MINUTES

REGULAR MEETING OF APRIL 25, 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 Tuesday, April 25, 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 IVGIS BOARD OF TRUSTEES*

On roll call, present were Trustees Matthew Dent, Peter Morris, Phil Horan, and Kendra Wong. Trustee Tim Callicrate was absent and notified the Chair that he was unable to attend tonight’s meeting.

Also present were District Staff Members Director of Finance Gerry Eick, Communications Coordinator Misty Moga, Diamond Park Ski Resort Manager Mike Bandelin, Director of Human Resources Dee Carey, Director of Public Works Joe Pomroy, Parks and Recreation Director Indra Winquest, Director of Asset Management Brad Johnson, and Director of Community Services Sharon Heider.

Members of the public present were Pete Todoroff, Steve Dolan, Bret Hansen, Carolyn Stark, JiJi Kamali, Jean Eick, Claudia Andersen, Frank Wright, Kathleen Watty, Bill Devine, Margaret Martini, Aaron Katz, Judith Miller, Carolyn Stark, and others.

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

C. PUBLIC HEARING (TIME CERTAIN FOR 6 P.M.) – Proposed amendments, that include Utility Rate Increase, to IVGID Sewer Ordinance No. 2, entitled “An ordinance Establishing Rates, Rules and Regulations for Sewer Service by the Incline Village General Improvement District” and IVGID Water Ordinance No. 4, entitled “An Ordinance Establishing Rates, Rules and Regulations for Water Service by the Incline Village General Improvement District”
Trustee Morris made a motion to open the public hearing. Trustee Horan seconded the motion. Chairwoman Wong called the question and the motion was unanimously passed.

Director of Public Works Joe Pomroy confirmed that the District has complied with the required noticing.

Director of Public Works Pomroy gave a brief overview of the submitted materials and advised that the District had received zero comments.

Chairwoman Wong said that comments will be limited to three minutes and asked District General Counsel Jason Guinasso to read the public comment advisory statement which was done.

Frank Wright said that he tried to let the Chair know at the last meeting that the District General Counsel can’t cut off public comment. Chairwoman Wong asked Mr. Wright to keep his comments related to the public hearing. Mr. Wright said that this is part of Ordinances 2 and 4 and that he wants his time back. Chairwoman Wong said that Ordinances 2 and 4 are related to water and sewer and again asked Mr. Wright to keep his comments related to that and asked the District Clerk to reset Mr. Wright’s time back to three minutes; District Clerk Herron reset the timer. Mr. Wright said that this is an unnecessary rate increase as we all live across from the cleanest lake in the world so what are the actual costs to provide us with water and sewer. He doesn’t think that the Board members know how and then asked how much are our costs increasing for providing these services which is the question the Board should be answering because you don’t have that answer and you don’t know what it costs therefore how can you pass a rate increase based on what was presented except for the comparison. This has nothing to do with our water rates. We had a banner year at Ski and we usually shoot millions and millions of gallons of water onto the mountain so our usage is way down therefore the costs should be way down. Waste Management has taken over the billing so the costs there should be way down. This is a sham and the methodology was created by Staff to generate income to cover the high costs of things that have nothing to do with our utilities. The Board members don’t take a look and this District continues to rip us off as our rates have gone up thirty to forty percent and this Board doesn’t question the number or come out and say they just can’t understand them.

Aaron Katz said that he is here again this year to protest the ever increasing water and sewer rates and to ask when are the Board members going to represent the residents of the community. You are a rubber stamp for Staff and don’t find out the real problems and you give Staff unlimited time to present yet you give the public
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a scant three minutes. What evidence have you heard that justifies increased rates? Do you know the standard for rates? The statutes say just and reasonable so what evidence has Staff presented to say these rates are reasonable? It is not his burden rather it is Staff’s. This Board will rubber stamp the rates and it isn’t based upon facts as the rates are discriminatory. Do you tell the public about the various Diamond Peak uses? Do you tell the public about the discriminatory rates for the ski resort and golf courses and that you charge him something different? Get real and make the venues pay their fair share because then it would reduce the rates for those of us using less. He wants the Board to get into these rates and charge every user for things like defensible space; these rates are not fair and he protests.

Margaret Martini read for a prepared statement which is attached hereto.

Steve Dolan said that he is a regular here and that he has seen, witnessed, or participated in most of the meetings that were listed and as a result he understands where the expenses are going. Staff listed various items so if one participates and listens then you will understand where the rate hikes are coming from and they are not unreasonable. He really appreciates that we didn’t have any interruption in our water and sewer during the water; he supports this increase.

Hearing no further public comments, Chairwoman Wong asked for a motion to close the public hearing. Trustee Horan made a motion to close the public on Ordinances 2 and 4. Trustee Morris seconded the motion. Chairwoman Wong called the question and the motion was passed unanimously.

D. PUBLIC COMMENTS*

JiJi Kamili said that she has missed all of us as she hasn’t been here for a while and that she used to come to meetings when there was no here and while she hasn’t been attending she has contributed a lot but she hasn’t been taken care of. She has been here since 1980 and she is very deeply familiar with Incline Village as it has been her baby. There are so many things going on and she has been hearing things but has not been hearing about any progress so she wanted to come and see. There are so many basic things that need to be done like the parking lot at the ski area which is such a basic thing – to let people have more parking and transportation. The lake is filled up and there are private beaches that have been covered up. We really need to focus on the items that service the people of Incline as summer is coming and this place needs a lot of attention and taking
care of the things for the public. On the water, there is so much water here, and she is wondering if this water can be used for electricity.

Judith Miller said that she is going to focus on the Parasol lease proposed changes – before we spend any more Staff or consultant money on this proposal she would like all of you to look at the purpose of a general improvement district. A lot of people misconstrue the opening chapters of Nevada Revised Statutes Chapter 318 in the creation and organization of these districts in serving the public and contributing to the health and welfare of the people of Nevada. The organization will serve and it is not that the District is empowered to do anything it deems beneficial to the public and it is not the calling for a utility and recreation district as it has limited powers. Ms. Miller asked that the Board think about the time back when a former Board decided to give away land and change the deed restriction. They dedicated the land and charged one dollar a year but it not used for recreation so now we need to look at IVGID and see what it was created for. She has nothing against Parasol as it houses one of the organizations she serves so she gets to use it. Look at the proposal as it is perpetuating that myth of philanthropic giveaways. She would like to hear from the Parasol as to why their original mission didn’t work, what failed, why they want to extract cash, and why can’t they work out something privately.

