

MEMORANDUM**TO:** Board of Trustees**FROM:** Sergio Rudin
Legal Counsel**SUBJECT:** Review, Discuss, and Possibly Approve District Policy and Procedure 138 – Resolution No. 1910; Naming/ Dedication of IVGID Facilities and Acknowledging Important Local Persons, Events, or History.**DATE:** August 28, 2024**I. RECOMMENDATIONS**

That the Board of Trustees make a Motion to Approve an Updated District Policy and Procedure 138 – and Adopt Resolution No. 1910; Naming/ Dedication of IVGID Facilities and Acknowledging Important Local Persons, Events, or History.

II. DISTRICT STRATEGIC PLAN

This action supports Long Range Principle #6, Communication; *“The District will engage, interact and educate to promote understanding of the venues, facilities, services, and ongoing affairs,”* and Long Range Principle #7, Governance; *“The District is a local agency that delivers exemplary recreational experiences and provides the highest level of water, sewer, and solid waste services while striving for fiscal and environmental sustainability through collaboration, civic participation, and transparency.”*

III. BACKGROUND AND DISCUSSION

During a recent Board of Trustees meeting, the Board of Trustees discussed and reviewed the existing Policy and Procedure 138 – Resolution No. 1849; Naming/ Dedication of IVGID Facilities and Acknowledging Important Local Persons, Events, or History (“Policy”). The Policy was adopted in 2016, and staff previously identified the following areas as being appropriate for potential revision:

- The policy, at present, expressly governs “Naming/Dedication” of IVGID Facilities, Placement of Placards at Diamond Peak, Placards of Historical Merit, and other items of acknowledgement. It is not clear whether the policy is intended to govern acceptance of donations, or partnership on projects such as the Veterans Memorial project recently discussed before

the Board. The heading in Section A states that it applies to “All Activities,” which is never defined.

- Page 1, Recitals, refers to a Memorandum of Understanding with the Incline-Tahoe Parks and Recreation Vision Foundation, Inc., also commonly known as the Incline-Tahoe Foundation. The MOU referenced has been terminated by Incline-Tahoe Foundation, and accordingly the policy should be revised to eliminate mention of the MOU.
- Page 2, Paragraph A.2 states that “funding, if applicable, shall be done solely through the Incline-Tahoe Parks and Recreation Vision Foundation, with approval by IVGID as to suitable location and/or facility”
 - It is unclear what activities this is intended to a restriction on. The Board should provide direction on whether this restriction should remain in the Policy, as it may limit the ability of the District to work directly with donors or other non-profit organizations which is likely not intended.
 - It is also unclear who at IVGID has authority to approve locations or facilities, and the policy should be clarified to specify whether requests are approved by the Board or by staff.
- Page 2, Paragraph A.4 — recommend removing mention of “no special maintenance or long-term replacement costs” — all projects will have some kind of maintenance or replacement cost, but the policy never defines “special maintenance.”
 - The policy should instead specify that the District is not obligated to maintain or replace any improvements, and any maintenance decisions will be subject to future budgetary approval and the discretion of the Board.
- Page 2, Paragraph A.5 — this section states that the District is not responsible for repair or replacement; however, the policy should address ownership and title to improvements in addition to the District’s rights to remove improvements.
 - Improvements should become property of the District, so that the District can dispose of them. Additionally, the policy should address that improvements will not be returned and may be disposed of (note that return can become impractical, as it can be very difficult to track down the original party or their heirs’ decades after improvements are accepted).
- Page 2-3, Section B – Rotary Benches — this section does not include any provisions regarding how Rotary Club benches are to be approved, or who has authority to approve them on behalf of IVGID.
 - The Board should provide direction on what process staff should follow to obtain approval, or whether this authority should be delegated to staff.
 - Additionally, the Board should provide some direction on any limitations on the location and number of benches, if approval authority is to be delegated.

