



MAMMOTH LAKES RECREATION - Allocation Committee Meeting

Wednesday, November 16, 2016 @ 8:30am

Mammoth Lakes Tourism & Recreation Building Conference Room

2520 Main Street, Mammoth Lakes, CA

Teleconference Location: 11622 El Camino Real, Suite 100, San Diego, CA
mammothlakesrecreation.org

Mammoth Lakes Recreation Committee Members may participate from a teleconference location if the meeting notice has been published in advance at the site of the meeting and the location that they will be calling in from as the site needs to be accessible to the public. Note: Members of the public may attend the open-session portion of the meeting from a teleconference location, and may address the Board during any one of the opportunities provided on the agenda for public comment.

NOTE: In compliance with the American with Disabilities Act, if you need special assistance to participate in this meeting, please call (760) 934-4932. Notification 48 hours prior to the meeting will enable MLR to make reasonable arrangements to ensure accessibility to this meeting. (28CFR 35.102-35.104 ADA Title II)

NOTE: All comments will be limited by the Chairperson to a speaking time of five minutes.

ROLL CALL

Committee Members: Teri Stehlik (C), Drea Perry & Rachael Ashley-Schreier

PUBLIC COMMENT (On items not on the Agenda)

ADMINISTRATIVE ITEMS

1. Approval of the Agenda
2. Review the modified application, the process and the timeline based on applicants, board and staff input.
3. Create a 2016 Measure R & U Expenditure Summary as an element of the 2016 MLR Community Report.
4. Prepare an Allocation Committee Progress Report for the December MLR Board of Directors Meeting.
5. Adjournment

COMMITTEE MEMBER REPORTS

REQUEST FOR FUTURE AGENDA ITEMS

ADJOURNMENT

I hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted in the Mammoth Lakes Tourism and Recreation Showcase not less than 72 hours prior to the meeting dated this 9th day of November, 2016.

Rich Boccia, MLR Executive Director



Mammoth Lakes Recreation 2017 – 2018 Allocation Strategy and Application Process

Mammoth Lakes Recreation
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Allocation Application Checklist

Thank you taking the time to consider submitting an application for funding through the Mammoth Lakes Recreation Allocation Application Process. The purpose of this application checklist is to serve as guide for the completion of the application to request funding for a program or project. All sections must be completed to have your application meet minimum requirements to be reviewed for potential funding by the MLR Allocation Committee.

Application Deadline is January 31, 2017 @ 5pm
Electronic submissions on the MLR website are mandatory

Section Number	Pages	Title	Special Notes
0	3 - 5	Strategy & Process	Please review the strategy to ensure that your funding request meets the criteria
The Application starts on Page 6			
1	6	Project Category	Select one of the categories
2	6	Basic Information	Complete all sections
3	6	Producing Entity and Contact Information	Complete all sections If the organization does not have a website or a social media site please indicate as such
4	7	Organizations Tax Status	Please select to appropriate category
5	7	Program / Project Description	Please provide responses to three questions in this section
6	7	Project Specific Budget	Please provide a detailed budget for this project. Attachment C is a required document for this application process.
7	7	Requesting Entities Financial Statements	Please provide the financial statements for the organization to include all income, expenses and reserves.
Appendix A	8	Project Specific Budget	This is a required form
Appendix B	9	Performance Report	Due 45 days after the completion of event
Appendix C	10	Measure R & U Ordinances	Legislative language
Appendix D	11 - 13	Gift of Public Funds	TOML legal language
Appendix E	14	Measure R & U Logos and Style Guide	Logos to be posted on all advertising materials

Please contact us at rboccia@mammothlakesrecreation.org if you have questions about how to fill out this application or need clarification about eligibility or the process.

Allocation Strategy

Mammoth Lakes Recreation (MLR) is a non-profit organization that is committed to preserving and enriching the quality of life for residents and visitors by ensuring the strategic use of Measures R, U, and additional funding sources to develop and support recreation, arts and culture, mobility, capital projects and special projects.

Broad Objective: "Allocations will be recommended or funds invested to create, implement and support a branded high performance destination that includes a thriving arts & culture community and enhanced recreation opportunities."

