

MEMORANDUM

TO: Board of Trustees

THROUGH: Steve Pinkerton
General Manager

Sharon Heider
Director of Community Services

FROM: Indra Winqest
Director of Parks & Recreation

SUBJECT: Review, discuss and possibly approve the 2017 Red, White and Tahoe Blue (RWTB) Memorandum of Understanding (MOU) for the July 1 – 4, 2017 events

DATE: April 13, 2017

I. RECOMMENDATION

That the Board of Trustees makes a motion to authorize the District General Manager to execute the 2017 MOU with RWTB, a Nevada Non Profit. This agreement has been reviewed by District General Counsel.

II. BACKGROUND

2017 will be the 11th Anniversary of RWTB. The history of the events and services has been an evolution as has the relationship between IVGID and RWTB. The core annual events such as the parade, live entertainment, and the fireworks provide a festive atmosphere for our local residents, their guests and visitors. Additionally, other small events have been relatively consistent including the rubber duck races, community fair, Veteran's Tribute(s) and Beer and Brats. Although attendance varies from year to year, overall growth over the ten years has been significant. During this time, IVGID Staff has worked with RWTB to take some of the pressure off the beaches and either eliminate or move activities away from the beaches in an attempt to reduce some of the congestion and make the atmosphere more manageable for District Staff. This effort has been successful over the past three years.

Based on the overall growth, existing events and services and the current relationship between IVGID and RWTB, it is critical to solidify and document the relationship between both parties. This 2017 MOU will achieve this and continue

to create a framework for the future that identifies the expectations and agreements between the two parties. Overall, both parties have a common goal to create a safe and festive holiday experience with the best interest of the community as the highest priority. At the February 4, 2016 Board Workshop, the 2016 MOU was discussed in detail and the Board of Trustees gave Staff direction to develop a MOU with RWTB to be brought back to the Board of Trustees. The 2016 MOU was approved at the April 27, 2016 BOT meeting. With this approval, IVGID and RWTB began the schedule of going year-by-year with their MOU's; the attached 2017 MOU has been updated with changes made to match the RWTB event schedule for 2017.

III. FINANCIAL IMPACT AND BUDGET

The financial impact to the District is not significant in relation to the value the community receives from the partnership between IVGID and RWTB. All cost recovery fees required by IVGID will be included in the MOU annually to be approved by the Board of Trustees.

IV. ALTERNATIVES

The Board of Trustees can approve the 2017 MOU based on required revisions or direct Staff to continue to operate the relationship with RWTB under resolution 1701.

V. COMMENTS

Staff is recommending approving this 2017 MOU between IVGID and RWTB. This partnership has strengthened in recent years and both parties are committed to providing a safe and quality experience for the community and our visitors. In the event that this 2017 MOU changes or stated requirements are not met, Staff will update the Board of Trustees as needed and/or bring back an updated version of the 2017 MOU for review and possible approval.

In 2017, RWTB continues to make adjustments that focus primarily on a strengthened community atmosphere with low or no cost events, many that benefit local nonprofits, and business partners. The 2017 MOU provides an opportunity to document a detailed evolution of the relationship between the two parties. This ensures transparency, structure and identified responsibilities.

**MEMORANDUM OF UNDERSTANDING BETWEEN
INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT
AND RED WHITE AND TAHOE BLUE, INC.
TO PROVIDE THE 2017 4TH OF JULY EVENTS**

**ARTICLE I
PURPOSE OF THIS MEMORANDUM OF UNDERSTANDING**

- 1.1. This Memorandum of Understanding (MOU) establishes a cooperative working relationship between the following entities: INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT (“IVGID”) a Nevada quasi-public agency and RED WHITE AND TAHOE BLUE, INC. (“RWTB”) a Nevada Nonprofit organization.
- 1.2. This MOU is intended to form a framework for cooperation between IVGID and RWTB.
- 1.3. This MOU sets forth the parameters of the relationship between IVGID and RWTB during the events that will take place in the District from July 1, 2017, to July 4, 2017, which includes IVGID providing venues, facilities and Staff to facilitate and support RWTB programs, events, activities and services to the community.
- 1.4. This MOU will further establish a means for IVGID to recover costs for services provided by IVGID to RWTB including but not limited to Staff wages (fully burdened), material costs and facility fees.
- 1.5. This MOU will memorialize RWTB’s responsibility to secure and provide certain documentation to IVGID, including but not limited to:
 - 1.5.1. The Special Use Event Permit approved/issued by Washoe County;
 - 1.5.2. Government agency documentation including but not limited to North Lake Tahoe Fire Protection District (NLTFPD), Washoe County Sheriff’s Department (WCSD), United States Coast Guard (USCG) and Nevada Highway Patrol (NHP);
 - 1.5.3. Certificates of insurance for all RWTB programs, events, activities, and services;
 - 1.5.4. Proof of current 501(c)(3) status;
 - 1.5.5. Applicable health permits; and
 - 1.5.6. Applicable building permits

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- 1.6 RWTB is familiar with and agrees to comply with all federal, state, regional, and local Laws and Regulations as they apply to the planned events, activities, and RWTB operations. IVGID shall not be responsible for monitoring or enforcing RWTB's compliance with any Laws or Regulations.

