

MEMORANDUM

TO: Board of Trustees

FROM: Matthew Dent
Chair

Josh Nelson
General Counsel

SUBJECT: Review, discuss, and potentially adopt Policy and Procedure No. 143/Resolution No. 1904 regarding advertisements in the IVGID Magazine

RELATED STRATEGIC PLAN INITIATIVES: Long Range Principle #6 Communication

DATE: August 30, 2023

I. RECOMMENDATION

That the Board of Trustees review, discuss, and potentially adopt Policy and Procedure No. 143/Resolution No. 1904 regarding acceptance of advertisements for the IVGID Magazine.

II. BACKGROUND

The District presently funds and manages the production of the “IVGID Magazine,” which publishes five times per year. The District contracts with CC Media Publishing for management of advertising submissions and rates, but the District has not adopted a formal policy regarding what is appropriate and acceptable for publication as an advertisement in the IVGID Magazine. This draft policy, attached hereto as Exhibit A, establishes the criteria that the District will apply to determine whether third-party-submitted proposed advertisements are acceptable, and clarifies that the District reserves the right to review proposed advertisements in advance and reject those which do not meet the adopted criteria.

In the District’s experience, certain types of advertisements can interfere with the District’s primary purpose of generating revenue to benefit City services. This policy advances the advertising program’s revenue-generating objective by prohibiting advertisements that could detract from that goal by creating substantial controversy, interfering with and diverting resources from transit or other City operations, and/or posing significant risks of harm, inconvenience, or annoyance

to transit passengers, operators and vehicles, and other members of the public. Such advertisements create an environment that is not conducive to achieving increased revenue for the benefit of City services or to preserving and enhancing the security, safety, comfort and convenience of its operations. The viewpoint neutral restrictions in this policy thus foster the maintenance of a professional advertising environment that maximizes advertising revenue.

In short, the following categories of advertisements will not be accepted under the draft policy:

- Ads that do not qualify as “commercial speech” (i.e., only ads that propose commercial transactions, like buying/selling/economic exchanges are permitted)
- Ads involving trademark/patent infringement
- Obscene, pornographic, and offensive ads (as defined in the policy)
- Defamatory, false, and deceitful ads
- Ads advocating for violence or portraying violence
- Ads directly or indirectly promoting any specific form of religion or religious practice, except for summer camps or similar programs that are open to all children in the community
- Ads that imply the District has “endorsed” any service, product, or point of view without prior written authorization
- Ads for tobacco, firearms, non-carbonated bottled water, cannabis products and services, CBD products and services, and short-term rentals
- Ads for ski areas, ski lesson providers, golf courses and golf shops, and tennis and pickleball centers or services other than those that the District owns, operates, or manages
- Ads that conflict with federal, state, or local law

In addition, all advertisements submitted for review must clearly identify the sponsor of that ad. Any person who is found to have violated the policy may be prohibited from submitting ad requests in the future. Language will be included when appropriate clarifying that the views expressed in the ad do not necessarily reflect the District’s position. And, the District’s GM or designee will retain the right to control the quantity, quality, and placement of all ads, and reject ads that do not comply with the adopted policy.

III. FINANCIAL IMPACT AND BUDGET

No direct impact by adoption of the policy. Ads published in the IVGID Magazine support the production of the magazine.

IV. ALTERNATIVES

Below are alternatives to the recommended action:

1. Adopt the proposed policy.
2. Decline to move forward at this time with this proposed amendment.
3. Suggest changes to the proposed policy and bring it back for discussion at the next meeting.

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.

VI. ATTACHMENT

Draft Policy and Procedure No. 143/Resolution No. 1904



Policy and Procedure No. 143

Resolution 1904

IVGID Magazine and Public Facility Advertising Policy

The Incline Village General Improvement District (“IVGID” or the “District”) is a general improvement district organized pursuant to NRS Chapter 318. As part of its services to local residents and visitors to the area, the District publishes regular editions of the “IVGID Magazine,” and owns and operates a number of publicly available facilities such as parks and tennis courts, among other things. To support the publication of the IVGID Magazine and related District functions, as well as in furtherance of the District’s interest in maintaining well-run public facilities, the District accepts paid advertisements from third parties, subject to rates published by the District for such purposes and this Advertising Policy.

In keeping with its functions noted above, and to the extent allowable by law, the District does not intend by accepting advertising to convert the IVGID Magazine or venues that it owns and operates into open public forums for public discourse, debate, or expressive activity. Rather, the District accepts advertising as a means of generating revenue to support its operations. In furtherance of this limited objective, the District retains control over the nature of advertisements accepted for publication in the IVGID Magazine and in its venue locations, and maintains such advertising space as a non-public forum. This policy prohibits advertisements that could detract from the District's goal of generating revenue or interfere with the safe and convenient delivery of District services to the public. This policy is intended to be an objective and enforceable standard for advertising that is consistently applied, and which is consistent with the free speech guarantees of the constitutions of the United States and the State of Nevada. Through this policy, the District intends to establish the following uniform, viewpoint-neutral standards for advertisements in the IVGID Magazine and in other venues owned and operated by the District:

