MINUTES

REGULAR MEETING OF JUNE 28, 2017
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 Wednesday, June 28, 2017 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 Matthew Dent, Peter Morris, Phil Horan, Tim Callicrake, and Kendra Wong.

Also present were District Staff Members Director of Finance Gerry Eick, Communications Coordinator Misty Moga, Director of Human Resources Dee Carey, Director of Public Works Joe Pomroy, Parks and Recreation Director Indra Winquest, Diamond Peak Ski Resort General Manager Mike Bandelin, Resource Conservationist Madonna Dunbar, Director of Golf Michael McCloskey, and Director of Asset Management Brad Johnson.

Members of the public present were Jean Eick, Bret Hansen, Margaret Martini, Paul Smith, Cliff Dobler, Andy Wymans, John Eppolito, Kaye and Joe Shackford, Travis White, Frank Wright, Aaron Katz, Mike Abel, Carolyn Stark, Jim Nowlin, and others.

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

C. PUBLIC COMMENTS*

Bret Hansen read from a prepared statement which is attached hereto.

Rodney Shoemaker said he has been here for 17 years and that his office is located across the street from IVGID's administrative offices and he is here to voice his concerns about Waste Management. He has been spending time on the telephone trying to manage what is going on and most is lack of communication and overage fees. As examples, because of his location, weekend visitors to our
community feel it is okay to use his bin. He offered to help load the boxes but the driver said that the truck was full so then he got an overage fee of $10 and a bill of $45 and his thought is that better communication would have solved it. When he put two bags of pine needles out, he got a love letter and was charged $20 plus dollars because he was a commercial building. Understands that he didn’t know the rules but communication should have been better. Instead of charging him why didn’t Waste Management call him or e-mail him to tell him he can’t do that. As far as a bear proof container, Waste Management told him that the bin he paid for he is being charged extra to use it. One day his garbage lid wasn’t shut tightly and it wasn’t him; Waste Management is really antagonistic towards the charges. We all need to work together a little bit better.

Paul Smith read from a prepared statement which is attached hereto.

Jeff Zaken is a new resident to Incline Village and the Treasurer for TIGC. We had a rough winter which took a toll on the golf courses which are a large capital asset as well as a major asset in our community. We were concerned about course conditions at the start but the conditions have improved significantly and this is due to management. He wants to offer his thanks to those men and women who did the hard labor to bring the course back. They like the cart path restrictions and the new carts are terrific and a great long term investment. Thank you for making the hard decision about restrictions.

Margaret Martini said that Parasol has been a debacle from the beginning and she is astounded that at the last minute, the Trustees had no title report to review. It should be added due to the clear deed restrictions. You have spent a lot of money and you are planning to spend a whole lot more. All of this could have been avoided if District General Counsel has advised that all the items associated with the deed and the CCR’s. IVGID owns the land and the building is attached to the land. The Washoe County Assessor concurs with this ownership so she wonders how we go about purchasing something that we already own. Exception to the recording of the property is that it is for a non-profit only. IVGID owners are being asked to pay $5.5 million in cancellation to control the building and have palatial offices which will relieve PTCF of their responsibilities. The lease is worth under one hundred dollars, expenses are about five hundred thousand dollars and PTCF intends to retain their space at one dollar per year.

Frank Wright said that he should be facing the audience because they listen and the Board doesn’t. In 1812, a ship left to set a land speed record. We have the same thing happening here. The District General Counsel stood up and give this Board twenty two misrepresentations or lies about the Katz case. He said it won’t
cost you another penny until oral arguments. I stood up and said he lied because the Supreme Court threw it out and now the District has been given eleven days to do it over. You are running up one hell of a bill which the Incline residents are paying. There is $300,000 going to the Katz case to stay the course and keep this going forward. There was $10,000 spend for information that is totally flawed and you are not listening to the people who are talking about it. The ship is sailing, it’s not a big deal as the ship won’t sink, but this ship is going down and it is going down big. If Mr. Katz wins this case, and it is on the way because the court accepted his brief and they didn’t accept Incline’s brief, you know what is at the bottom of the ocean, you know what’s there, and now we are talking about $5.5 million to buy a building which is something we already own. I wouldn’t stake my career on this purchase just for the sake of doing it.

Aaron Katz read from a statement which is attached hereto.

Cliff Dobler read from a statement which is attached hereto.

Mike Abel read from a statement which is attached hereto.

Fred Voltz said he is here about General Business Item F.1. He has been following human/trash issues for the last forty years and he has seen little improvement. The voluntary approach has failed and the statistical number demonstrates that beyond a shadow of a doubt. NDOW has stated handling of human trash is the biggest problem. We need a standard around the basin as no locality has successfully implemented a program so we need to look at Boulder, Colorado and Yosemite. Wildlife doesn’t recognize or look at human laws or jurisdictional boundaries. Waste Management claims they can’t obtain locking containers; both Lowe’s and Home Depot sell them so there is an alternative supply source. In conclusion, he is speaking strongly in favor of enacting the zero tolerance policy.

Mike Riley said he wanted to give the Board a quick update on the affordable housing issue. He contacted ten agencies and/or organizations and he came up with the unanimous decision that there is a crisis in the Tahoe basin with no solutions as of yet. After the summer, he would like to get the ten organizations/agencies together to try and come up with some answers. What is really concerning to us all is the fact that a lot of agencies/organizations, especially the real estate industry, have given lip service to the fact that there is a crisis and they will say not in my back yard. The Tahoe Tribune had this comment on its front page – “Neighbors concerned about Zephyr Cove affordable housing”; this is something we are going to have to really work on.
Ms. Olson said that she was here to discuss General Business Item F.1. and to tell a quick story – she has had a family home here as long as she can remember and it is interesting because she was one of those people who had their trash ripped open by a bear and didn’t know it until a neighbor left a nasty note. She is a big animal lover and she felt horrible. She tries to take her trash with her, tried dropping it off at Waste Management, tried running it out in the morning and then she bought the biggest bear box she could and her life is good now. Since then she hasn’t seen too much extra activity and understands that change sometimes doesn’t happen. However her suggestion is that with every change of ownership a bear box is demanded as well as with all new construction. Bear boxes should also be required for repeat offenders and perhaps should be installed at all rentals. Less money would be wasted and more money could then be put into incentives as hers was really expensive and really worth it.

Travis White said that he is here on a very different subject and that is to support the IVGID team for the winter and for golf operations. He is the past President of IVGC which is one of the larger groups that uses these facilities and he would like to give a different perspective of the members of the IVGID team. He would use five terms to describe these teams – integrity, trust, fairness, professionalism, and respect; all of which have been earned and it is why business levels are increasing.

Joe Shackford said to supplement the previous speakers’ comments, the golf team is doing a great job. On Parasol, he gets confused because of the language. He has read all the documents and has come up with this – the word improvements means the building, parking lot, trees, and landscaping. PTCF would like to transfer those items, for a price, if it meets IVGID’s needs. Then they would like to have a lease that allows them to stay there. This is not a lease modification rather it is the cancellation of the first lease, a purchase agreement, and then a second lease for the incentives. IVGID should look at the building and ask if it makes sense and then modify the agreement with PTCF. It confuses him when improvements and modifications are talked about because it is neither.

Steve Dolan said that he has another topic of contention and this Board is familiar with it because he has been talking about it for the eighteen months. He is showing the respect and will stay to the last breath as well as he won’t bother to repeat the obvious so where is the respect for the lake, streams, and majority of voices for the dog park. Mr. Katz and Mr. Wright prefer to express their anger and he too is equally angry as he has attended the meeting and this is the third level of the long term plan. All of you have said that this is needed thus you are not doing what you said you would do. He has successfully worked with the previous General Manager on challenging issues and he can say that he had character, was honest, and the
courage to get things done. The Staff has approached him and said please get them to let us do a study so their hands are untied. He would suggest that Staff is given the authorization to create a pie chart of the things that have been shown in the past and of all the funding and properties. Staff agrees with him that the property at the old elementary school site is good for a multi-purpose park. Over sixty percent of the people support a dog park yet this Board is doing nothing except given him a pat on the back. Please direct Staff to create this simple tool for all of us.

Amy Carlson said that she is here as a private citizen of Incline Village whose family has owned a home for over forty years and she has owned a home here at the lake for over thirty years. She wants to talk to the Board about trash as she recently got involved because the trash situation is so out of control. She has a property that bears are breaking into because the trash is not left properly so she had to handle the situation so the bears wouldn’t come back. She went on many calls and became a member of the Bear League thus she is cleaning up trash daily. What she has learned in the process is that bears are not humans, bears can smell 2,100 times better than humans can, we have containers that have smells in them, and bears can smell three miles away. The containers are getting dirty and smellier every day so we seriously need to do something and her suggestion is that we all have locking containers. If it is a rental property then is should be required to have a bear box. Offenders that leave trash or do what they do are given heavy fines with the second strike being a bear box. She is here today because she would like the Board to enforce the rules we have, fine these people, and get them to buy bear boxes.

Michael Davis said that he has positive words about the golf course staff and what they have done this winter. He was up here in the winter this year and we had a ton of snow like everyone else. It was a nice situation for the ski business but it created a lot of problems at the golf course. The team here have been very good. As a member of IVGC, he has a real respect for being part of this community and following the perimeters and directions set down by this Board. The residents appreciate it with the golf course and the other amenities. He respects and appreciates the fact that we are unique. We can run amenities, provide services for visitors who bring economic value, and thus it is worth talking about it. The Staff at this facility have done a very nice job and there are also a lot of people who are in the IVGID Staff that have done a nice job as has this Board on walking a tight path; thank you.