ARTICLE II

VALUE TO THE INCLINE VILLAGE AND CRYSTAL BAY COMMUNITY

- 2.1 The stated mission is the 2017 11th Anniversary Red White & Tahoe Blue (RWTB) 4th of July Celebration "*Celebrating Our Country's Independence While Promoting Community Spirit, Charitable Causes, and Our Local Merchants*". The District finds sufficient value to the community to enter into this MOU.
- 2.2 This year, the RWTB Board chose to return to the simplicity of a true community event seeking participation and approval from the residents rather than worldwide recognition. To that end, most activities are free, family friendly, and open to the public. With the exception of the Fireworks and Para-rescue Demonstration on Incline Beach, the events are planned in locations that do not require an IVGID pass, all but eliminating the beach access issues experienced in past years. Additionally, both the Fireworks and Para-rescue Demonstration can be viewed from various vantage points in the Incline Village and Crystal Bay community.
- 2.3 The following are the events that have been planned for this year's celebration:

Saturday, July 1, 2017

- Flag Raising Ceremony, NLTFPD Station 11
 - Value: Free formal flag raising
 - Facilitators/Partners: RWTB, Boy Scout Troop 37, IV/CB Vets, NLTFPD, IVGID
- NLTFPD Pancake Breakfast, NLTFPD Station 11
 - Value: Free pancake breakfast for the entire community
 - Facilitators/Partners: RWTB, NLTFPD and donors Manny and Marge Sylvester, IVGID's Waste Not

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- Beer & Brats, Aspen Grove
 - Value: Social event to benefit the Incline Tahoe Foundation (ITF) who's primary beneficiary are the venues served by IVGID
 - Facilitators/Partners: RWTB, ITF, IVGID (by supplying the facility)
- Flag Retirement Ceremony, Hyatt Regency Lake Tahoe Pier – Lakeside East
 - Value: To honor “Old Glory” during a free, moving, educational ceremony regarding proper disposal of our nation's flag
 - Facilitators/Partners: RWTB, Hyatt Regency Lake Tahoe, Boy Scout Troop 37, Incline Village Crystal Bay Veterans Club (IV/CB Vets) (a program of the IVGID Seniors)
- 10th Anniversary Tahoe Salutes our Heroes and Kids Bike Parade, Tahoe Boulevard to Village Green
 - Value: Free down home, grassroots community parade
 - Facilitators/Partners: RWTB, WCSD, NHP, IVGID (by supplying the facility and logistical support)
- Children's Patriotic Chalk Drawing, The Potlatch Parking Lot
 - Value: Free Children's sidewalk art opportunity
 - Facilitators/Partners: RWTB, The Potlatch
- Ice Cream Contest, Susie Scoops
 - Value: Free Children's activities
 - Facilitator/Partners: RWTB, Susie Scoops

Sunday, July 2, 2017

- Community Fair & Opening Ceremony, Village Green
 - Value: Hometown, family friendly community fair providing an outreach/vendor opportunity for local non-profits, service organizations and local businesses
 - Facilitators/Partners: RWTB, IVGID (by supplying the facility and logistical support)
- Veterans Lunch & Ceremony, Aspen Grove
 - Value: Providing a luncheon to celebrate and honor our Veterans, free to Veterans, active duty and families of fallen heroes
 - Facilitators/Partners: Sponsors Cornerstone Community Church, IV/CB Vets (a program of the IVGID Seniors) Brimm's Catering, IVGID (by supplying the facility and logistical support)
- Wine & Cheese, Aspen Grove

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- Value: Social Community Wine Tasting Event to benefit RWTB Fireworks
- Facilitator/Partners: RWTB, Incline Village Preschool, IVGID (by supplying the facility and logistical support)
- Entertainment 6:00pm – 9:00pm, Village Green Free Toccata Symphony Concert
 - Value: To provide free entertainment for the community
 - Facilitators/Partners: RWTB, , IVGID (by supplying the facility and logistical support)

Monday, July 3, 2017

- Free Community Fair & Entertainment 12:00pm – 9:00pm, Village Green
 - Value: Free entertainment for the community
 - Facilitator/Partners: RWTB, Marine Band of San Diego, Rare Earth and other local and Regional Entertainment, TOCCATA, IVGID (by supplying the facility and logistical support)

