

**Mammoth Lakes Foundation
Executive Committee Meeting
Thursday, October 5, 2017 @ 9am
Mammoth Lakes Foundation Library
100 College Parkway, Mammoth Lakes, California 93546**

www.mammothlakesfoundation.org

(9am) Call the Meeting to Order – Board Chair Gary Myers

(9:05am) Executive Committee Member

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

(9:10am) Administrative Items

1. Approve any additions to the Agenda
2. Approve the minutes of the January 20, 2017 Executive Committee Meeting (Att #1)
3. (10 min) - Review and consider approving a contract with The Ruzika Company for planning and coordinating the theatrical equipment systems for the Mammoth Lakes Performing Arts Theater not to exceed \$72,071. (Att #2)
4. (10 min) - Review and consider approving a contract with Triad/Holmes Associates to prepare the conceptual grading plan, drainage and utility plans for the Mammoth Lakes Performing Arts Theater not to exceed \$7000. (Att #3)
5. (10 min) - Review and consider approving a contract with Design Workshop, Inc. to assist with master planning services and assist with public outreach to revise the 2005 South Gateway Master Plan not to exceed \$35,000. (Att #4)
6. (10 min) - Review and consider approving a contract with AMS Planning Research to work with the stakeholders to further refine the business plan paying particular attention to governance and management structures as well as confirming earned revenue sources for the Mammoth Lakes Performing Arts Theater not to exceed \$45,000. (Att #5)
7. (10 min) – Review and consider the adoption of the Mammoth Lakes Foundation Employee Handbook. (Att #6)
8. (10 min) – Consider exploring the option of employing a Development Director for the Foundation (Att #7 & #8)
9. New Business
10. Old Business
11. Request for Future Agenda Items

(9am) Adjournment

To the next meeting of the MLF Foundation Executive Committee on November 28, 2017 at 3pm to be held in the Mammoth Lakes Foundation Library.

“To support higher education and cultural enrichment in the Eastern Sierra”

MAMMOTH LAKES FOUNDATION
Meeting of the Executive Committee
Friday, January 20, 2017 – 9:00 a.m.
Mammoth Lakes Foundation Office

MINUTES

The Directors of the above corporation held an Executive Committee Meeting on the above date and time. The meeting was held pursuant to a Notice of Agenda given to each Director of the committee, a copy of which has been placed in the Minute Book preceding the Minutes.

Present: Luan Mendel, Gary Myers, Shields Richardson (teleconference)

Absent: Dave McCoy, Bonnie Colgan, Gary McCoy, and Evan Russell

Staff Present: Kevin Lian, Associate Director

1. Call to Order

President Gary Myers welcomed everyone and called the meeting to order at 9:00 a.m. Shields Richardson joined the meeting via teleconference. Bonnie Colgan was on stand-by to join the meeting via telephone but was unable to do so due to an error on the part of Kevin Lian.

2. *Approval of Executive Committee Minutes from 10/14/2016*

No questions were raised. Gary called for a motion. Shields so moved. Luan seconded. None opposed. Minutes were approved.

3. Finance Report (Kevin Lian)

- a. Cash Flow
- b. December 2016 Financial Statement
- c. Audit Report

Kevin reported on the draft report of the outside financial audit for FY 2015-2016. No major concerns were raised. Recommendations for policy and internal controls were made. A final report will be made available in the coming weeks.

4. *Action Item: Approve Final Budget for FY 2016-2017*

Kevin reported that he and Luan met and reviewed the budget year-to-date. The budgeted revenue sources and expenses were on track with the exception of a possibly larger than expected cost for snow removal. Members of the committee expressed a need for the

review and final approval of the FY budget to occur in the month of October rather than in January of the following year. Gary called for a motion. Luan so moved. Shields seconded. None opposed. **Final Budget for FY 2016-2017 was approved.**

5. MLF Banking and Finance (Evan Russell)
 - a. Board Governance and Authorized Signers

The committee agreed to authorize Kevin as the primary signer for the foundation's checking accounts. The board chair and secretary shall conduct retrospective reviews of checks signed by Kevin. The treasurer and Kevin shall meet weekly to review foundation financial statements and report back to the executive committee via email. It was suggested by Gary and in agreement by present committee members that Kevin shall have authorization to sign checks in the amount of \$0.01 to \$4,999.99. Checks in the amount of \$5,000 to \$14,999.99 shall require two signers; Kevin and another board member; or two board members. Any amount \$15,000 or over must have authorization from two board members, only. Kevin will draft such policies and bring it to the committee. Gary called for a motion. Shields so moved. Luan seconded. **Motion to authorize Kevin as primary signer with conditional limits was approved.**

6. DSES' National Wounded Warrior Center (Gary Myers)

Gary reported that Disabled Sports Eastern Sierra (DSES) requested a contractual agreement for the MLF land lease for its National Wounded Warrior Center. The committee reached an agreement to have David Baumwohl draft a contract that will include a time limit to commence and complete construction, as well as a conditional requirement regarding a reserve of funds. Luan expressed her concern regarding the stated 50-year lease, as a 30-year lease is typical. Gary stated he will discuss this with Baumwohl and bring this item back to executive committee for review and approval. No motion nor vote was needed.

7. Footsteps2Brilliance Presentation
 - a. Dr. Stacey Adler, Supt. Of Schools, Mono County (10 a.m.)

Dr. Adler was a no-show, due likely to inclement weather.

8. Associate Director Report (Kevin Lian)

Kevin reported on fundraising activities and personnel updates.

9. Other Business

Gary offered Kevin the position of Executive Director of Mammoth Lakes Foundation. Kevin accepted.

10. Adjourned

Gary called for a motion. Luan so moved. Shields seconded. None opposed. President Gary Myers adjourned the meeting at 10:32 a.m.

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

Executive Committee Meeting Date: October 5, 2017

Date Prepared: September 28, 2017

Prepared by: Rich Boccia; Executive Director
Mammoth Lakes Foundation



Title: Contract Approval / The Ruzika Company

Strategic Plan Alignment #4: Arts & Culture Programs

Recommended Motion:

It is recommended that the MLF Board of Directors Executive Committee review and approve a contract with The Ruzika Company for planning and coordinating the theatrical equipment systems for the Mammoth Lakes Performing Arts Theater not to exceed \$72,071.

Background Information:

The Mammoth Lakes Foundation is in the formidable stages of the designing the Performing Arts Theatre as an element of the Mammoth Arts and Culture Center which is to be constructed on the Foundation property.

The contract with this firm will provide the following services:

1. Project Parameters
2. Areas of Theatre Design and Equipment Consulting
3. Proposed Work Phases
4. Anticipated Work Schedule
5. Design Planning and Documentation Services
6. Construction Administration Services
7. Exclusions
8. Out of Office Meetings and Onsite Work Sessions
9. Fee Compensation
10. Payments
11. Reimbursable Expenses
12. Basis for Compensation for Additional or Extended Services
13. Consulting Fees Special Terms and Conditions
14. General Provisions
15. Exhibit A – Estimated Travel Expenses

It is recommended that the MLF Board of Directors Executive Committee review and consider approving a contract for services with The Ruzika Company not to exceed \$72,071.