Myles Riner said that he is a full time resident at Third Creek and there is a need for a dog park. All of the Board members have said that they felt that this is a very
significant priority for IVGID but yet we have never seen it come up on the agenda. He understands we are awaiting the final plan and that the dog park would be a part of that plan. It is obvious that we need a new dog park as Village Green turns into a cesspool and it might be a health violation. He talked to several people and they have said that the land that has been abandoned by the Washoe County School District would be a good spot however he has also heard that there is a developer that wants to purchase it from the school district. The impediment can be overcome by a significant donation to this work. He has a check here for $250 as a contribution for a new dog park and the trouble is that we don't know what to do with it because we don't have a plan. Let's put together a preliminary project and then use that plan to generate interest and talk to the Washoe County School District and set in motion this plan because it might not happen and we don't need more condominiums in Incline Village rather we need a dog park and he would like the Board to not drag their feet and get this out there.

Coral Amende said that she is on a wildlife corridor where there are encounters with bears and that she lives two doors down from a party house that is rented out to whatever frat boys who want to party. They don't know anything about bears and trash so she consistently finds large bags of trash out on the street because they don't know any better. Unless we fine absent property owners, we won't make any progress. There are volunteers who want to help and she would suggest that we set up a meeting to try and do that.

Donna Coombs said that bears are not human and thus they don't make choices like humans. They don't choose to go into open windows. She supports zero tolerance for waste management and the fines to enforce it. She likes the three strikes plan and then the requirement to buy a bear box and she likes the idea on new construction and property turnover. Be a little more stanch on enforcement.

Andrew Ellis said that he is here to speak on behalf of the bike park. He is in medical sales and he goes to Reno every day and witnesses surgeries and thus see the epidemic of obesity. He sees the proposal for the bike park as a way to get people outside and get them off of video games. He is speaking on behalf of the families who are taking a much needed vacation right now and they are excited about this bike park and it will get used a lot.

Eric and Noah Harssema said they were here to voice their support for the bike park and that they are very excited about this project for the families in the community. It is a great opportunity for all bicyclists and teachers in town who say that the children will benefit. Lastly, they want to thank all of the community
members and IVGID employees who have worked on this project and thank you to the Board for seeing the value.

Steve Cornell said that he has a dissenting view on zero tolerance and that he is against it. Bears frequently go up and down his driveway and they have never gotten into his trash because he uses a trash compactor. Most that put out their trash on his block don’t have a problem. Deal with the repeat offenders. As to bear boxes, he had ten feet of snow so if someone wants to come and dig it out so he can put his trash in it they are more than welcome. Zero tolerance is a bad move for Incline as it is turning into a bedroom community and this will be hard on those who are on fixed incomes. He would like to see the fees stop as Waste Management will be getting a whole bunch of fees by selling all of these. Get Waste Management to do a routine pick up. Bear boxes are brutal for those that live here in the winter as it is hard to dig them out especially when snow plows build the berm in front of the house.

Brian Hrindo said that he represents the young families in town and that by building a bike park you are building a place to meet and gather and have birthday parties. This is nurturing socialization with kids their ages and building a place that compliments all the other recreational venues. We are going to have a pavilion that we are looking forward to and we are looking into having a grill, picnic table, etc. as a family gathering place. We are very close to building and we have Washoe County and TRPA permits in hand, the community is funding this effort, and private donations are kicking butt. Thank you and thank you to the community; please remember that we are having a massive party on July 8 in the back pavilion of Jim Kelley’s Nugget so come have a good time and donate some money.

Alec Flores said that he is in support of the wellbeing of the streams, like and the community. He has a different perspective on the bear problem and the Board should consider it – consider putting a fine on those who intentionally feed the bears. Bear boxes are the end all solutions and we all know people who feed the bears but he is not trying to point any fingers rather just wanted to bring a new perspective that those who are feeding the bears should be punished for it.

Lara Pearson said that she seconded everything that Fred and Amy said as they said it very well. She met with the District General Manager last week and we came up with a couple of stop gap ideas that we can implement immediately. IVGID can have a sign up for $50 per call to clean up a trash spill and have a list that is run through. She knows that there are not a lot of people signing up and that the telephone lines aren’t being manned. It was agreed that volunteers could man those telephone lines and do the same thing on the trash list. These are not
intended as long term solutions but in place until mandatory bear boxes or zero
tolerance is implemented. Ms. Pearson said that she would also like to recommend
a public service announcement in the Bay area and Sacramento to alert them to
wildlife and the protocols. Trash spills should be a random occurrence because we
have a good programs and finally, she believes that IVGID has approved the
corridor agreement about signage.

Connie Nowlin said that she was asked if she agrees with zero tolerance and if so
would she come to the meeting tonight – I do and I am here.

Samantha Louden said that she has been here for 21 years and she is speaking
about trash; she has seen more bears than in the twenty years prior and we are
heading towards a disaster. She feels strongly that this is a trash problem and she
wants to speak to bear boxes; at 7,800 feet, she did a lot of digging and she knows
there are a lot of volunteers prepared to help and that they will help dig out their
bear box. She is in favor of zero tolerance because we are headed for a disaster
and Jasper's death was terrible enough.

Yolanda Knaak is requesting that the Board quit spending money on the PTCF
building as new offices aren't even on the back burner. The majority of letters that
have been written were opposed and she is concerned that the Board isn't
listening. PTCF is more space than we need and there are other buildings that are
less expensive so please stop wasting money doing evaluations.

John Eppolito said that he supports Mr. Dolan is what he is doing and almost
anything he says he agrees with. On the PTCF building, he has only heard what
he has heard and a little bit more and it doesn't sound good. Do your due diligence
and do what is right. On trash, he has lived here for 16 years and has had no
problem. He doesn't support bear containers for everyone but he does support
fines and especially for second homeowners because that seems to be where the
problem is. He has no permanent place, at his home, for a bear box. Mr. Eppolito
closed by saying that the bike park is a great idea and he supports what is going
on there.

D. APPROVAL OF AGENDA (for possible action)

Chairwoman Wong asked for any changes to the agenda as submitted; no
changes were offered therefore Chairwoman Wong said the agenda was approved
as submitted.

Chairwoman Wong called for a break at 7:15 p.m.; Board reconvened at 7:30 p.m.
Minutes
Meeting of June 28, 2017
Page 9

E. STAFF PRESENTATIONS

E.1. Community Services Verbal Update (Presenting Staff Member: Parks and Recreation Director Indra Winquest)

Parks and Recreation Director Indra Winquest gave a PowerPoint presentation which is incorporated herewith by reference.

Trustee Morris said he wanted to confirm, about preferred parking, that there is measurement being done at the entrance such that Staff is recording all individuals or vehicles. Parks and Recreation Director Winquest said Staff has always recorded individuals, number of vehicles that have a pass, and the number of people that have punch cards. Trustee Morris asked if you have to have a picture pass to enter. Parks and Recreation Director Winquest said one must have either a picture pass or a punch card and that Staff is also issuing okay to park cards while allowing drop offs to occur but securing parking elsewhere. Trustee Horan asked if there were cameras up in the kayak area. Parks and Recreation Director Winquest said that we are in contract for surveillance cameras for the kayak and the paddleboard areas and that two cameras have been mounted in two different locations. Staff is working on some things at Hermit Beach to solve some challenges and so we can see people coming in and going out of there. We are making strides to protect the community member investments. Trustee Horan said that he went down to look at the new paddleboard racks and asked if Staff is exploring retrofitting some of the kayak racks while understanding we will never be 100% but are we exploring. Parks and Recreation Director Winquest said we are learning and that he hopes to see some enhancements on the design and that he will look into what we can do on the existing racks. Trustee Morris said, regarding the kayak racks, that he is assuming each year everybody has to ante up their rent for the rack space and if they don’t then that space goes to the next person in the cue and if we have lots of empty racks, we are just stuck with that. Parks and Recreation Director Winquest said yes and noted that managing the rack storage has become a very significant matter as we are up to seven hundred spaces. We do have automatic renewals, etc. and some have year round spots but take their watercraft with them when they leave town but sign up for a full year so the space remains theirs. Trustee Horan said he knows of others that store their kayaks elsewhere.

F. GENERAL BUSINESS (for possible action)
Minutes
Meeting of June 28, 2017
Page 10

F.1. Review, discuss and possibly direct Staff on the recommendation, from the General’s Manager Committee on Solid Waste (Ordinance 1), to allow the educational period to expire and implement zero tolerance for solid waste i.e. trash (Requesting Staff Member: Director of Public Works Joe Pomroy)

Director of Public Works Joe Pomroy gave an updated PowerPoint presentation that is incorporated herewith by reference.