Tuesday, July 4, 2017

- Tahoe Firecracker Trail Trek, Incline Middle School
 - Value: 5k run to benefit Incline High School Athletics
 - Facilitators/Partners: RWTB, Incline High and Middle Schools, IVGID (by supplying the facility and logistical support)
- Veteran's Pancake Breakfast, Aspen Grove
 - Value: Community Pancake Breakfast to benefit the IV/CB Vets projects
 - Facilitators/Partners: RWTB, IV/CB Vets, IVGID (by supplying the facility and logistical support)
- Free Community Fair and Live Music Entertainment 12:00pm – 9:00pm, Village Green
 - Value: Free entertainment for the community
 - Facilitators/Partners: RWTB, Left Coast Country Band, David and the Drivers, The Donna Axton Band, Legally Blue Blues Band, Patriots in Blue Air National Guard Band, Air National Guard Band of the West, IVGID (by supplying the facility and logistical support)

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- Veterans Tribute on the Beach and Para-rescue Demonstration, Incline Beach
 - Value: Patriotic recognition of our veterans with a spectacular air and water demonstration by the U.S. Air Force. Free to IVGID passholders
 - Facilitators/Partners: Cornerstone Community Church, Brimm's Catering, IV/CB Vets, U.S. Air Force, IVGID (by supplying the facility and logistical support)
- Rubber Duck Races, Village Green
 - Value: Family, friendly competition benefiting RWTB Fireworks and The Noon Rotary Club's philanthropic programs
 - Facilitators/Partners: Rotary Club, RWTB, IVGID (by supplying the facility and logistical support)
- Best Fireworks in the Country, Incline Beach Choreographed with the Marine Band of San Diego
 - Value: Spectacular fireworks
 - Facilitators/Partners: RWTB, Lantis Fireworks, NLTFPD, IVGID (by supplying the facility and logistical support)

**ARTICLE III
COMMITMENTS & RESPONSIBILITIES**

- 3.1 Both parties mutually agree to engage in good faith efforts in service to what is in the best interest of the Incline Village/Crystal Bay community and they will be committed to seeking the best uses of community resources.
- 3.2 RWTB agrees to:
- 3.2.1 Work directly with IVGID delegated Staff to coordinate requests for use of District resources.
 - 3.2.2 Provide clear and concise communication in a timely manner
 - 3.2.3 Provide required documentation, including:
 - Proof of Current 501(c)(3) status
 - Certificate of Insurance listing IVGID as additionally insured with a minimum coverage policy of one million dollars (\$1,000,000.00)

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- Approved Washoe County Special Event Permit (signed copy must be provided to IVGID before the annual MOU will be approved)
 - Washoe County Health Permits for any providers of food service to the public
 - Signed IVGID facility use agreement.
- 3.2.4 RWTB will provide IVGID with annual list of Board officers to include title and contact information.
- 3.2.5 RWTB to pay agreed upon fees associated with facility fees, staffing/labor costs, material costs and other associated services including guest access fees to the beaches (all individuals must be direct guests of an IVGID Pass Holder to access the beaches) when due but no later than sixty (60) days post event.
- 3.2.6 RWTB to agree to IVGID requirements to perform agreed upon daily facility/venue daily maintenance including turf and building maintenance and inspections.
- 3.2.7 RWTB will agree to adhere to IVGID requirements for hours of event operations including amplified sound curfews.
- 3.2.8 RWTB agrees to meet all IVGID required safety and cleanliness standards during and after using venues/facilities and any other associated District resources.
- 3.2.9 RWTB will provide a post event financial Profit and Loss Statement to IVGID within sixty (60) days of the final annual event.
- 3.2.10 RWTB will provide an annual list and nature of relationship of all agency associations including non profits, businesses, and community groups within sixty (60) days of the final event annually.

3.3 IVGID agrees to:

- 3.3.1 Provide a senior management staff liaison to the RWTB Board to provide appropriate communication and collaborative effort.
- 3.3.2 Provide safe and well maintained facilities/venues for RWTB events and activities.

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- 3.3.3 Provide agreed upon and approved requests for paid and non paid services including but not limited to facility/venue use, Staff/labor, materials and other associated resources.
- 3.3.4 Provide IVGID staff approved marketing and educational assistance via IVGID venues, websites, social media and any other agreed upon resources annually.
- 3.3.5 Provide RWTB 5 parking spaces at the Village Green/Aspen Grove parking lot and 12 parking spaces at the Recreation Center.
- 3.3.6 IVGID will issue RWTB 3 golf carts for use upon requested for RWTB events and services only beginning July 1, 2017 and with required return by 5pm July 5th, 2017. Operators/Drivers must be 18 years or over and an official RWTB staff member. RWTB is responsible for the safety of their staff and the public.

