The regular meeting of the Incline Village General Improvement District will be held starting at 6:00 p.m. on Wednesday, September 26, 2018 in the Chateau, 955 Fairway Boulevard, Incline Village, Nevada.

A. PLEDGE OF ALLEGIANCE*

B.1. ROLL CALL OF THE IVGID BOARD OF TRUSTEES*

B.2. ROLL CALL OF THE CANDIDATES FOR IVGID BOARD OF TRUSTEES*
   Tim Callicrate....Sara Schmitz....Bruce Simonian....Kendra Wong

C. PUBLIC COMMENTS* - Conducted in accordance with Nevada Revised Statutes Chapter 241.020 and limited to a maximum of three (3) minutes in duration.

Public Comment Advisory Statement – A public body has a legitimate interest in conducting orderly meetings. IVGID may adopt and enforce reasonable restrictions on public comment to ensure the orderly conduct of a public meeting and orderly behavior on the part of persons attending the meeting. Public comment, as required by the Nevada Open Meeting Law, is an opportunity for people to publicly speak to the assembled Board of Trustees. Generally, it can be on any topic, whether or not it is included on the meeting agenda. In other cases, it may be limited to the topic at hand before the Board of Trustees. Public comment cannot be limited by point of view. That is, the public has the right to make negative comments as well as positive ones. However, public comment can be limited in duration and place of presentation. While content generally cannot be a limitation, all parties are asked to be polite and respectful in their comments and refrain from personal attacks. Willful disruption of the meeting is not allowed. Equally important is the understanding that this is the time for the public to express their respective views, and is not necessarily a question and answer period. This generally is not a time where the Board of Trustees responds to directives Staff to respond. If the Chair feels there is a question that needs to be responded to, the Chair may direct the General Manager to coordinate any such response at a subsequent time. Finally, please remember that just because something is stated in public comment that does not make the statement accurate, valid, or even appropriate. The law mitigates toward allowing comments, thus even nonsensical and outrageous statements can be made. However, the Chair may cut off public comment deemed in their judgment to be slanderous, offensive, inflammatory and/or willfully disruptive. Counsel has advised the Staff and the Board of Trustees not to respond to even the most ridiculous statements. Their non-response should not be seen as acquiescence or agreement just professional behavior on their part. IVGID appreciates the public taking the time to make public comment and will do its best to keep the lines of communication open.

D. APPROVAL OF AGENDA (for possible action)

The Board of Trustees 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 Board of Trustees may make a motion to accept and follow the agenda as submitted/posted.

E.1. REPORTS TO THE IVGD BOARD OF TRUSTEES*

“What it means to be a member of the POOL/PACT” presented by the Nevada POOL/PACT Chief Operations Officer Mike Rebaleati

E.2. DISTRICT STAFF UPDATES*

1. Verbal Update – Golf Season to Date – Director of Golf Michael McCloskey
2. Verbal Update – Culvert Project – Principal Engineer Charley Miller

F. GENERAL BUSINESS (for possible action)

G. DISTRICT STAFF UPDATE (for possible action)

1. General Manager Steve Pinkerton – pages 4 - 23

H. APPROVAL OF MINUTES (for possible action)

1. Regular Meeting of August 27, 2018 – pages 24 - 108

I. REPORTS TO THE IVGID BOARD OF TRUSTEES*

1. District General Counsel Jason Guinasso (to include a verbal status report on the IVGID Code project)

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

K. CORRESPONDENCE RECEIVED BY THE DISTRICT*

L. PUBLIC COMMENTS* - Conducted in accordance with Nevada Revised Statutes Chapter 241.020 and limited to a maximum of three (3) minutes in duration; see Public Comment Advisory Statement above.
M. REVIEW WITH BOARD OF TRUSTEES, BY THE DISTRICT GENERAL MANAGER, THE LONG RANGE CALENDAR (for possible action) – pages 130 - 131

N. ADJOURNMENT (for possible action)

CERTIFICATION OF POSTING OF THIS AGENDA

I hereby certify that on or before Wednesday, September 19, 2018 at 9:00 a.m., a copy of this agenda (IVGID Board of Trustees Session of September 26, 2018) was delivered to the post office addressed to the people who have requested to receive copies of IVGID's agendas; copies were either faxed or e-mailed to those people who have requested; and a copy was posted at the following seven locations within Incline Village/Crystal Bay in accordance with NRS 241.020:

1. IVGID Anne Vorderbruggen Building (Administrative Offices)
2. Incline Village Post Office
3. Crystal Bay Post Office
4. Raley's Shopping Center
5. Incline Village Branch of Washoe County Library
6. IVGID's Recreation Center
7. The Chateau at Incline Village

/s/ Susan A. Herron, CMC
Susan A. Herron, CMC
District Clerk (e-mail: sah@ivgid.org/phone # 775-832-1207)

Board of Trustees: Kendra Wong, Chairwoman, Tim Callicrate, Peter Morris, Phil Horan, and Matthew Dent.

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 Board of Trustees 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. Copies of the packets containing background information on agenda items are available for public inspection at the Incline Village Library.

IVGID'S agenda packets are now available at IVGID's web site, www.yourtahoeplace.com; go to "Board Meetings and Agendas". A hard copy of the complete agenda packet is also available at IVGID's Administrative Offices located at 893 Southwood Boulevard, Incline Village, Nevada, 89451.

*NRS 241.020(2) and (10): 2. Except in an emergency, written notice of all meetings must be given at least 3 working days before the meeting ... 10. As used in this section, "emergency" means an unforeseen circumstance which requires immediate action and includes, but is not limited to: (a) Disasters caused by fire, flood, earthquake or other natural causes; or (b) Any impairment of the health and safety of the public.
MEMORANDUM

TO: Board of Trustees

FROM: Steven J. Pinkerton
General Manager

SUBJECT: General Manager’s Status Report
Prepared for the meeting of September 26, 2018

DATE: September 19, 2018

Financial Transparency


Through the second month of the new Fiscal Year, District-wide revenues are $422,995 ahead of projected budget and District-wide operating uses at $460,816 below projected budget.

Also a reminder that the Month and Year Ending June 30, 2018 (Pre-Audit) is now posted as well. As June 30 is the end of the Fiscal Year, these financials provide the final pre-audit numbers for the 2017-18 Fiscal Year.

The Financial Transparency page also includes the Capital Improvement Expenditures and Debt Service Expenditures for the Three Quarters Ending March 31, 2018. This is available by clicking on the Capital Improvement Projects icon on the page.

Also, as noted for the last seven months, the Capital Improvement Project Expenditures for the Year Ending June 30, 2017 is posted in the Capital Improvement Projects section of the Financial Transparency page. This is the information that was presented at the October 25, 2017 Board of Trustees Meeting.

Venue Status Reports

Just a reminder that Venue Status reports are available on a monthly basis for key venues and operations. Reports are prepared for Public Works, Parks & Recreation, Finance/Accounting, Risk Management, Human Resources and Ski and Golf when they are in season.
These reports are used to provide the Board of Trustees and the community with a summary of the activities for each venue, including significant expenditures performed under the General Manager’s authority. For example, the Public Works status report for June notes that two construction contracts were issued that month valued between $17,191 and $51,100. The July report notes that no additional contracts were issued for that month.

In addition, it provides real time updates of construction in progress. For example, the July Public Works Status Report provides detailed information on the three major projects currently underway. It notes the Original Contract Amount, Change Orders to Date, Current Total Contract Amount, Total Payments for Work Completed to Date, and Current Balance to Completion (including retainage).

The Finance/Accounting and Risk Management Status Report for July provides an update on the State of Nevada Sales Tax Refund in Washoe County and a number of other timely issues along with an update on the District’s cash investments. It also includes a discussion about additional updates to our account structure for 2019 in connection with our transition to Special Revenue Fund Accounting.

In addition, the June Finance/Accounting and Risk Management Status Report published the Notification to Spend for Fiscal Year 2019. In the past, we'd sent this as an email to the Board of Trustees. It is now in the Monthly Status Report so that it is available for public review.

The Venue Status reports are typically posted by the middle of each month and can be accessed on the District’s “Resources” web page.

**Bidding Opportunities**

The District’s “Resources” web page also includes a Bidding Opportunities link for businesses and the community.

Invitations to Bid, a quarterly update of projects awarded in excess of $25,000 in value since April 30, 2015 along with a link to pertinent Nevada Revised Statutes (NRS) code sections related to procurement and contracts are included in this section of the web page.

In addition, it includes a link to planetbids.com, which is where interested parties can search for District bid opportunities and review all bid documents. For recent bidding opportunities, it includes a list of prospective bidders and bid results.
Capital Projects Update

Effluent Export Pipeline Repairs

PICA has been onsite beginning September 10 to conduct confirmatory gauging test runs and comprehensive SeeSnake RFT evaluations. The tool has successfully made five runs to date and is passing previous obstructions without damaging critical components. Upon completion of the SeeSnake runs, PICA will complete analysis of the collected RFT data. This process will take eight to ten weeks and will provide the District with a comprehensive condition assessment of the evaluated pipeline Segments. This assessment provides critical information to the District about each individual pipe segment installed.

On-Call Crew Quarters

Work on the On-Call Quarters is substantially complete as of September 3, 2018. Staff are currently residing on-site.

Incline Park Ballfields Renovations

The project formally advertised for bids on April 27th with bid opening on May 24th. No bids were received. Staff has consulted with the project donor, as well as the bidders that had expressed interest in the project, and the project will be rebid in this fall with a construction schedule covering May through October 2019. Currently Staff is obtaining final structural and electrical design components on the scoreboard to simplify the construction documents, with the intent of reducing the overall construction bids.

Robert and Robin Holman Family Bike Park

The inaugural season for the bike park has been a popular success. Design work on the signage is the highest priority and currently underway. The District will continue to coordinate with the Incline Tahoe Foundation to fundraise for the second phase of the advanced pump track as well as irrigation and drinking fountains.

Diamond Peak Culvert Rehabilitation

The upper 400 feet of 60-inch Steel pipe slip-lining was completed September 8th. This is a huge milestone for the project as it was the element of the project with the most uncertainty and complexity. The steel pipe will now have grouting around the pipe to fill the annular space between the host pipe and steel pipe as
well as outside the host pipe to fill any void space. The steel pipe then receives a mortar lining. The focus now turns to the 36-inch and 72-inch HDPE open trenching. This is a much more straight-forward approach of pipe installation with high production rates. Currently we anticipate an October 15th substantial completion date.

Other Projects

A variety of smaller projects including picnic tables, an ADA ramp, and exterior improvements including new doors, windows and trim were all completed at Aspen Grove by the end of August. An insurance claim project on Championship Golf Course Maintenance building roof will be completed in the upcoming two weeks. Ongoing projects including the Recreation Center condensing units, Diamond Peak Base Lodge deck improvements, Snowflake roof replacement and the Public Works office reconfiguration are currently awarded and beginning construction.

Citizen Survey Tool

As we mentioned in previous updates, the District has amended its agreement with OpenGov to add their Open Town Hall citizen engagement platform to enhance our ability to receive feedback from the community.

This community survey tool is already used by Washoe County along with many other public agencies.

The District has issued two surveys to date and plans on issuing another survey shortly. This third survey will include questions about our beaches.

Washoe County Federal Lands Bill

On September 12, 2018, I sent you a letter from the Chair of the Washoe County Board of County Commissioners regarding the status of the Washoe County Economic Development and Conservation Act (also referred to as the Washoe County Federal Lands Bill).

The letter informed IVGID that they would not be able to include any of our parcels in their request for federal legislation.

In each case, the land was removed in part, due to opposition from the U.S. Forest Service. Washoe County did indicate that the Forest Service would be willing to entertain proposals for potential use of the parcels by IVGID, which has always been our understanding.
We will be following up with the Forest Service in the near future regarding potential opportunities for IVGiD to provide beneficial public use of the proposed parcels.

Pending Litigation

At our last meeting, District Legal Counsel disclosed that IVGiD was served with a summons and complaint initiated by Mark Smith requesting “Declaratory and Injunctive Relief and to Compel Disclosure of Public Records.”

The matter was referred to the POOL/PACT for coverage of legal costs to defend the District. Since the POOL/PACT coverage does not include defense of Declaratory Relief, the District was denied coverage.

Normally, District Legal Counsel would provide the District’s defense. Since District Legal Counsel was named in the action, we obtained outside legal counsel.

Thomas Beko of Erickson, Thorpe & Swainston successfully defended the District in a similar public records action in conjunction with the Katz lawsuit. Mr. Beko has been retained for this action as well.

BUILD Grant Letter of Support

On July 6, 2018, Board Chair Kendra Wong signed a letter of support for the Tahoe Transportation District’s (TTD) BUILD grant application for the next phase of the State Route 28 Shared Use Pathway.

As noted in the letter, IVGiD is one of 13 project partners, and is providing $300,000 in funding, via a January 2013 interlocal agreement with TTD (amended October 2014), for the current Environmental Analysis which is on track to be completed this year. (staff reports attached)

As we’ve noted many times in the past, we have been setting aside funding during this decade for the eventual replacement of our Effluent Pipeline which also is located along State Route 28. Co-locating our pipeline with the Bike Path would result in significant cost savings to the District’s rate payers.

Currently, the District’s replacement project is estimated to cost approximately $23 million. Co-locating with the bike path could create a cost savings of $7 million. This would save each ratepayer approximately $1,000. Getting the BUILD Grant would greatly increase the chances of funding for the bike path and therefore the District gaining significant cost savings via co-location.
Please note that the letter signed by Chair Wong (attached) simply is a letter of support for TTD’s application. It points out that IVGID has set aside funding for the Effluent Pipeline project which could be used as the project grant match. However, a careful reading of the letter will confirm that this letter does not create any binding commitment for IVGID to pledge any funds to the Grant. It is merely a letter of support.

**Mountain Course Clubhouse – Kitchen Fire**

As noted in the last update, the Mountain Course Clubhouse kitchen sustained major fire damage on August 11, 2018. In addition, due to the smoke damage throughout the facility, all areas of the building are being evaluated for potential mitigation.

Since that time, Staff and the POOL/PACT have been assessing the damage and determining the amount of the insurance claim for replacement of the portions of the building impacted by the fire.

Staff is considering what would be the appropriate operational structure for the building post fire.

We will be providing the Board of Trustees with monthly updates as we evaluate long term solutions for the future operation of the building.
M E M O R A N D U M

TO: Board of Trustees

THROUGH: Steven J. Pinkerton
General Manager

THROUGH: Joseph J. Pomroy, P.E.
Director of Public Works

FROM: Bradley A. Johnson, P.E.
Engineering Manager

SUBJECT: Authorize an Amendment to the Interlocal Agreement with the Tahoe Transportation District for Co-location of the IVGID Export Pipeline with the SR-28 Bikeway - 2014/2015 Capital Improvement Project: Fund: Utilities; Division: Sewer; Project # 2524SS1010

DATE: October 30, 2014

I. RECOMMENDATION

Staff recommends that the Board of Trustees makes a motion to authorize Staff to enter into an Amendment to the Interlocal Agreement between the Tahoe Transportation District and the Incline Village General Improvement District to provide up to $300,000 in IVGID funding to allow completion of preliminary design and environmental analysis for the co-location of IVGID's Export Pipeline with the SR-28 Bikeway.

II. BACKGROUND

At the January 9, 2013 meeting, the Board of Trustees authorized entering into an Interlocal Agreement with the Tahoe Transportation District (TTD) that allowed for the formal evaluation of the feasibility of co-locating the District's Export Pipeline within the alignment of the proposed bikeway running along the lake side of SR-28 between Sand Harbor State Park and the Junction of SR-28 and US-50 (see attached meeting minutes). The feasibility evaluation was completed and determined co-location is viable over the vast majority of the overlapping alignments. In the areas where co-location was determined to be less than ideal, due primarily to topography constraints, the Export Pipeline can
Authorize an Amendment to the Interlocal Agreement with the Tahoe Transportation District for Co-location of the IVGID Export Pipeline with the SR-28 Bikeway - 2014/2015 Capital Improvement Project: Fund: Utilities; Division: Sewer; Project # 25248S1010

-2- October 30, 2014

easily deviate from the non-viable bikeway alignment into SR-28 and then return to the bikeway when the topography is better suited for the pipeline.

The proposed Amendment for the existing Interlocal Agreement would allow the completion of the next steps of the project: completion of preliminary engineering and design and conducting the necessary environmental analysis of the proposed alignment to satisfy the National Environmental Policy Act (NEPA) and the Tahoe Regional Planning Agency (TRPA) requirements.

The proposed Amendment details the duties of each agency. TTD will hold all contracts and will be responsible for managing the design and environmental analysis process. IVGID will provide technical review and project management support.

Should TTD be able to secure funding for the final design and construction of the proposed SR-28 bikeway, District Staff estimates there will be substantial savings and long term operational and maintenance benefits by co-locating the pipeline within the bikeway. Depending on the total length of pipeline eventually replaced, the District could save upwards of $7,000,000 out of the estimated $23,000,000 total project cost via co-location and cost sharing with TTD over replacing the pipeline entirely within the SR-28 roadway.

III. FINANCIAL IMPACT AND BUDGET

The estimated cost of the proposed effort is $1,045,000. TTD will provide the first $745,000 of those costs and IVGID will be responsible for the remaining costs up to $300,000.

A total of $2,000,000 is included in the 2014/2015 Capital Improvement Program (CIP) Budget (see attached data sheet) and there is an additional $5,200,000 carried forward and available from previous years' CIP budgets.

IV. ALTERNATIVES

The Board can choose not to authorize the interlocal agreement amendment and direct Staff to exclusively pursue planning, design, and construction of the Effluent Export Pipeline in the State Route 28 corridor. However, in doing so, the District is backing out of a partnership opportunity that has the potential to provide the District substantial cost savings.
V. COMMENTS

TTD is scheduled to begin construction of the bikeway from Incline Village to Sand Harbor in Spring of 2015. The project received approval from TRPA in September 2014 and is fully funded. The District has already replaced the effluent export pipeline in this section of SR-28. The success of this first phase of bikeway along with the partnerships established to support it is encouraging for the next phase of bikeway that includes the pipeline co-location.

VI. BUSINESS IMPACT

This item is not a "rule" within the meaning of Nevada Revised Statutes, Chapter 237, and does not require a Business Impact Statement.
New York Post Times article which stated that Mr. Trump is buying up a lot of golf courses.

Aaron Katz congratulated the new Trustees and said that he has two issues to talk about – when a member of the community wants something on the agenda, they can’t get by the General Manager and that when he submitted an item, he received no response which is absolutely wrong. Mr. Katz continued that he made another request on November 26 and that he hasn’t heard anything about that and that he expects he won’t hear anything which is wrong. When any member of the community wants to come before the Board, it isn’t fair to pick and choose who can or can’t and that he has a written statement with a request. The second item is that there is unethical conduct going on by IVGID employees and it is going on right under the Board’s noses. It is unethical for a public employee to solicit expense allowance and/or accept it from a private source in addition to their public salary. This is a good provision and it is the law in Washoe County. He has a friend who was confronted not only with a tip jar but on their food receipt, there is a tip line. This is unethical conduct and yet the General Manager has made the representation that he can establish the policies so the fault lies with the General Manager and that a recent decision, by the Attorney General, says that we can’t go after them – it is wrong.

K. CONSENT CALENDAR (for possible action)

K.1. Interlocal Agreement with the Nevada Division of State Lands for Sale and Transfer of Coverage Owned by Incline Village General Improvement District (Requesting Member of Staff: Director of Public Works Joe Pomroy)

K.2. Interlocal Agreement with the Tahoe Transportation District for Initial Scoping for the Co-location of the IVGID Export Pipeline with the SR-28 Bikeway (Requesting Member of Staff: Director of Public Works Joe Pomroy)

Trustee Wolfe made a motion to approve the Consent Calendar items as submitted; Trustee Hammerel seconded the motion. Chairman Simonian called the question and the motion was unanimously passed.

L. GENERAL BUSINESS (for possible action)

L.1. Resolution 1814: A Resolution in Support of the Consolidated Tax Bill Draft Generated by the Interim Subcommittee to Study
MEMORANDUM

TO: Board of Trustees

THROUGH: William B. Horn
General Manager

FROM: Joseph J. Pomroy, P.E.
Director of Public Works

SUBJECT: Interlocal Agreement with the Tahoe Transportation District for Initial Scoping for the Co-location of the IVGID Export Pipeline with the SR-28 Bikeway

DATE: December 31, 2012

I. STAFF RECOMMENDATION AND PROPOSED MOTION

That the Board of Trustees makes a motion to:

1. Enter into an Interlocal Agreement between the Tahoe Transportation District and the Incline Village General Improvement District to complete the initial scoping for the co-location of IVGID’s Export Pipeline and the SR-28 Bikeway.

2. Authorize Chair and Secretary to execute the Interlocal Agreement based on a review by General Counsel and Staff.

II. BACKGROUND

The District’s effluent export pipeline transports treated wastewater from the District’s wastewater treatment plant to the disposal point at the District’s wetlands facility southeast of Carson City. This pipeline was constructed in the early 1970’s as part of a regional effort to eliminate all wastewater effluent discharges in the Lake Tahoe Basin. The effluent export pipeline has been in continuous service since that time and is comprised of five segments totaling approximately 20-
miles in length. Three segments (Segments 1-3), totaling approximately 12-miles, are located within the Lake Tahoe Basin.

As part of the original Effluent Export Project, the District replaced approximately 6-miles of 16-inch diameter effluent export pipeline in the Lake Tahoe Basin. This was accomplished in multiple phases (starting in 2006 and finishing in 2009) and included approximately 18,000-linear feet of Segment 1 (Incline Village to Sand Harbor) and 11,000-linear feet of Segment 3 (around Spooner Meadow). During planning and design of the first phase approximately 13,700-linear feet of Segment 3 and all 17,300-linear feet of Segment 2 were identified to be in good condition and were not identified for replacement. These pipeline segments are in the southbound shoulder of State Route 28 between Sand Harbor and Spooner Meadow.

In August of 2009, a pipe break within the un-replaced portion of Segment 3 washed out State Route 28. An investigation conducted by District staff and a District hired corrosion consulting engineer revealed areas of advanced corrosion on the damaged pipeline section indicating the un-replaced portions of the export line may be nearing the end of their service life and replacement of the remaining pipeline should be planned and budgeted.

At the January 5, 2011 meeting, the Board of Trustees authorized a preliminary engineering services contract with HDR Engineering to begin Phase II of the Effluent Export Project. The project was initially scoped to replace the two remaining sections within the Lake Tahoe Basin (a total length of approximately 6-miles). Segment 2 is comprised of approximately 17,300-linear feet of welded, cement mortar lined, high pressure steel pipe. The remaining 13,700-linear feet of Segment 3 is comprised of bell and spigot, cement mortar lined, low pressure steel pipe.

At the October 10, 2012 meeting, the Board of Trustees authorized an engineering services contract to evaluate and provide recommendations on pipeline condition assessment technologies for
Interlocal Agreement with the Tahoe Transportation District for Initial Scoping for the Co-location of the IVGID Export Pipeline with the SR-28 Bikeway

December 31, 2012

Segment 2, 17,300 linear feet of welded steel export pipeline, based on recently gathered data. As part of the construction of the Spooner Pumping Station Improvements Project this summer, a section of the high pressure welded steel pipe in Segment 2 was removed. The condition of this pipe section was better than anticipated and, if the section examined is representative of the condition of the rest of Segment 2, it could mean replacement of Segment 2 is not necessary in the near future. The contract also included additional engineering tasks for pipeline alignment, crossing of NDOT culverts and additional work zone analyses.

District staff for the last several years has been part of the Tahoe Transportation District (TTD) Project team that is analyzing the SR-28 corridor for improving transportation, parking, bikeways and access to the east shore of Lake Tahoe. A key part of this involvement has been direct discussions between TTD and District staff about the possibility of co-locating the effluent export pipeline with a new Bikeway on the east shore.

The Tahoe Transportation District was created by Congress in 1980 when the bi-State compact was amended. The agency is responsible for facilitating and implementing safe, environmentally positive, multi-modal transportation plans, programs and projects for the Lake Tahoe Basin, including transit operations. Specific tax revenue to support transit and transportation facilities can be allotted to the District. TTD may also acquire, own and operate public transportation systems and parking facilities serving the Tahoe region and provide access to convenient transportation terminals outside of the region.

The purpose of the Nevada Stateline-to-Stateline Bikeway is to provide non-auto transportation opportunities that link recreation areas, community centers, transportation facilities, and neighborhoods in the bikeway corridor to expand recreational access and transportation choices for residents and visitors to the Tahoe Basin. Separated bicycle facilities are not available along most of the Nevada side of Lake Tahoe. The bikeway would provide a spectacular recreation
Interlocal Agreement with the Tahoe Transportation District for Initial Scoping for the Co-location of the IVGID Export Pipeline with the SR-28 Bikeway

opportunity to link public beaches and coves along the picturesque east shore.

The alignment of the Bikeway from Sand Harbor State Park to Spooner Summit area essentially follows the alignment of the existing export pipeline. Therefore, a new Bikeway could provide a great opportunity for construction of the new export pipeline out of the NDOT SR-28 Right-of-Way and under the Bikeway. There are numerous advantages for operating and maintaining the pipeline under a bikeway as opposed to under the busy SR-28 corridor. This agreement will look at the feasibility of this idea.

