SECTION 4: PROCEDURES

4.1 Project Prioritization Methodology

This section satisfies, in part, the following FEMA requirements:

Requirement §201.6(c)(3)(iii): [The mitigation strategy section shall include] an action plan describing how the actions identified in section (c)(3)(ii) will be prioritized, implemented, and administered by the local jurisdiction. Prioritization shall include a special emphasis on the extent to which benefits are maximized according to a cost benefit review of the proposed projects and their associated costs.

Requirement §201.6(c)(3)(iv): For multi-jurisdictional plans, there must be identifiable action items specific to the jurisdiction requesting FEMA approval or credit of the plan.

Requirement §201.6(c)(3)(ii): [The mitigation strategy shall include a] section that identifies and analyzes a comprehensive range of specific mitigation actions and projects being considered to reduce the effects of each hazard, with particular emphasis on new and existing buildings and infrastructure.

Requirement: §201.6(c)(3)(ii): [The mitigation strategy] must also address the jurisdiction's participation in the NFIP, and continued compliance with NFIP requirements, as appropriate.

4.1.1 Development and Rationale

As the Goals and Objectives of the LMS were reviewed by the Working Group, Steering Committee, and specifically the Revisions Committee in 2018, it was determined that our priorities have slightly changed over the recent years. The only relatively recent hazard which is getting more attention in project development is projects related to Sea Level Rise. Our project prioritization methodology is the means by which the LMS Steering Committee or some designated subset of that Committee will develop the single prioritized list of mitigation projects, which is one of the ultimate goals of the LMS effort. The only projects eligible for FEMA approval have to be submitted by a local government who participated in the planning process. These local governments must follow and continue to follow PBC's Local Mitigation Strategy's participation rules in Section 1.

The County established a scoring procedure when the plan was first written in 1999. The scoring procedure is detailed below along with examples in Appendix I. This procedure remains in place thus the County has a structured scoring process for projects seeking alternative funding sources other than federal programs. However, there may be changes made due to new Federal regulations.

The LMS has been proactive in providing its participants with the information necessary to perform a Benefit Cost Analysis that will keep PBC eligible to compete for federal monies

nationwide. Projects being submitted for federal funding require a Benefit Cost Analysis to be completed along with an application for submission. The objective is to create an adequate strategy for PBC to prioritize projects for possible funding sources other than federal funds, which would be prioritized based strictly on Benefit Cost Analysis and the criteria that are environmentally sound and technically feasible. The PPL can be referenced in Appendix E. In addition, Appendix F is a list of potential funding sources for mitigation projects. There have been no changes in priorities in the evaluation process since the last LMS update.

To be effective and gain the support of all the communities involved, the criteria used to rank and prioritize proposed mitigation projects must accomplish the following objectives:

- They must be fair and objective. Mitigation projects proposed by small communities must have equal opportunity to achieve as high or higher priority than mitigation projects proposed by larger communities or the County. Likewise, mitigation projects proposed by economically disadvantaged communities must have the opportunity to achieve as high a priority as those projects proposed by more affluent communities.
- They must be flexible enough to effectively rank projects mitigating for a variety of hazards. The LMS is an "all hazards" program. The criteria used to rank potential mitigation projects must be capable of ranking individual mitigation projects with diverse goals such as, but not limited to flood mitigation, sea level rise, impacts from climate change, wildfire protection, or hazardous waste spill prevention.
- They must be functional and tied to real-world considerations such as competitive grant funding requirements. The County will be developing a list of prioritized mitigation projects that will have to compete with a prioritized list of similar type projects from other counties in the state.
- They must be simple, easily understood, and relatively easy to apply. Many potential mitigation projects will have to be prioritized by the LMS Steering Committee or some subset thereof. This means that individual committee members will be scoring many projects. These individuals must be able to work through the project scoring process relatively rapidly for each project they evaluate.
- They must be individually well defined and specific. Each individual scoring criteria category must be well defined with the possible points to be awarded broken down in as much detail as possible to eliminate arbitrary variation in how various individuals might score the same category.

The prioritization process will be an ongoing process, as the LMS is continually refined and updated. The criteria must be such that it can be applied in a consistent manner with a minimal learning curve.

