

# ACTION ITEM MINUTES

The General Managers Advisory Committee Meeting on Ordinance 7, 5:30 p.m. on Tuesday, November 10, 2020 (held on Zoom).

Page 1 of 8

District General Manager Indra Winqest welcomed everyone, made sure that everyone had the agenda, and briefly explained the agenda.

## A. ROLL CALL OF COMMITTEE MEMBERS

**Committee Members:** Diane Becker, Mary Danahey, Denise Davis, Kristen Ferrall, Scott Hill, Margaret Martini, Hal Paris, Trevor Smith, Bruce Townsend, Ken Viel, and Frank Wright. Indra Winqest, IVGID District General Manager and Tim Callicrate, IVGID Board of Trustees, Chairman. **Administrative Support Staff:** Kari Ferguson and Susan Herron

**Reminder Only:** Rules of Engagement: All committee members shall be respectful of one another and treat each other with kindness. No one member shall talk over another member. All ideas are welcome however they may not be discussed in depth or in detail depending upon time and/or merit and that determination is solely held with the General Manager. All committee members are equal participants.

Bruce Townsend was absent on roll call but joined the meeting a little after 5:30 p.m. and Karen Viel is now joining the committee in lieu of Ken Viel.

## B. RECAP OF MEETING OF OCTOBER 27, 2020

GM Winqest gave a brief recap of the last meeting.

## C. REVIEW OF THE 2020 BEACH VISIT DATA

1. Questions/Discussion

GM Winqest gave an overview.

**Mr. Hill** asked about visits – picture passes increased – attributable to punch cards? GM Winqest said no, those are guest visits.

GM Winqest said he will have Mrs. Herron send out the presentation in the 11/18 packet once it is issued. **Action Item 018**

**Mr. Smith** said that visits actually went down on average.

GM Winqest said it is a different type of a year with more picture pass holders visiting.

**Mr. Smith** said relevant to this discussion is peak day; like to know what that number is.

GM Winqest said for a normal summer day – 2,500 to 3,000 between the three beaches, particularly on Saturday; during the week time, 1,500. Mid to late August, residents are wary of visitors but the peak season continues to expand out.

**Ms. Martini** said that peak summer is when our guests are here and crowding at the beaches is just to be expected.

GM Winqest agreed, a lot are guests of picture pass holders which is the reality. Can control but wanted everyone to understand the data.

## D. REVIEW PRIMARY CONCERNS/OPPORTUNITIES NEEDING TO BE ADDRESSED AS SUBMITTED BY COMMITTEE MEMBERS

1. Question and clarifications related to concerns/opportunities

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Page 2 of 8

## 2. Secondary concerns/opportunities

### Mr. Smith

Have assets, preserve the private property rights, understand the different viewpoints, own more than one property, all lots are equal, doing things that make sense, work for the community, don't want to destroy the value that we have by creating that asset. Don't use the beach a whole lot but his family does so there is value there. Like acquiring properties for friends and families which is where he uses his privileges. Reason that people buy here is because of what we have, really pushing for, let's preserve the value before we strip it away by going to something like one pass. Want to figure out how to do it to preserve that value. Having access to the IVGID facilities is a big deal. Make sense regulation is what he would like to do, keep the value. Lots of ways to solve it and open to any and all suggestions. Logical win/win solution and knows it will come with compromise, very important in this.

Mr. Hill – he came up with six items and read/reviewed those six items.

### 1) **Benchmarking beach and boat access procedures, policies and fee approaches with other similar public entities across the country.**

- a. **Rationale:** Benchmarking other entities' procedures, policies and fee approaches is an important first step in order to more fully understand what options may be available to us.

### 2) **Limitations on the use of our beaches by short term rental (STR) properties**

- a. **Rationale:** While we do not have direct, conclusive evidence that there is continual and therefore excessive use of the beaches by the licensees/tenants of STR's, anecdotal evidence suggests that it is a significant issue; Further, it appears that a not insignificant number of residents and Board members believe it to be an issue. Accordingly, we need to be responsive to the opinions of these stakeholder groups and place some reasonable limitations on STR beach access, either directly or through pricing approaches.