The specific agreement details the duties of each agency. The TTD will be preparing preliminary alignment drawings for the Bikeway from the Secret Harbor Parking lot (approx 2 miles south of Sand Harbor) to Spooner Summit that could include the export pipeline along with providing an initial analysis of key environmental constraints, co-location feasibility, and performing a cost-benefit analysis. IVGID will provide technical review of the preliminary phase documents as well as provide pipeline design requirements to be included in the analysis.

The deliverable of the initial scoping phase is to determine if a co-location of the export pipeline and the Bikeway is feasible along a three mile stretch of SR-28. If the conclusion is that a co-location is feasible, then both agencies will work towards an extension of the agreement to pursue further design analysis efforts.

III. FINANCIAL IMPACT AND BUDGET

The TTD will pay for all costs associated with the scope of work to prepare the preliminary alignment and cost benefit analysis for co-location of the Bikeway and the export pipeline. The District will provide pipeline design criteria, review of documents, attendance at meetings and general assistance throughout the initial scoping phase.
Interlocal Agreement with the -5- Tahoe Transportation District for Initial Scoping for the Co-location of the IVGID Export Pipeline with the SR-28 Bikeway

December 31, 2012

We anticipate that District staff will engage HDR Engineering, the design engineer for the Export Pipeline Project since 2002, to provide review, analysis, and cost estimating for this effort. This contract is expected to be less than $25,000 and will be approved under staff authority.

IV. ALTERNATIVES

None.

V. BUSINESS IMPACT

This item is not a "rule" within the meaning of Nevada Revised Statutes, Chapter 237, and does not require a Business Impact Statement.

VI. COMMENTS

The Board can choose not to enter into the interlocal agreement and pursue planning, design and construction of the Effluent Export Pipeline in the State Route 28 corridor instead of co-location with the Bikeway.
As part of the original Effluent Export Pipeline Project, IVGID replaced approximately 6 miles of 16-inch Export Pipeline. These included approximately 18,000 linear feet (LF) in Segment 1 and 11,000 LF in Segment 3. During planning and design of the first phase approximately 12,700 LF of Segment 2 and all 17,300 LF of Segment 3 were identified to be in good condition and were not identified for replacement. In August 2009, a pipe break within the unreplaced portion of Segment 3 washed out State Route 28. Investigation of the leak by IVGID staff and an IVGID-hired corrosion consulting engineer revealed areas of advanced corrosion on the damaged pipeline section, indicating that unreplaced portions of the export line may be nearing the end of their service life. Replacement of the remaining pipeline should be planned and budgeted.

The proposed project, Effluent Export Pipeline Project - Phase II, will replace these two remaining sections within the Tahoe Basin (a total length of approximately 6 miles). Segment 2 is comprised of approximately 17,300 LF of welded, cement mortar lined, high pressure steel pipe. The remaining 13,700 LF of Segment 3 is comprised of bell and spigot, cement mortar lined, low pressure steel pipe.

The project will be completed over multiple years in a manner similar to the original Effluent Export Pipeline Project. Like Phase I, the export line will be replaced using open-cut construction, moving the pipeline to the center of the Southbound travel lane.

Project Justification

The effluent export line transports treated wastewater from Incline Village General Improvement District's (IVGID) wastewater treatment plant to the disposal point at the wetlands southeast of Carson City. This line was constructed in the early 1970's as part of a regional effort to eliminate all wastewater effluent discharges in the Lake Tahoe basin. The effluent export line has been in continuous service since that time. Approximately 6 miles of the line was replaced as part of the Effluent Export Pipeline Project - Phase I. Phase II will pursue the replacement of the remaining 6 miles of pipe within the Tahoe Basin.

The current Project Cooperation Agreement with the US Army Corps of Engineers will expire with the completion of the Phase I work. IVGID will look to enter into an expanded Project Cooperation Agreement with the US Army Corps of Engineers for 55% funding of all construction costs. The current political climate and financial issues in Washington D.C. make it unlikely that any future funding will be secured for this project. All grant funding has been removed for this project. IVGID will also place the project on the list for the Nevada State Revolving Loan Fund. Funding for this project will be the utility rates.
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July 6, 2018

The Honorable Elaine Chao
United States Department of Transportation
1200 New Jersey Avenue SE
Washington DC, 20590

RE: SR-28 Shared Use Pathway 2018 BUILD Grant Letter of Support

Dear Ms. Chao,

The Incline Village General Improvement District (IVGID) appreciates and supports the Tahoe Transportation District’s (TTD) BUILD grant application for the next phase of the State Route 28 Shared Use Pathway. We are a rural area that relies upon this critical infrastructure and we are consistently challenged with safety issues and congestion along the State Route 28 corridor of the Lake Tahoe Basin. This is a narrow two-lane highway with steep topography and traffic at peak season can be delayed for hours impeding commuters, visitors, and emergency response vehicles. Working together, the project partners set the goal of this multi-phased project to clear congestion, provide safe multi-modal access to Lake Tahoe’s east shore, provide road safety improvements, underground and replace 40-80+ year old utility infrastructure, and to control erosion along the highway shoulder in order to protect the highway and Lake Tahoe’s water quality.

Within this corridor, IVGID operates and maintains approximately 11.5 miles of underground pipeline that carries treated wastewater effluent out of the Tahoe Basin. This pipeline, originally constructed in 1970, is approaching the end of its service life. IVGID has replaced 5.5-miles of the pipeline to date and condition assessment activities have identified an additional 3.75-miles that must be replaced in the near future. Additional condition assessment of the final 2.25-miles is scheduled for the fall of 2018.

It is IVGID’s desire to relocate the replacement sections of pipeline to within the Shared Use Pathway as much as physically possible within the project area. As one of 13 project partners, IVGID is providing $300,000 in funding, via a January 2013 Interlocal Agreement with TTD (amended October 2014), for the current Environmental Analysis which is on track to be completed this year.

The entire length of the 3.75-miles of pipeline identified for near term replacement is located within the alignment of the proposed next phase of the SR-28 Shared Use Pathway. IVGID believes there is a tremendous opportunity to relocate the pipeline out of the narrow highway footprint and into the pathway alignment. Doing so eliminates future traffic congestion during normal pipeline maintenance, substantially reduces pipeline construction costs, and halves the duration of traffic impacting construction. Additionally, co-location would allow the installation of fire hydrants on the replacement pipeline to support the firefighting activities in the event of a wildland fire along the eastern shore of Lake Tahoe. IVGID has $7.5 million dollars available as a match for this BUILD grant to allow co-location and construction of the replacement 3.75-mile pipeline segment.
As you are aware, our small rural communities need assistance in replacing aging infrastructure. But just as important, this National Scenic Byway deserves our attention in providing the over 2.6 million motorists in this stretch a safe driving experience, the over one million visitors safe multi-modal access to their public lands, and to protect the water clarity of this national treasure, Lake Tahoe.

Sincerely,

Kendra Wong
Chairwoman
Board of Trustees
Incline Village General Improvement District
MINUTES

REGULAR MEETING OF AUGUST 27, 2018
Incline Village General Improvement District

The regular meeting of the Board of Trustees of the Incline Village General Improvement District was called to order by Chairwoman Kendra Wong on Monday, August 27, 2018 at 6:00 p.m. at the Chateau located at 955 Fairway Boulevard, Incline Village, Nevada.

A. PLEDGE OF ALLEGIANCE*

The pledge of allegiance was recited.

B. ROLL CALL OF THE IVGID BOARD OF TRUSTEES*

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

Also present were District Staff Members Director of Finance Gerry Eick, Director of Parks and Recreation Indra Winquest, Director of Public Works Joe Pomroy, Director of Human Resources Dee Carey, and Diamond Peak Ski Resort General Manager Mike Bandelin, and Communications Coordinator Misty Moga.

Members of the public present were Kaye Shackford, Joe Shackford, Pete Todoroff, Bruce Simonian, Wayne Ford, Susan Johnson, Claudia Andersen, John McNellis, Sara Schmitz, Charlotte Crole, Jim Crole, Jan Horan, Cliff Dobler, Steve Dolan, Bob Sendall, Jim Clark, Ellie Dobler, Geno Menchetti, Frank Wright, Tom Beko, Margaret Martini, Linda Newman, Andy Whyman, Eric Severance, Susan and Mike Pennacchio, and others.

(67 individuals in attendance at the start of the meeting which includes Trustees, Staff, and members of the public.)

B.2. ROLL CALL OF THE CANDIDATES FOR IVGID BOARD OF TRUSTEES*

On roll call, present were Trustee candidates Tim Callicrate, Sara Schmitz, Bruce Simonian, and Kendra Wong.

C. PUBLIC COMMENTS*

Linda Newman read from a prepared statement which is attached hereto.
Margaret Martini read from a prepared statement which is attached hereto.

Pete Todoroff said that most people that have come to his meeting remember the Nevada Highway Patrol (NHP) coming to the meeting and we posed questions about the bike path and Incline Village being a parking lot. Mr. Todoroff said he got a response from the NHP and he then read from it. The response is attached hereto.

Wayne Ford read from a prepared statement which is attached hereto.

Cliff Dobler read from a prepared statement which is attached hereto.

Sara Schmitz said that she is a candidate for IVGID Trustee and she said she had page numbers and suggestions as follows: (1) Strategic Plan - Principle 2 - nowhere does it say that finance needs to abide and adhere to the Board practices - if that could be added that would be terrific; (2) Related to legal counsel, not in accordance with Resolution 1480, pg. 110; (3) Paragraph 4.4.1 - legal retainer, not adhering to Resolution 1480 as the direction is from the Board not the General Manager, pg. 211; (4) Payment for special counsel services - the scope of work and budget should be brought to the Board and approved by the Board before any legal efforts are made, pg., 231; (5) Policy 16.1.1 needs corrected and she has brought that to the attention of the Board and General Manager in the past, unbuildable is excluded and there are unbuildable parcels on the Rec Fee and this needs to be corrected along with the flowchart. Recreational privileges are for residents and unbuildables never have residents; and (6) this is another Board meeting that doesn’t have an item about privileged documents. It is in the best interests of the community that privileged documents are done so legally so the Board isn’t involved in another lawsuit.

Frank Wright said if you listen to the dialogue from the members of our community who are intelligent, organized, etc. who have presented you with information that is rather scary and you just sit there, do nothing, and allow it is unbelievable. Read the article that was in the front page of the Tribune, Ms. Wong and Mr. Guinasso got in trouble thus if you vote for Ms. Wong, you can’t be intelligent. He has a list of all the things Ms. Wong has done wrong and she has no business being up there, no business representing us, and no business being in an election. She committed $7.5 million dollars of our money without Board approval and has a lawsuit that wasn’t authorized. She thinks selling public lands without going out to bid is okay. Public record questions are coming up from others than him and from those that are having the same problem so you should start worrying about that. Give Mr. Guinasso a chance to represent us again. He talked to Mr. Beko and
posed a question – the District doesn’t have the ability to go after the appeal money. He said I was wrong but he may be wrong. You are about to appropriate money to chase a dream he can’t complete; you need another opinion.

Arthur Schmauder said that this is the third time he has requested the expenditure of $3,000 to construct a bocce court. It is for the people in this town and not for people out of the town. All we have asked for is what Truckee did – they constructed three bocce courts for the total of one thousand dollars. On the improvements of bocce at Ski Beach, this town spent $35,000. We are not asking for a lot so please install some bocce courts.

Dennis Haney said he looked over the Katz materials and he had an aggress violation and he understands the underlying matter was finalized. Legal fees are open. Question or suggestion - have your counsel provide legal information so you can make a sound judgment. He has been a lawyer since 1967 and his State bar number is 16. Appreciate if you get the proper legal advice, go forward with the proper thing, allow the money to be released, and get back the other fees.

Kaye Shackford read from a prepared statement which is attached hereto.

Charlotte Croley read from a prepared statement which is attached hereto.

Susan Johnson read from a prepared statement which is attached hereto.

Bruce Simonian read from a prepared statement which is attached hereto.

John McNellis read from a prepared statement which is attached hereto.

Sherman Eagan read from a prepared statement which is attached hereto.

Claudia Andersen read from a prepared statement which is attached hereto.

Steve Dolan said he wasn’t planning on speaking but one can’t avoid this as he is in the league with Mr. Ford. I too have had a difficult time finding documents that should be or maybe with IVGID. He can say that Ms. Herron really worked hard to help him and he got a lot of help from her directly and he appreciates that. Main reason for speaking is that he caused some trouble a ways back regarding public comment and wanted to let Ms. Newman and Ms. Martini know that after doing that there has been some action on public comment and while not an official change, change has occurred. Thank you to the Parasol Tahoe Community Foundation for their donation. On Mr. Katz, before Mr. Simonian got on the Board,
Mr. Katz was causing trouble so we researched his background and he has a history of suing governments; he would urge the Board to continue with this effort.

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

Chairwoman Wong asked for changes to the agenda; none were requested therefore the agenda is approved as submitted.

E. **DISTRICT STAFF UPDATES***

   E.1. Verbal Update - Solid Waste Services Report – Director of Public Works Joe Pomroy

   Director of Public Works Joe Pomroy gave a verbal update of the submitted materials.

   Trustee Horan said that the statistics bear out the fact that we had a horrific winter that we weren't prepared for. IVGID has been working with Waste Management for over eighteen months and we have made a lot of progress. Waste Management has become problem solvers instead of problem creators. IVGID wasn't interested in collecting lot of fines rather interested in getting compliance. There is a Washoe County ordinance and we think we are in compliance. The community has rallied, made a lot of progress, and are moving forward with this program and he appreciates it.

F. **GENERAL BUSINESS** *(for possible action)*

   F.1. Receive and discuss a verbal status report from litigation counsel, Tom Beko, Esq., regarding litigation involving Aaron Katz Case No. CV11 01380 under Nevada Supreme Court Appeal Numbers 70440 & 71493

   **AND**

   Review, discuss, and possibly approve one of four options, outlined in the body of the memorandum supporting this agenda item or created at the Board meeting, regarding the continued defense of award of attorney fees subject to Mr. Katz’s appeal under Nevada Supreme Court Appeal Nos. 70440 and 71493 (decision of Board of Trustees could have a financial impact on the District of more than $400,000) *(Presenter: Tom Beko, Erickson, Thorpe & Swainston, Ltd. – POOL/PACT Attorney for the District)*
Tom Beko, Esq. went over the submitted materials and distributed an “Order Regarding Costs” on Appeal No. 70440, from the Nevada Supreme Court, dated August 23, 2018.

Trustee Callicrate said it has been loudly and clearly stated by the community that we want the full amount to put that to rest once and for all. This has gone on way too long and it has to stop as it has created a toxic environment in the community that is not going to stop until this ends. It sounds like the first one is most prudent or do both to get as much as we can and get it done as quick as we can as this has gone way past the time. Mr. Beko said that the idea is good and that he is not sure if we win that Mr. Katz is going to stop as he is not motived by good sense or money. Trustee Callicrate said to get back as much money as we can, that is what he is looking at, $241,000 and attorney’s fees is what he would like to see happen and that he understands that Mr. Katz is going to continue to go on until leaves or expires. Get back all that we have spent and not sit back and get walked over. Mr. Beko said to say that IVGID has gone out aggressively is not the case at all rather we have just defended what he has done and that we did file a motion to recover attorney’s fees. IVGID has been fending off repeatedly arguments by Mr. Katz which, to quote Judge Flanagan, is a Manatar’s maze. When we first started the process, he and his team spent several weeks laying all those out and that was a nightmare. Mr. Beko said he wanted to be very clear that IVGID hasn’t pursued Mr. Katz other than one motion for costs.

Chairwoman Wong asked how we go about this – if the Board makes a motion on recommended action 1 and you are successful with this action do we then pursue recommended action 2. Mr. Beko said if the Board votes against this then it effectively cancels what we got on appeal and throws in the towel today thus we never reach action 2. Chairwoman Wong followed up by asking how much we have budgeted. District General Manager Pinkerton said ten to fifteen thousand dollars and we will access the General Fund for the rest.

Trustee Morris said, to check his understanding, Mr. Katz is appealing not paying $241,000. Mr. Beko responded that Mr. Katz paid it to stop the accrual of interest. Trustee Morris said so the first action is to decide if we want to fight his appeal and get that money. Mr. Beko said we are going to try and get a decision to keep that money for forever even though he doesn’t think there was a provision as such to set it aside but that IVGID was just being cautious by doing so. Trustee Morris said so IVGID has that money in a trust fund and now the Supreme Court has just awarded IVGID another $500 by the order presented tonight. Mr. Beko said that the Supreme Court rules says the winner gets its fees and those fees are very
limited and they are for the ability to cover attorney's fees and other costs that would be a part of our second request as it is far in excess. Trustee Morris said that whilst this can be far from a given, is it your professional position, that we should go after it because the outcome may be favorable. Mr. Beko said that the Nevada Supreme Court has everything that was said by Judge Flanagan and that the underlying statement is that it was frivolous and so should the appeal. Trustee Morris asked if this was a sequential process: Mr. Beko answered yes. Trustee Morris said it is his desire to go get that $241,000 and to give the authority to go to the next phase. Mr. Beko cautioned that we can't rule out that the Nevada Supreme Court will say something that we might want to reconsider. Trustee Morris said he appreciates that and that if it all turns out as expected or hoped for, he would like you to go for it and if it is not great, then come back to us. Mr. Beko said absolutely and that it was District General Manager's Pinkerton's decision to delay this and he was right; it was a good decision. Trustee Morris said the $40,000 estimate is to get back the $241,000 which could be a lot less however knowing Mr. Katz' history. Mr. Beko said it is a narrow issue and it should not take us hours upon hours to deal with this. Mr. Katz is not very good at being told he is not right and every time he gets one of these decision, although we won in District Court, it didn't come by one order rather it was six or seven orders over the life of this litigation and each time we try and make some sense of this Manatar's maze; each time we were successful. We are fearful that when the time cost to deal with this issue that Mr. Katz will argue the original then and when we are asked for reconsideration and when that was denied he put in even more thus this is another opportunity to talk which means that we have to respond to it all. We could be lucky as the issues are pretty narrow but he is not very optimistic about that. Trustee Morris said he wants to go after every single penny.

Trustee Dent said that Mr. Beko's presentation answered most of his questions. Mr. Beko said it is very unusual to have this discussion and that he is not waiving any attorney/client privilege. It is an important topic and there are so many accusations that he is trying to be transparent. Trustee Dent said, building on Trustee Morris' questions, up to $40,000 that we could spend thus is that $40,000 something we can recoup. Mr. Beko said yes as it is one more thing that goes on the pile when we go back for the last bite of the apple with what we have paid and incurred and get IVGID back what it paid.

Trustee Morris made a motion to reaffirm and approve the continued legal efforts of retained litigation counsel, Tom Beko, Esq., to defend the attorney fees awarded by the Washoe County District Court ($241,646.11) held in trust by the District. These legal services will continue under Appeal No. 71493 and are estimated to cost the
District approximately $40,000. Trustee Horan seconded the motion. Chairwoman Wong asked for any further comments.

Chairwoman Wong said this action is for every current and former employee and for every Board member who has listened and taken his abuse, this is for you.

Hearing no further comments, Chairwoman Wong called the question, the motion was passed unanimously.

Trustee Morris made a motion to reaffirm and approve the legal services of retained litigation counsel, Tom Beko, Esq., to recover attorney fees and costs associated with Mr. Katz’s appeals under Supreme Court Case Nos. 70440 & 71493. The anticipated cost to recover all the attorney fees and costs incurred will be approximately $30,000. To date, approximately $157,514.00 has been spent to defend against Mr. Katz’s appeals. However, counsel recommends that IVGID wait to attempt to recover the fees and costs spent on appeal until Appeal No. 71493 has been briefed and decided by the Supreme Court. Trustee Callicrate seconded the motion. Chairwoman Wong asked for any further comments. Hearing no further comments, Chairwoman Wong called the question, the motion was passed unanimously.

Chairwoman Wong called for a break at 7:30 p.m.; the Board reconvened at 7:40 p.m.

F.2. Review, discuss, and possibly take action on District General Manager Steven J. Pinkerton annual performance evaluation (Requesting Staff Member: Director of Human Resources Dee Carey)

Director of Human Resources Dee Carey went over the submitted materials.

Chairwoman Wong thanked all the Trustees for completing their evaluation and noted that on agenda packet page 96 there is a summary and then detailed comments follow the memorandum. Thank you to her fellow Board members as, for the most part, they were thoughtful, constructive, and highlighted where the District General Manager does really well. As she was reading through the individual evaluations, the Trustees have been talking with or working with the District General Manager on areas of improvements. Thank you also to District General Manager Pinkerton for his response to Trustee Dent’s evaluation.
Trustee Horan said it is an important time for all of us and the respect for the function of the Board. All operate individually but don’t individually direct the District General Manager. We don’t always agree and that’s okay. He reviewed all the comments and he stands by his comments that are included in the packet. It has been a difficult year for the District General Manager and he thinks he has exercised that well. It is important to note that some of the comments are directed to things that are not part of the performance such as sitting projects which were done at the Board level; one must always look at the Board level and not an individual desire.

Trustee Morris said he too is very happy with his provided evaluation and he has read everyone else’s. He would add a commentary with the way the District General Manager has been a welcoming General Manager and very willing, able, and capable to answer his many questions and direct him to people within the IVGID team. He is not the gatekeeping and hasn’t demonstrated that rather he allows us to go everywhere. Our District General Manager does a really good job for him personally and all of the community; thank you.

Trustee Callicrate thanked the District General Manager and said that the two of them have had an interesting repertoire where we find areas of commonality. He too stands by what he has written and hopes that it is taken in the right manner and not as harsh rebukes. There are areas where you have improved, we have some differences, we had a great meeting today and we know where are our differences are. Overall performance, he stands by what he has written. It has been a very difficult last four years as there has been a huge amount of Board turnover and his knowledge of the District is second to none. Thanks for doing a very tough job, in tough community, and with a tough Board.

Trustee Dent said thanks for sending all the information and thanks to his fellow colleagues for their ratings and opinions. He stands by his comments. He disagrees with our Chair about the comments about the District General Manager. We can all have differences and we can all move forward.

Trustee Morris made a motion to that the Incline Village General Improvement District’s General Manager Steven J. Pinkerton has had his performance evaluation presented in public on August 27, 2018. The Board of Trustees moves to give the Incline Village General Improvement District’s General Manager Steven J. Pinkerton an overall performance evaluation rating of meets requirements. Trustee Horan seconded the motion. Chairwoman Wong asked for any further
comments. Hearing no further comments, Chairwoman Wong called the question, the motion was passed unanimously.

F.3. Grant of Easement to NV Energy on District Properties APN: 125-030-13 and 125-030-06 for the Purposes of Constructing, Operating, Adding to, Modifying, Removing, Accessing and Maintaining Above and Below Ground Communication Facilities and Electric Line Systems (Requesting Staff Member: Director of Public Works Joe Pomroy)

Director of Public Works Joe Pomroy went over the submitted materials.

Trustee Callicrate made a motion to approve a grant of Easement to NV Energy on District Properties APN: 125-030-13 and 125-030-06 for the Purposes of Constructing, Operating, Adding to, Modifying, Removing, Accessing and Maintaining Above and Below Ground Communication Facilities and Electric Line Systems and authorize Staff to execute the easement documents upon review by District Counsel. Trustee Horan seconded the motion. Chairwoman Wong asked for any further comments. Hearing no further comments, Chairwoman Wong called the question, the motion was passed unanimously.

F.4. Review, discuss and possibly direct the General Manager to proceed with the identification, review and selection of a Legislative Advocate for the 2019 Nevada Legislative Session utilizing the proposed Request for Information and Request for Proposal, and authorize staff to proceed as necessary to be completed by December 2018 (Requesting Staff Member: District General Manager Steve Pinkerton)

Chairwoman Wong said that this was on the agenda as directed by the Board at the end of the last Legislative session.

District General Manager Steve Pinkerton went over the submitted materials.

Trustee Horan said that he knows that there is money in the budget to move forward and that we have identify people that might have interest. If we find out there is no legislation, we can manage that as well so can we evaluate this as we go along. District General Manager Pinkerton said we can take a look at that in the agreement. District General Counsel Guinasso said that typically a monthly retainer runs through the end of the Legislative session and while there may not
be anything early in the session we did take note that there was something that occurred, at the end of the last Legislative session, very late in the session.

Trustee Horan said that he thinks it would be wise to pursue this to see who is interested.

Trustee Callicrate said, referencing agenda packet page 194, that the total is reflected as XX,XXX and that is supposed to be up to $24,000 therefore to we have to put out a modification. District General Manager Pinkerton said no because it was included in the approved budget. Trustee Callicrate said if we decide to move forward, he would like that information included moving forward. Chairwoman Wong said that the action is to allow the Request for Information/Request for Proposal to move forward and then once interviewed, the contract will come back and we will award that.

Trustee Morris asked if we were aware of any other general improvement districts who are getting lobbyists and the extent to which they are working together. District General Manager Pinkerton said that he would have to check into that and that most cooperate with Washoe County but that he would expect the lobbyist to answer that question.

