

NOTICE OF MEETING

The Audit Committee Meeting of the Incline Village General Improvement District will be held starting at 10:30 AM on January 29, 2024 in the Boardroom at 893 Southwood Boulevard, Incline Village, Nevada.

Public comment is allowed and the public is welcome to make their public comment via telephone (the telephone number is (877) 853-5247 and the webinar ID will be posted to our website on the day of the meeting). The meeting will be available for viewing at <https://livestream.com/accounts/3411104>.

A. **ROLL CALL OF THE AUDIT COMMITTEE MEMBERS**

Chairman Chris Nolet (At-Large Member), Vito Brandle (At-Large Member), Sara Schmitz (Trustee, Chair), and Raymond Tulloch (Trustee).

**Note that there is one vacant At-Large Member position presently.*

B. **PUBLIC COMMENTS** - *Unless otherwise determined, the time limit shall be three (3) minutes for each person wishing to make a public comment. Unless otherwise permitted by the Chair, no person shall be allowed to speak more than once on any single agenda item. Not to include comments on General Business items with scheduled public comment. The Audit Committee may address matters brought up during public comment at the conclusion of the comment period but may not deliberate on any non-agendized item.*

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

The Audit Committee may make a motion for a flexible agenda which is defined as taking items on the agenda out of order; combining agenda items with other agenda items; removing items from the agenda; moving agenda items to an agenda of another meeting, or voting on items in a block.

-OR-

The Audit Committee may make a motion to accept and follow the agenda as submitted/posted.

D. **REPORTS TO THE COMMITTEE** - *Reports are intended to inform the Audit Committee and/or the public.*

1. **SUBJECT:** Verbal update from Interim Director of Finance Bobby Magee on the engagement of RubinBrown and the commencement of the forensic due diligence audit. Discussion of the target completion date. (Requesting Staff Member: Interim Director of Finance Bobby Magee)
2. **SUBJECT:** Verbal report from Jennifer Farr on the status of the US Generally Accepted Auditing Standards (GAAS) Audit by David Farr, of the June 30, 2023 Annual Comprehensive Fiscal Report (ACFR). (Requesting Audit Partner: Jennifer Farr)
3. **SUBJECT:** Verbal report from the Audit Committee Chairman Chris Nolet concerning one reported whistle-blower matter. (Requesting Committee Member: Chairman Chris Nolet)

E. **GENERAL BUSINESS ITEMS** *(for possible action)*

1. **SUBJECT:** Review, discuss and approve revisions to the Whistleblower Policy & Procedure. The approved revisions to the document are to be sent to the Board of Trustees for formal adoption. (Requesting Committee Member: Trustee Sara Schmitz) – **pages 3 – 15**

Incline Village General Improvement District

Incline Village General Improvement District is a fiscally responsible community partner which provides superior utility services and community oriented recreation programs and facilities with passion for the quality of life and our environment while investing in the Tahoe basin.

893 Southwood Boulevard, Incline Village, Nevada 89451 • (775) 832-1100 • EMAIL: info@ivgid.org

www.yourtahoeplace.com

NOTICE OF MEETING

Agenda for the Board Meeting of January 29, 2024 - Page 2

2. **SUBJECT:** Discuss timing to once again advertise the vacant, at-large Audit Committee position. Follow-up on 2 community members who "volunteered" during the December 20, 2023 Audit Committee meeting, as candidates to be considered for the vacant, at-large position. (Requesting Committee Member: Chairman Chris Nolet)
 3. **SUBJECT:** Discussion of the form of minutes to be prepared for each meeting, either the "verbatim" form currently employed, or a summary version that can be prepared for this, and all future meetings. (Requesting Committee Member: Chairman Chris Nolet)
- F. **CONSENT CALENDAR (for possible action)** - *These items are expected to be routine and non-controversial. The Audit Committee will act upon them at one time without discussion. Any committee member, staff member, or interested party may request that an item be removed from the consent calendar for discussion.*
1. **SUBJECT:** Approval of the Audit Committee meeting minutes for December 20, 2023. – **pages 16 - 52**
- G. **LONG RANGE CALENDAR REVIEW**
- H. **PUBLIC COMMENTS** - *Conducted in accordance with Nevada Revised Statutes Chapter 241.020 and limited to a maximum of three (3) minutes in duration*.*
- I. **ADJOURNMENT (for possible action)**

CERTIFICATION OF POSTING OF THIS AGENDA

I hereby certify that on or before 9:00 a.m. on Wednesday, January 24, 2024, a copy of this agenda (Audit Committee Session of January 29, 2024) was delivered to the post office addressed to the people who have requested to receive copies of IVGID's agendas; copies were e-mailed to those people who have requested; and a copy was posted, physically or electronically, at the following locations in accordance with Assembly Bill 213:

1. IVGID Anne Vorderbruggen Building (893 Southwood Boulevard, Incline Village, Nevada; Administrative Offices)
2. IVGID's website (www.yourtahoeplace.com/ivgid/board-of-trustees/meetings-and-agendas)
3. State of Nevada public noticing website (<https://notice.nv.gov/>)
4. IVGID's Recreation Center (980 Incline Way, Incline Village, Nevada)

Persons may request copies of all agenda materials by contacting the District Clerk or by visiting the Administrative Offices at the address listed above.

/s/ Heidi H. White

Heidi H. White

District Clerk (e-mail: hwh@ivgid.org/phone # 775-832-1268)

Audit Committee: Chris Nolet Chairman (At-Large Member), Vito Brandle (At-Large Member), Raymond Tulloch (Trustee), and Sara Schmitz (Trustee)

Notes: Items on the agenda may be taken out of order; combined with other items; removed from the agenda; moved to the agenda of another meeting; moved to or from the Consent Calendar section; or may be voted on in a block. Items with a specific time designation will not be heard prior to the stated time, but may be heard later. Those items followed by an asterisk (*) are items on the agenda upon which the Audit Committee will take no action. Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to call IVGID at 832-1100 at least 24 hours prior to the meeting. **IVGID'S agenda packets are available at IVGID's website, www.yourtahoeplace.com; go to "Board Meetings and Agendas".**

INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT WHISTLEBLOWER POLICY & PROCEDURE

POLICY

1.0 - General

The Incline Village General Improvement District (IVGID) expects its employees, Trustees, and volunteers to observe high standards of business and professional ethics in the conduct of their duties and responsibilities. Employees and representatives of IVGID must practice honesty and integrity in fulfilling their responsibilities and comply with all IVGID Policies, Practices, Resolutions and Ordinances and other applicable laws and regulations. Moreover, IVGID is committed to transparency and fostering a “speak up” culture. This Whistleblower Policy & Procedure implements Board of Trustees Policy 15.1.0(2.8).

In addition, IVGID encourages its employees, volunteers, other stakeholders of the District, and the public to share their questions, concerns, suggestions, or complaints with their supervisor, Venue Manager, Trustees, General Manager, or the Audit Committee Chair.

“**Misconduct**” means (a) questionable or improper accounting or auditing matters, (b) violations and suspected violations of federal, state, local laws, and (c) violations and suspected violations of IVGID Ordinances, Policies, Practices, Resolutions and the Code of Conduct, (d) Conflicts of Interest, (e) Misuse of District resources.

“Misconduct” does not include minor, immaterial matters or routine workplace complaints or disciplinary matters which shall be processed under applicable Human Resources policies.

This policy is not intended to replace the day-to-day operational issues typically resolved by managers and/or the Human Resources Department. It is specifically intended for use in cases of suspected Misconduct.

2.0 - Reporting

It is the responsibility of all employees, Trustees, and volunteers to report Misconduct and/or reasonable suspicions of Misconduct in accordance with this Whistleblower Policy & Procedure. Other stakeholders of the District and the public may also report Misconduct in accordance with this Whistleblower Policy & Procedure.

INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT WHISTLEBLOWER POLICY & PROCEDURE

2.1 - Trustees, employees and volunteers have the following **options** for reporting concerns that involve Misconduct and/or or reasonable suspicions of Misconduct. The information will be handled in a manner to protect confidentiality and anonymity to the extent permitted by applicable law.

- A. Discuss any suspected Misconduct with their **immediate supervisor**.
- B. Report the suspected Misconduct to the **Director of Human Resources**.
 - 1. If the Misconduct was reported verbally to the Director of Human Resources, the reporting individual, with assistance from the Director of Human Resources, shall reduce the reported Misconduct to writing.
- C. Report the suspected Misconduct to the **Chair of the Board of Trustees**.
 - 1. Should the suspected Misconduct implicate one or both of the General Manager or the Chair of the Audit Committee, this is the recommended reporting option.
- D. Report the suspected Misconduct to the **Chair of the Audit Committee**.
- E. Report the suspected Misconduct to any other **Trustee**. It is recommended that if a Trustee receives a report it is copied to the Chair of the Audit Committee – unless the Chair of the Audit Committee is implicated - to be investigated in accordance with the procedure described in the section Receipt, Retention, and Treatment – Role of the Audit Committee Chair.
- F. Report the suspected Misconduct to any other Audit Committee Member.
- G. Submit concerns of suspected Misconduct anonymously using the IVGID website. Such submittals will automatically be routed to the Audit Committee Chair with a copy to the General Counsel.

2.2 - The public may also submit suspected Misconduct and/or or reasonable suspicions of Misconduct to:

- A. The Audit Committee Chair by email at AuditCommittee@ivgid.org. This email will be routed to both the Audit Committee Chair and General Counsel.
- B. Anonymously using the IVGID website. All anonymous allegations of Misconduct will be routed to the Chair of the Audit Committee and General Counsel.

INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT WHISTLEBLOWER POLICY & PROCEDURE

- C. Mail to 893 Southwood Blvd. to the attention of Audit Committee Chair, Strictly Confidential – Addressee only, Incline Village NV 89451

The information provided will be handled in a manner to protect confidentiality and anonymity to the extent permitted by applicable law.

Upon receipt of suspected Misconduct, the receiving party shall take swift action which shall include investigating or referring it to Human Resources if it is not subject to this procedure. When employee conduct is in question and to obtain complete unbiased results, investigations may include an independent third party reviewer. How investigations are to be conducted will be up to the Audit Committee Chair, the General Manager and/or General Counsel, as deemed appropriate.

2.3 - No Retaliation

This Whistleblower Policy is intended to encourage and enable Trustees, volunteers, stakeholders of the District, the public and employees to report Misconduct and/or reasonable suspicions of Misconduct within IVGID for investigation and appropriate action. With this goal in mind, no Trustee, volunteer, member of the public, employee or other stakeholder of the District who, in good faith, reports Misconduct shall be subject to retaliation, harassment or public disclosure except to the extent required by applicable law. Moreover, any volunteer, Trustee or employee who retaliates, directly or indirectly, in violation of this procedure, against someone who has reported Misconduct and/or or reasonable suspicions of Misconduct in good faith is subject to discipline up to and including removal from the volunteer position, or termination of employment, or being censured as a Trustee.

2.4 - Acting in Good Faith

Anyone raising concerns of Misconduct and/or reasonable suspicions of Misconduct must be acting in good faith and have reasonable cause for believing the information disclosed indicates Misconduct. Any allegations that prove to be made maliciously or knowingly false will be viewed as a serious disciplinary offense. For employees, this may result in termination. “Good faith” does not mean that the reporting person must be positive that their report is correct, but rather that the person is providing all of the information they have and that they believe it to be true at the time of reporting.

INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT WHISTLEBLOWER POLICY & PROCEDURE

2.5 - Confidentiality

To the extent permitted by applicable law, reports of Misconduct or suspected Misconduct will be kept confidential on a "need-to-know" basis, consistent with the need to conduct an adequate investigation. To the extent permitted by applicable law, the party leading the investigation shall make every reasonable effort to ensure the identity of the reporter is not disclosed if such reporter wishes to remain confidential. If an internal investigation could materially increase the risk of confidentiality being compromised, the use of an independent third party to conduct the investigation is recommended. Improper or unauthorized disclosure of reports of Misconduct or resulting investigations will be viewed as a serious offense and will result in applicable disciplinary procedures being followed, up to and including termination of employment if provided under such procedures.

INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT WHISTLEBLOWER POLICY & PROCEDURE

PROCEDURE:

1.0 - General

The methods for submission of suspected Misconduct may be reported by employees, Trustees, volunteers, other stakeholders of the District, and the public on a confidential and anonymous basis to the extent permitted by applicable law.

The Whistleblower Policy & Procedure is to be followed when a submission of concern is received.

2.0 - Receipt, Retention, and Treatment – Role of the Audit Committee Chair

The Audit Committee Chair will track and provide quarterly reports on the following statistics:

1. The number of reported concerns regarding misconduct received through the IVGID website or direct reporting to the Audit Committee Chair, or passed to the Audit Committee Chair for investigation by another party receiving a report.
2. The Average time to resolve or respond to those concerns.
3. The number of repeated concerns regarding Misconduct submitted.
4. A brief description of what investigation was done for a given submission, who did the investigation, and closure regarding actions taken. This detail is NOT to result in confidential information being made public but is a brief overview and closure.

