

**Mammoth Lakes Foundation  
Executive Committee Meeting  
Tuesday, April 17, 2018 @ 3pm  
Mammoth Lakes Foundation Library  
100 College Parkway, Mammoth Lakes, California 93546**

[www.mammothlakesfoundation.org](http://www.mammothlakesfoundation.org)

**(3pm) Call the Meeting to Order – Board Chair Gary Myers**

**(3:01pm) Executive Committee Member**

|                                |                                 |   |
|--------------------------------|---------------------------------|---|
| <b>Gary McCoy - President</b>  | <b>Gary Myers – Board Chair</b> | <b>Shields Richardson - Secretary</b>   |
| <b>Luan Mendel - Treasurer</b> | <b>Bonnie Colgan - Member</b>   | <b>Evan Russell – MLF CEO/President</b> |

**(3:32am) Administrative Items**

1. Approve any additions to the Agenda
2. Approve the minutes of the February 24, 2018 Executive Committee Meeting (Att #1)
3. (10 min) Provide the Executive Committee with a status report on the National Wounded Warrior Center.
4. (10 min) Review and consider approving the updated Employee Handbook. (Att #2)
5. (5 min) Review and consider approving a Sponsorship Policy to increase the Foundation’s ability to deliver services to the community. (Att #3)
6. (15 min) Review and consider approving a Board Governance Model for the Mammoth Lakes Foundation. (Att #4)
7. (15 min) Provide a Capital Campaign Status Report to the Executive Committee (Att #5, #6 & #7)
8. (15 min) Provide the Executive Committee with a MACC Status Report (Att #8 , #9 & #10)
9. Old Business
10. New Business
11. Adjourn to Closed Session
  - Pending Litigation
  - Personnel Matters
  - Real Property
12. Attachments:
  - MLF Cash Report dated 04.10.18
  - MLF Exec Com Self-Assessment Data and Comments

**(4:30pm) Adjournment**

To the next meeting of the MLF Foundation Board of Directors meeting scheduled for Saturday, April 28th, 2018 at 8:30am to be held in the Mammoth Lakes Foundation Library.

**Supporting higher education and cultural enrichment in the Eastern Sierra**

**Mammoth Lakes Foundation  
 Executive Committee Meeting Minutes  
 Saturday, February 24, 2018  
 Mammoth Lakes Foundation Library  
 100 College Parkway, Mammoth Lakes, California 93546**

[www.mammothlakesfoundation.org](http://www.mammothlakesfoundation.org)

**(8:30am) Call the Meeting to Order – Board Chair Gary Myers**

- The meeting was called to order at 8:30am.

**(8:31am) Executive Committee Member**

- All members participated in the Committee meeting with Bonnie Colgan calling in for the Exec Com.

|                         |                          |                                  |
|-------------------------|--------------------------|----------------------------------|
| Gary McCoy - President  | Gary Myers – Board Chair | Shields Richardson - Secretary   |
| Luan Mendel - Treasurer | Bonnie Colgan - Member   | Evan Russell – MLF CEO/President |

**(8:32am) Administrative Items**

1. Approve any additions to the Agenda
  - There were no additions to the agenda.
2. Approve the minutes of the January 22, 2018 Executive Committee Meeting (Att #1)
  - The minutes of the meeting were approved as submitted. (Motion by McCoy, Second by Mendel, Approved 5-0)
3. (10 min) Review and consider approving the frame for a Fund Development Strategy for Mammoth Lakes Foundation. (Att #2)
  - The document was approved as presented by Development Director Betsy Truax. (Motion by McCoy, Second by Russell, Approved 5-0)
4. (5 min) Review and consider approving the Termination of Conditional Letter of Intent between Mammoth Lakes Foundation and Disabled Sports Eastern Sierra. (Att. #3)
  - The document was approved as presented. (Motion by Richardson, Second by McCoy, Approved 5-0)
5. (10 min) Review and consider approving a recommendation for South Gateway Apartment rental rates for FY18-19. (Att #4 & #5)
  - The document was accepted as presented by SGSA Manager Brett Barker with a request to explore options with Eastern Sierra Propane for review by the Exec Com. (Motion by Mendel, Second by McCoy, Approved 5-0)
6. (20 min) Review and consider accepting the FY16-17 Audit and Management Points. (Att #6 & Att #7) @ 9am
  - Gil Aguilar presented the Audit Findings via phone from Visalia. The Audit Report and the Management Points were accepted as submitted. (Motion by Richardson, Second Mendel, Approved 5-0)
7. (10 min) Review and consider approving an Employee Accountability Program (EAP) and the associated tools for the employees of the Mammoth Lakes Foundation. (Att #7, Att #8, Att#9 & Att #10)
  - The EAP was accepted as presented with a request to research and provide benchmark data based on comparable salaries for similar positions in similar environments for review by the Exec Com. (Motion by Mendel, Second by Richardson, Approved 5-0)
8. (5 min) – Review and consider approving a contract between Mammoth Lakes Foundation and the Woodward Architectural Firm for their work on the Performing Arts Theatre as an element of the Mammoth Arts & Culture Center. (Att #11)
  - The staff report recommended \$535,000 to approve the contract. The CEO reminded the Exec Com that it agreed to contract with the Woodward Firm to manage the services of other consultants and recommended that the staff report be modified to request a contract not to exceed \$1,035,000.
  - The Exec Com was reminded that MLF does not have funding to cover these costs in the budget at this time.
  - The modified motion was made by McCoy, seconded by Richardson and included an engaging conversation by the Exec Com, and was approved 5-0.

9. Adjourn to Closed Session (Originally Agenda Item #14)
  - Conference with Legal Counsel - Litigation / Mammoth Film Festival
    - MLF Counsel Bornfeld provided an update to the Exec Com to include the potential future costs to MLF which led to the Exec Com agreeing to take time to explore options and take no action at this time.
10. (10 min) Review and consider accepting the mid-year actual to budget comparison summary for the period ending December 31, 2017. (Att #12 & #13)
  - Due to the length of the meeting today the document was reviewed by the Exec Com that indicated that MLF has \$17,000 in cash and \$250,000 in reserves.
11. (20 min) Review the MLF Executive Committees Self-Assessment Tool and to develop the next steps in the process of Board Development. (Att #14, #15 & #16)
  - The importance of board development was embedded throughout the Exec Com meeting today. It was agreed that the Exec Dir would compile all of the data from the self-assessment and a frame for a Board Development Planning Process would be created by the Exec Dir for review by the Exec Com.
  - It was agreed that the Board should have a strong Exec Com that serves as the Governance Team and that a larger advisory committee serves as ambassadors for the organization that are both influential and influential as aligned with the 12.02.17 MLF Bylaws.
12. New Business
  - No new business
13. Old Business
  - No old business
14. Request for Future Agenda Items
  - MLF / DSES NWWC Lease Agreement
  - Fund Development Strategy
  - Communications Audit
  - Propane Options
  - Comparative Salaries
  - Board Development

**(11:45am) Adjournment**

To the next meeting of the MLF Foundation Board of Directors meeting scheduled for Saturday, March 17, 2018 at 8:30am to be held in the Mammoth Lakes Foundation Library.

Respectfully,

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Rich Boccia  
Executive Director  
Mammoth Lakes Foundation

**Mammoth Lakes Foundation  
Board of Directors Executive Committee  
Agenda Action Sheet**

**Executive Committee Meeting Date:** April 17, 2018

**Date Prepared:** April 6, 2018

**Prepared by:** Rich Boccia; Executive Director  
Mammoth Lakes Foundation

**Title:** Mammoth Lakes Foundation Employee Handbook

**Strategic Plan Alignment #1: Foundation Operations**

**Recommended Motion:**

It is recommended that the MLF Board of Directors Executive Committee review and consider approving an updated employee handbook for the Foundation.

**Background Information:**

An Employee Handbook is designed to introduce employees to the organization, familiarize them with our policies, provide general guidelines on work rules, benefits and other issues related to employment, and helps answer many of the questions that may arise in connection with employment.

The Mammoth Lakes Foundation adopted an employee handbook in the year 2000 and has not been widely distributed to the staff. The base of this document has been created by The California Association of NonProfits that provides a number of services for their membership including support for human resources and which, Labor Lawyer Nestor Barrera indicated that "it was actually pretty good, and tweaked it."

The recommended Employee Handbook has been modified to address the needs of Mammoth Lakes Foundation. This document will be updated and modified on an annual basis to remain current with labor law along with State and Federal policies and has been recently reviewed and updated by the legal firm of Constagny, Brooks, Smith & Prophete, LLP.

Specifically;

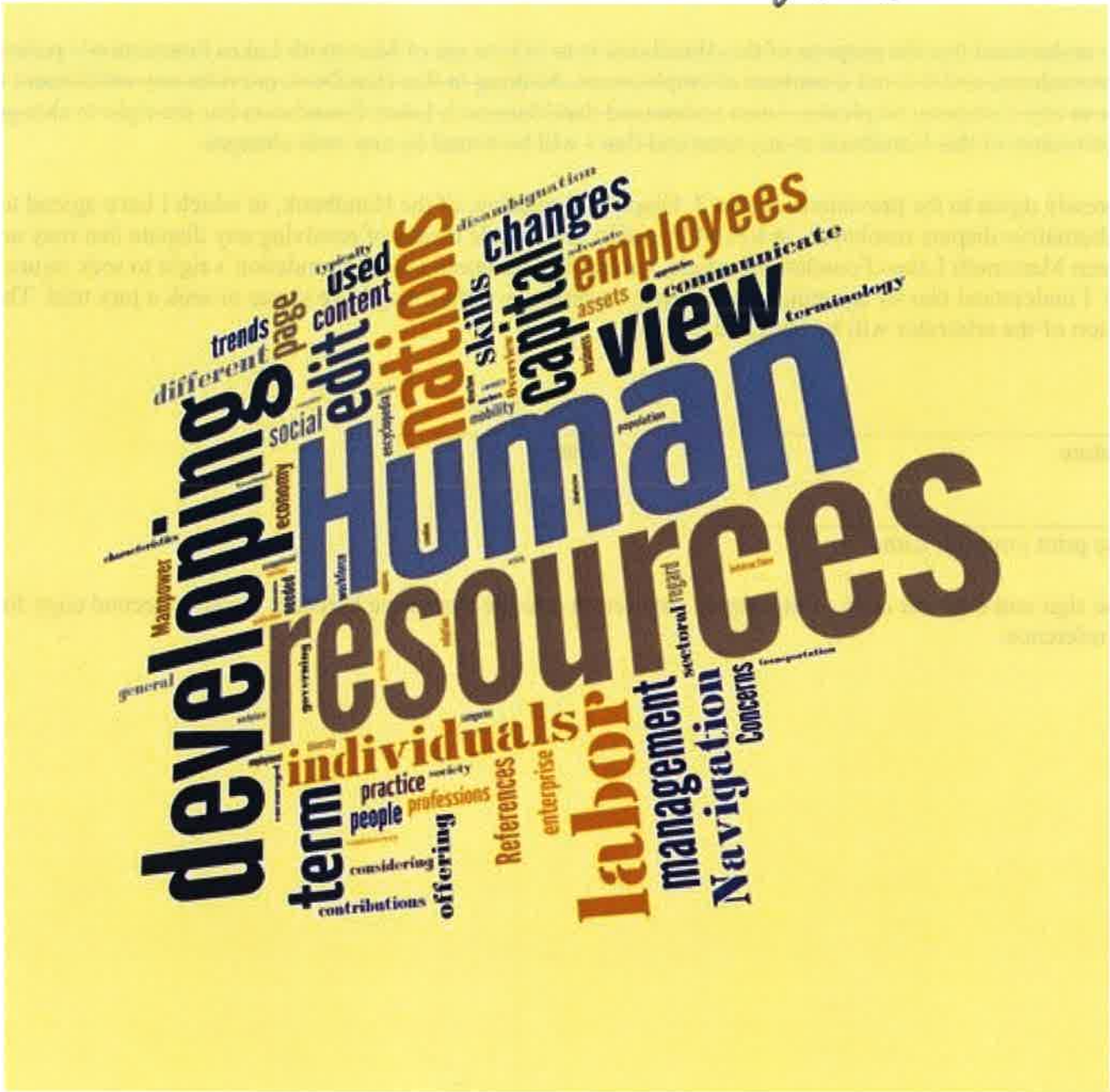
1. Updated the Intro containing EEO and At Will language
2. Revamped the EEO policy to update additional protected classifications
3. Redid the Harassment Policy
4. Added a Whistleblower Policy
5. Added a Sick Leave Policy
6. Added a Pregnancy Leave Policy

It is recommended that the MLF Board of Directors Executive Committee review and consider approving this Employee Handbook for Mammoth Lakes Foundation employees that includes these new and updated policies.

**Funds Available:** Policy / \$2500

**Account Number:** 70264

BOCCIA  
WORKING DRAFT  
04 05 13



100 College Parkway  
Post Office Box 1815  
Mammoth Lakes, California 93546 - 1815  
760.934.3781

## Acknowledgement of Receipt of Mammoth Lakes Foundation Employee Handbook

I acknowledge that I have received a copy of the Mammoth Lakes Foundation Employee Handbook (“Handbook”). I understand that I am responsible for reading and abiding by all policies and procedures in this Handbook, as well as other policies and procedures of Mammoth Lakes Foundation.

~~I also understand that the purpose of this Handbook is to inform me of Mammoth Lakes Foundation’s policies and procedures, and it is not a contract of employment. Nothing in this Handbook provides any entitlement to me or to any Company employee. I also understand that Mammoth Lakes Foundation has the right to change any provision of this Handbook at any time and that I will be bound by any such changes.~~

I expressly agree to the provisions of Part 7, Dispute Resolution, of the Handbook, in which I have agreed to use alternative dispute resolution, in lieu of litigation, as the sole means of resolving any dispute that may arise between Mammoth Lakes Foundation and me, subject to Mammoth Lakes Foundation’s right to seek injunctive relief. I understand that by agreeing to arbitration I waive any right I may have to sue or seek a jury trial. The decision of the arbitrator will be final and binding.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Please print your full name

Please sign and date one copy of this notice, and return it to the Executive Director. Retain a second copy for your reference.

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### ***Introduction***

This handbook is intended to inform employees of the basic personnel policies and practices that govern employment at the Mammoth Lakes Foundation at the time of publication. All previously issued handbooks and any inconsistent policy statements or memoranda are superseded by this handbook. It is not intended to create a contract of continued employment between Mammoth Lakes Foundation and any of its employees, and, with the exception of the policy of at-will employment, it is not intended to create any legally enforceable obligations on the part of Mammoth Lakes Foundation. This manual is not an exhaustive presentation of Mammoth Lake Foundation's policies, procedures or benefits and may be supplemented by other personnel documents, written practices, guidelines, publications and updates.



Other than the policy of at-will employment, Mammoth Lakes Foundation may revise, modify, delete or add to any policies, procedures, work rules or benefits mentioned in this manual or in any other document relating to Mammoth Lake Foundation’s personnel policies at any time at its sole and absolute discretion. Any such changes must be in writing and signed by the CEO/President. No oral statements or representations can in any way alter the provisions of this manual.

*This Employee Handbook (“Handbook”) is a compilation of personnel policies, practices and procedures currently in effect at Mammoth Lakes Foundation (“MLF”).*

*The Handbook is designed to introduce you to Mammoth Lakes Foundation, familiarize you with our policies, provide general guidelines on work rules, benefits and other issues related to your employment, and helps answer many of the questions that may arise in connection with your employment.*

*This Employee Handbook is not a contract. Like most American companies, Mammoth Lakes Foundation generally does not offer individual employees formal employment contracts with Mammoth Lakes Foundation. This Handbook does not create a contract, express or implied, guaranteeing you any specific term of employment, nor does it obligate you to continue your employment for a specific period of time. The purpose of the Handbook is simply to provide you with a convenient explanation of present policies and practices at Mammoth Lakes Foundation. This Handbook is an overview or a guideline. It cannot cover every matter that might arise in the workplace.*

*Mammoth Lakes Foundation reserves the right to modify any of our policies and procedures, including those covered in this Handbook, at any time. We will seek to notify you of such changes by email and other appropriate means. However, such a notice is not required for changes to be effective.*

## **Part 1 – Getting Started**

### **Recruitment and Hiring**

Mammoth Lakes Foundation’s primary goal when recruiting new employees is to fill vacancies with persons who have the best available skills, abilities, or experience needed to perform the work. Decisions regarding the recruitment, selection, and placement of employees are made based on job-related criteria.

When positions become available, qualified current employees are encouraged and are welcome to apply for the position. As openings occur, notices relating general information about the position are posted. The manager of the department with the opening will arrange interviews with employees who apply.

We encourage current employees to recruit new talent for Mammoth Lakes Foundation.

### **Employment Classifications**

The following terms will be used to describe employment classifications and status:

#### **Exempt Employees**

An exempt employee is a salaried employee ~~earning at least \$455 per week~~ who holds an administrative, professional, or management position. Exempt employees are not subject to the overtime pay provisions of the federal Fair Labor Standards Act (FLSA) and the California Labor Code and Wage Orders. Certain outside sales persons and a few other job categories are also exempt. Exempt employees are not eligible for overtime compensation.

## **Non-Exempt Employees**

Most hourly employees are non-exempt employees. Employees who are not administrative, professional, or managerial employees (as defined by the U.S. Department of Labor [and the California Wage Orders](#)) are generally not exempt from the FLSA [or California](#) overtime provisions. Non-Exempt employees do earn approved overtime compensation.

## **Full-Time Employee**

Full-time employees are those who are regularly scheduled to work a minimum of 40 hours per week.

## **Part-Time Employee**

Part-time employees are those who are regularly scheduled to work at least 20 but fewer than 40 hours per week. Part-time employees are not eligible for Mammoth Lakes Foundation paid benefits.

## **Temporary Employee**

Employees hired for an interim period usually to fill in for vacations, leaves of absence, or projects of a limited duration. Temporary employees are not eligible for benefits. Temporary employees include interns and co-op students.

## **Independent Contractors**

Persons hired by Mammoth Lakes Foundation to perform a particular job, typically for a limited time period. ~~These persons may be self-employed or they may work for an outside agency.~~ Independent contractors are not eligible for benefits and they are not employees of Mammoth Lakes Foundation.

## **Equal Employment Opportunity**

Mammoth Lakes Foundation is an equal opportunity employer. We will extend equal opportunity to all individuals without regard to ~~race, religion, color, sex (including pregnancy), national origin, disability, age, genetic information, or any other status protected under applicable federal, state or local law~~ [race, religion, color, sex, national origin, age, military status, veteran status, mental or physical disability, genetic information, ancestry, medical condition, marital or domestic partnership status, pregnancy status, gender identity, gender expression, sexual orientation, or any other characteristic protected by law](#). Our policy reflects and affirms Mammoth Lakes Foundation's commitment to the principles of fair employment and the elimination of all discriminatory practices. Details of our equal employment opportunity policies are further explained in Part 3 below.

## **Your Employment Relationship with Mammoth Lakes Foundation**

~~All employment at Mammoth Lakes Foundation is "at-will." This means that both employees and Mammoth Lakes Foundation have the right to terminate employment at any time, with or without notice, and with or without cause. At-will employment also means that Mammoth Lakes Foundation may make decisions regarding other terms of employment, including but not limited to demotion, promotion, transfer, compensation, benefits, duties, and location of work, at any time with or without cause or advance notice. No one other than the CEO/President has the authority to alter this arrangement, to enter into an agreement for a specified period of time, or to make any agreement contrary to this policy. Any such agreement must be in writing, signed by the CEO/President and by the affected employee and expressly titled, "Modification of At-Will Employment."~~ Like most American companies, Mammoth Lakes Foundation generally does not offer individual employees a formal employment contract with Mammoth Lakes Foundation. Employment is "at-will," meaning that you or Mammoth Lakes Foundation may end your employment at any time, with or without cause, for any lawful reason.

~~This Employee Handbook is not a contract. It does not create any agreement, express or implied, guaranteeing you any specific terms or conditions of employment. Nothing contained in this Handbook should be construed as creating a contract guaranteeing employment for any specific duration. Nor does it obligate you to continue your employment for a specific period of time. Unless you have entered into an employment agreement that supersedes this document, either you or Mammoth Lakes Foundation may terminate the employment relationship at any time. This Handbook does not guarantee any prescribed process for discipline and discharge.~~

~~No manager or other representative of Mammoth Lakes Foundation, other than the CEO/President, has the authority to enter into any agreement guaranteeing employment for any specific period. No such agreement shall be enforceable unless it is in writing and signed by the CEO/President and the employee.~~

### **Devotion to Business of Employer**

All full time employees shall devote their entire productive time, ability, and attention to the business of the employer during the term of their employment with Mammoth Lakes Foundation.

### **Orientation and Training**

To help you become familiar with Mammoth Lakes Foundation and our way of doing things, Mammoth Lakes Foundation will provide an orientation and training session within the first few days after you begin work. Some of the content of the session will depend in large part on the nature of your responsibilities, while other parts will be applicable to all employees. In addition, Mammoth Lakes Foundation may periodically offer additional training or educational programs. Some programs may be voluntary, while others will be required.

### **Immigration Law Applicable to All Employees**

Mammoth Lakes Foundation complies with the Immigration Reform and Control Act of 1986 by employing only U.S. citizens and non-citizens who are authorized to work in the United States. All employees are required to provide original documents verifying the right to work in the United States and to sign a verification form required by federal law (Form I-9) within the first three (3) days of employment. If you cannot verify your right to work in the United States within three (3) days of hire, Mammoth Lakes Foundation is required by law to terminate your employment.

### **Hours of Work**

The work week is generally from Monday through Friday, with normal operating hours from 9:00 a.m. to 5:00 p.m., with time for lunch, to meet the minimum eight (8) hour work day and a 40 hour work week for all full time employees. Non-exempt employees are required to take a 30 minute unpaid half hour meal period lunch after working no more than 5 hours and a two ten minute paid rest periods are available to be taken, preferably at the midpoint of each four hour period of work in a work ~~fifteen minute rest period after four hours of~~ workday.

### **Flex Time**

Mammoth Lakes Foundation recognizes that many employees need flexibility in work schedules in order to meet child care and other needs. Core hours are 9:30 a.m. to 2:30 p.m. and all employees should be at work during those hours. Within the structure of the core hours, you may schedule your eight hour work day as you choose, providing the nature of your job permits such flexibility and your supervisor approves your schedule.

### **Overtime for Non-Exempt Employees**

Because of the nature of our business, and your non-exempt employment status, your job may periodically require overtime work and you will be paid for such overtime hours as required by applicable federal and state law. If Mammoth Lakes Foundation requires that you work overtime, we will give you as much advance notice as possible. You should not work overtime hours without prior approval by your manager.

### **Attendance and Punctuality**

It is important for you to report to work on time, to remain at work throughout your work day, and to avoid unnecessary absences. Mammoth Lakes Foundation recognizes that illness or other circumstances beyond your control may cause you to be absent from work from time to time. However, frequent absenteeism or tardiness may result in disciplinary action up to and including discharge. Excessive absenteeism or frequent tardiness puts an unnecessary strain on your coworkers and can have a negative impact on the success of Mammoth Lakes Foundation.

You are expected to report to work when scheduled. Whenever you know in advance that you are going to be absent, you should notify your immediate supervisor, or the designated manager, or at this time, the Executive Director (760-709-6616). If your absence is unexpected, you should attempt to reach your immediate supervisor as soon as possible, but in no event later than one hour before you are due at work. In the event your immediate supervisor is unavailable, you must speak with a manager. If you must leave a voicemail, you must provide a number where your supervisor may reach you if need be.

You are expected to be at your workstation at the beginning of each business day. If you are delayed, you must call your immediate supervisor to state the reason for the delay. As with absences, you must make every effort to speak directly with a manager. Regular delays in reporting to work will result in disciplinary action up to and including discharge.

### **Inclement Weather**

Mammoth Lakes Foundation is open for business unless there is a government-declared state of emergency or unless you are advised otherwise by your supervisor. There may be times when we will delay opening and on rare occasions, we may have to close. Use common sense and your best judgment, however, when traveling to work in inclement weather.

In the event that Mammoth Lakes Foundation's facilities are closed by Mammoth Lakes Foundation or the government, employees will be paid for the day. If Mammoth Lakes Foundation's facilities are open and you are delayed getting to work or cannot get to work at all because of inclement weather, the absence will be charged to (1) personal/sick time, (2) vacation time, or (3) unpaid time off, in that order. You should always use your judgment about your own safety in getting to work.

When potentially dangerous weather develops during the day and a decision is made by Mammoth Lakes Foundation to close early, you will be compensated for the full day.

When severe weather develops or is anticipated to develop during the day and a decision is made by management to close before 5:00 p.m., you will be compensated as if you had worked to the end of your regularly scheduled hours for that day. If you elect to leave prior to the time Mammoth Lakes Foundation closes, you will be required to use personal/sick time or vacation time in an amount equal to the number of hours between the time you left and the time the office closed in order to be paid in full for the work day.

## **Dress Code and Public Image**

As an employee of Mammoth Lakes Foundation, we expect you to present a clean and professional appearance when you represent us, whether you are in or outside of the office. You are, therefore, required to dress in appropriate business attire and to behave in a professional, businesslike manner. It is essential that you act in a professional manner and extend the highest courtesy at all times to co-workers, visitors, customers, vendors and clients. A cheerful and positive attitude is essential to our commitment to extraordinary customer service and exceptional quality.

The current dress code is business-casual. Please keep in mind, however, that Mammoth Lakes Foundation is a professional business office, where clients and others often visit. Generally, clean, neat clothing is acceptable. However, torn jeans or other torn clothing and tee shirts with inappropriate verbiage or pictures are not appropriate casual attire. As always, please use common sense in your choice of business-casual attire and the use of appropriate language at all times.

## **Work Space**

Employees are responsible for maintaining the workspace assigned to them. A clean, orderly workspace provides an environment conducive to working efficiently. Employees should keep in mind that their workspace is part of a professional environment that portrays Mammoth Lakes Foundation's overall dedication to providing quality service to its clients. Therefore, your workspace should be clean, organized and free of items not required to perform your job.

## **Equipment**

Certain equipment is assigned to staff depending on the needs of the job, such as a personal computer, printer and access to our central computers and servers. This equipment is the property of Mammoth Lakes Foundation and cannot be removed from the office without prior approval from your supervisor. It is expected that you will treat this equipment with care and report any malfunctions immediately to staff members equipped to diagnosis the problem and take corrective action. This also includes the use of the company truck which may be used for approved business as associated with an event or a project that supports our mission.

## **Personnel Records**

It is important that Mammoth Lakes Foundation maintain accurate personnel records at all times. You are responsible for notifying your immediate supervisor or the Human Resources Department of any change in name, home address, telephone number, marital status, and number of dependents, immigration status, or any other pertinent information. By promptly notifying Mammoth Lakes Foundation of such changes, you will avoid compromise of your benefit eligibility, the return of W-2 forms, or similar inconvenience.

## **Performance & Salary Reviews**

You will have your first performance review at the end of your first six (6) months of employment with Mammoth Lakes Foundation. Thereafter, performance reviews will normally be conducted annually on or about your anniversary date. All performance reviews will be completed in writing by your supervisor or manager on the form designated by Mammoth Lakes Foundation, and reviewed during a conference with you. Factors considered in your review include the quality of your job performance, your attendance, meeting the requirements of your job description, dependability, attitude, cooperation, compliance with employment policies, professional conduct, any disciplinary actions and year-to-year improvement in overall performance. Compensation increases ~~may be~~ are provided ~~given~~ by Mammoth Lakes Foundation at its discretion in consideration of various factors, including your performance review.

## Part 2 – Our Policies and Practices

### **Internet Access**

Access to the Internet is provided primarily for work-related activities or approved educational / training activities. Incidental and occasional personal use and study use is permitted. This privilege should not be abused and must not affect a user's performance of employment-related activities.

Mammoth Lakes Foundation email and Internet system is the property of Mammoth Lakes Foundation. By accessing the Internet, Intranet and electronic mail services through facilities provided by Mammoth Lakes Foundation, you acknowledge that Mammoth Lakes Foundation by itself or through its Internet Service Provider may from time to time monitor, log, and gather statistics on employee Internet activity and examine all individual connections and communications.

### **Responsibilities and Obligations**

Employees may not access, download or distribute material that is in breach of the law, or which others may find offensive or objectionable, such as material that is ~~pornographic, sexually explicit, violent, harassing or discriminatory, bigoted or an incitement to violence.~~

You must respect and comply with copyright laws and intellectual property rights of both Mammoth Lakes Foundation and other parties at all times. When using web-based sources, you must provide appropriate attribution and citation of information to the websites. Software must not be downloaded from the Internet without the prior approval of qualified persons within Mammoth Lakes Foundation.

### **Violation of this Policy**

In all circumstances, use of Internet access and email systems must be consistent with the law and Mammoth Lakes Foundation policies. Violation of this policy is a serious offense and, subject to the requirements of law, may result in a range of sanctions from restriction of access to electronic communication facilities to disciplinary action, up to and including dismissal.

### **Email**

The email system is the property of Mammoth Lakes Foundation ~~and as such, is subject to monitoring. System monitoring is done for your protection and the protection of the rights or property of the provider of these services.~~ All emails are archived on the server in accordance with our records retention policy, and all emails are subject to review by Mammoth Lakes Foundation. You may make limited use of our email system for personal business matters, so long as such use is kept to a minimum and does not interfere with your work.

~~Our email system is the property of Mammoth Lakes Foundation, and as such, is subject to monitoring. System monitoring is done for your protection and the protection of the rights or property of the provider of these services. Please consider this when conducting personal business using Mammoth Lakes Foundation hardware and software.~~

Electronic mail is like any other form of business communication, and ~~may shall~~ not be used for ~~discriminatory, harassing or other purposes that violate Mammoth Lakes Foundation policies or applicable law. harassment or other unlawful purposes.~~ Your email account is a privilege provided by Mammoth Lakes Foundation and is our property. Remember that when you send email from a Mammoth Lakes Foundation domain, you represent Mammoth Lakes Foundation whether your message is business-related or personal.

## **Telephones & Texting**

Personal use of Mammoth Lakes Foundation's telephone for long-distance and toll calls is permitted only with the permission of management. Personal calls must be kept at a minimum, whether made on a company phone or a personal cell phone.

Cell phones shall be turned off or set to silent or vibrate mode during meetings, conferences and in other locations where incoming calls or texting may disrupt normal workflow.

Employees may carry and use personal cell phones while at work on a sporadic basis. If employee use of a personal cell phone causes disruptions or loss in productivity, the employee may become subject to disciplinary action per company policy.

Personal cell phones ~~may shall~~ be used for company business on a sporadic basis. Employees may be reimbursed for the incoming calls to their personal cell phones if the Mammoth Lakes Foundation's main telephone system is unavailable to the employee.

## **Smoking & Vaping**

In order to provide a safe and comfortable working environment for all employees, smoking and vaping is strictly prohibited at all times inside any Mammoth Lakes Foundation building or other business location.

## **Drug-Free Workplace**

Mammoth Lakes Foundation takes seriously the problem of drug and alcohol abuse, and is committed to providing a substance abuse-free workplace for its employees. Substance abuse of any kind is inconsistent with the behavior expected of our employees, subjects all employees and visitors to our facilities to unacceptable safety risks, and undermines our ability to operate effectively and efficiently.

Any employee who is convicted of any violation of drug or alcohol laws shall notify the Executive Director or CEO/President within five (5) days of the date of conviction. A conviction includes a finding of guilt, including a plea of no contest, or imposition of sentence, or both.

## **Substance Abuse**

Substance abuse is a serious problem adversely affecting the lives of millions of Americans, corporate profits, organizational effectiveness, and our nation's ability to compete in the world economy.

Mammoth Lakes Foundation recognizes alcohol and drug abuse as potential health, safety and security problems. Mammoth Lakes Foundation expects all employees to assist in maintaining a work environment free from the effects of alcohol, drugs or other intoxicating substances. Compliance with this substance abuse policy is a condition of employment, and violations of the policy may lead to discipline up to and including discharge.

All employees are prohibited from engaging in the unlawful manufacture, possession, use, distribution or purchase of illicit drugs, alcohol or other intoxicants, as well as the misuse of prescription drugs on Mammoth Lakes Foundation premises or at any time and any place during working hours. If a ~~While we realize that a number of~~ Foundation event includes the availability of alcohol, employees must still behave in a professional and responsible manner and public drunkenness or other behavior related to

~~use of alcohol in a Foundation related setting s do include alcohol, consumption of alcohol at these events to the point of intoxication~~ will not be tolerated and is grounds for disciplinary action up to and including termination of employment. ~~While we cannot control your behavior off the premises on your own time, we certainly encourage you to behave responsibly and appropriately at all times.~~ All employees are required to report to their jobs in appropriate mental and physical condition, ready to work.

~~Substance abuse is an illness that can be treated.~~ Employees who ~~believe they may h~~ have an alcohol or ~~substance drug abuse~~ problem are encouraged to seek appropriate professional assistance. You may inform the Executive Director for assistance in seeking help to address substance abuse.

When work performance is impaired, admission to or use of a treatment or other program does not preclude appropriate action by Mammoth Lakes Foundation.

Any violator of this substance abuse policy will be subject to disciplinary action up to and including termination of employment. ~~Further, any~~ ~~However, any~~ off duty activity, including drug or alcohol related ~~activbehavior ity~~, that leads to your arrest or that ~~otherwise~~ causes ~~potential~~ embarrassment to Mammoth Lakes Foundation may be grounds for discipline up to and including termination.