Frank Wright said getting back to his comment which was rudely cut off by the Board Chair, District General Counsel is not elected nor is he a member of the Board thus he should sit here and be quiet. District General Counsel can cut off public comments but the Board members can’t do that and you have just made him a lobbyist so he is now a Board member, Sheriff, and Sergeant at Arms. The meeting on Ordinances 2 and 4 was not a public hearing rather it was a public lecture trying to convince the public of what is going to happen. Will the vote be four to one, the comments don’t matter, as it is going to pass anyway. Now he wants to talk about the Parasol and he is going to put it into simple terms – Parasol is leasing recreational land for one dollar for ninety-nine years and now they want to put the building back to us for five million dollars. So we give them the land and then rent it back to the people who gave them the land, most of whom have left, and want us to pick up the bill. The public made a comment about rate increases and Staff keeps on using the same excuses for increase. Regarding the Katz litigation, District General Counsel is not the attorney of record so he has no clue on the litigation or much money it is costing so don’t rely on your District General Counsel as he is telling you a half truth.

Margaret Martini – read from a prepared statement which is attached hereto.
Megan Warren said she is focusing on Waste Management and despite extensive data, IVGID Trustees and the General Manager, in her opinion, yielded to noisy constituents by not telling them to get bear boxes. The new franchise agreement was negotiated with broad options and we see trash strewn all over and Waste Management not performing. She and others are getting multiple telephone calls, as the watchdogs, and Waste Management is ignoring the commercial requests which is leading to residential issues. The heavy winter will provide plenty of food. Faulty dumpsters have had no response. Bears are out and about with their cubs who are soon to be wild teenagers getting into trash. We need your help – do you have a plan or a solution as it is getting bad.

Carolyn Stark said that she would like to dovetail off of Ms. Martini and Ms. Warren; we are only four months into Ordinance 1 and we have had issues with the roll out of the totes as it was ineffective and Waste Management was unable to deliver. Most people have gotten their totes and we, at the Bear League, are starting to get calls about broken totes and some that were delivered broken. Waste Management is not returning calls, not fixing them, etc. Multiple residential complexes are having issues and the tourists are coming. Waste Management needs to be more responsive to our calls as we are getting poor service and they need to do better. There have been multiple situations with dumpsters and there are multiple residential complexes that are out of compliance because of faulty equipment. The Bear League is getting calls from areas outside of Incline Village asking how do we get Waste Management to be more responsive so let’s fix it as things are going back to the way they were a couple of years ago.

Pete Todoroff said he would like to report on Washoe County; Washoe County is the only county that hasn’t given this community a community area plan and that everyone else is in compliance but Washoe County isn’t. He asked Commissioner Berkgbigler to take up the slack because there is no Bonanza meeting and the Sheriff came out and glared at him because he wrote a statement about a Washoe County employee not doing their job. A Washoe County Staff member called him and the meeting was cancelled yesterday and he also inquired about the minutes from the last Citizen Advisory Board meeting. This is unacceptable especially when Washoe County is the only county that hasn’t come up with an area plan and all we get is excuses. Washoe County said that there would be no Citizen Advisory Board meeting because there are no issues to address up but there were.

Mike Rileski said that he would like to inform this Board that there is an affordable housing crisis on the North Shore. He is a refugee from the East Shore and he moved to Incline Village almost six months ago. He thought Incline was immune to the affordable housing crisis however after discussion with residents and
business owners, there is a crisis. The St. Joseph’s Land Trust has determined when the majority of your emergency service providers live outside the area, they have a tough time responding in an emergency situation and that their ability to serve the community is restricted. In addition, when they are outside the community they lose their influence on individuals, parents, seniors, children, stores, restaurants, recreational areas, etc. Although their location is not as critical as emergency personnel, teachers are important to the stability of our community. Many of these individuals don’t have influence on the community. You may be asking yourself what can we do – recognize the crisis/problems and then arrange for a task force headed by one of you or the District General Manager.

Steve Dolan said in trying to keep you in tune with the history of his issues, he feels obligated to update you. Thanks to the Parks and Recreation Department and that starts with the Principal Engineer who communicated with the Parks and Recreation Director who then communicated with his Staff and they have put at least six signs up related to the fish spawning. As a result, and during this time last year, he presented twenty three balls and now he doesn’t have any balls as there have only been two that have shown up and been returned to the dog owners. Dog owners are respecting the stream as they like the information and there has been good communication with these dog owners. Thank you to Staff again for helping us do that. Secondly, he is not well informed about Parasol, but he does know that as a Board member for ski, soccer, baseball team, etc. that they have utilized the Parasol Building and that is recreation and he thinks it was free. Just remember in your discussion of a variety of things that this was a service they provided in the area of recreation. He doesn’t know about the one dollar per year and paying rent but that he is reiterating that the Parasol Building has helped the community in recreation and sports as well as raising funds for non-profits.

Bret Hansen, District Manager for Waste Management in Incline Village, read from a prepared statement which is attached hereto.

Ron Ailing, Secretary of the Parasol Tahoe Community Foundation, said that it is Parasol’s goal to keep the Donald W. Reynolds Community Non-Profit Center a continuing asset of the Incline community. On behalf of the Board and Staff, we want to work with you and will furnish a reply, in writing, to your questions. It is a pleasure to work on a win-win-win project which is a win for Parasol, community, and IVGID.

Jacquie Chandler said that she wanted to speak on a couple of points; with all the activity at the Tunnel Creek Station, we are just abuzz with the activity wanting to come here and thus it would be so awesome to have a bus stop and perhaps
I VGID can give an easement. This bus stop would reduce a lot of cars and it has to do with recreation and getting the express bus to stop at Tunnel Creek both ways. Recently, she got the District’s survey and there wasn’t any room to add for more programs we are willing to pay for. In general, most of the people who come here come from the Bay Area and one might ask why do we have a ballpark here when it seems like the best thing we have, as an attraction, is our natural terrain. She has a friend who had deer coming through his winery and what they did was retrained them to the natural migratory path; we could do the same with our wildlife so they won’t go off the path and then they won’t have to be killed. We have this amazing recreational thing and so think about what we have that is natural and then work collaboratively to delight visitors and preserving what we have; think outside the box and just imagine.

