

**09/18/2012**

**Regular Mtg.**

**Public Comment**

**Mammoth Lakes Trail**

**System Celebration**

**Information**



**Save the Date: October 20, 2012  
Mammoth Lakes Trail System Celebration!**

**Saturday, October 20, will mark the “Grand Opening” of the Mammoth Lakes Trail System (MLTS) and the completion of American Recovery and Reinvestment Act (ARRA) projects for the MLTS that were worked on this summer.** Please join all of the MLTS partners—including the Inyo National Forest, the Town of Mammoth Lakes, the Mammoth Lakes Trails and Public Access Foundation (MLTPA), and the Eastern Sierra Interpretive Association (ESIA)—in celebrating these remarkable projects that have given new life to our local trails and public lands. The day will begin with a **morning of volunteer trail work** at several locations along the MLTS, followed by a **ribbon cutting at the Welcome Center plaza** and demonstrations of the **QR codes featured on the new trail signage** and their integration with the **official MLTS website, [www.mammothtrails.org](http://www.mammothtrails.org)**. And don't forget to **join MLTPA later that evening for a “Tools of the Trail System” fundraiser highlighting all of the projects that MLTPA has completed under contract using Measure R funds and acknowledging partner efforts.** Details to come!

Please have a look at these links:

**MLTS Signage and QR Demo for MLTS Rollout**

[http://www.mltpa.org/galleries/067\\_01\\_MLTSRollout\\_120915/](http://www.mltpa.org/galleries/067_01_MLTSRollout_120915/)

**Mammoth Lakes Trail System Website**

<http://mammothtrails.org>

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**#19a**

**Community  
Development –  
Planning**

**IRWM Update**



INTEGRATED REGIONAL WATER MANAGEMENT PROGRAM

**Round 2 Prop. 84 IRWM Implementation**  
**Proposal Process, Scoring/Ranking Process,  
& Pre-Proposal Application**

#19a

## Project Review Process

### General Information and Preparation of Pre-proposals

- You are *strongly* encouraged to review all relevant documents including the *draft* Round II Implementation Proposal Solicitation Package (PSP), Draft IRWMP Plan Guidelines, and the guidance included in this Request For Proposals (RFP).
- Please pay particular attention to required procedures and deadlines. Refer to the attached timeline for more information about the review and ranking process, fiscal agent selection, and proposal development. The timeline is also available at the following link: [http://www.tiki-toki.com/timeline/entry/22016/INYO-MONO-IRWM-PROGRAM/#!date=2012-09-10 13:15:05!](http://www.tiki-toki.com/timeline/entry/22016/INYO-MONO-IRWM-PROGRAM/#!date=2012-09-10%2013:15:05!)
- If you intend to submit a project for Round 2 Implementation funding, **you must attend the September 26, 2012, PSP and ranking workshop in Independence, CA** (see [www.inyomonowater.org](http://www.inyomonowater.org) for details). There will be a conference call/webinar option if you cannot attend in person. If you are not able to attend at all, you must send someone to attend in your place. Those not attending will not be eligible to submit pre-proposals.
- All project proponents who wish to have their projects considered for Round 2 Implementation funding must submit their project(s) using the online upload form first (unless you have already done so): <http://inyomonowater.org/members/project-upload/>. **All projects must be uploaded by September 30, 2012.**
- **Round 2 Implementation pre-proposals** (those proposals used for internal ranking) **are due to the Program Office by 11:59 pm, October 16, 2012.** Also become familiar with the Implementation PSP before starting your pre-proposal so that you understand what is expected of projects and project proponents. **Please submit pre-proposals as Word documents. We suggest using the attached application worksheet (starting on p. 5) as a template for your pre-proposal.**
- With regards to the Implementation PSP section in the pre-proposal, a fully-developed proposal is not necessary. Reviewers will be looking for the minimal amount of information necessary to respond to the questions in the Implementation PSP Table starting on Page 4. However, providing responses to all of the scoring criteria/questions is highly recommended.
- **All project proponents are required to give a brief presentation of their project(s) to the Regional Water Management Group on October 17, 2012. All entities wishing to review and rank projects must attend this project presentation workshop,** including all technical advisory committee (TAC) members. A conference call/webinar option will be available for those not able to attend in person.

### Scoring of Proposals and Allocation of Funding

- **Category-specific TACs will meet and evaluate proposals for that category only before October 24, 2012.** TACs will evaluate the entire Implementation PSP section of each pre-proposal up to 80 points. TACs are encouraged, in addition to providing the scores of each project evaluated, to provide a narrative explanation of its scoring/ranking of the proposals. TAC members do not necessarily need to be RWMG Members.
- **TACs will provide their scoring and rankings to the Program Office by October 24, 2012.** Program Office will then provide this information to project proponents and the RWMG. If project proponents wish to respond to the TAC rankings, they may do so any time before November 1, 2012, and those responses will be made available to the group of project reviewers.
- **RWMG ranking of projects will occur within bins (or categories). There will be no overall ranking**