Trustee Callicrate asked how many of the carts are still needed or wanted and are wildlife resistant containers only available in the 96 gallon size or are they available in a smaller size. Director of Public Works Pomroy said that there are still some 64 gallon carts that are being issued but there are very few people who are requesting. Director of Public Works Pomroy then asked called upon Bret Hansen of Waste Management to respond to the question about wildlife resistant containers. Mr. Hansen said that they have twenty outstanding requests and that most of those are in response to wildlife violations. Trustee Callicrate said if a home has a smaller garage and/or no opportunity to locate a bear box outside then they are kind of stuck so before the grace period is over, will each and every property owner that is in need have this in place. He knows there has been a problem with the supplier but he wants to see all properties that want, need, or should have these carts that they do so before the grace period is done. Then everyone will have what they need to keep out the wildlife and then from that point forward, we can say enough is enough and you had the opportunity and sorry but pay up. As to the people who are feeding the bears, and there are enough who are doing it, it is impacting the entire community. Will we have all the rolling stock in place by August 1 in order to placate all of the people? Mr. Hansen responded yes and that will be done by the end of this week. Director of Public Works Pomroy said that another shipment was just received and anyone who has requested one will be satisfied with that order. There have been carts issued for those who are in violation and we have put in a request for twenty five which will cover all these requests. Trustee Callicrate asked if these are out of town owners or in town owners or do we know. Director of Public Works Pomroy replied generally we don’t know. Trustee Callicrate said that roughly sixty percent of the property is owned by out of town owners so people don’t know what they are supposed to be doing. In looking at that, most of the rental properties is where there are issues versus the long term renters or property owners. District General Manager Pinkerton said to clarify we have been in an education period on overfill and putting trash next to the carts and for spills, we have been
enforcing the ordinance. For those people who just came back into town, education is in effect. District General Counsel Guinasso said that it is zero tolerance and that we are enforcing the ordinance as written but that feeding the bears is not within our jurisdiction rather we regulate garbage containers but we can’t regulate but we can report to other authorities who have that authority. Trustee Morris said that he thinks that the out of towners have had plenty of notice and that it is incumbent upon them that their tenants or renters comply with the regulations and that he thinks they have had good notice. Referencing agenda packet page 45, he is a little bit confused because of the first offense it says either a mandatory 64 or 96 gallon container so are we offering both. Director of Public Works Pomroy said if the customer has an existing 64 gallon container and its get spilled, then it is exchanged for a like size because it is the right size. When a container is overfilled and/or there are bags outside it then it is not the right size so they are sized up to a 96 gallon container because they have a size problem and wildlife issues. Trustee Morris said he is fine with that as long as it is appropriately manager and solves that problem. Another question and it is to clarify, on agenda packet page 46, remedy guidelines, these remain guidelines for us and we can determine how we manage all of this so it is not like we have been negligent in following our guidelines. District General Counsel Guinasso responded that it is crafted to encourage compliance and it is directed, through the ordinance, to have the Director exercise his authority that encourages compliance instead of being punitive. Enforcement is not lax rather it is used in a sequential fashion rather than punish indiscriminately. It is codified in the ordinance and the District is not out to punish but rather to seek compliance to contain trash appropriately and protect wildlife. District General Manager Pinkerton said that we continue to fine or invest in remedies via solutions and that the goal has always been to have as much flexibility to come into compliance. District General Counsel Guinasso added that it is still zero tolerance and that we are just encouraging compliance to make that happen instead of fine, fine, and fine. Both approaches would be considered zero tolerance and just because we are working with people doesn’t mean we are being lax in implementation. Trustee Morris said that he meant to point you to paragraph 7.2 but thank you; his other question is regarding bear boxes and encouragement to get them. Previously, it was indicated that there might be an incentive program – is that an idea, something we can implement, or something you can bring back to the Board. Chairwoman Wong said that she would like that worked on and then come back to the Board with a proposal and that this would be through the General Manager’s Subcommittee. District General Manager Pinkerton said the subcommittee
will do some fact finding and bring something back to this Board. Trustee Callicrate said so we need to adopt the date and we also need to address the situation with the transfer station as it is directly tied to this matter. People want to take their trash there and they have been doing this for the past ten to fifteen years and it needs to clear, consistent, and concise. Chairwoman Wong said that this should be tabled until Board updates. Trustee Callicrate said that it ties in with this matter especially when there are bags outside the wrong size carts. Chairwoman Wong said we can’t discuss this. Trustee Callicrate said it was on one of the initial slides, agenda packet page 11, and then he read from that slide and stated it was the only reason he brought it up. He is okay with agendizing it for a future meeting but it does need to be addressed as he gets calls about it every week. Chairwoman Wong asked Trustee Callicrate to give the Board an update during Board updates. District General Counsel Guinasso said that the Board can address the issues with the transfer station and that it can be agendized at a subsequent meeting. Chairwoman Wong said returning to zero tolerance and notification, we have the yard debris outside the 16-week program so how do we handle that and asked if it was a separate issue than wildlife violations i.e. overflowing and trash spilled on the ground. Director of Public Works Pomroy said it is about how much micromanaging should be done. Outside the time period, it is treated like garbage and, from our standpoint, if there is garbage outside the container, we try and analyze that and go out and open the bag. If there are no stickers on it, then we assume the bag is trash and while we understand the situation, it is time consuming to manage. We consider it garbage and do our best. If we see stickers, we don’t issue a fine. Trustee Horan said there is an appeal process; Director of Public Works Pomroy said yes, there is. Trustee Morris said that he recently had to work hard to push his trash down and that the lid was only up a couple of inches but that he didn’t have bags outside the container. He doesn’t want to split hairs but if people are not following the ordinance, it should be plain and simple and if they are a big offender, they should be moved through the process. When it is just an inch or something showing, what can we do about that? Director of Public Works Pomroy said that the District would create the work order and issue the tote. When Waste Management sends the snapshot, we assess the situation, and ask for issuance. We can take the Board’s guidance and put that into the decision process. Trustee Horan said that we all could have done a better job but that we are now nine months in and that he is in favor of going to the ordinance and using the enforcement processes in place. There is an appeal process so it is time to move forward even though we may not have all the materials we need and he would recommend we start July 1 and get them on the list without penalty. Chairwoman Wong said that
she agrees with that as we have had a significant grace period but that she would like to go with August 1 when the carts are in stock; let’s get bang with the buck so that if you have a violation, we are go here is your cart. Trustee Callicrate said that he likes August 1. Trustee Horan said he could be sold on August 1. Trustee Morris asked if there was time to put in one final notice to conform. Director of Public Works Pomroy said there is one more PW News on July 19. Trustee Morris said he could go with August 1.

Trustee Horan made a motion to:

1. End the educational period on the containment of solid waste i.e. trash on July 31, 2017.

2. Implement zero tolerance on solid waste, i.e. on August 1, 2017.

Trustee Morris seconded the motion. Chairwoman Wong asked if there were any further comments, hearing none, called the question and the motion was passed unanimously.

F.2. Review, Discuss, and Possible Action for the Naming Rights Process for Donor Funded Improvements on District Property including the Incline Bike Park Project with Funding Efforts Accomplished through Incline Tahoe Foundation (Requesting Staff Members: Director of Asset Management Brad Johnson and Parks and Recreation Director Indra Winquest)

Director of Asset Management Johnson and Parks and Recreation Director Winquest reviewed the materials included in the Board packet.