Funds Available: Investment Fund

Account Number: 11112 - Stifel



July 7, 2017

Mammoth Lakes Foundation
P.O. Box 1815
Mammoth Lakes, CA 93546

ATTN: Mr. Evan Russell

SUBJECT: Proposal for Theatre Consulting Services
Mammoth Arts and Cultural Center

Dear Mr. Russell:

The following is a proposal for full scope theatre consulting services that The Ruzika Company, Inc. ("Consultant") would provide to Mammoth Lakes Foundation ("Client") for planning and coordinating the theatrical equipment systems for the Mammoth Arts and Cultural Center in Mammoth Lakes, California.

A. PROJECT PARAMETERS

1. Stage and auditorium
2. Backstage production support facilities
3. Specialty architectural lighting (stage and auditorium)

B. AREAS OF THEATRE DESIGN AND EQUIPMENT CONSULTING

1. Stage lighting dimming, control, data distribution, and circuitry distribution systems.
2. Stage work light, rehearsal light, and house light systems including a review of the emergency egress lighting requirements with the Electrical Engineer.
3. Stage lighting spotlight fixtures and accessories.
4. Integration of theatrical lighting and architectural specialty lighting systems for the production facility.
5. Stage lighting mounting pipe positions, catwalks, and grids.
6. Repertory stage lighting hanging plot.
7. Performance area configuration studies for the auditorium and stage.
8. Rigging and drapery requirements.
9. Stage floor system (in collaboration with the Architect).
10. Theatre seating sightlines and access (in collaboration with the Architect).

11. Equipment systems for variable acoustics (in collaboration with the Acoustician).
12. Orchestra shell system (in collaboration with the Acoustician).
13. Technical control booth and followspot booth equipment layout and access.
14. Catwalk and grid access systems (in collaboration with the Architect and Structural Engineer).
15. Utility power systems for production areas (in collaboration with the Electrical Engineer).
16. Backstage performer and technician support spaces (circulation and theatrical equipment systems in collaboration with the Architect).

D. PROPOSED WORK PHASES

1. Design Planning and Documentation
 - a. Program confirmation and schematic design
 - b. Design development
 - c. Construction documentation
 - d. Agency review and response
2. Construction Administration
 - a. Bidding phase
 - b. Construction administration

E. ANTICIPATED WORK SCHEDULE

1. A minimum of 4 weeks for each work phase is required to properly produce the necessary specification documents. The final work schedule will be negotiated and established by the Project Team and Theatre Consultant.
2. The schedule for construction administration services will be based upon the actual construction schedule, with an anticipated completion date to be determined by the Project Team.

F. DESIGN PLANNING AND DOCUMENTATION SERVICES

1. Participate in a meeting with the Architect, users, and the Owner's staff to confirm project work scope parameters and priorities.
2. Participate in an online design collaboration meeting with the Architect to confirm design and technical criteria based upon the budget parameters established by the Owner.
3. Prepare CAD sketch drawings for stage lighting mounting pipe components and catwalks for incorporation into the work of others.
4. Identify theatrical equipment technical requirements that will impact the facility for the Architect, Electrical Engineer, and Structural Engineer.
5. Attend a work session with the Architect, Electrical Engineer, Mechanical Engineer, and Structural Engineer to review and coordinate the locations and mounting details for all theatrical equipment systems in both the stage area and the auditorium.

6. Prepare CAD drawings indicating the locations and mounting details for all stage lighting dimming, control, circuitry distribution, and data distribution equipment. Drawings are for design information only. *NOTE: A licensed Electrical Engineer or Electrical Contractor must provide all electrical power and conduit wiring distribution information.*
7. Prepare CAD drawings indicating the locations and design intent for all stage rigging and drapery equipment. *NOTE: A licensed Structural Engineer must provide all structural attachment details and weight load calculations. (Consultant will provide coordination and review.)*
8. Prepare CAD detail drawings for stage lighting mounting pipe components, catwalks, or grids for incorporation into the work of others.
9. Prepare CAD detail drawings for variable acoustics equipment systems.
10. Prepare architectural lighting plans and lighting fixture specifications for the auditorium seating area in collaboration with the Electrical Engineer.
11. Specify facility work light fixtures in collaboration with the Electrical Engineer.
12. Coordinate with the Electrical Engineer the specifications for the architectural lighting control system and integration with the stage lighting control system for the dimmable auditorium house lights, the lobby lighting, the facility work lights, and the stage rehearsal lighting.
13. Prepare Division 16/26 design specifications for the stage lighting and house lighting dimming and control systems, circuitry distribution systems and stage lighting fixtures and accessories.
14. Prepare Division 9 design specifications for the stage floor system.
15. Prepare Division 11 design specifications for the stage rigging and drapery systems.
16. Prepare Division 12 design specifications for theatre seating (Architect to choose seat model and finishes.)
17. Prepare specifications for an orchestra shell system.
18. Prepare data cut sheets for stage lighting, architectural specialty lighting, stage rigging equipment, and orchestra shell, if required.
19. Participate in online construction documentation coordination meetings with the Project Team.
20. Prepare and submit a theatrical equipment documentation package of drawings and specifications to be incorporated into a licensed Architect and Electrical Engineer's drawings. Theatrical equipment design drawings will be for informational purposes only.
21. Revise all theatrical equipment design drawings per agency review comments and the Architect's constructability review comments.

G. CONSTRUCTION ADMINISTRATION SERVICES

1. Respond to contractor pre-bid RFI's.
2. Provide design or specification clarifications as necessary.
3. Review bid cost proposals with the Project Team.
4. Review with the Project Team theatrical equipment or installer substitution requests proposed by the Contractor at the time of bidding.
5. Review and approve submittals and shop drawings for theatrical equipment systems and specialty lighting equipment.
6. Review shop drawings and prior approvals of all trades in areas critical to theatrical functions. This review is supplementary to the review of the relevant design professional only, to assure no conflict with performance use of any such system.
7. Provide written and verbal response to contractor RFI's.
8. Provide minor design revisions based upon field conditions.
9. Visit the construction site to review equipment installation and to answer field questions.
10. Inspect and test the final theatrical equipment installation and provide punch list notes.
11. Provide punch list follow-up reviews to confirm proper operation of all theatrical equipment and specialty lighting.