The Audit Committee Chair will review all concerns under the Whistleblower Policy & Procedure she/he receives. The following are potential, but not exclusive, options of action for the Board of Trustees which shall be determined in consultation with General Counsel, unless the Counsel is implicated.

1. Delegate the investigation to the General Manager when the submission is outside the Audit Committee responsibilities as defined in Board Policy 15.1.0, Section 2.0.
2. Engage an external independent resource to investigate and provide recommended corrective actions as deemed appropriate by the Audit Committee Chair, General Counsel and the General Manager.
3. Delegate the investigation to the General Manager or General Counsel.

INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT WHISTLEBLOWER POLICY & PROCEDURE

If a concern under the Whistleblower Policy & Procedure is delegated to the General Manager, she/he is expected to take immediate action while keeping the Audit Committee Chair informed of the status of the investigation and corrective action taken. To ignore a concern under the Whistleblower Policy & Procedure will result in action pursuant to applicable disciplinary procedures, up to and including termination for inaction. The Audit Committee Chair shall retain ultimate responsibility to ensure that allegations of Misconduct under the Whistleblower Policy & Procedure are investigated and resolved in a timely fashion. The Board of Trustees have the authority to take additional action as deemed appropriate should they deem the investigation and corrective action is not being dealt with in an appropriate and timely manner.

3.0 - Receipt, Retention, and Reporting – Role of the General Manager

The General Manager shall be informed of any suspected Misconduct when reported to anyone on his staff. The General Manager is responsible for working with the Audit Committee Chair and General Counsel to determine appropriate action. She/he will track and provide quarterly reports to the Audit Committee chair on the following statistics:

1. The number of reported concerns under the Whistleblower Policy & procedure regarding Misconduct received through direct reporting to the General Manager or Human Resources Director, or passed to the General Manager for investigation by another party receiving a report.
2. The number of repeated concerns regarding Misconduct submitted.
3. The number of reported concerns referred to the Audit Committee Chair.
4. A brief description of what investigation was done for a given submission, who did the investigation, and closure regarding actions taken. This detail is NOT to result in confidential information being made public but is a brief overview and closure.



INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT WHISTLEBLOWER POLICY & PROCEDURE

POLICY

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The Incline Village General Improvement District (IVGID) expects its employees, Trustees, and volunteers to observe high standards of business and professional ethics in the conduct of their duties and responsibilities. Employees and representatives of IVGID must practice honesty and integrity in fulfilling their responsibilities and comply with all IVGID Policies, Practices, Resolutions and Ordinances and other applicable laws and regulations. Moreover, IVGID is committed to transparency and fostering a “speak up” culture. This Whistleblower Policy & Procedure implements Board of Trustees Policy 15.1.0(2.8).

In addition, IVGID encourages its employees, volunteers, other stakeholders of the District, and the public to share their questions, concerns, suggestions, or complaints with their supervisor, Venue Manager, Trustees, General Manager, or the Audit Committee Chair.

“Misconduct” means (a) questionable or improper accounting or auditing matters, (b) violations and suspected violations of federal, state, local laws, and (c) violations and suspected violations of IVGID Ordinances, Policies, Practices, Resolutions and the Code of Conduct, (d) Conflicts of Interest, (e) Misuse of District resources.

“Misconduct” does not include minor, immaterial matters or routine workplace complaints or disciplinary matters which shall be processed under applicable Human Resources policies.

This policy is not intended to replace the day-to-day operational issues typically resolved by managers and/or the Human Resources Department. It is specifically intended for use in cases of suspected Misconduct.

The Whistleblower Procedure includes the following:

- ~~• The methods for submission of suspected Misconduct may be reported by employees, Trustees, volunteers, other stakeholders of the District, and the public on a confidential and anonymous basis to the extent permitted by applicable law.~~
- ~~• The process to be followed when a submission of concern is received.~~

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INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT WHISTLEBLOWER **POLICY & PROCEDURE**

- ~~The receipt, retention, and treatment of suspected Misconduct submissions received by the Audit Committee regarding IVGID Policies, Practices, Resolutions, Ordinances and other applicable laws and regulations. The protection of employees, Trustees, volunteers, other stakeholders of the District, and the public reporting concerns from retaliatory actions.~~

2.0 - Reporting

It is the responsibility of all employees, Trustees, and volunteers to report Misconduct and/or reasonable suspicions of Misconduct in accordance with this Whistleblower **Policy & Procedure**. Other stakeholders of the District and the public may also report Misconduct in accordance with this Whistleblower **Policy & Procedure**.

~~“Misconduct” means (a) questionable or improper accounting or auditing matters, (b) violations and suspected violations of federal, state, local laws, and (c) violations and suspected violations of IVGID Ordinances, Policies, Practices and~~

~~Resolutions. “Misconduct” does not include minor, immaterial matters or routine workplace complaints or disciplinary matters which shall be processed under applicable Human Resources policies and/or applicable Memorandum of Understanding.~~

2.1 - Trustees, employees and volunteers have the following **options** for reporting concerns that involve Misconduct and/or or reasonable suspicions of Misconduct. The information will be handled in a manner to protect confidentiality and anonymity to the extent permitted by applicable law.

- A. Discuss any suspected Misconduct with their **immediate supervisor**.
- B. Report the suspected Misconduct to the **Director of Human Resources**.
 1. If the Misconduct was reported verbally to the Director of Human Resources, the reporting individual, with assistance from the Director of Human Resources, shall reduce the reported Misconduct to writing-writing.
- C. Report the suspected Misconduct to the **Chair of the Board of Trustees**.
 1. -Should the suspected Misconduct implicate one or both of the General Manager or the Chair of the Audit Committee, this is the recommended reporting option.

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INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT WHISTLEBLOWER **POLICY & PROCEDURE**

D. Report the suspected Misconduct to the **Chair of the Audit Committee**.

E. Report the suspected Misconduct to any other **Trustee**. It is recommended that if a Trustee receives a report it is copied to the Chair of the Audit Committee – unless the Chair of the Audit Committee is implicated - to be investigated in accordance with the procedure described in the section **Receipt, Retention, and Treatment – Role of the Audit Committee Chair**.

E.F. Report the suspected Misconduct to any other **Audit Committee Member**.

F.G. Submit concerns of suspected Misconduct anonymously using the IVGID_ website. Such submittals will automatically be outed to the Audit Committee Chair with a copy to the General Counsel.

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2.2 - The public may also submit suspected Misconduct and/or or reasonable suspicions of Misconduct to:

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A. The Audit Committee Chair by email at AuditCommittee@ivgid.org. This email will be routed to both the Audit Committee Chair and General Counsel.

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B. Anonymously using the IVGID website. All anonymous allegations of Misconduct will be routed sent directly to the Chair of the Audit Committee and with a copy to the General Counsel.

C. Mail to 893 Southwood Blvd. to the attention of Audit Committee Chair, Strictly Confidential – Addressee only, Incline Village NV 89451

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2.3 - No Retaliation

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INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT WHISTLEBLOWER POLICY & PROCEDURE

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2.4 - Acting in Good Faith

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is recommended. Improper or unauthorized disclosure of reports of Misconduct or resulting investigations will be viewed as a serious offense and will result in



**INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT
WHISTLEBLOWER POLICY & PROCEDURE**

applicable disciplinary procedures being followed, up to and including termination of employment if provided under such procedures.



INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT WHISTLEBLOWER POLICY & PROCEDURE

PROCEDURE:

1.0 - General

The methods for submission of suspected Misconduct may be reported by employees, Trustees, volunteers, other stakeholders of the District, and the public on a confidential and anonymous basis to the extent permitted by applicable law.

The Whistleblower Policy & Procedure is to be followed when a submission of concern is received.

2.0 - Receipt, Retention, and Treatment – Role of the Audit Committee Chair

The Audit Committee Chair will track and provide quarterly reports on the following statistics:

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2. The Average time to resolve or respond to those concerns.
3. The number of repeated concerns regarding Misconduct submitted.
- 3.4. A brief description of what investigation was done for a given submission, who did the investigation, and closure regarding actions taken. This detail is NOT to result in confidential information being made public but is a brief overview and closure.

The ~~Board of Trustees~~ Audit Committee Chair (it never said Board of Trustees) will review all concerns under the Whistleblower Policy & Procedure s/he receives. The following are potential, but not exclusive, options of action for the Board of Trustees which shall be determined in consultation with General Counsel, unless the Counsel is implicated.

1. Delegate the investigation to the General Manager when the submission is outside the Audit Committee responsibilities as defined in Board Policy 15.1.0, Section 2.0.
2. Engage an external independent resource to investigate and provide recommended corrective actions as deemed appropriate by the Audit Committee Chair, General Counsel and the General Manager.
3. Delegate the investigation to the General Manager or General Counsel.

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INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT WHISTLEBLOWER **POLICY & PROCEDURE**

If a concern under the Wwhistleblower Policy & Pp procedure is delegated to the General Manager, s/he is expected to take immediate action while keeping the Audit Committee Chair informed of the status of the investigation and corrective action taken. To ignore a concern under the Wwhistleblower Policy & Pp procedure will result in action pursuant to applicable disciplinary procedures, up to and including termination for inaction. The Audit Committee Chair shall retain ultimate responsibility to ensure that allegations of Misconduct under the Wwhistleblower procedure-Policy & Procedure are investigated and resolved in a timely fashion. The Board of Trustees haves the authority to take additional action as s/he deemeds appropriate should theys/he deem the investigation and corrective action is not being dealt with in an appropriate and timely manner.

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3.0 - Receipt, Retention, and Reporting – Role of the General Manager

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The General Manager shall be informed of any suspected Misconduct when reported to anyone on his staff. The General Manager is responsible for working with the Audit Committee Chair and General Counsel to determine appropriate action. S/he will track and provide quarterly reports to the Audit Committee chair on the following statistics:

1. The number of reported concerns under the Wwhistleblower Policy & p procedure regarding Misconduct received through direct reporting to the General Manager or Human Resources Director, or passed to the General Manager for investigation by another party receiving a report.
2. The Average time to resolve or respond to those concerns.
3. The number of repeated concerns regarding Misconduct submitted.
4. The number of reported concerns referred to the Audit Committee Chair.
- 3-5. A brief description of what investigation was done for a given submission, who did the investigation, and closure regarding actions taken. This detail is NOT to result in confidential information being made public but is a brief overview and closure.

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1 INCLINE VILLAGE
 2 GENERAL IMPROVEMENT DISTRICT
 3 AUDIT COMMITTEE
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 8 TRANSCRIPT OF HEARING
 9 PUBLIC MEETING
 10 Via Zoom
 11
 12 Held via Zoom
 13
 14 Wednesday, December 20, 2023
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24 Reported by: Brandi Ann Vianney Smith
 25 Job Number: IVGID 16

1 APPEARANCES
 2
 3 **COMMITTEE MEMBERS PRESENT**
 4 CHRIS NOLET, CHAIR
 5 VITO BRANDLE, MEMBER
 6 RAYMOND TULLOCK, TRUSTEE
 7 SARA SCHMITZ, TRUSTEE
 8
 9 **ALSO PRESENT**
 10 SERGIO RUDIN, LEGAL COUNSEL
 11 HEIDI WHITE, DISTRICT CLERK
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1 Incline Village, Nevada - 12/20/2023 - 4:02 P.M. 4
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 5 CHAIR NOLET: Since we're live, I'll call
 6 the meeting to order. Hopefully Sara be here
 7 momentarily. It's the meeting of Incline Village
 8 General Improvement District Audit Committee on
 9 December 20th at 4:00 P.M. I think all the
 10 committee members are remote and Zooming in.
 11 Sergio, audio would be okay for Sara, even
 12 though we can't see her?
 13 MR. RUDIN: I think the answer is yes.
 14 I'm going to double check really quickly.
 15 CHAIR NOLET: I believe we have a quorum,
 16 three out of four.
 17 MR. RUDIN: Yeah.
 18 CHAIR NOLET: Why don't we go ahead and
 19 move on to B, public comments and, hopefully, Sara
 20 will find her way in. I want to be respectful of
 21 everybody's time. Why don't we go ahead and do
 22 that, and we'll watch and see when she joins us.
 23 B. PUBLIC COMMENTS
 24 MR. DYKSTRA: Thank you. Jim Dykstra, 564
 25 Bronco Court. I've been a resident of Incline for