### **Safety and Accident Rules**

Safety is a joint venture at Mammoth Lakes Foundation. We provide a clean, hazard-free, healthy, safe environment in which to work and make every effort to comply with all relevant federal, state and local occupational health and safety laws, including the federal Occupational Safety and Health Act ([OSHA](#)) ~~as well as the state Cal-OSHA requirements.~~ As an employee, you have a duty to comply with the safety rules of Mammoth Lakes Foundation, and you are expected to take an active part in maintaining this hazard-free environment. You should observe all posted safety rules, adhere to all safety instructions provided by your supervisor and use safety equipment where required. Your workspace should be kept neat, clean and orderly. You are required to report any accidents or injuries – including any breaches of safety [guidelines](#) – and to promptly report any unsafe equipment, working condition, process or procedure to a supervisor.

### **Medical Procedures**

If you become ill or get hurt while at work, you must notify your manager immediately. Failure to do so may result in a ~~delay or loss of eligibility for loss of~~ benefits under the state workers' compensation law. Mammoth Lakes Foundation is concerned about the physical well-being of its staff and encourages all employees to have periodic physical examinations. Check your health plan documents to determine coverage. When appropriate ~~and permissible~~ under ~~applicable the~~ law, Mammoth Lakes Foundation may also request that a physician examine you whenever conditions make this desirable for your protection or that of Mammoth Lakes Foundation. Mammoth Lakes Foundation pays for physical examinations administered at the request of Mammoth Lakes Foundation.

### **Travel**

It is the policy of Mammoth Lakes Foundation to reimburse staff for reasonable and necessary expenses incurred in connection with approved travel on behalf of Mammoth Lakes Foundation.



Mammoth Lakes Foundation strongly encourages use of travel discounts when making travel arrangements.

Travelers seeking reimbursement should incur the lowest reasonable travel expenses and exercise care to avoid impropriety or the appearance of impropriety. Reimbursement is allowed only when reimbursement has not been, and will not be, received from other sources. If a circumstance arises that is not specifically covered in this travel policy, then the most conservative course of action should be taken.

Business travel policies are aligned with company reimbursement rules. All business-related travel paid with Mammoth Lakes Foundation funds must comply with company expenditure policies.

Staff travel must be authorized. Travelers should verify that planned travel is eligible for reimbursement before making travel arrangements. Within 30 days of completion of a trip, the traveler must submit a Travel Reimbursement form and supporting documentation to obtain reimbursement of expenses.

An individual may not approve his or her own travel or reimbursement. The Travel Reimbursement form must be signed by the Executive Director or the CEO/President.

Designated approval authorities are required to review expenditures and withhold reimbursement if there is reason to believe that the expenditures are inappropriate or extravagant.

### **Credit Card**

Mammoth Lakes Foundation issues a business credit card for staff to use for legitimate business purposes. A policy has been created for employees to sign off on if they wish to have a Foundation Business Credit Card with the policy including two purposes:

- i. To ensure that Foundation transactions are carried out as effectively as possible through the use of credit cards as aligned with the mission of the Foundation.
- ii. To guard against any possible abuse or fraud of Foundation issued credit cards.

### **Part 3 – Equal Employment Opportunity**

#### **Discrimination Is Prohibited**

Mammoth Lakes Foundation is an equal opportunity employer and makes all employment decisions without regard to race, religion, color, sex, national origin, age, military status, veteran status, mental or physical disability, genetic information, ancestry, medical condition, marital or domestic partnership status, pregnancy status, gender identity, gender expression, sexual orientation, or any other characteristic protected by law. ~~race, religion, color, sex (including pregnancy, sexual orientation, and gender identity or expression), national origin, disability, age or genetic information.~~ This policy applies to all terms and conditions of employment, including but not limited to, hiring, placement, promotion, termination, layoff, recall, transfers, and leaves of absence, benefits, compensation and training. We seek to comply with all applicable federal, state and local laws related to discrimination.

Mammoth Lakes Foundation makes decisions concerning employment based strictly on an individual's qualifications and ability to perform the job under consideration, the comparative qualifications and abilities of other applicants or employees, and the individual's past performance within the organization.

If you believe that an employment decision has been made that does not conform with management's commitment to equal opportunity, you should promptly bring the matter to the attention of the Executive Director or CEO/President. Your complaint will be thoroughly investigated. There will be no retaliation against any employee who files a complaint in good faith, even if the result of the investigation produces insufficient evidence to support the complaint.

### Individuals with Disabilities

Mammoth Lakes Foundation is committed to providing equal employment opportunities to qualified individuals with disabilities. This may include providing reasonable accommodation where appropriate in order for an otherwise qualified individual to perform the essential functions of the job including in the application process. It is the responsibility of the applicant or employee to notify Mammoth Lakes Foundation of the need for accommodation. Upon doing so, a Mammoth Lakes Foundation representative may ask for your input on the type of accommodation you believe may be necessary or the functional limitations caused by your disability. Also, when appropriate, we may need your permission to obtain additional information from your physician or other health care professionals. All medical information received by Mammoth Lakes Foundation in connection with a request for accommodation will be treated as confidentially as possible under the circumstances.

### Americans with Disabilities Act

The federal Americans with Disabilities Act (ADA) prohibits discrimination against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, fringe benefits, job training, and other terms, conditions and privileges of employment. The ADA does not alter Mammoth Lakes Foundation's right to hire the best-qualified applicant, but it does prohibit discrimination against a qualified applicant or employee because of his or her disability, or because of a perceived disability. As a matter of policy, Mammoth Lakes Foundation prohibits discrimination of any kind against people with disabilities.

### Disabled Defined

An applicant or employee is considered disabled if he or she (1) actually has a physical or mental impairment that substantially limits one or more major life activities, (2) has a record or history of such an impairment or (3) is regarded or perceived (correctly or incorrectly) as having such impairment.

A qualified employee or applicant with a disability is an individual who satisfies the skill, experience, education, and other job-related requirements of the position held or desired, and who, with or without reasonable accommodation, can perform the essential functions of that position.

## **Reasonable Accommodation**

~~A reasonable accommodation is any change in the work environment (or in the way things are usually done) to help a person with a disability apply for a job, perform the duties of a job, or enjoy the benefits and privileges of employment.~~

~~Qualified applicants or employees who are disabled should request reasonable accommodation from Mammoth Lakes Foundation in order to allow them to perform a particular job. If you are disabled and you require such reasonable accommodation, contact the Executive Director or the CEO/President. On receipt of your request we will meet with you to discuss your disability. We may ask for information from your health care provider(s) regarding the nature of your disability and the nature of your limitations or take other steps necessary to help us determine viable options for reasonable accommodation. We will then work with you to determine whether your disability can be reasonably accommodated, and if it can be accommodated, we will explore alternatives with you and endeavor to implement a mutually agreeable accommodation.~~

~~Reasonable accommodation may take many forms and it will vary from one employee to another. Please note that according to the ADA, Mammoth Lakes Foundation does not have to provide the exact accommodation you want, and if more than one accommodation works, we may choose which one to provide. Furthermore, any accommodation that will impose undue hardship on Mammoth Lakes Foundation is not considered reasonable.~~

## **Workplace Harassment**

Mammoth Lakes Foundation believes that all employees, participant, interns, volunteers, applicants, vendors, and clients should be able to enjoy a work environment free from discrimination, harassment, retaliation, or abusive behavior. These forms of misconduct can undermine the integrity of the employment relationship. Mammoth Lake Foundation's non-discrimination policy applies to all employees, participants, interns, and volunteers, and extends to all phases of employment, including recruitment, screening, referral, hiring, training, promotion, discharge or layoff, rehiring, compensation and benefits.

Mammoth Lakes Foundation believes in respecting the dignity of every employee and expects every employee to show respect for all of Mammoth Lakes Foundation's colleagues, clients, and vendors. Respectful, professional conduct furthers our mission, promotes productivity, minimizes disputes, and enhances its reputation. Mammoth Lakes Foundation is thus committed to providing a work environment that is free of discrimination, including harassment, retaliation and abusive conduct that is based on any legally protected status. Mammoth Lakes Foundation will not tolerate any verbal or physical conduct that violates this policy.

Mammoth Lakes Foundation prohibits harassment, discrimination, abusive behavior, and retaliation by supervisors, managers, co-workers and volunteers, as well as by third-parties such as vendors, program participants or clients. This prohibition includes harassment based on sex (including pregnancy, childbirth, breastfeeding or related medical conditions), race, religion (including religious dress and grooming practices), color, gender, gender identity, gender expression, national origin or ancestry, physical and/or mental disability, medical condition, genetic information, marital status, registered domestic partner status, age, sexual orientation, military and/or veteran status, or any other basis

protected by federal, state or local law or ordinance or regulation. Abusive conduct may include repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person's work performance. A single act shall not constitute abusive conduct, unless especially severe and egregious.

1. Prohibited unlawful behavior also includes, but is not limited to:

a. Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations or comments;

b. Visual conduct such as derogatory and/or sexually oriented posters, photography, cartoons, drawings, e-mail, faxes or gestures;

c. Physical conduct such as assault, unwanted touching, blocking normal movement or interfering with work because of sex, race or any other protected basis;

d. Threats and demands to submit to sexual requests as a condition of continued employment or to avoid some other loss and offers of employment benefits in return for sexual favors;

e. Retaliation for having reported or threatened to report discrimination or harassment;

f. Abusive conduct of an employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer's legitimate business interests; or

g. Any combination or derivative of the above actions which cause ill repute or a negative impact to the workplace culture or reputation of our workplace.

Any employee, intern, volunteer, applicant, vendor, or client, who feels he or she has been discriminated against or harassed due to his or her sex or any other protected classification should report such incidents to his or her supervisor or manager, the Executive Director or the CEO/President without fear of reprisal. Reasonable steps will be taken to maintain confidentiality and to restrict access to such information to persons with a need to know. If the source of the alleged discrimination, harassment, retaliation or abusive conduct is the Executive Director or the CEO/President, then the report of incidents should be sent to the Board.

## 2. **Manager/Supervisor Responsibility**

Each Mammoth Lakes Foundation supervisor and manager has a responsibility to keep the workplace free of any form of harassment, and in particular, sexual harassment. No supervisor or manager is to threaten or insinuate, either explicitly or implicitly, that an employee's refusal or willingness to submit to sexual advances will affect the employee's terms or conditions of employment. Further, supervisors and managers are required to report any complaints of violations of the policy to the Executive Director or the CEO/President, so that a prompt internal investigation may occur.

Mammoth Lakes Foundation will take timely action and will fairly investigate discrimination and harassment claims. In determining whether alleged conduct constitutes unlawful behavior under the Fair Employment and Housing Act (FEHA), the totality of the circumstances, the nature of the conduct and the context in which the alleged incidents occurred will be investigated. The Executive Director or his designate has the responsibility of investigating and resolving complaints of discrimination, harassment,

retaliation, and abusive conduct. If the allegations involve the Executive Director or the CEO/President then the Board, at its own discretion, will designate the appropriate person to investigate the allegations and report its findings directly to the Board.

### **3. Responsibility to Report Inappropriate Conduct**

An employee, who becomes aware of, observes, or who has been subjected to any form of harassment, discrimination, or abusive behavior by an employee, student, intern, volunteer, applicant, vendor, or client has a responsibility to report or make a complaint about the situation as soon as possible.

The employee should make the report or complaint about that conduct to his or her supervisor, another member of management, or to the Executive Director as soon as practicable. Employees are not required to approach the person who is harassing or discriminating against them, and they may bypass any offending member of management to report such conduct. Supervisors will refer all complaints involving harassment or other prohibited conduct to the Executive Director. Mammoth Lakes Foundation will immediately undertake a timely, thorough, and objective investigation of the allegations.

Any person at Mammoth Lakes Foundation who engages in inappropriate conduct or retaliation against a person for having reported or threatened to report discrimination or harassment will be disciplined, which may include termination. Please note we have the right to discipline for any unprofessional or inappropriate conduct that negatively affects our workplace culture or our reputation. The inappropriate conduct does not need to be expressly prohibited in the policy, nor does it need to qualify as unlawful conduct for us to take disciplinary action.

### **4. Investigation of Complaints**

The person to whom the harassment or discrimination complaint is reported is obligated to notify the Executive Director so that he may take the necessary steps to ensure that a prompt, fair, timely, thorough, and objective investigation of the alleged inappropriate behavior is initiated. Mammoth Lakes Foundation will reach reasonable conclusions based on the evidence collected.

While we cannot guarantee absolute confidentiality to a complaint or an investigation, we will handle the complaint as discreetly as possible and only reveal facts or allegations on a "need to know" basis. Mammoth Lakes Foundation will ensure that:

- a. Impartial and timely investigations will be conducted by qualified personnel, and will be documented and tracked to ensure that reasonable progress is being made.
- b. Appropriate due process will be given for the complainant, witnesses, and the accused.
- c. A reasonable conclusion will be made based on the evidence collected, and appropriate options for remedial actions and resolutions will be considered.
- d. A timely resolution of each complaint will be reached and the results of the investigation will be communicated in a timely manner to the employee and other concerned parties with a business need to know.

### **5. Corrective and Disciplinary Action**

If through the investigatory process, Mammoth Lakes Foundation determines that harassment or other prohibited conduct has occurred; effective remedial action will be taken in accordance with the circumstances involved. Any employee determined by Mammoth Lakes Foundation to be responsible for harassment or other prohibited conduct will be subject to appropriate corrective and/or disciplinary action, up to, and including termination. The corrective action issued will be proportional to the severity of the conduct. The alleged harasser's employment history and any similar complaints of prior unlawful discrimination and/or harassment will be taken into consideration. Also, Mammoth Lakes Foundation will take appropriate action to deter future misconduct.

## **6. Retaliation Prohibited**

Mammoth Lakes Foundation prohibits retaliation of any kind against employees or others covered by this policy who in good faith, report harassment or discrimination, participate in an investigation, or who otherwise assist in investigating such complaints. If an employee feels he or she has been subjected to any form of retaliation, the employee should report that conduct to his or her immediate supervisor, another member of the management team or the Executive Director. Employees are not required to approach the person who is retaliating against them, and they may bypass any offending member of management. Any employee determined to have retaliated against such employees will be subject to discipline, up to and including termination of employment.

## **7. Additional Information**

In addition to the Mammoth Lakes Foundation's internal complaint procedure, employees, applicants, interns, and volunteers may also contact either the Equal Employment Opportunity Commission ("EEOC") or the California Department of Fair Employment and Housing ("DFEH") to report unlawful harassment. The EEOC and the DFEH serve as neutral fact-finders and will attempt to assist the parties to voluntarily resolve their disputes. For more information, you may contact the nearest EEOC or DFEH office.

## **Whistleblower Policy**

### **1. Reporting of Inappropriate or Questionable Actions**

Consistent with the recognized duties of care and loyalty under California law, it is the responsibility of all employees of Mammoth Lakes Foundation to ensure that the organization complies with applicable laws, regulations, and internal control policies. To that end, any employee who suspects a violation of any such law, regulation, or internal control policy should report the suspected violation to the Executive Director immediately. If the reporting party is not comfortable reporting such information to the Executive Director, whether due to concern that the Executive Director might be involved with the suspected violators or for any other reason, the reporting party should instead report it to the CEO/President or the Chair of the Board of Directors.

### **2. Retaliation Protection**

Any report made pursuant to this policy shall be treated with seriousness and respect. No employee who makes a report in good faith shall suffer harassment, retaliation, or adverse employment consequences.

Any employee who engages in retaliation against a reporting person shall be subject to appropriate disciplinary action, up to and including termination of employment. This policy is designed to encourage everyone involved with Mammoth Lakes Foundation to feel comfortable raising concerns regarding on-going governance efforts.

### **3. Handling Reported Violations**

Any report made pursuant to this policy involving Mammoth Lakes Foundation’s fiscal internal controls, accounting practices, or investments shall also be forwarded by the appropriate party to the Board of Directors for their consideration and any necessary corrective action. All other reports under this policy shall be handled by the Executive Director or, in reports involving an Executive Director, the CEO/President or the Chair of the Board of Directors. The investigation of all reported complaints and allegations under this policy shall be prompt, and appropriate corrective action shall be taken if warranted by the investigation.

### **4. Confidentiality**

Reports made pursuant to this policy may be submitted anonymously or with a request that they be treated as confidential. Such reports will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation of the report. In some circumstances it may not be possible to take action on a report without revealing the identity of the reporting person.

### **5. Compliance**

Failure of employees to follow this policy can result in possible civil and criminal sanctions against Mammoth Lakes Foundation and its employees, and possible disciplinary action against the responsible individuals. The Executive Director, CEO/President and the Board of Directors will periodically review these procedures with legal counsel and/or the organization’s certified public accountant to ensure they are in compliance with new or revised regulations.

All employees, and any accounting or information technology consultants, shall receive a copy of this policy and are required to acknowledge, in writing, that they have read, understand, and agree to its terms.

*Mammoth Lakes Foundation is committed to providing a work environment that provides employees equality, respect, and dignity. In keeping with this commitment, Mammoth Lakes Foundation has adopted a policy of “zero tolerance” with regard to employee harassment. Harassment of any other person, including, without limitation, fellow employees, visitors, clients or customers, whether at work or outside of work, is grounds for immediate termination. Mammoth Lakes Foundation will make every reasonable effort to ensure that its entire community is familiar with this policy and that all employees are aware that every complaint received will be investigated and resolved appropriately.*

#### ***Sexual Harassment***

*Sexual harassment is prohibited by federal, state and local laws, and applies equally regardless of gender. Federal law defines sexual harassment as unwelcome sexual advances, requests for sexual favor(s), or other verbal or physical conduct of a sexual nature when (1) submission to the conduct is*

*made either explicitly or implicitly a term or condition of an employee's employment; (2) submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; or (3) such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive working environment.*

*These behaviors may include, subtle or overt pressure for sexual favors; inappropriate touching; lewd, sexually oriented comments or jokes; foul or obscene language; posting of suggestive or sexually explicit posters, calendars, photographs, graffiti, or cartoons; and repeated requests for dates. Mammoth Lakes Foundation policy further prohibits harassment and discrimination based on sex stereotyping. (Sex stereotyping occurs when one person perceives a man to be unduly effeminate or a woman to be unduly masculine and harasses or discriminates against that person because he or she does not fit the stereotype of being male or female.) Mammoth Lakes Foundation encourages reporting of all perceived incidents of sexual harassment, regardless of who the offender may be. Every employee is encouraged to raise any questions or concerns with management.*

#### *Supervisors' Responsibilities*

*All managers are expected to ensure a work environment free from sexual and other harassment. They are responsible for the application and communication of this policy within their work area. Managers should:*

- Encourage employees to report any violations of this policy.*
- Make sure the Executive Director or CEO/President is made aware of any inappropriate behavior in the workplace.*
- Create a work environment where sexual harassment is not permitted.*

#### *Procedures for Reporting and Investigating Sexual Harassment*

*Employees should report incidents of inappropriate behavior or sexual harassment as soon as possible after the occurrence. Employees who believe they have been sexually harassed, regardless of whether the offensive act was committed by a manager, co-worker, vendor, visitor, or client, should promptly notify their Executive Director or the CEO/President. If the employee's immediate supervisor is involved in the incident, the employee should report the incident to the Board President. Every claim of sexual harassment will be treated seriously, no matter how trivial it may appear. All complaints of sexual harassment or other inappropriate sexual conduct will be promptly and thoroughly investigated by Mammoth Lakes Foundation.*

*There will be no retaliation for filing or pursuing a sexual harassment claim. To the extent possible, all complaints and related information will remain confidential except to those individuals who need the information to investigate, educate, or take action in response to the complaint.*

*All employees are expected to cooperate fully with any ongoing investigation regarding a sexual harassment incident. Employees who believe they have been unjustly charged with sexual harassment can defend themselves verbally or in writing at any stage of the investigation.*

*To protect the privacy of persons involved, confidentiality will be maintained throughout the investigatory process to the extent practicable and appropriate under the circumstances.*



*Investigations may include interviews with the parties involved, and where necessary, individuals who may have observed the alleged conduct or who may have relevant knowledge.*

*At the conclusion of a sexual harassment investigation, the complainant and the “alleged harasser” shall be informed of the determination.*

#### ***Penalties for Violation of Sexual Harassment Policy***

*If it is determined that inappropriate conduct has occurred, Mammoth Lakes Foundation will act promptly to eliminate the offending conduct, and take such action as is appropriate under the circumstances. Such action may range from counseling to termination of employment, and may include such other forms of disciplinary action, as Mammoth Lakes Foundation deems appropriate under the circumstances and in accordance with applicable law.*

### **Part 4 – Compensation**

#### **Payroll Practices**

Employees are paid twice monthly, on the 5th and the 20<sup>th</sup> of each month. If the regularly scheduled payroll date falls on a Saturday, Mammoth Lakes Foundation will attempt to deliver paychecks on Friday. If the regular payday falls on a Sunday, employees will be paid on Monday. When a payroll date falls on a holiday, employees will, when possible, be paid on the last business day before the holiday. Otherwise, employees will be paid on the first business day following the scheduled payroll date. All time sheets must be completed to include the number of hours worked in that pay period and be approved by the Executive Director.

#### **Salary Deductions and Withholding**

Mammoth Lakes Foundation will withhold the following from your paycheck:

##### **Taxes**

Federal, state, and local taxes, as required by law, as well as the required FICA (Social Security) and Medicare payments.

##### **Insurance**

Your contribution to health insurance or other insurance premiums for yourself and any eligible family members or to other contributory benefit programs will be defined as we explore a variety of policies to support all employees of Mammoth Lakes Foundation.

##### **Other Deductions**

Other deductions that you authorize, including short-term disability insurance, flexible spending account (FSA) contributions, and 401(k) contributions.

##### **Direct Deposit**

You may have your paycheck deposited directly into your bank account. You will be given the authorization form for deposit by the Human Resources Department.

### **Part 5 – Benefits**

## **Medical Insurance**

Mammoth Lakes Foundation is researching potential options to include medical, dental and vision insurance to all full-time employees. These programs will be administered by a major medical insurance carrier through an authorized agency.

## **Workers' Compensation Insurance**

To provide for payment of your medical expenses and for partial salary continuation in the event of a work-related accident or illness, you are covered by workers' compensation insurance, provided by Mammoth Lakes Foundation and based on state regulations. The amount of benefits payable, as well as the duration of payments, depends upon the nature of your injury or illness. However, all medical expenses incurred in connection with an on-the-job injury or illness and partial salary payments are paid in accordance with applicable state law. If you are injured or become ill on the job, you must immediately report the injury or illness to your manager and the Human Resources Department as soon as reasonably possible. This ensures that Mammoth Lakes Foundation can help you obtain appropriate medical treatment. Your failure to follow this procedure may delay your benefits or may even jeopardize your receipt of benefits. Questions regarding workers' compensation insurance should be directed to the Human Resources Department.

## **Part 6 – Holidays, Vacation & Other Leave**

### **Religious Observance**

Federal and state equal opportunity laws generally require employers to accommodate the religious beliefs of employees, but do not require them to provide paid leave. Mammoth Lakes Foundation respects your religious beliefs, however, and therefore, will provide one (1) day of paid leave as ~~an element off their~~ Paid Time Off to employees who, for religious reasons, must be away from the office on days of normal operation. Employees who require additional time off may use their accumulated paid time off. This leave must be requested through the Executive Director at least two (2) weeks prior to the observance.

### **Sick Leave**<sup>[2]</sup>

In order to help prevent loss of earnings that may be caused by accident or illness, or by other emergencies, Mammoth Lakes Foundation has established a paid sick leave policy.

### **Eligibility**

All employees who work for Mammoth Lakes Foundation for 30 or more days are entitled to paid sick leave.

### **Accrual and Maximum Cap**

All eligible employees accrue paid sick leave at the rate of one hour for every thirty hours worked beginning at the commencement of employment. For exempt employees, accrual will be calculated

based on a 40-hour workweek, unless the employee's normal workweek is less than 40 hours, in which case the employee shall accrue paid sick days based upon that normal workweek. The maximum sick leave accrual in a calendar year is 24 hours, or 3 days.

Accrued sick days shall carry over from year to year, up to a maximum of 48 hours, or six days. Thereafter, no additional sick leave will accrue or vest until the employee has taken sick leave to reduce the total accrued time. After the total accrued amount is reduced below the cap, sick leave accrual will recommence.

Employees do not accrue sick time during a leave of absence. Sick leave accrual will recommence when the employee returns to work.

If an employee separates from employment and is rehired within one year from the date of separation, previously accrued and unused sick days will be reinstated. The employee will be entitled to use those previously accrued and unused sick days and to accrue additional sick days immediately upon rehiring.

### **Rate of Pay**

For exempt employees, sick leave taken under this policy will be paid at the same rate as the employee normally earns during regular work hours and the same as that which the employee is paid when he/she takes vacation. For nonexempt employees, the hourly rate at which sick leave is paid shall be calculated by taking the total amount paid in the week during which the employee took paid sick leave divided by the number of hours worked.

### **Use**

An employee shall be entitled to use accrued sick days beginning on the 90th day of employment, after which the employee may use paid sick days as they are accrued. Regardless of the number of hours accrued, employees may use no more than 24 hours, or three days, of paid sick leave per calendar year. An employee may determine how much paid sick leave he or she needs to use; however, sick leave must be taken in increments of one hour.

Sick leave may be taken for personal illness, emergency, or disability or for illness, emergency, or disability in the employee's immediate family. For purposes of this policy, "immediate family" is defined as the employee's spouse or registered domestic partner, children, parents, grandparents, brothers, and sisters, as well as the children, parents, grandparents, brothers, and sisters of the employee's spouse or registered domestic partner. An employee who is a victim of domestic violence, sexual assault, or stalking may use paid sick leave under this policy to attend to legal matters, seek medical attention, obtain social services, seek counseling, participate in safety planning, or for any related activities. Time absent for medical and dental appointments will be treated as sick leave.

### **Notice**

If the need for paid sick leave is foreseeable, the employee shall provide reasonable advance notification. If the need for paid sick leave is unforeseeable, the employee shall provide notice of the need for time off as soon as practicable.

### **Pay In Lieu of Sick Leave**

Employees will not receive pay in lieu of accrued but unused sick leave at any time, including at the end of their employment.

### **Medical Leave**

Full Time Mammoth Lakes Foundation employees requiring time away from work that exceeds their available sick time due to a temporary medical disability, may apply for a medical leave of absence without pay for the period of actual inability to work, up to a maximum of 4 months from the initial date of the leave, or as otherwise required by law. This medical leave, if granted, is available only once during the 24-month period that begins on the initial date of the leave, unless otherwise required by law. All medical leaves will be granted at the sole discretion of Mammoth Lakes Foundation, unless otherwise required by law.

#### **1. Definition**

Medical leave is defined as a leave for employees who are unable to work due to an illness, injury or disability that has been certified by a licensed health care provider. The duration of leave under this section shall be consistent with applicable law but shall not extend past the date on which an employee becomes capable of performing the essential functions of his/her position, with or without a reasonable accommodation.

#### **2. Provisions**

- a. Medical leaves are granted initially only after certification of disability by a licensed health care provider.
- b. Mammoth Lakes Foundation will continue to pay for insurance coverage for employees during the unpaid portion of a medical leave, up to a maximum of four months, if it has already been providing insurance coverage.
- c. Employees on medical leave may elect to use all accrued and earned sick time and/or vacation days before the start of their unpaid medical leave.
- d. All employees on medical leave may be required to furnish one or more additional certifications to Mammoth Lakes Foundation that confirm a continuation of their need for medical leave.
- e. Employees may be entitled to State Disability Insurance (SDI) during a medical leave of absence.

#### **3. Procedures**

a. Requests: Except in cases of emergency, all requests for medical leave should be submitted in advance in writing by the affected employee to the Human Resources Manager or Office Administrator. The request must include the reason for the leave, the proposed date for beginning the leave, and the anticipated date of return to active employment. Mammoth Lakes Foundation requests that employees give a minimum of 30-day notice whenever possible.

b. **Certification:** Medical certification supporting the need for medical leave must be submitted before the start of the leave and may be required to be updated during the leave. Medical certification must include the following information: (1) the date on which the employee became unable to work due to a medical condition; (2) the probable duration of the period(s) of disability; and (3) an explanatory statement that, due to the medical condition, the employee is unable to perform his/her work at all, or is unable to perform one or more of the essential functions of his/her position, including a description of the essential functions the employee is unable to perform. The certification should also explain any work restrictions, and possible accommodations, if any, that may enable the employee to perform the essential functions of his/her position. Requests to extend an initial leave should be in writing, accompanied by supporting medical certification, and received by Mammoth Lakes Foundation at the earliest possible time (i.e., when the employee has knowledge of the need for the extension) or at least five working days in advance of the previously estimated return date, if possible. Requests to extend a medical leave must be approved by the Executive Director or his/her designee.

c. **Return:** An employee returning to work from a medical leave should give at least five days advance notice to Mammoth Lakes Foundation if possible, and, before returning to work, must submit a written release from the employee's health care provider, indicating that the employee may return to his/her normal work duties, with or without reasonable accommodation. Mammoth Lakes Foundation reserves the right to have the employee examined by a physician of Mammoth Lakes Foundation's choice. Results of this examination may determine whether or not the employee may return to work at that time. Employees must report to Mammoth Lakes Foundation on the first scheduled day of work following the medical leave. At the end of an approved medical leave, Mammoth Lakes Foundation will attempt to reinstate an employee to his/her former position, if available, or to an available comparable position. However, there is no guarantee of reinstatement following a medical leave, unless otherwise required by law.

d. **Notice Requirements:** Failure to comply with the above notice and certification requirements may be grounds for denying the leave or reinstating employment.

### **PPaid Time Off (PTO) for Exempt Employees**

~~Not all companies provide employees with paid time off or are required to do so under the guidelines of State or Federal Law.~~ PTO combines time off for vacation, ~~sick~~ additional sick leave and personal needs. Employees have the ability to decide when and how they use their accrued PTO for vacation,

extended illness, family emergencies, bereavement leave, religious observances, preventative health or dental care and other family obligations. PTO maybe used in hourly increments and should be requested and approved by the Executive Director at least two (2) weeks prior to taking the time unless there is a dire emergency. This allows the team to plan based on the scope of the required work.

Accrual Procedure

| Years of Service | Annual PTO | Monthly PTO |
|------------------|------------|-------------|
| 0 – 2            | 16 days    | 1.33 days   |
| 3 - 5            | 20 days    | 1.67 days   |
| 6 – 10           | 25 days    | 2.08 days   |
| 11 - 15          | 30 days    | 2.5 days    |
| 16 +             | 35 days    | 2.92 days   |

**Eligibility**

Exempt employees begin accruing paid time off when they first begin work for Mammoth Lakes Foundation. Employees may use their accrued at any time after the first 90 days of employment. If an employee leaves Mammoth Lakes Foundation but has taken more time than he or she has accrued, that time will be deducted from the employee’s last check.

**Eligibility and Cap on Accrual**

**Exempt employees begin accruing paid time off when they first begin work for Mammoth Lakes Foundation. Employees may use their accrued PTO at any time after the first 90 days of employment. All employees are encouraged to plan in advance for PTO, including vacations, and manage their PTO balances throughout the year to ensure the carry over amount combined with the new calendar year allotment does not exceed a cap of 200% of the total PTO allotment for the calendar year. Once an employee reaches the applicable cap, no further PTO days/hours will be accrued until PTO has been taken by the employee so that the accrual is below the cap.**

**For example, assume an employee has worked for Mammoth Lakes Foundation for 3 years and during the first two years was not able take any PTO. During the third year the employee may roll over 32 total PTO days from the first and second years and accumulate an additional 8 days of PTO but once they have accumulated 40 days (200% of the PTO allotment) they will no longer accrue any PTO until the balance has been reduced below 40 days. No accrual at all occurs or is put into a separate bank during the period that the cap is in place.**

**Paid Time Off Procedure**

Requests for paid time off should be submitted to the Executive Director as soon as you know when you wish to schedule your paid time off, but in no event less than two weeks prior to the time requested. Paid time off requests is approved by your immediate supervisor. Paid time off is coordinated within each team so that sufficient staff is available to provide adequate coverage at all

times, and there may be Company-wide or department-specific “blackout dates,” as necessary. Paid time off requests is granted on a first-come, first-served basis. In the event of a conflict in paid time off requests, your supervisor will consider Mammoth Lakes Foundation’s staffing needs during the relevant period, as well as the length of service with Mammoth Lakes Foundation of the employees involved.

### **Holiday Pay**

Employees are entitled to the following paid holidays:

- New Year’s Day
- Martin Luther King, Jr. Day
- Washington’s Birthday
- Memorial Day
- Independence Day
- Labor Day
- Veterans Day
- Thanksgiving Day and the Friday after Thanksgiving
- Christmas Day

### **Personal Leave**

~~Personal leave as an element of Paid Time Off may be used for reasons including the following:~~

- ~~• Medical and dental appointments for yourself or family members;~~
- ~~• Your personal illness or that of a member of your family; or~~
- ~~• Personal business that cannot be tended to outside of work hours~~

~~You are not required to give any specific reason for using your personal/sick time. However, when you do take personal/sick time you should give your immediate supervisor as much advance notice as possible.~~

### **Notification Procedures**

When you are absent from work and your absence has not been previously scheduled, you must personally notify your immediate supervisor or manager as soon as you are aware that you will be late or unable to report to work. Leaving a voicemail or message with another staff member does not qualify as notifying your supervisor.

When absence due to illness exceeds three (3) consecutive days, Mammoth Lakes Foundation reserves the right to require appropriate medical documentation. Excessive absenteeism or tardiness can result in discipline, up to and including discharge. (Also, see the section on Family & Medical Leave for extended leave situations.)

### **Paid Family Leave**

Mammoth Lakes Foundation currently is not covered by federal or state laws permitting for absences under the Family Medical Leave Act of the California Family Rights Act. Nevertheless, an employee may request time off to care for a parent, child, spouse, or domestic partner and if approved by Mammoth Lakes Foundation may be eligible for benefits through the California Employment

Development Department for up to six weeks or partial pay through the state after completing a one-week waiting period and utilizing up to two weeks of available Paid Time Off.