Allocation Categories

- Allocations will support the MLR Strategic Plan and be aligned with MLR's Priority Phase Projects which will determine the % of funding to be allocated by category on an annual basis.
- Proposed allocations may not supplant previous existing or current town projects
- Allocation categories are as follows:
 1. Programming:
 - a. Support and increase opportunities for participation by diverse populations in recreation and/or arts & culture experiences
 - b. Support diverse recreation and arts & culture experiences, including nationally known talent and emerging trends
 - c. Programming allocations may be considered for multiple years funding, not to exceed three years. Performance is reviewed on an annual basis for continued funding.
 2. Capital Projects:
 - a. All phases of a capital project to support recreation, arts & culture, and mobility including;
 - i. Planning
 - ii. Financing
 - iii. Construction
 - iv. Operations and Maintenance
 3. Special Projects:
 - a. One time funding for an innovative project that supports the development and/or enhancement of recreation, arts & culture and mobility.
 - b. Funding for fiscal year 2016-17 is \$50,000 (\$25k from Measure U and \$25k Measure R) the cap will be reviewed and set on an annual basis.
 - c. Special Projects are not restricted to the same allocation deadline as Programming and Capital.

For the purposes of clarity, MLR Allocation Strategy defines events and programs as follows:

- Event = something that occurs in a particular place; a one-time function
- Program = something that occurs over a season or a year; multiple occurrences

Allocation Eligibility/Requirements (As mandated by Measures R and U ordinances – appendix C)

Submission of an application does not guarantee funding. To qualify for funding review, the application must support the **MLR Allocation Strategy Broad Objective** and meet the following requirements:

Eligibility:

1. The applicant will be responsible for submitting an application to the Allocation Committee for review and possible funding.
2. Applications must be complete, providing all information and attachments as requested on the application form. Late or incomplete applications will not be reviewed or considered for funding.
3. Applicants must request a specific dollar amount and explain how the requested funds will be utilized.
4. Applicants must provide a brief description of the project and how it meets the Broad Objective.
5. No allocations will be awarded that may appear as a Gift of Public Funds (Appendix D).
6. The project must take place predominately in the Town of Mammoth Lakes and benefit its residents and visitors.
7. Proposed allocations may not supplant previous existing or current town projects (Appendix D).
8. **Programming:** Programming allocations may be considered for multiple years funding, not to exceed three years. Annual performance reviews are required for continued funding.
9. **Capital Projects (community assets):** All requests for funds to support a capital project will require a complete business plan to include feasibility, construction, and operations and maintenance budgets
10. **Special Projects:** One-time funding for innovative projects.

Requirements:

1. All permits, insurance, and other documents required for the requested allocation must be on file.
2. Organizations or agencies awarded a funding in the prior year's grant round that do not submit a Performance Report with their current application, are ineligible for the current year cycle, or for continued funding. Organizations are ineligible for all future funding until the delinquent progress report is submitted along with a letter of explanation.
3. Organizations or agencies awarded funding must publicize the allocation in any press release or publication—print or digital-- and display and acknowledge the appropriate funding source logos (Appendix E). A style guide will be provided.
4. Organizations or agencies must submit their most recent financial statements for current and prior year, as well as due diligence documents with their application.

Priority is given to, but not required:

- Allocation proposals that have matching funds, sponsorships, or quantifiable in-kind contributions.
- Organizations or individuals that have a proven history of effective and efficient delivery of program services.

- Proposed project addresses an identified public benefit for people living, working, and/or visiting in Mammoth Lakes.
- Projects can demonstrate strong community support.
- Incomplete capital projects that are aligned with the MLR strategy document.

Allocation Process

- Funding Applications will be available electronically by January 1, 2017.
- **All applications are required to be submitted electronically through the MLR website. Applications must be submitted by 5pm on January 31, 2017 to be considered for funding.**
- Special Projects may come in any month, and must be submitted on the 10th of the month, prior to the next MLR Board meeting. This will allow the Executive Director time to evaluate the application prior to the presentation to the Board.
- Qualifying applications will be reviewed by the Allocation committee in February, 2017.
- **The Evaluation Criteria (Attachment A) will be used to evaluate all proposals with respect to how they are aligned with the Broad Objective, outlined in the Allocation Strategy.**
- Recommendations from the Allocation Committee will be presented to the MLR Board at their regular meeting in March, 2017 for approval.
- MLR allocation recommendations will be presented at the May, 2017 Town Council meeting for their review and potential approval.

