

**MEMORANDUM**

**TO:** Board of Trustees

**FROM:** Indra Winquest  
District General Manager

Josh Nelson  
General Counsel

**SUBJECT:** Review, discuss, and adopt Policy and Procedure No. 141/Resolution No. 1895 regarding complimentary and discounted use of District facilities and programs

**DATE:** May 18, 2022

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**I. RECOMMENDATION**

That the Board of Trustees review, discuss, and adopt Policy and Procedure No. 141/Resolution No. 1895 regarding complimentary and discounted use of District facilities and programs.

**II. BACKGROUND**

The Audit Committee requested a legal opinion responding to a community member's letter asking whether a number of IVGID expenditures and programs complied with Dillon's Rule. The General Counsel provided an opinion on these items at a series of Audit Committee meetings. Ultimately, the Audit Committee requested that the Board of Trustees consider hiring legal counsel to refine and/or create policies to ensure the District is in compliance with Dillon's Rule. The Board authorized a review of its personnel, facility use, and contribution policies at its September 2, 2021 meeting. This work was proposed to be accomplished in two phases: (1) an initial review and then workshop with the Board on potential changes and (2) preparing redlines based on Board feedback.

At its December 8, 2021 meeting, the Board reviewed its current policies and provided direction for future amendments. These current policies are (1) Policy and Procedure No. 110/Resolution No. 1493 (Community Relations Expenditures), (2) Policy and Procedure No. 115/Resolution No. 1527 (Use of Boardroom), (3) Policy and Procedure No. 127/Resolution No. 1619 (Complimentary Use of Facilities) and (4) Policy and Procedure No. 132/Resolution No. 1701 (Discounted Use of Non-Profits and Similar Groups). Copies of these four policies are enclosed

for reference. These policies generally fall into two categories: (1) complimentary or discounted use of facilities or programs and (2) monetary contributions.

At the December workshop, the Board felt that free and discounted use of facilities and programs should be addressed within IVGID's pricing policy. The Board also felt that monetary contributions should be handled on an individual basis by the Board. As the Board recently approved a revised pricing policy, staff recommends that the Board formally adopt a modified policy on free and discounted use of facilities and programs.

Enclosed is a draft policy. Of note, it includes the following:

- Defines Eligible Groups: Eligible groups are defined as a local non-profit, a national non-profit with a local chapter, or local government agency or school district. Local means the Incline Village/Crystal Bay community.
- Links to the Pricing Policy: This policy does not provide any complimentary or discounted use. It entitles eligible groups to the use prescribed in the District's pricing and similar policies.
- Blackout Dates: The policy continues the current practice of prioritizing resident and revenue-producing use of venues and programs. Staff is permitted to establish blackout dates when non-profits may not use the venue.
- Pricing and Promotional Programs: The policy recognizes that the District may offer other pricing or promotional programs to the public or a segment of the public (i.e., local students). These programs must be approved by the Board unless they are within the General Manager's signature authority.
- Non-exclusive: The policy does not preclude the Board from making additional discounts or monetary contributions in its discretion. However, no monetary contributions are authorized under the draft policy.
- Repeal of Prior Policies: This policy will replace the four existing policies.

### III. FINANCIAL IMPACT AND BUDGET

No direct impact by adoption of the Policy.

#### **IV. ALTERNATIVES**

Below are alternatives to the recommended action:

1. Decline to move forward at this time with this project.
2. Modify the proposed policy.

#### **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.



## POLICY AND PROCEDURE RESOLUTION NO. 141

### RESOLUTION 1895

#### A RESOLUTION REGARDING THE COMPLIMENTARY AND DISCOUNTED USE OF DISTRICT FACILITIES AND PROGRAMS

**WHEREAS**, the Incline Village General Improvement District (IVGID) operates a number of facilities and recreational programs;

**WHEREAS**, IVGID has a number of policies regarding the complimentary and discounted use of District facilities and recreational programs;

**WHEREAS**, IVGID's Board of Trustees wishes to adopt this Resolution to comprehensively address the complimentary and discounted use of District facilities and recreational programs; and

**THEREFORE, BE IT RESOLVED**, as follows:

1. Community Focused Non-Profits. Community Focused Non-Profits shall be entitled to complimentary and discounted use of District facilities and recreational programs as set forth in applicable Board of Trustees Policies and Practices. Eligible non-profits shall be a local non-profit, a national non-profit with a local chapter, or local government agency or school district. Local shall be defined as the Incline Village/Crystal Bay community. Organizations shall provide supporting documentation of their non-profit status prior to receiving complimentary or discounted use of District facilities and recreational programs. Non-government agencies shall be an IRS 501(c)(3) non-profit corporation or similar organization. All entities shall otherwise comply with all applicable terms and conditions for use of the facility or participating in the program, including insurance requirements.
2. Blackout Dates. IVGID prioritizes the use of IVGID facilities for resident or revenue-generating use. As such, IVGID staff may identify dates in which complimentary or discounted use of District facilities are unavailable. Moreover, resident or revenue-generating use shall take priority over complimentary or discounted use.
3. Pricing and Promotional Programs. IVGID may provide other special pricing, discount, or promotional programs to the general public or to a category of the general public. Examples may include complimentary lift tickets to Diamond Peak for local students or a round of golf at the Mountain Golf Course for a local charity. Programs exceeding the General Manager's expenditure limit shall be approved by the Board of Trustees.



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- 4. Fee Waivers or Contributions. The Board of Trustees may authorize additional complimentary or discounted use of District facilities and recreational programs in its discretion. In addition, the Board of Trustees may authorize monetary contributions to Community Focused Non-Profits or other entities to the extent permitted by NRS 318 and other applicable law. This Resolution does not affect or invalidate any existing joint use or similar agreement with a Community Focused Non-Profit, which be deemed an additional use subject to this Section.
  
- 5. Prior Resolutions Superseded. This Resolution supersedes Resolution Nos. 1493 (Policy and Procedure Resolution No. 110), 1527 (Policy and Procedure Resolution No. 115), 1619 (Policy and Procedure Resolution No. 127) and 1701 (Policy and Procedure Resolution No. 132) (collectively, the "Prior Resolutions"). The Prior Resolutions are hereby repealed and of no further force or effect.

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I hereby certify that the foregoing is a full, true and correct copy of a resolution duly passed and adopted at a regularly held meeting of the Board of Trustees of the Incline Village General Improvement District on the 26th day of May, 2022, by the following vote:

AYES, and in favor thereof,  
NOES,  
ABSENT,

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Sara Schmitz  
Secretary, IVGID Board of Trustees