### **Pregnancy Leave of Absence**

A pregnancy-related leave of absence will be granted in accordance with the regulations of the State of California Department of Fair Employment and Housing. Employees disabled due to pregnancy are eligible for a maximum of four (4) months leave per pregnancy upon medical certification of the health care provider that the employee is disabled due to pregnancy. Additionally, if the health care provider certifies a transfer to lighter duty, Mammoth Lakes Foundation will attempt to provide light duty if possible. Upon return from the leave of absence, the employee will be returned to her same position; however, in certain circumstances, reinstatement may be impossible. Such circumstances may include being in a layoff situation, a plant closure, or if the employee's absence would substantially undermine Mammoth Lakes Foundation's ability to operate the business safely or efficiently.

The employee may opt to take all accrued Paid Time Off during the leave.

Mammoth Lakes Foundation will continue to pay all applicable group insurance premiums if it is already paying such premiums on behalf of the employee during the leave of absence. The employee must continue to pay the employee portion of the insurance premium during the leave of absence. Failure by the employee to make this premium payment may result in a loss of benefits.

At the conclusion of the pregnancy-related leave of absence, a medical certification from the health care provider stating the employee is released to return to work will be required. All requests for pregnancy-related leaves of absence should be received, if possible, at least thirty (30) days prior to the start of the leave. Returning employees should notify Mammoth Lakes Foundation at least five (5) work days prior to return. Employees failing to return on the assigned date may be considered to have voluntarily resigned.

### **Bereavement Leave**

Employees will receive up to three (3) days of paid time off in the event of the death of a member of their immediate family. Immediate family includes spouse, domestic partner, child, parent, parent-in-law, brother or sister, and brother-in-law or sister-in-law. You are allowed one (1) day of paid leave in the event of the death of an extended family member. Extended family includes grandparents, aunts and uncles, and other more distant relatives.

### **Military Service Leave**

Employees serving in the uniformed services, including the Army, Navy, Marine Corps, Air Force, Coast Guard, and Public Health Service commissioned corps, as well as the reserve components of



each of these services, may take unpaid military leave, as needed, to enable them to fulfill their obligations as service members. Employees may also use accrued paid time off for this purpose.

### Family and Medical Leave

The federal Family and Medical Leave Act (FMLA) allows certain employees to take up to 12 weeks of unpaid leave per year for the serious health condition of the employee or a family member or for childbirth or adoption. An employee who assumes the role of caring for a child is also entitled to receive parental rights to family leave, regardless of the legal or biological relationship. Either day-to-day care or financial support may establish a parental relationship when the employee intends to assume the responsibilities of a parent with regard to a child. The Human Resources Department will guide you in completing appropriate forms for the leave. Any paid leave that you have accrued may be counted as part of your FMLA leave.

To take FMLA leave, you must provide Mammoth Lakes Foundation with appropriate notice. If you know in advance that you will need FMLA leave, you must notify your supervisor or the HR Department at least 30 days in advance. If you learn of your need for leave less than 30 days in advance, you must give notice as soon as you can (generally either the day you learn of the need or the next work day). When you need FMLA leave unexpectedly (for example, if a family member is injured in an accident), you must inform your supervisor as soon as you can.

### Military Caregiver Leave

*The FMLA, as amended in 2008 and 2010, allows an eligible employee who is the spouse, son, daughter, parent or next of kin of a member of the Armed Forces, National Guard or Reserves or of certain recent veterans with a serious illness or injury, up to 26 weeks of unpaid leave within a twelve-month period to care for the injured or ill service member or veteran. A "serious illness or injury" is generally an injury or illness incurred by the covered servicemember in the line of duty on active duty (or that existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty) that may render the servicemember medically unfit to perform the duties of the member's office, grade, rank, or rating. An employee may not take more than 26 weeks of FMLA leave of all kinds in a single 12-month period. (For example, if you take six (6) weeks of FMLA leave for your own illness or that of a family member, you may take no more than 20 weeks to care for an ill or injured service member). Generally, you must give Mammoth Lakes Foundation at least 30 days' notice before the commencement of any military caregiver leave.*

### Qualifying (Military) Exigency Leave

*The FMLA also provides for up to 12 weeks of unpaid leave within a 12-month period when an eligible employee's spouse, son, daughter, or parent is on (or has been notified of an impending call to) covered active duty in the Armed Forces. ("covered active duty" for members of a regular component of the Armed Forces means duty during deployment of the member with the Armed Forces to a foreign country. "Covered active duty" for members of the U.S. National Guard and Reserves means duty during deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in a contingency operation). The leave may also be extended to the family members of certain retired military. This leave may be used to take care of such things as child care or financial and legal arrangements necessitated by the deployment of the family member.*

## ***Civic Duty Leave***

### **Jury Duty**

Mammoth Lakes Foundation encourages employees to fulfill their civic duties. To that end, employees will be allowed leave to serve on a jury, if summoned, with time being deducted from their paid time off bank if they are exempt employees. We request that you bring in a copy of your summons notice as soon as you receive it, so that we may keep it on file. If you are called during a particularly busy period, we may ask you to request a postponement. Mammoth Lakes Foundation will provide additional documentation in this regard, if necessary, to obtain such postponement.

Jury duty can last from a portion of a single day to several months or more. During this time you will be considered on a leave of absence and will be entitled to continue to participate in future insurance and other benefits as if you were working. While serving on jury duty, you are expected to call in to your supervisor daily to keep him or her apprised of your status.

### **Appearance as a Witness**

An employee called to appear as a witness will be permitted time off to appear, but without pay. Employees will be permitted to use accrued paid time off when appearing as witnesses.

### **Voting**

Mammoth Lakes Foundation encourages all employees to vote. Most polling facilities for elections for public office are scheduled to accommodate working voters. Mammoth Lakes Foundation, therefore, requests that employees schedule their voting for before or after their work shift. An employee who expects a conflict, however, should notify his or her supervisor, in advance, so that schedules can be adjusted if necessary.

## **Part 7 – Miscellaneous**

### **Leaving Mammoth Lakes Foundation**

If you wish to resign your employment with Mammoth Lakes Foundation, you are requested to notify your manager of your anticipated departure date at least two (2) weeks in advance. This notice should be in the form of a written note or letter.

You will be paid for accrued but unused paid time off as part of your last paycheck.

Mammoth Lakes Foundation asks all employees to participate in an exit interview with their immediate supervisor prior to leaving Mammoth Lakes Foundation. This provides an opportunity to return keys and other property and tie up any loose ends. You will receive preliminary information at that time regarding continuation coverage and any other continuation of benefits for which you may be eligible.

If you leave Mammoth Lakes Foundation in good standing, you may be considered for reemployment at a later date. However, in the case of rehiring, you may be considered a new employee with respect to paid time off, benefits and seniority.

### **Dispute Resolution[3]**

In a perfect world, every employment relationship would be smooth and harmonious. However, there are, unfortunately, times when employees and employers disagree. These disagreements often arise in the context of involuntary employment termination, but there may be disagreements regarding ~~the right to a~~ promotion, expense reimbursement, or ~~a number of other topics a parade of other things.~~

All employees of Mammoth Lakes Foundation agree to first seek to mediate any dispute with Mammoth Lakes Foundation with a mediator from the American Arbitration Association or similar organization trained and experienced in employment disputes. If mediation is not successful, both Mammoth Lakes Foundation and the employee agree to submit their dispute to arbitration. The arbitrator will be chosen from a panel presented by the American Arbitration Association or such other organization as is acceptable to both parties. The cost of the arbitrator will be split between Mammoth Lakes Foundation and the employee. Each party will be responsible for its own attorney or other related fees. Both Mammoth Lakes Foundation and the employee acknowledge that by agreeing to arbitrate each gives up its right to litigate their employment dispute in court or to submit it to a jury. The decision of the arbitrator is final and binding.

However, either party may seek to have a court of competent jurisdiction enforce an arbitration award. In addition, Mammoth Lakes Foundation retains the right to seek injunctive or other relief in the case of misappropriation of trade secrets or other confidential information, or any other action by an employee which might reasonably be expected to lead to irreparable harm to Mammoth Lakes Foundation, in a court of competent jurisdiction.

~~Boccia / 07.25.17 / 9.27.17~~

~~Reviewed and approved by legal counsel / 09.21.17~~

~~Approved by MLF Executive Committee / 10.05.17~~

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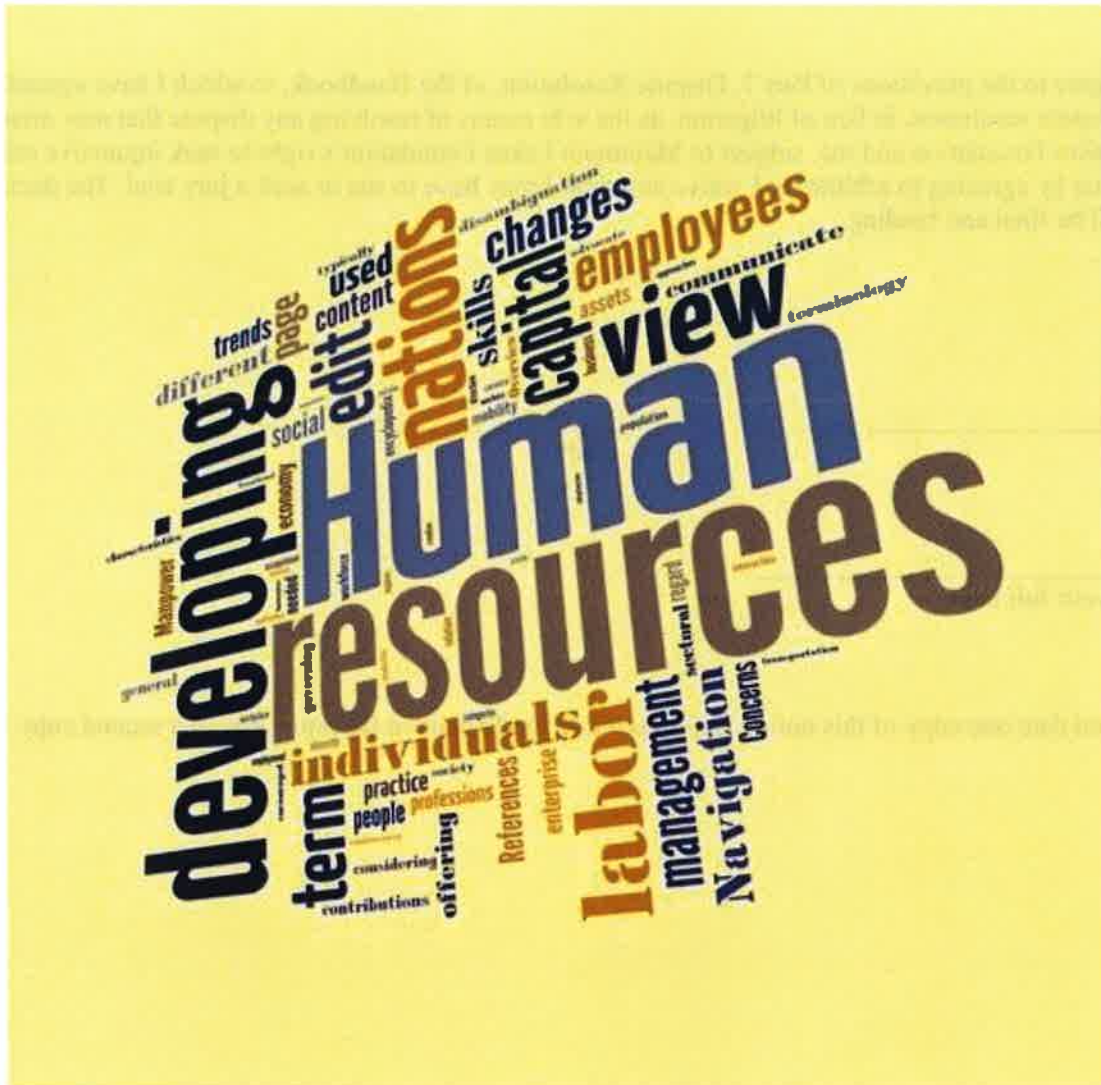
Mammoth Lakes Foundation

Employee Handbook

April 17, 2018

Clean Version

04 10 18



100 College Parkway

Post Office Box 1815

Mammoth Lakes, California 93546 - 1815

760.934.3781

## **Acknowledgement of Receipt of Mammoth Lakes Foundation Employee Handbook**

I acknowledge that I have received a copy of the Mammoth Lakes Foundation Employee Handbook (“Handbook”). I understand that I am responsible for reading and abiding by all policies and procedures in this Handbook, as well as other policies and procedures of Mammoth Lakes Foundation.

I expressly agree to the provisions of Part 7, Dispute Resolution, of the Handbook, in which I have agreed to use alternative dispute resolution, in lieu of litigation, as the sole means of resolving any dispute that may arise between Mammoth Lakes Foundation and me, subject to Mammoth Lakes Foundation’s right to seek injunctive relief. I understand that by agreeing to arbitration I waive any right I may have to sue or seek a jury trial. The decision of the arbitrator will be final and binding.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Please print your full name

Please sign and date one copy of this notice, and return it to the Executive Director. Retain a second copy for your reference.

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# Introduction

This handbook is intended to inform employees of the basic personnel policies and practices that govern employment at the Mammoth Lakes Foundation at the time of publication. All previously issued handbooks and any inconsistent policy statements or memoranda are superseded by this handbook. It is not intended to create a contract of continued employment between Mammoth Lakes Foundation and any of its employees, and, with the exception of the policy of at-will employment, it is not intended to create any legally enforceable obligations on the part of Mammoth Lakes Foundation. This manual is not an exhaustive presentation of Mammoth Lake Foundation's policies, procedures or benefits and may be supplemented by other personnel documents, written practices, guidelines, publications and updates.

Other than the policy of at-will employment, Mammoth Lakes Foundation may revise, modify, delete or add to any policies, procedures, work rules or benefits mentioned in this manual or in any other document relating to Mammoth Lake Foundation's personnel policies at any time at its sole and absolute discretion. Any such changes must be in writing and signed by the CEO/President. No oral statements or representations can in any way alter the provisions of this manual.

## Part 1 – Getting Started

### ***Recruitment and Hiring***

Mammoth Lakes Foundation's primary goal when recruiting new employees is to fill vacancies with persons who have the best available skills, abilities, or experience needed to perform the work. Decisions regarding the recruitment, selection, and placement of employees are made based on job-related criteria.

When positions become available, qualified current employees are encouraged and are welcome to apply for the position. As openings occur, notices relating general information about the position are posted. The manager of the department with the opening will arrange interviews with employees who apply.

We encourage current employees to recruit new talent for Mammoth Lakes Foundation.

### ***Employment Classifications***

The following terms will be used to describe employment classifications and status:

#### **Exempt Employee**

An exempt employee is a salaried employee who holds an administrative, professional, or management position. Exempt employees are not subject to the overtime pay provisions of the federal Fair Labor Standards Act (FLSA) and the California Labor Code and Wage Orders. Certain outside sales persons and a few other job categories are also exempt. Exempt employees are not eligible for overtime compensation.

#### **Non-Exempt Employee**

Most hourly employees are non-exempt employees. Employees who are not administrative, professional, or managerial employees (as defined by the U.S. Department of Labor and the California Wage Orders) are generally not exempt from the FLSA or California overtime provisions. Non-Exempt employees do earn approved overtime compensation.



## **Full-Time Employee**

Full-time employees are those who are regularly scheduled to work a minimum of 40 hours per week.

## **Part-Time Employee**

Part-time employees are those who are regularly scheduled to work at least 20 but fewer than 40 hours per week. Part-time employees are not eligible for Mammoth Lakes Foundation paid benefits.

## **Temporary Employee**

Employees hired for an interim period usually to fill in for vacations, leaves of absence, or projects of a limited duration. Temporary employees are not eligible for benefits. Temporary employees include interns and co-op students.

## **Independent Contractor**

Persons hired by Mammoth Lakes Foundation to perform a particular job, typically for a limited time period. Independent contractors are not eligible for benefits and they are not employees of Mammoth Lakes Foundation.

## ***Equal Employment Opportunity***

Mammoth Lakes Foundation is an equal opportunity employer. We will extend equal opportunity to all individuals without regard to race, religion, color, sex, national origin, age, military status, veteran status, mental or physical disability, genetic information, ancestry, medical condition, marital or domestic partnership status, pregnancy status, gender identity, gender expression, sexual orientation, or any other characteristic protected by law. Our policy reflects and affirms Mammoth Lakes Foundation's commitment to the principles of fair employment and the elimination of all discriminatory practices. Details of our equal employment opportunity policies are further explained in Part 3 below.

## ***Your Employment Relationship with Mammoth Lakes Foundation***

All employment at Mammoth Lakes Foundation is "at-will." This means that both employees and Mammoth Lakes Foundation have the right to terminate employment at any time, with or without notice, and with or without cause. At-will employment also means that Mammoth Lakes Foundation may make decisions regarding other terms of employment, including but not limited to demotion, promotion, transfer, compensation, benefits, duties, and location of work, at any time with or without cause or advance notice. No one other than the CEO/President has the authority to alter this arrangement, to enter into an agreement for a specified period of time, or to make any agreement contrary to this policy. Any such agreement must be in writing, signed by the CEO/President and by the affected employee and expressly titled, "Modification of At-Will Employment."

## ***Devotion to Business of Employer***

All full time employees shall devote their entire productive time, ability, and attention to the business of the employer during the term of their employment with Mammoth Lakes Foundation.

## ***Orientation and Training***

To help you become familiar with Mammoth Lakes Foundation and our way of doing things, Mammoth Lakes Foundation will provide an orientation and training session within the first few days after you begin work. Some of the content of the session will depend in large part on the nature of your responsibilities, while other parts will be applicable to all employees. In addition, Mammoth Lakes Foundation may periodically offer additional training or educational programs. Some programs may be voluntary, while others will be required.

## ***Immigration Law Applicable to All Employees***

Mammoth Lakes Foundation complies with the Immigration Reform and Control Act of 1986 by employing only U.S. citizens and non-citizens who are authorized to work in the United States. All employees are required to provide original documents verifying the right to work in the United States and to sign a verification form required by federal law (Form I-9) within the first three (3) days of employment. If you cannot verify your right to work in the United States within three (3) days of hire, Mammoth Lakes Foundation is required by law to terminate your employment.

## ***Hours of Work***

The work week is generally from Monday through Friday, with normal operating hours from 9:00 a.m. to 5:00 p.m., with time for lunch, to meet the minimum eight (8) hour work day and a 40-hour work week for all full time employees. Non-exempt employees are required to take a 30-minute unpaid meal period after working no more than 5 hours and a two ten minute paid rest periods are available to be taken, preferably at the midpoint of each four-hour period of work in a work day.

## ***Flex Time***

Mammoth Lakes Foundation recognizes that many employees need flexibility in work schedules in order to meet child care and other needs. Core hours are 9:30 a.m. to 2:30 p.m. and all employees should be at work during those hours. Within the structure of the core hours, you may schedule your eight-hour work day as you choose, providing the nature of your job permits such flexibility and your supervisor approves your schedule.

## ***Overtime for Non-Exempt Employees***

Because of the nature of our business, and your non-exempt employment status, your job may periodically require overtime work and you will be paid for such overtime hours as required by applicable federal and state law. If Mammoth Lakes Foundation requires that you work overtime, we will give you as much advance notice as possible. You should not work overtime hours without prior approval by your manager.

## ***Attendance and Punctuality***

It is important for you to report to work on time, to remain at work throughout your work day, and to avoid unnecessary absences. Mammoth Lakes Foundation recognizes that illness or other circumstances beyond your control may cause you to be absent from work from time to time. However, frequent absenteeism or tardiness may result in disciplinary action up to and including discharge. Excessive absenteeism or frequent tardiness puts an unnecessary strain on your coworkers and can have a negative impact on the success of Mammoth Lakes Foundation.

You are expected to report to work when scheduled. Whenever you know in advance that you are going to be absent, you should notify your immediate supervisor, or the designated manager, or at this time, the Executive Director (760-709-6616). If your absence is unexpected, you should attempt to reach your immediate supervisor as soon as possible, but in no event later than one hour before you are due at work. In the event your immediate supervisor is unavailable, you must speak with a manager. If you must leave a voicemail, you must provide a number where your supervisor may reach you if need be.

You are expected to be at your workstation at the beginning of each business day. If you are delayed, you must call your immediate supervisor to state the reason for the delay. As with absences, you must make every effort to speak directly with a manager. Regular delays in reporting to work will result in disciplinary action up to and including discharge.

## ***Inclement Weather***

Mammoth Lakes Foundation is open for business unless there is a government-declared state of emergency or unless you are advised otherwise by your supervisor. There may be times when we will delay opening and on rare occasions, we may have to close. Use common sense and your best judgment, however, when traveling to work in inclement weather.

In the event that Mammoth Lakes Foundation's facilities are closed by Mammoth Lakes Foundation or the government, employees will be paid for the day. If Mammoth Lakes Foundation's facilities are open and you are delayed getting to work or cannot get to work at all because of inclement weather, the absence will be charged to (1) personal/sick time, (2) vacation time, or (3) unpaid time off, in that order. You should always use your judgment about your own safety in getting to work.

When potentially dangerous weather develops during the day and a decision is made by Mammoth Lakes Foundation to close early, you will be compensated for the full day.

When severe weather develops or is anticipated to develop during the day and a decision is made by management to close before 5:00 p.m., you will be compensated as if you had worked to the end of your regularly scheduled hours for that day. If you elect to leave prior to the time Mammoth Lakes Foundation closes, you will be required to use personal/sick time or vacation time in an amount equal to the number of hours between the time you left and the time the office closed in order to be paid in full for the work day.

## ***Dress Code and Public Image***

As an employee of Mammoth Lakes Foundation, we expect you to present a clean and professional appearance when you represent us, whether you are in or outside of the office. You are, therefore, required to dress in appropriate business attire and to behave in a professional, businesslike manner. It is essential that you act in a professional manner and extend the highest courtesy at all times to co-workers, visitors, customers, vendors and clients. A cheerful and positive attitude is essential to our commitment to extraordinary customer service and exceptional quality.

The current dress code is business-casual. Please keep in mind, however, that Mammoth Lakes Foundation is a professional business office, where clients and others often visit. Generally, clean, neat clothing is acceptable. However, torn jeans or other torn clothing and tee shirts with inappropriate verbiage or pictures are not appropriate casual attire. As always, please use common sense in your choice of business-casual attire and the use of appropriate language at all times.

## ***Work Space***

Employees are responsible for maintaining the workspace assigned to them. A clean, orderly workspace provides an environment conducive to working efficiently. Employees should keep in mind that their workspace is part of a professional environment that portrays Mammoth Lakes Foundation's overall dedication to providing quality service to its clients. Therefore, your workspace should be clean, organized and free of items not required to perform your job.

## ***Equipment***

Certain equipment is assigned to staff depending on the needs of the job, such as a personal computer, printer and access to our central computers and servers. This equipment is the property of Mammoth Lakes Foundation and cannot be removed from the office without prior approval from your supervisor. It is expected that you will treat this equipment with care and report any malfunctions immediately to staff members equipped to diagnosis the problem

and take corrective action. This also includes the use of the company truck which may be used for approved business as associated with an event or a project that supports our mission.

### ***Personnel Records***

It is important that Mammoth Lakes Foundation maintain accurate personnel records at all times. You are responsible for notifying your immediate supervisor or the Human Resources Department of any change in name, home address, telephone number, marital status, and number of dependents, immigration status, or any other pertinent information. By promptly notifying Mammoth Lakes Foundation of such changes, you will avoid compromise of your benefit eligibility, the return of W-2 forms, or similar inconvenience.

### ***Performance and Salary Reviews***

You will have your first performance review at the end of your first six (6) months of employment with Mammoth Lakes Foundation. Thereafter, performance reviews will normally be conducted annually on or about your anniversary date. All performance reviews will be completed in writing by your supervisor or manager on the form designated by Mammoth Lakes Foundation, and reviewed during a conference with you. Factors considered in your review include the quality of your job performance, your attendance, meeting the requirements of your job description, dependability, attitude, cooperation, compliance with employment policies, professional conduct, any disciplinary actions and year-to-year improvement in overall performance. Compensation increases may be provided by Mammoth Lakes Foundation at its discretion in consideration of various factors, including your performance review.

## **Part 2 – Our Policies and Practices**

### ***Internet Access***

Access to the Internet is provided primarily for work-related activities or approved educational / training activities. Incidental and occasional personal use and study use is permitted. This privilege should not be abused and must not affect a user's performance of employment-related activities.

Mammoth Lakes Foundation email and Internet system is the property of Mammoth Lakes Foundation. By accessing the Internet, Intranet and electronic mail services through facilities provided by Mammoth Lakes Foundation, you acknowledge that Mammoth Lakes Foundation by itself or through its Internet Service Provider may from time to time monitor, log, and gather statistics on employee Internet activity and examine all individual connections and communications.

### ***Responsibilities and Obligations***

Employees may not access, download or distribute material that is in breach of the law, or which others may find offensive or objectionable, such as material that is sexually explicit, violent, harassing or discriminatory.

You must respect and comply with copyright laws and intellectual property rights of both Mammoth Lakes Foundation and other parties at all times. When using web-based sources, you must provide appropriate attribution and citation of information to the websites. Software must not be downloaded from the Internet without the prior approval of qualified persons within Mammoth Lakes Foundation.

## ***Violation of this Policy***

In all circumstances, use of Internet access and email systems must be consistent with the law and Mammoth Lakes Foundation policies. Violation of this policy is a serious offense and, subject to the requirements of law, may result in a range of sanctions from restriction of access to electronic communication facilities to disciplinary action, up to and including dismissal.

## ***Email***

The email system is the property of Mammoth Lakes Foundation and as such, is subject to monitoring. System monitoring is done for your protection and the protection of the rights or property of the provider of these services. All emails are archived on the server in accordance with our records retention policy, and all emails are subject to review by Mammoth Lakes Foundation. You may make limited use of our email system for personal business matters, so long as such use is kept to a minimum and does not interfere with your work.

Electronic mail is like any other form of business communication, and may not be used for discriminatory, harassing or other purposes that violate Mammoth Lakes Foundation policies or applicable law. Your email account is a privilege provided by Mammoth Lakes Foundation and is our property. Remember that when you send email from a Mammoth Lakes Foundation domain, you represent Mammoth Lakes Foundation whether your message is business-related or personal.

## ***Telephones and Texting***

Personal use of Mammoth Lakes Foundation's telephone for long-distance and toll calls is permitted only with the permission of management. Personal calls must be kept at a minimum, whether made on a company phone or a personal cell phone.

Cell phones shall be turned off or set to silent or vibrate mode during meetings, conferences and in other locations where incoming calls or texting may disrupt normal workflow.

Employees may carry and use personal cell phones while at work on a sporadic basis. If employee use of a personal cell phone causes disruptions or loss in productivity, the employee may become subject to disciplinary action per company policy.

Personal cell phones may be used for company business on a sporadic basis. Employees may be reimbursed for the incoming calls to their personal cell phones if the Mammoth Lakes Foundation's main telephone system is unavailable to the employee.

## ***Smoking and Vaping***

In order to provide a safe and comfortable working environment for all employees, smoking and vaping is strictly prohibited at all times inside any Mammoth Lakes Foundation building or other business location.

## ***Drug-Free Workplace***

Mammoth Lakes Foundation takes seriously the problem of drug and alcohol abuse, and is committed to providing a substance abuse-free workplace for its employees. Substance abuse of any kind is inconsistent with the behavior expected of our employees, subjects all employees and visitors to our facilities to unacceptable safety risks, and undermines our ability to operate effectively and efficiently.

Any employee who is convicted of any violation of drug or alcohol laws shall notify the Executive Director or CEO/President within five (5) days of the date of conviction. A conviction includes a finding of guilt, including a plea of no contest, or imposition of sentence, or both.

## ***Substance Abuse***

Substance abuse is a serious problem adversely affecting the lives of millions of Americans, corporate profits, organizational effectiveness, and our nation's ability to compete in the world economy.

Mammoth Lakes Foundation recognizes alcohol and drug abuse as potential health, safety and security problems. Mammoth Lakes Foundation expects all employees to assist in maintaining a work environment free from the effects of alcohol, drugs or other intoxicating substances. Compliance with this substance abuse policy is a condition of employment, and violations of the policy may lead to discipline up to and including discharge.

All employees are prohibited from engaging in the unlawful manufacture, possession, use, distribution or purchase of illicit drugs, alcohol or other intoxicants, as well as the misuse of prescription drugs on Mammoth Lakes Foundation premises or at any time and any place during working hours. If a Foundation event includes the availability of alcohol, employees must still behave in a professional and responsible manner and public drunkenness or other behavior related to use of alcohol in a Foundation related setting will not be tolerated and is grounds for disciplinary action up to and including termination of employment. All employees are required to report to their jobs in appropriate mental and physical condition, ready to work.

Employees who believe they may have an alcohol or substance abuse problem are encouraged to seek appropriate professional assistance. You may inform the Executive Director for assistance in seeking help to address substance abuse.

When work performance is impaired, admission to or use of a treatment or other program does not preclude appropriate action by Mammoth Lakes Foundation.

Any violator of this substance abuse policy will be subject to disciplinary action up to and including termination of employment. Further, any off duty activity, including drug or alcohol related behavior, that leads to your arrest or that otherwise causes potential embarrassment to Mammoth Lakes Foundation may be grounds for discipline up to and including termination.

## ***Safety and Accident Rules***

Safety is a joint venture at Mammoth Lakes Foundation. We provide a clean, hazard-free, healthy, safe environment in which to work and make every effort to comply with all relevant federal, state and local occupational health and safety laws, including the federal Occupational Safety and Health Act (OSHA) as well as the state Cal-OSHA requirements. As an employee, you have a duty to comply with the safety rules of Mammoth Lakes Foundation, and you are expected to take an active part in maintaining this hazard-free environment. You should observe all posted safety rules, adhere to all safety instructions provided by your supervisor and use safety equipment where required. Your workspace should be kept neat, clean and orderly. You are required to report any accidents or injuries – including any breaches of safety guidelines – and to promptly report any unsafe equipment, working condition, process or procedure to a supervisor.

## ***Medical Procedures***

If you become ill or get hurt while at work, you must notify your manager immediately. Failure to do so may result in a delay or loss of eligibility for benefits under the state workers' compensation law. Mammoth Lakes Foundation is concerned about the physical well-being of its staff and encourages all employees to have periodic physical

examinations. Check your health plan documents to determine coverage. When appropriate and permissible under applicable law, Mammoth Lakes Foundation may also request that a physician examine you whenever conditions make this desirable for your protection or that of Mammoth Lakes Foundation. Mammoth Lakes Foundation pays for physical examinations administered at the request of Mammoth Lakes Foundation.

## ***Travel***

It is the policy of Mammoth Lakes Foundation to reimburse staff for reasonable and necessary expenses incurred in connection with approved travel on behalf of Mammoth Lakes Foundation. Mammoth Lakes Foundation strongly encourages use of travel discounts when making travel arrangements.

Travelers seeking reimbursement should incur the lowest reasonable travel expenses and exercise care to avoid impropriety or the appearance of impropriety. Reimbursement is allowed only when reimbursement has not been, and will not be, received from other sources. If a circumstance arises that is not specifically covered in this travel policy, then the most conservative course of action should be taken.

Business travel policies are aligned with company reimbursement rules. All business-related travel paid with Mammoth Lakes Foundation funds must comply with company expenditure policies.

Staff travel must be authorized. Travelers should verify that planned travel is eligible for reimbursement before making travel arrangements. Within 30 days of completion of a trip, the traveler must submit a Travel Reimbursement form and supporting documentation to obtain reimbursement of expenses.

An individual may not approve his or her own travel or reimbursement. The Travel Reimbursement form must be signed by the Executive Director or the CEO/President.

Designated approval authorities are required to review expenditures and withhold reimbursement if there is reason to believe that the expenditures are inappropriate or extravagant.

## ***Credit Card***

Mammoth Lakes Foundation issues a business credit card for staff to use for legitimate business purposes. A policy has been created for employees to sign off on if they wish to have a Foundation Business Credit Card with the policy including two purposes:

1. To ensure that Foundation transactions are carried out as effectively as possible through the use of credit cards as aligned with the mission of the Foundation.
2. To guard against any possible abuse or fraud of Foundation issued credit cards.

## **Part 3 – Equal Employment Opportunity**

### ***Discrimination Is Prohibited***

Mammoth Lakes Foundation is an equal opportunity employer and makes all employment decisions without regard to race, religion, color, sex, national origin, age, military status, veteran status, mental or physical disability, genetic information, ancestry, medical condition, marital or domestic partnership status, pregnancy status, gender identity, gender expression, sexual orientation, or any other characteristic protected by law. This policy applies to all terms and conditions of employment, including but not limited to, hiring, placement, promotion, termination, layoff, recall,

transfers, and leaves of absence, benefits, compensation and training. We seek to comply with all applicable federal, state and local laws related to discrimination.

Mammoth Lakes Foundation makes decisions concerning employment based strictly on an individual's qualifications and ability to perform the job under consideration, the comparative qualifications and abilities of other applicants or employees, and the individual's past performance within the organization.

If you believe that an employment decision has been made that does not conform with management's commitment to equal opportunity, you should promptly bring the matter to the attention of the Executive Director or CEO/President. Your complaint will be thoroughly investigated. There will be no retaliation against any employee who files a complaint in good faith, even if the result of the investigation produces insufficient evidence to support the complaint.

### ***Individuals with Disabilities***

Mammoth Lakes Foundation is committed to providing equal employment opportunities to qualified individuals with disabilities. This may include providing reasonable accommodation where appropriate in order for an otherwise qualified individual to perform the essential functions of the job including in the application process. It is the responsibility of the applicant or employee to notify Mammoth Lakes Foundation of the need for accommodation. Upon doing so, a Mammoth Lakes Foundation representative may ask for your input on the type of accommodation you believe may be necessary or the functional limitations caused by your disability. Also, when appropriate, we may need your permission to obtain additional information from your physician or other health care professionals. All medical information received by Mammoth Lakes Foundation in connection with a request for accommodation will be treated as confidentially as possible under the circumstances.