Accountability

All producers receiving funding will be expected to complete and submit a Performance Report (Attachment B: Performance Report) within forty five (45) days after the completion of their project, or forty five (45) days prior to the opening of the allocation funding cycle.

Funding Disbursements

Funding allocations will be released after applicant's submission of the signed Town of Mammoth Lakes Letter of Agreement.

Mammoth Lakes Recreation

FY2017-2018 Allocation Application

Applications are due on Friday, January 31, 2017, at 5pm.

All applications are required to be submitted on the web based application.

Applications that are late, incomplete or are not submitted through the web based application will not be accepted for review by the Allocation Committee

Section 1: Please select the one project category:

	Category 1	Programming
	Category 2	Capital Projects
	Category 3	Special Projects

Section 2: Basic Information

Name of the Organization, Lead Agency, or Individual:

Name of the Program or Project:

Outline of the Programs (Proposed Programs and Proposed Schedule):

Amount of Funding Requested:

Is this a one-time funding request or on-going? Please provide a timeline for the funding you are requesting:

Previously awarded R & U funding amount, and year(s) awarded:

Section 3: Producing Entity and Contact Information

Responsible Party & Title:

Organization's Mission Statement:

Organization Website and/or Social Media:

Business Address:

Mailing Address:

Office Phone:

Cell Phone:

Email:

Section 4: Organization’s Tax Status (check on box) Full budget, 990 or P &L

<input type="checkbox"/>	Non-Profit (501 C-3)	Federal EIN Number:
<input type="checkbox"/>	Not-For-Profit (501 C-6)	Federal EIN Number:
<input type="checkbox"/>	For Profit	Federal EIN Number:
<input type="checkbox"/>	Other (define)	ID Number:

Section 5: Program / Project Description

What is the public benefit of this project?

Describe how this program/project aligns with the MLR Allocation Strategy Broad Objective.

If this program or project has been previously funded with Measure R & U Funds please provide a short description, the number of years it has been funded, and the amount of the funding and a summary of the program or project.

Section 6: Project Specific Budget (Non Profit Form 990 or Attachment C)

Provide a detailed project budget proposal, including anticipated revenues and expenses, along with previous funding sources, matching funds, sponsorships and in-kind donations. **(Attachment C: Budget)**

Section 7: Requesting Entities Financial Statements

Please provide financial statements (Balance Sheet and Income Statement) for entity or agency requesting funds

Appendix A: Budget

Appendix B: Performance Report (To be submitted 45 days after the completion of the project)

Appendix C: Measure R Ordinance and Measure U Ordinance

Appendix D: Gift of Public Funds

Appendix E: Logo and Style Guide

Note: Applications will go through a review process, and additional documents may be requested.

Attachment A : Project Specific Budget

Income			
(A) Funding Source	Amount	(B) In-Kind Source	Amount
Total:		Total:	
Grand Total Income (A) + (B) =			
Expenses			
Category		Amount	
	Total Expenses		
	Total Income		
	Total Expenses		
	Profit / Loss		

Attachment C:

Measure R Ordinance No. 08-01

An ordinance of the Town of Mammoth Lakes imposing a one-half percent transaction and use tax for the purpose of funding recreation trails and parks, to be administered by the State Board of Equalization.

Measure U Ordinance No. 10-04

An ordinance of the Town Council and people of the town of Mammoth Lakes, State of California, repealing municipal code Section 3.44.180, and extending the utility users tax at the tax rate of 2.5% for the purposes of planning, construction, operation, maintenance, programming and administration of facilities and projects for mobility, recreation, and arts & culture.

Appendix D: TOML Gift of Public Funds and Use of Measure R and U Funds Legal Opinion

Analyzing whether or not a Town expenditure is a gift of public funds is highly fact-specific, and it's hard to give concrete answers without understanding the nature and amount of the proposed expense(s), and how they are intended to benefit the Town. This is normally reviewed on a case by case basis. The government code section on prohibiting the gift of public funds is attached.