- Page 3, Section C – Brass Placards at Diamond Peak – recommend references to specific deadlines to submit materials be removed. In general, agenda items brought under this policy should be prioritized in light of competing District business, and that the policy should not require that the placards be considered at the beginning of a meeting or as a business item, and there is no need to have the policy address public comment, which is already addressed by Nevada’s Open Meeting Law.
 - Consider whether to remove the advertising requirement as no public hearing is required for this kind of item.
- Pages 3-4, Section D – Historical Merit — recommend removal of advertisement requirements, requirements that the item be considered at the beginning of a meeting or as a business item, discussion of public comment and removal of requirements to adopt a resolution. This section may be combined with Section A or Section F.
- Page 4, Section E — Naming of Facilities — many agencies will allow facilities to be named after persons in the community who have made a significant contribution, or after donors who have funded the construction of the particular facility. Consider whether to amend the policy to allow the naming of facilities in recognition of donated facilities.
- If policy is revised to encompass the acceptance of commissioned or donated artwork or sculptures, it is recommended that waivers of artists’ moral rights should be required as part of any acceptance. The policy should include provisions that indicate that the acceptance of any monuments or artwork shall be at the sole discretion of the Board of Trustees, which action shall be deemed government speech, and any acceptance of one artwork or monument shall not be interpreted to create any public forum or require the acceptance of other artwork or monuments by IVGID.

Attached is proposed policy language that addresses the above concerns, for consideration by the Board of Trustees.

IV. FINANCIAL IMPACT AND BUDGET

None anticipated.

V. ALTERNATIVES

Do not give direction.

VI. 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.

VII. ATTACHMENTS

1. Attachment 1 - Red-lined Policy and Procedure 138 – Resolution No. 1849; Naming/ Dedication of IVGID Facilities and Acknowledging Important Local Persons, Events, or History
2. Attachment 2 - Policy and Procedure 138 – Resolution No. 1910; Naming/ Dedication of IVGID Facilities and Acknowledging Important Local Persons, Events, or History – for Approval and Adoption

POLICY AND PROCEDURE ~~RESOLUTION~~ NO. 138
Resolution No. 18491910

**NAMING/DEDICATION OF IVGID FACILITIES AND ACKNOWLEDGING
IMPORTANT
LOCAL PERSONS, EVENTS, OR HISTORY**

WHEREAS, the Incline Village General Improvement District (IVGID) receives requests from its citizens to name and/or dedicate facilities and/or place plaques, markers, or other ~~items~~ donated improvements indicating acknowledgement, tribute, or remembrance which will be long-term symbols for all to see; and

~~**WHEREAS**, IVGID has entered into a Memorandum of Understanding with the Incline Tahoe Parks and Recreation Vision Foundation, Inc. (the Foundation) who (A) wishes to support IVGID's Community Services Fund and has the opportunity to accomplish more than public funding allows, (B) the private nature of the Foundation also provides the added advantage of dedicated donor services, (C) IVGID wishes to benefit from the fundraising activities of the Foundation, and (D) promote a positive relationship with their Staff, Board of Directors and volunteers; and~~

WHEREAS, it is necessary to establish policies and procedures governing these activities that may take place at IVGID's facilities to guide staff in administering a consistent policy throughout IVGID; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT, that it hereby adopts the following policies and procedures to govern naming and dedication of facilities, and acknowledgments of local persons, events, and history, and acceptance of donated improvements: -

A. POLICY AND PROCEDURE APPLICABLE TO FOR MAKING FOR REQUEST ALL ACTIVITIES

1. A person making a request for dedication or acknowledgment shall submit a detailed resume and justification, including background, and any historical information, as to the relevance and benefit to the District or local area and Incline Village/Crystal Bay community shall be submitted. Names submitted for individual Individuals (living or dead) should be suggested for acknowledgement should be those who have contributed greatly to the community. All requests shall be based on geographical, historical, or individual significance, or be for persons,

events or history generally recognized and known throughout the area. Where consideration involves geographical or historical connotations, support for the request should be solicited from historical societies or other groups or entities having knowledge of the area. and shall be in accordance with NRS 338.200 which reads as follows:

~~NRS 338.200 Prohibition against naming public building or structure after current member of governing body. No public building or other public structure, other than a street or road, may be named after a person who is at the time a member of the governing body which has jurisdiction or control over the building or structure or which is responsible for it.~~

~~(Added to NRS by 1981, 1337)~~

~~2. Funding, if applicable, shall be done solely through the Incline Tahoe Parks and Recreation Vision Foundation, Inc. with approval by IVGID as to the suitable location and/or facility.~~

~~3. All requests shall be consistent with the Values, Mission, Goals, and Strategic Plans of the Incline Village General Improvement District.~~

2. All requests shall be consistent with the Values, Mission, Goals, and Strategic Plans of the Incline Village General Improvement District.