Trustee Callicrate asked if there was something included about Incline Tahoe Foundation (ITF) or a comparable because if ITF ceases to exist or someone comes along with another non-profit, private individual, family, etc. who might want to do it on their own how would that happen as we need to do something to move this forward with the bike project because they have the funding, permitting, etc. and are ready to move and he is prepared to move forward with that proviso. Parks and Recreation Director Winquest said that the big benefit to this is that we can amend this at any time and if another organization came to us. Trustee Callicrate said thank you and that answered his question. Trustee Morris said that he is keen on seeing the bike park and is prepared to move forward on your recommendation. In
conjunction with all of this, this Board has discussed a memorial wall and asked if we would have an opportunity to discuss that later. Chairwoman Wong said it is not agendized. Trustee Morris said he is good with option 2. District General Counsel Guinasso said option 2 is more of an addendum with our memorandum of understanding (MOU) with ITF and that we can always revisit the item with similar organizations and treat as a clarification to the MOU and what it allows for. Chairwoman Wong said the Board could approve option 2 and then give direction to create a separate policy. Director of Asset Management Johnson said that our agreement doesn’t limit donations through ITF and that the advantage is rules and responsibilities, commitments, liabilities, etc. are in place. ITF is in place to be the most streamlined organization which is a huge advantage. This is not an exclusive agreement and we could partner with a separate organization for future projects. For the memorialization, Policy and Procedure 138 could apply. District General Counsel Guinasso said that the Board could give that direction however he would remind the Board that we are working on a comprehensive IVGID code and that it is something that we could take a closer look at as we update our current policies and come up with a structure that reflects what our practice has been with a few tweaks and come back with a proposal at a later date. Trustee Morris said that he would like to confirm, for him, that his preference is to leave it as is and then review later so keep this with ITF and then we can deal with something else as it comes forward. Parks and Recreation Director Winquest said it is not uncommon that an agency has a specific foundation that they would with and that this is the industry best practice as far as structure; it is similar to what the Ogleby Foundation has done. It is very common and something you would typically see in larger communities and that Staff has done their due diligence and research. Trustee Dent said one question he had, in looking at Policy and Procedure 138, which we spent a lot of time on last summer, is we made sure we had a policy in place before we approved a memorial plaque at Incline Beach and that in this naming policy there is one difference and that is that it is approved by the District General Manager so he is curious about why we got away from staying consistent with Policy and Procedure 138. Director of Asset Management Johnson said there is a big difference as Policy and Procedure 138 is about existing facilities paid for by recreation funds and the broader community. Policy and Procedure 138 was designed with two public noticing requirements. This agreement with ITF is about specific funding for Board authorized improvements. The District allocated funds for the design, entered into a MOU specifically for this project, and we would envision future projects moving through a process in a similar way, we then make it shovel ready, and then go out and get donations. The Board
has been involved along the way and having to bring it back limits the pursuit. The number one question is if I write this check will I achieve the naming rights and no one can say yes rather we have to say we will bring to the Board where it will be subject to public meetings and discussion. This has made the donors very shy and this is the route they want to go but it is something we could modify. District General Manager Pinkerton said that the Board approves the project and this is more ministerial but is a key part of the process. Trustee Dent said that whether it is memorials or a new project, he would like to have the same process and put it on the Consent Calendar as well as stay consistent. Chairwoman Wong said very valid points and that it has been laid out very well. As a Board, we have approved the project numerous times with the design and MOU and have gone through it, as a Board, this is just in regards to the naming and donation side of the project. Trustee Callicrate said that he understands where Trustee Dent is going and that he thought the same thing. In the past and in the future, there are a few folks that have kind of approached the District very lightly and one of their concerns is they would have to come to a public meeting and be subjected to our meetings which could severely limit the potential. He understands the consistent and this is one time he is going to change because it is better to have the flexibility to not bring these people in front of the Board. The Consent Calendar has vaporized for a variety of reasons and he doesn’t want to subject donors to that sometimes contentious discussion especially with the amounts of money we are discussing. He does see both sides and we, as a Board, get to say move forward or not, but he does understand where Trustee Dent is seeing. Let’s not make this contentious and give the District General Manager the opportunity to work with his team to get the finances; he is willing to make the motion. Trustee Dent said that he is fine with having the District General Manager having the responsibility but there is something in there about stuff getting named and the Board doesn’t know about it so he would like to see some sort of follow up and not having us being left in the dark. Director of Asset Management Johnson said one way to solve this is to bring it back to the Board before the construction contract is awarded and we have the funding in place and received and at that time the Board can give a thumbs up or down thus that if the Board takes offense, they can reject the project. Trustee Dent said he would like to have that in the memorandum. District General Counsel Giusasso said that Staff can update our current policy for this sort of issue and that he feels comfortable approving this approach because of the existing MOU that is in place. He views this as an addendum that makes a lot of sense. Part of the reason that ITF partners is to help fund and facilitate these sort of projects. It is better to have that spelled out in the
policy and why we treat them different. His commitment will be to work on it prospectively and approve the second opinion given all the points that the Trustees have made.

Trustee Callicrate made a motion to acknowledge that Policy and Procedure No. 138 does not apply to naming rights for improvements constructed on District property with private funds raised by ITF and adopt the naming policy (Attachments B and C) and naming menu (Attachment D) for all current and future ITF projects. Trustee Dent seconded the motion. Chairwoman Wong asked for comments, hearing none, called the question and the motion was unanimously passed.

F.3. Review, discuss and possibly award a Construction Contract for the Water Resource Recovery Facility Access and Decant Improvements Project – 2016/2017 CIP Project: Fund: Utility; Division: Sewer; Project # 2599LI1801; Vendor: Burdick Excavating, Inc. in the amount of $417,555. (Requesting Staff Member: Director of Asset Management Brad Johnson)

Principal Engineer Charley Miller gave an overview of the submitted materials in the Board packet.

Trustee Callicrate said on the fund balance of $10 million is this included in that. District General Manager Pinkerton said yes that includes the effluent dollars. Trustee Callicrate said so we are collecting it for the effluent pipeline and yet we are taking out monies for other projects which is justified with the decant pond. However, he is just getting a little concerned that we are drawing on our reserves for the express purpose of the effluent pipeline so how do we replenish, which has to be done, and is a valid question to ask. We collected for it and are putting $460,000 here so he has to ask that question. Director of Asset Management Johnson said these are excellent points and it leads to the ultimately critical project however if we can’t align the pond then we don’t have use of the pond and we won’t be able to construct the effluent project. Overall, it is linked to the effluent pipeline project. Staff doesn’t want to be in the habit of dipping into funds for specific collections as the response will be do we have enough money. It comes down to project planning and our work with potential funders such as the Tahoe Bike Path and the U.S. Army Corps of Engineers with whom we still feel very confident. We have also bought ourselves sufficient time to collect additional funds and we have the ability to collect. Trustee Callicrate said
both current and future, all are integral to the pipeline project and it is important that the community is aware of that because it looks like we are paying for X and doing Y and Z so, in the future, the memorandum should state it; he appreciates the explanation. Director of Asset Management Johnson said thank you for the input and it will be included. District General Manager Pinkerton said in August, Staff will come back with the detail. Trustee Dent said Staff says everything deals with it so he is concerned about saying effluent pipeline this or that as it turns into $50 million instead of $15 to $20 million. Director of Asset Management Johnson said understood.

Trustee Morris made a motion to:

1. Award a construction contract to Burdick Excavating, Inc. in the amount of $417,555 for the construction of the Water Resource Recovery Facility Access and Decant Improvements Project.

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

3. Authorize Staff to approve change orders to the construction contract for additional work not anticipated at this time of up to 10% of the project bid – $41,000.

Trustee Callicrate seconded the motion. Chairwoman Wong asked for comments, hearing none, called the question and the Trustees Callicrate, Wong, Horan, and Morris voted in favor, and Trustee Dent voted opposed; the motion passed.

Chairwoman Wong called for a break at 9:00 p.m.; the Board reconvened at 9:10 p.m.

**F.4. Proposed modification to the 30-year ground lease between the Parasol Tahoe Community Foundation and Incline Village General Improvement District – Response and possible discussion of additional research requests as directed at the June 12, 2017 IVGID Board of Trustees Meeting, possible discussion on potential expenditures related to the proposed lease modification, and discussion on other details related to the**
proposed lease modification (Requesting Staff Member: District General Manager Steve Pinkerton)

District General Manager Pinkerton updated the Board that the District has received some additional correspondence, made no new expenditures, is wrapping up the work, and expect, by the July 20 meeting, to give the Board a summary of the research requests. Chairwoman Wong asked Staff to find out if there are two separate contracts so the appropriate evaluation can be done. District General Manager Pinkerton said that the website has been updated and Staff is adding more information. District General Counsel Guinasso added that he has reached out to Holland and Hart for a second opinion quote to understand what we are doing and alternative and that it would be important to see the quote first. Trustee Callicrate said we should continue doing the due diligence and getting out as much information as possible. District General Manager Pinkerton said no recommendation for action will be made done until Staff has made a comprehensive report.

G. **DISTRICT STAFF UPDATE**

General Manager Steve Pinkerton

- Financial Transparency
- 2017-2018 Budget
- Summer Construction Schedule
- Golf Courses at Incline Village
- Washoe County Community Area Plan

General Manager Steve Pinkerton gave an overview of each item and discussed the customer service at the transfer station.

Trustee Callicrate said that hopefully some information can be put out to the community about what to do with excess garbage and what to do when service is missed. Waste Management needs to be consistent with dates and times of pickup and needs to get back to the level of consistency as well as the community needs to know how to take two bags of trash over to the transfer station without being charged. Chairwoman Wong said, regarding the customer service issue, could we ask Waste Management’s front line employees to go through our customer service training as we are getting significant complaints. District General Manager Pinkerton said we will talk to Waste Management. Trustee Morris then shared a personal experience about taking solid waste to the transfer station and asked that the process flow be looked at. Trustee Horan said, as we are looking at zero tolerance
for our users, let's look at the franchise agreement as far as remedies and enforcement for their non-compliance. District General Manager Pinkerton said Staff will bring something back at the next meeting. Trustee Callicrate noted that at the transfer station there is a separate lane for recycling. District General Manager Pinkerton said, regarding something that Trustee Dent asked about, is one of the things that is being looked at, for needle pick up, is setting up a system for the larger contractors and having them take them directly to the transfer station and that Waste Management is looking at the feasibility of using a bobcat for pick up as well as looking at the most efficient and effective way to deal with pine needles. Additionally, stabilization of their work force will help with consistency over time.

H. **APPROVAL OF MINUTES (for possible action)**

District Clerk Susan Herron announced that Judith Miller asked for some changes to the meeting minutes, those changes were made, and at tonight's meeting, before the start, Ms. Miller requested review of the corrections. A copy of the changes was presented and Ms. Miller reviewed and accepted them.

Hearing no further changes, Chairwoman Wong said that the minutes of the regular meeting of May 10, 2017 were approved as amended.

I. **REPORTS TO THE IVGID BOARD OF TRUSTEES**

1. District General Counsel Jason Guinasso
   A. 2017 State of Nevada Legislative Update
      I. Assembly Bill No. 379, AN ACT relating to local governments; authorizing, under certain circumstances, the governing body of a county or city to create a parks, trails and open space district; setting forth the duties and authority of the board of trustees of such a district; providing penalties; and providing other matters properly relating thereto.
      II. Senate Bill No. 462, AN ACT relating to general improvement districts; authorizing a board of county commissioners to create a committee to review general improvement districts in the county; establishing certain requirements for such a committee; requiring a general improvement district to submit certain requested
information to such a committee; and providing other matters properly relating thereto.

