



Visit Estes Park
The Destination
Marketing Organization
VisitEstesPark.com

Board of Directors Regular Meeting Agenda

**Tuesday, November 3, 2020, 6:00 p.m.
Conference Room, 1751 N. Lake Ave Unit 107
Via Go To Meeting**

PUBLIC COMMENT.

Please state your name & address. We allow 3 minutes for each public comment.

REPORTS.

1. RMNP Update-PIO Kyle Patterson
2. Town Board Updates

CHAIRPERSON'S MESSAGE.

1. Overview of Agenda
2. Approve Agenda

PROGRAM REVIEW.

1. Employee Volunteer Program
2. Stakeholder Services Updates
3. Marketing Updates
4. Finance Officer Updates

POLICY DEVELOPMENT.

1. Budget Resolutions 04-20 & 05-20
2. Interim CEO Discussion with Potential to Vote
3. CEO Replacement Discussion with Potential to Vote

RESOLUTION.

Ratify the Resignation Agreement and Mutual Release of CEO Lund

"Move to ratify the Resignation Agreement and Mutual Release as consistent with prior Board authorization."

CONSENT AGENDA.

Approval of minutes from the October 6, 2020 Regular Meeting.

BOARD COMMENTS.

ADJOURN.

Upcoming Meetings: December 1, 2020

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NOTE: Visit Estes Park reserves the right to consider other appropriate items not available at the time the agenda was prepared.
All board meetings are recorded per state regulation.



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To: Visit Estes Park Board Of Directors
From: Abi Huebner, Director of Stakeholder Services
Date: 11.03.2020
RE: Stakeholder Services Update

Stakeholder Services Update

10.06.2020-11.03.2020


Team

Abi Huebner, *Director of Stakeholder Services*
Claire Molle, *Stakeholder Services Coordinator*
Andrea Machado, *Part-time Administrator*

Not so business as usual:

Stakeholder Services has been going well as more and more sales have tied up. We have put a short pause on reaching out for sales during the evacuation, but reaching out to make sure that our stakeholders are doing alright.

It's so exciting to have Andrea join the Stakeholder Services team! Having her has freed up some time for us to dig deeper into analytics to ensure that we have those resources available for our stakeholders.



We have also been working on creating a sort of "Virtual Visitor Center" page which allows us to display listings for every stakeholder that had a rack card display at the Visitor Center before it closed. The page is up and running, but we have not done any outreach about it yet as people are still coping with evacuations and fire complications.

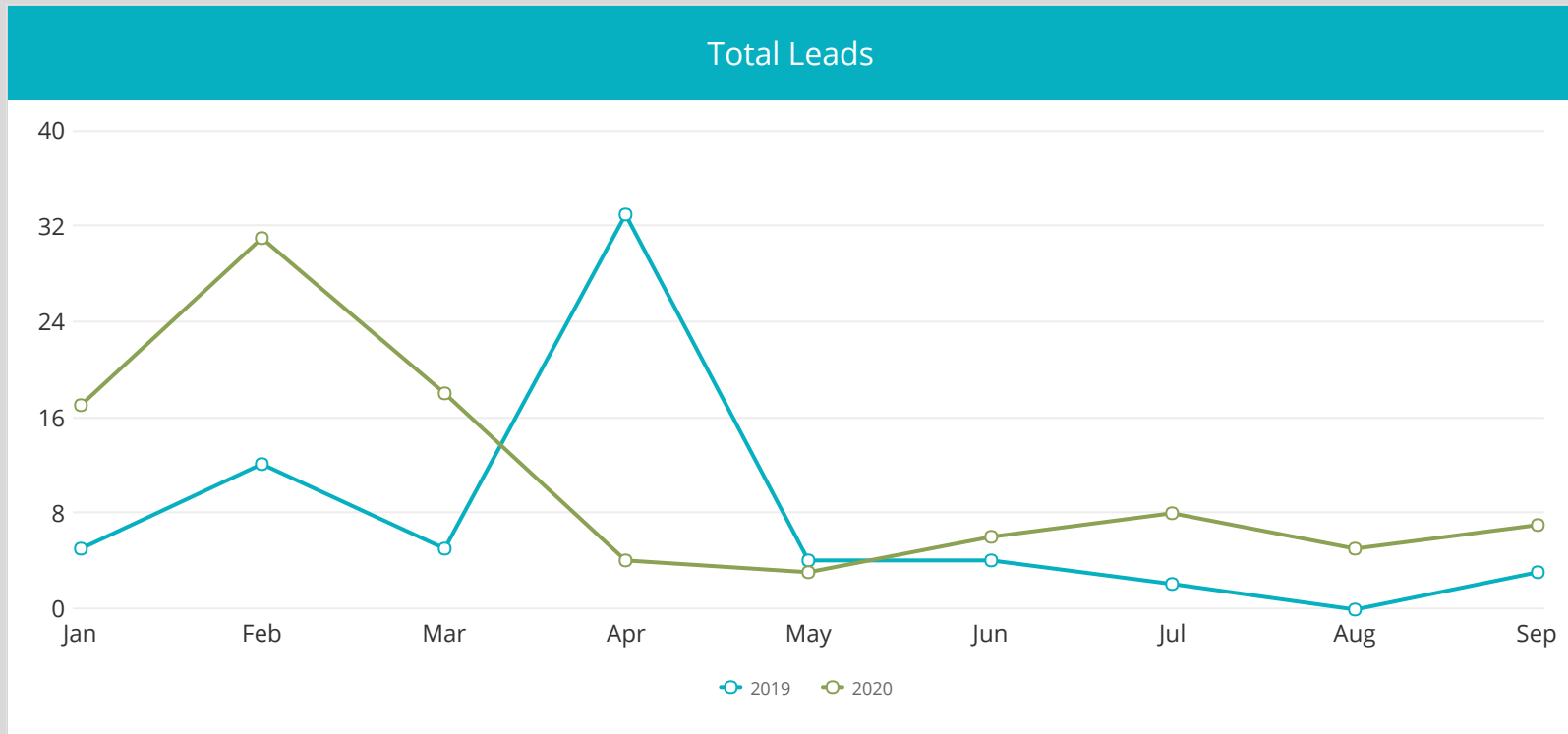
At this time, our primary concern is the well-being of our community and stakeholders. While we hope that things return to somewhat normal soon, for now we are trying to be sensitive to the hardships our community is going through, and provide any support that we can.

