

Opinion: IVGID explains unbuildable lot issue

By Jason Guinasso

In 2009, Incline Village General Improvement District's board of trustees adopted a Policy 16.1.1 entitled Recreation Roll which discussed unbuildable parcels and the process for how these parcels come back onto the Recreation Roll.

In 2012, Incline Village General Improvement District was approached by the Washoe County treasurer to see if they were interested in acquiring approximately 87 unbuildable parcels and do so under NRS 361.603. The Incline Village General Improvement District responded yes they were interested and the process was completed. It should be noted that the part of the process included going before both the Washoe County Commissioners and the Incline Village General Improvement District board of trustees; both bodies approved the transaction.

Between 2014 and 2015, three unbuildable parcels were sold to private parties in accordance with Policy 16.1.1 specifically paragraph 5. which reads as follows:

"An unbuildable parcel that has been removed from the Recreation Roll by petition can be restored to the Recreation Roll, and thereby have recreation privileges restored by first paying the total amount of recreation and, if applicable beach fees that had been levied since the parcel was taken off the Recreation Roll, plus any fees or penalties permitted by the state of Nevada as defined in Nevada Revised Statute (NRS) 99.040(1)."

Using one parcel as an example at the time of acquisition (2012), the amounts owed was \$11,059.42, of which \$10,148 was due to the Incline Village General Improvement District in

past due recreation fees and \$911.42 was due to Washoe County in past due property taxes. Washoe County waived its claim for the past due property taxes as defined in Nevada Revised Statutes 361.603 and did so at a public meeting which was unanimously passed.

When the sale was finalized, the Incline Village General Improvement District followed its policy and the sale price totaled all of the back Recreation Roll fees owed on the parcel up to the date of sale. While the ownership of the parcel changed, the identification of the parcel did not and has not up to today. The parcel remains unbuildable and the good news is that the parcel is now collecting the full Recreation Roll fees and Washoe County is collecting property taxes it assesses.

Incline Village General Improvement District completely halted the sales of these parcels following these three sales in order to reflect on the process and contemplate an updated policy. It is anticipated that an updated policy will become a part of the Incline Village General Improvement District code which is forecasted to be presented to the Incline Village General Improvement District board of trustees in February 2018.

IVGID has not violated any law or acted in any way to harm the public. The Bitterbrush properties were legally acquired. Thereafter, three of the Bitterbrush properties acquired were sold. The Washoe County assessor label of unbuildable associated with the Bitterbrush properties will remain preserved in perpetuity because the properties in question are unbuildable and have no other value other than the recreation and beach privileges associated with them. In addition to the stated public purpose being preserved, IVGID continues to have the ability to serve the important public purpose of recovering delinquent fees and reinstating these properties onto the Recreation Roll. It has been three years since the last property was sold because IVGID has placed a moratorium

on the sale of the properties until a process and procedure for sales is adopted by the board. Accordingly, IVGID will not sell any of the Bitterbrush properties until an updated policy can be prepared, considered, and approved, in an open publicly noticed meeting, by the IVGID board of trustees.

While it is unfortunate that all the foregoing factual information has not been considered by some of IVGID's public and was not otherwise included in the media reports, IVGID maintains its commitment to transparency in government. IVGID welcomes any and all questions from the public which can be sent to IVGID at info@ivgid.org or directly to your IVGID district General Manager Steve Pinkerton at sjp@ivgid.org.

Jason Guinasso is IVGID's general counsel.