYCKI: Do we have any
 24 further discussion?
 25 Call for the vote, all in favor?

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1 CHAIR TONKING: Aye.
 2 TRUSTEE HOMAN: Aye.
 3 TRUSTEE NOBLE: Aye.
 4 VICE CHAIR JEZYCKI: Aye.
 5 Opposed?
 6 MS. HERRON: Thank you for adopting the
 7 policy.
 8 VICE CHAIR JEZYCKI: Thank you.
 9 That concludes our general business. We
 10 will move on to final public comments. Am I able to
 11 comment on a comment that was made earlier, for
 12 clarification?
 13 MR. RUDIN: I think you can briefly
 14 respond, but, yeah, we can't have substantive
 15 discussion about items not on the agenda.
 16 VICE CHAIR JEZYCKI: It's just a quick
 17 sentence.
 18 There was a mention of the Open Meeting
 19 Law, and at the last meeting, I admitted to an
 20 infraction of it, that it was actually not the
 21 context of my comment, and I would welcome people to
 22 go back to look at it. I was saying things have
 23 been inconsistent in following that in the past,
 24 that was my intent. Thank you.
 25 That said, final public comments.

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1 the owner? Is it going to be a capital asset for
 2 us? Is it going to owned by the county, by the
 3 state, by TRPA, who would own it? If there's an
 4 accident or something, if there was a lawsuit, would
 5 they suing us? Who is responsible for the access,
 6 control, and scheduling its use? What public
 7 access? If somebody pulls up off the lake on a
 8 boat, what happens to them, they just go down and
 9 set up on the beach, do we call the sheriffs, or who
 10 would be responsible for doing that?
 11 It would probably have to be an IVGID
 12 employee, not -- I can't imagine the sheriff or
 13 anybody else would notice it.
 14 I know that having a pier over there has
 15 been part of a TRPA/Washoe County movement for a
 16 while, Ms. Hill proposed it and been pushing it for
 17 a long time, and with the intent of having it, once
 18 the pier's installed, a further use of it has been
 19 projected to be using it as a terminal for a ferry
 20 system from across the lake. And, you know, that
 21 would go and then you would have all kinds of issues
 22 with control and it would be accessing our beaches.
 23 I just hope whoever does the research does
 24 a good job and kind of figures all that stuff out
 25 for further discussion.

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1 G. FINAL PUBLIC COMMENTS
 2 MR. LYON: Jim Lyon, Third Creek.
 3 I have two issues. The first one is kind
 4 of the boarder one.
 5 Since we already have two legal opinions
 6 on the beach issue with access and all that, if
 7 we're going to go out and get a third one, I would
 8 suggest that if the third one somehow conflicts with
 9 the first two, that maybe it would be smart to get
 10 one more opinion because -- I mean, these are
 11 opinions, and if they are based on some kind of
 12 precedent, there should be some way to verify them.
 13 One analysis can give you a different answer on the
 14 same opinion, so it's . . .
 15 And the second thing is on the pier. I'm
 16 not sure I understand what the issue is on the pier
 17 because the Hyatt pier it technically a public pier,
 18 and if they need to have emergency boats or
 19 something tie up, they can use that Hyatt Pier.
 20 It's not very far from the one that we're looking
 21 at, possibly.
 22 And some more questions, whoever does the
 23 analysis or does the research on it, some of the
 24 real -- to me, things that could be really important
 25 would be: Who is going to be the ownership? Who is

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1 MR. EPPOLITO: My name is John Eppolito,
 2 26-year resident of Incline.
 3 I'm glad I can go after Jim because I have
 4 some of the same concerns that Jim had, maybe not
 5 all of them, but many of them. And the other thing
 6 with the public safety pier, one of you guys, I'm
 7 not sure who it was, Trustee Homan or Noble, said
 8 this would be the safety of our residents. I don't
 9 think that's the case. I think this is for the
 10 safety of anybody at this end of the lake, it's an
 11 idiot out there, and you don't know who is going to
 12 be coming through that pier and you don't know how
 13 much disruption it's going to be for kids having
 14 their birthday parties at the beach when the drunks
 15 are being pulled out of the lake.
 16 Where do they take them now and why is it
 17 so important to bring them through Burnt Cedar
 18 Beach, which is a private beach?
 19 It just doesn't seem to be a good mix. On
 20 a busy weekend, 4th of July weekend, or any of the
 21 weekends in the summer when there's a lot of people
 22 out there and -- can you land helicopters there, is
 23 that what this is for? Is it just for boats? Do
 24 you guys even know? Doesn't look like it. We're
 25 landing helicopters when little kids are playing on