Group Sales:

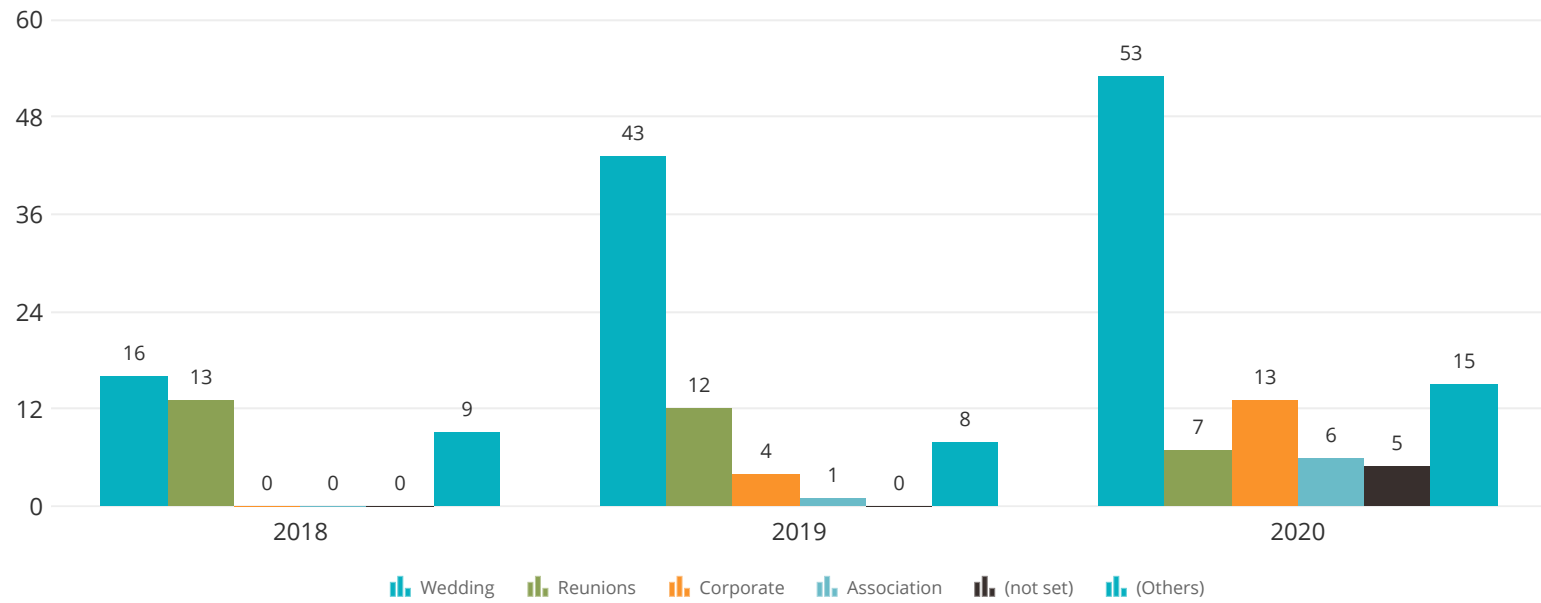
Charts below, let's discuss!

