



# OREGON DEPARTMENT OF EMERGENCY MANAGEMENT

## Local Government Emergency Management Advisory Council (LGEMAC) Minutes

April 24, 2023

The virtual meeting was called to order at 3:32 pm

### LGEMAC Members Present:

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Chair—Patence Winningham: representing members of the public with experience in emergency management

Vice-Chair—Laurie Chaplen: representing Oregon cities

Dave Busby: representing statewide association of emergency managers, responders, gov agencies & elected officials

Matt English: representing Oregon county sheriffs

Kelly Minty: representing Oregon counties

Dana Pursley-Haner: representing members of the public with experience in emergency management

Jake Shores: representing emergency medicine

Mark Spross: representing 9-1-1 dispatchers

Helen Miller: representing volunteer emergency medicine

Anthony Pierotti: representing Oregon fire department

### Others in Attendance:

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Matt Garrett: OEM Interim Director

Stan Thomas: OEM Deputy Directory of Mitigation and Recovery

Good, Bridget: OEM Executive Assistant and LGEMAC Board Administrator Partner

Shafer, Tait: Representative from Mountain Wave

Doug Grafe: Office of the Governor, Wildfire Programs Director

Bobbi McAllister: OEM Strategic Planner

Sheridan McClellan: Wasco County EM

Randy Thorpe: Tillamook Co. Emergency Manager

Carole Sebens: OEM, EMPG and SPIRE Grant Coordinator

Nick Vora: Union Co. Emergency Manager

Alaina Mayfield: OEM Preparedness Manager

Justin Gibbs: Clatsop County Emergency Management Director

Tiffany Brown: Clatsop County Emergency Manager, OSSPAC Chair

Lorilei Broughton: OEM Internal Auditor

John Wheeler: Washington County Emergency Manager

Chris Voss: Multnomah County Emergency Management Director

Wayne Stinson: Douglas Co Emergency Manager

### Opening comments and Introductions

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Bridget conducted roll call.

### Approval of December 13<sup>th</sup>, 2022 Meeting Minutes

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Meeting minutes were approved by Matt English, seconded by Dave Busby at 3:35 pm.

## **Update from Matt Garrett**

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OEM continues to navigate in the legislative waters on our budget. We are done with the first phase where we have given the overarching presentation of the agency and the portfolios within. OEM has a presentation in front of Ways and Means regarding FEMA grants for emergency operations centers. The following week, OEM will present to the Ways and Means Public Safety Subcommittee about the relationship between OEM and local Emergency Managers. Patence Winningham and Nathan Garibay will present the local perspective. Communication is key. OEM will focus on the Regional Coordinators as they are the boots on the ground.

Budgets, including OEMs, will be moved to the early May timeframe. They won't be finalized at that time. There are a couple of significant discussions that will happen in the first couple of weeks in May; the revenue forecast being significantly important. The final budget for this agency will be informed at the end of the legislative session.

## **EMPG Administrative Rule Revision/Review**

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Patence provided some background information: The emergency management performance grant is primarily what funds all of the counties and a small number of cities, as well as tribes annually. It is a federal grant that is pushed through by the state, comes with work plan requirements and is a matching grant, mostly at the local level. There is a population allocation but has historically trended downward. In 2011, a committee was created to determine how these funds would be allocated across the state, but it has not been looked at or approved since 2013. Director Garrett and Deputy Director Marheine asked that LGEMAC review the document and help provide feedback and recommendations. Public comments have been provided by Wayne Stinson, Douglas County Emergency Manager, as well as the Oregon State Sheriff's Association Emergency Manager Command Council Chair.

Carol Sebens shared a copy of the rule, with suggested changes proposed by OEM, and asked that LGEMAC serve as a rule advisory committee to help OEM understand the impacts and move forward. OEM changed it's name within the document to reflect the transition from the Oregon Office of Emergency Management to the Oregon Department of Emergency Management.

Section 3D: The FEMA approved Natural Hazards Mitigation Plan was edited to be a Hazards Mitigation Plan. This allows planning for hazards outside of just natural hazards.

Section 4D: Added an ODEM requirements and guidance line. It caused concern. It is something that OEM has always had, but the line was just added for clarification. Carole proposed that the change just be taken out due to the concern. There were no objections.

Alaina: Removal of the language does not remove the requirement of OEM to do the work per federal guidance.

Patence: The angst comes from wanting to ensure that Federal guidance will predict what's going on that list and anything additional will not go on that list without being federal guidance narrative.