Aaron Katz said he wants to talk about Parasol and while another member of the public may not know about it, he did a written statement at the last meeting which tells what happens and it was one of the darkest moments in the history of IVGID. While he has seen a lot of dark moments, it is disgusting what happened and now we are locked into it and through the grace from above, we now have an opportunity to rectify the wrong. This has nothing to do with the representations and basis before you. You know what it has to do with and that is basically a bail out. Parasol invested a lot of money in the building and they have a problem in that they don’t own the land and they can’t sublease the building and there is no one to pay to take it over. So when you have no money, you have to come to the property owners to do what you want to do. This has nothing to do with recreation and has everything to do with philanthropy and it is a bail out; this Board is here to bail them out. He is asking this Board to not go any further with this as Parasol has said this is a modification of the ground lease and there is nothing to modify. What should be done is it should be a proposed new agreement to deal with a leasehold improvement that they can’t do anything with as there is a restriction on the deed so that no one can do anything with it as it has zero value and you can get it for zero if they break the lease.

E. 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.

F. PRESENTATIONS*
COMMUNITY SERVICES PROGRAM UPDATES (Verbal Report) – Director of Community Services Sharon Heider

Director of Community Services Sharon Heider gave a PowerPoint presentation which is included herewith by reference.

Chairwoman Wong called for a break at 7:15 p.m.; the Board reconvened at 7:25 p.m.

G. GENERAL BUSINESS (for possible action)

G.1. Review, discuss, and possibly adopt Resolution No. 1855: Adoption of the proposed amendments, that include Utility Rate Increase, to IVGID Sewer Ordinance No. 2, entitled “An Ordinance Establishing Rates, Rules and Regulations for Sewer Service by the Incline Village General Improvement District” (Requesting Staff Member: Director of Public Works Joe Pomroy);

AND

Review, discuss, and possibly adopt Resolution No. 1856: Adoption of the proposed amendments, that include Utility Rate Increase, to IVGID Water Ordinance No. 4, entitled “An Ordinance Establishing Rates, Rules and Regulations for Water Service by the Incline Village General Improvement District” (Requesting Staff Member: Director of Public Works Joe Pomroy)

Director of Public Works Pomroy said the required public hearing was held and that he had no further information to add.

Trustee Dent said when it comes to the reserve balance that we set aside, there has been a 3.6% increase for the past several years so what is the total amount we have set aside. Director of Public Works Pomroy said we have a twelve million dollar reserve with eleven million dollars for capital of which ten million dollars is for the effluent export pipeline. Trustee Dent said over the next five years, where are our rates going and with the bike path approval do you anticipate a rate increase. Director of Public Works Pomroy said yes, our rate projection is still valid to meet operational changes and as to the bike path, the location for the effluent export pipeline was done in 2006 and the tunnel is where we relocated it to and it was brought to the Board
last year thus the bike path is no longer in conflict with that project. Trustee Dent then asked about the storage pond, which is one million dollars, and was it originally a part of the effluent export pipeline project. Director of Public Works Pomroy said yes, it is a part of the effluent export pipeline project and that the District got notification from the Nevada Department of Environmental Protection that it was not in compliance and that it needs rehabilitation so we put it into capital. Trustee Dent asked if Staff could elaborate on what is anticipated from here on out. Director of Public Works Pomroy said in 2017/2018, one million dollars will be set aside for the pond lining project and that this is not setting aside an additional one million dollars; in 2018/2019 we will put in two million dollars and that there is no money in 2017/2018 and none in reserves because we will have spent one million dollars on the project. Trustee Dent said over the last several meetings, he has been opposing any utility fund projects and that he doesn’t see the rate increase as anything different than approving a contract and that he wanted to make that claim.

Trustee Horan said as we have gone through these presentations, have there been any changes that the Board needs to know about. Director of Public Works Pomroy said there have been no significant changes but that there has been a small operational decrease to the Central Services Fund which is used for information technology and accounting and that it is a $30,000 change which is an insignificant event.

Chairwoman Wong said in looking at the calendar included, we have spent close to forty five minutes for the presentation and discussion and, for public edification, we are not going to repeat it and that the people who are interested know where the information is.

Trustee Horan made a motion to approve Resolution 1855 amending IVGID Sewer Ordinance No. 2, entitled “An Ordinance Establishing Rates, Rules and Regulations for Sewer Service by the Incline Village General Improvement District” AND to approve Resolution 1856 amending IVGID Water Ordinance No. 4, entitled “An Ordinance Establishing Rates, Rules and Regulations for Water Service by the Incline Village General Improvement District”. Trustee Morris seconded the motion. Chairwoman Wong asked for another further comments.

Trustee Horan said that he wanted to reiterate that this Board has gone over this pretty thoroughly therefore he is in support the motion.
Hearing no further comments, Chairwoman Wong called the question; Trustee Dent voted opposed and Trustees Wong, Horan, and Morris voted in favor. The motion passed.

G.2. Review, discuss, and possibly augment the District’s Operating Budget by adopting Resolution No. 1859 for fiscal 2016-2017 by $720,000, through the use of additional revenue of $2,700,000 for Community Services Special Revenue Fund and by $215,000 in revenue and expense for Internal Services for the current fiscal year, to cover additional expenses incurred providing a higher volume of services and to deal with consequences of extraordinary winter conditions (Requesting Staff Member: District General Manager Steve Pinkerton)

General Manager Pinkerton gave an overview of submitted material.

Chairwoman Wong asked if all of these costs cover ongoing maintenance costs through the end of the fiscal year because of weather related incidents. District General Manager Pinkerton said yes but there may be some things that won’t be discovered for a period of time.