Visit Estes Park
YTD - 09/30/2020

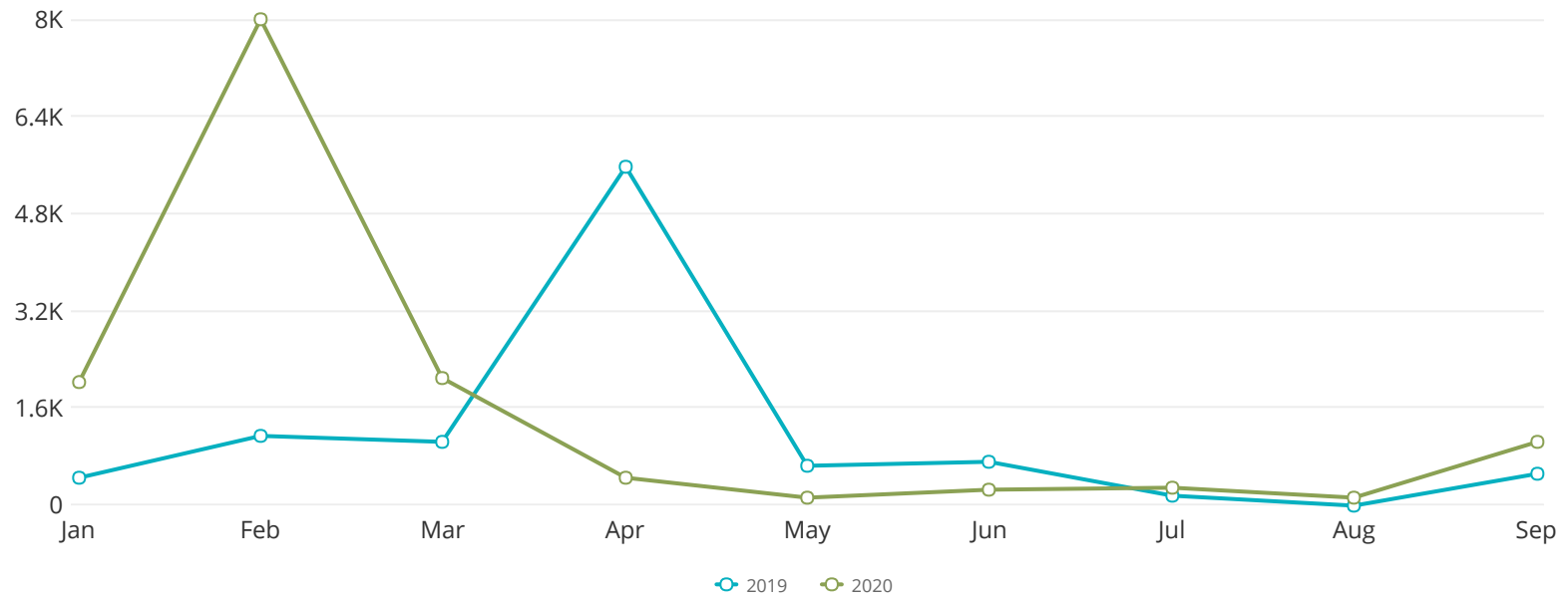
Leads Generated



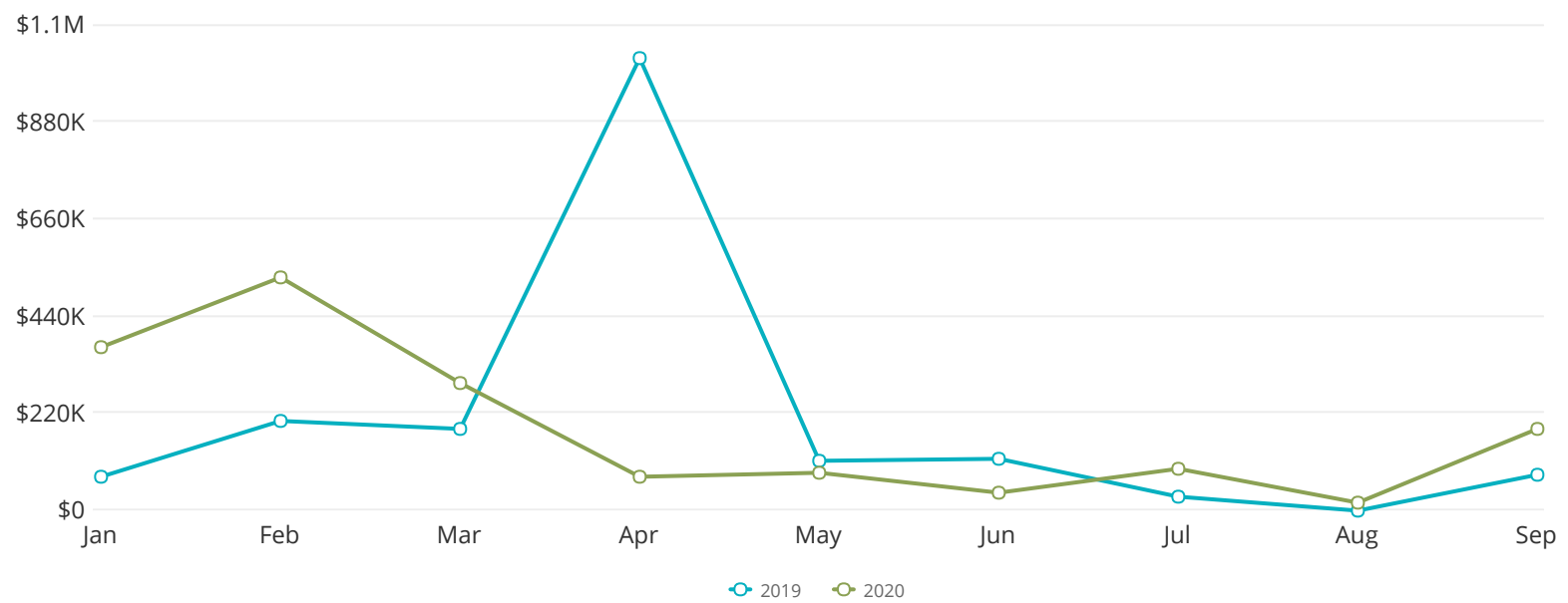
Top 5 Market Segment by Leads



Total Requested Rooms



Econ Value





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To: Visit Estes Park Board Of Directors

From: Josh Harms, Director of Marketing

Date: 11/03/2020

RE: Marketing Update

Fall Plan/Winter Update

October saw the wrapping up of the 2020 fall media plan (Outside partnership along w/ paid search and social). As we were transitioning messaging to winter brand awareness evacuations began coming through for the Estes Valley. We paused all spend, except for a post disseminating info related to the fire to a geo tight to Estes. In November, we'll begin the winter brand awareness campaign, with paid search, and social involving a new winter timelapse and blog content. We also hope to host a FAM, and are exploring influencer options to showcase what Estes looks like this winter.

Oct. 2020 Analytics, through 10/28 (YOY Comparison)

Users

88.56%

186,655 vs 98,988



New Users

95.55%

175,684 vs 89,841



Sessions

87.51%

238,385 vs 127,131



Number of Sessions per User

-0.56%

1.28 vs 1.28



Pageviews

53.17%

395,784 vs 258,403



Pages / Session

-18.32%

1.66 vs 2.03



Avg. Session Duration

-19.22%

00:01:41 vs 00:02:05



Bounce Rate

4.87%

62.81% vs 59.89%





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To: Visit Estes Park Board Of Directors

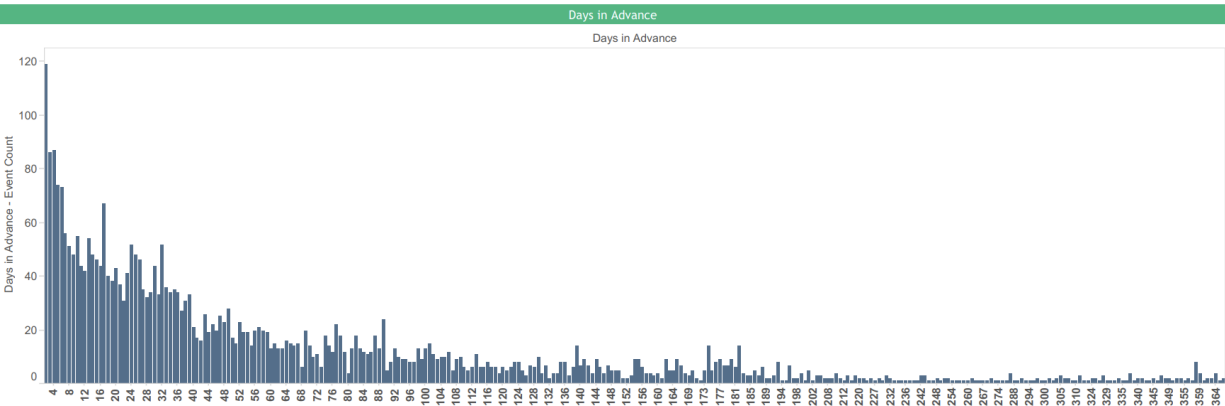
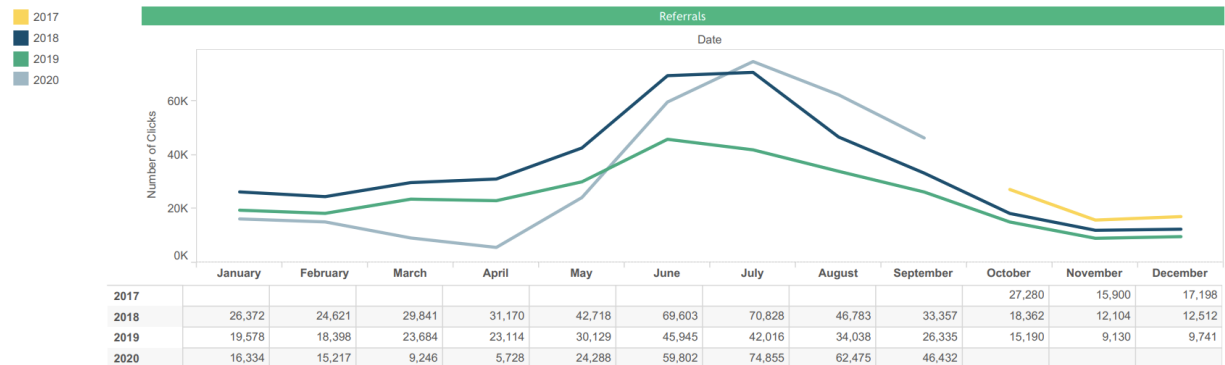
From: Josh Harms, Director of Marketing

Date: 11/03/2020

RE: Marketing Update

Total web traffic for October was tracking slightly, but steadily above 2019 numbers, until evacuations began taking place, and we saw a large bump in users, new users, and sessions. Organic, referral and social traffic all saw significant YoY increases. A large number of the page views (50,000+) were on our Fire Info page.

Sept. 2020 BookDirect Report



A look at our Sept 2020 BookDirect Reports. The top being referrals sent to partner sites, dating back to late 2017, showing a large spring dip, then a strong recovery by July. The bottom bar graph showcases searches made in Sept 2020, and the days in advance those searches were inquiring about, from 1 to 365, left to right.



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To: Visit Estes Park Board Of Directors

From: Kevin Benes, Finance Officer

Date: 11/03/2020

RE: Finance Officer Update

Financial report disclosure:

Typically, month close is completed the final week of the following month. As a result of mandatory evacuation at the time of preparing this report and disruption of mail the month close for September will be delayed into November. The December report will contain month close information for both September and October together.