### ***Workplace Harassment***

Mammoth Lakes Foundation believes that all employees, participant, interns, volunteers, applicants, vendors, and clients should be able to enjoy a work environment free from discrimination, harassment, retaliation, or abusive behavior. These forms of misconduct can undermine the integrity of the employment relationship. Mammoth Lake Foundation's non-discrimination policy applies to all employees, participants, interns, and volunteers, and extends to all phases of employment, including recruitment, screening, referral, hiring, training, promotion, discharge or layoff, rehiring, compensation and benefits.

Mammoth Lakes Foundation believes in respecting the dignity of every employee and expects every employee to show respect for all of Mammoth Lakes Foundation's colleagues, clients, and vendors. Respectful, professional conduct furthers our mission, promotes productivity, minimizes disputes, and enhances its reputation. Mammoth Lakes Foundation is thus committed to providing a work environment that is free of discrimination, including harassment, retaliation and abusive conduct that is based on any legally protected status. Mammoth Lakes Foundation will not tolerate any verbal or physical conduct that violates this policy.

Mammoth Lakes Foundation prohibits harassment, discrimination, abusive behavior, and retaliation by supervisors, managers, co-workers and volunteers, as well as by third-parties such as vendors, program participants or clients. This prohibition includes harassment based on sex (including pregnancy, childbirth, breastfeeding or related medical conditions), race, religion (including religious dress and grooming practices), color, gender, gender identity, gender expression, national origin or ancestry, physical and/or mental disability, medical condition, genetic information, marital status, registered domestic partner status, age, sexual orientation, military and/or veteran status, or any other basis protected by federal, state or local law or ordinance or regulation. Abusive conduct may include repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining



of a person's work performance. A single act shall not constitute abusive conduct, unless especially severe and egregious.

Prohibited unlawful behavior also includes, but is not limited to:

1. Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations or comments;
2. Visual conduct such as derogatory and/or sexually oriented posters, photography, cartoons, drawings, e-mail, faxes or gestures;
3. Physical conduct such as assault, unwanted touching, blocking normal movement or interfering with work because of sex, race or any other protected basis;
4. Threats and demands to submit to sexual requests as a condition of continued employment or to avoid some other loss and offers of employment benefits in return for sexual favors;
5. Retaliation for having reported or threatened to report discrimination or harassment;
6. Abusive conduct of an employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer's legitimate business interests; or
7. Any combination or derivative of the above actions which cause ill repute or a negative impact to the workplace culture or reputation of our workplace.

Any employee, intern, volunteer, applicant, vendor, or client, who feels he or she has been discriminated against or harassed due to his or her sex or any other protected classification should report such incidents to his or her supervisor or manager, the Executive Director or the CEO/President without fear of reprisal. Reasonable steps will be taken to maintain confidentiality and to restrict access to such information to persons with a need to know. If the source of the alleged discrimination, harassment, retaliation or abusive conduct is the Executive Director or the CEO/President, then the report of incidents should be sent to the Board.

### **Manager/Supervisor Responsibility**

Each Mammoth Lakes Foundation supervisor and manager has a responsibility to keep the workplace free of any form of harassment, and in particular, sexual harassment. No supervisor or manager is to threaten or insinuate, either explicitly or implicitly, that an employee's refusal or willingness to submit to sexual advances will affect the employee's terms or conditions of employment. Further, supervisors and managers are required to report any complaints of violations of the policy to the Executive Director or the CEO/President, so that a prompt internal investigation may occur.

Mammoth Lakes Foundation will take timely action and will fairly investigate discrimination and harassment claims. In determining whether alleged conduct constitutes unlawful behavior under the Fair Employment and Housing Act (FEHA), the totality of the circumstances, the nature of the conduct and the context in which the alleged incidents occurred will be investigated. The Executive Director or his designate has the responsibility of investigating and resolving complaints of discrimination, harassment, retaliation, and abusive conduct. If the allegations involve the Executive Director or the CEO/President then the Board, at its own discretion, will designate the appropriate person to investigate the allegations and report its findings directly to the Board.

## **Responsibility to Report Inappropriate Conduct**

An employee, who becomes aware of, observes, or who has been subjected to any form of harassment, discrimination, or abusive behavior by an employee, student, intern, volunteer, applicant, vendor, or client has a responsibility to report or make a complaint about the situation as soon as possible.

The employee should make the report or complaint about that conduct to his or her supervisor, another member of management, or to the Executive Director as soon as practicable. Employees are not required to approach the person who is harassing or discriminating against them, and they may bypass any offending member of management to report such conduct. Supervisors will refer all complaints involving harassment or other prohibited conduct to the Executive Director. Mammoth Lakes Foundation will immediately undertake a timely, thorough, and objective investigation of the allegations.

Any person at Mammoth Lakes Foundation who engages in inappropriate conduct or retaliation against a person for having reported or threatened to report discrimination or harassment will be disciplined, which may include termination. Please note we have the right to discipline for any unprofessional or inappropriate conduct that negatively affects our workplace culture or our reputation. The inappropriate conduct does not need to be expressly prohibited in the policy, nor does it need to qualify as unlawful conduct for us to take disciplinary action.

## **Investigation of Complaints**

The person to whom the harassment or discrimination complaint is reported is obligated to notify the Executive Director so that he may take the necessary steps to ensure that a prompt, fair, timely, thorough, and objective investigation of the alleged inappropriate behavior is initiated. Mammoth Lakes Foundation will reach reasonable conclusions based on the evidence collected.

While we cannot guarantee absolute confidentiality to a complaint or an investigation, we will handle the complaint as discreetly as possible and only reveal facts or allegations on a "need to know" basis. Mammoth Lakes Foundation will ensure that:

1. Impartial and timely investigations will be conducted by qualified personnel, and will be documented and tracked to ensure that reasonable progress is being made.
2. Appropriate due process will be given for the complainant, witnesses, and the accused.
3. A reasonable conclusion will be made based on the evidence collected, and appropriate options for remedial actions and resolutions will be considered.
4. A timely resolution of each complaint will be reached and the results of the investigation will be communicated in a timely manner to the employee and other concerned parties with a business need to know.

## **Corrective and Disciplinary Action**

If through the investigatory process, Mammoth Lakes Foundation determines that harassment or other prohibited conduct has occurred; effective remedial action will be taken in accordance with the circumstances involved. Any employee determined by Mammoth Lakes Foundation to be responsible for harassment or other prohibited conduct will be subject to appropriate corrective and/or disciplinary action, up to, and including termination. The corrective action issued will be proportional to the severity of the conduct. The alleged harasser's employment history and any similar complaints of prior unlawful discrimination and/or harassment will be taken into consideration. Also, Mammoth Lakes Foundation will take appropriate action to deter future misconduct.

## **Retaliation Prohibited**

Mammoth Lakes Foundation prohibits retaliation of any kind against employees or others covered by this policy who in good faith, report harassment or discrimination, participate in an investigation, or who otherwise assist in investigating such complaints. If an employee feels he or she has been subjected to any form of retaliation, the employee should report that conduct to his or her immediate supervisor, another member of the management team or the Executive Director. Employees are not required to approach the person who is retaliating against them, and they may bypass any offending member of management. Any employee determined to have retaliated against such employees will be subject to discipline, up to and including termination of employment.

## **Additional Information**

In addition to the Mammoth Lakes Foundation's internal complaint procedure, employees, applicants, interns, and volunteers may also contact either the Equal Employment Opportunity Commission ("EEOC") or the California Department of Fair Employment and Housing ("DFEH") to report unlawful harassment. The EEOC and the DFEH serve as neutral fact-finders and will attempt to assist the parties to voluntarily resolve their disputes. For more information, you may contact the nearest EEOC or DFEH office.

## ***Whistleblower Policy***

### **Reporting of Inappropriate or Questionable Actions**

Consistent with the recognized duties of care and loyalty under California law, it is the responsibility of all employees of Mammoth Lakes Foundation to ensure that the organization complies with applicable laws, regulations, and internal control policies. To that end, any employee who suspects a violation of any such law, regulation, or internal control policy should report the suspected violation to the Executive Director immediately. If the reporting party is not comfortable reporting such information to the Executive Director, whether due to concern that the Executive Director might be involved with the suspected violators or for any other reason, the reporting party should instead report it to the CEO/President or the Chair of the Board of Directors.

### **Retaliation Protection**

Any report made pursuant to this policy shall be treated with seriousness and respect. No employee who makes a report in good faith shall suffer harassment, retaliation, or adverse employment consequences. Any employee who engages in retaliation against a reporting person shall be subject to appropriate disciplinary action, up to and including termination of employment. This policy is designed to encourage everyone involved with Mammoth Lakes Foundation to feel comfortable raising concerns regarding on-going governance efforts.

### **Handling Reported Violations**

Any report made pursuant to this policy involving Mammoth Lakes Foundation's fiscal internal controls, accounting practices, or investments shall also be forwarded by the appropriate party to the Board of Directors for their consideration and any necessary corrective action. All other reports under this policy shall be handled by the Executive Director or, in reports involving an Executive Director, the CEO/President or the Chair of the Board of Directors. The investigation of all reported complaints and allegations under this policy shall be prompt, and appropriate corrective action shall be taken if warranted by the investigation.

### **Confidentiality**

Reports made pursuant to this policy may be submitted anonymously or with a request that they be treated as confidential. Such reports will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation of the report. In some circumstances it may not be possible to take action on a report without revealing the identity of the reporting person.

## **Compliance**

Failure of employees to follow this policy can result in possible civil and criminal sanctions against Mammoth Lakes Foundation and its employees, and possible disciplinary action against the responsible individuals. The Executive Director, CEO/President and the Board of Directors will periodically review these procedures with legal counsel and/or the organization's certified public accountant to ensure they are in compliance with new or revised regulations.

All employees, and any accounting or information technology consultants, shall receive a copy of this policy and are required to acknowledge, in writing, that they have read, understand, and agree to its terms.

## **Part 4 – Compensation**

### ***Payroll Practices***

Employees are paid twice monthly, on the 5th and the 20<sup>th</sup> of each month. If the regularly scheduled payroll date falls on a Saturday, Mammoth Lakes Foundation will attempt to deliver paychecks on Friday. If the regular payday falls on a Sunday, employees will be paid on Monday. When a payroll date falls on a holiday, employees will, when possible, be paid on the last business day before the holiday. Otherwise, employees will be paid on the first business day following the scheduled payroll date. All time sheets must be completed to include the number of hours worked in that pay period and be approved by the Executive Director.

### ***Salary Deductions and Withholding***

Mammoth Lakes Foundation will withhold the following from your paycheck:

#### ***Taxes***

Federal, state, and local taxes, as required by law, as well as the required FICA (Social Security) and Medicare payments.

#### ***Insurance***

Your contribution to health insurance or other insurance premiums for yourself and any eligible family members or to other contributory benefit programs will be defined as we explore a variety of policies to support all employees of Mammoth Lakes Foundation.

#### ***Other Deductions***

Other deductions that you authorize, including short-term disability insurance, flexible spending account (FSA) contributions, and 401(k) contributions.

#### ***Direct Deposit***

You may have your paycheck deposited directly into your bank account. You will be given the authorization form for deposit by the Human Resources Department.

## **Part 5 – Benefits**

### ***Medical Insurance***

Mammoth Lakes Foundation is researching potential options to include medical, dental and vision insurance to all full-time employees. These programs will be administered by a major medical insurance carrier through an authorized agency.

### ***Workers' Compensation Insurance***

To provide for payment of your medical expenses and for partial salary continuation in the event of a work-related accident or illness, you are covered by workers' compensation insurance, provided by Mammoth Lakes Foundation and based on state regulations. The amount of benefits payable, as well as the duration of payments, depends upon the nature of your injury or illness. However, all medical expenses incurred in connection with an on-the-job injury or illness and partial salary payments are paid in accordance with applicable state law. If you are injured or become ill on the job, you must immediately report the injury or illness to your manager and the Human Resources Department as soon as reasonably possible. This ensures that Mammoth Lakes Foundation can help you obtain appropriate medical treatment. Your failure to follow this procedure may delay your benefits or may even jeopardize your receipt of benefits. Questions regarding workers' compensation insurance should be directed to the Human Resources Department.

## **Part 6 – Holidays, Vacation and Other Leave**

### ***Religious Observance***

Federal and state equal opportunity laws generally require employers to accommodate the religious beliefs of employees, but do not require them to provide paid leave. Mammoth Lakes Foundation respects your religious beliefs, however, and therefore, will provide one (1) day of paid leave as Paid Time Off to employees who, for religious reasons, must be away from the office on days of normal operation. Employees who require additional time off may use their accumulated paid time off. This leave must be requested through the Executive Director at least two (2) weeks prior to the observance.

### ***Sick Leave***

In order to help prevent loss of earnings that may be caused by accident or illness, or by other emergencies, Mammoth Lakes Foundation has established a paid sick leave policy.

### ***Eligibility***

All employees who work for Mammoth Lakes Foundation for 30 or more days are entitled to paid sick leave.

### ***Accrual and Maximum Cap***

All eligible employees accrue paid sick leave at the rate of one hour for every thirty hours worked beginning at the commencement of employment. For exempt employees, accrual will be calculated based on a 40-hour workweek, unless the employee's normal workweek is less than 40 hours, in which case the employee shall accrue paid sick days based upon that normal workweek. The maximum sick leave accrual in a calendar year is 24 hours, or 3 days.

Accrued sick days shall carry over from year to year, up to a maximum of 48 hours, or six days. Thereafter, no additional sick leave will accrue or vest until the employee has taken sick leave to reduce the total accrued time. After the total accrued amount is reduced below the cap, sick leave accrual will recommence.

Employees do not accrue sick time during a leave of absence. Sick leave accrual will recommence when the employee returns to work.

If an employee separates from employment and is rehired within one year from the date of separation, previously accrued and unused sick days will be reinstated. The employee will be entitled to use those previously accrued and unused sick days and to accrue additional sick days immediately upon rehiring.

### **Rate of Pay**

For exempt employees, sick leave taken under this policy will be paid at the same rate as the employee normally earns during regular work hours and the same as that which the employee is paid when he/she takes vacation. For nonexempt employees, the hourly rate at which sick leave is paid shall be calculated by taking the total amount paid in the week during which the employee took paid sick leave divided by the number of hours worked.

### **Use**

An employee shall be entitled to use accrued sick days beginning on the 90th day of employment, after which the employee may use paid sick days as they are accrued. Regardless of the number of hours accrued, employees may use no more than 24 hours, or three days, of paid sick leave per calendar year. An employee may determine how much paid sick leave he or she needs to use; however, sick leave must be taken in increments of one hour.

Sick leave may be taken for personal illness, emergency, or disability or for illness, emergency, or disability in the employee's immediate family. For purposes of this policy, "immediate family" is defined as the employee's spouse or registered domestic partner, children, parents, grandparents, brothers, and sisters, as well as the children, parents, grandparents, brothers, and sisters of the employee's spouse or registered domestic partner. An employee who is a victim of domestic violence, sexual assault, or stalking may use paid sick leave under this policy to attend to legal matters, seek medical attention, obtain social services, seek counseling, participate in safety planning, or for any related activities. Time absent for medical and dental appointments will be treated as sick leave.

### **Notice**

If the need for paid sick leave is foreseeable, the employee shall provide reasonable advance notification. If the need for paid sick leave is unforeseeable, the employee shall provide notice of the need for time off as soon as practicable.

### **Pay in Lieu of Sick Leave**

Employees will not receive pay in lieu of accrued but unused sick leave at any time, including at the end of their employment.

### **Medical Leave**

Full Time Mammoth Lakes Foundation employees requiring time away from work that exceeds their available sick time due to a temporary medical disability, may apply for a medical leave of absence without pay for the period of actual inability to work, up to a maximum of 4 months from the initial date of the leave, or as otherwise required by law. This medical leave, if granted, is available only once during the 24-month period that begins on the initial date of the leave, unless otherwise required by law. All medical leaves will be granted at the sole discretion of Mammoth Lakes Foundation, unless otherwise required by law.

## **Definition**

Medical leave is defined as a leave for employees who are unable to work due to an illness, injury or disability that has been certified by a licensed health care provider. The duration of leave under this section shall be consistent with applicable law but shall not extend past the date on which an employee becomes capable of performing the essential functions of his/her position, with or without a reasonable accommodation.

## **Provisions**

1. Medical leaves are granted initially only after certification of disability by a licensed health care provider.
2. Mammoth Lakes Foundation will continue to pay for insurance coverage for employees during the unpaid portion of a medical leave, up to a maximum of four months, if it has already been providing insurance coverage.
3. Employees on medical leave may elect to use all accrued and earned sick time and/or vacation days before the start of their unpaid medical leave.
4. All employees on medical leave may be required to furnish one or more additional certifications to Mammoth Lakes Foundation that confirm a continuation of their need for medical leave.
5. Employees may be entitled to State Disability Insurance (SDI) during a medical leave of absence.

## **Procedures**

1. Requests: Except in cases of emergency, all requests for medical leave should be submitted in advance in writing by the affected employee to the Human Resources Manager or Office Administrator. The request must include the reason for the leave, the proposed date for beginning the leave, and the anticipated date of return to active employment. Mammoth Lakes Foundation requests that employees give a minimum of 30-day notice whenever possible.
2. Certification: Medical certification supporting the need for medical leave must be submitted before the start of the leave and may be required to be updated during the leave. Medical certification must include the following information: (1) the date on which the employee became unable to work due to a medical condition; (2) the probable duration of the period(s) of disability; and (3) an explanatory statement that, due to the medical condition, the employee is unable to perform his/her work at all, or is unable to perform one or more of the essential functions of his/her position, including a description of the essential functions the employee is unable to perform. The certification should also explain any work restrictions, and possible accommodations, if any, that may enable the employee to perform the essential functions of his/her position. Requests to extend an initial leave should be in writing, accompanied by supporting medical certification, and received by Mammoth Lakes Foundation at the earliest possible time (i.e., when the employee has knowledge of the need for the extension) or at least five working days in advance of the previously estimated return date, if possible. Requests to extend a medical leave must be approved by the Executive Director or his/her designee.
3. Return: An employee returning to work from a medical leave should give at least five days' advance notice to Mammoth Lakes Foundation if possible, and, before returning to work, must submit a written release from the employee's health care provider, indicating that the employee may return to his/her normal work duties, with or without reasonable accommodation. Mammoth Lakes

Foundation reserves the right to have the employee examined by a physician of Mammoth Lakes Foundation's choice. Results of this examination may determine whether or not the employee may return to work at that time. Employees must report to Mammoth Lakes Foundation on the first scheduled day of work following the medical leave. At the end of an approved medical leave, Mammoth Lakes Foundation will attempt to reinstate an employee to his/her former position, if available, or to an available comparable position. However, there is no guarantee of reinstatement following a medical leave, unless otherwise required by law.

4. Notice Requirements: Failure to comply with the above notice and certification requirements may be grounds for denying the leave or reinstating employment.

### ***Paid Time Off (PTO) for Exempt Employees***

PTO combines time off for vacation, additional sick leave and personal needs. Employees have the ability to decide when and how they use their accrued PTO for vacation, extended illness, family emergencies, bereavement leave, religious observances, preventative health or dental care and other family obligations. PTO maybe used in hourly increments and should be requested and approved by the Executive Director at least two (2) weeks prior to taking the time unless there is a dire emergency. This allows the team to plan based on the scope of the required work.

### **Accrual Procedure**

| Years of Service | Annual PTO | Monthly PTO |
|------------------|------------|-------------|
| 0 – 2            | 16 days    | 1.33 days   |
| 3 - 5            | 20 days    | 1.67 days   |
| 6 – 10           | 25 days    | 2.08 days   |
| 11 - 15          | 30 days    | 2.5 days    |
| 16 +             | 35 days    | 2.92 days   |

### **Eligibility**

Exempt employees begin accruing paid time off when they first begin work for Mammoth Lakes Foundation. Employees may use their accrued at any time after the first 90 days of employment. If an employee leaves Mammoth Lakes Foundation but has taken more time than he or she has accrued, that time will be deducted from the employee’s last check.

### **Paid Time Off Procedure**

Requests for paid time off should be submitted to the Executive Director as soon as you know when you wish to schedule your paid time off, but in no event less than two weeks prior to the time requested. Paid time off requests is approved by your immediate supervisor. Paid time off is coordinated within each team so that sufficient staff is available to provide adequate coverage at all times, and there may be Company-wide or department-specific “blackout dates,” as necessary. Paid time off requests is granted on a first-come, first-served basis. In the event of a conflict in paid time off requests, your supervisor will consider Mammoth Lakes Foundation’s staffing needs during the relevant period, as well as the length of service with Mammoth Lakes Foundation of the employees involved.

### **Eligibility and Cap on Accrual**

Exempt employees begin accruing paid time off then they first begin work for the Mammoth Lakes Foundation. Employees may use their accrued PTA at any time after the first 90 days of employment. All employees are encouraged to plan in advance for PTO, including vacations, and manage their PTO balances throughout the year to ensure that the carry over amount combined with the new fiscal year allotment does not exceed a cap of 200% of the



total PTO allotment for the fiscal year. Once an employee reaches the applicable cap, no further PTO days/hours will be accrued until PTO has been taken by the employee so that the accrual is below the cap.

For example, assume an employee has worked for Mammoth Lakes Foundation for three years and during the first two years was not able to take any PTO. During the third year the employee may roll over a total of 32 PTO days from the first and second years and accumulate an additional 8 days of PTO but once they have accumulated 40 days (200% of the PTO allotment) they will no longer accrue any PTO until the balance has been reduced below the 40 days. No accrual at all occurs or is put into a separate bank during the period that the cap is in place.

## ***Holiday Pay***

Employees are entitled to the following paid holidays:

- New Year's Day
- Martin Luther King, Jr. Day
- Washington's Birthday
- Memorial Day
- Independence Day
- Labor Day
- Veterans Day
- Thanksgiving Day and the Friday after Thanksgiving
- Christmas Day

## ***Notification Procedures***

When you are absent from work and your absence has not been previously scheduled, you must personally notify your immediate supervisor or manager as soon as you are aware that you will be late or unable to report to work. Leaving a voicemail or message with another staff member does not qualify as notifying your supervisor.

When absence due to illness exceeds three (3) consecutive days, Mammoth Lakes Foundation reserves the right to require appropriate medical documentation. Excessive absenteeism or tardiness can result in discipline, up to and including discharge. (Also, see the section on Family & Medical Leave for extended leave situations.)

## ***Paid Family Leave***

Mammoth Lakes Foundation currently is not covered by federal or state laws permitting for absences under the Family Medical Leave Act of the California Family Rights Act. Nevertheless, an employee may request time off to care for a parent, child, spouse, or domestic partner and if approved by Mammoth Lakes Foundation may be eligible for benefits through the California Employment Development Department for up to six weeks or partial pay through the state after completing a one week waiting period and utilizing up to two weeks of available Paid Time Off.

## ***Pregnancy Leave of Absence***

A pregnancy-related leave of absence will be granted in accordance with the regulations of the State of California Department of Fair Employment and Housing. Employees disabled due to pregnancy are eligible for a maximum of four (4) months leave per pregnancy upon medical certification of the health care provider that the employee is disabled due to pregnancy. Additionally, if the health care provider certifies a transfer to lighter duty, Mammoth Lakes Foundation will attempt to provide light duty if possible. Upon return from the leave of absence, the employee will be returned to her same position; however, in certain circumstances, reinstatement may be impossible. Such circumstances may include being in a layoff situation, a plant closure, or if the employee's absence would substantially undermine Mammoth Lakes Foundation's ability to operate the business safely or efficiently.

The employee may opt to take all accrued Paid Time Off during the leave.

Mammoth Lakes Foundation will continue to pay all applicable group insurance premiums if it is already paying such premiums on behalf of the employee during the leave of absence. The employee must continue to pay the employee portion of the insurance premium during the leave of absence. Failure by the employee to make this premium payment may result in a loss of benefits.

At the conclusion of the pregnancy-related leave of absence, a medical certification from the health care provider stating the employee is released to return to work will be required. All requests for pregnancy-related leaves of absence should be received, if possible, at least thirty (30) days prior to the start of the leave. Returning employees should notify Mammoth Lakes Foundation at least five (5) work days prior to return. Employees failing to return on the assigned date may be considered to have voluntarily resigned.

### ***Bereavement Leave***

Employees will receive up to three (3) days of paid time off in the event of the death of a member of their immediate family. Immediate family includes spouse, domestic partner, child, parent, parent-in-law, brother or sister, and brother-in-law or sister-in-law. You are allowed one (1) day of paid leave in the event of the death of an extended family member. Extended family includes grandparents, aunts and uncles, and other more distant relatives.

### ***Military Service Leave***

Employees serving in the uniformed services, including the Army, Navy, Marine Corps, Air Force, Coast Guard, and Public Health Service commissioned corps, as well as the reserve components of each of these services, may take unpaid military leave, as needed, to enable them to fulfill their obligations as service members. Employees may also use accrued paid time off for this purpose.

### ***Civic Duty Leave***

#### ***Jury Duty***

Mammoth Lakes Foundation encourages employees to fulfill their civic duties. To that end, employees will be allowed leave to serve on a jury, if summoned, with time being deducted from their paid time off bank if they are exempt employees. We request that you bring in a copy of your summons notice as soon as you receive it, so that we may keep it on file. If you are called during a particularly busy period, we may ask you to request a postponement. Mammoth Lakes Foundation will provide additional documentation in this regard, if necessary, to obtain such postponement.

Jury duty can last from a portion of a single day to several months or more. During this time, you will be considered on a leave of absence and will be entitled to continue to participate in future insurance and other benefits as if you were working. While serving on jury duty, you are expected to call in to your supervisor daily to keep him or her apprised of your status.

#### ***Appearance as a Witness***

An employee called to appear as a witness will be permitted time off to appear, but without pay. Employees will be permitted to use accrued paid time off when appearing as witnesses.

## ***Voting***

Mammoth Lakes Foundation encourages all employees to vote. Most polling facilities for elections for public office are scheduled to accommodate working voters. Mammoth Lakes Foundation, therefore, requests that employees schedule their voting for before or after their work shift. An employee who expects a conflict, however, should notify his or her supervisor, in advance, so that schedules can be adjusted if necessary.

## **Part 7 – Miscellaneous**

### ***Leaving Mammoth Lakes Foundation***

If you wish to resign your employment with Mammoth Lakes Foundation, you are requested to notify your manager of your anticipated departure date at least two (2) weeks in advance. This notice should be in the form of a written note or letter.

You will be paid for accrued but unused paid time off as part of your last paycheck.

Mammoth Lakes Foundation asks all employees to participate in an exit interview with their immediate supervisor prior to leaving Mammoth Lakes Foundation. This provides an opportunity to return keys and other property and tie up any loose ends. You will receive preliminary information at that time regarding continuation coverage and any other continuation of benefits for which you may be eligible.

If you leave Mammoth Lakes Foundation in good standing, you may be considered for reemployment at a later date. However, in the case of rehiring, you may be considered a new employee with respect to paid time off, benefits and seniority.

### ***Dispute Resolution***

In a perfect world, every employment relationship would be smooth and harmonious. However, there are, unfortunately, times when employees and employers disagree. These disagreements often arise in the context of involuntary employment termination, but there may be disagreements regarding promotion, expense reimbursement, or a number of other topics.

All employees of Mammoth Lakes Foundation agree to first seek to mediate any dispute with Mammoth Lakes Foundation with a mediator from the American Arbitration Association or similar organization trained and experienced in employment disputes. If mediation is not successful, both Mammoth Lakes Foundation and the employee agree to submit their dispute to arbitration. The arbitrator will be chosen from a panel presented by the American Arbitration Association or such other organization as is acceptable to both parties. The cost of the arbitrator will be split between Mammoth Lakes Foundation and the employee. Each party will be responsible for its own attorney or other related fees. Both Mammoth Lakes Foundation and the employee acknowledge that by agreeing to arbitrate each gives up its right to litigate their employment dispute in court or to submit it to a jury. The decision of the arbitrator is final and binding.

However, either party may seek to have a court of competent jurisdiction enforce an arbitration award. In addition, Mammoth Lakes Foundation retains the right to seek injunctive or other relief in the case of misappropriation of trade secrets or other confidential information, or any other action by an employee which might reasonably be expected to lead to irreparable harm to Mammoth Lakes Foundation, in a court of competent jurisdiction.

**Mammoth Lakes Foundation  
Board of Directors Executive Committee  
Agenda Action Sheet**

**Executive Committee Meeting Date:** April 17, 2018

**Date Prepared:** April 6, 2018

**Prepared by:** Rich Boccia; Executive Director  
Mammoth Lakes Foundation

**Title:** Mammoth Lakes Foundation Sponsorship Policy

**Strategic Plan Alignment #3: Project Funding, Debt Service and Operating Reserves**

**Recommended Motion:**

It is recommended that the MLF Board of Directors Executive Committee review and consider approving a Sponsorship Policy as a tool to increase the opportunity to deliver programs, projects and amenities to the community.

**Background Information:**

Mammoth Lakes Foundation is seeking to establish alternative revenue streams that will increase our ability to deliver services to the community and one of those sources being pursued is sponsorships.

We have crafted a draft sponsorship policy as an outcome of our participation at the Institute for Charitable Giving Conference in Chicago this past February, 2018. They strongly urged each organization to adopt a policy that provides guidelines to organizations that provide clear guidelines about sponsorships.

This policy includes a number of elements including guiding principles, recognition of sponsors, types of recognition, agreements, the process, termination, ethical considerations and reporting sponsorship performance.

These guidelines will be important as we create agreements with sponsors and donors in the development of the Mammoth Arts & Culture Center and the naming rights of the Performing Arts Theatre and the identification of future financial partners that will provide funding for the project, both one time capital and on-going funds to sustain the programs and for deferred maintenance as we plan for the future.

**Funds Available:** Policy

**Account Number:** 70100

# Mammoth Lakes Foundation SPONSORSHIP POLICY

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## 1. Introduction

To maintain and enhance the many programs, events and facilities offered by the Mammoth Lakes Foundation, the Foundation is seeking to establish alternate revenue streams that will increase its ability to deliver services to the community and/or provide enhanced levels of service to the community. One of the alternate funding sources being pursued is sponsorship.

## 2. Policy Statement

It is the policy of Mammoth Lakes Foundation to actively seek sponsorships for its events, programs and facilities from individuals, foundations, corporations, other non-profit organizations, service clubs, and other entities. The purpose of such sponsorships is to increase the Foundation's ability to deliver services to the community.

In appreciation of such support, it is the policy of Mammoth Lakes Foundation to provide sponsors with suitable acknowledgement of their contributions. However, such recognition shall adhere to the aesthetic values and mission of the Foundation. In addition, such recognition shall not detract from our facilities, events or programs nor shall it impair the visual qualities of the facilities or be perceived as creating a proprietary interest.

This policy is not applicable to gifts, grants or unsolicited donations in which no benefits are granted to the donor and where no business relationship exists.

## 3. Definition of Sponsorship

Sponsorship is an investment in cash and/or in kind, in return for access to exploitable business potential associated with an event or worthwhile cause.

## 4. Guiding Principles

The following principles form the basis of the Foundation's consideration of sponsor proposals:

- Sponsorship will relate to the intent/purpose of the facility, event, or program being sponsored.
- Sponsorships will not result in any loss to the Foundation's jurisdiction or authority.
- The mission of a sponsorship organization should not conflict with the mission of the Foundation.
- Sponsorships cannot be made conditional on the performance of our events or programs.
- Sponsorships provide a positive and desirable image to the community.
- Sponsorship benefits offered should be commensurate with the relative value of the sponsorship.
- Operating costs associated with the sponsor's proposal should not exceed 10%.
- Individual sponsorships which do not limit the Foundation's ability to seek other sponsors are preferred.
- Recognition benefits to be offered do not compromise the design standards and visual integrity of the facilities.
- An evaluation of the potential sponsor which shall include but not be limited to:
  - Products/services offered
  - Company's record of involvement in environmental stewardship and social responsibility
  - Principles of the company
  - Sponsor's rationale for its interest in Mammoth Lakes Foundation

- Sponsor's expectations
- Sponsor's timeliness and/or readiness to enter into an agreement

Organizations are not eligible for sponsorship if they relate to any of the following:

- Companies whose business is substantially derived from the sale of alcohol, tobacco, marijuana, firearms or pornography.
- Organizations with noncommercial messages, such as religious or political institutions.
- Any business regarded as an “Adult” business.
- Any depiction which gives the appearance or impression that a product or business is endorsed or recommended by Foundation or its officers, agents, or employees.
- Sponsorship will create a conflict of interest or policy with the Foundation.

## 5. Sponsorship Categories

Sponsorships are appropriate for the following broad types of activities and required approvals:

- A. Events – financial or in-kind support for an event organized by MLF. (i.e. The Food & Wine Experience).
  - Approval: Executive Director or designee
- B. Program Delivery – financial or in-kind support that facilitates the ongoing delivery of a particular program (i.e. The Theatre Program or an element of that program such as costumes, sets or royalties).
  - Approval: Executive Director or designee
- C. Facility Development – financial or in-kind support associated with the design, construction and operation or maintenance of a particular element of our facility. This category typically includes sponsorships (cash or in-kind) for approx. \$100,000 or less for more than several calendar days, and typically less than one year. This level could be contingent upon jurisdictional partner approval. Examples include: room or equipment sponsorship.
  - Approval: Executive Director or designee
- D. Naming Rights - A significant sponsorship (approx. \$100,000 or greater) that will add considerable value to the Mammoth Lakes Foundation. Can include the naming of a new facility and/or an element of the facility for a period of typically one year or more. As a guideline, the threshold for considering the naming of an entire facility will typically include one or more of the following:
  - Contribution by the sponsor of greater than 50% of the capital construction costs associated with developing facility.
  - Provision of a minimum 10-year agreement with the sponsor for the continued maintenance and/or programming of the facility.
  - Approval: The MLF Board of Directors

- Permanent plaque or sign (permanency is limited to the life of the asset).
- Naming of a particular facility on Foundation property

## **9. Determining Types of Recognition**

Decisions as to the type of recognition including any signage, products or logo placement to be provided to a Level A, B and C sponsor will be determined by the Executive Director or designee. Level D sponsorship recognition must be approved by MLF Board of Directors

## **10. Sponsorship Agreement**

All sponsorships shall be memorialized in a sponsorship agreement.