1. In accordance with the revenue-generating purpose of this Policy, the District shall accept only advertisements which contain Commercial Speech, which is defined as speech that does no more than propose a commercial transaction, or is an expression related solely to the economic interests of the speaker and its audience (e.g., promotes for sale, lease, or other financial benefit a product, service, or other property interest). Notwithstanding the foregoing, the following types of content will be allowed:
 - a. Advertisements that promote IVGID services or programs, including co-sponsorships with third parties that relate to or support IVGID’s function and services; and
 - b. Advertisements from other local, state, or federal governmental agencies or legally affiliated entities relating to public programs, services, or events that do not otherwise qualify as Commercial Speech.
2. Advertisements that infringe on any copyright, trade or service mark, title, or slogan without the written consent of the owner of said copyright or mark will not be accepted.
3. Advertisements that are obscene or pornographic will not be accepted.
4. Advertisements that may be perceived as offensive to any religious, ethnic, racial, or political group will not be accepted.



Policy and Procedure No. 143

Resolution 1904

IVGID Magazine and Public Facility Advertising Policy

5. Advertisements that are clearly defamatory or contain false, deceitful, or grossly misleading information will not be accepted.
6. Advertisements that advocate for or portray acts of violence, murder, sedition, terror, vandalism or other acts of violence against persons, animals, or institutions will not be accepted.
7. Advertisements that directly or indirectly promote any form of religion or religious practice will not be accepted, except that local churches may advertise summer camp or similar programs that are available to all children in the community.
8. Advertisements that imply or declare an endorsement by IVGID of any service, product, or point of view without prior written authorization from IVGID will not be accepted.
9. Advertisements for tobacco, firearms, non-carbonated bottled water, cannabis products and services, CBD products and services, and short-term rentals will not be accepted.
10. Advertisements for ski areas, ski lesson providers, golf courses and golf shops, and tennis and pickleball centers or services other than those that the District owns, operates, or manages are prohibited.
11. Advertisements that otherwise are in conflict with any applicable federal, state, or local law, statute, or ordinance will not be accepted.
12. All advertisements must clearly identify the sponsor(s) of that advertisement.
13. Any person or entity who has previously violated any provision of this IVGID Magazine Advertising Policy may be prohibited from posting any advertisements.
14. All advertisements published by the District shall be formatted in such a way as to not be confused with IVGID's editorial content, and any "advertorial" style advertisements shall clearly state that the content is a paid advertisement. The District reserves the right to place a statement in all publications that says: "The views expressed in the advertisements in this publication do not necessarily reflect the views of the Incline Village General Improvement District."
15. Quantity, quality, and placement of all advertisements in the IVGID Magazine will be controlled by and subject to the specific approval of the District's General Manager or designee, who reserves the right to review each advertisement in advance and reject any proposed advertisement that does not meet the District's standards as set forth in this Policy.

The District reserves the right, from time to time, to amend, suspend, modify or revoke the application of any or all of these standards as it deems necessary to comply with legal mandates, or to facilitate its primary functions, or to fulfill the goals and objectives referred to herein. All provisions of this advertising policy shall be deemed severable.

Contracts granting advertising rights in the IVGID Magazine shall include this policy as an attachment.

MEMORANDUM

TO: Board of Trustees

THROUGH: Mike Bandelin, Interim General Manager

FROM: Susan Herron, Director of Administrative Services

SUBJECT: Approve a payment in the amount of \$7,200 to Erickson, Thorpe and Swainston, LLC

RELATED STRATEGIC PLAN BUDGET INITIATIVE(S): NOT APPLICABLE TO THIS ITEM

RELATED DISTRICT POLICIES, PRACTICES, RESOLUTIONS OR ORDINANCES: NOT APPLICABLE TO THIS ITEM

DATE: August 30, 2023

I. RECOMMENDATION

That the Board of Trustees approve a final payment to Erickson, Thorpre and Swainston, LLC in settlement for their work conducted.

II. BACKGROUND

There was an outstanding amount owed, pending negotiation, to Erickson, Thorpe and Swainston LLC. After the departure of the former District General Manager, Counsel reached out and asked for a settlement meeting. Acting District General Manager Mike Bandelin and Director of Administrative Services Susan Herron met with Counsel and negotiated a final payment for services rendered. The amount owed was \$10,277.60 and the settlement amount has been lowered to \$7,200.00.

III. BID RESULTS

Not applicable

IV. FINANCIAL IMPACT AND BUDGET

These funds will come out of the General Fund.

V. ALTERNATIVES

Decline this request and assume that this law firm will proceed with legal actions

against the District for funds owed.

VI. COMMENTS

There are no additional comments.

VII. BUSINESS IMPACT/BENEFIT

This item is not applicable to a business impact statement.

VIII. ATTACHMENTS

None

IX. DECISION POINTS NEEDED FROM THE BOARD OF TRUSTEES

An approval, by the Board of Trustees, is needed in order to make this payment.