Carole: OEM does not want to add additional requirements. There are new NQS requirements that may mean we need new requirements. For situations like that, OEM does have the authority to add requirements when necessary.

Section 5: A proposal was made to make the Oregon EMPG funding formula a policy, to assist with changes. Review was requested. The update states that OEM will create a workgroup to review the policy every three to five years. Eligible agencies would participate in the workgroup. OEM wants flexibility on timing. Some public comments requested a more specific timeframe.

Mark Spross: Could we have a benchmark goal of three years with the ability to get a 1-year extension if needed?

Jake Shores: Agreed, but with the caveat that it can not be pushed out more than two times.

Patence: This would allow it to potentially be reviewed only twice in ten years and a lot can happen in that amount of time. Holding ourselves accountable for the 3 years with the opportunity for an extension is preferred to just a generic three to five year option language.

Carole: A significant event or change in funding could occur that would potentially leave a good opportunity for an earlier review. Do we want to add language to account for that?

Jenny: OHA has a similar funding stream and they review the allocation every year based on funding from the federal government. Can add "as necessary" based on funding.

Jake Shores: What is the workload or time commitment for the review process?

Kelly Jo was very involved with creating the funding calculations and there were several meetings to determine base allocations. Meetings occurred over the course of three to four months, meeting one time per month. There was contention because cities over 85,000 were in a way double funded and when funding went down, they were supposed to be the first to be dropped. That needs to be taken into consideration when we review this again.

Patence: 2009 the cities became eligible for EMPG and tribes became eligible in 2013.

Section 7B: For cities over 85,000, they are eligible for EMPG funding. They are also within a county that receives funding, so OEM wants the two entities to work together. The law states that they provide plans to each other for feedback. Feedback was that that step doesn't assist with collaboration. The change is requested to collaborate in whatever way the entities see is best for their situation. The plan exchange was removed.

There were requests to change deadlines, but those are in place because of FEMA timelines.

Patence Winningham: opened this up to the floor for comment.

Dave Busby: shared his appreciation that OEM was taking the comments seriously and expressed approval of the changes made.

Carole: After reading the public comments, she felt that the change to Section 3D could be removed and left as is. Laurie requested a final draft after the changes were made.

Carole: Agreed to send it out, along with a rule change form that has to be submitted to the Secretary of State. The form includes a fiscal and economic impact. How small businesses were impacted and racial equity statement. We will also need to have a judicial review to make sure it meets all of the requirements.

Patence: Will the funding committee convene this year to work on updating the allocation and description going forward?

Carole: Agreed that it would be good to move forward with assigning a rule committee before the next funding cycle.

Sheriff English: How will the workgroup be selected? He would like to ensure the east side of the state has good representation.

Carole: Currently this has not been decided. This could be the workgroup or LGEMAC could help create the group. We could add a tribal liaison.

Patence: We have representation in the council, so perhaps it could be a subcommittee within LGEMAC.

Laurie: Add tribal into the mix and add different cities and counties to increase the view points.

Carole: Should this be added into the rule? We could change it to a representative workgroup.

Patence: Maybe LGEMAC could assemble a list of potential committee members to present to OEM.

Carole: Okay, we will leave the rule as is. Requested a discussion on the fiscal and economic impact, Statement of Cost of Compliance, Racial Equity Statement. She provided the following:

**Fiscal and Economic Impact:**

Currently OEM distributes funds to Oregon Emergency Management, Oregon counties, Oregon cities and Oregon tribal governments. The dollar amount received from FEMA will not be impacted by this rule change. The dollar amount distributed to subrecipients may be adjusted from the original formula after this rule change.

**Statement of Cost of Compliance:**

(1) Currently OEM distributes funds to Oregon Emergency Management, Oregon Counties, Oregon Cities, and Oregon Tribal governments and all may be impacted by this change.  
(2) The agencies listed above may purchase supplies or equipment from small businesses, but we don't believe small businesses would be negatively impacted from these changes.  
(a) office equipment or furniture  
(b) There is not a change expected in reporting, recordkeeping and administrative activities and cost required to comply with the rule(s);  
(c) OEM estimates a minimal amount to the cost of supplies purchased from a small business.

**Describe how small businesses were involved in the development of these rule(s)?**

The jurisdictions listed above may purchase supplies or equipment from small businesses. OEM doesn't believe small businesses would be negatively impacted from these changes.