### 3) **The elimination of the current system of Picture Passes (PP) and Punch Cards PC)**

- a. **Rationale:** Our beaches (and other venues) are deeded to require IVGID to provide beach and other venue access to:
  - 1) **property owners** of IVGID parcels (as it was constituted in 1968),
  - 2) the **tenants** of such property owners,
  - 3) **occupants** of any hotel and motel parcels, and
  - 4) **guests** of property owners, **as the IVGID Board shall determine appropriate.**

Pricing and the level of access to IVGID facilities/venues (i.e. 'control and access' of the venues) appears to be vested with the IVGID Board of Trustees pursuant to the 1968 Deed.

Today, the mix of IVGID policies on access and fees-for-use creates administrative burdens, inconsistencies in access and treatment, and misunderstandings within our Community about Guest, Exchange and Daily Passes, pricing of access with or without PC's or PP's, etc. Implementation of a completely new and more straightforward system

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Page 3 of 8

would demonstrate that the Board and this Committee is responsive to these issues (e.g. *the issuance of PP's only, and the elimination of PC's*).

Our goal in this new system may perhaps be to develop a set of policies and approaches for residential parcel owners that is consistently applied to allow for beach and other venue access (e.g. PP holders must accompany guests, annual *per parcel* guest limitations to our beaches, fees for guest beach access or, alternatively, free beach access for limited numbers of guests per year, etc.).

In any new system we should create a similarly consistent approach for access to our venues by the tenants of residential parcels, tenants of commercial parcels, licensees/tenants of STR's, and licensees/owners-under-agreement of timeshares (e.g. limitations on number and types of passes, annual limitations on beach access, etc.).

**4) Clarification that hotel and motel occupants are a specific “class” of persons specifically allowed access under the Beach Deed, and that STR occupants do not qualify as hotel/motel occupants for purposes of interpreting the Beach Deed.**

- a. **Rationale:** In order to develop a fair system of access to our beaches and other venues, we need certainty that STR occupants do not qualify, legally, as hotel/motel occupants (who are specifically and separately granted access under the Beach Deed), or tenants. Once we have these clarifications, then the limitations that are created for STR guest access can be reasonably established in alignment with the access rights of other residential and commercial parcel owners and/or their tenants.

**5) Guest access limitations**

- a. **Rationale:** The current system of guest access essentially charges a fee to residents for guest access. One of the significant comments from the Community is that the value received for each parcel's Recreation fee of \$830 is not adequate, given the additional (not insignificant) charges to residents for using our venues (tennis, golf, ski, boat access, Recreation Center and guests at beaches). While additional limitations on guest beach access are essential and are also necessary if we want to reduce the overcrowding of our beaches, charging residents for each and every guest at the beach is viewed by many as inappropriate.

For example, consideration could be given to the establishment of an annual number of 'free' guest access beach visits *per parcel* (a benefit to residents over the current system), with a substantially higher daily guest fee after exceeding these visits. This approach may also be viewed as more equitable than the current system, by giving each parcel the same number of free annual guest beach visits before paying (a higher fee) for each additional guest use.

This higher fee could then be used as a basis for creating similar daily fees for STR and Timeshare use of the beaches, which may therefore limit some of the excessive use by these groups. Each STR or Timeshare *parcel* (not each ST renter or Timeshare *owner*) could be given the same number of annual free guest visits as every other parcel; above

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Page 4 of 8

that, guest visits would be charged a fee - and only if a PP holder/parcel owner (and not an agent) accompanied the guests.

In any event, apart from the above STR/Timeshare approach, in any new system strong consideration should be given to having all guest access limited to guests who are accompanied by PP holder/residents, in order that our beach overcrowding issues be adequately addressed.

## 6) Revision of Beach parking arrangements to provide more parking for resident Beachgoers.

- a. **Rationale:** A significant comment from the community related to beach overcrowding is the lack of parking available to resident beachgoers. In fact, this is viewed by some as an equal or even more serious issue than actual beach overcrowding.

Limiting beach parking to PP holders only would be a small but important initial step to improve resident parking access. Another relatively easy approach would be to create larger beach drop-off/walk-in areas (for both beaches) near the street (requiring hardscape and landscape work in addition to street access and paving work, etc.).

In addition, while parking at Burnt Cedar Beach is limited and likely cannot be expanded, Incline Beach parking is especially limited given the prioritization of parking in the Aspen Grove and overflow lots to boat trailers. Each of these lots are significantly dedicated to boat trailers which take up between two and three auto spaces each. Consideration should be given to having additional parking spaces available to beach-goers and limiting (to some extent) boat trailer parking at the beach (i.e. consider limiting boat trailer parking to PP holders exclusively, and further limiting the number of spaces available – with the addition of offsite trailer parking areas such as Diamond Peak. This must obviously also be accompanied with ‘resident only boat trailer street parking’ in the Lakeview and Mill Creek neighborhoods, if we have the ability to do that on County streets).