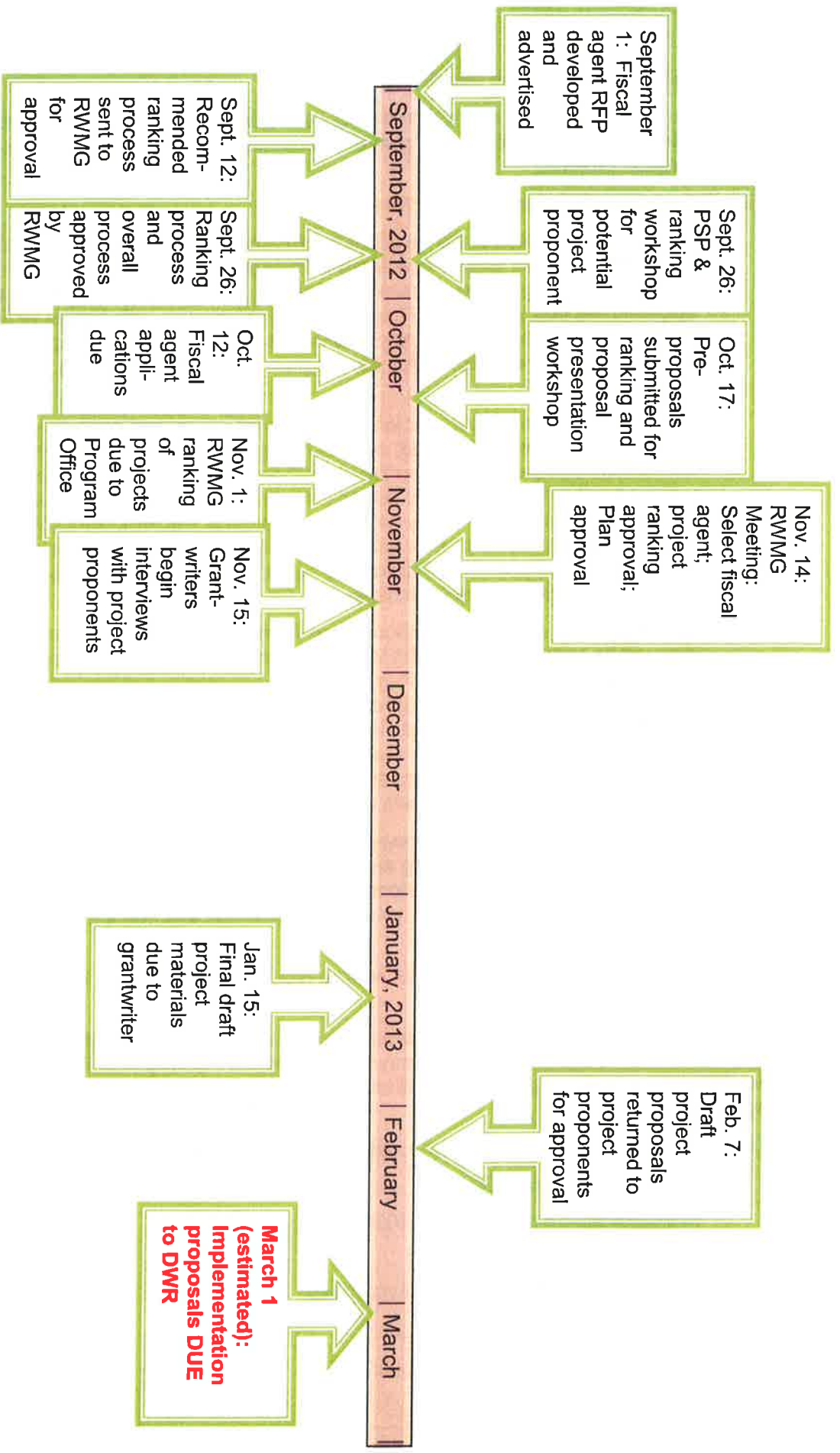
of projects. (Conditional upon decision below)

- Expenses required by fiscal agent to implement and administer the Grant Agreement with DWR will be subtracted from the total grant award with remaining funds going directly to support implementation projects.

- **Funding can be allocated in one of three ways:**

- a) Implementation projects will be prioritized for funding based on the project's evaluation score, regardless of bins. Projects will be ranked from the highest score to the lowest score, and funding will be allocated accordingly. When there is insufficient grant money to fully fund the next project, the Program Office will discuss with funded project proponents how best to maximize the remainder amount so as to fund as many projects as possible. If needed to help resolve conflict, the Program Office will consult the Administrative Committee.
- b) Implementation award will be allocated to the highest ranked projects within each bin. Bins will be randomly prioritized, and the highest ranking project from the first priority bin will receive full funding and then the highest ranked project in the second priority bin will receive funding for their project and so on until the total award is allocated. When there is insufficient grant money to fully fund the next project, the Program Office will discuss with funded project proponents how best to maximize the remainder amount so as to fund as many projects as possible. If needed to help resolve conflict, the Program Office will consult the Administrative Committee.
- c) Implementation award will be allocated to the highest ranked projects within each bin. Bins will be prioritized by the RWMG *before project ranking begins*, and the highest ranking project from the highest-prioritized bin will receive full funding and then the highest ranked project in the second-highest bin will receive funding for their project and so on until the total award is allocated. When there is insufficient grant money to fully fund the next project, the Program Office will discuss with funded project proponents how best to maximize the remainder amount so as to fund as many projects as possible. If needed to help resolve conflict, the Program Office will consult the Administrative Committee.

- Only RWMG Members are eligible to review and rank projects. Members wishing to review and rank projects must commit to reviewing and ranking ALL projects. RWMG reviewers may accept the TAC scoring for those specific sections for a particular project, or they may do their own scoring. If you accept the TAC scores, you must also review and score the other sections of the proposal not scored by the TAC.
- The highest aggregate score per bin will receive highest ranking for that bin. (Conditional upon process above)
- **RWMG Members who wish to review and rank projects must submit their rankings by 9:00 am, November 1, 2012, to the Program Office. Project ranking results will be circulated to the RWMG as soon as possible for Members to take to their governing boards for approval by November 14, 2012.**
- Contact the Program Office with any questions or for more information:
  - Mark Drew, Program Director  
[mdrew@caltrout.org](mailto:mdrew@caltrout.org); 760-924-1008
  - Holly Alpert, Program Manager  
[holly@inyomonowater.org](mailto:holly@inyomonowater.org); 760-709-2212
  - Janet Hatfield, Program Assistant  
[janet@inyomonowater.org](mailto:janet@inyomonowater.org); 760-387-2747



## Round 2 Implementation Pre-Proposal Application

### General Project Information

#### Project proponent:

Yes  No Is the project proponent a signatory of the planning/implementation MOU? If not, are there plans in place to become an MOU signatory on or before October 17, 2012 (deadline for pre-proposal submission), or is the project proponent partnering with an MOU signatory? If project proponent is partnering with an MOU signatory, please list the name of the signatory.

