

Analysis

Item 14: Military Department

State Active Duty Costs

Analyst: Julie Neburka

Request: Allocate \$506,096 from the Emergency Fund and increase Other Funds expenditure limitation by \$1,580,090 for the Military Department, for costs incurred during State Active Duty missions between May and October 2020 and for costs incurred due to the COVID-19 pandemic.

Analysis: Between March and November of this year, the Oregon National Guard was called upon in State Active Duty status to respond to the COVID-19 pandemic, civil protests, and wildfires in the largest state mobilization of National Guard members and assets in Oregon’s history. “State Active Duty” confers control of the Oregon National Guard to the Governor, who may direct National Guard units to provide emergency relief support during natural disasters, to conduct search and rescue operations, to provide support to civil authorities, and to help maintain vital public services. When on State Active Duty status, National Guard units are paid by the state rather than by the federal government, at rates equivalent to those paid by the federal government.

The table below summarizes the missions conducted, costs incurred, and reimbursements sought by the Oregon Military Department (OMD) for its State Active Duty missions this year.

Item	General Fund	Other Funds	Total
Crowd Control			
May 31-June 3	32,009	0	32,009
September 25-27	31,390	0	31,390
Subtotal: Crowd Control	63,399	0	63,399
Wildfire Response			
Traffic Control Points	395,511	1,186,533	1,582,044
Liaison Officers	9,907	29,720	39,627
Fatality Search & Rescue	3,195	9,585	12,780
Joint Operations Center Staffing	10,084	30,252	40,336
Interest Expense	24,000	0	24,000
Subtotal: Wildfire Response	442,697	1,256,090	1,698,787
COVID-19			
FEMA Public Assistance	0	324,000	324,000
Subtotal: COVID-19	0	324,000	324,000
TOTAL:	506,096	1,580,090	2,086,186

Crowd Control: In May and June 2020, the National Guard activated 58 service members to support the City of Portland and the Oregon State Police with crowd control and entry point control. This four-day State Active Duty mission cost \$32,009 for payroll and incidentals. A similar mission from September 25th through 27th activated 32 service members and cost \$31,390 for payroll and for overnight accommodations. Neither of these missions resulted in any engagement between National

Guard service members and protesters.

Due to the timing required for December Emergency Board requests, this request does not include costs incurred during a mission in Multnomah County in November, per the Governor's Executive Order 20-61. The agency anticipates returning to the Legislature early in the 2021 legislative session to report on this mission and request reimbursement for State Active Duty costs incurred.

Wildfire Response: During the catastrophic wildfires in September 2020, a total of 1,272 National Guard service members were called upon in State Active Duty status in fire teams, for search and rescue missions, to staff traffic control points, and to serve in county emergency operations centers. Additionally, the National Guard Bureau provided 12 military helicopters, more than two dozen pieces of equipment including tent systems and generators, and 208 vehicles. Because this mission was in response to a federally-declared disaster, 75% of expenditures are anticipated to be reimbursed through the Federal Emergency Management Agency (FEMA). The agency requests an allocation of \$442,697 from the Emergency Fund for the state's share and Other Funds expenditure limitation of \$1,256,090 to accept the 75% federal share from FEMA.

Because the Oregon National Guard is called to State Active Duty status infrequently, OMD is not budgeted for State Active Duty expenditures, but relies when necessary on a line of credit from the State Treasury. Personnel expenses associated with wildfire response totaled \$1,253,391 and were paid from the line of credit, incurring interest expense of \$24,000. This amount is included in the agency's Emergency Fund request.

COVID-19 Response: OMD has supported the state's response to the COVID-19 pandemic in a number of ways, including managing and distributing personal protective equipment (PPE), and building and providing security for a mobile field hospital in Salem. The agency has been working with both the Department of Administrative Services (DAS) and with FEMA to obtain both CARES Act and FEMA Public Assistance funding to cover these expenses, and requests \$324,000 Other Funds expenditure limitation in order to accept and spend these funds.

Legislative Fiscal Office Recommendation: The Legislative Fiscal Office recommends that the Emergency Board allocate \$506,096 from the Emergency Fund and increase Other Funds expenditure limitation by \$1,580,090 for the Military Department, for costs incurred during State Active Duty missions between May and October 2020 and for costs incurred due to the COVID-19 pandemic.

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Oregon Military Department
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Request: Allocation of \$506,096 from the State Emergency Fund for the Oregon Military Department for State Active Duty costs not eligible for federal reimbursement; increase in Other Funds expenditure limitation of \$1,580,090 for the Federal Emergency Management Agency (FEMA) reimbursements from COVID-19 and the 2020 Wildfire season costs.

Recommendation: Approve the request.