H. EXCLUSIONS

1. The preparation of government mandated Title 24 energy code compliance documents including Part 6 basis of design narratives and building commissioning and acceptance checklists. *NOTE: A licensed Electrical Engineer or Contractor must provide Title 24 energy code compliance calculations, daylighting worksheets, occupancy sensing checklists, and signed documentation.*
2. Analysis, photometric calculations, or design revisions directed toward LEED compliance or certification.
3. Point-by-point photometric calculation analysis for emergency lighting or other code related lighting. *NOTE: The Electrical Engineer must provide all emergency egress lighting information required for plan check and permits.*
4. Preparation of system integration engineering drawings for architectural lighting control data network systems. *NOTE: The Electrical Engineer or Lighting Systems Integrator is responsible for documenting all low voltage LED wiring requirements including LED driver types, remote driver locations, 0 to 10 volt dimming devices, and DMX wiring diagrams.*
5. Design or specification of audio, digital video, or acoustic systems including ADA required assistive listening systems.
6. Presentation quality digital concept renderings for architectural specialty lighting.
7. Final working or shop drawings of custom specialty lighting fixtures.

8. Value engineering of construction documentation design plans originally approved by the Owner's staff.
9. Procurement of sample lighting or rigging equipment.
10. Site mockups to demonstrate lighting and rigging equipment.
11. Electrical or structural engineering services.
12. The coordination of planning department approvals, reviews with city inspectors, or coordination of contractor selection.
13. The coordination of or attendance at agency plan check or back check meetings.
14. Onsite training of theatre staff in the proper use of the theatrical equipment. *NOTE: Training is included in system specifications.*
15. Providing support to the Project Team with regard to warranties or claims upon warranties or guarantees within the duration of the equipment warranty period.

I. OUT-OF-OFFICE MEETINGS AND ONSITE WORK SESSIONS

1. Design planning and documentation work phases
 - a. 3 design planning and coordination meetings in Mammoth Lakes (1 person)
2. Construction administration work phases
 - a. 5 construction observation site visits including punch lists in Mammoth Lakes (1 person)

J. FEE COMPENSATION

1. The following is a summary of proposed theatre consulting and specialty architectural lighting fees.

WORK SCOPE PHASES	FEE
DESIGN PLANNING AND DOCUMENTATION	\$45,000
CONSTRUCTION ADMINISTRATION, VE, SUBMITTAL REVIEWS, RFI RESPONSES, DESIGN REVISIONS	\$10,500
CONSTRUCTION OBSERVATION AND PUNCH LISTS	\$9,000
FEE TOTAL	\$64,500

K. PAYMENTS

1. Invoices will be submitted based upon percentage of completion as coordinated with the Architect's Master Agreement.
2. Payment is required within thirty days of the invoice date or immediately upon the Architect's receipt of payments from the Community.

L. REIMBURSABLE EXPENSES

1. The following reimbursable expenses will be paid for actual expenditures made in the interest of the consulting project including:
 - a. Expense of document reproductions, presentation document preparation, expendable presentation document materials, postage, document delivery services, freight, and electronic storage media.
 - b. Expense of models, equipment samples, and mock-up demonstrations requested by the Project Team.
 - c. Expense of air transportation, car rental, ground transportation, airport parking, subsistence, lodging, business telecommunications, and business Internet services when traveling outside of the metropolitan Los Angeles area in connection with the Project.
2. Itemized receipts for pre-approved project related reimbursable expenses will be submitted monthly for payment.
3. Out-of-pocket travel expenses will be billed immediately upon completion of travel. Payment is required within thirty days of each invoice.
4. Estimated project expenses: **\$750**
5. Estimated out-of-pocket reimbursable travel expenses: **\$7,600** (refer to Exhibit "A")

M. BASIS OF COMPENSATION FOR ADDITIONAL OR EXTENDED SERVICES

1. The following are rates of compensation for additional or extended services:

a. Principal Design Consultant	\$190 per hour
b. Principal Theatre Consultant	\$170 per hour
c. Associate Principal Theatre Design Consultant	\$160 per hour
d. Senior Theatre Systems Designer	\$130 per hour
e. Lighting Designer	\$110 per hour
f. Assistant Designer	\$100 per hour

N. CONSULTING FEES SPECIAL TERMS AND CONDITIONS

1. If the licensed electrical engineer or contractor needs assistance with preparing low voltage LED lighting data network wiring diagrams for the architectural house lighting control system, the services provided will be billed at time and expenses.
2. If coordination services are required for lighting or rigging mockup demonstrations, the services provided will be billed at time and expenses.
3. If revisions are required to the design specification documents due to changes by the Architect, the Owner, or the Owner's Representative after the design documents have been drafted, submitted, and approved, the preparation of revised design drawings will be considered extra services. Fees for revising design drawings and specifications will be negotiated prior to a written notice to proceed with preparing revised documents.
4. Extra services that will require additional fees billed at time and expenses:

- a. Design revisions requested by the Owner or Architect after agency approval.
 - b. Drawing revisions and project coordination related to design phasing or construction phasing beyond that described in this proposal.
 - c. Onsite meetings with Owner representatives, Architects, or Contractors in addition to those described in this proposal.
 - d. Services related to change orders not caused by the Consultant.
 - e. Services related to construction defects, deficiencies, or disputes not caused by the Consultant.
5. Services will be provided as expeditiously as possible, consistent with professional skill and care. Compensation and payment for any additional services or extended services will be required.
 6. If due to Contractor installation-caused matters The Ruzika Company is required to provide extra onsite design coordination and implementation services after the agreed upon site visits, the Owner or the Contractor must compensate The Ruzika Company at their standard hourly or daily rates for all time expended onsite for additional punch list notes, additional back checks, or extra control system configuration work sessions.
 7. If changes to the drawings or design services are necessary as a result of fire, the elements, Acts of God, or other casualties beyond the control of The Ruzika Company or as a result of changes in any applicable codes after the completion of the construction documents, The Ruzika Company shall be compensated for making such changes or performing such additional services over and above the maximum fee delineated herein on an hourly basis or negotiated fixed fee basis.

O. GENERAL PROVISIONS

1. The Ruzika Company is not a licensed Architect or Engineer and will not provide licensed architectural or engineering services.
2. The specifications prepared by The Ruzika Company relate to the design intent of the theatrical equipment systems only and the appearance of the lighting. The Ruzika Company will not assume responsibility for the structural integrity, building, rigging, construction, fabrication, material or equipment.
3. The Ruzika Company will not be held responsible for the inability of contractors or builders to carry out the execution of the designs and plans.
4. The Ruzika Company reserves the right to revise the hourly contract rate schedule every 12 months during the course of this project.
5. In the event the project is terminated, all fees, direct costs and reimbursable expenses accrued shall be payable in full.
6. The Ruzika Company, Inc. maintains \$1,000,000 in Professional Liability Insurance, \$2,000,000 in General Liability and Non-Owned Auto Insurance, and Worker's Compensation Insurance as required by law. Certificates available upon request.
7. This Proposal contains the entire agreement of the parties in connection with the subject matter hereof.
8. This Proposal shall not be modified or amended except in writing signed by both parties.

- 9. Electronic, telefax, or PDF signatures shall be deemed to be original signatures for all purposes, and this Proposal may be signed in counterpart.

