



**Skyland General Improvement District
Board of Trustees
Meeting Minutes – November 30, 2022**

Jon Herwig, President
Richard Nice, Treasurer

Dana Englekirk, Vice President
Scott Sullivan, Trustee

Notice of Public Meeting — Wednesday, November 30, 2022, 3:30pm PST

This meeting will be an in-person meeting at the Zephyr Cove Public Library (233 Warrior Way, Zephyr Cove, NV). There will not be any meeting participation by Zoom or other remote technology. Any member of the public is welcome to join the meeting.

Pursuant to Section #241 of the NRS and laws of Nevada, the Skyland General Improvement District notifies all parties that the Board of Trustees will conduct business of the District at the above time and place.

Items may not be heard in the order they are listed, items may be removed or delayed at any time, and two or more items may be combined for consideration.

Any supporting material for the meeting may be obtained upon request by contacting Jon Herwig (jon.herwig1@gmail.com) (530-416-1590) (PO Box 11357, Zephyr Cove, NV 89448).

CALL TO ORDER – Roll Call – Establish Quorum

Trustees Englekirk, Sullivan, and Nice present. Trustee Herwig resigned the day prior. Quorum established.

PUBLIC FORUM

Any person wishing to address the Board on items of interest not listed on the agenda may do so at this time. It is requested comments be limited to three minutes since no action may be taken by the Board on items addressed under Public Forum. Public comment on agenda items will be invited at the time items are considered, before any action is taken.

No Public Comments

1. FOR DISCUSSION AND POSSIBLE ACTION

A. Discussion and possible action to approve meeting minutes – 09/28/22 meeting.

00:03:05 Trustee Nice **moved to approve 9/28 minutes**. Trustee Sullivan seconded the motion. A vote was called and passed 3-0 in favor.

B. Discussion and possible action to approve meeting minutes – 10/03/22 emergency meeting.

00:03:41 Katherine Henderson 1073 Skyland Dr asked if [Trustee] Jon's response to her question part of the minutes. Jon's response was not recorded in the draft minutes. Katherine requested that Jon's response be included.

Andy Geisse 1074 Skyland Dr pointed out that since the meeting was recorded, we should know what those comments are.

Trustee Sullivan informed the public that to our knowledge, the recording of the October 3, 2022 meeting was lost. Trustee Nice confirmed he has been unable to find it either. Former Trustee Herwig made the recording and has indicated he is unable to find it.

Katherine Henderson stated that she recalled Jon Herwig responding that he and [Trustee] Larry Sidney had adopted a default rule to respond “no” whenever any resident wanted to do construction in the public right of way. She spoke to Larry Sidney and he confirmed that.

The Hendersons asked that we hold off approving those minutes until they are updated to incorporate Trustee Herwig’s comments.

Trustee Sullivan agreed to attempt to modify the October 3, 2022 minutes from memory and recollection exhibited in today’s meeting. Trustees Nice & Englekirk agreed.

C. Discussion and possible action to authorize a bonding company to bond Skyland GID trustees as required under NRS 318.080.

00:08:46 Katherine Henderson asked why we have not bonded in the past.

Trustee Nice deferred to prior board members. Trustee Sullivan indicated that his memory of conversations with former Trustee Herwig indicated bonding became a requirement when the GID took on debt.

Nancy Beaulieu 1036 Golden Mantle Cir, asked about oath of office for Trustees and suggested that Herwig should have to produce a recording if he was still in possession (referring back to item 1.b.) Trustee Englekirk said she would ask Trustee Herwig again if he can produce a recording. Trustee Sullivan pointed out that through technical fault or error, recordings can be lost. Andy Geisse suggested the board make two recordings in future.

[back to 1.c] Trustee Sullivan proposed we ensure we are required by NRS 318.080 to get a bonding company and that one of the Trustees investigate and return next meeting with recommendation for action. Trustee Nice agreed and volunteered to look into it.

