



# WASHOE COUNTY

Integrity Communication Service

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## STAFF REPORT

BOARD MEETING DATE: September 14, 2021

**DATE:** August 26, 2021

**TO:** Board of County Commissioners

**FROM:** David Solaro, Assistant County Manager  
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**THROUGH:** Eric Brown, County Manager

**SUBJECT:** Recommendation to approve a resolution declaring Washoe County's intent to convey to the Northern Nevada Youth Golf Foundation, d/b/a First Tee of Northern Nevada, a corporation for public benefit under NRS chapter 82, the property commonly known as the Wildcreek Golf Course on Sullivan Lane in Sparks, Nevada (APN 027-011-09) (approximately 110.72 acres) without consideration as authorized in NRS 244.284 and setting a date for a hearing at which objections can be heard and other matters properly related thereto. If ultimately approved, First Tee would be required to operate the golf course for charitable or civic purposes for the community on terms specified in a purchase and sale agreement and related documents, and if the property ever ceased being so used, it would revert automatically to the county. (Commission District 5) FOR POSSIBLE ACTION

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### SUMMARY

A resolution setting a date for a hearing to hear objections and possibly later approve a conveyance of the Wildcreek Golf Course to the Northern Nevada Youth Golf Foundation, d/b/a First Tee of Northern Nevada (First Tee) a corporation for public benefit.

Washoe County, through its Community Services Department, received an Unsolicited Proposal from MAZZ Golf Management and First Tee for the continuation of golf operations at the Wildcreek Golf Course. After review of the proposal and discussions with the proposer, Washoe County staff recommended to the Board moving to stage two of the Unsolicited Proposal Policy which includes the development of a long-term agreement or lease for ongoing operations as proposed.

Staff has had an opportunity to review the best approach and after discussions with First Tee a conveyance of the property to a corporation for public benefit accomplishes the objectives of both First Tee and Washoe County. Resultant agreement(s) would be brought before the Board of County Commissioners (Board) for consideration and possible approval.

AGENDA ITEM # \_\_\_\_\_

**Washoe County Strategic Objective supported by this item: Innovative Services**

**PREVIOUS ACTION**

On April 13, 2021 – The Board of County Commissioners directed staff to begin stage two of the unsolicited-proposal policy with First Tee of Northern Nevada.

January 5, 2021 – The Open Space and Regional Park Commission recommended the Board of County Commissioners direct staff, with the District Attorney’s Office assistance, to begin stage two of the unsolicited-proposal policy by completing all necessary documents including leases and a term sheet for the proposal from MAZZ Golf Management for continuation of golf operations at Wildcreek Golf Course.

On February 12, 2019 the Board of County Commissioners adopted a resolution approving a cooperative agreement between Washoe County, the Washoe County School District and the Reno-Sparks Convention and Visitors’ Authority for the transfer of portions of Wildcreek Golf course on Sullivan Lane in Sparks, Nevada, comprising the parcels of Parcel Map No. 5369, and rights and obligations related to those parcels including: personal property, water rights, rights to an effluent agreement, rights to a golf management agreement and a ditch maintenance agreement and matters properly related thereto.

On January 15, 2019 the Board of County Commissioner approved a resolution declaring Washoe County’s intent to convey to the Washoe County School District a portion of the property commonly known as the Wildcreek Golf Course on Sullivan Lane in Sparks, Nevada

On May 1, 2017 the Board of County Commissioners approved at a concurrent meeting a letter of intent to cooperate in the planning, development and construction of new high school on a portion of the Wildcreek Site.

**BACKGROUND**

Washoe County has title to Wildcreek Golf Course and related improvements at 3500 Sullivan Lane in Sparks. Through a license agreement, the operation and maintenance of the golf course is performed by MAZZ Golf Management, LLC.

On September 12, 2018 a parcel map was recorded in Washoe County dividing a 212.22 acre parcel into 3 parcels as follows: Parcel 1 (14.50 acres), Parcel 2 (87.02 acres) and Parcel 3 (110.72 acres). A copy of the parcel map (Parcel Map No. 5369) is attached as Exhibit A to the resolution. Legal title to parcels 1 and 3 are currently held by Washoe County. When all the necessary approvals are obtained, Parcel 3 would be transferred to First Tee for the Project and Parcel 1 would be retained by Washoe County.

With the acceptance of an Unsolicited Proposal from MAZZ Golf Management and First Tee the Board directed staff to begin negotiations for an agreement to move forward with the proposal which would allow First Tee to utilize the property for charitable and affordable golf purposes, which shall generally be open to the public.

Operation of a golf course for charitable and affordable golf purposes means:

1. The operation of one hundred percent (100%) of the property as a golf course, including operating, managing and supervising daily play, golf shop, food and beverage services for golfers and golf-related events, driving range and putting

- practice greens, hosting events and banquets, maintenance facilities, club house and infrastructures on the property, providing lessons, choosing and maintaining all play and maintenance equipment, advertising and promoting public play, and the sale of merchandise and services, and
2. Making the golf course available to the public for a cost less than private golf courses in Washoe County, Nevada.