Trustee Dent said being the representative to the Nevada League of Cities most of the Trustees do go down and speak on behalf of the their Boards but they are smaller.

Trustee Callicrate said we need to get the information out there.

Trustee Callicrate made a motion to authorize the General Manager to proceed with a process of identification selection of a Legislative Advocate for the 2019 Nevada Legislative Session (a 120-day session beginning February 4, 2019 and projected to end sometime in June 2019) and that the Board directs the use of a sequence of Request for Information, Request for Proposal, and following an interview process, returning to the Board for authorization to execute a service contract with a Legislative Advocate for the current fiscal year. Trustee Horan seconded the motion. Chairwoman Wong asked for any further comments.

Trustee Dent said if he recalls last year, the Board authorized Legal Counsel to spend up to $3,000. Chairwoman Wong said yes and that it was a very small amount. Trustee Dent said that we have a budget of $24,000. Knowing that, are
we going to direct the District General Manager to proceed and at what point do we set the budget. District General Manager Pinkerton said we don’t do recommend based on costs and that Staff will bring back the contract for review thus the Board can object to cost; that can be part of the deliberation at that time.

Hearing no further comments, Chairwoman Wong called the question, the motion was passed unanimously.

F.5. Review, discuss and direct the General Manager to proceed with the identification, review, selection, and proposed appointment of District Legal Counsel effective January 1, 2019, utilizing the proposed Request for Information, Request for Proposal, and Sample Contract and authorize staff to proceed as necessary to be completed by December 2018 and appoint the Board’s Vice Chair as the Board’s representative to this process (Requesting Staff Member: District General Manager Steve Pinkerton)

District General Manager Steve Pinkerton went over the submitted materials.

Chairwoman Wong asked Trustee Horan if he was okay with volunteering for this activity. Trustee Horan said it is a very important step and that he will not lean one way or the other and that assuming our current law firm participates, he will consider them equally to any other firm that expresses an interest.

Trustee Dent said before we proceed forward, we should discuss the scope and qualifications from future legal counsel and that the Board should decide, when it comes to screening, how to improve this process. We don’t need to fast track this because our current contract is expiring. Let’s start the process but let the next Board, wait until the election process is completed, move it forward. He would also like to see the contract comply with the policies, etc. and that we use the December 2014/January 2015 original engagement letter rather than the current one that is included in the packet. He would like to make sure we are in compliance with Resolution 1480. IVGID has a commitment for two years and we don’t need that as he is sure that there are plenty of law firms who would take this on so leave some wiggle room because it is in our best interest to not have a two year contract with a renewal. On the performance review, that is something that was expressed about having yet it is excluded from the contract and there has never been one that he is aware of. As an alternative proposal he would like to suggest a month to month to our current attorney or the successor firm and go into month to month which allows us the time to work this out with the new Board and make sure they are in agreement with what we are working on.
Trustee Callicrate said the only concern he has, echoing what Trustee Dent said, what we can do as he is a little concerned about the $132,000 even though it was an exceptional year with the Katz litigation. We went from three to four thousand dollars per month with our prior counsel yet he understands how the scope of work has increased. He would like to have a discussion about the monthly retainer and what we want to have. The retainer has gone to between ten and twelve thousand dollars per month and while he understand it has been an extensive litigation time with the District it is a rather exorbitant amount of money so let’s look at it and see if we can reduce the costs.

Chairwoman Wong said that she hears that concern and that in reading the request and the proposed process there is no dollar amount rather this is about starting the process and then, as a Board, discussing it. This is about putting that out in the public before getting a response from vendors. In other words, start the process, outline their fee structure, then get into the interview process, and then negotiate.

Trustee Callicrate said, referencing agenda packet page 194, number three, said that he is glad to hear you echo that. This is about starting the process. To Trustee Dent’s concern about legal counsel, the Board hires the legal counsel and then once that is set then the District General Manager is in charge of taking care of those operations. He would like that wording in the scope of work clearly delineated as it has gotten muddled with Resolution 1480 and the Nevada Revised Statutes.

Chairwoman Wong said this is about starting the process and asked that the Board look at the questions on agenda packet pages 196 to 197 as those are the major issues that affect the District so it is prudent to start the process. Thinking back to the interviews that were done previously, even as a candidate, we had the chance to talk with them even though we weren’t on the Board yet and it was recognized that we weren’t seated Trustees. The Board voted accordingly during the process of an election so there is no reason to think this can’t be done responsibly.

Trustee Morris said we were elected to make these sort of decisions so we should process and when we get the submittals, we can review them and not let the election color our judgment so he is comfortable with the desired schedule. He is a little pessimistic about getting proposals as he is pessimistic that there are a small number of community members that will continue their actions such as filing open meeting law complaints, etc. and he knows that our current attorney’s spend a lot of money on those and thus this may be bigger. It will be interesting to see the proposals as it could be higher. We should proceed with this and do our due diligence and use professional caution and not drag our feet.
Trustee Horan said that the recommendation is to move forward in a step by step process with a need to identify what the interest is. As to the costs, he is not interested in talking about that right now rather he is interested in getting interest. He disagrees on a one year contract as this is a complicated district and we don't want to be continually training our attorney because change is not fun. If we select another firm, we will go through a training process and that will be a challenge. We do need to do this again so let's move forward and there will always be elections and/or turnover in the Board so let's take the responsibility to make the right fiduciary responsibility and go ahead and move forward.

Trustee Horan made a motion to

1. Staff requests the Board authorize the General Manager to proceed with a process of identification, review, selection, and proposed appointment for District Legal Counsel effective January 1, 2019.

2. Staff recommends the Board direct the use of a sequence of Request for Information, Request for Proposal, and following an interview process, returning to the Board for authorization to execute a service contract resulting in the appointment of Legal Counsel for a period of two years with an option for an additional two years.

3. Staff recommends that the Vice Chairman of the Board of Trustees be the Board's representative to this process.

Trustee Morris seconded the motion. Chairwoman Wong asked for any further comments.

Trustee Horan said this is step one in the process and clearly we get to make the decision and that it is not Staff making it or it is not him making it rather it comes back to the Board to move it forward and he wants to make that perfectly clear.

Hearing no further comments, Chairwoman Wong called the question, the motion was passed with Trustee Dent voted opposed and Trustees Callicrate, Horan, Wong, and Morris voting in favor.
F.6. Educational Session and Discussion on Board Policy 16.1.1 - Recreation Roll Policy (Presenting Staff Members: District General Manager Steve Pinkerton and Director of Finance Gerry Eick)

District General Manager Steve Pinkerton and Director of Finance Gerry Eick went over the submitted materials.

Trustee Callicrate said one of his concerns, referencing agenda packet page 234, is the undeveloped and unbuildable parcels. It was brought up in public comments tonight and has been as well at several meetings. When we have an unbuildable parcel, the whole point of the Recreation Fee is the family or single individual or commercial occupancy. On lots that can’t be built upon there should be no Recreation Fee associated with them because they are not buildable or developable and this is where the picture gets muddled or thereabouts. There are other unbuildable/undeveloped parcels where we can’t collect fees so this seems to be a mote point. Director of Finance Eick said he is familiar with what we have and not locked on any answer rather this is about bringing this before you as there are a lot of questions and then start down the path of committing to the Washoe County Assessor’s nomenclature with the long term outcome being bringing the definition to what we want covered or excluded and that begin with getting aligned with the Washoe County Assessor. We will then build a chart with the covered or not covered parcels and then make a code that makes sense and is comprehensive. Trustee Callicrate said you are right on the mark with nomenclature and asked if all members of the Board were on the same page with Washoe County and moving that forward. Trustee Horan said he agrees on the nomenclature and that getting this will help us get a better feel for the Recreation Roll. Trustee Morris said he agrees with what has been said and would like to continue to point out that this is educational as 16.1.1 is getting long in the tooth and that we do need to update them. He is a little concerned about combining more things into Ordinance 7 as that is opening a dam here. Director of Finance Eick said he is not suggesting adding anything to Ordinance 7 rather provide definition and administration and get that down in writing what has been a practice that has been handed down over time. This would be similar to what we do with Ordinance 1 which is have the ordinance and update the exhibits and thus we end up with an exhibit and not altering the ordinance and that substance. Trustee Morris said he appreciates that explanation and it calms him: work on. Trustee Dent said he likes the idea of making some updates to get us where we should be Washoe County and asked what the timeline is. District General Manager Pinkerton said it is a matter of priority as there is a whole number of things we are working on and it is really up to the Board to see if you want to move it up in the process. Director of Finance Eick added that he would like to have something to use for next Spring’s
Recreation Roll which is not impossible and he is open to the Board to directing us to work on it. He did work on the Recreation Roll this past year and he appreciates the data that is in the Washoe County Assessor’s office which is all manual so we may need up to two cycles to make it active.

Trustee Dent asked if the Washoe County Assessor’s database is available. Director of Finance Eick said it is available from the Washoe County Assessor if one asks for it. There are 9,316 Assessor’s Parcel Numbers within the boundary and not all qualify. Part of the process is to sort through. This information is available through the Washoe County Assessor’s office and anyone can get that from them. District General Manager Pinkerton said you can click on them right now and get it. Trustee Dent asked if we got a special report that comes to the District. Director of Finance Eick said no they do not make a special report for us however we deal with it once received. Trustee Dent said it is in our best interest to put this on an agenda in the future and have a discussion about what changes or modifications we want so let’s have this come back to the Board in the near future and noted that it is nice to have this happening at the Board level. Chairwoman Wong said that this is one on a long list which includes getting an update of the IVGID code and a list of issues etc. that need Board input. District General Manager Pinkerton said that the long range calendar addresses it. District Legal Counsel Guinasso said he can give an update on the IVGID code. Trustee Callicrate asked if Staff can get the nomenclature from the Washoe County Assessor as the initial first step. Director of Finance Eick said he would like to continue his research on that as it is fundamental to any question you might raise in the future. Trustee Morris said he does like the idea of getting an update on the IVGID code and the list of all things we are juggling as he doesn’t know how critical this is and what is our cost of doing nothing on this in the scheme of things. Director of Finance Eick said he sees merit in making the process clear so that along the way if you, as a Board, don’t like something you can say so. This is naturally a part of our process to make you all well informed representatives. Staff is hoping to also create some understanding that we have no regulatory power and that we are at the mercy of this list and we hope to describe the part that we are in control of and that we are doing the right thing. Chairwoman Wong said that we are not talking about taking away any existing recreational access. District General Manager Pinkerton said he would like to do an update for the people who are confused as this flowchart has come in handy a number of times for a representation.

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

G.1. General Manager Steve Pinkerton
District General Manager Pinkerton gave an overview and stated we are doing due diligence on condition assessment post fire at the Mountain Golf Course and that Staff is focusing on operations. Staff managed to get the building operational today and has been keeping the golf course operating while we do our assessment and get information from our insurance company and look at it down the road; at the next meeting, we will give you more details. Trustee Morris asked if there has been any feedback from the golfers. District General Manager Pinkerton said that the main comments are that the folks are happy the course is operating and that we have happy employees who are toughing it out.

District General Manager Pinkerton said regarding the lands bill that Washoe County is taking the lead on that effort and that they have begun some dialogue with the tribe and that its future is in the hands of Washoe County. We will let you know when something definitive happens.

Chairwoman Wong asked for a culvert update; District General Manager Pinkerton said that the next couple of weeks will tell us but so far so good. When we get almost to the end of the pipe, hopefully it will bend. Chairwoman Wong asked for an update at the next meeting; District General Manager Pinkerton said absolutely.

Trustee Horan asked if the auditors were coming in September; Director of Finance Eick said yes, right after Labor Day.

H. APPROVAL OF MINUTES (for possible action)

H.1. Regular Meeting of July 24, 2018

Chairwoman Wong asked for any changes, none were received, so the minutes were approved as submitted.

I. REPORTS TO THE IVGID BOARD OF TRUSTEES*

I.1. District General Counsel Jason Guinasso

District General Counsel Guinasso said that last Thursday the District was served a summons and complaint by resident Mark Smith which named IVGID, Chairwoman Wong, and him, individually and as counsel. The complaint was to compel disclosure of public records as Mr. Smith is upset
about being charged for records and he wants to obtain access to 13,000
documents and/or a privilege log. Because he is named in lawsuit, he will
not representing the District, and the matter has submitted to POOL/PACT
and we are awaiting word back from the POOL/PACT about coverage.
Because Mr. Smith is a litigant, the Board is asked not to talk to him rather
direct him to Mr. Beko and that any other inquiries should be directed to
District General Manager and asked that everyone please refrain from
making any statements. District General Counsel Guinasso asked if there
were any questions – there were no questions from the Board.

District General Counsel Guinasso said regarding the IVGID code that the
task he has been charged with is substantial and not in the contract but
rather is something that he has taken on under the retainer as a means to
help the District to have a clear and coherent body of law which he is doing
as an extra over and above the hours delivered under the retainer. Put into
context, it is not simple, but we have made a lot of progress since we talked
about it last. The Board did receive an outline and we have completed Titles
1, 2 and 3 in draft form and we will be moving onto Title 4 in the next two or
three weeks. He will engage with a member of the Senior Staff on that title
that has the expertise and have a robust discussion about codification. Then
this is followed up by homework and then going through each section and
adding in the language. We continue to methodically go through code in that
way and he is happy to bring back what we have accomplished at the next
meeting and noted that we might deal with the Director of Finance’s section
out of order because of scheduling issues.

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

Trustee Dent said, as a reminder, the Annual Conference of the Nevada League
of Cities is September 13 through 15.

K. CORRESPONDENCE RECEIVED BY THE DISTRICT*

District Clerk Susan Herron stated that correspondence had been received via e-
mail from Steve Dolan, Aaron Katz, Sara Schmitz, Gene Brockman, Jan and David
Hardie, Gary Stewart, Susan Pennacchio, and Lewie Webb and all Trustees were
addressees.
L. **PUBLIC COMMENTS** - Conducted in accordance with Nevada Revised Statutes Chapter 241.020 and limited to a maximum of three (3) minutes in duration; see Public Comment Advisory Statement above.

Margaret Martini said that this is not the first time we have had slides and paperwork in the packet that are not readable and that she thinks it is unacceptable. When Staff prepares items for review, they should be clear, concise and legible as there is no reason it can’t be and if you need a proofreader, get one.

Bruce Simonian thanked the Board for their comments about the legal counsel. We had Scott Brooke and we paid him hourly so think about the options and make sure everything you need is out there so you are satisfied with what you get especially with Resolution 1480. All of you have been on the Board and should recognize what is working and what’s not. Take this time to vet these people. Commend you for moving forward at this time.

M. **REVIEW WITH BOARD OF TRUSTEES, BY THE DISTRICT GENERAL MANAGER, THE LONG RANGE CALENDAR** *(for possible action)*

District General Manager Pinkerton went over the calendar as presented. Trustee Morris said he is out of the country on October 24 and would like to be excused but if necessary, he can dial in. Chairwoman Wong said to move the Board's Self-Evaluation to November and add an item about the IVGID code to that same meeting.

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

The meeting was adjourned at 9:06 p.m.

Respectfully submitted,

Susan A. Herron
District Clerk

Attachments*:  
*In accordance with NRS 241.035.1(d), the following attachments are included but have neither been fact checked or verified by the District and are solely the thoughts, opinions, statements, etc. of the author as identified below.
Minutes
Meeting of August 27, 2018
Page 19

Submitted by Linda Newman (2 pages): IVGiD August 27, 2018 Board of Trustees Meeting Public Comment By: Linda Newman – To be included with the Minutes of the Meeting

Submitted by Cliff Dobler (2 pages): August 27, 2018 IVGiD BOT Meeting – Public Comments by Cliff Dobler to be included with the Minutes of the Meeting

Submitted by Claudia Anderson (2 pages): IVGiD Board of Trustees Meeting, August 27, 2018, Public Comment

Submitted by Susan Johnson (1 page)

Submitted by Wayne Ford (2 pages): IVGiD Meeting of 8/27/18 – Public Comment; Topic Request of Public Records

Submitted by Margaret Martini (2 pages): IVGiD August 27, 2018 Board of Trustees Meeting Public Comments by Margaret Martini – to be included with the Minutes of the Meeting

Submitted by Sherm Eagan (1 page)

Submitted by Pete Todoroff (1 page): E-mail from NHP

Submitted by Arthur Schmauder (2 pages): Ken Hubbart e-mail dated Monday, August 27, 2018

Submitted by John McNellis (1 page): John McNellis...two points this evening.

Submitted by Bruce Simonian (3 pages): Board Meeting 8/27/18 – Response to General Business Item F.1

Submitted by Charlotte Croley (1 page)

Submitted by Kaye Shackford (1 page)

Submitted by Tom Beko (2 pages): Nevada Supreme Court Order Regarding Costs dated August 23, 2018 (Appeal No. 70440)

Submitted by Frank Wright (13 pages): Written Statement to be included in the written minutes of this August 27, 2018 Regular IVGiD Board Meeting – Agenda Item C – Public Comments – More evidence of Staff’s Giveaway of the public's
recreational facilities to another “favored collaborator” at local property owner’s expense – Philanthropic Educational Organization (“PEO”)

Submitted by Frank Wright (8 pages): Written Statement to be included in the written minutes of this August 27, 2018 Regular IVGID Board Meeting – Agenda Item C – Public Comments – What’s right versus what’s Wong – More evidence the public cannot believe Chairperson Kendra Wong’s assertions of fact

Submitted by Frank Wright (42 pages): Written Statement to be included in the written minutes of this August 27, 2018 Regular IVGID Board Meeting – Agenda Item C – Public Comments – Staff’s refusal to follow IVGID policy of attaching written correspondence to the Board in the packets of materials prepared in anticipation of public meetings
Are we better off now than we were before Mr. Pinkerton was hired as General Manager, Mr. Reese and Mr. Guinasso were engaged as legal counsel and Ms. Wong became Board Chair? Here are a few highlights of their tenure.

A rising tide of Open Meeting Law violations and a wave of unlawfully convened closed door meetings to keep the public out of interfering with Staff and Board actions and decisions.

Limiting public comment to 3 minutes at the beginning of meetings and 3 minutes at the end to ensure that our citizens did not have a voice on all agenda items.

Eliminating citizen correspondence from the Board packets despite 20 years of precedent and Board directives

Failure by the Board and Management to respond to Citizen concerns and complaints

The chronic concealment and destruction of requested public records along with the GM, Chair and Legal Counsel withholding financial and other public records requested by individual Trustees

A complaint filed with the Attorney General by the Nevada Policy Research Institute on IVGID's felony level violations of the Nevada Public Records Act

A citizen’s lawsuit requesting public records that have been withheld from him for close to a year which names IVGID, Chair Wong and Counsel Guinasso as defendants

An employee’s false representations to Washoe County and his unauthorized sale of public land to private buyers in violation of State law.

Parasol dominating our Board meetings for months on end—despite the fact that there was no legal foundation for IVGID to occupy the building for administrative offices—in addition to the fact, that Parasol was in default of their lease agreement AND still is
Guinasso's request for thousands of dollars to lobby our Nevada legislature in order to correct any "false" testimony by our citizens

An unauthorized lawsuit costing us $60,000 that was initiated to shut down a local business and prevent our citizens from voluntarily voicing their opinions on important community issues

The General Manager's unlimited and unreported use of his under $50,000 discretionary spending authority

Neglect of our critical infrastructure - while we set aside funds for the Diamond Peak Master Plan

The continued collection of $280 of our $830 Rec and Beach Fees that was collected to pay down the principle and interest of debt that has matured

Restated Audited Financials and the Auditor's warning that the District had a material deficiency in internal controls

Chair Wong's expenditure of public funds without Board approval for three trips to Washington to lobby our Federal Legislature AND her recent commitment of $7.5 million of our public money to another agency without Board knowledge, approval or our citizens' consent.

Add it all up and we are at the precipice of crisis. So I ask now, can this Community afford another year of Mr. Pinkerton, our Legal Counsel and Trustee Wong?
August 27, 2018 IVGID BOT Meeting – Public Comments by Cliff Dobler
To Be Included with the Minutes of the Meeting

Systematic Destruction of the Incline Village General Improvement District's Utility Fund

Since 2016, the financial viability of our Utility Fund has been destroyed through imprudent accounting and poor risk management.

Before Pinkerton's arrival, the appropriate level of working capital was always maintained between $4,000,000 and $4,500,000 and held for emergencies on the $600,000,000 water and sewer infrastructure.

Beginning in 2012/2013, the District began collecting an additional $2,000,000 per year to be "set aside" to replace six miles of an old effluent pipeline estimated to cost $23,000,000 with construction to begin in 2021. These funds should have been accounted and reported as "restricted funds" in order to ensure that this money would only be spent on replacing the pipeline and would not be directed elsewhere. Pinkerton disagreed and continued to report the funds as "unrestricted" and could be spent on anything.

The Utility Fund revenues consist of two parts.

Operations - Based on the past five year average, $7,042,000 is collected and spent on operating the Utility system. There is never any meaningful excess revenues

Capital Projects - Based on the past five year average, $4,850,000 is collected. The components are:

$2,000,000 is the pipeline set aside funds which is not revenue at all

$400,000 average per year is spent to replace rolling stock and maintenance equipment

$650,000 is required for annual debt service payments
This leaves ONLY $1,800,000 per year to replace a $600,000,000 infrastructure. At $1,800,000 per year, this infrastructure would need a life of 333 years.

So as could be expected, under irresponsible management, everything began going sideways:

A non-essential cold storage building costing almost $2,800,000 was constructed using up 1.5 years of funding for asset replacement

Emergency repairs and replacements were required

EPA mandated repairs were required

Cost overruns developed on several projects

Within two years, the adequate level of working capital was depleted and with more money required the effluent pipeline set aside funds became the grab bag.

$1,000,000 was redirected to other projects

$1,000,000 was claimed to be required for the wastewater upper pond lining. This project was never part of the pipeline but Pinkerton decided it was so the pipeline money could be used. The pipeline cost estimate does not support his claim.

At the May Budget meeting, $705,369 was listed as being spent on this upper pond. However, nothing had been done, nor any contracts issued, since the pond was shut down by the County two years ago. We asked for an accounting of the costs and have been ignored by both management and the Board. I again request an accounting for this $700,000 bogus entry.

The Utility Fund is upside down by at least $6,500,000 --all created by Mr. Pinkerton’s spending more than was available. This amount will have to be replenished.

Independent oversight and a replacement reserve study is required for our Utility Fund.
At the Parasol Tahoe Community Foundation our priority is to keep our community strong and safe. Therefore, I am pleased to inform you that Parasol has provided the funding to complete the AlertTahoe fire camera network located within the Lake Tahoe Basin. With a grant of $42,500 from our Community Fund, we are funding the final two cameras of the eleven-camera system, which is a project of UNR. The system combines innovative technology with on the ground firefighting efforts to protect our Tahoe communities. It consists of networked sensors designed to protect the Tahoe Basin from catastrophic wildfires, earthquakes, and other natural hazards. This system is on an independent network that remains connected, even during emergencies or outages. This network senses smoke, catches wildfires and alerts firefighters before the fires spread beyond a containable distance. Also, on days when there are multiple fires, this system allows fire managers to determine how to best deploy limited resources to have the most positive impact. We want to acknowledge the Tahoe Prosperity Center for their efforts in fundraising for the original nine AlertTahoe cameras. To date, these cameras have stopped 55 fires in the Tahoe Basin before they reached one acre in size.
Additionally, the Parasol Tahoe Community Foundation is committed to supporting the viability of this important safety network into the future. Therefore, I’m pleased to announce that Parasol has opened an AlertTahoe Maintenance Endowment which will provide funding for maintenance of the AlertTahoe network in perpetuity. We are asking the community to join us in this most important effort. And to kick-start this maintenance fund, Parasol will match every dollar contributed up to a total of $55,000. For more information, visit our website at Parasol.org.

Please join us in helping to keep our Tahoe communities safe from wildfires and other natural disasters.

Thank you.

Claudia Andersen, CEO
Parasol Tahoe Community Foundation
Good Evening,

My name is Susan Johnson and I’m proud to have work with IVGID for over 10 years as well as being a long term resident. I’m here to make to make two requests to the Board.

1\textsuperscript{st}, I ask you to please defend your employees. There is a “messenger” or a “watchdog” or an individual who has appointed himself as the accuser, the judge, the jury, about his perceived wrong doings by employees of IVGID. This is wrong on all accounts! Only you, as a Board and individually, have the ability to counter the totally unfair and untrue allegations about your employees. I urge each of you to speak up and stand up for your employees. Do not allow, what appears to be, continued harassment of your employees. Ask your constituents to speak to problems, not about individuals. Please defend your employees!

2\textsuperscript{nd}, in the Board packet tonight you are being asked to decide to approve continued defense for the recovery of attorney fees and costs associated with Mr. Katz appeals under Supreme Court Case Nos. 70440 & 71493. Please remember what the Honorable Judge Flanagan wrote in his decision of July 15, 2016 on this matter. “While Mr. Katz may fancy himself a community watchdog, his actions, taken as a whole, lead this court to one undeniable conclusion: this was a frivolous lawsuit.” He continued “Neither courts nor the laws of Nevada exist so that those who detest their local governments can bully them into submission. At some point, these actions must come to an end. That point now has been reached.”