INVOICE

BAVS SM-LLC
brandiavsmith@gmail.com
United States

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

775-832-1218
AP@ivgid.org

Invoice Number: IVGID FINAL

Invoice Date: January 24, 2025

Payment Due: January 31, 2025

Amount Due (USD): \$1,310.00

Items	Quantity	Price	Amount
Base fee January 16, 2025 BOT special meeting	1	\$350.00	\$350.00
Per page fee January 16, 2025 BOT special meeting	160	\$6.00	\$960.00

Total: \$1,310.00

Amount Due (USD): \$1,310.00

Kristie Wells | Incline Village Resident | January 16, 2025

Good afternoon, Trustees. I'm here to address the General Manager's contract and the potential for termination.

During the November 27th meeting, the outgoing board appointed Mr. Walrack as General Manager despite substantial opposition from Trustees Tonking and Noble, as well as Trustees-elect Homan and Jezycki. All expressed serious concerns about his candidacy, citing his lack of experience in key areas critical to the GM's responsibilities. This was not a minor disagreement but a profound lack of confidence in Walrack's ability to lead effectively.

In an effort to safeguard the District, Tonking proposed a six-month severance clause, while Noble advocated for no severance at all, making it clear that once the new board was seated, he would pursue termination. Despite these clear warnings, Schmitz, Dent, and Tulloch moved forward with the appointment, including a 12-month severance clause—justified by Walrack using reasoning that does not withstand scrutiny.

Walrack cited relocation expenses and recruitment challenges, despite already residing in the District and being retired at the time. These justifications raise serious questions about the transparency and integrity of the hiring process. The interview process itself appeared compromised, with Walrack's responses suggesting coaching—potentially by Tulloch, who seemed intent on securing his "business guy." Such conduct undermines trust in our governance and the credibility of this decision.

Additionally, Walrack's reliance on Tulloch, as his primary benefactor, is likely to create ongoing conflicts that would hinder the new board majority's efforts to implement strategies aimed at improving our community. This dynamic is not conducive to effective leadership or collaboration.

This situation is not in the best interest of the District or its parcel owners. Retaining the wrong individual in a leadership role is far more costly than addressing a severance agreement. If this board determines that Walrack is not the right fit, I fully support their fiduciary duty to take corrective action.

That said, I also appeal directly to Mr. Walrack. You accepted this role knowing there was significant opposition and that termination was a probable outcome. In light of this, demanding a full severance package would show disregard for the trust and resources of this community. Instead, I urge you to consider a different path. With your extensive experience in the food and beverage industry, you could make a meaningful contribution in that area—whether as a department leader or a paid advisor. Such a move would demonstrate your commitment to the District while helping mitigate unnecessary financial strain.

Finally, to the 75% of voters who elected Trustees Tonking, Homan, and Jezycki: I encourage you to trust in their leadership. Alongside Trustee Noble, they are committed to building a stronger, more financially responsible GID. Let us support them as they work to make the best decisions for our community, even if those decisions require difficult financial considerations today. Thank you.

IVGID Trustee Special Meeting January 16, 2025
Public Comments from Harry Swenson at 664 Tyner Way

Good afternoon, I am Harry Swenson, and live on lower Tyner.

When I read the agenda that came out on Monday, I couldn't believe what I was reading. It reminded me of the first day of the Biden administration attempting to undo everything of your predecessors. It looks like instead of dealing with the real issues facing our community you simply wish to give a poke in the eye to the previous board.

The first item is to fire our newly contracted General Manager, who based on all reasonable knowledge is doing a bang-up job! He recently was given high marks by the State Committee on Local Government Finance by making more progress in his first month than IVGID has made in the last year. The suggestion to make Mike Bandelin as an acting GM, belies the fact that he was appointed last year as acting GM, and due to doing both that Job and managing Diamond Peak was an impossible set of tasks. Right now, Mike is doing a great Job with Diamond Peak and it needs his day-to-day handling to keep it running as effectively and profitably as possible. Also, the cost will be more than \$250,000 as well as loss of the progress that Mr. Walrack has already made. If this is how you plan on treating members of the community that step up to help, you will regret this action.

The next item is the hiring of Mr. Harrison, who will cost more than 75 to 100 thousand dollars more per year due to the requirement to move and live in the district. Also based on his interview, he didn't appear to even understand what a GID is, and thought we were a city. We are not a city, and we need someone that can effectively guide and manage our Recreation and Utility businesses. This lack of knowledge and increased cost is something IVGID can ill afford.