The general rule is that an expenditure of public funds isn't a prohibited gift of public funds if the expenditure mainly serves a public purpose, even if there is some incidental private benefit. The "public purpose" to be served has to be something that advances the interests of the public entity providing the funding, and there has to be a real connection between the spending and the public purpose. **So any Town funds Mammoth Lakes Recreation (MLR) wants to award or spend have to serve a public purpose of the Town, and can't have more than an incidental private benefit.** A number of past expenditures clearly fall in this category as they tie directly to enhancing Town facilities/services, which are provided as a public benefit. To note a few:

- Enhanced public transit (reduce traffic, improve safety)
- Enhanced public facilities and services (Park related amenities such as the Track, Rec Zone/Ice Rink, public trails/sidewalks/MUPs, new signage)
- Planning for future facilities (plan your parks, performing arts center)
- Maintenance of new/expanded facilities (Trails End Park, the Track)

Neither Measure R nor U set forth specific public purposes but each defines areas that the Town has in the past assisted as part of its municipal functions. The Town has by policy allocated funding for the promotion of the Town, supported community events (i.e. July 4th celebration), provided support for events that use public property (i.e. street closure for races) in part as part of a Town economic development strategy that is designed to bring visitors to Mammoth Lakes as tourism is the Town's primary industry. Using Measure R and U to assist in the development and support of this industry may serve the same public purpose as the Town's support. Helping fund events to bring visitors to Mammoth seems to serve a public purpose, with the question is it primary or if the public purpose becomes the incidental value. The arts and culture statement in Measure U would support these types of events to enrich community life and add to the economic vibrancy, if the event meets the language of the Measure U ordinance. But if MLR is considering funding an event that is mainly intended as a fundraiser for a private organization, the specific details would need to be provided and reviewed to see if there is a clear understanding of how the event itself is going to serve the Town's purposes. Or we'd have to understand the nature of the private organization, and how a donation to that organization is going to serve the Town's purposes. A "good event" or the "good achieved" by a non-profit are not in themselves a public purpose.

Funding for-profit vs non-profit is a distinction that does make a difference. A nonprofit is inherently limited in how it can spend funds, but if those funds are coming from the Town we still need to make sure that the purposes of those expenditures line up with the Town’s public purposes. A for-profit entity has no obligation to spend funds to benefit anyone other than itself, so spending Town funds primarily to benefit a for-profit entity, with no real public purpose, is going to be difficult to justify.

Beyond the general gift of public funds issues, there is also the need to make sure that any R or U funds MLR intends recommend for allocation are going to be used for purposes that are consistent with the allowable uses of R and U funds. In reviewing the ballot support materials, past projects and the actual language of the approved measures, some the previous funding allocations are likely on the edge of being appropriate in meeting a reasonable reading of the language. Use of Measure R funds is defined by the voter approved ordinance and is stated in the Town Code as follows: **“All proceeds of the tax levied and imposed hereunder shall be accounted for and paid into a special fund designated for use by the town of Mammoth Lakes only for the Mammoth Lakes recreation, trails and parks funding set forth in the expenditure plan for the administration and expenditure of the tax proceeds,** attached to the ordinance codified in this chapter as Exhibit "1." The expenditure plan may be amended from time to time by a majority vote of the town council, so long as the funds are utilized for recreation, trails and parks funding. For the purposes of this chapter, "recreation, trails and parks funding" means planning, construction, operation, maintenance, programming, and administration of all town recreation facilities and programs, trails and parks managed by the town.”

Measure U funds can be spent only be used as approved by the voters, as provided for in the Town Code as follows: “On and after July 1, 2011 all proceeds of the tax levied and imposed hereunder shall be accounted for and paid into a special fund designated for use by the Town of Mammoth Lakes, and used only for the following purposes: Planning, construction, operation, maintenance, programming and administration of facilities and projects for mobility, recreation, and arts and culture. Such tax proceeds shall not supplant existing funds used for the purposes set forth above.