3.4 2016 IVGID approved venue use:

- 3.4.1 July 1, 2017
 - Community Parade staging at Preston Park set up 7am – 12pm exit and end location at the Recreation Center
 - Beer and Brats at Aspen Grove set up 3pm – 10pm exit (amplified music must cease by 9pm)
- 3.4.2 July 2, 2017
 - Community Village Fair, Music entertainment Free Toccata Symphony Concert set up 3pm – 10pm exit (amplified music must cease by 9pm)
 - Veterans Lunch at Aspen Grove set up 11am – 4pm exit
 - Wine and Cheese event at Aspen Grove set up 3pm – 10pm exit.
- 3.4.3 July 3, 2017
 - Community Village Fair, Music Entertainment, Food & beverage operations set up 7am – 10pm exit (amplified music must cease by 9pm)
- 3.4.4 July 4th, 2017
 - Community Village Fair, Music Entertainment, Food & Beverage operations set up 7am – 12am exit (Amplified

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music must cease simultaneously with ending of fireworks display)

- Veterans Para-Rescue demonstration and Veterans Tribute activities at Incline Beach, set up 10am – 4pm exit
- Veterans Club Pancake Breakfast at Aspen Grove set up 5am – 12pm exit
- Rubber Duck Races at Village Green
- Fireworks display at Ski Beach 9:45pm – 10:30pm

3.5 RWTB agrees to pay IVGID for:

- 3.5.1 Parks Senior Maintenance Staff – 25 hours total July 1-4 at \$21 per hour = \$525.00
- 3.5.2 Four (6) light towers to be ordered by IVGID Parks Staff for Village Green/Beaches – At cost, invoice to be provided
- 3.5.3 Damage/Cleaning Deposit of \$5,000.00 by June 30th, 2017 to be returned upon successful inspection from applicable IVGID Staff of all facilities/venues used.

**ARTICLE IV
GENERAL CONSIDERATIONS**

- 4.1 Nothing in this MOU will be construed as affecting the authorities of the participants or binding beyond their respective authorities.
- 4.2 This MOU shall become effective upon full execution by the parties and shall expire on July 5, 2017. Thereafter, this MOU will be presented annually, by April 30th, to the IVGID Board of Trustees for approval. The Board of Trustees reserves the right to refuse or delay approval for any reason. An updated MOU will be presented annually to the Board of Trustees.
- 4.3 RWTB is not a legal representative of IVGID for any purpose whatsoever. RWTB does not have any right or authority to assume or create any obligation or responsibility, express or implied, to make any commitments on behalf of IVGID and may not bind IVGID in any manner.

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- 4.4 This MOU is a preliminary expression of mutual cooperation and intent. It is not intended to be a binding contract and is not enforceable against either party, nor against any elective or appointive board, commission, member, officer, employee, or other agent of IVGID.

**ARTICLE V
TERMINATION**

- 5.1 Any one of the parties, in writing, may terminate its portion of this MOU in whole, or in part, at any time before the date of expiration with or without cause by providing thirty (30) days notice in writing to the other party of the intention to do so.

**ARTICLE VI
HOLD HARMLESS AND INDEMNIFICATION**

- 6.1 In consideration of the commitments and responsibilities undertaken by IVGID under this MOU, RWTB hereby agrees to indemnify and hold harmless IVGID and the District's agents and employees, from any and all claims by others for the ownership of same and the value thereof. Said indemnity to include costs and attorney's fees should the above indemnitees be required to litigate the matter addressed herein.

**ARTICLE VII
NOTICE**

INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT
Steven J. Pinkerton
General Manager
Incline Village General Improvement District
893 Southwood Boulevard, Incline Village, NV 89451
P: 775-832-1206
F: 775-832-1122
sjp@ivgid.org

Copy to:
RKG LAWYERS

Proposed at the 04/25/2017
IVGID BOT Meeting

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936 Southwood Boulevard, Incline Village, NV 89451
Attention of Jason D. Guinasso, Esq.

RED WHITE AND TAHOE BLUE, INC.
Brad Perry
Chairman
Post Office Box 3789, Incline Village, NV 89450
P: 775-315-2004

**ARTICLE VIII
TERM**

This MOU is hereby entered into this ____ day of _____, 2017 and the date of termination shall be July 5, 2017 (see 4.2 above).

**ARTICLE IX
EXECUTION OF MOU BY AUTHORIZED REPRESENTATIVES**

INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT, a Nevada quasi-public agency

By: _____
Steven J. Pinkerton
General Manager
Incline Village General Improvement District

RED WHITE AND TAHOE BLUE, INC. a Nevada Nonprofit organization

By: _____
Brad Perry
Chairman
Red White and Tahoe Blue, Inc.

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APPROVED AS TO FORM:

By: _____

Jason D. Guinasso, Esq.

General Counsel

Incline Village General Improvement District