MEMORANDUM

TO: Board of Trustees

FROM: Kendra Wong
      Chairwoman, IVGID Board of Trustees

SUBJECT: Review, discuss and possibly take action on Title 1 of the IVGID Code

DATE: January 10, 2019

At the December 12, 2018 Board of Trustees meeting, the Board had a discussion about the IVGID Code and the Board collectively decided to review Title 1 and discuss it at its first meeting in January. There was not a full Board present at the January 23, 2019 meeting so this item was carried forward to this meeting. This General Business item is the opportunity to do this activity.
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Golf Complimentary Privilege Policy Board approved General Manager Job Description ............... 260
Incline Village General Improvement District Code
("IVGID Code" or "District Code")

ENABLING LAW AND BACKGROUND

Nevada Revised Statutes (NRS) CHAPTER 318 - GENERAL IMPROVEMENT DISTRICTS
https://www.leg.state.nv.us/NRS/NRS-318.html

- GENERAL PROVISIONS
- ORGANIZATION OF DISTRICTS
- BOARD OF TRUSTEES; DISTRICT POWERS
- TAXATION
- BOUNDARIES; INCLUSION AND EXCLUSION OF PROPERTY
- ANNEXATION OF TERRITORY BY DISTRICT CREATED TO FURNISH ELECTRICITY
- BORROWING, BONDS AND SPECIAL ASSESSMENTS
- MERGER, CONSOLIDATION AND DISSOLUTION OF DISTRICTS
- CORRECTIVE ACTION
- EFFECT OF CHAPTER 542, STATUTES OF NEVADA 1967

WASHOE COUNTY ENABLING ORDINANCES

- Ordinance 97 (1961)
- First Amendment to Ordinance 97 (1964)
- Second Amendment to Ordinance 97 (June 1965)
- Third Amendment to Ordinance 97 (November 1965)
- Fourth Amendment to Ordinance 97 (May 1969)

Other State Laws and Regulations Governing IVGID Authority and Responsibility

- Public Works (NRS Chapter 338)
- The Local Government Budget and Finance Act (NRS Chapter 354)
- The Local Government Purchasing Act (NRS Chapter 332)
- Nevada Open Meeting Law (NRS Chapter 241)
- Nevada Public Records Act (NRS Chapter 239)

Legislative Counsel Bureau (LCB) Background Paper 83-4 “General Improvement Districts.”
https://www.leg.state.nv.us/Division/Research/Publications/Bkgnd/SP83-04.pdf

History of Incline Village General Improvement District
https://www.yourtahoeplace.com/ivgid/about-ivgid/history-of-ivgid

- Background of IVGID (Creation to Present)
- Crystal Bay GID combined with IVGID

IVGID Today

- Board of Trustees https://www.yourtahoeplace.com/ivgid/board-of-trustees
- Departments https://www.yourtahoeplace.com/ivgid/departments
  - Administration
    - Senior Management Team
    - Legal
    - Finance & Accounting
    - Asset Management
    - Human Resources
    - Risk Management
    - Information Technology
  - Public Works
    - Water
    - Sewer
    - Solid Waste
  - Parks, Recreation, Community Services
    - Beaches
    - Recreational Center
    - Programs & Camps
    - Outdoor Recreation
    - Golf Courses
    - Tennis Center
    - Weddings & Events
    - Food & Beverage
    - Diamond Peak Ski Resort

Community Governance, Public Safety, Services and Administration Not Provided By IVGID

- United States Coast Guard http://www.sierracgaux.org
- United States Forrest Service https://www.fs.fed.us
Tahoe Regional Planning Agency [http://www.trpa.org](http://www.trpa.org)
North Lake Tahoe Fire Protection District [http://www.nlfpd.net](http://www.nlfpd.net)
Nevada Division of State Lands [http://lands.nv.gov](http://lands.nv.gov)
Nevada Department of Transportation [https://www.nevadadot.com](https://www.nevadadot.com)
Nevada Department of Wildlife [http://www.ndow.org](http://www.ndow.org)
Washoe County [https://www.washoecounty.us](https://www.washoecounty.us)
  - Washoe County Commission
  - Washoe County Sheriff
  - Washoe County Emergency Operations Center
  - Washoe County District Attorney
  - Incline Village Justice Court
  - Washoe County Roads
  - Washoe County Assessors
  - Washoe County Planning, Zoning, and, Building and Land Use Permits
  - Washoe County Business Licenses
  - Washoe County Health Department
  - Washoe County Registrar of Voters
  - Washoe County Library
  - Washoe County Senior Services
  - Washoe County Animal Services
Nevada Energy [https://www.nvenergy.com](https://www.nvenergy.com)
Southwest Gas [https://www.swgas.com](https://www.swgas.com)
Waste Management (Transfer Station) [http://www.wm.com/location/nevada/northern-nevada/inclinevillage/index.jsp](http://www.wm.com/location/nevada/northern-nevada/inclinevillage/index.jsp)
CHAPTER 1.01 ESTABLISHMENT OF IVGID CODE

1.01.10 Declaration of Purpose

The Incline Village General Improvement District (herein referenced as “IVGID”) Board of Trustees finds that it is desirable and in the public interest to codify IVGID ordinances, policies, resolutions, and practices into one District Code in order to provide an understandable and easy to use method of organization. The adoption of a District Code will provide the IVGID Board, Management, Staff, and the general public with an understandable and easy to use method of organization and classification that will serve as a coherent, convenient and logical compilation of IVGID ordinances, policies, resolutions, and practices.