4.3. All requests to place donated improvements shall be evaluated to determine if improvements are consistent with District design and engineering best practices, comply with any land use, zoning, and deed restrictions, and fit shall be within the sited appropriately based on existing context, and require no special maintenance or long-term replacement costs. A requestor seeking to place donated improvements shall include a statement addressing these subjects as part of any request.

~~4 AllThe District shall not be responsible for the repair or replacement of donated items and reserves the right to remove at a later date should it become necessary for District operations.~~

~~5. All requests, if possible, should have geographic, topographic, historical, or individual significance, generally recognized and known throughout the area and where consideration involves geographical, topographical, or historical connotations, help should be solicited from historical societies, or other groups or entities having knowledge of the area.~~

~~7 All existing and in situs markers, placards, monuments, acknowledgements and memorializations within the District are deemed to be approved and the District shall not be responsible for the repair or replacement of these items,~~

and reserves the right to remove at a later date should it become necessary for District operations.

5. ~~While the District reserves the right to remove at a later date should it become necessary for District operations,~~ all requests should will be reviewed within the context of a potentially becoming long-term improvements on IVGID lands.
- ~~6-5.~~ All ~~The concurrence or objection by any known family members shall be considered as part of approving~~ requests for recognition of an individual will be reviewed with any known family members, and their concurrence or objection shall be considered in the approval process. Only one request per individual will be considered for placement/installation.
6. Any requests in memorial memory of an deceased individual will not be considered earlier than prior to one year from their that person's passing in an effort to respect the grieving period of the family members and community.
7. All requests shall be subject to the approval of the Board of Trustees as part of a meeting held in accordance with Nevada's open meeting law.

B. POLICY RELATED TO ACCEPTANCE AND MAINTENANCE OF IMPROVEMENTS

1. All donated improvements, including placards, name plates, benches, or other physical improvements, shall be deemed to become property of the District and title shall pass to the District upon installation.
2. Any donated artwork, sculpture or other works of artistic expression shall be accepted only with a waiver of the artist's moral rights under applicable state and federal law, including under copyright laws and the Visual Artists Rights Act of 1990 (if applicable). Acceptance and installation of any particular artwork shall be at the discretion of the Board of Trustees and shall be deemed an act of government speech, and such acceptance shall not create a forum for free expression nor require the District to accept or allow the installation of any other artwork or work of improvement.
2. The District shall not be obligated to repair or replace any donated improvements, and any maintenance decisions will be subject to future budgetary approval made at the discretion of the Board of Trustees.
3. The District reserves the right to remove all acknowledged as determined necessary in the sole discretion of the District, including but not limited to due to lack of funds for maintenance.
4. The District shall not be required to return donated placards, acknowledgements, monuments, or other improvements. Upon a determination by the Board to remove an improvement, it may be disposed of by any means permitted by law.

~~5. All existing and in situs markers, placards, monuments, acknowledgements and memorizations within the District are deemed approved, subject to the provisions of this Policy.~~

~~7.~~

~~**B. POLICY AND PROCEDURE FOR ROTARY BENCHES**~~

~~1. Incline Village General Improvement District (IVGID) has enjoyed a long and respectful relationship with the Rotary Club and has been able to work successfully with them to enhance our community through their bench program. It is the desire of both parties to continue this relationship and document how the process works. Below are the steps for the process of requesting a bench through the Rotary Club:~~

- ~~a. Contact IVGID or the Rotary Club~~
- ~~b. Submit application and pay applicable fees to Rotary~~
- ~~c. Rotary coordinates with IVGID to determine site availability and need~~
- ~~d. Installation shall be coordinated with IVGID based on weather, site conditions, and available staff.~~

~~**C. POLICY AND PROCEDURE FOR BRASS/BRASS-LIKE PLACARDS AT CRYSTAL RIDGE AT DIAMOND PEAK**~~

~~1. Incline Village General Improvement District (IVGID) has a long tradition of honoring skiers who have played a significant role at Diamond Peak Ski Resort and who have passed, by placing a small brass/brass-like placard on a rock located near Crystal Ridge. These placards have been placed at the request of the family and done at no cost to the requester. It is the desire to continue this practice. Below are the steps for the process of requesting a small brass/brass-like placard through the Diamond Peak Ski Resort General Manager:~~