The Ruzika Company would be honored to be a collaborative member of your design team. Please let us know if you have questions or need additional information regarding this proposal. If this proposal is acceptable to you, please submit to us a written authorization directing us to proceed with the consulting services. We look forward to assisting the Mammoth Lakes Foundation with planning and coordinating the theatrical equipment systems for the Mammoth Arts and Cultural Center. Thank you for your consideration.

Sincerely,

THE RUZIKA COMPANY, INC.



Tom Ruzika
President

APPROVED BY: _____

TITLE: _____

DATE: _____

THE

 COMPANY

EXHIBIT "A"
ESTIMATED TRAVEL EXPENSES
MAMMOTH ARTS AND CULTURAL CENTER

WORK PHASE	RATE	#	COST
<u>DESIGN & DOCUMENTATION</u>			
AIRFARE SFO-MMH)	\$400	3	\$1,200
HOTEL	\$250	3	\$750
FOOD EXPENSES (MAX PER DIEM)	\$75	3	\$225
AIRPORT PARKING	\$20	6	\$120
CAR RENTAL	\$50	6	\$300
DESIGN & DOCUMENTATION			\$2,595
<u>CONSTRUCTION OBSERVATION & PUNCH</u>			
AIRFARE (LAX-MMH)	\$350	5	\$1,750
HOTEL	\$250	5	\$1,250
FOOD EXPENSES (MAX PER DIEM)	\$75	5	\$375
AIRPORT PARKING	\$20	10	\$200
CAR RENTAL	\$50	10	\$500
CONSTRUCTION OBSERVATION & PUNCH			\$4,075
			\$6,670
CONTINGENCY		15%	\$1,001
ESTIMATED TRAVEL EXPENSES			\$7,671

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

Executive Committee Meeting Date: October 5, 2017

Date Prepared: September 28, 2017

Prepared by: Rich Boccia; Executive Director
Mammoth Lakes Foundation



Title: Contract Approval / Triad/Holmes Associates

Strategic Plan Alignment #4: Arts & Culture Programs

Recommended Motion:

It is recommended that the MLF Board of Directors Executive Committee review and consider approving a contract with Triad/Holmes Associates to prepare the conceptual grading plan, drainage and utility plans for the Mammoth Lakes Performing Arts Theater not to exceed \$7000. (Att #3)

Background Information:

The Mammoth Lakes Foundation is in the formidable stages of the designing the Performing Arts Theatre as an element of the Mammoth Arts and Culture Center which is to be constructed on the Foundation property.

The plans and accompanying calculations will provide a level of detail needed for the preparation of the amended EIR or negative declaration that is being prepared for the Performing Arts Theatre and the National Wounded Warrior Center.

It is recommended that the MLF Board of Directors Executive Committee review and consider approving a contract for services with Triad/Holmes Associates not to exceed \$7000.

Funds Available: Investment Fund

Account Number: 11112 - Stifel



triad/holmes associates

civil engineering
land surveying

mammoth lakes • bishop • redwood city
napa • san luis obispo

15

September 8, 2017

Mammoth Lakes Foundation
Attn: Evan Russell

Subject: Performing Arts Center

Dear Evan:

THA appreciates the opportunity to provide this proposal to prepare the conceptual grading, drainage and utility plans for the subject project. The plans and accompanying calculations will provide the level of detail needed for the preparation of the amended EIR or negative declaration that is being prepared for this project and the Wounded Warriors Center across College Parkway.

We will need to complete a topographic survey of the new College Parkway improvements as part of our work. The old aerial topo did not have the recently installed improvements which we need to locate for the preparation of the conceptual plans and ultimately the construction plan set. We will also survey the proposed parking area and update the area where the Performing Arts Center will be located.

Our cost to complete the topographic survey and prepare the plans and drainage calculations necessary to size the permanent erosion control facilities will be \$7,000.

We anticipate that our design work will not start until Design Workshop either approves the current site plan or comes up with recommendations to revise the site plan prepared by Woodward Architecture. However, we will complete the topographic survey work as soon as we can fit it into our schedule in order to be able to start design work immediately upon receiving a finalized site plan.

Please feel free to contact me if you have any questions.

Sincerely,

Thomas A. Platz, P.E. C 41039

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

Executive Committee Meeting Date: October 5, 2017

Date Prepared: September 28, 2017

Prepared by: Rich Boccia; Executive Director
Mammoth Lakes Foundation



Title: Contract Approval / Design Workshop, Inc.

Strategic Plan Alignment #4: Arts & Culture Programs

Recommended Motion:

It is recommended that the MLF Board of Directors Executive Committee review and consider approving a contract with Design Workshop, Inc. to assist with master planning services and assist with public outreach to revise the 2005 South Gateway Master Plan not to exceed \$35,000

Background Information:

The Mammoth Lakes Foundation is in the formidable stages of the designing the Performing Arts Theatre as an element of the Mammoth Arts and Culture Center which is to be constructed on the Foundation property.

This master plan will provide an update to the foundation property to include the Performing Arts Theatre, storage buildings, design shop, outdoor amphitheatre, additional parking, a location for a fine arts facility, the National Wounded Warrior Center, and the potential for other land uses to include housing.

It is recommended that the MLF Board of Directors Executive Committee review and consider approving a contract for services with Design Workshop, Inc. not exceed \$35,000.

Funds Available: Investment Fund

Account Number: 11112 - Stifel

Design Workshop, Inc.
Landscape Architecture
Planning
Urban Design

PO Box 5666 /
 128 Market Street
 Suite 3E
 Stateline, NV 89449
 775-588-5929
 775-588-1559 fax

September 21, 2017

Evan Russell, CEO
 Mammoth Lakes Foundation
 P.O. Box 1815 / 100 College Parkway
 Mammoth Lakes, CA 93546

Asheville

Aspen

Austin

Chicago

Denver

Dubai

Houston

Lake Tahoe

Los Angeles

Shanghai

Evan,

Thank you for considering Design Workshop, Inc. revising the 2005 South Gateway Master Plan. We are very pleased to submit this proposal to the Mammoth Lakes Foundation for master planning services and assist with public outreach. Based upon our conversation it is our understanding that we will be providing the following scope of services.

PROJECT DESCRIPTION

The proposed Performing Arts Theatre project is located on Mammoth Lakes Foundation property adjacent to the existing office and 100 seat theatre building. With this new location, the Mammoth Lakes Foundation will like to revisit the 2005 master plan to develop an updated master plan that includes these elements, a storage building, design shop, outdoor amphitheater, additional parking, and a location for the fine arts facility on 9-acres of land owned by Mammoth Lakes Foundation. As part of the process it is our understanding that the plan and process will:

- include the Mammoth Lakes Foundation (MLF) and Cerro Coso College (CCC)
- develop the gateway sequence (sense of arrival and place making) including monumentation for the MACC, and PAT and work with major donors with naming rights
- provide recommendations for campus wide landscape framework plans
- conduct public input sessions as part of our public launch of the project.
- provide budgets and timelines.

