

MAMMOTH LAKES RECREATION
Allocation Committee Meeting
Monday, November 9, 2015 @ 5pm

**Town of Mammoth Lakes Town Council Chambers Suite Z
Minaret Village Mall
437 Old Mammoth Road, Mammoth Lakes, CA 93546**

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), Danna Stroud & Drea Perry

PUBLIC COMMENT (On items not on the Agenda)

ADMINISTRATIVE ITEMS

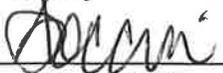
1. Approval of the Agenda
2. Approval of September 28, 2015, Minutes
3. Review the MLR Interim Funding Cycle Scope and Instructions for 2016
4. Review the MLR Interim Funding Cycle Evaluation Criteria
5. Review the Process for Project Presentations (2 minute Executive Summary)
6. Review the Applications and Prepare Recommendations

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 on the Mammoth Lakes Tourism and Recreation Building showcase not less than 72 hours prior to the meeting. Dated this 5th day of November, 2015



Rich Boccia, MLR Executive Director

**Mammoth Lakes Recreation
September 28, 2015, Allocations Committee Meeting Minutes
Mammoth Lakes Tourism & Recreation Office Conference Room**

ROLL CALL

Committee Chair Teri Stehlik called the meeting to order at 5:08 p.m. at the Mammoth Lakes Tourism and Recreation Conference Room, 2520 Main Street, Mammoth Lakes, CA. Present: Teri Stehlik, Danna Stroud and Drea Perry

PUBLIC COMMENT

Kurt and Sean Turner came to familiarize themselves with the allocation process and to “catch up” with what MLR has been doing.

ADMINISTRATIVE ITEMS

1. Agenda approved
2. Reviewing the MLR Interim Funding Cycle Scope and Instructions for 2016
 - a. Rich Boccia gave background of a special events meeting he has had. Special Events will come from MLR for 2016, until another meeting with Town, MLT and others, occurs in February, to decide who will take responsibility for Special Events. Committee shared frustration with the short time frame given before being notified and how Events is solely coming from Measure U.
 - b. Boccia also reviewed the process that MLR took last year and the document used.
3. Committee Reviewed document of Measure R & U FY15-26 Budget Allocation
4. Next steps for Allocation Process:
 - a. Agreement to not wait as long as last year to start the process.
 - b. Discussion about if the Fall Allocation will focus only on “special events,” and other funding will be discussed after January.
 - i. No applications other than special events for the Fall Allocation process was agreed upon by the Committee
 - c. What application will be used? The original or the one used last year. Committee discussed the pros and cons of the each form. Edited document from last year to fit current standards. Staff will make edits and send back to Committee before adding into the Board Packet.
 - d. Committee will add a cap on the total amount (\$100,000) given to special events in their recommendation to the MLR Board.

REQUEST FOR FUTURE AGENDA ITEMS

ADJOURNMENT

There being no further business to come before the Allocations Committee, the meeting was adjourned at 7:09 p.m.

Respectfully submitted,

Lesley-Anne Hoxie
Executive Assistant

Mammoth Lakes Recreation
September 28, 2015, Allocations Committee Meeting Minutes
Mammoth Lakes Tourism & Recreation Office Conference Room
Mammoth Lakes Recreation

MLR INTERIM FUNDING CYCLE FOR SUMMER 2016 SPECIAL EVENT FUNDING ONLY

Scope and Instructions

At the request of the Mammoth Lakes Town Council, the Mammoth Lakes Recreation Board has created an interim funding cycle for awarding funding from Measure R and Measure U for all 2015 funding. This interim funding cycle will be **limited in scope and amount** and will serve as a stopgap for recreation, mobility, trails, parks and arts & culture funding until a new comprehensive application process is approved by Town Council.

