

MEMORANDUM

TO: Board of Trustees

FROM: Indra Winqest
District General Manager

SUBJECT: Review, discuss, and possibly provide direction on next steps to further discuss and/or recommended revisions to Policy 16.1.1, Recreation Roll Policy

DATE: September 2, 2021

I. RECOMMENDATIONS

Review, discuss, and possibly provide direction on next steps to further discuss and/or make recommended revisions to Policy 16.1.1., Recreation Roll Policy.

II. BACKGROUND

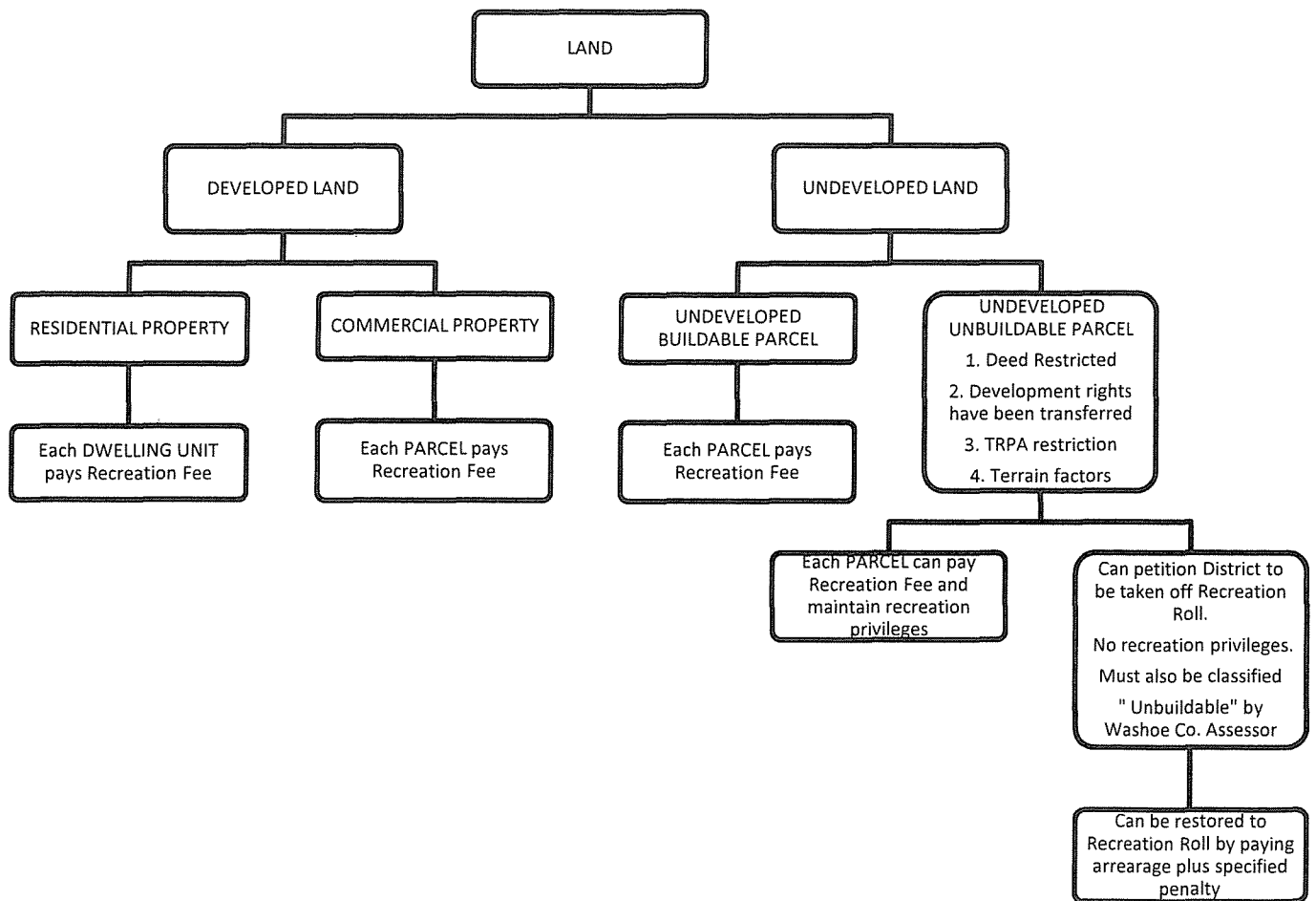
Policy 16.1.1, the District's Recreation Roll Policy was formally adopted by the Board of Trustees in June of 2009. Below is the timeline related to the eventual adoption:

- May 1968 – Recreation Roll established in conjunction with IVGID Beach Purchase.
- February 1982 – Commercial Parcels added to the Recreation Roll, Hotel units no longer assessed.
- November 2008 – Board of Trustees retreat initiated discussion about reinstatement of parcels and need for policy.
- April 2009 – Board receives proposal for policy and after discussion, directs, edits, and suggests revisions before adoption.
- June 2009 – Board of Trustees adopts Policy 16.1.1.
- October 2009 – Board of Trustees revise Policy 16.1.1 to expand section 2.0 definition item 6 adding paragraph A.

Main elements of Policy 16.1.1:

- Establish eligibility to pay the Recreation Facility Fee and where applicable, the Beach Facility Fee.
- Recreation and Beach Facility Fee charged to dwelling units, commercial parcels, and undeveloped lots.

- Relevant Definitions, including Washoe County Assessor parcel number, and dwelling unit as described in Washoe County Code.
- Validates June 1, 1968 for determination of beach privileges.
- Addresses real property exemptions.
- Addresses reinstatement of privileges.
- Setting and Collection of the fees with reference to NRS 318.201
- Established Flow Chart (shown below) to define and apply the policy



III. ADDITIONAL INFORMATION

Currently, the General Manager’s Committee on Ordinance 7 (Committee) is identifying areas for potential recommendations for revisions to the Board of Trustees. One of the recommendations from the Committee is for the District to evaluate its current policy that contains governance of unbuildable lots within the boundaries of Incline Village and Crystal Bay. Furthermore, to consider possible modifications to Policy 16.1.1 as it relates to issuance of recreation privileges and the ability to petition on or off the Recreation Roll. It should also be noted that in April of 2018, the Board of Trustees took action to defer any sales of unbuildable parcels until such time that a proper policy and process is in place. Additionally, over the past few years, there has been questions related to how IVGID assesses the Recreation Facility Fee including the utilization of Washoe County’s definition of a dwelling unit, IVGID’s ability to determine and exempt real property based on Washoe County’s definition, and how to identify potential additional dwelling units (ADU’s) that are not identified by Washoe County.

Based on the factors above and that Policy 16.1.1 has not been reviewed since 2018, it’s important to bring this discussion to the Board of Trustees for review, consideration, and affirmation.

Parcel Statistics from the 2021/22 Recreation Roll

The following table summarizes data tracked by IVGID via the CAPSTONE database for purposes of administering the District’s recreation priveleges.

Prior to creating the Recreation Roll that is transmitted to Washoe County for puposes of assessing the District’s annual recreation and beach facility fees (levied via the Washoe County property tax bill), Staff compares the CAPSTONE data with the Washoe County parcel database and updates the CAPSTONE data for any parcel changes made by Washoe County that impact recreation priveleges and the related facility fees.

It should be noted that the District’s parcel database does NOT reflect all parcels included in the Washoe County parcel database but seeks to maintain up-to-date parcel data for all parcels that are assigned recreation priveleges through the administration of Ordinance 7.

In addition, the District’s CAPSTONE database also maintains parcel data for several parcels that are no longer active parcels in the Washoe County database.

This is required in order for the District to retain legacy parcel data, and associate recreation privilege data through changes in assigned APN numbers, over time.

For purposes of assigning recreation privileges and assessing applicable facility fees, the District’s CAPSTONE database includes information specific to the number of “units” that are associated with each parcel. In this regard, a parcel with a single-family residence is reflected as having a single unit on the property and is assessed a single recreation fee and (if applicable) a single beach fee. A parcel where a duplex is located is reflected as having two units on the property and is thus assessed two facility fees.

The following chart shows the number of parcels currently tracked in the District’s CAPSTONE database, the number of units assessed either a Recreation or Beach Facility Fee and the distribution of dwelling units assigned to dwelling units for the 2021/22 fiscal year.

FY2021/22 Recreation Roll

Washoe County Parcel Database	9506	----	Publicly-Owned	
			IVGID	166
Total Parcels Tracked - IVGID (Capstone)	9249		State of NV	347
			US Gov't.	687
			Washoe County	22
			WC School Board	6
			Fire District	4
Parcels Assessed:	<u>7863</u>	<u>7409</u>		
Dwelling Units Assessed:	8195	7740		
Dwelling Units per Parcel:				
1	7733	7280		
2	84	83		
3	13	13		
4	26	26		
6	4	4		
24	1	1		
28	1	1		
75	<u>1</u>	<u>1</u>		
Total Dwelling Units Assessed	7863	7409		

Unbuildable Lots

Ordinance 7 specifically addresses the treatment of Unbuildable Lots for purposes of assigning and administering IVGID recreation and beach privileges. By definition, unbuildable lots do not have any structures on the property, however, privately-owned unbuildable lots are subject to assessment of recreation and beach facility fees, unless the property-owner has filed documentation seeking exemption from the assessment (and foregoing associated recreation privileges).

Washoe County tracks “unbuildable lots” via to land use codes. Based on the information maintained by Washoe County, there are currently a total of 162 unbuildable lots within the District. Of these, a total of 40 are privately-owned, while 122 are publicly-owned.