Trustee Horan asked if in augmenting the budget do we need to include everything in the motion. District General Manager Pinkerton said that the State of Nevada is focused on expenditures. Trustee Horan asked if this was a regulatory requirement; District General Manager Pinkerton said yes.

Trustee Morris said to summarize for a couple of million dollars on revenue we are spending a million in round numbers. District General Manager Pinkerton said yes and thank you for the simple summary.

Trustee Dent said so the $720,000 in the resolution is incorrect. Director of Finance Eick said it is based on the form which begins on agenda packet page 229 and continues through page 230 which shows the additional revenue. On page 231, there are two funds that are affected; Community Services Fund at $720,000 and the Internal Service Fund at $215,000 for funds not being augmented. Trustee Dent asked, referencing agenda packet page 228, why it is not just for $920,000. Director of Finance Eick said that the resolution is to authorize the information that will be provided to the State of Nevada and that the $920,000 is the total increase in expenditure in the Community Services Fund. District General Manager Pinkerton noted that
at the bottom of agenda packet page 227 it notes the difference. Trustee Dent said so $920,000 versus $720,000, on agenda packet page 224, is the State of Nevada forms so it is actually services and supplies that increases across the board so could the Board get more of a breakdown to get into each of these numbers? The memorandum talks about revenues going up at Ski but doesn't touch upon the expenses at other venues. District General Manager Pinkerton said that we will do a wrap up in the fall and it is then that we can get into the detail. There are estimates for the State of Nevada right now and that it will be done after the audit. Trustee Dent said so we have noticed the increase and forecasted a fund balance and the reason for the discrepancy after the audit is $700,000 and he is assuming that has to do with forecasting in March so could Staff elaborate on that as it is $7.8 million versus $7.1 million. District General Counsel Guinasso reminded the Board that their discussion has to be germane to the agenda item. Trustee Dent rephrased his question; there was a reference made to a $7.8 million fund balance so why was this $7.1 million. Director of Finance Eick said, referencing agenda packet page 232, that a similar situation occurs in this projection as we set the budget in April which really means it is based on March information and that the same thing applies for this augmentation. Last year the same thing happened as we had one number we knew; the season was better so the same thing happened again this year.

Trustee Morris made a motion to:

1. Adopt Resolution 1859 augmenting the 2016-17 Incline Village General Improvement District Budget, including $720,000 for the Community Services Special Revenue Fund and $215,000 for the Internal Services Fund, by utilizing additional resources from the increased revenue of the Community Services Special Revenue Fund and the Internal Services Fund, for the express purpose of providing resources for costs incurred providing a higher volume service over that included in the May 2016 authorized budget, and to cover costs relative to care and condition of District assets following an extraordinarily harsh winter including flood and snowfall events.

2. Authorize Staff to execute all documents and directing the District Clerk to file notice of the augmentation within the State of Nevada Department of Taxation Guidance.
Trustee Horan seconded the motion. Chairwoman Wong asked if there were any further comments.

Trustee Horan said that he finds this reporting to be strange however we have to augment by the State of Nevada requirements and that this is being augmented in the right way so he supports it. Chairwoman Wong said that she agrees and that the forms are required by the State of Nevada.

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

G.3. Review, discuss, and possibly enter into an Intergovernmental Grant Administration Agreement with South Tahoe Public Utility District (Requesting Staff Member: Director of Asset Management Brad Johnson)

Director of Asset Management Johnson gave an overview of submitted materials.

Trustee Morris made a motion to:

1. Enter into an Intergovernmental Grant Administration Agreement (IGAA) with South Tahoe Public Utility District that provides the District with $72,266 in federal grant funds to support planning, design, and construction of water system improvements that have a direct relationship to fire suppression.

2. Authorize the Chair of the Board of Trustees to sign the agreement based on a review by General Counsel and Staff.

Trustee Horan seconded the motion. Chairwoman Wong asked if there were any further comments.

Trustee Horan complimented the Staff for their abilities to continue to generate funds.

Hearing no further comments, Chairwoman Wong called the question; the motion was unanimously passed.
G.4. Review, discuss and possibly approve the 2017 Red, White and Tahoe Blue (RWTB) Memorandum of Understanding (MOU) for the July 1 – 4, 2017 events (Requesting Staff Member: Director of Parks and Recreation Indra Winquest)

Parks and Recreation Director Indra Winquest gave an overview of the submitted materials.

Chairwoman Wong asked if there has been any significant changes from 2016 to 2017. Parks and Recreation Director Winquest said there have been no significant changes but they have scaled back a bit on Village Green; most events have stayed intact.

Trustee Morris said based on lessons learned or feedback from last year, what changes have been made in what we have required. Parks and Recreation Director Winquest said there has been one change and that is the allowed use of golf carts; we have reduced it from six to three as circumstances surrounding that worked out. Relationship was pretty good and there will be some additional requirements in the pararescue as it won’t be allowed until the drop until area cleared. The timing has been a bit off so everyone is working with United States Coast Guard and the Washoe County Sheriff on improving that. The relationship on the days of the events was fine and there are tweaks being made on the timing of events at Village Green and to reduce some events.

Trustee Horan said that there has been significant turnover in their Board so what level of confidence do you have. Parks and Recreation Director Winquest said that there is no reason to believe that they aren’t going to be able to execute their plan as they are basically a brand new Board which comes with a learning curve however some folks that are on it do have significant experience and the Sheldon’s have done the Rose Parade previously; he is not on the Board rather he attends/participates as the LVGID liaison. It is always a challenge to get the required permits but he is making sure they get the proper permits. This year, when he attended the Washoe County Commissioners meeting, it was the first year that their permit was approved without any changes so basically it is dependent upon them to meet the requirements of the other agencies and he will be reaching out to ensure this happens and that the District General Manager won’t sign it until this is done.
Trustee Horan made a motion to authorize the District General Manager to execute the 2017 MOU with RWTB, a Nevada Non Profit. This agreement has been reviewed by District General Counsel. Trustee Morris seconded the motion.

Chairwoman Wong asked Trustee Dent about his involvement with the Red, White and Tahoe Blue Board. Trustee Dent said that he doesn't have a role with the Red, White and Tahoe Blue Board but that he did inquire back in January and again in February but that he isn't involved. Chairwoman Wong said that he is listed in the distributed material as Chair of the Fireworks. Parks and Recreation Director Winquest said that he can confirm that Trustee Dent is not involved with the Red, White and Tahoe Blue Board.