Phase 2 will look at future housing as it relates to MLF and how it would tie into MACC project. Phase 2 planning will not be done at this time but needs to be taken into consideration during this planning process.

Task I- Project Start-Up

This phase of work is to develop a thorough understanding of existing conditions, adjacent properties, become familiar with the site, and develop a preliminary understanding of the development program. The specific tasks to be completed are as follows:

designworkshop.com

Task 1.1 Project Kick-Off Meeting

We will meet with the MLF staff and other consultants retained by the MLF for a kick-off and information gathering session. We will establish a set of planning principles that will guide the planning process and decision making, gain an understanding about current and future improvements anticipated as well as the opportunities and issues to consider during this master plan update.

Task 1.2 Review Existing Documents

Review all previous studies including the 2005 South Gateway Master Plan, the proposed performing arts center and other potential improvements.

Task 1.3 Base Mapping

Appropriate base maps for work sessions, reports, and master planning will be prepared. Relevant survey data, GIS data, and aerial photography will be used to create these maps. The maps will be at various scales and in color to illustrate the study area and the regional context. These existing conditions maps will include the following based on available information:

- Existing parking and roadways
- Adjacent facilities and uses and open spaces
- Existing pedestrian, bicycle, transit and service circulation
- Topography, solar aspect, slopes, and other natural features.
- Existing views from the site and of the site from surrounding areas

Task 1.4 Site Reconnaissance

The design team will tour the campus and the surrounding area to validate base information and identify key issues, concerns, and opportunities for the study to gain an understanding of the lay of the land, the relationship of the existing campus to the project area, paths of travel, connections to the surrounding neighborhood, and the environment is critical to understanding the current conditions. This will be a full day where we will:

- Develop photographic documentation of existing building exteriors and open spaces
- Identify site character and views analysis
- Evaluate human comfort conditions (sun/ shade, wind)
- Observe traffic circulation and pedestrian use patterns
- Document the existing landscaping

Task 1.5 Draft Existing Conditions / Preliminary Analysis and Assessment

An analysis of the existing conditions will occur. This evaluation will include information collected from an on-site reconnaissance and photographic documentation. Information collected as part of the document review, data research and base map preparation will be summarized. Using this information, we will prepare an Opportunity and Constraints analysis that will provide the framework for defining users' needs, correlation with buildings and for preparing preliminary master plan concepts.

Task 1.6 Meeting with Stakeholders

As part of our fact-finding efforts we will meet with key stakeholders as a group or individually that have been identified at the project kick off meeting as important resources in the master plan process. This may include:

- Mammoth Lak Foundation (MLF)
- Cerro Coso College (CCC)
- Grounds and maintenance

Task 1.7 Project Management

Throughout the planning process, there will be time associated with project management for project set-up and general coordination with the client and design team in order to adequately manage the project. We anticipate the following will be required to provide exceptional client service:

- Regular project meetings and teleconferences with MLF Project Manager
- Scheduling, presentations and reviews for all items listed in Work Plan

Task 2- Master Plan Development

The objective of this task is to develop all components of the updated master plan. Based on stakeholder meetings we will perform the following tasks.

Task 2.1 Design Charrette with Client

This will be an all-day design work session with MLF and CCC on Campus to establish a framework plan for the project. We will review the initial impressions from the site visit, discussions with stakeholders and summary of our research. As a group we will establish critical connections, parking, circulation, open spaces and strategies for integrating the surrounding buildings and properties and public spaces. From this we will establish the basis for preparing

- Landscape Framework Plan
- Circulation and Connectivity Plan
- Overall Site Master Plan

Task 2.2 Draft Landscape Framework Plan

Utilizing base mapping of site conditions, existing facilities and proposed facility improvements we will formulate an overall landscape vision that will reinforce the identity of the campus. Examples of landscape types to be identified in the framework include; campus core, entry plazas, pedestrian promenades, pedestrian circulation routes, events venues, recreation open space, natural open space.

Task 2.3 Draft Circulation and Connectivity Plan

This plan will focus on the various site circulation and connectivity for vehicles and non-motorized modes of transportation. Emphasis will be given to access to proposed facilities and to all properties including safe access for K-12 students across Meridian to PAT and college.

Task 2.4 Meeting with MLF

A meeting will be held with MLF to review the draft Concept Plan information intended to share at the public open house.

Task 2.5 Prepare for Public Forum

Comments from the meeting with MLF will be incorporated into the information that will be on display at the public open house. In addition, we will work with MLF to secure the location (most likely on campus), provide notification and assist with preparing for the event.

Task 2.6 Public Forum

This will be an open house format which will consist of a series of tables where those attending can review the information at their leisure. There will be team and MLF staff at the tables to answer questions and take comments. The time and date of the open house will be coordinated to take advantage of a time when people will be on campus.

Task 3- Final Master Plan Documents

Based on feedback from MLF and the public forum we will revise the and incorporate them into a clear and inspiring vision, and create a concise, graphically-oriented series of plans that is easily read and understood.

Task 3.1 Draft Master Plan Document

Finalize the various plans that incorporates the components prepared to date in booklet format. The document and accompanying graphics will communicate the possibilities and be of high graphic quality, contain concise, descriptive text for use by MLF. The following will be included in the document.

- Final Illustrative Master Plan
- Landscape Framework Plan
- Circulation and Connectivity Plan

Task 3.2 Meeting with MLF

A meeting will be held this MLF to review the final master plan document and provide the design team comments prior to finalizing the document.

Task 3.3 Finalize Plans Document

Based on the review and meeting with MLF, we will refine the Master Plan document and provide information both digitally and seven bound hard copies of the master plan.

CONDITIONS/EXCLUSIONS

- Topographic field surveys at foot intervals that include at least the property lines, easements, utilities to be provided by the MLF.
- Proposed architectural plans for the Performing Arts Center to be provided by MLF.

YOUR INVESTMENT

1. Basic services
We will provide all the services described in this proposal for a lump sum fee of \$35,000.

Task One	Project Start-up	\$ 7,200.00
Task Two	Master Plan Development	\$ 19,900.00
Task Three	Final Master Plan Document	\$ 6,300.00
Total Professional Fees (labor only)		

2. Reimbursable Expenses
In addition to our fees and services, we charge for project expenses incurred on your behalf. These include such items as travel, reproduction and materials needed for the public workshops. For the purposes of this project we expect reimbursable expenses to be \$ 1,600.00.
3. Additional Services
Any services that are not defined in this agreement are compensated on an hourly basis for the time worked on your behalf. Rates are based on our current employee rate schedule.

PAYMENT TERMS

1. We will send an invoice by the 10th of each month for the percentage of the work completed in the previous month.
2. Invoices will be mailed from Design Workshop's office by the 10th of each month with specific descriptions of the services performed and expenses incurred in the previous month. Invoices are payable within 30 days of the date of billing.