SCOPE

- ❖ All MLR funding recommendations are subject to Town Council review and approval.
- ❖ Both capital and non-capital projects will be considered for funding. MLR reserves the right to not recommend funding for all projects.
- ❖ All funded projects receive a letter of engagement or contract from the Town of Mammoth Lakes and must produce a post-project performance report and review.
- ❖ **Fast Track Only.** MLR has produced a simplified *Funding Request Form* for this cycle. Consideration of complex or controversial projects that require additional study beyond the scope of the attached form will be deferred to a future funding cycle.
- ❖ **Leveraged Funding.** Town Council has tasked MLR with reviewing all relevant projects currently in the town pipeline and prioritizing funding recommendations once this interim funding cycle is complete. MLR will also publish a document detailing the strategic vision and reasoning behind its recommendations. This work is ongoing, but a core component of MLR's emerging strategic vision is the facilitation of better partnerships and coordination among town organizations and supporting projects that add long-term value to the community and develop shared resources for other groups, events or projects. This priority will figure prominently in the board's deliberations during this interim funding cycle.
- ❖ **No Marketing.** MLR supports the development of a collaborative marketing strategy for town events and is working with town partners to develop an effective solution. Marketing will therefore NOT be considered a legitimate expenditure for this limited-scope funding cycle.
- ❖ **Collective Transit.** MLR intends to fund trolley service for projects in collaboration with the Town of Mammoth Lakes. Please contact Grady Dutton at 760-934-8989 or gutton@townofmammothlakes.ca.gov to coordinate trolley service for your project.

INSTRUCTIONS

1. Review the scope of this interim funding cycle carefully. Also study the attached workflow document for all due dates, meeting times, and information on public comment sessions and Q&As.
2. Fill out the attached Funding Request Form and be sure to include the required executive summary and project budget. Each project must submit separate Funding Request Forms.
3. Request Form and attachments must be received by **12 p.m. (noon) on Friday, November 6, 2015. Late applications will not be considered. It is the applicant's responsibility to confirm receipt.**
4. You may submit your Request Form and attachments in three ways:
 - a. Email to info@mammothlakesrecreation.org
 - b. Mail to: PO Box 8562, Mammoth Lakes, CA 93546
 - c. Deliver in person to the MLR office at 2520 Main Street, Mammoth Lakes, CA 93546

FUNDING ELIGIBILITY

Mammoth Lakes Recreation will not fund the following:

- Events not open to the public
- Capital improvements (building or facility re-models) for your specific event
- Debt and deficit reduction
- Salaries, other compensation and employee benefits
- Business travel and entertainment
- Lobbying any public agency or office
- Organizations/events that receive current fiscal year line item budgetary support from the Town
- Events that do not directly benefit the Town of Mammoth Lakes
- Marketing

The Mammoth Lakes Recreation Allocation Committee will consider first year events or one-time event funding applications if a compelling reason for funding exists and directly benefits the Town of Mammoth Lakes.

RESPONSIBILITY OF THE FUNDING RECIPIENT

Funding recipients are required to:

- Submit a Performance Report within 90 days of the event or prior to the next funding cycle.
- Fulfill the requirements of the Town Special Event Permit.
- Acknowledge the Mammoth Lakes Recreation's funding level in sponsorship packages and inclusion of the Mammoth Lakes Recreation logo and Town of Mammoth Lakes logo on all printed material, website, and social media channels and if possible, any radio advertising. Staff will provide formatted logos and use requirements and will be required to review all material that includes the MLR logo.
- Have a plan for administering the required event survey (Staff, iPad, stationary/roaming, etc.).
- For small events: complete the minimum of 50 events surveys. Large events: survey 4% of your events participants. Staff will determine the size of your event.
- Conduct the event in an ethical manner while being good stewards and ambassadors of the Town.
- Abide by the requirements listed in the Wildlife Management Checklist, and submittal of a trash management plan as part of the event's Operations Plan, along with securing all the required permits.

MLR Funding Request Form

Applicant Information		Event Information	
Organization		Event Name	
Contact Person		Request Amount	\$
Phone		Date Submitted	
Email		Location	
Address		Start Date	
City, State, Zip		End Date	
Website URL		Website URL	

1. Does this project fall under one or more of the following categories?

Check the categories that apply:

- Recreation
 Trails
 Parks
 Mobility
 Arts & Culture

2. How many years has your event been produced?

3. How did this event sustain itself prior to Measure U funding?

4. Does this funding request replace previous or existing funding sources?

If so, please list all previous sources, amounts and operative years:

<i>Source</i>	<i>Amount</i>	<i>Year</i>

5. Is this a one-time funding request for this project? If not, please describe any future operations, maintenance or replacement costs:

6. Have you previously received funding from MLR, Measure R or Measure U? If so, please describe:

<i>Event Name</i>	<i>Dates</i>	<i>Amount</i>

7. Are all contingencies, permits, agreements and approvals in place for this project?

If not, please include a timeline in your Executive Summary (see #11).

