

MEMORANDUM

TO: Board of Trustees

THROUGH:

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
(Requesting Trustee: Chairman Matthew Dent)

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.

RELATED DISTRICT POLICIES, PRACTICES, RESOLUTIONS OR ORDINANCES Policy 3.1.0, paragraph 0.5, subparagraph h.

DATE: March 22, 2023

I. RECOMMENDATION

That the Board of Trustees Review, discuss and possibly makes a motion 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 review. The Board of Trustees would like to retain this firm once again to assist with related beach deed matters, Ordinance 7 clean up, and general overall review of processes and procedures as it relates to the beach deed.

III. BID RESULTS

None, professional services. Please see the attached engagement letter from Thorndal, Armstrong

IV. FINANCIAL IMPACT AND BUDGET

This effort is unbudgeted and will be paid for by the Beach Fund.

V. ALTERNATIVES

Not approve this engagement.

VI. COMMENTS

This engagement is made at the request of the Board of Trustees.

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

The ROI is that with this review, Staff will be able to possibly avoid some legal landmines as it related to the beach deed.

VIII. BUSINESS IMPACT

IX. ATTACHMENTS

1. Thorndal Armstrong Engagement Letter 03032023

X. DECISION POINTS NEEDED FROM THE BOARD OF TRUSTEES

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

Does the Board of Trustees want to engage another legal firm?

LAS VEGAS

1100 E. BRIDGER AVENUE
LAS VEGAS, NV 89101
(702) 366-0622
(702) 366-0327 FAX



**THORNDAL
ARMSTRONG**
ATTORNEYS

A PROFESSIONAL CORPORATION
www.thorndal.com

ESTABLISHED 1971

KATHERINE F. PARKS, ESQ.
RENO OFFICE
kfp@thorndal.com

RENO

6590 S. MCCARRAN BLVD.
SUITE B
RENO, NV 89509
(775) 786-2882
(775) 786-8004 FAX

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.

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,



Katherine F. Parks

KFP

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