Currently the best opportunity for both First Tee and Washoe County to provide affordable golf at this location is to transfer or sell the property to First Tee with a purchase and sale agreement that captures the requirements for use of the property to be for charitable and affordable golf purposes. In addition to the proposal to transfer the property for charitable and affordable golf purposes, during the initial sale of a portion of the golf course property to the Washoe County School District for construction of the new Hug High School, the Board and City Council of the City of Sparks desired to ensure that the remaining property was utilized as open space, either a golf course, or regional open space. A proposal through the sale process is to include in the transfer documents a reversionary clause that ensures that if First Tee is unsuccessful in providing golf at this location, the property reverts to the County. The proposed language is:

In the event title reverts to Grantor, Grantor shall designate the Property, in perpetuity, as a public park, open space area, and/or golf course for the benefit of the general public, whose use is intended to accommodate pedestrian access and nonmotorized vehicle access, including bicycles, with the exception of Grantor-authorized vehicular access for maintenance.

First Tee is considered a corporation for public benefit and NRS 244.284 allows the County to convey property if the property is actually used for charitable or civic purposes. Additionally, the unsolicited proposal process is utilized for instances where the county is not able to provide a service to the community. The proposal from First Tee was deemed to be in the best interest of the public golfers of Washoe County to generate a feasible plan that will ensure continuation of much needed affordable golf in our community. The public benefit of having a facility of this type in our community that offers affordable golf and a substantial teaching element are a real benefit. First Tee teaches young people ages 7-17 life skills including honesty, respect, confidence, and sportsmanship through the game of golf.

**NRS 244.284 Lease or conveyance of real property of county to corporation for public benefit.**

1. In addition to the powers conferred by [NRS 450.500](#), the board of county commissioners may:
  - (a) Lease any of the real property of the county for a term not exceeding 99 years; or
  - (b) Convey any of the real property of the county, except property of the county that is operated or occupied by the county fair and recreation board, without consideration,  
↳ if such real property is not needed for the public purposes of the county and is leased or conveyed to a corporation for public benefit, and the property is actually used for charitable or civic purposes.
2. A lease or conveyance pursuant to this section may be made on such terms and conditions as seem proper to the board of county commissioners.
3. If a corporation for public benefit to which property is conveyed pursuant to this section ceases to use the property for charitable or civic purposes, the property automatically reverts to the county.
4. As used in this section, "corporation for public benefit" has the meaning ascribed to it in [NRS 82.021](#).

(Added to NRS by [1963, 690](#); A [1969, 218](#); [1975, 571](#); [2001, 1710](#); [2003, 918](#))

If the Board adopts the resolution, it would be declaring that it is in the best interests of Washoe County and its citizens for Washoe County to convey the Wildcreek Golf Course parcel to First Tee and declaring its intent to do so. The actual conveyance would occur later only after a public hearing is held to entertain objections. It is envisioned that after the public hearing is held to entertain objections, a purchase and sale agreement between Washoe County and First Tee will be brought before the board which will include all elements necessary to affect the sale. The hearing is not required by law, but a decision has been made to entertain that process nonetheless in the interest of transparency and community engagement. The additional terms and conditions for the sale will be stated in a purchase and sale agreement and will include provisions requiring that the property be used for charitable and civic purposes, that the property will be well and properly maintained.

If the Board adopts the resolution, it would be authorizing the County Manager to fix a date for a future public hearing of the Board at which the electors of Washoe County may appear and object to the transfer to First Tee and at which hearing the Board can finally determine whether to approve the sale. The date for that public hearing must be later than 2 weeks from the date of the meeting at which this resolution is adopted. The resolution would also direct the publishing of a notice of the adoption of this resolution and announcing the public hearing date chosen by the County Manager which must be not less than twice, on successive days, the last publication to be not less than 7 days before the date of the public meeting to be held or such later date as the Board may establish.

### **FISCAL IMPACT**

No fiscal impact is expected for the setting of a hearing.

### **RECOMMENDATION**

It is recommended the Board of County Commissioners adopt a resolution declaring Washoe County's intent to convey to the Northern Nevada Youth Golf Foundation, d/b/a First Tee of Northern Nevada the property commonly known as the Wildcreek Golf Course on Sullivan Lane in Sparks, Nevada (APN 027-011-09) and setting a date for a hearing at which objections can be heard and other matters properly related thereto.

### **POSSIBLE MOTION**

I move that the Board of County Commissioners adopt a resolution declaring Washoe County's intent to convey to the Northern Nevada Youth Golf Foundation, d/b/a First Tee of Northern Nevada the property commonly known as the Wildcreek Golf Course on Sullivan Lane in Sparks, Nevada (APN 027-011-09) and setting a date for a hearing at which objections can be heard and other matters properly related thereto.