00:14:28 Trustee Sullivan **motioned that Trustee Nice investigate the requirement for bonding and return with recommended action and cost estimates.** Trustee Englekirk seconded motion. Vote passed 3-0.

D. Discussion and possible action to appoint new Board member to fill existing vacancy (Appointee will not be able to vote or assume other trustee duties until oath of office is taken before a notary public).

00:14:53 Trustee Englekirk pointed out that Nancy Beaulieu has volunteered. Numerous residents thanked her for stepping up. No other public comment.

Trustee Sullivan pointed out that we have two open positions, although agenda only allows us to vote/appoint one tonight. Unknown resident asked what this entails. Trustee Sullivan outlined responsibilities of the

board are mostly confined to street paving, storm drains, snow removal and the Trustees generally identify and hire contractors to handle those responsibilities. Ideally, this should take a couple hours per month. Trustee Nice remarked that it has taken more hours than that to get some things straightened out such as banking arrangements.

Judy Perez 1089 Deer Cliff asked how long existing Trustees have been on the board. Trustee Nice was appointed last year. Trustee Englekirk was elected in 2020 general election and took four year term. Trustee Sullivan pointed out there is a 12 year term limit and that he was appointed in July of 2022, it has been interesting and a great way to get to know neighbors.

Trustee Sullivan pointed out this is not an HOA. We manage streets and storm drains. Trustee Nice referred to it as Infrastructure. Final solicitation for volunteers resulted in no definite volunteers.

Unknown resident pointed out that her attorney recommended not volunteering because you have to complete a Financial Disclosure Statement (FDS). Trustee Sullivan outlined the requirements he just had to meet after his appointment.

Andy Geisse added that we should let people know through some GID email what the requirements are.

Nancy Beaulieu asked who we have to declare this information to? Trustee Sullivan answered, the State of Nevada. This is a public office.

John Peel (Willow Dr) said the disclosures are pretty simple and can be completed online. They just want honest people in these positions. The declarations have to be renewed every year, you can click "same as last year" if there have been no changes.

Nancy asked about the fine? Trustee Nice pointed out there is a C&E form we have to file quarterly. Trustee Englekirk said that was only if you campaigned. Trustee Sullivan answered that the fine comes because an Appointee has 30 days to complete the financial disclosure form and was unaware of this requirement until much later. The fine escalates over time to \$2,000, but an email to Sec.of.State got it waived. We need to prepare a packet for new board members so they can be prepared.

00:30:57 Alex Henderson of 1073 Skyland Dr helpfully shared Trustee Sullivan's FDS with the public at the meeting, pointing out it is pretty innocuous.

00:33:12 Nancy Beaulieu indicated after all this discussion, she is still interested in volunteering, but would like a checklist to avoid any fines.

Trustee Nice **motioned to accept Nancy Beaulieu as a new member** of the board. Trustee Sullivan seconded the motion. Vote passed 3-0 in favor.

E. Discussion and possible action to elect new officers.

00:34:28 Trustee Nice proposes waiting for next meeting, after Nancy gets sworn in, before electing the missing officers. Public requested discussion about

duties of Secretary. Discussion followed, including fact that the Secretary does not have to be a Trustee.

Trustee Sullivan and Nice suggested we should **postpone action** on this item until next meeting. Trustee Englekirk agreed.

- F. Discussion and possible action: Regarding the retaining wall at 1073 Skyland Dr: What has been the GID's involvement with the County? How should the GID respond to construction permit inquiries? What is the best path forward for our community? For possible action, should the board send a letter to the County summarizing its position?