Lodging Tax/Income:

September 2020 (stays in August 2020) - \$385,484.75

September 2020 budget - \$425,000.00

September 2020 modified COVID budget - \$317,220.50

September 2019 (stays in August 2019) - \$344,898.37

YTD lodging tax collected - \$ 1,531,725.38

YTD lodging tax budget - \$2,027,000.00

YTD lodging tax shortfall - (\$495,274.62)

YTD Budget Net Income - \$40,327.74

YTD Actual Net Income - NOT AVAILABLE - Will update at December meeting

YTD Net Income shortfall - NOT AVAILABLE - Will update at December meeting



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To: Visit Estes Park Board Of Directors

From: Kevin Benes, Finance Officer

Date: 11/03/2020

RE: Finance Officer Update

Draft Resolutions

4-20

A Resolution relative to Adjusting the Appropriation to the Funds for the 2020 Budget for the Estes Park Local Marketing District

5-20

A Combined Resolution relative to the 2021 Budget Summarizing Expenditures and Revenue, Adopting a Budget for the Estes Park Local Marketing District, and Appropriating Funds for the above mentioned 2021 Budget for the Estes Park Local Marketing District

A draft of both resolutions is attached to this board report. These resolutions must be adopted by the Estes Park Local Marketing District Board of Directors by the end of 2020. This has traditionally been done at the December regular meeting.



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DIVISION OF LOCAL GOVERNMENT
1313 SHERMAN STREET, Suite 521
DENVER, CO 80203

The Estes Park Local Marketing District
P.O. Box 4426
Estes Park, CO 80517

December XX, 2020

To whom it may concern:

Please find the enclosed certified copies of:

- 1) A Resolution relative to Adjusting the Appropriation to the Funds for the 2020 Budget for the Estes Park Local Marketing District (Resolution 04-20)
- 2) A Combined Resolution relative to the 2021 Budget Summarizing Expenditures and Revenue, Adopting a Budget for the Estes Park Local Marketing District, and Appropriating Funds for the above mentioned 2021 Budget for the Estes Park Local Marketing District (Resolution 05-20)

Should you have any questions, please do not hesitate to contact me at 970-481-3710 or dgibson@visitestespark.com.

Sincerely,

Deborah Gibson, Chair
Estes Park Local Marketing District

CERTIFICATION

THIS IS TO CERTIFY that the attached is a true and accurate copy of the 2021 Budget for the Estes Park Local Marketing District, Larimer County, Colorado, as adopted by the Board of Directors of said District on December 1st, 2020, pursuant to the requirements of the Colorado Statutes.

ESTES PARK LOCAL MARKETING DISTRICT

Tonya Huminston, Treasurer
Estes Park Local Marketing District

Date: _____

2021 BUDGET MESSAGE

This is the eleventh annual budget for the Estes Park Local Marketing District and recognizes the collection of 2% lodging tax within the District. Collections for the fourth quarter 2020 will not become available until mid-February 2021. The District was organized pursuant to the provisions of §29-25-101 C.R.S. and the Intergovernmental Agreement between the Town of Estes Park, Colorado, and the Board of County Commissioners, Larimer County, Colorado, dated August 26, 2008.

1. BASIS OF ACCOUNTING:

The basis of accounting for the Estes Park Local Marketing District is a modified accrual basis of accounting.

2. 2021 BUDGET FEATURES:

The 2021 Estes Park Local Marketing District Budget consists of the following important components:

A. Revenues:

1. Sales Taxes. The sum of \$2,050,000.00 is raised by the levying of the 2% marketing and promotion tax within the District.
2. Fund Balance Carry Forward of \$1,164,105.32 from the fiscal year 2020.
3. Non-Tax Official Visitor Guide Revenues of \$180,000.00 from the sale of advertising opportunities in the Official Visitor Guide to Marketing District stakeholders.
4. Non-Tax Stakeholder Services Revenues of \$450,000.00 from sales of advertising and marketing opportunities to Marketing District stakeholders.

B. Expenditures:

1. Marketing & Operations: These sums are budgeted for the accomplishment of those goals established in the District's 2021 Operating Plan relative to organizing, planning, promoting, coordinating, and marketing for the benefit of the stakeholders in the Estes Park Local Marketing District.
2. Personnel Services: These sums reflect the administrative and personnel costs to the District to implement the 2021 Operating Plan.
3. TABOR Reserve: This fund is mandated by Article X, Section 20 of the Colorado Constitution at 3% of the yearly spending of the District.

3. SUMMARY:

The amounts in the budget are estimates of revenues and expenses to be received and incurred by the District in 2021. The 2020 estimated actual totals were prepared prior to closing of the books for the year, hence, Sales Tax Revenues, Non-Tax Revenues, 2021 Beginning Fund Balance, and certain 2020 expense items will change in the year-end Report. This is especially relevant with the unplanned disruptions that greatly influenced the budget for the District in 2020.

**Estes Park Local Marketing District
2021 Annual Budget**

	2019 actual	2020 budget	2020 Year End Forecast	2021 Budget
Revenues				
District Lodging Tax	\$ 2,558,624.77	\$ 2,472,000.00	\$ 1,870,247.17	\$ 2,050,000.00
Non-Tax Revenue: Official Visitor Guide	\$ 175,165.00	\$ 280,000.00	\$ -	\$ 180,000.00
Non-Tax Revenue: Stakeholder Services	\$ 557,122.60	\$ 602,000.00	\$ 383,634.21	\$ 450,000.00
Subtotal Non-Tax Revenue	<u>\$ 732,287.60</u>	<u>\$ 882,000.00</u>	<u>\$ 383,634.21</u>	<u>\$ 630,000.00</u>
Town of Estes park Marketing Investment	\$ -	\$ -	\$ -	\$ -
Larimer County Marketing Investment	\$ -	\$ -	\$ -	\$ -
Larimer County Payment in Lieu of Tax (PILT)	\$ -	\$ 5,412.66	\$ -	
Subtotal Alternative Funding Sources	<u>\$ -</u>	<u>\$ 5,412.66</u>	<u>\$ -</u>	<u>\$ -</u>
Grants & Awards	\$ 12,669.00	\$ 25,000.00	\$ 25,000.00	\$ 40,000.00
Other Income	\$ 2,348.70	\$ 1,900.00	\$ 7,000.00	\$ 5,000.00
Total Revenues	<u>\$ 3,305,930.07</u>	<u>\$ 3,386,312.66</u>	<u>\$ 2,285,881.38</u>	<u>\$ 2,725,000.00</u>
Expenses				
Personnel Services	\$ 1,065,400.10	\$ 1,213,000.00	\$ 1,100,000.00	\$ 1,100,000.00
Marketing & Operations	\$ 2,403,334.14	\$ 2,172,500.00	\$ 1,576,000.00	\$ 1,375,000.00
Grants & Awards	\$ -	\$ -	\$ 25,000.00	\$ 40,000.00
Total Expenses	<u>\$ 3,468,734.24</u>	<u>\$ 3,385,500.00</u>	<u>\$ 2,701,000.00</u>	<u>\$ 2,515,000.00</u>
Excess (Deficiency) of Revenues Over Expenses	\$ (162,804.17)	\$ 812.66	\$ (415,118.62)	\$ 210,000.00
Other Financing Sources (Transfers In)	\$ -	\$ -	\$ -	\$ -
Other Financing Uses (Transfers Out)	\$ -	\$ -	\$ -	
Increase (Decrease) in Fund Balance	\$ (162,804.17)	\$ 812.66	\$ (415,118.62)	\$ 210,000.00
Beginning Fund Balance	\$ 1,931,157.13	\$ 1,578,411.28	\$ 1,579,223.94	\$ 1,164,105.32
Ending Fund Balance*	\$ 1,578,411.28	\$ 1,579,223.94	\$ 1,164,105.32	\$ 1,374,105.32