These overarching requirements are as follows:

- Community Benefit The single most important consideration for any mitigation project is "What benefit does the community derive from this effort?" How, and to what extent does this mitigation project benefit the citizens of a community?
- Community Commitment What is the community's level of commitment that is proposing this mitigation project? All mitigation projects have to compete for funding. If the community or governmental entity proposing a given project is not willing to commit substantial time, effort, and funding, the project has less chance of ever being accomplished even if it is a worthy project. There is no point in ranking a project highly that may never be accomplished even if funds are made available.
- Project Implementation Is this project technically, financially, and legally feasible? Basically this overarching requirement addresses the ease with which a project can be implemented. How easily can required permits be obtained? What is the time frame for accomplishing this project's goals? Are there any technical problems that must be overcome to implement this project?

The rationale for each scoring criterion on the Project/Initiative Evaluation Score Sheet, its connections to known funding sources, and directions on specific numbers of points to award are discussed below.

4.1.2 Community Benefit

4.1.2.1 Community Benefit – What benefit does the community derive from this effort? How and to what extent does this mitigation project benefit the citizens of a community?

Mitigation Benefit	Points Awarded (maximum of 5)
Damage Reduction	5
Mapping and Regulatory	4
Preparedness Against Hazard	3
Public Information	2
Other	1

4.1.2.2 Project Benefit - Does the project address critical elements of the community infrastructure?

The critical question addressed here is, "does this proposed project help protect the community by hardening some critical element in the community's infrastructure that will reduce the potential loss of life or property damage if a disaster strikes"? Specific programs offering state and federal grant money are available for mitigation projects to make community infrastructure or property critical to public safety more disaster resistant.

Points under this criterion are awarded based on the nature of the facility or infrastructure element being hardened or protected. If the proposed projects mitigate a problem in a

primary critical facility such as a hospital, EOC, or emergency shelter it would receive ten (10) points under this criterion. Primary critical facilities are defined as "Facilities critical to the immediate support of life and public safety." These are the facilities the community cannot afford to have any loss of function, even for a short period of time.

Flooding produces a widespread direct and indirect danger to large segments of the community, while at the same time damaging or potentially damaging such critical infrastructure elements as roads and stormwater drainage systems. Therefore, a project reducing or preventing stormwater accumulation and flooding during storm events would receive eight (8) points under this criterion.

Secondary critical facilities are defined as, "Facilities that will be critical for community recovery and restoration of services." Projects that help protect these types of facilities will be awarded six (6) points.

Public convenience facilities are quality of life facilities such as parks, recreation areas, and non-essential public buildings. Projects protecting these types of public property will be awarded four (4) points under this criterion.

Residential structures are defined as private homes. Projects protecting these types of property will be awarded two (2) points under this criterion.

Project Benefit	Points Awarded (maximum of 10)
Primary Critical Facilities	10
Stormwater/flooding	8
Secondary critical facilities	6
Public Convenience facilities	4
Residential Structures	2

4.1.3 Community Exposure

4.1.3.1 Does the project mitigate a frequently occurring problem or a problem to which a community is particularly vulnerable?

This criterion attempts to balance the actual risk of a specific disaster occurring versus the community's exposure in terms of life and property damage if the disaster does occur. For example, a nuclear power plant meltdown would be catastrophic if it occurred, but the frequencies with which meltdowns occur is unknown in the U.S. and optimistically extremely low. Therefore, a project proposing to mitigate for possible nuclear power plant meltdown by providing lead lined emergency shelters would score lower than a project which mitigates for a more frequent, but less catastrophic type of disaster, such as the flooding of a library.

Data for this evaluation will come from the HVA portion of the LMS project, and will be community specific. For example, communities on the coastline experience thunderstorms, lightning, and frequent localized short term flooding, but in most, the exposure in terms of life and property damage is relatively low. Some specific communities, however, such as mobile home parks, or areas with known drainage problems, have much higher exposures to ill effects from thunderstorm hazards. The entire coastline has a high exposure to damage from tropical storms and hurricanes. Category 1 and 2 hurricanes occur with a relatively high frequency, while Category 3, 4, and 5 hurricanes are less frequent. All of these factors must be evaluated in weighing the merits of one mitigation project against another.