Of the 40 privately-owned unbuildable lots within the District, 25 of these are currently assessed both a recreation and beach facility fee, and 2 additional parcels are assessed a recreation facility fee only.

Unbuildable Lots:	Public	Private	Total
Land Use Code 160 - Splinter, unbuildable; small sizes or shape	17	2	19
Land Use Code 170 - Other, unbuildable: roads, restrictions, terrain	105	38	143
	122	40	162
IVGID Facility Fees Charged			
		27	27
		25	25

Note: The District holds title to 104 of the 122 publicly-owned Unbuildable Lots.

IV. FINANCIAL IMPACT AND BUDGET

None at this time.

V. ALTERNATIVES

Provide Staff direction to not bring back Policy 16.1.1, Recreation Roll Policy for further discussion or possible revisions.

VI. ATTACHMENTS

- ✓ Current Policy 16.1.1, October 28, 2009
- ✓ Memorandum dated August 15, 2018; Subject: Educational Session and Discussion on Board Policy 16.1.1 – Recreation Roll Policy
- ✓ Meeting Minutes from August 27, 2018
- ✓ Memorandum dated October 15, 2009; Subject: Amend Recreation Roll Policy 16.1
- ✓ Meeting Minutes from October 28, 2009
- ✓ Recreation Pass Policy and Recreation Charge – History Document
- ✓ Meeting Minutes from June 10, 2009 with original Policy 16.1.1
- ✓ Meeting Minutes from April 11, 2018 – Deferring sales of unbuildable parcels
- ✓ Response from Nevada Attorney General, 1975



Recreation Roll Policy

Policy 16.1.1

The Incline Village General Improvement District is committed to providing superior community oriented recreation programs and facilities to the community. To support that commitment, the Board of Trustees has adopted the following policy relating to the establishment and eligibility to pay the Recreation Fee and, where applicable, the Beach Fee

POLICY: The Incline Village General Improvement District will charge the prescribed Recreation Fee and the Beach Fee to all qualifying real properties within the boundaries of the District.

1.0 The Incline Village General Improvement District will charge the prescribed Recreation Fee, and if applicable the Beach Fee, to all qualifying real properties in one of the following categories:

1. All dwelling units on developed residential parcels;
2. All commercial parcels; and
3. All undeveloped residential parcels which are not designated as unbuildable.

2.0 Definitions

1. Recreation Fee is the annual Recreation Standby and Service Charge assessed by the District on all real property within the District that is in one of the categories listed in Section 1.0 of this document.
2. Beach Fee is the annual Recreation Standby and Service Charge assessed by the District on all identified real property that was within the District on June 1, 1968, and is in one of the categories listed in Section 1.0 of this document.
3. Recreation Roll is a listing created by the Incline Village General Improvement District of real property, using the Washoe County Assessor parcel number, that is in one of the categories listed in 1.0 of this document who pay the annual Recreation Fee, and where applicable the Beach Fee.
4. Dwelling Unit as described in the Washoe County Code as "any building or portion thereof, which contains living facilities with provisions for sleeping, eating, cooking, and sanitation."
5. Qualified Real Property is property subject to payment of a Recreation Fee.
6. Exempt Real Property is real property that is located within the current geographic boundaries of the District but which Washoe County has exempted from paying Washoe County property tax. "Exempt Real Property" includes but is not limited to, real property that is used or intended for use for religious or educational purposes, condominium and town house common areas that do not include any Dwelling Units, and publicly owned property.



Recreation Roll Policy

Policy 16.1.1

- A. The owner of a Dwelling Unit that is both located on an Exempt Real Parcel and is occupied as a residence in support of the allowed use by the Exempt Real Parcel may apply to the District to place that Dwelling Unit on the Recreation Roll. Upon (a) acceptance by the District of such application and (b) receipt of payment of the prescribed annual Recreation Fee, and if applicable, the Beach Fee, the Dwelling Unit shall be considered to be Qualified Real Property; but only for so long as the ownership and use of such does not change materially.
7. Unbuildable Parcel is a parcel so classified by Washoe County and is listed in Category 16 or 17 by the Washoe County Assessor, and has been removed from the Recreation Roll by the District following the owner's petition.

3.0 Qualifying Real Properties Subject to Fee Assessments

1. Real property in one of the categories listed in Section 1.0 that was within the boundaries of the District when it acquired the beach properties on June 1, 1968. These properties are charged the annual Recreation Fee and charged the annual Beach Fee.
2. Where real property parcels have been split for development purposes, the resulting smaller parcels are considered to have the same qualifications as the original parcel.

4.0 Real Property Exempt from Paying Fee Assessments

1. When development takes place that results in new parcels or additional dwelling units, each new parcel or dwelling unit becomes a Qualified Real Property and is placed on the Recreation Roll.
2. Information contained on the Washoe County Assessor's "Real Property Assessment Data" sheets will be used to determine eligibility for a property to be classified as a Qualified Real Property.
3. Qualified Real Property that is added to the Recreation Roll as a result of conditions listed in paragraph 1 or 2 above, or by annexation or merger of territory to the District may be required to pay to the District an entry fee as established by the District based on the portion of the Recreation Fee and Beach Fee that was used for capital purposes.



Recreation Roll Policy

Policy 16.1.1

5.0 Reinstatement to the Recreation Roll

1. An unbuildable parcel that has been removed from the Recreation Roll by petition can be restored to the Recreation Roll, and thereby have recreation privileges restored by first paying the total amount of recreation and, if applicable Beach Fees that had been have levied since the parcel was taken off the Recreation Roll, plus any fees or penalties permitted by the State of Nevada as defined in Nevada Revised Statute (NRS) 99.040(1).
2. An exempt parcel not on the Recreation Roll may obtain a qualified status if the general plan and zoning designation of the property is changed by Washoe County, according to the provision of NRS and Washoe County Code.

6.0 Setting and Collection of the Recreation Fee and the Beach Fee

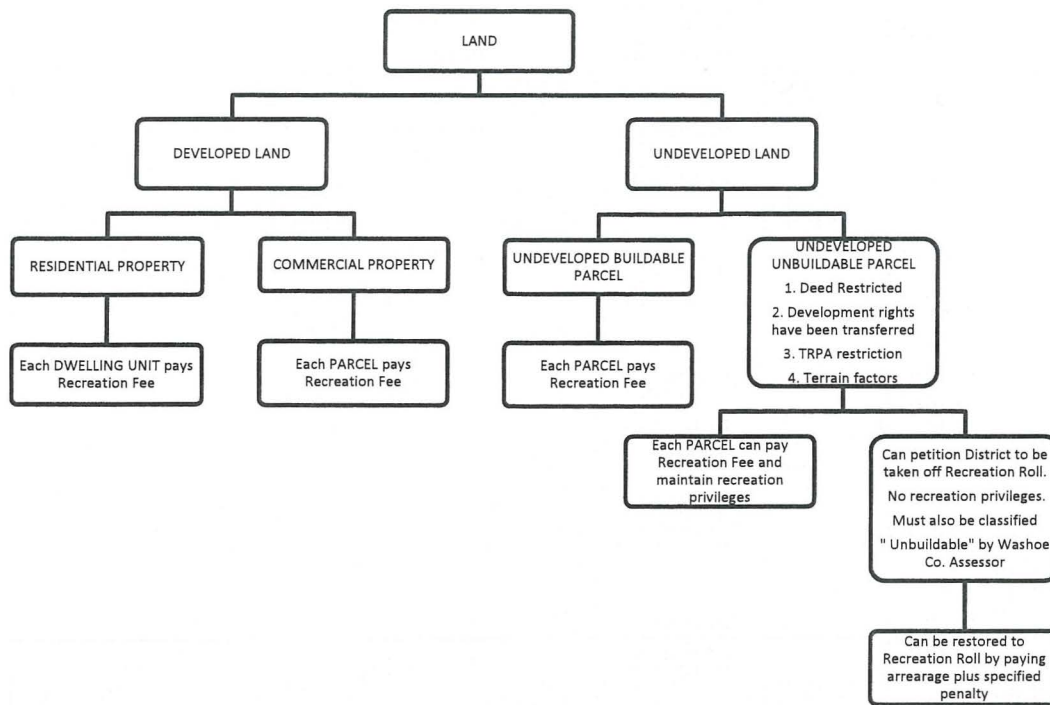
1. The Board of Trustees will set the amount of the Recreation Fee and the Beach Fee annually as part of the budget preparation process.
2. The Board of Trustees will set the method and manner of collection of the Recreation Fee and the Beach Fee annually by resolution.
 - A. The Board of Trustees may choose to follow the procedure set forth in NRS 318.201 and have the Recreation and Beach Fees collected annually by the Washoe County Treasurer along with other taxes collected by the County.
3. When the applicable Recreation Fee has been paid, such payment entitles the owner to certain uses and rates at certain District-owned recreation facilities, excluding the Beaches and Boat Launch. This is defined more fully in District Ordinance #7.
4. When the applicable Beach Fee has been paid, such payment entitles the owner to certain uses and rates at the District-owned Beaches and Boat Launch. This is defined more fully in District Ordinance #7.

7.0 Flow Chart of Policy 16.1.1



Recreation Roll Policy

Policy 16.1.1



MEMORANDUM

TO: Board of Trustees

FROM: Steven J. Pinkerton
General Manager

Gerald W. Eick, CPA CGMA
Director of Finance

SUBJECT: Educational Session and Discussion on Board Policy 16.1.1 –
Recreation Roll Policy

DATE: August 15, 2018

This General Business item is included on this agenda as requested at the June 13, 2018 Board meeting.