Restrictions				
Strategic Reserve	\$ 800,000.00	\$ 800,000.00	\$ 400,000.00	\$ 550,000.00
TABOR Reserve: 3% of Expenses	\$ 104,062.03	\$ 101,565.00	\$ 101,565.00	\$ 75,450.00
<i>*Ending Fund Balance includes restricted funds</i>				

	2018 Actual	2019 Budget	2020 budget	2020 Year End Forecast	2021 budget
Personnel Services	\$ 596,139.88	\$ 950,000.00	\$ 1,213,000.00	\$1,100,000.00	\$ 1,100,000.00
Marketing & Operations					
Special Advertising & Marketing - Grants	\$ 128,951.60	\$ -	\$ 25,000.00	\$25,000.00	\$ 40,000.00
Search Engine Optimization	\$ 27,000.00	\$ 24,000.00	\$ 24,000.00	\$24,000.00	\$ 12,000.00
Media Placement - Traditional	\$ 366,382.47	\$ 294,000.00	\$ 300,000.00	\$175,000.00	\$ 150,000.00
Medial Placement - Digital	\$ 869,762.24	\$ 699,500.00	\$ 590,000.00	\$544,625.00	\$ 384,000.00
Media Planning & Buying	\$ 145,168.24	\$ 100,000.00	\$ 100,000.00	\$100,000.00	\$ 60,000.00
Creative Assets - Outside Fees	\$ 1,710.00	\$ 5,000.00	\$ 5,000.00	\$0.00	\$ 5,000.00
Creative Assets- Agency Fees	\$ 19,475.00	\$ 1,000.00	\$ 5,000.00	\$0.00	\$ 1,000.00
Creative Expenses	\$ 555.75	\$ 500.00	\$ -		\$ -
Agency Planning and Management	\$ 127,290.29	\$ 200,000.00	\$ 140,000.00	\$99,000.00	\$ 100,000.00
Advertising Contingency	\$ -	\$ -	\$ -		\$ -
Group Sales & Group Marketing	\$ -	\$ -	\$ 110,000.00	\$55,000.00	\$ 49,000.00
International Promotion	\$ 35,598.96	\$ 35,000.00	\$ 14,500.00	\$500.00	\$ -
Research	\$ 41,483.00	\$ 100,000.00	\$ 50,000.00	\$30,000.00	\$ 12,000.00
Destination Product Development	\$ -	\$ -			
Website	\$ 113,325.00	\$ 100,000.00	\$ 65,000.00	\$85,000.00	\$ 80,000.00
Brand Strategy	\$ 987.96	\$ 5,000.00	\$ -	\$0.00	\$ -
Trade Shows	\$ 1,447.64	\$ 2,500.00	\$ -	\$0.00	\$ -
Economic Development	\$ 20,000.00	\$ 20,000.00	\$ 17,500.00	\$17,500.00	\$ 10,000.00
Audit	\$ 31,536.63	\$ 37,000.00	\$ 19,000.00	\$11,000.00	\$ 13,500.00
Bookkeeping	\$ 10,744.05	\$ 2,000.00	\$ 2,500.00	\$4,500.00	\$ 4,000.00
Contingencies - General Operations	\$ 2,555.02	\$ 2,500.00	\$ 2,500.00	\$0.00	\$ 2,500.00
Payroll Processing & Human Resources	\$ 7,708.52	\$ 7,500.00	\$ 4,500.00	\$375.00	\$ 4,500.00
Legal	\$ 26,035.42	\$ 20,000.00	\$ 20,000.00	\$5,000.00	\$ 10,000.00

Office Supplies, Postage, Printing	\$ 17,694.61	\$ 32,000.00	\$ 22,000.00	\$22,000.00	\$ 25,000.00
Office Equipment & Software	\$ 18,937.17	\$ 55,000.00	\$ 25,000.00	\$15,000.00	\$ 20,000.00
Rent & Utilities	\$ 39,448.24	\$ 75,000.00	\$ 75,000.00	\$75,000.00	\$ 36,000.00
Insurance	\$ 14,915.00	\$ 12,000.00	\$ 15,000.00	\$15,000.00	\$ 16,000.00
Cell Phone & Mileage	\$ 1,998.59	\$ 4,500.00	\$ 11,000.00	\$6,000.00	\$ 9,000.00
Education & Conferences	\$ 26,669.80	\$ 34,500.00	\$ 49,000.00	\$7,000.00	\$ 20,000.00
Information Technology Support	\$ 3,500.00	\$ 5,000.00	\$ 2,000.00	\$2,000.00	\$ 2,000.00
Meals & Incidentals	\$ 4,536.95	\$ 7,000.00	\$ 9,000.00	\$2,500.00	\$ 5,500.00
Memberships	\$ 8,848.46	\$ 18,000.00	\$ 18,000.00	\$6,000.00	\$ 10,000.00
Media Familiarization Tours	\$ 5,844.13	\$ 14,000.00	\$ 64,000.00	\$15,000.00	\$ 20,000.00
Public Relations Firm	\$ 92,754.00	\$ 80,000.00	\$ 80,000.00	\$80,000.00	\$ 80,000.00
Public Relations Promotions	\$ 10,305.89	\$ 17,000.00	\$ 18,000.00	\$18,000.00	\$ 10,000.00
eMail Marketing	\$ 2,670.95	\$ 7,200.00	\$ 9,000.00	\$9,000.00	\$ 9,000.00
Social Media	\$ 13,125.00	\$ 15,000.00	\$ 7,500.00	\$7,500.00	\$ 5,000.00
Stakeholder Communications	\$ 3,695.94	\$ 6,000.00	\$ 10,000.00	\$4,500.00	\$ 10,000.00
Marketing Data & Analytics Platform	\$ 78,806.68	\$ -	\$ -		\$ -
Official Visitor Guide	245.368.38	\$ 260,000.00	\$ 261,000.00	\$140,000.00	\$ 200,000.00
Total Marketing & Operations Expense	\$ 2,321,469.20	\$ 2,297,700.00		\$1,601,000.00	\$ 1,415,000.00
Grand Total	\$ 2,917,609.08	\$ 3,247,700.00		\$2,701,000.00	\$ 2,515,000.00

RESOLUTION TO APPROPRIATE SUMS OF MONEY NO. 04-20

**A RESOLUTION ADJUSTING APPROPRIATIONS TO THE FUNDS
IN THE AMOUNTS AND FOR THE PURPOSES AS SET FORTH BELOW
FOR THE ESTES PARK LOCAL MARKETING DISTRICT FOR THE BUDGET YEAR
BEGINNING ON THE FIRST DAY OF JANUARY 2020 AND
ENDING ON THE LAST DAY OF DECEMBER 2020.**

WHEREAS, the Board of Directors of the Estes Park Local Marketing District has adopted the annual budget in accordance with the Local Government Budget Law on December 3, 2019; and

WHEREAS, over the course of the fiscal year ending December 31, 2020, the estimates included in the adopted budget have been revised to more accurately represent the actual revenues and expenditures necessary to operate the government; and

WHEREAS, it is not only required by law, but also necessary to appropriate the revenues provided in the Budget for the Estes Park Local Marketing District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE ESTES PARK LOCAL MARKETING DISTRICT, THAT:

Section 1. The following sums are hereby appropriated from the revenues of each fund, to each fund, for the purpose stated therein:

General Fund:	\$ 3,865,105.32
Current Operating Expenses	\$ 2,701,000.00
Other Expenditures	\$ 0.00
Capital Projects	\$ 0.00
TABOR reserve	\$ 101,565.00

ADOPTED this 1st day of December 2020.