The third item is to revisit the Ordinance 7 and the beach deed once again. The last time we called upon the community including several experienced legal professionals to draft changes due to numerous issues, such as overcrowding, routine unauthorized usage, cost growth due to overcrowding and many others. This activity took close to a year of effort and thousands of hours of volunteer time by our community. The plan, to assign the board's legal counsel and trustee Noble to do the work is ludicrous, neither have the background or knowledge to accomplish this task. Our Beaches are our most valuable asset and this risk should include significant community input! Not to mention the letting Washoe County construct a safety pier which will eventually transition to a water transportation hub. No thank you! Why can't Washoe County use the Hyatt public pier. How does this new capital improvement get to jump ahead of all the other long delayed projects.

Finally, your review of your Policy 3.1.0, well who am I to tell you that you shouldn't review your code of conduct, but I can tell you the conduct of this meeting is in violation of it by not publishing the agenda 1 week in advance.

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 JANUARY 16, 2025
MEETING – AGENDA ITEM F(1) – POSSIBLE TERMINATION OF OUR
GENERAL MANAGER (“GM”) OF BARELY SIX (6) WEEKS!**

Introduction: Well here’s yet “another one” (**AGAIN**) as my friend DJ Kahled would say¹. Except this time it’s Board More evidence of staff incompetence, lack of decency and professionalism, a flagrant disregard for the financial sustainability of the District (i.e., waste) insofar as the involuntarily cost assessed to local parcel owners. And that’s the purpose of this written statement.

Introduction: After searching for a replacement GM for a year or more, the past IVGID Board hired Mr. Walrack to be the current GM. Trustee Noble threatened to bring such a motion after a new District Board had assumed its powers prior to Mr. Walrack assuming his IVGID duties on/about December 1, 2024. Therefore it’s clear Trustee Noble has no “cause”² as a basis for this agenda item other than Mr. Walrack wouldn’t have been his first choice.

There being no cause, ¶6.5 of Mr. Walrack’s employment contract entitles him to a “lump sum cash payment equivalent to the sum of (the) (i) General Manager’s then-current monthly salary multiplied by twelve (12); (ii) the cash value of (the) General Manager’s then current monthly medical premiums multiplied by six (6)...and (iii) the cash value of his Annual Vacation Pay balance.” I don’t know what this all turns out to be, but I’m guessing somewhere \$265,000!

Moreover, ¶6.9 of Mr. Walrack’s employment contract recites that “in the event the Board of Trustees terminates (the) General Manager for Cause, (his) sole remedy shall be a judicial action in declaratory relief to determine whether there was Cause.” Assuming Mr. Walrack is forced to file such an action because the Board disingenuously relies upon the “Cause” card, the attorney’s fees for the District to defend the same will surely exceed \$60,000. Bringing the total cost to local parcel owners being \$325,000 or more!

And for what?

Mr. Walrack’s Proposed Replacement, Mr. Harrison, Has No Experience in Running Commercial Business Enterprises: Although IVGID is most certainly “government,” this has been

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 ¶6.8 of Mr. Walrack’s employment agreement defines cause as: “(i) conviction of a felony or other crime involving moral turpitude; (ii) undertaking conduct constituting fraud, material dishonesty, or gross negligence in the General Manager’s performance of his duties as General Manager; or, (iii) violation of any statute or law constituting misconduct in office or...an ethical violation.”

denied for decades. Consistently we are told IVGID is only “quasi-governmental.” Meaning not really government, but only a part time government. Because what we’re really, is a series of commercial “for profit” public recreation business enterprises. And what experience does Mr. Harrison have in running any of these businesses? *None*. Meaning he’s not qualified.

Never Before in IVGID’s Sixty-Four (64) Year History Has The District Ever Fired Its GM: So this becomes the first time? And for what exactly?

Conclusion: This threatened Board behavior is irresponsible to the nth degree. Mr. Walrack has done nothing to warrant termination other than having a last name which differs from “Harrison.” Which doesn’t qualify for a finding of cause under his employment agreement. In fact to the contrary, under his stewardship the District has made substantial strides towards addressing its financial reporting shortcomings. This is the observation of the Committee on Local Governmental Finance’s IVGID sub-committee’s January 9, 2025 meeting. Therefore to terminate his employ would be a complete waste of public moneys.

This is another example of improper management. Therefore I must again refer to NRS 318.515(1) which states that where the: “(a) district...is not being properly managed; (or, its) (b) board of trustees...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 Board members think the time has come to act fiscally responsible by having the county assume supervision and jurisdiction over the district? Because obviously, this episode proves we’re not qualified to properly manage our affairs.

