

ACTION ITEM MINUTES

REVISION 1

The General Managers Advisory Committee Meeting on Ordinance 7, 5:30 p.m. on Tuesday, January 12, 2021 (held on Zoom).

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District General Manager Indra Winqest welcomed everyone, made sure that everyone had the agenda, and briefly explained the agenda.

A. ROLL CALL OF COMMITTEE MEMBERS

Committee Members: Diane Becker, Mary Danahey, Denise Davis, Kristen Ferrall, Scott Hill, Margaret Martini, Hal Paris, Trevor Smith, Bruce Townsend, Karen Viel, and Frank Wright. Indra Winqest, IVGID District General Manager and Tim Callicrate, IVGID Board of Trustees, Chairman. **Administrative Support Staff:** Kari Ferguson and Susan Herron

Reminder Only: Rules of Engagement: All committee members shall be respectful of one another and treat each other with kindness. No one member shall talk over another member. All ideas are welcome however they may not be discussed in depth or in detail depending upon time and/or merit and that determination is solely held with the General Manager. All committee members are equal participants.

Trevor Smith joined the meeting at 6:35 p.m. and Tim Callicrate joined the meeting at 5:46 p.m.

B. RECAP OF MEETING OF DECEMBER 7, 2020

GM Winqest gave a brief recap of the last meeting.

C. EMPLOYEE RECREATION PRIVILEGES

1. Review current privileges as they relate to the beaches and venues
2. Full time year round, part time year round, seasonal
3. Silver and Gold Cards

GM Winqest said Ms. Martini had sent out some questions regarding beach access. GM Winqest said that the information was sent out; missing two items – one is to filter non-resident employees and their visits to the beaches – working on that item. GM Winqest said he didn't want to spend a whole lot of time on this item but that everyone got a document with a lot of this information; he then verbally went over the document. Reminded this committee that it wasn't tasked with what employee benefits are or aren't and the included document does state that the Board of Trustees does approve the benefits but also delegates some authority to Human Resources professionals to make certain determinations/adjustments. The information provided is a snapshot of right now and a new report would have to be run during the spring/summer timeframe.

Ms. Martini said she would like to express her extreme displeasure at legal counsel not being here without his opinions, etc. and said that what we discuss here could be spinning our wheels. GM Winqest said that is a false statement, know where the big pieces are that we are going to look at so this is not an exercise in futility. We will be looking at the ordinance, in detail; thus he would argue that there is plenty we can get accomplished today.

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Chairman Callicrate said that when the gold cards were voted out, in '96, it was because the Trustees at that time were abusing the privileges. Practice was stopped with the election of 1996.

Ms. Becker said she would love to go through the ordinance line by line; would be very valuable. GM Winquest agreed, just wanted to ensure that there were no burning questions on employee privileges.

Mr. Paris said that the numbers bear out that this isn't a big deal, less than 2%, vast majority are part time and seasonal. Just a huge perk for recruitment and retention. Folks can't afford to work for IVGID so this is a benefit that IVGID can extend; just not that big of a deal.

Mr. Wright said that he disagrees with Mr. Paris because we don't have the numbers and don't seem to be getting them. GM Winquest said he provided those numbers to the committee and went over them. Mr. Wright said he has been out of town so he hasn't seen it. Other thing is the issue with this is how the employees get access to the beaches as a guest of IVGID. Saying allowed to use the facilities and given lifetime passes after they are no longer working for IVGID and finds that appalling as he is a Washoe 1 resident. Appalling to think that someone who has never paid into our facilities has access as a guest of IVGID – IVGID isn't a fee payer, IVGID doesn't have a pass and look at it from a beach deed perspective – huge no no. Don't think that IVGID has the right to do that, big violation of beach deed, and the only way to protect the deed is to do so in accordance with the letter of the law. GM Winquest said Mr. Nelson had a conflict that is why he isn't here tonight. Mr. Wright said he agrees with going line by line but that we have to resolve some of the issues and make a statement. Employees having access to the beaches, really putting the beach deed in jeopardy, continue this, he guarantees there will be legal action. Have to do the right thing and act in a diligent manner. Throw it open to the world's tourist and employees, big problem.