III. Senate Bill No. 246, AN ACT relating to public works; revising provisions governing a contract for a public work involving a construction manager at risk; revising provisions relating to the authority of public bodies to enter into a contract with a design-build team for the construction of a public work; extending the prospective expiration of provisions relating to construction managers at risk; and providing other matters properly relating thereto

District General Counsel Guinasso went over the above legislative items. Chairwoman Wong asked when they go into effect; District General Counsel Guinasso said July 1.

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*

There were no Board of Trustees updates made at this time.

K. CORRESPONDENCE RECEIVED BY THE DISTRICT*

District Clerk Herron reported that Mark Smith, Bob Sendall, Bill Dudley, Susan Lynnes-Parks, Stuart Yount, Stevan Berardo, Kesa Tsuda, Jeffrey Poindexter, Dolores Holets, Judith Miller, Stephanie Rice, and Linda Newman and Cliff Dobler all submitted correspondence which was distribute and will be included in hard copy form in the next Board packet.

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 she would like to complete her original public comment begun earlier. After three months of watching fancy tap dancing, smock, and mirrors on the PTCF debacle, isn’t it time to stop the misrepresentations, etc. – she thinks so. We need independent counsel opinions on various topics to ensure this is in the best interest of us, the taxpayers. Mr. Dobler said it well and spent his own money; independent legal counsel is mandatory before one more penny is spent. She hasn’t seen anything done about doing this. Also, are there alternatives,
we haven't heard one like can we add onto the Recreation Center and do so for new programs that won't support themselves. There is no reason to purchase a whole building. We had a space analysis and it is nowhere near what PTCF is presenting. The committees that you form should have a member of the community on every committee as a mandatory requirement because we have no input and it is not right. She doesn't think that there is a misunderstanding that the ordinances are guidelines. Bike projects, hurrah, maybe now we can eliminate the Diamond Peak Disneyland. We got the bike stuff so stop spending money.

Paul Smith said that his views that he is sharing relate to the trash situation and how homeowners associations (HOA's) are treated. They are residents and should be treated as such and you can't take over three cubic yards to the transfer station otherwise you are charged $25. When he went to dump a table top, he was considered a commercial account thus he was charged. He appreciates holding to compliance but he doesn't know if the contract requires twenty-four hours' notice. Waste Management used to show up at regular times. It is a waste of staff time at his HOA because the bar seal won't work as it freezes and then shifts so it won't work. All winter there were no dumpsters available. The simply chain and pinch clip works and the bars always jam, break, and pinch people's fingers. Move forward, find some resolution to disputes, in HOA's the problem is caused by poor facilities, dumpsters, poor service, and getting it picked up at the wrong 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 Long Range Calendar and it was noted that Trustee Morris may have a challenge with September 26 but will advise and that an Audit Committee meeting should be added for August 17.

N. CLOSED SESSION - The Board may consider a motion to enter into closed session to have a discussion regarding the Union Negotiations with the Operating Engineers of Northern Nevada pursuant to NRS 288.220.

Trustee Horan made a motion to enter into closed session; Trustee Callicrate seconded the motion. Chairwoman Wong called the question and the motion was unanimously passed. The Board entered closed session at 9:48 p.m.

Trustee Callicrate made a motion to exit closed session; Trustee Horan seconded the motion. Chairwoman Wong called the question and the motion was unanimously passed. The Board exited closed session at 9:55 p.m.
O. **ADJOURNMENT (for possible action)**

The meeting was adjourned at 9:56 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.

Submitted by Margaret Martini (1 page)

Submitted by Paul Smith (1 page): Testimony before IVGID Trustees by Paul Smith on 28 June 2017 @ 6 p.m.

Submitted by Mike Abel (1 page): Comments Michael Abel to the IVGID Board of Trustees – June 28, 2017

Submitted by Travis White (1 page): Support of the IVGID team for golf & snow

Submitted by Steve Dolan (1 page): A park just for dogs, Steve Dolan, June 28, 2017

Submitted by Cliff Dobler (6 pages): IVGID Board Meeting of June 28, 2017 – Public Comments

Submitted by Aaron Katz (9 pages): Written statement to be included in the written minutes of this June 28, 2017 regular IVGID Board meeting – Agenda Item C – Public Comment – Update on the **Katz v. IVGID** litigation
Please add 10 minutes to the meeting of 6.28.2017 and to the board packet.

The parasol issue has been a mishandled debacle from the inception.

It is unconscionable that our self purport ed Real Estate attorney, Mr. Gianasso, did not even follow basic real estate protocol for the initiation of a ‘purchase’ of the the Parasol building.

I was astounded that at the last meeting it was evident that the board members were not given a copy of a complete Title Report to review before even spending one dime on jumping to the wishes of the general manager and staff in its haste to acquire the building for an administration building and for MORE recreational activities (I suspect that the latter was added on due to the blatant deed restrictions that run with the property).

We have now spent, and are planning to spend, a LOT OF MONEY, on research that is unnecessary had Mr. Gianasso advised the board and staff members of the conditions of the title, the conditions of the lease, and the CCR’s and the very clear provisions of said items.

At the last meeting Mr. Gianasso clearly stated that the money was purported to be spent on sitcks and stones, bricks and mortar and purposefully mislead the board and the members of the audience as to the use of the money and the intent of the purchase/acquisition of the building itself... Members of the board, please ask Mr. Gianasso to put that in writing... HE CANNOT !!

PLEASE BE AWARE THAT IVGID ALREADY OWNS THE BUILDING as it is affixed to land that IVGID owns. Amazing as it is and as clueless as the board and Mr. Gianasso seems to be, public record at the Assessors office concurs that ownership by affixation as that is a county criteria. My goodness, this does dispute Mr. Gianasso’s stance on ownership of the building and the anticipated “purchase” of something that we already own.

Just how do we go about this purchasing something that we already own? Ahh, the tap dance begins...the smoke and mirrors are apparent.

What IVGID (hence US property owners) are buying is a $ 5.5 Million dollar cancellation of an existing lease for obtain control of a building. The lease is by terms and conditions at present worth is under $ 100.00...that is the balance of the 99 year term at $ 1.00 per year !!! Ahh the smoke and mirrors ...

The existing lease terms and conditions allows IVGID use of the building for occasional purposes. Without the existing lease, IVGID looses that right of occasional use.

The lease is a recorded exception to IVGID’s title providing Parasol the right to control the use of the property for non-profit use only.

Is it purposeful and malicious misinformation being doled out in public meetings or is it fraudulent actions by our retained attorney?

AN OUTSIDE WRITTEN LEGAL OPINUON IS NECESSARY

* BEFORE one more penny is spent !!!

Margaret Martini
Incline Village

708
I am not aware of any attempt to respond to matters raised during the comment sections of the regular meetings. If there is an online site or some private method used to respond I ask that the public be informed. I raise this question because twice I sent email questions to all five trustee’s and in both instances I received no answer from a trustee nor from IVGID. I am here tonight to repeat those two questions with the hope that an answer can be provided.

TWO QUESTIONS:

1. My HOA was fined last year for an over flow of a dumpster. The over flow occurred due to the failure of Waste Management to have a 24 hour contact number to facilitate an additional pick up or deliver an another dumpster. This year, in the last three months, my HOA has experienced several missed and late pickups because Waste Management has had equipment breakdowns and driver absences. I REQUEST THAT IVGID FINE WASTE MANAGEMENT WHEN ANY TRASH IS NOT PROPERLY CONFINED AND THE PROBLEM EXISTS BECAUSE THE TRASH WAS NOT PICKED UP PER THE SCHEDULE AND/OR THE CUSTOMER INABILITY TO CONTACT WASTE MANAGEMENT BECAUSE IT FAILS TO HAVE 24 HOUR CONTACT NUMBERS. Homeowners are not working for Waste Management; Waste Management works for us.

2. At the last meeting I understood the legal counsel reporting on the Katz matter to state that Mr. Katz did not having standing in the court case since his property in Incline is owned by a trust. I emailed all trustee’s attempting to understand the specifics of this comment by legal counsel e.g. did this relate to revocable or non-revocable trusts, LLC’s, or C corporations, etc. My concern is that as a property owner via a revocable trust if I have standing to initiate any legal action whatsoever against IVGID?

FYI:

I have left on the back table a reprint of an article that was in the June 16 edition of the WSJ titled “A Town’s Creative Accounting Leads to a Fraud Conviction”. The reprint also has a link to a January report by Jondy on 2016 federal SEC enforcement referencing their “whistle blower” program that rewards persons when information is provided regarding the accuracy of financial statements and if reports of property transactions and values are correctly reported by any entity that borrows in the public markets.

Time permitting I will read excerpts from this article to alert our residents that when IVGID raises money in the public market place; correct accounting matters.
As I stated at the last Board meeting – I think that the Parasol proposal as being presented to the Board is a disaster.

I also think that the Board is getting terrible legal advice from our 6th board member Mr. Guinasso. He has represented himself to this board as a real estate expert and as an unimpeachable source of legal information. Whether it is the fact that Parasol says that IVGID already has title to the property and the building, or whether the proposed installment purchase is just a lease modification, the proposal stinks.

Mr. Pinkerton and staff want to railroad this proposal through the board despite the many nettlesome issues.

1. Question - Why did IVGID cash the $19 check from Parasol – Was that a retroactive payment on their lease? Was this proper if Parasol was in 19 years behind in their lease payments.