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

**WRITTEN STATEMENT TO BE ATTACHED TO AND MADE A PART OF THE
WRITTEN MINUTES OF THE IVGID BOARD'S SPECIAL JANUARY 16, 2025
MEETING – AGENDA ITEM C – PUBLIC COMMENT – MORE EVIDENCE
GROSSLY OVER COMPENSATED AND OVER BENEFITED EMPLOYEE
(SUSAN HERRON'S) EMPLOY NEEDS TO BE TERMINATED!**

Introduction: Well here's yet "another one" (**AGAIN**) as my friend DJ Kahled would say¹. More evidence of staff incompetence, lack of ethics and professionalism, a flagrant disregard for the financial sustainability of the District (i.e., waste), and their cost involuntarily assessed to local parcel owners. This time it's Susan Herron again, and her expenditure of IVGID time using IVGID computers and e-mail service on matters unethically benefiting a third party [the North Lake Tahoe Fire Protection District ("NLTFPD")] source to whom she is committed in a private capacity. And that's the purpose of this written statement.

Introduction: Ms. Herron is a long time IVGID employee. She is also a Board member for the NLTFPD. We now have evidence she spends her IVGID workday performing work for a third party using IVGID assets like computers, software and IVGID's e-mail service. This is a violation of NRS 281A.400(7) which prohibits public employees like Ms. Herron from:

"us(ing) governmental time, property, equipment or other facility to benefit a significant personal or pecuniary interest of the public officer or employee or any person to whom the public officer or employee has a commitment in a private capacity."

Although "this subsection does not prohibit:

(a) A limited use of governmental property, equipment or other facility for personal purposes if:

(1) The public officer or employee who is responsible for and has authority to authorize the use of such property, equipment or other facility has established a policy allowing the use or the use is necessary as a result of emergency circumstances;

(2) The use does not interfere with the performance of the public officer's or employee's public duties;

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.>

(3) The cost or value related to the use is nominal; and

(4) The use does not create the appearance of impropriety,”

Here

(1) Here the District has established no such policy;

(2) Ms. Herron’s use was not “necessary as a result of emergency circumstances;”

(3) Ms. Herron’s use interfered “with the performance of (her)...public duties;”

(4) And although “the cost or value related to the use (may have been) nominal,” it has absolutely “create(d) the appearance of impropriety.”

And why is this? Because nearly everything Ms. Herron does allegedly on behalf of IVGID creates the appearance of impropriety. Because it is!

Our GM’s Possible Employment Termination: Agenda item F(1) on this afternoon’s Board meeting is the consideration of termination of Mr. Walrack’s employ, the GM of barely six (6) weeks. Instead of wasting our time considering something as ridiculous as this², why isn’t the Board considering the termination of Ms. Herron’s employ?

My January 14, 2025 E-Mail to The Board³: On January 14, 2025 I sent the Board an e-mail bringing members’ attention to employee Susan Herron’s activities during the IVGID work day. For the benefit of another employer of hers. Rather than recounting the substance of my comments, I refer the reader to said Exhibit “A.”

Conclusion: This staff behavior just keeps happening over and over and over again. Over compensated and over benefited, arrogant, and deceitful staff are replaced by even more over compensated, arrogant, and more deceitful staff. Engaging in activities to the benefit of private third parties rather than the local parcel owners who are involuntarily paying for their compensation and benefits. Costing we local parcel owners dearly insofar as our Recreation (“RFF”) and Beach (“BFF”) Facility Fees are concerned. As I’ve pointed out so many times before, these examples are all “red

² It’s ridiculous because there is no evidence of “cause” (remember Trustee Noble announced he would be making such a motion *before* Mr. Walrack had even begun to work for the District) which therefore unnecessarily subjects the District to a \$250,000 severance payment to Mr. Walrack.

³ That e-mail is attached as Exhibit “A” to this written statement.

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.

Besides forthwithly taking the action requested (terminating Ms. Herron’s employ), 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...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 Board members think the time has come to act fiscally responsible by having the county assume supervision and jurisdiction over the district? Because obviously, this episode proves again we’re not qualified to properly manage our affairs.

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"

Jan 16, 2025 Special IVGID BOT Meeting - Agenda Item C - Public Comment - More Evidence Susan Herron Needs to Go as an IVGID Employee. Are You Board Members Going to Do Your Jobs And Terminate Her Employ? And Submit Evidence of Her Possible Ethics Violations to The Ethics Commission?