## **11. Sponsorship Process**

All proposals for sponsorship must be submitted in writing to the Executive Director or appointed designee.

## **12. Terminating Sponsorships**

Mammoth Lakes Foundation reserves the right to terminate any sponsorship should conditions arise during the life of that sponsorship that results in the sponsorship conflicting with this policy or if the sponsorship is no longer in the best interests of the Mammoth Lakes Foundation. Decisions to terminate a sponsorship shall be made by the MLF Board of Directors or appointed designee.

## **13. Ethical Considerations Associated with Sponsorships**

Sponsorships are an important way in which Mammoth Lakes Foundation can obtain additional resources to support the pursuit of its mission. However, sponsorships may come with unintended consequences and, as such, all sponsorship offers need to receive careful consideration. On occasion the Mammoth Lakes Foundation may need to reject a sponsorship offer. Circumstances under which this may occur include:

- The potential sponsor seeks to secure a contract, permit or lease.
- The potential sponsor seeks to impose conditions that are inconsistent with the mission, values, policies, and/or planning documents of the Mammoth Lakes Foundation.
- Acceptance of a potential sponsorship would create a conflict of interest or policy, e.g., a sponsorship from a tobacco company.
- The potential sponsor is in litigation with the Mammoth Lakes Foundation.

## **14. Monitoring and Reporting Sponsorship Performance**

Fundamental to improving the management and performance of the Mammoth Lakes Foundation sponsorship activities is the need for an effective program of review and reporting. Accordingly, the following performance indicators have been established and will be reported upon annually to the MLF Board of Directors.

- Number of active sponsorships
- Dollar value of active sponsorships
- Number of proposals presented to potential sponsors
- Number of sponsorship proposals declined by potential sponsors

## **6. Authority Levels**

The Mammoth Lakes Board of Directors possesses sole and final decision-making authority for determining the appropriateness of a sponsorship and also reserves the right to refuse any offer of sponsorship.

## **7. Recognition of Sponsors**

These guidelines have been established to ensure all sponsors are treated in an equitable and appropriate manner and that in recognizing a sponsor's support, the values and purpose of a particular community facility and/or park is not diminished. The guidelines contained within this policy do not apply to gifts and/or grants (donation) for which there is no benefit or recognition.

The following guidelines form the basis of the organization's recognition of sponsors:

- Mammoth Lakes Foundation appreciates all sponsorships that enable it to further its mission.
- In recognition of a sponsor's contribution, preference will be given to providing a form of recognition that is not displayed within the venue.
- Recognition of a sponsorship shall not suggest in any way the endorsement of the sponsor's goods or services by the Mammoth Lakes Foundation, or any proprietary interest of the sponsor of Mammoth Lakes Foundation.
- Any physical form of on-site recognition shall not interfere with visitor participation in a program, event or facility operation.
- The form of any on-site recognition shall be of an appropriate size and color and shall not detract from the surroundings or any interpretive message.
- All sponsorship agreements will be for a defined period of time relative to the value of the sponsorship and the life of the asset being sponsored.
- Naming of events and/or facilities in recognition of a sponsor is permitted providing such names are subordinate to the name of the Mammoth Lakes Foundation, The Town of Mammoth Lakes or the Kern Community College District and Cerro Coso Community College, dependent on the naming rights requested and the funding source.

## **8. Types of Recognition**

Sponsors will be provided with a level of recognition that is commensurate with their contribution. In acknowledging a sponsor, preference will be given to an off-site form of recognition that may include one or more of the following:

- A thank you letter.
- Publicity through the Mammoth Lakes Foundation website, newsletters, and/or media releases, and through the sponsor's corporate newsletter, annual report, and/or website.
- Events such as a press conference, photo opportunity, ground breaking or ribbon cutting ceremony.
- MLF Board recognition acknowledgement at MLF functions.
- Commemorative items such as a framed picture or plaque.
- Acknowledgment on printed materials such as brochures.
- Inclusion of the individual's name or company name and logo on a sponsorship recognition wall.
- Where on-site recognition is to be provided, types of recognition may include:
  - Temporary signs, which may include the use of logos, acknowledging a sponsor.
  - Interpretive sign, which may include the use of logos.



## **15. Definitions**

For the purpose of this policy the following definitions apply:

Advertising – the activity of attracting the public’s attention to a particular product or service.

Amenity - a desirable or useful feature or facility of a building or place.

Corporate Slogan – a word or phrase that may be attached to a corporate name or logo.

Donations – the provision of in-kind goods and/or money for which no benefits are sought.

Interpretive Sign – a sign within the venue that interprets natural, historic, and/or cultural features.

Facility – any building or structure that is located on property owned by the Foundation.

Logo – a symbol or name that is used to brand an organization.

Foundation Resources – the natural and/or cultural landscape elements on our property.

Plaque – a flat memorial plate containing information that is either engraved or in bold relief.

Recognition Benefits – opportunities given to the sponsor to have its name/logo appear on park property or materials for a specified period of time.

Sign – a structure that is used to identify a specific product, to convey directions to patrons, and/or to inform them of the relevant regulations and other pertinent information.

Sponsorship – financial or in-kind support from an individual or corporation for a specific service, program, facility, or event in return for certain benefits.

Sponsorship Agreement – the legal instrument that sets out the terms and conditions the parties have agreed to.

Temporary Sign – a sign that is erected for a known period of time, usually not exceeding 12-18 months.

Mammoth Lakes Foundation  
Executive Committee  
Agenda Action Sheet

Meeting Date: April 17, 2018

Date Prepared: April 7, 2018

Prepared by: Rich Boccia; Executive Director  
Mammoth Lakes Foundation

Title: Board Governance Structure

Strategic Priority #1: Foundation Operations

**Recommended Motion:**

It is recommended that the MLF Executive Committee review and accept a refined board governance structure for the Mammoth Lakes Foundation that is a combination of a Policy and Patron Governance Model.

**Background Information:**

The Board of Directors sets the tone, policy and direction of an organization. Effective board leadership and governance helps ensure that a nonprofit can operate to its fullest capacity. Creating an effective board is a continual process that includes recruitment, engagement and development.

The Board took action to approve updated bylaws at their December 2, 2017 meeting and shares the following language to support this recommendation for acceptance.

It is recommended that the Executive Committee serve in the capacity as the Policy Board to the Chief Executive Officer. The Executive Committee has a high level of trust and confidence in the Chief Executive Officer. The Executive Committee has regular meetings with the Chief Executive Officer and is provided with information about the organization in order to make policy decisions aligned with the mission and the vision of the organization.

7.2. Executive Committee. As set forth in Section 4.2(c), the Board has broadly delegated its authority to the Executive Committee. The Executive Committee shall be composed of up to seven (7) members selected from the Board and/or the Associate Directors of the Board. All Executive Committee members shall be appointed by the Chairman of the Board. The Executive Committee shall meet at least four (4) times per year.

It is also recommended that the Executive Committee adopt a Patron Governance Model to support their work as a policy board. In this model the Advisory Directors have a primary responsibility to perform duties related to fundraising. Advisory Directors are typically members who have personal wealth or influence in their field and in their community. The primary role of these Advisory members is to contribute their own funds to the organization and to use their network to gain outside contributions to support the organization. Currently our main focus is on the construction of the Mammoth Arts & Culture Center and closing the estimated \$5 million funding gap.

2.1. Number of Directors. The minimum number of Directors shall be 11. The affairs of this Foundation shall be managed by a Board of not more than forty (40) voting Directors. There shall be no limitation on the number of Associate Directors or Advisory Directors. The exact number of voting Directors shall be reviewed from time to time by the Board of Directors in the manner provided in these Bylaws at each Annual Meeting.

If the Executive Committee approves this conceptual direction at our meeting on April 17, 2018, there would be a need to make adjustments to the language of the bylaws.

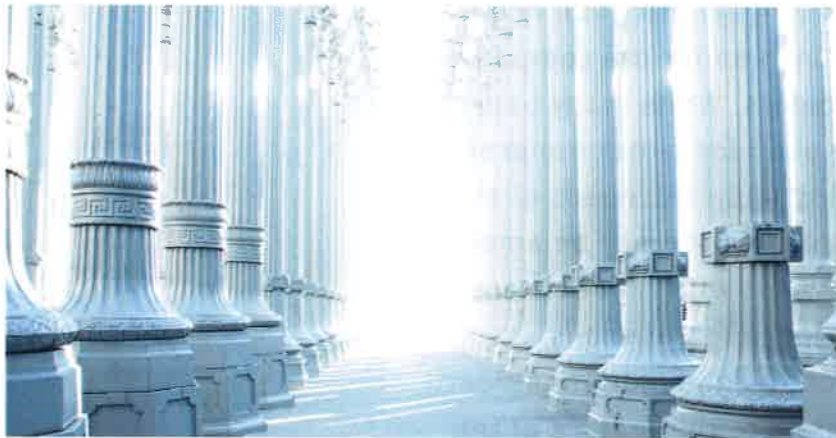
Funds Available: Staff Time

Account Number: 70100



# BLOG

Search



April 19, 2016

## Board Governance Models: A Comprehensive List

Written by Jeremy Barlow

Operating a business in today's society is increasingly complex and full of risks. The complexity of the



business world, combined with the current unstable economic climate, places elevated demands on boards of directors in the nonprofit and for-profit worlds. These are just a couple of reasons that boards need to select a board governance model that aligns their work with the goals of the organization.



Governance is an amalgamation of policies, systems, and structures, along with a strategic, operational framework that aligns organizational leadership to take action, so that they can make effective decisions with accountability. A model for governance refers to how those policies, systems, structures, and framework interface with each other and whether the responsibility for them lies with the board as a whole, or with the individual board members.

**Board governance models for nonprofit and for-profit organizations** are as different as the organizations that boards serve. Nonprofit organizations generally start up to serve a humanitarian or environmental need. For-profit companies generate income for the company, its employees, and its shareholders. While many board governance models can be used for either nonprofit or for-profit entities, depending upon the needs of the organization, certain types of models may be amenable to nonprofit organizations, while other models are more appropriate for for-profit organizations. It's common for a board to adopt a combination of board governance models that caters to the feature of the organization and the composition of the board.

## Nonprofit Governance Models

Nonprofit boards keep the organization's mission at the forefront when directing the affairs of the organization. Incoming funds are used to support the organization's work. Most board members for nonprofit organizations serve on the board because of their



passion and commitment to a cause. While serving on a nonprofit board carries a certain level of honor and prestige, board members need to take an active approach to overseeing the organization to prevent problems and legal issues. Nonprofit boards hold responsibility for fiduciary matters, as well as matters that have been delegated to others.



There are [five common board models for nonprofit boards](#):

## 1. ADVISORY BOARD GOVERNANCE MODEL

A CEO who founds an organization will soon find that he needs help in running the organization. An advisory board serves as the primary resource for the CEO to turn for help and advice. Members of an advisory board are trusted advisors who offer professional skills and talents at no cost to the organization. Advisory boards may also be formed in addition to an organization's board to help and advise the board, as a whole. Advisory board members typically have established expertise or credentials in the nonprofit's field. An organization that is visibly connected to an advisory board's name, can increase the organization's credibility, fundraising efforts, or public relation efforts.

## 2. PATRON GOVERNANCE MODEL

The Patron Model is similar to the Advisory Board Model. The main difference between the two models is that the primary purpose of the board members under the Patron Model is to perform duties related to fundraising. Patron Model boards are typically comprised of board members who have personal wealth or influence within the field. The primary role of board members under the Patron Model is to contribute their own funds to the organization and to



use their network to gain outside contributions for the organization. Under this model, the board members have less influence over the CEO or organization's board than in the Advisory Board Model.



### **3. COOPERATIVE GOVERNANCE MODEL**

A board that operates without a CEO uses a Cooperative Model. The board makes consensual decisions as a group of peers, making it the most democratic governance model. There is no hierarchy and no one individual has power over another. The board exists only because the law requires its formation. This model requires that each member be equally committed to the organization and willing to take responsibility for the actions of the whole board.

### **4. MANAGEMENT TEAM MODEL**

The most popular governance model for nonprofit organizations is the Management Team Model. This model is similar to how an organization administers its duties. Rather than hiring paid employees to be responsible for human resources, fund-raising, finance, planning, and programs, the board forms committees to perform those duties.

### **5. POLICY BOARD MODEL**

John Carver, author of "Boards that Make a Difference," developed the Policy Board Model, which quickly became a staple platform for nonprofits. The board gives a high level of trust and confidence over to the CEO. The board has regular meetings with the CEO to get updates on the organization's activities. Under this model, there are few standing committees. Board members should have a demonstrated commitment to the organization and be willing to grow in the knowledge and abilities regarding the organization.



Many nonprofit organizations will adopt one main model, such as Carver's Policy Board Model, and add one or more boards to round out the needs of the organization. For example, a health organization may form an advisory board to advise them and a charity board to work on fundraising. Religious organizations operate under different rules than other non-profits. Churches, faith missions, and other religious organizations may add a religious board, so that they may be better stewards of their organization's assets.



## Corporate Governance Models

Adopting an appropriate governance model is only one step in setting the stage for good governance.

Organizations need to establish guiding principles and policies for the organization, delegate responsibility and authority to individuals for enacting principles and policies, and to identify a path for accountability.

There are [five notable corporate governance models](#) in today's business establishments:

### 1. TRADITIONAL MODEL

The Traditional Model is the oldest model for corporate governance. It's a bit outdated by today's standards, but it includes a useful template that continues to be used for establishing articles of incorporation. The Traditional Model gives legal responsibility to the collective board and the board speaks as one voice on all matters. The model identifies the structures, but the board outlines the processes as stated in the bylaws.

### 2. CARVER BOARD GOVERNANCE MODEL

As noted in the section on nonprofit models, the Carver Model works for nonprofit and for-profit organizations.



The Carver Model places its focus on the “ends” of the organization’s purpose. This means the organization actively works towards what it needs to achieve or what it needs to do to put itself out of business. Within defined limits, the board gives the CEO the bulk of the responsibility for using the means to get to the ends.



### **3. CORTEX BOARD GOVERNANCE MODEL**

The Cortex Model is a model that focuses on the value that the organization brings to the community. The board defines the standards, expectations, and performance outcomes according to the aspiration of the organization. Clarifying and setting outcomes to achieve success become the primary duties of the board under this model.

### **4. CONSENSUS BOARD GOVERNANCE MODEL**

The Consensus, or Process Model, is a form of the Cooperative Model that nonprofit organizations use. It gives all board members an equal vote, equal responsibility, and equal liability. The Consensus Model is appropriate for corporations without major shareholders.

### **5. COMPETENCY BOARD GOVERNANCE MODEL**

A corporate board that is interested in developing the knowledge and skills of the board members will benefit from the Competency Model, a model that focuses on communication, trust, and relationships to improve overall board performance. The organization’s bylaws do the work of outlining practices and strategies.

While many board governance models can be used for either nonprofit or for-profit entities, depending upon the needs of the organization, certain types of models may be amenable to nonprofit organizations, while





other models are more amenable to for-profit organizations. It's common for boards to adopt a combination of board governance models that cater to the features of the organization and the composition of the board.



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### **Jeremy Barlow**

Jeremy is the Director of Digital Marketing at BoardEffect.



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**Mammoth Lakes Foundation  
Executive Committee  
Agenda Action Sheet**

**Meeting Date:** April 17, 2018

**Date Prepared:** April 8, 2018

**Prepared by:** Rich Boccia; Executive Director  
Mammoth Lakes Foundation

**Title:** Framework for a Capital Campaign

**Strategic Plan Alignment #3: Project Funding, Debt Service & Operating Reserves**

**Recommended Motion:**

It is recommended that the MLF Board of Directors review and consider creating a Capital Campaign Committee to begin the capital campaign.

**Background Information:**

The Mammoth Lakes community has long desired a state-of-the-art performing arts theatre and over these past years the MLF Board and the CEO have worked tirelessly to make this dream a reality for this community.

We anticipate that the funding shortfall for the Mammoth Arts & Cultural Center is approximately \$5 million and would prefer to have a better estimate for that gap before we begin campaigning.

The Chicago Conference provided a road map as we start this journey and attached is a packet that I researched and found that is published by CampaignCounsel.Org. It does a good job summarizing the steps to create and implement a capital campaign.

It is recommended that we walk through these items and make some decisions.

1. We need to create the capital campaign committee
2. The first draft of the Case for Support is in process
3. We have purchased Donor Search as a donor prospecting tool
4. We need to identify and recruit the Campaign Chairs & Campaign Leaders
5. The working draft of the prospectus is complete and will be modified as the project progresses
6. We need to begin to create the appropriate collateral and develop presentations
7. We are taking action to define the MLF Governance Structure – a combined Policy & Patron Model
8. We need to identify and recruit Patrons for our Campaign
9. Our timeline indicates the first campaign committee planning meeting in April, 2018 with a goal to complete a campaign plan
10. There is a scheduled Advisory Design Panel meeting on May 9th
11. We expect to complete the environmental review process by October 1st

I believe that we could create a soft-opening aligned with our July 14<sup>th</sup> Food & Wine Experience to include some simple collateral that could be posted around the venue.

**Funds Available:** Pending

**Account Number:** TBD

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## Pre-Campaign Planning

Is your organization ready for a capital campaign? Articles in this section explore factors that you should consider prior to launching your campaign or feasibility study.

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## Campaign Management

These articles focus on every aspect of campaign management such as campaign phases, budget, solicitation techniques and conducting an employee campaign.

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## Campaign Spotlight

As part of this site, we wish to feature articles from a variety of organizations that are or have been involved in a capital campaign.

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## Welcome To The Most Comprehensive Website on Capital Campaigns

This web site was created in 1997 by William Krueger, president and founder of Capital Quest, Inc. Bill's vision was to educate nonprofit organizations' staff and volunteers about capital campaigns. He was exceptionally successful. The content and impact this site and Bill's company made on capital campaigns is unparalleled.

Unfortunately, Bill passed away in June 2016. He was a close friend and a trusted mentor. CampaignCounsel.org is honored to keep this information free and accessible to all.

This website includes samples materials, training guides and articles all related to managing a successful capital campaign. All the information contained on this site may be printed and distributed to friends and colleagues without charge. We waive any copyright protection, except for any attempt to copy or distribute articles or materials from this site for profit.



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## Organizing a Capital Campaign

Article By *William C. Krueger*

After a thorough pre-campaign planning process (feasibility study), the next usual step in the process is to conduct an Organizational Phase. This phase has several objectives and creates the tools necessary to successfully implement the campaign.

### Case Statement

The case statement is the benefits-oriented explanation of the fund raising campaign. From this document, the campaign brochure, campaign prospectus, video, newsletters and other materials will be created.

The case statement should create the vision of the campaign and explain all the details of the campaign and reasons why the organization is undertaking a major building project. Most important, it should highlight all of the benefits that a successful campaign will provide.

The best way to prepare a high-quality case statement is to evaluate other organizations' case statements and use the best of each. Remember, your case statement may be very different. What is important is that it is concise, easy to read, and prominently features the benefits your prospective campaign will bring about.

### Fund Raising Prospectus – Soliciting Internal Leaders

Upon completion of the case statement, a simple prospectus can be used until a formal campaign brochure can be produced. In fact, considering the sophistication of many desktop publishing programs and color printers, smaller campaigns can create a prospectus that is fairly close to brochure quality – at a lower price.

A prospectus consists of a cover sheet, a cover letter, the case statement, and a simple campaign gift intention form. These documents are bound together with a clear plastic cover and a vinyl or card stock back and make an effective presentation piece. Since they are used primarily with internal leaders, there may not be a need to wait until the formal brochure is completed.

The case statement can be punctuated with graphics and/or pictures and, if done correctly, acts as a thorough review of the reasons for the campaign. The cover should be personalized with the prospect's name and the cover letter must contain a specific request for funding.

The gift intention form can be very simple and serves as an interim gift card until the official pledge cards are printed as part of the campaign brochure.


### Fund Raising Brochure

The fund raising brochure should follow the case statement as a guide. Much of the case statement's text can be used in the brochure, but keep in mind that a brochure is a much more graphically appealing document. Don't clutter the brochure with too much text, and make sure the text you use is valuable and helpful in bringing the reader to the conclusion that the campaign is worth supporting.

Also, create the brochure so that it is a tool for the volunteers and other solicitors. Start with the first page and outline the challenges and summary of why the organization is doing what it is doing. Use the middle pages to explain in detail what the campaign is about. Use the final page as a summary and sales vehicle to encourage the donor to give.

The inside cover might have a folder that will allow for a special letter to be inserted. This letter would be the formal request for funding. The back folder can also hold the pledge card.

Create a high-quality brochure! Donors evaluate the campaign by the quality of the materials. Don't make it flashy or too expensive, and convey the complete story in a graphically appealing manner. Involving a competent graphic designer can greatly enhance the quality of the brochure.

 [Campaign Brochure Example](#)

### Video Presentation

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Videos are being used more and more frequently as vehicles for graphically explaining the case for support. Creating a video that boosts the likelihood of receiving a gift is a process that requires considerable time, effort and skill.

Just as you wouldn't copy your campaign brochure on the copy machine, neither should you attempt to shoot your own video with your own equipment. Hire an experienced video producer. You should be able to find a video producer in the yellow pages and many television stations have video production capabilities. The average cost for the video is about \$1,500 per finished minute and, ideally, the video should be about seven minutes long.

Creating a video script requires a clear and concise thought process. Many non-profit videos play heavy on the emotional effects (hungry kids, sick people, the elderly, etc.), but don't convey a high degree of new information. Use emotion to grab the viewer's attention, outline the challenge, explain how the organization will meet the challenge, what the benefits to a successful campaign will be, the financial information, and end with an emotional appeal.

The video should be taken and shown to every prospective donor. Mailing the video in lieu of a visit is not effective. Explain that by showing the video, the prospective donor can see and hear what the campaign is all about, and by seeing the video, the meeting will be shorter.

#### **Example Video Script**

Purchase a small, portable DVD player and take it on each visit. A well-done video will ensure that no matter what is actually said in the solicitation meeting, the full case and campaign details will be explained.

### **Identifying Campaign Leaders**

Campaign leadership can come from a variety of sources including:

- Past Board Members
- Volunteers
- Community Leaders
- Corporate Leaders
- Board Members
- Elected Officials
- Current Board Members
- Industry Leaders

A great source of campaign leaders is from previous successful campaigns in the community. Review past campaigns, and seek the involvement of those leaders in your campaign.

### **Qualities of Campaign Leadership**

Campaign leaders should be committed to the success of the campaign and have knowledge of the mission of the organization and how that organization serves the community. Ideally, the campaign leader will also make a "leadership" gift.

A leadership gift is not necessarily, but often is, judged by the size of the gift. A leadership gift is one that provides leadership by its amount. That may mean a leader could make a \$10,000 gift if a \$10,000 gift would impress other potential leaders. If the leader you are recruiting is a multi-millionaire or independently wealthy (or is perceived in the community to be super-wealthy), then a \$10,000 gift is not going to impress anyone.

The key here is to find someone that is truly committed – time and money – to the campaign. In addition to the gift, the leader should be willing to allow his/her name to be used in recruiting and soliciting others.

The most important contribution of great leaders is their willingness to open doors to other potential leaders and donors. Having the right person ask is almost always THE critical part of the campaign process. The campaign leader should be highly respected and someone that others will welcome into their homes or offices and listen to what the leader has to say. If a proposed leader can't open the door to potential leaders and donors, then that person is not a leader .... he/she is a donor.

### **Recruitment of Campaign Leadership**

Recruiting campaign leaders is a relatively straightforward process. The challenge usually comes out of a fear of actually doing it. Together with the board and/or other key leaders, a list of potential leaders should be created. These leaders should consist of the best leaders imaginable in the community – and should include any past donors, leaders, or volunteers for an organization.

Once the list is developed, then it is as simple as identifying a current leader of the organization who will set up an appointment (see the section of this web site on solicitation guide). Include in the cover letter of the prospectus a clear request to serve as a volunteer in the campaign.

Capital Quest has had tremendous success in involving new leaders in campaigns by asking them to do three things, and promising them one thing:

- Ask them to allow you to use their name as a supporter. Then create a growing list of these leaders. Once you have a few well-respected leaders, an organization usually finds other leaders will choose to be leaders as well. As you recruit a leader, tell other potential leaders about your past recruitment successes.
- Ask them to open doors to other prospective leaders. Explain that you would like to return and meet with them again to ask their guidance in reviewing other prospects and seeking their help in arranging meetings

with a pre-determined number of prospects, usually five. This limits their time involvement, yet allows them to be a big part of the campaign.

- Ask them to make a financial gift. Ultimately, fund raising is what it is about so you have to ask for a specific gift.

Tell them that they will not have to come to committee meetings. Community leaders hate committee meetings – especially meetings that drag on and don't accomplish any tangible goals. Explain to the potential leader that whatever time they can spend on the campaign will be spent doing the one thing the organization can't do without them – opening doors to other potential leaders and donors.

Successful recruitment is also dependent upon making wise use of the campaign leaders' time.

- Be succinct in the request
- Be specific about responsibilities
- Productive use of time during campaign

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## Top Ten Reasons Why Campaigns Fail

Article By *William C. Krueger*

In 20 years of capital campaign consulting, I've heard any number of comments or questions that immediately raise warning flags. See how many of the below "warning flags" are raised during your discussions with your board members.

**Bonus: "We need to think outside the box with the campaign and do different things. The same old way isn't going to work for us because..."**

Yes, creativity is good and there are always new ways to approach difficult challenges. However, "the box" has worked for decades because it is tied to human nature. Generally, organizations that are looking "outside the box" are doing so because they are looking for a shortcut, or because the leaders of the organization aren't sure that the hard work normally associated with the traditional (and proven) activities is going to be worth the rewards. Try the tried and true - if that doesn't work, then try to reinvent the wheel and do new things - but first, do the tried-and-true. Realistically, your situation isn't that different from any number of other organizations.

### 1. "If we need a million dollars, all we need to do is get 1,000 people to give us \$1,000 each."

Creating "grass-roots" campaigns will usually only work in projects where there is a pre-determined number of prospects - memberships, churches, etc. In most community campaigns, the concept of equal sacrifice (wealthier people give more than less wealthier people) must be used to insure reaching goals.

### 2. "There is no way 'Mr. Smith' will make a gift to this campaign ... he doesn't give!"

There is a tendency to assume certain prospects won't give, but a true campaign builds the campaign atmosphere and leadership confidence necessary to have a reasonable expectation most people who are asked, correctly, will give. Outside counsel should base decisions on capability ... and then determine willingness.

### 3. "Let's do the first part, and then see how that goes before we decide how to do the rest of it."

A key to virtually every campaign is a comprehensive, yet flexible, campaign plan that shows the path to reaching a pre-determined goal. Unless an organization has a blueprint for success a campaign really can't succeed.

### 4. "There is no way I can ask anyone for that much money."

Major gifts are critical to a campaign's success. Many people, and companies, are committed to making their community a better place by making what are, to many people, an extraordinary gift. If you don't ask for a major gift, most prospects will never think to make one. Remember, 80% of the funds you raise will come from 20% of your donors. This is true in virtually every successful campaign. Proper training by experienced counsel can ensure that gift levels are at a maximum and the solicitation is conducted properly.

### 5. "I'm donating my time, I shouldn't have to make a sacrificial, or any other type of, gift."

If the very people closest to the organization - the ones who should be most committed - don't make gifts, then why would anyone else? Board members in particular are important. Even if no single individual can make a major gift, often times the Board of Directors as a group can make the leadership gift.

### 6. "This campaign will last until it's finished ... even if it takes years!"

A solid timetable, with built-in "mini-goals", is crucial in order to keep a campaign moving. Built in "pressure points" will help create faster decisions from prospects and keep leaders focused on the campaign. Most importantly it will avoid the campaign "dragging on".

### 7. "We raise a lot of money every year, we can easily do a capital campaign."

Capital campaigns are different. You are asking people to buy into your vision, not just your immediate goals. You are asking them to make multi-year commitments to your cause and that requires a special level of commitment. Often times it is harder for donors to see the need for bricks and mortar - especially if your normal fund raising is centered on social services needs.

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**8. "We can save a lot of money by "piggybacking" on our current development efforts."**

Campaigns are different. A unique theme, materials, style and plan must accommodate these differences. The campaign must become the focus of the organization's efforts.

**9. "We have to get a lot of publicity. Once people know why we need this money, people will gladly give."**

Actually, news articles and television reports are not extremely helpful in raising money. People are inundated with emotional appeals and are not generally moved to make major gifts because of press accounts. Newsletters and personal letters are most effective in reminding already solicited prospects they need to make a decision. Publicity must be a part of the overall campaign plan and is not a substitute for good planning and implementation.

**10. "Fund raising counsel is too expensive. Our own staff can do it and we have a couple of board members who have been chairpersons of some other campaigns."**

Campaigns managed by counsel usually raise more money than campaigns run without counsel. For the most part, counsel-driven campaigns take less time, use leaders more effectively and the total cost (expenses plus fees) is usually less than 10-15% of the funds pledged. Experienced staff is helpful, but can they do their normal responsibilities and conduct a major campaign?

Experienced fund raising volunteers are important but no substitute for the efforts of an experienced manager to make sure a solid campaign plan is in place and executed. Besides, it is usually the campaign director motivating the volunteers.

Major institutions (hospitals , universities, etc.) make use of counsel during campaigns even though they employ highly paid, experienced staff and usually can attract experienced volunteer leadership. They know campaigns require a special effort and the special skills of outside counsel.

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## Phases of a Successful Campaign

Article By *William C. Krueger*

Generally speaking, successful capital campaigns will go through five distinct phases, usually in pretty much the same order. While not all prospects will be solicited in one phase, the following description outlines the basic phases and what is accomplished in each.

Individual financial goals, and specific objectives, should be established for each phase in order for campaign leaders to evaluate whether the campaign is on target.

Most capital campaigns consist of five specific phases with specific goals. These phases are:

### Phase One – Pre-Campaign Planning

This phase allows the volunteer and staff leaders to seriously evaluate their commitment to a campaign – as opposed to their commitment to a new building or equipment – and start to develop the basics in preparation of conducting a successful campaign. Included in this phase is a careful internal evaluation of needs, discussion of whether or not campaign counsel is needed, and an honest appraisal as to whether the organization is ready for such a major undertaking.

### Phase Two - Pre-Campaign Planning and Feasibility Study

This initial phase, usually conducted in six to eight weeks, allows an organization, with the aid of counsel, to objectively evaluate:

- its image in the community
- how its case for fund raising is viewed by leaders and donors
- whether quality leaders are available to help in the campaign
- prospective donors and potential giving levels
- whether proper resources are available to conduct a campaign

Additionally, a detailed, comprehensive fund-raising plan is developed. The campaign plan includes lists of prospective donors and leaders, timetables, job descriptions for leaders, commemorative opportunities, an education and public relations plan, a table of gifts and other necessary ingredients to a successful campaign.

A thorough Case Statement is prepared for initial review by the Board of Directors.

### Phase Three - Organization Phase

This phase creates the tools necessary for fund raising.

- Leadership Plan Book
- Fund Raising Prospectus
- Fund Raising Brochure
- Video Presentation
- Develop Campaign Theme
- Case Statement
- Leadership Recruitment
- Public Relations Effort
- Detailed Corporate and Foundation Research

### Phase Four – Solicitation Phase

This phase is the central phase of the campaign and focuses on the actual cultivation and solicitation of major and advance gift prospects. Additionally, proposals to regional and national foundations and corporations are prepared and submitted. The full public information and public relations plan is implemented.

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### **Phase Five – Post-Campaign**

This phase is a "catch all" for outstanding solicitations remaining from earlier phases. Many of the decisions will actually be made in this phase, so effective follow-up and public relations efforts are critical here.

All prospects are encouraged to make their decision during this phase if they have not yet responded.

A comprehensive pledge redemption system is also recommended.

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## **Budget and Costs**

Article By *William C. Krueger*

Budgeting for a capital campaign is always a challenge, in part because an organization doesn't want to foreclose on the possibility of a good idea just because it isn't in the budget. Therefore, the budgets and costs outlined in the article should be a guide only and careful thought should go into developing one for your specific situation.

There are generally two costs for a capital campaign – consulting fees (and related travel, etc. costs) and the operating costs of a campaign (video, brochure, mailing, etc.) Some organizations also budget staff time as a way of getting a true cost of the capital campaign. The challenge with doing this, especially on smaller capital campaigns, is that the total cost as a percentage of the goal, may get to be outside acceptable limits.

As a general rule, total costs less than 15% of the campaign goal will be considered acceptable to most donors (less than 10% is considered very efficient). Organizations should also include the cost to conduct the campaign in their goals (if you are raising \$2,000,000 in a capital campaign you can make the goal \$2,200,000 so that funds raised can pay for the cost of the campaign.

Consulting fees can run everywhere from a few hundred or thousand dollars a month up to \$20,000 or more per month for full-service, on-site campaign management.

Operating costs of a campaign can also vary. Below is a sample budget from a campaign. Organizations should look at all of the items and complete the costs based on their market and their plans.

| <b>Chart of Accounts</b>            | <b>Estimate</b> |
|-------------------------------------|-----------------|
| <b>Printing</b>                     |                 |
| Campaign Brochures and Prospectuses | \$4,000         |
| <b>Promotional</b>                  |                 |
| Campaign Video and Portable Monitor | 10,000          |
| Public Relations Expense            | 3,000           |
| Newsletters                         | 3,000           |
| Data Processing and Mailing         | 2,000           |
| Events/Receptions/Meals             | 5,000           |
| <b>Campaign Travel</b>              |                 |
| (Air, Car, Hotel, Per Diem)         | 8,000           |
| <b>Postage</b>                      |                 |
| In Addition to Current Budget       | 4,000           |
| <b>Contingency</b>                  | 2,000           |

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## Boards and Fundraising

Article By *Hildy Gottlieb*

Much has been written about boards and fundraising.