Ms. Martini said when you are looking at the numbers, #12, it is not insignificant. 4,163 people that come in in the summertime. The summer beach access is 90 days. The crowding problem exists and putting that amount of people during the time, can't really discount that. Adhering to the beach deed, is IVGID a valid parcel owner and pays the beach fees and if it is, provide evidence of that. Provide the evidence for the 4,000 people as paying a guest fee or access. In looking at the Ethics Commission opinion, they made it perfectly clear that was an ethics opinion, we do not have a finding by the attorney. The Ethics Commission has absolutely nothing to do with legality and that needs to be taken into consideration. You are violating the beach deed and it is very precarious, have to follow the deed to the letter of the law and have to determine if you are going to take the stance as a parcel owner and then pay the fees, don't think that is being done, so that negates the beach access to employees. GM Winquest said that he doesn't know what is the minds of the attorneys in the 1980's but that Mr. Nelson will weigh in and provide advice and if one of the recommendations is to have the Board look at this and weigh in, so be it. Not something that he is going to eliminate as this needs to be at the Board level as it will impact the District's recruitment and retention, we just need to wait and see how that plays out. Doesn't impact the changes we need to discuss and recommend. Assure everyone that this is going to get looked at and it will go wherever the group wants it to go.

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Mr. Hill said that Ms. Martini is right on in asking about employee access, as the issue of others having beach access in connection with the beach deed is appropriate. But he also agrees with Mr. Paris about employee access, as we are a small community and we aren't going to get the best employees unless we offer perks such as privileges at our venues. We, as residents, value having good employees and aren't going to get them unless we offer these privileges. He would say that the numbers are insignificant, as - based on the numbers provided - we are really talking about 1,200 nonresident employee visits over 3 or 4 months. So visits aren't the issue, but the legal point about employee access is (and whether employees are allowable as "guests" of IVGID)? He hopes and believes that the answer is yes to this legal issue. To the point of IVGID not being allowed to have "guests" under the Beach Deed because it doesn't pay a fee: he believes that the Beach Deed is not relevant because there is nothing in it about fees - that is only in the ordinance which IVGID created (and can modify). The deed simply says if you are a parcel owner, you have the right to access - including for your guests. He thinks we should just see what the legal counsel has to say about the issue, and move on to other topics.

Ms. Becker says she agrees with Mr. Hill and then cited from the ordinance. Need to have this issue looked at by legal. Kind of a waste of time to look at benefits, not for us to look at it. Want to make sure we get through the critical issues and addressing the community concerns. Hope we won't spend a lot of time looking at employee privileges and if we do, let's do it at the end.

D. **GENERAL MANAGER AND DISTRICT STAFF PRIORITIES FOR ORDINANCE 7 REVISIONS**

1. Staff areas of high concern
2. GM Recommendations for committee based on input from all stakeholders including community, staff, Board of Trustees, and the GM's Ordinance 7 Committee

GM Winquest said we have reached that point of time where we have heard from the committee and members of the community. GM Winquest then shared his screen with a listing of Staff concerns regarding Ordinance 7 which he verbally reviewed. GM Winquest then shared his screen with a document related to Punch Card issues/solutions and then he verbally reviewed it.

E. **COMMITTEE REVIEW OF THE CURRENT ORDINANCE**

1. Evaluate and discuss areas of primary concern
2. Discuss merits of separation of the Ordinance

GM Winquest then had Administrative Support Staff Herron bringing up a Word copy of Ordinance 7. The committee members went over the Ordinance line by line and Administrative Support Staff Herron made changes as changes were identified. If a question was asked that was also noted. The committee made it through to #35 of the ordinance before ending the meeting. Administrative Support Staff Herron was tasked with e-mailing the annotated ordinance to all committee members; printed copies were made available to those that requested them. The committee will resume their markup at their next meeting (date is to be determined). **ACTION ITEM 022**

Question to answer: Are we assessing parcels or dwelling units? We need to check and compare – Southwood Apartments versus East Enterprise has apartments above commercial (Tanager

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and East Oriole). Zoning has an impact and is in flux. Get the history on it. Herron and Winquest to research and provide information. **ACTION ITEM 023** – See chart below.