5

1 23 years. I've owned property for over 30 years.
 2 I found out that you were having this, I
 3 guess I'll call it, systems implementation debacle
 4 September 1. I have deep experience in solving
 5 these type of problems. I sent my résumé to Bobby
 6 Magee September 1, hoping they would consider
 7 letting me help you guys. Never heard back from
 8 him, so I assume that he had a team together.
 9 Everything was going on well.
 10 I was in San Diego at my place October and
 11 November. I come back here in December, and it
 12 seems like you're still finding your way to
 13 auditable financial statements. It's almost
 14 six months. So, again, I offer my services to help.
 15 I think there's some factors you guys really should
 16 think about.
 17 One is most of your debt agreements will
 18 have a requirement that you provide them audited
 19 financial statements in 120 days after year end, 180
 20 days at the latest. So, you're technically in
 21 default probably on over \$3 million in debt.
 22 The emphasis has got to be to get the
 23 financial audit completed and not a five-year
 24 forensic audit. That should not be the focus. The
 25 focus should be getting audited financial statements

6

1 to meet the requirements on your lenders and the
 2 State. And the way to do that is to bring in people
 3 and do account analysis on the balance sheet and do
 4 extra work on the fixed asset accounts, because
 5 that's been identified as a problem.
 6 And if you do a good job of auditing that
 7 detail on the balance sheet, all the problems will
 8 fall through P and L, and you'll be able to be
 9 audited.
 10 And that's the approach you got to take,
 11 but you got to have people who know how to do this
 12 work, and I can tell you it's ugly work. I've done
 13 it twice. Once at the Tahoe City Public Utility
 14 District, they hired me, their system was completely
 15 messed up, we fixed it within a couple of months,
 16 clean audit, no adjustments. Once when I was the
 17 controller for Dole down in Costa Rica. The
 18 operating division blew their implementation, had
 19 them ready for audit in two months.
 20 I've got résumé here, if you guys want it,
 21 but, like I said, I've done this twice. It's a lot
 22 of work.
 23 CHAIR NOLET: Sergio, as I'm apt to do
 24 from time to time, I do like to respond, when I can,
 25 timely to community concerns so just let me offer a

7

1 couple of comments to Mr. Dykstra.
 2 You make a number of great points, Jim.
 3 And there are some serious and numerous roadblocks
 4 to getting the audit done. Fortunately, you'll here
 5 in D 1 from Bobby the status of our work. We're not
 6 in default yet, but we will be by January 31st, and
 7 that's probably a pretty challenging goal given what
 8 we're currently finding.
 9 A number of firms and consultants have
 10 been brought in to work on the various areas of the
 11 financial statement close. The financial statements
 12 and some supporting journals, including the PP and E
 13 ledgers had not been closed since June 30th of 2022,
 14 by the former staff, so it's a big mountain to
 15 climb.
 16 But Bobby Magee will be on later, and I'll
 17 make sure that he follows up with you on your CV.
 18 Thank you.
 19 MS. CARS: Good afternoon, Audit Committee
 20 members.
 21 Just got his résumé, and I think James is
 22 someone that you should bring on board immediately
 23 to help you. He's in the community, he knows the
 24 community, he cares about the community, and you've
 25 got -- I'm looking at his résumé, you have an

8

1 excellent résumé here. I would be shocked if you
 2 didn't interview him immediately.
 3 I'm here to talk to you about item F 1 on
 4 the agenda. I suggest it should be removed from the
 5 agenda. The updated whistle blower policy was
 6 adopted on January 11th, 2023, by the Board of
 7 Trustees. But it appears that the redlined version
 8 in this packet is from July of 2021.
 9 Furthermore, the Board of Trustees is the
 10 body to approve any new policy. The Audit Committee
 11 is to make a recommendation to the Board, so the
 12 Audit Committee doesn't approve it, they go send it
 13 to the Board for approval.
 14 My final point is I see you do have a
 15 vacant position, and I've been giving it serious
 16 consideration. My résumé is on file with the
 17 District, so I am submitting my name for
 18 consideration today to become part of the Audit
 19 Committee.
 20 Thank you.
 21 CHAIR NOLET: Thank you. Just a couple of
 22 comments, again, because I can provide some realtime
 23 response. I believe the markup was updated in
 24 substance to the January 23 version of the whistle
 25 blower policy. And, two, you're right, what we had

9

1 hoped to do tonight but won't get there -- and we'll
 2 explain why in a minute -- would be to agree on a
 3 number of enhancements to the policy and then send
 4 them to the full board for consideration. I agree
 5 with you there.

6 Thank you for your comments. And we'll
 7 look at your résumé.

8 TRUSTEE TULLOCH: Quick follow-up comment.
 9 The policy adopted in January 2023 was not a revised
 10 whistleblower; it was the first time the
 11 whistleblower policy had been adopted.

12 As the final editor of the policy adopted,
 13 I can point out that the previous audit committee
 14 have been trying to get this adopted by the previous
 15 board for a year and a half, and that was the reason
 16 for the delays. It was adopted in January 2023.

17 (Trustee Schmitz joined via Zoom.)
 18 MR. DOBLER: Cliff Dobler, 995 Fairway,
 19 former Audit Committee member.

20 I would like to draw your attention to
 21 seven items. As you all are aware, I still have
 22 nine memorandums spanning over two years that have
 23 not been resolved by the Audit Committee. What do
 24 you intend on doing?
 25 Number two, there are about 20 memorandums

10

1 which have been reviewed by the former director of
 2 finance and two audit committee members and were
 3 deemed resolved in some manner. I was promised a
 4 closure report but have not received one. This is
 5 ten months old. What is the plan?

6 Number three, I submitted a memorandum on
 7 June 12th to the Audit Committee chairman regarding
 8 the potential of additional capital asset
 9 charge-offs of almost \$11 million before the
 10 accumulated depreciation. I had been told verbally
 11 that this memorandum has been provided to the
 12 forensic auditor for review and conclusions. I
 13 would like to have this confirmed in writing.

14 Joy Gums (phonetic) as been a -- extensive
 15 review on the capital asset land account, which is
 16 in excess of \$25 million. She has found that over
 17 half of the charges were not for land, but for
 18 expenses and improvements, which should either have
 19 been charged-off immediately or depreciated. Again,
 20 I had been told verbally that this adventure has
 21 been provided to the forensic auditor for review and
 22 conclusion. Joy and I would like that confirmed in
 23 writing.

24 Number five, the IVGID management has
 25 ignored the requirements of Resolution 1895

11

1 regarding use of the Champ Golf Course for a
 2 non-profit which is not eligible as a local
 3 non-profit. This organization has no involvement
 4 whatsoever with Incline Village and Crystal Bay.
 5 This needs to be reviewed. The non-profit is simply
 6 using IVGID's facility to generate money to pay a
 7 mortgage on a property in Minden, Nevada, used to
 8 board horses.

9 Number six, the General Manager has not
 10 provided an annual report to the Board of Trustees
 11 on the use of the District's facilities by
 12 non-profits. This report is required under
 13 Resolution 1895. The resolution was adopted only
 14 last year on July 27th, 2022, and is already being
 15 abused. What is the point of a resolution without
 16 any enforcement mechanism? Just eyewash pieces of
 17 paper.

18 Number seven, on June 9th, 2004, the North
 19 Lake Tahoe Fire Protection District and IVGID
 20 entered an agreement with the Fire District to
 21 perform wild land fuel treatment work on IVGID
 22 property. Under section 2 of the agreement, certain
 23 requirements are to be approved by the District
 24 Board of Trustees. This has not been done for
 25 several years, yet the Fire Department has received

12

1 \$200,000 per year from the District. I have asked
 2 for public records recording this item which should
 3 have been provided to the District. The request has
 4 been ignored since October 3rd, 2023.

5 (Expiration of three minutes.)
 6 CHAIR NOLET: On the nine open items that
 7 we worked on last summer, those have been
 8 prioritized. On the two capital topics you
 9 mentioned, the topics have been included in the
 10 proposed scope of the forensic due diligence audit.
 11 Your particular memos have not been provided to them
 12 as of yet, but they're being prioritized in that
 13 work stream.

14 MATT: That was our last public comment on
 15 Zoom.

16 CHAIR NOLET: Next, we'll move on to the
 17 agenda.

18 C. APPROVAL OF AGENDA
 19 CHAIR NOLET: Any changes to the agenda?
 20 Hearing none, we'll go with it as it is.
 21 We'll move into D 1.

22 D. REPORTS TO THE COMMITTEE
 23 D 1. Verbal Report - State of Financial
 24 Reporting Sources/Update on ACFR Audit
 25 CHAIR NOLET: Verbal report from interim

13

1 Director of Finance Bobby Magee on the state of the
2 union.

3 MR. MAGEE: We've talked about the known
4 backlog of major accounting and reporting of
5 projects a number of times, both in front of the
6 Audit Committee as well as the Board of Trustees.

7 And just to be clear, I've received
8 inquires from a large number of individuals offering
9 help in various types of capacities. We have
10 addressed that through a contract that was approved
11 by the Board with Baker Tilly. There are three
12 accountants from Baker Tilly that are actively
13 assisting us with a large number of backlogs of
14 projects, as well as Pam Day has been assisting us
15 with the coordination of the audit.

16 We've actually plowed through a number of
17 items already that we've completed. One of the
18 things that we started working on was the quarterly
19 economic surveys, as the committee knows, those had
20 not been completed or submitted to the State in over
21 a year. All of those have now been completed.
22 They've all been submitted to the State, and the
23 State has accepted them in their current form.

24 The Board also set forth a number of
25 priorities for the department. One of them was

15

1 comfortable that the types of information provided
2 out to the public is beneficial.

3 A secondary thing that our revenue manager
4 has done is to start a process in where she is
5 providing us with a weekly cash management update.
6 So we are going in, moving forward, and we're
7 starting to look at our bank statements daily to
8 flag and identify any transactions that we feel like
9 should warrant some further investigation, make sure
10 these are completely above table, legit. We have
11 not found anything that has been incorrect so far.
12 Just to let the committee know, that's one of the
13 things we felt was important to jump on right away.

14 We are very, very slowly but surely
15 getting caught up on all of these accounting
16 processes and, moving forward, trying to take some
17 of these back from the Baker Tilly team and stay on
18 track moving forward.

19 With that, I'm happy to answer any
20 questions the committee may have.

21 CHAIR NOLET: I think in substance, the
22 independent audit of the ACFR started around Monday,
23 December 11th.

24 MR. MAGEE: That is correct.

25 CHAIR NOLET: Which was far later than we

14

1 cleaning up the events deposits. The events
2 deposits were several months behind when I arrived
3 here five months ago now. We expect that all of the
4 events deposits will be fully reconciled and caught
5 up to date later this month. We're almost finish
6 with that.

7 The Baker Tilly team has been working
8 diligently, not on capital assets, but the
9 reconciliation of all bank statements for all months
10 all the way back to July of 2022. They have
11 completed the entire last fiscal year, and they've
12 started on this fiscal year now. We anticipate that
13 it maybe a couple more weeks until they get caught
14 up completely, at which point, we anticipate that
15 existing staff will take over those types of duties.

16 And then we've also taken on some new
17 initiatives as well. One of the things that we
18 wanted to make sure that we were getting a handle on
19 was cash and cash management procedures. Anyone
20 that has been following the board meetings will
21 notice that the treasurer's report has been
22 developed by our new revenue manager, working on
23 that diligently every month. It's still a work in
24 progress. We are working with the treasurer on
25 getting that thing correct, where he feels

16

1 wanted, but not much later, really, that we
2 anticipated, being realistic about it. And certain
3 adjustments are still being made. Not many but a
4 few, I think.

5 You can talk about how that's going and
6 then we can roll right into D 2 and 3. But I want
7 to be real clear, we've gotten some community input
8 that I haven't been clear enough on. The financial
9 statement audit, when it can be done, we had a
10 public comment earlier tonight. Maybe you can get
11 into that subject area a bit.

12 MR. MAGEE: Sure, would be happy to.

13 So the Audit Committee members know, Chris
14 and I tend to talk at least once a week and stay in
15 touch with each other on what's happening with
16 respect to the annual audit. And we have provided
17 the auditors everything they've asked for on the
18 prepared by client list. We've been going back and
19 forth with them daily. They have identified some
20 things that they would like to take a closer look
21 at, so this is normal and routine in an audit.
22 They've asked us for some additional information; we
23 sent it over to them.

24 I've asked the finance staff to
25 prioritize, in accordance with the Board direction,

17

1 that the audit is priority number one for our
 2 department. I've asked our team to prioritize any
 3 requests that Davis Farr makes, that we get that
 4 over to them within 24 four hours. That's where
 5 we've been at.

6 You're correct, Chris, the audit
 7 technically started on December 11th, and so we're
 8 diligently plowing our way through it right now.

9 CHAIR NOLET: We still have, at least to
 10 my knowledge, a couple of key areas that aren't yet
 11 fully closed and analyzed by management, so haven't
 12 been provided to the auditors. Deferred revenue is
 13 one. I think some revenue schedules or others.

14 These are things we couldn't find from the
 15 prior year. So, for example, we've asked the
 16 auditors to give us back our work for the '22 audit
 17 so we can model it for the '23 audit because the
 18 records left by the prior management team were
 19 completely absent.