Specific guidelines for assigning points under this evaluation criterion are as follows:

Community Exposure # of People or $ Value of Property	Frequency or Risk of Occurrence	Points Awarded (maximum of 10)
High	High	10 Points
Moderate	High	8 Points
Low	High	6 Points
High	Moderate	9 Points
Moderate	Moderate	7 Points
Low	Moderate	4 Points
High	Low	5 Points
Moderate	Low	2 Points
Low	Low	1 Points

4.1.4 Cost Effectiveness

4.1.4.1 The benefit/cost ratio of the project is calculated by applying the following Benefit/Cost ratio formula:

(Loss Exposure ($) Before Project - Loss Exposure ($) After Project) ÷ Cost of the Project

"A key criterion for mitigation projects to be eligible for funding is that they be cost effective." This is a direct quote from the FEMA 1996 guidelines for determining the cost-effectiveness of mitigation projects. "Mitigation efforts can be justified only to the extent to which the averted losses in terms of life and property exceeds the cost of a given mitigation project or effort." In other words, if a mitigation project costs more than what it is designed to protect, why do it?

While a positive Benefit/Cost Ratio is an absolute requirement for FEMA funding, it should be a primary consideration in evaluating any mitigation idea. For this reason, it is the single most highly valued component of the project prioritization criteria.

For any mitigation project to receive FEMA money, the mitigation project application will have to include a detailed Benefit/Cost analysis. Depending on the complexity of the proposed project and the amount of funding required, this Benefit/Cost analysis may require engineering drawings and/or evaluation of alternatives. Such a detailed analysis is beyond the scope of the LMS and in most cases beyond FEMA requirements. In 1996, FEMA published a new guideline for mitigation project evaluation titled "How to Determine Cost-Effectiveness of Hazard Mitigation Projects - A New Process for Expediting Application Reviews". The formula above is derived from that publication. It was developed to allow administrators to rapidly screen potential mitigation projects in a three (3) step process:

Screen the project by reviewing the application data;

Conduct a quick Benefit/Cost analysis; and
If the quick analysis yields a Benefit/Cost Ratio greater than one (1), continue processing the application; or

If the Benefit/Cost analysis is less than one, request additional information from the proposer

An example application of the Benefit/Cost formula is as follows:

A community library has an estimated $90,000 worth of books that may be lost due to storm surge. To shutter the library will cost $20,000 and will prevent loss from surges associated with category 1 to 3 hurricanes. Category 1 to 3 storms represent 70% of the hurricanes likely to strike this community so the risk of loss is assumed to be reduced by 70%, leaving a remaining exposure of 30% or $27,000.

Applying the formula:

($ 90,000 - $ 27,000) ÷ $ 20,000 = 3.15

This project has a Benefit/Cost ratio of 3.15. The entire formula must be used in the submission in order to obtain maximum credit.

The community is also considering raising the floor of this library building by two (2) feet at a cost of $75,000. Such a project would protect the books from storm surge under all but category 5 hurricane conditions, or approximately 85 % of the time. The residual exposure associated with this plan would be 15 % or $ 13,500.

Applying the formula:

($ 90,000 - $ 13,500) ÷ $ 75,000 = 1.02

The benefit/cost ratio on this plan is only 1.02. While this is still a positive ratio, the better return on dollars invested is achieved under the first alternative, shuttering the Library.

The higher the Benefit/Cost ratio, the better return per dollar invested is achieved. Under the first example the community is receiving $3.15 return in terms of lost prevention for every dollar invested. Under the second example the community is receiving only $ 1.02 return in terms of loss reduction for every dollar invested.

Points under this criterion will be awarded as follows:

Benefit/Cost Ratio	Points (maximum of 20)
4.0 or greater	20 Points
3.0 to 3.9	16 Points
2.0 to 2.9	12 Points
1.0 to 1.9	8 Points
<1.0	0 Points

4.1.5 Area Benefit

4.1.5.1 How many people stand to benefit from the project implementation?

Area Benefit	Points (maximum of 5)
Multiple Jurisdictions	5 Points
Community	3 Points
Neighborhood	1 Point

4.1.6 Project Implementation

4.1.6.1 Contained within the Existing Comprehensive Growth Management Plan (CGMP)--Is the project or initiative consistent with or incorporated in the existing Comprehensive Growth Management Plan?