| APN# | Physical Address | WC shows | IVGID bills for | Notes |
|------------|--|----------|-----------------|-----------------------------------|
| 127 09 006 | 801 Southwood | 4 | 4 | Comparable apartment |
| 129 30 101 | 611 Village | 4 | 4 | Comparable apartment |
| 129 39 010 | 848 Lichen Court | 4 | 4 | Comparable apartment |
| 132 20 205 | 786 Southwood (Tahoe Incline Apartments) | 75 | 75 | Parcel that Mr. Wright questioned |
| 132 21 110 | 837 Oriole | 4 | 4 | Comparable apartment |
| 132 21 111 | 835 Oriole | 3 | 3 | Comparable apartment |
| 132 21 119 | 820 Southwood | 4 | 4 | Comparable apartment |
| 132 22 208 | 866 Northwood | 6 | 6 | Comparable apartment |
| 132 22 219 | 212 E. Enterprise | 28 | 28 | Comparable apartment |

F. GOALS FOR NEXT MEETING

1. Set next meeting date
2. Continue group review of the Ordinance
3. Begin formalizing potential recommendations for revisions and recommendations

GM Winquest said gave an overview of the next meeting agenda items with the goal to roll out, in early March, the committee recommendations. Will send out options for the next meeting – will be sometime the week of January 25.

Frank Wright question for Josh Nelson: Does the same ethics question apply to employees of public agencies with regards to receiving recreational privileges from their employer specifically IVGID?

G. ADJOURNMENT – 7:46 p.m.

ACTION ITEM LIST

| DATE | ACTION ITEM NUMBER AND BRIEF DESCRIPTION | WHO WILL COMPLETE | DATE COMPLETED |
|------------|--|----------------------|----------------|
| 09/28/2020 | 001 – Form revision dates and explanation of revisions | GM Winquest | |
| 09/28/2020 | 002 – Livestream links and survey results | Support Staff Herron | 10/01/2020 |
| 09/28/2020 | 003 – Financial data | GM Winquest | |
| 09/28/2020 | 004 – Historical spend | GM Winquest | |
| 09/28/2020 | 005 – Input on Board philosophy | Chairman Callicrate | |
| 09/28/2020 | 006 – Presentation from 09/09/2020 | Support Staff Herron | 10/01/2020 |
| 09/28/2020 | 007 – Resolution 1881 | Support Staff Herron | 10/01/2020 |

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| 09/28/2020 | 008 – Two lawsuits | Support Staff Herron | 10/26/2020 (posted to the website) |
| 09/28/2020 | 009 – Punch card info | GM Winquest | |
| 09/28/2020 | 010 – Info about guest accompanying picture pass holder | Committee Member Martini | |
| 09/28/2020 | 011 – Visit distribution | GM Winquest | |
| 09/28/2020 | 012 – 10/27 10 a.m. meeting date/time – does it work | All Committee Members | Complete |
| 10/27/2020 | 013 – E-mail lawsuit information that is posted to the website | Support Staff Herron | Complete |
| 10/27/2020 | 014 - Ms. Becker will write up the questions then Staff will circulate and get feedback. Following that feedback, will send to lawyers for their thoughts. | Ms. Becker | Complete |
| 10/27/2020 | 015 - Ms. Martini to share the Bob McDonald document with the committee. | Ms. Martini | Complete |
| 10/27/2020 | 016 - Staff to get all this information to the committee (from March 25, 2020). | Support Staff | Complete |
| 10/27/2020 | 017 - Winquest – at the other venues and programs, about 80% used by residents. Golf courses is less than that, number does change, will try and get better data | GM Winquest | |
| 11/02/2020 | 018 - 11/18 presentation included in the BOT packet to be e-mailed to all committee members | Support Staff Herron | Complete |
| 12/07/2020 | 019 - Obtain a copy of Mr. Nelson's presentation and place it on the website | Support Staff | Confirmed with Mr. Nelson it was simply a verbal presentation |
| 12/07/2020 | 020 - Send lease that they have prepared for STR's | Ms. Viel | Complete – emailed 01/13/2021 |
| 12/07/2020 | 021 - All questions for legal – provide them to General Manager Winquest so he can get them to Legal Counsel Nelson | All Committee Members | Complete |
| 01/12/2021 | 022: Do research on how we are charging – dwelling units versus parcels? | GM Winquest and Support Staff Herron | |
| 01/12/2012 | 023: Frank Wright question to Legal Counsel re: employee privileges | Legal Counsel Nelson | Complete |

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