**Racial Equity Statement**

Use the OHA/ODHS RACIAL EQUITY IMPACT STATEMENT GUIDANCE (which is located on the Administrative Rule Owl page) formulate your Racial Equity Statement and enter it here. Assess and describe how the rules impact racial equity across the state. Explain how the agency may mitigate the impact. An impact exists, please do not use "none" or "N/A". Use the question in the guidance tool to

*This change gives the ability to update the funding methodology to be more equitable.*

Dave Busby: The only thing perhaps worth "wordsmithing" here would be to ensure that the group should represent the entire state, both regionally and including tribal representatives.

Carole: That can be added to the explanation.

Sheridan: Can the workgroup specifically be selected by region to make it more equitable?

Patence: Paying attention to "shall" vs "may" language will make a big difference on equity.

Carole: Will make the changes, send it out to the workgroup and request a week to review the changes. Is that acceptable?

LGEMAC: Agree

Brian: There is a concern about additional requirements being added because they pose an additional effort/burden without the added funding to support that effort. Will the additional rules align with NOVO? They could be a fiscal issue.

Carole: We do have the ability to add rules, but we aren't necessarily going to do that.

Alaina: I have no plans to have Carole add additional requirements. We are struggling to meet current requirements. It is a burden at the local level, as well as on OEM as we work to track and ensure those requirements are met. OEM has to meet the same EMPG requirements as locals do.

## LGEMAC Roundtable

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Patence: May 2<sup>nd</sup> is the legislature Ways and Means presentation for the connection between OEM and local jurisdictions. If you have any feedback, please send it to me or Nathan Garibay before then. There was an Everbridge EAS message in Florida that was sent out at 4:52 am by error and now they are cancelling the contract immediately. Lane County is one of the last Oregon counties to sign the contract. Does anyone have information?

Mark Spross: It was a user error, but the system is good.

Patence: Thanks Mark. There are 5 bills that may be of interest to this group in the current legislative session. I'll put those in the chat.

Helen: We didn't review the minutes and it would be good to have them listed as draft if posted. She noticed that EMAC's assistance compacts between states, and we are still listed as OSP for contact information. Should the EMAC agreement say OEM? She was recently designated the American Academy of Pediatrics (AAP) disaster ambassador for Oregon. She is happy to be an advocate and contact for family reunification following a mass casualty, or other disaster event, and other pediatric and family-focused readiness, response, and resilience efforts. For more information, Dr. Miller can be reached via email here: [millerhelen@comcast.net](mailto:millerhelen@comcast.net) or by phone here: 541-915-4375.

Doug Grafe: We continue to work through the State Resilience Office hiring with Senate Review in process. We continue to work through the OEM Director. We are in phase 2 and the screening process is in place. For the bills listed in the chat, I'm adding 2508 as the consolidation effort for the public safety answering points 9-1-1 and there are grant dollars associated there. There are House Bill 2948 and Senate bill 895 relating to using fair grounds as emergency evacuation centers.

Mark Spross: 9-1-1 working with OEM for the Next Gen roll out, as well as working with SDIC and are hoping for some federal money that will be coming out for roughly 15 billion dollars available to all the states.

Patence: The Bylaws have been edited and drafted. We will review those at the next meeting.

## Public Comments

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From Bryan Lee, Benton County Emergency Manger

Hi Patence and Carole,

Thank you for sending these documents out to locals. I wanted to give a few pieces of feedback and ask some questions regarding the proposed rule change language. I concur with Wayne Stinson, Douglas County Emergency Manager, regarding the possible future impacts of changes from the Oregon Department of Emergency Management (ODEM). While I understand ODEM has always had the ability to compel local recipients to comply with additional requirements, I believe the prudent course of action would be to adjust the language so that the additional requirements (above Federal minimums), would need to be reviewed by a workgroup consisting of local recipients and ODEM officials. That workgroup may best fall with LGEMAC or some other group such as OSSA. This process would ensure accountability as well as collaboration between the state and locals. This is especially important due to the ongoing cuts to EMPG funding at the federal level, and the addition of more jurisdictions becoming eligible for EMPG funds. This change may seem minor and burdensome, however, I believe that this will actually help build stronger relationships, trust, and transparency between ODEM and local Emergency Management offices.