20 MR. MAGEE: Yes, I would agree with your
 21 comments.

22 CHAIR NOLET: Questions for Mr. Magee?

23 TRUSTEE TULLOCH: Just to clarify some of
 24 the statements made in public comments. As somebody
 25 who has also done multiple major implementations of

18

1 full enterprise systems, not just financial systems,
 2 there has been a lot of work going on in the
 3 background. Bobby and I have been discussing a lot
 4 of the issues there.

5 Just because there's immediate results
 6 doesn't mean that the work hasn't been going on.
 7 There's been a huge amount to be done there.

8 As Chris alluded to also, there's partly
 9 different issues that have been identified by
 10 previous audit committees over the last two years,
 11 which have been turned down. Investigation, further
 12 work have been turned down by previous boards.
 13 We're now actually paying the price for that, having
 14 to go through things and find out what's there.

15 As to the forensic audit, slowing it down,
 16 it's not a case that we're focusing on the forensic
 17 audit as opposed to the standard audit; it's a case
 18 of the auditors, quite rightly, are reluctant to
 19 move on anything while the forensic audit's going on
 20 because it could make a nonsense of the audit, and
 21 no other firm that I know of could actually do that.
 22 I suspect any initial report we get will probably
 23 have several reservations in it. I'll that leave to
 24 Bobby to explain further.

25 Does that characterize the position,

19

1 Bobby?

2 MR. MAGEE: Yes. Absolutely.

3 These two processes are running
 4 concurrently, and it will be different teams of
 5 people that are working on them. From my chair, I
 6 think they are of equal importance. We obviously
 7 need to get the annual audit back on track and
 8 completed rapidly. Pam Day is coordinating that,
 9 the Baker Tilly team is working on that, and some of
 10 our internal staff is working on that.

11 Now, with respect to the forensic audit,
 12 that will be managed by myself. We finalized who
 13 will be working on that. There is one member of our
 14 team internally that will be working on that as
 15 well. That person is not working on the annual
 16 audit just because, for capacity reasons, we need
 17 that person on the forensic audit.

18 Then the chair of Audit Committee will
 19 also be involved. He and I have been in
 20 conversations, as I said, almost weekly, and,
 21 candidly, several times a week on developing the
 22 scope of work for the forensic audit. I'll talk
 23 about that in a little bit on another item.

24 TRUSTEE SCHMITZ: I just want to make sure
 25 that I'm clearly understanding. So, we are moving

20

1 forward, at present, with our annual audit; correct?

2 MR. MAGEE: That is correct. It started
 3 on December 11th.

4 TRUSTEE SCHMITZ: And do we have any sort
 5 of a target completion date, and/or have we received
 6 any sort of an extension from the State?

7 MR. MAGEE: Sure. So as of today, we have
 8 asked Davis Farr for an expected estimated
 9 completion date; they have not provided us with one
 10 so far. And then if the chair would like to, I'm
 11 happy to move into item number D 2 and address the
 12 second question there.

13 CHAIR DENT: Yeah. We'll hold that second
 14 part. But without getting too arcane and technical,
 15 let me just see if I can pull the Band-Aid off this
 16 one.

17 For lots of reason that we all recognize
 18 in differing sets of auditing standards, Davis Farr,
 19 our ACFR, independent auditor, cannot complete their
 20 audit until the forensic due diligence audit is
 21 done. So just pause and everybody needs to digest
 22 that a little bit. They cannot complete it. It's
 23 very clear in the auditing standards why they can't,
 24 and we've talked to Davis Farr about that.

25 If you embrace that as a fact that is not

21

1 subject to any change, then when we talk about D 3,
 2 that'll give you some sense of where we're going
 3 with the financial statement audit, and D 2's in the
 4 middle of that. Just hold on to that circumstance.
 5 Davis Farr can be 90-95 percent done, but
 6 they cannot render a report on our June '23 ACFR
 7 until the forensic audit is done.
 8 TRUSTEE SCHMITZ: What risk does that put
 9 the District in?
 10 CHAIR NOLET: Well, that takes us into D
 11 2. And that's a great question because there is
 12 some risk.
 13 D 2. Verbal Report - Discussion with Nevada
 14 DOT/ACFR
 15 MR. MAGEE: Yes, moving into item D 2. I
 16 have been in constant communication with the Nevada
 17 Department of Taxation, and I have made a formal
 18 request for extension of time to file the fiscal
 19 year 2023 ACFR. I initially asked them if we could
 20 have an extension to theoretically April 1, and the
 21 response that I received back from them was that
 22 they would only grant a request for extension of 30
 23 days at a time. That is what I submitted to them in
 24 writing and made the request.
 25 Just last week, I received a formal

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1 response that they have granted the request for
 2 extension to January 31st, 2024. If there are
 3 factors that are completely outside of our control
 4 that would necessitate further requests, they are
 5 willing to consider that.
 6 Now, with respect to what state law
 7 requires us to file with the State, they do
 8 understand that it is highly unlikely that we will
 9 be able to file a completed audit with their agency
 10 by January 31st. They are aware of that.
 11 And so we are actively working with them
 12 to find a mutually acceptable solution on what it is
 13 that we could provide in a format that would be in
 14 full compliance with the law and would mitigate any
 15 risks that could be present, as far as any actions
 16 that the State would potentially have as options
 17 against IVGID of non-compliance of a completed
 18 audit.
 19 CHAIR NOLET: I think I would just add,
 20 just to make sure there's no confusion out there, it
 21 is a virtual certainty not we will not have an
 22 audited ACFR ready to file with the Department of
 23 Taxation on January 30th, 100,000, 200,000 certain
 24 it won't happen.
 25 So to Bobby's point, we've been talking

23

1 about strategy with outside counsel a little bit,
 2 and we'll spend more time with Sergio, but I think
 3 early in January would be a good time for us to get
 4 on the phone with the DOT. Probably Mike, Bobby,
 5 Sergio, maybe Jennifer Farr from Davis Farr and make
 6 sure that the State understands what we're doing,
 7 why we're doing it. They do at a higher level, but
 8 I don't think they understand what we're exactly
 9 doing and what all the problems were.
 10 And there's a certain kind of immutable
 11 rules and barriers here. Hopefully, they'll give us
 12 some more leniency, but we don't have that as of
 13 yet.
 14 TRUSTEE TULLOCH: If I may add to that.
 15 Having been involved with Bobby in this as well and
 16 hearing the stakes, some of the things from the
 17 State, well, it doesn't matter, you've got to file
 18 by January 31st anyway.
 19 Let me be clear: As treasurer, I will not
 20 sign off on something that is just a put-together
 21 audit report that is not a complete audit report.
 22 And if the State wishes to take action
 23 because it prefers to file an inaccurate audit
 24 report just for the sake of expediency, I'm not
 25 prepared to do that on behalf of the District. That

24

1 would be incorrect for the District.
 2 When we file and we sign our names to it,
 3 we need to make sure that we're filing an accurate
 4 report.
 5 CHAIR NOLET: And I think the outcome of
 6 this really has to be -- I shouldn't probably
 7 project too much -- we will likely -- in my view,
 8 the only reasonable pathway here is we give them the
 9 very best unaudited ACFR for the year end of June
 10 30th, 2023, and tell them what the open areas are
 11 and what any further changes might be. It will not
 12 be audited. I'm sure, to the best of our knowledge
 13 to belief, we would be willing to represent it
 14 includes all the adjustments we think are necessary.
 15 To a comment made earlier, if we were to
 16 find major adjustments, they might fall through the
 17 current year if they're not too large; otherwise
 18 they have to go back to earlier years.
 19 As Ray points out, the audit committee did
 20 not approve the June 30, 2021, CAFR because they
 21 felt it needed further adjustment and the board
 22 overruled them. So, there's some background there.
 23 TRUSTEE SCHMITZ: As it relates to our
 24 pending grants and our SRF loan and any other debt
 25 that we have outstanding, what impact, what risks

25

1 are affiliated with this situation?

2 CHAIR NOLET: When you say "pending

3 grant," the ACE grant?

4 TRUSTEE SCHMITZ: (Inaudible response.)

5 MR. MAGEE: As of this moment, I do not

6 believe there is any risk to accepting or receiving

7 the funds related to the SRF loan. I have been in

8 contact with both the Army Corps of Engineers and

9 the State Reinvolving Fund folks, and they've

10 indicated to me that they have no concerns at all

11 related to IVGID's finance. And so I don't see a

12 risk on that side of it.

13 One of the potential risks, an option that

14 would be available to the State, if they chose to,

15 the State Department of Taxation, would be to place

16 IVGID on what is called "fiscal watch." In which

17 case if we ended up with that position, we would

18 have to, essentially, have them approve any payments

19 that were made to any vendors related to those

20 projects prior to me having authorization to be able

21 to cut the check.

22 TRUSTEE TULLOCH: To add to that, we're

23 unlikely to be drawing on the SRF funds before May

24 -- I suspect May/June of 2024, regardless. And,

25 equally, these borrowings are secured against the

27

1 meeting, I made some comments related to the

2 forensic audit and the nature of the fraud triangle,

3 what fraud is, why people commit fraud and those

4 types of activities.

5 And so one of the things that I had

6 indicated was that since I have been here, I have

7 seen specific situations, transactions where the

8 potential that the elements of the fraud triangle

9 may be present, and that is one of the reasons why

10 we made the recommendation to the Board to engage in

11 these activities.

12 I want to say tonight that nothing has

13 changed. We have some things that we are looking at

14 a little bit closer, and, to date, we have not been

15 able to reconcile the transactions. And so we

16 continue to try to figure that one out, and this

17 will be added to the list of items that are

18 ultimately sent over to the forensic auditors.

19 Where we're at right now, Chris and I have

20 worked with the finance staff person that I

21 previously identified. We are working with Rubin

22 and Brown on a number of items. Rubin Brown will

23 ultimately be our forensic auditors. They were

24 awarded the -- they were the highest-rated firm

25 through the request for proposals process.

26

1 revenues of the utility, secured against the utility

2 revenues.

3 MR. MAGEE: That is correct.

4 CHAIR NOLET: Again, in my judgment, but

5 having quite a few decades in these types of

6 matters, I think when we interact with the DOT again

7 in early January and we get to being in front of the

8 right people, there's a practicality they're going

9 to have to embrace. There's no issues with the

10 financial soundness of the District, nor our cash

11 flow. And they have a history of being more

12 lenient, as Bobby said, in 30-day increments. They

13 have a history of being much more lenient than what

14 they're currently showing us.

15 We're not banking on that yet, but we'll

16 need to leverage that a some point.

17 If there's no other dialogue on D 2, we

18 can move into D 3.

19 D 3. Verbal Update - Engagement of Forensic

20 Due Diligence Auditor

21 CHAIR NOLET: Unfortunately, this is the

22 Bobby Magee show tonight, so you're up.

23 MR. MAGEE: Yes. And I'd like to

24 apologize to everyone for that.

25 So at the November 8th, 2023, board

28

1 And so we've been negotiating solely with

2 them on both the scope of work, as well as some

3 contract language. And so Sergio from BBK has had

4 an opportunity to review the contract, he provided

5 some comments back to us, which we provided back to

6 Rubin Brown.

7 I think that we are dangerously close to

8 having this scope of work agreed upon, as well as

9 the contract terms. And I think that within the

10 next week or two, we will very likely have a

11 completed contract ready to sign, which would then,

12 in accordance with the direction that I receive from

13 the Board on November 8th, I will send the final

14 scope of work to the Board for its review in an

15 off-agenda memo, if they have any comments.

16 As well as the contract terms and

17 conditions would go to Trustee Tulloch for his final

18 review. The Board did authorize him to negotiate

19 final terms and conditions on the contract. So,

20 ultimately, we will engage him for that activity

21 when this process is completed between myself and

22 the chair of the Audit Committee.

23 We are expecting that Rubin Brown -- once

24 we get the contract signed, they've indicated they

25 would be able to begin their work almost

29

1 immediately. Their expected timeline to completion,
2 based on what they find, is currently four to
3 six months, is what they've indicated to us.
4 I'm happy to answer any questions on this
5 item as well.
6 TRUSTEE TULLOCH: Just one quick question.
7 In their initial review of issues, we found a number
8 of areas where there wasn't the necessary separation
9 of duties. Have we corrected them in the interim?
10 MR. MAGEE: Yes. So we have found a
11 number of items that we felt needed some better
12 controls, stronger internal controls, and we have
13 already taken steps to strengthen those internal
14 controls.
15 One of the things, for example, the
16 payroll function was recently moved out of human
17 resources and back into finance, which creates a
18 separation of duties so that the individuals who
19 have the ability to enter an employee in the system
20 no longer have any access at all to the payroll
21 system. Those are two totally separate departments,
22 functions, and actual people who are processing the
23 work.
24 That's just one example of internal
25 controls that we've been looking at.