00:39:24 Katherine Henderson of 1073 Skyland Dr, summarized situation: Jon Herwig and Larry Sidney were contacted by county regarding their rockery wall to get the GID's views. Jon and Larry decided to enact a default rule to say no to such requests. They did not bring this issue to the GID or Public. Andy [Geisse] asked them about it at a September meeting and Jon denied speaking to county. Katherine went to meeting on Oct 3 showing county's reference to GID concerns and requested the GID to send a letter to county saying GID has no concerns. At the October meeting, Jon admitted he had spoken to the county after all. So now that Jon & Larry got involved, Katherine is requesting the current GID contact the county to undo what has been done without discussion with the homeowners or discussion at the meeting. Also noted that the GID sent the Henderson's a letter in 2017 asking them to address runoff from their property, which they have now done.

00:43:20 Andy Geisse 1074 Skyland Dr: Three comments, 1. The GID needs to approach residents before reporting to authorities. 2. Upset that Jon clearly lied to him. 3. As a neighbor across the street, it's a hell of a lot better than before. Runoff is controlled, looks great.

00:44:55 Steve Cannel 1081 Skyland, doesn't know why the GID is involved. We are not engineers, why get involved?

Cindy Gelis 189 Ray Way & 98 Ponderosa Dr - I am going through reconstruction now on Ponderosa and what I'm going through with TRPA and Douglas County should be sufficient. We do not need another layer of bureaucracy.

00:46:08 Ellen Dauscher 104 Ponderosa: Would like to see the GID Board and residents work together as a team to support each other. Rescind message to county.

Michelle Kirby 136 Ponderosa, the GID is not an HOA and having someone say how you should or should not remodel your house seems like overstep. It feels wrong to have done this without public discussion. Hopes something can be done to fix this situation.

Shawn <unclear> 189 Ray Way: Asks if GID can send letter to county stating that we abstain from any future judgements so we don't have this problem with future GID Board Trustees?

Nancy Beaulieu 1036 Golden Mantle Cir: Recalled a time long ago when a set of Board Trustees were trying to control RV & boat parking and other rules. Wonders why this wall issue happened. John Peel points out much of this is county code. Nancy points out the GID should not be involve in these matters.

John Peel 121 Willow: Parking is county code and any resident can call county over a code violation. The GID cannot enforce those codes. Douglas County has a paid code enforcement officer to handle these issues. Same with vacation rentals—you don't call the GID, you call the county.

Steve Cannel again: If a GID member makes that request are they overstepping?

John Peel: what happened with Alex and Katherine was unusual. An individual on the board overstepped his authority.

Ellen Rosenberg 121 Willow: informed us that the pump house has boxes of the neighborhood history. What. When, etc. now stored in mouse proof boxes.

00:55:58 Trustee Englekirk thanked Ellen for organizing the history, she has been reading them.

Trustee Nice appreciated the public's comments and background on this issue. Advised that we need to stay out of most issues, especially where we have no business. We need to say something to the county to the effect of the board looked into the rock wall and has no comments or interest in this issue.

Trustee Sullivan: did a bunch of research and spoke to many people on this issue. Found that in 2017 the GID asked the Hendersons to address the runoff from their lot. Found that Hendersons did file permit with TRPA which got approved. Found that TRPA forwards permits to Douglas County as a courtesy. Found Douglas County then requested Hendersons file for an encroachment permit. Found that Douglas County is required by law to consult with local GIDs whenever they do an encroachment permit—that is why this issue came to the Board's attention. Found that two different board members responded to the County with an opinion and see no record that this opinion was generated at an agendized meeting—it was just a reply to an email. Expressed frustration that we've been trying to have this meeting and is with Trustee Nice that the GID should send a simple letter to the County that states a couple points: 1. That we've reconsidered our position, 2. The GID sees no impairment to snow removal and has no other concerns. If we send this to the County, the homeowners should be able to deal with the County and not get bounced back at the GID. Going forward, the next time any entity contacts the board to get an opinion, we need to remember that "I am not the board." And "I cannot render an opinion for the Board." We have to come to this meeting, we have to post an agenda three days in advance, we have to give residents an opportunity to comment and only when three of us

agree can the Board speak. It's in the bylaws, it's in the NRS code and any Trustee should be aware of it.