- ~~a. Send an e-mail or contact the Diamond Peak General Manager with a detailed resume and justification at least thirty (30) days prior to the next scheduled Board of Trustee meeting, however sixty (60) days is preferable for full consideration.~~
- ~~b. Once the review is completed by the Diamond Peak General Manager and that placard is scheduled for a particular Board of Trustees meeting, Staff will place an advertisement, no smaller than one quarter of the page, in the display section of the local newspaper to make the public aware of this potential recognition.~~

- c. ~~The General Business item will be placed on the Board of Trustees agenda at the start of the meeting with a detailed agenda description. This item will be open to public comment by anyone desiring to comment on the item and that public comment will be governed by the public comment instructions on said agenda.~~
- d. ~~Placement of a placard must be adopted by the Board of Trustees in the form of a resolution.~~

D. POLICY AND PROCEDURE FOR PLACARDS OF HISTORICAL MERIT

- 1. ~~A detailed resume and justification, including background, description of preferred placard as to the relevance and benefit to the District and/or local area, as well as which category of this policy and procedure that the request is made under, must be submitted, in writing, to the District General Manager or his designee at least thirty (30) days prior to the next scheduled Board of Trustees meeting however it is preferably that it is done sixty (60) days in advance. The Board of Trustees meets on the last Wednesday of each month unless their meeting is rescheduled by the Board of Trustees during a previous meeting.~~
- 2. ~~Once the review is completed by the General Manager and that placard is scheduled for a particular Board of Trustees meeting, Staff will place an advertisement, no smaller than one quarter of the page, in the display section of the local newspaper to make the public aware of this potential recognition.~~
- 3. ~~The General Business item will be placed on the Board of Trustees agenda at the start of the meeting with a detailed agenda description. This item will be open to public comment by anyone desiring to comment on the item and that public comment will be governed by the public comment instructions on said agenda.~~
- 4. ~~Placement of a placard of historical merit must be adopted by the Board of Trustees in the form of a resolution.~~

EC. POLICY AND PROCEDURE FOR NAMING OF IVGID FACILITIES

- 1. Currently, Incline Village General Improvement District (IVGID) has two of its facilities, Anne Vorderbruggen Administration Building and Preston Field, named for community members who contributed significantly to the

District. In order to have a facility named the following process will be followed:

- a. ~~A detailed resume and justification, including background, description of preferred name, and historical information as to the relevance and benefit to the District and/or local area, as well as which category of this policy and procedure that the request is made under, must be submitted, in writing, to the District General Manager or his designee at least thirty (30) days prior to the next scheduled Board of Trustees meeting however it is preferably that it is done sixty (60) days in advance. The Board of Trustees meets on the last Wednesday of each month unless their meeting is rescheduled by the Board of Trustees during a previous meeting. An application shall be made in accordance with Section A of this Policy.~~
- b. ~~Once the review is completed by the General Manager and that request for naming is scheduled for a particular Board of Trustees meeting, that meeting will be noticed as a public meeting, and two public meetings by the Board of Trustees will be held to consider the dedication/naming of any facility.~~
- c. ~~The decision to name an IVGID facility must be adopted by the Board of Trustees in the form of a resolution.~~

2. Naming of facilities shall comply with NRS 338.200 which reads as follows:

NRS 338.200 Prohibition against naming public building or structure after current member of governing body. No public building or other public structure, other than a street or road, may be named after a person who is at the time a member of the governing body which has jurisdiction or control over the building or structure or which is responsible for it.

e.

F. POLICY AND PROCEDURE FOR ALL OTHER FORMS OF COMMEMORATION AND/OR RECOGNITION

1. ~~A description of the alternative form of commemoration and/or recognition shall be submitted and drawings or similar provided to convey a full understanding of the proposed concept.~~
2. ~~A detailed resume and justification, including background, description of preferred name, and historical information as to the relevance and~~

~~benefit to the District and/or local area, as well as which category of this policy and procedure that the request is made under, must be submitted, in writing, to the District General Manager or his designee at least thirty (30) days prior to the next scheduled Board of Trustees meeting however it is preferably that it is done sixty (60) days in advance. The Board of Trustees meets on the last Wednesday of each month unless their meeting is rescheduled by the Board of Trustees during a previous meeting.~~

- ~~3. Once the review is completed by the General Manager and the request is scheduled for a particular Board of Trustees meeting, that meeting will be noticed as a public meeting, and two public meetings will be held to consider the dedication.~~
- ~~4. The request must be adopted by the Board of Trustees in the form of a resolution.~~

This Policy Resolution No. 138, Resolution No. 19101849 supersedes any and all existing documents specifically Resolution No. 138, Resolution No. 1849 and Policy Resolution No. 125, Resolution No. 1599, and all prior versions thereof.