Excerpt from the June 13, 2018 minutes

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 added an education item for Policy 16.1.1 to the August meeting at the end of the month and reminded everyone that the date is Monday, August 27.

This is educational and for discussion only. It does not require any type of Board action at this time.

Recreation Roll Policy

16.1.1

Board of Trustees Meeting

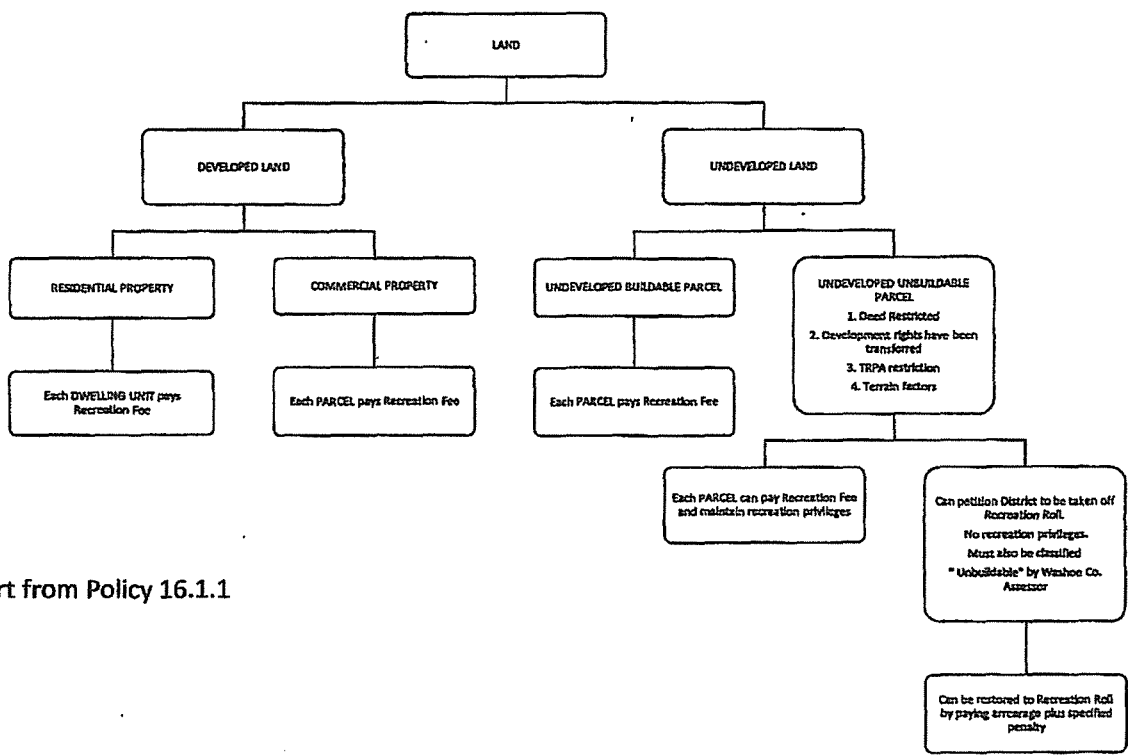
August 27, 2018

Timeline for Policy 16.1.1

- May 1968 – Recreation Roll established in conjunction with IVGID Beach Purchase
- February 1982 – Commercial Parcels added to Recreation Roll, Hotel Units no longer assessed.
- November 2008 - Board of Trustees Retreat initiated discussion about reinstatement of parcels and possible need for policy
- April 2009 – Board receives proposed policy and after discussion, directs edits and suggested improvements before adoption
- June 2009 – Board of Trustees adopts Policy 16.1.1
- October 2009 – Board of Trustees revises Policy 16.1.1 to expand section 2.0 Definition Item 6 adding paragraph A

Main Elements of Policy 16.1.1

- Establishes eligibility to pay the Recreation Fee and where applicable, the Beach Fee
- Recreation and Beach charged to dwelling units, commercial parcels and undeveloped lots
- Relevant Definitions, including Washoe County Assessor parcel number, and dwelling unit as described in the Washoe County Code
- Validates June 1, 1968 for determination of beach privileges
- Addresses real property exemptions
- Addresses reinstatement of privileges
- Setting and Collection of the Fees, with reference to NRS 318.201
- Established Flow Chart to apply the Policy



Flowchart from Policy 16.1.1

Issues to consider within the IVGID Code

- Does District still need a standalone Policy or can it be combined with administrative section for a revised Ordinance 7
- Aligning references and definitions to current codes and methodologies for the Washoe County Assessor
- If retained, are fundamental elements sufficient in the current version

Next Steps for Policy 16.1.1

- Staff analysis of Washoe County Assessor codes and methodologies to align process and definitions to current data
- Consider future consequences to Annual Report on the Recreation Roll given the 2022 maturity of the last Bond dating back to facility acquisition
- Staff and Legal Counsel planned approach is to blend elements of the current Policy 16.1.1 in the administrative code sections relative to the successor to Ordinance 7
- A specific timeline is not yet set for this section of the Code



Recreation Roll Policy

Policy 16.1.1

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2. Beach Fee is the annual Recreation Standby and Service Charge assessed by the District on all identified real property that was within the District on June 1, 1968, and is in one of the categories listed in Section 1.0 of this document.
3. Recreation Roll is a listing created by the Incline Village General Improvement District of real property, using the Washoe County Assessor parcel number, that is in one of the categories listed in 1.0 of this document who pay the annual Recreation Fee, and where applicable the Beach Fee.
4. Dwelling Unit as described in the Washoe County Code as "any building or portion thereof, which contains living facilities with provisions for sleeping, eating, cooking, and sanitation."
5. Qualified Real Property is property subject to payment of a Recreation Fee.
6. Exempt Real Property is real property that is located within the current geographic boundaries of the District but which Washoe County has exempted from paying Washoe County property tax. "Exempt Real Property" includes but is not limited to, real property that is used or intended for use for religious or educational purposes, condominium and town house common areas that do not include any Dwelling Units, and publicly owned property.



Recreation Roll Policy

Policy 16.1.1

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2. Where real property parcels have been split for development purposes, the resulting smaller parcels are considered to have the same qualifications as the original parcel.

4.0 Real Property Exempt from Paying Fee Assessments

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2. Information contained on the Washoe County Assessor's "Real Property Assessment Data" sheets will be used to determine eligibility for a property to be classified as a Qualified Real Property.
3. Qualified Real Property that is added to the Recreation Roll as a result of conditions listed in paragraph 1 or 2 above, or by annexation or merger of territory to the District may be required to pay to the District an entry fee as established by the District based on the portion of the Recreation Fee and Beach Fee that was used for capital purposes.



Recreation Roll Policy

Policy 16.1.1

5.0 Reinstatement to the Recreation Roll

1. An unbuildable parcel that has been removed from the Recreation Roll by petition can be restored to the Recreation Roll, and thereby have recreation privileges restored by first paying the total amount of recreation and, if applicable Beach Fees that had been have levied since the parcel was taken off the Recreation Roll, plus any fees or penalties permitted by the State of Nevada as defined in Nevada Revised Statute (NRS) 99.040(1).
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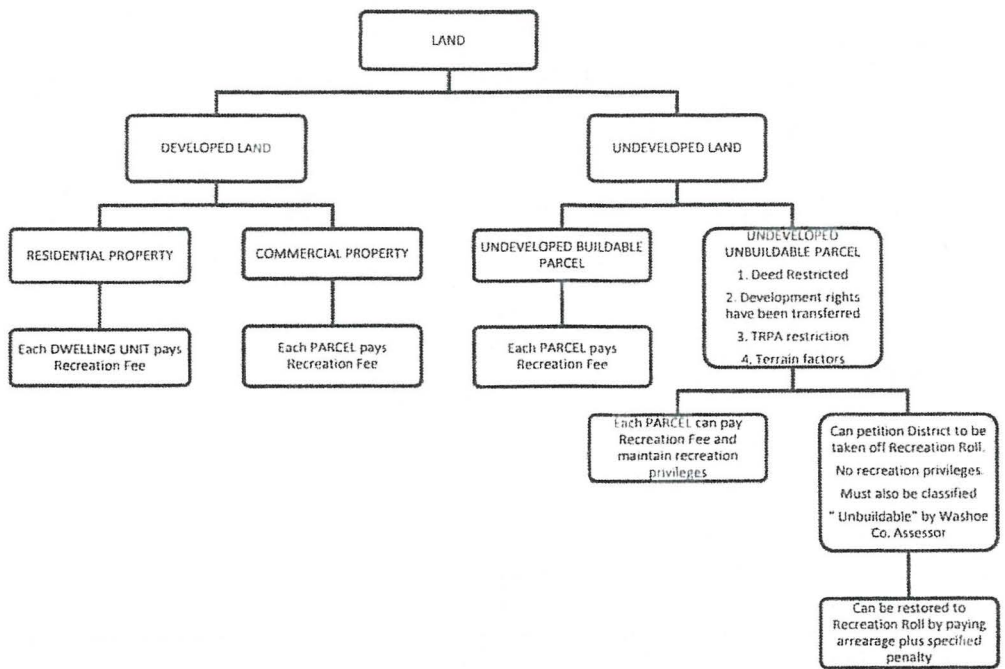
6.0 Setting and Collection of the Recreation Fee and the Beach Fee

1. The Board of Trustees will set the amount of the Recreation Fee and the Beach Fee annually as part of the budget preparation process.
2. The Board of Trustees will set the method and manner of collection of the Recreation Fee and the Beach Fee annually by resolution.
 - A. The Board of Trustees may choose to follow the procedure set forth in NRS 318.201 and have the Recreation and Beach Fees collected annually by the Washoe County Treasurer along with other taxes collected by the County.
3. When the applicable Recreation Fee has been paid, such payment entitles the owner to certain uses and rates at certain District-owned recreation facilities, excluding the Beaches and Boat Launch. This is defined more fully in District Ordinance #7.
4. When the applicable Beach Fee has been paid, such payment entitles the owner to certain uses and rates at the District-owned Beaches and Boat Launch. This is defined more fully in District Ordinance #7.

