

SUMMARY: GOLF COURSE POLICY RULES AND REGULATIONS

RESOLUTION NUMBER 2007-26

WHEREAS, the City Council desires to make revisions to the Golf Course Policy, Rules and Regulations adopted by Resolution Number 2005-02; now therefore,

THE CITY COUNCIL OF THE CITY OF WINNEMUCCA DOES RESOLVE:

1. Golf Professional Contract: The City may enter into a contract with a qualified Golf Professional for the management and operation of the Golf Course, Golf Pro Shop and Club House.

1.1 Policy Governs Contract/Exceptions: This resolution shall be incorporated by reference and made a part of any contract between the City and Golf Professional; provided, however any amendments to this resolution that materially alter or vary the terms of the contract or the rights and duties of the Golf Professional do not become applicable to the contract during the term thereof without the written consent of the Golf Professional.

1.2 Employment of Assistants: The Golf Professional may employ, at Golf Professional expense, such assistants as the Golf Professional considers necessary for giving lessons and instructions in golf and operating and maintaining the Golf Pro Shop and Club House. The Golf Professional assistants and employees, including marshals and starters, are not City employees. The Golf Professional must provide all benefits required by law for such assistants/employees.

1.3 Liability Insurance: The Golf Professional shall secure a public liability insurance policy insuring the liability of the City (as an additional insured), its officers, agents and employees and Golf Professional with coverage limits in an amount not less than \$1,000,000.00 per person and per occurrence, and \$2,000,000 aggregate. The policy shall state, by its terms or by an endorsement thereon, that the policy shall not be canceled until the City shall have at least thirty (30) days notice in writing of such cancellation.

1.4 Property and Debts of Golf Professional: The City shall not be liable for any damage or loss of any kind to the inventory or other property of the Golf Professional, nor for any debts incurred by the Golf Professional for inventory, supplies or any other indebtedness incurred as a result of the operation of the Golf Pro Shop, food concession or other activities from which the Golf Professional shall receive the proceeds as set forth herein.

1.5 Assignment: Any contract between the City and a Golf Professional may not be assigned to any other person or persons in whole or in part or sublet in any manner whatsoever without the prior written consent of the City.

1.6 Termination: Either party to the contract may, prior to the end of the term, terminate for a breach of any of the agreements and covenants contained herein or for good and legal cause shown upon sixty (60) days written notice to the other party.

2. **General Duties of Golf Professional:** Golf Professional shall operate and manage the Winnemucca Municipal Golf Course in an efficient manner including, but not limited to:

2.1 collecting daily greens fees, some of the monthly and annual pass fees, and some of the cart-storage and cart-permit fees for the City;

2.2 regulating play;

2.3 monitoring the conduct of players on the course;

2.4 enforcing rules and regulations;

2.5 supervising, conducting and arranging all golf tournaments;

2.6 keeping the Club House and surrounding area clean of all debris and maintaining the same in a clean and attractive state;

2.7 providing starters and marshals when needed to organize the course play;

2.8 obtaining a City of Winnemucca and State of Nevada business license for the operation of the Golf Pro Shop, food concession and related business activities;

2.9 paying expenses of every kind not paid by the City for the operation of the Club House, Golf Pro Shop and food concession;

2.10 providing the City with a food concession report by February 1 each year indicating the gross revenue and the net revenue from the food concession operation;

2.11 monitoring on a regular basis the golf cart storage buildings to verify that cart owners are paying the appropriate cart storage fee;

2.12 locking the golf cart storage buildings each night; and,

2.13 providing all food concession and Golf Pro Shop employees at Golf Professional expense.

3. **General Duties of City:** The City shall, in connection with the operation of the Golf Course:

3.1 pay all utility costs for Club House;

3.2 provide an annual cleaning of all major equipment and carpets for the Club House;

3.3 approve all rates for starters and marshals when needed by Golf Professional to organize the course play;

3.4 reimburse the Golf Professional for all costs related to the starters and marshals when approved;

3.5 purchase and maintain as City property all equipment required to operate the Golf Course and the Club House, with the exception of golf carts;

3.6 clean golf cart storage buildings on a regular basis;

3.7 bill out and collect most of the annual greens fees, cart permits and cart-storage space rental fees;

3.8 erect and maintain exterior signs; and

3.9 provide the Golf Professional with the following benefits: family health insurance at the same rate as provided to the City Department Heads; contributions to the Nevada Public Employee's Retirement System (PERS) in accordance with the employer-pay contribution plan; workman's compensation insurance; and, unemployment insurance.

4. Tournaments: The following general rules shall govern golf tournaments played on the Golf Course:

4.1 tournaments shall be conducted only at times agreeable to the Golf Professional so as not to unduly impact upon the public's ability to enjoy the use of the Golf Course;

4.2 no tournament event may be held on the Golf Course that is not conducted, supervised and arranged by the Golf Professional or the Golf Professional's staff;

4.3 tournament golfers shall pay applicable greens fees;

4.4 a reasonable fee may be charged by the Golf Professional for the purchase of prizes and awards from the Golf Professional or a lump-sum payment to the Golf Professional for services to the tournament, or a combination of both purchase of prizes and awards and lump-sum payment;

4.5 the golf tournament fee schedule and Golf Course rules currently in effect are applicable to tournament play; and,

4.6 no tournament sponsor may bring food or beverage onto the Golf Course without approval by the Golf Professional.