Contained Within the Existing Comprehensive Growth Management Plan (CGMP)	Points (maximum of 10)
Contained within a specific Policy/Plan	10 Points
Contained in "Goal" with proposed Policy/ amendment	8 Points
Contained within a broad "Goal"	5 Points
Contained in a proposed amendment	3 Points
Not in conflict with the CGMP	1 Point

4.1.6.2 Contained Within an Existing Emergency Management Plan or Other Functional Plan Developed by an Official Local Governmental Entity

Has this project or initiative already been proposed as a management initiative or structural improvement in any emergency or growth management plan proposed or adopted by County or local jurisdictions or entity?

This applies to both officially adopted plans and to those plans or amendments to plans which have been proposed but not yet officially adopted. One of the objectives of the LMS is to encourage local governments to officially adopt mitigation measures into their Comprehensive and Emergency Management Plans. If a community wants to improve the score of a proposed mitigation project or initiative it can propose an amendment to its CGMP or CEMP containing the measure.

Contained within an Existing Emergency Management Plan (or other functional plan)	Points (maximum of 20)
Officially adopted	10 Points
Proposed/Not officially adopted	6 Points
Not in conflict with any plan	2 Points

4.1.6.3 Consistency with Existing Regulatory Framework - Is the project consistent with existing legal and regulatory and environmental/cultural framework?

Does the proposed project require any changes or waivers in existing building, zoning, or environmental statutes or ordinances? If changes or waivers are required, there will be an extra step in implementing such a project and the timeline to accomplish the project must be extended accordingly. Projects which are consistent with the existing legal and regulatory framework will receive five (5) points. Projects which are in conflict with some aspect of the existing regulatory framework will receive lower point scores depending upon the seriousness and numbers of regulatory barriers to be overcome in implementing the proposed project.

Consistency with Regulatory Framework	Points (maximum of 5)
No regulatory issues	5 Points
Local issues	4 Points
Regional issues	3 Points
State issues	2 Points
Federal issues	1 Point

4.1.7 Community Commitment

4.1.7.1 Public Support - Is there demonstrated public support for this project or recognition of this problem?

The question of how "public support" should be demonstrated has caused much discussion. It has been decided that points under this criterion should be awarded as follows:

Has this project or problem been the subject of:
a) An Advertised Public Meeting = 3; and
b) Written evidence of public support = 2.

Has the project or problem been the subject of both:
a) An advertised public meeting, and
b) Written evidence of public concern or support.

Subsection b (above) can be letters from affected citizens, minutes from a public meeting in which members of the public request something be done to mitigate an ongoing issue (of which the project was developed), etc.

If so, award five (5) points.

4.1.7.2 Funding Availability - Is there a funding source currently available for this particular project?

Ten (10) points will be awarded to any project for which funding is currently available. If funding is anticipated but currently not available, points will be awarded as follows:

Funding Availability	Points (maximum of 10)
Funds available now	10 Points
Available in 1 year	8 Points
Available in 2 years	6 Points
Available in 3 years	4 Points
Available in 4 years	2 Points
Available in 5 years+	1 Point

4.1.7.3 Matching Funds - Are matching funds or in-kind services available for this project?

This criterion has been added because many, if not most, funding sources require local sponsors to put up some form of match either in terms of funds or services.

Points will be awarded under this criterion as follows:

Matching Funds/In-Kind Services	Points (maximum of 5)
Match of 50% or more	5 Points
40 to 49%	4 Points
30 to 39 %	3 Points
20 to 29 %	2 Points
1 to 20 %	1 Point

4.1.7.4 Timeframe for Accomplishing Objectives - How long will it take for the proposed mitigation project to accomplish its stated goals?

Projects which can be accomplished quickly have an inherent advantage over long-term projects, although long-term projects may ultimately be more beneficial to the community. The following weighted scale assigns points to proposed projects based on the length of time that will be required before a community begins to receive benefits from the project.

