

## MEMORANDUM

**TO:** Board of Trustees

**FROM:** Tim Callicrate  
Chair of the Board

Indra Winquest  
General Manager

Josh Nelson  
General Counsel

**SUBJECT:** Review, discuss, and provide potentially approve a scope of work for special legal counsel related to the beach deed and authorize the General Manager to execute a contract with counsel not-to-exceed \$25,000

**DATE:** September 2, 2021

---

### **I. RECOMMENDATION**

That the Board of Trustees review, discuss, and provide potentially approve a scope of work for special legal counsel related to the beach deed and authorize the General Manager to execute a contract with counsel not-to-exceed \$25,000.

### **II. BACKGROUND**

IVGID owns and maintains beaches along Lake Tahoe. These beaches were deeded to IVGID in 1968. This deed provides that the beaches shall be used "... only for the purposes of recreation by, and for the benefit of property owners and their tenants (specifically including occupants of motels and hotels) within the Incline Village General Improvement District as now constituted, and as the Board of Trustees of said District may determine, the guests of such property owners...."

Earlier this year, the Board of Trustees considered its historic practice of providing beach access to non-resident employees. During its discussion, the Board of Trustees requested that the General Manager retain special legal counsel to review this issue in more detail. In addition, the General Manager has convened an advisory committee to assist him in considering potential edits to Ordinance No. 7 for Board consideration. Some of these edits likely will involve beach access, and the Board will consider these potential edits in the upcoming months. It may be advisable to have special legal counsel review these potential edits for

consistency with the beach deed. Lastly, the Board may wish to make amendments to Policy 16.1 related to the recreation roll. Again, this may be an area where special counsel could provide assistance.

This item seeks Board approval of the proposed scope, selection process, and not-to-exceed amount for this work. For scope, the Board could retain special legal counsel for (1) a review of IVGID's historic practice of providing beach access to non-resident employees to ensure compliance with the deed and (2) to review any proposed edits to Ordinance No. 7 or Policy 16.1 to ensure compliance with the deed. To provide a competitive selection process, the Board should consider soliciting proposals from interested firms or attorneys. Selection of the firm or attorney could be structured a number of ways. However, to ensure this project moves forward expeditiously, the Board may wish to authorize the Chair and General Manager with input from the General Counsel to review and select the special counsel. The General Manager would then be authorized to execute a contract with the selected counsel with an expenditure limit of not-to-exceed \$25,000. This is less than the General Manager's general expenditure authority.

### **III. FINANCIAL IMPACT AND BUDGET**

The proposed impact would be not-to-exceed \$25,000.

### **IV. ALTERNATIVES**

Below are alternatives to the recommended action:

1. Review and revise the scope of work for special counsel.
2. Modify the selection process.
3. Decline to move forward at this time with this project.

### **V. BUSINESS IMPACT**

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