I urge each of you to vote to recover the monies spent to defend IVGID from Mr. Katz.

Thank you for listening.
IVGID MEETING OF 8/27/18

PUBLIC COMMENT; TOPIC REQUEST OF PUBLIC RECORDS

REQUEST MADE; March 29, 2018. AREA OF REQUEST: Incline Bike Park Project (Now known as the Robert & Robin Holman Family Bike Park.)

REQUEST MADE: “I am requesting a site plan and any other documents that apply to the current bike park under construction near the Recreation Center. If you need an address I would assume the Rec Center would be the closest one given the access to the park is from the road that goes to the center. I could not find any access on line to the park layout and or plans. If they are there could you direct me to them. Happy Easter.”


WHAT DID THAT GIVE ME?

It gave me a 8 1/2 X 11 site plan that I could not read which was in the minutes. It gave me the minutes of the meeting and some of the agreements between IVGID and the Tahoe Foundation. The information provided did not give me what was on file with IVGID. All the documents for the project.

SO ON 4/5/18 I MADE THE SAME REQUEST OF TRPA AND THIS IS WHAT I GOT THAT IVGID HAD AND DID NOT MAKE AVAILABLE:

WHAT WAS MISSING FROM THE REQUEST: 49 8 1/2 X 11 Sheets of information on which included the following: The TRPA permit and conditions of approval. The Initial Environmental Checklist that IVGID filled out. The Time Line for the Project and what work had to be done in that timeline.

SO WHAT I ASKED FOR: SITE PLAN AND ANY OTHER DOCUMENTS THAT APPLY TO THE CURRENT BIKE PATH WAS NOT PROVIDED TO ME UNDER MY REQUEST MADE ON MARCH 29TH. (REMEMBER THE STATEMENT “OR PLANS”.)

WHAT IS NEXT; I WILL LEAVE THE DOCUMENT AND PUBLIC INFORMATION ISSUES TO OTHERS WHO HAVE TAKEN THIS MATTER UP LEGALLY. MY CONCERN IS THAT THE CURRENT BIKE PARK IS NOT IN COMPLIANCE WITH THE PROTECTION OF THE SEZ THAT IS THIRD CREEK. EXPECT A SERIES OF PHOTOS THAT SHOWS THIS AND ALSO A REVIEW OF WHAT IS MISSING AND NEEDS TO BE IN PLACE FOR THIS PARK TO MEET THE PERMIT CONDITIONS AS OUTLINED BY TRPA. SHANNON FRIEDMAN THE TRPA PLANNER FOR THIS PROJECT HAS BEEN GREAT IN WORKING WITH ME AND OTHERS WITH THESE CONCERNS.

TO BE CLEAR I AM NOT AGAINST THE PARK AND THE JOY IT CAN BRING TO THOSE
WHO WANT TO USE IT. I AM CONCERNED THAT MORE PROTECTION OF THIRD CREEK AND THE SEZ NEEDS TO HAPPEN.
AS I HAVE SAID AT THE END OF THE SUMMER SEASON AND THE PARKS USE, THE PARK AREA AND THE ENVIRONMENT WILL SPEAK TO WHAT IS MISSING AND NEEDS TO BE TAKEN CARE OF FOR THE USE TO CONTINUE.

IVGID should be the LEADER IN PROTECTION OF LAKE TAHOE and when it come to the ROBERT AND ROBIN FAMILY BIKE PARK they are NOT.

So in the case of the Bike Park with holding information did not work, I got it anyway.

Wayne Ford
8/26/18
IVGID August 27, 2018 Board of Trustees Meeting Public Comment
By Margaret Martini – to be included with the Minutes of the Meeting

As one of the thousands of taxpayers who have involuntarily been funding more than $400,000 of IVGID legal fees in the Katz lawsuit, can a single member of this Board tell me exactly what Mr. Katz was asking for in his lawsuit and why we spent $400,000 to stop him? Then, I would like someone to explain why this Board would commit another $70,000 more? At this point, isn’t a settlement in order so the District can make more productive use of our tax dollars?

As one of the thousands of utility fee payers who have been financing Phase II of the effluent pipeline for many, many years, can a single member of this Board tell me how Chair Wong can commit $7.5 million of our money to another Agency without Board approval and an agreement that discloses all terms and conditions?

As one of our thousands of citizens whose taxes and fees pay for our Trustee and Employee salaries, tell me why I can only have six minutes to speak on actions and decisions that I am financing. Tell me why my correspondence to this Board is excluded from the Board packets—but Mr. Pinkerton’s lengthy missive in response to a Trustee’s performance evaluation is included. The way this District is run, one might think that you are not here to serve our citizens or allow them to exercise their rights to participate in their governance. That has been made abundantly clear in your chronic violations of Open Meeting Laws and your refusal to provide us with all the public records we request.

As a voter, I would like to know why our elected officials are unable to exercise their statutory responsibilities and are willing to delegate more unsupervised authority to our General Manager and Legal Counsel. If you want to solicit new attorneys and a lobbyist—it is your responsibility as our BOARD to take an active role. This means that you should determine the qualifications and services you want from legal counsel. This means you should determine the purpose of a lobbyist and whether our goals equal the cost. This means you should make the decisions and allow our citizens to participate in those decisions.

As a member of this community, I will not take another survey from your paid consultants—because results of those surveys are not heeded. This is
demonstrated by the priorities you have set in your Master Plans. The Community has said that they want to maintain and improve our current facilities and services—they do not want to spend millions and millions of dollars on very expensive and unwanted new tourist attractions and other unnecessary things.

Margaret Martini
I believe the trustees have a moral and fiduciary obligation to pursue every cent due to the district as directed in the Supreme Court in Cases 70440 & 71493.

In light of the court’s unequivocal finding in favor of the district’s suit, emphasizing words like "harassment", "frivolous" and a phrase that the respondent’s actions "morphed into an obsession with obstructing the staff of IVGID with burdensome records requests and contentious litigation," in light of that, the board would be remiss if it failed to fund cost of counsel to recapture its legal costs caused by the respondent’s behavior. I choose not to pander to the respondent's quest for personal publicity by mentioning his name.

Incline Village is cursed with a cadre of narcissistic, self-aggrandizing, malcontented fat cats, that are never right, but seek to destroy the village: its reputation, its amenities, its recreational facilities and programs, all for their personal enrichment at a cost to all district citizens.

IVGID trustees have a duty to vigorously and rigorously defend the district against lies and half-truths whether presented in board meetings or in frivolous lawsuits and fatuous letters to editors and mount that defense by the most effective way possible.

Siron Ogan
Thank you for the kind words.

In my years of law enforcement, I have never been so welcomed or treated so kindly by a community as I was in Incline. I regret that I have not been able to attend the meetings; there have been some very lively discussions which I would have enjoyed participating in and I miss the interactions I would have had with the people present.

In answer to the Kings Beach solution, I believe there are specific guidelines dealing with the transport of impounded vehicles across state lines. I will look into that and see what I can find out. I believe that NHP has contracts in some locations where vehicles cross state lines but I do not know the specifics at this moment.

With regard to the Incline specific parking issues, several potential solutions and funding issues were discussed at the last meeting I attended and all of the represented entities were going to reach out to various management, fiscal and legal sources for further guidance. I wish I could provide you a progress report but I am no longer a part of that process; however, I can assure you that the involved entities are very cognizant of the implications for the community as many of them reside in the Village and are being personally affected by the issue. State Parks in particular is very aware of the role that Sand Harbor plays and want very much to find a solution, but they are only one of many entities which will be involved in any plan that is formulated. Ultimately, I believe the most viable solution may have to be sponsored by the community in the form of land with the support of the various governmental and regulatory entities providing their respective assets toward proper permitting and enforcement.

With regard to a long-term solution to the problems from the multi-use path and parking along the S.R. 28 corridor, I know there is a regional plan for the Basin which addresses some of these issues; however, there were still a lot of ongoing discussions regarding parking and enforcement mechanisms that were going to have to be worked out. Regretfully, I was not able to attend as many of these planning meetings as I would have liked before I left, but I know the process was moving forward with several entities pushing to find a solution before it becomes a crisis for the entire Basin. I believe the Tahoe Transportation District may have some or all of the information you are looking for or be able to direct you to the appropriate resource.

I will look for an NDOT point of contact for you.

I hope that my replacement has been attending the meetings and can help facilitate some solutions to the issues we all face. As always, if I can be assistance, I will do my best.

Thank you.

Will.
Ken Hubbart

From: "Ken Hubbart" <kenh@pyramid.net>
Date: Monday, August 27, 2018 10:44 AM
To: "Arthur Schmauder" <arthurschmauder@gmail.com>; <ISW@ivgid.org>; <pjhoran33@gmail.com>; <Morris@ivgid.org>; <dent@ivgid.org>; <callicrate2@ivgid.org>; <kwong@ivgid.org>; <pinkerton@ivgid.org>; <horan@ivgid.org>
Subject: Three bocce courts located at Incline Beach

Since 2014 several Incline Village residents have requested that IVGID build three bocce courts. The best location for the bocce courts is at Incline Beach to the left of the entrance booth, where it is flat, not treed, accessible to rest rooms, grills and tables. The property which I am referring to is seldom if ever used by groups or individuals. I have visited the area over two hundred times in the past several years, including the beach busy Fourth of July and cannot remember a single person using this piece of IVGID property. These courts would be for the use of Incline residents and pass holders. For those individuals without bocce balls who wish to play IVGID would have three sets available at the reception gate for rent at $20.00 leaving a credit card as collateral until the bocce balls are returned.

Official bocce courts are 90 feet in length and 13.1 feet in width. The estimated cost of an official bocce is $19.00/square foot, or $22,401 per court. Although there is room for four bocce courts in the area for which I speak, our request is for three for a total cost of $89,604.00 or $310,996 less than what IVGID has budgeted.

Next to Pickle ball Bocce is the second fastest grow sport in America. All retirement communities have install bocce courts for their residents. In Reno Toll Brothers builders have bocce courts at their recreation centers. The Renaissance Hotel took out their gaming machines and installed nine courts inside and two outside. The town of Truckee has a total of 13 bocce courts, Kings Beach offers two courts as does Tahoe City. The town of Martinez, CA has 19 lighted courts that may be played on by reservation only. The same hold true for the adjacent town of Pittsburg with 13 lighted courts. In the Sacramento area the recreation department provides 17 different bocce court locations and each of these towns offer their residents league rolling.

Bocce is a sport which appeals to both genders and all ages. If properly promoted bocce could become Incline’s favorite family sport.

You might ask, how do we pay for adding these bocce courts? If IVGID were to collect a $2.00 per room BFF from the Hyatt Hotel’s 422 guestrooms, suites and Lakeside cottages and the 38 rooms at the Parkside Inn that would amount to $335,800 annually which could be directed to recreation. In addition the same amount could be applied to timeshare units and VRBO units.

In conclusion, after four years of getting the run around, it is about time the IVGID Board and the General Manager make a decision regarding the addition of three bocce courts. The locations which IVGID has proposed for the new courts would be more costly to build, and require more maintenance to maintain. Exhaustive research has been made to determine the best location for the proposed bocce courts and that is at Incline Beach. The only other area that makes sense is at the Aspin Grove Dog Park adjacent to the present building.
Respectfully submitted,

Ken Hubbart
P O Box 5881 Incline Village, 89450
775-831-1921
I'd like to address two points this evening.

The first is related to General Business Item F.1 on tonight's agenda. I ask the Board to vote unanimously in favor of our outside counsel's recommendations to expend the additional funds necessary to collect the astronomical amount of $469,000 from Mr. Katz. I have reviewed the litigation records of Mr. Katz' ill-conceived seven year lawsuit, including the dismissal of all 24 causes of action by Washoe County District Judge Flanagan, and the affirmation of his dismissal by the entire Nevada Supreme Court just one month ago. As you each decide how to vote, I ask that you consider three findings from Judge Flanagan's ruling:

- First, Mr. Katz' lawsuit was frivolous from the outset and proved to be vexatious during its long course;

- Second, Mr. Katz' approach was “designed to harass and distract the employees of IVGID”; and

- Third, and most heinous, “…this entire suit was a pretext for Mr. Katz to obstruct and impede IVGID’s operation to the detriment of thousands of other residents.” I also note that the substantial financial cost in distracted IVGID personnel resources is not included in the $469,000 being sought.

As Trustees, your first duty is to protect the interests of the entire community, and that duty is clear in this case: approve the actions necessary to hold Mr. Katz accountable to the fullest extent of the law, and in so doing, send a message to him and other members of his cabal intent on the destruction of IVGID that their behavior and its impact on our community will not be tolerated.

My second point is a comment on the abundance of “my facts are more accurate than your facts” opinions in our local paper and online, about whether our community is divided by a small cabal, many of them supporters of Mr. Katz. Messrs Clark, Simonian and Otto each asserted this division, but a Board candidate countered that these residents had their facts wrong and that they are creating division where it does not exist. If there was ever proof of division, one only need listen to the District Court’s findings against Mr. Katz. I encourage that candidate to learn from this incident before assaulting the veracity of fellow residents again.

Thank you.
Board meeting 8/27/18

Response to General Business Item F.1

Aaron Katz has been a chronic litigant since before I was elected to the Board in 2010. He has cost the district time, money and staff. He once referred to the departure of Romana Cruz, Melana Regos, Ed Youmans, and the death of my friend and colleague Jay Abdo as house cleaning. As Trustee and Board Chair, I committed to deterring his relentless records requests, law suits, and allegations while working with attorneys Scott Brooke, and Tom Beko. It is one of the reasons why I am running for Trustee again. Trustee Callicrate, at the meeting of May 18, 2016, said he doesn’t want to be misconstrued that he is supporting Katz, but if it were another individual and this individual felt they weren’t getting the appropriate response, are we sending the wrong message and that he doesn’t want to see the District recouping over a certain amount. Really? All 28 causes of action have been summarily dismissed, not to mention 12 other open meeting law and ethics complaints. The late Judge Flannagan found that “IVGID does not conceal public records and that IVGID had fully complied with the law”. “The evidence also revealed that Katz’s requests were not legitimate attempts to obtain documents but were utilized as a weapon to harass and distract the employees of IVGID from their mission to serve the community at large”. Katz continued to appeal after being held responsible for attorney’s fees as set forth by the Judge. Katz submitted a check for $241,646.11, which was held in trust during his appeal process. All appeals have been denied and the final legal costs have been tabulated. For a person who purports to be the community watch dog he has cost the district close to a half million dollars. I urge all board members to approve the continued efforts of attorney Tom Beko to recover the remaining legal fees owed the district. This is the public’s money, our money, and we want it back.
## OPEN MEETING LAW COMPLAINTS

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## ETHIC COMMISSION COMPLAINTS

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*Submitted by Greece Simonian*
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7/3/18
My name is Charlotte Croley. I am a 3 year full time resident of Incline Village. I have attended many public meetings but have never felt compelled to make a statement, until today.

Recently, I had a personal encounter with Mr. Aaron Katz that was very unpleasant. His anger escalated quickly while trying to intimidate me. I felt quite concerned for my safety. After much reflection, I find him to be a sad, bitter, angry bully.

For those that may not know, Mr. Katz is a CONVICTED FELON for PERJURY. I do NOT believe he is the voice of the community, championing our rights. And for his cronies, and those that align with him, I do not believe YOU are the voice of this community, either.

Mr. Katz is known to the Nevada judiciary as someone willing to file frivolous lawsuits. I believe that no one should condone his actions. I believe that his lawsuits and appeals – his personal vendettas – DO NOT have our community’s best interests at heart. To quote the court, “neither courts nor the laws of Nevada exist so that those who detest their local governments can bully them into submission. At some point these actions must come to an end.”

To the board of trustees, tonight you have an agenda item that involves Mr. Katz. In my opinion, his exhaustive lawsuits and numerous appeals have fed his own ego. He has acted for years and years without the regard to the TIME, ENERGY and MONEY that he has cost our community, to appear in court and defeat him.

It is time to recover this money –OUR MONEY –from Mr. Katz and use it for the greater good of Incline Village.

Therefore, I respectfully ask you, the Board of Trustees, to vote to follow the wisdom of Judge Flanagan. Please vote to pursue the recovery of ALL attorneys’ fees, and ALL costs that have been foisted upon Incline Village by Mr. Katz. On behalf of us all, it is time to stand up to this bully.

August 27, 2018
I add my voice to others: There is only one choice this evening, and that is to go forward with protecting the $241,000 in trust but at risk, and reclaiming the $157,000 spent to defend against increasingly desperate appeals to our Nevada Supreme Court. Any other choice, and this abuser of the public trust declares a win and gains strength.

With our populace educated again about what a pathetic excuse for a human being he is, and with the embarrassment of his failing decisively again, his cabal will lose its core and slowly splinter. With their ghostwriter emasculated, perhaps Frank Wright will have to write his own Guest Columns, Judy Miller her own Public Statements, Mike Abel his own hate sheets.

It is appalling that our legal system can be so subverted by one narcissistic ex-lawyer with a grudge. It is disgusting that such a lowlife could cause so much grief for so many years for the employees of IVGID.

I give those employees credit - our current and former General Managers, our current and former finance directors, our Board secretary, and so many IVGID workers - for lowering their heads, enduring the abuse, keeping their ethical balance, and somehow moving forward to provide us the most beautiful town in Nevada.

Members of his cabal have identified themselves and made their views known through the first set of Public Comments this evening. They will probably do so again tonight and in future meetings, but the words will be increasingly hollow and tired, and the harm will lessen.

I will be very interested in the arguments and votes of our current Trustees on this issue. This will tell us much about their affiliations and will inform our decisions in this November's Trustee election, and the next one.

I have great respect for those members of the Board who continue to govern thoughtfully in spite of the malicious attacks they endure during Board meetings, at Raleys, and in the ridiculously false lawsuits that are still being filed.

Should you vote tonight to authorize the funds needed to wrestle this last act to the ground, I see a time when Board meetings will return to reasonable civility - even in our disagreements - and when more good and decent people will again be willing to serve on the Board. I ask you to authorize spending the money to get our money back and to cause this person - at long last - to be hit hard with the financial consequences he has brought upon himself.

Thank you.
ORDER REGARDING COSTS

On February 26, 2018, this court entered an order of affirmance in this appeal. Thereafter, on March 12, 2018, respondent filed a bill of costs. See NRAP 39(a)(2). Respondent's itemized bill of costs includes costs for copying various documents for a total sum of $925.28. Pursuant to NRAP 39(c), costs taxable in the Supreme Court include the "cost of printing or otherwise producing necessary copies of briefs or appendices." Further, NRAP 39(c)(5) provides that "[t]he maximum amount of costs taxable under this section shall be $500." Based on the verified memorandum of costs, respondent is allowed costs in the amount of $500 for photocopying briefs and appendices. The clerk of this court is directed to issue an itemized
statement of costs in the amount of $500 for insertion in the remittitur and to issue the remittitur forthwith.¹

It is so ORDERED.²

Douglas, C.J.

cc: Richard F. Cornell
    Erickson Thorpe & Swainston, Ltd.

¹This order is without prejudice to respondent's right to seek any costs that are taxable in the district court. See NRAP 39(e) (setting forth costs that are taxable in the district court).

²On March 20, 2018, this court received appellant's "motion for order permitting the filing of motion taxing respondent's claimed costs on appeal combined with motion taxing respondent's claimed costs," in which appellant objected to respondent's bill of costs. As appellant was represented by counsel, the documents were returned to him unfiled. On March 28, 2018, counsel filed a motion for leave to file appellant's motion. The motion is opposed. NRAP 39(4) provides that objections to a bill of costs must be filed within five days after service of the bill of costs. No good cause appearing, we deny appellant's motion for leave to file his "motion taxing respondent's claimed costs on appeal combined with motion taxing respondent's claimed costs."
Introduction: Most local property owners know that IVGID involuntarily assesses each residential "dwelling unit" constructed upon a single parcels an annual Beach ("BFF") and/or Recreation ("RFF") Facility Fee. But they have no idea what the fee is legally called, what staff deceitfully represent it is, what it really pays for, and why those fees are as high as they are. This written statement is submitted to educate the reader so he/she understands the truth rather than the intentional misstatements spewed by IVGID staff. And for this purpose, PEO is used as an example.

At the IVGID Board's regular meeting of May 9, 2018, Mr. Katz prepared a written statement which demonstrated what the RFF/BFF really are, and what they really pay for. Rather than repeating, the reader is referred to that statement1.

In that written statement Mr. Katz demonstrated how staff regularly giveaway or discount, at a fraction of their real operational costs, exclusive use of the public's recreational facilities, to "favored" third party youth sports teams/organizations [such as the Washoe County School District ("WCSD"), Northern Nevada Aquatics ("NNA"), Little League, American Youth Soccer Organization ("AYSO") and others. He made the argument that local property/dwelling unit owners are the ones who end up involuntarily and often times ignorantly paying those costs through their BFF and/or RFF; an RFF which staff misrepresent2 pays for the assessed property's/residential dwelling unit's mere "availability" to access and use those facilities3, when-in-truth-and-in-fact, it pays for these and a myriad of other giveaways.

Now I demonstrate how staff similarly, and at a similar cost to local property/residential dwelling unit owners, give away exclusive use of the public's recreational facilities to "favored" non-


2 Think about it for a moment. How can the RFF pay for your "availability" to use these facilities when their exclusive use have been given away to others?

3 One need only refer to IVGID’s Finance Director’s May 23, 2018 Message to the "Board of Trustees and Citizens of Incline Village and Crystal Bay Incline Village General Improvement District" which appears at pages 40-48, and page 41 in particular, of the packet of materials prepared by staff in anticipation of the Board’s regular May 23, 2018 meeting ["the 5/23/2018 Board packet" (https://www.yourtahoeplace.com/uploads/pdf-ivgid/BOT_Packet_Regular_5-23-18.pdf)] where he represents that the RFF/BFF pay for the mere "availability of services."
profits so those non-profits can use these facilities to generate funds they retain for themselves to donate for their particular social endeavors of choice. And that's the purpose of this written statement.

Prologue: Before I begin, let me make a disclaimer. I have no issue with the non-profits who receive free or below market cost use of the public's recreational facilities at local property/residential dwelling unit owners' expense. Many, including PEO, provide valuable social services to our community. However with that said, I and others I know take issue with IVGID forcing local property/residential dwelling unit owners to finance these giveaways, administered by un-elected public employees with an agenda (the agenda being the purchase of the recipients' loyalties and allegiance).

The Event Which Sparked This Written Statement – PEO's 17th Annual "Tastes of Incline."

What exactly is this event? According to PEO, 21 or more local "restaurants donate...their time and food for each attendee to sink their taste buds into...food and drink will be accompanied by silent and live auctions (of)...items from ranging from fur jackets to local jewelry to wine." at the Chateau.

What IVGID Facilities Will This Event be EXCLUSIVELY Using? The Chateau and our catering department which is aka "food & beverage."

What is the Cost Which Will be Incurred/Loss of Revenue Which Will be Realized as a Result of This Event? We've had this discussion before. The financials staff share with the Board and the public are intentionally deceitful and confusing. So it's difficult to uncover the truth insofar as the costs associated with any particular venue. However putting this "difficulty" aside, let's point to some particulars:

1. Venue Rental - According to IVGID staff the regular rental cost for this facility for the day and length of time for this event is $2,770. Yet our staff have been nice enough to "waive" this

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4 A copy of PEO's print advertisement for this event, which appeared on page 19 of the August 17, 2018 edition of the Tahoe Daily Tribune Newspaper ["Daily Tribune" (http://edition.pagesuite-professional.co.uk/html5/reader/production/default.aspx?pubname=&edid=569c8c82-99ba-489e-a867-21a00184a5cd)] is attached as Exhibit "A" to this written statement.

5 PEO's description of the event appears in an August 16, 2018 article which appeared in the August 17, 2018 edition of the Daily Tribune (the online version of that article appears at https://www.tahoedailytribune.com/news/tastes-of-incline-event-feeds-local-scholarships/).
charge (disingenuously labeling it a "venue fee discount") because according to the application (see the asterisks on Exhibit "B") this is a "community event."  

2. Kitchen Rental - IVGID staff do not normally publicize the costs to use its commercial kitchen for an event. However, since this event involves the preparation of food, asterisks placed next to portions of Exhibit "B" evidence that a $1,000 "rental of the catering kitchen" has been assessed.

3. IVGID Employee Time and Food: If the reader returns to Exhibit "A," he/she will see that asterisks have been placed next to two of the participating restaurants; the Grille at the Chateau, and Wild Bill's BBQ. These are two IVGID businesses. Therefore they are staffed by IVGID employees, and the food and beverage they prepare is donated to the event. Given PEO expects to sell 300 tickets to the event which lasts from 4:30 P.M. to 7:00 P.M. (meaning set up beforehand, and clean up afterwards), can rest assured that with salaries, benefits and donated food, IVGID will be "donating" well in excess of $1,000.

4. $3,040 of Wine Sales: In fairness the invoicing attached as Exhibit "B" reveals that IVGID will be selling 160 bottles of wine at a cost of $19/bottle, which will be served by one or more IVGID employees. Although it is assumed IVGID will make a profit off the sale of this wine, at 160 bottles I can't imagine a whole heck of a lot.