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

G.5. Review, discuss, and take possible action on the proposed modification to the 30-year ground lease with Parasol Tahoe Community Foundation (PTCF) AND provide feedback on the D.W. Reynolds Non-Profit Center Feasibility Report dated April 18, 2017 (Requesting Staff Member: General Manager Steve Pinkerton)

District General Manager Pinkerton gave an overview of the submitted materials.

Chairwoman Wong stated that did have a conversation with Trustee Callicrate when he called to tell her he would be unable to attend this meeting and that he did mention needing some additional documents and she instructed him to send that list to the District General Manager so they can be included in the next Board packet.

Trustee Morris said that one of the things he sees in doing this transaction, if approved and sums of money change hands from IVGID to Parasol, it will allow them to further their work in the community instead of outside the community. District General Manager Pinkerton said that is true. Trustee Morris continued that it is important for the public to know that they will get more funds to do good work with. District General Manager Pinkerton said they have about $1.3 million in a replacement reserve fund so those assets could be freed up for further investment in the community instead of bricks and mortar.
Chairwoman Wong said that this Board is having these conversations in public because of the visibility to the entire community and that we all recognize that it is a topic that we will be talking about all summer long. It is really important that we are involving the public along the way and in every step and while the number of Board packet pages might have been voluminous, it is important to get the information out and start hearing from the Parasol Tahoe Community Foundation Staff and Board members why they are making this change and why they selected IVGID as a partner. On May 10, she looks forward to having a draft agreement to look at and receive public comment upon.

Trustee Dent said in reviewing the subject for this agenda item that there are many players to all of this and that he thinks the agenda item could have been more clear as it sounds like this is a modification of the lease when in theory it is also a rather large purchase so as it does go forward we should make it a little more clear to the community. IVGID may know about the agreement but one has to go ten to twelve pages in to find the proposal which is not fair to the citizens to keep disguising it and not saying the intent so by having the subject line a little more clear it could alleviate a headache. There are also documents referenced in here that aren’t included so he will put together a list and submit it. Chairwoman Wong said that we will have to see what documents are public, request them, and then ask Parasol but that it is at their Board’s discretion on proprietary contracts. Trustee Dent said all we can do is make a request. On the feasibility study, thanks for putting it together. However, if he were to do one, he would weigh out all of our options and not just the purchase. He wants to see the full expense for demolition, rebuilding, rental of commercial space, space plan, etc. One of the areas that he was unclear on and he doesn’t know if Staff has this information or not, is there an idea of what the actual costs, or estimates are, to convert it to our usage. There has been mention of $2 million over the next twenty years. One of his concerns, and he really needs to have an understanding of the space plan, is how do you designate space to a non-profit and how much space will be held by Parasol versus held by IVGID; he needs a good understanding of that. Lastly, there needs to be no conflict with any of the Board members who are operating out of there or any Staff members connected there. He did noticed that Mr. Menchetti was the attorney who wrote the agreement between IVGID and Parasol and that he is now working with RKG Lawyers so we need to fully evaluate if we should get a real estate attorney and take all these documents and make a recommendation that is really removed.
Chairwoman Wong asked if there was anything else missing. Trustee Horan said that he thinks we got it all covered. District General Manager Pinkerton said that we are working to finalize the draft lease documents which would include a floor plan, space plan, cost of conversion, etc.

District General Counsel Guinasso said that he wanted to be clear about the agenda item and its scope; his understanding is that this Board is not making any decision with regard to the purchase because we aren't doing that. The Board made a decision to put together an agreement and bring it back. Trustee Dent's points are well taken and when we get to that phase, we will make it clear on the agenda.

Chairwoman Wong said regarding the potential conflict of interest that every one of us has a potential conflict of interest so how detailed do you want to be. Trustee Dent said that he would like to have an outside attorney evaluate the situation versus current counsel and that he wants to remove that so there is no question on that. Right now it is very convoluted and he doesn't understand it but he does think that having someone totally outside of it would be best for our community.

Trustee Horan said that this is the first baby step in the process and that we are light years away from where we want to go. Trustee Dent has raised some good points and that he would like to see (1) a clear definition that this is something that a general improvement district can do; (2) a variety of options that might do for additional space along with a clear outline of space utilization and how we provide security between operations as far as data and technology is concerned; (3) doesn't know if we want to manage non-profits and the identification of their space which is something that Parasol should do especially if they are going to do the funding; (4) space plan and what it would look like and how would it be secured; and (5) the associated numbers and who has the responsibility for technology and how it works together and makes sense.

Chairwoman Wong said she would add what community space would be available and how and who manages it as it has been a great resource for those within the community.

Trustee Morris said he would like to have included the positives and negatives for the move and do so with a broad view and then the potential for impacts across what we do. He would like this to move quickly rather
than slowly but he does recognize that it has to move at a pace that is right for the community. He wants to make sure that we don't miscommunicate or hide from the community as it is valid that this is a financial transaction and that we should be able to help ourselves and the community to understand all the implications. Let's make sure that the community sees the decision to be the right one and we also want to make sure we have a do nothing option and what happens then.

Chairwoman Wong asked if there was anything more to add.

Trustee Dent said all the documents that are referenced but are not included.

District General Counsel Guinasso said that current legal counsel has the competency to deal with the legal issues and that he just wanted to make it perfectly clear that they are capable as it isn't difficult. Regarding the conflict of interest, Mr. Menchetti was involved eighteen years ago and he will get bar counsel to comment on that to satisfy the Board comments. Lastly, this work would be covered under their retainer.

Trustee Morris made a motion to direct Staff to hold a special public comment period at the May 10, 2017 Board of Trustees meeting. Additionally, direct Staff to develop a proposed draft lease modification to be included in the agenda packet for review that includes space allocation/use, direct Staff to develop and include a financial summary and include it in that same packet to show the impact of the proposed draft lease modifications on the District's annual operating budget and the District's annual five year Capital Improvement Plan, and add a formal legal opinion on whether or not IVGID can do anything like this within the authorities of the Nevada Revised Statutes Chapter 318. Trustee Horan seconded the motion. Chairwoman Wong asked for any further comment.