ACCEPTANCE

1. This Agreement is entered into between Design Workshop, Inc. and Mammoth

Lakes Foundation, owner or reputed owner of the property to be benefited by Design Workshop's services.

- 2. If this contract meets with your approval, please sign below and return one (1) copy for our file.
- 3. If this agreement is not accepted within one (1) month from the date of receipt, the offer to perform the described services may be withdrawn and Design Workshop may renegotiate this proposal.

DESIGN WORKSHOP, INC.

By: _____ Date: _____

Title: _____

APPROVED BY CLIENT:

By: _____ Date: _____

Title: _____

Here you go. We can remove the Wayfinding and Signage Plan. Keep Landscape Framework, Circulation, and Connectivity plan. The overall Site Master Plan is pretty well defined. I would like you to review what we have and comment if you have suggestions to improve. Time line:

First project scoping session with your team and MLF/town folks-Sometime between Oct. 9-18

Second session where community is invited to give input and we review work to date-Nov. 1-15

Presentation to MLF working group and invited guests-Dec. 1-15

These are suggested time frames and work plan. Based on your availability and work load we can adjust pending local availability.

Let me know if you need more input from us.

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

Executive Committee Meeting Date: October 5, 2017

Date Prepared: September 28, 2017

Prepared by: Rich Boccia; Executive Director
Mammoth Lakes Foundation



Title: Contract Approval / AMS Planning Research

Strategic Plan Alignment #4: Arts & Culture Programs

Recommended Motion:

It is recommended that the MLF Board of Directors Executive Committee review and consider approving a contract with AMS Planning Research to work with the stakeholders to further refine the business plan paying particular attention to governance and management structures as well as confirming earned revenue sources for the Mammoth Lakes Performing Arts Theater not to exceed \$45,000.

Background Information:

The Mammoth Lakes Foundation is in the formidable stages of the designing the Performing Arts Theatre as an element of the Mammoth Arts and Culture Center which is to be constructed on the Foundation property.

There are two major elements of this contract to include Situation Analysis and Business Plan Development with a focus on answering the following questions.

1. What is the right balance of use between presenting touring artists, resident companies, and renters?
2. How do comparable facilities and programs gain support and attract audiences in resort and second home communities? What is the interest level of visitors and part-time residents?
3. What can be learned from comparable facilities in similar markets? What are some of the best practices in terms of programming, marketing, development and financial strategies?

It is recommended that the MLF Board of Directors Executive Committee review and consider approving a contract for services with AMS Planning Research not to exceed \$45,000.

Funds Available: Investment Fund

Account Number: 11112 - Stifel

Some Key Questions

From discussions with Evan Russell and Rose Steele, AMS understands some of the key questions to be as follows:

- What is the right balance of use between presenting touring artists, resident companies, and renters?
- How do comparable facilities and programs gain support and attract audiences in resort and 2nd home communities? What is the interest level of visitors and part-time residents?
- What can be learned from comparable facilities in similar markets? What are some 'best practices' in terms of programming, marketing, development, and financial strategies?

Approach

It is our understanding that **Mammoth Lakes Foundation** is in the process of developing a new arts and cultural center to serve the local community and area visitors known as the Mammoth Arts and Cultural Center (the MACC). To date the Foundation and its partners have developed a building and business plan and are approaching the start of construction. AMS has reviewed these plans and provided feedback, which forms the basis of this draft proposal outline.

AMS proposes to work with project stakeholders to further define the business plan paying particular attention to governance and management structures as well as confirming earned revenue sources and further learning from model case studies. The goal of this work is to develop materials that enable a capital campaign to proceed and the building to be developed and successfully operated.

Our proposed scope of work follows:

1. Situation Analysis

Background Review

- AMS would review existing background documentation (including the Foundation's business plan and any other previous reports and recommendations), this review would include a kick-off meeting (which could be a conference call or video link) to review background materials and gain understanding of the overarching issues and current status of the project.

Key Stakeholder Interviews

- AMS would conduct individual interviews in person and by phone to talk with board members and other key stakeholders to obtain their perspective regarding the MACC project. Interviewees may include representative from local government, the Mammoth

Lakes Foundation, community college representatives, arts leaders and supporters (donors), and other community stakeholders. The exact list would be developed between AMS and the client. AMS would conduct up to 12 interviews, with as many done in person as possible.

User and Utilization Research

- AMS will work with the identified potential anchor tenants, resident companies, and facility users to test the utilization assumption in the MACC's business plan through structured personal and telephone interviews. *This could also possibly be done in one workshop session.
- To gauge the local market's demand for space rental and third-party use of the MACC, AMS would work with arts (and entertainment) community leaders to identify and assess potential users. A short on-line survey would be developed to solicit input on the project and gauge interest from community arts organizations including technical needs, stage and backstage requirements, front of house needs, and tolerance to pay rent and other usage fees. Follow-up interviews would be conducted with prospective users and/or partners. The survey would also be extended to meeting and event planners in the area.

Audience and Market Research (*added task*)

- To gauge interest of the local population, visitors, and part-time residents in Mammoth, AMS would work with the MACC board (and other local partners) do develop and circulate a short survey to explore likelihood of attendance, preference for programs, and levels of support for arts and culture. The survey would be circulated primarily via on-line methods. However, an intercept methodology could also be deployed if suitable volunteer coordination is available. The use of volunteers and on-line methods is suggested as a cost-saving measure. Further to this point, AMS would rely on MACC board, staff, and volunteers to manage logistics of survey distribution and data collation (of intercept surveys primarily). AMS would develop the survey instrument and perform the data analysis and presentation of results.

Case Studies

- AMS would identify comparative organizations in similar communities for model case study research and document three selected exemplars. Particular effort will be made to identify arts facilities that are jointly owned, operated and governed between municipal governments, non-profits, and school districts or community colleges. Individual case study reports would include detailed information on mission, programs, space utilization, funding streams, and partnership and governance structures.

Situation Analysis Workshop

- At the end of Phase 1, AMS would lead a discussion and present findings to the board (and other key stakeholders if desired), which will include observations from the research and recommendations for implementing best practices for the management, operations, and programming of the MACC. This would include an analysis of the pros and cons of presented content vs. rental and resident company utilization. This session would also include a discussion on governance structures and public-private partnerships as identified in the model case studies and from other facilities AMS is familiar with.

2. Business Plan Development

Activity Profile (*added task*)

- Using the data collected from comparable venues, MACC user's forecast of use, and the research into other potential partners and uses of a new facility, AMS would develop an Activity Profile, describing and verifying potential programs and other activities at the proposed facility. This would detail the number of use days, rehearsal days, center presented days, dark days, etc. for the facility.