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1 Manager.
2 We do believe that we have the proper
3 authority to negotiate the final terms and
4 conditions in place that the Board provided to us on
5 November 8th, and that this will not require a
6 return to the Board.
7 TRUSTEE SCHMITZ: The reason I asked that
8 is you actually mentioned that it was going to go
9 back to the Board. So could you please clarify,
10 because maybe I didn't quite understand, what you
11 were intending to bring back to the Board?
12 MR. MAGEE: I'm sorry. What I was
13 referring to was just the scope of work. The Board
14 requested at the November 8th meeting that they be
15 provided with the final scope, a copy of the final
16 scope of work before the contract was signed.
17 So I intend to send an off-agenda memo to
18 the Board that this was the finalized scope of work
19 that was negotiated between myself, the chair of the
20 Audit Committee, and, ultimately, Trustee Tulloch.
21 TRUSTEE SCHMITZ: That's fine.
22 I just have a question for Sergio: If he
23 is sending this to the Board, the scope of work, for
24 Open Meeting Law, does that then require that it be
25 posted to our website as well?

30

1 TRUSTEE TULLOCH: Also on the procurement
2 side, the separation of authorization and sign-off?
3 MR. MAGEE: That is correct. And we are
4 starting, just now, to really start to dig into some
5 of the procurement processes and the way we do our
6 business here at IVGID. And there will certainly be
7 some recommendations forthcoming to the Board in the
8 very near future.
9 TRUSTEE SCHMITZ: You indicated that their
10 scope of work is estimated to be four to six months.
11 Did they give you, also, some sort of a maximum not
12 to exceed?
13 And then my last question is: Will you be
14 bringing this to the Board at our January 10th
15 meeting?
16 MR. MAGEE: The intention is to finalize
17 the scope of work before they send over a maximum
18 not to exceed amount, and we have not received that
19 number from them yet, as of yet, but that will be
20 provided to Trustee Tulloch.
21 The intention is not bring that back to
22 the Board. The Board did authorize Trustee Tulloch
23 to finalize the terms and conditions, at which point
24 it would be sent to Trustee Schmitz for final
25 contract review before sign-off by the General

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1 MR. RUDIN: It would be a public document.
2 So, one, members of the public would be entitled to
3 request it. Two, if it's sent as a one-way
4 communication and it's not something that the Board
5 is just receiving as an FYI, it doesn't necessarily
6 require posting.
7 But it is something that, certainly, the
8 District, if it wants to encourage transparency or
9 provide more information on the subject, we can
10 certainly post it on the website, if desired.
11 CHAIR NOLET: Any other discussion?
12 Hearing none, let's move on to D 4.
13 D 4. Verbal Report - Tyler Enterprise ERP
14 System
15 CHAIR NOLET: A topic of great interest to
16 all of us and was also the subject of a comment
17 tonight.
18 MR. MAGEE: Sure. This item is related to
19 the current state of the Tyler Enterprise ERP
20 system, assessment and redesign.
21 Tyler Enterprise was formerly known as
22 "Tyler Munis." They rebranded it, and so we've been
23 calling it "Enterprise" since then. If we use the
24 word "Munis" or "Enterprise" interchangeably, that's
25 why.

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1 So as the Board and the Audit Committee
2 know, when I arrived, there were a number of issues
3 related to the Tyler ERP system, and I did discuss
4 those a number of times with the Board. The Board
5 provided direction to me that this was also in the
6 category one priority items for the finance
7 department to get corrected.

8 And so I have been working on everything
9 that was done prior to my arrival with the
10 accountants as far as reconciliations of beginning
11 balances, invoices, and a number of other items that
12 were talked about, at length, in other board
13 meetings.

14 And tonight what I would like to do is I'm
15 very pleased to introduce Adam Cripps, who has
16 recently joined us as the Assistant Director of
17 Finance. Adam has some very, very specific
18 experience in a finance department at another
19 municipality where he led a number of the processes
20 that were part of the conversion into a Tyler
21 Munis/Tyler Enterprise system.

22 He's got a lot of valuable experience on
23 setting up workflows, doing assessments of the
24 various modules. And so he has taken the lead on
25 everything that is moving forward from the time he

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1 system is currently built and started to assess and
2 take a look at the areas that we can really improve
3 upon.

4 One of the first ones that I recognized
5 was the workflows. It wasn't very -- the way that
6 the workflows were built, they were very basic. So
7 I started working with departments and trying to
8 identify what their needs were, what kind of
9 structure should be put in here for the workflows.

10 With the departments and with the IT
11 department, we actually have a set of workflows for
12 purchase order and invoices that are built in our
13 test environment. Those are ready for demonstration
14 and validation through the departments so we can
15 actually test them and make sure the functionality
16 happens from start to finish on both of those
17 modules.

18 So, what I've done beyond that is I'm also
19 taking an approach of reviewing the system, module
20 by module, and the next target of this approach is
21 going to be the budget module. There's training
22 kicking off this week with some finance staff, and
23 we will reach out to other departments for training
24 within this module within the next coming weeks.

25 At that point -- or with this, that's

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1 started, which was about six weeks ago now, and he's
2 made some really great progress in the short time
3 that he's been here.

4 With that, I'd like to turn it over to
5 Adam. And I know he has some comments that he would
6 like to provide to the committee.

7 MR. CRIPPS: I'm going to start of using
8 this opportunity to thank the committee for being
9 able to present tonight and bring some of this
10 forward. My name is Adam Cripps, I am the Assistant
11 Director of Finance here.

12 And I wanted to touch base a little bit on
13 what Bobby already mentioned about my experience
14 with this system. I have more experience than just
15 an implementation role; I was actually one of the
16 end users at another agency. So I have seen both
17 sides of it. I have seen how the product can
18 perform, as well as being on the backside of a build
19 and being able to implement it and going through the
20 testing processes of that stuff. How we structure
21 it, what it's designed to do, and how you make it do
22 what you intend it to do.

23 With that, what I've done is from my first
24 day with the District, I've jumped right back into
25 the back end of this to take a look at how the

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1 actually going to conclude what I prepared for
2 today, but I am happy to answer some questions.

3 CHAIR NOLET: Adam, not to lead the
4 witness, but we've had this conversation and there's
5 been a lot of conversation out in the community in
6 the last six to nine months over this.

7 Can you give us an executive review of
8 what you encountered? And if you did -- I was just
9 trying to ping one of our members, so I may have
10 missed a comment.

11 The status of the implementation was
12 incomplete. And I think your observations that you
13 shared with us in a more-detailed discussion was
14 that some of the processes, as you point out, many
15 of the internal controls were taken out of the
16 processes to make the process more streamlined, less
17 labor intensive, but not really compliant with any
18 rational internal control structure.

19 MR. CRIPPS: So, the implementation, it
20 did go live, and it is a functional product. I want
21 to go off of that. And what was --

22 CHAIR NOLET: When you said "go live,"
23 July 1st; right?

24 MR. CRIPPS: Yes. Correct.

25 So as far as a functioning product, it

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1 was -- it is -- it does function, and we can handle
2 processes that are integral to what the District
3 needs and things like that.

4 Going back to some of your points, there
5 are more ways to follow some, like, best practices.
6 For an example, you have -- within your departments,
7 you have spinning authorities based off of your
8 level of management or your level within a position
9 within the District were -- I've taken the time with
10 the IT department specifically, and then with the
11 departments, through the org chart, we've identified
12 what levels of spinning authority are appropriate.
13 And we built those into the workflow so that way we
14 can begin to actually -- by expanding on what's on
15 the back end, we can allow the departments to
16 function at a higher -- at a better efficiency.

17 So, instead of a director, for example,
18 approving all of the invoices coming through, the
19 ones requiring a lower authority can be handled
20 below them. They're going to be the final overseer
21 of that, but beyond that, a lot of the work can be
22 done prior to coming to their attention where they
23 could get a lot of the busy work out of the way
24 before it even comes to them. Finance, it will
25 still go to review to finance.

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1 and redesign, that is absolutely what he is doing
2 right now is making sure those controls are in place
3 as we move forward. And Adam is working with myself
4 and with our controller as well to ensure that those
5 are set up correctly moving forward.

6 CHAIR NOLET: And a part, only a part, but
7 a part of preparing for the '23 audit is with the
8 serious lack of internet controls, including in
9 Tyler, we don't have the records necessary to
10 support the ending balances in some cases.

11 That gets back to the delay in the ACFR
12 audit.

13 MR. MAGEE: Yes. Thank you.

14 CHAIR NOLET: Questions or comments for
15 Bobby or Adam on this one?

16 TRUSTEE TULLOCH: A question: In terms of
17 the workflows, the Munis, Tyler just used standard
18 workflows, but did we develop the workflows, or they
19 just tried to stick in some basic, simple, standard
20 workflows that have not really taken into account
21 the client's requirements?

22 MR. CRIPPS: No. Tyler's approach to an
23 implementation is actually they go from ground zero
24 up. They don't have any of kind of standardization
25 that they present to any kind of district, because

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1 What we've really done is we've taken a
2 system that is functioning, but we're discovering
3 ways to make it better within the system itself. So
4 instead of utilizing just maybe some workarounds or
5 this is kind of the way the process, the way we can
6 get it handled right now, I've taken those concepts
7 and we've developed them internally and designed
8 them in a way to make it more efficient.

9 So, we have a working system that we're
10 building to be more efficient now.

11 MR. MAGEE: I'd like to add one thing to
12 that, because as I had mentioned, I was working on
13 the items that happened prior to the system
14 assessment and redesign.

15 And so to echo Adam's comments and some of
16 the things that you and I and Adam have talked
17 about, yes, there were some items that were within
18 the system that we did not see proper internal
19 controls, and that was set up by some of the
20 previous staff that is no longer here. And we saw
21 some things that gave us cause for concern. And so
22 that is one of the items that I asked our controller
23 to immediately put a stop to and make sure that we
24 had proper internal controls in place.

25 And then as Adam completes his assessment

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1 they do -- the number of clients that they have,
2 it's kind of hard to standardize a process like
3 this. So they really rely on customer's knowledge
4 of how they want to operate to kind of work with
5 them hand in hand in that sense to build these
6 things.

7 TRUSTEE TULLOCH: That was my
8 understanding. So that's the normal way you always
9 do implementations: You do the 2B process flows to
10 make sure you get the workflows configured
11 correctly.

12 Are these changes, are they all just
13 configuration, is there any coding required?

14 MR. CRIPPS: No coding. It is really
15 configuration.

16 So Tyler has built a product to where it's
17 nothing coding, that the functions are there, and
18 then we just customize it to our needs. There are a
19 lot of things that we will never touch base on, and
20 it could be they're designed for a school district
21 or even like an air traffic control operation kind
22 of thing.

23 So there are some facets that we will
24 never touch on, but they are there. So we just make
25 sure we tailor it to what our needs are.

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1 TRUSTEE TULLOCH: Do we have a super user
 2 that can do the configuration or we're relying on
 3 Tyler?
 4 MR. CRIPPS: How it's actually been split
 5 up, that was another separation what Bobby was
 6 talking about. IT actually plays an integral role
 7 in this. They handle a lot of the systemality, the
 8 functionality, the processes and things like that,
 9 and I work with them, essentially, daily on this
 10 because they are making sure that they are taking
 11 care -- and it is a software product, so it is
 12 within their world completely.
 13 What finance is doing is now we are
 14 helping them make sure that what they are choosing
 15 and what they are selecting is appropriate. So they
 16 are the ones that are actually helping with the
 17 pushing the buttons, and we are helping with the
 18 direction of how to get to those certain areas.
 19 TRUSTEE TULLOCH: Excellent. Separation
 20 of technical and functional, the way it should be
 21 done in the first place.
 22 CHAIR NOLET: Any other discussion of D 4?
 23 TRUSTEE SCHMITZ: I just want to say thank
 24 you, Adam.
 25 I will express how disappointed I am in

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1 how this project has been implemented. As I had
 2 stated, I think three years ago, to try to do a
 3 major system conversion and ask people to do their
 4 day-to-day jobs and do a major system conversion is
 5 just not realistic. So here we are three years
 6 later, and we still don't have it implemented.
 7 I'm happy that now we have the resources
 8 and that we are making the modifications, and thank
 9 you for that.
 10 This is truly a lesson to be learned and
 11 to know with projects going forward that we can't
 12 approach significant technology conversion projects
 13 thinking that our existing staff has the capacity to
 14 handle it. It's no fault to staff in any way,
 15 shape, or form, it's just a matter of reality.
 16 As it relates to IT resources, will --
 17 once you get this up and running, will the resource
 18 demand on IT, will that diminish?
 19 MR. CRIPPS: Significantly. IT's role at
 20 that point, once we have what functionalities we
 21 need, the roles we need and things like that, it
 22 will really become like if we have any -- it'll
 23 become almost a part of like an onboarding process.
 24 If we have new employees come in, do they need any
 25 access levels? We'll have so many different