5. Golf Pro Shop: Golf Professional shall operate, manage and maintain a first-class golf shop including, but not limited to the following:

5.1 operating a food concession;

- 5.2 selling and renting of golf equipment, clothing and golf carts;
- 5.3 providing instructions;
- 5.4 operating the golf practice range;
- 5.5 golf cart rental and associated collection of fees; and,
- 5.6 posting the availability of all vacant golf cart storage spaces in a conspicuous place in the Club House.

6. Revenues:

6.1 Weekly Revenue Report: The Golf Professional shall submit weekly: (i) a revenue report itemizing all City revenue received, including the register summary listing such receipts for each week; and, (ii) the golfer registration sheets. The reports shall be on a form or in a format prescribed by the City and they must signed by the Golf Professional.

6.2 Distribution of Revenues: All revenues of every kind collected by the Golf Professional or the City arising from the Golf Course or its operation, including fees, charges, rentals and all other income and revenues, shall be distributed as follows:

6.2.1 To the City:

Greens fees, annual pass fees and monthly pass fees;
Tournament fees;
Golf-cart space rental fees; and
Golf-cart permit fees.

6.2.2 To the Golf Professional:

All receipts of Golf Pro Shop and food concession;
Instruction fees;
Practice-range fees;
Tournament management fees;
Storage fees, except golf cart space rentals;
Rentals and sales of golf carts, golf equipment, clothing and other sales and rentals;
Vending machine revenues; and
All other revenues not otherwise described herein.

7. Golf Course Rules & Regulations:

7.1 Posted Rules: The following local rules shall govern play on the Golf Course and shall be plainly posted:

7.1.1 Faster players must be allowed to play through.

- 7.1.2 Players must receive Golf Professional approval to start on any hole other than Hole Number 1. All players must register at the Club House prior to play on the Golf Course.
- 7.1.3 Players coming off Hole Number 9 must alternate with waiting players on Hole Number 1.
- 7.1.4 Players must receive Golf Professional approval to play more than a foursome. During busy play, foursomes are required to speed up course play unless otherwise approved by the Golf Professional.
- 7.1.5 All persons must have a valid drivers license (no learner permits are accepted) to operate a golf cart on the Golf Course; provided, however, employees of the Golf Professional performing assigned employment duties may operate a golf cart on the Golf Course without a valid drivers license.
- 7.1.6. The Golf Professional may revoke the privilege of operating a cart if, in the opinion of the Golf Professional, the operator is not operating the cart in an appropriate manner.
- 7.1.7 Golf carts must remain at least thirty (30) feet from greens.
- 7.1.8 Players must rake all traps and bunkers after playing a shot.
- 7.1.9 Players must replace divots and repair ball marks on greens.
- 7.1.10 Pets are not allowed on the Golf Course.
- 7.1.11 Practicing on the Golf Course or greens is not allowed, practice is allowed only on designated practice greens and practice tee.
- 7.1.12 No children under five (5) years of age are allowed on the Golf Course.
- 7.1.13 All players must have their own set of clubs.
- 7.1.14 Smoking is not allowed inside the Club House.

7.2 Other Applicable Rules: The following rules also apply:

7.2.1 Season: The Golf Course regular season commences each calendar year on March 1 and ends on October 31, unless otherwise determined by the Golf Professional. The Golf Course season may be shortened only if requested by the Golf Professional and approved by the City Manager.

7.2.2. Starting Times: Starting times shall be issued beginning at 8:00 a.m. each Monday, unless otherwise determined by the Golf Professional.

7.2.3. Approved Golf Carts Only: Only golf carts made by an approved golf cart manufacturer shall be permitted on the course.

7.2.4 Hours of Operation: The Club House shall, except as otherwise provided by this Resolution, be open to the public during the following times:

8:00 a.m. to dusk: beginning March 1 and continuing until the Friday prior to Memorial Day and beginning the day after Labor Day and continuing until October 31.

7:00 a.m. to dusk: beginning the Saturday prior to Memorial Day and continuing until Labor Day.

The Club House hours may be shortened only if requested by the Golf Professional and approved by the City Manager.

7.2.5 Winter Rules: The City Manager shall determine when the Winter Rules will be enforced, including temporary greens and golf cart time-of-use restrictions.

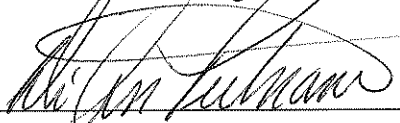
7.2.6 Tuesday Closure. The Golf Course may be closed to the public on Tuesday during the regular season between 9:00 a.m. and 1:00 p.m. for Ladies Club play if there are twenty (20) or more players using the Golf Course.

PASSED AND ADOPTED: August 07, 2007

VOTE OF CITY COUNCIL:

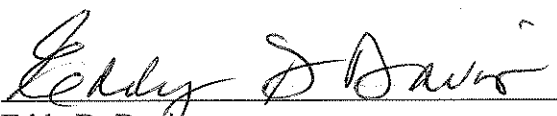
Ayes: Councilmen: Stone, Cain, Sheen, Herzog, Stoker
Nays: Councilmen: _____
Absent: Councilmen: _____
Not Voting: Councilmen: _____

APPROVED: August 07, 2007



Di An Putnam
Mayor

ATTEST: August 07, 2007



Eddy D. Davis
City Clerk