1.01.11 Establishment of Code

This codification of IVGID ordinances, policies, resolutions, and practices shall be known as the “IVGID Code.” All IVGID past ordinances, policies, resolutions, and practices which are now embodied in the IVGID Code are hereby repealed.

1.01.12 Outline of Code

Ordinances, policies, practices and procedures which are adopted from time to time shall be classified and organized under the following scheme of titles:

Title 1 - General Provisions
Title 2 - Governance
Title 3 - Administration & Personnel
Title 4 - Public Records
Title 5 - Revenue & Finance
Title 6 - Solid Waste
Title 7 - Sewer
Title 8 - Water
Title 9 – Beaches
Title 10 – Community Services
1.01.13 Principles of Construction

The provisions of this Code and all proceedings under it are to be construed to give effect its purposes. Unless the provisions of this Code otherwise specifically provide, or the context of this Code indicates to the contrary, the general provisions, rules of construction, and definitions set forth in the following sections of this chapter shall govern the construction of this Code. The following rules or meanings shall be applied in the construction and interpretation of the Code, unless such application would be clearly inconsistent with the plain meaning or intent of the provisions of this Code:

1) ACTS BY AGENTS. When the Code requires an act be done by a person which may be legally performed by an authorized agent of that principal person, the requirement shall be construed to include all acts performed by such agents.

2) COMPUTATION OF TIME. In computing any period of time prescribed or allowed by this Code, the day of the act or event from which the period of time begins to run shall not be included, but the last day of the period shall be included, unless it is a Saturday, a Sunday or a legal holiday. If the period of time prescribed or allowed is less than seven (7) days, Saturdays, Sundays, and legal holidays shall be excluded in the computation. As used in this section, "legal holiday" means any statewide legal holiday specified by state law.

3) GENDER. Every word in this Code referring to the masculine gender shall also be construed to apply to females, and vice versa.

4) GENERAL RULE. Unless otherwise defined in this Code, all words and phrases shall be construed according to their plain meaning in common usage. However, words or phrases with a technical or special meaning shall be understood and construed according to that technical or special meaning if such is the intent of the Code Titles and Sections.

5) PERSON. The word "person" shall mean any of the following entities: natural persons, corporations, partnerships, associations, bodies politic or any other entity of any kind which is capable of being sued.

6) SINGULAR AND PLURAL. Every word in this Code referring to the singular number only shall also be construed to apply to several persons or things, and every word in this Code referring to a plural number shall also be construed to apply to one (1) person or thing.

7) TENSE. The use of any verb in the present tense shall not preclude the interpretation of the verb in the future tense where appropriate.
1.01.14 Partial Invalidity

If any chapter, section, sentence, clause or portion of this Code is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

1.01.15 Effect of Headings

The title, chapter, article, and section headings contained in this Code shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of any title, chapter, article, or section of this Code.

1.01.16 Meaning of "Section" and "Subsection"

"Section" shall mean a section of this Code, unless one other source is specifically set forth. "Subsection" shall mean a subsection of the section in which the term occurs, unless one other section is expressly set forth.

1.01.17 Amending the IVGID Code

1) Describe process and procedure for amending the IVGID Code

The management of the Code shall be the responsibility of the District’s General Manager. At the beginning of each calendar year, the District General Manager will meet with the Chair of the Board and determine a date for a review of the Code, if necessary. If the Code does not require review during that calendar year, the District General Manager shall notify the Board via his written monthly status report. If the District General Manager and the Board Chair agree that a review is necessary, then that information shall be communicated to the remaining Board members via the District’s General Manager’s written monthly status report and added to the District’s long range calendar which is included in the Board’s packet of materials for each and every Board meeting.

2) Establish schedule for regular review of the IVGID Code

At a minimum, the Code shall be reviewed, with the Board, every three (3) years.

3) Provide citations to relevant NRS in appendix to this section

1.01.18 [reserved]
1.01.19 [reserved]
CHAPTER 1.02

1.02.10 Definitions

As used in this Code, unless a different meaning is apparent from the context or is specified elsewhere in the Code:

[after first draft of Code is completed and reviewed by Board of Trustees, legal counsel will insert definitions of terms that appear throughout the IVGID Code that require definition]

CHAPTER 1.03

1.03.10 IVGID Logo

The IVGID logo for the Incline Village General Improvement District is adopted and approved as depicted here:

![IVGID Logo]

The IVGID logo is a registered trademark of IVGID.