#### MOU Signatory Partner:

#### Contact person:

Phone:

E-mail:

#### Name of project:

#### County(ies) where the project will be implemented:

#### Watershed(s) where the project will be completed:

**This project best fits into the following category (choose one, based on the Inyo-Mono regional Objectives [see p. 10 below for a list of Objectives]):**

- Water Quality
- Water Supply
- Ecosystem Health
- Flood Management
- Groundwater

#### Project Abstract:

Provide a 300-word (or less) abstract summarizing the project

### Scoring

The maximum amount of points available per proposal is 115. Pay particular attention to the allocated scoring for each section below and instructions pertinent to that section.



Implementation PSP (80 points for entire section; see individual scoring criteria for scoring guidance)  
 If you have difficulty reading the Scoring Criteria text, you can refer directly to Table 5 in the Implementation PSP:  
[http://www.water.ca.gov/irwm/integregio\\_implementation.cfm](http://www.water.ca.gov/irwm/integregio_implementation.cfm)

Table 5 – Supplemental Scoring Criteria and Scoring Standards

Scoring Criteria	Weighting Factor	Range of Points Possible	Score	Scoring Standards
<p><b>Work Plan</b></p> <p>Scoring will be based on whether the applicant has presented a detailed and specific Work Plan that adequately documents the Proposal (i.e., suite of projects).</p> <p>Does the Work Plan contain an introduction that includes:</p> <ul style="list-style-type: none"> <li>a) goals and objectives of the Proposal and how the Proposal helps achieve the goals and objectives of the adopted IRWM Plan?</li> <li>b) a map showing relative project locations; and</li> <li>c) a map showing relative project locations; and</li> </ul> <p>Are tasks for each project of adequate detail and completeness so that it is clear that the project can be implemented?</p> <p>Do the tasks include appropriate deliverables and reporting submittals (i.e., quarterly and final reports)?</p> <p>Is the proposal consistent with the applicable Basin Plan?</p> <p>Is this a study or part of a larger - multi-phased project effort? If so, will the proposed project(s) be operational as a standalone project(s) without the completion of the end project(s)?</p> <p>Does the Work Plan include a listing of required permits and their status including CEQA compliance?</p> <p>Does the Work Plan include Data Management and Monitoring Deliverables consistent with the IRWM Plan Standards and Guidance - Data Management Standard?</p>	3	0-15	0-5	<p>Standard Scoring Criteria                      See 2012 Guidelines, Section V.G</p>
<p><b>Budget</b></p> <p>Scoring will be based on whether the applicant has presented a detailed and specific budget that adequately documents the Proposal.</p>	1	0-5	5	<p>A score of 5 points will be awarded where the Budgets for all the projects in the Proposal have detailed cost information as described in Attachment 4; the costs are reasonable, and all the Budget categories of Exhibit B are thoroughly supported.</p>

Table 5 – Supplemental Scoring Criteria and Scoring Standards

Scoring Criteria	Weighting Factor	Range of Points Possible	Scoring Standards
<p>Are the tasks shown in the Budget consistent with the work items shown in the Work Plan and Schedule?</p> <p>Are the detailed costs shown for each project reasonable?</p>			<p>4 A score of 4 points will be awarded where the Budgets for all the projects in the Proposal have detailed cost information as described in Attachment 4 and the costs are considered reasonable but the supporting documentation for some of the Budget categories of Exhibit B are not fully supported or lack detail.</p> <p>3 A score of 3 points will be awarded where the Budgets for most of the projects in the Proposal have detailed cost information as described in Attachment 4, but not all costs appear reasonable or supporting documentation is lacking for a majority of the items shown in the Budget categories described in Exhibit B.</p> <p>2 A score of 2 points will be awarded where the Budgets for less than half the projects in the Proposal have detailed cost information as described in Attachment 4, many of the costs cannot be verified as reasonable, or supporting documentation is lacking for all of the Budget categories described in Exhibit B.</p> <p>1 A score of 1 will be awarded where there is no detailed Budget information provided for any of the proposed projects.</p> <p>0 A score of 0 will be awarded where there is no Budget information provided.</p>
<p>Does the budget attachment contain an explanation of how the project costs were estimated?</p>			<p>5 A score of 5 points will be awarded if the schedule is consistent with the Work Plan and Budget, reasonable, and demonstrates a readiness to begin construction or implementation of at least one project of the Proposal no later than May 2014.</p> <p>4 A score of 4 points will be awarded if the schedule is consistent with the Work Plan and Budget, demonstrates a readiness to begin construction or implementation of at least one project of the Proposal no later than May 2015.</p> <p>3 A score of 3 points will be awarded if the schedule is consistent with the Work Plan and Budget, reasonable, and demonstrates a readiness to begin construction or implementation of at least one project of the Proposal no later than May 2016.</p> <p>2 A score of 2 points will be awarded if the schedule is consistent with the Work Plan and Budget, demonstrates a readiness to begin construction or implementation of no project of the Proposal earlier than May 2016.</p>
<p><b>Schedule</b></p> <p>Scoring will be based on whether the applicant has presented a detailed and specific schedule that adequately documents the Proposal and on the readiness to proceed with the Proposal. Readiness will be measured by construction cycles following the anticipated award date of September 2013. It is assumed in the Scoring Standards that the first construction cycle will begin April 2014, the second cycle will begin April 2015, and the third cycle will begin April 2016.</p> <p>Are the tasks in the schedule consistent with the tasks described in the Work Plan?</p> <p>Given the task descriptions in the Work Plan, does the schedule seem reasonable?</p> <p>How many construction cycles occur between the assumed agreement execution date and the start of construction or implementation for the</p>	1	0-5	