Trustee Dent said that his only concern is that it would be nice to have more information and he is assuming that whatever decision is made will be based on everything and not just a hearing; he wants to make sure that is clear.

Chairwoman Wong said that it is a chance to look at the formal agreement, gauge the pulse of where the public stands and then request revisions and more information. We have to have a completely open negotiation session,
which is odd, but it has to happen that way and it is a benefit to the community.

Trustee Morris asked the District General Manager if was expecting a vote on the lease modification that will be presented at the next meeting; District General Manager Pinkerton said no as it is just a draft.

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

H. DISTRICT STAFF UPDATE

H.1. Diamond Peak Ski Resort General Manager Mike Bandelin – Verbal updated of 2016/2017 Ski Season

Diamond Peak Ski Resort General Manager Mike Bandelin gave his report which is attached hereto and the Board congratulated Staff on their great season and asked various operational questions which were answered. Diamond Peak Ski Resort General Manager Bandelin thanked the Board for their support and said that he and the team are starting on maintenance right away.

I. REPORTS TO THE IVGID BOARD OF TRUSTEES*

I.1. District General Counsel Jason Guinasso

I.1.a. Update on the 2017 Nevada Legislative Session which is in process

District General Counsel Guinasso said that he is going to hold back on any specifics as there have been two deadlines – one was to get bills out of committee and that the next one is today which is to get them out of the house of origin so there will be a lot of information after today; he knows that one or more of the Trustees are coming to Legislative Day on Thursday so he is looking forward to seeing all of you there.

I.1.b. Update on the Aaron L. Katz vs IVGID litigation

District General Counsel Guinasso said that he met with legal counsel on Friday and that they are preparing their brief to answer the eighty
five page opening brief submitted by Mr. Katz. They did ask for an extension to file and they are working on the appropriate responses to the issues raised in that brief. With regards to fees and costs, they have sent requests for information, in the form of a discovery request, which to date have not been responded to. Right now, the priority is to respond to the brief and then take additional steps to secure the judgment won against Mr. Katz as there has been no stay or bond so what he owes is due and payable.

Trustee Morris asked what is the deadline for the response to the opening brief. District General Counsel Guinasso said he thinks it is three weeks from now and that he anticipates it will be ready to file next week or the week after. Trustee Morris followed up by asking if the court takes whatever time it needs or if there is a timeline. District General Counsel Guinasso said that the next step will be for Mr. Katz to file a reply which is typically thirty days then the court takes everything under submission. The court can take oral argument but it rarely does so and if it is done it is usually to clarify. After that point, the court can take its time. The good news is that the Nevada Supreme Court has been reallocated and a lot of cases are handled in the lower court so they are getting through them quicker as it used to take them eighteen to twenty months but he is expecting a shortened timeline.

Chairwoman Wong asked how long are we looking at and when will the District get its money. District General Counsel Guinasso said it depends as the court has a lot of options, which he explained, and the silver lining, from a District perspective and financial impact, is that if IVGID continues to prevail, the fees and costs can be included with what was awarded by the District court during the appeal.

Trustee Dent said that the last time this was discussed, nothing had been billed, so as what point do we start to measure our liability. As long as we prevail, the liability is low so this is something that he would like to discuss and setting a dollar amount because that has been in the background. District General Counsel Guinasso said there are two concurrent appeals and processes; the appeal on the substance of the twenty three or twenty four counts of complaint that Mr. Katz filed five years ago which are all within the eighty five page brief so we have to spend the money to respond and there is no option there. There is also no option for settlement given the posture of the
opposing party so we are stuck with that. He always recommends looking at the outcomes of the cases and then depending on the outcome of the appeal, we may have options. The second piece is the fees and costs and the ruling on the IVGID’s fees and costs. Presently, there have been a lot of fees and costs to pursue what he owes at this point and they are working to recover those fees as the Board has already determined, as a priority, that the direction is to recover thus it is something to review after the appeal. We may have to discuss about what kind of budget is needed for recovery as every dollar we spend is a liability to Mr. Katz such that it would compel an adverse party to review. The adverse party is responsible for running up the meter and it is not our strategy or tactics that have taken up the time over the past five to six years.

Trustee Morris said that the District is legally required to respond and thus we have to incur the legal fees to do that. We have already spent those fees so we are now awaiting the outcome of that and then we have to decide how much to spend getting that money plus what we have spent on the appeal process; is that a pretty arcuate summary? District General Counsel Guinasso said that is a correct assumption and that the District could decide not to recover which is within your discretion. It would be something we would agendize and deal with at a later date.

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

There was no Board updates at this time.

K. CORRESPONDENCE RECEIVED BY THE DISTRICT*

District Clerk Susan Herron said that there was no correspondence received between the time the packet was produced/distributed and this meeting.

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.

Frank Wright said wow, he hasn’t been so overwhelmed with BS; on the Katz case, IVGID has been warned to get in their response by April 14 and they have asked
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for more time. The eighty five pages have never been discussed and he is not sure that District General Counsel talked to the principal attorneys so how can you listen to him. They have asked for an extension of time and the Nevada Supreme Court is going to rule. They can’t answer Mr. Katz’ pages of vomit as they are having trouble answering. Having trouble answering the public records and the Nevada Supreme Court is having trouble ruling on the public records request. The District hasn’t been billed in the last nine months and the Board has no clue. He has been asking for that bill but no one knows that amount. Not only are we going after public records, we are going after the Recreation Fee. He has a neighbor who has paid that Recreation Fee for ten years and he paid for five punch cards which expire in May and he can’t use them so that money is gone. He can’t use them for anything except to bring down the rack rate to that of a resident.