2. On Pages-23/24 of their lease it states under DEFAULTS “Failure to operate Facility” (b) “A significant reduction in use from what was contemplated in Parasol’s Long Term Business Plan.” Certainly this is apparent to any casual observer of the property today. The building is presently 75-80% vacant!

3. Before anything is done, the board should make a determination if the lease is in default. If there has been a default by Parasol, the Board has a fiduciary responsibility to the taxpayers to protect their interests.

I would further like to challenge Mr. Gunasso’s and Beko’s expertise regarding the Katz lawsuit with 5 facts.

1. Fact -At the last meeting Guinasso gave the Board the impression that Katz had sued the board 28 times. In fact there may have been 28 claims by Katz against Board actions – but there has been only ONE lawsuit.

2. Fact – Beko stated in a pre-trial statement that the Board had attempted to make a pre-trial settlement. No effort at settlement was ever attempted.

3. Fact – the Board was told sometime around a year ago that the appeal would cost about $25-35K – It has now run up to over $125,000

4. Fact - Beko has filed a response to Katz’s appeal that was twice as long as the 14,000 words permitted by the Supreme Court. This is a clear violation of the Supreme Court’s rules. Now that the court is demanding a new and compliant filing – why should IVGID pay Beko for the original filing that was not in compliance with the court rules?

5. Fact – Guinasso has not made it clear to the Board that the current appeal represents only ½ of the potential billings. Yes ½. The current appeal covers the original lawsuit it does not cover the appeal of the judgment for attorney fees rendered against Katz. Whether the court finds that Katz’s suit has merit or not – IVGID still faces even more legal fees fighting for the legal fee judgment.

Insanity has been defined as doing the same thing over and over again and expecting different results. As a taxpayer, the Board has not served us well in this matter. It is time for the Board to designate a committee to settle this action.
SUPPORT OF THE IVGID TEAM FOR
GOLF & SNOW

My name is Travis White and I am a past President of IVGC, one of the larger golf organizations at the Championship Course. I am here to give a different perspective on the team you have put in place with Michael McCloskey, Kyle Thornburg, Rob Bruce, Bill Vandenburg and the others.

I will 5 terms to talk about this team which I believe capture the essence of all of them. The first is:

Integrity
Do you trust them with your business? We do every week with complete confidence.
Have they put in adequate checks and balances? Yes
What about integrity and trust to be fair in all situations?

Professionalism
From Michael on down they demand professionalism in everything they do from dress code to handling difficult situations.
They not only handle multiple large organizations like TIGC, IVGC, Teesters, but also large outside parties while weddings and rehearsals are going on.

Respect
They have earned respect from all the various organizations. That is why the business levels are increasing.
We also very much respect the job they do and the way they handle themselves.
Men and women are respected equally!! Unusual at many golf clubs.
They have earned our respect completely.

Competency
In our club, we run events of as many as 250 men and women, and they come off with few hitches if any.
What is most important to me and our organization is that if a mistake or error is made, they let us know and take responsibility for it. That is competency and professionalism.

People skills
Women and men are treated fairly and equally.
Although a young team, they accomplish what most organizations take twice as long to do and with more resources.
If I were to caution them on anything, it would be to be careful not to try and do too much for the various organizations and outside groups. Over load is tough to deal with.

Organizations are about people! Without them you do not have a business or a way to run it. We tend to forget that people make up the IVGID organization & structure. This is a young team doing a far better job than many private country clubs with twice the number of staff and far greater assets in many cases.

We congratulate this organization on what they have accomplished and continue to accomplish. We owe them a vote of confidence.
Respect: I’ve spent many late nights listening to your meetings in their entirety to show respect. Not because I have a project – most nights I don’t burden you with the obvious, but instead try to help you focus on the truth. WHERE IS YOUR RESPECT FOR THE LAKE, STREAMS AND MAJORITY VOICE OF THIS COMMUNITY?

Anger: Mr. Katz and Mr. Wright prefer to present you with their frustrations their way. I am that angry right now.

All Trustees: Pat me on back with personal assurances. “One thing I accomplish is a dog park I’ll be happy.” Yet not a word mentioned at the long term planning presentation last Saturday. WHY ARE YOU HIDING IN THE SHADOW OF SUCH A SMALL MINORITY OF MISS-INFORMED DOG OWNERS?

Pinkerton > On 3 substantial challenges I SUCCESSFULLY worked with Bill Horn and HE had the character to be honest and balls to get things done.

Staff > hands are tied without direction from Trustees. Mr. Johnson needs from you a directive to put forth an analysis – a simple pie chart (my words) that identifies the multi use facility funding. Trustees, Pinkerton and Staff say a matrix of funding exists for this project at the abandon elementary school property. Your Director of Asset Management agrees that this property is the best place for a multifaceted-interagency project like this. Even Bocce Ball can be addressed simultaneously.

Mr. Johnson and Mr. Winquest should generate the chart. Sorry for throwing you into this Mr. Winquest. You are the only one whom I have heard is actively making inroads with WCSD. Timing is critical before the opportunities are sold to profiteers; include in the analysis the following:

- Potential related Federal funding
- Potential State funding
- Potential Local funding
- Potential County funding that utilizes interagency cooperation – a golden phrase within the county
- The remaining funding coming from community sources. Which we all know are interested in once YOU the TRUSTEES stop hiding in the shadows of a tiny minority.

That minority you fear is miss-informed and thus oppose the park.

Without any effort the 300 petitioners continues to grow and your own survey shows in plain numbers that over 60% of Incliners surveyed want or are in support of a park just for dogs.

Please Direct Your Assets manager to create this simple tool for all of us to get some traction with.
IVGID Board Meeting of June 28, 2017- Public Comments

To be made a part of the minutes and to be included in the next Board Packet

by Clifford F. Dobler

Business Item F.4. Parasol update

Yesterday, I spent about three hours with John Gallagher of the law firm Guild, Gallagher and Fuller LTD reviewing the following items regarding the Parasol Transaction. Below are our combined conclusions


One cannot amend a contract that does not exist. The draft calls for the termination of the original 2000 lease. The original lease would not exist upon signing the agreement.

2) Parasol Default under the current lease

The building is currently about 75% vacant, which is a default under Section XIII Defaults, item 3 Failure to operate the Facility (b) which states "A significant reduction in use from what was contemplated in Parasol's Long Term Business Plan."

Mr. Gianasso is correct in reporting at the last board meeting that Parasol is not in default, but only for the reason that IVGID has not provided to Parasol a NOTICE of the Default.

The Board of Trustees should instruct Staff to file a NOTICE of Default
3) Any Lessee making any improvements which are affixed to land being leased, the improvements are immediately owned by the Lessor unless the Lessee has the right to remove the improvements.

Therefore IVGID suggesting a purchase of leasehold improvements is incorrect as one cannot buy what one already owns.

This transaction is actually a lease buyout and a new lease (different type of lease from land - to office space).

4) The actual legal documents should consist of two separate agreements

   a) a Lease buyout agreement for $5,500,000 with the financing terms and including and cancellation of the 2000 lease

   b) a separate lease agreement for the space in the building
      There are events of default, insurance requirements, and representations and warranties which are different between the two types of transactions

5) The Boise Cascade CC&R's are a recorded exception to IVGID's title to the land which is leased to Parasol.

When IVGID acquired 26.6 acres of land in 1977 (Parasol to lease 2.3614 acres), Boise Cascade CC&R's stated "the property shall be used for parks and recreational and related purposes and for no other purpose.". The CC&R's expire on November 16, 2027.
A Town’s ‘Creative Accounting’ Leads to a Fraud Conviction

Such misrepresentation is common in municipal bookkeeping. Rarely do officials answer for it.

By Steven Malanga
June 10, 2017 6:00 p.m. ET WALL STREET JOURNAL

For years, local governments have had little to fear from using dubious accounting practices to shore up their finances on paper. Sure, critics could scream: In 2015 Paul Volcker, a former chairman of the Federal Reserve, sounded the alarm about states and cities that used slippery accounting to “obscure their true financial position, shift current costs onto future generations, and push off the need to make hard choices.” But rarely have officials been made to answer for their deception.

Until now. Last month a jury convicted Christopher St. Lawrence, the former town supervisor of Ramapo, N.Y., of federal charges including securities fraud in connection with the financing of a minor-league baseball stadium. Prosecutors have frequently jailed local officials for accepting bribes or stealing money. But Mr. St. Lawrence, who could serve prison time and is planning to appeal, is the first to face criminal charges for cooking a municipality’s books. His conviction, part of an escalating federal enforcement effort, should be a wake-up call for towns, cities and states nationwide.

In 2010 residents of Ramapo voted 67% to 33% against using public money to build a new stadium for the Rockland Boulders. So Mr. St. Lawrence concocted an elaborate plan to have the town’s economic-development agency float debt for the stadium. But the agency couldn’t actually finance all the debt: Mr. St. Lawrence was funneling money to it from town accounts. Then he tried to hide Ramapo’s weakening finances.

After assuring a bond analyst in 2013 that the town’s budget was sound, Mr. St. Lawrence was caught on tape telling employees, with a laugh, that to make the numbers work “we’re going to have to all be magicians.” Prosecutors also accused him of recording on Ramapo’s books a proposed $3.1 million sale of town property, even though the deal eventually fell through because the land was a rattlesnake habitat.

Mr. St. Lawrence’s lawyers argued that he did not profit from the transactions. They portrayed him as a well-meaning official guilty only of creative financing. But several witnesses painted a picture of Mr. St. Lawrence as a man who lied to raise money for a pet project and then tried to cover up the result.