7.0 Flow Chart of Policy 16.1.1



Recreation Roll Policy
Policy 16.1.1



F.6. Educational Session and Discussion on Board Policy 16.1.1 - Recreation Roll Policy (Presenting Staff Members: District General Manager Steve Pinkerton and Director of Finance Gerry Eick)

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

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

Recreation Roll which is not impossible and he is open to the Board to directing us to work on it. He did work on the Recreation Roll this past year and he appreciates the data that is in the Washoe County Assessor's office which is all manual so we may need up to two cycles to make it active.

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

G. DISTRICT STAFF UPDATE (for possible action)

G.1. General Manager Steve Pinkerton

MEMORANDUM

TO: Board of Trustees

FROM: Gene Brockman
Vice Chairman

SUBJECT: Amend Recreation Roll Policy 16.1.1

DATE: October 15, 2009

I. RECOMMENDATION

That the Board of Trustees move to amend Section 2.0, subparagraph 6. as stated below AND add subparagraph a. to subparagraph 6. as stated below. The recommended change and addition to the Recreation Roll Policy 16.1.1 will be effective immediately.

Section	Current Text	Proposed Replacement Text
2.0 Paragraph 6.	Exempt Real Property is property not subject to payment of a Recreation Fee.	Exempt Real Property is real property that is located within the current geographic boundaries of the District but which Washoe County has exempted from paying Washoe County property tax. "Exempt Real Property" includes but is not limited to, real property that is used or intended for use for religious or educational purposes, condominium and town house common areas that do not include any Dwelling Units, and publicly owned property.

Subparagraph a. to be added after above proposed replacement text of Paragraph 6. – new text proposed to add:

- a. The owner of a Dwelling Unit that is both located on an Exempt Real Parcel and is occupied as a residence in support of the allowed use by the Exempt Real Parcel may apply to the District to place that Dwelling Unit on the Recreation Roll. Upon (a) acceptance by the District of such application and (b) receipt of payment of the prescribed annual Recreation Fee, and if applicable, the Beach Fee, the Dwelling Unit shall be

considered to be Qualified Real Property; but only for so long as the ownership and use of such does not change materially

II. BACKGROUND

When Staff attempted to apply the June 10, 2009 adopted Recreation Roll Policy 16.1.1 it was discovered specific language I had intended to include in the final draft of the Recreation Roll Policy 16.1.1 was not included. The language I intended to include is specifically related to Exempt Real Property and to Dwelling Units located on exempt real property.

III. FINANCIAL IMPACT AND BUDGET

The result of implementing the amended Recreation Roll Policy will impact future recreation fees to what real properties are assessed the Recreation Fee and if applicable, the Beach Fee and to how and when exempt real properties come on and off the recreation roll.

IV. ALTERNATIVE

Not adopt the recommended amendment to the Recreation Roll Policy 16.1.1 and require Staff to come to the Board of Trustees on a case by case basis as to address exempting real property from the Recreation Fee, and if applicable, the Beach Fee.



Recreation Roll Policy

Policy 16.1.1

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4. Dwelling Unit as described in the Washoe County Code as "any building or portion thereof, which contains living facilities with provisions for sleeping, eating, cooking, and sanitation."
5. Qualified Real Property is property subject to payment of a Recreation Fee.
6. Exempt Real Property is real property that is located within the current geographic boundaries of the District but which Washoe County has exempted from paying Washoe County property tax. "Exempt Real Property" includes but is not limited to, real property that is used or intended for use for religious or educational purposes, condominium and town house common areas that do not include any Dwelling Units, and publicly owned property.



Recreation Roll Policy

Policy 16.1.1

A. The owner of a Dwelling Unit that is both located on an Exempt Real Parcel and is occupied as a residence in support of the allowed use by the Exempt Real Parcel may apply to the District to place that Dwelling Unit on the Recreation Roll. Upon (a) acceptance by the District of such application and (b) receipt of payment of the prescribed annual Recreation Fee, and if applicable, the Beach Fee, the Dwelling Unit shall be considered to be Qualified Real Property; but only for so long as the ownership and use of such does not change materially.

7. Unbuildable Parcel is a parcel so classified by Washoe County and is listed in Category 16 or 17 by the Washoe County Assessor, and has been removed from the Recreation Roll by the District following the owner's petition.

3.0 Qualifying Real Properties Subject to Fee Assessments

1. Real property in one of the categories listed in Section 1.0 that was within the boundaries of the District when it acquired the beach properties on June 1, 1968. These properties are charged the annual Recreation Fee and charged the annual Beach Fee.
2. Where real property parcels have been split for development purposes, the resulting smaller parcels are considered to have the same qualifications as the original parcel.

4.0 Real Property Exempt from Paying Fee Assessments

1. When development takes place that results in new parcels or additional dwelling units, each new parcel or dwelling unit becomes a Qualified Real Property and is placed on the Recreation Roll.
2. Information contained on the Washoe County Assessor's "Real Property Assessment Data" sheets will be used to determine eligibility for a property to be classified as a Qualified Real Property.
3. Qualified Real Property that is added to the Recreation Roll as a result of conditions listed in paragraph 1 or 2 above, or by annexation or merger of territory to the District may be required to pay to the District an entry fee as established by the District based on the portion of the Recreation Fee and Beach Fee that was used for capital purposes.



Recreation Roll Policy

Policy 16.1.1

5.0 Reinstatement to the Recreation Roll

1. An unbuildable parcel that has been removed from the Recreation Roll by petition can be restored to the Recreation Roll, and thereby have recreation privileges restored by first paying the total amount of recreation and, if applicable Beach Fees that had been have levied since the parcel was taken off the Recreation Roll, plus any fees or penalties permitted by the State of Nevada as defined in Nevada Revised Statute (NRS) 99.040(1).
2. An exempt parcel not on the Recreation Roll may obtain a qualified status if the general plan and zoning designation of the property is changed by Washoe County, according to the provision of NRS and Washoe County Code.

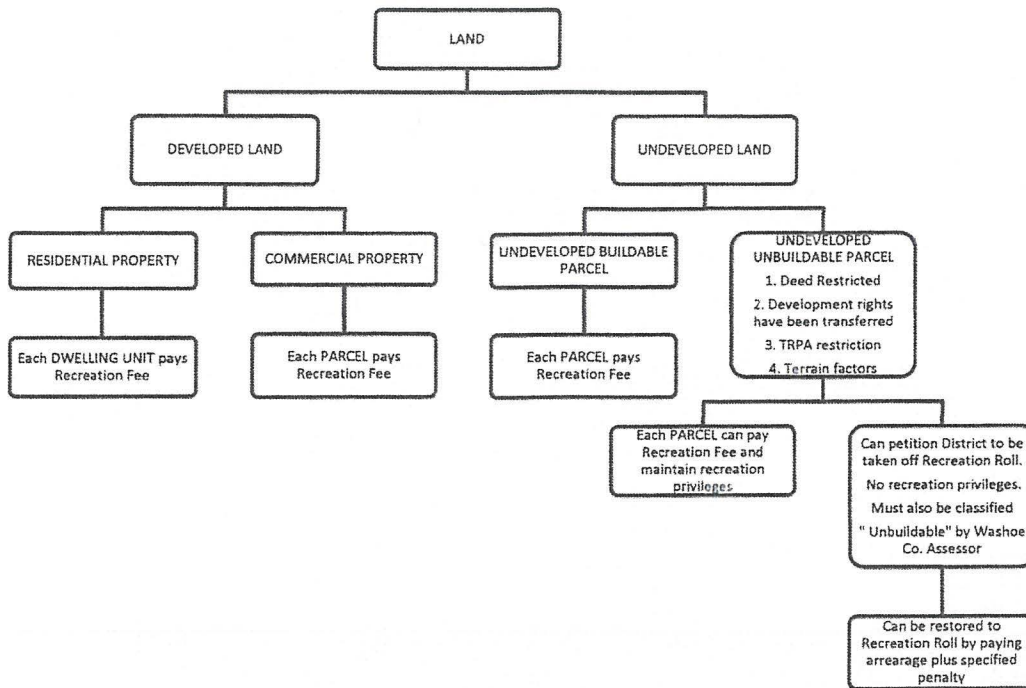
6.0 Setting and Collection of the Recreation Fee and the Beach Fee

1. The Board of Trustees will set the amount of the Recreation Fee and the Beach Fee annually as part of the budget preparation process.
2. The Board of Trustees will set the method and manner of collection of the Recreation Fee and the Beach Fee annually by resolution.
 - A. The Board of Trustees may choose to follow the procedure set forth in NRS 318.201 and have the Recreation and Beach Fees collected annually by the Washoe County Treasurer along with other taxes collected by the County.
3. When the applicable Recreation Fee has been paid, such payment entitles the owner to certain uses and rates at certain District-owned recreation facilities, excluding the Beaches and Boat Launch. This is defined more fully in District Ordinance #7.
4. When the applicable Beach Fee has been paid, such payment entitles the owner to certain uses and rates at the District-owned Beaches and Boat Launch. This is defined more fully in District Ordinance #7.