What is the Projected Revenue PEO Anticipates it Will Realize From This Event? In PEO's application to IVGID for use of the public's facilities it shared the financial results (revenues and expenses) of its 2017 event; $32,476 of revenues, and $8,862 of expenses.

Conclusion: So there you have it. IVGID loses money on this giveaway, PEO will generate over $32,000 in revenues it gets to use for its charity of the month, and local property/residential dwelling unit owners are involuntarily subsidizing this version of public philanthropy. And it's not just PEO. This scenario is repeated a dozen or more times a month, and a hundred or more times a year! Ladies and Gentlemen. The deeper one digs, the dirtier it gets. NEVER does one reach a core of truth or goodness. The entire system is built upon lies perpetrated by un-elected staff. Staff who are more concerned with creating over compensated and over benefited "busy" work for themselves and their public employee colleagues, and buying the loyalty and allegiance of PEO, its volunteers and the restaurants who participate in the event, rather than the local property/residential dwelling unit owners who involuntarily subsidize all of this. It's the IVGID "way." The IVGID "culture." The truth as to where your RFF really goes. And another example of the reason why the RFF will NEVER be eliminated or reduced.

6 Attached to this written statement as Exhibit "B" are copies of PEO's June 29, 2018 or July 3, 2018 Application to use this facility pursuant to "Policy and Procedure Resolution 132, Resolution 1701," "contract for service(s)," and invoicing for the event. There asterisks have been placed next to the portions which evidence a $2,770 "rack rate" and $2,770 "discount."

7 This is no "community event." Pure and simple it is a commercial, "for profit" enterprise.

8 A copy of this document is attached as Exhibit "C" to this written statement.
Naysayers may argue that these giveaways of public assets for endeavors like these are a good thing for our community. They will state that these are the kinds of activities that make a community what it is. But the issue here isn't whether these are good or bad "things" for our community. Rather, the issue is *where is the money coming from?* In nearly every community public recreational facilities are paid for with taxes. But *not* in Incline *None* of the $3M or more in taxes IVGID receives annually goes to pay for the operational, maintenance nor capital improvement costs incurred at our public recreational facilities. Tax revenues are assigned to IVGID's General Fund from which the salaries and benefits of senior staff are paid. If those tax revenues were applied to the costs of our public recreational facilities instead, the RFF would be considerably lower. So the retort of naysayers is misplaced.

Respectfully, Frank Wright

---

3 Not that the Chateau is a true recreational facility.
P.E.O. CHAPTER AC PRESENTS

Tastes of Incline

Thursday, August 23, 2018 | 4:30-7:00 p.m.

Tickets
$65 presale
$75 at the door

The Chateau
955 Fairway Boulevard
Incline Village, Nevada

Buy Your Tickets Now!

Participating Restaurants:
- A Gourmet Affair
- Bear's Bistro
- Big Horn Inn
- Nick's Cafe
- Brewster's
- Brian's Catering
- Caper's
- Crespi's
- Olive Tree Italian Eatery
- The Potlatch
- South Shore Ice Cream
- The Grill at the Chateau
- Western BBQ

Tickets are available at
The Potlatch
930 Tahoe Boulevard
Incline Village, NV

For more information:
775-832-8086

SUPPORT LOCAL SCHOLARSHIPS

Come enjoy great food, wine and company!

Approved by the Nevada State Board. P.E.O. chapter support is not considered an endorsement by the Nevada State Board but is not subject to any requirements or limitations by the State.
POLICY AND PROCEDURE RESOLUTION 132, RESOLUTION 1701
APPLICATION

Organisation Name: Philanthropic Education Organization (PEO) Taste of Incline
Contact Name: Mary Munro
Address (Mailing):
City, State & Zip Code:
E-Mail Address:
Telephone Number:
EIN/Taxpayer ID:
Venue/Location: The Chateau
Date(s) of Event: August 23, 2018
Time Range: 9:30am-7pm

Qualify as a 501(c)(3) OR
Qualify as a Non-Profit OR
Volunteer Organization OR
Service Objective and Beneficiaries: Abolished

Confirm no commercial or personal gain comes from Event (Resolution, paragraph 2)
Confirm organisation will post Certificate of Insurance to IVDID (Resolution, paragraph 6.)
Confirm organisation agrees to indemnify and hold IVDID harmless (Resolution, paragraph 7.)
Confirm that organization complied with financial records (Resolution, paragraph 15)

Back Rate for Venue/Location requested: $2770
(Based on Board approved Key Rates)
We have worked with this event for 11 years to support them in supplying scholarships to local women of our community

Charge approved by Venue Manager for this Event: $1000 Kitchen Use Fee
($50 minimum) (Coded to 4733)

Venue Manager Signature and Date: [Signature] 7-3-18

Administrative Concurrence: [General Manager or designee; Signature & Date]

Distribution: Public Records Office, Director of Finance, Controller, Venue Manager

Effective July 1, 2013
As Adopted on July 10, 2013
# Contract for Service

**Incline Village General Improvement District**
955 Fairway Blvd
Incline Village, NV 89451
Phone: 775-832-1240
www.Inlinfacilities.com

<table>
<thead>
<tr>
<th>Prepared For:</th>
<th>Marilyn Merritt</th>
</tr>
</thead>
<tbody>
<tr>
<td>Event Date:</td>
<td>8/23/2018 - Thursday</td>
</tr>
<tr>
<td>Phone:</td>
<td>Taste of Incline</td>
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<tr>
<td>Event Title:</td>
<td>Taste of Incline</td>
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<tr>
<td>Guest Count:</td>
<td>300</td>
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<tr>
<td>Occasion:</td>
<td>Community Event</td>
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<tr>
<td>Last Change:</td>
<td>6/29/2018</td>
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</tbody>
</table>

**Address:**
955 Fairway Blvd
Incline Village, NV 89451

**Venue:**
The Chateau
955 Fairway Blvd
Incline Village, Nevada 89451

**Venue Contact:**
Cathy Becker
775-832-1240

**Timeline:**
- 9:30 AM Event Start
- 9:30 AM SetUp
- 4:30 PM Bar Opens
- 4:30 PM Guests Arrive
- 7:00 PM Event End

**Payments**

<table>
<thead>
<tr>
<th>Type</th>
<th>Date</th>
<th>Payment Method</th>
<th>Number</th>
<th>Note</th>
<th>Amount</th>
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<tr>
<td>Payment</td>
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<td>1060</td>
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<tr>
<td>Payment</td>
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**Payment Total:** $1,000.00
Incline Village General Improvement District  
955 Fairway Blvd  
Incline Village, NV 89451  
Phone: 775-632-1240  
www.inclinefacilities.com

Taste of Incline

<table>
<thead>
<tr>
<th>Prepared For:</th>
<th>Marilyn Merit</th>
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</thead>
<tbody>
<tr>
<td>Address:</td>
<td>Taste of Incline</td>
</tr>
<tr>
<td>Event Date:</td>
<td>8/23/2018 - Thursday</td>
</tr>
<tr>
<td>Phone:</td>
<td></td>
</tr>
<tr>
<td>Invoice #:</td>
<td>2857</td>
</tr>
<tr>
<td>Service Style:</td>
<td>Bar Only</td>
</tr>
<tr>
<td>Salesperson:</td>
<td></td>
</tr>
</tbody>
</table>
| Venue:        | The Chateau  
765 Fairway Blvd  
Incline Village, Nevada 89451 |
| Venue Contact:| Cathy Becker  
775-632-1240 |
| Room          | Start:        |
| The Chateau/Grand Ball Room | 8/23/2018 |
|               | End:          |
|               | 9:00 AM       |
|               | 9:30 AM       |
|               | Notes:        |
|               | Timeline:     |
|               | 9:30 AM Setup |
|               | 9:30 AM Event Start |
|               | 4:30 PM Guests Arrive |
|               | 4:30 PM Bar Opens |
|               | 7:00 PM Event End |
|               | Charge: $2,770.00 |
|               | Decorate committee |
|               | rest of people getting there at noon |

Menu #:1

They will be using the reach in, holding oven and ice machine

Beverage

Plastic cups  
food jars are for the scholars  
as much as wine as they need

<table>
<thead>
<tr>
<th>Qty</th>
<th>Description</th>
<th>Unit Price</th>
<th>Each</th>
<th>Total</th>
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<tbody>
<tr>
<td>80</td>
<td>Hayes House Cabernet</td>
<td>$19.00</td>
<td>Each</td>
<td>$1,520.00</td>
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<tr>
<td>60</td>
<td>Hayes House Chardonnay</td>
<td>$19.00</td>
<td>Each</td>
<td>$1,520.00</td>
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Printed Date: 8/21/2018  
Page 1 of 2
<table>
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<tr>
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<td>1</td>
<td>Rental of the catering kitchen</td>
<td>$1,000.00</td>
<td>$1,000.00</td>
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**Miscellaneous Subtotal:** $1,000.00

**Charges:**
- 20% Service Charge: $608.00
- Venue Fee Discount: ($2,770.00)

**Subtotal:** $4,648.00

**Payments:**
- ($1,000.00)

**Payments:**
- Balance Due: $3,648.00

**Final Balance Due:** 8/18/2018

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<td>6/29/2018</td>
<td>Check</td>
<td>1060</td>
<td></td>
<td>$1,000.00</td>
</tr>
</tbody>
</table>

**Payment Total:** $1,000.00

**Client Signature**

<table>
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<tr>
<th>Signer Name:</th>
<th>Sign Date:</th>
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**Printed Date:** 8/21/2018  
**Event #:** 2857  
**Page 2 of 2**
# 2017 Tastes of Incline
## Revenue & Expenses
## As of 12/31/2017

<table>
<thead>
<tr>
<th>Date</th>
<th>Revenue</th>
<th>Expenses</th>
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<tbody>
<tr>
<td>5/23</td>
<td>$ 150</td>
<td>rainbow printing $ 450</td>
</tr>
<tr>
<td>7/14</td>
<td>1,380</td>
<td>Sierra Nev. Media 1,253</td>
</tr>
<tr>
<td>8/2</td>
<td>1,595</td>
<td>Chateau—IVGID 4,693</td>
</tr>
<tr>
<td>8/2</td>
<td>930</td>
<td>Washoe County Health 480</td>
</tr>
<tr>
<td>8/7</td>
<td>150</td>
<td>IVGID Veterans 50</td>
</tr>
<tr>
<td>8/10</td>
<td>5,615</td>
<td>Cay Woodson-Buyer 259</td>
</tr>
<tr>
<td>8/16</td>
<td>1,255</td>
<td>Cindy Chamberlain 26</td>
</tr>
<tr>
<td>8/21</td>
<td>2,795</td>
<td>Carol Segesman 161</td>
</tr>
<tr>
<td>8/22</td>
<td>6,721</td>
<td>Jane Barnhart 850</td>
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<td>2,960</td>
<td>Sandra Meller 26</td>
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<td>8/24</td>
<td>235</td>
<td>Wells Fargo 493</td>
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<td>8/25</td>
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<td>June Shafer 121</td>
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<td>1,905</td>
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<tr>
<td>8/25</td>
<td>215</td>
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<tr>
<td>8/30</td>
<td>2,015</td>
<td></td>
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<tr>
<td>9/7</td>
<td>130</td>
<td></td>
</tr>
<tr>
<td>12/31</td>
<td>50</td>
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**Total Revenue:** $32,476  
**Total Expenses:** $8,962

*Next revenue after expenses: $23,614

**Additional Revenue and Expenses will trickle in over the next couple of weeks.
WRITTEN STATEMENT TO BE INCLUDED IN THE WRITTEN MINUTES OF THIS
AUGUST 27, 2018 REGULAR IVGID BOARD MEETING – AGENDA ITEM C –
PUBLIC COMMENTS – WHAT’S RIGHT VERSUS WHAT’S WONG –
MORE EVIDENCE THE PUBLIC CANNOT BELIEVE CHAIRPERSON KENDRA WONG’S ASSERTIONS OF FACT

Introduction: At the July 9, 2018 forum for candidates for IVGID Trustee, candidate Kendra Wong made a number of representations of fact the less knowledgeable in our community likely blindly accepted as true, notwithstanding they were not. On July 16, 2018 resident Aaron Katz e-mailed the IVGID Board insofar as one of those facts were concerned: Kendra’s assertion as fact that 80% of the rounds of golf played at the public's golf courses are played by residents. As a result of this assertion of fact, on July 14, 2018 Mr. Katz made a records request seeking evidence of the actual numbers reported by IVGID staff. And on July 16, 2018 staff provided a link to those records. Guess what? It turns out that for 2016 53% of golf rounds were played by residents, and for 2017 the number was 55%. Stated differently, according to IVGID staff 45%-47% of the rounds of golf played at our golf courses are played by outsiders rather than picture pass holders. And given it is doubtful that too many of those outsiders played the Mountain Course, it means that the numbers at just the Championship Course must reveal that the percentage of outsiders is likely in excess of 20%.

Mr. Katz shared these facts with the IVGID Board and asked Kendra to "please provide the records which support (her) assertion of fact...if the...numbers (reported) by IVGID staff (were) wrong, and the (correct) percentage (were) 80% as (she had) represented." Mr. Katz went on to state that if Kendra "refuse(d), then let the record reflect the truth." Guess what? I have been informed Kendra has refused to counter the percentages reported by staff! Which means the truth is different than what Kendra has represented.

Now I share three additional untruthful statements of fact made by Kendra. And that's the purpose of this written statement.

Kendra’s First Additional Misrepresentation of Fact: At the IVGID Board’s July 24, 2018 meeting Kendra represented that the Office of the Attorney General’s ("OAG") February 21, 2018 Findings of Fact and Conclusions of Law rendered in its File No. 13897-260 found only one Open 1

---

1 Thus implying it is acceptable to rack up $1 Million or more in annual losses which are subsidized by the Recreation Facility Fee ("RFF") local property owners pay because these facilities are allegedly for the primary use and benefit of those who are assessed rather than the world’s tourists.

2 Because by and large, the general public isn't even aware of the Mountain Course.

3 A copy of this e-mail is attached as Exhibit "A" to this written statement.
Meeting Law ("OML") violation. Listen to the following colloquy between Trustees Callicrate and Wong during on this subject:

Trustee Callicrate: "When we received those fifteen (15) OML violation complaints by Mr. Katz... I was under the impression the Attorney General's Office... said that yes we were in violation...

Chairperson Wong: That was one... Those were one complaint. So it was not fifteen (15) violations. It was one complaint and one action."

The Truth: I urge the reader to read those findings yourself. At page 9, lines 5-8 "the OAG made findings of fact and conclusions of law that the Board... committed violations of the OML by failing to approve meeting minutes within the statutorily required time fifteen (15) times." In other words, when Kendra told the public that the OAG did not find fifteen (15) OML violations in its File No. 13897-260, when it did, she didn't speak the truth.

Kendra's Second Additional Misrepresentation of Fact: After the OAG made its February 21, 2018 Findings of Fact and Conclusions of Law in its File No. 13897-260 Kendra announced at the Board's March 13, 2018 meeting that before receipt of the OAG's findings and conclusions, IVGID's professional staff and attorney Guinasso purportedly didn't know how to properly count the number of "days" for NRS 241.035(1) purposes. But now that the IVGID Board had received "input" from the OAG insofar as what constitutes a day, "we have more guidance and we're changing it going forward." In other words, we've learned from our mistake. Therefore as of March 13, 2018, if not before, Kendra knew that "unless good cause (were) shown, (the IVGID Board was required to)... approve the minutes of (its) meeting(s) within 45 days after the meeting or at the next meeting of the public body, whichever occurs later" [see NRS 241.035(1)(e)].

The Truth: Let's fast forward two months. The IVGID Board held a regular meeting on May 23, 2018. "The next meeting of the public body" for purposes of NRS 241.035(1)(e) took place on June 13, 2018. A review of the agenda for that meeting reveals that approval of the minutes of the Board's May 23, 2018 meeting was not agendized for possible action. The Board's next meeting thereafter

---

5 Reading the Findings of Fact and Conclusions of Law in OAG File No. 13897-260 (http://ag.nv.gov/uploadedFiles/agngov/Content/About/Governmental_Affairs/OML_Portal/Opinions/Katz%20260%20Opinion.pdf), Kendra was and is wrong.
6 IVGID livestreams its Board of Trustee meetings and this assertion of fact can be confirmed at 1:08:05-1:09:37 of the Board’s March 13, 2018 meeting (see https://livestream.com/IVGID/events/8108022).
took place on July 24, 2018. Approval of the minutes of the Board's May 23, 2018 meeting was agendized for possible action as item H(1). And in fact those minutes were approved.

But July 24, 2018 was more than 45 days after the Board's May 23, 2018 meeting (in fact, it was 62 days). Given no explanation was given to the Board at its July 24, 2018 meeting for the delay in approving the minutes of its May 23, 2018 meeting, under Kendra’s Board chairpersonship "proven, positive leadership," another OML violation was committed!

Given it is the chairperson's responsibility to prepare agendas for Board meetings, when Kendra told the public "we have more guidance and we're changing it going forward," she didn't speak the truth.

Kendra’s Third Additional Misrepresentation of Fact: At the July 9, 2018 candidate forum for IVGID Trustee, after the Supreme Court had rendered its opinion in The Commission on Ethics v. Hansen, 134 Nev. Adv. Op. 40 (2018), I asked Kendra what she intended to do to our public employees who had sold public lands and initiated a lawsuit against a local resident (Kevin Lyons) without first obtaining Board approval given that's what the Hansen case instructs. Kendra's answer was "absolutely nothing" because according to her, until the Hansen case "the Nevada State Supreme Court hadn't made law (which prohibited)...such behavior." This explains why up until then the IVGID Board was routinely abdicating its responsibilities to approve District action that involved or might subject the District to the expenditure of public monies. Two examples of the Board's abdication which came up at the candidate forum were staff's decisions, without Board approval, to:

1. Initiate a lawsuit against local resident Kevin Lyon's FlashVote company [Governance Sciences Group ("GSGI")]; and,

2. Sell three parcels obtained from Washoe County based upon IVGID staff's representation that once received, the parcels would be held for public "open space."

On March 28, 2018 a proposed settlement with GSGI was agendized as item F(3). This was an issue discussed at great length in light of the Hansen case, inasmuch as that litigation had been


10 See 3:00:01-3:00:53 of the 7/24/2018 livestream (https://livestream.com/IVGID/events/8303850/videos/178110861).


12 This answer demonstrates Kendra’s lack of knowledge. Courts do not make laws. The Legislature makes laws. Courts interpret and apply the law. Thus the Hansen case did not make law. It reiterated existing law which requires public body Boards to approve, at a public body, any action which involves the expenditure or potential expenditure of public funds.

initiated by the GM (rather than the IVGID Board) with the advice and encouragement of attorney Guinasso, and it involved the expenditure of public monies. And as a result, Board policy was amended to prevent the GM from initiating litigation in the future without Board approval.

On April 11, 2018 the sale of said three parcels was agendized as item G(5)\textsuperscript{14}. Again this was an issue discussed at great length in light of the Hansen case, inasmuch as public funds had to be expended to pay Washoe County delinquent back taxes. And as a result, IVGID staff were instructed to halt future land sales without Board approval pending adoption of an express Policy resolution on the subject.

Thus as early as March 28, 2018, if not before, Kendra knew that any District action that involved the expenditure of public funds could not be abdicated to staff, attorney Guinasso, or herself (as only one of five members of the IVGID Board). But now that we know the law insofar as our responsibilities as a public body board are concerned (when it comes to the expenditure of public funds), we won't be committing similar violations in the future. In other words, we've learned from our mistake.

The Truth: Let's fast forward three or three and one-half months to July 6, 2018. The Tahoe Transportation District ("TTD") was in the process of making application to the USDOT for BUILD grant funding for a proposed shared use bike path on the eastern rim of Lake Tahoe ("the project"). Because TTD's odds of success would be enhanced if it could demonstrate infusion of "matching funds" to the grant, it asked IVGID staff for a letter (drafted by IVGID staff and/or the TTD) wherein IVGID represented that it will spend $7.5 Million in matching project funds should TTD's grant request be approved. Staff represented that because preparation of such a letter was "time sensitive," it was somehow acceptable to have the IVGID Board chairperson unilaterally sign the letter on behalf of the Board, which she did\textsuperscript{15}, notwithstanding staff had neglected to share the particulars of TTD's BUILD grant request with Kendra, and the letter proposed expending public funds on the project\textsuperscript{16} even though there had been no meeting of the Board to either approve the expenditure, nor the letter. Given the $7.5 Million represents the fund balance in the Utility Fund, no portion has ever been appropriated by the Board for any project whatsoever, and the Hansen case holds that where a public body takes action which involves the expenditure of public moneys, without governing board approval at a public meeting held for that purpose, an OML violation occurred and a misrepresentation of fact to USDOT has occurred. Stated differently, when Kendra told the public we won't be committing similar OML violations in the future, she didn't speak the truth. And when she told USDOT that the


\textsuperscript{16} The $7.5 Million "available" to be spent, is not for the project. Rather, it is supposed to be restricted for Phase II reconstruction of IVGID's failing effluent pipeline. Moreover, no IVGID Board has yet to appropriate any portion of this $7.5 Million to be spent on anything.
Board had appropriated $7.5 Million to be spent as matching funds on the project, she didn't speak the truth.

**Conclusion:** So when Board Chairperson Kendra Wong and her supporters tout that a small group of "deplorables" in our community are the ones guilty of misinformation, they really are talking about *themselves!* Here I have demonstrated at least six\(^6\) of Kendra's deceitful and/or misrepresentations of fact. So why has she made the misrepresentations of fact that she has? Because she is more committed to the interests of un-elected staff and a handful of favored special interest persons/groups than "the inhabitants...of (Incline Village, Crystal Bay) and of the State of Nevada" as NRS 318.015(1) instructs, and the local property owners she was presumably elected to serve\(^7\). So the next time someone tells you Kendra has demonstrated "Proven Positive Leadership," think back to the deceit and misrepresentation the subject of this and previous written statement(s)\(^8\). Deceit and misrepresentation which have directly led to the Recreation/Beach Facility Fees Being as High as They Are, all at local property owners' expense.

Respectfully, Frank Wright

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\(^7\) This is evidence of what local resident Aaron Katz has labeled "the IVGID culture."

\(^8\) At the Board's regular June 13, 2018 meeting Mr. Katz submitted a written statement which dissected and exposed another of Kendra's deceitful and misrepresentations; that "over the past three and a half years (fiscal year 2014-15 through the present) as an IVGID Trustee, (sh)e ha(s) maintained a flat recreation fee" (see pages 603-639 of the 7/24/2018 Board packet). And at that same July 24, 2018 meeting Mr. Katz submitted another written statement which dissected and exposed another of Kendra's deceitful and misrepresentations; that she has "encouraged community comment while streamlining Board of Trustee meetings" (see pages 555-569 of the 7/24/2018 Board packet).
Dear Chairperson Wong and other honorable members of the IVGID Board -

At the most recent candidate for trustee forum Chairperson Wong represented that 80% of the rounds of golf played at the public's golf courses were played by residents. As a result of this assertion of fact, on July 14, 2018 I made a records request for evidence of this fact (see below). This morning Ms. Herron provided a link to records evidencing the truth.

I direct the Board to page 124 of the packet which evidences the combined percentage of the rounds of golf played at BOTH of our golf courses. For 2016, 53% and for 2017, 55%. Let the record evidence the truth.

And now my question for Ms. Wong. If these numbers created by IVGID staff are wrong, and the percentage is 80% as you represented, please provide the records which support your assertion of fact. If you refuse, then let the record reflect the truth.

BTW, the real question is what is the percentage insofar as the Champ Course is concerned because how many nonresidents even know the Mountain Course exists? I suspect the percentage is far less than 53% or 55%. And if this be the case, the question is for whose benefit does the Champ Course really exist?

I am sending a copy of this e-mail string to Ms. Herron asking it be included in the next Board packet because I want the public to see the truth. If Ms. Herron refuses, I shall be attaching a copy to a written statement to be attached to the minutes of the Board's July 24, 2018 meeting.

Thank you, Aaron Katz

-----Forwarded Message-----
From: "Herron, Susan"
Sent: Jul 16, 2018 8:34 AM
To: "s4s@ix.netcom.com"
Cc: "Jason D. Guinasso"
Subject: RE: Records Request - Nos. of Passholders Paying to Play Golf at Our Golf courses

Dear Mr. Katz,

This e-mail shall serve as IVGID's response to your public records request made on July 14, 2018 which reads as follows:

Therefore I would like to examine records evidencing the numbers of persons broken down by parcel owners paying to play rounds of golf at either of IVGID's golf courses for the period May 1-October 20, 2017, and May 1, 2018 to the present.

The following link has the 2017 golf information which begins on packet page 116. Season to date information is generally given during verbal updates made at Board meetings with the last one provided at the May 23, 2018 meeting; please feel free to review the Livestream unless you desire a copy of the audio of that meeting.
This completes your records request in its entirety.