Table 5 – Supplemental Scoring Criteria and Scoring Standards

Scoring Criteria		Weighting Factor	Range of Points Possible	Score	Scoring Standards
earliest of the Proposal's projects?				1	A score of 1 point will be awarded if the Schedule is not consistent with the tasks presented in the Work Plan and Budget. It is clearly not reasonable. Readiness to begin construction or implementation will be disregarded.
				0	A score of 0 will be awarded if the schedule was not included in the application.
<b>Monitoring, Assessment and Performance Measures</b>		1	0-5	0-5	Standard Scoring Criteria See 2012 Guidelines, Section V.G
Scoring will be based on whether the applicant has presented an adequate monitoring and assessment program including performance measures that will allow a determination of whether the objectives are met.					
Do the output indicators effectively track project output?					
Are the outcome indicators adequate to evaluate change resulting from the project's implementation?					
Is it feasible to meet the targets within the life of the project(s)?					
<b>Technical Justifications of Projects</b>		2	0-10	4-5	A proposal that includes clearly identified and well described physical benefits and supporting documentation that demonstrates the project(s) is technically justified to achieve the claimed benefits will be awarded a score of 4 or 5 points based on the adequacy of the technical justification of the project(s).
Scoring will be based solely on the technical justifications of project(s) with respect to claimed physical benefits. Magnitude of physical benefits will not be scored under this criterion. However, physical benefits must be clearly described and quantified (if applicable) as points will be allocated based on the quality of the technical analysis and supporting documentation in consideration of the type of benefit claimed. Scoring is deemed to not bias types or sizes of projects with respect to each other.				3-4	A proposal that includes clearly identified and well described physical benefits, but lacks sufficient supporting documentation to demonstrate the project(s) is technically justified to achieve the claimed benefits will be awarded a score of 3 or 4 points based on the adequacy of the technical justification of the project(s).
Did the applicant provide information that clearly identifies and describes the physical benefits of each project included in the Proposal?				2-3	A proposal that includes physical benefits that are not clearly identified and/or well described and lacks sufficient supporting documentation to demonstrate the project(s) is technically justified to achieve the claimed benefits will be awarded a score of 2 or 3 points based on the adequacy of the technical justification of the project(s).
Is the technical analysis appropriate and justified considering the size of the project and the type of benefit claimed?				1-2	A proposal that includes physical benefits that are not clearly identified and/or well described and little to no supporting documentation to demonstrate the project(s) is technically justified to achieve the claimed benefits will be awarded a score of 1 or 2 points based on the adequacy of the technical justification of the project(s).

Table 5 – Supplemental Scoring Criteria and Scoring Standards

Scoring Criteria	Weighting Factor	Range of Points Possible	Scoring Standards
<p><b>Benefits and Costs Analysis</b></p> <p><i>Scoring will be based on the magnitude of benefits and quality of analysis. Magnitude will be evaluated relative to total proposal costs. For proposals where a cost effectiveness evaluation is provided, these evaluations will also be scored based on the quality and completeness of the evaluation. Scoring is designed to not bias types of projects with respect to each other.</i></p> <p>Points will be allocated based on: 1) the benefits realized through implementation of the Proposal relative to proposal costs and 2) the quality of the analysis and supporting documentation demonstrating those benefits.</p> <p>Are the costs and benefits claimed supported with clear and complete documentation?</p> <p>Is the benefit analysis appropriate considering the size of the project and the type of benefit claimed?</p>	3	0-30	<p>0 A score of zero will be awarded to proposals that do not include supporting documentation to demonstrate the project(s) is technically justified to achieve the claimed benefits.</p> <p>8-10 Collectively the proposal is likely to provide a high level of benefits in relationship to cost and this finding is supported by detailed, high quality analysis and clear and complete documentation.</p> <p>7-8 Collectively the proposal is likely to provide a high level of benefits in relationship to cost, but the quality of the analysis or clear and complete documentation is lacking.</p> <p>5-7 Collectively the proposal is likely to provide a medium level of benefits in relationship to cost and this finding is supported by detailed, high quality analysis and clear and complete documentation.</p> <p>4-5 Collectively the proposal is likely to provide a medium level of benefits in relationship to cost, but the quality of the analysis or clear and complete documentation is lacking.</p> <p>1-4 Collectively the proposal is likely to provide a low level of benefits in relationship to cost. Varying degree of quality of the analysis and supporting documentation.</p> <p>0 A score of zero will be awarded to proposals that do not demonstrate any level of benefit.</p>
<p>Note the following:</p> <ul style="list-style-type: none"> <li>Applicants may not split a single project into multiple smaller components or phases in order to be eligible for the Cost Effectiveness Analysis Option (Section D1).</li> <li>Points may be reduced if DWR determines that the benefits described in the Non-Monetized Benefit Analysis (Section D2) could readily be quantified in dollar terms. This judgment may involve the type of benefit, the size of the project, and the availability of information.</li> <li>If DWR determines that FDR project benefits can be monetized, but the applicant did not present the benefits, the applicant risks losing points.</li> </ul>			