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 ___ day of August, 2024 by the following vote:

AYES, and in favor thereof, Trustees:

NOES, Trustees:

Presented and Adopted on August ___, 2024

Secretary

IVGID Board of Trustees

POLICY AND PROCEDURE NO. 138
Resolution No. 1910

**NAMING/DEDICATION OF IVGID FACILITIES AND ACKNOWLEDGING
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WHEREAS, it is necessary to establish policies and procedures governing these activities that may take place at IVGID's facilities to guide staff in administering a consistent policy throughout IVGID; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT, that it hereby adopts the following policies and procedures to govern naming and dedication of facilities, and acknowledgments of local persons, events, and history, and acceptance of donated improvements:

A. PROCEDURE FOR MAKING FOR REQUEST

1. A person making a request for dedication or acknowledgment shall submit a detailed justification, including background and any historical information, as to the relevance to the District and Incline Village/Crystal Bay community. Individuals (living or dead) suggested for acknowledgement should be those who have contributed greatly to the community. All requests shall be based on geographical, historical, or individual significance, or be for persons, events or history generally recognized and known throughout the area. Where consideration involves geographical or historical connotations, support for the request should be solicited from historical societies or other groups or entities having knowledge of the area.
2. All requests shall be consistent with the Values, Mission, Goals, and Strategic Plans of the Incline Village General Improvement District.
3. Requests to place donated improvements shall be evaluated to determine if improvements are consistent with District design and engineering best practices, comply with any land use, zoning, and deed restrictions, and shall be sited appropriately based on existing context. A requestor seeking to place donated improvements shall include a statement addressing these subjects as part of any request.

4. All requests will be reviewed within the context of potentially becoming long-term improvements on IVGID land.
5. The concurrence or objection by any known family members shall be considered as part of approving requests for recognition of an individual.
6. Any requests in memory of a deceased individual will not be considered prior to one year from that person's passing in an effort to respect the grieving period of the family members and community.
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2. The District shall not be obligated to repair or replace any donated improvements, and any maintenance decisions will be subject to future budgetary approval made at the discretion of the Board of Trustees.
3. The District reserves the right to remove all acknowledged as determined necessary in the sole discretion of the District, including but not limited to due to lack of funds for maintenance.
4. The District shall not be required to return donated placards, acknowledgements, monuments, or other improvements. Upon a determination by the Board to remove an improvement, it may be disposed of by any means permitted by law.
5. All existing and in situs markers, placards, monuments, acknowledgements and memorialization's within the District are deemed approved, subject to the provisions of this Policy.

C. POLICY AND PROCEDURE FOR NAMING OF IVGID FACILITIES

1. Currently, Incline Village General Improvement District (IVGID) has two of its facilities, Anne Vorderbruggen Administration Building and Preston

Field, named for community members who contributed significantly to the District. In order to have a facility named the following process will be followed:

- a. An application shall be made in accordance with Section A of this Policy.
 - b. Two public meetings by the Board of Trustees will be held to consider the naming of any facility.
 - c. The decision to name an IVGID facility must be adopted by the Board of Trustees in the form of a resolution.
2. Naming of facilities shall comply with NRS 338.200 which reads as follows:

NRS 338.200 Prohibition against naming public building or structure after current member of governing body. No public building or other public structure, other than a street or road, may be named after a person who is at the time a member of the governing body which has jurisdiction or control over the building or structure, or which is responsible for it.

This Policy Resolution No. 138, Resolution No. 1910 supersedes any and all existing documents specifically Resolution No. 138, Resolution No. 1849 and Policy Resolution No. 125, Resolution No. 1599, and all prior versions thereof.

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 ___ day of August 2024 by the following vote:

AYES, and in favor thereof, Trustees:

NOES, Trustees:

Presented and Adopted on August ____, 2024

Secretary

IVGID Board of Trustees