From: <s4s@ix.netcom.com>
To: "Walrack Kent" <kjw@ivgid.org>
Cc: "Tonking Michaela" <tonking_trustee@ivgid.org>, "Tulloch Ray" <tulloch_trustee@ivgid.org>, "Noble Dave" <noble_trustee@ivgid.org>, "Jezycki Michelle" <jezycki_trustee@ivgid.org>, "Homan Mick" <homan_trustee@ivgid.org>
Subject: Jan 16, 2025 Special IVGID BOT Meeting - Agenda Item C - Public Comment - More Evidence Susan Herron Needs to Go as an IVGID Employee. Are You Board Members Going to Do Your Jobs And Terminate Her Employ? And Submit Evidence of Her Possible Ethics Violations to The Ethics Commission?
Date: Jan 14, 2025 2:06 PM

Hello GM Walrack -.

I and others in our community have documented so many times before that Susan Herron is a cancer in our community. She is being grossly overpaid and over compensated for a job which has no real duties nor need causing her to interject herself in other employees' businesses. As if she were qualified (such as working on budgets. Or audits.). Or we needed to pay someone nearly \$200K annually in salary to perform the menial functions Ms. Susan tells us she performs in her monthly reports to the BOT and the public. And now I've learned of more. Which is the purpose of this e-mail. Not only to you Mr. Walrack, but to the new BOT. I realize Trustees Nobler and Tonking have a slobbering love for this woman. But listen to what she spends her IVGID workday doing for the benefit of others.

For some number of years Ms. Herron has been a member of the North Lake Tahoe Fire Protection District ("NLTFPD") Board of Directors ("BOD"). For some years she was its chairperson. In fact I believe she holds that position today (go to <https://nltpd.org/board>). It turns out Ms. Herron performs NLTFPD business during her IVGID workday. For which she is paid by IVGID rather than the NLTFPD. Translating into waste.

Recently e-mails have been produced evidencing Ms. Herron's use of IVGID time, IVGID computers and IVGID e-mails during the IVGID workday, reading and editing NLTFPD BOD meetings, and communicating the same back to Andreina Quiroz, a NLTFPD employee (admin ass't). This appears to be a violation of NRS 281A.400(7) which instructs "a public...employee shall not use governmental time, property, equipment or other facility to benefit...any person to whom the public...employee has a commitment in a private capacity."

Is Ms. Herron a public employee? Yes she is. Does she have a commitment to the NLTFPD in a private capacity? Yes she does. Has she used IVGID time, equipment or other facilities to benefit the NLTFPD? Yes she has.

If it were me I would instruct our IT Director to retrieve all IVGID e-mails in the last five years from or to Ms. Herron and from or to anyone with a nltpd.net e-mail address. And once retrieved, these e-mails should be examined to determine whether they were sent or received during the IVGID workday. And if so, to determine whether they deal with business other than IVGID business. And if they do, I ask

1. Ms. Herron's employ with the District be terminated; and,

2. The evidence should be turned over to the ethics commission for its investigation and possible administrative discipline/penalty.

Since Trustee Noble is promoting your forthwith termination as an IVGID employee, I am sending a copy of this e-mail to the IVGID BOT asking they intervene and take the action requested. They have this authority under NRS 318.180 and 318.210.

Since my RFF goes to pay Ms. Herron's salary and benefits, in part, I feel I have standing to ask for the removal of this waste which will return the District to fiscal responsibility.

Thank you for your cooperation. Aaron Katz

**IVGID BOARD OF TRUSTEES MEETING
JANUARY 16, 2025**

COMMENTS OF MICHAEL D. BRIGGS, 582 DOUGLAS COURT

Welcome to the new Trustees.

When the BOT worked through its selection process for a new GM last year, I commented at a public meeting that I thought the process was flawed.

I will cite 2 reasons:

- 1. It did not incorporate input from newly elected Trustees;**
- 2. The selection seemed to be based solely upon a cover letter, resume and 2 1-hour public interviews with each Trustee given 10-12 minutes for questions. I saw no reference checks. I heard no public endorsements of candidates who knew them except for Mr. Walrack.**

How the BOT is supposed to hire a great GM with this process is beyond me – whether Mr. Harrison, Mr. Walrack or someone else.

However, the BOT did hire Mr. Walrack and he started work on December 2, 2024.

Now, there is a motion to terminate his contract without stating any reason other than the above chronology.

I think the motion is OUTRAGEOUS and should be soundly defeated.

Mr. Walrack is a talented, successful and civic-minded executive. He has shown he can build a high-performing team and get results. He is a man of integrity. His private sector experience does not prevent Mr. Walrack from being a good GM. Our previous GMs with government experience put us in our current financial mess. We need someone with business acumen to operate our many venues and importantly food and beverage. Certainly, the absolute disaster at the Mountain Golf Course where the selected

contractor improperly replaced the cart paths would not have occurred under Mr. Walrack's watch.