**Table 5 – Supplemental Scoring Criteria and Scoring Standards**

Scoring Criteria	Weighting Factor	Range of Points Possible	Score	Scoring Standards
<p><b>Program Preferences</b></p> <p>Scoring will be based on whether the Proposal will implement one or more of the specified IRWM Grant Program Preferences (See Section 11E). Proposals that demonstrate significant, dedicated, and well-defined projects that meet multiple Program Preferences will be considered more favorably than Proposals that demonstrate a significant potential to meet a single Program Preference or demonstrate a low degree of commitment or certainty to meeting Program Preferences.</p> <p>Did the applicant demonstrate a high degree of certainty that the Proposal will implement the Program Preferences claimed?</p> <p>Did the applicant document the magnitude and breadth of Program Preferences that the Proposal will achieve?</p> <p>Did the applicant include a project(s) that will address critical water supply or water quality needs of disadvantaged communities within the IRWM region?</p>	2	0-10	0-5	<p>One half point will be awarded for each Program Preference (including the Statewide Priorities listed in Table 1 of the 2012 Guidelines) that will be met through the implementation of the Proposal with one exception. One full point will be awarded if the Proposal includes a project(s) that will meet the Preference. "Address critical water supply or water quality needs of disadvantaged communities within the IRWM region" (DAC Program Preference).</p> <p>The maximum score of 5 points will be awarded only if the Proposal upon implementation, will meet at least 8 non-DAC Program Preferences AND includes a project(s) that will meet the DAC Program Preference.</p> <p>If the Proposal does not include a project that will meet the DAC Program Preference, the maximum score that may be awarded is 4 points.</p> <p>Program Preference points will be granted if it is clear that the preference will be met upon implementation of the Proposal.</p>
<p><b>Total Range of Points Possible Without The Breaker Points =</b></p>				

**Statewide Priorities (3 points for entire section)**

**State Water Plan Strategic Objectives**

*Please indicate which of the following objectives from the Water Plan Update 2009 this project addresses (check all that apply).*

- Reduce Water Demand
- Improve operational efficiency and transfers
- Increase water supply
- Improve water quality
- Practice resource stewardship
- Improve flood management

**Inyo-Mono Regional Priorities and Preferences (32 points for entire section)**

**Inyo-Mono IRWM Planning Priorities (20 points for entire section)**

1. In the table below, put an “X” by each Inyo-Mono IRWM Plan Objective and Resource Management Strategy that the project supports. Include a one-sentence description justifying your answer for each. (5 points)

Regional Objective	Resource Management Strategies
<input type="checkbox"/> Protect, conserve, optimize, and augment water supply while maintaining ecosystem health	<input type="checkbox"/> Improve water supply reliability. <input type="checkbox"/> Improve system flexibility and efficiency. <input type="checkbox"/> Support compliance with current and future state and federal water supply standards. <input type="checkbox"/> Address local water supply issues through various techniques, including, but not limited to: groundwater recharge projects, conjunctive use of water supplies, water recycling, water conservation, water transfers, and precipitation enhancement. <input type="checkbox"/> Optimize existing storage capacity. <input type="checkbox"/> Conserve and adapt water uses to future conditions. <input type="checkbox"/> Capture and manage runoff where feasible. <input type="checkbox"/> Incorporate and implement low-impact development design features, techniques, and practices. <input type="checkbox"/> Promote public education about water supply issues and needs. <input type="checkbox"/> Promote planning efforts to provide emergency drinking water to communities in the region in the event of a disaster. <input type="checkbox"/> Promote water efficiency in fish hatcheries. <input type="checkbox"/> Protect water supplies that support public

Regional Objective	Resource Management Strategies
<input type="checkbox"/> Protect, restore, and enhance water quality	recreational opportunities. <input type="checkbox"/> Support achieving compliance with current and future state and federal water quality standards. <input type="checkbox"/> Improve the quality of urban, agricultural, and wildland runoff and/or mitigate their effects in surface waters and groundwater. <input type="checkbox"/> Support monitoring to better understand major sources of erosion and causes and, where feasible, reduce erosion and sedimentation. <input type="checkbox"/> Protect public and aquatic ecosystem sustainability. <input type="checkbox"/> Match water quality to water use. <input type="checkbox"/> Support appropriate recreational programs that minimize and/or mitigate impacts to water quality.
<input type="checkbox"/> Provide stewardship of water dependent natural resources	<input type="checkbox"/> Protect, restore, and enhance natural processes, habitats, and threatened and endangered species. <input type="checkbox"/> Protect, enhance, and restore ecosystems. <input type="checkbox"/> Support science-based projects to protect, improve, assess, and/or restore the region's ecological resources, while providing opportunities for public access, education, and recreation where appropriate. <input type="checkbox"/> Support research and monitoring to better understand the impacts of water-related projects on environmental resources. <input type="checkbox"/> Identify, develop, and enhance efforts to control invasive species.
<input type="checkbox"/> Maintain and enhance water, wastewater, emergency response, and power generation infrastructure efficiency and reliability	<input type="checkbox"/> Promote rehabilitation and replacement of aging water and wastewater delivery and treatment facilities in rural communities, including tribal lands. <input type="checkbox"/> Ensure adequate water for fire protection and emergency response. <input type="checkbox"/> Promote and improve energy efficiency of water systems and uses. <input type="checkbox"/> Promote water efficiency in power generating facilities. <input type="checkbox"/> Provide for development and improvement of emergency response plans.