ESTES PARK LOCAL MARKETING DISTRICT:

By: _____
Deborah Gibson, Chair

ATTEST:

Tonya Huminston, Treasurer

ESTES PARK LOCAL MARKETING DISTRICT

RESOLUTION 05-20

**A COMBINED RESOLUTION CONCERNING THE ADOPTION OF A BUDGET
AND APPROPRIATION OF FUNDS FOR FISCAL YEAR 2021**

A. A RESOLUTION SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND AND ADOPTING THE BUDGET FOR THE ESTES PARK LOCAL MARKETING DISTRICT FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY 2021 AND ENDING ON THE LAST DAY OF DECEMBER 2021.

WHEREAS, the Board of Directors of the Estes Park Local Marketing District had appointed Chief Financial Officer Kevin Benes to prepare and submit a proposed budget to said governing body at the proper time; and

WHEREAS, Chief Financial Officer Kevin Benes had submitted a proposed budget to this governing body on October 6th, 2020, for its consideration; and

WHEREAS, upon due and proper notice, published in accordance with the law, said proposed budget was open for inspection by the public at a designated place, a public hearing was held on November 6th, 2020 and interested taxpayers were given the opportunity to file or register any objections to said proposed budget; and

WHEREAS, whatever increases may have been made in the expenditures, like increases were added to the revenues or planned to be expended from reserves so that the budgets remain in balance, as required by law.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF THE ESTES PARK LOCAL MARKETING DISTRICT:

Section 1. That the budget as submitted, amended, and summarized by fund is approved and adopted as the budget of the Estes Park Local Marketing District for the year stated above.

Section 2. That the budget hereby approved and adopted shall be signed by the Chair and Treasurer and made a part of the public records of the District.

B. A RESOLUTION APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES, IN THE AMOUNTS AND FOR THE PURPOSES SET FORTH BELOW FOR THE ESTES PARK LOCAL MARKETING DISTRICT FOR THE 2021 BUDGET YEAR.

WHEREAS, the Board of Directors of the Estes Park Local Marketing District ("Board") has adopted the District's annual budget in accordance with the Local Government Budget Law; and

WHEREAS, the Board has made provision therein for revenues and reserves in an amount equal to, or greater than, the total proposed expenditures as set forth in said budget; and

WHEREAS, it is not only required by law, but also necessary, to appropriate the revenues and reserves provided in the budgets to and for the purposes described below, so as not to impair the operations of the Estes Park Local Marketing District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF THE ESTES PARK LOCAL MARKETING DISTRICT:

That the following sums are hereby appropriated from the revenue of each Fund, to each Fund, for the purposes stated:

General Fund:	\$	3,679,105.32
Current Operating Expenses	\$	2,515,000.00
Other Expenditures	\$	0.00
Capital Projects	\$	0.00
TABOR Reserve	\$	75,450.00

ADOPTED AND APPROVED this 1st day of December 2020.

ESTES PARK LOCAL MARKETING DISTRICT

By: _____
Deborah Gibson, Chair

ATTEST:

Tonya Huminston, Treasurer

RESIGNATION AGREEMENT AND MUTUAL RELEASE

1. PARTIES. The parties to the Resignation Agreement and Release (Agreement) are the **ESTES PARK LOCAL MARKETING DISTRICT** (District) and **ERIC LUND** (Employee).

2. RECITALS. Employee is currently employed by the District as the Chief Executive Officer of the District. Employee has requested to resign his employment relationship with the District and the District has agreed to accept his resignation. Accordingly, in consideration of the mutual promises set forth in the Agreement, the Parties covenant and agree as follows:

3. TERMS.

3.1 Resignation. Employee shall immediately submit his resignation letter to the District simultaneously with signing this Agreement. A copy of his letter of resignation is attached and incorporated as **Exhibit A**. Employee acknowledges that upon signing this Agreement and submitting his resignation, such resignation is irrevocable. Employee's resignation shall be effective as of the date of this Agreement. Employee further acknowledges that upon submission of his resignation, he shall not perform any work for the District or be on District property or at District-sponsored events, unless otherwise specified herein, or unless he has received prior written permission from the District Board President. Any such request by Employee shall be made in writing to the District Board. The District reserves the right to grant or deny the Employee's request at the District's sole discretion. The parties agree that this Agreement serves as a mutual agreement for termination under paragraph 12.1 of the Employment Agreement between District and Employee dated as of December 17, 2018.

3.2 Consideration. In consideration for his resignation and the release of claims, Employee will receive the following:

3.2.1 Payment. Employee will receive a payment totaling \$106,717.40. Said payment will be made ten days after the Employee signs the Agreement. The payment is broken down as follows:

3.2.1.1 Severance Payment. Employee will receive severance payment of \$103,275. From such severance payment, the District will withhold required Federal and State of Colorado taxes. Pursuant to § 24-51-101(42), C.R.S. shall not withhold either the District's contribution or Employee's contribution to the Public Employees' Retirement Association of Colorado (PERA). The parties understand that PERA will not treat such severance payment as salary.

3.2.1.2 Paid Leave Time. The value of all accrued, but unused paid leave time in accordance with District policy.

4. NO DISTRICT REEMPLOYMENT. Employee specifically agrees that as of the Effective Date of this Agreement his employment relationship with the District is forever concluded and ended. Employee will not apply for or otherwise seek future employment and will not be eligible for future employment or reinstatement with the District. In the event the District should inadvertently or accidentally hire Employee, it shall have the right to immediately terminate Employee with full and absolute immunity from any claims arising out of such termination.

5. NO ADMISSION OF LIABILITY. Nothing contained in this Agreement and no action taken

by any party to this Agreement shall be construed as an admission by any party of liability in any respect, and no action taken by any party effectuating this Agreement may be used in any future or pending litigation or charge of discrimination, or in any other way, as an admission of liability in any respect.

6. MUTUAL RELEASE.

6.1 Employee acknowledges that he is knowingly and voluntarily waiving and releasing any and all rights Employee may have under the federal Age Discrimination in Employment Act of 1967, as amended ("ADEA"). Employee acknowledges that it is recommended that he consult legal counsel regarding this Agreement. By signing this Agreement, he understands that he is giving up the right to assert an age discrimination claim. Employee further acknowledges that he has been given 21 days to consider the terms of this Agreement, although he can sign it sooner, and has an additional seven days from the date on which this Agreement is signed to revoke this Agreement. Any such revocation shall be in writing addressed to the District's Board Chair at the address of the District or by email directly to the Board Chair. If the Employee revokes this Agreement, he will not be paid the Severance Payment identified in Paragraph 3.2.1.