Discussion: The Oregon Military Department (OMD) incurred State Active Duty costs associated with crowd control support for both the Portland Police Bureau and the Department of State Police, during the City of Portland civil protests in May, June, and September 2020. Additionally, OMD incurred State Active Duty costs by providing traffic control, fatality search and rescue, liaison officers, and joint operations center staffing, during the 2020 Wildfire Season.

The Department's request of \$506,096 from the State Emergency Fund includes \$482,096 associated with the events indicated above. The balance of \$24,000 is attributed to the interest incurred while borrowing against their line-of-credit to cover payroll costs for the National Guard personnel assigned to State Active Duty.

The Department's request for \$1,580,090 Other Funds expenditure limitation is the estimated 25 percent state match for the FEMA reimbursements of COVID-19 and 2020 Wildfire Response costs that are *not* eligible for reimbursement by the Oregon Department of Forestry.

Legal Reference: Allocation of \$482,096 from the State Emergency Fund to supplement the appropriation made by chapter 534, section 1(4) Oregon Laws 2019, for the Oregon Military Department, Community Support for the 2019-21 biennium.

Allocation of \$24,000 from the State Emergency Fund to supplement the appropriation made by chapter 534, section 1(1) Oregon Laws 2019, for the Oregon Military Department Administration for the 2019-21 biennium.

Increase the Other Funds expenditure limitation established by Chapter 534, section 2(4), Oregon Laws 2019, for the Oregon Military Department, Community Support by \$1,580,000 for the 2019-21 biennium.



OREGON MILITARY DEPARTMENT
JOINT FORCE HEADQUARTERS, OREGON NATIONAL GUARD
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November 4, 2020

The Honorable Senator Peter Courtney, Co-Chair
The Honorable Representative Tina Kotek, Co-Chair
State Emergency Board
900 Court Street NE
H-178 State Capitol
Salem, OR 97301-4048

Dear Co-Chairpersons:

Nature of the Request

The Oregon Military Department (OMD) requests an allocation from the Emergency Board of \$482,096 General Fund for the Community Support Program to reimburse the agency for State Active Duty costs associated with supporting the City of Portland and the Oregon State Police with crowd control measures between May 31 and June 3, 2020, again on September 25-27, 2020 and for supporting the State's response to the catastrophic wildfires that occurred this fire season.

OMD also requests an allocation from the Emergency Board of \$24,000 General Fund for the Administration Program to finance the interest costs associated with using the agency's Line of Credit to cover State Active Duty payroll costs.

Lastly, OMD is requesting \$1,580,090 in Other Funds Limitation for the Community Support Program in order to receive and use funding from the Federal Emergency Management Agency (FEMA) for COVID-19 and Wildfire Response costs that are *not* eligible for reimbursement by the Oregon Department of Forestry (ODF). Limitation to cover State Active Duty wildfire response costs that are eligible for reimbursement from ODF under the interagency agreement titled "Operations Agreement Smokey" will be requested during the 2021 legislative session, as those costs are currently being finalized.

Agency Action

OMD completed multiple State Active Duty missions during the course of 2020, to include: crowd control missions in support of the City of Portland and the Oregon State Police, wildfire response in support of Oregon Department of Forestry, and response efforts related to the COVID-19 pandemic. When taken together, 2020 saw the largest mobilization of Oregon National Guard personnel and assets in a State Active Duty status in history. Below is a summary of each of the missions conducted and the corresponding costs.

As it relates to COVID-19, OMD is only requesting Other Funds expenditure limitation in order to receive funding through FEMA.

Crowd Control Missions:

At the request, and under the authority of the Governor of the State of Oregon, the Oregon Military Department activated approximately 58 Service Members of the Oregon National Guard to help support crowd control missions within the City of Portland in May, June and September of this year. Below is a summary of those missions and the corresponding costs.

On May 31, 2020, the City of Portland requested, and the Governor approved, support from the Oregon National Guard to assist with crowd control measures associated with public protests across the city. In response to this request, the OMD activated 26 Service Members of the Oregon National Guard into State Active Duty status. The activated Service Members assembled at the Portland Air National Guard Base on the evening of May 31, 2020 and, with the exception of one Service Member, remained there in a standby status for the entire evening.

On June 1, 2020, the 26 service members again gathered at Portland Air National Guard Base and were deployed to Milwaukie Oregon to conduct mission support. In this role, the Service Members provided entry control point security to several Portland Police Bureau facilities until 2:00 am on the morning of June 2, 2020, when they were released from duty and returned to their lodging. This mission was repeated on the evening of June 2, 2020, and continued until the early morning hours of June 3, 2020, at which time the Service Members were released to return home, thereby ending the mission.

The cost associated with the May 31–June 3, 2020 mission is \$32,009.