Regional Objective	Resource Management Strategies
<input type="checkbox"/> Address climate variability and reduce greenhouse gas emissions	<input type="checkbox"/> Increase understanding of water related greenhouse gas emissions. <input type="checkbox"/> Increase understanding of impacts of climate change on water supplies and water quality. <input type="checkbox"/> Manage and modify water systems to respond to increasing climate variability. <input type="checkbox"/> Support efforts to research and implement alternative energy projects and diversify energy sources to move and treat water within the region. <input type="checkbox"/> Support efforts to reduce greenhouse gas emissions in the region. <input type="checkbox"/> Promote public education about impacts of climate change, particularly as it relates to water resource management in the region.
<input type="checkbox"/> Enhance participation of disadvantaged communities and tribal entities in IRWM process	<input type="checkbox"/> Engage regional communities and tribes in collaborative water and natural resource management related efforts. <input type="checkbox"/> Provide assistance for tribal and DAC consultation, collaboration, and access to funding for development, implementation, monitoring, and long-term maintenance of water resource management projects. <input type="checkbox"/> Promote public education and training programs in disadvantaged communities and tribal areas about water resource protection, pollution prevention, conservation, water quality, watershed health, and climate change. <input type="checkbox"/> Promote social resilience in disadvantaged communities and tribes to more effectively respond to social, economic or environmental disturbances impacting water-related resources.



Regional Objective	Resource Management Strategies
<input type="checkbox"/> Promote sustainable stormwater and floodplain management that enhances flood protection	<input type="checkbox"/> Characterize current stormwater and flood management situations and challenges. <input type="checkbox"/> Promote region-wide integrated stormwater and flood management planning. <input type="checkbox"/> Improve stormwater and flood management infrastructure and operational techniques/strategies. <input type="checkbox"/> Promote projects and practices to protect infrastructure and property from flood damage. <input type="checkbox"/> Integrate ecosystem enhancement, drainage control, and natural recharge into construction projects. <input type="checkbox"/> Develop and implement public education, outreach, and advocacy on stormwater and flood management matters.
<input type="checkbox"/> Promote sound groundwater and surface water monitoring, management, and mitigation in cooperation with all affected parties	<input type="checkbox"/> Support and implement state-mandated groundwater and surface water monitoring requirements, and other groundwater monitoring efforts. <input type="checkbox"/> Promote efforts to monitor, manage, and mitigate effects of groundwater-dependent projects. <input type="checkbox"/> Develop and support projects that mitigate for the effects of groundwater extraction. <input type="checkbox"/> Protect and improve the quality and quantity of stored groundwater supplies and recharge areas. <input type="checkbox"/> Promote conjunctive use projects. <input type="checkbox"/> Identify existing gaps in groundwater and surface water quantity data and undertake appropriate assessments/characterization studies. <input type="checkbox"/> Collect data and monitor groundwater and surface water supply variability. <input type="checkbox"/> Promote efforts to manage/design groundwater projects so that future impacts requiring mitigation are avoided.

2. Will this project benefit disadvantaged communities? If yes, list DACs that will benefit. Will the project benefit *only* DACs? If not, please give an estimated proportion of funding that would be used to benefit DACs. (If uncertain which communities qualify as DACs, contact Program Office staff.) (10 points)
3. Will this project involve or benefit Native American Indian Tribes? If yes, list which Tribes. Will the project benefit *only* Tribal communities? If not, please give an estimated proportion of funding that would be used to benefit Tribes. (5 points)

**Project Status/Project Readiness (6 points for entire section, scored as a whole)**

1. Is this a project under CEQA?
  - a. Yes No
  - b. If yes, what level of CEQA is required?
  - c. What is the proposed schedule for completing CEQA?
2. Is this a project under NEPA?
  - a. Yes No
  - b. If yes, what level of NEPA is required?
  - c. What is the proposed schedule for completing NEPA?
3. Is the project proponent able to commit a 25% funding match as required by the PSP, or will the proponent be seeking a DAC match waiver?
4. What are the local and regional permitting requirements (if any), and have they been met? If not, what is the current status of compliance and/or plan for complying with the requirements? If permits are required, when do they expire?
5. Will there be staff available for project implementation, or will they need to be hired?
6. What kinds of planning documents, outside of permitting, are necessary for the project, and are they complete? For example, engineering designs or blueprints, work plan, etc.
7. What other financial resources (internal and/or external) will be available to undertake the project and sustain it beyond the IRWM grant?
8. Does the project proponent have the authority or approval to implement the project (such as landowner approval; approval from governing board; or fee, easement, or license rights)?
9. What will be the status of achieving the appropriate approvals by September 1, 2013 (anticipated final award date)?
10. If approvals have not been granted by September 1, 2013, what is the proposed schedule for achieving such approvals?
11. Is there a labor compliance program in place?

**Subjective Evaluation Narratives (limit responses to 100 words or fewer) (6 points for entire section, scored as a whole)**

1. Will this project result in reduced greenhouse gas emissions? If yes, explain how.
2. Will this project contribute to developing or implementing adaptation strategies to respond to climate variability impacts on water resources? If yes, explain how.
3. Are there any expected negative economic or environmental impacts of the project? Please describe.
4. Does the project address public health and safety concerns? Please describe.
5. Will this project contribute to achieving compliance with regulatory requirements?
6. Does the project mitigate existing negative environmental conditions? Please explain.