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1 functionalities built to where we can just
 2 appropriately give the resources to that employee
 3 that we need to.
 4 But as far as what capacity we will need
 5 IT in, it'll greatly diminish. It won't be where
 6 they're constantly in the back end or trying to fix
 7 something or review something for us like that.
 8 When it comes to any kind of errors or
 9 things like that when the system is fully
 10 functioning the way we want it to be, it actually
 11 could come down to Tyler support, which is
 12 inherently built into what we're paying for through
 13 our renewal services and things like, so we can rely
 14 on them through their ticket system and stuff like
 15 that.
 16 TRUSTEE SCHMITZ: Okay. So through this
 17 process of trying to get this Tyler system fully up
 18 and running, do you have adequate IT resources?
 19 MR. CRIPPS: Yes, I do believe so.
 20 TRUSTEE SCHMITZ: As it relates to just
 21 the implementation and going forward, are you also
 22 in the process of putting together documentation so
 23 that we have things documented for onboarding and
 24 providing access and standard operating procedures?
 25 MR. CRIPPS: Yeah. So a great thing about

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1 having experience as an end user and then also going
 2 through the implementation, the sessions and courses
 3 and things like that is I know where all the hidden
 4 gems are that Tyler keeps handy with the user
 5 manuals and all those types of things. They have a
 6 lot of information.
 7 It didn't get to point where we have to
 8 take time off of our desks while we're going through
 9 these processes to document it. There are several
 10 resources to where we can actually direct them to
 11 where they need to go. And it can get as detailed
 12 as the module specific, where, here, you work in
 13 this module and this is what you'll need to know, or
 14 if it's for a higher-level position, there's several
 15 resources we have for them.
 16 TRUSTEE SCHMITZ: Okay. But that is being
 17 documented and shared so that is, you know, HR
 18 brings people on, they've given the roadmap so that
 19 they know where the tools are that they need to
 20 access?
 21 MR. CRIPPS: Yes. Yes.
 22 As what's kind of ongoing right now, like
 23 what I'm talking about with the budget kicking off
 24 and things like that, there are sessions still with
 25 Munis that we're having. And each one of these is

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1 recorded, so as they're showing end users how to go
 2 through processes, there are recordings of this, and
 3 after each one, we actually ask for the user manual
 4 documentation, which we are keeping on our own
 5 internal shared drive.
 6 CHAIR NOLET: If there's any other
 7 discussion here, now's the time. Otherwise, we'll
 8 move off this topic. I just have one final closing
 9 remark.
 10 Adam, you're doing fantastic work and have
 11 a wonderful attitude in the face of some daunting
 12 odds. Thank you for your work.
 13 On to D 5.
 14 D 5. Verbal Report - Revised Timing of Audit
 15 CHAIR NOLET: Bobby, we've covered a lot
 16 of this, so maybe any comment you want to make to
 17 pull it together. I don't think at this juncture we
 18 need to talk about what formal report Davis Farr
 19 might be able to issue in the absence of us getting
 20 another extension. That will be a difficult lift.
 21 Fortunately, we have an audit committee meeting on
 22 the 17th, I believe, and we can address that
 23 subtopic at the time if we need to.
 24 MR. MAGEE: Yeah. For item number 5, I
 25 think the only thing I'd really like to add is that

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1 -- because we've talked about this quite a bit
 2 tonight, is that I will continue to work with the
 3 chair of the Audit Committee on all events
 4 progressing as they happen in realtime.
 5 As I mentioned, he and I frequently have
 6 discussions about where things are at. And I think
 7 it's important that he's in the loop so if any
 8 member of the Audit Committee would like
 9 information, he's got it at his fingertips.
 10 The actual timing of the audit, we will
 11 continue to work with the State on trying to find a
 12 mutually acceptable solution on what it is we can
 13 submit to them. I've already suggested to them that
 14 we submit our non-audited trial balance and other
 15 documentation that they may be interested in so that
 16 at least we can do our best to be in compliance with
 17 the law and keep this thing moving forward.
 18 What I will say is we have an entire team
 19 of people working on this, every single day, it is
 20 prior number one, and we will get through this.
 21 CHAIR NOLET: Any questions for Bobby on
 22 that one?
 23 TRUSTEE SCHMITZ: If the State and you
 24 come to some conclusion, will you be required to
 25 submit something, potentially, by January 31? And

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1 the reason why I'm asking is because if that's the
 2 case, we need to get something scheduled on the
 3 Board's calendar, I would assume.
 4 MR. MAGEE: Yes. That is unknown at this
 5 time. We are still trying to get that information.
 6 As Chris mentioned earlier tonight, we
 7 need to have a sitdown with the State again, and
 8 have myself, Chris, Davis Farr, and the State back
 9 in the room and having this ongoing discussions on
 10 what the State's expectations of us are, because as
 11 of right now, they've indicated to us that we need
 12 to get this done expediently, and we need to figure
 13 it out.
 14 I have shared with them that echo Trustee
 15 Tulloch's comments that I am not willing to send
 16 something that is incorrect, incomplete, and just
 17 flat-out wrong to the State in the interest of
 18 getting it done quickly. We have to get this done
 19 correctly.
 20 I am trying to find the balance there, and
 21 the State is aware of that. I've kept them in the
 22 loop. I talk to them every week about what we're
 23 doing to try to stay on track to the best of our
 24 abilities.
 25 CHAIR NOLET: Having said that, Sara, I

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1 think you should put something on the calendar
 2 because between around the 17th and the end of the
 3 month, there's likely going to be some challenging
 4 topics to cover with the Board. Obviously, the
 5 Audit Committee doesn't make these decisions.
 6 TRUSTEE SCHMITZ: Our meeting in January
 7 is the 10th and then the 31st. And so, you know,
 8 the 31st is putting the Board right up against the
 9 deadline.
 10 CHAIR NOLET: Our Audit Committee meeting
 11 is the 17th, which is really the perfect time in
 12 that month to cover this. Maybe we should see what
 13 we can do with the calendar.
 14 TRUSTEE SCHMITZ: Yeah, I'll put it on
 15 there as a placeholder.
 16 And did I hear you say that there are some
 17 procedures that you can't find from last year, and
 18 that you've requested it from Davis Farr and they
 19 don't have them either? Did I understand that
 20 correctly?
 21 CHAIR NOLET: All but the last part. They
 22 do have what we need. We don't have it, but given
 23 that they're auditors and their job is
 24 recordkeeping, they have them.
 25 TRUSTEE TULLOCH: It will be very

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1 interesting if the DOT officially tells us we've got
 2 to file something that we know is wrong.
 3 CHAIR NOLET: We wouldn't do it. What we
 4 would do -- I'm fast forwarding here, but what we
 5 would do is file something that we believe is
 6 correct, to the best of our knowledge and belief.
 7 If we knew there was an impending error that hadn't
 8 been corrected, then we wouldn't give them anything.
 9 TRUSTEE TULLOCH: Correct.
 10 MR. MAGEE: And, Trustee Schmitz, who will
 11 be Chair Schmitz in January, I will definitely keep
 12 you in the loop with any events that are progressing
 13 and whether this needs to be agendized by the Board,
 14 of course.
 15 CHAIR NOLET: Let's move on to D 6.
 16 D 6. Verbal Report - Whistleblower Policy
 17 CHAIR NOLET: I think Erin's with us, I
 18 just don't see her in the windows. Erin are you
 19 there?
 20 She's not with us. We had talked about
 21 this. I met with her a week or two ago, and then we
 22 have calendars that have invites on them and stuff,
 23 but I did ping her and she didn't respond. So maybe
 24 something's come up.
 25 TRUSTEE TULLOCH: She was logged in as

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1 Susan Herron.
 2 CHAIR NOLET: Erin, you are with us?
 3 MS. FEORE: Sorry about that.
 4 Just quickly, I am going to have to hold
 5 off or our comment regarding the item that is on the
 6 agenda. I am working with or legal team to ensure
 7 that the process is done to the letter of the law.
 8 Mr. Nolet, I had sent you a couple of
 9 emails on this as well, just in the last half hour,
 10 so you may not have gotten them.
 11 CHAIR NOLET: Okay. So just to update me,
 12 then, because we sat together a couple weeks ago,
 13 there was a little more work to do and a little more
 14 legal and confidentiality to abide by before we can
 15 talk about this matter?
 16 MR. RUDIN: Yes. And, additionally, I've
 17 requested the human resources director notice the
 18 individual before we have any substantive discussion
 19 or meeting about this, in accordance with Open
 20 Meeting Law.
 21 CHAIR NOLET: Okay. Well, I understand.
 22 We'll move it to the agenda for the 17th.
 23 Has the general nature and scope of our
 24 findings changed materially, Erin?
 25 MS. FEORE: The investigation is completed

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1 and our findings are completed, but we do need to
 2 notice the individual just so that we're staying
 3 aboveboard here.
 4 CHAIR NOLET: Sergio, without mentioning
 5 any names, can I get a one-sentence, high-level
 6 summary of the outcome?
 7 MR. RUDIN: Not knowing what you're going
 8 to say, I'm going to go with no.
 9 CHAIR NOLET: Okay. Well, it's not going
 10 to -- the report on this matter is not going to
 11 captivate the energy of the community, so we can all
 12 relax the little bit. Let's leave it at that, then.
 13 We'll go on to the consent calendar, and
 14 then we'll look at the minutes.
 15 E. CONSENT CALENDAR
 16 CHAIR NOLET: Anybody have any comments on
 17 the minutes? We only have more meeting scheduled,
 18 and that's the 17th.
 19 MR. BRANDLE: I make a motion to approve
 20 the minutes.
 21 TRUSTEE TULLOCH: I'll second that.
 22 CHAIR NOLET: All in favor, aye.
 23 MR. BRANDLE: Aye.
 24 TRUSTEE TULLOCH: Aye.
 25 TRUSTEE SCHMITZ: Aye.

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1 CHAIR NOLET: Aye.
 2 Terrific. As I said, we've got one or two
 3 items we're carrying over to the calendar for the
 4 17th, including this next one in terms of finalizing
 5 it.
 6 F. GENERAL BUSINESS ITEMS
 7 F 1. Whistleblower Policy & Procedure
 8 CHAIR NOLET: Ray mentioned that the
 9 whistleblower policy, after a long period of
 10 gestation, became effective in January of 2023, I
 11 believe, and there were a lot of great work that
 12 went into it. More recently, most of us have had a
 13 few thoughts that could make it better, not
 14 materially better, but better.
 15 And I should tell the community: I
 16 continue to get items on the whistleblower hotline.
 17 I probably have around a dozen right now, two or
 18 three of which really didn't qualify, so they were
 19 just forwarded to staff for review. But I'd say
 20 there are a dozen items. Three of the most
 21 significant items have been satisfactorily resolved
 22 as previously reported.
 23 But Sara is leading the charge here with
 24 some additional edits. And I should also say we
 25 even got some community input that, on the margin, I

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1 think make the policy better. So we've reflected
 2 those in this discussion tonight.
 3 TRUSTEE SCHMITZ: Why this document is
 4 dated the way it is is that when I started working
 5 on this, Heidi was unable to provide me the Word
 6 document that was approved in January of this year.
 7 I was only the provided the PDF.
 8 The document did not change at all. The
 9 document had been sitting for a very long time
 10 because our prior board wouldn't -- didn't approve
 11 it. So to deal with the issue, we reverted back to
 12 a version, but there were no changes to it. And I
 13 believe that now Heidi has located the actual Word
 14 document.
 15 So just to avoid any possible changes to,
 16 tweaks to, typos or what have you, I will make any
 17 proposed changes to that document. But, to my
 18 knowledge, I went through and reviewed it, and they
 19 are exactly the same document.
 20 The feedback that we received from Moss
 21 Adams is what really instigated making some
 22 modifications to this procedure and policy. One of
 23 the things that they pointed out is that it wasn't a
 24 policy and a procedure; it was just documented as a
 25 procedure. And their recommendation was to have a

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1 section of it being policy and then the procedures
 2 being clearly delineated.
 3 So one of the changes that was made was
 4 just to change the name of it, that's the policy and
 5 the procedure, and then to break it into two parts
 6 being just that: policy and procedure.
 7 So some of the language at the beginning
 8 that is redlined, it's just been moved because it
 9 pertained to the procedure, and it was moved down
 10 below. And there were some minor changes stemming
 11 from the Moss Adams' recommendation as being a bit
 12 more specific on what are the types of misconduct.
 13 And while they wanted some more
 14 specificity as it related to law, when I discussed
 15 this with legal counsel, their recommendation was to
 16 leave the language as misconduct with Item B,
 17 meaning where it states "violations and suspected
 18 violations of federal, state, and local laws,"
 19 without adding more specificity to give us the most
 20 open and thorough policy that we could have.
 21 Down in the sections below, we clarified,
 22 this is in section 2.2, and in 2.2, we added things
 23 to be very clear about what the email address is to
 24 be used, and we worked with IT to assure that
 25 anything that is sent to auditcommittee@ivgid.org is