Giving residents the enhanced ability to park at these two lots (with PP only access) would thus remove a part of the parking issue that is a part of the overall beach overcrowding issue.

Finally, consideration of daily limitations on beach parking (e.g. two cars per parcel per day, parking exclusively for PP holders, or other approaches) might also be considered.

### Ms. Becker

1. I think that segregation of the beach privileges from the other community services privileges into two separate Ordinances is essential.
2. The beach fee is separate from the community services fee, and the privileges for the beaches are for the benefit of the parcel owners who pay the beach fees and their tenants. How do we operate our beaches so that they are for the benefit of the parcel owners and are maintained as private beaches for the parcel owners?

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Page 5 of 8

3. How do we ensure that our beaches are clearly known as private and are maintained as private? For example, what would it cost to have year around restricted beach access? Is there a way to do this electronically?
4. How do we define guests, and limit their access sufficiently so that the beaches remain for the benefit of the parcel owners. Other than having a picture pass card holder be present with their guest at the gate to provide access to their guest, how else can the District ensure that only parcel owners and their guests access the beaches?
5. How do we assure that in the future the Ordinances and all rules and regulations are set by the Board who are responsible to the parcel owners, not by staff.

Additional comment – Real rules with real enforcement.

Additional comment – Whatever the lawyer says needs to be followed because of the beach deed

## **Ms. Davis**

One priority for me is getting day-to-day procedures back in line with the written policies of Ord 7. It seems we've instituted a few things that are not covered in writing (i.e., daily access tickets/exchange passes). I'd like to find a happy medium between staff being able to carry out day-to-day activities and decision-making and IVGID trustees setting policy. Wording also needs to be updated to clarify the price difference for no beach access parcels to purchase additional cards.

Another priority I see is determining if access means unlimited access. Can we / should we limit the number of additional punch cards a parcel can purchase? Some of the homes in the area have been the traditional gathering spot for the family and the extended family is now quite large. STRs are not the only parcels that purchase additional punch cards.

Perhaps not a priority, but a question I have is does the Hyatt hotel want beach access or is it happy with its own beach? Is it equitable that it only pays two rec fees? What is the actual number of Hyatt hotel visitors using the beach?

Items I'd like further clarification on include the exact number of unbuildable parcels in the original boundary area, who owns the unbuildable parcels, and do the unbuildable parcels currently have picture passes and/or punch cards issued to them?

## **Ms. Ferrall**

Value to having the beaches should be defined – access, feel that kids are safe and that is where she holds her value.

See the beaches as assets

Revisiting the relevance of the family tree as it doesn't people like nannies, fiancée, partners, etc.

Having the parcel owner/picture pass holders accompanying their guest(s)

Instead of punch cards, it is a privilege, doing something like an ATM i.e. one punch card that represents all of the rec fee versus 1/5 of the rec fee

Definition of commercial businesses

Empower Staff and add to gate staff similar to Sage to enforce rules

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Page 6 of 8

## **Mr. Paris**

Enforcement of rules and having Senior Staff and the Board of Trustees support that enforcement. Legally defensible, this is a property rights issue; administrative – is some flexibility  
Change for the different amenities would be fantastic

## **Chairman Callicrate**

Splitting the ordinance is a good opportunity  
Getting backed up by Board of Trustees and General Manager/Senior Staff  
Getting information out is very important coupled with rule enforcement, take more responsibility  
Property rights are critical and have to be careful not to end up in court  
Sharing precious resources responsibly

## **Ms. Martini**

Parking and Aspen Grove – another employee to work parking  
Real rules with real enforcement; need to put in pamphlet form and an abundance of them  
Just put a big sign up on the gate shack, at the point of entrance, “Private Beach with Restricted Access by Pass Holders” – make it not subjective  
Have something that is set in stone, real set in stone that is defined in each category  
Accompanied – pretty good thing to do, that’s how it used to be as she recalls leaving work and accompanying her guests to the beaches to set up a BBQ with monitoring and penalties