**09/18/2012**

**Regular Mtg.**

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**Information**

**Technology**

**Digital 395 Project**



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**ORDINANCE NO. ORD12- \_\_\_\_**  
**AN ORDINANCE OF THE MONO COUNTY BOARD OF SUPERVISORS**  
**AMENDING CHAPTER 5.44 OF THE MONO COUNTY CODE PERTAINING TO**  
**COMMUNITY DIGITAL, TELEVISION, AND VIDEO SYSTEMS**

**WHEREAS**, Mono County Code Chapter 5.44 was created to regulate the business operations community antennae television systems within Mono County's unincorporated areas;

**WHEREAS**, the Legislature of the State of California (the State) adopted the Digital Infrastructure and Video Competition Act of 2006 (DIVCA<sub>(jv1)</sub>) which went into effect January 1, 2007; and

**WHEREAS**, the County's current code Chapter 5.44 is now largely superseded by DIVCA; and

**WHEREAS**, under DIVCA, the State of California has franchising authority for new cable, video and broadband service providers within Mono County; and

**WHEREAS**, DIVCA establishes that local entities, such as the County, are responsible for administration and implementation of certain provisions of DIVCA; and

**WHEREAS**, DIVCA permits local entities, such as the County, to establish Public, Educational, and Government (PEG) channels, and to collect a PEG fee of 1% of gross revenues of each state video franchisee operating within Mono County to support such PEG channels; and

**WHEREAS**, DIVCA requires that the County adopt, by ordinance or resolution, a schedule of penalties for any material breach by a state video franchise holder for violation of customer service and protection standards that the County is permitted to enforce; and

**WHEREAS**, the County desires to amend Chapter 5.44 to conform with DIVCA; and

**WHEREAS**, construction of the Digital 395 project is expected to begin in the foreseeable future and is expected to generate significant interest among cable television, video and broadband providers to enter the Mono County marketplace; and

**WHEREAS**, the County desires to provide a clear framework for those providers to operate within.

#21a



1           **NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF**  
2 **MONO ORDAINS** that:

3           **SECTION ONE:** Mono County Code Chapter 5.44 is hereby amended in its  
4 entirety to read as follows:

5           "Chapter 5.44

6           **COMMUNITY DIGITAL, TELEVISION, AND VIDEO SYSTEMS**

7           **Sections:**

8           **5.44.010**       **Definitions**  
9           **5.44.020**       **Requirement For License**  
10          **5.44.030**       **Franchise Fees**  
11          **5.44.040**       **PEG Requirements [RESERVED]**  
12          **5.44.050**       **Customer Service Penalties**  
13          **5.44.060**       **Encroachment Permits**  
14          **5.44.070**       **Effect On Holders of Local Franchise Agreements**  
15          **5.44.080**       **Creation of Last Mile Provider Standards**  
16          **5.44.090**       **[reserved]**  
17          **5.44.100**       **Enforcement**

18          **5.44.010**       **Definitions**

19           For the purpose of this chapter, any rules, regulations, or specifications adopted  
20 hereunder, the following words, terms, phrases, abbreviations and derivatives of any  
21 thereof shall have the meanings set forth herein. When not inconsistent with the  
22 context, words used in any particular tense, number, or gender include any other tense,  
23 number, and gender. "May" is always discretionary and not mandatory. "Shall" is  
24 always mandatory and not discretionary.

- 25           A.    "Board" means the Mono County Board of Supervisors;
- 26           B.    "County" means the County of Mono;
- 27           C.    "DIVCA" means the Digital Infrastructure and Video Competition Act of  
28               2006, as set forth in Cal. Pub. Util. Code Section 5800 *et. seq.*, as may be  
              amended from time to time.
- D.    "License" means a California State issued video franchise under the terms  
              and conditions set forth in Cal. Pub. Util. Code Section 5800 *et. seq.*
- E.    "Licensee" means the holder of a License.
- F.    "PEG Channel" means Public, Educational, and Government channel as



set forth in Cal. Pub. Util. Code Section 5870.

**5.44.020 Requirement For License**

All providers of cable, video, and broadband services falling under the provisions of DIVCA shall obtain a License prior to providing services within Mono County's unincorporated areas.

**5.44.030 License Fees<sup>[iv2]</sup>**

- A. Any Licensee operating within the boundaries of the County's unincorporated area shall, upon the issuance of a License to serve any portion of the County's unincorporated area, notify the County's Tax Collector's Office of such issuance.
- B. The license fee shall be dependent of the Tier-designation of the community(s) served by the Licensee. Such designations shall be established by Resolution of the Board of Supervisors, and may be amended from time to time.
- C. Any Licensee operating within the boundaries of the County's unincorporated area shall during the term of its License, pay to the County, annually, the following license fee:
  - 1. **Five percent (5%)** of the total gross revenue (as defined in Cal. Pub. Util. Code Section 5860) collected in each calendar year or portion thereof by the Licensee who serves a Tier 1 area as established by a Resolution of the Board of Supervisors;
  - 2. **One percent (1%)** of the total gross revenue (as defined in Cal. Pub. Util. Code Section 5860) collected in each calendar year or portion thereof by the Licensee who serves a Tier 2 area as established by a Resolution of the Board of Supervisors;
  - 3. The total license fee for a Licensee who provides service to areas designated by different tiers shall be the average of the combined fees. For example, if a Licensee provides service to one Tier 1 area, and two Tier 2 areas, then the Licensee shall be charged a total fee of  $(5\% + 1\% + 1\%) \div 3 = 2.33\%$ .
- D. The payments required by this section shall be paid annually to the County's Tax Collector's office and shall be due on or before the last day of March by a duly verified statement showing in detail the total gross receipts received by Licensee during the preceding calendar year or portion thereof



1 from the operation under its license within Mono County. The Licensee shall,  
2 at all times, maintain accurate and complete accounts of all gross earnings  
3 and income arising out of its operation under its License. Licensee's books,  
4 accounts, and records shall, at all reasonable times, be open to inspection and  
examination by any officer, agent or employee of the County authorized by  
the Board to make such inspection and shall be kept in such form as to enable  
such authorized person(s) to ascertain the amounts due the County and  
determine any other facts relative to the operations of the License.

5 E. Pursuant to Public Utilities Code Section 5860(i), the County reserves the  
6 right to audit and compute any and all amounts due under this chapter. No  
7 acceptance of any payment shall be construed as a release or as an accord and  
8 satisfaction of any claim the County may have for further or additional sums  
9 payable under this chapter or for the performance of any other obligation  
10 hereunder.