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1 automatically routed to the Audit Committee chair
 2 and to general counsel so that that's a stopgap so
 3 that things are not missed. We've got at least two
 4 eyes on any particular report.
 5 CHAIR NOLET: And, Sara, that's been
 6 tested a few times.
 7 TRUSTEE SCHMITZ: Yes, it has.
 8 And the reason for it is just because in
 9 the past, it didn't have that level. And so we've
 10 done a lot of testing to make sure that the
 11 anonymous submissions and the emails, that they're
 12 being handled and routed appropriately.
 13 Some of the other suggestions that are
 14 included here were just some additional
 15 clarification. And I know that Chair has some
 16 recommendations or some things he wanted to talk
 17 about. But the bottom line is these edits and
 18 changes were made to address the recommendations
 19 identified in the Moss Adams report.
 20 I'll take any questions or suggestions.
 21 CHAIR NOLET: Ray, you might have had
 22 something you wanted to share.
 23 TRUSTEE TULLOCH: Yeah, a couple of
 24 suggestions, couple of changes, Sara.
 25 One thing I think we should stress and I

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1 think we should highlight what the whistleblower
 2 policy and procedure applies to, because there seems
 3 to be ongoing confusion in the community that this
 4 can be used for HR complaints and things. It's
 5 specifically not designed to replace the HR
 6 processes.
 7 TRUSTEE SCHMITZ: And it actually
 8 stipulates that in here.
 9 TRUSTEE TULLOCH: We should probably bold
 10 it there. I'm making the point for the community
 11 because we've heard it at Board meetings and Audit
 12 Committee meetings that, well, some people are
 13 afraid to file under the whistleblower because it's
 14 there --
 15 It's not. It's anonymous, and it's not
 16 designed to deal with personnel issues.
 17 TRUSTEE SCHMITZ: Right.
 18 And the other thing that's come up in
 19 public comment is that there seems to be some
 20 perception that employees are going to the Audit
 21 Committee chair, and that's not the case at all.
 22 If you look at section 2.1, it gives
 23 employees, volunteers, trustees options for who and
 24 how they could have their concerns addressed. So it
 25 lays out a multitude of options, including going to

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1 the director of HR, going on to the chair of the
 2 Board.
 3 So it's not as if the Audit Committee
 4 chair is the only way or the only place that things
 5 go to be handled. The organizational structure is
 6 ultimately for internal staff, that's ultimately the
 7 most desirable, but if people, if employees are not
 8 feeling comfortable, it's laying out different
 9 options that the employees might have available to
 10 them if they encounter a concern and wanted to have
 11 it addressed.
 12 CHAIR NOLET: And non-employees as well.
 13 TRUSTEE SCHMITZ: Yes.
 14 CHAIR NOLET: I would say, just to give
 15 those listening a sense, of the dozen I've received,
 16 I'd say one was really right down the narrow path of
 17 HR, you know, my boss is really mean to me, and that
 18 kind of thing. Those get dispositioned over to HR
 19 after some dialogue.
 20 But most everything else has been
 21 reasonably within what we would hope to see on the
 22 whistleblower line.
 23 TRUSTEE SCHMITZ: The other thing that I
 24 think there was some confusion about is the
 25 management of the log. And so I've discussed this

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1 that, but, yeah, we have them.
 2 TRUSTEE SCHMITZ: And the intention here
 3 is that whistleblower is part of the Audit Committee
 4 charter. If changes are to be made, they typically
 5 would come to the Audit Committee to review those
 6 proposed changes and to make a recommendation to the
 7 Board of Trustees for any amendments.
 8 So that's really what we're doing here
 9 today.
 10 CHAIR NOLET: So there will be -- for the
 11 17th Audit Committee meeting, there will be a final
 12 markup that the community can review before we
 13 recommend to the Board.
 14 TRUSTEE TULLOCH: I think that's a very
 15 important point, Sara, because when we submitted to
 16 the Board in the past and the Board sent it back for
 17 rewrites, asked the Audit Committee to review and
 18 change certain things, that is the correct process.
 19 The Board does not write the policy; the
 20 Board approves it or otherwise.
 21 TRUSTEE SCHMITZ: I will not be available
 22 for your Audit Committee meeting on the 17th, but
 23 I'm happy to take ownership of getting all of the
 24 edits that we want made here tonight and get those
 25 incorporated into an agenda item for all of you to

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1 and reviewed this with both Chair Nolet and interim
 2 General Manager Bandelin, and that is each are to
 3 keep logs for themselves, but if the Audit Committee
 4 chair receives an issue that should and could be
 5 handled by the interim General Manager, he delegates
 6 that.
 7 And so there is a working relationship as
 8 it relates to whistleblower complaints, the Audit
 9 Committee chair and the General Manager or the
 10 interim General Manager. So we have had an element
 11 of clarity as to how the process works as well.
 12 So this is something new, and with anytime
 13 you have something new, you have some learning curve
 14 associated with it. But I think that the
 15 recommendations caused us to take a closer look and
 16 to test some things and to sort of walk -- step some
 17 things through the process.
 18 It's been a good exercise, and I think
 19 it's allowed us to have a document that's clear and
 20 have clear understanding between the chair and the
 21 General Manager.
 22 CHAIR NOLET: I would just add, finally,
 23 I'm happy to report both myself and Mike Bandelin
 24 have logs. They're populated. They're operating
 25 and they're working as designed. Little slow on

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1 discuss on the 17th, and then I will put it on the
 2 Board's agenda for review and possible approval on
 3 the 31st.
 4 CHAIR NOLET: Okay. Super. Maybe we'll
 5 ask Vito to become the deputized owner for purposes
 6 of the 17th. We'll take that up later.
 7 TRUSTEE SCHMITZ: Are there other
 8 recommendations for changes or enhancements?
 9 CHAIR NOLET: The three -- and they're
 10 all, you know, they make it better but they're not
 11 fundamental -- of those you had, the ones I
 12 submitted, Ray's going to send you a couple of
 13 things.
 14 TRUSTEE SCHMITZ: You're going to send to
 15 me separately, and I'll incorporate those?
 16 TRUSTEE TULLOCH: Yeah. Just a couple of
 17 redline suggestions.
 18 TRUSTEE SCHMITZ: If that's all right with
 19 the chair that I handle it that way, I'm fine with
 20 doing it that way.
 21 CHAIR NOLET: Perfect.
 22 TRUSTEE SCHMITZ: I'll have it for all of
 23 you to do with it as you will on the 17th.
 24 CHAIR NOLET: Okay. I think that wraps up
 25 D 6 -- excuse me -- F 1, rather.

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1 G. LONG RANGE CALENDAR

2 CHAIR NOLET: Long range calendar review,

3 we've got one on the 17th, we've got a couple items

4 carried over from this meeting, the whistleblower

5 item that we just discussed. Obviously, that's

6 going to be a very substantive discussion around

7 where we're at with the ACFR audit, the forensic due

8 diligent audit, and where we're at with the State

9 Department of Taxation on giving them something

10 that's appropriate at the time.

11 Any other comments on that?

12 TRUSTEE SCHMITZ: I would like to just

13 offer another agenda item for the 17th, since I

14 won't be there.

15 One of the things that we have been

16 discussing is meeting minutes. And our new District

17 Clerk has a style and approach to meeting minutes

18 that this committee might enjoy. And I'd like to at

19 least put on the agenda to have a review and a

20 discussion of what she -- what her format is for

21 this committee to determine whether they like to

22 have her move forward with the meeting minutes or if

23 we're going to continue to have the court reporter,

24 which is much more of a verbatim-type of

25 meeting minutes.

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1 CHAIR NOLET: Yeah. Totally agree. We'll

2 add it to the 17th.

3 TRUSTEE SCHMITZ: Thank you.

4 CHAIR NOLET: Great. If there's no other

5 business, that takes us to H.

6 H. PUBLIC COMMENTS

7 MR. DYKSTRA: Jim Dykstra, 564 Bronco

8 Court.

9 Again, I offered my services because I

10 think this is kind of amazing that, from what I can

11 see, we're not going to have a clean audit report

12 for six months. So basically it's going to be

13 a year after the end of the year, because we've got

14 the forensic audit that's going to take four to six

15 months, the current auditor won't give a clean

16 opinion until that's a done.

17 And I think you really need to take a hard

18 look at that because you have an A credit rating

19 right now, I believe, and not having a clean audit

20 opinion until a year after the close is not the

21 characteristics of an A credit rating.

22 And you can probably still get reinvolving

23 fund debt once you have an audit opinion, but right

24 now you're shut out from bank markets, public

25 markets, anywhere you wanted to go to get credit

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1 beyond State Revolving Fund, which is primarily

2 bureaucrats. And probably even they are going to

3 need to have a clean audit report in their file.

4 Now, the existing debt, you haven't really

5 talked about how we deal with that. We're going to

6 go into default on all of that. And, I mean, has

7 anyone read the terms of those agreements? Usually

8 you get a 30-day grace period, and then they can

9 call the debt in if they want.

10 So I really again think you gotta take a

11 look at what are these items that lead you to think

12 we need a forensic audit, and how do they impact the

13 financial statements. Because not getting a clean

14 audit opinion for a year, oh, you're feeling like

15 you're just going to get the State to go along, what

16 can they do, but there's other people who will just

17 say, we don't want to work with you, we don't know

18 what's going on over there.

19 This is not normal. Okay? And again, I

20 offer my help. Have didn't have time to go through

21 my whole résumé, but if you see, I have vast

22 experience in this area.

23 And the fact that this is basically not

24 being resolved is amazing to me. There still was no

25 discussion, is the trial balance now in balance?

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1 What accounts aren't reconciled yet and ready to be

2 audited?

3 CHAIR NOLET: Go ahead and finish your

4 public comment and I can respond in part.

5 MR. DYKSTRA: I guess what I'm basically

6 telling you is if I was on the committee, and I'm

7 glad I'm not, six months would not be acceptable to

8 me. I would be looking for other ways to fix this,

9 because it's going to kill your credit rating, it's

10 going to shut you out of debt markets, it's going to

11 hurt the reputation of the District tremendously.

12 We need to get this resolved expeditiously. And the

13 thing that's going to stand in the way is this

14 forensic audit.

15 And so you really got to take a hard look

16 at what are those items and talk with the external

17 auditor of what could make them comfortable on these

18 items which may involve doing the forensic audit,

19 having them doing extra work in there, having them

20 do part of it, or having something else.

21 But you really just can't go a year to get

22 a clean audit opinion.

23 CHAIR NOLET: Thank you. I'll just make a

24 couple comments, as I'm apt to do in realtime.

25 We've given massive serious consideration to all the

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1 factors you listed and more. And having been doing
2 nothing but this kind of thing for 43 years, I've
3 seen a whole myriad and challenges and problems.
4 There are few things that are -- there are
5 few factors that can be managed and we're managing
6 those, like the scope of the forensic audit. We
7 hope it's not six months, and we do hope that when
8 both audits are done, it is a clean opinion from
9 Davis Farr.
10 But we have a number of issues that go
11 back quite a ways with respect to the financial
12 statements and some of the processes. If you listen
13 to the Board meetings or to Audit Committee meetings
14 you'll know that capital, in general, has been a
15 sore spot with very poor, almost nonexistent
16 internal controls.
17 And you heard Trustee Tulloch, for
18 example, say, We're not singing off on financials
19 anymore.
20 We didn't sign off on them in '21. The
21 Board, there was a sign-off in '22. We probably
22 didn't know how bad they were.
23 I can tell you, personally, I've spent
24 almost three years in these topics now, and I've met
25 with Paul Navazio dozens of times before he left.

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1 MR. DOBLER: This is Cliff Dobler.
2 I just want to make a realistic view on
3 things. I'm 75 years old, I've been working with
4 companies that have been busted for over 30 years or
5 40 years. One of the most important things is to
6 start to have some truth and also some reality of
7 what we're doing.
8 Now, when Magee turns around and doesn't
9 have a signed contract with the forensic auditor,
10 and then he turns around and says it's four to
11 six months before they'll be done and then it goes
12 to Davis Farr, you're looking at six months. So why
13 do we want to say, well, let's cross our fingers and
14 hope for 45 days? That's just unrealistic. What
15 we're trying to do is we're trying to put lipstick
16 on a pig. Okay? So why don't we just be honest
17 about this whole thing. This is a mess.
18 When I was on the Audit Committee, and I
19 think Ray will agree with me on this, we went
20 through the Dillon's Rule, we did not agree with the
21 lawyer at all, he said everything was incidental,
22 which we don't believe, we didn't believe. But the
23 Board had to take that because we didn't -- Sara's
24 group didn't have control of the Board. You had to
25 accept that stupid opinion by this lawyer that

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1 And the state of disrepair that he and Marty
2 Williams left this financials in is -- it's almost
3 like you can't describe it. It's so widespread and
4 so fundamental it's breathtaking. It's taking some
5 time to work out.
6 We're not getting them down to the penny.
7 We're going to do financials that are fairly stated
8 in all material respects, but we're not there yet.
9 And you heard earlier, some of the revenue and
10 deferred revenue subledgers are in an area that's
11 still open. You asked what's open, that's one big
12 example. Cash bank recs were just recently closed.
13 The team's making great progress. We'd
14 love to keep the forensic due diligence audit at 60
15 to 75 days, and we can hope to get the Department of
16 Taxation there without a heavy lift, but those are
17 all the things that are being worked.
18 We've had extensive conversations with our
19 outside ACFR auditor about what they can and can't
20 do and when they can and can't do it. It would be
21 inappropriate to ask them to take any part of the
22 forensic work, so we haven't.
23 But I hear you. We're on the same page
24 with you.
25 MATT: We have one caller on Zoom.