Funds allocated for an event held as a fundraiser for a nonprofit (or for profit) entity would not appear to fit very well into either the R or U list of funding purposes. Measure U also references specifically “facilities and projects for . . .” so approval of funding for special events or other proposals need to have a clear connection to stated purpose of the measure.

The Town certainly supports MLR and its goals, but we need to make sure that attention is being paid by both the Town and MLR to the limitations on how R and U funds can be spent. That may mean that MLR might have to find other sources of funding besides R and U in order to provide financial support for some events or projects.

As noted above, the finding of an expenditure being a “gift of public funds” is fact specific. However, if there is a concern with a specific request or if MLR finds that it has difficulty in articulating the public purpose, caution should be exercised. The same caution should be used in articulating how a specific allocation recommendation meets the reasonableness standards for meeting the plain language of the Measure R and U as approved by the voters.

Govt Code 8314 as of 7-6-09

8314. (a) It is unlawful for any elected state or local officer, including any state or local appointee, employee, or consultant, to use or permit others to use public resources for a campaign activity, or personal or other purposes which are not authorized by law.

(b) For purposes of this section:

(1) "Personal purpose" means those activities the purpose of which is for personal enjoyment, private gain or advantage, or an outside endeavor not related to state business. "Personal purpose" does not include the incidental and minimal use of public resources, such as equipment or office space, for personal purposes, including an occasional telephone call.

(2) "Campaign activity" means an activity constituting a contribution as defined in Section 82015 or an expenditure as defined in Section 82025. "Campaign activity" does not include the incidental and minimal use of public resources, such as equipment or office space, for campaign purposes, including the referral of unsolicited political mail, telephone calls, and visitors to private political entities.

(3) "Public resources" means any property or asset owned by the state or any local agency, including, but not limited to, land, buildings, facilities, funds, equipment, supplies, telephones, computers, vehicles, travel, and state-compensated time.

(4) "Use" means a use of public resources which is substantial enough to result in a gain or advantage to the user or a loss to the state or any local agency for which a monetary value may be estimated.

(c) (1) Any person who intentionally or negligently violates this section is liable for a civil penalty not to exceed one thousand dollars (\$1,000) for each day on which a violation occurs, plus three times the value of the unlawful use of public resources. The penalty shall be assessed and recovered in a civil action brought in the name of the people of the State of California by the Attorney General or by any district attorney or any city attorney of a city having a population in excess of 750,000. If two or more persons are responsible for any violation, they shall be jointly and severally liable for the penalty.

(2) If the action is brought by the Attorney General, the moneys recovered shall be paid into the General Fund. If the action is brought by a district attorney, the moneys recovered shall be paid to the treasurer of the county in which the judgment was entered. If the action is brought by a city attorney, the moneys recovered shall be paid to the treasurer of that city.

(3) No civil action alleging a violation of this section may be commenced more than four years after the date the alleged violation occurred.

(d) Nothing in this section shall prohibit the use of public resources for providing information to the public about the possible effects of any bond issue or other ballot measure on state activities, operations, or policies, provided that (1) the informational activities are otherwise authorized by the constitution or laws of this state, and (2) the information provided constitutes a fair and impartial presentation of relevant facts to aid the electorate in reaching an informed judgment regarding the bond issue or ballot measure.

(e) The incidental and minimal use of public resources by an elected state or local officer, including any state or local appointee, employee, or consultant, pursuant to this section shall not be subject to prosecution under Section 424 of the Penal Code.

Internal use only

Attachment A: Evaluation Criteria

The MLR Allocation Committee will use the following criteria to review each of the applications.

Criteria	Notes	R	U
Public benefit of the program or project			
Alignment with the MLR Allocation Strategy Broad Objective			
Alignment with one of the funding categories and their objectives			
Alignment with the MLR Strategic Plan			
Ability to leverage or match funding			
Long term costs to ensure sustainability			
Creating long term partnerships and shared resources			
The program or project has been publicly vetted and has all of the components are ready for approval			
Visitor Driving or Quality of Life Impact – Visitor / Local			
Enhances a public facility			
Enhances public transit			
Planning for future facilities			
Maintenance of new / expanded facilities			
Funding required to support the program/project			
Readiness of program/project			
Previous Measure R and/or U Awards			