If the motion passes, what about Mr. Walrack? Does he receive \$250,000 in severance as provided in his contract? That would be a waste of IVGID funds.

I haven't seen evidence that Mr. Walrack can be terminated for cause. Certainly, trying that angle with Trustee Noble's declaration of his intent to file this motion back in November 2024 would submerge it in bad faith for breach of contract and possible damages for the intentional infliction of emotional distress.

Mr. Walrack doesn't deserve to be treated like this and neither do IVGID taxpayers.

Do the right thing. Keep Mr. Walrack.

... and if Mr. Harrison wants to move here let's hire him as the chief financial officer!

Special Meeting of the IVGID Board of Trustees

January 16, 2025

Good afternoon and Happy New Year

I am concerned and discouraged by the proposals to be presented today. In light of the rhetoric expressed by those seeking office and by the hold-over trustees that this new Board would start anew and work to the benefit of our communities, today's proposals would indicate otherwise.

THE OVER-RIDING QUESTION: ARE YOU REPRESENTING IV AND CB OR JUST YOURSELVES?

While all three of the "finalists" vying for the vacant G.M. position have the potential to be successful, one was hired. A minority of that Board had another preferred candidate. Apparently the in-coming elected new Board members, felt that their opinion should take precedence in that process even though their term started in 2025. To expect that the sitting elected Trustees defer to others is naïve and without precedent. EACH OF YOU are elected and expected to fulfill your obligations from day one to the last day of your term, NOT almost the last day. How would this Board would react, if you were asked, no demanded, that you cease actions and relinquish your responsibilities for a period of time.

Mr. Walrack, a current resident, was ready to work on day one. Reports are that he is engaging positively with the staff, acting to fill vacancies and is dealing most successfully with the Washoe subcommittee on local government finances, which is looking into our financial mess. Indeed, he has received very positive feedback from that committee. According to some, that aspect of his background was a weakness and yet he is already garnering praise. Without ANY substantial reason, the effort to remove him seems ego driven and vindictive. Mr. Walrack should be given one year to prove himself!

Many of you have experience in management, is this how you would have acted in your previous positions if such a situation arose? Especially considering Mr.

Walrack has performed not only up to, but beyond expectations.

We have had a revolving door of individuals as G.M. for two years. Since many on this Board have decried the low morale, does it not occur to you that removing yet another G.M. who is making very positive progress will also affect staff as well as community morale?

Has it not occurred to you that this unwarranted move would add to our expenses generated by severance payouts, approaching now half million dollars? Or is that someone else's problem?

PLEASE TABLE THE PROPOSAL TO REMOVE MR WALRACK AS G.M.

When I read the proposal of revisiting **beach access**, I thought we were back in 2023. This issue has been examined, in depth, twice already. In fact, the beach documents speak for themselves as to who is entitled to use our private beaches. Loosening those controls invites our beaches from being private for Incline use to being public for all of Nevada, California and beyond. Are you going to risk the transformation of our village to becoming a Venice Beach?

PLEASE TABLE THIS PROPOSAL

The proposed **changes to the conduct of Board meetings** have been initiated by Susan Herron and Mike Bandelin, NOT by the Trustees NOR the G.M.. Who is running this organization? The staff or YOU, the Trustees? Why are any changes not coming from the Trustees?

One meeting change of significance is the elimination of the requirement that "...all contracts are to be provided to the Board for review prior to signing/execution." Is this change introduced to conceal the details of contracts from the community? Are we not already in a jam because of fiscal irresponsibility and lack of transparency?

PLEASE TAKE TABLE THIS PROPOSAL

THE OVER-RIDING QUESTION: ARE YOU REPRESENTING IV AND CB OR JUST YOURSELVES?

ISSUES OF CONSEQUENCE

This Board should work on badly needed and long postponed needs of the community instead of focusing on power and personality issues.

Such as:

Getting our financial affairs up to date.

Remodeling and expanding the recreational building.

Resurfacing the tennis/pickleball courts.

Replacing snack bar and bathroom facilities at Incline Beach

Upgrading the ski area.

An affective and functioning community-wide computer system.

Dog park

Maintaining the recreational fields.

Improving the walking paths.

Repair/replace the Snowflake Lodge.

Open the Chateau grill and the Snowflake Lodge the whole year.

To really improve morale...

Converting some employees to "fulltime" as opposed to seasonal workers.

Paying employees overtime.

package. Mr. Walrack’s explanation had no connection to his particular circumstances. Regardless, the majority (Schmitz, Dent, and Tulloch) increased the severance package to 12 months.