Timeframe for Accomplishing Objectives	Points (maximum of 5)
1 Year	5 Points
2 Years	4 Points
3 Years	3 Points
4 Years	2 Points
5 Years +	1 Point

In order for the individuals scoring mitigation projects to perform their jobs adequately and in a meaningful time frame, it is critical that those proposing a mitigation project or projects provide as much of the critical information required for scoring as possible when they submit their projects. To help with this the attached Mitigation Project Proposal Form has been developed. Appendix I contains four (4) examples showing how this scoring process is applied in ranking proposed mitigation projects.

4.2 Tie-Break Procedure

In the case of tie scores, three (3) questions may be applied.
Ties decided by #1 will be so ranked: remaining ties not broken with question #1 will have question #2 applied.

Ties decided by question #2 will be so ranked; remaining ties not broken will have question #3 applied.

Ties decided by question #3 will be so ranked; remaining ties not broken with question #3 will be ranked in the order of the magnitude of effect on the community - these projects will

be ranked in accordance with the number of people that will be helped by the project, largest first.

Question #1: Which project has the highest Community Benefit score?

Question #2: Which project has the highest Community Commitment score?

Question #3: Which project mitigates for the most frequently occurring hazard?

4.3 LMS Evaluation Panel

The LMS Evaluation Panel is responsible for reviewing and scoring proposed projects submitted to the LMS as a basis for prioritization. Panelists are solicited by the LMS Coordinator on behalf of the LMS Steering Committee based on LMS member recommendations and are subject to approval by the LMS Steering Committee. Volunteers are also eligible for consideration.

Candidates should possess a technical and administrative understanding of the LMS program and its goals and objectives. In addition, candidates are expected to exercise objectivity and independent judgment in their evaluations and scoring. The LMS Evaluation Panel members will notify the LMS Coordinator and recuse themselves from evaluating any projects submitted by their own agency, or any agency they may have been employed by in the past. This is to eliminate any potential conflict of interest or bias either in favor of, or to the detriment of any project submission that may be on the agenda for evaluation. In such cases, an alternate evaluator, usually the LMS Coordinator or DEM Planning Manager, will evaluate those projects on a case-by-case basis.

4.3.1 Eligibility for Federal Funding

In order to be deemed eligible for federal monies projects must:

Produce a Benefit Cost Analysis ratio greater than one (1), and
Meet additional program requirements, including being judged to be “environmentally sound” and “technically feasible.”

Federal funding may require additional applications or supporting documents which will be requested based upon each individual federal program.

The LMS Coordinator from the County’s Division of Emergency Management staff serves on the LMS Evaluation Panel. They will serve as an alternate evaluator for potential conflicts as well as in the place of any primary evaluator who may be sick or unavailable for scoring during an evaluation period. Also, any employee of the Division of Emergency Management may be called upon to act as an alternate evaluator if one is not available at the time of project scoring or if there are multiple primary evaluators who have conflicts on a project.

4.4 Project Prioritization Updating Process

STEP 1
Each year after the Spring and Fall Submission/Evaluation period, the existing countywide PPL will be updated. The approved PPL will be in effect until a new PPL has been adopted by the PBC LMS Steering Committee.

The County's DEM staff will activate the update process by notifying all LMS members of the beginning and ending dates for the submission period, and by notifying all LMS Evaluation Panel members that the PPL ranking process is being initiated, along with deadlines for submitting projects and evaluating projects. Everyone will be reminded where to locate the project submission forms in the DEM electronic LMS project tracking system, and provided with a guidance document explaining each requested item on the submission form. All applicants will have to submit their proposed projects/initiatives by the submission date in order to have their proposed projects considered for inclusion in the updated PPL. In addition, at the time an applicant submits their proposed projects; they must also identify which of their projects that are already on the existing, adopted PPL have been completed or for which funding is in process.

All proposals must be submitted electronically before the published deadline in the original notification. For a project/initiative to be considered, online proposal forms must be filled out completely. The contact person and phone number listed on the online proposal form will serve as the official point-of-contact for the applicant. As these Federal grants are awarded only to governmental and private non-profits primarily, if a private citizen within a jurisdiction has a viable and eligible project, it will be up to the jurisdiction to sponsor the project and complete all necessary submissions, applications, and monitoring of awards to remain compliant with current guidelines. A private citizen cannot be an applicant for these funds, but must remain a subapplicant, with the jurisdiction being the applicant and retaining responsibility for all required documentation.