There are those who believe one of the primary responsibilities of a board member is to raise money - the "Boards should fundraise" camp - with a long list of reasons why. There are those who believe boards should not be required to raise money, with a similarly long list of reasons why. Most of the articles you will see about boards and fundraising focus on those 2 sides of the coin - whether or not boards should fundraise.

This article won't talk about any of that.

That is because we have found there is no point in arguing "should" - not just about this issue, but about most issues. We should lose weight, we should quit smoking, we should get more exercise - but do we do so just because we are told we should? More often than not, we are far less influenced by someone telling us we should do something, than by our own personal realities. When the doctor says, "You can do what you want, but if you don't make a change, you will be dead in 5 years..." - suddenly we WANT to diet, exercise, quit smoking!

Therefore, this article will start by looking at the reality of "Boards and Fundraising" and will suggest that maybe it is time to find paths that align with reality, instead of continuing to fight reality. Because that ongoing battle not only frustrates everyone involved, it is detrimental to what our organizations can accomplish for our communities.

Simply put, it isn't working.

### Facing Reality

There are numerous realities about "boards and fundraising". Because fighting those realities hasn't worked, perhaps it is time to instead acknowledge those realities and embrace them.

Here are just a few of the realities we have observed:

#### Reality #1: Board Members and Fundraising

For a variety of reasons, board members commonly hate to ask for money. Even when they are cajoled into saying they will do it, it is not unusual to find that they under-perform their commitments. After all the videos on "teaching your board to fundraise" and all the consultants and all the classes - it is still the rare board that raises any significant portion of the dollars the organization brings in.

Board members hate the stage fright and the power positioning of asking, where suddenly a relationship of equals has changed to one who is vulnerable (the one doing the asking) and one who is placed on the other side of that awkward position. Friendship in this proud society is not typically about asking for favors, and there are few of us who feel comfortable even asking a friend to watch our house while we are on vacation. Add the layer of a society that places such emotional value on money, and it is no wonder many board members would rather have a root canal than ask their friends for money!

And so the first reality is that the "boards should fundraise" argument has not only proven it isn't working, but has proven to be a huge bone of contention in many organizations.

#### Reality #2: But I Don't Know Any Rich People

There are indeed donors, often those of substantial means, who feel it is an honor to be asked for money. However the peers of most board members do not have significant means. Most are just average folks, making a living, worrying about sending their kids to college, just like so many board members themselves.

The interesting dynamic we have encountered, however, does not only come from those board members who insist, "But I don't know any rich people!" It comes from their friends - those average folks who are NOT board members. In my own professional and social realm, when I encounter individuals who are not on boards, one of the most common pleas I hear is this: "You advise nonprofits? Could you tell them to stop with all the events!? I can't go to any more galas or golf tournaments, and then I wind up feeling guilty and just sending them a check. Please tell them to stop doing these things!"

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Is that the kind of donors we want? Guilt money? Does that build any sort of sustainability? (It hasn't worked so far - if it did, you wouldn't be reading this article!)

### **Reality #3: The Board as the Link to the Community**

One look at the organizational chart will tell you that the board is the link to the community, accountable to the community, connected to the community. It is the community that will receive the benefit the organization provides, and it is therefore the community to whom the organization (i.e. the board) is accountable. The community includes donors, it includes volunteers, it includes clients and just plain individuals living in the community - all those folks receive the benefit the organization is accountable for providing. And the board is the organization's link to all of them.

So how can boards engage with the community, to accountably ensure the organization is providing the very most benefit possible to that community? And how can boards help engage the community with the very heart of the work the organization is doing, to ensure that work can continue?

### **Reality #4: Organizations Need Friends**

There is something board members can do as the link to the community - something board members don't mind asking for. It is a rare sort of thing - one that we not only can feel comfortable asking for, but when asked, the other party typically feels delighted to give it. No one feels diminished, everyone feels exalted.

Our organizations need friends. And that is something board members can ask for with comfort and excitement.

#### **Friends**

A horrible thing has happened to the word "friend" in the nonprofit world. "Friend" has come to mean, "Someone who gives us money." In our real lives, though, our friends are not the people we go to for money (see Reality #1 above!). Our friends are the ones who know us and love us, who are there to dance when times are good, and who are there with a shoulder to lean on and cry on when times are bad.

If our organizations had REAL friends, instead of simply "donors," imagine how different life would be!

An organization's friends will volunteer. They will arrange for speaking gigs. They will make connections. They will share their wisdom about your mission, about your programs. They will do all sorts of things - and, yes, they will give you money. When all we ask for is money, we leave all the rest of that on the table!

As joyful a thing as friendship is in our personal lives, it is just as joyful a thing in an organization's life. And because the purpose of our organizations is to make our communities better places to live, those friendships mean even more to both sides.

#### **"Fundraising is About Relationships"**

It is usually at this point that fundraisers smile and nod, and say, "I've been saying this all along. Fundraising is all about relationship building!" And since I have already angered those who think boards should fundraise, I might as well anger those who believe that "Fundraising-is-About-Relationship-Building" is the same thing as raising real friends for an organization.

"Fundraising is about building relationships," can be directly translated as follows: If you don't get to know people well, it is harder to ask them for money. If you do get to know people well, it is easier to ask for money.

Therefore, you should get to know people really well, so it will be easier to ask them for money.

Does the word "friendship" or "relationship" really mean, "when the time is right, we will agree on a price"? Is that really what our organizations are about at their core? Can we really create impact in our community when community members know the only reason we might be nice to them is because we will eventually want their money?

We can now add to that phenomenon a more recent phenomenon - those fundraising approaches that encourage board members to invite their friends to an event where, "We will absolutely not ask anyone for a dime," only to have those same friends invited to a hard-sell event a few months later, where they are told honestly and directly, "We will be asking you for money, and a lot of it!"

It is easy to see why board members tell us, "I don't feel comfortable giving the names of my friends to the organization, as I know, in one form or another, my friends will be hit up for money."

Money. We have so many emotional hang-ups about money. And every time we reinforce that "the point of having friends is so we can ask them for money - perhaps not now, but eventually..." - well, that just continues that pattern of board members feeling uncomfortable about sharing their precious friendships.

### **Board Members and FriendRaising**

If the point of FriendRaising efforts is not to ask for money, then what is the point? It will sound trite, but the point of friendship is friendship. The point of engaging the community (which is really what FriendRaising is all about) is an engaged community.

Friends will not let anything bad happen to the organization. They will help in ways you never dreamed possible. They will want to see good things happen, and will work like the devil to be sure nothing bad happens.

Friends share all their gifts with the organization, and are thrilled that the organization sees value in those gifts! They give what they have, whatever that is - and yes, quite often, it is even money. But it is not only money. It is usually far more.

And that is because they are acting like real friends. That's the point. If we had an army of friends, we would have everything we currently have, plus tons more. The only road to sustainability is to engage the community in your work, to turn that community into an army of friends, spreading the roots of ownership of your mission and vision throughout the community, so the community would not dream of letting your mission die. And as the link to the community, that is a job board members can do without fear.

### **FriendRaising**

FriendRaising (a.k.a. Community Engagement) is a simple thing. It is rooted in celebrating all the various gifts every person has to share. Isn't that what we do with our friends? We overlook their faults, because they make us laugh; because they invite us over for pizza when we've had a bad day; because they think our kids are adorable (or understand when they're being not-so-adorable). We celebrate what is good in them, what is precious in them.

And that's how we make friends for our organizations. We get to know people, and we tap into one of the most special gifts each of us has - the desire to make our communities better places to live.

So how do we do that? We ask them to become part of our circle, however they fit. We talk to them about our mission, and we ask for their opinions about our mission, their thoughts, their wisdom, their life experience. We share our stories, and we ask them to share theirs. And we celebrate the connections we find between their experience and our mission.

### **An Easy Strategy for Raising Friends**

While we have used many FriendRaising strategies over the years, our favorite approach to engaging friends is what we have come to call "Community Sleuthing" - engaging by asking questions. Whether we do our sleuthing over breakfast, during a tour, in someone's office, or in a group, we have not found a single strategy more effective than sleuthing for engaging someone directly in the heart of your mission and vision.

The process of sleuthing is deceptively simple for something so powerful. It has to do with briefly telling your story, and then asking questions that invite your friend to engage him/herself with the work you are doing.

The questions you ask will not include, "How can we raise money?" or "How can we get our name out there?" Those questions are of the "it's all about me" variety. They tend to lead to a lot of disengaged brainstorming, with little useful coming out of those discussions because they always circle back to money, and money is not a particularly engaging subject.

Think about these 2 scenarios in your personal life. You call your friend Joe and ask him to lunch to pick his brain about your own life.

*"Joe, I need to make more money. I am talking to all my friends to figure out how I can do that. Do you have any ideas about how I can make more money?"*

**vs.**

*"Joe, I am trying to figure out how I can make more of a difference in the world. I am talking to all my friends, because I respect how you feel about the world, to get input about the various ways I might be able to make more of a difference. I am thinking about volunteering, and I enjoy being with kids, but I'm not sure where to start. You have kids - can we talk a little about what kids need these days, and where you see our community's needs regarding kids? What are you seeing with your own kids? Their friends? Their schools?"*

Which is the conversation that will keep Joe engaged with your options, long after you have spoken? Which is the line of questioning that will keep Joe thinking about your situation while he is driving home from the office, or over dinner that night with his wife, or while he is digging in the garden that weekend?

That is why the questions you will ask will relate to your mission, your vision for making the community an amazing place to live. They will engage your friends directly in the whole reason your organization exists, and the whole reason your board members joined the board in the first place - their enthusiasm for making a difference in your community.

"Now that I've shared a bit about the program we are thinking about building, is there something in particular about it that intrigues you? Excites you? Concerns you? Do you think we are on target? Are we missing the mark?"

"If you were going to send a friend to our program, what would you want to know first? What would make you skeptical about this kind of program?"

"Have you ever seen a modern dance performance? Is there a reason you have not? Do you think if you knew more about the thinking behind the performance, it might intrigue you to check it out? Are there other forms of expression you DO connect with? Any idea what it is that makes those connect with you more?" "Do you know of anyone else in town doing anything related to this kind of work? Is there someone you think we should talk with before getting started?" "We are thinking about expanding our youth program to the southeast part of town. You live there, and your kids go to school there. What are the issues your kids are facing? Do your kids ever tell you stories about things they've heard at school that might relate to this program? Is there anything we should know about? Who are the movers and shakers in that part of town? Who is the school principal? Could you introduce us to your child's teacher, so we can learn from her about what she sees from the kids at school?"

When a board member engages her friends at this level, she is asking for something all of us love to share - our opinions, our wisdom. The friendship actually GROWS from this, rather than feeling that awkward imbalance that can come with asking for money. If a friend comes to me and says, "I really need to pick your brain about this issue, because you know things I don't know," there is no way I am going to say no! I am honored that they respect my wisdom enough to think I might know something!

And when this happens, your personal friend has just become an "advisor" to the organization.

From there, it is an easy step to ask your friend to join you at a volunteer event - a day of stuffing envelopes, perhaps, or a yard-cleaning party, or whatever. Volunteer events are a great FriendRaising activity, as friends work

and chat side-by-side. And suddenly, your friend is not only an advisor, but a volunteer,

From being a volunteer, it isn't a far stretch to ask your friend if you might speak at her Rotary about the work your organization is doing. Now your friend is a connector, a rainmaker.

And when your friend receives your newsletter, with a hand-written note (not even necessarily from you, but perhaps from the ED, because now she is really becoming a friend of the organization), and that note tells her how thrilled everyone at the organization is that she has had such an impact on the very heart of your mission... then yes, it is likely your friend will become a donor as well.

### **The Benefits of FriendRaising**

When we approach our personal friends to become engaged with something we feel passionate about, there are multiple benefits for our organizations.

#### **Here are just a few:**

- 1)** We are sharing ownership of the issues that concern our whole community, and sharing the road to making the community a better place to live - the road to our community's future. An engaged community is the only road to significant and lasting change.
- 2)** By sharing that ownership of our community's future, we have a friend who will help in all kinds of ways, because they want to see the mission succeed, and they feel they have a stake in its success.
- 3)** We are celebrating all the things we love about our friends, encouraging them to share with the community their potential, their gifts - frequently the things they don't think are anything special. "I have knitted all my life - I never dreamed that was something that could make a difference to anyone!"
- 4)** Board members who participate in these kinds of FriendRaising activities become directly engaged with the mission in a way that has everything to do with effective leadership and governance.
- 5)** Board members who become engaged in this way also learn dramatically more than they ever could in an orientation program, allowing them to make far more educated decisions at the board table.

### **One More Thing**

While we have been clear to note that we will not wade into the battle about whether or not boards should raise money, it is important to note the HUGE difference between raising money and giving money. Whether or not the board (or individual board members) chooses to raise funds, EVERY BOARD MEMBER MUST DONATE TO THE ORGANIZATION WITHIN HIS/HER MEANS TO GIVE. This is not an option.

The reasoning is simple. Giving to the organization is about credibility. If board members don't give to the organization, why should anyone else? Imagine the United States ambassador to France telling his French counterparts that he doesn't pay American taxes or provide any support to American causes. The same thinking applies to your board - the board's giving must be an example to the rest of the community.

We have worked with food banks and low income health clinics where a number of board seats were reserved for clients receiving service from the organization. If all they could afford to give was 25¢, they gave 25¢. And those organizations could proudly say that 100% of its board had donated to the organization.

The effect of a board that has all donated to the organization cannot be underestimated. When the organization can proudly state that even a single mom making minimum wage has given to the best of her ability, that creates an environment where all the organization's friends are encouraged to feel their own gifts will have meaning as well, whatever their gifts may be.

### **Conclusion**

When we ask for money, that is all we get. When we ask for friendship, and the myriad wonders that come along with friendship, we get all that, plus all the surprises friendship can bring. Friends will offer their own creativity, their own ideas. "I was thinking the other day about something I'd like to do with my church group for the AIDS patients you serve...."

Friendship is the most valued possession in our personal lives. Sharing friendship with our organizations in a way that is respectful and engaging - that is something any board member can feel comfortable doing.

No should's. Just the reality that honest friendship feels good for everyone, builds an army of support for your organization's work, and is really the only way we can link arms to create significant improvement in the quality of life in our communities.

**Hildy Gottlieb is author of FriendRaising: Community Engagement Strategies for Boards Who Hate Fundraising but Love Making Friends.** Hildy is president of the Community-Driven Institute at Help 4 NonProfits, helping nonprofit organizations create the future of our world. Learn more from the Institute's free library at [www.Help4NonProfits.com](http://www.Help4NonProfits.com)

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## **Don't Forget to Visit during your Visit**

*Article By John Fitzpatrick*

The best lessons are the ones you learn several times over and I just had an experience that reminded me how important it is to take the time to visit with potential donors during a Major Gift visit.

I often have the opportunity (and the privilege) of working with non-profits that have never conducted capital campaigns. One such client was gearing up to undertake personal visits to the board members after a successful study and launching their capital campaign.

I spent a considerable amount of time preparing the volunteer solicitors. During the course of the orientation meeting it was apparent they were still apprehensive about making the call. When the question was posed to them, "what would you talk about with Mr. & Mrs. Smith if you were just plain, old talking to them?" the volunteers were able to list several topics that were of mutual interest. Well that is the conversation you should have but with one topic (a request for support) added to the mix. The volunteers took a deep breath because the task had been redefined for them. They were going out to talk with folks!

In preparation for a Major Gift visit I urge volunteers to begin each visit with some "pleasant conversation." This is not a trick to get people to lower their guard; it simply puts people at ease and sets a pleasant tone for the remainder of the visit. The fact is a good Major Gift visit is really nothing more than a conversation and a conversation by definition is an informal exchange of ideas by spoken words.

Beginning a Major Gift visit by "visiting" is not just a good way to start things off, it is the logical way. Nearly every encounter you have during the course of your day begins with small talk. You probably even say good morning, how is the weather or some other pleasantry to the clerk at the Quick Trip in the morning? It is only reasonable to do likewise with someone you hope to enlist in your effort. Starting your visit in this manner helps in the following ways:

- It puts the prospective donor at ease.
- It puts the volunteer callers at ease.
- It gives the volunteer callers a chance to get into the flow of the conversation and find their rhythm.
- It shows the prospective donor that you have a genuine interest (and your interest must be genuine) in what they have to say.
- It allows you to identify additional points that may need clarification or follow up.

Just one word of caution with this approach; you don't want to let the visit devolve into meandering conversation that touches on everything and centers on nothing. There is a purpose to your visit and an invitation to participate in the campaign needs to be an integral part of your conversation.

So be sure to visit when you visit. You will likely find your conversations to be most enjoyable. And as you read this you may find that you have some questions, if so please contact us. We at **Capital Quest** would welcome the conversation!

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## The Employee Campaign

Article By *William C. Krueger*

It seems as though every organization with a significant number of employees has a different way of managing a capital campaign for those employees. Years of experience, and countless employee campaigns, have developed a model of conducting a major capital campaign to the employees.

### Importance of the Employee Campaign

Because of sheer numbers, an employee campaign can raise a significant amount of money for the campaign, perhaps \$50,000 - \$100,000, maybe more – if done correctly.

And, while morale and work environment does have some impact on the giving, if done correctly, an employee campaign can help build morale and raise significant amounts of money.

Additionally, showing hundreds of people, even if they are employees, supporting the campaign will help create "campaign atmosphere" in the community, especially small communities. Additionally, showing that the employees support the campaign will help encourage others in the community to support the campaign since, after all, don't the employees know the most about the needs of the organization?

The employees should be asked to support the campaign NOT just because they are employees, but because they will benefit from the improvements to the organization – as would any person in the community. Outline for them both the internal benefits that will accrue to them as employees, but also how they, like all members of the community, will benefit from the improvements to the organization. In other words, talk to them like employees AND friends in the community.

### How Should an Employee Campaign Be Conducted? (Overview)

Any employee campaign should start with the senior executives/managers.

By the time you do the FIRST meeting with the Directors/Managers, EVERY one of the executives should have made their gift. It's critical to start there, with a nice sum already committed. This support should encourage other employees to give generously, and will make it easier for each of you to present the details of the employee campaign.

After the executives have given, the CEO should bring all of the managers/directors together at one time for a campaign meeting (see below for description of "campaign meeting" since it is the repetitive part of the employee campaign). Because, as a general rule, these managers/directors represent the higher paid employees it would be anticipated that their gifts would provide an impressive kick-off to the employee campaign.

Each manager will be asked for one thing, and instructed to do a second. Each will be asked to make a gift in the form of a check, payroll deduction or regular pledge. Obviously, you want them to do a five-year payroll deduction gift – you need momentum in the campaign, and a strong employee campaign will do it quicker than anything. The critical thing is to stress the timing ... you don't want employees thinking they can take six months to make a decision.

In addition to asking for their personal gift, each manager/director should be instructed to arrange one, or maybe two, meetings that ALL of their "direct-report" staff can attend. It is critical that the CEO make the manager/director responsible for getting ALL of their staff to one of these meetings. While different departments CAN combine meetings, a central key to success in this type of employee campaign is to get departments together as a whole. Let the group dynamics take over. Having multiple departments together at once diminishes the effectiveness of the solicitation meetings.

Included in getting the meeting together, it is important that the director/manager know that they are responsible for securing a decision from each employee – not a gift, just a decision. In other words, their job is to get the employee to return a card, whether they make a gift or not. Generally, the manager/director emphasizes this in the meeting, and through regular communication.

Providing incentives for returning a card (not just making a gift) will encourage participation in the campaign. The cost of logo T-Shirts or even two airline tickets (raffled) will pale in comparison to the results of the campaign if you get 100% of your employees to return a card.

And, yes, it's a lot of meetings but it is also the most effective way to share the details of the project with the

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employees, build morale and let them feel a part of the campaign. Remember ... the employees are also living in the community. You need to make sure that they know what is happening so they can be supportive when they talk to their friends and neighbors.

Depending on the number of employees, the total employee campaign should take 2 – 8 weeks.

### **What Happens at an Employee Campaign Meeting?**

The meeting is informal. It is designed to share the details of the project/campaign with the employees and motivate them to give. Just as you would never recommend trying to "force" someone in the community to give, it is strongly urged that you remember that, even with employees, you are ASKING for a gift and not "expecting" anything. In fact, it can be set-up so that no one but the fundraiser and the payroll department know what, if anything, any employee gives.

In the meeting, there will be brief opening comments, then show the campaign video and explain the project. Answer questions and encourage everyone to support the campaign.

The key is to give each employee their envelope (containing the brochure and pledge card) and explain its contents. Actually take it out of the envelope and show them the brochure and pledge card and return envelope. It may feel awkward, but it's important to show them the contents and explain each. Show them the pledge card, and how to fill it out (a per pay period amount and when the gift will start being subtracted) Encourage each to fill it out and return it at the meeting, but also make sure they know the deadline for returning the card if they don't do it at the meeting.

Explain that the manager will keep track of who has made a decision (not a gift), and each employee is expected to return a card, whether they give a gift or not.

### **Does This Work?**

It works remarkably well. We'll find that probably 30 – 40% of the employees will make a gift. The total raised will vary with the number of employees in the organization, but a hospital, for example, with a total of 800 employees might expect as much as \$250,000.

More important, we'll find that employees react positively to the approach since it does not focus on trying to force employees into giving. We are just asking them to consider a gift, and rewarding them for making the decision.

Use the raffle, the T-Shirt and the special employee event to encourage returning the card. You really don't even have to emphasize the idea of "giving", just focus on returning a signed card, whether they give or not. It's softer and, somewhat surprising, you'll get better results.

### **How Much Will Each Employee Be Expected To Give?**

There is no "expectation". In fact, you should provide no guidance to employees on their level of giving. You don't know the capability of each employee – perhaps they come from a very rich family or their spouse has a great paying job.

If asked "how much should we give?" just answer "just do the best you can?". In the end, you'll raise more money. Providing guidance (one hour per week would be great) does nothing but create a CEILING – those who can give more will give what was asked. Those that can't give that, aren't going to no matter where you set the level.

Also, by just saying "do your best and we'll be happy", you have a better chance of keeping employees happy. You should be grateful for EVERY gift, in part, because you are playing a numbers game here: the sheer number of employees will insure a successful employee campaign.

### **Conclusion**

An employee campaign can be a positive, morale boosting experience if done correctly. It has to be adapted to the culture and spirit of each individual organization, but the above information can provide a generic outline of how it should be done.

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## **Recruiting Campaign Leadership**

Article By *William C. Krueger*

Recruiting quality campaign leadership is critical to the success of your campaign. If your board is so strong that you don't need to recruit additional leaders to reach your goal, then your goal is probably too low! Campaigns give community leaders a chance to be seen as involved in the community, without committing the time and effort it takes to be a board member.

How do you identify great campaign leaders? The first key is not to get caught up in the "exclusive" argument. Some campaigns try to make serving on the leadership committee an exclusive, high-profile activity. They tend to spend so much time focusing on getting only the cream of the crop leaders that they end up leaving other, lower profile leaders behind. The key is to find people who can help – and as many as possible. You don't want everyone on your committee, but getting enough so you can personally reach every possible philanthropic source is important.

Campaign leaders should be committed to the success of the campaign and have knowledge of the mission of the organization and how that organization serves the community. Ideally, the campaign leader will also make a "leadership" gift.

A leadership gift is not always, but often is, judged by the size of the gift. A leadership gift is one that provides leadership by its amount and timing. That may mean a leader could make a \$10,000 gift if a \$10,000 gift would impress other potential leaders. If the leader you are recruiting is a multi-millionaire or independently wealthy (or is perceived in the community to be super-wealthy), then a \$10,000 gift is not going to impress anyone. Making the gift when it will do the most good for the campaign, say early in the campaign, is often as valuable as the amount of the gift.

The key here is to find someone that is truly committed – time and money – to the campaign. In addition to the gift, the leader should be willing to allow his/her name to be used in recruiting and soliciting others.

The most important contribution of great leaders is their willingness to open doors to other potential leaders and donors. Having the right person ask is almost always THE critical part of the campaign process. The campaign leader should be highly respected and someone that others will welcome into their homes or offices and listen to what the leader has to say. If a proposed leader can't, or won't, open the door to potential leaders and donors, then that person is not a leader... he/she is a donor.

### **Campaign leadership can come from a variety of sources including:**

- Past Board Members
- Volunteers
- Community Leaders
- Corporate Leaders
- Board Members
- Elected Officials
- Current Board Members
- Industry Leaders

A great source of campaign leaders is from previous successful campaigns in the community. Review past campaigns, and seek the involvement of those leaders in your campaign.

Recruiting campaign leaders is a relatively straightforward process. The challenge usually comes out of a fear of actually doing it. Together with board members and/or other key leaders, a list of potential leaders should be created. These leaders should consist of the best leaders imaginable in the community – and should include any past donors, leaders or volunteers for your organization.

Once the list is developed, then it is as simple as identifying a current leader of the organization who will set up an appointment.

You can involve new leaders in campaigns by asking them to do three things, and promise them one thing:

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**Ask them to allow you to use their name as a supporter.** Then create a growing list of these leaders. Once you have a few well-respected leaders, an organization usually finds other leaders will choose to be leaders as well. As you recruit a leader, tell other potential leaders about your past recruitment successes.

**Ask them to open doors to other prospective leaders.** Explain that you would like to return and meet with them again to ask their guidance in reviewing other prospects and seeking their help in arranging meetings with a pre-determined number of prospects, usually five. This limits their time involvement, yet allows them to be a big part of the campaign.

**Ask them to make a financial gift.** Ultimately, fund raising is what it is about so you have to ask for a specific gift.

Tell them that they will not have to come to committee meetings. Community leaders hate committee meetings – especially meetings that drag on and don't accomplish any tangible goals. Explain to the potential leader that whatever time they can spend on the campaign will be spent doing the one thing the organization can't do without them – opening doors to other potential leaders and donors.

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## Leadership Roles and Responsibilities in a Campaign

Article By *William C. Krueger*

Almost all campaign structures are at least a little bit different, but some of the more common campaign structures include the following. When trying to determine where potential leaders might fit in the campaign structure it might be useful to look at what is expected.

### **CAMPAIGN CABINET**

Usually consists of board and staff who are the day-to-day managers of the campaign. This group generally meets regularly and is primarily responsible for making sure the other groups function appropriately. Cabinet members are generally responsible for the following:

- Make leadership gifts
- Provide campaign leadership
- Linkage with corporate/foundation contacts
- Linkage to major gift prospects
- Participate in or host cultivation events
- Secure Endorsements
- Recruit Steering Committee members
- Attend regular campaign meetings

### **CAMPAIGN CHAIR(S)**

Campaign chairs are great things – if you get the right ones. Get the wrong people in these positions, and bad things can happen. Many of our campaigns haven't had campaign chairs in the traditional sense, but instead utilized volunteers as a Steering Committee. It really depends on whether you have identified a great one or two volunteers who are committed to the campaign and will make it a priority. If you have, then having Campaign Chairs, or Co-Chairs, is great. If you have them, they would generally do the following.

- Make a leadership gift
- Spokesperson for campaign
- Linkage with others in their field
- Linkage to major gift prospects
- Participation/host cultivation events
- Assist with recruitment or Steering Committee members

### **CAMPAIGN STEERING COMMITTEE**

For most campaigns, the campaign Steering Committee becomes the primary volunteer leadership group. People who agree to serve on the Steering Committee would generally agree to the following:

- Leadership gifts
- Solicit major gifts
- Linkage with corporations and foundations
- Spokesperson for campaign
- Open doors to prospects
- The Steering Committee meets only periodically

The Campaign Steering Committee is the key linkage group between the organization and the prospective donor/leader community. The campaign, simply put, will succeed or fail, based on the quality and quantity of community leaders that are recruited to the Campaign Steering Committee.

Community leaders recruited to the Campaign Steering Committee will agree to do the following:

**Lend Name.** Steering Committee members will agree to allow the organization to use their name in all public relations materials and in solicitation of key prospects throughout the area.

**Spokesperson.** Steering Committee members need to speak positively about the organization and the campaign, and be prepared to answer questions they may be asked.

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**Open Doors.** After agreeing to serve on the Steering Committee, members will review the prospect list and indicate those with whom they can arrange a meeting. They will also suggest new prospects. Ideally, the Steering Committee member will also attend the meeting.

**Gift.** Each Steering Committee member will make a gift up to their financial ability.

As important as what the Steering Committee will do is what they will NOT be asked to do. The Steering Committee will meet only occasionally, if at all, as a group. The concept is to utilize the time of the volunteers most productively – which amounts to opening doors to prospects the organization wouldn't otherwise be able to reach.

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## **Successful Solicitation Techniques**

Article By *William C. Krueger*

**Leadership Gifts First** – Solicit and receive gifts that are either larger, or come from prominent people first. People follow leaders – secure their support and the other donors will follow.

**Recruit Great Leaders** – People give to people, not necessarily to causes. If you get the right people involved (peers of potential major donors), major gifts will naturally follow.

**Peer Solicitations Only** – People respond best when asked by a peer to help a project. You don't want to intimidate the prospect by having him/her solicited by someone "superior" to them. Nor should someone who is "junior" in status or social standing solicit a prospect. Who asks is extremely important.

**Solicit Only In Pairs** – Face-to-face fund raising can be daunting and is accomplished more comfortably in pairs. By having two people on the solicitation visit, one is evaluating the reaction of the prospect while the other one is talking. If one solicitor forgets an important part of the process, the second one can jump in. The process just works better in pairs.

**Only Personal Visits, Never Solicit Over the Phone** – If it is important enough to ask, it is important enough to visit in person. If you are too busy to visit in person and explain the case fully, chances are the prospect won't take it seriously either. Solicitations over the phone cheapen the process.

**Ask for a Specific Gift** – Nothing is worse than asking for support, but not being specific. Let the prospect know what you would like them to consider, why you are asking for that amount, and how that gift would fit into the overall campaign. Spend as much time thinking about the ask as explaining the case.

**Offer Commemorative Opportunities** – Even when donors say that recognition doesn't matter, most people like to be recognized for a helping a great cause. As a general rule, most people will not give you a gift just because they get something named for them. But if they believe in your case, they may give more if the recognition offered is meaningful.

### **Importance of Major Gifts**

Major gifts will be the key to any successful campaign.

Major gifts establish credibility and give the leaders a sense of accomplishment and confidence. Major gifts also set the tone for other donors' giving patterns.

Most campaigns can be summarized using the 80-20 rule. This rule says that 80% of the funds raised will come from 20% of the donors making gifts.

For example, a traditional \$10,000,000 campaign would need a lead gift of 10%, or about \$1,000,000. It would also need two gifts of \$500,000 to bring the total to \$2,000,000. The next five gifts should total about \$1,500,000, or \$300,000 apiece. (The top ten gifts should equal about 50% of the goal).

If a \$10,000,000 campaign can secure these gifts, the remaining gifts should be fairly easy to find.

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## **Five Tenets of a Successful Campaign**

Article By *William C. Krueger*

### **Process Creates Potential**

A good fundraising process will generate additional financial potential. A campaign may not know where all the money is going to come from when it starts, but if the process the campaign follows is solid, additional potential will be uncovered. Finding an acceptable process that the leadership will commit to is critical to ultimate success.

### **A Campaign Is A Series Of Connected Activities**

Some people think that a campaign is an "event". The reality is that it is a series of connected events, all put together in a way to build on past successes to achieve greater future successes. Many campaigns get sidetracked by banking on one event or activity. We've seen clients who were so focused on their "event" or sales activity that they couldn't see that even if that activity was totally successful they still wouldn't raise the funds they sought. Conducting a great kick-off event isn't the campaign – it's the start of a long process. If you know how you want the campaign to end (and when), knowing how to start it should be pretty easy. Focus on the total campaign, not single parts of it.

### **Early Support Builds Momentum And Credibility**

Credibility is the key to successful campaigns. Ever wonder why organizations wait until half the money – or more – is committed before "going public". If you can show success before announcing a campaign, your credibility is higher and more people will want to give. That's why getting early leadership gifts is so critical. If others have put in \$500,000 or \$100,000 gifts, it's much easier for me to see that my \$50,000 gift is secure.

### **A Campaign Case Is About Vision, Dreams, Beliefs And Mission... Not Needs**

So many clients call us and tell us what they need, instead of how their campaign will benefit someone, a community or a cause. No one cares what your organization needs – we all have needs. What people want to hear is about how supporting your campaign will benefit a community or a cause. Even capital campaigns have to have a higher purpose than a building. Focus your case on the vision of what can be, not on what you need.

### **People Give To People Because They Are Asked**

People don't generally make large gifts without being asked. It happens, but not frequently enough to build entire campaigns around a public relations plan. Ultimately, a successful campaign requires leaders who are willing to ask. The more people and prospects asked, the more money that will be raised.

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## The Post Campaign Phase

Article By *William C. Krueger*

**Congratulations!** Your campaign is over and you have cash and pledges that meet or exceed your goal. Your board, boss and donors are thrilled and you are being thrown a ticker-tape parade down Main Street...

**But before you go out and celebrate, remember that there are a few things you should do to make sure that all of those pledges are realized:**

— Make certain to send payment reminders each month that a payment is due. Nothing will stall a good campaign faster than not sending payment reminders. The payment reminders should be in the form of a personal, positive update letter with a simple statement indicating total gift, amount paid to date and the balance remaining. Remind the donor how important their timely payment is to successful conclusion of the campaign.

— You probably don't need a sophisticated computer program – unless you have hundreds or thousands of donors. A simple spreadsheet program and some staff time should be sufficient.