7.0 Flow Chart of Policy 16.1.1



Recreation Roll Policy
Policy 16.1.1



venues; Director of Finance, Accounting and Information Technology Cruz said that Staff has very detailed lists and that this presentation was already made to the Board.

G. CORRESPONDENCE

Clerk to the Board of Trustees Susan Herron reported that correspondence was received from The Children's Cabinet at Incline Village and it was distributed to the Board of Trustees.

H. PUBLIC COMMENTS

Joe Shackford asked what happened with the nuisance thing. Chairman Fuller said that this was already reported on however Trustee Brockman would be happy to speak with Mr. Shackford after the meeting.

I. CONSENT CALENDAR

- I.1. Employee Health Insurance – Renewals (Saint Mary's Preferred Health Insurance Company, Standard Insurance Company and Medical Eye Service)**
- I.2. 2010 Sink'em and Hold'em Golf and Poker Tournament Request**

Trustee Weinberger made a motion to approve the Consent Calendar as submitted. Trustee Brockman seconded the motion. Chairman Fuller asked for public comments, receiving none, brought the question back to the Board where the question was called and the motion was passed unanimously.

J. GENERAL BUSINESS

- J.1. Policy 16.1.1 Recreation Roll Policy – Proposed Changes to Section 2.0., subparagraph 6. and addition of paragraph a. to subparagraph 6. in Section 2.0**

Trustee Brockman said that very shortly after this policy was approved, it was discovered that a very relevant paragraph was inadvertently left out.

Trustee Epstein made a motion to move to amend Section 2.0, subparagraph 6. as stated below AND add subparagraph a. to subparagraph 6. as stated below. The recommended change and

addition to the Recreation Roll Policy 16.1.1 will be effective immediately.

Section	Current Text	Proposed Replacement Text
2.0 Paragraph 6.	Exempt Real Property is property not subject to payment of a Recreation Fee.	Exempt Real Property is real property that is located within the current geographic boundaries of the District but which Washoe County has exempted from paying Washoe County property tax. "Exempt Real Property" includes but is not limited to, real property that is used or intended for use for religious or educational purposes, condominium and town house common areas that do not include any Dwelling Units, and publicly owned property.

Subparagraph a. to be added after above proposed replacement text of Paragraph 6. – new text proposed to add:

- a. The owner of a Dwelling Unit that is both located on an Exempt Real Parcel and is occupied as a residence in support of the allowed use by the Exempt Real Parcel may apply to the District to place that Dwelling Unit on the Recreation Roll. Upon (a) acceptance by the District of such application and (b) receipt of payment of the prescribed annual Recreation Fee, and if applicable, the Beach Fee, the Dwelling Unit shall be considered to be Qualified Real Property; but only for so long as the ownership and use of such does not change materially

Trustee Bohn seconded the motion.

Chairman Fuller, hearing no further comments from the Board, asked for public comment. Receiving none, Chairman Fuller brought the matter back to the Board and called the question – the motion was passed unanimously.

History

**RECREATION PASS POLICY AND RECREATION CHARGE
Incline Village General Improvement District**

Prior to the purchase of Burnt Cedar and Incline Beaches by IVGID, each person who purchased property from the Crystal Bay Development Company was required to purchase a share of stock in the Incline Village Recreation Association and pay assessments levied by the Incline Village Recreation Association. The Incline Village Recreation Association was dissolved in 1968 because the Recreation Association did not have the means to obtain financing for the purchase of the beaches.

In 1965, Washoe County added public recreation to IVGID's powers. In 1968, IVGID issued \$2,685,000 in revenue bonds for the acquisition of Burnt Cedar and Incline Beaches (\$2.1 million) with the balance to be used to pay the first year's interest, establish a bond reserve fund, and pay the costs incurred in connection with the issuance of the bonds.

Year	Synopsis of Policy	Recreation Charge
1968	<p>Beach passes were issued to property owners based on the number of persons in the immediate family in residence. Temporary passes could be obtained for renters or guests for the period of their occupancy.</p> <p>Two permanent passes per bedroom were issued to hotel, motel and regularly rented homes or condominiums. Passes were issued in the name of the owner and it was the owner's responsibility to get them into the hands of the renter-users.</p> <p>Beach guest fees: adults - \$1 per day, children 12 and under - 75¢ per day.</p>	<p>Rec charge was \$50 per single family unit, \$250 per acre for multi-residential acreage, \$15 per acre for single family acreage, and \$25 per room for hotels and motels. Commercial and industrial property was excluded.</p>
1971	<p>Renewal stickers were mailed with the newsletter to all property owners who had permanent passes from prior years.</p>	<p>No change</p>
1972	<p>Passes issued to residential property owners and the owner's family (living together and related by blood, marriage or adoption) or a group of not more than four persons not related but living together in a dwelling unit.</p> <p>Owners of rental properties were issued not more than five passes upon surrender of any permanent passes issued for the property. Two permanent passes issued for each hotel or motel bedroom, issued in the name of the hotel.</p> <p>Joint owners may acquire permanent passes upon application for passes and payment of an additional \$50 per family.</p> <p>Daily beach passes - \$1 each, children under six accompanied by an adult admitted free.</p> <p>Owners of commercial or industrial properties could obtain seasonal passes to the beaches upon approval of the application by the Trustees and payment of a \$50 seasonal charge per pass.</p>	<p>No change</p>

Year	Synopsis of Policy	Recreation Charge
1977	<p>Added golf, ski and bowl.</p> <p>Special rates for cardholder at Ski Incline, green fees at Championship and Executive Golf Courses, and lineage at Bowl Incline.</p> <p>Regardless of the number of properties owned, property owner is entitled to receive only one card for himself and each qualified family member (husband, wife and all unmarried siblings living in the same residence).</p> <p>Commercial or industrial property owners may apply yearly for seasonal cards upon approval of the application by the Trustees and payment of \$100 per card.</p>	<p>\$100 for properties with beach privileges; \$50 for properties without beach privileges (properties annexed to the District since June 1, 1968); multi-residential acreage \$500 per acre; single family acreage \$30 per acre; general forest: \$15 per acre; hotel and motel: \$50 per room. Properties without beach privileges paid one-half of the full rec charge.</p>
1979	<p>Identification cards issued to each member of the owner's immediate family, including spouse and unmarried children under 21 who are living at home.</p> <p>In the case of multiple ownership, each additional family whose name appears on the deed must pay \$100 per year if ID cards are desired for their family.</p> <p>Tenants in residence for more than one year may obtain ID cards with full property owner privileges and discounts, upon verification of residence and payment of a \$100 annual fee.</p> <p>Guests and tenants of less than one year are not eligible for reduced rates.</p> <p>Owners of time-share are classified as tenants, but may qualify for property owner benefits by presenting proof of ownership and payment of a \$100 annual assessment per family unit.</p>	<p>No change</p>
1981	<p>Each parcel received three photo identification cards and five coupons. Property owners may choose to receive five coupons in lieu of each photo ID card.</p> <p>A coupon was good for two adult beach passes or five child beach passes or a \$5 discount toward the purchase of a Ski Incline lift ticket or a full-price round of golf or a full-price tennis court rental.</p>	<p>Rec Charge: \$195 for residential properties with beach privileges; \$130 without; multi-residential acreage: \$975/\$650; single family acreage: \$58.50/\$39; general forest: \$29.25/\$19.50; hotel/motel: \$97.50/\$65 per room.</p>
1982	<p>Each parcel entitled to three property identification cards. Cards in excess of three may be issued for any member of a property owner's immediate family, children 18 years and under living at the residence and children 19 and older and registered as a full-time student. Need not be living in the residence but must be a legal dependent.</p> <p>Short-term condominium renters or hotel-motel guests are eligible to use the recreation facilities but must pay full price.</p>	<p>Rec Charge reduced to \$175/\$130; multi-residential acreage: \$875/\$650; single family acreage: \$52.50/\$39; general forest: \$26.25/\$19.50; commercial parcels: \$175 for each commercial parcel zoned TC or GC including hotel and motel parcels (the hotel motel per-room charge was eliminated).</p>
1983		<p>Rec Charge returned to 1981 level, i.e., \$195/\$130, etc.</p>