6.2 Employee additionally releases the District, and its Board of Directors, administrators, agents and employees (hereinafter collectively referred to as "Releasees") from all past and present legal claims, causes of action, damages and attorney fees which relate in any way to his employment with the District including the resignation from employment. This includes claims based on any public policy, constitutional, tort or contract theory or on any local, state, or federal statute or law regarding his employment, including, but not limited to, wrongful discharge claims, retaliation claims, discrimination based on age, race, color, national origin, sex, marital status, association, free speech, retaliation, veteran status, disability, sexual orientation, medical condition, or any other protected classification or any other laws, including but not limited to, Title VII of the Civil Rights Act of 1964, the Civil Rights Act of 1871, the Civil Rights Act of 1991, 42 U.S.C. 1983, the Rehabilitation Act of 1973, the Employment Retirement Income Security Act of 1974, the Age Discrimination in Employment Act, the Americans With Disabilities Act, the Family and Medical Leave Act, the Equal Pay Act, the Occupational Safety and Health Act of 1970, the Polygraph Protection Act, the Fair Credit Reporting Act, the Employee Employment, Compensation and Dismissal Act, any federal, state or local law including the Colorado Anti-Discrimination Act, all as amended, and any other common law or statutory claim.

6.3 Employee agrees and confirms he will not file a lawsuit against the District or any Releasees concerning his employment with the District.

6.4 The District agrees and confirms that it is forever waiving any claims it has against Employee and that the District will not file a lawsuit against Employee.

6.5 The Agreement is intended to be construed in the broadest possible manner to effectuate the intent of the parties that all disputes between the Employee and the District and Releasees are forever resolved, subject only to the following exceptions which are to be narrowly construed relating to Employee's employment: claims based on events, acts or omissions taking place after the execution of this Agreement; workers' compensation claims to the extent such claims cannot be released under state law without the approval of Colorado Department of Labor; rights to retirement benefits, if any; and actions to

enforce the terms of this Agreement to the extent that specific rights and benefits are conferred by same. If Employee pursues an administrative charge of discrimination with a Federal or State agency, this Agreement expressly waives and prohibits Employee's ability to pursue claims against the District and Releasees seeking monetary relief or any other remedies for himself and/or as a representative on behalf of others to the extent permitted by law.

6.5 Employee acknowledges that a portion of the consideration recited above is therefore being exchanged for this voluntary and knowing assumption of risk of unknown, unaccrued, unforeseeable and/or undiscovered claims, damages and losses and that under no circumstances shall Employee seek to reopen or present further claims against the District at any time. This Agreement shall not be construed to release or waive any rights or claims which arise as a result of conduct occurring after it is executed.

7. GOVERNING LAW. This Agreement shall be governed by the laws of the State of Colorado.

8. RETURN OF DISTRICT PROPERTY. The District acknowledges that the Employee has returned all District property in his possession including but not limited to, files, keys, documents, records, notebooks, computers, computer disks, cell phone, and similar depositories of information, and personal files, if any, maintained by Employee which contain copies and/or originals of documents which, in any manner, pertain to District personnel, business, matters, or affairs, in his possession, whether prepared by Employee or by others.

9. PUBLIC RECORD. The parties understand that this document may be a public record pursuant to Colorado's Public Records Act, § 24-72-200.1, C.R.S., and following.

10. FUTURE REFERENCE. Any future reference requirements of Employee should be addressed to the District's Board Chair at the then-current office address of the District. The District agrees to provide a neutral recommendation to include dates of employment and scope of duties.

11. ALTERNATIVE DISPUTE RESOLUTION. In the event of any dispute or claim arising under or related to this Agreement, the parties shall use their best efforts to settle such dispute or claim through good faith negotiations with each other. If such dispute or claim is not settled through negotiations within 30 days after the earliest date on which one party notifies the other party in writing of its desire to attempt to resolve such dispute or claim through negotiations, then the parties agree to attempt in good faith to settle such dispute or claim by mediation conducted under the auspices of the Judicial Arbitrator Group (JAG) of Denver, Colorado or, if JAG is no longer in existence, or if the parties agree otherwise, then under the auspices of a recognized established mediation service within the State of Colorado. Such mediation shall be conducted within 60 days following either party's written request therefor. The parties shall share the costs of such mediation equally. If such dispute or claim is not settled through mediation, then either party may initiate a civil action in the District Court for Larimer County.

12. ATTORNEYS' FEES. If litigation is filed, the prevailing party shall be entitled to recover its reasonable attorneys' fees incurred in the matter.

13. INTEGRATION AND AMENDMENT. This Agreement represents the entire agreement between the parties regarding Employee's employment with the District and there are no oral or collateral agreements or understandings. This Agreement may be amended only by an instrument

in writing signed by the parties.

14. LIABILITY OF THIRD PERSONS. Except as expressly provided above, nothing in this Agreement is intended to confer any rights or remedies under or by reason of this Agreement on any persons other than the parties, nor is anything in this Agreement intended to relieve or discharge the obligation or liability of any third person to any party to this Agreement, nor shall any provision give any third person any right of subrogation or action over or against either party to this Agreement.

15. SEVERABILITY. If any provision of this Agreement is declared by a court of competent jurisdiction to be invalid, void, or unenforceable, such provision shall be deemed to be severable, and all other provisions of this Agreement shall remain fully enforceable, and this Agreement shall be interpreted in all respects as if such provision were omitted.

16. VOLUNTARY AGREEMENT. The Employee acknowledges and agrees that he has carefully read and fully understands all of the provisions of this Agreement; agrees to the conditions and obligations set forth in it; voluntarily executes it after having had full opportunity to consult with legal counsel of Employee's choice in the negotiation and execution of this Agreement; was provided several chances to determine whether signing this Agreement was what Employee wanted to do; and enters this Agreement of his own free will, free of duress or coercion, and without being improperly pressured or influenced by any statement or representation of any person acting on behalf of any of the parties. Employee further represent he is competent and has the legal capacity to enter this Agreement.

DATE OF AGREEMENT: October 10, 2020.

THE UNDERSIGNED HAVE READ THE FOREGOING RESIGNATION AGREEMENT AND RELEASE, FULLY UNDERSTAND IT, ARE NOT EXECUTING THE AGREEMENT IN RELIANCE ON ANY PROMISES, REPRESENTATIONS OR INDUCEMENTS OTHER THAN THOSE CONTAINED HEREIN, AND VOLUNTARILY AGREE TO ALL OF ITS TERMS, FREE OF ANY DURESS OR COERCION.

ESTES PARK LOCAL MARKETING DISTRICT



Board Chair, Deborah Gibson

EMPLOYEE



Eric Lund

**EXHIBIT A
RESIGNATION LETTER**

October 10, 2020

Dear Board of Directors of Estes Park Local Marketing District:

I am resigning my employment as Chief Executive Officer effective October 10, 2020.

Sincerely,



Eric Lund


EXECUTIVE SESSION CERTIFICATION

At the meeting of the Estes Park Local Marketing District's Board of Directors on October 6, 2020, it was duly moved and seconded that the Board enter into executive session, pursuant to Section 24-6-402(4)(b), C.R.S., for the purposes of receiving legal advice from the Board's legal counsel, Johnathon Intolubbe-Chmil, regarding the District's CEO, Mr. Lund. The motion carried unanimously and the Board entered into executive session from 7:06 p.m. to 7:47 p.m.

