

**MEMORANDUM**

**TO:** Board of Trustees

**FROM:** Matthew Dent, Board Chairman

**SUBJECT:** Review, discuss and approve an agreement with Thorndal, Armstrong for legal services as it relates to the Beach Deed and IVGID Beaches in the not-to-exceed amount of \$50,000.00

**RELATED STRATEGIC PLAN INITIATIVE(S):**

Long Range Principle #1 - Service

The District will provide superior quality service through responsible stewardship of District resources and assets with an emphasis on the parcel owner and customer experience.

Long Range Principal #5 – Assets & Infrastructure

Long Term Initiative #4 - Identify Board Policies, Practices, Resolutions, and Ordinances related to District Asset Management and present to the Board those that need updating, elimination, or creation.

**RELATED DISTRICT POLICIES, PRACTICES, RESOLUTIONS OR ORDINANCES:**

Policy 3.1.0, paragraph 0.5, subparagraph h. Ordinance 7  
Policy 16.1.1 Recreation Roll, 1968 Beach Deed, Ordinance 7

**DATE:** April 5, 2023

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**I. RECOMMENDATION**

That the Board of Trustees Review, discuss and possibly make a motion to approve an agreement with Thorndal, Armstrong for legal services as it relates to the Beach Deed and IVGID Beaches in the amount of not-to-exceed \$50,000.00

**II. BACKGROUND**

The Board of Trustees has previously authorized this firm to work with the District during the Ordinance 7 evaluation process to provide recommendations to the Board of Trustees for what would become formal revisions. The prior scope of work included matters related to the 1968 Beach Deed and related subject matter as well as review of recommended revisions to Ordinance 7 and employee/gold and Silver Card holders access to IVGID beaches.

The scope of work in this engagement includes providing review and either confirmations that the District's Policies, Practices, Ordinances and procedures are in compliance with the 1968 Beach Deed and if not provide recommendations for changes and revisions.

**III. BID RESULTS**

None, not required for professional services. Please see the attached engagement letter from Thorndal, Armstrong dated March 3, 2023.

**IV. FINANCIAL IMPACT AND BUDGET**

This costs for this Engagement will be allocated to the Beach Fund as well as General Fund–Legal Services

**V. ALTERNATIVES**

The Board of Trustees may elect to not proceed with this engagement.

**VI. COMMENTS**

This engagement is made at the request of the Board of Trustees in order to provide continued legal oversight over the IVGID beach properties in order to ensure compliance with the 1968 Beach Deed and protect the assets of the Parcel Owners.

**VII. DISTRICT IMPROVEMENT, COST REDUCTION, RETURN ON INVESTMENT OR PRODUCTIVITY ENHANCEMENT**

The Return on Investment (ROI) is continuing to protect the integrity of District and Community Assets and ensure the District’s policies and practices are in compliance with the 1968 Beach Deed.

**VIII. ATTACHMENTS**

Thorndal, Armstrong Engagement Letter dated March 3, 2023.

**IX. DECISION POINTS NEEDED FROM THE BOARD OF TRUSTEES**

Does the Board of Trustees want to engage this or any other legal firm?

LAS VEGAS

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# THORNDAL ARMSTRONG

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March 3, 2023

***Via electronic mail only***

Matthew Dent, Chairman  
Board of Trustees  
Incline Village General Improvement District  
893 Southwood Blvd.  
Incline Village, NV 89451

***Re: Special Counsel Letter of Engagement***

Dear Chairman Dent:

Please allow the following to serve as my law firm's engagement letter to serve as special counsel to the IVGID Board of Trustees related to IVGID's regulation of restricted access beaches. At this time, I have been asked to provide legal services on several issues related to the 1968 Beech Deed and/or Ordinance 7, including the review of beach signage language under the 1968 Beach Deed and Ordinance 7 and the review of any proposed revisions to Ordinance 7. Our hourly rates for the contemplated work will be as follows: \$250.00 per hour for partners, \$225.00 per hour for associates, and \$95.00 per hour for paralegal work. Our hourly rates will not be increased at any time without written consent of IVGID. Costs for routine expenses such as copy costs should be minimal and will be billed separately. Travel time will be billed at our normal hourly rate (with no charges billed for mileage). No separate charge will be made for any secretarial work. We will provide IVGID with a bill for all services on a monthly basis.

In accordance with the applicable ethical rules, we have confirmed that we have no current actual conflicts of interest between IVGID and any clients of this firm nor are we aware of any such conflicts. Our firm carries errors and omissions insurance with limits of coverage of \$10,000,000 and we will provide you with a declarations' page reflecting this insurance coverage at your request.

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Attorneys also licensed to practice in  
Arizona, California, Maryland, New York, North Carolina, Oregon and Washington

Please let me know if the foregoing terms meet with your approval. We look forward to continuing to work with IVGID with respect to these issues. If you need any further information at this time, please do not hesitate to contact me.

Best regards.

Very truly yours,

A handwritten signature in blue ink that reads "Katherine F. Parks". The signature is written in a cursive, flowing style.

Katherine F. Parks

KFP

cc: Indra Winquest (via electronic mail)  
Josh Nelson, Esq. (via electronic mail)