Susan A. Herron, CMC
Executive Assistant/District Clerk/Public Records Officer
Incline Village General Improvement District
893 Southwood Boulevard, Incline Village, NV 89451
P: 775-832-1207
F: 775-832-1122
M: 775-846-6158
sah@ivgid.org
http://lvgid.org

From: s4s@ix.netcom.com <s4s@ix.netcom.com>
Sent: Saturday, July 14, 2018 8:47 PM
To: Herron, Susan <Susan_Herron@ivgid.org>
Subject: Records Request - Nos. of Passholders Paying to Play Golf at Our Golf courses

Hello Ms. Herron -
A records request.

As you know Kendra Wong stated percentages of property owners accessing the golf courses as well as Diamond Peak. Either she made these numbers up or they come from records made available to her by IVGID staff.

Therefore I would like to examine records evidencing the numbers of persons broken down by parcel owners paying to play rounds of golf at either of IVGID's golf courses for the period May 1-October 20, 2017, and May 1, 2018 to the present.

Thank you for your cooperation, Aaron Katz
INTRODUCTION: Since the first of this (2018) year, unelected staff have begun censoring written correspondence from the public to the IVGID Board in the packets of materials they prepare in anticipation of public Board meetings. What's most bothersome besides the disingenuous effort at censorship, is that this behavior violates Board policy and it comes after a prior unsuccessful attempt to change that policy, and explicit instructions against future censorship from at least two Board members. In other words, another example of staff arrogance and the "IVGID Culture." Since staff have excluded my written correspondence from board packets, the only way that they can be legally compelled to include it, is by making them part of a written statement submitted for inclusion in the minutes of this meeting. And that's the purpose of this written statement.

Since the First of This Year Unelected IVGID Staff Have Quietly Omitted Essentially All Written Correspondence From the Public to the Board in the Packets of Material They Prepare in Anticipation of Public Board Meetings: Since the first of this year, there have been thirteen Board meetings. Of those thirteen, eleven of the packets of materials prepared in anticipation thereof have included no correspondence from the public whatsoever, including the packet for this August 27, 2018 meeting. One packet included a single piece of correspondence from a member of the public who asked her statement either be attached to the minutes of a meeting, or included in a future Board packet under "correspondence," and staff elected to include it as correspondence rather than attaching it to the minutes of a meeting. And one included what appears to be a normal amount of correspondence.


1 A culture where unelected staff care more about themselves, their public employee colleagues, and their "favored collaborators," than the Board and the public they were hired to serve.

2 See https://www.yourtahoeplace.com/uploads/pdf-ivgid/BOT_Packet.Regular.8-27-18.pdf. Although "Correspondence Received by the District" is agendized, none is included in the packet.
and July 24, 2018 (https://www.yourtahoeplace.com/uploads/pdf-ivgid/BOT_Packet_Regular_7-24-2018.pdf) meetings. There you will see that correspondence as an agenda item was been removed entirely from all eight of these meeting agendas.

Next let’s go to the board packet for the Board’s regular January 24, 2018 (https://www.yourtahoeplace.com/uploads/pdf-ivgid/BOT_Packet_Regular_1-24-18.pdf) and May 23, 2018 https://www.yourtahoeplace.com/uploads/pdf-ivgid/BOT_Packet_Regular_5-23-18.pdf) meetings. Although "Correspondence Received by the District" was agendized, you will see none was included in either board packet.

Next, let’s go to the board packet for the Board's March 28, 2018 meeting (https://www.yourtahoeplace.com/uploads/pdf-ivgid/BOT_Packet_Regular_3-28-18.pdf). Here you will see that only a single page of correspondence was included because Margaret Martini asked her written remarks either be attached to the minutes of the meeting or included as correspondence for a future meeting. In order to "cleanse" the minutes since they must be retained perpetually, Ms. Herron chose to include it as the latter.

Finally, let’s go to the board packet for the Board’s regular February 7, 2018 meeting (https://www.yourtahoeplace.com/uploads/pdf-ivgid/BOT_Agenda_Ragular_2-7-18.pdf). Here you will see that correspondence was included from a number of persons, at pages 190-216.

Summarizing then, there has been no correspondence from the public included in the packets for any public Board meeting taking place within the last five months!

Notwithstanding, the Board Has and For Some Number of Years Has Had a Policy Which Requires Written Correspondence From the Public to Be Included in All of its Board Packets: Since April 14, 1999 written correspondence addressed to the IVGID Board from members of the public have not only been the subject of a Board meeting agenda item, copies of that correspondence have been included in the packets of materials prepared by staff in anticipation thereof. The District has adopted handbooks for its employees as well as its Trustees which speak to its policies. And insofar as correspondence is concerned, let me quote from page 12 of the Trustee "member handbook:"

"Correspondence is included in the Board packet if it is received in time for its inclusion. Correspondence received after production of the Board packet is verbally noted as received and then included in the following Board packet."

On April 25, 2018 Staff Disingenuously Recruited Trustee Horan to do Their Bidding Insofar as Modifying the Board’s Written Correspondence Policy is Concerned: Unelected staff used Trustee

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Horan as a tool (the way they use Chairperson Wong and Trustee Morris for similar purposes) to adopt a correspondence policy which differed markedly from the current policy. Under their version of "transparency," staff proposed a policy whereby:

"2. The District Clerk (i.e., Susan Herron) would no longer include correspondence (from) members of the public within the Board packet or successive ones;" and,

"5. If a member of the public was unable to attend a Board meeting, to submit their comments in writing, (although) they are welcome to transmit their comments via e-mail to the Board...the (ir) transmittals would be treated as Correspondence." In other words, since "correspondence (from) members of the public...would no longer include(d) within the Board packet or successive ones," neither would comments submitted by members of the public who requested their comments to be attached to the minutes of those meetings and were unable to attend Board meetings.

Given the Board chose not to modify the current policy, Trustee Horan's efforts were tabled and no action was taken.

The Subject Came Up Again at the Board's May 9, 2018 Meeting: When staff again had omitted written correspondence from the public in the packet of materials prepared in anticipation of that Board meeting. Listen to the colloquy between Trustees Dent, Callicrate and GM Pinkerton:

Trustee Dent: "General Manager Pinkerton, the last couple of board packets haven't included correspondence received, and this one doesn't either... It was my understanding we weren't making any changes (i.e., including written correspondence to the board in the board packet).

GM Pinkerton: That's right. We're not making any changes to the correspondence.

Trustee Dent: So we haven't received any correspondence over the last couple of months? They haven't been in the board packet?

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6 Remember, according to staff, some two-thirds (2/3) of local property owners are absentee vacation and/or second homeowners. In other words, they do not reside in Incline Village or Crystal Bay and therefore likely cannot physically attend more than one or two Board meetings/year at best.


GM Pinkerton: We have, have been including pertinent correspondence...I think we’re comfortable that any correspondence that hasn’t already been communicated to the board and is not in any way, we think derogatory in manner or exposing the district, we’ve included that correspondence. And we will continue to include that correspondence...The clerk (Susan Herron), myself and legal counsel always review correspondence and determine whether things are appropriate to be included in correspondence.

Trustee Dent: So we’re filtering our correspondence rather than just including all the correspondence? We’re filtering based upon whether we like or don’t like the comments?

Now listen to Trustee Callicrate's comments on this subject:

Trustee Callicrate: "As I recall, the Board never decided to not include the correspondence in our packets. It was brought up (on April 25, 2018) by Vice-Chairman Horan, and the Board decided that we didn’t want to take action so that (agenda item) was pulled...The Board makes the final decision what’s going to go in the packet and not go in the packet. And defamatory or not...these are public records which should be included since we have a correspondence section (on our agendas)...What we receive as an e-mail (or otherwise) is public information. And it should be included in here...I don’t think that it’s up to us to be filtering or removing or leaving out (any) information. I would vehemently disagree about removing correspondence from our packet It’s inflammatory, it can be defamatory, it can rake each one of us over the coals umpteen days to Sunday. But that’s part of being a public body...This just to me this sends a chilling effect and once again opens us up to perception is reality. That we’re trying to hide something...filter it...I don’t agree with that at all."

Given the foregoing, one would have expected written correspondence from the public to be included in the board packets for the Board’s May 23, 2018, June 13, 2018, July 25, 2018 and August 27, 2018 meetings. But if so, one would be mistaken!

Since Unlected Staff Have Omitted Written Correspondence to the Board Since its July 25, 2018 Meeting, Attached to This Written Statement For Inclusion in the Minutes of This Meeting are a Series of Pieces of Correspondence: Let's start with Mr. Katz’s e-mail of August 1, 2018. Here he objected to staff’s deletion of a Parasol Building purchase resource page after he brought to staff’s attention that materials which were supposed to be included thereon were missing. So the Board and the public were aware of what staff had done, Mr. Katz sent a copy of the e-mail string to the Board. And not that he had to ask that this string of e-mails be included in the packet of materials prepared in anticipation of the Board’s next meeting, I have placed an asterisk next to where he expressly made that request. Since this e-mail string has been omitted from the Board packet for this meeting, a copy is attached as Exhibit "A" to this written statement.

9 This is an untrue statement Mr. Pinkerton. Given the review of all past Board meetings prior to May 9, 2018 given herein, the reader can see for him/herself that when Mr. Pinkerton states staff "has been including pertinent correspondence" in board packets, either nothing in his opinion has been "pertinent," or he speaks with forked tongue.
Next, let's go to Mr. Katz's first e-mail of August 6, 2018. Here Mr. Katz objected to staff's attempted extraction of $13,000 in "extraordinary" public record fees demanded from Mark Smith as a pre-condition to his being able to examine (rather than copy) a number of IVGID e-mails. In that e-mail Mr. Katz noted that since attorney Guinasso was the one incurring the "extraordinary" effort, he was not assessing the District any additional monies for that effort, the District cannot assess requesters more than its "actual costs" incurred, and here there was no actual cost, staff had no basis to demand the $1,300 other than using the demand as a latent means of concealment. Since Mr. Katz wanted the Board and the public to know what staff and attorney Guinasso were doing behind closed doors to conceal the disclosure of embarrassing public records, he sent a copy to the Board. And not that he had to ask that the string of e-mails with Susan Herron [the Public Records Officer ("PRO")] be included in the packet of materials prepared in anticipation of the Board's next meeting, I have placed an asterisk next to where Mr. Katz expressly made that request. Since this e-mail string has been omitted from the Board packet for this meeting, a copy is attached as Exhibit "B" to this written statement.

Next, let's go to Mr. Katz's second e-mail of August 6, 2018. Here Mr. Katz replied to the PRO's disclosure of Carson Urologists' use of local property owners' beaches on July 28, 2018 where 57 alleged "guests" came onto the beaches. Mr. Katz wanted the Board and the public to understand why our beaches are overcrowded, and why the Board should take affirmative action. And not that he had to ask that the string of e-mails with the PRO be included in the packet of materials prepared in anticipation of the Board's next meeting, I have placed an asterisk next to where he expressly made that request. Since this e-mail string has been omitted from the Board packet for this meeting, a copy is attached as Exhibit "C" to this written statement.

Next, let's go to Mr. Katz's e-mail of August 7, 2018. Here Mr. Katz asked to examine the financial statement required by Resolution 1701, within 60 days of a qualified non-profit's event; here Tahoe Safe Alliance's/Rotary's use of the Mountain Golf Course on June 3, 2018. When the PRO replied that staff was working to obtain the report, Mr. Katz forwarded copies of the e-mail string to the Board. Mr. Katz wanted the Board and the public to see that the required statement had probably not been provided and staff was using the time to "round up" a statement. And not that he had to ask that the string of e-mails with the PRO be included in the packet of materials prepared in anticipation of the Board's next meeting, I have placed an asterisk next to where he expressly made that request both on August 1, 2018 and August 7, 2018. Since this e-mail string has been omitted from the Board packet for this meeting, a copy is attached as Exhibit "D" to this written statement.

Next, let's go to Mr. Katz's e-mail of August 10, 2018. Here staff attempted to do what it had done to Mark Smith. That is, pre-condition examination of public record e-mails upon payment of $1,400 for attorney Guinasso's "extraordinary" time, notwithstanding the District would incur no additional cost for the expenditure of that time. Since Mr. Katz wanted the Board and the public to know what staff and attorney Guinasso were doing behind closed doors to conceal the disclosure of embarrassing public records, he sent a copy to the Board. And not that he had to ask that the string of e-mails with the PRO be included in the packet of materials prepared in anticipation of the Board's next meeting, I have placed an asterisk next to where Mr. Katz expressly made that request. Since this
e-mail string has been omitted from the Board packet for this meeting, a copy is attached as Exhibit "E" to this written statement.

Next, let's go to Mr. Katz's first e-mail of August 13, 2018. Here he asked to examine Tahoe Transportation District's ("TTD's") BUILD grant application wherein Chairperson Wong had signed a July 6, 2018 letter committing $7.5 Million in matching public funds. When the PRO responded that the District was not in possession of the requested application, Mr. Katz wrote to the Board asking it conduct an investigation to learn the truth because staff was either totally irresponsible, or untruthful. And not that he had to ask that the string of e-mails with the PRO be included in the packet of materials prepared in anticipation of the Board's next meeting, i have placed an asterisk next to where Mr. Katz expressly made that request. Since this e-mail string has been omitted from the Board packet for this meeting, a copy is attached as Exhibit "F" to this written statement.

Finally, let's go to Mr. Katz's second e-mail of August 13, 2018. Here he asked the Board to discipline IVGID employee Charlotte Croley for conduct in violation of Board policy. In the e-mail he set forth the various violations, and his prior attempt to have GM Pinkerton impose that discipline, and report back to Mr. Katz that the same had occurred. When GM Pinkerton failed to report back and it was evident he intended to do nothing (because he cares more about his employees than Board policies and the public he was hired to serve), Mr. Katz escalated the matter to the Board. And not that he had to ask that the string of e-mails with GM Pinkerton be included in the packet of materials prepared in anticipation of the Board's next meeting, I have placed an asterisk next to where Mr. Katz expressly made that request. Since this e-mail string has been omitted from the Board packet for this meeting, a copy is attached as Exhibit "G" to this written statement.

**Conclusion:** Maybe most residents don't care about how IVGID staff repeatedly conceal public records. Maybe most residents don't care about how the IVGID Board does nothing whenever its members are put on notice of inappropriate staff action. But maybe some do care because they are treated similarly and don't know they are not alone because staff have chosen to censor these facts from public purview. That's one of the wrongs with staff censorship.

But there's a second wrong insofar as censoring written correspondence to the board is concerned. And that's staffs' protection of favored staff who are more committed to themselves than the local residents and property owners they were elected to serve. Especially in an election year, members of the public are interested in learning how their fellow citizens' requests to the Board for relief are ignored by our Board Chairperson who together with GM Pinkerton control the agenda, and thus control the "gateway" to possible Board action. But by censoring the public's view of such written correspondence, the public is deprived of this knowledge. And if you think about it, what we really have here is further evidence of staff's discriminatory application of public communication via board packets. Stated differently, when staff tout the word "transparency," what they are really touting insofar as you and I are concerned, is concealment.

I never thought I would need a dictionary to understand IVGID speak talk. Well it turns out I do. And I imagine, so does the rest of our community. Respectfully, Frank Wright
Thank you Ms. Herron.

So let's summarize, shall we?

1. Staff boasts transparency in all that it does.
2. Supposedly pursuant to this policy, it creates a proposed Parasol Building purchase web page for the benefit of the public;
3. But staff calls the project something it is not; an alleged "lease modification;"
4. And staff censors the page to share only cherry picked arguments/data/documents which support its agenda;
5. And staff refuse to share the opposite arguments/data/documents because that would be contra to their self-serving agenda;
6. And staff doesn't share the costs the public is incurring in the prosecution of this endeavor;
7. So a member of the public comes forward to ask for this missing cost info to be provided;
8. And staff responds, "it's on the web site stupid;"
9. So the member of the public comes back and says it is not, so please provide it;
10. And instead of providing the missing records within five business days of request, staff comes up with an excuse to delay disclosure by nearly a month;
11. And then staff forgets the month has lapsed and it's time to provide the requested records;
12. So the member of the public has to remind staff because they apparently don't have calendars;
13. And when most but not all of the requested records are provided, the records reveal anywhere from $30K-$37K in unbudgeted expenditures paid for by our Rec Fee;
14. So the requesting member of the public returns to staffs "transparency page" on the subject to see if it has been updated to now be more "transparent;"
15. And when this member of the public sees that it has not been updated, he brings the omission to the attention of the Board in the hope the Board will step forward and make the page transparent to the public as a whole as represented;
16. And how does staff respond? Notwithstanding this is a legitimate election issue because it was and is Kendra Wong's and Bruce Simonian's pet project, staff announce it has unilaterally decided to remove the page because the board has allegedly tabled the matter;
17. And within minutes of this announcement, the page is gone.

How convenient. How non-transparent. How supportive of Kendra Wong for reelection because she is the one who championed this endeavor, notwithstanding the public is overwhelmingly against it, and staff wants no evidence of Kendra's support readily accessible through the IVGID web site (another act intended to influence the outcome of an election).

Now how could any decent and ethical member of the public ever accuse me of unfairly and disgustingly criticizing staff? Let's just see how.

I am sending a copy of this e-mail to the Board asking them return the page to the district's web site. At the very least it provides an important procedural history worthy of retention/publication, don't you agree?

And Ms. Herron. Please include this e-mail string in the next Board packet under correspondence. If you don't include the e-mail string in correspondence as requested, then you will force me or others to attach copies to a written statement requested to be included in the minutes of a future/next IVGID Board meeting.

Thank you for your cooperation. Aaron Katz

Original Message
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From: "Herron, Susan"
Sent: Aug 1, 2018 2:55 PM
To: "s4s@ix.netcom.com"
Dear Mr. Katz,

Thank you for your e-mail. As the Board has tabbed this matter indefinitely, Staff is removing this web page from our website. Should the matter be resurrected in the future, Staff may repost it.

Susan A. Herron, CMC
Executive Assistant/District Clerk/Public Records Officer
Incline Village General Improvement District
893 Southwood Boulevard, Incline Village, NV 89451
P: 775-832-1207
F: 775-832-1122
M: 775-846-6158
sah@ivgid.org
http://ivgid.org

From: s4s@ix.netcom.com <s4s@ix.netcom.com>
Sent: Wednesday, August 01, 2018 1:17 PM
To: Herron, Susan <Susan_Herron@ivgid.org>
Cc: Wong, Kendra <Kendra_Wong@ivgid.org>; Tim Callicrate <tim_callicrate2@ivgid.org>; Horan, Phil <Horan_Trustee@ivgid.org>; Matthew Dent <dent_trustee@ivgid.org>; Peter Morris <Peter_Morris@ivgid.org>; Jason D. Guinasso <jguinasso@hutchlegal.com>
Subject: Updating the IVGID Web Site Which Supposedly Shares All the Facts/Data/Records/Costs Relevant to the Proposed Parasol Building Purchase

Ms. Herron;

Now that you have finally made available for examination most if not all of the cost invoicing associated with this endeavor, I went back to the district’s resource page for this project (https://www.yourtahoeplace.com/ivgid/resources/ptof-modification-request) hoping to find the page has been updated to include this data.

Unfortunately, I was naive to expect that GM Pinkerton would be "transparent" and share the truth, because he hasn’t.

Other than the invoicing from Smith Design Group, I cannot find the invoicing for any other identified vendor.

Do you/GM Pinkerton plan on updating the page to include this missing data and if so, when? If not, why not?

And if you do, may I recommend you include a spreadsheet which breaks down each and every vendor, its cost, and the total, so it’s very easy for the public to see how much of the Rec Fee has been spent on this endeavor.

I am sending a copy of this e-mail to the IVGID Board so each member can see first hand how our staff cherry picks facts/data/records/costs to present a scenario it is pre-disposed to support, rather than sharing all facts/data/records which allows the public to come to its own conclusions.

Prove me wrong Mr. Pinkerton by updating the subject page to provide everything. And that includes my several written statements attached to past board meeting minutes which made arguments critical to those included on the subject web page.

And again I ask that you please include this e-mail string in the next Board packet under correspondence. If you don’t include the e-mail string in correspondence as requested, then you will force me or others to attach copies to a written statement requested to be included in the minutes of a future/next IVGID Board meeting.

Thank you for your cooperation. Aaron Katz
Thank you Ms. Herron -

So for the record, here we see that in fact there were records available, which I originally asked to examine, that you did not make available for my examination when requested.

1. None of the records provided indicate IVGID's chart of account ("COA") no. to which payment was assigned. Given records evidencing the same were requested yet not provided, you have still not provided all of the requested records contrary to your assertion to the contrary.

Please provide records evidencing all of the missing COA numbers assigned to payment of each of these expenses/invoicing, as well as records evidencing all charges assigned to those numbers during fiscal year 2017-18 (so I can make sure all expenses assigned by staff to the possible purchase of the Parasol Building are included).

2. Your invoicing for Ballard King is confusing. There are two sets of billings for this vendor included in two different invoices from Design Works for work associated with the Community Services Master Plan. Additionally, there are several Ballard King entries included in each invoice without a specification as to the extent of work expended expressly associated with possible Parasol Bldg. purchase.

Are there not additional sets of invoices from Ballard King relative to the possible Parasol Building purchase expressly and if so, why haven't they been provided? If there are not other invoices, then what entries on the two Design Works invoices provided are expressly related to Ballard King's work associated with the Parasol Building?

3. Your invoicing for Barker Rinker Seacat is equally confusing. Again there are two sets of billings for this vendor included in two different invoices from Design Works for work associated with the Community Services Master Plan. Additionally, there are several Barker Rinker Seacat entries included in each invoice without a specification as to the extent of work expended associated with possible Parasol Bldg. purchase. Additionally, Barker Rinker Seacat invoicing goes back to October of 2016; well before any work was requested associated with the Parasol Building purchase.

Is there not an additional set of invoices from Barker Rinker Seacat relative to the possible Parasol Building purchase and if so, why haven't they been provided? If there are not other invoices, then what entries on the Design Works invoices provided are expressly related to Barker Rinker Seacat's work associated with the Parasol Building?

4. You have not provided unredacted Holland and Hart invoicing as requested. There was and is no reason for redaction and moreover, you have provided none. Instead, you have just redacted. Not only is this kind of response not in accord with NRS 239.0107, but it represents staffs alteration of existing public records which I have shared before, IMO, is criminal.

I don't know how many times a member of the public must ask for the same public record, but again, I want to examine the UNREDACTERD Holland and Hart invoicing requested.

5. You have provided three documents prepared by IVGID staff. But you haven't provided records evidencing the public's cost associated with the preparation of these documents (who worked on preparing these documents, how many hours, the cost/hour for salaries/benefits, etc.) To the extent I haven't previously requested to examine records responding to this inquiry, now I do. Bottom line, the public wants to know the cost they have incurred associated with staff time to assemble the data and prepare the subject three documents, because there is a cost. And before you respond let me remind you that whenever staff prepare a project data sheet for CIPs brought to the Board for approval, there is an entry for projected "staff time." So please don't respond to this request with an answer like "we don't keep track of staff time expended on endeavors such as these."

Again I am sending copies of these communications to the IVGID Board so they can see how members of the public are required to "pull teeth" to get access to basic financial data concerning an endeavor such as the subject one, and STILL, we don't have the final answers. And again I ask that you please include this e-mail string in the next Board packet under correspondence. If you don't include the e-mail string in correspondence as requested, then you will force me or others to attach copies to a written statement requested to be included in the minutes of a future/next IVGID Board meeting.
Thank you for your cooperation, Aaron Katz

-----Original Message-----
From: "Herron, Susan"
Sent: Aug 1, 2018 10:51 AM
To: "s4s@ix.netcom.com"
Cc: "Wong, Kendra", Tim Callicrate, "Horan, Phil", Matthew Dent, Peter Morris, "Jason D. Guinasso"
Subject: RE: Records Request - Invoicing for Select CIPs - Further Follow Up

Dear Mr. Katz,

Thank you for your e-mail. This e-mail shall serve as IVGID's response to your records request of July 23, 2018 which reads as follows:

Copies of invoices for the following vendors:
- Ballard*King & Associates;
- Barker Rinker Seacat
- Whomever prepared the linked CIP Sources and Uses Projection with Stress Test (September 26, 2017)
- Whomever prepared the linked Operating Cost Estimate (August 11, 2017)
- Whomever prepared the linked Reynolds Space Allocation (August 9, 2017)
- Lynn Barnett (there are proposals but no invoicing nor evidences of payment)
- Precision Budgets
- Holland and Hart (there is a proposal but no invoicing nor evidences of payment. Your independent transmittal of this invoice is discussed below)

Attached are all the above documents with the exception of the Holland and Hart invoice which you have acknowledged is in your possession.

This completes your records request in its entirety.