Management & Operating Structure Recommendations

- Based on project goals, an understanding of the risk tolerance in operations (which would guide decision making around the issue of 'center presented' activity vs. rentals), the proposed activity profile, and best practices in the sector, AMS would recommend a partnership and governance structure for the MACC. This may be a modification to the current MACC business plan, depending upon the findings in Phase 1. An accepted recommendation would then inform specific recommendations for governance, management, and operational funding for the facility and its primary occupants.

Operating Pro Forma – Business Plan Revision

- AMS would prepare a pro forma operating forecast for a stable year of operations, typically three years post-opening. Assumption for this model would be informed by the Phase 1 research and the MACC's own business planning work. The pro forma would include:
 - Organizational structure and staffing projections;
 - Forecast schedule of activities and events;
 - Projected income from operations, including ticket sales/admissions, rentals, fees, leases, concessions, and commissions;
 - Forecast operating expenses, including salaries and wages, payroll costs, advertising, administration, maintenance and repairs, utilities, presentation costs, equipment leases/rentals, insurance, overhead and capital reserves, and
 - Analysis of net gain/loss.

- A dynamic financial model would be prepared that would enable analysis of assumptions regarding capacity, attendance, utilization, management structure, building format, rental fees and other variables as well as analysis of the projected economic benefit to the community.

Funding and Marketing Strategies (*added task*)

- Based on the management and governance structure and operating pro forma, AMS would assess the earned and contributed revenue needs of the new facility and its related programs. With these needs understood, AMS would develop high level strategies for both development and marketing programs to support the earned and contributed revenue necessary for sustainability, including the development of an operating endowment fund.

Community & Economic Benefit Assessment (*added task*)

- Drawing on the case studies, AMS would provide anecdotal information (and hard data when available) about the social and economic impact these projects have had on their communities. AMS would also consult available national studies on the subject to gather data and develop language regarding the economic, social, and 'placemaking' benefits of bringing a new cultural facility on-line in Mammoth Lakes.

Case for Support

- AMS would prepare a final presentation deck that would include a summary of data and recommendations suitable for use in case-making pieces for the MACC's capital campaign.

Fees

- AMS proposes to undertake the scope of work outlined in Phases 1 and 2 above for a fixed fee of \$39,500. Reimbursement for travel and other usual expenses are not included in the fee and will be billed at cost plus a five percent mark-up for administration and documentation.
- We would anticipate making at least three site visits to Mammoth Lakes.

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

Executive Committee Meeting Date: October 5, 2017

Date Prepared: September 28, 2017

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 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 due to the need to update the document. 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.

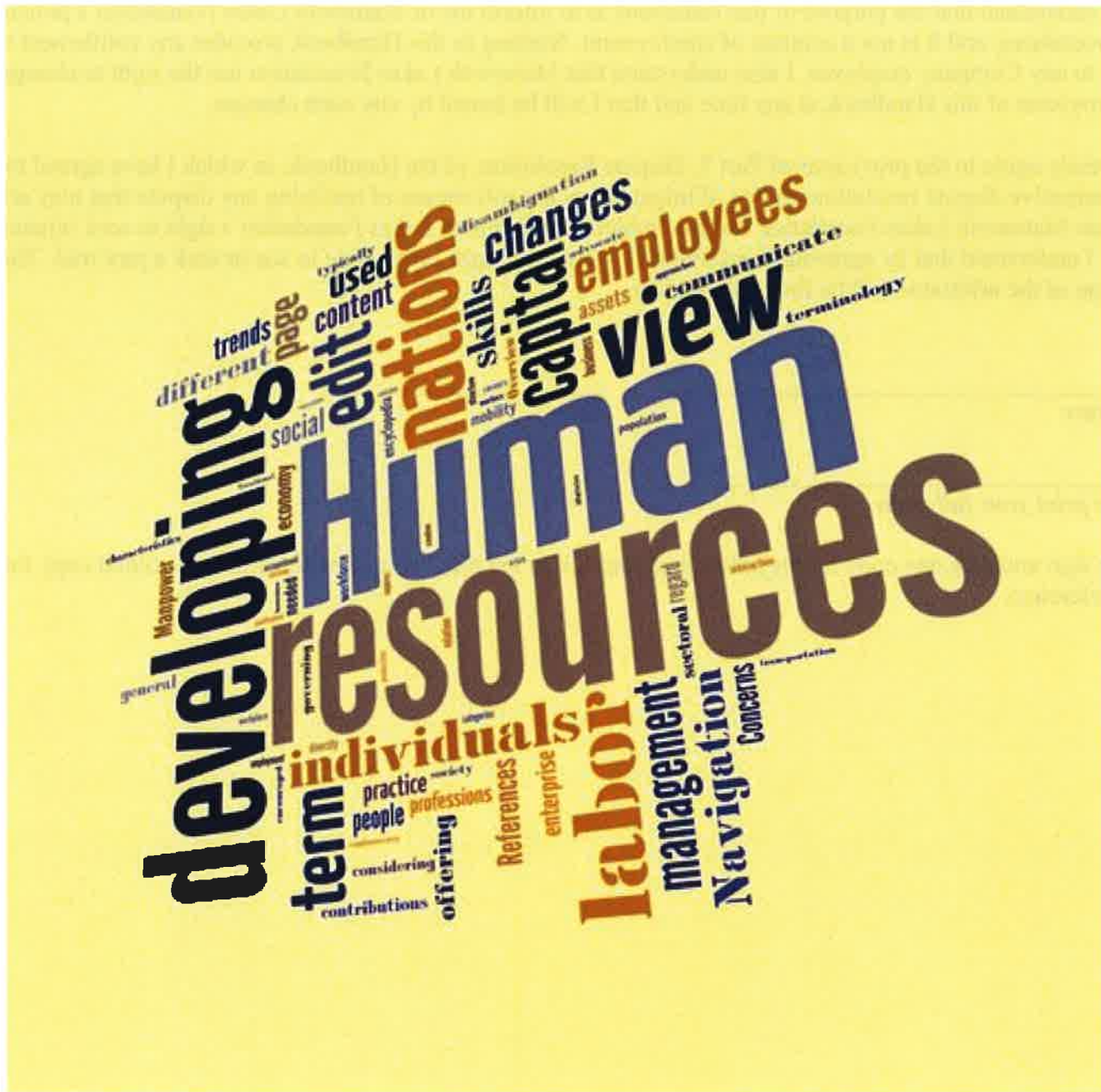
The recommended Employee Handbook has been modified to address the needs of Mammoth Lakes Foundation. The document has been reviewed by MLF board members, other human resource directors and legal counsel. This document will be updated and modified on an annual basis to remain current with labor law along with State and Federal policies.

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

Funds Available: Not Applicable / Policy

Account Number: Not Applicable

Mammoth Lakes Foundation Employee Handbook



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 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). 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) are generally not exempt from the FLSA 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. 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

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 half hour lunch and a fifteen minute rest period after four hours of work.

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. 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.