8. Is this Event:

Private

Non-profit

Partnership. Please list all partners:

What non-profits benefit from your event, please list below:

1. _____

1. _____

2. _____

2. _____

3. _____

3. _____

9. Please list all other funding and income sources and amounts for this project (including in-kind services and volunteer):

<i>Funding and Income Source</i>	<i>In Kind</i>	<i>Amount</i>
PROJECT TOTAL:		

10. How many volunteer hours do you have working to support the event? (The estimated value of volunteer time for 2014 is \$23.07 per hour, according to the Independent Sector)

11. Please attach a one-page executive summary of your project. Include the following details:

- a. Project Description
- b. Target Markets
- c. Benefits to the Community
- d. Economic Impact
- e. Event Survey Results
- f. 2015 Attendance
- g. 2016 Projected Attendance

12. Please attach a detailed event budget for your event and a P&L from the previous year’s event. Please highlight which items Measure U funding will go towards. In compliance with gift of public funds, you will be asked to return all profits up to the amount awarded to the Town of Mammoth Lakes and submit a P&L.

Evaluation Criteria

2016 Measure R & U Funding

Procedure

This interim funding cycle was designed to be “**limited in scope and amount**”. Town Council approved this language and intent. It is intended to serve as a temporary “stopgap” until a new “comprehensive application process is approved by Town Council.”

Today’s evaluation process will be guided by the priorities outlined below. The Board will use the attached Filter Worksheet and Request Summary Sheet to help facilitate evaluations.

MLR will review each application and present recommendations to Town Council on November 18.

Complex / Early Stage Projects

- Consideration of projects that require additional study beyond the scope of the attached form will be deferred to a future funding cycle.
- The MLR Board can consider recommending funds be held in reserve for complex or early stage projects that come through this Interim Funding Cycle but still have issues to resolve.
- If funding is approved to be held in reserve for a project, the applicant may come back to the MLR Board and then to Town Council for approval outside of the published deadlines for this interim funding cycle.
- No additions will be made to the original funding amount held in reserve.

Leveraged Funding

A core component of MLR’s emerging strategic vision is the facilitation of better partnerships and coordination among town organizations and supporting projects that add long-term value to the community and develop shared resources for other groups, events or projects. This priority will figure prominently in the board’s deliberations during this interim funding cycle.

Definitions

Event = something that occurs in a particular place; a one-time function.

Program = something that occurs over a season or year; multiple occurrences.

Filter Worksheet

2016 Measure R & U Funding

Event _____

1. Measure R & U Ordinance

Does the project fall within the requirements of the Measure R or Measure U Ordinance? _____

Measure R – used for the following purposes: 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 - 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."

2. Public Benefit

What is the primary purpose of the project?

- a) Does the project serve something that advances the interests of the public entity providing the funding (TOML) and is there a connection between the spending and the public purpose?
 - b) Does the project provide a public benefit that is the primary purpose of the project or is it the incidental value? (Refer to D. Holler 1/27/15 memo).
-

3. Project Filters

How does the project meet the Measure R or U funding criteria?

Benefit	Notes	R	U
Visitor Driving/Economic Impact			
Enhances a Public Facility			
Enhances Public Transit			
Planning for Future Facilities			
Maintenance of New/Expanded Facilities			
Matched or Leveraged Funding			
Partnerships, Coordination, Shared Resources			
Sustainability			
Enrich Community Life and/or			
Long Term Benefit/Value to the Community			
Does Project Require Funding			
Readiness of Project			

Gift of Public Funds and Use of Measure R and U Funds

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
D. Holler/A. Morris “Gift of Public Funds” TOML Opinion 1/27/15

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.