Susan A. Herron, CMC
Executive Assistant/District Clerk/Public Records Officer
Incline Village General Improvement District
893 Southwood Boulevard, Incline Village, NV 89451
P: 775-832-1207
F: 775-832-1122
M: 775-846-6158
sah@ivgid.org
http://ivgid.org

From: s4s@ix.netcom.com <s4s@ix.netcom.com>
Sent: Wednesday, August 01, 2018 9:34 AM
To: Herron, Susan <Susan_Herron@ivgid.org>
Cc: Wong, Kendra <Kendra_Wong@ivgid.org>; Tim Callicrate <tim_callicrate2@ivgid.org>; Horan, Phil <Horan_Trustee@ivgid.org>; Matthew Dent <dent_trustee@ivgid.org>; Peter Morris <Peter_Morris@ivgid.org>
Subject: RE: Records Request - Invoicing for Select CIPs - Further Follow Up

Hello Ms. Herron:

On July 23, 2018 I made request (below) to examine designated records with respect to costs assigned to the investigation of the Parasol Building purchase given the link provided did NOT reference the requested records.

Not that I should have even had to make the request given it was encompassed within my original June 26, 2018 request (below). Nevertheless, it has been more than five business days since my follow up request and so far, no response.
Do you intend to make the requested records available for my examination and if so, when?

I am sending a copy of this follow up inquiry to the IVGID Board because I want each member to see the conscientiousness (or lack thereof) public records requests are treated/administered by our PRO.

Here the public is attempting to determine the TOTAL costs assigned by staff to this inquiry and still, we don't have the answer.

Please include this e-mail string in the next Board packet under correspondence because I want the public to see first hand, how difficult it is to learn of basic financial expenditures, especially when as here they're embarrassing to staff. If you don't include the e-mail string in correspondence as requested, then:

1. Staff will be in violation of Board policy (remember, that policy is reiterated in the Trustees Handbook); and,
2. You will force me or others to attach copies to a written statement requested to be included in the minutes of a future/next IVGID Board meeting.

Thank you for your cooperation. Aaron Katz

-----Original Message-----
From: "s4s@ix.netcom.com"
Sent: Jul 23, 2018 1:13 PM
To: Herron Susan
Cc: Wong Kendra Trustee, Callicrate Tim, Horan Phil, Dent Matthew, Morris Peter
Subject: RE: Records Request - Invoicing for Select CIPs - Follow Up

Thank you Ms. Herron:

With respect to my latter request (9) for records evidencing expenditures for IVGID's possible purchase of the Parasol Foundation Building which include records which have assigned a project number to these expenditures assuming a number has been assigned, and if not, a chart of account number assigned, you have referred me to an attached information document.

That document states that the records I have asked to examine are all located on IVGID's website at the following link: https://www.yourtahoeplace.com/ivgid/resources/ptcf-modification-request.

I have gone to that linked web site and CANNOT find the requested records for expenditures with the following vendors:

Ballard*King & Associates;
Barker Rinker Seacat
Whomever prepared the linked CIP Sources and Uses Projection with Stress Test (September 26, 2017)
Whomever prepared the linked Operating Cost Estimate (August 11, 2017)
Lynn Barnett (there are proposals but no invoicing nor evidences of payment)
Precision Budgets
Whomever prepared the linked Reynolds Space Allocation (August 9, 2017)
Holland and Hart (there is a proposal but no invoicing nor evidences of payment. Your independent transmittal of this invoice is discussed below)

Although some invoices appear on the web site for the invoicing from the Smith Design Group, I want to make sure these are the final invoices. Moreover, there is no indication of the project number nor chart of account number assigned (although there is a purchase order number, that is not what I requested).

For the record, you did not independently send me Smith Design Group invoicing on August 24, 2017 as you represent. Rather, you referred me to a link (https://www.yourtahoeplace.com/uploads/pdf-ivgid/Smith_Design_Group-...
RE: Updating the IVGID Web Site Which Supposedly Shares All the Facts/Data/Records/Costs Relevant to the Proposed Parasol Buildin...
Subject: Records Request - Invoicing for Select CIPs

Hello Ms. Herron -

I have another records request. I would like to examine all the invoicing/payments assigned by staff to the following CIPs:

1. The Public Works Equipment Storage Building - Project No. 2297BO1301; 2. The Diamond Peak Master Plan - Project No. 3653BD1501; 3. The Incline Beach Snack Bar Building Replacement - Project No. 3973LI1302; 4. The Ski Beach Bathroom Remodel/Replacement - Project No. 3999BD1303; 5. The Village Green Bathroom Remodel/Replacement - Project No. 4378BD1204; 6. The Pool Boiler Replacement - Project No. 4884BD1602; 7. The Rec Center Roof Replacement - Project No. 4884BD1304; 8. The litigation brought by IVGID against FlashVote (Government Sciences?). Also, I would like to examine records which have assigned a project number to these expenditures assuming a number has been assigned, and if not, a chart of account number assigned; and, 9. IVGID's possible purchase of the Parasol Foundation Building. Also, I would like to examine records which have assigned a project number to these expenditures assuming a number has been assigned, and if not, a chart of account number assigned.

Thank you for your cooperation. Aaron Katz
RE: Records Request - Attorney Guinasso Billings to Print and Review Records Requested by Mark Smith

Thank you Ms. Herron -

So let me understand your response correctly.

"The (120) hours shown above (which Mr. Guinasso reported to the press were spent to print and review the public records requested by Mr. Smith were covered under (Mr. Guinasso's)...monthly retainer." Is this accurate?

The reason I ask is because you as Public Records Officer ("PRO") know that a public body cannot charge a member of the public who asks to copy public records more than its "actual cost" [see NRS 239.052(1) - although "a governmental entity may charge a fee for providing a copy of a public record, such a fee must not exceed the actual cost to the governmental entity to provide the copy of the public record unless a specific statute or regulation sets a fee that the governmental entity must charge for the copy"].

And NRS 239.005(1) defines "actual cost (to) mean...the direct cost related to the reproduction of a public record. The term does not include a cost that a governmental entity incurs regardless of whether or not a person requests a copy of a particular public record." In other words, since the District incurs Mr. Guinasso's monthly retainer cost regardless of whether or not a person requests copies of particular public records, his attorney time cannot go into the mix of the District's actual cost.

Which then raises the question; why did the District threaten Mr. Smith with a $13,000 bill to examine public records?

Which raises the second question; why are we paying Mr. Guinasso $10,000/month of our Rec Fee so he can act as PRO when we already have a PRO (i.e., you)?

Anticipating staff won't answer these questions, I am sending this string of e-mails to the IVGID Board asking each member these same questions.

And anticipating the Board won't answer these questions, I ask you include a copy of this e-mail string in the IVGID Board packet. If you don't, others will make copies and attach them to a written statement to be included in the minutes of that meeting.

Thank you for your cooperation. Aaron Katz

-----Original Message-----
>From: "Herron, Susan"
>Sent: Aug 6, 2018 9:15 AM
>To: "s4s@ix.netcom.com"
>Cc: "Jason D. Guinasso"
>Subject: RE: Records Request - Attorney Guinasso Billings to Print and Review Records Requested by Mark Smith
>
>Dear Mr. Katz,
>
>This e-mail shall serve as IVGID's response to your records request dated August 4, 2018 which reads as follows:
>
>I would like to examine attorney Guinasso's billings to IVGID for the 120 hours referenced above.
>
>The District has not been served with a lawsuit by Mr. Smith and the hours shown above are covered under the monthly retainer; if you would kindly identify what month(s) you would like to see, I will provide those retainer invoices to you.
>
>This completes your records request in its entirety.
>
>Susan A. Herron, CMC

http://webmail.earthlink.net/warn/printable.jsp?msgid=7386&x=1051439455
RE: Records Request - Attorney Guinasso Billings to Print and Review Records Requested by Mark Smith

Executive Assistant/District Clerk/Public Records Officer
Incline Village General Improvement District
893 Southwood Boulevard, Incline Village, NV 89451
P: 775-832-1207
F: 775-832-1122
M: 775-846-6158
sah@ivgid.org
http://ivgid.org

-----Original Message-----
From: s4s@ix.netcom.com
Sent: Saturday, August 04, 2018 12:03 PM
To: Herron, Susan
Subject: Records Request - Attorney Guinasso Billings to Print and Review Records Requested by Mark Smith

Hello Ms. Herron -

Another records request.

In a recent publication dealing with Mark Smith's recent lawsuit against IVGID and others, Mr. Guinasso is quoted as stating "Mr. Smith's (records) request took about 120 hours of legal counsel's time to print and review."

I would like to examine attorney Guinasso's billings to IVGID for the 120 hours referenced above.

Thank you for your cooperation.

Aaron Katz
Thank you.

So if I am reading this correctly, this PPH brought 57 of her closest "guests" on our private beach. Am I reading this wrongly?

Assuming not, this serves as evidence for everything that's wrong with IVGID's administration of our beaches. When beach access was first promised to purchasers of IV property, and their guests, do you think the founders had in mind that someone could bring in 57 guests?

I don't think so.

I am sending this e-mail string to the Board so they can see the cause of beach overcrowding. It has nothing to do with the beaches never being designed to accommodate all parcel owners at once. It has everything to do with the lack of a guest policy which I and others have been demanding for nearly ten years now.

Board, you want to address beach overcrowding? Adopt a guest policy which prohibits abuses such as this.

And please include a copy of this e-mail string in the next board packet Ms. Herron. I want the public to see the real cause of beach overcrowding. And if you refuse, I/others will attach copies to a written statement I/we will request be attached to the minutes.

Thank you for your cooperation. Aaron Katz

-----Original Message-----
>From: "Herron, Susan" <Susan_Herron@ivgid.org>
>Sent: Aug 6, 2018 2:42 PM
>To: "s4s@ix.netcom.com" <s4s@ix.netcom.com>
>Cc: "Jason D. Guinasso" <jguinasso@hutchlegal.com>
>Subject: RE: Records Request - Carson Urologists' Use of Our Beaches on July 28, 2018
>
>Dear Mr. Katz,
>
>This e-mail shall serve as IVGID's response to your August 1, 2018 request which reads as follows:
>

> 1. Application for use;
> 2. IVGID's approval of use;
> 3. The applicant's payment for that use;
> 4. The number of persons entering our beaches to participate in this use who were
designated as "guests" of the applicant;
> 5. The mode of payment of guest fees for the "guests" of this applicant;
> 6. The total amount of guest fees paid to IVGID, either by cash, punch card use or
otherwise associated with this event.

>The attached document contains all documents/information as identified in 1. - 6. above
thus this completes your records request in its entirety.

>Susan A. Herron, CMC
Executive Assistant/District Clerk/Public Records Officer
Incline Village General Improvement District
893 Southwood Boulevard, Incline Village, NV 89451
P: 775-832-1207
F: 775-832-1122
M: 775-846-6158
sah@ivgid.org
http://ivgid.org

-----Original Message-----
From: s4s@ix.netcom.com <s4s@ix.netcom.com>
Sent: Wednesday, August 01, 2018 9:14 AM
To: Herron, Susan <Susan_Herron@ivgid.org>
Subject: Records Request - Carson Urologists' Use of Our Beaches on July 28, 2018

>Hello Ms. Herron -

>Another records request.

>Apparently Carson Urologists used the picnic area of one or more of our beaches on July

>I would like to examine the following records with respect to that use evidencing:

>1. Application for use;
>2. IVGID's approval of use;
>3. The applicant's payment for that use; 4. The number of persons entering our beaches
to participate in this use who were designated as "guests" of the applicant; 5. The mode
of payment of guest fees for the "guests" of this applicant; 6. The total amount of guest
fees paid to IVGID, either by cash, punch card use or otherwise associated with this
event.

>Thank you for your cooperation. Aaron Katz
Thank you Ms. Herron -

So could it be staff just neglected to require the report and now that a member of the public has brought the omission to staff's attention, staff needs three weeks or more to notify Rotary of the need for a report, "obtain" it from Rotary, go through the report with a fine tooth comb in order to "sanitize" anything incriminating or privileged, and only then to make it available for public examination?

If the report had been filed and entered into the District's document retrieval system, why would it take three weeks to "obtain the report?

Makes no sense.

And BTW, isn't this IVGID candidate Bruce Simonian's Rotary? And if so, shouldn't he know better?

Regardless, since I initially put the Board on notice of what I suspected would be another example of staff noncompliance with Board policy and procedure, I am sending a copy of this e-mail string to the Board.

And please place a copy of this e-mail string in the next Board packet so the public can see how conscientious IVGID staff is when complying with Board policy. And again if you refuse, I/others shall attach copies to a written statement to be included in the minutes of that meeting.

Thank you for your cooperation, Aaron Katz

-----Original Message-----
From: "Herron, Susan"
Sent: Aug 7, 2018 4:01 PM
To: "s4s@ix.netcom.com"
Cc: "Wong, Kendra", Tim Callicrate, "Horan, Phil", Matthew Dent, Peter Morris
Subject: RE: Records Request - Rotary's Request for Use of the Mountain Golf Course for a Charity Event Benefiting Tahoe Safe Alliance - Financial Statement re Details of Subject Activity

Dear Mr. Katz,

I am acknowledging receipt of your records request and am working with Staff to obtain the report; I hope to have this report to you no later than August 24, 2018.

Susan A. Herron, CMC
Executive Assistant/District Clerk/Public Records Officer
Incline Village General Improvement District
893 Southwood Boulevard, Incline Village, NV 89451
Hello Ms. Herron:

Another records request related to this event.

Pursuant to paragraph 15 of Step 1 of Resolution 1701, I would like to examine the sponsoring organization's financial statement giving details of income and expenses for the subject activity and expected contributions to the beneficiary(ies) which were required to be lodged with IVGID.

I am sending a copy of this request to the IVGID Board so members can see first hand how conscientious our staff is in complying with Board policy. And since I want the public to see as well, I am asking you include a copy of the e-mail string here/below in the correspondence section of the next Board packet. And if you don't, I want the Board and the public to understand:

1. Staff will be violating Board policy (as reiterated in the Trustees Handbook); and,

2. You will force me/others to attach that correspondence to a written statement to be submitted for inclusion in the minutes of the next/future IVGID Board meeting.

Thank you for your cooperation. Aaron Katz
As before, I did not ask to examine a "banquet event order." So you telling me you have none is non-responsive.

Did Rotary use the Pro Shop building for its buffet dinner which was part of its event? If so why haven't you provide records evidencing Rotary's request/IVGID's response/IVGID's invoicing/waiver regardless of the name of the writings? If not, then why do I have information to the contrary?

Remember, Resolution 1801 not only addresses your obligation to provide records for examination. It addresses your obligation to provide information.

Did Rotary obtain IVGID food and beverage for its buffet dinner which was part of its event? If so why haven't you provide records evidencing Rotary's request/IVGID's response/IVGID's invoicing/waiver regardless of the name of the writings? If not, then why do I have information to the contrary?

Remember, Resolution 1801 not only addresses your obligation to provide records for examination. It addresses your obligation to provide information.

Please comply with my request. I am providing the Board with copies of this e-mail string asking they compel you to respond assuming you don't as a result of this e-mail.

Thank you for your cooperation. Aaron Katz

-----Original Message-----
From: "Herron, Susan"
Sent: Jun 12, 2018 4:25 PM
To: "s4s@ix.netcom.com"
Cc: "Jason D. Guinasso"
Subject: RE: Records Request - Rotary's Request for Use of the Mountain Golf Course for a Charity Event Benefiting Tahoe Safe Alliance - Follow Up

Dear Mr. Katz,

This e-mail shall serve as Incline Village General Improvement District’s (“IVGID”) response to the additional public records request you made on June 10, 2018 shown below. I have no records to provide to you on either item – there is no banquet event order for IVGID food service and there was no request/response for a donation of prizes or items for a silent auction/raffle made by Rotary to IVGID.

This completes this additional public records request in its entirety.

Susan A. Herron, CMC
Executive Assistant/District Clerk/Public Records Officer
Incline Village General Improvement District
893 Southwood Boulevard, Incline Village, NV 89451
P: 775-832-1207
F: 775-832-1122
M: 775-846-6158
sah@ivgid.org
http://ivgid.org

From: s4s@ix.netcom.com <s4s@ix.netcom.com>
Sent: Sunday, June 10, 2018 5:47 PM
To: Herron, Susan <Susan_Herron@ivgid.org>
Cc: Devon Reese <dreese@rklawyers.com>
Subject: RE: Records Request - Rotary's Request for Use of the Mountain Golf Course for a Charity Event Benefiting Tahoe Safe Alliance - Follow Up

So I am informed Rotary had their buffet event at the Pro Shop Building? True? If so I am again asking for writings evidencing District facilities and services provided, and the promoter's agreement to pay for them (as well as the amount).

Also, I am asking to examine Records evidencing any request by the applicant for IVGID donation of prizes or items for silent auction/raffle, and IVGID's response(s) to the request. I have been informed there were giveaways.

Thank you for your cooperation. Aaron Katz

-----Original Message-----
From: "Herron, Susan"
Sent: May 30, 2018 9:54 AM
To: "s4s@ix.netcom.com"
Cc: "Jason D. Guinasso"
Subject: RE: Records Request - Rotary's Request for Use of the Mountain Golf Course for a Charity Event Benefiting Tahoe Safe Alliance

Dear Mr. Katz:

This e-mail shall serve as Incline Village General Improvement District's ("IVGID") partial response to the following public records request you made on May 24, 2018:

1. The application for use of this recreational facility;
2. Records evidencing IVGID's approval of this application;

The approved application is attached.

5. Records evidencing the applicant's use of any of the public's other facilities (including but not limited to The Chateau, Aspen Grove, the Mountain Course Club House/adjoining decks) associated with this event, whether a banquet event order or otherwise;

There is no banquet event order for this event.

7. Records evidencing any request by the applicant for IVGID donation of prizes or items for silent auction/raffle, and IVGID's response(s) to the request.

There has been no request as described in 7. Above.

I am working on the remaining items, 3., 4., and 6. and will update you by June 15, 2018 on their status.

Susan A. Herron, CMC
Executive Assistant/District Clerk/Public Records Officer
Incline Village General Improvement District
893 Southwood Boulevard, Incline Village, NV 89451
P: 775-832-1207
F: 775-832-1122
M: 775-846-6158
sah@ivgid.org
http://ivgid.org
Subject: RE: Records Request - Rotary’s Request for Use of the Mountain Golf Course for a Charity Event Benefiting Tahoe Safe Alliance

Hello Ms. Herron -

Another records request.

I have been informed that one of the local Rotary Clubs (of Tahoe/June) has asked to exclusively use the Mountain Course for a charity tournament taking place on or about June 3, 2018.

I would like to examine:

1. The application for use of this recreational facility;
2. Records evidencing IVGID’s approval of this application;
3. Records evidencing the applicant’s payment of a $50 application fee;
4. Records evidencing the applicant’s payment of any other fees as and for use of this recreational facility;
5. Records evidencing the applicant’s use of any of the public’s other facilities (including but not limited to The Chateau, Aspen Grove, the Mountain Course Club House/adjoining decks) associated with this event, whether a banquet event order or otherwise;
6. All written communications from anyone associated with the applicant and directed to IVGID, as well as anyone associated with IVGID and directed to the applicant pertaining in any manner to this application and this event, from the period of July 1, 2017 through and including the present;
7. Records evidencing any request by the applicant for IVGID donation of prizes or items for silent auction/raffle, and IVGID’s response(s) to the request.

Thank you for your cooperation.

Aaron Katz
EXHIBIT "E"
RE: Records Request - Written Communications re Kendra Wong’s "Note From Our Chairwoman" in Latest IVGID Quarterly - Further Follow Up

From: "s4s@ix.netcom.com" <s4s@ix.netcom.com>
To: Herron Susan
Cc: Wong Kendra Trustee <wong_trustee@ivgid.org>, Callicrate Tim <tim_callicrate2@ivgid.org>, Horan Phil <horan_trustee@ivgid.org>, Dent Matthew <dent_trustee@ivgid.org>, Morris Peter <morris_trustee@ivgid.org>
Subject: RE: Records Request - Written Communications re Kendra Wong’s "Note From Our Chairwoman" in Latest IVGID Quarterly - Further Follow Up
Date: Aug 10, 2018 3:13 PM

I object.

You are required to make public records available in their existing format; here electronically.

Therefore there is no need for staff to “download approximately 11,220 messages.” They’re all readily reviewable in their current electronic/digital format.

Moreover, section I(E)4((c) of IVGID’s public records policy reads as follows:

"If the public records request does not contain information allowing the prompt identification and location of the Record, or if a responsive Record cannot be found, (ONLY THEN) can the Public Records Officer...determine whether the Requester desires and authorizes staff to conduct an extraordinary public records search and/or Record compilation, and...charge...the Requestor...based on the time spent in such search."

Here my records request allows for the prompt identification and location of these three individuals’ e-mails. They do not require “downloading” for me to examine and even if they did, I have been informed that downloading can be accomplished electronically in several strokes of a computer key. In other words, no extraordinary use of IVGID’s technological resources.

Moreover, section I(E)(4)(b) of IVGID’s public records policy reads as follows:

"Records which have been specifically identified as being able to be provided by e-mail, i.e. in digital form, will be provided to the Requester at no charge." Given the records I have asked to examine exist in digital form, IVGID policy requires IVGID to provide them at no charge.

Moreover still, this section of IVGID’s public records policy does NOT allow IVGID to assess charges for some third party’s “review” of the requested e-mails prior to making them available for examination by the public. Therefore, under no scenario may staff demand extraordinary fees as a pre-condition to allowing me to examine.

Moreover still, there is no requirement that anyone “review” these e-mails, other than possibly Mr. Guinasso. And then his review would be limited to disclosure of claimed confidential or privileged matter. But you have already declared to me that IVGID incurs no additional cost whatsoever for Mr. Guinasso’s review of public records prior to turning them over for examination (i.e., reference the 120 hours Mr. Guinasso spent reviewing e-mails requested by Mark Smith to be examined).

You’ve told me these costs are included in Mr. Guinasso’s monthly retainer which IVGID is obligated to pay whether or not Mr. Guinasso spends any time reviewing public records. Thus IVGID incurs no actual cost for Mr. Guinasso’s time “reviewing” public records. And because of the two NRS sections below, staff cannot charge any sums for Mr. Guinasso’s review of the requested records because IVGID incurs no actual cost.

NRS 239.055(1) states that "if a request for a copy of a public record would require a governmental entity to make extraordinary use of its personnel or technological resources, the governmental entity may, in addition to any other fee authorized pursuant to this chapter, charge a fee not to exceed 50 cents per page for such extraordinary use...The fee charged by the governmental entity must be reasonable and must be based on the cost that the governmental entity actually incurs for the extraordinary use of its personnel or technological resources."

NRS 239.005(1) states that "actual cost means the direct cost related to the reproduction of a public record. The term does not include a cost that a governmental entity incurs regardless of whether or not a person requests a copy of a particular public record."

Am I wrong on this Ms. Herron? If so, please point out where.

Therefore I reiterate my request to examine the subject e-mails. And I am sending a copy of this e-mail string to the Board because I want each member to see the lengths staff go to to conceal public records.
Here I asked to examine a very limited number of records providing a complete history of communications between Kendra Wong and staff giving rise to Ms. Wong's published "note" in the last issue of IVGID Quarterly. Instead of providing the requested history, staff omitted some of that history deemed embarrassing to or inappropriate as far as Ms. Wong is concerned. In other words, staff intervened to "sanitize" these records from those provided.

I don't know if you were the one who did the sanitizing, or you merely relied on what some colleague told you. But in either case, I do not believe that the response you provided was truthful. So what is a member of the public supposed to do with a public body that is not being truthful in its response to public record requests? Here the only option I see is to require your verification under penalty of perjury, or my examination of all e-mails on IVGID's server for the three involved individuals, which is what I have done. And now staff inappropriately uses a request for "extraordinary compensation" as a means to chill the public's right to learn the truth.

Now if you have another alternative as to how I discover the truth, I am willing to listen. But if you don't, I ask the Board to compel staff to turn over all the requested e-mails for these three individuals for the limited month-long period requested. Because if you don't, you're acting as an accessory to the concealment of public records. You're hiding the truth.

Ms. Herron, please include this e-mail string in the next Board packet. And if you refuse, I or others will attach copies to a written statement to be presented for inclusion in the minutes of that meeting.

Respectfully, Aaron Katz

-----Original Message-----
From: "Herron, Susan"
Sent: Aug 10, 2018 1:01 PM
To: "s4s@ix.netcom.com"
Cc: "Jason D. Guinasso"
Subject: RE: Records Request - Written Communications re Kendra Wong's "Note From Our Chairwoman" in Latest IVGID quarterly - Further Follow Up

Dear Mr. Katz,

In order to complete your records request, which will require the review and downloading of approximately 11,220 messages, in accordance with Policy 137 (attached), Staff has classified this request as extraordinary and provides an estimate of $1,400 for review and downloading work. If you wish to proceed with this work, please provide a $50 deposit (in the form of a personal check or money order) at your earliest convenience so that work can commence.

Susan A. Herron, CMC
Executive Assistant/District Clerk/Public Records Officer
Incline Village General Improvement District
893 Southwood Boulevard, Incline Village, NV 89451
P: 775-832-1207
F: 775-832-1122
M: 775-846-6158
sah@ivgid.org
http://ivgid.org

From: Herron, Susan
Sent: Monday, August 06, 2018 8:44 AM
To: "s4s@ix.netcom.com" <s4s@ix.netcom.com>
Cc: Jason D. Guinasso <jguinasso@hutchlegal.com>
Subject: RE: Records Request - Written Communications re Kendra Wong's "Note From Our Chairwoman" in Latest IVGID Quarterly - Further Follow Up

Dear Mr. Katz,

Thank you for your e-mail and Staff continues to work on your request and I hope to provide you an update on August 17, 2018. Thank you for your patience.