My other comments and questions are in reference to the *2013 Approved Funding Formula* document. I am grateful that ODEM and locals are willing to re-examine this funding formula and make adjustments. My first question on this document is under "Round 1" section 2a. This section notes a 40 hours week FTE-\$62,500. This amount seems incredibly low, so I am hoping this is referring to the 50% of the total estimated cost of an FTE given the median salary at the time. I would make a suggestion that the associated dollar amount be examined to confirm that is still a valid assumption. My next comment is in regards to "Round 2" section 3. It would seem as though Counties with large eligible cities are able to receive additional allocation funds even if the eligible city is also receiving funds. Is this the intent of the formula, or is this projected to change? I do not have a stance as to whether Counties should receive EMPG funds for the included eligible city population while the eligible city also receives EMPG funds, but I just am hoping for clarification on the future intent. My last question/comment is whether or not we intend to change the population of eligible cities. Based on the 2013 Census population data for Oregon, there were 3.924 million people. Looking at the stated city number of 85,000, that equates to 2.22% of the total population in 2013. To adjust for current state population numbers, 2.22% of the current 4.242 million people in Oregon, an equivalent number would be just over to 94,000 people. I would suggest the possibility of increasing the required eligible city number

to 95,000 to adjust for population growth within the State of Oregon or an adjustment to the eligibility criteria as defined by the LGEMAC or other similarly comprised workgroup.

In conclusion, I appreciate your willingness to make these adjustments and changes to the EMPG funding OAR and funding policy. I know this process is a lot of work, and it will be next to impossible to gain consensus on language, wording, and next steps. EMPG funding is integral to how locals are able to operate their programs and as a result, many of us are very concerned about changes to requirements, formulas, etc. If you have any follow up questions for me, I would be happy to discuss my comments in more detail.

Thank you again for your time and consideration on this matter.

Motion to approve the February 2023 LGEMAC meeting minutes at 4:38. Minutes were approved.

## **Adjournment**

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This meeting was adjourned by Matt English and seconded by Vice Chair Laurie Chaplen at 4:39 pm.



# DOUGLAS COUNTY SHERIFF'S OFFICE

1036 S.E. Douglas Avenue • Roseburg, Oregon 97470 • (541) 440-4450

**JOHN HANLIN**  
SHERIFF

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April 20th, 2023

Local Government Emergency Management Advisory Council (LGEMAC)  
Oregon Department of Emergency Management  
3930 Fairview Industrial Drive SE  
Salem, OR 97302

**Ref:** Proposed changes to OAR Chapter 104 Division 10 (EMPG rules changes)

Members of the LGEMAC:

I have been involved in Emergency Management in Oregon for over 40 years and at least 20 years as the local Emergency Manager for Douglas County. I would like to state that I am opposed to changes to OAR Chapter 104 Division 10 (EMPG rules changes) as proposed by Oregon Department of Emergency Management (ODEM). The section that I am opposed to is (4) (d) where it states:... *"comply with additional federal mandates as outlined in the annual federal EMPG Funding Opportunity Announcement and ODEM requirements and guidance included in the agency's approved annual work plan."* Specifically, I am opposed to the wording *"and ODEM requirements and guidance"*

The statement of *"ODEM requirements and guidance"* has no oversight language. I have seen programs change over the years as well as a number of administrations in the State level Emergency Management agency/department. Each administration and program managers have had their own agenda and those agendas have, often times, been pushed down to local programs with little or no chance for feedback or input from County level programs. The problem with this model is that it is at the local level where disasters occur. Local Emergency Managers generally know our strengths and weaknesses and additional state level requirements often does not help us to increase program effectiveness but just causes us additional work that takes time away from what we know are local issues or concerns. I feel that the referenced statement provides no opportunity for any oversight nor protection from potential arbitrarily private or political influences. I would recommend that any additional requirements, beyond federal mandates required to receive the funding, must be reviewed and approved, at minimum, by the LGEMAC.

Currently, the State approves EMPG payments to eligible jurisdictions so long as they maintain programmatic requirements. State EMPG disbursements are often crucial to keeping local emergency management activities viable as their primary source of operating funds.

I appreciate your consideration of this issue. I believe my request will not create an undue burden on ODEM. However, I also believe this simple addition to the process will create a better trust and communication between local Emergency Management programs and the newly created ODEM.