— Keep the campaign newsletter going. Show progress. Make sure all the donors understand how the plans are progressing and why their continued support is important.

— Keep close tabs on those donors who made one-time cash gifts. On the anniversary of their gift, contact them and ask them if they would consider supporting a specific part of the project – or even general operating support. You've accomplished the hardest – their first gift. If you do the rest well, they can turn into the foundation of a major gift effort.

— Publish the results of the fund raising... and pledge redemption. Let your donors know how close your organization is to collecting all of the funds needed. In essence, create a "mini-campaign" that focuses on cash in the bank.

— Have periodic building events. Have a "ground blessing", then, a couple of months later, host a "ground breaking." As the project proceeds, have different on-site celebrations. Keep the enthusiasm high by emphasizing the original reasons for the campaign, and how much closer you are to the goal as the pledges are paid.

— Make sure all outstanding solicitation visits are closed. Re-visit those prospects who haven't made a decision yet and re-explain how important their support is.

— In the case of donors who aren't paying, plan to re-visit them with the same leaders who received the gift to begin with. Don't be timid – communication is the key!

Most important, keep in mind that redeeming the pledges is as important as getting the pledges in the first place. Involve your board and leadership in the process, and stay focused until you deposit them all. It doesn't do your organization and those you serve much good to have a successful campaign "on paper", and then not collect the pledges that are due you. Be tenacious!

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| Month                | Task   | Responsibility | Status | Report   | Notes  |
|----------------------|--|----------------|--------|----------|--|
| <b>January 2018</b>  | Develop statement of campaign objectives               |                |        |          |  |
|                      | Identify capital campaign consultant                   | Evan           |        | IP       |  |
|                      | Identify potential campaign chairs                     | Evan           |        | IP       | Dave & Roma, Tony Taylor, Edwin Atwater, Mary Walker, Roger & Ruth |
| <b>February 2018</b> | Begin work on case support                             | Rich           |        | IP       |  |
|                      | Organize and review lead gift prospect lists           |                |        |          |  |
|                      | Begin prospect research                                | Betsy          |        | IP       | Purchased Donor Search Prospecting Software                        |
|                      | Identify prospective campaign committee members        | MLF Team       |        | IP       | Invites to the Match 8th Event                                     |
|                      | Enlist campaign chairs                                 |                |        |          |  |
| <b>March 2018</b>    | Complete draft of case for support                     | Rich           |        | Complete |  |
|                      | Invite insiders to review draft                        | Rich           |        | IP       | To be reviewed by MLF Staff and Exec Com                           |
|                      | Begin to enlist campaign planning committee            |                |        |          |  |
|                      | Develop gift range chart                               |                |        |          |  |
| <b>April 2018</b>    | Finish enlisting campaign planning committee           |                |        |          |  |
|                      | Fine tune case for support                             |                |        |          |  |
|                      | Schedule campaign planning committee meeting           |                |        |          |  |
|                      | Develop preliminary campaign plan                      |                |        |          |  |
|                      | Campaign planning meeting #1                           |                |        |          |  |
| <b>May 2018</b>      | Campaign planning committee meetings #2 & #3           |                |        |          |  |
|                      | Begin prospect rating sessions                         |                |        |          |  |
|                      | Complete campaign plan                                 |                |        |          |  |
|                      | Inform staff about campaign plan                       |                |        |          |  |
|                      | Enlist campaign steering committee                     |                |        |          |  |
|                      | Develop campaign logo and letterhead                   |                |        |          |  |
| <b>June 2018</b>     | Present campaign plan to the board                     |                |        |          |  |
|                      | Begin to solicit campaign chairs and committee members |                |        |          |  |
|                      | Enlist board solicitation committee                    |                |        |          |  |
|                      | Begin regular steering committee meetings              |                |        |          |  |
| <b>July 2018</b>     | Organize lead gift division                            |                |        |          |  |
|                      | Rate lead gift prospects                               |                |        |          |  |
|                      | Prepare materials for lead gift solicitation           |                |        |          |  |

| Month                 | Task  | Responsibility | Status | Report | Notes |
|-----------------------|---|----------------|--------|--------|-------|
|                       | Plan board solicitation                                       |                |        |        |       |
|                       | Prepare material for board solicitation                       |                |        |        |       |
|                       | Plan fall donor cultivation events                            |                |        |        |       |
| <b>August 2018</b>    | Organize campaign steering committee                          |                |        |        |       |
|                       | Begin soliciting lead gifts                                   |                |        |        |       |
|                       | Organize board solicitations                                  |                |        |        |       |
|                       | Design campaign e-report for volunteers                       |                |        |        |       |
| <b>September 2018</b> | Continue soliciting lead gifts                                |                |        |        |       |
|                       | Begin soliciting board gifts                                  |                |        |        |       |
|                       | Organize special events committee                             |                |        |        |       |
|                       | Organize PR materials committee                               |                |        |        |       |
|                       | Develop campaign communications plan                          |                |        |        |       |
| <b>October 2018</b>   | Continue soliciting lead gifts                                |                |        |        |       |
|                       | Continue soliciting board and committee gifts                 |                |        |        |       |
|                       | Plan staff solicitation                                       |                |        |        |       |
|                       | Begin monthly campaign e-reports                              |                |        |        |       |
| <b>November 2018</b>  | Continue all solicitation                                     |                |        |        |       |
|                       | Begin to organize midlevel gift divisions                     |                |        |        |       |
|                       | Continue work on lead, board and staff gifts                  |                |        |        |       |
| <b>December 2018</b>  | Complete board solicitations                                  |                |        |        |       |
|                       | Complete enlisting volunteers for mid level divisions         |                |        |        |       |
| <b>January 2019</b>   | Follow through on unfinished lead gift and board solicitation |                |        |        |       |
|                       | Begin soliciting midlevel gifts by division                   |                |        |        |       |
|                       | Plan spring cultivation events                                |                |        |        |       |
| <b>February 2019</b>  | Continue work on lead gifts                                   |                |        |        |       |
|                       | Continue soliciting mid level gifts                           |                |        |        |       |
| <b>March 2019</b>     | Continue work on lead gifts                                   |                |        |        |       |
|                       | Continue soliciting mid level gifts                           |                |        |        |       |

| Month                 | Task   | Responsibility | Status | Report | Notes |
|-----------------------|--|----------------|--------|--------|-------|
| <b>April 2019</b>     | Continue work on lead gifts<br>Continue soliciting mid level gifts   |                |        |        |       |
| <b>May 2019</b>       | Follow through with donors and volunteers<br>Begin to plan campaign kickoff<br>Recruit solicitation for final wave of personal solicitation                  |                |        |        |       |
| <b>June 2019</b>      | Plan media approach for campaign kickoff<br>Continue work on all solicitation  |                |        |        |       |
| <b>July 2019</b>      | Campaign Newsletter #1<br>Take A Vacation  |                |        |        |       |
| <b>August 2019</b>    | Complete plans for campaign kickoff<br>Complete all lead and board gifts<br>Plan for last round of personal solicitations                                    |                |        |        |       |
| <b>September 2019</b> | Campaign kickoff<br>Begin next wave of solicitations   |                |        |        |       |
| <b>October 2019</b>   | Complete solicitations of lead and midlevel gifts<br>Send broad base solicitation by mail, email, text or phone<br>Campaign newsletter #2                    |                |        |        |       |
| <b>November 2019</b>  | Begin wrapping up all loose ends<br>Start celebrating successes  |                |        |        |       |
| <b>December 2019</b>  | Plan for spring campaign celebration<br>Tie up all outstanding solicitations<br>Campaign newsletter #3   |                |        |        |       |
| <b>Spring 2020</b>    | Develop and install donor recognition plaques<br>Celebrate with campaign staff and volunteers<br>Conduct public celebration<br>Produce final campaign report |                |        |        |       |

## *Draft Language for Capital Campaign Case Statement*

### **WHY:**

The Performing Arts Theatre element of the Mammoth Arts & Cultural Center (MACC) offers a unique opportunity to participate in a legacy project that will transform and enhance the Mammoth Lakes community forever. Arts and culture are integral to the lives of all people, encouraging expression, provoking thought, providing laughter, dreams, and the variety of emotions vital to the human experience.

Residents and visitors to the naturally spectacular Eastern Sierra deserve a special place devoted to the quality presentation of performing arts, music, and other cultural and community activities. A growing community culture supports the arts to offer more for people of all ages who live, work, study, and play in Mammoth Lakes.

The Performing Arts Theatre of the Mammoth Arts & Cultural Center will be the *only* dedicated, state-of-the-art performance facility in the Eastern Sierra region of California. It will provide high-quality, professional programming including traveling and local productions, a venue for school performances and events, concerts, and other animation. The new theatre promises to be a tremendous source of community pride and inspiration.

### **THE DREAM:**

The scope of the project is more than just a building. The Mammoth Lakes Foundation, Cerro Coso Community College, and the Town of Mammoth Lakes are all partnering to create a regional arts and culture campus that works for our community. We have studied other, similar successful collaborations to truly understand what makes a great arts destination people want to visit and reside.

The Performing Arts Theatre will expand the Mammoth Lakes campus of Cerro Coso Community College and be a year-round venue supporting economic viability and promoting prosperity for the community. The theatre will also provide exciting new opportunities for cultural enrichment not currently available in the region.

With your support, we hope to become recognized as one of the 100 Best Art Towns in the country!

Imagine...

- An elementary school child whose parents don't speak English attending their first live theatre performance.
- Middle and high school student learning theatre "tech" career skills
- College students planning a lecture series open to the entire community
- Fundraisers for student scholarships events in the reception area
- Visitors planning their trip to Mammoth Lakes, or extending their stay in order to see a performance

- Conferences and community gatherings easily accessible from the downtown corridor

### **MAMMOTH LAKES FOUNDATION:**

The mission of the Mammoth Lakes Foundation is to support higher education and cultural enrichment in the Eastern Sierra. Dave McCoy's vision for higher education and the arts is shared by many. Our goal is a permanent college campus with facilities for academic study, art appreciation, a contemporary performing arts theatre, and student housing in Mammoth Lakes. The Mammoth Lakes Foundation and our supporters believe that the availability of higher education and culture enhances the quality of life of residents, second homeowners, and visitors. These offerings balance local, world-class recreational offerings with cultural and educational opportunities to promote leadership, stimulate growth, and build a more viable year-round economy and community.

When the Mammoth Lakes Foundation was founded by Dave McCoy and a few of his friends in 1989, the organization was intended to be a catalyst for bringing higher education and cultural opportunities to the Eastern Sierra. At the time, local high school graduates and residents had few options for higher education. Cerro Coso Community College had been offering classes wherever they could find space, typically in the high school or empty conference rooms around town. The new venture started very humbly with a couple of instructors and a handful of students in a rented space next to the town pool hall, until a group of supporters secured a permanent building for the college. These dedicated supporters continue to support efforts to keep higher education an affordable option for those who wish to pursue further studies locally.

The Mammoth Lakes Foundation also partnered with the Mammoth Lakes Repertory Theatre, an established performing arts theatre company, and developed the Edison Theatre as a 100-seat performing arts theatre opened in December 2010 to enhance cultural program offerings and events in Mammoth Lakes. Today, Mammoth Lakes Repertory Theatre annually presents more than five main-stage productions, and the Edison Theatre hosts countless other events including adventure films, youth programming, celebrity performances, and much more.

### **MACC MISSION & VISION:**

The mission for the Mammoth Arts & Cultural Center is to celebrate and inspire creativity through education, exhibits, and events.

Core objectives include:

- Providing places to create and experience visual and performing arts
- Supporting the mission of Cerro Coso Community College to educate, innovate, inspire, and serve
- Incorporating state-of-the-art design and technology for
  - Theatre
  - Music

- Electronic and traditional media

The vision for the MACC is a center that stimulates expression, artistic, and cultural creativity, recognizing that the arts are essential to all people.

Core principles include:

- Celebrating the Eastern Sierra heritage of art, culture, and creative expression
- Providing enrichment, inspiration, and education

### **GOALS:**

Major strategic goals incorporated into the business plan include:

- Provide educational programs aligned with community needs
- Establish a sound, sustainable organizational structure and governing body
- Develop a compelling visitor experience through animation and quality programming
- Design and build a contemporary facility to support performing arts, entertainment, an array of events and community activities
- Create a state-of-the-art, sustainable facility for a reasonable cost
- Ensure financial stability
- Implement efficient operations and management programs
- Utilize an in-house artistic director and resident artists to develop baseline programming, with additional outside programming contracted by facility management

### **ECONOMIC IMPACTS:**

The economic impact of arts and culture has been extensively documented by Americans for the Arts, a Washington, D.C. nonprofit (<http://www.americansforthearts.org>), who in 2012 published a report entitled “Arts & Economic Prosperity IV (AEP IV).” The 378-page report provides statistics based on a survey of 9,721 arts and culture organizations and 151,082 attendees.

*Spending by nonprofit arts and culture organizations—just a fraction of the total arts and entertainment industry—was an estimated \$61.1 billion in 2010, and leveraged an additional \$74.1 billion in event-related spending by arts audiences. This \$135.2 billion in economic activity supported 4.1 million FTE jobs and generated \$22.3 billion in total government revenue*

The MACC economic impact was assessed using AEP IV data for a locale included in the Jarrett Jackson study that compared similar demographics and created projections based on those reviews.



| Audience Mix |                | Spending Per Attendee | Yearly Spending Based on 30,000 Seats |
|--------------|----------------|-----------------------|---------------------------------------|
| Resident %   | Non-Resident % |                       |                                       |
| 100%         | 0%             | \$42.70               | \$1,281,000.                          |
| 75%          | 25%            | \$148.43              | \$4,452,766                           |
| 50%          | 50%            | \$254.15              | \$7,624,532.                          |
| 25%          | 75%            | \$359.88              | \$10,796,297.                         |
| 0%           | 100%           | \$465.60              | \$13,968,063.                         |

**THEATRE SPECS:**

**The Theatre**

292 fixed seats with an average 22 ½" width  
Seating rows spaced 42" apart on stepped risers

**The Stage**

36 feet deep, 80 feet wide with a 48-foot high ceiling  
45 feet wide by 20 to 22-foot tall proscenium style opening

**The Audience**

14,000 Mono County residents including  
8,000 Town of Mammoth Lakes residents  
1,800 students attending school in Mono County  
4.8 million+ annual visitors to Mono County

**THEATRE CAPITAL CAMPAIGN – the \$4 Million Need:**

A capital campaign is, of course, about raising money effectively—but it represents so much more. An effective campaign provides opportunities to tell a story and promote a positive image of our organization, raise awareness of our mission, and:

- Discover and develop new leaders
- Focus attention on purpose, programs, and services
- Strengthen the morale of staff and volunteers
- Identify probably donors for future support including annual appeals and planned giving

Committed and pledged funds to date comprise nearly \$14,000,000 for the project, including:

- \$7.5 million through Measure C from the Kern County College District
- \$2.5 million through Measure U from the Town of Mammoth Lakes
- \$4 million raised through generous private donors
  - Includes opportunities for matching funds

Your support through the Theatre Capital Campaign will close the \$4 million capital funding gap for this significant, critical legacy project!

**CAPITAL COSTS:**

| <b>Element</b>                                       | <b>Amount</b> |
|--|---------------|
| Estimated Cost of Construction including Contingency | \$14,000,000  |
| Projected Soft Costs                                 | \$2,000,000   |
| Project Additions & Administration                   | \$2,000,000   |
| Estimated Probable Cost of the MACC                  | \$18,000,000  |

**REVENUE ANALYSIS/OPERATING PROJECTIONS:**

Programs are anticipated to have an initial total paid attendance of 30,000 seats in three venues. A 50-member Advisory Board of benefactors will be established with an annual membership fee of \$1,000. Two hundred additional yearly memberships will also be available for \$100. Larger sponsorships with attendant benefits and recognition, grants, corporate sponsors, and two annual giving campaigns will also generate revenue. Categorized revenue is outlined below:

| <b>Source of Funding</b>     | <b>Amount of Funding</b> | <b>Percent of Annual Operating Expenses</b> |
|------------------------------|--------------------------|---|
| Town of Mammoth Lakes        | \$300,000                | 32%   |
| Program                      | \$250,000                | 26%   |
| Sponsors, Grants & Donations | \$150,000                | 16%   |
| Fundraising Events           | \$75,000                 | 8%  |
| Benefactors                  | \$75,000                 | 8%  |
| Venue Rental                 | \$50,000                 | 5%  |
| Concessions                  | \$40,000                 | 4%  |
| Maintenance Reimbursement    | \$10,000                 | 1%  |
| Total                        | \$950,000                | 100%  |

**NAMING OPPORTUNITIES:**

(partial list, see also Newport Opera House list)

- Lobby/reception area
- “Heritage” room
- Catering kitchen
- Coat check room
- Restrooms
- 292 seats @ \$1500 each (total \$438,000)
- Outdoor patio
- Lighting and A/V systems
- Solar panels (?)

**Mammoth Lakes Foundation  
Executive Committee  
Agenda Information Sheet**

**Meeting Date:** April 17, 2018

**Date Prepared:** April 10, 2018

**Prepared by:** Rich Boccia; Executive Director  
Mammoth Lakes Foundation

**Title:** MACC Completeness Status Report

**Strategic Plan Alignment #6: South Gateway Planning and Land Uses**

**Background Information:**

The Mammoth Lakes community has long desired a state-of-the-art performing arts theatre and over these past years the MLF Board and the CEO have worked tirelessly to make this dream a reality for this community.

MLF staff began bimonthly meetings with the town staff and the CEQA consultant on November 14, 2017. There were a number of challenges with grading plans and the general layout of the MACC as we worked with a number of contractors and consultants to gather the required information to conduct the Environmental Impact Report. These meetings were suspended on February 27, 2018 and agreed to be rescheduled once the required data has been collected.

Please find the attached documents:

1. The initial agenda dated 11.14.17 that has served as the running record for the meetings and as a status report
2. The summary document dated 03.05.18 from the town staff to the foundation staff regarding completeness issues.
3. The response letter from our architect to the town staff dated 03.15.18. There are a number of items that are still outstanding but the circled elements are the items due to the town staff by April 30, 2018 for a scheduled meeting with the Advisory Design Panel on May 9, 2018.

MLF staff is communicating weekly with our architect to ensure that we submit all of the required documents as we prepare for the Advisory Design Panel.

We are expecting that this will be the initial hurdle in the process which will be followed by a meeting with the Design Review Committee and then the Planning Commission. We are anticipating a recommendation for a mitigated negative declaration for the project from the Planning Commission in late September or early October. This recommendation would eliminate the need for Town Council to authorize the Environmental Review Report.

**Funds Available:** \$535,000

**Account Number:** 40390

## MEETING MINUTES

**MEETING:** Mammoth Arts and Cultural Center Kick-off Meeting

**DATE:** November 14, 2017

**TIME:** 3:30 p.m. – 4:30 p.m.

**LOCATION:** Mammoth Lakes, Town Hall

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Prepared By: Kristen Bogue

| Attendees      | Company/Affiliation         | Phone Number | E-mail Address                     |
|----------------|-----------------------------|--------------|------------------------------------|
| Ruth Traxler   | Town of Mammoth Lakes       | 760.965.3637 | rtraxler@townofmammothlakes.ca.gov |
| Evan Russell   | Mammoth Lakes Foundation    | 760.934.3781 | EvanR@MammothLakesFoundation.org   |
| Rich Boccia    | Mammoth Lakes Foundation    | 760.934.3781 | Rich@MammothLakesFoundation.org    |
| Bruce Woodward | Woodward Architecture       | 760.934.1860 | bruce@woodward-architecture.com    |
| Nathan Taylor  | Woodward Architecture       | 760.934.1860 | nathan@woodward-architecture.com   |
| Tom Platz      | Triad/Holmes Associates     | 760.934.7588 | tplatz@thainc.com                  |
| Kristen Bogue  | Michael Baker International | 949.855.5747 | kbogue@mbakerintl.com              |
| Eddie Torres   | Michael Baker International | 949.855.3612 | egtorres@mbakerintl.com            |
| Jessica Ditto  | Michael Baker International | 949.330.4183 | jessica.ditto@mbakerintl.com       |

The following items presented summarize the substantive items discussed or issues reviewed at the above meeting to the best of the writer's memory. The information presented herein is for specific direction from the Team. All attendees are requested to review these minutes and respond in writing within five (5) calendar days from receipt. If no responses or comments are received, these minutes will be accepted as final.

| Item | Description   | Status                   | Opened                   | Due Date                 | Action For                               |
|------|---|--------------------------|--------------------------|--------------------------|--|
| 1    | <p><u>Project Team and Communications:</u></p> <p>Kristen Bogue will serve as Project Manager and Eddie Torres will serve as Project Director, providing QA/QC.</p> <p>Ruth Traxler will serve as the primary Town contact.</p> <p>The team agreed to a bi-weekly call on Tuesday mornings.</p> <p><b>Action Item #1:</b> Town to confirm time of the Bi-weekly call.</p> <p>Call will be every other Tuesday at 11:00 a.m.</p>   | Complete                 | 11/14/17                 | 01/09/18                 | Town and Michael Baker                   |
| 2    | <p><u>Background and Current Status:</u></p> <p>Discussion led by Evan Russell.</p> <p>Evan summarized the proposed project features, history of the site plans and approvals, funding, and current status of the project.</p>  |                          |                          |                          |  |
| 3    | <p><u>CEQA Determination:</u></p> <p>The first steps in the environmental process will be to gather data, draft the project description, and draft the Technical Studies and Initial Study.</p> <p>Application for student housing at the proposed National Wounded Warrior site was cleared for environmental via an addendum to the 1994 EIR.</p> <p><b>Action Item #2:</b> Town to provide matrix comparing National Wounded Warrior Center to the approved Student Housing Project.</p> <p><b>Action Item #3:</b> Team to decide if the project would include the National Wounded Warrior Center. Completed – Town decided that this will likely be a separate project under CEQA, but considered in the MACC cumulative considerations.</p> | Complete<br><br>Complete | 11/14/17<br><br>11/14/17 | 01/09/18<br><br>01/11/18 | Town<br><br>Town, MLF, and Michael Baker |
| 4    | <p><u>Schedule:</u></p> <p>Michael Baker will provide a date-specific schedule once we receive requested information.</p> <p><b>Action Item #4:</b> Michael Baker will provide the date-specific project schedule to the Team for review after receiving requested project information.</p>   | Active                   | 11/14/17                 | TBD                      | Michael Baker                            |

| Item | Description  | Status   | Opened          | Due Date   | Action For   |
|------|--|--|-----------------|--|--|
| 5    | <p><u>Project Description:</u></p> <p>Upon receiving data requirements, a project description will be drafted and provided to the team for review and comment.</p> <p><b>Action Item #5:</b> Michael Baker will provide the team with an electronic copy (word format) of the project description upon receiving requested project information.</p>  | Active   | 11/14/17        | TBD  | Michael Baker  |
| 6    | <p><u>Data Requirements:</u></p> <p>Team will provide Site Plans including grading and utilities, a description of uses and programming at the facility (i.e., square footage of each use, number of anticipated full and part time employees, maximum occupancy, and hours of operation), and a listing of all approvals required for the project.</p> <p>MLF to provide the following:</p> <ul style="list-style-type: none"> <li>○ Site Plans;</li> <li>○ Grading (including conservative cut and fill quantities);</li> <li>○ Perspective views and/or cross sections;</li> <li>○ Utilities;</li> <li>○ If available, please provide a listing of Project Design Features that would reduce water consumption, increase energy efficiency on-site, and/or reduce vehicle miles traveled;</li> <li>○ We will need the Construction Questionnaire (see Attachment B of Kickoff Meeting Agenda) filled out. No need to identify the construction equipment, we are more concerned about quantities and phasing; and</li> <li>○ Confirm type of amplified speakers, if any, for the outdoor amphitheater.</li> <li>○ Event and Activity Comparison.</li> </ul> | <p>Active<br/>Partial</p> <p>Complete</p> <p>Active<br/>Active</p> <p>Complete</p> <p>Active</p> <p>Complete</p> | <p>11/14/17</p> | <p>TBD<br/>TBD</p> <p>02/06/18</p> <p>Outstanding<br/>Outstanding</p> <p>02/06/18</p> <p>TBD</p> <p>12/18/17</p> | <p>MLF<br/>MLF</p> <p>MLF</p> <p>MLF<br/>MLF</p> <p>MLF</p> <p>MLF</p> <p>MLF</p> <p>MLF</p> |

| Item | Description  | Status    | Opened   | Due Date | Action For |
|------|--|-----------|----------|----------|------------|
|      | Town to provide: <ul style="list-style-type: none"> <li>○ Full listing of all approvals required for the project.</li> </ul>   | Completed |          | 02/27/18 | Town       |
| 7    | <u>Reference Materials:</u><br><br>Michael Baker provided a list of reference documents for the team to review.<br><br><b>Action Item #6:</b> Town to provide Michael Baker with a copy of the Floor Area Ratio (FAR) EIR. | Completed | 11/14/17 | 11/15/17 | Town       |



**COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**P.O. Box 1609, Mammoth Lakes, CA 93546**  
**Phone (760) 965-3630 | Fax (760) 934-7493**  
**[www.townofmammothlakes.ca.gov/](http://www.townofmammothlakes.ca.gov/)**

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March 5, 2018

Rich Boccia, Executive Director  
Mammoth Lakes Foundation  
PO Box 1815  
Mammoth Lakes, CA 93546

Re: Mammoth Arts and Cultural Center (Design Review 17-002)  
Location: 100 College Parkway  
APN: 035-010-049-000

Dear Mr. Boccia:

The Mammoth Lakes Community and Economic Development Department has reviewed the submittal dated February 5, 2018 for the Mammoth Arts and Cultural Center (MACC) project. This letter addresses completeness issues (identified in the letter dated September 14, 2017) as well as comments regarding the submittal. Comments are included from the Planning, Engineering and Building Divisions as well as the Mammoth Lakes Fire Protection District, Mammoth Community Water District, and Mono County Information Technology.

The following completeness issues were identified in the letter dated September 14, 2017 (Attachment 1) and are included in this letter because they have not yet been received:

1. Please provide a site context map, showing adjacent properties and structures.
2. Please provide hard copies of the plans for the project which were submitted on February 5, 2018, in the following formats: three sets sized 24x36", three sets sized 11x17".
3. Please provide the following additional plans for the project, in the following formats: three sets sized 24x36", three sets sized 11x17", and an electronic set (via email or thumb drive):
  - a. Complete architectural and civil site plans showing the full extent of the Mammoth Arts and Cultural Center (including Edison Theater, Performing Arts Theater, any other structures, and all related parking/stripping, walkways/sidewalks, circulation, roads, driveways, etc.). As appropriate on the architectural and civil site plans, please address the following:
    - Label all buildings and parking areas on plans.
    - Label all property lines, rights-of-ways, and setback lines.
    - Note or show which buildings, roads, drainage, etc. are new versus existing.
    - Show snow storage areas and calculations.
    - Show all trees to be removed and significant boulders on the property.
    - Show all mechanical equipment and utilities.
    - The plans should be readable. Please provide a close-up of the entrance to the Performing Arts Theater.



- Provide calculations for total impervious areas (and lot coverage calculations) and areas of disturbance.
  - b. Elevations for the proposed building located northwest of the Performing Arts Theater.
  - c. Preliminary landscape plan.
4. Please provide a materials board for the Performing Arts Theater and the proposed building northwest of the Theater. The materials should be the actual materials, painted and/or stained (as applicable) with actual colors, large enough for evaluation and mounted on a rigid backing.
  5. Please provide visual simulations, which may include photos, sketches, or perspective drawings. (This was not included on the initial completeness letter, but is required for the Advisory Design Panel and Planning and Economic Development Commission meetings.)
  6. A current title report is required.
  7. Please provide a construction staging and management plan, showing the location of materials storage, construction parking, haul/access routes, and construction office.
  8. Please use a narrative to describe any energy saving techniques used in the design or construction of the project.
  9. The following items have been requested from Michael Baker International and are required for the environmental analysis:
    - a. Provide any plans/information available, such as:
      - i. Site Plans (see #3 above);
      - ii. Grading (including grading for the new parking lot and buildings and conservative cut and fill quantities); and
      - iii. Utilities.
    - b. If available, please provide a narrative or list of Project Design Features that would reduce water consumption, increase energy efficiency on-site, and/or reduce vehicle miles traveled (may be combined with #7 above).
    - c. Confirm type of amplified speakers, if any, for the outdoor amphitheater.

The following comments are from Ruth Traxler, Associate Planner in the Planning Division (760-965-3637):

1. A performing arts theater and accessory outdoor amphitheater are permitted uses in the Public and Quasi-Public zoning district (Zoning Code Section 17.32.100.B).
2. Property setbacks are 20 feet in the front, side, and rear (Zoning Code Section 17.32.100.C).
3. Please provide elevation sheets which show finished grades for the purpose of calculating height (Zoning Code Section 17.36.060.B).
4. Please show a paved area for dumpsters and recycling containers, required pursuant to Zoning Code Section 17.36.130.

5. Please provide a preliminary landscape plan identifying the landscape area and the location and quantity of each plant type proposed. Pursuant to Zoning Code Section 17.44.100.H, landscaping shall be provided within and/or around the parking area at a minimum ratio of 10 percent of the gross area of the parking lot and a minimum of one tree shall be provided for each five unenclosed parking spaces. Irrigation shall be provided for landscaped areas. If the proposed landscaping area exceeds an aggregate landscaped area of 500 square feet, a landscape documentation package will be required prior to issuance of a Certificate of Occupancy. For more information on the Water Efficient Landscape Regulations, see Zoning Code Chapter 17.40.
6. Parking requirements for the Performing Arts Theater and accessory storage building and outdoor amphitheater will be established by staff through this project approval process and ultimately approved by the review authority (Planning and Economic Development Commission) and requires the following additional information (Zoning Code Section 17.44.030(B)):
  - a. Total number of parking spaces in each of the parking lots and any spaces available through formal agreement with Cerro Coso Community College.
  - b. Expected number of staff, cast, and crew for events.
7. Parking lots with 50 or more vehicle parking spaces shall provide motorcycle parking spaces located near the main entrance to the primary structure and accessed by the same access aisles that serve the vehicle parking spaces (Zoning Code Section 17.44.060). A minimum of one motorcycle parking space shall be provided for each 50 vehicle spaces. The minimum dimension of motorcycle spaces is four feet by seven feet.
8. Bicycle parking is required in compliance with Zoning Code Section 17.44.090, Bicycle Parking. A total of two bicycle parking spaces, plus 0.4 spaces per 1,000 square feet of Gross Leasable Area, is required (approximately 10 spaces based on a 19,000 square foot building). Of these spaces, 85% are required to be short-term and 15% must be long-term spaces. Please see the Zoning Code for descriptions of short-term and long-term bicycle parking spaces and Design Guidelines, page 5-11, for guidelines on exterior bicycle racks.
9. The discretionary approval required for this project is Major Design Review (Zoning Code Section 17.88.020). This scope of the design review includes, but is not limited to, building proportions, massing, architectural details, site design, orientation, location, arrangement of circulation, pedestrian ways, exterior colors and materials, walls, mechanical equipment, exterior lighting, landscaping, and the design of signs. Consistency with the Town's Design Guidelines is required. The Design Guidelines were written to provide a greater level of detail regarding the type of development that promotes the Town's Vision Statement, General Plan, and Municipal Code.

In addition to review and approval by the Planning and Economic Development Commission, staff may require review by the Advisory Design Panel (ADP) for significant development projects. In consideration of the significance and scope of this project, it is recommended that the ADP review the project at a meeting, once the application has been deemed complete.

10. The following comments address consistency of the site design with the Design Guidelines:
  - a. These are preliminary comments which may be expanded based on the submittals requested above.
  - b. Natural features shall be recognized and incorporated into the project design. Show all trees to be removed and maintained on the site plan (Design Guidelines, page 3-1).

- c. The location of the new parking lot and outdoor amphitheater appear to create conflicts between pedestrian activities and vehicular circulation, which should be minimized (Design Guidelines, page 3-1).
- d. The stage location appears to conflict with access to the roll-up door on the east side of the building.
- e. Show the location of dumpsters and recycling facilities, which may be combined for buildings in the Mammoth Arts and Cultural Center (Design Guidelines page 3-1).
- f. All grading and excavation areas shall be planted and revegetated to the natural landscape (Design Guidelines, page 3-2).
- g. All parking areas shall be landscaped and cars screened from view as much as possible by buildings and/or landscaping (Design Guidelines, page 3-4).
- h. Driveways, parking areas, and walkways should be oriented toward the south, east, and west, where practical (Design Guidelines, page 3-4).
- i. Dumpster and recycling facilities and associated enclosures should be designed to be consistent with the building and landscaping design (Design Guidelines, page 3-6).
- j. Specific guidelines for trash receptacles can be found in the Design Guidelines, page 5-11.
- k. Bathrooms shall be provided for outdoor gathering areas within surrounding buildings at an appropriate quantity and location. Please provide information on how the Performing Arts Theater bathrooms and other amenities will be made available to the outdoor amphitheater (Design Guidelines, page 5-9).
- l. Landscaping will be reviewed for consistency with the Design Guidelines, once a preliminary landscape plan is submitted. For recommendations, see the Design Guidelines, pages 5-1 to 5-6.
- m. Please provide details on exterior lighting proposed for the site. Exterior lighting is subject to Zoning Code Section 17.36.030 and Design Guidelines, pages 6-1 to 6-3.

11. The following comments address consistency of the Performing Arts Theater building design with the Design Guidelines:

- a. These are preliminary comments which may be expanded based on the submittals requested above.
- b. The building design should be composed to provide variation and visual interest, provide an aesthetic appeal to all sides of a building where visible from adjacent properties or public spaces, have an attractive interface with the pedestrian environment, be functional in all seasons, and incorporate natural, regional materials.
- c. All structures housing utilities and equipment shall be consistent with the main buildings. In addition, rooftops should be free of mechanical equipment clutter. Any equipment should be screened and painted to be incorporated into the overall architectural design (Design Guidelines, page 3-7).