The former head of Ramapo’s development agency, N. Aaron Troodler, was charged with conspiring to commit securities fraud and pleaded guilty. He testified at Mr. St. Lawrence’s trial that the town had booked a $3.6 million payment from Mr. Troodler’s agency for rights to the stadium land, even though there had been no such transfer.

Ramapo’s finances remain in disarray, and the town has struggled to pay its debts. But the acting supervisor says there’s no way to know how bad the situation is until officials complete a forensic audit. Meantime, Standard & Poor’s has withdrawn Ramapo’s credit rating because of the town’s unreliable financial statements.

The jury’s verdict ought to resonate far beyond Ramapo. Nearly 44,000 local governments issue debt, and for years the Securities and Exchange Commission, daunted by the task of trying to track their financial filings, did little to discipline public officials. But then came the financial crisis, followed by a rash of government defaults, including in Stockton, Calif., where one official described the city’s bookkeeping as having “eerie similarities to a Ponzi scheme.”

By early 2010 the SEC had created a new unit to police municipal misconduct. Later that year, regulators accused New Jersey of misleading investors over a decade about its pension debt. No penalties were imposed, but the state was told to change its practices. Since then, the SEC has gotten tougher. In 2013 it charged Miami and the city’s budget director, Michael Boudreaux, with financial manipulation that included shifting money
among its various accounts “to mask increasing deficits.” In an unprecedented civil trial, a jury found both guilty, and a judge fined Miami $1 million and Mr. Boudreaux $15,000.

With Ramapo, the SEC and prosecutors went a step further by bringing criminal charges. But this may represent the proverbial tip of the iceberg. Municipal budgeting is littered with misrepresentations meant to raise money for favored projects, increase spending during election years, or reward political supporters with rich contracts. Investors and taxpayers should welcome a crackdown.

Mr. Malanga is a fellow at the Manhattan Institute and a senior editor for City Journal.


Excerpts from the above speech link:

“The Commission is bringing actions against more municipal issuers and public officials. For example, since the beginning of 2013, the Commission has brought enforcement actions against 76 state or local government entities (including 4 U.S. states), 13 obligated persons[18] and 16 public officials. In contrast, for the entire 10 year period from 2002 to 2012, there were enforcement actions brought against 6 government entities, 6 obligated persons and 12 public officials.”

“The first instance involved settled charges against a public facilities district in the state of Washington.[37] In November 2013, the Commission found the issuer had misled investors in an offering to finance the construction of a regional events center by, among other things, falsely stating that there had been no independent reviews of the financial projections for the events center. In fact, an independent consultant twice had examined the projections and raised questions about the center’s economic viability.[38] In a “first” for the Commission, a civil penalty was imposed against the issuer, which due to the nature of that issuer, could be paid from the user fees generated by the event center rather than taxpayer funds.[39] Then, in March 2016, the Commission charged California’s largest agricultural water district for misleading investors about its financial condition in connection with a $77 million bond offering in 2012.[40] In a settled order, the Commission found that the district engaged in extraordinary accounting transactions which masked a decrease in revenue caused by the drought, and which were designed to avoid the negative consequences of failing to meet its debt coverage ratio.[41] In that settled matter, the district agreed to pay a civil penalty of $125,000, which also could be paid from user fees without directly impacting taxpayers.[42]”

“More recently, we alleged controlling person liability as the sole theory of liability against a sitting mayor. In the City of Harvey matter, the Commission alleged that the mayor of Harvey was liable as a controlling person based on his control over the City’s operations and his role in signing the allegedly fraudulent bond offering documents.[46] I expect that the Enforcement Division will seek to continue using this theory of liability in appropriate cases.”
Introduction: At the IVGID Board's regular June 12, 2017 meeting attorney Jason Guinasso reported to the Board concerning my appeal(s) pending before the Nevada Supreme Court. In part he informed the Board of IVGID's May 15, 2017 motion to the Supreme Court for permission to file an answering brief ("the motion") comprised of more than twice the maximum number of permissible words (29,187 versus 14,000). In response to questions by Board members, Mr. Guinasso opined that the motion would be granted, I was required to file a reply brief no later than June 19, 2017, and that I VGID would not be incurring additional attorney's fee and cost expenses related to my appeals unless the Supreme Court ordered oral argument.

It turns out the motion was denied, I VGID was ordered to reduce the size of its proffered answering brief by a massive 11,187 words (nearly 38%) and within a scant eleven (11) days no less. And as a result, I did not have to file a reply by June 15, 2017 as Mr. Guinasso represented. Moreover, it is now certain the cost to I VGID as a result of its attorneys' conduct is going to be many thousands of dollars more than what has heretofore been billed! And since I VGID staff routinely hide from the Board and the public matters which are unflattering to I VGID, revealing the truth is the purpose of this written statement.

Mr. Guinasso Has Made Intentional Misrepresentations of Fact to the I VGID Board: In Mr. Guinasso's presentations to the Board he has made a number of misrepresentations of fact he knows are not true. Let's detail each along with the truth Mr. Guinasso has neglected to include:

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2 NRAP 32(a)(7)(D)(i) and (ii) [https://www.leg.state.nv.us/CourtRules/NRAP.html] state as follows: "a motion to file a brief that exceeds the applicable page limit or type-volume limitation will be granted only upon a showing of diligence and good cause. The court will not consider the cost of preparing and revising the brief in ruling on the motion... (The) motion... shall be accompanied by a declaration stating in detail the reasons for the motion and the number of additional pages, words, or lines of text requested... The court looks with disfavor on motions to exceed the applicable page limit or type-volume limitation, and therefore, permission to exceed the page limit or type-volume limitation will not be routinely granted."

3 NRAP 32(a)(7)(A)(ii) states as follows: "an... answering brief is acceptable if it contains no more than 14,000 words, or if it uses a monospaced typeface, and contains no more than 1,300 lines of text."

4 A copy of the Court's Order is marked as Exhibit "A," and it is attached to this written statement.
The Supreme Court Ordered IVGID's Attorneys to Not Respond to Mr. Katz's Opening Brief Unless Otherwise Ordered to Do So: This is an untrue. On November 29, 2016 the Court allowed me to file an opening brief which exceeded the maximum word limitations of NRAP 32(a)(7)(A)(ii). That Order went on to state that IVGID "need not (rather than shall not) file a response unless ordered to do so." Thus rather than being barred from filing a response, IVGID chose to not file a response.

This Order Telegraphed to Mr. Guinasso That There Were Only Two Likely Outcomes to Mr. Katz's Appeal. One That the Appeal Would be Denied. Or Two That Rather Than Having to Respond to All of the "Vomit" Mr. Katz Included in His Brief, IVGID Would Only Need to Respond to One or Two Focused Arguments: This is untrue. After the Court had "reviewed the record and (Mr. Katz's) opening brief" it "conclude(d) that an answer would assist this Court in resolving the appeal." Thus on February 13, 2017 the Court ordered IVGID "to file and serve an answering brief" as to all of my alleged "vomit."

Mr. Katz Filed a Motion to Stay Execution of IVGID's Monetary Judgment Pending the Outcome of His First Appeal; the One Denying Him Any Relief: This is untrue. On November 15, 2016 my attorney filed a motion to stay proceedings in my second appeal (case no. 71493) pending the outcome of my first appeal (case no. 70440). There was no motion to stay execution of IVGID's monetary judgment.

If Mr. Katz's Motion Prevails, He Will Have to Post an Undertaking Guaranteeing Payment of the Entire Judgment: This is untrue. On December 2, 2016 the Court granted my

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7 See 3:32:14-3:33:04 of the 12/14/2016 livestream.

8 See the Court's 02/13/2017 Order at http://caseinfo.nvsupremecourt.us/public/caseView.do?csIID=38656.

9 See 3:30:12-3:30:23 of the 12/14/2016 livestream.

10 See the Court's 11/15/2016 Order at http://caseinfo.nvsupremecourt.us/public/caseView.do?csIID=40715

11 See 3:30:28-3:30:40 of the 12/14/2016 livestream.
attorney's November 15, 2016 motion\textsuperscript{12}. Nowhere did the Court require me to post an undertaking guaranteeing payment of the entire judgment.

**In Other Words Mr. Katz Will Have to Come Up With the Funds Either Way. Either Post a Bond Which Guarantees Payment, or Come Up With the Funds\textsuperscript{13}: This is untrue. So far I have come up with neither.**

**Mr. Katz is No Longer Licensed to Practice Law\textsuperscript{14}: This is untrue. I am licensed to practice law in California. Currently I am an inactive licensee. In order to become active, I need do nothing more than pay a licensing fee.**

**Mr. Katz is a Convicted Felon\textsuperscript{15}: This is untrue. "In 1988 the Santa Clara County Superior Court entered an order...expunging (Mr. Katz's) conviction."\textsuperscript{16} Expungement means that where a person "has been convicted after a plea of not guilty, the court shall set aside the verdict of guilty; and...he or she shall thereafter be released from all penalties and disabilities resulting from the offense of which he or she has been convicted, except as provided in Section 13555 of the Vehicle Code."\textsuperscript{17} In other words, I am no longer a "convicted felon."