Mr. Walrack began his employment with the District on December 2, 2024.

III. FINANCIAL IMPACT AND BUDGET

Pursuant to Section 6 of the General Manager’s Employment Agreement, the financial impact of the severance benefit will range from \$0 up to \$250,000 plus the cash value of up to 12 months of monthly medical premiums plus the cash value of up to 12 months of monthly medical premiums plus the cash value of his annual vacation pay balance.

Redundant

IV. ALTERNATIVES

If the Board of Trustees does not terminate Mr. Walrack, he will continue his employment as the District’s General Manager consistent with the terms of the Employment Agreement.

V. ATTACHMENTS

- 1. Incline Village General Improvement District Employment Agreement – General Manager – /s/ Kent Walrack

VI. DECISION POINTS NEEDED FROM THE BOARD OF TRUSTEES

Termination of Kent Walrack as the District’s General Manager and appointment of an acting General Manager.

Chris Nolet

Public Comment

1-16-25

3:30 pm



**BUSINESS OF THE CITY COUNCIL
YAKIMA, WASHINGTON
AGENDA STATEMENT**

Item No. 6.
For Meeting of August 22, 2023

ITEM TITLE: Budget Review and Revenue Options

SUBMITTED BY: Robert Harrison, City Manager

SUMMARY EXPLANATION:

Review of budget cuts and revenue options presented to council throughout the budget study sessions to include a discussion on ARPA spending.

ITEM BUDGETED: No

STRATEGIC PRIORITY: Public Trust and Accountability

APPROVED FOR SUBMITTAL BY THE CITY MANAGER

RECOMMENDATION:

ATTACHMENTS:

	Description	Upload Date	Type
<input type="checkbox"/>	ARPA update	8/18/2023	Cover Memo
<input type="checkbox"/>	Budget Cuts/Options	8/18/2023	Backup Material
<input type="checkbox"/>	Revenue Options	8/18/2023	Backup Material

City of Yakima Budget Cut Offerings - Per Department

Department	Budget Cut Offering	Position Affected	Cost Reduction	Implemented/Implementing		Suggested recommendations
				Yes or No		
Police	Eliminate Third Captain Position	1 - Police Captain Position (\$187,147)	Neutral	Yes		Implemented in 2023 Budget
Police	Eliminate in-Home Detention Program	1 - Vacant Corrections Administrative Specialist Position	\$ 93,459	Yes		Implement in 2024 Budget
Police	Eliminate Vacant Police Officer Positions	10 - Vacant Positions	\$ 1,520,080	No		Does Council want to include the positions in the 2024 Police Budget?
Police	Eliminate Services Manager	1 - Services Manager Position	\$ 156,968	Yes		
Police	Stop Fingerprinting Service	1 - Police Specialist Services 1 Position	\$ 81,658	No		Explore fee for service to maintain the programs or cut position in 2024 Budget.
Police	Eliminate Crime Free Housing	1 - Police Specialist Services 1 Position	\$ 81,658	No		Explore fee for service to maintain the programs or cut position in 2024 Budget.
SUNCOMM	Eliminate Vacant Telecommunicator Positions	2 - Vacant Telecommunicator Positions	\$ 182,776	Yes		Implement in the 2024 Budget
Fire	Eliminate Staffing for 1 Station	12 - Firefighter Positions	\$ 1,716,000		In the parking lot to be discussed as part of the 2025/2026 bi-ennium budget.	1) Award contract for a vendor to study RFA. 2) Council invite to the various potential partners for a joint meeting to discuss.
Codes	Eliminate Plans Examiner Position	1 - Plans Examiner Position	\$ 100,687	No		Review before the 2025/26 Budget
Codes	Eliminate Vacant Code Compliance Officer	1 - Vacant Position	\$ 86,446	Yes		Implement in 2024 Budget
Planning	Eliminate Vacant Senior Planner Position	1 - Vacant Position	\$ 103,065	Yes		Implement in 2024 Budget
City Manager/ED	Eliminate Vacant Grant Writer Position	1 - Vacant Position	\$ 81,606	Yes		Implemented in 2023 Budget
City Manager/ED	Reduce Support to Community organizations	-	\$ 10,000	Yes		Implement in 2024 Budget
City Manager/ED	Eliminate Support to Special Events	Fireworks \$15K, Day\$10K	\$ 80,000	No		Direction for 2024 or 2025 Budget
IT	Elimination of Printer Support Contract	-	\$ 20,000	No		2024 Budget Adjustment
ONDS	Delay Economic Development Services Manager Hiring		\$ 57,000	Yes - ongoing		Explore hiring in late 2023/2024
City Clerk	Eliminate Records Assistant Position	1 - Records Assistant Position	\$ 75,091	Yes		Implemented in 2023 Budget
Community Relations	Eliminate Vacant Community Outreach Specialist	1 - Vacant Position	\$ 88,600	Yes		Implemented in 2023 Budget
PW-City Hall	Eliminate Temporary Custodial Staff	Temporary Staff	\$ 13,000	No		Implement in 2024 Budget
PW-City Hall	Reduce Contractor Repair & Maintenance Funding for HBCC	-	\$ 10,000	No		Implement in 2024 Budget
PW-City Hall	Reduce Contractor Repair & Maintenance Funding for City Hall	-	\$ 20,000	No		Implement in 2024 Budget
PW-Engineering	Eliminate vacant Design Engineer Position	1 - Vacant Position	\$ 78,134	Yes		Implement in 2024 Budget
PW-Engineering	Continue to Underfill Design Engineer Position with Development Engineer		\$ 5,500	Yes - Ongoing		2023 Budget
PW-Streets & Traffic	Eliminate vacant Streets Operation Lead Position	1 - Vacant Position	\$ 118,000	Yes		Implement in 2024 Budget
PW-Streets & Traffic	Delayed Residential Snow Removal/Elimination of Contractors	-	\$ 225,000	No		Discuss as part of the 2025/26 Budget process
PW-Streets & Traffic	Eliminate Alleyway Maintenance/Repair	-	\$ 30,000	No		Discuss as part of the 2025/26 Budget process
PW-Streets & Traffic	Move Traffic Technician II Position to Engineering/Remove from General Fund	-	\$ 53,800	Yes		
PW-Streets & Traffic	Eliminate Trolley Maintenance/Repair	-	\$ 10,000	No		Discuss as part of the 2024 Budget review