Sincerely,

*Wayne A. Stinson,* Emergency Manager, CEM®

Emergency Management Division  
Douglas County Sheriff's Office  
1036 SE Douglas Ave.  
Roseburg, Oregon 97470





# DOUGLAS COUNTY SHERIFF'S OFFICE

1036 S.E. Douglas Avenue • Roseburg, Oregon 97470 • (541) 440-4450

**JOHN HANLIN**  
SHERIFF

April 28, 2023

Carole Sebens  
Oregon Department of Emergency Management  
3930 Fairview Industrial Drive SE  
Salem, OR 97302

**Ref:** Proposed changes to OAR Chapter 104 Division 10 (EMPG rules changes)

Previously I wrote a letter to the Local Government Emergency Management Advisory Council (LGEMAC) outlining concerns about proposed changes to OAR Chapter 104 Division 10 Emergency Management Performance Grant (EMPG). I provided you a copy of the letter. Please see attached.

During the April 24, 2023 LGEMAC meeting you stated that the Oregon Department of Emergency Management (ODEM) was going to remove the proposed changes to Section (4) (d).

After some consideration of ODEM's offer to remove the proposed changes to Section (4) (d) I think it is still necessary to address the issue that removal would create. By removing the proposed change there is nothing that would preclude ODEM from inserting into next years workplan. The OAR would be silent on the matter and ODEM would still be able to insert any requirements they see fit. I believe the need for this addition is predicated to ensure understanding of year to year changes in the EMPG Workplan and how those changes would impact implementing the EMPG Workplan at the local level.

I would propose that Section (4) (d) be amended to read:

*Comply with additional federal mandates as outlined in the annual federal EMPG Funding Opportunity Announcement and any ODEM requirements and guidance beyond those listed in federal mandates to receive funding, must be reviewed and approved, at minimum, by the LGEMAC.*

Again, I will state: I appreciate your consideration of this issue. I believe my request will not create an undue burden on ODEM. However, I also believe this simple addition to the process will create a better trust and communication between local Emergency Management programs and the newly created ODEM.

Sincerely,

*Wayne A. Stinson*, Emergency Manager, CEM®

Emergency Management Division  
Douglas County Sheriff's Office  
1036 SE Douglas Ave.  
Roseburg, Oregon 97470

Cc: Local Government Emergency Management Advisory Council

Oregon Department of Emergency Management

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Chapter 104

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Division 10

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PARTICIPATION OF LOCAL AND TRIBAL GOVERNMENTS IN THE EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG) PROGRAM OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

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104-010-0005

**Participation of Local and Tribal Governments in the Emergency Management Performance Grant (EMPG) Program of the Federal Emergency Management Agency (FEMA)**

(1) The Oregon Department of Emergency Management (ODEM), and local and tribal emergency management/services agencies participating in the Emergency Management Performance Grant (EMPG) Program will implement the EMPG Program in the State of Oregon consistent with these rules, the Federal Emergency Management Agency's (FEMA) annual EMPG Program guidance, and an annual grant agreement and work plan agreed to by ODEM and each participating local or tribal emergency management agency.

(2) Eligible applicants for participation in the Oregon EMPG Program include the state's 36 counties, nine federally recognized tribes, and cities with a population of over 85,000.

(3) Each county, tribal government and city must meet the following requirements to be eligible to participate in the program:

- (a) Have an assigned emergency manager.
- (b) Be National Incident Management System (NIMS) compliant.
- (c) Have an Emergency Operations Plan (EOP) that is consistent with ODEM's statewide planning guidance, updated every two years, and promulgated by agency officials every four years.
- (d) Have a FEMA approved Natural-Hazards Mitigation Plan that is updated every five years.
- (e) Have an Emergency Operations/Coordination facility.
- (f) Have an incident command structure.

(4) Each county, tribal government and city must meet the following additional requirements to participate in the program:

- (a) Conduct emergency exercises as outlined in the annual grant program work plan.
- (b) Ensure that each agency staff member funded in any part with EMPG funds participates in emergency exercises as outlined in the annual grant program work plan.

(c) Ensure that each agency staff member funded in any part with EMPG funds completes all training identified in the annual grant program work plan and attends a minimum of 20 hours of emergency management professional development training during the grant performance period.

(d) Comply with additional federal mandates as outlined in the annual federal EMPG Funding Opportunity Announcement and [ODEM requirements and guidance](#) included in the agency's approved annual work plan.

(5) ODEM will allocate EMPG funds to the participating agencies each fiscal year based on the program funds made available by FEMA and the Oregon EMPG funding formula [policy](#) implemented by ODEM ~~on July 1, 2013. The funding formula policy will be reviewed every three to five years by ODEM and a workgroup of EMPG eligible agencies.~~

(6) The EMPG is a 50% non-federal cost share grant and grant funds are provided on a reimbursement basis. All EMPG Program funds must be spent and accounted for in accordance with applicable OMB Circulars and Title 44 of the Code of Federal Regulations.