On September 25, 2020, in response to Executive Order 20-54 issued by the Governor, and in support of the Oregon State Police, the OMD activated 32 members of the Oregon National Guard into a State Active Duty status. The activated Service Members gathered at the Portland Air National Guard Base to be in a ready state to provide crowd control measures associated with a public protest planned for September 26, 2020. The Service Members were kept in a reserve capacity throughout the protest period and were not deployed into the city. At the conclusion of the protest period, which occurred late in the evening on September 26, 14 of the 32 Service Members were released from State Active Duty and returned to their homes. The remaining 18 Service Members were kept on State Active Duty until the following day. This was due to the fact that all of them had to travel beyond 50 miles to their homes and it was determined it would be safer to have them travel the next day, September 27.

The cost associated with September 25-27, 2020 mission is \$31,390.

It is important to emphasize that during this support the Oregon National Guard was not in a federal status, but was assisting the City of Portland Police and the Oregon State Police in a State Active Duty Status where the Service Members became temporary state employees. During this mission, there were no actual engagements between Service Members and protestors; there were zero instances of use of force by the Service Members. Lastly, regarding support to law enforcement. At the time of this letter, the OMD has placed Service Members on State Active Duty in case they are needed during the week of elections per the Governor's Executive Order

20-61. Costs for this mission are yet to be determined and reimbursement for them will be sought during the 2021 Legislative Session.

Wildfire Response:

The Oregon Military Department and the Oregon National Guard provided significant support to the State of Oregon in responding to the catastrophic wildfires that impacted multiple regions of the State. A total of 1,272 members of the Oregon National Guard were called to State Active Duty in support of wildfire work during the 2020 fire season. In addition to personnel, 12 Army Air National Guard helicopters, 26 pieces of National Guard equipment (such as tent systems, generators, and ATVs) along with 208 vehicles were used to support missions.

The work conducted included: fielding of three fire teams which supported on the ground firefighting activities, utilization of Blackhawk and Lakota helicopters to perform bucket dumps, MEDEVAC missions, and support to the Department of Forestry with initial attack by utilizing infrared radar. The Oregon National Guard also provided Traffic Control Point missions in multiple counties and served as liaison officers in county emergency operation centers.

This letter is seeking General Fund to cover 25% of the costs associated with the following fire related missions¹:

- Traffic Control Points
- Fatality Search and Recovery
- Liaison Officers
- Joint Operations Center Staffing

Reimbursement of the remaining 75% of the mission costs will be sought through the Federal Emergency Management Agency (FEMA). In order to receive and use funding from FEMA, this letter is also requesting Other Funds expenditure limitation. Below is a summary of the missions and the corresponding costs.

Traffic Control Points

Based on damage to communities across the state resulting from wildfires, in order to ensure safety of the citizenry, and to ensure emergency crews could conduct missions securely, the Oregon National Guard was asked to perform Traffic Control Point missions in the following jurisdictions:

- Jackson County
- Lane County
- Lincoln County
- Linn County

¹ Fire related missions related to our three fire teams and our army aviation assets will be reimbursed by the Oregon Department of Forestry via an established interagency agreement known as Operations Agreement SMOKEY.

- Marion County
- Warm Springs Reservation
- Josephine County
- Deschutes County
- Lake County

Multiple traffic control points were located within each jurisdiction; each one staffed with a minimum of two National Guard Service Members and a HUMVEE working twelve hour shifts seven days a week. They were supported by a logistics and maintenance cell operating out of the Joint Operations Center in Salem, Oregon. The purpose of the mission was to make sure only authorized personnel accessed impacted areas until the areas were deemed safe for residents to return. At no point during these missions were Service Members armed or authorized to arrest or otherwise detain private citizens. They were supported by members of the Oregon State Police and local law enforcement. At the peak of this mission in mid-September, Oregon National Guard Service Members were staffing 63 different traffic control points across Oregon.

462 Service Members were called to State Active Duty status by the conclusion of this mission. Additionally, we utilized 162 National Guard vehicles. Service members were housed in National Guard facilities for the duration of these missions.

The 100% cost of this mission is \$1,582,044 and is broken out as follows:

- Personal Services - \$1,170,075
- Equipment & Supplies - \$411,969

OMD is requesting the following General Fund and Other Funds amounts related to the cost of the Traffic Control Points mission:

- General Fund totaling \$395,511 (25% of total)
- Other Funds limitation totaling \$1,186,533 (75% of total to be paid with FEMA funds)

Liaison Officers

During the initial stages of the wildfire response, the Office of Emergency Management (OEM) deployed personnel to multiple county emergency coordination centers to provide operational support to their efforts. It was soon identified that those OEM personnel were needed back in the State Emergency Coordination Center (ECC) to help manage the statewide response. In order to continue this support, the Oregon National Guard called nine Service Members to State Active Duty to serve as Liaison Officers in the following seven jurisdictions:

- Lake County
- Lane County
- Clackamas County
- Jackson County
- Linn County

- Douglas County
- Klamath County

In these liaison roles, Service Members acted as support personnel working on inputting OPSCENTER² requests, acting as go-betweens with the State ECC and the Joint Operations Center as well as providing any other support required by the county emergency manager(s).