## **Ms. Viel**

Not allowing the large tents makes a difference  
Parking – in summer time, do boat parking up at DP parking lot with a shuttle running up and down

## **Mr. Wright**

1. Make venues a priority for residents/Parcel owners and their guests.
2. Eliminate punch cards
3. End discrimination in our community!
4. All venues establish guidelines for priority reservations, and usage.
5. Stop charging residents for using Recreational Center, double rate for non-residents.
6. Buy back the unbuildable lots
7. Be diligent and follow the deed in its entirety; don’t violate it

## **Ms. Danahey**

Define where is the big problem and identify what demons or behaviors we are trying to change, if we can  
To be fair to all property owners - home values are affected by our amenities and we should make sure that we do not do anything that decreases the appeal of owning property in Incline.  
To simplify the Ordinance for the sake of property owners, guests and the IVGID employees charged with enforcing the Ordinance.

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Page 7 of 8

## **Mr. Townsend**

Picture passes versus the punch cards

Building things so people don't have to go to the beaches

Look at what privileges every property owner has

Look at when you haven't used all the money on your punch cards (promotions such as at the Mountain Golf Course)

## **GM Winquest**

Make it about the committee recommendations

Consistency is huge

Punch cards need to be eliminated or altered

Cap on additional punch cards that can be purchased

Disciplinary – swift and firm

Look at exchange and daily beach tickets

Property rights is a huge part of this; be careful and understand that legal is going to drive this – no massive litigation against the District

## **E. BEGIN REVIEW OF ORDINANCE 7 AS IT IS TODAY – SKIPPED THIS ITEM**

1. Review by section
2. Identify and note high level areas of concern/opportunity as determined by the Committee within the document
3. Note areas that may be outdated, obsolete, etc.
4. Be mindful of how the Committee could potentially separate the ordinance to allow for the beaches to be more stand alone

## **F. GOALS FOR NEXT MEETING**

1. Provide outline of legal questions/concerns/clarifications as discussed by Committee provided by Committee member Diane Becker – finalize by 11/13 and then get to Legal Counsel
2. Discussion with District Legal Counsel
3. Finish reviewing Ordinance 7 as it currently is (if needed) – highlight and be prepared to discuss
4. Discuss a committee verbal update to the Board of Trustees at their December 9, 2020 Board of Trustees meeting
5. Set next meeting date/time – (proposing Tuesday, December 1, due to Thanksgiving holiday or sometime that week or start a little earlier)

## **G. ADJOURNMENT – 7:15 p.m.**

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Page 8 of 8

## ACTION ITEM LIST

DATE	ACTION ITEM NUMBER AND BRIEF DESCRIPTION	WHO WILL COMPLETE	DATE COMPLETED
09/28/2020	001 – Form revision dates and explanation of revisions	GM Winqest	
09/28/2020	002 – Livestream links and survey results	Support Staff Herron	10/01/2020
09/28/2020	003 – Financial data	GM Winqest	
09/28/2020	004 – Historical spend	GM Winqest	
09/28/2020	005 – Input on Board philosophy	Chairman Callicrate	
09/28/2020	006 – Presentation from 09/09/2020	Support Staff Herron	10/01/2020
09/28/2020	007 – Resolution 1881	Support Staff Herron	10/01/2020
09/28/2020	008 – Two lawsuits	Support Staff Herron	10/26/2020 (posted to the website)
09/28/2020	009 – Punch card info	GM Winqest	
09/28/2020	010 – Info about guest accompanying picture pass holder	Committee Member Martini	
09/28/2020	011 – Visit distribution	GM Winqest	
09/28/2020	012 – 10/27 10 a.m. meeting date/time – does it work	All Committee Members	Scheduled
10/27/2020	013 – E-mail lawsuit information that is posted to the website	Support Staff Herron	
10/27/2020	014: Ms. Becker will write up the questions then Staff will circulate and get feedback. Following that feedback, will send to lawyers for their thoughts.	Ms. Becker	
10/27/2020	015: Ms. Martini to share the Bob McDonald document with the committee.	Ms. Martini	
10/27/2020	016: Staff to get all this information to the committee (from March 25, 2020).	Support Staff	
10/27/2020	017 - Winqest – at the other venues and programs, about 80% used by residents. Golf courses is less than that, number does change, will try and get better data	GM Winqest	
11/02/2020	018 – 11/18 presentation included in the BOT packet to be e-mailed to all committee members	Support Staff Herron	

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