1.03.11 Authorized Use

1) The District Clerk shall have custody and charge of the IVGID logo, and such other insignia that may from time to time be adopted pursuant to this Code. Except as provided by this Code, any seal, logo, insignia, or other symbol officially adopted for use by IVGID shall not be affixed to any instrument without the special warrant of the IVGID General Manager.

2) Use of the IVGID logo by any person, corporation, or organization shall be subject to the proper approval of the IVGID General Manager.

3) The IVGID logo shall not be used by any person, firm or organization for any false, misleading or malicious purpose.

4) The General Manager shall have the authority to approve use of the Incline Village logo by private businesses, under the following guidelines:
a) No business shall make use of the trademark without execution of a written agreement with IVGID, which may be amended or revoked by IVGID at any time, without advance notice.

b) Use shall be restricted to out-of-town advertising and local souvenir sales, as further prescribed herein. The trademark shall not be used on letterhead, business cards, or similar means of non-promotional business communication.

c) The trademark shall only be used to identify Incline Village and Crystal Bay as a whole. The trademark shall not be used to identify a geographic entity larger or smaller than Incline Village and Crystal Bay. The trademark shall not be used to identify or promote individual businesses, products, or services, regardless of their location.

d) The trademark shall not be used in conjunction with any utility, Nordic or downhill ski area, tennis complex, golf course, or beach facilities, except those owned by IVGID. The trademark shall not be used in conjunction with any recreational activity similar to any activity offered by IVGID.

e) The logo shall only be used with the words, "Incline Village" attached immediately adjacent thereto. "Incline Village" shall be printed in the Albertus type style or another similar type style approved by IVGID in advance.

f) If the logo is printed in color, it shall be printed in the logo's true blue/green colors (Pantone 3278 [Teal] and Pantone 293 [Blue]).

g) The trademark shall not be used in combination with any other trademark, logo, or graphic representation, except "Tahoe's Tahoe."

h) When used for advertising, it shall only be used in media, the principal audience of which is outside Incline Village/Crystal Bay. All such advertising shall explicitly contain the name of the private business which is offering the product or service. All such advertising shall also contain the language, "An independent business located within" (or other similar language approved by the General Manager), immediately adjacent to the Incline Village trademark. For print media, under no circumstances shall the Incline Village trademark exceed one-half the size of the trademark or name of the private business, product, or service.

i) When used on souvenirs (such as shirts, jackets, and hats), distribution and sale of such souvenirs shall be limited to the boundaries of IVGID. If the name or trademark of a private business, product, or service also appears on the souvenir, it shall be physically located on a separate portion of the souvenir from the Incline Village trademark.

j) The General Manager may ban the use of the trademark in any fashion he deems, if in his sole judgment, is not appropriate.

k) A specific replica of each souvenir, prior to production, shall be furnished to the General Manager for approval. A general proof of each advertising piece, prior to its use, shall be furnished to the General Manager for approval. The general advertising proof shall identify the use and placement of the Incline Village trademark in relation to the use and placement of all other names or trademarks of private businesses, services, or products located in the advertising, to scale.

l) The General Manager may, at his discretion, require one original of each advertising or souvenir to be furnished to, and kept by, IVGID.
m) All uses of the Incline Village trademark shall be of the highest quality and good taste. The General Manager is hereby authorized to disapprove or revoke any use which in his judgment is not of high quality or in good taste.

n) The trademark shall not be used in conjunction with any business which engages in business practices which, in the General Manager's opinion, are not reputable, or have the appearance of being disreputable.

o) The trademark shall not be used in conjunction with any illegal or immoral activity, or tobacco, alcoholic beverages, drugs, sexual products or services, real estate sales or development, construction, massage, films, videos, records, magazines, newspapers, books, greeting cards, posters, or periodicals. The General Manager may add additional items to this list at his discretion.

5) All rights granted shall be non-transferable, non-assignable, and non-exclusive.

6) The Board of Trustees hereby reserves the right to amend or revoke this section of the Code at any time, in which case all such rights granted hereunder shall be likewise amended or revoked.

7) The Board of Trustees also reserves the right to review, alter, amend, and reverse any action of the General Manager under this Code section.

8) This Code section shall not apply to businesses operating IVGID-owned facilities under contract.

9) District Legal Counsel is hereby authorized to pursue, upon Board of Trustees approval, any and all civil remedies available at law or equity for use of the logo in violation of this Code.

*** we need documentations of registered trademark in appendix to this section—requested by SAH (asked Marketing)

Source: Policy and Procedure No. 113; Resolution No. 1517 (Use of Trademark by Private Businesses and Persons (April 24, 1986; amended 8/12/96)