Margaret Martini said it was interesting to meet with the Manager of Waste Management and have a discussion which just reinforced that Public Works is not doing their jobs. He said if there was a complaint made, they took the dumpster and moved it elsewhere; he admitted that. Why is there no oversight and why aren’t they doing their job because it is known as the sham game and it is absolutely ridiculous; management must be held responsible. On the Parasol matter, buried deep inside was the $5.5 million to purchase the use of the building that we are giving to these people for one dollar per year which is ridiculous so this Board had better look at this extremely carefully. She would recommend to just do nothing and let them do it as they are the ones that negotiated the lease and now, all of a sudden, they want us to manage the non-profits and the building. We have enough properties to manage. This proposal is absurd as what they are asking you to do is to spend our money for something they agreed to do. They shouldn’t be bringing this up and it shouldn’t be on this table. We spend enough money for no return and $5.5 million would lease a lot of property in this village.

Sara Schmitz said that she is a new resident in the community and that she is trying to listen, learn, and get engaged. One of the things to add to the list for Parasol is to ask the question why – why would the taxpayers want to donate to a charitable organization and then take on potentially lots of liabilities; she is not seeing the need. Before writing reports, the first stop should be to ask why and why go forward. If there is a legitimate reason then that is an answer for those of us who are listening. The taxpayers, she doesn’t think, want more government buildings rather use what we have and maintain them. We must ask ourselves what is the purpose and stop and think about why are we doing this.

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.

Chairwoman Wong asked that Staff provide an update on Ordinance 1 to include violations, how many bear boxes or additional wildlife carts have we gone through and a discussion on the $300 rebate on the bear box, stated that she would not be at the June 24 Community Meeting, and that October 10 – 12 is the Nevada League of Cities Annual Conference being held in Mesquite, Nevada.

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

The meeting was adjourned at 9:02 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 Bret Hansen (4 pages): IVGID Board of Trustee Meeting 4/25/17

Submitted by Margaret Martini (3 pages): 4-25-2017, Please add to the minutes of the BOT Meeting; Re: Waste Management
Madam Chair, members of the Board, Mike Bandelin, Diamond Peak General Manager

I am pleased to be here this evening to provide an overview of the 2016/2017 season at Diamond Peak.

We offered skiing and riding to our customers for 131 days of the season which is the fourth longest season on record. Within this season, we did not operate for a total of three days due to power outages, lightning in the area, and one day due to Washoe County state of emergency.

We had 160,000 skier visits, the third highest season recorded after the 2015/16 and 1994/95 seasons. December skier visits started off strong with 34,000 visits, the third highest visit count for that month.

With just over 40,000 visits in January and over 9,000 visits during a record Martin Luther King Jr. holiday weekend. This January produced the second highest recorded month after January 2015/16.

Although we had some wintry weather through President’s Week, we saw 38,800 total visits, with the average of previous seasons being 31,000 in the month of February.

March brought 29,300 skier visits with the average being 20,000.

This April, over 16,000 skiers visited the resort, which is over double the average amount of visits for the month and we surpassed the monthly record of 14,885 visits that came in the 1994/95 season.

Total visits this season were 45% above the median visit count for the season long total; additionally, we saw a daily average of 1,240 visits, a 32% increase over the average daily visit count.

Season pass sales increased 23% as compared to last season and 75% compared to the 2013/14 season.

Our ski schools combined taught 23,000 ski lessons throughout the season with operating margins above 63%.

The ski rental shop sold almost 29,000 units including the Hyatt Sport Shop with an operating margin of 82% for the season.

Food and Beverage provided an operating margin of 35% at the main lodge contributing $9.05 a skier visit and a 56% operating margin at our Snowflake Lodge contributing a 56% operating margin.

The ski lifts operated for 4,800 hours during the season with an average run time of 99.523%.

We groomed almost 15,000 miles of terrain this season and accrued 4,600 hours of machine operating time which is nearly identical to last season.

We remained flat, compared to last season, with 12,000 resident day tickets issued; this is still over double the amount of usage compared to the 2014/15 season.

This season, we conducted over 70 safety training sessions with our staff which included 920 individual touches.

Moving forward, we will immediately begin to prepare for next season with our maintenance program which I highlighted at the November 29th board meeting, as snowmaking season begins November 1st and that is just 180 calendar days away.

We will also be reviewing the parking facility in regards to safety enhancements and circulation as well as a comprehensive look at our staff recruiting efforts.

I would like to take this opportunity to thank our community members for their overwhelming support through this season. We are very appreciative of their time spent at the ski resort and are thrilled to do our best to offer a great experience to them and their families.

Please remember you can view Diamond Peak's financials at IVGiD.org on the financial tab.

Thank you and I would be happy to answer any questions.
Dear Members of the Board, for the record my name is Bret Hansen. I am the District Manager for Waste Management in Incline Village. Tonight, I’d like to give you a brief operations update.

We identified that the commercial bins in Incline were substandard in appearance and functionality. We’ve worked with public works to find a better locking bar mechanism, which will be the standard bin lock. So far we have swapped out 2 tractor trailer loads which is approximately 20 bins. We will continue to swap out at least a dozen dumpsters every two weeks. The bins will have a cleaner appearance in the community and will ensure that wildlife does not get into the bins.

[Image: Locking Bar Style Dumpster]
In an effort to encourage residents to keep their waste containerized, IVGID has authorized Waste Management to add clean up charges for customers whose trash or recycling containers are overfilled— or have spilled onto the ground. Those charges can range anywhere between $10.81 and $20.31 depending on the overage amount. Since March first, 213 overage charges have been applied.

Over filled trash carts

Close the Lid on Overage Charges

The new franchise agreement with IVGID authorizes Waste Management to apply overage charges when trash and recycling carts are overfilled.

Container lids must close completely. Overfilled containers may result in cleanup charges from WM. Additional fees may be imposed by IVGID.

Go to inclinevillage.wm.com to learn more about service options such as bigger cart sizes, 4 annual transfer station dump days with service and added pickup to reduce overages.

Overage Education Postcard
The message of containerization has been a priority since the rollout of this contract. To reinforce that message for residents who may just be returning to Incline Village, we are currently working on a postcard mailer that will remind residents to keep a lid on their trash. It also includes information on options to reduce waste at the curb.