Year	Synopsis of Policy	Recreation Charge
1988	<p>Ordinance No. 7, Recreation Pass Policy, initially adopted November 12, 1987, to become effective January 1, 1988.</p> <p>Two options: Family – recreation passes may be assigned to any two adults living in the same household and each adult’s children. No limit on total number of privileges, but may only be issued to two adults and children of the two adults. No Recreation Punch Cards could be issued under this option.</p> <p>Parcel Option – A combined limit of three Recreation Passes and/or Recreation Punch Cards may be issued under this option. Persons receiving privileges under this option need not be related to each other or to a parcel owner.</p> <p>Property owners may receive additional passes or cards, by paying an additional annual recreation fee, or they may purchase additional punch cards at the face value of the card.</p>	
1989		Rec Charge increased to \$225/\$150; \$1,125/\$750; \$67.50/\$45; \$33.75/\$22.50
1991	Ordinance 7 amended. Paragraph on assignment procedures amended to make owners responsible for their assignees.	
1993		Rec roll changed to eliminate acreage charges based on zoning – all parcels assessed one rec charge. The rec charge was \$225 for parcels with beach privileges and \$150 for parcels without beach privileges.
1993	Ordinance No. 7 amended, effective February 1, 1994. “Family” and “Parcel” options eliminated. Up to five photo identification passes or punch cards for every eligible parcel. Additional passes or cards can be purchased at a cost of one-fifth the recreation fee. Only three recreation passes would be eligible to purchase golf season passes. The fourth and fifth, and any additional recreation passes, would be entitled to receive resident discounts for daily play.	
1995	<p>Ordinance No. 7 amended to restrict property owners’ assignment of recreation pass privileges to family members or residents and limit the assignment of recreation passes to a minimum term of six months. Every parcel is eligible for a combination of up to five Recreation Passes or Recreation Cards. Recreation Passes may be assigned to property owner’s eligible family member, or resident, or resident’s eligible family member or commercial tenant.</p> <p>New paragraph added restricting a maximum of three Recreation Passes per parcel to obtain season passes for golf. If three season passes are received, no other Recreation Passes or Recreation Cards can be used to obtain daily discounts at the golf courses.</p> <p>Selling of recreation privileges not allowed.</p> <p>Additional recreation passes can only be purchased for eligible family members of parcel owners or residents.</p>	Rec Charge increased to \$275/\$200 with a sunset provision.
1995	Above amendments clarified June 12, that it was not the intent of the Board to limit the use of Recreation Cards to obtain daily discounts at golf, and definition of family changed to first and second degrees of consanguinity and affinity.	

Year	Synopsis of Policy	Recreation Charge
1998	Ordinance No. 7 amended to eliminate references to use of Recreation Passes to obtain golf season passes which were no longer available; provided that only five Recreation Passes per parcel can be used to obtain daily golf discounts; clarified recreation privileges for commercial parcels; added a due-process procedure defining an appeal process for Pass or Card holder whose privileges are suspended for misconduct.	
1999		Rec charge increased to \$375/\$300
2001		Rec charge increased to \$445/\$370
2002		Rec charge remains at \$445/\$370
2003	Recreation Fee increased by \$85 for CIP projects – will sunset in 10 years (2012) and indexed to CIP (increase 3%) each year; reference May 15, 2003 Minutes.	Rec charge increased to \$562/\$466
2003-04	CIP increase of \$85 was for ten years and for Golf, Ski, and Tennis.	<i>April 30, 2003 Minutes (Reference)</i>
2004	Recreation Fee increased by 3% (\$85 was not indexed)	Rec charge increased to \$575/\$480
2005	Recreation Fee increased by 3% (\$85 was not indexed)	Rec charge increased to \$590/\$80
2006	Recreation Fee increased by 3% (\$85 was not indexed) and \$100 was added to pay for the first year's installment payment for the purchase of Incline Lake (\$31); and increase reserves (\$46)	Rec charge increased to \$690/\$580
2007	Recreation Fee increased by 3% (\$85 was not indexed) and \$150 was added to pay for a legal defense fund.	Rec charge increased to \$710 for parcels with beach access and decreased to \$560 for parcels without beach access
2008	Recreation Fee increased by 3% (\$85 was not indexed).	Rec charge increased to \$760 for parcels with beach access and decreased to \$605 for parcels without beach access
2008-09	CIP increase of \$110 was for ten years and for Ski, BMPs, and Parks	03/25/2009 Minutes (bottom of page 2, top of page 3)
2009	Recreation Fee was decreased at the request of the Board of Trustees (not to exceed \$760 was direction given)	Rec charge decreased to \$XXX for parcels with beach access and decreased to \$XXX for parcels without beach access
2010	The process of smoothing began	Recreation Facility Fee is \$730 Beach Facility Fee is \$100
2011		Recreation Facility Fee is \$730 Beach Facility Fee is \$100
2012		Recreation Facility Fee is \$730 Beach Facility Fee is \$100
2013		Recreation Facility Fee is \$730 Beach Facility Fee is \$100
2014		Recreation Facility Fee is \$730 Beach Facility Fee is \$100
2015		Recreation Facility Fee is \$730 Beach Facility Fee is \$100
2016		Recreation Facility Fee is \$730 Beach Facility Fee is \$100
2017		Recreation Facility Fee is \$705 Beach Facility Fee is \$125

Year	Synopsis of Policy	Recreation Charge
2018		Recreation Facility Fee is \$705 Beach Facility Fee is \$125
2019		Recreation Facility Fee is \$705 Beach Facility Fee is \$125
2020		Recreation Facility Fee is \$330 Beach Facility Fee is \$500

Note: This information is obtained through the best efforts of the researcher using the available documents and information. Although it is as accurate as possible, some information and dates may have been omitted.

L.3. Recreation Roll Policy: Policy 16.1.1.

Trustee Brockman, referencing agenda packet pages 97 – 99, said that this is the finalization of the document as previously discussed and then pointed out the changes that were made from the last time it was discussed; specifically Sections 4.1, 4.2, and 4.3. Trustee Brockman also noted that all of these changes were reviewed by District General Counsel who was agreeable. Trustee Brockman then said he wanted to make a minor revision to Section 2.0, paragraph 2.3, and that it reads as follows:

2.3 Recreation Roll is a listing created by the Incline Village General Improvement District of real property, using the Washoe County Assessor parcel number that is in one of the categories listed in 1.0 of this document who pay the annual Recreation Fee, and where applicable, the Beach Fee.

Trustee Brockman made a motion to adopt Recreation Roll Policy, Policy 16.1.1, as presented and amended and to direct Staff to implement any changes that are pending after this policy becomes effective. Trustee Bohn seconded the motion.

Trustee Bohn thanked Trustee Brockman and Director of Finance, Accounting and Information Technology Cruz and whoever else helped to clarify this issue and noted that their tenacity is paying off. Trustee Weinberger asked District General Counsel to please explain how paragraph 4.2 works with paragraph 4.1. District General Counsel Brooke said that it is his reading that a legal parcel, existing in Washoe County as reflected in the District records, will be assessed as such. Trustee Brockman added that the whole intent is to make heavy use of the Washoe County Assessor's data sheets which takes some of the burden off of the District and that he wanted to make sure that it is clear within this document. Chairman Fuller asked if the District was penalizing anyone, by implementing this policy now, who is waiting on the list. Trustee Brockman responded no. The two parcels, one by the car wash and the one behind the 76 station, are new and they would have come onto the rolls. What this does is simply clarifies how this is going to happen and it gives Staff the direction on how to do it. General Manager Horn, referencing the unbuildable parcels at Bitterbrush, noted that they aren't going to pay any property tax or CTX so isn't this just a ploy to get into the recreational venues. Chairman Fuller said that they do pay property tax. Trustee Brockman noted that it was a minimal amount. District General Counsel Brooke added that the property tax paid is based upon value and these

parcels are unbuildable. General Manager Horn said that Washoe County is consistently held up as the benchmark to measure up to yet the District has no control to stop the proliferation of access to our recreational venues such as the beaches, ski resort, golf courses, etc. Two parcels were brought on as affordable housing. Now more people will be brought on. When does the District, who manages this community, get any say on this situation? Public Works has a formula which allows money to be collected for infrastructure, etc. The District has no way to expand the golf courses or the beaches yet Washoe County is allowed to do all the dividing it wants to do and the District has no control of the implosion of these lots with the passage of this policy. Chairman Fuller, referencing paragraph 4.3, said that the District does have the ability to charge an entry fee. General Manager Horn said that this hasn't yet been established and it can't be done on the parcels by the car wash or the 76 station. Trustee Brockman said that was incorrect and that the District could charge them an entry fee. Further, the parcels behind the gas station will pay based on dwelling units and that it will be the same on the ones near the car wash. Furthermore, the District cannot use parcels anymore and it must use the term dwelling units, this is a policy statement from which Staff will now write the Practice statement, and that he visualizes that Staff will be coming back with a paragraph that addresses that specific issue. General Manager Horn asked if he had the authority to determine what the entry fee is as of right now and until Staff brings back the practice and then asked how Staff can make a decision on the pending cases. Trustee Brockman said that the Lake Tahoe School has to be set aside at this point and that the others are covered by this document. General Manager Horn stated that the District has no control over expansion and that Washoe County essentially controls us. Trustee Epstein asked at what point does the District have control over subdivided parcels and the increased access to its facilities when the District can't control what Washoe County does. Trustee Weinberger said that is true and that it is already the case and that the only thing that changes is that now the District can charge an entry fee; the District might be able to fund expansion of the Recreation Center out of the entry fee as an example. Trustee Bohn said that if he were to add a garage to his house, the District gets to stamp the plans; the District has no such thing for these and asked if District General Counsel could explain the research tools used. District General Counsel Brooke said that he did receive the direction to do the research from the Board and paragraph 4.3 is the answer. The District can establish an entry fee with no specific authority to do so and that it must be looked at from a dollars and cents point of view. This is the expectation and that if the District decides to do it; it should be defensible if it elects to go forward. This policy gives the

District the option and it also allows for deed restricted parcels to apply for access purposes. General Manager Horn asked if Staff could hold off until the Practice statement is written since this would be inconsistent with those that were approved several months ago. Trustee Brockman said that it is true that the District doesn't have any authority over subdivisions or parcel splits or anything else that is handled at the county level and that the District must take what Washoe County gives us; Nevada Revised Statutes Chapter 318 doesn't permit the District any authority over development. Chairman Fuller said that is correct and that the District is at Washoe County's mercy but that this policy does give the District some recourse. Trustee Brockman said that the District may want to charge a \$10,000 entry fee. General Manager Horn asked again if the Board of Trustees wanted Staff to wait until they bring back the Practice statement to them. District General Counsel Brooke suggested that each dwelling unit be reviewed to determine where they are in terms of their entitlements, that the Board of Trustees might want to impose a moratorium until the Practice statement is reviewed and that once there is a legal parcel, the District needs to recognize it, it is known that they have to pay a Recreation Fee and then they are entitled to privileges. General Manager Horn asked what the Board of Trustees expectations were for the Bitterbrush parcels. Trustee Brockman responded that the parcels behind the 76 station and those near the car wash are covered by this policy and a Practice statement is not needed for those two parcels. As for Bitterbrush, that issue remains out there. District General Counsel Brooke said that Bitterbrush is covered by Section 5.0 and that the Board of Trustees said to hold off on them until this policy came forward. General Manager Horn said that what Staff will do is they will call these groups, send them a bill with the rules and do this without bringing it back to the Board of Trustees for review/approval. As for the Practice statement, Staff acknowledges that they will have to come back with it sooner rather than later and it will include an entry fee. Chairman Fuller asked Staff to coordinate this with Washoe County so that individuals and others understand this procedure up front.