City of Yakima Budget Cut Offerings - Per Department

Department	Budget Cut Offering	Position Affected	Cost Reduction	Implemented:	
				Yes or No	Date of Implementation
PW_Parks & Rec	Transfer the Cost of Irrigation Usage to DYBID Businesses	-	\$ 25,000	No	Board discussion, 2024
PW_Parks & Rec	Close Fisher Golf Course	Various seasonal / temporary staff	\$ 72,000	No	Need policy direction. Keep park operational until any final decisions.
PW_Parks & Rec	Eliminate Beyond the Bell & Miller/Kissel Summer Day Camps	Various temporary staff	\$ 223,834	No	
PW_Parks & Rec	Eliminate Summer Concert Series at Franklin Park	Various temporary staff	\$ 13,600	No	Implement in 2024 Budget
PW_Parks & Rec	Eliminate Friday Movie Nights at Chesterley Park	Various temporary staff	\$ 4,800	No	Implement in 2024 Budget
PW_Parks & Rec	Close Franklin Pool	Various temporary staff	\$ 190,000	No	1) Fund a study of the pool condition and estimated life span. Review as part of the 2025/2026 Budget
Human Resources	Human Resources Assistant	1 - Vacant Position	\$ 123,860	Yes	Implement in 2024 Budget
Finance	Eliminate Financial Services Technician Position	1-Financial Services Technician Position	\$ 48,149		Implement in 2024 Budget
Finance	Adjust the distribution of the Director and Assistant's salary allocation	-	\$ 29,099	Yes	Implement in 2024 Budget
Finance	Eliminate Salaries Temporary	-	\$ 20,382	Yes	Implement in 2024 Budget
Finance	Eliminate Overtime	-	\$ 2,000	Yes	Implement in 2024 Budget
Finance	Reduce Fiduciary Services and Miscellaneous expenses	-	\$ 18,896	Yes	Implement in 2024 Budget
Purchasing	Eliminate .5 Purchasing Assistant Role	1 - 0.5 FTE Purchasing Assistant	\$ 33,394	Yes	Implement in 2024 Budget
Legal	Vacant Civil Attorney Position	1 - Vacant Position	\$ 172,857	Yes	Implement in 2024 Budget
Legal	Vacant Rule 9 Summer Intern	1 - Vacant Position	\$ 17,312	Yes	Implement in 2024 Budget
Municipal Court	Cancel water delivery contract	-	\$ 2,210	Yes	Implement in 2024 Budget
Municipal Court	Court Administrator Salary Savings	-	\$ 43,744	Yes	Implement in 2024 Budget
Municipal Court	Eliminate Court Assistant Position	1 - Vacant Position	\$ 97,341	Yes	Implement in 2024 Budget
			Total: \$ 6,237,006		