**Mr. Katz is a Serial Vexatious Litigant\textsuperscript{18}: This is untrue. First of all, does the Board even know what a "vexatious litigant" is? Regardless of the answer, NRS 155.165(1) declares that "the court may find that a person...is a vexatious litigant if the person files a petition, objection, motion or other pleading which is without merit, intended to harass or annoy...or intended to unreasonably oppose or frustrate the efforts of an interested person who is acting in good faith to enforce his or her rights." Does Mr. Guinasso contend that any court anywhere has ever found that I am a vexatious litigant? Since it has not, Mr. Guinasso's label lacks validity.

\textsuperscript{12} See the Court's 12/02/2016 Order at http://caseinfo.nvsupremecourt.us/public/caseView.do?caseID=40715

\textsuperscript{13} See 3:33:14-3:33:18 of the 12/14/2016 livestream.

\textsuperscript{14} See 2:06:43-2:06:48 of the 6/12/2017 livestream.

\textsuperscript{15} See 2:06:49-2:06:59 of the 6/12/2017 livestream.

\textsuperscript{16} See page 432 of the packet of materials prepared by staff in anticipation of the Board's regular May 18, 2016 meeting ["the 5/18/2016 Board packet" (https://www.yourtahoepiace.com/uploads/pdf-ivgid/Item_K.1.a._-_District_General_Counsel_-_Motion_for_Attys_Fees_51816.pdf)].

\textsuperscript{17} See California Penal Code, 1203.4(a)(1) [https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=1203.4.&lawCode=PEN].

\textsuperscript{18} See 2:07:05-2:07:26 of the 6/12/2017 livestream.
Mr. Katz is a Frivolous Adversary\textsuperscript{19}: This is untrue. First of all, does the Board even know what a "frivolous adversary" is? Frivolous lawsuits are those filed by a party or attorney who "because of a lack of supporting legal argument or factual basis for the claims....is aware they are without merit."\textsuperscript{20} Or stated differently, the inquiry is "whether the pleading is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification or reversal of existing law" \cite{Bergmann v. Boyce (1993) P.2d 850, 856\textsuperscript{21}}.

Now that the Board knows the definition, do the facts and bases for appeal alleged sound like they are completely frivolous and without merit? Do they not argue for the extension, modification or reversal of existing law? And does the Board see anywhere where I have asked for any money from IVGID other than return of my RFF/BFF paid under protest and duress? Although IVGID makes the argument my civil action was brought to extort money, where exactly do you see that this was done? Where?

Could it be that because my claims are not frivolous IVGID staff are having so much difficulty and spending so much money responding to my appeal?

Mr. Katz Contends That the Recreation ("RFF") and Beach ("BFF") Facility Fees are Illegal Taxes\textsuperscript{22}: This is untrue. I have never made this contention. Rather, I have alleged that the RFF/BFF are invalid special taxes against property. There is a difference between "illegal" and "invalid."

Mr. Katz Has Filed 28 Separate Causes of Action Against IVGID\textsuperscript{23}: This is untrue. In Mr. Guinasso's June 12, 2017 presentation he admitted that two of those causes of action were filed against a party other than IVGID\textsuperscript{24} (i.e., the Nevada Public Utilities District), and another eleven were actually never filed. Rather, I filed two motions with the Court for permission to file those causes of action and both were denied\textsuperscript{25}. Moreover, let's be clear. This wasn't 28 different lawsuits. It was one lawsuit consisting of a number (i.e., fifteen) of claims.


\textsuperscript{20} See https://definitions.uslegal.com/f/frivolous-lawsuit/.

\textsuperscript{21} Go to http://law.justia.com/cases/nevada/supreme-court/1993/22983-1.html.

\textsuperscript{22} See 2:08:25-2:08:34 of the 6/12/2017 livestream.

\textsuperscript{23} See 2:09:48-2:10:00 of the 6/12/2017 livestream.

\textsuperscript{24} See 2:14:12-2:14:26 of the 6/12/2017 livestream.

\textsuperscript{25} See 2:15:36-2:16:06 of the 6/12/2017 livestream.
IVGID Has Never Provided Electric Power as Part of its Utility Service\(^26\): This is untrue. Does not Mr. Guinasso recall that IVGID staff purchased and installed four electric vehicle charging stations which provides free electric power to electric vehicles.

For the Supreme Court to Decide a Case, an Opening Brief Not to Exceed Thirty (30) Pages Must be Filed\(^27\): This is not true. As noted above, NRAP 32(a)(7)(A)(ii) states that an opening brief is acceptable if it contains no more than 14,000 words\(^3\).

Mr. Katz's Opening Brief, by Any Lawyer's Estimation, Was "Vomit on Paper"\(^28\): This is untrue. I know of a number of attorneys who do not share Mr. Guinasso’s opinion. Moreover, now that my Opening Brief has been shared with the public, the reader can determine for him/herself whether Mr. Guinasso's label is accurate.

Answering Briefs are Not to Exceed Forty (40) Pages\(^29\): This is not true. As noted above, NRAP 32(a)(7)(A)(ii) states that an answering brief is acceptable if it contains no more than 14,000 words\(^3\).

Mr. Katz's Reply Brief is Due No Later Than June 19, 2017\(^30\) ("a Week From Today"): This is not true. My Reply Brief is due thirty (30) days from the date IVGID files and serves its Answering Brief. As of today, IVGID has still not filed its Answering Brief.

In Order to Initiate Litigation (Against IVGID) You Need to be a Property Owner\(^31\): This is not true. Nowhere is it stated that in order to bring suit against IVGID, the plaintiff must be a property owner.

With Regard to Collecting Attorney's Fees and Costs, the Trusts Do Not Protect Mr. Katz From Collection\(^32\): This is untrue. NRS 21.090(1)(cc) states that "the following property is exempt from execution, except as otherwise specifically provided in this section or required by federal law...(1) A distribution interest in (a) trust as defined in (1) NRS 163.4155 that is a contingent interest, if the contingency has not been satisfied or removed; (2) A distribution interest in (a) trust as defined in NRS 163.4155 that is a discretionary interest as described in NRS 163.4185, if the interest has not

\(^27\) See 2:17:05-2:17:07 of the 6/12/2017 livestream.
\(^29\) See 2:18:02-2:18:04 of the 6/12/2017 livestream.
\(^32\) See 2:26:00-2:26:20 of the 6/12/2017 livestream.
been distributed; (3) A power of appointment in (a) trust as defined in NRS 163.4157 regardless of whether the power has been exercised; (4) A power listed in NRS 163.5553 that is held by a trust protector as defined in NRS 163.5547 or any other person regardless of whether the power has been exercised; and (5) A reserved power in the trust as defined in NRS 163.4165 regardless of whether the power has been exercised.”33 Essentially all of the property I have an interest in is owned by my living trust.

Conclusion: Mr. Guinasso states that in evaluating my appeal the Board needs to look at the litigant. I say the Board needs to look at Mr. Guinasso. Given the so many times he has rendered advice to the Board which has turned out to be untrue, I and others believe it should be cautious insofar as taking future advice from him.

And You Wonder Why the RFF/BFF are as High as They Are? I’ve now provided more answers.

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

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33 See https://www.leg.state.nv.us/NRS/NRS-021.html#NRS021Sec090.
IN THE SUPREME COURT OF THE STATE OF NEVADA

AARON L. KATZ,  
Appellant,  

vs.  
INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT,  
Respondent.

ORDER GRANTING MOTION IN PART

Respondent has filed a motion for leave to file a answering brief in excess of the type-volume limitation. See NRAP 32(a)(7)(A)(ii) (establishing a limitation of 14,000 words). The motion and certificate of compliance included with the submitted brief indicate that the brief contains 29,187 words. In support of the motion, counsel for respondent notes that the litigation has spanned over 5 years, the amended complaint contains 17 separate claims for relief and 250 separate charging paragraphs, the record is over 5,000 pages, and appellant’s pro se opening brief exceeded the relevant type/volume limitations by 3,864 words. Counsel for respondent asserts that in order to save this court time, a large portion of the answering brief is devoted to detailing the procedural history; and counsel notes that he has never had to ask for additional pages in previous appeals to this court. Appellant opposes the motion, and respondent has filed a reply.

This court “looks with disfavor on motions to exceed the applicable page limit or type-volume limitation, and therefore, permission to exceed the page limit or type-volume limitation will not be routinely granted.” NRAP 32(a)(7)(D)(i); see also Hernandez v. State, 117 Nev. 463,
467, 24 P.3d 767, 770 (2001) ("Page limits . . . are ordinary practices employed by the courts to assist in the efficient management of the cases before them." (quoting Cunningham v. Becker, 96 F. Supp. 2d 369, 374 (D. Del. 2000))). Rather, a motion "will be granted only upon a showing of diligence and good cause." NRAP 32(a)(7)(D)(i). We appreciate the length of the record and the number of claims asserted, but we are not convinced that an answering brief over twice as long as the type-volume limitation is warranted in this case. Accordingly, the motion is granted in part.

The clerk of this court shall return, unfiled, the answering brief received on May 15, 2017. Respondent shall have 11 days from the date of this order to file and serve an answering brief of no more than 18,000 words. See NRAP 32(a)(7)(A). Failure to comply with this order may result in the imposition of sanctions.

It is so ORDERED.

[Signature]
C.J.

cc: Aaron L. Katz
Erickson Thorpe & Swainston, Ltd.

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1We note that the answering brief submitted does not comply with NRAP 28 because it does not contain a disclosure statement as required by NRAP 26.1.