Chairman Fuller opened the matter for public comments, receiving none, brought the matter back to the Board and called the question – the motion was passed unanimously.



Recreation Roll Policy

Policy 16.1.1

The Incline Village General Improvement District is committed to providing superior community oriented recreation programs and facilities to the community. To support that commitment, the Board of Trustees has adopted the following policy relating to the establishment and eligibility to pay the Recreation Fee and, where applicable, the Beach Fee

POLICY: The Incline Village General Improvement District will charge the prescribed Recreation Fee and the Beach Fee to all qualifying real properties within the boundaries of the District.

1.0 The Incline Village General Improvement District will charge the prescribed Recreation Fee, and if applicable the Beach Fee, to all qualifying real properties in one of the following categories:

1. All dwelling units on developed residential parcels;
2. All commercial parcels; and
3. All undeveloped residential parcels which are not designated as unbuildable.

2.0 Definitions

1. Recreation Fee is the annual Recreation Standby and Service Charge assessed by the District on all real property within the District that is in one of the categories listed in Section 1.0 of this document.
2. Beach Fee is the annual Recreation Standby and Service Charge assessed by the District on all identified real property that was within the District on June 1, 1968, and is in one of the categories listed in Section 1.0 of this document.
3. Recreation Roll is a listing created by the Incline Village General Improvement District of real property, using the Washoe County Assessor parcel number, that is in one of the categories listed in 1.0 of this document who pay the annual Recreation Fee, and where applicable the Beach Fee.
4. Dwelling Unit as described in the Washoe County Code as "any building or portion thereof, which contains living facilities with provisions for sleeping, eating, cooking, and sanitation."
5. Qualified Real Property is property subject to payment of a Recreation Fee.
6. Exempt Real Property is property not subject to payment of a Recreation Fee.
7. Unbuildable Parcel is a parcel so classified by Washoe County and is listed in Category 16 or 17 by the Washoe County Assessor, and has been removed from the Recreation Roll by the District following the owner's petition.



Recreation Roll Policy

Policy 16.1.1

3.0 Qualifying Real Properties Subject to Fee Assessments

1. Real property in one of the categories listed in Section 1.0 that was within the boundaries of the District when it acquired the beach properties on June 1, 1968. These properties are charged the annual Recreation Fee and charged the annual Beach Fee.
2. Where real property parcels have been split for development purposes, the resulting smaller parcels are considered to have the same qualifications as the original parcel.

4.0 Real Property Exempt from Paying Fee Assessments

1. When development takes place that results in new parcels or additional dwelling units, each new parcel or dwelling unit becomes a Qualified Real Property and is placed on the Recreation Roll.
2. Information contained on the Washoe County Assessor's "Real Property Assessment Data" sheets will be used to determine eligibility for a property to be classified as a Qualified Real Property.
3. Qualified Real Property that is added to the Recreation Roll as a result of conditions listed in paragraph 1 or 2 above, or by annexation or merger of territory to the District may be required to pay to the District an entry fee as established by the District based on the portion of the Recreation Fee and Beach Fee that was used for capital purposes.

5.0 Reinstatement to the Recreation Roll

1. An unbuildable parcel that has been removed from the Recreation Roll by petition can be restored to the Recreation Roll, and thereby have recreation privileges restored by first paying the total amount of recreation and, if applicable Beach Fees that had been have levied since the parcel was taken off the Recreation Roll, plus any fees or penalties permitted by the State of Nevada as defined in Nevada Revised Statute (NRS) 99.040(1).
2. An exempt parcel not on the Recreation Roll may obtain a qualified status if the general plan and zoning designation of the property is changed by Washoe County, according to the provision of NRS and Washoe County Code.

6.0 Setting and Collection of the Recreation Fee and the Beach Fee

1. The Board of Trustees will set the amount of the Recreation Fee and the Beach Fee annually as part of the budget preparation process.



Recreation Roll Policy

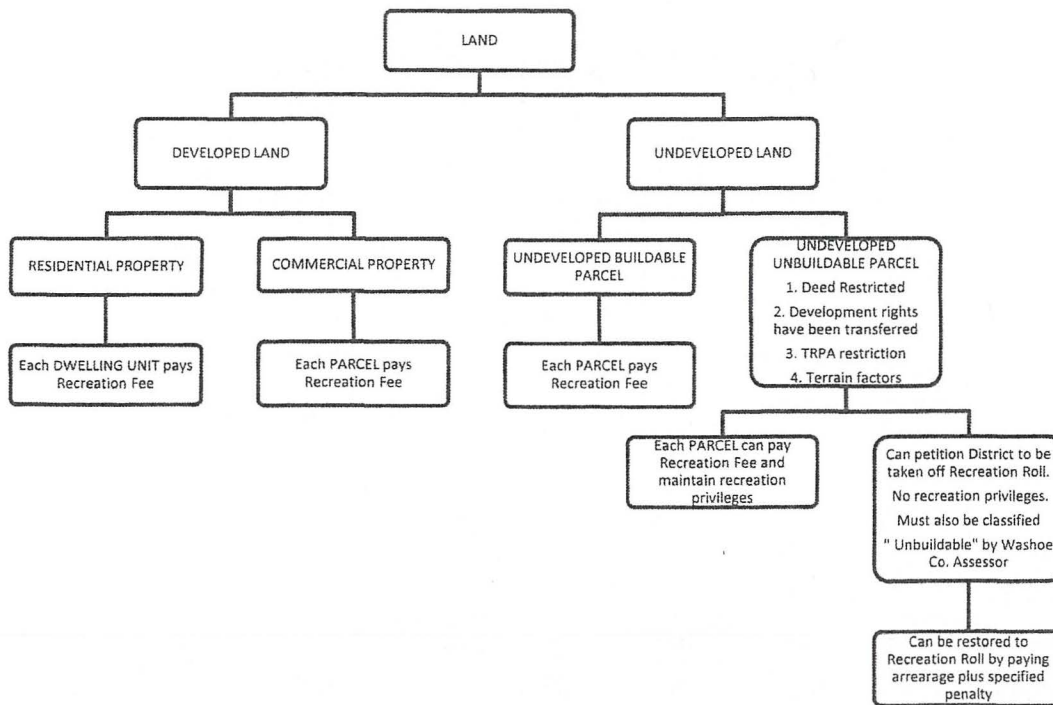
Policy 16.1.1

2. The Board of Trustees will set the method and manner of collection of the Recreation Fee and the Beach Fee annually by resolution.
 - A. The Board of Trustees may choose to follow the procedure set forth in NRS 318.201 and have the Recreation and Beach Fees collected annually by the Washoe County Treasurer along with other taxes collected by the County.
3. When the applicable Recreation Fee has been paid, such payment entitles the owner to certain uses and rates at certain District-owned recreation facilities, excluding the Beaches and Boat Launch. This is defined more fully in District Ordinance #7.
4. When the applicable Beach Fee has been paid, such payment entitles the owner to certain uses and rates at the District-owned Beaches and Boat Launch. This is defined more fully in District Ordinance #7.

7.0 Flow Chart of Policy 16.1.1



Recreation Roll Policy
Policy 16.1.1



this Board agrees to increase the Recreation Fee by \$110 thus the Recreation Fee remains the same. District General Counsel Guinasso said that we can't change the submitted memorandum so everyone should look at the minutes to support the action and that all the points will speak to the intent relative to what you approve. Chairwoman Wong said that she is not seeing an appropriate place within Resolution 1863 however when we go to approve the final budget on May 23, 2018 and maybe we can include a statement and/or expanded statement and/or more definitive statement in the memorandum so that the discussion will go on the record; she is proposing a more official discussion on May 23, 2018. Director of Finance Eick said that the Board will have a Staff report and Staff will add additional detail to that section so that it is on the record. Trustee Callicrate cautioned that it needs to be very clear in order to put this issue to rest. The Board discussed it on April 11, 2018, they understand that the bond is maturing/being retired and that we are appropriating those same monies to the Recreation Fee of \$830 in order to meet our ever growing capital needs. Chairwoman Wong suggested it be included in the memorandum in a separate section and that it is stated that the Board recognizes the maturation of the bond, that the Board wants to maintain the Recreation Fee at \$830, and that here is why we have the discussion every year and that the Board practice is that the discussion is held during the annual budget process. Director of Finance Eick said that would fit perfectly in the Comment section of the memorandum.