11 F. Such payments to the County by the Licensee shall not be in lieu of any  
12 occupation, income, license, or property tax or similar levy, assessment, fee or  
13 charge which would otherwise apply to and be payable by the Licensee to the  
14 County unless otherwise provided by Ordinance.

12 **5.44.040 Public Educational and Government (PEG) Requirements [RESERVED]**

13 **5.44.050 Customer Service Penalties**

14 A. All Licensees shall comply with all applicable state and federal customer  
15 service and protection standards pertaining to the provision of services under  
16 a License. The Mono County Administrative Officer or his/her designee, or  
17 the Mono County Code Compliance Specialist, may determine if a material  
18 breach of the customer service protection standards exists. If a material  
19 breach is found to exist, administrative citations may issue pursuant to the  
20 general procedures set forth in Mono County Code Chapter 1.12, or as that  
21 Chapter may be amended from time to time. However, any such notice of  
22 violation shall provide the Licensee at least thirty (30) calendar days from the  
23 receipt of the notice to remedy the specified material breach. A material  
24 breach that is not remedied by the Licensee within the remedy period shall  
25 subject the Licensee to the following penalties to be imposed by the County:

- 26 1. For the first occurrence of a violation, a fine of five hundred dollars  
27 (\$500.00) shall be imposed for each day the violation remains in effect, not  
28 to exceed one thousand five hundred dollars (\$1,500) for each violation.
2. For a second violation of the same nature within twelve (12) months of the  
first violation, a fine of one thousand dollars (\$1,000) shall be imposed for



1 each day the violation remains in effect, not to exceed three thousand  
2 dollars (\$3,000) for each violation.

- 3 3. For a third or further violation of the same nature within twelve (12)  
4 months of the last violation, a fine of two thousand five hundred dollars  
5 (\$2,500) shall be imposed for each day the violation remains in effect, not  
6 to exceed seven thousand five hundred dollars (\$7,500) for each violation.

- 7 **B.** A Licensee may appeal a penalty assessed for any such violations  
8 pursuant to the procedures set forth in Mono County Code Section 1.12.050,  
9 or as that Section may be amended from time to time. Any appeal must,  
10 however, contain a detailed explanation of why the appellant believes that  
11 the finding of material breach or the imposition of penalties was inconsistent  
12 with statutory requirements.

13 **5.44.60 Encroachment Permits**

- 14 **A.** Encroachments permits shall be applied for pursuant to Chapter 13.04 of  
15 this Code. Pursuant to Pub. Util. Code Section 5885, the County shall either  
16 approve or deny an application from a Licensee for an encroachment permit  
17 within sixty (60) days of receiving a completed application. For the purposes  
18 of this section, the Mono County Department of Public Works shall determine  
19 when an application is complete.
- 20 **B.** For the purposes of this section, an "encroachment permit" means any  
21 permit issued by the County relating to construction or operation of facilities  
22 relating to the provision of services under a License.
- 23 **C.** Pursuant to Government Code Section 25520 *et. seq.*, the County may  
24 charge a Licensee rent for the use of its rights of way via an encroachment  
25 permits issued pursuant to this section.
- 26 **D.** Any County denial of an application for an encroachment permit shall be  
27 in writing, and shall contain an explanation of the reason for the denial.
- 28 **E.** A Licensee whose application for an encroachment permit has been  
denied may appeal the denial pursuant to Chapter 13.04. [APPEAL  
PROCEDURE]<sup>[jv3]</sup>

29 **5.44.070 Effect On Holders of Local Licenses<sup>[jv4]</sup>**

- 30 **A.** This Ordinance shall have the effect of modifying any existing local





1 licenses issued prior to the effective date of DIVCA pursuant to Mono County  
2 Code Section 5.44.050 that was in existence at the time such local licenses  
were issued. Such modifications shall update all terms of such local licenses  
to be in accord with the terms set forth in this Ordinance.

3 **5.44.080 Creation of Last Mile Provider Standards**

4 A. The County may, through amendments to its General Plan, ordinance, or  
5 resolution, create additional "Last Mile Provider" standards applicable to  
providers of cable, video, and broadband services.

6 **5.44.090 [Reserved]**

7 **5.44.100 Enforcement**

8 The County Administrative Officer and/or his/her designee, or the Code  
9 Compliance Specialist shall have the authority to enforce the provisions of this  
Chapter."

10 **SECTION TWO:**

11 If any section, sentence, clause or phrase of this Ordinance is for any reason held  
12 to be invalid or unconstitutional by a decision of any court of competent jurisdiction,  
such decision shall not affect the validity of the remaining portions of this Ordinance.  
13 The County of Mono hereby declares that it would have passed this Ordinance and  
each section, sentence, clause or phrase thereof, irrespective of the fact that any one or  
14 more sections, subsections, sentences, clauses or phrases be declared invalid or  
unconstitutional.

15 **SECTION THREE:** This ordinance shall become effective 30 days from the date  
16 of its adoption and final passage, which appears immediately below. The Clerk of the  
Board of Supervisors shall post this ordinance and also publish the ordinance in the  
17 manner prescribed by Government Code section 25124 no later than 15 days after the  
date of its adoption and final passage. If the Clerk fails to publish this ordinance within  
18 said 15 day-period, then the ordinance shall not take effect until 30 days after the date of  
publication.

19 **PASSED, APPROVED and ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2012, by  
20 the following vote, to wit:

21 AYES:  
22 NOES:  
23 ABSENT:

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ABSTAIN:

\_\_\_\_\_  
Vikki Bauer, Chair  
Mono County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Clerk of the Board

\_\_\_\_\_  
County Counsel

DRAFT