Trustee Englekirk expressed agreement.

Trustee Nice asked for another sentence indicating we have no interest in this transaction.

Trustee Sullivan **motioned that we send a letter to the County**, copy to the Hendersons with the wording: "We have reviewed the improvements at 1073 Skyland Dr and see no impairment to snow removal and have no other concerns. Furthermore, the GID has no interest in this transaction whatsoever." Trustee Nice seconded the motion. Vote passed 3-0 in favor.

2. COMMITTEE REPORTS

- A. Beach Committee Update: Trustees Englekirk and Sullivan to develop recommendations for assignment of kayak racks in 2023.

01:04:57 Nothing to report.

3. DISCUSSION ITEMS

- A. Fence update – Trustee Herwig

01:05:57 Michelle Kirby 136 Ponderosa Dr: Missed meeting where there was a discussion about straight or scalloped. Straight is cold. Loved the scalloped design. Was surprised to learn that we're going with straight across. Will there be any effort in the future to add a warm and welcoming design elements? Where can I find out why we changed our decision?

Trustee Sullivan mentioned that it was unanimous resident input to keep the fence top straight to help with sound and light blocking. We approved this request because we can always scallop it later, but we cannot un-scallop without a lot of expense.

David Perez 1089 Deer Cliff: how many more lights are going in?

Trustee Englekirk, now that Jon has stepped down we need another volunteer for fence committee.

Trustee Nice points out the fence plans are on the website.

Trustee Sullivan requests volunteers again.

Andy Geisse 1074 Skyland: What's happening to the old white lights? The GID does not know.

Katherine Henderson 1073 Skyland: Update on the fence and bike path issue? Did we get an encroachment permit for the new fence? Trustees do not know. Katherine is volunteering to help the GID fight the NDOT plan to remove the fence.

Trustee Nice sent personal comments to NDOT about the safety issues about putting the bike path on the West side. NDOT has postponed discussion until January 2023 due to public resistance.

Andy Geisse 1074 Skyland: Who would negotiate with NDOT for Skyland?

Katherine Henderson: the GID does have legal authority over the fence and is happy to advise.

Trustee Sullivan suggested we put this on upcoming agenda.

B. Identify possible engineering firms to evaluate infrastructure and prepare 5- year Capital Improvement Plan – Trustee Nice

01:14:50 Trustee Nice starting a plan for infrastructure discussions. We're looking at different engineering firms to get ideas of what is needed, what must be done, what can wait. Got rough estimate from one firm to fix entry pavement is ~\$60k. Need to develop an RFP and nothing is going to get done until the ground warms up in May or June. We also have some storm water issues that need to be addressed.

Trustee Sullivan is glad Nice is looking into pothole repair.

David Perez 1089 Deer Cliff: how often does that get addressed?

Trustee Sullivan responded, this five year plan will answer that question. We do not have a plan right now.

Nancy Beaulieu asked about the new light poles at the entrance. Are they temporary? Are they solar?

Trustee Sullivan pointed out that the fence line is electrified, those may be permanent lights with power soon.

Trustee Nice pointed out that Jon did volunteer to help with fence completion and that could be helpful.

C. Implementation of parking restrictions – Trustee Sullivan

01:18:37 Trustee Sullivan has no update.

4. NEXT MEETING

Was previously set for December 29. Trustees feel Wednesday is better. Trustee Nice **moves to adjourn this meeting and set next meeting for December 28, 2022 at Zephyr Cove Library.** Trustee Sullivan seconds the motion. Trustee Englekirk agrees.

5. ADJOURNMENT

01:19:52 With Trustees Nice, Sullivan and Englekirk in agreement, meeting was adjourned at approximately 4:50PM PST.

NON-DISCRIMINATION STATEMENT

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3. email: program.intake@usda.gov.