Trustee Horan made a motion to adopt Resolution Number 1863 which preliminarily approves the report for collection of recreation standby and services charges (also known as the Recreation Facility Fee and Beach Facility Fee) and sets forth the public hearing date of Wednesday, May 23, 2018 at 6:00 p.m. at the Chateau, 955 Fairway Boulevard, Incline Village, Nevada. Trustee Callicrate seconded the motion. Chairwoman Wong asked for comments, receiving none, called the question – the motion was passed unanimously.

Chairwoman Wong called for a break at 8:17 p.m.; the Board reconvened at 8:26 p.m.

- G.4. Review, discuss and possibly approve a payment to the Washoe County Treasurer's Office in the amount of \$33,177.81 consistent with Nevada Revised Statutes 361.603(4) and defer disposition of any other parcels that were acquired via Nevada Revised Statutes 361.603 until a Formal Land Disposition Policy (or its**

equivalent) can be developed and incorporated into the forthcoming Incline Village General Improvement District Code (Requesting Staff Member: District General Manager Steve Pinkerton) *(was General Business Item G.5.)*

Trustee Horan made the following statement:

The Board packet gives a very good summary of this issue and I encourage everyone to read the entire packet. The highlights are as follows:

- *IVGID had the legal authority to take this action. We are subject to NRS 318 when selling property and not the NRS applicable to counties, cities, etc. NRS 318 is applicable to all GIDs in the state.*
- *This was not done in secret. This is well documented in the documents that are part of the packet. If anything that could have been done better, it would be the documentation of conversations that were held with the County about our intention to sell the property. Payment of the back property taxes to the County were part of the discussion and when the transfer was made without restriction that was brought to the attention of the County. I have examined the Quitclaim deed issued by the County for the parcels and it states the approval was based on the determination that a public purpose would be served by the acquisition of the property. I think that it is interesting that the County did not question when the lots were sold and placed back on the County tax roll.*
- *When this subject was brought up at the end of last year, three people were severely criticized, General Manager Pinkerton, Finance Director Eick and Counsel Guinasso. Regarding both Pinkerton and Guinasso, this process predated their employment by the District. The third parcel sale that was completed at the end of 2015 was one that began before their employment and they allowed to complete. However, they both recognized the way the lots were being sold needed to be revisited and a hold was placed on the process. Finance Director Eick was unjustifiably accused of illegal activity. This had no basis in fact. As stated earlier, all these actions were handled in an appropriate manner.*

I have the upmost respect for Mr. Eick and feel that he maintains the highest standard of knowledge, professionalism and ethical standards.

He is very well respected by his peers, within the industry, and the Nevada State regulatory bodies that oversee our activities.

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

Chairwoman Wong said that we heard a public comment about future taxes and it is her understanding that the taxes become the responsibility of the purchaser. District General Manager Pinkerton said as do the Recreation Fee and that the property taxes are about five dollar per year.

Trustee Horan said that in the execution of this he would like to have a signed agreement, with Washoe County, that they are going to give the District the specific amount back in Recreation Fee. District General Manager Pinkerton said he thought a letter of some sort might be possible. District General Counsel Guinasso said that he will speak to Washoe County General Counsel to memorialize that understanding.

Trustee Dent said we also heard a public comment about the possibility of a title company having some responsibility. District General Manager Pinkerton said that at the time these parcels were sold, Washoe County didn't ask for any outstanding taxes thus this request to pay taxes. Chairwoman Wong said that the net cost is \$1,600 and this research would cost more in Staff time. District General Counsel Guinasso said that he has looked at the merits and that the transfer was made under the applicable section of the Nevada Revised Statutes so there was no reason for the title company to tag that issue and therefore no issue for the title company to have any responsibility as the change was made at a future date when it went from NRS 361.603(5) to NRS 361.603(4).

Trustee Dent said that there has been a lot of discussion on social media about picture passes and punch cards and getting unlimited punch cards; do we know how many are issued on these three parcels. District General Manager Pinkerton said that none of them have requested any additional punch cards other than the five and that one parcel only has two.

Trustee Horan made a motion to pay the Washoe County Treasurer's Office \$33,177.81 in delinquent taxes owed on Assessor Parcels 126-294-18, 126-294-28 and 126-294-29, consistent with Nevada Revised Statutes 361.603(4) and to direct Staff to defer disposition of any other parcels that were acquired via Nevada Revised Statutes 361.603 until

a Formal Land Disposition Policy (or its equivalent) can be developed and incorporated into the forthcoming Incline Village General Improvement District Code. Trustee Morris seconded the motion. Chairwoman Wong asked for any comments.

Trustee Callicrate said that he didn't like the fact that the District is having to do this and in a sense it is going back and undoing this to pay these monies but because all of a sudden we are collecting the Recreation Fee, Washoe County wants to get the monies back, it is a very bad way to conduct business. He was against this from the beginning and how it has proceeded. He doesn't think it is a clean way to do this thus he will not be supporting this motion.

Chairwoman Wong said she will be supporting this motion as it was done in the past and we have done our due diligence and this motion takes the step to do that. In terms of Washoe County changing their mind, we don't have control over that and it is costing us \$1,600 for a maybe it was or maybe it wasn't which is a small price to pay for moving forward.

Trustee Horan said that the District did collect forty six thousand dollars and we are getting twenty four hundred dollars in Recreation Fees which we can talk about, etc. but it is time to develop a policy and move forward. It is not worth the Staff or Legal time so he will be supporting this motion.

Trustee Dent said he will not be supporting the motion because Nevada Revised Statutes 318.160 is pretty clear and the Board didn't authorize this sale. How do we know what the parcels are worth as we probably, could have gotten quite a bit more so he is not supporting this action.

Trustee Morris said he is supporting this motion as he doesn't see any point of spending any more money, let's put it to bed, and move forward.

Hearing no further comments, Chairwoman Wong called the question – Trustee Morris, Wong, and Horan voted in favor of the motion and Trustees Callicrate and Dent voted opposed; the motion passed.

- G.5. Review, discuss, and possibly approve Resolution 1861 for Proposed Amendments to Sewer Ordinance No. 2 and review, discuss, and possibly approve Resolution 1862 for Proposed Amendments to Water Ordinance No. 4 that includes a utility rate**



STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL
SUPREME COURT BUILDING
CARSON CITY 89701

ROBERT LIST
ATTORNEY GENERAL

September 11, 1975

Lester H. Berkson, Esq.
P. O. Box 269, Lake Tahoe
Stateline, Nevada 89449

Dear Mr. Berkson:

You have stated that the Incline Village General Improvement District (IVGID) has, pursuant to NRS 318.200, fixed a service charge and standby service charge for the operation and maintenance of community beaches, a swimming pool and recreational areas for its residents. NRS 318.201 authorizes the IVGID to elect to have such charges collected on the tax roll of the county together with general taxes.

The IVGID, pursuant to NRS 318.201, has so elected to have its charges collected on the tax roll of the county and, in accordance with that statute, submitted an annual report to the county treasurer for the purpose of determining what property shall be charged and at what rates. Paragraph 2(f) provides a list of exceptions to such charges. Charitable corporations are not included in the list of these exceptions.

A property owner in the District, Sierra Nevada College, has received an exemption from the levy of general taxes by Washoe County pursuant to NRS 361.140 as a charitable corporation. Sierra Nevada College has now applied to the IVGID to be exempt from the levy of recreational charges on the tax roll based on the fact that they are now exempt from the county's general taxes.

NRS 318.201(12) provides as follows:

"All laws applicable to the levy, collection and enforcement of general taxes of the District, including, but not limited to, those pertaining to the matters of delinquency, correction, cancellation, refund, redemption and sale, are applicable to such charges."

Lester H. Berkson, Esq.
September 11, 1975
Page Two

You have, therefore, asked the following question:

"Must IVGID allow those property owners who have been granted an exemption from the levy of general taxes on the tax roll by Washoe County a like exemption from the payment of recreation service charges collected on the same tax roll for the use of recreational facilities furnished by IVGID pursuant to NRS 318.200 and 318.201?"

The answer to this question would be in the negative. The specific authority for levying recreational charges upon property owners in a general improvement district is found in NRS 318.200. Any exemptions to such charges could be granted by a general improvement district pursuant to that statute and only that statute. The sole purpose of NRS 318.201, on the other hand, is merely to allow a convenient means of collecting this tax. That is, rather than have a general improvement district go to the trouble and expense of issuing its own tax levy, the statute provides that the county treasurer may permit the collection of such charges along with the general taxes of the county. The exemptions which may be contained in Chapter 361, therefore, pertain only to general taxes and not to the district's recreational charges.

NRS 318.201(12) does not, therefore, refer to all substantive laws relating to the collection of taxes, but only to the procedural laws of levying, collecting, and enforcing taxes and charges upon the residents of the county and the District. This is apparent from the language of the statute itself which evinces a clear intention to apply only the collection and enforcement provisions of Chapter 361 relating to such matters as delinquency, correction, cancellation, refund, redemption and sale.

Accordingly, it is the opinion of this office that the IVGID need not grant a service charge exemption to a charitable corporation merely because such a charitable corporation has also been granted an exemption by the county

Lester H. Berkson, Esq.
September 11, 1975
Page Three

from the county's general taxes. The IVGID is perfectly capable, pursuant to NRS 318.200, to grant or not grant such an exemption on its own.

Sincerely,

ROBERT LIST
Attorney General

By: Donald Klasic
Deputy Attorney General

DK:rms