Once per year, the evaluation panel will meet to purge the PPL to ensure outdated projects or those projects funded by local municipalities are removed from the list. The new list will be revised after each submission/evaluation period.

STEP 2
Once the proposals have been received, DEM staff will review each proposal for completeness. DEM staff will then notify the LMS Evaluation Panel of which projects they do not feel are completed, and the evaluation panel will decide whether to go ahead and score the project, or to reject the project and have the DEM staff member notify the submitting party via email that their project was rejected by the evaluation panel for being incomplete and will not be eligible for inclusion on the PPL during this cycle, while encouraging them to resubmit their proposal during the next submission/evaluation period.

STEP 3
DEM staff will notify LMS Evaluation Panel members that all projects have been submitted, and are ready on the online platform for them to begin scoring.

STEP 4
Each LMS Evaluation Panel member will score all proposals in the online platform. Each member will notify the LMS Coordinator via email when they have completed scoring all projects during the evaluation period, but no later than the last day of the period given to them by DEM staff when they were first notified that the submission/evaluation period had been initiated. In the unlikely event that the online platform malfunctions or will not accept the evaluator's scores, a paper form will be distributed to the affected evaluator to complete the scoring process and email back to the LMS Coordinator.

STEP 5
DEM staff will re-check the average attribute scores for each project received from each LMS Evaluation Panel member in the online platform. This will be provided to the Evaluation Panel members at their meeting.

STEP 6
The LMS Evaluation Panel Meeting is open to the public or proposers if they choose to attend and would like to see the scoring process, however, the evaluators will only evaluate the project proposals based on what was provided in the application.

STEP 7
The LMS Evaluation Panel will hold a meeting to review/finalize all scores and create the Draft PPL. A quorum of the LMS Evaluation Panel must be present during the meeting, Panel members will discuss possible inaccuracies and/or reliability of information used by proposers, such as obsolete cost data, questions regarding project feasibility, and project tie-breakers (see Project Tie-Break Procedure). Before the meeting concludes, a vote will be conducted to approve the "new" Draft PPL. DEM staff will provide a copy of the approved "new" Draft PPL to the LMS Steering Committee for approval.

STEP 8
DEM staff will schedule a meeting of the LMS Steering Committee. One (1) week in advance of the scheduled meeting, the "new" Draft PPL will be distributed to the LMS Steering Committee membership.

STEP 9
At the scheduled LMS Steering Committee meeting, the Draft PPL will be presented.

Project applications received after the submission deadline, but before the next project prioritization updating process, may be accepted by the LMS Steering Committee as UNRANKED projects. Prior to the PPL adoption vote, such projects will be presented for consideration. The LMS Steering Committee may vote to include any or all of these projects on the draft PPL as "unranked". Unranked projects will be listed on the PPL under the sub-heading of Unranked Projects which will appear immediately following the list of ranked projects. Unranked projects will automatically be ranked in the next ranking cycle.

Following discussion of the Draft PPL, the LMS Steering Committee will adopt it as submitted or with modifications. Specific justification is required for any modification to the ranking of the projects as submitted by the LMS Evaluation Panel, excepting inclusion of unranked projects.

STEP 10
DEM staff will distribute copies of the new revised PPL to all appropriate entities.

4.5 Conflict Resolution Procedures

4.5.1 Background

With multiple local governments involved in the development of the PBC LMS, differences of opinions may arise over the course of the program with regard to goals, objectives, policies, and projects. In cases where an impasse occurs, a procedure is needed that can be activated to resolve such conflicts. This section describes the procedure that will be used to resolve conflicts arising among the participating governmental entities in the development and implementation of the PBC LMS.

The two types of conflicts that may arise are issues and disputes. Issues are technical problems that are susceptible to informal resolution by DEM staff. Disputes are problems that require formal resolution by neutral third parties. In either case, resolution and settlement are best settled through mutually agreed-upon understanding between the disputing parties. When that is not possible, some form of binding resolution is needed.

The Subcommittee will be comprised of three (3) people: one (1) member of the Subcommittee will be appointed by the LMS Steering Committee Chair, a second person will come from the Division of Emergency Management and be selected by the Director, and a third member will be someone drawn from the LMS Steering Committee who has been selected by mutual agreement of the LMS Steering Committee chair and the Director of DEM (This individual or their municipality cannot be involved personally in the conflict).