(7) Work Plan Submission and Reporting Requirements:

(a) Each participating agency must prepare and submit a proposed annual work plan in accordance with guidance provided by ODEM.

~~(b) Each participating city must have its respective county emergency manager acknowledge review of its proposed annual work plan. The county emergency manager of each county with a participating city or cities is encouraged to collaborate with participating cities when developing annual work plans. must have the city emergency manager(s) acknowledge review of its proposed annual work plan.~~

(c) ODEM will review and approve each participating agency's annual work plan. Upon approval, ODEM will prepare a formal grant agreement and forward the agreement and approved work plan to the participating agency.

(d) The work plan and formal grant agreement must be approved by the governing body of the participating agency and the signed documents returned to ODEM by a date set by ODEM.

(e) Each participating agency must submit quarterly program reports detailing its accomplishment of work plan objectives. When completion of an objective produces a tangible product (e.g., a plan, annex, analysis, etc.) a copy of the product must be submitted to ODEM with the corresponding quarterly program report. Quarterly program reports must be received by ODEM within 15 days of the close of each fiscal year quarter. If the fifteenth day falls on a weekend or legal holiday, program reports must arrive no later than the next working day.

Programmatic Reporting Deadlines:

October 15

January 15

April 15

July 15

~~(f) Each participating city must have its respective county emergency manager acknowledge review of its quarterly program reports. Each county with a participating city or cities must have the city emergency manager(s) acknowledge review of its quarterly program reports.~~

(fg) Each participating agency must submit monthly or quarterly fiscal reports detailing the costs for which it is seeking reimbursement and providing the appropriate cost documentation. Monthly fiscal reports must be received by ODEM within 30 days of the end of each month. Quarterly fiscal reports must be received by ODEM within 30 days of the end of each fiscal year quarter. If the thirtieth day falls on a weekend or legal holiday, fiscal reports must arrive no later than the next working day.

Fiscal Reporting Deadlines:

October 30

January 31

April 30

July 30

(8) Penalties:

(a) Failure to meet the requirements spelled out in the annual work plan, whether determined by review of program and fiscal reports or through an audit, may result in no funding for the next fiscal year, forfeiture of grants funds already received for the year covered by the work plan, non-reimbursement of outstanding requested expenditures, or any combination thereof.

(b) Failure to submit program or fiscal reports by the prescribed reporting deadlines may result in program suspension.

(9) Reinstatement:

(a) Upon receipt of a late program or fiscal report from a suspended agency, the ODEM Director may reinstate the agency if it satisfactorily demonstrates its desire, commitment, and ability to continue in the program.

(b) When an agency's participation is reinstated, the agency's funding allocation will be reduced for each day the program or fiscal report was late. The reduction will be in an amount equal to one day's allocation (1/365) multiplied by the number of days the report was late.

(c) If the reinstated agency satisfactorily demonstrates to the ODEM Director that the lateness of the report causing its suspension was due to circumstances beyond the control of the agency's emergency program manager, the ODEM Director may waive all or a portion of the late penalty.

[Publications: Publications referenced are available from the agency.]

**Statutory/Other Authority:** ORS 401.092

**Statutes/Other Implemented:** ORS 401.096

**History:**

[OEM 3-2023, minor correction filed 04/07/2023, effective 04/07/2023](#)

OEM 1-2014, f. & cert. ef. 12-15-14

OEM 1-2000, f. & cert. ef. 10-17-00



# OREGON STATE SHERIFFS' ASSOCIATION

Emergency Management Command Council

PO Box 7468, Salem, OR 97303 | 503.364.4204 | [www.oregonsheriffs.org](http://www.oregonsheriffs.org)

April 24th, 2023

Local Government Emergency Management Advisory Council (LEGEMAC)  
Oregon Department of Emergency Management  
3930 Fairview Industrial Drive SE  
Salem, OR 97302

**Subject:** Proposed changes to OAR Chapter 104 Division 10 (EMPG rules changes)

**Position:** Opposed unless amended as recommended below

Dear Council Chair:

As both Oregon residents and professional emergency managers, we are writing to express shared concern about proposed changes regarding EMPG in OAR Chapter 104 Division 10.

We understand the intent of the changes is to ensure ODEM and EMPG recipients follow federal guidance, which we understand and support. Nevertheless, we'd like to recommend several amendments which would bring the majority of emergency managers to a position of support.