Mr. Intolubbe-Chmil specifically advised the Board with respect to the on-going matter with Mr. Lund, as well as the questions and concerns raised by the Board members, all such advice constituting privileged attorney-client communications in the opinion of Mr. Intolubbe-Chmil.

CERTIFICATION BY REGISTERED ATTORNEY

I, Johnathon D. Intolubbe-Chmil, Reg. No. 48768, hereby certify that the executive session was devoted to providing specific legal advice to the Board of Directors and that all such communications were privileged under applicable Colorado law and Supreme Court rules.


Johnathon D. Intolubbe-Chmil



Visit Estes Park
The Destination
Marketing Organization
VisitEstesPark.com

Board of Directors Special Meeting Minutes

Tuesday October 6, 2020 at 6:00pm
Conference Room 1751 N. Lake Ave

Board Members Attending: Chair Person Deborah Gibson, Vice Chair Sean Jurgens, Treasurer Tonya Humiston, Secretary Pat Murphy, Trustee Marie Cenac, Trustee Scott Webermeier, and Director McShann Walker

Also Attending:

Kevin Benes Vice President & CFO, Visit Estes Park
Krystin Campion, Executive Admin Assistant
Josh Harms Marketing Manager
Abigail Huebner Director of Stakeholder Services
John Chmill Estes Park Local Marketing District Attorney

Meeting was Called to order By Chair Person Deb Gibson at approximately 6:03 pm.

PUBLIC COMMENT:

No public comment was stated.

CHAIR PERSON' S MESSAGE:

Chair Person Gibson reviews the agenda items and asks for a motion for approval of the agenda. Vice Chair Jurgens moves and Trustee Cenac seconds the motion. The motion is passed unanimously across by the Board of Directors for Visit Estes Park, otherwise referred to as VEP.

REPORTS:

1. RMNP Update by Kyle Patterson:

Patterson gives an overview of the Cameron Peak Fire saying that the Fire is back in extreme conditions. They are receiving a lot of support and resources from surrounding areas. With the fire, the Old Fall River Road was closed and then reopened to vehicles. The Permit process for entry to the Park will be over on October 12, 2020. People will still need an entry pass, just not the timed entry permit any longer.

2. Town Update – No update was given.

PROGRAM REVIEW:

1. Winter Estes Collaboration Discussion

Benes stated how excited he is to discuss this collaboration with the Estes Arts District. This is still very much in the idea stage. Winter marketing will be a way get our stories out nationally. We will be using VEP's resources and connections to draw attention and create content. Nick Smith, the head of the Estes Arts District, states that they just had a meeting, which was a brain storming session. Wanting to make this a monumental event, a lot of different ideas were passed around, including focus on getting a snow making machine that would be key for several ideas. These ideas include human/dog sled races and snow sculpting. All ideas revolved around snow, winter, and ice. The machine would make that possible. We need the guarantee that we have snow for these events. The Board discusses water concerns with the snow machine. Chair Gibson recommends that Director Walker get involved in this project as well. Another idea that was suggested is a "Northern Lights of Estes" type theme. Board members

further discuss the cost of a snow machine and the potential for a long-lasting icon that is not only a special event but something that could be seen all year around. Benes states the next step is for the Art District to bring a more formal idea and go from there. Smith leaves us with the statement that there are so many ways to highlight the community, and states they are still very open to ideas.

1. Finance Officer Updates:

Benes states that August financial updates are exceeding what was anticipated. This month's financials came up significantly higher than expected. Research finds that vacation rentals with their own kitchens are trending to have their best year ever. This ties into the lodging tax in that the people who are coming are spending more in rent for lodging. Since VEP is getting a percentage of the lodging tax, that helps a lot. Even though there are fewer guests, they are spending more. The recovery is happening based on these numbers. This leaves VEP with an excess of funds to spend on marketing.

Benes transitions to the 2021 budget plan. This basically states that the budget in 2021 for operating expenses should be approved, and we should work off this budget. The only modifications to the budget are restrictions by town, county, and State regulations that may affect the budget due to Covid-19 and/or other natural disasters as listed.

- Instructed staff to access and use the District's reserves to continue marketing efforts;
- Froze all discretionary and non-essential spending; and
- Authorized the Finance Officer to modify the existing 2020 Budget to accurately reflect the COVID recession.

2. Marketing Updates:

Harms states the marketing updates with summer wrap up and a look forward at Fall campaigns. Socials were focused on the longer drive market. Marketing spent less and got more ROI for what was spent. One campaign saw higher click rates with the general public than the intense climber, even though it was targeted to the climbers, showing that these activities are of interest to all. It also saw more people online with more people being home and in isolation. The key take-a-ways are that impressions are good; but the engagement rate was over 13 minutes, which is very good. Westward Partnerships were not as successful, and we won't continue to work with them again. The Fall plan is to continue social media platforms and search by plans.

3. Stakeholder Services Updates:

Huebner starts with a staff update by a collaboration group sales manager to the Stakeholders team. Rebecca Pena has been in town for years and works with several hospitality places. She is going to help build better communication. This will help streamline communication to the Stakeholders, so they are getting the information in one place. Group sales numbers should be more molded into a way to represent how groups affect our stakeholders. Redefining what groups are in that would outline if it is a large family group of 10 people rather than large corporate group(s). Chair Gibson mentions wanting to see weddings separated out from groups. Andera has been teaching Stakeholders to use Olive. She has also been reviewing content to make sure it is accurate, for the website, as well.

EXECUTIVE SESSION:

Chair Gibson asks for a motion regarding Executive Sessions pursuant to Section 24-6-402(4)(b), C.R.S., for purposes of receiving legal advice on specific legal questions from the District's counsel, and pursuant to Section 24-6-402(4)(e), C.R.S., for determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators, both related to the District's CEO, Mr. Lund. Trustee Cenac moves and Treasurer Humiston seconds the motion. The motion passes unanimously.

Legal counsel clarified exactly what the session was regarding. The board went into closed session at 6:58pm.

OPEN SESSION:

At about 8:30 p.m. the meeting returns to open session. Trustee Webermeier motions for Chair Deborah Gibson, Vice Chair Jurgens, and the District's Attorney continue to proceed with continued negotiations relative to the items discussed during the executive session. Motion seconded by Treasurer Humiston. The motion passed unanimously

Consent Agenda:

Approve meeting Minutes from September 1, 2020 meeting and the special meeting minutes from September 15, 2020

Chair Gibson motions to approve the September 1, 2020 meeting minutes. This was seconded by Vice Chair Jurgens. Motion passed unanimously. Chair Person Gibson motions to approve September 15, 2020 meeting minutes. Motion is seconded by Trustee Webermeier, and motion passes unanimously.

BOARD COMMENTS:

Webermeier asks about the Pacific time on the meeting time. Benes mentions that it is his mistake.

ADJOURN.

Chair Person Gibson adjourned the meeting at approximately 8:45 p.m.

Next meeting:
December 1,2020

Krystin Campion, Recording Secretary

Deborah Gibson, Chair Person

DATE: _____

DATE: _____