- d. Solar devices should not block views or detract from the setting. Exposed hardware, frames, and piping should have a non-reflective finish, and be consistent with the primary structure (Design Guidelines, page 3-7).
- e. In large buildings, use building design to ease the effect of a single large mass. Please consider this as it applies to the north and east elevations and the upper sections of the building (Design Guidelines, page 4-1).
- f. The east facing elevation is oriented towards the amphitheater, a significant public outdoor space, but has little visual interest and no pedestrian entry (Design Guidelines, page 4-1).
- g. Buildings should be designed to maximize use of southern exposure and natural light. While theaters are unique with regards to the need for darker interiors, please address additional opportunities for light in the lobby and other gathering locations within the building (Design Guidelines, page 4-1).
- h. Flat roofs are generally not a form permitted in Mammoth. Please revise or address the necessity for the roof design as proposed (Design Guidelines, page 4-2).
- i. Deep eaves and overhangs are strongly encouraged, as is the detailing of eaves and fascia. It is encouraged to expose rafters to view and to design roof supports with materials such as heavy timber knee-braces. Architectural treatments under pitched areas are encouraged (Design Guidelines, page 4-2).
- j. The building base is the lower part of the building where it meets the ground. A clear distinction between building base and wall material should be present and the base should be an adequate size and scale to ensure buildings have substance where they meet the ground (Design Guidelines, page 4-3).
- k. The base should utilize materials and textures to create a pedestrian scale. The exposed concrete foundation should be faced with materials such as stone or use aggregate concrete (Design Guidelines, page 4-3).
- l. The use of seatwalls are encouraged where buildings interface with pedestrian thoroughfares. This might be applied in areas which would be used as walkways from the parking lots (Design Guidelines, page 4-3).
- m. Additional detail should be designed and provided for the building's doors and windows, in accordance with the following comments. Windows and doors shall be designed to articulate and create scale to the façades of buildings. Recessed doors and window trim should be used to enhance the building and create shadow relief (Design Guidelines, page 4-5).
- n. Consider increasing the depth of the overhangs in the primary pedestrian areas, as the scale should match the height of the building. Pedestrian entrances should provide protection from weather where possible (Design Guidelines, page 4-6).
- o. Materials should be of natural, renewable, and recyclable materials and indigenous where possible. Otherwise, use natural or synthetic, non-toxic building materials that require minimal maintenance. The use of wood and wood-like and natural stone is strongly encouraged. Metal siding is not prohibited, but use should be limited in consideration of the recommendations and context of the project (Design Guidelines, page 4-8).
- p. At pedestrian levels (up to 12 feet), wall materials should be horizontal wood or wood-like siding, vertical board and batten, or stone, because of their tactile qualities. Fiber cement

siding is acceptable above 12 feet from finished grade and in non-pedestrian areas (Design Guidelines, page 4-8).

- q. Colors should be subtle, neutral, earth-tones, with limited contrast and low reflectivity. On large planar surfaces (like in the upper elevations of the building), select a color that is slightly darker than surrounding natural colors (Design Guidelines, page 4-9).
- r. Architectural elements, such as trim, are to have contrasting colors taken from strong natural seasonal colors (Design Guidelines, page 4-8).
- s. Provide additional details on the design of the pedestrian forecourt located at the primary entrance. Pedestrian amenities, landscaping (including hardscape), shelter from the weather, architectural interest, etc. should be considered (Design Guidelines, page 4-14).
- t. Describe the use of the flags on the entry area.
- u. Please provide details on exterior lighting proposed for the building. Exterior lighting is subject to Zoning Code Section 17.36.030 and Design Guidelines, pages 6-1 to 6-3.
- v. Please provide proposed sign locations and preliminary designs. Advise staff as to whether a changeable copy or marquee sign may be considered. Signs are subject to Zoning Code Chapter 17.48 and Design Guidelines, pages 7-1 to 7-4.

The following comments are from Haislip Hayes, Engineering Manager in the Engineering Services Division (760-965-3652):

1. An Engineering Grading Permit will be required for the project.
2. A Stormwater Pollution Prevention Plan (SWPPP) will be required for the project.
3. Comments on the preliminary grading plans:
  - a. Please note that truncated dome areas should be ADA compliant pedestrian ramps (Sheet C1, Note 14).
  - b. Label the site sections on Sheet C2.
  - c. Provide profile views of the retaining walls (Sheet C2).
  - d. Railings will be need for staircases and drops of more than 30" (i.e. section of the outdoor walkway adjacent to the access road to the north, and retaining wall around the parking lot). The stage, stage access, stage stairs, etc. are exempt from railing requirements. Railings need to be ADA compliant.
  - e. Please note the total number of parking spaces provided (Sheets C1 and C2).
  - f. Include a note on Sheet C2 referencing Town Standards 115-2 Type B.
4. Comments on the outdoor amphitheater, parking lot and drainage:
  - a. Consider a realignment or reconfiguration of the new parking lot to eliminate potential conflicts between vehicle traffic (i.e. noise, lights, etc.) and the outdoor performance.
  - b. Review the invert elevations of the storm drains (it appears that the existing parking lot inlet is the same elevation as farther down the line).

- c. Label invert elevations for retention drywells.
- d. An additional drain inlet in the new parking lot may be needed.
- e. Show sidewalks along the driveway entrance for pedestrian access.
- f. Add an oil/water separator to new parking lots for onsite storage.
- g. Provide information on the materials used for the outdoor stage and amphitheater area.
- h. Show how the area around the outdoor stage will drain and describe the construction materials.
- i. Show how the amphitheater will be stabilized and protected from erosion.
- j. Consider the use of the overhang on the south side of the Performing Arts Center as an interior pedestrian corridor.

The following comments are from Tom Perry, Building Official in the Building Division (760-965-3635):

1. The civil site plan for the proposed parking lot does not indicate any accessible parking stalls. The plan indicates a total of 80 parking spaces. Given this, a minimum of four (4) spaces will need to be accessible, and at least one of those will need to be van accessible. All accessible parking spaces will need to be connected to an exterior route of travel, and must be configured such that a person would not be forced to travel behind other vehicles (other than their own) and not be forced to travel in hazardous vehicular areas (2016 CBC 11B-208; Table 11B-208.2; 11B-502).
2. The civil site plan for the proposed parking does not indicate an exterior route of travel to the MACC facility. A compliant accessible path of travel is required to get persons with disabilities from the parking area to the facility, and must be configured to affect the shortest travel distance possible (2016 CBC 11B-206).
3. The attic level floor plan shows a 'mechanical attic.' Currently, this plan shows one (1) exit from this space. Should this space contain gas fired boilers or furnaces where any one piece of equipment is over 400,000 Btu/input, and be over 500 square feet, then two exits are required. Exit access doorways in this case would need to be separated by a minimum horizontal distance equal to one-half the length of the maximum overall diagonal dimension of the room (2016 CBC 1006.2.2.1).
4. Referring to the 'mechanical attic' in comment 3, if this space contains refrigeration machinery, and is larger than 1,000 square feet, a minimum of two exits will be required. All portions of a refrigeration machinery room must be within 150 feet of an exit, and the exits shall be separated by a minimum horizontal distance equal to one-half the maximum horizontal dimension of the room (2016 CBC 1006.2.2.3).

The following comments are from Thom Heller, Fire Marshal for the Mammoth Lakes Fire Protection District (760-934-2300):

1. Additional review will be completed once a site plan in accordance with the above is received.
2. A fire permit will be required.
3. Based on a review of the plans received, a minimum of two hydrants, a standpipe system in the three-story stairway, and a yard pipe system will need to be installed.
4. Access to the roof to the proposed solar panel areas will be required.

The following comment is from Steve Connett, GIS Technician for Mono County Information Technology (760-924-1684):

1. The address for the new Performing Arts Theater will be 114 College Parkway (the address for Edison Theater will remain 100 College Parkway).

Please respond to this letter in writing. Please provide responses in the same order they are shown in this letter. If changes have been made to the plans not resulting from this correction list please indicate the changes and purpose of the changes in your response.

Please provide the requested materials or advise me in writing as to your intended submittal date within 60 days from the date of this letter. Where the total time to provide the additional materials is expected to take longer than 120 days, the application should be withdrawn and a re-submitted once the application is ready. Absent a response within 60 days, the Town will deem your application withdrawn and return your application materials and any unused portion of your application fee.

Please contact me at this office (760) 965-3637 if you have any questions.

Respectfully,

Ruth Traxler  
Associate Planner

**ATTACHMENTS:**

- A. Completeness Letter dated September 14, 2017

cc: Evan Russell, Mammoth Lakes Foundation  
Sandra Moberly, Community and Economic Development Director  
Haislip Hayes, Engineering Manager  
File Copy



WOODWARD  
ARCHITECTURE

March 15, 2018

Ruth Traxler, Associate Planner  
Town of Mammoth Lakes  
PO Box 1609  
Mammoth Lakes, CA 93546

RE: Performing Arts Theatre  
Mammoth Arts & Cultural Center (Design Review 17-002)  
114 College Parkway APN: 035-010-049-000  
Mammoth Lakes, CA

Ruth,

Please find attached a copy of the comments from the letter to Rich Boccia dated March 5, 2018 followed in italics with our responses.

Thank you,

A handwritten signature in black ink that reads "Bruce P. Woodward". The signature is stylized and cursive.

Bruce P Woodward, Architect  
(sent via email)



## Performing Arts Theatre at the Mammoth Arts and Cultural Center Design Review Comment Responses

The Mammoth Lakes Community and Economic Development Department has reviewed the submittal dated February 5, 2018 for the Mammoth Arts and Cultural Center (MACC) project. This letter addresses completeness issues (identified in the letter dated September 14, 2017) as well as comments regarding the submittal. Comments are included from the Planning, Engineering and Building Divisions as well as the Mammoth Lakes Fire Protection District, Mammoth Community Water District, and Mono County Information Technology.

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3. Please provide the following additional plans for the project, in the following formats: three sets sized 24x36", three sets sized 11x17", and an electronic set (via email or thumb drive):

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- i. Label all buildings and parking areas on plans.
- ii. Label all property lines, rights-of-ways, and setback lines.
- iii. Note or show which buildings, roads, drainage, etc. are new versus existing.
- iv. Show snow storage areas and calculations.
- v. Show all trees to be removed and significant boulders on the property.
- vi. Show all mechanical equipment and utilities.
- vii. The plans should be readable. Please provide a close-up of the entrance to the Performing Arts Theater.
- viii. Provide calculations for total impervious areas (and lot coverage calculations) and areas of disturbance.

b. Elevations for the proposed building located northwest of the Performing Arts Theater.

c. Preliminary landscape plan.

4. Please provide a materials board for the Performing Arts Theater and the proposed building northwest of the Theater. The materials should be the actual materials, painted and/or stained (as applicable) with actual colors, large enough for evaluation and mounted on a rigid backing.
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8. Please use a narrative to describe any energy saving techniques used in the design or construction of the project.
9. The following items have been requested from Michael Baker International and are required for the environmental analysis:
  - a. Provide any plans/information available, such as:
    - i. Site Plans (see #3 above);
    - ii. Grading (including grading for the new parking lot and buildings and conservative cut and fill quantities); and
    - iii. Utilities.
  - b. If available, please provide a narrative or list of Project Design Features that would reduce water consumption, increase energy efficiency on-site, and/or reduce vehicle miles traveled (may be combined with #7 above).
  - c. Confirm type of amplified speakers, if any, for the outdoor amphitheater.

The following comments are from Ruth Traxler, Associate Planner in the Planning Division (760-965-3637):

1. A performing arts theater and accessory outdoor amphitheater are permitted uses in the Public and Quasi-Public zoning district (Zoning Code Section 17.32.100.B).
2. Property setbacks are 20 feet in the front, side, and rear (Zoning Code Section 17.32.100.C).
3. Please provide elevation sheets which show finished grades for the purpose of calculating height (Zoning Code Section 17.36.060.B).
4. Please show a paved area for dumpsters and recycling containers, required pursuant to Zoning Code Section 17.36.130.
5. Please provide a preliminary landscape plan identifying the landscape area and the location and quantity of each plant type proposed. Pursuant to Zoning Code Section 17.44.100.H, landscaping shall be provided within and/or around the parking area at a

minimum ratio of 10 percent of the gross area of the parking lot and a minimum of one tree shall be provided for each five unenclosed parking spaces. Irrigation shall be provided for landscaped areas. If the proposed landscaping area exceeds an aggregate landscaped area of 500 square feet, a landscape documentation package will be required prior to issuance of a Certificate of Occupancy. For more information on the Water Efficient Landscape Regulations, see Zoning Code Chapter 17.40.

6. Parking requirements for the Performing Arts Theater and accessory storage building and outdoor amphitheater will be established by staff through this project approval process and ultimately approved by the review authority (Planning and Economic Development Commission) and requires the following additional information (Zoning Code Section 17.44.030(B)):
  - a. Total number of parking spaces in each of the parking lots and any spaces available through formal agreement with Cerro Coso Community College.
  - b. Expected number of staff, cast, and crew for events.
7. Parking lots with 50 or more vehicle parking spaces shall provide motorcycle parking spaces located near the main entrance to the primary structure and accessed by the same access aisles that serve the vehicle parking spaces (Zoning Code Section 17.44.060). A minimum of one motorcycle parking space shall be provided for each 50 vehicle spaces. The minimum dimension of motorcycle spaces is four feet by seven feet.
8. Bicycle parking is required in compliance with Zoning Code Section 17.44.090, Bicycle Parking. A total of two bicycle parking spaces, plus 0.4 spaces per 1,000 square feet of Gross Leasable Area, is required (approximately 10 spaces based on a 19,000 square foot building). Of these spaces, 85% are required to be short-term and 15% must be long-term spaces. Please see the Zoning Code for descriptions of short-term and long-term bicycle parking spaces and Design Guidelines, page 5-11, for guidelines on exterior bicycle racks.
9. The discretionary approval required for this project is Major Design Review (Zoning Code Section 17.88.020). This scope of the design review includes, but is not limited to, building proportions, massing, architectural details, site design, orientation, location, arrangement of circulation, pedestrian ways, exterior colors and materials, walls, mechanical equipment, exterior lighting, landscaping, and the design of signs. Consistency with the Town's Design Guidelines is required. The Design Guidelines were written to provide a greater level of detail regarding the type of development that promotes the Town's Vision Statement, General Plan, and Municipal Code.

In addition to review and approval by the Planning and Economic Development Commission, staff may require review by the Advisory Design Panel (ADP) for significant development projects. In consideration of the significance and scope of this project, it is recommended that the ADP review the project at a meeting, once the application has been deemed complete.

10. The following comments address consistency of the site design with the Design Guidelines:

a. These are preliminary comments which may be expanded based on the submittals requested above.

b. Natural features shall be recognized and incorporated into the project design. Show all trees to be removed and maintained on the site plan (Design Guidelines, page 3-1).

c. The location of the new parking lot and outdoor amphitheater appear to create conflicts between pedestrian activities and vehicular circulation, which should be minimized (Design Guidelines, page 3-1).

d. The stage location appears to conflict with access to the roll-up door on the east side of the building.

e. Show the location of dumpsters and recycling facilities, which may be combined for buildings in the Mammoth Arts and Cultural Center (Design Guidelines page 3-1).

f. All grading and excavation areas shall be planted and revegetated to the natural landscape (Design Guidelines, page 3-2).

g. All parking areas shall be landscaped and cars screened from view as much as possible by buildings and/or landscaping (Design Guidelines, page 3-4).

h. Driveways, parking areas, and walkways should be oriented toward the south, east, and west, where practical (Design Guidelines, page 3-4).

i. Dumpster and recycling facilities and associated enclosures should be designed to be consistent with the building and landscaping design (Design Guidelines, page 3-6).

j. Specific guidelines for trash receptacles can be found in the Design Guidelines, page 5-11.

k. Bathrooms shall be provided for outdoor gathering areas within surrounding buildings at an appropriate quantity and location. Please provide information on how the Performing Arts Theater bathrooms and other amenities will be made available to the outdoor amphitheater (Design Guidelines, page 5-9).

l. Landscaping will be reviewed for consistency with the Design Guidelines, once a preliminary landscape plan is submitted. For recommendations, see the Design Guidelines, pages 5-1 to 5-6.

m. Please provide details on exterior lighting proposed for the site. Exterior lighting is subject to Zoning Code Section 17.36.030 and Design Guidelines, pages 6-1 to 6-3.

11. The following comments address consistency of the Performing Arts Theater building design with the Design Guidelines:

- a. These are preliminary comments which may be expanded based on the submittals requested above.
- b. The building design should be composed to provide variation and visual interest, provide an aesthetic appeal to all sides of a building where visible from adjacent properties or public spaces, have an attractive interface with the pedestrian environment, be functional in all seasons, and incorporate natural, regional materials.
- c. All structures housing utilities and equipment shall be consistent with the main buildings. In addition, rooftops should be free of mechanical equipment clutter. Any equipment should be screened and painted to be incorporated into the overall architectural design (Design Guidelines, page 3-7).
- d. Solar devices should not block views or detract from the setting. Exposed hardware, frames, and piping should have a non-reflective finish, and be consistent with the primary structure (Design Guidelines, page 3-7).
- e. In large buildings, use building design to ease the effect of a single large mass. Please consider this as it applies to the north and east elevations and the upper sections of the building (Design Guidelines, page 4-1).
- f. The east facing elevation is oriented towards the amphitheater, a significant public outdoor space, but has little visual interest and no pedestrian entry (Design Guidelines, page 4-1).
- g. Buildings should be designed to maximize use of southern exposure and natural light. While theaters are unique with regards to the need for darker interiors, please address additional opportunities for light in the lobby and other gathering locations within the building (Design Guidelines, page 4-1).
- h. Flat roofs are generally not a form permitted in Mammoth. Please revise or address the necessity for the roof design as proposed (Design Guidelines, page 4-2).
- i. Deep eaves and overhangs are strongly encouraged, as is the detailing of eaves and fascia. It is encouraged to expose rafters to view and to design roof supports with materials such as heavy timber knee-braces. Architectural treatments under pitched areas are encouraged (Design Guidelines, page 4-2).
- j. The building base is the lower part of the building where it meets the ground. A clear distinction between building base and wall material should be present and the base should be an adequate size and scale to ensure buildings have substance where they meet the ground (Design Guidelines, page 4-3).
- k. The base should utilize materials and textures to create a pedestrian scale. The exposed concrete foundation should be faced with materials such as stone or use aggregate concrete (Design Guidelines, page 4-3).

The following comments are from Haislip Hayes, Engineering Manager in the Engineering Services Division (760-965-3652):

1. An Engineering Grading Permit will be required for the project.
2. A Stormwater Pollution Prevention Plan (SWPPP) will be required for the project.
3. Comments on the preliminary grading plans:
  - a. Please note that truncated dome areas should be ADA compliant pedestrian ramps (Sheet C1, Note 14).
  - b. Label the site sections on Sheet C2.
  - c. Provide profile views of the retaining walls (Sheet C2).
  - d. Railings will be need for staircases and drops of more than 30" (i.e. section of the outdoor walkway adjacent to the access road to the north, and retaining wall around the parking lot). The stage, stage access, stage stairs, etc. are exempt from railing requirements. Railings need to be ADA compliant.
  - e. Please note the total number of parking spaces provided (Sheets C1 and C2).
  - f. Include a note on Sheet C2 referencing Town Standards 115-2 Type B.
4. Comments on the outdoor amphitheater, parking lot and drainage:
  - a. Consider a realignment or reconfiguration of the new parking lot to eliminate potential conflicts between vehicle traffic (i.e. noise, lights, etc.) and the outdoor performance.
  - b. Review the invert elevations of the storm drains (it appears that the existing parking lot inlet is the same elevation as farther down the line).
  - c. Label invert elevations for retention drywells.
  - d. An additional drain inlet in the new parking lot may be needed.
  - e. Show sidewalks along the driveway entrance for pedestrian access.
  - f. Add an oil/water separator to new parking lots for onsite storage.
  - g. Provide information on the materials used for the outdoor stage and amphitheater area.
    - h. Show how the area around the outdoor stage will drain and describe the construction materials.
    - i. Show how the amphitheater will be stabilized and protected from erosion.
    - j. Consider the use of the overhang on the south side of the Performing Arts Center as an interior pedestrian corridor.

The following comments are from Tom Perry, Building Official in the Building Division (760-965-3635):

- l. The use of seatwalls are encouraged where buildings interface with pedestrian thoroughfares. This might be applied in areas which would be used as walkways from the parking lots (Design Guidelines, page 4-3).
- m. Additional detail should be designed and provided for the building's doors and windows, in accordance with the following comments. Windows and doors shall be designed to articulate and create scale to the façades of buildings. Recessed doors and window trim should be used to enhance the building and create shadow relief (Design Guidelines, page 4-5).
- n. Consider increasing the depth of the overhangs in the primary pedestrian areas, as the scale should match the height of the building. Pedestrian entrances should provide protection from whether where possible (Design Guidelines, page 4-6).
- o. Materials should be of natural, renewable, and recyclable materials and indigenous where possible. Otherwise, use natural or synthetic, non-toxic building materials that require minimal maintenance. The use of wood and wood-like and natural stone is strongly encouraged. Metal siding is not prohibited, but use should be limited in consideration of the recommendations and context of the project (Design Guidelines, page 4-8).
- p. At pedestrian levels (up to 12 feet), wall materials should be horizontal wood or wood-like siding, vertical board and batten, or stone, because of their tactile qualities. Fiber cement siding is acceptable above 12 feet from finished grade and in non-pedestrian areas (Design Guidelines, page 4-8).
- q. Colors should be subtle, neutral, earth-tones, with limited contrast and low reflectivity. On large planar surfaces (like in the upper elevations of the building), select a color that is slightly darker than surrounding natural colors (Design Guidelines, page 4-9).
- r. Architectural elements, such as trim, are to have contrasting colors taken from strong natural seasonal colors (Design Guidelines, page 4-8).
- s. Provide additional details on the design of the pedestrian forecourt located at the primary entrance. Pedestrian amenities, landscaping (including hardscape), shelter from the weather, architectural interest, etc. should be considered (Design Guidelines, page 4-14).
- t. Describe the use of the flags on the entry area.
- u. Please provide details on exterior lighting proposed for the building. Exterior lighting is subject to Zoning Code Section 17.36.030 and Design Guidelines, pages 6-1 to 6-3.
- v. Please provide proposed sign locations and preliminary designs. Advise staff as to whether a changeable copy or marquee sign may be considered. Signs are subject to Zoning Code Chapter 17.48 and Design Guidelines, pages 7-1 to 7-4.

1. The civil site plan for the proposed parking lot does not indicate any accessible parking stalls. The plan indicates a total of 80 parking spaces. Given this, a minimum of four (4) spaces will need to be accessible, and at least one of those will need to be van accessible. All accessible parking spaces will need to be connected to an exterior route of travel, and must be configured such that a person would not be forced to travel behind other vehicles (other than their own) and not be forced to travel in hazardous vehicular areas (2016 CBC 11B-208; Table 11B-208.2; 11B-502).
2. The civil site plan for the proposed parking does not indicate an exterior route of travel to the MACC facility. A compliant accessible path of travel is required to get persons with disabilities from the parking area to the facility, and must be configured to affect the shortest travel distance possible (2016 CBC 11B-206).
3. The attic level floor plan shows a 'mechanical attic.' Currently, this plan shows one (1) exit from this space. Should this space contain gas fired boilers or furnaces where any one piece of equipment is over 400,000 Btu/input, and be over 500 square feet, then two exits are required. Exit access doorways in this case would need to be separated by a minimum horizontal distance equal to one-half the length of the maximum overall diagonal dimension of the room (2016 CBC 1006.2.2.1).
4. Referring to the 'mechanical attic' in comment 3, if this space contains refrigeration machinery, and is larger than 1,000 square feet, a minimum of two exits will be required. All portions of a refrigeration machinery room must be within 150 feet of an exit, and the exits shall be separated by a minimum horizontal distance equal to one-half the maximum horizontal dimension of the room (2016 CBC 1006.2.2.3).

The following comments are from Thom Heller, Fire Marshal for the Mammoth Lakes Fire Protection District (760-934-2300):

1. Additional review will be completed once a site plan in accordance with the above is received.
2. A fire permit will be required.
3. Based on a review of the plans received, a minimum of two hydrants, a standpipe system in the three-story stairway, and a yard pipe system will need to be installed.
4. Access to the roof to the proposed solar panel areas will be required.

The following comment is from Steve Connett, GIS Technician for Mono County Information Technology (760-924-1684):

1. The address for the new Performing Arts Theater will be 114 College Parkway (the address for Edison Theater will remain 100 College Parkway). *Response: Corrected throughout.*

Please respond to this letter in writing. Please provide responses in the same order they are shown in this letter. If changes have been made to the plans not resulting from this correction list please indicate the changes and purpose of the changes in your response.



Please provide the requested materials or advise me in writing as to your intended submittal date within 60 days from the date of this letter. Where the total time to provide the additional materials is expected to take longer than 120 days, the application should be withdrawn and a re-submitted once the application is ready. Absent a response within 60 days, the Town will deem your application withdrawn and return your application materials and any unused portion of your application fee.

Mammoth Lakes Foundation  
Cash Report

|                                  |   | <u>4/12/18</u>             |  |
|----------------------------------|---|----------------------------|--|
| <b>Checking/Savings</b>          |   |                            |  |
| <b>Operating accounts</b>        |   |                            |  |
| 1                                | Wells Fargo - checking                    | 71,977.61                  | payroll, AMTrust, Wells Loan   |
| 2                                | ESCB - checking                           | 210,799.43                 | SGSA checking  |
| 3                                | MLF Depository                            | 26,424.64                  | MLF deposit & now ckg, payroll taxes   |
| 4                                | Events petty cash                         | 0.00                       |  |
| 5                                | Theatre petty cash                        | 200.00                     |  |
| 6                                | Total operating cash                      | <u>309,401.68</u>          | in the bank  |
| <b>Interest bearing accounts</b> |   |                            |  |
| 7                                | Stifel                                    | 700,400.00                 | MACC restricted - Langston, Tambour<br>Dempsey, Knoll perm restricted - interest only<br>use for scholarsips |
| 8                                | Wells Fargo endowment funds               | 150,002.74                 |  |
| 9                                | Wells Fargo investment funds              | 461,054.08                 | Earn interest - \$455,000 Tambour  |
| 10                               | Total investments                         | <u>1,311,456.82</u>        |  |
| <b>Total cash</b>                |   | <b>1,620,858.50</b>        |  |
| <b>Restricted funds</b>          |   |                            |  |
| 11                               | Permanently restricted                    | 148,953.20                 | balance that is Perm restricted  |
| 12                               | Museum - temporarily TOP reprint          | 0.00                       | used for TOP   |
| 13                               | Mammoth Art & Cultural Center             | 1,045,358.26               | Tambour, Langston  |
| 14                               | Forest Island                             | 5,234.34                   | balance  |
| 15                               | Wells Fargo loan - temporarily restricted | 33,873.61                  | \$90K from Dave for interest on Wells loan   |
| 16                               | Measure U & Theatre Restricted            | 50,500.00                  | Measure U & Tambour \$45K  |
| 17                               | Cerro Coso Fund                           | 9,303.00                   | CCCD & Foulke monies years ago   |
| 18                               | Scholarship - temporarily restr           | 1,809.82                   | Oram \$15k cash - \$10k spent so far on Schol.   |
| 19                               | Total Wells endowment fund                | <u>1,295,032.23</u>        |  |
| <b>Summary</b>                   |   |                            |  |
| 20                               | Operating                                 | 75,826.27                  | cash left over!!!!   |
| 21                               | Board recommended reserve                 | 250,000.00                 | Board recommended to have on hand - yrs ago  |
| 22                               | Restricted                                | 1,295,032.23               |  |
| <b>Total cash</b>                |   | <b><u>1,620,858.50</u></b> |  |

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**Center for  
Nonprofit Leadership**  
at ADELPHI UNIVERSITY  
School of Social Work

**Board of Directors' Assessment**

| Considerations   | 5<br>Strongly<br>Agree | 4<br>Agree | 3<br>Unsure | 2<br>Disagree | 1<br>Strongly<br>Disagree |
|--|------------------------|------------|-------------|---------------|---------------------------|
| 1. Board has a full and a common understanding of the roles and responsibilities of the board.                                   | B                      |            | GL          |               |                           |
| 2. Board members understand the organization's mission, vision, and services/ programs.  | B                      | GL         |             |               |                           |
| 3. Structural pattern (board, officers, committees, executives and staff) is clear, delineated in bylaws, and followed by board. | B                      | GL         |             |               |                           |
| 4. There are an adequate number of well-functioning board committees and other work groups.                                      |                        | B          | G           | L             |                           |
| 5. Board members actively participate in strategic planning and ongoing strategic thinking.                                      | B                      | G          |             |               | L                         |
| 6. The board has adopted, and uses, explicit measures of progress toward identified outcomes.                                    | B                      | L          |             | G             |                           |
| 7. Board attends to policy-related decisions which effectively guide operational activities of staff.                            | B                      |            | G           | L             |                           |

|  |   |    |     |     |   |
|--|---|----|-----|-----|---|
| 8. Board receives regular reports on finances/budgets, service/program performance and other important matters.        | B | GL |     |     |   |
| 9. Board helps set fundraising goals and is actively involved in some aspect of fundraising.                           | B | G  |     |     | L |
| 10. All board members make a personal financial contribution to organization.  |   | B  | GL  |     |   |
| 11. Board effectively represents the organization to the community (i.e. has an "elevator speech.")                    |   | B  | G   | L   |   |
| 12. Board meetings facilitate focus and progress on important organizational matters with reporting kept to a minimum. | B | GL |     |     |   |
| 13. Board meetings are adequate in length and held at the right time of the day.                                       | B | GL |     |     |   |
| 14. Board regularly evaluates and develops yearly goals with the chief executive.                                      | B |    |     | GL  |   |
| 15. The board reviews the compensation of the Executive Director based on industry standards.                          | B |    | L   | G   |   |
| 16. Board has approved comprehensive personnel policies which have been reviewed by a qualified professional.          |   |    | BGL |     |   |
| 17. All necessary skills, stakeholders and diversity are represented on the board.                                     |   |    |     | BGL |   |
| 18. Board culture encourages and welcomes open discussion, even when members disagree.                                 |   | G  | BL  |     |   |
| 19. Board has an emergency succession plan for executive.  |   |    | L   | G   |   |

| Considerations   | 5<br>Strongly<br>Agree | 4<br>Agree | 3<br>Unsure | 2<br>Disagree | 1<br>Strongly<br>Disagree |
|--|------------------------|------------|-------------|---------------|---------------------------|
| 20. Board is attentive to building leadership capacity on both board and staff.  |                        |            | B           | GL            |                           |
| 21. Board regularly assesses itself as a whole and also board member participation individually.                                       |                        |            | B           | GL            |                           |
| 22. Board has a packet of materials for new board members and an orientation process for them.   |                        |            | BL          | G             |                           |
| 23. Board has a board agreement, a whistleblower policy and a conflict of interest policy that all board members must sign and follow. |                        |            | L           | BG            |                           |
| 24. A strategic process is in place for developing the board.  |                        |            | BL          | G             |                           |
| 25. The board regularly monitors financial performance and projections.  | B                      | GL         |             |               |                           |
| 26. Board members are sufficiently knowledgeable to ask meaningful questions about finances and financial management.                  | B                      | G          |             | L             |                           |
| 27. The board reviews the audit report and has an opportunity to ask questions of the auditor at an exit conference.                   | B                      | G          |             | L             |                           |
| 28. The board reviews the 990 before filing.   |                        |            | B           | L             |                           |
| 29. Board discussions focus on the organization's future NOT its past.   |                        | B          | G           | L             |                           |
| 30. Each member of the board feels involved and interested in the board's work.  |                        |            | BG          | L             |                           |

What specifically would help to make you a more engaged board member?

Please list the three to five issues on which you believe the board should focus its attention in the next year. Be as specific as possible in identifying these points.

1.

2.

3.

4.

In ten years, what do you believe is the single most important impact that this organization should have on the community it serves?

**Mammoth Lakes Foundation  
Board of Directors Executive Committee Self-Assessment  
March 27, 2018**

**What specifically would help to make you more engaged as a board member?**

- Clear strategic plan with 3 or 4 attainable goals with a timeline
- I believe that I am very engaged at this time

**Please list three to five issues on which you believe the board should focus its attention on in the next year. Be as specific as possible in identifying these points.**

- Fundraising for the Performing Arts Center
- Continued development of the Performing Arts Center
- Establish collaborative goals with the college and the school district
- Board recruitment and development
- 1-5: Survival....Increase funding...capture wealthy donors and innovative fund raising events! We have explored capturing celebrities before perhaps consider committing our olympic stars to our mission ? Their product sponsors recruited to donate portions of sales? Who knows Oprah :-), 60 minutes special feel good student story segment? How many US communities have elementary, middle high school, college,library, hospital all with-in walking distance collaborating on common issues? Publishers? Bipartisan Politicians? (if they truly exist?) Amazon? Fortune 500 folks? Six degrees of separation is now probably down to 4 with the Internet!
- Board development / engagement
- Fundraising
- Fundraising
- Branding / visibility in the community

**In ten years, what do you believe is the single most important impact this organization should have on the community that it serves?**

- Leverage 20 acre parcel for long term housing and establish revenue stream for MLF operating expenses
- That MLF survives its funding challenges ...thereby continuing to provide higher education and cultural enrichment opportunities as affordable options to those who wish to pursue and benefit from their activities.
- MLF should have well-documented profiles for each scholarship student on the education side. On the arts side, the PAT should be the cornerstone of Mammoth culture.

**Supporting higher education and cultural enrichment in the Eastern Sierra**