Currently, the State approves EMPG payments to eligible jurisdictions and their emergency management programs, so long as they maintain programmatic requirements with reporting justifications for requesting quarterly payments. State EMPG disbursements are often crucial to keeping local emergency management activities viable as their primary source of operating funds.

Ideally, we believe this process should be deferred until a permanent ODEM director is in place; however we are grateful for the opportunity to provide additional feedback. Our recommendations regarding the proposed changes to the OAR language are:

- **Section (4)(d): EMPG work plan requirements**

The first wording change of concern is (4) (d) where it states: *"...comply with additional federal mandates as outlined in the annual federal EMPG Funding Opportunity Announcement and ODEM requirements and guidance included in the agency's approved annual work plan."* This change allows no oversight nor protection from potential arbitrary private or political influences. We recommend that any additional requirements beyond federal mandates associated with this funding be reviewed by EMPG-eligible agencies, and approved, at minimum, by the LGEMAC.

- **Section (5): EMPG allocation formula**

We appreciate ODEM incorporated feedback received into proposed OAR language that now includes review on a 3 to 5-year interval with input from EMPG-eligible entities. Since local jurisdictions in Oregon bear the responsibility to staff and provide emergency management services, we agree and feel strongly that EMPG-eligible agencies should have an opportunity to comment on funding allocation formula changes. A committee

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## OREGON STATE SHERIFFS' ASSOCIATION

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Emergency Management Command Council

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including EMPG eligible agencies, with equitable representation from counties, cities, and tribes, should give approval to funding allocation formula changes. A fixed interval of either 4 or 5 years (vs a variable window) for the formal review process will provide much needed consistency to local jurisdictions that rely on EMPG funding to provide essential services.

We recognize and appreciate that ODEM held a listening session, at the request of county emergency managers, to capture feedback and consider alternate language. Some of that feedback was incorporated into a revised draft of the proposed OAR that mitigated some concerns that were expressed.

Thank you, Council Members, for your time and consideration in this matter.

On behalf of county emergency managers through the OSSA Emergency Management Command Council

Sincerely,

A handwritten signature in blue ink, appearing to read "JM", is written above the name Jason Myers.

Jason Myers, Executive Director  
Oregon State Sheriffs' Association

A handwritten signature in blue ink, appearing to read "Nathan Garibay", is written above the name Nathan Garibay.

Nathan Garibay, Chair  
Oregon State Sheriffs' Association, Emergency Management Command Council

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# OREGON DEPARTMENT OF EMERGENCY MANAGEMENT

## Oregon Administrative Rules NOTICE OF PROPOSED RULEMAKING WORKSHEET

1. All categories on this form are required by the Secretary of State and the Attorney General's Administrative Law Manual per ORS 183.335. The grey notes are advice to assist you filling out this form.
2. This form includes the Statement of Need and Fiscal Impact, and space for rule text and summaries.
3. Fill out and return this completed form to the Rules Coordinator.

### Filing Contact:

Name: Carole Sebens  
Email: [carole.l.sebens@oem.oregon.gov](mailto:carole.l.sebens@oem.oregon.gov)  
Phone Number: (503) 798-1938  
Address: 3930 Fairview Industrial Dr SE Salem, OR 97302

### Last Date and Time for Public Comment:

Date: June 21, 2023  
Time: 5:00PM

### Filing Caption:

Updating funding formula.

### Hearing:

Date: June 15, 2023  
Time: 1:00 – 2:00 p.m.  
Street Address:

[Web link inserted here](#)

Hearings Officer Name: Carole Sebens

Special Instructions: The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Carole Sebens at (971) 719-1938 or by email at [carole.l.sebens@oem.oregon.gov](mailto:carole.l.sebens@oem.oregon.gov).

## STATEMENT OF NEED AND FISCAL IMPACT

### Need for Rule(s) Changes:

The Emergency Management Performance Grant (EMPG) is awarded to Oregon Emergency Management every year through FEMA.

The primary objective of the EMPG Program is to provide funds to assist state, local, tribal and territorial emergency management agencies to implement the National Preparedness System (NPS) and to support the National Preparedness Goal (the Goal) of a secure and resilient nation.

In 2013, OEM established a formula to distribute the funds to communities throughout Oregon. Since that time, both the funding requirements and communities have changed, but the formula methodology has not. The legislative rule needs to be changed in order to update the formula, based on feedback and current needs.