Once the Subcommittee has been selected, DEM, as lead agency will prepare a memorandum delineating the dispute, include supporting documentation when available, and schedule the Subcommittee meeting.

If no resolution could be reached, the issue would then be heard by the entire LMS Steering Committee. The vote of the LMS Steering Committee would be binding. Other DEM staff shall provide support to the committee.

4.5.2 Procedure

The following provides a detailed, step-by-step procedure that would be followed should a dispute arise under the LMS.

Objective: To institute a fair, effective, and efficient process to resolve conflicts among local governments during the development and implementation of the LMS.

During the development or implementation of the LMS, a local government(s) may reach an impasse on a particular issue or position. The local government has an opportunity to exercise the following LMS Conflict Resolution Procedure.

STEP 1
The local government submits a letter of dispute (LOD) to the DEM Director explaining in as much detail as possible, describing their concern and position along with documentation to support their position. Also, they should outline potential alternative solutions.

STEP 2
DEM Director reviews the LOD making sure that it clearly outlines the position of the local government(s) and provides sufficient information supporting their position so the dispute in question can be readily understood by the members of the Conflict Resolution Subcommittee. If DEM staff determines that additional facts are needed to describe the dispute outlined in the LOD, DEM staff will provide, in writing, a letter identifying the information that will clarify the position of the disputing party.

STEP 3
Once the LOD is determined to be complete, DEM staff will notify and arrange a telephone conference call or a meeting of the LMS Steering Committee Chair and DEM Director to select individuals to serve on the LMS Conflict Resolution Subcommittee (an ad hoc committee) within seven (7) calendar days. Before the selection process is completed, a verification of a willingness to serve will have been completed. Only voting members of the LMS Steering Committee are eligible to serve on the Subcommittee.

STEP 4
Within a day of the Subcommittee selection, (see STEP 3), DEM staff will send a follow-up letter and/or email to each Subcommittee member confirming their appointment.

STEP 5
Included with the follow-up letter will be the LOD and any supportive materials provided by the disputing party.

STEP 6
In an effort to expedite the process, DEM staff will make every attempt to schedule the meeting within two (2) calendar weeks from the date the LOD was determined complete.

STEP 7
The conflict resolution meeting is held. DEM will provide staff to document the proceedings of the meeting. Every effort on the part of the two parties will attempt to resolve the impasse at the meeting.

STEP 8

If resolution is achieved, DEM staff will prepare a memorandum documenting the issue and the mutually agreed upon resolution. The memorandum will contain three (3) signature blocks, one (1) for the Chair of the Subcommittee and two (2) for the representatives of the disputing parties. By their signature, all parties will formally agree to the mediated result. A copy will be provided to each party and another copy filed at the DEM. If resolution is still not achieved, the process will move to STEP 9.

STEP 9

If no resolution is achieved at the meeting, the Subcommittee will develop an alternative proposal which will be proffered to the disputing party within seven (7) days following the conclusion of the conflict resolution meeting.

STEP 10

If the impasse is not resolved at the Subcommittee level, DEM will schedule a meeting of the full LMS Steering Committee. In an effort to continue to try to resolve the impasse expeditiously, DEM staff will make every attempt to schedule the meeting within two (2) calendar weeks from the date that a solution cannot be achieved at the Subcommittee level. Each member will be sent a copy of the LOD and any supportive materials provided by the disputing party. The disputing party will be notified of the meeting date and time.

STEP 11

A meeting of the LMS Steering Committee is held. The representative of each disputing party will present their positions and the Chair of the Subcommittee will present the views of LMS Conflict Resolution Subcommittee. At the end of the meeting, if no mutually acceptable compromise is achieved, the LMS Steering Committee will vote to accept one (1) solution from among the offered solutions or those that may develop at this special LMS Steering Committee meeting. This resolution vote of the LMS Steering Committee will be final.

The outcome of the meeting will be detailed in a memorandum of understanding that will be prepared by DEM. This memorandum will be signed by the LMS Steering Committee Chair. Thereafter, a disputing party can exercise the legal remedy of going to court.