Susan A. Herron, CMC
Executive Assistant/District Clerk/Public Records Officer
Incline Village General Improvement District
893 Southwood Boulevard, Incline Village, NV 89451

http://webmail.earthlink.net/wam/printable.jsp?msgid=7433&x=-398643492
Hello Ms. Herron -

On July 6, 2018 I made the follow up records request below.

IMO, there was and is no reason why I could not and cannot examine those records immediately.

Notwithstanding, you responded stating I could examine the requested e-mails by the end of last month.

Now we're into another month (it's getting to sound a lot like Mark Smith, wouldn't you agree?) and still no access to the requested e-mails.

I never asked for these electronic records to be printed out. I only asked to examine them in their existing electronic format.

So does staff intend to make the requested e-mails available for my examination and if so, when?

Thank you for your cooperation. Aaron Katz

-----Original Message-----
From: "s4s@ix.netcom.com"
Sent: Jul 6, 2018 1:44 PM
To: "Herron,Susan"
Subject: RE: Records Request - Written Communications re Kendra Wong's "Note From Our Chairwoman" in Latest IVGID Quarterly - Follow Up

Thank you Ms. Herron.

But I do not believe these are all of the requested records.

So now to get to the truth, I want to examine ALL e-mails received by Misty Moga, Indra Winquest and Steven Pinkerton, addressed to their ivgid.org domain address, as well as ALL e-mails sent by each of these public employee, from their ivgid.org e-mail address, from the inclusive time period of April 1, 2018-July 2, 2018. And I want to examine them all in the format received/dispatched (i.e., digitally).

If any e-mail is asserted to be privileged or confidential, then I ask the alleged privileged or confidential portion(s) be redacted, and the non-privileged or non-confidential portions remain.

If any e-mail is asserted to be privileged or confidential and cannot be redacted, then I ask for a log which identifies the e-mail which is not made available for my examination, by date, time, sender, receiver, along with a brief description of the subject matter which is alleged to be privileged or confidential. This way we will have a log to refer to in the future, should that be necessary.

Thank you for your cooperation. Aaron Katz

-----Original Message-----
From: "Herron, Susan"
Sent: Jul 5, 2018 3:01 PM
To: "s4s@ix.netcom.com"
Cc: "Jason D. Guinasso"
Subject: RE: Records Request - Written Communications re Kendra Wong's "Note From Our Chairwoman" in Latest IVGID Quarterly

Dear Mr. Katz,

Given that travel through our community is difficult at this time of year, I am waiving the fees and providing you the eleven pages free of charge.

Susan A. Herron, CMC
Executive Assistant/District Clerk/Public Records Officer
Incline Village General Improvement District
893 Southwood Boulevard, Incline Village, NV 89451
P: 775-832-1207
F: 775-832-1122
M: 775-846-6158
sah@ivgid.org
http://ivgid.org

From: s4s@ix.netcom.com <s4s@ix.netcom.com>
Sent: Thursday, July 05, 2018 10:23 AM
To: Herron, Susan <Susan_Herron@ivgid.org>
Cc: Devon Reese <dreas@rkglawyers.com>
Subject: RE: Records Request - Written Communications re Kendra Wong's "Note From Our Chairwoman" in Latest IVGID Quarterly

Again you have failed to comply with the Public Records Act.

Did I ask to receive copies of requested records?

Since the answer is no, why are you attempting to extract a fee from me as a precondition?

Didn't I ask to examine requested records? Is there a fee to "examine" because if there is, I don't see it in Resolution 1801.

And I don't see it in NRS 239.052(1) which states: "a governmental entity may charge a fee for providing a copy of a public record." It says nothing about charging a fee to merely examine a public record. IVGID has no power to create legislation nor to pass laws. It has no power to restrict any subject the State Legislature has chosen to embody into law. Here the State Legislature has designated what records can be the subject of a fee and there is nothing which permits a governmental entity to charge a fee when it comes simply to "examination."

Since you admit there are 11 such pages, it is your obligation to make them available for me to examine at no charge.

Furthermore, I am entitled to examine them in the format within which they exist (which is electronic and now in printed format). I would like to examine them in the unfiltered electronic version.

Furthermore still, Resolution 1801 makes clear that "records which have been specifically identified as being able to be provided by e-mail, i.e. in digital form, will be provided to the Requester at no charge." E-mails represent records in digital form. They can very quickly and easily be forwarded electronically which you can accomplish for no cost. So why haven't they been provided at no charge?

Notwithstanding, please advise when I can examine these e-mails. I am available anytime today during normal IVGID office hours. Should I elect to request copies and should they not be capable of electronic forwarding, we can have a discussion of the cost at that time.

Thank you for your cooperation.
Aaron Katz

-----Original Message-----
>From: "Herron, Susan"
>Sent: Jul 5, 2018 10:02 AM
>To: "s4s@ix.netcom.com"
>Cc: "Jason D. Guinasso"
>Subject: RE: Records Request - Written Communications re Kendra Wong's "Note From Our Chairwoman" in Latest IVGID Quarterly
>
>Dear Mr. Katz,
>
>This e-mail shall serve as IVGID's response to your records request of July 5, 2018 as follows:
>
>I would like to examine ALL written/electronic communications from/to Kendra Wong and any IVGID employee pertaining to any communications giving rise to Ms. Wong's dedicated message in the most recent edition of IVGID quarterly from January 1, 2018 through the present labeled "Note From Our Chairwoman." This request includes but is not limited to ALL e-mails addressing the requested subject matter.
>
>The e-mails have been printed and constitute 11 pages. In accordance with the District's Public Records policy 137 (see attached), 4. b) II. the cost to obtain these records will be $6. If you would kindly advise if you would like these records at this cost, we can arrange a time for the exchange of fees and the records.
>
>This completes your records request in its entirety.
>
>Susan A. Herron, CMC
>Executive Assistant/District Clerk/Public Records Officer
>Incline Village General Improvement District
>893 Southwood Boulevard, Incline Village, NV 89451
>P: 775-832-1207
>F: 775-832-1122
>M: 775-846-6158
>sah@ivgid.org
>http://ivgid.org
>
>-----Original Message-----
>From: s4s@ix.netcom.com
>Sent: Thursday, July 05, 2018 7:53 AM
>To: Herron, Susan
>Subject: Records Request - Written Communications re Kendra Wong's "Note From Our Chairwoman" in Latest IVGID Quarterly
>
>Hello Ms. Herron -
>
>Another records request.
>
>I would like to examine ALL written/electronic communications from/to Kendra Wong and any IVGID employee pertaining to any communications giving rise to Ms. Wong's dedicated message in the most recent edition of IVGID quarterly from January 1, 2018 through the present labeled "Note From Our Chairwoman." This request includes but is not limited to ALL e-mails addressing the requested subject matter.
>
>Thank you for your cooperation.
>
>Aaron Katz
Dear Chairperson Wong and Other Honorable Members of the IVGID Board -

Please find below an e-mail string between Susan Herron and me concerning examination of Tahoe Transportation District's ("TTD's") application for a BUILD grant associated with construction of the proposed shared use path. Simply stated, I made request to examine a copy of the application, and Ms. Herron responded IVGID doesn't have a copy.

Either Ms. Herron is not speaking the truth (and if not, how would anyone otherwise confirm), or your "professional" staff lacks professionalism. Which is it? And how about you board members do your job to find out the answer?

Let's take a step back and look at the facts:

1. IVGID is one of 13 agency partners insofar as this proposed shared path is concerned;
2. The "lead" agency is TTD;
3. TTD comes to IVGID staff and asks Ms. Wong to sign a letter on behalf of the IVGID Board, expressly so it can be part of TTD's grant application;
4. Contrary to Ms. Wong's "justification," the letter commits IVGID to spending $7.5 Million of public funds as "matching" funds (matching the grant) if the grant is approved;
5. Ms. Wong's letter potentially involves the expenditure of public funds;
6. Ms. Wong never went to the IVGID Board to obtain approval before committing public funds;
7. This action is in violation of the recent Commission on Ethics v. Hansen case. It also represents another Open Meeting Law ("OML") violation which Ms. Wong has subjected the District to;
8. Contrary to Ms. Wong's "justification," this $7.5 Million has NEVER been appropriated by ANY IVGID Board to be spent on ANY project, whether the effluent pipeline or not, and expressly NOT for portions of TTD's shared path;
9. Moreover, this only interlocal agreement can be terminated upon a mere 30 days' notice, for ANY reasons whatsoever;
10. So IVGID staff know TTD is submitting a complete grant application to the USDOT, and they don't want to see exactly what TTD has represented for which the District may become financially responsible in matching funds?

I can't think of anything more irresponsible and unprofessional. Can you? And all we hear from cheerleaders like Bruce Simonian and Peter Morris is how "professional" our staff is.

But maybe this isn't what has occurred? Maybe our Public Records Officer isn't truthworthy? Or maybe she doesn't know half as much as she portrays, instead she relies upon others to tell her the truth, and those others aren't truthworthy? Or maybe the whole organization isn't truthworthy?

How about one or more of you ask to agendize this issue and let's get to the bottom of the truth so it can be fixed?
And Susan, please make sure a copy of this e-mail string is included in the next board packet. Just like the Board, I want the public to see how professional/responsible/truthworthy our staff really is. And if this e-mail string isn’t included in the next board packet as requested, I/others will attach it to a written statement to be included in the minutes of the next meeting.

Thank you for your cooperation. Aaron Katz

-----Forwarded Message-----
> From: "s4s@ix.netcom.com"
> Sent: Aug 13, 2018 8:38 AM
> To: "Herron, Susan"
> Subject: RE: Records Request - TTD's Application to the USDOT for a BUILD Grant For the Shared Use Pathway
> >
> > Thank you Ms. Herron -
> >
> > Just so we're clear, IVGID doesn't have a copy of the grant application; correct?
> >
> > If not I find this extremely unusual. IVGID is one of TTD's agency "partners." According to Brad, TTD approached IVGID to ask for a letter as part of its grant application. So IVGID wouldn't have a copy of the application itself? This would appear to be extremely irresponsible. To allow yourself to be part of someone else's application without at least seeing the application...extremely irresponsible.
> >
> > If the District doesn't have a copy, I can't compel it to secure one. But if it does have a copy, it should be made available even though it's someone else's application.
> >
> > Respectfully, Aaron Katz
> >
> >------Original Message------
> >> From: "Herron, Susan"
> >> Sent: Aug 13, 2018 8:31 AM
> >> To: "s4s@ix.netcom.com"
> >> Subject: RE: Records Request - TTD's Application to the USDOT for a BUILD Grant For the Shared Use Pathway
> >>
> >> Dear Mr. Katz,
> >>
> >> This e-mail shall serve as IVGID's response to your records request of August 12, 2018, which reads as:
> >>
> >> According to Brad Johnson, Kendra Wong's July 6, 2018 letter to the USDOT included in the July 24, 2018 board packet was submitted as part of TTD's July 16, 2018 application for a BUILD grant, purportedly on behalf of 13 partners (including IVGID), associated with the co-alignment shared use pathway project.
> >>
> >> Given IVGID is a "partner" and I believe in possession of a copy of that grant application, I would like to examine a copy.
> >>
> >> IVGID is not in possession of the BUILD grant application however you may request it from the Tahoe Transportation District. This completes your records request in its entirety.
> >>
> >> Susan A. Herron, CMC
> >> Executive Assistant/District Clerk/Public Records Officer.
> >> Incline Village General Improvement District
> >> 893 Southwood Boulevard, Incline Village, NV 89451
> >> P: 775-832-1207
> >> F: 775-893-1122
> >> M: 775-846-6188
> >> sah@ivgid.org
> >> http://ivgid.org
> >>
> >>------Original Message------
> >> From: s4s@ix.netcom.com
> >> Sent: Sunday, August 12, 2018 9:38 AM
> >> To: Herron, Susan
> >> Subject: Records Request - TTD's Application to the USDOT for a BUILD Grant For the Shared Use Pathway
> >>
> >> Hello Ms. Herron -
> >>
> >> Another records request.
According to Brad Johnson, Kendra Wong's July 6, 2018 letter to the USDOT included in the July 24, 2018 board packet was submitted as part of TTD's July 16, 2018 application for a BUILD grant, purportedly on behalf of 13 partners (including IVGID), associated with the co-alignment shared used pathway project.

Given IVGID is a "partner" and I believe is in possession of a copy of that grant application, I would like to examine a copy.

Thank you for your cooperation. Aaron Katz
EXHIBIT “G”
Dear Chairperson Wong and Other Honorable Members of the IVGID Board;

On August 7, 2018 I wrote to GM Pinkerton insofar as inappropriate conduct by employee Charlotte Croley is concerned (see e-mail below). I asked that Mr. Pinkerton confirm receipt of my e-mail as well as confirm his intent to do as requested (i.e., discipline), within the next 48 hours, if he didn’t, I informed him that I would construe that inaction to mean he intends to do nothing. And if he intends to do nothing, I told Mr. Pinkerton I intended to take it to the next level. Hence this e-mail.

Although Mr. Pinkerton confirmed receipt of my e-mail (see e-mail below), he has done nothing more. In particular, he has not confirmed his intent to impose discipline. Given Mr. Pinkerton intends to do nothing, I am now sharing this matter with the Board and the public and asking the Board do its job of imposing discipline.

Charlotte Croley is an example of everything that’s wrong with IVGID. First, the reason she is hired is to buy her loyalty to IVGID, rather than because we have a legitimate job that requires a legitimate employee. We have over 967 employees, plus dozens of other "quasi-employees" who are "independent contractors," and a very large number are employed primarily to buy their loyalty. Most are not full time employees so from their perspective, they are interested in the free or discounted recreation privileges they and their household family members can secure. And when I say discounted recreation privileges, I am talking about discounts which are greater than the so called discounts picture pass holders realize. And what about beach access to those who are not local property owners with beach access? Another employee "benefit."

And as the Board may recall, Ms. Croley and her husband Jim ("why can't we just all get along") are big cheerleaders for IVGID. And voters to guaranty that the status quo continues.

Look at Ms. Croley's job: The Chateau receptionist. Have any of you ever seen a receptionist working at the Chateau? Do we have a legitimate need for a job such as this? Or does her employment fit the mold of buying off the electorate by providing employment to a local voter? Remember, the District is losing nearly $7M each year on expenditures assigned to "recreation" so we should be looking for ways to cut costs, rather than increasing them. But instead we come up with meaningless part time jobs such as Ms. Croley's. WHY?

With that said, let's examine Ms. Croley's conduct in particular which violates District policy.

As stated below, on August 6, 2018 I attended a public meeting which was supposed to be an interactive presentation of another one of staff’s pet projects; a revised community services master plan. I prepared a number of flyers that shared financial truths about the plan that are being hidden from the public, and I placed them on a table (owned by the public) which had a number of other flyers promoting the benefits of IVGID and the proposed plan. This way attendees could have picked up my flyers if that were their choice. And BTW, there was nothing defamatory included in my flyer, nor did I call out any employee in particular. Just the facts. And BTW, they are IVGID's own facts!

So along comes Charlotte Croley wearing an IVGID name badge who sees her duty to remove my flyers because she is of the view the ONLY propaganda which is permitted during public meetings is IVGID propaganda. Besides the fact this is not included in her job description (I know because Ms. Herron has provided me with Ms. Croley's job discription), I catch her in the act and ask her what she is doing and why? Bottom line she lectures me as to what can and cannot be disseminated at a public meeting (thus disregarding respect for opposing points of view), refuses to return my flyers and intentionally creates an altercation which could have very easily escalated to physical violence.

So what's the problem with what Ms. Croley did?

The Board has approved a personnel handbook. The handbook defines what is and is not appropriate behavior for all IVGID employees. And it talks about the consequences when an IVGID employee acts contrary to acceptable behavior (and BTW, the rules of behavior apply whether or not employees are working whenever they are wearing uniforms or name tags which identify them as employees, and whenever on District owned property). And that's exactly what Ms. Croley did. Some examples (all sections are sections in the District's personnel handbook):
Discipline of IVGID Employee Charlotte Croley

2.10 states as follows: "The purpose of this policy is to define and establish policies of ethical conduct that are required of public employees... Employees of the district must comply with the following provisions while... representing themselves as an employee of the District."

3. "They will treat everyone... with the utmost respect and courtesy."

4. "They will accept and value differences amongst... our customers and the public."

12. "They will, at all times, act in a way that upholds the values and the integrity and good reputation of the District."

Is this what Ms. Croley did? If not, what are the consequences?

According to ¶2.10, "violations of any of the (above) provisions may result in disciplinary action."

11.1 states as follows: "By accepting employment with the District, an employee has a responsibility to the District... to adhere to certain rules of behavior and conduct."

11.2 states as follows: "The District expects each employee to act in a mature and responsible manner at all times while... representing the District. The following list does not include all types of conduct and behaviors that can result in disciplinary action."

1. "Willfully or intentionally violating or failing to comply with the District's policies, rules, regulations or procedures."

6. "Engaging in... acts of violence, or making threats of violence towards anyone on District premises or when representing the District (including)... negligent damage of property."

9. "Negligently causing the destruction or damage of property... of... customers... or visitors in any manner."

12. "Engaging in behavior which creates discord and lack of harmony."

15. "Any act of harassment."

19. "Abusive language toward any... visitor; indifference or rudeness toward a visitor... any disorderly/antagonistic conduct on District premises."

24. "Conduct that is deemed unbecoming an employee in the District's service, or discourteous treatment of members of the public... or any other act... that impacts negatively on the public's perception of the integrity or credibility of the District or erodes the public confidence in the District."

Did Ms. Croley adhere to this conduct? If not, what are the consequences (remember, these types of conduct and behaviors that can result in disciplinary action)?

2.8.1 states as follows: "The district is committed to providing for the safety and security of all... customers, visitors and property."

2.8.2 states that: "This policy applies to all employees... and anyone else on the District's property."

2.8.3 states as follows:

1. "The District will not tolerate any form of workplace violence including acts... of... hostile behavior... which involve or affect the District or which occur on property owned... by the District or during the course of the District's business. Examples of workplace violence include, but are not limited to, the following:"

   a. "All threats... or acts of violence occurring on premises owned... by the District, regardless of... the parties."

2. "Specific examples of conduct which may be considered threats or acts of violence include, but are not limited to, the following:"

   b. "Direct... or veiled threats of harm directed to an individual... or property."

3. "The District desires to detect and deter real, potential or threatened violence. Every employee is required to report immediately any acts of violence... against any... customer, visitor, or other individual... Threats or acts of violence may include:"

   b. "Displaying overt signs of... resentment, hostility or anger."
c. "Making threatening remarks."

e. "Displaying...inappropriate behavior."

Did Ms. Croley adhere to acceptable conduct? If not, what are the consequences? According to ¶2.8.4.1, "Violations of this policy by any employee will lead to disciplinary action."

These are the reasons why I asked GM Pinkerton to impose discipline against Ms. Croley. If it were me, I would have fired the woman on the spot because as a public employee, she has no standing whatsoever to treat members of the public the way she did. Her behavior impacts negatively on the public's perception of the integrity or credibility of the District and erodes the public confidence in the District. But that's me.

What is not acceptable is for Mr. Pinkerton to do nothing, which is exactly what he is doing. When there are no consequences to behavior which is prohibited by Board policy, it makes a mockery out of the policy. It means that Board policies only exist to paint the picture there are policies, when in the real world, there are none.

And it's not just Ms. Croley. I could point to many other employees who exhibit the same contempt for local property owners who are critical of IVGID. And this is because of the IVGID culture. A culture where our public employees care more about themselves and their fellow public employee colleagues than the Board and the public they were hired to serve.

When is this going to end?

I am therefore asking the Board to do its job by disciplining Ms. Croley because staff refuse to do what the Personnel Handbook mandates. The Board has this authority because NRS 318 clearly states the Board has the power to hire, and NRS 318.210 implies the power to fire. It's time the Board sent a message.

If the Board does nothing, then it means its policies mean nothing. And a bad situation is going to escalate to something worse.

I am sending a copy of this e-mail to Ms. Herron asking she include this e-mail string in the next board packet so the public can see the contempt our public employees display to the public. If she refuses, then I/others will attach a copy to a written statement to be included in the minutes of that meeting.

Respectfully, Aaron Katz

-----Forwarded Message-----
From: "Pinkerton, Steve J." 
Sent: Aug 7, 2018 3:30 PM
To: "s4s@ix.netcom.com"
Subject: RE: IVGID Employee Charlotte Croley

This confirms receipt of your email.

From: s4s@ix.netcom.com [mailto:s4s@ix.netcom.com] 
Sent: Tuesday, August 7, 2018 2:25 PM
To: Pinkerton, Steve J. <steve_pinkerton@ivgid.org>
Cc: Pinkerton, Steve J. <steve_pinkerton@ivgid.org>
Subject: IVGID Employee Charlotte Croley

GM Pinkerton -

Last evening staff sponsored what was billed as an interactive presentation of the Community Services Master Plan draft. Members of the public were invited to attend and participate. As you know, my wife and I accepted the invitation.

Notwithstanding the scope of work for this project included assessing available funding options and gauging the community's willingness to pay for future proposed enhancements, this was a topic that was conspicuously, nowhere discussed.

For these reasons I prepared a flyer captioned "where's the money" which addressed this issue. And given staff set up a publicly owned table in a publicly owned community center to exhibit staff's biased "information" on this subject, which was available for the public to pick up, I added a number of my flyers to the table.
So along comes IVGID employee Charlotte Croley (married to IVGID employee Jim Croley ("why can't we all just get along?") who picks up my flyers and starts to walk out of the room with them. I stop her to find out who she is and what she is doing (it was then I saw she was wearing an IVGID name tag with her name). I don't know if she was working at this event, but she stated authoritatively that I couldn't have my flyers on IVGID's table to share with the public (BTW, there was nothing defamatory in my flyer nor did it identify any IVGID employee by name). I then asked for my flyers back and Ms. Croley refused. Thus she created an altercation that Misty Moga was able to observe. Ms. Croley's behavior was demeaning and disrespectful to a member of the public, it resulted in the impermissible destruction of private property, and it violated acceptable conduct for IVGID employees; especially those wearing a name tag which identified her as an IVGID employee.

This behavior, in my opinion, is in direct violation of a number of duties prescribed in IVGID's personnel book. For your easier reference, I have attached a document which highlights the duties Ms. Croley violated. Since the violation of any one warrants some level of discipline, I am asking you mete out that discipline, report back exactly what it is you have done or refused to do, and report what actions you have implemented to ensure episodes like these are not repeated by IVGID employees during public meetings.

If you fail to confirm receipt of this e-mail and your intent to do as requested, within the next 48 hours, I shall construe that inaction to mean you intend to do nothing. And if you intend to do nothing, then I intend to take it to the next level. Hopefully this will not be necessary, but let's see how you react.

Thank you for your cooperation. Aaron Katz
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<th>MEETING</th>
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| 10/10 | Wednesday   | 6 p.m.| Chateau  | Community Services Master Plan Forum                  | General Manager’s Written Status Report  
Community Services and Wrap Up on Beaches – Verbal Update  
Presentation by NLTFFD re: Defensible Space (confirmed)  
Presentation by Tahoe Prosperity Center (confirmed)                                                                                                                                                                                                 |
| 10/24 | Wednesday   | 6 p.m.| Chateau  | Regular Board Meeting                                  |                                                                                                                                                                                                                                                       |
| 11/13 | Tuesday     | 6 p.m.| Chateau  | Regular Board Meeting                                  | Board’s Self-Evaluation  
Tennis – Season End Verbal Report  
Golf – Season End Verbal Report  
General Manager’s Written Status Report  
Grant utility easement to NV Energy on Incline Beach Parcel  
Key Rates – Golf and Chateau  
IVGID Code (Written Report)                                                                                                                                                                                                                         |
| 11/13 | Tuesday     | 6 p.m.| Chateau  | Regular Board Meeting                                  |                                                                                                                                                                                                                                                       |
| 12/12 | Wednesday   | 4 p.m.| Chateau  | Audit Committee Meeting                                | Updated Popular Report for CIP (Financial Reporting Board Work Plan)  
General Manager’s Written Status Report  
Acceptance of the Audit Report  
Purchase of Vacuum Excavation Truck                                                                                                                                                                                                                  |
<p>| 12/12 | Wednesday   | 6 p.m.| Chateau  | Regular Board Meeting                                  |                                                                                                                                                                                                                                                       |</p>
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**ITEMS SLATED FOR CONSIDERATION**

- Items sitting in the parking lot (to be discussed but (a) not yet scheduled for a specific Regular Board Meeting) or (b) a future Board not on this calendar
- RFID Picture Passes - Item for next Strategic Plan or three years from now - software not available nor is infrastructure/hardware
- TRPA EIS Contract at Diamond Peak
- WCSD Joint Agreement
- Award Construction Contract for Incline Park
- Contract Award – Championship Golf Course Creek Restoration
- Contract Award – Mountain Golf Course Restrooms

**LONG RANGE DRAFT CALENDAR**

Wednesday, September 19, 2018