The intent in changing the wording is to provide flexibility for the future. This will allow OEM to distribute the funds as community needs and grant requirements change.

**Documents Relied Upon, and where they are available:**

EMPG 2023 Notice of Funding Opportunity –

<https://www.fema.gov/grants/preparedness/emergency-management-performance/fy-23-nofo>

EMPG Funding Formula (2013) - attached

**Fiscal and Economic Impact:**

Currently OEM distributes funds to Oregon Emergency Management, Oregon counties, Oregon cities and Oregon tribal governments. The dollar amount received from FEMA will not be impacted by this rule change. The dollar amount distributed to subrecipients may be adjusted from the original formula after this rule change.

**Statement of Cost of Compliance:**

*(1) Currently OEM distributes funds to Oregon Emergency Management, Oregon Counties, Oregon Cities, and Oregon Tribal governments and all may be impacted by this change.*

*(2) The agencies listed above may purchase supplies or equipment from small businesses, but we don't believe small businesses would be negatively impacted from these changes.*

*(a) office equipment or furniture*

*(b) There is not a change expected in reporting, recordkeeping and administrative activities and cost required to comply with the rule(s);*

*(c) OEM estimates a minimal amount to the cost of supplies purchased from a small business.*

**Describe how small businesses were involved in the development of these rule(s)?**

The jurisdictions listed above may purchase supplies or equipment from small businesses. OEM doesn't believe small businesses would be negatively impacted from these changes.

**Racial Equity Statement**

This change gives the ability to update the funding methodology if needed to ensure racial equity. As the rule is written now, no changes can be made to the funding formula if there is racial disparity.

**Was an Administrative Rule Advisory Committee (RAC) consulted? Select Yes or No?**

**If not, why not?**

Yes

**Rule Text and Summary:** Include the following for each rule in this filing:

(plain language in what we are doing)

Rulemaking Action: Amend

Rule number: 104-010-0005



Rule title: **PARTICIPATION OF LOCAL AND TRIBAL GOVERNMENTS IN THE EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG) PROGRAM OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)**

(when filed, needs PDF of formula attached)

Statutes or Other Authority: ORS 401.092

Implemented: ORS 401.096

Brief Summary of rule changes:

*This change gives the ability to update the funding methodology to be more equitable.*

Oregon Military Department  
Office of Oregon Emergency Management (OEM)  
Emergency Management Performance Grant (EMPG)  
Funding Formula

**Effective July 1, 2013**

1. Fund OEM - 20%
  - a. Tribal Nations allocated 3.4% (based on population)

## Round 1

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2. Local Base Allocation to all Counties and eligible Cities:
  - a. 40 hours week FTE - \$62,500
  - b. Less than 40 hours week FTE - \$38,000\*\*

*\*\* Assumption is less than 40 hours may require more administrative support.*

*\*\* Part or full time requested annually.*

## Round 2

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3. Counties, by population, (city population included) divide percentage of non-allocated funds.

## Round 3

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4. Qualifying Cities (by population) divide percentage of non-allocated funds.
5. Redistributed or unutilized funds will go to a "non-allocated pot" for special projects which have a direct impact on the emergency management program. Funds awarded subject to discretion of OEM staff.
  - a. Potential eligible projects:
    - i. Annex or Plan development or updates (including cities)
    - ii. Training activities
    - iii. Exercises

6. State Priorities:
  - a. Fund those items OEM mandates the locals should use
    - i. Ops Center annual maintenance fee
    - ii. EOP development and update

## **Additional Factors:**

- Population will be adjusted annually using Census and other public sources.
- Cities with a population of 85,000 or greater are eligible to apply.
- Cities must have their respective County sign off on their annual work plan and quarterly reports. This does not mean the County must approve the City work plan.
- Funding will go directly to the City rather than routed through the respective County.
- Must be NIMS compliant, which is verified annually by OEM.
- Inclusive process on submissions to ensure transparency.
  - Peer review panel

## **Criteria for Eligibility:**

### **Counties:**

- Dedicated emergency manager
- NIMS compliant
- EOP consistent with Comprehensive Preparedness Guide (CPG) 101, updated every two (2) years
- Completed CPG 101 Plan Analysis Tool
- Natural Hazard Mitigation Plan (NHMP) current and FEMA approved
- Emergency Operations Center
- An incident command structure

### **Cities:**

- Population must be greater than 85,000
- Must meet same criteria as Counties

### **Tribal Nations:**

- Must meet same criteria as Counties