I’d also like to point out that we are about to conduct a residential reroute – to improve our collection efficiency and correct some of the imbalances that were exposed by extreme weather this winter. Balancing out the number of homes on each route will help us prevent missed pickups and provide better service during winter months and pine needle collection months. Approximately 400 customers will be affected by the reroute which will take effect on May 15th. Notifications were sent to the billing and service addresses of these customers at the beginning of the month. A second notification to both addresses was mailed today. Additionally, an out-dial notification will be made to the phone number on the account the night before their new service day.
Based on feedback from the community we’ve made some upgrades at the transfer station to make it easier and safer for customers to navigate. If you look at the pictures below, you’ll see we’ve added safety cones and stop signs to reduce confusion for drivers who are new to the transfer station. We’ve also increased the distance between the customer trash drop off and the Pit area. We are also conducting ongoing customer service training with our gate house attendants. They can provide information about service options to customers who have questions.

Transfer Station Traffic Cones   Cones to keep public away from Pit area

Finally – our pine needle program begins May first and runs through July 28th... it will run again October second, through October 22nd. A mailing, containing program information and 96 yard-waste stickers were sent to customer billing addresses during the first week of April. Information about the program was also included in the March bill mailing. A brochure explaining the program is also posted to our website Incline Village.WM.Com.

On behalf of Waste Management, I thank you for the opportunity to serve you and your time this evening.
4-25-2017

Please add to the minutes of the BOT meeting

RE: WASTE MANAGEMENT

As is always expected the bear activity is very disturbing as it is every spring. It is disturbing because Waste Management is as usual remiss in providing lockable good condition dumpsters resulting in many 911 calls and the Sheriff Department having to respond with 2 and sometimes 3 officers.

THIS IS A WASTE OF COMMUNITY RESOURCES that could be and could have been prevented if businesses and multi unit complexes had dumpsters that shut and locked properly.

WASTE MANAGEMENT HAS PLACED commercial users in jeopardy of large fines due to wildlife activity in unsecured trash receptacles. Does Waste Management intend to pay these fines since they are in non-compliance of Ordinance 1 in both 4.5A and 4.5D.

Waste Management MUST be held accountable to adhere to the Ordinance stated.

Since it is a contract between Waste Management and IVGID the buck stops with IVGID in enforcing their ordinances per contract.

I hope that IVGID does not spend another summer putting the life of our wildlife in danger due to their lax enforcement of their own ordinances per contract.

THE BUCK STOPS WITH IVGID...do your job.

Margaret Martini

Incline Village, NV
4-25-2017

Please add to the minutes of the meeting of the BOT IVGID of 4-24-2017

The first section is in regard to the Public Hearing Amendments and may be included in that section or as all inclusive of the meeting.

After paying five years of rising utility rates for operating expenses and capital projects, I object to the District’s plan to continue raising our utility rates for another 5 years. Why? Because the District refuses to provide any verifiable information on how our fees are being spent. We are told about operating increases for labor and supplies. But there are no details on these expenses. Our monthly bills reflect a charge for capital improvements — that component, by the way, is greater than any other charge — and there is no report on how much the District has already collected and what has been accomplished. I know we have been accumulating reserves for Phase 2 of the Effluent Pipeline. One month, we’re told it will cost $15 million and the District has been collecting $2 million per year since 2012/13 to fund it. Three months later, the cost has escalated to $23 million and the District will only be collecting $1 million to fund it and $1 million for a new Effluent Collection Pond. Where are the documents that support these different budgeting assumptions? Then, there is the discrepancy on whether or not the Army Corps of Engineers will provide any funding. One District written source states there is a low probability of any funding. Another District Memo to renew the contract with our lobbyist highlights Army Corp and/or other grant funding as a real possibility. We as citizens have a right to have complete, timely and accurate information and you as a Board have a responsibility to be informed about the raising of revenues and expenditures you are approving. Unlike the taxpayers and ratepayers that base their personal spending on their income and savings, the District exercises no constraints on spending and simply raises rates, charges and fees without the Board demanding any accountability, let alone transparency.

Then there is the **Budget Augmentations**. Two in two months. The first one lets the State know, ten months after the fact, that the Community Services Fund actually had $700 thousand more revenues than expected for the year ending June 2016 and used $480,000 for a cash purchase of golf carts. Fine, after three members of the Board complained about using cash to purchase the carts. But did the Board know, that there was that extra $700 thousand in the Fund? If not, why not? And, now the District is augmenting the Budget for $2.7 million more in revenues and $920k in expenditures because of our great ski performance. More revenues is great news! As a benefit to parcel owners paying the Rec Fees to subsidize the facilities, shouldn’t our Rec Fee be reduced for the new budget year? It never is you know —
it’s “smoothed” to continue to collect fees for bonds that have matured and for operations that apparently no longer need a subsidy. It should be reduced. Remember, these fees are our money, they are not a District entitlement.

Then there is the amendment to the Parasol land lease agreement. Anyone familiar with this agreement, knows that the District generously leased 2 plus acres to Parasol for $1 per year for 99 years. Looking at the agenda item, the matter of amending the agreement seemed like a simple matter. After reading through dozens of pages in the packet, I learned that this amendment involved the District paying $5.5 million to Parasol for unspecified space in the D W Reynolds Foundation Building and in addition to this payment, IVGID would release Parasol from all its obligations for the building and the Community’s non-profits. Instead, we, the parcel owners, would be responsible for all the operations, maintenance, capital improvements, and other liabilities in addition to becoming the landlord for the non-profit tenants. This adds up to millions more!

If this wasn’t bad enough, I noticed that there were documents referred to that were not included in the packet –like the Boise Cascade land use covenants and amendments when IVGID acquired this land. The Don Reynolds Foundation Grant and Amendments for the Building use. —And most importantly, Parasol’s proposal to amend the lease agreement.

And with lightning speed the District wanted to hold a hearing on this matter on May 10th. How could this possibly be? How can the Board act or even consider taking action without having independent attorneys with expertise in real estate law, charitable trusts and law on the powers of General Improvement Districts review all of the omitted documents? How can the public weigh in without having all the facts?

If Parasol no longer wants to meet the terms of their lease agreement, that is their choice. If that is the case, the agreement spells out the outcome.

If the District needs new office space that is a separate issue with many more feasible options than paying $5.5 million for unspecified space and monetary and other obligations that are not in the public’s best interests.

Margaret Martini
Incline Village Resident