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 are 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, 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. 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 shall not be used for 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 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 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. While we realize that a number of Foundation events 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 have an alcohol or 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. However, any off duty activity, including drug or alcohol related activity, that leads to your arrest or that causes 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. 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 – 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 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 under 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 (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.

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 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 20th 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.

Paid 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 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.

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.)

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.¹

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

¹ Employees must provide sufficient information for an employer to determine if the leave may qualify for FMLA and the anticipated timing and duration of the leave. While calling in “sick” without providing more information is not alone sufficient to trigger an employer’s obligations under the FMLA, in all cases the employer should inquire further of the employee if it is necessary to have more information about whether FMLA leave is being sought, and obtain the necessary details of the leave to be taken. Keep in mind that the employee need not expressly assert rights under the FMLA or even mention the FMLA the first time leave is sought for an FMLA-qualifying reason. (When an employee seeks leave for an FMLA-qualifying reason for which the employer has previously provided FMLA leave, the employee must specifically reference the qualifying reason for leave or the need for FMLA leave.)

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

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 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
Approved by MLF Executive Committee / 10.05.17

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

Executive Committee Meeting Date: October 5, 2017

Date Prepared: September 28, 2017

Prepared by: Rich Boccia; Executive Director
Mammoth Lakes Foundation



Title: Director of Development

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

Recommended Motion:

It is recommended that the MLF Board of Directors Executive Committee explore the option of employing a Director of Development effective with the start of the next calendar year contingent on future funding.

Background Information:

The Mammoth Lakes Foundation has employed a Director of Development over the years to support the financial growth and development of the organization. There is evidence to indicate that the board and the organization have been challenged to identify the right candidate to be appointed to that position in the past.

The Chronicle of Philanthropy Magazine published an article entitled "Development Directors re Not Miracle Workers" in January 2013 and indicated that, hiring a development director will only be transformative under the right conditions, which include:

- A board and executive who view bringing on a development director as a strategy for expanding and enhancing their essential roles in fundraising, rather than a way to avoid or minimize their involvement.
- A clear job description for the development director, with realistic performance expectations on the part of the executive director and board.
- A high level of trust and engagement between the executive director and the development director.
- Input from the development director on budgets and fundraising goals.
- A willingness on the part of the organization to invest in systems and infrastructure, such as software and formal planning, to support fundraising.
- An understanding among all staff that fundraising and stewardship are part of everyone's job, not the responsibility of one person, and that fundraising is important programmatic work—not just a necessary evil.

Attached please find two documents:

1. A draft job description that was created for the Foundation in the past
2. A brief on the two types of fund-raising consultants

There is the potential for limited funding to support a position in the organization that works with the Board and the Executive Director to focus on fund development for the Foundation.

Funds Available: Pending

Account Number: TBD

Position Description

TITLE: Director of Development
 REPORTS TO: Executive Director

SUMMARY DESCRIPTION:

With the leadership and guidance of the Development Committee, its Chairman and the Board of Trustees, the Director of Development will direct the coordination and implementation of the contributed income programs on behalf of our institution's goals and objectives to maximize potential, and to increase the base of support in terms of donors and volunteers.

MAJOR ACTIVITIES:

- 1) Establish forecasts and prepare evaluations of fund-raising potential for the Development activities by identifying and rating prospects, with special attention given to those prospects having the highest potential. (10%)
- 2) Develop calendars and action plans for each Annual Fund campaign division, sponsorship and underwriting programs, Membership, Government Grants, special events, etc. (25%)
- 3) Assist in the recruitment and orientation of the Development leadership and meet with key leaders to propose required organizational networks in order to build the necessary volunteer structure to ensure the best solicitor/volunteer match, and to maximize the number of personal contacts made. (15%)
- 4) Direct the production, coordination and implementation of solicitation and volunteer orientation and training materials. (5%)
- 5) Direct the production of campaign summaries and management reports by setting priorities for support staff in order to implement campaign action plans, gauge results, and determine future courses of action. (5%)
- 6) Monitor campaign results by division and activity on an ongoing basis by meeting with Development leaders and communicating regularly with volunteer committees in order to help project outcome of the campaigns and to identify areas of highest concern and priority. (25%)
- 7) Establish and service benefits, privileges, recognition, acknowledgements and incentives for donors and volunteers in order to maintain and improve relations. (5%)
- 8) Develop a plan to organize and produce an Endowment and Capital campaign with additional attention devoted to an adjunct Deferred Giving Program. (10%)

TOTAL TIME: 100%

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Director of Development position description

POSITION REQUIREMENTS:

- 1) Donor and volunteer service mentality
- 2) Conceptual skills
- 3) Knowledge of basic skills of fund-raising management
- 4) Superior organizational and communication abilities
- 5) Analytical capabilities

PROBLEM SOLVING:

- 1) **Maintaining and raising the productivity of dozens of our volunteers**
This is achieved by utilizing resources at the highest levels, such as with our Board members.
- 2) **Raising the productivity of support staff to meet increasing needs of our institution**
This is achieved by offering competitive compensation, revising the organizational structure and diligently monitoring staff's performance.
- 3) **Decide whether to implement a new plan of action for a specific Development activity or to discontinue a campaign.**
This is determined by reviewing how a new methodology will solve problems and its impact on those people involved, as well as comparing results -vs- actual costs.

Fund-Raising Consultants

Fund-raising consultants can be a godsend to non-profits. For organizations with an inexperienced, small, or nonexistent staff, they can do everything from mentoring a budding development director to designing specific campaigns and tools to setting up the organizational structure for an ongoing fund-raising effort. Larger organizations with considerable experience in fund-raising and a fully professional development staff can benefit from a consultant's mastery of the process of initiating new types of fund-raising efforts and reorienting the development department.

A) Basically there are two types of consultants

- 1) National or regional firms offering a full range of services and a large staff experienced in all facets of fund-raising and well versed in the needs of all types of non-profits
- 2) Locally based individual consultants or minimally staffed firms that know a particular community's fund-raising climate and resources and perhaps specialize in one or more broad types of non-profit organizations---the arts, education, health care, etc.

B) A proposal from a first-class consulting firm, large or small, to act as counsel in a fund-raising campaign would likely include the offer to help determine:

- 1) The case for support
- 2) The campaign plan
- 3) Key prospects and their suggested giving levels
- 4) Individual strategies for major-gift solicitations
- 5) Volunteer leadership
- 6) Volunteer solicitors
- 7) The proportion of gifts to be sought from corporations, foundations, & individuals
- 8) The campaign goal

C) There are four absolute caveats in engaging consultants

- 1) Never hire consultants whose regimen and methodology are unyielding. Consultants should be flexible in the services they provide and willing to adapt to an organization's processes.
- 2) Never hire consultants who request that they be paid a percentage of the funds raised in a campaign. This is regarded as unethical by the industry.
- 3) Never hire consultants unless you are committed to taking their advice and following their counsel. To do otherwise is to throw your money away.
- 4) Never hire consultants to ask for the money. That's the job of your volunteers.