MEMORANDUM

TO: Board of Trustees

THROUGH: Steven J. Pinkerton
          General Manager

FROM: Jason D. Guinasso, Esq.
       District General Counsel

SUBJECT: Review, discuss, receive Board direction and possibly approve a Board Correspondence Policy to be included in Policy 3.1.0.

DATE: July 3, 2018

I. RECOMMENDATION

That the Board of Trustees makes a motion to amend Policy 3.1.0 to include proposed Board Correspondence Policy.

II. BACKGROUND

The Board of Trustees receive correspondence from residents and business owners both on a wide variety of issues and in multiple formats. These formats may include regular mail, email and phone calls. Correspondence received by the District has been included in IVGID Board of Trustees packets as a way to provide applicable information to the BOT regarding written communications to the Board from the public. However, there is no statute, regulation, case law, attorney general opinion or IVGID policy that requires the publication of correspondence received by the District. The practice of providing written correspondence to the Board has been an informal practice provided as a courtesy to Board members for several years. This topic was previously discussed at the Board meeting of April 25, 2018.

Notably, the Board of Trustees receives every correspondence regardless of whether it is published as a part of a Board packet or not.

III. PROPOSED POLICY

The Incline Village General Improvement District Board Trustees will receive correspondence in various formats. To ensure that all correspondence is dealt with expeditiously, and in an appropriate manner, the “Board Correspondence” Policy will
provide a guide to ensure that the opinions of the people of the community of Incline Village and Crystal Bay are relayed to the Board, while ensuring that such correspondence is presented in a consistent and respectful manner. This policy shall be administered by the District Clerk.

To ensure that correspondence directed to the Board is provided in an appropriate, consistent, respectful and expedient manner, the following provisions shall apply:

1. Where the subject matter of a communication is properly within the jurisdiction of the Board of Trustees, and if it is the intent of the author to have correspondence included in a subsequent Board packet, the following provisions shall apply:

   1.1. Correspondence shall be addressed to the IVGID General Manager and Board of Trustees, to the attention of the District Clerk;

   1.2. Correspondence, including petitions, intended for inclusion in a Board packet, shall be typewritten or legibly printed, and shall include the name and signature of at least one person or agency, and shall include the address, telephone numbers, and email addresses, and shall specifically state that the correspondence is intended to be placed in a Board packet under “Correspondence Received by the District”;

   1.3. Correspondence of this nature shall not contain any inappropriate, illegal or defamatory statements, allegations, inferences, impertinent, disrespectful or improper matter;

   1.4. Correspondence not in compliance with Item 1.3, as deemed by the District General Manager will be returned to the sender (if known) with an explanation as to why the material cannot be included in the Board packet, and the correspondence will be withheld from inclusion in the packet, with a copy maintained by the District Clerk;

   1.5. Names, addresses, telephone numbers, etc. contained within the correspondence will be included in the Board packet which is published to the District’s website;

   1.6. Correspondence intended for inclusion in a Board packet must be received by the District Clerk seven (7) business days and before 12 noon (PST) prior to the regular Meeting of Board;

   1.7. Communications received seven (7) business days after 12 noon (PST) preceding the day of a Board meeting shall be held over for
inclusion in the next Board packet prepared for the next regular meeting;

1.8. Board meeting agendas, minutes, and all information presented at an open meeting, including correspondence received, are public documents and are published on the IVGID website as part of a Board agenda package, as well as in paper form upon request.

2. Communications directed to the Board through the District Clerk, received by electronic mail, shall be forwarded to members of Board electronically and shall not be placed in Board packet, unless specifically requested to do so by the author or subsequently by a member of Board, and if the correspondence is in compliance with Item 1.3 of this Policy;

3. Communications received in response to a posted, public agenda of a Public Meeting, addressed to the General Manager and Board, or to the District Clerk, shall be placed in the pertinent Public Meeting packet to be considered as part of the submissions.

4. Once correspondence is included in the Board packet, it will be reviewed at the Board meeting as an identified section on the meeting agenda. All direction by the Board, with respect to correspondence included in the packet, will be communicated by the Board Secretary, with a copy to the District Clerk, to the author, generally in the same manner in which it was received.

5. Correspondence submitted in the form of a letter, memorandum, report, notice, electronic mail, fax, petition, etc. submitted anonymously or containing profanity, defamatory statements, allegations, inferences, or disrespectful comments, as deemed by the General Manager, will be returned to the author (if known), with a copy filed, and will not be circulated.

6. Correspondence, including e-mail correspondence, intended for the Board and/or a Board committee is generally received as public information subject to the Nevada Public Records Act.

7. Questions relating to this policy should be directed to the General Manager.
IV. ALTERNATIVES

A. Not approve above proposed policy.

B. Direct Staff to prepare alternative policy based on feedback of Board.

V. WHAT DO OTHER AGENCIES DO?

Washoe County Commissioners, City of Reno, and the North Tahoe Public Utility District do not list correspondence on their agendas. Sun Valley General Improvement District has a brief statement on their meeting agenda that states that correspondence may be covered under Staff reports.