The 100% cost of this mission is \$39,626 and is broken out as follows:

- Personal Services - \$37,802
- Equipment & Supplies - \$1,824

OMD is requesting the following General Fund and Other Funds amounts related to the cost of the Liaison Officer mission:

- General Fund totaling \$9,907 (25% of total)
- Other Funds limitation totaling \$29,720 (75% of total to be paid with FEMA funds)

Fatality Search and Rescue

In response to a request from the Oregon State Police, the Oregon National Guard activated its Fatality Search and Rescue Team to help locate, transport and identify the remains of victims from the wildfires. Due to the immense mental toll this type of mission puts on a Service Member, it was determined that the majority of the personnel assigned to this mission would stay in a Federal Title 32 Status to allow them the ability to access federal mental health benefits if needed, so the majority of the costs were borne by the National Guard Bureau. The mission did require four security personnel placed on State Active Duty.

The 100% cost of this mission is \$12,780 and is broken out as follows:

- Personal Services - \$9,499
- Equipment & Supplies - \$3,281

OMD is requesting the following General Fund and Other Funds amounts related to the cost of the Fatality Search and Rescue mission:

- General Fund totaling \$3,195 (25% of total)
- Other Funds limitation totaling \$9,585 (75% of total to be paid with FEMA funds)

Joint Operations Center Staffing

All of the above referenced missions were supported by staff within the Joint Operations Center. These personnel provided a centralized command and control structure 24/7, logistics support, planning support and other support services. Nine Service Members were called to State Active Duty status to provide the previously mentioned services within the Joint Operations Center.

² OPSCENTER is the statewide tool used to request support through the State Emergency Coordination Center.

The 100% cost of this mission is \$40,336 and is broken out as follows:

- Personal Services - \$36,015
- Equipment & Supplies - \$4,321

OMD is requesting the following General Fund and Other Funds amounts related to the cost of the Joint Operations Center mission:

- General Fund totaling \$10,084 (25% of total)
- Other Funds limitation totaling \$30,252 (75% of total to be paid with FEMA funds)

The total request for the Wildfire Response is \$418,697 General Fund and \$1,256,090 Other Funds.

Interest Costs:

It was necessary for the Oregon Military Department (OMD) to utilize the Line of Credit (LOC) established with the Oregon State Treasury (OST) to finance nearly \$1.9 million in costs associated with the missions listed above. Utilization of the LOC incurs an interest obligation that the OMD is not resourced to cover. In past biennia, OMD has paid OST for these interest costs from existing organizational resource, but that is not an option this cycle. OMD estimates the interest costs to be approximately \$24,000.

COVID-19:

The Oregon Military Department conducted multiple missions in response to the COVID-19 Pandemic. These missions included Personnel Protective Equipment (PPE) management and distribution, construction of mobile field hospital and security of the mobile field hospital. OMD has been working with the Department of Administrative Services and the Federal Emergency Management Agency to obtain both CARES Act and Public Assistance funding to cover the costs of these missions. OMD estimates a need for \$324,000 in Other Funds expenditure limitation within the Community Support Program in order to be able to accept and use Public Assistance Funding from FEMA.

Action Requested

Increase General Fund in the Community Support Program by \$482,096 to reimburse the Oregon Military Department for Portland Crowd Control Missions State Active Duty costs and to provide the 25% state match for non-Operations Agreement Smokey wildfire response State Active Duty costs.

Increase General Fund in the Administration Program by \$24,000 to cover interest costs associated with the use of a Line of Credit.

Increase Other Funds Limitation within the Community Support Program by \$1,580,090 to allow for receipt and use of funds from the Federal Emergency Management Agency for the non-Operations Agreement Smokey wildfire response and COVID-19 missions.

Legislation Affected

\$482,096 Community Support General Fund: Section 1(4), Chapter 534, Oregon Laws 2019.

\$24,000 Line of Credit Interest - Administration General Fund: Section 1(1), Chapter 534, Oregon Laws 2019.

\$1,580,090 Community Support Other Funds: Section 2(4), Chapter 534, Oregon Laws 2019.

Thank you for your consideration of this request.

Sincerely,



David A. Stuckey
Deputy Director
Oregon Military Department