

MEMORANDUM

TO: Board of Trustees

FROM: David Noble, Trustee

SUBJECT: Review, Discuss, and Consider Having Legal Counsel Review the Beach Deed and Provide a Recommendation as it Relates to One or More of the Following Topics: (a) Beach Access for IVGID Employees, (b) Construction of a Safety Pier; (c) Beach access for Hyatt Guests and Hyatt Regency Club Owners, and/or (d) Beach Access for Water Safety Programs; amount remaining in Approved Contract is \$44,500.00.

RELATED DISTRICT POLICIES, PRACTICES, RESOLUTIONS OR ORDINANCES:
Ordinance 7

DATE: January 10, 2025

I. RECOMMENDATION

The Board of Trustees make a motion to:

1. Authorize Trustee David Noble to work with Legal Counsel to review the Beach Deed and provide a recommendation as it relates to one or more of the following:
 - a. Beach access for IVGID employees; and/or
 - b. Construction of a safety pier; and/or
 - c. Beach access for Hyatt guests and Hyatt Regency Club Owners; and/or
 - d. Beach access for water safety programs.

II. BACKGROUND

IVGID employees were provided access to District beaches for decades as one of the benefits of employment with the District. During the summer of 2022, IVGID

employees represented less than 2% of visitors to the District's beaches. On January 25, 2023, a majority of the Board of Trustees (Schmitz, Dent, and Tulloch) voted to no longer provide beach access to District employees.

NLTFPD has been working with various state and federal agencies and representatives to identify a location in the northeast section of Lake Tahoe to construct a safety pier in order to improve access for first responders on Lake Tahoe. Burnt Cedar Beach has been identified as a viable location.

The Hyatt has announced the start of construction activities later this year that will result in the closure of its beach. Pursuant to Ordinance 7, Hyatt guests and Hyatt Residence Club owners have access to the District's beaches.

For decades, at the end of the school year, Incline Elementary School's 3rd through 5th grade students/teachers would walk down to Ski Beach and learn about water safety from NLTFPD and District lifeguards. Beginning in 2022, the District placed restrictions on beach access for participants in the water safety program that resulted in the program being suspended at Ski Beach.

III. FINANCIAL IMPACT AND BUDGET

On February 14, 2024, the District entered into an engagement with McDonald Carano as special counsel to the District's policies on restricted access beaches in Incline Village. Pursuant to the engagement letter, fees would not exceed \$50,000, and a \$20,000 retainer was required. To date, the District has spent \$5,450 pursuant to this engagement with \$44,550 remaining.

IV. ALTERNATIVES

The Board of Trustees may do nothing, and the current beach access protocols and restrictions will remain in place.

V. DECISION POINTS NEEDED FROM THE BOARD OF TRUSTEES

Authorize Trustee David Noble to work with Legal Counsel to review the Beach Deed and provide a recommendation as it relates to (a) beach access for IVGID

employees; (b) construction of a safety pier; (c) beach access for Hyatt guests and Hyatt Regency Club owners; and/or (d) beach access for water safety programs.