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1 should have been ousted a long time ago.
2 So now you got this Dillon's Rule, and the
3 biggest thing has to do with the idea that this
4 foundation, the ski foundation is somehow a
5 subcontractor of IVGID is totally ridiculous.
6 Then you turn around -- and I think the
7 most important thing is that we have all these new
8 policies and procedures that we're doing, hard work
9 by Sara, a tremendous amount of work, but the
10 management isn't paying any attention to them at
11 all. So, therefore, what do you do? They bring
12 them to you, something to approve, they haven't
13 followed the policies, so, therefore, you don't want
14 to reject it because you would like to get something
15 done. Maybe we ought to put a pair of shoes on it
16 sometime. You have no training, you have no
17 nothing. You have a completely broken system.
18 So why don't we turn around and instead of
19 saying keeping our fingers crossed, veto, and get
20 down to the facts that you have a horrendous task
21 ahead of you before you can even get functionally
22 running. And that's all I have to say.
23 Become realistic. The State isn't going
24 to get an audit until June next year. Period.
25 And then after the forensic audit is done,

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1 you can bet Davis Farr is not going to give a clean
 2 opinion. And that's just 75 years of -- well, take
 3 away 20 years when I was a kid, 55 years of
 4 experience. I just don't like this idea, it's like
 5 a slow bleed all time. This, well, we're working on
 6 it, we're getting there, we're getting there.
 7 We're not getting anywhere. Okay? We're
 8 getting there, but we're getting there very slowly.
 9 So why don't we say we can only do so much and this
 10 is what it's going to take.
 11 (Expiration of three minutes.)
 12 MATT: That was our final public comment
 13 on Zoom.
 14 CHAIR NOLET: Cliff, you and I discussed
 15 this fairly often. I have to say, for the record, I
 16 categorically disagree, and you're unqualified to
 17 make about 70 percent of those representations. We
 18 can pick that up over coffee at a later date.
 19 Any other public comments?
 20 MATT: No, Chair, that was the last public
 21 comment.
 22 CHAIR NOLET: I'm going to make one real
 23 quickly. In response to some social media that I've
 24 seen lately, I just want to make everybody aware of
 25 the fact that the Audit Committee positions are

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1 unpaid. And for the trustees, there's no
 2 incremental stipend, so they're also unpaid in this
 3 regard.
 4 Two, we did advertise to fill the fifth
 5 slot in the fall. Given the circumstances that
 6 we've all been discussing tonight, no surprise,
 7 there were no takers. We now have one or two
 8 volunteers, based on tonight's dialogue, and we'll
 9 carefully review those opportunities.
 10 But I would say, given how hard so many
 11 people are working and how the state of affairs when
 12 a number of people walked out of here last June and
 13 July, I'm not really fond of the social media
 14 comments that are calling this situation and the
 15 Audit Committee's operation "trash," "rot,"
 16 "laziness," and that the seats that we're filling
 17 are filled with incompetence.
 18 It's hardly the case. I've studied IVGID
 19 for a long time. We've never had a stronger Audit
 20 Committee and more a more open-minded set of
 21 trustees and leadership with Mike Bandelin. So it
 22 would be helpful to the committee and to some of
 23 these processes if we could tone this stuff down.
 24 If you're not steeped in the subject, maybe you
 25 shouldn't comment on it quite so vigorously.

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1 Any other comments before we adjourn?
 2 TRUSTEE SCHMITZ: I would just like to --
 3 I don't know about the social media posts, but on a
 4 similar vein, I think that the organization, Bobby's
 5 team and Bobby's interest and willingness to step
 6 up, do what's right, confront a really difficult
 7 situation, it is been commendable. And as well as
 8 Mike Bandelin being supportive of all this and the
 9 Board.
 10 This has been a bigger mess than any of us
 11 had really perceived, and I'm grateful that Bobby
 12 has come in and he's helping us to shed a lot of
 13 light in areas where we have been completely in the
 14 dark on.
 15 So I think that the work that's being done
 16 is commendable, and the efforts that are being put
 17 forth are also commendable.
 18 CHAIR NOLET: Ditto.
 19 I. ADJOURNMENT
 20 CHAIR NOLET: If there's no other
 21 business, I'm going to adjourn the meeting. Thanks,
 22 everybody.
 23 (Meeting ended at 5:40 P.M.)
 24
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1 STATE OF NEVADA)
 2 COUNTY OF WASHOE) ss.
 3
 4 I, BRANDI ANN VIANNEY SMITH, do hereby
 5 certify:
 6 That I was present on December 20, 2023,
 7 at the Audit Committee Public Meeting, via Zoom, and
 8 took stenotype notes of the proceedings entitled
 9 herein, and thereafter transcribed the same into
 10 typewriting as herein appears.
 11 That the foregoing transcript is a full,
 12 true, and correct transcription of my stenotype
 13 notes of said proceedings consisting of 72 pages,
 14 inclusive.
 15 DATED: At Reno, Nevada, this 25th day of
 16 December, 2023.
 17
 18 /s/ Brandi Ann Vianney Smith
 19
 20 BRANDI ANN VIANNEY SMITH
 21
 22
 23
 24
 25

CHAIR DENT: [1]
20/13

CHAIR NOLET: [63]
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work [43] 6/4 6/12 6/12
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workarounds [1] 38/4
worked [4] 12/7 27/20
 54/24 66/17
workflow [1] 37/13
workflows [10] 33/23
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working [25] 13/18
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would [47] 4/11 5/6 8/1
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write [1] 59/19
writing [3] 10/13 10/23
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yeah [9] 4/17 20/13
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64/3 64/9

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Zoom [7] 1/10 1/12
9/17 12/15 66/25 69/13
72/7
Zooming [1] 4/10

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 16

Invoice Date: December 25, 2023

Payment Due: January 20, 2024

Amount Due (USD): \$782.00

Items	Quantity	Price	Amount
Appearance fee December 20, 2023, Audit Committee meeting	1	\$350.00	\$350.00
Per page fee December 20, 2023, Audit Committee meeting	72	\$6.00	\$432.00

Subtotal: \$782.00

Total: \$782.00

Amount Due (USD): \$782.00

IVGID AUDIT COMMITTEE

REQUEST TO SPEAK/PUBLIC COMMENT FORM

Audit Committee Meeting of December 20, 2023

Please print legibly when completing the information below.

Turn in your request to speak/public comment form to Heidi White, **District Clerk** prior to the beginning of the meeting to ensure your opportunity to speak/comment.

THANK YOU FOR COMING TO TODAY'S MEETING!

NAME: JIM DYKSTRA

ADDRESS: 564 BRONCO COURT, INCOBNE VILLAGE, NV 89451

TELEPHONE #: 775-240-6912

E-MAIL ADDRESS: redtahoejime@gmail.com

WHICH OF THE FOLLOWING ITEMS DO YOU WISH TO SPEAK ON?

AGENDA ITEM	BRIEF AGENDA ITEM DESCRIPTION	Speak on (v)
B.	Public Comments	✓
H.	Public Comment	✓

IVGID AUDIT COMMITTEE

REQUEST TO SPEAK/PUBLIC COMMENT FORM

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THANK YOU FOR COMING TO TODAY'S MEETING!

NAME: Linda Kuhrs

ADDRESS: 625 Lariat Circle #1

TELEPHONE #: 650 740 5494

E-MAIL ADDRESS: _____

WHICH OF THE FOLLOWING ITEMS DO YOU WISH TO SPEAK ON?

AGENDA ITEM	BRIEF AGENDA ITEM DESCRIPTION	Speak on (v)
B.	Public Comments	
H.	Public Comment	

James Alan Dykstra, CPA Inactive Status

564 Bronco Court
Incline Village, Nevada 89451
Cell phone: (775) 240-6912
E-Mail: redtahoejim@gmail.com

SUMMARY

After working 30 years as a financial executive in some of the most responsible positions in the finance profession, including Controller and Chief Accounting Officer of a Fortune 500 company and CFO of a public company, retired and living at Lake Tahoe doing volunteer work, managing my financial investments, serving as Treasurer of the Board for Sierra Senior Services (Meals on Wheels), and kayaking, hiking, swimming, and sailing.

I have twice led teams to fix disastrous enterprise software implementations and prepare the Tahoe City Public Utility District and Standard Fruit Costa Rica for timely financial audits with no proposed audit adjustments.

PROFESSIONAL EXPERIENCE

7/2000 to 12/2011	Treasurer, Director of Accounting & Employee Services	Tahoe City Public Utility District Tahoe City, California
-------------------	-------------------------------------------------------	--------------------------------------------------------------

Responsible for all Finance, Human Resource, Computer Support and Insurance functions at this local government providing water, sewer, parks and recreation services in North Lake Tahoe. Completed 8 bank financings, managed the investment of District reserves, analyzed and developed solutions to reform the District's post-retirement medical benefits, participated in 10 successful labor negotiations, stabilized the District's enterprise computer software for the first time, settled many insurance claims, and oversaw the financial aspects of implementing metered residential water billing. Lead staff to the Finance Committee of the Board of Directors which required the explanation of complex pension, post-retirement medical benefit, and other governmental accounting, budgeting, financing and investment issues to the public and elected officials with very limited financial backgrounds. Frequently designed, prepared and presented financial analyses regarding investments, pensions, cost projections, financing options, and many other specialized analyses to the public and Board of Directors of this \$10 million revenue Special District.

9/1999 to 5/2000	Chief Financial Officer	HomeSeekers.com, Incorporated Reno, Nevada
------------------	-------------------------	-----------------------------------------------

Responsible for SEC reporting, preparing analyses for outside analysts and investors, projections, financial due diligence on acquisitions and investments, investment of company funds, accounting policies and procedures, back office accounting functions, payroll, banking and insurance at this real estate oriented internet start-up company.

12/1997 to 9/1999	Controller and Chief Accounting Officer	Dole Food Company, Inc. Westlake Village, California
-------------------	-----------------------------------------	---------------------------------------------------------

An officer of this Fortune 500 company, responsible for SEC reporting, worldwide accounting policy, and supervision of the Corporate staff preparing the financial consolidation, financial statements, budgeting, financial planning and general accounting for this \$5 billion worldwide enterprise. Regularly presented financial information and analyses to the Audit Committee and Board of Directors. Frequently discussed company results with outside financial analysts, investors and bankers. Traveled extensively to 5 continents reviewing the financial results and businesses of the company's numerous subsidiaries and conducting financial due diligence on acquisitions. Lead person in recovering \$130 million of insurance proceeds for Hurricane Mitch damages in Honduras when the insurance company's original estimate was \$12 million.

1/1983 to 3/1983	Intern Staff Accountant	Gregory & Yorke, CPA's
1/1982 to 3/1982	Intern Staff Accountant	Pomona, California

Prepared individual tax returns, payroll tax forms, compilations and a variety of other accounting tasks for this local firm full time for 2 winter quarters. Still graduated in 3 1/2 years.

PROFESSIONAL QUALIFICATIONS

Certified Public Accountant (California) - Inactive Status Passed all 4 sections of the uniform certified public accountants examination on the first attempt with no review course.

EDUCATION

Bachelor of Science in Business Administration, December 1983
Major - Accounting GPA - 3.86
California State Polytechnic University, Pomona
(The largest accounting program in the state of California at the time.)

Twice received the Accounting Department Outstanding Student Award, presented annually to outstanding students in the accounting department (checks included).

COMPUTER SKILLS

I have worked my whole career with Excel, Word, Access, PowerPoint, Lotus 123, Ami Pro, Professional Write, and various enterprise software packages, E-mail and the internet.

I want to address item F1 on the Agenda.

I suggest that it should be removed from the Agenda:

- a. The updated Whistleblower policy was adopted on January 11, 2023 by the Board of Trustees but it appears that the redlined version is from July of 2021.**
- b. Furthermore, the Board of Trustees is the body to approve any new policy. K The Audit Committee is the committee to make recommendations to the Board.**

I see you have a vacant position and you have my resume on file with the district so I am submitting my name for consideration today.

Thank you,

Linda Kahres

c.

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